

1 AN ACT concerning local government.

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

4 Section 5. The Architectural, Engineering, and Land
5 Surveying Qualifications Based Selection Act is amended by
6 changing Section 45 as follows:

7 (30 ILCS 535/45) (from Ch. 127, par. 4151-45)

8 Sec. 45. Small contracts.

9 (a) The provisions of Sections 25, 30, and 35 do not apply
10 to architectural, engineering, and land surveying contracts
11 with an estimated basic professional services fee of less than
12 the maximum estimated basic professional services fee set
13 forth in this Section \$25,000.

14 (b) As used in this Section:

15 "Consumer price index-u" means the index published by the
16 Bureau of Labor Statistics of the United States Department of
17 Labor that measures the average change in prices of goods and
18 services purchased by all urban consumers, United States city
19 average, all items, 1982-84=100.

20 "Maximum estimated basic professional services fee" means:

21 (1) for contracts entered into before the effective
22 date of this amendatory Act of the 104th General Assembly,
23 \$25,000;

(2) for contracts entered into on or after the effective date of this amendatory Act of the 104th General Assembly and before January 1, 2027, \$40,000; and

(3) for contracts entered into on or after January 1, 2027, the maximum estimated basic professional services fee for the calendar year immediately preceding the calendar year in which the contract is entered into, increased by a percentage equal to the annual unadjusted percentage increase, if any, in the Consumer Price Index - u during the 12-month period ending in September of the immediately preceding calendar year and rounded to the nearest \$10.

(Source: P.A. 92-861, eff. 1-3-03.)

Section 10. 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

1 county's overall programmatic needs and goals, including
2 criteria ~~and preliminary design plans~~, general budget
3 parameters, schedule, and delivery requirements.

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

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

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

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

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

1 Sec. 5-45025. Procedures for Selection.

2 (a) The county must use a two-phase procedure for the
3 selection of the successful design-build entity. Phase I of
4 the procedure will evaluate and shortlist the design-build
5 entities based on qualifications, and Phase II will evaluate
6 the technical and cost proposals.7 (b) The county shall include in the request for proposal
8 the evaluating factors to be used in Phase I. These factors are
9 in addition to any prequalification requirements of
10 design-build entities that the county has set forth. Each
11 request for proposal shall establish the relative importance
12 assigned to each evaluation factor and subfactor, including
13 any weighting of criteria to be employed by the county. The
14 county must maintain a record of the evaluation scoring to be
15 disclosed in event of a protest regarding the solicitation.16 The county shall include the following criteria in every
17 Phase I evaluation of design-build entities: (i) experience of
18 personnel; (ii) successful experience with similar project
19 types; (iii) financial capability; (iv) timeliness of past
20 performance; (v) experience with similarly sized projects;
21 (vi) successful reference checks of the firm; (vii) commitment
22 to assign personnel for the duration of the project and
23 qualifications of the entity's consultants; and (viii) ability
24 or past performance in meeting or exhausting good faith
25 efforts to meet the utilization goals for business enterprises
26 established in the Business Enterprise for Minorities, Women,

1 and Persons with Disabilities Act and with Section 2-105 of
2 the Illinois Human Rights Act. The county may include any
3 additional relevant criteria in Phase I that it deems
4 necessary for a proper qualification review.

5 The county may not consider any design-build entity for
6 evaluation or award if the entity has any pecuniary interest
7 in the project or has other relationships or circumstances,
8 including, but not limited to, long-term leasehold, mutual
9 performance, or development contracts with the county, that
10 may give the design-build entity a financial or tangible
11 advantage over other design-build entities in the preparation,
12 evaluation, or performance of the design-build contract or
13 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
17 proposal shall be considered that does not include an entity's
18 plan to comply with the requirements established in the
19 Business Enterprise for Minorities, Women, and Persons with
20 Disabilities Act, for both the design and construction areas
21 of performance, and with Section 2-105 of the Illinois Human
22 Rights Act.

