



Rep. Julie Hamos

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1 AMENDMENT TO SENATE BILL 2116

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2116 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Local Government Energy Conservation Act is  
5 amended by changing Sections 20 and 25 as follows:

6 (50 ILCS 515/20)

7 Sec. 20. Guarantee. The guaranteed energy savings contract  
8 shall include a written guarantee of the qualified provider  
9 that either the energy or operational cost savings, or both,  
10 will meet or exceed within 20 ~~10~~ years the costs of the energy  
11 conservation measures. The qualified provider shall reimburse  
12 the unit of local government for any shortfall of guaranteed  
13 energy savings projected in the contract. A qualified provider  
14 shall provide a sufficient bond to the unit of local government  
15 for the installation and the faithful performance of all the  
16 measures included in the contract. The guaranteed energy

1 savings contract may provide for payments over a period of  
2 time, not to exceed 20 ~~10~~ years from the date of the final  
3 installation of the measures.

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

5 (50 ILCS 515/25)

6 Sec. 25. Installment payment contract; lease purchase  
7 agreement; or other agreement.

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

24 (b) If a potential bidder, including, but not limited to, a  
25 consultant, architect, engineer, or drafter of specifications,

1 assists a unit of local government prior to the issuance of a  
2 request for proposal for the funding or financing of the  
3 purchase and installation of energy conservation measures,  
4 then:

5 (1) The unit of local government must use a  
6 standardized request for proposal form approved by the  
7 Department of Commerce and Economic Opportunity; or

8 (2) A substantial conflict of interest is presumed when  
9 a potential bidder (i) proposes the use of its own  
10 company's proprietary systems, (ii) provides restrictive  
11 equipment specifications in the request for proposal,  
12 (iii) mandates that specific improvements be included in  
13 the request for proposal in order to submit a proposal to  
14 the unit of local government, or (iv) performs fee for  
15 service consulting on the proposed project in order to  
16 prepare the unit of local government to issue the request  
17 for proposal. The presumption of a substantial conflict of  
18 interest under this subsection may be overcome if the body  
19 authorizing the contract or agreement states in writing on  
20 a form, as approved by the Department of Commerce and  
21 Economic Opportunity, that it has voted to waive any of the  
22 applicable conflicts listed in this subsection and states  
23 the reasons why the conflict does not prohibit the  
24 potential bidder's participation as a bidder. The form  
25 shall also include a statement that materials, references,  
26 and assistance in developing requests for proposal may be

1       obtained through the Department of Commerce and Economic  
2       Opportunity. The form shall be signed and submitted for  
3       publication in the Capital Development Board Procurement  
4       Bulletin and the Illinois Procurement Bulletin with the  
5       request for proposal.

6       (c) If a potential bidder, including but not limited to a  
7       consultant, architect, engineer, or drafter of specifications,  
8       assists a unit of local government by performing a preliminary  
9       energy audit, whether for a fee or free of charge, prior to the  
10      issuance of a request for proposal for the funding or financing  
11      of the purchase and installation of energy conservation  
12      measures, then the preliminary energy audit shall be submitted  
13      to the Capital Development Board Procurement Bulletin and the  
14      Illinois Procurement Bulletin with the request for proposal.

15      (d) To implement the requirements of this Section, the  
16      Department of Commerce and Economic Opportunity shall  
17      promulgate rules and provide forms for both requests for  
18      proposals and conflict waivers, which shall be made available  
19      on the website of the Department of Commerce and Economic  
20      Opportunity.

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

22           Section 10. The School Code is amended by changing Sections  
23      19b-1.4, 19b-3, and 19b-5 as follows:

24           (105 ILCS 5/19b-1.4) (from Ch. 122, par. 19b-1.4)

1           Sec. 19b-1.4. Request for proposals. "Request for  
2 proposals" means a competitive selection achieved by  
3 negotiated procurement. The request for proposals shall be  
4 submitted to the administrators of the Capital Development  
5 Board Procurement Bulletin and ~~announced in~~ the Illinois  
6 Procurement Bulletin for publication and through at least one  
7 public notice, at least 30 ~~14~~ days before the request date in a  
8 newspaper published in the district or vocational center area,  
9 or if no newspaper is published in the district or vocational  
10 center area, in a newspaper of general circulation in the area  
11 of the district or vocational center, from a school district or  
12 area vocational center that will administer the program,  
13 requesting innovative solutions and proposals for energy  
14 conservation measures. Proposals submitted shall be sealed.  
15 The request for proposals shall include all of the following:

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

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

20           (3) Notice indicating that the school district or area  
21 vocational center is requesting qualified providers to  
22 propose energy conservation measures through a guaranteed  
23 energy savings contract.

