



Rep. Jay Hoffman

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1 AMENDMENT TO HOUSE BILL 3551

2 AMENDMENT NO. _____. Amend House Bill 3551, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Procurement Code is amended by
6 changing Sections 1-15.93, 30-30, 33-5, and 45-105 as follows:

7 (30 ILCS 500/1-15.93)

8 (Section scheduled to be repealed on January 1, 2026)

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

1 Section are inoperative for public institutions of higher
2 education on and after January 1, 2026. ~~This Section is~~
3 ~~repealed on January 1, 2026.~~

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 (30 ILCS 500/30-30)

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

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

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

15 (1) plumbing;

16 (2) heating, piping, refrigeration, and automatic
17 temperature control systems, including the testing and
18 balancing of those systems;

19 (3) ventilating and distribution systems for
20 conditioned air, including the testing and balancing of
21 those systems;

22 (4) electric wiring; and

23 (5) general contract work.

24 Except as provided in subsection (a-5), the specifications
25 may be so drawn as to permit separate and independent bidding

1 upon each of the 5 subdivisions of work. All contracts awarded
2 for any part thereof may award the 5 subdivisions of work
3 separately to responsible and reliable persons, firms, or
4 corporations engaged in these classes of work. The contracts,
5 at the discretion of the construction agency, may be assigned
6 to the successful bidder on the general contract work or to the
7 successful bidder on the subdivision of work designated by the
8 construction agency before the bidding as the prime
9 subdivision of work, provided that all payments will be made
10 directly to the contractors for the 5 subdivisions of work
11 upon compliance with the conditions of the contract.

12 ~~For Beginning on the effective date of this amendatory Act~~
13 ~~of the 101st General Assembly and through December 31, 2025,~~
14 ~~for~~ single prime projects: (i) the bid of the successful low
15 bidder shall identify the name of the subcontractor, if any,
16 and the bid proposal costs for each of the 5 subdivisions of
17 work set forth in this Section; (ii) the contract entered into
18 with the successful bidder shall provide that no identified
19 subcontractor may be terminated without the written consent of
20 the Capital Development Board; (iii) the contract shall comply
21 with the disadvantaged business practices of the Business
22 Enterprise for Minorities, Women, and Persons with
23 Disabilities Act and the equal employment practices of Section
24 2-105 of the Illinois Human Rights Act; and (iv) the Capital
25 Development Board shall submit an annual report to the General
26 Assembly and Governor on the bidding, award, and performance

1 of all single prime projects.

2 Until December 31, 2023, for ~~For~~ building construction
3 projects with a total construction cost valued at \$5,000,000
4 or less, the Capital Development Board shall not use the
5 single prime procurement delivery method for more than 50% of
6 the total number of projects bid for each fiscal year. Until
7 December 31, 2023, any ~~Any~~ project with a total construction
8 cost valued greater than \$5,000,000 may be bid using single
9 prime at the discretion of the Executive Director of the
10 Capital Development Board.

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

26 (1) The benefit that using the single prime

1 procurement method will have on the Capital Development
2 Board's ability to increase participation of
3 minority-owned firms, woman-owned firms, firms owned by
4 persons with a disability, and veteran-owned firms.

5 (2) The likelihood that single prime will be in the
6 best interest of the State by providing a material savings
7 of time or cost over the multiple prime delivery system.
8 The best interest of the State justification must show the
9 specific benefits of using the single prime method,
10 including documentation of the estimates or scheduling
11 impacts of any of the following: project complexity and
12 trade coordination required, length of project,
13 availability of skilled workforce, geographical area,
14 project timelines, project budget, ability to secure
15 minority, women, persons with disabilities and veteran
16 participation, or other information.

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

19 (4) Whether the project will comply with the
20 disadvantaged business and equal employment practices of
21 the State, as established in the Business Enterprise for
22 Minorities, Women, and Persons with Disabilities Act,
23 Section 45-57 of this Code, and Section 2-105 of the
24 Illinois Human Rights Act.

