

# HB3351



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3351

Introduced 2/17/2023, by Rep. Lawrence "Larry" Walsh, Jr.

### SYNOPSIS AS INTRODUCED:

20 ILCS 3855/1-56

Amends the Illinois Power Agency Act. Provides that the projects under the Illinois Solar for All Program shall be subject to the prevailing wage requirements included in the Prevailing Wage Act. Provides that the Illinois Power Agency shall require verification that all construction performed on the project is performed by workers receiving an amount for that work equal to or greater than the general prevailing rate, as that term is defined in the Prevailing Wage Act. Provides that all projects, with the exception of residential houses and houses of worship, shall be classified as public works similar to the applicable projects falling under the Adjustable Block program are classified.

LRB103 30855 AMQ 57363 b

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Power Agency Act is amended by  
5 changing Section 1-56 as follows:

6 (20 ILCS 3855/1-56)

7 Sec. 1-56. Illinois Power Agency Renewable Energy  
8 Resources Fund; Illinois Solar for All Program.

9 (a) The Illinois Power Agency Renewable Energy Resources  
10 Fund is created as a special fund in the State treasury.

11 (b) The Illinois Power Agency Renewable Energy Resources  
12 Fund shall be administered by the Agency as described in this  
13 subsection (b), provided that the changes to this subsection  
14 (b) made by this amendatory Act of the 99th General Assembly  
15 shall not interfere with existing contracts under this  
16 Section.

17 (1) The Illinois Power Agency Renewable Energy  
18 Resources Fund shall be used to purchase renewable energy  
19 credits according to any approved procurement plan  
20 developed by the Agency prior to June 1, 2017.

21 (2) The Illinois Power Agency Renewable Energy  
22 Resources Fund shall also be used to create the Illinois  
23 Solar for All Program, which provides incentives for

1 low-income distributed generation and community solar  
2 projects, and other associated approved expenditures. The  
3 objectives of the Illinois Solar for All Program are to  
4 bring photovoltaics to low-income communities in this  
5 State in a manner that maximizes the development of new  
6 photovoltaic generating facilities, to create a long-term,  
7 low-income solar marketplace throughout this State, to  
8 integrate, through interaction with stakeholders, with  
9 existing energy efficiency initiatives, and to minimize  
10 administrative costs. The Illinois Solar for All Program  
11 shall be implemented in a manner that seeks to minimize  
12 administrative costs, and maximize efficiencies and  
13 synergies available through coordination with similar  
14 initiatives, including the Adjustable Block program  
15 described in subparagraphs (K) through (M) of paragraph  
16 (1) of subsection (c) of Section 1-75, energy efficiency  
17 programs, job training programs, and community action  
18 agencies. The Agency shall strive to ensure that renewable  
19 energy credits procured through the Illinois Solar for All  
20 Program and each of its subprograms are purchased from  
21 projects across the breadth of low-income and  
22 environmental justice communities in Illinois, including  
23 both urban and rural communities, are not concentrated in  
24 a few communities, and do not exclude particular  
25 low-income or environmental justice communities. The  
26 Agency shall include a description of its proposed

1 approach to the design, administration, implementation and  
2 evaluation of the Illinois Solar for All Program, as part  
3 of the long-term renewable resources procurement plan  
4 authorized by subsection (c) of Section 1-75 of this Act,  
5 and the program shall be designed to grow the low-income  
6 solar market. The Agency or utility, as applicable, shall  
7 purchase renewable energy credits from the (i)  
8 photovoltaic distributed renewable energy generation  
9 projects and (ii) community solar projects that are  
10 procured under procurement processes authorized by the  
11 long-term renewable resources procurement plans approved  
12 by the Commission.

13 The Illinois Solar for All Program shall include the  
14 program offerings described in subparagraphs (A) through  
15 (E) of this paragraph (2), which the Agency shall  
16 implement through contracts with third-party providers  
17 and, subject to appropriation, pay the approximate amounts  
18 identified using monies available in the Illinois Power  
19 Agency Renewable Energy Resources Fund. Each contract that  
20 provides for the installation of solar facilities shall  
21 provide that the solar facilities will produce energy and  
22 economic benefits, at a level determined by the Agency to  
23 be reasonable, for the participating low income customers.  
24 The monies available in the Illinois Power Agency  
25 Renewable Energy Resources Fund and not otherwise  
26 committed to contracts executed under subsection (i) of

1 this Section, as well as, in the case of the programs  
2 described under subparagraphs (A) through (E) of this  
3 paragraph (2), funding authorized pursuant to subparagraph  
4 (O) of paragraph (1) of subsection (c) of Section 1-75 of  
5 this Act, shall initially be allocated among the programs  
6 described in this paragraph (2), as follows: 35% of these  
7 funds shall be allocated to programs described in  
8 subparagraphs (A) and (E) of this paragraph (2), 40% of  
9 these funds shall be allocated to programs described in  
10 subparagraph (B) of this paragraph (2), and 25% of these  
11 funds shall be allocated to programs described in  
12 subparagraph (C) of this paragraph (2). The allocation of  
13 funds among subparagraphs (A), (B), (C), and (E) of this  
14 paragraph (2) may be changed if the Agency, after  
15 receiving input through a stakeholder process, determines  
16 incentives in subparagraphs (A), (B), (C), or (E) of this  
17 paragraph (2) have not been adequately subscribed to fully  
18 utilize available Illinois Solar for All Program funds.

