

ILLINOIS TOLLWAY
REQUEST FOR QUALIFICATIONS

Contract I-26-2051

I-294 Site Redevelopment of Hinsdale and O'Hare Oases

CONSTRUCTION MANAGER / GENERAL CONTRACTOR
PROJECT

May 18, 2026



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Definitions

Additional Key Personnel	Shall mean up to two optional additional Key Personnel which the Proposer deems necessary for the Project, as described in <u>Section 4.4.2.4 (Key Personnel)</u> , based on the Proposer's approach to delivering the Project and helping the Illinois Tollway achieve the goals defined in <u>Section 1.5 (Project Goals)</u> .
Affiliate	<p>(a) Any person which directly or indirectly through one or more intermediaries controls, or is controlled by, or is under common control with, CM/GC Contractor or any Major Participant; and</p> <p>(b) Any person for which 10 percent or more of the equity interest in such person is held directly or indirectly, beneficially, or of record by, [i] CM/GC Contractor, [ii] any Major Participant, or [iii] any Affiliate of CM/GC Contractor under clause (a) of this definition.</p> <p>For purposes of this definition, the term "control" means the possession directly or indirectly, of the power to cause the direction of the management of a person, whether through voting securities, by contract, family relation, or otherwise.</p>
Apparent Best Value Proposer	Shall mean the entity that submits a (i) responsive Proposal, (ii) a Proposal that passes the deficiency review, and (iii) the Proposal with the highest total Proposal score.
Authorized Representative	Shall mean individuals designated by the Illinois Tollway and the selected CM/GC Contractor to represent their respective entities with the authority to make decisions and bind the Parties on matters relating to the Contract Documents, respectively.
Award	Shall mean the award of the Project to the successful Apparent Best Value Proposer, contingent upon approval of the Contract by the Illinois Tollway Board of Directors.
BidBuy	Shall mean the State of Illinois eProcurement system.
Calendar Day(s)	Shall mean every day shown on the calendar, beginning and ending at midnight.
Code	Shall mean the Illinois Procurement Code [30 ILCS 500].

Construction Manager / General Contractor (CM/GC)	As defined in Section 10 of the ITI Act, shall mean a two-phase contract between the Tollway and a Construction Manager/General Contractor that includes Phase One addressing preconstruction services and Phase Two addressing the construction of the transportation facility.
CM/GC Contractor	Shall mean the entity that enters into a CM/GC contract with the Tollway under the ITI Act.
CM/GC Contractor Risk	Shall mean a Risk on the Risk Register born by the CM/GC Contractor.
CM/GC Contractor Markup Fee	Shall mean the sum of the Overhead and Profit for each Phase Two Amendment.
Conceptual Design	Shall mean the design at a conceptual level provided to Proposers, if available, by the Illinois Tollway as part of the Request for Proposals (RFP), for informational purposes only.
Contract/CM/GC Contract	In addition to the definition of contract set forth in Section 1-15.30 of the Code, a contract is the written agreement entered into at the discretion of the SPO between the Tollway and the CM/GC Contractor comprising such documents as set forth in each individual agreement, including change orders, contract adjustments, and renewals, and setting forth the obligations of the parties for the performance of the contract.
Contract Documents	Shall mean the comprehensive set of documents that contain the commercial and technical requirements the CM/GC Contractor must comply with. This includes the CM/GC Contract and related exhibits, which may include the Technical Provisions, CM/GC Contractor Proposal, and the Complete RFP.
Critical Activity Points	Shall mean a specific point in the construction process at which further activity associated with the deliverable is suspended until formal acceptance of the interim product is obtained. Acceptance is formally obtained when all issues and Design changes have been resolved, all materials testing and inspection procedures have been performed and provide passing results, and the Work meets Contract requirements. The Critical Activity Point manager, the foreman in charge of the activity, and the Illinois Tollway will sign off at the Critical Activity Point to provide formal acceptance.
Design	Shall mean the overall design of the Project.

Design Milestone	Shall mean various points during the Design’s development where the Design should be advanced to a specific percentage (i.e. 30 – 60 – 95% milestones).
Disadvantaged Business Enterprise (DBE)	Shall mean a business currently certified by the Illinois Unified Certification Program (“ILUCP”) pursuant to 49 C.F.R. Part 26, or a business currently certified by the City of Chicago, State of Illinois or the County of Cook, Illinois, as a Minority or Women-Owned Business (“M/WBE”) pursuant to its M/WBE program for construction contracts, Art. IV, § 2-92-650, et seq, as amended, or a business currently certified by the U.S. Small Business Administration (SBA) pursuant to the Small Business Act as an SBA 8(a) business, owned and operated by a socially and economically disadvantaged person. A DBE is considered to have current certification if the firm is listed in the directory database of the pertinent certifying agency.
Easement	Shall mean a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another. It is either for the benefit of land (appurtenant such as right to cross A to get to B) or “in gross”, such as a public utility easement.
Evaluation Committee	Shall mean the Evaluation Committee appointed by Illinois Tollway and identified in this RFQ and RFP that will review and score the SOQs and Proposals. Members of the Evaluation Committee are the only individuals that score SOQs and Proposals.
Guaranteed Maximum Price (GMP)	Shall mean the maximum amount of compensation due as outlined by the CM/GC Contract, if a GMP is utilized.
Guarantor	Shall mean each entity (if any) providing a Guaranty.
Illinois Tollway Purchaser	Shall mean the person designated by the Illinois Tollway, on Illinois Tollway’s behalf, to oversee the procurement of the Project.
Illinois Tollway Risk	Shall mean a Risk identified on the Risk Register that is assigned to the Illinois Tollway.
Independent Cost Estimator (ICE)	Shall mean the person, firm, corporation, organization, partnership or association, however organized, who provides independent cost estimates based on any given submittal received from the CM/GC Contractor, and is either part of the internal Illinois Tollway staff or procured as a consultant by the Illinois Tollway.

Instructions to Proposers (ITP)	Shall mean a procurement document issued with the RFP, when issued, providing project specific instructions and requirements for Proposers to submit a Responsive Proposal.
ITI Act	Shall mean the Innovations for Transportation Infrastructure Act [630 ILCS 10].
Joint Venture	Shall mean an unincorporated association of entities.
Key Personnel	Shall mean the qualified individuals who will lead the Project on behalf of the CM/GC Contractor.
Lump Sum	Shall mean a fixed price for construction of a Project under a CM/GC Contract, if a Lump Sum is utilized.
Major Participant	Shall mean any of the following entities: all general partners or Joint Venture members of the Proposer team; all individuals, persons, proprietorships, partnerships, limited liability partnerships, corporations, professional corporations, limited liability companies, business associations, or other legal entity however organized, holding (directly or indirectly) a twenty (20) percent or greater interest in the Proposer entity; or any subcontractor that will perform Work valued at twenty (20) percent or more of the Total Contract Price.
Notice of Final Acceptance	Shall mean the written notice issued by the Illinois Tollway to CM/GC Contractor.
Notice to Proceed (NTP)	Shall mean the notice given by the Tollway for the CM/GC Contractor to proceed with the Contract, a POA, or a PTA.
Notice of Award	Shall mean when the Illinois Tollway notifies the public of its intent to Award the Contract to the selected Apparent Best Value Proposer.
Open-Book Basis	Shall mean allowing the Illinois Tollway to review all underlying assumptions, information, documents, and data associated with the issue in question, including assumptions as to costs of the Work (including extra work), delay costs, changes in cost, composition of equipment spreads, equipment rates (including rental rates), labor rates and benefits, quotes, estimates, proposals, productivity, estimating factors, design and productivity allowance, contingency and indirect costs, risk pricing, discount rates, interest rates, inflation and deflation rates, gross commercial revenues, insurance rates, insurance proceeds, credits and refunds, letter of credit fees, overhead, profit, and other items reasonably required by the Illinois Tollway to satisfy itself as to the reasonableness and accuracy of any amount.

