



Chairman: David Vaught

Members: Ed Bedore, Ricardo Morales, Larry Ivory, Bill Black



COMMUNITY COLLEGE QUALIFICATIONS BASED SELECTION STUDY OCTOBER 2012*

*AMENDED JULY, 8 2013

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BASIS FOR SUBMISSION

In August 2012, the Procurement Policy Board, via a Freedom of Information Act request, surveyed all Illinois Community Colleges. This study focuses solely on the contracting policies and practices at the Illinois Community Colleges.

STUDY OBJECTIVE

In its survey of Illinois Community Colleges, the PPB concluded in regards to Illinois Community Colleges' Architectural and Engineering selections:

It is apparent that, with the current statutory language in the Local Government Professional Services Selection Act, "*unless it has a satisfactory relationship for services with one or more firms*" (see Appendix A), Community Colleges have ample opportunity to not comply with either the Qualifications Based Selection requirements of the Procurement Code or the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act. It also appears that Community Colleges routinely stay with one or two firms who have done acceptable work for them in the past rather than seek competition. When not conducted properly, Qualifications Based Selection can be an overly subjective process and may allow for personal bias to creep in and for initiatives like "spreading the work around" to be implemented, which in some cases could be construed as a form of bias as well. Small and minority owned firms struggle against the larger firms for business and there is an overall lack of follow up with unsuccessful firms.

Due to policy concerns with the current Qualifications Based Selection processes in use at Illinois Community Colleges, the Procurement Policy Board's objective is to suggest policy and or legislative changes to level the playing field for not only small and diverse Architectural and Engineering firms, but for all firms wishing to do business with the State.

PROCUREMENT POLICY BOARD REQUEST

The Procurement Policy Board sent a Freedom of Information Request to each of the Community Colleges located throughout the State of Illinois:

Black Hawk College
Carl Sandburg College
City Colleges of Chicago (includes the following):
 Richard J. Daley College
 Harold Washington College
 Kennedy-King College
 Malcolm X College
 Olive-Harvey College
 Truman College
 Wilbur Wright College
College of DuPage
College of Lake County
Danville Area Community College
Elgin Community College
William Rainey Harper College

Heartland Community College
Highland Community College
Illinois Eastern Community Colleges (includes the following):
 Frontier Community College
 Lincoln Trail College
 Olney Central College
 Wabash Valley College
Illinois Central College
Illinois Valley Community College
John A. Logan College
John Wood Community College
Joliet Junior College
Kankakee Community College
Kaskaskia College
Kishwaukee College
Lake Land College
Lewis & Clark Community College
Lincoln Land Community College
McHenry County College
Moraine Valley Community College
Morton College
Oakton Community College
Parkland College
Prairie State College
Rend Lake College
Richland Community College
Rock Valley College
Sauk Valley Community College
Shawnee Community College
South Suburban College
Southeastern Illinois College
Southwestern Illinois College
Spoon River College
Triton College
Waubonsee Community College

The Procurement Policy Board requested the following:

A list of all Architectural and/or Engineering contracts, including amendments, change orders, modifications, renewals and extensions or whatever they may be called, regardless of value, awarded between July 1, 2007 and June 30, 2012 (Fiscal Years 2008 – 2012). The list shall include the following:

1. Award Date
2. Architect/Engineer Firm Name
3. Project Number
4. Award Amount to Architect/Engineer
5. Total Project Value
6. Type of Award (e.g., original award, amendment, change order, modification, etc.)

OVERVIEW OF RESPONSES

An overview of the responses received by the Board from the Community Colleges follows:

College/QBS Firms	Value	Count
Black Hawk College	\$ 1,389,955.40	37
BLDD Architects, Inc	\$ 169,969.07	9
BLDD Architects, Inc. and KJWW Engineering Consultants	\$ 331,999.00	11
BLDD Architects, Inc. and Missman Stanley	\$ 105,425.00	3
BLDD Architects, Inc., KJWW, and Missman Stanley	\$ 639,632.00	7
Missman Stanley	\$ 9,800.00	1
PSA-Dewberry Inc	\$ 133,130.33	6
Carl Sandburg College	\$ 4,569,454.34	15
Farnsworth Group Inc	\$ 40,380.00	1
PSA-Dewberry Inc	\$ 4,529,074.34	14
City Colleges of Chicago	\$ 11,139,138.00	44
BLDD Architects, Inc	\$ 225,000.00	1
Cotter Consulting, Inc.	\$ 127,500.00	1
DLR Group	\$ 101,250.00	1
EarthTech	\$ 70,950.00	1
FGM Architect, Inc.	\$ 75,323.00	1
Globetrotters Engineering	\$ 220,698.00	2
Goettsch Partners of Chicago	\$ 1,357,656.00	2
Harley Ellis Devereaux	\$ 273,975.00	2
Hobbs & Law and Ozzie Rodriguez Associates	\$ 73,125.00	1
HOH Architects, Inc.	\$ 1,084,752.00	2
Holabird & Root LLC	\$ 380,985.00	2
Jackson Architects, LLC	\$ 1,688,500.00	1
Knight E/A, Inc.	\$ 273,000.00	1
Legat Architects Inc	\$ 154,220.00	1
Muller & Muller Architects	\$ 1,173,315.00	3
NIA Architects	\$ 100,000.00	1
Primera Engineers, Ltd.	\$ 326,490.00	3
RADA Architects	\$ 325,230.00	2
Schirmer Engineering	\$ 300,849.00	2
SDI	\$ 199,000.00	2
Site Design Group, Ltd.	\$ 75,438.00	1
STR Partners, LLC	\$ 3,000.00	1
STV Architects	\$ 689,015.00	1
TENG & Associates	\$ 670,507.00	2
The Architects Enterprise, Ltd.	\$ 176,960.00	3
Wight & Company	\$ 992,400.00	4
College of DuPage	\$ 17,835,398.94	36
DeStefano & Partners	\$ 78,555.00	5
East Campus Fire Protection	\$ 15,400.00	1
Greaf-USA	\$ 103,000.00	1

