



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5014

by Rep. Barbara Flynn Currie

#### SYNOPSIS AS INTRODUCED:

50 ILCS 20/2.5	
50 ILCS 20/3	from Ch. 85, par. 1033
50 ILCS 20/20	from Ch. 85, par. 1050
50 ILCS 20/20.3	
50 ILCS 20/20.4	
50 ILCS 20/20.5	
50 ILCS 20/20.10	
50 ILCS 20/20.15	
50 ILCS 20/20.20	
50 ILCS 20/20.25	
50 ILCS 20/23.5	

Amends the Public Building Commission Act. Removes various repeal dates of June 1, 2018 in provisions concerning allowing public building commissions to use the design-build delivery method for public projects. Makes conforming changes.

LRB100 17983 AWJ 33168 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Public Building Commission Act is amended by  
5 changing Sections 2.5, 3, 20, 20.3, 20.4, 20.5, 20.10, 20.15,  
6 20.20, 20.25, and 23.5 as follows:

7 (50 ILCS 20/2.5)

8 (Section scheduled to be repealed on June 1, 2018)

9 Sec. 2.5. Legislative policy; conditions for use of  
10 design-build. It is the intent of the General Assembly that a  
11 commission be allowed to use the design-build delivery method  
12 for public projects if it is shown to be in the commission's  
13 best interest for that particular project.

14 It shall be the policy of the commission in the procurement  
15 of design-build services to publicly announce all requirements  
16 for design-build services and to procure these services on the  
17 basis of demonstrated competence and qualifications and with  
18 due regard for the principles of competitive selection.

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

22 The commission shall, for each public project or projects  
23 permitted under this Act, make a written determination,

1 including a description as to the particular advantages of the  
2 design-build procurement method, that it is in the best  
3 interests of the commission to enter into a design-build  
4 contract for the project or projects.

5 In making that determination, the following factors shall  
6 be considered:

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

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

13 (3) The ability of the design-build entity to define  
14 and provide comprehensive scope and performance criteria  
15 for the project.

16 The commission shall require the design-build entity to  
17 comply with the utilization goals established by the corporate  
18 authorities of the commission for minority and women business  
19 enterprises and to comply with Section 2-105 of the Illinois  
20 Human Rights Act.

21 ~~This Section is repealed on June 1, 2018; provided that any~~  
22 ~~design-build contracts entered into before such date or any~~  
23 ~~procurement of a project under this Act commenced before such~~  
24 ~~date, and the contracts resulting from those procurements,~~  
25 ~~shall remain effective.~~

26 (Source: P.A. 98-299, eff. 8-9-13; reenacted by P.A. 98-619,

1 eff. 1-7-14.)

2 (50 ILCS 20/3) (from Ch. 85, par. 1033)

3 Sec. 3. The following terms, wherever used, or referred to  
4 in this Act, mean unless the context clearly requires a  
5 different meaning:

6 (a) "Commission" means a Public Building Commission  
7 created pursuant to this Act.

8 (b) "Commissioner" or "Commissioners" means a  
9 Commissioner or Commissioners of a Public Building  
10 Commission.

11 (c) "County seat" means a city, village or town which  
12 is the county seat of a county.

13 (d) "Municipality" means any city, village or  
14 incorporated town of the State of Illinois.

15 (e) "Municipal corporation" includes a county, city,  
16 village, town, (including a county seat), park district,  
17 school district in a county of 3,000,000 or more  
18 population, board of education of a school district in a  
19 county of 3,000,000 or more population, sanitary district,  
20 airport authority contiguous with the County Seat as of  
21 July 1, 1969 and any other municipal body or governmental  
22 agency of the State, and until July 1, 2011, a school  
23 district that (i) was organized prior to 1860, (ii) is  
24 located in part in a city originally incorporated prior to  
25 1840, and (iii) entered into a lease with a Commission

1 prior to 1993, and its board of education, but does not  
2 include a school district in a county of less than  
3 3,000,000 population, a board of education of a school  
4 district in a county of less than 3,000,000 population, or  
5 a community college district in a county of less than  
6 3,000,000 population, except that until July 1, 2011, a  
7 school district that (i) was organized prior to 1860, (ii)  
8 is located in part in a city originally incorporated prior  
9 to 1840, and (iii) entered into a lease with a Commission  
10 prior to 1993, and its board of education, are included.

