



Rep. Joyce Mason

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10200HB3149ham001

LRB102 04098 CMG 23891 a

1 AMENDMENT TO HOUSE BILL 3149

2 AMENDMENT NO. _____. Amend House Bill 3149 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing
5 Sections 3-14.20, 19b-1.1, 19b-1.2, 19b-1.4, 19b-2, 19b-3,
6 19b-4, 19b-5, 19b-7, and 19b-8 and by adding Sections 19b-1.5,
7 19b-2.1, and 19b-90 as follows:

8 (105 ILCS 5/3-14.20) (from Ch. 122, par. 3-14.20)

9 Sec. 3-14.20. Building plans and specifications. To
10 inspect the building plans and specifications, including but
11 not limited to plans and specifications for the heating,
12 ventilating, lighting, seating, water supply, toilets, energy
13 conservation measures, and safety against fire of public
14 school rooms and buildings submitted to the regional
15 superintendent of schools ~~him~~ by school boards, and to approve
16 all those which comply substantially with the building code

1 authorized in Section 2-3.12.

2 If a municipality or, in the case of an unincorporated
3 area, a county or, if applicable, a fire protection district
4 wishes to be notified of plans and specifications received by
5 a regional office of education for any future construction or
6 alteration of a public school facility located within that
7 entity's jurisdiction, then the entity must register this wish
8 with the regional superintendent of schools. Within 10 days
9 after the regional superintendent of schools receives the
10 plans and specifications from a school board and prior to the
11 bidding process, he or she shall notify, in writing, the
12 registered municipality and, if applicable, the registered
13 fire protection district where the school that is being
14 constructed or altered lies that plans and specifications have
15 been received. In the case of an unincorporated area, the
16 registered county shall be notified. If the municipality, fire
17 protection district, or county requests a review of the plans
18 and specifications, then the school board shall submit a copy
19 of the plans and specifications. The municipality and, if
20 applicable, the fire protection district or the county may
21 comment in writing on the plans and specifications based on
22 the building code authorized in Section 2-3.12, referencing
23 the specific code where a discrepancy has been identified, and
24 respond back to the regional superintendent of schools within
25 15 days after a copy of the plans and specifications have been
26 received or, if needed for plan review, such additional time

1 as agreed to by the regional superintendent of schools. This
2 review must be at no cost to the school district.

3 If such plans and specifications are not approved or
4 denied approval by the regional superintendent of schools
5 within 3 months after the date on which they are submitted to
6 him or her, the school board may submit such plans and
7 specifications directly to the State Superintendent of
8 Education for approval or denial.

9 (Source: P.A. 94-225, eff. 7-14-05.)

10 (105 ILCS 5/19b-1.1) (from Ch. 122, par. 19b-1.1)

11 Sec. 19b-1.1. Energy conservation measure. "Energy
12 conservation measure" means any improvement, repair,
13 alteration, or betterment of any building or facility owned or
14 operated by a school district or area vocational center or any
15 equipment, fixture, or furnishing to be added to or used in any
16 such building or facility, according to plans and
17 specifications designed and approved subject to the building
18 code authorized in Section 2-3.12 of this Code, that is
19 proposed ~~designed~~ to reduce energy ~~consumption~~ or operating
20 costs, and may include, without limitation, one or more of the
21 following:

22 (1) Insulation of the building structure or systems
23 within the building.

24 (2) Storm windows or doors, caulking or
25 weatherstripping, multiglazed windows or doors, heat

1 absorbing or heat reflective glazed and coated window or
2 door systems, additional glazing, reductions in glass
3 area, or other window and door system modifications that
4 reduce energy consumption.

5 (3) Automated or computerized energy control systems.

6 (4) Heating, ventilating, or air conditioning system
7 modifications or replacements.

8 (5) Replacement or modification of lighting fixtures
9 to increase the energy efficiency of the lighting system
10 without increasing the overall illumination of a facility,
11 unless an increase in illumination is necessary to conform
12 to the applicable State or local building code for the
13 lighting system after the proposed modifications are made.

14 (6) Energy recovery systems.

