

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 Sections 5, 20, and 25 as follows:

6 (50 ILCS 515/5)

7 Sec. 5. Definitions. As used in this Act, unless the
8 context clearly requires otherwise:

9 "Energy conservation measure" means any improvement,
10 repair, alteration, or betterment of any building or facility
11 owned or operated by a unit of local government or any
12 equipment, fixture, or furnishing to be added to or used in any
13 such building or facility, subject to all applicable building
14 codes, that is designed to reduce energy consumption or
15 operating costs, and may include, without limitation, one or
16 more of the following:

17 (1) Insulation of the building structure or systems
18 within the building.

19 (2) Storm windows or doors, caulking or
20 weatherstripping, multiglazed windows or doors, heat
21 absorbing or heat reflective glazed and coated window or
22 door systems, additional glazing, reductions in glass
23 area, or other window and door system modifications that

1 reduce energy consumption.

2 (3) Automated or computerized energy control systems.

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

5 (5) Replacement or modification of lighting fixtures
6 to increase the energy efficiency of the lighting system
7 without increasing the overall illumination of a facility,
8 unless an increase in illumination is necessary to conform
9 to the applicable State or local building code for the
10 lighting system after the proposed modifications are made.

11 (6) Energy recovery systems.

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

14 "Guaranteed energy savings contract" means a contract for:
15 (i) the implementation of an energy audit, data collection, and
16 other related analyses preliminary to the undertaking of energy
17 conservation measures; (ii) the evaluation and recommendation
18 of energy conservation measures; (iii) the implementation of
19 one or more energy conservation measures; and (iv) the
20 implementation of project monitoring and data collection to
21 verify post-installation energy consumption and energy-related
22 operating costs. The contract shall provide that all payments,
23 except obligations on termination of the contract before its
24 expiration, are to be made over time and that the savings are
25 guaranteed to the extent necessary to pay the costs of the
26 energy conservation measures. Energy savings may include

1 energy reduction and offsetting sources of renewable energy
2 funds including renewable energy credits and carbon credits.

3 "Qualified provider" means a person or business whose
4 employees are experienced and trained in the design,
5 implementation, or installation of energy conservation
6 measures. The minimum training required for any person or
7 employee under this paragraph shall be the satisfactory
8 completion of at least 40 hours of course instruction dealing
9 with energy conservation measures. A qualified provider to whom
10 the contract is awarded shall give a sufficient bond to the
11 unit of local government for its faithful performance.

12 "Request for proposals" means a competitive selection
13 achieved by negotiated procurement. The request for proposals
14 shall be announced through at least one public notice, at least
15 14 days before the request date in a newspaper published in the
16 territory comprising the unit of local government or, if no
17 newspaper is published in that territory, in a newspaper of
18 general circulation in the area of the unit of local
19 government, from a unit of local government that will
20 administer the program, requesting innovative solutions and
21 proposals for energy conservation measures. Proposals
22 submitted shall be sealed. The request for proposals shall
23 include all of the following:

24 (1) The name and address of the unit of local
25 government.

26 (2) The name, address, title, and phone number of a

1 contact person.

2 (3) Notice indicating that the unit of local government
3 is requesting qualified providers to propose energy
4 conservation measures through a guaranteed energy savings
5 contract.

6 (4) The date, time, and place where proposals must be
7 received.

8 (5) The evaluation criteria for assessing the
9 proposals.

10 (6) Any other stipulations and clarifications the unit
11 of local government may require.

12 "Unit of local government" means a county, township,
13 municipality, or park district.

14 (Source: P.A. 94-1062, eff. 7-31-06.)

15 (50 ILCS 515/20)

16 Sec. 20. Guarantee. The guaranteed energy savings contract
17 shall include a written guarantee of the qualified provider
18 that either the energy or operational cost savings, or both,
19 will meet or exceed within 20 ~~10~~ years the costs of the energy
20 conservation measures. The qualified provider shall reimburse
21 the unit of local government for any shortfall of guaranteed
22 energy savings projected in the contract. A qualified provider
23 shall provide a sufficient bond to the unit of local government
24 for the installation and the faithful performance of all the
25 measures included in the contract. The guaranteed energy

1 savings contract may provide for payments over a period of
2 time, not to exceed 20 ~~10~~ years from the date of the final
3 installation of the measures.

4 (Source: P.A. 88-173; 88-615, eff. 9-9-94.)

5 (50 ILCS 515/25)

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

24 If an energy audit is performed by an energy services
25 contractor for a unit of local government within the 3 years

1 immediately preceding the solicitation, then the unit of local
2 government must publish as a reference document in the
3 solicitation for energy conservation measures the following:

4 (1) an executive summary of the energy audit provided
5 that the unit of local government may exclude any
6 proprietary or trademarked information or practices; or

7 (2) the energy audit provided that the unit of local
8 government may redact any proprietary or trademarked
9 information or practices.

