Illinois Department of Transportation

Innovative Project Delivery Manual and Guidelines

Appendix 4 –Design-Build Guidelines

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Table of Contents

1 Design-Build Delivery Overview 4
1.1 Development Process 4
1.2 Contractual Arrangement for Design-Build 4
1.3 Sequencing of Activities 6
1.4 IDOT Management Team 6
1.4.1 Pre-Procurement Phase Organizational Structure 7
1.4.2 Procurement & Implementation Phase Organizational Structure 8
2 Pre-Procurement Phase 11
2.1 Appointing or Procuring an Owner's Representative (PCE) 11
2.2 Pre-Procurement Activities 11
2.2.1 Environmental Approval 11
2.2.2 Preliminary Planning Documents 11
2.2.3 Permitting, Agency Coordination, and Mitigation Requirements 12
2.2.4 Right-of-Way 12
2.2.5 Utility Coordination 12
2.2.6 Geotechnical Investigations 12
2.2.7 Risk Assessment 12
2.2.8 Cost Estimate 13
2.2.9 DB Project Development Schedule 13
3 Procurement Phase 15
3.1 Procurement Phase Activities 15
3.1.1 Overview 15
3.1.2 Industry Meeting (Optional) 16
3.1.3 Appointing or Procuring an Independent Cost Estimator (ICE) 16
3.1.4 Develop RFQ 17
3.1.5 Issuance of the RFQ 17
3.1.6 Pre-Evaluation Activities 17
3.1.7 Evaluation and Shortlisting 18
3.1.8 Develop RFP 18
3.1.9 Issuance of the RFP 19
3.1.10 Questions and Answers 19
3.1.11 RFP Addenda 19
3.1.12 One-On-One Meetings 19
3.1.13 Final RFP 20
3.1.14 Alternative Technical Concepts (ATCs) 20
3.1.15 Pre-Evaluation Activities 20
3.1.16 Receipt of Proposals 21
3.1.17 Evaluation Committee and Procedures 21
3.1.18 Selection and Award 21

3.2 Stipends 22
3.3 Project Records, Confidentiality, Public Disclosure 22
3.4 Risk Management 23
3.4.1 Risk Allocation 23
3.5 Cost Estimate 24
4 Implementation Phase 25
4.1 Appointing or Procuring a Construction Oversight Team 25
4.2 Conditional Award to Contract Execution 25
4.3 Kick-off Meeting 26
4.4 Partnering Workshop 26
4.5 Early Contract Submittals 26
4.6 Design Oversight 27
4.6.1 Over-the-Shoulder Meetings 27
4.6.2 Design Review and Comment Process 27
4.6.3 Design Submittal Reviews 27
4.6.4 RFC Documents 28
4.6.5 Early Release for Construction 28
4.6.6 Quality Assurance and Quality Control (QA/QC) 28
4.7 Construction Oversight 28
4.7.1 Partnering Meetings 29
4.7.2 Risk Management 29
4.7.3 Project Acceptance and Close-Out 29

List of Figures

Figure 1-1 Contractual Arrangement for Design-Build Delivery 5
Figure 1-2 Pre-Procurement Phase Organizational Structure 7
Figure 1-3 Procurement & Implementation Phase Organizational Structure 9
Figure 3-1 Procurement Phase Process 16

1 Design-Build Delivery Overview

Design-Build (DB) is an alternative project delivery method that allows a Design-Build Contractor (DB Contractor) to perform design and construction concurrently, rather than sequentially as on design-bid-build projects.

Prior to advancing a project to DB delivery, the IPD Bureau and the District Project Manager (PM) will have completed the determination as to whether a project is a suitable candidate for innovative project delivery, as described in the Innovative Project Delivery Manual and Guidelines, Chapter 2. In addition, the decision will have been made that DB is the preferred delivery method, as described in the Innovative Project Delivery Manual and Guidelines, Chapter 3.

1.1 Development Process

DB projects are developed in the following three phases:

- Pre-Procurement Phase (Preliminary Design / Project Readiness)
- Procurement Phase (Advertisement / Evaluation / Selection)
- Implementation Phase (Design / Construction)

1.2 Contractual Arrangement for Design-Build

For DB delivery, IDOT procures a DB Contractor to design and construct the project. IDOT appoints or procures an Independent Cost Estimator (ICE) to provide an analysis of the project cost. In addition, if IDOT staff do not provide the construction oversight, IDOT procures a Construction Oversight Team (COT) to oversee the construction of the project.

At IDOT's discretion, an Owner's Representative (PCE) may be retained to assist in developing the procurement documents and other duties as needed to augment IDOT's staff during the procurement process. Should IDOT elect to retain the services of a PCE, any firm retained by IDOT to prepare the scope and assist in the evaluation of a proposer's technical submissions are prohibited from participating in the procurement of the project.

Figure 1-1 below shows the general contractual arrangement and general workflow for DB delivery.

