

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 and by adding Section 1-15.93 as
6 follows:

7 (30 ILCS 500/1-15.93 new)

8 Sec. 1-15.93. Single prime. "Single prime" means the
9 design-bid-build procurement delivery method for a building
10 construction project in which the Capital Development Board is
11 the construction agency procuring 2 or more subdivisions of
12 work enumerated in paragraphs (1) through (5) of subsection (a)
13 of Section 30-30 of this Code under a single contract. This
14 Section is repealed on January 1, 2020.

15 (30 ILCS 500/30-30)

16 Sec. 30-30. Design-bid-build construction. ~~Contracts in~~
17 ~~excess of \$250,000.~~

18 (a) The provisions of this subsection are operative through
19 December 31, 2019.

20 For building construction contracts in excess of \$250,000,
21 separate specifications may ~~shall~~ be prepared for all
22 equipment, labor, and materials in connection with the

1 following 5 subdivisions of the work to be performed:

2 (1) plumbing;

3 (2) heating, piping, refrigeration, and automatic
4 temperature control systems, including the testing and
5 balancing of those systems;

6 (3) ventilating and distribution systems for
7 conditioned air, including the testing and balancing of
8 those systems;

9 (4) electric wiring; and

10 (5) general contract work.

11 The specifications may ~~must~~ be so drawn as to permit
12 separate and independent bidding upon each of the 5
13 subdivisions of work. All contracts awarded for any part
14 thereof may ~~shall~~ award the 5 subdivisions of work separately
15 to responsible and reliable persons, firms, or corporations
16 engaged in these classes of work. The contracts, at the
17 discretion of the construction agency, may be assigned to the
18 successful bidder on the general contract work or to the
19 successful bidder on the subdivision of work designated by the
20 construction agency before the bidding as the prime subdivision
21 of work, provided that all payments will be made directly to
22 the contractors for the 5 subdivisions of work upon compliance
23 with the conditions of the contract.

24 Beginning on the effective date of this amendatory Act of
25 the 99th General Assembly and through December 31, 2019, for
26 single prime projects: (i) the bid of the successful low bidder

1 shall identify the name of the subcontractor, if any, and the
2 bid proposal costs for each of the 5 subdivisions of work set
3 forth in this Section; (ii) the contract entered into with the
4 successful bidder shall provide that no identified
5 subcontractor may be terminated without the written consent of
6 the Capital Development Board; (iii) the contract shall comply
7 with the disadvantaged business practices of the Business
8 Enterprise for Minorities, Females, and Persons with
9 Disabilities Act and the equal employment practices of Section
10 2-105 of the Illinois Human Rights Act; (iv) the Capital
11 Development Board shall submit a quarterly report to the
12 Procurement Policy Board with information on the general scope,
13 project budget, and established Business Enterprise Program
14 goals for any single prime procurement bid in the previous 3
15 months with a total construction cost valued at \$10,000,000 or
16 less; and (v) the Capital Development Board shall submit an
17 annual report to the General Assembly and Governor on the
18 bidding, award, and performance of all single prime projects.

19 For building construction projects with a total
20 construction cost valued at \$5,000,000 or less, the Capital
21 Development Board shall not use the single prime procurement
22 delivery method for more than 50% of the total number of
23 projects bid for each fiscal year. Any project with a total
24 construction cost valued greater than \$5,000,000 may be bid
25 using single prime at the discretion of the Executive Director
26 of the Capital Development Board.

1 Beginning on the effective date of this amendatory Act of
2 the 99th General Assembly and through December 31, 2017, the
3 Capital Development Board shall, on a weekly basis: review the
4 projects that have been designed, and approved to bid; and, for
5 every fifth determination to use the single prime procurement
6 delivery method for a project under \$10,000,000, submit to the
7 Procurement Policy Board a written notice of its intent to use
8 the single prime method on the project. The notice shall
9 include the reasons for using the single prime method and an
10 explanation of why the use of that method is in the best
11 interest of the State. The Capital Development Board shall post
12 the notice on its online procurement webpage and on the online
13 Procurement Bulletin at least 3 business days following
14 submission. The Procurement Policy Board shall review and
15 provide its decision on the use of the single prime method for
16 every fifth use of the single prime procurement delivery method
17 for a project under \$10,000,000 within 7 business days of
18 receipt of the notice from the Capital Development Board.
19 Approval by the Procurement Policy Board shall not be
20 unreasonably withheld and shall be provided unless the
21 Procurement Policy Board finds that the use of the single prime
22 method is not in the best interest of the State. Any decision
23 by the Procurement Policy Board to disapprove the use of the
24 single prime method shall be made in writing to the Capital
25 Development Board, posted on the online Procurement Bulletin,
26 and shall state the reasons why the single prime method was

1 disapproved and why it is not in the best interest of the
2 State.

