

AN ACT concerning local government.

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

Section 5. The Counties Code is amended by changing Sections 5-45020 and 5-45025 as follows:

(55 ILCS 5/5-45020)

Sec. 5-45020. Development of scope and performance criteria.

(a) The county shall develop, with the assistance of a licensed design professional or public art designer, a request for proposal, which shall include scope and performance criteria. The scope and performance criteria must be in sufficient detail and contain adequate information to reasonably apprise the qualified design-build entities of the county's overall programmatic needs and goals, including criteria ~~and preliminary design plans~~, general budget parameters, schedule, and delivery requirements.

(b) Each request for proposal shall also include a description of the level of design to be provided in the proposals. This description must include the scope and type of renderings, drawings, and specifications that, at a minimum, will be required by the county to be produced by the design-build entities.

(c) The scope and performance criteria shall be prepared by a design professional or public art designer who is an employee of the county, or the county may contract with an independent design professional or public art designer selected under the Local Government Professional Services Selection Act to provide these services.

(d) The design professional or public art designer that prepares the scope and performance criteria is prohibited from participating in any design-build entity proposal for the project.

(e) The design-build contract may be conditioned upon subsequent refinements in scope and price and may allow the county to make modifications in the project scope without invalidating the design-build contract.

(Source: P.A. 102-954, eff. 1-1-23.)

(55 ILCS 5/5-45025)

Sec. 5-45025. Procedures for Selection.

(a) The county must use a two-phase procedure for the selection of the successful design-build entity. Phase I of the procedure will evaluate and shortlist the design-build entities based on qualifications, and Phase II will evaluate the technical and cost proposals.

(b) The county shall include in the request for proposal the evaluating factors to be used in Phase I. These factors are in addition to any prequalification requirements of

design-build entities that the county has set forth. Each request for proposal shall establish the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the county. The county must maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

The county shall include the following criteria in every Phase I evaluation of design-build entities: (i) experience of personnel; (ii) successful experience with similar project types; (iii) financial capability; (iv) timeliness of past performance; (v) experience with similarly sized projects; (vi) successful reference checks of the firm; (vii) commitment to assign personnel for the duration of the project and qualifications of the entity's consultants; and (viii) ability or past performance in meeting or exhausting good faith efforts to meet the utilization goals for business enterprises established in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act and with Section 2-105 of the Illinois Human Rights Act. The county may include any additional relevant criteria in Phase I that it deems necessary for a proper qualification review.

The county may not consider any design-build entity for evaluation or award if the entity has any pecuniary interest in the project or has other relationships or circumstances, including, but not limited to, long-term leasehold, mutual performance, or development contracts with the county, that

may give the design-build entity a financial or tangible advantage over other design-build entities in the preparation, evaluation, or performance of the design-build contract or that create the appearance of impropriety. A design-build entity shall not be disqualified under this Section solely due to having previously been awarded a project or projects under any applicable public procurement statute of the State. No proposal shall be considered that does not include an entity's plan to comply with the requirements established in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, for both the design and construction areas of performance, and with Section 2-105 of the Illinois Human Rights Act. The proposal shall disclose the role of a licensed design professional during the administration of the design-build contract. Nothing in this Section shall prohibit a county from engaging a licensed design professional during the administration of a design-build contract if the county believes that engaging the licensed design professional benefits the project.

Upon completion of the qualifications evaluation, the county shall create a shortlist of the most highly qualified design-build entities. The county, in its discretion, is not required to shortlist the maximum number of entities as identified for Phase II evaluation, provided that no less than 2 design-build entities nor more than 6 are selected to submit Phase II proposals. If a county receives one response to Phase

I, nothing in this Section shall prohibit the county from proceeding with a Phase II evaluation of the single respondent if the county, in its discretion, finds proceeding to be in its best interest.

The county shall notify the entities selected for the shortlist in writing. This notification shall commence the period for the preparation of the Phase II technical and cost evaluations. The county must allow sufficient time for the shortlist entities to prepare their Phase II submittals considering the scope and detail requested by the county.

(c) The county shall include in the request for proposal the evaluating factors to be used in the technical and cost submission components of Phase II. Each request for proposal shall establish, for both the technical and cost submission components of Phase II, the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the county. The county must maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

The county shall include the following criteria in every Phase II technical evaluation of design-build entities: (i) compliance with objectives of the project; (ii) compliance of proposed services to the request for proposal requirements; (iii) quality of products or materials proposed; (iv) quality of design parameters; (v) design concepts; (vi) innovation in meeting the scope and performance criteria; and (vii)

constructability of the proposed project. The county may include any additional relevant technical evaluation factors it deems necessary for proper selection.

The county shall include the following criteria in every Phase II cost evaluation: the total project cost, the construction costs, and the time of completion. The county may include any additional relevant technical evaluation factors it deems necessary for proper selection. The total project cost criteria weighting factor shall not exceed 30%.

