

1 AN ACT concerning energy conservation.

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 Sections 5, 15, and 20 as follows:

6 (50 ILCS 515/5)

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

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

16 (1) Insulation of the building structure or systems  
17 within the building.

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

24 (3) Automated or computerized energy control systems.

25 (4) Heating, ventilating, or air conditioning system  
26 modifications or replacements.

27 (5) Replacement or modification of lighting fixtures  
28 to increase the energy efficiency of the lighting system  
29 without increasing the overall illumination of a facility,  
30 unless an increase in illumination is necessary to conform  
31 to the applicable State or local building code for the  
32 lighting system after the proposed modifications are made.

1 (6) Energy recovery systems.

2 (7) (Blank). ~~Energy conservation measures that provide~~  
3 ~~long-term operating cost reductions.~~

4 (8) Other energy conservation measures that reduce  
5 energy consumption or reduce operating costs, including  
6 future labor costs, future costs for contracted services,  
7 and related capital expenditures.

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

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

21 "Qualified provider" means a person or business whose  
22 employees are experienced and trained in the design,  
23 implementation, or installation of energy conservation  
24 measures. The minimum training required for any person or  
25 employee under this paragraph shall be the satisfactory  
26 completion of at least 40 hours of course instruction dealing  
27 with energy conservation measures. A qualified provider to whom  
28 the contract is awarded shall give a sufficient bond to the  
29 unit of local government for its faithful performance.

30 "Related capital expenditures" includes the following  
31 capital costs:

32 (1) costs that the unit of local government reasonably  
33 believes will be incurred during the contract term;

34 (2) costs that are part of or are causally connected to  
35 the energy conservation measures being implemented;

36 (3) costs that are documented by industry engineering

1       standards.

2       "Request for proposals" means a negotiated procurement.

3       The request for proposals shall be announced through at least  
4       one public notice, at least 10 days before the request date in  
5       a newspaper published in the territory comprising the unit of  
6       local government or, if no newspaper is published in that  
7       territory, in a newspaper of general circulation in the area of  
8       the unit of local government, from a unit of local government  
9       that will administer the program, requesting innovative  
10      solutions and proposals for energy conservation measures.  
11      Proposals submitted shall be sealed. The request for proposals  
12      shall include all of the following:

13             (1) The name and address of the unit of local  
14      government.

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

17             (3) Notice indicating that the unit of local government  
18      is requesting qualified providers to propose energy  
19      conservation measures through a guaranteed energy savings  
20      contract.

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

23             (5) The evaluation criteria for assessing the  
24      proposals.

25             (6) Any other stipulations and clarifications the unit  
26      of local government may require.

27      "Unit of local government" means a county, township, ~~or~~  
28      municipality, or park district.

29      (Source: P.A. 88-173.)

30             (50 ILCS 515/15)

31      Sec. 15. Award of guaranteed energy savings contract.  
32      Sealed proposals must be opened by a member of the unit of  
33      local government's governing body or an employee of the unit of  
34      local government at a public opening at which the contents of  
35      the proposals must be announced. Each person or entity

1 submitting a sealed proposal must receive at least 10 days  
2 notice of the time and place of the opening. The unit of local  
3 government shall select the qualified provider that best meets  
4 the needs of the unit of local government. The unit of local  
5 government shall provide public notice of (i) the meeting at  
6 which it proposes to award a guaranteed energy savings  
7 contract, (ii) the names of the parties to the proposed  
8 contract, and (iii) the purpose of the contract. The public  
9 notice shall be made at least 10 days prior to the meeting.  
10 After evaluating the proposals under Section 10, a unit of  
11 local government may enter into a guaranteed energy savings  
12 contract with a qualified provider if it finds that the amount  
13 it would spend on the energy conservation measures recommended  
14 in the proposal would not exceed the amount to be saved in  
15 either energy or operational costs, or both, within a 20-year  
16 ~~10-year~~ period from the date of installation, if the  
17 recommendations in the proposal are followed.

18 (Source: P.A. 88-173.)

19 (50 ILCS 515/20)

20 Sec. 20. Guarantee. The guaranteed energy savings contract  
21 shall include a written guarantee of the qualified provider  
22 that either the energy or operational cost savings, or both,  
23 will meet or exceed within 20 ~~10~~ years the costs of the energy  
24 conservation measures. The qualified provider shall reimburse  
25 the unit of local government for any shortfall of guaranteed  
26 energy savings projected in the contract. A qualified provider  
27 shall provide a sufficient bond to the unit of local government  
28 for the installation and the faithful performance of all the  
29 measures included in the contract. The guaranteed energy  
30 savings contract may provide for payments over a period of  
31 time, not to exceed 20 ~~10~~ years from the date of the final  
32 installation of the measures.

