



Rep. Robert Rita

**Filed: 4/17/2013**

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1 AMENDMENT TO HOUSE BILL 3178

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3178, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Blind Vendors Act is amended by changing  
6 Section 10 as follows:

7 (20 ILCS 2421/10)

8 Sec. 10. Business Enterprise Program for the Blind.

9 (a) The Business Enterprise Program for the Blind is  
10 created for the purposes of providing blind persons with  
11 remunerative employment, enlarging the economic opportunities  
12 of the blind, and stimulating the blind to greater efforts in  
13 striving to make themselves self-supporting. In order to  
14 achieve these goals, blind persons licensed under this Act  
15 shall be authorized to operate vending facilities on any  
16 property within this State as provided by this Act.

1           It is the intent of the General Assembly that the  
2   Randolph-Sheppard Act, 20 U.S.C. Sections 107-107f, and the  
3   federal regulations for its administration set forth in Part  
4   395 of Title 34 of the Code of Federal Regulations, shall serve  
5   as a model for minimum standards for the operation of the  
6   Business Enterprise Program for the Blind. The federal  
7   Randolph-Sheppard Act provides employment opportunities for  
8   individuals who are blind or visually impaired through the  
9   Business Enterprise Program for the Blind. Under the  
10   Randolph-Sheppard Act, all federal agencies are required to  
11   give priority to licensed blind vendors in the operation of  
12   vending facilities on federal property. It is the intent of  
13   this Act to provide the same priority to licensed blind vendors  
14   on State property by requiring State agencies to give priority  
15   to licensed blind vendors in the operation of vending  
16   facilities on State property and preference to licensed blind  
17   vendors in the operation of cafeteria facilities on State  
18   property. Furthermore it is the intent of this Act that all  
19   State agencies, particularly the Department of Central  
20   Management Services, promote and advocate for the Business  
21   Enterprise Program for the Blind.

22           (b) The Secretary, through the Director, shall continue,  
23   maintain, and promote the Business Enterprise Program for the  
24   Blind. Some or all of the functions of the program may be  
25   provided by the Department of Human Services. The Business  
26   Enterprise Program for the Blind must provide that:

1 (1) priority is given to blind vendors in the operation  
2 of vending facilities on State property;

3 (2) tie bid preference is given to blind vendors in the  
4 operation of cafeterias on State property, unless the  
5 cafeteria operations are operated by employees of a State  
6 agency;

7 (3) vending machine income from all vending machines on  
8 State property is assigned as provided for by Section 30 of  
9 this Act;

10 (4) no State agency may impose any commission, service  
11 charge, rent, or utility charge on a licensed blind vendor  
12 who is operating a vending facility on State property  
13 unless approved by the Department;

14 (5) the Department shall approve a commission to the  
15 State agency from a blind vendor operating a vending  
16 facility on the State property of the Department of  
17 Corrections or the Department of Juvenile Justice in the  
18 amount of 10% of the net proceeds from vending machines  
19 servicing State employees and 25% of the net proceeds from  
20 vending machines servicing visitors on the State property;

21 ~~and~~

22 (6) vending facilities operated by the Program use  
23 reasonable and necessary means and methods to maintain fair  
24 market pricing in relation to each facility's given  
25 demographic, geographic, and other circumstances; and ~~and~~

26 (7) purchases involving a cost of more than \$40,000

1       shall not be subject to public notice or public bidding  
2       requirements.

3       (c) With respect to vending facilities on federal property  
4 within this State, priority shall be given as provided in the  
5 federal Randolph-Sheppard Act, 20 U.S.C. Sections 107-107f,  
6 including any amendments thereto. This Act, as it applies to  
7 federal property, is intended to conform to the federal Act,  
8 and is to be of no force or effect if, and to the extent that,  
9 any provision of this Act or any rule adopted under this Act is  
10 in conflict with the federal Act. Nothing in this subsection  
11 shall be construed to impose limitations on the operation of  
12 vending facilities on State property, or property other than  
13 federal property, or to allow only those activities  
14 specifically enumerated in the Randolph-Sheppard Act.

15       (d) The Secretary shall actively pursue all commissions  
16 from vending facilities not operated by blind vendors as  
17 provided in Section 30 of this Act, and shall propose new  
18 placements of vending facilities on State property where a  
19 facility is not yet in place.

20       (e) Partnerships and teaming arrangements between blind  
21 vendors and private industry, including franchise operations,  
22 shall be fostered and encouraged by the Department.

23       (Source: P.A. 96-644, eff. 1-1-10.)

24       Section 10. The Metropolitan Transit Authority Act is  
25 amended by changing Section 32 as follows:

1 (70 ILCS 3605/32) (from Ch. 111 2/3, par. 332)

2 Sec. 32. The Board shall adopt regulations to insure that  
3 the construction or acquisition by the Authority of services or  
4 public transportation facilities (other than real estate)  
5 involving a cost of more than \$40,000 ~~\$10,000~~ and the  
6 disposition of all property of the Authority shall be after  
7 public notice and with public bidding. The regulations may  
8 provide for exceptions to the requirements for the issuance and  
9 sale of bonds or notes of the Authority, to the acquisition of  
10 professional or utility services and to other matters for which  
11 public bidding is disadvantageous. The regulations may also  
12 provide for the use of competitive negotiations or the  
13 prequalification of responsible bidders consistent with  
14 applicable federal regulations. The requirements set forth  
15 therein shall not apply to purchase of service agreements or  
16 other contracts, purchases or sales entered into by the  
17 Authority with any transportation agency or unit of local  
18 government.

