

EMERGENCY PURCHASE AFFIDAVIT

Reference # 120-245-074

Chief Procurement Officer (CPO) making a procurement under Illinois Procurement Code (30 ILCS 500/20-30) shall file affidavit with Procurement Policy Board and Auditor General within 10 days.

Agency: Capital Development Board Division:

Address: 401 South Spring Street

City: Springfield State: IL Zip: 62706

Vendor #1: Hurst-Rosche, Inc. (25661)

Address: 200 North Market Street

City: Marion State: IL Zip: 62959

Vendor #2: Rend Lake Plumbing & Heating Co., Inc. (15345)

Address: P.O. Box 25

City: Bonnie State: IL Zip: 62816

State of Illinois) : SS
County of Sangamon

I, Gus Behnke being duly sworn, solemnly swear and affirm that I am Chief Fiscal Officer.

I have authorized the emergency procurement in accordance with standards as established by law and rule in fulfillment of the emergency purchase affidavit provisions of Illinois Procurement Code [30 ILCS 500/20-30] as follows.

- Involved threat to public health or public safety.
Immediate expenditure is necessary for repairs to State property to protect against further loss of or damage
To prevent or minimize serious disruption in critical State services that affect health, safety, or collection of substantial State revenues.
To insure integrity of State records
Quick purchase as provided by Section 20-30 (d) of the Illinois Procurement Code

The conditions and circumstances requiring this emergency purchase, including reason for selection of the particular contractor are:

The Vienna Correctional Center's Power House (Bldg. No.: C1104) has a leaking de-aerator tank which feeds warmed water into two boilers that provide heat and hot water to the entire institution. Further deterioration and/or failure of the de-aerator tank could result in a complete shut-down of the facility. Additionally, the Illinois State Fire Marshal notified the Illinois Department of Corrections that the de-aerator tank needs replaced immediately in order to obtain a valid inspection certificate and to avoid fines and other potential legal ramifications. Temporary measures in conjunction with a design and installation of a new de-aerator tank are needed immediately in order to minimize serious disruption in critical state services and to protect against the threat to public health and safety should someone be in the vicinity of the tank and a complete failure occurs.

Vendor #1 has been selected to provide an abbreviated specification and observation of construction for replacing the existing de-aerator tank, heater, controls, and ancillary feed-water components. A bank of windows at the back of the Power House will need to be removed and replaced for access. Minor demolition and replacement of existing utilities, conduits, or other services is expected. Asbestos abatement will be required on the existing tank, piping insulation, or other items. Vendor #1 was chosen because of their experience, proximity to the site and positive performance on prior CDB projects.

Vendor #2 will provide labor and material for the permanent de-aerator replacement work, including any asbestos abatement, as specified by Vendor #1. Additionally, Vendor #2 will provide and install a temporary de-aerator so that the boilers can continue to operate while the permanent replacement work is being designed and installed. Vendor #2 was selected because they are familiar with and in close proximity to the site and can provide services immediately.

Considering the time frames needed for the negotiation and execution of an A/E contract, design and standard bidding procedures, repairs at the Vienna Correctional Center under the existing processes would likely not begin for several months. For this reason, emergency purchases are necessary to ensure the replacement of the de-aerator is conducted in an expedited manner.

Vendor #1 Expected Start Date: August 21, 2017 Expected End Date: November 18, 2017

Vendor #2 Expected Start Date: August 21, 2017 Expected End Date: November 18, 2017

Extension of previous emergency purchase: Yes or No

Term of emergency procurement shall not exceed 90 days. Contract may be extended beyond 90 days if CPO determines additional time is necessary; however, prior to execution of extension, CPO must hold a public hearing and provide written description.

Vendor #1 Amount of this expenditure is: \$ _____ Actual or \$ 100,000.00 *Estimated

Vendor #2 Amount of this expenditure is: \$ _____ Actual or \$ 1,000,000.00 *Estimated

*When only an estimate of cost is available, the actual cost shall be reported immediately after it is determined.

I am duly authorized to make this affidavit. I know and understand the contents of this affidavit and all statements herein are true and correct. This affidavit is made pursuant to and in fulfillment of the requirements of Illinois Procurement Code [30 ILCS 500/20-30].

