

# HB2614



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2614

Introduced 2/21/2013, by Rep. Patrick J. Verschoore

### SYNOPSIS AS INTRODUCED:

30 ILCS 500/30-30

Amends the Illinois Procurement Code. Removes language allowing a single contract for one or more buildings to be let to a single contractor. Effective immediately.

LRB098 08020 HLH 38111 b

FISCAL NOTE ACT  
MAY APPLY

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 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  
17 conditioned air, including the testing and balancing of  
18 those systems;

19 (4) electric wiring; and

20 (5) general contract work.

21 The specifications must be so drawn as to permit separate  
22 and independent bidding upon each of the 5 subdivisions of  
23 work. All contracts awarded for any part thereof shall award

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

17 Until a date 4 years after July 1, 2011, the requirements  
18 of this Section do not apply to a construction project for  
19 which the Capital Development Board is the construction agency  
20 if: (i) the project budget is at least \$15,000,000; (ii) the  
21 Capital Development Board has submitted to the Procurement  
22 Policy Board a written request for a public hearing on waiver  
23 of the application of the requirements of this Section to that  
24 project, including its reasons for seeking the waiver and why  
25 the waiver is in the best interest of the State; (iii) the  
26 Capital Development Board has posted notice of the waiver

1 hearing on its procurement web page and on the online  
2 Procurement Bulletin at least 15 working days before the  
3 hearing; (iv) the Procurement Policy Board, after conducting  
4 the public hearing on the waiver request, reviews and approves  
5 the request in writing before the award of the contract; (v)  
6 the successful low bidder has prequalified with the Capital  
7 Development Board; (vi) the bid of the successful low bidder  
8 identifies the name of the subcontractor, if any, and the bid  
9 proposal costs for each of the 5 subdivisions of work set forth  
10 in this Section; and (vii) the contract entered into with the  
11 successful bidder provides that no identified subcontractor  
12 may be terminated without the written consent of the Capital  
13 Development Board. With respect to any construction project  
14 described in this paragraph, the Capital Development Board  
15 shall: (i) provide to the Auditor General an affidavit that the  
16 waiver of the application of the requirements of this Section  
17 is in the best interest of the State; (ii) specify in writing  
18 as a public record that the project shall comply with the  
19 disadvantaged business practices of the Business Enterprise  
20 for Minorities, Females, and Persons with Disabilities Act and  
21 the equal employment practices of Section 2-105 of the Illinois  
22 Human Rights Act; and (iii) report annually to the Governor and  
23 the General Assembly on the bidding, award, and performance. On  
24 and after January 1, 2009 (the effective date of Public Act  
25 95-758), the Capital Development Board may award in each year  
26 contracts with an aggregate total value of no more than

1 \$200,000,000 with respect to construction projects described  
2 in this paragraph.

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

13       (Source: P.A. 96-1204, eff. 7-22-10; 96-1486, eff. 12-30-10;  
14 97-182, eff. 7-22-11.)

15       Section 99. Effective date. This Act takes effect upon  
16 becoming law.