

1 AN ACT concerning State government.

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 Reimagining Hotel Florence Act.

6 Section 5. Legislative intent. Originally built in 1881,
7 the Hotel Florence is located within the Pullman Historic
8 District and was placed on the National Register of Historic
9 Places in 1969 and was designated a National Historic Landmark
10 on December 30, 1970. To save it from demolition the Historic
11 Pullman Foundation purchased the hotel in 1975 and maintained
12 ownership until 1991 when the State of Illinois took title of
13 the building. The Hotel Florence is continually closed for
14 renovations and is a semi-closed public space.

15 The hotel sits next to the Pullman National Historic
16 Landmark District, which was designated as a National Monument
17 in 2015 and recently redesignated as Illinois's first National
18 Park on December 29, 2022 and is operated by the U.S. National
19 Park Service. This redesignation allows for the National Park
20 Service to enter into cooperative agreements with outside
21 parties for interpretive and educational programs at
22 nonfederal historic properties within the boundaries of the
23 park and to provide assistance for the preservation of

1 nonfederal land within the boundaries of the historical park
2 and at sites in close proximity to it, which may include the
3 Hotel Florence.

4 The General Assembly has allocated \$21,000,000 in capital
5 infrastructure funds to aid in the redevelopment of the Hotel
6 Florence.

7 The General Assembly finds that allowing for the
8 Department of Natural Resources to enter into a public-private
9 partnership that will allow the Hotel Florence to become a
10 fully reactivated space in a timely manner that is in the
11 public benefit of the State and the local Pullman community.

12 Section 10. Definitions. In this Act:

13 "Agreement" means a public-private agreement.

14 "Contractor" means a person that has been selected to
15 enter or has entered into a public-private agreement with the
16 Department on behalf of the State for the development,
17 financing, construction, management, or operation of the Hotel
18 Florence pursuant to this Act.

19 "Department" means the Department of Natural Resources.

20 "Hotel Florence" means real property in City of Chicago
21 located within the Pullman Historic District that is owned by
22 the Illinois Department of Natural Resources and was acquired
23 in 1991, at the address of 11111 S. Forrestville Avenue,
24 Chicago, Illinois, as well as the adjacent Hotel Florence
25 Annex building located at 537 East 111th Street, Chicago,

1 Illinois 60628 and any associated grounds connected to either
2 property.

3 "Maintain" or "maintenance" includes ordinary maintenance,
4 repair, rehabilitation, capital maintenance, maintenance
5 replacement, and any other categories of maintenance that may
6 be designated by the Department.

7 "Offeror" means a person that responds to a request for
8 proposals under this Act.

9 "Operate" or "operation" means to do one or more of the
10 following: maintain, improve, equip, modify, or otherwise
11 operate.

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

16 "Public-private agreement" means an agreement or contract
17 between the Department on behalf of the State and all
18 schedules, exhibits, and attachments thereto, entered into
19 pursuant to a competitive request for proposals process
20 governed by this Act, for the development, financing,
21 construction, management, or operation of the Hotel Florence
22 under this Act.

23 "Revenues" means all revenues, including, but not limited
24 to, income, user fees, earnings, interest, lease payments,
25 allocations, moneys from the federal government, the State,
26 and units of local government, including, but not limited to,

1 federal, State, and local appropriations, grants, loans, lines
2 of credit, and credit guarantees; bond proceeds; equity
3 investments; service payments; or other receipts arising out
4 of or in connection with the financing, development,
5 construction, management, or operation of the Hotel Florence.

6 "State" means the State of Illinois.

7 Section 15. Authority to enter public-private agreement.

8 (a) Notwithstanding any provision of law to the contrary,
9 the Department on behalf of the State may, pursuant to a
10 competitive request for proposals process governed by the
11 Illinois Procurement Code, rules adopted under that Code, and
12 this Act, enter into a public-private agreement to develop,
13 finance, construct, lease, manage, or operate the Hotel
14 Florence on behalf of the State, pursuant to which the
15 contractors may receive certain revenues, including management
16 or user fees in consideration of the payment of moneys to the
17 State for that right.

18 (b) The term of a public-private agreement shall be no
19 less than 25 years and no more than 75 years.

20 (c) The term of a public-private agreement may be
21 extended, but only if the extension is specifically authorized
22 by the General Assembly by law.

23 Section 20. Procurement; prequalification. The Department
24 may establish a process for prequalification of offerors. If

1 the Department does create such a process, it shall:

2 (1) provide a public notice of the prequalification at
3 least 30 days prior to the date on which applications are
4 due;

5 (2) set forth requirements and evaluation criteria in
6 order to become prequalified;

7 (3) determine which offerors that have submitted
8 prequalification applications, if any, meet the
9 requirements and evaluation criteria; and

10 (4) allow only those offerors that have been
11 prequalified to respond to the request for proposals.

12 Section 25. Request for proposals process to enter into
13 public-private agreement.

14 (a) Notwithstanding any provision of law to the contrary,
15 the Department on behalf of the State shall select a
16 contractor through a competitive request for proposals process
17 governed by the Illinois Procurement Code and rules adopted
18 under that Code and this Act.

