

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 3-14.20, 19b-1.1, 19b-1.2, 19b-1.3, 19b-1.4, 19b-2, 19b-3,
6 19b-4, 19b-5, 19b-7, and 19b-8 and by adding Sections 19b-1.5
7 and 19b-2.1 as follows:

8 (105 ILCS 5/3-14.20) (from Ch. 122, par. 3-14.20)

9 Sec. 3-14.20. Building plans and specifications. To
10 inspect the building plans and specifications, including but
11 not limited to plans and specifications for the heating,
12 ventilating, lighting, seating, water supply, toilets, energy
13 conservation measures, and safety against fire of public school
14 rooms and buildings submitted to him by school boards, and to
15 approve all those which comply substantially with the building
16 code authorized in Section 2-3.12.

17 If a municipality or, in the case of an unincorporated
18 area, a county or, if applicable, a fire protection district
19 wishes to be notified of plans and specifications received by a
20 regional office of education for any future construction or
21 alteration of a public school facility located within that
22 entity's jurisdiction, then the entity must register this wish
23 with the regional superintendent of schools. Within 10 days

1 after the regional superintendent of schools receives the plans
2 and specifications from a school board and prior to the bidding
3 process, he or she shall notify, in writing, the registered
4 municipality and, if applicable, the registered fire
5 protection district where the school that is being constructed
6 or altered lies that plans and specifications have been
7 received. In the case of an unincorporated area, the registered
8 county shall be notified. If the municipality, fire protection
9 district, or county requests a review of the plans and
10 specifications, then the school board shall submit a copy of
11 the plans and specifications. The municipality and, if
12 applicable, the fire protection district or the county may
13 comment in writing on the plans and specifications based on the
14 building code authorized in Section 2-3.12, referencing the
15 specific code where a discrepancy has been identified, and
16 respond back to the regional superintendent of schools within
17 15 days after a copy of the plans and specifications have been
18 received or, if needed for plan review, such additional time as
19 agreed to by the regional superintendent of schools. This
20 review must be at no cost to the school district.

21 If such plans and specifications are not approved or denied
22 approval by the regional superintendent of schools within 3
23 months after the date on which they are submitted to him or
24 her, the school board may submit such plans and specifications
25 directly to the State Superintendent of Education for approval
26 or denial.

1 (Source: P.A. 94-225, eff. 7-14-05.)

2 (105 ILCS 5/19b-1.1) (from Ch. 122, par. 19b-1.1)

3 Sec. 19b-1.1. Energy conservation measure. "Energy
4 conservation measure" means any improvement, repair,
5 alteration, or betterment of any building or facility owned or
6 operated by a school district or area vocational center or any
7 equipment, fixture, or furnishing to be added to or used in any
8 such building or facility, according to plans and
9 specifications designed and approved subject to the building
10 code authorized in Section 2-3.12 of this Code, that is
11 proposed ~~designed~~ to reduce energy ~~consumption~~ or operating
12 costs, and may include, without limitation, one or more of the
13 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) (Blank) ~~Energy conservation measures that provide~~
8 ~~long term operating cost reductions.~~

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

10 (105 ILCS 5/19b-1.2) (from Ch. 122, par. 19b-1.2)

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

1 including renewable energy credits and carbon credits.

2 (Source: P.A. 96-1197, eff. 7-22-10.)

3 (105 ILCS 5/19b-1.3) (from Ch. 122, par. 19b-1.3)

4 Sec. 19b-1.3. Qualified provider. "Qualified provider"
5 means a person or business whose employees are experienced and
6 trained in the design, implementation, or installation of
7 energy conservation measures. The minimum training required
8 for any person or employee under this Section shall be the
9 satisfactory completion of at least 40 hours of course
10 instruction dealing with energy conservation measures, and the
11 person or business may not engage in the practice of
12 architecture, engineering, or structural engineering unless
13 the person is licensed or the business is registered in
14 accordance with the Illinois Architecture Practice Act of 1989,
15 the Professional Engineering Practice Act of 1989, or the
16 Structural Engineering Practice Act of 1989, and the rules
17 adopted pursuant to those Acts. A person or business may not
18 engage in the practice of plumbing unless the person is
19 licensed in accordance with the Illinois Plumbing License Law.
20 A qualified provider to whom the contract is awarded shall give
21 a sufficient bond to the school district or area vocational
22 center for its faithful performance.

