

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Capital Development Board Act is amended by
5 changing Sections 3, 4.03, 4.04, 6, 7, 9.02, 9.07, 10.02,
6 10.03, 10.05, 10.09-1, and 12 as follows:

7 (20 ILCS 3105/3) (from Ch. 127, par. 773)

8 Sec. 3. As used in this Act, unless the context otherwise
9 requires:

10 "Board" means the Capital Development Board.

11 "State agency" means and includes each officer,
12 department, board, commission, institution, body politic and
13 corporate of the State ~~including the Illinois Building~~
14 ~~Authority, school districts,~~ and any other person expending or
15 encumbering State or federal funds by virtue of an
16 appropriation or other authorization by the General Assembly or
17 federal authorization or grant. Except as otherwise expressly
18 authorized by the General Assembly, the term does not include
19 the Department of Transportation, the Department of Natural
20 Resources, or Environmental Protection Agency, except as
21 respects buildings used by the Department or Agency for its
22 officers, employees, or equipment, or any of them, and for
23 capital improvements related to such buildings. Nor does the

1 term include the Illinois Housing Development Authority, the
2 Illinois Finance Authority or the St. Louis Metropolitan Area
3 Airport Authority.

4 ~~"School District" means any school district or special~~
5 ~~charter district as defined in Section 1-3 of "The School~~
6 ~~Code", approved March 18, 1961, as amended, or any~~
7 ~~administrative district, or governing board, of a joint~~
8 ~~agreement organized under Section 10-22.31 of the School Code.~~
9 (Source: P.A. 93-205, eff. 1-1-04.)

10 (20 ILCS 3105/4.03) (from Ch. 127, par. 774.03)

11 Sec. 4.03. To conduct research on improvements in choice
12 and use of materials, energy systems, ~~including solar energy~~
13 ~~systems~~, and in construction methods for reducing construction
14 costs and operating and maintenance costs of the facilities
15 described in Section 4.01.

16 (Source: P.A. 80-430.)

17 (20 ILCS 3105/4.04) (from Ch. 127, par. 774.04)

18 Sec. 4.04. To review and recommend periodic revisions in
19 established building and construction codes to promote public
20 safety, energy efficiency and economy, ~~including the use of~~
21 ~~solar energy~~, and reduce construction costs and operating and
22 maintenance costs of the facilities described in Section 4.01.

23 (Source: P.A. 80-430.)

1 (20 ILCS 3105/6) (from Ch. 127, par. 776)

2 Sec. 6. Members of the Board shall serve without
3 compensation but shall be reimbursed for their reasonable
4 expenses necessarily incurred in the performance of their
5 duties and the exercise of their powers under this Act. Each
6 member shall give bond, before entering upon the duties of his
7 or her office, in the penal sum of \$100,000 by inclusion in the
8 blanket bond or bonds or the self-insurance program provided
9 for in Section 14.1 and 14.2 of the Official Bond Act. The bond
10 shall be conditioned upon the faithful performance of his or
11 her duties. Each member shall, before entering upon the duties
12 of his or her office, take and subscribe the constitutional
13 oath of office, which shall be filed in the office of the
14 Secretary of State. ~~Each member shall before entering upon the~~
15 ~~duties of his office, take and subscribe the constitutional~~
16 ~~oath of office and give bond in the penal sum of \$100,000~~
17 ~~conditioned upon the faithful performance of his duties. The~~
18 ~~oath and bond shall be filed in the office of the Secretary of~~
19 ~~State.~~

20 (Source: P.A. 77-1995.)

21 (20 ILCS 3105/7) (from Ch. 127, par. 777)

22 Sec. 7. The Board shall meet at such times and places as is
23 provided for by the Board or, in the absence of such a
24 provision, on call of the chairman as prescribed by Board rules
25 ~~after at least 5 day's written notice to the members and the~~

1 ~~request of 2 or more members.~~ Four members of the Board shall
2 constitute a quorum. No vacancy in the membership shall impair
3 the right of a quorum of the members to exercise all of the
4 rights and powers, and to perform all of the duties, of the
5 Board.