19 Contracts that will be paid with funds in the Illinois  
20 Power Agency Renewable Energy Resources Fund shall be  
21 executed by the Agency. Contracts that will be paid with  
22 funds collected by an electric utility shall be executed  
23 by the electric utility.

24 Contracts under the Illinois Solar for All Program  
25 shall include an approach, as set forth in the long-term  
26 renewable resources procurement plans, to ensure the

1 wholesale market value of the energy is credited to  
2 participating low-income customers or organizations and to  
3 ensure tangible economic benefits flow directly to program  
4 participants, except in the case of low-income  
5 multi-family housing where the low-income customer does  
6 not directly pay for energy. Priority shall be given to  
7 projects that demonstrate meaningful involvement of  
8 low-income community members in designing the initial  
9 proposals. Acceptable proposals to implement projects must  
10 demonstrate the applicant's ability to conduct initial  
11 community outreach, education, and recruitment of  
12 low-income participants in the community. Projects must  
13 include job training opportunities if available, with the  
14 specific level of trainee usage to be determined through  
15 the Agency's long-term renewable resources procurement  
16 plan, and the Illinois Solar for All Program Administrator  
17 shall coordinate with the job training programs described  
18 in paragraph (1) of subsection (a) of Section 16-108.12 of  
19 the Public Utilities Act and in the Energy Transition Act.

20 The Agency shall make every effort to ensure that  
21 small and emerging businesses, particularly those located  
22 in low-income and environmental justice communities, are  
23 able to participate in the Illinois Solar for All Program.  
24 These efforts may include, but shall not be limited to,  
25 proactive support from the program administrator,  
26 different or preferred access to subprograms and

1 administrator-identified customers or grassroots  
2 education provider-identified customers, and different  
3 incentive levels. The Agency shall report on progress and  
4 barriers to participation of small and emerging businesses  
5 in the Illinois Solar for All Program at least once a year.  
6 The report shall be made available on the Agency's website  
7 and, in years when the Agency is updating its long-term  
8 renewable resources procurement plan, included in that  
9 Plan.

10 (A) Low-income single-family and small multifamily  
11 solar incentive. This program will provide incentives  
12 to low-income customers, either directly or through  
13 solar providers, to increase the participation of  
14 low-income households in photovoltaic on-site  
15 distributed generation at residential buildings  
16 containing one to 4 units. Companies participating in  
17 this program that install solar panels shall commit to  
18 hiring job trainees for a portion of their low-income  
19 installations, and an administrator shall facilitate  
20 partnering the companies that install solar panels  
21 with entities that provide solar panel installation  
22 job training. It is a goal of this program that a  
23 minimum of 25% of the incentives for this program be  
24 allocated to projects located within environmental  
25 justice communities. Contracts entered into under this  
26 paragraph may be entered into with an entity that will

1 develop and administer the program and shall also  
2 include contracts for renewable energy credits from  
3 the photovoltaic distributed generation that is the  
4 subject of the program, as set forth in the long-term  
5 renewable resources procurement plan. Additionally:

6 (i) The Agency shall reserve a portion of this  
7 program for projects that promote energy  
8 sovereignty through ownership of projects by  
9 low-income households, not-for-profit  
10 organizations providing services to low-income  
11 households, affordable housing owners, community  
12 cooperatives, or community-based limited liability  
13 companies providing services to low-income  
14 households. Projects that feature energy ownership  
15 should ensure that local people have control of  
16 the project and reap benefits from the project  
17 over and above energy bill savings. The Agency may  
18 consider the inclusion of projects that promote  
19 ownership over time or that involve partial  
20 project ownership by communities, as promoting  
21 energy sovereignty. Incentives for projects that  
22 promote energy sovereignty may be higher than  
23 incentives for equivalent projects that do not  
24 promote energy sovereignty under this same  
25 program.

26 (ii) Through its long-term renewable resources



1 procurement plan, the Agency shall consider  
2 additional program and contract requirements to  
3 ensure faithful compliance by applicants  
4 benefiting from preferences for projects  
5 designated to promote energy sovereignty. The  
6 Agency shall make every effort to enable solar  
7 providers already participating in the Adjustable  
8 Block-Program under subparagraph (K) of paragraph  
9 (1) of subsection (c) of Section 1-75 of this Act,  
10 and particularly solar providers developing  
11 projects under item (i) of subparagraph (K) of  
12 paragraph (1) of subsection (c) of Section 1-75 of  
13 this Act to easily participate in the Low-Income  
14 Distributed Generation Incentive program described  
15 under this subparagraph (A), and vice versa. This  
16 effort may include, but shall not be limited to,  
17 utilizing similar or the same application systems  
18 and processes, similar or the same forms and  
19 formats of communication, and providing active  
20 outreach to companies participating in one program  
21 but not the other. The Agency shall report on  
22 efforts made to encourage this cross-participation  
23 in its long-term renewable resources procurement  
24 plan.

