

**95TH GENERAL ASSEMBLY****State of Illinois****2007 and 2008****SB0378**

Introduced 2/7/2007, by Sen. Don Harmon - Kirk W. Dillard

**SYNOPSIS AS INTRODUCED:**

See Index

Creates the Public-Private Partnerships for Transportation Act. Provides that the Act is intended to promote public-private partnerships for transportation by authorizing the Department of Transportation and the Illinois State Toll Highway Authority to enter into public-private agreements for the development, operation, and financing of transportation facilities. Grants to the Department and the Authority the necessary powers for the development, financing, and operation of transportation projects through public-private agreements with one or more private entities. Provides that the projects may not include an airport located in a county with a population of more than 500,000. Creates a new Article in the Regional Transportation Authority Act granting similar powers to the RTA with regard to mass transportation projects. Creates provisions with regard to the planning of, the procurement of labor, materials, and real estate for, and the development and operation of these projects. Creates tax exemptions for these projects. Provides that the powers granted by the Act and the new Article are to be liberally construed. Prohibits units of local government and State agencies from taking any action that would have the effect of impairing a public-private agreement under the Act or the new Article. Makes corresponding changes in the Department of Transportation Law of the Civil Administration Code of Illinois, the Illinois Finance Authority Act, the Illinois Procurement Code, the Public Construction Bond Act, the Public Works Preferences Act, the Employment of Illinois Workers on Public Works Act, the Business Enterprise for Minorities, Females, and Persons with Disabilities Act, the Retailers' Occupation Tax Act, the Property Tax Code, the Toll Highway Act, and the Prevailing Wage Act. Effective immediately.

LRB095 04599 DRH 24656 b

1 AN ACT concerning transportation.

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

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

6 Section 5. Public policy and legislative intent.

7 (a) It is the public policy of the State of Illinois to  
8 promote the development and operation of transportation  
9 facilities that serve the needs of the public.

10 (b) Existing methods of procurement and financing of  
11 transportation facilities by the Department and the Authority  
12 impose limitations on the methods by which transportation  
13 facilities may be developed and operated within the State.

14 (c) Authorizing the Department and the Authority to enter  
15 into public-private partnerships, whereby private entities may  
16 develop, operate, and finance transportation facilities, has  
17 the potential to promote the development of transportation  
18 facilities in the State as well as investment in the State.

19 (d) It is the intent of this Act to promote public-private  
20 partnerships for transportation by authorizing the Department  
21 and the Authority to enter into public-private agreements for  
22 the development, operation, and financing of transportation  
23 facilities.

1 Section 10. Definitions. As used in this Act:

2 "Authority" means the Illinois State Toll Highway  
3 Authority.

4 "Contractor" means a private entity that has entered into a  
5 public-private agreement with the transportation agency to  
6 provide services to or on behalf of the transportation agency.

7 "Department" means the Illinois Department of  
8 Transportation.

9 "Develop" or "development" means to do one or more of the  
10 following: plan, design, develop, lease, acquire, install,  
11 construct, reconstruct, rehabilitate, extend, or expand.

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

16 "Offeror" means a private entity that has submitted a  
17 proposal for a public-private agreement under this Act.

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

21 "Private entity" means any combination of one or more  
22 individuals, corporations, general partnerships, limited  
23 liability companies, limited partnerships, joint ventures,  
24 business trusts, nonprofit entities, or other business  
25 entities that are parties to a proposal for a transportation

1 project or an agreement related to a transportation project. A  
2 public agency may provide services to a contractor as a  
3 subcontractor or subconsultant without affecting the private  
4 status of the private entity and the ability to enter into a  
5 public-private agreement.

6 "Public-private agreement" means the public-private  
7 agreement between the contractor and the transportation agency  
8 relating to one or more of the development, financing, or  
9 operation of a transportation project that is entered into  
10 under this Act.

11 "Request for proposals" means all materials and documents  
12 prepared by or on behalf of the transportation agency to  
13 solicit proposals from offerors to enter into a public-private  
14 agreement.

15 "Request for qualifications" means all materials and  
16 documents prepared by or on behalf of the transportation agency  
17 to solicit qualification submittals from offerors to enter into  
18 a public-private agreement.

19 "Revenues" means all revenues, including any combination  
20 of: income; earnings and interest; user fees; lease payments;  
21 allocations; federal, State, and local appropriations, grants,  
22 loans, lines of credit, and credit guarantees; bond proceeds;  
23 equity investments; service payments; or other receipts;  
24 arising out of or in connection with a transportation project,  
25 including the development, financing, and operation of a  
26 transportation project. The term includes money received as

1 grants, loans, lines of credit, credit guarantees, or otherwise  
2 in aid of a transportation project from the federal government,  
3 the State, a unit of local government, or any agency or  
4 instrumentality of the federal government, the State, or a unit  
5 of local government.

6 "Transportation agency" means the Department or the  
7 Authority.

8 "Transportation project" or "project" means a project  
9 undertaken under this Act with respect to all or a portion of  
10 any new or existing road, highway, toll highway, bridge,  
11 tunnel, intermodal facility, or other transportation facility  
12 or infrastructure under the jurisdiction of the transportation  
13 agency; a transportation project may not, however, include an  
14 airport located within a county with a population of more than  
15 500,000.

16 "User fees" or "tolls" means the rates, tolls, fees, or  
17 other charges imposed by the contractor for use of all or a  
18 portion of a transportation project under a public-private  
19 agreement.

20 Section 15. Formation of public-private agreements;  
21 project planning.

22 (a) Each transportation agency may exercise the powers  
23 granted by this Act to do some or all of develop, finance, and  
24 operate any part of one or more transportation projects through  
25 public-private agreements with one or more private entities.

1 Each transportation agency may use the revenues arising out of  
2 one transportation project or public-private agreement and use  
3 them for some or all of developing, financing, and operating  
4 any part of one or more additional or other transportation  
5 projects through public-private agreements with one or more  
6 private entities or as otherwise deemed appropriate by the  
7 transportation agency.

8 (b) A contractor has:

9 (1) all powers allowed by law generally to a private  
10 entity having the same form of organization as the  
11 contractor; and

12 (2) the power to develop, finance, and operate the  
13 transportation project and to impose user fees in  
14 connection with the use of the transportation project,  
15 subject to the terms of the public-private agreement.

16 No tolls or user fees may be imposed by the contractor  
17 except as set forth in a public-private agreement.

18 (c) Each year, at least 30 days prior to the beginning of  
19 the transportation agency's fiscal year, and at other times the  
20 transportation agency deems necessary, the transportation  
21 agency shall submit for review, to the President of the Senate,  
22 the Speaker of the House of Representatives, the Minority  
23 Leader of the Senate, and the Minority Leader of the House of  
24 Representatives, a description of potential projects that the  
25 transportation agency is considering undertaking under this  
26 Act. The transportation agency may undertake any potential

1 project regarding which it has submitted a description unless,  
2 within 60 days of their receipt of the description of the  
3 potential project, the transportation agency receives notice  
4 to the contrary from the President of the Senate, the Speaker  
5 of the House of Representatives, the Minority Leader of the  
6 Senate, and the Minority Leader of the House of  
7 Representatives.

8 (d) Each year, at least 30 days prior to the beginning of  
9 the transportation agency's fiscal year, the transportation  
10 agency shall submit a description of potential projects that  
11 the transportation agency is considering undertaking under  
12 this Act to each county, municipality, and metropolitan  
13 planning organization, with respect to each project located  
14 within its boundaries.

15 (e) Any project undertaken under this Act shall be subject  
16 to all applicable planning requirements otherwise required by  
17 law, including land use planning, regional planning,  
18 transportation planning, and environmental compliance  
19 requirements.

20 (f) Any new transportation facility developed as a project  
21 under this Act must be consistent with the metropolitan  
22 planning organization's regional plan then in existence with  
23 respect to each project located within a metropolitan planning  
24 organization's boundaries.

25 Section 20. Procurement process.

1           (a) The transportation agency may request proposals from  
2 private entities for some or all of the development, financing,  
3 and operation of one or more transportation projects.

4           (b) The transportation agency may pursue a competitive  
5 proposal process using a request for qualifications and a  
6 request for proposals process or proceed directly to a request  
7 for proposals.

8           (c) If the transportation agency elects to utilize a  
9 request for qualifications phase, it shall provide a public  
10 notice of the request for qualifications for such period as  
11 deemed appropriate or warranted by the transportation agency  
12 and shall set forth requirements and evaluation criteria in the  
13 request for qualifications. Upon receipt of qualifications,  
14 the transportation agency shall choose which parties that have  
15 submitted qualifications, if any, meet the requirements and  
16 evaluation criteria in the request for qualifications and shall  
17 issue requests for proposals only to those parties.

18           (d) If the transportation agency has not issued a request  
19 for qualification under this Section and intends to use only a  
20 request for proposals procurement, the transportation agency  
21 shall provide a public notice of the request for proposals for  
22 a period deemed appropriate or warranted by the transportation  
23 agency.

24           (e) A request for proposals shall:

25               (1) indicate in general terms the scope of work, goods,  
26               and services sought to be procured;



1           (2) contain or incorporate by reference the  
2 specifications and contractual terms and conditions  
3 applicable to the procurement and the transportation  
4 project;

5           (3) specify the factors, criteria, and other  
6 information that will be used in evaluating the proposals;

7           (4) contain or incorporate by reference the other  
8 applicable contractual terms and conditions; and

9           (5) contain or incorporate by reference any other  
10 provisions, materials, or documents the transportation  
11 agency deems appropriate.

