



Rep. David R. Leitch

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LRB095 06743 NHT 35088 a

1 AMENDMENT TO HOUSE BILL 3278

2 AMENDMENT NO. _____. Amend House Bill 3278 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Design-Build Procurement Act is amended by
5 changing Sections 5 and 10 as follows:

6 (30 ILCS 537/5)

7 (Section scheduled to be repealed on July 1, 2009)

8 Sec. 5. Legislative policy. It is the intent of the
9 General Assembly that the Capital Development Board and the
10 University of Illinois be allowed to use the design-build
11 delivery method for public projects if it is shown to be in the
12 State's best interest for that particular project. It shall be
13 the policy of the Capital Development Board and the University
14 of Illinois in the procurement of design-build services to
15 publicly announce all requirements for design-build services
16 and to procure these services on the basis of demonstrated

1 competence and qualifications and with due regard for the
2 principles of competitive selection.

3 The Capital Development Board and the University of
4 Illinois shall, prior to issuing requests for proposals,
5 promulgate and publish procedures for the solicitation and
6 award of contracts pursuant to this Act.

7 The Capital Development Board and the University of
8 Illinois shall, for each public project or projects permitted
9 under this Act, make a written determination, including a
10 description as to the particular advantages of the design-build
11 procurement method, that it is in the best interests of this
12 State to enter into a design-build contract for the project or
13 projects. In making that determination, the following factors
14 shall be considered:

15 (1) The probability that the design-build procurement
16 method will be in the best interests of the State by
17 providing a material savings of time or cost over the
18 design-bid-build or other delivery system.

19 (2) The type and size of the project and its
20 suitability to the design-build procurement method.

21 (3) The ability of the State construction agency to
22 define and provide comprehensive scope and performance
23 criteria for the project.

24 No State construction agency may use a design-build
25 procurement method unless the agency determines in writing that
26 the project will comply with the disadvantaged business and

1 equal employment practices of the State as established in the
2 Business Enterprise for Minorities, Females, and Persons with
3 Disabilities Act and Section 2-105 of the Illinois Human Rights
4 Act.

5 The Capital Development Board and the University of
6 Illinois shall within 15 days after the initial determination
7 provide an advisory copy to the Procurement Policy Board and
8 maintain the full record of determination for 5 years.

9 (Source: P.A. 94-716, eff. 12-13-05.)

10 (30 ILCS 537/10)

11 (Section scheduled to be repealed on July 1, 2009)

12 Sec. 10. Definitions. As used in this Act:

13 "State construction agency" means the Capital Development
14 Board and the University of Illinois.

15 "Delivery system" means the design and construction
16 approach used to develop and construct a project.

17 "Design-bid-build" means the traditional delivery system
18 used on public projects in this State that incorporates the
19 Architectural, Engineering, and Land Surveying Qualification
20 Based Selection Act (30 ILCS 535/) and the principles of
21 competitive selection in the Illinois Procurement Code (30 ILCS
22 500/).

23 "Design-build" means a delivery system that provides
24 responsibility within a single contract for the furnishing of
25 architecture, engineering, land surveying and related services

1 as required, and the labor, materials, equipment, and other
2 construction services for the project.

3 "Design-build contract" means a contract for a public
4 project under this Act between the State construction agency
5 and a design-build entity to furnish architecture,
6 engineering, land surveying, and related services as required,
7 and to furnish the labor, materials, equipment, and other
8 construction services for the project. The design-build
9 contract may be conditioned upon subsequent refinements in
10 scope and price and may allow the State construction agency to
11 make modifications in the project scope without invalidating
12 the design-build contract.

13 "Design-build entity" means any individual, sole
14 proprietorship, firm, partnership, joint venture, corporation,
15 professional corporation, or other entity that proposes to
16 design and construct any public project under this Act. A
17 design-build entity and associated design-build professionals
18 shall conduct themselves in accordance with the laws of this
19 State and the related provisions of the Illinois Administrative
20 Code, as referenced by the licensed design professionals Acts
21 of this State.

