

HB4609



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB4609

by Rep. Adam Brown

SYNOPSIS AS INTRODUCED:

30 ILCS 500/20-30

Amends the Illinois Procurement Code. Provides for the identification and reporting of emergency purchases caused by agency process failures or delays; specifies the information to be reported. Effective immediately.

LRB099 17191 MLM 41549 b

A BILL FOR

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Procurement Code is amended by
5 changing Section 20-30 as follows:

6 (30 ILCS 500/20-30)

7 Sec. 20-30. Emergency purchases.

8 (a) Conditions for use. In accordance with standards set by
9 rule, a purchasing agency may make emergency procurements
10 without competitive sealed bidding or prior notice when there
11 exists a threat to public health or public safety, or when
12 immediate expenditure is necessary for repairs to State
13 property in order to protect against further loss of or damage
14 to State property, to prevent or minimize serious disruption in
15 critical State services that affect health, safety, or
16 collection of substantial State revenues, or to ensure the
17 integrity of State records; provided, however, that the term of
18 the emergency purchase shall be limited to the time reasonably
19 needed for a competitive procurement, not to exceed 90 calendar
20 days. Emergencies caused by agency process failures or delays
21 shall be categorized as such and shall be reported to the
22 Procurement Policy Board in a form prescribed by the Board no
23 later than 5 business days after selection. The prescribed form

1 shall include at minimum the agency, product or service,
2 selected vendor, and the agency procurement officer
3 responsible for the selection. A contract may be extended
4 beyond 90 calendar days if the chief procurement officer
5 determines additional time is necessary and that the contract
6 scope and duration are limited to the emergency. Prior to
7 execution of the extension, the chief procurement officer must
8 hold a public hearing and provide written justification for all
9 emergency contracts. Members of the public may present
10 testimony. Emergency procurements shall be made with as much
11 competition as is practicable under the circumstances. A
12 written description of the basis for the emergency and reasons
13 for the selection of the particular contractor shall be
14 included in the contract file.

15 (b) Notice. Notice of all emergency procurements shall be
16 provided to the Procurement Policy Board and published in the
17 online electronic Bulletin no later than 5 calendar days after
18 the contract is awarded. Notice of intent to extend an
19 emergency contract shall be provided to the Procurement Policy
20 Board and published in the online electronic Bulletin at least
21 14 calendar days before the public hearing. Notice shall
22 include at least a description of the need for the emergency
23 purchase, the contractor, and if applicable, the date, time,
24 and location of the public hearing. A copy of this notice and
25 all documents provided at the hearing shall be included in the
26 subsequent Procurement Bulletin. Before the next appropriate

1 volume of the Illinois Procurement Bulletin, the purchasing
2 agency shall publish in the Illinois Procurement Bulletin a
3 copy of each written description and reasons and the total cost
4 of each emergency procurement made during the previous month.
5 When only an estimate of the total cost is known at the time of
6 publication, the estimate shall be identified as an estimate
7 and published. When the actual total cost is determined, it
8 shall also be published in like manner before the 10th day of
9 the next succeeding month.

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

26 (d) Quick purchases. The chief procurement officer may

1 promulgate rules extending the circumstances by which a
2 purchasing agency may make purchases under this Section,
3 including but not limited to the procurement of items available
4 at a discount for a limited period of time.

5 (e) The changes to this Section made by this amendatory Act
6 of the 96th General Assembly apply to procurements executed on
7 or after its effective date.

8 (Source: P.A. 98-1076, eff. 1-1-15.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.