

HB3132



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3132

by Rep. Jack D. Franks

SYNOPSIS AS INTRODUCED:

30 ILCS 537/5
30 ILCS 537/10
30 ILCS 537/90

Amends the Design-Build Procurement Act. Provides that the Act also applies to the Department of Transportation. Extends the repeal of the Act to July 1, 2018 (instead of July 1, 2014). Effective immediately.

LRB098 08752 HLH 38877 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Design-Build Procurement Act is amended by
5 changing Sections 5, 10, and 90 as follows:

6 (30 ILCS 537/5)

7 (Section scheduled to be repealed on July 1, 2014)

8 Sec. 5. Legislative policy. It is the intent of the
9 General Assembly that the Capital Development Board and the
10 Department of Transportation be allowed to use the design-build
11 delivery method for public projects if it is shown to be in the
12 State's best interest for that particular project. It shall be
13 the policy of the Capital Development Board and the Department
14 of Transportation in the procurement of design-build services
15 to publicly announce all requirements for design-build
16 services and to procure these services on the basis of
17 demonstrated competence and qualifications and with due regard
18 for the principles of competitive selection.

19 The Capital Development Board and the Department of
20 Transportation shall, prior to issuing requests for proposals,
21 promulgate and publish procedures for the solicitation and
22 award of contracts pursuant to this Act.

23 The Capital Development Board and the Department of

1 Transportation shall, for each public project or projects
2 permitted under this Act, make a written determination,
3 including a description as to the particular advantages of the
4 design-build procurement method, that it is in the best
5 interests of this State to enter into a design-build contract
6 for the project or projects. In making that determination, the
7 following factors shall be considered:

8 (1) The probability that the design-build procurement
9 method will be in the best interests of the State by
10 providing a material savings of time or cost over the
11 design-bid-build or other delivery system.

12 (2) The type and size of the project and its
13 suitability to the design-build procurement method.

14 (3) The ability of the State construction agency to
15 define and provide comprehensive scope and performance
16 criteria for the project.

17 No State construction agency may use a design-build
18 procurement method unless the agency determines in writing that
19 the project will comply with the disadvantaged business and
20 equal employment practices of the State as established in the
21 Business Enterprise for Minorities, Females, and Persons with
22 Disabilities Act and Section 2-105 of the Illinois Human Rights
23 Act.

24 The Capital Development Board and the Department of
25 Transportation shall within 15 days after the initial
26 determination provide an advisory copy to the Procurement

1 Policy Board and maintain the full record of determination for
2 5 years.

3 (Source: P.A. 94-716, eff. 12-13-05.)

4 (30 ILCS 537/10)

5 (Section scheduled to be repealed on July 1, 2014)

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

7 "State construction agency" means the Capital Development
8 Board or the Department of Transportation.

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

11 "Design-bid-build" means the traditional delivery system
12 used on public projects in this State that incorporates the
13 Architectural, Engineering, and Land Surveying Qualification
14 Based Selection Act (30 ILCS 535/) and the principles of
15 competitive selection in the Illinois Procurement Code (30 ILCS
16 500/).

17 "Design-build" means a delivery system that provides
18 responsibility within a single contract for the furnishing of
19 architecture, engineering, land surveying and related services
20 as required, and the labor, materials, equipment, and other
21 construction services for the project.

22 "Design-build contract" means a contract for a public
23 project under this Act between the State construction agency
24 and a design-build entity to furnish architecture,
25 engineering, land surveying, and related services as required,

1 and to furnish the labor, materials, equipment, and other
2 construction services for the project. The design-build
3 contract may be conditioned upon subsequent refinements in
4 scope and price and may allow the State construction agency to
5 make modifications in the project scope without invalidating
6 the design-build contract.

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

16 "Design professional" means any individual, sole
17 proprietorship, firm, partnership, joint venture, corporation,
18 professional corporation, or other entity that offers services
19 under the Illinois Architecture Practice Act of 1989 (225 ILCS
20 305/), the Professional Engineering Practice Act of 1989 (225
21 ILCS 325/), the Structural Engineering Licensing Act of 1989
22 (225 ILCS 340/), or the Illinois Professional Land Surveyor Act
23 of 1989 (225 ILCS 330/).

24 "Evaluation criteria" means the requirements for the
25 separate phases of the selection process as defined in this Act
26 and may include the specialized experience, technical

1 qualifications and competence, capacity to perform, past
2 performance, experience with similar projects, assignment of
3 personnel to the project, and other appropriate factors. Price
4 may not be used as a factor in the evaluation of Phase I
5 proposals.

6 "Proposal" means the offer to enter into a design-build
7 contract as submitted by a design-build entity in accordance
8 with this Act.

9 "Request for proposal" means the document used by the State
10 construction agency to solicit proposals for a design-build
11 contract.

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

20 (Source: P.A. 94-716, eff. 12-13-05.)

21 (30 ILCS 537/90)

22 (Section scheduled to be repealed on July 1, 2014)

23 Sec. 90. Repealer. This Act is repealed on July 1, 2018
24 ~~July 1, 2014~~.

25 (Source: P.A. 96-21, eff. 6-30-09.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.