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

24 (105 ILCS 5/19b-1.4) (from Ch. 122, par. 19b-1.4)

1 Sec. 19b-1.4. Request for proposals. "Request for
2 proposals" means a competitive selection achieved by
3 negotiated procurement. The request for proposals shall be
4 submitted to the administrators of the Capital Development
5 Board Procurement Bulletin for publication and through at least
6 one public notice, at least 30 days before the request date in
7 a newspaper published in the district or vocational center
8 area, or if no newspaper is published in the district or
9 vocational center area, in a newspaper of general circulation
10 in the area of the district or vocational center, from a school
11 district or area vocational center that will administer the
12 program, requesting ~~innovative solutions and~~ proposals for
13 energy conservation measures. ~~Proposals submitted shall be~~
14 ~~sealed.~~ The request for proposals shall include all of the
15 following:

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

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

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

24 (4) The date, time, and place where proposals must be
25 received.

26 (5) The evaluation criteria for assessing the

1 proposals.

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

4 (Source: P.A. 95-612, eff. 9-11-07; 96-1197, eff. 7-22-10.)

5 (105 ILCS 5/19b-1.5 new)

6 Sec. 19b-1.5. Energy operating cost. "Energy operating
7 cost" means any expenditure paid by a school district or area
8 vocational center for the furnishing of heat, cold, power,
9 electricity, water or light to any building or facility owned
10 or operated by a school district or area vocational center.

11 (105 ILCS 5/19b-2) (from Ch. 122, par. 19b-2)

12 Sec. 19b-2. Evaluation of proposal; performance review.
13 Before entering into a guaranteed energy savings contract under
14 Section 19b-3, a school district or area vocational center
15 shall submit a request for proposals. The school district or
16 area vocational center shall evaluate any sealed proposal from
17 a qualified provider. The evaluation shall analyze the
18 estimates of all costs of installations, modifications or
19 remodeling, including, without limitation, costs of a
20 pre-installation energy audit or analysis, design,
21 engineering, installation, maintenance, repairs, debt service,
22 conversions to a different energy or fuel source, or
23 post-installation project monitoring, data collection, and
24 reporting. The evaluation shall include a detailed analysis of

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

16 Performance reviews shall be conducted at the discretion of
17 the school district or area vocational center to verify the
18 outcomes of the guaranteed energy savings contract and shall
19 include any improvement, repair, alteration, or betterment of
20 any building or facility owned or operated by a school district
21 or area vocational center or any equipment, fixture, or
22 furnishing added to or used in any such building or facility. A
23 qualified provider may not withhold the disclosure of
24 information related to the content of a proposal or the
25 performance of the contract.

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

1 (105 ILCS 5/19b-2.1 new)

2 Sec. 19b-2.1. Submission of proposals. Proposals must be
3 properly identified and sealed. Proposals may not be reviewed
4 until after the deadline for submission has passed as set forth
5 in the request for proposals. All qualified providers
6 submitting proposals shall be disclosed after the deadline for
7 submission but not before. Proposals shall identify the names
8 of all parties to the proposed contract including those which
9 may be subcontracted during the performance of the contract.
10 Proposals must meet all material requirements of the request
11 for proposal or they may be rejected as non-responsive.
12 Proposals may be withdrawn prior to evaluation for any cause.

13 (105 ILCS 5/19b-3) (from Ch. 122, par. 19b-3)

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

1 proposes to award a guaranteed energy savings contract of the
2 names of the parties to the proposed contract and of the
3 purpose of the contract. The public notice shall be made at
4 least 10 days prior to the meeting. After evaluating the
5 proposals under Section 19b-2, a school district or area
6 vocational center may enter into a guaranteed energy savings
7 contract with a qualified provider if it finds that the amount
8 it would spend on the energy conservation measures recommended
9 in the proposal would not exceed the amount to be saved in
10 ~~either energy operating or operational costs, or both,~~ within a
11 10-year ~~20-year~~ period from the date of installation, if the
12 recommendations in the proposal are followed. Contracts let or
13 awarded must be submitted to the administrators of the Capital
14 Development Board Procurement Bulletin for publication. The
15 final contract and any subsequent modifications and successful
16 proposals, evaluations, and performance review shall be
17 considered public records subject to inspection and copying by
18 the public.

