

## **IC 21-33-4**

### **Chapter 4. Qualified Energy Savings Projects**

#### **IC 21-33-4-1**

##### **Authority to undertake a qualified energy savings project**

Sec. 1. A state educational institution may undertake a qualified energy savings project as provided in this chapter. If the part of the qualified energy savings project related to real property improvements is greater than seven hundred fifty thousand dollars (\$750,000), the project must be reviewed by the commission for higher education and approved by the governor and the budget director on the recommendation of the budget committee. A qualified energy savings project does not require the prior approval of the general assembly, notwithstanding the source of payment for the project or bonds issued to fund the project.

*As added by P.L.2-2007, SEC.274. Amended by P.L.229-2011, SEC.240.*

#### **IC 21-33-4-2**

##### **Proposals; contracts; bonds**

Sec. 2. A state educational institution may submit a request for proposals to qualified providers for an energy cost savings contract and may enter into an energy cost savings contract with a qualified provider under this chapter. The contract must provide that all payments, except obligations on termination of the contract before its expiration, are to be made over time. The contract may provide that energy cost savings are guaranteed by the qualified provider to the extent necessary to make payments for the qualified energy savings project. A qualified provider shall provide a sufficient bond to the state educational institution for the installation and the faithful performance of all the measures included in the contract. The contract may also include contracts for building operation programs and maintenance and management or similar agreements with the qualified provider to reduce energy or operational costs.

*As added by P.L.2-2007, SEC.274.*

#### **IC 21-33-4-3**

##### **Proposals; contents**

Sec. 3. A request for proposals must include the following:

- (1) The name and address of the state educational institution.
- (2) The name, address, title, and phone number of a contact person.
- (3) The date, time, and place where proposals must be received.
- (4) Evaluation criteria for assessing the proposals.
- (5) A reasonably functional description of the facilities to be covered by the request for proposals or the maximum dollar cost of the qualified energy savings project subject to the request for proposals, or both.
- (6) Any other stipulations and clarifications the state educational institution may require.

*As added by P.L.2-2007, SEC.274.*

#### **IC 21-33-4-4**

##### **Selection of qualified energy savings projects; notice**

Sec. 4. The state educational institution shall select the qualified provider and enter into an energy cost savings contract or contracts for a qualified energy savings project that best meets the needs of the state educational institution. The state educational institution shall provide public notice of the meeting at which it proposes to award an energy cost savings contract by publication one (1) time, at least ten (10) days in advance, in newspapers described in IC 21-32-3-3. The public notice must disclose the names of parties to the proposed energy cost savings contract and contain a reasonably functional description of the qualified energy savings project and the measures covered by the contract and project.

*As added by P.L.2-2007, SEC.274.*

#### **IC 21-33-4-5**

##### **Cost savings contracts**

Sec. 5. After reviewing proposals submitted under this chapter, a state educational institution may enter into energy cost savings contracts with a qualified provider if the state educational institution reasonably expects that the cost of a qualified energy savings project recommended in the proposal would not exceed the amount to be saved in either energy or operational costs, or both, within the ten (10) year period following the date installation is complete if the recommendations in the proposal are followed. An energy cost savings contract may also include a guaranty from the qualified provider to the state educational institution that either the energy or operational cost savings, or both, will meet or exceed the cost of the energy cost savings projects not later than ten (10) years after the date installation is complete.

*As added by P.L.2-2007, SEC.274.*

#### **IC 21-33-4-6**

##### **Affect of energy cost and operational savings on state appropriations**

Sec. 6. Energy cost and operational savings realized from a qualified energy savings project and an energy cost savings contract do not reduce the amount of state appropriations otherwise available to the state educational institution.

*As added by P.L.2-2007, SEC.274.*