



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3561

Introduced 2/16/2018, by Sen. Antonio Muñoz

SYNOPSIS AS INTRODUCED:

50 ILCS 20/2.5	
50 ILCS 20/3	from Ch. 85, par. 1033
50 ILCS 20/20	from Ch. 85, par. 1050
50 ILCS 20/20.3	
50 ILCS 20/20.4	
50 ILCS 20/20.5	
50 ILCS 20/20.10	
50 ILCS 20/20.15	
50 ILCS 20/20.20	
50 ILCS 20/20.25	
50 ILCS 20/23.5	

Amends the Public Building Commission Act. Changes various repeal dates from June 1, 2018 to June 1, 2023 in provisions concerning allowing public building commissions to use the design-build delivery method for public projects. Makes conforming changes.

LRB100 17985 AWJ 33170 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Public Building Commission Act is amended by
5 changing Sections 2.5, 3, 20, 20.3, 20.4, 20.5, 20.10, 20.15,
6 20.20, 20.25, and 23.5 as follows:

7 (50 ILCS 20/2.5)

8 (Section scheduled to be repealed on June 1, 2018)

9 Sec. 2.5. Legislative policy; conditions for use of
10 design-build. It is the intent of the General Assembly that a
11 commission be allowed to use the design-build delivery method
12 for public projects if it is shown to be in the commission's
13 best interest for that particular project.

14 It shall be the policy of the commission in the procurement
15 of design-build services to publicly announce all requirements
16 for design-build services and to procure these services on the
17 basis of demonstrated competence and qualifications and with
18 due regard for the principles of competitive selection.

19 The commission shall, prior to issuing requests for
20 proposals, promulgate and publish procedures for the
21 solicitation and award of contracts pursuant to this Act.

22 The commission shall, for each public project or projects
23 permitted under this Act, make a written determination,

1 including a description as to the particular advantages of the
2 design-build procurement method, that it is in the best
3 interests of the commission to enter into a design-build
4 contract for the project or projects.

5 In making that determination, the following factors shall
6 be considered:

7 (1) The probability that the design-build procurement
8 method will be in the best interests of the commission by
9 providing a material savings of time or cost over the
10 design-bid-build or other delivery system.

11 (2) The type and size of the project and its
12 suitability to the design-build procurement method.

13 (3) The ability of the design-build entity to define
14 and provide comprehensive scope and performance criteria
15 for the project.

16 The commission shall require the design-build entity to
17 comply with the utilization goals established by the corporate
18 authorities of the commission for minority and women business
19 enterprises and to comply with Section 2-105 of the Illinois
20 Human Rights Act.

21 This Section is repealed on June 1, 2023 ~~2018~~; provided
22 that any design-build contracts entered into before such date
23 or any procurement of a project under this Act commenced before
24 such date, and the contracts resulting from those procurements,
25 shall remain effective.

26 (Source: P.A. 98-299, eff. 8-9-13; reenacted by P.A. 98-619,

1 eff. 1-7-14.)

2 (50 ILCS 20/3) (from Ch. 85, par. 1033)

3 Sec. 3. The following terms, wherever used, or referred to
4 in this Act, mean unless the context clearly requires a
5 different meaning:

6 (a) "Commission" means a Public Building Commission
7 created pursuant to this Act.

8 (b) "Commissioner" or "Commissioners" means a
9 Commissioner or Commissioners of a Public Building
10 Commission.

11 (c) "County seat" means a city, village or town which
12 is the county seat of a county.

13 (d) "Municipality" means any city, village or
14 incorporated town of the State of Illinois.

15 (e) "Municipal corporation" includes a county, city,
16 village, town, (including a county seat), park district,
17 school district in a county of 3,000,000 or more
18 population, board of education of a school district in a
19 county of 3,000,000 or more population, sanitary district,
20 airport authority contiguous with the County Seat as of
21 July 1, 1969 and any other municipal body or governmental
22 agency of the State, and until July 1, 2011, a school
23 district that (i) was organized prior to 1860, (ii) is
24 located in part in a city originally incorporated prior to
25 1840, and (iii) entered into a lease with a Commission

1 prior to 1993, and its board of education, but does not
2 include a school district in a county of less than
3 3,000,000 population, a board of education of a school
4 district in a county of less than 3,000,000 population, or
5 a community college district in a county of less than
6 3,000,000 population, except that until July 1, 2011, a
7 school district that (i) was organized prior to 1860, (ii)
8 is located in part in a city originally incorporated prior
9 to 1840, and (iii) entered into a lease with a Commission
10 prior to 1993, and its board of education, are included.

