

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 Public Building Commission Act is amended by
5 adding Section 23.5 as follows:

6 (50 ILCS 20/23.5 new)

7 Sec. 23.5. Continuation of Sections 2.5, 20.3, 20.4, 20.5,
8 20.10, 20.15, 20.20, and 20.25 of this Act; validation.

9 (a) The General Assembly finds and declares that:

10 (1) When Public Act 95-595 (effective June 1, 2008)
11 amended the Public Building Commission Act, it provided
12 repeal dates for Sections 2.5, 20.3, 20.4, 20.5, 20.10,
13 20.15, 20.20, and 20.25 of this Act of 5 years after the
14 effective date of Public Act 95-595 (June 1, 2013).

15 (2) Senate Bill 2233 of the 98th General Assembly
16 contained provisions that would have changed the repeal
17 dates of Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15,
18 20.20, and 20.25 of this Act from 5 years after the
19 effective date of Public Act 95-595 to June 1, 2018. Senate
20 Bill 2233 passed both houses on May 31, 2013. Senate Bill
21 2233 provided that it took effect upon becoming law. Senate
22 Bill 2233 was sent to the Governor on June 10, 2013. Senate
23 Bill 2233 was approved by the Governor on August 9, 2013.

1 Senate Bill 2233 became Public Act 98-299.

2 (3) The Statute on Statutes sets forth general rules on
3 the repeal of statutes and the construction of multiple
4 amendments, but Section 1 of that Act also states that
5 these rules will not be observed when the result would be
6 "inconsistent with the manifest intent of the General
7 Assembly or repugnant to the context of the statute".

8 (4) The actions of the General Assembly clearly
9 manifest the intention of the General Assembly to extend
10 the repeal of Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15,
11 20.20, and 20.25 of this Act and have those Sections
12 continue in effect until June 1, 2018.

13 (5) Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15,
14 20.20, and 20.25 of this Act were originally enacted to
15 protect, promote, and preserve the general welfare. Any
16 construction of this Act that results in the repeal of
17 those Sections on June 1, 2013 would be inconsistent with
18 the manifest intent of the General Assembly and repugnant
19 to the context of this Act.

20 (b) It is hereby declared to have been the intent of the
21 General Assembly, in enacting Public Act 98-299, that Sections
22 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20, and 20.25 of this
23 Act be changed to make June 1, 2018 the repeal date of Sections
24 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20, and 20.25 of this
25 Act, and that Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15,
26 20.20, and 20.25 of this Act therefore not be subject to repeal

1 on June 1, 2013.

2 (c) Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20,
3 and 20.25 of this Act shall be deemed to have been in
4 continuous effect since June 1, 2008 (the effective date of
5 Public Act 95-595), and shall continue to be in effect
6 henceforward until June 1, 2018, unless they are otherwise
7 lawfully repealed. All previously enacted amendments to this
8 Act taking effect on or after June 1, 2013 are hereby
9 validated.

10 (d) All actions taken in reliance on or pursuant to
11 Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20, and 20.25
12 of this Act by the Public Building Commission or any other
13 person or entity are hereby validated.

14 (e) In order to ensure the continuing effectiveness of
15 Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20, and 20.25
16 of this Act, those Sections are set forth in full and reenacted
17 by this amendatory Act of the 98th General Assembly. This
18 reenactment is intended as a continuation of those Sections. It
19 is not intended to supersede any amendment to the Act that is
20 enacted by the 98th General Assembly.

21 (f) In this amendatory Act of the 98th General Assembly,
22 the base text of the reenacted Sections is set forth as amended
23 by Public Act 98-299. Striking and underscoring is used only to
24 show changes being made to the base text. In this instance, no
25 underscoring or striking is shown in the base text because no
26 additional changes are being made.

1 (g) Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20,
2 and 20.25 of this Act apply to all claims, civil actions, and
3 proceedings pending on or filed on or before the effective date
4 of this amendatory Act of the 98th General Assembly.

5 Section 10. The Public Building Commission Act is amended
6 by reenacting Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15,
7 20.20, and 20.25 as follows:

8 (50 ILCS 20/2.5)

9 (Section scheduled to be repealed on June 1, 2018)

10 Sec. 2.5. Legislative policy; conditions for use of
11 design-build. It is the intent of the General Assembly that a
12 commission be allowed to use the design-build delivery method
13 for public projects if it is shown to be in the commission's
14 best interest for that particular project.

