

1 AN ACT in relation to education.

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

4 Section 5. The School Code is amended by adding Section  
5 19b-1.05 and changing Sections 19b-1.1, 19b-1.3, 19b-1.4,  
6 19b-2, 19b-3, 19b-4, 19b-5, 19b-6, 19b-7, 19b-8, 19b-9, and  
7 19b-10 as follows:

8 (105 ILCS 5/19b-1.05 new)

9 Sec. 19b-1.05. Area vocational center. "Area vocational  
10 center" means an area vocational center created by joint  
11 agreement between school districts.

12 (105 ILCS 5/19b-1.1) (from Ch. 122, par. 19b-1.1)

13 Sec. 19b-1.1. Energy conservation measure. "Energy  
14 conservation measure" means any improvement, repair,  
15 alteration, or betterment of any building or facility owned  
16 or operated by a school district or area vocational center or  
17 any equipment, fixture, or furnishing to be added to or used  
18 in any such building or facility that is designed to reduce  
19 energy consumption or operating costs, and may include,  
20 without limitation, one or more of the following:

21 (1) Insulation of the building structure or systems  
22 within the building.

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

29 (3) Automated or computerized energy control  
30 systems.

1 (4) Heating, ventilating, or air conditioning  
2 system modifications or replacements.

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

10 (6) Energy recovery systems.

11 (7) Energy conservation measures that provide  
12 long-term operating cost reductions.

13 (Source: P.A. 87-1106.)

14 (105 ILCS 5/19b-1.3) (from Ch. 122, par. 19b-1.3)

15 Sec. 19b-1.3. Qualified provider. "Qualified provider"  
16 means a person or business whose employees are experienced  
17 and trained in the design, implementation, or installation of  
18 energy conservation measures. The minimum training required  
19 for any person or employee under this Section shall be the  
20 satisfactory completion of at least 40 hours of course  
21 instruction dealing with energy conservation measures. A  
22 qualified provider to whom the contract is awarded shall give  
23 a sufficient bond to the school district or area vocational  
24 center for its faithful performance.

25 (Source: P.A. 87-1106.)

26 (105 ILCS 5/19b-1.4) (from Ch. 122, par. 19b-1.4)

27 Sec. 19b-1.4. Request for proposals. "Request for  
28 proposals" means a negotiated procurement. The request for  
29 proposals shall be announced through at least one public  
30 notice, at least 10 days before the request date in a  
31 newspaper published in the district or vocational center  
32 area, or if no newspaper is published in the district or

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

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

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

12 (3) Notice indicating that the school district or  
13 area vocational center is requesting qualified providers  
14 to propose energy conservation measures through a  
15 guaranteed energy savings contract.

16 (4) The date, time, and place where proposals must  
17 be received.

18 (5) The evaluation criteria for assessing the  
19 proposals.

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

22 (Source: P.A. 87-1106.)

23 (105 ILCS 5/19b-2) (from Ch. 122, par. 19b-2)

24 Sec. 19b-2. Evaluation of proposal. Before entering  
25 into a guaranteed energy savings contract under Section  
26 19b-3, a school district or area vocational center shall  
27 submit a request for proposals. The school district or area  
28 vocational center shall evaluate any sealed proposal from a  
29 qualified provider. The evaluation shall analyze the  
30 estimates of all costs of installations, modifications or  
31 remodeling, including, without limitation, costs of a  
32 pre-installation energy audit or analysis, design,  
33 engineering, installation, maintenance, repairs, debt

1 service, conversions to a different energy or fuel source, or  
2 post-installation project monitoring, data collection, and  
3 reporting. The evaluation shall include a detailed analysis  
4 of whether either the energy consumed or the operating costs,  
5 or both, will be reduced. If technical assistance is not  
6 available by a licensed architect or registered professional  
7 engineer on the school district or area vocational center  
8 staff, then the evaluation of the proposal shall be done by a  
9 registered professional engineer or architect, who is  
10 retained by the school district or area vocational center.  
11 The school district or area vocational center may pay a  
12 reasonable fee for evaluation of the proposal or include the  
13 fee as part of the payments made under Section 19b-4.

14 (Source: P.A. 87-1106.)

15 (105 ILCS 5/19b-3) (from Ch. 122, par. 19b-3)  
16 Sec. 19b-3. Award of guaranteed energy savings contract.  
17 Sealed proposals must be opened by a member or employee of  
18 the school board or governing board of the area vocational  
19 center, whichever is applicable, at a public opening at which  
20 the contents of the proposals must be announced. Each person  
21 or entity submitting a sealed proposal must receive at least  
22 13 days notice of the time and place of the opening. The  
23 school district or area vocational center shall select the  
24 qualified provider that best meets the needs of the district  
25 or area vocational center. The school district or area  
26 vocational center shall provide public notice of the meeting  
27 at which it proposes to award a guaranteed energy savings  
28 contract of the names of the parties to the proposed contract  
29 and of the purpose of the contract. The public notice shall  
30 be made at least 10 days prior to the meeting. After  
31 evaluating the proposals under Section 19b-2, a school  
32 district or area vocational center may enter into a  
33 guaranteed energy savings contract with a qualified provider

1 if it finds that the amount it would spend on the energy  
2 conservation measures recommended in the proposal would not  
3 exceed the amount to be saved in either energy or operational  
4 costs, or both, within a 10 year period from the date of  
5 installation, if the recommendations in the proposal are  
6 followed.

