



Sen. William R. Haine

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1 AMENDMENT TO SENATE BILL 241

2 AMENDMENT NO. _____. Amend Senate Bill 241 by replacing
3 everything after the enacting clause with the following:

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.

1 If a municipality or, in the case of an unincorporated
2 area, a county or, if applicable, a fire protection district
3 wishes to be notified of plans and specifications received by a
4 regional office of education for any future construction or
5 alteration of a public school facility located within that
6 entity's jurisdiction, then the entity must register this wish
7 with the regional superintendent of schools. Within 10 days
8 after the regional superintendent of schools receives the plans
9 and specifications from a school board and prior to the bidding
10 process, he or she shall notify, in writing, the registered
11 municipality and, if applicable, the registered fire
12 protection district where the school that is being constructed
13 or altered lies that plans and specifications have been
14 received. In the case of an unincorporated area, the registered
15 county shall be notified. If the municipality, fire protection
16 district, or county requests a review of the plans and
17 specifications, then the school board shall submit a copy of
18 the plans and specifications. The municipality and, if
19 applicable, the fire protection district or the county may
20 comment in writing on the plans and specifications based on the
21 building code authorized in Section 2-3.12, referencing the
22 specific code where a discrepancy has been identified, and
23 respond back to the regional superintendent of schools within
24 15 days after a copy of the plans and specifications have been
25 received or, if needed for plan review, such additional time as
26 agreed to by the regional superintendent of schools. This

1 review must be at no cost to the school district.

2 If such plans and specifications are not approved or denied
3 approval by the regional superintendent of schools within 3
4 months after the date on which they are submitted to him or
5 her, the school board may submit such plans and specifications
6 directly to the State Superintendent of Education for approval
7 or denial.

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

9 (105 ILCS 5/19b-1.1) (from Ch. 122, par. 19b-1.1)

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

21 (1) Insulation of the building structure or systems
22 within the building.

23 (2) Storm windows or doors, caulking or
24 weatherstripping, multiglazed windows or doors, heat
25 absorbing or heat reflective glazed and coated window or

1 door systems, additional glazing, reductions in glass
2 area, or other window and door system modifications that
3 reduce energy consumption.

4 (3) Automated or computerized energy control systems.

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

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

13 (6) Energy recovery systems.

14 (7) (Blank) ~~Energy conservation measures that provide~~
15 ~~long term operating cost reductions.~~

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

17 (105 ILCS 5/19b-1.2) (from Ch. 122, par. 19b-1.2)

18 Sec. 19b-1.2. Guaranteed energy savings contract.
19 "Guaranteed energy savings contract" means a contract for: (i)
20 the implementation of an energy audit, data collection, and
21 other related analyses preliminary to the undertaking of energy
22 conservation measures; (ii) the evaluation and recommendation
23 of energy conservation measures; (iii) the implementation of
24 one or more energy conservation measures; and (iv) the
25 implementation of project monitoring and data collection to

1 verify post-installation energy ~~consumption and energy related~~
2 operating costs. The contract shall provide that all payments,
3 except obligations on termination of the contract before its
4 expiration, are to be made over time and that the savings are
5 guaranteed to the extent necessary to pay the costs of the
6 energy conservation measures. Energy saving may include energy
7 reduction and offsetting sources of renewable energy funds
8 including renewable energy credits and carbon credits.

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

10 (105 ILCS 5/19b-1.3) (from Ch. 122, par. 19b-1.3)

11 Sec. 19b-1.3. Qualified provider. "Qualified provider"
12 means a person or business whose employees are experienced and
13 trained in the design, implementation, or installation of
14 energy conservation measures. The minimum training required
15 for any person or employee under this Section shall be the
16 satisfactory completion of at least 40 hours of course
17 instruction dealing with energy conservation measures, and the
18 person or business may not engage in the practice of
19 architecture, engineering, or structural engineering unless
20 the person is licensed or the business is registered in
21 accordance with the Illinois Architecture Practice Act of 1989,
22 the Professional Engineering Practice Act of 1989, or the
23 Structural Engineering Practice Act of 1989, and the rules
24 adopted pursuant to those Acts. A person or business may not
25 engage in the practice of plumbing unless the person is

1 licensed in accordance with the Illinois Plumbing License Law.
2 A qualified provider to whom the contract is awarded shall give
3 a sufficient bond to the school district or area vocational
4 center for its faithful performance.
5 (Source: P.A. 92-767, eff. 8-6-02.)

6 (105 ILCS 5/19b-1.4) (from Ch. 122, par. 19b-1.4)

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

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

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

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

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

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

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

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

12 (105 ILCS 5/19b-1.5 new)

13 Sec. 19b-1.5. Energy operating cost. "Energy operating
14 cost" means any expenditure paid by a school district or area
15 vocational center for the furnishing of heat, cold, power,
16 electricity, water or light to any building or facility owned
17 or operated by a school district or area vocational center.

