**Section 4.2030 Emergency Procurements**

a) Authority to Make Emergency Procurements

The provisions of this Part apply to every procurement over the small purchase limit set in Section 4.2020 (Small Purchases) made under emergency conditions. A university shall have the authority to make emergency procurements when an emergency condition arises and the need cannot be met through normal procurement methods.

b) Statutory Emergency Conditions

A statutory emergency condition exists:

1) when there exists a threat to public health or public safety;

2) when immediate expenditure is needed for repairs to university property in order to protect against further loss or damage to university property;

3) to prevent or minimize serious disruption in critical university services that affect health, safety, or collection of substantial State revenues; or

4) to ensure the integrity of university records.

c) Quick Purchase. The quick purchase emergency method of source selection is allowed in certain situations, including, but not limited to:

1) protecting the health and safety of any person;

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

3) rare items, such as articles of historical value or art collections, are available for a limited time;

4) the opportunity to obtain entertainment, speakers and athletic and other events or performances (not exempt under Section 1-13 of the Code) is available for a limited time;

5) immediate action is necessary to avoid lapsing or loss of federal or donated funds.

d) Scope of Emergency Conditions

Emergency procurement shall be limited to those supplies, services, construction or other items necessary to meet the emergency need. In certain situations, the purchase to meet the immediate need (i.e., the temporary solution) may, by necessity, also be the permanent solution. In this event, the notice shall describe that circumstance.

e) Source Selection Methods

Any method of source selection, whether or not identified in this Part, may be used to conduct the procurement in emergency situations. Whenever practical, existing State contracts shall be utilized. Such competition as is practicable shall be obtained recognizing the need to obtain the item in time to meet the emergency need. Documentation of all efforts made to obtain competition, including efforts at diversity, shall be made part of the procurement file.

f) Determination and Record of Emergency Procurement

1) Determination. The university shall make a written determination stating the basis for an emergency procurement, showing that the situation meets criteria for an emergency established by the Code and this Part and providing the reason for selecting the particular vendor. These determinations shall be kept in the contract file.

2) Emergency Contract Award. For purposes of an emergency contract, an emergency contract is awarded on the earliest of the date a university communicates to a vendor when to start work, the date of publication on the Illinois Procurement Bulletin identifying the selected vendor of the required supplies or services, or the date the contract is signed by both parties. Documentation of the contract award date shall be part of the procurement file.

3) Statement. The university shall prepare a statement for each emergency procurement (including statutory, quick purchases and extensions of emergency contracts beyond 90 days) and shall file it with the CPO-HE, PPB and Auditor General within 10 days after the contract is awarded. The statement shall be submitted electronically through the Bulletin, but if the Bulletin is not available, the statement shall be submitted through alternate means. The statement 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.

4) Publication. Notice of the emergency procurement shall be published in the Bulletin as specified in Sections 15-25(c) and 20-30 of the Code no later than 5 days after the contract is awarded and shall include a description of the procurement, the reasons for the emergency procurement, the emergency statement, and the total cost. When only an estimate of the total cost is known at the time of publication, the estimate shall be identified as an estimate and published. When the total cost is determined, it shall also be published in like manner before the 10th day of the next succeeding month.

g) Duration of Emergency Contract

1) The term of the temporary solution emergency contract shall be limited to the time reasonably needed for a competitive procurement for the permanent solution, not to exceed 90 days.

2) A temporary solution emergency contract may be extended beyond 90 days if the CPO-HE determines additional time is necessary and the contract scope and duration are limited to the emergency. Prior to execution of the extension, a public hearing shall be held at which any person may present testimony.

3) Notice of Extension. Notice of intent to extend an emergency contract shall be published in the Bulletin at least 14 days prior to a public hearing. Notice shall include at least a description of the need for the emergency extension, the vendor, and the date, time and location of the public hearing.

4) The initial determination as to whether an emergency shall be extended for a term longer than 90 days shall be requested by the university, in the form of an extension request submitted to the SPO using the form prescribed by the CPO-HE. The request shall include the justification for the extension. Prior to execution of the extension, a public hearing shall be held at which any person may present testimony. The CPO-HE may conduct the hearing or may authorize a hearing officer to hold the hearing and make a recommendation. The CPO-HE shall make a final determination as required by Section 20-30(a) of the Code. The final determination shall be published in the Bulletin. The term of the proposed contract extension may be shortened or lengthened as determined by the CPO-HE.

h) Contract Extension Hearing

The hearing shall be conducted in accordance with Subpart U.

(Source: Amended at 43 Ill. Reg. 1781, effective February 15, 2019)