



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2459

Introduced 6/1/2009, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

50 ILCS 20/3	from Ch. 85, par. 1033
50 ILCS 20/14	from Ch. 85, par. 1044
50 ILCS 20/20.3	
50 ILCS 20/20.5	
50 ILCS 20/20.12 new	
50 ILCS 20/20.15	
50 ILCS 20/20.20	
50 ILCS 20/20.25	
50 ILCS 20/20.10 rep.	

Amends the Public Building Commission Act. Sets forth the procedure for selecting a successful design-build entity. Provides that the Commission may award a design-build contract to a qualified design-build entity that offers the best value in terms of quality, cost, and proposed time of completion. Authorizes the Commission to enter into competitive negotiations with qualified design-build entities. Contains other provisions. Effective immediately.

LRB096 13218 JDS 27862 b

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 3, 14, 20.3, 20.5, 20.15, 20.20, and 20.25
6 and adding Section 20.12 as follows:

7 (50 ILCS 20/3) (from Ch. 85, par. 1033)

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

11 (a) "Commission" means a Public Building Commission
12 created pursuant to this Act.

13 (b) "Commissioner" or "Commissioners" means a Commissioner
14 or Commissioners of a Public Building Commission.

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

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

19 (e) "Municipal corporation" includes a county, city,
20 village, town, (including a county seat), park district, school
21 district in a county of 3,000,000 or more population, board of
22 education of a school district in a county of 3,000,000 or more
23 population, sanitary district, airport authority contiguous

1 with the County Seat as of July 1, 1969 and any other municipal
2 body or governmental agency of the State, and until July 1,
3 2011, a school district that (i) was organized prior to 1860,
4 (ii) is located in part in a city originally incorporated prior
5 to 1840, and (iii) entered into a lease with a Commission prior
6 to 1993, and its board of education, but does not include a
7 school district in a county of less than 3,000,000 population,
8 a board of education of a school district in a county of less
9 than 3,000,000 population, or a community college district in a
10 county of less than 3,000,000 population, except that until
11 July 1, 2011, a school district that (i) was organized prior to
12 1860, (ii) is located in part in a city originally incorporated
13 prior to 1840, and (iii) entered into a lease with a Commission
14 prior to 1993, and its board of education, are included.

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

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

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

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

1 connection with the improvement.

2 (j) "Delivery system" means the design and construction
3 approach used to develop and construct a project.

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

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

13 (m) "Design-build contract" means a contract for a public
14 project under this Act between the Commission and a
15 design-build entity to furnish architecture, engineering, land
16 surveying, landscape architecture, and related services as
17 required, and to furnish the labor, materials, equipment, and
18 other construction services for the project. The design-build
19 contract may be conditioned upon subsequent refinements in
20 scope and price and may allow the Commission to make
21 modifications in the project scope without invalidating the
22 design-build contract.

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

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

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

14 (o-5) "Landscape architect design professional" means any
15 person, sole proprietorship, or entity such as a partnership,
16 professional service corporation, or corporation that offers
17 services under the Illinois Landscape Architecture Act of 1989.

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

26 (q) "Proposal" means the offer to enter into a design-build

1 contract as submitted by a design-build entity in accordance
2 with this Act.

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

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

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

16 Definitions in this Section with respect to design-build
17 shall have no effect beginning 5 years after the effective date
18 of this amendatory Act of the 95th General Assembly.

19 (Source: P.A. 94-1071, eff. 1-1-07; 95-595, eff. 6-1-08.)

20 (50 ILCS 20/14) (from Ch. 85, par. 1044)

21 Sec. 14. A Public Building Commission is a municipal
22 corporation and constitutes a body both corporate and politic
23 separate and apart from any other municipal corporation or any
24 other public or governmental agency. It may sue and be sued,
25 plead and be impleaded, and have a seal and alter such at

1 pleasure, have perpetual succession, make and execute
2 contracts, leases, deeds and other instruments necessary or
3 convenient to the exercise of its powers, and make and from
4 time to time amend and repeal its by-laws, rules and
5 regulations not inconsistent with this Act. In addition, it has
6 and shall exercise the following public and essential
7 governmental powers and functions and all other powers
8 incidental or necessary, to carry out and effectuate such
9 express powers:

