

## 1. Submission Instructions

### 1.1. Instructions for Submitting Offers

Only electronic submissions of Offers through email will be accepted.

Offerors must email all documents composing an Offer to DOI.SBMProcurement@illinois.gov as a ZIP file attachment.

### 1.2. Submission of Offers

Refer to the Response Instructions and Offeror Response Template found at the Procurement Website.

The State publishes (and will continue to publish) procurement information, including solicitations, awards, and amendments, for the SBM on the Procurement Website. Procurement information may not be available in any other form or location. Offerors are responsible for monitoring this website. The State will not be held responsible if an Offeror fails to receive the optional email notice of future amendments to the solicitation.

### 1.3. Information Contact

The individual listed in the “Information Contact” (i.e., the Procurement Manager) on the Bulletin posting shall be the single point of contact for this solicitation. Unless otherwise directed, Offerors should only communicate in writing with the Procurement Manager. The State shall not be held responsible for information provided by or to any other person. Offerors should immediately report suspected errors in writing to the Procurement Manager via email. Do not discuss, directly or indirectly, the solicitation or any Offer with any State officer or employee other than the Procurement Manager.

### 1.4. Offeror Questions and State Response

Offerors must submit all questions pertaining to this solicitation in writing no later than 5:00 PM Central Time on Monday, November 4, 2024. The State will post questions received and State responses as an amendment to the original solicitation on the Procurement Website; only these posted answers to questions shall be binding on the State. Offerors are responsible for monitoring this website.

### 1.5. Submission Offer Due Date and Time

1.5.1. Each solicitation contains the Offer Due Date and Time, appearing as the “Offer Opening Date” on the posting. Offers will be opened and posted on the Procurement Website on the “Offer Opening Date.”

1.5.2. Offer Firm Time: The Offer must remain firm for 120 days from opening.

1.5.3. Offer Due Date and Time: Monday, November 18, 2024, by 12:00 PM Central Time.

## 1.6. Employment Tax Credit

Offerors who hire qualified veterans and certain ex-offenders may be eligible for tax credits as defined in 30 ILCS 500/45-67 and 45-70. Please contact the Illinois Department of Revenue (DOR) via phone at 217-524-4772 for information about tax credits.

## 1.7. Governing Law and Forum

Illinois law and rules govern this solicitation and any resulting contract. Offerors must bring any action relating to this solicitation or any resulting contract to the appropriate court in Illinois. This document contains statutory references designated with "ILCS." Offerors may view the full text at the Illinois General Assembly Website.

## 1.8. Public Records and Requests for Confidential Treatment

Offers become the property of the State. All Offers will be open to the public under the Illinois Freedom of Information Act (FOIA) (5 ILCS 140) and other applicable laws and rules unless the Offeror requests in its Offer that the State treat certain information as confidential. A request for confidential treatment will not supersede the State's legal obligations under FOIA.

The State will not honor requests to keep entire Offers confidential. Offerors must show the specific grounds in FOIA or another law or rule that supports confidential treatment. Regardless, the State will disclose the successful Offeror's name, substance of the Offer, and cost.

If an Offeror requests confidential treatment, the Offeror must submit additional attachments of the Offer with proposed confidential information redacted. This redacted copy must tell the general nature of the material removed and shall retain as much of the Offer as possible. In a separate attachment, the Offeror shall supply a listing of the provisions identified by section number for which it seeks confidential treatment and identify the statutory basis or bases under Illinois law, including a detailed justification for exempting the information from public disclosure.

The Offeror will hold harmless and indemnify the State for all costs or damages associated with the State defending the Offeror's request for confidential treatment. The Offeror agrees that the State may copy the Offer to facilitate evaluation or respond to requests for public records. The Offeror warrants that such copying will not violate the rights of any third party.

## 1.9. Reservations

Offeror must read and understand the solicitation and tailor the Offer and all activities to ensure compliance. The State reserves the right to amend the solicitation; reject any or all

Offers; award by items/services, group of items/services, or grand total; and waive minor defects. The State may request a clarification, inspect the Offeror's premises, interview staff, request a presentation, or otherwise verify the contents of the Offer, including information about subcontractors and suppliers. The State may request BAFOs when appropriate. The State will make all decisions on compliance, evaluation, and terms and conditions, and shall make decisions in the best interests of the State and in accordance with Article 50 of the Illinois Procurement Code, and other applicable state and federal statutes and regulations. This competitive process may require the Offeror to provide additional information and otherwise cooperate with the State. If an Offeror does not comply with requests for information and cooperation, the State may reject the Offer as nonresponsive to the solicitation. Submitting an Offer does not entitle the Offeror to an award or contract. Posting an Offeror's name in a Bulletin notice does not entitle the Offeror to a contract. The State is not responsible for and will not pay any costs associated with the preparation and submission of any Offer. The Selected Offeror shall not commence and will not be paid for any billable work undertaken prior to the date on which all parties execute the contract.

