



Rep. Robert W. Pritchard

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1 AMENDMENT TO HOUSE BILL 2582

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2582 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Procurement Code is amended by  
5 changing Sections 20-60 and 25-45 as follows:

6 (30 ILCS 500/20-60)

7 Sec. 20-60. Duration of contracts.

8 (a) Maximum duration. A contract, other than a contract  
9 entered into pursuant to the State University Certificates of  
10 Participation Act, may be entered into for any period of time  
11 deemed to be in the best interests of the State but not  
12 exceeding 10 years inclusive, beginning January 1, 2010, of  
13 proposed contract renewals. The length of a lease for real  
14 property or capital improvements shall be in accordance with  
15 the provisions of Section 40-25. The length of a guaranteed  
16 energy savings contract shall be in accordance with the

1 provisions of Section 25-45 of this Code and may be entered  
2 into for any period of time deemed to be in the best interest  
3 of the State, but shall not exceed 15 years in length. A  
4 contract for bond or mortgage insurance awarded by the Illinois  
5 Housing Development Authority, however, may be entered into for  
6 any period of time less than or equal to the maximum period of  
7 time that the subject bond or mortgage may remain outstanding.

8 (b) Subject to appropriation. All contracts made or entered  
9 into shall recite that they are subject to termination and  
10 cancellation in any year for which the General Assembly fails  
11 to make an appropriation to make payments under the terms of  
12 the contract.

13 (c) The chief procurement officer shall file a proposed  
14 extension or renewal of a contract with the Procurement Policy  
15 Board prior to entering into any extension or renewal if the  
16 cost associated with the extension or renewal exceeds \$249,999.  
17 The Procurement Policy Board may object to the proposed  
18 extension or renewal within 30 calendar days and require a  
19 hearing before the Board prior to entering into the extension  
20 or renewal. If the Procurement Policy Board does not object  
21 within 30 calendar days or takes affirmative action to  
22 recommend the extension or renewal, the chief procurement  
23 officer may enter into the extension or renewal of a contract.  
24 This subsection does not apply to any emergency procurement,  
25 any procurement under Article 40, or any procurement exempted  
26 by Section 1-10(b) of this Code. If any State agency contract

1 is paid for in whole or in part with federal-aid funds, grants,  
2 or loans and the provisions of this subsection would result in  
3 the loss of those federal-aid funds, grants, or loans, then the  
4 contract is exempt from the provisions of this subsection in  
5 order to remain eligible for those federal-aid funds, grants,  
6 or loans, and the State agency shall file notice of this  
7 exemption with the Procurement Policy Board prior to entering  
8 into the proposed extension or renewal. Nothing in this  
9 subsection permits a chief procurement officer to enter into an  
10 extension or renewal in violation of subsection (a). By August  
11 1 each year, the Procurement Policy Board shall file a report  
12 with the General Assembly identifying for the previous fiscal  
13 year (i) the proposed extensions or renewals that were filed  
14 with the Board and whether the Board objected and (ii) the  
15 contracts exempt from this subsection.

16 (Source: P.A. 95-344, eff. 8-21-07; 96-15, eff. 6-22-09;  
17 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793 for the  
18 effective date of changes made by P.A. 96-795); 96-920, eff.  
19 7-1-10; 96-1478, eff. 8-23-10.)

20 (30 ILCS 500/25-45)

21 Sec. 25-45. Executive agency energy conservation and  
22 saving measures ~~Energy conservation program.~~

23 (a) Definitions. As used in this Section:

24 "Board" means the Capital Development Board or its  
25 successors.

1       "Contracting authority" means the Department, the Board,  
2 or other such agencies as may be delegated to execute certain  
3 of its statutory procurement functions through  
4 intergovernmental agreements specifically developed for the  
5 purpose of securing energy conservation services.

6       "Department" means the Department of Central Management  
7 Services acting in its capacity as the statutory owner and  
8 manager of all properties owned and operated by the State of  
9 Illinois on behalf of agencies, boards, and commissions  
10 functioning under the executive authority of the Governor.

