



Rep. Barbara Flynn Currie

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1 AMENDMENT TO SENATE BILL 492

2 AMENDMENT NO. _____. Amend Senate Bill 492 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Building Commission Act is amended
5 by 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

1 dates of Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15,
2 20.20, and 20.25 of this Act from 5 years after the
3 effective date of Public Act 95-595 to June 1, 2018. Senate
4 Bill 2233 passed both houses on May 31, 2013. Senate Bill
5 2233 provided that it took effect upon becoming law. Senate
6 Bill 2233 was sent to the Governor on June 10, 2013. Senate
7 Bill 2233 was approved by the Governor on August 9, 2013.
8 Senate Bill 2233 became Public Act 98-299.

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

15 (4) The actions of the General Assembly clearly
16 manifest the intention of the General Assembly to extend
17 the repeal of Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15,
18 20.20, and 20.25 of this Act and have those Sections
19 continue in effect until June 1, 2018.

20 (5) Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15,
21 20.20, and 20.25 of this Act were originally enacted to
22 protect, promote, and preserve the general welfare. Any
23 construction of this Act that results in the repeal of
24 those Sections on June 1, 2013 would be inconsistent with
25 the manifest intent of the General Assembly and repugnant
26 to the context of this Act.

1 (b) It is hereby declared to have been the intent of the
2 General Assembly, in enacting Public Act 98-299, that Sections
3 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20, and 20.25 of this
4 Act be changed to make June 1, 2018 the repeal date of Sections
5 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20, and 20.25 of this
6 Act, and that Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15,
7 20.20, and 20.25 of this Act therefore not be subject to repeal
8 on June 1, 2013.

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

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

21 (e) In order to ensure the continuing effectiveness of
22 Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20, and 20.25
23 of this Act, those Sections are set forth in full and reenacted
24 by this amendatory Act of the 98th General Assembly. This
25 reenactment is intended as a continuation of those Sections. It
26 is not intended to supersede any amendment to the Act that is

1 enacted by the 98th General Assembly.

2 (f) In this amendatory Act of the 98th General Assembly,
3 the base text of the reenacted Sections is set forth as amended
4 by Public Act 98-299. Striking and underscoring is used only to
5 show changes being made to the base text. In this instance, no
6 underscoring or striking is shown in the base text because no
7 additional changes are being made.

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

12 Section 10. The Public Building Commission Act is amended
13 by reenacting Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15,
14 20.20, and 20.25 as follows:

15 (50 ILCS 20/2.5)

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

17 Sec. 2.5. Legislative policy; conditions for use of
18 design-build. It is the intent of the General Assembly that a
19 commission be allowed to use the design-build delivery method
20 for public projects if it is shown to be in the commission's
21 best interest for that particular project.

22 It shall be the policy of the commission in the procurement
23 of design-build services to publicly announce all requirements
24 for design-build services and to procure these services on the

1 basis of demonstrated competence and qualifications and with
2 due regard for the principles of competitive selection.

3 The commission shall, prior to issuing requests for
4 proposals, promulgate and publish procedures for the
5 solicitation and award of contracts pursuant to this Act.

6 The commission shall, for each public project or projects
7 permitted under this Act, make a written determination,
8 including a description as to the particular advantages of the
9 design-build procurement method, that it is in the best
10 interests of the commission to enter into a design-build
11 contract for the project or projects.

12 In making that determination, the following factors shall
13 be considered:

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

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

20 (3) The ability of the design-build entity to define
21 and provide comprehensive scope and performance criteria
22 for the project.

23 The commission shall require the design-build entity to
24 comply with the utilization goals established by the corporate
25 authorities of the commission for minority and women business
26 enterprises and to comply with Section 2-105 of the Illinois

1 Human Rights Act.

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

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

8 (50 ILCS 20/20.3)

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

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

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

22 (b) The request for proposal shall be prepared for each
23 project and must contain, without limitation, the following
24 information:

25 (1) The name of the Commission.

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

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

6 (4) Prequalification criteria for design-build
7 entities wishing to submit proposals. The Commission shall
8 include, at a minimum, its normal prequalification,
9 licensing, registration, and other requirements, but
10 nothing contained herein precludes the use of additional
11 prequalification criteria by the Commission.