15 It shall be the policy of the commission in the procurement
16 of design-build services to publicly announce all requirements
17 for design-build services and to procure these services on the
18 basis of demonstrated competence and qualifications and with
19 due regard for the principles of competitive selection.

20 The commission shall, prior to issuing requests for
21 proposals, promulgate and publish procedures for the
22 solicitation and award of contracts pursuant to this Act.

23 The commission shall, for each public project or projects
24 permitted under this Act, make a written determination,

1 including a description as to the particular advantages of the
2 design-build procurement method, that it is in the best
3 interests of the commission to enter into a design-build
4 contract for the project or projects.

5 In making that determination, the following factors shall
6 be considered:

7 (1) The probability that the design-build procurement
8 method will be in the best interests of the commission by
9 providing a material savings of time or cost over the
10 design-bid-build or other delivery system.

11 (2) The type and size of the project and its
12 suitability to the design-build procurement method.

13 (3) The ability of the design-build entity to define
14 and provide comprehensive scope and performance criteria
15 for the project.

16 The commission shall require the design-build entity to
17 comply with the utilization goals established by the corporate
18 authorities of the commission for minority and women business
19 enterprises and to comply with Section 2-105 of the Illinois
20 Human Rights Act.

21 This Section is repealed on June 1, 2018; provided that any
22 design-build contracts entered into before such date or any
23 procurement of a project under this Act commenced before such
24 date, and the contracts resulting from those procurements,
25 shall remain effective.

26 (Source: P.A. 98-299, eff. 8-9-13.)

1 (50 ILCS 20/20.3)

2 (Section scheduled to be repealed on June 1, 2018)

3 Sec. 20.3. Solicitation of design-build proposals.

4 (a) When the Commission elects to use the design-build
5 delivery method, it must issue a notice of intent to receive
6 proposals for the project at least 14 days before issuing the
7 request for the proposal. The Commission must publish the
8 advance notice in a daily newspaper of general circulation in
9 the county where the Commission is located. The Commission is
10 encouraged to use publication of the notice in related
11 construction industry service publications. A brief
12 description of the proposed procurement must be included in the
13 notice. The Commission must provide a copy of the request for
14 proposal to any party requesting a copy.

15 (b) The request for proposal shall be prepared for each
16 project and must contain, without limitation, the following
17 information:

18 (1) The name of the Commission.

19 (2) A preliminary schedule for the completion of the
20 contract.

21 (3) The proposed budget for the project, the source of
22 funds, and the currently available funds at the time the
23 request for proposal is submitted.

24 (4) Prequalification criteria for design-build
25 entities wishing to submit proposals. The Commission shall

1 include, at a minimum, its normal prequalification,
2 licensing, registration, and other requirements, but
3 nothing contained herein precludes the use of additional
4 prequalification criteria by the Commission.

5 (5) Material requirements of the contract, including
6 but not limited to, the proposed terms and conditions,
7 required performance and payment bonds, insurance, and the
8 entity's plan to comply with the utilization goals
9 established by the corporate authorities of the Commission
10 for minority and women business enterprises and to comply
11 with Section 2-105 of the Illinois Human Rights Act.

12 (6) The performance criteria.

13 (7) The evaluation criteria for each phase of the
14 solicitation.

15 (8) The number of entities that will be considered for
16 the technical and cost evaluation phase.

17 (c) The Commission may include any other relevant
18 information that it chooses to supply. The design-build entity
19 shall be entitled to rely upon the accuracy of this
20 documentation in the development of its proposal.

21 (d) The date that proposals are due must be at least 21
22 calendar days after the date of the issuance of the request for
23 proposal. In the event the cost of the project is estimated to
24 exceed \$12,000,000, then the proposal due date must be at least
25 28 calendar days after the date of the issuance of the request
26 for proposal. The Commission shall include in the request for

1 proposal a minimum of 30 days to develop the Phase II
2 submissions after the selection of entities from the Phase I
3 evaluation is completed.

4 (e) This Section is repealed on June 1, 2018; provided that
5 any design-build contracts entered into before such date or any
6 procurement of a project under this Act commenced before such
7 date, and the contracts resulting from those procurements,
8 shall remain effective.

9 (Source: P.A. 98-299, eff. 8-9-13.)