11       "Energy conservation measure" means any improvement,  
12 repair, alteration, or betterment of any executive agency  
13 facility or any equipment, fixture, or furnishing to be added  
14 to or used in an executive agency facility, that is designed to  
15 reduce energy consumption or operating costs, and may include,  
16 but is not limited to, one or more of the following:

17           (1) Insulation of the building structure or systems  
18 within the building.

19           (2) Storm windows or doors, caulking or weather  
20 stripping, multiglazed windows or doors, heat-absorbing or  
21 heat-reflective glazed and coated window or door systems,  
22 additional glazing, reductions in glass area, or other  
23 window and door system modifications that reduce energy  
24 consumption.

25           (3) Automated or computerized energy control systems.

26           (4) Heating, ventilating, or air conditioning system,

1 modifications, or replacements.

2 (5) Replacement or modification of lighting fixtures  
3 to increase the energy efficiency of the lighting system  
4 without increasing the overall illumination of a building,  
5 unless an increase in illumination is necessary to conform  
6 to the applicable State or local building code for the  
7 lighting system after the proposed modifications are made.

8 (6) Energy recovery systems.

9 "Executive agency facility" means a building owned and  
10 operated by the State of Illinois through an agency, board, or  
11 commission statutorily functioning under the executive  
12 authority of the Governor and under the general property  
13 management authority of the Department of Central Management  
14 Services.

15 "Guaranteed energy savings contract" means a contract for:  
16 (i) the implementation of an energy audit, data collection, and  
17 other related analyses preliminary to the undertaking of energy  
18 conservation measures; (ii) the evaluation and recommendation  
19 of energy conservation measures; (iii) the implementation of  
20 one or more energy conservation measures; and (iv) the  
21 implementation of project monitoring and data collection to  
22 verify post installation energy consumption and energy related  
23 operating costs. The contract shall provide that all payments,  
24 except obligations on termination of the contract before its  
25 expiration, are to be made over time and that the savings are  
26 guaranteed to the extent necessary to pay the costs of the

1 energy conservation measures. "Energy savings" may include  
2 energy reduction and offsetting sources of renewable energy  
3 funds, including renewable energy credits and carbon credits.

4 "Qualified provider" means a person or business whose  
5 employees are experienced and trained in the design,  
6 implementation, or installation of energy conservation  
7 measures. The minimum training required for any person or  
8 employee under this Section shall be the satisfactory  
9 completion of at least 40 hours of course instruction dealing  
10 with energy conservation measures, but the person or business  
11 may not engage in the practice of architecture, engineering,  
12 structural engineering, or plumbing unless the person is  
13 licensed or the business is registered in accordance with the  
14 appropriate Act or Law or the applicable rules, as identified  
15 in subsection (i) of this Section. A qualified provider to whom  
16 the contract is awarded shall give a sufficient bond to the  
17 executive agency or for its faithful performance.

18 (b) Before entering into a guaranteed energy savings  
19 contract, the contracting authority shall issue a request for  
20 proposals in accordance with this Code requesting competitive  
21 sealed offers for innovative solutions and conservation  
22 measures. A request for proposals shall be published in the  
23 volume of the Illinois Procurement Bulletin under the authority  
24 of the chief procurement officer for at least 30 days before  
25 offers are due. No person or business shall submit  
26 specifications to the contracting authority unless requested

1 to do so by an employee of the State. No person or business who  
2 contracts with the contracting authority to write  
3 specifications, or otherwise provides specifications, for a  
4 particular procurement need shall submit a bid or proposal or  
5 receive a contract for that procurement need.

6 (c) After evaluating the proposals, a contracting  
7 authority for an executive agency facility may enter into a  
8 guaranteed energy savings contract with the best-qualified  
9 offeror if the contracting authority finds that the amount it  
10 would spend on the energy conservation measures recommended in  
11 the proposal would not exceed the amount to be saved in either  
12 energy or operational costs, or both, within a 15-year period  
13 from the date of installation if the recommendations in the  
14 proposal are followed. Contracts let or awarded must be  
15 published in the volume of the Illinois Procurement Bulletin  
16 under the authority of the chief procurement officer.

