



Jim Underwood
Executive Director

CDB BOARD BOOK

May 8, 2012, 10:30 a.m.

Video-Conference
between

James R. Thompson Center
100 West Randolph Street, Suite 14-600
Chicago, Illinois

and

Robert Oxtoby Board Room
3rd Floor Stratton Office Building
401 S. Spring Street
Springfield, Illinois

and

IL Dept. of Transportation Office
1102 East Port Plaza
Collinsville, Illinois

Board Members: Peter J. O'Brien, Sr. (Chairman)
Glyn M. Ramage
Michael Chin
Stewart A. Munoz
Miles W. Beatty, III
Anthony J. Garippo

CAPITAL DEVELOPMENT BOARD

**May 8, 2012, 10:30 a.m.
Video-Conference
between
the following three locations:**

James R. Thompson Center
100 West Randolph Street
Suite 14-600
Chicago, Illinois

Robert Oxtoby Board Room
3rd Floor Stratton Building
401 S. Spring Street
Springfield, Illinois

IDOT Office
1102 East Port Plaza
Collinsville, Illinois

1. CALL TO ORDER

PRELIMINARY ITEMS

- 2. Adoption of Agenda
- 3. Approval of April 10, 2012 Minutes..... 1-4
- 4. Introduction of Guests

BOARD ACTION

- 5. Change Order
 - Illinois State Fairgrounds 5-9
- 6. Proceed Order
 - James R. Thompson Center 10-19
- 7. Staff Recommendations for Architect/Engineer Selections
 - PSB – 174 20-21
 - PSB – 175 22-23
- 8. Higher Education Recommendations for Architect/Engineer Selections 24-32
- 9. Proposed FY13 CDB Board Meeting Schedule 33
- 10. Proposed Rules Changes to the Illinois Administrative Code
 - Selection of Architects/Engineers 34-40
 - Prequalification and Bidder Responsibility 41-68

EXECUTIVE SESSION

staff contact: Amber Evans
217.782.8726

SUBJECT: Meeting Minutes for April 10, 2012 Board Meeting

The April 10, 2012 meeting of the Capital Development Board was held by video-conference at the James R. Thompson Center, 100 West Randolph Street, Suite 14-600, Chicago, Illinois and the Stratton Office Building, 401 South Spring Street, Third Floor, Springfield, Illinois.

The following Board Members were present:

Chicago

Peter O'Brien, Sr., Chairman
Stewart Munoz
Michael Chin
Miles Beatty, III
Anthony Garippo

Others present:

Chicago

Jim Underwood, CDB
Keith Horton, CDB
Josh Weger, CDB
Tom Klein, CDB
Don Broughton, CDB
Ron Wright, CDB
Andrea Bauer, CDB
Leonard McGee, CDB
Ed Choklek, FGM Architects
Megan Muter, BauerLatoza Studio
Brie Yaksic, Guidepost Solutions TDC
Micaela Vidaña, EEC
Karen Fredrickson, CDB
Jesse Martinez, CDB
Gilbert Villegas, CDB
Bob Robicsek, Harley Ellis Devereaux
Steve Dailey, Harley Ellis Devereaux
Lisa Mattingly, CDB

Springfield

Amber Evans, CDB
Patty Broers, EEC
Lorri Rosenfeldt, EEC
Gary Kitchen, CDB
Doug Tinch, CDB
Bill Mabie, CDB
Christopher Flynn, EEC
Gus Behnke, CDB
Marcy Joerger, CDB
Randall Shively, Rend Lake College
Rick Kentzler, Illinois State University
Bob Bauer, CDB (present via phone)

Chairman O'Brien called the meeting to order at 10:40 a.m.

Amber Evans took roll call. For the record, Chairman O'Brien and members Michael Chin, Miles Beatty and Anthony Garippo were present at the Chicago meeting site.

Mr. Chin moved and Mr. Beatty seconded a motion for adoption of the agenda. Chairman O'Brien called for a vote, which was approved unanimously.

Mr. Beatty moved and Mr. Garippo seconded a motion to approve the minutes of the March 13, 2012 meeting. Chairman O'Brien called for a vote, which was approved unanimously.

Member Stewart Munoz joined the meeting in Chicago and was added to the roll at 10:42 a.m.

All attendees and guests in Chicago and Springfield introduced themselves to the Board.

Chairman O'Brien read a resolution in honor of former Board Member, Mr. Mark Ladd, and presented him with a plaque. Mr. Ladd thanked Chairman O'Brien and stated that it was a pleasure to serve on the Board.

Mr. Wright presented the following Proceed Order and introduced Mr. Steve Dailey and Mr. Robert Robicsek with Harley Ellis Devereaux who further explained the project and answered questions from Board members:

PROCEED ORDER - Illinois State Police

Various Plumbing Repairs

Metro East Forensic Lab

Belleville, St. Clair County, Illinois

CDB Project No. 291-125-001

A/E: Harley Ellis Devereaux

Proceed Order No. G-1\$650,000.00

Mr. Munoz moved and Mr. Chin seconded a motion to approve the proceed order. Chairman O'Brien called for a vote, which was approved unanimously.

Mr. Broughton presented the following Higher Ed A/E selection recommendation and introduced Mr. Randall Shively with Rend Lake Community College who further explained the project and answered questions from Board members:

| | | | |
|----|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|
| 1. | 810-078-022 | IL COMMUNITY COLLEGE BOARD Construct Art Program Addition Rend Lake Community College Ina, Jefferson County, Illinois 1. White & Borgognoni Architects, P.C. 2. Ittner Architectural Leadership 3. Design Architects, Inc. | Appropriation: \$451,300 Project Cost: \$601,700 |
|----|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|

Mr. Munoz moved and Mr. Garippo seconded a motion to approve the recommendation for the selection of architects/engineers. Chairman O'Brien called for a vote, which was approved unanimously.

Mr. Broughton presented the following Higher Ed A/E selection recommendation and introduced Mr. Rick Kentzler with Illinois State University who further explained the project and answered questions from Board members:

| | | | |
|----|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| 2. | 821-010-116 | IL BOARD OF HIGHER EDUCATION Renovate Capen Auditorium Illinois State University Normal, McLean County, Illinois 1. Gorski-Reifsteck 2. Ratio Architects 3. Bailey Edwards | Appropriation: \$1,564,000 Project Cost: \$1,564,000 |
|----|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|

Mr. Chin moved and Mr. Beatty seconded a motion to approve the recommendation for the selection of architects/engineers. Chairman O'Brien called for a vote, which was approved unanimously.

Mr. Broughton presented the following Higher Ed A/E selection recommendation and introduced Mr. Rick Kentzler with Illinois State University who further explained the project and answered questions from Board members:

| | | | |
|----|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|
| 3. | 810-038-012 | IL BOARD OF HIGHER EDUCATION Upgrade Steam Heating System – Felmley Hall Illinois State University Normal, McLean County, Illinois 1. KJWW 2. Architectural Expressions 3. Hurst-Rosche Engineers | Appropriation: \$1,500,000 Project Cost: \$1,500,000 |
|----|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|

Mr. Beatty moved and Mr. Munoz seconded a motion to approve the recommendation for the selection of architects/engineers. Chairman O'Brien called for a vote, which was approved unanimously.

Director Underwood gave a brief staffing and legislative update to the Board and informed them of the upcoming construction outreaches that are being scheduled.

Chairman O'Brien thanked Director Underwood and the CDB staff for all of their time, effort, hard work and diligence that is put forth in performing their daily duties, as well as keeping the Board members informed of important issues and satisfying their many questions.

Chairman O'Brien announced that the May 8, 2012 Board meeting will be held in Springfield, followed by a luncheon sponsored by the Board members.

Chairman O'Brien stated that appointments to the newly created Administration & Rules committee, Construction & Management committee and Finance & Audit committee will be announced in May.

Chairman O'Brien thanked the members of the Board for all of their hard work in helping construct these committees.

Mr. Munoz moved and Mr. Chin seconded a motion to adjourn. Chairman O'Brien called for a vote, which was approved unanimously. Motion carried and the meeting adjourned at 11:23 a.m.

Executive Summary for Board Level Change Order

CDB Project No. 039-150-164 Phase 3
Project Description: Street Lighting Replacement
Project Location: Illinois State Fairgrounds
Springfield, Sangamon County, Illinois

Project History:

The scope of work for the existing project consists of replacing street lighting on the campus of the Illinois State Fairgrounds with LED fixtures, with the exception of the main racetrack and secondary warm-up track.

Requested Action:

We are requesting approval of Change Order Number E1 in the amount of \$189,822.00 for the requested work, which consists of replacing an additional 176 lighting fixtures and associated electrical work.

Note 1: A "not-to-exceed" Proceed Order in the amount of \$190,000.00 was approved by the Board at the March 13, 2012 Board Meeting.

Note 2: The funding for this project was made available after other ARRA projects' bids came in under estimate. CDB is working to use all of the Federal funds that are scheduled to expire on July 14, 2012.

Request for Board Approval of Change Order

Project Number: 039-150-164 Phase 3
Description: Street Lighting Replacement
Illinois State Fairgrounds
Springfield, IL 62701

Using Agency: Illinois Department of Agriculture
Architect/Engineer: Farnsworth Group, Inc.
200 West College Avenue Ste. 301
Normal, IL 61761
Project Manager: Monte Law

Total Project Budget: \$3,931,625.14
Unobligated Funds: \$2,889,829.00
Percent Completion: 10%

Reason for Change: An additional \$189,822.00 of ARRA funding became available. This project is setup with unit pricing in place so the scope limits can be increased to utilize the additional funding.

Description of Change: The Electrical Contractor (EC) shall adjust the light fixture counts to accommodate the \$189,822.00 addition of ARRA funds and shall adhere to contractor bid unit pricing. The adjustments shall be defined as follows:

- 10 less Type "A" Fixtures
- 194 more Type "B" Fixtures
- 10 less Type "C" Fixtures
- 12 more Type "D" Fixtures
- 10 less Type "F" Fixtures

3 special slip fitters for pole converting square to round securements.

Also pour 5 new equipment bases with epoxy anchors extending them up to 2'-0" for area between Gates 12 and 1.

Set 5, of the Ags poles, one of these will have an existing double bull horn attached in order to mount 2 fixture heads.

| CONTRACTOR | Trade | Proceed Order Amount | Original Contract | % CHANGE |
|--------------------------------|------------|----------------------|----------------------|--------------|
| B&B Electric | Electrical | \$ 189,822.00 | \$ 544,750.00 | 34.8% |
| | | \$ | \$ | % |
| | | \$ | \$ | % |
| | | \$ | \$ | % |
| | | \$ | \$ | % |
| | | \$ | \$ | % |
| Total All Change Orders | | \$ 189,822.00 | \$ 544,750.00 | 34.8% |

Completion Effect: 120 days

State of Illinois
CAPITAL DEVELOPMENT BOARD

REQUEST FOR PROPOSAL & CHANGE ORDER

Date: 3/2/12 RFP Number: E1

| FOR CDB USE ONLY | |
|------------------|-------|
| Name: | _____ |
| Project No.: | _____ |
| Contract No.: | _____ |
| C.F. Locale: | _____ |

1. (Contractor's Name, Address, Telephone, Fax & Attention)
 B&B Electric
 3000 Reilly Drive
 Springfield, IL 62703
 (217)528-9666 Fax (217)528-5481
 Attn: Steve Trutter e-mail: steve@bnelectric.net

GDB Project #: 039-150-164
 CDB Project Name: Replace HVAC – Administration Building Phase 3
 & Location: Illinois State Fairgrounds
 CDB Contract #: 12-0457-85
 Contract Work: Electrical

2. REQUEST for change by: A/E

CDB contemplates making certain changes, additions and deletions to the work to be performed under the subject Contract. Unless otherwise indicated in the description of change, accompanying drawings and specifications, all work required shall conform to the contract documents. The Contractor is required to submit within 14 calendar days from the date herein a proposal and a detailed breakdown for this change. The proposal shall be submitted in accordance with CDB's format and the General Conditions.

3. REASON for change:

This change is required for the reconciliation of lighting fixture counts to be incorporated into this project due to additional funding made available through the ARRA program and the expansion of scope definition as it relates to the base bid.

4. DESCRIPTION of change including reference to drawings and specifications revised, new drawings and specifications issued.