11 (f) "Governing body" includes a city council, county  
12 board, or any other body or board, by whatever name it may  
13 be known, charged with the governing of a municipal  
14 corporation.

15 (g) "Presiding officer" includes the mayor or  
16 president of a city, village or town, the presiding officer  
17 of a county board, or the presiding officer of any other  
18 board or commission, as the case may be.

19 (h) "Oath" means oath or affirmation.

20 (i) "Building" means an improvement to real estate to  
21 be made available for use by a municipal corporation for  
22 the furnishing of governmental services to its citizens,  
23 together with any land or interest in land necessary or  
24 useful in connection with the improvement.

25 (j) "Delivery system" means the design and  
26 construction approach used to develop and construct a

1 project.

2 (k) "Design-bid-build" means the traditional delivery  
3 system used on public projects that incorporates the Local  
4 Government Professional Services Selection Act (50 ILCS  
5 510/) and the principles of competitive selection.

6 (l) "Design-build" means a delivery system that  
7 provides responsibility within a single contract for the  
8 furnishing of architecture, engineering, land surveying  
9 and related services as required, and the labor, materials,  
10 equipment, and other construction services for the  
11 project.

12 (m) "Design-build contract" means a contract for a  
13 public project under this Act between the Commission and a  
14 design-build entity to furnish architecture, engineering,  
15 land surveying, and related services as required, and to  
16 furnish the labor, materials, equipment, and other  
17 construction services for the project. The design-build  
18 contract may be conditioned upon subsequent refinements in  
19 scope and price and may allow the Commission to make  
20 modifications in the project scope without invalidating  
21 the design-build contract.

22 (n) "Design-build entity" means any individual, sole  
23 proprietorship, firm, partnership, joint venture,  
24 corporation, professional corporation, or other entity  
25 that proposes to design and construct any public project  
26 under this Act. A design-build entity and associated

1 design-build professionals shall conduct themselves in  
2 accordance with the laws of this State and the related  
3 provisions of the Illinois Administrative Code, as  
4 referenced by the licensed design professionals Acts of  
5 this State.

6 (o) "Design professional" means any individual, sole  
7 proprietorship, firm, partnership, joint venture,  
8 corporation, professional corporation, or other entity  
9 that offers services under the Illinois Architecture  
10 Practice Act of 1989 (225 ILCS 305/), the Professional  
11 Engineering Practice Act of 1989 (225 ILCS 325/), the  
12 Structural Engineering Licensing Act of 1989 (225 ILCS  
13 340/), or the Illinois Professional Land Surveyor Act of  
14 1989 (225 ILCS 330/).

15 (p) "Evaluation criteria" means the requirements for  
16 the separate phases of the selection process for  
17 design-build proposals as defined in this Act and may  
18 include the specialized experience, technical  
19 qualifications and competence, capacity to perform, past  
20 performance, experience with similar projects, assignment  
21 of personnel to the project, and other appropriate factors.  
22 Price may not be used as a factor in the evaluation of  
23 Phase I proposals.

24 (q) "Proposal" means the offer to enter into a  
25 design-build contract as submitted by a design-build  
26 entity in accordance with this Act.

1 (r) "Request for proposal" means the document used by  
2 the Commission to solicit proposals for a design-build  
3 contract.

4 (s) "Scope and performance criteria" means the  
5 requirements for the public project, including but not  
6 limited to, the intended usage, capacity, size, scope,  
7 quality and performance standards, life-cycle costs, and  
8 other programmatic criteria that are expressed in  
9 performance-oriented and quantifiable specifications and  
10 drawings that can be reasonably inferred and are suited to  
11 allow a design-build entity to develop a proposal.

12 (t) "Guaranteed maximum price" means a form of contract  
13 in which compensation may vary according to the scope of  
14 work involved but in any case may not exceed an agreed  
15 total amount.

