



Notice 2014.06 General Services

To: State Purchasing Officers
Agency Procurement Staff
CMS Bureau of Strategic Sourcing

From: Matt Brown *MB*

Date: October 3, 2013

Subject: Emergency Procurement Filing Requirements

CC: Procurement Policy Board
Procurement Compliance Monitors
Office of the Auditor General

This CPO Notice is effective October 3, 2013. By issuance of this notice, the Chief Procurement Office reminds agencies on posting and filing requirements of emergency procurements. The applicable Section of the Procurement Code outlining requirements that must be met for emergency purchases may be found at 30 ILCS 500/20-30, and in the administrative rules at 44 Ill. Admin. Code 1.2030.

Agencies may make emergency procurements without competitive sealed bidding or prior notice when 1) there exists a threat to public health or public safety, 2) immediate expenditure is necessary for repairs to State property in order to protect against further loss of or damage to State property, 3) to prevent or minimize serious disruption in critical State services that affect health, safety, or collection of substantial State revenues, or 4) to ensure the integrity of State records. In most instances when a contract is estimated to be less than \$50,000, a small purchase is appropriate. Emergency procurements shall be made with as much competition as is practicable under the circumstances.

Once a determination is made to proceed with an emergency purchase, the Procurement Code requires notice of the emergency procurement to be provided to the Procurement Policy Board (PPB) and published in the Illinois Procurement Bulletin (Bulletin) no later than 3 business days after the contract is awarded.

The contract award date must be reflected on the SPO Determination Form. The contract award date for purposes of the initial emergency is the earlier of the date an agency communicates to a vendor to start work, publication on the Bulletin identifying the vendor of the required goods or services, or the date the contract is signed by both parties.

The term of an emergency purchase is limited to the time reasonably needed for a competitive procurement, not to exceed 90 days. A contract may be extended beyond 90 days only if the chief procurement officer determines additional time is necessary and that the contract scope and duration are limited to the emergency. Prior to execution of the extension, the CPO must hold a public hearing and provide written justification for the emergency. Notice of intent to extend an emergency beyond 90 days must be provided to the PPB and



CHIEF PROCUREMENT OFFICE

Matt Brown, General Services

published on the Bulletin at least 14 days before the public hearing. The CPO recommends that hearing take place a minimum of 15 days in advance of the expiration of the initial emergency contract. The contract award date for purposes of an extension is the date the CPO approves the contract extension, as reflected on Part II of the Emergency Extension Justification Form.

Emergency purchase affidavits must be filed with the PPB and the Auditor General within 10 calendar days after contract award setting forth the amount expended, the name of the contractor, and the conditions and circumstances requiring the emergency procurement. If only an estimate of the cost is available, the affidavit shall indicate it is an estimate and the actual cost affidavit shall be filed after it is determined, but prior to the 10th day of the next succeeding month.

It is recommended the emergency purchase affidavit be published to the Bulletin at the same time as the Notice of Award for Emergency Procurement is published. If the affidavit is not available at the time the award notice is published, the affidavit shall be published as an addendum to the award notice within 10 calendar days of the contract award, as well as being provided to the Auditor General. The address for the Office of the Auditor General is 740 East Ash Street, Springfield, Illinois 62703.

Agencies and State Purchasing Officers should work with each other to ensure these filing requirements are met. Use of the Procurement File Checklist for Emergency Purchases and calendaring the dates by which action must be taken will help verify compliance. Procurement File Checklists may be found at www2.illinois.gov/cpo/general/Pages/DoingBusinesswithStateAgencies.aspx.

If there are any questions regarding this notice, please contact the Chief Procurement Office at (217) 558-2231.

-End-