

1 AN ACT concerning procurement.

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

4 Section 5. The Illinois Procurement Code is amended by  
5 changing Section 30-30 as follows:

6 (30 ILCS 500/30-30)

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

8 (a) Except as provided in subsection (a-5), for building  
9 construction contracts in excess of \$250,000, separate  
10 specifications may be prepared for all equipment, labor, and  
11 materials in connection with the following 5 subdivisions of  
12 the work to be performed:

13 (1) plumbing;

14 (2) heating, piping, refrigeration, and automatic  
15 temperature control systems, including the testing and  
16 balancing of those systems;

17 (3) ventilating and distribution systems for  
18 conditioned air, including the testing and balancing of  
19 those systems;

20 (4) electric wiring; and

21 (5) general contract work.

22 Except as provided in subsection (a-5), the specifications  
23 may be so drawn as to permit separate and independent bidding

1 upon each of the 5 subdivisions of work. All contracts awarded  
2 for any part thereof may award the 5 subdivisions of work  
3 separately to responsible and reliable persons, firms, or  
4 corporations engaged in these classes of work. The contracts,  
5 at the discretion of the construction agency, may be assigned  
6 to the successful bidder on the general contract work or to the  
7 successful bidder on the subdivision of work designated by the  
8 construction agency before the bidding as the prime  
9 subdivision of work, provided that all payments will be made  
10 directly to the contractors for the 5 subdivisions of work  
11 upon compliance with the conditions of the contract.

12 For single prime projects: (i) the bid of the successful  
13 low bidder shall identify the name of the subcontractor, if  
14 any, and the bid proposal costs for each of the 5 subdivisions  
15 of work set forth in this Section; (ii) the contract entered  
16 into with the successful bidder shall provide that no  
17 identified subcontractor may be terminated without the written  
18 consent of the Capital Development Board; (iii) the contract  
19 shall comply with the disadvantaged business practices of the  
20 Business Enterprise for Minorities, Women, and Persons with  
21 Disabilities Act and the equal employment practices of Section  
22 2-105 of the Illinois Human Rights Act; and (iv) the Capital  
23 Development Board shall submit an annual report to the General  
24 Assembly and Governor on the bidding, award, and performance  
25 of all single prime projects.

26 Until December 31, 2023, for building construction

1 projects with a total construction cost valued at \$5,000,000  
2 or less, the Capital Development Board shall not use the  
3 single prime procurement delivery method for more than 50% of  
4 the total number of projects bid for each fiscal year. Until  
5 December 31, 2023, any project with a total construction cost  
6 valued greater than \$5,000,000 may be bid using single prime  
7 at the discretion of the Executive Director of the Capital  
8 Development Board.

9 For contracts entered into on or after January 1, 2024,  
10 the Capital Development Board shall determine whether the  
11 single prime procurement delivery method is to be pursued.  
12 Before electing to use single prime on a project, the Capital  
13 Development Board must make a written determination that must  
14 include a description as to the particular advantages of the  
15 single prime procurement method for that project and an  
16 evaluation of the items in paragraphs (1) through (4). The  
17 chief procurement officer must review the Capital Development  
18 Board's determination and consider the adequacy of information  
19 in paragraphs (1) through (4) to determine whether the Capital  
20 Development Board may proceed with single prime. Approval by  
21 the chief procurement officer shall not be unreasonably  
22 withheld. The following factors must be considered by the  
23 chief procurement officer in any determination:

24 (1) The benefit that using the single prime  
25 procurement method will have on the Capital Development  
26 Board's ability to increase participation of

1 minority-owned firms, woman-owned firms, firms owned by  
2 persons with a disability, and veteran-owned firms.

3 (2) The likelihood that single prime will be in the  
4 best interest of the State by providing a material savings  
5 of time or cost over the multiple prime delivery system.  
6 The best interest of the State justification must show the  
7 specific benefits of using the single prime method,  
8 including documentation of the estimates or scheduling  
9 impacts of any of the following: project complexity and  
10 trade coordination required, length of project,  
11 availability of skilled workforce, geographic area,  
12 project timelines, project budget, ability to secure  
13 minority, women, persons with disabilities and veteran  
14 participation, or other information.

15 (3) The type and size of the project and its  
16 suitability to the single prime procurement method.

17 (4) Whether the project will comply with the  
18 underrepresented business and equal employment practices  
19 of the State, as established in the Business Enterprise  
20 for Minorities, Women, and Persons with Disabilities Act,  
21 Section 45-57 of this Code, and Section 2-105 of the  
22 Illinois Human Rights Act.

23 If the chief procurement officer finds that the Capital  
24 Development Board's written determination is insufficient, the  
25 Capital Development Board shall have the opportunity to cure  
26 its determination. Within 15 days of receiving approval from

1 the chief procurement officer, the Capital Development Board  
2 shall provide an advisory copy of the written determination to  
3 the Procurement Policy Board and the Commission on Equity and  
4 Inclusion. The Capital Development Board must maintain the  
5 full record of determination for 5 years.