Gruman Butkus Associates	\$ 64,300.00	1
Herricane Graphics	\$ 90,340.00	1
HOK, Inc	\$ 110,000.00	2
JJR, LLC	\$ 1,781,173.00	7
KMA Design	\$ 107,800.00	1
Legat Architects Inc	\$ 7,174,375.00	4
Loebl Schlossman and Hackl	\$ 3,305,800.00	3
LSH	\$ 1,666,000.00	1
Ross Barney Architects	\$ 27,770.94	2
V3 Companies of Illinois Ltd.	\$ 508,285.00	2
Wight & Company	\$ 2,802,600.00	5
College of Lake County	\$ 3,607,055.02	18
KJWW Engineering Consultants	\$ 203,280.02	5
Legat Architects Inc	\$ 3,403,775.00	13
Danville Area Community College	\$ 579,910.00	11
Walton and Associates Architects	\$ 579,910.00	11
Elgin Community College	\$ 13,327,410.10	48
AECOM USA INC	\$ 132,100.00	2
Cardosi Kiper Design Group	\$ 184,251.00	1
DLA Architects, LTD.	\$ 1,948,900.00	6
IEE - Engineer	\$ 440,140.00	1
Kluber Inc.	\$ 5,174,742.79	11
Kluber, Skahan & Associates, Inc	\$ 290,320.31	6
Laflin Design Group, LTD.	\$ 10,550.00	2
PSA-Dewberry Inc	\$ 3,605,223.00	3
Sound Vision	\$ 25,130.00	1
Structural Technologies	\$ 65,375.00	6
Tactical Design, Inc.	\$ 1,170,622.00	1
Walker Parking Consultants	\$ 137,980.00	4
Wills Burke Kelsey Associates, LTD.	\$ 142,076.00	4
Harper College	\$ 7,365,012.19	61
EE&K Graywood Architects	\$ 406,000.00	2
Gruman Butkus Associates	\$ 173,100.00	1
Henneman Engineering Inc	\$ 36,814.00	3
Holabird & Root LLC	\$ 4,586,779.00	5
JJR, LLC	\$ 448,440.00	2
Kluber, Skahan & Associates, Inc	\$ 292,676.00	1
Legat Architects Inc	\$ 1,037,795.39	34
Studio GC Inc	\$ 383,407.80	13
Heartland Community College	\$ 5,184,441.69	15
BLDD Architects, Inc	\$ 23,018.30	1
BLDD Architects, Inc and Midwest Engineering Professionals, Inc	\$ 47,500.00	1
BLDD Architects, Inc. and KJWW Engineering Consultants	\$ 170,954.90	5
Farnsworth Group Inc	\$ 57,596.49	5

Ideal Environmental	\$ 1,250.00	1
Siemens	\$ 4,884,122.00	2
Highland Community College	\$ 874,709.25	15
Richard L Johnson Associates	\$ 874,709.25	15
Illinois Central College	\$ 4,118,443.11	91
AECOM USA INC	\$ 160,806.10	9
Analytical Design Group	\$ 59,857.59	10
Apace Design Inc	\$ 81,398.00	5
Architectural Design Group Inc	\$ 682,425.37	13
Craig W. Wright & Associates, Inc	\$ 17,330.50	1
Demonica & Kemper Associates	\$ 598,430.29	6
Demonica Delmoro Associates	\$ 22,385.00	2
Farnsworth Group Inc	\$ 102,521.10	4
Henneman Engineering Inc	\$ 112,262.00	2
Kenyon & Associates	\$ 29,242.66	2
Midwest Eng Professional Inc	\$ 810,997.94	24
Midwest Engineering Associates Inc	\$ 83,477.59	3
PSA-Dewberry Inc	\$ 1,164,636.05	4
STS Consultants LTD	\$ 166,184.04	5
Tilton Kelly & Bell LLC	\$ 26,488.88	1
Illinois Eastern Community Colleges	\$ 486,369.87	193
HAFER ASSOCIATES PC	\$ 1,662.50	1
Image Architects, Inc	\$ 454,253.77	189
KAM Solutions PC	\$ 30,453.60	3
Illinois Valley Community College	\$ 1,226,880.00	22
Basalay, Cary, & Alstadt Architects, Ltd.	\$ 1,185,605.00	20
Chamlin & Associates	\$ 41,275.00	2
John A Logan College	\$ 2,190,829.87	5
Architechnics, Inc.	\$ 40,000.00	1
Image Architects, Inc	\$ 2,150,829.87	4
John Wood Community College	\$ 1,478,401.12	17
Architechnics, Inc.	\$ 163,923.12	15
Chevron Energy Solutions	\$ 1,314,478.00	2
Joliet Junior College	\$12,764,449.85	100
Demonica & Kemper Associates	\$ 2,063,820.00	3
HOH Group	\$ 101,560.00	8
Kluber, Skahan & Associates, Inc	\$ 145,329.00	12
Legat Architects Inc	\$ 9,791,422.85	28
Ruettiger, Tonelli and Associates	\$ 305,123.00	23
SEC Group	\$ 8,722.00	1
SSOE, Inc.	\$ 91,500.00	4
Stanley Consultants	\$ 256,973.00	21

