**Section 8.120 Construction Contracts**

Unless an exception authorized by the Code exists, CDB contracts for construction projects shall be competitively bid. Solicitations for bids shall be in conformance with the Illinois Procurement Code, the rules of the Chief Procurement Officer for General Services (CPO-GS) and/or CDB, and with accepted business practices. Contracts shall be awarded in accordance with those authorities and with the guidelines set forth in "Standard Documents for Construction" (SDC) used by the Board unless otherwise specified in the advertisement for bids published in the Procurement Bulletin, or as authorized by law. Policies governing bid matters that are expressed in CDB's Standard Documents for Construction relating to the bidding process include the following:

a) Licensing

In addition to other statutory requirements, all bidders shall be responsible for proper licensing with the appropriate State agency in the trades the bidder will perform on the particular project, such as (but not limited to) roofing, plumbing, and asbestos abatement.

b) Obtaining Bid Documents

At the time of publishing an advertisement for bids, CDB shall make project plans, specifications and other bidding documents available to prospective bidders through the office(s) of the project Architect/Engineer (A/E), and other locations as may be deemed appropriate for the project, such as commercial "plan rooms."

c) Construction Administration Fee

As authorized by the CDB Act [20 ILCS 3105/9.02a], CDB may assess a Construction Administration Fee that shall be identified in the bid documents.

d) Reporting of Bid Document Errors or Inconsistencies

Bidders shall have an affirmative duty to examine bid documents and site conditions, and to report any discovered errors or inconsistencies to the project A/E. Bidders awarded a project will not be given change orders for extra payment or time extension for conditions that could reasonably have been discovered.

e) Addenda to Bid Documents

Addenda changing the bid documents prior to bid opening shall be issued in writing by the project A/E to all known plan holders a reasonable time prior to bid opening.

f) Alternates

When the estimated value of the work exceeds the available funding, portions of the work may be identified as alternates to a base bid for the most essential part of the work. The alternates may be additive or deductive valued bids for these lesser essential portions of the work. Prior to bid opening, the order of priority in which alternate bids may be accepted with the base bid may be announced. If not otherwise announced, the priority will be in the order listed on the bid form. The lowest bidder shall be determined by the amount of the base bid plus accepted alternates. Prior to award, there will be not division of awards between base bid and accepted alternate bids. If not all the alternate bids are accepted at the award time, an alternate may be added to the project at a later time by change order if funding becomes available. If, however, acceptance of the alternate prior to award would have resulted in changing the lowest bidder, the alternate cannot be added by change order.

g) Agreements to Terms

By submitting a bid, the bidder agrees to all terms and conditions of the SDC and other contract documents. Accordingly, submittal of conditions or qualifying statements on bids is unacceptable and cause for rejection of the bid.

h) Unit Prices

Unit price items may be included in project specifications only if stated a manner to clearly protect the State from unlimited increased quantities.

i) Bid changes

Prior to bid opening, bidders may change bids already submitted in a manner that does not reveal the total bid price, in writing or by telefax. Changes shall not be allowed after bid opening.

j) Bid Withdrawal

After bid opening, bid withdrawal shall be permitted only if the bidder establishes clearly and convincingly that the bid was founded on a credible error or omission.

k) Minority and Female Participation

CDB may impose minority and female work force participation and/or Minority and Female Business Enterprise participation as permitted by law, on projects determined to be appropriate, as a bidding or post-award requirement.

l) Bid Security

All bids shall include bid security in the form of a bid bond on CDB's form, a certified check, cashier's check, or bank draft in the amount of 10% of the base bid. If a bid bond is used, the surety issuing the bond must be acceptable to CDB.

m) Bid Rejection

Bids which are not in substantial conformance with the bid documents and whose non-conformance is determined to be material and unresponsive shall be rejected. Material deficiencies include but are not limited to the following:

1) Failure of the contractor to be prequalified;

2) A finding that the contractor is non-responsible;

3) Late submittal of the bid;

4) Deletion of original signatures to the extent that an intent to be bound by the bid is not apparent; or

5) Submission of a bid price that cannot be determined.

n) Technical Deficiencies

Technical deficiencies in bids may be remedied by the bidder within 7 days. Technical deficiencies include but are not limited to the following:

1) Failure to use proper bid forms;

2) Submission of a bid bond that is not on CDB's form;

3) Failure to include the Minority and Female Workforce Participation form; or

4) Failure to acknowledge an addendum to the work, but only if it does not change the amount of the bid.

o) Tie Bids

In instances where identical bids are submitted to CDB, the apparent low bidder will be identified by the toss of a coin, properly witnessed and recorded.