



Rep. Jay Hoffman

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10400HB5501ham001

LRB104 18314 HLH 36005 a

1 AMENDMENT TO HOUSE BILL 5501

2 AMENDMENT NO. _____. Amend House Bill 5501 by replacing
3 everything after the enacting clause with the following:

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) Except as provided in subsection (a-5), for building
9 construction contracts in excess of \$250,000, separate
10 specifications may be prepared for all equipment, labor, and
11 materials in connection with the following 5 subdivisions of
12 the work to be performed:

13 (1) plumbing;

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

1 (3) ventilating and distribution systems for
2 conditioned air, including the testing and balancing of
3 those systems;

4 (4) electric wiring; and

5 (5) general contract work.

6 Except as provided in subsection (a-5), the specifications
7 may be so drawn as to permit separate and independent bidding
8 upon each of the 5 subdivisions of work. All contracts awarded
9 for any part thereof may award the 5 subdivisions of work
10 separately to responsible and reliable persons, firms, or
11 corporations engaged in these classes of work. The contracts,
12 at the discretion of the construction agency, may be assigned
13 to the successful bidder on the general contract work or to the
14 successful bidder on the subdivision of work designated by the
15 construction agency before the bidding as the prime
16 subdivision of work, provided that all payments will be made
17 directly to the contractors for the 5 subdivisions of work
18 upon compliance with the conditions of the contract.

19 For single prime projects: (i) the bid of the successful
20 low bidder shall identify the name of the subcontractor, if
21 any, and the bid proposal costs for each of the 5 subdivisions
22 of work set forth in this Section; (ii) the contract entered
23 into with the successful bidder shall provide that no
24 identified subcontractor may be terminated without the written
25 consent of the Capital Development Board; (iii) the contract
26 shall comply with the disadvantaged business practices of the

1 Business Enterprise for Minorities, Women, and Persons with
2 Disabilities Act and the equal employment practices of Section
3 2-105 of the Illinois Human Rights Act; and (iv) the Capital
4 Development Board shall submit an annual report to the General
5 Assembly and Governor on the bidding, award, and performance
6 of all single prime projects.

7 Until December 31, 2023, for building construction
8 projects with a total construction cost valued at \$5,000,000
9 or less, the Capital Development Board shall not use the
10 single prime procurement delivery method for more than 50% of
11 the total number of projects bid for each fiscal year. Until
12 December 31, 2023, any project with a total construction cost
13 valued greater than \$5,000,000 may be bid using single prime
14 at the discretion of the Executive Director of the Capital
15 Development Board.

16 For contracts entered into on or after January 1, 2024,
17 the Capital Development Board shall determine whether the
18 single prime procurement delivery method is to be pursued.
19 Before electing to use single prime on a project, the Capital
20 Development Board must make a written determination that must
21 include a description as to the particular advantages of the
22 single prime procurement method for that project and an
23 evaluation of the items in paragraphs (1) through (4). The
24 chief procurement officer must review the Capital Development
25 Board's determination and consider the adequacy of information
26 in paragraphs (1) through (4) to determine whether the Capital

1 Development Board may proceed with single prime. Approval by
2 the chief procurement officer shall not be unreasonably
3 withheld. The following factors must be considered by the
4 chief procurement officer in any determination:

5 (1) The benefit that using the single prime
6 procurement method will have on the Capital Development
7 Board's ability to increase participation of
8 minority-owned firms, woman-owned firms, firms owned by
9 persons with a disability, and veteran-owned firms.

10 (2) The likelihood that single prime will be in the
11 best interest of the State by providing a material savings
12 of time or cost over the multiple prime delivery system.
13 The best interest of the State justification must show the
14 specific benefits of using the single prime method,
15 including documentation of the estimates or scheduling
16 impacts of any of the following: project complexity and
17 trade coordination required, length of project,
18 availability of skilled workforce, geographic area,
19 project timelines, project budget, ability to secure
20 minority, women, persons with disabilities and veteran
21 participation, or other information.

22 (3) The type and size of the project and its
23 suitability to the single prime procurement method.

24 (4) Whether the project will comply with the
25 underrepresented business and equal employment practices
26 of the State, as established in the Business Enterprise

1 for Minorities, Women, and Persons with Disabilities Act,
2 Section 45-57 of this Code, and Section 2-105 of the
3 Illinois Human Rights Act.

4 If the chief procurement officer finds that the Capital
5 Development Board's written determination is insufficient, the
6 Capital Development Board shall have the opportunity to cure
7 its determination. Within 15 days of receiving approval from
8 the chief procurement officer, the Capital Development Board
9 shall provide an advisory copy of the written determination to
10 the Procurement Policy Board and the Commission on Equity and
11 Inclusion. The Capital Development Board must maintain the
12 full record of determination for 5 years.