Kankakee Community College	\$ 1,657,526.76	230
Comm Foundation of Kankakee	\$ 8,750.00	1
Demonica & Kemper Associates	\$ 80,830.46	4
ECI Joliet, PC	\$ 46,001.55	1
Elara Energy Services, Inc.	\$ 676,694.11	55
Engineering Consultants Inc	\$ 6,271.34	2
Geocon Professional Services	\$ 1,180.96	1
GRC Engineering Inc	\$ 1,737.65	1
Industrial Technology Group	\$ 12,535.62	6
J.L. Meece Engineering, Inc.	\$ 460.00	1
KJWW Engineering Consultants	\$ 2,277.50	2
Land Resource Management	\$ 4,873.81	1
Midwest Environmental	\$ 1,263.37	2
Patrick Engineering, Inc.	\$ 4,073.34	3
Pizzo & Associates, Ltd.	\$ 19,365.00	3
Primera Engineers, Ltd.	\$ 11,249.26	1
Professional Communications	\$ 19,834.01	1
RGB Architectural Group Inc	\$ 651,726.27	77
Structure Tec	\$ 7,426.21	6
TEM Incorporated	\$ 10,320.00	10
Tyson Engineering Inc	\$ 86,881.30	51
US Green Bldg Council	\$ 3,775.00	1
Kaskaskia College	\$ 2,074,893.00	36
AECOM USA INC	\$ 16,500.00	1
BLDD Architects, Inc	\$ 1,957,926.00	24
Farmer Environmental	\$ 31,804.00	3
Hurst-Rosche Inc	\$ 68,663.00	8
Kishwaukee College	\$ 4,552,920.00	16
Demonica & Kemper Associates	\$ 3,469,200.00	5
Fehr Graham & Associates	\$ 31,250.00	1
JJR, LLC	\$ 1,009,070.00	7
KJWW Engineering Consultants	\$ 43,400.00	3
Lake Land College	\$ 7,190.00	1
Architectural Expressions LLP	\$ 7,190.00	1
Lewis and Clark Community College	\$ 5,937,103.16	121
AAIC Incorporated	\$ 4,354,013.82	58
Bric Partnership, LLC	\$ 331,214.95	8
HDR Engineering, Inc.	\$ 260,790.00	2
Kreher Engineering, Inc.	\$ 262.50	1
Larry Patton	\$ 30,000.00	1
Randy Burkett Lighting Design	\$ 346,646.25	28
Sheppard, Morgan & Schwaab, Inc.	\$ 614,175.64	23
Lincoln Land Community College	\$ 628,850.75	28

Allied Design Consultants, Inc.	\$ 8,644.00	1
CTS Group	\$ 5,000.00	1
F.W.A.I. Architects, Inc.	\$ 134,300.00	4
GHR Engineers and Associates, Inc.	\$ 61,563.00	4
Graham & Hyde Architects, Inc.	\$ 40,700.00	3
Hanson Professional Services Inc.	\$ 177,482.00	4
John Shafer & Associates, Inc.	\$ 120,784.00	3
Martin Engineering Co.	\$ 27,399.25	4
Patrick Engineering, Inc.	\$ 5,800.00	1
Professional Services Industries, Inc.	\$ 1,784.50	1
Renaissance Architects, Inc.	\$ 45,394.00	2
McHenry County College	\$ 750,500.00	18
Harrison & Associates	\$ 3,600.00	2
KJWW Engineering Consultants	\$ 9,600.00	1
Legat Architects Inc	\$ 83,000.00	2
MaRous & Company	\$ 7,700.00	3
Ruck Pate Architecture	\$ 463,460.00	5
Wight & Company	\$ 183,140.00	5
Moraine Valley Community College	\$ 6,239,011.57	69
Demonica & Delmoro Associates and Demonica & Kemper Associates	\$ 119,741.62	3
Demonica & Kemper Associates	\$ 1,658,768.00	12
KJWW Engineering Consultants	\$ 122,200.00	4
Legat Architects Inc	\$ 2,789,065.95	19
TENG & Associates	\$ 1,549,236.00	31
Morton College	\$ 194,734.00	11
Demonica & Kemper Associates	\$ 105,981.00	5
Midwest Lighting	\$ 17,900.00	2
Patrick Engineering, Inc.	\$ 70,853.00	4
Oakton Community College	\$ 2,778,463.88	20
Gewalt Hamilton	\$ 20,313.80	4
Gruman Butkus Associates	\$ 84,518.58	4
Henneman Engineering Inc	\$ 195,155.50	1
Legat Architects Inc	\$ 2,185,022.77	5
Manhard	\$ 114,518.80	2
MFH Associates	\$ 2,371.60	1
Ross Barney Architects	\$ 176,562.83	3
Parkland College	\$ 6,283,612.00	38
BLDD Architects, Inc	\$ 1,685,933.00	3
Clark Dietz, Inc.	\$ 784,997.00	7
EC & S Engineering	\$ 75,600.00	2
Henneman Engineering Inc	\$ 292,352.00	13
IGW Architecture	\$ 857,330.00	10
PCM & D Architecture	\$ 258,300.00	2

Perkins & Will Architecture	\$ 2,329,100.00	1
Prairie State College	\$ 146,245.00	7
Detella Planera Architects	\$ 126,352.00	6
Hygieneering, Inc	\$ 19,893.00	1
Rend Lake College	\$ 495,944.01	24
Eggemeyer Associates Architects	\$ 398,470.01	22
Round Table Design, Inc.	\$ 17,396.00	1
White & Borgononi Architects, P.C.	\$ 80,078.00	1
Richland Community College	\$ 2,008,298.79	22
Architectural Expressions LLP	\$ 74,882.51	2
BLDD Architects, Inc	\$ 1,622,486.28	14
Henneman Engineering Inc	\$ 253,600.00	3
HL Chastain & Associates LLP	\$ 7,680.00	1
KJWW Engineering Consultants	\$ 44,000.00	1
SKS Engineers	\$ 5,650.00	1
Rock Valley College	\$ 4,982,427.49	120
ARC Design Resources	\$ 72,998.62	20
Booth Hansen Architects	\$ 18,000.00	1
E-Cubed	\$ 84,670.00	1
Legat Architects Inc	\$ 10,082.03	2
Metro Design Associates	\$ 102,468.91	8
Midwest Environmental	\$ 14,325.00	5
Reister Engineer Inc.	\$ 26,460.52	7
Saavedra Gehlhausen Architects	\$ 4,613,697.18	71
TEM Incorporated	\$ 39,725.23	5
Sauk Valley Community College	\$ 496,913.00	4
Wight & Company	\$ 496,913.00	4
Shawnee Community College	\$ 256,711.00	9
Image Architects, Inc	\$ 239,211.00	8
McCoy and Howard Consulting Engineers	\$ 17,500.00	1
South Suburban College	\$ 697,231.22	22
DeTella Planera Architects	\$ 697,231.22	22
Southeastern Illinois College	\$ 81,708.18	13
AAIC Incorporated	\$ 3,000.00	1
Asaturian Eaton and Associates	\$ 5,600.00	1
Design Works	\$ 15,386.18	7
Geotech	\$ 10,000.00	1
Image Architects, Inc	\$ 44,222.00	2