22 "Design professional" means any individual, sole
23 proprietorship, firm, partnership, joint venture, corporation,
24 professional corporation, or other entity that offers services
25 under the Illinois Architecture Practice Act of 1989 (225 ILCS
26 305/), the Professional Engineering Practice Act of 1989 (225

1 ILCS 325/), the Structural Engineering Licensing Act of 1989
2 (225 ILCS 340/), or the Illinois Professional Land Surveyor Act
3 of 1989 (225 ILCS 330/).

4 "Evaluation criteria" means the requirements for the
5 separate phases of the selection process as defined in this Act
6 and may include the specialized experience, technical
7 qualifications and competence, capacity to perform, past
8 performance, experience with similar projects, assignment of
9 personnel to the project, and other appropriate factors. Price
10 may not be used as a factor in the evaluation of Phase I
11 proposals.

12 "Proposal" means the offer to enter into a design-build
13 contract as submitted by a design-build entity in accordance
14 with this Act.

15 "Request for proposal" means the document used by the State
16 construction agency to solicit proposals for a design-build
17 contract.

18 "Scope and performance criteria" means the requirements
19 for the public project, including but not limited to, the
20 intended usage, capacity, size, scope, quality and performance
21 standards, life-cycle costs, and other programmatic criteria
22 that are expressed in performance-oriented and quantifiable
23 specifications and drawings that can be reasonably inferred and
24 are suited to allow a design-build entity to develop a
25 proposal.

26 (Source: P.A. 94-716, eff. 12-13-05.)

1 Section 10. The University of Illinois Act is amended by
2 changing Section 7 as follows:

3 (110 ILCS 305/7) (from Ch. 144, par. 28)

4 Sec. 7. Powers of trustees.

5 (a) The trustees shall have power to provide for the
6 requisite buildings, apparatus, and conveniences; to fix the
7 rates for tuition; to appoint such professors and instructors,
8 and to establish and provide for the management of such model
9 farms, model art, and other departments and professorships, as
10 may be required to teach, in the most thorough manner, such
11 branches of learning as are related to agriculture and the
12 mechanic arts, and military tactics, without excluding other
13 scientific and classical studies. The trustees shall, upon the
14 written request of an employee withhold from the compensation
15 of that employee any dues, payments or contributions payable by
16 such employee to any labor organization as defined in the
17 Illinois Educational Labor Relations Act. Under such
18 arrangement, an amount shall be withheld from each regular
19 payroll period which is equal to the pro rata share of the
20 annual dues plus any payments or contributions, and the
21 trustees shall transmit such withholdings to the specified
22 labor organization within 10 working days from the time of the
23 withholding. They may accept the endowments and voluntary
24 professorships or departments in the University, from any

1 person or persons or corporations who may offer the same, and,
2 at any regular meeting of the board, may prescribe rules and
3 regulations in relation to such endowments and declare on what
4 general principles they may be admitted: Provided, that such
5 special voluntary endowments or professorships shall not be
6 incompatible with the true design and scope of the act of
7 congress, or of this Act: Provided, that no student shall at
8 any time be allowed to remain in or about the University in
9 idleness, or without full mental or industrial occupation: And
10 provided further, that the trustees, in the exercise of any of
11 the powers conferred by this Act, shall not create any
12 liability or indebtedness in excess of the funds in the hands
13 of the treasurer of the University at the time of creating such
14 liability or indebtedness, and which may be specially and
15 properly applied to the payment of the same. Any lease to the
16 trustees of lands, buildings or facilities which will support
17 scientific research and development in such areas as high
18 technology, super computing, microelectronics, biotechnology,
19 robotics, physics and engineering shall be for a term not to
20 exceed 18 years, and may grant to the trustees the option to
21 purchase the lands, buildings or facilities. The lease shall
22 recite that it is subject to termination and cancellation in
23 any year for which the General Assembly fails to make an
24 appropriation to pay the rent payable under the terms of the
25 lease.

26 Leases for the purposes described herein exceeding 5 years

1 shall have the approval of the Illinois Board of Higher
2 Education.

