

COOPERATIVE USE OF THE SCHOOL OR AN ADJACENT PROPERTY AND GENERATION OF REVENUE TO OFFSET THE COST OF CONSTRUCTION OR USE OF THE SCHOOL; ~~AND~~

(4) PERFORMANCE-BASED CONTRACTING, IN WHICH A COUNTY BOARD ENTERS INTO AN ENERGY PERFORMANCE CONTRACT TO OBTAIN FUNDING FOR A PROJECT WITH GUARANTEED ENERGY SAVINGS OVER A SPECIFIED TIME PERIOD; AND

(5) DESIGN-BUILD ARRANGEMENTS, THAT PERMIT A COUNTY BOARD TO CONTRACT WITH A DESIGN-BUILD BUSINESS ENTITY FOR THE COMBINED DESIGN AND CONSTRUCTION OF QUALIFIED EDUCATION FACILITIES, INCLUDING FINANCING MECHANISMS WHERE THE BUSINESS ENTITY ASSISTS THE LOCAL GOVERNING BODY IN OBTAINING PROJECT FINANCING.

(B) EXCEPT WHEN PROHIBITED BY LOCAL LAW, IN ORDER TO FINANCE OR TO SPEED DELIVERY OF, TRANSFER RISKS OF, OR OTHERWISE ENHANCE THE DELIVERY OF PUBLIC SCHOOL CONSTRUCTION, A COUNTY MAY:

(1) USE ALTERNATIVE FINANCING METHODS;

(2) ENGAGE IN COMPETITIVE NEGOTIATION, RATHER THAN COMPETITIVE BIDDING, IN LIMITED CIRCUMSTANCES, INCLUDING CONSTRUCTION MANAGEMENT AT-RISK ARRANGEMENTS AND OTHER ALTERNATIVE PROJECT DELIVERY ARRANGEMENTS, AS PROVIDED IN REGULATIONS ADOPTED BY THE BOARD OF PUBLIC WORKS;

(3) ACCEPT UNSOLICITED PROPOSALS FOR THE DEVELOPMENT OF PUBLIC SCHOOLS IN LIMITED CIRCUMSTANCES, AS PROVIDED IN REGULATIONS ADOPTED BY THE BOARD OF PUBLIC WORKS; AND

(4) USE QUALITY-BASED SELECTION, IN WHICH SELECTION IS BASED ON A COMBINATION OF QUALIFICATIONS AND COST FACTORS, TO SELECT DEVELOPERS AND BUILDERS, AS PROVIDED IN REGULATIONS ADOPTED BY THE BOARD OF PUBLIC WORKS.

(C) THE BOARD OF PUBLIC WORKS SHALL ADOPT REGULATIONS REQUIRING A PROJECT THAT QUALIFIES FOR ALTERNATIVE FINANCING METHODS UNDER THIS SECTION TO MEET REQUIREMENTS REGARDING THE ADVANTAGES OF THE PROJECT TO THE PUBLIC THAT INCLUDE PROVISIONS ADDRESSING:

(1) THE PROBABLE SCOPE, COMPLEXITY, OR URGENCY OF THE PROJECT;

(2) ANY RISK SHARING, ADDED VALUE, EDUCATION ENHANCEMENTS, INCREASE IN FUNDING, OR ECONOMIC BENEFIT FROM THE PROJECT THAT WOULD NOT OTHERWISE BE AVAILABLE;

(3) THE PUBLIC NEED FOR THE PROJECT; AND

(4) THE ESTIMATED COST OR TIMELINESS OF EXECUTING THE PROJECT.

(D) PROJECTS THAT QUALIFY FOR ALTERNATIVE FINANCING METHODS UNDER THIS SUBSECTION: