



Rep. Joe C. Sosnowski

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10300HB1742ham001

LRB103 27959 RTM 71281 a

1 AMENDMENT TO HOUSE BILL 1742

2 AMENDMENT NO. _____. Amend House Bill 1742 by replacing
3 everything after the enacting clause with the following:

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 acquisition by the Authority or a Service Board other than the
10 Chicago Transit Authority of services or public transportation
11 facilities (other than real estate) involving a cost of more
12 than the small purchase threshold set by the Federal Transit
13 Administration and the disposition of all property of the
14 Authority or a Service Board other than the Chicago Transit
15 Authority shall be after public notice and with public
16 bidding. The Board shall adopt regulations to ensure that the

1 construction, demolition, rehabilitation, renovation, and
2 building maintenance projects by the Authority or a Service
3 Board other than the Chicago Transit Authority for services or
4 public transportation facilities involving a cost of more than
5 \$40,000 shall be after public notice and with public bidding.
6 Such regulations may provide for exceptions to such
7 requirements for acquisition of repair parts, accessories,
8 equipment or services previously furnished or contracted for;
9 for the immediate delivery of supplies, material or equipment
10 or performance of service when it is determined by the
11 concurrence of two-thirds of the then Directors that an
12 emergency requires immediate delivery or supply thereof; for
13 goods or services that are economically procurable from only
14 one source; for contracts for the maintenance or servicing of
15 equipment which are made with the manufacturers or authorized
16 service agent of that equipment where the maintenance or
17 servicing can best be performed by the manufacturer or
18 authorized service agent or such a contract would be otherwise
19 advantageous to the Authority or a Service Board, other than
20 the Chicago Transit Authority, except that the exceptions in
21 this clause shall not apply to contracts for plumbing,
22 heating, piping, refrigeration and automatic temperature
23 control systems, ventilating and distribution systems for
24 conditioned air, and electrical wiring; for goods or services
25 procured from another governmental agency; for purchases and
26 contracts for the use or purchase of data processing equipment

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

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

1 subsection (b).

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

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

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

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

13 (iii) On the basis of the phase-one proposal the
14 Service Board shall select as the most highly
15 qualified the number of offerors specified in the
16 solicitation and request the selected offerors to
17 submit phase-two competitive proposals and cost or
18 price information. Each solicitation must establish
19 the relative importance assigned to the evaluation
20 factors and the subfactors that must be considered in
21 the evaluation of phase-two proposals on the basis of
22 the evaluation factors set forth in the solicitation.
23 A Service Board may negotiate with the selected
24 design/build team after award but prior to contract
25 execution for the purpose of securing better terms
26 than originally proposed, provided the salient

1 features of the design/build solicitation are not
2 diminished. Each phase-two solicitation evaluates
3 separately (A) the technical submission for the
4 proposal, including design concepts or proposed
5 solutions to requirements addressed within the scope
6 of work, and (B) the evaluation factors and
7 subfactors, including cost or price, that must be
8 considered in the evaluations of proposals.

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

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

23 (c) The Regional Transportation Authority and the Service
24 Boards may donate rolling stock, including locomotives and
25 equipment, to museums in this State that are not-for-profit
26 corporations under Section 501(c)(3) of the Internal Revenue

1 Code of 1986.

2 (Source: P.A. 100-523, eff. 9-22-17.)".