

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, 30-30, 33-5, and 45-105 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7 (Section scheduled to be repealed on January 1, 2026)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 for public institutions of higher  
17 education on and after January 1, 2026. This Section is  
18 ~~repealed on January 1, 2026.~~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 Until December 31, 2023, for ~~For~~ building construction  
21 projects with a total construction cost valued at \$5,000,000  
22 or less, the Capital Development Board shall not use the  
23 single prime procurement delivery method for more than 50% of  
24 the total number of projects bid for each fiscal year. Until  
25 December 31, 2023, any ~~Any~~ project with a total construction  
26 cost valued greater than \$5,000,000 may be bid using single

1 prime at the discretion of the Executive Director of the  
2 Capital Development Board.

3 For contracts entered into on or after January 1, 2024,  
4 the Capital Development Board shall determine whether the  
5 single prime procurement delivery method is to be pursued.  
6 Before electing to use single prime on a project, the Capital  
7 Development Board must make a written determination that must  
8 include a description as to the particular advantages of the  
9 single prime procurement method for that project and an  
10 evaluation of the items in paragraphs (1) through (4). The  
11 Chief Procurement Officer must review the Capital Development  
12 Board's determination and consider the adequacy of information  
13 in paragraphs (1) through (4) to determine whether the Capital  
14 Development Board may proceed with single prime. Approval by  
15 the Chief Procurement Officer shall not be unreasonably  
16 withheld. The following factors must be considered by the  
17 Chief Procurement Officer in any determination:

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

23 (2) The likelihood that single prime will be in the  
24 best interest of the State by providing a material savings  
25 of time or cost over the multiple prime delivery system.  
26 The best interest of the State justification must show the

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

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

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

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

26 (a-5) Beginning on the effective date of this amendatory

1 Act of the 102nd General Assembly and through December 31,  
2 2025, for single prime projects in which a public institution  
3 of higher education is a construction agency awarding 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 5 subdivisions of work  
7 enumerated in subsection (a). Any public institution of higher  
8 education contract awarded for any part thereof may award 2 or  
9 more of the 5 subdivisions of work together or separately to  
10 responsible and reliable persons, firms, or corporations  
11 engaged in these classes of work if: (i) the public  
12 institution of higher education has submitted to the  
13 Procurement Policy Board and the Commission on Equity and  
14 Inclusion a written notice that includes the reasons for using  
15 the single prime method and an explanation of why the use of  
16 that method is in the best interest of the State and arranges  
17 to have the notice posted on the institution's online  
18 procurement webpage and its online procurement bulletin at  
19 least 3 business days following submission to the Procurement  
20 Policy Board and the Commission on Equity and Inclusion; (ii)  
21 the successful low bidder has prequalified with the public  
22 institution of higher education; (iii) the bid of the  
23 successful low bidder identifies the name of the  
24 subcontractor, if any, and the bid proposal costs for each of  
25 the 5 subdivisions of work set forth in subsection (a); (iv)  
26 the contract entered into with the successful bidder provides

1 that no identified subcontractor may be terminated without the  
2 written consent of the public institution of higher education;  
3 and (v) the successful low bidder has prequalified with the  
4 University of Illinois or with the Capital Development Board.

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

1 fiscal year single prime contracts with an aggregate total  
2 value of not more than \$300,000,000.

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

9 (1) plumbing;

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

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

16 (4) electric wiring; and

17 (5) general contract work.

