



Rep. Al Riley

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LRB100 08646 JWD 27218 a

1 AMENDMENT TO SENATE BILL 886

2 AMENDMENT NO. _____. Amend Senate Bill 886 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by
5 adding Section 1-35 as follows:

6 (30 ILCS 500/1-35 new)

7 Sec. 1-35. Application to James R. Thompson Center. In
8 accordance with Section 7.4 of the State Property Control Act,
9 this Code does not apply to any procurements related to the
10 sale of the James R. Thompson Center, provided that the process
11 shall be conducted in a manner substantially in accordance with
12 the requirements of the following Sections of the Illinois
13 Procurement Code: 20-160, 50-5, 50-10, 50-10.5, 50-12, 50-13,
14 50-15, 50-20, 50-21, 50-35, 50-36, 50-37, 50-38, and 50-50. The
15 exemption contained in this Section does not apply to any
16 leases involving the James R. Thompson Center, including a

1 leaseback authorized under Section 7.4 of the State Property
2 Control Act.

3 Section 10. The State Property Control Act is amended by
4 changing Section 7.4 and by adding Section 7.7 as follows:

5 (30 ILCS 605/7.4)

6 Sec. 7.4. James R. Thompson Center, ~~Elgin Mental Health~~
7 ~~Center.~~

8 (a) Notwithstanding any other provision of this Act or any
9 other law to the contrary, the administrator is authorized
10 under this Section to dispose of ~~or mortgage (i) the James R.~~
11 ~~Thompson Center located in Chicago, Illinois. and (ii) the~~
12 ~~Elgin Mental Health Center and surrounding land located at 750~~
13 ~~S. State Street, Elgin, Illinois in any of the following ways:~~
14 ~~(1) The administrator may sell the property as provided in~~
15 ~~subsection (b). (2) The administrator may sell the property as~~
16 ~~provided in subsection (b), and, either as a condition of the~~
17 ~~sale or the administrator may immediately thereafter enter into~~
18 ~~a leaseback or other agreement that directly or indirectly~~
19 ~~gives the State a right to use, control, and possess the~~
20 ~~property. Notwithstanding any other provision of law, a lease~~
21 ~~entered into by the administrator under this subdivision (a) (2)~~
22 ~~may last for any period not exceeding 99 years. (3) The~~
23 ~~administrator may enter into a mortgage agreement, using the~~
24 ~~property as collateral, to receive a loan or a line of credit~~

1 ~~based on the equity available in the property. Any loan~~
2 ~~obtained or line of credit established under this subdivision~~
3 ~~(a) (3) must require repayment in full in 20 years or less.~~

4 (b) The administrator shall dispose of the property using a
5 competitive sealed proposal process that includes, at a
6 minimum, the following:

7 (1) Engagement Prior to Request for Proposal. The
8 administrator may, prior to soliciting requests for
9 proposals, enter into discussions with interested
10 purchasers in order to assess existing market conditions,
11 demands and likely development scenarios provided that no
12 such interested purchasers shall have any role in drafting
13 any request for proposals nor shall any request for
14 proposal be provided to any interested purchaser prior to
15 its general public distribution. The administrator may
16 issue a request for qualifications that requests
17 interested purchasers to provide such information as the
18 administrator reasonably deems necessary in order to
19 evaluate the qualifications of such interested purchasers
20 including the ability of interested purchasers to acquire
21 and develop the property, all as reasonably determined by
22 the administrator.

23 (2) Request for proposals. Proposals to acquire and
24 develop the property shall be solicited through a request
25 for proposals. Such request for proposals shall include
26 such requirements and factors as the administrator shall

1 determine are necessary or advisable with respect to the
2 disposition of the James R. Thompson Center, including
3 soliciting proposals designating a portion of the property
4 after the development or redevelopment thereof in honor of
5 Governor James R. Thompson.

6 (3) Public notice. Public notice of any request for
7 qualification or request for proposals shall be published
8 in the Illinois Procurement Bulletin at least 14 calendar
9 days before the date by which such requests are due. The
10 administrator may advertise the request in any other manner
11 or publication which it reasonably determines may increase
12 the scope and nature of responses to the request. In the
13 event the administrator shall have already identified
14 qualified purchasers pursuant to a request for
15 qualification process as set forth above, notice of the
16 request for proposals may be delivered only to such
17 qualified purchasers.

18 (4) Opening of proposals. Proposals shall be opened
19 publicly on the date, time and location designated in the
20 Illinois Procurement Bulletin, but proposals shall be
21 opened in a manner to avoid disclosure of contents to
22 competing purchasers during the process of negotiation. A
23 record of proposals shall be prepared and shall be open for
24 public inspection after contract award, but prior to
25 contract execution.

26 (5) Evaluation factors. Proposals shall be submitted

1 in 2 parts: (i) items except price, and (ii) covering
2 price. The first part of all proposals shall be evaluated
3 and ranked independently of the second part of all
4 proposals.

5 (6) Discussion with interested purchasers and
6 revisions of offers or proposals. After the opening of the
7 proposals, and under such guidelines as the administrator
8 may elect to establish in the request for proposals, the
9 administrator and his or her designees may engage in
10 discussions with interested purchasers who submitted
11 offers or proposals that the administrator determines are
12 reasonably susceptible of being selected for award for the
13 purpose of clarifying and assuring full understanding of
14 and responsiveness to the solicitation requirements. Those
15 purchasers shall be accorded fair and equal treatment with
16 respect to any opportunity for discussion and revision of
17 proposals. Revisions may be permitted after submission and
18 before award for the purpose of obtaining best and final
19 offers. In conducting discussions there shall be no
20 disclosure of any information derived from proposals
21 submitted by competing purchasers. If information is
22 disclosed to any purchaser, it shall be provided to all
23 competing purchasers.

