**Section 8.160 Alternative Procurement Methods**

In lieu of competitive sealed bidding, CDB shall procure goods and services by the following or as otherwise allowed by statute or rule:

a) Small Contracts

1) As authorized by the Code, individual contracts for supplies or services not exceeding the following thresholds may be made without notice, competition or use of other method of procurement prescribed in the Code or this Part:

A) Any contract not exceeding $25,000;

B) Contracts for professional or artistic services not exceeding $20,000 that are nonrenewable and one year or less in duration;

C) Construction and construction-related contracts not exceeding $30,000; and

D) Any contract subject to action by the Procurement Policy Board under Code Section 20-20 to adjust threshold amounts for inflation or to modify the above small purchase amounts.

2) Section 30-35 of the Code provides that a construction contract change order may cause the obligation or expenditure of funds in excess of the original contract price provided that the subject of the change order is germane to the original contract. Section 30-35 of the Code further establishes the manner in which the amount of additional expenditure or obligation will be determined and authorized by the Board. CDB will approve construction contract change orders authorizing the obligation or expenditure of additional funds without supplemental procurement procedures in accordance with the following requirements and thresholds:

A) A construction contract change order that is germane and that causes the obligation or expenditure in excess of the amounts in Section 30-35(b) of the Code or of more than $30,000 in excess of the contract price, whichever is less, will not be authorized without supplemental procurement procedures unless the scope of the change order is approved as provided in Section 30-35 of the Code.

B) Determination of germaneness and the amount of additional expenditure or obligation thresholds will be determined in accordance with this Part and Section 30-35 of the Code.

C) Prior written approval will be made by the Board if the contemplated construction contract change order will cause an expenditure or obligation of funds of more than $30,000 in excess of the contract price. The written approval will state the reasons for the additional obligation or expenditure and the basis for the germaneness determination.

D) For purposes of determining the scope of the change order and the value thereof that is subject to the requirements of this Section, the Board will consider the total net value of all added and deducted work functions related to the object of the change order and the work of the contract to be affected.

E) Notice of approved construction contract change orders will be published in the Capital Development Board Procurement Bulletin.

3) Estimated needs shall not be divided in any manner to avoid the use of an established method of procurement. (See Section 20-20(a) of the Code.)

b) Construction Manager Services

Procurement of a construction manager for project services, which may include, but are not limited to, scheduling, contractor coordination, and administration of pay requests, but not including design services, shall be made in accordance with Code Section 20-15 providing for competitive sealed proposals and 44 Ill. Adm. Code 1.2035 (Competitive Selection Procedures for Professional and Artistic Services) and 1.2015 that establishes procedures for competitive sealed proposals.

c) Emergency Contracts

1) A contract may be procured without the use of any other method of procurement prescribed in the Code or this Part when there exists a threat to public health or safety, or when an immediate contract is needed to repair State property in order to prevent or minimize loss or damage to State property, or to prevent or minimize serious disruption in State services, including but not limited to, completion of a defaulted contract, or to ensure the integrity of State records. (See Section 20-30(a) of the Code.)

2) For purposes of determining whether an emergency exists to prevent or minimize serious disruption in State services, State services include, but are not limited to, all activities committed by law to the jurisdiction or responsibility of the Board and the user agency, whether provided directly or indirectly by means of contract or intergovernmental agreement.

3) The Board will employ such competition as is practical under the emergency circumstances to abate the emergency situation, including the use of existing contracts.

4) Section 20-30(a) of the Code requires a written description of the basis for the emergency and reasons for the selection of the particular contractor to be included in the contract file. Section 20-30 of the Code further requires an affidavit to be filed with the Auditor General setting forth the amount expended, the name of the contractor and the basis for the emergency. For purposes of Board emergency procurements, the Code-required affidavits will serve as the Code-required written descriptions retained in the contract file, and for purposes of publication notice as required by Code.

d) Sole Source and Limited Source

1) A contract may be procured from a single source contractor without competition or use of any other method of procurement prescribed in the Code or this Part when the single source contract is the only economically feasible source capable of providing the services, including professional and artistic services, contemplated or the material or product to be supplied. (See Section 20-25 of the Code.)

2) Examples of circumstances that could necessitate sole source procurement include but are not limited to:

A) when the compatibility of equipment, accessories, replacement parts, or service is a primary consideration;

B) when trial use, testing or the development of new technology is the object of the procurement;

C) when a sole supplier's item is to be procured for resale;

D) when utility services are to be procured;

E) when the surety providing a performance bond tenders a completion contractor, acceptable to the Board, to complete a defaulted contract;

F) when the item is copyrighted or patented and the item is not available except from the holder of the copyright or patent or service area licensee; and

G) when utility or other private property is to be relocated or otherwise adjusted by the owner to accommodate a Board project.

3) Change Orders. Change orders to existing contracts germane to the original contract that are necessary or desirable to complete the project, and that can be best accomplished by the contract holder, may be procured under this Section.

4) Bulletin. The Board shall publish notice of intent to contract on a sole source basis in the Capital Development Board Procurement Bulletin at least 14 days prior to execution of the contract. (See Section 20-25 of the Code.)

e) Illinois Correctional Industries

Procurement from Illinois Correctional Industries constitutes contracting between State governmental bodies, exempt from Procurement Code requirements, and shall be done in accordance with CPO-GS rules and this Part. Such procurements may utilize an annual master contract with agreed-upon unit prices for construction services, against which sub-orders may be placed for specific CDB projects.

f) Art-in-Architecture Program Procurement

Works of art procured for CDB construction projects pursuant to Section 14 of the CDB Act shall be in accordance with selection procedures developed by the Fine Arts Review Committee and CDB, in consultation with the Public Arts Advisory Committee.