**Section 4.3005 Construction and Construction Related Professional Services**

a) General Procedures

1) *Each contract for the construction, reconstruction, alteration, repair, improvement or maintenance of public works made by a public* university *shall contain a provision that steel products used or supplied in the performance of the contract or any subcontract thereto shall be manufactured or produced in the United States* in accordance with the Steel Products Procurement Act [30 ILCS 565]. For example, a finished supply item that contains a steel component, such as an HVAC system, is not considered a steel product and would not be subject to the Act, but a steel I-beam would be subject to the Act.  *This Section does not apply:*

A) *When the contract involves an expenditure of less than $500.*

B) *When the* university president *certifies in writing that*:

i) *the specified products are not manufactured or produced in the United States in sufficient quantities to meet the* university's *requirements;*

ii) *cannot be manufactured or produced in the United States within the necessary time in sufficient quantities to meet the* university's *requirements; or*

iii) *obtaining the specified products manufactured or produced in the United States would increase the cost of the contract by more than 10%.*

C) *When its application is not in the public interest.* [30 ILCS 565/4]

2) In the case of contracts for construction of buildings or for other construction work in or about buildings or grounds where the entire estimated cost of the work exceeds the amount stipulated by Section 20-20 of the Code, prospective contractors, as well as architects and engineers employed in connection with those projects may be prequalified to determine their responsibility (for architects, engineers and land surveyors, see the Architectural, Engineering and Land Surveying Qualifications Based Selection Act [30 ILCS 535]).

3) Estimated Cost of Work

A) If the total estimated cost of the work exceeds the amount stipulated by Section 30-30 of the Code, separate specifications shall be prepared for all equipment, labor and materials in connection with, at a minimum, the following five subdivisions of work:

i) Plumbing.

ii) Heating, piping, refrigeration and automatic temperature control systems, including the testing and balancing of those systems.

iii) Ventilating and distribution systems for conditioned air, including the testing and balancing of those systems.

iv) Electrical wiring.

v) General contract work.

B) However, if the estimated value of the construction work exceeds $250,000 and the estimate for an individual division is less than the current small purchase limit for construction, that division's work may be combined with another division, or procured separately under the Small Purchase procedure of Section 4.2020.

4) The specifications shall be drawn so as to permit separate and independent competitive bidding upon each of the above five subdivisions of work. All contracts awarded for any part of the work shall award the five subdivisions separately to responsible and reliable contractors engaged in these classes of work. The contracts, at the discretion of the university, may be assigned to the successful bidder on the general contract work or to the successful bidder on the subdivision of work designated by the university prior to bidding as the prime subdivision of work, with the provision that all payments will be made directly to the contractors for the five subdivisions upon compliance with the conditions of the contract. Any contract may be awarded for one or more buildings in any project to the same contractor. Specifications shall require, however, that, unless the buildings are identical, a separate price shall be submitted for each building. The contract may be awarded to the lowest responsible bidder for all of the buildings included in the specifications.

b) Request for Payment Form Specified by the University

To bill the university for construction work done, the vendor must submit a payment request in the form specified by the university.

c) Periodic Payments

When provided in the contract, periodic payments can be made during the course of the work, provided a licensed architect or engineer issues a certificate indicating the proportionate amount of the total work has been completed satisfactorily.

d) Retained Percentage

When periodic payments are made and if specified in the contract, the university shall retain a fixed percentage of the contract price to insure faithful completion of the contract.

e) Additional Work

1) No amount of funds, in addition to those provided for in a construction contract, may be obligated or expended unless the additional work to be performed or materials to be furnished are germane to the original contract.

2) Even if germane to the original contract, no additional expenditures or obligations may, in their total combined amount, be in excess of the percentage of the original contract amount as provided in Section 30-35(b) of the Code unless they have received the prior written approval of the university construction agency.

3) In the event that the total of the combined additional expenditures or obligations exceeds the percentages of the original contract amount set forth in Section 30-35(b) of the Code, the university construction agency shall investigate all the additional expenditures or obligations in excess of the original contract amount and shall in writing approve or disapprove subsequent expenditures or obligations and state in detail the reasons for the approval or disapproval.

4) Change orders that increase or decrease the cost of a contract by a total of $10,000 or more or the time for completion by a total of 30 days or more shall be in writing and contain the appropriate authorization from the university and SPO. Vendors shall not perform any changed work prior to authorization from the university.

5) Notices of additional expenditures or obligations in excess of the small purchase limit of Section 20-20 of the Code shall be published in the Bulletin.

f) Improvements to Leased Real Estate

The procedures set forth in this Part shall apply, as appropriate, to contracts for improvements to real estate leased to the university.

g) Construction Manager Services

1) Procurement of Construction Manager Services, under the jurisdiction of the Capital Development Board, will be performed by the Capital Development Board (CDB) or through delegation from CDB.

2) Construction Manager Services for projects not under the jurisdiction of CDB shall be procured by the university in accordance with Article 33 of the Code or applicable law.

h) Architect, Engineer and Land Surveying Contracts. Solicitations for the procurement of architecture, engineering and land surveying service professionals shall be in accordance with the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 500/535], the Illinois Procurement Code and this Part.

(Source: Amended at 43 Ill. Reg. 1781, effective February 15, 2019)