

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 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 years after July 1, 2011 ~~January 1, 2009~~  
18 ~~(the effective date of Public Act 95-758)~~, the requirements of  
19 this Section do not apply to a construction project for which  
20 the Capital Development Board is the construction agency if:  
21 (i) the project budget is at least \$15,000,000 ~~\$20,000,000~~;  
22 (ii) the Capital Development Board has submitted to the  
23 Procurement Policy Board a written request for a public hearing  
24 on waiver of the application of the requirements of this  
25 Section to that project, including its reasons for seeking the  
26 waiver and why the waiver is in the best interest of the State;

1 (iii) the Capital Development Board has posted notice of the  
2 waiver hearing on its procurement web page and on the online  
3 Procurement Bulletin at least 15 working days before the  
4 hearing; (iv) the Procurement Policy Board, after conducting  
5 the public hearing on the waiver request, reviews and approves  
6 the request in writing before the award of the contract; (v)  
7 the successful low bidder has prequalified with the Capital  
8 Development Board; (vi) the bid of the successful low bidder  
9 identifies the name of the subcontractor, if any, and the bid  
10 proposal costs for each of the 5 subdivisions of work set forth  
11 in this Section; and (vii) the contract entered into with the  
12 successful bidder provides that no identified subcontractor  
13 may be terminated without the written consent of the Capital  
14 Development Board. With respect to any construction project  
15 described in this paragraph, the Capital Development Board  
16 shall: (i) provide to the Auditor General an affidavit that the  
17 waiver of the application of the requirements of this Section  
18 is in the best interest of the State; (ii) specify in writing  
19 as a public record that the project shall comply with the  
20 disadvantaged business practices of the Business Enterprise  
21 for Minorities, Females, and Persons with Disabilities Act and  
22 the equal employment practices of Section 2-105 of the Illinois  
23 Human Rights Act; and (iii) report annually to the Governor and  
24 the General Assembly on the bidding, award, and performance. On  
25 and after January 1, 2009 (the effective date of Public Act  
26 95-758), the Capital Development Board may award in each year

1 contracts with an aggregate total value of no more than  
2 \$200,000,000 ~~\$100,000,000~~ with respect to construction  
3 projects described in this paragraph.

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

14 (Source: P.A. 95-758, eff. 1-1-09; 96-1204, eff. 7-22-10;  
15 96-1486, eff. 12-30-10.)

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