

In Brief

February 2019

NEW DESIGN-BUILD PILOT PROGRAM

Public Act 100-1159 was recently enacted and is known as the Design-Build for Public Schools Act, 105 ILCS 231/1 *et seq.* The Act allows up to five design-build demonstration projects for school districts throughout the State of Illinois. The Act is effective immediately and will be automatically repealed on July 1, 2023. The key points of the Act include the following:

1. Any school district that wants to participate in the program must show that the project is in the school district's best interests. The Illinois State Board of Education shall make this determination and review and approve all projects. The project selected is subject to Section 2-3.12 of the School Code (105 ILCS 5/2-3.12) regarding school building code compliance.
2. The school district shall make a written determination as to the advantages of using the design-build procurement method and whether it is in the best interests of the school district by considering the following factors: material savings of time or cost, type and size of project, and the ability to define and provide comprehensive scope and performance criteria for the project.
3. The school district must then issue a notice of intent to receive proposals for a project no less than 14 days before issuing the request for proposals by publishing a notice in a daily newspaper in the area with the district's name, the preliminary schedule, the proposed budget and source of funds, prequalification criteria for entities that submit proposals, material requirements, performance criteria, evaluation criteria, and the number of entities that will be considered for Phase II.
4. The school district must use a licensed design professional to develop the request for proposal.
5. The school district shall establish a committee to evaluate and select the entity, which shall consist of no less than 5 but no more than 7 members and shall include at least one licensed design professional.
6. The school district must use a 2-phase procedure for the selection of the entity which consists of evaluating and shortlisting the entities based on qualifications for Phase I and evaluating the technical and cost proposals for Phase II. A licensed design professional must evaluate the technical and cost submission for compliance with industry standards. The school district may award the contract to the highest overall ranked entity.

Please contact your Robbins Schwartz attorney for further information regarding this Act.