6 (Source: P.A. 77-1995.)

7 (20 ILCS 3105/9.02) (from Ch. 127, par. 779.02)

8 Sec. 9.02. To enter into contracts on behalf of the State
9 of Illinois to effectuate the purposes of this Act, subject to
10 the Illinois Procurement Code ~~Purchasing Act~~.

11 (Source: P.A. 77-1995.)

12 (20 ILCS 3105/9.07) (from Ch. 127, par. 779.07)

13 Sec. 9.07. To accept assignment of contracts entered into
14 by other State agencies for construction services on projects
15 over which the Board shall have jurisdiction, whether or not
16 such contracts shall have been awarded in accordance with the
17 terms of the Illinois Procurement Code ~~Purchasing Act~~.

18 (Source: P.A. 77-1995.)

19 (20 ILCS 3105/10.02) (from Ch. 127, par. 780.02)

20 Sec. 10.02. To prepare, or cause to be prepared, general
21 plans, drawings and estimates, ~~including the life cycle cost~~
22 ~~estimate of energy systems,~~ for public buildings and
23 improvements to be erected for any State agency.

1 (Source: P.A. 80-430.)

2 (20 ILCS 3105/10.03) (from Ch. 127, par. 780.03)

3 Sec. 10.03. To prepare, or cause to be prepared, such
4 plans, specifications and other documents as are necessary to
5 the taking and acceptance of bids and letting of construction
6 contracts and to advertise for bids for such projects, as
7 required in The Illinois Procurement Code ~~Purchasing Act~~.

8 (Source: P.A. 81-945.)

9 (20 ILCS 3105/10.05) (from Ch. 127, par. 780.05)

10 Sec. 10.05. To inspect, or cause to be inspected, ~~all~~
11 materials to be incorporated into any building constructed or
12 repaired by or under the supervision of the Board.

13 (Source: P.A. 77-1995.)

14 (20 ILCS 3105/10.09-1)

15 Sec. 10.09-1. Certification of Inspection ~~Adoption of~~
16 ~~building code; enforcement.~~

17 (a) After July 1, 2011, no person may occupy a newly
18 constructed commercial building in a non-building code
19 jurisdiction until:

20 (1) The property owner or his or her agent has first
21 contracted for the inspection of the building by an
22 inspector who meets the qualifications established by the
23 Board; and

1 (2) The qualified inspector files a certification of
2 inspection with the municipality or county having such
3 jurisdiction over the property indicating that the
4 building meets compliance with the building codes adopted
5 by the Board for non-building code jurisdictions based on
6 the following:

7 (A) The current edition or most recent preceding
8 ~~2006 or later~~ editions of the following codes developed
9 by the International Code Council:

10 (i) International Building Code;

11 (ii) International Existing Building Code; and

12 ~~(iii) International Property Maintenance Code.~~

13 (B) The current edition or most recent preceding
14 ~~2008 or later~~ edition of the National Electrical Code
15 NFPA 70.

16 (b) This Section does not apply to any area in a
17 municipality or county having jurisdiction that has registered
18 its adopted building code with the Board as required by Section
19 55 of the Illinois Building Commission Act.

20 (c) The qualification requirements of this Section do not
21 apply to building enforcement personnel employed by
22 jurisdictions as defined in subsection (b).

23 (d) For purposes of this Section:

24 "Commercial building" means any building other than a
25 single-family home or a dwelling containing 2 or fewer
26 apartments, condominiums, or townhomes or a farm building as

1 exempted from Section 3 of the Illinois Architecture Practice
2 Act.

3 "Newly constructed commercial building" means any
4 commercial building for which original construction has
5 commenced on or after July 1, 2011.

6 "Non-building code jurisdiction" means any area of the
7 State not subject to a building code imposed by either a county
8 or municipality.

