



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB3551

Introduced 2/17/2023, by Rep. Jay Hoffman

#### SYNOPSIS AS INTRODUCED:

30 ILCS 500/1-15.93

30 ILCS 500/30-30

Amends the Illinois Procurement Code. Removes a repeal date for the definition of "single prime", but makes the definition inoperative on January 1, 2026 for public institutions of higher education. Removes a provision limiting applicability through December 31, 2025 of provisions related to single prime projects. Removes a provision limiting the Capital Development Board from using the single prime procurement delivery method under specified circumstances. Limits provisions relating to building construction contracts in excess of \$250,000 to public institutions of higher education. Provides that, before electing to use single prime on a project, the Capital Development Board must make a written determination that must include a description as to the particular advantages of the single prime procurement method for that project and an evaluation of specified factors. Provides that the Chief Procurement Officer must review the Capital Development Board's determination and consider the adequacy the evaluation of the specified factors to determine whether the Board may proceed with single prime. Allows the Board to cure their determination if the Chief Procurement Officer finds the Board's written determination insufficient. Effective immediately.

LRB103 30888 HLH 57616 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 changing Sections 1-15.93 and 30-30 as follows:

6 (30 ILCS 500/1-15.93)

7 (Section scheduled to be repealed on January 1, 2026)

8 Sec. 1-15.93. Single prime. "Single prime" means the  
9 design-bid-build procurement delivery method for a building  
10 construction project in which the Capital Development Board or  
11 a public institution of higher education, as defined in  
12 Section 1-13 of this Code, is the construction agency  
13 procuring 2 or more subdivisions of work enumerated in  
14 paragraphs (1) through (5) of subsection (a) of Section 30-30  
15 of this Code under a single contract. The provisions of this  
16 Section are inoperative, but only for a public institution of  
17 higher education, on and after January 1, 2026. This Section  
18 is repealed on January 1, 2026.

19 (Source: P.A. 101-369, eff. 12-15-19; 101-645, eff. 6-26-20;  
20 102-671, eff. 11-30-21; 102-1119, eff. 1-23-23.)

21 (30 ILCS 500/30-30)

22 Sec. 30-30. Design-bid-build construction.

1           (a) ~~The provisions of this subsection are operative~~  
2 ~~through December 31, 2025.~~

3           Except as provided in subsection (a-5), for building  
4 construction contracts in excess of \$250,000, separate  
5 specifications may be prepared for all equipment, labor, and  
6 materials in connection with the following 5 subdivisions of  
7 the work to be performed:

8           (1) plumbing;

9           (2) heating, piping, refrigeration, and automatic  
10 temperature control systems, including the testing and  
11 balancing of those systems;

12           (3) ventilating and distribution systems for  
13 conditioned air, including the testing and balancing of  
14 those systems;

15           (4) electric wiring; and

16           (5) general contract work.

17           Except as provided in subsection (a-5), the specifications  
18 may be so drawn as to permit separate and independent bidding  
19 upon each of the 5 subdivisions of work. All contracts awarded  
20 for any part thereof may award the 5 subdivisions of work  
21 separately to responsible and reliable persons, firms, or  
22 corporations engaged in these classes of work. The contracts,  
23 at the discretion of the construction agency, may be assigned  
24 to the successful bidder on the general contract work or to the  
25 successful bidder on the subdivision of work designated by the  
26 construction agency before the bidding as the prime

1 subdivision of work, provided that all payments will be made  
2 directly to the contractors for the 5 subdivisions of work  
3 upon compliance with the conditions of the contract.