16 ~~Definitions in this Section with respect to design build~~  
17 ~~shall have no effect beginning on June 1, 2018; provided that~~  
18 ~~any design build contracts entered into before such date or any~~  
19 ~~procurement of a project under this Act commenced before such~~  
20 ~~date, and the contracts resulting from those procurements,~~  
21 ~~shall remain effective.~~ The actions of any person or entity  
22 taken on or after June 1, 2013 and before the effective date of  
23 this amendatory Act of the 98th General Assembly in reliance on  
24 the provisions of this Section with respect to design-build  
25 continuing to be effective are hereby validated.

26 (Source: P.A. 98-299, eff. 8-9-13; 98-619, eff. 1-7-14.)



1 (50 ILCS 20/20) (from Ch. 85, par. 1050)

2 Sec. 20. Contracts let to lowest responsible bidder;  
3 competitive bidding; advertisement for bids; design-build  
4 contracts.

5 (a) All contracts to be let for the construction,  
6 alteration, improvement, repair, enlargement, demolition or  
7 removal of any buildings or other facilities, or for materials  
8 or supplies to be furnished, where the amount thereof is in  
9 excess of \$20,000, shall be awarded as a design-build contract  
10 in accordance with Sections 20.3 through 20.20 or shall be let  
11 to the lowest responsible bidder, or bidders, on open  
12 competitive bidding.

13 (b) A contract awarded on the basis of competitive bidding  
14 shall be awarded after public advertisement published at least  
15 once in each week for three consecutive weeks prior to the  
16 opening of bids, in a daily newspaper of general circulation in  
17 the county where the commission is located, except in the case  
18 of an emergency situation, as determined by the chief executive  
19 officer. If a contract is awarded in an emergency situation,  
20 (i) the contract accepted must be based on the lowest  
21 responsible proposal after the commission has made a diligent  
22 effort to solicit multiple proposals by telephone, facsimile,  
23 or other efficient means and (ii) the chief executive officer  
24 must submit a report at the next regular meeting of the Board,  
25 to be ratified by the Board and entered into the official

1 record, that states the chief executive officer's reason for  
2 declaring an emergency situation, the names of all parties  
3 solicited for proposals, and their proposals and that includes  
4 a copy of the contract awarded. Nothing contained in this  
5 Section shall be construed to prohibit the Board of  
6 Commissioners from placing additional advertisements in  
7 recognized trade journals. Advertisements for bids shall  
8 describe the character of the proposed contract in sufficient  
9 detail to enable the bidders thereon to know what their  
10 obligation will be, either in the advertisement itself, or by  
11 reference to detailed plans and specifications on file in the  
12 office of the Public Building Commission at the time of the  
13 publication of the first announcement. Such advertisement  
14 shall also state the date, time, and place assigned for the  
15 opening of bids. No bids shall be received at any time  
16 subsequent to the time indicated in said advertisement.

17 (c) In addition to the requirements of Section 20.3, the  
18 Commission shall advertise a design-build solicitation at  
19 least once in a daily newspaper of general circulation in the  
20 county where the Commission is located. The date that Phase I  
21 submissions by design-build entities are due must be at least  
22 14 calendar days after the date the newspaper advertisement for  
23 design-build proposals is first published. The advertisement  
24 shall identify the design-build project, the due date, the  
25 place and time for Phase I submissions, and the place where  
26 proposers can obtain a complete copy of the request for

1 design-build proposals, including the criteria for evaluation  
2 and the scope and performance criteria. The Commission is not  
3 precluded from using other media or from placing advertisements  
4 in addition to the one required under this subsection.

5 (d) The Board of Commissioners may reject any and all bids  
6 and proposals received and may readvertise for bids or issue a  
7 new request for design-build proposals.

8 (e) All bids shall be open to public inspection in the  
9 office of the Public Building Commission after an award or  
10 final selection has been made. The successful bidder for such  
11 work shall enter into contracts furnished and prescribed by the  
12 Board of Commissioners and in addition to any other bonds  
13 required under this Act the successful bidder shall execute and  
14 give bond, payable to and to be approved by the Commission,  
15 with a corporate surety authorized to do business under the  
16 laws of the State of Illinois, in an amount to be determined by  
17 the Board of Commissioners, conditioned upon the payment of all  
18 labor furnished and materials supplied in the prosecution of  
19 the contracted work. If the bidder whose bid has been accepted  
20 shall neglect or refuse to accept the contract within five (5)  
21 days after written notice that the same has been awarded to  
22 him, or if he accepts but does not execute the contract and  
23 give the proper security, the Commission may accept the next  
24 lowest bidder, or readvertise and relet in manner above  
25 provided.

