



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3284

by Rep. William Davis

SYNOPSIS AS INTRODUCED:

- 30 ILCS 500/1-15.25
- 30 ILCS 500/1-15.93
- 30 ILCS 500/30-30

Amends the Illinois Procurement Code. Modifies the term "construction agency" to clarify the meaning of State agency as used under that term. Modifies the term "single prime" to mean the design-bid-build procurement delivery method for a building construction project in which the construction agency (currently, the Capital Development Board is the construction agency) procures 2 or more specified subdivisions of work. Extends the repeal of the Section defining "single prime" from January 1, 2020 to January 1, 2030. Modifies a Section concerning design-bid-build construction. Changes references concerning the Capital Development Board to construction agency for purposes of requirements under the Section. Provides that for single prime projects, among other requirements, annual (rather than quarterly) reports shall be submitted to the Procurement Policy Board with information on the general scope, project budget, and established Business Enterprise Program goals for any single prime procurement bid in the previous 12 (currently, 3) months. Provides that use of the single prime procurement delivery method shall not exceed 50% of the total number of projects with total construction cost valued at \$5,000,000 or less. Provides that a construction agency shall post notice of its intent to use the single prime method on a project on its online Procurement Bulletin at least 7 (currently, 3) business days following submission of such notice to the Procurement Policy Board. Makes conforming changes.

LRB101 10178 RJF 55282 b

1 AN ACT concerning finance.

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

4 Section 5. The Illinois Procurement Code is amended by
5 changing Sections 1-15.25, 1-15.93, and 30-30 as follows:

6 (30 ILCS 500/1-15.25)

7 Sec. 1-15.25. Construction agency. "Construction agency"
8 means the Capital Development Board for construction or
9 remodeling of State-owned facilities; the Illinois Department
10 of Transportation for construction or maintenance of roads,
11 highways, bridges, and airports; the Illinois Toll Highway
12 Authority for construction or maintenance of toll highways; the
13 Illinois Power Agency for construction, maintenance, and
14 expansion of Agency-owned facilities, as defined in Section
15 1-10 of the Illinois Power Agency Act; and any other State
16 agency, as defined in Sec. 1-15.100, entering into construction
17 contracts as authorized by law or by delegation from the chief
18 procurement officer.

19 (Source: P.A. 95-481, eff. 8-28-07.)

20 (30 ILCS 500/1-15.93)

21 (Section scheduled to be repealed on January 1, 2020)

22 Sec. 1-15.93. Single prime. "Single prime" means the

1 design-bid-build procurement delivery method for a building
2 construction project in which the ~~Capital Development Board is~~
3 ~~the~~ construction agency procures ~~procuring~~ 2 or more
4 subdivisions of work enumerated in paragraphs (1) through (5)
5 of subsection (a) of Section 30-30 of this Code under a single
6 contract. This Section is repealed on January 1, 2030 ~~2020~~.

7 (Source: P.A. 99-257, eff. 8-4-15.)

8 (30 ILCS 500/30-30)

9 Sec. 30-30. Design-bid-build construction.

10 (a) The provisions of this subsection are operative through
11 December 31, 2019.

12 For building construction contracts in excess of \$250,000,
13 separate specifications may be prepared for all equipment,
14 labor, and materials in connection with the following 5
15 subdivisions of the work to be performed:

16 (1) plumbing;

17 (2) heating, piping, refrigeration, and automatic
18 temperature control systems, including the testing and
19 balancing of those systems;

20 (3) ventilating and distribution systems for
21 conditioned air, including the testing and balancing of
22 those systems;

23 (4) electric wiring; and

24 (5) general contract work.

25 The specifications may be so drawn as to permit separate

1 and independent bidding upon each of the 5 subdivisions of
2 work. All contracts awarded for any part thereof may award the
3 5 subdivisions of work separately to responsible and reliable
4 persons, firms, or corporations engaged in these classes of
5 work. The contracts, at the discretion of the construction
6 agency, may be assigned to the successful bidder on the general
7 contract work or to the successful bidder on the subdivision of
8 work designated by the construction agency before the bidding
9 as the prime subdivision of work, provided that all payments
10 will be made directly to the contractors for the 5 subdivisions
11 of work upon compliance with the conditions of the contract.