Partnering for Growth (P4G)	Shall mean the Illinois Tollway's mentorship program that encourages prime consultants and contractors to assist disadvantaged, minority- and women-owned business enterprise (D/M/WBE) firms and Veteran-Owned Small Businesses (VOSBs).
Payment Bond	Shall mean the security furnished by the CM/GC Contractor and the CM/GC Contractor's Surety to guarantee to pay not less than prevailing wages for the Work and to guarantee to pay all sums of money due for any labor, materials, apparatus, fixtures or machinery and transportation in accordance with the Contract.
Performance Bond	Shall mean the security furnished by the CM/GC Contractor and the CM/GC Contractor's Surety to guarantee performance of the Work in accordance with the Contract.
Phase One	Shall mean the preconstruction phase of a CM/GC project during which Phase One Services are provided.
Phase One Task Order (POTO)	Shall mean addition of a scope, fee, and schedule to the CM/GC contract within the approved Negotiated Phase One Price Cap for specific Phase One Services.
Phase One Task Order Price	Shall mean the price associated with the respective POTO.
Phase One Services	Shall mean all services that a CM/GC Contractor is required to perform during Phase One of a CM/GC Contract, and may include, but is not limited to, giving advice to the Illinois Tollway regarding scheduling, work sequencing, cost engineering, design, constructability reviews, cost estimating, and risk identification.
Phase One Total Price	Shall mean the sum of all Phase One Price(s), including all Task Orders.
Phase Two	Shall mean the construction phase of a CM/GC project.
Phase Two Amendment (PTA)	Shall mean an amendment to the Contract that authorizes the CM/GC Contractor to perform Phase Two Services. Upon agreement on the GMP or Lump Sum price, the Contract will be amended through a PTA to reflect the negotiated construction terms, price, and scope.
Phase Two Amendment Price	Shall mean the price associated with the respective PTA.

Phase Two Services	Shall mean the services provided by the CM/GC Contractor in Phase Two under a PTA, which may include, but is not limited to, building or constructing, making, forming, manufacturing, furnishing, supplying, installing, delivering, or equipping the Project.
Phase Two Total Price	Shall mean the sum of all Phase Two Amendment Price(s).
Plan	Shall mean the plan, profiles, typical cross-sections, and supplemental drawings that show the locations, character, dimensions, and details of the Work to be done.
Price Proposal	Shall mean the pricing component of the Proposal submitted by the Proposer(s) in response to the RFP issued by the Tollway.
Pricing Milestone Estimate	Shall mean an estimate of the Project's Phase Two Total Price or work package developed at various Design Milestones.
Project	Shall mean the CM/GC project and all other Work product to be provided by CM/GC Contractor as a condition to Final Acceptance in accordance with the Contract Documents.
Project Right-of-Way or Project (ROW)	Shall mean the project identified on the ROW Work Map.
Proposal	Shall mean a response to an RFP.
Proposal Bond	Shall mean the bond, in a form acceptable to the Illinois Tollway, given by the Proposal as security for the Proposal Guaranty in lieu of a bank draft, certified check, or cashier's check. All bonds provided to the Illinois Tollway must be from a Surety which is listed in the United States Department of Treasury's current Federal Register and must be licensed to conduct surety guarantees in the State of Illinois.
Proposal Guaranty	Shall mean the security designated in the Proposal to be furnished by the Proposer as a guarantee of good faith to enter into the Contract if the Project is awarded to such Proposer.
Proposer	Any individual, sole proprietorship, firm, partnership, Joint Venture, corporation, professional corporation, or other entity legally established to conduct business in this State that proposes to be the CM/GC Contractor for any Transportation Facility under [the ITI] Act. (Section 10 of the ITI Act) by submitting a Statement of Qualifications (SOQ) in response to this Request for Qualifications (RFQ).

Protest	Shall mean in accordance with the Illinois Procurement Code, and 44 Ill. Admin. Code 6.390 through 6.440.
Provisional Risk	Shall mean an estimate of the cost of particular items or works that cannot be detailed or accurately priced before construction begins.
Quality Assurance	Shall mean a system for ensuring a desired level of quality in the development, production, or delivery of the Project.
Quality Management Plan	Shall mean the plan that delineates procedures used by the CM/GC Contractor's executive management to implement the CM/GC Contractor's quality policy.
Request for Proposals (RFP)	Shall mean the document issued by the Illinois Tollway to solicit proposals and describe the procurement process for the Contract in accordance with the CM/GC project delivery method. (Section 10 of the ITI Act).
Request for Qualifications (RFQ)	Shall mean the document issued by the Illinois Tollway in the first phase of a two-phase procurement to solicit qualifications from Proposers in accordance with the CM/GC project delivery method. (Section 10 of the ITI Act).
Right of Way or Right-of-Way (ROW)	Shall mean the real land and real property (which term is inclusive of all estates and interests in real property) that is necessary for ownership and operation of the Project (includes permits). The term specifically excludes any construction Easements. The term "Right of Way" or "Right-of-Way" is sometimes used to indicate Right of Way and is sometimes used to indicate rights of way for other facilities.
Risk	Shall mean any uncertainty or potential issue—financial, technical, or operational—that could impact the Project's scope, schedule, cost, or performance outcomes.
Risk Register	Shall mean a living document that shall identify potential risk issues related to Construction Work (each, a Risk Register Event). All Risk Register Events shall be categorized as either an Illinois Tollway Risk, Provisional Risk, or a CM/GC Contractor Risk.
Risk Register Event	Shall mean potential risk issues related to construction Work added to the Risk Register.

Shortlist/Shortlisted Proposers	Shall mean Proposers that have submitted a response to the RFQ and that the Illinois Tollway has determined, through evaluation of their responses to the RFQ, are the best qualified firms to complete the Project and will be invited to submit Proposals in response to the RFP, when issued.
Statement of Qualifications (SOQ)	Means the information prepared and submitted by a Proposer in response to this RFQ.
Statement of Qualifications (SOQ) Submission Due Date	Shall mean the last date the Illinois Tollway may accept SOQ submissions, as defined in this RFQ.
Subcontractor	Shall mean a firm under contract with the CM/GC Contractor to perform a specified portion of the Work for the Project.
Surety	Shall mean each properly licensed surety company, either the individual or entity, qualified to act as a surety in the State of Illinois and acceptable to the Illinois Tollway which has issued the Payment and Performance Bonds required by the Contract.
Tangible Net Worth	Shall mean the difference between the: (i) the sum of paid-in capital stock plus preferred stock plus retained earnings, less (ii) the sum of treasury stock plus minority interest plus intangible assets, including goodwill, patents, and licenses, all determined in accordance with Generally Accepted Accounting Principles and as interpreted by the Securities and Exchange Commission in connection with financial statements filed pursuant to the Securities Exchange Act of 1934.
Technical Proposal	Shall mean <u>Section 4.1</u> (<i>Technical Proposal Contents</i>) of the Request for Proposals, when issued. Submitted by the Proposer(s) in response to the Request for Proposals issued by the Illinois Tollway.
Total Contract Price	Shall mean the sum of the Phase One Total Price and Phase Two Total Price.
Veteran-Owned Small Business (VOSB)	Shall mean a business currently certified by the State of Illinois Commission on Equity and Inclusion (CEI) and in compliance with Illinois Public Act 097-0260, Public Act 098-0307. A VOSB is a business that is 51 percent owned and controlled by a qualified veteran living in Illinois, has a valid DD214 and has annual gross sales under \$75 million with a home office in Illinois. A VOSB is considered to have current certification if the firm is listed in the CEI directory database of the pertinent certifying agency.

Work	Shall mean all duties and services to be furnished and provided by the CM/GC Contractor as required by the Contract Documents, including the administrative, quality control, quality assurance, relocation, procurement, legal, professional, manufacturing, supply, installation, construction, supervision, management, testing, verification, labor, materials, tools, equipment, documentation and all other incidentals and efforts necessary or appropriate to successful completion of the Project and of carrying out all duties and obligations imposed by the Contract, including final acceptance, except for those efforts which the Contract Documents specify will be performed by the Illinois Tollway or other persons. Work may also be used in context to describe, in whole or in part, the completed facilities to be constructed, altered or removed, as detailed in the Contract.
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1 INTRODUCTION AND GENERAL INFORMATION

The Illinois State Toll Highway Authority (“Illinois Tollway”) is requesting Statements of Qualifications (“SOQs”) through this Request for Qualifications (“RFQ”) document from entities (“Proposers”) interested in submitting Proposals for the I-26-2051 I-294 Oases Construction Manager / General Contractor (“CM/GC”) Project (“Project”).

The Project will be funded by the Illinois Tollway and Proposers are to adhere to all pertinent state requirements.

The Notice of Intent (“NOI”) was issued on April 6, 2026, under Contract RR-21-4803.

The Illinois Tollway makes no guarantee that a Request for Proposals (RFP) will be issued for this Project.

