**Section 4.2039 Mistakes**

a) General

Corrections to bids, proposals or other procurement processes are allowed, but only to the extent not contrary to the best interest of the State or the fair treatment of other offerors.

b) Mistakes Discovered Before Opening

A vendor may correct mistakes discovered before the time and date set for opening by withdrawing or correcting the error in writing, or in person at the opening location, before the time and date set for opening.

c) Confirmation of Mistake After Opening

When the SPO knows or has reason to conclude that a mistake has been made, the SPO shall request the vendor to confirm the information. Situations in which confirmation should be requested include obvious or apparent errors on the face of the document or a price unreasonably lower than the others submitted. If the vendor alleges a mistake, the bid or proposal may be corrected or withdrawn if the conditions set forth in this Section, as applicable, are met.

d) Mistakes Discovered after Opening but Before Award

1) Minor Informalities

A minor informality or irregularity is one that is a matter of form or pertains to some immaterial or inconsequential defect or variation from the exact requirement of the solicitation, the correction or waiver of which would not be prejudicial to the State (i.e., the effect on price, quality, quantity, delivery or contractual conditions is negligible). The SPO shall waive these informalities or allow correction depending on which is in the best interest of the State. Examples of minor informalities as to form include the failure to:

A) return the required number of signed copies required by the solicitation document;

B) acknowledge receipt of an amendment to the solicitation, but only if:

i) it is clear from the bid or proposal that the bidder or offeror received the amendment and intended to be bound by its terms; or

ii) the amendment involved had a negligible effect on price, quantity, quality or delivery.

2) Mistakes in Which the Intended Correct Information is Evident

If the mistake and the intended correct information are clearly evident on the face of the bid or proposal document, the information shall be corrected and the bid or proposal may not be withdrawn. Examples of mistakes that may be clearly evident on the face of the solicitation document are typographical errors, errors in extending unit prices, transposition errors and arithmetical errors.

3) Mistakes in Which the Intended Correct Information is Not Evident

The bid or proposal may be withdrawn if:

A) a mistake is clearly evident on the face of the bid or proposal document but the intended correct bid or proposal is not similarly evident; or

B) there is proof of evidentiary value that clearly and convincingly demonstrates that a mistake was made.

e) During Discussions; Prior to Best and Final Offers

Once discussions are commenced with any offeror or after best and final offers are requested, any offeror may propose to correct any mistake, prior to the date set for conclusion of discussions or for receipt of best and final offers, provided the correction would not be contrary to the fair and equal treatment of other offerors.

f) Mistakes Discovered after Award

Mistakes shall not be corrected after award of the contract except when the SPO finds it would be unconscionable (e.g., if the mistake resulted in a windfall to the State) not to allow the mistake to be corrected.

g) Documentation Required

The reason for allowing correction or withdrawal of bids or proposals shall be made part of the procurement file and shall be available for public inspection.

(Source: Amended at 40 Ill. Reg. 456, effective January 15, 2016)