



Rep. Nicholas K. Smith

**Filed: 4/16/2024**

10300HB0782ham001

LRB103 04374 BDA 72048 a

1 AMENDMENT TO HOUSE BILL 782

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 782 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Reimagining Hotel Florence Act is amended  
5 by changing Sections 45-5, 45-10, 45-15, 45-20, 45-25, and  
6 45-30 as follows:

7 (20 ILCS 3407/45-5)

8 Sec. 45-5. Legislative intent. Originally built in 1881,  
9 the Hotel Florence is located within the Pullman Historic  
10 District and was placed on the National Register of Historic  
11 Places in 1969 and was designated a National Historic Landmark  
12 on December 30, 1970. To save it from demolition the Historic  
13 Pullman Foundation purchased the hotel in 1975 and maintained  
14 ownership until 1991 when the State of Illinois took title of  
15 the building. The Hotel Florence is continually closed for  
16 renovations and is a semi-closed public space.

1           The hotel sits within ~~next to~~ the Pullman National  
2 Historic Landmark District, which was designated as a National  
3 Monument in 2015 and recently redesignated as Illinois's first  
4 National Park on December 29, 2022 and is operated by the U.S.  
5 National Park Service. This redesignation allows for the  
6 National Park Service to enter into cooperative agreements  
7 with outside parties for interpretive and educational programs  
8 at nonfederal historic properties within the boundaries of the  
9 park and to provide assistance for the preservation of  
10 nonfederal land within the boundaries of the historical park  
11 and at sites in close proximity to it, which includes ~~may~~  
12 ~~include~~ the Pullman State Historic Site (Hotel Florence, Hotel  
13 Florence Annex, Factory Grounds, Rear Erecting Shops, Front  
14 Erecting Shop North Factory Wing, and Front Erecting Shop  
15 South Factory Wing Ruin).

16           The General Assembly has allocated \$21,000,000 in capital  
17 infrastructure funds to aid in the restoration and capital  
18 improvements at the Pullman State Historic Site, including,  
19 but not limited to, renovation ~~redevelopment~~ of the Hotel  
20 Florence.

21           The General Assembly finds that allowing for the  
22 Department of Natural Resources to enter into a public-private  
23 partnership that will allow the Hotel Florence to become a  
24 fully reactivated space in a timely manner that is in the  
25 public benefit of the State and the local Pullman community.

26           (Source: P.A. 103-570, eff. 1-1-24.)

1 (20 ILCS 3407/45-10)

2 Sec. 45-10. Definitions. In this Act:

3 "Agreement" means a public-private agreement.

4 "Contractor" means a person that has been selected to  
5 enter or has entered into a public-private agreement with the  
6 Department on behalf of the State for the development,  
7 financing, construction, management, or operation of the Hotel  
8 Florence pursuant to this Act.

9 "Department" means the Department of Natural Resources.

10 "Hotel Florence" means real property in the City of  
11 Chicago located within the Pullman State Historic Site  
12 ~~District~~ that is owned by the Illinois Department of Natural  
13 Resources and was acquired in 1991, at the address of 11111 S.  
14 Forrestville Avenue, Chicago, Illinois, as well as the  
15 adjacent Hotel Florence Annex building located at 537 East  
16 111th Street, Chicago, Illinois 60628 and any associated  
17 grounds connected to the Hotel Florence or Hotel Florence  
18 Annex ~~either property~~.

19 "Maintain" or "maintenance" includes ordinary maintenance,  
20 repair, rehabilitation, capital maintenance, maintenance  
21 replacement, and any other categories of maintenance that may  
22 be designated by the Department.

23 "Offeror" means a person that responds to a request for  
24 solicitations ~~proposals~~ under this Act.

25 "Operate" or "operation" means to do one or more of the

1 following: maintain, improve, equip, modify, or otherwise  
2 operate.

3 "Person" means any individual, firm, association, joint  
4 venture, partnership, estate, trust, syndicate, fiduciary,  
5 corporation, or any other legal entity, group, or combination  
6 thereof.

7 "Public-private agreement" means an agreement or contract  
8 between the Department on behalf of the State and all  
9 schedules, exhibits, and attachments thereto, entered into  
10 pursuant to a competitive request for solicitations ~~proposals~~  
11 process governed by this Act, for the development, financing,  
12 construction, management, or operation of the Hotel Florence  
13 under this Act.

14 "Pullman Factory" means real property in the City of  
15 Chicago located within the Pullman State Historic Site that is  
16 owned by the Department of Natural Resources and was acquired  
17 in 1991, at the addresses 620 and 630 East 111th Street,  
18 Chicago, Illinois 60628. The Factory Grounds include the Front  
19 Erecting Shop North Factory Wing, Front Erecting Shop South  
20 Factory Wing (Ruin), Rear Erecting Shops, Proposed Train Car  
21 Display Building, Rail Spur Connection, and associated  
22 grounds.