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

34 Section 10. The School Code is amended by changing Section

1 19b-1.1 and by adding Section 19b-1.5 as follows:

2 (105 ILCS 5/19b-1.1) (from Ch. 122, par. 19b-1.1)

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

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

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

19 (3) Automated or computerized energy control systems.

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

22 (5) Replacement or modification of lighting fixtures  
23 to increase the energy efficiency of the lighting system  
24 without increasing the overall illumination of a facility,  
25 unless an increase in illumination is necessary to conform  
26 to the applicable State or local building code for the  
27 lighting system after the proposed modifications are made.

28 (6) Energy recovery systems.

29 (7) (Blank). ~~Energy conservation measures that provide~~  
30 ~~long-term operating cost reductions.~~

31 (8) Other energy conservation measures that reduce  
32 energy consumption or reduce operating costs, including  
33 future labor costs, future costs for contracted services,  
34 and related capital expenditures.

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

1 (105 ILCS 5/19b-1.5 new)

2 Sec. 19b-1.5. Related capital expenditures. "Related  
3 capital expenditures" includes the following capital costs:

4 (1) costs that the school district or area vocational  
5 center reasonably believes will be incurred during the  
6 contract term;

7 (2) costs that are part of or are causally connected to  
8 energy conservation measures; and

9 (3) costs that are documented by industry engineering  
10 standards.

11 Section 15. The Public University Energy Conservation Act  
12 is amended by changing Sections 5-10, 15, and 20 and by adding  
13 Section 5-23 as follows:

14 (110 ILCS 62/5-10)

15 Sec. 5-10. Energy conservation measure. "Energy  
16 conservation measure" means any improvement, repair,  
17 alteration, or betterment of any building or facility owned or  
18 operated by a public university or any equipment, fixture, or  
19 furnishing to be added to or used in any such building or  
20 facility that is designed to reduce energy consumption or  
21 operating costs, and may include, without limitation, one or  
22 more of the following:

23 (1) Insulation of the building structure or systems  
24 within the building.

25 (2) Storm windows or doors, caulking or  
26 weatherstripping, multiglazed windows or doors, heat  
27 absorbing or heat reflective glazed and coated window or  
28 door systems, additional glazing, reductions in glass  
29 area, or other window and door system modifications that  
30 reduce energy consumption.

31 (3) Automated or computerized energy control systems.

32 (4) Heating, ventilating, or air conditioning system  
33 modifications or replacements.

1 (5) Replacement or modification of lighting fixtures  
2 to increase the energy efficiency of the lighting system  
3 without increasing the overall illumination of a facility,  
4 unless an increase in illumination is necessary to conform  
5 to the applicable State or local building code for the  
6 lighting system after the proposed modifications are made.

7 (6) Energy recovery systems.

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

10 (8) Other energy conservation measures that reduce  
11 energy consumption or reduce operating costs, including  
12 future labor costs, future costs for contracted services,  
13 and related capital expenditures.

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

15 (110 ILCS 62/5-23 new)

16 Sec. 5-23. Related capital expenditures. "Related capital  
17 expenditures" includes the following capital costs:

18 (1) costs that the public university reasonably  
19 believes will be incurred during the contract term;

20 (2) costs that are part of or are causally connected to  
21 energy conservation measures; and

22 (3) costs that are documented by industry engineering  
23 standards.

24 (110 ILCS 62/15)

25 Sec. 15. Award of guaranteed energy savings contract.  
26 Sealed proposals must be opened by the public university's  
27 board of trustees or a designee of that board at a public  
28 opening at which the contents of the proposals must be  
29 announced. Each person or entity submitting a sealed proposal  
30 must receive at least 10 days notice of the time and place of  
31 the opening. The public university shall select the qualified  
32 provider that best meets the needs of the district. The public  
33 university shall provide public notice of the meeting at which  
34 it proposes to award a guaranteed energy savings contract and

1 of the names of the parties to the proposed contract and the  
2 purpose of the contract. The public notice shall be made at  
3 least 10 days prior to the meeting. After evaluating the  
4 proposals under Section 10, a public university may enter into  
5 a guaranteed energy savings contract with a qualified provider  
6 if it finds that the amount it would spend on the energy  
7 conservation measures recommended in the proposal would not  
8 exceed the amount to be saved in either energy or operational  
9 costs, or both, within a 20-year ~~10-year~~ period from the date  
10 of installation, if the recommendations in the proposal are  
11 followed.