#### 1.10. Award

The State is not obligated to award a contract pursuant to this solicitation. If the State issues an award, the State will make the award to the responsive and responsible Offeror whose Offer best meets the specified criteria unless otherwise permitted by the Illinois Administrative Code. However, if the State does not consider the cost to be fair and reasonable and negotiations fail to meet an acceptable cost, the State reserves the right to cancel the award and take appropriate action to meet the needs of the State. The State will determine whether the cost is fair and reasonable by considering the Offer, including the Offeror's qualifications, the Offeror's reputation, all costs submitted, other known costs, the project budget, and other relevant factors. The State will post a notice to the Bulletin identifying the apparent most responsive and responsible Offeror.

#### 1.11. Protest Review Office

The Offeror may submit a written protest to the Protest Review Office. For protests related to specifications, the Protest Review Office must electronically receive the protest no later than fourteen (14) days after the State posts the solicitation or related addendum to the State's website. For protests related to the disqualification of a proposal, the protest must be received within fourteen (14) days (5:00 PM Central Time) after notice of disqualification. For protests related to contract award, the protest must be received within fourteen (14) days (5:00 PM Central Time) after the notice of award is published on the Procurement Website. The Protest Review Office's information is as follows:

Attn: Protest Review Officer (Kathryn Williams)  
Assistant General Counsel  
122 Michigan Ave., 19th Floor  
Chicago, IL 60603  
Email Address: DOI.SBMProcurement@illinois.gov

## 1.12. Evaluation Process

The State determines how well Offers meet the responsiveness requirements. The State will rank offers, without consideration of cost, from best to least qualified using a point ranking system (unless otherwise specified) as an aid in conducting the evaluation. Offerors who fail to meet minimum requirements or receive fewer than the minimum required points, if any, will not be considered for cost evaluation and award.

The State evaluates three categories of information: responsiveness, responsibility, and cost. The State considers the information provided and the quality of that information when evaluating Offers. If the State finds a failure or deficiency, the State may reject the Offer or reflect the failure or deficiency in the evaluation.

## 1.13. Responsiveness

A responsive Offeror is one who submits an Offer that conforms in all material respects to the RFP and includes all required forms.

### 1.13.1. Subcontractor Disclosure

If the Offer includes any subcontractors, then the Offeror shall include information regarding their subcontractors per the requirements detailed in Section 8.4 of this RFP.

### 1.13.2. If completing the IPG Active Registered Offeror/Vendor Disclosure Form (formerly named Forms B), then responsiveness may include but not be limited to:

- Active IPG registration # with expiration date
- Disclosure of lobbyists for Offeror and parent entity(ies)
- Disclosure of pending and current contracts
- Certifications timely to this solicitation

### 1.13.3. If completing the Offeror/Vendor Disclosure Form (formerly named Forms A), required forms may include but not be limited to:

- Business and Directory Information: The Offeror should complete and return the Business and Directory Information form in Offeror Disclosure, Part 1.
- Illinois Department of Human Rights (IDHR) Public Contracts Number: The Offeror shall complete and return the IDHR Public Contracts Number form in Offeror Disclosure, Part 2.
- Authorized to Transact Business or Conduct Affairs in Illinois: A person (other than an individual acting as a sole proprietor) must be a duly constituted legal entity before submitting a bid and authorized to transact business or conduct affairs in Illinois prior to execution of the contract. For more information, see Authorized to Transact Business or Conduct Affairs in Illinois in Offeror Disclosure, Part 3.

- Standard Illinois Certifications: The Offeror shall complete and return the Standard Illinois Certifications form in Offeror Disclosure, Part 4.
- State Board of Elections Registration: The Offeror may be prohibited from making political contributions and required to register with the State Board of Elections. For more information, see State Board of Elections in Offeror Disclosure, Part 5.
- Disclosure of Business Operations with Iran: The Offeror should complete and return the Disclosure of Business Operations with Iran form in Offeror Disclosure, Part 6.
- Financial Disclosures and Conflicts of Interest: The Offeror shall complete and return the Financial Disclosures and Conflicts of Interest form in Offeror Disclosure, Part 7.
- Taxpayer Identification Number: The Offeror should complete and return the Taxpayer Identification form in Offeror Disclosure, Part 8.

1.13.4. The State will determine whether the Offer meets the stated requirements. The State may accept or allow corrections for minor differences or deviations that have negligible impact on the cost or suitability of the supply or service to meet the State's requirements. If no Offeror meets a particular requirement, the State may waive that requirement.