1.1 Proposer Information

To allow receipt of any addenda or other information regarding this RFQ, each Proposer is solely responsible for ensuring that it registers in BidBuy as described in [Section 3.3](#) (*BidBuy and Online Plan Room*) and if an entity intends to submit an SOQ as part of a team, the entire team is required to submit a single SOQ as a single Proposer.

1.2 Construction Manager / General Contractor Overview, Scope of Work, and Project Description

1.2.1 Construction Manager / General Contractor Overview

Construction Manager/General Contractor (CM/GC) is an alternative contracting method in which the Illinois Tollway contracts with a contractor (known as the CM/GC Contractor) that serves as a Construction Manager (CM) in the role of a consultant to Illinois Tollway during the design phase (Phase One) and then transitions to a General Contractor (GC) during the construction phase (Phase Two). This early engagement allows for continuous collaboration between the Illinois Tollway, designer, and CM/GC Contractor, ensuring that design decisions are informed by construction expertise from the outset. The project progresses in stages, with the design evolving as construction planning and cost estimation are refined, resulting in a more integrated and efficient process.

Procurement of a CM/GC Contractor for this project will require a two-step Best Value procurement, which consists of the evaluation of an SOQ in response to an RFQ (this document), and a Technical, Administrative, and Price Proposal in response to an RFP, when issued. Typically, the RFP Technical Proposal is anticipated to include the CM/GC Contractor’s:

- General organization and approach,
- Proposed approach to Phase One Services for the Project, and
- Proposed approach to Phase Two Services for the Project.

The Price Proposal could include components such as the CM/GC Contractor’s Construction Fixed Markup Fee and/or the CM/GC Contractor’s hourly rates for Phase One services, which will be further described in the RFP. Unlike Design-Bid-Build and Design-Build, during procurement, the CM/GC Contractor will not

bid a cost to construct the Project; this cost will be established during Phase One at a later point in the delivery timeline. On CM/GC projects, stipends are not paid by the Tollway to unsuccessful Proposers.

Tollway CM/GC projects consist of two phases: Phase One and Phase Two. Phase One consists of preconstruction services and the negotiations for Phase Two Amendment(s). Phase Two consists of construction of the Project and Notice of Final Acceptance.

During Phase One the CM/GC Contractor and Illinois Tollway, with facilitation of an Independent Cost Estimator (ICE), will participate in Pricing Milestone Estimates. The purpose of the Pricing Milestone Estimates are to verify pricing information at predetermined levels of design, and to ensure the Illinois Tollway is receiving a fair price for the work. These Pricing Milestone Estimates may occur at the 30%, 60% or 95% levels of design, for example. As the design nears completion, once the Illinois Tollway and CM/GC Contractor agree that design has progressed to a sufficient level of detail to allow for a constructable and biddable Project, the CM/GC Contractor will prepare and submit a cost proposal for Phase Two. The scope of services provided in Phase One and Phase Two are further described below.

1.2.1 Scope of Work

Phase One

Phase One is inclusive of preconstruction activities and Phase Two Amendment price negotiations. The CM/GC Contractor shall consult with the project team during Phase One to develop, implement and maintain a spirit of cooperation and open communication among the parties so that the goals and objectives of each are clearly understood, potential problems are resolved promptly, and upon completion, the Project is deemed a success by all.

As part of the design team, the CM/GC Contractor will provide input on schedule, phasing, constructability, materials availability, cost, etc. throughout the design phase of the Project. The CM/GC Contractor tasks during the Phase One design phase are anticipated to include:

- I. Provide a Project Manager and associated staff to consult with, advise, assist, and provide recommendations to the Illinois Tollway and the design team on all aspects of the planning, design, and proposed construction, as requested by the Tollway.
- II. Attend an initial Project workshop.
- III. Participate in design coordination meetings with the Tollway and their design consultant. Design coordination meetings are anticipated to be held every two weeks.
- IV. The project may be progressed by dividing the work into separate and severable work packages or work packages (sometimes referred to as progressive GMP contracting). **For each work package on this project, formal design milestone review meetings will take place at the 95% design development level as the design is anticipated to have progressed that far when the CM/GC Contractor is added to the project team.** For each milestone review meeting, provide the following services:
 - a. Participate in formal constructability, material, equipment and labor availability reviews. These formal reviews will focus on identifying revisions to improve clarity for bidding, identifying potential design revisions that would reduce construction costs, and identifying elements to improve the time performance of the Project.
 - b. Participate in formal risk analysis workshops with the Tollway and their design consultant. The focus of the risk analysis workshops will be to identify potential risks and to assign cost and schedule impacts to each risk to better define pricing and contingency.
 - c. Participate in environmental review(s) for design elements.

- d. Provide progressively refined Opinion of Probable Construction Cost estimates (OPCC). For each OPCC develop a cost model and provide the Tollway with a written narrative that identifies the means, methods, assumptions, and risks that were used to price the work.
 - e. Participate in price reconciliation meetings to reconcile components of the price that deviates from that of the ICE more than a stipulated amount. During price reconciliation meetings, the Illinois Tollway may request that the CM/GC Contractor share the cost model in an over-the-shoulder environment with them to more fully understand how the proposed pricing was derived and to help reconcile differences. During these meetings, any sharing of or discussions about the CM/GC Contractor's cost model will be limited to the Illinois Tollway Alternative Delivery Program Manager, Tollway Project Manager, key estimating staff, and the ICE. At the conclusion of each meeting all cost model data presented by the CM/GC Contractor will remain with the CM/GC Contractor and remain their property. The CM/GC Contractor is responsible for preparing and updating the cost model. The following information is typical of what is included in a CM/GC cost model:
 - i. Unit prices and quantity take-offs.
 - ii. Material costs, equipment costs, labor costs, hourly labor rates, crew sized, shifts per day, hours per shifts. Labor rates shall include employee benefits, payroll taxes and other payroll burdens.
 - iii. Risk assumptions and assignment of risks.
 - iv. Production rates, transportation, and other facilities and services necessary for the proper execution of the work.
 - v. Copies of quotations from subcontractors and suppliers.
 - vi. Field indirect costs, bonds, taxes and insurance.
 - f. Provide written reports and recommendations of the design drawings being prepared by the Illinois Tollway and their design consultant, including conflicts and/or deficiencies noted.
 - g. Prepare and submit a Critical Path Method (CPM) schedule that supports each OPCC.
- V. Continually provide informal oversight and constructability reviews with the Illinois Tollway team on various specific elements of the Project and provide recommendations, including providing input on staging, sequencing, equipment storage, traffic control, storm water management, and materials that may be cost-effectively recycled during construction.
- VI. Identify any long lead items that may cause schedule impacts.
- VII. Prior to the development of the Guaranteed Maximum Price (GMP) or Lump Sum bid, prepare a detailed baseline cost-loaded CPM schedule to serve as the Project Baseline Schedule, which identifies all activities during construction. In addition to the CPM Schedule, submit a finalized budget and schedule control management plan to ensure completion of construction within budget and in accordance with the Project Baseline Schedule.
- VIII. Develop and formulate a Subcontracting Plan to integrate subcontractors as needed to accomplish all construction work. Identify the proposed plan to meet DBE/VOSB contract goals for the overall Project and also for each separate and severable work package, as applicable.
- IX. Help ensure that environmental commitments are implemented during construction including those from permits as applicable through review of design and permit applications. The Illinois Tollway will provide the CM/GC Contractor with anticipated timelines required to obtain the necessary environmental clearances and permits on this Project. Provide input on temporary construction or staging activities that may require additional environmental permits based on the proposed construction operations. Clearly reflect in the Baseline CPM Schedule the times required to obtain these clearances and permits. Identify time and cost impacts associated with schedule slippage and propose mitigation measures to minimize these impacts. Provide constructability feedback on mitigation measures proposed in the design plans.

- X. Assist the Tollway in preparing the draft and final submissions of a Storm Water Pollution Prevention Plan (SWPPP) as applicable to local jurisdictional requirements.
- XI. Develop, propose, and track innovations for Project construction. Document and track cost savings and schedule impacts associated with innovations in a written report to the Tollway.
- XII. Coordinate with Project stakeholders in conjunction with the Tollway and their Design Consultant.

When the Illinois Tollway and CM/GC Contractor agree that design has progressed to a sufficient level of detail to allow for a constructible and biddable Project or work package, the following process will be used.