10 (a) To select, locate and designate, at any time and from
11 time to time, one or more areas lying wholly within the
12 territorial limits of the municipality or of the county seat of
13 the county in which the Commission is organized, or within the
14 territorial limits of the county if the site is to be used for
15 county purposes, or (in the case of a county having a
16 population of at least 20,000 but not more than 21,000 as
17 determined by the 1980 federal census) within the territorial
18 limits of the county if the site is to be used for municipal
19 purposes, as the site or sites to be acquired for the erection,
20 alteration or improvement of a building or buildings, public
21 improvement or other facilities for the purposes set forth in
22 this Section. The site or sites selected shall be conveniently
23 located within such county, municipality or county seat and of
24 an area in size sufficiently large to accomplish and effectuate
25 the purpose of this Act and sufficient to provide for proper
26 architectural setting and adequate landscaping for such

1 building or buildings, public improvement or other facilities.

2 (1) Where the governing body of the county seat or the
3 governing body of any municipality with 3,000 or more
4 inhabitants has adopted the original resolution for the
5 creation of the Commission, the site or sites selected, and in
6 the case of a project for an Airport Authority, the site or
7 sites selected, the project and any lease agreements, are
8 subject to approval by a majority of the members of the
9 governing body of the county seat or by a majority of the
10 members of the governing body of the municipality. However,
11 where the site is for a county project and is outside the
12 limits of a municipality, the approval of the site shall be by
13 the county board.

14 (2) Where the original resolution for the creation of the
15 Commission has been adopted by the governing body of the
16 county, the site or sites selected, and in the case of a
17 project for an Airport Authority, the site or sites selected,
18 the project and any lease agreements, are subject to approval
19 by a majority of the members of the governing body of the
20 county and to approval by 3/4 of the members of the governing
21 body of the county seat, except that approval of 3/4 of the
22 members of the governing body of the county seat is not
23 required where the site is for a county or (in the case of a
24 county having a population of at least 20,000 but not more than
25 21,000 as determined by the 1980 federal census) a municipal
26 project and is outside the limits of the county seat, in which

1 revenue bonds in the amount of \$....., NO
 2 maturing and bearing interest at
 3 the rate of% per annum, may be
 4 issued?

5 -----

6 If a majority of the electors voting on the proposition
 7 vote in favor of the proposition, the site or sites so
 8 selected, and in the case of a project for an Airport
 9 Authority, the site or sites selected, the project and any
 10 lease agreements, shall be approved. Except where approval of
 11 the site or sites has been obtained by referendum, the area or
 12 areas may be enlarged by the Board of Commissioners, from time
 13 to time, as the need therefor arises. The selection, location
 14 and designation of more than one area may, but need not, be
 15 made at one time but may be made from time to time.

16 (b) To acquire the fee simple title to or any lesser
 17 interest in the real property located within such area or
 18 areas, including easements and reversionary interests in the
 19 streets, alleys and other public places and personal property
 20 required for its purposes, by purchase, gift, legacy, or by the
 21 exercise of the power of eminent domain, and title thereto
 22 shall be taken in the corporate name of the Commission. Eminent
 23 domain proceedings shall be in all respects in the manner
 24 provided for the exercise of the right of eminent domain under
 25 the Eminent Domain Act. All land and appurtenances thereto,
 26 acquired or owned by the Commission are to be deemed acquired

1 or owned for a public use or public purpose.

2 Any municipal corporation which owns fee simple title to or
3 any lesser interest in real property located within such an
4 area, may convey such real property, or any part thereof or
5 interest therein, to the Commission with a provision in such
6 conveyance for the reverter of such real property or interest
7 therein to the transferor municipal corporation at such time as
8 all revenue bonds and other obligations of the Commission
9 incident to the real property or interest therein so conveyed,
10 have been paid in full, and such Commission is hereby
11 authorized to accept such a conveyance.