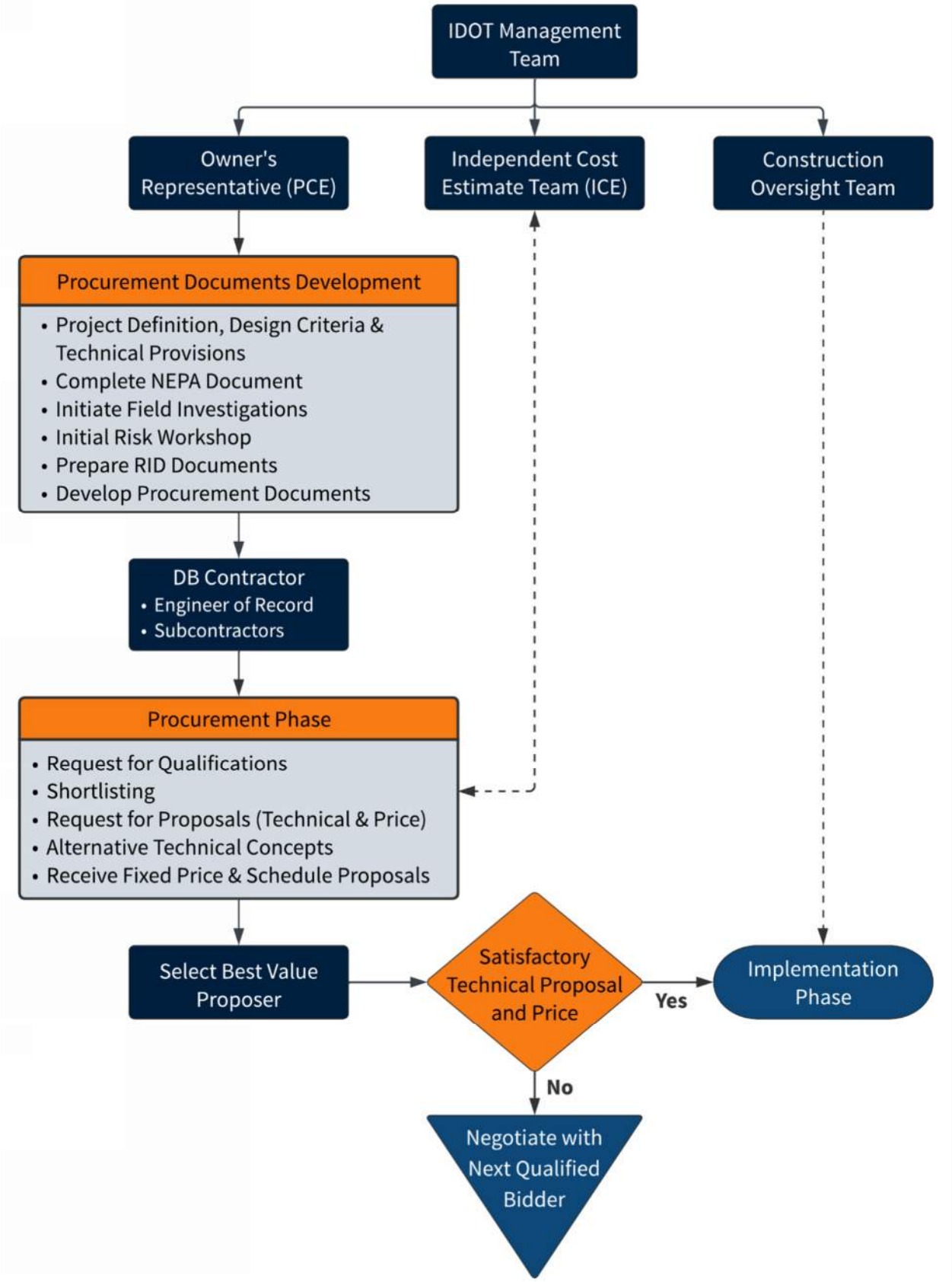

FIGURE 1-1 CONTRACTUAL ARRANGEMENT FOR DESIGN-BUILD DELIVERY

1.3 Sequencing of Activities

- IDOT may appoint or procure an Owner's Representative (PCE) to serve as the procurement engineer responsible for supporting IDOT in procuring a DB Contractor and is required by the Act to procure an Owner's Representative if the estimated cost of the project exceeds $30 million
- Under the direction of IDOT during the pre-procurement phase, the PCE is responsible for performing pre-procurement activities as described in Section 2.2 to prepare the project for procurement
- Once the project is deemed ready for procurement, IDOT will initiate the procurement process described in Section 3 to select a DB Contractor for the implementation phase to design and construct the project
- During the pre-procurement and procurement phases, IDOT and the PCE continue to perform project development activities, including providing Reference Information Documents (RIDs) to proposers and clarifying Request for Qualifications (RFQ) and Request for Proposal (RFP) requirements, as proposers prepare their technical and financial proposals
- During the procurement phase, IDOT may appoint or procure an Independent Cost Estimator (ICE) to support IDOT in the development of an independent project cost estimate
- At the conclusion of the procurement phase, IDOT may appoint or procure a Construction Oversight Team (COT) to oversee the implementation phase and ensure contract compliance during the design and construction of the project and is required by the Act to procure a Construction Oversight Team if the estimated cost of the project exceeds $30 million
- After selection of the best-value proposer, IDOT finalizes the DB Contract and proceeds to issue NTP for the implementation phase. If IDOT is unsuccessful at securing a DB Contract with the best-value proposer, IDOT has the option to award to the second best-value proposer

1.4 IDOT Management Team

The best suited staff and organization of a DB project delivery team is tailored specifically to the unique characteristics of the project under consideration. The high-level organizational structures described below for each of the delivery phases are provided as a starting point to develop a project specific IDOT Management Team.

As the projects progress from inception to completion, the IDOT Management Team organizational structure will transition from a coordinated IPD Bureau and District team during the pre-procurement phase to a District-led effort during the procurement phase and implementation phase.

1.4.1 Pre-Procurement Phase Organizational Structure

Pre-procurement phase activities will involve both the IPD Bureau and the District PM with each group focusing on key elements of the phase. The high-level organizational structure for the pre-procurement phase is shown in **Figure 1-2** below:

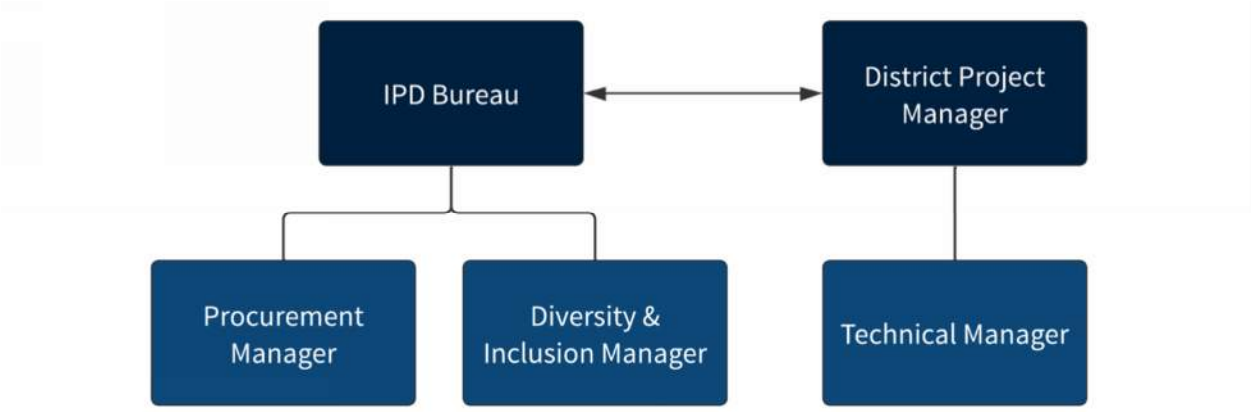

FIGURE 1-2 PRE-PROCUREMENT PHASE ORGANIZATIONAL STRUCTURE

1.4.1.1 Pre-procurement Phase Activities

The IPD Bureau will focus on the following pre-procurement phase activities:

- Develop the procurement documents
- Confirm funding, programming, and approvals to procure a DB Contractor and execute a DB Contract
- Prepare a written determination to demonstrate and document that the DB delivery method is in the best interest of the State in accordance with Chapter 3 of the IPD Manual and Guidelines
- Coordinate with the IDOT Office of Business and Workforce Diversity (OBWD) to establish disadvantaged business enterprise (DBE) utilization requirements for the DB Contract
- Conduct the initial risk workshop, in coordination with the District

The District PM will focus on the following pre-procurement phase activities:

- Develop a scoping document for the DB Contract defining the project scope and that includes the physical description of the facility
- Establish the design criteria for the project
- Prepare the initial engineer's estimate
- Advance the NEPA process to coordinate the completion of an environmental decision is in place in accordance with the preliminary schedule and document any environmental commitments required under the decision
- Initiate field investigations and third-party coordination activities

- Identify major project risks and participate in the initial risk workshop

The IPD Bureau will collaborate with the District PM during the pre-procurement phase to perform the following activities:

- Begin developing the procurement documents - the RFQ, RFP, DB Contract or term sheet, and Technical Provisions (TPs)
- Begin preparing the Reference Information Documents (RIDs) – project information that is provided to proposers, including data related to current design, proposed schematics, utility information, surveys, geotechnical data, environmental approvals, right-of-way (ROW) status, as-built plans, utilities, and other relevant project specific information
- Develop evaluation criteria – the criteria that is used for evaluating responses to the RFQ and evaluating proposals submitted in response to the RFP

1.4.2 Procurement & Implementation Phase Organizational Structure

The procurement phase and implementation phase activities will involve both the IPD Bureau and the District PM, but will be led by the District PM.