12 Beginning on the effective date of this amendatory Act of
13 the 101st 99th General Assembly and through June 30, 2030
14 ~~December 31, 2019~~, for single prime projects: (i) the bid of
15 the successful low bidder shall identify the name of the
16 subcontractor, if any, and the bid proposal costs for each of
17 the 5 subdivisions of work set forth in this Section; (ii) the
18 contract entered into with the successful bidder shall provide
19 that no identified subcontractor may be terminated without the
20 written consent of the construction agency ~~Capital Development~~
21 ~~Board~~; (iii) the contract shall comply with the disadvantaged
22 business practices of the Business Enterprise for Minorities,
23 Women, and Persons with Disabilities Act and the equal
24 employment practices of Section 2-105 of the Illinois Human
25 Rights Act; (iv) annual reports shall be submitted ~~the Capital~~
26 ~~Development Board shall submit a quarterly report to the~~

1 Procurement Policy Board with information on the general scope,
2 project budget, and established Business Enterprise Program
3 goals for any single prime procurement bid in the previous 12 ~~3~~
4 months ~~with a total construction cost valued at \$10,000,000 or~~
5 ~~less~~; and (v) the Construction agency ~~Capital Development Board~~
6 shall submit an annual report to the General Assembly and
7 Governor on the bidding, award, and performance of all single
8 prime projects.

9 Use of the single prime procurement delivery method shall
10 not exceed 50% of the total number of projects with total
11 construction cost valued at \$5,000,000 or less. ~~For building~~
12 ~~construction projects with a total construction cost valued at~~
13 ~~\$5,000,000 or less, the Capital Development Board shall not use~~
14 ~~the single prime procurement delivery method for more than 50%~~
15 ~~of the total number of projects bid for each fiscal year.~~ Any
16 project with a total construction cost valued greater than
17 \$5,000,000 may be bid using single prime ~~at the discretion of~~
18 ~~the Executive Director of the Capital Development Board.~~

19 Beginning on the effective date of this amendatory Act of
20 the 101st ~~99th~~ General Assembly and through June 30, 2030
21 ~~December 31, 2017~~, the construction agency ~~Capital Development~~
22 ~~Board~~ shall, on a weekly basis: review the projects that have
23 been designed, and approved to bid; and, for every fifth
24 determination to use the single prime procurement delivery
25 method for a project under \$10,000,000, submit to the
26 Procurement Policy Board a written notice of its intent to use

1 the single prime method on the project. The notice shall
2 include the reasons for using the single prime method and an
3 explanation of why the use of that method is in the best
4 interest of the State. The construction agency ~~Capital~~
5 ~~Development Board~~ shall post the notice on its ~~online~~
6 ~~procurement webpage and on the~~ online Procurement Bulletin at
7 least 7 ~~3~~ business days following submission. ~~The Procurement~~
8 ~~Policy Board shall review and provide its decision on the use~~
9 ~~of the single prime method for every fifth use of the single~~
10 ~~prime procurement delivery method for a project under~~
11 ~~\$10,000,000 within 7 business days of receipt of the notice~~
12 ~~from the Capital Development Board. Approval by the Procurement~~
13 ~~Policy Board shall not be unreasonably withheld and shall be~~
14 ~~provided unless the Procurement Policy Board finds that the use~~
15 ~~of the single prime method is not in the best interest of the~~
16 ~~State. Any decision by the Procurement Policy Board to~~
17 ~~disapprove the use of the single prime method shall be made in~~
18 ~~writing to the Capital Development Board, posted on the online~~
19 ~~Procurement Bulletin, and shall state the reasons why the~~
20 ~~single prime method was disapproved and why it is not in the~~
21 ~~best interest of the State.~~

22 (b) The provisions of this subsection are operative on and
23 after January 1, 2020. For building construction contracts in
24 excess of \$250,000, separate specifications shall be prepared
25 for all equipment, labor, and materials in connection with the
26 following 5 subdivisions of the work to be performed:

- 1 (1) plumbing;
- 2 (2) heating, piping, refrigeration, and automatic
3 temperature control systems, including the testing and
4 balancing of those systems;
- 5 (3) ventilating and distribution systems for
6 conditioned air, including the testing and balancing of
7 those systems;
- 8 (4) electric wiring; and
- 9 (5) general contract work.

10 The specifications must be so drawn as to permit separate
11 and independent bidding upon each of the 5 subdivisions of
12 work. All contracts awarded for any part thereof shall award
13 the 5 subdivisions of work separately to responsible and
14 reliable persons, firms, or corporations engaged in these
15 classes of work. The contracts, at the discretion of the
16 construction agency, may be assigned to the successful bidder
17 on the general contract work or to the successful bidder on the
18 subdivision of work designated by the construction agency
19 before the bidding as the prime subdivision of work, provided
20 that all payments will be made directly to the contractors for
21 the 5 subdivisions of work upon compliance with the conditions
22 of the contract.

23 (Source: P.A. 99-257, eff. 8-4-15; 100-391, eff. 8-25-17.)