

1 AN ACT concerning local government.

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

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
17 parameters, schedule, and delivery requirements.

18 (b) Each request for proposal shall also include a
19 description of the level of design to be provided in the
20 proposals. This description must include the scope and type of
21 renderings, drawings, and specifications that, at a minimum,
22 will be required by the county to be produced by the
23 design-build entities.

1 (c) The scope and performance criteria shall be prepared
2 by a design professional or public art designer who is an
3 employee of the county, or the county may contract with an
4 independent design professional or public art designer
5 selected under the Local Government Professional Services
6 Selection Act to provide these services.

7 (d) The design professional or public art designer that
8 prepares the scope and performance criteria is prohibited from
9 participating in any design-build entity proposal for the
10 project.

11 (e) The design-build contract may be conditioned upon
12 subsequent refinements in scope and price and may allow the
13 county to make modifications in the project scope without
14 invalidating the design-build contract.

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

16 (55 ILCS 5/5-45025)

17 Sec. 5-45025. Procedures for Selection.

18 (a) The county must use a two-phase procedure for the
19 selection of the successful design-build entity. Phase I of
20 the procedure will evaluate and shortlist the design-build
21 entities based on qualifications, and Phase II will evaluate
22 the technical and cost proposals.

23 (b) The county shall include in the request for proposal
24 the evaluating factors to be used in Phase I. These factors are
25 in addition to any prequalification requirements of

1 design-build entities that the county has set forth. Each
2 request for proposal shall establish the relative importance
3 assigned to each evaluation factor and subfactor, including
4 any weighting of criteria to be employed by the county. The
5 county must maintain a record of the evaluation scoring to be
6 disclosed in event of a protest regarding the solicitation.

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

22 The county may not consider any design-build entity for
23 evaluation or award if the entity has any pecuniary interest
24 in the project or has other relationships or circumstances,
25 including, but not limited to, long-term leasehold, mutual
26 performance, or development contracts with the county, that

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

20 Upon completion of the qualifications evaluation, the
21 county shall create a shortlist of the most highly qualified
22 design-build entities. The county, in its discretion, is not
23 required to shortlist the maximum number of entities as
24 identified for Phase II evaluation, provided that no less than
25 2 design-build entities nor more than 6 are selected to submit
26 Phase II proposals. If a county receives one response to Phase

1 I, nothing in this Section shall prohibit the county from
2 proceeding with a Phase II evaluation of the single respondent
3 if the county, in its discretion, finds proceeding to be in its
4 best interest.

5 The county shall notify the entities selected for the
6 shortlist in writing. This notification shall commence the
7 period for the preparation of the Phase II technical and cost
8 evaluations. The county must allow sufficient time for the
9 shortlist entities to prepare their Phase II submittals
10 considering the scope and detail requested by the county.

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

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

1 constructability of the proposed project. The county may
2 include any additional relevant technical evaluation factors
3 it deems necessary for proper selection.

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

10 The county shall directly employ or retain a licensed
11 design professional or a public art designer to evaluate the
12 technical and cost submissions to determine if the technical
13 submissions are in accordance with generally accepted industry
14 standards. Upon completion of the technical submissions and
15 cost submissions evaluation, the county may award the
16 design-build contract to the highest overall ranked entity.
17 (Source: P.A. 102-954, eff. 1-1-23; 103-154, eff. 6-30-23.)

18 Section 10. The Illinois Municipal Code is amended by
19 changing Sections 11-39.2-20 and 11-39.2-25 as follows:

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

21 Sec. 11-39.2-20. Development of scope and performance
22 criteria.

23 (a) The municipality must develop, with the assistance of
24 a licensed design professional or public art designer, a

1 request for proposal, which must include scope and performance
2 criteria. The scope and performance criteria must be in
3 sufficient detail and contain adequate information to
4 reasonably apprise the qualified design-build entities of the
5 municipality's overall programmatic needs and goals, including
6 criteria ~~and preliminary design plans~~, general budget
7 parameters, schedule, and delivery requirements.

8 (b) Each request for proposal must also include a
9 description of the level of design to be provided in the
10 proposals. This description must include the scope and type of
11 renderings, drawings, and specifications that, at a minimum,
12 will be required by the municipality to be produced by the
13 design-build entities.

14 (c) The scope and performance criteria must be prepared by
15 a design professional or public art designer who is an
16 employee of the municipality, or the municipality may contract
17 with an independent design professional or public art designer
18 selected under the Local Government Professional Services
19 Selection Act to provide these services.

