



Rep. Jay Hoffman

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10400SB1827ham001

LRB104 10100 RTM 26176 a

1 AMENDMENT TO SENATE BILL 1827

2 AMENDMENT NO. _____. Amend Senate Bill 1827 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Sections 5-45020 and 5-45025 as follows:

6 (55 ILCS 5/5-45020)

7 Sec. 5-45020. Development of scope and performance
8 criteria.

9 (a) The county shall develop, with the assistance of a
10 licensed design professional or public art designer, a request
11 for proposal, which shall include scope and performance
12 criteria. The scope and performance criteria must be in
13 sufficient detail and contain adequate information to
14 reasonably apprise the qualified design-build entities of the
15 county's overall programmatic needs and goals, including
16 criteria ~~and preliminary design plans~~, general budget

1 parameters, schedule, and delivery requirements.

2 (b) Each request for proposal shall also include a
3 description of the level of design to be provided in the
4 proposals. This description must include the scope and type of
5 renderings, drawings, and specifications that, at a minimum,
6 will be required by the county to be produced by the
7 design-build entities.

8 (c) The scope and performance criteria shall be prepared
9 by a design professional or public art designer who is an
10 employee of the county, or the county may contract with an
11 independent design professional or public art designer
12 selected under the Local Government Professional Services
13 Selection Act to provide these services.

14 (d) The design professional or public art designer that
15 prepares the scope and performance criteria is prohibited from
16 participating in any design-build entity proposal for the
17 project.

18 (e) The design-build contract may be conditioned upon
19 subsequent refinements in scope and price and may allow the
20 county to make modifications in the project scope without
21 invalidating the design-build contract.

22 (Source: P.A. 102-954, eff. 1-1-23.)

23 (55 ILCS 5/5-45025)

24 Sec. 5-45025. Procedures for Selection.

25 (a) The county must use a two-phase procedure for the

1 selection of the successful design-build entity. Phase I of
2 the procedure will evaluate and shortlist the design-build
3 entities based on qualifications, and Phase II will evaluate
4 the technical and cost proposals.

5 (b) The county shall include in the request for proposal
6 the evaluating factors to be used in Phase I. These factors are
7 in addition to any prequalification requirements of
8 design-build entities that the county has set forth. Each
9 request for proposal shall establish the relative importance
10 assigned to each evaluation factor and subfactor, including
11 any weighting of criteria to be employed by the county. The
12 county must maintain a record of the evaluation scoring to be
13 disclosed in event of a protest regarding the solicitation.

14 The county shall include the following criteria in every
15 Phase I evaluation of design-build entities: (i) experience of
16 personnel; (ii) successful experience with similar project
17 types; (iii) financial capability; (iv) timeliness of past
18 performance; (v) experience with similarly sized projects;
19 (vi) successful reference checks of the firm; (vii) commitment
20 to assign personnel for the duration of the project and
21 qualifications of the entity's consultants; and (viii) ability
22 or past performance in meeting or exhausting good faith
23 efforts to meet the utilization goals for business enterprises
24 established in the Business Enterprise for Minorities, Women,
25 and Persons with Disabilities Act and with Section 2-105 of
26 the Illinois Human Rights Act. The county may include any

1 additional relevant criteria in Phase I that it deems
2 necessary for a proper qualification review.

3 The county may not consider any design-build entity for
4 evaluation or award if the entity has any pecuniary interest
5 in the project or has other relationships or circumstances,
6 including, but not limited to, long-term leasehold, mutual
7 performance, or development contracts with the county, that
8 may give the design-build entity a financial or tangible
9 advantage over other design-build entities in the preparation,
10 evaluation, or performance of the design-build contract or
11 that create the appearance of impropriety. A design-build
12 entity shall not be disqualified under this Section solely due
13 to having previously been awarded a project or projects under
14 any applicable public procurement statute of the State. No
15 proposal shall be considered that does not include an entity's
16 plan to comply with the requirements established in the
17 Business Enterprise for Minorities, Women, and Persons with
18 Disabilities Act, for both the design and construction areas
19 of performance, and with Section 2-105 of the Illinois Human
20 Rights Act. The proposal shall disclose the role of a licensed
21 design professional during the administration of the
22 design-build contract. Nothing in this Section shall prohibit
23 a county from engaging a licensed design professional during
24 the administration of a design-build contract if the county
25 believes that engaging the licensed design professional
26 benefits the project.