The county shall directly employ or retain a licensed design professional or a public art designer to evaluate the technical and cost submissions to determine if the technical submissions are in accordance with generally accepted industry standards. Upon completion of the technical submissions and cost submissions evaluation, the county may award the design-build contract to the highest overall ranked entity.

(Source: P.A. 102-954, eff. 1-1-23; 103-154, eff. 6-30-23.)

Section 10. The Illinois Municipal Code is amended by changing Sections 11-39.2-20 and 11-39.2-25 as follows:

(65 ILCS 5/11-39.2-20)

Sec. 11-39.2-20. Development of scope and performance criteria.

(a) The municipality must develop, with the assistance of a licensed design professional or public art designer, a

request for proposal, which must include scope and performance criteria. The scope and performance criteria must be in sufficient detail and contain adequate information to reasonably apprise the qualified design-build entities of the municipality's overall programmatic needs and goals, including criteria ~~and preliminary design plans~~, general budget parameters, schedule, and delivery requirements.

(b) Each request for proposal must also include a description of the level of design to be provided in the proposals. This description must include the scope and type of renderings, drawings, and specifications that, at a minimum, will be required by the municipality to be produced by the design-build entities.

(c) The scope and performance criteria must be prepared by a design professional or public art designer who is an employee of the municipality, or the municipality may contract with an independent design professional or public art designer selected under the Local Government Professional Services Selection Act to provide these services.

(d) The design professional or public art designer that prepares the scope and performance criteria is prohibited from participating in any design-build entity proposal for the project.

(e) The design-build contract may be conditioned upon subsequent refinements in scope and price and may allow the municipality to make modifications in the project scope

without invalidating the design-build contract.

(Source: P.A. 103-491, eff. 1-1-24.)

(65 ILCS 5/11-39.2-25)

Sec. 11-39.2-25. Procedures for Selection.

(a) The municipality must use a two-phase procedure for the selection of the successful design-build entity. Phase I of the procedure will evaluate and shortlist the design-build entities based on qualifications, and Phase II will evaluate the technical and cost proposals.

(b) The municipality must include in the request for proposal the evaluating factors to be used in Phase I. These factors are in addition to any prequalification requirements of design-build entities that the municipality has set forth. Each request for proposal must establish the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the municipality. The municipality must maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

The municipality must include the following criteria in every Phase I evaluation of design-build entities: (i) experience of personnel; (ii) successful experience with similar project types; (iii) financial capability; (iv) timeliness of past performance; (v) experience with similarly sized projects; (vi) successful reference checks of the firm;

(vii) commitment to assign personnel for the duration of the project and qualifications of the entity's consultants; and (viii) ability or past performance in meeting or exhausting good faith efforts to meet the utilization goals for business enterprises established in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act and with Section 2-105 of the Illinois Human Rights Act. The municipality may include any additional, relevant criteria in Phase I that it deems necessary for a proper qualification review.

The municipality may not consider any design-build entity for evaluation or award if the entity has any pecuniary interest in the project or has other relationships or circumstances, such as long-term leasehold, mutual performance, or development contracts with the municipality, that may give the design-build entity a financial or tangible advantage over other design-build entities in the preparation, evaluation, or performance of the design-build contract or that create the appearance of impropriety. A design-build entity shall not be disqualified under this Section solely due to having previously been awarded a project or projects under any applicable public procurement statute of the State. No proposal may be considered that does not include an entity's plan to comply with the requirements established in the Business Enterprise for Minorities, Women, and Persons with Disabilities Act, for both the design and construction areas

of performance, and with Section 2-105 of the Illinois Human Rights Act. The proposal shall disclose the role of a licensed design professional during the administration of the design-build contract. Nothing in this Section shall prohibit a municipality from engaging a licensed design professional during the administration of a design-build contract if the municipality believes that engaging the licensed design professional benefits the project.

Upon completion of the qualification evaluation, the municipality must create a shortlist of the most highly qualified design-build entities. The municipality, in its discretion, is not required to shortlist the maximum number of entities as identified for Phase II evaluation if no less than 2 design-build entities nor more than 6 are selected to submit Phase II proposals. If a municipality receives one response to Phase I, nothing in this Section shall prohibit the municipality from proceeding with a Phase II evaluation of the single respondent if the municipality, in its discretion, finds proceeding to be in its best interest.

The municipality must notify the entities selected for the shortlist in writing. This notification must commence the period for the preparation of the Phase II technical and cost evaluations. The municipality must allow sufficient time for the shortlist entities to prepare their Phase II submittals considering the scope and detail requested by the municipality.

(c) The municipality must include in the request for proposal the evaluating factors to be used in the technical and cost submission components of Phase II. Each request for proposal must establish, for both the technical and cost submission components of Phase II, the relative importance assigned to each evaluation factor and subfactor, including any weighting of criteria to be employed by the municipality. The municipality must maintain a record of the evaluation scoring to be disclosed in event of a protest regarding the solicitation.

