

AN ACT concerning transportation.

**Be it enacted by the People of the State of Illinois,  
represented in the General Assembly:**

Section 5. The Innovations for Transportation Infrastructure Act is amended by changing Section 15 as follows:

(630 ILCS 10/15)

(Section scheduled to be repealed on July 1, 2032)

Sec. 15. Authorization of project delivery methods.

(a) Notwithstanding any other law, and as authority supplemental to its existing powers, except as otherwise provided for in this Act, the Transportation Agency, in accordance with this Act, may use the design-build project delivery method for transportation facilities if the capital costs for transportation facilities delivered utilizing the design-build project delivery method or Construction Manager/General Contractor project delivery method or Alternative Technical Concepts in a design-bid-build project delivery method do not: (i) for transportation facilities delivered by the Department, exceed \$500,000,000 ~~\$400 million~~ of contracts awarded on an annual basis ~~during the Department's multi-year highway improvement program for any 5-year period~~; or (ii) for transportation facilities delivered

by the Authority, exceed 20% of the Authority's annual improvement program. The Transportation Agency shall make this calculation before commencing the procurement. ~~Notwithstanding any other law, and as authority supplemental to its existing powers, the Department, in accordance with this Act, may use the Construction Manager/General Contractor project delivery method for up to 2 transportation facilities per year.~~ Before commencing a procurement under this Act for either a design-build contract or a Construction Manager/General Contractor contract, the Transportation Agency shall first undertake an analysis and make a written determination that it is in the best interests of this State to use the selected delivery method for that transportation facility. The analysis and determination shall discuss the design-build project delivery method or Construction Manager/General Contractor project delivery method's impact on the anticipated schedule, completion date, and project costs. The best interests of the State analysis shall be made available to the public.

(b) The Transportation Agency shall report to the General Assembly annually for the first 5 years after June 15, 2022 (the effective date of this Act) on the progress of procurements and transportation facilities procured under this Act.

(c) A contract entered into pursuant to the provisions of this Act is excepted from the Public Contract Fraud Act.

(Source: P.A. 102-1094, eff. 6-15-22; 103-154, eff. 6-30-23.)

Public Act 104-0281

HB3177 Enrolled

LRB104 10935 LNS 21017 b

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