



CHIEF PROCUREMENT OFFICE

Ellen H. Daley, General Services

Notice 2023.04 General Services

To: Agency Procurement Staff
Central Management Services Bureau of Strategic Sourcing
State Purchasing Officers

From: Ellen H. Daley 

Date: October 7, 2022

Subject: Exempt Procurements Under Disaster Proclamations

CC: Procurement Compliance Monitors
Procurement Policy Board
Commission on Equity and Inclusion

This notice is effective immediately.

In the event of a disaster, the Governor may by proclamation declare a disaster. Upon such proclamation, the Governor may suspend the provisions of any regulatory statute prescribing procedures for conduct of State business, or the orders, rules and regulations of any State agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder or delay necessary action, including emergency purchases, by the Illinois Emergency Management Agency, in coping with the disaster. 20 ILCS 3305/7.

If the Governor suspends provisions of the Illinois Procurement Code (30 ILCS 500/) or the Governmental Joint Purchasing Act (30 ILCS 517/) that (1) would in any way prevent, hinder or delay necessary action in coping with the disaster, (2) the suspended provisions are not required by federal law, and (3) the Illinois Emergency Management Agency (IEMA) must purchase necessary items in response to the disaster, then these purchases are exempt from the Procurement Code or the Joint Purchasing Act as enforcement of any provision of these laws would delay IEMA's actions.

If purchases by any other State agency are directly tied to IEMA's necessary action in coping with the disaster and strict compliance with the Procurement Code or Joint Purchasing Act would prevent, hinder, or delay IEMA's response, then the affected agency's purchases are exempt from the Procurement Code or Joint Purchasing Act. The affected agency may determine which purchases qualify for the exemption.



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An agency's determination that their purchases are necessary for IEMA to respond to the disaster and therefore exempt from the Procurement Code or Joint Purchasing Act, may be made without the State Purchasing Officer's (SPO) involvement. If the SPO's opinion is sought and provided, then the SPO's determination is binding.

Agencies purchasing exempt items pursuant to the Gubernatorial Disaster Proclamation may use either or both Requisition or Purchase Order documents in BidBuy to manage and store information. If an agency chooses to use BidBuy, then the agency shall enter the following sentence into the Notes tab of the document being created:

"This purchase is being made pursuant to the Gubernatorial Disaster Proclamation dated (add date)."

If there are any questions regarding this notice, please ask your State Purchasing Officer or contact the Chief Procurement Office at (217) 558-2231.

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