



State of Tennessee

PUBLIC CHAPTER NO. 281

SENATE BILL NO. 1270

By Hensley

Substituted for: House Bill No. 1193

By Butt, Sexton

AN ACT to amend Tennessee Code Annotated, Title 49, relative to finances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-2-203(a)(3), is amended by adding the following language as new subdivision (F):

(F)(i) Notwithstanding any law to the contrary, contracts for energy-related services that include both engineering services and equipment, and have as their purpose the reduction of energy costs in public schools or school facilities shall be awarded on the basis of recognized competence and integrity and shall not be competitively bid.

(ii) In the procurement of engineering services under this subdivision (F), the local board may seek qualifications and experience data from any firm or firms licensed in Tennessee and interview such firm or firms. The local board shall evaluate statements of qualifications and experience data regarding the procurement of engineering services, and shall conduct discussions with such firm or firms regarding the furnishing of required services and equipment and then shall select the firm deemed to be qualified to provide the services and equipment required.

(iii) The local board shall negotiate a contract with the qualified firm for engineering services and equipment at compensation which the local board determines to be fair and reasonable to the LEA. In making such determination, the local board shall take into account the estimated value of the services to be rendered, the scope of work, complexity and professional nature thereof and the value of the equipment.

(iv) Should the local board be unable to negotiate a satisfactory contract with the firm considered to be qualified, at a price determined to be fair and reasonable, negotiations shall continue with other qualified firms until an agreement is reached.

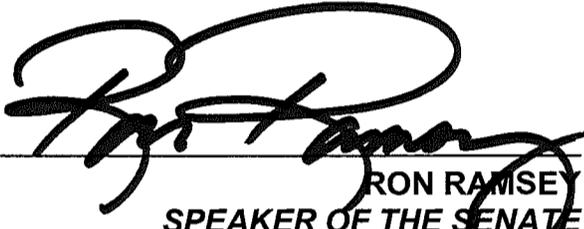
(v) A local board having a satisfactory existing working relationship for engineering services and equipment under this subdivision (F) may expand the scope of the services; provided, that they are within the technical competency of the existing firm, without exercising the provisions of this subdivision.

(vi) The provisions of this subdivision (a)(3)(F) shall not prohibit or prevent the energy efficient schools council from establishing required design criteria in accordance with industry standards.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: April 11, 2013



RON RAMSEY
SPEAKER OF THE SENATE



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 25th day of April 2013



BILL HASLAM, GOVERNOR