



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB2181

Introduced 2/10/2023, by Sen. David Koehler

#### SYNOPSIS AS INTRODUCED:

30 ILCS 500/45-77 new

Amends the Illinois Procurement Code. Provides that, when a State contract is to be awarded to the lowest responsible bidder, an otherwise qualified bidder who will fulfill the contract through the use of low embodied carbon concrete may be given preference over other bidders unable to do so if the cost included in the bid using low embodied carbon concrete is not more than 10% greater than the cost in the bid not using low embodied carbon concrete. Provides that contracts entered into under the provisions may also include, at the discretion of the contracting State agency, a price preference of up to 10% for environmentally preferable materials. Provides that, if federal funds are to be used for a contract that is awarded under the provisions, then the contracting State agency shall conduct the procurement and include in the contract any specifications needed to comply with federal procurement standards. Provides that, if the application of the provisions would create a conflict with a federal law or a federal regulation, then the provisions do not apply. Defines "low embodied carbon concrete".

LRB103 30767 HLH 57251 b

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 adding Section 45-77 as follows:

6 (30 ILCS 500/45-77 new)

7 Sec. 45-77. Low embodied carbon concrete.

8 (a) When a State contract is to be awarded to the lowest  
9 responsible bidder, an otherwise qualified bidder who will  
10 fulfill the contract through the use of low embodied carbon  
11 concrete may be given preference over other bidders unable to  
12 do so if the cost included in the bid using low embodied carbon  
13 concrete is not more than 10% greater than the cost in the bid  
14 not using low embodied carbon concrete.

15 (b) Contracts entered into under this Section may also  
16 include, at the discretion of the contracting State agency, a  
17 price preference of up to 10% for environmentally preferable  
18 materials. If federal funds are to be used for a contract that  
19 is awarded under this Section, then the contracting State  
20 agency shall conduct the procurement and include in the  
21 contract any specifications needed to comply with federal  
22 procurement standards. This subsection (b) does not apply to  
23 any contract if the application of the provisions of this

1 Section would create a conflict with a federal law or a federal  
2 regulation.

3 (c) As used in this Section, "low embodied carbon  
4 concrete" means concrete mixes and products that have been  
5 verified to result in a Global Warming Potential value that is  
6 less than or equal to the Global Warming Potential of the  
7 presently approved green procurement specifications and do not  
8 result in the elevation of hazardous pollutants that have been  
9 verified to be harmful to human health and ecosystems.

10 The Global Warming Potential value shall be provided in a  
11 manner that is consistent with criteria in an Environmental  
12 Product Declaration. Such information shall be used to  
13 acknowledge those companies that have invested in emissions  
14 reduction technologies and practices and to encourage other  
15 companies to take action to reduce emissions to become more  
16 competitive in the bidding process.