10 (50 ILCS 20/20.4)

11 (Section scheduled to be repealed on June 1, 2018)

12 Sec. 20.4. Development of design-build scope and
13 performance criteria.

14 (a) The Commission shall develop, with the assistance of a
15 licensed design professional, a request for proposal, which
16 shall include scope and performance criteria. The scope and
17 performance criteria must be in sufficient detail and contain
18 adequate information to reasonably apprise the qualified
19 design-build entities of the Commission's overall programmatic
20 needs and goals, including criteria and preliminary design
21 plans, general budget parameters, schedule, and delivery
22 requirements.

23 (b) Each request for proposal shall also include a
24 description of the level of design to be provided in the
25 proposals. This description must include the scope and type of

1 renderings, drawings, and specifications that, at a minimum,
2 will be required by the Commission to be produced by the
3 design-build entities.

4 (c) The scope and performance criteria shall be prepared by
5 a design professional who is an employee of the Commission, or
6 the Commission may contract with an independent design
7 professional selected under the Local Government Professional
8 Services Selection Act (50 ILCS 510/) to provide these
9 services.

10 (d) The design professional that prepares the scope and
11 performance criteria is prohibited from participating in any
12 design-build entity proposal for the project.

13 (e) This Section is repealed on June 1, 2018; provided that
14 any design-build contracts entered into before such date or any
15 procurement of a project under this Act commenced before such
16 date, and the contracts resulting from those procurements,
17 shall remain effective.

18 (Source: P.A. 98-299, eff. 8-9-13.)

19 (50 ILCS 20/20.5)

20 (Section scheduled to be repealed on June 1, 2018)

21 Sec. 20.5. Procedures for design-build selection.

22 (a) The Commission must use a two-phase procedure for the
23 selection of the successful design-build entity. Phase I of the
24 procedure will evaluate and shortlist the design-build
25 entities based on qualifications, and Phase II will evaluate

1 the technical and cost proposals.

2 (b) The Commission shall include in the request for
3 proposal the evaluating factors to be used in Phase I. These
4 factors are in addition to any prequalification requirements of
5 design-build entities that the Commission has set forth. Each
6 request for proposal shall establish the relative importance
7 assigned to each evaluation factor and subfactor, including any
8 weighting of criteria to be employed by the Commission. The
9 Commission must maintain a record of the evaluation scoring to
10 be disclosed in event of a protest regarding the solicitation.

11 The Commission shall include the following criteria in
12 every Phase I evaluation of design-build entities: (1)
13 experience of personnel; (2) successful experience with
14 similar project types; (3) financial capability; (4)
15 timeliness of past performance; (5) experience with similarly
16 sized projects; (6) successful reference checks of the firm;
17 (7) commitment to assign personnel for the duration of the
18 project and qualifications of the entity's consultants; and (8)
19 ability or past performance in meeting or exhausting good faith
20 efforts to meet the utilization goals for minority and women
21 business enterprises established by the corporate authorities
22 of the Commission and in complying with Section 2-105 of the
23 Illinois Human Rights Act. The Commission may include any
24 additional relevant criteria in Phase I that it deems necessary
25 for a proper qualification review. The Commission may include
26 any additional relevant criteria in Phase I that it deems

1 necessary for a proper qualification review.

2 The Commission may not consider any design-build entity for
3 evaluation or award if the entity has any pecuniary interest in
4 the project or has other relationships or circumstances,
5 including but not limited to, long-term leasehold, mutual
6 performance, or development contracts with the Commission,
7 that may give the design-build entity a financial or tangible
8 advantage over other design-build entities in the preparation,
9 evaluation, or performance of the design-build contract or that
10 create the appearance of impropriety. No design-build proposal
11 shall be considered that does not include an entity's plan to
12 comply with the requirements established in the minority and
13 women business enterprises and economically disadvantaged
14 firms established by the corporate authorities of the
15 Commission and with Section 2-105 of the Illinois Human Rights
16 Act.

17 Upon completion of the qualifications evaluation, the
18 Commission shall create a shortlist of the most highly
19 qualified design-build entities. The Commission, in its
20 discretion, is not required to shortlist the maximum number of
21 entities as identified for Phase II evaluation, provided
22 however, no less than 2 design-build entities nor more than 6
23 are selected to submit Phase II proposals.