Renken Professional Services, Springfield, Illinois	\$ 3,500.00	1
Southwestern Illinois College	\$ 4,348,257.00	25
Crawford, Bunte, Brammeier Traffic and Transportation Engineers	\$ 15,000.00	1
PGAV	\$ 1,656,000.00	10
SCI Engineering, Inc.	\$ 8,700.00	1
Wm. B. Ittner, Inc.	\$ 2,636,316.00	12
Woolpert, Inc.	\$ 32,241.00	1
Spoon River College	\$ 4,242,744.00	3
Hellmuth & Bicknese/Control Technology Services	\$ 4,242,744.00	3
Triton College	\$ 780,303.43	10
Arcon Associates, Inc.	\$ 105,946.00	4
Patrick Engineering, Inc.	\$ 250,000.00	2
Wight & Company	\$ 424,357.43	4
Waubonsee Community College	\$ 497,088.03	4
Crawford, Murphy and Tilley, Inc.	\$ 188,000.00	2
Patrick Engineering, Inc.	\$ 309,088.03	2

FINDINGS

DIVERSE AND SMALL BUSINESSES

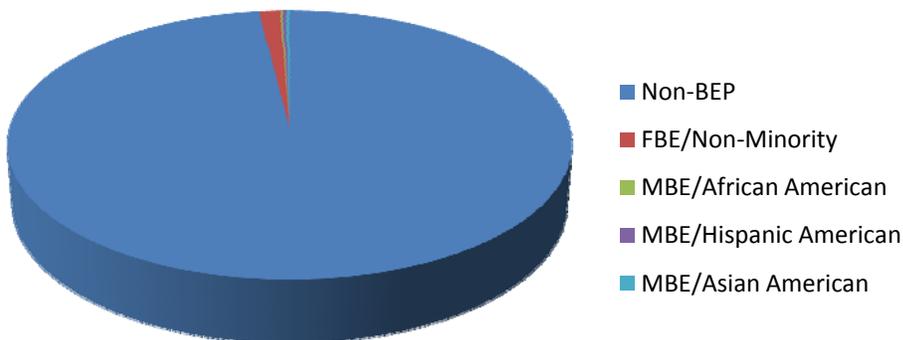
Drawing from the responses to the Board's Freedom of Information Act request, the first, and perhaps the most striking issue is that only a very minute portion of all of the Community College Architectural and Engineering contracts go to certified Business Enterprise Program (BEP) or Illinois small businesses. The Board compared the vendors' names that were submitted by the Community Colleges to the BEP and Illinois Small Business vendors utilizing the Department of Central Management Services' vendor directories. It must be noted that it is possible that some vendors who have contracts with the Community Colleges may be eligible for BEP and/or Small Business certification and may not have completed the steps necessary for certification. If that is the case, it is more than likely that that number would be relatively small so we are confident that the following numbers are representative of BEP and Illinois Small Business usage for the Community Colleges' Architectural and Engineering contracts.

CERTIFIED ILLINOIS BEP VENDORS

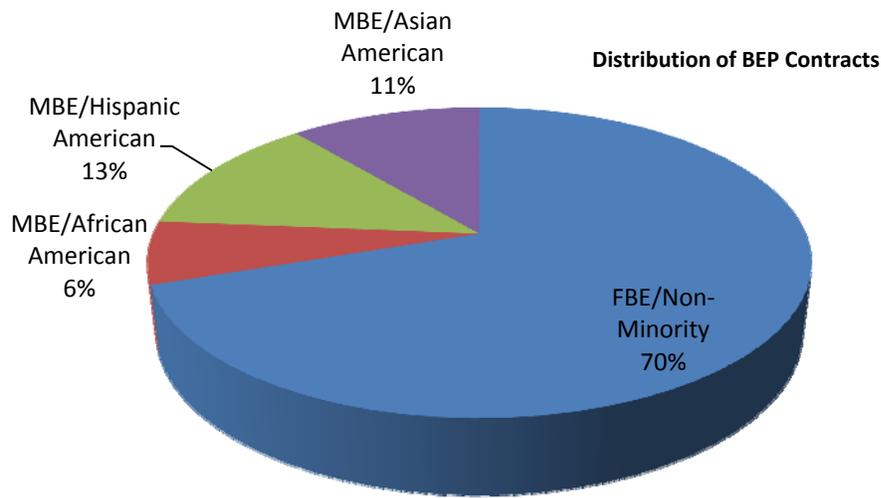
85% of Community Colleges had NO contracts with certified BEP
1.52% ~~.02%~~ of the total number of contracts awarded to certified BEP
1.95% ~~.02%~~ of the total value of contracts awarded to certified BEP

BEP/Diverse contracts – of the 1579 contracts valued at \$138,276,535.02 listed by the Community Colleges:

- 24 contracts valued at \$2,690,595.91 (1.52% ~~.02%~~) awarded to certified BEP vendors
- 13 contracts valued at \$1,876,760.65 (1.36% ~~.01%~~) awarded to female-owned businesses/non-minority
- 3 contracts valued at \$176,000 (.13% ~~.001%~~) awarded to male-owned businesses/African American
- 4 contracts valued at \$337,739.26 (.24% ~~.002%~~) awarded to male-owned businesses/Hispanic American
- 4 contracts valued at \$299,136 (.22% ~~.002%~~) awarded to male-owned businesses/Asian American



DISTRIBUTION OF THE 24 BEP CONTRACTS:



The Community Colleges listed below awarded contracts to BEP certified vendors:

College	Total Value	BEP Value	BEP Value %	Total Contracts	BEP Contracts	BEP Contracts %
City Colleges of Chicago	\$11,139,138.00	\$ 2,428,631.00	21.80%	44	16	36.36%
College of DuPage	\$17,835,398.94	\$ 27,770.94	0.16%	36	2	5.56%
Illinois Central College	\$ 3,165,508.70	\$ 26,488.88	0.84%	78	1	1.28%
Kankakee Community College	\$ 1,657,526.76	\$ 11,249.26	0.68%	230	1	0.43%
Oakton Community College	\$ 2,778,463.88	\$ 176,562.83	6.35%	20	3	15.00%
Prairie State College	\$ 146,245.00	\$ 19,893.00	13.60%	7	1	14.29%

