

1 AN ACT concerning local government.

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 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  
17 agreement shall be valid whether or not an appropriation with  
18 respect thereto is first included in any annual or supplemental  
19 budget adopted by the unit of local government. Each contract  
20 or agreement entered into by a unit of local government  
21 pursuant to this Section shall be authorized by official action  
22 of the unit of local government's governing body. The authority  
23 granted under this Section is in addition to any other

1 authority granted by law.

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

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

12 Section 10. The School Code is amended by changing Sections  
13 19b-1.4, 19b-3, and 19b-5 as follows:

14 (105 ILCS 5/19b-1.4) (from Ch. 122, par. 19b-1.4)

15 Sec. 19b-1.4. Request for proposals. "Request for  
16 proposals" means a competitive selection achieved by  
17 negotiated procurement. The request for proposals shall be  
18 submitted to the administrators of all 4 volumes of ~~announced~~  
19 ~~in~~ the Illinois Procurement Bulletin for publication in each  
20 bulletin and through at least one public notice, at least 14  
21 days before the request date in a newspaper published in the  
22 district or vocational center area, or if no newspaper is  
23 published in the district or vocational center area, in a  
24 newspaper of general circulation in the area of the district or

1 vocational center, from a school district or area vocational  
2 center that will administer the program, requesting innovative  
3 solutions and proposals for energy conservation measures.  
4 Proposals submitted shall be sealed. The request for proposals  
5 shall include all of the following:

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

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

10 (3) Notice indicating that the school district or area  
11 vocational center is requesting qualified providers to  
12 propose energy conservation measures through a guaranteed  
13 energy savings contract.

14 (4) The date, time, and place where proposals must be  
15 received.

16 (5) The evaluation criteria for assessing the  
17 proposals.

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

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

21 (105 ILCS 5/19b-3) (from Ch. 122, par. 19b-3)

22 Sec. 19b-3. Award of guaranteed energy savings contract.  
23 Sealed proposals must be opened by a member or employee of the  
24 school board or governing board of the area vocational center,  
25 whichever is applicable, at a public opening at which the

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

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

24 (105 ILCS 5/19b-5) (from Ch. 122, par. 19b-5)

25 Sec. 19b-5. Installment payment contract; lease purchase

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

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

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

22 (110 ILCS 62/25)

23 Sec. 25. Installment payment contract; lease purchase  
24 agreement. A public university or 2 or more public

1 universities in combination may enter into an installment  
2 payment contract or lease purchase agreement with a qualified  
3 provider or with a third-party ~~lender~~, as authorized by law,  
4 for the funding or financing of the purchase and installation  
5 of energy conservation measures by a qualified provider. Each  
6 public university may issue certificates evidencing the  
7 indebtedness incurred pursuant to the contracts or agreements.  
8 Any such contract or agreement shall be valid whether or not an  
9 appropriation with respect thereto is first included in any  
10 annual or additional or supplemental budget proposal, request,  
11 or recommendation submitted by or made with respect to a public  
12 university under Section 8 of the Board of Higher Education Act  
13 or as otherwise provided by law. Each contract or agreement  
14 entered into by a public university pursuant to this Section  
15 shall be authorized by official action ~~resolution~~ of the board  
16 of trustees of that university. The authority granted in this  
17 Section is in addition to any other authority granted by law.

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

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