

1 AN ACT concerning energy conservation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

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

7 (50 ILCS 515/3 new)

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

20 (50 ILCS 515/4 new)

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

29 (50 ILCS 515/5)

30 Sec. 5. Definitions. As used in this Act, unless the

1 context clearly requires otherwise:

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

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

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

18 (3) Automated or computerized energy control systems.

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

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

27 (6) Energy recovery systems.

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

30 "Guaranteed energy savings contract" means a contract for:  
31 (i) the implementation of an energy audit, data collection, and  
32 other related analyses preliminary to the undertaking of energy  
33 conservation measures; (ii) the evaluation and recommendation  
34 of energy conservation measures; (iii) the implementation of  
35 one or more energy conservation measures; and (iv) the  
36 implementation of project monitoring and data collection to

1 verify post-installation energy consumption and energy-related  
2 operating costs. The contract shall provide that all payments,  
3 except obligations on termination of the contract before its  
4 expiration, are to be made over time and that the savings are  
5 guaranteed to the extent necessary to pay the costs of the  
6 energy conservation measures.

7 "Qualified provider" means a person or business whose  
8 employees are experienced and trained in the design,  
9 implementation, or installation of energy conservation  
10 measures. The minimum training required for any person or  
11 employee under this paragraph shall be the satisfactory  
12 completion of at least 40 hours of course instruction dealing  
13 with energy conservation measures. A qualified provider to whom  
14 the contract is awarded shall give a sufficient bond to the  
15 unit of local government for its faithful performance.

16 "Request for proposals" means a competitive selection  
17 achieved by negotiated procurement. The request for proposals  
18 shall be announced through at least one public notice, at least  
19 14 ~~10~~ days before the request date in a newspaper published in  
20 the territory comprising the unit of local government or, if no  
21 newspaper is published in that territory, in a newspaper of  
22 general circulation in the area of the unit of local  
23 government, from a unit of local government that will  
24 administer the program, requesting innovative solutions and  
25 proposals for energy conservation measures. Proposals  
26 submitted shall be sealed. The request for proposals shall  
27 include all of the following:

28 (1) The name and address of the unit of local  
29 government.

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

32 (3) Notice indicating that the unit of local government  
33 is requesting qualified providers to propose energy  
34 conservation measures through a guaranteed energy savings  
35 contract.

36 (4) The date, time, and place where proposals must be

1 received.

2 (5) The evaluation criteria for assessing the  
3 proposals.

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

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

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

9 (50 ILCS 515/10)

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

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

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

4 (110 ILCS 62/3 new)

5 Sec. 3. Applicable laws. Other State laws and related  
6 administrative requirements apply to this Act, including, but  
7 not limited to, the following laws and related administrative  
8 requirements: the Illinois Human Rights Act, the Prevailing  
9 Wage Act, the Public Construction Bond Act, the Public Works  
10 Preference Act, the Employment of Illinois Workers on Public  
11 Works Act, the Freedom of Information Act, the Open Meetings  
12 Act, the Illinois Architecture Practice Act of 1989, the  
13 Professional Engineering Practice Act of 1989, the Structural  
14 Engineering Practice Act of 1989, the Architectural,  
15 Engineering, and Land Surveying Qualifications Based Selection  
16 Act, the Public Contract Fraud Act, the Business Enterprise for  
17 Minorities, Females, and Persons with Disabilities Act, and the  
18 Public Works Employment Discrimination Act.

19 (110 ILCS 62/4 new)

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

28 (110 ILCS 62/5-10)

29 Sec. 5-10. Energy conservation measure. "Energy  
30 conservation measure" means any improvement, repair,  
31 alteration, or betterment of any building or facility, subject  
32 to all applicable building codes, owned or operated by a public

1 university or any equipment, fixture, or furnishing to be added  
2 to or used in any such building or facility that is designed to  
3 reduce energy consumption or operating costs, and may include,  
4 without limitation, one or more of the following:

5 (1) Insulation of the building structure or systems  
6 within the building.

7 (2) Storm windows or doors, caulking or  
8 weatherstripping, multiglazed windows or doors, heat  
9 absorbing or heat reflective glazed and coated window or  
10 door systems, additional glazing, reductions in glass  
11 area, or other window and door system modifications that  
12 reduce energy consumption.

13 (3) Automated or computerized energy control systems.

14 (4) Heating, ventilating, or air conditioning system  
15 modifications or replacements.

16 (5) Replacement or modification of lighting fixtures  
17 to increase the energy efficiency of the lighting system  
18 without increasing the overall illumination of a facility,  
19 unless an increase in illumination is necessary to conform  
20 to the applicable State or local building code for the  
21 lighting system after the proposed modifications are made.

22 (6) Energy recovery systems.

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

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

26 (110 ILCS 62/5-25)

27 Sec. 5-25. Request for proposals. "Request for proposals"  
28 means a competitive selection achieved by negotiated  
29 procurement. The request for proposals shall be announced by  
30 the public university that will administer the program in the  
31 Illinois Public Higher Education Procurement Bulletin and  
32 through at least one public notice, at least 14 ~~10~~ days before  
33 the request date, in a newspaper published in the county in  
34 which that public university is located, or if no newspaper is  
35 published in that county, in a newspaper of general circulation

1 in the area of that county, 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 public university that  
6 will administer the program.

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

9 (3) Notice indicating that the public university is  
10 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  
18 public university may require.