23 "Revenues" means all revenues, including, but not limited  
24 to, income, user fees, earnings, interest, lease payments,  
25 allocations, moneys from the federal government, the State,  
26 and units of local government, including, but not limited to,

1 federal, State, and local appropriations, grants, loans, lines  
2 of credit, and credit guarantees; bond proceeds; equity  
3 investments; service payments; or other receipts arising out  
4 of or in connection with the financing, development,  
5 construction, management, or operation of the Hotel Florence.

6 "State" means the State of Illinois.

7 (Source: P.A. 103-570, eff. 1-1-24.)

8 (20 ILCS 3407/45-15)

9 Sec. 45-15. Authority to enter public-private agreement.

10 (a) Notwithstanding any provision of law to the contrary,  
11 the Department on behalf of the State may, pursuant to a  
12 competitive solicitation ~~request for proposals~~ process  
13 governed by ~~the Illinois Procurement Code, rules adopted under~~  
14 ~~that Code, and~~ this Act, enter into a public-private agreement  
15 to develop, finance, construct, lease, manage, divest  
16 ownership in, and ~~or~~ operate the Hotel Florence and the  
17 Pullman Factory on behalf of the State, pursuant to which the  
18 contractors may receive certain revenues, including management  
19 or user fees in consideration of the payment of moneys to the  
20 State for that right. At the discretion of the Department, the  
21 Factory Grounds may be included in the public-private  
22 agreement.

23 (b) The term of a public-private agreement shall be no  
24 less than 25 years and no more than 75 years.

25 (c) The term of a public-private agreement may be

1 extended, but only if the extension is specifically authorized  
2 by the General Assembly by law.

3 (Source: P.A. 103-570, eff. 1-1-24.)

4 (20 ILCS 3407/45-20)

5 Sec. 45-20. Prequalification ~~Procurement;~~  
6 ~~prequalification~~. The Department may establish a process for  
7 prequalification of offerors. The Department may enter into  
8 agreements with governmental entities and other outside  
9 entities to assist in drafting the solicitation and evaluation  
10 process as well as develop evaluation criteria for the  
11 prequalification of offerors. If the Department does create  
12 such a process, it shall:

13 (1) provide a public notice of the prequalification at  
14 least 30 days prior to the date on which applications are  
15 due;

16 (2) set forth requirements and evaluation criteria in  
17 order to become prequalified;

18 (3) determine which offerors that have submitted  
19 prequalification applications, if any, meet the  
20 requirements and evaluation criteria; and

21 (4) allow only those offerors that have been  
22 prequalified to respond to the request for solicitations  
23 ~~proposals~~.

24 (Source: P.A. 103-570, eff. 1-1-24.)

1 (20 ILCS 3407/45-25)

2 Sec. 45-25. Request for solicitation ~~proposals~~ process to  
3 enter into public-private agreement.

4 (a) Notwithstanding any provision of law to the contrary,  
5 the Department on behalf of the State shall select a  
6 contractor through a competitive solicitation ~~request for~~  
7 ~~proposals~~ process governed by ~~the Illinois Procurement Code~~  
8 ~~and rules adopted under that Code~~ and this Act. The Department  
9 may enter into agreements with governmental entities and other  
10 outside entities to assist the Department in drafting,  
11 reviewing, and scoring the proposals.

12 (b) The competitive solicitation ~~request for proposals~~  
13 process shall, at a minimum, solicit statements of  
14 qualification and proposals from offerors.

15 (c) The competitive request for solicitation ~~proposals~~  
16 process shall, at a minimum, take into account the following  
17 criteria:

18 (1) the offeror's plans for the Hotel Florence  
19 project, including, but not limited to, building use,  
20 experience, environmental concerns, and a proposed  
21 preservation and rehabilitation plan compliant with the  
22 Illinois State Agency Historic Preservation Act;

23 (2) the offeror's current and past business practices;

24 (3) the offeror's poor or inadequate past performance  
25 in developing, financing, constructing, managing, or  
26 operating historic landmark properties or other public

1 assets;

2 (4) the offeror's ability to meet and past performance  
3 in meeting or exhausting good faith efforts to meet the  
4 utilization goals for business enterprises established in  
5 the Business Enterprise for Minorities, Women, and Persons  
6 with Disabilities Act;

7 (5) the offeror's ability to comply with and past  
8 performance in complying with Section 2-105 of the  
9 Illinois Human Rights Act; ~~and~~

10 (6) the offeror's plans to comply with the Business  
11 Enterprise for Minorities, Women, and Persons with  
12 Disabilities Act and Section 2-105 of the Illinois Human  
13 Rights Act; ~~and~~;

14 (7) the offeror's plans for the Pullman Factory.

