



Rep. Marcus C. Evans, Jr.

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10000HB3267ham001

LRB100 11192 AXK 23712 a

1 AMENDMENT TO HOUSE BILL 3267

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3267 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Highway Code is amended by adding  
5 Section 4-224 as follows:

6 (605 ILCS 5/4-224 new)

7 Sec. 4-224. Pay for Performance program; Quality Control  
8 for Performance program.

9 (a) Within 90 days after the effective date of this  
10 amendatory Act of the 100th General Assembly, the Department  
11 shall revise its Pay for Performance program and Quality  
12 Control for Performance program for the production, placement,  
13 and payment of hot-mix asphalt projects in this State. The  
14 programs shall incorporate and be fully compliant with  
15 applicable standards developed by the American Association of  
16 State Highway and Transportation Officials and the American

1 Society for Testing and Materials and shall include, but are  
2 not limited to:

3 (1) a dispute resolution process that would address  
4 issues arising out of a pre-production meeting under AASHTO  
5 R 9-05 (2013) or its current equivalent full standard,  
6 which shall include third-party arbitration as a final  
7 step;

8 (2) the use of a contractor's quality test results for  
9 hot-mix asphalt under 23 CFR 637 and AASHTO R 9-05 (2013)  
10 or its current equivalent full standard for consideration  
11 in the Department's acceptance decisions for the programs;

12 (3) the use of third party laboratories to conduct  
13 verification testing, independent assurance testing, or  
14 dispute resolution testing under 23 CFR 637 and AASHTO R  
15 9-05 (2013) or its current equivalent full standard on  
16 behalf of the Department;

17 (4) the use of performance-based testing that utilizes  
18 the test methods developed by the American Association of  
19 State Highway and Transportation Officials or the American  
20 Society for Testing and Materials. In creating the criteria  
21 for the performance-based testing, the Department shall  
22 give priority consideration to the Federal Highway  
23 Administration's Techbriefs, Transportation Pooled Fund  
24 studies sponsored by the Federal Highway Administration or  
25 the Department, and completed National Cooperative Highway  
26 Research Program projects;

1           (5) a procedure for addressing outlying test results  
2           under ASTM E178-16a or its current equivalent full  
3           standard; and

4           (6) an acceptable quality limit and a pay factor  
5           equation that provides for a maximum pay adjustment of up  
6           to 105% and a defined maximum pay deduction under AASHTO R  
7           9-05 (2013) or its current equivalent full standard.

8           (b) Within 30 days after the revision of the Pay for  
9           Performance program and the Quality Control for Performance  
10           program, the Secretary of Transportation shall direct the  
11           Bureau of Materials and Physical Research to publish revised  
12           Pay for Performance and Quality Control for Performance Special  
13           Provisions for use in Department projects. Each Special  
14           Provision shall include a certification that the programs  
15           comply with non-provisional standards that have been formally  
16           adopted and published by the American Association of State  
17           Highway and Transportation Officials and the American Society  
18           for Testing and Materials.

19           Section 99. Effective date. This Act takes effect upon  
20           becoming law.".