

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 Design-Build Procurement Act is amended by
5 changing Section 30 as follows:

6 (30 ILCS 537/30)

7 (Section scheduled to be repealed on July 1, 2009)

8 Sec. 30. Procedures for Selection.

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

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

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

16 The State construction agency may not consider any
17 design-build entity for evaluation or award if the entity has
18 any pecuniary interest in the project or has other
19 relationships or circumstances, including but not limited to,
20 long-term leasehold, mutual performance, or development
21 contracts with the State construction agency, that may give the
22 design-build entity a financial or tangible advantage over
23 other design-build entities in the preparation, evaluation, or
24 performance of the design-build contract or that create the
25 appearance of impropriety. No proposal shall be considered that
26 does not include an entity's plan to comply with the

1 requirements established in the Business Enterprise for
2 Minorities, Females, and Persons with Disabilities Act, for
3 both the design and construction areas of performance, and with
4 Section 2-105 of the Illinois Human Rights Act.

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

13 The State construction agency shall notify the entities
14 selected for the shortlist in writing. This notification shall
15 commence the period for the preparation of the Phase II
16 technical and cost evaluations. The State construction agency
17 must allow sufficient time for the shortlist entities to
18 prepare their Phase II submittals considering the scope and
19 detail requested by the State agency.

20 (c) The State construction agency shall include in the
21 request for proposal the evaluating factors to be used in the
22 technical and cost submission components of Phase II. Each
23 request for proposal shall establish, for both the technical
24 and cost submission components of Phase II, the relative
25 importance assigned to each evaluation factor and subfactor,
26 including any weighting of criteria to be employed by the State

1 construction agency. The State construction agency must
2 maintain a record of the evaluation scoring to be disclosed in
3 event of a protest regarding the solicitation.

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

15 The State construction agency shall include the following
16 criteria in every Phase II cost evaluation: the total project
17 cost, the construction costs, and the time of completion. The
18 State construction agency may include any additional relevant
19 technical evaluation factors it deems necessary for proper
20 selection. The total project cost criteria weighing factor
21 shall be 25%.

22 The State construction agency shall directly employ or
23 retain a licensed design professional to evaluate the technical
24 and cost submissions to determine if the technical submissions
25 are in accordance with generally accepted industry standards.

26 Upon completion of the technical submissions and cost

1 submissions evaluation, the State construction agency may
2 award the design-build contract to the highest overall ranked
3 entity.

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

5 (30 ILCS 537/90 rep.)

6 Section 10. The Design-Build Procurement Act is amended by
7 repealing Section 90.

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