



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2953

by Rep. Arthur Turner

SYNOPSIS AS INTRODUCED:

70 ILCS 3615/4.06

from Ch. 111 2/3, par. 704.06

Amends the Regional Transportation Authority Act. Provides that the Regional Transportation Authority Board shall adopt regulations to ensure that the construction or acquisition by the Authority or a Service Board other than the Chicago Transit Authority of services or public transportation facilities (other than real estate) involving a cost of more than the small purchase threshold set by the Federal Transit Administration (rather than \$40,000) shall be after public notice and with public bidding. Effective immediately.

LRB100 10637 AWJ 20860 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning government.

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

4 Section 5. The Regional Transportation Authority Act is
5 amended by changing Section 4.06 as follows:

6 (70 ILCS 3615/4.06) (from Ch. 111 2/3, par. 704.06)

7 Sec. 4.06. Public bidding.

8 (a) The Board shall adopt regulations to ensure that the
9 construction or acquisition by the Authority or a Service Board
10 other than the Chicago Transit Authority of services or public
11 transportation facilities (other than real estate) involving a
12 cost of more than the small purchase threshold set by the
13 Federal Transit Administration ~~\$40,000~~ and the disposition of
14 all property of the Authority or a Service Board other than the
15 Chicago Transit Authority shall be after public notice and with
16 public bidding. Such regulations may provide for exceptions to
17 such requirements for acquisition of repair parts,
18 accessories, equipment or services previously furnished or
19 contracted for; for the immediate delivery of supplies,
20 material or equipment or performance of service when it is
21 determined by the concurrence of two-thirds of the then
22 Directors that an emergency requires immediate delivery or
23 supply thereof; for goods or services that are economically

1 procurable from only one source; for contracts for the
2 maintenance or servicing of equipment which are made with the
3 manufacturers or authorized service agent of that equipment
4 where the maintenance or servicing can best be performed by the
5 manufacturer or authorized service agent or such a contract
6 would be otherwise advantageous to the Authority or a Service
7 Board, other than the Chicago Transit Authority, except that
8 the exceptions in this clause shall not apply to contracts for
9 plumbing, heating, piping, refrigeration and automatic
10 temperature control systems, ventilating and distribution
11 systems for conditioned air, and electrical wiring; for goods
12 or services procured from another governmental agency; for
13 purchases and contracts for the use or purchase of data
14 processing equipment and data processing systems software; for
15 the acquisition of professional or utility services; and for
16 the acquisition of public transportation equipment including,
17 but not limited to, rolling stock, locomotives and buses,
18 provided that: (i) it is determined by a vote of 2/3 of the
19 then Directors of the Service Board making the acquisition that
20 a negotiated acquisition offers opportunities with respect to
21 the cost or financing of the equipment, its delivery, or the
22 performance of a portion of the work within the State or the
23 use of goods produced or services provided within the State;
24 (ii) a notice of intention to negotiate for the acquisition of
25 such public transportation equipment is published in a
26 newspaper of general circulation within the City of Chicago

1 inviting proposals from qualified vendors; and (iii) any
2 contract with respect to such acquisition is authorized by a
3 vote of 2/3 of the then Directors of the Service Board making
4 the acquisition. The requirements set forth in this Section
5 shall not apply to purchase of service agreements or other
6 contracts, purchases or sales entered into by the Authority
7 with any transportation agency or unit of local government.

8 (b) (1) In connection with two-phase design/build
9 selection procedures authorized in this Section, a Service
10 Board may authorize, by the affirmative vote of two-thirds of
11 the then members of the Service Board, the use of competitive
12 selection and the prequalification of responsible bidders
13 consistent with applicable federal regulations and this
14 subsection (b).

15 (2) Two-phase design/build selection procedures shall
16 consist of the following:

17 (i) A Service Board shall develop, through
18 licensed architects or licensed engineers, a scope of
19 work statement for inclusion in the solicitation for
20 phase-one proposals that defines the project and
21 provides prospective offerors with sufficient
22 information regarding the Service Board's
23 requirements. The statement shall include criteria and
24 preliminary design, and general budget parameters and
25 general schedule or delivery requirements to enable
26 the offerors to submit proposals which meet the Service

1 Board's needs. When the two-phase design/build
2 selection procedure is used and the Service Board
3 contracts for development of the scope of work
4 statement, the Service Board shall contract for
5 architectural or engineering services as defined by
6 and in accordance with the Architectural, Engineering,
7 and Land Surveying Qualifications Based Selection Act
8 and all applicable licensing statutes.

9 (ii) The evaluation factors to be used in
10 evaluating phase-one proposals must be stated in the
11 solicitation and must include specialized experience
12 and technical competence, capability to perform, past
13 performance of the offeror's team (including the
14 architect-engineer and construction members of the
15 team) and other appropriate technical and
16 qualifications factors. Each solicitation must
17 establish the relative importance assigned to the
18 evaluation factors and the subfactors that must be
19 considered in the evaluation of phase-one proposals on
20 the basis of the evaluation factors set forth in the
21 solicitation. Each design/build team must include a
22 licensed design professional independent from the
23 Service Board's licensed architect or engineer and a
24 licensed design professional must be named in the
25 phase-one proposals submitted to the Service Board.

26 (iii) On the basis of the phase-one proposal the

1 Service Board shall select as the most highly qualified
2 the number of offerors specified in the solicitation
3 and request the selected offerors to submit phase-two
4 competitive proposals and cost or price information.
5 Each solicitation must establish the relative
6 importance assigned to the evaluation factors and the
7 subfactors that must be considered in the evaluation of
8 phase-two proposals on the basis of the evaluation
9 factors set forth in the solicitation. A Service Board
10 may negotiate with the selected design/build team
11 after award but prior to contract execution for the
12 purpose of securing better terms than originally
13 proposed, provided the salient features of the
14 design/build solicitation are not diminished. Each
15 phase-two solicitation evaluates separately (A) the
16 technical submission for the proposal, including
17 design concepts or proposed solutions to requirements
18 addressed within the scope of work, and (B) the
19 evaluation factors and subfactors, including cost or
20 price, that must be considered in the evaluations of
21 proposals.

22 (iv) A design/build solicitation issued under the
23 procedures in this subsection (b) shall state the
24 maximum number of offerors that are to be selected to
25 submit competitive phase-two proposals. The maximum
26 number specified in the solicitation shall not exceed 5

1 unless the Service Board with respect to an individual
2 solicitation determines that a specified number
3 greater than 5 is in the best interest of the Service
4 Board and is consistent with the purposes and
5 objectives of the two-phase design/build selection
6 process.

7 (v) All designs submitted as part of the two-phase
8 selection process and not selected shall be
9 proprietary to the preparers.

10 (Source: P.A. 98-1156, eff. 1-9-15.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.