11 (f) "Governing body" includes a city council, county
12 board, or any other body or board, by whatever name it may
13 be known, charged with the governing of a municipal
14 corporation.

15 (g) "Presiding officer" includes the mayor or
16 president of a city, village or town, the presiding officer
17 of a county board, or the presiding officer of any other
18 board or commission, as the case may be.

19 (h) "Oath" means oath or affirmation.

20 (i) "Building" means an improvement to real estate to
21 be made available for use by a municipal corporation for
22 the furnishing of governmental services to its citizens,
23 together with any land or interest in land necessary or
24 useful in connection with the improvement.

25 (j) "Delivery system" means the design and
26 construction approach used to develop and construct a

1 project.

2 (k) "Design-bid-build" means the traditional delivery
3 system used on public projects that incorporates the Local
4 Government Professional Services Selection Act (50 ILCS
5 510/) and the principles of competitive selection.

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

12 (m) "Design-build contract" means a contract for a
13 public project under this Act between the Commission and a
14 design-build entity to furnish architecture, engineering,
15 land surveying, and related services as required, and to
16 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 Commission to make
20 modifications in the project scope without invalidating
21 the design-build contract.

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

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

6 (o) "Design professional" means any individual, sole
7 proprietorship, firm, partnership, joint venture,
8 corporation, professional corporation, or other entity
9 that offers services under the Illinois Architecture
10 Practice Act of 1989 (225 ILCS 305/), the Professional
11 Engineering Practice Act of 1989 (225 ILCS 325/), the
12 Structural Engineering Licensing Act of 1989 (225 ILCS
13 340/), or the Illinois Professional Land Surveyor Act of
14 1989 (225 ILCS 330/).

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

24 (q) "Proposal" means the offer to enter into a
25 design-build contract as submitted by a design-build
26 entity in accordance with this Act.

1 (r) "Request for proposal" means the document used by
2 the Commission to solicit proposals for a design-build
3 contract.

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

12 (t) "Guaranteed maximum price" means a form of contract
13 in which compensation may vary according to the scope of
14 work involved but in any case may not exceed an agreed
15 total amount.

16 Definitions in this Section with respect to design-build
17 shall have no effect beginning on June 1, 2023 ~~2018~~; provided
18 that any design-build contracts entered into before such date
19 or any procurement of a project under this Act commenced before
20 such date, and the contracts resulting from those procurements,
21 shall remain effective. The actions of any person or entity
22 taken on or after June 1, 2013 and before the effective date of
23 this amendatory Act of the 98th General Assembly in reliance on
24 the provisions of this Section with respect to design-build
25 continuing to be effective are hereby validated.

26 (Source: P.A. 98-299, eff. 8-9-13; 98-619, eff. 1-7-14.)

1 (50 ILCS 20/20) (from Ch. 85, par. 1050)

2 Sec. 20. Contracts let to lowest responsible bidder;
3 competitive bidding; advertisement for bids; design-build
4 contracts.

5 (a) All contracts to be let for the construction,
6 alteration, improvement, repair, enlargement, demolition or
7 removal of any buildings or other facilities, or for materials
8 or supplies to be furnished, where the amount thereof is in
9 excess of \$20,000, shall be awarded as a design-build contract
10 in accordance with Sections 20.3 through 20.20 or shall be let
11 to the lowest responsible bidder, or bidders, on open
12 competitive bidding.

13 (b) A contract awarded on the basis of competitive bidding
14 shall be awarded after public advertisement published at least
15 once in each week for three consecutive weeks prior to the
16 opening of bids, in a daily newspaper of general circulation in
17 the county where the commission is located, except in the case
18 of an emergency situation, as determined by the chief executive
19 officer. If a contract is awarded in an emergency situation,
20 (i) the contract accepted must be based on the lowest
21 responsible proposal after the commission has made a diligent
22 effort to solicit multiple proposals by telephone, facsimile,
23 or other efficient means and (ii) the chief executive officer
24 must submit a report at the next regular meeting of the Board,
25 to be ratified by the Board and entered into the official