19 (b) The competitive request for proposals process shall,
20 at a minimum, solicit statements of qualification and
21 proposals from offerors.

22 (c) The competitive request for proposals process shall,
23 at a minimum, take into account the following criteria:

24 (1) the offeror's plans for the Hotel Florence
25 project;

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

2 (3) the offeror's poor or inadequate past performance
3 in developing, financing, constructing, managing, or
4 operating historic landmark properties or other public
5 assets;

6 (4) the offeror's ability to meet and past performance
7 in meeting or exhausting good faith efforts to meet the
8 utilization goals for business enterprises established in
9 the Business Enterprise for Minorities, Women, and Persons
10 with Disabilities Act;

11 (5) the offeror's ability to comply with and past
12 performance in complying with Section 2-105 of the
13 Illinois Human Rights Act; and

14 (6) the offeror's plans to comply with the Business
15 Enterprise for Minorities, Women, and Persons with
16 Disabilities Act and Section 2-105 of the Illinois Human
17 Rights Act.

18 (d) The Department shall not include terms in the request
19 for proposals that provide an advantage, whether directly or
20 indirectly, to any contractor presently providing goods,
21 services, or equipment to the Department.

22 (e) The Department shall select one or more offerors as
23 finalists.

24 (f) After the procedures required in this Section have
25 been completed, the Department shall make a determination as
26 to whether the offeror should be designated as the contractor

1 for the Hotel Florence project and shall submit the decision
2 to the Governor and to the Governor's Office of Management and
3 Budget. After review of the Department's determination, the
4 Governor may accept or reject the determination. If the
5 Governor accepts the determination of the Department, the
6 Governor shall designate the offeror for the Hotel Florence
7 project.

8 Section 30. Provisions of the public-private agreement.

9 (a) The public-private agreement shall include all of the
10 following:

11 (1) the term of the public-private agreement that is
12 consistent with Section 40;

13 (2) the powers, duties, responsibilities, obligations,
14 and functions of the Department and the contractor;

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

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

19 (5) a provision specifying that the Department:

20 (A) has ready access to information regarding the
21 contractor's powers, duties, responsibilities,
22 obligations, and functions under the public-private
23 agreement;

24 (B) has the right to demand and receive
25 information from the contractor concerning any aspect

1 of the contractor's powers, duties, responsibilities,
2 obligations, and functions under the public-private
3 agreement; and

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

6 (6) a provision imposing an affirmative duty on the
7 contractor to provide the Department with any information
8 the contractor reasonably believes the Department would
9 want to know or would need to know to enable the Department
10 to exercise its powers, carry out its duties,
11 responsibilities, and obligations, and perform its
12 functions under this Act or the public-private agreement
13 or as otherwise required by law;

14 (7) the authority of the Department to enter into
15 contracts with third parties pursuant to Section 40;

16 (8) the authority of the Department to request that
17 the contractor reimburse the Department for third party
18 consultants related to the monitoring the project;

19 (9) a provision governing the contractor's authority
20 to negotiate and execute subcontracts with third parties;

21 (10) the authority of the contractor to impose user
22 fees and the amounts of those fees;

23 (11) a provision governing the deposit and allocation
24 of revenues including user fees;

25 (12) a provision governing rights to real and personal
26 property of the State, the Department, the contractor, and

1 other third parties;

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

5 (14) a requirement that the contractor enter into a
6 project labor agreement;

7 (15) a provision stating that construction contractors
8 shall comply with the requirements of Section 30-22 of the
9 Illinois Procurement Code;

10 (16) rights and remedies of the Department if the
11 contractor defaults or otherwise fails to comply with the
12 terms of the agreement;

13 (17) procedures for amendment to the agreement; and

14 (18) all other terms, conditions, and provisions
15 acceptable to the Department that the Department deems
16 necessary and proper and in the public interest.

17 Section 35. Time limitations. The Department shall issue a
18 request for proposals within 6 months after the effective date
19 of this Act. The Department shall have 6 months from the date
20 of issuance of the request for proposals to select a
21 contractor.

22 Section 40. Term of agreement; reversion of property to
23 the Department.

24 (a) The Department may terminate the contractor's

1 authority and duties under the public-private agreement on the
2 date set forth in the public-private agreement.

3 (b) Upon termination of the public-private agreement, the
4 authority and duties of the contractor under this Act cease,
5 except for those duties and obligations that extend beyond the
6 termination, as set forth in the public-private agreement, and
7 all interests in the Hotel Florence shall revert to the
8 Department.

9 Section 45. Prohibited local action; home rule. A unit of
10 local government, including a home rule unit, may not take any
11 action that would have the effect of impairing the
12 public-private agreement under this Act. This Section is a
13 denial and limitation of home rule powers and functions under
14 subsection (h) of Section 6 of Article VII of the Illinois
15 Constitution.

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

23 Section 55. Full and complete authority. This Act

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

8 Section 97. Severability. The provisions of this Act are
9 severable under Section 1.31 of the Statute on Statutes.

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.