

CHAPTER 17 RESOURCE PLANNING

SUBCHAPTER I. Rules Applying to Energy Savings Performance Contract Projects

Section

17.80. Projects Requiring Board Approval

Board approval is required before an institution enters into an energy savings performance contract as defined in Texas Education Code, §51.927. Energy Savings Performance Contract projects shall be evaluated under the provisions of §17.40 of this title (relating to Rules Applying to Repair and Renovation Projects). Additionally a review will be completed based on a set of guidelines to be developed in collaboration with the State Energy Conservation Office.

17.81. (No change.)

17.82. Additional Requirements

(a) In addition to those outlined in §17.21 of this title (relating to Application Procedures), a statement shall be included with the application, certified by a Professional Engineer licensed in the State of Texas who shall not be an officer or employee of the offeror for the contract, the institution seeking approval, or otherwise associated with the contract, that the contract meets the following guidelines:

(1) The contract complies with any and all applicable federal, state and local statutes;

(2) The contract contains an energy audit report, a Measurement and Verification plan that conforms to the International Performance Measurement and Verification Protocol (IPMPV) or a case-specific methodology conforming to IPMVP principles, and a detailed calculation of energy savings as a direct result of the project;

(3) The savings achieved over the specified term is equal to or greater than the cost of the project; and

(4) The contract meets the guidelines specified in Texas Education Code, §51.927, (relating to Energy Savings Performance Contracts).

(b) In addition to those outlined in §17.21 of this title (relating to Application procedures), a statement shall be included with the application signed by the institutions chief financial officer and general counsel that certifies that they have reviewed the energy contract and that the costs do not exceed the guaranteed savings and that other legal provisions are in compliance with applicable laws and statutes.

(c) ~~(b)~~ The institution shall provide to the Board a copy of the signed contract within 30 days of the effective date of the contract.