



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5496

Introduced 2/9/2024, by Rep. William "Will" Davis

SYNOPSIS AS INTRODUCED:

620 ILCS 75/2-26 new
620 ILCS 75/2-41 new
630 ILCS 5/10

Amends the Public-Private Agreements for the South Suburban Airport Act. Provides that in addition to the prequalification process under 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 within the provisions shall be construed to restrict the obligations of the Department to respond to any unsolicited bids under the Public-Private Partnerships for Transportation Act. Amends the Public-Private Partnerships for Transportation Act. Provides that "transportation facility" includes the South Suburban Airport. Effective immediately.

LRB103 37504 MXP 67627 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 2-41 as follows:

7 (620 ILCS 75/2-26 new)

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

16 (620 ILCS 75/2-41 new)

17 Sec. 2-41. Sole-source negotiation. Notwithstanding any
18 other provision of law, the Department may enter into direct,
19 sole-source negotiations with potential private airport
20 development teams for the development, financing, building,
21 operating, and maintaining of the 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
25 following: plan, design, develop, lease, acquire, install,

1 construct, reconstruct, rehabilitate, extend, or expand.

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

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

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

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

24 "Proposer" means a private entity that has submitted an
25 unsolicited proposal for a public-private agreement to a
26 responsible public entity under this Act or a proposal or

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

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

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

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

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

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

24 "Revenues" means all revenues, including any combination
25 of: income; earnings and interest; user fees; lease payments;
26 allocations; federal, State, and local appropriations, grants,

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

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

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

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

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

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

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

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

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

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.