6 (a-5) Beginning on the effective date of this amendatory  
7 Act of the 104th General Assembly and through December 31,  
8 2032 ~~December 31, 2026~~, for single prime projects in which a  
9 public institution of higher education is a construction  
10 agency awarding building construction contracts in excess of  
11 \$250,000, separate specifications may be prepared for all  
12 equipment, labor, and materials in connection with the 5  
13 subdivisions of work enumerated in subsection (a). Any public  
14 institution of higher education contract awarded for any part  
15 thereof may award 2 or more of the 5 subdivisions of work  
16 together or separately to responsible and reliable persons,  
17 firms, or corporations engaged in these classes of work if:  
18 (i) the public institution of higher education has submitted  
19 to the Procurement Policy Board and the Commission on Equity  
20 and Inclusion a written notice that includes the reasons for  
21 using the single prime method and an explanation of why the use  
22 of that method is in the best interest of the State and  
23 arranges to have the notice posted on the institution's online  
24 procurement webpage and its online procurement bulletin at  
25 least 3 business days following submission to the Procurement  
26 Policy Board and the Commission on Equity and Inclusion; (ii)

1 the successful low bidder has prequalified with the public  
2 institution of higher education; (iii) the bid of the  
3 successful low bidder identifies the name of the  
4 subcontractor, if any, and the bid proposal costs for each of  
5 the 5 subdivisions of work set forth in subsection (a); (iv)  
6 the contract entered into with the successful bidder provides  
7 that no identified subcontractor may be terminated without the  
8 written consent of the public institution of higher education;  
9 and (v) the successful low bidder has prequalified with the  
10 University of Illinois or with the Capital Development Board.

11 For building construction projects with a total  
12 construction cost valued at \$20,000,000 or less, public  
13 institutions of higher education shall not use the single  
14 prime delivery method for more than 50% of the total number of  
15 projects bid for each fiscal year. Projects with a total  
16 construction cost valued at \$20,000,000 or more may be bid  
17 using the single prime delivery method at the discretion of  
18 the public institution of higher education. With respect to  
19 any construction project described in this subsection (a-5),  
20 the public institution of higher education shall: (i) specify  
21 in writing as a public record that the project shall comply  
22 with the Business Enterprise for Minorities, Women, and  
23 Persons with Disabilities Act and the equal employment  
24 practices of Section 2-105 of the Illinois Human Rights Act;  
25 and (ii) report annually to the Governor, General Assembly,  
26 Procurement Policy Board, and Auditor General on the bidding,

1 award, and performance of all single prime projects. On and  
2 after the effective date of this amendatory Act of the 102nd  
3 General Assembly, the public institution of higher education  
4 may award in each fiscal year single prime contracts with an  
5 aggregate total value of no more than \$100,000,000. The Board  
6 of Trustees of the University of Illinois may award in each  
7 fiscal year single prime contracts with an aggregate total  
8 value of not more than \$300,000,000.

9 (b) For public institutions of higher education, the  
10 provisions of this subsection are operative ~~on and~~ after  
11 December 31, 2032 ~~January 1, 2026~~. For building construction  
12 contracts in excess of \$250,000, separate specifications shall  
13 be prepared for all equipment, labor, and materials in  
14 connection with the following 5 subdivisions of the work to be  
15 performed:

16 (1) plumbing;

17 (2) heating, piping, refrigeration, and automatic  
18 temperature control systems, including the testing and  
19 balancing of those systems;

20 (3) ventilating and distribution systems for  
21 conditioned air, including the testing and balancing of  
22 those systems;

23 (4) electric wiring; and

24 (5) general contract work.

25 The specifications must be so drawn as to permit separate  
26 and independent bidding upon each of the 5 subdivisions of

1 work. All contracts awarded for any part thereof shall award  
2 the 5 subdivisions of work separately to responsible and  
3 reliable persons, firms, or corporations engaged in these  
4 classes of work. The contracts, at the discretion of the  
5 construction agency, may be assigned to the successful bidder  
6 on the general contract work or to the successful bidder on the  
7 subdivision of work designated by the construction agency  
8 before the bidding as the prime subdivision of work, provided  
9 that all payments will be made directly to the contractors for  
10 the 5 subdivisions of work upon compliance with the conditions  
11 of the contract.

12 It is the intent of the General Assembly that the  
13 provisions of subsection (a-5), rather than the provisions of  
14 this subsection (b), apply continuously from November 21, 2025  
15 (the effective date of Public Act 104-434) through December  
16 31, 2032. Any actions taken in reliance on the extension of  
17 subsection (a-5) in Public Act 104-434 are hereby validated.

18 (Source: P.A. 103-570, eff. 1-1-24; 104-434, eff. 11-21-25.)

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