

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER a: LANDS

PART 150
REGULATIONS FOR THE LETTING OF CONCESSIONS, FARM LEASES, SALE OF
BUILDINGS AND FACILITIES, AND DEMOLITIONS

Section	
150.10	Concessions
150.20	Agricultural Management Leases
150.30	Sale of Buildings and Facilities
150.40	Demolition
150.50	Criteria for Selection

AUTHORITY: Implementing and authorized by Sections 805-235, 805-300 and 805-330 of the Civil Administrative Code of Illinois [20 ILCS 805/805-235, 805-300 and 805-330].

SOURCE: Adopted at 5 Ill. Reg. 7512, effective July 6, 1981; codified at 5 Ill. Reg. 10625; amended at 6 Ill. Reg. 13326, effective October 20, 1982; amended at 16 Ill. Reg. 4839, effective March 17, 1992; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 32 Ill. Reg. 9295, effective June 13, 2008; amended at 40 Ill. Reg. 825, effective December 29, 2015.

Section 150.10 Concessions

- a) Except as cited in subsection (b), concession leases may be made for a period of not more than 25 years.
- b) Concession leases on land where expansion of existing facilities or development will take place may be made for a period up to 99 years.
- c) All concession leases shall be let by sealed competitive bids or, when in the Department's judgment it is in the best interest of the State of Illinois, by negotiated agreement.
- d) Notices of an available concession lease to be let by competitive bidding shall be placed on the Illinois Procurement Bulletin prior to the bid letting.
- e) All bids shall be opened at a public bid opening.
- f) Concessions shall be let to the best qualified highest bidder or by negotiation with a qualified operator. Factors taken into consideration in determining a qualified bidder shall include, but are not limited to, criteria contained in Section 150.50.
- g) At the end of a concession lease period the concession lease may be renegotiated with the present concessionaire if the concessionaire has not violated lease

covenants, or has quickly corrected the violations after notification by the Division of Concession and Lease Management, and if the concessionaire has continued to meet the criteria found in Section 150.50 during the lease period. In such a case, no competitive bidding on the concession will be offered.

(Source: Amended at 32 Ill. Reg. 9295, effective June 13, 2008)

Section 150.20 Agricultural Management Leases

- a) Agricultural management leases are for a period of:
 - 1) not more than 15 years, if the land is to be enrolled in the United States Department of Agriculture Conservation Reserve Program; or
 - 2) not more than four years for all other agricultural management leases.
- b) Agricultural management leases shall be let by sealed competitive bids, except these leases may be negotiated under any of the following conditions:
 - 1) when land has been recently purchased with an agreement that the previous owner will farm the property for the next one to two years (as part of the land transaction);
 - 2) when the tract is less than 50 acres or completely surrounded by other private land;
 - 3) when property acquired by lease or purchase is acquired late in the season;
 - 4) when crops are already planted by a previous owner or tenant; or
 - 5) when the Department of Natural Resources purchases less than fee simple interest in a property for development purposes.
- c) Notices of the available agricultural management leases shall be placed in a local newspaper prior to a sealed competitive bid letting.
- d) A public informational meeting shall be held at the site of the available agricultural management lease prior to the bid letting.
- e) The bids shall be opened at a public bid opening.
- f) The best qualified highest bidder shall be given the right to enter into an agricultural management lease. Factors taken into consideration in determining a qualified bidder shall include, but not be limited to, criteria contained in Section 150.50.

- g) If no bids are placed or if no qualified bidders place bids, a negotiated lease with a qualified lessee may be sought.
- h) At the end of an agricultural management lease period, the lease may be renegotiated with the present leaseholder if the leaseholder has not violated lease covenants or has quickly corrected such violations after notification by the Farm Lease Program Administrator. In such a case, no competitive bidding on the agricultural management lease will be offered.

(Source: Amended at 40 Ill. Reg. 825, effective December 29, 2015)

Section 150.30 Sale of Buildings and Facilities

- a) All sales of buildings and facilities shall be by public auction or sealed bid.
- b) Notice of proposed sale shall be placed in a local newspaper and the official State newspaper prior to actual sale.
- c) If the sale is held by sealed bid, the bid opening shall be public. The building or facility shall be open for inspection prior to the bid opening.
- d) If the sale is held at public auction, the auction shall be held on the premises of the building or facility to be sold. The building or facility shall be open for inspection prior to and on the day of the public auction.
- e) The building or facility shall be sold to the best qualified highest bidder.
- f) The chosen bidder must place a performance bond with the Department of Natural Resources. The amount of this bond shall be based on the building or facility's size, condition, type of construction, materials and the environment where situated as appraised by Department of Natural Resources personnel. The bond amount shall be the same for any of the bidders.
- g) If no bids are placed or if no qualified bidder places a bid, the sale shall be held again. If at that time still no bids are placed or no qualified bidder places a bid, a negotiated sale with a qualified entity shall be sought.

(Source: Amended at 16 Ill. Reg. 4839, effective March 17, 1992).

Section 150.40 Demolition

- a) All contracts for demolitions shall be let by sealed bids.
- b) Notice of an informational meeting for interested bidders shall be placed in a local newspaper and the official State newspaper prior to bid letting.
- c) All informational meetings shall be held at least ten days before the bid opening.

The meeting shall explain all facets of the demolition.

- d) All bids shall be opened at a public bid opening.
- e) The chosen contractor must place a performance bond with the Department of Natural Resources. The amount of the bond shall be based on the building or facility's size, condition, type of construction, materials and the environment where situated as appraised by Department of Natural Resources personnel. The bond amount shall be the same for any of the bidders.
- f) The chosen contractor must acquire liability insurance in an amount specified by the Illinois Department of Natural Resources and name the Illinois Department of Natural Resources as an additional insured. A certificate of such insurance is required prior to the commencement of any work. The amount of liability insurance shall be based on the building or facility's size, condition, type of construction, materials and the environment where situated as appraised by Department of Natural Resources personnel.
- g) The contract shall be awarded to the best qualified lowest bidder.
- h) If no bids are placed or if no qualified bidders place a bid, a negotiated contract with a qualified person or company may be sought for the demolition work.

(Source: Amended at 16 Ill. Reg. 4839, effective March 17, 1992)

Section 150.50 Criteria for Selection

When the Department of Natural Resources is involved in granting concession and farm leases, sale of buildings and facilities or demolition, the criteria for making the decisions are weighted according to each situation and include the following: economic benefit to the State; prior history with the State; financial and personal records; business and personal references; quality and quantity of equipment; staff and administrative personnel; similar business experience; and ability to finance. Solicitations shall specify which criteria are being applied and how they are being applied.

(Source: Amended at 32 Ill. Reg. 9295, effective June 13, 2008)