



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 108

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 108 by replacing  
3 everything after the enacting clause with the following:

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

1 the potential to promote the development of transportation  
2 facilities in the State as well as investment in the State.

3 (d) It is the intent of this Act to promote public-private  
4 partnerships for transportation by authorizing the Department  
5 and the Authority to enter into public-private agreements for  
6 the development, operation, and financing of transportation  
7 facilities.

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

9 "Authority" means the Illinois State Toll Highway  
10 Authority.

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

14 "Department" means the Illinois Department of  
15 Transportation.

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

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

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

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

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

3 "Private entity" means any combination of one or more  
4 individuals, corporations, general partnerships, limited  
5 liability companies, limited partnerships, joint ventures,  
6 business trusts, nonprofit entities, or other business  
7 entities that are parties to a proposal for a transportation  
8 project or an agreement related to a transportation project. A  
9 public agency may provide services to a contractor as a  
10 subcontractor or subconsultant without affecting the private  
11 status of the private entity and the ability to enter into a  
12 public-private agreement.

13 "Public-private agreement" means the public-private  
14 agreement between the contractor and the transportation agency  
15 relating to one or more of the development, financing, or  
16 operation of a transportation project that is entered into  
17 under this Act.

18 "Request for proposals" means all materials and documents  
19 prepared by or on behalf of the transportation agency to  
20 solicit proposals from offerors to enter into a public-private  
21 agreement.

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

26 "Revenues" means all revenues, including any combination

1 of: income; earnings and interest; user fees; lease payments;  
2 allocations; federal, State, and local appropriations, grants,  
3 loans, lines of credit, and credit guarantees; bond proceeds;  
4 equity investments; service payments; or other receipts;  
5 arising out of or in connection with a transportation project,  
6 including the development, financing, and operation of a  
7 transportation project. The term includes money received as  
8 grants, loans, lines of credit, credit guarantees, or otherwise  
9 in aid of a transportation project from the federal government,  
10 the State, a unit of local government, or any agency or  
11 instrumentality of the federal government, the State, or a unit  
12 of local government.

13 "Transportation agency" means the Department or the  
14 Authority.

15 "Transportation project" or "project" means a project  
16 undertaken under this Act with respect to all or a portion of  
17 any new or existing road, highway, toll highway, bridge,  
18 tunnel, intermodal facility, or other transportation facility  
19 or infrastructure under the jurisdiction of the transportation  
20 agency; a transportation project may not, however, include an  
21 airport located within a county with a population of more than  
22 500,000.

23 "User fees" or "tolls" means the rates, tolls, fees, or  
24 other charges imposed by the contractor for use of all or a  
25 portion of a transportation project under a public-private  
26 agreement.

1 Section 15. Formation of public-private agreements;  
2 project planning.

3 (a) Each transportation agency may exercise the powers  
4 granted by this Act to do some or all of develop, finance, and  
5 operate any part of one or more transportation projects through  
6 public-private agreements with one or more private entities.  
7 Each transportation agency may use the revenues arising out of  
8 one transportation project or public-private agreement and use  
9 them for some or all of developing, financing, and operating  
10 any part of one or more additional or other transportation  
11 projects through public-private agreements with one or more  
12 private entities or as otherwise deemed appropriate by the  
13 transportation agency.

14 (b) A contractor has:

15 (1) all powers allowed by law generally to a private  
16 entity having the same form of organization as the  
17 contractor; and

18 (2) the power to develop, finance, and operate the  
19 transportation project and to impose user fees in  
20 connection with the use of the transportation project,  
21 subject to the terms of the public-private agreement.

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

24 (c) Each year, at least 30 days prior to the beginning of  
25 the transportation agency's fiscal year, and at other times the

1 transportation agency deems necessary, the transportation  
2 agency shall submit for review, to the President of the Senate,  
3 the Speaker of the House of Representatives, the Minority  
4 Leader of the Senate, and the Minority Leader of the House of  
5 Representatives, a description of potential projects that the  
6 transportation agency is considering undertaking under this  
7 Act. The transportation agency may undertake any potential  
8 project regarding which it has submitted a description unless,  
9 within 60 days of their receipt of the description of the  
10 potential project, the transportation agency receives notice  
11 to the contrary from the President of the Senate, the Speaker  
12 of the House of Representatives, the Minority Leader of the  
13 Senate, and the Minority Leader of the House of  
14 Representatives.

15 (d) Each year, at least 30 days prior to the beginning of  
16 the transportation agency's fiscal year, the transportation  
17 agency shall submit a description of potential projects that  
18 the transportation agency is considering undertaking under  
19 this Act to each county, municipality, and metropolitan  
20 planning organization, with respect to each project located  
21 within its boundaries.

22 (e) Any project undertaken under this Act shall be subject  
23 to all applicable planning requirements otherwise required by  
24 law, including land use planning, regional planning,  
25 transportation planning, and environmental compliance  
26 requirements.

1           (f) Any new transportation facility developed as a project  
2 under this Act must be consistent with the metropolitan  
3 planning organization's regional plan then in existence with  
4 respect to each project located within a metropolitan planning  
5 organization's boundaries.

6           Section 20. Procurement process.

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

10          (b) The transportation agency may pursue a competitive  
11 proposal process using a request for qualifications and a  
12 request for proposals process or proceed directly to a request  
13 for proposals.

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

24          (d) If the transportation agency has not issued a request  
25 for qualification under this Section and intends to use only a

1 request for proposals procurement, the transportation agency  
2 shall provide a public notice of the request for proposals for  
3 a period deemed appropriate or warranted by the transportation  
4 agency.

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 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 transportation  
18 agency deems appropriate.

19 (f) The transportation agency shall determine the  
20 evaluation criteria that are most appropriate for each  
21 transportation project and shall set forth those criteria in  
22 the request for proposals. The transportation agency may use

23 (i) a selection process that results in selection of the  
24 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 transportation agency, (iii) a  
2 selection process that results in the imposition of tolls for  
3 the shortest period, or (iv) any other selection process that  
4 the transportation agency determines is in the best interests  
5 of the State and the public.

6 (g) After the procedures required in this Act have been  
7 completed, the transportation agency shall make a  
8 determination as to whether the successful offeror should be  
9 designated as the contractor for the transportation project.

10 (h) After designating the successful offeror as the  
11 contractor for the project, the transportation agency shall  
12 execute the public-private agreement and publish notice of the  
13 execution of the public-private agreement.

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

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

21 (1) to withdraw a request for qualifications or a  
22 request for proposals at any time. The transportation  
23 agency may then publish a new request for qualifications or  
24 request for proposals;

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

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

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

9           (5) to interview offerors; and

10          (6) any other rights available to the transportation  
11          agency under applicable law and regulations.