The Community Colleges listed below did not award any contracts to BEP certified vendors:

- Black Hawk College
- Carl Sandburg College
- College of Lake County
- Danville Area Community College
- Elgin Community College
- William Rainey Harper College
- Heartland Community College
- Highland Community College
- Illinois Eastern Community Colleges (includes the following):
 - Frontier Community College
 - Lincoln Trail College
 - Olney Central College
 - Wabash Valley College
- Illinois Valley Community College
- John A. Logan College
- John Wood Community College
- Joliet Junior College

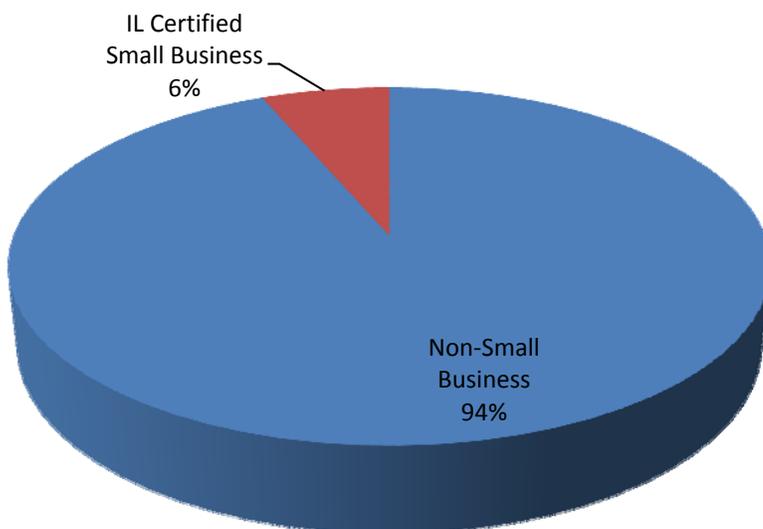
Kaskaskia College
 Kishwaukee College
 Lake Land College
 Lewis & Clark Community College
 Lincoln Land Community College
 McHenry County College
 Moraine Valley Community College
 Morton College
 Parkland College
 Rend Lake College
 Richland Community College
 Rock Valley College
 Sauk Valley Community College
 Shawnee Community College
 South Suburban College
 Southeastern Illinois College
 Southwestern Illinois College
 Spoon River College
 Triton College
 Waubonsee Community College

CERTIFIED ILLINOIS SMALL BUSINESS

72% of Community Colleges had NO contracts with certified Small Business Vendors
~~8.74%~~ ~~.09%~~ of the total number of contracts awarded to certified Small Business Vendors
~~6.36%~~ ~~.06%~~ of the total value of contracts awarded to certified Small Business Vendors

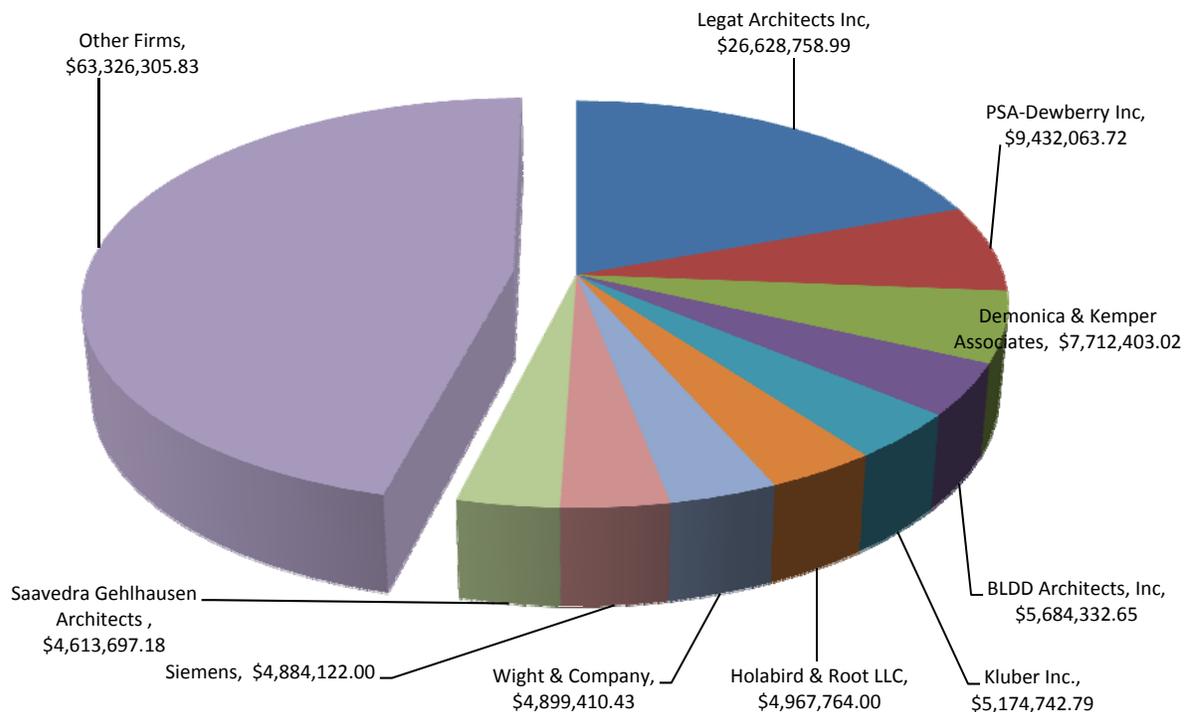
Illinois Small Business contracts – of the 1579 contracts valued at \$138,276,535.02 listed by the Community Colleges:

138 contracts valued at \$8,799,061.09 (6.36% ~~.06%~~) awarded to certified Illinois Small Businesses



LIMITED NUMBER OF VENDORS

Community Colleges contracted with total of 167 individual vendors with the top 10 vendors accounting for 54% of the total value of all of the contracts.