25 (B) Low-Income Community Solar Project Initiative.  
26 Incentives shall be offered to low-income customers,

1 either directly or through developers, to increase the  
2 participation of low-income subscribers of community  
3 solar projects. The developer of each project shall  
4 identify its partnership with community stakeholders  
5 regarding the location, development, and participation  
6 in the project, provided that nothing shall preclude a  
7 project from including an anchor tenant that does not  
8 qualify as low-income. Companies participating in this  
9 program that develop or install solar projects shall  
10 commit to hiring job trainees for a portion of their  
11 low-income installations, and an administrator shall  
12 facilitate partnering the companies that install solar  
13 projects with entities that provide solar installation  
14 and related job training. It is a goal of this program  
15 that a minimum of 25% of the incentives for this  
16 program be allocated to community photovoltaic  
17 projects in environmental justice communities. The  
18 Agency shall reserve a portion of this program for  
19 projects that promote energy sovereignty through  
20 ownership of projects by low-income households,  
21 not-for-profit organizations providing services to  
22 low-income households, affordable housing owners, or  
23 community-based limited liability companies providing  
24 services to low-income households. Projects that  
25 feature energy ownership should ensure that local  
26 people have control of the project and reap benefits

1 from the project over and above energy bill savings.  
2 The Agency may consider the inclusion of projects that  
3 promote ownership over time or that involve partial  
4 project ownership by communities, as promoting energy  
5 sovereignty. Incentives for projects that promote  
6 energy sovereignty may be higher than incentives for  
7 equivalent projects that do not promote energy  
8 sovereignty under this same program. Contracts entered  
9 into under this paragraph may be entered into with  
10 developers and shall also include contracts for  
11 renewable energy credits related to the program.

12 (C) Incentives for non-profits and public  
13 facilities. Under this program funds shall be used to  
14 support on-site photovoltaic distributed renewable  
15 energy generation devices to serve the load associated  
16 with not-for-profit customers and to support  
17 photovoltaic distributed renewable energy generation  
18 that uses photovoltaic technology to serve the load  
19 associated with public sector customers taking service  
20 at public buildings. Companies participating in this  
21 program that develop or install solar projects shall  
22 commit to hiring job trainees for a portion of their  
23 low-income installations, and an administrator shall  
24 facilitate partnering the companies that install solar  
25 projects with entities that provide solar installation  
26 and related job training. Through its long-term

1 renewable resources procurement plan, the Agency shall  
2 consider additional program and contract requirements  
3 to ensure faithful compliance by applicants benefiting  
4 from preferences for projects designated to promote  
5 energy sovereignty. It is a goal of this program that  
6 at least 25% of the incentives for this program be  
7 allocated to projects located in environmental justice  
8 communities. Contracts entered into under this  
9 paragraph may be entered into with an entity that will  
10 develop and administer the program or with developers  
11 and shall also include contracts for renewable energy  
12 credits related to the program.

13 (D) (Blank).

14 (E) Low-income large multifamily solar incentive.  
15 This program shall provide incentives to low-income  
16 customers, either directly or through solar providers,  
17 to increase the participation of low-income households  
18 in photovoltaic on-site distributed generation at  
19 residential buildings with 5 or more units. Companies  
20 participating in this program that develop or install  
21 solar projects shall commit to hiring job trainees for  
22 a portion of their low-income installations, and an  
23 administrator shall facilitate partnering the  
24 companies that install solar projects with entities  
25 that provide solar installation and related job  
26 training. It is a goal of this program that a minimum

1 of 25% of the incentives for this program be allocated  
2 to projects located within environmental justice  
3 communities. The Agency shall reserve a portion of  
4 this program for projects that promote energy  
5 sovereignty through ownership of projects by  
6 low-income households, not-for-profit organizations  
7 providing services to low-income households,  
8 affordable housing owners, or community-based limited  
9 liability companies providing services to low-income  
10 households. Projects that feature energy ownership  
11 should ensure that local people have control of the  
12 project and reap benefits from the project over and  
13 above energy bill savings. The Agency may consider the  
14 inclusion of projects that promote ownership over time  
15 or that involve partial project ownership by  
16 communities, as promoting energy sovereignty.  
17 Incentives for projects that promote energy  
18 sovereignty may be higher than incentives for  
19 equivalent projects that do not promote energy  
20 sovereignty under this same program.

21 The requirement that a qualified person, as defined in  
22 paragraph (1) of subsection (i) of this Section, install  
23 photovoltaic devices does not apply to the Illinois Solar  
24 for All Program described in this subsection (b).

25 In addition to the programs outlined in paragraphs (A)  
26 through (E), the Agency and other parties may propose

1 additional programs through the Long-Term Renewable  
2 Resources Procurement Plan developed and approved under  
3 paragraph (5) of subsection (b) of Section 16-111.5 of the  
4 Public Utilities Act. Additional programs may target  
5 market segments not specified above and may also include  
6 incentives targeted to increase the uptake of  
7 nonphotovoltaic technologies by low-income customers,  
8 including energy storage paired with photovoltaics, if the  
9 Commission determines that the Illinois Solar for All  
10 Program would provide greater benefits to the public  
11 health and well-being of low-income residents through also  
12 supporting that additional program versus supporting  
13 programs already authorized.

