



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5224

by Rep. Jim Sacia

SYNOPSIS AS INTRODUCED:

New Act
30 ILCS 500/30-22

Creates the Local Government Construction Contract Act. Requires that if a unit of local government or school district imposes responsible bidder requirements similar to those of the Illinois Procurement Code when procuring construction, the unit or district must provide notice of and a public hearing on the adoption of any guidelines implementing required participation in certain apprenticeship and training programs. Amends the Illinois Procurement Code. With respect to the requirement that a responsible construction contract bidder and the bidder's subcontractors must participate in applicable apprenticeship and training programs, permits participation in training by an organization approved by the National Center for Construction Education and Research (now, only apprenticeship and training programs approved by the federal government). Includes safety training within "training". Defines participation as (i) the bidder's and subcontractor's affiliation with or membership in a trade union or organization that provides the applicable apprenticeship and training programs and (ii) the bidder's and subcontractor's enrollment of apprentices or workers in the applicable programs for the contract work to be performed. Requires that State construction agencies adopt implementing rules.

LRB095 14643 JAM 41596 b

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 1. Short title. This Act may be cited as the Local
5 Government Construction Contract Act.

6 Section 5. Definitions. As used in this Act:

7 "Construction" means building, altering, repairing,
8 improving, or demolishing any public structure or building, or
9 making any improvement of any kind to public real property.
10 "Construction" does not include the routine operation, routine
11 repair, or routine maintenance of existing structures,
12 buildings, or real property.

13 "Local government construction agency" means a unit of
14 local government, as defined in Section 1 of Article VII of the
15 Illinois Constitution, or a school district that procures
16 construction projects using a bidding or request for proposal
17 process incorporating requirements for responsible bidders
18 similar in substance to any of those requirements of Section
19 30-22 of the Illinois Procurement Code.

20 Section 10. Notice and public hearing concerning adoption
21 of certain guidelines required. A local government
22 construction agency that requires participation of responsible

1 construction contract bidders and subcontractors in
2 apprenticeship or training programs described in paragraph (6)
3 of Section 30-22 of the Illinois Procurement Code shall provide
4 adequate notice of and a public hearing on adoption of any
5 guidelines for compliance with that requirement.

6 Section 90. The Illinois Procurement Code is amended by
7 changing Section 30-22 as follows:

8 (30 ILCS 500/30-22)

9 Sec. 30-22. Construction contracts; responsible bidder
10 requirements. To be considered a responsible bidder on a
11 construction contract for purposes of this Code, a bidder must
12 comply with all of the following requirements and must present
13 satisfactory evidence of that compliance to the appropriate
14 construction agency:

15 (1) The bidder must comply with all applicable laws
16 concerning the bidder's entitlement to conduct business in
17 Illinois.

18 (2) The bidder must comply with all applicable
19 provisions of the Prevailing Wage Act.

20 (3) The bidder must comply with Subchapter VI ("Equal
21 Employment Opportunities") of Chapter 21 of Title 42 of the
22 United States Code (42 U.S.C. 2000e and following) and with
23 Federal Executive Order No. 11246 as amended by Executive
24 Order No. 11375.

1 (4) The bidder must have a valid Federal Employer
2 Identification Number or, if an individual, a valid Social
3 Security Number.

4 (5) The bidder must have a valid certificate of
5 insurance showing the following coverages: general
6 liability, professional liability, product liability,
7 workers' compensation, completed operations, hazardous
8 occupation, and automobile.

9 (6) The bidder and all bidder's subcontractors must:
10 (A) participate in applicable apprenticeship and training
11 programs, including safety training, approved by and
12 registered with the United States Department of Labor's
13 Bureau of Apprenticeship and Training or (B) participate in
14 applicable training, including safety training, provided
15 by an organization approved by the National Center for
16 Construction Education and Research . For the purposes of
17 this paragraph (6), "participate" means that (i) the bidder
18 and subcontractor have an affiliation with or membership in
19 a trade union or organization that provides the applicable
20 apprenticeship or training program and (ii) the bidder and
21 subcontractor enroll apprentices or workers who will be
22 performing the work to be bid upon in the applicable
23 apprenticeship or training program. State construction
24 agencies shall provide by rule for the implementation of
25 this paragraph (6).

26 (7) For contracts with the Illinois Power Agency, the

1 Director of the Illinois Power Agency may establish
2 additional requirements for responsible bidders. These
3 additional requirements, if established, shall be set
4 forth together with the other criteria contained in the
5 invitation for bids, and shall appear in the appropriate
6 volume of the Illinois Procurement Bulletin.

7 The provisions of this Section shall not apply to federally
8 funded construction projects if such application would
9 jeopardize the receipt or use of federal funds in support of
10 such a project.

11 (Source: P.A. 95-481, eff. 8-28-07.)