20 (d) The design professional or public art designer that
21 prepares the scope and performance criteria is prohibited from
22 participating in any design-build entity proposal for the
23 project.

24 (e) The design-build contract may be conditioned upon
25 subsequent refinements in scope and price and may allow the
26 municipality to make modifications in the project scope

1 without invalidating the design-build contract.

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

3 (65 ILCS 5/11-39.2-25)

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

5 (a) The municipality must use a two-phase procedure for
6 the selection of the successful design-build entity. Phase I
7 of the procedure will evaluate and shortlist the design-build
8 entities based on qualifications, and Phase II will evaluate
9 the technical and cost proposals.

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

20 The municipality must include the following criteria in
21 every Phase I evaluation of design-build entities: (i)
22 experience of personnel; (ii) successful experience with
23 similar project types; (iii) financial capability; (iv)
24 timeliness of past performance; (v) experience with similarly
25 sized projects; (vi) successful reference checks of the firm;

1 (vii) commitment to assign personnel for the duration of the
2 project and qualifications of the entity's consultants; and
3 (viii) ability or past performance in meeting or exhausting
4 good faith efforts to meet the utilization goals for business
5 enterprises established in the Business Enterprise for
6 Minorities, Women, and Persons with Disabilities Act and with
7 Section 2-105 of the Illinois Human Rights Act. The
8 municipality may include any additional, relevant criteria in
9 Phase I that it deems necessary for a proper qualification
10 review.

11 The municipality may not consider any design-build entity
12 for evaluation or award if the entity has any pecuniary
13 interest in the project or has other relationships or
14 circumstances, such as long-term leasehold, mutual
15 performance, or development contracts with the municipality,
16 that may give the design-build entity a financial or tangible
17 advantage over other design-build entities in the preparation,
18 evaluation, or performance of the design-build contract or
19 that create the appearance of impropriety. A design-build
20 entity shall not be disqualified under this Section solely due
21 to having previously been awarded a project or projects under
22 any applicable public procurement statute of the State. No
23 proposal may be considered that does not include an entity's
24 plan to comply with the requirements established in the
25 Business Enterprise for Minorities, Women, and Persons with
26 Disabilities Act, for both the design and construction areas

1 of performance, and with Section 2-105 of the Illinois Human
2 Rights Act. The proposal shall disclose the role of a licensed
3 design professional during the administration of the
4 design-build contract. Nothing in this Section shall prohibit
5 a municipality from engaging a licensed design professional
6 during the administration of a design-build contract if the
7 municipality believes that engaging the licensed design
8 professional benefits the project.

9 Upon completion of the qualification evaluation, the
10 municipality must create a shortlist of the most highly
11 qualified design-build entities. The municipality, in its
12 discretion, is not required to shortlist the maximum number of
13 entities as identified for Phase II evaluation if no less than
14 2 design-build entities nor more than 6 are selected to submit
15 Phase II proposals. If a municipality receives one response to
16 Phase I, nothing in this Section shall prohibit the
17 municipality from proceeding with a Phase II evaluation of the
18 single respondent if the municipality, in its discretion,
19 finds proceeding to be in its best interest.

20 The municipality must notify the entities selected for the
21 shortlist in writing. This notification must commence the
22 period for the preparation of the Phase II technical and cost
23 evaluations. The municipality must allow sufficient time for
24 the shortlist entities to prepare their Phase II submittals
25 considering the scope and detail requested by the
26 municipality.

1 (c) The municipality must include in the request for
2 proposal the evaluating factors to be used in the technical
3 and cost submission components of Phase II. Each request for
4 proposal must establish, for both the technical and cost
5 submission components of Phase II, the relative importance
6 assigned to each evaluation factor and subfactor, including
7 any weighting of criteria to be employed by the municipality.
8 The municipality must maintain a record of the evaluation
9 scoring to be disclosed in event of a protest regarding the
10 solicitation.

11 The municipality must include the following criteria in
12 every Phase II technical evaluation of design-build entities:
13 (i) compliance with objectives of the project; (ii) compliance
14 of proposed services to the request for proposal requirements;
15 (iii) quality of products or materials proposed; (iv) quality
16 of design parameters; (v) design concepts; (vi) innovation in
17 meeting the scope and performance criteria; and (vii)
18 constructability of the proposed project. The municipality may
19 include any additional relevant technical evaluation factors
20 it deems necessary for proper selection.