1 Upon completion of the qualifications evaluation, the
2 county shall create a shortlist of the most highly qualified
3 design-build entities. The county, in its discretion, is not
4 required to shortlist the maximum number of entities as
5 identified for Phase II evaluation, provided that no less than
6 2 design-build entities nor more than 6 are selected to submit
7 Phase II proposals. If a county receives one response to Phase
8 I, nothing in this Section shall prohibit the county from
9 proceeding with a Phase II evaluation of the single respondent
10 if the county, in its discretion, finds proceeding to be in its
11 best interest.

12 The county shall notify the entities selected for the
13 shortlist in writing. This notification shall commence the
14 period for the preparation of the Phase II technical and cost
15 evaluations. The county must allow sufficient time for the
16 shortlist entities to prepare their Phase II submittals
17 considering the scope and detail requested by the county.

18 (c) The county shall include in the request for proposal
19 the evaluating factors to be used in the technical and cost
20 submission components of Phase II. Each request for proposal
21 shall establish, for both the technical and cost submission
22 components of Phase II, the relative importance assigned to
23 each evaluation factor and subfactor, including any weighting
24 of criteria to be employed by the county. The county must
25 maintain a record of the evaluation scoring to be disclosed in
26 event of a protest regarding the solicitation.

1 The county shall include the following criteria in every
2 Phase II technical evaluation of design-build entities: (i)
3 compliance with objectives of the project; (ii) compliance of
4 proposed services to the request for proposal requirements;
5 (iii) quality of products or materials proposed; (iv) quality
6 of design parameters; (v) design concepts; (vi) innovation in
7 meeting the scope and performance criteria; and (vii)
8 constructability of the proposed project. The county may
9 include any additional relevant technical evaluation factors
10 it deems necessary for proper selection.

11 The county shall include the following criteria in every
12 Phase II cost evaluation: the total project cost, the
13 construction costs, and the time of completion. The county may
14 include any additional relevant technical evaluation factors
15 it deems necessary for proper selection. The total project
16 cost criteria weighting factor shall not exceed 30%.

17 The county shall directly employ or retain a licensed
18 design professional or a public art designer to evaluate the
19 technical and cost submissions to determine if the technical
20 submissions are in accordance with generally accepted industry
21 standards. Upon completion of the technical submissions and
22 cost submissions evaluation, the county may award the
23 design-build contract to the highest overall ranked entity.

24 (Source: P.A. 102-954, eff. 1-1-23; 103-154, eff. 6-30-23.)

25 Section 10. The Illinois Municipal Code is amended by

1 changing Sections 11-39.2-20 and 11-39.2-25 as follows:

2 (65 ILCS 5/11-39.2-20)

3 Sec. 11-39.2-20. Development of scope and performance
4 criteria.

5 (a) The municipality must develop, with the assistance of
6 a licensed design professional or public art designer, a
7 request for proposal, which must include scope and performance
8 criteria. The scope and performance criteria must be in
9 sufficient detail and contain adequate information to
10 reasonably apprise the qualified design-build entities of the
11 municipality's overall programmatic needs and goals, including
12 criteria ~~and preliminary design plans~~, general budget
13 parameters, schedule, and delivery requirements.

14 (b) Each request for proposal must also include a
15 description of the level of design to be provided in the
16 proposals. This description must include the scope and type of
17 renderings, drawings, and specifications that, at a minimum,
18 will be required by the municipality to be produced by the
19 design-build entities.

20 (c) The scope and performance criteria must be prepared by
21 a design professional or public art designer who is an
22 employee of the municipality, or the municipality may contract
23 with an independent design professional or public art designer
24 selected under the Local Government Professional Services
25 Selection Act to provide these services.

1 (d) The design professional or public art designer that
2 prepares the scope and performance criteria is prohibited from
3 participating in any design-build entity proposal for the
4 project.

5 (e) The design-build contract may be conditioned upon
6 subsequent refinements in scope and price and may allow the
7 municipality to make modifications in the project scope
8 without invalidating the design-build contract.

9 (Source: P.A. 103-491, eff. 1-1-24.)

10 (65 ILCS 5/11-39.2-25)

11 Sec. 11-39.2-25. Procedures for Selection.

12 (a) The municipality must use a two-phase procedure for
13 the selection of the successful design-build entity. Phase I
14 of the procedure will evaluate and shortlist the design-build
15 entities based on qualifications, and Phase II will evaluate
16 the technical and cost proposals.

17 (b) The municipality must include in the request for
18 proposal the evaluating factors to be used in Phase I. These
19 factors are in addition to any prequalification requirements
20 of design-build entities that the municipality has set forth.
21 Each request for proposal must establish the relative
22 importance assigned to each evaluation factor and subfactor,
23 including any weighting of criteria to be employed by the
24 municipality. The municipality must maintain a record of the
25 evaluation scoring to be disclosed in event of a protest

1 regarding the solicitation.