3 The Board of Trustees may, directly or in cooperation with
4 other institutions of higher education, acquire by purchase or
5 lease or otherwise, and construct, enlarge, improve, equip,
6 complete, operate, control and manage medical research and high
7 technology parks, together with the necessary lands,
8 buildings, facilities, equipment and personal property
9 therefor, to encourage and facilitate (A) ~~(a)~~ the location and
10 development of business and industry in the State of Illinois,
11 (B) ~~and (b)~~ the increased application and development of
12 technology, and (C) ~~(c)~~ the improvement and development of the
13 State's economy. The Board of Trustees may lease to nonprofit
14 corporations all or any part of the land, buildings,
15 facilities, equipment or other property included in a medical
16 research and high technology park upon such terms and
17 conditions as the University of Illinois may deem advisable and
18 enter into any contract or agreement with such nonprofit
19 corporations as may be necessary or suitable for the
20 construction, financing, operation and maintenance and
21 management of any such park; and may lease to any person, firm,
22 partnership or corporation, either public or private, any part
23 or all of the land, building, facilities, equipment or other
24 property of such park for such purposes and upon such rentals,
25 terms and conditions as the University may deem advisable; and
26 may finance all or part of the cost of any such park, including

1 the purchase, lease, construction, reconstruction,
2 improvement, remodeling, addition to, and extension and
3 maintenance of all or part of such high technology park, and
4 all equipment and furnishings, by legislative appropriations,
5 government grants, contracts, private gifts, loans, receipts
6 from the operation of such high technology park, rentals and
7 similar receipts; and may make its other facilities and
8 services available to tenants or other occupants of any such
9 park at rates which are reasonable and appropriate.

10 The Trustees shall have power (1) ~~(a)~~ to purchase real
11 property and easements, and (2) ~~(b)~~ to acquire real property
12 and easements in the manner provided by law for the exercise of
13 the right of eminent domain, and in the event negotiations for
14 the acquisition of real property or easements for making any
15 improvement which the Trustees are authorized to make shall
16 have proven unsuccessful and the Trustees shall have by
17 resolution adopted a schedule or plan of operation for the
18 execution of the project and therein made a finding that it is
19 necessary to take such property or easements immediately or at
20 some specified later date in order to comply with the schedule,
21 the Trustees may acquire such property or easements in the same
22 manner provided in Article 20 of the Eminent Domain Act
23 (quick-take procedure).

24 The Board of Trustees also shall have power to agree with
25 the State's Attorney of the county in which any properties of
26 the Board are located to pay for services rendered by the

1 various taxing districts for the years 1944 through 1949 and to
2 pay annually for services rendered thereafter by such district
3 such sums as may be determined by the Board upon properties
4 used solely for income producing purposes, title to which is
5 held by said Board of Trustees, upon properties leased to
6 members of the staff of the University of Illinois, title to
7 which is held in trust for said Board of Trustees and upon
8 properties leased to for-profit entities the title to which
9 properties is held by the Board of Trustees. A certified copy
10 of any such agreement made with the State's Attorney shall be
11 filed with the County Clerk and such sums shall be distributed
12 to the respective taxing districts by the County Collector in
13 such proportions that each taxing district will receive
14 therefrom such proportion as the tax rate of such taxing
15 district bears to the total tax rate that would be levied
16 against such properties if they were not exempt from taxation
17 under the Property Tax Code.

18 The Board of Trustees of the University of Illinois,
19 subject to the applicable civil service law, may appoint
20 persons to be members of the University of Illinois Police
21 Department. Members of the Police Department shall be peace
22 officers and as such have all powers possessed by policemen in
23 cities, and sheriffs, including the power to make arrests on
24 view or warrants of violations of state statutes and city or
25 county ordinances, except that they may exercise such powers
26 only in counties wherein the University and any of its branches

1 or properties are located when such is required for the
2 protection of university properties and interests, and its
3 students and personnel, and otherwise, within such counties,
4 when requested by appropriate state or local law enforcement
5 officials; provided, however, that such officer shall have no
6 power to serve and execute civil processes.

7 The Board of Trustees must authorize to each member of the
8 University of Illinois Police Department and to any other
9 employee of the University of Illinois exercising the powers of
10 a peace officer a distinct badge that, on its face, (i) clearly
11 states that the badge is authorized by the University of
12 Illinois and (ii) contains a unique identifying number. No
13 other badge shall be authorized by the University of Illinois.
14 Nothing in this paragraph prohibits the Board of Trustees from
15 issuing shields or other distinctive identification to
16 employees not exercising the powers of a peace officer if the
17 Board of Trustees determines that a shield or distinctive
18 identification is needed by the employee to carry out his or
19 her responsibilities.

