

Alternative Technical Concepts (ATC)

Innovative Project Delivery (IPD) Bureau
Guidance Document

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Exhibits

Exhibit A - ATC Process

Forms

IPD ITP DB Form 003 - Alternative Technical Concepts (ATC) Form



1 Definition

An Alternative Technical Concept (ATC) is a proposed deviation from the requirements set forth in the procurement documents (Request for Proposals (RFP), Technical Requirements, and form of the Design-Build (DB) Contract). The Instructions to Proposers (ITP) will establish the definition of a qualifying ATC, such as a unique idea, alternative means and methods, innovative products, materials, or design concepts. Typically, the ITP will specify that an ATC for a project must offer a solution that is equal to or better than the requirements in the procurement documents. The ITP will also stipulate that a concept submitted by a shortlisted Proposer does not meet the definition of an ATC if the concept is already contemplated or allowed by the procurement documents or if its purpose is solely to relax any requirement or reduce the scope of the project.

The ATC process is initiated by a shortlisted Proposer on a DB project by submitting one or more confidential concepts describing their innovative solutions for IDOT's review and consideration. IDOT may approve or reject any ATC submission at its sole discretion.

2 Purpose

The purpose of the IDOT ATC process is to allow shortlisted Proposers to offer innovations that achieve the project's goals and objectives with solutions that are equal to or better than the requirements set forth in the procurement documents.

This document is intended to be utilized as a guide for IDOT to conduct the ATC process in a fair and transparent manner. All provisions of the procurement documents for a specific project shall take precedence over the guidance provided in this document. Any limitations on the number of, or deadlines for ATC's, will be stipulated in the procurement documents.

3 Requirements

1. ATC requirements will be defined in the ITP. Typically, IDOT will not consider proposed ATCs that include, but are not limited to, the following:
 - a. Reduction in scope, long term performance, quality, or reliability;
 - b. Modification of IDOT's defined risk allocation, such as responsibility for utility relocation, responsibility for ROW acquisition, or QA/QC program requirements as identified in the procurement documents;
 - c. Any changes that would impose an additional burden on IDOT for maintenance (i.e., purchase of specialized equipment); and
 - d. Any changes to IDOT design standards and practices, such as those solely proposed for the purpose of relaxing a more stringent standard, unless IDOT determines that such proposed changes are directly associated with and required to implement an ATC for a unique design concept.
 - e. Any other project specific limitations as defined in the procurement documents.
2. IDOT will determine whether to make modifications to the procurement documents as a result of any approved ATC. In most cases, the procurement documents will not be modified,



such as when approved ATC(s) include acceptable location-specific design exceptions, acceptable design waivers, and acceptable deviations from IDOT Standards. However, where an ATC approval contemplates a significant scope change or widespread inclusion of design exception(s) and/or waiver(s), IDOT may amend the procurement documents.

3. Prior to approving any ATCs which would result in the issuance of an Addendum (as noted in #2 above), the shortlisted Proposer submitting the ATC will be given the option to withdraw the proposed ATC.
4. Proposed ATCs that create a material scope or budget modification that would necessitate any environmental re-evaluation or significant additional funding may not be considered. Such limitations will be provided in the procurement documents.
5. The procurement documents will contain any items or elements that will not be accepted as ATCs. Such items are non-negotiable during the procurement process.
6. The procurement documents will identify any limits related to the number of ATC submittals for a specific project.
7. Shortlisted Proposers will be required to submit each concept as a separate ATC. A concept may include multiple interrelated parts, but an ATC with multiple unrelated parts may be rejected.

The procurement documents will allow for the submission of conceptual ATCs, where a shortlisted Proposer can present ideas and preliminary concepts to gain formal (in writing) or informal feedback as part of proprietary meetings.

4 Confidentiality of the ATC Process

Confidentiality in the ATC process is of the utmost importance to IDOT recognizing that shortlisted Proposers invest a tremendous amount of effort into developing their concepts and ideas. ATC submissions are considered confidential until the DB Contract is awarded and unsuccessful Proposers have accepted stipends, as defined in the procurement documents. IDOT understands the importance of maintaining defined restrictions on the review and approval process during the procurement and will adhere to the policies outlined in the *Innovative Project Delivery Manual and Guidelines* to ensure confidentiality is maintained.

5 ATC Submittal Process and Proprietary Meetings

(See flowchart attached as [Exhibit A](#))

Each shortlisted Proposer will be provided the opportunity to participate in proprietary meetings with IDOT and its representatives or consultants. The purpose of the proprietary meetings is to give each shortlisted Proposer, in a confidential setting, an opportunity to ask questions and discuss concerns related to the project, details of the project scope, administrative procedures related to the procurement documents, and for the shortlisted Proposer to present and discuss conceptual ATCs and ATC proposals. The proprietary meetings also provide IDOT the opportunity to express, among other things, whether the shortlisted Proposer is pursuing an approach that is acceptable to IDOT and, when possible, to establish whether a proposed concept meets the definition of an ATC



thereby allowing the shortlisted Proposer to proceed to a formal ATC proposal submittal. This allows shortlisted Proposers to better understand how a specific ATC will be evaluated, address any initial comments in its formal submission and decide if they will continue to invest resources and time to further develop the ATC. The intent is to help IDOT, and shortlisted Proposers focus on ATCs that provide the most benefit to the project and have a reasonable chance of being approved.