The Electrical Contractor (EC) shall adjust the light fixture counts to accommodate the \$172,050.00 addition of ARRA funds and shall adhere to contractor bid unit pricing. The adjustments shall be defined as follows:
 10 less Type "A" Fixtures, 194 more Type "B" Fixtures, 10 less Type "C" Fixtures, 12 more Type "D" Fixtures and 10 less Type "F" Fixtures.
 3 special slip filters for pole converting square to round securements. Also pour 5 new concrete bases with epoxy anchors extending them up 2'-0" for area between Gates 12 and 1. Set 5, of the AG's poles, one of these will get an existing double bull horn put on it to mount 2, fixture heads on it.

5. OTHER CONTRACTS affected by this change. List Contractor's name, contract work, RFP number and amount.
 NONE

IMPORTANT NOTICE

Disclosure of this information is mandatory in accordance with the Standard Documents for Construction. Failure to complete this will prevent payment for work completed and/or be a material breach of contract.

6. CONSIDERATION:
 Work to be accomplished in _____ Calendar Days from Approval of RFPCO.
 NOTE: Unless specifically indicated above, this does not extend the contract time.

The Contract Sum is INCREASED ~~DECREASED~~ by the total sum of.....\$ 189,822.00

7. The change described above and on accompanying drawings and specifications and the Contractor's proposal (if applicable) are hereby incorporated by reference and made a part hereof. Having reviewed the above and determining the amount to be fair and proper the undersigned:

RECOMMEND issuance of a change order
 A/E Firm Name: FANNING GROUP, INC.
 BY: [Signature] signature
 COORDINATING CONTRACTOR or CONSTRUCT. MANAGER
 BY: [Signature] signature
 CONTRACTOR
 BY: Stephen Trutter DATE 4/10/12
[Signature] print name
VICE PRESIDENT signature
 title

APPROVE as to form and content:
 USING AGENCY name
 BY: [Signature] 4/11/12 signature
 CDB/FIRM APPROVE
[Signature] 4/18/12 signature
 CDB APPROVE change order
 BY: _____ DATE _____
 _____ print name
 _____ signature
 _____ title

| FOR CDB USE ONLY | Type of Change | % Assess | Package No. | CO Date | CO No. | CO AMOUNT add (deduct) |
|------------------|----------------|----------|-------------|---------|--------|------------------------|
| | | | | | | \$ _____ |

PROCEED ORDER NO. 1

CDB PROJECT NO.: 039-150-164-Phase 3

CONTRACT NO.: 12-0457-85

DATE: 3/5/12

CONTRACTOR
B&B Electric
3000 Reilly Drive
Springfield, IL 62703

PROJECT Replace Street Lighting
Illinois State Fairgrounds
Springfield, Illinois 62701

Contract Work: ELECTRIC

Using Agency: AGRICULTURE

DESCRIPTION OF CHANGE IN WORK: This change is required for the reconciliation of lighting fixture counts to be incorporated into this project due to additional funding made available through the ARRA program and the expansion of scope definition as it relates to the base bid

Justification for the proceed order: Additional ARRA funding available.

TOTAL \$ VALUE OF THIS ORDER NOT TO EXCEED: \$ 190,000.00

Contractor Representative's Signature

Costs for work involved and change in Sum and Time (if any) will be submitted for inclusion in an RFP/CO adjusting the Contract Sum and/or Contract Time subject to the CDB procedures for processing contract changes as outlined in the Capital Development Board's Standard Documents for Construction. Approval and issuance of this document does not eliminate the requirement for the subsequent RFP/CO to be reviewed and approved by CDB to determine it to be fair and reasonable.

CPO/SPO APPROVAL

Authorization to Proceed by:

Fredrick W. Hal Monte R. Law 3/6/2012
DATE: 19 March 2012 (Up to \$9,999) Project Manager Date

My review of this change order has determined that: the circumstances which have necessitated this change order were not reasonably foreseeable at the time the contract was signed, or the change is germane to the original contract as signed, or the change order is in the best interest of the State and authorized by law, as described. (Applicable only to a change order or a series of change orders increasing or decreasing the contract amount more than \$10,000.00 or the contract time by more than 30 days.)

(Up to \$24, 999)

Gay Kitchen 3-6-2012
Regional Manager Date

(Up to \$49, 999)

[Signature] 3/6/12
Construction Administrator Date

(Up to \$74,999)

Tah Weager 3-08-12
Deputy Director - Construction Date

(Up to \$100,000)

Jim Mulwood / Guo [Signature] 3-14-12
Executive Director Date

If Board Level insert
Agenda Item No. 7

and Board Meeting Date 3-13-12



20 Allen Avenue, Suite 200
St. Louis, Missouri 63119
p 314.962.7900 f 314.962.1253

www.f-w.com | www.greennavigation.com

March 6, 2012

Capital Development Board
Third Floor – William G. Stratton Building
401 S. Spring Street
Springfield, IL 62706

RE: CDB #039-150-164
Replace Street Lighting.
IDOA – Springfield, Illinois
FGI Project No. 0100283.00

Attn: Monte Law

Dear Monte:

It is our understanding that additional funds are now available in ARRA funding. In accordance with the contract documents, the remaining street light fixtures can now be included into this contract. The additional fixture counts shall include the following:

10 less Type "A" Fixtures
186 more Type "B" Fixtures
10 less Type "C" Fixtures
10 more Type "D" Fixtures
10 less Type "F" Fixtures.

The total amount associated with the additional fixtures is \$172,050.00. It has been requested that \$190,000.00 be made available with the additional \$17,950.00 be held as a contingency to the project.

If you should have any additional questions or concerns please feel free to contact me.

Sincerely,

Farnsworth Group, Inc.

A handwritten signature in black ink, appearing to read "Richard Halteman".

Richard Halteman, P.E., C.E.M.
Senior Project Engineer

RWH

Executive Summary for Board Level Proceed Order

CDB Project No.: 250-025-022 Phase 4
Project Description: Lighting Control System Replacement (ARRA)
Project Location: James R. Thompson Center
Chicago, Cook County, Illinois

Project History:

Project 250-025-022 is a multiple phase project to provide a variety of energy saving upgrades. These upgrades are funded by ARRA funds. Phase 4, Lighting Control System Replacement is the topic of this change request. The A/E firm is Power Engineers Collaborative (PEC); the Electrical Contractor (EC) is Linear Electric. The scope is installing new wiring, new switches and new control relay panels, to replace the existing lighting control system.

On March 19th, A/E received an RFI from the EC, informing that the existing lighting control system was installed (dedicated in 1985) such that the low voltage control wires are in the same Conduit as 480/277 lighting load wires. Under current NFPA 70 and City of Chicago Electrical Code, Class 2 cabling is not permitted to run in the same conduit with lighting or power circuits. This unforeseen condition could not have been anticipated. The as-built drawing did not show and/or referenced this condition. It is possible the building was not conformed to NFPA standards, current as of 1981. In order to correct this condition and bring the building to code and in compliance with the NFPA and City of Chicago Building Code, the project teams have developed the following strategy to address this issue:

Provide new conduits to run low voltage cables.

Requested Action:

We are requesting the approval of Proceed Order E-2 in the amount of \$421,000.00 which will cover the materials and labor to run new conduits for the low voltage cables on the 19 floors that have been impacted.

Note 1: The project is working to ensure that we spend the Federal funds by June 30, 2012.

Note 2: As a result of the unforeseen condition which impacts the current schedule, a revised schedule is being prepared.

Request for Board Approval of Proceed Order

| | |
|-----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| Project Number: 250-025-022 Phase 4 | Using Agency: Central Management Services |
| Description: Lighting Control System Replacement (ARRA) James R. Thompson Center Chicago, IL 60601 | Architect/Engineer: Power Engineers Collaborative, LLC. 600 W. Jackson Blvd., Suite 600 Chicago, IL 60661 |
| Total Project Budget: \$6,307,947.48 | Project Manager: Mohammed Haq |
| Unobligated Funds: \$ 421,311.05 | |
| Percent Completion: 60% | |

Reason for Change: Unforeseen Conditions: The contractor began opening up the existing relay panels; they observed that the existing 24v dc switch wires are combined in the same raceways as the 480/277v lighting load wires. This condition cannot be duplicated in the new installation as it is not allowed by NFPA 70 and the City of Chicago Electrical Code.

Description of Change: Provide new conduits to run low voltage conductors.

| CONTRACTOR | Trade | Proceed Order Amount | Original Contract | % CHANGE |
|---------------------------------|------------|----------------------|----------------------|-------------|
| Linear Electric Inc. | Electrical | \$ 421,000.00 | \$ 359,987.00 | 117% |
| | | \$ | \$ | % |
| | | \$ | \$ | % |
| | | \$ | \$ | % |
| | | \$ | \$ | % |
| | | \$ | \$ | % |
| Total All Proceed Orders | | \$ 421,000.00 | \$ 359,987.00 | 117% |

Completion Effect: 100 days

PROCEED ORDER NO. E-2

CDB PROJECT NO.: 250-025-022 Phase 4

CONTRACT NO.: 12045085

DATE: 4-23-12

CONTRACTOR (Name, Address)

Linear Electric, Inc.
15346 S. 70th Court
Orland Park, IL 60462

PROJECT (Name, City, County)

Lighting Control System Replacement-ARRA
James R. Thompson Center
Chicago, Cook County

Contract Work: Electrical

Using Agency: Central Management Services

DESCRIPTION OF CHANGE IN WORK:

The contractor began opening up the existing relay panels; they observed that the existing 24v dc switch wires are combined in the same raceways as the 480/277v lighting load wires. This condition cannot be duplicated in the new installation as it is not allowed by NFPA 70 and City of Chicago Electrical Code. In lieu of running the lighting control switch cables in existing conduits, contractor is to provide new conduits to run switch cables.

Justification for the proceed order:

Remedy non-code compliant existing condition.

TOTAL \$ VALUE OF THIS ORDER NOT TO EXCEED: \$ 421,000.00

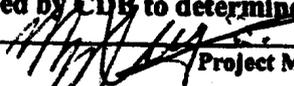
Contractor Representative's Signature:  4/24/12

Costs for work involved and change in Sum and Time (if any) will be submitted for inclusion in a RFP/CO adjusting the Contract Sum and/or Contract Time subject to the CDB procedures for processing contract changes as outlined in the Capital Development Board's Standard Documents for Construction. Approval and issuance of this document does not eliminate the requirement for the subsequent RFP/CO to be reviewed and approved by CDB to determine it to be fair and reasonable.

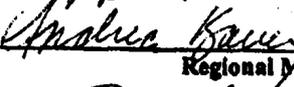
Authorization to Proceed by:

My review of this change order has determined that: the circumstances which have necessitated this change order were not reasonably foreseeable at the time the contract was signed, or the change is germane to the original contract as signed, or the change order is in the best interest of the State and authorized by law, as described. (Applicable only to a change order or a series of change orders increasing or decreasing the contract amount more than \$10,000.00 or the contract time by more than 30 days.)

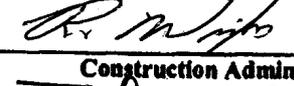
(Up to \$9,999)

 Project Manager 4/24/12
Date

(Up to \$24,999)

 Regional Manager 4/24/12
Date

(Up to \$49,999)

 Construction Administrator 4/24/12
Date

(Up to \$74,999)

 Deputy Director - Construction 4-24-12
Date

(Up to \$100,000)

Executive Director Date

If Board Level Insert Agenda Item No. _____

Board Representative Date

Procurement Approval

CPO Representative Date



Board Members

Peter J. O'Brien, Sr.
Chairman

Glyn M. Ramage
Michael Y. Chin
Stewart A. Munoz
Miles W. Beatty, III
Anthony J. Garippo

MEMORANDUM

TO: Patricia Broers SOI CPO, Chris Flynn SOI CPO
CC: Josh Weger, Ron Wright, Lisa Mattingly, Marcy Joerger, Chris MacGibbon,
Mohammed Haq, Robert Coslow, Micaela Vidana
FROM: Andrea Bauer
DATE: April 19, 2012
RE: 250-025-022 JTRC Phase 4
SUBJECT: Conduit and Code

Project 250-025-022 is a multiple phase project to provide a variety of energy saving upgrades. Specifically this memo reference Phase 4 upgrades to the Light Control System. These upgrades are funded by ARRA funds. The ARRA funds need to be expended by July 14, 2012. The A/E firm for the project phase is Power Engineering Collaborative (PEC); the Electrical Contractor (EC) is Linear Electric. The contractor is installing new wiring, removing wall switches, installing new control panels, and installing a new lighting control system.

