



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3932

Introduced 4/24/2024, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

30 ILCS 500/30-15
30 ILCS 500/30-17 new
30 ILCS 500/30-22
105 ILCS 5/10-20.21b new

Amends the Illinois Procurement Code. Provides that construction agencies may procure construction and construction-related professional services via job order contracting through the use of competitive sealed proposals. Provides that proposal documents shall include a construction task catalog containing construction tasks with preset unit prices that are based on local labor, material, and equipment prices and are for the direct cost of construction. Provides that proposals shall include certain adjustment factors. Provides that any job order contract awarded by State construction agencies shall include a specific BEP utilization goal of 25% and VOSB/SDVOSB utilization goal of 3% based on the availability of BEP and VOSB/SDVOSB certified vendors to perform or provide the anticipated services, supplies, or both. Amends the School Code. Provides that a school district may (i) use a request for proposals process to procure construction and construction-related professional services via a job order contract, an indefinite quantity contract, or both and (ii) enter into or use a job order contract, indefinite quantity contract, or both for the procurement of construction and construction-related professional services, through a municipality, a county board of any county, a body politic and corporate, a unit of local government, or a national joint purchasing program.

LRB103 40368 HLH 72645 b

1 AN ACT concerning State government.

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 30-15 and 30-22 and by adding Section 30-17
6 as follows:

7 (30 ILCS 500/30-15)

8 Sec. 30-15. Method of source selection.

9 (a) Competitive sealed bidding. Except as provided in
10 subsections (b), (c), and (d) and Sections 20-20, 20-25, ~~and~~
11 20-30, and 30-17, all State construction contracts shall be
12 procured by competitive sealed bidding in accordance with
13 Section 20-10.

14 (b) Other methods. The Capital Development Board shall
15 establish by rule construction purchases that may be made
16 without competitive sealed bidding and the most competitive
17 alternate method of source selection that shall be used.

18 (c) Construction-related professional services. All
19 construction-related professional services contracts shall be
20 awarded in accordance with the provisions of the
21 Architectural, Engineering, and Land Surveying Qualifications
22 Based Selection Act. "Professional services" means those
23 services within the scope of the practice of architecture,

1 professional engineering, structural engineering, or
2 registered land surveying, as defined by the laws of this
3 State.

4 (d) Correctional facilities. Remodeling and rehabilitation
5 projects at correctional facilities under \$25,000 funded from
6 the General Revenue Fund are exempt from the provisions of
7 this Article. The Department of Corrections may use inmate
8 labor for the remodeling or rehabilitation of correctional
9 facilities on those projects under \$25,000 funded from the
10 General Revenue Fund.

11 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

12 (30 ILCS 500/30-17 new)

13 Sec. 30-17. Job order contracting.

14 (a) Construction agencies may procure construction and
15 construction-related professional services via job order
16 contracting through the use of competitive sealed proposals in
17 accordance with Section 20-15.

18 (b) As used in this Section, "job order contracting" means
19 an indefinite quantity contract pursuant to which a firm or
20 contractor may perform an ongoing series of individual
21 projects at different facilities, locations, and sites under
22 the jurisdiction of a construction agency.

23 (c) Proposal documents shall include a construction task
24 catalog containing construction tasks with preset unit prices
25 that are based on local labor, material, and equipment prices

1 and are for the direct cost of construction.

2 (d) Proposals shall include 3 adjustment factors to be
3 applied to unit prices: (1) one adjustment factor for
4 performing work during normal working hours; (2) a second
5 adjustment factor for performing work during other than normal
6 working hours; and (3) an adjustment factor for performing
7 non-prepriced tasks.

8 (e) The requests for proposals shall state the relative
9 importance of price and other evaluation factors. Proposals
10 shall be submitted in 2 parts: the first part shall cover items
11 except for price; and the second part shall cover price. The
12 first part of all proposals shall be evaluated and ranked
13 independently of the second part of all proposals. Evaluation
14 factors to be considered in the first part shall include the
15 following: (1) the offeror's past experience as a job order
16 contractor or indefinite quantity contractor with a
17 demonstrated ability to perform a diverse scope of work and a
18 firm understanding of job order contract and indefinite
19 quantity contract processes; (2) the staffing and
20 qualifications of personnel specific to job order contracts or
21 indefinite quantity contracts; (3) whether the offeror has
22 demonstrated processes and infrastructure to support the
23 volume of work orders throughout the State; (4) whether the
24 offeror is a local resident with an established home office
25 located in the State for at least one year; (5) whether the
26 offeror has demonstrated financial ability to finance or

