



State of Illinois

Chief Procurement Office General Services

Matt Brown, Chief Procurement Officer

Notice 2012.08 General Services

TO: State Purchasing Officers
Agency Procurement Staff
CMS Bureau of Strategic Sourcing

FROM: Matt Brown
Chief Procurement Officer General Services

CC: Procurement Compliance Monitors
Procurement Policy Board

DATE: December 22, 2011

SUBJECT: Determinations of Non-Responsiveness and Non-Responsibility

This CPO Notice is effective December 22, 2011. By issuance of this notice, the Chief Procurement Officer (CPO) is requiring State Purchasing Officers (SPO) to approve any request by an agency to find a bidder or offeror non-responsive or not responsible.

Responsiveness

A responsive bidder is a person who submits a bid that conforms in all material aspects to the invitation for bid (IFB). 30 ILCS 500/1-15.85. Bids are required to be evaluated based on the requirements set forth in the invitation for bids. Evaluation criteria may include factors such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. 30 ILCS 500/20-10(e). Evaluation criteria that affects bid price must be measured objectively and be set forth in the IFB. 30 ILCS 500/20-10(e).

This CPO Notice requires that any request by an agency to declare a bidder or offeror non-responsive shall be in writing, on agency letterhead, dated, and signed by an agency head or designee. The agency request shall contain the factual basis for the disqualification, and provide reference to the appropriate statute, rule, or provision of the solicitation relied upon by the agency. The SPO shall in writing approve or disapprove the determination of non-responsiveness. The signed determination, including the agency request for determination of non-responsiveness and all supporting documents or

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memorandum, shall be made part of the procurement file. After contract award, the agency shall notify in writing any vendor found non-responsive and the reason(s) for the finding of non-responsiveness.

Responsibility

A responsible bidder or offeror means a person who has the capability in all respects to perform fully the contract requirements and the integrity and reliability that will assure good faith performance. A responsible bidder or offeror shall not include a business or other entity that does not exist as a legal entity at the time a bid or proposal is submitted for a State contract. 30 ILCS 500/1-15.80.

Contracts are to be made only with responsible vendors unless no responsible vendor is available to meet the State's needs. 44 Ill. Admin. Code §1.2046(a). Factors to be considered in determining whether the standard of responsibility has been met include whether a prospective vendor has available appropriate financial, material, equipment, facility and personnel resources and expertise necessary to indicate its capability to meet all contractual requirements; is able to comply with all required or proposed delivery or performance schedules; has a satisfactory record of performance; has a satisfactory record of integrity and business ethics; and is qualified legally to contract with the State. 44 Ill. Admin. Code §1.2046(b).

Before awarding a contract, the procurement officer must be satisfied that a prospective vendor is responsible. 44 Ill. Admin. Code §1.2046(d). If a vendor who otherwise would have been awarded a contract is found not responsible, a written determination of non-responsibility setting forth the basis of the finding shall be prepared by the CPO or the SPO. 44 Ill. Admin. Code §1.2046(e). The final determination shall be made part of the procurement file. 44 Ill. Admin. Code §1.2046(e).

This CPO Notice requires that any request by an agency to declare a bidder or offeror not responsible shall be in writing, on agency letterhead, dated, and signed by an agency head or designee. The agency request shall contain the factual basis for the disqualification, and provide reference to the appropriate statute, rule, or provision of the solicitation relied upon by the agency. The SPO shall in writing approve or disapprove the determination of non-responsibility. The signed determination, including the agency request for determination of non-responsibility and all supporting documents or memorandum, shall be made part of the procurement file. After contract award, the agency shall notify in writing any vendor found not responsible and the reason(s) for the finding of non-responsibility.

Attached to this notice is a form that may be used by agencies in making request to an SPO for final determination of responsiveness or responsibility.

If there are any questions regarding this notice, contact the Chief Procurement Office at (217) 558-2157.

