

**160-5-4-.22 GUARANTEED ENERGY SAVINGS PERFORMANCE
CONTRACTS FOR PUBLIC SCHOOL FACILITIES**

(1) DEFINITIONS.

(a) **Guaranteed energy savings contract** – a contract executed pursuant to O.C.G.A. § 50-37-3 between a local board of education and a qualified energy service provider for evaluation, recommendation, and implementation of one or more energy conservation measures which shall include, at a minimum, the design and installation of equipment and, if applicable, operation and maintenance of any of the measures implemented, and guaranteed annual savings which must meet or exceed the total annual contract payments made by the governmental unit for such contract, including financing charges to be incurred by the governmental unit over the life of the contract.

(2) REQUIREMENTS.

(a) Local boards of education are authorized to enter into guaranteed energy savings contracts as provided in the Guaranteed Energy Savings Performance Contracting Act (O.C.G.A. § 50-37-1, et. seq.). Local boards of education shall adhere to all applicable requirements the Guaranteed Energy Savings Performance Contracting Act when entering into guaranteed energy savings contracts, including, but not limited to, requirements for provider selection and public advertisement.

(b) Local boards of education shall follow all State Board of Education rules and Georgia Department of Education guidelines for processing plans and specifications of capital improvements made by local boards of education as a part of guaranteed energy savings contracts.

(c) Capital improvements made as a part of guaranteed energy savings contracts may be eligible for capital outlay funding under O.C.G.A. § 20-2-260. To utilize capital outlay funding for capital improvements made as a part of guaranteed energy savings contracts, local boards of education shall ensure any such capital improvement is eligible for capital outlay funding under the restrictions of the applicable bond issue of the Georgia State Financing and Investment Commission (GSFIC) and shall follow all State Board of Education rules and Georgia Department of Education guidelines for capital outlay projects, including the *Guideline for Energy Savings Performance Contracts*.

(d) Local boards of education shall not be required to follow public bidding and advertisement requirements of O.C.G.A. § 36-91-20 or § 36-91-21 for guaranteed energy savings contracts provided the local board of education follows the requirements of the Guaranteed Energy Savings Performance Contracting Act.

(e) Local boards of education are encouraged to collaborate with the Georgia Energy Finance Authority (GEFA) prior to entering into a guaranteed energy savings contract.

Authority O.C.G.A. § 20-2-240; 20-2-260; 36-91-2; 50-37-1 – 50-37-8;

Adopted: August 22, 2012

Effective: September 12, 2012