12           (f) The transportation agency shall determine the  
13 evaluation criteria that are most appropriate for each  
14 transportation project and shall set forth those criteria in  
15 the request for proposals. The transportation agency may use  
16 (i) a selection process that results in selection of the  
17 proposal offering the best value to the public, (ii) a  
18 selection process that results in selection of the proposal  
19 offering the lowest price or cost or the highest payment to, or  
20 revenue sharing with, the transportation agency, (iii) a  
21 selection process that results in the imposition of tolls for  
22 the shortest period, or (iv) any other selection process that  
23 the transportation agency determines is in the best interests  
24 of the State and the public.

25           (g) After the procedures required in this Act have been  
26 completed, the transportation agency shall make a

1 determination as to whether the successful offeror should be  
2 designated as the contractor for the transportation project.

3 (h) After designating the successful offeror as the  
4 contractor for the project, the transportation agency shall  
5 execute the public-private agreement and publish notice of the  
6 execution of the public-private agreement.

7 (i) Any action to contest the validity of a public-private  
8 agreement entered into under this Act must be brought no later  
9 than 30 days after the date of publication of the notice of  
10 execution of the public-private agreement.

11 (j) In addition to any other rights under this Act, in  
12 connection with any procurement under this Act, the following  
13 rights are reserved to each transportation agency:

14 (1) to withdraw a request for qualifications or a  
15 request for proposals at any time. The transportation  
16 agency may then publish a new request for qualifications or  
17 request for proposals;

18 (2) to not award a public-private agreement for any  
19 reason;

20 (3) to request clarifications to any qualification  
21 submittal or request for proposals, to seek one or more  
22 revised proposals or one or more best and final offers, or  
23 to conduct negotiations with one or more offerors;

24 (4) to modify, during the pendency of a procurement,  
25 the terms, provisions, and conditions of a request for  
26 qualification or request for proposals or the technical

1 specifications or form of a public-private agreement;  
2 (5) to interview offerors; and  
3 (6) any other rights available to the transportation  
4 agency under applicable law and regulations.

5 Section 25. Public-private agreements.

6 (a) Before developing, financing, or operating the  
7 transportation project, the contractor shall enter into a  
8 public-private agreement with the transportation agency.  
9 Subject to the other provisions of this Act, the transportation  
10 agency and a private entity may enter into a public-private  
11 agreement with respect to a project. Subject to the  
12 requirements of this Act, a public-private agreement may  
13 provide that the private entity, acting on behalf of the  
14 transportation agency, is partially or entirely responsible  
15 for any combination of developing, financing, or operating the  
16 transportation project under terms set forth in the  
17 public-private agreement.

18 (b) The public-private agreement may, as determined  
19 appropriate by the transportation agency for the particular  
20 transportation project, provide for some or all of the  
21 following:

22 (1) Construction of the transportation project under  
23 terms set forth in the public-private agreement, which may  
24 include design-build construction.

25 (2) Delivery of performance and payment bonds or other

1 performance security determined suitable by the  
2 transportation agency, including letters of credit, United  
3 States bonds and notes, parent guaranties, and cash  
4 collateral, in connection with the development, financing,  
5 or operation of the transportation project, in the forms  
6 and amounts set forth in the public-private agreement or  
7 otherwise determined as satisfactory by the transportation  
8 agency to protect the transportation agency and payment  
9 bond beneficiaries who have a direct contractual  
10 relationship with the contractor or a subcontractor of the  
11 contractor to supply labor or material. The payment or  
12 performance bond or alternative form of performance  
13 security is not required for the portion of a  
14 public-private agreement that includes only design,  
15 planning, or financing services, the performance of  
16 preliminary studies, or the acquisition of real property.

17 (3) Review of plans for any development or operation,  
18 or both, of the transportation project by the  
19 transportation agency.

20 (4) Inspection of any construction of or improvements  
21 to the transportation project by the transportation agency  
22 or another entity designated by the transportation agency  
23 or under the public-private agreement to ensure that the  
24 construction or improvements conform to the standards set  
25 forth in the public-private agreement or are otherwise  
26 acceptable to the transportation agency.

1 (5) Maintenance of:

2 (A) one or more policies of public liability  
3 insurance (copies of which shall be filed with the  
4 transportation agency accompanied by proofs of  
5 coverage); or

6 (B) self-insurance;

7 each in form and amount as set forth in the public-private  
8 agreement or otherwise satisfactory to the transportation  
9 agency as reasonably sufficient to insure coverage of tort  
10 liability to the public and employees and to enable the  
11 continued operation of the transportation project.

12 (6) Where operations are included within the  
13 contractor's obligations under the public-private  
14 agreement, monitoring of the maintenance practices of the  
15 contractor by the transportation agency or another entity  
16 designated by the transportation agency or under the  
17 public-private agreement and the taking of the actions the  
18 transportation agency finds appropriate to ensure that the  
19 transportation project is properly maintained.

20 (7) Reimbursement to be paid to the transportation  
21 agency as set forth in the public-private agreement for  
22 services provided by the transportation agency.

23 (8) Filing of appropriate financial statements and  
24 reports as set forth in the public-private agreement or as  
25 otherwise in a form acceptable to the transportation agency  
26 on a periodic basis.

1           (9) Compensation or payments to the contractor.  
2           Compensation or payments may include any or a combination  
3           of the following:

4                   (A) a base fee and additional fee for project  
5                   savings as the design-builder of a construction  
6                   project;

7                   (B) a development fee, payable on a lump sum basis,  
8                   progress payment basis, time and materials basis, or  
9                   another basis deemed appropriate by the transportation  
10                  agency;

11                  (C) an operations fee, payable on a lump-sum basis,  
12                  time and material basis, periodic basis, or another  
13                  basis deemed appropriate by the transportation agency;

14                  (D) some or all of the revenues, if any, arising  
15                  out of operation of the transportation project;

16                  (E) a maximum rate of return on investment or  
17                  return on equity or a combination of the 2;

18                  (F) in-kind services, materials, property,  
19                  equipment, or other items;

20                  (G) compensation in the event of any termination;  
21                  or

22                  (H) other compensation set forth in the  
23                  public-private agreement or otherwise deemed  
24                  appropriate by the transportation agency.

25           (10) Compensation or payments to the transportation  
26           agency, if any. Compensation or payments may include any or

1 a combination of the following:

2 (A) a concession or lease payment or other fee,  
3 which may be payable upfront or on a periodic basis or  
4 on another basis deemed appropriate by the  
5 transportation agency;

6 (B) sharing of revenues, if any, from the operation  
7 of the transportation project;

8 (C) sharing of project savings from the  
9 construction of the transportation project;

10 (D) payment for any services, materials,  
11 equipment, personnel, or other items provided by the  
12 transportation agency to the contractor under the  
13 public-private agreement or in connection with the  
14 transportation project; or

15 (E) other compensation set forth in the  
16 public-private agreement or otherwise deemed  
17 appropriate by the transportation agency.

18 (11) The date and terms of termination of the  
19 contractor's authority and duties under the public-private  
20 agreement and the circumstances under which the  
21 contractor's authority and duties may be terminated prior  
22 to that date.

23 (12) Reversion of the transportation project to the  
24 transportation agency at the termination or expiration of  
25 the public-private agreement.

26 (13) Rights and remedies of the transportation agency

1 in the event that the contractor defaults or otherwise  
2 fails to comply with the terms of the public-private  
3 agreement.

4 (14) Other terms, conditions, and provisions that the  
5 transportation agency believes are in the public interest.

6 (c) The transportation agency may fix and revise the  
7 amounts of user fees that a contractor may charge and collect  
8 for the use of any part of a transportation project in  
9 accordance with the public-private agreement. In fixing the  
10 amounts, the transportation agency may establish maximum  
11 amounts for the user fees and may provide that the maximums and  
12 any increases or decreases of those maximums shall be based  
13 upon the indices, methodologies, or other factors the  
14 transportation agency considers appropriate.

15 (d) A public-private agreement may:

16 (1) authorize the imposition of tolls in any manner  
17 determined appropriate by the transportation agency for  
18 the transportation project;

19 (2) authorize the contractor to adjust the user fees  
20 for the use of the transportation project, so long as the  
21 amounts charged and collected by the contractor do not  
22 exceed the maximum amounts established by the  
23 transportation agency under this Act;

24 (3) provide that any adjustment by the contractor  
25 permitted under paragraph (2) of this subsection (d) may be  
26 based on the indices, methodologies, or other factors



1 described in the public-private agreement or approved by  
2 the transportation agency;

3 (4) authorize the contractor to charge and collect user  
4 fees through manual and non-manual methods, including, but  
5 not limited to, automatic vehicle identification systems,  
6 electronic toll collection systems, and, to the extent  
7 permitted by law, global positioning system-based,  
8 photo-based, or video-based toll collection enforcement;  
9 and

10 (5) authorize the collection of user fees by a third  
11 party.

12 (e) In the public-private agreement, the transportation  
13 agency may agree to make grants or loans for the development or  
14 operation, or both, of the transportation project from time to  
15 time from amounts received from the federal government or any  
16 agency or instrumentality of the federal government or from any  
17 State or local agency.

18 (f) Upon the termination or expiration of the  
19 public-private agreement, including a termination for default,  
20 the transportation agency shall have the right to take over the  
21 transportation project and to succeed to all of the right,  
22 title, and interest in the transportation project, subject to  
23 any liens on revenues previously granted by the contractor to  
24 any person providing financing for the transportation project.

25 (g) If a transportation agency elects to take over a  
26 transportation project as provided in subsection (f), the

1 transportation agency may do the following:

2 (1) develop, finance, or operate the project; or

3 (2) impose, collect, retain, and use user fees, if any,  
4 for the project.

5 (h) If a transportation agency elects to take over a  
6 transportation project as provided in subsection (f), the  
7 transportation agency may use the revenues, if any, for any  
8 lawful purpose, including to:

9 (1) make payments to individuals or entities in  
10 connection with any financing of the transportation  
11 project;

12 (2) pay development costs of the project;

13 (3) pay current operation costs of the project or  
14 facilities;

15 (4) pay the contractor for any compensation or payment  
16 owing upon termination; and

17 (5) pay for the development, financing, or operation of  
18 any other project or projects the transportation agency  
19 deems appropriate.