24 (7) Award. Awards shall be made to the interested
25 purchaser whose proposal is determined in writing to be the
26 most advantageous to the State, taking into consideration

1 price and the evaluation factors set forth in the request
2 for proposals. The contract file shall contain the basis on
3 which the award is made. ~~The administrator shall obtain 3~~
4 ~~appraisals of the real property transferred under~~
5 ~~subdivision (a)(1) or (a)(2) of this Section, one of which~~
6 ~~shall be performed by an appraiser residing in the county~~
7 ~~in which the real property is located. The average of these~~
8 ~~3 appraisals, plus the costs of obtaining the appraisals,~~
9 ~~shall represent the fair market value of the real property.~~
10 ~~No property may be conveyed under subdivision (a)(1) or~~
11 ~~(a)(2) of this Section by the administrator for less than~~
12 ~~the fair market value. The administrator may sell the real~~
13 ~~property by public auction following notice of the sale by~~
14 ~~publication on 3 separate days not less than 15 nor more~~
15 ~~than 30 days prior to the sale in a daily newspaper having~~
16 ~~general circulation in the county in which the real~~
17 ~~property is located. If no acceptable offers for the real~~
18 ~~property are received, the administrator may have new~~
19 ~~appraisals of the property made. The administrator shall~~
20 ~~have all power necessary to convey real property under~~
21 ~~subdivision (a)(1) or (a)(2) of this Section.~~

22 (b-5) Any contract to dispose of the property is subject to
23 the following conditions:

24 (1) A commitment from the purchaser to make any
25 applicable payments to the City of Chicago with respect to
26 additional zoning density;

1 (2) A commitment from the purchaser to enter into an
2 agreement with the City of Chicago and the Chicago Transit
3 Authority regarding the existing operation of the Chicago
4 Transit Authority facility currently located on the
5 property, substantially similar to the existing agreement
6 between the City of Chicago, the Chicago Transit Authority,
7 and the State of Illinois, and such agreement must be
8 executed prior to assuming title to the property; and

9 (3) A commitment from the purchaser to designate a
10 portion of the property after the development or
11 redevelopment thereof in honor of Governor James R.
12 Thompson.

13 (b-10) The administrator shall have authority to order such
14 surveys, abstracts of title, or commitments for title
15 insurance, environmental reports, property condition reports,
16 or any other materials as the administrator may, in his or her
17 reasonable discretion, be deemed necessary to demonstrate to
18 prospective purchasers or ~~bidders, or mortgagees~~ good and
19 marketable title in and the existing conditions or
20 characteristics of the ~~any~~ property offered for sale ~~or~~
21 ~~mortgage~~ under this Section. All ~~Unless otherwise specifically~~
22 ~~authorized by the General Assembly, all~~ conveyances of property
23 made by the administrator under ~~subdivision (a) (1) or (a) (2) of~~
24 this Section shall be by quit claim deed.

25 (c) All moneys received from the sale ~~or mortgage~~ of real
26 property under this Section shall be deposited into the General

1 Revenue Fund, provided that any obligations of the State to the
2 purchaser acquiring the property, a contractor involved in the
3 sale of the property, or a unit of local government may be
4 remitted from the proceeds during the closing process and need
5 not be deposited in the State treasury prior to closing.

6 (d) The administrator is authorized to enter into any
7 agreements and execute any documents necessary to exercise the
8 authority granted by this Section.

9 (e) Any agreement to dispose of ~~or mortgage (i) the James~~
10 ~~R. Thompson Center located in Chicago, Illinois or (ii) the~~
11 ~~Elgin Mental Health Center and surrounding land located at 750~~
12 ~~S. State Street, Elgin, Illinois~~ pursuant to the authority
13 granted by this Section must be entered into no later than 2
14 years ~~one year~~ after the effective date of this amendatory Act
15 of the 100th ~~93rd~~ General Assembly.

16 (f) The provisions of this Section are subject to the
17 Freedom of Information Act, and nothing shall be construed to
18 waive the ability of a public body to assert any applicable
19 exemptions.

20 (Source: P.A. 93-19, eff. 6-20-03.)

21 (30 ILCS 605/7.7 new)

22 Sec. 7.7. Michael A. Bilandic Building.

23 (a) On or prior to the disposition of the James R. Thompson
24 Center the existing executive offices of the Governor,
25 Lieutenant Governor, Secretary of State, Comptroller, and

1 Treasurer shall be relocated in the Michael A. Bilandic
2 Building located at 160 North LaSalle Street, Chicago,
3 Illinois. An officer shall occupy the designated space on the
4 same terms and conditions applicable on the effective date of
5 this amendatory Act of the 100th General Assembly. An executive
6 officer may choose to locate in alternative offices within the
7 City of Chicago.

8 (b) The four caucuses of the General Assembly shall be
9 given space within the Michael A. Bilandic Building. Any caucus
10 located in the building on or prior to the effective date of
11 this amendatory Act of the 100th General Assembly shall
12 continue to occupy their designated space on the same terms and
13 conditions applicable on the effective date of this amendatory
14 Act of the 100th General Assembly.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."