

SB3803



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3803

Introduced 2/6/2026, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

30 ILCS 537/5
30 ILCS 537/10
30 ILCS 537/90 rep.

Amends the Design-Build Procurement Act. Provides that certain provisions of the Act are inoperative for public institutions of higher education on and after January 1, 2028. Provides that certain provisions of the Act are inoperative for the Department of Central Management Services on and after January 1, 2027. Provides that, on and after January 1, 2028, a public institution on higher education shall not be considered a State construction site under the Act. Removes provisions repealing the Act on January 1, 2027. Effective immediately.

LRB104 19208 HLH 32653 b

A BILL FOR

1 AN ACT concerning finance.

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

4 Section 5. The Design-Build Procurement Act is amended by
5 changing Sections 5 and 10 as follows:

6 (30 ILCS 537/5)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 5. Legislative policy. It is the intent of the
9 General Assembly that the State construction agency be allowed
10 to use the design-build delivery method for public projects if
11 it is shown to be in the State's best interest for that
12 particular project. It shall be the policy of the State
13 construction agency in the procurement of design-build
14 services to publicly announce all requirements for
15 design-build services and to procure these services on the
16 basis of demonstrated competence and qualifications and with
17 due regard for the principles of competitive selection.

18 The State construction agency shall, prior to issuing
19 requests for proposals, promulgate and publish procedures for
20 the solicitation and award of contracts pursuant to this Act.

21 The State construction agency shall, for each public
22 project or projects permitted under this Act, make a written
23 determination, including a description as to the particular

1 advantages of the design-build procurement method, that it is
2 in the best interests of this State to enter into a
3 design-build contract for the project or projects. In making
4 that determination, the following factors shall be considered:

5 (1) The probability that the design-build procurement
6 method will be in the best interests of the State by
7 providing a material savings of time or cost over the
8 design-bid-build or other delivery system.

9 (2) The type and size of the project and its
10 suitability to the design-build procurement method.

11 (3) The ability of the State construction agency to
12 define and provide comprehensive scope and performance
13 criteria for the project.

14 No State construction agency may use a design-build
15 procurement method unless the agency determines in writing
16 that the project will comply with the disadvantaged business
17 and equal employment practices of the State as established in
18 the Business Enterprise for Minorities, Women, and Persons
19 with Disabilities Act and Section 2-105 of the Illinois Human
20 Rights Act.

21 The State construction agency shall within 15 days after
22 the initial determination provide an advisory copy to the
23 Procurement Policy Board and maintain the full record of
24 determination for 5 years.

25 The provisions of this Section are inoperative for public
26 institutions of higher education on and after January 1, 2028.

1 The provisions of this Section are inoperative for the
2 Department of Central Management Services on and after January
3 1, 2027.

4 (Source: P.A. 102-1119, eff. 1-23-23.)

5 (30 ILCS 537/10)

6 (Section scheduled to be repealed on January 1, 2027)

7 Sec. 10. Definitions. As used in this Act:

8 "State construction agency" means the Capital Development
9 Board or, until January 1, 2028, in the case of a design-build
10 procurement for a public institution of higher education, and
11 or, until January 1, 2027 the public institution of higher
12 education, or, in the case of a design-build procurement by
13 the Department of Central Management Services in accordance
14 with Section 405-217 of the Department of Central Management
15 Services Law of the Civil Administrative Code of Illinois, the
16 Department of Central Management Services. On and after
17 January 1, 2028, a public institution of higher education is
18 not considered a State construction agency.

19 "Delivery system" means the design and construction
20 approach used to develop and construct a project.

21 "Design-bid-build" means the traditional delivery system
22 used on public projects in this State that incorporates the
23 Architectural, Engineering, and Land Surveying Qualification
24 Based Selection Act (30 ILCS 535/) and the principles of
25 competitive selection in the Illinois Procurement Code (30

1 ILCS 500/).

2 "Design-build" means a delivery system that provides
3 responsibility within a single contract for the furnishing of
4 architecture, engineering, land surveying and related services
5 as required, and the labor, materials, equipment, and other
6 construction services for the project.

7 "Design-build contract" means a contract for a public
8 project under this Act between the State construction agency
9 and a design-build entity to furnish architecture,
10 engineering, land surveying, and related services as required,
11 and to furnish the labor, materials, equipment, and other
12 construction services for the project. The design-build
13 contract may be conditioned upon subsequent refinements in
14 scope and price and may allow the State construction agency to
15 make modifications in the project scope without invalidating
16 the design-build contract.

17 "Design-build entity" means any individual, sole
18 proprietorship, firm, partnership, joint venture, corporation,
19 professional corporation, or other entity that proposes to
20 design and construct any public project under this Act. A
21 design-build entity and associated design-build professionals
22 shall conduct themselves in accordance with the laws of this
23 State and the related provisions of the Illinois
24 Administrative Code, as referenced by the licensed design
25 professionals Acts of this State.

26 "Design professional" means any individual, sole

1 proprietorship, firm, partnership, joint venture, corporation,
2 professional corporation, or other entity that offers services
3 under the Illinois Architecture Practice Act of 1989 (225 ILCS
4 305/), the Professional Engineering Practice Act of 1989 (225
5 ILCS 325/), the Structural Engineering Licensing Act of 1989
6 (225 ILCS 340/), or the Illinois Professional Land Surveyor
7 Act of 1989 (225 ILCS 330/).

8 "Evaluation criteria" means the requirements for the
9 separate phases of the selection process as defined in this
10 Act and may include the specialized experience, technical
11 qualifications and competence, capacity to perform, past
12 performance, experience with similar projects, assignment of
13 personnel to the project, and other appropriate factors. Price
14 may not be used as a factor in the evaluation of Phase I
15 proposals.

16 "Proposal" means the offer to enter into a design-build
17 contract as submitted by a design-build entity in accordance
18 with this Act.

19 "Public institution of higher education" has the meaning
20 ascribed in subsection (f) of Section 1-13 of the Illinois
21 Procurement Code.

22 "Request for proposal" means the document used by the
23 State construction agency to solicit proposals for a
24 design-build contract.

25 "Scope and performance criteria" means the requirements
26 for the public project, including, but not limited to, the

1 intended usage, capacity, size, scope, quality and performance
2 standards, life-cycle costs, and other programmatic criteria
3 that are expressed in performance-oriented and quantifiable
4 specifications and drawings that can be reasonably inferred
5 and are suited to allow a design-build entity to develop a
6 proposal.

7 (Source: P.A. 104-2, eff. 6-16-25.)

8 (30 ILCS 537/90 rep.)

9 Section 10. The Design-Build Procurement Act is amended by
10 repealing Section 90.

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