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



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

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

7 (30 ILCS 500/33-5)

8 Sec. 33-5. Definitions. In this Article:

9 "Construction management services" includes:

10 (1) services provided in the planning and  
11 pre-construction phases of a construction project  
12 including, but not limited to, consulting with, advising,  
13 assisting, and making recommendations to the Board and  
14 architect, engineer, or licensed land surveyor on all  
15 aspects of planning for project construction; reviewing  
16 all plans and specifications as they are being developed  
17 and making recommendations with respect to construction  
18 feasibility, availability of material and labor, time  
19 requirements for procurement and construction, and  
20 projected costs; making, reviewing, and refining budget  
21 estimates based on the Board's program and other available  
22 information; making recommendations to the Board and the  
23 architect or engineer regarding the division of work in  
24 the plans and specifications to facilitate the bidding and  
25 awarding of contracts; soliciting the interest of capable

1 contractors and taking bids on the project; analyzing the  
2 bids received; and preparing and maintaining a progress  
3 schedule during the design phase of the project and  
4 preparation of a proposed construction schedule; and

5 (2) services provided in the construction phase of the  
6 project including, but not limited to, maintaining  
7 competent supervisory staff to coordinate and provide  
8 general direction of the work and progress of the  
9 contractors on the project; directing the work as it is  
10 being performed for general conformance with working  
11 drawings and specifications; establishing procedures for  
12 coordinating among the Board, architect or engineer,  
13 contractors, and construction manager with respect to all  
14 aspects of the project and implementing those procedures;  
15 maintaining job site records and making appropriate  
16 progress reports; implementing labor policy in conformance  
17 with the requirements of the public owner; reviewing the  
18 safety and equal opportunity programs of each contractor  
19 for conformance with the public owner's policy and making  
20 recommendations; reviewing and processing all applications  
21 for payment by involved contractors and material suppliers  
22 in accordance with the terms of the contract; making  
23 recommendations and processing requests for changes in the  
24 work and maintaining records of change orders; scheduling  
25 and conducting job meetings to ensure orderly progress of  
26 the work; developing and monitoring a project progress

1 schedule, coordinating and expediting the work of all  
2 contractors and providing periodic status reports to the  
3 owner and the architect or engineer; and establishing and  
4 maintaining a cost control system and conducting meetings  
5 to review costs.

6 "Construction manager" means any individual, sole  
7 proprietorship, firm, partnership, corporation, or other legal  
8 entity providing construction management services for the  
9 Board and prequalified by the State in accordance with 30 ILCS  
10 500/33-10.

11 "Board" means the Capital Development Board or, to the  
12 extent that the services are to be procured by ~~for~~ a public  
13 institution of higher education, the public institution of  
14 higher education.

15 (Source: P.A. 102-1119, eff. 1-23-23.)

16 (30 ILCS 500/45-105)

17 Sec. 45-105. Bid preference for Illinois businesses.

18 (a) (Blank). ~~For the purposes of this Section:~~

19 ~~"Illinois business" means a contractor that: (i) is~~  
20 ~~headquartered in Illinois and providing, at the time that an~~  
21 ~~invitation for a bid or notice of contract opportunity is~~  
22 ~~first advertised, construction or construction-related~~  
23 ~~professional services for Illinois-based projects; (ii)~~  
24 ~~conducts meaningful day-to-day business operations at a~~  
25 ~~facility in Illinois that is the place of employment for the~~

1 ~~majority of its regular, full-time workforce; (iii) holds all~~  
2 ~~appropriate State licenses; and (iv) is subject to applicable~~  
3 ~~State taxes. "Illinois business" does not include any~~  
4 ~~subcontractors.~~

5 ~~"Illinois based project" means an individual project of~~  
6 ~~construction and other construction related services for a~~  
7 ~~construction agency that will result in the conduct of~~  
8 ~~business within the State or the employment of individuals~~  
9 ~~within the State.~~

10 (b) It is hereby declared to be the public policy of the  
11 State of Illinois to promote the economy of Illinois through  
12 the use of Illinois businesses for all State construction  
13 contracts.

14 (c) Construction agencies procuring construction and  
15 construction-related professional services shall make  
16 reasonable efforts to contract with Illinois businesses.

17 (d) Beginning in 2022, each construction agency shall  
18 submit a report to the Governor and the General Assembly by  
19 September 1 of each year that identifies the Illinois  
20 businesses procured by the construction agency, the primary  
21 location of the construction project, the percentage of the  
22 construction agency's utilization of Illinois businesses on  
23 the project as a whole, and the actions that the construction  
24 agency has undertaken to increase the use of Illinois  
25 businesses.

