



Sen. Jeffrey M. Schoenberg

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09600HB0372sam001

LRB096 04520 JAM 25442 a

1 AMENDMENT TO HOUSE BILL 372

2 AMENDMENT NO. _____. Amend House Bill 372 on page 1, by
3 replacing lines 4 and 5 with the following:

4 "Section 5. The Design-Build Procurement Act is amended by
5 changing Sections 30 and 90 as follows:

6 (30 ILCS 537/30)

7 (Section scheduled to be repealed on July 1, 2009)

8 Sec. 30. Procedures for Selection.

9 (a) The State construction agency must use a two-phase
10 procedure for the selection of the successful design-build
11 entity. Phase I of the procedure will evaluate and shortlist
12 the design-build entities based on qualifications, and Phase II
13 will evaluate the technical and cost proposals.

14 (b) The State construction agency shall include in the
15 request for proposal the evaluating factors to be used in Phase
16 I. These factors are in addition to any prequalification

1 requirements of design-build entities that the agency has set
2 forth. Each request for proposal shall establish the relative
3 importance assigned to each evaluation factor and subfactor,
4 including any weighting of criteria to be employed by the State
5 construction agency. The State construction agency must
6 maintain a record of the evaluation scoring to be disclosed in
7 event of a protest regarding the solicitation.

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

23 The State construction agency may not consider any
24 design-build entity for evaluation or award if the entity has
25 any pecuniary interest in the project or has other
26 relationships or circumstances, including but not limited to,

1 long-term leasehold, mutual performance, or development
2 contracts with the State construction agency, that may give the
3 design-build entity a financial or tangible advantage over
4 other design-build entities in the preparation, evaluation, or
5 performance of the design-build contract or that create the
6 appearance of impropriety. No proposal shall be considered that
7 does not include an entity's plan to comply with the
8 requirements established in the Business Enterprise for
9 Minorities, Females, and Persons with Disabilities Act, for
10 both the design and construction areas of performance, and with
11 Section 2-105 of the Illinois Human Rights Act.

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

20 The State construction agency shall notify the entities
21 selected for the shortlist in writing. This notification shall
22 commence the period for the preparation of the Phase II
23 technical and cost evaluations. The State construction agency
24 must allow sufficient time for the shortlist entities to
25 prepare their Phase II submittals considering the scope and
26 detail requested by the State agency.

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

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

22 The State construction agency shall include the following
23 criteria in every Phase II cost evaluation: the total project
24 cost, the construction costs, and the time of completion. The
25 State construction agency may include any additional relevant
26 technical evaluation factors it deems necessary for proper

1 selection. The total project cost criteria weighing factor
2 shall be 25%.

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

7 Upon completion of the technical submissions and cost
8 submissions evaluation, the State construction agency may
9 award the design-build contract to the highest overall ranked
10 entity.

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