**Section 6.905 Definitions**

As used throughout this Subpart, terms defined in the Illinois Procurement Code and the Act have the same meaning as in the Code or the Act and as further defined in this Subpart. Each term in this Subpart has the meaning set forth as follows unless its use clearly requires a different meaning.

"Act" means the Public Private Agreements for the Illiana Expressway Act [605 ILCS 130].

*"Agreement" means a public private agreement.* (Section 10 of the Act)

"Best Value Selection" means any selection process in which proposals contain both price and qualitative components and award is based upon a combination of price and qualitative considerations. (See 23 CFR 636.103.)

"COGFA" means the Commission on Government Forecasting and Accountability.

"Chief Procurement Officer" or "CPO" means the person appointed under Section 1-15.15(2) of the Code.

"Clarifications" means a written or oral exchange of information that takes place after the receipt of proposals. The purpose of a clarification is to address minor, non-material or clerical revisions in a proposal. (See 23 CFR 636.103.)

"Code" means the Illinois Procurement Code [30 ILCS 500].

*"Contractor" means a person that has been selected to enter or has entered into a public private agreement with the Department on behalf of the State for the development, financing, construction, management,* and any *or* all of the *operation of the Illiana Expressway pursuant to* the *Act.* (Section 10 of the Act)

*"Department" means the Illinois Department of Transportation.* (Section 10 of the Act)

"Discussions" means written or oral exchanges that take place with the short listed offerors. (See 23 CFR 636.103.)

"Final Proposal" means the technical proposal and cost proposal that will be the basis for award.

*"Illiana Expressway" means the fully access-controlled interstate highway connecting Interstate Highway 55 in northeastern Illinois to Interstate Highway 65 in northwestern Indiana, which may be operated as a toll or non-toll facility.*  (Section 10 of the Act)

"Interim Agreements" means an agreement entered into with the contractor *prior to or in connection with the negotiation of the public private agreement.* (Section 30 of the Act)

"Manage" means conducting, supervising or maintaining services under the public private agreement.

*"Offeror" means a person that responds to a request for proposals* under this Subpart andas part of a competitive request for proposals process. The term offeror may include potential offerors identified as short listed persons from the qualifications process. (Section 10 of the Act)

"Operation" means performance of management activities for the Illiana Expressway, including, but not limited to, user fees, maintenance and traffic control.

*"Person" means any individual, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, or any other legal entity, group, or combination thereof.* (Section 10 of the Act)

"PPB" means the Procurement Policy Board created by Section 5-5 of the Code.

"Prequalification" means the rating process established by the Department that requires all prospective bidders or offerors to be permitted to submit bids or offers in accordance with 44 Ill. Adm. Code 650 or Chapter 8 of the Department's Bureau of Design and Environment Manual (manual). The manual is available on the Department's website at http://www.dot.il.gov/desenv/bdemanual.html.

"Proposal" means a response to a Request for Proposals and includes draft and final proposals if provided for in the RFP.

*"Public Private Agreement" means an agreement or contract* by *the Department on behalf of the State and all schedules, exhibits, and attachments thereto, entered into pursuant to a competitive Request for Proposals process governed by* this Subpart *for* any or all of *the development, financing, construction, management,* and *operation of the Illiana Expressway.* (Section 10 of the Act)

"Qualifications" means whether a person has the necessary prerequisites to compete for work contemplated for the Illiana Expressway, including, but not limited to, qualifications related to experience and knowledge of public private partnerships.

"Request for Proposals" or "RFP" means the process by which the Department requests information from offerors, including all documents, whether attached or incorporated by reference, used for soliciting proposals. (See 30 ILCS 500/1-15.75.)

"Request for Qualifications" or "RFQ" means the document issued by the Department in Phase I of a two-phased selection process. An RFQ typically describes the project in enough detail to allow potential offerors to determine if they wish to compete and, also, forms the basis for requesting qualifications submissions from which the most highly qualified offerors can be identified. (See 23 CFR 636.103.)

"Responsible" means the capability, integrity and reliability of an offeror or contractor that, in all respects, will assure good faith performance to undertake and complete fully the requirements of a contract.

"Responsive" means, in the context of procurement procedures, compliance in all meaningful, material respects with the RFP.

"Revenue Sharing" means all revenues divided between the Department and the contractor, *including, but not limited to, income; user fees; earnings; interest; lease payments; allocations; moneys from the federal government, the State, and units of local government, including but not limited to federal, State, and local appropriations, grants, loans, lines of credit, and credit guarantees; bond proceeds;* equity of credit and credit guarantees; *equity investments; service payments; or other receipts arising out of or in connection with the financing, development, construction, management, or operation of the Illiana Expressway.* (Section 10 of the Act)

"Short Listing" means the narrowing of the field of offerors through the selection of the most highly qualified offerors who have responded to an RFQ. (See 23 CFR 636.103.)

"Solicitation" means a public notification of the Department's need for information, qualifications or proposals related to identified services. (See 23 CFR 636.103.)

*"State" means the State of Illinois.* (Section 10 of the Act)

"Statement of Qualifications" means a document submitted in response to an RFQ.

"Stipend" means a monetary amount that can be paid to unsuccessful offerors. (See 23 CFR 636.103.)

*"Secretary" means the Secretary of the Illinois Department of Transportation.*  (Section 10 of the Act)

"Technical Proposal" means that portion of the proposal that contains design solutions and other qualitative factors that are provided in response to the RFP.

"Two-Phase Selection Process" means a procurement process in which Phase I consists of short listing (based on qualifications submitted in response to an RFQ) and Phase II consists of the submission of price and technical proposals in response to an RFP. (See 23 CFR 636.103.)

*"User Fees" means the tolls, rates, fees, or other charges imposed by the State or the contractor for use of all or part of the Illiana Expressway*. (Section 10 of the Act)

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