



Sen. Don Harmon

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1 AMENDMENT TO SENATE BILL 2810

2 AMENDMENT NO. _____. Amend Senate Bill 2810, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Local Government Energy Conservation Act is
6 amended by changing Sections 5, 20, and 25 as follows:

7 (50 ILCS 515/5)

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

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

1 more of the following:

2 (1) Insulation of the building structure or systems
3 within the building.

4 (2) Storm windows or doors, caulking or
5 weatherstripping, multiglazed windows or doors, heat
6 absorbing or heat reflective glazed and coated window or
7 door systems, additional glazing, reductions in glass
8 area, or other window and door system modifications that
9 reduce energy consumption.

10 (3) Automated or computerized energy control systems.

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

13 (5) Replacement or modification of lighting fixtures
14 to increase the energy efficiency of the lighting system
15 without increasing the overall illumination of a facility,
16 unless an increase in illumination is necessary to conform
17 to the applicable State or local building code for the
18 lighting system after the proposed modifications are made.

19 (6) Energy recovery systems.

20 (7) Energy conservation measures that provide
21 long-term operating cost reductions.

22 "Guaranteed energy savings contract" means a contract for:

23 (i) the implementation of an energy audit, data collection, and
24 other related analyses preliminary to the undertaking of energy
25 conservation measures; (ii) the evaluation and recommendation
26 of energy conservation measures; (iii) the implementation of

1 one or more energy conservation measures; and (iv) the
2 implementation of project monitoring and data collection to
3 verify post-installation energy consumption and energy-related
4 operating costs. The contract shall provide that all payments,
5 except obligations on termination of the contract before its
6 expiration, are to be made over time and that the savings are
7 guaranteed to the extent necessary to pay the costs of the
8 energy conservation measures. Energy savings may include
9 energy reduction and offsetting sources of renewable energy
10 funds including renewable energy credits and carbon credits.

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

20 "Request for proposals" means a competitive selection
21 achieved by negotiated procurement. The request for proposals
22 shall be announced through at least one public notice, at least
23 14 days before the request date in a newspaper published in the
24 territory comprising the unit of local government or, if no
25 newspaper is published in that territory, in a newspaper of
26 general circulation in the area of the unit of local

1 government, from a unit of local government that will
2 administer the program, requesting innovative solutions and
3 proposals for energy conservation measures. Proposals
4 submitted shall be sealed. The request for proposals shall
5 include all of the following:

6 (1) The name and address of the unit of local
7 government.

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

10 (3) Notice indicating that the unit of local government
11 is requesting qualified providers to propose energy
12 conservation measures through a guaranteed energy savings
13 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 unit
19 of local government may require.

20 "Unit of local government" means a county, township,
21 municipality, or park district.

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

23 (50 ILCS 515/20)

24 Sec. 20. Guarantee. The guaranteed energy savings contract
25 shall include a written guarantee of the qualified provider

1 that either the energy or operational cost savings, or both,
2 will meet or exceed within 20 ~~10~~ years the costs of the energy
3 conservation measures. The qualified provider shall reimburse
4 the unit of local government for any shortfall of guaranteed
5 energy savings projected in the contract. A qualified provider
6 shall provide a sufficient bond to the unit of local government
7 for the installation and the faithful performance of all the
8 measures included in the contract. The guaranteed energy
9 savings contract may provide for payments over a period of
10 time, not to exceed 20 ~~10~~ years from the date of the final
11 installation of the measures.

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

13 (50 ILCS 515/25)

14 Sec. 25. Installment payment contract; lease purchase
15 agreement; ~~or other agreement~~. A unit of local government, or
16 units of local government in combination, may enter into an
17 installment payment contract or ~~7~~ lease purchase agreement ~~, or~~
18 ~~other agreement~~ with a qualified provider or with a third
19 party, as authorized by law, for the funding or financing of
20 the purchase and installation of energy conservation measures
21 by a qualified provider. Every unit of local government may
22 issue certificates evidencing the indebtedness incurred
23 pursuant to the contracts or agreements. Any such contract or
24 agreement shall be valid whether or not an appropriation with
25 respect thereto is first included in any annual or supplemental

1 budget adopted by the unit of local government. Each contract
2 or agreement entered into by a unit of local government
3 pursuant to this Section shall be authorized by official action
4 of the unit of local government's governing body. The authority
5 granted under this Section is in addition to any other
6 authority granted by law.

