



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3178

by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

70 ILCS 3605/32	from Ch. 111 2/3, par. 332
70 ILCS 3610/5.5 new	
70 ILCS 3615/4.06	from Ch. 111 2/3, par. 704.06

Amends the Metropolitan Transit Authority Act, the Local Mass Transit District Act, and the Regional Transportation Authority Act. Provides that the construction or acquisition of services or public transportation facilities by each Authority costing over \$50,000 (now \$10,000) are subject to certain public notice and public bidding requirements. Effective immediately.

LRB098 08023 OMW 38114 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Metropolitan Transit Authority Act is
5 amended by changing Section 32 as follows:

6 (70 ILCS 3605/32) (from Ch. 111 2/3, par. 332)

7 Sec. 32. The Board shall adopt regulations to insure that
8 the construction or acquisition by the Authority of services or
9 public transportation facilities (other than real estate)
10 involving a cost of more than \$50,000 ~~\$10,000~~ and the
11 disposition of all property of the Authority shall be after
12 public notice and with public bidding. The regulations may
13 provide for exceptions to the requirements for the issuance and
14 sale of bonds or notes of the Authority, to the acquisition of
15 professional or utility services and to other matters for which
16 public bidding is disadvantageous. The regulations may also
17 provide for the use of competitive negotiations or the
18 prequalification of responsible bidders consistent with
19 applicable federal regulations. The requirements set forth
20 therein shall not apply to purchase of service agreements or
21 other contracts, purchases or sales entered into by the
22 Authority with any transportation agency or unit of local
23 government.

1 (Source: P.A. 86-1277.)

2 Section 10. The Local Mass Transit District Act is amended
3 by adding Section 5.5 as follows:

4 (70 ILCS 3610/5.5 new)

5 Sec. 5.5. Public bidding. The Board shall adopt regulations
6 to ensure that the construction or acquisition by the Authority
7 of services or public transportation facilities (other than
8 real estate) involving a cost of more than \$50,000 and the
9 disposition of all property of the Authority shall be after
10 public notice and with public bidding. The regulations may
11 provide for exceptions to the requirements for the issuance and
12 sale of bonds or notes of the Authority, to the acquisition of
13 professional or utility services and to other matters for which
14 public bidding is disadvantageous. The regulations may also
15 provide for the use of competitive negotiations or the
16 prequalification of responsible bidders consistent with
17 applicable federal regulations. The requirements set forth
18 therein shall not apply to purchase of service agreements or
19 other contracts, purchases or sales entered into by the
20 Authority with any transportation agency or unit of local
21 government.

22 Section 15. The Regional Transportation Authority Act is
23 amended by changing Section 4.06 as follows:

1 (70 ILCS 3615/4.06) (from Ch. 111 2/3, par. 704.06)

2 Sec. 4.06. Public bidding.

3 (a) The Board shall adopt regulations to ensure that the
4 construction or acquisition by the Authority or a Service Board
5 other than the Chicago Transit Authority of services or public
6 transportation facilities (other than real estate) involving a
7 cost of more than \$50,000 ~~\$10,000~~ and the disposition of all
8 property of the Authority or a Service Board other than the
9 Chicago Transit Authority shall be after public notice and with
10 public bidding. Such regulations may provide for exceptions to
11 such requirements for acquisition of repair parts,
12 accessories, equipment or services previously furnished or
13 contracted for; for the immediate delivery of supplies,
14 material or equipment or performance of service when it is
15 determined by the concurrence of two-thirds of the then
16 Directors that an emergency requires immediate delivery or
17 supply thereof; for goods or services that are economically
18 procurable from only one source; for contracts for the
19 maintenance or servicing of equipment which are made with the
20 manufacturers or authorized service agent of that equipment
21 where the maintenance or servicing can best be performed by the
22 manufacturer or authorized service agent or such a contract
23 would be otherwise advantageous to the Authority or a Service
24 Board, other than the Chicago Transit Authority, except that
25 the exceptions in this clause shall not apply to contracts for

