**Section 500.380 Modification, Correction or Withdrawal of Offers**

a) Modification, Correction or Withdrawal Before Opening

An offeror may withdraw or modify an offer if notice of the withdrawal, correction or modification is received by the OAG before the latest time specified for receipt of offers. Any modification, correction or withdrawal, however, must be made in writing and received by the OAG prior to the scheduled due date and time. When time is of the essence, the OAG may agree to receive modifications, corrections or withdrawals by electronic mail, fax or telephone. An originally signed confirmation of a telephone modification, correction or withdrawal shall be mailed or delivered by the offeror on the same day.

b) Mistakes Discovered After Opening but Before Award

1) Waiver of 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 Procurement Officer shall waive these informalities or allow the offeror to correct them, depending on which is in the best interest of the State.

2) Correction of Mistakes in Which 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on the face of the bid or proposal document, the information shall be corrected and the bid or proposal may not be withdrawn.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 bid or proposal document are typographical errors, errors in extending unit prices, transpositional errors, and arithmetical errors.

3) Withdrawal When Intended Correct Information is Not Evident. The low price bid or proposal may be withdrawn if:

A) a material 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 material mistake was made.

c) Correction During Best and Final Offers

If best and final offers are requested, any offeror may freely correct any mistake prior to the date set for receipt of best and final offers, provided the correction would not be contrary to the fair and equal treatment of other offerors.

d) Mistakes Discovered After Award

Mistakes shall not be corrected after award of the contract except where the Procurement Officer 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.

e) Documentation Required

When an offer is modified, corrected or withdrawn, or modification, correction or withdrawal is denied, a written determination shall be prepared by the Procurement Officer showing that relief was granted or denied in accordance with this Part.

(Source: Amended at 37 Ill. Reg. 3741, effective April 1, 2013)