14 (3) Costs associated with the Illinois Solar for All  
15 Program and its components described in paragraph (2) of  
16 this subsection (b), including, but not limited to, costs  
17 associated with procuring experts, consultants, and the  
18 program administrator referenced in this subsection (b)  
19 and related incremental costs, costs related to income  
20 verification and facilitating customer participation in  
21 the program, and costs related to the evaluation of the  
22 Illinois Solar for All Program, may be paid for using  
23 monies in the Illinois Power Agency Renewable Energy  
24 Resources Fund, and funds allocated pursuant to  
25 subparagraph (0) of paragraph (1) of subsection (c) of  
26 Section 1-75, but the Agency or program administrator

1 shall strive to minimize costs in the implementation of  
2 the program. The Agency or contracting electric utility  
3 shall purchase renewable energy credits from generation  
4 that is the subject of a contract under subparagraphs (A)  
5 through (E) of paragraph (2) of this subsection (b), and  
6 may pay for such renewable energy credits through an  
7 upfront payment per installed kilowatt of nameplate  
8 capacity paid once the device is interconnected at the  
9 distribution system level of the interconnecting utility  
10 and verified as energized. Payments for renewable energy  
11 credits shall be in exchange for all renewable energy  
12 credits generated by the system during the first 15 years  
13 of operation and shall be structured to overcome barriers  
14 to participation in the solar market by the low-income  
15 community. The incentives provided for in this Section may  
16 be implemented through the pricing of renewable energy  
17 credits where the prices paid for the credits are higher  
18 than the prices from programs offered under subsection (c)  
19 of Section 1-75 of this Act to account for the additional  
20 capital necessary to successfully access targeted market  
21 segments. The Agency or contracting electric utility shall  
22 retire any renewable energy credits purchased under this  
23 program and the credits shall count towards the obligation  
24 under subsection (c) of Section 1-75 of this Act for the  
25 electric utility to which the project is interconnected,  
26 if applicable.

1           The Agency shall direct that up to 5% of the funds  
2 available under the Illinois Solar for All Program to  
3 community-based groups and other qualifying organizations  
4 to assist in community-driven education efforts related to  
5 the Illinois Solar for All Program, including general  
6 energy education, job training program outreach efforts,  
7 and other activities deemed to be qualified by the Agency.  
8 Grassroots education funding shall not be used to support  
9 the marketing by solar project development firms and  
10 organizations, unless such education provides equal  
11 opportunities for all applicable firms and organizations.

12           (4) The Agency shall, consistent with the requirements  
13 of this subsection (b), propose the Illinois Solar for All  
14 Program terms, conditions, and requirements, including the  
15 prices to be paid for renewable energy credits, and which  
16 prices may be determined through a formula, through the  
17 development, review, and approval of the Agency's  
18 long-term renewable resources procurement plan described  
19 in subsection (c) of Section 1-75 of this Act and Section  
20 16-111.5 of the Public Utilities Act. In the course of the  
21 Commission proceeding initiated to review and approve the  
22 plan, including the Illinois Solar for All Program  
23 proposed by the Agency, a party may propose an additional  
24 low-income solar or solar incentive program, or  
25 modifications to the programs proposed by the Agency, and  
26 the Commission may approve an additional program, or



1 modifications to the Agency's proposed program, if the  
2 additional or modified program more effectively maximizes  
3 the benefits to low-income customers after taking into  
4 account all relevant factors, including, but not limited  
5 to, the extent to which a competitive market for  
6 low-income solar has developed. Following the Commission's  
7 approval of the Illinois Solar for All Program, the Agency  
8 or a party may propose adjustments to the program terms,  
9 conditions, and requirements, including the price offered  
10 to new systems, to ensure the long-term viability and  
11 success of the program. The Commission shall review and  
12 approve any modifications to the program through the plan  
13 revision process described in Section 16-111.5 of the  
14 Public Utilities Act.

15 (5) The Agency shall issue a request for  
16 qualifications for a third-party program administrator or  
17 administrators to administer all or a portion of the  
18 Illinois Solar for All Program. The third-party program  
19 administrator shall be chosen through a competitive bid  
20 process based on selection criteria and requirements  
21 developed by the Agency, including, but not limited to,  
22 experience in administering low-income energy programs and  
23 overseeing statewide clean energy or energy efficiency  
24 services. If the Agency retains a program administrator or  
25 administrators to implement all or a portion of the  
26 Illinois Solar for All Program, each administrator shall

1 periodically submit reports to the Agency and Commission  
2 for each program that it administers, at appropriate  
3 intervals to be identified by the Agency in its long-term  
4 renewable resources procurement plan, provided that the  
5 reporting interval is at least quarterly. The third-party  
6 program administrator may be, but need not be, the same  
7 administrator as for the Adjustable Block program  
8 described in subparagraphs (K) through (M) of paragraph  
9 (1) of subsection (c) of Section 1-75. The Agency, through  
10 its long-term renewable resources procurement plan  
11 approval process, shall also determine if individual  
12 subprograms of the Illinois Solar for All Program are  
13 better served by a different or separate Program  
14 Administrator.

