**Section 1120.2030 Emergency Procurements**

a) Applications

The provisions of this Section apply to every procurement over the small purchase limit set in Section 1120.2020, that is not a sole source procurement under Section 1120.2025, made under emergency conditions.

b) Definition of Emergency Conditions

Procurements may be made under this Section in the following circumstances:

1) Traditional circumstances include but are not limited to:

A) public health or safety, including the health or safety of any particular person, is threatened;

B) repairs to IOC property are needed to protect against further loss or damage to IOC property, or to prevent loss or damage to IOC property;

C) action is needed to prevent or minimize serious disruption in State services;

D) action is needed to ensure the integrity of State records;

E) a supplier of goods or services announces bankruptcy, going out of business, or loss of franchise, or gives other similar reason such that making a purchase immediately is in the State's best interest;

F) items are available on the spot market or at discounted prices available for a limited time such that good business judgment mandates a purchase immediately to take advantage of the availability and price;

G) legal services to assist an agency in the formulation of policy, in drafting or evaluating documents, or in determining the extent of statutory authority that are needed sooner than the competitive process would allow;

H) the need for items to protect or further State interests is immediate and use of other competitive source selection procedures under the Code and this Part cannot be accomplished without significant risk of causing serious disadvantage to the State;

I) extending a contract is needed to conduct a competitive method of source selection;

J) immediate action is necessary to avoid lapsing or loss of federal or donated funds; or

K) immediate action is necessary to protect the collection of State revenue.

2) After Unsuccessful Competitive Sealed Bidding or Proposals or Request for Proposals. When bids or proposals received pursuant to a competitive sealed bid or competitive sealed proposal method are unreasonable or noncompetitive, or the price exceeds available funds, and time or other circumstances will not permit the delay required to resolicit competitive sealed bids or proposals, and if emergency conditions exist after an unsuccessful attempt to use competitive sealed bidding, an emergency procurement may be made.

3) Extension to Allow Competition. Extending an existing contract for such period of time as is needed to conduct a competitive method of source selection where terminating or allowing the contract to terminate would not be advantageous to the State.

4) Quick Purchase

A) A supplier announces bankruptcy, cessation of business, or loss of franchise, or gives other similar reason such that making a purchase immediately is more advantageous to the State than instituting a competitive procurement under the provisions of this Code for the supplies or services;

B) Items are available on the spot market or at discounted prices for a limited time so that good business judgment mandates a purchase immediately to take advantage of the availability and price.

c) Scope of Emergency Conditions

1) Emergency procurement shall be limited to the supplies or services, quantity and term reasonably necessary to meet the emergency.

2) Emergency procurements shall be limited to the time reasonably needed for a competitive procurement, but in no event shall that time exceed 90 days unless the CPO determines additional time is needed.

3) In the event an emergency procurement exceeds 90 days, the contract scope and duration may be extended. The extension shall be limited in items, quantity and days.

d) Authority to Make Emergency Procurements

Authority to make emergency procurements is established by subsection (c), provided that, whenever practical, existing IOC contracts shall be utilized and, whenever practical, approval by the CPO shall be obtained prior to the procurement. The CPO shall be responsible for making the filings required in Section 20-30 of the Code.

e) Source Selection Methods

Any method of source selection, whether or not identified in the Code or this Part, may be used to conduct the procurement in emergency situations. Such competition as is practicable shall be obtained.

f) Determination and Record of Emergency Procurement

1) Determination. The CPO shall make a written determination stating the basis for an emergency procurement and for the selection of the particular contractor. The determinations shall be kept in the contract file.

2) Record. An affidavit of each emergency procurement shall be filed by the CPO with the IOC PPB and the Auditor General within 10 days after the procurement and shall include the following information:

A) the vendor's name;

B) the amount and type of the contract (if only an estimate of the amount is available immediately, the record shall be supplemented with the final amount once known);

C) a description of what the vendor will do or provide;

D) the reasons for using the emergency method of source selection.

3) Notice of the emergency procurement shall be published in the Bulletin in accordance with Subpart D of this Part.

g) Extensions of Emergencies

In the event an emergency procurement exceeds 90 days, the emergency procurement may be extended. Prior to the execution of the extension:

1) the CPO must determine additional time is necessary;

2) the contract scope and duration must be limited to the emergency;

3) a public hearing must be held;

4) the CPO must provide written justification for the emergency contract; and

5) notice of the intent to extend shall be provided to the IOC PPB and published in the Bulletin in accordance with Subpart D.

(Source: Amended at 37 Ill. Reg. 3075, effective March 1, 2013)