12          Section 25. Public-private agreements.

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

25          (b) The public-private agreement may, as determined

1 appropriate by the transportation agency for the particular  
2 transportation project, provide for some or all of the  
3 following:

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

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

24 (3) Review of plans for any development or operation,  
25 or both, of the transportation project by the  
26 transportation agency.

1           (4) Inspection of any construction of or improvements  
2           to the transportation project by the transportation agency  
3           or another entity designated by the transportation agency  
4           or under the public-private agreement to ensure that the  
5           construction or improvements conform to the standards set  
6           forth in the public-private agreement or are otherwise  
7           acceptable to the transportation agency.

8           (5) Maintenance of:

9           (A) one or more policies of public liability  
10          insurance (copies of which shall be filed with the  
11          transportation agency accompanied by proofs of  
12          coverage); or

13          (B) self-insurance;

14          each in form and amount as set forth in the public-private  
15          agreement or otherwise satisfactory to the transportation  
16          agency as reasonably sufficient to insure coverage of tort  
17          liability to the public and employees and to enable the  
18          continued operation of the transportation project.

19          (6) Where operations are included within the  
20          contractor's obligations under the public-private  
21          agreement, monitoring of the maintenance practices of the  
22          contractor by the transportation agency or another entity  
23          designated by the transportation agency or under the  
24          public-private agreement and the taking of the actions the  
25          transportation agency finds appropriate to ensure that the  
26          transportation project is properly maintained.

1           (7) Reimbursement to be paid to the transportation  
2 agency as set forth in the public-private agreement for  
3 services provided by the transportation agency.

4           (8) Filing of appropriate financial statements and  
5 reports as set forth in the public-private agreement or as  
6 otherwise in a form acceptable to the transportation agency  
7 on a periodic basis.

8           (9) Compensation or payments to the contractor.  
9 Compensation or payments may include any or a combination  
10 of the following:

11           (A) a base fee and additional fee for project  
12 savings as the design-builder of a construction  
13 project;

14           (B) a development fee, payable on a lump sum basis,  
15 progress payment basis, time and materials basis, or  
16 another basis deemed appropriate by the transportation  
17 agency;

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

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

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

25           (F) in-kind services, materials, property,  
26 equipment, or other items;

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

2 or

3 (H) other compensation set forth in the  
4 public-private agreement or otherwise deemed  
5 appropriate by the transportation agency.

6 (10) Compensation or payments to the transportation  
7 agency, if any. Compensation or payments may include any or  
8 a combination of the following:

9 (A) a concession or lease payment or other fee,  
10 which may be payable upfront or on a periodic basis or  
11 on another basis deemed appropriate by the  
12 transportation agency;

13 (B) sharing of revenues, if any, from the operation  
14 of the transportation project;

15 (C) sharing of project savings from the  
16 construction of the transportation project;

17 (D) payment for any services, materials,  
18 equipment, personnel, or other items provided by the  
19 transportation agency to the contractor under the  
20 public-private agreement or in connection with the  
21 transportation project; or

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

25 (11) The date and terms of termination of the  
26 contractor's authority and duties under the public-private

1 agreement and the circumstances under which the  
2 contractor's authority and duties may be terminated prior  
3 to that date.

4 (12) Reversion of the transportation project to the  
5 transportation agency at the termination or expiration of  
6 the public-private agreement.

7 (13) Rights and remedies of the transportation agency  
8 in the event that the contractor defaults or otherwise  
9 fails to comply with the terms of the public-private  
10 agreement.

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

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

22 (d) A public-private agreement may:

23 (1) authorize the imposition of tolls in any manner  
24 determined appropriate by the transportation agency for  
25 the transportation project;

26 (2) authorize the contractor to adjust the user fees

1 for the use of the transportation project, so long as the  
2 amounts charged and collected by the contractor do not  
3 exceed the maximum amounts established by the  
4 transportation agency under this Act;

5 (3) provide that any adjustment by the contractor  
6 permitted under paragraph (2) of this subsection (d) may be  
7 based on the indices, methodologies, or other factors  
8 described in the public-private agreement or approved by  
9 the transportation agency;

10 (4) authorize the contractor to charge and collect user  
11 fees through manual and non-manual methods, including, but  
12 not limited to, automatic vehicle identification systems,  
13 electronic toll collection systems, and, to the extent  
14 permitted by law, global positioning system-based,  
15 photo-based, or video-based toll collection enforcement;  
16 and

17 (5) authorize the collection of user fees by a third  
18 party.

19 (e) In the public-private agreement, the transportation  
20 agency may agree to make grants or loans for the development or  
21 operation, or both, of the transportation project from time to  
22 time from amounts received from the federal government or any  
23 agency or instrumentality of the federal government or from any  
24 State or local agency.

25 (f) Upon the termination or expiration of the  
26 public-private agreement, including a termination for default,



1 the transportation agency shall have the right to take over the  
2 transportation project and to succeed to all of the right,  
3 title, and interest in the transportation project, subject to  
4 any liens on revenues previously granted by the contractor to  
5 any person providing financing for the transportation project.

6 (g) If a transportation agency elects to take over a  
7 transportation project as provided in subsection (f), the  
8 transportation agency may do the following:

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

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

12 (h) If a transportation agency elects to take over a  
13 transportation project as provided in subsection (f), the  
14 transportation agency may use the revenues, if any, for any  
15 lawful purpose, including to:

16 (1) make payments to individuals or entities in  
17 connection with any financing of the transportation  
18 project;

19 (2) pay development costs of the project;

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

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

24 (5) pay for the development, financing, or operation of  
25 any other project or projects the transportation agency  
26 deems appropriate.

1           (i) The full faith and credit of the State or any political  
2 subdivision of the State or the transportation agency is not  
3 pledged to secure any financing of the contractor by the  
4 election to take over the transportation project. Assumption of  
5 development or operation, or both, of the transportation  
6 project does not obligate the State or any political  
7 subdivision of the State or the transportation agency to pay  
8 any obligation of the contractor.

9           (j) Notwithstanding any other provision of this Act, the  
10 transportation agency may enter into a public-private  
11 agreement with multiple private entities if the transportation  
12 agency determines in writing that it is in the public interest  
13 to do so.

14           Section 30. Development and operations standards for  
15 transportation projects.

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

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

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

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

24               (1) the State highway system for purposes of  
25 identification, maintenance standards, and enforcement of

1 traffic laws if the highway project is under the  
2 jurisdiction of the Department; or

3 (2) the toll highway system for purposes of  
4 identification, maintenance standards, and enforcement of  
5 traffic laws if the highway project is under the  
6 jurisdiction of the Authority.