26 (e) In procuring construction and construction-related

1 professional services for projects with a total value that  
2 exceeds the small purchase maximum established by Section  
3 20-20 of this Code ~~with a total construction cost of more than~~  
4 ~~\$100,000~~, construction agencies shall provide a bid preference  
5 to a responsive and responsible bidder that is an Illinois  
6 business as defined in this Section. The construction agency  
7 shall allocate to the lowest bid by an Illinois business that  
8 is responsible and responsive ~~any responsible bidder that is~~  
9 ~~an Illinois business~~ a bid preference of 4% of the contract  
10 base bid. This subsection applies only to projects where a  
11 business that is not an Illinois business submits a bid.

12 (f) This Section does not apply to any contract for any  
13 project for which federal funds are available for expenditure  
14 when its provisions may be in conflict with federal law or  
15 federal regulation.

16 (g) As used in this Section, "Illinois business" means a  
17 contractor that is operating and headquartered in Illinois and  
18 providing, at the time that an invitation for a bid or notice  
19 of contract opportunity is first advertised, construction or  
20 construction-related professional services, and is operating  
21 as:

22 (1) a sole proprietor whose primary residence is in  
23 Illinois;

24 (2) a business incorporated or organized as a domestic  
25 corporation under the Business Corporation Act of 1983;

26 (3) a business organized as a domestic partnership

1 under the Uniform Partnership Act of 1997;

2 (4) a business organized as a domestic limited  
3 partnership under the Uniform Limited Partnership Act of  
4 2001;

5 (5) a business organized under the Limited Liability  
6 Company Act; or

7 (6) a business organized under the Professional  
8 Limited Liability Company Act.

9 "Illinois business" does not include any subcontractors.

10 (Source: P.A. 102-721, eff. 1-1-23.)

11 Section 10. The Design-Build Procurement Act is amended by  
12 changing Section 10 as follows:

13 (30 ILCS 537/10)

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

15 Sec. 10. Definitions. As used in this Act:

16 "State construction agency" means the Capital Development  
17 Board or, in the case of a design-build procurement by ~~for~~ a  
18 public institution of higher education, the public institution  
19 of higher education.

20 "Delivery system" means the design and construction  
21 approach used to develop and construct a project.

22 "Design-bid-build" means the traditional delivery system  
23 used on public projects in this State that incorporates the  
24 Architectural, Engineering, and Land Surveying Qualification

1 Based Selection Act (30 ILCS 535/) and the principles of  
2 competitive selection in the Illinois Procurement Code (30  
3 ILCS 500/).

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

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

19 "Design-build entity" means any individual, sole  
20 proprietorship, firm, partnership, joint venture, corporation,  
21 professional corporation, or other entity that proposes to  
22 design and construct any public project under this Act. A  
23 design-build entity and associated design-build professionals  
24 shall conduct themselves in accordance with the laws of this  
25 State and the related provisions of the Illinois  
26 Administrative Code, as referenced by the licensed design

1 professionals Acts of this State.

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

10 "Evaluation criteria" means the requirements for the  
11 separate phases of the selection process as defined in this  
12 Act and may include the specialized experience, technical  
13 qualifications and competence, capacity to perform, past  
14 performance, experience with similar projects, assignment of  
15 personnel to the project, and other appropriate factors. Price  
16 may not be used as a factor in the evaluation of Phase I  
17 proposals.

18 "Proposal" means the offer to enter into a design-build  
19 contract as submitted by a design-build entity in accordance  
20 with this Act.

21 "Public institution of higher education" has the meaning  
22 ascribed in subsection (f) of Section 1-13 of the Illinois  
23 Procurement Code.

24 "Request for proposal" means the document used by the  
25 State construction agency to solicit proposals for a  
26 design-build contract.



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

9 (Source: P.A. 102-1119, eff. 1-23-23.)

10 Section 99. Effective date. This Act takes effect January  
11 1, 2024.