21 The municipality must include the following criteria in
22 every Phase II cost evaluation: the total project cost, the
23 construction costs, and the time of completion. The
24 municipality may include any additional relevant technical
25 evaluation factors it deems necessary for proper selection.
26 The total project cost criteria weighting factor may not

1 exceed 30%.

2 The municipality must directly employ or retain a licensed
3 design professional or a public art designer to evaluate the
4 technical and cost submissions to determine if the technical
5 submissions are in accordance with generally accepted industry
6 standards. Upon completion of the technical submissions and
7 cost submissions evaluation, the municipality may award the
8 design-build contract to the highest overall ranked entity.

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

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

12 (70 ILCS 705/11k)

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

14 (a) The board of trustees shall have the power to acquire
15 by gift, legacy, or purchase any personal property necessary
16 for its corporate purposes provided that all contracts for
17 supplies, materials, or work involving an expenditure in
18 excess of \$20,000 shall be let to the lowest responsible
19 bidder after advertising as required under subsection (b) of
20 this Section; except that, if the board of trustees seeks to
21 purchase equipment directly from a dealer or an original
22 manufacturer in excess of \$50,000, then the contract for
23 purchase shall be let to the lowest responsible bidder after
24 advertising as required under subsection (b) of this Section.

1 The board is not required to accept a bid that does not meet
2 the district's established specifications, terms of delivery,
3 quality, and serviceability requirements. Contracts which, by
4 their nature, are not adapted to award by competitive bidding,
5 are not subject to competitive bidding, including, but not
6 limited to:

7 (1) contracts for the services of individuals
8 possessing a high degree of professional skill where the
9 ability or fitness of the individual plays an important
10 part;

11 (2) contracts for the printing of finance committee
12 reports and departmental reports;

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

15 (4) contracts for the maintenance or servicing of, or
16 provision of repair parts for, equipment which are made
17 with the manufacturer or authorized service agent of that
18 equipment where the provision of parts, maintenance, or
19 servicing can best be performed by the manufacturer or
20 authorized service agent, or which involve proprietary
21 parts or technology not otherwise available;

22 (5) purchases and contracts for the use, purchase,
23 delivery, movement, or installation of data processing
24 equipment, software, or services and telecommunications
25 and interconnect equipment, software, and services;

26 (6) contracts for duplicating machines and supplies;

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

3 (8) contracts for goods or services procured from
4 another governmental agency;

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

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

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

14 (b) Except as otherwise provided in subsection (a) of this
15 Section, all proposals to award contracts involving amounts in
16 excess of \$20,000 shall be published at least 10 days,
17 excluding Sundays and legal holidays, in advance of the date
18 announced for the receiving of bids, in a secular English
19 language newspaper of general circulation throughout the
20 district. In addition, a fire protection district that has a
21 website that the full-time staff of the district maintains
22 shall post notice on its website of all proposals to award
23 contracts in excess of \$20,000. Advertisements for bids shall
24 describe the character of the proposed contract or agreement
25 in sufficient detail to enable the bidders thereon to know
26 what their obligations will be, either in the advertisement

1 itself, or by reference to detailed plans and specifications
2 on file at the time of the publication of the first
3 announcement. Such advertisement shall also state the date,
4 time and place assigned for the opening of bids, and no bids
5 shall be received at any time subsequent to the time indicated
6 in the announcement. All competitive bids for contracts
7 involving an expenditure in excess of \$20,000 must be sealed
8 by the bidder and must be opened by a member of the board or an
9 employee of the district at a public bid opening at which the
10 contents of the bids must be announced. Each bidder must
11 receive at least 3 days' notice of the time and place of the
12 bid opening.

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

20 (d) Subject to the exceptions under subsections (a) and
21 (c), any procurement by a board of trustees involving the
22 acquisition, by direct or beneficial ownership, of
23 improvements to real estate by a fire protection district
24 which results in an expenditure of district funds in excess of
25 \$20,000 must be competitively bid in accordance with the
26 procedures of subsection (b).

1 (e) Nothing in this Section prohibits a fire protection
2 district from entering into design-build contracts. Fire
3 protection districts are authorized to use a design-build
4 contracting method for construction if a competitive process
5 consistent with the purpose of this Section is used in
6 connection with the selection of the design-builder.

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

9 Section 99. Effective date. This Act takes effect July 1,
10 2025.