

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1593

H.P. 1152

House of Representatives, April 18, 2019

An Act To Support Infrastructure Improvements in Schools

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BRENNAN of Portland.

Cosponsored by Representatives: BERRY of Bowdoinham, CRAVEN of Lewiston, DENK of Kennebunk, STANLEY of Medway.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §15915, sub-§1**, as repealed and replaced by PL 2011, c.
3 279, §1, is amended to read:

4 **1. Initial agreement for energy conservation improvements.** A school
5 administrative unit may enter into an agreement of up to 20 years with an energy services
6 company. For the purposes of this section, "energy services company" means a company
7 or 3rd-party financing company that provides design, installation, operation, maintenance
8 and financing of ~~energy conservation or combined~~ individual or combined school
9 administrative unit facility projects, including, but not limited to, energy conservation,
10 facility infrastructure improvements and related air quality improvements at existing or
11 new school administrative unit facilities. The school administrative unit's costs to enter
12 into such an agreement are not applicable to the unit's school construction project costs,
13 the debt service on which is eligible for subsidy purposes under section 15907. Such an
14 agreement is deemed to be a professional service, which is not subject to the competitive
15 bidding requirements of Title 5, section 1743-A, if the agreement:

16 A. Provides for operation or maintenance of the improvement for at least 5 years or
17 the entire term of the financing agreement if longer than 5 years; and

18 B. Requires a guaranty by the contractor that the improvement will meet financial
19 and performance criteria set forth in the agreement for at least 5 years or for the entire
20 term of the financing agreement if longer than 5 years; ~~and.~~

21 ~~C. Has a total contract cost, excluding private or federal grant funds, interest and~~
22 ~~operating and maintenance costs, of less than \$2,500,000 for any school building.~~

23 A school administrative unit may select an energy services company on the basis of a
24 request for qualifications or a request for proposals, and it is not required to use a
25 competitive method set forth in this chapter and Title 5, section 1743-A and Private and
26 Special Law 1999, chapter 79. The selection process must include at a minimum a
27 request for qualifications or a request for proposals that is advertised in a newspaper of
28 general circulation in the school administrative unit and a newspaper of general
29 circulation in the City of Augusta. The deadline for receipt of requests for qualifications
30 or requests for proposals may not be less than 15 days from the last day the advertisement
31 was published. The school administrative unit shall establish an interview committee,
32 which must include the superintendent of the school administrative unit and at least one
33 school board member. The interview committee shall interview not fewer than 3 energy
34 services companies unless a smaller number of energy services companies responds to the
35 request for qualifications or request for proposals. A request for qualifications or a
36 request for proposals may not contain terms that require an energy services company to
37 have more than 3 years of experience in the energy conservation field, a minimum
38 number of prior projects or project references or membership in or accreditation from a
39 regional, national or international association of energy services companies or to use
40 equipment that is not generally available to energy services companies or terms that are
41 otherwise included for the purpose of bias or favoritism toward a particular energy
42 services company.

