**Section 756.115 RFP Selection Process**

a) The ITAC, on behalf of the carriers, shall develop and circulate to prospective system providers an RFP for the provision of the relay system through which telecommunications carriers shall provide the relay service mandated by Section 13-703(b) of the Act and this Part.

1) The RFP shall require each respondent to submit a proposal for the design, configuration and supply of a statewide relay system meeting or exceeding the minimum specifications and standards prescribed in Sections 756.200, 756.205, 756.210 and 756.215.

2) The RFP shall require each respondent to supply, either through direct provision or through the securing of services and facilities provided by other entities, the following:

A) All relay center buildings, real estate, permits, rights-of-way or clearances necessary to operate the relay system as specified in this Part;

B) All telecommunications trunks, cables or lines connected to the relay center in order to receive or initiate telecommunications for the purposes of providing the relay system as specified in this Part;

C) All telecommunications or other facilities and equipment required in order to provide the relay system as specified in this Part;

D) All supplies, furniture or miscellaneous items required in order to provide the relay system as specified in this Part; and

E) All personnel and the training of such personnel required in order to staff and operate the relay system as specified in this Part.

3) The RFP shall state whether responses shall be based on a cost-plus-fee or a fixed-cost type contract.

4) Prior to circulating the RFP to prospective system providers, ITAC, on behalf of the carriers, shall file the RFP with the Commission for approval, providing copies to the Advisory Council and Staff Liaison on the file date.

A) The Advisory Council and Staff Liaison shall have the opportunity to file comments on the RFP within 20 business days following the file date of the RFP. The ITAC, on behalf of the carriers, shall be allowed to respond to the comments within 10 business days following the close of the comment period.

B) The Commission shall approve or disapprove the RFP for circulation to prospective system providers by ITAC, on behalf of the carriers, based upon the conformity of the RFP with the requirements of Section 13-703(b) of the Act and this Part.

C) If the Commission disapproves the RFP, the Commission shall:

i) Specify those aspects which do not conform to the specifications of this Part; and

ii) Direct ITAC, on behalf of the carriers, to revise the RFP in regard to those elements.

5) System provider proposals shall be evaluated on the following criteria:

A) The ability of a proposal to cost-effectively achieve the relay system requirements prescribed by this Part;

B) A bidder's abilities to fulfill the conditions of its proposal. The bidder shall be assessed according to its financial condition (e.g., net worth, cash flow, and ability to raise capital); technical, operational and managerial expertise; and past experience and level and quality of performance.

C) A bidder's prior experience in providing relay services.

6) Each RFP will indicate a date, time, and place for prospective system providers to submit a bid or proposal. Responses received late shall not be considered.

7) All bids or proposals received prior to the time set for opening shall be opened in public at the date, time, and place specified in the RFP.

b) Evaluation procedure

1) Within two business days following the deadline for submission of proposals by all parties, the ITAC, on behalf of the carriers, shall file with the Commission and provide to the Advisory Council and Staff Liaison a copy of each bid or proposal with a sworn statement by the president, a vice-president or secretary of ITAC, on behalf of the carriers, stating that said proposals are complete records and that they were received by ITAC under seal which was not broken except as provided in subsection (a)(7);

2) If, after evaluating all proposals, the ITAC Board determines that no proposals meet the requirements of Section 13-703(b) of the Act, this Part, or the RFP, the ITAC, on behalf of the carriers, shall file with the Commission notice of this determination and a report citing the specific deficiencies of each proposal in adequately fulfilling the requirements of Section 13-703(b) of the Act, this Part, or the RFP.

A) The Advisory Council and the Staff Liaison shall have the opportunity to file comments on this report within 20 business days of filing by ITAC, on behalf of the carriers. Comments in opposition to the ITAC, on behalf of the carriers, determination shall cite and defend that proposal which the commentator believes best meets or exceeds the requirements of Section 13-703(b) of the Act, this Part, and the RFP.

B) The ITAC Board shall have the opportunity to file a response to the comments within 10 business days of the close of the comment period.

C) Based upon the requirements of Section 13-703(b) of the Act, this Part, and the RFP, the Commission shall either:

i) approve the ITAC determination and direct ITAC to develop and issue a new RFP according to the requirements of this Part, or to reissue its prior RFP, or to request any or all bidders to supplement their proposals to conform to the RFP; or

ii) deny the ITAC determination and specify a proposal which the ITAC shall be directed to accept.

(Source: Amended at 28 Ill. Reg. 6974, effective May 1, 2004)