

MAINE STATE LEGISLATURE

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418

L.D. 1902

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EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE HOUSE OF REPRESENTATIVES 122ND LEGISLATURE SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1343, L.D. 1902, Bill, "An Act Concerning Energy Conservation in Schools"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 20-A MRSA §15915, sub-§1, as amended by PL 2001, c. 376, §1, is further amended to read:

1. Initial agreement. Any school administrative unit may enter into an agreement of up to 20 15 years with a private party, such as an energy service or 3rd-party financing company, for the design, installation, operation, maintenance and financing of energy conservation or combined energy conservation and air quality improvements at existing school administrative unit facilities. The school administrative unit's costs to enter into such an agreement are not applicable to the unit's school construction project costs, the debt service on which is eligible for subsidy purposes under section 15907. Such an agreement is deemed to be a professional service, which is not subject to the competitive bidding requirements of Title 5, section 1743-A, if the agreement:

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

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

6 C. Has a total contract cost, excluding interest and
operating and maintenance costs, of less than \$1,000,000
8 \$2,000,000 for any school building.

10 A school administrative unit may select contractors for these
professional services on the basis of a request for
12 qualifications or a request for proposals and it is not required
to use a competitive method set forth in this chapter and Title
14 5, section 1743-A and Private and Special Law 1999, chapter 79.
The selection process must include at a minimum a request for
16 qualifications or a request for proposals that is advertised in a
newspaper of general circulation in the school administrative
18 unit and a newspaper of general circulation in the City of
Augusta. The school administrative unit shall interview not less
20 fewer than 3 service providers unless a smaller number of service
providers responds to the request for qualifications or requests
22 for proposals. The performance criteria in the agreement is
subject to approval by the Department of Administrative and
24 Financial Services, Bureau of General Services. A request for
qualifications or proposals may not contain terms that require
26 service providers to have more than 3 years of experience in the
energy conservation field or the use of equipment that is not
28 generally available to service providers or terms that are
otherwise included for the purpose of bias or favoritism toward a
30 particular service provider. Objections to the terms of a
request for qualifications or proposals under this subsection are
32 deemed waived if not delivered in writing to the office of the
superintendent of schools in that school administrative unit
34 within 21 days of the last publication of the newspaper
advertisement.'

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SUMMARY

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This amendment retains the provision in the bill that raises
42 the allowable contract cost for making school energy conservation
or combined energy conservation and air quality improvements from
\$1,000,000 to \$2,000,000. The amendment also decreases the
44 length of the allowable contract from 20 years to 15 years and
clarifies that a school administrative unit may enter into such
46 an improvement contract only for an existing school
administrative unit facility. It further provides that a school
48 administrative unit's costs for entering into such an improvement
contract are not applicable to school construction project costs,

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2 the debt service on which is eligible for subsidy purposes under
the Maine Revised Statutes, Title 20-A, section 15907.

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