



Sen. Don Harmon

**Filed: 4/11/2008**

09500SB2638sam001

LRB095 19619 HLH 48421 a

1 AMENDMENT TO SENATE BILL 2638

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2638 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. 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 contract; lease purchase  
8 agreement; or other agreement. A unit of local government, or  
9 units of local government in combination, may enter into an  
10 installment payment contract, lease purchase agreement, or  
11 other agreement with a qualified provider or with a third  
12 party, as authorized by law, for the funding or financing of  
13 the purchase and installation of energy conservation measures  
14 by a qualified provider. Every unit of local government may  
15 issue certificates evidencing the indebtedness incurred  
16 pursuant to the contracts or agreements. Any such contract or

1 agreement shall be valid whether or not an appropriation with  
2 respect thereto is first included in any annual or supplemental  
3 budget adopted by the unit of local government. Each contract  
4 or agreement entered into by a unit of local government  
5 pursuant to this Section shall be authorized by official action  
6 of the unit of local government's governing body. The authority  
7 granted under this Section is in addition to any other  
8 authority granted by law.

9 Any consultant, architect, engineer, designer, or other  
10 drafter of specifications who assists the unit of local  
11 government in the preparation of specifications shall not  
12 submit a bid or proposal to meet the procurement need unless  
13 the body authorizing the contract or agreement determines in  
14 writing that there will be no substantial conflict of interest  
15 involved. This written notice shall be published in each volume  
16 of the Illinois Procurement Bulletin with the Request for  
17 Proposal.

18 (Source: P.A. 95-612, eff. 9-11-07.)

19 Section 10. The School Code is amended by changing Sections  
20 19b-1.4, 19b-3, and 19b-5 as follows:

21 (105 ILCS 5/19b-1.4) (from Ch. 122, par. 19b-1.4)

22 Sec. 19b-1.4. Request for proposals. "Request for  
23 proposals" means a competitive selection achieved by  
24 negotiated procurement. The request for proposals shall be

1 submitted to the administrators of all 4 volumes of ~~announced~~  
2 ~~in~~ the Illinois Procurement Bulletin for publication in each  
3 bulletin and through at least one public notice, at least 14  
4 days before the request date in a newspaper published in the  
5 district or vocational center area, or if no newspaper is  
6 published in the district or vocational center area, in a  
7 newspaper of general circulation in the area of the district or  
8 vocational center, from a school district or area vocational  
9 center that will administer the program, requesting innovative  
10 solutions and proposals for energy conservation measures.  
11 Proposals submitted shall be sealed. The request for proposals  
12 shall include all of the following:

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

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

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

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

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

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

1 (Source: P.A. 95-612, eff. 9-11-07.)

2 (105 ILCS 5/19b-3) (from Ch. 122, par. 19b-3)

3 Sec. 19b-3. Award of guaranteed energy savings contract.

4 Sealed proposals must be opened by a member or employee of the  
5 school board or governing board of the area vocational center,  
6 whichever is applicable, at a public opening at which the  
7 contents of the proposals must be announced. Each person or  
8 entity submitting a sealed proposal must receive at least 13  
9 days notice of the time and place of the opening. The school  
10 district or area vocational center shall select the qualified  
11 provider that best meets the needs of the district or area  
12 vocational center. The school district or area vocational  
13 center shall provide public notice of the meeting at which it  
14 proposes to award a guaranteed energy savings contract of the  
15 names of the parties to the proposed contract and of the  
16 purpose of the contract. The public notice shall be made at  
17 least 10 days prior to the meeting. After evaluating the  
18 proposals under Section 19b-2, a school district or area  
19 vocational center may enter into a guaranteed energy savings  
20 contract with a qualified provider if it finds that the amount  
21 it would spend on the energy conservation measures recommended  
22 in the proposal would not exceed the amount to be saved in  
23 either energy or operational costs, or both, within a 20-year  
24 period from the date of installation, if the recommendations in  
25 the proposal are followed. Contracts let or awarded must be

1 submitted to the administrators of all 4 volumes of the  
2 ~~published in the next available subsequent~~ Illinois  
3 Procurement Bulletin for publication in each bulletin.

4 (Source: P.A. 95-612, eff. 9-11-07.)

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

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

1 (Source: P.A. 95-612, eff. 9-11-07.)

2 Section 15. The Public University Energy Conservation Act  
3 is amended by changing Section 25 as follows:

4 (110 ILCS 62/25)

5 Sec. 25. Installment payment contract; lease purchase  
6 agreement; or other agreement. A public university or 2 or  
7 more public universities in combination may enter into an  
8 installment payment contract, ~~or~~ lease purchase agreement, or  
9 other agreement with a qualified provider or with a third-party  
10 ~~lender~~, as authorized by law, for the funding or financing of  
11 the purchase and installation of energy conservation measures  
12 by a qualified provider. Each public university 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 proposal, request, or recommendation  
18 submitted by or made with respect to a public university under  
19 Section 8 of the Board of Higher Education Act or as otherwise  
20 provided by law. Each contract or agreement entered into by a  
21 public university pursuant to this Section shall be authorized  
22 by official action ~~resolution~~ of the board of trustees of that  
23 university. The authority granted in this Section is in  
24 addition to any other authority granted by law.

1 (Source: P.A. 95-612, eff. 9-11-07.)

2 Section 99. Effective date. This Act takes effect upon  
3 becoming law.".