**Section 950.130 Definitions**

The following definitions shall apply to this Part:

 "A/E" means an individual or firm in the business of providing architectural, engineering or land surveying services as authorized by the State of Illinois Department of Professional Regulation (DPR). Licensed individuals shall be registered with DPR as sole proprietorships. Firms and corporations shall be registered with DPR.

 "CDB" means the Capital Development Board.

 "Contract Requirements" consist of any and all provisions of the CDB contract, which include, but are not limited to the following:

 The timely submittal of all post-award requirements.

 Material compliance with all applicable statutory requirements, local, State and federal laws, environmental and regulatory requirements and CDB Rules and Resolutions.

 Payment of prevailing wage rate as determined by the Illinois Department of Labor.

 Adherence to alternative dispute resolution provisions.

 Material compliance with all Minority and Female Business Enterprise Act requirements and workforce hiring goals.

 Timely payment to subcontractors and suppliers, unless rightfully withheld and the contractor does not request payment from CDB.

 Material compliance with project schedules.

 Maintaining applicable licensing requirements.

 "Contractor" or "Bidder" means a firm that is in the business of constructing some or all aspects of building projects.

 "Executive Director" means the Director of the Capital Development Board.

 "Key Person" means any individual who holds 5% or more ownership interest in the firm. In the event the firm is owned by another corporation, partnership, trust or business association, any individual within that firm or who is a trust beneficiary who holds a 5% or more ownership or beneficial interest is considered a "key person". Regardless of ownership interest, any officer, partner or director is considered a "key person". This definition also includes any individual who assumes the responsibility of an officer, owner, partner, director, etc., regardless of ownership interest.

 "New Bidder" is one that has no history of performance with CDB or who has been inactive for more than 3 years. Work history is determined in accordance with Section 950.170. Bidders who are newly formed business concerns having substantially the same owners, officers, directors, or beneficiaries as a previously existing non-responsible bidder will be declared non-responsible unless the new organization can demonstrate it was not set up for the purpose of avoiding an earlier declaration of non-responsibility.

 "Performance Record" consists of but is not limited to the following:

 Evidence of material compliance with all CDB contract requirements as referenced.

 Data indicating the contractor has maintained quality workmanship and has met all contract requirements on previous contracts, private and public.

 "Responsibility" is a determination made by CDB that the contractor is a responsible contractor. The determination may be made at any time prior to or following award of a contract. Because responsibility is affected by such things as financial resources, performance records, and organizational and operational factors, all of which are subject to change, the initial determination of responsibility, made through evaluation of a new or renewal application to CDB, may be changed upon receipt of additional or different information. The contractor is required to inform CDB of any significant change to the information submitted in its application. Each prospective bidder must provide the CDB with adequate documentation of responsibility. The CDB will ordinarily provide forms for this information. The CDB may supplement this information from other sources and may require additional documentation at any time. For ease of administration, the basic information generally will be garnered through the contractor/bidder responsibility application in the case of new bidders. The responsibility determination will be reviewed periodically through a renewal application. CDB reserves the right to demand completion of a contractor/bidder responsibility application and supporting documents at any time. A responsibility determination will also be reviewed on an ongoing basis through other information, including but not limited to performance evaluations and reference contacts.

 "Responsible Contractor" is a firm that:

 Has adequate financial resources to perform the contract, or the ability to obtain them. This includes, but is not limited to, the ability to obtain required bonds and insurance from sureties and insurance companies acceptable to CDB.

 Is able to comply with the contract requirements, considering the firm's other business obligations.

 Has a satisfactory performance record.

 Has a satisfactory record of integrity and business ethics.

 Has the necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain them. This includes, but is not limited to, qualified supervisory personnel and a work force qualified to meet CDB contract work force requirements.

 Has the necessary production, construction, and technical equipment and facilities, or the ability to obtain them.

 Has a current DHR number or application pending.

 Has provided all information required by the Financial Interests and Potential Conflicts of Interest Disclosure forms required by Section 50-35 of the Illinois Procurement Code [30 ILCS 500/50-35].

 Is otherwise qualified and eligible to receive a contract award under applicable laws and regulations.

 "Responsive Bidder" means a person or firm who has submitted a bid that conforms in all material respects to the invitation for bids. Those who submit bids which are not in conformance with the requirements of the invitation for bids will be determined to be non-responsive, which factors include, but are not limited to:

 Failure to be prequalified with CDB in advance of the bid opening date.

 Submission of a bid late, in pencil, or in a manner that reveals the bid price prior to the bid opening (e.g., by facsimile).

 Submission of a bid that is not in substantial conformance with the bidding documents.

 Submission of bid security that is not in substantial compliance with the requirements of the bidding documents.

(Source: Amended at 25 Ill. Reg. 10741, effective August 10, 2001)