3 (b) The provisions of this subsection are operative on and
4 after January 1, 2020. For building construction contracts in
5 excess of \$250,000, separate specifications shall be prepared
6 for all equipment, labor, and materials in connection with the
7 following 5 subdivisions of the work to be performed:

8 (1) plumbing;

9 (2) heating, piping, refrigeration, and automatic
10 temperature control systems, including the testing and
11 balancing of those systems;

12 (3) ventilating and distribution systems for
13 conditioned air, including the testing and balancing of
14 those systems;

15 (4) electric wiring; and

16 (5) general contract work.

17 The specifications must be so drawn as to permit separate
18 and independent bidding upon each of the 5 subdivisions of
19 work. All contracts awarded for any part thereof shall award
20 the 5 subdivisions of work separately to responsible and
21 reliable persons, firms, or corporations engaged in these
22 classes of work. The contracts, at the discretion of the
23 construction agency, may be assigned to the successful bidder
24 on the general contract work or to the successful bidder on the
25 subdivision of work designated by the construction agency
26 before the bidding as the prime subdivision of work, provided

1 that all payments will be made directly to the contractors for
2 the 5 subdivisions of work upon compliance with the conditions
3 of the contract.

4 ~~Until a date 4 years after July 1, 2011, the requirements~~
5 ~~of this Section do not apply to a construction project for~~
6 ~~which the Capital Development Board is the construction agency~~
7 ~~if: (i) the project budget is at least \$15,000,000; (ii) the~~
8 ~~Capital Development Board has submitted to the Procurement~~
9 ~~Policy Board a written request for a public hearing on waiver~~
10 ~~of the application of the requirements of this Section to that~~
11 ~~project, including its reasons for seeking the waiver and why~~
12 ~~the waiver is in the best interest of the State; (iii) the~~
13 ~~Capital Development Board has posted notice of the waiver~~
14 ~~hearing on its procurement web page and on the online~~
15 ~~Procurement Bulletin at least 15 calendar days before the~~
16 ~~hearing; (iv) the Procurement Policy Board, after conducting~~
17 ~~the public hearing on the waiver request, reviews and approves~~
18 ~~the request in writing before the award of the contract; (v)~~
19 ~~the successful low bidder has prequalified with the Capital~~
20 ~~Development Board; (vi) the bid of the successful low bidder~~
21 ~~identifies the name of the subcontractor, if any, and the bid~~
22 ~~proposal costs for each of the 5 subdivisions of work set forth~~
23 ~~in this Section; and (vii) the contract entered into with the~~
24 ~~successful bidder provides that no identified subcontractor~~
25 ~~may be terminated without the written consent of the Capital~~
26 ~~Development Board. With respect to any construction project~~

1 ~~described in this paragraph, the Capital Development Board~~
2 ~~shall: (i) provide to the Auditor General an affidavit that the~~
3 ~~waiver of the application of the requirements of this Section~~
4 ~~is in the best interest of the State; (ii) specify in writing~~
5 ~~as a public record that the project shall comply with the~~
6 ~~disadvantaged business practices of the Business Enterprise~~
7 ~~for Minorities, Females, and Persons with Disabilities Act and~~
8 ~~the equal employment practices of Section 2-105 of the Illinois~~
9 ~~Human Rights Act; and (iii) report annually to the Governor and~~
10 ~~the General Assembly on the bidding, award, and performance. On~~
11 ~~and after January 1, 2009 (the effective date of Public Act~~
12 ~~95-758), the Capital Development Board may award in each year~~
13 ~~contracts with an aggregate total value of no more than~~
14 ~~\$200,000,000 with respect to construction projects described~~
15 ~~in this paragraph.~~

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

26 (Source: P.A. 97-182, eff. 7-22-11; 98-431, eff. 8-16-13;

1 98-1076, eff. 1-1-15.)

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