**Section 6.140 Invitations for Bids**

a) The process for procuring a contract by competitive sealed bids begins with the issuance of an Invitation for Bids by publication in the Bulletin not less than 14 days prior to the date set for the opening of bids. (See Section 20-10(c) of the Code.)

b) The Invitation for Bids may include more than one contract item and will include the following minimum requirements.

1) Instructions and information to potential bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance, certifications and assurances, mandatory disclosures, and any other special information. The Invitation for Bids may incorporate documents by reference provided that the Invitation for Bids specifies where such documents can be obtained.

2) A purchase description for each contract item, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description.

3) The contract terms and conditions, including warranty and bonding or other security requirements, as applicable.

4) The Invitation for Bids may provide a form that will specify or organize the manner of price submission and that the bidder shall sign and submit along with all other necessary submissions, including disclosure forms.

c) For procurements of construction, the Invitation for Bids also will include information and instructions for obtaining all contract specifications, special provisions, plans for the construction contract work and bid forms for individual contract items. Bidders for construction contracts are required to have Authorization to Bid issued in accordance with the Department's rules for Prequalification of Contractors, Authorization to Bid, and Subcontractor Registration found at 44 Ill. Adm. Code 650.

d) In addition, each construction contract item will include but not be limited to the following minimum information and requirements enforceable in accordance with State or federal law through the terms and conditions of the contract.

1) Information concerning the location, limits and description of the construction work and the scope thereof contemplated by the contract.

2) An estimate of the various quantities of the type of work to be performed and the materials to be furnished in the performance of the contract.

3) The manner of bid price submission for a construction contract may include lump sum, a schedule of unit prices or a combination thereof based upon the estimate of quantities provided in the contract.

4) The manner of making changes in the quantities and such alterations in the work as necessary to satisfactorily complete the contract.

5) Provisions to assure that all work is performed in accordance with the contract requirements including but not limited to the following methods.

A) Limitations on subcontracting;

B) Qualifications and requirements for contractor supervisory personnel;

C) Engineering services to be provided by the contractor;

D) Department provided resident personnel and inspectors;

E) Performance and payment bond requirements;

F) Inspection and acceptance of the work requirements;

G) Restrictions, sources and quality requirements for all materials and testing or inspection procedures;

H) The method of determination and documentation of pay quantities and a record of the materials, supplies and labor furnished in performance of the contract;

I) The manner of determining satisfactory prosecution of the work and progress to completion of the work in accordance with the time for completion set out in the contract including, when incorporated into the contract, provisions for liquidated damages and incentive payments for early completion; and

J) Provisions for the suspension of work and the termination of the contract.

6) All labor, employment and wage requirements applicable to the contract, and the manner of payroll recording, submission and inspection. (See the Prevailing Wage Act [820 ILCS 130] or the Davis-Bacon Act (40 USC 3141).)

7) All procurement preferences made applicable to the contract. (See Article 45 of the Code.)

8) The manner of measuring the work for payment based upon the estimated quantities provided or upon the actual quantities of material and work measured and completed including but not limited to progress payments as the work proceeds, and final payment.

(Source: Amended at 37 Ill. Reg. 19098, effective November 15, 2013)