



Rep. Sidney H. Mathias

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LRB094 11389 RAS 58111 a

1 AMENDMENT TO SENATE BILL 1827

2 AMENDMENT NO. _____. Amend Senate Bill 1827, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Local Government Energy Conservation Act is
6 amended by adding Sections 3 and 4 and by changing Sections 5
7 and 10 as follows:

8 (50 ILCS 515/3 new)

9 Sec. 3. Applicable laws. Other State laws and related
10 administrative requirements apply to this Act, including, but
11 not limited to, the following laws and related administrative
12 requirements: the Illinois Human Rights Act, the Prevailing
13 Wage Act, the Public Construction Bond Act, the Public Works
14 Preference Act, the Employment of Illinois Workers on Public
15 Works Act, the Freedom of Information Act, the Open Meetings
16 Act, the Illinois Architecture Practice Act of 1989, the
17 Professional Engineering Practice Act of 1989, the Structural
18 Engineering Practice Act of 1989, the Local Government
19 Professional Services Selection Act, and the Contractor
20 Unified License and Permit Bond Act.

21 (50 ILCS 515/4 new)

22 Sec. 4. Applicability. In order to protect the integrity of
23 historic buildings, no provision of this Act shall be

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

7 (50 ILCS 515/5)

8 Sec. 5. Definitions. As used in this Act, unless the
9 context clearly requires otherwise:

10 "Energy conservation measure" means any improvement,
11 repair, alteration, or betterment of any building or facility
12 owned or operated by a unit of local government or any
13 equipment, fixture, or furnishing to be added to or used in any
14 such building or facility, subject to all applicable building
15 codes, that is designed to reduce energy consumption or
16 operating costs, and may include, without limitation, one or
17 more of the following:

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

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

26 (3) Automated or computerized energy control systems.

27 (4) Heating, ventilating, or air conditioning system
28 modifications or replacements.

29 (5) Replacement or modification of lighting fixtures
30 to increase the energy efficiency of the lighting system
31 without increasing the overall illumination of a facility,
32 unless an increase in illumination is necessary to conform
33 to the applicable State or local building code for the

1 lighting system after the proposed modifications are made.

2 (6) Energy recovery systems.

3 (7) Energy conservation measures that provide
4 long-term operating cost reductions.

5 "Guaranteed energy savings contract" means a contract for:

6 (i) the implementation of an energy audit, data collection, and
7 other related analyses preliminary to the undertaking of energy
8 conservation measures; (ii) the evaluation and recommendation
9 of energy conservation measures; (iii) the implementation of
10 one or more energy conservation measures; and (iv) the
11 implementation of project monitoring and data collection to
12 verify post-installation energy consumption and energy-related
13 operating costs. The contract shall provide that all payments,
14 except obligations on termination of the contract before its
15 expiration, are to be made over time and that the savings are
16 guaranteed to the extent necessary to pay the costs of the
17 energy conservation measures.

18 "Qualified provider" means a person or business whose
19 employees are experienced and trained in the design,
20 implementation, or installation of energy conservation
21 measures. The minimum training required for any person or
22 employee under this paragraph shall be the satisfactory
23 completion of at least 40 hours of course instruction dealing
24 with energy conservation measures. A qualified provider to whom
25 the contract is awarded shall give a sufficient bond to the
26 unit of local government for its faithful performance.

27 "Request for proposals" means a competitive selection
28 achieved by negotiated procurement. The request for proposals
29 shall be announced through at least one public notice, at least
30 14 ~~10~~ days before the request date in a newspaper published in
31 the territory comprising the unit of local government or, if no
32 newspaper is published in that territory, in a newspaper of
33 general circulation in the area of the unit of local
34 government, from a unit of local government that will

1 administer the program, requesting innovative solutions and
2 proposals for energy conservation measures. Proposals
3 submitted shall be sealed. The request for proposals shall
4 include all of the following:

5 (1) The name and address of the unit of local
6 government.

