

AN ACT concerning State government.

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

Section 5. The Capital Development Board Act is amended by changing Sections 3, 4.03, 4.04, 6, 7, 9.02, 9.07, 10.02, 10.03, 10.05, 10.09-1, and 12 as follows:

(20 ILCS 3105/3) (from Ch. 127, par. 773)

Sec. 3. As used in this Act, unless the context otherwise requires:

"Board" means the Capital Development Board.

"State agency" means and includes each officer, department, board, commission, institution, body politic and corporate of the State ~~including the Illinois Building Authority, school districts,~~ and any other person expending or encumbering State or federal funds by virtue of an appropriation or other authorization by the General Assembly or federal authorization or grant. Except as otherwise expressly authorized by the General Assembly, the term does not include the Department of Transportation, the Department of Natural Resources, or Environmental Protection Agency, except as respects buildings used by the Department or Agency for its officers, employees, or equipment, or any of them, and for capital improvements related to such buildings. Nor does the

term include the Illinois Housing Development Authority, the Illinois Finance Authority or the St. Louis Metropolitan Area Airport Authority.

~~"School District" means any school district or special charter district as defined in Section 1-3 of "The School Code", approved March 18, 1961, as amended, or any administrative district, or governing board, of a joint agreement organized under Section 10-22.31 of the School Code.~~

(Source: P.A. 93-205, eff. 1-1-04.)

(20 ILCS 3105/4.03) (from Ch. 127, par. 774.03)

Sec. 4.03. To conduct research on improvements in choice and use of materials, energy systems, ~~including solar energy systems,~~ and in construction methods for reducing construction costs and operating and maintenance costs of the facilities described in Section 4.01.

(Source: P.A. 80-430.)

(20 ILCS 3105/4.04) (from Ch. 127, par. 774.04)

Sec. 4.04. To review and recommend periodic revisions in established building and construction codes to promote public safety, energy efficiency and economy, ~~including the use of solar energy,~~ and reduce construction costs and operating and maintenance costs of the facilities described in Section 4.01.

(Source: P.A. 80-430.)

(20 ILCS 3105/6) (from Ch. 127, par. 776)

Sec. 6. Members of the Board shall serve without compensation but shall be reimbursed for their reasonable expenses necessarily incurred in the performance of their duties and the exercise of their powers under this Act. Each member shall give bond, before entering upon the duties of his or her office, in the penal sum of \$100,000 by inclusion in the blanket bond or bonds or the self-insurance program provided for in Section 14.1 and 14.2 of the Official Bond Act. The bond shall be conditioned upon the faithful performance of his or her duties. Each member shall, before entering upon the duties of his or her office, take and subscribe the constitutional oath of office, which shall be filed in the office of the Secretary of State. ~~Each member shall before entering upon the duties of his office, take and subscribe the constitutional oath of office and give bond in the penal sum of \$100,000 conditioned upon the faithful performance of his duties. The oath and bond shall be filed in the office of the Secretary of State.~~

(Source: P.A. 77-1995.)

(20 ILCS 3105/7) (from Ch. 127, par. 777)

Sec. 7. The Board shall meet at such times and places as is provided for by the Board or, in the absence of such a provision, on call of the chairman as prescribed by Board rules ~~after at least 5 day's written notice to the members and the~~

~~request of 2 or more members.~~ Four members of the Board shall constitute a quorum. No vacancy in the membership shall impair the right of a quorum of the members to exercise all of the rights and powers, and to perform all of the duties, of the Board.

(Source: P.A. 77-1995.)

(20 ILCS 3105/9.02) (from Ch. 127, par. 779.02)

Sec. 9.02. To enter into contracts on behalf of the State of Illinois to effectuate the purposes of this Act, subject to the Illinois Procurement Code ~~Purchasing Act~~.

(Source: P.A. 77-1995.)

(20 ILCS 3105/9.07) (from Ch. 127, par. 779.07)

Sec. 9.07. To accept assignment of contracts entered into by other State agencies for construction services on projects over which the Board shall have jurisdiction, whether or not such contracts shall have been awarded in accordance with the terms of the Illinois Procurement Code ~~Purchasing Act~~.

