

1 AN ACT concerning State construction projects.

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 adding Article 33 as follows:

6 (30 ILCS 500/Art. 33 heading new)

7 ARTICLE 33. CONSTRUCTION MANAGEMENT SERVICES

8 (30 ILCS 500/33-5 new)

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

10 "Construction management services" includes:

11 (1) services provided in the planning and design phases
12 of a construction project including, but not limited to,
13 consulting with, advising, assisting, and making
14 recommendations to the State agency and architect, engineer,
15 or registered landscape architect on all aspects of planning
16 for project construction; reviewing all plans and
17 specifications as they are being developed and making
18 recommendations with respect to construction feasibility,
19 availability of material and labor, time requirements for
20 procurement and construction, and projected costs; making,
21 reviewing, and refining budget estimates based on the State
22 agency's program and other available information; making
23 recommendations to the State agency and the architect or
24 engineer regarding the division of work in the plans and
25 specifications to facilitate the bidding and awarding of
26 contracts; soliciting the interest of capable contractors and
27 assisting the owner in taking bids on the project; analyzing
28 the bids received and awarding contracts; and preparing and
29 monitoring a progress schedule during the design phase of the
30 project and preparation of a proposed construction schedule;

1 and

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

28 "Construction manager" means any person providing
29 construction management services for a State agency.

30 (30 ILCS 500/33-10 new)

31 Sec. 33-10. Time for using construction management
32 services. The appropriate State purchasing officer or chief
33 procurement officer of a State agency may elect to engage the

1 construction management services of a construction manager
 2 when planning, designing, and constructing a building or
 3 structure or when improving, altering, or repairing a
 4 building or structure. Construction management services may
 5 be used by the State agency in the pre-construction phase,
 6 the construction phase of public works project, or both
 7 phases of the project.

8 (30 ILCS 500/33-15 new)

9 Sec. 33-15. Selection procedures. If it is determined
 10 that a public works project should be performed with a
 11 negotiated contract for construction management services, the
 12 State agency must publish in the Illinois Procurement
 13 Bulletin a request for proposals from qualified construction
 14 managers in the following manner:

15 (1) If the total cost for the erection or
 16 construction of any building or structure or the
 17 improvement, alteration, or repair of a building or
 18 structure exceeds \$500,000, the State agency must publish
 19 the notice for at least 10 days before the date set for
 20 opening the proposals.

21 (2) If the cost of the work contemplated exceeds
 22 \$1,500,000, the State agency must publish the notice for
 23 at least 2 10-day periods before the date set for opening
 24 the proposals.

25 The number of proposals may not be restricted or
 26 curtailed, but must be open to all construction managers
 27 complying with the terms upon which the proposals are
 28 requested.

29 (30 ILCS 500/33-20 new)

30 Sec. 33-20. Duties of construction manager; additional
 31 requirements for persons performing construction work.

32 (a) Upon the award of a construction management services

1 contract, a construction manager must contract with the State
2 agency to furnish his or her skill and judgment in
3 cooperation with, and reliance upon, the services of the
4 project architect or engineer. The construction manager must
5 furnish business administration, management of the
6 construction process, and other specified services to the
7 State agency and must perform his or her obligations in an
8 expeditious and economical manner consistent with the
9 interest of the State agency. If it is in the State's best
10 interest, the construction manager may provide or perform
11 basic services for which reimbursement is provided in the
12 general conditions to the construction management services
13 contract.

14 (b) The construction manager, or any entity that
15 controls, is controlled by, or shares common ownership with
16 the construction manager, is not permitted to bid on or
17 perform any of the actual construction on a public works
18 project in which he or she is acting as construction manager.
19 The actual construction work on the project must be awarded
20 by competitive bidding as provided in this Code. All
21 successful bidders for actual construction work must contract
22 directly with the State agency, but must perform his or her
23 obligations at the direction of the construction manager
24 unless otherwise provided in the construction manager's
25 contract with the State agency. All successful bidders for
26 actual construction work must enter into a trust agreement
27 under Section 30-25 of this Code. This subsection is subject
28 to the applicable provisions of the following Acts:

- 29 (1) the Prevailing Wage Act;
- 30 (2) the Public Construction Bond Act;
- 31 (3) the Public Works Employment Discrimination Act;
- 32 (4) the Public Works Preference Act;
- 33 (5) the Employment of Illinois Workers on Public
34 Works Act;

- 1 (6) the Public Contract Fraud Act; and
- 2 (7) the Illinois Construction Evaluation Act.

3 (30 ILCS 500/33-25 new)

4 Sec. 33-25. Prohibited conduct. No construction
5 management services contract may be awarded by a State agency
6 on a negotiated basis as provided in this Article if the
7 construction manager or an entity that controls, is
8 controlled by, or shares common ownership or control with the
9 construction manager (i) guarantees, warrants, or otherwise
10 assumes financial responsibility for the work of others on
11 the project; (ii) provides the State agency with a guaranteed
12 maximum price for the work of others on the project; or (iii)
13 furnishes or guarantees a performance or payment bond for
14 other contractors on the project. In any such case, the
15 contract for construction management services must be let by
16 competitive bidding as in the case of contracts for
17 construction work.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.