25 If the Chief Procurement Officer finds that the Capital
26 Development Board's written determination is insufficient, the

1 Capital Development Board shall have the opportunity to cure
2 its determination. Within 15 days of receiving approval from
3 the Chief Procurement Officer, the Capital Development Board
4 shall provide an advisory copy of the written determination to
5 the Procurement Policy Board and the Commission on Equity and
6 Inclusion. The Capital Development Board must maintain the
7 full record of determination for 5 years.

8 (a-5) Beginning on the effective date of this amendatory
9 Act of the 102nd General Assembly and through December 31,
10 2025, for single prime projects in which a public institution
11 of higher education is a construction agency awarding building
12 construction contracts in excess of \$250,000, separate
13 specifications may be prepared for all equipment, labor, and
14 materials in connection with the 5 subdivisions of work
15 enumerated in subsection (a). Any public institution of higher
16 education contract awarded for any part thereof may award 2 or
17 more of the 5 subdivisions of work together or separately to
18 responsible and reliable persons, firms, or corporations
19 engaged in these classes of work if: (i) the public
20 institution of higher education has submitted to the
21 Procurement Policy Board and the Commission on Equity and
22 Inclusion a written notice that includes the reasons for using
23 the single prime method and an explanation of why the use of
24 that method is in the best interest of the State and arranges
25 to have the notice posted on the institution's online
26 procurement webpage and its online procurement bulletin at

1 least 3 business days following submission to the Procurement
2 Policy Board and the Commission on Equity and Inclusion; (ii)
3 the successful low bidder has prequalified with the public
4 institution of higher education; (iii) the bid of the
5 successful low bidder identifies the name of the
6 subcontractor, if any, and the bid proposal costs for each of
7 the 5 subdivisions of work set forth in subsection (a); (iv)
8 the contract entered into with the successful bidder provides
9 that no identified subcontractor may be terminated without the
10 written consent of the public institution of higher education;
11 and (v) the successful low bidder has prequalified with the
12 University of Illinois or with the Capital Development Board.

13 For building construction projects with a total
14 construction cost valued at \$20,000,000 or less, public
15 institutions of higher education shall not use the single
16 prime delivery method for more than 50% of the total number of
17 projects bid for each fiscal year. Projects with a total
18 construction cost valued at \$20,000,000 or more may be bid
19 using the single prime delivery method at the discretion of
20 the public institution of higher education. With respect to
21 any construction project described in this subsection (a-5),
22 the public institution of higher education shall: (i) specify
23 in writing as a public record that the project shall comply
24 with the Business Enterprise for Minorities, Women, and
25 Persons with Disabilities Act and the equal employment
26 practices of Section 2-105 of the Illinois Human Rights Act;

1 and (ii) report annually to the Governor, General Assembly,
2 Procurement Policy Board, and Auditor General on the bidding,
3 award, and performance of all single prime projects. On and
4 after the effective date of this amendatory Act of the 102nd
5 General Assembly, the public institution of higher education
6 may award in each fiscal year single prime contracts with an
7 aggregate total value of no more than \$100,000,000. The Board
8 of Trustees of the University of Illinois may award in each
9 fiscal year single prime contracts with an aggregate total
10 value of not more than \$300,000,000.

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

17 (1) plumbing;

18 (2) heating, piping, refrigeration, and automatic
19 temperature control systems, including the testing and
20 balancing of those systems;

21 (3) ventilating and distribution systems for
22 conditioned air, including the testing and balancing of
23 those systems;

24 (4) electric wiring; and

25 (5) general contract work.

26 The specifications must be so drawn as to permit separate

1 and independent bidding upon each of the 5 subdivisions of
2 work. All contracts awarded for any part thereof shall award
3 the 5 subdivisions of work separately to responsible and
4 reliable persons, firms, or corporations engaged in these
5 classes of work. The contracts, at the discretion of the
6 construction agency, may be assigned to the successful bidder
7 on the general contract work or to the successful bidder on the
8 subdivision of work designated by the construction agency
9 before the bidding as the prime subdivision of work, provided
10 that all payments will be made directly to the contractors for
11 the 5 subdivisions of work upon compliance with the conditions
12 of the contract.

13 (Source: P.A. 101-369, eff. 12-15-19; 101-645, eff. 6-26-20;
14 102-671, eff. 11-30-21; 102-1119, eff. 1-23-23.)