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

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

15 (2) the energy audit provided that the unit of local
16 government may redact any proprietary or trademarked
17 information or practices.

18 A unit of local government may not withhold the disclosure of
19 information related to (i) the unit of local government's
20 consumption of energy, (ii) the physical condition of the unit
21 of local government's facilities, and (iii) any limitations
22 prescribed by the unit of local government.

23 The solicitation must include a written disclosure that
24 identifies any energy services contractor that participated in
25 the preparation of the specifications issued by the unit of
26 local government. If no energy services contractor

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

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

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

11 (105 ILCS 5/19b-1.2) (from Ch. 122, par. 19b-1.2)

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

1 energy conservation measures. Energy saving may include energy
2 reduction and offsetting sources of renewable energy funds
3 including renewable energy credits and carbon credits.

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

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

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

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

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

25 (3) Notice indicating that the school district or area

1 vocational center is requesting qualified providers to
2 propose energy conservation measures through a guaranteed
3 energy savings contract.

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

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

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

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

11 (105 ILCS 5/19b-3) (from Ch. 122, par. 19b-3)

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

1 least 10 days prior to the meeting. After evaluating the
2 proposals under Section 19b-2, a school district or area
3 vocational center may enter into a guaranteed energy savings
4 contract with a qualified provider if it finds that the amount
5 it would spend on the energy conservation measures recommended
6 in the proposal would not exceed the amount to be saved in
7 either energy or operational costs, or both, within a 20-year
8 period from the date of installation, if the recommendations in
9 the proposal are followed. Contracts let or awarded must be
10 submitted to the administrators of the Capital Development
11 Board Procurement Bulletin for publication ~~published in the~~
12 ~~next available subsequent Illinois Procurement Bulletin.~~

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

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

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

1 thereto is first included in any annual or supplemental budget
2 adopted by the school district or area vocational center. Each
3 contract or agreement entered into by a school district or area
4 vocational center pursuant to this Section shall be authorized
5 by official action ~~resolution~~ of the school board or governing
6 board of the area vocational center, whichever is applicable.
7 The authority granted in this Section is in addition to any
8 other authority granted by law.

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

14 (1) an executive summary of the energy audit provided
15 that the school district may exclude any proprietary or
16 trademarked information or practices; or

17 (2) the energy audit provided that the school district
18 may redact any proprietary or trademarked information or
19 practices.

20 A school district may not withhold the disclosure of
21 information related to (i) the school district's consumption of
22 energy, (ii) the physical condition of the school district's
23 facilities, and (iii) any limitations prescribed by the school
24 district.

25 The solicitation must include a written disclosure that
26 identifies any energy services contractor that participated in

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

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

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

13 (110 ILCS 62/5-15)

14 Sec. 5-15. Guaranteed energy savings contract. "Guaranteed
15 energy savings contract" means a contract for: (i) the
16 implementation of an energy audit, data collection, and other
17 related analyses preliminary to the undertaking of energy
18 conservation measures; (ii) the evaluation and recommendation
19 of energy conservation measures; (iii) the implementation of
20 one or more energy conservation measures; and (iv) the
21 implementation of project monitoring and data collection to
22 verify post-installation energy consumption and energy-related
23 operating costs. The contract shall provide that all payments,
24 except obligations on termination of the contract before its

1 expiration, are to be made over time and that the savings are
2 guaranteed to the extent necessary to pay the costs of the
3 energy conservation measures. Energy savings may include
4 energy reduction and offsetting sources of renewable energy
5 funds including renewable energy credits and carbon credits.

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

7 (110 ILCS 62/25)

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

1 Section is in addition to any other authority granted by law.

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

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