20 (i) The full faith and credit of the State or any political  
21 subdivision of the State or the transportation agency is not  
22 pledged to secure any financing of the contractor by the  
23 election to take over the transportation project. Assumption of  
24 development or operation, or both, of the transportation  
25 project does not obligate the State or any political  
26 subdivision of the State or the transportation agency to pay

1 any obligation of the contractor.

2 (j) Notwithstanding any other provision of this Act, the  
3 transportation agency may enter into a public-private  
4 agreement with multiple private entities if the transportation  
5 agency determines in writing that it is in the public interest  
6 to do so.

7 Section 30. Development and operations standards for  
8 transportation projects.

9 (a) The plans and specifications, if any, for each project  
10 developed under this Act must comply with:

11 (1) the transportation agency's standards for other  
12 projects of a similar nature or as otherwise provided in  
13 the public-private agreement; and

14 (2) any other applicable State or federal standards.

15 (b) Each highway project constructed or operated under this  
16 Act is considered to be part of:

17 (1) the State highway system for purposes of  
18 identification, maintenance standards, and enforcement of  
19 traffic laws if the highway project is under the  
20 jurisdiction of the Department; or

21 (2) the toll highway system for purposes of  
22 identification, maintenance standards, and enforcement of  
23 traffic laws if the highway project is under the  
24 jurisdiction of the Authority.

25 (c) Any local or State agency may enter into agreements

1 with the contractor for maintenance or other services under  
2 this Act.

3 Section 35. Financial arrangements.

4 (a) The transportation agency may do any combination of  
5 applying for, executing, or endorsing applications submitted  
6 by private entities to obtain federal, State, or local credit  
7 assistance for transportation projects developed, financed, or  
8 operated under this Act, including loans, lines of credit, and  
9 guarantees.

10 (b) The transportation agency may take any action to obtain  
11 federal, State, or local assistance for a transportation  
12 project that serves the public purpose of this Act and may  
13 enter into any contracts required to receive the federal  
14 assistance. The transportation agency may determine that it  
15 serves the public purpose of this Act for all or any portion of  
16 the costs of a transportation project to be paid, directly or  
17 indirectly, from the proceeds of a grant or loan, line of  
18 credit, or loan guarantee made by a local, State, or federal  
19 government or any agency or instrumentality of a local, State,  
20 or federal government.

21 (c) The transportation agency may agree to make grants or  
22 loans for the development, financing, or operation of a  
23 transportation project from time to time, from amounts received  
24 from the federal, State, or local government or any agency or  
25 instrumentality of the federal, State, or local government.

1 (d) Any financing of a transportation project may be in the  
2 amounts and upon the terms and conditions that are determined  
3 by the parties to the public-private agreement.

4 (e) For the purpose of financing a transportation project,  
5 the contractor and the transportation agency may do the  
6 following:

7 (1) propose to use any and all revenues that may be  
8 available to them;

9 (2) enter into grant agreements;

10 (3) access any other funds available to the  
11 transportation agency; and

12 (4) accept grants from the transportation agency or  
13 other public or private agency or entity.

14 (f) For the purpose of financing a transportation project,  
15 public funds may be used and mixed and aggregated with funds  
16 provided by or on behalf of the contractor or other private  
17 entities.

18 (g) For the purpose of financing a transportation project,  
19 each transportation agency is authorized to apply for an  
20 allocation of tax-exempt bond financing authorization provided  
21 by Section 11143 of the Federal Safe, Accountable, Flexible,  
22 Efficient Transportation Equity Act: A Legacy for Users  
23 (SAFETEA-LU), Public Law 109-59, as well as financing available  
24 under any other federal law or program.

25 (h) Any bonds, debt, or other securities or other financing  
26 issued for the purposes of this Act shall not be deemed to

1 constitute a debt of the State or any political subdivision of  
2 the State or a pledge of the faith and credit of the State or  
3 any political subdivision of the State.

4 Section 40. Acquisition of property.

5 (a) The transportation agency may exercise any power of  
6 condemnation that it has under law for the purpose of acquiring  
7 any lands or estates or interests in land for a transportation  
8 project to the extent provided in the public-private agreement  
9 or otherwise to the extent that the transportation agency finds  
10 that the action serves the public purpose of this Act.

11 (b) The transportation agency and a contractor may enter  
12 into the leases, licenses, easements, and other grants of  
13 property interests that the transportation agency determines  
14 necessary to carry out this Act.

15 Section 45. Labor; law enforcement.

16 (a) A public-private agreement related to a transportation  
17 project pertaining to an existing transportation facility  
18 shall require the contractor to assume all existing collective  
19 bargaining agreement obligations related to employees of the  
20 transportation agency employed in relation to that facility.

21 (b) A public-private agreement related to a transportation  
22 project pertaining to a new transportation facility shall  
23 require the contractor to enter into a project labor agreement  
24 that must include provisions establishing the minimum hourly

1 wage, benefits, and other compensation for each class of labor  
2 organization employee and such other terms as are negotiated  
3 between the contractor and the labor organizations.

4 (c) All law enforcement officers of the State and of each  
5 affected local jurisdiction have the same powers and  
6 jurisdiction within the limits of the transportation project as  
7 they have in their respective areas of jurisdiction.

8 (d) Law enforcement officers shall have access to the  
9 transportation project at any time for the purpose of  
10 exercising the law enforcement officers' powers and  
11 jurisdiction.

12 (e) The traffic and motor vehicle laws of the State of  
13 Illinois or, if applicable, any local jurisdiction shall be the  
14 same as those applying to conduct on similar projects in the  
15 State of Illinois or the local jurisdiction.

16 (f) Punishment for infractions and offenses shall be as  
17 prescribed by law for conduct occurring on similar projects in  
18 the State of Illinois or the local jurisdiction.

19 Section 50. Term of agreement; reversion of property to  
20 transportation agency.

21 (a) The term of a public-private agreement, including all  
22 extensions, may not exceed 99 years.

23 (b) The transportation agency shall terminate the  
24 contractor's authority and duties under the public-private  
25 agreement on the date set forth in the public-private

1 agreement.

2 (c) Upon termination of the public-private agreement, the  
3 authority and duties of the contractor under this Act cease,  
4 except for those duties and obligations that extend beyond the  
5 termination, as set forth in the public-private agreement, and  
6 the transportation project shall revert to the transportation  
7 agency.

8 Section 55. Additional powers of transportation agencies  
9 with respect to transportation projects.

10 (a) Each transportation agency may exercise any powers  
11 provided under this Act in participation or cooperation with  
12 any governmental entity and enter into any contracts to  
13 facilitate that participation or cooperation without  
14 compliance with any other statute.

15 (b) Each transportation agency may make and enter into all  
16 contracts and agreements necessary or incidental to the  
17 performance of the transportation agency's duties and the  
18 execution of the transportation agency's powers under this Act.  
19 Except as otherwise required by law, these contracts or  
20 agreements are not subject to any approvals other than the  
21 approval of the transportation agency and may be for any term  
22 of years and contain any terms that are considered reasonable  
23 by the transportation agency.

24 (c) Each transportation agency may pay the costs incurred  
25 under a public-private agreement entered into under this Act



1 from any funds available to the transportation agency under  
2 this Act or any other statute.

3 (d) A transportation agency or other State agency may not  
4 take any action that would impair a public-private agreement  
5 entered into under this Act.

6 (e) Each transportation agency may enter into an agreement  
7 between and among the contractor, the transportation agency,  
8 and the Department of State Police concerning the provision of  
9 law enforcement assistance with respect to a transportation  
10 project that is the subject of a public-private agreement under  
11 this Act.

12 (f) Each transportation agency is authorized to enter into  
13 arrangements with the Department of State Police related to  
14 costs incurred in providing law enforcement assistance under  
15 this Act.

16 Section 60. Prohibited local action. A unit of local  
17 government may not take any action that would have the effect  
18 of impairing a public-private agreement under this Act.

19 Section 65. Powers liberally construed. The powers  
20 conferred by this Act shall be liberally construed in order to  
21 accomplish their purposes and shall be in addition and  
22 supplemental to the powers conferred by any other law. If any  
23 other law or rule is inconsistent with this Act, this Act is  
24 controlling as to any public-private agreement entered into

1 under this Act.

2 Section 70. Full and complete authority. This Act contains  
3 full and complete authority for agreements and leases with  
4 private entities to carry out the activities described in this  
5 Act. Except as otherwise required by law, no procedure,  
6 proceedings, publications, notices, consents, approvals,  
7 orders, or acts by the transportation agency or any other State  
8 or local agency or official are required to enter into an  
9 agreement or lease.

10 Section 905. The Department of Transportation Law of the  
11 Civil Administrative Code of Illinois is amended by adding  
12 Section 2705-220 as follows:

13 (20 ILCS 2705/2705-220 new)

14 Sec. 2705-220. Public-private partnerships for  
15 transportation. The Department may exercise all powers granted  
16 to it under the Public-Private Partnerships for Transportation  
17 Act.

18 Section 910. The Illinois Finance Authority Act is amended  
19 by adding Section 825-90 as follows:

20 (20 ILCS 3501/825-90 new)

21 Sec. 825-90. Transportation project financing. For the

1 purpose of financing a transportation project undertaken under  
2 the Public-Private Partnerships for Transportation Act, the  
3 Authority is authorized to apply for an allocation of  
4 tax-exempt bond financing authorization provided by Section  
5 11143 of the Federal Safe, Accountable, Flexible, Efficient  
6 Transportation Equity Act: A Legacy for Users (SAFETEA-LU),  
7 Public Law 109-59, as well as financing available under any  
8 other federal law or program.

