



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/09/04, by Jay C. Hoffman

SYNOPSIS AS INTRODUCED:

20 ILCS 3105/12	from Ch. 127, par. 782
30 ILCS 535/5	from Ch. 127, par. 4151-5
30 ILCS 535/15	from Ch. 127, par. 4151-15
50 ILCS 510/1	from Ch. 85, par. 6401
50 ILCS 510/3	from Ch. 85, par. 6403
50 ILCS 510/4	from Ch. 85, par. 6404
50 ILCS 510/5	from Ch. 85, par. 6405
50 ILCS 510/6	from Ch. 85, par. 6406

Amends the Capital Development Board Act to provide, notwithstanding other provisions of the Act, that community college districts are subject to the Local Government Professional Services Selection Act and that universities and the Illinois Community College Board are subject to the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act. Amends the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act to provide that selection shall be conducted by the Capital Development Board on behalf of universities and the Illinois Community College Board unless waived by the Executive Director of CDB. Amends the Local Government Professional Services Selection Act (i) to provide that selection shall be conducted by the Capital Development Board on behalf of political subdivisions, including without limitation community college districts, for projects that are funded in whole or in part by the State unless waived by the Executive Director of CDB and (ii) to remove an exception to the requirements of the Act when the political subdivision "has a satisfactory relationship for services with one or more firms". Effective July 1, 2004.

LRB093 19511 RCE 46396 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning procurement.

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

4 Section 5. The Capital Development Board Act is amended by
5 changing Section 12 as follows:

6 (20 ILCS 3105/12) (from Ch. 127, par. 782)

7 Sec. 12. Universities and community college districts.

8 Nothing in this Act shall be construed to include the power to
9 abrogate those powers vested in the boards of the local public
10 community college districts and the Illinois Community College
11 Board by the Public Community College Act, the Board of
12 Trustees of the University of Illinois, the ~~The~~ Board of
13 Trustees of Southern Illinois University, the Board of Trustees
14 of Chicago State University, the Board of Trustees of Eastern
15 Illinois University, the Board of Trustees of Governors State
16 University, the Board of Trustees of Illinois State University,
17 the Board of Trustees of Northeastern Illinois University, the
18 Board of Trustees of Northern Illinois University, and the
19 Board of Trustees of Western Illinois University, hereinafter
20 referred to as Governing Boards. In the exercise of the powers
21 conferred by law upon the Board and in the exercise of the
22 powers vested in such Governing Boards, it is hereby provided
23 that (i) the Board and any such Governing Board may contract
24 with each other and other parties as to the design and
25 construction of any project to be constructed for or upon the
26 property of such Governing Board or any institution under its
27 jurisdiction; (ii) in connection with any such project,
28 compliance with the provisions of the Illinois Purchasing Act
29 by either the Board or such Governing Board shall be deemed to
30 be compliance by the other; (iii) funds appropriated to any
31 such Governing Board may be expended for any project
32 constructed by the Board for such Governing Board; (iv) in

1 connection with any such project the architects and engineers
2 retained for the project and the plans and specifications for
3 the project must be approved by both the Governing Board and
4 the Board before undertaking either design or construction of
5 the project, as the case may be.

6 Notwithstanding any of the other provisions of this
7 Section, the boards of the local community college districts
8 must comply with and are subject to the Local Government
9 Professional Services Selection Act and the university boards
10 and the Illinois Community College Board must comply with and
11 are subject to the Architectural, Engineering, and Land
12 Surveying Qualifications Based Selection Act.

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

14 Section 10. The Architectural, Engineering, and Land
15 Surveying Qualifications Based Selection Act is amended by
16 changing Sections 5 and 15 as follows:

17 (30 ILCS 535/5) (from Ch. 127, par. 4151-5)

18 Sec. 5. State policy on procurement of architectural,
19 engineering, and land surveying services. It is the policy of
20 State agencies of this State to publicly announce all
21 requirements for architectural, engineering, and land
22 surveying services, to procure these services on the basis of
23 demonstrated competence and qualifications, to negotiate
24 contracts at fair and reasonable prices, and to authorize the
25 Department of Professional Regulation to enforce the
26 provisions of Section 65 of this Act.

