

1 AN ACT concerning local government.

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

4 Section 5. The Chicago Park District Act is amended by  
5 adding Sections 26.10-4, 26.10-5, 26.10-6, 26.10-7, 26.10-8,  
6 26.10-9, 26.10-10, and 26.10-11 as follows:

7 (70 ILCS 1505/26.10-4 new)

8 Sec. 26.10-4. Definitions. The following terms, whenever  
9 used or referred to in this Act, have the following meaning  
10 unless the context requires a different meaning:

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

13 "Design-bid-build" means the traditional delivery system  
14 used on public projects that incorporates the Local Government  
15 Professional Services Selection Act (50 ILCS 510/) and the  
16 principles of competitive selection.

17 "Design-build" means a delivery system that provides  
18 responsibility within a single contract for the furnishing of  
19 architecture, engineering, land surveying and related services  
20 as required, and the labor, materials, equipment, and other  
21 construction services for the project.

22 "Design-build contract" means a contract for a public  
23 project under this Act between the Chicago Park District and a

1 design-build entity to furnish architecture, engineering, land  
2 surveying, landscape architecture, and related services as  
3 required, and to furnish the labor, materials, equipment, and  
4 other construction services for the project. The design-build  
5 contract may be conditioned upon subsequent refinements in  
6 scope and price and may allow the Chicago Park District to make  
7 modifications in the project scope without invalidating the  
8 design-build contract.

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

18 "Design professional" means any individual, sole  
19 proprietorship, firm, partnership, joint venture, corporation,  
20 professional corporation, or other entity that offers services  
21 under the Illinois Architecture Practice Act of 1989 (225 ILCS  
22 305/), the Professional Engineering Practice Act of 1989 (225  
23 ILCS 325/), the Structural Engineering Licensing Act of 1989  
24 (225 ILCS 340/), or the Illinois Professional Land Surveyor Act  
25 of 1989 (225 ILCS 330/).

26 "Landscape architect design professional" means any

1 person, sole proprietorship, or entity such as a partnership,  
2 professional service corporation, or corporation that offers  
3 services under the Illinois Landscape Architecture Act of 1989.

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

1 which compensation may vary according to the scope of work  
2 involved but in any case may not exceed an agreed total amount.

3 (70 ILCS 1505/26.10-5 new)

4 Sec. 26.10-5. Authorization for design-build;  
5 advertisement.

6 (a) The Chicago Park District shall have the power to enter  
7 into design-build contracts. In addition to the requirements  
8 set forth in its ordinances, the Chicago Park District shall  
9 advertise a design-build solicitation at least once in a daily  
10 newspaper of general circulation in Cook County. The date that  
11 Phase I submissions by design-build entities are due must be at  
12 least 14 calendar days after the date the newspaper  
13 advertisement for design-build proposals is first published.  
14 The advertisement shall identify the design-build project, the  
15 due date, the place and time for Phase I submissions, and the  
16 place where proposers can obtain a complete copy of the request  
17 for design-build proposals, including the criteria for  
18 evaluation and the scope and performance criteria. The Chicago  
19 Park District is not precluded from using other media or from  
20 placing advertisements in addition to the one required under  
21 this subsection.

22 (b) The Chicago Park District may reject any and all bids  
23 and proposals received and may readvertise for bids or issue a  
24 new request for design-build proposals.

1 (70 ILCS 1505/26.10-6 new)

2 Sec. 26.10-6. Solicitation of design-build proposals.

3 (a) When the Chicago Park District elects to use the  
4 design-build delivery method, it must issue a notice of intent  
5 to receive proposals for the project at least 14 days before  
6 issuing the request for the proposal. The Chicago Park District  
7 must publish the advance notice in a daily newspaper of general  
8 circulation in Cook County. The Chicago Park District is  
9 encouraged to use publication of the notice in related  
10 construction industry service publications. A brief  
11 description of the proposed procurement must be included in the  
12 notice. The Chicago Park District must provide a copy of the  
13 request for proposal to any party requesting a copy.

14 (b) The request for proposal shall be prepared for each  
15 project and must contain, without limitation, the following  
16 information:

17 (1) A preliminary schedule for the completion of the  
18 contract.

19 (2) The proposed budget for the project, the source of  
20 funds, and the currently available funds at the time the  
21 request for proposal is submitted.

22 (3) Prequalification criteria for design-build  
23 entities wishing to submit proposals. The Chicago Park  
24 District shall include, at a minimum, its normal  
25 prequalification, licensing, registration, and other  
26 requirements, but nothing contained herein precludes the

1 use of additional prequalification criteria by the Chicago  
2 Park District.

3 (4) Material requirements of the contract, including  
4 but not limited to, the proposed terms and conditions,  
5 required performance and payment bonds, insurance, and the  
6 entity's plan to comply with the utilization goals  
7 established by the corporate authorities of the Chicago  
8 Park District for minority and women business enterprises  
9 and to comply with Section 2-105 of the Illinois Human  
10 Rights Act.