26 (f) In case any work shall be abandoned by any contractor

1 or design-build entity, the Commission may, if the best  
2 interests of the Commission be thereby served, adopt on behalf  
3 of the Commission all subcontracts made by such contractor or  
4 design-build entity for such work and all such sub-contractors  
5 shall be bound by such adoption if made; and the Commission  
6 shall, in the manner provided in this Act, readvertise and  
7 relet, or request proposals and award design-build contracts  
8 for, the work specified in the original contract exclusive of  
9 so much thereof as shall be accepted. Every contract when made  
10 and entered into, as provided in this Section or Section 20.20,  
11 shall be executed, held by the Commission, and filed in its  
12 records, and one copy of which shall be given to the contractor  
13 or design-build entity.

14 (g) ~~The provisions of this Section with respect to~~  
15 ~~design-build shall have no effect beginning on June 1, 2018;~~  
16 ~~provided that any design build contracts entered into before~~  
17 ~~such date or any procurement of a project under this Act~~  
18 ~~commenced before such date, and the contracts resulting from~~  
19 ~~those procurements, shall remain effective.~~ The actions of any  
20 person or entity taken on or after June 1, 2013 and before the  
21 effective date of this amendatory Act of the 98th General  
22 Assembly in reliance on the provisions of this Section with  
23 respect to design-build continuing to be effective are hereby  
24 validated.

25 (Source: P.A. 98-299, eff. 8-9-13; 98-619, eff. 1-7-14.)

1 (50 ILCS 20/20.3)

2 (Section scheduled to be repealed on June 1, 2018)

3 Sec. 20.3. Solicitation of design-build proposals.

4 (a) When the Commission elects to use the design-build  
5 delivery method, it must issue a notice of intent to receive  
6 proposals for the project at least 14 days before issuing the  
7 request for the proposal. The Commission must publish the  
8 advance notice in a daily newspaper of general circulation in  
9 the county where the Commission is located. The Commission is  
10 encouraged to use publication of the notice in related  
11 construction industry service publications. A brief  
12 description of the proposed procurement must be included in the  
13 notice. The Commission must provide a copy of the request for  
14 proposal to any party requesting a copy.

15 (b) The request for proposal shall be prepared for each  
16 project and must contain, without limitation, the following  
17 information:

18 (1) The name of the Commission.

19 (2) A preliminary schedule for the completion of the  
20 contract.

21 (3) The proposed budget for the project, the source of  
22 funds, and the currently available funds at the time the  
23 request for proposal is submitted.

24 (4) Prequalification criteria for design-build  
25 entities wishing to submit proposals. The Commission shall  
26 include, at a minimum, its normal prequalification,

1       licensing, registration, and other requirements, but  
2       nothing contained herein precludes the use of additional  
3       prequalification criteria by the Commission.

4           (5) Material requirements of the contract, including  
5       but not limited to, the proposed terms and conditions,  
6       required performance and payment bonds, insurance, and the  
7       entity's plan to comply with the utilization goals  
8       established by the corporate authorities of the Commission  
9       for minority and women business enterprises and to comply  
10      with Section 2-105 of the Illinois Human Rights Act.

11          (6) The performance criteria.

12          (7) The evaluation criteria for each phase of the  
13      solicitation.

14          (8) The number of entities that will be considered for  
15      the technical and cost evaluation phase.

16      (c) The Commission may include any other relevant  
17      information that it chooses to supply. The design-build entity  
18      shall be entitled to rely upon the accuracy of this  
19      documentation in the development of its proposal.

20      (d) The date that proposals are due must be at least 21  
21      calendar days after the date of the issuance of the request for  
22      proposal. In the event the cost of the project is estimated to  
23      exceed \$12,000,000, then the proposal due date must be at least  
24      28 calendar days after the date of the issuance of the request  
25      for proposal. The Commission shall include in the request for  
26      proposal a minimum of 30 days to develop the Phase II

1 submissions after the selection of entities from the Phase I  
2 evaluation is completed.