15 (7) (Blank) ~~Energy conservation measures that provide~~
16 ~~long term operating cost reductions.~~

17 "Energy conservation measure" does not include new
18 construction or building additions beyond the square footage
19 and footprint of the existing buildings or structures
20 currently in existence, except areas required for the sole use
21 of mechanical and electrical upgrades. "Energy conservation
22 measure" does not include new or additional spaces, such as
23 classrooms, gymnasiums, or administrative and common areas.
24 New construction or additions shall be designed and
25 constructed in accordance with the applicable energy
26 conservation laws and codes and may not be included in the

1 calculations of any energy savings with respect to any
2 guaranteed energy savings contract.

3 (Source: P.A. 95-612, eff. 9-11-07.)

4 (105 ILCS 5/19b-1.2) (from Ch. 122, par. 19b-1.2)

5 Sec. 19b-1.2. Guaranteed energy savings contract.

6 "Guaranteed energy savings contract" means a contract for: (i)
7 the implementation of an energy audit, data collection, and
8 other related analyses preliminary to the undertaking of
9 energy conservation measures; (ii) the evaluation and
10 recommendation of energy conservation measures; (iii) the
11 implementation of one or more energy conservation measures;
12 and (iv) the implementation of project monitoring and data
13 collection to verify post-installation energy ~~consumption and~~
14 ~~energy-related~~ operating costs. The contract shall provide
15 that all payments, except obligations on termination of the
16 contract before its expiration, are to be made over time and
17 that the savings are guaranteed to the extent necessary to pay
18 the costs of the energy conservation measures. Energy saving
19 may include energy reduction and offsetting sources of
20 renewable energy funds including renewable energy credits and
21 carbon credits.

22 (Source: P.A. 96-1197, eff. 7-22-10.)

23 (105 ILCS 5/19b-1.4) (from Ch. 122, par. 19b-1.4)

24 Sec. 19b-1.4. Request for proposals. "Request for

1 proposals" means a competitive selection achieved by
2 negotiated procurement. The request for proposals shall be
3 submitted to the administrators of the Capital Development
4 Board Procurement Bulletin for publication and through at
5 least one public notice, at least 30 days before the request
6 date in a newspaper published in the district or vocational
7 center area, or if no newspaper is published in the district or
8 vocational center area, in a newspaper of general circulation
9 in the area of the district or vocational center, from a school
10 district or area vocational center that will administer the
11 program, requesting ~~innovative solutions~~ and proposals for
12 energy conservation measures. Proposals submitted shall be
13 sealed. The request for proposals shall include all of the
14 following:

15 (1) The name and address of the school district or
16 area vocation center.

17 (2) The name, address, title, and phone number of a
18 contact person.

19 (3) Notice indicating that the school district or area
20 vocational center is requesting qualified providers to
21 propose energy conservation measures through a guaranteed
22 energy savings contract.

23 (4) The date, time, and place where proposals must be
24 received.

25 (5) The evaluation criteria for assessing the
26 proposals.

1 (6) Any other stipulations and clarifications the
2 school district or area vocational center may require.
3 (Source: P.A. 95-612, eff. 9-11-07; 96-1197, eff. 7-22-10.)

4 (105 ILCS 5/19b-1.5 new)

5 Sec. 19b-1.5. Energy operating cost. "Energy operating
6 cost" means any expenditure paid by a school district or area
7 vocational center to a third party for the furnishing of heat,
8 cold, power, electricity, water, or light to any building or
9 facility owned or operated by a school district or area
10 vocational center. "Energy operating cost" shall be directly
11 related to the energy consumption of a structure. "Energy
12 operating cost" does not include calculations related to
13 general maintenance and custodial costs, including, but not
14 limited to, window cleaning, floor waxing, carpet vacuuming
15 and cleaning, mowing of lawns, trash removal, playground
16 maintenance, and similar indirect costs.

17 (105 ILCS 5/19b-2) (from Ch. 122, par. 19b-2)

18 Sec. 19b-2. Evaluation of proposal; performance review.
19 Before entering into a guaranteed energy savings contract
20 under Section 19b-3, a school district or area vocational
21 center shall submit a request for proposals. The school
22 district or area vocational center shall evaluate any sealed
23 proposal from a qualified provider. The evaluation shall
24 analyze the estimates of all costs of installations,

