



Notice 2017.04

Capital Development Board

To: Jodi Golden, Executive Director Capital Development Board
CDB Procurement Staff
CPO-CDB State Purchasing Officers

From: Margaret van Dijk, Chief Procurement Officer for the Capital Development Board

Date: February 22, 2017

Subject: Determination of Non-Responsiveness and Non-Responsibility

This CPO Notice is effective immediately. This notice rescinds and replaces CPO Notice 2012.05.

Responsiveness and Responsibility

A responsible bidder, potential contractor, or offeror is defined in the Code as:

A person who has the capability in all respects to perform fully the contract requirements and the integrity and reliability that will assure good faith performance. A responsible bidder or offeror shall not include a business or other entity that does not exist as a legal entity at the time a bid or offer is submitted for a State contract. 30 ILCS 500/1-15.80.

See also 30 ILCS 500/30-22 for additional responsible bidder requirements for construction contracts.

A responsive bidder is defined as:

A person who has submitted a bid that conforms in all material respects to the invitation for bids. 30 ILCS 500/1-15.85.

A responsive offeror is defined as:

A person who has submitted an offer that conforms in all material aspects to the request for proposals. 30 ILCS 500/1-15.86.

Applicability

Before making an award, a State Purchasing Officer (SPO) must be satisfied the prospective vendor is responsive and responsible. SPOs are required to approve any recommendation by the Capital Development Board (CDB) to find a bidder or offeror non-responsive or non-responsible under the Illinois Procurement Code (Code). If the apparent low bidder or offeror appears to be non-responsive or non-responsible, the SPO review and approval will occur prior to the Chief Procurement Office's approval to post the Recommendation To Award (RTA). If the bidder or offeror who appears to be non-responsive or not responsible is not the apparent low bidder, the RTA process may proceed while the remaining responsiveness and responsibility reviews are conducted.



CHIEF PROCUREMENT OFFICE

Margaret van Dijk, Capital Development Board

For efficiency, CDB may limit its initial review of responsiveness and responsibility to the first three low bidders. If required, CDB may expand its review beyond the first three low bidders to determine lowest responsive and responsible vendor. For selections under the Architectural, Engineering, and Land Surveying Qualifications Based Selection Act (QBS Act), CDB reviews all proposals for responsiveness and responsibility prior to selection.

When CDB recommends disqualification of a vendor for responsiveness or responsibility issues, a written determination setting forth the factual basis of the finding shall be prepared by CDB for review by the SPO. The written determination shall cite the factual basis for the disqualification, including reference to the appropriate statute, rule, or provision of the solicitation relied upon by CDB that supports the disqualification. CDB shall submit its request for disqualification to the Executive Assistant for the CPO, who will assign the request to a SPO for review.

Once the written determination has been approved by a SPO, the determination shall be sent promptly to the disqualified vendor by CDB. The written determination may be in the form of a letter, memo, or e-mail. The written determination, including the SPO approval and all supporting documents, shall be made part of the procurement file.

Additional guidance on responsiveness and responsibility requirements are found in the CPO Administrative Rules 44 Ill. Admin. Code 8.2040 and 8.2046, the Standard Documents for Construction, and other solicitation documents.

For questions related to this notice, please contact the CPO's office at 217-558-2156.

cc: Procurement Policy Board
Procurement Compliance Monitors