

# ACCOUNTING BULLETIN

TO: Fiscal Officers of All State Agencies

FROM: Steven L. Valasek, Director of State Accounting

DATE: June 25, 2010

SUBJECT: Emergency Purchases

NUMBER: 160

Public Acts 96-0795 and 96-0920 amended the Emergency Purchase section in the Illinois Procurement Code [30 ILCS 500/20-30(a)]. The new language restricts the initial term of an emergency purchase contract to 90 days.

The section was amended as follows (new language is underlined):

**30 ILCS 500/ 20-30(a):**

“Conditions for use. In accordance with standards set by rule, a purchasing agency may make emergency procurements without competitive sealed bidding or prior notice when there exists a threat to public health or public safety, or when immediate expenditure is necessary for repairs to State property in order to protect against further loss of or damage to State property, to prevent or minimize serious disruption in critical State services that affect health, safety, or collection of substantial State revenues, or to ensure the integrity of State records; provided, however, that the term of the emergency purchase shall be limited to the time reasonably needed for a competitive procurement, not to exceed 90 days. A contract may be extended beyond 90 days if the chief procurement officer determines

additional time is necessary and that the contract scope and duration are limited to the emergency. Prior to execution of the extension, the chief procurement officer must hold a public hearing and provide written justification for all emergency contracts. Members of the public may present testimony. Emergency procurements shall be made with as much competition as is practicable under the circumstances. A written description of the basis for the emergency and reasons for the selection of the particular contractor shall be included in the contract file.”

The Illinois Office of the Comptroller (IOC) has added a new edit to SAMS to monitor for this 90 day requirement. This new SAMS edit applies to all new contracts (defined at 30 ILCS 500/1-15.30) subject to the Illinois Procurement Code for which contractors were first solicited on or after July 1, 2010. The date of first solicitation will be evidenced by the “Publication Date” on the Contract Obligation Document (C-23). For contracts that do not require solicitation, the IOC will use the earliest date of the required signatures on the contract in lieu of the “Publication Date”. Any contract not in compliance with this new requirement will be rejected by the IOC.

Emergency purchase contracts may be extended beyond 90 days only after a public hearing. A copy of the written final decision by the chief procurement officer must be submitted with the contract modification and Contract Obligation Document (C-23) to extend the contract.

If you have any questions pertaining to this bulletin, please contact Brett Cox at (217) 782-3686. Agencies may access this and other Payroll, SAMS and Accounting Bulletins on the Comptroller’s website at [www.ioc.state.il.us](http://www.ioc.state.il.us) under Resource Library.