

SB2843



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2843

Introduced 1/20/2006, by Sen. Jeffrey M. Schoenberg

SYNOPSIS AS INTRODUCED:

30 ILCS 500/30-30

Amends the Illinois Procurement Code. With respect to construction contracts in excess of \$250,000 for which the Capital Development Board is the chief procurement officer, provides that the State shall not be liable for monetary damages due to delay caused by a contractor or subcontractor. Effective immediately.

LRB094 17450 JAM 52745 b

FISCAL NOTE ACT
MAY APPLY

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. Contracts in excess of \$250,000.

8 (a) For building construction contracts in excess of
9 \$250,000, separate specifications shall be prepared for all
10 equipment, labor, and materials in connection with the
11 following 5 subdivisions of the work to be performed:

12 (1) plumbing;

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

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

19 (4) electric wiring; and

20 (5) general contract work.

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

1 of the contract. A contract may be let for one or more
2 buildings in any project to the same contractor. The
3 specifications shall require, however, that unless the
4 buildings are identical, a separate price shall be submitted
5 for each building. The contract may be awarded to the lowest
6 responsible bidder for each or all of the buildings included in
7 the specifications.

8 (b) Until a date 2 years after the effective date of this
9 amendatory Act of the 93rd General Assembly, the requirements
10 of this Section, other than subsection (d), do not apply to the
11 construction of an Emergency Operations Center for the Illinois
12 Emergency Management Agency if (i) the majority of the funding
13 for the project is from federal funds, (ii) the bid of the
14 successful bidder identifies the name of the subcontractor, if
15 any, and the bid proposal costs for each of the 5 subdivisions
16 of work set forth in this Section, and (iii) the contract
17 entered into with the successful bidder provides that no
18 identified subcontractor may be terminated without the written
19 consent of the Capital Development Board.

20 (c) Until a date 5 years after the effective date of this
21 amendatory Act of the 94th General Assembly, the requirements
22 of this Section, other than subsection (d), do not apply to the
23 Capitol Building HVAC upgrade project if (i) the bid of the
24 successful bidder identifies the name of the subcontractor, if
25 any, and the bid proposal costs for each of the 5 subdivisions
26 of work set forth in this Section, and (ii) the contract
27 entered into with the successful bidder provides that no
28 identified subcontractor may be terminated without the written
29 consent of the Capital Development Board.

30 (d) With respect to contracts subject to this Section for
31 which the Capital Development Board is the chief procurement
32 officer, the State shall not be liable for monetary damages due
33 to the delay of a contractor or subcontractor.

34 (Source: P.A. 93-1035, eff. 9-10-04; 94-699, eff. 11-29-05.)

35 Section 99. Effective date. This Act takes effect upon

1 becoming law.