12 (c) To demolish, repair, alter or improve any building or
13 buildings within the area or areas and to erect a new building
14 or buildings, improvement and other facilities within the area
15 or areas to provide space for the conduct of the executive,
16 legislative and judicial functions of government, its various
17 branches, departments and agencies thereof and to provide
18 buildings, improvements and other facilities for use by local
19 government in the furnishing of essential governmental,
20 health, safety and welfare services to its citizens; to furnish
21 and equip such building or buildings, improvements and other
22 facilities, and maintain and operate them so as to effectuate
23 the purposes of this Act.

24 (d) To pave and improve streets within such area or areas,
25 and to construct, repair and install sidewalks, sewers,
26 waterpipes and other similar facilities and site improvements

1 within such area or areas and to provide for adequate
2 landscaping essential to the preparation of such site or sites
3 in accordance with the purposes of this Act.

4 (e) To make provisions for offstreet parking facilities.

5 (f) To operate, maintain, manage and to make and enter into
6 contracts for the operation, maintenance and management of such
7 buildings and other facilities and to provide rules and
8 regulations for the operation, maintenance and management
9 thereof.

10 (g) To employ and discharge without regard to any Civil
11 Services Act, engineering, architectural, construction,
12 design-build, legal and financial experts and such other
13 employees as may be necessary in its judgment to carry out the
14 purposes of this Act and to fix compensation for such
15 employees, and enter into contracts for the employment of any
16 person, firm, or corporation, and for professional services
17 necessary or desirable for the accomplishment of the objects
18 and purposes of the Commission and the proper administration,
19 management, protection and control of its property.

20 (h) To rent all or any part or parts of such building,
21 buildings, or other facilities to any municipal corporation
22 that organized or joined in the organization of the Public
23 Building Commission or to any branch, department, or agency
24 thereof, or to any branch, department, or agency of the State
25 or Federal government, or to any other state or any agency or
26 political subdivision of another state with which the

1 Commission has entered into an intergovernmental agreement or
2 contract under the Intergovernmental Cooperation Act, or to any
3 municipal corporation with which the Commission has entered
4 into an intergovernmental agreement or contract under the
5 Intergovernmental Cooperation Act, or to any other municipal
6 corporation, quasi municipal corporation, political
7 subdivision or body politic, or agency thereof, doing business,
8 maintaining an office, or rendering a public service in such
9 county for any period of time.

10 (i) To rent such space in such building or buildings as
11 from time to time may not be needed by any governmental agency
12 for such other purposes as the Board of Commissioners may
13 determine will best serve the comfort and convenience of the
14 occupants of such building or buildings, and upon such terms
15 and in such manner as the Board of Commissioners may determine.

16 (j) To execute written leases evidencing the rental
17 agreements authorized in paragraphs (h) and (i) of this
18 Section.

19 (k) To procure and enter into contracts for any type of
20 insurance or indemnity against loss or damage to property from
21 any cause, including loss of use and occupancy, against death
22 or injury of any person, against employer's liability, against
23 any act of any member, officer or employee of the Public
24 Building Commission in the performance of the duties of his
25 office or employment or any other insurable risk, as the Board
26 of Commissioners in its discretion may deem necessary.

1 (1) To accept donations, contributions, capital grants or
2 gifts from any individuals, associations, municipal and
3 private corporations and the United States of America, or any
4 agency or instrumentality thereof, for or in aid of any of the
5 purposes of this Act and to enter into agreements in connection
6 therewith.

7 (m) To borrow money from time to time and in evidence
8 thereof to issue and sell revenue bonds in such amount or
9 amounts as the Board of Commissioners may determine to provide
10 funds for the purpose of acquiring, erecting, demolishing,
11 improving, altering, equipping, repairing, maintaining and
12 operating buildings and other facilities and to acquire sites
13 necessary and convenient therefor and to pay all costs and
14 expenses incident thereto, including, but without in any way
15 limiting the generality of the foregoing, architectural,
16 engineering, legal and financing expense, which may include an
17 amount sufficient to meet the interest charges on such revenue
18 bonds during such period or periods as may elapse prior to the
19 time when the project or projects may become revenue producing
20 and for one year in addition thereto; and to refund and
21 refinance, from time to time, revenue bonds so issued and sold,
22 as often as may be deemed to be advantageous by the Board of
23 Commissioners.