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

20 (110 ILCS 62/10)

21 Sec. 10. Evaluation of proposal. Before entering into a  
22 guaranteed energy savings contract under Section 15, a public  
23 university shall submit a request for proposals. The public  
24 university shall evaluate any sealed proposal from a qualified  
25 provider. The evaluation shall analyze the estimates of all  
26 costs of installations, modifications or remodeling,  
27 including, without limitation, costs of a pre-installation  
28 energy audit or analysis, design, engineering, installation,  
29 maintenance, repairs, debt service, conversions to a different  
30 energy or fuel source, or post-installation project  
31 monitoring, data collection, and reporting. The evaluation  
32 shall include a detailed analysis of whether either the energy  
33 consumed or the operating costs, or both, will be reduced. If  
34 technical assistance is not available by a licensed architect  
35 or registered professional engineer on the staff of the public

1 university, then the evaluation of the proposal shall be done  
2 by a registered professional engineer or architect, who is  
3 retained by the public university. Any licensed architect or  
4 registered professional engineer evaluating a proposal under  
5 this Section may not have any financial or contractual  
6 relationship with a qualified provider or other source that  
7 would constitute a conflict of interest. The public university  
8 may pay a reasonable fee for evaluation of the proposal or  
9 include the fee as part of the payments made under Section 20.

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

11 (110 ILCS 62/15)

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

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



1 (110 ILCS 62/20)

2 Sec. 20. Guarantee. The guaranteed energy savings contract  
3 shall include a written guarantee of the qualified provider  
4 that either the energy or operational cost savings, or both,  
5 will meet or exceed within 20 ~~10~~ years the costs of the energy  
6 conservation measures. The qualified provider shall reimburse  
7 the public university for any shortfall of guaranteed energy  
8 savings projected in the contract. A qualified provider shall  
9 provide a sufficient bond to the public university for the  
10 installation and the faithful performance of all the measures  
11 included in the contract. The guaranteed energy savings  
12 contract may provide for payments over a period of time, not to  
13 exceed 20 ~~10~~ years from the date of final installation of the  
14 measures.

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

16 Section 15. The Public Community College Act is amended by  
17 adding Sections 1-3 and 1-4 and by changing Sections 5A-10,  
18 5A-25, 5A-30, 5A-35, and 5A-40 as follows:

19 (110 ILCS 805/1-3 new)

20 Sec. 1-3. 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 Local Government  
30 Professional Services Selection Act, and the Contractor  
31 Unified License and Permit Bond Act.

32 (110 ILCS 805/1-4 new)

1       Sec. 1-4. Applicability. In order to protect the integrity  
2 of historic buildings, no provision of this Act shall be  
3 interpreted to require the implementation of energy  
4 conservation measures that conflict with respect to any  
5 property eligible for, nominated to, or entered on the National  
6 Register of Historic Places, pursuant to the National Historic  
7 Preservation Act of 1966, or the Illinois Register of Historic  
8 Places, pursuant to the Illinois Historic Preservation Act.

9           (110 ILCS 805/5A-10)

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

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

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

27           (3) Automated or computerized energy control systems.

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

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

1 (6) Energy recovery systems.

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

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

5 (110 ILCS 805/5A-25)

6 Sec. 5A-25. Request for proposals. "Request for proposals"  
7 means a competitive selection achieved by negotiated  
8 procurement. The request for proposals shall be announced in  
9 the Illinois Procurement Bulletin and through at least one  
10 public notice, at least 14 ~~10~~ days before the request date in a  
11 newspaper published in the district, or if no newspaper is  
12 published in the district, in a newspaper of general  
13 circulation in the area of the district, by a community college  
14 district that will administer the program, requesting  
15 innovative solutions and proposals for energy conservation  
16 measures. Proposals submitted shall be sealed. The request for  
17 proposals shall include all of the following:

18 (1) The name and address of the community college  
19 district.

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

22 (3) Notice indicating that the community college  
23 district is requesting qualified providers to propose  
24 energy conservation measures through a guaranteed energy  
25 savings contract.

26 (4) The date, time, and place where proposals must be  
27 received.

28 (5) The evaluation criteria for assessing the  
29 proposals.

30 (6) Any other stipulations and clarifications the  
31 community college district may require.

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

33 (110 ILCS 805/5A-30)

34 Sec. 5A-30. Evaluation of proposal. Before entering into a

1 guaranteed energy savings contract under Section 5A-35, a  
2 community college district shall submit a request for  
3 proposals. The community college district shall evaluate any  
4 sealed proposal from a qualified provider. The evaluation shall  
5 analyze the estimates of all costs of installations,  
6 modifications or remodeling, including, without limitation,  
7 costs of a pre-installation energy audit or analysis, design,  
8 engineering, installation, maintenance, repairs, debt service,  
9 conversions to a different energy or fuel source, or  
10 post-installation project monitoring, data collection, and  
11 reporting. The evaluation shall include a detailed analysis of  
12 whether either the energy consumed or the operating costs, or  
13 both, will be reduced. If technical assistance is not available  
14 by a licensed architect or registered professional engineer on  
15 the community college district staff, then the evaluation of  
16 the proposal shall be done by a registered professional  
17 engineer or architect, who is retained by the community college  
18 district. Any licensed architect or registered professional  
19 engineer evaluating a proposal under this Section may not have  
20 any financial or contractual relationship with a qualified  
21 provider or other source that would constitute a conflict of  
22 interest. The community college district may pay a reasonable  
23 fee for evaluation of the proposal or include the fee as part  
24 of the payments made under Section 5A-40.

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

26 (110 ILCS 805/5A-35)

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

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

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

15 (110 ILCS 805/5A-40)

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

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

30 Section 99. Effective date. This Act takes effect upon  
31 becoming law.