

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 contract; lease purchase

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

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

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

22 (105 ILCS 5/19b-1.1) (from Ch. 122, par. 19b-1.1)

23 Sec. 19b-1.1. Energy conservation measure. "Energy  
24 conservation measure" means any improvement, repair,

1 alteration, or betterment of any building or facility owned or  
2 operated by a school district or area vocational center or any  
3 equipment, fixture, or furnishing to be added to or used in any  
4 such building or facility, subject to the building code  
5 authorized in Section 2-3.12 of this Code, that is designed to  
6 reduce energy consumption or operating costs, and may include,  
7 without limitation, one or more of the following:

8 (1) Insulation of the building structure or systems  
9 within the building.

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

16 (3) Automated or computerized energy control systems.

17 (4) Heating, ventilating, or air conditioning system  
18 modifications or replacements.

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

25 (6) Energy recovery systems.

26 (7) Energy conservation measures that provide

1 long-term operating cost reductions.

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

3 (105 ILCS 5/19b-1.4) (from Ch. 122, par. 19b-1.4)

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

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

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

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

1           (4) The date, time, and place where proposals must be  
2           received.

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

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

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

8           (105 ILCS 5/19b-2) (from Ch. 122, par. 19b-2)

9           Sec. 19b-2. Evaluation of proposal. Before entering into a  
10          guaranteed energy savings contract under Section 19b-3, a  
11          school district or area vocational center shall submit a  
12          request for proposals. The school district or area vocational  
13          center shall evaluate any sealed proposal from a qualified  
14          provider. The evaluation shall analyze the estimates of all  
15          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 school district or  
25          area vocational center staff, then the evaluation of the

1 proposal shall be done by a registered professional engineer or  
2 architect, who is retained by the school district or area  
3 vocational center. A licensed architect or registered  
4 professional engineer evaluating a proposal under this Section  
5 must not have any financial or contractual relationship with a  
6 qualified provider or other source that would constitute a  
7 conflict of interest. The school district or area vocational  
8 center may pay a reasonable fee for evaluation of the proposal  
9 or include the fee as part of the payments made under Section  
10 19b-4.

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

12 (105 ILCS 5/19b-3) (from Ch. 122, par. 19b-3)

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

1 purpose of the contract. The public notice shall be made at  
2 least 10 days prior to the meeting. After evaluating the  
3 proposals under Section 19b-2, a school district or area  
4 vocational center may enter into a guaranteed energy savings  
5 contract with a qualified provider if it finds that the amount  
6 it would spend on the energy conservation measures recommended  
7 in the proposal would not exceed the amount to be saved in  
8 either energy or operational costs, or both, within a 20-year  
9 period from the date of installation, if the recommendations in  
10 the proposal are followed. Contracts let or awarded must be  
11 published in the next available subsequent Illinois  
12 Procurement Bulletin.

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

14 (105 ILCS 5/19b-5) (from Ch. 122, par. 19b-5)

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

1 annual or supplemental budget adopted by the school district or  
2 area vocational center. Each contract or agreement entered into  
3 by a school district or area vocational center pursuant to this  
4 Section shall be authorized by resolution of the school board  
5 or governing board of the area vocational center, whichever is  
6 applicable.

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

8 (105 ILCS 5/19b-15 new)

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

21 (105 ILCS 5/19b-20 new)

22 Sec. 19b-20. Historic preservation. In order to protect  
23 the integrity of historic buildings, no provision of this  
24 Article shall be interpreted to require the implementation of



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

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

8 (110 ILCS 62/25)

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

1 that university.

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

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

5 (110 ILCS 805/5A-45)

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

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

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.