



Rep. Nicholas K. Smith

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LRB103 04371 RLC 58895 a

1 AMENDMENT TO HOUSE BILL 779

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 779 by replacing  
3 everything after the enacting clause with the following:

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

1 in 2015 and recently redesignated as Illinois's first National  
2 Park on December 29, 2022 and is operated by the U.S. National  
3 Park Service. This redesignation allows for the National Park  
4 Service to enter into cooperative agreements with outside  
5 parties for interpretive and educational programs at  
6 nonfederal historic properties within the boundaries of the  
7 park and to provide assistance for the preservation of  
8 nonfederal land within the boundaries of the historical park  
9 and at sites in close proximity to it, which may include the  
10 Hotel Florence.

11 The General Assembly has allocated \$21,000,000 in capital  
12 infrastructure funds to aid in the redevelopment of the Hotel  
13 Florence.

14 The General Assembly finds that allowing for the  
15 Department of Natural Resources to enter into a public-private  
16 partnership that will allow the Hotel Florence to become a  
17 fully reactivated space in a timely manner that is in the  
18 public benefit of the State and the local Pullman community.

19 Section 10. Definitions. In this Act:

20 "Agreement" means a public-private agreement.

21 "Contractor" means a person that has been selected to  
22 enter or has entered into a public-private agreement with the  
23 Department on behalf of the State for the development,  
24 financing, construction, management, or operation of the Hotel  
25 Florence pursuant to this Act.

1 "Department" means the Department of Natural Resources.

2 "Hotel Florence" means real property in City of Chicago  
3 located within the Pullman Historic District that is owned by  
4 the Illinois Department of Natural Resources and was acquired  
5 in 1991, at the address of 11111 S. Forrestville Avenue,  
6 Chicago, Illinois, as well as the adjacent Hotel Florence  
7 Annex building located at 537 East 111th Street, Chicago,  
8 Illinois 60628 and any associated grounds connected to either  
9 property.

10 "Maintain" or "maintenance" includes ordinary maintenance,  
11 repair, rehabilitation, capital maintenance, maintenance  
12 replacement, and any other categories of maintenance that may  
13 be designated by the Department.

14 "Offeror" means a person that responds to a request for  
15 proposals under this Act.

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

19 "Person" means any individual, firm, association, joint  
20 venture, partnership, estate, trust, syndicate, fiduciary,  
21 corporation, or any other legal entity, group, or combination  
22 thereof.

23 "Public-private agreement" means an agreement or contract  
24 between the Department on behalf of the State and all  
25 schedules, exhibits, and attachments thereto, entered into  
26 pursuant to a competitive request for proposals process

1 governed by this Act, for the development, financing,  
2 construction, management, or operation of the Hotel Florence  
3 under this Act.

4 "Revenues" means all revenues including, but not limited  
5 to, income, user fees, earnings, interest, lease payments,  
6 allocations, moneys from the federal government, the State,  
7 and units of local government, including, but not limited to,  
8 federal, State, and local appropriations, grants, loans, lines  
9 of credit, and credit guarantees; bond proceeds; equity  
10 investments; service payments; or other receipts arising out  
11 of or in connection with the financing, development,  
12 construction, management, or operation of the Hotel Florence.

13 "State" means the State of Illinois.

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

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

25 (b) The term of a public-private agreement shall be no

1 less than 25 years and no more than 75 years.

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

5 Section 20. Procurement; prequalification. The Department  
6 may establish a process for prequalification of offerors. If  
7 the Department does create such a process, it shall:

8 (1) provide a public notice of the prequalification at  
9 least 30 days prior to the date on which applications are  
10 due;

11 (2) set forth requirements and evaluation criteria in  
12 order to become prequalified;

13 (3) determine which offerors that have submitted  
14 prequalification applications, if any, meet the  
15 requirements and evaluation criteria; and

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

18 Section 25. Request for proposals process to enter into  
19 public-private agreement.

20 (a) Notwithstanding any provision of law to the contrary,  
21 the Department on behalf of the State shall select a  
22 contractor through a competitive request for proposals process  
23 governed by the Illinois Procurement Code and rules adopted  
24 under that Code and this Act.