24 The Commission shall notify the entities selected for the
25 shortlist in writing. This notification shall commence the
26 period for the preparation of the Phase II technical and cost

1 evaluations. The Commission must allow sufficient time for the
2 shortlist entities to prepare their Phase II submittals
3 considering the scope and detail requested by the Commission.

4 (c) The Commission shall include in the request for
5 proposal the evaluating factors to be used in the technical and
6 cost submission components of Phase II. Each request for
7 proposal shall establish, for both the technical and cost
8 submission components of Phase II, the relative importance
9 assigned to each evaluation factor and subfactor, including any
10 weighting of criteria to be employed by the Commission. The
11 Commission must maintain a record of the evaluation scoring to
12 be disclosed in event of a protest regarding the solicitation.

13 The Commission shall include the following criteria in
14 every Phase II technical evaluation of design-build entities:
15 (1) compliance with objectives of the project; (2) compliance
16 of proposed services to the request for proposal requirements;
17 (3) quality of products or materials proposed; (4) quality of
18 design parameters; (5) design concepts; (6) innovation in
19 meeting the scope and performance criteria; and (7)
20 constructability of the proposed project. The Commission may
21 include any additional relevant technical evaluation factors
22 it deems necessary for proper selection.

23 The Commission shall include the following criteria in
24 every Phase II cost evaluation: the guaranteed maximum project
25 cost and the time of completion. The Commission may include any
26 additional relevant technical evaluation factors it deems

1 necessary for proper selection. The guaranteed maximum project
2 cost criteria weighing factor shall not exceed 30%.

3 The Commission shall directly employ or retain a licensed
4 design professional to evaluate the technical and cost
5 submissions to determine if the technical submissions are in
6 accordance with generally accepted industry standards.

7 Upon completion of the technical submissions and cost
8 submissions evaluation, the Commission may award the
9 design-build contract to the highest overall ranked entity.

10 (d) This Section is repealed on June 1, 2018; provided that
11 any design-build contracts entered into before such date or any
12 procurement of a project under this Act commenced before such
13 date, and the contracts resulting from those procurements,
14 shall remain effective.

15 (Source: P.A. 98-299, eff. 8-9-13.)

16 (50 ILCS 20/20.10)

17 (Section scheduled to be repealed on June 1, 2018)

18 Sec. 20.10. Small design-build projects. In any case where
19 the total overall cost of the project is estimated to be less
20 than \$12,000,000, the Commission may combine the two-phase
21 procedure for design-build selection described in Section 20.5
22 into one combined step, provided that all the requirements of
23 evaluation are performed in accordance with Section 20.5.

24 This Section is repealed on June 1, 2018; provided that any
25 design-build contracts entered into before such date or any

1 procurement of a project under this Act commenced before such
2 date, and the contracts resulting from those procurements,
3 shall remain effective.

4 (Source: P.A. 98-299, eff. 8-9-13.)

5 (50 ILCS 20/20.15)

6 (Section scheduled to be repealed on June 1, 2018)

7 Sec. 20.15. Submission of design-build proposals.

8 Design-build proposals must be properly identified and sealed.

9 Proposals may not be reviewed until after the deadline for

10 submission has passed as set forth in the request for

11 proposals. All design-build entities submitting proposals

12 shall be disclosed after the deadline for submission, and all

13 design-build entities who are selected for Phase II evaluation

14 shall also be disclosed at the time of that determination.

15 Phase II design-build proposals shall include a bid bond in

16 the form and security as designated in the request for

17 proposals. Proposals shall also contain a separate sealed

18 envelope with the cost information within the overall proposal

19 submission. Proposals shall include a list of all design

20 professionals and other entities to which any work identified

21 in Section 30-30 of the Illinois Procurement Code as a

22 subdivision of construction work may be subcontracted during

23 the performance of the contract.

24 Proposals must meet all material requirements of the

25 request for proposal or they may be rejected as non-responsive.

1 The Commission shall have the right to reject any and all
2 proposals.

3 The drawings and specifications of any unsuccessful
4 design-build proposal shall remain the property of the
5 design-build entity.

6 The Commission shall review the proposals for compliance
7 with the performance criteria and evaluation factors.

8 Proposals may be withdrawn prior to the due date and time
9 for submissions for any cause. After evaluation begins by the
10 Commission, clear and convincing evidence of error is required
11 for withdrawal.

