**Section 1400.2510 Tie Bids and Proposals**

a) Tie bids and proposals are those from responsive and responsible vendors that are identical in price or terms of the proposal.

b) Tie bids and proposals are treated as follows:

1) If the tied vendors include an Illinois resident vendor and a nonresident vendor, the Illinois resident vendor will be given the award if all the conditions for a resident vendor preference in Section 1400.4510 are met. "Illinois resident vendor" has the meaning given in Section 1400.4510. In all other situations, the decision is made in accordance with subsections (b)(2) through (b)(5).

2) If there is a significant difference in responsibility (including ability to provide the service or deliver in the quantity and at the time required), the award is made to the vendor who is deemed to be the most responsible. A vendor who has had experience in contracting with the State may be given additional consideration in determining responsibility if the Chief Procurement Officer determines that dealing with a vendor that has knowledge of State requirements, contracts, job sites, payment practices and other similar factors, and with which there has been favorable past experience, increases the likelihood of successful performance.

3) If there is no significant difference in responsibility, but there is a difference in the quality of the goods or services offered, the vendor offering the best quality is accepted.

4) If there is no significant difference in responsibility and no difference in quality of the goods or services offered, the vendor offering the earliest delivery time is accepted in any case in which the solicitation specified that the needs of the Treasurer's office require as early delivery as possible.

5) If the bids or proposals are equal in every respect, the award is made by lot unless the Chief Procurement Officer determines that splitting the award among two or more of the tied bidders or proposers is in the best interest of the State. Awards may be split if all affected bidders or proposers agree, if splitting is feasible given the type of good or service requested, if overall pricing would not increase, if delivery would be better ensured, or if necessary or desirable to promote future competition.

c) Record

1) Records must be made of all procurements on which tie bids or proposals are received and must be published as provided in Section 1400.1505, showing at least the following information:

A) the identification number of the solicitation;

B) the good or service; and

C) a listing of all the bidders or proposers and the prices submitted.

2) The records must be made part of the procurement file.

(Source: Amended at 40 Ill. Reg. 13847, effective September 23, 2016)