9 "Qualified inspector" means an individual qualified by the
10 State of Illinois, certified by a nationally recognized
11 building official certification organization, qualified by an
12 apprentice program certified by the Bureau of Apprentice
13 Training, or who has filed verification of inspection
14 experience according to rules adopted by the Board for the
15 purposes of conducting inspections in non-building code
16 jurisdictions.

17 (e) New residential construction is exempt from this
18 Section and is defined as any original construction of a
19 single-family home or a dwelling containing 2 or fewer
20 apartments, condominiums, or townhomes in accordance with the
21 Illinois Residential Building Code Act.

22 (f) Local governments may establish agreements with other
23 governmental entities within the State to issue permits and
24 enforce building codes and may hire third-party providers that
25 are qualified in accordance with this Section to provide
26 inspection services.

1 (g) This Section does not regulate any other statutorily
2 authorized code or regulation administered by State agencies.
3 These include without limitation the Illinois Plumbing Code,
4 the Illinois Environmental Barriers Act, the International
5 Energy Conservation Code, and administrative rules adopted by
6 the Office of the State Fire Marshal.

7 (h) This Section applies beginning July 1, 2011.
8 (Source: P.A. 96-704, eff. 1-1-10.)

9 (20 ILCS 3105/12) (from Ch. 127, par. 782)

10 Sec. 12. Nothing in this Act shall be construed to include
11 the power to abrogate those powers vested in the boards of the
12 local public community college districts and the Illinois
13 Community College Board by the Public Community College Act,
14 the Board of Trustees of the University of Illinois, The Board
15 of Trustees of Southern Illinois University, the Board of
16 Trustees of Chicago State University, the Board of Trustees of
17 Eastern Illinois University, the Board of Trustees of Governors
18 State University, the Board of Trustees of Illinois State
19 University, the Board of Trustees of Northeastern Illinois
20 University, the Board of Trustees of Northern Illinois
21 University, and the Board of Trustees of Western Illinois
22 University, hereinafter referred to as Governing Boards. In the
23 exercise of the powers conferred by law upon the Board and in
24 the exercise of the powers vested in such Governing Boards, it
25 is hereby provided that (i) the Board and any such Governing

1 Board may contract with each other and other parties as to the
2 design and construction of any project to be constructed for or
3 upon the property of such Governing Board or any institution
4 under its jurisdiction; (ii) in connection with any such
5 project, compliance with the provisions of the Illinois
6 Procurement Code ~~Purchasing Act~~ by either the Board or such
7 Governing Board shall be deemed to be compliance by the other;
8 (iii) funds appropriated to any such Governing Board may be
9 expended for any project constructed by the Board for such
10 Governing Board; (iv) in connection with any such project the
11 architects and engineers retained for the project and the plans
12 and specifications for the project must be approved by both the
13 Governing Board and the Board before undertaking either design
14 or construction of the project, as the case may be.

15 (Source: P.A. 89-4, eff. 1-1-96.)

16 (20 ILCS 3105/9.01a rep.)

17 (20 ILCS 3105/9.01b rep.)

18 (20 ILCS 3105/9.01c rep.)

19 (20 ILCS 3105/9.09 rep.)

20 (20 ILCS 3105/10.02a rep.)

21 (20 ILCS 3105/10.02b rep.)

22 (20 ILCS 3105/18 rep.)

23 Section 10. The Capital Development Board Act is amended by
24 repealing Sections 9.01a, 9.01b, 9.01c, 9.09, 10.02a, 10.02b,
25 and 18.

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

3 (30 ILCS 500/1-15.93)

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

5 Sec. 1-15.93. Single prime. "Single prime" means the
6 design-bid-build procurement delivery method for a building
7 construction project in which the Capital Development Board is
8 the construction agency procuring 2 or more subdivisions of
9 work enumerated in paragraphs (1) through (5) of subsection (a)
10 of Section 30-30 of this Code under a single contract. This
11 Section is repealed on January 1, 2021 ~~2020~~.

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

13 (30 ILCS 500/30-30)

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

15 (a) The provisions of this subsection are operative through
16 December 31, 2020 ~~2019~~.

