



Sen. Martin A. Sandoval

Filed: 5/31/2017

10000HB2953sam002

LRB100 10637 MJP 27310 a

1 AMENDMENT TO HOUSE BILL 2953

2 AMENDMENT NO. _____. Amend House Bill 2953 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Metropolitan Transit Authority Act is
5 amended by changing Section 32 as follows:

6 (70 ILCS 3605/32) (from Ch. 111 2/3, par. 332)

7 Sec. 32. The Board shall adopt regulations to insure that
8 the ~~construction or~~ acquisition by the Authority of services or
9 public transportation facilities (other than real estate)
10 involving a cost of more than the small purchase threshold set
11 by the Federal Transit Administration \$40,000 and the
12 disposition of all property of the Authority shall be after
13 public notice and with public bidding. The Board shall adopt
14 regulations to ensure that the construction, demolition,
15 rehabilitation, renovation, and building maintenance projects
16 by the Authority for services or public transportation

1 facilities involving a cost of more than \$40,000 shall be after
2 public notice and with public bidding. The regulations may
3 provide for exceptions to the requirements for the issuance and
4 sale of bonds or notes of the Authority, to the acquisition of
5 professional or utility services and to other matters for which
6 public bidding is disadvantageous. The regulations may also
7 provide for the use of competitive negotiations or the
8 prequalification of responsible bidders consistent with
9 applicable federal regulations. The requirements set forth
10 therein shall not apply to purchase of service agreements or
11 other contracts, purchases or sales entered into by the
12 Authority with any transportation agency or unit of local
13 government.

14 (Source: P.A. 98-1156, eff. 1-9-15.)

15 Section 10. The Local Mass Transit District Act is amended
16 by changing Section 5.5 as follows:

17 (70 ILCS 3610/5.5)

18 Sec. 5.5. Public bidding. The Board shall adopt regulations
19 to ensure that the ~~construction or~~ acquisition by the District
20 of services or public transportation facilities (other than
21 real estate) involving a cost of more than the small purchase
22 threshold set by the Federal Transit Administration ~~\$40,000~~ and
23 the disposition of all property of the District shall be after
24 public notice and with public bidding. The Board shall adopt

1 regulations to ensure that the construction, demolition,
2 rehabilitation, renovation, and building maintenance projects
3 by the District for services or public transportation
4 facilities involving a cost of more than \$40,000 shall be after
5 public notice and with public bidding. The regulations may
6 provide for exceptions to the requirements for the issuance and
7 sale of bonds or notes of the District, to the acquisition of
8 professional or utility services and to other matters for which
9 public bidding is disadvantageous. The regulations may also
10 provide for the use of competitive negotiations or the
11 prequalification of responsible bidders consistent with
12 applicable federal regulations. The requirements set forth
13 therein shall not apply to purchase of service agreements or
14 other contracts, purchases or sales entered into by the
15 District with any transportation agency or unit of local
16 government.

17 (Source: P.A. 98-1156, eff. 1-9-15.)

18 Section 15. The Regional Transportation Authority Act is
19 amended by changing Section 4.06 as follows:

20 (70 ILCS 3615/4.06) (from Ch. 111 2/3, par. 704.06)

21 Sec. 4.06. Public bidding.

22 (a) The Board shall adopt regulations to ensure that the
23 ~~construction or~~ acquisition by the Authority or a Service Board
24 other than the Chicago Transit Authority of services or public

1 transportation facilities (other than real estate) involving a
2 cost of more than the small purchase threshold set by the
3 Federal Transit Administration ~~\$40,000~~ and the disposition of
4 all property of the Authority or a Service Board other than the
5 Chicago Transit Authority shall be after public notice and with
6 public bidding. The Board shall adopt regulations to ensure
7 that the construction, demolition, rehabilitation, renovation,
8 and building maintenance projects by the Authority or a Service
9 Board other than the Chicago Transit Authority for services or
10 public transportation facilities involving a cost of more than
11 \$40,000 shall be after public notice and with public bidding.