These upgrades are being performed in a fully staffed building. The contractor is ~60% complete with their contract work. One proceed order has been issued to compensate the EC for working a third shift to avoid power outages during the work hours.

On March 19, 2012 PEC received an RFI from the EC informing them that the existing lighting control system was installed such that the low voltage control wires are in the same conduit as line voltage conductors. Under NFPA 70 and City of Chicago Electrical Code, Class 2 cabling is not permitted to run in the same conduit with lighting or power circuits.

Wm. G. Stratton Building
401 South Spring Street
Third Floor
Springfield, IL 62706-4050

James R. Thompson Center
100 West Randolph Street
Suite 14-600
Chicago, IL 60601-3283

Dunn-Richmond Economic
Development Center
1740 Innovation Drive
Suite 258
Carbondale, IL 62903

IDOT District No. 3 Hdqtrs
Second Floor
700 East Norris Drive
Ottawa, IL 61350

The James R Thompson Center was dedicated in May of 1985. The building is located in the City of Chicago. The A/E was provided Record Drawings for the project that indicates separate conduits were provided. These same drawings are being reviewed by CDB Professional Services Staff- Robert Coslow. Until the panels were opened during construction no one was aware that this discrepancy existed. The City of Chicago Electrical code pertaining to this issue was the same during the time of design and construction.

After the condition was confirmed by the A/E the contractor was told to stop work.

217.782.2864
217.524-0565 FAX
217.524.4449 TTD
www.cdb.state.il.us

The project team has been working on solutions. CDB is alerting the CPO at this point to inform you of the findings and present options that we are discussing. No work has been done to address this issue. At your earliest convenience we would like to discuss the options which are as follows:

1. Add a Proceed Order to the project to allow the current EC to complete their contracted scope and correct the problem discovered to bring the building into code.
 - a. There are four solutions currently being investigated, two have been priced by the EC. Once a solution has been selected a proceed order would be issued, and followed by the RFP. The contractor has 7 weeks of work to complete the existing contract scope. The Using Agency indicated to Chris MacGibbon that they have additional funds that they could utilize for this change order.
 - i. Install low voltage wires in the air plenum. This installation would meet NFPA 70 but NOT the City of Chicago Electrical Code, and also does not meet CDB requirement (LV cables to run in conduit). Contractor Estimated Cost \$400,606.44
 - ii. Provide a secondary low voltage relay panels which would allow transition Class 2 wiring to Class 1, allowed by the code to run with the lighting and power conductors. Electrical Estimated Cost \$336,855.26. Note the EC indicated that they are having difficulties pulling the wires thru the conduits, 18 gage wires are 25+ years old and are breaking.
 - iii. At the request of Robert Coslow an estimate will be prepared for installing new switch conductor in new conduit.
 - iv. At the request of Robert Coslow for the relay panel option reuse the existing low voltage cabling to switches.
2. Prepare a competitive bid package for the corrective work.
 - a. The current scope of work by the EC cannot be completed until the low voltage wiring issue is resolved. There might be conflicts to have two different contractors completing the same system of work.
3. Terminate the project, redesign, and rebid. Currently this project is fully funded by ARRA. Of the funds allocated \$359,987, \$135,000 have been approved for payment to date leaving \$224,987.
4. Allow the current project to continue - not recommended, since this will leave the building without a lighting control system, thus jeopardizing the energy saving intent, i.e., major requirement of the ARRA funding.

The CDB Board will next meet on May 8, 2012. If we are to expend the ARRA funding by July 14, 2012 a decision will need to be present to the Board at this meeting.

Wright, Ron

From: Coslow, Robert
Sent: Tuesday, April 24, 2012 4:27 PM
To: Wright, Ron; Bauer, Andrea; Broers, Patricia A.; Weger, Josh
Cc: Flynn, Christopher; Begue, Sandy; MacGibbon, Chris
Subject: RE: 250-025-022 ph 4 - Board Level Proceed Order forms

The existing installation may comply with the code, depending on the Class of low voltage relay panels that were used in 1985. The new low voltage relay panels are rated Class 2 per National Electrical Code. Article 725.136 of the 2011 National Electrical Code prohibits running Class 2 conductors with Class 1, lighting and power conductors.

The option of running the new low voltage circuits using plenum rated cable without conduit does meet the National Electrical Code but does not comply with the Chicago Electrical Code article 300.22 or meet CDB requirements. However, CDB has permitted this type of installation on other projects and would allow it on this project.

The option of running the new low voltage circuits in new conduit would meet the National Electrical Code and the Chicago Electrical Code and meet CDB requirements.

Thank You,

Robert Coslow, LEED® AP
Senior Technical Specialist - Electrical
Capital Development Board
217-557-6142

From: Wright, Ron
Sent: Tuesday, April 24, 2012 4:10 PM
To: Bauer, Andrea; Broers, Patricia A.; Weger, Josh; Coslow, Robert
Cc: Flynn, Christopher; Begue, Sandy; MacGibbon, Chris
Subject: Re: 250-025-022 ph 4 - Board Level Proceed Order forms

Robert,

Can you please put into writing a summary of the code violations that we discussed yesterday to this team please, as that would help as well.

Thanks very much.

Rw
Thanks,rw

From: Bauer, Andrea
Sent: Tuesday, April 24, 2012 04:01 PM
To: Broers, Patricia A.; Weger, Josh; Wright, Ron
Cc: Flynn, Christopher; Begue, Sandy; MacGibbon, Chris
Subject: RE: 250-025-022 ph 4 - Board Level Proceed Order forms

Dear Mr. Hahn,

In the April 19, 2012 memo all options resolving this code issue were presented. The current project is funded with ARRA funds(paragraph 1). The condition for use of these funds is that there is an energy savings. The project as it stand cannot be completed the wires cannot be brought into the new control panels it is against code, and will void the warranty of the panels.

If we were to terminate the project today the Using Agency would be required to manually operate the system. No energy savings would be accounted for the expenditure to date. Thus making the expenditure invalid.

There is a Proceed Order which has been submitted and RFP E-2 is being prepared for submittal. I have asked Mohammed Haq to assembly the specific code references.

Thank you for promptly reviewing our request.

Andrea Bauer
Regional Manager
Chicago Office
State of Illinois
Capital Development Board
James R. Thompson Center
100 W. Randolph St. Suite 14-600
Chicago, IL 60601
D: 312.814.6048
O: 312.814.6000
F: 312-814-2041
E: andrea.bauer@illinois.gov

From: Broers, Patricia A.
Sent: Tuesday, April 24, 2012 3:33 PM
To: Weger, Josh; Wright, Ron; Bauer, Andrea
Cc: Flynn, Christopher; Begue, Sandy; MacGibbon, Chris
Subject: FW: 250-025-022 ph 4 - Board Level Proceed Order forms

All –
Please see Fred's comments.

Patty

Patricia Broers
State Purchasing Officer for the Capital Development Board
Executive Ethics Commission
Wm. G. Stratton Building
401 South Spring, Rm 316
Springfield, IL 62706
Patricia.Broers@Illiois.gov
(217)558-5115

From: Hahn, Fredrick
Sent: Tuesday, April 24, 2012 3:15 PM
To: Broers, Patricia A.
Subject: RE: 250-025-022 ph 4 - Board Level Proceed Order forms

Patty – the implications of the original submission on this – Andrea Bauer’s 4/19 email which was forwarded to me – is that this is a situation that violates code. That may not be true. The recent meeting included a discussions about negative impacts if this condition were allowed to remain – that has not been documented in anything I’ve seen. So, there is a basic issue of why does the change need to be made and describing that in a change document.

The change should be documented in a change order (or proceed order if time is too short) along with appropriate backup, which should then be submitted to the CPO Office and the CDB Board.

From: Wright, Ron
Sent: Tuesday, April 24, 2012 12:37 PM
To: Weger, Josh; MacGibbon, Chris; Broers, Patricia A.
Cc: Bauer, Andrea; Begue, Sandy
Subject: FW: 250-025-022 ph 4 - Board Level Proceed Order forms

Josh/Chris/Patty,

The amount of \$421K NTE was finalized by the contractor this morning for option iii of our memo and (it does include an add 10% for undiscovered work) on the 19 floors of the JTRC that will be impacted. This is our contractors best guess and best estimate without a full take off of the work. That detailed breakout will follow with the RFP/CO for the June board (if approved by CDB management and the CPO office) to ensure we can make our payments as required by the June deadline to recoup the federal fund time limit IF this proceed order amount is acceptable.

Chris MacGibbon has confirmed these extra dollars are available for the project and I am ready to submit the board level package for Josh’s review and your information.

This is a larger amount than we discussed yesterday for this option , and it will be carefully checked (via an RFP/CO) but it is the amount the contractor believes to be valid under a NTE document.

May we proceed please?

Thanks, Ron

From: Bauer, Andrea
Sent: Tuesday, April 24, 2012 11:22 AM
To: MacGibbon, Chris; Begue, Sandy; Haq, Mohammed; Wright, Ron
Cc: Nell, Brad
Subject: RE: 250-025-022 ph 4 - Board Level Proceed Order forms

Chris,

The \$421,000 is a NTE. The exact number will be in the RFP. I think we can work with a commitment of funding. The contractor cannot bill until the RFP is completed.

Andrea

From: MacGibbon, Chris
Sent: Tuesday, April 24, 2012 10:57 AM
To: Begue, Sandy; Bauer, Andrea; Haq, Mohammed; Wright, Ron
Cc: Nell, Brad
Subject: RE: 250-025-022 ph 4 - Board Level Proceed Order forms

Because the ~360k is already obligated we must fund the entire PO w/ other funds.

I was just waiting on a solid number from the contractor to have Brad Nell transfer the funds. Are we good with the \$421k? On one hand I don't want Linear to bill for \$421k just because it says "Do Not Exceed", on the other hand I don't want to underfund it. Is \$421k a good number to work with?

Thanks,
Chris MacGibbon

From: Begue, Sandy
Sent: Tuesday, April 24, 2012 10:44 AM
To: Bauer, Andrea; Haq, Mohammed; MacGibbon, Chris; Wright, Ron
Cc: Begue, Sandy
Subject: FW: 250-025-022 ph 4 - Board Level Proceed Order forms

FYI – Current contract amount is \$359,987 and the PO is for \$421,000. ARRA funds committed are \$359,000.

Question? Are there other funds available which will compensate the remainder of the proceed order amount (\$421 - \$360 = \$60K approx.)?

From: Bauer, Andrea
Sent: Tuesday, April 24, 2012 10:33 AM
To: Begue, Sandy; Haq, Mohammed; MacGibbon, Chris
Cc: Wright, Ron
Subject: RE: 250-025-022 ph 4 - Board Level Proceed Order forms

Chris can you help with this:
Unobligated Funds amount for the project on Request for Approval of Proceed Order form. (it currently shows \$0.00).

From: Begue, Sandy
Sent: Tuesday, April 24, 2012 10:24 AM
To: Haq, Mohammed
Cc: Bauer, Andrea; Wright, Ron
Subject: RE: 250-025-022 ph 4 - Board Level Proceed Order forms

Mohammed,

I need the following:

*Unobligated Funds amount for the project on Request for Approval of Proceed Order form. (it currently shows \$0.00).

*PM is you not the A/E's PM on the Request for Approval of Proceed Order form.

*Proceed Order amount must be listed and contractor's signature affixed. (Along with yours and Andrea's) on the Proceed Order form.

From: Haq, Mohammed
Sent: Monday, April 23, 2012 6:11 PM
To: Begue, Sandy
Cc: Bauer, Andrea; Wright, Ron
Subject: RE: 250-025-022 ph 4 - Board Level Proceed Order forms

Hi Sandy,

Please find attached the draft version of the forms. PO was sent to the contractor for the NTE value and the signature.

