

Capital Development Board Emergency Purchase

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Date: Jul 30, 2012

Project Number: 125-110-703

Estimated Cost: \$144,000.00

Using Agency: Dept of Juvenile Justice

Vendor: Colfax Corporation

Address: 2441 North Leavitt Street, Chicago, IL 60647

Justification (check all that apply):

- Threat to Public Health Threat to Public Safety Protect from Further Loss Insure Integrity of State Records
- Prevent or Minimize Serious Disruption in Critical State Services Affecting Health, Safety, or Collection of Substantial State Revenue

Conditions and circumstances requiring this emergency expenditure are:

Due to the Governor's plan to close IYC - Joliet by 10/31/12, emergency preparations to relocate maximum security recipients to IYC - St. Charles must be made, including asbestos abatement at 6 cottages. Every month IYC - Joliet has to remain open requires approximately \$1.7 million in operating funds that are not available. Funding has been located to operate the facility until December 31st, which still requires an emergency procurement due to lead times on detention equipment and construction.

Contractor Selection (list all contractors contacted and bid prices):

Colfax - \$144,000.00

Procurement Office Review: Chief Procurement Officer, Fred Hahn

Comments:

Date:

Signature:

Approve Disapprove Need More Information

Emergency Extension Justification:

Extension Hearing Date:

Final Cost: \$144,000.00

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EMERGENCY PURCHASE AFFIDAVIT

Reference # 125-110-010
125-110-703

Chief Procurement Officer (CPO) making a procurement under Illinois Procurement Code (30 ILCS 500/20-30) shall file affidavit with Procurement Policy Board and Auditor General within 10 days.

Agency: Capital Development Board Division: _____

Address: 401 South Spring Street

City: Springfield State: IL Zip: 62706

Vendor #1: George Sollitt Construction Company

Address: 790 N. Central Avenue

City: Wood Dale State: IL Zip: 60191

Vendor #2: Colfax Corporation

Address: 2441 N. Leavitt Street

City: Chicago State: IL Zip: 60647

State of Illinois)
 : SS
County of Sangamon

I, Gus Behnke being duly sworn, solemnly swear and affirm that I am Chief Fiscal Officer.

I have authorized the emergency procurement in accordance with standards as established by law and rule in fulfillment of the emergency purchase affidavit provisions of Illinois Procurement Code [30 ILCS 500/20-30] as follows.

- Involving threat to public health or public safety.
- Immediate expenditure is necessary for repairs to State property to protect against further loss of or damage
- To prevent or minimize serious disruption in critical State services that affect health, safety, or collection of substantial State revenues.
- To insure integrity of State records
- Quick purchase as provided by Section 20-30 (d) of the Illinois Procurement Code

The conditions and circumstances requiring this emergency purchase, including reason for selection of the particular contractor are:

The Governor has determined that IYC – Joliet will close by October 31, 2012. The Department of Juvenile Justice ("DJJ"), therefore, must make emergency preparations to relocate maximum-security residents from Joliet to IYC-St. Charles. Based on the accelerated schedule presented by the A/E on the renovation and upgrade project already underway (125-110-010), the project will not be completed with the six cottages ready to occupy until February 2013. Every additional month that IYC – Joliet would have to remain open requires up to an additional \$1.7 million in operating funds that are not available. The Governor's Office of Management and Budget has indicated that there is funding in the budget to keep IYC – Joliet open for approximately two additional months, through December 31, 2012, should it be necessary. Every effort has been made to shorten the schedule, but the extended deadline clearly cannot be met without emergency procurement.

DJJ must make emergency physical preparations to relocate maximum security recipients to IYC – St. Charles. Four housing units must be converted for maximum security use including asbestos abatement, installation of detention grade security windows, combination sink and lavatory fixtures, ceiling security upgrades and locks. An additional two cottages required for general population relocation requires asbestos abatement, replacing combination sink and lavatory fixtures with security finishes and upgraded lighting controls prior to occupation of the spaces. All six cottages in question have fire/life safety issues with fire protection systems and locking control systems that must be defined and addressed prior to occupancy. The declaration of an emergency will allow CDB to enter into contracts with a general trade contractor and asbestos abatement contractor immediately, expediting asbestos abatement, the ordering of detention equipment with lead times of approximately 8-12 weeks and the completion of general trade work. If the work at St. Charles is not complete when funding to maintain operations at Joliet is exhausted, the safety of juveniles in DJJ custody, as well as DJJ staff, will be seriously compromised as there will be insufficient space to safely house all of the juveniles in DJJ custody. Many of these juveniles are kept in maximum security for their own safety as well as for the safety of other juveniles and of DJJ staff. Without an emergency, this work cannot be completed before funding to maintain operations at Joliet is exhausted. Therefore, an emergency procurement is essential to minimize serious disruption in critical State services that affects safety.

