

SB1805



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1805

Introduced 2/15/2019, by Sen. Scott M. Bennett

SYNOPSIS AS INTRODUCED:

30 ILCS 740/2-19 new
30 ILCS 740/3-9.5 new
30 ILCS 740/4-6 new

Amends the Downstate Public Transportation Act. Provides for the authorization of two-phase design-build selection procedures under the Act. Effective immediately.

LRB101 08915 RJF 54005 b

A BILL FOR

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 Downstate Public Transportation Act is
5 amended by adding Sections 2-19, 3-9.5, and 4-6 as follows:

6 (30 ILCS 740/2-19 new)

7 Sec. 2-19. Design-build authorization.

8 (a) In connection with two-phase design-build selection
9 procedures authorized in this Section, a participant may
10 authorize, by the affirmative vote of two-thirds of the then
11 members of its governing body, the use of competitive selection
12 and the prequalification of responsible bidders consistent
13 with applicable federal regulations and this Section.

14 (b) Two-phase design-build selection procedures shall
15 consist of the following:

16 (1) A participant shall develop, through licensed
17 architects or licensed engineers, a scope of work statement
18 for inclusion in the solicitation for phase-one proposals
19 that defines the project and provides prospective offerors
20 with sufficient information regarding the participant's
21 requirements. The statement shall include criteria and
22 preliminary design, and general budget parameters and
23 general schedule or delivery requirements to enable the

1 offerors to submit proposals which meet the participant's
2 needs. When the two-phase design-build selection procedure
3 is used and the participant contracts for development of
4 the scope of work statement, the participant shall contract
5 for architectural or engineering services as defined by and
6 in accordance with the Architectural, Engineering, and
7 Land Surveying Qualifications Based Selection Act and all
8 applicable licensing statutes.

9 (2) The evaluation factors to be used in evaluating
10 phase-one proposals must be stated in the solicitation and
11 must include specialized experience and technical
12 competence, capability to perform, past performance of the
13 offeror's team (including the architect-engineer and
14 construction members of the team) and other appropriate
15 technical and qualifications factors. Each solicitation
16 must establish the relative importance assigned to the
17 evaluation factors and the subfactors that must be
18 considered in the evaluation of phase-one proposals on the
19 basis of the evaluation factors set forth in the
20 solicitation. Each design-build team must include a
21 licensed design professional independent from the
22 participant's licensed architect or engineer and a
23 licensed design professional must be named in the phase-one
24 proposals submitted to the participant.

25 (3) On the basis of the phase-one proposal the
26 participant shall select as the most highly qualified the

1 number of offerors specified in the solicitation and
2 request the selected offerors to submit phase-two
3 competitive proposals and cost or price information. Each
4 solicitation must establish the relative importance
5 assigned to the evaluation factors and the subfactors that
6 must be considered in the evaluation of phase-two proposals
7 on the basis of the evaluation factors set forth in the
8 solicitation. A participant may negotiate with the
9 selected design-build team after award but prior to
10 contract execution for the purpose of securing better terms
11 than originally proposed, provided the salient features of
12 the design-build solicitation are not diminished. Each
13 phase-two solicitation evaluates separately (A) the
14 technical submission for the proposal, including design
15 concepts or proposed solutions to requirements addressed
16 within the scope of work, and (B) the evaluation factors
17 and subfactors, including cost or price, that must be
18 considered in the evaluations of proposals.

19 (4) A design-build solicitation issued under the
20 procedures in this Section shall state the maximum number
21 of offerors that are to be selected to submit competitive
22 phase-two proposals. The maximum number specified in the
23 solicitation shall not exceed 5 unless the participant with
24 respect to an individual solicitation determines that a
25 specified number greater than 5 is in the best interest of
26 the participant and is consistent with the purposes and

1 objectives of the two-phase design-build selection
2 process.

3 (5) All designs submitted as part of the two-phase
4 selection process and not selected shall be proprietary to
5 the preparers.

6 (30 ILCS 740/3-9.5 new)

7 Sec. 3-9.5. Design-build authorization.

8 (a) In connection with two-phase design-build selection
9 procedures authorized in this Section, a participant may
10 authorize, by the affirmative vote of two-thirds of the then
11 members of its governing body, the use of competitive selection
12 and the prequalification of responsible bidders consistent
13 with applicable federal regulations and this Section.

14 (b) Two-phase design-build selection procedures shall
15 consist of the following:

16 (1) A participant shall develop, through licensed
17 architects or licensed engineers, a scope of work statement
18 for inclusion in the solicitation for phase-one proposals
19 that defines the project and provides prospective offerors
20 with sufficient information regarding the participant's
21 requirements. The statement shall include criteria and
22 preliminary design, and general budget parameters and
23 general schedule or delivery requirements to enable the
24 offerors to submit proposals which meet the participant's
25 needs. When the two-phase design-build selection procedure

1 is used and the participant contracts for development of
2 the scope of work statement, the participant shall contract
3 for architectural or engineering services as defined by and
4 in accordance with the Architectural, Engineering, and
5 Land Surveying Qualifications Based Selection Act and all
6 applicable licensing statutes.