11 (5) The performance criteria.

12 (6) The evaluation criteria for each phase of the  
13 solicitation.

14 (7) The number of entities that will be considered for  
15 the technical and cost evaluation phase.

16 (c) The Chicago Park District may include any other  
17 relevant information that it chooses to supply. The  
18 design-build entity shall be entitled to rely upon the accuracy  
19 of this documentation in the development of its proposal.

20 (d) The date that proposals are due must be at least 21  
21 calendar days after the date of the issuance of the request for  
22 proposal. In the event the cost of the project is estimated to  
23 exceed \$12,000,000, then the proposal due date must be at least  
24 28 calendar days after the date of the issuance of the request  
25 for proposal. The Chicago Park District shall include in the  
26 request for proposal a minimum of 30 days to develop the Phase

1 II submissions after the selection of entities from the Phase I  
2 evaluation is completed.

3 (70 ILCS 1505/26.10-7 new)

4 Sec. 26.10-7. Development of design-build scope and  
5 performance criteria.

6 (a) The Chicago Park District shall develop, with the  
7 assistance of a licensed design professional or a landscape  
8 architect design professional, as appropriate, a request for  
9 proposal, which shall include scope and performance criteria.  
10 The scope and performance criteria must be in sufficient detail  
11 and contain adequate information to reasonably apprise the  
12 qualified design-build entities of the Chicago Park District's  
13 overall programmatic needs and goals, including criteria and  
14 preliminary design plans, general budget parameters, schedule,  
15 and delivery requirements.

16 (b) Each request for proposal shall also include a  
17 description of the level of design to be provided in the  
18 proposals. This description must include the scope and type of  
19 renderings, drawings, and specifications that, at a minimum,  
20 will be required by the Chicago Park District to be produced by  
21 the design-build entities.

22 (c) The scope and performance criteria shall be prepared by  
23 a design professional or a landscape architect design  
24 professional, as appropriate, who is an employee of the Chicago  
25 Park District, or the Chicago Park District may contract with

1 an independent design professional selected under the Local  
2 Government Professional Services Selection Act (50 ILCS 510/)  
3 to provide these services.

4 (d) The design professional or landscape architect design  
5 professional that prepares the scope and performance criteria  
6 is prohibited from participating in any design-build entity  
7 proposal for the project.

8 (70 ILCS 1505/26.10-8 new)

9 Sec. 26.10-8. Procedures for design-build selection.

10 (a) The Chicago Park District must use a two-phase  
11 procedure for the selection of the successful design-build  
12 entity. Phase I of the procedure will evaluate and shortlist  
13 the design-build entities based on qualifications, and Phase II  
14 will evaluate the technical and cost proposals.

15 (b) The Chicago Park District shall include in the request  
16 for proposal the evaluating factors to be used in Phase I.  
17 These factors are in addition to any prequalification  
18 requirements of design-build entities that the Chicago Park  
19 District has set forth. Each request for proposal shall  
20 establish the relative importance assigned to each evaluation  
21 factor and subfactor, including any weighting of criteria to be  
22 employed by the Chicago Park District. The Chicago Park  
23 District must maintain a record of the evaluation scoring to be  
24 disclosed in event of a protest regarding the solicitation.

25 The Chicago Park District shall include the following



1 criteria in every Phase I evaluation of design-build entities:  
2 (1) experience of personnel; (2) successful experience with  
3 similar project types; (3) financial capability; (4)  
4 timeliness of past performance; (5) experience with similarly  
5 sized projects; (6) successful reference checks of the firm;  
6 (7) commitment to assign personnel for the duration of the  
7 project and qualifications of the entity's consultants; and (8)  
8 ability or past performance in meeting or exhausting good faith  
9 efforts to meet the utilization goals for minority and women  
10 business enterprises established by the corporate authorities  
11 of the Chicago Park District and in complying with Section  
12 2-105 of the Illinois Human Rights Act. The Chicago Park  
13 District may include any additional relevant criteria in Phase  
14 I that it deems necessary for a proper qualification review.  
15 The Chicago Park District may include any additional relevant  
16 criteria in Phase I that it deems necessary for a proper  
17 qualification review.

18 The Chicago Park District may not consider any design-build  
19 entity for evaluation or award if the entity has any pecuniary  
20 interest in the project or has other relationships or  
21 circumstances, including but not limited to, long-term  
22 leasehold, mutual performance, or development contracts with  
23 the Chicago Park District, that may give the design-build  
24 entity a financial or tangible advantage over other  
25 design-build entities in the preparation, evaluation, or  
26 performance of the design-build contract or that create the

1 appearance of impropriety. No design-build proposal shall be  
2 considered that does not include an entity's plan to comply  
3 with the requirements established in the minority and women  
4 business enterprises and economically disadvantaged firms  
5 established by the corporate authorities of the Chicago Park  
6 District and with Section 2-105 of the Illinois Human Rights  
7 Act.

