

By: Clardy

H.B. No. 599

Substitute the following for H.B. No. 599:

By: Turner of Tarrant

C.S.H.B. No. 599

A BILL TO BE ENTITLED

AN ACT

1
2 relating to energy savings performance contracts entered into by
3 public institutions of higher education.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 51.927, Education Code, is amended by
6 amending Subsections (i) and (l) and adding Subsections (i-1) and
7 (i-2) to read as follows:

8 (i) An energy savings performance contract shall be let
9 according to the procedures established for procuring certain
10 professional services by Section 2254.004, Government Code. Notice
11 of the request for qualifications shall be given in the manner
12 provided by Section 2156.002, Government Code. The [~~Texas Higher~~
13 ~~Education Coordinating Board, in consultation with the~~] State
14 Energy Conservation Office [~~with regard to energy and water~~
15 ~~conservation measures,~~] shall establish guidelines and an approval
16 process for awarding energy savings performance contracts under
17 this section.

18 (i-1) The guidelines established under Subsection (i) must
19 require that the cost savings projected by an offeror be reviewed by
20 a licensed professional engineer who has a minimum of three years of
21 experience in energy calculation and review, is not an officer or
22 employee of an offeror for the contract under review, and is not
23 otherwise associated with the contract. In conducting the review,
24 the engineer shall focus primarily on the proposed improvements

1 from an engineering perspective, the methodology and calculations
2 related to cost savings, increases in revenue, and, if applicable,
3 efficiency or accuracy of metering equipment. An engineer who
4 reviews a contract shall maintain the confidentiality of any
5 proprietary information the engineer acquires while reviewing the
6 contract. Sections 1001.053 and 1001.407, Occupations Code, apply
7 to work performed under the contract.

8 (i-2) The board may not enter into an energy savings
9 performance contract unless the contract has been [~~A contract is~~
10 ~~not required to be reviewed or~~] approved by the State Energy
11 Conservation Office. The contract may not be reviewed by the Texas
12 Higher Education Coordinating Board, regardless of any duties of
13 the coordinating board that exist under Section 61.058 with respect
14 to the construction, repair, or rehabilitation of buildings and
15 facilities at public institutions of higher education [~~Sections~~
16 ~~1001.053 and 1001.407, Occupations Code, apply to work performed~~
17 ~~under the contract~~].

18 (1) The guidelines established under Subsection (i) must
19 require the State Energy Conservation Office [~~Texas Higher~~
20 ~~Education Coordinating Board~~] to:

21 (1) review any reports submitted to the office [~~board~~]
22 that measure and verify cost savings to an institution of higher
23 education under an energy savings performance contract; and

24 (2) based on the reports, provide an analysis, on a
25 periodic basis, of the cost savings under the energy savings
26 performance contract to the governing board of the institution of
27 higher education and the Legislative Budget Board until the

1 governing board of the institution of higher education determines
2 that the analysis is no longer required to accurately measure cost
3 savings.

4 SECTION 2. The change in law made by this Act to Section
5 [51.927](#), Education Code, does not apply to an energy savings
6 performance contract submitted for approval by the Texas Higher
7 Education Coordinating Board under that section before the
8 effective date of this Act, and the former law governing the
9 approval of that contract is continued in effect for that purpose.

10 SECTION 3. This Act takes effect September 1, 2015.