



Sen. Don Harmon

Filed: 3/23/2007

09500SB1183sam001

LRB095 10934 NHT 33972 a

1 AMENDMENT TO SENATE BILL 1183

2 AMENDMENT NO. _____. Amend Senate Bill 1183 immediately
3 below the title, by inserting the following:

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

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

1 therefore"; and

2 by replacing everything after the enacting clause with the
3 following:

4 "Section 3. The Local Government Energy Conservation Act is
5 amended by changing Section 25 as follows:

6 (50 ILCS 515/25)

7 Sec. 25. Installment payment; lease purchase. A unit of
8 local government, or units of local government in combination,
9 may enter into an installment payment contract or lease
10 purchase agreement with a qualified provider or with a
11 third-party lender, as authorized by law, for the purchase and
12 installation of energy conservation measures by a qualified
13 provider. Every unit of local government may issue certificates
14 evidencing the indebtedness incurred pursuant to the contracts
15 or agreements. Any such contract or agreement shall be valid
16 whether or not an appropriation with respect thereto is first
17 included in any annual or supplemental budget adopted by the
18 unit of local government. Each contract or agreement entered
19 into by a unit of local government pursuant to this Section
20 shall be authorized by resolution of the unit of local
21 government's governing body.

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

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

4 (105 ILCS 5/19b-1.1) (from Ch. 122, par. 19b-1.1)

5 Sec. 19b-1.1. Energy conservation measure. "Energy
6 conservation measure" means any improvement, repair,
7 alteration, or betterment of any building or facility owned or
8 operated by a school district or area vocational center or any
9 equipment, fixture, or furnishing to be added to or used in any
10 such building or facility, subject to the building code
11 authorized in Section 2-3.12 of this Code, that is designed to
12 reduce energy consumption or operating costs, and may include,
13 without limitation, one or more of the following:

14 (1) Insulation of the building structure or systems
15 within the building.

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

22 (3) Automated or computerized energy control systems.

23 (4) Heating, ventilating, or air conditioning system
24 modifications or replacements.

25 (5) Replacement or modification of lighting fixtures

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

6 (6) Energy recovery systems.

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

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

10 (105 ILCS 5/19b-1.4) (from Ch. 122, par. 19b-1.4)

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

25 (1) The name and address of the school district or area

1 vocation center.

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

4 (3) Notice indicating that the school district or area
5 vocational center is requesting qualified providers to
6 propose energy conservation measures through a guaranteed
7 energy savings contract.

8 (4) The date, time, and place where proposals must be
9 received.

10 (5) The evaluation criteria for assessing the
11 proposals.

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

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

15 (105 ILCS 5/19b-2) (from Ch. 122, par. 19b-2)

16 Sec. 19b-2. Evaluation of proposal. Before entering into a
17 guaranteed energy savings contract under Section 19b-3, a
18 school district or area vocational center shall submit a
19 request for proposals. The school district or area vocational
20 center shall evaluate any sealed proposal from a qualified
21 provider. The evaluation shall analyze the estimates of all
22 costs of installations, modifications or remodeling,
23 including, without limitation, costs of a pre-installation
24 energy audit or analysis, design, engineering, installation,
25 maintenance, repairs, debt service, conversions to a different

1 energy or fuel source, or post-installation project
2 monitoring, data collection, and reporting. The evaluation
3 shall include a detailed analysis of whether either the energy
4 consumed or the operating costs, or both, will be reduced. If
5 technical assistance is not available by a licensed architect
6 or registered professional engineer on the school district or
7 area vocational center staff, then the evaluation of the
8 proposal shall be done by a registered professional engineer or
9 architect, who is retained by the school district or area
10 vocational center. A licensed architect or registered
11 professional engineer evaluating a proposal under this Section
12 must not have any financial or contractual relationship with a
13 qualified provider or other source that would constitute a
14 conflict of interest. The school district or area vocational
15 center may pay a reasonable fee for evaluation of the proposal
16 or include the fee as part of the payments made under Section
17 19b-4.

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

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

20 Sec. 19b-3. Award of guaranteed energy savings contract.
21 Sealed proposals must be opened by a member or employee of the
22 school board or governing board of the area vocational center,
23 whichever is applicable, at a public opening at which the
24 contents of the proposals must be announced. Each person or
25 entity submitting a sealed proposal must receive at least 13

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

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

21 (105 ILCS 5/19b-5) (from Ch. 122, par. 19b-5)

22 Sec. 19b-5. Installment payment; lease purchase. A school
23 district or school districts in combination or an area
24 vocational center may enter into an installment payment
25 contract or lease purchase agreement with a qualified provider

1 or with a third-party lender, as authorized by law, for the
2 purchase and installation of energy conservation measures by a
3 qualified provider. Every school district or area vocational
4 center may issue certificates evidencing the indebtedness
5 incurred pursuant to the contracts or agreements. Any such
6 contract or agreement shall be valid whether or not an
7 appropriation with respect thereto is first included in any
8 annual or supplemental budget adopted by the school district or
9 area vocational center. Each contract or agreement entered into
10 by a school district or area vocational center pursuant to this
11 Section shall be authorized by resolution of the school board
12 or governing board of the area vocational center, whichever is
13 applicable.

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

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

16 Sec. 19b-15. Applicable laws. Other State laws and related
17 administrative requirements apply to this Article, including,
18 but not limited to, the following laws and related
19 administrative requirements: the Illinois Human Rights Act,
20 the Prevailing Wage Act, the Public Construction Bond Act, the
21 Public Works Preference Act, the Employment of Illinois Workers
22 on Public Works Act, the Freedom of Information Act, the Open
23 Meetings Act, the Illinois Architecture Practice Act of 1989,
24 the Professional Engineering Practice Act of 1989, the
25 Structural Engineering Practice Act of 1989, the Local

1 Government Professional Services Selection Act, and the
2 Contractor Unified License and Permit Bond Act.

3 (105 ILCS 5/19b-20 new)

4 Sec. 19b-20. Historic preservation. In order to protect
5 the integrity of historic buildings, no provision of this
6 Article shall be interpreted to require the implementation of
7 energy conservation measures that conflict with respect to any
8 property eligible for, nominated to, or entered on the National
9 Register of Historic Places, pursuant to the National Historic
10 Preservation Act of 1966, or the Illinois Register of Historic
11 Places, pursuant to the Illinois Historic Preservation Act.

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

14 (110 ILCS 62/25)

15 Sec. 25. Installment payment; lease purchase. A public
16 university or 2 or more public universities in combination may
17 enter into an installment payment contract or lease purchase
18 agreement with a qualified provider or with a third-party
19 lender, as authorized by law, for the purchase and installation
20 of energy conservation measures by a qualified provider. Each
21 public university may issue certificates evidencing the
22 indebtedness incurred pursuant to the contracts or agreements.
23 Any such contract or agreement shall be valid whether or not an

1 appropriation with respect thereto is first included in any
2 annual or additional or supplemental budget proposal, request,
3 or recommendation submitted by or made with respect to a public
4 university under Section 8 of the Board of Higher Education Act
5 or as otherwise provided by law. Each contract or agreement
6 entered into by a public university pursuant to this Section
7 shall be authorized by resolution of the board of trustees of
8 that university.

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

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

12 (110 ILCS 805/5A-45)

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

1 Each contract or agreement entered into by a community college
2 district pursuant to this Section shall be authorized by
3 resolution of the community college board.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".