19 (Source: P.A. 95-612, eff. 9-11-07; 96-1197, eff. 7-22-10.)

20 (105 ILCS 5/19b-4) (from Ch. 122, par. 19b-4)

21 Sec. 19b-4. Guarantee. The guaranteed energy savings
22 contract shall include a written guarantee of the qualified
23 provider that ~~either~~ the energy operating ~~or operational~~ cost
24 savings, ~~or both,~~ will meet or exceed within 10 ~~20~~ years the
25 costs of the energy conservation measures. The qualified

1 provider shall reimburse the school district or area vocational
2 center for any shortfall of guaranteed energy savings projected
3 in the contract. A qualified provider shall provide a
4 sufficient bond to the school district or area vocational
5 center for the installation and the faithful performance of all
6 the measures included in the contract. The guaranteed energy
7 savings contract may provide for payments over a period of
8 time, not to exceed 10 ~~20~~ years from the date of final
9 installation of the measures.

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

11 (105 ILCS 5/19b-5) (from Ch. 122, par. 19b-5)

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

1 center pursuant to this Section shall be authorized by official
2 action of the school board or governing board of the area
3 vocational center, whichever is applicable. The authority
4 granted in this Section is in addition to any other authority
5 granted by law.

6 If an energy audit is performed by an energy services
7 contractor for a school district within the 3 years immediately
8 preceding the solicitation, then the school district must
9 publish as a reference document in the solicitation for energy
10 conservation measures the following:

11 (1) an executive summary of the energy audit provided
12 that the school district may exclude any proprietary or
13 trademarked information or practices; or

14 (2) the energy audit provided that the school district
15 may redact any proprietary or trademarked information or
16 practices.

17 A school district may not withhold the disclosure of
18 information related to (i) the school district's consumption of
19 energy or energy operating costs, (ii) the physical condition
20 of the school district's facilities, and (iii) any limitations
21 prescribed by the school district.

22 The solicitation must include a written disclosure that
23 identifies any energy services contractor or qualified
24 provider that participated in the preparation of the
25 specifications issued by the school district. If no energy
26 services contractor or qualified provider participated in the

1 preparation of the specifications issued by the school
2 district, then the solicitation must include a written
3 disclosure that no energy services contractor or qualified
4 provider participated in the preparation of the specifications
5 for the school district. The written disclosure shall be
6 published in the Capital Development Board Procurement
7 Bulletin with the Request for Proposal.

8 (Source: P.A. 96-1197, eff. 7-22-10; 97-333, eff. 8-12-11.)

9 (105 ILCS 5/19b-7) (from Ch. 122, par. 19b-7)

10 Sec. 19b-7. Energy operating ~~Operational and energy~~ cost
11 savings. The school district or area vocational center shall
12 document the ~~operational and~~ energy operating cost savings
13 specified in the guaranteed energy savings contract and
14 designate and appropriate that amount for an annual payment of
15 the contract. If the annual energy operating cost savings are
16 less than projected under the guaranteed energy savings
17 contract the qualified provider shall pay the difference as
18 provided in Section 19b-4.

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

20 (105 ILCS 5/19b-8) (from Ch. 122, par. 19b-8)

21 Sec. 19b-8. Available funds. A school district or area
22 vocational center may use funds designated for energy operating
23 cost ~~operating or capital~~ expenditures for any guaranteed
24 energy savings contract including purchases using installment

1 payment contracts or lease purchase agreements. A school
2 district or area vocational center that enters into such a
3 contract or agreement may covenant in such contract or
4 agreement that payments made thereunder shall be payable from
5 the first funds legally available in each fiscal year.

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