

1 AN ACT concerning government.

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

4 Section 5. The Metropolitan Transit Authority Act is
5 amended by changing Section 32 as follows:

6 (70 ILCS 3605/32) (from Ch. 111 2/3, par. 332)

7 Sec. 32. The Board shall adopt regulations to insure that
8 the construction or acquisition by the Authority of services or
9 public transportation facilities (other than real estate)
10 involving a cost of more than the small purchase threshold set
11 by the Federal Transit Administration ~~\$40,000~~ and the
12 disposition of all property of the Authority shall be after
13 public notice and with public bidding. The regulations may
14 provide for exceptions to the requirements for the issuance and
15 sale of bonds or notes of the Authority, to the acquisition of
16 professional or utility services and to other matters for which
17 public bidding is disadvantageous. The regulations may also
18 provide for the use of competitive negotiations or the
19 prequalification of responsible bidders consistent with
20 applicable federal regulations. The requirements set forth
21 therein shall not apply to purchase of service agreements or
22 other contracts, purchases or sales entered into by the
23 Authority with any transportation agency or unit of local

1 government.

2 (Source: P.A. 98-1156, eff. 1-9-15.)

3 Section 10. The Local Mass Transit District Act is amended
4 by changing Section 5.5 as follows:

5 (70 ILCS 3610/5.5)

6 Sec. 5.5. Public bidding. The Board shall adopt regulations
7 to ensure that the construction or acquisition by the District
8 of services or public transportation facilities (other than
9 real estate) involving a cost of more than the small purchase
10 threshold set by the Federal Transit Administration ~~\$40,000~~ and
11 the disposition of all property of the District shall be after
12 public notice and with public bidding. The regulations may
13 provide for exceptions to the requirements for the issuance and
14 sale of bonds or notes of the District, to the acquisition of
15 professional or utility services and to other matters for which
16 public bidding is disadvantageous. The regulations may also
17 provide for the use of competitive negotiations or the
18 prequalification of responsible bidders consistent with
19 applicable federal regulations. The requirements set forth
20 therein shall not apply to purchase of service agreements or
21 other contracts, purchases or sales entered into by the
22 District with any transportation agency or unit of local
23 government.

24 (Source: P.A. 98-1156, eff. 1-9-15.)

1 Section 15. The Regional Transportation Authority Act is
2 amended by changing Section 4.06 as follows:

3 (70 ILCS 3615/4.06) (from Ch. 111 2/3, par. 704.06)

4 Sec. 4.06. Public bidding.

5 (a) The Board shall adopt regulations to ensure that the
6 construction or acquisition by the Authority or a Service Board
7 other than the Chicago Transit Authority of services or public
8 transportation facilities (other than real estate) involving a
9 cost of more than the small purchase threshold set by the
10 Federal Transit Administration ~~\$40,000~~ and the disposition of
11 all property of the Authority or a Service Board other than the
12 Chicago Transit Authority shall be after public notice and with
13 public bidding. Such regulations may provide for exceptions to
14 such requirements for acquisition of repair parts,
15 accessories, equipment or services previously furnished or
16 contracted for; for the immediate delivery of supplies,
17 material or equipment or performance of service when it is
18 determined by the concurrence of two-thirds of the then
19 Directors that an emergency requires immediate delivery or
20 supply thereof; for goods or services that are economically
21 procurable from only one source; for contracts for the
22 maintenance or servicing of equipment which are made with the
23 manufacturers or authorized service agent of that equipment
24 where the maintenance or servicing can best be performed by the

1 manufacturer or authorized service agent or such a contract
2 would be otherwise advantageous to the Authority or a Service
3 Board, other than the Chicago Transit Authority, except that
4 the exceptions in this clause shall not apply to contracts for
5 plumbing, heating, piping, refrigeration and automatic
6 temperature control systems, ventilating and distribution
7 systems for conditioned air, and electrical wiring; for goods
8 or services procured from another governmental agency; for
9 purchases and contracts for the use or purchase of data
10 processing equipment and data processing systems software; for
11 the acquisition of professional or utility services; and for
12 the acquisition of public transportation equipment including,
13 but not limited to, rolling stock, locomotives and buses,
14 provided that: (i) it is determined by a vote of 2/3 of the
15 then Directors of the Service Board making the acquisition that
16 a negotiated acquisition offers opportunities with respect to
17 the cost or financing of the equipment, its delivery, or the
18 performance of a portion of the work within the State or the
19 use of goods produced or services provided within the State;
20 (ii) a notice of intention to negotiate for the acquisition of
21 such public transportation equipment is published in a
22 newspaper of general circulation within the City of Chicago
23 inviting proposals from qualified vendors; and (iii) any
24 contract with respect to such acquisition is authorized by a
25 vote of 2/3 of the then Directors of the Service Board making
26 the acquisition. The requirements set forth in this Section