- I. The design consultant will produce a set of bidding plans and specifications showing all work to be accomplished.
- II. The CM/GC Contractor will prepare a cost proposal package for the work which will include the following components:
 - a. “Bid” or cost proposal, using the specified pay items, including all overhead and profit considered. The bid will include a cost proposal for all items of work identified in the plans. The CM/GC Contractor will submit their bid to the Illinois Tollway. The bid will be based on the estimating model and the most recent OPCC for the agreed scope of work. Any provisional contingency items that may be mutually agreed upon by the Tollway and the CM/GC Contractor during pre-bid discussions will be included in the bid. However, provisional contingency items will be tabulated separately in the bid.
 - b. A detailed baseline cost and resource loaded CPM Schedule to serve as the Project Baseline Schedule, which identifies all activities during construction. Schedule shall clearly identify milestones, showing the proposed start and finish dates and include a narrative that clearly describes the assumptions that were used to derive item prices (e.g., crew sizes, production rates).
 - c. Narrative about how the CM/GC Contractor will meet the DBE/VOSB goals for each work package and for the entire project. DBE/VOSB participation goals will be established during Phase One of the Project.
 - d. Narrative description of all other inclusions to, or exclusions from, the GMP or Lump Sum, including all assumptions and clarifications that support the bid prices.
- III. The Tollway will review the CM/GC Contractor’s bid using the following process
 - a. The Illinois Tollway will secure an Independent Cost Estimate (ICE) for the Work. Upon opening the CM/GC Contractor’s bid, the Tollway will compare the CM/GC Contractor’s bid with the estimate prepared by the ICE. If the CM/GC Contractor’s overall bid is **within 10% of the ICE**, the bid will be forwarded for review.
 - b. The Illinois Tollway will compare the CM/GC Contractor’s bid to the ICE and to the Illinois Tollway’s designer estimate. If the proposed pricing is found to be acceptable, the bid will be reviewed for irregularities. If pricing is acceptable and does not contain any irregularities, the Illinois Tollway may present the bid to the Board for approval. If the Board approved the CM/GC Contractor’s bid as the basis for the GMP or Lump Sum, the Tollway will prepare a construction Phase Two Amendment based on the GMP or Lump Sum bid. The Phase Two Amendment amount will include funding for provisional contingency items mutually agreed upon by the Illinois Tollway and the CM/GC Contractor during pre-bid discussions. However, the CM/GC Contractor will not be entitled for payment for any provisional contingency items without justification and authorization from the Illinois Tollway.
 - c. If the prices are not acceptable, the Illinois Tollway will enter into a process of risk identification and reconciliation to identify price differences between the CM/GC Contractor and the ICE. Following the resolution of these risk issues, the CM/GC Contractor will have the option to re-bid the project. The Illinois Tollway has the option to

accept the revised price or to terminate the CM/GC contract without penalty or payment (except payment for Phase One services) and procure the construction of the Project by some other method. **If the CM/GC contract is terminated and the construction procured by another method, neither the CM/GC Contractor nor any of their Major Participants will be allowed to bid as a Prime Contractor or quote pricing as a subcontractor.** If there are multiple work packages on a project, the CM/GC Contractor will be allowed to continue to perform Phase Two construction services for previously awarded work packages, but the Illinois Tollway may procure future Phase Two work packages by another procurement method.

The GMP or Lump Sum will not be exceeded except as allowed for quantity over-runs, under runs or changed conditions as defined in the Phase Two Amendment contract documents. However, when considering additional compensation for changed conditions, the Illinois Tollway will consider the fact that the CM/GC Contractor participated in the design effort during Phase One and therefore has a more thorough understanding of the assumptions and risks which should have been reflected in the “bid” or in the provisional contingency items.

Phase Two

Phase Two will consist of construction activities. Particularly:

- (i) Construction of the Project;
- (ii) Final testing, commissioning, and Project Acceptance; and
- (iii) Execution of additional Phase Two Amendments, if necessary.

The CM/GC Contractor services provided in each phase are further described in Section 1.11 (CM/GC Contractor Responsibilities).

Contract and Phase One Services, Phase One Task Orders and Phase Two Amendments

The documents governing the CM/GC services for Phase One and Phase Two are: (I) The initial Contract, including an overall negotiated maximum price cap budget for Phase One services, (II) Phase One Task Order(s) for CM/GC Phase One services, and (II) Phase Two Amendment(s), for CM/GC construction services. The Phase One Task Orders and Phase Two Amendments serve as amendments to the Contract.

Phase Two may have multiple amendments since the construction may be broken into multiple Work packages. Each Phase Two amendment may reflect a specific severable portion of the Work, a particular sub scope of the Work, or procurement of long-lead time items.

Proposers are advised that the CM/GC Contractor and all Major Participants will be required to provide transparent, open-book cost estimates for their estimating efforts during Phase One and for any contract changes during Phase Two.

1.2.2 Project Description

The Illinois Tollway is proposing to build three new Oasis buildings to replace the Northbound and Southbound buildings in Hinsdale and Northbound O’Hare. The Tollway Oasis improvements at the O’Hare and Hinsdale locations will provide basic services for travelers along the Tri-State Tollway. The new buildings will each be approximately 40,000 total building square feet, aligning with contemporary traveler expectations as well as operational efficiency. Each building prototype

encompasses a mix of flexible commercial spaces for food service vendors, including approximately 5,500 sf of total tenant space.

The building may consider features to reduce environmental impact and operating costs. The building will also consider wellness rooms, family amenities, and outdoor gathering areas to support the health and comfort of travelers. The project reflects a long-term commitment to responsible design, ensuring that the Tollway's investment delivers both economic value and a positive traveler experience.

CM/GC Contractor Phase One services will begin a 95% design Pricing Milestone Estimate and associated Phase One efforts, reconciliation and negotiation, and proceed towards a Phase Two Amendment (s) as expeditiously as possible.

It is anticipated the RFP, when issued, will include a requirement for the CM/GC Contractor and their Major Participants to self-perform a minimum of 15% of the Phase Two (construction) Work.

1.3 Estimated Cost

The project is anticipated to be a Category E with an estimated cost of \$100 to \$150 million.

CATEGORY	
A	\$10 - \$25M
B	\$25 - \$50M
C	\$50 - \$75M
D	\$75 - \$100M
E	\$100 - \$150M
F	\$150 - \$200M
G	>\$200M

1.4 Project Completion Date

Completing construction as early as possible is a priority for this project, and the CM/GC Contractor will be expected to identify opportunities to advance the project timeline. The Tollway anticipates the RFP will include Technical Proposal evaluation criteria related to the construction schedule for completion of the three (3) Oases buildings in the shortest amount of time. More information regarding the Project completion date will be provided in the RFP, when issued.

1.5 Project Goals

The following goals have been established for the Project:

- Construct high quality infrastructure.
- Successfully negotiate Phase Two services.
- Start and finish construction as early as possible.
- Minimize impacts to Oasis operations and partners.

- Engage stakeholders and third parties.
- Provide feedback on the CMGC process

1.6 Project Status

As of the date of issuance of this RFQ:

Environmental: The Tollway will acquire the Environmental Permits required to construct the permanent Work. This is anticipated to consist of a Metropolitan Water Reclamation District of Greater Chicago (MWRD) permit and a permit for Tollway to acquire water for the oasis buildings and facilities.

Right of Way (ROW): No ROW is anticipated to be required for the Project.

Permits and Approvals: NPDES and FAA 7460 permits are anticipated. No other permits or approvals are anticipated, and Tollway will lead stakeholder coordination with assistance from the CM/GC Contractor as needed. Any permit submittal costs required from the CM/GC Contractor will be reimbursed by the Tollway.

Geotechnical: The Tollway's Design Section Engineer (DSE) will conduct geotechnical site investigations as part of design plan development.

Utilities: Coordination with Nicor, AT&T, and ComEd is ongoing by the Tollway and DSE.

1.7 Ex Parte Communications

During the Project procurement process, commencing with issuance of this RFQ and continuing through Award of the Contract (or cancellation of the procurement) and expiration of the Protest period, no employee, member or agent of any Proposer **shall** have any ex parte communications regarding this procurement with any member of the Illinois Tollway, their contractors or consultants except for communications expressly permitted by the Illinois Tollway's Purchaser and as otherwise indicated within this RFQ (or, subsequent to issuance of the RFP, as permitted by the RFP). Except as may be expressly permitted by the RFP, Proposers may not communicate with any member of the Illinois Department of Transportation and third parties, including without limitation, municipalities, Counties, utility companies, railroads, and property owners, regarding the Project.