As of August 31, 2012, there are 1,052 Architectural and Engineering firms prequalified to do business with the Capital Development Board.

20 of 48 Colleges awarded 50% or more of their contracts to one vendor
 13 of 48 Colleges awarded 75% or more of their contracts to one vendor
 5 of 48 Colleges awarded 100% or more of their contracts to one vendor

The five colleges listed below most frequently used the same vendor most or all of the time:

1. Danville Area Community College used Walton and Associates Architects 100% of the time (11 of 11)
2. Highland Community College used Richard L Johnson Associates 100% of the time (15 of 15)
3. South Suburban College used DeTella Planera Architects 100% of the time (22 of 22)
4. Spoon River College used Hellmuth & Bicknese/Control Technology Services 100% of the time (3 of 3)
5. Eastern Illinois Community Colleges used Image Architects, Inc 97.93% of the time (189 of 193)

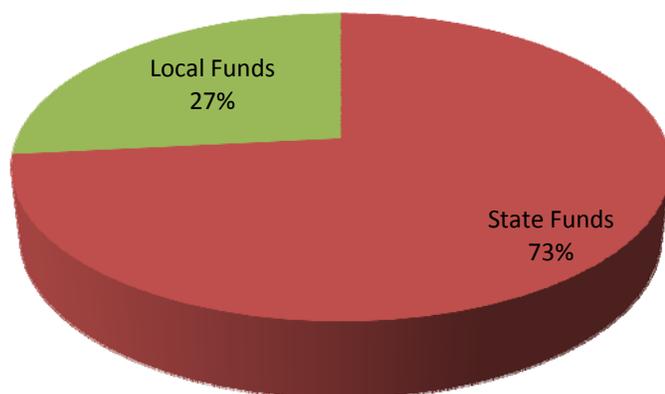
Clearly the latitude afforded the Community Colleges to select architects and engineers without competition if they have *“a satisfactory relationship for services with one or more firm”* has contributed to the limited number of vendors selected and the lack of diversity.

STATE CAPITAL FUNDED PROJECTS

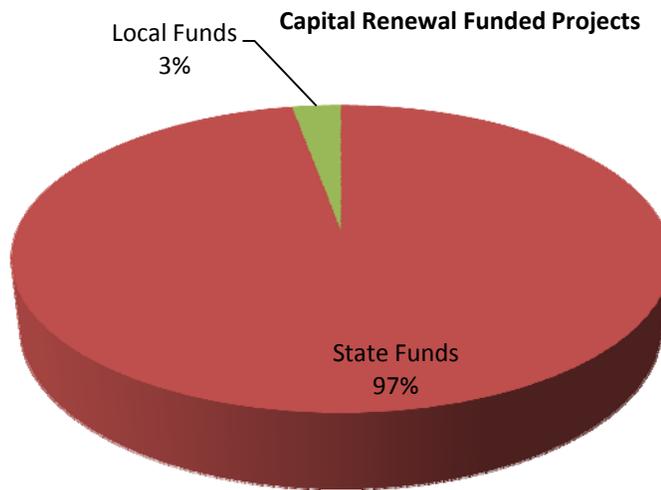
In FY 2010, the only fiscal year since FY 2005 that the Capital Development Board received a capital bill, 64 projects totaling \$352,195,582.37 in State Capital Funds (\$476,232,803.37 is the total when local matching funds are included) were awarded to Illinois Community Colleges for various projects, falling under two categories, RAMP (Resource Allocation Management Plan) funded projects and Capital Renewal funded projects.

RAMP funded projects are the large capital improvements or new building projects that are requested of the Illinois Community College Board (ICCB) on an annual basis and approved by the Illinois Board of Higher Education. Once approved, the list is provided to the Governor and the General Assembly. These types of projects generally require at least a 25% local match to the State appropriation, although the General Assembly has at times provided exemptions from this statutory requirement. \$340,364,316 in State Capital Funds was awarded with local matching funds totaling \$123,689,608 for a total of \$464,053,923 in projects. If one assumes that the average of the architectural and/or engineering fees is 10%, approximately \$46,405,392 was awarded to architectural and/or engineering firms.

RAMP Funded Projects



Capital Renewal funded projects are deferred maintenance projects generally of lesser size and scope than RAMP funded projects. Capital Renewal funds are distributed to public universities and community colleges based on the amount of owned gross square footage for each institution. The community college system receives approximately 30% of any capital renewal funds that are appropriated by the General Assembly for this purpose. Capital Renewal funded projects do not require a 25% local match. \$11,831,267.37 in State Capital Funds was awarded with local matching funds totaling \$347,613 for a total of \$12,178,880.37 in projects. If one assumes that the average of the architectural and/or engineering fees is 10%, approximately \$1,217,888.04 was awarded to architectural and/or engineering firms.



MAJOR CONCLUSIONS

It is apparent that certified minorities, females, and persons with disabilities are at a distinct disadvantage when it comes to receiving contract awards at Illinois’ Community Colleges. The Business Enterprise for Minorities, Females, and Persons with Disabilities (BEP) Act does not include Community Colleges, although most or all receive funds from the State. Between FY 2008 and FY 2012 (all in FY 2010) \$352,195,582.37 in funding was appropriated to the Community Colleges for capital investment and construction. While the BEP Act does not specifically include Community Colleges’ construction projects, it does specifically outline requirements for State construction projects in [30 ILCS 575/4(b)] (see Appendix B): *In the case of State construction contracts, the provisions of subsection (a) requiring a portion of State contracts to be awarded to businesses owned and controlled by persons with disabilities do not apply. Not less than 10% of the total dollar amount of State construction contracts is established as a goal to be awarded to minority and female owned businesses, and contracts representing 50% of the amount of all State construction contracts awarded to minority and female owned businesses shall be awarded to female owned businesses.*

In addition, the current statutory language in the Local Government Professional Services Selection Act, “*unless it has a satisfactory relationship for services with one or more firms*” (see Appendix A), Community Colleges have ample opportunity to not comply with either the Qualifications Based Selection requirements of the Procurement Code or the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act. It also appears that Community Colleges routinely stay with one or two firms who have done acceptable work for them in the past rather than seek competition. When not conducted properly, Qualifications Based Selection can be an overly subjective process and may allow for personal bias to creep in and for initiatives like “spreading the work around” to be implemented, which in some cases could be construed as a form of bias as well. Small and minority owned firms struggle against the larger firms for business and there is an overall lack of follow up with unsuccessful firms.

