

Purchasing and Construction Virtual Conference

April 23, 2026

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AGENDA

9:00 a.m. – 10:00 a.m. GENERAL SESSION

Bid Challenges: How to Avoid Them and How to Successfully Resolve Them if They Arise

Presented by: Kenneth M. Florey and Howard A. Metz

10:00 a.m. – 10:45 a.m. SESSION 1

Creative Contracting: Using Intergovernmental Agreements, Cooperative Purchasing, Public-Private Partnerships, and Other Strategies to Meet Your Purchasing and Operational Needs

Presented by: Matthew J. Gardner and Katie N. DiPiero

10:45 a.m. – 11:00 a.m. Break

11:00 a.m. – 11:45 a.m. SESSION 2

Key Considerations in Choosing Your Construction Team and Other Strategies for Public Project Owners

Presented by: Matthew J. Gardner and Danielle B. Daly





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Bid Challenges: How to Avoid Them and How to Successfully Resolve Them if They Arise

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Introductions



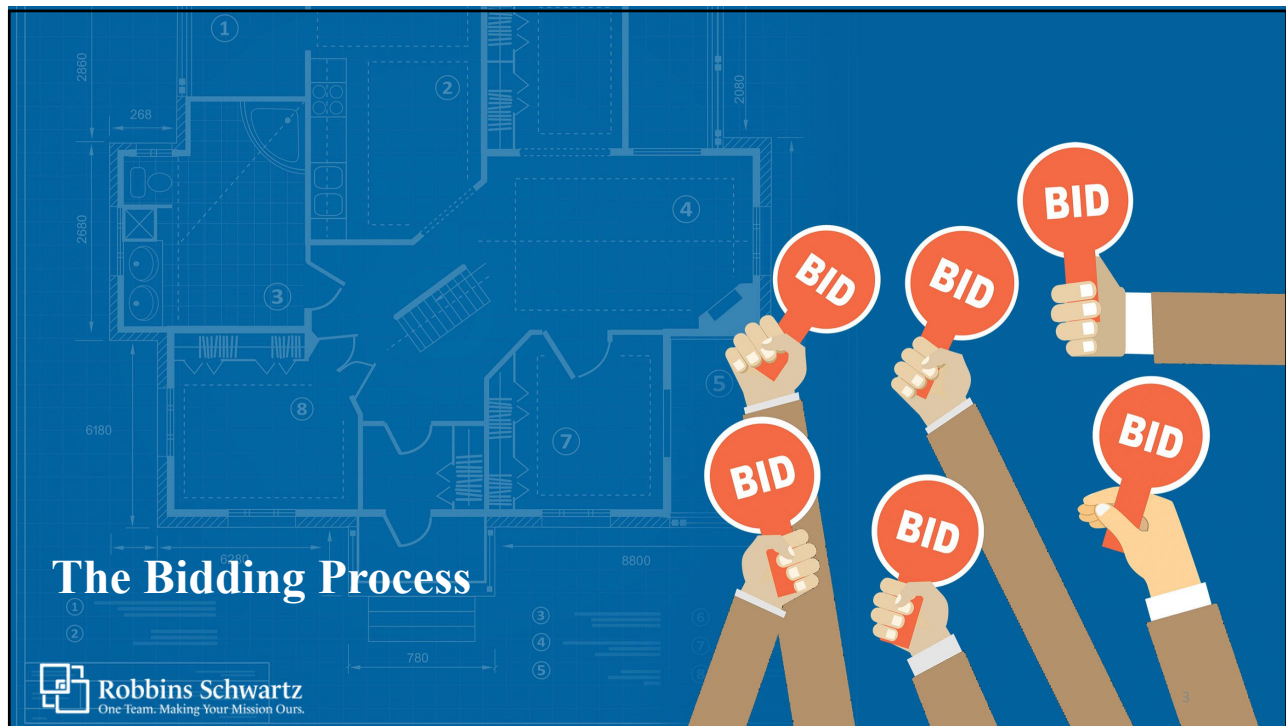
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3

Preparing Bid Specifications – Clarity Avoids Potential Challenges

Certainty Required

- You may only get what you ask, even if you meant something else!

Beware of “Boilerplate” Documents

Sole Sourcing

- Be Careful of Using “Or Equal” in Your Bid Documents!

4

Preparing Bid Specifications – Clarity Avoids Potential Challenges

- Contract is Part of Bid Documents and Non-Negotiable
- Getting Assistance in Preparation of Bid Specifications
 - Outside Professionals/Consultants
 - Potential Bidders?
- Bid Bond?



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Responding to Questions – Keep a Level Playing Field to Avoid a Challenge!

- Keep a Bidders list
 - Bid documents posted on website?
- Bid Addendum to be released to ALL bid holders
- Bids submission must include acknowledgement of all addenda



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Pre-Bid Meeting?

- Mandatory v. Optional
- In Person or Remote
- Individual Site Tours
- Keep a Level Playing Field!



The Bid Submittal Process – Avoiding Challenges

Bid Submittals

- Sealed Bids
- Electronic Bids
- Timeliness of Bids
- Modification, Withdrawal or Re-submittal of Bids Before Bid Opening

Public Opening and Reading of the Bids

Withdrawal or Modification after the Bids Are Received

The Bidding Process – Awarding the Contract to Avoid Bid Challenges

- Awarding the Bid – Criteria
 - Lowest
 - Alternate Bids
- Responsive
 - Material Defects – Nonwaivable
 - Minor Variances – Waivable
- Responsible
 - Pre-qualification of Bidders
- Post-Bid Pre-Award Negotiations



The Bidding Process – Bid Mistakes

- Bid Mistakes - Circumstances Warranting Judicial Relief from a Bid Mistake
 - Material Feature of the Contract
 - Neglect in the Preparation of the Bid
 - Maintaining the Status Quo
 - The Owner's Knowledge of the Mistake
 - Unconscionability

The Bidding Process

- Rejecting the Bid
 - Discretion “to reject any and all bids.”
 - Documenting the Basis for Awarding/Rejecting Bid



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The Duty To Publicly Bid



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The Duty To Publicly Bid

In Illinois, public bodies are generally required to use a public bidding process when purchasing supplies, materials, services and work over a specified dollar amount.