1 (b) The competitive request for proposals process shall,  
2 at a minimum, solicit statements of qualification and  
3 proposals from offerors.

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

6 (1) the offeror's plans for the Hotel Florence  
7 project;

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

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

13 (4) the offeror's ability to meet and past performance  
14 in meeting or exhausting good faith efforts to meet the  
15 utilization goals for business enterprises established in  
16 the Business Enterprise for Minorities, Women, and Persons  
17 with Disabilities Act;

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

21 (6) the offeror's plans to comply with the Business  
22 Enterprise for Minorities, Women, and Persons with  
23 Disabilities Act and Section 2-105 of the Illinois Human  
24 Rights Act.

25 (d) The Department shall not include terms in the request  
26 for proposals that provide an advantage, whether directly or

1 indirectly, to any contractor presently providing goods,  
2 services, or equipment to the Department.

3 (e) The Department shall select one or more offerors as  
4 finalists.

5 (f) After the procedures required in this Section have  
6 been completed, the Department shall make a determination as  
7 to whether the offeror should be designated as the contractor  
8 for the Hotel Florence project and shall submit the decision  
9 to the Governor and to the Governor's Office of Management and  
10 Budget. After review of the Department's determination, the  
11 Governor may accept or reject the determination. If the  
12 Governor accepts the determination of the Department, the  
13 Governor shall designate the offeror for the Hotel Florence  
14 project.

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

16 (a) The public-private agreement shall include all of the  
17 following:

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

20 (2) the powers, duties, responsibilities, obligations,  
21 and functions of the Department and the contractor;

22 (3) compensation or payments to the Department, if  
23 applicable;

24 (4) compensation or payments to the contractor, if  
25 applicable;

1 (5) a provision specifying that the Department:

2 (A) has ready access to information regarding the  
3 contractor's powers, duties, responsibilities,  
4 obligations, and functions under the public-private  
5 agreement;

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

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

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

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

23 (8) the authority of the Department to request that  
24 the contractor reimburse the Department for third party  
25 consultants related to the monitoring the project;

26 (9) a provision governing the contractor's authority



1 to negotiate and execute subcontracts with third parties;

2 (10) the authority of the contractor to impose user  
3 fees and the amounts of those fees;

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

6 (12) a provision governing rights to real and personal  
7 property of the State, the Department, the contractor, and  
8 other third parties;

9 (13) grounds for termination of the agreement by the  
10 Department or the contractor and a restatement of the  
11 Department's rights under this Act;

12 (14) a requirement that the contractor enter into a  
13 project labor agreement;

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

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

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

21 (18) all other terms, conditions, and provisions  
22 acceptable to the Department that the Department deems  
23 necessary and proper and in the public interest.

24 Section 35. Time limitations. The Department shall issue a  
25 request for proposals within 6 months after the effective date

1 of this Act. The Department shall have 6 months from the date  
2 of issuance of the request for proposals to select a  
3 contractor.

4 Section 40. Term of agreement; reversion of property to  
5 the Department.

6 (a) The Department may terminate the contractor's  
7 authority and duties under the public-private agreement on the  
8 date set forth in the public-private agreement.

9 (b) 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 all interests in the Hotel Florence shall revert to the  
14 Department.

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

22 Section 50. Powers liberally construed. The powers  
23 conferred by this Act shall be liberally construed in order to

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

6 Section 55. Full and complete authority. This Act  
7 contains full and complete authority for agreements and leases  
8 with private entities to carry out the activities described in  
9 this Act. Except as otherwise required by law, no procedure,  
10 proceedings, publications, notices, consents, approvals,  
11 orders, or acts by the Department or any other State or local  
12 agency or official are required to enter into an agreement or  
13 lease.

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

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