17 For building construction contracts in excess of \$250,000,
18 separate specifications may be prepared for all equipment,
19 labor, and materials in connection with the following 5
20 subdivisions of the work to be performed:

21 (1) plumbing;

22 (2) heating, piping, refrigeration, and automatic
23 temperature control systems, including the testing and

1 balancing of those systems;

2 (3) ventilating and distribution systems for
3 conditioned air, including the testing and balancing of
4 those systems;

5 (4) electric wiring; and

6 (5) general contract work.

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

19 Beginning on the effective date of this amendatory Act of
20 the 101st ~~99th~~ General Assembly and through December 31, 2020
21 ~~2019~~, for single prime projects: (i) the bid of the successful
22 low bidder shall identify the name of the subcontractor, if
23 any, and the bid proposal costs for each of the 5 subdivisions
24 of work set forth in this Section; (ii) the contract entered
25 into with the successful bidder shall provide that no
26 identified subcontractor may be terminated without the written

1 consent of the Capital Development Board; (iii) the contract
2 shall comply with the disadvantaged business practices of the
3 Business Enterprise for Minorities, Women, and Persons with
4 Disabilities Act and the equal employment practices of Section
5 2-105 of the Illinois Human Rights Act; ~~(iv) the Capital~~
6 ~~Development Board shall submit a quarterly report to the~~
7 ~~Procurement Policy Board with information on the general scope,~~
8 ~~project budget, and established Business Enterprise Program~~
9 ~~goals for any single prime procurement bid in the previous 3~~
10 ~~months with a total construction cost valued at \$10,000,000 or~~
11 ~~less; and (iv) (v) the Capital Development Board shall submit~~
12 an annual report to the General Assembly and Governor on the
13 bidding, award, and performance of all single prime projects.

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

22 ~~Beginning on the effective date of this amendatory Act of~~
23 ~~the 99th General Assembly and through December 31, 2017, the~~
24 ~~Capital Development Board shall, on a weekly basis: review the~~
25 ~~projects that have been designed, and approved to bid; and, for~~
26 ~~every fifth determination to use the single prime procurement~~

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

24 (b) The provisions of this subsection are operative on and
25 after January 1, 2021 ~~2020~~. For building construction contracts
26 in excess of \$250,000, separate specifications shall be

1 prepared for all equipment, labor, and materials in connection
2 with the following 5 subdivisions of the work to be performed:

3 (1) plumbing;

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

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

10 (4) electric wiring; and

11 (5) general contract work.

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

25 (Source: P.A. 99-257, eff. 8-4-15; 100-391, eff. 8-25-17.)

26 Section 99. Effective date. This Act takes effect December

1 15, 2019.

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Statutes amended in order of appearance

3

20 ILCS 3105/3 from Ch. 127, par. 773

4

20 ILCS 3105/4.03 from Ch. 127, par. 774.03

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20 ILCS 3105/4.04 from Ch. 127, par. 774.04

6

20 ILCS 3105/6 from Ch. 127, par. 776

7

20 ILCS 3105/7 from Ch. 127, par. 777

8

20 ILCS 3105/9.02 from Ch. 127, par. 779.02

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20 ILCS 3105/9.07 from Ch. 127, par. 779.07

10

20 ILCS 3105/10.02 from Ch. 127, par. 780.02

11

20 ILCS 3105/10.03 from Ch. 127, par. 780.03

12

20 ILCS 3105/10.05 from Ch. 127, par. 780.05

13

20 ILCS 3105/10.09-1

14

20 ILCS 3105/12 from Ch. 127, par. 782

15

20 ILCS 3105/9.01a rep.

16

20 ILCS 3105/9.01b rep.

17

20 ILCS 3105/9.01c rep.

18

20 ILCS 3105/9.09 rep.

19

20 ILCS 3105/10.02a rep.

20

20 ILCS 3105/10.02b rep.

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20 ILCS 3105/18 rep.