23 Upon completion of the qualifications evaluation, the
24 county shall create a shortlist of the most highly qualified
25 design-build entities. The county, in its discretion, is not
26 required to shortlist the maximum number of entities as

1 identified for Phase II evaluation, provided that no less than
2 design-build entities nor more than 6 are selected to submit
3 Phase II proposals. If a county receives one response to Phase
4 I, nothing in this Section shall prohibit the county from
5 proceeding with a Phase II evaluation of the single respondent
6 if the county, in its discretion, finds proceeding to be in its
7 best interest.

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

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

23 The county shall include the following criteria in every
24 Phase II technical evaluation of design-build entities: (i)
25 compliance with objectives of the project; (ii) compliance of
26 proposed services to the request for proposal requirements;

1 (iii) quality of products or materials proposed; (iv) quality
2 of design parameters; (v) design concepts; (vi) innovation in
3 meeting the scope and performance criteria; and (vii)
4 constructability of the proposed project. The county may
5 include any additional relevant technical evaluation factors
6 it deems necessary for proper selection.

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

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

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

21 Section 15. The Illinois Municipal Code is amended by
22 changing Sections 11-39.2-20 and 11-39.2-25 as follows:

23 (65 ILCS 5/11-39.2-20)

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

1 criteria.

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

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

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

23 (d) The design professional or public art designer that
24 prepares the scope and performance criteria is prohibited from
25 participating in any design-build entity proposal for the
26 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

1 similar project types; (iii) financial capability; (iv)
2 timeliness of past performance; (v) experience with similarly
3 sized projects; (vi) successful reference checks of the firm;
4 (vii) commitment to assign personnel for the duration of the
5 project and qualifications of the entity's consultants; and
6 (viii) ability or past performance in meeting or exhausting
7 good faith efforts to meet the utilization goals for business
8 enterprises established in the Business Enterprise for
9 Minorities, Women, and Persons with Disabilities Act and with
10 Section 2-105 of the Illinois Human Rights Act. The
11 municipality may include any additional, relevant criteria in
12 Phase I that it deems necessary for a proper qualification
13 review.

14 The municipality may not consider any design-build entity
15 for evaluation or award if the entity has any pecuniary
16 interest in the project or has other relationships or
17 circumstances, such as long-term leasehold, mutual
18 performance, or development contracts with the municipality,
19 that may give the design-build entity a financial or tangible
20 advantage over other design-build entities in the preparation,
21 evaluation, or performance of the design-build contract or
22 that create the appearance of impropriety. A design-build
23 entity shall not be disqualified under this Section solely due
24 to having previously been awarded a project or projects under
25 any applicable public procurement statute of the State. No
26 proposal may be considered that does not include an entity's

1 plan to comply with the requirements established in the
2 Business Enterprise for Minorities, Women, and Persons with
3 Disabilities Act, for both the design and construction areas
4 of performance, and with Section 2-105 of the Illinois Human
5 Rights Act.

6 Upon completion of the qualification evaluation, the
7 municipality must create a shortlist of the most highly
8 qualified design-build entities. The municipality, in its
9 discretion, is not required to shortlist the maximum number of
10 entities as identified for Phase II evaluation if no less than
11 2 design-build entities nor more than 6 are selected to submit
12 Phase II proposals. If a municipality receives one response to
13 Phase I, nothing in this Section shall prohibit the
14 municipality from proceeding with a Phase II evaluation of the
15 single respondent if the municipality, in its discretion,
16 finds proceeding to be in its best interest.

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

24 (c) The municipality must include in the request for
25 proposal the evaluating factors to be used in the technical
26 and cost submission components of Phase II. Each request for

1 proposal must establish, for both the technical and cost
2 submission components of Phase II, the relative importance
3 assigned to each evaluation factor and subfactor, including
4 any weighting of criteria to be employed by the municipality.
5 The municipality must maintain a record of the evaluation
6 scoring to be disclosed in event of a protest regarding the
7 solicitation.

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

18 The municipality must include the following criteria in
19 every Phase II cost evaluation: the total project cost, the
20 construction costs, and the time of completion. The
21 municipality may include any additional relevant technical
22 evaluation factors it deems necessary for proper selection.
23 The total project cost criteria weighting factor may not
24 exceed 30%.

