

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

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.

17 The hotel sits within ~~next to~~ the Pullman National
18 Historic Landmark District, which was designated as a National
19 Monument in 2015 and recently redesignated as Illinois's first
20 National Park on December 29, 2022 and is operated by the U.S.
21 National Park Service. This redesignation allows for the
22 National Park Service to enter into cooperative agreements
23 with outside parties for interpretive and educational programs

1 at nonfederal historic properties within the boundaries of the
2 park and to provide assistance for the preservation of
3 nonfederal land within the boundaries of the historical park
4 and at sites in close proximity to it, which includes ~~may~~
5 ~~include~~ the Pullman State Historic Site (Hotel Florence, Hotel
6 Florence Annex, Factory Grounds, Rear Erecting Shops, Front
7 Erecting Shop North Factory Wing, and Front Erecting Shop
8 South Factory Wing Ruin).

9 The General Assembly has allocated \$21,000,000 in capital
10 infrastructure funds to aid in the restoration and capital
11 improvements at the Pullman State Historic Site, including,
12 but not limited to, renovation ~~redevelopment~~ of the Hotel
13 Florence.

14 The General Assembly finds that allowing for the
15 Department of Natural Resources to enter into a public-private
16 partnership that will allow the Hotel Florence to become a
17 fully reactivated space in a timely manner that is in the
18 public benefit of the State and the local Pullman community.

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

20 (20 ILCS 3407/45-10)

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

22 "Agreement" means a public-private agreement.

23 "Contractor" means a person that has been selected to
24 enter or has entered into a public-private agreement with the
25 Department on behalf of the State for the development,

1 financing, construction, management, or operation of the Hotel
2 Florence pursuant to this Act.

3 "Department" means the Department of Natural Resources.

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

13 "Maintain" or "maintenance" includes ordinary maintenance,
14 repair, rehabilitation, capital maintenance, maintenance
15 replacement, and any other categories of maintenance that may
16 be designated by the Department.

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

19 "Operate" or "operation" means to do one or more of the
20 following: maintain, improve, equip, modify, or otherwise
21 operate.

22 "Person" means any individual, firm, association, joint
23 venture, partnership, estate, trust, syndicate, fiduciary,
24 corporation, or any other legal entity, group, or combination
25 thereof.

26 "Public-private agreement" means an agreement or contract

1 between the Department on behalf of the State and all
2 schedules, exhibits, and attachments thereto, entered into
3 pursuant to a competitive request for solicitations ~~proposals~~
4 process governed by this Act, for the development, financing,
5 construction, management, or operation of the Hotel Florence
6 under this Act.

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

16 "Revenues" means all revenues, including, but not limited
17 to, income, user fees, earnings, interest, lease payments,
18 allocations, moneys from the federal government, the State,
19 and units of local government, including, but not limited to,
20 federal, State, and local appropriations, grants, loans, lines
21 of credit, and credit guarantees; bond proceeds; equity
22 investments; service payments; or other receipts arising out
23 of or in connection with the financing, development,
24 construction, management, or operation of the Hotel Florence.

25 "State" means the State of Illinois.

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

1 (20 ILCS 3407/45-15)

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

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

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

18 (c) The term of a public-private agreement may be
19 extended, but only if the extension is specifically authorized
20 by the General Assembly by law.

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

22 (20 ILCS 3407/45-20)

23 Sec. 45-20. Pregualification ~~Procurement,~~
24 ~~pregualification.~~ The Department may establish a process for

1 prequalification of offerors. The Department may enter into
2 agreements with governmental entities and other outside
3 entities to assist in drafting the solicitation and evaluation
4 process as well as develop evaluation criteria for the
5 prequalification of offerors. If the Department does create
6 such a process, it shall:

7 (1) provide a public notice of the prequalification at
8 least 30 days prior to the date on which applications are
9 due;

10 (2) set forth requirements and evaluation criteria in
11 order to become prequalified;

12 (3) determine which offerors that have submitted
13 prequalification applications, if any, meet the
14 requirements and evaluation criteria; and

15 (4) allow only those offerors that have been
16 prequalified to respond to the request for solicitations
17 ~~proposals~~.

