



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

**HB4384**

Introduced 1/21/2022, by Rep. Eva Dina Delgado

#### SYNOPSIS AS INTRODUCED:

30 ILCS 500/30-60 new

Amends the Illinois Procurement Code. Provides that within 30 days after the date that a written request for a change order is submitted by a contractor to a State agency, if the State agency fails to either issue the change order with an agreement on price or give specified written notice to the contractor, then the contractor may stop work after giving written notice to the State agency at least 10 days before stopping work. Provides further requirements upon the occurrence of a State agency's failure to issue a change order with an agreement on price or give specified written notice to the contractor. Provides similar requirements for request for change orders submitted by a subcontractor to a contractor. Specifies that the provisions apply only to contracts for construction and construction-related services entered into by the Department of Transportation, the Capital Development Board, and public institutions of higher education, including contractors and subcontractors of those State entities. Effective immediately.

LRB102 22727 RJF 31873 b

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 Illinois Procurement Code is amended by  
5 adding Section 30-60 as follows:

6 (30 ILCS 500/30-60 new)

7 Sec. 30-60. Request for change orders.

8 (a) Within 30 days after the date that a written request  
9 for a change order is submitted by a contractor to a State  
10 agency, if the State agency fails to either issue the change  
11 order with an agreement on price or give written notice to the  
12 contractor of the reasons why the change order is  
13 unreasonable, counter on price in writing, or explain in  
14 writing that an additional 14 days are necessary to make a  
15 determination, the contractor may stop work after giving  
16 written notice to the State agency at least 10 days before  
17 stopping work. If the State agency requests an additional 14  
18 days, the State agency must either issue the change order with  
19 an agreement on price after 14 days have elapsed or the  
20 contractor may stop work.

21 (b) If a State agency fails to issue a change order with an  
22 agreement on price or give written notice to the contractor as  
23 provided under subsection (a):

1           (1) the agreement price must be increased by the  
2           amount sought in the request for a change order;

3           (2) the time for performance must be extended by the  
4           amount sought in the request for a change order;

5           (3) the contractor may submit to the State agency a  
6           bill or invoice for the labor, materials, equipment, or  
7           services that are the subject of the request for a change  
8           order; and

9           (4) the State agency shall pay the contractor for such  
10           labor, materials, equipment, or services with the next  
11           payment made to the contractor.

12           (c) Within 30 days after the date that a written request  
13           for a change order is submitted by a subcontractor to a  
14           contractor, if the contractor fails to either issue the change  
15           order with an agreement on price or give written notice to the  
16           subcontractor of the reasons why the change order is  
17           unreasonable, counter on price in writing, or explain in  
18           writing that an additional 14 days are necessary to make a  
19           determination, the subcontractor may stop work after giving  
20           written notice to the contractor at least 10 days before  
21           stopping work. If the contractor requests an additional 14  
22           days, the contractor must either issue the change order with  
23           an agreement on price after 14 days have elapsed or the  
24           subcontractor may stop work.

25           (d) If a contractor fails to issue a change order with an  
26           agreement on price or give written notice to the subcontractor

1 as provided under subsection (a):

2 (1) the agreement price must be increased by the  
3 amount sought in the request for a change order;

4 (2) the time for performance must be extended by the  
5 amount sought in the request for a change order;

6 (3) the subcontractor may submit to the contractor a  
7 bill or invoice for the labor, materials, equipment, or  
8 services that are the subject of the request for a change  
9 order; and

10 (4) the contractor shall pay the subcontractor for  
11 such labor, materials, equipment, or services with the  
12 next payment made to the subcontractor.

13 (e) The requirements of this Section apply only to  
14 contracts for construction and construction-related services  
15 entered into by the Department of Transportation, the Capital  
16 Development Board, and public institutions of higher  
17 education, including contractors and subcontractors of those  
18 State entities.

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.