



Sen. Cristina Castro

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10400SB2336sam001

LRB104 10649 HLH 24642 a

1 AMENDMENT TO SENATE BILL 2336

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2336 by replacing  
3 everything after the enacting clause with the following:

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

6 (30 ILCS 537/10)

7 (Section scheduled to be repealed on January 1, 2026)

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

9 "State construction agency" means the Capital Development  
10 Board or, until January 1, 2028, in the case of a design-build  
11 procurement for a public institution of higher education, the  
12 public institution of higher education. On and after January  
13 1, 2028, a public institution of higher education is not  
14 considered a State construction agency.

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

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

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

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

22 "Design-build entity" means any individual, sole  
23 proprietorship, firm, partnership, joint venture, corporation,  
24 professional corporation, or other entity that proposes to  
25 design and construct any public project under this Act. A  
26 design-build entity and associated design-build professionals

1 shall conduct themselves in accordance with the laws of this  
2 State and the related provisions of the Illinois  
3 Administrative Code, as referenced by the licensed design  
4 professionals Acts of this State.

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

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

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

24 "Public institution of higher education" has the meaning  
25 ascribed in subsection (f) of Section 1-13 of the Illinois  
26 Procurement Code.

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

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

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

13      (30 ILCS 537/90 rep.)

14      Section 10. The Design-Build Procurement Act is amended by  
15      repealing Section 90.

16      Section 99. Effective date. This Act takes effect upon  
17      becoming law.".