2 The municipality must include the following criteria in
3 every Phase I evaluation of design-build entities: (i)
4 experience of personnel; (ii) successful experience with
5 similar project types; (iii) financial capability; (iv)
6 timeliness of past performance; (v) experience with similarly
7 sized projects; (vi) successful reference checks of the firm;
8 (vii) commitment to assign personnel for the duration of the
9 project and qualifications of the entity's consultants; and
10 (viii) ability or past performance in meeting or exhausting
11 good faith efforts to meet the utilization goals for business
12 enterprises established in the Business Enterprise for
13 Minorities, Women, and Persons with Disabilities Act and with
14 Section 2-105 of the Illinois Human Rights Act. The
15 municipality may include any additional, relevant criteria in
16 Phase I that it deems necessary for a proper qualification
17 review.

18 The municipality may not consider any design-build entity
19 for evaluation or award if the entity has any pecuniary
20 interest in the project or has other relationships or
21 circumstances, such as long-term leasehold, mutual
22 performance, or development contracts with the municipality,
23 that may give the design-build entity a financial or tangible
24 advantage over other design-build entities in the preparation,
25 evaluation, or performance of the design-build contract or
26 that create the appearance of impropriety. A design-build

1 entity shall not be disqualified under this Section solely due
2 to having previously been awarded a project or projects under
3 any applicable public procurement statute of the State. No
4 proposal may be considered that does not include an entity's
5 plan to comply with the requirements established in the
6 Business Enterprise for Minorities, Women, and Persons with
7 Disabilities Act, for both the design and construction areas
8 of performance, and with Section 2-105 of the Illinois Human
9 Rights Act. The proposal shall disclose the role of a licensed
10 design professional during the administration of the
11 design-build contract. Nothing in this Section shall prohibit
12 a municipality from engaging a licensed design professional
13 during the administration of a design-build contract if the
14 municipality believes that engaging the licensed design
15 professional benefits the project.

16 Upon completion of the qualification evaluation, the
17 municipality must create a shortlist of the most highly
18 qualified design-build entities. The municipality, in its
19 discretion, is not required to shortlist the maximum number of
20 entities as identified for Phase II evaluation if no less than
21 2 design-build entities nor more than 6 are selected to submit
22 Phase II proposals. If a municipality receives one response to
23 Phase I, nothing in this Section shall prohibit the
24 municipality from proceeding with a Phase II evaluation of the
25 single respondent if the municipality, in its discretion,
26 finds proceeding to be in its best interest.

1 The municipality must notify the entities selected for the
2 shortlist in writing. This notification must commence the
3 period for the preparation of the Phase II technical and cost
4 evaluations. The municipality must allow sufficient time for
5 the shortlist entities to prepare their Phase II submittals
6 considering the scope and detail requested by the
7 municipality.

8 (c) The municipality must include in the request for
9 proposal the evaluating factors to be used in the technical
10 and cost submission components of Phase II. Each request for
11 proposal must establish, for both the technical and cost
12 submission components of Phase II, the relative importance
13 assigned to each evaluation factor and subfactor, including
14 any weighting of criteria to be employed by the municipality.
15 The municipality must maintain a record of the evaluation
16 scoring to be disclosed in event of a protest regarding the
17 solicitation.

18 The municipality must include the following criteria in
19 every Phase II technical evaluation of design-build entities:
20 (i) compliance with objectives of the project; (ii) compliance
21 of proposed services to the request for proposal requirements;
22 (iii) quality of products or materials proposed; (iv) quality
23 of design parameters; (v) design concepts; (vi) innovation in
24 meeting the scope and performance criteria; and (vii)
25 constructability of the proposed project. The municipality may
26 include any additional relevant technical evaluation factors

1 it deems necessary for proper selection.

2 The municipality must include the following criteria in
3 every Phase II cost evaluation: the total project cost, the
4 construction costs, and the time of completion. The
5 municipality may include any additional relevant technical
6 evaluation factors it deems necessary for proper selection.
7 The total project cost criteria weighting factor may not
8 exceed 30%.

9 The municipality must directly employ or retain a licensed
10 design professional or a public art designer to evaluate the
11 technical and cost submissions to determine if the technical
12 submissions are in accordance with generally accepted industry
13 standards. Upon completion of the technical submissions and
14 cost submissions evaluation, the municipality may award the
15 design-build contract to the highest overall ranked entity.

16 (Source: P.A. 103-491, eff. 1-1-24.)