7 (Source: P.A. 87-1106.)

8 (105 ILCS 5/19b-4) (from Ch. 122, par. 19b-4)

9 Sec. 19b-4. Guarantee. The guaranteed energy savings  
10 contract shall include a written guarantee of the qualified  
11 provider that either the energy or operational cost savings,  
12 or both, will meet or exceed within 10 years the costs of the  
13 energy conservation measures. The qualified provider shall  
14 reimburse the school district or area vocational center for  
15 any shortfall of guaranteed energy savings projected in the  
16 contract. A qualified provider shall provide a sufficient  
17 bond to the school district or area vocational center for the  
18 installation and the faithful performance of all the measures  
19 included in the contract. The guaranteed energy savings  
20 contract may provide for payments over a period of time, not  
21 to exceed 10 years from the date of final installation of the  
22 measures.

23 (Source: P.A. 87-1106; 88-615, eff. 9-9-94.)

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

25 Sec. 19b-5. Installment payment; lease purchase. A  
26 school district or school districts in combination or an area  
27 vocational center may enter into an installment payment  
28 contract or lease purchase agreement with a qualified  
29 provider for the purchase and installation of energy  
30 conservation measures. Every school district or area  
31 vocational center may issue certificates evidencing the  
32 indebtedness incurred pursuant to the contracts or

1 agreements. Any such contract or agreement shall be valid  
 2 whether or not an appropriation with respect thereto is first  
 3 included in any annual or supplemental budget adopted by the  
 4 school district or area vocational center. Each contract or  
 5 agreement entered into by a school district or area  
 6 vocational center pursuant to this Section shall be  
 7 authorized by resolution of the school board or governing  
 8 board of the area vocational center, whichever is applicable.  
 9 (Source: P.A. 87-1106.)

10 (105 ILCS 5/19b-6) (from Ch. 122, par. 19b-6)  
 11 Sec. 19b-6. Term; budget and appropriations. Guaranteed  
 12 energy savings contracts may extend beyond the fiscal year in  
 13 which they become effective. The school district or area  
 14 vocational center shall include in its annual ~~school~~ budget  
 15 and appropriations measures for each subsequent fiscal year  
 16 any amounts payable under guaranteed energy savings contracts  
 17 during that fiscal year. Sections 2-3.12, 3-14.20, and  
 18 10-22.36 of the School Code shall apply to this Article 19b.  
 19 (Source: P.A. 87-1106.)

20 (105 ILCS 5/19b-7) (from Ch. 122, par. 19b-7)  
 21 Sec. 19b-7. Operational and energy cost savings. The  
 22 school district or area vocational center shall document the  
 23 operational and energy cost savings specified in the  
 24 guaranteed energy savings contract and designate and  
 25 appropriate that amount for an annual payment of the  
 26 contract. If the annual energy savings are less than  
 27 projected under the guaranteed energy savings contract the  
 28 qualified provider shall pay the difference as provided in  
 29 Section 19b-4.  
 30 (Source: P.A. 87-1106.)

31 (105 ILCS 5/19b-8) (from Ch. 122, par. 19b-8)

1           Sec. 19b-8. Available funds. A school district or area  
2 vocational center may use funds designated for operating or  
3 capital expenditures for any guaranteed energy savings  
4 contract including purchases using installment payment  
5 contracts or lease purchase agreements. A school district or  
6 area vocational center that enters into such a contract or  
7 agreement may covenant in such contract or agreement that  
8 payments made thereunder shall be payable from the first  
9 funds legally available in each fiscal year.

10       (Source: P.A. 87-1106; 88-45.)

11           (105 ILCS 5/19b-9) (from Ch. 122, par. 19b-9)

12           Sec. 19b-9. Funding. State aid and other amounts  
13 appropriated for distribution to or reimbursement of a school  
14 district or area vocational center shall not be reduced as a  
15 result of energy savings realized from a guaranteed energy  
16 savings contract or a lease purchase agreement for the  
17 purchase and installation of energy conservation measures.

18       (Source: P.A. 87-1106.)

19           (105 ILCS 5/19b-10)

20           Sec. 19b-10. Transfer of savings to life safety or bond  
21 and interest fund. If the guaranteed energy savings contract  
22 is funded, in whole or in part, from funds from bonded  
23 indebtedness, the district or whichever party to the area  
24 vocational center joint agreement the funds come from shall  
25 annually transfer, by board resolution, an amount equal to  
26 the guaranteed energy savings from the operations and  
27 maintenance fund or the educational fund, or both of those  
28 funds, to the fire prevention and safety fund or to the bond  
29 and interest fund from which the retirement of the bonded  
30 indebtedness is to be paid. If transferred to the bond and  
31 interest fund, the secretary of the school board, within 30  
32 days of such transfer, shall notify the county clerk of the

1 amount of the transfer and direct the clerk to abate the  
2 taxes next to be extended for the purpose of principal and  
3 interest payments on the bonds by an amount equal to the  
4 transfer.

5 (Source: P.A. 89-397, eff. 8-20-95.)

6 Section 90. The State Mandates Act is amended by adding  
7 Section 8.26 as follows:

8 (30 ILCS 805/8.26 new)

9 Sec. 8.26. Exempt mandate. Notwithstanding Sections 6  
10 and 8 of this Act, no reimbursement by the State is required  
11 for the implementation of any mandate created by this  
12 amendatory Act of the 92nd General Assembly.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.