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

20 Section 15. The Local Mass Transit District Act is amended  
21 by adding Section 5.5 as follows:

22 (70 ILCS 3610/5.5 new)

23 Sec. 5.5. Public bidding. The Board shall adopt regulations

1 to ensure that the construction or acquisition by the District  
2 of services or public transportation facilities (other than  
3 real estate) involving a cost of more than \$40,000 and the  
4 disposition of all property of the District shall be after  
5 public notice and with public bidding. The regulations may  
6 provide for exceptions to the requirements for the issuance and  
7 sale of bonds or notes of the District, to the acquisition of  
8 professional or utility services and to other matters for which  
9 public bidding is disadvantageous. The regulations may also  
10 provide for the use of competitive negotiations or the  
11 prequalification of responsible bidders consistent with  
12 applicable federal regulations. The requirements set forth  
13 therein shall not apply to purchase of service agreements or  
14 other contracts, purchases or sales entered into by the  
15 District with any transportation agency or unit of local  
16 government.

17 Section 20. The Regional Transportation Authority Act is  
18 amended by changing Section 4.06 as follows:

19 (70 ILCS 3615/4.06) (from Ch. 111 2/3, par. 704.06)

20 Sec. 4.06. Public bidding.

21 (a) The Board shall adopt regulations to ensure that the  
22 construction or acquisition by the Authority or a Service Board  
23 other than the Chicago Transit Authority of services or public  
24 transportation facilities (other than real estate) involving a

1 cost of more than \$40,000 ~~\$10,000~~ and the disposition of all  
2 property of the Authority or a Service Board other than the  
3 Chicago Transit Authority shall be after public notice and with  
4 public bidding. Such regulations may provide for exceptions to  
5 such requirements for acquisition of repair parts,  
6 accessories, equipment or services previously furnished or  
7 contracted for; for the immediate delivery of supplies,  
8 material or equipment or performance of service when it is  
9 determined by the concurrence of two-thirds of the then  
10 Directors that an emergency requires immediate delivery or  
11 supply thereof; for goods or services that are economically  
12 procurable from only one source; for contracts for the  
13 maintenance or servicing of equipment which are made with the  
14 manufacturers or authorized service agent of that equipment  
15 where the maintenance or servicing can best be performed by the  
16 manufacturer or authorized service agent or such a contract  
17 would be otherwise advantageous to the Authority or a Service  
18 Board, other than the Chicago Transit Authority, except that  
19 the exceptions in this clause shall not apply to contracts for  
20 plumbing, heating, piping, refrigeration and automatic  
21 temperature control systems, ventilating and distribution  
22 systems for conditioned air, and electrical wiring; for goods  
23 or services procured from another governmental agency; for  
24 purchases and contracts for the use or purchase of data  
25 processing equipment and data processing systems software; for  
26 the acquisition of professional or utility services; and for

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

19 (b) (1) In connection with two-phase design/build  
20 selection procedures authorized in this Section, a Service  
21 Board may authorize, by the affirmative vote of two-thirds of  
22 the then members of the Service Board, the use of competitive  
23 selection and the prequalification of responsible bidders  
24 consistent with applicable federal regulations and this  
25 subsection (b).

26 (2) Two-phase design/build selection procedures shall



1 consist of the following:

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

20 (ii) The evaluation factors to be used in  
21 evaluating phase-one proposals must be stated in the  
22 solicitation and must include specialized experience  
23 and technical competence, capability to perform, past  
24 performance of the offeror's team (including the  
25 architect-engineer and construction members of the  
26 team) and other appropriate technical and

1            qualifications factors. Each solicitation must  
2            establish the relative importance assigned to the  
3            evaluation factors and the subfactors that must be  
4            considered in the evaluation of phase-one proposals on  
5            the basis of the evaluation factors set forth in the  
6            solicitation. Each design/build team must include a  
7            licensed design professional independent from the  
8            Service Board's licensed architect or engineer and a  
9            licensed design professional must be named in the  
10          phase-one proposals submitted to the Service Board.

11            (iii) On the basis of the phase-one proposal the  
12          Service Board shall select as the most highly qualified  
13          the number of offerors specified in the solicitation  
14          and request the selected offerors to submit phase-two  
15          competitive proposals and cost or price information.  
16          Each solicitation must establish the relative  
17          importance assigned to the evaluation factors and the  
18          subfactors that must be considered in the evaluation of  
19          phase-two proposals on the basis of the evaluation  
20          factors set forth in the solicitation. A Service Board  
21          may negotiate with the selected design/build team  
22          after award but prior to contract execution for the  
23          purpose of securing better terms than originally  
24          proposed, provided the salient features of the  
25          design/build solicitation are not diminished. Each  
26          phase-two solicitation evaluates separately (A) the

1 technical submission for the proposal, including  
2 design concepts or proposed solutions to requirements  
3 addressed within the scope of work, and (B) the  
4 evaluation factors and subfactors, including cost or  
5 price, that must be considered in the evaluations of  
6 proposals.

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

18 (v) All designs submitted as part of the two-phase  
19 selection process and not selected shall be  
20 proprietary to the preparers.

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

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law."