1 modifications or remodeling, including, without limitation,
2 costs of a pre-installation energy audit or analysis, design,
3 engineering, installation, maintenance, repairs, debt service,
4 conversions to a different energy or fuel source, or
5 post-installation project monitoring, data collection, and
6 reporting. The evaluation shall include a detailed analysis of
7 whether either the energy consumed or the energy operating
8 costs, ~~or both,~~ will be reduced and shall be submitted to the
9 administrators of the Capital Development Board Procurement
10 Bulletin for publication. If technical assistance is not
11 available by the ~~a~~ licensed architect of record or registered
12 professional engineer of record for ~~on~~ the school district or
13 area vocational center ~~staff,~~ then the evaluation of the
14 proposal shall be done by a registered professional engineer
15 or architect, who is retained by the school district or area
16 vocational center. A licensed architect or registered
17 professional engineer evaluating a proposal or reviewing
18 contract performance under this Section must not have any
19 financial or contractual relationship with a qualified
20 provider or other source that would constitute a conflict of
21 interest. The school district or area vocational center may
22 pay a reasonable fee for evaluation of the proposal or the
23 review of contract performance or include the fee as part of
24 the payments made under Section 19b-4.

25 Performance reviews shall be conducted at least once every
26 4 years at the discretion of the school district or area

1 vocational center to verify the outcomes of the guaranteed
2 energy savings contract and shall include any improvement,
3 repair, alteration, or betterment of any building or facility
4 owned or operated by a school district or area vocational
5 center or any equipment, fixture, or furnishing added to or
6 used in any such building or facility. A performance review
7 shall be performed during a health and life safety survey
8 under Section 2-3.12 of this Code.

9 (Source: P.A. 95-612, eff. 9-11-07.)

10 (105 ILCS 5/19b-2.1 new)

11 Sec. 19b-2.1. Submission of proposals. Proposals must be
12 properly identified and sealed. Proposals may not be reviewed
13 until after the deadline for submission has passed as set
14 forth in the request for proposals. All qualified providers
15 submitting proposals shall be disclosed after the deadline for
16 submission but not before. Proposals shall identify the names
17 of all parties to the proposed contract, including those that
18 may be subcontracted during the performance of the contract.
19 Proposals must meet all material requirements of the request
20 for proposals, or they may be rejected as non-responsive.
21 Proposals may be withdrawn prior to evaluation for any cause.
22 No person or business who contracts with a local government to
23 write specifications or otherwise provides specifications or
24 assessments for a procurement need under this Section shall
25 submit a bid or proposal or receive a contract for that

1 procurement need. The specifications or assessments may be
2 provided at no cost by a vendor or may be provided by the local
3 government itself. All projects procured under this Section
4 shall comply with Section 2-3.12 of this Code, if applicable,
5 and are subject to review by the State Board of Education.

6 (105 ILCS 5/19b-3) (from Ch. 122, par. 19b-3)

7 Sec. 19b-3. Award of guaranteed energy savings contract.
8 Sealed proposals must be opened by a member or employee of the
9 school board or governing board of the area vocational center,
10 whichever is applicable, at a public opening at which the
11 contents of the proposals must be announced. Each person or
12 entity submitting a sealed proposal must receive at least 13
13 days notice of the time and place of the opening. The school
14 district or area vocational center shall select the qualified
15 provider that best meets the needs of the district or area
16 vocational center. The school district or area vocational
17 center shall provide public notice of the meeting at which it
18 proposes to award a guaranteed energy savings contract of the
19 names of the parties to the proposed contract and of the
20 purpose of the contract. The public notice shall be made at
21 least 10 days prior to the meeting. After evaluating the
22 proposals under Section 19b-2, a school district or area
23 vocational center may enter into a guaranteed energy savings
24 contract with a qualified provider if it finds that the amount
25 it would spend on the energy conservation measures recommended

1 in the proposal would not exceed the amount to be saved in
2 ~~either energy operating or operational costs, or both,~~ within
3 an 8-year a 20-year period from the date of installation, if
4 the recommendations in the proposal are followed. Contracts
5 let or awarded must be submitted to the administrators of the
6 Capital Development Board Procurement Bulletin for
7 publication. The final contract and any subsequent
8 modifications and successful proposals, evaluations, and
9 performance reviews shall be considered public records subject
10 to inspection and copying by the public. All subsequent
11 modifications that increase the guaranteed energy savings
12 contract length or scope of work are subject to a new request
13 for proposals pursuant to this Article.

14 (Source: P.A. 95-612, eff. 9-11-07; 96-1197, eff. 7-22-10.)