Thanks,
Mohammed

Subject Staff Recommendations for Concurrence in
the Selection of Architects/Engineers

APPROP. &
TOTAL
COST
AMOUNTS

| <u>PROJECT #</u> | <u>ARCHITECT/PROJECT DESCRIPTION</u> | |
|------------------|----------------------------------------------------------------------------------------------------------------------|----------------------------|
| 1 630-104-005 | Construct Maintenance Facility, Eisenhower Expressway Maintenance Yard, Cook County, Department of Transportation | \$1,000,000 \$5,000,000 |

FIRMS BEING CONSIDERED FOR SELECTION:

Matocha Associates

Rada Architects Ltd

Wold Architects and Engineers Inc d/b/a Wold Architects

A/E SELECTION COMMITTEE RECOMMENDATIONS
May 8, 2012

CDB PROJECT NO: 630-104-005

PROJECT DESCRIPTION: Construct Maintenance Facility

PROJECT LOCATION: Department of Transportation
Eisenhower Expressway Maintenance Yard, Cook County

APPROPRIATION AMOUNT: \$1,000,000

ESTIMATED TOTAL PROJECT COST: \$5,000,000

PROJECT SCOPE OF WORK:

The Eisenhower Expressway Maintenance Yard is a 45,547 square foot, five-building maintenance facility constructed in 1961.

The scope of work provides for constructing an approximately 30,000 square foot maintenance facility, including offices, ready rooms, restrooms, maintenance bays, double wash bays, material storage and mechanic and garage bays. The scope of work also provides for demolishing the existing maintenance facility and associated site work, including installing a perimeter fence.

Subject Staff Recommendations for Concurrence in
the Selection of Architects/Engineers

APPROP. &
TOTAL
COST
AMOUNTS

| <u>PROJECT #</u> | <u>ARCHITECT/PROJECT DESCRIPTION</u> | |
|------------------|-----------------------------------------------------------------------------------------------------------------------------|------------------------|
| 1 815-010-652 | Remove Three Underground Storage Tanks, Eastern Illinois University, Charleston, Coles County, Board of Higher Education | \$300,000 \$300,000 |

FIRMS BEING CONSIDERED FOR SELECTION:

K A M Solutions PC

Patrick Engineering Inc

**A/E SELECTION COMMITTEE RECOMMENDATIONS
May 8, 2012**

CDB PROJECT NO: 815-010-652

PROJECT DESCRIPTION: Remove Three Underground Storage Tanks

PROJECT LOCATION: Eastern Illinois University
Charleston, Illinois

APPROPRIATION AMOUNT: \$ 300,000

ESTIMATED TOTAL PROJECT COST: \$ 300,000

PROJECT SCOPE OF WORK:

Eastern Illinois University is a 3,032,827 square-foot, 80-building campus constructed in 1898.

The scope of work provides for removing three, 40,000-gallon underground storage tanks (USTs), including any associated site work or remediation.

SUBJECT: Board Concurrence for Selection of Higher Education Architect/Engineer

| <u>PROJECT #</u> | <u>FIRM/JOB DESCRIPTION</u> | <u>PROJECT AMOUNT</u> |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 810-084-010 | Upgrade Parking Lots Illinois Community College Board Sauk Valley Community College Dixon, Lee County Firms being considered for selection in alpha order: Willett, Hofmann & Associates, Inc. | \$477,650 |
| 830-010-338 | Renovate Main Library University of Illinois Urbana, Champaign County Firms being considered for selection in alpha order: Bauer Latoza Studio Johnson Lasky Architects White & Borgognoni Architects, P.C. | \$2,130,000 |
| 830-010-339 | Renovate Veteranian Medical Large Animal Clinic University of Illinois Urbana, Champaign County Firms being considered for selection in alpha order: Altus Works, Inc. Gorski Reifsteck Architects HKS Architects, Inc. | \$2,960,000 |
| 830-010-340 | Fourth Street Improvements University of Illinois Urbana, Champaign County Firms being considered for selection in alpha order: Crawford, Murphy & Tilly, Inc. Farnsworth Group Foth Infrastructure and Environment, LLC | \$1,985,000 |

SUBJECT: Board Concurrence for Selection of Higher Education Architect/Engineer

| <u>PROJECT #</u> | <u>FIRM/JOB DESCRIPTION</u> | <u>PROJECT AMOUNT</u> |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 830-010-341 | Renovate Instructional Laboratories Medical Science Building University of Illinois Urbana, Champaign County Firms being considered for selection in alpha order: Bailey Edwards Architects Facilities Solutions Group Harley Ellis Devereaux Architects | \$1,975,000 |
| 830-010-342 | Upgrade Campus Controls University of Illinois Urbana, Champaign County Firms being considered for selection in alpha order: Affiliated Engineers, Inc. Environmental Systems Design Henneman Engineering | \$1,060,000 |
| 830-010-343 | Campus Pavement Reconstruction Sixth Street and Stadium Drive University of Illinois Urbana, Champaign County Firms being considered for selection in alpha order: Farnsworth Group Foth Infrastructure & Environmental, LLC SE 3 | \$1,155,000 |

**CAPITAL DEVELOPMENT BOARD
RECOMMENDATION FOR BOARD CONCURRENCE
IN THE SELECTION OF
HIGHER EDUCATION ARCHITECT/ENGINEER
May 8, 2012**

CDB PROJECT NO: 810-084-010

PROJECT DESCRIPTION: Upgrade Parking Lots

PROJECT LOCATION: Illinois Community College Board
Sauk Valley Community College
Dixon, Lee County

APPROPRIATION AMOUNT: \$ 426,000

ESTIMATED TOTAL PROJECT COST: \$ 477,650

PROJECT SCOPE OF WORK:

Sauk Valley Community College is a 354,790 square foot, ten-building campus constructed in 1969.

The scope of work provides for upgrading campus parking lots, including removing and replacing the bituminous surface; stabilizing soft spots in the aggregate base; removing and replacing concrete curbs and gutters; replacing campus sidewalks; and, restriping the parking lots.

**CAPITAL DEVELOPMENT BOARD
RECOMMENDATION FOR BOARD CONCURRENCE
IN THE SELECTION OF
HIGHER EDUCATION ARCHITECT/ENGINEER
May 8, 2012**

CDB PROJECT NO: 830-010-338

PROJECT DESCRIPTION: Renovate Main Library

PROJECT LOCATION: University of Illinois
Urbana, Champaign County

APPROPRIATION AMOUNT: \$2,000,000

ESTIMATED TOTAL PROJECT COST: \$2,130,000

PROJECT SCOPE OF WORK:

The Main Library is a 101,207 square foot, three-story masonry and concrete building constructed in 1965.

The scope of work provides for renovating the Main Library, including replacing/repairing windows, repointing brick and stone, cleaning stonework in the courtyard and replacing art glass windows in the reading room.

**CAPITAL DEVELOPMENT BOARD
RECOMMENDATION FOR BOARD CONCURRENCE
IN THE SELECTION OF
HIGHER EDUCATION ARCHITECT/ENGINEER
May 8, 2012**

CDB PROJECT NO: 830-010-339

PROJECT DESCRIPTION: Renovate Veterinarian Medical Large Animal Clinic

PROJECT LOCATION: University of Illinois
Urbana, Champaign County

APPROPRIATION AMOUNT: \$2,815,000

ESTIMATED TOTAL PROJECT COST: \$2,960,000

PROJECT SCOPE OF WORK:

The University of Illinois at Urbana/Champaign is a 785-acre campus with approximately 450 buildings.

The scope of work provides for renovating the Veterinarian Medical Large Animal Clinic, including upgrading large animal clinic ward, isolation ward, basic sciences building lecture halls, the small animal clinic west wing, perimeter fencing and site improvements. The scope of work also provides for renovating the electrical animal hoists, teaching space upgrades at the clinical skills learning center and support space, upgrading the medical gas systems in the Veterinarian Medical teaching hospital and renovating the parking areas.

**CAPITAL DEVELOPMENT BOARD
RECOMMENDATION FOR BOARD CONCURRENCE
IN THE SELECTION OF
HIGHER EDUCATION ARCHITECT/ENGINEER
May 8, 2012**

CDB PROJECT NO: 830-010-340

PROJECT DESCRIPTION: Fourth Street Improvements

PROJECT LOCATION: University of Illinois
Urbana, Champaign County

APPROPRIATION AMOUNT: \$1,600,000

ESTIMATED TOTAL PROJECT COST: \$1,985,000

PROJECT SCOPE OF WORK:

The University of Illinois at Urbana/Champaign is a 785-acre campus with approximately 450 buildings.

The scope of work provides for Fourth Street improvements, including resurfacing and reconstructing Fourth Street, installing on-street bike lanes, curb bump outs for narrowed crossing distances and replacing traffic signals.

**CAPITAL DEVELOPMENT BOARD
RECOMMENDATION FOR BOARD CONCURRENCE
IN THE SELECTION OF
HIGHER EDUCATION ARCHITECT/ENGINEER
May 8, 2012**

CDB PROJECT NO: 830-010-341

PROJECT DESCRIPTION: Renovate Instructional Laboratories - Medical Science Building

PROJECT LOCATION: University of Illinois
Urbana, Champaign County

APPROPRIATION AMOUNT: \$1,900,000

ESTIMATED TOTAL PROJECT COST: \$1,975,000

PROJECT SCOPE OF WORK:

The University of Illinois at Urbana/Champaign is a 785-acre campus with approximately 450 buildings.

The scope of work provides for renovating the instructional laboratories in the Medical Sciences Building, including reconfiguring labs, upgrading lab and instructional technologies, replacing walls, ceiling and floor finishes, upgrading power and networking capabilities and upgrading electrical, mechanical, plumbing and ventilating systems.

**CAPITAL DEVELOPMENT BOARD
RECOMMENDATION FOR BOARD CONCURRENCE
IN THE SELECTION OF
HIGHER EDUCATION ARCHITECT/ENGINEER
May 8, 2012**

CDB PROJECT NO: 830-010-342

PROJECT DESCRIPTION: Upgrade Campus Controls

PROJECT LOCATION: University of Illinois
Urbana, Champaign County

APPROPRIATION AMOUNT: \$1,000,000

ESTIMATED TOTAL PROJECT COST: \$1,060,000

PROJECT SCOPE OF WORK:

The University of Illinois at Urbana/Champaign is a 785-acre campus with approximately 450 buildings.

The scope of work provides for upgrading the campus controls, including installing digital controls for air handling units and other related central station equipment for HVAC systems at the Law Building and Everitt Lab.

**CAPITAL DEVELOPMENT BOARD
RECOMMENDATION FOR BOARD CONCURRENCE
IN THE SELECTION OF
HIGHER EDUCATION ARCHITECT/ENGINEER
May 8, 2012**

CDB PROJECT NO: 830-010-343

PROJECT DESCRIPTION: Campus Pavement Reconstruction - Sixth Street and Stadium Drive

PROJECT LOCATION: University of Illinois
Urbana, Champaign County

APPROPRIATION AMOUNT: \$1,100,000

ESTIMATED TOTAL PROJECT COST: \$1,155,000

PROJECT SCOPE OF WORK:

The University of Illinois at Urbana/Champaign is a 785-acre campus with approximately 450 buildings.

The scope of work provides campus pavement reconstruction on Sixth Street and Stadium Drive, including upgrading both Sixth Street and Stadium Drive, installing bike lanes and replacing traffic signals.

PROPOSED FY13 CDB BOARD MEETING SCHEDULE

| DATE | TIME | LOCATION |
|--------------------|------------|------------------------------------------------------|
| July 10, 2012 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| August 14, 2012 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| September 11, 2012 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| October 9, 2012 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| November 13, 2012 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| December 11, 2012 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| January 8, 2013 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| February 5, 2013 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| March 12, 2013 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| April 9, 2013 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| May 14, 2013 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| June 11, 2013 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |



MEMORANDUM

TO: Capital Development Board

FROM: Thomas Klein, General Counsel

DATE: May 8, 2012

RE: Proposed Rule Change
44 IAC 1000 (Selection of Architects/Engineers (A/E))
IAC Title 44, Part 1000

Capital Development Board (CDB) staff has prepared a proposed Rule which would state that CDB will consider minority or female ownership as part of the QBS process. The proposed Rule would also allow CDB to set minority participation goals for projects with an estimated basic services fee of \$75,000 or more. Statutory authorization for such a rule is provided in Section 80 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act (30 ILCS 535/80), which states that “Nothing in this Act shall be deemed to prohibit or restrict agencies from establishing or maintaining affirmative action contracting goals for minorities or women. . . now or hereafter established by law, rules, and regulations, or executive order.” The Chief Procurement Officer for CDB has reviewed this proposed rule and has expressed his support for it.