CONCLUSION

Business Enterprise for Minorities, Females, and Persons with Disabilities (BEP) Act

Board staff suggests that the Board recommend that the Business Enterprise for Minorities, Females, and Persons with Disabilities (BEP) Act [30 ILCS 575] be expanded to include Illinois’ Community Colleges

when funding is appropriated by the State of Illinois for all or a portion of capital investment and construction, including architectural and engineering projects.

Local Government Professional Services Selection Act

The Local Government Professional Services Selection Act [50 ILCS 510] should be amended to remove the following language from Sections 4, 5, and 6: ***unless it has a satisfactory relationship for services with one or more firm.*** In addition, the Board recommends language that promotes and encourages the development of minority, female and persons with disabilities owned and operated businesses including the establishment of minimum contracting goals when funding is provided by the State of Illinois.

APPENDIX A
APPLICABLE ILLINOIS QUALIFICATIONS BASED
SELECTION LAWS AND RULES

Illinois Procurement Code Requirements

Section 30-15(c) of the Illinois Procurement Code [30 ILCS 500] establishes that *‘All construction-related professional services contracts shall be awarded in accordance with the provisions of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535]. “Professional services” means those services within the scope of the practice of architecture, professional engineering, structural engineering, or registered land surveying, as defined by the laws of this State.’*

Capital Development Board Procurement Rules:

Title 44: Government Contracts, Procurement and Property Management, Subtitle A: Procurement and Contract Provisions, Chapter IV: Chief Procurement Officer for Capital Development Board, Part 8 Procurement Practices, Section 8.140 Architect and Engineer Contracts:

Solicitation for procurement of services of architects/engineers (A/Es), or related professionals, shall be in accordance with the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535] and CDB's rules (44 Ill. Adm. Code 1000).

Architectural, Engineering, and Land Surveying Qualifications
Based Selection Act Requirements

Section 5 of the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act [30 ILCS 535] states *“It is the policy of State agencies of this State to publicly announce all requirements for architectural, engineering, and land surveying services, to procure these services on the basis of demonstrated competence and qualifications, to negotiate contracts at fair and reasonable prices, and to authorize the Department of Professional Regulation to enforce the provisions of Section 65 of this Act.”*

The Act goes on to set the requirements for Qualifications Based Selection, including, but not limited to:

1. Federal Requirements – *A State agency may comply with federal law and regulations...and take all necessary steps to adapt its rules, specifications, policies, and procedures accordingly to remain eligible for federal aid. [30 ILCS 535/10]*
2. Prequalification – *A State agency shall establish procedures to prequalify firms seeking to provide architectural, engineering, and land surveying services or may use prequalification lists from other State agencies to meet the requirements of this Section. [30 ILCS 535/20]*
3. Public Notice – *Whenever a project requiring architectural, engineering, or land surveying services is proposed for a State agency, the State agency shall provide no less than a 14 day advance notice... [30 ILCS 535/25]*
4. Evaluation Procedure – *A State agency shall evaluate the firms submitting letters of interest and other prequalified firms, taking into account qualifications; and the State agency may consider, but shall not be limited to considering, ability of professional personnel, past record and experience, performance data on file, willingness to meet time requirements, location, workload of the firm and any other qualifications based factors as the State agency may determine in writing are applicable. The State agency may conduct discussions with and require public presentations by firms deemed to be the most qualified regarding their qualifications, approach to the project and ability to furnish the required services...A State agency shall establish a committee to select firms to provide architectural, engineering, and*

- land surveying services...In no case shall a State agency, prior to selecting a firm for negotiation under Section 40, 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. [30 ILCS 535/30]*
5. *Selection Procedure – On the basis of evaluations, discussions, and any presentations, the State agency shall select no less than 3 firms it determines to be qualified to provide services for the project and rank them in order of qualifications to provide services regarding the specific project. The State agency shall then contact the firm ranked most preferred to negotiate a contract at a fair and reasonable compensation... [30 ILCS 535/35]*
 6. *Contract Negotiation – (a) The State agency shall prepare a written description of the scope of the proposed services to be used as a basis for negotiations and shall negotiate a contract with the highest qualified firm at compensation that the State agency determines in writing to be fair and reasonable. In making this decision, the State agency shall take into account the estimated value, scope, complexity, and professional nature of the services to be rendered. In no case may a State agency establish a maximum overhead rate or other payment formula designed to eliminate firms from contention or restrict competition or negotiation of fees.
(b) If the State agency is unable to negotiate a satisfactory contract with the firm that is most preferred, negotiations with that firm shall be terminated. The State agency shall then begin negotiations with the firm that is next preferred...
(c) If the State agency is unable to negotiate a satisfactory contract with any of the selected firms, the State agency shall re-evaluate the...services requested, including the estimated value, scope, complexity, and fee requirements. The State agency shall then compile a second list of not less than 3 qualified firms and proceed in accordance with the provisions of this Act.
(d) A firm negotiating a contract with a State agency shall negotiate subcontracts for architectural, engineering, and land surveying services at compensation that the firm determines in writing to be fair and reasonable based upon a written description of the scope of the proposed services. [30 ILCS 535/40]*

The Capital Development Board Act Requirements

The Capital Development Board Act [20 ILCS 3105] provides that the purposes of the Capital Development Board are, but not limited to, the following:

