



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3673

Introduced 2/9/2024, by Sen. Napoleon Harris, III

SYNOPSIS AS INTRODUCED:

620 ILCS 75/2-26 new
620 ILCS 75/2-27 new
630 ILCS 5/10

Amends the Public-Private Agreements for the South Suburban Airport Act. Provides that in addition to the prequalification process in the Act, the Department of Transportation shall accept any unsolicited bids for the South Suburban Airport received pursuant to the Public-Private Partnerships for Transportation Act. Provides that nothing in this provision inhibits or restricts the obligations of the Department to respond to any unsolicited bids under the Public-Private Partnerships for Transportation Act. Provides that notwithstanding any other provision of law, the Department may enter into direct sole source negotiations with potential private airport development teams for the development, financing, building, operating, and maintaining of the airport. Amends the Public-Private Partnerships for Transportation Act. Changes the definition of "transportation facility" to include the South Suburban Airport. Makes a conforming change. Effective immediately.

LRB103 37268 MXP 67389 b

1 AN ACT concerning transportation.

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

4 Section 5. The Public-Private Agreements for the South
5 Suburban Airport Act is amended by adding Sections 2-26 and
6 2-27 as follows:

7 (620 ILCS 75/2-26 new)

8 Sec. 2-26. Unsolicited bids for the South Suburban
9 Airport. In addition to the prequalification process in this
10 Act, the Department shall accept any unsolicited bids for the
11 South Suburban Airport received pursuant to the Public-Private
12 Partnerships for Transportation Act. Nothing in this Section
13 inhibits or restricts the obligations of the Department to
14 respond to any unsolicited bids under the Public-Private
15 Partnerships for Transportation Act.

16 (620 ILCS 75/2-27 new)

17 Sec. 2-27. Direct sole source negotiations.
18 Notwithstanding any other provision of law, the Department may
19 enter into direct sole source negotiations with potential
20 private airport development teams for the development,
21 financing, building, operating, and maintaining of the
22 airport.

1 Section 10. The Public-Private Partnerships for
2 Transportation Act is amended by changing Section 10 as
3 follows:

4 (630 ILCS 5/10)

5 Sec. 10. Definitions. As used in this Act:

6 "Approved proposal" means the proposal that is approved by
7 the responsible public entity pursuant to subsection (j) of
8 Section 20 of this Act.

9 "Approved proposer" means the private entity whose
10 proposal is the approved proposal.

11 "Authority" means the Illinois State Toll Highway
12 Authority.

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

17 "Department" means the Illinois Department of
18 Transportation.

19 "Design-build agreement" means the agreement between the
20 selected private entity and the responsible public entity
21 under which the selected private entity agrees to furnish
22 design, construction, and related services for a
23 transportation facility under this Act.

24 "Develop" or "development" means to do one or more of the

1 following: plan, design, develop, lease, acquire, install,
2 construct, reconstruct, rehabilitate, extend, or expand.

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 responsible public entity.

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

10 "Private entity" means any combination of one or more
11 individuals, corporations, general partnerships, limited
12 liability companies, limited partnerships, joint ventures,
13 business trusts, nonprofit entities, or other business
14 entities that are parties to a proposal for a transportation
15 project or an agreement related to a transportation project. A
16 public agency may provide services to a contractor as a
17 subcontractor or subconsultant without affecting the private
18 status of the private entity and the ability to enter into a
19 public-private agreement. A transportation agency is not a
20 private entity.

21 "Proposal" means all materials and documents prepared by
22 or on behalf of a private entity relating to the proposed
23 development, financing, or operation of a transportation
24 facility as a transportation project.

25 "Proposer" means a private entity that has submitted an
26 unsolicited proposal for a public-private agreement to a

1 responsible public entity under this Act or a proposal or
2 statement of qualifications for a public-private agreement in
3 response to a request for proposals or a request for
4 qualifications issued by a responsible public entity under
5 this Act.

6 "Public-private agreement" means the public-private
7 agreement between the contractor and the responsible public
8 entity relating to one or more of the development, financing,
9 or operation of a transportation project that is entered into
10 under this Act.

11 "Request for information" means all materials and
12 documents prepared by or on behalf of the responsible public
13 entity to solicit information from private entities with
14 respect to transportation projects.

15 "Request for proposals" means all materials and documents
16 prepared by or on behalf of the responsible public entity to
17 solicit proposals from private entities to enter into a
18 public-private agreement.

19 "Request for qualifications" means all materials and
20 documents prepared by or on behalf of the responsible public
21 entity to solicit statements of qualification from private
22 entities to enter into a public-private agreement.

23 "Responsible public entity" means the Department of
24 Transportation, the Illinois State Toll Highway Authority.

25 "Revenues" means all revenues, including any combination
26 of: income; earnings and interest; user fees; lease payments;

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

12 "Shortlist" means the process by which a responsible
13 public entity will review, evaluate, and rank statements of
14 qualifications submitted in response to a request for
15 qualifications and then identify the proposers who are
16 eligible to submit a detailed proposal in response to a
17 request for proposals. The identified proposers constitute the
18 shortlist for the transportation project to which the request
19 for proposals relates.

20 "Transportation agency" means (i) the Department or (ii)
21 the Authority.

22 "Transportation facility" means any new or existing road,
23 highway, toll highway, bridge, tunnel, intermodal facility,
24 intercity or high-speed passenger rail, the South Suburban
25 Airport, or other transportation facility or infrastructure,
26 excluding all other airports, under the jurisdiction of a

1 responsible public entity, except those facilities for the
2 Illiana Expressway. The term "transportation facility" may
3 refer to one or more transportation facilities that are
4 proposed to be developed or operated as part of a single
5 transportation project.

6 "Transportation project" or "project" means any or the
7 combination of the design, development, construction,
8 financing, or operation with respect to all or a portion of any
9 transportation facility under the jurisdiction of the
10 responsible public entity, except those facilities for the
11 Illiana Expressway, undertaken pursuant to this Act.

12 "Unit of local government" has the meaning ascribed to
13 that term in Article VII, Section 1 of the Constitution of the
14 State of Illinois and also means any unit designated as a
15 municipal corporation.

16 "Unsolicited proposal" means a written proposal that is
17 submitted to a responsible public entity on the initiative of
18 the private sector entity or entities for the purpose of
19 developing a partnership, and that is not in response to a
20 formal or informal request issued by a responsible public
21 entity.

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

26 (Source: P.A. 103-570, eff. 1-1-24.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.