



Emergency Purchase Number: AFF12-01

Office/Division: Division of Highways/ Region 2/District 2

Address: 819 Depot Avenue
Dixon, IL 61021

Chief Procurement Officer: Bill Grunloh

Vendor: Civil Constructors

Address: P.O. Box 750
Freeport, IL 61032

Estimated Cost: \$475,000.00

Final Cost: **\$500,932.41**

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:

The East Dubuque area received an estimated 15 inches of rain over a 12 hour period from the evening of July 27 through the morning of July 28, 2011 resulting in flash flooding. The flood waters damaged pavement on IL 35, washed out around a bridge abutment and collapsed the retaining wall of the drainage ditch that is adjacent to the west side of IL 35. This allowed for the erosion of the embankment supporting the sidewalk along IL 35. The amount of damage is expansive and has resulted in the closure of IL 35. This emergency is complicated by several factors beyond the actual damage. The primary concern, beyond re-opening IL 35, is the replacement of the sidewalk adjacent to IL 35 as this is the primary route for children to walk to school.

The scope of work for this emergency will be to re-establish the retaining wall and replace the sidewalk as quickly as possible. This may or may not require the demolition of the bridge eroded by the flood waters dependent upon our Geologist's recommendations on how to re-establish the very steep embankment previously retained by a block wall. To the Department's advantage, the District has been acquiring property in this vicinity for a future project. This includes the lone residence being serviced by this bridge. They currently have access from a side street, but anticipate closing on a different home near the end of September and moving within 30 days. As a result, this bridge will never be opened to public use so if deemed necessary the removal could be achieved without impact. The scope will also include removing and replacing broken sidewalk, milling and paving the shoulders, cleaning and repairing any impacted drainage structures and pavement replacement to IL 35 as necessary. Primary restorative work to IL 35 will be performed under contract 64G14 awarded to Civil Constructors. This contract is to mill and resurface IL 35 from the state line to US 20. By selecting Civil Constructors for this emergency work we have eliminated the need for additional coordination that would be required if you had multiple contractors in the same vicinity.

It will also make it less costly by maximizing equipment and man power. In addition to the work being performed in East Dubuque the District would like to include emergency shoulder repair on US 20 near Elizabeth, IL. We request this be included in the same affidavit as the location is within several hundred yards of Civil Constructors HMA plant.

As noted, the damage in the JoDaviess County area was extensive. District Two anticipates the need to award three separate emergency contracts to repair the various locations. We are in contact with several other contractors to provide estimates to replace aggregate shoulders, excavate ditches that were filled with mud and debris and make repairs to a bridge on IL 78, south of Stockton. District Two met with three different contractors regarding the emergency work necessary to re-open IL 35 to traffic and to perform necessary emergency work to ensure the safety of the motoring and pedestrian public. The work on IL 35 entails bituminous removal and replacement, bridge removal, embankment, possible retaining wall and erosion control. The three contractors contacted were Brandt Construction, Civil Constructors of Illinois and Fischer Excavating and were chosen due to their past practices of performing the type of work required.

Brandt Construction – Although willing to perform the work on IL 35 if requested by the district they preferred not to work on the project. They are located in the Milan, IL and have not performed much if any work in Jo Davies County. Their haul times would be significant (1.5 to 2 hours) which would add significantly to the time and cost of the project as compared to Civil Constructors. Due to their preference and additional cost Brandt Construction is not the preferred contractor.

Civil Constructors of Illinois – They are willing to perform the work and indicated they could be available in a timely manner. Their plant is located 20 miles closer than Brandt's and 75 miles closer than Fischer's. Also, Civil has been awarded contract 64G14 to mill and re-surface IL 35 from the state line to US 20 part of which is within the limits of the emergency work zone. This work could will overlap and require coordination with the in access, timing and traffic control to perform the emergency work. Due to these factors the district proposes the selection of civil for this emergency contract.

Fischer Excavating – They are willing to perform the work and indicated they could be available however their nearest bituminous plant to the emergency work zone is in Rock Falls, IL. Their haul times would be significant (1.75 to 2 hours one way) which would add significantly to the time and cost of the project as compared to Civil Constructors. Although willing to perform the work the district felt it was not in the best interest of the State to select Fischer due to the additional costs for travel and coordination with the adjacent contract.

EMERGENCY PURCHASE AFFIDAVIT

Reference # AFF12-01

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: Illinois Department of Transportation Division: Highways / Region 2 / District 2

Address: 819 Depot Avenue

City: Dixon State: IL Zip: 61021

Vendor: Civil Constructors

Address: PO Box 750

City: Freeport State: IL Zip: 61032

State of Illinois)
: SS
County of Lee)

I, Eric S. Therikidsen, being duly sworn, solemnly swear and affirm that I am Acting Deputy Director.

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 East Dubuque area received an estimated 15 inches of rain over a 12 hour period from the evening of July 27 through the morning of July 28, 2011 resulting in flash flooding. The flood waters damaged pavement on IL 35, washed out around a bridge abutment and collapsed the retaining wall of the drainage ditch that is adjacent to the west side of IL 35. This allowed for the erosion of the embankment supporting the sidewalk along IL 35. The amount of damage is expansive and has resulted in the closure of IL 35. This emergency is complicated by several factors beyond the actual damage. The primary concern, beyond re-opening IL 35, is the replacement of the sidewalk adjacent to IL 35 as this is the primary route for children to walk to school.

(Continue on next page if necessary)

Expected Start Date: August 8, 2011 Expected End Date: November 1, 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.

Contract Amount: \$ Actual or \$475,000.00 *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].

Signature of Affiant

Subscribed and sworn before me this OFFICIAL SEAL PEGGY M. KINGRY Notary Public State of Illinois My Commission Expires Apr 05, 2012 (Seal)

3rd day of August 20 11

Peggy M. Kingry Notary Public

My Commission expires: April 5, 2012

Approved: Callen Eaton 8/5/2011 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)

Reference # AFF-12-01-D2

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Additional Justification Emergency Affidavit AFF12-01

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