10 A unit of local government may not withhold the disclosure of
11 information related to (i) the unit of local government's
12 consumption of energy, (ii) the physical condition of the unit
13 of local government's facilities, and (iii) any limitations
14 prescribed by the unit of local government.

15 The solicitation must include a written disclosure that
16 identifies any energy services contractor that participated in
17 the preparation of the specifications issued by the unit of
18 local government. If no energy services contractor
19 participated in the preparation of the specifications issued by
20 the unit of local government, then the solicitation must
21 include a written disclosure that no energy services contractor
22 participated in the preparation of the specifications for the
23 unit of local government. The written disclosure shall be
24 published in the Capital Development Board Procurement
25 Bulletin with the Request for Proposal.

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

1 Section 10. The School Code is amended by changing Sections
2 19b-1.2, 19b-1.4, 19b-3, and 19b-5 as follows:

3 (105 ILCS 5/19b-1.2) (from Ch. 122, par. 19b-1.2)

4 Sec. 19b-1.2. Guaranteed energy savings contract.
5 "Guaranteed energy savings contract" means a contract for: (i)
6 the implementation of an energy audit, data collection, and
7 other related analyses preliminary to the undertaking of energy
8 conservation measures; (ii) the evaluation and recommendation
9 of energy conservation measures; (iii) the implementation of
10 one or more energy conservation measures; and (iv) the
11 implementation of project monitoring and data collection to
12 verify post-installation energy consumption and energy-related
13 operating costs. The contract shall provide that all payments,
14 except obligations on termination of the contract before its
15 expiration, are to be made over time and that the savings are
16 guaranteed to the extent necessary to pay the costs of the
17 energy conservation measures. Energy saving may include energy
18 reduction and offsetting sources of renewable energy funds
19 including renewable energy credits and carbon credits.

20 (Source: P.A. 87-1106.)

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

1 negotiated procurement. The request for proposals shall be
2 submitted to the administrators of the Capital Development
3 Board Procurement Bulletin ~~announced in the Illinois~~
4 ~~Procurement Bulletin~~ for publication and through at least one
5 public notice, at least 30 ~~14~~ days before the request date in a
6 newspaper published in the district or vocational center area,
7 or if no newspaper is published in the district or vocational
8 center area, in a newspaper of general circulation in the area
9 of the district or vocational center, from a school district or
10 area vocational center that will administer the program,
11 requesting innovative solutions and proposals for energy
12 conservation measures. Proposals submitted shall be sealed.
13 The request for proposals shall include all of the following:

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

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

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

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

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

26 (6) Any other stipulations and clarifications the

1 school district or area vocational center may require.

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

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

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

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

1 the proposal are followed. Contracts let or awarded must be
2 submitted to the administrators of the Capital Development
3 Board Procurement Bulletin for publication ~~published in the~~
4 ~~next available subsequent Illinois Procurement Bulletin.~~

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

6 (105 ILCS 5/19b-5) (from Ch. 122, par. 19b-5)

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

1 If an energy audit is performed by an energy services
2 contractor for a school district within the 3 years immediately
3 preceding the solicitation, then the school district must
4 publish as a reference document in the solicitation for energy
5 conservation measures the following:

6 (1) an executive summary of the energy audit provided
7 that the school district may exclude any proprietary or
8 trademarked information or practices; or

9 (2) the energy audit provided that the school district
10 may redact any proprietary or trademarked information or
11 practices.

12 A school district may not withhold the disclosure of
13 information related to (i) the school district's consumption of
14 energy, (ii) the physical condition of the school district's
15 facilities, and (iii) any limitations prescribed by the school
16 district.

17 The solicitation must include a written disclosure that
18 identifies any energy services contractor that participated in
19 the preparation of the specifications issued by the school
20 district. If no energy services contractor participated in the
21 preparation of the specifications issued by the school
22 district, then the solicitation must include a written
23 disclosure that no energy services contractor participated in
24 the preparation of the specifications for the school district.
25 The written disclosure shall be published in the Capital
26 Development Board Procurement Bulletin with the Request for

1 Proposal.

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

3 Section 15. The Public University Energy Conservation Act
4 is amended by changing Sections 5-15 and 25 as follows:

5 (110 ILCS 62/5-15)

6 Sec. 5-15. Guaranteed energy savings contract. "Guaranteed
7 energy savings contract" means a contract for: (i) the
8 implementation of an energy audit, data collection, and other
9 related analyses preliminary to the undertaking of energy
10 conservation measures; (ii) the evaluation and recommendation
11 of energy conservation measures; (iii) the implementation of
12 one or more energy conservation measures; and (iv) the
13 implementation of project monitoring and data collection to
14 verify post-installation energy consumption and energy-related
15 operating costs. The contract shall provide that all payments,
16 except obligations on termination of the contract before its
17 expiration, are to be made over time and that the savings are
18 guaranteed to the extent necessary to pay the costs of the
19 energy conservation measures. Energy savings may include
20 energy reduction and offsetting sources of renewable energy
21 funds including renewable energy credits and carbon credits.

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

23 (110 ILCS 62/25)

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

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

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