The high-level organizational structure for the procurement and implementation phases is shown in **Figure 1-3** below:

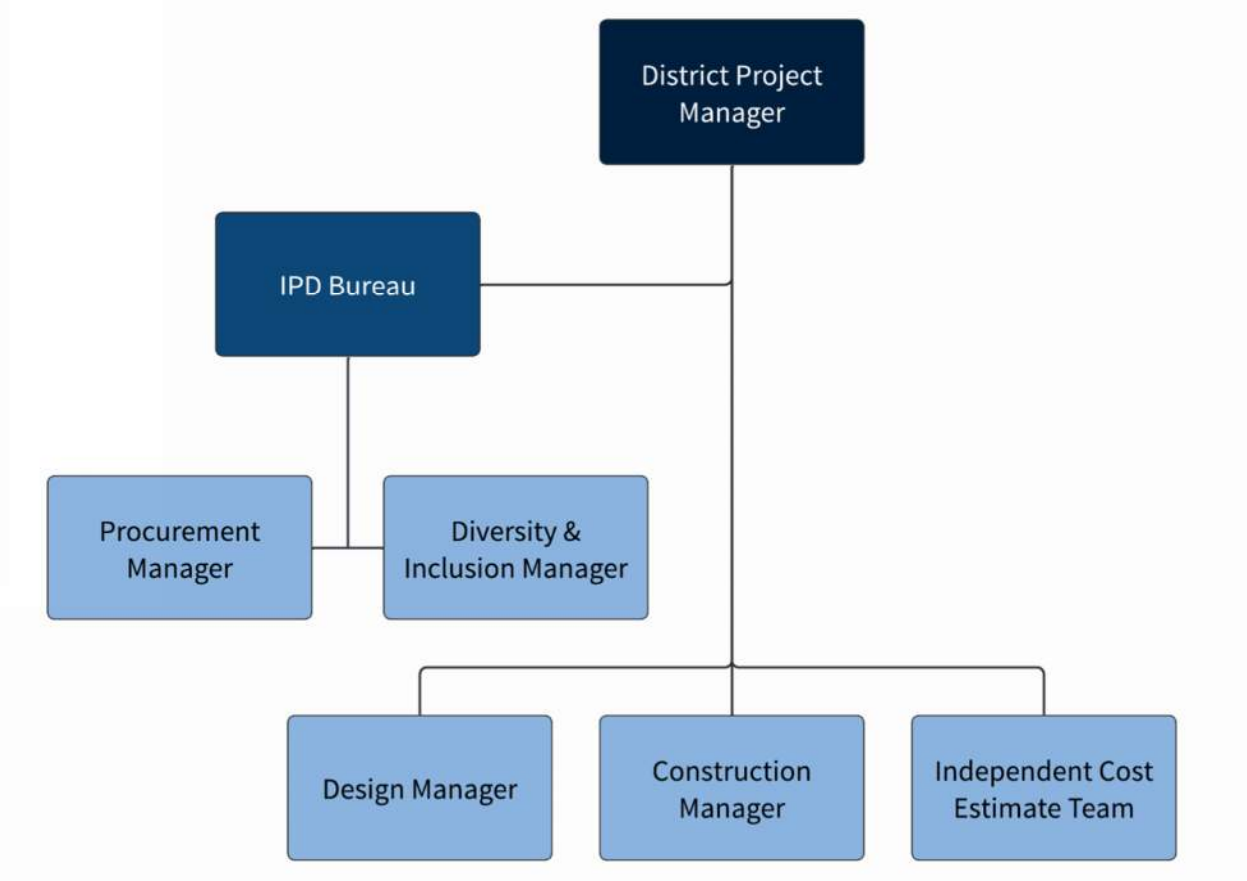

FIGURE 1-3 PROCUREMENT & IMPLEMENTATION PHASE ORGANIZATIONAL STRUCTURE

1.4.2.1 Procurement Phase Activities

During the procurement phase, the IPD Bureau and the District PM continue to work together to manage all project activities.

The IPD Bureau will focus on the following procurement phase activities:

- Identify Evaluation Committee members
- Coordinate with Office of the Chief Counsel (OCC) on legal issues that require amendments to the procurement documents, DB Contract, or the procurement process
- Finalize DBE utilization requirements with FHWA input, as necessary

The District PM will focus on the following procurement phase activities:

- Oversee consultant resources to facilitate procurement activities (documents coordination, one-on-one meetings, due diligence evaluations, etc.)
- Update the procurement documents due to Alternative Technical Concepts (ATCs) or other information gained in the one-on-one meetings or otherwise
- Participate in the Evaluation Committees and industry review meetings

- Coordinate with the IPD Bureau on contract language, risk allocations and transition activities to the implementation phase

1.4.2.2 Implementation Phase Activities

During the implementation phase, the IPD Bureau will focus on the following activities:

- Resolve any issues, concerns, or interpretations of the procurement documents

During the implementation phase, the District PM will focus on the following activities:

- Compliance with the terms and conditions of the DB Contract
- Field inspection and materials testing
- Progress and payment
- Schedule compliance
- DBE utilization, environmental, and safety compliance
- Coordinate and communicate with local public officials, travelling public, and IDOT and District leadership
- Project closeout and as-built plans

2 Pre-Procurement Phase

During the pre-procurement phase for a DB project, IDOT will perform the typical project development activities associated with Phase I of IDOT's project development process before procuring a DB Contractor. These activities include preliminary engineering, engineering studies, environmental and permitting activities, to prepare for beginning the DB procurement.

2.1 Appointing or Procuring an Owner's Representative (PCE)

The Department will appoint or procure an Owner's Representative to serve as the PCE during the pre-procurement phase. The Department may secure a PCE through an on-call services contract for a particular project (on a project-by-project basis) or for multiple projects. IDOT is required by the Act to procure an Owner's Representative if the estimated cost of the project exceeds $30 million.

PCE Pre-Procurement Scope of Services

The PCE will provide design services throughout the pre-procurement and procurement phases under the direction of the District PM including Phase I design, procurement document development and general engineering services in support of the DB procurement.