9 Section 915. The Illinois Procurement Code is amended by  
10 changing Section 1-10 as follows:

11 (30 ILCS 500/1-10)

12 Sec. 1-10. Application.

13 (a) This Code applies only to procurements for which  
14 contractors were first solicited on or after July 1, 1998. This  
15 Code shall not be construed to affect or impair any contract,  
16 or any provision of a contract, entered into based on a  
17 solicitation prior to the implementation date of this Code as  
18 described in Article 99, including but not limited to any  
19 covenant entered into with respect to any revenue bonds or  
20 similar instruments. All procurements for which contracts are  
21 solicited between the effective date of Articles 50 and 99 and  
22 July 1, 1998 shall be substantially in accordance with this  
23 Code and its intent.

24 (b) This Code shall apply regardless of the source of the

1 funds with which the contracts are paid, including federal  
2 assistance moneys. This Code shall not apply to:

3 (1) Contracts between the State and its political  
4 subdivisions or other governments, or between State  
5 governmental bodies except as specifically provided in  
6 this Code.

7 (2) Grants, except for the filing requirements of  
8 Section 20-80.

9 (3) Purchase of care.

10 (4) Hiring of an individual as employee and not as an  
11 independent contractor, whether pursuant to an employment  
12 code or policy or by contract directly with that  
13 individual.

14 (5) Collective bargaining contracts.

15 (6) Purchase of real estate.

16 (7) Contracts necessary to prepare for anticipated  
17 litigation, enforcement actions, or investigations,  
18 provided that the chief legal counsel to the Governor shall  
19 give his or her prior approval when the procuring agency is  
20 one subject to the jurisdiction of the Governor, and  
21 provided that the chief legal counsel of any other  
22 procuring entity subject to this Code shall give his or her  
23 prior approval when the procuring entity is not one subject  
24 to the jurisdiction of the Governor.

25 (8) Contracts for services to Northern Illinois  
26 University by a person, acting as an independent

1 contractor, who is qualified by education, experience, and  
2 technical ability and is selected by negotiation for the  
3 purpose of providing non-credit educational service  
4 activities or products by means of specialized programs  
5 offered by the university.

6 (9) Procurement expenditures by the Illinois  
7 Conservation Foundation when only private funds are used.

8 (10) Public-private agreements entered into according  
9 to the procurement requirements of Section 20 of the  
10 Public-Private Partnerships for Transportation Act.

11 (Source: P.A. 91-627, eff. 8-19-99; 91-904, eff. 7-6-00;  
12 92-797, eff. 8-15-02.)

13 Section 920. The Public Construction Bond Act is amended by  
14 adding Section 1.5 as follows:

15 (30 ILCS 550/1.5 new)

16 Sec. 1.5. Public-private agreements. This Act applies to  
17 any public-private agreement entered into under the  
18 Public-Private Partnerships for Transportation Act or Article  
19 II-A of the Regional Transportation Authority Act.

20 Section 925. The Public Works Preference Act is amended by  
21 adding Section 4.5 as follows:

22 (30 ILCS 560/4.5 new)

1       Sec. 4.5. Public-private agreements. This Act applies to  
2       any public-private agreement entered into under the  
3       Public-Private Partnerships for Transportation Act or Article  
4       II-A of the Regional Transportation Authority Act.

5           Section 930. The Employment of Illinois Workers on Public  
6       Works Act is amended by adding Section 2.5 as follows:

7           (30 ILCS 570/2.5 new)

8       Sec. 2.5. Public-private agreements. This Act applies to  
9       any public-private agreement entered into under the  
10       Public-Private Partnerships for Transportation Act or Article  
11       II-A of the Regional Transportation Authority Act.

12           Section 935. The Business Enterprise for Minorities,  
13       Females, and Persons with Disabilities Act is amended by adding  
14       Section 2.5 as follows:

15           (30 ILCS 575/2.5 new)

16           (Section scheduled to be repealed on September 6, 2008)

17       Sec. 2.5. Public-private agreements. This Act applies to  
18       any public-private agreement entered into under the  
19       Public-Private Partnerships for Transportation Act.

20           Section 940. The Retailers' Occupation Tax Act is amended  
21       by adding Section 1q as follows:

1 (35 ILCS 120/1q new)

2 Sec. 1q. Building materials exemption; public-private  
3 partnership transportation projects.

4 (a) Each retailer that makes a qualified sale of building  
5 materials to be incorporated into a "project" as defined in the  
6 Public-Private Partnerships for Transportation Act or Article  
7 II-A of the Regional Transportation Authority Act, by  
8 remodeling, rehabilitating, or new construction, may deduct  
9 receipts from those sales when calculating the tax imposed by  
10 this Act.

11 (b) As used in this Section, "qualified sale" means a sale  
12 of building materials that will be incorporated into a project  
13 for which a Certificate of Eligibility for Sales Tax Exemption  
14 has been issued by the agency having authority over the  
15 project.

16 (c) To document the exemption allowed under this Section,  
17 the retailer must obtain from the purchaser a copy of the  
18 Certificate of Eligibility for Sales Tax Exemption issued by  
19 the agency having jurisdiction over the project into which the  
20 building materials will be incorporated is located. The  
21 Certificate of Eligibility for Sales Tax Exemption must contain  
22 all of the following:

23 (1) a statement that the project identified in the  
24 Certificate meets all the requirements of the agency having  
25 authority over the project;

1           (2) the location or address of the project; and  
2           (3) the signature of the director of the agency with  
3           authority over the project or the director's delegate.

4           (d) In addition to meeting the requirements of subsection  
5           (c), the retailer must obtain a certificate from the purchaser  
6           that contains all of the following:

7           (1) a statement that the building materials are being  
8           purchased for incorporation into a project in accordance  
9           with the Public-Private Partnerships for Transportation  
10           Act;

11           (2) the location or address of the project into which  
12           the building materials will be incorporated;

13           (3) the name of the project;

14           (4) a description of the building materials being  
15           purchased; and

16           (5) the purchaser's signature and date of purchase.

17           (e) This Section is exempt from Section 2-70 of this Act.

18           Section 945. The Property Tax Code is amended by changing  
19           Sections 15-55 and 15-100 as follows:

20           (35 ILCS 200/15-55)

21           Sec. 15-55. State property.

22           (a) All property belonging to the State of Illinois is  
23           exempt. However, the State agency holding title shall file the  
24           certificate of ownership and use required by Section 15-10,



1 together with a copy of any written lease or agreement, in  
2 effect on March 30 of the assessment year, concerning parcels  
3 of 1 acre or more, or an explanation of the terms of any oral  
4 agreement under which the property is leased, subleased or  
5 rented.

6 The leased property shall be assessed to the lessee and the  
7 taxes thereon extended and billed to the lessee, and collected  
8 in the same manner as for property which is not exempt. The  
9 lessee shall be liable for the taxes and no lien shall attach  
10 to the property of the State.

11 For the purposes of this Section, the word "leases"  
12 includes licenses, franchises, operating agreements and other  
13 arrangements under which private individuals, associations or  
14 corporations are granted the right to use property of the  
15 Illinois State Toll Highway Authority and includes all property  
16 of the Authority used by others without regard to the size of  
17 the leased parcel.

18 (b) However, all property of every kind belonging to the  
19 State of Illinois, which is or may hereafter be leased to the  
20 Illinois Prairie Path Corporation, shall be exempt from all  
21 assessments, taxation or collection, despite the making of any  
22 such lease, if it is used for:

23 (1) conservation, nature trail or any other  
24 charitable, scientific, educational or recreational  
25 purposes with public benefit, including the preserving and  
26 aiding in the preservation of natural areas, objects,

1           flora, fauna or biotic communities;

2           (2) the establishment of footpaths, trails and other  
3           protected areas;

4           (3) the conservation of the proper use of natural  
5           resources or the promotion of the study of plant and animal  
6           communities and of other phases of ecology, natural history  
7           and conservation;

8           (4) the promotion of education in the fields of nature,  
9           preservation and conservation; or

10          (5) similar public recreational activities conducted  
11          by the Illinois Prairie Path Corporation.

12          No lien shall attach to the property of the State. No tax  
13          liability shall become the obligation of or be enforceable  
14          against Illinois Prairie Path Corporation.

15          (c) If the State sells the James R. Thompson Center or the  
16          Elgin Mental Health Center and surrounding land located at 750  
17          S. State Street, Elgin, Illinois, as provided in subdivision  
18          (a)(2) of Section 7.4 of the State Property Control Act, to  
19          another entity whose property is not exempt and immediately  
20          thereafter enters into a leaseback or other agreement that  
21          directly or indirectly gives the State a right to use, control,  
22          and possess the property, that portion of the property leased  
23          and occupied exclusively by the State shall remain exempt under  
24          this Section. For the property to remain exempt under this  
25          subsection (c), the State must retain an option to purchase the  
26          property at a future date or, within the limitations period for

1 reverters, the property must revert back to the State.

2 If the property has been conveyed as described in this  
3 subsection (c), the property is no longer exempt pursuant to  
4 this Section as of the date when:

5 (1) the right of the State to use, control, and possess  
6 the property has been terminated; or

7 (2) the State no longer has an option to purchase or  
8 otherwise acquire the property and there is no provision  
9 for a reverter of the property to the State within the  
10 limitations period for reverters.

11 Pursuant to Sections 15-15 and 15-20 of this Code, the  
12 State shall notify the chief county assessment officer of any  
13 transaction under this subsection (c). The chief county  
14 assessment officer shall determine initial and continuing  
15 compliance with the requirements of this Section for tax  
16 exemption. Failure to notify the chief county assessment  
17 officer of a transaction under this subsection (c) or to  
18 otherwise comply with the requirements of Sections 15-15 and  
19 15-20 of this Code shall, in the discretion of the chief county  
20 assessment officer, constitute cause to terminate the  
21 exemption, notwithstanding any other provision of this Code.

