

**Joint Committee on Administrative Rules**  
**ADMINISTRATIVE CODE**

**TITLE 44: GOVERNMENT CONTRACTS, GRANTMAKING, PROCUREMENT AND  
PROPERTY MANAGEMENT**  
**SUBTITLE A: PROCUREMENT AND CONTRACT PROVISIONS**  
**CHAPTER II: CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF  
HIGHER EDUCATION**  
**PART 4 CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF HIGHER  
EDUCATION STANDARD PROCUREMENT**  
**SECTION 4.4526 ENVIRONMENTALLY PREFERABLE PROCUREMENT**

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**Section 4.4526 Environmentally Preferable Procurement**

*Universities shall contract for supplies and services that are environmentally preferable, as that term is defined in Section 45-26(3) of the Code. If, however, contracting for an environmentally preferable supply or service would impose an undue economic or practical hardship on the contracting university, or if an environmentally preferable supply or service cannot be used to meet the requirements of the university, then the university need not contract for an environmentally preferable supply or service. Specifications for contracts, at the discretion of the contracting university, may include a price preference of up to 10% for environmentally preferable supplies or services. [30 ILCS 500/45-26(b)] Universities shall make this determination and shall include this determination in the procurement file.*

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)



CHIEF PROCUREMENT OFFICE  
Ben Bagby, Higher Education

(/cpo/HigherEd/)



(<https://www.facebook.com/PathwayToProcurement/>)

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Illinois Executive Ethics Commission (/eec)

## Preferences

To promote business and employment opportunities in Illinois, procurement preferences are established. Preferences may exist for particular individuals providing the goods and services, and/or for particular goods and services.

To learn more about procurement preferences, contact the Chief Procurement Office or see the Illinois Procurement Code at 30 ILCS 500/45.

### Individuals:

- small businesses
- service disabled veteran-owned small businesses
- veteran-owned small businesses
- resident bidders
- Illinois Correctional Industries ("ICI")
- Sheltered workshops for the severely handicapped ("State Use")
- solicitation encouraging prospective vendors to hire qualified veterans
- solicitation encouraging prospective vendors to hire Illinois residents discharged from any Illinois adult correctional center

### Products / Services:

- soybean oil-based ink
- recycled materials
- recyclable paper
- environmentally preferable supplies / services
- gas mileage
- Illinois agricultural products
- corn-based plastics
- vehicles powered by agricultural commodity-based fuel
- bio-based products

**Information maintained by the Legislative Reference Bureau**

Updating the database of the Illinois Compiled Statutes (ILCS) is an ongoing process. Recent laws may not yet be included in the ILCS database, but they are found on this site as [Public Acts](#) soon after they become law. For information concerning the relationship between statutes and Public Acts, refer to the [Guide](#).

Because the statute database is maintained primarily for legislative drafting purposes, statutory changes are sometimes included in the statute database before they take effect. If the source note at the end of a Section of the statutes includes a Public Act that has not yet taken effect, the version of the law that is currently in effect may have already been removed from the database and you should refer to that Public Act to see the changes made to the current law.

**FINANCE**  
**(30 ILCS 500/) Illinois Procurement Code.**

(30 ILCS 500/Art. 45 heading)

ARTICLE 45  
PREFERENCES

(30 ILCS 500/45-5)

Sec. 45-5. Procurement preferences. To promote business and employment opportunities in Illinois, procurement preferences are established and shall be applicable to any procurement made under this Code.

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

(30 ILCS 500/45-10)

Sec. 45-10. Resident bidders and offerors.

(a) Amount of preference. When a contract is to be awarded to the lowest responsible bidder or offeror, a resident bidder or offeror shall be allowed a preference as against a non-resident bidder or offeror from any state that gives or requires a preference to bidders or offerors from that state. The preference shall be equal to the preference given or required by the state of the non-resident bidder or offeror. Further, if only non-resident bidders or offerors are bidding, the purchasing agency is within its right to specify that Illinois labor and manufacturing locations be used as a part of the manufacturing process, if applicable. This specification may be negotiated as part of the solicitation process.

(b) Residency. A resident bidder or offeror is a person authorized to transact business in this State and having a bona fide establishment for transacting business within this State where it was actually transacting business on the date when any bid for a public contract is first advertised or announced. A resident bidder or offeror includes a foreign corporation duly authorized to transact business in this State that has a bona fide establishment for transacting business within this State where it was actually transacting business on the date when any bid for a public contract is first advertised or announced.

(c) Federal funds. This Section does not apply to any contract for any project as to which federal funds are available for expenditure when its provisions may be in conflict with federal law or federal regulation.

(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/45-15)

Sec. 45-15. Soybean oil-based ink. Contracts requiring the procurement of printing services shall specify the use of soybean oil-based ink unless a State purchasing officer

determines that another type of ink is required to assure high quality and reasonable pricing of the printed product.