25 The municipality must directly employ or retain a licensed
26 design professional or a public art designer to evaluate the

1 technical and cost submissions to determine if the technical
2 submissions are in accordance with generally accepted industry
3 standards. Upon completion of the technical submissions and
4 cost submissions evaluation, the municipality may award the
5 design-build contract to the highest overall ranked entity.

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

7 Section 20. The Fire Protection District Act is amended by
8 changing Section 11k as follows:

9 (70 ILCS 705/11k)

10 Sec. 11k. Competitive bidding; notice requirements.

11 (a) The board of trustees shall have the power to acquire
12 by gift, legacy, or purchase any personal property necessary
13 for its corporate purposes provided that all contracts for
14 supplies, materials, or work involving an expenditure in
15 excess of \$20,000 shall be let to the lowest responsible
16 bidder after advertising as required under subsection (b) of
17 this Section; except that, if the board of trustees seeks to
18 purchase equipment directly from a dealer or an original
19 manufacturer in excess of \$50,000, then the contract for
20 purchase shall be let to the lowest responsible bidder after
21 advertising as required under subsection (b) of this Section.
22 The board is not required to accept a bid that does not meet
23 the district's established specifications, terms of delivery,
24 quality, and serviceability requirements. Contracts which, by

1 their nature, are not adapted to award by competitive bidding,
2 are not subject to competitive bidding, including, but not
3 limited to:

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

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

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

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

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

23 (6) contracts for duplicating machines and supplies;

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

26 (8) contracts for goods or services procured from

1 another governmental agency;

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

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

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

11 (b) Except as otherwise provided in subsection (a) of this
12 Section, all proposals to award contracts involving amounts in
13 excess of \$20,000 shall be published at least 10 days,
14 excluding Sundays and legal holidays, in advance of the date
15 announced for the receiving of bids, in a secular English
16 language newspaper of general circulation throughout the
17 district. In addition, a fire protection district that has a
18 website that the full-time staff of the district maintains
19 shall post notice on its website of all proposals to award
20 contracts in excess of \$20,000. Advertisements for bids shall
21 describe the character of the proposed contract or agreement
22 in sufficient detail to enable the bidders thereon to know
23 what their obligations will be, either in the advertisement
24 itself, or by reference to detailed plans and specifications
25 on file at the time of the publication of the first
26 announcement. Such advertisement shall also state the date,

1 time and place assigned for the opening of bids, and no bids
2 shall be received at any time subsequent to the time indicated
3 in the announcement. All competitive bids for contracts
4 involving an expenditure in excess of \$20,000 must be sealed
5 by the bidder and must be opened by a member of the board or an
6 employee of the district at a public bid opening at which the
7 contents of the bids must be announced. Each bidder must
8 receive at least 3 days' notice of the time and place of the
9 bid opening.

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

17 (d) Subject to the exceptions under subsections (a) and
18 (c), any procurement by a board of trustees involving the
19 acquisition, by direct or beneficial ownership, of
20 improvements to real estate by a fire protection district
21 which results in an expenditure of district funds in excess of
22 \$20,000 must be competitively bid in accordance with the
23 procedures of subsection (b).

24 (e) Nothing in this Section prohibits a fire protection
25 district from entering into design-build contracts. Fire
26 protection districts are authorized to use a design-build

1 contracting method for construction if a competitive process
2 consistent with the purpose of this Section is used in
3 connection with the selection of the design-builder.

4 (Source: P.A. 102-138, eff. 1-1-22; 102-558, eff 8-20-21;
5 103-634, eff. 1-1-25.)

6 Section 25. The Board of Higher Education Act is amended
7 by changing Section 8 as follows:

8 (110 ILCS 205/8) (from Ch. 144, par. 188)

9 Sec. 8. The Board of Trustees of the University of
10 Illinois, the Board of Trustees of Southern Illinois
11 University, the Board of Trustees of Chicago State University,
12 the Board of Trustees of Eastern Illinois University, the
13 Board of Trustees of Governors State University, the Board of
14 Trustees of Illinois State University, the Board of Trustees
15 of Northeastern Illinois University, the Board of Trustees of
16 Northern Illinois University, and the Board of Trustees of
17 Western Illinois University shall submit to the Board not
18 later than the 15th day of November of each year their its
19 budget proposals for the operation and capital needs of the
20 institutions under their its governance or supervision for the
21 ensuing fiscal year. The Illinois Community College Board
22 shall submit to the Board by December 15 of each year its
23 budget proposal for the operation and capital needs of the
24 institutions under its governance or supervision for the

1 ensuing fiscal year. Each budget proposal shall conform to the
2 procedures developed by the Board in the design of an
3 information system for State universities and colleges.