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

9 (3) Notice indicating that the unit of local government
10 is requesting qualified providers to propose energy
11 conservation measures through a guaranteed energy savings
12 contract.

13 (4) The date, time, and place where proposals must be
14 received.

15 (5) The evaluation criteria for assessing the
16 proposals.

17 (6) Any other stipulations and clarifications the unit
18 of local government may require.

19 "Unit of local government" means a county, township, ~~or~~
20 municipality, or park district.

21 (Source: P.A. 88-173.)

22 (50 ILCS 515/10)

23 Sec. 10. Evaluation of proposal. Before entering into a
24 guaranteed energy savings contract under Section 15, a unit of
25 local government shall submit a request for proposals. The unit
26 of local government shall evaluate any sealed proposal from a
27 qualified provider. The evaluation shall analyze the estimates
28 of all costs of installations, modifications, or remodeling,
29 including, without limitation, costs of a pre-installation
30 energy audit or analysis, design, engineering, installation,
31 maintenance, repairs, debt service, conversions to a different
32 energy or fuel source, or post-installation project
33 monitoring, data collection, and reporting. The evaluation

1 shall include a detailed analysis of whether either the energy
2 consumed or the operating costs, or both, will be reduced. If
3 technical assistance is not available by a licensed architect
4 or registered professional engineer on the unit of local
5 government's staff, then the evaluation of the proposal shall
6 be done by a registered professional engineer or architect who
7 is retained by the unit of local government. Any licensed
8 architect or registered professional engineer evaluating a
9 proposal under this Section may not have any financial or
10 contractual relationship with a qualified provider or other
11 source that would constitute a conflict of interest. The unit
12 of local government may pay a reasonable fee for evaluation of
13 the proposal or include the fee as part of the payments made
14 under Section 20.

15 (Source: P.A. 88-173.)

16 Section 10. The Public University Energy Conservation Act
17 is amended by adding Sections 3 and 4 and by changing Sections
18 5-10, 5-25, 10, 15, and 20 as follows:

19 (110 ILCS 62/3 new)

20 Sec. 3. Applicable laws. Other State laws and related
21 administrative requirements apply to this Act, including, but
22 not limited to, the following laws and related administrative
23 requirements: the Illinois Human Rights Act, the Prevailing
24 Wage Act, the Public Construction Bond Act, the Public Works
25 Preference Act, the Employment of Illinois Workers on Public
26 Works Act, the Freedom of Information Act, the Open Meetings
27 Act, the Illinois Architecture Practice Act of 1989, the
28 Professional Engineering Practice Act of 1989, the Structural
29 Engineering Practice Act of 1989, the Architectural,
30 Engineering, and Land Surveying Qualifications Based Selection
31 Act, the Public Contract Fraud Act, the Business Enterprise for
32 Minorities, Females, and Persons with Disabilities Act, and the

1 Public Works Employment Discrimination Act.

2 (110 ILCS 62/4 new)

3 Sec. 4. Applicability. In order to protect the integrity of
4 historic buildings, no provision of this Act shall be
5 interpreted to require the implementation of energy
6 conservation measures that conflict with respect to any
7 property eligible for, nominated to, or entered on the National
8 Register of Historic Places, pursuant to the National Historic
9 Preservation Act of 1966, or the Illinois Register of Historic
10 Places, pursuant to the Illinois Historic Preservation Act.

11 (110 ILCS 62/5-10)

12 Sec. 5-10. Energy conservation measure. "Energy
13 conservation measure" means any improvement, repair,
14 alteration, or betterment of any building or facility, subject
15 to all applicable building codes, owned or operated by a
16 public university or any equipment, fixture, or furnishing to
17 be added to or used in any such building or facility that is
18 designed to reduce energy consumption or operating costs, and
19 may include, without limitation, one or more of the following:

20 (1) Insulation of the building structure or systems
21 within the building.

22 (2) Storm windows or doors, caulking or
23 weatherstripping, multiglazed windows or doors, heat
24 absorbing or heat reflective glazed and coated window or
25 door systems, additional glazing, reductions in glass
26 area, or other window and door system modifications that
27 reduce energy consumption.