4 ~~For Beginning on the effective date of this amendatory Act~~  
5 ~~of the 101st General Assembly and through December 31, 2025,~~  
6 ~~for~~ single prime projects: (i) the bid of the successful low  
7 bidder shall identify the name of the subcontractor, if any,  
8 and the bid proposal costs for each of the 5 subdivisions of  
9 work set forth in this Section; (ii) the contract entered into  
10 with the successful bidder shall provide that no identified  
11 subcontractor may be terminated without the written consent of  
12 the Capital Development Board; (iii) the contract shall comply  
13 with the disadvantaged business practices of the Business  
14 Enterprise for Minorities, Women, and Persons with  
15 Disabilities Act and the equal employment practices of Section  
16 2-105 of the Illinois Human Rights Act; and (iv) the Capital  
17 Development Board shall submit an annual report to the General  
18 Assembly and Governor on the bidding, award, and performance  
19 of all single prime projects.

20 ~~For building construction projects with a total~~  
21 ~~construction cost valued at \$5,000,000 or less, the Capital~~  
22 ~~Development Board shall not use the single prime procurement~~  
23 ~~delivery method for more than 50% of the total number of~~  
24 ~~projects bid for each fiscal year. Any project with a total~~  
25 ~~construction cost valued greater than \$5,000,000 may be bid~~  
26 ~~using single prime at the discretion of the Executive Director~~

1 ~~of the Capital Development Board.~~

2 The Capital Development Board shall determine whether the  
3 single prime procurement delivery method is to be pursued.  
4 Before electing to use single prime on a project, the Capital  
5 Development Board must make a written determination that must  
6 include a description as to the particular advantages of the  
7 single prime procurement method for that project and an  
8 evaluation of items in paragraphs (1) through (4). The Chief  
9 Procurement Officer must review the Capital Development  
10 Board's determination and consider the adequacy of information  
11 in paragraphs (1) through (4) to determine whether the Capital  
12 Development Board may proceed with single prime. Approval by  
13 the Chief Procurement Officer will not be unreasonably  
14 withheld. The following factors must be considered by the  
15 Chief Procurement Officer in any determination:

16 (1) The benefit that utilizing the single prime  
17 procurement method will have on the Capital Development  
18 Board's ability to increase participation of  
19 minority-owned firms, woman-owned firms, firms owned by  
20 persons with a disability, and veteran-owned firms.

21 (2) The probability that single prime will be in the  
22 best interest of the State by providing a material savings  
23 of time or cost over the design-bid-build or other  
24 multiple prime delivery system. The best interest of the  
25 State justification must show the specific benefits of  
26 using the single prime method, including documentation of

1 the estimates or scheduling impacts any of the following:  
2 project complexity and trade coordination required, length  
3 of project, availability of skilled workforce,  
4 geographical area, project timelines, project budget,  
5 ability to secure minority, women, persons with  
6 disabilities and veteran participation, or other  
7 information.

8 (3) The type and size of the project and its  
9 suitability to the single prime procurement method.

10 (4) Whether the project will comply with the  
11 disadvantaged business and equal employment practices of  
12 the State, as established in the Business Enterprise for  
13 Minorities, Women, and Persons with Disabilities Act,  
14 Section 45-57 of this Code and Section 2-105 of the  
15 Illinois Human Rights Act.

16 If the Chief Procurement Officer finds that the Capital  
17 Development Board's written determination is insufficient, the  
18 Capital Development Board shall have the opportunity to cure  
19 its determination. Within 15 days of receiving approval from  
20 the Chief Procurement Officer, the Capital Development Board  
21 will provide an advisory copy of the written determination to  
22 Procurement Policy Board and the Commission on Equity and  
23 Inclusion. The Capital Development Board must maintain the  
24 full record of determination for 5 years.

