



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3497

by Rep. Barbara Flynn Currie - Carol A. Sente

SYNOPSIS AS INTRODUCED:

30 ILCS 500/30-30

Amends the Illinois Procurement Code. Provides that the Capitol Development Board may (currently, shall) draw specifications to permit independent bidding by prime bidders each of the 5 subdivisions of work. Provides that the Capitol Development Board may draw specifications for a single prime bidder. Provides that a successful single prime bidder shall identify the name of the subcontractor and proposal costs for each of the 5 subdivisions of work, and that no identified subcontractor may be terminated without the written consent of the Capitol Development Board. Deletes provisions relating to the pilot program for single prime bidders and to the Capitol Building HVAC upgrade project. Effective immediately.

LRB099 10663 JWD 30912 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 may ~~shall~~ be prepared for all equipment, labor,
10 and materials in connection with the following 5 subdivisions
11 of 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 may ~~must~~ be so drawn as to permit
22 separate and independent bidding upon each of the 5
23 subdivisions of work. All contracts awarded for any part

1 thereof may ~~shall~~ award the 5 subdivisions of work separately
2 to responsible and reliable persons, firms, or corporations
3 engaged in these classes of work. The contracts, at the
4 discretion of the construction agency, may be assigned to the
5 successful bidder on the general contract work or to the
6 successful bidder on the subdivision of work designated by the
7 construction agency before the bidding as the prime subdivision
8 of work, provided that all payments will be made directly to
9 the contractors for the 5 subdivisions of work upon compliance
10 with the conditions of the contract.

11 For single prime projects: (i) the bid of the successful
12 low bidder shall identify the name of the subcontractor, if
13 any, and the bid proposal costs for each of the 5 subdivisions
14 of work set forth in this Section; and (ii) the contract
15 entered into with the successful bidder shall provide that no
16 identified subcontractor may be terminated without the written
17 consent of the Capital Development Board.

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

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

1 ~~contracts with an aggregate total value of no more than~~
2 ~~\$200,000,000 with respect to construction projects described~~
3 ~~in this paragraph.~~

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

14 (Source: P.A. 97-182, eff. 7-22-11; 98-431, eff. 8-16-13;
15 98-1076, eff. 1-1-15.)

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