3 (e) (Blank). ~~This Section is repealed on June 1, 2018;~~  
4 ~~provided that any design-build contracts entered into before~~  
5 ~~such date or any procurement of a project under this Act~~  
6 ~~commenced before such date, and the contracts resulting from~~  
7 ~~those procurements, shall remain effective.~~

8 (Source: P.A. 98-299, eff. 8-9-13; reenacted by P.A. 98-619,  
9 eff. 1-7-14.)

10 (50 ILCS 20/20.4)

11 (Section scheduled to be repealed on June 1, 2018)

12 Sec. 20.4. Development of design-build scope and  
13 performance criteria.

14 (a) The Commission shall develop, with the assistance of a  
15 licensed design professional, a request for proposal, which  
16 shall include scope and performance criteria. The scope and  
17 performance criteria must be in sufficient detail and contain  
18 adequate information to reasonably apprise the qualified  
19 design-build entities of the Commission's overall programmatic  
20 needs and goals, including criteria and preliminary design  
21 plans, general budget parameters, schedule, and delivery  
22 requirements.

23 (b) Each request for proposal shall also include a  
24 description of the level of design to be provided in the  
25 proposals. This description must include the scope and type of

1 renderings, drawings, and specifications that, at a minimum,  
2 will be required by the Commission to be produced by the  
3 design-build entities.

4 (c) The scope and performance criteria shall be prepared by  
5 a design professional who is an employee of the Commission, or  
6 the Commission may contract with an independent design  
7 professional selected under the Local Government Professional  
8 Services Selection Act (50 ILCS 510/) to provide these  
9 services.

10 (d) The design professional that prepares the scope and  
11 performance criteria is prohibited from participating in any  
12 design-build entity proposal for the project.

13 (e) (Blank). ~~This Section is repealed on June 1, 2018,~~  
14 ~~provided that any design-build contracts entered into before~~  
15 ~~such date or any procurement of a project under this Act~~  
16 ~~commenced before such date, and the contracts resulting from~~  
17 ~~those procurements, shall remain effective.~~

18 (Source: P.A. 98-299, eff. 8-9-13; reenacted by P.A. 98-619,  
19 eff. 1-7-14.)

20 (50 ILCS 20/20.5)

21 (Section scheduled to be repealed on June 1, 2018)

22 Sec. 20.5. Procedures for design-build selection.

23 (a) The Commission must use a two-phase procedure for the  
24 selection of the successful design-build entity. Phase I of the  
25 procedure will evaluate and shortlist the design-build



1 entities based on qualifications, and Phase II will evaluate  
2 the technical and cost proposals.

3 (b) The Commission shall include in the request for  
4 proposal the evaluating factors to be used in Phase I. These  
5 factors are in addition to any prequalification requirements of  
6 design-build entities that the Commission has set forth. Each  
7 request for proposal shall establish the relative importance  
8 assigned to each evaluation factor and subfactor, including any  
9 weighting of criteria to be employed by the Commission. The  
10 Commission must maintain a record of the evaluation scoring to  
11 be disclosed in event of a protest regarding the solicitation.

12 The Commission shall include the following criteria in  
13 every Phase I evaluation of design-build entities: (1)  
14 experience of personnel; (2) successful experience with  
15 similar project types; (3) financial capability; (4)  
16 timeliness of past performance; (5) experience with similarly  
17 sized projects; (6) successful reference checks of the firm;  
18 (7) commitment to assign personnel for the duration of the  
19 project and qualifications of the entity's consultants; and (8)  
20 ability or past performance in meeting or exhausting good faith  
21 efforts to meet the utilization goals for minority and women  
22 business enterprises established by the corporate authorities  
23 of the Commission and in complying with Section 2-105 of the  
24 Illinois Human Rights Act. The Commission may include any  
25 additional relevant criteria in Phase I that it deems necessary  
26 for a proper qualification review.

