



Sen. Dale Fowler

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1 AMENDMENT TO SENATE BILL 3096

2 AMENDMENT NO. _____. Amend Senate Bill 3096 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Department of Natural Resources Sahara Woods State Recreation
6 Area Act.

7 Section 5. Legislative intent. The General Assembly finds
8 that authorizing the Department of Natural Resources to enter
9 into a public-private partnership for the development,
10 construction, maintenance, or operation of campground
11 facilities at Sahara Woods State Recreation Area will allow
12 greater utilization of the Area and is in the best interest of
13 the State and the local community.

14 Section 10. Definitions.

15 "Contractor" means a person who has been selected to enter

1 or has entered into a public-private agreement with the
2 Department on behalf of the State for the development,
3 financing, management, or operation of campgrounds facilities
4 at Sahara Woods State Recreational Area pursuant to this Act.

5 "Department" means the Department of Natural Resources.

6 "Director" means the Director of Natural Resources.

7 "Maintain" or "maintenance" includes ordinary maintenance,
8 repair, rehabilitation, capital maintenance, replacement, and
9 any other categories of maintenance that may be designated by
10 the Department.

11 "Offeror" means a person who responds to a request for
12 proposals under this Act.

13 "Operate" or "operation" means to do one or more of the
14 following: maintain, improve, equip, modify, or otherwise
15 operate.

16 "Person" means any individual, firm, association, joint
17 venture, partnership, estate, trust, syndicate, fiduciary,
18 corporation, or any other legal entity, group, or combination
19 thereof.

20 "Public-private agreement" means an agreement or contract
21 between the Department and the contractor on behalf of the
22 State and all schedules, exhibits, and attachments thereto,
23 entered into pursuant to a competitive request for proposals
24 process governed by this Act, for the development,
25 construction, financing, management and operation of
26 campground facilities at Sahara Woods State Recreation Area

1 under this Act.

2 "Revenues" means all revenues, including, but not limited
3 to, income, user fees, earnings, interest, lease payments,
4 allocations, moneys from the federal government, the State,
5 and units of local government, including, but not limited to,
6 federal, State, and local appropriations, grants, loans, lines
7 of credit, and credit guarantees; bond proceeds; equity
8 investments; service payments; or other receipts arising out
9 of or in connection with the development, construction,
10 financing, development, management, or operation of campground
11 facilities at Sahara Woods State Recreation Area.

12 "Sahara Woods State Recreation Area" means real property
13 in Carrier Mills, Illinois, consisting of approximately 4,000
14 acres of vacated strip mine land including the 98 acre Sahara
15 Lake and numerous strip cuts that make up approximately 270
16 acres of fishable water.

17 Section 15. Authority to enter public-private agreement.
18 Notwithstanding any provision of law to the contrary, the
19 Department, on behalf of the State, may enter into a
20 public-private agreement to develop, construct, finance,
21 lease, manage, and operate campground facilities at Sahara
22 Woods State Recreation Area on behalf of the State, pursuant
23 to which the contractors may receive certain revenues,
24 including management or user fees in consideration of the
25 payment of moneys to the State for that right.

1 Section 20. Engagement prior to request for proposals. The
2 Director or the Director's designee may, prior to soliciting
3 requests for proposals, enter into discussions with interested
4 persons in order to assess existing market conditions and
5 demands, provided that no such interested persons shall have
6 any role in drafting any request for proposals, nor shall any
7 request for proposal be provided to any interested person
8 prior to its general public distribution. The Director may
9 issue a request for qualifications that requests interested
10 persons to provide such information as the Director deems
11 necessary in order to evaluate the qualifications of such
12 interested persons. This may include, but is not limited to,
13 the ability of interested persons to acquire the property, as
14 determined by the Director. Such engagement and discussions
15 with interested persons are exempt from Sections 50-10.5,
16 50-39, 50-40, 50-45, and 50-50 of the Illinois Procurement
17 Code.

18 Section 25. Requests for proposals. If requests for
19 proposals are made by the Department, the Department shall
20 comply with the competitive request for proposals process
21 under Article 20 of the Illinois Procurement Code, rules
22 adopted under that Code, and this Act.

