



Rep. Marcus C. Evans, Jr.

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10000HB3267ham002

LRB100 11192 AXK 24270 a

1 AMENDMENT TO HOUSE BILL 3267

2 AMENDMENT NO. _____. Amend House Bill 3267, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Highway Code is amended by adding
6 Section 4-224 as follows:

7 (605 ILCS 5/4-224 new)

8 Sec. 4-224. Pay for Performance program; Quality Control
9 for Performance program.

10 (a) Within 90 days after the effective date of this
11 amendatory Act of the 100th General Assembly, the Department
12 shall revise its Pay for Performance program and Quality
13 Control for Performance program for the production, placement,
14 and payment of hot-mix asphalt projects in this State. The
15 programs shall incorporate and be fully compliant with
16 applicable full standards and shall include, but are not

1 limited to:

2 (1) a dispute resolution process that would address
3 issues arising out of a pre-production meeting under AASHTO
4 R 9-05 (2013) or its current equivalent full standard,
5 which shall include third-party arbitration as a final
6 step;

7 (2) the use of a contractor's quality test results for
8 hot-mix asphalt under 23 CFR 637 and AASHTO R 9-05 (2013)
9 or its current equivalent full standard for consideration
10 in the Department's acceptance decisions for the programs;

11 (3) the use of third party laboratories to conduct
12 verification testing, independent assurance testing, or
13 dispute resolution testing under 23 CFR 637 and AASHTO R
14 9-05 (2013) or its current equivalent full standard on
15 behalf of the Department;

16 (4) the use of performance-based testing that utilizes
17 the test methods contained in full standards. In creating
18 the criteria for the performance-based testing, the
19 Department shall give priority consideration to the
20 Federal Highway Administration's Techbriefs,
21 Transportation Pooled Fund studies sponsored by the
22 Federal Highway Administration or the Department, and
23 completed National Cooperative Highway Research Program
24 projects;

25 (5) a procedure for addressing outlying test results
26 under ASTM E178-16a or its current equivalent full

1 standard; and

2 (6) an acceptable quality limit and a pay factor
3 equation that provides for a maximum pay adjustment of up
4 to 105% and a defined maximum pay deduction under AASHTO R
5 9-05 (2013) or its current equivalent full standard.

6 (b) Within 30 days after the revision of the Pay for
7 Performance program and the Quality Control for Performance
8 program, the Secretary of Transportation shall direct the
9 Bureau of Materials and Physical Research to publish revised
10 Pay for Performance and Quality Control for Performance Special
11 Provisions for use in Department projects. Each Special
12 Provision shall include a certification that the programs
13 comply with full standards.

14 (c) For purposes of this Section, "full standards" means
15 non-provisional standards that have been formally adopted by
16 the American Association of State Highway and Transportation
17 Officials and the American Society for Testing and Materials.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."