1           The Commission may not consider any design-build entity for  
2 evaluation or award if the entity has any pecuniary interest in  
3 the project or has other relationships or circumstances,  
4 including but not limited to, long-term leasehold, mutual  
5 performance, or development contracts with the Commission,  
6 that may give the design-build entity a financial or tangible  
7 advantage over other design-build entities in the preparation,  
8 evaluation, or performance of the design-build contract or that  
9 create the appearance of impropriety. No design-build proposal  
10 shall be considered that does not include an entity's plan to  
11 comply with the requirements established in the minority and  
12 women business enterprises and economically disadvantaged  
13 firms established by the corporate authorities of the  
14 Commission and with Section 2-105 of the Illinois Human Rights  
15 Act.

16           Upon completion of the qualifications evaluation, the  
17 Commission shall create a shortlist of the most highly  
18 qualified design-build entities. The Commission, in its  
19 discretion, is not required to shortlist the maximum number of  
20 entities as identified for Phase II evaluation, provided  
21 however, no less than 2 design-build entities nor more than 6  
22 are selected to submit Phase II proposals.

23           The Commission shall notify the entities selected for the  
24 shortlist in writing. This notification shall commence the  
25 period for the preparation of the Phase II technical and cost  
26 evaluations. The Commission must allow sufficient time for the

1 shortlist entities to prepare their Phase II submittals  
2 considering the scope and detail requested by the Commission.

3 (c) The Commission shall include in the request for  
4 proposal the evaluating factors to be used in the technical and  
5 cost submission components of Phase II. Each request for  
6 proposal shall establish, for both the technical and cost  
7 submission components of Phase II, the relative importance  
8 assigned to each evaluation factor and subfactor, including any  
9 weighting of criteria to be employed by the Commission. The  
10 Commission must maintain a record of the evaluation scoring to  
11 be disclosed in event of a protest regarding the solicitation.

12 The Commission shall include the following criteria in  
13 every Phase II technical evaluation of design-build entities:  
14 (1) compliance with objectives of the project; (2) compliance  
15 of proposed services to the request for proposal requirements;  
16 (3) quality of products or materials proposed; (4) quality of  
17 design parameters; (5) design concepts; (6) innovation in  
18 meeting the scope and performance criteria; and (7)  
19 constructability of the proposed project. The Commission may  
20 include any additional relevant technical evaluation factors  
21 it deems necessary for proper selection.

22 The Commission shall include the following criteria in  
23 every Phase II cost evaluation: the guaranteed maximum project  
24 cost and the time of completion. The Commission may include any  
25 additional relevant technical evaluation factors it deems  
26 necessary for proper selection. The guaranteed maximum project

1 cost criteria weighing factor shall not exceed 30%.

2 The Commission shall directly employ or retain a licensed  
3 design professional to evaluate the technical and cost  
4 submissions to determine if the technical submissions are in  
5 accordance with generally accepted industry standards.

6 Upon completion of the technical submissions and cost  
7 submissions evaluation, the Commission may award the  
8 design-build contract to the highest overall ranked entity.

9 (d) (Blank). ~~This Section is repealed on June 1, 2018;~~  
10 ~~provided that any design build contracts entered into before~~  
11 ~~such date or any procurement of a project under this Act~~  
12 ~~commenced before such date, and the contracts resulting from~~  
13 ~~those procurements, shall remain effective.~~

14 (Source: P.A. 100-201, eff. 8-18-17.)

15 (50 ILCS 20/20.10)

16 (Section scheduled to be repealed on June 1, 2018)

17 Sec. 20.10. Small design-build projects. In any case where  
18 the total overall cost of the project is estimated to be less  
19 than \$12,000,000, the Commission may combine the two-phase  
20 procedure for design-build selection described in Section 20.5  
21 into one combined step, provided that all the requirements of  
22 evaluation are performed in accordance with Section 20.5.

23 ~~This Section is repealed on June 1, 2018; provided that any~~  
24 ~~design-build contracts entered into before such date or any~~  
25 ~~procurement of a project under this Act commenced before such~~

1 ~~date, and the contracts resulting from those procurements,~~  
2 ~~shall remain effective.~~

3 (Source: P.A. 98-299, eff. 8-9-13; reenacted by P.A. 98-619,  
4 eff. 1-7-14.)