During the pre-procurement phase the PCE will be focused on Phase I design services and providing technical support to the District PM in developing the draft DB procurement documents.

2.2 Pre-Procurement Activities

Completion of the Phase I study through Phase I design approval and completion of environmental clearances (as appropriate) are conditions precedent for beginning a DB procurement. IDOT will provide the findings of the Phase I study, as well as all public and stakeholder input collected throughout the Phase I study, to proposers as RIDs for preparing their proposals during the procurement phase.

After Phase I design approval by the Region/District Engineer, IDOT will begin procurement planning activities to ensure all the information, resources and decisions are in place for advancing the DB project to procurement.

2.2.1 Environmental Approval

Because a DB Contract is a fixed or lump sum price, environmental coordination and approval(s) are a condition precedent for issuance of the RFP. Receiving environmental decisions (i.e., CE Determination, FONSI, or ROD), as early as possible during the procurement process confirms that the project corridor has been fully evaluated, thus minimizing the likelihood of early project development alignment shifts, which could otherwise cause significant delays or pricing changes during the term of the DB Contract.

2.2.2 Preliminary Planning Documents

As part of the environmental approval process, IDOT may prepare preliminary plans to a level of completion sufficient to conduct public hearings and to obtain environmental approval.

IDOT may consider advancing the design to provide proposers with a preliminary plan to a greater design level to reduce risk uncertainties. This iterative process of design development of the preliminary design may consist of IDOT specialty technical discipline reviews and input, including constructability and traffic management reviews, stakeholder inputs, addressing environmental concerns, and scope adjustments to address funding constraints.

2.2.3 Permitting, Agency Coordination, and Mitigation Requirements

IDOT will identify and advance coordination of any required permits with the appropriate agencies as far as possible. The procurement documents will note the preliminary level of design to provide proposers with an understanding of what constraints and commitments exist, and what mitigation may be required to construct the project. This information will be included in the procurement documents for the proposers to utilize in developing their proposals.

2.2.4 Right-of-Way

The ROW required for the project will be clearly defined during the environmental process and the development of the Phase I design.

Contracts entered under the CMGC, PDB, and DB Program are excepted from the Public Contract Fraud Act. Under this exception, IDOT may begin assembling parcel property descriptions, ROW mapping, ROW estimates, appraisals, and acquisition packages to allow acquisition to begin on the most critical parcels once environmental clearance is received. IDOT may commence and advance ROW acquisition activities during the pre-procurement phase.

Current ROW and parcel acquisition information will be provided to the proposers in the RIDs.

2.2.5 Utility Coordination

Utility coordination will be conducted during the development of the Phase I design in accordance with IDOT's standard practices.

Depending on the project, and as means of mitigating utility delay risks, IDOT may perform additional levels of investigation, including Subsurface Utility Exploration (SUE) quality levels A and B. SUE quality levels A and B may be used especially for urban projects and in densely populated areas with a greater potential for utility conflicts.

2.2.6 Geotechnical Investigations

Geotechnical investigations will be performed, as needed, to support the development of the design in advance of the procurement as a means of mitigating potential risks due to unknown subsurface conditions.

Relevant geotechnical surveys and information will be provided to the proposers in the RIDs.

2.2.7 Risk Assessment

Assessing risk is intended to identify and develop early management strategies to optimize risk transfer and mitigate challenges that could delay a procurement. Risk assessment also ensures that project development activities are sufficiently advanced prior to launching a procurement.

A risk register is developed by IDOT to document the risks identified during the pre-procurement phase. The risk register is utilized to:

- Identify and manage project risks applicable to all project phases
- Assess and document risk impacts
- Allocate risks by deciding whether risk should be accepted by IDOT or transferred to the DB Contractor in the DB Contract

The assessment consists of establishing the likelihood of the risk occurring and assessing the anticipated impact of the risk. IDOT establishes risk thresholds to prioritize the risks and ranks the risks documented in the register based on their potential impact on the project. IDOT then discusses strategies for how to accept, avoid or minimize the impact of the risk and how best to allocate the risk.

Design and Construction risks allocated to the DB Contractor should be included in a risk contingency plan and made part of the design and construction cost. If IDOT intends to share or own certain risks, IDOT may consider establishing a risk contingency pool that is included in IDOT project costs.

2.2.8 Cost Estimate

A current and accurate estimate is an essential element in the procurement process to confirm that the identified funding aligns with anticipated design and construction costs. An initial estimate will be prepared and updated on a continuous basis throughout the pre-procurement phase. Depending on the complexity of the project, IDOT may utilize the ICE to provide independent cost estimates to ensure the project estimate is accurate and comprehensive.

2.2.9 DB Project Development Schedule

The final step in the pre-procurement phase is to develop a comprehensive DB project development schedule. The IPD Bureau and the District PM work collaboratively to develop the DB project development schedule. The schedule should be tailored to the project under consideration and used as a guiding document throughout the pre-procurement and procurement phases. The typical activities for DB project development are shown in the table below.

DB Project Development Schedule	
Activity	**Completion Date**
Pre-procurement Phase Activities	
- Environmental Approval	
- Preliminary Planning Documents	
- Permitting, Agency Coordination, and Mitigation Requirements	
- Establish DBE Utilization Requirements	
- Right-of-Way	
- Utility Coordination	
- Geotechnical Investigations	
- Risk Assessment	
- Cost Estimate	
- Construction Duration Schedule	
- DB Project Development Schedule	
Procurement Phase Activities	
- Industry Meeting (Optional)	
- ICE Onboarding	
- Develop RFQ	
- Issue NOI, if necessary	
- Issue RFQ	
- Pre-Evaluation Activities	
- Evaluation and Shortlisting	
- Develop RFP	
- Issuance of the RFP	
- Question-and-Answers	
- Confidential One-on-One Meetings	
- Issuance of Final RFP	
- RFP Addenda	
- Alternative Technical Concepts	
- Pre-Evaluation Activities	
- Receipt of Proposals	
- Evaluation and Scoring	
- Notification and Award	
- Advance to Implementation Phase	

3 Procurement Phase

When the IPD Bureau and the District PM deem the project is ready for procurement, IDOT will employ the procurement process described below to select a DB Contractor for the implementation phase where the DB Contractor will design and construct the project. IDOT may procure a DB Contractor for a DB Contract by using either a single-phase or two-phase procurement, however a single-phase procurement is limited to projects with an estimated cost under $5 million or projects for which the IDOT Secretary has provided a written determination permitting a single-phase procurement.

Under a single-phase procurement, IDOT will issue only a Request for Proposals (RFP) to procure the DB Contractor. Under a single-phase procurement, IDOT will issue a Notice of Intent (NOI) a minimum of 14 days prior to commencing the procurement if the project is not already in the relevant MYP. The NOI will include a description of the proposed procurement and project to be procured.

