



Sen. Linda Holmes

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1 AMENDMENT TO SENATE BILL 1463

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1463 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Public Private Partnerships Act.

6 Section 5. Definitions. As used in this Act:

7 "Office" means the Office of Public-Private Partnerships.

8 "P3 project" means a contractual agreement between a public  
9 entity and a private entity that:

10 (1) transfers the responsibility of a facility's  
11 engineering, construction, operation, or maintenance to  
12 the private sector for a defined period of time;

13 (2) allows the private sector to perform by contract a  
14 service previously provided by the public sector; and

15 (3) ensures the private entity receives payments from  
16 either existing revenue sources or through the collection

1 of new tolls or user fees.

2 "Private entity" means a person, entity, group, or  
3 organization that is not the federal government, the State, or  
4 other public agency.

5 "Project" means an undertaking by a private entity or a  
6 public agency to provide or improve a public asset, public  
7 building, public service, or transportation asset which is  
8 totally or partially located within the State.

9 "Public agency" means any municipality or unit of local  
10 government, any public school district, any public college or  
11 university, any public building commission, the State, an  
12 instrumentality or administrative agency, or any other agency  
13 of the State or of the United states, or of any other state,  
14 any political subdivision of another state, and any combination  
15 of the above under an intergovernmental agreement which  
16 includes provisions for a governing body of the agency created  
17 by the agreement.

18 "Public asset" means any proposed existing park, clean  
19 water system, waste water system, energy asset,  
20 telecommunications asset, transportation asset, or any other  
21 asset owned by a public agency.

22 "Public building" means any proposed or existing school,  
23 community center, fire station, police station, community  
24 college, university, hospital, library, or other building  
25 owned by a public agency.

26 "Public-private partnership agreement" means a contract

1 for a project which transfers rights for the use or control, in  
2 whole or in part, of a public building, public service, public  
3 asset, or transportation asset, by a public agency to a  
4 development entity for a definite term during which the  
5 development entity will provide the project to the public  
6 agency in return for the right to receive all or a portion of  
7 the revenue generated from the use of the facility, or other  
8 payment, such as the following services: operations and  
9 maintenance; revenue collection; user fee collection or  
10 enforcement; design; construction; development; and other  
11 activities that expand or enhance existing or new public  
12 buildings, public assets, public services, or transportation  
13 assets.

14 "Public service" means any proposed or existing service  
15 performed or provided by a public agency or private entity.

16 "Transportation asset" means a proposed or existing road,  
17 toll highway, bridge, tunnel, overpass, ferry, bus way,  
18 guideway, public transportation facility, vehicle parking  
19 facility, port facility, commercial and public navigation lock  
20 and dam, commercial waterway, multimodal transportation  
21 facility, airport, station, hub, terminal or similar facility  
22 used or to be used for the transportation of persons, animals,  
23 or goods, together with any buildings, structures, parking  
24 areas, appurtenances, intelligent transportation systems, and  
25 other property needed to operate or related to the operation of  
26 the transportation facility. The term includes any

1 improvements or substantial enhancements or modifications to  
2 an existing transportation facility.

3 Section 10. The Office of Public-Private Partnerships.

4 (a) The Office of Public-Private Partnerships is hereby  
5 created within the Executive branch.

6 (b) The Office shall have the following duties:

7 (1) Create an open platform to promote the development,  
8 financing, and operation of public-private partnership  
9 agreements.

10 (2) Provide assistance and expertise on public-private  
11 partnership agreements to other public agencies, units of  
12 local government, and private entities, in areas  
13 including, but not limited to:

14 (A) analyzing the benefits and costs, including  
15 various finance options, of potential P3 projects;

16 (B) providing sample and template public-private  
17 partnership agreement contracts;

18 (C) discussing developing trends in other states  
19 and countries; and

20 (D) providing other financial and legal  
21 assistance.

22 (3) Develop and maintain a database of potential P3  
23 projects in this State as well as all proposed, ongoing,  
24 and completed P3 projects.

25 (4) Promote standardized methodologies and other

1 uniform practices, transparency, and information sharing  
2 in public-private partnership agreements.

