

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 Metropolitan Transit Authority Act is
5 amended by changing Section 32 as follows:

6 (70 ILCS 3605/32) (from Ch. 111 2/3, par. 332)

7 Sec. 32. The Board shall adopt regulations to insure that
8 the ~~construction or~~ acquisition by the Authority of services or
9 public transportation facilities (other than real estate)
10 involving a cost of more than the small purchase threshold set
11 by the Federal Transit Administration \$40,000 and the
12 disposition of all property of the Authority shall be after
13 public notice and with public bidding. The Board shall adopt
14 regulations to ensure that the construction, demolition,
15 rehabilitation, renovation, and building maintenance projects
16 by the Authority for services or public transportation
17 facilities involving a cost of more than \$40,000 shall be after
18 public notice and with public bidding. The regulations may
19 provide for exceptions to the requirements for the issuance and
20 sale of bonds or notes of the Authority, to the acquisition of
21 professional or utility services and to other matters for which
22 public bidding is disadvantageous. The regulations may also
23 provide for the use of competitive negotiations or the

1 prequalification of responsible bidders consistent with
2 applicable federal regulations. The requirements set forth
3 therein shall not apply to purchase of service agreements or
4 other contracts, purchases or sales entered into by the
5 Authority with any transportation agency or unit of local
6 government.

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

8 Section 10. The Local Mass Transit District Act is amended
9 by changing Section 5.5 as follows:

10 (70 ILCS 3610/5.5)

11 Sec. 5.5. Public bidding. The Board shall adopt regulations
12 to ensure that the ~~construction or~~ acquisition by the District
13 of services or public transportation facilities (other than
14 real estate) involving a cost of more than the small purchase
15 threshold set by the Federal Transit Administration \$40,000 and
16 the disposition of all property of the District shall be after
17 public notice and with public bidding. The Board shall adopt
18 regulations to ensure that the construction, demolition,
19 rehabilitation, renovation, and building maintenance projects
20 by the District for services or public transportation
21 facilities involving a cost of more than \$40,000 shall be after
22 public notice and with public bidding. The regulations may
23 provide for exceptions to the requirements for the issuance and
24 sale of bonds or notes of the District, to the acquisition of

1 professional or utility services and to other matters for which
2 public bidding is disadvantageous. The regulations may also
3 provide for the use of competitive negotiations or the
4 prequalification of responsible bidders consistent with
5 applicable federal regulations. The requirements set forth
6 therein shall not apply to purchase of service agreements or
7 other contracts, purchases or sales entered into by the
8 District with any transportation agency or unit of local
9 government.

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

11 Section 15. The Regional Transportation Authority Act is
12 amended by changing Section 4.06 as follows:

13 (70 ILCS 3615/4.06) (from Ch. 111 2/3, par. 704.06)

14 Sec. 4.06. Public bidding.

15 (a) The Board shall adopt regulations to ensure that the
16 ~~construction or~~ acquisition by the Authority or a Service Board
17 other than the Chicago Transit Authority of services or public
18 transportation facilities (other than real estate) involving a
19 cost of more than the small purchase threshold set by the
20 Federal Transit Administration ~~\$40,000~~ and the disposition of
21 all property of the Authority or a Service Board other than the
22 Chicago Transit Authority shall be after public notice and with
23 public bidding. The Board shall adopt regulations to ensure
24 that the construction, demolition, rehabilitation, renovation,

1 and building maintenance projects by the Authority or a Service
2 Board other than the Chicago Transit Authority for services or
3 public transportation facilities involving a cost of more than
4 \$40,000 shall be after public notice and with public bidding.

5 Such regulations may provide for exceptions to such
6 requirements for acquisition of repair parts, accessories,
7 equipment or services previously furnished or contracted for;
8 for the immediate delivery of supplies, material or equipment
9 or performance of service when it is determined by the
10 concurrence of two-thirds of the then Directors that an
11 emergency requires immediate delivery or supply thereof; for
12 goods or services that are economically procurable from only
13 one source; for contracts for the maintenance or servicing of
14 equipment which are made with the manufacturers or authorized
15 service agent of that equipment where the maintenance or
16 servicing can best be performed by the manufacturer or
17 authorized service agent or such a contract would be otherwise
18 advantageous to the Authority or a Service Board, other than
19 the Chicago Transit Authority, except that the exceptions in
20 this clause shall not apply to contracts for plumbing, heating,
21 piping, refrigeration and automatic temperature control
22 systems, ventilating and distribution systems for conditioned
23 air, and electrical wiring; for goods or services procured from
24 another governmental agency; for purchases and contracts for
25 the use or purchase of data processing equipment and data
26 processing systems software; for the acquisition of