Under a two-phase procurement, IDOT will first issue an RFQ and then an RFP. The two-phase procurement process is described in this section and is preferred for DB delivery. IDOT will issue a Notice of Intent (NOI) a minimum of 28 days prior to commencing a two-phase procurement if the project is not already in the relevant MYP. The NOI will include a description of the proposed procurement and project to be procured.

3.1 Procurement Phase Activities

3.1.1 Overview

In a DB procurement, interested proposers respond to the RFQ with a Statement of Qualifications (SOQ) by demonstrating their experience and qualifications in accordance with the RFQ requirements. IDOT will evaluate the responses based on evaluation criteria in the RFQ and will shortlist the most highly qualified proposers.

IDOT will then issue a RFP to the shortlisted proposers. After issuance of the RFP, IDOT may meet with proposers in confidential one-on-one meetings to discuss any questions from proposers about the RFP, provide project updates, and discuss conceptual Alternative Technical Concepts (ATCs).

IDOT may provide updates to the RFP based on project development activities and in response to proposer questions. Once proposals are submitted, IDOT will evaluate the proposals received for responsiveness to the RFP requirements and the evaluation criteria described in the RFP. IDOT will select the best-value proposer based on such evaluation.

The procurement phase process is shown in **Figure 3-1** below:

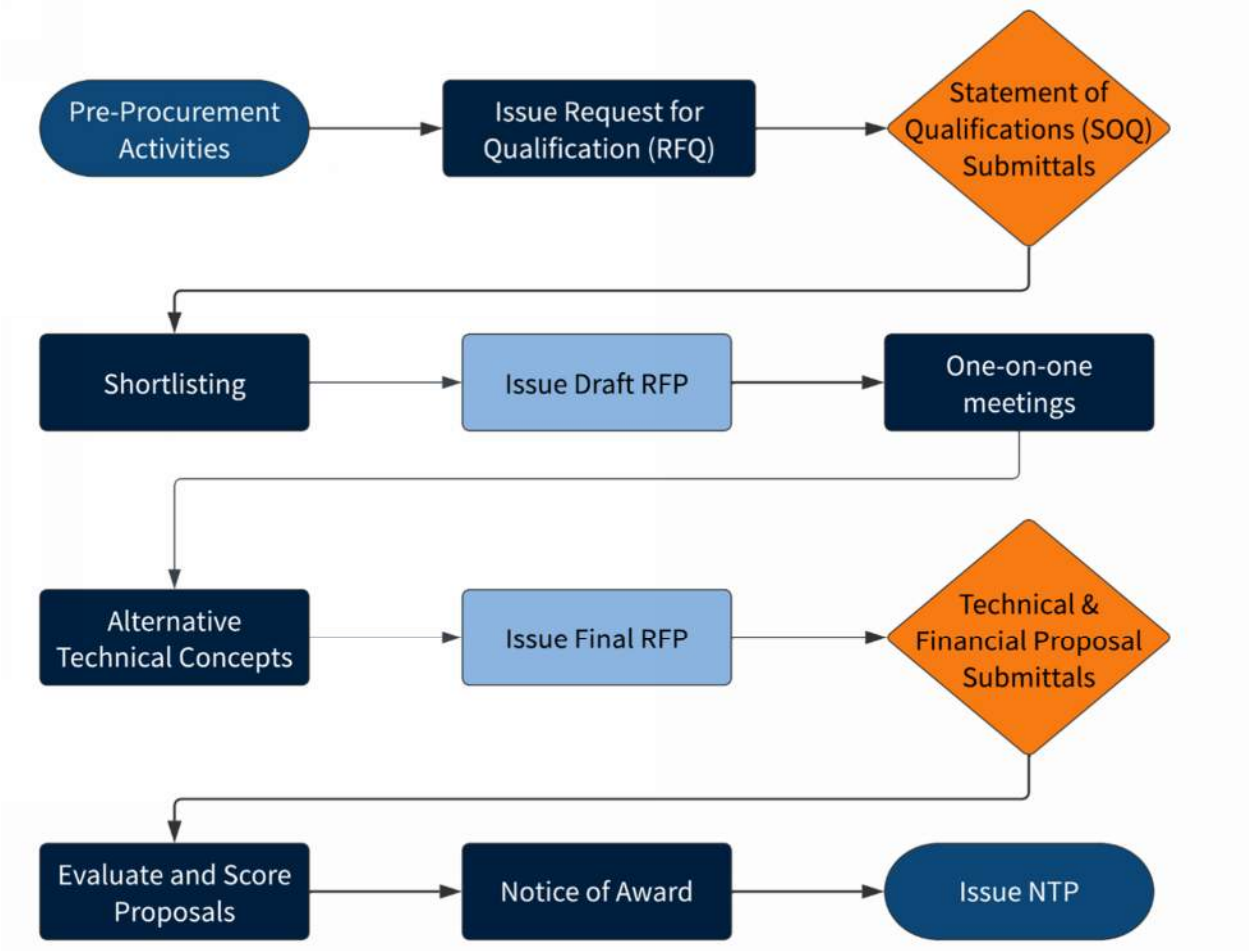

FIGURE 3-1 PROCUREMENT PHASE PROCESS

3.1.2 Industry Meeting (Optional)

Prior to commencing a DB procurement, IDOT may conduct a pre-procurement meeting with potential proposers to assess and garner industry interest in the project. In lieu of, or in addition to an industry meeting, IDOT may issue a Request for Information (RFI) to industry to garner and assess interest in the project.

3.1.3 Appointing or Procuring an Independent Cost Estimator (ICE)

The Department may appoint from internal transportation staff or procure an Owner's Representative to serve as the ICE. IDOT may opt to secure an ICE through an on-call services contract and utilize the same ICE for multiple projects or have a project specific ICE procurement.

When selecting an ICE, it is important to clearly state and require that all materials reviewed and work product produced are confidential, and that the ICE and their subcontractors are conflicted from being a member of any DB proposer team.

3.1.4 Develop RFQ

Each DB RFQ shall include any terms IDOT deems appropriate, which may include the following items:

- Scope of work
- Key staff and firms experience and qualifications along with the conditions under which key staff personnel and firms can be replaced
  - A provision stating that after a proposer submits a proposal, the proposer may not replace, remove, or otherwise modify any firm identified as a member of the proposer team unless authorized by IDOT
  - Qualification and experience requirements should include specific experience related to DB delivery and to projects of similar size, scope, and complexity
- Evaluation criteria for the qualifications and the relative importance of those criteria– such criteria may include –:
  - Specialized experience, technical competence, capability to perform, financial capacity, the proposer's workload, local office presence, past performance including the proposer's safety record and record of utilization of business enterprises owned by minorities, women, and individuals with disabilities, including DBEs
- Requirement for prequalification, licensing and registration of the contractor and proposed subcontractors in the State of Illinois
- Past performance references or contact information for persons who can attest to the past performance of the proposer with respect to: successful project delivery, subcontracting, labor relations, diverse business utilization, workforce diversity, and compliance with contract requirements
- Summary of the DB Contract framework in the form of a term sheet highlighting the proposed DB Contract terms.