22 (c-1) If the Illinois State Toll Highway Authority sells  
23 the Illinois State Toll Highway Authority headquarters  
24 building and surrounding land, located at 2700 Ogden Avenue,  
25 Downers Grove, Illinois as provided in subdivision (a)(2) of  
26 Section 7.5 of the State Property Control Act, to another

1 entity whose property is not exempt and immediately thereafter  
2 enters into a leaseback or other agreement that directly or  
3 indirectly gives the State or the Illinois State Toll Highway  
4 Authority a right to use, control, and possess the property,  
5 that portion of the property leased and occupied exclusively by  
6 the State or the Authority shall remain exempt under this  
7 Section. For the property to remain exempt under this  
8 subsection (c), the Authority must retain an option to purchase  
9 the property at a future date or, within the limitations period  
10 for reverters, the property must revert back to the Authority.

11 If the property has been conveyed as described in this  
12 subsection (c), the property is no longer exempt pursuant to  
13 this Section as of the date when:

14 (1) the right of the State or the Authority to use,  
15 control, and possess the property has been terminated; or

16 (2) the Authority no longer has an option to purchase  
17 or otherwise acquire the property and there is no provision  
18 for a reverter of the property to the Authority within the  
19 limitations period for reverters.

20 Pursuant to Sections 15-15 and 15-20 of this Code, the  
21 Authority shall notify the chief county assessment officer of  
22 any transaction under this subsection (c). The chief county  
23 assessment officer shall determine initial and continuing  
24 compliance with the requirements of this Section for tax  
25 exemption. Failure to notify the chief county assessment  
26 officer of a transaction under this subsection (c) or to

1 otherwise comply with the requirements of Sections 15-15 and  
2 15-20 of this Code shall, in the discretion of the chief county  
3 assessment officer, constitute cause to terminate the  
4 exemption, notwithstanding any other provision of this Code.

5 (d) ~~However,~~ The fair market rent of each parcel of real  
6 property in Will County owned by the State of Illinois for the  
7 purpose of developing an airport by the Department of  
8 Transportation shall include the assessed value of leasehold  
9 tax. The lessee of each parcel of real property in Will County  
10 owned by the State of Illinois for the purpose of developing an  
11 airport by the Department of Transportation shall not be liable  
12 for the taxes thereon. In order for the State to compensate  
13 taxing districts for the leasehold tax under this paragraph the  
14 Will County Supervisor of Assessments shall certify, in  
15 writing, to the Department of Transportation, the amount of  
16 leasehold taxes extended for the 2002 property tax year for  
17 each such exempt parcel. The Department of Transportation shall  
18 pay to the Will County Treasurer, from the Tax Recovery Fund,  
19 on or before July 1 of each year, the amount of leasehold taxes  
20 for each such exempt parcel as certified by the Will County  
21 Supervisor of Assessments. The tax compensation shall  
22 terminate on December 31, 2010. It is the duty of the  
23 Department of Transportation to file with the Office of the  
24 Will County Supervisor of Assessments an affidavit stating the  
25 termination date for rental of each such parcel due to airport  
26 construction. The affidavit shall include the property

1 identification number for each such parcel. In no instance  
2 shall tax compensation for property owned by the State be  
3 deemed delinquent or bear interest. In no instance shall a lien  
4 attach to the property of the State. In no instance shall the  
5 State be required to pay leasehold tax compensation in excess  
6 of the Tax Recovery Fund's balance.

7 (e) ~~(d)~~ Public Act 81-1026 applies to all leases or  
8 agreements entered into or renewed on or after September 24,  
9 1979.

10 (f) Notwithstanding anything to the contrary in this  
11 Section, all property owned by the State or the Illinois State  
12 Toll Highway Authority that is defined as a transportation  
13 project under the Public-Private Partnerships for  
14 Transportation Act and that is used for transportation purposes  
15 and that is leased for those purposes to another entity whose  
16 property is not exempt shall remain exempt, and any leasehold  
17 interest in the property shall not be subject to taxation under  
18 Section 9-195 of this Act.

19 (Source: P.A. 93-19, eff. 6-20-03; 93-658, eff. 1-22-04;  
20 revised 1-22-04.)

21 (35 ILCS 200/15-100)

22 Sec. 15-100. Public transportation systems.

23 (a) All property belonging to any municipal corporation  
24 created for the sole purpose of owning and operating a  
25 transportation system for public service is exempt.

1 (b) Property owned by (i) a municipal corporation of  
2 500,000 or more inhabitants, used for public transportation  
3 purposes, and operated by the Chicago Transit Authority; (ii)  
4 the Regional Transportation Authority; (iii) any service board  
5 or division of the Regional Transportation Authority; (iv) the  
6 Northeast Illinois Regional Commuter Railroad Corporation; or  
7 (v) the Chicago Transit Authority shall be exempt. For purposes  
8 of this Section alone, the Regional Transportation Authority,  
9 any service board or division of the Regional Transportation  
10 Authority, the Northeast Illinois Regional Commuter Railroad  
11 Corporation, the Chicago Transit Authority, or a municipal  
12 corporation, as defined in item (i), shall be deemed an  
13 "eligible transportation authority".

14 The exemption provided in this subsection shall not be  
15 affected by any transaction in which:7

16 (1) for the purpose of obtaining financing, the  
17 eligible transportation authority, directly or indirectly,  
18 leases or otherwise transfers such property to another  
19 whose property is not exempt and immediately thereafter  
20 enters into a leaseback or other agreement that directly or  
21 indirectly gives the eligible transportation authority a  
22 right to use, control, and possess the property; or

23 (2) the eligible transportation authority leases, to  
24 another entity whose property is not exempt, property that  
25 is defined as a mass transportation project under Article  
26 II-A of the Regional Transportation Authority Act and used

1           for transportation purposes.

2           In the case of a conveyance of such property, the eligible  
3 transportation authority must retain an option to purchase the  
4 property at a future date or, within the limitations period for  
5 reverters, the property must revert back to the eligible  
6 transportation authority.

7           (c) If such property has been conveyed as described in  
8 paragraph (1) of subsection (b), the property will no longer be  
9 exempt pursuant to this Section as of the date when:

10           (1) the right of the eligible transportation authority  
11 to use, control, and possess the property has been  
12 terminated;

13           (2) the eligible transportation authority no longer  
14 has an option to purchase or otherwise acquire the  
15 property; and

16           (3) there is no provision for a reverter of the  
17 property to the eligible transportation authority within  
18 the limitations period for reverters.

19           (d) Pursuant to Sections 15-15 and 15-20 of this Code, the  
20 eligible transportation authority shall notify the chief  
21 county assessment officer of any transaction under subsection  
22 (b) of this Section. The chief county assessment officer shall  
23 determine initial and continuing compliance with the  
24 requirements of this Section for tax exemption. Failure to  
25 notify the chief county assessment officer of a transaction  
26 under this Section or to otherwise comply with the requirements



1 of Sections 15-15 and 15-20 of this Code shall, in the  
2 discretion of the chief county assessment officer, constitute  
3 cause to terminate the exemption, notwithstanding any other  
4 provision of this Code.

5 (e) No provision of this Section shall be construed to  
6 affect the obligation of the eligible transportation authority  
7 to which an exemption certificate has been issued under this  
8 Section from its obligation under Section 15-10 of this Code to  
9 file an annual certificate of status or to notify the chief  
10 county assessment officer of transfers of interest or other  
11 changes in the status of the property as required by this Code.

12 (f) The changes made by this amendatory Act of 1997 are  
13 declarative of existing law and shall not be construed as a new  
14 enactment.

15 (Source: P.A. 90-562, eff. 12-16-97.)

16 Section 950. The Regional Transportation Authority Act is  
17 amended by adding Article II-A and by adding Sections 2A.01,  
18 2A.05, 2A.10, 2A.15, 2A.20, 2A.25, 2A.30, 2A.35, 2A.40, 2A.45,  
19 2A.50, and 2A.55 as follows:

20 (70 ILCS 3615/Art. II-A heading new)

21 ARTICLE II-A. PUBLIC-PRIVATE PARTNERSHIPS.

22 (70 ILCS 3615/2A.01 new)

23 Sec. 2A.01. Definitions. As used in this Article:

1       "Contractor" means a private entity that has entered into a  
2 public-private agreement with the Authority or a Service Board  
3 to provide services to or on behalf of the Authority or the  
4 Service Board.

5       "Develop" or "development" means to do one or more of the  
6 following: plan, design, develop, lease, acquire, install,  
7 construct, reconstruct, rehabilitate, extend, or expand.

8       "Maintain" or "maintenance" includes ordinary maintenance,  
9 repair, rehabilitation, capital maintenance, maintenance  
10 replacement, and any other categories of maintenance that may  
11 be designated by the Authority or a Service Board.

12       "Mass transportation project" or "project" means all or any  
13 portion of a project undertaken under this Article with respect  
14 to any new or existing mass transit facility, public  
15 transportation facility, or other transportation facility or  
16 infrastructure under the jurisdiction of the Authority or a  
17 Service Board.

18       "Offeror" means a private entity that has submitted a  
19 proposal for a public-private agreement under this Article.

20       "Private entity" means any combination of one or more  
21 individuals, corporations, general partnerships, limited  
22 liability companies, limited partnerships, joint ventures,  
23 business trusts, nonprofit entities, or other business  
24 entities that are parties to a proposal for a mass  
25 transportation project or an agreement related to a mass  
26 transportation project. A public agency may provide services to

1 a contractor as a subcontractor or subconsultant without  
2 affecting the private status of the private entity and the  
3 ability to enter into a public-private agreement.

4 "Public-private agreement" means the public-private  
5 agreement between the contractor and the Authority or a Service  
6 Board relating to one or more of the development, financing, or  
7 operation of a mass transportation project that is entered into  
8 under this Article.