(Source: P.A. 77-1995.)

(20 ILCS 3105/10.02) (from Ch. 127, par. 780.02)

Sec. 10.02. To prepare, or cause to be prepared, general plans, drawings and estimates, ~~including the life cycle cost estimate of energy systems,~~ for public buildings and improvements to be erected for any State agency.

(Source: P.A. 80-430.)

(20 ILCS 3105/10.03) (from Ch. 127, par. 780.03)

Sec. 10.03. To prepare, or cause to be prepared, such plans, specifications and other documents as are necessary to the taking and acceptance of bids and letting of construction contracts and to advertise for bids for such projects, as required in The Illinois Procurement Code ~~Purchasing Act~~.

(Source: P.A. 81-945.)

(20 ILCS 3105/10.05) (from Ch. 127, par. 780.05)

Sec. 10.05. To inspect, or cause to be inspected, ~~all~~ materials to be incorporated into any building constructed or repaired by or under the supervision of the Board.

(Source: P.A. 77-1995.)

(20 ILCS 3105/10.09-1)

Sec. 10.09-1. Certification of Inspection ~~Adoption of building code; enforcement.~~

(a) After July 1, 2011, no person may occupy a newly constructed commercial building in a non-building code jurisdiction until:

(1) The property owner or his or her agent has first contracted for the inspection of the building by an inspector who meets the qualifications established by the Board; and

(2) The qualified inspector files a certification of inspection with the municipality or county having such jurisdiction over the property indicating that the building meets compliance with the building codes adopted by the Board for non-building code jurisdictions based on the following:

(A) The current edition or most recent preceding ~~2006 or later~~ editions of the following codes developed by the International Code Council:

- (i) International Building Code;
- (ii) International Existing Building Code; and
- ~~(iii) International Property Maintenance Code.~~

(B) The current edition or most recent preceding ~~2008 or later~~ edition of the National Electrical Code NFPA 70.

(b) This Section does not apply to any area in a municipality or county having jurisdiction that has registered its adopted building code with the Board as required by Section 55 of the Illinois Building Commission Act.

(c) The qualification requirements of this Section do not apply to building enforcement personnel employed by jurisdictions as defined in subsection (b).

(d) For purposes of this Section:

"Commercial building" means any building other than a single-family home or a dwelling containing 2 or fewer apartments, condominiums, or townhomes or a farm building as

exempted from Section 3 of the Illinois Architecture Practice Act.

"Newly constructed commercial building" means any commercial building for which original construction has commenced on or after July 1, 2011.

"Non-building code jurisdiction" means any area of the State not subject to a building code imposed by either a county or municipality.

"Qualified inspector" means an individual qualified by the State of Illinois, certified by a nationally recognized building official certification organization, qualified by an apprentice program certified by the Bureau of Apprentice Training, or who has filed verification of inspection experience according to rules adopted by the Board for the purposes of conducting inspections in non-building code jurisdictions.

(e) New residential construction is exempt from this Section and is defined as any original construction of a single-family home or a dwelling containing 2 or fewer apartments, condominiums, or townhomes in accordance with the Illinois Residential Building Code Act.

(f) Local governments may establish agreements with other governmental entities within the State to issue permits and enforce building codes and may hire third-party providers that are qualified in accordance with this Section to provide inspection services.

(g) This Section does not regulate any other statutorily authorized code or regulation administered by State agencies. These include without limitation the Illinois Plumbing Code, the Illinois Environmental Barriers Act, the International Energy Conservation Code, and administrative rules adopted by the Office of the State Fire Marshal.

(h) This Section applies beginning July 1, 2011.

(Source: P.A. 96-704, eff. 1-1-10.)

