

HB2701



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2701

Introduced 2/21/2013, by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

30 ILCS 535/15

from Ch. 127, par. 4151-15

30 ILCS 535/36 new

Amends the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act. Sets forth requirements for responsible bidders on material testing contracts.

LRB098 09804 OMW 39955 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 Architectural, Engineering, and Land
5 Surveying Qualifications Based Selection Act is amended by
6 changing Section 15 and by adding Section 36 as follows:

7 (30 ILCS 535/15) (from Ch. 127, par. 4151-15)

8 Sec. 15. Definitions. As used in this Act:

9 "Architectural services" means any professional service as
10 defined in Section 5 of the Illinois Architecture Practice Act
11 of 1989.

12 "Engineering services" means any professional service as
13 defined in Section 4 of the Professional Engineering Practice
14 Act of 1989 or Section 5 of the Structural Engineering Practice
15 Act of 1989.

16 "Firm" means any individual, sole proprietorship, firm,
17 partnership, corporation, association, or other legal entity
18 permitted by law to practice the profession of architecture,
19 engineering, or land surveying and provide those services.

20 "Land surveying services" means any professional service
21 as defined in Section 5 of the Illinois Professional Land
22 Surveyor Act of 1989.

23 "Material testing" means hand coring and drilling for

1 testing of materials; field inspection of uncured concrete and
2 asphalt; field inspection of welds, structural steel,
3 fireproofing, masonry, soil, facade, reinforcing steel,
4 formwork, cured concrete, and concrete and asphalt batch
5 plants; and adjusting proportions of bituminous mixtures.

6 "Project" means any capital improvement project or any
7 design, study, plan, survey, or new or existing program
8 activity of a State agency, including development of new or
9 existing programs that require architectural, engineering, or
10 land surveying services.

11 "State agency" means any department, commission, council,
12 board, bureau, committee, institution, agency, university,
13 government corporation, authority, or other establishment or
14 official of this State.

15 (Source: P.A. 91-91, eff. 1-1-00.)

16 (30 ILCS 535/36 new)

17 Sec. 36. Material testing contracts; responsible bidder
18 requirements. To be considered a responsible bidder on a
19 material testing contract for purposes of this Act, a bidder
20 must comply with all of the following requirements and must
21 present satisfactory evidence of that compliance to the
22 appropriate construction agency:

23 (a) Evidence of compliance with all applicable laws
24 concerning the bidder's entitlement to conduct business in
25 Illinois.

1 (b) A sworn statement of the bidder's compliance with
2 all provisions of the applicable Prevailing Wage Act.

3 (c) A sworn statement of the bidder's compliance with
4 Subchapter VI (Equal Employment Opportunities) of Chapter
5 21 of Title 42 of the United States Code (42 U.S.C. 2000e
6 and following) and with federal Executive Order No. 11246
7 as amended by federal Executive Order No. 11375.

8 (d) Evidence of a valid Federal Employer
9 Identification Number or, if an individual, a valid Social
10 Security Number.

11 (e) Evidence that the bidder and all bidder's
12 subcontractors secured workers' compensation insurance for
13 covered employees. If the bidder or bidder's
14 subcontractors are insured with a carrier, the evidence of
15 workers' compensation insurance must be a copy of the first
16 page of the information page of the bidder's and bidder's
17 subcontractors' workers' compensation policy, and any
18 continuation attachments of that information page, and a
19 certificate of liability insurance.

20 (1) The information page must include the name and
21 address of the insured as well as the class codes the
22 compensation premium is based on and the total
23 estimated remuneration per class code.

24 (2) The certificate of liability insurance must
25 include the following information and documentation in
26 order to be considered valid evidence of workers'

1 compensation insurance coverage:

2 (A) the producer section listing the
3 producer's name, address, and telephone phone
4 number;

5 (B) the insurer's affording coverage section
6 listing the name of the carrier that is providing
7 workers' compensation insurance;

8 (C) the name of the bidder or bidder's
9 subcontractors listed as the insured;

10 (D) the proper policy number or binder number
11 for the workers' compensation and employers'
12 liability insurance;

13 (E) the dollar limits of coverage listed for
14 the workers' compensation and employers' liability
15 insurance;

16 (F) the signature of an authorized
17 representative under the certificate of liability
18 insurance;

19 (G) an issue date of the certificate of
20 liability insurance that precedes the date the
21 bidder submitted a bid for the project; and

22 (H) a date or time frame under which the work
23 is to be performed by the bidder and bidder's
24 subcontractors that falls within the policy
25 effective and policy expiration dates listed on
26 the certificate of liability insurance.

1 (3) The information required under items (1) and
2 (2) of this subdivision (e) must be provided by the
3 bidder's or bidder's subcontractors' carrier and may
4 not be provided by the bidder's or bidder's
5 subcontractors' insurance agent.

6 (iv) The information required under items (1) and
7 (2) of this subdivision (e) must be preserved by the
8 bidder for at least 3 years and must be made available
9 to the construction agency and the public in accordance
10 with the Freedom of Information Act.

11 (f) Evidence that the bidder and all bidder's
12 subcontractors participate in applicable apprenticeship
13 and training programs approved by and registered with the
14 United States Department of Labor's Office of
15 Apprenticeship, or its successor organization.

16 (g) Evidence of compliance with the requirements of the
17 Public Construction Bond Act and furnishing, supplying,
18 and delivering a surety bond by a surety company acceptable
19 to the appropriate construction agency. It is recommended
20 that the surety company issuing the bond or surety be
21 listed in Best's Key Rating Guide with a rating of B or
22 better, be listed in the Treasury Circular, or be listed in
23 both. The bond and sureties are subject to the right of
24 reasonable approval or disapproval, including suspension,
25 by the appropriate construction agency.

26 (h) Evidence of any professional or trade license

1 required by law for any trade or specialty area in which
2 the bidder is seeking a contract award. Additionally, the
3 bidder must disclose any suspension or revocation of such a
4 license held by the bidder or by any director, officer, or
5 manager employed by the bidder.

6 (i) Bidders must provide a sworn statement that
7 employees to be employed on the project are properly
8 classified as either (i) an employee or (ii) an independent
9 contractor under all applicable state and federal laws and
10 local ordinances.

11 (j) The information, documentation, and evidence
12 required under this Section are a material part of the
13 contract and the failure of a bidder to comply with the
14 provisions of this Section shall result in the bidder's
15 disqualification from being awarded the contract.

16 (k) When the award is not recommended to be given to
17 the lowest bidder, a statement of the reasons for that
18 recommendation must be prepared by the construction
19 agency.

20 (l) The provisions of this Section do not apply to any
21 federally funded construction project if application to
22 that project would jeopardize the receipt or use of federal
23 funds in support of that project.