

EMERGENCY PURCHASE AFFIDAVIT

Reference # 321-155-012

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: Benton & Associates, Inc. (4274)

Address: 1970 W. Lafayette Avenue

City: Jacksonville State: IL Zip: 62650

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.

- checkboxes for emergency purchase reasons: involving threat to public health, immediate expenditure for repairs, prevent disruption, insure integrity of records, quick purchase.

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

The Illinois School for the Visibly Impaired in Jacksonville, Illinois has an emergency generator that has become in-operable. Should a power failure occur, the facility no longer has a back-up power supply which could result in a complete shut-down of the facility. Because of the age and condition of the generator, attempts at repair are not feasible as parts are no longer being manufactured and there is no guarantee that a repair will last for any significant amount of time. Temporary measures in conjunction with a design and installation of a new generator and any necessary ancillary components are needed immediately in order to minimize serious disruption in critical state services and to protect against the threat to public health and safety.

Vendor #1 has been selected to provide architect/engineer services for replacing the main generator, transformer, pad-mounted switches and converting the overhead distribution to underground. Vendor #1 was chosen because of their experience, proximity to the site and positive performance on prior CDB projects.

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

Vendor #1 Expected Start Date: August 28, 2017 Expected End Date: November 25, 2017

Extension of previous emergency purchase: checkbox Yes or checked checkbox 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 \$40,000.00 *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].

Guo Belmonte

Signature of Affiant

Subscribed and sworn before me this 28th day of August 20 17.

Christopher R Miles

Notary Public

My Commission expires: 11/3/18



Section 20-30. Emergency purchase

(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 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 # 321-155-012

Emergency Memorandum

To: Capital Programs
Capital Development Board

From: William Strahle

Date: August 24, 2017

Subject: Emergency Purchase Request

The Department of Human Services 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:

- There exists a threat to public health or public safety.
- Immediate expenditure is necessary for repairs to State property in order to protect against further loss or damage.
- 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.

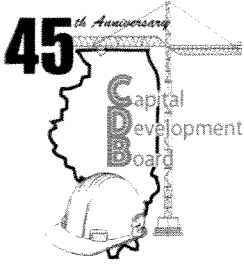
Specific justification for the emergency conditions listed above are as follows:

The Illinois School for the Visually Impaired (ISVI) in Jacksonville is a 24/7 residential and school facility for grade school through high school age children. Their only emergency generator that operates the facility during a power outage has failed. This generator is a re-built generator that was transferred from Alton Mental Health in 1999 and is no longer manufactured. This generator is undersized and does not have an automatic switchgear. What this means is when there is a power outage the facility engineer needs to manually turn on the generator and then go to nonresidential buildings and turn power off to keep up with the electrical demand. Without an operational generator, the children would need to be relocated and the School would need to be closed. A generator contractor has assessed the generator and said only remanufactured parts are available and no warranty or guarantees could be given for any repairs.

I am the Agency Procurement Officer for the Department of Human Services.


(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.



MEMORANDUM

TO: Art Moore, Chief Procurement Officer

FROM: J. Brent Lance, Administrator of Capital Planning/QBS 

DATE: August 25, 2017

RE: Project #321-155-012

SUBJECT: Emergency Selection of Benton & Associates, Inc. (4274)

Good Afternoon-

Benton & Associates, Inc. was selected to provide engineering services for the Department of Humans Services. The project is located at the Jacksonville School for the Visually Impaired. This building is a 226,502 square foot, 13-building facility established in 1926.

The scope of work provides for replacing the main generator, transformer, pad mounted switches and converting the overhead distribution to underground.

The back-up generator, which was in need of replacement for quite some time was not large enough to supply the entire facility. Should an outage occur, the generator had to be manually connected. The generator's incoming overhead electrical service is in poor condition and should be converted to underground. It is now completely in-operable. The facility no longer has a back-up power supply in the event of a power failure. This facility is required to have a back-up generator due to the site dormitories and dietary needs of the students. The CDB is therefore requesting approval to make an Emergency A/E Selection in accordance with 30 ILCS 535/50.