28 (3) Automated or computerized energy control systems.

29 (4) Heating, ventilating, or air conditioning system
30 modifications or replacements.

31 (5) Replacement or modification of lighting fixtures
32 to increase the energy efficiency of the lighting system

1 without increasing the overall illumination of a facility,
2 unless an increase in illumination is necessary to conform
3 to the applicable State or local building code for the
4 lighting system after the proposed modifications are made.

5 (6) Energy recovery systems.

6 (7) Energy conservation measures that provide
7 long-term operating cost reductions.

8 (Source: P.A. 90-486, eff. 8-17-97.)

9 (110 ILCS 62/5-25)

10 Sec. 5-25. Request for proposals. "Request for proposals"
11 means a competitive selection achieved by negotiated
12 procurement. The request for proposals shall be announced by
13 the public university that will administer the program in the
14 Illinois Public Higher Education Procurement Bulletin and
15 through at least one public notice, at least 14 ~~10~~ days before
16 the request date, in a newspaper published in the county in
17 which that public university is located, or if no newspaper is
18 published in that county, in a newspaper of general circulation
19 in the area of that county, requesting innovative solutions and
20 proposals for energy conservation measures. Proposals
21 submitted shall be sealed. The request for proposals shall
22 include all of the following:

23 (1) The name and address of the public university that
24 will administer the program.

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

27 (3) Notice indicating that the public university is
28 requesting qualified providers to propose energy
29 conservation measures through a guaranteed energy savings
30 contract.

31 (4) The date, time, and place where proposals must be
32 received.

33 (5) The evaluation criteria for assessing the

1 proposals.

2 (6) Any other stipulations and clarifications the
3 public university may require.

4 (Source: P.A. 90-486, eff. 8-17-97.)

5 (110 ILCS 62/10)

6 Sec. 10. Evaluation of proposal. Before entering into a
7 guaranteed energy savings contract under Section 15, a public
8 university shall submit a request for proposals. The public
9 university shall evaluate any sealed proposal from a qualified
10 provider. The evaluation shall analyze the estimates of all
11 costs of installations, modifications or remodeling,
12 including, without limitation, costs of a pre-installation
13 energy audit or analysis, design, engineering, installation,
14 maintenance, repairs, debt service, conversions to a different
15 energy or fuel source, or post-installation project
16 monitoring, data collection, and reporting. The evaluation
17 shall include a detailed analysis of whether either the energy
18 consumed or the operating costs, or both, will be reduced. If
19 technical assistance is not available by a licensed architect
20 or registered professional engineer on the staff of the public
21 university, then the evaluation of the proposal shall be done
22 by a registered professional engineer or architect, who is
23 retained by the public university. Any licensed architect or
24 registered professional engineer evaluating a proposal under
25 this Section may not have any financial or contractual
26 relationship with a qualified provider or other source that
27 would constitute a conflict of interest. The public university
28 may pay a reasonable fee for evaluation of the proposal or
29 include the fee as part of the payments made under Section 20.

30 (Source: P.A. 90-486, eff. 8-17-97.)

31 (110 ILCS 62/15)

32 Sec. 15. Award of guaranteed energy savings contract.

1 Sealed proposals must be opened by the public university's
2 board of trustees or a designee of that board at a public
3 opening at which the contents of the proposals must be
4 announced. Each person or entity submitting a sealed proposal
5 must receive at least 10 days notice of the time and place of
6 the opening. The public university shall select the qualified
7 provider that best meets the needs of the university district.
8 The public university shall provide public notice of the
9 meeting at which it proposes to award a guaranteed energy
10 savings contract and of the names of the parties to the
11 proposed contract and the purpose of the contract. The public
12 notice shall be made at least 10 days prior to the meeting.
13 After evaluating the proposals under Section 10, a public
14 university may enter into a guaranteed energy savings contract
15 with a qualified provider if it finds that the amount it would
16 spend on the energy conservation measures recommended in the
17 proposal would not exceed the amount to be saved in either
18 energy or operational costs, or both, within a 20-year ~~10-year~~
19 period from the date of installation, if the recommendations in
20 the proposal are followed. Contracts let or awarded shall be
21 published in the next available subsequent Illinois Public
22 Higher Education Procurement Bulletin.

