

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Procurement Code is amended by
5 changing Section 45-105 as follows:

6 (30 ILCS 500/45-105)

7 Sec. 45-105. Bid preference for Illinois businesses.

8 (a) (Blank).

9 (b) It is hereby declared to be the public policy of the
10 State of Illinois to promote the economy of Illinois through
11 the use of Illinois businesses for all State construction
12 contracts.

13 (c) A construction agency, as defined in Section 1-15.25,
14 ~~Construction agencies~~ procuring construction ~~and~~
15 ~~construction related professional~~ services shall make
16 reasonable efforts to contract with Illinois businesses.

17 (d) Each ~~Beginning in 2022, each~~ construction agency shall
18 submit a report to the Governor and the General Assembly by
19 December ~~September~~ 1 of each year that identifies the Illinois
20 businesses procured by the construction agency, the primary
21 location of the construction project, the percentage of the
22 construction agency's utilization of Illinois businesses on
23 the project as a whole, and the actions that the construction

1 agency has undertaken to increase the use of Illinois
2 businesses.

3 (e) In procuring construction ~~and construction-related~~
4 ~~professional~~ services for projects with a total value that
5 exceeds the small purchase maximum established by Section
6 20-20 of this Code, construction agencies shall provide a bid
7 preference to a responsive and responsible bidder that is an
8 Illinois business as defined in this Section. The construction
9 agency shall allocate to the lowest bid by an Illinois
10 business that is responsible and responsive a bid preference
11 of 4% of the contract base bid. This subsection applies only to
12 projects where a business that is not an Illinois business
13 submits a bid.

14 (f) This Section does not apply to any contract for any
15 project for which federal funds are available for expenditure
16 when its provisions may be in conflict with federal law or
17 federal regulation.

18 (g) As used in this Section, "Illinois business" means a
19 contractor that is operating and headquartered in Illinois and
20 providing, at the time that an invitation for a bid or notice
21 of contract opportunity is first advertised, construction ~~or~~
22 ~~construction-related professional~~ services, and is operating
23 as:

24 (1) a sole proprietor whose primary residence is in
25 Illinois;

26 (2) a business incorporated or organized as a domestic

1 corporation under the Business Corporation Act of 1983;

2 (3) a business organized as a domestic partnership
3 under the Uniform Partnership Act of 1997;

4 (4) a business organized as a domestic limited
5 partnership under the Uniform Limited Partnership Act of
6 2001;

7 (5) a business organized under the Limited Liability
8 Company Act; or

9 (6) a business organized under the Professional
10 Limited Liability Company Act.

11 "Illinois business" does not include any subcontractors.

12 (Source: P.A. 102-721, eff. 1-1-23; 103-570, eff. 1-1-24.)