

# SB3096



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3096

Introduced 2/2/2024, by Sen. Dale Fowler

### SYNOPSIS AS INTRODUCED:

New Act

Creates the Department of Natural Resources Sahara Woods State Recreation Area Act. Authorizes the Department of Natural Resources to enter into a public-private agreement to develop, construct, finance, lease, manage, and operate campground facilities at Sahara Woods State Recreation Area. Authorizes the Director of Natural Resources to enter into discussions with interested persons prior to soliciting requests for proposals. Directs the Department to comply with specified provisions of the Illinois Procurement Code. Describes the request-for-proposal process that is to be employed. Contains provisions concerning the payment of prevailing wages and the use of project labor agreements. Specifies that the term of any public-private agreement entered into under the Act shall be no less than 25 years and no more than 99 years. Defines terms. Effective immediately.

LRB103 37845 JAG 67975 b

A BILL FOR

1 AN ACT concerning conservation.

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

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

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

14 Section 10. Definitions.

15 "Contractor" means a person who has been selected to enter  
16 or has entered into a public-private agreement with the  
17 Department on behalf of the State for the development,  
18 financing, management, or operation of campgrounds facilities  
19 at Sahara Woods State Recreational Area pursuant to this Act.

20 "Department" means the Department of Natural Resources.

21 "Director" means the Director of Natural Resources.

22 "Maintain" or "maintenance" includes ordinary maintenance,

1 repair, rehabilitation, capital maintenance, replacement, and  
2 any other categories of maintenance that may be designated by  
3 the Department.

4 "Offeror" means a person who responds to a request for  
5 proposals under this Act.

6 "Operate" or "operation" means to do one or more of the  
7 following: maintain, improve, equip, modify, or otherwise  
8 operate.

9 "Person" means any individual, firm, association, joint  
10 venture, partnership, estate, trust, syndicate, fiduciary,  
11 corporation, or any other legal entity, group, or combination  
12 thereof.

13 "Public-private agreement" means an agreement or contract  
14 between the Department and the contractor on behalf of the  
15 State and all schedules, exhibits, and attachments thereto,  
16 entered into pursuant to a competitive request for proposals  
17 process governed by this Act, for the development,  
18 construction, financing, management and operation of  
19 campground facilities at Sahara Woods State Recreation Area  
20 under this Act.

21 "Revenues" means all revenues, including, but not limited  
22 to, income, user fees, earnings, interest, lease payments,  
23 allocations, moneys from the federal government, the State,  
24 and units of local government, including, but not limited to,  
25 federal, State, and local appropriations, grants, loans, lines  
26 of credit, and credit guarantees; bond proceeds; equity

1 investments; service payments; or other receipts arising out  
2 of or in connection with the development, construction,  
3 financing, development, management, or operation of campground  
4 facilities at Sahara Woods State Recreation Area.

5 "Sahara Woods State Recreation Area" means real property  
6 in Carrier Mills, Illinois, consisting of approximately 4,000  
7 acres of vacated strip mine land including the 98 acre Sahara  
8 Lake and numerous strip cuts that make up approximately 270  
9 acres of fishable water.

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

19 Section 20. Engagement prior to request for proposals. The  
20 Director or the Director's designee may, prior to soliciting  
21 requests for proposals, enter into discussions with interested  
22 persons in order to assess existing market conditions and  
23 demands, provided that no such interested persons shall have  
24 any role in drafting any request for proposals, nor shall any

1 request for proposal be provided to any interested person  
2 prior to its general public distribution. The Director may  
3 issue a request for qualifications that requests interested  
4 persons to provide such information as the Director deems  
5 necessary in order to evaluate the qualifications of such  
6 interested persons. This may include, but is not limited to,  
7 the ability of interested persons to acquire the property, as  
8 determined by the Director. Such engagement and discussions  
9 with interested persons are exempt from Sections 50-10.5,  
10 50-39, 50-40, 50-45, and 50-50 of the Illinois Procurement  
11 Code.

12 Section 25. Requests for proposals. If requests for  
13 proposals are made by the Department, the Department shall  
14 comply with the competitive request for proposals process  
15 under Article 20 of the Illinois Procurement Code, rules  
16 adopted under that Code, and this Act.

17 Section 30. Request for proposal process.

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

22 (b) The competitive request for proposals process shall  
23 solicit statements of qualification and proposals from  
24 offerors.

1 (c) In addition to any requirements under Article 20 of  
2 the Illinois Procurement Code, the competitive request for  
3 proposals process may take into account the following  
4 criteria:

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

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

9 (3) the offeror's poor or inadequate past performance  
10 in developing, financing, constructing, managing, or  
11 operating other historic landmark properties or other  
12 public assets.

13 Section 35. Provisions of the public-private agreement.

14 (a) The public-private agreement may include, but is not  
15 limited to, the following:

16 (1) the powers, duties, responsibilities, obligations,  
17 and functions of the Department and the contractor;

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

20 (3) compensation or payments to the contractor, if  
21 applicable;

22 (4) a provision specifying that the Department:

23 (A) has ready access to information regarding the  
24 contractor's powers, duties, responsibilities,  
25 obligations, and functions under the public-private

1 agreement;

2 (B) has the right to demand and receive  
3 information from the contractor concerning any aspect  
4 of the contractor's powers, duties, responsibilities,  
5 obligations, and functions under the public-private  
6 agreement; and

7 (C) has the authority to direct or countermand  
8 decisions by the contractor at any time.

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

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

13 (7) a provision governing rights to real and personal  
14 property of the State, the Department, the contractor, and  
15 other third parties;

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

19 (9) all other terms, conditions, and provisions  
20 acceptable to the Department that the Department deems  
21 necessary and proper and in the public interest.

22 Section 40. Labor.

23 (a) A public-private agreement related to Sahara Woods  
24 State Recreation Area pertaining to the building, altering,  
25 repairing, maintaining, improving, or demolishing of

1 campground facilities shall require the contractor and all  
2 subcontractors to comply with the requirements of Section  
3 30-22 of the Illinois Procurement Code as they apply to  
4 responsible bidders, including, but not limited to, all  
5 applicable provisions of the Prevailing Wage Act, and to  
6 present satisfactory evidence of that compliance to the  
7 Department, unless the project is federally funded and the  
8 application of those requirements would jeopardize the receipt  
9 or use of federal funds in support of the project.

10 (b) A public-private agreement related to Sahara Woods  
11 State Recreation Area pertaining to the building, altering,  
12 repairing, maintaining, improving, or demolishing campground  
13 facilities at the Area shall require the contractor and all  
14 subcontractors to enter into a project labor agreement used by  
15 the Capital Development Board.

16 Section 45. Term of agreement; reversion of property to  
17 the Department.

18 (a) The term of any public-private agreement entered into  
19 under this Act shall be no less than 25 years and no more than  
20 99 years.

21 (b) The Department may terminate the contractor's  
22 authority and duties under the public-private agreement on the  
23 date set forth in the public-private agreement. The Department  
24 may also terminate the public-private agreement pursuant to  
25 any clause or condition as set forth in the public-private



1 agreement.

2 (c) Upon termination of the public-private agreement, the  
3 authority, and duties of the contractor under this Act cease,  
4 except for those duties and obligations that extend beyond the  
5 termination, as set forth in the public-private agreement, and  
6 all interests in the campground facilities at Sahara Woods  
7 State Recreation Area shall revert to the Department.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.