Upon your approval, the rules will be filed with the Secretary of State and submitted to JCAR (Joint Committee on Administrative Rules).

SUBTITLE B

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT
AND PROPERTY MANAGEMENT

SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES

CHAPTER XII: CAPITAL DEVELOPMENT BOARD

PART 1000

SELECTION OF ARCHITECTS/ENGINEERS (A/E)

Section

| | |
|----------|---------------------------|
| 1000.100 | Definitions |
| 1000.110 | Purpose |
| 1000.120 | Selection Procedures |
| 1000.130 | Selection Committee |
| 1000.140 | Evaluation Procedures |
| 1000.150 | Preliminary Evaluations |
| 1000.160 | Interviews |
| 1000.170 | Delegation of Evaluations |
| 1000.180 | Public Notice |
| 1000.190 | Submittal Requirements |
| 1000.200 | Small Projects |
| 1000.210 | Emergency Projects |

AUTHORITY: Implementing the Capital Development Board Act [20 ILCS 3105] and authorized by Sections 9.06 and 16 of that Act, Article 30 and Section 1-15.25 of the Illinois Procurement Code [30 ILCS 500/Art. 30 and 1-15.25] and Section 20 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535/20].

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20332, effective October 1, 1984; amended at 9 Ill. Reg. 17338, effective October 29, 1985; amended at 12 Ill. Reg. 17815, effective October 25, 1988; Part repealed and new Part adopted at 22 Ill. Reg. 1176, effective January 1, 1998; amended at 24 Ill. Reg. 11618, effective July 24, 2000; amended at 25 Ill. Reg. 11774, effective August 10, 2001; amended at 26 Ill. Reg. 2610, effective February 8, 2002.

Section 1000.100 Definitions

"A/E" means an architectural or engineering firm that is in the business of offering the practice of furnishing architectural or engineering services for building projects, that is registered with the Department of Professional Regulation and licensed to practice architecture, structural engineering or professional engineering in the State of Illinois, or that is properly authorized under the Professional Service Corporation Act and by the Department of Professional

SUBTITLE B

Regulation to practice architecture, structural engineering or professional engineering in the State of Illinois. For purposes of this Part, this includes licensed individuals transacting business as sole proprietorships, which are not required to be registered with the Department of Professional Regulation.

"Board" means the seven member Board of the Capital Development Board.

"CDB" means Capital Development Board, the agency.

"Statement of Qualifications" means the information supplied by the A/Es that cites their specific experience and expertise that may qualify the A/E to provide the services requested.

"User agency" means the agency or unit of government for which the architectural/engineering firm is being selected.

Section 1000.110 Purpose

CDB shall procure architectural, engineering, and land surveying services in compliance with the Architectural, Engineering, and Land Surveying Qualification Based Selection Act [30 ILCS 535].

Section 1000.120 Selection Procedures

CDB shall select three A/Es qualified to provide the professional services for a specific project. These A/Es shall be ranked in order of qualifications. Board approval of these A/Es shall be final and binding.

In the event that fewer than three A/Es submit statements of qualifications for a specific project, if CDB determines that one or both are qualified to perform the services, CDB may proceed with the selection process.

Section 1000.130 Selection Committee

The selection committee chairman shall appoint a committee to recommend to the Executive Director and the Board a list of A/Es qualified to perform the required services. This committee may be established for each selection and may be composed of standing members and rotating members from CDB staff. In addition to the CDB staff members, a representative from the user agency may be requested to be a member of the committee.

Section 1000.140 Evaluation Procedures

- a) In making its recommendations, the selection committee will ~~may consider~~,

SUBTITLE B

among others assign a score between 1 and 100 for each prequalified A/E who responds to an advertisement. The score will be based on the following criteria:

- ~~1) The A/E's qualifications.~~
 - 12) The ability of professional personnel submitted by the A/E – 40%.
 - 23) The A/E's past record and experience – 40%.
 - 34) The prior performance of the A/E on CDB professional services agreements – 5%.
 - ~~5) The willingness of the firm to meet time requirements.~~
 - ~~6) The location of the project relative to the firm's place of business.~~
 - ~~7) The results of preliminary evaluations performed by CDB staff.~~
 - ~~8) The current work load of the A/Es and their prior selections by CDB.~~
 - ~~9) References.~~
 - ~~10) Interviews conducted with the A/Es.~~
 - 411) Minority and/or female ownership of the A/E and the consultants – 15%.
- b) For projects with an estimated basic services fee of \$75,000 or more, the CDB Fair Employment Practices department ~~may~~will set goals for minority and female owned business enterprises, which will be described in the CDB Professional Services Bulletin. The goals will be based on the availability of minority and female owned business enterprises in the area capable of doing the work. CDB may waive goals for a particular project if it determines that no minority and female owned business enterprises would be available to perform the type of work involved in the area of the project. No A/E that fails to meet the goal will be considered unless it provides sufficient evidence to CDB within 7 days of submitting its proposal that, after making a good faith effort, it was unable to find sufficient minority or female owned business enterprises willing and able to perform the work.
- ~~c) In determining if a firm has submitted sufficient evidence that it made a good faith effort to find sufficient minority or female owned business enterprises willing and able to perform the work, CDB will consider:~~

SUBTITLE B

- 1) The number of minority and female owned business enterprises contacted (including any log of communications provided to CDB);
 - 2) Whether the work to be allocated to minority and female owned business enterprises was selected in order to increase the likelihood of achieving the specified goal;
 - 3) Whether the firm negotiated in good faith with minority and female owned business enterprises without imposing conditions that are not imposed on other business enterprises or denying benefits that are offered to other business enterprises;
 - 4) Whether the firm engaged CDB's Fair Employment Practices Division to provide referrals;
- d) In no case shall the committee, prior to selecting an A/E for negotiation, seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost, or any other measure of compensation.
- e) CDB will rank the A/E firms based on score. CDB may remove a firm from consideration if it is unwilling or unable to meet CDB's timing requirements. CDB may alter the ranking of firms with scores within 10 points of each other if the firm with the lower score is located closer to the work site. Also, in order to give more firms an opportunity to work on CDB projects, CDB may alter the rankings of firms within 10 points of each other if CDB selected the higher scoring firm for a CDB project more recently than the lower scoring firm.

Section 1000.150 Preliminary Evaluations

CDB may appoint staff members to perform a preliminary evaluation (prescreening) to provide a preliminary ranking of the A/Es for the committee's consideration. This prescreening shall consider, among others, the relevant project experience of the prospective A/Es and the expertise and experience of the firm and its consultants' staff to be assigned to the project if the firm is selected.

Section 1000.160 Interviews

CDB requires the selection committee to conduct interviews when the estimated value of the basic services fee exceeds \$300,000. The Executive Director may choose to conduct interviews for smaller projects under special circumstances. In all cases, a minimum of three firms will be interviewed. The Executive Director in consultation with the Board may exempt any contract from requiring interviews.

(Source: Amended at 24 Ill. Reg. 11618, effective July 24, 2000)

SUBTITLE B

Section 1000.170 Delegation of Evaluations

CDB may delegate the evaluation of prospective A/Es to the user agency (school district, college, university, Illinois Community College Board or unit of local government). The user agency shall be required to comply with the Architectural, Engineering, and Land Surveying Qualification Based Selection Act [30 ILCS 535] or the Local Government Professional Services Selection Act [50 ILCS 510], as may be applicable. Recommendations pursuant to 30 ILCS 535 for contracts of \$25,000 or more shall state the three selected firms ranked in order of qualifications. Recommendations pursuant to 50 ILCS 510 for contracts of \$25,000 or more shall state the three selected firms ranked in order of qualifications unless the selection is stated to be an exception under 50 ILCS 510/5. CDB or the user may request that a member of its staff be a voting or nonvoting member of the user agency's evaluation committee. The user agency shall transmit its recommendations to CDB for review and approval of the Board. CDB will provide a form for submitting the recommendations. Transmittal to CDB shall include a letter with a certification statement requiring an authorized signature verifying that the selections were made in accordance with the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535] and the Local Government Professional Services Selection Act [50 ILCS 510]. CDB may request the user agency make other recommendations if the firm(s) recommended are not acceptable to CDB.

(Source: Amended at 25 Ill. Reg. 11774, effective August 10, 2001)

Section 1000.180 Public Notice

- a) When the services of an A/E are required and the estimated value of the contract exceeds \$25,000, CDB shall publish the list of projects requiring A/E services. In addition, CDB may publish a list of projects whose contract values do not exceed \$25,000.
- b) This public notice shall include an abstract of the services required for each project and the required expertise of the A/E to be considered. This public notice shall also include the statement of qualifications form to be completed for each project as well as the date and time by which submittal of the statement of qualifications will be accepted.
- c) Notice shall be posted on CDB's Internet Site (www.cdb.state.il.us) and may be published in the official State newspaper or otherwise made available in print.

(Source: Amended at 26 Ill. Reg. 2610, effective February 8, 2002)

Section 1000.190 Submittal Requirements

SUBTITLE B

- a) All A/Es submitting statements of qualifications for a specific project shall be prequalified with CDB prior to the date and time that the submittals are due. Failure to be prequalified will result in rejection of the submittal(s).
- b) If the A/E will be subcontracting part of the services to consultants, those consultants that will be performing architectural, engineering or land surveying professional services shall also be prequalified with CDB prior to the date and time that the submittals are due. Failure of the professional consultants to be prequalified shall result in rejection of the A/E's submittals.
- c) The A/E shall clearly indicate the anticipated percentage of the services that will be performed by each listed consultant. Failure to list these percentages may result in rejection of the submittal.
- d) The submittal shall include the names of persons who will perform the services, including their project assignment or duties, as well as a resume of their experience and expertise that qualifies them to perform the assignment. This includes the listed consultant's designated staff.

Section 1000.200 Small Projects

For contracts whose estimated value is less than \$25,000, CDB may select any prequalified A/E in accordance with Section 45 of the Architectural, Engineering, and Land Surveying Qualification Based Selection Act [30 ILCS 535].

(Source: Amended at 24 Ill. Reg. 11618, effective July 24, 2000)

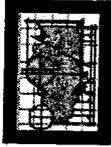
Section 1000.210 Emergency Projects

CDB may immediately select an A/E when it is in the best interest of the State or in emergencies to protect public health or safety in accordance with Section 50 of the Architectural, Engineering, and Land Surveying Qualification Based Selection Act [30 ILCS 535/50].

State of Illinois

PAT QUINN, GOVERNOR

CAPITAL DEVELOPMENT BOARD



Jim Underwood, Executive Director

MEMORANDUM

TO: Capital Development Board

FROM: Thomas Klein, General Counsel

DATE: May 8, 2012

RE: Proposed Rule Change
44 IAC 950 (Prequalification and Bidder Responsibility)

Capital Development Board (CDB) staff has prepared a proposed Rule that would govern minority participation goals for CDB projects. The proposed rule sets the guidelines for how MBE/FBE participation will be calculated.

Upon your approval, the rules will be filed with the Secretary of State and submitted to JCAR (Joint Committee on Administrative Rules).

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NOTICE OF PROPOSED RULE

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY
MANAGEMENT

SUBTITLE B: SUPPLEMENTAL PROCUREMENT
CHAPTER XII: CAPITAL DEVELOPMENT BOARD

PART 950
PREQUALIFICATION AND BIDDER RESPONSIBILITY

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- 950.200 Actions Affecting Prequalification
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SUBPART C: APPLICATION OF CDB ACTION

- 950.300 General
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- 950.360 Extension of CDB Action
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- 950.400 Review
- 950.410 Conference
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- 950.450 Burden of Proof

SUBPART E: MINORITY/FEMALE BUSINESS ENTERPRISE GOALS

- 950.500 Work to be Completed by Firm Registered with CMS
- 950.510 Commercially Useful Function
- 950.520 Trucking Company
- 950.530 Materials and Supplies
- 950.540 Good Faith Effort

AUTHORITY: Implementing and authorized by Section 9.06 of the Capital Development Board Act [20 ILCS 3105/9.06] and Sections 5-25 and 30-20 of the Illinois Procurement Code [30 ILCS 500/5-25 and 30-20].