25 (a-5) Beginning on the effective date of this amendatory  
26 Act of the 102nd General Assembly and through December 31,

1 2025, for single prime projects in which a public institution  
2 of higher education is a construction agency awarding building  
3 construction contracts in excess of \$250,000, separate  
4 specifications may be prepared for all equipment, labor, and  
5 materials in connection with the 5 subdivisions of work  
6 enumerated in subsection (a). Any public institution of higher  
7 education contract awarded for any part thereof may award 2 or  
8 more of the 5 subdivisions of work together or separately to  
9 responsible and reliable persons, firms, or corporations  
10 engaged in these classes of work if: (i) the public  
11 institution of higher education has submitted to the  
12 Procurement Policy Board and the Commission on Equity and  
13 Inclusion a written notice that includes the reasons for using  
14 the single prime method and an explanation of why the use of  
15 that method is in the best interest of the State and arranges  
16 to have the notice posted on the institution's online  
17 procurement webpage and its online procurement bulletin at  
18 least 3 business days following submission to the Procurement  
19 Policy Board and the Commission on Equity and Inclusion; (ii)  
20 the successful low bidder has prequalified with the public  
21 institution of higher education; (iii) the bid of the  
22 successful low bidder identifies the name of the  
23 subcontractor, if any, and the bid proposal costs for each of  
24 the 5 subdivisions of work set forth in subsection (a); (iv)  
25 the contract entered into with the successful bidder provides  
26 that no identified subcontractor may be terminated without the

1 written consent of the public institution of higher education;  
2 and (v) the successful low bidder has prequalified with the  
3 University of Illinois or with the Capital Development Board.

4 For building construction projects with a total  
5 construction cost valued at \$20,000,000 or less, public  
6 institutions of higher education shall not use the single  
7 prime delivery method for more than 50% of the total number of  
8 projects bid for each fiscal year. Projects with a total  
9 construction cost valued at \$20,000,000 or more may be bid  
10 using the single prime delivery method at the discretion of  
11 the public institution of higher education. With respect to  
12 any construction project described in this subsection (a-5),  
13 the public institution of higher education shall: (i) specify  
14 in writing as a public record that the project shall comply  
15 with the Business Enterprise for Minorities, Women, and  
16 Persons with Disabilities Act and the equal employment  
17 practices of Section 2-105 of the Illinois Human Rights Act;  
18 and (ii) report annually to the Governor, General Assembly,  
19 Procurement Policy Board, and Auditor General on the bidding,  
20 award, and performance of all single prime projects. On and  
21 after the effective date of this amendatory Act of the 102nd  
22 General Assembly, the public institution of higher education  
23 may award in each fiscal year single prime contracts with an  
24 aggregate total value of no more than \$100,000,000. The Board  
25 of Trustees of the University of Illinois may award in each  
26 fiscal year single prime contracts with an aggregate total



1 value of not more than \$300,000,000.

2 (b) The provisions of this subsection are operative on and  
3 after January 1, 2026. For building construction contracts in  
4 excess of \$250,000, public institutions of higher education  
5 shall prepare separate specifications ~~shall be prepared~~ for  
6 all equipment, labor, and materials in connection with the  
7 following 5 subdivisions of the work to be performed:

8 (1) plumbing;

9 (2) heating, piping, refrigeration, and automatic  
10 temperature control systems, including the testing and  
11 balancing of those systems;

12 (3) ventilating and distribution systems for  
13 conditioned air, including the testing and balancing of  
14 those systems;

15 (4) electric wiring; and

16 (5) general contract work.

17 The specifications must be so drawn as to permit separate  
18 and independent bidding upon each of the 5 subdivisions of  
19 work. All contracts awarded for any part thereof shall award  
20 the 5 subdivisions of work separately to responsible and  
21 reliable persons, firms, or corporations engaged in these  
22 classes of work. The contracts, at the discretion of the  
23 construction agency, may be assigned to the successful bidder  
24 on the general contract work or to the successful bidder on the  
25 subdivision of work designated by the construction agency  
26 before the bidding as the prime subdivision of work, provided

1 that all payments will be made directly to the contractors for  
2 the 5 subdivisions of work upon compliance with the conditions  
3 of the contract.

4 (Source: P.A. 101-369, eff. 12-15-19; 101-645, eff. 6-26-20;  
5 102-671, eff. 11-30-21; 102-1119, eff. 1-23-23.)

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