15 The third-party administrator's responsibilities  
16 shall also include facilitating placement for graduates of  
17 Illinois-based renewable energy-specific job training  
18 programs, including the Clean Jobs Workforce Network  
19 Program and the Illinois Climate Works Preapprenticeship  
20 Program administered by the Department of Commerce and  
21 Economic Opportunity and programs administered under  
22 Section 16-108.12 of the Public Utilities Act. To increase  
23 the uptake of trainees by participating firms, the  
24 administrator shall also develop a web-based clearinghouse  
25 for information available to both job training program  
26 graduates and firms participating, directly or indirectly,

1 in Illinois solar incentive programs. The program  
2 administrator shall also coordinate its activities with  
3 entities implementing electric and natural gas  
4 income-qualified energy efficiency programs, including  
5 customer referrals to and from such programs, and connect  
6 prospective low-income solar customers with any existing  
7 deferred maintenance programs where applicable.

8 (6) The long-term renewable resources procurement plan  
9 shall also provide for an independent evaluation of the  
10 Illinois Solar for All Program. At least every 2 years,  
11 the Agency shall select an independent evaluator to review  
12 and report on the Illinois Solar for All Program and the  
13 performance of the third-party program administrator of  
14 the Illinois Solar for All Program. The evaluation shall  
15 be based on objective criteria developed through a public  
16 stakeholder process. The process shall include feedback  
17 and participation from Illinois Solar for All Program  
18 stakeholders, including participants and organizations in  
19 environmental justice and historically underserved  
20 communities. The report shall include a summary of the  
21 evaluation of the Illinois Solar for All Program based on  
22 the stakeholder developed objective criteria. The report  
23 shall include the number of projects installed; the total  
24 installed capacity in kilowatts; the average cost per  
25 kilowatt of installed capacity to the extent reasonably  
26 obtainable by the Agency; the number of jobs or job

1 opportunities created; economic, social, and environmental  
2 benefits created; and the total administrative costs  
3 expended by the Agency and program administrator to  
4 implement and evaluate the program. The report shall be  
5 delivered to the Commission and posted on the Agency's  
6 website, and shall be used, as needed, to revise the  
7 Illinois Solar for All Program. The Commission shall also  
8 consider the results of the evaluation as part of its  
9 review of the long-term renewable resources procurement  
10 plan under subsection (c) of Section 1-75 of this Act.

11 (7) If additional funding for the programs described  
12 in this subsection (b) is available under subsection (k)  
13 of Section 16-108 of the Public Utilities Act, then the  
14 Agency shall submit a procurement plan to the Commission  
15 no later than September 1, 2018, that proposes how the  
16 Agency will procure programs on behalf of the applicable  
17 utility. After notice and hearing, the Commission shall  
18 approve, or approve with modification, the plan no later  
19 than November 1, 2018.

20 (8) As part of the development and update of the  
21 long-term renewable resources procurement plan authorized  
22 by subsection (c) of Section 1-75 of this Act, the Agency  
23 shall plan for: (A) actions to refer customers from the  
24 Illinois Solar for All Program to electric and natural gas  
25 income-qualified energy efficiency programs, and vice  
26 versa, with the goal of increasing participation in both

1 of these programs; (B) effective procedures for data  
2 sharing, as needed, to effectuate referrals between the  
3 Illinois Solar for All Program and both electric and  
4 natural gas income-qualified energy efficiency programs,  
5 including sharing customer information directly with the  
6 utilities, as needed and appropriate; and (C) efforts to  
7 identify any existing deferred maintenance programs for  
8 which prospective Solar for All Program customers may be  
9 eligible and connect prospective customers for whom  
10 deferred maintenance is or may be a barrier to solar  
11 installation to those programs.

12 As used in this subsection (b), "low-income households"  
13 means persons and families whose income does not exceed 80% of  
14 area median income, adjusted for family size and revised every  
15 5 years.

16 For the purposes of this subsection (b), the Agency shall  
17 define "environmental justice community" based on the  
18 methodologies and findings established by the Agency and the  
19 Administrator for the Illinois Solar for All Program in its  
20 initial long-term renewable resources procurement plan and as  
21 updated by the Agency and the Administrator for the Illinois  
22 Solar for All Program as part of the long-term renewable  
23 resources procurement plan update.

24 (b-5) After the receipt of all payments required by  
25 Section 16-115D of the Public Utilities Act, no additional  
26 funds shall be deposited into the Illinois Power Agency

1 Renewable Energy Resources Fund unless directed by order of  
2 the Commission.

3 (b-10) After the receipt of all payments required by  
4 Section 16-115D of the Public Utilities Act and payment in  
5 full of all contracts executed by the Agency under subsections  
6 (b) and (i) of this Section, if the balance of the Illinois  
7 Power Agency Renewable Energy Resources Fund is under \$5,000,  
8 then the Fund shall be inoperative and any remaining funds and  
9 any funds submitted to the Fund after that date, shall be  
10 transferred to the Supplemental Low-Income Energy Assistance  
11 Fund for use in the Low-Income Home Energy Assistance Program,  
12 as authorized by the Energy Assistance Act.

13 (c) (Blank).

14 (d) (Blank).

15 (e) All renewable energy credits procured using monies  
16 from the Illinois Power Agency Renewable Energy Resources Fund  
17 shall be permanently retired.

18 (f) The selection of one or more third-party program  
19 managers or administrators, the selection of the independent  
20 evaluator, and the procurement processes described in this  
21 Section are exempt from the requirements of the Illinois  
22 Procurement Code, under Section 20-10 of that Code.