27 It is further the policy of this State that all procurement
28 of architectural, engineering, and land surveying services for
29 university projects and projects of the Illinois Community
30 College Board, including without limitation small contracts
31 under Section 45 and emergency services under Section 50, shall
32 be conducted by the Capital Development Board on behalf of the
33 university or the Illinois Community College Board unless the
34 Executive Director of the Capital Development Board grants a

1 written waiver to the university or to the Illinois Community
2 College Board with respect to a specific project.

3 (Source: P.A. 87-673.)

4 (30 ILCS 535/15) (from Ch. 127, par. 4151-15)

5 Sec. 15. Definitions. As used in this Act:

6 "Architectural services" means any professional service as
7 defined in Section 5 of the Illinois Architecture Practice Act
8 of 1989.

9 "Engineering services" means any professional service as
10 defined in Section 4 of the Professional Engineering Practice
11 Act of 1989 or Section 5 of the Structural Engineering Practice
12 Act of 1989.

13 "Firm" means any individual, sole proprietorship, firm,
14 partnership, corporation, association, or other legal entity
15 permitted by law to practice the profession of architecture,
16 engineering, or land surveying and provide those services.

17 "Land surveying services" means any professional service
18 as defined in Section 5 of the Illinois Professional Land
19 Surveyor Act of 1989.

20 "Project" means any capital improvement project or any
21 design, study, plan, survey, or new or existing program
22 activity of a State agency, including development of new or
23 existing programs that require architectural, engineering, or
24 land surveying services.

25 "State agency" means any department, commission, council,
26 board, bureau, committee, institution, agency, university,
27 government corporation, authority, or other establishment or
28 official of this State. When the "State agency" is a university
29 or the Illinois Community College Board, the Capital
30 Development Board shall conduct all matters under this Act on
31 behalf of the university or the Illinois Community College
32 Board unless the Executive Director of the Capital Development
33 Board grants a written waiver to the university or the Illinois
34 Community College Board with respect to a specific project.

35 (Source: P.A. 91-91, eff. 1-1-00.)

1 Section 15. The Local Government Professional Services
2 Selection Act is amended by changing Sections 1, 3, 4, 5, and 6
3 as follows:

4 (50 ILCS 510/1) (from Ch. 85, par. 6401)

5 Sec. 1. Policy. It shall be the policy of the political
6 subdivisions of the State of Illinois to negotiate and enter
7 into contracts for architectural, engineering and land
8 surveying services on the basis of demonstrated competence and
9 qualifications for the type of services required and at fair
10 and reasonable compensation.

11 It is further the policy of this State that all procurement
12 of architectural, engineering, and land surveying services for
13 projects that are funded in whole or in part by the State,
14 including without limitation small contracts and emergency
15 services under Section 8, shall be conducted by the Capital
16 Development Board on behalf of the political subdivision unless
17 the Executive Director of the Capital Development Board grants
18 a written waiver to the political subdivision with respect to a
19 specific project.

20 (Source: P.A. 85-854.)

21 (50 ILCS 510/3) (from Ch. 85, par. 6403)

22 Sec. 3. Definitions. As used in this Act unless the context
23 specifically requires otherwise:

24 (1) "Firm" means any individual, firm, partnership,
25 corporation, association or other legal entity permitted by law
26 to practice the profession of architecture, engineering or land
27 surveying and provide architectural, engineering or land
28 surveying services.

29 (2) "Architectural services" means any professional
30 service as defined in Section 5 of the Illinois Architecture
31 Practice Act of 1989.