18 (105 ILCS 5/19b-2) (from Ch. 122, par. 19b-2)

19 Sec. 19b-2. Evaluation of proposal; performance review.
20 Before entering into a guaranteed energy savings contract under
21 Section 19b-3, a school district or area vocational center
22 shall submit a request for proposals. The school district or
23 area vocational center shall evaluate any sealed proposal from
24 a qualified provider. The evaluation shall analyze the

1 estimates of all costs of installations, modifications or
2 remodeling, including, without limitation, costs of a
3 pre-installation energy audit or analysis, design,
4 engineering, installation, maintenance, repairs, debt service,
5 conversions to a different energy or fuel source, or
6 post-installation project monitoring, data collection, and
7 reporting. The evaluation shall include a detailed analysis of
8 whether either the energy consumed or the energy operating
9 costs, or both, will be reduced. If technical assistance is not
10 available by a licensed architect or registered professional
11 engineer on the school district or area vocational center
12 staff, then the evaluation of the proposal shall be done by a
13 registered professional engineer or architect, who is retained
14 by the school district or area vocational center. A licensed
15 architect or registered professional engineer evaluating a
16 proposal or reviewing contract performance under this Section
17 must not have any financial or contractual relationship with a
18 qualified provider or other source that would constitute a
19 conflict of interest. The school district or area vocational
20 center may pay a reasonable fee for evaluation of the proposal
21 or the review of contract performance or include the fee as
22 part of the payments made under Section 19b-4.

23 Performance reviews shall be conducted at the discretion of
24 the school district or area vocational center to verify the
25 outcomes of the guaranteed energy savings contract and shall
26 include any improvement, repair, alteration, or betterment of

1 any building or facility owned or operated by a school district
2 or area vocational center or any equipment, fixture, or
3 furnishing added to or used in any such building or facility. A
4 qualified provider may not withhold the disclosure of
5 information related to the content of a proposal or the
6 performance of the contract.

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

8 (105 ILCS 5/19b-2.1 new)

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

20 (105 ILCS 5/19b-3) (from Ch. 122, par. 19b-3)

21 Sec. 19b-3. Award of guaranteed energy savings contract.
22 Sealed proposals must be opened by a member or employee of the
23 school board or governing board of the area vocational center,
24 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 operating or operational costs, or both,~~ within a
18 10-year ~~20-year~~ period from the date of installation, if the
19 recommendations in the proposal are followed. Contracts let or
20 awarded must be submitted to the administrators of the Capital
21 Development Board Procurement Bulletin for publication. The
22 final contract and any subsequent modifications and successful
23 proposals, evaluations, and performance review shall be
24 considered public records subject to inspection and copying by
25 the public.

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

1 (105 ILCS 5/19b-4) (from Ch. 122, par. 19b-4)

2 Sec. 19b-4. Guarantee. The guaranteed energy savings
3 contract shall include a written guarantee of the qualified
4 provider that ~~either~~ the energy operating ~~or operational~~ cost
5 savings, ~~or both~~, will meet or exceed within 10 ~~20~~ years the
6 costs of the energy conservation measures. The qualified
7 provider shall reimburse the school district or area vocational
8 center for any shortfall of guaranteed energy savings projected
9 in the contract. A qualified provider shall provide a
10 sufficient bond to the school district or area vocational
11 center for the installation and the faithful performance of all
12 the measures included in the contract. The guaranteed energy
13 savings contract may provide for payments over a period of
14 time, not to exceed 10 ~~20~~ years from the date of final
15 installation of the measures.

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

17 (105 ILCS 5/19b-5) (from Ch. 122, par. 19b-5)

18 Sec. 19b-5. Installment payment contract; lease purchase
19 agreement. A school district or school districts in combination
20 or an area vocational center may enter into an installment
21 payment contract or lease purchase agreement with a qualified
22 provider or with a third party, as authorized by law, for the
23 funding or financing of the purchase and installation of energy
24 conservation measures by a qualified provider. Every school

1 district or area vocational center may issue certificates
2 evidencing the indebtedness incurred pursuant to the contracts
3 or agreements. Any such contract or agreement shall be valid
4 whether or not an appropriation with respect thereto is first
5 included in any annual or supplemental budget adopted by the
6 school district or area vocational center. Each contract or
7 agreement entered into by a school district or area vocational
8 center pursuant to this Section shall be authorized by official
9 action of the school board or governing board of the area
10 vocational center, whichever is applicable. The authority
11 granted in this Section is in addition to any other authority
12 granted by law.

13 If an energy audit is performed by an energy services
14 contractor for a school district within the 3 years immediately
15 preceding the solicitation, then the school district must
16 publish as a reference document in the solicitation for energy
17 conservation measures the following:

18 (1) an executive summary of the energy audit provided
19 that the school district may exclude any proprietary or
20 trademarked information or practices; or

21 (2) the energy audit provided that the school district
22 may redact any proprietary or trademarked information or
23 practices.

24 A school district may not withhold the disclosure of
25 information related to (i) the school district's consumption of
26 energy or energy operating costs, (ii) the physical condition

1 of the school district's facilities, and (iii) any limitations
2 prescribed by the school district.

3 The solicitation must include a written disclosure that
4 identifies any energy services contractor or qualified
5 provider that participated in the preparation of the
6 specifications issued by the school district. If no energy
7 services contractor or qualified provider participated in the
8 preparation of the specifications issued by the school
9 district, then the solicitation must include a written
10 disclosure that no energy services contractor or qualified
11 provider participated in the preparation of the specifications
12 for the school district. The written disclosure shall be
13 published in the Capital Development Board Procurement
14 Bulletin with the Request for Proposal.

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

16 (105 ILCS 5/19b-7) (from Ch. 122, par. 19b-7)

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

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

2 (105 ILCS 5/19b-8) (from Ch. 122, par. 19b-8)

3 Sec. 19b-8. Available funds. A school district or area
4 vocational center may use funds designated for energy operating
5 cost ~~operating or capital~~ expenditures for any guaranteed
6 energy savings contract including purchases using installment
7 payment contracts or lease purchase agreements. A school
8 district or area vocational center that enters into such a
9 contract or agreement may covenant in such contract or
10 agreement that payments made thereunder shall be payable from
11 the first funds legally available in each fiscal year.

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