

# HB2927



## 99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB2927

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 09341 SXM 29546 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 responsible  
3 for the selection. A contract may be extended beyond 90  
4 calendar days if the chief procurement officer determines  
5 additional time is necessary and that the contract scope and  
6 duration are limited to the emergency. Prior to execution of  
7 the extension, the chief procurement officer must hold a public  
8 hearing and provide written justification for all emergency  
9 contracts. Members of the public may present testimony.  
10 Emergency procurements shall be made with as much competition  
11 as is practicable under the circumstances. A written  
12 description of the basis for the emergency and reasons for the  
13 selection of the particular contractor shall be included in the  
14 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.