7 (c) Any local or State agency may enter into agreements  
8 with the contractor for maintenance or other services under  
9 this Act.

10 Section 35. Financial arrangements.

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

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

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

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

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

11 (e) For the purpose of financing a transportation project,  
12 the contractor and the transportation agency may do the  
13 following:

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

16 (2) enter into grant agreements;

17 (3) access any other funds available to the  
18 transportation agency; and

19 (4) accept grants from the transportation agency or  
20 other public or private agency or entity.

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

25 (g) For the purpose of financing a transportation project,  
26 each transportation agency is authorized to apply for an

1 allocation of tax-exempt bond financing authorization provided  
2 by Section 11143 of the Federal Safe, Accountable, Flexible,  
3 Efficient Transportation Equity Act: A Legacy for Users  
4 (SAFETEA-LU), Public Law 109-59, as well as financing available  
5 under any other federal law or program.

6 (h) Any bonds, debt, or other securities or other financing  
7 issued for the purposes of this Act 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 Section 40. Acquisition of property.

12 (a) The transportation agency may exercise any power of  
13 condemnation that it has under law for the purpose of acquiring  
14 any lands or estates or interests in land for a transportation  
15 project to the extent provided in the public-private agreement  
16 or otherwise to the extent that the transportation agency finds  
17 that the action serves the public purpose of this Act.

18 (b) The transportation agency and a contractor may enter  
19 into the leases, licenses, easements, and other grants of  
20 property interests that the transportation agency determines  
21 necessary to carry out this Act.

22 Section 45. Labor; law enforcement.

23 (a) A public-private agreement related to a transportation  
24 project pertaining to an existing transportation facility

1 shall require the contractor to assume all existing collective  
2 bargaining agreement obligations related to employees of the  
3 transportation agency employed in relation to that facility.

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

11 (c) All law enforcement officers of the State and of each  
12 affected local jurisdiction have the same powers and  
13 jurisdiction within the limits of the transportation project as  
14 they have in their respective areas of jurisdiction.

15 (d) Law enforcement officers shall have access to the  
16 transportation project at any time for the purpose of  
17 exercising the law enforcement officers' powers and  
18 jurisdiction.

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

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

1           Section 50. Term of agreement; reversion of property to  
2 transportation agency.

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

5           (b) The transportation agency shall terminate the  
6 contractor's authority and duties under the public-private  
7 agreement on the date set forth in the public-private  
8 agreement.

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

15           Section 55. Additional powers of transportation agencies  
16 with respect to transportation projects.

17           (a) Each transportation agency may exercise any powers  
18 provided under this Act in participation or cooperation with  
19 any governmental entity and enter into any contracts to  
20 facilitate that participation or cooperation without  
21 compliance with any other statute.

22           (b) Each transportation agency may make and enter into all  
23 contracts and agreements necessary or incidental to the  
24 performance of the transportation agency's duties and the  
25 execution of the transportation agency's powers under this Act.

1 Except as otherwise required by law, these contracts or  
2 agreements are not subject to any approvals other than the  
3 approval of the transportation agency and may be for any term  
4 of years and contain any terms that are considered reasonable  
5 by the transportation agency.

6 (c) Each transportation agency may pay the costs incurred  
7 under a public-private agreement entered into under this Act  
8 from any funds available to the transportation agency under  
9 this Act or any other statute.

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

13 (e) Each transportation agency may enter into an agreement  
14 between and among the contractor, the transportation agency,  
15 and the Department of State Police concerning the provision of  
16 law enforcement assistance with respect to a transportation  
17 project that is the subject of a public-private agreement under  
18 this Act.

19 (f) Each transportation agency is authorized to enter into  
20 arrangements with the Department of State Police related to  
21 costs incurred in providing law enforcement assistance under  
22 this Act.

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



1           Section 65. Powers liberally construed. The powers  
2 conferred by this Act shall be liberally construed in order to  
3 accomplish their purposes and shall be in addition and  
4 supplemental to the powers conferred by any other law. If any  
5 other law or rule is inconsistent with this Act, this Act is  
6 controlling as to any public-private agreement entered into  
7 under this Act.

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

16           Section 905. The Department of Transportation Law of the  
17 Civil Administrative Code of Illinois is amended by adding  
18 Section 2705-220 as follows:

19           (20 ILCS 2705/2705-220 new)

20           Sec. 2705-220. Public-private partnerships for  
21 transportation. The Department may exercise all powers granted  
22 to it under the Public-Private Partnerships for Transportation

1 Act.

2 Section 910. The Illinois Finance Authority Act is amended  
3 by adding Section 825-100 as follows:

4 (20 ILCS 3501/825-100 new)

5 Sec. 825-100. Transportation project financing. For the  
6 purpose of financing a transportation project undertaken under  
7 the Public-Private Partnerships for Transportation Act, the  
8 Authority is authorized to apply for an allocation of  
9 tax-exempt bond financing authorization provided by Section  
10 11143 of the Federal Safe, Accountable, Flexible, Efficient  
11 Transportation Equity Act: A Legacy for Users (SAFETEA-LU),  
12 Public Law 109-59, as well as financing available under any  
13 other federal law or program.

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

16 (30 ILCS 500/1-10)

17 Sec. 1-10. Application.

18 (a) This Code applies only to procurements for which  
19 contractors were first solicited on or after July 1, 1998. This  
20 Code shall not be construed to affect or impair any contract,  
21 or any provision of a contract, entered into based on a  
22 solicitation prior to the implementation date of this Code as

1 described in Article 99, including but not limited to any  
2 covenant entered into with respect to any revenue bonds or  
3 similar instruments. All procurements for which contracts are  
4 solicited between the effective date of Articles 50 and 99 and  
5 July 1, 1998 shall be substantially in accordance with this  
6 Code and its intent.

7 (b) This Code shall apply regardless of the source of the  
8 funds with which the contracts are paid, including federal  
9 assistance moneys. This Code shall not apply to:

10 (1) Contracts between the State and its political  
11 subdivisions or other governments, or between State  
12 governmental bodies except as specifically provided in  
13 this Code.

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

16 (3) Purchase of care.

17 (4) Hiring of an individual as employee and not as an  
18 independent contractor, whether pursuant to an employment  
19 code or policy or by contract directly with that  
20 individual.

21 (5) Collective bargaining contracts.

22 (6) Purchase of real estate, except that notice of this  
23 type of contract with a value of more than \$25,000 must be  
24 published in the Procurement Bulletin within 7 days after  
25 the deed is recorded in the county of jurisdiction. The  
26 notice shall identify the real estate purchased, the names

1 of all parties to the contract, the value of the contract,  
2 and the effective date of the contract.

