



Rep. Barbara Flynn Currie

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09900HB3497ham001

LRB099 10663 SXM 34078 a

1 AMENDMENT TO HOUSE BILL 3497

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3497 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by  
5 changing Section 30-30 as follows:

6 (30 ILCS 500/30-30)

7 Sec. 30-30. Contracts in excess of \$250,000. For building  
8 construction contracts in excess of \$250,000, separate  
9 specifications may ~~shall~~ be prepared for all equipment, labor,  
10 and materials in connection with the following 5 subdivisions  
11 of the work to be performed:

12 (1) plumbing;

13 (2) heating, piping, refrigeration, and automatic  
14 temperature control systems, including the testing and  
15 balancing of those systems;

16 (3) ventilating and distribution systems for

1 conditioned air, including the testing and balancing of  
2 those systems;

3 (4) electric wiring; and

4 (5) general contract work.

5 The specifications may ~~must~~ be so drawn as to permit  
6 separate and independent bidding upon each of the 5  
7 subdivisions of work. All contracts awarded for any part  
8 thereof may ~~shall~~ award the 5 subdivisions of work separately  
9 to responsible and reliable persons, firms, or corporations  
10 engaged in these classes of work. The contracts, at the  
11 discretion of the construction agency, may be assigned to the  
12 successful bidder on the general contract work or to the  
13 successful bidder on the subdivision of work designated by the  
14 construction agency before the bidding as the prime subdivision  
15 of work, provided that all payments will be made directly to  
16 the contractors for the 5 subdivisions of work upon compliance  
17 with the conditions of the contract.

18 For single prime projects: (i) the bid of the successful  
19 low bidder shall identify the name of the subcontractor, if  
20 any, and the bid proposal costs for each of the 5 subdivisions  
21 of work set forth in this Section; and (ii) the contract  
22 entered into with the successful bidder shall provide that no  
23 identified subcontractor may be terminated without the written  
24 consent of the Capital Development Board.

25 ~~Until a date 4 years after July 1, 2011, the requirements~~  
26 ~~of this Section do not apply to a construction project for~~

1 ~~which the Capital Development Board is the construction agency~~  
2 ~~if: (i) the project budget is at least \$15,000,000; (ii) the~~  
3 ~~Capital Development Board has submitted to the Procurement~~  
4 ~~Policy Board a written request for a public hearing on waiver~~  
5 ~~of the application of the requirements of this Section to that~~  
6 ~~project, including its reasons for seeking the waiver and why~~  
7 ~~the waiver is in the best interest of the State; (iii) the~~  
8 ~~Capital Development Board has posted notice of the waiver~~  
9 ~~hearing on its procurement web page and on the online~~  
10 ~~Procurement Bulletin at least 15 calendar days before the~~  
11 ~~hearing; (iv) the Procurement Policy Board, after conducting~~  
12 ~~the public hearing on the waiver request, reviews and approves~~  
13 ~~the request in writing before the award of the contract; (v)~~  
14 ~~the successful low bidder has prequalified with the Capital~~  
15 ~~Development Board; (vi) the bid of the successful low bidder~~  
16 ~~identifies the name of the subcontractor, if any, and the bid~~  
17 ~~proposal costs for each of the 5 subdivisions of work set forth~~  
18 ~~in this Section; and (vii) the contract entered into with the~~  
19 ~~successful bidder provides that no identified subcontractor~~  
20 ~~may be terminated without the written consent of the Capital~~  
21 ~~Development Board. With respect to any construction project~~  
22 ~~described in this paragraph, the Capital Development Board~~  
23 ~~shall: (i) provide to the Auditor General an affidavit that the~~  
24 ~~waiver of the application of the requirements of this Section~~  
25 ~~is in the best interest of the State; (ii) specify in writing~~  
26 ~~as a public record that the project shall comply with the~~

1 ~~disadvantaged business practices of the Business Enterprise~~  
2 ~~for Minorities, Females, and Persons with Disabilities Act and~~  
3 ~~the equal employment practices of Section 2-105 of the Illinois~~  
4 ~~Human Rights Act; and (iii) report annually to the Governor and~~  
5 ~~the General Assembly on the bidding, award, and performance. On~~  
6 ~~and after January 1, 2009 (the effective date of Public Act~~  
7 ~~95-758), the Capital Development Board may award in each year~~  
8 ~~contracts with an aggregate total value of no more than~~  
9 ~~\$200,000,000 with respect to construction projects described~~  
10 ~~in this paragraph.~~

11 ~~Until a date 11 years after November 29, 2005 (the~~  
12 ~~effective date of Public Act 94-699), the requirements of this~~  
13 ~~Section do not apply to the Capitol Building HVAC upgrade~~  
14 ~~project if (i) the bid of the successful bidder identifies the~~  
15 ~~name of the subcontractor, if any, and the bid proposal costs~~  
16 ~~for each of the 5 subdivisions of work set forth in this~~  
17 ~~Section, and (ii) the contract entered into with the successful~~  
18 ~~bidder provides that no identified subcontractor may be~~  
19 ~~terminated without the written consent of the Capital~~  
20 ~~Development Board.~~

21 (Source: P.A. 97-182, eff. 7-22-11; 98-431, eff. 8-16-13;  
22 98-1076, eff. 1-1-15.)

23 Section 95. Repeal date. This Act is repealed on December  
24 31, 2020.

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".