**Section 6.1050 DB Procurement Process**

a) Design-build is an alternative project delivery method that allows a design-build contractor to perform design and construction concurrently, rather than sequentially as on DBB projects

b) DB projects are developed in the following three phases:

1) Pre-Procurement Phase (Preliminary Design/Project Readiness)

2) Procurement Phase (Advertisement/Evaluation/Selection)

3) Implementation Phase (Design/Construction)

c) DB Pre-Procurement Phase

During the pre-procurement phase for a DB project, the Department will perform the typical project development activities associated with Phase I of the Department'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.

d) DB Procurement Phase

1) Overview

A) The DB contractor is procured utilizing a single-phase or two-phase procurement process to inform a best value selection of the successful DB contractor pursuant to a request for proposals. A two-phase procurement shall be utilized unless the project is estimated to cost $5,000,000 or less at the time the Department makes a written determination that it is in the best interests of the State to use the DB delivery method for the project (in which case the Department may use either a single-phase or two-phase procurement), or the Secretary, after consultation with the SPO/CPO, provides written approval that the Department may use a single-phase procurement for the specific project being procured.

B) Under a single-phase procurement, the Department will issue only a RFP to procure the DB contractor.

C) Under a two-phase procurement, the Department first issue a request for qualifications and then an RFP.

2) Alternative Technical Concepts

A) A proposer may submit one or more ATCs for the Department's review and approval to allow inclusion of the ATC in its proposal.

B) For the successful proposer, the ATC becomes the property of the Department after execution of the DB contract or payment of the stipend in accordance with subsection (d)(3) should the DB contract not be entered into by the parties.

C) For unsuccessful proposers, the ATC becomes the property of the Department after payment of the stipend in accordance with subsection (d)(3).

D) The Department may provide ATC review and one-on-one meetings with feedback to allow the proposer an opportunity to submit ATCs with all information needed for review and assessment.

E) The instruction to proposer will clarify any non-negotiable elements of a project and limitations on ATCs including possible FHWA concurrence requirements.

F) Information included in an ATC is kept confidential and is only disclosed by the Department to the selected proposer after the selected proposer executes a confidentiality agreement and conflict of interest disclosure and the Department acquires ownership of the unsuccessful proposers' ATCs.

3) Selection and Award

A) Each proposer submission, such as an SOQ and proposal, will be evaluated by the IPD evaluation committee. Each individual IPD evaluation committee member will review each submission independently, observing its strengths and weaknesses based on project specific evaluation criteria provided in the procurement documents. After all IPD evaluation committee members conduct an independent review, the IPD evaluation committee will meet to review each submission collectively and generate a consensus score for such submission. The consensus scores will be used to rank the proposers unless otherwise directed by the IPD bureau chief, after consultation with the SPO/CPO.

B) The highest ranked proposer will be selected, after consultation with the SPO/CPO, to serve as the DB contractor.

C) The Department will notify each proposer promptly after initial selection.

D) The award will occur upon notification to the selected proposer and completion of any conditions to award specified in the RFP.

E) After execution of a DB contract with the successful proposer, the Department may offer a debrief meeting with unsuccessful proposers.

F) If the successful proposer is unable or unwilling to execute the DB contract, the Department, after consultation with the SPO/CPO, may either award the DB contract to the next best value proposer or reprocure the project under any other delivery method.

4) Stipends

A) After execution of the DB contract, each unsuccessful proposer that submitted a compliant proposal and granted the Department the right to use any or all of the complaint proposer's work product contained in the compliant proposal is entitled to receive a stipend payment from the Department according to the terms, amount, and conditions specified in the ITP.

B) The Department's rights to the unsuccessful proposer's work product are contingent upon making the stipend payment.

C) If a procurement is cancelled after selection, the Department may readvertise and use any work product developed by the proposer for which the Department has paid the compliant proposer a stipend.

D) If the procurement is canceled prior to submittal of proposals, no stipend will be paid to any proposer.

E) If the procurement is canceled after proposals are submitted pursuant to an RFP, a stipend will be paid according to the terms, amount, and conditions specified in the ITP to all proposers submitting a compliant proposal to the extent the compliant proposers have granted the Department the right to use the compliant proposer's work product.

(Source: Added at 48 Ill. Reg. 10137, effective July 1, 2024)