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

13 (110 ILCS 62/20)

14 Sec. 20. Guarantee. The guaranteed energy savings contract  
15 shall include a written guarantee of the qualified provider  
16 that either the energy or operational cost savings, or both,  
17 will meet or exceed within 20 ~~10~~ years the costs of the energy  
18 conservation measures. The qualified provider shall reimburse  
19 the public university for any shortfall of guaranteed energy  
20 savings projected in the contract. A qualified provider shall  
21 provide a sufficient bond to the public university for the  
22 installation and the faithful performance of all the measures  
23 included in the contract. The guaranteed energy savings  
24 contract may provide for payments over a period of time, not to  
25 exceed 20 ~~10~~ years from the date of final installation of the  
26 measures.

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

28 Section 20. The Public Community College Act is amended by  
29 changing Sections 5A-10, 5A-35, and 5A-40 and by adding Section  
30 5A-23 as follows:

31 (110 ILCS 805/5A-10)

32 Sec. 5A-10. Energy conservation measure. "Energy  
33 conservation measure" means any improvement, repair,

1 alteration, or betterment of any building or facility owned or  
2 operated by a community college district or any equipment,  
3 fixture, or furnishing to be added to or used in any such  
4 building or facility that is designed to reduce energy  
5 consumption or operating costs, and may include, without  
6 limitation, one or more of the following:

7 (1) Insulation of the building structure or systems  
8 within the building.

9 (2) Storm windows or doors, caulking or  
10 weatherstripping, multiglazed windows or doors, heat  
11 absorbing or heat reflective glazed and coated window or  
12 door systems, additional glazing, reductions in glass  
13 area, or other window and door system modifications that  
14 reduce energy consumption.

15 (3) Automated or computerized energy control systems.

16 (4) Heating, ventilating, or air conditioning system  
17 modifications or replacements.

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

24 (6) Energy recovery systems.

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

27 (8) Other energy conservation measures that reduce  
28 energy consumption or reduce operating costs, including  
29 future labor costs, future costs for contracted services,  
30 and related capital expenditures.

31 (Source: P.A. 88-173.)

32 (110 ILCS 805/5A-23 new)

33 Sec. 5A-23. Related capital expenditures. "Related capital  
34 expenditures" includes the following capital costs:

35 (1) costs that the community college district

1 reasonably believes will be incurred during the contract  
2 term;

3 (2) costs that are part of or are causally connected to  
4 energy conservation measures being implemented; and

5 (3) costs that are documented by industry engineering  
6 standards.

7 (110 ILCS 805/5A-35)

8 Sec. 5A-35. Award of guaranteed energy savings contract.

9 Sealed proposals must be opened by a member or employee of the  
10 community college board at a public opening at which the  
11 contents of the proposals must be announced. Each person or  
12 entity submitting a sealed proposal must receive at least 10  
13 days notice of the time and place of the opening. The community  
14 college district shall select the qualified provider that best  
15 meets the needs of the district. The community college district  
16 shall provide public notice of the meeting at which it proposes  
17 to award a guaranteed energy savings contract of the names of  
18 the parties to the proposed contract and of the purpose of the  
19 contract. The public notice shall be made at least 10 days  
20 prior to the meeting. After evaluating the proposals under  
21 Section 5A-30, a community college district may enter into a  
22 guaranteed energy savings contract with a qualified provider if  
23 it finds that the amount it would spend on the energy  
24 conservation measures recommended in the proposal would not  
25 exceed the amount to be saved in either energy or operational  
26 costs, or both, within a 20-year ~~10-year~~ period from the date  
27 of installation, if the recommendations in the proposal are  
28 followed.

29 (Source: P.A. 88-173.)

30 (110 ILCS 805/5A-40)

31 Sec. 5A-40. Guarantee. The guaranteed energy savings  
32 contract shall include a written guarantee of the qualified  
33 provider that either the energy or operational cost savings, or  
34 both, will meet or exceed within 20 ~~10~~ years the costs of the

1 energy conservation measures. The qualified provider shall  
2 reimburse the community college district for any shortfall of  
3 guaranteed energy savings projected in the contract. A  
4 qualified provider shall provide a sufficient bond to the  
5 community college district for the installation and the  
6 faithful performance of all the measures included in the  
7 contract. The guaranteed energy savings contract may provide  
8 for payments over a period of time, not to exceed 20 ~~10~~ years  
9 from the date of final installation of the measures.  
10 (Source: P.A. 88-173; 88-615, eff. 9-9-94.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.