**Section 605.90 Procedures for Soliciting Proposals**

a) The Agency shall issue a Request for Proposals for contractors to design, develop, construct, operate and close a low-level radioactive waste disposal facility.

b) The deadline for receiving proposals shall be no earlier than 60 days from the date that the proposal announcement is first published in the official state newspaper.

c) All proposals received by the Agency by the submission date set forth in the Request for Proposals will be catalogued and distributed by the Agency for review and evaluation. All proposals will then be reviewed by the Agency, Agency staff, and such experts outside the Agency as may be needed. Following the receipt of proposals, the Agency will review all proposals with respect to completeness and conformance with the instructions and requirements specifically indicated in the Request for Proposals. Proposals that are deemed incomplete or non-conforming with instructions and requirements of the Request for Proposals may not be given further evaluation. The Agency reserves the right to reject any or all proposals and to waive any irregularity, variance, or informality, whether technical or substantive in nature. All proposals will be equally evaluated with respect to the completeness of the data provided, the support for the performance claims made, and the criteria established for evaluation in the Request for Proposals according to the Act and related rules (32 Ill. Adm. Code 601).

d) The Agency shall reject, without consideration of the merits, any proposal that is not accompanied by an acceptable ($1,000,000) proposal guaranty. The proposal guaranty is acceptable if it is in any of the following forms:

1) A certified check, drawn on a solvent commercial bank or trust company to the order of the Illinois Emergency Management Agency;

2) A bank check, drawn on a solvent commercial bank or trust company, to the order of the Illinois Emergency Management Agency;

3) An irrevocable letter of credit issued by a solvent commercial bank or trust company; or

4) A bond executed by a corporate surety company authorized to do business in the State of Illinois.

e) All proposal guaranties shall:

1) Be valid for at least 180 days from the proposal submission date;

2) Be extended at the Agency's request for an additional period, up to 365 days, without cost to the Agency. The Agency would request that proposal guarantees be extended if either:

A) No proposer was selected as a contractor within the 180 day period; or

B) A proposer was selected, but contract negotiations were not completed within the 180 day period.

3) Be returned, within five business days after execution of a contract for the design, development, construction, operation and closure of the low-level radioactive waste disposal facility.

f) Failure of a successful proposer to execute the contract as proposed in the response to the Request for Proposals and file acceptable bonds within 45 days after the contract has been mailed to the proposer shall be just cause for cancellation of the award and the forfeiture of the proposal guaranty that shall become the property of the Agency, not as a penalty, but in liquidation of the damages sustained. If the contract is not executed by the Agency within 30 days following receipt from the proposer of the executed contracts and bonds, the proposer shall have the right to withdraw the proposal without penalty.

(Source: Amended at 37 Ill. Reg. 12414, effective July 19, 2013)