Gino Bismula

Signature of Affiant

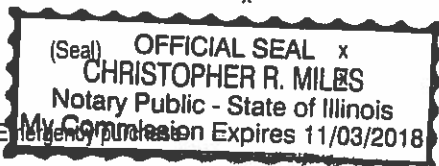
Subscribed and sworn before me this 22nd day of August 2017.

x

Christopher A Miles

Notary Public

My Commission expires: 11/3/18



Section 20-30. Emergency purchases.

(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 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 the 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.

(b) Notice. Notice of all emergency procurements shall be provided to the Procurement Policy Board and published in the online electronic Bulletin no later than 3 business days after the contract is awarded. Notice of intent to extend an emergency contract shall be provided to the Procurement Policy Board and published in the online electronic Bulletin at least 14 days before the public hearing. Notice shall include at least a description of the need for the emergency purchase, the contractor, and if applicable, the date, time and location of the public hearing. A copy of this notice and all documents provided at the hearing shall be included in the subsequent Procurement Bulletin. Before the next appropriate volume of the Illinois Procurement Bulletin, the purchasing agency shall publish in the Illinois Procurement Bulletin a copy of each written description and reasons and the total cost of each emergency procurement made during the previous month. 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 actual total cost is determined, it shall also be published in like manner before the 10th day of the next succeeding month.

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

(d) Quick purchases. The chief procurement officer may promulgate rules extending the circumstances by which a purchasing agency may make purchases under this Section, including but not limited to the procurement of items available at a discount for a limited period of time. (Source: P.A. 90-572, eff. date - See Sec. 99-5.)

For continuation if necessary:

Reference # 120-245-074

Emergency Memorandum

To: Capital Programs
Capital Development Board

From: Jared Brunk

Date: August 21, 2017

Subject: UPDATED Emergency Purchase Request

The Illinois Department of Corrections is requesting that the Capital Development Board take action to procure, on an emergency basis, one or more contracts to address an emergency need of the State.

This situation meets the following condition(s) for use as set forth in 30 ILCS 500/20-30 (please check all that apply):

- X There exists a threat to public health or public safety.
- X Immediate expenditure is necessary for repairs to State property in order to protect against further loss or damage.
- X It is necessary to prevent or minimize serious disruption in critical State services that affect health, safety, or the collection of substantial state revenues.

It is necessary to insure the integrity of State records.

Specific justification for the emergency conditions listed above are as follows:

(Please attach relevant documentation)

The Illinois Department of Corrections is seeking assistance in declaring an emergency declaration for the repair and replacement of the de-aerator at Vienna Correctional Center. The Vienna Correctional Center currently houses approximately 1,100 offenders and 400 staff. Furthermore, a recent inspection by the State Fire Marshall included in the following: "Our records indicate that your boiler was inspected and completion of certain repairs were necessary before a Certificate of Inspection could be issued. You were sent a notice to this effect along with a repair report which was to be completed and returned to this office. As of this date, no reply has been received. Operation of this boiler without a valid inspection certificate is punishable by a fine not exceeding \$500 a day. In order to avoid this penalty, we suggest you repair this boiler immediately and notify this office by means of the enclosed repair report. If corrective action is not taken immediately, we will have no alternative but to refer this matter to the State's Attorney's Office for the appropriate legal action." A copy of this notification and the OSFM's inspection report will be attached along with this emergency affidavit.

In order to try and address this issue at the Illinois Department of Corrections, the agency sought and was given an emergency procurement declaration on July 13, 2017 and for the purpose of procuring a rental de-aerator unit. However, since that time the Department has ran into issues with finding an appropriate vendor who is willing to do business with the State as well as cover the full scope of rental and installation. All of the events led up to a meeting held on August 17, 2017 at 9:30am wherein staff from IDOC, CDB and the CPO's Office all joined together on a call and discussed next steps. During the call the idea of combining the rental, installation and permanent repair was discussed. The group decided it would in the best interest of the State if all of these items were sought under one emergency procurement and led by the Capital Development Board. Doing so would ensure the technical engineering specifications were adequately addressed, there would be an inherent economic value combing the total scope, and the expediency of the project could be best handled.

I am Jared Brunk and the Chief Financial Officer of the Illinois Department of Corrections.

(Please give official title and office.)

We understand that CDB will coordinate with its CPO who will make all appropriate postings to the Procurement Bulletin and will file all necessary affidavits and updates with the Auditor General.

State of Illinois Chief Procurement Office for the Capital Development Board

NOTICE OF HEARING

 X Emergency Extension

The Office of the Chief Procurement Officer will hold a public hearing to hear testimony and receive comments on the proposed contract(s) as described below.