Each public body is governed by its own statute, which dictates the threshold amount over which contract must be bid.



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The Duty To Publicly Bid



Those statutes also contain numerous exceptions to the public bidding requirement.



The statutes also dictate the procedure for the bid process, such as the notice requirements for publication and the time period between the bid notice and the bid opening.



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The Duty To Publicly Bid

ILLINOIS PUBLIC ENTITY	STATUTE	PUBLIC BIDDING THRESHOLD	EXCEPTIONS TO PUBLIC BIDDING REQUIREMENT
School Districts	105 ILCS 5/10-20.21	\$35,000 (unless lower amount required by board policy) Construction not to exceed \$50,000 and not involving a change or increase in the size, type, or extent of an existing facility.	- Services of individuals possessing a high degree of professional skill - Printing of finance committee reports and departmental reports - Printing or engraving bonds, tax warrants, etc. - Perishable foods and beverages - Contracts for materials and work which have been awarded to the lowest responsible bidder after due advertisement, but due to unforeseen revisions, not the fault of the contractor for materials and work, must be revised causing expenditures not in excess of 10% of the contract price - Maintenance or servicing of equipment by the manufacturer or its authorized agent - Information technology - Duplicating machines or supplies - Fuel (diesel, gasoline, oil, aviation, natural gas, or propane, lubricants, or other petroleum products) - Equipment previously owned by another entity - Construction not to exceed \$50,000 and not involving a change or increase in the size, type, or extent of an existing facility - Goods and services from another governmental agency - Goods and services procurable from only one source (e.g., magazines, periodicals, etc.) - Emergency expenditure with approval of 3/4 of board members

The Duty To Publicly Bid

ILLINOIS PUBLIC ENTITY	STATUTE	PUBLIC BIDDING THRESHOLD	EXCEPTIONS TO PUBLIC BIDDING REQUIREMENT
Community College Districts	110 ILCS 805/3-27.1	\$25,000 (unless lower amount required by board policy) Construction not to exceed \$50,000 and not involving a change or increase in the size, type, or extent of an existing facility	- Services of individuals possessing a high degree of professional skill - Printing of finance committee reports and departmental reports - Printing or engraving bonds, tax warrants, etc. - Perishable foods and beverages - Maintenance or servicing of equipment by the manufacturer or its authorized agent - Information technology - Duplicating machines or supplies - Natural gas - Equipment previously owned by another entity - Construction not to exceed \$50,000 and not involving a change or increase in the size, type, or extent of an existing facility - Goods and services from another governmental agency - Goods and services procurable from only one source - Emergency expenditure with approval of 3/4 of board members

The Duty To Publicly Bid

ILLINOIS PUBLIC ENTITY	STATUTE	PUBLIC BIDDING THRESHOLD	EXCEPTIONS TO PUBLIC BIDDING REQUIREMENT
Park Districts	70 ILCS 1205/8-1(c)	\$60,000 for purchase of supplies and materials \$30,000 for work	• Services of individuals possessing a high degree of professional skill • Printing of finance committee reports and departmental reports • Printing or engraving bonds, tax warrants, etc. • Utility services • Contracts for fuel • Information technology • Duplicating machines or supplies • Goods and services from another governmental agency • Equipment previously owned by another entity • Magazines, books, periodicals, pamphlets and reports • Emergency expenditure with approval of 3/4 of board members

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The Duty To Publicly Bid

ILLINOIS PUBLIC ENTITY	STATUTE	PUBLIC BIDDING THRESHOLD	EXCEPTIONS TO PUBLIC BIDDING REQUIREMENT
Library Districts	75 ILCS 5/5-5	\$25,000	• Services of individuals possessing a high degree of professional skill • Printing of finance committee reports and departmental reports • Printing or engraving bonds, tax warrants, etc. • Maintenance or servicing of equipment by the manufacturer or its authorized agent • Information technology • Duplicating machines or supplies • Utility services • Goods and services from another governmental agency • Equipment previously owned by another entity • Goods and services procurable from only one source (e.g., magazines) • Emergency expenditure with approval of 3/4 of board members

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Governmental Cooperative Purchasing

Joint Purchasing Act (30 ILCS 525/1)

The Joint Purchasing Act is a stand-alone statute that supersedes any other individual bidding requirements. 30 ILCS 525/2(a).

The cooperative must be run by a government body.

Bids and proposals must be based on competitive solicitations.

Bids and proposals must be solicited by public notice as specified by the Joint Purchasing Act.



19

Governmental Cooperative Purchasing

- What selection criteria can a cooperative use?
- All purchases, orders or contracts shall be awarded to the lowest responsible bidder or **highest-ranked** offeror, **as ranked by the cooperative purchasing program, or, if not ranked by the cooperative purchasing program, then by the purchasing governmental unit, when the purchasing governmental unit determines that the selected contract best meets the governmental unit's needs.**



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Governmental Cooperative Purchasing



Consult with legal counsel on whether participation in a particular cooperative will meet the requirements of Illinois law.



Examine the terms for participation:

- Is there an entry fee?
- Is there a participation fee?
- Are there other costs of participation?



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Governmental Cooperative Purchasing

- Examine the proposed contract (or have your counsel examine it). Identify any unacceptable business or legal terms and conditions.
- Confirm in advance that you will be able to amend terms and conditions to meet your business expectations, and to comply with Illinois law.
- Investigate the actual vendor, contractor, or service provider and its products.



22

Governmental Cooperative Purchasing

- What are some strategies for success with Cooperative Purchasing options?
- Make sure you leave yourself enough time.
- Obtain informal quotes or estimates from local vendors/contractors first. It may be cheaper to use the traditional bidding method.
- Look at the offerings of all of the cooperatives before deciding to select one particular cooperative.



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Local Government Professional Services Selection Act – 50 ILCS 510/1, et seq.



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Applies to...