SOURCE: Adopted at 2 Ill. Reg. 30, p. 140, effective July 27, 1978; amended at 4 Ill. Reg. 9, p. 233, effective February 14, 1980; amended at 5 Ill. Reg. 1890, effective February 17, 1981; amended and codified at 8 Ill. Reg. 20299, effective October 1, 1984; emergency amendment at 9 Ill. Reg. 3821, effective March 5, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 10659, effective July 3, 1985; amended at 9 Ill. Reg. 17321, effective October 29, 1985; amended at 12 Ill. Reg. 9860, effective May 27, 1988; amended at 16 Ill. Reg. 12424, effective July 28, 1992; Part repealed, new Part adopted at 19 Ill. Reg. 15607, effective November 2, 1995; amended at 20 Ill. Reg. 15222, effective November 15, 1996; amended at 22 Ill. Reg. 20007, effective November 9, 1998; amended at 25 Ill. Reg. 10741, effective August 10, 2001; amended at ___ Ill. Reg. _____, effective _____, 2012.

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Section 950.110 Purpose

The Capital Development Board (CDB) contracts shall be awarded only to responsible contractors. A prospective contractor must affirmatively demonstrate its responsibility, including, when necessary, the responsibility of its proposed subcontractors and suppliers. In the absence of information clearly indicating that the prospective contractor is responsible, CDB shall make a determination of non-responsibility. Only responsible contractors shall be prequalified, and only prequalified contractors shall be permitted to bid on CDB projects. A determination of nonresponsibility may be made at any time prior to or after award of a contract.

(Source: Amended at 25 Ill. Reg. 10741, effective August 10, 2001)

Section 950.120 Policy

As a general proposition, except in instances of statutory exceptions, CDB shall award contracts to the lowest responsible and responsive bidder. However, award of a contract based on the lowest price alone can be false economy if there is subsequent default, late deliveries, or other unsatisfactory performance resulting in additional contractual or administrative costs. While it is important that Government purchases be made at the lowest price, this does not require an award to a contractor solely because that contractor submits the lowest offer.

Section 950.130 Definitions

The following definitions shall apply to this Part:

"A/E" means an individual or firm in the business of providing architectural, engineering or land surveying services as authorized by the State of Illinois Department of Professional Regulation (DPR). Licensed individuals shall be registered with DPR as sole proprietorships. Firms and corporations shall be registered with DPR.

"CDB" means the Capital Development Board.

"Contract Requirements" consist of any and all provisions of the CDB contract, which include, but are not limited to the following:

The timely submittal of all post-award requirements.

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Material compliance with all applicable statutory requirements, local, State and federal laws, environmental and regulatory requirements and CDB Rules and Resolutions.

Payment of prevailing wage rate as determined by the Illinois Department of Labor.

Adherence to alternative dispute resolution provisions.

Material compliance with all Minority and Female Business Enterprise Act requirements and workforce hiring goals.

Timely payment to subcontractors and suppliers, unless rightfully withheld and the contractor does not request payment from CDB.

Material compliance with project schedules.

Maintaining applicable licensing requirements.

"Contractor" or "Bidder" means a firm that is in the business of constructing some or all aspects of building projects.

"Executive Director" means the Director of the Capital Development Board.

"Key Person" means any individual who holds 5% or more ownership interest in the firm. In the event the firm is owned by another corporation, partnership, trust or business association, any individual within that firm or who is a trust beneficiary who holds a 5% or more ownership or beneficial interest is considered a "key person". Regardless of ownership interest, any officer, partner or director is considered a "key person". This definition also includes any individual who assumes the responsibility of an officer, owner, partner, director, etc., regardless of ownership interest.

"New Bidder" is one that has no history of performance with CDB or who has been inactive for more than 3 years. Work history is determined in accordance with Section 950.170. Bidders who are newly formed business concerns having substantially the same owners, officers, directors, or beneficiaries as a previously existing non-responsible bidder will be declared non-responsible unless the new organization can demonstrate it was not set up for the purpose of avoiding an earlier declaration of non-responsibility.

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"Performance Record" consists of but is not limited to the following:

Evidence of material compliance with all CDB contract requirements as referenced.

Data indicating the contractor has maintained quality workmanship and has met all contract requirements on previous contracts, private and public.

"Responsibility" is a determination made by CDB that the contractor is a responsible contractor. The determination may be made at any time prior to or following award of a contract. Because responsibility is affected by such things as financial resources, performance records, and organizational and operational factors, all of which are subject to change, the initial determination of responsibility, made through evaluation of a new or renewal application to CDB, may be changed upon receipt of additional or different information. The contractor is required to inform CDB of any significant change to the information submitted in its application. Each prospective bidder must provide the CDB with adequate documentation of responsibility. The CDB will ordinarily provide forms for this information. The CDB may supplement this information from other sources and may require additional documentation at any time. For ease of administration, the basic information generally will be garnered through the contractor/bidder responsibility application in the case of new bidders. The responsibility determination will be reviewed periodically through a renewal application. CDB reserves the right to demand completion of a contractor/bidder responsibility application and supporting documents at any time. A responsibility determination will also be reviewed on an ongoing basis through other information, including but not limited to performance evaluations and reference contacts.

"Responsible Contractor" is a firm that:

Has adequate financial resources to perform the contract, or the ability to obtain them. This includes, but is not limited to, the ability to obtain required bonds and insurance from sureties and insurance companies acceptable to CDB.

Is able to comply with the contract requirements, considering the firm's other business obligations.

Has a satisfactory performance record.

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Has a satisfactory record of integrity and business ethics.

Has the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them. This includes, but is not limited to, qualified supervisory personnel and a work force qualified to meet CDB contract work force requirements.

Has the necessary production, construction, and technical equipment and facilities, or the ability to obtain them.

Has a current DHR number or application pending.

Has provided all information required by the Financial Interests and Potential Conflicts of Interest Disclosure forms required by Section 50-35 of the Illinois Procurement Code [30 ILCS 500/50-35].

Is otherwise qualified and eligible to receive a contract award under applicable laws and regulations.

"Responsive Bidder" means a person or firm who has submitted a bid that conforms in all material respects to the invitation for bids. Those who submit bids which are not in conformance with the requirements of the invitation for bids will be determined to be non-responsive, which factors include, but are not limited to:

Failure to be prequalified with CDB in advance of the bid opening date.

Submission of a bid late, in pencil, or in a manner that reveals the bid price prior to the bid opening (e.g., by facsimile).

Submission of a bid that is not in substantial conformance with the bidding documents.

Submission of bid security that is not in substantial compliance with the requirements of the bidding documents.

(Source: Amended at 25 Ill. Reg. 10741, effective August 10, 2001)

Section 950.140 Special Projects

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When CDB determines a construction project is so large or specialized that a special bidder prequalification and responsibility determination is appropriate, CDB may set appropriate standards of acceptability different from those set out herein. Other provisions of this Part shall remain applicable.

(Source: Amended at 22 Ill. Reg. 20007, effective November 9, 1998)

Section 950.150 Confidentiality

Documents relating to responsibility determinations of a contractor shall be maintained by CDB in a separate file and shall remain confidential as records pertaining to occupational registration, except that they shall be subject to complete disclosure to the contractor to which they relate and to units of federal, State, or local government, including but not limited to law enforcement agencies. Nothing herein shall be construed to mean that CDB is required to disclose to the contractor the name of any person or organization filing a complaint or providing information to CDB when the complaint or information is used by CDB as the basis for further inquiry into the facts alleged. CDB may release to anyone the contractor's prequalification status with CDB. Notwithstanding the foregoing, neither the Contractor Performance Evaluations (CPE) nor the contractor's written responses to them shall be made available to any other person or firm.

(Source: Amended at 27 Ill. Reg. 4857, effective March 4, 2004)

Section 950.160 Sources for Determining Responsibility

To determine a contractor's responsibility, CDB may utilize information obtained from one or more of the following sources. In evaluating the information, greater consideration shall be given to the contractor's most recent projects and projects with CDB.

- a) Contractor bidder responsibility and renewal application forms.
 - 1) New bidders applications shall at a minimum require of the contractor:
 - A) Completed application form.
 - B) Evidence of bonding capacity meeting CDB criteria.
 - C) Adherence to statutory requirements.
 - D) Satisfactory work history - reference checks. References obtained

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may be verified and documented by the following methods:

- i) Telephone reference checks.
 - ii) Reference questionnaire.
- 2) Renewal applications shall at a minimum require of the contractor:
- A) The information set out in subsection (a)(1) above.
 - B) Adherence to CDB rules and resolutions.
 - C) Satisfactory CDB work and performance history, which may be documented through evaluations prepared on both current and past CDB projects by the following:
 - i) CDB staff.
 - ii) Architects/engineers and consultants.
 - iii) Using agencies.
 - iv) Other contractors, subcontractors and suppliers.
- 3) Application updates

The contractor shall have an affirmative duty to update significant information as it occurs, including but not limited to changes in ownership, change of name, change of address, change in minority/female owned firm status, loss of SOS "good standing" status, suspension or debarment by another governmental agency, decrease by more than 25% in bonding capacity, filing of bankruptcy, contract terminations; and filing of formal criminal charges against the firm or its officers, owners, or employees. Failure to disclose as required may lead to action on prequalification. (See Section 950.210(c).)

- b) Other governmental entities

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CDB may conduct history reference checks by contacting Federal, State or local governmental entities.

c) Other sources

CDB may conduct reference checks or gather relevant information from any other source in order to determine responsibility. Acceptable sources may include, but are not limited to:

- 1) Surety/bonding companies
- 2) Financial institutions
- 3) Periodicals
- 4) Newspapers
- 5) Court records
- 6) Dun and Bradstreet reports
- 7) Audited financial statements
- 8) Any type of public record

d) Previous employment history

For any newly organized firm or a firm with a limited work history, CDB may conduct individual performance reference checks on any or all personnel.

e) Additional information

CDB may request additional information from the contractor at any time.

(Source: Amended at 25 Ill. Reg. 10741, effective August 10, 2001)

Section 950.170 Processing of Contractor Prequalification and Bidder Responsibility and Renewal Applications

- a) New bidders and bidders nearing the prequalification expiration date must complete a

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contractor prequalification and bidder responsibility application, including the Financial Interests and Potential Conflicts of Interest forms required under Section 50-35 of the Illinois Procurement Code [30 ILCS 500/50-35].

- b) Processing of contractor prequalification and bidder responsibility applications by CDB may require up to 45 days when the application information is complete and satisfactory and references are responsive.
- c) Applications for renewal will be sent to contractors approximately 60 days before the expiration of current prequalification and are available electronically on CDB's internet site at www.cdb.state.il.us. Contractors who do not receive an application are responsible for obtaining one at least 45 days prior to expiration. When all information received is complete and satisfactory, processing may take up to 45 days. When any information is incomplete or unsatisfactory, a longer processing time will be required. Contractors will be notified when information is incomplete or unsatisfactory. Unless otherwise specified in writing by CDB, the term of prequalification shall be one year. When prequalification is granted, the contractor will be notified in writing of the expiration date, which will also be entered on CDB's electronic program. CDB may grant a shorter term of prequalification by agreement with the contractor, when a determination is made that a shorter period is justified, or when a special prequalification is developed specifically for a certain project. CDB may, in its discretion, grant a longer period of prequalification when deemed appropriate in light of recent and relevant satisfactory project performance. Updated or new contractor information including the term of prequalification will be entered on CDB's electronic program weekly. The electronic program will be capable of, among other things, sorting contractors by trade to produce lists of contractors in the various trades. At the beginning of each month, a list of contractors whose prequalification expires in approximately 60 days will be generated.
- d) Applications may be sent to CDB by facsimile.
- e) CDB shall review and evaluate each application received, which may include one or more of the following actions:
 - 1) Reviewing to determine whether the application is filled out in accordance with the instructions provided.
 - 2) Contacting work references or any other possible sources of pertinent information.

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- 3) Requesting additional information from the applicant.
 - 4) Reviewing CDB contractor performance evaluations.
 - 5) Meeting with the applicant at the request of CDB or the applicant.
- f) CDB shall deny prequalification to any firm that has not affirmatively demonstrated its responsibility. CDB's determination of responsibility shall be final.