Details of the proposed contract, justification for the Agency to contract in this way and the hearing procedure can be found at www.purchase.state.il.us/. Click "Illinois Bid" and enter Procurement Bulletin Reference # in the search box.

HEARING DETAILS

DATE: October 12, 2017
TIME: 10:30 A.M.
LOCATIONS: 401 S. Spring St.
3rd Floor, Conference Room E, Stratton Building
Springfield, IL 62706

For those who wish to attend this hearing via teleconference, please call-in to the number below:
1-888-494-4032
Access Code: 1079279306

HEARING CONTACT PERSON

NAME: Gerald Burlingham
TITLE: State Purchasing Officer, Illinois Capital Development Board
ADDRESS: 401 S. Spring St., Springfield, IL 62706
PHONE: 217-836-0185
FAX: 217-558-1399
E-MAIL: gerald.burlingham@Illinois.gov

TESTIMONY

Anyone wishing to testify—please notify the HEARING CONTACT PERSON of desire to testify in advance if possible.

PROPOSED CONTRACT(S) SUBJECT OF THIS HEARING

Agency: Illinois Capital Development Board
Vendor: Hurst-Rosche, Inc.
Rend Lake Plumbing & Heating Co., Inc.

Brief Descriptions:

The Office of the Chief Procurement Officer for the Capital Development Board will hold a public hearing to hear testimony and receive comments on the proposed extension of the emergency procurements for design and construction services from Hurst-Rosche, Inc., and Rend Lake Plumbing & Heating Co. Inc., respectively, which are providing the emergency replacement of the de-aerator tank at the Vienna Correctional Center's Power House. They are requesting their contracts be extended to May 18, 2018. CDB Project #: 120-245-074. Illinois Procurement Bulletin Reference #: 22041288

State of Illinois Chief Procurement Office for the Capital Development Board

Requesting Agency/University: Capital Development Board

Project Title: Replace Deaerator Syst.

Vienna CC 120-245-074

Department/Bureau/Section: Construction

IPB Reference #: 22041288

Hearing Date/Time: 10-12-2017 / 10:30

PBC Reference #: _____

Hearing Location: 401 So. Spring St., Conf.Rm E,
Springfield, Il. 62706

The State posted to the Illinois Procurement Bulletin a description of the State's need, the justification for emergency extension, and information regarding opportunity to submit comments and testify at a public hearing.

Notice of the hearing was posted to the Illinois Procurement Bulletin at least (14) days in advance of hearing and was also posted outside the hearing room no less than 48 hours prior to the hearing.

A Public Hearing was held on October 12, 2017 at 10:30 a.m., to hear testimony and receive comments on extending the procurements for Hurst-Rosche, Inc. and Rend Lake Plumbing & Heating (RLPH) who are providing emergency architectural and construction services to replace the Deaerator System at the Vienna Correctional Center. A recording of the hearing is available and will be published online.

Marci Boudet, CDB Project Manager, provided a brief history and current status of the project.

Status: The replacement Deaerator tank was ordered 10/11/17. Lead-time for this equipment is approximately 16 weeks. On October 11th, the contractor and A/E discovered that the potential for some seismic improvements may be needed as well. CDB-Professional Services and the A/E are currently reviewing the circumstances surrounding this potential issue. SPO Burlingham recommended if the potential requirement for additional time exists, it would behoove us to allow for that additional time now. It was agreed that extending the contracts to June 30, 2018 would be satisfactory.

All attendees were asked if they had any comments. No other persons offered testimony or comments on this project.

Hearing Officer Jerry Burlingham recommends extending both Hurst-Rosche's and RLPH contracts until June 30, 2018 to allow ample time to receive the required materials, perform the repairs, commissioning, and submission of final billing documents and drawings on this project.

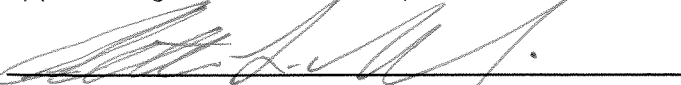


State Purchasing Officer, Hearing Officer

10-12-17

Date

After a complete review of the circumstances relating to the need for extending the existing emergency contract, CPO approval is given to extend for a period not to exceed 223 days.



