

Emergency Procurement

Project Number: 310-210-002

Type of Procurement: Construction Services

Using Agency: Department of Human Services

Responsible Chief Procurement Officer: Fred Hahn

Vendor: Walsh Construction Company

Address: 929 West Adams Street
Chicago, IL 60607

Estimated Cost: \$6,215,000.00

The conditions and circumstances requiring this expenditure are:

The Treatment & Detention Facility (TDF) in Rushville, Illinois is mandated by law to detain sexually violent offenders. The TDF population has quickly been rising since January 2010, with an increase of 379 residents, to currently 501 residents. The maximum clinical number of residents is recommended to be 482. The maximum capacity of the TDF facility is 510 residents, which is expected to be reached by July 1, 2013. The TDF has exceeded the recommended clinical number of residents, and is swiftly approaching the maximum capacity of residents. The cause of the drastic increase of residents in the past three years has been a result of a lack of judicial release of detainees. The courts, and law, have determined that the residents of TDF cannot be released into the public, yet at the same time, they cannot be incarcerated as they pose a risk and have served their time for the underlying sex offense.

The expansion of the TDF is essential to the State of Illinois. If immediate action is not taken, the State of Illinois will incur excessive costs recreating the entire management, security, and treatment staff at another location. The expansion at the current facility is more cost effective than the alternative of building or housing residents at another location. If additional capacity is not added, the Illinois Department of Human Services (DHS) will be in violation of the state law requiring DHS to house and provide treatment to persons as deemed by the courts.

Notice Publication Date: 11/15/2012
Notice Expiration Date: 12/3/2012
Notice Addendum Publication Date: 11/19/2012
Notice Addendum Expiration Date: 12/03/2012

Extension Hearing Date:

FINAL COST:

Notice Addendum



Identification

| | |
|--------------------------|--|
| Reference Number: | 22029324 |
| Title: | Emergency Expansion - Rushville Treatment & Detention Facility |
| Agency Reference Number: | 321-210-002 |
| Agency: | CDB - Capital Development Board |
| Purchasing Agency: | CDB - Capital Development Board |
| Purchasing Agency SPO: | Christopher Flynn |
| Date First Offered | 11/09/2012 |
| Status: | Closed |

Overview

Description and Specifications:

Please be advised that CDB has selected Walsh Construction Company II LLC ("Walsh") to provide general contracting services on this project, as reflected in the attached affidavit.

Key Information

| | |
|---|---|
| Notice Type: | Emergency Procurement |
| Notice Stage: | No Hearing Required |
| Does this addendum add/or change vendor(s) information? (i.e. vendor name/address, contact information, and/or award amount, etc.)? | Yes |
| Published: | 11/19/2012 |
| Notice Expiration Date: | 12/03/2012 |
| Emergency Justification: | If additional capacity is not added, the Illinois Department of Human Services will be in violation of State law requiring DHS to house and provide treatment to the residents. Substantial safety risks will be increased to the staff and residents of the TDF if emergency measures are not enacted. |
| Accordance with Admin Rule: | Danger to public health/safety, Minimize serious disruption to critical state services that affect health, safety, or collection of substantial state revenues |
| Professional & Artistic: | No |
| Small Business Set-Aside: | No |
| Does this solicitation contain a BEP or DBE requirement?: | No |
| Relevant Category: | Facilities |
| Total Amount of Award: Estimated/Actual Value | \$6,215,000.00 (Total Dollar Value Only/Includes Any Renewal Options) |

Description:

Length of Initial Term: 3
 Contract Begin Date: 11/16/2012
 Contract End Date: 02/14/2013
 Renewal Terms: 0

Bidder(s)

Number of Responding Bidders: 1
 Number of Unsuccessful Responsive Bidders: 0
 Total Number Awarded: 1

Listing of All Bidders/Offerors Considered But Not Selected:

N/A

Source Selection: N/A

Vendor(s) Selected for Award

| Vendor Name | Amount of Award | BEP Goal % | DBE Goal % |
|--|-----------------|------------|------------|
| <u>Walsh Construction Company II LLC</u> | \$6,215,000.00 | 0% | 0% |

Notice Contact

Name: Chris Flynn
 Street Address: 318 Stratton Building
 City: Springfield
 State: IL
 Zip Code: 62706
 Phone: 217-558-2185
 Fax Number: 217-558-2164
 EMail Address: christopher.flynn@illinois.gov

Class Code

Class Codes: S210 Construction Services

Notify Type: Send email to selected Class Codes only

Attachments

To download file(s), click on filename(s) located below. Not all Notice Addendums will have files to download.