23 Section 30. Request for proposal process.

1 (a) The Department, on behalf of the State, may select a
2 contractor through a competitive request for proposals process
3 under Article 20 of the Illinois Procurement Code and rules
4 adopted under that Article of the Code.

5 (b) The competitive request for proposals process shall
6 solicit statements of qualification and proposals from
7 offerors.

8 (c) In addition to any requirements under Article 20 of
9 the Illinois Procurement Code, the competitive request for
10 proposals process may take into account the following
11 criteria:

12 (1) the offeror's plans for the campgrounds project at
13 Sahara Woods State Recreation Area;

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

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

20 Section 35. Provisions of the public-private agreement.
21 The public-private agreement shall include all of the
22 following:

23 (1) the term of the public-private agreement that is
24 consistent with Section 45;

25 (2) the powers, duties, responsibilities, obligations,

1 and functions of the Department and the contractor;

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

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

6 (5) a provision specifying that the Department:

7 (A) has ready access to information regarding the
8 contractor's powers, duties, responsibilities,
9 obligations, and functions under the public-private
10 agreement;

11 (B) has the right to demand and receive
12 information from the contractor concerning any aspect
13 of the contractor's powers, duties, responsibilities,
14 obligations, and functions under the public-private
15 agreement; and

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

18 (6) a provision imposing an affirmative duty on the
19 contractor to provide the Department with any information
20 the contractor reasonably believes the Department would
21 want to know or would need to know to enable the Department
22 to exercise its powers, carry out its duties,
23 responsibilities, and obligations, and perform its
24 functions under this Act or the public-private agreement
25 or as otherwise required by law;

26 (7) the authority of the Department to request that

1 the contractor reimburse the Department for third party
2 consultants related to the monitoring the project;

3 (8) a provision governing the contractor's authority
4 to negotiate and execute subcontracts with third parties;

5 (9) the authority of the contractor to impose user
6 fees and the amounts of those fees;

7 (10) a provision governing the deposit and allocation
8 of revenues including user fees;

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

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

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

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

20 (15) rights and remedies of the Department if the
21 contractor defaults or otherwise fails to comply with the
22 terms of the agreement;

23 (16) procedures for amendment to the agreement;

24 (17) a requirement that the contract complies with the
25 Business Enterprise for Minorities, Women, and Persons
26 with Disabilities Act and Section 2-105 of the Illinois

1 Human Rights Act; and

2 (18) all other terms, conditions, and provisions
3 acceptable to the Department that the Department deems
4 necessary and proper and in the public interest.

5 Section 40. Labor.

6 (a) A public-private agreement related to Sahara Woods
7 State Recreation Area pertaining to the building, altering,
8 repairing, maintaining, improving, or demolishing of
9 campground facilities shall require the contractor and all
10 subcontractors to comply with the requirements of Section
11 30-22 of the Illinois Procurement Code as they apply to
12 responsible bidders, including, but not limited to, all
13 applicable provisions of the Prevailing Wage Act, and to
14 present satisfactory evidence of that compliance to the
15 Department, unless the project is federally funded and the
16 application of those requirements would jeopardize the receipt
17 or use of federal funds in support of the project.

18 (b) A public-private agreement related to Sahara Woods
19 State Recreation Area pertaining to the building, altering,
20 repairing, maintaining, improving, or demolishing campground
21 facilities at the Area shall require the contractor and all
22 subcontractors to enter into a project labor agreement used by
23 the Capital Development Board.

24 Section 45. Term of agreement; reversion of property to

1 the Department.

2 (a) The term of any public-private agreement entered into
3 under this Act shall be no less than 25 years and no more than
4 99 years.

5 (b) The Department may terminate the contractor's
6 authority and duties under the public-private agreement on the
7 date set forth in the public-private agreement. The Department
8 may also terminate the public-private agreement pursuant to
9 any clause or condition as set forth in the public-private
10 agreement.

11 (c) Upon termination of the public-private agreement, the
12 authority, and duties of the contractor under this Act cease,
13 except for those duties and obligations that extend beyond the
14 termination, as set forth in the public-private agreement, and
15 all interests in the campground facilities at Sahara Woods
16 State Recreation Area shall revert to the Department.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."