**Section 1.2046 Responsibility**

a) Application

Before making an award or signing a contract, the SPO must be satisfied the prospective vendor is responsible. If there is doubt about responsibility, and if a bond or other security would adequately protect the State's interests, then that vendor may receive an award or contract upon receipt of the bond or other security.

b) Standards of Responsibility

Factors to be considered in determining whether the standard of responsibility has been met include, but are not limited to, financial responsibility, previous termination for cause, insurability, effective equal opportunity compliance, payment of prevailing wages if required by law, capacity to produce or sources of supply, performance record in the business or industry, ability to provide required maintenance service or other matters relating to the bidder's probable ability to deliver in the quality and quantity and within the time and price required under the contract, if it is awarded to the bidder. The vendor must be a legal entity authorized to do business in Illinois prior to submitting the bid, offer or proposal and qualified legally to contract with the State.

c) Information Pertaining to Responsibility

The State agency, in consultation with the SPO, may conduct discussions with a bidder or offeror to determine in greater detail the bidder's or offeror's qualifications, to explore with the bidder or offeror its ability to supply the specific supply or service, and the bidder's or offeror's proposed method of performance. This discussion is not for the purpose of determining whether one bidder's or offeror's product or service capability is superior to another, but only to determine that a bidder or offeror has the capability to perform. The prospective vendor shall supply information requested concerning the vendor's responsibility. The State may supplement this information from other sources and may require additional documentation at any time. If the vendor fails to supply the requested information, the SPO may disqualify the vendor or may base the determination of responsibility upon any available information.

d) Written Determination of Nonresponsibility Required

If a vendor that otherwise would have been awarded a contract is found non-responsible, a written determination of nonresponsibility setting forth the basis of the finding shall be prepared by the State agency purchasing director or his or her designee and approved by the SPO. The final determination shall be made part of the procurement file.

e) Affiliated Companies

Vendors that are newly formed business concerns having substantially the same owners, shareholders, members, officers, directors or beneficiaries as a previously existing vendor that has been determined not responsible or has been suspended or debarred will also be determined to be not responsible.

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