

# HB3290



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3290

by Rep. William Davis

### SYNOPSIS AS INTRODUCED:

30 ILCS 500/30-30

Amends the Illinois Procurement Code. Provides that for building construction contracts in excess of \$500,000 (currently, \$250,000), separate specifications may be prepared for all equipment, labor, and materials in connection with specified subdivisions of the work to be performed. Makes conforming changes. Effective immediately.

LRB101 10163 RJF 55266 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 Illinois Procurement Code is amended by  
5 changing Section 30-30 as follows:

6 (30 ILCS 500/30-30)

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

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

10 For building construction contracts in excess of \$500,000  
11 ~~\$250,000~~, separate specifications may be prepared for all  
12 equipment, labor, and materials in connection with the  
13 following 5 subdivisions of the work to be performed:

14 (1) plumbing;

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

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

21 (4) electric wiring; and

22 (5) general contract work.

23 The specifications may be so drawn as to permit separate

1 and independent bidding upon each of the 5 subdivisions of  
2 work. All contracts awarded for any part thereof may award the  
3 5 subdivisions of work separately to responsible and reliable  
4 persons, firms, or corporations engaged in these classes of  
5 work. The contracts, at the discretion of the construction  
6 agency, may be assigned to the successful bidder on the general  
7 contract work or to the successful bidder on the subdivision of  
8 work designated by the construction agency before the bidding  
9 as the prime subdivision of work, provided that all payments  
10 will be made directly to the contractors for the 5 subdivisions  
11 of work upon compliance with the conditions of the contract.

12 Beginning on the effective date of this amendatory Act of  
13 the 99th General Assembly and through December 31, 2019, for  
14 single prime projects: (i) the bid of the successful low bidder  
15 shall identify the name of the subcontractor, if any, and the  
16 bid proposal costs for each of the 5 subdivisions of work set  
17 forth in this Section; (ii) the contract entered into with the  
18 successful bidder shall provide that no identified  
19 subcontractor may be terminated without the written consent of  
20 the Capital Development Board; (iii) the contract shall comply  
21 with the disadvantaged business practices of the Business  
22 Enterprise for Minorities, Women, and Persons with  
23 Disabilities Act and the equal employment practices of Section  
24 2-105 of the Illinois Human Rights Act; (iv) the Capital  
25 Development Board shall submit a quarterly report to the  
26 Procurement Policy Board with information on the general scope,

1 project budget, and established Business Enterprise Program  
2 goals for any single prime procurement bid in the previous 3  
3 months with a total construction cost valued at \$10,000,000 or  
4 less; and (v) the Capital Development Board shall submit an  
5 annual report to the General Assembly and Governor on the  
6 bidding, award, and performance of all single prime projects.

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

15 Beginning on the effective date of this amendatory Act of  
16 the 99th General Assembly and through December 31, 2017, the  
17 Capital Development Board shall, on a weekly basis: review the  
18 projects that have been designed, and approved to bid; and, for  
19 every fifth determination to use the single prime procurement  
20 delivery method for a project under \$10,000,000, submit to the  
21 Procurement Policy Board a written notice of its intent to use  
22 the single prime method on the project. The notice shall  
23 include the reasons for using the single prime method and an  
24 explanation of why the use of that method is in the best  
25 interest of the State. The Capital Development Board shall post  
26 the notice on its online procurement webpage and on the online

1 Procurement Bulletin at least 3 business days following  
2 submission. The Procurement Policy Board shall review and  
3 provide its decision on the use of the single prime method for  
4 every fifth use of the single prime procurement delivery method  
5 for a project under \$10,000,000 within 7 business days of  
6 receipt of the notice from the Capital Development Board.  
7 Approval by the Procurement Policy Board shall not be  
8 unreasonably withheld and shall be provided unless the  
9 Procurement Policy Board finds that the use of the single prime  
10 method is not in the best interest of the State. Any decision  
11 by the Procurement Policy Board to disapprove the use of the  
12 single prime method shall be made in writing to the Capital  
13 Development Board, posted on the online Procurement Bulletin,  
14 and shall state the reasons why the single prime method was  
15 disapproved and why it is not in the best interest of the  
16 State.

17 (b) The provisions of this subsection are operative on and  
18 after January 1, 2020. For building construction contracts in  
19 excess of \$500,000 ~~\$250,000~~, separate specifications shall be  
20 prepared for all equipment, labor, and materials in connection  
21 with the following 5 subdivisions of the work to be performed:

22 (1) plumbing;

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

26 (3) ventilating and distribution systems for

1 conditioned air, including the testing and balancing of  
2 those systems;

3 (4) electric wiring; and

4 (5) general contract work.

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

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

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