32 (3) "Engineering services" means any professional service
33 as defined in Section 4 of the Professional Engineering

1 Practice Act of 1989 or Section 5 of the Structural Engineering
2 Practice Act of 1989.

3 (4) "Land surveying services" means any professional
4 service as defined in Section 5 of the Illinois Professional
5 Land Surveyor Act of 1989.

6 (5) "Political subdivision" means any school district and
7 any unit of local government, including without limitation any
8 community college district, of fewer than 3,000,000
9 inhabitants, except home rule units. When a project of a
10 "political subdivision" is funded in whole or in part by the
11 State, the Capital Development Board shall conduct all matters
12 under this Act on behalf of the political subdivision unless
13 the Executive Director of the Capital Development Board grants
14 a written waiver to the political subdivision with respect to
15 that specific project.

16 (6) "Project" means any capital improvement project or any
17 study, plan, survey or new or existing program activity of a
18 political subdivision, including development of new or
19 existing programs which require architectural, engineering or
20 land surveying services.

21 (Source: P.A. 91-91, eff. 1-1-00.)

22 (50 ILCS 510/4) (from Ch. 85, par. 6404)

23 Sec. 4. Public notice. Present provisions of law
24 notwithstanding, in the procurement of architectural,
25 engineering or land surveying services, each political
26 subdivision which utilizes architectural, engineering or land
27 surveying services shall permit firms engaged in the lawful
28 practice of their professions to annually file a statement of
29 qualifications and performance data with the political
30 subdivision. Whenever a project requiring architectural,
31 engineering or land surveying services is proposed for a
32 political subdivision, the political subdivision shall, ~~unless~~
33 ~~it has a satisfactory relationship for services with one or~~
34 ~~more firms:~~

35 (1) Mail a notice requesting a statement of interest in the

1 specific project to all firms who have a current statement of
2 qualifications and performance data on file with the political
3 subdivision; or

4 (2) Place an advertisement in a secular English language
5 daily newspaper of general circulation throughout such
6 political subdivision, requesting a statement of interest in
7 the specific project and further requesting statements of
8 qualifications and performance data from those firms which do
9 not have such a statement on file with the political
10 subdivision. Such advertisement shall state the day, hour and
11 place the statement of interest and the statements of
12 qualifications and performance data shall be due.

13 (Source: P.A. 85-854.)

14 (50 ILCS 510/5) (from Ch. 85, par. 6405)

15 Sec. 5. Evaluation of firms ~~Selection Procedure~~. A
16 political subdivision shall, ~~unless it has a satisfactory~~
17 ~~relationship for services with one or more firms,~~ evaluate the
18 firms submitting letters of interest, taking into account
19 qualifications, ability of professional personnel, past record
20 and experience, performance data on file, willingness to meet
21 time and budget requirements, location, workload of the firm
22 and such other factors as the political subdivision may
23 determine in writing are applicable. The political subdivision
24 may conduct discussions with and require public presentations
25 by firms deemed to be the most qualified regarding their
26 qualifications, approach to the project and ability to furnish
27 the required services.

28 (Source: P.A. 85-854.)

29 (50 ILCS 510/6) (from Ch. 85, par. 6406)

30 Sec. 6. Selection procedure. On the basis of evaluations,
31 discussions and presentations, the political subdivision
32 shall, ~~unless it has a satisfactory relationship for services~~
33 ~~with one or more firms,~~ select no less than 3 firms which it
34 determines to be the most qualified to provide services for the

1 project and rank them in order of qualifications to provide
2 services regarding the specific project. The political
3 subdivision shall then contact the firm ranked most preferred
4 and attempt to negotiate a contract at a fair and reasonable
5 compensation, taking into account the estimated value, scope,
6 complexity, and professional nature of the services to be
7 rendered. If fewer than 3 firms submit letters of interest and
8 the political subdivision determines that one or both of those
9 firms are so qualified, the political subdivision may proceed
10 to negotiate a contract pursuant to this Section and Section 7.
11 (Source: P.A. 85-854.)

12 Section 99. Effective date. This Act takes effect July 1,
13 2004.