



Rep. Stephanie A. Kifowit

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10100SB2120ham001

LRB101 10535 RJF 60329 a

1 AMENDMENT TO SENATE BILL 2120

2 AMENDMENT NO. _____. Amend Senate Bill 2120 as follows:

3 on page 9, immediately below line 25, by inserting the
4 following:

5 "Section 15. The Illinois Procurement Code is amended by
6 changing Sections 1-15.93 and 30-30 as follows:

7 (30 ILCS 500/1-15.93)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 1-15.93. Single prime. "Single prime" means the
10 design-bid-build procurement delivery method for a building
11 construction project in which the Capital Development Board or
12 a public institution of higher education is the construction
13 agency procuring 2 or more subdivisions of work enumerated in
14 paragraphs (1) through (5) of subsection (a) of Section 30-30
15 of this Code under a single contract. This Section is repealed

1 on January 1, 2025 ~~2020~~.

2 (Source: P.A. 99-257, eff. 8-4-15.)

3 (30 ILCS 500/30-30)

4 Sec. 30-30. Design-bid-build construction.

5 (a) The provisions of this subsection are operative through
6 December 31, 2024 ~~2019~~.

7 Except as provided in subsections (a-5) or (a-10), for ~~For~~
8 building construction contracts in excess of \$250,000,
9 separate specifications must ~~may~~ be prepared for all equipment,
10 labor, and materials in connection with the following 5
11 subdivisions 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
17 conditioned air, including the testing and balancing of
18 those systems;

19 (4) electric wiring; and

20 (5) general contract work.

21 Except as provided in subsection (a-5) or (a-10), the ~~The~~
22 specifications must ~~may~~ be so drawn as to permit separate and
23 independent bidding upon each of the 5 subdivisions of work,
24 and all ~~All~~ contracts awarded for any part thereof must ~~may~~
25 award the 5 subdivisions of work separately to responsible and

1 reliable persons, firms, or corporations engaged in these
2 classes of work. The contracts, at the discretion of the
3 construction agency, may be assigned to the successful bidder
4 on the general contract work or to the successful bidder on the
5 subdivision of work designated by the construction agency
6 before the bidding as the prime subdivision of work, provided
7 that all payments will be made directly to the contractors for
8 the 5 subdivisions of work upon compliance with the conditions
9 of the contract.

10 (a-5) Beginning on the effective date of this amendatory
11 Act of the 101st General Assembly and through December 31,
12 2024, for single prime projects in which the Capital
13 Development Board is the construction agency procuring for
14 building construction contracts in excess of \$250,000,
15 separate specifications may be prepared for all equipment,
16 labor, and materials in connection with the 5 subdivisions of
17 work enumerated in subsection (a). Any Capital Development
18 Board construction contracts awarded for any part thereof may
19 award 2 or more of the 5 subdivisions of work together or
20 separately to responsible and reliable persons, firms, or
21 corporations engaged in these classes of work.

22 For Capital Development Board single prime projects: (i)
23 the bid of the successful low bidder shall identify the name of
24 the subcontractor, if any, and the bid proposal costs for each
25 of the 5 subdivisions of work set forth in subsection (a); (ii)
26 the contract entered into with the successful bidder shall

1 provide that no identified subcontractor may be terminated
2 without the written consent of the Capital Development Board;
3 and (iii) the contract shall comply with the disadvantaged
4 business practices of the Business Enterprise for Minorities,
5 Women, and Persons with Disabilities Act and the equal
6 employment practices of Section 2-105 of the Illinois Human
7 Rights Act.

8 Beginning on the effective date of this amendatory Act of
9 the 101st General Assembly and through December 31, 2021, for
10 building construction projects with a total construction cost
11 valued at \$5,000,000 or less, the Capital Development Board
12 shall not use the single prime procurement delivery method for
13 more than 50% of the total number of projects bid for each
14 calendar year. Any project with a total construction cost
15 valued greater than \$5,000,000 may be bid using single prime at
16 the discretion of the Executive Director of the Capital
17 Development Board.

18 (a-10) Beginning on the effective date of this amendatory
19 Act of the 101st General Assembly and through December 31,
20 2024, for single prime projects in which an institution of
21 higher education is a construction agency procuring for
22 building construction contracts in excess of \$250,000,
23 separate specifications may be prepared for all equipment,
24 labor, and materials in connection with the 5 subdivisions of
25 work enumerated in subsection (a). Any institution of higher
26 education construction contract awarded for any part thereof

1 may award 2 or more of the 5 subdivisions of work together or
2 separately to responsible and reliable persons, firms, or
3 corporations engaged in these classes of work if: (i) the
4 institution of higher education has submitted to the
5 Procurement Policy Board a written notice that shall include
6 the reasons for using the single prime method and an
7 explanation of why the use of that method is in the best
8 interest of the State. The notice provided under this item (i)
9 shall be posted on the institution of higher education's online
10 procurement webpage and on the online Procurement Bulletin at
11 least 3 business days following submission to the Procurement
12 Policy Board; (ii) the successful low bidder has prequalified
13 with the institution of higher education, or in the event the
14 institution of higher education does not have a
15 prequalification process, the low bidder has prequalified with
16 Capital Development Board; (iii) the bid of the successful low
17 bidder identifies the name of the subcontractor, if any, and
18 the bid proposal costs for each of the 5 subdivisions of work
19 set forth in subsection (a); and (iv) the contract entered into
20 with the successful bidder provides that no identified
21 subcontractor may be terminated without the written consent of
22 the institution of higher education.

