



# CHIEF PROCUREMENT OFFICE

## Art Moore, Capital Development Board

Reference #: 120-255-027

### EMERGENCY PURCHASE STATEMENT / NOTICE OF AWARD

Agency: Capital Development Board Point of Contact: Luke Montgomery

Location of Emergency: Shawnee Correctional Center

Vendor: Asaturian Eaton and Associates, P.C. (1238)

Address: 1440 Old West Main Street City: Carbondale State: IL Zip: 62903

### Emergency Purchase Details

Emergency Category (select the appropriate option(s) from the checklist below):

- Involving threat to public health or public safety
- Immediate expenditure is necessary for repairs to State property to protect against further loss 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

Describe the scope of the emergency. Show justification for the need of an emergency contract, the selection of the vendor, and explain why the need for work cannot be met through a competitive process:

The Shawnee Correctional Center is a medium security adult male facility located in Vienna, Illinois that currently houses approximately 1,335 offenders and is the workplace for more than 300 staff. A 36 year old 100 ton chiller serving two rooftop air conditioning units has failed at the Administration building. Maintenance staff was dispatched to make repairs but discovered that a catastrophic failure had occurred. The tubes in the evaporator barrel ruptured filling the refrigeration lines and compressors with water rendering the chiller non-operational. The areas affected are Staff Commissary, Record Office, Personnel, Business Office, Visiting Room, Roll Call, Warden's Office, Healthcare/Infirmary, and Operations which includes but is not limited to Intel, Assistant Warden's offices, and the Shift Commander's office. The Department of Corrections is seeking CDB's assistance in declaring an emergency to move as quickly as possible to remedy this situation. The lack of a properly functioning air conditioning unit is putting the facility's operations at risk of not complying with the constitutional minimums afforded to the offender population and a dangerous and excessively hot living and working environment. This project began through the emergency selection of an Architect/Engineer ("A/E"); this exempts the selection from a 14-day solicitation required through Qualifications-Based Selection ("QBS"). Considering the time frames needed for the selection, negotiation and execution of an A/E contract followed by bidding and award procedures, temporary cooling followed by the replacement of the 100 ton chiller at Shawnee Correctional Center under the existing processes would likely not begin for several months. For this reason, emergency purchases are necessary to protect against the threat to public health and safety and to prevent or minimize serious disruption in critical State services as quickly as possible. Asaturian Easton and Associates, P.C., located in Carbondale, IL was selected because they are relatively in close proximity to the site, they have the necessary experience and they can respond immediately to this request for emergency services.

Describe the scope of work or services provided to include special limitations, conditions and incorporated documents:

The scope of services provides for an evaluation of the system, recommendations for temporary and permanent solutions, including cost estimates and lead times, and an expedited design of the replacement chiller and all ancillary components. In addition, the scope also includes providing a temporary chiller if needed, as a reimbursable item under the Architect/Engineer Professional Services Agreement, until the permanent chiller can be installed. Incorporated documents include the March 2009 Standard Documents for Construction & Supplement and the March 2009 Design and Construction Manual & Supplement. Basic Architectural Services provided under this procurement should not exceed \$50,000.00, which is a place-holder prior to the negotiation of a Professional Services Agreement, without prior authorization from the Capital Development Board in consultation with the Chief Procurement Office. Final Actual Costs will be reported upon project completion and project close-out.



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Was authorization to proceed verbally given?  Yes  No, receipt of this signed Notice authorizes the vendor to begin work

If Yes is checked above, explain who authorized the work, when, under what conditions or limitations and for what scope.

Expected Start Date: Jul 14, 2020 Estimated End Date: Oct 11, 2020

Amount of this expenditure is: \$50,000.00 Actual or Estimated: Estimated

#### Signatures

I am making this statement and providing it to the CPO Office, the Auditor General, and the Procurement Policy Board in compliance with the Illinois Procurement Code and within 10 days after award of the contract.

I have authorized the emergency procurement in accordance with the requirements of the Illinois Procurement Code (30 ILCS 500) and the applicable administrative rule. I know and understand the contents of this statement and all statements herein are true and correct to the best of my knowledge.

Agency Signature: Chris Miles Digitally signed by Chris Miles Date: 2020.07.14 13:04:46 -05'00' Title: Executive II

SPO/CPO Signature: GERALD STEVEN BURLINGHAM Digitally signed by GERALD STEVEN BURLINGHAM Date: 2020.07.14 13:30:35 -05'00' Date: Jul 14, 2020



# CHIEF PROCUREMENT OFFICE

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Reference #: 120-255-027

### EMERGENCY PURCHASE EXTENSION

Agency: Capital Development Board Point of Contact: Luke Montgomery

Location of Emergency: Shawnee Correctional Center

Vendor: Asaturian Eaton and Associates, P.C. (1238)

Address: 1440 Old West Main Street City: Carbondale State: IL Zip: 62903

### Extension Justification

Original Emergency Term Start Date: Jul 14, 2020 Original Emergency Term End Date: Oct 11, 2020

Amount of original: \$50,000.00 (Place-Holder) Actual or Estimated: Estimated

Extension Hearing Date: Sep 15, 2020 Requested Extension End Date: Aug 31, 2021

Amount of extension expenditure: N/A - Time Only Actual or Estimated: \_\_\_\_\_

Describe the scope of the original emergency (supply, service, etc.):

The scope of services remains the same and provides for an evaluation of the system, recommendations for temporary and permanent solutions, including cost estimates and lead times, and an expedited design of the replacement chiller and all ancillary components. In addition, the scope also includes providing a temporary chiller if needed, as a reimbursable item under the Architect/Engineer Professional Services Agreement, until the permanent chiller can be installed.