-End-

{AGENCY LETTERHEAD}

DETERMINATION OF NON-RESPONSIVENESS OR NON-RESPONSIBILITY

An agency requesting to declare a bidder or offeror non-responsive or not responsible shall make the request in writing to the State Purchasing Officer. The request shall be on agency letterhead, dated, and signed by the agency director or designee. Please see CPO Notice 2012.08.

1. **IL Procurement Bulletin Reference Number:** [Click here to enter text.](#)

2. **Agency Requestor**

2.1. **Name:** [Click here to enter text.](#)

2.2. **Title:** [Click here to enter text.](#)

2.3. **Signature:** _____

2.4. **Date:** [Click here to enter a date](#)

3. **State Purchasing Officer**

3.1. **Name:** [Click here to enter text.](#)

3.2. **Signature:** _____

3.3. **Date:** [Click here to enter a date](#)

4. **Non-Responsive Vendors**

The below vendors were determined to be non-responsive in their bids or offers based on the reasons provided.

4.1. **Vendor #1**

4.1.1. **Name of Vendor #1:** [Click here to enter text.](#)

4.1.2. **Factual Basis for Disqualification #1:** [Click here to enter text.](#)

4.1.3. **Statute/Rule/Solicitation Requirement Basis for Disqualification:** [Click here to enter text.](#)

4.1.4. **SPO Approval/Denial:** Choose an item.

4.1.5. **SPO Comments:** [Click here to enter text.](#)

4.2. **Vendor #2**

- 4.2.1. Name of Vendor #2: [Click here to enter text.](#)
- 4.2.2. Factual Basis for Disqualification #2: [Click here to enter text.](#)
- 4.2.3. Statute/Rule/Solicitation Requirement Basis for Disqualification: [Click here to enter text.](#)
- 4.2.4. SPO Approval/Denial: [Choose an item.](#)
- 4.2.5. SPO Comments: [Click here to enter text.](#)

4.3. Vendor #3

- 4.3.1. Name of Vendor #3: [Click here to enter text.](#)
- 4.3.2. Factual Basis for Disqualification #3: [Click here to enter text.](#)
- 4.3.3. Statute/Rule/Solicitation Requirement Basis for Disqualification: [Click here to enter text.](#)
- 4.3.4. SPO Approval/Denial: [Choose an item.](#)
- 4.3.5. SPO Comments: [Click here to enter text.](#)

5. Not-Responsible Vendors

The below vendors were determined to be not-responsible in their bids or offers based on the reasons provided.

5.1. Vendor #1

- 5.1.1. Name of Vendor #1: [Click here to enter text.](#)
- 5.1.2. Factual Basis for Disqualification #1: [Click here to enter text.](#)
- 5.1.3. Statute/Rule/Solicitation Requirement Basis for Disqualification: [Click here to enter text.](#)
- 5.1.4. SPO Approval/Denial: [Choose an item.](#)
- 5.1.5. SPO Comments: [Click here to enter text.](#)

5.2. Vendor #2

- 5.2.1. Name of Vendor #2: [Click here to enter text.](#)
- 5.2.2. Factual Basis for Disqualification #2: [Click here to enter text.](#)
- 5.2.3. Statute/Rule/Solicitation Requirement Basis for Disqualification: [Click here to enter text.](#)
- 5.2.4. SPO Approval/Denial: [Choose an item.](#)

5.2.5. SPO Comments: [Click here to enter text.](#)

5.3. Vendor #3

5.3.1. Name of Vendor #3: [Click here to enter text.](#)

5.3.2. Factual Basis for Disqualification #3: [Click here to enter text.](#)

5.3.3. Statute/Rule/Solicitation Requirement Basis for Disqualification: [Click here to enter text.](#)

5.3.4. SPO Approval/Denial: [Choose an item.](#)

5.3.5. SPO Comments: [Click here to enter text.](#)

6. **Provide additional pages and supporting documentation if necessary.**