**Section 8.2046 Responsibility and Ineligibility**

a) Application. Before making an award or signing a contract, the SPO must be satisfied the prospective vendor is responsible.  CDB's recommendation to award a contract shall include a determination of responsibility. If there is doubt about responsibility, a vendor may be denied an award. If additional bonding 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, whether a prospective vendor:

1) has available the appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain and manage this expertise, necessary to indicate its capability to meet all contractual requirements. CDB shall not recommend a determination of responsibility for any vendor who has the appearance of being a broker, rather than a conventional business. In determining whether a vendor is a broker or a vendor with inadequate resources, CDB may consider one or more of the following:

A) whether the vendor maintains and works from a separate conventional office which is not a residence or offices for other businesses;

B) whether the vendor maintains a full-time office with professional and/or construction staff consisting of clerical, managerial, and supervisory personnel;

C) whether key persons with the vendor have an educational and work experience background that makes the key persons sufficiently expert and knowledgeable to carry out CDB construction projects;

D) whether the vendor owns equipment, tools, machinery, materials or supplies used on construction projects;

E) whether the contractor has financial resources related to or generated by the construction business;

F) whether the vendor has historically subcontracted for a percentage of the work in construction contracts exceeding the requirements of CDB contracts;

G) whether key persons with the vendor are engaged in non-construction businesses;

2) is able to comply with required or proposed delivery or performance schedules, taking into consideration all existing commercial and governmental commitments;

3) has a satisfactory record of performance. Vendors who are or have been materially-deficient in current or recent contract performance in dealing with the State or other customers may be deemed "not responsible" unless the deficiency is shown to have been beyond the reasonable control of the vendor;

4) has a satisfactory record of integrity and business ethics. Vendors who are under investigation or indictment for criminal or civil actions that bear on the particular procurement or that would make contracting with that vendor undesirable may be declared not responsible for the particular procurement;

5) is qualified legally and authorized to contract with the State, which means, among other things, the vendor holds and is in good standing with respect to all licenses, certifications, financial disclosures and conflicts of interest or registrations necessary to provide the subject services in Illinois;

6) has supplied all necessary information in connection with any inquiry concerning responsibility;

7) has a current public contracts number from the Illinois Department of Human Rights pursuant to 44 Ill. Adm. Code 250.210, if required. Proof of application prior to opening of bids or proposals will be sufficient for an initial determination;

8) does not have any financial or other conflicts of interest under Sections 50-13 and 50-35 of the Code, or any other provisions of Article 50 of the Code;

9) complies with all applicable laws concerning the vendor's entitlement to conduct business in Illinois;

10) complies with all applicable provisions of the Prevailing Wage Act;

11) complies with Subchapter VI ("Equal Employment Opportunities") of 42 USC 2000e et seq. and with Federal Executive Order No. 11246, as amended by Executive Order No. 11375;

12) has a valid Federal Employer Identification Number or, if an individual, a valid Social Security Number;

13) has a valid certificate of insurance showing the following coverages as applicable: general liability, professional liability, product liability, workers' compensation, completed operations, hazardous occupation and automobile; and

14) participates, including its subcontractors, in applicable apprenticeship and training programs approved by and registered with the United States Department of Labor's Bureau of Apprenticeship and Training.

c) Information Pertaining to Responsibility. Information pertaining to responsibility shall be obtained from CDB prequalification files, bid documents, proposals and State vendor registration systems. The prospective vendor may be required to supply additional information, if requested by CDB, the CPO or SPO, concerning the responsibility of the vendor. 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 determination of responsibility will be based upon any available information, the prospective vendor may be found not responsible.

d) Duty Concerning Responsibility. Before awarding a contract, the CPO or SPO must be satisfied that the prospective vendor is responsible. Responsibility can be proven at any point from the time of bid until time of award.

e) Written Determination of Non-Responsibility Required. If a vendor who otherwise would have been awarded a contract is found to be not responsible, a written determination of non-responsibility setting forth the basis of the finding shall be prepared by CDB for approval by the CPO or SPO. A copy of the determination shall be sent promptly to the non-responsible vendor. The final determination shall be made part of the procurement file.

f) Affiliated Companies. Vendors that are newly formed business concerns having substantially the same owners, officers, directors or beneficiaries as a previously existing, non-responsible vendor may be declared non-responsible solely on that basis unless the new organization can demonstrate it was not set up for the purpose of avoiding an earlier declaration of non-responsibility.