

1 AN ACT concerning energy conservation.

2 WHEREAS, Units of local government, public community
3 college districts, public universities, and public school
4 districts should be encouraged to enter into guaranteed energy
5 savings contracts for the purchase and installation of energy
6 conservation measures, when and where appropriate; and

7 WHEREAS, It is desirable for units of local government,
8 public community college districts, public universities, and
9 public school districts to have flexibility in choosing the
10 most appropriate means by which to pay for the costs of
11 purchasing and installing energy conservation measures,
12 including without limitation entering into installment payment
13 contracts or lease purchase agreements with qualified
14 providers or other third-party lenders, as authorized by law;
15 therefore

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

18 Section 3. The Local Government Energy Conservation Act is
19 amended by changing Section 25 as follows:

20 (50 ILCS 515/25)

21 Sec. 25. Installment payment; lease purchase. A unit of

1 local government, or units of local government in combination,
2 may enter into an installment payment contract or lease
3 purchase agreement with a qualified provider or with a
4 third-party lender, as authorized by law, for the purchase and
5 installation of energy conservation measures by a qualified
6 provider. Every unit of local government may issue certificates
7 evidencing the indebtedness incurred pursuant to the contracts
8 or agreements. Any such contract or agreement shall be valid
9 whether or not an appropriation with respect thereto is first
10 included in any annual or supplemental budget adopted by the
11 unit of local government. Each contract or agreement entered
12 into by a unit of local government pursuant to this Section
13 shall be authorized by resolution of the unit of local
14 government's governing body.

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

16 Section 5. The School Code is amended by changing Sections
17 19b-1.1, 19b-1.4, 19b-2, 19b-3, and 19b-5 and by adding
18 Sections 19b-15 and 19b-20 as follows:

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

20 Sec. 19b-1.1. Energy conservation measure. "Energy
21 conservation measure" means any improvement, repair,
22 alteration, or betterment of any building or facility owned or
23 operated by a school district or area vocational center or any
24 equipment, fixture, or furnishing to be added to or used in any

1 such building or facility, subject to the building code
2 authorized in Section 2-3.12 of this Code, 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. 92-767, eff. 8-6-02.)

1 (105 ILCS 5/19b-1.4) (from Ch. 122, par. 19b-1.4)

2 Sec. 19b-1.4. Request for proposals. "Request for
3 proposals" means a competitive selection achieved by
4 negotiated procurement. The request for proposals shall be
5 announced in the Illinois Procurement Bulletin and through at
6 least one public notice, at least 14 ~~10~~ days before the request
7 date in a newspaper published in the district or vocational
8 center area, or if no newspaper is published in the district or
9 vocational center area, in a newspaper of general circulation
10 in the area of the district or vocational center, from a school
11 district or area vocational center that will administer the
12 program, requesting innovative solutions and proposals for
13 energy conservation measures. Proposals submitted shall be
14 sealed. The request for proposals shall include all of the
15 following:

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

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

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

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

26 (5) The evaluation criteria for assessing the

1 proposals.

2 (6) Any other stipulations and clarifications the
3 school district or area vocational center may require.

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

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

6 Sec. 19b-2. Evaluation of proposal. Before entering into a
7 guaranteed energy savings contract under Section 19b-3, a
8 school district or area vocational center shall submit a
9 request for proposals. The school district or area vocational
10 center shall evaluate any sealed proposal from a qualified
11 provider. The evaluation shall analyze the estimates of all
12 costs of installations, modifications or remodeling,
13 including, without limitation, costs of a pre-installation
14 energy audit or analysis, design, engineering, installation,
15 maintenance, repairs, debt service, conversions to a different
16 energy or fuel source, or post-installation project
17 monitoring, data collection, and reporting. The evaluation
18 shall include a detailed analysis of whether either the energy
19 consumed or the operating costs, or both, will be reduced. If
20 technical assistance is not available by a licensed architect
21 or registered professional engineer on the school district or
22 area vocational center staff, then the evaluation of the
23 proposal shall be done by a registered professional engineer or
24 architect, who is retained by the school district or area
25 vocational center. A licensed architect or registered

1 professional engineer evaluating a proposal under this Section
2 must not have any financial or contractual relationship with a
3 qualified provider or other source that would constitute a
4 conflict of interest. The school district or area vocational
5 center may pay a reasonable fee for evaluation of the proposal
6 or include the fee as part of the payments made under Section
7 19b-4.

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

9 (105 ILCS 5/19b-3) (from Ch. 122, par. 19b-3)

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

1 vocational center may enter into a guaranteed energy savings
2 contract with a qualified provider if it finds that the amount
3 it would spend on the energy conservation measures recommended
4 in the proposal would not exceed the amount to be saved in
5 either energy or operational costs, or both, within a 20-year
6 period from the date of installation, if the recommendations in
7 the proposal are followed. Contracts let or awarded must be
8 published in the next available subsequent Illinois
9 Procurement Bulletin.

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

11 (105 ILCS 5/19b-5) (from Ch. 122, par. 19b-5)

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

1 Section shall be authorized by resolution of the school board
2 or governing board of the area vocational center, whichever is
3 applicable.

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

5 (105 ILCS 5/19b-15 new)

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

18 (105 ILCS 5/19b-20 new)

19 Sec. 19b-20. Historic preservation. In order to protect
20 the integrity of historic buildings, no provision of this
21 Article shall be interpreted to require the implementation of
22 energy conservation measures that conflict with respect to any
23 property eligible for, nominated to, or entered on the National
24 Register of Historic Places, pursuant to the National Historic

1 Preservation Act of 1966, or the Illinois Register of Historic
2 Places, pursuant to the Illinois Historic Preservation Act.

3 Section 10. The Public University Energy Conservation Act
4 is amended by changing Section 25 as follows:

5 (110 ILCS 62/25)

6 Sec. 25. Installment payment; lease purchase. A public
7 university or 2 or more public universities in combination may
8 enter into an installment payment contract or lease purchase
9 agreement with a qualified provider or with a third-party
10 lender, as authorized by law, for the purchase and installation
11 of energy conservation measures by a qualified provider. Each
12 public university may issue certificates evidencing the
13 indebtedness incurred pursuant to the contracts or agreements.
14 Any such contract or agreement shall be valid whether or not an
15 appropriation with respect thereto is first included in any
16 annual or additional or supplemental budget proposal, request,
17 or recommendation submitted by or made with respect to a public
18 university under Section 8 of the Board of Higher Education Act
19 or as otherwise provided by law. Each contract or agreement
20 entered into by a public university pursuant to this Section
21 shall be authorized by resolution of the board of trustees of
22 that university.

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

1 Section 15. The Public Community College Act is amended by
2 changing Section 5A-45 as follows:

3 (110 ILCS 805/5A-45)

4 Sec. 5A-45. Installment payment; lease purchase. A
5 community college district or 2 or more such districts in
6 combination may enter into an installment payment contract or
7 lease purchase agreement with a qualified provider or with a
8 third-party lender, as authorized by law, for the purchase and
9 installation of energy conservation measures by a qualified
10 provider. Every community college district may issue
11 certificates evidencing the indebtedness incurred pursuant to
12 the contracts or agreements. Any such contract or agreement
13 shall be valid whether or not an appropriation with respect
14 thereto is first included in any annual or additional or
15 supplemental budget adopted by the community college district.
16 Each contract or agreement entered into by a community college
17 district pursuant to this Section shall be authorized by
18 resolution of the community college board.

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.