9 "Request for proposals" means all materials and documents  
10 prepared by or on behalf of the Authority or a Service Board to  
11 solicit proposals from offerors to enter into a public-private  
12 agreement.

13 "Request for qualifications" means all materials and  
14 documents prepared by or on behalf of the Authority or a  
15 Service Board to solicit qualification submittals from  
16 offerors to enter into a public-private agreement.

17 "Revenues" means all revenues, including any combination  
18 of: income; earnings and interest; user fees; lease payments;  
19 allocations; federal, State, and local appropriations, grants,  
20 loans, lines of credit, and credit guarantees; bond proceeds;  
21 equity investments; service payments; or other receipts;  
22 arising out of or in connection with a transportation project,  
23 including the development, financing, and operation of a  
24 transportation project. The term includes money received as  
25 grants, loans, lines of credit, credit guarantees, or otherwise  
26 in aid of a mass transportation project from the federal

1 government, the State, a unit of local government, or any  
2 agency or instrumentality of the federal government, the State,  
3 or a unit of local government.

4 "User fees" means the rates, fees, or other charges imposed  
5 by the contractor for use of all or a portion of a mass  
6 transportation project under a public-private agreement.

7 (70 ILCS 3615/2A.05 new)

8 Sec. 2A.05. Formation of public-private agreements;  
9 project planning.

10 (a) The Authority and the Service Boards may exercise the  
11 powers granted by this Article to do some or all of develop,  
12 finance, and operate any part of one or more mass  
13 transportation projects through public-private agreements with  
14 one or more private entities. The Authority and each of the  
15 Service Boards may use the revenues arising out of one mass  
16 transportation project or public-private agreement and use  
17 them for some or all of developing, financing, and operating  
18 any part of one or more additional or other mass transportation  
19 projects through public-private agreements with one or more  
20 private entities or as otherwise deemed appropriate by the  
21 Authority or the Service Board.

22 (b) A contractor has:

23 (1) all powers allowed by law generally to a private  
24 entity having the same form of organization as the  
25 contractor; and

1           (2) the power to develop, finance, and operate the mass  
2           transportation project and impose user fees in connection  
3           with the use of the mass transportation project, subject to  
4           the terms of the public-private agreement.

5           No user fees may be imposed by the contractor except as set  
6           forth in a public-private agreement.

7           (c) Each year, at least 30 days prior to the beginning of  
8           the Authority's and each Service Board's fiscal year, the  
9           Authority and each Service Board shall submit a description of  
10           potential projects that the Authority and each Service Board is  
11           considering undertaking under this Article to:

12           (1) the General Assembly, with respect to all such  
13           projects;

14           (2) each county, municipality, and metropolitan  
15           planning organization, with respect to each project  
16           located within its boundaries; and

17           (3) the Authority, with respect to each project that  
18           each Service Board is considering undertaking.

19           (d) Any project undertaken under this Article shall be  
20           subject to all applicable planning requirements otherwise  
21           required by law, including land use planning, regional  
22           planning, transportation planning, and environmental  
23           compliance requirements.

24           (e) Any new transportation facility developed as a project  
25           under this Article must be consistent with the metropolitan  
26           planning organization's regional plan then in existence with

1 respect to each project located within a metropolitan planning  
2 organization's boundaries.

3 (70 ILCS 3615/2A.10 new)

4 Sec. 2A.10. Procurement process.

5 (a) The Authority and each of the Service Boards may  
6 request proposals from private entities for some or all of the  
7 development, financing, and operation of one or more mass  
8 transportation projects.

9 (b) The Authority and each of the Service Boards may pursue  
10 a competitive proposal process using a request for  
11 qualifications and a request for proposals process or proceed  
12 directly to a request for proposals.

13 (c) If the Authority or the Service Board elects to utilize  
14 a request for qualifications phase, it shall provide a public  
15 notice of the request for qualifications for such period as  
16 deemed appropriate or warranted by the Authority or the Service  
17 Board and shall set forth requirements and evaluation criteria  
18 in the request for qualifications. Upon receipt of  
19 qualifications, the Authority or the Service Board shall choose  
20 which parties that have submitted qualifications, if any, meet  
21 the requirements and evaluation criteria in the request for  
22 qualifications and shall issue requests for proposals only to  
23 those parties.

24 (d) If the Authority or the Service Board has not issued a  
25 request for qualification under this Section and intends to use

1 only a request for proposals procurement, the Authority or the  
2 Service Board shall provide a public notice of the request for  
3 proposals for a period deemed appropriate or warranted by the  
4 Authority or the Service Board.

5 (e) A request for proposals shall:

6 (1) indicate in general terms the scope of work, goods,  
7 and services sought to be procured;

8 (2) contain or incorporate by reference the  
9 specifications and contractual terms and conditions  
10 applicable to the procurement and the mass transportation  
11 project;

12 (3) specify the factors, criteria, and other  
13 information that will be used in evaluating the proposals;

14 (4) contain or incorporate by reference the other  
15 applicable contractual terms and conditions; and

16 (5) contain or incorporate by reference any other  
17 provisions, materials, or documents the Authority or the  
18 Service Board deems appropriate.

19 (f) The Authority or the Service Board shall determine the  
20 evaluation criteria that are most appropriate for each mass  
21 transportation project and shall set forth those criteria in  
22 the request for proposals. The Authority or the Service Board  
23 may use (i) a selection process that results in selection of  
24 the proposal offering the best value to the public, (ii) a  
25 selection process that results in selection of the proposal  
26 offering the lowest price or cost or the highest payment to, or

1 revenue sharing with, the Authority or the Service Board, (iii)  
2 a selection process that results in the imposition of the  
3 lowest amount of user fees, or (iv) any other selection process  
4 that the Authority or the Service Board determines is in the  
5 best interests of the public.

6 (g) After the procedures required in this Article have been  
7 completed, the Authority or the Service Board shall make a  
8 determination as to whether the successful offeror should be  
9 designated as the contractor for the mass transportation  
10 project.

11 (h) After designating the successful offeror as the  
12 contractor for the project, the Authority or the Service Board  
13 shall execute the public-private agreement and publish notice  
14 of the execution of the public-private agreement.

15 (i) Any action to contest the validity of a public-private  
16 agreement entered into under this Article must be brought no  
17 later than 30 days after the date of publication of the notice  
18 of execution of the public-private agreement.

19 (j) In addition to any other rights under this Article, in  
20 connection with any procurement under this Article, the  
21 following rights are reserved to the Authority and each of the  
22 Service Boards:

23 (1) to withdraw a request for qualifications or a  
24 request for proposals at any time. The Authority or the  
25 Service Board may then publish a new request for  
26 qualifications or request for proposals;



1           (2) to not award a public-private agreement for any  
2           reason;

3           (3) to request clarifications to any qualification  
4           submittal or request for proposals or seek one or more  
5           revised proposals or one or more best and final offers or  
6           conduct negotiations with one or more offerors;

7           (4) to modify, during the pendency of a procurement,  
8           the terms, provisions, and conditions of a request for  
9           qualification or request for proposals or the technical  
10          specifications or form of a public-private agreement;

11          (5) to interview offerors; and

12          (6) any other rights available to the Authority or the  
13          Service Board under applicable law and regulations.

14          (70 ILCS 3615/2A.15 new)

15          Sec. 2A.15. Public-private agreements.

16          (a) Before developing, financing, or operating the mass  
17          transportation project, the contractor shall enter into a  
18          public-private agreement with the Authority or the Service  
19          Board. Subject to the other provisions of this Article, the  
20          Authority or the Service Board and a private entity may enter  
21          into a public-private agreement with respect to a project.  
22          Subject to the requirements of this Article, a public-private  
23          agreement may provide that the private entity, acting on behalf  
24          of the Authority or the Service Board, is partially or entirely  
25          responsible for any combination of developing, financing, or

1 operating the mass transportation project under terms set forth  
2 in the public-private agreement.

3 (b) The public-private agreement may, as determined  
4 appropriate by the Authority or the Service Board for the  
5 particular mass transportation project, provide for some or all  
6 of the following:

7 (1) Construction of the mass transportation project  
8 under terms set forth in the public-private agreement,  
9 which may include design-build construction.

10 (2) Delivery of performance and payment bonds or other  
11 performance security determined suitable by the Authority  
12 or the Service Board, including letters of credit, United  
13 States bonds and notes, parent guaranties, and cash  
14 collateral, in connection with the development, financing,  
15 or operation of the mass transportation project, in the  
16 forms and amounts set forth in the public-private agreement  
17 or otherwise determined as satisfactory by the Authority or  
18 the Service Board, to protect the Authority or the Service  
19 Board and payment bond beneficiaries who have a direct  
20 contractual relationship with the contractor or a  
21 subcontractor of the contractor to supply labor or  
22 material. The payment or performance bond or alternative  
23 form of performance security is not required for the  
24 portion of a public-private agreement that includes only  
25 design, planning or financing services, the performance of  
26 preliminary studies, or the acquisition of real property.

1           (3) Review of plans for any development or operation,  
2           or both, of the mass transportation project by the  
3           Authority or the Service Board.

4           (4) Inspection of any construction of or improvements  
5           to the mass transportation project by the Authority or the  
6           Service Board or another entity designated by the Authority  
7           or the Service Board or under the public-private agreement  
8           to ensure that the construction or improvements conform to  
9           the standards set forth in the public-private agreement or  
10           are otherwise acceptable to the Authority or the Service  
11           Board.

12           (5) Maintenance of:

13           (A) one or more policies of public liability  
14           insurance (copies of which shall be filed with the  
15           Authority or the Service Board accompanied by proofs of  
16           coverage); or

17           (B) self-insurance;

18           each in form and amount as set forth in the public-private  
19           agreement or otherwise satisfactory to the Authority or the  
20           Service Board as reasonably sufficient to insure coverage  
21           of tort liability to the public and employees and to enable  
22           the continued operation of the mass transportation  
23           project.