3.1.5 Issuance of the RFQ

The formal initiation of a DB procurement is done by issuance of the RFQ. The RFQ will be posted on the IDOT website. After the RFQ is issued and prior to the SOQ due date, proposers may submit questions to IDOT.

The questions are submitted and responded to in accordance with the RFQ. Based on these questions and answers, any clarifications to questions or formal changes to the RFQ may be made by IDOT in the form of addendums.

3.1.6 Pre-Evaluation Activities

Prior to receipt of SOQs, the IPD Bureau and the Chief Procurement Office (CPO) will complete the following tasks:

- Identify individuals participating on the Evaluation Committee
- Confirm all signed confidentiality agreements are obtained from Evaluation Committee members and conflict of interest disclosures are assessed, and responsive action taken, if needed
- Conduct evaluator training
- Prepare secure rooms to receive evaluation materials and proposer submittals

3.1.7 Evaluation and Shortlisting

Prior to receipt of the SOQs, the Evaluation Committee will establish weighting for the evaluation criteria based on the relative importance of the project specific criteria deemed as key selection criteria for the project.

The Evaluation Committee will utilize consensus scoring to evaluate the SOQs. In the consensus scoring approach, individual Evaluation Committee members read the SOQs prior to evaluation work sessions and make notes of proposed scoring, observations of strengths and weaknesses, and questions regarding the SOQ. Once all SOQs have been scored individually, the Evaluation Committee will meet to develop consensus scores for each proposer.

The Evaluation Committee will rank the SOQs and develop a shortlist to advance to the RFP stage. A minimum of two and a maximum of five proposers will be shortlisted (unless the IDOT Secretary makes a finding that an emergency justifies shortlisting fewer than two proposers).

IDOT will conduct evaluations in a secure facility. The RFQ specifies the evaluation process, which includes:

- Each SOQ is reviewed for satisfaction of the prequalification criteria identified in the RFQ and responsiveness to RFQ requirements
- Any SOQ that does not pass and/or is not responsive may not be considered
- Evaluation Committee members should be capable of assessing the proposer's technical and financial qualifications
- The Evaluation Committee provides a recommendation to the IPD Bureau and the District PM, who will determine a recommended shortlisting of proposers

3.1.8 Develop RFP

The RFP is developed by the IPD Bureau in collaboration with the District PM and CPO.

The RFP includes the following components:

- Instructions to Proposers
- Technical Provisions
- Reference Information Documents
- Evaluation criteria

- A form of the DB Contract inclusive of any provisions IDOT determines are necessary or appropriate, including but not limited to:
  - Compensation and payments
  - Grounds for termination
  - Liability for damages and nonperformance
  - Default events, rights, and remedies available to both parties
  - Submittal, review, and approval procedures
  - Required performance and payment security, indemnities, and insurance
  - DBE utilization and compliance requirements

The RFP will require proposals to contain the following information in addition to other requirements:

- A description of the proposers approach demonstrating their contract understanding and approach to communications, coordination, risk management and partnering
- The proposer's understanding of the project's scope and complexity, level of design and the identification of project risks and potential mitigation strategies and solutions

3.1.9 Issuance of the RFP

Upon approval by the IPD Bureau Chief, CPO and the District PM, the RFP is advertised together with any relevant documents and information. The RFP advertising period will be designated in the project development schedule. The RFP will be posted on the IDOT website.

3.1.10 Questions and Answers

After issuance of the RFP, proposers may submit questions to IDOT to clarify requirements and content of the RFP. IDOT prepares responses to questions and compiles a matrix containing all non-confidential questions related to the RFP and the procurement process and makes the responses available to all proposers.

3.1.11 RFP Addenda

Based on either the questions and answers or other factors, changes to the Draft or Final RFP may be required. IDOT may issue addenda to the Draft or Final RFP during the advertisement period in response to prospective proposer questions or as needed to clarify the requirements of the Draft or Final RFP. The addenda will highlight sections of the RFP that have been modified.

3.1.12 One-On-One Meetings

IDOT may conduct confidential one-on-one meetings with proposers after issuance of the RFP. The one-on-one meetings are important to the procurement process, as they allow IDOT to exchange information with proposers and allow the proposer to discuss elements of its proposal directly with IDOT to better understand the scope, expectations, and objectives of project and IDOT's RFP. The number and frequency of meetings vary based on the scope, size, and

complexity of the project. Questions may be submitted in writing to IDOT after the one-on-one meetings for formal response during the designated question-and-answer period as shown in the RFP.

3.1.13 Final RFP

Once IDOT has made final updates and edits to the RFP, the Final RFP will be issued. It is expected that the Final RFP will not change, but IDOT may provide updates to a Final RFP by addenda based on project development activities or other factors impacting the project or procurement schedule. The Final RFP includes the proposal submittal due date, place, and time. Any addenda or revisions to the RFP required as a result of the proposers' questions or non-confidential information from one-on-one meetings are issued with the Final RFP.

The Final RFP should be available for shortlisted proposers a minimum of 28 days in advance of the proposal due date. The Final RFP review period may be longer if necessary for a specific project. The Final RFP will be posted on the IDOT website.

3.1.14 Alternative Technical Concepts (ATCs)

Proposers submit ATCs for IDOT's review and approval to allow inclusion of the alternate concepts in their proposals.

For the successful proposer, the ATC becomes the property of IDOT after execution of the DB Contract or payment of the stipend in accordance with Section 3.2 should the DB Contract not be entered into by the parties. For unsuccessful proposers, the ATC becomes the property of IDOT after payment of the stipend in accordance with Section 3.2. Information included in an ATC is kept confidential and is only disclosed by IDOT to the selected proposer after the selected proposer has executed a confidentiality agreement and conflict of interest disclosure and IDOT has acquired ownership of the unsuccessful proposers' ATCs.

IDOT organizes an ATC review team prior to the receipt of ATCs, and each member completes a confidentiality agreement and conflict of interest disclosure prior to reviewing ATCs. A technical subcommittee consisting of senior managers and technical experts from the IPD Bureau and the District will review and make recommendations for the approval or rejection of the ATCs submitted.

While every project may vary, IDOT intends to provide ATC review and one-on-one meetings with feedback to allow the shortlisted proposers an opportunity to submit ATCs with all information needed for review and assessment.

The Instructions to Proposer (ITP) will clarify any elements of the project for which ATCs will not be permitted and any other limitations on ATCs.

For projects subject to federal requirements, FHWA concurrence of ATCs may be required for an ATC to be incorporated into the proposal and DB Contract.

