

AN ACT concerning finance.

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

Section 5. The Illinois Procurement Code is amended by changing Sections 45-20 and 45-25 and by adding Section 45-26 as follows:

(30 ILCS 500/45-20)

Sec. 45-20. Recycled supplies ~~materials~~. When a public contract is to be awarded to the lowest responsible bidder, an otherwise qualified bidder who will fulfill the contract through the use of products made of recycled supplies ~~materials~~ may, ~~on a pilot basis or in accordance with a pilot study,~~ be given preference over other bidders unable to do so, provided that the cost included in the bid of supplies ~~products~~ made of recycled materials does not constitute an undue economic or practical hardship ~~is not more than 10% greater than the cost of products not made of recycled materials.~~

(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

(30 ILCS 500/45-25)

Sec. 45-25. Recyclable supplies ~~paper~~. All supplies ~~paper~~ purchased for use by State agencies must be recyclable paper unless a recyclable substitute ~~paper~~ cannot be used to meet the

~~requirements of the State agencies or would constitute an undue economic or practical hardship. State agencies shall determine their paper requirements to allow the use of recyclable paper whenever possible, including without limitation using plain paper rather than colored paper that is not recyclable.~~

(Source: P.A. 90-572, eff. date - See Sec. 99-5.)

(30 ILCS 500/45-26 new)

Sec. 45-26. Environmentally preferable procurement.

(a) Definitions. For the purposes of this Section:

(1) "Supplies" means all personal property, including but not limited to equipment, materials, printing, and insurance, and the financing of those supplies.

(2) "Services" means the furnishing of labor, time, or effort by a contractor, not involving the delivery of a specific end product other than reports or supplies that are incidental to the required performance.

(3) "Environmentally preferable supplies" means supplies that are less harmful to the natural environment and human health than substantially similar supplies for the same purpose. Attributes of environmentally preferable supplies include, but are not limited to, the following:

(i) made of recycled materials, to the maximum extent feasible;

(ii) not containing, emitting, or producing toxic substances;

(iii) constituted so as to minimize the production of waste; and

(iv) constituted so as to conserve energy and water resources over the course of production, transport, intended use, and disposal.

(4) "Environmentally preferable services" means services that are less harmful to the natural environment and human health than substantially similar services for the same purpose. Attributes of "environmentally preferable services" include, but are not limited to, the following:

(i) use of supplies made of recycled materials, to the maximum extent feasible;

(ii) use of supplies that do not contain, emit, or produce toxic substances;

(iii) employment of methods that minimize the production of waste; and

(iv) employment of methods that conserve energy and water resources or use energy and water resources more efficiently than substantially similar methods.

(b) Award of contracts for environmentally preferable supplies or services. Notwithstanding any rule, regulation, statute, order, or policy of any kind, with the exceptions of Sections 45-20 and 45-25 of this Code, State agencies shall contract for supplies and services that are environmentally

preferable.

If, however, contracting for an environmentally preferable supply or service would impose an undue economic or practical hardship on the contracting State agency, or if an environmentally preferable supply or service cannot be used to meet the requirements of the State agency, then the State agency need not contract for an environmentally preferable supply or service. Specifications for contracts, at the discretion of the contracting State agency, may include a price preference of up to 10% for environmentally preferable supplies or services.

Section 99. Effective date. This Act takes effect January 1, 2010.