24 (n) To enter into any agreement or contract with any
25 lessee, who, pursuant to the terms of this Act, is renting or
26 is about to rent from the Commission all or part of any

1 building or buildings or facilities, whereby under such
2 agreement or contract such lessee obligates itself to pay all
3 or part of the cost of maintaining and operating the premises
4 so leased. Such agreement may be included as a provision of any
5 lease entered into pursuant to the terms of this Act or may be
6 made the subject of a separate agreement or contract between
7 the Commission and such lessee.

8 (Source: P.A. 94-1055, eff. 1-1-07; 95-614, eff. 9-11-07.)

9 (50 ILCS 20/20.3)

10 (Section scheduled to be repealed on June 1, 2013)

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

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

23 (b) The request for proposal shall be prepared for each
24 project and must contain, without limitation, the following
25 information:

1 (1) The name of the Commission.

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

4 (3) The proposed budget for the project, the source of
5 funds, and the currently available funds at the time the
6 request for proposal is submitted.

7 (4) Prequalification criteria for design-build
8 entities wishing to submit proposals. The Commission shall
9 include, at a minimum, its normal prequalification,
10 licensing, registration, and other requirements, but
11 nothing contained herein precludes the use of additional
12 prequalification criteria by the Commission.

13 (5) Material requirements of the contract, including
14 but not limited to, the proposed terms and conditions,
15 required performance and payment bonds, insurance, and the
16 entity's plan to comply with the utilization goals
17 established by the corporate authorities of the Commission
18 for minority and women business enterprises and to comply
19 with Section 2-105 of the Illinois Human Rights Act.

20 (6) The performance criteria.

21 (7) The evaluation criteria for ~~each phase of~~ the
22 solicitation.

23 (8) The number of entities that will be considered for
24 the technical and cost evaluations ~~evaluation phase~~.

25 (c) The Commission may include any other relevant
26 information that it chooses to supply. The design-build entity

1 shall be entitled to rely upon the accuracy of this
2 documentation in the development of its proposal.

3 (d) Proposals shall be due within a reasonable period of
4 time to allow for entities to prepare their responses, given
5 the size and complexity of the contemplated project. In the
6 event that the Commission contemplates a multiple step
7 procurement process, the request for proposals shall provide a
8 schedule for the proposal process. ~~The date that proposals are~~
9 ~~due must be at least 21 calendar days after the date of the~~
10 ~~issuance of the request for proposal. In the event the cost of~~
11 ~~the project is estimated to exceed \$12,000,000, then the~~
12 ~~proposal due date must be at least 28 calendar days after the~~
13 ~~date of the issuance of the request for proposal. The~~
14 ~~Commission shall include in the request for proposal a minimum~~
15 ~~of 30 days to develop the Phase II submissions after the~~
16 ~~selection of entities from the Phase I evaluation is completed.~~

17 (e) This Section is repealed 5 years after the effective
18 date of this amendatory Act of the 95th General Assembly.

19 (Source: P.A. 95-595, eff. 6-1-08.)

20 (50 ILCS 20/20.5)

21 (Section scheduled to be repealed on June 1, 2013)

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

23 (a) The Commission shall include in the request for
24 proposals the evaluating factors to be used to assess the
25 qualifications of the design-build entities. The Commission

1 shall maintain a record of the evaluation scoring. The record
2 shall be disclosed in the event of any protest regarding the
3 solicitation.

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

19 The Commission may not consider any design-build entity for
20 evaluation or award if the entity has any pecuniary interest in
21 the project or has other relationships or circumstances,
22 including but not limited to, long-term leasehold, mutual
23 performance, or development contracts with the Commission,
24 that may give the design-build entity a financial or tangible
25 advantage over other design-build entities in the preparation,
26 evaluation, or performance of the design-build contract, or

1 that create the appearance of impropriety. No design-build
2 proposal shall be considered that does not include an entity's
3 plan to comply with the requirements established in the
4 minority and women business enterprises and economically
5 disadvantaged firms established by the corporate authorities
6 of the Commission and with Section 2-105 of the Illinois Human
7 Rights Act.

