



1 building;

2 (B) Storm windows or doors, caulking or weather stripping,  
3 ~~multiglazed~~ multi-glazed windows or doors, heat-absorbing or  
4 heat-reflective glazed and coated window or door systems or other  
5 window or door modifications that reduce energy consumption;

6 (C) Automatic energy control systems;

7 (D) Heating, ventilating or air conditioning systems,  
8 including modifications or replacements;

9 (E) Replacement or modification of lighting fixtures to  
10 increase energy efficiency;

11 (F) Energy recovery systems;

12 (G) ~~Cogeneration~~ Co-generation systems that produce steam or  
13 another form of energy for use by the county board of education in  
14 a building or complex of buildings owned by the Board of Education;  
15 or

16 (H) Energy-conservation maintenance measures that provide  
17 long-term operating cost reductions of the building's present cost  
18 of operation.

19 (2) "Energy-savings contract" means a contract for the  
20 evaluation and recommendation of energy operations conservation  
21 measures and for implementation of one or more such measures. The  
22 contract shall provide that payments, except obligations upon  
23 termination of the contract before its expiration, are to be made  
24 over time. A county board of education may supplement these  
25 payments with federal, state or local funds to reduce the annual

1 cost or to lower the initial amount to be financed.

2 (3) "Qualified provider" means a person, firm or corporation  
3 experienced in the design, implementation and installation of  
4 energy-conservation measures.

5 (b) County boards of education are hereby authorized to enter  
6 into performance-based contracts with qualified providers of  
7 energy-conservation measures for the purpose of reducing energy  
8 operating costs of school buildings.

9 (c) A board of education may enter into an energy-savings  
10 contract with a qualified provider to ~~reduce energy operating costs~~  
11 significantly reduce energy operating costs. Before entering into  
12 such a contract or before the installation of equipment,  
13 modifications or remodeling to be furnished under such a contract,  
14 the qualified provider shall first issue a proposal summarizing the  
15 scope of work to be performed. Such a proposal shall contain  
16 estimates of all costs of installation, modifications or remodeling  
17 including the costs of design, engineering, installation,  
18 maintenance, repairs or debt service as well as estimates of the  
19 amounts by which energy operating costs will be reduced. If the  
20 board finds, after receiving the proposal, that the proposal  
21 includes more than one energy-conservation measure designed to save  
22 energy operating costs, the board may enter into a contract with  
23 the provider pursuant to this section.

24 (d) An energy-savings contract ~~must~~ shall include the  
25 following:

1 (1) A guarantee of a specific minimum amount of money that the  
2 board will save in energy operating costs each year during the term  
3 of the contract; and

4 (2) A statement of all costs of energy-conservation measures  
5 including the costs of design, engineering, installation,  
6 maintenance, repairs and operations.

7 (e) An energy-savings contract which is performance-based and  
8 includes a guarantee of savings and a comprehensive approach of  
9 energy-conservation measures for improving comfort is subject to  
10 competitive bidding requirements. ~~Provided, That~~ The requirements  
11 of article five-a, chapter twenty-one of this code as to prevailing  
12 wage rates shall apply to the construction and installation work  
13 performed under such a contract.

14 (f) A board may enter into a "lease with an option to  
15 purchase" contract for the purchase and installation of  
16 energy-conservation measures if the term of the lease does not  
17 exceed ~~ten~~ fifteen years and the lease contract includes the  
18 provisions hereinafter contained in subsection (g) and meets  
19 federal tax requirements for tax-exempt municipal leasing or  
20 long-term financing.

21 (g) An energy-savings contract may extend beyond the fiscal  
22 year in which it first becomes effective ~~Provided,~~ except that  
23 such a contract may not exceed a ~~ten~~ fifteen-year term ~~Provided,~~  
24 ~~however, That such long term contract~~ and shall be void unless such  
25 agreement ~~shall provide that the board shall have the option~~

1 ~~thereunder during each fiscal year of the contract to terminate the~~  
2 ~~agreement.~~ provides the board the option to terminate the agreement  
3 during each fiscal year of the contract. The board may include in  
4 its annual budget for each fiscal year any amounts payable under  
5 long-term energy-savings contracts during that fiscal year.

6 ~~Provided further, That~~

7 (h) ~~Nothing contained herein shall be deemed to require or~~  
8 ~~permit~~ in this section requires or permits the replacement of jobs  
9 performed by service personnel employed by the local school board  
10 pursuant to sections eight and eight-a, article four, chapter  
11 eighteen-a of the code, as amended.

Strike-throughs indicate language that would be stricken from  
the present law and underscoring indicates new language that would  
be added.