3 (7) Contracts necessary to prepare for anticipated  
4 litigation, enforcement actions, or investigations,  
5 provided that the chief legal counsel to the Governor shall  
6 give his or her prior approval when the procuring agency is  
7 one subject to the jurisdiction of the Governor, and  
8 provided that the chief legal counsel of any other  
9 procuring entity subject to this Code shall give his or her  
10 prior approval when the procuring entity is not one subject  
11 to the jurisdiction of the Governor.

12 (8) Contracts for services to Northern Illinois  
13 University by a person, acting as an independent  
14 contractor, who is qualified by education, experience, and  
15 technical ability and is selected by negotiation for the  
16 purpose of providing non-credit educational service  
17 activities or products by means of specialized programs  
18 offered by the university.

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

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

24 (c) This Code does not apply to the electric power  
25 procurement process provided for under Section 1-75 of the  
26 Illinois Power Agency Act and Section 16-111.5 of the Public

1 Utilities Act.

2 (Source: P.A. 95-481, eff. 8-28-07; 95-615, eff. 9-11-07;  
3 95-876, eff. 8-21-08.)

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

6 (30 ILCS 550/1.5 new)

7 Sec. 1.5. Public-private agreements. This Act applies to  
8 any public-private agreement entered into under the  
9 Public-Private Partnerships for Transportation Act or Article  
10 II-A of the Regional Transportation Authority Act.

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

13 (30 ILCS 560/4.5 new)

14 Sec. 4.5. Public-private agreements. This Act applies to  
15 any public-private agreement entered into under the  
16 Public-Private Partnerships for Transportation Act or Article  
17 II-A of the Regional Transportation Authority Act.

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

20 (30 ILCS 570/2.5 new)

1       Sec. 2.5. 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 935. The Business Enterprise for Minorities,  
6 Females, and Persons with Disabilities Act is amended by adding  
7 Section 2.5 as follows:

8       (30 ILCS 575/2.5 new)

9       Sec. 2.5. Public-private agreements. This Act applies to  
10 any public-private agreement entered into under the  
11 Public-Private Partnerships for Transportation Act.

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

14       (35 ILCS 120/1q new)

15       Sec. 1q. Building materials exemption; public-private  
16 partnership transportation projects.

17       (a) Each retailer that makes a qualified sale of building  
18 materials to be incorporated into a "project" as defined in the  
19 Public-Private Partnerships for Transportation Act or Article  
20 II-A of the Regional Transportation Authority Act, by  
21 remodeling, rehabilitating, or new construction, may deduct  
22 receipts from those sales when calculating the tax imposed by

1 this Act.

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

7 (c) To document the exemption allowed under this Section,  
8 the retailer must obtain from the purchaser a copy of the  
9 Certificate of Eligibility for Sales Tax Exemption issued by  
10 the agency having jurisdiction over the project into which the  
11 building materials will be incorporated is located. The  
12 Certificate of Eligibility for Sales Tax Exemption must contain  
13 all of the following:

14 (1) a statement that the project identified in the  
15 Certificate meets all the requirements of the agency having  
16 authority over the project;

17 (2) the location or address of the project; and

18 (3) the signature of the director of the agency with  
19 authority over the project or the director's delegate.

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

23 (1) a statement that the building materials are being  
24 purchased for incorporation into a project in accordance  
25 with the Public-Private Partnerships for Transportation  
26 Act;

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

3           (3) the name of the project;

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

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

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

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

10           (35 ILCS 200/15-55)

11           Sec. 15-55. State property.

12           (a) All property belonging to the State of Illinois is  
13           exempt. However, the State agency holding title shall file the  
14           certificate of ownership and use required by Section 15-10,  
15           together with a copy of any written lease or agreement, in  
16           effect on March 30 of the assessment year, concerning parcels  
17           of 1 acre or more, or an explanation of the terms of any oral  
18           agreement under which the property is leased, subleased or  
19           rented.

20           The leased property shall be assessed to the lessee and the  
21           taxes thereon extended and billed to the lessee, and collected  
22           in the same manner as for property which is not exempt. The  
23           lessee shall be liable for the taxes and no lien shall attach  
24           to the property of the State.



1 For the purposes of this Section, the word "leases"  
2 includes licenses, franchises, operating agreements and other  
3 arrangements under which private individuals, associations or  
4 corporations are granted the right to use property of the  
5 Illinois State Toll Highway Authority and includes all property  
6 of the Authority used by others without regard to the size of  
7 the leased parcel.

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

13 (1) conservation, nature trail or any other  
14 charitable, scientific, educational or recreational  
15 purposes with public benefit, including the preserving and  
16 aiding in the preservation of natural areas, objects,  
17 flora, fauna or biotic communities;

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

20 (3) the conservation of the proper use of natural  
21 resources or the promotion of the study of plant and animal  
22 communities and of other phases of ecology, natural history  
23 and conservation;

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

26 (5) similar public recreational activities conducted

1 by the Illinois Prairie Path Corporation.

2 No lien shall attach to the property of the State. No tax  
3 liability shall become the obligation of or be enforceable  
4 against Illinois Prairie Path Corporation.

5 (c) If the State sells the James R. Thompson Center or the  
6 Elgin Mental Health Center and surrounding land located at 750  
7 S. State Street, Elgin, Illinois, as provided in subdivision  
8 (a)(2) of Section 7.4 of the State Property Control Act, to  
9 another entity whose property is not exempt and immediately  
10 thereafter enters into a leaseback or other agreement that  
11 directly or indirectly gives the State a right to use, control,  
12 and possess the property, that portion of the property leased  
13 and occupied exclusively by the State shall remain exempt under  
14 this Section. For the property to remain exempt under this  
15 subsection (c), the State must retain an option to purchase the  
16 property at a future date or, within the limitations period for  
17 reverters, the property must revert back to the State.

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

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

23 (2) the State no longer has an option to purchase or  
24 otherwise acquire the property and there is no provision  
25 for a reverter of the property to the State within the  
26 limitations period for reverters.

1 Pursuant to Sections 15-15 and 15-20 of this Code, the  
2 State shall notify the chief county assessment officer of any  
3 transaction under this subsection (c). The chief county  
4 assessment officer shall determine initial and continuing  
5 compliance with the requirements of this Section for tax  
6 exemption. Failure to notify the chief county assessment  
7 officer of a transaction under this subsection (c) or to  
8 otherwise comply with the requirements of Sections 15-15 and  
9 15-20 of this Code shall, in the discretion of the chief county  
10 assessment officer, constitute cause to terminate the  
11 exemption, notwithstanding any other provision of this Code.