12 (5) Material requirements of the contract, including
13 but not limited to, the proposed terms and conditions,
14 required performance and payment bonds, insurance, and the
15 entity's plan to comply with the utilization goals
16 established by the corporate authorities of the Commission
17 for minority and women business enterprises and to comply
18 with Section 2-105 of the Illinois Human Rights Act.

19 (6) The performance criteria.

20 (7) The evaluation criteria for each phase of the
21 solicitation.

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

24 (c) The Commission may include any other relevant
25 information that it chooses to supply. The design-build entity
26 shall be entitled to rely upon the accuracy of this

1 documentation in the development of its proposal.

2 (d) The date that proposals are due must be at least 21
3 calendar days after the date of the issuance of the request for
4 proposal. In the event the cost of the project is estimated to
5 exceed \$12,000,000, then the proposal due date must be at least
6 28 calendar days after the date of the issuance of the request
7 for proposal. The Commission shall include in the request for
8 proposal a minimum of 30 days to develop the Phase II
9 submissions after the selection of entities from the Phase I
10 evaluation is completed.

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

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

17 (50 ILCS 20/20.4)

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

19 Sec. 20.4. Development of design-build scope and
20 performance criteria.

21 (a) The Commission shall develop, with the assistance of a
22 licensed design professional, a request for proposal, which
23 shall include scope and performance criteria. The scope and
24 performance criteria must be in sufficient detail and contain
25 adequate information to reasonably apprise the qualified

1 design-build entities of the Commission's overall programmatic
2 needs and goals, including criteria and preliminary design
3 plans, general budget parameters, schedule, and delivery
4 requirements.

5 (b) Each request for proposal shall also include a
6 description of the level of design to be provided in the
7 proposals. This description must include the scope and type of
8 renderings, drawings, and specifications that, at a minimum,
9 will be required by the Commission to be produced by the
10 design-build entities.

11 (c) The scope and performance criteria shall be prepared by
12 a design professional who is an employee of the Commission, or
13 the Commission may contract with an independent design
14 professional selected under the Local Government Professional
15 Services Selection Act (50 ILCS 510/) to provide these
16 services.

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

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

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

1 (50 ILCS 20/20.5)

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

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

4 (a) The Commission must use a two-phase procedure for the
5 selection of the successful design-build entity. Phase I of the
6 procedure will evaluate and shortlist the design-build
7 entities based on qualifications, and Phase II will evaluate
8 the technical and cost proposals.

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

18 The Commission shall include the following criteria in
19 every Phase I evaluation of design-build entities: (1)
20 experience of personnel; (2) successful experience with
21 similar project types; (3) financial capability; (4)
22 timeliness of past performance; (5) experience with similarly
23 sized projects; (6) successful reference checks of the firm;
24 (7) commitment to assign personnel for the duration of the
25 project and qualifications of the entity's consultants; and (8)
26 ability or past performance in meeting or exhausting good faith

1 efforts to meet the utilization goals for minority and women
2 business enterprises established by the corporate authorities
3 of the Commission and in complying with Section 2-105 of the
4 Illinois Human Rights Act. The Commission may include any
5 additional relevant criteria in Phase I that it deems necessary
6 for a proper qualification review. The Commission may include
7 any additional relevant criteria in Phase I that it deems
8 necessary for a proper qualification review.

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

24 Upon completion of the qualifications evaluation, the
25 Commission shall create a shortlist of the most highly
26 qualified design-build entities. The Commission, in its

1 discretion, is not required to shortlist the maximum number of
2 entities as identified for Phase II evaluation, provided
3 however, no less than 2 design-build entities nor more than 6
4 are selected to submit Phase II proposals.

5 The Commission shall notify the entities selected for the
6 shortlist in writing. This notification shall commence the
7 period for the preparation of the Phase II technical and cost
8 evaluations. The Commission must allow sufficient time for the
9 shortlist entities to prepare their Phase II submittals
10 considering the scope and detail requested by the Commission.

11 (c) The Commission shall include in the request for
12 proposal the evaluating factors to be used in the technical and
13 cost submission components of Phase II. Each request for
14 proposal shall establish, for both the technical and cost
15 submission components of Phase II, the relative importance
16 assigned to each evaluation factor and subfactor, including any
17 weighting of criteria to be employed by the Commission. The
18 Commission must maintain a record of the evaluation scoring to
19 be disclosed in event of a protest regarding the solicitation.