If you have any questions, please contact me. Thank you.

cc: Kathryn Martin

NOTICE OF AWARD
OF EMERGENCY CONTRACT

PROJECT NO.: 321-155-012 BULLETIN NO.: _____

PROJECT LOCATION: Illinois School for the Visually Impaired – Emergency Generator Replacement

VENDOR: Benton & Associates, Inc. (4274)

NATURE OF EMERGENCY:

The Illinois School for the Visibly Impaired in Jacksonville, Illinois has an emergency generator that has become inoperable. Should a power failure occur, the facility no longer has a back-up power supply which may result in a complete shut-down of the facility. Because of the age and condition of the generator, attempts at repair are not feasible as parts are no longer being manufactured and there is no guarantee that a repair will last for any significant amount of time. Temporary measures in conjunction with a design and installation of a new generator and any necessary ancillary components are needed immediately in order to minimize serious disruption in critical state services and to protect against the threat to public health and safety.

AUTHORIZED START DATE: August 28, 2017

AUTHORIZATION ENDS: November 25, 2017

SCOPE OF EMERGENCY SERVICES:

The scope of work provides for A/E services to design and observe the replacement of the main generator, transformer and pad-mounted switches and to convert the overhead distribution to underground.

SPECIAL CONDITIONS OR LIMITATIONS:

Services provided under this procurement should not exceed \$40,000.00 without prior authorization from the Capital Development Board in consultation with the Chief Procurement Office.

INCORPORATED DOCUMENTS:

March 2009 Design and Construction Manual & Supplement

March 2009 Standard Documents for Construction & Supplement

WAS AUTHORIZATION TO PROCEED VERBALLY GIVEN?

NO x Receipt of this signed Notice authorizes the Vendor to begin work.

YES ___ Who authorized the work, when, under what conditions or limitations, and for what scope:

Christopher R. Miller
Capital Development Board
Date: 8/23/17

[Signature]
CPO/SPO- CDB
Date: 28. Aug 17

State of Illinois Chief Procurement Office for the Capital Development Board
Emergency Extension Justification / Disposition Form (Part I)

(To be posted with Notice of Hearing) SPO Initials MSD

Requesting Agency/University: Capital Development Board

Project Title: ISVI Install Emergency Generator

Department/Bureau/Section: Construction

IPB Reference #: 22041302

Name of Requestor: Rich Meyer

PBC Reference #: _____

CDB Project No.: 321-155-012

VENDOR/VALUE:

Vendor: Benton & Associates, INC.

Value of Proposed Emergency Extension: N/A Time Extension Only Value is: Actual Estimated

TERM:

This proposed emergency extension is is not expected to last beyond 90 calendar days.

Emergency Contract End Date: Nov 25, 2017

Proposed Emergency Extension Contract Start Date: Nov 26, 2017

Proposed Emergency Extension Contract End Date: May 31, 2018

FUNDING:

Select the type of funding to be used:

Federal State Appropriated State Grant Other (Explain): _____

EMERGENCY CRITERIA:

- There exists a threat to public health or safety (including the health or safety of any particular person)
- Immediate expenditure is necessary for repairs to State property in order 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 ensure the integrity of State records
- Equipment or services are necessary in the furtherance of covert activities lawfully conducted by a State agency
- Immediate action is necessary to avoid lapsing or loss of federal or donated funds
- The need for items to protect or further State interests is immediate and use of other competitive source selection procedures under the Code and Rules cannot be accomplished without significant risk of causing serious disadvantage to the State
- Other Explain: _____

CDB Project No.: 321-155-012
 Project Title: Install Emergency Generator
 IPB Reference #: 22041302
 PBC Reference #: _____

Provide a brief description of the supply or service required:

Remove existing emergency generator, transfer switch and transformers. Install a new emergency generator, transfer switch and transformer at a new location.

Provide a detailed explanation of the emergency need for the supply or service. Include circumstances to the State if the contract extension is not granted.

The Illinois School for the Visibly Impaired in Jacksonville, Illinois has an emergency generator that has become inoperable. Should a power failure occur, the facility no longer has a back-up power supply which could result in a complete shut-down of the facility. Because of the age and condition of the generator, attempts at repair are not feasible as parts are no longer being manufactured and there is no guarantee that a repair will last for any significant amount of time. Temporary measures in conjunction with a design and installation of a new generator and any necessary ancillary components are needed immediately in order to minimize serious disruption in critical state services and to protect against the threat to public health and safety.

What efforts have been made to bring this contract to conclusion?

Benton & Associates will be submitting 100% bid documents to CDB on October 25th for final CDB review/approval. Project will be sent out for bid the week of November 6th with bid opening the week of November 27th. Delivery of generator currently is approximately 16 to 18 weeks.

