



Rep. Jay Hoffman

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10400HB2894ham002

LRB104 10096 LNS 24960 a

1 AMENDMENT TO HOUSE BILL 2894

2 AMENDMENT NO. _____. Amend House Bill 2894 by replacing
3 everything after the enacting clause with the following:

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

1 Labor that measures the average change in prices of goods and
2 services purchased by all urban consumers, United States city
3 average, all items, 1982-84=100.

4 "Maximum estimated basic professional services fee" means:

5 (1) for contracts entered into before the effective
6 date of this amendatory Act of the 104th General Assembly,
7 \$25,000;

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

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

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

21 Section 10. The Counties Code is amended by changing
22 Sections 5-45020 and 5-45025 as follows:

23 (55 ILCS 5/5-45020)

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

1 criteria.

2 (a) The county shall develop, with the assistance of a
3 licensed design professional or public art designer, a request
4 for proposal, which shall 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 county'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 shall 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 county to be produced by the
16 design-build entities.

17 (c) The scope and performance criteria shall be prepared
18 by a design professional or public art designer who is an
19 employee of the county, or the county may contract with an
20 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 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

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

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

1 Disabilities Act, for both the design and construction areas
2 of performance, and with Section 2-105 of the Illinois Human
3 Rights Act.

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

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

21 (c) The county shall include in the request for proposal
22 the evaluating factors to be used in the technical and cost
23 submission components of Phase II. Each request for proposal
24 shall establish, for both the technical and cost submission
25 components of Phase II, the relative importance assigned to
26 each evaluation factor and subfactor, including any weighting

1 of criteria to be employed by the county. The county must
2 maintain a record of the evaluation scoring to be disclosed in
3 event of a protest regarding the solicitation.

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

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

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

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

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

4 (65 ILCS 5/11-39.2-20)

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

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

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

22 (c) The scope and performance criteria must be prepared by
23 a design professional or public art designer who is an
24 employee of the municipality, or the municipality may contract

1 with an independent design professional or public art designer
2 selected under the Local Government Professional Services
3 Selection Act to provide these services.

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

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

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

13 (65 ILCS 5/11-39.2-25)

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

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

20 (b) The municipality must include in the request for
21 proposal the evaluating factors to be used in Phase I. These
22 factors are in addition to any prequalification requirements
23 of design-build entities that the municipality has set forth.
24 Each request for proposal must establish the relative
25 importance assigned to each evaluation factor and subfactor,

1 including any weighting of criteria to be employed by the
2 municipality. The municipality must maintain a record of the
3 evaluation scoring to be disclosed in event of a protest
4 regarding the solicitation.

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

21 The municipality may not consider any design-build entity
22 for evaluation or award if the entity has any pecuniary
23 interest in the project or has other relationships or
24 circumstances, such as long-term leasehold, mutual
25 performance, or development contracts with the municipality,
26 that may give the design-build entity a financial or tangible

1 advantage over other design-build entities in the preparation,
2 evaluation, or performance of the design-build contract or
3 that create the appearance of impropriety. A design-build
4 entity shall not be disqualified under this Section solely due
5 to having previously been awarded a project or projects under
6 any applicable public procurement statute of the State. No
7 proposal may be considered that does not include an entity's
8 plan to comply with the requirements established in the
9 Business Enterprise for Minorities, Women, and Persons with
10 Disabilities Act, for both the design and construction areas
11 of performance, and with Section 2-105 of the Illinois Human
12 Rights Act.

13 Upon completion of the qualification evaluation, the
14 municipality must create a shortlist of the most highly
15 qualified design-build entities. The municipality, in its
16 discretion, is not required to shortlist the maximum number of
17 entities as identified for Phase II evaluation if no less than
18 2 design-build entities nor more than 6 are selected to submit
19 Phase II proposals. If a municipality receives one response to
20 Phase I, nothing in this Section shall prohibit the
21 municipality from proceeding with a Phase II evaluation of the
22 single respondent if the municipality, in its discretion,
23 finds proceeding to be in its best interest.

