



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3262

by Rep. Barbara Flynn Currie

SYNOPSIS AS INTRODUCED:

30 ILCS 500/20-30

Amends the Procurement Code. Provides that a copy of notice of all emergency procurements and all documents provided at a public hearing shall be included in the online electronic (now, subsequent Procurement) Bulletin. Provides that the State purchasing officer (now, the purchasing agency) shall publish information regarding the emergency procurement. Provides that the actual total cost of an emergency purchase shall be published no later than 5 calendar days after it is determined (now, before the 10th day of the next succeeding month). Effective July 1, 2015.

LRB099 09581 SXM 29790 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 calendar
20 days. A contract may be extended beyond 90 calendar days if the
21 chief procurement officer determines additional time is
22 necessary and that the contract scope and duration are limited
23 to the emergency. Prior to execution of the extension, the

1 chief procurement officer must hold a public hearing and
2 provide written justification for all emergency contracts.
3 Members of the public may present testimony. Emergency
4 procurements shall be made with as much competition as is
5 practicable under the circumstances. A written description of
6 the basis for the emergency and reasons for the selection of
7 the particular contractor shall be included in the contract
8 file.

9 (b) Notice. Notice of all emergency procurements shall be
10 provided to the Procurement Policy Board and published in the
11 online electronic Bulletin no later than 5 calendar days after
12 the contract is awarded. Notice of intent to extend an
13 emergency contract shall be provided to the Procurement Policy
14 Board and published in the online electronic Bulletin at least
15 14 calendar days before the public hearing. Notice shall
16 include at least a description of the need for the emergency
17 purchase, the contractor, and if applicable, the date, time,
18 and location of the public hearing. A copy of this notice and
19 all documents provided at the hearing shall be included in the
20 online electronic ~~subsequent Procurement~~ Bulletin. The State
21 purchasing officer ~~Before the next appropriate volume of the~~
22 ~~Illinois Procurement Bulletin, the purchasing agency~~ shall
23 publish in the Illinois Procurement Bulletin a copy of each
24 written description and reasons and the total cost of each
25 emergency procurement made during the previous month. When only
26 an estimate of the total cost is known at the time of

1 publication, the estimate shall be identified as an estimate
2 and published. When the actual total cost is determined, it
3 shall also be published in like manner no later than 5 calendar
4 days after it is determined ~~before the 10th day of the next~~
5 ~~succeeding month.~~

6 (c) Affidavits. A chief procurement officer making a
7 procurement under this Section shall file affidavits with the
8 Procurement Policy Board and the Auditor General within 10
9 calendar days after the procurement setting forth the amount
10 expended, the name of the contractor involved, and the
11 conditions and circumstances requiring the emergency
12 procurement. When only an estimate of the cost is available
13 within 10 calendar days after the procurement, the actual cost
14 shall be reported immediately after it is determined. At the
15 end of each fiscal quarter, the Auditor General shall file with
16 the Legislative Audit Commission and the Governor a complete
17 listing of all emergency procurements reported during that
18 fiscal quarter. The Legislative Audit Commission shall review
19 the emergency procurements so reported and, in its annual
20 reports, advise the General Assembly of procurements that
21 appear to constitute an abuse of this Section.

22 (d) Quick purchases. The chief procurement officer may
23 promulgate rules extending the circumstances by which a
24 purchasing agency may make purchases under this Section,
25 including but not limited to the procurement of items available
26 at a discount for a limited period of time.

1 (e) The changes to this Section made by this amendatory Act
2 of the 96th General Assembly apply to procurements executed on
3 or after its effective date.

4 (Source: P.A. 98-1076, eff. 1-1-15.)

5 Section 99. Effective date. This Act takes effect July 1,
6 2015.