**Section 950.230 Interim or Emergency Suspension or Modification Pursuant to Section 16 of the Capital Development Board Act**

a) CDB may suspend or modify a contractor's prequalification without a prior hearing, or administrative procedure provided in Subpart D, for one or more of the following causes:

1) The public interest, safety or welfare requires such suspension or modification.

2) An event or series of events, including, but not limited to:

A) The filing of an indictment or of formal charges by information (complaint) charging the firm or a key person with the firm with a crime.

B) Suspension or modification of a license or prequalification by another State agency, federal agency or other branch of government after hearing or by agreement.

C) Failure to comply with applicable laws, including, but not limited to, the Minority and Female Business Enterprise Act [30 ILCS 575], the Prevailing Wage Act [820 ILCS 130], the Steel Products Procurement Act [530 ILCS 565], and requirements relating to occupational licensing.

D) Material breach of a contract, including, but not limited to, one or more of the causes set forth in Section 950.220.

E) Failure to satisfactorily perform work on or breach of a CDB contract, including, but not limited to, one or more of the causes set forth in Section 950.220, when:

i) The issue has been brought to the attention of firm management in writing;

ii) All levels of CDB construction administration have met with firm representatives and discussed the issue;

iii) CDB conveys to the contractor what action or nonaction is necessary and in accordance with the contract documents;

iv) CDB has initiated contractual remedies as may be appropriate, such as, but not limited to, stopping the work, rejecting the work, carrying out the work, or ordering acceleration of the work; and

v) The contractor willfully and unreasonably refuses to comply or to obtain subcontractors, personnel, or other resources that would enable it to comply.

b) When prequalification is suspended or modified pursuant to this Section, the contractor will be notified in writing and, within 30 days after the notice, CDB will commence administrative procedures under Subpart D.

c) When prequalification is suspended or modified pursuant to subsection (a)(2)(E), if the contractor cures the situation within 30 days after the notice, the suspension or modification will be rescinded by written notice. If CDB determines the contractor is making substantial progress toward a cure within 30 days after the notice, CDB may extend in writing the 30-day period by an amount up to an additional 60 days. If the contractor cures the situation within the extended time period, the suspension or modification will be rescinded by written notice. In any case, when the suspension or modification is rescinded, it will be removed from the contractor's prequalification record. If the contractor fails to cure the situation within 30 days or within the time extension, whichever is applicable, CDB will immediately commence administrative procedures under Subpart D.

(Source: Added at 25 Ill. Reg. 10741, effective August 10, 2001)