Any Proposer engaging in such prohibited communications may be disqualified at the sole discretion of the Illinois Tollway. In addition, depending on the communications, the Procurement Policy Board (PPB) may be contacted. See (30 ILCS 500/50-39) Sec. 50-39. Procurement communications reporting requirement.

1.8 Equal Employment Opportunity

During Phase Two, the Proposer will be required to follow both the Illinois Tollway Special Provisions for Equal Employment Opportunity Program (EEO) and Federal Equal Employment Opportunity (EEO) policies. The EEO Requirements include Executive Order 11246 and by Title VII of the Civil Rights Act of 1964, the Illinois Department of Human Rights (IDHR) as established through the Illinois Human Rights Act, 775 ILCS 5/1-101, et seq., and State of Illinois Executive Order 15-2, Executive Order To Ensure Equal Opportunity Is Provided To All Illinois Persons And Businesses.

The Illinois Tollway Special Provisions for Equal Employment Opportunity Program (EEO) should be attached to all procurement documents associated with the Project including the RFP, when issued.

In accordance with the Illinois Human Rights Act, 775 ILCS 5/1-101, et seq., Freedom from Unlawful Discrimination, the Illinois Tollway will affirm freedom from discrimination against any individual because of his or her race, color, religion, sex, national origin, ancestry, age, order of protection status, marital status, physical or mental disability, military status, sexual orientation, pregnancy or unfavorable discharge from military service in connection with employment, real estate transactions, access to financial credit, and the availability of public accommodations.

Additionally, to promote workforce development and diversity on the Project, the CM/GC Contractor **should** also participate in the Illinois Tollway workforce programs and initiatives such as the ConstructionWorks program. More details about the programs can be found at: [ConstructionWorks - Illinois Tollway](#).

1.9 Disadvantaged Business Enterprises (DBE) and Veteran Owned Small Business (VOSB) Participation

The Illinois Tollway has established a Disadvantaged Business Enterprises (DBE) Program that is distinctly separate from the U.S Department of Transportation's federal program and a Veteran Owned Small Business (VOSB) Program for locally funded projects and the CM/GC Contractor **shall** adhere to the requirement of the DBE and VOSB programs, respectively. This procurement will have DBE and VOSB participation goals for Phase Two that are planned to be set at the 60% design milestone.

There is no specific DBE or VOSB utilization goals for Phase One (preconstruction). However, any services provided by a DBE or VOSB during Phase One in accordance with the Project DBE/VOSB requirements may count towards the overall DBE or VOSB utilization goals for the Project.

The CM/GC Contractor **shall** take all necessary and reasonable steps to ensure that DBE and VOSB firms have the maximum opportunity to compete for and perform Work on the Project. Proposers **shall** commit to making good faith efforts to meet the established goals utilizing certified DBE and VOSB firms. A directory of registered and/or certified DBE/VOSB/SDVOSB vendors in the State of Illinois is available on the following website: <https://idot.illinois.gov/doing-business/certifications/dbe/il-ucp/illinois-ucp-directory.html> The CM/GC Contractor should adhere to the Illinois Tollway Special Provision for Disadvantaged Business Enterprise Participation on Construction Manager /General Contractor projects and the Illinois Tollway Special Provision for Veteran Owned Small Business/Service-Disabled, Veteran-Owned Small Business (SDVOSB) Participation on Construction Manager / General Contractor projects, which will both be included in the RFP.

Additionally, to promote the technical assistance and mentoring objectives of the Illinois Tollway, the CM/GC Contractor should participate in such programs and initiatives such as the Partnering for Growth (P4G) program as well as the Technical Assistance initiative. More details about the programs can be found at: [Diversity Overview - Illinois Tollway](#).

1.10 Role of the Illinois Tollway

In the context of the Project, the Illinois Tollway is responsible for:

- a. Providing the Design, Final Design and Project information;

- b. Providing environmental clearances and mitigation based on the Design, except for those obligations specifically assigned to the CM/GC Contractor, if any;
- c. Overall Project and program administration;
- d. Project funding;
- e. Preparation of the RFQ and RFP, evaluation of SOQs and Proposals, determination of the Shortlist and selection of Apparent Best Value Proposer;
- f. Contract procurement and administration;
- g. Provide Independent Cost Estimator (ICE) for Pricing Milestone Estimates and bid validation;
- h. Land acquisition for Right-Of-Way, if required;
- i. Preparation and execution of third-party agreements, including but not limited to:
 - 1. Utility agreements;
 - 2. Maintenance agreements; and
 - 3. Intergovernmental agreements.
- j. Preparation of Phase One Task Orders(s) for execution with CM/GC Contractor;
- k. Preparation of Phase Two Amendment(s) for execution with CM/GC Contractor;
- l. Preparation of Project Information documents which may include:
 - i. Traffic data;
 - ii. Geotechnical data;
 - iii. Permanent and temporary Easements;
 - iv. Permanent construction permits;
 - v. Utility Agreements; and
 - vi. Preliminary Utility information
- m. Facilitation of ICE services for 95% Design Milestone and Pricing Milestone Estimate leading up to development of the Guaranteed Maximum Price (GMP) or Lump Sum bid;
- n. Oversight and audit of both construction and construction Quality Control;
- o. Sign-off on construction Critical Activity Points;
- p. Construction acceptance for each Work package under a Phase Two Amendment; and

- q. Approval and Final Acceptance of Work and payment for Work.

At the Illinois Tollway's sole discretion, it may use third parties to fulfill the responsibilities noted in this Section 1.10 (Role of the Illinois Tollway).

1.11 CM/GC Contractor Responsibilities

The CM/GC Contractor may be responsible for performing Phase One Services and Phase Two Services.

Phase One Services include, but are not limited to:

- a. Construction planning, including but not limited to: scheduling, phasing/staging, and third-party coordination;
- b. Identifying and consulting with the Illinois Tollway on need for additional Project ROW;
- c. Cost estimation and budget refinement: Provide cost estimate at the 95% design milestone to move towards the Guaranteed Maximum Price (GMP) or Lump Sum;
- d. Risk identification and mitigation planning: Collaborate with Illinois Tollway to develop and update a Risk Register that captures Project Risks;
- e. Geotechnical and pavement investigations;
- f. Value engineering: Evaluate innovative alternative construction approaches to optimize both cost and Project efficacy;
- g. Schedule development: Create a detailed project schedule integrating permitting, and construction milestones, and adjust the schedule as needed;
- h. Subcontractor and subconsultant selection: Begin identifying subcontractors (both DBE and non-DBE), subconsultants, and vendors;
- i. Long-lead time items: Identify long-lead items;
- j. Construction engineering for CM/GC Contractor temporary works designs;
- k. Stakeholder engagement support: Participate in public meetings and stakeholder outreach (i.e. all Project stakeholders, Subcontractors, Utility Owners) (including potential DBE/VOSB events); and
- l. Phase Two Amendment(s): Agree, negotiate, and execute Phase Two Amendment(s) as needed for Phase Two Services.

Phase Two Services may include, but are not limited to:

- a. Site clearance and demolition;
- b. Construction mobilization: Secure necessary permits, licenses, clearances and Approvals for CM/GC Contractor construction activities;
- c. On-site Construction management: Oversee all construction activities, including:

- i. Coordination with subcontractors and vendors;
- ii. Preparation and implementation of a Plan to manage traffic;
- iii. Certain maintenance activities during construction;
- iv. Maintaining access to adjacent facilities;
- v. Project safety and security;
- d. Procurement execution: Purchase materials, equipment, and subcontractor services based on Final Design and schedule;
- e. Construction Quality Assurance and Control (QA/QC): Implementation of Quality Assurance and Quality Control plans developed in Phase One;
- f. Safety management: Enforce strict safety protocols on the construction site;
- g. Progress reporting: Provide regular reporting to the Illinois Tollway regarding construction progress;
- h. Change management: Address Design changes, unforeseen conditions, or Illinois Tollway-directed modifications during construction;
- i. Stakeholder communication during Construction: Continue to support Tollway Communications in their public information and stakeholder engagement efforts;
- j. Final testing, commissioning, and turnover: Conduct final inspections, functional tests, and commissioning of systems; and prepare as-built documentation, operations manuals, and maintenance guidelines.
- k. Environmental mitigation efforts assigned to the CM/GC Contractor;
- l. Management and remediation of hazardous materials;
- m. Drainage and erosion control;
- n. Construction waste disposal;
- o. Obtaining temporary Work areas;
- p. Material acquisition, delivery, and storage/staging;
- q. Utility coordination and relocation, and protection of existing facilities;
- r. Compliance with agreements with third-parties, as executed in Phase One and as may be executed during Phase Two; and
- s. Such other responsibilities to be stated in the Contract Documents.