15 (30 ILCS 500/33-5)

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

17 "Construction management services" includes:

18 (1) services provided in the planning and
19 pre-construction phases of a construction project
20 including, but not limited to, consulting with, advising,
21 assisting, and making recommendations to the Board and
22 architect, engineer, or licensed land surveyor on all
23 aspects of planning for project construction; reviewing
24 all plans and specifications as they are being developed
25 and making recommendations with respect to construction

1 feasibility, availability of material and labor, time
2 requirements for procurement and construction, and
3 projected costs; making, reviewing, and refining budget
4 estimates based on the Board's program and other available
5 information; making recommendations to the Board and the
6 architect or engineer regarding the division of work in
7 the plans and specifications to facilitate the bidding and
8 awarding of contracts; soliciting the interest of capable
9 contractors and taking bids on the project; analyzing the
10 bids received; and preparing and maintaining a progress
11 schedule during the design phase of the project and
12 preparation of a proposed construction schedule; and

13 (2) services provided in the construction phase of the
14 project including, but not limited to, maintaining
15 competent supervisory staff to coordinate and provide
16 general direction of the work and progress of the
17 contractors on the project; directing the work as it is
18 being performed for general conformance with working
19 drawings and specifications; establishing procedures for
20 coordinating among the Board, architect or engineer,
21 contractors, and construction manager with respect to all
22 aspects of the project and implementing those procedures;
23 maintaining job site records and making appropriate
24 progress reports; implementing labor policy in conformance
25 with the requirements of the public owner; reviewing the
26 safety and equal opportunity programs of each contractor

1 for conformance with the public owner's policy and making
2 recommendations; reviewing and processing all applications
3 for payment by involved contractors and material suppliers
4 in accordance with the terms of the contract; making
5 recommendations and processing requests for changes in the
6 work and maintaining records of change orders; scheduling
7 and conducting job meetings to ensure orderly progress of
8 the work; developing and monitoring a project progress
9 schedule, coordinating and expediting the work of all
10 contractors and providing periodic status reports to the
11 owner and the architect or engineer; and establishing and
12 maintaining a cost control system and conducting meetings
13 to review costs.

14 "Construction manager" means any individual, sole
15 proprietorship, firm, partnership, corporation, or other legal
16 entity providing construction management services for the
17 Board and prequalified by the State in accordance with 30 ILCS
18 500/33-10.

19 "Board" means the Capital Development Board or, to the
20 extent that the services are to be procured by ~~for~~ a public
21 institution of higher education, the public institution of
22 higher education.

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

24 (30 ILCS 500/45-105)

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

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

2 ~~"Illinois business" means a contractor that: (i) is~~
3 ~~headquartered in Illinois and providing, at the time that an~~
4 ~~invitation for a bid or notice of contract opportunity is~~
5 ~~first advertised, construction or construction related~~
6 ~~professional services for Illinois based projects; (ii)~~
7 ~~conducts meaningful day to day business operations at a~~
8 ~~facility in Illinois that is the place of employment for the~~
9 ~~majority of its regular, full time workforce; (iii) holds all~~
10 ~~appropriate State licenses; and (iv) is subject to applicable~~
11 ~~State taxes. "Illinois business" does not include any~~
12 ~~subcontractors.~~

13 ~~"Illinois based project" means an individual project of~~
14 ~~construction and other construction related services for a~~
15 ~~construction agency that will result in the conduct of~~
16 ~~business within the State or the employment of individuals~~
17 ~~within the State.~~

18 (b) It is hereby declared to be the public policy of the
19 State of Illinois to promote the economy of Illinois through
20 the use of Illinois businesses for all State construction
21 contracts.

22 (c) Construction agencies procuring construction and
23 construction-related professional services shall make
24 reasonable efforts to contract with Illinois businesses.

25 (d) Beginning in 2022, each construction agency shall
26 submit a report to the Governor and the General Assembly by

1 September 1 of each year that identifies the Illinois
2 businesses procured by the construction agency, the primary
3 location of the construction project, the percentage of the
4 construction agency's utilization of Illinois businesses on
5 the project as a whole, and the actions that the construction
6 agency has undertaken to increase the use of Illinois
7 businesses.

