



Rep. Barbara Flynn Currie

**Filed: 4/26/2011**

09700SB1352ham001

LRB097 08088 PJG 54670 a

1 AMENDMENT TO SENATE BILL 1352

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1352 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by  
5 changing Section 30-30 as follows:

6 (30 ILCS 500/30-30)

7 Sec. 30-30. Contracts in excess of \$250,000. For building  
8 construction contracts in excess of \$250,000, separate  
9 specifications shall be prepared for all equipment, labor, and  
10 materials in connection with the following 5 subdivisions of  
11 the work to be performed:

12 (1) plumbing;

13 (2) heating, piping, refrigeration, and automatic  
14 temperature control systems, including the testing and  
15 balancing of those systems;

16 (3) ventilating and distribution systems for

1 conditioned air, including the testing and balancing of  
2 those systems;

3 (4) electric wiring; and

4 (5) general contract work.

5 The specifications must be so drawn as to permit separate  
6 and independent bidding upon each of the 5 subdivisions of  
7 work. All contracts awarded for any part thereof shall award  
8 the 5 subdivisions of work separately to responsible and  
9 reliable persons, firms, or corporations engaged in these  
10 classes of work. The contracts, at the discretion of the  
11 construction agency, may be assigned to the successful bidder  
12 on the general contract work or to the successful bidder on the  
13 subdivision of work designated by the construction agency  
14 before the bidding as the prime subdivision of work, provided  
15 that all payments will be made directly to the contractors for  
16 the 5 subdivisions of work upon compliance with the conditions  
17 of the contract. A contract may be let for one or more  
18 buildings in any project to the same contractor. The  
19 specifications shall require, however, that unless the  
20 buildings are identical, a separate price shall be submitted  
21 for each building. The contract may be awarded to the lowest  
22 responsible bidder for each or all of the buildings included in  
23 the specifications.

24 Until a date 5 4 years after January 1, 2009 (the effective  
25 date of Public Act 95-758), the requirements of this Section do  
26 not apply to a construction project for which the Capital

1 Development Board is the construction agency if: (i) the  
2 project budget is at least \$5,000,000 ~~\$20,000,000~~; (ii) the  
3 Capital Development Board has submitted to the Procurement  
4 Policy Board a written request for a public hearing on waiver  
5 of the application of the requirements of this Section to that  
6 project, including its reasons for seeking the waiver and why  
7 the waiver is in the best interest of the State; (iii) the  
8 Capital Development Board has posted notice of the waiver  
9 hearing on its procurement web page and on the online  
10 Procurement Bulletin at least 15 working days before the  
11 hearing; (iv) the Procurement Policy Board, after conducting  
12 the public hearing on the waiver request, reviews and approves  
13 the request in writing before the award of the contract; (v)  
14 the successful low bidder has prequalified with the Capital  
15 Development Board; (vi) the bid of the successful low bidder  
16 identifies the name of the subcontractor, if any, and the bid  
17 proposal costs for each of the 5 subdivisions of work set forth  
18 in this Section; and (vii) the contract entered into with the  
19 successful bidder provides that no identified subcontractor  
20 may be terminated without the written consent of the Capital  
21 Development Board. With respect to any construction project  
22 described in this paragraph, the Capital Development Board  
23 shall: (i) provide to the Auditor General an affidavit that the  
24 waiver of the application of the requirements of this Section  
25 is in the best interest of the State; (ii) specify in writing  
26 as a public record that the project shall comply with the

1 disadvantaged business practices of the Business Enterprise  
2 for Minorities, Females, and Persons with Disabilities Act and  
3 the equal employment practices of Section 2-105 of the Illinois  
4 Human Rights Act; and (iii) report annually to the Governor and  
5 the General Assembly on the bidding, award, and performance. On  
6 and after January 1, 2009 (the effective date of Public Act  
7 95-758), the Capital Development Board may award in each year  
8 contracts with an aggregate total value of no more than  
9 \$200,000,000 ~~\$100,000,000~~ with respect to construction  
10 projects described in this paragraph.

11       Until a date 11 years after November 29, 2005 (the  
12 effective date of Public Act 94-699), the requirements of this  
13 Section do not apply to the Capitol Building HVAC upgrade  
14 project if (i) the bid of the successful bidder identifies the  
15 name of the subcontractor, if any, and the bid proposal costs  
16 for each of the 5 subdivisions of work set forth in this  
17 Section, and (ii) the contract entered into with the successful  
18 bidder provides that no identified subcontractor may be  
19 terminated without the written consent of the Capital  
20 Development Board.

21       (Source: P.A. 95-758, eff. 1-1-09; 96-1204, eff. 7-22-10;  
22 96-1486, eff. 12-30-10.)

23       Section 99. Effective date. This Act takes effect upon  
24 becoming law."