1 professional or utility services; and for the acquisition of
2 public transportation equipment including, but not limited to,
3 rolling stock, locomotives and buses, provided that: (i) it is
4 determined by a vote of 2/3 of the then Directors of the
5 Service Board making the acquisition that a negotiated
6 acquisition offers opportunities with respect to the cost or
7 financing of the equipment, its delivery, or the performance of
8 a portion of the work within the State or the use of goods
9 produced or services provided within the State; (ii) a notice
10 of intention to negotiate for the acquisition of such public
11 transportation equipment is published in a newspaper of general
12 circulation within the City of Chicago inviting proposals from
13 qualified vendors; and (iii) any contract with respect to such
14 acquisition is authorized by a vote of 2/3 of the then
15 Directors of the Service Board making the acquisition. The
16 requirements set forth in this Section shall not apply to
17 purchase of service agreements or other contracts, purchases or
18 sales entered into by the Authority with any transportation
19 agency or unit of local government.

20 (b) (1) In connection with two-phase design/build
21 selection procedures authorized in this Section, a Service
22 Board may authorize, by the affirmative vote of two-thirds of
23 the then members of the Service Board, the use of competitive
24 selection and the prequalification of responsible bidders
25 consistent with applicable federal regulations and this
26 subsection (b).

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

3 (i) A Service Board shall develop, through
4 licensed architects or licensed engineers, a scope of
5 work statement for inclusion in the solicitation for
6 phase-one proposals that defines the project and
7 provides prospective offerors with sufficient
8 information regarding the Service Board's
9 requirements. The statement shall include criteria and
10 preliminary design, and general budget parameters and
11 general schedule or delivery requirements to enable
12 the offerors to submit proposals which meet the Service
13 Board's needs. When the two-phase design/build
14 selection procedure is used and the Service Board
15 contracts for development of the scope of work
16 statement, the Service Board shall contract for
17 architectural or engineering services as defined by
18 and in accordance with the Architectural, Engineering,
19 and Land Surveying Qualifications Based Selection Act
20 and all applicable licensing statutes.

21 (ii) The evaluation factors to be used in
22 evaluating phase-one proposals must be stated in the
23 solicitation and must include specialized experience
24 and technical competence, capability to perform, past
25 performance of the offeror's team (including the
26 architect-engineer and construction members of the

1 team) and other appropriate technical and
2 qualifications factors. Each solicitation must
3 establish the relative importance assigned to the
4 evaluation factors and the subfactors that must be
5 considered in the evaluation of phase-one proposals on
6 the basis of the evaluation factors set forth in the
7 solicitation. Each design/build team must include a
8 licensed design professional independent from the
9 Service Board's licensed architect or engineer and a
10 licensed design professional must be named in the
11 phase-one proposals submitted to the Service Board.

12 (iii) On the basis of the phase-one proposal the
13 Service Board shall select as the most highly qualified
14 the number of offerors specified in the solicitation
15 and request the selected offerors to submit phase-two
16 competitive proposals and cost or price information.
17 Each solicitation must establish the relative
18 importance assigned to the evaluation factors and the
19 subfactors that must be considered in the evaluation of
20 phase-two proposals on the basis of the evaluation
21 factors set forth in the solicitation. A Service Board
22 may negotiate with the selected design/build team
23 after award but prior to contract execution for the
24 purpose of securing better terms than originally
25 proposed, provided the salient features of the
26 design/build solicitation are not diminished. Each

1 phase-two solicitation evaluates separately (A) the
2 technical submission for the proposal, including
3 design concepts or proposed solutions to requirements
4 addressed within the scope of work, and (B) the
5 evaluation factors and subfactors, including cost or
6 price, that must be considered in the evaluations of
7 proposals.

8 (iv) A design/build solicitation issued under the
9 procedures in this subsection (b) shall state the
10 maximum number of offerors that are to be selected to
11 submit competitive phase-two proposals. The maximum
12 number specified in the solicitation shall not exceed 5
13 unless the Service Board with respect to an individual
14 solicitation determines that a specified number
15 greater than 5 is in the best interest of the Service
16 Board and is consistent with the purposes and
17 objectives of the two-phase design/build selection
18 process.

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

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

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.