3 (5) At least once a year, conduct workshops or other  
4 outreach events with appropriate federal, State, or local  
5 government entities to attract private entities into the  
6 field of public-private partnership agreements and to  
7 measure the private sector's interest in the agreements,  
8 gauge possible future risks of entering into the  
9 agreements, discuss possible allocations of those risks,  
10 and other topics that may affect the ability of  
11 public-private partnerships to succeed in this State.

12 (6) Adopt rules as necessary to carry out the duties  
13 and purposes of this Act.

14 Section 15. Public-private partnership agreements.

15 (a) Any public agency may enter into a public-private  
16 partnership agreement with any private entity for improving  
17 transportation assets, public buildings, public services, or  
18 other public assets as provided in this Act.

19 (b) The Office shall review and approve public-private  
20 partnership projects in this State, except those entered into  
21 under the Public-Private Partnerships for Transportation Act.

22 (c) Within 90 days after the effective date of this Act,  
23 the Office shall establish:

24 (1) Procedures by which a public agency can submit a  
25 project for potential financing through a public-private

1 partnership agreement, which shall require submission of a  
2 project statement that describes the rationale behind the  
3 project, contains a site analysis and an initial project  
4 design, identifies funding sources and cost estimates,  
5 provides scheduled times for major events, and identifies  
6 other public agencies potentially impacted by the project.

7 (2) Clearly defined requirements for submitting  
8 projects for approval, including, but not limited to, a  
9 requirement that a proposal demonstrates that:

10 (A) the project is part of a long-term plan of the  
11 public agency;

12 (B) the project is not currently in a bid process  
13 under traditional procurement methods; and

14 (C) local, State, or federal officials have had an  
15 opportunity to weigh in on the project, or the local  
16 jurisdiction of the public agency has voted to submit  
17 the project.

18 (3) Guidelines for allowing more than one public agency  
19 to enter into a single public-private partnership.

20 (4) Clear standards for project approval, including,  
21 but is not limited to:

22 (A) Criteria for the project assessment,  
23 consideration, and final decision. The Office shall  
24 label the project as either not eligible for a  
25 public-private agreement, eligible to be joined with  
26 another P3 project, or eligible as an individual P3

1 project. If the project is approved, the public agency  
2 has 60 days to acquire title to the site, or rights of  
3 use to the site, to carry out the project. The Office  
4 may grant an extension for a situation beyond the  
5 public agency's control, as determined by the Office.  
6 If the project is deemed not eligible for a  
7 public-private agreement, the public agency may  
8 re-submit the same project the following fiscal year.

9 (B) A requirement that the Office shall evaluate  
10 and render a final decision within 6 months of  
11 submission of the project to the Office.

12 (C) A requirement that the Office shall make public  
13 all findings of the assessment, including the final  
14 score and category of the project, rationale behind the  
15 decision, sources of funding, comparisons to similar  
16 projects, and any areas of concern.

17 (D) A requirement that the Office shall submit an  
18 annual report to the Governor and the General Assembly  
19 detailing all projects evaluated, adopted, and  
20 completed.

21 (d) All P3 projects under this Section shall be subject to  
22 any applicable planning requirements, including, but not  
23 limited to, land use planning, regional planning,  
24 transportation planning, and environmental compliance  
25 requirements.

26 (e) All P3 projects under this Section shall:

1 (1) comply with the provisions of the Prevailing Wage  
2 Act, as applicable;

3 (2) comply with the Project Labor Agreements Act, as  
4 applicable, notwithstanding the provisions of Section 10  
5 of the Project Labor Agreements Act allowing a State  
6 department, agency, authority, board, or instrumentality  
7 that is under the control of the Governor to apply that Act  
8 on a project-by-project basis; and

9 (3) comply with any responsible bidder requirements  
10 that may apply to the project under State law.

11 (f) The net proceeds, if any, arising out of a P3 project  
12 shall be deposited into the Local Alternative Procurement Fund,  
13 a fund created as a special fund in the State treasury. All  
14 moneys in the Local Alternative Procurement Fund shall be  
15 appropriated to public agencies and shall be used for the  
16 development, financing, and operation of transportation  
17 assets, public buildings, public services, or other public  
18 assets under this Act.

19 Section 900. The State Finance Act is amended by adding  
20 Section 5.878 as follows:

21 (30 ILCS 105/5.878 new)

22 Sec. 5.878. The Local Alternative Procurement Fund.

23 Section 999. Effective date. This Act takes effect July 1,



1 2017."