



Rep. Jay Hoffman

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LRB104 04797 HLH 35947 a

1 AMENDMENT TO HOUSE BILL 899

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 899 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Architectural, Engineering, and Land  
5 Surveying Qualifications Based Selection Act is amended by  
6 changing Section 45 as follows:

7 (30 ILCS 535/45) (from Ch. 127, par. 4151-45)

8 Sec. 45. Small contracts.

9 (a) The provisions of Sections 25, 30, and 35 do not apply  
10 to architectural, engineering, and land surveying contracts  
11 with an estimated basic professional services fee of less than  
12 the maximum estimated basic professional services fee set  
13 forth in this Section \$25,000.

14 (b) As used in this Section:

15 "Consumer price index-u" means the index published by the  
16 Bureau of Labor Statistics of the United States Department of

1 Labor that measures the average change in prices of goods and  
2 services purchased by all urban consumers, United States city  
3 average, all items, 1982-84=100.

4 "Maximum estimated basic professional services fee" means:

5 (1) for contracts entered into before the effective  
6 date of this amendatory Act of the 104th General Assembly,  
7 \$25,000;

8 (2) for contracts entered into on or after the  
9 effective date of this amendatory Act of the 104th General  
10 Assembly and before January 1, 2027, \$40,000; and

11 (3) for contracts entered into on or after January 1,  
12 2027, the maximum estimated basic professional services  
13 fee for the calendar year immediately preceding the  
14 calendar year in which the contract is entered into,  
15 increased by a percentage equal to the annual unadjusted  
16 percentage increase, if any, in the Consumer Price Index-u  
17 during the 12-month period ending in September of the  
18 immediately preceding calendar year and rounded to the  
19 nearest \$10.

20 (Source: P.A. 92-861, eff. 1-3-03.)

21 Section 10. The Design-Build Procurement Act is amended by  
22 changing Sections 5 and 10 as follows:

23 (30 ILCS 537/5)

24 (Section scheduled to be repealed on January 1, 2027)

1           Sec. 5. Legislative policy. It is the intent of the  
2 General Assembly that the State construction agency be allowed  
3 to use the design-build delivery method for public projects if  
4 it is shown to be in the State's best interest for that  
5 particular project. It shall be the policy of the State  
6 construction agency in the procurement of design-build  
7 services to publicly announce all requirements for  
8 design-build services and to procure these services on the  
9 basis of demonstrated competence and qualifications and with  
10 due regard for the principles of competitive selection.

11           The State construction agency shall, prior to issuing  
12 requests for proposals, promulgate and publish procedures for  
13 the solicitation and award of contracts pursuant to this Act.

14           The State construction agency shall, for each public  
15 project or projects permitted under this Act, make a written  
16 determination, including a description as to the particular  
17 advantages of the design-build procurement method, that it is  
18 in the best interests of this State to enter into a  
19 design-build contract for the project or projects. In making  
20 that determination, the following factors shall be considered:

21           (1) The probability that the design-build procurement  
22 method will be in the best interests of the State by  
23 providing a material savings of time or cost over the  
24 design-bid-build or other delivery system.

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

1           (3) The ability of the State construction agency to  
2           define and provide comprehensive scope and performance  
3           criteria for the project.

4           No State construction agency may use a design-build  
5           procurement method unless the agency determines in writing  
6           that the project will comply with the disadvantaged business  
7           and equal employment practices of the State as established in  
8           the Business Enterprise for Minorities, Women, and Persons  
9           with Disabilities Act and Section 2-105 of the Illinois Human  
10          Rights Act.

11          The State construction agency shall within 15 days after  
12          the initial determination provide an advisory copy to the  
13          Procurement Policy Board and maintain the full record of  
14          determination for 5 years.

15          The provisions of this Section are inoperative for public  
16          institutions of higher education on and after January 1, 2028.

17          (Source: P.A. 102-1119, eff. 1-23-23.)

18          (30 ILCS 537/10)

19          (Section scheduled to be repealed on January 1, 2027)

20          Sec. 10. Definitions. As used in this Act:

21          "State construction agency" means the Capital Development  
22          Board or, until January 1, 2028, in the case of a design-build  
23          procurement for a public institution of higher education, the  
24          public institution of higher education, or, in the case of a  
25          design-build procurement by the Department of Central

1 Management Services in accordance with Section 405-217 of the  
2 Department of Central Management Services Law of the Civil  
3 Administrative Code of Illinois, the Department of Central  
4 Management Services. On and after January 1, 2028, a public  
5 institution of higher education is not considered a State  
6 construction agency.

7 "Delivery system" means the design and construction  
8 approach used to develop and construct a project.

9 "Design-bid-build" means the traditional delivery system  
10 used on public projects in this State that incorporates the  
11 Architectural, Engineering, and Land Surveying Qualification  
12 Based Selection Act (30 ILCS 535/) and the principles of  
13 competitive selection in the Illinois Procurement Code (30  
14 ILCS 500/).

15 "Design-build" means a delivery system that provides  
16 responsibility within a single contract for the furnishing of  
17 architecture, engineering, land surveying and related services  
18 as required, and the labor, materials, equipment, and other  
19 construction services for the project.

20 "Design-build contract" means a contract for a public  
21 project under this Act between the State construction agency  
22 and a design-build entity to furnish architecture,  
23 engineering, land surveying, and related services as required,  
24 and to furnish the labor, materials, equipment, and other  
25 construction services for the project. The design-build  
26 contract may be conditioned upon subsequent refinements in

1 scope and price and may allow the State construction agency to  
2 make modifications in the project scope without invalidating  
3 the design-build contract.

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

13 "Design professional" means any individual, sole  
14 proprietorship, firm, partnership, joint venture, corporation,  
15 professional corporation, or other entity that offers services  
16 under the Illinois Architecture Practice Act of 1989 (225 ILCS  
17 305/), the Professional Engineering Practice Act of 1989 (225  
18 ILCS 325/), the Structural Engineering Licensing Act of 1989  
19 (225 ILCS 340/), or the Illinois Professional Land Surveyor  
20 Act of 1989 (225 ILCS 330/).

21 "Evaluation criteria" means the requirements for the  
22 separate phases of the selection process as defined in this  
23 Act and may include the specialized experience, technical  
24 qualifications and competence, capacity to perform, past  
25 performance, experience with similar projects, assignment of  
26 personnel to the project, and other appropriate factors. Price

1 may not be used as a factor in the evaluation of Phase I  
2 proposals.

3 "Proposal" means the offer to enter into a design-build  
4 contract as submitted by a design-build entity in accordance  
5 with this Act.

6 "Public institution of higher education" has the meaning  
7 ascribed in subsection (f) of Section 1-13 of the Illinois  
8 Procurement Code.

9 "Request for proposal" means the document used by the  
10 State construction agency to solicit proposals for a  
11 design-build contract.

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

20 (Source: P.A. 104-2, eff. 6-16-25.)

21 (30 ILCS 537/90 rep.)

22 Section 15. The Design-Build Procurement Act is amended by  
23 repealing Section 90.

24 Section 99. Effective date. This Act takes effect upon

1 becoming law.".