8 (b) The Commission shall not be required to review the
9 technical and cost proposals of the firms that it finds to be
10 unqualified pursuant to the evaluation criteria in subsection
11 (a). The Commission shall include in the request for proposals
12 the evaluating factors to be used to assess the technical and
13 cost proposals of the qualified design-build entities. The
14 Commission shall maintain a record of the evaluation scoring.
15 The record shall be disclosed in the event of any protest
16 regarding the solicitation.

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

1 The Commission shall include the following criteria in
2 every cost evaluation: (1) guaranteed maximum project cost or
3 lump sum project cost and (2) proposed schedule for project
4 completion. The Commission may include any additional relevant
5 technical evaluation factors it deems necessary for proper
6 selection.

7 The Commission shall directly employ or retain a licensed
8 design professional to evaluate the technical and cost
9 submissions to determine if the technical submissions are in
10 accordance with generally accepted industry standards.

11 Upon completion of the technical and cost evaluations, the
12 Commission may award a design-build contract to the qualified
13 design-build entity that the Commission determines offers the
14 best value in terms of quality, cost, and proposed time of
15 completion.

16 ~~(a) The Commission must use a two phase procedure for the~~
17 ~~selection of the successful design build entity. Phase I of the~~
18 ~~procedure will evaluate and shortlist the design build~~
19 ~~entities based on qualifications, and Phase II will evaluate~~
20 ~~the technical and cost proposals.~~

21 ~~(b) The Commission shall include in the request for~~
22 ~~proposal the evaluating factors to be used in Phase I. These~~
23 ~~factors are in addition to any prequalification requirements of~~
24 ~~design-build entities that the Commission has set forth. Each~~
25 ~~request for proposal shall establish the relative importance~~
26 ~~assigned to each evaluation factor and subfactor, including any~~

1 ~~weighting of criteria to be employed by the Commission. The~~
2 ~~Commission must maintain a record of the evaluation scoring to~~
3 ~~be disclosed in event of a protest regarding the solicitation.~~

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

21 ~~The Commission may not consider any design build entity for~~
22 ~~evaluation or award if the entity has any pecuniary interest in~~
23 ~~the project or has other relationships or circumstances,~~
24 ~~including but not limited to, long term leasehold, mutual~~
25 ~~performance, or development contracts with the Commission,~~
26 ~~that may give the design build entity a financial or tangible~~

1 ~~advantage over other design-build entities in the preparation,~~
2 ~~evaluation, or performance of the design-build contract or that~~
3 ~~create the appearance of impropriety. No design-build proposal~~
4 ~~shall be considered that does not include an entity's plan to~~
5 ~~comply with the requirements established in the minority and~~
6 ~~women business enterprises and economically disadvantaged~~
7 ~~firms established by the corporate authorities of the~~
8 ~~Commission and with Section 2-105 of the Illinois Human Rights~~
9 ~~Act.~~

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

17 ~~The Commission shall notify the entities selected for the~~
18 ~~shortlist in writing. This notification shall commence the~~
19 ~~period for the preparation of the Phase II technical and cost~~
20 ~~evaluations. The Commission must allow sufficient time for the~~
21 ~~shortlist entities to prepare their Phase II submittals~~
22 ~~considering the scope and detail requested by the Commission.~~

23 ~~(c) The Commission shall include in the request for~~
24 ~~proposal the evaluating factors to be used in the technical and~~
25 ~~cost submission components of Phase II. Each request for~~
26 ~~proposal shall establish, for both the technical and cost~~

1 ~~submission components of Phase II, the relative importance~~
2 ~~assigned to each evaluation factor and subfactor, including any~~
3 ~~weighting of criteria to be employed by the Commission. The~~
4 ~~Commission must maintain a record of the evaluation scoring to~~
5 ~~be disclosed in event of a protest regarding the solicitation.~~

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

16 ~~The Commission shall include the following criteria in~~
17 ~~every Phase II cost evaluation: the guaranteed maximum project~~
18 ~~cost and the time of completion. The Commission may include any~~
19 ~~additional relevant technical evaluation factors it deems~~
20 ~~necessary for proper selection. The guaranteed maximum project~~
21 ~~cost criteria weighing factor shall not exceed 30%.~~

22 ~~The Commission shall directly employ or retain a licensed~~
23 ~~design professional to evaluate the technical and cost~~
24 ~~submissions to determine if the technical submissions are in~~
25 ~~accordance with generally accepted industry standards.~~

26 ~~Upon completion of the technical submissions and cost~~

1 ~~submissions evaluation, the Commission may award the~~
2 ~~design-build contract to the highest overall ranked entity.~~

3 (c) ~~(d)~~ This Section is repealed 5 years after the
4 effective date of this amendatory Act of the 95th General
5 Assembly.