23 (g) All disbursements from the Illinois Power Agency  
24 Renewable Energy Resources Fund shall be made only upon  
25 warrants of the Comptroller drawn upon the Treasurer as  
26 custodian of the Fund upon vouchers signed by the Director or

1 by the person or persons designated by the Director for that  
2 purpose. The Comptroller is authorized to draw the warrant  
3 upon vouchers so signed. The Treasurer shall accept all  
4 warrants so signed and shall be released from liability for  
5 all payments made on those warrants.

6 (h) The Illinois Power Agency Renewable Energy Resources  
7 Fund shall not be subject to sweeps, administrative charges,  
8 or chargebacks, including, but not limited to, those  
9 authorized under Section 8h of the State Finance Act, that  
10 would in any way result in the transfer of any funds from this  
11 Fund to any other fund of this State or in having any such  
12 funds utilized for any purpose other than the express purposes  
13 set forth in this Section.

14 (h-5) The Agency may assess fees to each bidder to recover  
15 the costs incurred in connection with a procurement process  
16 held under this Section. Fees collected from bidders shall be  
17 deposited into the Renewable Energy Resources Fund.

18 (i) Supplemental procurement process.

19 (1) Within 90 days after the effective date of this  
20 amendatory Act of the 98th General Assembly, the Agency  
21 shall develop a one-time supplemental procurement plan  
22 limited to the procurement of renewable energy credits, if  
23 available, from new or existing photovoltaics, including,  
24 but not limited to, distributed photovoltaic generation.  
25 Nothing in this subsection (i) requires procurement of  
26 wind generation through the supplemental procurement.

1 Renewable energy credits procured from new  
2 photovoltaics, including, but not limited to, distributed  
3 photovoltaic generation, under this subsection (i) must be  
4 procured from devices installed by a qualified person. In  
5 its supplemental procurement plan, the Agency shall  
6 establish contractually enforceable mechanisms for  
7 ensuring that the installation of new photovoltaics is  
8 performed by a qualified person.

9 For the purposes of this paragraph (1), "qualified  
10 person" means a person who performs installations of  
11 photovoltaics, including, but not limited to, distributed  
12 photovoltaic generation, and who: (A) has completed an  
13 apprenticeship as a journeyman electrician from a United  
14 States Department of Labor registered electrical  
15 apprenticeship and training program and received a  
16 certification of satisfactory completion; or (B) does not  
17 currently meet the criteria under clause (A) of this  
18 paragraph (1), but is enrolled in a United States  
19 Department of Labor registered electrical apprenticeship  
20 program, provided that the person is directly supervised  
21 by a person who meets the criteria under clause (A) of this  
22 paragraph (1); or (C) has obtained one of the following  
23 credentials in addition to attesting to satisfactory  
24 completion of at least 5 years or 8,000 hours of  
25 documented hands-on electrical experience: (i) a North  
26 American Board of Certified Energy Practitioners (NABCEP)



1 Installer Certificate for Solar PV; (ii) an Underwriters  
2 Laboratories (UL) PV Systems Installer Certificate; (iii)  
3 an Electronics Technicians Association, International  
4 (ETAI) Level 3 PV Installer Certificate; or (iv) an  
5 Associate in Applied Science degree from an Illinois  
6 Community College Board approved community college program  
7 in renewable energy or a distributed generation  
8 technology.

9 For the purposes of this paragraph (1), "directly  
10 supervised" means that there is a qualified person who  
11 meets the qualifications under clause (A) of this  
12 paragraph (1) and who is available for supervision and  
13 consultation regarding the work performed by persons under  
14 clause (B) of this paragraph (1), including a final  
15 inspection of the installation work that has been directly  
16 supervised to ensure safety and conformity with applicable  
17 codes.

18 For the purposes of this paragraph (1), "install"  
19 means the major activities and actions required to  
20 connect, in accordance with applicable building and  
21 electrical codes, the conductors, connectors, and all  
22 associated fittings, devices, power outlets, or  
23 apparatuses mounted at the premises that are directly  
24 involved in delivering energy to the premises' electrical  
25 wiring from the photovoltaics, including, but not limited  
26 to, to distributed photovoltaic generation.

1           The renewable energy credits procured pursuant to the  
2 supplemental procurement plan shall be procured using up  
3 to \$30,000,000 from the Illinois Power Agency Renewable  
4 Energy Resources Fund. The Agency shall not plan to use  
5 funds from the Illinois Power Agency Renewable Energy  
6 Resources Fund in excess of the monies on deposit in such  
7 fund or projected to be deposited into such fund. The  
8 supplemental procurement plan shall ensure adequate,  
9 reliable, affordable, efficient, and environmentally  
10 sustainable renewable energy resources (including credits)  
11 at the lowest total cost over time, taking into account  
12 any benefits of price stability.

13           To the extent available, 50% of the renewable energy  
14 credits procured from distributed renewable energy  
15 generation shall come from devices of less than 25  
16 kilowatts in nameplate capacity. Procurement of renewable  
17 energy credits from distributed renewable energy  
18 generation devices shall be done through multi-year  
19 contracts of no less than 5 years. The Agency shall create  
20 credit requirements for counterparties. In order to  
21 minimize the administrative burden on contracting  
22 entities, the Agency shall solicit the use of third  
23 parties to aggregate distributed renewable energy. These  
24 third parties shall enter into and administer contracts  
25 with individual distributed renewable energy generation  
26 device owners. An individual distributed renewable energy

1 generation device owner shall have the ability to measure  
2 the output of his or her distributed renewable energy  
3 generation device.

