

ENERGY SAVINGS PERFORMANCE CONTRACTING STATUTES

TENNESSEE (as of June 25, 2010)

Tennessee has no explicit PC-enabling legislation. Energy conservation and savings efforts are addressed generally by Tennessee statutes 4-3-1017, 1018 and 1019. The statutes require that all executive branch agencies, including the University of Tennessee, support and participate in the Department of Finance and Administration’s implementation of energy management programs if so mandated by executive order. Participation is currently voluntary. Several state and local government entities, including school districts and institutions of higher education, have entered into energy savings performance contracts in recent years. In addition, Title 49 Chapter 17 sets forth the Energy Efficient Schools Initiative (EESI) of 2008, which encourages schools to enter into contracts to reduce energy consumption (note termination date of June 30, 2010).

	Statute	Procurement Method	Competitive Bidding/ Selection Requirements	Term of Contract	Guarantee Requirement	Restrictions/ Miscellaneous
State	<i>See generally</i> Tenn. Code Ann. 4-3-1012, 4-3-1017 and 4-3-1018.	<i>See</i> TCA 12-4-115, which allows for contracts for “energy-related services” to be awarded on the same basis as professional services agreements.	Not Available	Not Available	Not Available	The Department of Finance and Administration oversees the state building energy management program. The department’s duties include developing and implementing an energy management program, which may include implementing energy savings measures in state buildings, including through contracts with energy professionals. TCA 4-3-1012(c).
Counties		<i>See above</i> , TCA 12-4-115.	<i>See</i> TCA 12-4-106, pursuant to which contracts for professional services are not subject to competitive bidding requirements.	Not Available	Not Available	Not Available
Municipalities		<i>See above</i> , TCA 12-4-115.	<i>See above</i> , TCA 12-4-106.	Not Available	Not Available	Not Available
Townships/		<i>See above</i> , TCA	<i>See above</i> , TCA 12-4-106.			

Villages		12-4-115.				
School Districts	<i>See generally</i> Tenn. Code Ann. 49-17	Not Available	<i>See</i> TCA 49-2-203.	Not Available	Not Available	Not Available
State Universities	<i>See generally</i> Tenn. Code Ann. 4-3-1017 and 4-3-1018.	Not Available		Not Available	Not Available	Not Available