(20 ILCS 3105/12) (from Ch. 127, par. 782)

Sec. 12. Nothing in this Act shall be construed to include the power to abrogate those powers vested in the boards of the local public community college districts and the Illinois Community College Board by the Public Community College Act, the Board of Trustees of the University of Illinois, The Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, and the Board of Trustees of Western Illinois University, hereinafter referred to as Governing Boards. In the exercise of the powers conferred by law upon the Board and in the exercise of the powers vested in such Governing Boards, it is hereby provided that (i) the Board and any such Governing

Board may contract with each other and other parties as to the design and construction of any project to be constructed for or upon the property of such Governing Board or any institution under its jurisdiction; (ii) in connection with any such project, compliance with the provisions of the Illinois Procurement Code ~~Purchasing Act~~ by either the Board or such Governing Board shall be deemed to be compliance by the other; (iii) funds appropriated to any such Governing Board may be expended for any project constructed by the Board for such Governing Board; (iv) in connection with any such project the architects and engineers retained for the project and the plans and specifications for the project must be approved by both the Governing Board and the Board before undertaking either design or construction of the project, as the case may be.

(Source: P.A. 89-4, eff. 1-1-96.)

(20 ILCS 3105/9.01a rep.)

(20 ILCS 3105/9.01b rep.)

(20 ILCS 3105/9.01c rep.)

(20 ILCS 3105/9.09 rep.)

(20 ILCS 3105/10.02a rep.)

(20 ILCS 3105/10.02b rep.)

(20 ILCS 3105/18 rep.)

Section 10. The Capital Development Board Act is amended by repealing Sections 9.01a, 9.01b, 9.01c, 9.09, 10.02a, 10.02b, and 18.

Section 15. The Illinois Procurement Code is amended by changing Sections 1-15.93 and 30-30 as follows:

(30 ILCS 500/1-15.93)

(Section scheduled to be repealed on January 1, 2020)

Sec. 1-15.93. Single prime. "Single prime" means the design-bid-build procurement delivery method for a building construction project in which the Capital Development Board is the construction agency procuring 2 or more subdivisions of work enumerated in paragraphs (1) through (5) of subsection (a) of Section 30-30 of this Code under a single contract. This Section is repealed on January 1, 2021 ~~2020~~.

(Source: P.A. 99-257, eff. 8-4-15.)

(30 ILCS 500/30-30)

Sec. 30-30. Design-bid-build construction.

(a) The provisions of this subsection are operative through December 31, 2020 ~~2019~~.

For building construction contracts in excess of \$250,000, separate specifications may be prepared for all equipment, labor, and materials in connection with the following 5 subdivisions of the work to be performed:

(1) plumbing;

(2) heating, piping, refrigeration, and automatic temperature control systems, including the testing and

balancing of those systems;

(3) ventilating and distribution systems for conditioned air, including the testing and balancing of those systems;

(4) electric wiring; and

(5) general contract work.

The specifications may be so drawn as to permit separate and independent bidding upon each of the 5 subdivisions of work. All contracts awarded for any part thereof may award the 5 subdivisions of work separately to responsible and reliable persons, firms, or corporations engaged in these classes of work. The contracts, at the discretion of the construction agency, may be assigned to the successful bidder on the general contract work or to the successful bidder on the subdivision of work designated by the construction agency before the bidding as the prime subdivision of work, provided that all payments will be made directly to the contractors for the 5 subdivisions of work upon compliance with the conditions of the contract.

Beginning on the effective date of this amendatory Act of the 101st ~~99th~~ General Assembly and through December 31, 2020 ~~2019~~, for single prime projects: (i) the bid of the successful low bidder shall identify the name of the subcontractor, if any, and the bid proposal costs for each of the 5 subdivisions of work set forth in this Section; (ii) the contract entered into with the successful bidder shall provide that no identified subcontractor may be terminated without the written

consent of the Capital Development Board; (iii) the contract shall comply with the disadvantaged business practices of the Business Enterprise for Minorities, Women, and Persons with Disabilities Act and the equal employment practices of Section 2-105 of the Illinois Human Rights Act; ~~(iv) the Capital Development Board shall submit a quarterly report to the Procurement Policy Board with information on the general scope, project budget, and established Business Enterprise Program goals for any single prime procurement bid in the previous 3 months with a total construction cost valued at \$10,000,000 or less;~~ and (iv) ~~(v)~~ the Capital Development Board shall submit an annual report to the General Assembly and Governor on the bidding, award, and performance of all single prime projects.