17 Section 15. The Fire Protection District Act is amended by
18 changing Section 11k as follows:

19 (70 ILCS 705/11k)

20 Sec. 11k. Competitive bidding; notice requirements.

21 (a) The board of trustees shall have the power to acquire
22 by gift, legacy, or purchase any personal property necessary
23 for its corporate purposes provided that all contracts for
24 supplies, materials, or work involving an expenditure in

1 excess of \$20,000 shall be let to the lowest responsible
2 bidder after advertising as required under subsection (b) of
3 this Section; except that, if the board of trustees seeks to
4 purchase equipment directly from a dealer or an original
5 manufacturer in excess of \$50,000, then the contract for
6 purchase shall be let to the lowest responsible bidder after
7 advertising as required under subsection (b) of this Section.
8 The board is not required to accept a bid that does not meet
9 the district's established specifications, terms of delivery,
10 quality, and serviceability requirements. Contracts which, by
11 their nature, are not adapted to award by competitive bidding,
12 are not subject to competitive bidding, including, but not
13 limited to:

14 (1) contracts for the services of individuals
15 possessing a high degree of professional skill where the
16 ability or fitness of the individual plays an important
17 part;

18 (2) contracts for the printing of finance committee
19 reports and departmental reports;

20 (3) contracts for the printing or engraving of bonds,
21 tax warrants, and other evidences of indebtedness;

22 (4) contracts for the maintenance or servicing of, or
23 provision of repair parts for, equipment which are made
24 with the manufacturer or authorized service agent of that
25 equipment where the provision of parts, maintenance, or
26 servicing can best be performed by the manufacturer or

1 authorized service agent, or which involve proprietary
2 parts or technology not otherwise available;

3 (5) purchases and contracts for the use, purchase,
4 delivery, movement, or installation of data processing
5 equipment, software, or services and telecommunications
6 and interconnect equipment, software, and services;

7 (6) contracts for duplicating machines and supplies;

8 (7) contracts for utility services such as water,
9 light, heat, telephone or telegraph;

10 (8) contracts for goods or services procured from
11 another governmental agency;

12 (9) purchases of equipment previously owned by some
13 entity other than the district itself; and

14 (10) contracts for goods or services which are
15 economically procurable from only one source, such as for
16 the purchase of magazines, books, periodicals, pamphlets,
17 reports, and online subscriptions.

18 Contracts for emergency expenditures are also exempt from
19 competitive bidding when the emergency expenditure is approved
20 by a vote of 3/4 of the members of the board.

21 (b) Except as otherwise provided in subsection (a) of this
22 Section, all proposals to award contracts involving amounts in
23 excess of \$20,000 shall be published at least 10 days,
24 excluding Sundays and legal holidays, in advance of the date
25 announced for the receiving of bids, in a secular English
26 language newspaper of general circulation throughout the

1 district. In addition, a fire protection district that has a
2 website that the full-time staff of the district maintains
3 shall post notice on its website of all proposals to award
4 contracts in excess of \$20,000. Advertisements for bids shall
5 describe the character of the proposed contract or agreement
6 in sufficient detail to enable the bidders thereon to know
7 what their obligations will be, either in the advertisement
8 itself, or by reference to detailed plans and specifications
9 on file at the time of the publication of the first
10 announcement. Such advertisement shall also state the date,
11 time and place assigned for the opening of bids, and no bids
12 shall be received at any time subsequent to the time indicated
13 in the announcement. All competitive bids for contracts
14 involving an expenditure in excess of \$20,000 must be sealed
15 by the bidder and must be opened by a member of the board or an
16 employee of the district at a public bid opening at which the
17 contents of the bids must be announced. Each bidder must
18 receive at least 3 days' notice of the time and place of the
19 bid opening.

20 (c) In addition to contracts entered into under the
21 Governmental Joint Purchasing Act, a board of trustees may
22 enter into contracts for supplies, materials, or work
23 involving an expenditure in excess of \$20,000 through
24 participation in a joint governmental or nongovernmental
25 purchasing program that requires as part of its selection
26 procedure a competitive solicitation and procurement process.

1 (d) Subject to the exceptions under subsections (a) and
2 (c), any procurement by a board of trustees involving the
3 acquisition, by direct or beneficial ownership, of
4 improvements to real estate by a fire protection district
5 which results in an expenditure of district funds in excess of
6 \$20,000 must be competitively bid in accordance with the
7 procedures of subsection (b).

8 (e) Nothing in this Section prohibits a fire protection
9 district from entering into design-build contracts. Fire
10 protection districts are authorized to use a design-build
11 contracting method for construction if a competitive process
12 consistent with the purpose of this Section is used in
13 connection with the selection of the design-builder.

14 (Source: P.A. 102-138, eff. 1-1-22; 102-558, eff 8-20-21;
15 103-634, eff. 1-1-25.)

16 Section 99. Effective date. This Act takes effect July 1,
17 2025."