**Section 605.40 Experience of the Firm; Performance History Requirements**

a) The Agency shall select as contractor a proposer who has demonstrated an ability to design, develop, construct, operate and close a low-level radioactive waste disposal facility that incorporates the best available management technologies that are economically reasonable, technologically feasible and environmentally sound. When evaluating whether a proposer has demonstrated this ability, the Agency shall evaluate the proposer's experience developing and operating a low-level radioactive waste storage, treatment or disposal facility. If a proposer does not have experience in both the development and operation of a low-level radioactive waste disposal facility, the Agency shall evaluate the proposer's experience as either a low-level radioactive waste disposal facility developer or as a disposal facility operator, or the proposer's experience in radioactive materials management, hazardous materials management, nuclear fuel cycle facility design, construction, or operation, or other related experience presented by the proposer.

b) The proposer shall provide a complete performance history of its activities as described in subsection (a). When evaluating the proposer's experience, the Agency shall consider for each project:

1) general information about the project, including:

A) the facility and its location;

B) the capacity of the facility;

C) the actual performance of the facility;

D) the type of storage, treatment or disposal method used;

E) the proposer's role in the project (i.e., design, construction, operation);

F) project initiation and completion dates;

G) current facility status and, if closed, the reason for closure;

H) the proposer's client;

I) current facility manager business address and phone;

2) the complexity and scope of the previous project, such as, but not limited to, the previous projects' budget, duration, staffing and regulatory complexity;

3) the success of the project, i.e., whether the proposer met the objectives of the project in a timely manner, without exceeding anticipated costs and in a manner consistent with regulatory requirements, as well as whether the client was satisified with the proposer's performance;

4) whether the proposer has ever forfeited a performance bond or neglected to fulfill contract responsibilities;

5) whether the proposer has ever initiated or defended litigation arising from the activities, as described in the performance history, as well as the nature and outcome of the litigation;

6) the proposer's history with respect to licensing and regulatory compliance, including any record of safety violations or other compliance problems; and

7) any other information provided by the proposer.

(Source: Amended at 37 Ill. Reg. 12414, effective July 19, 2013)