1 shall not apply to purchase of service agreements or other
2 contracts, purchases or sales entered into by the Authority
3 with any transportation agency or unit of local government.

4 (b) (1) In connection with two-phase design/build
5 selection procedures authorized in this Section, a Service
6 Board may authorize, by the affirmative vote of two-thirds of
7 the then members of the Service Board, the use of competitive
8 selection and the prequalification of responsible bidders
9 consistent with applicable federal regulations and this
10 subsection (b).

11 (2) Two-phase design/build selection procedures shall
12 consist of the following:

13 (i) A Service Board shall develop, through
14 licensed architects or licensed engineers, a scope of
15 work statement for inclusion in the solicitation for
16 phase-one proposals that defines the project and
17 provides prospective offerors with sufficient
18 information regarding the Service Board's
19 requirements. The statement shall include criteria and
20 preliminary design, and general budget parameters and
21 general schedule or delivery requirements to enable
22 the offerors to submit proposals which meet the Service
23 Board's needs. When the two-phase design/build
24 selection procedure is used and the Service Board
25 contracts for development of the scope of work
26 statement, the Service Board shall contract for

1 architectural or engineering services as defined by
2 and in accordance with the Architectural, Engineering,
3 and Land Surveying Qualifications Based Selection Act
4 and all applicable licensing statutes.

5 (ii) The evaluation factors to be used in
6 evaluating phase-one proposals must be stated in the
7 solicitation and must include specialized experience
8 and technical competence, capability to perform, past
9 performance of the offeror's team (including the
10 architect-engineer and construction members of the
11 team) and other appropriate technical and
12 qualifications factors. Each solicitation must
13 establish the relative importance assigned to the
14 evaluation factors and the subfactors that must be
15 considered in the evaluation of phase-one proposals on
16 the basis of the evaluation factors set forth in the
17 solicitation. Each design/build team must include a
18 licensed design professional independent from the
19 Service Board's licensed architect or engineer and a
20 licensed design professional must be named in the
21 phase-one proposals submitted to the Service Board.

22 (iii) On the basis of the phase-one proposal the
23 Service Board shall select as the most highly qualified
24 the number of offerors specified in the solicitation
25 and request the selected offerors to submit phase-two
26 competitive proposals and cost or price information.

1 Each solicitation must establish the relative
2 importance assigned to the evaluation factors and the
3 subfactors that must be considered in the evaluation of
4 phase-two proposals on the basis of the evaluation
5 factors set forth in the solicitation. A Service Board
6 may negotiate with the selected design/build team
7 after award but prior to contract execution for the
8 purpose of securing better terms than originally
9 proposed, provided the salient features of the
10 design/build solicitation are not diminished. Each
11 phase-two solicitation evaluates separately (A) the
12 technical submission for the proposal, including
13 design concepts or proposed solutions to requirements
14 addressed within the scope of work, and (B) the
15 evaluation factors and subfactors, including cost or
16 price, that must be considered in the evaluations of
17 proposals.

18 (iv) A design/build solicitation issued under the
19 procedures in this subsection (b) shall state the
20 maximum number of offerors that are to be selected to
21 submit competitive phase-two proposals. The maximum
22 number specified in the solicitation shall not exceed 5
23 unless the Service Board with respect to an individual
24 solicitation determines that a specified number
25 greater than 5 is in the best interest of the Service
26 Board and is consistent with the purposes and

1 objectives of the two-phase design/build selection
2 process.

3 (v) All designs submitted as part of the two-phase
4 selection process and not selected shall be
5 proprietary to the preparers.

6 (Source: P.A. 98-1156, eff. 1-9-15.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.