

# HB5652



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5652

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.

LRB098 17744 JWD 52864 b

FISCAL NOTE ACT  
MAY APPLY

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 days.  
20 Emergencies caused by agency process failures or delays shall  
21 be categorized as such and shall be reported to the Procurement  
22 Policy Board in a form prescribed by the Board no later than 5  
23 business days after selection. The prescribed form shall

1 include at minimum the agency, product or service, selected  
2 vendor and the agency procurement officer responsible for the  
3 selection. A contract may be extended beyond 90 days if the  
4 chief procurement officer determines additional time is  
5 necessary and that the contract scope and duration are limited  
6 to the emergency. Prior to execution of the extension, the  
7 chief procurement officer must hold a public hearing and  
8 provide written justification for all emergency contracts.  
9 Members of the public may present testimony. Emergency  
10 procurements shall be made with as much competition as is  
11 practicable under the circumstances. A written description of  
12 the basis for the emergency and reasons for the selection of  
13 the particular contractor shall be included in the contract  
14 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 3 business 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 days before the public hearing. Notice shall include at  
22 least a description of the need for the emergency purchase, the  
23 contractor, and if applicable, the date, time, and location of  
24 the public hearing. A copy of this notice and all documents  
25 provided at the hearing shall be included in the subsequent  
26 Procurement Bulletin. Before the next appropriate volume of the

1 Illinois Procurement Bulletin, the purchasing agency shall  
2 publish in the Illinois Procurement Bulletin a copy of each  
3 written description and reasons and the total cost of each  
4 emergency procurement made during the previous month. When only  
5 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 days  
13 after the procurement setting forth the amount expended, the  
14 name of the contractor involved, and the conditions and  
15 circumstances requiring the emergency procurement. When only  
16 an estimate of the cost is available within 10 days after the  
17 procurement, the actual cost shall be reported immediately  
18 after it is determined. At the end of each fiscal quarter, the  
19 Auditor General shall file with the Legislative Audit  
20 Commission and the Governor a complete listing of all emergency  
21 procurements reported during that fiscal quarter. The  
22 Legislative Audit Commission shall review the emergency  
23 procurements so reported and, in its annual reports, advise the  
24 General Assembly of procurements that appear to constitute an  
25 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. 96-795, eff. 7-1-10 (see Section 5 of P.A. 96-793  
9 for the effective date of changes made by P.A. 96-795).)

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