1 support multiple projects; (6) the offeror's bonding capacity
2 and insurance compliance; (7) the diversity of offeror
3 personnel; (8) the offeror's history of meeting or exceeding
4 Business Enterprise for Minorities, Women and Persons with
5 Disabilities Act (BEP) utilization goals or other similar
6 county, State, or municipal minority business participation
7 programs; and (9) the offeror's safety record, including the
8 offeror's Occupational Safety and Health Administration record
9 and experience modification rate.

10 (f) As provided in the request for proposals and under
11 rules, discussions may be conducted with responsible offerors
12 who submit offers or proposals determined to be reasonably
13 susceptible of being selected for award for the purpose of
14 clarifying and assuring full understanding of and
15 responsiveness to the solicitation requirements. Those
16 offerors shall be accorded fair and equal treatment with
17 respect to any opportunity for discussion and revision of
18 proposals. Revisions may be permitted after submission and
19 before award for the purpose of obtaining best and final
20 offers. In conducting discussions, there shall be no
21 disclosure of any information derived from proposals submitted
22 by competing offerors. If information is disclosed to any
23 offeror, it shall be provided to all competing offerors.

24 (g) Construction agencies may award multiple job order
25 contracts under a single request for proposal. Awards shall be
26 made to the responsible offeror or offerors whose proposal is

1 determined in writing to be the most advantageous to the
2 State, taking into consideration price and the evaluation
3 factors set forth in the request for proposals. The contract
4 file shall contain the basis on which the award is made.
5 Contracting agencies may not contract for construction
6 services with the same entity that provides the construction
7 task catalog.

8 (h) Any job order contract awarded by State construction
9 agencies shall include a specific BEP utilization goal of 25%
10 and VOSB/SDVOSB utilization goal of 3% based on the
11 availability of BEP and VOSB/SDVOSB certified vendors to
12 perform or provide the anticipated services, supplies, or both
13 as set forth in the request for proposals.

14 (30 ILCS 500/30-22)

15 Sec. 30-22. Construction contracts; responsible bidder or
16 offeror requirements. To be considered a responsible bidder or
17 offeror on a construction contract for purposes of this Code,
18 a bidder or offeror must comply with all of the following
19 requirements and must present satisfactory evidence of that
20 compliance to the appropriate construction agency:

21 (1) The bidder or offeror must comply with all
22 applicable laws concerning the bidder's entitlement to
23 conduct business in Illinois.

24 (2) The bidder or offeror must comply with all
25 applicable provisions of the Prevailing Wage Act.

1 (3) The bidder or offeror must comply with Subchapter
2 VI ("Equal Employment Opportunities") of Chapter 21 of
3 Title 42 of the United States Code (42 U.S.C. 2000e and
4 following) and with Federal Executive Order No. 11246 as
5 amended by Executive Order No. 11375.

6 (4) The bidder or offeror must have a valid Federal
7 Employer Identification Number or, if an individual, a
8 valid Social Security Number.

9 (5) The bidder or offeror must have a valid
10 certificate of insurance showing the following coverages:
11 general liability, professional liability, product
12 liability, workers' compensation, completed operations,
13 hazardous occupation, and automobile.

14 (6) The bidder or offeror and all bidder's or
15 offeror's subcontractors must participate in applicable
16 apprenticeship and training programs approved by and
17 registered with the United States Department of Labor's
18 Bureau of Apprenticeship and Training.

19 (7) For contracts with the Illinois Power Agency, the
20 Director of the Illinois Power Agency may establish
21 additional requirements for responsible bidders or
22 offerors. These additional requirements, if established,
23 shall be set forth together with the other criteria
24 contained in the invitation for bids or request for
25 proposals, and shall appear in the appropriate volume of
26 the Illinois Procurement Bulletin.

1 (8) The bidder or offeror must certify that the bidder
2 or offeror will maintain an Illinois office as the primary
3 place of employment for persons employed in the
4 construction authorized by the contract.

5 The provisions of this Section shall not apply to
6 federally funded construction projects if such application
7 would jeopardize the receipt or use of federal funds in
8 support of such a project.