5 (50 ILCS 20/20.15)

6 (Section scheduled to be repealed on June 1, 2018)

7 Sec. 20.15. Submission of design-build proposals.  
8 Design-build proposals must be properly identified and sealed.  
9 Proposals may not be reviewed until after the deadline for  
10 submission has passed as set forth in the request for  
11 proposals. All design-build entities submitting proposals  
12 shall be disclosed after the deadline for submission, and all  
13 design-build entities who are selected for Phase II evaluation  
14 shall also be disclosed at the time of that determination.

15 Phase II design-build proposals shall include a bid bond in  
16 the form and security as designated in the request for  
17 proposals. Proposals shall also contain a separate sealed  
18 envelope with the cost information within the overall proposal  
19 submission. Proposals shall include a list of all design  
20 professionals and other entities to which any work identified  
21 in Section 30-30 of the Illinois Procurement Code as a  
22 subdivision of construction work may be subcontracted during  
23 the performance of the contract.

24 Proposals must meet all material requirements of the  
25 request for proposal or they may be rejected as non-responsive.

1 The Commission shall have the right to reject any and all  
2 proposals.

3 The drawings and specifications of any unsuccessful  
4 design-build proposal shall remain the property of the  
5 design-build entity.

6 The Commission shall review the proposals for compliance  
7 with the performance criteria and evaluation factors.

8 Proposals may be withdrawn prior to the due date and time  
9 for submissions for any cause. After evaluation begins by the  
10 Commission, clear and convincing evidence of error is required  
11 for withdrawal.

12 ~~This Section is repealed on June 1, 2018; provided that any~~  
13 ~~design-build contracts entered into before such date or any~~  
14 ~~procurement of a project under this Act commenced before such~~  
15 ~~date, and the contracts resulting from those procurements,~~  
16 ~~shall remain effective.~~

17 (Source: P.A. 98-299, eff. 8-9-13; reenacted by P.A. 98-619,  
18 eff. 1-7-14.)

19 (50 ILCS 20/20.20)

20 (Section scheduled to be repealed on June 1, 2018)

21 Sec. 20.20. Design-build award. The Commission may award a  
22 design-build contract to the highest overall ranked entity.  
23 Notice of award shall be made in writing. Unsuccessful entities  
24 shall also be notified in writing. The Commission may not  
25 request a best and final offer after the receipt of proposals.

1 The Commission may negotiate with the selected design-build  
2 entity after award but prior to contract execution for the  
3 purpose of securing better terms than originally proposed,  
4 provided that the salient features of the request for proposal  
5 are not diminished.

6 ~~This Section is repealed on June 1, 2018; provided that any~~  
7 ~~design build contracts entered into before such date or any~~  
8 ~~procurement of a project under this Act commenced before such~~  
9 ~~date, and the contracts resulting from those procurements,~~  
10 ~~shall remain effective.~~

11 (Source: P.A. 98-299, eff. 8-9-13; reenacted by P.A. 98-619,  
12 eff. 1-7-14.)

13 (50 ILCS 20/20.25)

14 (Section scheduled to be repealed on June 1, 2018)

15 Sec. 20.25. Minority and female owned enterprises; total  
16 construction budget.

17 (a) Each year, within 60 days following the end of a  
18 commission's fiscal year, the commission shall provide a report  
19 to the General Assembly addressing the utilization of minority  
20 and female owned business enterprises on design-build  
21 projects.

22 (b) The payments for design-build projects by any  
23 commission in one fiscal year shall not exceed 50% of the  
24 moneys spent on construction projects during the same fiscal  
25 year.

1           (c) (Blank). ~~This Section is repealed on June 1, 2018;~~  
2 ~~provided that any design-build contracts entered into before~~  
3 ~~such date or any procurement of a project under this Act~~  
4 ~~commenced before such date, and the contracts resulting from~~  
5 ~~those procurements, shall remain effective.~~

6           (Source: P.A. 98-299, eff. 8-9-13; reenacted by P.A. 98-619,  
7 eff. 1-7-14.)

