

# SB0215



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB0215

Introduced 1/31/2023, by Sen. Ram Villivalam

### SYNOPSIS AS INTRODUCED:

30 ILCS 537/10

Amends the Design-Build Procurement Act. Provides that "design-build" includes the progressive design-build delivery method. Defines progressive design-build delivery method.

LRB103 05061 HLH 50075 b

A BILL FOR

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 Design-Build Procurement Act is amended by  
5 changing Section 10 as follows:

6 (30 ILCS 537/10)

7 (Section scheduled to be repealed on July 1, 2027)

8 Sec. 10. Definitions. As used in this Act:

9 "State construction agency" means the Capital Development  
10 Board.

11 "Delivery system" means the design and construction  
12 approach used to develop and construct a project.

13 "Design-bid-build" means the traditional delivery system  
14 used on public projects in this State that incorporates the  
15 Architectural, Engineering, and Land Surveying Qualification  
16 Based Selection Act (30 ILCS 535/) and the principles of  
17 competitive selection in the Illinois Procurement Code (30  
18 ILCS 500/).

19 "Design-build" means a delivery system that provides  
20 responsibility within a single contract for the furnishing of  
21 architecture, engineering, land surveying and related services  
22 as required, and the labor, materials, equipment, and other  
23 construction services for the project. "Design-build"

1 includes, but is not limited to, the progressive design-build  
2 delivery method.

3 "Design-build contract" means a contract for a public  
4 project under this Act between the State construction agency  
5 and a design-build entity to furnish architecture,  
6 engineering, land surveying, and related services as required,  
7 and to furnish the labor, materials, equipment, and other  
8 construction services for the project. The design-build  
9 contract may be conditioned upon subsequent refinements in  
10 scope and price and may allow the State construction agency to  
11 make modifications in the project scope without invalidating  
12 the design-build contract.

13 "Design-build entity" means any individual, sole  
14 proprietorship, firm, partnership, joint venture, corporation,  
15 professional corporation, or other entity that proposes to  
16 design and construct any public project under this Act. A  
17 design-build entity and associated design-build professionals  
18 shall conduct themselves in accordance with the laws of this  
19 State and the related provisions of the Illinois  
20 Administrative Code, as referenced by the licensed design  
21 professionals Acts of this State.

22 "Design professional" means any individual, sole  
23 proprietorship, firm, partnership, joint venture, corporation,  
24 professional corporation, or other entity that offers services  
25 under the Illinois Architecture Practice Act of 1989 (225 ILCS  
26 305/), the Professional Engineering Practice Act of 1989 (225

1 ILCS 325/), the Structural Engineering Licensing Act of 1989  
2 (225 ILCS 340/), or the Illinois Professional Land Surveyor  
3 Act of 1989 (225 ILCS 330/).

4 "Evaluation criteria" means the requirements for the  
5 separate phases of the selection process as defined in this  
6 Act and may include the specialized experience, technical  
7 qualifications and competence, capacity to perform, past  
8 performance, experience with similar projects, assignment of  
9 personnel to the project, and other appropriate factors. Price  
10 may not be used as a factor in the evaluation of Phase I  
11 proposals.

12 "Progressive design-build delivery method" means a  
13 design-build project delivery method that consists of 2  
14 phases. The first phase includes budget-level design  
15 development, preconstruction services, and negotiation of a  
16 contract price (either lump sum or guaranteed maximum price),  
17 and the second phase includes final design, construction, and  
18 commissioning of the project.

19 "Proposal" means the offer to enter into a design-build  
20 contract as submitted by a design-build entity in accordance  
21 with this Act.

22 "Request for proposal" means the document used by the  
23 State construction agency to solicit proposals for a  
24 design-build contract.

25 "Scope and performance criteria" means the requirements  
26 for the public project, including but not limited to, the

1 intended usage, capacity, size, scope, quality and performance  
2 standards, life-cycle costs, and other programmatic criteria  
3 that are expressed in performance-oriented and quantifiable  
4 specifications and drawings that can be reasonably inferred  
5 and are suited to allow a design-build entity to develop a  
6 proposal.

7 (Source: P.A. 94-716, eff. 12-13-05.)