15 (105 ILCS 5/19b-4) (from Ch. 122, par. 19b-4)

16 Sec. 19b-4. Guarantee. The guaranteed energy savings
17 contract shall include a written guarantee of the qualified
18 provider that ~~either the energy operating or operational cost~~
19 ~~savings, or both,~~ will meet or exceed within 8 20 years the
20 costs of the energy conservation measures. The qualified
21 provider shall reimburse the school district or area
22 vocational center within 90 days for any shortfall of
23 guaranteed energy savings projected in the contract. A
24 qualified provider shall provide a sufficient bond to the
25 school district or area vocational center for the installation

1 and the faithful performance of all the measures included in
2 the contract. The guaranteed energy savings contract may
3 provide for payments over a period of time, not to exceed 8 ~~20~~
4 years from the date of final installation of the measures.

5 (Source: P.A. 92-767, eff. 8-6-02.)

6 (105 ILCS 5/19b-5) (from Ch. 122, par. 19b-5)

7 Sec. 19b-5. Installment payment contract; lease purchase
8 agreement. A school district or school districts in
9 combination or an area vocational center may enter into an
10 installment payment contract or lease purchase agreement with
11 a qualified provider or with a third party, as authorized by
12 law, for the funding or financing of the purchase and
13 installation of energy conservation measures by a qualified
14 provider. Every school district or area vocational center may
15 issue certificates evidencing the indebtedness incurred
16 pursuant to the contracts or agreements. Any such contract or
17 agreement shall be valid whether or not an appropriation with
18 respect thereto is first included in any annual or
19 supplemental budget adopted by the school district or area
20 vocational center. Each contract or agreement entered into by
21 a school district or area vocational center pursuant to this
22 Section shall be authorized by official action of the school
23 board or governing board of the area vocational center,
24 whichever is applicable. The authority granted in this Section
25 is in addition to any other authority granted by law.

1 If an energy audit is performed by an energy services
2 contractor for a school district within the 3 years
3 immediately preceding the solicitation, then the school
4 district must publish as a reference document in the
5 solicitation for energy conservation measures the following:

6 (1) an executive summary of the energy audit provided
7 that the school district may exclude any proprietary or
8 trademarked information or practices; or

9 (2) the energy audit provided that the school district
10 may redact any proprietary or trademarked information or
11 practices.

12 A school district may not withhold the disclosure of
13 information related to (i) the school district's consumption
14 of energy or energy operating costs, (ii) the physical
15 condition of the school district's facilities, and (iii) any
16 limitations prescribed by the school district.

17 The solicitation must include a written disclosure that
18 identifies any energy services contractor or qualified
19 provider that participated in the preparation of the
20 specifications issued by the school district. If no energy
21 services contractor or qualified provider participated in the
22 preparation of the specifications issued by the school
23 district, then the solicitation must include a written
24 disclosure that no energy services contractor or qualified
25 provider participated in the preparation of the specifications
26 for the school district. The written disclosure shall be

1 published in the Capital Development Board Procurement
2 Bulletin with the Request for Proposal.

3 (Source: P.A. 96-1197, eff. 7-22-10; 97-333, eff. 8-12-11.)

4 (105 ILCS 5/19b-7) (from Ch. 122, par. 19b-7)

5 Sec. 19b-7. Energy operating ~~Operational and energy~~ cost
6 savings. The school district or area vocational center shall
7 document the ~~operational and~~ energy operating cost savings
8 specified in the guaranteed energy savings contract and
9 designate and appropriate that amount for an annual payment of
10 the contract. If the annual energy operating cost savings are
11 less than projected under the guaranteed energy savings
12 contract, the qualified provider shall, within 90 days, pay
13 the difference as provided in Section 19b-4.

14 (Source: P.A. 92-767, eff. 8-6-02.)

15 (105 ILCS 5/19b-8) (from Ch. 122, par. 19b-8)

16 Sec. 19b-8. Available funds. A school district or area
17 vocational center may use funds designated for energy
18 operating cost ~~operating or capital~~ expenditures for any
19 guaranteed energy savings contract including purchases using
20 installment payment contracts or lease purchase agreements. A
21 school district or area vocational center that enters into
22 such a contract or agreement may covenant in such contract or
23 agreement that payments made thereunder shall be payable from
24 the first funds legally available in each fiscal year.

1 (Source: P.A. 92-767, eff. 8-6-02.)

2 (105 ILCS 5/19b-90 new)

3 Sec. 19b-90. New or modified contracts prohibited. No new
4 guaranteed energy savings contract, contract modifications, or
5 contract amendments may be entered into on or after January 1,
6 2026."