



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2045

Introduced 2/15/2019, by Sen. Jennifer Bertino-Tarrant

SYNOPSIS AS INTRODUCED:

105 ILCS 5/3-14.20	from Ch. 122, par. 3-14.20
105 ILCS 5/19b-1.1	from Ch. 122, par. 19b-1.1
105 ILCS 5/19b-1.3	from Ch. 122, par. 19b-1.3
105 ILCS 5/19b-2	from Ch. 122, par. 19b-2
105 ILCS 5/19b-2.5 new	
105 ILCS 5/19b-5	from Ch. 122, par. 19b-5

Amends the School Code. Provides that a duty of regional superintendents is to inspect the energy conservation measures of schools under the Code. In provisions concerning school energy conservation and savings measures, provides that qualified providers need to be licensed in accordance with the Illinois Architecture Practice Act of 1989, the Professional Engineering Practice Act of 1989, or the Structural Engineering Practice Act of 1989 in order to engage in the practice of architecture, engineering, or structural engineering. Provides for performance reviews and procedures for the submission of proposals. Makes other changes.

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FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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-1.3, 19b-2, and 19b-5 and by adding
6 Section 19b-2.5 as follows:

7 (105 ILCS 5/3-14.20) (from Ch. 122, par. 3-14.20)

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

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

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

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

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

1 (105 ILCS 5/19b-1.1) (from Ch. 122, par. 19b-1.1)

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

12 (1) Insulation of the building structure or systems
13 within the building.

14 (2) Storm windows or doors, caulking or
15 weatherstripping, multiglazed windows or doors, heat
16 absorbing or heat reflective glazed and coated window or
17 door systems, additional glazing, reductions in glass
18 area, or other window and door system modifications that
19 reduce energy consumption.

20 (3) Automated or computerized energy control systems.

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

23 (5) Replacement or modification of lighting fixtures
24 to increase the energy efficiency of the lighting system
25 without increasing the overall illumination of a facility,

1 unless an increase in illumination is necessary to conform
2 to the applicable State or local building code for the
3 lighting system after the proposed modifications are made.

4 (6) Energy recovery systems.

5 (7) Energy conservation measures that provide
6 long-term operating cost reductions.

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

8 (105 ILCS 5/19b-1.3) (from Ch. 122, par. 19b-1.3)

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

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

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

3 Sec. 19b-2. Evaluation of proposal; performance review.

4 Before entering into a guaranteed energy savings contract under
5 Section 19b-3, a school district or area vocational center
6 shall submit a request for proposals. The school district or
7 area vocational center shall evaluate any sealed proposal from
8 a qualified provider. The evaluation shall analyze the
9 estimates of all costs of installations, modifications or
10 remodeling, including, without limitation, costs of a
11 pre-installation energy audit or analysis, design,
12 engineering, installation, maintenance, repairs, debt service,
13 conversions to a different energy or fuel source, or
14 post-installation project monitoring, data collection, and
15 reporting. The evaluation shall include a detailed analysis of
16 whether either the energy consumed or the operating costs, or
17 both, will be reduced. If technical assistance is not available
18 by a licensed architect or registered professional engineer on
19 the school district or area vocational center staff, then the
20 evaluation of the proposal shall be done by a registered
21 professional engineer or architect, who is retained by the
22 school district or area vocational center. A licensed architect
23 or registered professional engineer evaluating a proposal or
24 reviewing contract performance under this Section must not have
25 any financial or contractual relationship with a qualified

1 provider or other source that would constitute a conflict of
2 interest. The school district or area vocational center may pay
3 a reasonable fee for evaluation of the proposal or the review
4 of contract performance or include the fee as part of the
5 payments made under Section 19b-4.

6 Performance reviews shall be conducted by the school
7 district or area vocational center to verify the outcomes of
8 the guaranteed energy savings contract and shall include any
9 improvement, repair, alteration, or betterment of any building
10 or facility owned or operated by the school district or area
11 vocational center or any equipment, fixture, or furnishing
12 added to or used in any such building or facility. A
13 performance review may be performed during a safety survey
14 under Section 2-3.12. A qualified provider may not withhold the
15 disclosure of information related to the content of a proposal
16 or the performance of a contract.

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

18 (105 ILCS 5/19b-2.5 new)

19 Sec. 19b-2.5. Submission of proposals. Proposals must be
20 properly identified and sealed. Proposals may not be reviewed
21 until after the deadline for submission has passed as set forth
22 in the request for proposals. All qualified providers
23 submitting proposals shall be disclosed after the deadline for
24 submission but not before. Proposals shall identify the names
25 of all parties to the proposed contract, including those that

1 may be subcontracting during the performance of the contract.
2 Proposals must meet all material requirements of the request
3 for proposals, or they may be rejected as non-responsive.
4 Proposals may be withdrawn prior to evaluation for any cause.
5 No person or business who contracts with a school district or
6 area vocational center to write specifications or otherwise
7 provides specifications or assessments for a procurement need
8 under this Section shall submit a bid or proposal or receive a
9 contract for that procurement need. The specifications or
10 assessments may be provided at no cost by a vendor or may be
11 provided by the school district or area vocational center
12 itself.

13 (105 ILCS 5/19b-5) (from Ch. 122, par. 19b-5)
14 Sec. 19b-5. Installment payment contract; lease purchase
15 agreement. A school district or school districts in combination
16 or an area vocational center may enter into an installment
17 payment contract or lease purchase agreement with a qualified
18 provider or with a third party, as authorized by law, for the
19 funding or financing of the purchase and installation of energy
20 conservation measures by a qualified provider. Every school
21 district or area vocational center may issue certificates
22 evidencing the indebtedness incurred pursuant to the contracts
23 or agreements. Any such contract or agreement shall be valid
24 whether or not an appropriation with respect thereto is first
25 included in any annual or supplemental budget adopted by the

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

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

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

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

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

24 The solicitation must include a written disclosure that
25 identifies any energy services contractor or qualified
26 provider that participated in the preparation of the

1 specifications issued by the school district. If no energy
2 services contractor or qualified provider 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 or qualified
6 provider participated in the preparation of the specifications
7 for the school district. The written disclosure shall be
8 published in the Capital Development Board Procurement
9 Bulletin with the Request for Proposal.

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