20 The Commission shall include the following criteria in
21 every Phase II technical evaluation of design-build entities:

22 (1) compliance with objectives of the project; (2) compliance
23 of proposed services to the request for proposal requirements;
24 (3) quality of products or materials proposed; (4) quality of
25 design parameters; (5) design concepts; (6) innovation in
26 meeting the scope and performance criteria; and (7)

1 constructability of the proposed project. The Commission may
2 include any additional relevant technical evaluation factors
3 it deems necessary for proper selection.

4 The Commission shall include the following criteria in
5 every Phase II cost evaluation: the guaranteed maximum project
6 cost and the time of completion. The Commission may include any
7 additional relevant technical evaluation factors it deems
8 necessary for proper selection. The guaranteed maximum project
9 cost criteria weighing factor shall not exceed 30%.

10 The Commission shall directly employ or retain a licensed
11 design professional to evaluate the technical and cost
12 submissions to determine if the technical submissions are in
13 accordance with generally accepted industry standards.

14 Upon completion of the technical submissions and cost
15 submissions evaluation, the Commission may award the
16 design-build contract to the highest overall ranked entity.

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

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

23 (50 ILCS 20/20.10)

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

25 Sec. 20.10. Small design-build projects. In any case where

1 the total overall cost of the project is estimated to be less
2 than \$12,000,000, the Commission may combine the two-phase
3 procedure for design-build selection described in Section 20.5
4 into one combined step, provided that all the requirements of
5 evaluation are performed in accordance with Section 20.5.

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

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

12 (50 ILCS 20/20.15)

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

14 Sec. 20.15. Submission of design-build proposals.
15 Design-build proposals must be properly identified and sealed.
16 Proposals may not be reviewed until after the deadline for
17 submission has passed as set forth in the request for
18 proposals. All design-build entities submitting proposals
19 shall be disclosed after the deadline for submission, and all
20 design-build entities who are selected for Phase II evaluation
21 shall also be disclosed at the time of that determination.

22 Phase II design-build proposals shall include a bid bond in
23 the form and security as designated in the request for
24 proposals. Proposals shall also contain a separate sealed
25 envelope with the cost information within the overall proposal

1 submission. Proposals shall include a list of all design
2 professionals and other entities to which any work identified
3 in Section 30-30 of the Illinois Procurement Code as a
4 subdivision of construction work may be subcontracted during
5 the performance of the contract.

6 Proposals must meet all material requirements of the
7 request for proposal or they may be rejected as non-responsive.
8 The Commission shall have the right to reject any and all
9 proposals.

10 The drawings and specifications of any unsuccessful
11 design-build proposal shall remain the property of the
12 design-build entity.

13 The Commission shall review the proposals for compliance
14 with the performance criteria and evaluation factors.

15 Proposals may be withdrawn prior to the due date and time
16 for submissions for any cause. After evaluation begins by the
17 Commission, clear and convincing evidence of error is required
18 for withdrawal.

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

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

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

2 Sec. 20.20. Design-build award. The Commission may award a
3 design-build contract to the highest overall ranked entity.
4 Notice of award shall be made in writing. Unsuccessful entities
5 shall also be notified in writing. The Commission may not
6 request a best and final offer after the receipt of proposals.
7 The Commission may negotiate with the selected design-build
8 entity after award but prior to contract execution for the
9 purpose of securing better terms than originally proposed,
10 provided that the salient features of the request for proposal
11 are not diminished.

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 20/20.25)

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

20 Sec. 20.25. Minority and female owned enterprises; total
21 construction budget.

22 (a) Each year, within 60 days following the end of a
23 commission's fiscal year, the commission shall provide a report
24 to the General Assembly addressing the utilization of minority
25 and female owned business enterprises on design-build

1 projects.

2 (b) The payments for design-build projects by any
3 commission in one fiscal year shall not exceed 50% of the
4 moneys spent on construction projects during the same fiscal
5 year.

