**Section 980.540 Burden of Proof**

a) Any determination pursuant to this Part may be made when CDB possesses documentation of one or more of the factors described in Section 980.310, 980.320, or 980.410.

b) Such documentation constitutes a presumptive determination of non-responsibility. The A/E is entitled to rebut the presumption, through procedures described in this Subpart, but the presumption will not be overturned unless the A/E shows, by a preponderance of evidence, that each factor cited by CDB in support of its determination of non-responsibility is not present. CDB's determinations are final and conclusive unless they are clearly erroneous, arbitrary, capricious, or contrary to law.

(Source: Amended at 22 Ill. Reg. 20026, effective November 9, 1998)