

1 AN ACT concerning transportation.

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

4 Section 5. The Innovations for Transportation
5 Infrastructure Act is amended by changing Section 15 as
6 follows:

7 (630 ILCS 10/15)

8 (Section scheduled to be repealed on July 1, 2032)

9 Sec. 15. Authorization of project delivery methods.

10 (a) Notwithstanding any other law, and as authority
11 supplemental to its existing powers, except as otherwise
12 provided for in this Act, the Transportation Agency, in
13 accordance with this Act, may use the design-build project
14 delivery method for transportation facilities if the capital
15 costs for transportation facilities delivered utilizing the
16 design-build project delivery method or Construction
17 Manager/General Contractor project delivery method or
18 Alternative Technical Concepts in a design-bid-build project
19 delivery method do not: (i) for transportation facilities
20 delivered by the Department, exceed \$500,000,000 ~~\$400 million~~
21 of contracts awarded on an annual basis ~~during the~~
22 ~~Department's multi-year highway improvement program for any~~
23 ~~5-year period~~; or (ii) for transportation facilities delivered

1 by the Authority, exceed 20% of the Authority's annual
2 improvement program. The Transportation Agency shall make this
3 calculation before commencing the procurement. The Department
4 may, by rule, adjust the applicable monetary threshold set
5 forth in item (i) on a yearly basis to reflect inflationary
6 costs in highway construction as measured by the United States
7 Department of Transportation in the National Highway
8 Construction Cost Index or other similar index. A notice of
9 any change to that threshold shall be published in the
10 Illinois Transportation Bulletin. ~~Notwithstanding any other~~
11 ~~law, and as authority supplemental to its existing powers, the~~
12 ~~Department, in accordance with this Act, may use the~~
13 ~~Construction Manager/General Contractor project delivery~~
14 ~~method for up to 2 transportation facilities per year.~~ Before
15 commencing a procurement under this Act for either a
16 design-build contract or a Construction Manager/General
17 Contractor contract, the Transportation Agency shall first
18 undertake an analysis and make a written determination that it
19 is in the best interests of this State to use the selected
20 delivery method for that transportation facility. The analysis
21 and determination shall discuss the design-build project
22 delivery method or Construction Manager/General Contractor
23 project delivery method's impact on the anticipated schedule,
24 completion date, and project costs. The best interests of the
25 State analysis shall be made available to the public.

26 (b) The Transportation Agency shall report to the General

1 Assembly annually for the first 5 years after June 15, 2022
2 (the effective date of this Act) on the progress of
3 procurements and transportation facilities procured under this
4 Act.

5 (c) A contract entered into pursuant to the provisions of
6 this Act is excepted from the Public Contract Fraud Act.

7 (Source: P.A. 102-1094, eff. 6-15-22; 103-154, eff. 6-30-23.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.