4 In order to maintain a cohesive system of higher
5 education, the Board and its staff shall communicate on a
6 regular basis with all public university presidents. They
7 shall meet at least semiannually to achieve economies of scale
8 where possible and provide the most innovative and efficient
9 programs and services.

10 The Board, in the analysis of formulating the annual
11 budget request, shall consider rates of tuition and fees and
12 undergraduate tuition and fee waiver programs at the State
13 universities and colleges. The Board shall also consider the
14 current and projected utilization of the total physical plant
15 of each campus of a university or college in approving the
16 capital budget for any new building or facility.

17 The Board of Higher Education shall submit to the
18 Governor, to the General Assembly, and to the appropriate
19 budget agencies of the Governor and General Assembly its
20 analysis and recommendations on such budget proposals.

21 The Board is directed to form a broad-based group of
22 individuals representing the Office of the Governor, the
23 General Assembly, public institutions of higher education,
24 State agencies, business and industry, statewide organizations
25 representing faculty and staff, and others as the Board shall
26 deem appropriate to devise a system for allocating State

1 resources to public institutions of higher education based
2 upon performance in achieving State goals related to student
3 success and certificate and degree completion.

4 Beginning in Fiscal Year 2013, the Board of Higher
5 Education budget recommendations to the Governor and the
6 General Assembly shall include allocations to public
7 institutions of higher education based upon performance
8 metrics designed to promote and measure student success in
9 degree and certificate completion. Public university metrics
10 must be adopted by the Board by rule, and public community
11 college metrics must be adopted by the Illinois Community
12 College Board by rule. These metrics must be developed and
13 promulgated in accordance with the following principles:

14 (1) The metrics must be developed in consultation with
15 public institutions of higher education, as well as other
16 State educational agencies and other higher education
17 organizations, associations, interests, and stakeholders
18 as deemed appropriate by the Board.

19 (2) The metrics shall include provisions for
20 recognizing the demands on and rewarding the performance
21 of institutions in advancing the success of students who
22 are academically or financially at risk, including
23 first-generation students, low-income students, and
24 students traditionally underrepresented in higher
25 education, as specified in Section 9.16 of this Act.

26 (3) The metrics shall recognize and account for the

1 differentiated missions of institutions and sectors of
2 higher education.

3 (4) The metrics shall focus on the fundamental goal of
4 increasing completion of college courses, certificates,
5 and degrees. Performance metrics shall recognize the
6 unique and broad mission of public community colleges
7 through consideration of additional factors, including,
8 but not limited to, enrollment, progress through key
9 academic milestones, transfer to a baccalaureate
10 institution, and degree completion.

11 (5) The metrics must be designed to maintain the
12 quality of degrees, certificates, courses, and programs.
13 In devising performance metrics, the Board may be guided by
14 the report of the Higher Education Finance Study Commission.

15 ~~Each State university must submit its plan for capital~~
16 ~~improvements of non instructional facilities to the Board for~~
17 ~~approval before final commitments are made if the total cost~~
18 ~~of the project as approved by the institution's board of~~
19 ~~control is in excess of \$2 million. Non instructional uses~~
20 ~~shall include but not be limited to dormitories, union~~
21 ~~buildings, field houses, stadium, other recreational~~
22 ~~facilities and parking lots. The Board shall determine whether~~
23 ~~or not any project submitted for approval is consistent with~~
24 ~~the strategic plan for higher education and with instructional~~
25 ~~buildings that are provided for therein. If the project is~~
26 ~~found by a majority of the Board not to be consistent, such~~

1 ~~capital improvement shall not be constructed.~~

2 (Source: P.A. 102-1046, eff. 6-7-22; 103-940, eff. 8-9-24;
3 revised 8-23-24.)

4 Section 99. Effective date. This Act takes effect July 1,
5 2025.