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

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

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

14 (50 ILCS 20/3) (from Ch. 85, par. 1033)

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

18 (a) "Commission" means a Public Building Commission
19 created pursuant to this Act.

20 (b) "Commissioner" or "Commissioners" means a
21 Commissioner or Commissioners of a Public Building
22 Commission.

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

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

3 (e) "Municipal corporation" includes a county, city,
4 village, town, (including a county seat), park district,
5 school district in a county of 3,000,000 or more
6 population, board of education of a school district in a
7 county of 3,000,000 or more population, sanitary district,
8 airport authority contiguous with the County Seat as of
9 July 1, 1969 and any other municipal body or governmental
10 agency of the State, and until July 1, 2011, a school
11 district that (i) was organized prior to 1860, (ii) is
12 located in part in a city originally incorporated prior to
13 1840, and (iii) entered into a lease with a Commission
14 prior to 1993, and its board of education, but does not
15 include a school district in a county of less than
16 3,000,000 population, a board of education of a school
17 district in a county of less than 3,000,000 population, or
18 a community college district in a county of less than
19 3,000,000 population, except that until July 1, 2011, a
20 school district that (i) was organized prior to 1860, (ii)
21 is located in part in a city originally incorporated prior
22 to 1840, and (iii) entered into a lease with a Commission
23 prior to 1993, and its board of education, are included.

24 (f) "Governing body" includes a city council, county
25 board, or any other body or board, by whatever name it may
26 be known, charged with the governing of a municipal

1 corporation.

2 (g) "Presiding officer" includes the mayor or
3 president of a city, village or town, the presiding officer
4 of a county board, or the presiding officer of any other
5 board or commission, as the case may be.

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

7 (i) "Building" means an improvement to real estate to
8 be made available for use by a municipal corporation for
9 the furnishing of governmental services to its citizens,
10 together with any land or interest in land necessary or
11 useful in connection with the improvement.

12 (j) "Delivery system" means the design and
13 construction approach used to develop and construct a
14 project.

15 (k) "Design-bid-build" means the traditional delivery
16 system used on public projects that incorporates the Local
17 Government Professional Services Selection Act (50 ILCS
18 510/) and the principles of competitive selection.

19 (l) "Design-build" means a delivery system that
20 provides responsibility within a single contract for the
21 furnishing of architecture, engineering, land surveying
22 and related services as required, and the labor, materials,
23 equipment, and other construction services for the
24 project.

25 (m) "Design-build contract" means a contract for a
26 public project under this Act between the Commission and a

1 design-build entity to furnish architecture, engineering,
2 land surveying, and related services as required, and to
3 furnish the labor, materials, equipment, and other
4 construction services for the project. The design-build
5 contract may be conditioned upon subsequent refinements in
6 scope and price and may allow the Commission to make
7 modifications in the project scope without invalidating
8 the design-build contract.

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

19 (o) "Design professional" means any individual, sole
20 proprietorship, firm, partnership, joint venture,
21 corporation, professional corporation, or other entity
22 that offers services under the Illinois Architecture
23 Practice Act of 1989 (225 ILCS 305/), the Professional
24 Engineering Practice Act of 1989 (225 ILCS 325/), the
25 Structural Engineering Licensing Act of 1989 (225 ILCS
26 340/), or the Illinois Professional Land Surveyor Act of

1 1989 (225 ILCS 330/).

2 (p) "Evaluation criteria" means the requirements for
3 the separate phases of the selection process for
4 design-build proposals as defined in this Act and may
5 include the specialized experience, technical
6 qualifications and competence, capacity to perform, past
7 performance, experience with similar projects, assignment
8 of personnel to the project, and other appropriate factors.
9 Price may not be used as a factor in the evaluation of
10 Phase I proposals.

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

14 (r) "Request for proposal" means the document used by
15 the Commission to solicit proposals for a design-build
16 contract.

17 (s) "Scope and performance criteria" means the
18 requirements for the public project, including but not
19 limited to, the intended usage, capacity, size, scope,
20 quality and performance standards, life-cycle costs, and
21 other programmatic criteria that are expressed in
22 performance-oriented and quantifiable specifications and
23 drawings that can be reasonably inferred and are suited to
24 allow a design-build entity to develop a proposal.