4 In developing the supplemental procurement plan, the  
5 Agency shall hold at least one workshop open to the public  
6 within 90 days after the effective date of this amendatory  
7 Act of the 98th General Assembly and shall consider any  
8 comments made by stakeholders or the public. Upon  
9 development of the supplemental procurement plan within  
10 this 90-day period, copies of the supplemental procurement  
11 plan shall be posted and made publicly available on the  
12 Agency's and Commission's websites. All interested parties  
13 shall have 14 days following the date of posting to  
14 provide comment to the Agency on the supplemental  
15 procurement plan. All comments submitted to the Agency  
16 shall be specific, supported by data or other detailed  
17 analyses, and, if objecting to all or a portion of the  
18 supplemental procurement plan, accompanied by specific  
19 alternative wording or proposals. All comments shall be  
20 posted on the Agency's and Commission's websites. Within  
21 14 days following the end of the 14-day review period, the  
22 Agency shall revise the supplemental procurement plan as  
23 necessary based on the comments received and file its  
24 revised supplemental procurement plan with the Commission  
25 for approval.

26 (2) Within 5 days after the filing of the supplemental

1 procurement plan at the Commission, any person objecting  
2 to the supplemental procurement plan shall file an  
3 objection with the Commission. Within 10 days after the  
4 filing, the Commission shall determine whether a hearing  
5 is necessary. The Commission shall enter its order  
6 confirming or modifying the supplemental procurement plan  
7 within 90 days after the filing of the supplemental  
8 procurement plan by the Agency.

9 (3) The Commission shall approve the supplemental  
10 procurement plan of renewable energy credits to be  
11 procured from new or existing photovoltaics, including,  
12 but not limited to, distributed photovoltaic generation,  
13 if the Commission determines that it will ensure adequate,  
14 reliable, affordable, efficient, and environmentally  
15 sustainable electric service in the form of renewable  
16 energy credits at the lowest total cost over time, taking  
17 into account any benefits of price stability.

18 (4) The supplemental procurement process under this  
19 subsection (i) shall include each of the following  
20 components:

21 (A) Procurement administrator. The Agency may  
22 retain a procurement administrator in the manner set  
23 forth in item (2) of subsection (a) of Section 1-75 of  
24 this Act to conduct the supplemental procurement or  
25 may elect to use the same procurement administrator  
26 administering the Agency's annual procurement under

1 Section 1-75.

2 (B) Procurement monitor. The procurement monitor  
3 retained by the Commission pursuant to Section  
4 16-111.5 of the Public Utilities Act shall:

5 (i) monitor interactions among the procurement  
6 administrator and bidders and suppliers;

7 (ii) monitor and report to the Commission on  
8 the progress of the supplemental procurement  
9 process;

10 (iii) provide an independent confidential  
11 report to the Commission regarding the results of  
12 the procurement events;

13 (iv) assess compliance with the procurement  
14 plan approved by the Commission for the  
15 supplemental procurement process;

16 (v) preserve the confidentiality of supplier  
17 and bidding information in a manner consistent  
18 with all applicable laws, rules, regulations, and  
19 tariffs;

20 (vi) provide expert advice to the Commission  
21 and consult with the procurement administrator  
22 regarding issues related to procurement process  
23 design, rules, protocols, and policy-related  
24 matters;

25 (vii) consult with the procurement  
26 administrator regarding the development and use of

1 benchmark criteria, standard form contracts,  
2 credit policies, and bid documents; and

3 (viii) perform, with respect to the  
4 supplemental procurement process, any other  
5 procurement monitor duties specifically delineated  
6 within subsection (i) of this Section.

7 (C) Solicitation, pre-qualification, and  
8 registration of bidders. The procurement administrator  
9 shall disseminate information to potential bidders to  
10 promote a procurement event, notify potential bidders  
11 that the procurement administrator may enter into a  
12 post-bid price negotiation with bidders that meet the  
13 applicable benchmarks, provide supply requirements,  
14 and otherwise explain the competitive procurement  
15 process. In addition to such other publication as the  
16 procurement administrator determines is appropriate,  
17 this information shall be posted on the Agency's and  
18 the Commission's websites. The procurement  
19 administrator shall also administer the  
20 prequalification process, including evaluation of  
21 credit worthiness, compliance with procurement rules,  
22 and agreement to the standard form contract developed  
23 pursuant to item (D) of this paragraph (4). The  
24 procurement administrator shall then identify and  
25 register bidders to participate in the procurement  
26 event.