9 (Source: P.A. 97-369, eff. 8-15-11; 98-1076, eff. 1-1-15.)

10 Section 10. The School Code is amended by adding Section
11 10-20.21b as follows:

12 (105 ILCS 5/10-20.21b new)

13 Sec. 10-20.21b. Job order contracts; indefinite quantity
14 contracts.

15 (a) As used in this Section:

16 "Indefinite quantity contract" means a contract for an
17 indefinite quantity of services for a fixed time or for a
18 job order contract.

19 "Job order contract" means an indefinite quantity
20 contract under which a firm or contractor may perform an
21 ongoing series of individual projects at different
22 facilities, locations, and sites under the jurisdiction or
23 control of a school district.

24 "National joint purchasing program" means any national

1 purchasing entity, organization, or cooperative that
2 procures a master construction or construction-related
3 professional services contract through a competitive
4 request for proposal process.

5 (b) Under this Section, a school district is authorized to
6 (i) use a request for proposals process to procure
7 construction and construction-related professional services
8 via a job order contract, an indefinite quantity contract, or
9 both and (ii) enter into or use a job order contract,
10 indefinite quantity contract, or both for the procurement of
11 construction and construction-related professional services,
12 through a municipality, a county board of any county, a body
13 politic and corporate, a unit of local government, or a
14 national joint purchasing program.

15 (c) Proposal documents shall include a construction task
16 catalog containing construction tasks with preset unit prices
17 that are based on local labor, material, and equipment prices
18 and are for the direct cost of construction.

19 (d) Proposals shall include 3 adjustment factors to be
20 applied to unit prices: (1) one adjustment factor for
21 performing work during normal working hours; (2) a second
22 adjustment factor for performing work during other than normal
23 working hours; and (3) an adjustment factor for performing
24 non-prepriced tasks.

25 (e) The requests for proposals shall state the relative
26 importance of price and other evaluation factors. Proposals

1 shall be submitted in 2 parts: the first part shall cover items
2 except for price; and the second part shall cover price. The
3 first part of all proposals shall be evaluated and ranked
4 independently of the second part of all proposals. Evaluation
5 factors to be considered in the first part shall include the
6 following: (1) the offeror's past experience as a job order
7 contractor or indefinite quantity contractor with a
8 demonstrated ability to perform a diverse scope of work and a
9 firm understanding of job order contract and indefinite
10 quantity contract processes; (2) the staffing and
11 qualifications of personnel specific to job order contracts or
12 indefinite quantity contracts; (3) whether the offeror has
13 demonstrated processes and infrastructure to support the
14 volume of work orders throughout the State; (4) whether the
15 offeror is a local resident with an established home office
16 located in the State for at least one year; (5) whether the
17 offeror has demonstrated financial ability to finance or
18 support multiple projects; (6) the offeror's bonding capacity
19 and insurance compliance; (7) the diversity of offeror
20 personnel; (8) the offeror's history of meeting or exceeding
21 Business Enterprise for Minorities, Women and Persons with
22 Disabilities Act (BEP) utilization goals or other similar
23 county, State, or municipal minority business participation
24 programs; and (9) the offeror's safety record, including the
25 offeror's Occupational Safety and Health Administration record
26 and experience modification rate.

1 (f) As provided in the request for proposals and under
2 rules, discussions may be conducted with responsible offerors
3 who submit offers or proposals determined to be reasonably
4 susceptible of being selected for award for the purpose of
5 clarifying and assuring full understanding of and
6 responsiveness to the solicitation requirements. Those
7 offerors shall be accorded fair and equal treatment with
8 respect to any opportunity for discussion and revision of
9 proposals. Revisions may be permitted after submission and
10 before award for the purpose of obtaining best and final
11 offers. In conducting discussions, there shall be no
12 disclosure of any information derived from proposals submitted
13 by competing offerors. If information is disclosed to any
14 offeror, it shall be provided to all competing offerors.

15 (g) School districts may award multiple job order
16 contracts under a single request for proposal. Awards shall be
17 made to the responsible offeror or offerors whose proposal is
18 determined in writing to be the most advantageous to the
19 State, taking into consideration price and the evaluation
20 factors set forth in the request for proposals. The contract
21 file shall contain the basis on which the award is made. School
22 districts may not contract for construction services with the
23 same entity that provides the construction task catalog.