



Emergency Purchase Number: AFF-11-08

Office/Division: Division of Highways

Address: 400 West Wabash
Effingham, IL 62401

Chief Procurement Officer: Bill Grunloh

Vendor: Merz Heating and Air Conditioning

Address: 509 South Willow
Effingham, IL 62401

Estimated Cost: \$26,350.00 (Actual)

Final Cost: _____

This expenditure is justified as:

- An emergency involving public health.
- An emergency involving public safety.
- Necessary to protect State property from further loss or damage.
- Necessary to prevent or minimize serious disruption in State services.
- Necessary 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 expenditure are:

Recent failure of the existing Air conditioning system at the FAI 70 Eastbound, National Trail Rest Area building near Effingham, Illinois. Building temperatures are exceeding 100 degrees at times during the current hot weather resulting in unsafe extreme heat conditions for the elderly, physically handicapped, employees, and general public. The rest area provides a safe oasis for the travelling public to rest and reduce driver fatigue, and in doing so, eliminating safety hazards for the motoring public. Extreme building temperatures also create an unsafe work environment for the employees. Existing unit has been inspected by 3 separate HVAC companies, and found to be non-repairable due to the age of the unit (35 + years olds.)

The Department contacted the following individual firms to solicit proposals for the replacement:
 Merz Heating and Air Conditioning – 509 South Willow, Effingham, Illinois 62401, telephone 217-342-2323, Howard Green
 Jansen’s Heating and Air, 11984 E US Hwy 40, Effingham, Illinois 62401, telephone 217-347-5223, Jerry Westendorf
 Industrial Services of Illinois, 717 South 19th Street, Mattoon, Illinois 61938, telephone 217-234-6487, Russ Scoles

We met with all 3 representatives at the rest area, explained that they were to take measurements, dimensions, and technical information to replace the existing non-functioning AC unit with the proper equipment to meet the AC needs of the facility. Copies of the original building construction plans were also provided for all 3 vendors.

It was noted to all 3 firms that the vending area had been added since the original construction, and that additional cooling capacity might be needed due to the increased floor space, and for the increased thermal load from the vending machines.

Proposals were received via e-mail and forwarded to you for appropriate action from Jansen's and Merz. We spoke with Russ Scoles last Wednesday, June 15, 2011, and he declined to submit a proposal for his firm.

EMERGENCY PURCHASE AFFIDAVIT

Reference # AFF-11-08

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: Transportation Division: Highways

Address: 400 West Wabash

City: Effingham State: Illinois Zip: 62401

Vendor: Merz Heating and Air Conditioning

Address: 509 South Willow

City: Effingham State: Illinois Zip: 62401

State of Illinois) : SS

County of Effingham

I, Aaron A. Weatherholt being duly sworn, solemnly swear and affirm that I am Deputy Director, Springfield, Illinois.

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 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:

Recent failure of the existing Air conditioning system at the FAI 70 Eastbound, National Trail Rest Area building near Effingham, Illinois. Building temperatures are exceeding 100 degrees at times during the current hot weather resulting in unsafe extreme heat conditions for the elderly, physically handicapped, employees, and general public. The rest area provides a safe oasis for the travelling public to rest and reduce driver fatigue, and in doing so, eliminating safety hazards for the motoring public. Extreme building temperatures also create an unsafe work environment for the employees. Existing unit has been inspected by 3 separate HVAC companies, and found to be non-repairable due to the age of the unit (35 + years olds.)

(Continue on next page if necessary)

Expected Start Date: June 27, 2011 Expected End Date: June 30, 2011

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.

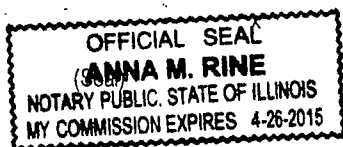
Expected End Date: \$26350.00 Actual or \$ *Estimated.

*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].

Signature of Affiant

Subscribed and sworn before me this 21st day of JUNE 20 11



Notary Public

My Commission expires: 4-26-15

Approved: Chief Procurement Officer/State Purchasing Officer Date

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 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)

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