24           (6) Where operations are included within the  
25           contractor's obligations under the public-private  
26           agreement, monitoring of the maintenance practices of the

1 contractor by the Authority or the Service Board or another  
2 entity designated by the Authority or the Service Board or  
3 under the public-private agreement and the taking of the  
4 actions the Authority or the Service Board finds  
5 appropriate to ensure that the mass transportation project  
6 is properly maintained.

7 (7) Reimbursement to be paid to the Authority or the  
8 Service Board as set forth in the public-private agreement  
9 for services provided by the Authority or the Service  
10 Board.

11 (8) Filing of appropriate financial statements and  
12 reports as set forth in the public-private agreement or as  
13 otherwise in a form acceptable to the Authority or the  
14 Service Board on a periodic basis.

15 (9) Compensation or payments to the contractor.  
16 Compensation or payments may include any or a combination  
17 of the following:

18 (A) a base fee and additional fee for project  
19 savings as the design-builder of a construction  
20 project;

21 (B) a development fee, payable on a lump sum basis,  
22 progress payment basis, time and materials basis, or  
23 another basis deemed appropriate by the Authority or  
24 the Service Board;

25 (C) an operations fee, payable on a lump-sum basis,  
26 time and material basis, periodic basis, or another

1 basis deemed appropriate by the Authority or the  
2 Service Board;

3 (D) some or all of the revenues, if any, arising  
4 out of operation of the mass transportation project;

5 (E) a maximum rate of return on investment or  
6 return on equity or a combination of the 2;

7 (F) in-kind services, materials, property,  
8 equipment, or other items;

9 (G) compensation in the event of any termination;

10 or

11 (H) other compensation set forth in the  
12 public-private agreement or otherwise deemed  
13 appropriate by the Authority or the Service Board.

14 (10) Compensation or payments to the Authority or the  
15 Service Board, if any. Compensation or payments may include  
16 any or a combination of the following:

17 (A) a concession or lease payment or other fee,  
18 which may be payable upfront or on a periodic basis or  
19 on another basis deemed appropriate by the Authority or  
20 the Service Board;

21 (B) sharing of revenues, if any, from the operation  
22 of the mass transportation project;

23 (C) sharing of project savings from the  
24 construction of the mass transportation project;

25 (D) payment for any services, materials,  
26 equipment, personnel, or other items provided by the

1 Authority or the Service Board to the contractor under  
2 the public-private agreement or in connection with the  
3 mass transportation project; or

4 (E) other compensation set forth in the  
5 public-private agreement or otherwise deemed  
6 appropriate by the Authority or the Service Board.

7 (11) The date and terms of termination of the  
8 contractor's authority and duties under the public-private  
9 agreement and the circumstances under which the  
10 contractor's authority and duties may be terminated prior  
11 to that date.

12 (12) Reversion of the mass transportation project to  
13 the Authority or the Service Board at the termination or  
14 expiration of the public-private agreement.

15 (13) Rights and remedies of the Authority or the  
16 Service Board in the event that the contractor defaults or  
17 otherwise fails to comply with the terms of the  
18 public-private agreement.

19 (14) Other terms, conditions, and provisions that the  
20 Authority or the Service Board believes are in the public  
21 interest.

22 (c) The Authority and each Service Board may fix and revise  
23 the amounts of user fees that a contractor may charge and  
24 collect for the use of any part of a mass transportation  
25 project in accordance with the public-private agreement. In  
26 fixing the amounts, the Authority and the Service Board may

1 establish maximum amounts for the user fees and may provide  
2 that the maximums and any increases or decreases of those  
3 maximums shall be based upon the indices, methodologies, or  
4 other factors the Authority or the Service Board considers  
5 appropriate.

6 (d) A public-private agreement may:

7 (1) authorize user fees in any manner determined  
8 appropriate by the Authority or the Service Board for the  
9 mass transportation project;

10 (2) authorize the contractor to adjust the user fees  
11 for the use of the mass transportation project, so long as  
12 the amounts charged and collected by the contractor do not  
13 exceed the maximum amounts established by the Authority or  
14 the Service Board under this Article;

15 (3) provide that any adjustment by the contractor  
16 permitted under paragraph (2) of this subsection (d) may be  
17 based on the indices, methodologies, or other factors  
18 described in the public-private agreement or approved by  
19 the Authority or the Service Board;

20 (4) authorize the contractor to charge and collect user  
21 fees through methods determined appropriate by the  
22 Authority or the Service Board for the mass transportation  
23 project; and

24 (5) authorize the collection of user fees by a third  
25 party.

26 (e) In the public-private agreement, the Authority or the

1 Service Board may agree to make grants or loans for the  
2 development or operation, or both, of the mass transportation  
3 project from time to time from amounts received from the  
4 federal government or any agency or instrumentality of the  
5 federal government or from any State or local agency.

6 (f) Upon the termination or expiration of the  
7 public-private agreement, including a termination for default,  
8 the Authority or the Service Board shall have the right to take  
9 over the mass transportation project and to succeed to all of  
10 the right, title, and interest in the mass transportation  
11 project, subject to any liens on revenues previously granted by  
12 the contractor to any person providing financing for the mass  
13 transportation project.

14 (g) If the Authority or a Service Board elects to take over  
15 a mass transportation project as provided in subsection (f),  
16 the Authority or the Service Board may do the following:

17 (1) develop, finance, or operate the project; or

18 (2) impose, collect, retain, and use user fees, if any,  
19 for the project.

20 (h) If a transportation agency elects to take over a mass  
21 transportation project as provided in subsection (f), the  
22 Authority or the Service Board may use the revenues, if any,  
23 for any lawful purpose, including to:

24 (1) make payments to individuals or entities in  
25 connection with any financing of the mass transportation  
26 project;



1           (2) pay development costs of the project;

2           (3) pay current operation costs of the project or  
3           facilities;

4           (4) pay the contractor for any compensation or payment  
5           owing upon termination; and

6           (5) pay for the development, financing, or operation of  
7           any other project or projects the Authority or the Service  
8           Board deems appropriate.

9           (i) The full faith and credit of the State, any political  
10          subdivision of the State, the Authority, or any of the Service  
11          Boards is not pledged to secure any financing of the contractor  
12          by the election to take over the mass transportation project.  
13          Assumption of development or operation, or both, of the mass  
14          transportation project does not obligate the State, any  
15          political subdivision of the State, the Authority, or any of  
16          the Service Boards to pay any obligation of the contractor.

17          (j) Notwithstanding any other provision of this Article,  
18          the Authority or a Service Board may enter into a  
19          public-private agreement with multiple private entities if the  
20          Authority or the Service Board determines in writing that it is  
21          in the public interest to do so.

22               (70 ILCS 3615/2A.20 new)

23               Sec. 2A.20. Development and operations standards for mass  
24               transportation projects.

25               (a) The plans and specifications, if any, for each project

1 developed under this Article must comply with:

2 (1) the Authority's or the Service Board's standards  
3 for other projects of a similar nature or as otherwise  
4 provided in the public-private agreement; and

5 (2) any other applicable State or federal standards.

6 (b) Any local or State agency may enter into agreements  
7 with the contractor for maintenance or other services under  
8 this Article.

9 (70 ILCS 3615/2A.25 new)

10 Sec. 2A.25. Financial arrangements.

11 (a) The Authority and each Service Board may do any  
12 combination of applying for, executing, or endorsing  
13 applications submitted by private entities to obtain federal,  
14 State, or local credit assistance for mass transportation  
15 projects developed, financed, or operated under this Article,  
16 including loans, lines of credit, and guarantees.

17 (b) The Authority and each Service Board may take any  
18 action to obtain federal, State, or local assistance for a mass  
19 transportation project that serves the public purpose of this  
20 Article and may enter into any contracts required to receive  
21 the federal assistance. The Authority and each Service Board  
22 may determine that it serves the public purpose of this Article  
23 for all or any portion of the costs of a mass transportation  
24 project to be paid, directly or indirectly, from the proceeds  
25 of a grant, loan, line of credit, or loan guarantee made by a

1 local, State, or federal government or any agency or  
2 instrumentality of a local, State, or federal government.

3 (c) The Authority and each Service Board may agree to make  
4 grants or loans for the development, financing, or operation of  
5 a mass transportation project from time to time from amounts  
6 received from the federal, State, or local government or any  
7 agency or instrumentality of the federal, State, or local  
8 government.

9 (d) Any financing of a mass transportation project may be  
10 in the amounts and upon the terms and conditions that are  
11 determined by the parties to the public-private agreement.

12 (e) For the purpose of financing a mass transportation  
13 project, the contractor, the Authority, and each Service Board  
14 may do the following:

15 (1) propose to use any and all revenues that may be  
16 available to them;

17 (2) enter into grant agreements;

18 (3) access any other funds available to the Authority  
19 or the Service Board; and

20 (4) accept grants from the Authority or the Service  
21 Board or another public or private agency or entity.

22 (f) For the purpose of financing a mass transportation  
23 project, public funds may be used and mixed and aggregated with  
24 funds provided by or on behalf of the contractor or other  
25 private entities.

26 (g) For the purpose of financing a mass transportation

1 project, the Authority and each Service Board shall be  
2 authorized to apply for, obtain, issue, and use private  
3 activity bonds available under any federal law or program, as  
4 well as financing available under any other federal law or  
5 program.

6 (h) Any bonds, debt, or other securities or other financing  
7 issued for the purposes of this Article shall not be deemed to  
8 constitute a debt of the State or any political subdivision of  
9 the State or a pledge of the faith and credit of the State or  
10 any political subdivision of the State.