Architectural

Engineering

Surveying Services

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Notice



- Provide notice of potential project and request a statement of interest by:
 - (1) Mailing or emailing firms that filed a statement of qualifications and performance data; or
 - (2) Advertising with a newspaper of general circulation throughout the district; or
 - (3) Advertising on website.

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Exemptions from the Local Government Professional Services Selection Act

If the District has a “satisfactory relationship” with one or more firms, no need to go through selection process; the District can simply contract with its previously-retained firm for the new project.



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Exemptions from the Local Government Professional Services Selection Act

The District may waive this statutory procedure if it determines by resolution that an emergency situation exists and necessitates selection of a firm in an expeditious manner.

The District may waive this statutory procedure if the cost of the professional services is expected to be less than \$40,000.

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Creative Contracting: Using Intergovernmental Agreements, Cooperative Purchasing, Public-Private Partnerships, and Other Strategies to Meet Your Purchasing and Operational Needs

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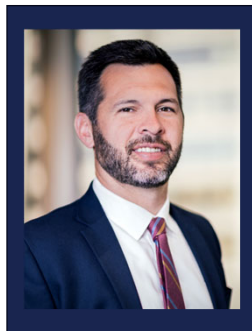
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Presented By:

Matthew J. Gardner and
Katie N. DiPiero

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Introduction



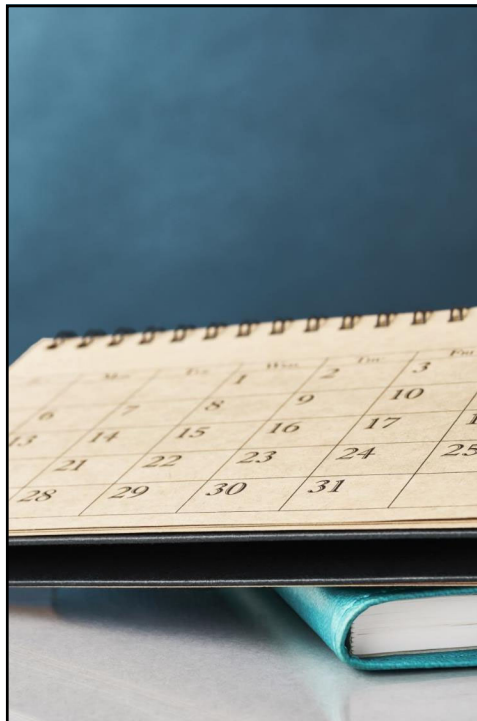
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Agenda

- Why creative contracting matters
- Overview of creative contracting tools
- Intergovernmental agreements (IGAs)
- Cooperative purchasing
- Public-Private Partnerships (P3s)
- Trends and future direction
- Key takeaways and discussion



3

Why Creative Contracting Matters Today



Increasing financial pressure on public entities



Expanding service demands with limited resources



Statutory purchasing requirements can limit flexibility



Collaboration allows governments to stretch dollars while remaining compliant



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Forms of Creative Contracting

- Intergovernmental Agreements (IGAs)
- Cooperative purchasing programs
- Shared services arrangements
- Public-Private Partnerships (P3s)
- Consortia and regional collaborations



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What is an Intergovernmental Agreement (IGA)?

- A contract between two or more public agencies
- Used to share services, resources, costs, or authority
- Common in purchasing, operations, staffing, facilities, and tax matters
- Explicitly encouraged under Illinois law



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Illinois Governmental Structure: Why IGAs Matter

- Overlapping jurisdictions: school districts, municipalities, townships, counties, special districts
- Shared taxpayers and shared service needs
- Cooperation reduces duplication and cost
- Particularly effective for purchasing and operational services



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Early History of IGAs in Illinois

- Informal cooperation long predates modern statutes
- “Handshake deals” between neighboring governments
- Effective in practice—but legally vulnerable
- Often driven by necessity rather than authority
- Legal challenges before 1970
 - Dillon’s Rule limited government powers
 - Actions required explicit statutory authorization
 - Early IGAs could be challenged as ultra vires (beyond authority)
 - Need for formal legal foundation became clear



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Authority for IGAs

Illinois Constitution of 1970 – Article VII, Section 10

- Expressly authorizes intergovernmental cooperation
- Allows shared services, powers, and resources
- Directs the State to encourage cooperation

Intergovernmental Cooperation Act (5 ILCS 220/1 *et seq.*)

- Provides broad authority for IGAs
- Allows joint exercise of powers unless expressly prohibited
- Requires formal approval and defined terms

Impact: Shift from informal cooperation to lawful contracting

Evolution of IGAs Over Time

- Informal
- Narrow Scope
- Simple Cost Sharing



- Formal Agreements
- Comprehensive Service Delivery
- Governance Structures and Voting Rights

Growth tied to increased regulation and operational complexity

IGAs in Purchasing and Operations

Common Uses and Examples



Shared Transportation Services



Joint Fuel Purchasing



Maintenance and Grounds Services



IT Systems and Data Management



Police/School Resource officers



Professional Services Contracts



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Shared Services Agreements

- One entity provides services to others
- Staffing, transportation, facilities, finance
- Can reduce staffing shortages
- Allows specialization rather than duplication

Important: Always confirm statutory authority for services provided.



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Protecting the Tax Base Through IGAs

- Property tax assessments affect all taxing bodies
- Individual bodies lack resources to defend appeals
- IGAs allow cost-sharing and unified strategy
- Creates a “consortium” to spread risk and expense



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Best Practices for IGA Consortia



An effective IGA should:

- ☐ Identify parties and property/services
- ☐ Cite constitutional and statutory authority
- ☐ Define cost allocation and voting rights
- ☐ Name an agent entity
- ☐ Address withdrawal, renewal, and termination

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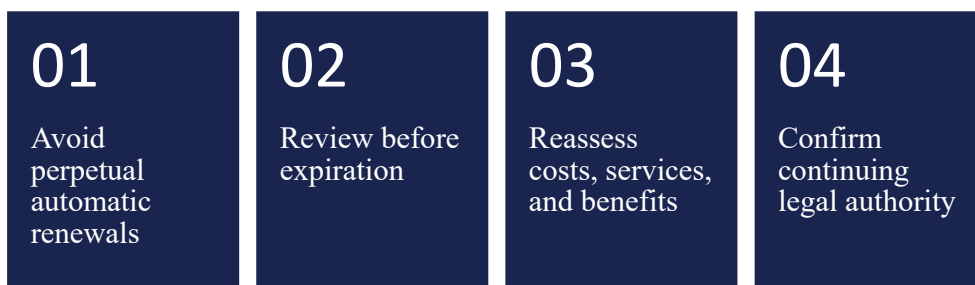
Legal Pointers for IGAs



- Statutorily required elements of an IGA pursuant to 5 ILCS 220/5
- Purposes of the agreement
- Powers being exercised or shared
- Rights of each party
- Objectives to be achieved
- Responsibilities of the parties

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Reviewing and Managing IGAs



Tip: Treat IGAs like living documents.

