**Section 30.100 Violations by Vendor**

Should a vendor violate the Act, this Part, or the terms of contracts let pursuant to this Program, the State may pursue any or all of the following actions.

a) A certified vendor may be decertified and an applicant for certification may be denied certification for reasons including, but not limited to:

1) refusal to supply information sufficient for the Secretary or the Council to make a determination for eligibility or continued eligibility;

2) refusal to supply additional proof of eligibility for the Program, particularly after receiving a contract with Section 30.80 (Special Assistance) provisions;

3) accepting a contract with Section 30.80 (Special Assistance) provisions when the vendor does not qualify for the Program; or

4) any other violation of the Act or this Part.

b) The State may cancel, without penalty to the State, any contract entered into by a vendor in violation of:

1) the Act or this Part;

2) the requirements of a contract let with Section 30.80 (Special Assistance) provisions; or

3) commitments regarding use of certified vendors, including, but not limited to, those in Section 30.64 (Sales Limitation; Exception) and Section 30.91 (Contract Commitment; Good Faith Effort).

c) In the case of a cancellation under subsection (b)(2) or (b)(3), the amount of profit applicable to amounts paid to the vendor shall be withheld from any amounts owed to the vendor. If the amount owed the vendor is insufficient to off-set profits, the vendor shall be liable to pay back to the State any balance of those profits. The profit rate shall be deemed 20% unless a lesser or greater amount can be conclusively proved.

d) The Secretary may suspend a vendor from the program for a period of no more than one year and a contracting agency may cancel a contract for a violation of:

1) the Act or this Part;

2) the requirements of a contract let with Section 30.80 (Special Assistance) provisions; or

3) commitments regarding use of certified vendors, including, but not limited to, those in Section 30.64 (Sales Limitation; Exception) and Section 30.91 (Contract Commitment; Good Faith Effort).

e) Depending on the seriousness of the violation, the suspension shall be:

1) from participation in the BEP Program; or

2) from further contracting with the State.

f) A vendor may appeal any of the actions of the Council taken pursuant to this Section in the same manner as a vendor denied certification (see Subpart G of this Part).

g) The Secretary shall notify the Chief Procurement Officers, State Purchasing Officers and other interested parties of the revocation of certification or of suspension.

h) If any agency finds or suspects that a business is in violation of the Act or of this Part, the violation should be reported to the Secretary as soon as practicable after the finding.

(Recodified from Section 10.100 of 44 Ill. Adm. Code 10 (Central Management Services) pursuant to P.A. 101-657, at 47 Ill. Reg. 279)