Art Moore, Chief Procurement Officer
Chief Procurement Office for the Capital Development Board

10/12/17

Date

Emergency Extension Hearing
CDB Project 104-235-007 & 120-245-074
Emergency Repairs
Vienna Correctional Center –De-aerator tank
(Hurst-Roshe & Rend Lake P&H)
and
HPA- Fire Damage Assesments. (Hanson Prof Svcs)
October 12, 2017
10:30 a.m.
401 S. Spring St.
3rd Floor, Conference Room E, Stratton Building
Springfield, Il. 62706

Name / Agency

Name/Agency

1. Row Wright / CDB
2. Tim Patrick / CDB
3. Jerry Morris CDB
4. Chris Miles / CDB
5. Mark Hardy PPB

6. Jerry Buegler, CPO
7. _____
8. _____
9. _____
10. _____

Tele-conference Attendees:

1. Marci Boudet / CDB
2. _____
3. _____
4. _____
5. _____

6. _____
7. _____
8. _____
9. _____
10. _____



Chief Procurement Office Capital Development Board

Art Moore, Chief Procurement Officer

June 6, 2018

Ms. Katie Antonacci
Office of the Auditor General
Iles Park Plaza
740 East Ash
Springfield, Illinois 62703

RE: Notification of Final Actual Costs for Emergency Procurement for project number 120-245-074

Dear Ms. Antonacci:

Attached please find two Emergency Purchase Statements, reflecting the total Final Actual Costs of \$788,725.75 for an emergency project undertaken by the Capital Development Board ("CDB").

In August 2017, the Vienna Correctional Center's Power House building (No. C1104) had a leaking de-aerator tank which feeds warmed water into two boilers that provides heat and hot water to the entire institution. Further deterioration and/or failure of the de-aerator tank could have resulted in a complete shut-down of the facility. Additionally, the Illinois State Fire Marshal notified the Illinois Department of Corrections that the de-aerator tank needed to be replaced immediately in order to obtain a valid inspection certificate and to avoid fines and other potential legal ramifications. Temporary measures in conjunction with a design and installation of a new de-aerator tank were needed immediately in order to minimize serious disruption in critical state services and to protect against the threat to public health and safety should someone be in the vicinity of the tank if a complete failure occurred. The CDB enlisted the A/E services of Hurst-Rosche, Inc. to provide engineering services and construction services from Rend Lake Plumbing & Heating Co., Inc. to make the necessary repairs and replacements. The final actual cost to Hurst-Rosche, Inc., for engineering services is \$87,064.64, and the final actual cost to Rend Lake Plumbing and Heating Co. Inc., is \$701,661.11. If you have any questions, please contact me at (217)-836-0185

Sincerely,

Gerald S. Burlingham, CPPO
State Purchasing Officer – Capital Development Board
Enclosure

401 South Spring Street
316 Stratton Office Building
Springfield, Illinois 62706
(217) 558-2156
(217) 558-1399 Facsimile



CHIEF PROCUREMENT OFFICE

Art Moore, Capital Development Board

Reference #: 120-245-074

EMERGENCY PURCHASE FINAL COST AND TERM

Agency: Capital Development Board Point of Contact: Marci Boudet

Location of Emergency: Vienna Correctional Center

Vendor: Hurst-Rosche, Inc. (25661)

Address: 200 North Market Street City: Marion State: IL Zip: 62959

Final Costs and Term

Final total cost of supplies and services: \$87,064.64 Final total term of contract: 224 Days

I am reporting the final costs and term for the referenced emergency contract to the CPO and the Auditor General.

Agency Signature: Chris Miles Digitally signed by Chris Miles Date: 2018.06.06 09:58:40 -05'00' Title: Executive II

Printed Name: Chris Miles Date: June 6, 2018



CHIEF PROCUREMENT OFFICE

Art Moore, Capital Development Board

Reference #: 120-245-074

EMERGENCY PURCHASE FINAL COST AND TERM

Agency: Capital Development Board Point of Contact: Marci Boudet

Location of Emergency: Vienna Correctional Center

Vendor: Rend Lake Plumbing & Heating Co., Inc. (15345)

Address: P.O. Box 25 City: Bonnie State: IL Zip: 62816

Final Costs and Term

Final total cost of supplies and services: \$701,661.11 Final total term of contract: 224 Days

I am reporting the final costs and term for the referenced emergency contract to the CPO and the Auditor General.

Agency Signature: Chris Miles Digitally signed by Chris Miles
Date: 2018.06.06 09:59:59
-05'00' Title: Executive II

Printed Name: Chris Miles Date: June 6, 2018