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Cooperative Purchasing as an IGA Tool

- Governments pool purchasing volume
- Reduces cost and administrative burden
- Avoids duplication of bid processes
- Maintains compliance with procurement laws
- Examples:
 - Regional cooperatives
 - Statewide programs



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Public-Private Partnerships (P3s)



Contracts between
public entities and
private businesses



Used for facilities,
infrastructure,
services



Can shift risk or
capital costs



Require careful
procurement and legal
review

When to Consider a P3

- Capital-intensive projects
- Specialized expertise required
- Long-term service delivery
- Clearly defined performance expectations



Caution: Transparency and accountability are critical.

Challenges and Risks

- Legal complexity
- Governance and control issues
- Equity and transparency concerns
- Managing long-term commitments

***Solution:** Strong agreement drafting and periodic review.*

Emerging Trends in Creative Contracting

- Expanded cooperative purchasing
- Regional service models
- Sustainability-focused agreements
- Increased reliance on shared technology platforms



The Future of IGAs in Illinois

Continued pressure on school funding

Greater need for cost-effective purchasing

Growth of statewide cooperatives

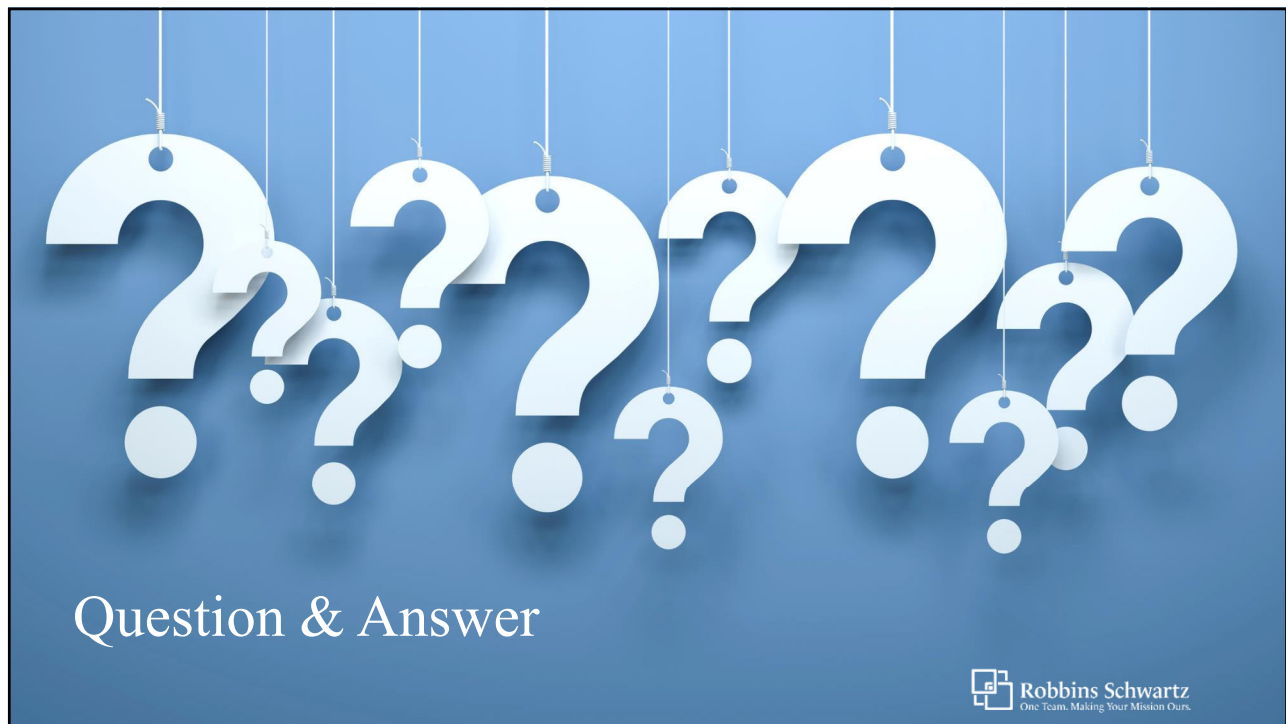
More creative use of shared services



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Introductions



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Goals

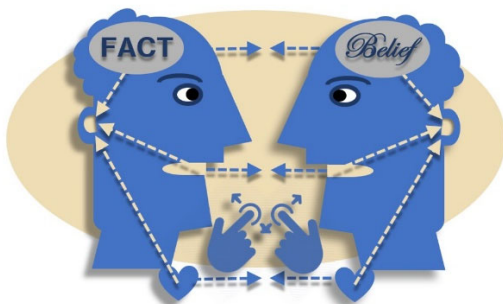
- Project Planning and Initial Considerations
- Basic Understanding of Project Delivery Methods and Legal Implications
- Choosing Your Construction Team
- Planning and Negotiating Contracts
- Insurance and Risk Planning



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Project Assumptions



- Governing board is supportive
- Administrative team has approved
- Programming has been determined
- Community has been informed

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Preliminary Construction Considerations

Project Timing – Programming Requirements

Land Acquisition – Closed Session Discussion; there is a reason

Intergovernmental Issues

- Zoning Codes – being a good neighbor
- State Historic Preservation Office – confirming status and compliance
- Storm Water Requirements – best of luck!
- Site Access – traffic and safety
- Utility Permits and Connections – avoiding fees