12 (c-1) If the Illinois State Toll Highway Authority sells  
13 the Illinois State Toll Highway Authority headquarters  
14 building and surrounding land, located at 2700 Ogden Avenue,  
15 Downers Grove, Illinois as provided in subdivision (a)(2) of  
16 Section 7.5 of the State Property Control Act, to another  
17 entity whose property is not exempt and immediately thereafter  
18 enters into a leaseback or other agreement that directly or  
19 indirectly gives the State or the Illinois State Toll Highway  
20 Authority a right to use, control, and possess the property,  
21 that portion of the property leased and occupied exclusively by  
22 the State or the Authority shall remain exempt under this  
23 Section. For the property to remain exempt under this  
24 subsection (c), the Authority must retain an option to purchase  
25 the property at a future date or, within the limitations period  
26 for reverters, the property must revert back to the Authority.

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

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

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

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

21          (d) The fair market rent of each parcel of real property in  
22 Will County owned by the State of Illinois for the purpose of  
23 developing an airport by the Department of Transportation shall  
24 include the assessed value of leasehold tax. The lessee of each  
25 parcel of real property in Will County owned by the State of  
26 Illinois for the purpose of developing an airport by the

1 Department of Transportation shall not be liable for the taxes  
2 thereon. In order for the State to compensate taxing districts  
3 for the leasehold tax under this paragraph the Will County  
4 Supervisor of Assessments shall certify, in writing, to the  
5 Department of Transportation, the amount of leasehold taxes  
6 extended for the 2002 property tax year for each such exempt  
7 parcel. The Department of Transportation shall pay to the Will  
8 County Treasurer, from the Tax Recovery Fund, on or before July  
9 1 of each year, the amount of leasehold taxes for each such  
10 exempt parcel as certified by the Will County Supervisor of  
11 Assessments. The tax compensation shall terminate on December  
12 31, 2010. It is the duty of the Department of Transportation to  
13 file with the Office of the Will County Supervisor of  
14 Assessments an affidavit stating the termination date for  
15 rental of each such parcel due to airport construction. The  
16 affidavit shall include the property identification number for  
17 each such parcel. In no instance shall tax compensation for  
18 property owned by the State be deemed delinquent or bear  
19 interest. In no instance shall a lien attach to the property of  
20 the State. In no instance shall the State be required to pay  
21 leasehold tax compensation in excess of the Tax Recovery Fund's  
22 balance.

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

25 (f) Notwithstanding anything to the contrary in this  
26 Section, all property owned by the State or the Illinois State

1 Toll Highway Authority that is defined as a transportation  
2 project under the Public-Private Partnerships for  
3 Transportation Act and that is used for transportation purposes  
4 and that is leased for those purposes to another entity whose  
5 property is not exempt shall remain exempt, and any leasehold  
6 interest in the property shall not be subject to taxation under  
7 Section 9-195 of this Act.

8 (Source: P.A. 95-331, eff. 8-21-07.)

9 (35 ILCS 200/15-100)

10 Sec. 15-100. Public transportation systems.

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

14 (b) Property owned by (i) a municipal corporation of  
15 500,000 or more inhabitants, used for public transportation  
16 purposes, and operated by the Chicago Transit Authority; (ii)  
17 the Regional Transportation Authority; (iii) any service board  
18 or division of the Regional Transportation Authority; (iv) the  
19 Northeast Illinois Regional Commuter Railroad Corporation; or  
20 (v) the Chicago Transit Authority shall be exempt. For purposes  
21 of this Section alone, the Regional Transportation Authority,  
22 any service board or division of the Regional Transportation  
23 Authority, the Northeast Illinois Regional Commuter Railroad  
24 Corporation, the Chicago Transit Authority, or a municipal  
25 corporation, as defined in item (i), shall be deemed an

1 "eligible transportation authority".

2 The exemption provided in this subsection shall not be  
3 affected by any transaction in which:~~7~~

4 (1) for the purpose of obtaining financing, the  
5 eligible transportation authority, directly or indirectly,  
6 leases or otherwise transfers such property to another  
7 whose property is not exempt and immediately thereafter  
8 enters into a leaseback or other agreement that directly or  
9 indirectly gives the eligible transportation authority a  
10 right to use, control, and possess the property; or

11 (2) the eligible transportation authority leases, to  
12 another entity whose property is not exempt, property that  
13 is defined as a mass transportation project under Article  
14 II-A of the Regional Transportation Authority Act and used  
15 for transportation purposes.

16 In the case of a conveyance of such property, the eligible  
17 transportation authority must retain an option to purchase the  
18 property at a future date or, within the limitations period for  
19 reverters, the property must revert back to the eligible  
20 transportation authority.

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

24 (1) the right of the eligible transportation authority  
25 to use, control, and possess the property has been  
26 terminated;

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

4           (3) there is no provision for a reverter of the  
5           property to the eligible transportation authority within  
6           the limitations period for reverters.

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

19          (e) No provision of this Section shall be construed to  
20          affect the obligation of the eligible transportation authority  
21          to which an exemption certificate has been issued under this  
22          Section from its obligation under Section 15-10 of this Code to  
23          file an annual certificate of status or to notify the chief  
24          county assessment officer of transfers of interest or other  
25          changes in the status of the property as required by this Code.

26          (f) The changes made by this amendatory Act of 1997 are



1 declarative of existing law and shall not be construed as a new  
2 enactment.

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

4 Section 950. The Regional Transportation Authority Act is  
5 amended by adding Article II-A and by adding Sections 2A.01,  
6 2A.05, 2A.10, 2A.15, 2A.20, 2A.25, 2A.30, 2A.35, 2A.40, 2A.45,  
7 2A.50, and 2A.55 as follows:

8 (70 ILCS 3615/Art. II-A heading new)

9 ARTICLE II-A. PUBLIC-PRIVATE PARTNERSHIPS.

10 (70 ILCS 3615/2A.01 new)

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

12 "Contractor" means a private entity that has entered into a  
13 public-private agreement with the Authority or a Service Board  
14 to provide services to or on behalf of the Authority or the  
15 Service Board.

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

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

23 "Mass transportation project" or "project" means all or any

1 portion of a project undertaken under this Article with respect  
2 to any new or existing mass transit facility, public  
3 transportation facility, or other transportation facility or  
4 infrastructure under the jurisdiction of the Authority or a  
5 Service Board.

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

8 "Private entity" means any combination of one or more  
9 individuals, corporations, general partnerships, limited  
10 liability companies, limited partnerships, joint ventures,  
11 business trusts, nonprofit entities, or other business  
12 entities that are parties to a proposal for a mass  
13 transportation project or an agreement related to a mass  
14 transportation project. A public agency may provide services to  
15 a contractor as a subcontractor or subconsultant without  
16 affecting the private status of the private entity and the  
17 ability to enter into a public-private agreement.