HISTORY:

Starting with the most recent contract and working backward, list the entire relationship with this vendor for this supply or service including each contract term, value, and procurement method. Please add lines if necessary, following same format.

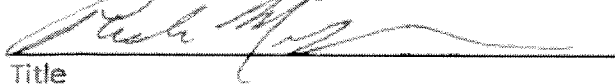
List Most Recent to First Contract	Contract Start Date	Contract End Date	Value	Procurement Method
Current	August 28, 2017	November 25, 2017	\$80,350.00	Emergency A/E selection
Previous				
Previous				
Previous				
Previous				

CDB Project No.: 321-155-012
Project Title: Install Emergency
Generator
IPB Reference #: 22041302
PBC Reference #: _____

AGENCY REPRESENTATIVE SIGNATURE (REQUIRED):

I know and understand the contents of this Emergency Extension Justification and attest that all statements are true and accurate.

Agency Representative Signature



Title
Senior project Manager

Telephone Number
(217) 557-4107

Printed Name

Rich Meyer

Date

October 19, 2017

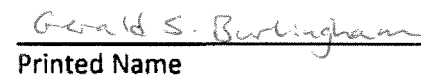
E-Mail Address

Rich.meyer@illinois.gov

State Purchasing Officer Signature (Required)

 CPO
State Purchasing Officer Signature

217-836-0185
Telephone Number


Printed Name

gerald.burlingham@illinois.gov
E-Mail Address

State of Illinois Chief Procurement Office for the Capital Development Board

(To be posted with Notice Addendum after Hearing)
HEARING DISPOSITION

Requesting Agency/University: Capital Development Bd
Department/Bureau/Section: Construction
Hearing Date/Time: November 9, 2017 / 10:30 a.m.
Hearing Location: Stratton Building, Third Floor, Conf. Room A.
CDB Project #: 321-155-012

Project Title: ISVI Back-up Generator
IPB Reference #: 22041302
PBC Reference #: _____

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.

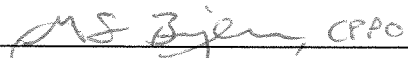
Notice of the hearing was posted to the Illinois Procurement Bulletin at least (14) days in advance of hearing and was also posted outside the hearing room no less than 48 hours prior to the hearing.

A Public Hearing was held at 10:30 a.m. on November 9, 2017, to hear testimony and receive comments on extending the emergency procurement for Benton and Associates, Inc. They are providing design services for the Emergency back-up generator system replacement at the Illinois School for the Visually Impaired. A recording of the hearing is available and will be published on the Illinois Procurement Bulletin.

Rich Meyer, CDB Project Manager, provided a brief history and current status of the project.

Status: It was decided that since ISVI has rented a back-up emergency generator for 12 months, the emergency situation has been resolved and the project would be advertised for bid as a regular project. A 100% specification review meeting was held on November 7, 2017. The project will be advertised to the public on November 17th with a Pre-Bid Meeting to be held on November 28th and bid opening on December 7, 2017. Material lead time is 16-18 weeks. No other persons offered testimony or comments on this project.

Hearing Officer Jerry Burlingham recommends extending Benton & Associates, Inc.'s contract until July 31, 2018 to allow ample time for materials to arrive, installation, and final billing documents and drawings to be submitted on this project.

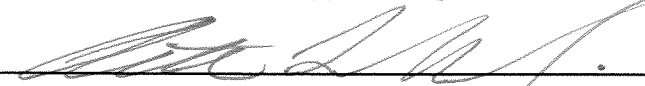


State Purchasing Officer, Hearing Officer

11-9-17

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 247 days.



Art Moore, Chief Procurement Officer

11/9/17

Date

Chief Procurement Office for the Capital Development Board



CHIEF PROCUREMENT OFFICE

Art Moore, Capital Development Board

Reference #: 321-155-012

EMERGENCY PURCHASE EXTENSION

Agency: Capital Development Board Point of Contact: Heather Oxley

Location of Emergency: Illinois School for the Visually Impaired - Jacksonville

Vendor: Benton & Associates, Inc. (4274)

Address: 1970 W. Lafayette Avenue City: Jacksonville State: IL Zip: 62650

Extension Justification

Original Emergency Term Start Date: Aug 28, 2018 Original Emergency Term End Date: Jul 31, 2018

Amount of original: \$85,989.75 (Current Contract) Actual or Estimated: Estimated

Extension Hearing Date: Jun 26, 2018 Requested Extension End Date: Dec 31, 2018

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

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

The Illinois School for the Visibly Impaired in Jacksonville, Illinois has an emergency generator that has become in-operable. Should a power failure occur, the facility no longer has a back-up power supply which could result in a complete shut-down of the facility. Because of the age and condition of the generator, attempts at repair are not feasible as parts are no longer being manufactured and there is no guarantee that a repair will last for any significant amount of time. Temporary measures in conjunction with a design and installation of a new generator and any necessary ancillary components are needed immediately in order to minimize serious disruption in critical state services and to protect against the threat to public health and safety.