11 (70 ILCS 3615/2A.30 new)

12 Sec. 2A.30. Acquisition of property.

13 (a) The Authority and each Service Board may exercise any  
14 power of condemnation that it has under law for the purpose of  
15 acquiring any lands or estates or interests in land for a mass  
16 transportation project, to the extent provided in the  
17 public-private agreement or otherwise to the extent that the  
18 Authority or the Service Board finds that the action serves the  
19 public purpose of this Article.

20 (b) The Authority and each Service Board and a contractor  
21 may enter into the leases, licenses, easements, and other  
22 grants of property interests that the Authority and each  
23 Service Board determines necessary to carry out this Article.

24 (70 ILCS 3615/2A.35 new)

1       Sec. 2A.35. Labor; law enforcement.

2       (a) A public-private agreement related to a mass  
3 transportation project pertaining to an existing  
4 transportation facility shall require the contractor to assume  
5 all existing collective bargaining agreement obligations  
6 related to employees of the Authority or Service Board employed  
7 in relation to that facility.

8       (b) A public-private agreement related to a mass  
9 transportation project pertaining to a new transportation  
10 facility shall require the contractor to enter into a project  
11 labor agreement that must include provisions establishing the  
12 minimum hourly wage, benefits, and other compensation for each  
13 class of labor organization employee and such other terms as  
14 are negotiated between the contractor and the labor  
15 organizations.

16       (c) All law enforcement officers of the State and of each  
17 affected local jurisdiction have the same powers and  
18 jurisdiction within the limits of the mass transportation  
19 project as they have in their respective areas of jurisdiction.

20       (d) Law enforcement officers shall have access to the mass  
21 transportation project at any time for the purpose of  
22 exercising the law enforcement officers' powers and  
23 jurisdiction.

24       (e) Punishment for infractions and offenses shall be as  
25 prescribed by law for conduct occurring on similar projects in  
26 the jurisdiction.

1 (70 ILCS 3615/2A.40 new)

2 Sec. 2A.40. Term of agreement; reversion of property to the  
3 Authority or Service Board.

4 (a) The term of a public-private agreement, including all  
5 extensions, may not exceed 99 years.

6 (b) The Authority or the Service Board shall terminate the  
7 contractor's authority and duties under the public-private  
8 agreement on the date set forth in the public-private  
9 agreement.

10 (c) Upon termination of the public-private agreement, the  
11 authority and duties of the contractor under this Article  
12 cease, except for those duties and obligations that extend  
13 beyond the termination, as set forth in the public-private  
14 agreement, and the mass transportation project shall revert to  
15 the Authority or the Service Board.

16 (70 ILCS 3615/2A.45 new)

17 Sec. 2A.45. Additional powers of the Authority and the  
18 Service Boards with respect to mass transportation projects.

19 (a) The Authority and the Service Boards may exercise any  
20 powers provided under this Article in participation or  
21 cooperation with any governmental entity and enter into any  
22 contracts to facilitate that participation or cooperation  
23 without compliance with any other statute.

24 (b) The Authority and the Service Boards may make and enter

1 into all contracts and agreements necessary or incidental to  
2 the performance of the Authority's or the Service Board's  
3 duties and the execution of the Authority's or the Service  
4 Board's powers under this Article. Except as otherwise required  
5 by law, these contracts or agreements are not subject to any  
6 approvals other than the approval of the Authority or the  
7 Service Board and may be for any term of years and contain any  
8 terms that are considered reasonable by the Authority or the  
9 Service Board.

10 (c) The Authority and the Service Boards may pay the costs  
11 incurred under a public-private agreement entered into under  
12 this Article from any funds available to the Authority or the  
13 Service Boards under this Article or any other statute.

14 (d) A State agency may not take any action that would  
15 impair a public-private agreement entered into under this  
16 Article.

17 (70 ILCS 3615/2A.50 new)

18 Sec. 2A.50. Powers liberally construed. The powers  
19 conferred by this Article shall be liberally construed in order  
20 to accomplish their purposes and shall be in addition and  
21 supplemental to the powers conferred by any other law. If any  
22 other law or rule is inconsistent with this Article, this  
23 Article is controlling as to any public-private agreement  
24 entered into under this Article.

1 (70 ILCS 3615/2A.55 new)

2 Sec. 2A.55. Full and complete authority. This Article  
3 contains full and complete authority for agreements and leases  
4 with private entities to carry out the activities described in  
5 this Article. Except as otherwise required by law, no  
6 procedure, proceedings, publications, notices, consents,  
7 approvals, orders, or acts by the Authority or the Service  
8 Board or any other State or local agency or official are  
9 required to enter into an agreement or lease.

10 Section 955. The Toll Highway Act is amended by adding  
11 Section 11.1 as follows:

12 (605 ILCS 10/11.1 new)

13 Sec. 11.1. Public-private partnerships. The Authority may  
14 exercise all powers granted to it under the Public-Private  
15 Partnerships for Transportation Act.

16 Section 960. The Prevailing Wage Act is amended by changing  
17 Section 2 as follows:

18 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

19 Sec. 2. This Act applies to the wages of laborers,  
20 mechanics and other workers employed in any public works, as  
21 hereinafter defined, by any public body and to anyone under  
22 contracts for public works.



1           As used in this Act, unless the context indicates  
2 otherwise:

3           "Public works" means all fixed works constructed by any  
4 public body, other than work done directly by any public  
5 utility company, whether or not done under public supervision  
6 or direction, or paid for wholly or in part out of public  
7 funds. "Public works" as defined herein includes all projects  
8 financed in whole or in part with bonds issued under the  
9 Industrial Project Revenue Bond Act (Article 11, Division 74 of  
10 the Illinois Municipal Code), the Industrial Building Revenue  
11 Bond Act, the Illinois Finance Authority Act, the Illinois  
12 Sports Facilities Authority Act, or the Build Illinois Bond  
13 Act, and all projects financed in whole or in part with loans  
14 or other funds made available pursuant to the Build Illinois  
15 Act. "Public works" also includes (i) all projects financed in  
16 whole or in part with funds from the Fund for Illinois' Future  
17 under Section 6z-47 of the State Finance Act, funds for school  
18 construction under Section 5 of the General Obligation Bond  
19 Act, funds authorized under Section 3 of the School  
20 Construction Bond Act, funds for school infrastructure under  
21 Section 6z-45 of the State Finance Act, and funds for  
22 transportation purposes under Section 4 of the General  
23 Obligation Bond Act. "Public works" also includes all projects  
24 financed in whole or in part with funds from the Department of  
25 Commerce and Economic Opportunity under the Illinois Renewable  
26 Fuels Development Program Act for which there is no project

1 labor agreement and (ii) all projects undertaken under a  
2 public-private agreement under the Public-Private Partnerships  
3 for Transportation Act or Article II-A of the Regional  
4 Transportation Authority Act. "Public works" also includes all  
5 projects at leased facility property used for airport purposes  
6 under Section 35 of the Local Government Facility Lease Act.

7 "Construction" means all work on public works involving  
8 laborers, workers or mechanics.

9 "Locality" means the county where the physical work upon  
10 public works is performed, except (1) that if there is not  
11 available in the county a sufficient number of competent  
12 skilled laborers, workers and mechanics to construct the public  
13 works efficiently and properly, "locality" includes any other  
14 county nearest the one in which the work or construction is to  
15 be performed and from which such persons may be obtained in  
16 sufficient numbers to perform the work and (2) that, with  
17 respect to contracts for highway work with the Department of  
18 Transportation of this State, "locality" may at the discretion  
19 of the Secretary of the Department of Transportation be  
20 construed to include two or more adjacent counties from which  
21 workers may be accessible for work on such construction.

22 "Public body" means the State or any officer, board or  
23 commission of the State or any political subdivision or  
24 department thereof, or any institution supported in whole or in  
25 part by public funds, and includes every county, city, town,  
26 village, township, school district, irrigation, utility,

1 reclamation improvement or other district and every other  
2 political subdivision, district or municipality of the state  
3 whether such political subdivision, municipality or district  
4 operates under a special charter or not.

5 The terms "general prevailing rate of hourly wages",  
6 "general prevailing rate of wages" or "prevailing rate of  
7 wages" when used in this Act mean the hourly cash wages plus  
8 fringe benefits for training and apprenticeship programs  
9 approved by the U.S. Department of Labor, Bureau of  
10 Apprenticeship and Training, health and welfare, insurance,  
11 vacations and pensions paid generally, in the locality in which  
12 the work is being performed, to employees engaged in work of a  
13 similar character on public works.

14 (Source: P.A. 93-15, eff. 6-11-03; 93-16, eff. 1-1-04; 93-205,  
15 eff. 1-1-04; 94-750, eff. 5-9-06.)

16 Section 999. Effective date. This Act takes effect upon  
17 becoming law.

1 INDEX  
2 Statutes amended in order of appearance

3 New Act

4 20 ILCS 2705/2705-220 new

5 20 ILCS 3501/825-90 new

6 30 ILCS 500/1-10

7 30 ILCS 550/1.5 new

8 30 ILCS 560/4.5 new

9 30 ILCS 570/2.5 new

10 30 ILCS 575/2.5 new

11 35 ILCS 120/1q new

12 35 ILCS 200/15-55

13 35 ILCS 200/15-100

14 70 ILCS 3615/Art. II-A

15 heading new

16 70 ILCS 3615/2A.01 new

17 70 ILCS 3615/2A.05 new

18 70 ILCS 3615/2A.10 new

19 70 ILCS 3615/2A.15 new

20 70 ILCS 3615/2A.20 new

21 70 ILCS 3615/2A.25 new

22 70 ILCS 3615/2A.30 new

23 70 ILCS 3615/2A.35 new

24 70 ILCS 3615/2A.40 new

25 70 ILCS 3615/2A.45 new

1 70 ILCS 3615/2A.50 new

2 70 ILCS 3615/2A.55 new

3 605 ILCS 10/11.1 new

4 820 ILCS 130/2 from Ch. 48, par. 39s-2