24           (4) The date, time, and place where proposals must be  
25 received.

26           (5) The evaluation criteria for assessing the

1 proposals.

2 (6) Any other stipulations and clarifications the  
3 school district or area vocational center may require.

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

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

6 Sec. 19b-3. Award of guaranteed energy savings contract.  
7 Sealed proposals must be opened by a member or employee of the  
8 school board or governing board of the area vocational center,  
9 whichever is applicable, at a public opening at which the  
10 contents of the proposals must be announced. Each person or  
11 entity submitting a sealed proposal must receive at least 13  
12 days notice of the time and place of the opening. The school  
13 district or area vocational center shall select the qualified  
14 provider that best meets the needs of the district or area  
15 vocational center. The school district or area vocational  
16 center shall provide public notice of the meeting at which it  
17 proposes to award a guaranteed energy savings contract of the  
18 names of the parties to the proposed contract and of the  
19 purpose of the contract. The public notice shall be made at  
20 least 10 days prior to the meeting. After evaluating the  
21 proposals under Section 19b-2, a school district or area  
22 vocational center may enter into a guaranteed energy savings  
23 contract with a qualified provider if it finds that the amount  
24 it would spend on the energy conservation measures recommended  
25 in the proposal would not exceed the amount to be saved in

1 either energy or operational costs, or both, within a 20-year  
2 period from the date of installation, if the recommendations in  
3 the proposal are followed. Contracts let or awarded must be  
4 submitted to the administrators of the Capital Development  
5 Board Procurement Bulletin and the ~~published in the next~~  
6 ~~available subsequent~~ Illinois Procurement Bulletin for  
7 publication.

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

9 (105 ILCS 5/19b-5) (from Ch. 122, par. 19b-5)

10 Sec. 19b-5. Installment payment contract; lease purchase  
11 agreement.

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

1 action ~~resolution~~ of the school board or governing board of the  
2 area vocational center, whichever is applicable. The authority  
3 granted in this Section is in addition to any other authority  
4 granted by law.

5 (b) If a potential bidder, including, but not limited to, a  
6 consultant, architect, engineer, or drafter of specifications,  
7 assists a school district or vocational center prior to the  
8 issuance of a request for proposal for the funding or financing  
9 of the purchase and installation of energy conservation  
10 measures, then:

11 (1) The school district or vocational center must use a  
12 standardized request for proposal form approved by the  
13 Department of Commerce and Economic Opportunity; or

14 (2) A substantial conflict of interest exists when a  
15 potential bidder (i) proposes the use of its own company's  
16 proprietary systems, (ii) provides restrictive equipment  
17 specifications in the request for proposal, (iii) mandates  
18 that specific improvements be included in the request for  
19 proposal in order to submit a proposal to the unit of local  
20 government, or (iv) performs fee for service consulting on  
21 the proposed project in order to prepare the unit of local  
22 government to issue the request for proposal. The  
23 presumption of a substantial conflict of interest under  
24 this subsection may be overcome if the body authorizing the  
25 contract or agreement states in writing on a form, as  
26 approved by the Department of Commerce and Economic



1       Opportunity, that it has voted to waive any of the  
2       applicable conflicts listed in this subsection and states  
3       the reasons why the conflict does not prohibit the  
4       potential bidder's participation as a bidder. The form  
5       shall also include a statement that materials, references,  
6       and assistance in developing requests for proposal may be  
7       obtained through the Department of Commerce and Economic  
8       Opportunity. The form shall be signed and submitted for  
9       publication in the Capital Development Board Procurement  
10      Bulletin and the Illinois Procurement Bulletin with the  
11      request for proposal.

12      (c) If a potential bidder, including but not limited to a  
13      consultant, architect, engineer, or drafter of specifications,  
14      assists a school district or vocational center by performing a  
15      preliminary energy audit, whether for a fee or free of charge,  
16      prior to the issuance of a request for proposal for the funding  
17      or financing of the purchase and installation of energy  
18      conservation measures, then the preliminary energy audit shall  
19      be submitted to the Capital Development Board Procurement  
20      Bulletin and the Illinois Procurement Bulletin with the request  
21      for proposal.

22      (d) To implement the requirements of this Section, the  
23      Department of Commerce and Economic Opportunity shall  
24      promulgate rules and provide forms for both requests for  
25      proposals and conflict waivers, which shall be made available  
26      on the website of the Department of Commerce and Economic

1 Opportunity.

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.".