1.12 Quality Management Plan

1.12.1 Selected CM/GC Contractor Responsibility

The selected CM/GC Contractor will develop, implement, and maintain a Quality Management Plan comprised of the selected CM/GC Contractor's quality policy, quality objectives, Construction Quality Management Plan, environmental compliance, quality procedures, and document control protocols.

The selected CM/GC Contractor will be responsible for the quality management of all construction Work to ensure compliance with the Project's scope of Work. In addition, the selected CM/GC Contractor's executive management **shall** define and document its policy for quality management, including objectives for quality and its commitment to quality.

1.12.2 Illinois Tollway Responsibility

The Illinois Tollway will complete Final Design with input from the CM/GC Contractor. During the Construction Work, the Illinois Tollway will perform all verification Materials sampling and testing, and inspection for Acceptance of the Work in accordance with the Minimum Frequency of Sampling and Testing, and Inspection Guide as outlined in the RFP, when issued.

The Illinois Tollway's role in the quality program will be incorporated into the Quality Management Plan and will include the following:

- Perform verification construction inspection and Material sampling and testing of the CM/GC Contractor's construction Quality Control efforts, for the Acceptance of all Work;
- Perform verification Materials sampling and testing, and inspection of the CM/GC Contractor's construction Quality Control efforts at off-site facilities for Acceptance; and
- Perform auditing on the implementation of CM/GC Contractor's Quality Management Plan. These audits will be systematic and independent examinations to determine whether quality activities and related results comply with the Quality Management Plan and whether they are implemented effectively and are suitable to achieving the goals of the Quality Management Plan. The Illinois Tollway **shall** review and Accept modifications to the Quality Management Plan resulting from any shortcomings discovered in the audit process.

1.12.3 Selected CM/GC Contractor's Quality Approach

1.12.3.1 General

The overall quality approach defined herein requires the selected CM/GC Contractor to develop, implement, and maintain a quality program that encompasses the construction quality aspects, as well as documentation requirements for the Project.

The selected CM/GC Contractor **shall** perform Quality Control activities, defined in the Quality Management Plan, for the construction of the Project, including testing and inspection activities to ensure that Materials and the constructed Work meet the requirements of the Contract Documents.

The selected CM/GC Contractor **shall** document quality activities and maintain quality data in accordance with the policies and procedures defined in their Quality Management Plan.

1.12.3.2 Quality Organizational Requirements

The selected CM/GC Contractor's Quality Manager **shall**:

- Have overall responsibility for CM/GC Contractor's quality program;
- Be responsible for the preparation, implementation, and updating of the Quality Management Plan;
- Not be responsible for the production of the Work;
- Verify and provide documentation that the Work meets the requirements of the Contract Documents;
- Attend the weekly progress meetings and quality meetings and any such other meetings as the Illinois Tollway may request, including individual meetings between the Quality Manager and the Illinois Tollway staff;
- Be the primary point of contact to the Illinois Tollway for all issues relating to CM/GC Contractor's Quality Management Plan and to resolve Nonconforming Work and Project quality issues with the Illinois Tollway;
- Be independent of the selected CM/GC Contractor's Quality Control staff and Project Manager; and
- Have the authority to stop Work at any time in their sole discretion.

Any personnel that is part of the selected CM/GC Contractor team performing quality management roles on the Project **shall** be independent from the personnel performing the Work. Notwithstanding the foregoing, the selected CM/GC Contractor's production staff **shall** be aware of their obligation to produce quality Work and the general procedures in the Quality Management Plan.

None of the selected CM/GC Contractor's quality staff has the authority to deviate from the requirements of the Contract Documents or to interpret Project specifications. Their role is solely to ensure the finished Work meets the requirements of the Contract Documents that includes:

- Quality measures and encourage continuous improvement of the Design deliverable products; and
- Describes how changes to Design are identified, reviewed, and approved by authorized personnel prior to their implementation.

1.13 Payment and Liquidated Damages

The Contract will establish the terms and conditions for payments to the CM/GC Contractor. It is anticipated that payment will occur through monthly progress payments based on the progress of completed Work. The Illinois Tollway will require that payments be subject to retainage in accordance with the Contract Documents.

The Contract will provide the terms and conditions of Liquidated Damages, including those due to the failure to meet certain contractual milestone or completion deadlines, unpermitted access and/or traffic restrictions, and the unpermitted removal or unavailability of Key Personnel, among others.

1.14 Insurance, Bonding, Licensing, and Securities

The selected CM/GC Contractor **shall** provide specified insurance, including professional liability insurance covering design. Details of the insurance requirements will be provided in the RFP, when issued.

Each firm on the Shortlist submitting a Proposal **shall** be required to provide a Proposal Bond, Proposal Guaranty, or other form of security acceptable to the Illinois Tollway. The selected CM/GC Contractor will additionally be required to provide a Performance Bond and a Payment Bond or other security acceptable to the Illinois Tollway for each Phase Two Amendment equal to 100% of Phase Two Amendment price. If the Illinois Tollway adds additional scope after execution of a Phase Two Amendment, the selected CM/GC Contractor **shall** be required to furnish a Performance Bond and a Payment Bond corresponding to the increase in the Phase Two Amendment price.

Prior to execution of the Contract, all persons participating in this procurement and/or the Contract **must** obtain all licenses and permits and take all necessary steps to conduct business in the State of Illinois consistent with the laws of the State of Illinois.

Further, the selected CM/GC Contractor **shall** be required to provide proof that all Major Participants have jointly agreed to indemnify the Illinois Tollway as follows:

- CM/GC Contractor **shall** defend, indemnify, and hold harmless the Illinois Tollway, acting through its agents, representatives and employees, from and against any and all claims and suits, liability, damages, losses or expenses, including attorney's fees and costs, to the extent that they arise out of or are in any way connected with any act or omission of the CM/GC Contractor, its officers, employees or agents.
- CM/GC Contractor agrees, at its own expense, and upon written request by the Illinois Tollway, to defend any suit, action or demand brought against the Illinois Tollway on any claim or demand related to the Project.

Additionally, if the selected CM/GC Contractor is organized as a partnership, consortium, or any other type of Joint Venture, each constituent entity therein **must** agree to be jointly and severally liable to the Illinois Tollway for all obligations of the CM/GC Contractor.

1.15 Governing Law

The procurement process, including the RFQ and RFP, when issued, as well as the Project, will be governed by the laws of the State of Illinois, without regard to conflict of law principles.

1.16 Prevailing Wages

Illinois prevailing wages will apply to the Work. The applicable prevailing wages will be provided in the RFP, when issued, and specified in the Contract.

1.17 Authority to Transact Business Under an Assumed Name

If Proposers are doing business under an assumed name, it **shall** furnish, once the Shortlist is determined and resultant Proposers are named, a certificate of registration and authorization showing that such Proposer, whether an individual or partnership is registered and authorized to conduct business in Illinois

under such assumed name in accordance with Assumed Business Name Act, 805 ILCS 405/1, et seq., as amended from time to time.

1.18 Secretary of State Certificate of Good Standing

A Person, other than an individual acting as a sole proprietor, must be a duly constituted legal entity and authorized to transact business or conduct affairs in Illinois prior to execution of the Contract as set forth in 30 ILCS 500/20-43. By the SOQ Submission Due Date in Section 2.2 (Project Schedule), Proposer should have obtained a Secretary of State Certificate of Good Standing. For information on registering to transact business or conduct affairs in Illinois, please visit the Illinois Secretary of State's Department of Business Services at their website at: (http://cyberdriveillinois.com/departments/business_services/home.html) or your home county clerk.

1.19 State Board of Elections Registration, Required Disclosures and Certifications

Proposer may be (i) prohibited from making political contributions, and (ii) required to register with the State Board of Elections. For more information, see 30 ILCS 500/50-37 and 30 ILCS 500/20-160.

For all financial disclosure and certification information required by the Illinois Tollway, see Form M (Vendor Disclosure).

1.20 Illinois Department of Human Rights (IDHR) Public Contract Number

A Proposer submitting an SOQ **must** be registered with the IDHR or be compliant with Section 2.1 of Form M (Vendor Disclosure) by submitting either Form M or Form N with their SOQ. For additional information, see Form M (Vendor Disclosure) and Form N (IPG Active Registered Vendor Disclosure) and visit the IDHR's website for information on how to register (<https://dhr.illinois.gov/>).