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:

This project was bid as an Emergency Project on December 7, 2017; only one (1) bid was received. It was decided the project would be rebid as a normal project, but the A/E would remain under an Emergency Project. Project was rebid on March 8, 2018 and four (4) bids were received. ATP was issued on April 13, 2018. Due to long lead times for the emergency generator and electrical switchgear, contractor cannot complete installation work until November 2018. Benton & Associates is already under contract to oversee the construction and closeout phase for the project. CDB is asking to extend Benton & Associates' existing contract to allow for the long delivery time for the emergency generator and electrical switchgear, construction and close-out. It would not be prudent to bring in another A/E to oversee the generator installation work designed by Benton & Associates. Benton & Associates will continue to oversee the construction/installation of the new emergency generator and complete all required contractor closeout paperwork.

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



CHIEF PROCUREMENT OFFICE

Art Moore, Capital Development Board

Reference #: 321-155-012

EMERGENCY PURCHASE EXTENSION

Agency: Capital Development Board Point of Contact: Heather Oxley

Location of Emergency: Illinois School for the Visually Impaired - Jacksonville

Vendor: Benton & Associates, Inc. (4274)

Address: 1970 W. Lafayette Avenue City: Jacksonville State: IL Zip: 62650

Signatures

I am requesting an extension of the requested emergency contract. 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: 2018.05.31 10:13:18 -05'00' Title: Executive II

Hearing Disposition

Hearing Date: Jun 26, 2018 Hearing Location: 401 S. Spring St., Springfield, Il. Wm Stratton Bldg, 3rd floor, Conf. Room A.

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:

An extension hearing was not required for Benton and Associates. After an unsuccessful initial bid-opening in 2017, a contract modification to compensate the A/E to re-create bid documents was approved on March 23, 2018. As the construction schedule was revised to reflect the new milestone dates, the A/E's contract end date was inadvertently revised to October 31, 2019 as well to allow ample time for material lead times, construction, and close-out processes to take place. This oversight was discovered during the extension hearing conducted on June 26, 2018. All parties agreed that the current contract end date of October 31, 2019 should remain in effect as the Final Acceptance is scheduled for late September, early October and typically an A/E's contract is scheduled to expire 12 months after Final Acceptance.

Signatures

Hearing Officer recommends approval of the extension request.

Hearing Officer Signature: GERALD STEVEN BURLINGHAM Digitally signed by GERALD STEVEN BURLINGHAM
DN: cn=US, o=State of Illinois, ou=CMS, ou=People, ou=HM-BZ, serialNumber=70355529, cn=GERALD STEVEN BURLINGHAM
Date: 2018.06.26 13:18:42 -05'00' Date: Jun 26, 2018

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 368 calendar days.

CPO Signature: Arthur L Moore Digitally signed by Arthur L Moore
DN: cn=US, o=State of Illinois, ou=CMS, ou=People, ou=MM-MZ, serialNumber=70143150, cn=Arthur L Moore
Date: 2018.06.27 09:24:45 -05'00' Date: Jun 27, 2018



CHIEF PROCUREMENT OFFICE
 Art Moore, Capital Development Board

Reference #: 321-155-012

EMERGENCY PURCHASE FINAL COST AND TERM

Agency: Capital Development Board Point of Contact: Heather Oxley

Location of Emergency: Illinois School for the Visually Impaired - Jacksonville

Vendor: Benton & Associates, Inc. (4274)

Address: 1970 W. Lafayette Avenue City: Jacksonville State: IL Zip: 62650

Final Costs and Term

Final total cost of supplies and services: 654 Days Final total term of contract: \$83,339.75

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: 2019.07.23 08:22:16 -05'00' Title: Executive II

Printed Name: Chris R. Miles Date: Jul 23, 2019