Because the amount of work specified cannot possibly be completed within 90 days, CDB acknowledges that this emergency procurement will extend beyond the below expected end date(90 days initially allowed under the procurement code).

Vendor # 1 - Expected Start Date: 07/27/12 Expected End Date: 10/25/12

Vendor # 2 - Expected Start Date: 07/27/12 Expected End Date: 10/25/12

Extension of previous emergency purchase: Yes or No

Term of emergency procurement shall not exceed 90 days. Contract may be extended beyond 90 days if CPO determines additional time is necessary; however, prior to execution of extension, CPO must hold a public hearing and provide written description.

Amount of this expenditure is: \$ _____ Actual or \$ 4,091,939 *Estimated

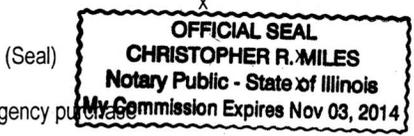
*When only an estimate of cost is available, the actual cost shall be reported immediately after it is determined.

I am duly authorized to make this affidavit. I know and understand the contents of this affidavit and all statements herein are true and correct. This affidavit is made pursuant to and in fulfillment of the requirements of Illinois Procurement Code [30 ILCS 500/20-30].

Gus Belmonte
Signature of Affiant

Subscribed and sworn before me this 30th day of July 2012.

Christopher R Miles
Notary Public



My Commission expires: _____

Section 20-30. Emergency purchase

(a) Conditions for use. In accordance with standards set by rule, a purchasing agency may make emergency procurements without competitive sealed bidding or prior notice when there exists a threat to public health or public safety, or when immediate expenditure is necessary for repairs to State property in order to protect against further loss of or damage to State property, to prevent or minimize serious disruption in critical State services that affect health, safety, or collection of substantial State revenues, or to ensure the integrity of State records; provided, however, that the term of the term of the emergency purchase shall be limited to the time reasonably needed for a competitive procurement, not to exceed 90 days. A contract may be extended beyond 90 days if the chief procurement officer determines additional time is necessary and that the contract scope and duration are limited to the emergency. Prior to the execution of the extension, the chief procurement officer must hold a public hearing and provide written justification for all emergency contracts. Members of the public may present testimony. Emergency procurements shall be made with as much competition as is practicable under the circumstances. A written description of the basis for the emergency and reasons for the selection of the particular contractor shall be included in the contract file.

(b) Notice. Notice of all emergency procurements shall be provided to the Procurement Policy Board and published in the online electronic Bulletin no later than 3 business days after the contract is awarded. Notice of intent to extend an emergency contract shall be provided to the Procurement Policy Board and published in the online electronic Bulletin at least 14 days before the public hearing. Notice shall include at least a description of the need for the emergency purchase, the contractor, and if applicable, the date, time and location of the public hearing. A copy of this notice and all documents provided at the hearing shall be included in the subsequent Procurement Bulletin. Before the next appropriate volume of the Illinois Procurement Bulletin, the purchasing agency shall publish in the Illinois Procurement Bulletin a copy of each written description and reasons and the total cost of each emergency procurement made during the previous month. When only an estimate of the total cost is known at the time of publication, the estimate shall be identified as an estimate and published. When the actual total cost is determined, it shall also be published in like manner before the 10th day of the next succeeding month.

(c) Affidavits. A chief procurement officer making a procurement under this Section shall file affidavits with the Procurement Policy Board and the Auditor General within 10 days after the procurement setting forth the amount expended, the name of the contractor involved, and the conditions and circumstances requiring the emergency procurement. When only an estimate of the cost is available within 10 days after the procurement, the actual cost shall be reported immediately after it is determined. At the end of each fiscal quarter, the Auditor General shall file with the Legislative Audit Commission and the Governor a complete listing of all emergency procurements reported during that fiscal quarter. The Legislative Audit Commission shall review the emergency procurements so reported and, in its annual reports, advise the General Assembly of procurements that appear to constitute an abuse of this Section.

(d) Quick purchases. The chief procurement officer may promulgate rules extending the circumstances by which a purchasing agency may make purchases under this Section, including but not limited to the procurement of items available at a discount for a limited period of time. (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

For continuation if necessary:

Reference # _____