13 (a-5) Beginning on the effective date of this amendatory
14 Act of the 104th General Assembly and through December 31,
15 2032 ~~December 31, 2026~~, for single prime projects in which a
16 public institution of higher education is a construction
17 agency awarding building construction contracts in excess of
18 \$250,000, separate specifications may be prepared for all
19 equipment, labor, and materials in connection with the 5
20 subdivisions of work enumerated in subsection (a). Any public
21 institution of higher education contract awarded for any part
22 thereof may award 2 or more of the 5 subdivisions of work
23 together or separately to responsible and reliable persons,
24 firms, or corporations engaged in these classes of work if:
25 (i) the public institution of higher education has submitted
26 to the Procurement Policy Board and the Commission on Equity

1 and Inclusion a written notice that includes the reasons for
2 using the single prime method and an explanation of why the use
3 of that method is in the best interest of the State and
4 arranges to have the notice posted on the institution's online
5 procurement webpage and its online procurement bulletin at
6 least 3 business days following submission to the Procurement
7 Policy Board and the Commission on Equity and Inclusion; (ii)
8 the successful low bidder has prequalified with the public
9 institution of higher education; (iii) the bid of the
10 successful low bidder identifies the name of the
11 subcontractor, if any, and the bid proposal costs for each of
12 the 5 subdivisions of work set forth in subsection (a); (iv)
13 the contract entered into with the successful bidder provides
14 that no identified subcontractor may be terminated without the
15 written consent of the public institution of higher education;
16 and (v) the successful low bidder has prequalified with the
17 University of Illinois or with the Capital Development Board.

18 For building construction projects with a total
19 construction cost valued at \$20,000,000 or less, public
20 institutions of higher education shall not use the single
21 prime delivery method for more than 50% of the total number of
22 projects bid for each fiscal year. Projects with a total
23 construction cost valued at \$20,000,000 or more may be bid
24 using the single prime delivery method at the discretion of
25 the public institution of higher education. With respect to
26 any construction project described in this subsection (a-5),

1 the public institution of higher education shall: (i) specify
2 in writing as a public record that the project shall comply
3 with the Business Enterprise for Minorities, Women, and
4 Persons with Disabilities Act and the equal employment
5 practices of Section 2-105 of the Illinois Human Rights Act;
6 and (ii) report annually to the Governor, General Assembly,
7 Procurement Policy Board, and Auditor General on the bidding,
8 award, and performance of all single prime projects. On and
9 after the effective date of this amendatory Act of the 102nd
10 General Assembly, the public institution of higher education
11 may award in each fiscal year single prime contracts with an
12 aggregate total value of no more than \$100,000,000. The Board
13 of Trustees of the University of Illinois may award in each
14 fiscal year single prime contracts with an aggregate total
15 value of not more than \$300,000,000.

16 (b) For public institutions of higher education, the
17 provisions of this subsection are operative ~~on and~~ after
18 December 31, 2032 ~~January 1, 2026~~. For building construction
19 contracts in excess of \$250,000, separate specifications shall
20 be prepared for all equipment, labor, and materials in
21 connection with the following 5 subdivisions of the work to be
22 performed:

23 (1) plumbing;

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

1 (3) ventilating and distribution systems for
2 conditioned air, including the testing and balancing of
3 those systems;

4 (4) electric wiring; and

5 (5) general contract work.

6 The specifications must be so drawn as to permit separate
7 and independent bidding upon each of the 5 subdivisions of
8 work. All contracts awarded for any part thereof shall award
9 the 5 subdivisions of work separately to responsible and
10 reliable persons, firms, or corporations engaged in these
11 classes of work. The contracts, at the discretion of the
12 construction agency, may be assigned to the successful bidder
13 on the general contract work or to the successful bidder on the
14 subdivision of work designated by the construction agency
15 before the bidding as the prime subdivision of work, provided
16 that all payments will be made directly to the contractors for
17 the 5 subdivisions of work upon compliance with the conditions
18 of the contract.

19 It is the intent of the General Assembly that the
20 provisions of subsection (a-5), rather than the provisions of
21 this subsection (b), apply continuously from November 21, 2025
22 (the effective date of Public Act 104-434) through December
23 31, 2032. Any actions taken in reliance on the extension of
24 subsection (a-5) in Public Act 104-434 are hereby validated.

25 (Source: P.A. 103-570, eff. 1-1-24; 104-434, eff. 11-21-25.)

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