The municipality must include the following criteria in every Phase II technical evaluation of design-build entities: (i) compliance with objectives of the project; (ii) compliance of proposed services to the request for proposal requirements; (iii) quality of products or materials proposed; (iv) quality of design parameters; (v) design concepts; (vi) innovation in meeting the scope and performance criteria; and (vii) constructability of the proposed project. The municipality may include any additional relevant technical evaluation factors it deems necessary for proper selection.

The municipality must include the following criteria in every Phase II cost evaluation: the total project cost, the construction costs, and the time of completion. The municipality may include any additional relevant technical evaluation factors it deems necessary for proper selection. The total project cost criteria weighting factor may not

exceed 30%.

The municipality must directly employ or retain a licensed design professional or a public art designer to evaluate the technical and cost submissions to determine if the technical submissions are in accordance with generally accepted industry standards. Upon completion of the technical submissions and cost submissions evaluation, the municipality may award the design-build contract to the highest overall ranked entity.

(Source: P.A. 103-491, eff. 1-1-24.)

Section 15. The Fire Protection District Act is amended by changing Section 11k as follows:

(70 ILCS 705/11k)

Sec. 11k. Competitive bidding; notice requirements.

(a) The board of trustees shall have the power to acquire by gift, legacy, or purchase any personal property necessary for its corporate purposes provided that all contracts for supplies, materials, or work involving an expenditure in excess of \$20,000 shall be let to the lowest responsible bidder after advertising as required under subsection (b) of this Section; except that, if the board of trustees seeks to purchase equipment directly from a dealer or an original manufacturer in excess of \$50,000, then the contract for purchase shall be let to the lowest responsible bidder after advertising as required under subsection (b) of this Section.

The board is not required to accept a bid that does not meet the district's established specifications, terms of delivery, quality, and serviceability requirements. Contracts which, by their nature, are not adapted to award by competitive bidding, are not subject to competitive bidding, including, but not limited to:

(1) contracts for the services of individuals possessing a high degree of professional skill where the ability or fitness of the individual plays an important part;

(2) contracts for the printing of finance committee reports and departmental reports;

(3) contracts for the printing or engraving of bonds, tax warrants, and other evidences of indebtedness;

(4) contracts for the maintenance or servicing of, or provision of repair parts for, equipment which are made with the manufacturer or authorized service agent of that equipment where the provision of parts, maintenance, or servicing can best be performed by the manufacturer or authorized service agent, or which involve proprietary parts or technology not otherwise available;

(5) purchases and contracts for the use, purchase, delivery, movement, or installation of data processing equipment, software, or services and telecommunications and interconnect equipment, software, and services;

(6) contracts for duplicating machines and supplies;

(7) contracts for utility services such as water, light, heat, telephone or telegraph;

(8) contracts for goods or services procured from another governmental agency;

(9) purchases of equipment previously owned by some entity other than the district itself; and

(10) contracts for goods or services which are economically procurable from only one source, such as for the purchase of magazines, books, periodicals, pamphlets, reports, and online subscriptions.

Contracts for emergency expenditures are also exempt from competitive bidding when the emergency expenditure is approved by a vote of 3/4 of the members of the board.

(b) Except as otherwise provided in subsection (a) of this Section, all proposals to award contracts involving amounts in excess of \$20,000 shall be published at least 10 days, excluding Sundays and legal holidays, in advance of the date announced for the receiving of bids, in a secular English language newspaper of general circulation throughout the district. In addition, a fire protection district that has a website that the full-time staff of the district maintains shall post notice on its website of all proposals to award contracts in excess of \$20,000. Advertisements for bids shall describe the character of the proposed contract or agreement in sufficient detail to enable the bidders thereon to know what their obligations will be, either in the advertisement

itself, or by reference to detailed plans and specifications on file at the time of the publication of the first announcement. Such advertisement shall also state the date, time and place assigned for the opening of bids, and no bids shall be received at any time subsequent to the time indicated in the announcement. All competitive bids for contracts involving an expenditure in excess of \$20,000 must be sealed by the bidder and must be opened by a member of the board or an employee of the district at a public bid opening at which the contents of the bids must be announced. Each bidder must receive at least 3 days' notice of the time and place of the bid opening.

(c) In addition to contracts entered into under the Governmental Joint Purchasing Act, a board of trustees may enter into contracts for supplies, materials, or work involving an expenditure in excess of \$20,000 through participation in a joint governmental or nongovernmental purchasing program that requires as part of its selection procedure a competitive solicitation and procurement process.

(d) Subject to the exceptions under subsections (a) and (c), any procurement by a board of trustees involving the acquisition, by direct or beneficial ownership, of improvements to real estate by a fire protection district which results in an expenditure of district funds in excess of \$20,000 must be competitively bid in accordance with the procedures of subsection (b).

(e) Nothing in this Section prohibits a fire protection district from entering into design-build contracts. Fire protection districts are authorized to use a design-build contracting method for construction if a competitive process consistent with the purpose of this Section is used in connection with the selection of the design-builder.

(Source: P.A. 102-138, eff. 1-1-22; 102-558, eff. 8-20-21; 103-634, eff. 1-1-25.)

Section 99. Effective date. This Act takes effect July 1, 2025.