(Source: Amended at 25 Ill. Reg. 10741, effective August 10, 2001)

Section 950.180 Ineligibility

A contractor, whether or not previously or currently prequalified and determined to be responsible by CDB, may be ineligible to bid under the following circumstances:

- a) The contractor fails to meet statutory or regulatory requirements other than those set out in this Part.
- b) The contractor has inadequate relevant experience in construction contracting to undertake CDB projects or a particular CDB project. In determining whether a contractor has adequate relevant experience, CDB will consider the size, type, number, and recency of past private and public contracts of the firm, its predecessors, or key persons with the firm.
- c) The contractor has inadequate resources to meet the CDB contractual work force requirements. CDB shall not make a determination of responsibility for any contractor who has the appearance of being a broker, rather than a conventional construction business. In determining whether a contractor is a broker or a firm with inadequate resources, CDB may consider one or more of the following:
 - 1) Whether the contractor maintains and works from a separate conventional office which is not a residence or offices for other businesses.
 - 2) Whether the contractor maintains a full-time office and construction staff consisting of clerical, managerial, and supervisory personnel.
 - 3) Whether key persons with the firm have an educational and work experience background that makes the key persons sufficiently expert and knowledgeable to carry out CDB construction projects.

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- 4) Whether the contractor owns equipment, tools, machinery, materials or supplies used on construction projects.
- 5) Whether the contractor has financial resources related to or generated by the construction business.
- 6) Whether the contractor has historically subcontracted for a percentage of the work in construction contracts exceeding the requirements of CDB contracts.
- 7) Whether key persons with the firm are engaged in non-construction businesses.

(Source: Amended at 25 Ill. Reg. 10741, effective August 10, 2001)

SUBPART B: SUSPENSION, DEBARMENT, MODIFICATION OF ABILITY TO BID, AND
CONDITIONAL PREQUALIFICATION

Section 950.200 Actions Affecting Prequalification

At any time, CDB may consider whether action should be taken concerning prequalification. Actions that may be taken include one or more of the following:

- a) Interim or Emergency Suspension or Modification

CDB may summarily suspend or modify a contractor's prequalification in accordance with Section 16 of the Capital Development Board Act [20 ILCS 3105/16].

- b) Debarment

CDB may debar a contractor to exclude it from bidding for CDB contracts as authorized herein or by statute. The period of debarment shall be not less than five years and may be permanent when warranted or as authorized by law.

- c) Modification of Ability to Bid

CDB may modify or limit a contractor's prequalification as appropriate, including, but not limited to one or more of the following:

- 1) Limiting the dollar amount a contractor may bid for a specified period of

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time, or until a current contract is substantially or fully complete.

- 2) Limiting the number of CDB contracts a contractor may enter into for a specified period of time, or until a current contract is substantially or fully complete.
- 3) Limiting the aggregate dollar amount of contracts the contractor may enter into, considering both public and private contracts.
- 4) Imposing limits as set forth above pending performance on the contractor's next CDB contract(s), in instances where the contractor has no current CDB contracts.

d) Conditional Prequalification

CDB may condition prequalification (which may be otherwise limited) on the contractor's successful utilization of a management plan, evaluations, conferences, or other methods designed to achieve satisfactory performance or compliance with contract requirements.

e) Suspension

CDB may suspend a contractor or disqualify a contractor temporarily from contracting with CDB, for a period of time up to five years. The contractor's failure to timely pursue administrative action as provided by Subpart D of this Part shall constitute consent of the contractor to CDB's action.

(Source: Amended at 25 Ill. Reg. 10741, effective August 10, 2001)

Section 950.210 Causes for Suspension, Debarment, Modification of Ability to Bid, or Conditional Prequalification

CDB may determine a contractor is not responsible and suspend, debar or otherwise modify or issue a conditional prequalification based upon one or more of the following:

- a) Failure to satisfactorily perform work on CDB contract(s), private contract(s), or other governmental contracts. (See also Section 950.220.)
- b) Breach of the terms of a CDB contract(s), private contract(s), or other governmental contract(s). (See also Section 950.220.)

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- c) Making false or misleading statements, or failing to disclose or update significant information in connection with CDB procedures or documents, including but not limited to the contractor bidder responsibility application.
- d) Violation of civil or criminal federal or State statutes or administrative rules and regulations. In the case of criminal violations, indictment or filing of formal charges by information (complaint) shall constitute adequate evidence for a determination of non-responsibility.
- e) Financial instability which may be evidenced by bankruptcy, failure to timely pay subcontractors, difficulty in obtaining acceptable bonding, attempts to assign contract proceeds, or other indications of serious business management deficiencies.
- f) Failure to understand, accept or utilize CDB procedures and standards, or abuse of CDB procedures and standards, which results in the extraordinary expenditure of CDB resources.
- g) Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, receiving stolen property, or conduct indicating a lack of business integrity or business honesty that seriously and directly affects the present responsibility of a contractor.
- h) Suspension, debarment, or limits on bidding on contracts by any other governmental body.
- i) Excessive bid withdrawals on CDB projects.
- j) Any other cause of so serious or compelling a nature that it affects the responsibility of a contractor.

(Source: Amended at 25 Ill. Reg. 10741, effective August 10, 2001)

Section 950.220 Failure to Satisfactorily Perform Work on or Breach of the Terms of CDB Contracts, Private Contracts, or Other Governmental Contracts

CDB may take action upon prequalification for the contractor's failure to satisfactorily perform work on or breach of the terms of CDB contracts, private contracts, or other governmental contracts, such as, but not limited to, one or more of the following:

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- a) Failure to timely submit proper post-award documents, such as, but not limited to, bonds, certificates of insurance, and MBE/FBE subcontractor/supplier certifications.
- b) Failure to attend or to be properly prepared for pre-construction meetings, pay/progress meetings, or other required meetings set by the project A/E, CDB, or the coordinating contractor.
- c) Failure to timely provide schedule submittals or shop drawings.
- d) Failure to meet the project schedule for any reason reasonably within the control of the contractor.
- e) Failure to provide an acceptable quality of supervision.
- f) Failure to provide a supervisor authorized to make timely field decisions on behalf of the firm.
- g) Failure to provide sufficient manpower.
- h) Failure to timely provide acceptable quality equipment, labor, materials, installation, subcontractors or suppliers, including the failure to provide licensed personnel when necessary.
- i) Failure to keep updated as-builts in the field.
- j) Failure to follow directives provided by the project A/E or CDB within the scope of the contract documents.
- k) Failure to cooperate with other parties to the project to timely resolve project problems that arise.
- l) Failure to understand, accept or utilize CDB procedures and standards, or abuse of CDB procedures and standards that results in paper delays, project delays, or the extraordinary expenditure of CDB resources.
- m) Failure to provide timely and appropriate pay request documents, including, but not limited to, the Contractor's Schedule of Values form (CSV), Contractor's Affidavit and Sworn Statement form (CASS), and lien waivers.
- n) Failure to timely submit Requests for Proposals and Change Order documents

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(RFP/CO), including, but not limited to, adequate documentation of actual direct costs and pricing within conventional industry parameters for public contracts.

- o) Failure to timely complete punch list items and contract close-out documents.
- p) Failure to demonstrate good faith efforts to meet Fair Employment Practices (FEP) requirements and MBE/FBE goals.

(Source: Added at 25 Ill. Reg. 10741, effective August 10, 2001)

Section 950.230 Interim or Emergency Suspension or Modification Pursuant to Section 16 of the Capital Development Board Act

- a) CDB may suspend or modify a contractor's prequalification without a prior hearing, or administrative procedure provided in Subpart D, for one or more of the following causes:
 - 1) The public interest, safety or welfare requires such suspension or modification.
 - 2) An event or series of events, including, but not limited to:
 - A) The filing of an indictment or of formal charges by information (complaint) charging the firm or a key person with the firm with a crime.
 - B) Suspension or modification of a license or prequalification by another State agency, federal agency or other branch of government after hearing or by agreement.
 - C) Failure to comply with applicable laws, including but not limited to, the Minority and Female Business Enterprise Act [30 ILCS 575], the Prevailing Wage Act [820 ILCS 130], the Steel Products Procurement Act [530 ILCS 565], and requirements relating to occupational licensing.
 - D) Material breach of a contract, including, but not limited to, one or more of the causes set forth in Section 950.220.

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- E) Failure to satisfactorily perform work on or breach of a CDB contract including, but not limited to, one or more of the causes set forth in Section 950.220, when:
- i. The issue has been brought to the attention of firm management in writing;
 - ii. All levels of CDB construction administration have met with firm representatives and discussed the issue;
 - iii. CDB conveys to the contractor what action or nonaction is necessary and in accordance with the contract documents;
 - iv. CDB has initiated contractual remedies as may be appropriate, such as, but not limited to, stopping the work, rejecting the work, carrying out the work, or ordering acceleration of the work; and
 - v. The contractor willfully and unreasonably refuses to comply or to obtain subcontractors, personnel, or other resources that would enable it to comply.
- b) When prequalification is suspended or modified pursuant to this Section, the contractor will be notified in writing and, within 30 days of the notice, CDB will commence administrative procedures under Subpart D.
- c) When prequalification is suspended or modified pursuant to subsection (a)(2)(E), if the contractor cures the situation within 30 days after the notice, the suspension or modification will be rescinded by written notice. If CDB determines the contractor is making substantial progress toward a cure within 30 days after the notice, CDB may extend in writing the 30-day period by an amount up to an additional 60 days. If the contractor cures the situation within the extended time period, the suspension or modification will be rescinded by written notice. In any case, when the suspension or modification is rescinded, it will be removed from the contractor's prequalification record. If the contractor fails to cure the situation within 30 days or within the time extension, whichever is applicable, CDB will immediately commence administrative procedures under Subpart D.

(Source: Added 25 Ill. Reg. 10741, effective August 10, 2001)

Section 950.240 Denial of Prequalification

- a) This Section is applicable to contractors who are one of the following:

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- 1) First-time applicants for CDB prequalification.
 - 2) Firms who sent a renewal application that arrived at CDB after the prequalification expiration date or could not reasonably be processed before the expiration date.
 - 3) Firms who sent a renewal application that was incomplete or insufficient, so that CDB could not reasonably process the application before the expiration date.
- b) Contractors categorized above will be considered to be new applicants to CDB. In the event that CDB denies prequalification or grants a conditional or modified prequalification, the contractor may request administrative procedures under Subpart D, but shall not be entitled to an administrative hearing.

(Source: Added 25 Ill. Reg. 10741, effective August 10, 2001)

SUBPART C: APPLICATION OF CDB ACTION

Section 950.300 General

Suspension, debarment, nullification of prequalification, modification of prequalification, or issuance of conditional prequalification by CDB is applicable to a contractor's direct contracts with CDB and to subcontracts on CDB projects, unless otherwise determined under Section 950.360.

(Source: Amended at 22 Ill. Reg. 20007, effective November 9, 1998)

Section 950.310 Violation of CDB Order

When a contractor works as a subcontractor on a CDB project in violation of Section 950.300, continues to submit bids on CDB projects when prohibited, or otherwise violates terms or conditions imposed by CDB, CDB may extend the term of suspension, debarment, nullification, modification, or conditional prequalification, or otherwise suspend, limit or condition the ability to bid on contracts with CDB.

(Source: Amended at 25 Ill. Reg. 10741, effective August 10, 2001)

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Section 950.320 Nullification of Prequalification

When CDB determines that a contractor has knowingly made a material misrepresentation in its application for prequalification, the contractor may not reapply to CDB for a period of three years.

- a) When the contractor has not previously applied to CDB, or it failed to reapply, the three year period shall begin on the date of the submittal of the application.
- b) When the contractor has been determined to be responsible in error, the three year period shall begin on the date the current responsibility determination was made.
- c) CDB will notify the contractor of the nullity. The contractor may, within 30 days after notification, submit a written explanation with supporting documentation for CDB's review.
- d) CDB may cancel awards or terminate any contracts awarded that were based upon the application with misrepresentations.
- e) A material misrepresentation is made by knowingly submitting any untrue, misleading or deceptive information or document containing such information, or by the concealment, suppression or omission of any information, in or from an application, which causes CDB to act differently than it would have if it had known the undisclosed or true information.

(Source: Amended at 22 Ill. Reg. 20007, effective November 9, 1998)

Section 950.330 Denial of Award of Contract

Notwithstanding any other provisions in this Part, if CDB finds a contractor non-responsible due to one or more causes set out in Section 950.210 of this Part, CDB may deny the contractor the award of a contract.