6 (Source: P.A. 95-595, eff. 6-1-08.)

7 (50 ILCS 20/20.12 new)

8 Sec. 20.12. Competitive negotiation. If the Executive
9 Director determines it is in the Commission's best interests,
10 the Commission may enter into competitive negotiations with the
11 qualified design-build entities. The Commission shall provide
12 the qualified design-build entities with appropriate notice of
13 the Commission's intent to enter into competitive
14 negotiations. Such notice shall include a detailed description
15 of the competitive negotiation process, which may include value
16 engineering or similar revisions to the scope of the project.
17 The Commission may require each qualified design-build entity
18 to furnish its best and final offer for the design and
19 construction of the project. Upon completion of the competitive
20 negotiations, the Commission may award a design-build contract
21 to the qualified design-build entity that the Commission
22 determines has offered the best value in terms of quality,
23 cost, and proposed time of completion.

24 (50 ILCS 20/20.15)

1 (Section scheduled to be repealed on June 1, 2013)

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

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

20 Proposals must meet all material requirements of the
21 request for proposal or they may be rejected as non-responsive.
22 The Commission shall have the right to reject any and all
23 proposals.

24 The drawings and specifications of any unsuccessful
25 design-build proposal shall remain the property of the
26 design-build entity.

1 The Commission shall review the proposals for compliance
2 with the performance criteria and evaluation factors.

3 Proposals may be withdrawn prior to the due date and time
4 for submissions for any cause. After evaluation begins by the
5 Commission, clear and convincing evidence of error is required
6 for withdrawal.

7 This Section is repealed 5 years after the effective date
8 of this amendatory Act of the 95th General Assembly.

9 (Source: P.A. 95-595, eff. 6-1-08.)

10 (50 ILCS 20/20.20)

11 (Section scheduled to be repealed on June 1, 2013)

12 Sec. 20.20. Design-build award. The Commission may award a
13 design-build contract to the qualified design-build entity
14 that the Commission determines has offered the best value in
15 terms of quality, cost, and proposed time of completion. Notice
16 of the award shall be made in writing. Unsuccessful entities
17 shall also be notified in writing. ~~The Commission may award a~~
18 ~~design build contract to the highest overall ranked entity.~~
19 ~~Notice of award shall be made in writing. Unsuccessful entities~~
20 ~~shall also be notified in writing. The Commission may not~~
21 ~~request a best and final offer after the receipt of proposals.~~
22 ~~The Commission may negotiate with the selected design build~~
23 ~~entity after award but prior to contract execution for the~~
24 ~~purpose of securing better terms than originally proposed,~~
25 ~~provided that the salient features of the request for proposal~~

1 ~~are not diminished.~~

2 This Section is repealed 5 years after the effective date
3 of this amendatory Act of the 95th General Assembly.

4 (Source: P.A. 95-595, eff. 6-1-08.)

5 (50 ILCS 20/20.25)

6 (Section scheduled to be repealed on June 1, 2013)

7 Sec. 20.25. Minority and female owned enterprises; total
8 construction budget.

9 (a) Each year, within 60 days following the end of a
10 commission's fiscal year, the commission shall provide a report
11 to the General Assembly addressing the utilization of minority
12 and female owned business enterprises on design-build
13 projects.

14 ~~(b) The payments for design build projects by any~~
15 ~~commission in one fiscal year shall not exceed 25% of the~~
16 ~~moneys spent on construction projects during the same fiscal~~
17 ~~year.~~

18 (b) ~~(c)~~ This Section is repealed 5 years after the
19 effective date of this amendatory Act of the 95th General
20 Assembly.

21 (Source: P.A. 95-595, eff. 6-1-08.)

22 (50 ILCS 20/20.10 rep.)

23 Section 10. The Public Building Commission Act is amended
24 by repealing Section 20.10.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.