3.1.15 Pre-Evaluation Activities

Prior to receipt of proposals, the following activities will be performed:

- Develop the individual evaluation scoring sheets and consensus scoring sheets to be used by the Evaluation Committee
- Identify individuals to participate on the Evaluation Committee to review the technical and financial proposals
- Confirm all signed confidentiality agreements and conflict of interest disclosures are obtained and assessed by each member and consultant assisting in the procurement
- Conduct evaluator training
- Prepare secure rooms to receive evaluation materials and proposer submittals

3.1.16 Receipt of Proposals

Proposers submit proposals in response to the RFP on or before the proposal due date specified in the RFP. An initial pass/fail and a responsiveness review of the proposals will be performed by the CPO of the submittals to determine if each submittal is complete or appears compliant with RFP requirements. A request to proposers may be made to address any items that are missing or provide clarification prior to distribution to the Evaluation Committee. Any proposal that does not pass and/or is not responsive may be disqualified from further consideration.

3.1.17 Evaluation Committee and Procedures

Evaluation Committee members should be comprised of individuals who have specific project knowledge, an understanding of the project goals, and a specialty or expertise relevant to the project. Evaluation Committee requirements are shown below:

- At least half of the committee must be licensed professional engineers
- An Evaluation Committee typically serves for the procurement of a particular project but may serve for multiple projects over a set term
- Evaluation Committee members must certify that no conflict of interest exists between the members and proposers
- Evaluation Committee membership is confidential to maintain objectivity, prevent contact during procurement, and ensure that all proposer communication goes through the point of contact as defined in the RFP
- IDOT will develop a Non-Disclosure Agreement (NDA) to be executed by each Evaluation Committee member and consultant assisting in the procurement in advance of reviewing the procurement documents

IDOT will select the best-value proposer that receives the highest score based upon the collective evaluations and evaluation criteria set forth in the RFP.

3.1.18 Selection and Award

The Evaluation Committee will utilize consensus scoring to evaluate the proposals. In the consensus scoring approach, individual Evaluation Committee members read the proposals prior to evaluation work sessions and make notes of proposed scoring, observations of strengths and weaknesses, and questions regarding the proposal. Once all proposals have been scored

individually, the Evaluation Committee will meet to develop consensus scores for each proposer.

The proposer with the highest total score is selected to serve as the DB Contractor.

The IPD Bureau, CPO and District PM will present the selection results and recommendation to the IPD Bureau Chief and District leadership, who shall review the recommendation and associated evaluation documentation.

Once IDOT has approved the selection, the proposers can be notified of the selection results. IDOT should notify each proposer within five days of the selection. Once a DB Contract is executed with the successful proposer, IDOT may offer a debrief meeting with unsuccessful proposers.

The IPD Bureau posts the general results of the selection on the IDOT website. Once the DB Contractor is selected a kick-off meeting should be held to answer any questions the DB Contractor may have on the project.

If the successful proposer is unable or unwilling to execute the DB Contract, IDOT may award the DB Contract to the next best value proposer.

3.2 Stipends

Proposers are entitled to receive a stipend payment from IDOT according to the amount, terms, and conditions specified in the RFP.

A proposer shall only receive a stipend if it grants IDOT the right to use any work product contained in its proposal or ATCs. If the successful proposer is terminated, IDOT may readvertise and use any work product developed by the successful proposer provided IDOT has paid such proposer a stipend.

If IDOT cancels the procurement prior to submittal of proposals, then no stipend will be paid to any proposer. If IDOT cancels the procurement after submittal of compliant proposals, IDOT will pay a stipend to all proposers submitting a compliant proposal.

3.3 Project Records, Confidentiality, Public Disclosure

IDOT will maintain all written decisions, qualifications, and proposal evaluations, scoring documents, selection evaluations, proposals, and procurement documents.

Proposers may identify portions of submissions the proposer considers a trade secret or confidential, commercial, or proprietary information in accordance with Illinois state law. Proposers may not identify their full proposal as confidential and proprietary information. Confidential and propriety information shall be exempt from disclosure only if the proposer:

- Requests exclusion
- Identifies the data or other materials for which protection is sought
- States the statutory or regulatory basis for the protection
- Complies with Freedom of Information Act (FOIA) and any other applicable provisions of State law

» Proposer submits a secondary/additional version of their submissions with any information Proposer considers confidential or proprietary redacted

IDOT will make a final determination related to any request to maintain the confidentiality of any information and will notify the proposer of its determination.

3.4 Risk Management

IDOT will continue to identify, assess, mitigate, and allocate project risks on a continuous basis during the procurement phase.

At the beginning of the procurement phase, IDOT reviews the risk documentation produced during the pre-procurement phase and facilitates a second risk assessment and allocation workshop with its project team, key stakeholders, and staff from specialty areas within IDOT and FHWA (if applicable).

The IPD Bureau, in coordination with the District, may facilitate a workshop with the project team following the same processes used for conducting workshops during the pre-procurement phase.

IDOT may conduct interim risk meetings with its project team on a continuous basis to update the risk register. The risk register is updated in advance of major procurement milestones such as issuance of the RFQ and RFP. IDOT's goal in updating the risk register during the procurement phase is the same as the pre-procurement phase as described earlier in Section 2.2.7.

3.4.1 Risk Allocation

Establishing the risk allocations is an essential part of the risk management process because they are used to develop the risk profile of the DB Contract and appropriate risk sharing provisions between IDOT and the DB Contractor.

Depending on the risk item, IDOT may choose to own the contractual responsibility of the risk or pass all or part of it on to the DB Contractor. For shared risks and risks owned by the DB Contractor, the DB Contractor evaluates its risk exposure and manages the risk in its financial proposal.

IDOT is responsible for deciding which party owns and controls the risk for the purpose of establishing the risk profile in the DB Contract.

For shared risks and risks that are owned by IDOT, the IDOT can manage the risk by creating a risk pool as a contingency fund for the portion of the risk allocated to IDOT should the risk materialize. Risks that IDOT might typically own are the design and construction risks that IDOT is better equipped to manage, and the DB Contractor has little control over, such as railroad and environmental permitting risks.

IDOT could also establish a shared risk mechanism for certain risks identified by the DB Contractor as potentially high-risk exposure at the one-on-one meetings and include shared risk provisions in the DB Contract. IDOT and the DB Contractor will discuss risk exposure for the RFP during the one-on-one meetings and if the risk occurs during construction, then the DB Contractor may either absorb or get relief according to how the DB Contract provisions are structured.

3.5 Cost Estimate

IDOT will prepare and update the project costs on a continuous basis throughout the procurement phase and will confirm that the identified funding amount aligns with the estimated design and construction costs.

The IPD Bureau may engage the ICE to develop a shadow estimate to compare with the initial estimate developed by the District and subsequent updates performed by the ICE to align the costs with updates to the proposed project scope and cost assumptions.

At a minimum, IDOT will update the cost estimate at the beginning of the procurement phase before issuing the RFQ and Final RFP.

4 Implementation Phase

Following conditional award, IDOT and the best-value proposer will enter negotiations for a DB Contract. If successful, the parties will enter a DB Contract and IDOT will issue project Notice to Proceed (NTP) to the DB Contractor. If IDOT and the best-value proposer are unable to reach an agreement, then IDOT may elect to negotiate DB terms with the second best-value proposer.

