



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2810

Introduced 1/28/2010, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

50 ILCS 515/25	
105 ILCS 5/19b-1.4	from Ch. 122, par. 19b-1.4
105 ILCS 5/19b-3	from Ch. 122, par. 19b-3
105 ILCS 5/19b-5	from Ch. 122, par. 19b-5
110 ILCS 62/25	

Amends the Local Government Energy Conservation Act, the School Code, and the Public University Energy Conservation Act. Provides that requests for proposals must be submitted to the administrators of the Capital Development Board Procurement Bulletin for publication. Provides that contracts let or awarded must be submitted to the administrators of the Capital Development Board Procurement Bulletin for publication. Makes changes concerning drafters of specifications submitting bids or proposals for installment contracts and other agreements proposed by a unit of local government, school district, vocational center, or public university. Provides that any consultant, architect, engineer, or other drafter of specifications who assists a unit of local government, school district, or vocational center in the preparation of specifications shall not submit a bid or proposal to meet the procurement need unless the body authorizing the contract or agreement determines in writing that there will be no substantial conflict of interest. Makes other changes. Effective immediately.

LRB096 19438 RLJ 34830 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

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

4 Section 5. The Local Government Energy Conservation Act is
5 amended by changing Section 25 as follows:

6 (50 ILCS 515/25)

7 Sec. 25. Installment payment contract; lease purchase
8 agreement; ~~or other agreement~~. A unit of local government, or
9 units of local government in combination, may enter into an
10 installment payment contract or ~~7~~ lease purchase agreement ~~or~~
11 ~~other agreement~~ with a qualified provider or with a third
12 party, as authorized by law, for the funding or financing of
13 the purchase and installation of energy conservation measures
14 by a qualified provider. Every unit of local government may
15 issue certificates evidencing the indebtedness incurred
16 pursuant to the contracts or agreements. Any such contract or
17 agreement shall be valid whether or not an appropriation with
18 respect thereto is first included in any annual or supplemental
19 budget adopted by the unit of local government. Each contract
20 or agreement entered into by a unit of local government
21 pursuant to this Section shall be authorized by official action
22 of the unit of local government's governing body. The authority
23 granted under this Section is in addition to any other

1 authority granted by law.

2 Any consultant, architect, engineer, designer, or other
3 drafter of specifications who assists the unit of local
4 government in the preparation of specifications shall not
5 submit a bid or proposal to meet the procurement need unless
6 the body authorizing the contract or agreement determines in
7 writing that there will be no substantial conflict of interest
8 involved. This written notice shall be published in the Capital
9 Development Board Procurement Bulletin with the Request for
10 Proposal.

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

12 Section 10. The School Code is amended by changing Sections
13 19b-1.4, 19b-3, and 19b-5 as follows:

14 (105 ILCS 5/19b-1.4) (from Ch. 122, par. 19b-1.4)

15 Sec. 19b-1.4. Request for proposals. "Request for
16 proposals" means a competitive selection achieved by
17 negotiated procurement. The request for proposals shall be
18 submitted to the administrators of the Capital Development
19 Board Procurement Bulletin ~~announced in the Illinois~~
20 ~~Procurement Bulletin~~ for publication and through at least one
21 public notice, at least 30 ~~14~~ days before the request date in a
22 newspaper published in the district or vocational center area,
23 or if no newspaper is published in the district or vocational
24 center area, in a newspaper of general circulation in the area

1 of the district or vocational center, from a school district or
2 area vocational center that will administer the program,
3 requesting innovative solutions and proposals for energy
4 conservation measures. Proposals submitted shall be sealed.
5 The request for proposals shall include all of the following:

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

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

10 (3) Notice indicating that the school district or area
11 vocational center is requesting qualified providers to
12 propose energy conservation measures through a guaranteed
13 energy savings 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
19 school district or area vocational center may require.

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

21 (105 ILCS 5/19b-3) (from Ch. 122, par. 19b-3)

22 Sec. 19b-3. Award of guaranteed energy savings contract.
23 Sealed proposals must be opened by a member or employee of the
24 school board or governing board of the area vocational center,
25 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 or operational costs, or both, within a 20-year
18 period from the date of installation, if the recommendations in
19 the proposal are followed. Contracts let or awarded must be
20 submitted to the administrators of the Capital Development
21 Board Procurement Bulletin for publication ~~published in the~~
22 ~~next available subsequent Illinois Procurement Bulletin.~~

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

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

25 Sec. 19b-5. Installment payment contract; lease purchase

1 agreement. A school district or school districts in combination
2 or an area vocational center may enter into an installment
3 payment contract or lease purchase agreement with a qualified
4 provider or with a third-party ~~lender~~, as authorized by law,
5 for the funding or financing of the purchase and installation
6 of energy conservation measures by a qualified provider. Every
7 school district or area vocational center may issue
8 certificates evidencing the indebtedness incurred pursuant to
9 the contracts or agreements. Any such contract or agreement
10 shall be valid whether or not an appropriation with respect
11 thereto is first included in any annual or supplemental budget
12 adopted by the school district or area vocational center. Each
13 contract or agreement entered into by a school district or area
14 vocational center pursuant to this Section shall be authorized
15 by official action ~~resolution~~ of the school board or governing
16 board of the area vocational center, whichever is applicable.
17 The authority granted in this Section is in addition to any
18 other authority granted by law.

19 Any consultant, architect, engineer, designer, or other
20 drafter of specifications who assists the school district or
21 vocational center in the preparation of specifications shall
22 not submit a bid or proposal to meet the procurement need
23 unless the body authorizing the contract or agreement
24 determines in writing that there will be no substantial
25 conflict of interest involved. This written notice shall be
26 published in the Capital Development Board Procurement

1 Bulletin with the Request for Proposal.

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

3 Section 15. The Public University Energy Conservation Act
4 is amended by changing Section 25 as follows:

5 (110 ILCS 62/25)

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

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

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