



Rep. Robert Rita

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LRB098 20294 JLK 56375 a

1 AMENDMENT TO HOUSE BILL 5878

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5878 by replacing  
3 everything after the enacting clause with the following:

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 \$40,000 ~~\$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

1 provide for the use of competitive negotiations or the  
2 prequalification of responsible bidders consistent with  
3 applicable federal regulations. The requirements set forth  
4 therein shall not apply to purchase of service agreements or  
5 other contracts, purchases or sales entered into by the  
6 Authority with any transportation agency or unit of local  
7 government.

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

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

11 (70 ILCS 3610/5.5 new)

12 Sec. 5.5. Public bidding. The Board shall adopt regulations  
13 to ensure that the construction or acquisition by the District  
14 of services or public transportation facilities (other than  
15 real estate) involving a cost of more than \$40,000 and the  
16 disposition of all property of the District shall be after  
17 public notice and with public bidding. The regulations may  
18 provide for exceptions to the requirements for the issuance and  
19 sale of bonds or notes of the District, to the acquisition of  
20 professional or utility services and to other matters for which  
21 public bidding is disadvantageous. The regulations may also  
22 provide for the use of competitive negotiations or the  
23 prequalification of responsible bidders consistent with  
24 applicable federal regulations. The requirements set forth

1 therein shall not apply to purchase of service agreements or  
2 other contracts, purchases or sales entered into by the  
3 District with any transportation agency or unit of local  
4 government.

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

7 (70 ILCS 3615/4.06) (from Ch. 111 2/3, par. 704.06)

8 Sec. 4.06. Public bidding.

9 (a) The Board shall adopt regulations to ensure that the  
10 construction or acquisition by the Authority or a Service Board  
11 other than the Chicago Transit Authority of services or public  
12 transportation facilities (other than real estate) involving a  
13 cost of more than \$40,000 ~~\$10,000~~ and the disposition of all  
14 property of the Authority or a Service Board other than the  
15 Chicago Transit Authority shall be after public notice and with  
16 public bidding. Such regulations may provide for exceptions to  
17 such requirements for acquisition of repair parts,  
18 accessories, equipment or services previously furnished or  
19 contracted for; for the immediate delivery of supplies,  
20 material or equipment or performance of service when it is  
21 determined by the concurrence of two-thirds of the then  
22 Directors that an emergency requires immediate delivery or  
23 supply thereof; for goods or services that are economically  
24 procurable from only one source; for contracts for the

1 maintenance or servicing of equipment which are made with the  
2 manufacturers or authorized service agent of that equipment  
3 where the maintenance or servicing can best be performed by the  
4 manufacturer or authorized service agent or such a contract  
5 would be otherwise advantageous to the Authority or a Service  
6 Board, other than the Chicago Transit Authority, except that  
7 the exceptions in this clause shall not apply to contracts for  
8 plumbing, heating, piping, refrigeration and automatic  
9 temperature control systems, ventilating and distribution  
10 systems for conditioned air, and electrical wiring; for goods  
11 or services procured from another governmental agency; for  
12 purchases and contracts for the use or purchase of data  
13 processing equipment and data processing systems software; for  
14 the acquisition of professional or utility services; and for  
15 the acquisition of public transportation equipment including,  
16 but not limited to, rolling stock, locomotives and buses,  
17 provided that: (i) it is determined by a vote of 2/3 of the  
18 then Directors of the Service Board making the acquisition that  
19 a negotiated acquisition offers opportunities with respect to  
20 the cost or financing of the equipment, its delivery, or the  
21 performance of a portion of the work within the State or the  
22 use of goods produced or services provided within the State;  
23 (ii) a notice of intention to negotiate for the acquisition of  
24 such public transportation equipment is published in a  
25 newspaper of general circulation within the City of Chicago  
26 inviting proposals from qualified vendors; and (iii) any

1 contract with respect to such acquisition is authorized by a  
2 vote of 2/3 of the then Directors of the Service Board making  
3 the acquisition. The requirements set forth in this Section  
4 shall not apply to purchase of service agreements or other  
5 contracts, purchases or sales entered into by the Authority  
6 with any transportation agency or unit of local government.

7 (b) (1) In connection with two-phase design/build  
8 selection procedures authorized in this Section, a Service  
9 Board may authorize, by the affirmative vote of two-thirds of  
10 the then members of the Service Board, the use of competitive  
11 selection and the prequalification of responsible bidders  
12 consistent with applicable federal regulations and this  
13 subsection (b).

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

16 (i) A Service Board shall develop, through  
17 licensed architects or licensed engineers, a scope of  
18 work statement for inclusion in the solicitation for  
19 phase-one proposals that defines the project and  
20 provides prospective offerors with sufficient  
21 information regarding the Service Board's  
22 requirements. The statement shall include criteria and  
23 preliminary design, and general budget parameters and  
24 general schedule or delivery requirements to enable  
25 the offerors to submit proposals which meet the Service  
26 Board's needs. When the two-phase design/build

1 selection procedure is used and the Service Board  
2 contracts for development of the scope of work  
3 statement, the Service Board shall contract for  
4 architectural or engineering services as defined by  
5 and in accordance with the Architectural, Engineering,  
6 and Land Surveying Qualifications Based Selection Act  
7 and all applicable licensing statutes.

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

25 (iii) On the basis of the phase-one proposal the  
26 Service Board shall select as the most highly qualified

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

21 (iv) A design/build solicitation issued under the  
22 procedures in this subsection (b) shall state the  
23 maximum number of offerors that are to be selected to  
24 submit competitive phase-two proposals. The maximum  
25 number specified in the solicitation shall not exceed 5  
26 unless the Service Board with respect to an individual

1           solicitation determines that a specified number  
2           greater than 5 is in the best interest of the Service  
3           Board and is consistent with the purposes and  
4           objectives of the two-phase design/build selection  
5           process.

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

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

10           Section 99. Effective date. This Act takes effect upon  
11           becoming law.".