1 record, that states the chief executive officer's reason for
2 declaring an emergency situation, the names of all parties
3 solicited for proposals, and their proposals and that includes
4 a copy of the contract awarded. Nothing contained in this
5 Section shall be construed to prohibit the Board of
6 Commissioners from placing additional advertisements in
7 recognized trade journals. Advertisements for bids shall
8 describe the character of the proposed contract in sufficient
9 detail to enable the bidders thereon to know what their
10 obligation will be, either in the advertisement itself, or by
11 reference to detailed plans and specifications on file in the
12 office of the Public Building Commission at the time of the
13 publication of the first announcement. Such advertisement
14 shall also state the date, time, and place assigned for the
15 opening of bids. No bids shall be received at any time
16 subsequent to the time indicated in said advertisement.

17 (c) In addition to the requirements of Section 20.3, the
18 Commission shall advertise a design-build solicitation at
19 least once in a daily newspaper of general circulation in the
20 county where the Commission is located. The date that Phase I
21 submissions by design-build entities are due must be at least
22 14 calendar days after the date the newspaper advertisement for
23 design-build proposals is first published. The advertisement
24 shall identify the design-build project, the due date, the
25 place and time for Phase I submissions, and the place where
26 proposers can obtain a complete copy of the request for

1 design-build proposals, including the criteria for evaluation
2 and the scope and performance criteria. The Commission is not
3 precluded from using other media or from placing advertisements
4 in addition to the one required under this subsection.

5 (d) The Board of Commissioners may reject any and all bids
6 and proposals received and may readvertise for bids or issue a
7 new request for design-build proposals.

8 (e) All bids shall be open to public inspection in the
9 office of the Public Building Commission after an award or
10 final selection has been made. The successful bidder for such
11 work shall enter into contracts furnished and prescribed by the
12 Board of Commissioners and in addition to any other bonds
13 required under this Act the successful bidder shall execute and
14 give bond, payable to and to be approved by the Commission,
15 with a corporate surety authorized to do business under the
16 laws of the State of Illinois, in an amount to be determined by
17 the Board of Commissioners, conditioned upon the payment of all
18 labor furnished and materials supplied in the prosecution of
19 the contracted work. If the bidder whose bid has been accepted
20 shall neglect or refuse to accept the contract within five (5)
21 days after written notice that the same has been awarded to
22 him, or if he accepts but does not execute the contract and
23 give the proper security, the Commission may accept the next
24 lowest bidder, or readvertise and relet in manner above
25 provided.

26 (f) In case any work shall be abandoned by any contractor

1 or design-build entity, the Commission may, if the best
2 interests of the Commission be thereby served, adopt on behalf
3 of the Commission all subcontracts made by such contractor or
4 design-build entity for such work and all such sub-contractors
5 shall be bound by such adoption if made; and the Commission
6 shall, in the manner provided in this Act, readvertise and
7 relet, or request proposals and award design-build contracts
8 for, the work specified in the original contract exclusive of
9 so much thereof as shall be accepted. Every contract when made
10 and entered into, as provided in this Section or Section 20.20,
11 shall be executed, held by the Commission, and filed in its
12 records, and one copy of which shall be given to the contractor
13 or design-build entity.

14 (g) The provisions of this Section with respect to
15 design-build shall have no effect beginning on June 1, 2023
16 ~~2018~~; provided that any design-build contracts entered into
17 before such date or any procurement of a project under this Act
18 commenced before such date, and the contracts resulting from
19 those procurements, shall remain effective. The actions of any
20 person or entity taken on or after June 1, 2013 and before the
21 effective date of this amendatory Act of the 98th General
22 Assembly in reliance on the provisions of this Section with
23 respect to design-build continuing to be effective are hereby
24 validated.

25 (Source: P.A. 98-299, eff. 8-9-13; 98-619, eff. 1-7-14.)

1 (50 ILCS 20/20.3)

2 (Section scheduled to be repealed on June 1, 2018)

3 Sec. 20.3. Solicitation of design-build proposals.

4 (a) When the Commission elects to use the design-build
5 delivery method, it must issue a notice of intent to receive
6 proposals for the project at least 14 days before issuing the
7 request for the proposal. The Commission must publish the
8 advance notice in a daily newspaper of general circulation in
9 the county where the Commission is located. The Commission is
10 encouraged to use publication of the notice in related
11 construction industry service publications. A brief
12 description of the proposed procurement must be included in the
13 notice. The Commission must provide a copy of the request for
14 proposal to any party requesting a copy.