23 For building construction projects with a total
24 construction cost valued at \$20,000,000 or less, institutions
25 of higher education shall not use the single prime delivery
26 method for more than 50% of the total number of projects bid

1 for each fiscal year. Projects with a total construction cost
2 valued greater than \$20,000,000 may be bid using the single
3 prime delivery method at the discretion of the institution of
4 higher education.

5 With respect to any construction project described in this
6 subsection (a-10), the institution of higher education shall:
7 (i) specify in writing as a public record that the project
8 shall comply with the Business Enterprise for Minorities,
9 Women, and Persons with Disabilities Act and the equal
10 practices of the Section 2-105 of the Illinois Human Rights
11 Act; and (ii) report annually to the Governor, General
12 Assembly, Procurement Policy Board, and Auditor General on the
13 bidding, award, and performance of all single prime projects.
14 On or after the effective date of this amendatory Act of the
15 101st General Assembly, each institution of higher education
16 may award in each fiscal year single prime contracts with an
17 aggregate total value of no more than \$100,000,000, except that
18 the Board of Trustees of the University of Illinois may award
19 in each fiscal year single prime contracts with an aggregate
20 total value of no more than \$300,000,000.

21 ~~Beginning on the effective date of this amendatory Act of~~
22 ~~the 99th General Assembly and through December 31, 2019, for~~
23 ~~single prime projects: (i) the bid of the successful low bidder~~
24 ~~shall identify the name of the subcontractor, if any, and the~~
25 ~~bid proposal costs for each of the 5 subdivisions of work set~~
26 ~~forth in this Section; (ii) the contract entered into with the~~

1 ~~successful bidder shall provide that no identified~~
2 ~~subcontractor may be terminated without the written consent of~~
3 ~~the Capital Development Board; (iii) the contract shall comply~~
4 ~~with the disadvantaged business practices of the Business~~
5 ~~Enterprise for Minorities, Women, and Persons with~~
6 ~~Disabilities Act and the equal employment practices of Section~~
7 ~~2-105 of the Illinois Human Rights Act; (iv) the Capital~~
8 ~~Development Board shall submit a quarterly report to the~~
9 ~~Procurement Policy Board with information on the general scope,~~
10 ~~project budget, and established Business Enterprise Program~~
11 ~~goals for any single prime procurement bid in the previous 3~~
12 ~~months with a total construction cost valued at \$10,000,000 or~~
13 ~~less; and (v) the Capital Development Board shall submit an~~
14 ~~annual report to the General Assembly and Governor on the~~
15 ~~bidding, award, and performance of all single prime projects.~~

16 ~~For building construction projects with a total~~
17 ~~construction cost valued at \$5,000,000 or less, the Capital~~
18 ~~Development Board shall not use the single prime procurement~~
19 ~~delivery method for more than 50% of the total number of~~
20 ~~projects bid for each fiscal year. Any project with a total~~
21 ~~construction cost valued greater than \$5,000,000 may be bid~~
22 ~~using single prime at the discretion of the Executive Director~~
23 ~~of the Capital Development Board.~~

24 ~~Beginning on the effective date of this amendatory Act of~~
25 ~~the 99th General Assembly and through December 31, 2017, the~~
26 ~~Capital Development Board shall, on a weekly basis: review the~~

1 ~~projects that have been designed, and approved to bid; and, for~~
2 ~~every fifth determination to use the single prime procurement~~
3 ~~delivery method for a project under \$10,000,000, submit to the~~
4 ~~Procurement Policy Board a written notice of its intent to use~~
5 ~~the single prime method on the project. The notice shall~~
6 ~~include the reasons for using the single prime method and an~~
7 ~~explanation of why the use of that method is in the best~~
8 ~~interest of the State. The Capital Development Board shall post~~
9 ~~the notice on its online procurement webpage and on the online~~
10 ~~Procurement Bulletin at least 3 business days following~~
11 ~~submission. The Procurement Policy Board shall review and~~
12 ~~provide its decision on the use of the single prime method for~~
13 ~~every fifth use of the single prime procurement delivery method~~
14 ~~for a project under \$10,000,000 within 7 business days of~~
15 ~~receipt of the notice from the Capital Development Board.~~
16 ~~Approval by the Procurement Policy Board shall not be~~
17 ~~unreasonably withheld and shall be provided unless the~~
18 ~~Procurement Policy Board finds that the use of the single prime~~
19 ~~method is not in the best interest of the State. Any decision~~
20 ~~by the Procurement Policy Board to disapprove the use of the~~
21 ~~single prime method shall be made in writing to the Capital~~
22 ~~Development Board, posted on the online Procurement Bulletin,~~
23 ~~and shall state the reasons why the single prime method was~~
24 ~~disapproved and why it is not in the best interest of the~~
25 ~~State.~~

26 (b) The provisions of this subsection are operative on and

1 after January 1, 2025 ~~2020~~. For building construction contracts
2 in excess of \$250,000, separate specifications shall be
3 prepared for all equipment, labor, and materials in connection
4 with the following 5 subdivisions of the work to be performed:

5 (1) plumbing;

6 (2) heating, piping, refrigeration, and automatic
7 temperature control systems, including the testing and
8 balancing of those systems;

9 (3) ventilating and distribution systems for
10 conditioned air, including the testing and balancing of
11 those systems;

12 (4) electric wiring; and

13 (5) general contract work.

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

1 (Source: P.A. 99-257, eff. 8-4-15; 100-391, eff. 8-25-17.);
2 and
3 on page 10, lines 1 and 2, by replacing "January 1, 2020" with
4 "December 31, 2019".