

SB1913



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1913

Introduced 2/15/2019, by Sen. Michael E. Hastings

SYNOPSIS AS INTRODUCED:

30 ILCS 500/30-30

Amends the Illinois Procurement Code. Provides that for building construction contracts in excess of \$500,000 (currently, \$250,000), separate specifications may be prepared for all equipment, labor, and materials in connection with specified subdivisions of the work to be performed. Makes conforming changes. Effective immediately.

LRB101 10715 RJF 55827 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 Illinois Procurement Code is amended by
5 changing Section 30-30 as follows:

6 (30 ILCS 500/30-30)

7 Sec. 30-30. Design-bid-build construction.

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

10 For building construction contracts in excess of \$500,000
11 ~~\$250,000~~, separate specifications may be prepared for all
12 equipment, labor, and materials in connection with the
13 following 5 subdivisions of the work to be performed:

14 (1) plumbing;

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

18 (3) ventilating and distribution systems for
19 conditioned air, including the testing and balancing of
20 those systems;

21 (4) electric wiring; and

22 (5) general contract work.

23 The specifications may be so drawn as to permit separate

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

12 Beginning on the effective date of this amendatory Act of
13 the 99th General Assembly and through December 31, 2019, for
14 single prime projects: (i) the bid of the successful low bidder
15 shall identify the name of the subcontractor, if any, and the
16 bid proposal costs for each of the 5 subdivisions of work set
17 forth in this Section; (ii) the contract entered into with the
18 successful bidder shall provide that no identified
19 subcontractor may be terminated without the written consent of
20 the Capital Development Board; (iii) the contract shall comply
21 with the disadvantaged business practices of the Business
22 Enterprise for Minorities, Women, and Persons with
23 Disabilities Act and the equal employment practices of Section
24 2-105 of the Illinois Human Rights Act; (iv) the Capital
25 Development Board shall submit a quarterly report to the
26 Procurement Policy Board with information on the general scope,

1 project budget, and established Business Enterprise Program
2 goals for any single prime procurement bid in the previous 3
3 months with a total construction cost valued at \$10,000,000 or
4 less; and (v) the Capital Development Board shall submit an
5 annual report to the General Assembly and Governor on the
6 bidding, award, and performance of all single prime projects.

7 For building construction projects with a total
8 construction cost valued at \$5,000,000 or less, the Capital
9 Development Board shall not use the single prime procurement
10 delivery method for more than 50% of the total number of
11 projects bid for each fiscal year. Any project with a total
12 construction cost valued greater than \$5,000,000 may be bid
13 using single prime at the discretion of the Executive Director
14 of the Capital Development Board.

15 Beginning on the effective date of this amendatory Act of
16 the 99th General Assembly and through December 31, 2017, the
17 Capital Development Board shall, on a weekly basis: review the
18 projects that have been designed, and approved to bid; and, for
19 every fifth determination to use the single prime procurement
20 delivery method for a project under \$10,000,000, submit to the
21 Procurement Policy Board a written notice of its intent to use
22 the single prime method on the project. The notice shall
23 include the reasons for using the single prime method and an
24 explanation of why the use of that method is in the best
25 interest of the State. The Capital Development Board shall post
26 the notice on its online procurement webpage and on the online

1 Procurement Bulletin at least 3 business days following
2 submission. The Procurement Policy Board shall review and
3 provide its decision on the use of the single prime method for
4 every fifth use of the single prime procurement delivery method
5 for a project under \$10,000,000 within 7 business days of
6 receipt of the notice from the Capital Development Board.
7 Approval by the Procurement Policy Board shall not be
8 unreasonably withheld and shall be provided unless the
9 Procurement Policy Board finds that the use of the single prime
10 method is not in the best interest of the State. Any decision
11 by the Procurement Policy Board to disapprove the use of the
12 single prime method shall be made in writing to the Capital
13 Development Board, posted on the online Procurement Bulletin,
14 and shall state the reasons why the single prime method was
15 disapproved and why it is not in the best interest of the
16 State.

17 (b) The provisions of this subsection are operative on and
18 after January 1, 2020. For building construction contracts in
19 excess of \$500,000 ~~\$250,000~~, separate specifications shall be
20 prepared for all equipment, labor, and materials in connection
21 with the following 5 subdivisions of the work to be performed:

22 (1) plumbing;

23 (2) heating, piping, refrigeration, and automatic
24 temperature control systems, including the testing and
25 balancing of those systems;

26 (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.

18 (Source: P.A. 99-257, eff. 8-4-15; 100-391, eff. 8-25-17.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.