- a. *To provide for the acquisition, planning, construction, reconstruction, improvement and installation of capital facilities, consisting of buildings, structures and equipment and for the acquisition and improvement of real property and interest in real property required, or expected to be required, in connection therewith and for the acquisition, protection and development of land within the State of Illinois for open spaces, recreational and conservation purposes, as authorized by the General Assembly by appropriations from the Capital Development Fund, the School Construction Fund, General Revenue Fund, other funds, or revenue bonds, but not including capital facilities provided entirely by local community college district or local school district funds or capital facilities at non-profit, non-public health service educational institutions. [20 ILCS 3105/9.01]*
- b. *To establish rules and regulations governing the acquisition, planning, construction, reconstruction, improvement and installation of capital facilities as defined in Section 9.01 of this Act. The Board may require any state agency to submit information deemed necessary for the Board to fulfill its responsibilities under this Act, and may prescribe the form of such report. [20 ILCS 3105/9.06]*
- c. *To accept assignment of contracts entered into by other state agencies for construction services on projects over which the Board shall have jurisdiction, whether or not such contracts shall have been awarded in accordance with the terms of the Illinois Purchasing Act. [20 ILCS 3105/9.07]*

Section 12 of the Capital Development Board Act also states *“Nothing in this Act shall be construed to include the power to abrogate those powers vested in the boards of the local public community college districts and the Illinois Community College Board by the Public Community College Act, the Board of Trustees of the University of Illinois, The Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, and the Board of Trustees of Western Illinois University, hereinafter referred to as Governing Boards. In the exercise of the powers conferred by law upon the Board and in the exercise of the powers vested in such Governing Boards, it is hereby provided that (i) the Board and any such Governing Board may contract with each other and other parties as to the design and construction of any project to be constructed for or upon the property of such Governing Board or any institution under its jurisdiction; (ii) in connection with any such project, compliance with the provisions of the Illinois Purchasing Act by either the Board or such Governing Board shall be deemed to be compliance by the other; (iii) funds appropriated to any such Governing Board may be expended for any project constructed by the Board for such Governing Board; (iv) in connection with any such project the architects and engineers retained for the project and the plans and specifications for the project must be approved by both the Governing Board and the Board before undertaking either design or construction of the project, as the case may be.”*

CDB Rules:

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 1000.170 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.

Local Government Professional Services Selection Act

The Local Government Professional Services Selections Act [50 ILCS 510] mandates:

Section 4. Public notice. *Present provisions of law notwithstanding, in the procurement of architectural, engineering or land surveying services, each political subdivision which utilizes architectural, engineering or land surveying services shall permit firms engaged in the lawful practice of their professions to annually file a statement of qualifications and performance data with the political*

*subdivision. Whenever a project requiring architectural, engineering or land surveying services is proposed for a political subdivision, the political subdivision shall, **unless it has a satisfactory relationship for services with one or more firms**...(emphasis added) [50 ILCS 510/4]*

*Section 5. Evaluation Procedure. A political subdivision shall, **unless it has a satisfactory relationship for services with one or more firms**, evaluate the firms submitting letters of interest, taking into account qualifications, ability of professional personnel, past record and experience, performance data on file, willingness to meet time requirements, location, workload of the firm, and such other qualifications-based factors as the political subdivision may determine in writing are applicable...(emphasis added) [50 ILCS 510/5]*

*Section 6. Selection procedure. On the basis of evaluations, discussions and presentations, the political subdivision shall, **unless it has a satisfactory relationship for services with one or more firms**, select no less than 3 firms which it determines to be the most qualified to provide services for the project and rank them in order of qualifications to provide services regarding the specific project...(emphasis added) [50 ILCS 510/6]*

APPENDIX B
APPLICABLE SECTIONS OF THE
BUSINESS ENTERPRISE FOR MINORITIES, FEMALES,
AND PERSONS WITH DISABILITIES (BEP) ACT
[30 ILCS 575]

(30 ILCS 575/4) (from Ch. 127, par. 132.604)

(Section scheduled to be repealed on June 30, 2016)

Sec. 4. Award of State contracts.

(a) Except as provided in subsections (b) and (c), not less than 20% of the total dollar amount of State contracts, as defined by the Secretary of the Council and approved by the Council, shall be established as a goal to be awarded to businesses owned by minorities, females, and persons with disabilities; provided, however, that of the total amount of all State contracts awarded to businesses owned by minorities, females, and persons with disabilities pursuant to this Section, contracts representing at least 11% shall be awarded to businesses owned by minorities, contracts representing at least 7% shall be awarded to female-owned businesses, and contracts representing at least 2% shall be awarded to businesses owned by persons with disabilities.

The above percentage relates to the total dollar amount of State contracts during each State fiscal year, calculated by examining independently each type of contract for each agency or university which lets such contracts. Only that percentage of arrangements which represents the participation of businesses owned by minorities, females, and persons with disabilities on such contracts shall be included.

(b) In the case of State construction contracts, the provisions of subsection (a) requiring a portion of State contracts to be awarded to businesses owned and controlled by persons with disabilities do not apply. Not less than 10% of the total dollar amount of State construction contracts is established as a goal to be awarded to minority and female owned businesses, and contracts representing 50% of the amount of all State construction contracts awarded to minority and female owned businesses shall be awarded to female owned businesses.

(c) In the case of all work undertaken by the University of Illinois related to the planning, organization, and staging of the games, the University of Illinois shall establish a goal of awarding not less than 25% of the annual dollar value of all contracts, purchase orders, and other agreements (collectively referred to as "the contracts") to minority-owned businesses or businesses owned by a person with a disability and 5% of the annual dollar value the contracts to female-owned businesses. For purposes of this subsection, the term "games" has the meaning set forth in the Olympic Games and Paralympic Games (2016) Law.

(d) Within one year after April 28, 2009 (the effective date of Public Act 96-8), the Department of Central Management Services shall conduct a social scientific study that measures the impact of discrimination on minority and female business development in Illinois. Within 18 months after April 28, 2009 (the effective date of Public Act 96-8), the Department shall issue a report of its findings and any recommendations on whether to adjust the goals for minority and female participation established in this Act. Copies of this report and the social scientific study shall be filed with the Governor and the General Assembly.

(e) Those who submit bids or proposals for State contracts shall not be given a period after the bid or proposal is submitted to cure deficiencies in the bid or proposal under this Act unless mandated by federal law or regulation.

(Source: P.A. 96-7, eff. 4-3-09; 96-8, eff. 4-28-09; 96-706, eff. 8-25-09; 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the effective date of changes made by P.A. 96-795); 96-1000, eff. 7-2-10.)