15 (b) The request for proposal shall be prepared for each
16 project and must contain, without limitation, the following
17 information:

18 (1) The name of the Commission.

19 (2) A preliminary schedule for the completion of the
20 contract.

21 (3) The proposed budget for the project, the source of
22 funds, and the currently available funds at the time the
23 request for proposal is submitted.

24 (4) Prequalification criteria for design-build
25 entities wishing to submit proposals. The Commission shall
26 include, at a minimum, its normal prequalification,

1 licensing, registration, and other requirements, but
2 nothing contained herein precludes the use of additional
3 prequalification criteria by the Commission.

4 (5) Material requirements of the contract, including
5 but not limited to, the proposed terms and conditions,
6 required performance and payment bonds, insurance, and the
7 entity's plan to comply with the utilization goals
8 established by the corporate authorities of the Commission
9 for minority and women business enterprises and to comply
10 with Section 2-105 of the Illinois Human Rights Act.

11 (6) The performance criteria.

12 (7) The evaluation criteria for each phase of the
13 solicitation.

14 (8) The number of entities that will be considered for
15 the technical and cost evaluation phase.

16 (c) The Commission may include any other relevant
17 information that it chooses to supply. The design-build entity
18 shall be entitled to rely upon the accuracy of this
19 documentation in the development of its proposal.

20 (d) The date that proposals are due must be at least 21
21 calendar days after the date of the issuance of the request for
22 proposal. In the event the cost of the project is estimated to
23 exceed \$12,000,000, then the proposal due date must be at least
24 28 calendar days after the date of the issuance of the request
25 for proposal. The Commission shall include in the request for
26 proposal a minimum of 30 days to develop the Phase II

1 submissions after the selection of entities from the Phase I
2 evaluation is completed.

3 (e) This Section is repealed on June 1, 2023 ~~2018~~; provided
4 that any design-build contracts entered into before such date
5 or any procurement of a project under this Act commenced before
6 such date, and the contracts resulting from those procurements,
7 shall remain effective.

8 (Source: P.A. 98-299, eff. 8-9-13; reenacted by P.A. 98-619,
9 eff. 1-7-14.)

10 (50 ILCS 20/20.4)

11 (Section scheduled to be repealed on June 1, 2018)

12 Sec. 20.4. Development of design-build scope and
13 performance criteria.

14 (a) The Commission shall develop, with the assistance of a
15 licensed design professional, a request for proposal, which
16 shall include scope and performance criteria. The scope and
17 performance criteria must be in sufficient detail and contain
18 adequate information to reasonably apprise the qualified
19 design-build entities of the Commission's overall programmatic
20 needs and goals, including criteria and preliminary design
21 plans, general budget parameters, schedule, and delivery
22 requirements.

23 (b) Each request for proposal shall also include a
24 description of the level of design to be provided in the
25 proposals. This description must include the scope and type of

1 renderings, drawings, and specifications that, at a minimum,
2 will be required by the Commission to be produced by the
3 design-build entities.

4 (c) The scope and performance criteria shall be prepared by
5 a design professional who is an employee of the Commission, or
6 the Commission may contract with an independent design
7 professional selected under the Local Government Professional
8 Services Selection Act (50 ILCS 510/) to provide these
9 services.

10 (d) The design professional that prepares the scope and
11 performance criteria is prohibited from participating in any
12 design-build entity proposal for the project.

13 (e) This Section is repealed on June 1, 2023 ~~2018~~; provided
14 that any design-build contracts entered into before such date
15 or any procurement of a project under this Act commenced before
16 such date, and the contracts resulting from those procurements,
17 shall remain effective.

18 (Source: P.A. 98-299, eff. 8-9-13; reenacted by P.A. 98-619,
19 eff. 1-7-14.)

20 (50 ILCS 20/20.5)

21 (Section scheduled to be repealed on June 1, 2018)

22 Sec. 20.5. Procedures for design-build selection.

23 (a) The Commission must use a two-phase procedure for the
24 selection of the successful design-build entity. Phase I of the
25 procedure will evaluate and shortlist the design-build

1 entities based on qualifications, and Phase II will evaluate
2 the technical and cost proposals.