Section 950.340 Debarment

CDB may debar a contractor to exclude it from bidding on CDB projects as provided herein or otherwise provided by statute. CDB will consider debarment in cases so serious and egregious in nature that a loss in excess of five years up to a permanent loss of bidding privileges may be warranted. In addition to the causes listed in Section 950.210, causes for debarment may include but not be limited to multiple or repetitive criminal convictions or multiple non-responsibility determinations. Actions to debar a contractor shall not prevent CDB from taking any other action

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under this Part. Following a period of debarment, when a contractor submits a prequalification application to CDB, the application shall be deemed to be a first-time application rather than one for renewal.

(Source: Amended at 22 Ill. Reg. 20007, effective November 9, 1998)

Section 950.350 Reapplication for Prequalification

When a contractor submits a prequalification application to CDB following a denial, or during or following a period of debarment, suspension, nullification, modification of ability to bid, or conditional prequalification, the contractor must affirmatively demonstrate its responsibility, including demonstrating that the reason for the denial, or imposition of suspension, debarment, nullification, modification, or condition, has been remedied.

(Source: Amended at 25 Ill. Reg. 10741, effective August 10, 2001)

Section 950.360 Extension of CDB Action

The effect of action imposed by CDB will extend to all affiliates, branches, subsidiaries, divisions, or parent firms of the contractor, and to any firm in which the contractor or its key persons have a legal or beneficial interest, unless CDB determines otherwise in writing.

(Source: Amended at 25 Ill. Reg. 10741, effective August 10, 2001)

Section 950.370 Effect on Current Contracts

Current CDB contracts may be terminated when a contractor is determined to be non-responsible and it is in the public interest to do so, whether or not the non-responsibility has a direct connection with the current contract. Contracts may be terminated with or without further action on the contractor's prequalification.

(Source: Amended at 22 Ill. Reg. 20007, effective November 9, 1998)

Section 950.380 Basis of Decisions

CDB shall make determinations as appropriate concerning the substance of a contractor's business as opposed to its form, and base its decisions on the substance. When a contractor attempts to evade the effects of a possible or actual finding of non-responsibility by changes of address, multiple addresses, changes in personnel or their titles, formation of new companies, or by other devices, CDB may take action pursuant to Section 950.200 and Subpart C, of this Part.

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Section 950.390 Settlement

Notwithstanding any provision of this Part, the parties to any contested matter concerning contractor prequalification may at any time enter into an agreement to resolve prequalification issues by settlement.

(Source: Amended at 22 Ill. Reg. 20007, effective November 9, 1998)

SUBPART D: PROCEDURES

Section 950.400 Review

When information which places a contractor's responsibility and prequalification in question comes to CDB's attention, CDB shall review the facts and documentation. If further inquiry is desirable, it may do such further inquiry, which may result in an informal conference with the contractor and its appropriate staff members with CDB. If such conference is intended by CDB to be the first step in the administrative process, written notice will be sent pursuant to Section 950.410. The contractor's failure to appear at the conference shall be construed to indicate the contractor does not wish to contest the matter and rights to further administrative procedures shall be forfeited.

(Source: Amended at 25 Ill. Reg. 10741, effective August 10, 2001)

Section 950.410 Conference

- a) Unless proceedings under Section 16 of the CDB Act [20 ILCS 3105/16] are justified, prior to suspending, conditioning, modifying or nullifying a contractor's prequalification or debarring a contractor, CDB will notify the contractor in writing of its intention to take such action and the basis of the action, and will request that the contractor attend an informal conference with CDB personnel.
- b) When requesting a conference with a contractor, CDB's letter shall request that the contractor bring to the conference any documents, personnel, or other information pertinent to responsibility that it wishes for CDB to consider. The contractor may bring its attorney to the conference, if desired. Within a reasonable time in advance of the conference, CDB shall furnish the contractor with all information in its possession that it deems pertinent to the responsibility and prequalification issue, and shall further advise the contractor in writing that it has the right to inspect its prequalification file.

(Source: Amended at 25 Ill. Reg. 10741, effective August 10, 2001)

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Section 950.420 Executive Director

Following CDB's conference with the contractor, the committee shall forward a recommendation as to a determination of responsibility and prequalification to the Executive Director for consideration. The contractor will be notified in writing of the Executive Director's decision.

(Source: Amended at 22 Ill. Reg. 20007, effective November 9, 1998)

Section 950.430 Request for Reconsideration

Within 15 days after receipt of the Executive Director's decision, the contractor shall make any further appeal to the Executive Director in writing. The appeal shall request reconsideration of the decision and shall include as attachments any and all supporting evidence not previously submitted. CDB shall respond to the request for reconsideration within 15 days after CDB's receipt.

Section 950.440 Hearings

Within 30 days after the contractor's receipt of the Executive Director's decision on the request for reconsideration, the contractor may request a hearing in writing. All administrative procedures in this Subpart D must be exhausted before CDB will consider the request for a hearing. Hearings shall be conducted in accordance with Hearing Procedures, (71 Ill. Adm. Code 100).

(Source: Amended at 25 Ill. Reg. 10741, effective August 10, 2001)

Section 950.450 Burden of Proof

Any determination pursuant to this Part may be made when CDB possesses documentation of one or more of the factors described in Sections 950.180, 950.210, or 950.320.

Such documentation constitutes a presumptive determination of non-responsibility. The contractor is entitled to rebut the presumption, through procedures described in this Subpart, but the presumption will not be overturned unless the contractor shows, by a preponderance of evidence, that each factor cited by CDB in support of its determination of non-responsibility is not present. CDB's determinations are final and conclusive unless they are clearly erroneous, arbitrary, capricious, or contrary to law.

(Source: Amended at 22 Ill. Reg. 20007, effective November 9, 1998)

SUBPART E: MINORITY/FEMALE BUSINESS ENTERPRISE GOALS

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Section 950.500 Work to be Completed by Firm Registered with CMS

To be credited towards goals for Minority Business Enterprise (MBE) and Female Business Enterprise (FBE) participation, work must be performed by a company registered with Illinois Central Management Services (CMS) as either an MBE or FBE firm.

- a) The entire amount of work conducted by an MBE or FBE's own forces will be credited towards MBE/FBE goals, including the cost of supplies, materials, and equipment obtained by the MBE or FBE for this work.
- b) The entire amount of fees or commissions charged by an MBE/FBE firm for providing a bona fide service, such as professional, technical, consultant, or managerial services will be credited towards MBE/FBE goals provided such fees are reasonable and not excessive as compared to fees customarily allowed for similar services.
- c) Work subcontracted by an MBE/FBE to another firm will not be credited towards MBE/FBE goals unless the subcontractor performing the work is also registered with CMS as an MBE/FBE.

(Source: Amended at ___ Ill. Reg. _____, effective _____, 2012)

Section 950.510 Commercially Useful Function

Expenditures to an MBE/FBE will only be credited towards MBE/FBE goals if the MBE/FBE performs a commercially useful function. An MBE/FBE performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the MBE/FBE must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself.

- a) Factors to be used in determining whether an MBE/FBE is performing a commercially useful function include, but are not limited to, the amount of the work subcontracted, industry practices, and whether the amount the firm is paid is commensurate with the work it performed.

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- b) An MBE/FBE does not perform a commercially useful function if its role is limited to that of an extra participant in a transaction, contract, or project through which funds are passed in order to obtain the appearance of MBE/FBE participation.
- c) If an MBE/FBE does not perform at least 30 percent of the total cost of its contract with its own work force, or the MBE/FBE subcontracts a greater portion of the work than would be expected on the basis of normal industry practice for the type of work involved, CDB will presume that it is not performing a commercially useful function. An MBE/FBE firm may present evidence to CDB to rebut this presumption.

(Source: Amended at ___ Ill. Reg. _____, effective _____, 2012)

Section 950.520 Trucking Company

To be credited towards MBE/FBE goals, a trucking company must be responsible for the management and supervision of the entire trucking operation for which it is responsible on a particular contract, and there cannot be a contrived arrangement for the purpose of meeting MBE/FBE goals.

- a) The MBE/FBE must itself own and operate at least one fully licensed, insured, and operational truck used on the contract.
- b) The entire value of transportation services an MBE/FBE provides on the contract using trucks it owns, insures, and operates using drivers it employs will be credited towards MBE/FBE goals.
- c) If an MBE/FBE leases trucks from another MBE/FBE, the entire value of the services provided by the lessee will be credited.
- d) If an MBE/FBE leases trucks from a company that is not an MBE/FBE, the total value of transportation services provided by the lessee not to exceed the value of transportation services provided by MBE/FBE owned trucks on the contract.

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- e) For purposes of this section, a lease must indicate that the MBE/FBE has exclusive use of and control over the truck. This does not preclude the leased truck from working for others during the term of the lease with the consent of the MBE/FBE, so long as the lease gives the MBE/FBE priority for the leased truck. Leased trucks must display the name and identification number of the MBE/FBE.

(Source: Amended at ___ Ill. Reg. _____, effective _____, 2012)

Section 950.530 Materials and Supplies

- a) Credit will be given for materials purchased from a MBE/FBE supplier that is registered as such with CMS. CDB may, at its discretion, set the credit for materials purchased from an MBE/FBE supplier registered as such with CMS at less than 100% for a project. Factors to be used in making this determination include, but are not limited to, the size of the project and the availability of MBE/FBE firms in the area that perform the type of work needed on the project. If the credit for materials purchased from an MBE/FBE supplier on a project will be less than 100%, the percentage credit will be indicated in the bid advertisement.
- b) For the purposes of this section, a supplier is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and regularly sold or leased to the public in the usual course of business.
- 1) A supplier must be an established, regular business that engages as its principal business and under its own name, in the purchase and sale or lease of the products in question.
- 2) A person may be a supplier in such bulk items as steel, cement, gravel, stone, petroleum products, or asphalt without owning, operating, or maintaining a place of business as provided in this paragraph 2 if the person both owns and operates distribution equipment for the products.

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Any supplementing of a suppliers own distribution equipment shall be by a long-term lease agreement and not on an ad hoc or contract-by-contract basis.

- 3) Brokers, packagers, manufacturers' representatives, or other persons who arrange or expedite transactions are not suppliers within the meaning of this section.

- c) If materials and supplies are purchased from an MBE/FBE that is not a supplier, only the amount of the fee or commission charged for assistance in the procurement of the materials and supplies, or fees or transportation charges for the delivery of materials or supplies required on a job site, will be credited towards MBE/FBE goals. The fees must be reasonable and not excessive as compared with fees customarily allowed for similar services. The cost of the materials and supplies themselves will not count toward MBE/FBE goals unless purchased from an MBE/FBE supplier.

(Source: Amended at ___ Ill. Reg. _____, effective _____, 2012)

Section 950.540 Good Faith Effort

- a) A bidder who fails to satisfy the MBE/FBE goals will be deemed non-responsive unless, within 5 days of the bid opening, it provides sufficient evidence to CDB within 7 days of submitting its proposal that, after making a good faith effort, it was unable to find sufficient MBE or FBE firms willing and able to perform the work.
- b) Factors to be considered in determining if a bidder has submitted sufficient evidence that it made a good faith effort to find sufficient MBE or FBE firms willing and able to perform the work include but are not limited to:
 - 1) The number of companies certified by or registered with CMS as MBE/FBE contacted (including any log of communications provided to CDB);
 - 2) Whether the work to be allocated to MBE/FBE companies was selected in order to increase the likelihood of achieving the specified goal;
 - 3) Whether the bidder negotiated in good faith with minority and female owned business enterprises without imposing conditions that are not imposed on other business enterprises or denying benefits that are offered to other business enterprises;

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- 4) Whether the bidder engaged CDB's Fair Employment Practices Division to provide referrals;
- 5) The bidder attended the CDB pre-bid meeting for the project.

FY-12 CDB BOARD MEETING SCHEDULE

| DATE | TIME | LOCATION |
|--------------------|-------------|------------------------------------------------------|
| July 12, 2011 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| August 9, 2011 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| September 13, 2011 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| October 11, 2011 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| November 8, 2011 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| December 13, 2011 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| January 10, 2012 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| February 14, 2012 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| March 13, 2012 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| April 10, 2012 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| May 8, 2012 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |
| June 12, 2012 | 10:30 a.m. | Chicago, Springfield & Collinsville video-conference |