20 The Board of Trustees may own, operate, or govern, by or
21 through the College of Medicine at Peoria, a managed care
22 community network established under subsection (b) of Section
23 5-11 of the Illinois Public Aid Code.

24 The powers of the trustees as herein designated are subject
25 to the provisions of "An Act creating a Board of Higher
26 Education, defining its powers and duties, making an

1 appropriation therefor, and repealing an Act herein named",
2 approved August 22, 1961, as amended.

3 The Board of Trustees shall have the authority to adopt all
4 administrative rules which may be necessary for the effective
5 administration, enforcement and regulation of all matters for
6 which the Board has jurisdiction or responsibility.

7 (b) To assist in the provision of buildings and facilities
8 beneficial to, useful for, or supportive of University
9 purposes, the Board of Trustees of the University of Illinois
10 may exercise the following powers with regard to the area
11 located on or adjacent to the University of Illinois at Chicago
12 campus and bounded as follows: on the West by Morgan Street; on
13 the North by Roosevelt Road; on the East by Union Street; and
14 on the South by 16th Street, in the City of Chicago:

15 (1) Acquire any interests in land, buildings, or
16 facilities by purchase, including installments payable
17 over a period allowed by law, by lease over a term of such
18 duration as the Board of Trustees shall determine, or by
19 exercise of the power of eminent domain;

20 (2) Sub-lease or contract to purchase through
21 installments all or any portion of buildings or facilities
22 for such duration and on such terms as the Board of
23 Trustees shall determine, including a term that exceeds 5
24 years, provided that each such lease or purchase contract
25 shall be and shall recite that it is subject to termination
26 and cancellation in any year for which the General Assembly

1 fails to make an appropriation to pay the rent or purchase
2 installments payable under the terms of such lease or
3 purchase contract; and

4 (3) Sell property without compliance with the State
5 Property Control Act and retain proceeds in the University
6 Treasury in a special, separate development fund account
7 which the Auditor General shall examine to assure
8 compliance with this Act.

9 Any buildings or facilities to be developed on the land shall
10 be buildings or facilities that, in the determination of the
11 Board of Trustees, in whole or in part: (i) are for use by the
12 University; or (ii) otherwise advance the interests of the
13 University, including, by way of example, residential
14 facilities for University staff and students and commercial
15 facilities which provide services needed by the University
16 community. Revenues from the development fund account may be
17 withdrawn by the University for the purpose of demolition and
18 the processes associated with demolition; routine land and
19 property acquisition; extension of utilities; streetscape
20 work; landscape work; surface and structure parking;
21 sidewalks, recreational paths, and street construction; and
22 lease and lease purchase arrangements and the professional
23 services associated with the planning and development of the
24 area. Moneys from the development fund account used for any
25 other purpose must be deposited into and appropriated from the
26 General Revenue Fund. Buildings or facilities leased to an

1 entity or person other than the University shall not be subject
2 to any limitations applicable to a State supported college or
3 university under any law. All development on the land and all
4 use of any buildings or facilities shall be subject to the
5 control and approval of the Board of Trustees.

6 (c) To assist in the provision of buildings and facilities
7 beneficial to, useful for, or supportive of University
8 purposes, the Board of Trustees of the University of Illinois
9 may do the following:

10 (1) acquire any interests in land, buildings, or
11 facilities by purchase, including installments payable
12 over a period allowed by law, by lease over a term of such
13 duration as the Board of Trustees shall determine,
14 including terms in excess of 10 years, or by exercise of
15 the power of eminent domain; and

16 (2) sub-lease or contract to purchase through
17 installments all or any portion of buildings or facilities
18 for such duration and on such terms as the Board of
19 Trustees shall determine, provided that each such lease or
20 purchase contract shall be and shall recite that it is
21 subject to termination and cancellation in any year for
22 which the General Assembly fails to make an appropriation
23 to pay the rent or purchase installments payable under the
24 terms of such lease or purchase contract.

25 (Source: P.A. 93-423, eff. 8-5-03; 94-1055, eff. 1-1-07.)".