

STARCOM21 Sole Source Hearing

Public Hearing—Registration Requirement

A public hearing will be held at which time interested parties may testify for or against the sole/sole economically feasible source determination described in this Notice. If you wish to testify, you must register in advance. Walk-in testimony may be allowed depending on volume of business.

Hearing details:

Date and time: September 28, 2010 at 1:00 PM Local Time

Location: Suite 9-035 at James R. Thompson Center in Chicago will connect to Room 500 ½ Stratton Bldg in Springfield via videoconference

Registration:

Deadline to register: September 24, 2010 at 5:00 PM

Register with the Notice Contact identified later in this Notice.

Written Comments—Submission

Written comments may be submitted in lieu of or in addition to oral testimony. Written comments must be received no later than the Notice Expiration Date mentioned in this Notice. If submitted by mail, you must allow sufficient time for comments to reach the destination by the deadline. Submit written comments to the Notice Contact identified later in this Notice.

The Hearing Procedure will be as follows:

Hearing Procedure

The CPO shall designate one to three State employees to act as the Hearing Committee to hear and consider evidence and make a recommendation to the CPO regarding the validity of the sole source determination. The CPO shall designate a Presiding Officer from among the Hearing Committee members, who shall be responsible for the orderly conduct of the meeting by exercising discretion in

- starting and ending the hearing
- setting the order of activities
- setting reasonable time limits for oral statements
- resolving any conflicts that may arise during the hearing.

The hearing is for the purpose of receiving information from the public in a reasonable manner. Formal rules of evidence will not apply, nor will the hearing be conducted in the manner of a trial. The Committee shall produce minutes of the hearing and may record it to aid in producing minutes.

The Presiding Officer shall have the Procuring Agency's sole/sole economically feasible source determination as posted to the Procurement Bulletin placed into the record and a copy shall be posted in the meeting room.

A representative of the Procuring Agency shall attend the hearing and confirm the determination.

Public Comments and Testimony. Interested parties wishing to comment for or against the determination may do so in writing or in person.

Written Comments. All written comments received by the Notice Closing Date will be considered. All such comments shall be considered public record and open to review by the public.

Testimony. Any party who wishes to testify must register in advance to guarantee an opportunity to testify. Registration begins on the date the Notice is posted to the Bulletin. Registration information will be stated in the Notice. Individuals who have not registered in advance may be heard, time permitting, at the discretion of the Presiding Officer. An individual will be heard only once on a particular item.

No Written Comments, No Testimony. If the Committee has not received any written comments and no one has registered to testify for a particular item, those facts shall be noted and the hearing shall be concluded for that item.

Written Comments; No Testimony. If the Committee has received written comments, but no one has registered to testify, the name and affiliation of any person submitting written comments shall be stated, and the hearing shall be concluded for that item.

Testimony; with or without Written Comments. If the Committee has received a request to testify or has received written comments, the name and affiliation of any such person shall be stated. Individuals who have registered to testify will be called and given the opportunity to state their case. Individuals who did not register in advance will be allowed to testify time permitting at the determination of the Presiding Officer.

Each party testifying must complete a witness slip and provide it to the Presiding Office as instructed.

Each interested party shall have at least three minutes to present their position with more time allowed at the discretion of the

Presiding Officer based on the complexity of the issue and the press of other business at the hearing.

Members of the Committee may ask questions or request further written information.

Members of the Committee will not respond to substantive questions at the hearing nor make commitments regarding the content of their recommendation.

The Presiding Officer may terminate an individual's right to address the Committee if the individual becomes abusive or persists in presenting irrelevant information.

Committee Review of Evidence and Recommendation. After conclusion of the hearing the Committee shall review the Procuring Agency's determination, any information obtained from public comment (written or oral), the applicable sections of the Procurement Code and Rules, and any other information deemed relevant. The Committee shall make a written finding and recommendation to the Chief Procurement Officer by simple majority decision based on a preponderance of evidence.

CPO Makes Final Decision. The Chief Procurement Officer shall make the final decision in writing after considering the Committee's finding and recommendation.

The final decision of the CPO shall be placed in the procurement file.

If we decide to cancel the award, we will publish notice of that action in a subsequent issue of the Bulletin.