24 The municipality must notify the entities selected for the
25 shortlist in writing. This notification must commence the
26 period for the preparation of the Phase II technical and cost

1 evaluations. The municipality must allow sufficient time for
2 the shortlist entities to prepare their Phase II submittals
3 considering the scope and detail requested by the
4 municipality.

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

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

25 The municipality must include the following criteria in
26 every Phase II cost evaluation: the total project cost, the

1 construction costs, and the time of completion. The
2 municipality may include any additional relevant technical
3 evaluation factors it deems necessary for proper selection.
4 The total project cost criteria weighting factor may not
5 exceed 30%.

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

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

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

16 (70 ILCS 705/11k)

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

18 (a) The board of trustees shall have the power to acquire
19 by gift, legacy, or purchase any personal property necessary
20 for its corporate purposes provided that all contracts for
21 supplies, materials, or work involving an expenditure in
22 excess of \$20,000 shall be let to the lowest responsible
23 bidder after advertising as required under subsection (b) of
24 this Section; except that, if the board of trustees seeks to

1 purchase equipment directly from a dealer or an original
2 manufacturer in excess of \$50,000, then the contract for
3 purchase shall be let to the lowest responsible bidder after
4 advertising as required under subsection (b) of this Section.
5 The board is not required to accept a bid that does not meet
6 the district's established specifications, terms of delivery,
7 quality, and serviceability requirements. Contracts which, by
8 their nature, are not adapted to award by competitive bidding,
9 are not subject to competitive bidding, including, but not
10 limited to:

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

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

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

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

26 (5) purchases and contracts for the use, purchase,

1 delivery, movement, or installation of data processing
2 equipment, software, or services and telecommunications
3 and interconnect equipment, software, and services;

4 (6) contracts for duplicating machines and supplies;

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

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

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

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

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

18 (b) Except as otherwise provided in subsection (a) of this
19 Section, all proposals to award contracts involving amounts in
20 excess of \$20,000 shall be published at least 10 days,
21 excluding Sundays and legal holidays, in advance of the date
22 announced for the receiving of bids, in a secular English
23 language newspaper of general circulation throughout the
24 district. In addition, a fire protection district that has a
25 website that the full-time staff of the district maintains
26 shall post notice on its website of all proposals to award

1 contracts in excess of \$20,000. Advertisements for bids shall
2 describe the character of the proposed contract or agreement
3 in sufficient detail to enable the bidders thereon to know
4 what their obligations will be, either in the advertisement
5 itself, or by reference to detailed plans and specifications
6 on file at the time of the publication of the first
7 announcement. Such advertisement shall also state the date,
8 time and place assigned for the opening of bids, and no bids
9 shall be received at any time subsequent to the time indicated
10 in the announcement. All competitive bids for contracts
11 involving an expenditure in excess of \$20,000 must be sealed
12 by the bidder and must be opened by a member of the board or an
13 employee of the district at a public bid opening at which the
14 contents of the bids must be announced. Each bidder must
15 receive at least 3 days' notice of the time and place of the
16 bid opening.

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

24 (d) Subject to the exceptions under subsections (a) and
25 (c), any procurement by a board of trustees involving the
26 acquisition, by direct or beneficial ownership, of

1 improvements to real estate by a fire protection district
2 which results in an expenditure of district funds in excess of
3 \$20,000 must be competitively bid in accordance with the
4 procedures of subsection (b).

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

11 (Source: P.A. 102-138, eff. 1-1-22; 102-558, eff 8-20-21;
12 103-634, eff. 1-1-25.)