3 (b) The Commission shall include in the request for
4 proposal the evaluating factors to be used in Phase I. These
5 factors are in addition to any prequalification requirements of
6 design-build entities that the Commission has set forth. Each
7 request for proposal shall establish the relative importance
8 assigned to each evaluation factor and subfactor, including any
9 weighting of criteria to be employed by the Commission. The
10 Commission must maintain a record of the evaluation scoring to
11 be disclosed in event of a protest regarding the solicitation.

12 The Commission shall include the following criteria in
13 every Phase I evaluation of design-build entities: (1)
14 experience of personnel; (2) successful experience with
15 similar project types; (3) financial capability; (4)
16 timeliness of past performance; (5) experience with similarly
17 sized projects; (6) successful reference checks of the firm;
18 (7) commitment to assign personnel for the duration of the
19 project and qualifications of the entity's consultants; and (8)
20 ability or past performance in meeting or exhausting good faith
21 efforts to meet the utilization goals for minority and women
22 business enterprises established by the corporate authorities
23 of the Commission and in complying with Section 2-105 of the
24 Illinois Human Rights Act. The Commission may include any
25 additional relevant criteria in Phase I that it deems necessary
26 for a proper qualification review.

1 The Commission may not consider any design-build entity for
2 evaluation or award if the entity has any pecuniary interest in
3 the project or has other relationships or circumstances,
4 including but not limited to, long-term leasehold, mutual
5 performance, or development contracts with the Commission,
6 that may give the design-build entity a financial or tangible
7 advantage over other design-build entities in the preparation,
8 evaluation, or performance of the design-build contract or that
9 create the appearance of impropriety. No design-build proposal
10 shall be considered that does not include an entity's plan to
11 comply with the requirements established in the minority and
12 women business enterprises and economically disadvantaged
13 firms established by the corporate authorities of the
14 Commission and with Section 2-105 of the Illinois Human Rights
15 Act.

16 Upon completion of the qualifications evaluation, the
17 Commission shall create a shortlist of the most highly
18 qualified design-build entities. The Commission, in its
19 discretion, is not required to shortlist the maximum number of
20 entities as identified for Phase II evaluation, provided
21 however, no less than 2 design-build entities nor more than 6
22 are selected to submit Phase II proposals.

23 The Commission shall notify the entities selected for the
24 shortlist in writing. This notification shall commence the
25 period for the preparation of the Phase II technical and cost
26 evaluations. The Commission must allow sufficient time for the

1 shortlist entities to prepare their Phase II submittals
2 considering the scope and detail requested by the Commission.

3 (c) The Commission shall include in the request for
4 proposal the evaluating factors to be used in the technical and
5 cost submission components of Phase II. Each request for
6 proposal shall establish, for both the technical and cost
7 submission components of Phase II, the relative importance
8 assigned to each evaluation factor and subfactor, including any
9 weighting of criteria to be employed by the Commission. The
10 Commission must maintain a record of the evaluation scoring to
11 be disclosed in event of a protest regarding the solicitation.

12 The Commission shall include the following criteria in
13 every Phase II technical evaluation of design-build entities:
14 (1) compliance with objectives of the project; (2) compliance
15 of proposed services to the request for proposal requirements;
16 (3) quality of products or materials proposed; (4) quality of
17 design parameters; (5) design concepts; (6) innovation in
18 meeting the scope and performance criteria; and (7)
19 constructability of the proposed project. The Commission may
20 include any additional relevant technical evaluation factors
21 it deems necessary for proper selection.

22 The Commission shall include the following criteria in
23 every Phase II cost evaluation: the guaranteed maximum project
24 cost and the time of completion. The Commission may include any
25 additional relevant technical evaluation factors it deems
26 necessary for proper selection. The guaranteed maximum project

1 cost criteria weighing factor shall not exceed 30%.

2 The Commission shall directly employ or retain a licensed
3 design professional to evaluate the technical and cost
4 submissions to determine if the technical submissions are in
5 accordance with generally accepted industry standards.

6 Upon completion of the technical submissions and cost
7 submissions evaluation, the Commission may award the
8 design-build contract to the highest overall ranked entity.

9 (d) This Section is repealed on June 1, 2023 ~~2018~~; provided
10 that any design-build contracts entered into before such date
11 or any procurement of a project under this Act commenced before
12 such date, and the contracts resulting from those procurements,
13 shall remain effective.

