

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 Regional Transportation Authority Act is
5 amended by changing Section 4.06 as follows:

6 (70 ILCS 3615/4.06) (from Ch. 111 2/3, par. 704.06)

7 Sec. 4.06. Public bidding.

8 (a) The Board shall adopt regulations to ensure that the
9 acquisition by the Authority or a Service Board other than the
10 Chicago Transit Authority of services or public transportation
11 facilities (other than real estate) involving a cost of more
12 than the small purchase threshold set by the Federal Transit
13 Administration and the disposition of all property of the
14 Authority or a Service Board other than the Chicago Transit
15 Authority shall be after public notice and with public
16 bidding. The Board shall adopt regulations to ensure that the
17 construction, demolition, rehabilitation, renovation, and
18 building maintenance projects by the Authority or a Service
19 Board other than the Chicago Transit Authority for services or
20 public transportation facilities involving a cost of more than
21 \$40,000 shall be after public notice and with public bidding.
22 Such regulations may provide for exceptions to such
23 requirements for acquisition of repair parts, accessories,

1 equipment or services previously furnished or contracted for;
2 for the immediate delivery of supplies, material or equipment
3 or performance of service when it is determined by the
4 concurrence of two-thirds of the then Directors that an
5 emergency requires immediate delivery or supply thereof; for
6 goods or services that are economically procurable from only
7 one source; for contracts for the maintenance or servicing of
8 equipment which are made with the manufacturers or authorized
9 service agent of that equipment where the maintenance or
10 servicing can best be performed by the manufacturer or
11 authorized service agent or such a contract would be otherwise
12 advantageous to the Authority or a Service Board, other than
13 the Chicago Transit Authority, except that the exceptions in
14 this clause shall not apply to contracts for plumbing,
15 heating, piping, refrigeration and automatic temperature
16 control systems, ventilating and distribution systems for
17 conditioned air, and electrical wiring; for goods or services
18 procured from another governmental agency; for purchases and
19 contracts for the use or purchase of data processing equipment
20 and data processing systems software; for the acquisition of
21 professional or utility services; and for the acquisition of
22 public transportation equipment including, but not limited to,
23 rolling stock, locomotives and buses, provided that: (i) it is
24 determined by a vote of 2/3 of the then Directors of the
25 Service Board making the acquisition that a negotiated
26 acquisition offers opportunities with respect to the cost or

1 financing of the equipment, its delivery, or the performance
2 of a portion of the work within the State or the use of goods
3 produced or services provided within the State; (ii) a notice
4 of intention to negotiate for the acquisition of such public
5 transportation equipment is published in a newspaper of
6 general circulation within the City of Chicago inviting
7 proposals from qualified vendors; and (iii) any contract with
8 respect to such acquisition is authorized by a vote of 2/3 of
9 the then Directors of the Service Board making the
10 acquisition. The requirements set forth in this Section shall
11 not apply to purchase of service agreements or other
12 contracts, purchases or sales entered into by the Authority
13 with any transportation agency or unit of local government.

14 (b) (1) In connection with two-phase design/build
15 selection procedures authorized in this Section, a Service
16 Board may authorize, by the affirmative vote of two-thirds of
17 the then members of the Service Board, the use of competitive
18 selection and the prequalification of responsible bidders
19 consistent with applicable federal regulations and this
20 subsection (b).

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

23 (i) A Service Board shall develop, through
24 licensed architects or licensed engineers, a scope of
25 work statement for inclusion in the solicitation for
26 phase-one proposals that defines the project and

1 provides prospective offerors with sufficient
2 information regarding the Service Board's
3 requirements. The statement shall include criteria and
4 preliminary design, and general budget parameters and
5 general schedule or delivery requirements to enable
6 the offerors to submit proposals which meet the
7 Service Board's needs. When the two-phase design/build
8 selection procedure is used and the Service Board
9 contracts for development of the scope of work
10 statement, the Service Board shall contract for
11 architectural or engineering services as defined by
12 and in accordance with the Architectural, Engineering,
13 and Land Surveying Qualifications Based Selection Act
14 and all applicable licensing statutes.

15 (ii) The evaluation factors to be used in
16 evaluating phase-one proposals must be stated in the
17 solicitation and must include specialized experience
18 and technical competence, capability to perform, past
19 performance of the offeror's team (including the
20 architect-engineer and construction members of the
21 team) and other appropriate technical and
22 qualifications factors. Each solicitation must
23 establish the relative importance assigned to the
24 evaluation factors and the subfactors that must be
25 considered in the evaluation of phase-one proposals on
26 the basis of the evaluation factors set forth in the

1 solicitation. Each design/build team must include a
2 licensed design professional independent from the
3 Service Board's licensed architect or engineer and a
4 licensed design professional must be named in the
5 phase-one proposals submitted to the Service Board.

6 (iii) On the basis of the phase-one proposal the
7 Service Board shall select as the most highly
8 qualified the number of offerors specified in the
9 solicitation and request the selected offerors to
10 submit phase-two competitive proposals and cost or
11 price information. Each solicitation must establish
12 the relative importance assigned to the evaluation
13 factors and the subfactors that must be considered in
14 the evaluation of phase-two proposals on the basis of
15 the evaluation factors set forth in the solicitation.
16 A Service Board may negotiate with the selected
17 design/build team after award but prior to contract
18 execution for the purpose of securing better terms
19 than originally proposed, provided the salient
20 features of the design/build solicitation are not
21 diminished. Each phase-two solicitation evaluates
22 separately (A) the technical submission for the
23 proposal, including design concepts or proposed
24 solutions to requirements addressed within the scope
25 of work, and (B) the evaluation factors and
26 subfactors, including cost or price, that must be

1 considered in the evaluations of proposals.

2 (iv) A design/build solicitation issued under the
3 procedures in this subsection (b) shall state the
4 maximum number of offerors that are to be selected to
5 submit competitive phase-two proposals. The maximum
6 number specified in the solicitation shall not exceed
7 5 unless the Service Board with respect to an
8 individual solicitation determines that a specified
9 number greater than 5 is in the best interest of the
10 Service Board and is consistent with the purposes and
11 objectives of the two-phase design/build selection
12 process.

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

16 (c) The Regional Transportation Authority and the Service
17 Boards may donate rolling stock, including locomotives and
18 equipment, to museums in this State that are not-for-profit
19 corporations under Section 501(c)(3) of the Internal Revenue
20 Code of 1986.

21 (Source: P.A. 100-523, eff. 9-22-17.)