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Preliminary Construction Considerations

- Project Financing: Paying the Bill
 - Cash on hand
 - Acquiring debt
 - Purchasing bonds
 - Specialty consultants
 - Capital Development Board projects
 - Grants



6

Preliminary Construction Considerations

- Referendum Issues
 - Available Debt Service
 - Use your Architect/CM to help
 - Determining the Project Cost
 - Predetermining Community Support
 - Board Approval
 - Floating Bonds; Passage



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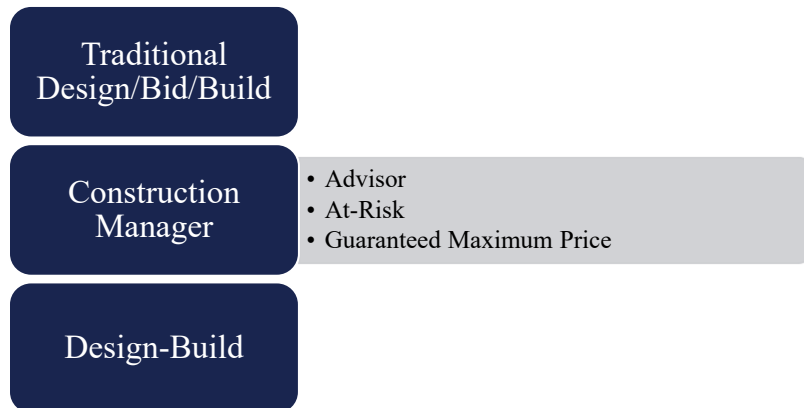
Preliminary Construction Considerations

- Estimated Timeline (obviously depends on the project)
 - Programming 3 months
 - Space Planning 3 months
 - Schematic Design 3 months (many factors drive)
 - Design Development 3 months (many factors drive)
 - Construction Documents 3 months (many factors drive)
 - Bid Time Frame 2 months
 - Board Approval 1-2 months
 - Physical Construction 4-12 months

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Project Delivery Method



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Selecting Construction Team



- Selecting Project Team
 - Architect or Engineer
 - Construction Manager
 - General Contractor
 - Owner's Representative
 - Commissioning Agent
 - Specialty Consultants

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Local Government Professional Services Selection Act- 50 ILCS 510-0.01

- RFQ process required for the selection of Architects, Engineers & Land Surveyors.
- RFQ can be solicited by posting notice on website, publication or sending notice to firms who have a current statement of qualifications with the public body.
- RFQ not required if the public body has a previous satisfactory relationship with the firm.
- RFQ not required for contracts less than \$40,000 or in emergency situations.
 - This amount shall be increased annually by a percentage equal to the annual unadjusted percentage increase, if any, as determined by the consumer price index-u.



11

Local Government Professional Services Selection Act- 50 ILCS 510-0.01

- The District may evaluate responding firms based on factors that the District specifies in its notice documents. At this point in the process, the District cannot seek estimates of cost or compensation from the service provider.
- After evaluations, the District selects the three most qualified firms and ranks them in terms of qualifications. District shall negotiate with most qualified firm and attempt to reach an agreement.
- If the District cannot negotiate a satisfactory contract, the District shall terminate negotiations and shall begin negotiations with second ranked firm.
- Leave time to negotiate if possible!



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Negotiating with Your Construction Team



- Critical Contract Negotiations and Initial Considerations
 - Architect – References and fee considerations?
 - Specialty Consultants – Who is providing, Architect or Owner?
 - Construction Manager – What is the CM's role, fees, and insurance?
 - Owner's Representative – Will this benefit the Owner?
 - Commissioning Agent – What type of systems need this service?



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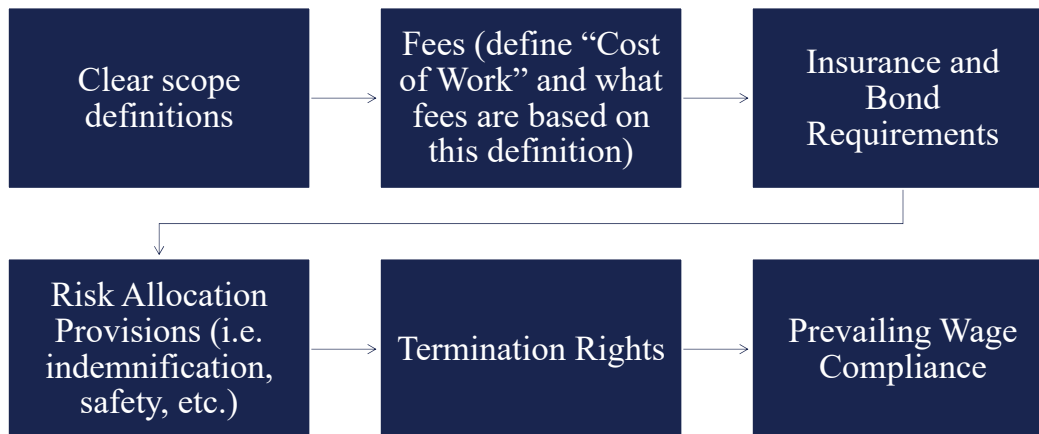
Planning and Negotiating – Preparing Documents

- Include draft agreements in the RFP/RFQ:
 - Construction Manager
 - Architect/Engineer agreement
 - General conditions & supplementary conditions
- Bonds and insurance requirements
- Why this matters:
 - Eliminates surprises during negotiation
 - Reduces post-award delays when negotiating



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What to Include in Contract Documents

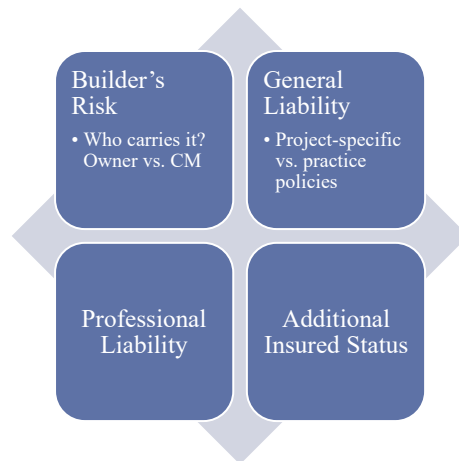


Planning – Engage Insurance Professionals Early

- Consult insurance brokers or risk advisors before issuing RFP
- Validate:
 - Coverage Limits
 - Builder's Risk Structure
 - Professional Liability Requirements



Key Insurance Considerations



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Strategy: Negotiation Tips

- Use your included draft contracts as a baseline
 - These have typically been drafted to be College/School District favorable baseline.
- Avoid “open-ended” negotiations
- Establish non-negotiable terms up front.