Describe the scope of the extension (supply, service, etc.). Show justification for extending the original emergency contract, and explain why the extension need cannot be met through a competitive process:

A temporary chiller was delivered and installed on July 17, 2020. Asaturian Eaton is holding the lease agreement with Trane for the temporary chiller. The project team has discussed a rough schedule for work to include regular bidding processes, construction and close-out. The A/E is to provide 100% design documents for the replacement chiller on or before October 9, 2020. The time-line for completion allows for 5 months of construction once an authorization to proceed is issued. Bidding is anticipated to take place by the end of November 2020 with an authorization to proceed issued no later than January 31, 2021. All efforts to expedite design, bidding and authorization to proceed will be put forth, subject to any processes that must be followed. An additional 60 days is being requested for punch-list items and close-out processes once the project has reached substantial completion. CDB is requesting an emergency purchase extension through August 31, 2021 to allow for completion of the design, bidding, construction work, including any unforeseen conditions, weather-related delays and lead-times, as well as complete close-out of the project. Although this procurement was declared an emergency, CDB feels the the requested end date is reasonable considering all regular performance/procurement requirements are to be followed taking into account regular bidding processes and the rough construction schedule discussed by the project team. A more defined schedule will be implemented once the contractor has been issued an authorization to proceed. CDB requires Asaturian Eaton and Associates, P.C.'s continued participation to complete the design work, ensure proper documentation, observation during construction and assistance with Final Acceptance/Closeout of this project.

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

## NOTICE OF HEARING

  X   Emergency Extension

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 emergency contract(s) extensions as described below.

Details of the proposed contract, justification for the Agency to contract in this way can be found at <https://www2.illinois.gov/cdb/procurement/Pages/EmergencyProcurementContracts.aspx>

### HEARING DETAILS

DATE: Tuesday, September 15, 2020  
TIME : 2:30 p.m.  
LOCATION: via WebEx teleconference

Those who wish to attend this hearing via WebEx teleconference please call the number below:  
1-312-535-8110  
Meeting Access # 133 689 1517

**To join from a mobile device (attendees only)**  
[+1-312-535-8110](tel:+1-312-535-8110), [1336891517##](tel:+1-312-535-8110) United States Toll (Chicago)

### 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](mailto: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

Asaturian Eaton & Associates., Emergency Chiller Replacement, Shawnee Correctional Center  
CDB #120-255-027.



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### Hearing Disposition

Hearing Date:  Hearing Location:

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 two business days prior to the hearing. The hearing was held to hear testimony and receive comments on extending the procurement.

Hearing Narrative:

A hearing was conducted on September 15, 2020 with the following individuals attending via WebEx: Jerry Burlingham, CPO-State Purchasing Officer; Chris Miles, CDB Emergency Coordinator; Luke Montgomery, CDB Project Manager (PM); Todd DeJaynes, CDB Contract Executive (CE).

The PM provided a current project status. A temporary chiller was delivered, installed, and operational on July 17, 2020. Asaturian Eaton, and Associates (the AE) is holding the lease agreement with Trane, Inc. through January 22, 2021.

Once cooling season has ended, the chiller will be taken off-line, returned, and the lease terminated. Any remaining financial allowances provided for the lease (\$104,511.00) will be de-obligated or reassigned to a different reimbursable line item, if needed.

The AE submitted their Program Analysis for review on 9/1/2020. The 100% design is scheduled to be submitted by 10/9/2020, and CDB has agreed to an expedited review with hopes to publicly bid this project prior to November 26, 2020 (Thanksgiving).

Once bids have been received and responsiveness has been determined, CDB hopes to have a contract and Authorization to Proceed (ATP) issued prior to January 31, 2021.

Once ordered, the typical lead-time for a chiller is 12-14 weeks. The AE and CDB hope to have the chiller installed by May 31, 2021 and to reach Substantial Completion by June 30, 2021. The AE is requesting their contract end date allow for an additional 60 days for project close-out processes.

The CE and SPO Burlingham discussed the potential for delays in bid reviews and contract issuing time-frames as a result of understaffed CDB personnel. Delays in material/supply production times impacted by the current hurricane season, the upcoming winter season, and any COVID-19 outbreaks this fall/winter/spring could affect the construction schedule as well.

SPO Burlingham suggested extending the AE's contract through December 31, 2021 would allow for potential delays. Once a construction contract has been issued and a realistic schedule has been established, another hearing can be conducted to establish a realistic contract end date which will keep the AE under contract until they complete the required 9 month walk-through review.

The AE's current contract is \$162,657.00 and there are no contract modifications anticipated. SPO Burlingham recommends approval to extend the AE's contract through December 31, 2021.



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#### Signatures

Hearing Officer recommends approval of the extension request.

Hearing Officer Signature: GERALD STEVEN BURLINGHAM Digitally signed by GERALD STEVEN BURLINGHAM Date: 2020.09.15 15:53:43 -05'00' Date: Sep 15, 2020

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 446 calendar days.

CPO Signature: Arthur L Moore Digitally signed by Arthur L Moore Date: 2020.09.18 11:12:33 -05'00' Date: Sep 18, 2020