1.13.5. When the specification calls for "Brand Name or Equal," the brand name product is acceptable. Other products will be considered with proof that the other product meets the stated specifications and is equivalent to the brand product in terms of quality, performance, and desired characteristics.

1.13.6. The State will determine whether the Offeror complied with the instructions for submitting Offers. Except for late submissions and other requirements that must be part of the submission by law, the State may require that an Offeror correct any deficiency as a condition of further evaluation.

## 1.14. Responsibility

1.14.1. A responsible Offeror is one who has the (1) capability in all respects to fully perform the contract requirements, and (2) integrity and reliability that will assure good faith in performance. The State determines whether the Offeror is a "responsible" Offeror; specifically, this is an Offeror with whom the State can or should do business. For example, the State may consider the following elements:

1.14.1.1. A "prohibited Offeror" includes any person assisting an employee of the State of Illinois by reviewing, drafting, directing, or preparing any invitation for Offers, RFP, or request for information, or providing similar assistance unless such assistance was part of a publicly issued opportunity to review drafts of all or part of these documents. For the purposes of this section, an employee of the State of Illinois means one who, by the nature of his or her duties, has the authority to participate personally and substantially in the decision to award a State contract. No person or business shall submit specifications to a State agency unless requested to do so by an employee of the State. No person or business that contracts with a State agency to write specifications for a particular procurement shall submit an Offer or proposal or

receive a contract for that procurement need. Nothing herein is intended to prohibit an Offeror from offering to supply development of technology, goods, or services after providing the State with a demonstration of the development of such technology, goods, or services, provided that the subject of the demonstration to the state represents industry trends and innovation and is not specifically designed to meet the State's needs. Nothing herein is intended to prohibit a person or business from submitting an Offer or entering into a contract if the person or business:

- 1.14.1.2. Initiates a communication with an employee of the State to provide general information about products, services, or industry best practices and, if applicable, that communication is documented in accordance with Section 50-39 of the Illinois Procurement Code; or,
  - 1.14.1.3. Responds to a communication initiated by an employee of the State to provide information to evaluate new products, trends, services, or technologies.
- 1.14.2. Other factors that the State may evaluate to determine responsibility include but are not limited to political contributions, certifications, conflicts of interest, financial disclosures, taxpayer identification number, past performance in business or industry, references (including those found outside the Offer), compliance with applicable laws, financial responsibility, insurability, effective equal opportunity compliance, payment of prevailing wages if required by law, capacity to supply products and services relevant to this RFP, and the ability to provide required maintenance services or other matters relating to the Offeror's ability to deliver in the quality and quantity within the time and cost as specified in this solicitation.
- 1.14.3. The Selected Offeror must always have sufficient financial resources, in the opinion of the State, to ensure the performance of the contract and must provide proof upon request. The State may require a performance bond if, in the opinion of the State, it ensures the performance of the contract. The State may terminate the contract, consistent with the termination for cause provision of the contract, if the Offeror lacks the financial resources to perform under the contract.
- 1.14.4. The State may require that an Offeror correct any deficiencies as a condition of further evaluation.
- 1.14.5. Prime Contractor Responsibilities

The Selected Offeror must directly perform services valued at least at fifty percent (50%) of the total contract value. Nevertheless, the contract will require the Selected Offeror to assume responsibility for all services offered in its proposal, whether it produces them itself or by subcontract. Further, the State will consider the Selected Offeror to be the sole point of contact regarding all contractual matters.

### 1.15. Business Enterprise for Minorities, Women, and Persons with Disabilities Act Participation and Utilization Plan

The Bulletin posting indicates whether this solicitation contains a goal to include businesses owned and controlled by minorities, women, and persons with disabilities. If this solicitation is for non-construction supplies or services and contains a goal, then failure to submit a BEP Utilization Plan by a non-certified BEP vendor shall render the Offer non-responsive per 30 ILCS 575/4(f). Offerors must direct all questions regarding the subcontracting goal to the State BEP Liaison before submission of proposals.

BEP Liaison: Yarvo Roberts

BEP GOAL: 6%

National Institute of Governmental Purchasing (NIGP) Codes: 915-22

Email Address: [DOI.SBMProcurement@illinois.gov](mailto:DOI.SBMProcurement@illinois.gov)

Businesses included in BEP Utilization Plans as meeting BEP requirements as prime vendors or subcontractors must be certified as BEP vendors prior to the Offer Opening Date. Offerors can go to <https://cei.illinois.gov/> for complete requirements for BEP certification, and <https://ceibep.diversitysoftware.com/> to search for certified BEP vendors.