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

15 (110 ILCS 205/8) (from Ch. 144, par. 188)

16 Sec. 8. The Board of Trustees of the University of
17 Illinois, the Board of Trustees of Southern Illinois
18 University, the Board of Trustees of Chicago State University,
19 the Board of Trustees of Eastern Illinois University, the
20 Board of Trustees of Governors State University, the Board of
21 Trustees of Illinois State University, the Board of Trustees
22 of Northeastern Illinois University, the Board of Trustees of
23 Northern Illinois University, and the Board of Trustees of
24 Western Illinois University shall submit to the Board not

1 later than the 15th day of November of each year their ~~its~~
2 budget proposals for the operation and capital needs of the
3 institutions under their ~~its~~ governance or supervision for the
4 ensuing fiscal year. The Illinois Community College Board
5 shall submit to the Board by December 15 of each year its
6 budget proposal for the operation and capital needs of the
7 institutions under its governance or supervision for the
8 ensuing fiscal year. Each budget proposal shall conform to the
9 procedures developed by the Board in the design of an
10 information system for State universities and colleges.

11 In order to maintain a cohesive system of higher
12 education, the Board and its staff shall communicate on a
13 regular basis with all public university presidents. They
14 shall meet at least semiannually to achieve economies of scale
15 where possible and provide the most innovative and efficient
16 programs and services.

17 The Board, in the analysis of formulating the annual
18 budget request, shall consider rates of tuition and fees and
19 undergraduate tuition and fee waiver programs at the State
20 universities and colleges. The Board shall also consider the
21 current and projected utilization of the total physical plant
22 of each campus of a university or college in approving the
23 capital budget for any new building or facility.

24 The Board of Higher Education shall submit to the
25 Governor, to the General Assembly, and to the appropriate
26 budget agencies of the Governor and General Assembly its

1 analysis and recommendations on such budget proposals.

2 The Board is directed to form a broad-based group of
3 individuals representing the Office of the Governor, the
4 General Assembly, public institutions of higher education,
5 State agencies, business and industry, statewide organizations
6 representing faculty and staff, and others as the Board shall
7 deem appropriate to devise a system for allocating State
8 resources to public institutions of higher education based
9 upon performance in achieving State goals related to student
10 success and certificate and degree completion.

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

21 (1) The metrics must be developed in consultation with
22 public institutions of higher education, as well as other
23 State educational agencies and other higher education
24 organizations, associations, interests, and stakeholders
25 as deemed appropriate by the Board.

26 (2) The metrics shall include provisions for

1 recognizing the demands on and rewarding the performance
2 of institutions in advancing the success of students who
3 are academically or financially at risk, including
4 first-generation students, low-income students, and
5 students traditionally underrepresented in higher
6 education, as specified in Section 9.16 of this Act.

7 (3) The metrics shall recognize and account for the
8 differentiated missions of institutions and sectors of
9 higher education.

10 (4) The metrics shall focus on the fundamental goal of
11 increasing completion of college courses, certificates,
12 and degrees. Performance metrics shall recognize the
13 unique and broad mission of public community colleges
14 through consideration of additional factors, including,
15 but not limited to, enrollment, progress through key
16 academic milestones, transfer to a baccalaureate
17 institution, and degree completion.

18 (5) The metrics must be designed to maintain the
19 quality of degrees, certificates, courses, and programs.

20 In devising performance metrics, the Board may be guided by
21 the report of the Higher Education Finance Study Commission.

22 ~~Each State university must submit its plan for capital~~
23 ~~improvements of non-instructional facilities to the Board for~~
24 ~~approval before final commitments are made if the total cost~~
25 ~~of the project as approved by the institution's board of~~
26 ~~control is in excess of \$2 million. Non instructional uses~~

1 shall include but not be limited to dormitories, union
2 buildings, field houses, stadium, other recreational
3 facilities and parking lots. The Board shall determine whether
4 or not any project submitted for approval is consistent with
5 the strategic plan for higher education and with instructional
6 buildings that are provided for therein. If the project is
7 found by a majority of the Board not to be consistent, such
8 capital improvement shall not be constructed.

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

11 Section 99. Effective date. This Act takes effect July 1,
12 2025.".