

SB1869



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1869

Introduced 2/5/2025, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

30 ILCS 500/30-30

Amends the Illinois Procurement Code. Provides that certain provisions concerning design-bid-build construction apply to contracts in excess of \$500,000 (currently, \$250,000).

LRB104 10485 HLH 20560 b

A BILL FOR

1 AN ACT concerning finance.

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 \$500,000 ~~\$250,000~~,
10 separate specifications may be prepared for all equipment,
11 labor, and materials in connection with the following 5
12 subdivisions of 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 102nd General Assembly and through December 31,
8 2025, for single prime projects in which a public institution
9 of higher education is a construction agency awarding building
10 construction contracts in excess of \$500,000 ~~\$250,000~~,
11 separate specifications may be prepared for all equipment,
12 labor, and materials in connection with the 5 subdivisions of
13 work enumerated in subsection (a). Any public institution of
14 higher education contract awarded for any part thereof may
15 award 2 or more of the 5 subdivisions of work together or
16 separately to responsible and reliable persons, firms, or
17 corporations engaged in these classes of work if: (i) the
18 public institution of higher education has submitted to the
19 Procurement Policy Board and the Commission on Equity and
20 Inclusion a written notice that includes the reasons for using
21 the single prime method and an explanation of why the use of
22 that method is in the best interest of the State and arranges
23 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 January 1, 2026. For building construction contracts in excess
12 of \$500,000 ~~\$250,000~~, separate specifications shall be
13 prepared for all equipment, labor, and materials in connection
14 with the following 5 subdivisions of the work to be performed:

15 (1) plumbing;

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

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

22 (4) electric wiring; and

23 (5) general contract work.

24 The specifications must be so drawn as to permit separate
25 and independent bidding upon each of the 5 subdivisions of
26 work. All contracts awarded for any part thereof shall award

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

11 (Source: P.A. 102-671, eff. 11-30-21; 102-1119, eff. 1-23-23;
12 103-570, eff. 1-1-24.)