23 (Source: P.A. 90-486, eff. 8-17-97.)

24 (110 ILCS 62/20)

25 Sec. 20. Guarantee. The guaranteed energy savings contract
26 shall include a written guarantee of the qualified provider
27 that either the energy or operational cost savings, or both,
28 will meet or exceed within 20 ~~10~~ years the costs of the energy
29 conservation measures. The qualified provider shall reimburse
30 the public university for any shortfall of guaranteed energy
31 savings projected in the contract. A qualified provider shall
32 provide a sufficient bond to the public university for the
33 installation and the faithful performance of all the measures

1 included in the contract. The guaranteed energy savings
2 contract may provide for payments over a period of time, not to
3 exceed 20 ~~10~~ years from the date of final installation of the
4 measures.

5 (Source: P.A. 90-486, eff. 8-17-97.)

6 Section 15. The Public Community College Act is amended by
7 adding Sections 1-3 and 1-4 and by changing Sections 5A-10,
8 5A-25, 5A-30, 5A-35, and 5A-40 as follows:

9 (110 ILCS 805/1-3 new)

10 Sec. 1-3. Applicable laws. Other State laws and related
11 administrative requirements apply to this Act, including, but
12 not limited to, the following laws and related administrative
13 requirements: the Illinois Human Rights Act, the Prevailing
14 Wage Act, the Public Construction Bond Act, the Public Works
15 Preference Act, the Employment of Illinois Workers on Public
16 Works Act, the Freedom of Information Act, the Open Meetings
17 Act, the Illinois Architecture Practice Act of 1989, the
18 Professional Engineering Practice Act of 1989, the Structural
19 Engineering Practice Act of 1989, the Local Government
20 Professional Services Selection Act, and the Contractor
21 Unified License and Permit Bond Act.

22 (110 ILCS 805/1-4 new)

23 Sec. 1-4. Applicability. In order to protect the integrity
24 of historic buildings, no provision of this Act shall be
25 interpreted to require the implementation of energy
26 conservation measures that conflict with respect to any
27 property eligible for, nominated to, or entered on the National
28 Register of Historic Places, pursuant to the National Historic
29 Preservation Act of 1966, or the Illinois Register of Historic
30 Places, pursuant to the Illinois Historic Preservation Act.

1 (110 ILCS 805/5A-10)

2 Sec. 5A-10. Energy conservation measure. "Energy
3 conservation measure" means any improvement, repair,
4 alteration, or betterment of any building or facility owned or
5 operated by a community college district or any equipment,
6 fixture, or furnishing to be added to or used in any such
7 building or facility, subject to all applicable building codes,
8 that is designed to reduce energy consumption or operating
9 costs, and may include, without limitation, one or more of the
10 following:

11 (1) Insulation of the building structure or systems
12 within the building.

13 (2) Storm windows or doors, caulking or
14 weatherstripping, multiglazed windows or doors, heat
15 absorbing or heat reflective glazed and coated window or
16 door systems, additional glazing, reductions in glass
17 area, or other window and door system modifications that
18 reduce energy consumption.

19 (3) Automated or computerized energy control systems.

20 (4) Heating, ventilating, or air conditioning system
21 modifications or replacements.

22 (5) Replacement or modification of lighting fixtures
23 to increase the energy efficiency of the lighting system
24 without increasing the overall illumination of a facility,
25 unless an increase in illumination is necessary to conform
26 to the applicable State or local building code for the
27 lighting system after the proposed modifications are made.

28 (6) Energy recovery systems.

29 (7) Energy conservation measures that provide
30 long-term operating cost reductions.

31 (Source: P.A. 88-173.)