18 "Public-private agreement" means the public-private  
19 agreement between the contractor and the Authority or a Service  
20 Board relating to one or more of the development, financing, or  
21 operation of a mass transportation project that is entered into  
22 under this Article.

23 "Request for proposals" means all materials and documents  
24 prepared by or on behalf of the Authority or a Service Board to  
25 solicit proposals from offerors to enter into a public-private  
26 agreement.

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

5       "Revenues" means all revenues, including any combination  
6 of: income; earnings and interest; user fees; lease payments;  
7 allocations; federal, State, and local appropriations, grants,  
8 loans, lines of credit, and credit guarantees; bond proceeds;  
9 equity investments; service payments; or other receipts;  
10 arising out of or in connection with a transportation project,  
11 including the development, financing, and operation of a  
12 transportation project. The term includes money received as  
13 grants, loans, lines of credit, credit guarantees, or otherwise  
14 in aid of a mass transportation project from the federal  
15 government, the State, a unit of local government, or any  
16 agency or instrumentality of the federal government, the State,  
17 or a unit of local government.

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

21       (70 ILCS 3615/2A.05 new)

22       Sec. 2A.05. Formation of public-private agreements;  
23 project planning.

24       (a) The Authority and the Service Boards may exercise the  
25 powers granted by this Article to do some or all of develop,

1 finance, and operate any part of one or more mass  
2 transportation projects through public-private agreements with  
3 one or more private entities. The Authority and each of the  
4 Service Boards may use the revenues arising out of one mass  
5 transportation project or public-private agreement and use  
6 them for some or all of developing, financing, and operating  
7 any part of one or more additional or other mass transportation  
8 projects through public-private agreements with one or more  
9 private entities or as otherwise deemed appropriate by the  
10 Authority or the Service Board.

11 (b) A contractor has:

12 (1) all powers allowed by law generally to a private  
13 entity having the same form of organization as the  
14 contractor; and

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

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

21 (c) Each year, at least 30 days prior to the beginning of  
22 the Authority's and each Service Board's fiscal year, the  
23 Authority and each Service Board shall submit a description of  
24 potential projects that the Authority and each Service Board is  
25 considering undertaking under this Article to:

26 (1) the General Assembly, with respect to all such

1 projects;

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

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

7 (d) Any project undertaken under this Article shall be  
8 subject to all applicable planning requirements otherwise  
9 required by law, including land use planning, regional  
10 planning, transportation planning, and environmental  
11 compliance requirements.

12 (e) Any new transportation facility developed as a project  
13 under this Article must be consistent with the metropolitan  
14 planning organization's regional plan then in existence with  
15 respect to each project located within a metropolitan planning  
16 organization's boundaries.

17 (70 ILCS 3615/2A.10 new)

18 Sec. 2A.10. Procurement process.

19 (a) The Authority and each of the Service Boards may  
20 request proposals from private entities for some or all of the  
21 development, financing, and operation of one or more mass  
22 transportation projects.

23 (b) The Authority and each of the Service Boards may pursue  
24 a competitive proposal process using a request for  
25 qualifications and a request for proposals process or proceed

1 directly to a request for proposals.

2 (c) If the Authority or the Service Board elects to utilize  
3 a request for qualifications phase, it shall provide a public  
4 notice of the request for qualifications for such period as  
5 deemed appropriate or warranted by the Authority or the Service  
6 Board and shall set forth requirements and evaluation criteria  
7 in the request for qualifications. Upon receipt of  
8 qualifications, the Authority or the Service Board shall choose  
9 which parties that have submitted qualifications, if any, meet  
10 the requirements and evaluation criteria in the request for  
11 qualifications and shall issue requests for proposals only to  
12 those parties.

13 (d) If the Authority or the Service Board has not issued a  
14 request for qualification under this Section and intends to use  
15 only a request for proposals procurement, the Authority or the  
16 Service Board shall provide a public notice of the request for  
17 proposals for a period deemed appropriate or warranted by the  
18 Authority or the Service Board.

19 (e) A request for proposals shall:

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

22 (2) contain or incorporate by reference the  
23 specifications and contractual terms and conditions  
24 applicable to the procurement and the mass transportation  
25 project;

26 (3) specify the factors, criteria, and other

1 information that will be used in evaluating the proposals;

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

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

7 (f) The Authority or the Service Board shall determine the  
8 evaluation criteria that are most appropriate for each mass  
9 transportation project and shall set forth those criteria in  
10 the request for proposals. The Authority or the Service Board  
11 may use (i) a selection process that results in selection of  
12 the proposal offering the best value to the public, (ii) a  
13 selection process that results in selection of the proposal  
14 offering the lowest price or cost or the highest payment to, or  
15 revenue sharing with, the Authority or the Service Board, (iii)  
16 a selection process that results in the imposition of the  
17 lowest amount of user fees, or (iv) any other selection process  
18 that the Authority or the Service Board determines is in the  
19 best interests of the public.

20 (g) After the procedures required in this Article have been  
21 completed, the Authority or the Service Board shall make a  
22 determination as to whether the successful offeror should be  
23 designated as the contractor for the mass transportation  
24 project.

25 (h) After designating the successful offeror as the  
26 contractor for the project, the Authority or the Service Board

1 shall execute the public-private agreement and publish notice  
2 of the execution of the public-private agreement.

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

7 (j) In addition to any other rights under this Article, in  
8 connection with any procurement under this Article, the  
9 following rights are reserved to the Authority and each of the  
10 Service Boards:

11 (1) to withdraw a request for qualifications or a  
12 request for proposals at any time. The Authority or the  
13 Service Board may then publish a new request for  
14 qualifications or request for proposals;

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

17 (3) to request clarifications to any qualification  
18 submittal or request for proposals or seek one or more  
19 revised proposals or one or more best and final offers or  
20 conduct negotiations with one or more offerors;

21 (4) to modify, during the pendency of a procurement,  
22 the terms, provisions, and conditions of a request for  
23 qualification or request for proposals or the technical  
24 specifications or form of a public-private agreement;

25 (5) to interview offerors; and

26 (6) any other rights available to the Authority or the



1       Service Board under applicable law and regulations.

2       (70 ILCS 3615/2A.15 new)

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

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

16       (b) The public-private agreement may, as determined  
17 appropriate by the Authority or the Service Board for the  
18 particular mass transportation project, provide for some or all  
19 of the following:

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

23           (2) Delivery of performance and payment bonds or other  
24 performance security determined suitable by the Authority  
25 or the Service Board, including letters of credit, United

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

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

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

26       (5) Maintenance of:

1           (A) one or more policies of public liability  
2           insurance (copies of which shall be filed with the  
3           Authority or the Service Board accompanied by proofs of  
4           coverage); or

5           (B) self-insurance;

6           each in form and amount as set forth in the public-private  
7           agreement or otherwise satisfactory to the Authority or the  
8           Service Board as reasonably sufficient to insure coverage  
9           of tort liability to the public and employees and to enable  
10           the continued operation of the mass transportation  
11           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 Authority or the Service Board or another  
16           entity designated by the Authority or the Service Board or  
17           under the public-private agreement and the taking of the  
18           actions the Authority or the Service Board finds  
19           appropriate to ensure that the mass transportation project  
20           is properly maintained.

