



Sen. Martin A. Sandoval

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10000HB2953sam001

LRB100 10637 MJP 27347 a

1 AMENDMENT TO HOUSE BILL 2953

2 AMENDMENT NO. _____. Amend House Bill 2953 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Local Mass Transit District Act is amended
5 by changing Section 5.5 as follows:

6 (70 ILCS 3610/5.5)

7 Sec. 5.5. Public bidding. The Board shall adopt regulations
8 to ensure that the ~~construction or~~ acquisition by the District
9 of services or public transportation facilities (other than
10 real estate) involving a cost of more than the small purchase
11 threshold set by the Federal Transit Administration \$40,000 and
12 the disposition of all property of the District shall be after
13 public notice and with public bidding. The Board shall adopt
14 regulations to ensure that the construction, demolition,
15 rehabilitation, renovation, and building maintenance projects
16 by the District for services or public transportation

1 facilities involving a cost of more than \$40,000 shall be after
2 public notice and with public bidding. The regulations may
3 provide for exceptions to the requirements for the issuance and
4 sale of bonds or notes of the District, to the acquisition of
5 professional or utility services and to other matters for which
6 public bidding is disadvantageous. The regulations may also
7 provide for the use of competitive negotiations or the
8 prequalification of responsible bidders consistent with
9 applicable federal regulations. The requirements set forth
10 therein shall not apply to purchase of service agreements or
11 other contracts, purchases or sales entered into by the
12 District with any transportation agency or unit of local
13 government.

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

15 Section 10. The Regional Transportation Authority Act is
16 amended by changing Section 4.06 as follows:

17 (70 ILCS 3615/4.06) (from Ch. 111 2/3, par. 704.06)

18 Sec. 4.06. Public bidding.

19 (a) The Board shall adopt regulations to ensure that the
20 ~~construction or~~ acquisition by the Authority or a Service Board
21 other than the Chicago Transit Authority of services or public
22 transportation facilities (other than real estate) involving a
23 cost of more than the small purchase threshold set by the
24 Federal Transit Administration ~~\$40,000~~ and the disposition of

1 all property of the Authority or a Service Board other than the
2 Chicago Transit Authority shall be after public notice and with
3 public bidding. The Board shall adopt regulations to ensure
4 that the construction, demolition, rehabilitation, renovation,
5 and building maintenance projects by the Authority or a Service
6 Board other than the Chicago Transit Authority for services or
7 public transportation facilities involving a cost of more than
8 \$40,000 shall be after public notice and with public bidding.

9 Such regulations may provide for exceptions to such
10 requirements for acquisition of repair parts, accessories,
11 equipment or services previously furnished or contracted for;
12 for the immediate delivery of supplies, material or equipment
13 or performance of service when it is determined by the
14 concurrence of two-thirds of the then Directors that an
15 emergency requires immediate delivery or supply thereof; for
16 goods or services that are economically procurable from only
17 one source; for contracts for the maintenance or servicing of
18 equipment which are made with the manufacturers or authorized
19 service agent of that equipment where the maintenance or
20 servicing can best be performed by the manufacturer or
21 authorized service agent or such a contract would be otherwise
22 advantageous to the Authority or a Service Board, other than
23 the Chicago Transit Authority, except that the exceptions in
24 this clause shall not apply to contracts for plumbing, heating,
25 piping, refrigeration and automatic temperature control
26 systems, ventilating and distribution systems for conditioned

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

24 (b) (1) In connection with two-phase design/build
25 selection procedures authorized in this Section, a Service
26 Board may authorize, by the affirmative vote of two-thirds of

1 the then members of the Service Board, the use of competitive
2 selection and the prequalification of responsible bidders
3 consistent with applicable federal regulations and this
4 subsection (b).

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

7 (i) A Service Board shall develop, through
8 licensed architects or licensed engineers, a scope of
9 work statement for inclusion in the solicitation for
10 phase-one proposals that defines the project and
11 provides prospective offerors with sufficient
12 information regarding the Service Board's
13 requirements. The statement shall include criteria and
14 preliminary design, and general budget parameters and
15 general schedule or delivery requirements to enable
16 the offerors to submit proposals which meet the Service
17 Board's needs. When the two-phase design/build
18 selection procedure is used and the Service Board
19 contracts for development of the scope of work
20 statement, the Service Board shall contract for
21 architectural or engineering services as defined by
22 and in accordance with the Architectural, Engineering,
23 and Land Surveying Qualifications Based Selection Act
24 and all applicable licensing statutes.

25 (ii) The evaluation factors to be used in
26 evaluating phase-one proposals must be stated in the

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

16 (iii) On the basis of the phase-one proposal the
17 Service Board shall select as the most highly qualified
18 the number of offerors specified in the solicitation
19 and request the selected offerors to submit phase-two
20 competitive proposals and cost or price information.
21 Each solicitation must establish the relative
22 importance assigned to the evaluation factors and the
23 subfactors that must be considered in the evaluation of
24 phase-two proposals on the basis of the evaluation
25 factors set forth in the solicitation. A Service Board
26 may negotiate with the selected design/build team

1 after award but prior to contract execution for the
2 purpose of securing better terms than originally
3 proposed, provided the salient features of the
4 design/build solicitation are not diminished. Each
5 phase-two solicitation evaluates separately (A) the
6 technical submission for the proposal, including
7 design concepts or proposed solutions to requirements
8 addressed within the scope of work, and (B) the
9 evaluation factors and subfactors, including cost or
10 price, that must be considered in the evaluations of
11 proposals.

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

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

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

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