



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2116

Introduced 2/20/2009, 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 all 4 volumes of the Illinois Procurement Bulletin for publication in each bulletin. Provides that contracts let or awarded must be submitted to the administrators of all 4 volumes of the Illinois Procurement Bulletin for publication in each bulletin. Makes changes concerning drafters of specifications submitting bids or proposals for installment contracts and other agreements proposed by a school district or public university. Effective immediately.

LRB096 09911 RLJ 20074 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, 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 each volume
9 of the Illinois 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 all 4 volumes of ~~announced~~
19 ~~in~~ the Illinois Procurement Bulletin for publication in each
20 bulletin and through at least one public notice, at least 14
21 days before the request date in a newspaper published in the
22 district or vocational center area, or if no newspaper is
23 published in the district or vocational center area, in a
24 newspaper of general circulation in the area of the district or

1 vocational center, from a school district or area vocational
2 center that will administer the program, requesting innovative
3 solutions and proposals for energy conservation measures.
4 Proposals submitted shall be sealed. The request for proposals
5 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 all 4 volumes of the
21 published in the next available subsequent Illinois
22 Procurement Bulletin for publication in each 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; or other agreement. A school district or school
2 districts in combination or an area vocational center may enter
3 into an installment payment contract, ~~or~~ lease purchase
4 agreement, or other agreement with a qualified provider or with
5 a third-party ~~lender~~, as authorized by law, for the funding or
6 financing of the purchase and installation of energy
7 conservation measures by a qualified provider. Every school
8 district or area vocational center may issue certificates
9 evidencing the indebtedness incurred pursuant to the contracts
10 or agreements. Any such contract or agreement shall be valid
11 whether or not an appropriation with respect thereto is first
12 included in any annual or supplemental budget adopted by the
13 school district or area vocational center. Each contract or
14 agreement entered into by a school district or area vocational
15 center pursuant to this Section shall be authorized by official
16 action ~~resolution~~ of the school board or governing board of the
17 area vocational center, whichever is applicable. The authority
18 granted in this Section is in addition to any other authority
19 granted by law.

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

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

23 (110 ILCS 62/25)

24 Sec. 25. Installment payment contract; lease purchase

1 agreement; or other agreement. A public university or 2 or
2 more public universities in combination may enter into an
3 installment payment contract, ~~or~~ lease purchase agreement, or
4 other agreement with a qualified provider or with a third-party
5 ~~lender~~, as authorized by law, for the funding or financing of
6 the purchase and installation of energy conservation measures
7 by a qualified provider. Each public university 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 additional or
12 supplemental budget proposal, request, or recommendation
13 submitted by or made with respect to a public university under
14 Section 8 of the Board of Higher Education Act or as otherwise
15 provided by law. Each contract or agreement entered into by a
16 public university pursuant to this Section shall be authorized
17 by official action ~~resolution~~ of the board of trustees of that
18 university. The authority granted in this Section is in
19 addition to any other authority granted by law.

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

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.