



Sen. Don Harmon

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LRB096 08932 JAM 24425 a

1 AMENDMENT TO SENATE BILL 1609

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1609 by replacing  
3 everything after the enacting clause with the following:

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7 (Section scheduled to be repealed on July 1, 2009)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

1 requirements of design-build entities that the agency has set  
2 forth. Each request for proposal shall establish the relative  
3 importance assigned to each evaluation factor and subfactor,  
4 including any weighting of criteria to be employed by the State  
5 construction agency. The State construction agency must  
6 maintain a record of the evaluation scoring to be disclosed in  
7 event of a protest regarding the solicitation.

8 The State construction agency shall include the following  
9 criteria in every Phase I evaluation of design-build entities:  
10 (1) experience of personnel; (2) successful experience with  
11 similar project types; (3) financial capability; (4)  
12 timeliness of past performance; (5) experience with similarly  
13 sized projects; (6) successful reference checks of the firm;  
14 (7) commitment to assign personnel for the duration of the  
15 project and qualifications of the entity's consultants; and (8)  
16 ability or past performance in meeting or exhausting good faith  
17 efforts to meet the utilization goals for business enterprises  
18 established in the Business Enterprise for Minorities,  
19 Females, and Persons with Disabilities Act and with Section  
20 2-105 of the Illinois Human Rights Act. The State construction  
21 agency may include any additional relevant criteria in Phase I  
22 that it deems necessary for a proper qualification review.

23 The State construction agency may not consider any  
24 design-build entity for evaluation or award if the entity has  
25 any pecuniary interest in the project or has other  
26 relationships or circumstances, including but not limited to,

1 long-term leasehold, mutual performance, or development  
2 contracts with the State construction agency, that may give the  
3 design-build entity a financial or tangible advantage over  
4 other design-build entities in the preparation, evaluation, or  
5 performance of the design-build contract or that create the  
6 appearance of impropriety. No proposal shall be considered that  
7 does not include an entity's plan to comply with the  
8 requirements established in the Business Enterprise for  
9 Minorities, Females, and Persons with Disabilities Act, for  
10 both the design and construction areas of performance, and with  
11 Section 2-105 of the Illinois Human Rights Act.

12 Upon completion of the qualifications evaluation, the  
13 State construction agency shall create a shortlist of the most  
14 highly qualified design-build entities. The State construction  
15 agency, in its discretion, is not required to shortlist the  
16 maximum number of entities as identified for Phase II  
17 evaluation, provided however, no less than 2 design-build  
18 entities nor more than 6 are selected to submit Phase II  
19 proposals.

20 The State construction agency shall notify the entities  
21 selected for the shortlist in writing. This notification shall  
22 commence the period for the preparation of the Phase II  
23 technical and cost evaluations. The State construction agency  
24 must allow sufficient time for the shortlist entities to  
25 prepare their Phase II submittals considering the scope and  
26 detail requested by the State agency.

1           (c) The State construction agency shall include in the  
2 request for proposal the evaluating factors to be used in the  
3 technical and cost submission components of Phase II. Each  
4 request for proposal shall establish, for both the technical  
5 and cost submission components of Phase II, the relative  
6 importance assigned to each evaluation factor and subfactor,  
7 including any weighting of criteria to be employed by the State  
8 construction agency. The State construction agency must  
9 maintain a record of the evaluation scoring to be disclosed in  
10 event of a protest regarding the solicitation.

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

22           The State construction agency shall include the following  
23 criteria in every Phase II cost evaluation: the total project  
24 cost, the construction costs, and the time of completion. The  
25 State construction agency may include any additional relevant  
26 technical evaluation factors it deems necessary for proper

1 selection. The total project cost criteria weighing factor  
2 shall be 25%.

3 The State construction agency shall directly employ or  
4 retain a licensed design professional to evaluate the technical  
5 and cost submissions to determine if the technical submissions  
6 are in accordance with generally accepted industry standards.

7 Upon completion of the technical submissions and cost  
8 submissions evaluation, the State construction agency may  
9 award the design-build contract to the highest overall ranked  
10 entity.

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

12 (30 ILCS 537/90 rep.)

13 Section 10. The Design-Build Procurement Act is amended by  
14 repealing Section 90.

15 Section 99. Effective date. This Act takes effect upon  
16 becoming law."