32 (110 ILCS 805/5A-25)

33 Sec. 5A-25. Request for proposals. "Request for proposals"

1 means a competitive selection achieved by negotiated
2 procurement. The request for proposals shall be announced in
3 the Illinois Procurement Bulletin and through at least one
4 public notice, at least 14 ~~10~~ days before the request date in a
5 newspaper published in the district, or if no newspaper is
6 published in the district, in a newspaper of general
7 circulation in the area of the district, by a community college
8 district that will administer the program, requesting
9 innovative solutions and proposals for energy conservation
10 measures. Proposals submitted shall be sealed. The request for
11 proposals shall include all of the following:

12 (1) The name and address of the community college
13 district.

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

16 (3) Notice indicating that the community college
17 district is requesting qualified providers to propose
18 energy conservation measures through a guaranteed energy
19 savings contract.

20 (4) The date, time, and place where proposals must be
21 received.

22 (5) The evaluation criteria for assessing the
23 proposals.

24 (6) Any other stipulations and clarifications the
25 community college district may require.

26 (Source: P.A. 88-173.)

27 (110 ILCS 805/5A-30)

28 Sec. 5A-30. Evaluation of proposal. Before entering into a
29 guaranteed energy savings contract under Section 5A-35, a
30 community college district shall submit a request for
31 proposals. The community college district shall evaluate any
32 sealed proposal from a qualified provider. The evaluation shall
33 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 operating costs, or
8 both, will be reduced. If technical assistance is not available
9 by a licensed architect or registered professional engineer on
10 the community college district staff, then the evaluation of
11 the proposal shall be done by a registered professional
12 engineer or architect, who is retained by the community college
13 district. Any licensed architect or registered professional
14 engineer evaluating a proposal under this Section may not have
15 any financial or contractual relationship with a qualified
16 provider or other source that would constitute a conflict of
17 interest. The community college district may pay a reasonable
18 fee for evaluation of the proposal or include the fee as part
19 of the payments made under Section 5A-40.

20 (Source: P.A. 88-173.)

21 (110 ILCS 805/5A-35)

22 Sec. 5A-35. Award of guaranteed energy savings contract.
23 Sealed proposals must be opened by a member or employee of the
24 community college board at a public opening at which the
25 contents of the proposals must be announced. Each person or
26 entity submitting a sealed proposal must receive at least 10
27 days notice of the time and place of the opening. The community
28 college district shall select the qualified provider that best
29 meets the needs of the district. The community college district
30 shall provide public notice of the meeting at which it proposes
31 to award a guaranteed energy savings contract of the names of
32 the parties to the proposed contract and of the purpose of the
33 contract. The public notice shall be made at least 10 days

1 prior to the meeting. After evaluating the proposals under
2 Section 5A-30, a community college district may enter into a
3 guaranteed energy savings contract with a qualified provider if
4 it finds that the amount it would spend on the energy
5 conservation measures recommended in the proposal would not
6 exceed the amount to be saved in either energy or operational
7 costs, or both, within a 20-year ~~10-year~~ period from the date
8 of installation, if the recommendations in the proposal are
9 followed. Contracts let or awarded shall be published in the
10 next available subsequent Illinois Procurement Bulletin.

11 (Source: P.A. 88-173.)

12 (110 ILCS 805/5A-40)

13 Sec. 5A-40. Guarantee. The guaranteed energy savings
14 contract shall include a written guarantee of the qualified
15 provider that either the energy or operational cost savings, or
16 both, will meet or exceed within 20 ~~10~~ years the costs of the
17 energy conservation measures. The qualified provider shall
18 reimburse the community college district for any shortfall of
19 guaranteed energy savings projected in the contract. A
20 qualified provider shall provide a sufficient bond to the
21 community college district for the installation and the
22 faithful performance of all the measures included in the
23 contract. The guaranteed energy savings contract may provide
24 for payments over a period of time, not to exceed 20 ~~10~~ years
25 from the date of final installation of the measures.

26 (Source: P.A. 88-173; 88-615, eff. 9-9-94.)

27 Section 99. Effective date. This Act takes effect upon
28 becoming law."