21           (7) Reimbursement to be paid to the Authority or the  
22           Service Board as set forth in the public-private agreement  
23           for services provided by the Authority or the Service  
24           Board.

25           (8) Filing of appropriate financial statements and  
26           reports as set forth in the public-private agreement or as

1 otherwise in a form acceptable to the Authority or the  
2 Service Board on a periodic basis.

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

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

9 (B) a development fee, payable on a lump sum basis,  
10 progress payment basis, time and materials basis, or  
11 another basis deemed appropriate by the Authority or  
12 the Service Board;

13 (C) an operations fee, payable on a lump-sum basis,  
14 time and material basis, periodic basis, or another  
15 basis deemed appropriate by the Authority or the  
16 Service Board;

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

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

21 (F) in-kind services, materials, property,  
22 equipment, or other items;

23 (G) compensation in the event of any termination;  
24 or

25 (H) other compensation set forth in the  
26 public-private agreement or otherwise deemed

1           appropriate by the Authority or the Service Board.

2           (10) Compensation or payments to the Authority or the  
3           Service Board, if any. Compensation or payments may include  
4           any or a combination of the following:

5                   (A) a concession or lease payment or other fee,  
6                   which may be payable upfront or on a periodic basis or  
7                   on another basis deemed appropriate by the Authority or  
8                   the Service Board;

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

11                  (C) sharing of project savings from the  
12                  construction of the mass transportation project;

13                  (D) payment for any services, materials,  
14                  equipment, personnel, or other items provided by the  
15                  Authority or the Service Board to the contractor under  
16                  the public-private agreement or in connection with the  
17                  mass transportation project; or

18                  (E) other compensation set forth in the  
19                  public-private agreement or otherwise deemed  
20                  appropriate by the Authority or the Service Board.

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

26           (12) Reversion of the mass transportation project to

1 the Authority or the Service Board at the termination or  
2 expiration of the public-private agreement.

3 (13) Rights and remedies of the Authority or the  
4 Service Board in the event that the contractor defaults or  
5 otherwise fails to comply with the terms of the  
6 public-private agreement.

7 (14) Other terms, conditions, and provisions that the  
8 Authority or the Service Board believes are in the public  
9 interest.

10 (c) The Authority and each Service Board may fix and revise  
11 the amounts of user fees that a contractor may charge and  
12 collect for the use of any part of a mass transportation  
13 project in accordance with the public-private agreement. In  
14 fixing the amounts, the Authority and the Service Board may  
15 establish maximum amounts for the user fees and may provide  
16 that the maximums and any increases or decreases of those  
17 maximums shall be based upon the indices, methodologies, or  
18 other factors the Authority or the Service Board considers  
19 appropriate.

20 (d) A public-private agreement may:

21 (1) authorize user fees in any manner determined  
22 appropriate by the Authority or the Service Board for the  
23 mass transportation project;

24 (2) authorize the contractor to adjust the user fees  
25 for the use of the mass transportation project, so long as  
26 the amounts charged and collected by the contractor do not

1 exceed the maximum amounts established by the Authority or  
2 the Service Board under this Article;

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

8 (4) authorize the contractor to charge and collect user  
9 fees through methods determined appropriate by the  
10 Authority or the Service Board for the mass transportation  
11 project; and

12 (5) authorize the collection of user fees by a third  
13 party.

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

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

1 transportation project.

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

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

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

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

12 (1) make payments to individuals or entities in  
13 connection with any financing of the mass transportation  
14 project;

15 (2) pay development costs of the project;

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

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

20 (5) pay for the development, financing, or operation of  
21 any other project or projects the Authority or the Service  
22 Board deems appropriate.

23 (i) The full faith and credit of the State, any political  
24 subdivision of the State, the Authority, or any of the Service  
25 Boards is not pledged to secure any financing of the contractor  
26 by the election to take over the mass transportation project.



1 Assumption of development or operation, or both, of the mass  
2 transportation project does not obligate the State, any  
3 political subdivision of the State, the Authority, or any of  
4 the Service Boards to pay any obligation of the contractor.

5 (j) Notwithstanding any other provision of this Article,  
6 the Authority or a Service Board may enter into a  
7 public-private agreement with multiple private entities if the  
8 Authority or the Service Board determines in writing that it is  
9 in the public interest to do so.

10 (70 ILCS 3615/2A.20 new)

11 Sec. 2A.20. Development and operations standards for mass  
12 transportation projects.

13 (a) The plans and specifications, if any, for each project  
14 developed under this Article must comply with:

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

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

19 (b) Any local or State agency may enter into agreements  
20 with the contractor for maintenance or other services under  
21 this Article.

22 (70 ILCS 3615/2A.25 new)

23 Sec. 2A.25. Financial arrangements.

24 (a) The Authority and each Service Board may do any

1 combination of applying for, executing, or endorsing  
2 applications submitted by private entities to obtain federal,  
3 State, or local credit assistance for mass transportation  
4 projects developed, financed, or operated under this Article,  
5 including loans, lines of credit, and guarantees.

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

17 (c) The Authority and each Service Board may agree to make  
18 grants or loans for the development, financing, or operation of  
19 a mass transportation project from time to time from amounts  
20 received from the federal, State, or local government or any  
21 agency or instrumentality of the federal, State, or local  
22 government.

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

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

1 project, the contractor, the Authority, and each Service Board  
2 may do the following:

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

5 (2) enter into grant agreements;

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

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

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

14 (g) For the purpose of financing a mass transportation  
15 project, the Authority and each Service Board shall be  
16 authorized to apply for, obtain, issue, and use private  
17 activity bonds available under any federal law or program, as  
18 well as financing available under any other federal law or  
19 program.

20 (h) Any bonds, debt, or other securities or other financing  
21 issued for the purposes of this Article shall not be deemed to  
22 constitute a debt of the State or any political subdivision of  
23 the State or a pledge of the faith and credit of the State or  
24 any political subdivision of the State.