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Negotiating with Construction Managers (CM)

- Focus on:
 - Fee structure
 - General conditions breakdown
 - Contingency control:
 - Owner vs. CM-controlled
 - GMP assumptions and exclusions
 - Cost estimating
 - Bonds and payments to subcontractors
 - Change order process
 - Reimbursable expenses



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Negotiating with Architects/Engineers



Clearly defined scope



Standard of care



Fees including basic vs. additional services



Deliverables at each phase



Cost estimating responsibilities



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Aligning CM & Architect Contracts

- Consistent definitions (scope, schedule, deliverables)
- Coordinated insurance requirements
- Clear responsibility boundaries
 - Avoid gaps or overlaps in responsibilities

Best Practices

- Standardize contract templates
- Engage your legal representatives and insurance advisors early
- Document all assumptions in writing



Key Takeaways



Include contract documents in the RFP/RFQ



Engage insurance early



Negotiate structure, not just price

23

Limiting Risk on Construction Projects

- Risk Management
 - Setting the timeline
 - Skill set of administrative staff
 - Public body's employees' input during design
 - Site access/building safety
 - Controlling the budget
 - Board Approval
 - Completing on time



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Managing Public Construction Projects

- Small Projects: Many rules still apply
- Contractor Certificate of Insurance Review
- Payment and Performance Bond Review
- Pay Requests
- Certified Payrolls
- Change Order Issues
- Delay Issues
- Labor Disputes (Picketing and Strikes)



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Robbins Schwartz
One Team. Making Your Mission Ours.

Biographies





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PRACTICE AREAS

Arbitration/Mediation
Board Governance
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Energy
Litigation
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Municipal
Public Finance &
Taxation
Real Estate
Zoning, Planning &
Land Use

EDUCATION

J.D., DePaul University
College of Law;
*Managing Editor, DePaul
Journal of Art and
Entertainment Law*

B.A., University of
Illinois at Urbana
Champaign

Ken Florey concentrates his practice representing public and private clients, including municipalities, school districts, community colleges, townships, libraries, private owners, contractors and design professionals regarding land use, municipal law, construction, tax, finance and litigation. Ken has also started offering his services as a mediator with an emphasis on construction disputes.

Ken was the Chair of the DuPage County Bar Association's Local Government Committee. He was appointed Special Assistant Attorney General to prosecute and defend construction litigation claims on behalf of the Illinois Capital Development Board. Ken is also a member of the Illinois ASBO Service Associate Advisory Committee. He served as a Trustee for the Village of Lombard for eight years and is a member of the Lombard Fire and Police Commission.

Mediator Certificate: Northwestern University 2017

American Arbitration Association Mediator and Arbitrator Panels Member

Recognitions

Illinois Leading Lawyer, Construction Law; Governmental, Municipal, Lobbying & Administrative Law; Land Use, Zoning & Condemnation Law; and School Law

Illinois Association of School Business Officials, Above and Beyond Award

Illinois Institute for Local Government Law, Litigation Award

Publications

Author, "Navigating the Future of School Purchasing, The Final Word," *Update Magazine*, Illinois ASBO (2025)

Co-author, "Navigating the Evolving Map of School Purchasing," *Update Magazine*, Illinois ASBO (2025)

Contributing author, "School Property and Environmental Issues," *School Law: Organization, Finance, and Property*, IICLE (2025)

Contributing author, "Competency in ADR: Assuring Ethical Practice through Competency and Communication," *DCBA Brief*, The Journal of the DuPage County Bar Association (2024)



ADMITTED TO PRACTICE

U.S. District Court for
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Contributing author, “Navigating Construction Disputes: The inevitable construction disputes can be navigated with a combination of knowledge, preparation, and outside guidance,” *School Business Affairs* (2023)

Contributing author, “Diving into ADR Ethics: Exploring the Ethical Obligation of Attorneys as Advisors, Advocates, and Third-Party Neutrals,” DCBA Brief (2023)

Contributing author, “Joint Purchasing Everything You Want to Know but Are Afraid to Ask!” *UPDATE Magazine*, Illinois ASBO (2019)

Contributing author, “How Far Does the Law Allow Schools to Go?” *UPDATE Magazine*, Illinois ASBO (2018)

Contributing author, “Top 11 Public Bidding Questions & Solutions” *UPDATE Magazine*, Illinois ASBO (2018)

Co-author, “School Construction from Start to Finish: A Project Checklist,” *School Business Affairs Magazine*, Illinois ASBO (2018)

Contributing author, “Mediation a Win-Win for Clients and their Attorneys in Construction Litigation,” *Chicago Daily Law Bulletin* (2018)

Presentations

Best Practices in the Purchasing, Contracting and the Competitive Bidding Process, Illinois ASBO Administrative Academy (November 2025)

Construction 101: Understanding Money from Start to Finish, Wisconsin ASBO Midwest Facility Masters Conference (October 2025)

Advanced Land Use and Zoning Disputes with Local Governments, National Business Institute Webinar (October 2025)

Construction 101: Understanding Money from Start to Finish, Illinois ASBO Rising Leaders in School Business (July 2025)

Mastering the Complex World of Public Bidding, Illinois ASBO Annual Conference (April 2025)

Eminent Domain – Key Challenges: Advanced Development Agreement Drafting Techniques; and Legal Ethics, National Business Institute National Seminar (February 2025)

Taking Action: Administration Red Flags During Construction, IASB/IASA/IASBO Joint Annual Conference (November 2024)

Contract Pitfalls to Avoid, Emerging SBO Summit (July 2024)

Building Better Bid and RFP Documents, Illinois ASBO Annual Conference (April 2024)





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PRACTICE AREAS

Board Governance
Commercial Transactions
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Energy
Litigation
Municipal
Public Finance &
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Real Estate
Zoning, Planning & Land
Use

EDUCATION

J.D., IIT Chicago-Kent
College of Law

B.S., Political Science,
University of Iowa

ADMITTED TO PRACTICE

U.S. District Court for
the Northern District of
Illinois

Supreme Court of
Illinois

Howard A. Metz is an experienced legal professional known for his expertise in advising and representing various private and public entities, including school districts, community colleges, park districts, and municipalities. His legal practice spans a range of areas, with a primary focus on real estate, commercial transactions, construction law, and land use and zoning matters.