17 (d) The guaranteed energy savings contract shall include  
18 the contractor's guarantee that either the energy or  
19 operational cost savings, or both, will meet or exceed within  
20 15 years the costs of the energy conservation measures. The  
21 contractor shall reimburse the State for any shortfall of  
22 guaranteed energy savings projected in the contract. A  
23 contractor shall provide a sufficient bond, as determined by  
24 the State, to the contracting authority for the installation  
25 and the faithful performance of all the measures included in  
26 the contract. The guaranteed energy savings contract may

1 provide for payments over a period of time, not to exceed 15  
2 years from the date of final installation of the energy  
3 conservation measures.

4 (e) If an energy audit is performed by an energy services  
5 contractor for an executive agency facility within the 3 years  
6 immediately preceding the request for proposals, then the  
7 contracting authority must publish as a reference document in  
8 the solicitation for energy conservation measures the  
9 following:

10 (1) an executive summary of the energy audit, provided  
11 that the contracting authority and executive agency  
12 facility may exclude any proprietary or trademarked  
13 information or practices; or

14 (2) the energy audit, provided that the contracting  
15 authority and executive agency facility may redact any  
16 proprietary or trademarked information or practices.

17 An executive agency facility or contracting authority may  
18 not withhold the disclosure of information related to: (i) the  
19 executive agency facility's consumption of energy, (ii) the  
20 physical condition of the executive agency's facilities, and  
21 (iii) any limitations prescribed by the executive agency  
22 facility or contracting authority.

23 (f) Guaranteed energy savings contracts may extend beyond  
24 the fiscal year in which they become effective. However,  
25 subsequent fiscal year costs shall be subject to appropriations  
26 that cover the defined work.



1       (g) In cooperation with the contracting authority, the  
2 executive agency facility shall document the energy cost  
3 savings for measures installed as specified in the guaranteed  
4 energy savings contract and designate and appropriate that  
5 amount for an annual payment of the contract. If the annual  
6 energy savings are less than projected under the guaranteed  
7 energy savings contract the contractor shall pay the difference  
8 as provided in subsection (d) of this Section.

9       (h) An executive agency facility or contracting authority  
10 may use funds designated for operating or capital expenditures  
11 for any guaranteed energy savings contract including purchases  
12 using installment payment contracts or lease purchase  
13 agreements.

14       (i) Other State laws and related administrative  
15 requirements apply to this Section, including, but not limited  
16 to, the following laws and related administrative  
17 requirements: the Illinois Human Rights Act, the Prevailing  
18 Wage Act, the Public Construction Bond Act, the Employment of  
19 Illinois Workers on Public Works Act, the Freedom of  
20 Information Act, the Open Meetings Act, the Illinois  
21 Architecture Practice Act of 1989, the Professional  
22 Engineering Practice Act of 1989, the Structural Engineering  
23 Practice Act of 1989, the Illinois Plumbing License Law, and  
24 the Contractor Unified License and Permit Bond Act.

25       (j) In order to protect the integrity of historic  
26 buildings, no provision of this Section shall be interpreted to

1 require the implementation of energy conservation measures  
2 that conflict with respect to any property eligible for,  
3 nominated to, or entered on the National Register of Historic  
4 Places, pursuant to the federal National Historic Preservation  
5 Act of 1966, or the Illinois Register of Historic Places,  
6 pursuant to the Illinois Historic Preservation Act.

7 ~~State purchasing officers may enter into energy conservation~~  
8 ~~program contracts that provide for utility cost savings. The~~  
9 ~~chief procurement officer shall promulgate and adopt rules for~~  
10 ~~the implementation of this Section.~~

11 (Source: P.A. 90-572, eff. date - See Sec. 99-5.)".