12 This Section is repealed on June 1, 2018; provided that any
13 design-build contracts entered into before such date or any
14 procurement of a project under this Act commenced before such
15 date, and the contracts resulting from those procurements,
16 shall remain effective.

17 (Source: P.A. 98-299, eff. 8-9-13.)

18 (50 ILCS 20/20.20)

19 (Section scheduled to be repealed on June 1, 2018)

20 Sec. 20.20. Design-build award. The Commission may award a
21 design-build contract to the highest overall ranked entity.
22 Notice of award shall be made in writing. Unsuccessful entities
23 shall also be notified in writing. The Commission may not
24 request a best and final offer after the receipt of proposals.
25 The Commission may negotiate with the selected design-build

1 entity after award but prior to contract execution for the
2 purpose of securing better terms than originally proposed,
3 provided that the salient features of the request for proposal
4 are not diminished.

5 This Section is repealed on June 1, 2018; provided that any
6 design-build contracts entered into before such date or any
7 procurement of a project under this Act commenced before such
8 date, and the contracts resulting from those procurements,
9 shall remain effective.

10 (Source: P.A. 98-299, eff. 8-9-13.)

11 (50 ILCS 20/20.25)

12 (Section scheduled to be repealed on June 1, 2018)

13 Sec. 20.25. Minority and female owned enterprises; total
14 construction budget.

15 (a) Each year, within 60 days following the end of a
16 commission's fiscal year, the commission shall provide a report
17 to the General Assembly addressing the utilization of minority
18 and female owned business enterprises on design-build
19 projects.

20 (b) The payments for design-build projects by any
21 commission in one fiscal year shall not exceed 50% of the
22 moneys spent on construction projects during the same fiscal
23 year.

24 (c) This Section is repealed on June 1, 2018; provided that
25 any design-build contracts entered into before such date or any

1 procurement of a project under this Act commenced before such
2 date, and the contracts resulting from those procurements,
3 shall remain effective.

4 (Source: P.A. 98-299, eff. 8-9-13.)

5 Section 15. The Public Building Commission Act is amended
6 by changing Sections 3 and 20 as follows:

7 (50 ILCS 20/3) (from Ch. 85, par. 1033)

8 Sec. 3. The following terms, wherever used, or referred to
9 in this Act, mean unless the context clearly requires a
10 different meaning:

11 (a) "Commission" means a Public Building Commission
12 created pursuant to this Act.

13 (b) "Commissioner" or "Commissioners" means a
14 Commissioner or Commissioners of a Public Building
15 Commission.

16 (c) "County seat" means a city, village or town which
17 is the county seat of a county.

18 (d) "Municipality" means any city, village or
19 incorporated town of the State of Illinois.

20 (e) "Municipal corporation" includes a county, city,
21 village, town, (including a county seat), park district,
22 school district in a county of 3,000,000 or more
23 population, board of education of a school district in a
24 county of 3,000,000 or more population, sanitary district,

1 airport authority contiguous with the County Seat as of
2 July 1, 1969 and any other municipal body or governmental
3 agency of the State, and until July 1, 2011, a school
4 district that (i) was organized prior to 1860, (ii) is
5 located in part in a city originally incorporated prior to
6 1840, and (iii) entered into a lease with a Commission
7 prior to 1993, and its board of education, but does not
8 include a school district in a county of less than
9 3,000,000 population, a board of education of a school
10 district in a county of less than 3,000,000 population, or
11 a community college district in a county of less than
12 3,000,000 population, except that until July 1, 2011, a
13 school district that (i) was organized prior to 1860, (ii)
14 is located in part in a city originally incorporated prior
15 to 1840, and (iii) entered into a lease with a Commission
16 prior to 1993, and its board of education, are included.

17 (f) "Governing body" includes a city council, county
18 board, or any other body or board, by whatever name it may
19 be known, charged with the governing of a municipal
20 corporation.

21 (g) "Presiding officer" includes the mayor or
22 president of a city, village or town, the presiding officer
23 of a county board, or the presiding officer of any other
24 board or commission, as the case may be.

25 (h) "Oath" means oath or affirmation.

26 (i) "Building" means an improvement to real estate to

1 be made available for use by a municipal corporation for
2 the furnishing of governmental services to its citizens,
3 together with any land or interest in land necessary or
4 useful in connection with the improvement.

5 (j) "Delivery system" means the design and
6 construction approach used to develop and construct a
7 project.