While the discussions in these proprietary meetings are intended to be confidential, nothing shall preclude IDOT from exercising its reserved right to issue a clarification or revision of the procurement documents, or an Addendum, as a result of what is discussed in these meetings if IDOT determines it does not meet the definition of an ATC. Shortlisted Proposers cannot rely on any comments or feedback provided by IDOT in proprietary meetings or via written comments; and should instead refer to and only rely on changes made to the RFP documents that may allow for an ATC to be incorporated into their Proposal (Proposal) submitted in response to an RFP.

5.1 Proprietary Meeting #1

Each shortlisted Proposer will meet separately and confidentially with the IDOT team, which may include IPD Bureau, District personnel, and subject matter experts as needed to provide project specific feedback to the shortlisted Proposer. Shortlisted Proposers will discuss general issues and questions related to the project including any potential ATCs and collect initial feedback to determine the feasibility of a proposed ATC and how best to formulate each formal ATC proposal submission. Shortlisted Proposers will be required to submit topics or agenda items to be discussed including ATCs in advance of the proprietary meeting. The IDOT team will provide a preliminary indication of whether the initial approach is acceptable and can be advanced to a formal ATC proposal in subsequent proprietary meetings.

5.2 Subsequent Proprietary Meetings

Subsequent proprietary meetings may be utilized for the shortlisted Proposer to provide a presentation of any ATC under consideration to be submitted as a formal ATC proposal. Five (5) business days in advance of a subsequent proprietary meeting, shortlisted Proposers will be required to submit an ATC Form (**IPD ITP DB Form 003**) to the project's point of contact noted in the procurement documents. The number of proposed ATC presentations the shortlisted Proposer is permitted at subsequent proprietary meetings will be stipulated in the procurement documents.

5.3 Formal Submission and Review of ATC Process

If a shortlisted Proposer desires to submit a formal ATC proposal, it shall do so by completing and submitting an ATC Form (**IPD ITP DB Form 003**) for each proposed ATC.

If at any time after the formal ATC proposal submission it is determined that clarifications or additional information is needed, the project's point of contact, as identified in the procurement documents, will request the information from the shortlisted Proposer prior to completing the ATC proposal review. During the ATC review period, the IDOT team will decide, and the project's point of contact will notify the shortlisted Proposer if an RFP Addendum is required related to a shortlisted Proposer's proposed ATC.



At the conclusion of the ATC proposal review process, the project's point of contact will issue a written response to the shortlisted Proposer for each ATC proposal submitted. The written response will have one of the following determinations:

1. The ATC is approved.
2. The ATC is conditionally approved with conditions provided in the written response.
3. The ATC is not approved.
4. The ATC is not approved in its present form, but may be approved upon satisfaction, in IDOT's sole judgment, of certain identified conditions that shall be met or certain clarifications or modifications that shall be made. Shortlisted Proposer will have to address all conditions and clarifications and resubmit the ATC for approval in a subsequent proprietary meeting.
5. The submittal does not qualify as an ATC but may be included in the Proposal without an ATC (i.e., the concept complies with the baseline RFP requirements).
6. The submittal does not qualify as an ATC and may not be included in the Proposal.
7. The submittal does not qualify as an ATC as the ATC identifies an RFP error. IDOT will issue addenda to address the error.

The shortlisted Proposer shall identify in the Proposal any approved or conditionally approved ATC(s) incorporated in its Proposal and confirm agreement to all conditions that may have accompanied the ATC approval(s). The shortlisted Proposer shall include the completed List of Approved ATCs form with their Proposal identifying each approved or conditionally approved ATC incorporated and included in the Proposal.

6 Post Award Implementation

Approved ATCs included with the successful Proposer's Proposal will be included in the final DB Contract. All conditions of an approved ATC, such as additional public involvement process, changes to Federally required approvals, adjustments, or reevaluation to the NEPA documents, permitting issues, etc., are solely the responsibility of the DB Contractor. If an ATC for whatever reason: (a) does not comply with one or more of the conditions of the ATC approval; (b) does not obtain required third-party approval for the ATC; or (c) if the DB Contractor fails to implement the ATC, then the DB Contractor must revert back to providing the requirements included in the original procurement documents, including the conceptual design that would have applied in the absence of any ATC. The DB Contractor will not be entitled to any increase in the contract price or extension of the contract time(s) because of any delay, inability or cost associated with the failure to implement their ATC. IDOT's review, comment and/or approval of an ATC during the procurement phase shall not be deemed as a transfer of liability from the DB Contractor to IDOT related to any ATC implemented or not implemented on the project.



Exhibit A – ATC Process