1.21 SOQ Proposer Disqualification

Any SOQ that is not received by the date outlined in Section 2.2 (Project Schedule) **shall** not be considered. Proposers **shall** be entirely responsible for any consequences, including disqualification of the SOQ that results from Proposer's failure to follow the instructions in this RFQ. A disqualified SOQ will be considered non-responsive. It is Proposer's sole responsibility to see that its SOQ is properly received by the Illinois Tollway. Proposers should provide responses to all information requested in this RFQ. Failure to respond or to provide requested information may result in a determination by the Illinois Tollway, in its sole discretion, that an SOQ is non-responsive.

In addition, the following instances may disqualify any SOQ and associated Proposer:

- Lack of competency of Proposer, as determined in the sole discretion of the Illinois Tollway based on any information available to them. This may include:
 - Uncompleted Work which, in the opinion of the Illinois Tollway, might hinder or prevent the prompt completion of the Work.

- When any principal, agent, representative, or employee of the prospective Proposer currently serves as a member, employee, or agent of a Governmental Person that is participating financially in the proposed Work.
- When any principal, agent, or employee of the prospective Proposer has participated in the preparation of Plans or specifications of the RFP for the Work.

The aforementioned listing is not intended to be comprehensive and **shall** not limit the right of the Illinois Tollway to disqualify a Proposer for any other legally permissible reason.

1.22 Expatriated Entities

Except in limited circumstances, no business or member of a unitary business group, as defined in the Illinois Income Tax Act, 35 ILCS 5/101, et seq. (“Tax Act”), **shall** submit a SOQ or subsequent Proposal or enter into a contract with a State agency if that business or any member of the unitary business group is an “expatriated entity” pursuant to the Tax Act.

2 PROCUREMENT PROCESS

2.1 Overall Procurement Process

This procurement will proceed in accordance with the laws of the State of Illinois. The Illinois Tollway will use a two-step procurement process to select a CM/GC Contractor to deliver the Project. This RFQ is issued as the first step to solicit information, in the form of SOQs, that the Illinois Tollway will evaluate to determine which Proposers are the most qualified to successfully deliver the Project. Those Proposers found most highly qualified will comprise the Shortlist.

In the second step, the Illinois Tollway will issue an RFP for the Project to the Shortlisted Proposers. Only the Proposers that have been Shortlisted **shall** be eligible to submit Proposals for the Project. The RFP will provide further specific instructions on what to submit, the evaluation criteria, the objectives and requirements for evaluation, and the evaluation rating guidelines for the RFP phase of the procurement.

Information to be submitted in the Proposals may include, but not be limited to:

- Legal documents demonstrating ability to execute the Contract with the Illinois Tollway;
- Proposal Bond or Proposal Guaranty, Performance Bond, and Payment Bond;
- Specified certificates and representations;
- Technical Proposal, which may require documentation of the CM/GC Contractor's proposed approach to:
 - a. Phase One Services;
 - b. Phase Two Services;
 - c. Construction Scheduling;
 - d. Pricing;
 - e. Management and Staffing;
 - f. Quality Management; and
 - g. Subcontracting, including DBE/VOSB Participation.
- Administrative and Price Proposals, which will be described within the RFP.

The Illinois Tollway will score Proposals using a Best Value methodology, which accounts for a balance of technical and price factors. The relative weights of the Technical Proposal and Price Proposal in the Best Value determination for the total Proposal score will be specified in the RFP.

2.2 Project Schedule

The deadline for submitting RFQ questions and the SOQ Submission Due Date stated below apply to this RFQ. The Illinois Tollway also anticipates the following additional Project procurement milestone dates. This schedule is subject to revision by the RFP, when issued, and addenda to this RFQ.

Table 2-1 Anticipated Procurement Schedule	
Illinois Tollway CM/GC Industry Meeting*	May 12, 2026
RFQ Released to Industry	May 18, 2026
Request for Qualifications Pre-Proposal Workshop - virtual (link to be provided in BidBuy by Tollway)	May 28, 2026
Deadline for Proposer Questions	May 29, 2026, at 2:00 p.m. CT
SOQ Submission Due Date**	June 12, 2026, at 10:30 a.m. CT
Notify Shortlisted Proposers	June 29, 2026 (Tentative)
Issue RFP	July 2, 2026 (Tentative)
Proposal Due Date**	August 14, 2026 (Tentative)
Anticipated Announcement of Apparent Best Value Proposer	August 31, 2026 (Tentative)

*A video recording from the Illinois Tollway's CM/GC Industry Workshop held on May 12, 2026 is available for Proposers. It includes a short discussion of the Notice of Intent (NOI) for the project, along with a question and answer period at the end. The video can be accessed here:

[CM/GC Industry Workshop](#)

**SOQ submittals and RFP Technical Proposals, Administrative Proposals, and Price Proposals are to be submitted through BidBuy, the State of Illinois' eProcurement System.

3 RFQ PROCESS

3.1 Proposer Communications

All questions and requests for clarifications for this RFQ **shall** be submitted to the Illinois Tollway Purchaser (“Purchaser”) through the contact information provided below. All questions **shall** be received by the Deadline for Proposer Questions due date identified in Section 2.2 (*Project Schedule*).

The Purchaser **shall** be the sole point of contact for the Illinois Tollway during the procurement, except for assistance with registration in BidBuy or transmitting electronic Proposals and accessing the Illinois Tollway Online Plan Room (“Online Plan Room”), as provided in Section 3.3 (*BidBuy and Online Plan Room*).

Contact Information:

Sherita Kelly

E-mail: skelly@getipass.com

Proposers should identify a sole primary contact to communicate with the Illinois Tollway on procurement-related matters and provide this information to the Purchaser as promptly as possible after the release of the RFQ.

Please note that written or oral communications received by the Illinois Tollway that imparts or requests material information or makes a material argument regarding potential action concerning this procurement may require reporting to the procurement policy board as required by the Procurement Code. When an oral communication is made by a person required to register under the Lobbyist Registration Act, 25 ILCS 170/1, et seq., and received by a State employee, all individuals who initiate or participate in the communication **shall** submit a written report to that State employee memorializing the communication and for reporting to the procurement policy board. This provision is not intended to prohibit communications with State employees regarding procurement matters, but rather only requires reporting of those communications when they occur (not including any communications permitted by this RFQ or the future RFP for the Project).

3.2 Proposer Questions

Except as otherwise set forth in this Section 3.2 (*Proposer Questions*), Proposers **must** download and use the “Proposer RFQ Questions” spreadsheet found on BidBuy to submit their questions to the Purchaser identified in Section 3.1 (*Proposer Communications*). Questions purely administrative in nature may be addressed to the Purchaser directly and do not require the use of the spreadsheet.

Proposers may designate specific requests for clarification and questions involving proprietary information as confidential. If the Illinois Tollway agrees that the request for clarification or question is confidential, it may respond to Proposer directly. If the Illinois Tollway determines that the request or question is not confidential and any response by the Illinois Tollway would be made available to other Proposers through a clarification notice, the concerned Proposer **shall** be informed and may withdraw its question.

Completed Proposer RFQ Questions spreadsheets should be submitted and received by the Purchaser by the Deadline for Proposer Questions identified in Section 2.2 (*Project Schedule*). No oral requests for clarification or interpretation, whether in person or by telephone, **shall** be accepted.

The Illinois Tollway will issue addenda on BidBuy in response to questions received from Proposers in completed Proposer RFQ Questions spreadsheet. Responses to questions contained in addenda will be binding if they are incorporated into an addendum or into the RFP, when issued.

3.3 BidBuy and Online Plan Room

Proposers **must** access RFQ documents through BidBuy. All Proposers **must** register with BidBuy and obtain a Bidder ID in order to both access RFQ documents and submit their SOQs, and, if Shortlisted, their Proposals. Proposers can obtain a Bidder ID by clicking on the link below and select “Register” on the top right corner of the website: <https://www.bidbuy.illinois.gov/bsv/view/login/login.xhtml>

For questions relating solely to BidBuy, such as registration or submitting electronic bids, please contact the BidBuy Vendor Help Desk at: il.bidbuy@illinois.gov and/or phone: 866-455-2897.