8 (e) In procuring construction and construction-related
9 professional services for projects with a total value that
10 exceeds the small purchase maximum established by Section
11 20-20 of this Code ~~with a total construction cost of more than~~
12 ~~\$100,000~~, construction agencies shall provide a bid preference
13 to a responsive and responsible bidder that is an Illinois
14 business as defined in this Section. The construction agency
15 shall allocate to the lowest bid by an Illinois business that
16 is responsible and responsive ~~any responsible bidder that is~~
17 ~~an Illinois business~~ a bid preference of 4% of the contract
18 base bid. This subsection applies only to projects where a
19 business that is not an Illinois business submits a bid.

20 (f) This Section does not apply to any contract for any
21 project for which federal funds are available for expenditure
22 when its provisions may be in conflict with federal law or
23 federal regulation.

24 (g) As used in this Section, "Illinois business" means a
25 contractor that is operating and headquartered in Illinois and
26 providing, at the time that an invitation for a bid or notice

1 of contract opportunity is first advertised, construction or
2 construction-related professional services, and is operating
3 as:

4 (1) a sole proprietor whose primary residence is in
5 Illinois;

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

8 (3) a business organized as a domestic partnership
9 under the Uniform Partnership Act of 1997;

10 (4) a business organized as a domestic limited
11 partnership under the Uniform Limited Partnership Act of
12 2001;

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

15 (6) a business organized under the Professional
16 Limited Liability Company Act.

17 "Illinois business" does not include any subcontractors.

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

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

21 (30 ILCS 537/10)

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

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

24 "State construction agency" means the Capital Development

1 Board or, in the case of a design-build procurement by ~~for~~ a
2 public institution of higher education, the public institution
3 of higher education.

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

6 "Design-bid-build" means the traditional delivery system
7 used on public projects in this State that incorporates the
8 Architectural, Engineering, and Land Surveying Qualification
9 Based Selection Act (30 ILCS 535/) and the principles of
10 competitive selection in the Illinois Procurement Code (30
11 ILCS 500/).

12 "Design-build" means a delivery system that provides
13 responsibility within a single contract for the furnishing of
14 architecture, engineering, land surveying and related services
15 as required, and the labor, materials, equipment, and other
16 construction services for the project.

17 "Design-build contract" means a contract for a public
18 project under this Act between the State construction agency
19 and a design-build entity to furnish architecture,
20 engineering, land surveying, and related services as required,
21 and to furnish the labor, materials, equipment, and other
22 construction services for the project. The design-build
23 contract may be conditioned upon subsequent refinements in
24 scope and price and may allow the State construction agency to
25 make modifications in the project scope without invalidating
26 the design-build contract.

1 "Design-build entity" means any individual, sole
2 proprietorship, firm, partnership, joint venture, corporation,
3 professional corporation, or other entity that proposes to
4 design and construct any public project under this Act. A
5 design-build entity and associated design-build professionals
6 shall conduct themselves in accordance with the laws of this
7 State and the related provisions of the Illinois
8 Administrative Code, as referenced by the licensed design
9 professionals Acts of this State.

10 "Design professional" means any individual, sole
11 proprietorship, firm, partnership, joint venture, corporation,
12 professional corporation, or other entity that offers services
13 under the Illinois Architecture Practice Act of 1989 (225 ILCS
14 305/), the Professional Engineering Practice Act of 1989 (225
15 ILCS 325/), the Structural Engineering Licensing Act of 1989
16 (225 ILCS 340/), or the Illinois Professional Land Surveyor
17 Act of 1989 (225 ILCS 330/).

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

26 "Proposal" means the offer to enter into a design-build

1 contract as submitted by a design-build entity in accordance
2 with this Act.

3 "Public institution of higher education" has the meaning
4 ascribed in subsection (f) of Section 1-13 of the Illinois
5 Procurement Code.

6 "Request for proposal" means the document used by the
7 State construction agency to solicit proposals for a
8 design-build contract.

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

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

18 Section 99. Effective date. This Act takes effect January
19 1, 2024."