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

2           (a) The Authority and each Service Board may exercise any  
3 power of condemnation that it has under law for the purpose of  
4 acquiring any lands or estates or interests in land for a mass  
5 transportation project, to the extent provided in the  
6 public-private agreement or otherwise to the extent that the  
7 Authority or the Service Board finds that the action serves the  
8 public purpose of this Article.

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

13           (70 ILCS 3615/2A.35 new)

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

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

21           (b) A public-private agreement related to a mass  
22 transportation project pertaining to a new transportation  
23 facility shall require the contractor to enter into a project  
24 labor agreement that must include provisions establishing the  
25 minimum hourly wage, benefits, and other compensation for each

1 class of labor organization employee and such other terms as  
2 are negotiated between the contractor and the labor  
3 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 mass transportation  
7 project as they have in their respective areas of jurisdiction.

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

12 (e) Punishment for infractions and offenses shall be as  
13 prescribed by law for conduct occurring on similar projects in  
14 the jurisdiction.

15 (70 ILCS 3615/2A.40 new)

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

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

20 (b) The Authority or the Service Board shall terminate the  
21 contractor's authority and duties under the public-private  
22 agreement on the date set forth in the public-private  
23 agreement.

24 (c) Upon termination of the public-private agreement, the  
25 authority and duties of the contractor under this Article

1 cease, except for those duties and obligations that extend  
2 beyond the termination, as set forth in the public-private  
3 agreement, and the mass transportation project shall revert to  
4 the Authority or the Service Board.

5 (70 ILCS 3615/2A.45 new)

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

8 (a) The Authority and the Service Boards may exercise any  
9 powers provided under this Article in participation or  
10 cooperation with any governmental entity and enter into any  
11 contracts to facilitate that participation or cooperation  
12 without compliance with any other statute.

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

23 (c) The Authority and the Service Boards may pay the costs  
24 incurred under a public-private agreement entered into under  
25 this Article from any funds available to the Authority or the

1 Service Boards under this Article or any other statute.

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

5 (70 ILCS 3615/2A.50 new)

6 Sec. 2A.50. Powers liberally construed. The powers  
7 conferred by this Article shall be liberally construed in order  
8 to accomplish their purposes and shall be in addition and  
9 supplemental to the powers conferred by any other law. If any  
10 other law or rule is inconsistent with this Article, this  
11 Article is controlling as to any public-private agreement  
12 entered into under this Article.

13 (70 ILCS 3615/2A.55 new)

14 Sec. 2A.55. Full and complete authority. This Article  
15 contains full and complete authority for agreements and leases  
16 with private entities to carry out the activities described in  
17 this Article. Except as otherwise required by law, no  
18 procedure, proceedings, publications, notices, consents,  
19 approvals, orders, or acts by the Authority or the Service  
20 Board or any other State or local agency or official are  
21 required to enter into an agreement or lease.

22 Section 955. The Toll Highway Act is amended by adding  
23 Section 11.1 as follows:

1 (605 ILCS 10/11.1 new)

2 Sec. 11.1. Public-private partnerships. The Authority may  
3 exercise all powers granted to it under the Public-Private  
4 Partnerships for Transportation Act.

5 Section 960. The Prevailing Wage Act is amended by changing  
6 Section 2 as follows:

7 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

8 Sec. 2. This Act applies to the wages of laborers,  
9 mechanics and other workers employed in any public works, as  
10 hereinafter defined, by any public body and to anyone under  
11 contracts for public works. This includes any maintenance,  
12 repair, assembly, or disassembly work performed on equipment  
13 whether owned, leased, or rented.

14 As used in this Act, unless the context indicates  
15 otherwise:

16 "Public works" means all fixed works constructed by any  
17 public body, other than work done directly by any public  
18 utility company, whether or not done under public supervision  
19 or direction, or paid for wholly or in part out of public  
20 funds. "Public works" as defined herein includes all projects  
21 financed in whole or in part with bonds issued under the  
22 Industrial Project Revenue Bond Act (Article 11, Division 74 of  
23 the Illinois Municipal Code), the Industrial Building Revenue



1 Bond Act, the Illinois Finance Authority Act, the Illinois  
2 Sports Facilities Authority Act, or the Build Illinois Bond  
3 Act, and all projects financed in whole or in part with loans  
4 or other funds made available pursuant to the Build Illinois  
5 Act. "Public works" also includes (i) all projects financed in  
6 whole or in part with funds from the Fund for Illinois' Future  
7 under Section 6z-47 of the State Finance Act, funds for school  
8 construction under Section 5 of the General Obligation Bond  
9 Act, funds authorized under Section 3 of the School  
10 Construction Bond Act, funds for school infrastructure under  
11 Section 6z-45 of the State Finance Act, and funds for  
12 transportation purposes under Section 4 of the General  
13 Obligation Bond Act. "Public works" also includes all projects  
14 financed in whole or in part with funds from the Department of  
15 Commerce and Economic Opportunity under the Illinois Renewable  
16 Fuels Development Program Act for which there is no project  
17 labor agreement and (ii) all projects undertaken under a  
18 public-private agreement under the Public-Private Partnerships  
19 for Transportation Act or Article II-A of the Regional  
20 Transportation Authority Act. "Public works" also includes all  
21 projects at leased facility property used for airport purposes  
22 under Section 35 of the Local Government Facility Lease Act.

23 "Construction" means all work on public works involving  
24 laborers, workers or mechanics. This includes any maintenance,  
25 repair, assembly, or disassembly work performed on equipment  
26 whether owned, leased, or rented.

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

14 "Public body" means the State or any officer, board or  
15 commission of the State or any political subdivision or  
16 department thereof, or any institution supported in whole or in  
17 part by public funds, and includes every county, city, town,  
18 village, township, school district, irrigation, utility,  
19 reclamation improvement or other district and every other  
20 political subdivision, district or municipality of the state  
21 whether such political subdivision, municipality or district  
22 operates under a special charter or not.

23 The terms "general prevailing rate of hourly wages",  
24 "general prevailing rate of wages" or "prevailing rate of  
25 wages" when used in this Act mean the hourly cash wages plus  
26 fringe benefits for training and apprenticeship programs

1 approved by the U.S. Department of Labor, Bureau of  
2 Apprenticeship and Training, health and welfare, insurance,  
3 vacations and pensions paid generally, in the locality in which  
4 the work is being performed, to employees engaged in work of a  
5 similar character on public works.

6 (Source: P.A. 94-750, eff. 5-9-06; 95-341, eff. 8-21-07.)

7 Section 999. Effective date. This Act takes effect upon  
8 becoming law.".