15 (d) The Department shall not include terms in the request  
16 for solicitations ~~proposals~~ that provide an advantage, whether  
17 directly or indirectly, to any contractor presently providing  
18 goods, services, or equipment to the Department.

19 (e) The Department shall select one or more offerors as  
20 finalists.

21 (f) After the procedures required in this Section have  
22 been completed, the Department shall make a determination as  
23 to whether the offeror should be designated as the contractor  
24 for the Hotel Florence project and shall submit the decision  
25 to the Governor and to the Governor's Office of Management and  
26 Budget. After review of the Department's determination, the



1 Governor may accept or reject the determination. If the  
2 Governor accepts the determination of the Department, the  
3 Governor shall designate the offeror for the Hotel Florence  
4 project.

5 (Source: P.A. 103-570, eff. 1-1-24.)

6 (20 ILCS 3407/45-30)

7 Sec. 45-30. Provisions of the public-private agreement.

8 ~~(a)~~ The public-private agreement shall include all of the  
9 following:

10 (1) the term of the public-private agreement that is  
11 consistent with Section 45-40 of this Act;

12 (2) the powers, duties, responsibilities, obligations,  
13 and functions of the Department and the contractor;

14 (3) compensation or payments to the Department, if  
15 applicable;

16 (4) compensation or payments to the contractor, if  
17 applicable;

18 (5) a provision specifying that the Department:

19 (A) has ready access to information regarding the  
20 contractor's powers, duties, responsibilities,  
21 obligations, and functions under the public-private  
22 agreement;

23 (B) has the right to demand and receive  
24 information from the contractor concerning any aspect  
25 of the contractor's powers, duties, responsibilities,

1 obligations, and functions under the public-private  
2 agreement; and

3 (C) has the authority to direct or countermand  
4 decisions by the contractor at any time;

5 (6) a provision imposing an affirmative duty on the  
6 contractor to provide the Department with any information  
7 the contractor reasonably believes the Department would  
8 want to know or would need to know to enable the Department  
9 to exercise its powers, carry out its duties,  
10 responsibilities, and obligations, and perform its  
11 functions under this Act or the public-private agreement  
12 or as otherwise required by law;

13 (6.5) a provision that this project will require using  
14 guidelines with The Secretary of the Interior's Standards  
15 for the Treatment of Historic Properties with Guidelines  
16 for Preserving, Rehabilitating, Restoring and  
17 Reconstructing Historic Buildings; the period of the  
18 original construction (Hotel Florence and grounds from  
19 1880 through 1897; and Hotel Annex from 1914 through 1930)  
20 should be used to guide the project design and  
21 construction;

22 (7) the authority of the Department to enter into  
23 contracts with third parties pursuant to Section 45-40;

24 (8) the authority of the Department to request that  
25 the contractor reimburse the Department for third party  
26 consultants related to the monitoring the project;

1 (9) a provision governing the contractor's authority  
2 to negotiate and execute subcontracts with third parties;

3 (10) the authority of the contractor to impose user  
4 fees and the amounts of those fees;

5 (11) a provision governing the deposit and allocation  
6 of revenues including user fees;

7 (12) a provision governing rights to real and personal  
8 property of the State, the Department, the contractor, and  
9 other third parties;

10 (13) grounds for termination of the agreement by the  
11 Department or the contractor and a restatement of the  
12 Department's rights under this Act;

13 (14) a requirement that the contractor enter into a  
14 project labor agreement;

15 (15) a provision stating that construction contractors  
16 shall comply with the requirements of Section 30-22 of the  
17 Illinois Procurement Code;

18 (16) rights and remedies of the Department if the  
19 contractor defaults or otherwise fails to comply with the  
20 terms of the agreement;

21 (17) procedures for amendment to the agreement; ~~and~~

22 (18) all other terms, conditions, and provisions  
23 acceptable to the Department that the Department deems  
24 necessary and proper ~~and in the public interest; and -~~

25 (19) a requirement that the contract complies with the  
26 Business Enterprise for Minorities, Women, and Persons

1           with Disabilities Act and Section 2-105 of the Illinois  
2           Human Rights Act.

3           (Source: P.A. 103-570, eff. 1-1-24.)

4           (20 ILCS 3407/45-35 rep.)

5           Section 10. The Reimagining Hotel Florence Act is amended  
6           by repealing Section 45-35."