



Rep. Jay Hoffman

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10400HB3730ham002

LRB104 12221 HLH 34053 a

1 AMENDMENT TO HOUSE BILL 3730

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3730 by replacing  
3 everything after the enacting clause with the following:

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

6 (30 ILCS 537/5)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 5. Legislative policy. It is the intent of the  
9 General Assembly that the State construction agency be allowed  
10 to use the design-build delivery method for public projects if  
11 it is shown to be in the State's best interest for that  
12 particular project. It shall be the policy of the State  
13 construction agency in the procurement of design-build  
14 services to publicly announce all requirements for  
15 design-build services and to procure these services on the  
16 basis of demonstrated competence and qualifications and with

1 due regard for the principles of competitive selection.

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

5 The State construction agency shall, for each public  
6 project or projects permitted under this Act, make a written  
7 determination, including a description as to the particular  
8 advantages of the design-build procurement method, that it is  
9 in the best interests of this State to enter into a  
10 design-build contract for the project or projects. In making  
11 that determination, the following factors shall be considered:

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

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

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

21 No State construction agency may use a design-build  
22 procurement method unless the agency determines in writing  
23 that the project will comply with the disadvantaged business  
24 and equal employment practices of the State as established in  
25 the Business Enterprise for Minorities, Women, and Persons  
26 with Disabilities Act and Section 2-105 of the Illinois Human

1 Rights Act.

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

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

8 The provisions of this Section are inoperative for the  
9 Department of Central Management Services on and after January  
10 1, 2027.

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

12 (30 ILCS 537/10)

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

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

15 "State construction agency" means the Capital Development  
16 Board or, until January 1, 2028, in the case of a design-build  
17 procurement for a public institution of higher education, the  
18 public institution of higher education, or, until January 1,  
19 2027 in the case of a design-build procurement by the  
20 Department of Central Management Services in accordance with  
21 Section 405-217 of the Department of Central Management  
22 Services Law of the Civil Administrative Code of Illinois, the  
23 Department of Central Management Services. On and after  
24 January 1, 2028, a public institution of higher education is  
25 not considered a State construction agency.

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

3 "Design-bid-build" means the traditional delivery system  
4 used on public projects in this State that incorporates the  
5 Architectural, Engineering, and Land Surveying Qualification  
6 Based Selection Act (30 ILCS 535/) and the principles of  
7 competitive selection in the Illinois Procurement Code (30  
8 ILCS 500/).

9 "Design-build" means a delivery system that provides  
10 responsibility within a single contract for the furnishing of  
11 architecture, engineering, land surveying and related services  
12 as required, and the labor, materials, equipment, and other  
13 construction services for the project.

14 "Design-build contract" means a contract for a public  
15 project under this Act between the State construction agency  
16 and a design-build entity to furnish architecture,  
17 engineering, land surveying, and related services as required,  
18 and to furnish the labor, materials, equipment, and other  
19 construction services for the project. The design-build  
20 contract may be conditioned upon subsequent refinements in  
21 scope and price and may allow the State construction agency to  
22 make modifications in the project scope without invalidating  
23 the design-build contract.

24 "Design-build entity" means any individual, sole  
25 proprietorship, firm, partnership, joint venture, corporation,  
26 professional corporation, or other entity that proposes to

1 design and construct any public project under this Act. A  
2 design-build entity and associated design-build professionals  
3 shall conduct themselves in accordance with the laws of this  
4 State and the related provisions of the Illinois  
5 Administrative Code, as referenced by the licensed design  
6 professionals Acts of this State.

7 "Design professional" means any individual, sole  
8 proprietorship, firm, partnership, joint venture, corporation,  
9 professional corporation, or other entity that offers services  
10 under the Illinois Architecture Practice Act of 1989 (225 ILCS  
11 305/), the Professional Engineering Practice Act of 1989 (225  
12 ILCS 325/), the Structural Engineering Licensing Act of 1989  
13 (225 ILCS 340/), or the Illinois Professional Land Surveyor  
14 Act of 1989 (225 ILCS 330/).

15 "Evaluation criteria" means the requirements for the  
16 separate phases of the selection process as defined in this  
17 Act and may include the specialized experience, technical  
18 qualifications and competence, capacity to perform, past  
19 performance, experience with similar projects, assignment of  
20 personnel to the project, and other appropriate factors. Price  
21 may not be used as a factor in the evaluation of Phase I  
22 proposals.

23 "Proposal" means the offer to enter into a design-build  
24 contract as submitted by a design-build entity in accordance  
25 with this Act.

26 "Public institution of higher education" has the meaning

1 ascribed in subsection (f) of Section 1-13 of the Illinois  
2 Procurement Code.

3 "Request for proposal" means the document used by the  
4 State construction agency to solicit proposals for a  
5 design-build contract.

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

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

15 (30 ILCS 537/90 rep.)

16 Section 10. The Design-Build Procurement Act is amended by  
17 repealing Section 90.

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law."