



Chief Procurement Office
Bill Grunloh, Department of Transportation - Construction

SENT VIA ELECTRONIC MAIL

Robert Bruner
United Contractors Midwest/Illinois valley Paving
P.O. Box 13420
Springfield, IL 62791

Re: Protest of Award
City of Quincy Quincy Regional Airport
Reconstruct Runway 4/22, Phase 2

Dear Mr. Bruner:

The Illinois Procurement Code provides the Chief Procurement Officer shall establish rules to be followed in resolving protested solicitations and awards and contract controversies for procurements under the Chief Procurement Officer's jurisdiction. 30 ILCS 500/20-75; 10-5; 10-20(a). All protests shall be in writing and filed with the CPO within 7 calendar days after the protester knows or should have known of the facts giving rise to the protest. Protests filed after the 7 calendar day period will not be considered. 44 ILL. ADMIN. CODE §6.420(a). The protest will be sustained only if it is determined by the CPO that the protest conclusively demonstrates by the preponderance of relevant information submitted that fraud, corruption or illegal acts have occurred that undermine the integrity of the procurement process. 44 ILL. ADMIN. CODE §6.440(b). If the protest is sustained, the remedies available are limited to cancellation or revision of the solicitation, or readvertisement of the solicitation. Relief available does not include award of the contract to the protester. 44 ILL. ADMIN. CODE §6.440(b). The decision of the CPO is final and conclusive unless clearly erroneous, arbitrary, capricious or contrary to law. 44 ILL. ADMIN. CODE §6.440(b).

Illinois Valley Paving submitted a protest relating to the above-referenced procurement on July 21, 2021, via electronic mail to my office. I have reviewed the circumstances surrounding the receipt of bids and the subsequent communications between the department and other interested parties and have concluded the following. This was a local let project with bids received by the Quincy Regional Airport and their sponsor, the City of Quincy. The project's solicitation documents ("Contract Documents") identify the Owner of the project as the City of Quincy, not the Illinois Department of Transportation. See Contract Documents at page 6, Division 2, section 1. The Contract Documents also clearly outline the Bid Protest Procedure: "Any potential bidder wishing to file a protest concerning alleged improprieties with this solicitation must submit the protest in written format 72 hours prior to the specified time of the bid opening. The formal written protest must identify the name of vendor contesting the solicitation, the project name and number, and the specific grounds for the protest. *All determinations made by the Owner are final.*" See Contract Documents at page 11, Division 2, section 20 (emphasis added). In other words, the Contract Documents identified the City of Quincy as the entity responsible for making determinations about protests concerning the Contract Documents and the project. It appears my office is not the proper venue for Illinois Valley Paving's protest.

Therefore, the protest submitted by Illinois Valley Paving to this office is **moot** and, in accordance with the Illinois Procurement Code and Administrative Rule, 6.440(b), I will take no further action in this specific matter.

Sincerely,

Bill Grunloh
Chief Procurement Officer