**Section 1.2010 Competitive Sealed Bidding**

a) Application

Competitive sealed bidding, also referred to as Invitation for Bids, is the required method of source selection, except as allowed by the Code and this Part. The provisions of this Section apply to every procurement required to be conducted by competitive sealed bidding.

b) Invitation for Bids

1) Use. An IFB is used to initiate a competitive sealed bid procurement.

2) Content. An IFB shall include, at a minimum, the following:

A) instructions and information to potential bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the location to which bids are to be delivered, and the maximum time for bid acceptance by the State;

B) the purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description;

C) the contract terms and conditions, including warranty and bonding or other security requirements, as applicable and State mandated certifications; and

D) A form or format that will specify or organize the manner of price submission and that the bidder shall submit along with all other necessary submissions, including disclosure forms.

3) Delivery-Related Costs

Unless otherwise provided in the solicitation, the bid price includes transportation, transit insurance, delivery, installation and any other costs.

c) Amendments to Invitations for Bids

1) Form. Amendments to IFBs shall be clearly identified and shall reference the portion of the IFB being amended.

2) Distribution. Amendments shall be made available to all prospective bidders known to have received an IFB through posting on the Bulletin.

3) Timeliness. Amendments shall be made available at least 72 hours prior to the date or time for submitting a bid to allow prospective bidders to consider them in preparing their bids. If notice cannot be made at least 72 hours in advance of the time responses are due, the solicitation may be cancelled and reissued or the SPO may extend the time to respond for a reasonable period of time.

d) Pre-Opening Modification or Withdrawal of Bids

1) Procedure. Bids may be modified or withdrawn by written notice received in the location designated in the IFB prior to the time and date set for bid opening.

2) Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, shall be returned to the bidder.

3) Records. All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file.

e) Opening and Recording of Bids

1) Bids and modifications shall be opened publicly at the time, date and place designated in the IFB in the presence of a State witness or through an electronic procurement system selected by the CPO-GS. The person opening bids shall not serve as witness.

2) The CPO-GS shall determine information that shall be recorded, read and made available at the opening, including items such as the name of each bidder, the bid price and such other information the CPO-GS determines is appropriate.

f) Bid Evaluation and Award

1) General. The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the IFB, except as permitted in the Code and this Part. The IFB shall set forth the requirements and criteria that will be used to determine the lowest responsive bidder. No bid shall be evaluated for any requirements or criteria for price or responsiveness that are not disclosed in the IFB.

2) Responsibility. Responsibility of prospective vendors is covered by Section 1.2046 (Responsibility).

3) Responsiveness. A bid must conform in all material respects to the IFB.

A) Product or Service Acceptability. The IFB shall set forth any evaluation criteria to be used in determining product or service acceptability. It may require the submission of bid samples, descriptive literature, technical data, references, licenses, or other information or material. It may also provide for accomplishing any of the following prior to award:

i) inspection or testing of a product or service prior to award for such characteristics as quality or workmanship;

ii) examination of such elements as appearance, finish, taste or feel;

iii) other examinations to determine whether the product or service conforms to any other purchase description requirements.

B) The acceptability evaluation is not conducted for the purpose of determining whether one bidder's product or service capability is superior to another, but only to determine that a bidder's offering is acceptable as set forth in the Invitation for Bids. Any bidder's offering that does not meet the acceptability requirements shall be rejected.

C) When the IFB provides a form or format for submitting price and the bidder deviates from the form or format, the bidder shall be declared nonresponsive by the SPO if the price submitted by the bidder cannot be discerned from the response.

4) Determination of Lowest Bidder. Following determination of product or service acceptability as set forth in this subsection (f), bids will be evaluated to determine which bidder offers the lowest cost to the State in accordance with the evaluation criteria set forth in the IFB, including options if applicable. Only objectively measurable criteria that are set forth in the IFB shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, transportation cost, administrative cost and ownership or life-cycle cost formulas. Evaluation factors need not be precise predictors of actual future costs, but to the extent possible, the evaluation factors shall be reasonable estimates based upon information the State has available concerning future use and shall treat all bids equitably. Pricing for optional supplies or services, or for renewal terms, may be considered, particularly when the pricing for those items or terms is unbalanced when compared to other pricing in the bid.

5) Price Negotiation. Negotiations are permitted with the low bidder to obtain a lower price for the item bid.

6) No Disclosure of Information

A) Other than information that was recorded, read and made publicly available at the opening of the bids, the State agency conducting the procurement shall not disclose any information contained in any bid outside of contracting officers, identified State agency personnel or others specifically authorized by the CPO-GS or SPO until after the award of the proposed contract has been posted to the Bulletin. This does not restrict the disclosure of information to, or receipt by, State agency personnel identified by the State agency head or the chief executive officer of a board or commission to receive the information. The SPO may require confidentiality and conflict statements from those persons identified by the agency head or the chief executive officer to receive the information.

B) The agency head or chief executive officer may identify:

i) State employees who have primary responsibility for the procurement;

ii) State employees who exercise experience or expertise in the subject matter of the particular procurement in the normal course of business and as part of official responsibilities; or

iii) State employees who exercise oversight, supervisory or management authority over the procurement in the normal course of business and as part of official responsibilities.

(Source: Amended at 46 Ill. Reg. 10208, effective June 2, 2022)