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

19 (20 ILCS 3407/45-25)

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

22 (a) Notwithstanding any provision of law to the contrary,
23 the Department on behalf of the State shall select a
24 contractor through a competitive solicitation ~~request for~~
25 ~~proposals~~ process governed by ~~the Illinois Procurement Code~~

1 ~~and rules adopted under that Code and this Act. The Department~~
2 ~~may enter into agreements with governmental entities and other~~
3 ~~outside entities to assist the Department in drafting,~~
4 ~~reviewing, and scoring the proposals.~~

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

8 (c) The competitive request for solicitation ~~proposals~~
9 process shall, at a minimum, take into account the following
10 criteria:

11 (1) the offeror's plans for the Hotel Florence
12 project, including, but not limited to, building use,
13 experience, environmental concerns, and a proposed
14 preservation and rehabilitation plan compliant with the
15 Illinois State Agency Historic Preservation Act;

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

17 (3) the offeror's poor or inadequate past performance
18 in developing, financing, constructing, managing, or
19 operating historic landmark properties or other public
20 assets;

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

26 (5) the offeror's ability to comply with and past

1 performance in complying with Section 2-105 of the
2 Illinois Human Rights Act; ~~and~~

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

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

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

12 (e) The Department shall select one or more offerors as
13 finalists.

14 (f) After the procedures required in this Section have
15 been completed, the Department shall make a determination as
16 to whether the offeror should be designated as the contractor
17 for the Hotel Florence project and shall submit the decision
18 to the Governor and to the Governor's Office of Management and
19 Budget. After review of the Department's determination, the
20 Governor may accept or reject the determination. If the
21 Governor accepts the determination of the Department, the
22 Governor shall designate the offeror for the Hotel Florence
23 project.

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

25 (20 ILCS 3407/45-30)

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

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

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

6 (2) the powers, duties, responsibilities, obligations,
7 and functions of the Department and the contractor;

8 (3) compensation or payments to the Department, if
9 applicable;

10 (4) compensation or payments to the contractor, if
11 applicable;

12 (5) a provision specifying that the Department:

13 (A) has ready access to information regarding the
14 contractor's powers, duties, responsibilities,
15 obligations, and functions under the public-private
16 agreement;

17 (B) has the right to demand and receive
18 information from the contractor concerning any aspect
19 of the contractor's powers, duties, responsibilities,
20 obligations, and functions under the public-private
21 agreement; and

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

24 (6) a provision imposing an affirmative duty on the
25 contractor to provide the Department with any information
26 the contractor reasonably believes the Department would

1 want to know or would need to know to enable the Department
2 to exercise its powers, carry out its duties,
3 responsibilities, and obligations, and perform its
4 functions under this Act or the public-private agreement
5 or as otherwise required by law;

6 (6.5) a provision that this project will require using
7 guidelines with The Secretary of the Interior's Standards
8 for the Treatment of Historic Properties with Guidelines
9 for Preserving, Rehabilitating, Restoring and
10 Reconstructing Historic Buildings; the period of the
11 original construction (Hotel Florence and grounds from
12 1880 through 1897; and Hotel Annex from 1914 through 1930)
13 should be used to guide the project design and
14 construction;

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

17 (8) the authority of the Department to request that
18 the contractor reimburse the Department for third party
19 consultants related to the monitoring the project;

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

22 (10) the authority of the contractor to impose user
23 fees and the amounts of those fees;

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

26 (12) a provision governing rights to real and personal

1 property of the State, the Department, the contractor, and
2 other third parties;

3 (13) grounds for termination of the agreement by the
4 Department or the contractor and a restatement of the
5 Department's rights under this Act;

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

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

11 (16) rights and remedies of the Department if the
12 contractor defaults or otherwise fails to comply with the
13 terms of the agreement;

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

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

18 (19) a requirement that the contract complies with the
19 Business Enterprise for Minorities, Women, and Persons
20 with Disabilities Act and Section 2-105 of the Illinois
21 Human Rights Act.

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

23 (20 ILCS 3407/45-35 rep.)

24 Section 10. The Reimagining Hotel Florence Act is amended
25 by repealing Section 45-35.