Howard has made significant contributions, particularly in resolving complex construction cases. His expertise includes handling disputes related to architectural fees, construction defects, bidding issues, and construction delays. Additionally, Howard has been actively involved in litigating matters pertaining to zoning laws and municipal control over school property.

Howard's legal practice is diverse and includes areas such as commercial law, construction law, education law, energy law, litigation, municipal law, public finance and taxation, real estate law, and zoning, planning, and land use.

As a prolific writer, Howard has contributed to various publications, sharing his insights on topics crucial to his practice.

Publications

Co-author, "The Art of Preparing Bid Specifications," *UPDATE Magazine*, Illinois ASBO (2025)

Contributing author, "School Property and Environmental Issues," *School Law: Organization, Finance, and Property*, IICLE (2025)

Contributing author, "School District Emergency Purchasing," *UPDATE Magazine*, Illinois ASBO (2024)

Author, "Navigating Public Bidding Under the Illinois School Code" *UPDATE Magazine*, Illinois ASBO (2022)

Contributing author, "Joint Purchasing Everything You Want to Know but Are Afraid to Ask!" *UPDATE Magazine*, Illinois ASBO (2019)

Contributing author, "Public Body Social Media Rules Make Retention, Ready Retrieval Imperative," *Chicago Daily Law Bulletin* (2019)



ORGANIZATIONS

Illinois Association of
School Business Officials

Contributing author, “How Far Does the Law Allow Schools to Go?” *UPDATE Magazine*, Illinois ASBO (2018)

Co-author, “School Construction from Start to Finish: A Project Checklist,” *School Business Affairs Magazine*, Illinois ASBO (2018)

Contributing author, “Organization, Finance, and Property,” *Illinois School Law*, IICLE (2017)

Author, “Look Before You Leap: Evaluating Your Joint Purchasing Options,” *UPDATE Magazine*, Illinois ASBO (2016)

Contributing author, “School Property and Environmental Issues,” *Illinois School Law*, IICLE (2010 and 2012)

Presentations

Best Practices in the Purchasing, Contracting and the Competitive Bidding Process, Illinois ASBO Administrative Academy (November 2025)

Bidding 101, Illinois ASBO Rising Leaders in School Business (July 2025)

Building Better Bid and RFP Documents, Illinois ASBO Annual Conference (April 2024)

Innovative Solutions to Student Transportation Challenges, Illinois ASBO School Business Essentials Lunch & Learn Series (January 2024)





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PRACTICE AREAS

Board Governance
Commercial Transactions
Construction
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Public Finance & Taxation

EDUCATION

J.D., University of
Wisconsin Law School

B.A., University of Utah

ADMITTED TO PRACTICE

U.S. District Court for the
Northern District of
Illinois

Supreme Court of Illinois

Supreme Court of Utah

Supreme Court of
Wisconsin

Matthew J. Gardner is a partner at Robbins Schwartz, where he specializes in construction, commercial transactions, real estate, public finance, and board governance. Matt represents public and private project owners, contractors, subcontractors, and material suppliers over the course of construction projects. He regularly counsels clients through the public bid and procurement process, including drafting bid packets to comply with the assortment of laws impacting public project owners. He also drafts and negotiates a variety of construction contracts involving project owners, architects and design professionals, contractors and construction managers, and project general conditions. Additionally, Matt works with project owners throughout the project to quickly resolve any problems or conflicts that often arise on construction projects to help the project continue smoothly without delays or cost overruns. If a project does go wrong, Matt regularly represents clients on mechanics lien matters, construction defect cases, and other construction-related litigation.

Matt's commercial real estate practice involves representing public and private clients in a wide variety of real estate and land use matters. He represents clients throughout the purchase or sale of property, from drafting and negotiating a purchase and sale agreement, due diligence review of lease, environmental, and title matters, zoning, and ultimately through closing. Throughout the process, Matt seeks to ensure a smooth closing to fulfill the parties' desired goals, while at the same time keeping his client fully informed of any nuances and risks, and making sure his client's interests are protected. Matt also represents clients on commercial and education-related leases, large and small, and other land use issues such as licenses and easements, zoning, impact fees, or title disputes.

In addition to construction and real estate, Matt represents school districts, colleges, and private companies on a wide assortment of commercial transactions, including drafting and negotiating data privacy agreements, software license agreements, and service agreements. As educational technology and artificial technology tools and products become more prevalent, Matt frequently presents on student privacy-related issues and compliance with the litany of laws and regulations impacting the same. He also counsels and helps clients navigate and respond to data breaches or ransomware attacks if they occur.

Beyond his practice, Matt is actively involved in the legal community. He has served as the past Chair of the Chicago Bar Association Construction Law and Mechanics lien Subcommittee, is an active member of the Chicago Bar Association Judicial Evaluation Committee, and a member of the Illinois State



ORGANIZATIONS

Illinois State Bar
Association

Chicago Bar Association

Illinois Association of
School Business Officials

LEADERSHIP

Commercial, Construction,
and Real Estate Practice
Group Leader

Bar Association. Within Robbins Schwartz, Matt serves on the Diversity, Equity, and Inclusion Leadership Committee and is Co-Chair of the Diversity & Awareness Planning Subcommittee.