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

(30 ILCS 500/45-20)

Sec. 45-20. Recycled supplies. When a public contract is to be awarded to the lowest responsible bidder or offeror, an otherwise qualified bidder or offeror who will fulfill the contract through the use of products made of recycled supplies shall be given preference over other bidders or offerors unable to do so, provided that the cost included in the bid of supplies is equal or less than other bids or offers, unless the use of the product constitutes an undue practical hardship.

This Section applies to bid opportunities posted to the Illinois Procurement Bulletin on or after January 1, 2016.

Nothing in this Section shall be construed to apply to a construction agency for the purposes of procuring construction and construction-related services.

(Source: P.A. 98-1076, eff. 1-1-15; 99-428, eff. 8-21-15.)

(30 ILCS 500/45-25)

Sec. 45-25. Recyclable supplies. All supplies purchased for use by State agencies must be recyclable paper unless a recyclable substitute cannot be used to meet the requirements of the State agencies or would constitute an undue economic or practical hardship.

(Source: P.A. 96-197, eff. 1-1-10.)

(30 ILCS 500/45-26)

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.

(Source: P.A. 96-197, eff. 1-1-10.)

(30 ILCS 500/45-30)

Sec. 45-30. Illinois Correctional Industries. Notwithstanding anything to the contrary in other law, the chief procurement officer appointed pursuant to paragraph (4) of subsection (a) of Section 10-20 shall, in consultation with Illinois Correctional Industries, a division of the Illinois Department of Corrections (referred to as the "Illinois Correctional Industries" or "ICI") determine for all State agencies which articles, materials, industry related services, food stuffs, and finished goods that are produced or manufactured by persons confined in institutions and facilities of the Department of Corrections who are participating in Illinois Correctional Industries programs shall be purchased from Illinois Correctional Industries. The chief procurement officer appointed pursuant to paragraph (4) of subsection (a) of Section 10-20 shall develop and distribute to the various purchasing and using agencies a listing of all Illinois Correctional Industries products and procedures for implementing this Section.

(Source: P.A. 98-1076, eff. 1-1-15.)

(30 ILCS 500/45-35)

Sec. 45-35. Facilities for persons with severe disabilities.

(a) Qualification. Supplies and services may be procured without advertising or calling for bids from any qualified not-for-profit agency for persons with severe disabilities that:

(1) complies with Illinois laws governing private not-for-profit organizations;

(2) is certified as a sheltered workshop by the Wage and Hour Division of the United States Department of Labor or is an accredited vocational program that provides transition services to youth between the ages of 14 1/2 and 22 in accordance with individualized education plans under Section 14-8.03 of the School Code and that provides residential services at a child care institution, as defined under Section 2.06 of the Child Care Act of 1969,

**4. Vendor's Offer**

The undersigned authorized representative of the identified Vendor hereby submits this offer to perform in full compliance with the subject solicitation. By completing and signing this form, we are making an offer to the University that the University may accept. The offer consists of this signature page, our response to the subject solicitation and any attachments referenced in the response.

We believe we are eligible for the preferences or special programs identified below and have checked each that applies to this offer. We understand that the University reserves the right to make a final determination regarding whether the preference or special program applies to us.

- Resident Vendor (30 ILCS 500/45-10)
- Soybean Oil-Based Ink (30 ILCS 500/45-15)
- Recycled Materials (30 ILCS 500/45-20)
- Recycled Paper (30 ILCS 500/45-25)
- Environmentally Preferable Supplies (30 ILCS 500/45-26)
- Gas Mileage (30 ILCS 500/45-40)
- Small Businesses (30 ILCS 500/45-45)
- Illinois Agricultural Products (30 ILCS 500/45-50)
- Corn-Based Plastics (30 ILCS 500/45-55)
- Disabled Veterans (30 ILCS 500/45-57)
- Vehicles Powered by Agricultural Commodity-Based Fuel (30 ILCS 500/45-60)
- Biobased Products (30 ILCS 500/45-75)
- Historic Preference Area (30 ILCS 500/45-80)
- Procurement of Domestic Products (30 ILCS 517)
- Public Purchases in Other State (30 ILCS 520)
- Illinois Mined Coal Act (30 ILCS 555)
- Steel Products Procurement (30 ILCS 565)
- Business Enterprise for Minorities, Females, and Persons with Disabilities Act (30 ILCS 575)
- Veteran's Preference (330 ILCS 55)

We are providing the following explanation of qualification for the preference or special programs checked above: \_\_\_\_\_

We certify that we have made no alterations or modifications to the original content of this solicitation or other related procurement documents, either text or graphics and whether transmitted electronically or hard copy.

Vendor Name: \_\_\_\_\_

Signature of Authorized Representative: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_