8 (k) "Design-bid-build" means the traditional delivery
9 system used on public projects that incorporates the Local
10 Government Professional Services Selection Act (50 ILCS
11 510/) and the principles of competitive selection.

12 (l) "Design-build" means a delivery system that
13 provides responsibility within a single contract for the
14 furnishing of architecture, engineering, land surveying
15 and related services as required, and the labor, materials,
16 equipment, and other construction services for the
17 project.

18 (m) "Design-build contract" means a contract for a
19 public project under this Act between the Commission and a
20 design-build entity to furnish architecture, engineering,
21 land surveying, and related services as required, and to
22 furnish the labor, materials, equipment, and other
23 construction services for the project. The design-build
24 contract may be conditioned upon subsequent refinements in
25 scope and price and may allow the Commission to make
26 modifications in the project scope without invalidating

1 the design-build contract.

2 (n) "Design-build entity" means any individual, sole
3 proprietorship, firm, partnership, joint venture,
4 corporation, professional corporation, or other entity
5 that proposes to design and construct any public project
6 under this Act. A design-build entity and associated
7 design-build professionals shall conduct themselves in
8 accordance with the laws of this State and the related
9 provisions of the Illinois Administrative Code, as
10 referenced by the licensed design professionals Acts of
11 this State.

12 (o) "Design professional" means any individual, sole
13 proprietorship, firm, partnership, joint venture,
14 corporation, professional corporation, or other entity
15 that offers services under the Illinois Architecture
16 Practice Act of 1989 (225 ILCS 305/), the Professional
17 Engineering Practice Act of 1989 (225 ILCS 325/), the
18 Structural Engineering Licensing Act of 1989 (225 ILCS
19 340/), or the Illinois Professional Land Surveyor Act of
20 1989 (225 ILCS 330/).

21 (p) "Evaluation criteria" means the requirements for
22 the separate phases of the selection process for
23 design-build proposals as defined in this Act and may
24 include the specialized experience, technical
25 qualifications and competence, capacity to perform, past
26 performance, experience with similar projects, assignment

1 of personnel to the project, and other appropriate factors.
2 Price may not be used as a factor in the evaluation of
3 Phase I proposals.

4 (q) "Proposal" means the offer to enter into a
5 design-build contract as submitted by a design-build
6 entity in accordance with this Act.

7 (r) "Request for proposal" means the document used by
8 the Commission to solicit proposals for a design-build
9 contract.

10 (s) "Scope and performance criteria" means the
11 requirements for the public project, including but not
12 limited to, the intended usage, capacity, size, scope,
13 quality and performance standards, life-cycle costs, and
14 other programmatic criteria that are expressed in
15 performance-oriented and quantifiable specifications and
16 drawings that can be reasonably inferred and are suited to
17 allow a design-build entity to develop a proposal.

18 (t) "Guaranteed maximum price" means a form of contract
19 in which compensation may vary according to the scope of
20 work involved but in any case may not exceed an agreed
21 total amount.

22 Definitions in this Section with respect to design-build
23 shall have no effect beginning on June 1, 2018; provided that
24 any design-build contracts entered into before such date or any
25 procurement of a project under this Act commenced before such
26 date, and the contracts resulting from those procurements,

1 shall remain effective. The actions of any person or entity
2 taken on or after June 1, 2013 and before the effective date of
3 this amendatory Act of the 98th General Assembly in reliance on
4 the provisions of this Section with respect to design-build
5 continuing to be effective are hereby validated.

6 (Source: P.A. 98-299, eff. 8-9-13.)

7 (50 ILCS 20/20) (from Ch. 85, par. 1050)

8 Sec. 20. Contracts let to lowest responsible bidder;
9 competitive bidding; advertisement for bids; design-build
10 contracts.

11 (a) All contracts to be let for the construction,
12 alteration, improvement, repair, enlargement, demolition or
13 removal of any buildings or other facilities, or for materials
14 or supplies to be furnished, where the amount thereof is in
15 excess of \$20,000, shall be awarded as a design-build contract
16 in accordance with Sections 20.3 through 20.20 or shall be let
17 to the lowest responsible bidder, or bidders, on open
18 competitive bidding.