For building construction projects with a total construction cost valued at \$5,000,000 or less, the Capital Development Board shall not use the single prime procurement delivery method for more than 50% of the total number of projects bid for each fiscal year. Any project with a total construction cost valued greater than \$5,000,000 may be bid using single prime at the discretion of the Executive Director of the Capital Development Board.

~~Beginning on the effective date of this amendatory Act of the 99th General Assembly and through December 31, 2017, the Capital Development Board shall, on a weekly basis: review the projects that have been designed, and approved to bid; and, for every fifth determination to use the single prime procurement~~

~~delivery method for a project under \$10,000,000, submit to the Procurement Policy Board a written notice of its intent to use the single prime method on the project. The notice shall include the reasons for using the single prime method and an explanation of why the use of that method is in the best interest of the State. The Capital Development Board shall post the notice on its online procurement webpage and on the online Procurement Bulletin at least 3 business days following submission. The Procurement Policy Board shall review and provide its decision on the use of the single prime method for every fifth use of the single prime procurement delivery method for a project under \$10,000,000 within 7 business days of receipt of the notice from the Capital Development Board. Approval by the Procurement Policy Board shall not be unreasonably withheld and shall be provided unless the Procurement Policy Board finds that the use of the single prime method is not in the best interest of the State. Any decision by the Procurement Policy Board to disapprove the use of the single prime method shall be made in writing to the Capital Development Board, posted on the online Procurement Bulletin, and shall state the reasons why the single prime method was disapproved and why it is not in the best interest of the State.~~

(b) The provisions of this subsection are operative on and after January 1, 2021 ~~2020~~. For building construction contracts in excess of \$250,000, separate specifications shall be

prepared for all equipment, labor, and materials in connection with the following 5 subdivisions of the work to be performed:

(1) plumbing;

(2) heating, piping, refrigeration, and automatic temperature control systems, including the testing and balancing of those systems;

(3) ventilating and distribution systems for conditioned air, including the testing and balancing of those systems;

(4) electric wiring; and

(5) general contract work.

The specifications must be so drawn as to permit separate and independent bidding upon each of the 5 subdivisions of work. All contracts awarded for any part thereof shall award the 5 subdivisions of work separately to responsible and reliable persons, firms, or corporations engaged in these classes of work. The contracts, at the discretion of the construction agency, may be assigned to the successful bidder on the general contract work or to the successful bidder on the subdivision of work designated by the construction agency before the bidding as the prime subdivision of work, provided that all payments will be made directly to the contractors for the 5 subdivisions of work upon compliance with the conditions of the contract.

(Source: P.A. 99-257, eff. 8-4-15; 100-391, eff. 8-25-17.)

Section 99. Effective date. This Act takes effect December

Public Act 101-0369

SB2120 Enrolled

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Statutes amended in order of appearance

20 ILCS 3105/3	from Ch. 127, par. 773
20 ILCS 3105/4.03	from Ch. 127, par. 774.03
20 ILCS 3105/4.04	from Ch. 127, par. 774.04
20 ILCS 3105/6	from Ch. 127, par. 776
20 ILCS 3105/7	from Ch. 127, par. 777
20 ILCS 3105/9.02	from Ch. 127, par. 779.02
20 ILCS 3105/9.07	from Ch. 127, par. 779.07
20 ILCS 3105/10.02	from Ch. 127, par. 780.02
20 ILCS 3105/10.03	from Ch. 127, par. 780.03
20 ILCS 3105/10.05	from Ch. 127, par. 780.05
20 ILCS 3105/10.09-1	
20 ILCS 3105/12	from Ch. 127, par. 782
20 ILCS 3105/9.01a rep.	
20 ILCS 3105/9.01b rep.	
20 ILCS 3105/9.01c rep.	
20 ILCS 3105/9.09 rep.	
20 ILCS 3105/10.02a rep.	
20 ILCS 3105/10.02b rep.	
20 ILCS 3105/18 rep.	