14 (Source: P.A. 100-201, eff. 8-18-17.)

15 (50 ILCS 20/20.10)

16 (Section scheduled to be repealed on June 1, 2018)

17 Sec. 20.10. Small design-build projects. In any case where
18 the total overall cost of the project is estimated to be less
19 than \$12,000,000, the Commission may combine the two-phase
20 procedure for design-build selection described in Section 20.5
21 into one combined step, provided that all the requirements of
22 evaluation are performed in accordance with Section 20.5.

23 This Section is repealed on June 1, 2023 ~~2018~~; provided
24 that any design-build contracts entered into before such date
25 or any procurement of a project under this Act commenced before

1 such date, and the contracts resulting from those procurements,
2 shall remain effective.

3 (Source: P.A. 98-299, eff. 8-9-13; reenacted by P.A. 98-619,
4 eff. 1-7-14.)

5 (50 ILCS 20/20.15)

6 (Section scheduled to be repealed on June 1, 2018)

7 Sec. 20.15. Submission of design-build proposals.
8 Design-build proposals must be properly identified and sealed.
9 Proposals may not be reviewed until after the deadline for
10 submission has passed as set forth in the request for
11 proposals. All design-build entities submitting proposals
12 shall be disclosed after the deadline for submission, and all
13 design-build entities who are selected for Phase II evaluation
14 shall also be disclosed at the time of that determination.

15 Phase II design-build proposals shall include a bid bond in
16 the form and security as designated in the request for
17 proposals. Proposals shall also contain a separate sealed
18 envelope with the cost information within the overall proposal
19 submission. Proposals shall include a list of all design
20 professionals and other entities to which any work identified
21 in Section 30-30 of the Illinois Procurement Code as a
22 subdivision of construction work may be subcontracted during
23 the performance of the contract.

24 Proposals must meet all material requirements of the
25 request for proposal or they may be rejected as non-responsive.

1 The Commission shall have the right to reject any and all
2 proposals.

3 The drawings and specifications of any unsuccessful
4 design-build proposal shall remain the property of the
5 design-build entity.

6 The Commission shall review the proposals for compliance
7 with the performance criteria and evaluation factors.

8 Proposals may be withdrawn prior to the due date and time
9 for submissions for any cause. After evaluation begins by the
10 Commission, clear and convincing evidence of error is required
11 for withdrawal.

12 This Section is repealed on June 1, 2023 ~~2018~~; provided
13 that any design-build contracts entered into before such date
14 or any procurement of a project under this Act commenced before
15 such date, and the contracts resulting from those procurements,
16 shall remain effective.

17 (Source: P.A. 98-299, eff. 8-9-13; reenacted by P.A. 98-619,
18 eff. 1-7-14.)

19 (50 ILCS 20/20.20)

20 (Section scheduled to be repealed on June 1, 2018)

21 Sec. 20.20. Design-build award. The Commission may award a
22 design-build contract to the highest overall ranked entity.
23 Notice of award shall be made in writing. Unsuccessful entities
24 shall also be notified in writing. The Commission may not
25 request a best and final offer after the receipt of proposals.

1 The Commission may negotiate with the selected design-build
2 entity after award but prior to contract execution for the
3 purpose of securing better terms than originally proposed,
4 provided that the salient features of the request for proposal
5 are not diminished.

6 This Section is repealed on June 1, 2023 ~~2018~~; provided
7 that any design-build contracts entered into before such date
8 or any procurement of a project under this Act commenced before
9 such date, and the contracts resulting from those procurements,
10 shall remain effective.

11 (Source: P.A. 98-299, eff. 8-9-13; reenacted by P.A. 98-619,
12 eff. 1-7-14.)

13 (50 ILCS 20/20.25)

14 (Section scheduled to be repealed on June 1, 2018)

15 Sec. 20.25. Minority and female owned enterprises; total
16 construction budget.

17 (a) Each year, within 60 days following the end of a
18 commission's fiscal year, the commission shall provide a report
19 to the General Assembly addressing the utilization of minority
20 and female owned business enterprises on design-build
21 projects.

22 (b) The payments for design-build projects by any
23 commission in one fiscal year shall not exceed 50% of the
24 moneys spent on construction projects during the same fiscal
25 year.

