



**NOTICE 2023.06
HIGHER EDUCATION**

To: University Procurement Staff
State Purchasing Officers

From: John Donato,  Chief Procurement Officer – Higher Education

Date: June 16, 2023

Subject: Procurement of Domestic Products Preference (30 ILCS 517/)

CC: Commission on Equity and Inclusion
Procurement Policy Board

This CPO Notice amends CPO Notice 2023.03 to include additional information.

The Domestic Products Act preference applies to Invitation for Bid (IFB), Request for Proposal (RFP) and Request for Proposal Professional and Artistic (RFP P&A) procurements. The preference applies to goods, products and materials. Bidder/Offeror claiming the preference must do so at time of submission.

Under the “Preferences” section of the IFB, RFP, and RFP P&A templates, checkboxes have been included referencing “Product(s) is Manufactured in the United States” and “Product(s) is Manufactured in Illinois” as well as language about the preference. When claiming the preference, the bid/offer must indicate the preference, whether the product is manufactured in Illinois or the United States, and a list of items that qualify for the preference. “If there is a tie between 2 bidders or offerors who have certified that they will provide products manufactured in the United States, the bidder or offeror that certifies it will provide products manufactured in Illinois shall be given preference.” (30 ILCS 517/10(b)). The award notice shall include the claimed preference.

“Procured Products” means assembled articles, materials, or supplies purchased by a [University]. (30 ILCS 517/5).

"Manufactured in Illinois" means, in the case of assembled articles, materials, or supplies, having been designed, finally assembled, processed, packaged, tested, or otherwise processed in Illinois in a manner that adds value, quality, or reliability. (30 ILCS 517/5).



"Manufactured in the United States" means, in the case of assembled articles, materials, or supplies, that design, final assembly, processing, packaging, testing, or other process that adds value, quality, or reliability occurs in the United States. (30 ILCS 517/5).

"United States" means the United States and any place subject to the jurisdiction of the United States. (30 ILCS 517/5).

When a preference is claimed, products manufactured in the United States shall be purchased unless the University determines any of the following exceptions apply under 30 ILCS 517/10(a). The exception determination analysis shall be documented by the University and included in the procurement file.

1. Procured products are not manufactured in the United States in reasonably available quantities.
2. Price of the procured products manufactured in the United States exceeds the price of available and comparable procured products manufactured outside of the United States by 12% or more.
3. Quality of the procured products manufactured in the United States is substantially less than the quality of the comparably priced, available, and comparable procured products manufactured outside of the United States.
4. Purchase of the products manufactured outside of the United States better serves the public interest by helping to protect or save life, property, or the environment.
5. Purchase of the procured products is made in conjunction with the contracts or offerings of telecommunications, fire suppression, security systems, communications services, Internet Services, or information services.
6. Purchase is of pharmaceutical products, drugs, biologics, vaccines, medical devices used to provide medical and health care or treat diseases or used in medical or research diagnostic tests, and medical nutritionals regulated by the Food and Drug Administration under the federal Food, Drug and Cosmetic Act.

When a preference is claimed, incidents of noncompliance include the following:

- exception determination analysis was not conducted; or
- awarded vendor had a manufactured foreign product and none of the exceptions under 30 ILCS 517/10(a) were determined applicable.



Pursuant to 30 ILCS 517/35, each University must submit to the Chief Procurement Officer for Higher Education (CPO-HE) an annual report on compliance with the Procurement of Domestic Products Act. The Procurement of Domestic Products Act Compliance Report form shall be used for the annual report.

The following information is included in the Procurement of Domestic Products Act Compliance Report form.

1. The University's compliance with the Act, including details on any incidents of noncompliance. This includes the following information.
 - Number of vendors claiming the preference
 - Of those vendors claiming the preference, the number of vendors claiming a product is manufactured in Illinois
 - Number of awarded vendors claiming the preference
 - Number of non-awarded vendors claiming the preference
 - Number of awarded vendors claiming a product is manufactured in Illinois
 - Number of incidents of noncompliance
 - Description of University's noncompliance
2. The University's analysis of goods, products, and materials not subject to the Act, including details of any procured products purchased under an exception listed in Section 10, subsection (a) of the Act. This includes the following information.
 - The number of exceptions that apply to each exception listed under 30 ILCS 517/10(a)
 - Whether the analyses resulted in different outcomes
3. Any recommendations for how to further effectuate the policy set forth in the Act.

The reporting period for the 2023 compliance report is April 1, 2023 to May 31, 2023. Thereafter, the reporting period of the annual compliance report is June 1st – May 31st. Compliance reports must be emailed annually to eec.cpohe@illinois.gov by June 30th.

If there are any questions regarding this Notice, please contact your assigned State Purchasing Officer or the CPO Office at eec.cpohe@illinois.gov. This Notice is effective immediately.