8 Upon completion of the qualifications evaluation, the  
9 Chicago Park District shall create a shortlist of the most  
10 highly qualified design-build entities. The Chicago Park  
11 District, in its discretion, is not required to shortlist the  
12 maximum number of entities as identified for Phase II  
13 evaluation, provided however, no less than 2 design-build  
14 entities nor more than 6 are selected to submit Phase II  
15 proposals.

16 The Chicago Park District shall notify the entities  
17 selected for the shortlist in writing. This notification shall  
18 commence the period for the preparation of the Phase II  
19 technical and cost evaluations. The Chicago Park District must  
20 allow sufficient time for the shortlist entities to prepare  
21 their Phase II submittals considering the scope and detail  
22 requested by the Chicago Park District.

23 (c) The Chicago Park District shall include in the request  
24 for proposal the evaluating factors to be used in the technical  
25 and cost submission components of Phase II. Each request for  
26 proposal shall establish, for both the technical and cost

1 submission components of Phase II, the relative importance  
2 assigned to each evaluation factor and subfactor, including any  
3 weighting of criteria to be employed by the Chicago Park  
4 District. The Chicago Park District must maintain a record of  
5 the evaluation scoring to be disclosed in event of a protest  
6 regarding the solicitation.

7 The Chicago Park District shall include the following  
8 criteria in every Phase II technical evaluation of design-build  
9 entities: (1) compliance with objectives of the project; (2)  
10 compliance of proposed services to the request for proposal  
11 requirements; (3) quality of products or materials proposed;  
12 (4) quality of design parameters; (5) design concepts; (6)  
13 innovation in meeting the scope and performance criteria; and  
14 (7) constructability of the proposed project. The Chicago Park  
15 District may include any additional relevant technical  
16 evaluation factors it deems necessary for proper selection.

17 The Chicago Park District shall include the following  
18 criteria in every Phase II cost evaluation: the guaranteed  
19 maximum project cost and the time of completion. The Chicago  
20 Park District may include any additional relevant technical  
21 evaluation factors it deems necessary for proper selection. The  
22 guaranteed maximum project cost criteria weighing factor shall  
23 not exceed 30%.

24 The Chicago Park District shall directly employ or retain a  
25 licensed design professional or landscape architect design  
26 professional, as appropriate, to evaluate the technical and

1 cost submissions to determine if the technical submissions are  
2 in accordance with generally accepted industry standards.

3 Upon completion of the technical submissions and cost  
4 submissions evaluation, the Chicago Park District may award the  
5 design-build contract to the highest overall ranked entity.

6 (70 ILCS 1505/26.10-9 new)

7 Sec. 26.10-9. Small design-build projects. In any case  
8 where the total overall cost of the project is estimated to be  
9 less than \$12,000,000, the Chicago Park District may combine  
10 the two-phase procedure for design-build selection described  
11 in Section 26.10-8 into one combined step, provided that all  
12 the requirements of evaluation are performed in accordance with  
13 Section 26.10-8.

14 (70 ILCS 1505/26.10-10 new)

15 Sec. 26.10-10. Submission of design-build proposals.  
16 Design-build proposals must be properly identified and sealed.  
17 Proposals may not be reviewed until after the deadline for  
18 submission has passed as set forth in the request for  
19 proposals. All design-build entities submitting proposals  
20 shall be disclosed after the deadline for submission, and all  
21 design-build entities who are selected for Phase II evaluation  
22 shall also be disclosed at the time of that determination.

23 Phase II design-build proposals shall include a bid bond in  
24 the form and security as designated in the request for

1 proposals. Proposals shall also contain a separate sealed  
2 envelope with the cost information within the overall proposal  
3 submission. Proposals shall include a list of all design  
4 professionals, landscape architect design professionals, and  
5 other entities to which any work may be subcontracted during  
6 the performance of the contract.

7 Proposals must meet all material requirements of the  
8 request for proposal or they may be rejected as non-responsive.  
9 The Chicago Park District shall have the right to reject any  
10 and all proposals.

11 The drawings and specifications of any unsuccessful  
12 design-build proposal shall remain the property of the  
13 design-build entity.

14 The Chicago Park District shall review the proposals for  
15 compliance with the performance criteria and evaluation  
16 factors.

17 Proposals may be withdrawn prior to the due date and time  
18 for submissions for any cause. After evaluation begins by the  
19 Chicago Park District, clear and convincing evidence of error  
20 is required for withdrawal.

21 (70 ILCS 1505/26.10-11 new)

22 Sec. 26.10-11. Design-build award. The Chicago Park  
23 District may award a design-build contract to the highest  
24 overall ranked entity. Notice of award shall be made in  
25 writing. Unsuccessful entities shall also be notified in

1 writing. The Chicago Park District may not request a best and  
2 final offer after the receipt of proposals. The Chicago Park  
3 District may negotiate with the selected design-build entity  
4 after award but prior to contract execution for the purpose of  
5 securing better terms than originally proposed, provided that  
6 the salient features of the request for proposal are not  
7 diminished.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.