1 plumbing, heating, piping, refrigeration and automatic
2 temperature control systems, ventilating and distribution
3 systems for conditioned air, and electrical wiring; for goods
4 or services procured from another governmental agency; for
5 purchases and contracts for the use or purchase of data
6 processing equipment and data processing systems software; for
7 the acquisition of professional or utility services; and for
8 the acquisition of public transportation equipment including,
9 but not limited to, rolling stock, locomotives and buses,
10 provided that: (i) it is determined by a vote of 2/3 of the
11 then Directors of the Service Board making the acquisition that
12 a negotiated acquisition offers opportunities with respect to
13 the cost or financing of the equipment, its delivery, or the
14 performance of a portion of the work within the State or the
15 use of goods produced or services provided within the State;
16 (ii) a notice of intention to negotiate for the acquisition of
17 such public transportation equipment is published in a
18 newspaper of general circulation within the City of Chicago
19 inviting proposals from qualified vendors; and (iii) any
20 contract with respect to such acquisition is authorized by a
21 vote of 2/3 of the then Directors of the Service Board making
22 the acquisition. The requirements set forth in this Section
23 shall not apply to purchase of service agreements or other
24 contracts, purchases or sales entered into by the Authority
25 with any transportation agency or unit of local government.

26 (b) (1) In connection with two-phase design/build

1 selection procedures authorized in this Section, a Service
2 Board may authorize, by the affirmative vote of two-thirds of
3 the then members of the Service Board, the use of competitive
4 selection and the prequalification of responsible bidders
5 consistent with applicable federal regulations and this
6 subsection (b).

7 (2) Two-phase design/build selection procedures shall
8 consist of the following:

9 (i) A Service Board shall develop, through
10 licensed architects or licensed engineers, a scope of
11 work statement for inclusion in the solicitation for
12 phase-one proposals that defines the project and
13 provides prospective offerors with sufficient
14 information regarding the Service Board's
15 requirements. The statement shall include criteria and
16 preliminary design, and general budget parameters and
17 general schedule or delivery requirements to enable
18 the offerors to submit proposals which meet the Service
19 Board's needs. When the two-phase design/build
20 selection procedure is used and the Service Board
21 contracts for development of the scope of work
22 statement, the Service Board shall contract for
23 architectural or engineering services as defined by
24 and in accordance with the Architectural, Engineering,
25 and Land Surveying Qualifications Based Selection Act
26 and all applicable licensing statutes.

1 (ii) The evaluation factors to be used in
2 evaluating phase-one proposals must be stated in the
3 solicitation and must include specialized experience
4 and technical competence, capability to perform, past
5 performance of the offeror's team (including the
6 architect-engineer and construction members of the
7 team) and other appropriate technical and
8 qualifications factors. Each solicitation must
9 establish the relative importance assigned to the
10 evaluation factors and the subfactors that must be
11 considered in the evaluation of phase-one proposals on
12 the basis of the evaluation factors set forth in the
13 solicitation. Each design/build team must include a
14 licensed design professional independent from the
15 Service Board's licensed architect or engineer and a
16 licensed design professional must be named in the
17 phase-one proposals submitted to the Service Board.

18 (iii) On the basis of the phase-one proposal the
19 Service Board shall select as the most highly qualified
20 the number of offerors specified in the solicitation
21 and request the selected offerors to submit phase-two
22 competitive proposals and cost or price information.
23 Each solicitation must establish the relative
24 importance assigned to the evaluation factors and the
25 subfactors that must be considered in the evaluation of
26 phase-two proposals on the basis of the evaluation

1 factors set forth in the solicitation. A Service Board
2 may negotiate with the selected design/build team
3 after award but prior to contract execution for the
4 purpose of securing better terms than originally
5 proposed, provided the salient features of the
6 design/build solicitation are not diminished. Each
7 phase-two solicitation evaluates separately (A) the
8 technical submission for the proposal, including
9 design concepts or proposed solutions to requirements
10 addressed within the scope of work, and (B) the
11 evaluation factors and subfactors, including cost or
12 price, that must be considered in the evaluations of
13 proposals.

14 (iv) A design/build solicitation issued under the
15 procedures in this subsection (b) shall state the
16 maximum number of offerors that are to be selected to
17 submit competitive phase-two proposals. The maximum
18 number specified in the solicitation shall not exceed 5
19 unless the Service Board with respect to an individual
20 solicitation determines that a specified number
21 greater than 5 is in the best interest of the Service
22 Board and is consistent with the purposes and
23 objectives of the two-phase design/build selection
24 process.

25 (v) All designs submitted as part of the two-phase
26 selection process and not selected shall be

1 proprietary to the preparers.

2 (Source: P.A. 89-664, eff. 8-14-96.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.