1 (D) Standard contract forms and credit terms and  
2 instruments. The procurement administrator, in  
3 consultation with the Agency, the Commission, and  
4 other interested parties and subject to Commission  
5 oversight, shall develop and provide standard contract  
6 forms for the supplier contracts that meet generally  
7 accepted industry practices as well as include any  
8 applicable State of Illinois terms and conditions that  
9 are required for contracts entered into by an agency  
10 of the State of Illinois. Standard credit terms and  
11 instruments that meet generally accepted industry  
12 practices shall be similarly developed. Contracts for  
13 new photovoltaics shall include a provision attesting  
14 that the supplier will use a qualified person for the  
15 installation of the device pursuant to paragraph (1)  
16 of subsection (i) of this Section. The procurement  
17 administrator shall make available to the Commission  
18 all written comments it receives on the contract  
19 forms, credit terms, or instruments. If the  
20 procurement administrator cannot reach agreement with  
21 the parties as to the contract terms and conditions,  
22 the procurement administrator must notify the  
23 Commission of any disputed terms and the Commission  
24 shall resolve the dispute. The terms of the contracts  
25 shall not be subject to negotiation by winning  
26 bidders, and the bidders must agree to the terms of the

1 contract in advance so that winning bids are selected  
2 solely on the basis of price.

3 (E) Requests for proposals; competitive  
4 procurement process. The procurement administrator  
5 shall design and issue requests for proposals to  
6 supply renewable energy credits in accordance with the  
7 supplemental procurement plan, as approved by the  
8 Commission. The requests for proposals shall set forth  
9 a procedure for sealed, binding commitment bidding  
10 with pay-as-bid settlement, and provision for  
11 selection of bids on the basis of price, provided,  
12 however, that no bid shall be accepted if it exceeds  
13 the benchmark developed pursuant to item (F) of this  
14 paragraph (4).

15 (F) Benchmarks. Benchmarks for each product to be  
16 procured shall be developed by the procurement  
17 administrator in consultation with Commission staff,  
18 the Agency, and the procurement monitor for use in  
19 this supplemental procurement.

20 (G) A plan for implementing contingencies in the  
21 event of supplier default, Commission rejection of  
22 results, or any other cause.

23 (5) Within 2 business days after opening the sealed  
24 bids, the procurement administrator shall submit a  
25 confidential report to the Commission. The report shall  
26 contain the results of the bidding for each of the



1 products along with the procurement administrator's  
2 recommendation for the acceptance and rejection of bids  
3 based on the price benchmark criteria and other factors  
4 observed in the process. The procurement monitor also  
5 shall submit a confidential report to the Commission  
6 within 2 business days after opening the sealed bids. The  
7 report shall contain the procurement monitor's assessment  
8 of bidder behavior in the process as well as an assessment  
9 of the procurement administrator's compliance with the  
10 procurement process and rules. The Commission shall review  
11 the confidential reports submitted by the procurement  
12 administrator and procurement monitor and shall accept or  
13 reject the recommendations of the procurement  
14 administrator within 2 business days after receipt of the  
15 reports.

16 (6) Within 3 business days after the Commission  
17 decision approving the results of a procurement event, the  
18 Agency shall enter into binding contractual arrangements  
19 with the winning suppliers using the standard form  
20 contracts.

21 (7) The names of the successful bidders and the  
22 average of the winning bid prices for each contract type  
23 and for each contract term shall be made available to the  
24 public within 2 days after the supplemental procurement  
25 event. The Commission, the procurement monitor, the  
26 procurement administrator, the Agency, and all

1 participants in the procurement process shall maintain the  
2 confidentiality of all other supplier and bidding  
3 information in a manner consistent with all applicable  
4 laws, rules, regulations, and tariffs. Confidential  
5 information, including the confidential reports submitted  
6 by the procurement administrator and procurement monitor  
7 pursuant to this Section, shall not be made publicly  
8 available and shall not be discoverable by any party in  
9 any proceeding, absent a compelling demonstration of need,  
10 nor shall those reports be admissible in any proceeding  
11 other than one for law enforcement purposes.

12 (8) The supplemental procurement provided in this  
13 subsection (i) shall not be subject to the requirements  
14 and limitations of subsections (c) and (d) of this  
15 Section.

16 (9) Expenses incurred in connection with the  
17 procurement process held pursuant to this Section,  
18 including, but not limited to, the cost of developing the  
19 supplemental procurement plan, the procurement  
20 administrator, procurement monitor, and the cost of the  
21 retirement of renewable energy credits purchased pursuant  
22 to the supplemental procurement shall be paid for from the  
23 Illinois Power Agency Renewable Energy Resources Fund. The  
24 Agency shall enter into an interagency agreement with the  
25 Commission to reimburse the Commission for its costs  
26 associated with the procurement monitor for the

1 supplemental procurement process.

2 (j) Each project under this Section shall be subject to  
3 the prevailing wage requirements included in the Prevailing  
4 Wage Act. The Agency shall require verification that all  
5 construction performed on the project is performed by workers  
6 receiving an amount for that work equal to or greater than the  
7 general prevailing rate, as that term is defined in Section 3  
8 of the Prevailing Wage Act. All projects in this Section, with  
9 the exception of residential houses and houses of worship, as  
10 those terms are described in subparagraph (Q) of paragraph (1)  
11 of subsection (c) of Section 1-75, shall be classified as  
12 public works similar to the applicable projects falling under  
13 the Adjustable Block program, described in subparagraphs (K)  
14 through (M) of paragraph (1) of subsection (c) of Section  
15 1-75, are classified.

16 (Source: P.A. 102-662, eff. 9-15-21.)