7 (2) The evaluation factors to be used in evaluating
8 phase-one proposals must be stated in the solicitation and
9 must include specialized experience and technical
10 competence, capability to perform, past performance of the
11 offeror's team (including the architect-engineer and
12 construction members of the team) and other appropriate
13 technical and qualifications factors. Each solicitation
14 must establish the relative importance assigned to the
15 evaluation factors and the subfactors that must be
16 considered in the evaluation of phase-one proposals on the
17 basis of the evaluation factors set forth in the
18 solicitation. Each design-build team must include a
19 licensed design professional independent from the
20 participant's licensed architect or engineer and a
21 licensed design professional must be named in the phase-one
22 proposals submitted to the participant.

23 (3) On the basis of the phase-one proposal the
24 participant shall select as the most highly qualified the
25 number of offerors specified in the solicitation and
26 request the selected offerors to submit phase-two

1 competitive proposals and cost or price information. Each
2 solicitation must establish the relative importance
3 assigned to the evaluation factors and the subfactors that
4 must be considered in the evaluation of phase-two proposals
5 on the basis of the evaluation factors set forth in the
6 solicitation. A participant may negotiate with the
7 selected design-build team after award but prior to
8 contract execution for the purpose of securing better terms
9 than originally proposed, provided the salient features of
10 the design-build solicitation are not diminished. Each
11 phase-two solicitation evaluates separately (A) the
12 technical submission for the proposal, including design
13 concepts or proposed solutions to requirements addressed
14 within the scope of work, and (B) the evaluation factors
15 and subfactors, including cost or price, that must be
16 considered in the evaluations of proposals.

17 (4) A design-build solicitation issued under the
18 procedures in this Section shall state the maximum number
19 of offerors that are to be selected to submit competitive
20 phase-two proposals. The maximum number specified in the
21 solicitation shall not exceed 5 unless the participant with
22 respect to an individual solicitation determines that a
23 specified number greater than 5 is in the best interest of
24 the participant and is consistent with the purposes and
25 objectives of the two-phase design-build selection
26 process.

1 (5) All designs submitted as part of the two-phase
2 selection process and not selected shall be proprietary to
3 the preparers.

4 (30 ILCS 740/4-6 new)

5 Sec. 4-6. Design-build authorization.

6 (a) In connection with two-phase design-build selection
7 procedures authorized in this Section, a participant may
8 authorize, by the affirmative vote of two-thirds of the then
9 members of its governing body, the use of competitive selection
10 and the prequalification of responsible bidders consistent
11 with applicable federal regulations and this Section.

12 (b) Two-phase design-build selection procedures shall
13 consist of the following:

14 (1) A participant shall develop, through licensed
15 architects or licensed engineers, a scope of work statement
16 for inclusion in the solicitation for phase-one proposals
17 that defines the project and provides prospective offerors
18 with sufficient information regarding the participant's
19 requirements. The statement shall include criteria and
20 preliminary design, and general budget parameters and
21 general schedule or delivery requirements to enable the
22 offerors to submit proposals which meet the participant's
23 needs. When the two-phase design-build selection procedure
24 is used and the participant contracts for development of
25 the scope of work statement, the participant shall contract

1 for architectural or engineering services as defined by and
2 in accordance with the Architectural, Engineering, and
3 Land Surveying Qualifications Based Selection Act and all
4 applicable licensing statutes.

5 (2) The evaluation factors to be used in evaluating
6 phase-one proposals must be stated in the solicitation and
7 must include specialized experience and technical
8 competence, capability to perform, past performance of the
9 offeror's team (including the architect-engineer and
10 construction members of the team) and other appropriate
11 technical and qualifications factors. Each solicitation
12 must establish the relative importance assigned to the
13 evaluation factors and the subfactors that must be
14 considered in the evaluation of phase-one proposals on the
15 basis of the evaluation factors set forth in the
16 solicitation. Each design-build team must include a
17 licensed design professional independent from the
18 participant's licensed architect or engineer and a
19 licensed design professional must be named in the phase-one
20 proposals submitted to the participant.

21 (3) On the basis of the phase-one proposal the
22 participant shall select as the most highly qualified the
23 number of offerors specified in the solicitation and
24 request the selected offerors to submit phase-two
25 competitive proposals and cost or price information. Each
26 solicitation must establish the relative importance

1 assigned to the evaluation factors and the subfactors that
2 must be considered in the evaluation of phase-two proposals
3 on the basis of the evaluation factors set forth in the
4 solicitation. A participant may negotiate with the
5 selected design-build team after award but prior to
6 contract execution for the purpose of securing better terms
7 than originally proposed, provided the salient features of
8 the design-build solicitation are not diminished. Each
9 phase-two solicitation evaluates separately (A) the
10 technical submission for the proposal, including design
11 concepts or proposed solutions to requirements addressed
12 within the scope of work, and (B) the evaluation factors
13 and subfactors, including cost or price, that must be
14 considered in the evaluations of proposals.

15 (4) A design-build solicitation issued under the
16 procedures in this Section shall state the maximum number
17 of offerors that are to be selected to submit competitive
18 phase-two proposals. The maximum number specified in the
19 solicitation shall not exceed 5 unless the participant with
20 respect to an individual solicitation determines that a
21 specified number greater than 5 is in the best interest of
22 the participant and is consistent with the purposes and
23 objectives of the two-phase design-build selection
24 process.

25 (5) All designs submitted as part of the two-phase
26 selection process and not selected shall be proprietary to

1 the preparers.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.