Recognitions

Illinois “Rising Star”, by Super Lawyers Magazine, in the area of Construction Litigation (2021-2022)

Publications

Co-author, “The Evolution of Intergovernmental Agreements in Illinois,” *UPDATE Magazine*, Illinois ASBO (2025)

Contributing author, “School Property and Environmental Issues,” *School Law: Organization, Finance, and Property*, IICLE (2017, 2021, 2025)

Contributing author, “Industrial and Engineering, Procurement, Construction Projects,” *Construction Law: Transactional Considerations*, IICLE (2025)

Contributing author, “Environmental Issues,” *Construction Law: Transactional Considerations*, IICLE (2025)

Contributing author, “School Property and Environmental Issues,” *School Law: Organization, Finance, and Property*, IICLE (2017, 2021)

Contributing author, “Turner on Illinois Mechanics Liens,” *Chapter III – Making a Lien Against Private Property Enforceable* (2019)

Presentations

Bidding and Managing a Successful Construction Project, IAPD/IPRA Soaring to New Heights Conference (January 2026)

More Data, More Responsibility: Navigating Data Retention and Privacy in K-12 Education, SecurED Schools K-12 Data Privacy & Cybersecurity Conference (January 2026)

Perfecting Public Project Claims, Chicago Bar Association Construction/Mechanics Lien Subcommittee Annual Mechanics Lien and Construction Claims Seminar (December 2025)

Federal Reform Initiatives: Updates and Guidance, Illinois Council of Community College Presidents Annual Retreat (October 2025)

Ed Tech Contracts in 2025: Industry-Wide Acceptance of the NDPA, Evolving AI Technologies, and Risks and Best Practices that School Attorneys Should Consider, ICSA In-House Counsel Networking Meeting (May 2025)

Bridging SOPPA and NDPA: Key Changes to Student Data Agreements in Illinois, SecurED Schools K-12 Data Privacy & Cybersecurity Conference (January 2025)

Construction Project Delivery Methods, IASB/IASA/IASBO Joint Annual Conference (November 2024)





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B.A., University of
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ADMITTED TO PRACTICE

Supreme Court of Illinois

Katie N. DiPiero is a versatile attorney who focuses her practice on public finance and taxation, commercial law, construction law, and real estate. Her legal practice primarily centers around assisting and representing school districts, community colleges, and municipalities in public finance and commercial matters. She is also well-versed in tax rate objections, real property taxation, valuation, and assessment appeals before the circuit court, Property Tax Appeal Board, and boards of review. Furthermore, Katie's proficiency extends to drafting and negotiating contracts in commercial transactions, assisting with nonprofits and foundations, as well as handling litigation and alternative dispute resolution.

In her role as an attorney, Katie finds immense satisfaction in writing and negotiating contracts, as well as tackling finance-related issues. Her strengths as a legal professional are exemplified through her exceptional writing and research skills, which have proven invaluable in her career.

Before her role at Robbins Schwartz, Katie assisted clients in tax planning and corporate reorganizations. She also gained valuable experience working for government entities and non-profit organizations.

Katie's impressive educational background led her to realize her calling – to assist others in navigating the legal system, particularly those with limited exposure to complex legal processes. Her desire to help people and her love for writing were the driving forces behind her decision to become a lawyer.

Katie's background, characterized by a journey from Kansas to Seattle, followed by work in Washington, D.C., has molded her into a well-rounded and empathetic attorney. Her ability to understand different perspectives, influenced by the myriad of experiences from her travels, significantly contributes to her capacity for finding creative solutions in her legal practice.

Outside her professional life, Katie is dedicated to staying active with her family and is working on refining her golf skills through lessons. An interesting facet of her life that many may not know is her background as a competitive pianist during her childhood.

Publications

Contributing author, “Environmental Issues,” *Construction Law: Transactional Considerations*, IICLE (2021, 2025)



Contributing author, "Opening Your Mind to Closed Sessions," *UPDATE Magazine*, Illinois ASBO (2024)

Presentations

Community College Legal Updates, Illinois Community College Chief Financial Officers Conference (October 2025)

School Legal Update, Illinois ASBO WILCO (September 2025)

Navigating the Maze: Understanding District Funds vs. Student Activities vs. 501(c)(3) Not-for-Profits, Illinois ASBO Annual Conference (May 2025)





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EDUCATION

J.D., Loyola University
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ORGANIZATIONS

Chicago Bar Association

Danielle B. Daly is an Associate at Robbins Schwartz, where she practices in Commercial Transactions, Construction Law, and Real Estate Development.

Prior to joining Robbins Schwartz, Danielle gained valuable experience in the legal field. She worked for a residential real estate firm during her college years, where she gained insights into the intricacies of property transactions. Subsequently, she transitioned to a commercial real estate firm, where she handled a wide range of tasks, including purchases and sales of commercial properties. These experiences equipped her with a comprehensive understanding of real estate law, laying a solid foundation for her career as an attorney.

Danielle is an active member of the Chicago Bar Association, where she remains committed to staying updated on the latest developments in the legal field and connecting with fellow legal professionals. Her involvement in professional associations underscores her dedication to continuous learning and professional growth.

During her time at Loyola University's Business Law Clinic, Danielle had the opportunity to assist individuals and businesses in starting and expanding their ventures. This hands-on experience, coupled with her innate passion for helping others, solidified her decision to pursue a career in law.

Outside of her legal pursuits, Danielle enjoys spending time with her family and engaging in outdoor activities. She values work-life balance and strives to maintain a healthy and fulfilling lifestyle.

Publications

Contributing author, "School Property and Environmental Issues," *School Law: Organization, Finance, and Property*, IICLE (2025)

Contributing author, "Competency in ADR: Assuring Ethical Practice through Competency and Communication," *DCBA Brief*, The Journal of the DuPage County Bar Association (2024)

Presentations

More Data, More Responsibility: Navigating Data Retention and Privacy in K-12 Education, SecurED Schools K-12 Data Privacy & Cybersecurity Conference (January 2026)



Bridging SOPPA and NDPA: Key Change to Student Data Agreements in Illinois,
SecurED Schools K-12 Data Privacy & Cybersecurity Conference (January 2025)