25 (t) "Guaranteed maximum price" means a form of contract
26 in which compensation may vary according to the scope of

1 work involved but in any case may not exceed an agreed
2 total amount.

3 Definitions in this Section with respect to design-build
4 shall have no effect beginning 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. The actions of any person or entity
9 taken on or after June 1, 2013 and before the effective date of
10 this amendatory Act of the 98th General Assembly in reliance on
11 the provisions of this Section with respect to design-build
12 continuing to be effective are hereby validated.

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

14 (50 ILCS 20/20) (from Ch. 85, par. 1050)

15 Sec. 20. Contracts let to lowest responsible bidder;
16 competitive bidding; advertisement for bids; design-build
17 contracts.

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

1 (b) A contract awarded on the basis of competitive bidding
2 shall be awarded after public advertisement published at least
3 once in each week for three consecutive weeks prior to the
4 opening of bids, in a daily newspaper of general circulation in
5 the county where the commission is located, except in the case
6 of an emergency situation, as determined by the chief executive
7 officer. If a contract is awarded in an emergency situation,
8 (i) the contract accepted must be based on the lowest
9 responsible proposal after the commission has made a diligent
10 effort to solicit multiple proposals by telephone, facsimile,
11 or other efficient means and (ii) the chief executive officer
12 must submit a report at the next regular meeting of the Board,
13 to be ratified by the Board and entered into the official
14 record, that states the chief executive officer's reason for
15 declaring an emergency situation, the names of all parties
16 solicited for proposals, and their proposals and that includes
17 a copy of the contract awarded. Nothing contained in this
18 Section shall be construed to prohibit the Board of
19 Commissioners from placing additional advertisements in
20 recognized trade journals. Advertisements for bids shall
21 describe the character of the proposed contract in sufficient
22 detail to enable the bidders thereon to know what their
23 obligation will be, either in the advertisement itself, or by
24 reference to detailed plans and specifications on file in the
25 office of the Public Building Commission at the time of the
26 publication of the first announcement. Such advertisement

1 shall also state the date, time, and place assigned for the
2 opening of bids. No bids shall be received at any time
3 subsequent to the time indicated in said advertisement.

4 (c) In addition to the requirements of Section 20.3, the
5 Commission shall advertise a design-build solicitation at
6 least once in a daily newspaper of general circulation in the
7 county where the Commission is located. The date that Phase I
8 submissions by design-build entities are due must be at least
9 14 calendar days after the date the newspaper advertisement for
10 design-build proposals is first published. The advertisement
11 shall identify the design-build project, the due date, the
12 place and time for Phase I submissions, and the place where
13 proposers can obtain a complete copy of the request for
14 design-build proposals, including the criteria for evaluation
15 and the scope and performance criteria. The Commission is not
16 precluded from using other media or from placing advertisements
17 in addition to the one required under this subsection.

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

21 (e) All bids shall be open to public inspection in the
22 office of the Public Building Commission after an award or
23 final selection has been made. The successful bidder for such
24 work shall enter into contracts furnished and prescribed by the
25 Board of Commissioners and in addition to any other bonds
26 required under this Act the successful bidder shall execute and

1 give bond, payable to and to be approved by the Commission,
2 with a corporate surety authorized to do business under the
3 laws of the State of Illinois, in an amount to be determined by
4 the Board of Commissioners, conditioned upon the payment of all
5 labor furnished and materials supplied in the prosecution of
6 the contracted work. If the bidder whose bid has been accepted
7 shall neglect or refuse to accept the contract within five (5)
8 days after written notice that the same has been awarded to
9 him, or if he accepts but does not execute the contract and
10 give the proper security, the Commission may accept the next
11 lowest bidder, or readvertise and relet in manner above
12 provided.

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

1 (g) The provisions of this Section with respect to
2 design-build shall have no effect beginning on June 1, 2018;
3 provided that any design-build contracts entered into before
4 such date or any procurement of a project under this Act
5 commenced before such date, and the contracts resulting from
6 those procurements, shall remain effective. The actions of any
7 person or entity taken on or after June 1, 2013 and before the
8 effective date of this amendatory Act of the 98th General
9 Assembly in reliance on the provisions of this Section with
10 respect to design-build continuing to be effective are hereby
11 validated.

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."