8           (50 ILCS 20/23.5)

9           Sec. 23.5. Continuation of Sections 2.5, 20.3, 20.4, 20.5,  
10 20.10, 20.15, 20.20, and 20.25 of this Act; validation.

11           (a) The General Assembly finds and declares that:

12                 (1) When Public Act 95-595 (effective June 1, 2008)  
13 amended the Public Building Commission Act, it provided  
14 repeal dates for Sections 2.5, 20.3, 20.4, 20.5, 20.10,  
15 20.15, 20.20, and 20.25 of this Act of 5 years after the  
16 effective date of Public Act 95-595 (June 1, 2013).

17                 (2) Senate Bill 2233 of the 98th General Assembly  
18 contained provisions that would have changed the repeal  
19 dates of Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15,  
20 20.20, and 20.25 of this Act from 5 years after the  
21 effective date of Public Act 95-595 to June 1, 2018. Senate  
22 Bill 2233 passed both houses on May 31, 2013. Senate Bill  
23 2233 provided that it took effect upon becoming law. Senate  
24 Bill 2233 was sent to the Governor on June 10, 2013. Senate  
25 Bill 2233 was approved by the Governor on August 9, 2013.



1 Senate Bill 2233 became Public Act 98-299.

2 (3) The Statute on Statutes sets forth general rules on  
3 the repeal of statutes and the construction of multiple  
4 amendments, but Section 1 of that Act also states that  
5 these rules will not be observed when the result would be  
6 "inconsistent with the manifest intent of the General  
7 Assembly or repugnant to the context of the statute".

8 (4) The actions of the General Assembly clearly  
9 manifest the intention of the General Assembly to extend  
10 the repeal of Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15,  
11 20.20, and 20.25 of this Act and have those Sections  
12 continue in effect ~~until June 1, 2018~~.

13 (5) Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15,  
14 20.20, and 20.25 of this Act were originally enacted to  
15 protect, promote, and preserve the general welfare. Any  
16 construction of this Act that results in the repeal of  
17 those Sections on June 1, 2013 would be inconsistent with  
18 the manifest intent of the General Assembly and repugnant  
19 to the context of this Act.

20 (b) It is hereby declared to have been the intent of the  
21 General Assembly, in enacting Public Act 98-299, that Sections  
22 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20, and 20.25 of this  
23 Act be changed to make June 1, 2018 the repeal date of Sections  
24 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20, and 20.25 of this  
25 Act, and that Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15,  
26 20.20, and 20.25 of this Act therefore not be subject to repeal

1 on June 1, 2013.

2 (c) Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20,  
3 and 20.25 of this Act shall be deemed to have been in  
4 continuous effect since June 1, 2008 (the effective date of  
5 Public Act 95-595), and shall continue to be in effect  
6 henceforward ~~until June 1, 2018, unless they are otherwise~~  
7 ~~lawfully repealed~~. All previously enacted amendments to this  
8 Act taking effect on or after June 1, 2013 are hereby  
9 validated.

10 (d) All actions taken in reliance on or pursuant to  
11 Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20, and 20.25  
12 of this Act by the Public Building Commission or any other  
13 person or entity are hereby validated.

14 (e) In order to ensure the continuing effectiveness of  
15 Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20, and 20.25  
16 of this Act, those Sections are set forth in full and reenacted  
17 by this amendatory Act of the 98th General Assembly. This  
18 reenactment is intended as a continuation of those Sections. It  
19 is not intended to supersede any amendment to the Act that is  
20 enacted by the 98th General Assembly.

21 (f) In this amendatory Act of the 98th General Assembly,  
22 the base text of the reenacted Sections is set forth as amended  
23 by Public Act 98-299. Striking and underscoring is used only to  
24 show changes being made to the base text. In this instance, no  
25 underscoring or striking is shown in the base text because no  
26 additional changes are being made.

1           (g) Sections 2.5, 20.3, 20.4, 20.5, 20.10, 20.15, 20.20,  
2           and 20.25 of this Act apply to all claims, civil actions, and  
3           proceedings pending on or filed on or before the effective date  
4           of this amendatory Act of the 98th General Assembly.

5           (Source: P.A. 98-619, eff. 1-7-14.)