After IDOT issues NTP, the DB Contractor will finalize planning activities for the implementation phase, such as preparation of the project and Quality Management Plans, project baseline schedule and advance their design development activities.

4.1 Appointing or Procuring a Construction Oversight Team

The Department may appoint from internal transportation staff or procure an Owner's Representative to serve as the Construction Oversight Team (COT). IDOT may opt to secure a Construction Oversight Team through an on-call services contract.

For projects over $30 million in estimated cost, IDOT must procure an Owner's Representative to serve as the COT.

4.2 Conditional Award to Contract Execution

After the best-value proposer is selected, IDOT will finalize the DB Contract. The best-value proposer will deliver a set of draft documents to IDOT satisfying the conditions for DB Contract execution.

Documents submitted may include but may not be limited to the following:

- DBE utilization plan
- Job training and mentoring plan
- Subcontractor/subconsultant agreements
- Confirmation of evidence of authority to transact business in the State, if changed from SOQ submittal
- Final organizational documents and evidence of liability letters
- Security for DB Contractor's obligations
- Escrowed proposal documents
- Conformed documents
- Proposal commitments

IDOT will confirm that the best value proposer has obtained all required signatures and delivered all the required documents, then will execute the DB Contract, and provide a copy of the fully executed DB Contract to the DB Contractor.

Upon execution of the DB Contract, the best-value proposer is referred to as the DB Contractor.

4.3 Kick-off Meeting

After DB Contract execution, IDOT and the DB Contractor meet at an initial kick-off meeting to plan out activities for design and construction.

The meeting is an opportunity for IDOT and the DB Contractor to:

- Establish lines of authority and communication
- Determine the responsibilities and duties of the DB Contractor's personnel and subcontractors
- Clarify potential sources of misunderstanding
- Work out the detailed arrangements necessary for the successful completion of the project contemplated by the DB Contract

Topics typically discussed at the meeting include:

- Early work activities
- DBE, on-the-job training (OJT) tracking requirements, and other metrics as specified in the RFP
- Construction procedures
- Reporting requirements and other project controls
- Document management
- Risk register requirements
- Quality requirements
- Payment and invoicing procedures

4.4 Partnering Workshop

After the kick-off meeting, IDOT may conduct a partnering workshop where both IDOT and the DB Contractor discuss and document how both parties intend to work together for the successful delivery of the project.

4.5 Early Contract Submittals

After IDOT issues project NTP, the DB Contractor will prepare the project and Quality Management Plans for design and construction. The project and Quality Management Plans include:

- Contract Administration Plan
- Safety Plan
- Environmental Compliance Plan
- Communications Plan
- Risk Management Plan

- Permitting Activities
- Design Quality Management Plan
- Payment processes
- Design Development Plan including anticipated submittal milestones
- Construction Quality Management Plan
- DBE Utilization Plan

The DB Contractor will provide the Department copies of the plans and the project baseline schedule for IDOT review and approval. After receiving approval of the early contract deliverables, IDOT will issue final design NTP and the DB Contractor begins final design.

4.6 Design Oversight

After contract execution, IDOT will conduct design reviews with the DB Contractor through over-the-shoulder reviews and joint task force meetings. IDOT will perform formal reviews of milestone design submittals from preliminary design submittals to the Release for Construction (RFC) design submittals.

4.6.1 Over-the-Shoulder Meetings

IDOT and the DB Contractor will conduct over-the-shoulder design review meetings where they perform interactive reviews of the design prior to IDOT's receipt and review of the milestone design submittal package.

4.6.2 Design Review and Comment Process

IDOT will review and comment on each submittal package. The DB Contractor will establish for IDOT approval a review and comment process to respond to IDOT comments and provide IDOT with a comments log with responses to all IDOT comments. All IDOT comments should be addressed and closed-out in the subsequent submittal.

4.6.3 Design Submittal Reviews

The intent of design submittal review process is to provide a formal opportunity for IDOT, the DB Contractor, various design team disciplines, and other approved project stakeholders to review the design documents to confirm that:

- The design is progressing appropriately and proceeding in accordance with DB Contract requirements
- The plans reflect the DB Contractor's requirements for construction
- The design features are coordinated
- There are no fatal flaws within a given discipline or between disciplines
- The DB Contractor has received all permits and approvals are received before beginning construction

4.6.4 RFC Documents

The RFC documents are the primary documents that define the proposed project construction. The DB Contractor will prepare the RFC documents after the DB Contractor addresses all IDOT's comments to IDOT's satisfaction. The DB Contractor will then prepare the RFC documents for submittal to IDOT.

4.6.5 Early Release for Construction

The DB Contractor may elect to release early construction packages. Early packages are complete and may have supporting design calculations, but they are not yet formally accepted by IDOT, and are released for construction at the DB Contractor's sole risk.

4.6.6 Quality Assurance and Quality Control (QA/QC)

The DB Contractor will develop comprehensive QA and QC procedures for each type of design document and RFC document in the Quality Management Plan (QMP). The QMP will contain quality plans for both design and construction. IDOT may require in the DB Contract for the DB Contractor to contract with an independent design QA firm to perform independent quality assurance reviews and audits of the design quality management process.

4.7 Construction Oversight

The IDOT Construction Oversight Team will develop a project specific oversight plan to ensure compliance with the DB Contract for IDOT approval. The plan will include oversight of all requirements set out in the DB Contract and conformance with the plans and specifications. The IDOT Construction Oversight Team's responsibilities may include, but may not be limited to, involvement in the following:

- Oversight of construction activities
- Permit compliance
- Stakeholder coordination
- Public involvement management
- Risk mitigation
- Review of design changes
- Independent quality assurance surveys
- Independent material testing
- Oversight of utility relocations
- Construction acceptance
- Documentation of construction
- Measurement and payment
- Risk pools and force accounts
- Change orders

- Monitoring environmental commitments
- Monitoring subcontractor and DBE utilization
- Disputes and resolutions

4.7.1 Partnering Meetings

IDOT and the DB Contractor will continue to hold regular partnering meetings during the implementation phase in accordance with the DB Contract to resolve any issues at the project level before they become disputes.

4.7.2 Risk Management

IDOT will continue to monitor and update the risk register on a continuous basis throughout the implementation phase.

Risk management activities will include:

- Review the register for risks that are new, require modification based on current information, or have been retired
- Re-evaluate the risks that are above the threshold for re-assessment
- Re-rank for level of effort in the responses
- Update risk response plans and risk owners, as needed

Risk owners will take appropriate actions to manage their assigned risks and report status updates.

4.7.3 Project Acceptance and Close-Out

The DB Contractor will submit final records (including all RFC documents and as-built drawings) prior to project completion or termination of the contract. IDOT will review and comment on the final records and either accept the records or provides comments detailing issues to be resolved before acceptance.