



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB3846

Introduced 2/26/2009, by Rep. Daniel V. Beiser

#### SYNOPSIS AS INTRODUCED:

New Act  
30 ILCS 500/30-22  
30 ILCS 805/8.33 new

Creates the Local Government Construction Contract Act. Provides that a bidder on a construction contract with a unit of local government or school district and all of that bidder's subcontractors must participate in active apprenticeship and training programs approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training for each of the trades of work contemplated under the awarded contract. Preempts home rule powers. Exempts from the reimbursement requirements of the State Mandates Act. Amends the Illinois Procurement Code. With respect to construction contracts, requires bidders and subcontractors to participate in "active" (instead of applicable) apprenticeship and training programs "for each of the trades of work contemplated under the awarded contract".

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FISCAL NOTE ACT  
MAY APPLY

HOME RULE NOTE  
ACT MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning construction contracts.

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

4 Section 1. Short title. This Act may be cited as the Local  
5 Government Construction Contract Act.

6 Section 5. Responsible bidders. A bidder on a construction  
7 contract with a unit of local government or school district and  
8 all of that bidder's subcontractors must participate in active  
9 apprenticeship and training programs approved by and  
10 registered with the United States Department of Labor's Bureau  
11 of Apprenticeship and Training for each of the trades of work  
12 contemplated under the awarded contract.

13 Section 80. This Act is exempt from any reimbursement  
14 requirements under the State Mandates Act.

15 Section 85. Home rule. A home rule unit may not regulate  
16 construction contracts in a manner inconsistent with this Act.  
17 This Act is a limitation under subsection (i) of Section 6 of  
18 Article VII of the Illinois Constitution on the concurrent  
19 exercise by home rule units of powers and functions exercised  
20 by the State.

1 Section 90. The Illinois Procurement Code is amended by  
2 changing Section 30-22 as follows:

3 (30 ILCS 500/30-22)

4 Sec. 30-22. Construction contracts; responsible bidder  
5 requirements. To be considered a responsible bidder on a  
6 construction contract for purposes of this Code, a bidder must  
7 comply with all of the following requirements and must present  
8 satisfactory evidence of that compliance to the appropriate  
9 construction agency:

10 (1) The bidder must comply with all applicable laws  
11 concerning the bidder's entitlement to conduct business in  
12 Illinois.

13 (2) The bidder must comply with all applicable  
14 provisions of the Prevailing Wage Act.

15 (3) The bidder must comply with Subchapter VI ("Equal  
16 Employment Opportunities") of Chapter 21 of Title 42 of the  
17 United States Code (42 U.S.C. 2000e and following) and with  
18 Federal Executive Order No. 11246 as amended by Executive  
19 Order No. 11375.

20 (4) The bidder must have a valid Federal Employer  
21 Identification Number or, if an individual, a valid Social  
22 Security Number.

23 (5) The bidder must have a valid certificate of  
24 insurance showing the following coverages: general  
25 liability, professional liability, product liability,

1 workers' compensation, completed operations, hazardous  
2 occupation, and automobile.

3 (6) The bidder and all bidder's subcontractors must  
4 participate in active ~~applicable~~ apprenticeship and  
5 training programs approved by and registered with the  
6 United States Department of Labor's Bureau of  
7 Apprenticeship and Training for each of the trades of work  
8 contemplated under the awarded contract.

9 (7) For contracts with the Illinois Power Agency, the  
10 Director of the Illinois Power Agency may establish  
11 additional requirements for responsible bidders. These  
12 additional requirements, if established, shall be set  
13 forth together with the other criteria contained in the  
14 invitation for bids, and shall appear in the appropriate  
15 volume of the Illinois Procurement Bulletin.

16 The provisions of this Section shall not apply to federally  
17 funded construction projects if such application would  
18 jeopardize the receipt or use of federal funds in support of  
19 such a project.

20 (Source: P.A. 95-481, eff. 8-28-07.)

21 Section 96. The State Mandates Act is amended by adding  
22 Section 8.33 as follows:

23 (30 ILCS 805/8.33 new)

24 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8

1 of this Act, no reimbursement by the State is required for the  
2 implementation of any mandate created by the Local Government  
3 Construction Contract Act.