File Attachments: • [Rushville TDF - Affidavit 11.19.12.pdf \(183617 Bytes\)](#)

EMERGENCY PURCHASE AFFIDAVIT

Reference #321-210-002

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: Department of Human Services Division: Treatment & Detention Facility- Rushville

Address: 1680 E. County Farm Road

City: Rushville State: IL Zip: 62681

Vendor 1: Hellmuth Obata & Kassabaum Inc

Address: 60 E Van Buren, 14th Floor

City: Chicago State: IL Zip: 60605

Vendor 2: Walsh Construction Company II LLC

Address: 929 West Adams Street

City: Chicago State: IL Zip: 60607

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.

- checkboxes for: 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 Treatment & Detention Facility in Rushville, Illinois, is mandated by law to detain sexually violent offenders. The TDF population has quickly been rising since January 2010, with an increase from 379 residents, to currently 501 residents. The maximum clinical number of residents is recommended to be 482. The maximum capacity of the TDF facility is 510 residents, which is expected to be reached by July 1, 2013. The TDF has exceeded the recommended clinical number of residents, and is swiftly approaching the maximum capacity of residents. The cause of the drastic increase of residents in the past three years has been a result of a lack of judicial release of detainees. The courts, and law, have determined that the residents of TDF cannot be released into the public, yet at the same time, they cannot be incarcerated as they pose a risk and have served their time for the underlying sex offense.

The expansion of the TDF is essential to the State of Illinois. If immediate action is not taken, the State of Illinois will incur excessive costs recreating the entire management, security, and treatment staff at another location. The expansion at the current facility is more cost effective than the alternative of building or housing residents at another location. If additional capacity is not added, the Illinois Department of Human Services will be in violation of the state law requiring DHS to house and provide treatment to persons as deemed by the courts. Substantial safety risks will be increased to the staff and residents of TDF if emergency measures are not enacted.

The TDF has additional land that could be utilized for the expansion of another housing unit and would allow continued use of existing services at the facility without a disruption to the treatment of residents. TDF is requesting an expansion of the current facility, which includes 50 units and related infrastructure by July 1, 2013.

HOK has been selected to design and oversee construction of the expansion at the TDF because of their experience with detention and correctional facilities, specifically pre-cast modules. Walsh Construction Company II LLC has been recommended to order and construct the units and related infrastructure due to experience with detention and correctional facilities and pre-cast modules.

The current capacity of the facility suggests that design and construction of the expansion take place more quickly than could be done through a competitive procurement. This project began through the emergency selection of an Architect/Engineer ("A/E"); this exempts the selection from a 14-day solicitation required through Qualifications-Based Selection ("QBS"). Indeed, A/E selections from CDB's most recent Professional Services Bulletin are scheduled to be presented at its January Board meeting, which under its standard process means an A/E for this project would not be selected through QBS until CDB's March meeting, at which time negotiation of a contract would begin. Considering the time frames then needed for negotiation and execution of an A/E contract, preparation of design documents, and completion of CDB's existing competitive bid process, construction under existing processes would likely not begin until several months later. For this reason, an emergency procurement is necessary to facilitate completion by the July 1, 2013 deadline requested by the Department of Human Services.

Because the amount of work specified, including design, detention equipment lead time, and construction, the work cannot possibly be completed within 90 days, and therefore CDB acknowledges that the emergency procurements will extend beyond the below expected end dates (90 days initially allowed under the procurement code).

Vendor 1- Expected Start Date: 11/09/12 Expected End Date: 02/07/13
Vendor 2- Expected Start Date: 11/16/12 Expected End Date: 02/14/13

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.

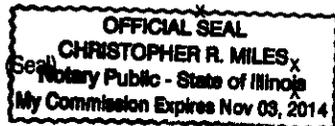
Vendor 1- Amount of this expenditure: \$ _____ Actual or \$625,000.00 *Estimated
Vendor 2- Amount of this expenditure: \$ _____ Actual or \$6,215,000.00 *Estimated

*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].

Geo. Robinson
Signature of Affiant

Subscribed and sworn before me this 19th day of November 2012.



Christopher R. Miles
Notary Public

My Commission expires: 11/3/14

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 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.)