1 (c) This Section is repealed on June 1, 2023 ~~2018~~; provided
2 that any design-build contracts entered into before such date
3 or any procurement of a project under this Act commenced before
4 such date, and the contracts resulting from those procurements,
5 shall remain effective.

6 (Source: P.A. 98-299, eff. 8-9-13; reenacted by P.A. 98-619,
7 eff. 1-7-14.)

8 (50 ILCS 20/23.5)

9 Sec. 23.5. Continuation of Sections 2.5, 20.3, 20.4, 20.5,
10 20.10, 20.15, 20.20, and 20.25 of this Act; validation.

11 (a) The General Assembly finds and declares that:

12 (1) When Public Act 95-595 (effective June 1, 2008)
13 amended the Public Building Commission Act, it provided
14 repeal dates for Sections 2.5, 20.3, 20.4, 20.5, 20.10,
15 20.15, 20.20, and 20.25 of this Act of 5 years after the
16 effective date of Public Act 95-595 (June 1, 2013).

17 (2) Senate Bill 2233 of the 98th General Assembly
18 contained provisions that would have changed the repeal
19 dates of Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15,
20 20.20, and 20.25 of this Act from 5 years after the
21 effective date of Public Act 95-595 to June 1, 2018. Senate
22 Bill 2233 passed both houses on May 31, 2013. Senate Bill
23 2233 provided that it took effect upon becoming law. Senate
24 Bill 2233 was sent to the Governor on June 10, 2013. Senate
25 Bill 2233 was approved by the Governor on August 9, 2013.

1 Senate Bill 2233 became Public Act 98-299.

2 (3) The Statute on Statutes sets forth general rules on
3 the repeal of statutes and the construction of multiple
4 amendments, but Section 1 of that Act also states that
5 these rules will not be observed when the result would be
6 "inconsistent with the manifest intent of the General
7 Assembly or repugnant to the context of the statute".

8 (4) The actions of the General Assembly clearly
9 manifest the intention of the General Assembly to extend
10 the repeal of Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15,
11 20.20, and 20.25 of this Act and have those Sections
12 continue in effect ~~until June 1, 2018~~.

13 (5) Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15,
14 20.20, and 20.25 of this Act were originally enacted to
15 protect, promote, and preserve the general welfare. Any
16 construction of this Act that results in the repeal of
17 those Sections on June 1, 2013 would be inconsistent with
18 the manifest intent of the General Assembly and repugnant
19 to the context of this Act.

20 (b) It is hereby declared to have been the intent of the
21 General Assembly, in enacting Public Act 98-299, that Sections
22 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20, and 20.25 of this
23 Act be changed to make June 1, 2018 the repeal date of Sections
24 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20, and 20.25 of this
25 Act, and that Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15,
26 20.20, and 20.25 of this Act therefore not be subject to repeal

1 on June 1, 2013.

2 (c) Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20,
3 and 20.25 of this Act shall be deemed to have been in
4 continuous effect since June 1, 2008 (the effective date of
5 Public Act 95-595), and shall continue to be in effect
6 henceforward ~~until June 1, 2018, unless they are otherwise~~
7 ~~lawfully repealed~~. All previously enacted amendments to this
8 Act taking effect on or after June 1, 2013 are hereby
9 validated.

10 (d) All actions taken in reliance on or pursuant to
11 Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20, and 20.25
12 of this Act by the Public Building Commission or any other
13 person or entity are hereby validated.

14 (e) In order to ensure the continuing effectiveness of
15 Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20, and 20.25
16 of this Act, those Sections are set forth in full and reenacted
17 by this amendatory Act of the 98th General Assembly. This
18 reenactment is intended as a continuation of those Sections. It
19 is not intended to supersede any amendment to the Act that is
20 enacted by the 98th General Assembly.

21 (f) In this amendatory Act of the 98th General Assembly,
22 the base text of the reenacted Sections is set forth as amended
23 by Public Act 98-299. Striking and underscoring is used only to
24 show changes being made to the base text. In this instance, no
25 underscoring or striking is shown in the base text because no
26 additional changes are being made.

1 (g) Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20,
2 and 20.25 of this Act apply to all claims, civil actions, and
3 proceedings pending on or filed on or before the effective date
4 of this amendatory Act of the 98th General Assembly.

5 (Source: P.A. 98-619, eff. 1-7-14.)