

# SB3206



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB3206

Introduced 2/9/2010, by Sen. Jeffrey M. Schoenberg

#### SYNOPSIS AS INTRODUCED:

30 ILCS 500/30-30

Amends the Illinois Procurement Code. In a Section requiring separate bids for subdivisions of work for construction contracts in excess of \$250,000, permits the waiver of the requirement during the next 4 years (now, 3 years) for Capital Development Board projects if specified conditions are met. Effective immediately.

LRB096 15762 RLJ 31002 b

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Procurement Code is amended by  
5 changing Section 30-30 as follows:

6 (30 ILCS 500/30-30)

7 Sec. 30-30. Contracts in excess of \$250,000. For building  
8 construction contracts in excess of \$250,000, separate  
9 specifications shall be prepared for all equipment, labor, and  
10 materials in connection with the following 5 subdivisions of  
11 the work to be performed:

12 (1) plumbing;

13 (2) heating, piping, refrigeration, and automatic  
14 temperature control systems, including the testing and  
15 balancing of those systems;

16 (3) ventilating and distribution systems for  
17 conditioned air, including the testing and balancing of  
18 those systems;

19 (4) electric wiring; and

20 (5) general contract work.

21 The specifications must be so drawn as to permit separate  
22 and independent bidding upon each of the 5 subdivisions of  
23 work. All contracts awarded for any part thereof shall award

1 the 5 subdivisions of work separately to responsible and  
2 reliable persons, firms, or corporations engaged in these  
3 classes of work. The contracts, at the discretion of the  
4 construction agency, may be assigned to the successful bidder  
5 on the general contract work or to the successful bidder on the  
6 subdivision of work designated by the construction agency  
7 before the bidding as the prime subdivision of work, provided  
8 that all payments will be made directly to the contractors for  
9 the 5 subdivisions of work upon compliance with the conditions  
10 of the contract. A contract may be let for one or more  
11 buildings in any project to the same contractor. The  
12 specifications shall require, however, that unless the  
13 buildings are identical, a separate price shall be submitted  
14 for each building. The contract may be awarded to the lowest  
15 responsible bidder for each or all of the buildings included in  
16 the specifications.

17 Until a date ~~4~~ 3 years after January 1, 2010 (the effective  
18 date of Public Act 95-758) ~~this amendatory Act of the 95th~~  
19 ~~General Assembly~~, the requirements of this Section do not apply  
20 to a construction project for which the Capital Development  
21 Board is the construction agency if: (i) the project budget is  
22 at least \$20,000,000; (ii) the Capital Development Board has  
23 submitted to the Procurement Policy Board a written request for  
24 a public hearing on waiver of the application of the  
25 requirements of this Section to that project, including its  
26 reasons for seeking the waiver and why the waiver is in the

1 best interest of the State; (iii) the Capital Development Board  
2 has posted notice of the waiver hearing on its procurement web  
3 page and on the online Procurement Bulletin at least 15 working  
4 days before the hearing; (iv) the Procurement Policy Board,  
5 after conducting the public hearing on the waiver request,  
6 reviews and approves the request in writing before the award of  
7 the contract; (v) the successful low bidder has prequalified  
8 with the Capital Development Board; (vi) the bid of the  
9 successful low bidder identifies the name of the subcontractor,  
10 if any, and the bid proposal costs for each of the 5  
11 subdivisions of work set forth in this Section; and (vii) the  
12 contract entered into with the successful bidder provides that  
13 no identified subcontractor may be terminated without the  
14 written consent of the Capital Development Board. With respect  
15 to any construction project described in this paragraph, the  
16 Capital Development Board shall: (i) provide to the Auditor  
17 General an affidavit that the waiver of the application of the  
18 requirements of this Section is in the best interest of the  
19 State; (ii) specify in writing as a public record that the  
20 project shall comply with the disadvantaged business practices  
21 of the Business Enterprise for Minorities, Females, and Persons  
22 with Disabilities Act and the equal employment practices of  
23 Section 2-105 of the Illinois Human Rights Act; and (iii)  
24 report annually to the Governor and the General Assembly on the  
25 bidding, award, and performance. On and after January 1, 2010  
26 (the effective date of Public Act 95-758) ~~this amendatory Act~~

1 ~~of the 95th General Assembly,~~ the Capital Development Board may  
2 award in each year contracts with an aggregate total value of  
3 no more than \$100,000,000 with respect to construction projects  
4 described in this paragraph.

5       Until a date 5 years after November 29, 2005 (the effective  
6 date of Public Act 94-699) ~~this amendatory Act of the 94th~~  
7 ~~General Assembly,~~ the requirements of this Section do not apply  
8 to the Capitol Building HVAC upgrade project if (i) the bid of  
9 the successful bidder identifies the name of the subcontractor,  
10 if any, and the bid proposal costs for each of the 5  
11 subdivisions of work set forth in this Section, and (ii) the  
12 contract entered into with the successful bidder provides that  
13 no identified subcontractor may be terminated without the  
14 written consent of the Capital Development Board.

15 (Source: P.A. 94-699, eff. 11-29-05; 95-758, eff. 1-1-09.)

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