19 (b) A contract awarded on the basis of competitive bidding
20 shall be awarded after public advertisement published at least
21 once in each week for three consecutive weeks prior to the
22 opening of bids, in a daily newspaper of general circulation in
23 the county where the commission is located, except in the case
24 of an emergency situation, as determined by the chief executive
25 officer. If a contract is awarded in an emergency situation,

1 (i) the contract accepted must be based on the lowest
2 responsible proposal after the commission has made a diligent
3 effort to solicit multiple proposals by telephone, facsimile,
4 or other efficient means and (ii) the chief executive officer
5 must submit a report at the next regular meeting of the Board,
6 to be ratified by the Board and entered into the official
7 record, that states the chief executive officer's reason for
8 declaring an emergency situation, the names of all parties
9 solicited for proposals, and their proposals and that includes
10 a copy of the contract awarded. Nothing contained in this
11 Section shall be construed to prohibit the Board of
12 Commissioners from placing additional advertisements in
13 recognized trade journals. Advertisements for bids shall
14 describe the character of the proposed contract in sufficient
15 detail to enable the bidders thereon to know what their
16 obligation will be, either in the advertisement itself, or by
17 reference to detailed plans and specifications on file in the
18 office of the Public Building Commission at the time of the
19 publication of the first announcement. Such advertisement
20 shall also state the date, time, and place assigned for the
21 opening of bids. No bids shall be received at any time
22 subsequent to the time indicated in said advertisement.

23 (c) In addition to the requirements of Section 20.3, the
24 Commission shall advertise a design-build solicitation at
25 least once in a daily newspaper of general circulation in the
26 county where the Commission is located. The date that Phase I

1 submissions by design-build entities are due must be at least
2 14 calendar days after the date the newspaper advertisement for
3 design-build proposals is first published. The advertisement
4 shall identify the design-build project, the due date, the
5 place and time for Phase I submissions, and the place where
6 proposers can obtain a complete copy of the request for
7 design-build proposals, including the criteria for evaluation
8 and the scope and performance criteria. The Commission is not
9 precluded from using other media or from placing advertisements
10 in addition to the one required under this subsection.

11 (d) The Board of Commissioners may reject any and all bids
12 and proposals received and may readvertise for bids or issue a
13 new request for design-build proposals.

14 (e) All bids shall be open to public inspection in the
15 office of the Public Building Commission after an award or
16 final selection has been made. The successful bidder for such
17 work shall enter into contracts furnished and prescribed by the
18 Board of Commissioners and in addition to any other bonds
19 required under this Act the successful bidder shall execute and
20 give bond, payable to and to be approved by the Commission,
21 with a corporate surety authorized to do business under the
22 laws of the State of Illinois, in an amount to be determined by
23 the Board of Commissioners, conditioned upon the payment of all
24 labor furnished and materials supplied in the prosecution of
25 the contracted work. If the bidder whose bid has been accepted
26 shall neglect or refuse to accept the contract within five (5)

1 days after written notice that the same has been awarded to
2 him, or if he accepts but does not execute the contract and
3 give the proper security, the Commission may accept the next
4 lowest bidder, or readvertise and relet in manner above
5 provided.

6 (f) In case any work shall be abandoned by any contractor
7 or design-build entity, the Commission may, if the best
8 interests of the Commission be thereby served, adopt on behalf
9 of the Commission all subcontracts made by such contractor or
10 design-build entity for such work and all such sub-contractors
11 shall be bound by such adoption if made; and the Commission
12 shall, in the manner provided in this Act, readvertise and
13 relet, or request proposals and award design-build contracts
14 for, the work specified in the original contract exclusive of
15 so much thereof as shall be accepted. Every contract when made
16 and entered into, as provided in this Section or Section 20.20,
17 shall be executed, held by the Commission, and filed in its
18 records, and one copy of which shall be given to the contractor
19 or design-build entity.

20 (g) The provisions of this Section with respect to
21 design-build shall have no effect beginning on June 1, 2018;
22 provided that any design-build contracts entered into before
23 such date or any procurement of a project under this Act
24 commenced before such date, and the contracts resulting from
25 those procurements, shall remain effective. The actions of any
26 person or entity taken on or after June 1, 2013 and before the

1 effective date of this amendatory Act of the 98th General
2 Assembly in reliance on the provisions of this Section with
3 respect to design-build continuing to be effective are hereby
4 validated.

5 (Source: P.A. 98-299, eff. 8-9-13.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.