12 Such regulations may provide for exceptions to such
13 requirements for acquisition of repair parts, accessories,
14 equipment or services previously furnished or contracted for;
15 for the immediate delivery of supplies, material or equipment
16 or performance of service when it is determined by the
17 concurrence of two-thirds of the then Directors that an
18 emergency requires immediate delivery or supply thereof; for
19 goods or services that are economically procurable from only
20 one source; for contracts for the maintenance or servicing of
21 equipment which are made with the manufacturers or authorized
22 service agent of that equipment where the maintenance or
23 servicing can best be performed by the manufacturer or
24 authorized service agent or such a contract would be otherwise
25 advantageous to the Authority or a Service Board, other than
26 the Chicago Transit Authority, except that the exceptions in

1 this clause shall not apply to contracts for plumbing, heating,
2 piping, refrigeration and automatic temperature control
3 systems, ventilating and distribution systems for conditioned
4 air, and electrical wiring; for goods or services procured from
5 another governmental agency; for purchases and contracts for
6 the use or purchase of data processing equipment and data
7 processing systems software; for the acquisition of
8 professional or utility services; and for the acquisition of
9 public transportation equipment including, but not limited to,
10 rolling stock, locomotives and buses, provided that: (i) it is
11 determined by a vote of 2/3 of the then Directors of the
12 Service Board making the acquisition that a negotiated
13 acquisition offers opportunities with respect to the cost or
14 financing of the equipment, its delivery, or the performance of
15 a portion of the work within the State or the use of goods
16 produced or services provided within the State; (ii) a notice
17 of intention to negotiate for the acquisition of such public
18 transportation equipment is published in a newspaper of general
19 circulation within the City of Chicago inviting proposals from
20 qualified vendors; and (iii) any contract with respect to such
21 acquisition is authorized by a vote of 2/3 of the then
22 Directors of the Service Board making the acquisition. The
23 requirements set forth in this Section shall not apply to
24 purchase of service agreements or other contracts, purchases or
25 sales entered into by the Authority with any transportation
26 agency or unit of local government.

1 (b) (1) In connection with two-phase design/build
2 selection procedures authorized in this Section, a Service
3 Board may authorize, by the affirmative vote of two-thirds of
4 the then members of the Service Board, the use of competitive
5 selection and the prequalification of responsible bidders
6 consistent with applicable federal regulations and this
7 subsection (b).

8 (2) Two-phase design/build selection procedures shall
9 consist of the following:

10 (i) A Service Board shall develop, through
11 licensed architects or licensed engineers, a scope of
12 work statement for inclusion in the solicitation for
13 phase-one proposals that defines the project and
14 provides prospective offerors with sufficient
15 information regarding the Service Board's
16 requirements. The statement shall include criteria and
17 preliminary design, and general budget parameters and
18 general schedule or delivery requirements to enable
19 the offerors to submit proposals which meet the Service
20 Board's needs. When the two-phase design/build
21 selection procedure is used and the Service Board
22 contracts for development of the scope of work
23 statement, the Service Board shall contract for
24 architectural or engineering services as defined by
25 and in accordance with the Architectural, Engineering,
26 and Land Surveying Qualifications Based Selection Act

1 and all applicable licensing statutes.

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

19 (iii) On the basis of the phase-one proposal the
20 Service Board shall select as the most highly qualified
21 the number of offerors specified in the solicitation
22 and request the selected offerors to submit phase-two
23 competitive proposals and cost or price information.
24 Each solicitation must establish the relative
25 importance assigned to the evaluation factors and the
26 subfactors that must be considered in the evaluation of

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

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

26 (v) All designs submitted as part of the two-phase

1 selection process and not selected shall be
2 proprietary to the preparers.

3 (Source: P.A. 98-1156, eff. 1-9-15.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.".