Proposers with questions or in need of assistance in accessing the Online Plan Room are to contact a BHFX Digital Imaging, Customer Service Representative at 630-393-0777, and ask for the Online Plan Room. Proposers can access the Online Plan Room using the following link: <https://www.illinoistollwaybidding.com/>.

As applicable, Proposers may automatically receive e-mail notifications through BidBuy to the contact person for each Proposer as soon as each addendum is issued. The notification may include an electronic copy of the addendum when possible.

3.4 Notification of Shortlist

After review and consideration of SOQs received, the Illinois Tollway will notify all Proposers whether they have been Shortlisted. Additionally, the Illinois Tollway may publicly announce the Shortlisted Proposers and will post the shortlisting results on BidBuy. The date on which the Illinois Tollway anticipates providing notification and making the announcement is stated in the Procurement Schedule in Section 2.2 (Project Schedule).

The Illinois Tollway anticipates that it will Shortlist at least two (2), but not more than five (5) Proposers.

3.5 Costs

Proposers **shall** be responsible for all costs associated with participation in this procurement process, including but not limited to the preparation of SOQs and Proposals, submission of questions, participation in public forums or other meetings established pursuant to the procurement process, and any other efforts or costs arising from or related to this procurement.

The Illinois Tollway assumes no liability whatsoever to any participant or possible participant in this procurement.

3.6 Ineligible Firms

The following firms have either been retained by the Illinois Tollway to assist in the preparation of RFP, Project scope of Work, or consultation in the development of the qualifications and evaluation criteria for the SOQs and Proposals, have directly and substantially participated in development of the preliminary engineering Design incorporated into the procurement solicitation for the Project, or have been hired by the

Illinois Tollway to perform Construction Management oversight duties for the Tollway on the Project, potentially providing an unfair competitive advantage in the Project procurement process:

- Legat Architects
- AAA Engineers
- Collins Engineers
- DB Sterlin Consultants
- GSG Consultants
- Jacobs Engineering
- McClaren, Wilson and Lawrie, Inc.
- Site Design Group
- WSP USA, Inc.
- Ardmore Roderick
- HOH Group
- Morreale Communications
- HNTB Corporation

Pursuant to Illinois law, the above entities are ineligible to submit SOQs and Proposals or participate as part of any Proposer. See 30 ILCS 500/50-10.5(e) and 50-35. Proposers **shall** not include any of the firms listed above in their SOQ.

3.7 Organizational Conflicts of Interest

Each Proposer team should submit a statement in their SOQs acknowledging any known or potential conflicts of interest related to any and all of their firms or Key Personnel included in their SOQ. Each Proposing team is prohibited from receiving any advice or discussing any aspect relating to the Project or the procurement of the Project with any Person or entity with an organizational (i.e., an entity and not an individual) conflict of interest, including, but not limited to, ineligible firms listed in Section 3.6 (Ineligible Firms). Such persons and entities are prohibited from participating in any Proposer organization relating to the Project. If a Proposer team is unable to determine whether any member of its team firm members or Key Personnel has a potential organizational conflict of interest, the Proposer team **shall** contact the Illinois Tollway Purchaser as promptly as possible to make a determination.

Each Proposer agrees that, if selected as the CM/GC Contractor after Award, if an organizational conflict of interest is discovered, the selected CM/GC Contractor **must** make an immediate and full written disclosure to the Illinois Tollway Purchaser that includes a description of the action Proposer has taken or proposes to take to avoid or mitigate such conflicts. If an organizational conflict of interest is determined to exist, the Illinois Tollway may, at its discretion, cancel the procurement for the Project. If Proposer was aware of an organizational conflict of interest prior to the Award of the Contract and did not disclose the conflict to the Illinois Tollway, the Illinois Tollway may terminate the Contract for default.

3.8 Project Industry Forum

The Illinois Tollway anticipates having a Request for Qualifications Pre-Proposal workshop to share information about the Project with industry. The workshop is anticipated to be held on May 28, 2026. Additional workshops and/or forums may be established at the Illinois Tollway's discretion.

4 SOQ SUBMITTAL REQUIREMENTS

4.1 Rules Applicable to SOQ Submittal

- a. Only CM/GC Contractors who can complete this Project in its entirety may submit SOQs. Proposers **should** be comprised of an entire CM/GC Contractor that can complete the Project. Individual firms without the capacity to operate as a CM/GC Contractor organization cannot submit an SOQ on their own behalf.
- b. In its SOQ, Proposers should identify, in the cover letter as required in Section 4.4.1 (Cover Letter and Acknowledgment), all Major Participants.
- c. Any Major Participant (as defined in this RFQ, or any Affiliate thereof) on one CM/GC Contractor team, **shall** not serve in any capacity on any other CM/GC Contractor team.
- d. Subcontractors performing more than twenty (20)% of the construction (or any Affiliate thereof) may only be on one Proposer's team. This limitation does not apply to an entity acting in its capacity as a Materials supplier. Therefore, an entity can be a subcontractor performing greater than twenty (20)% of the construction on one Proposer's team while providing pricing for the supply of materials only to other Proposers.

For purposes of determining the twenty (20)% threshold for Subcontractors described in Section 4.1(c) and Section 4.1(d), the Major Participant(s) **shall** bear the burden of determining whether the threshold is met based on a good faith estimate of the value of anticipated Work over the duration of the Project.

- e. Any violation of the limitations in Sections 4.1(c) and Section 4.1(d) may result in disqualification of all proposing CM/GC Contractors where the "duplicate" firms (or Affiliates) appear.
- f. If Shortlisted, Proposers would need the Illinois Tollway's Approval to make any changes to their CM/GC Contractor team or individual(s) as submitted in their SOQ. Additional information will be provided in the RFP, when issued.
- g. Prohibited Interests: Unless allowed by Illinois law, no former public officer and/or employee **shall** have any personal interest, direct or indirect, in this solicitation, any Contract executed subsequently, or the proceeds thereof, as set forth in 30 ILCS 500/1, et seq., 5 ILCS 430/1-1, et seq., 50 ILCS 105/.01, et seq., 65 ILCS 5/1-1-1, et seq., and other applicable statutes.
- h. Notice of Criminal and Civil Penalties: Proposers are advised that Illinois law imposes civil and criminal penalties for violating 30 ILCS 500/1, et seq., 720 ILCS 5/1-1, et seq., 820 ILCS 185/1, et seq., and other applicable statutes. In addition, Illinois criminal statutes impose felony penalties for bribes, gratuities, and kickbacks. See 720 ILCS 5/1-1, et seq.
- i. Confidentiality of Records: Proposers may be given access to records, which are confidential under state law or otherwise, solely for the purpose of performing the required services. Proposers should sign Form P, Non-Disclosure Agreement, prior to receiving such documents. The nondisclosure statement **shall** prohibit each employee, agent, Major Participant, subconsultant, and Subcontractor of a Proposer from making inappropriate use of or improperly disclosing any of the contents of confidential documents.

4.2 Date and Time of Receipt

Statements of Qualifications (SOQs) **must** be received no later than the SOQ Submission Due Date identified in Section 2.2 (*Project Schedule*). SOQs **shall** respond to the correct RFQ.

SOQs received after this deadline shall not be accepted.

SOQs **shall** be submitted to the Illinois Tollway electronically on BidBuy in compliance with this Section 4.2 (*Date and Time of Receipt*). SOQs submitted by hard copy, by facsimile, or email will not be accepted.

Proposers **must** register prior to the SOQ Submission Due Date outlined in Section 2.2 (*Project Schedule*) and create an account and a Bidder ID with BidBuy to submit SOQs electronically. See Section 3.3 (*BidBuy and Online Plan Room*) for BidBuy registration information.

Electronic SOQs should be in a searchable PDF format. Proposers should receive a confirmation email upon successful delivery of their SOQ to the Illinois Tollway.

Proposers planning to submit as a Joint Venture or other type of unincorporated association **must** submit under one of the Joint Venture Major Participants as BidBuy cannot provide an EIN number to a Joint Venture. Nothing in this paragraph **shall** modify any other provision of this RFQ that permits Proposers to finalize their Joint Ventures or other organizational arrangements after submission of the SOQ; provided, however, that any changes to the constituent members of a Proposer remain subject to Section 4.1 (*Rules Applicable to SOQ Submittal*)(g).

Proposers are advised to plan for sufficient time to obtain a Bidder ID in advance of the SOQ Submission Due Date outlined in Section 2.2 (*Project Schedule*). The Illinois Tollway will not extend the SOQ Submittal Deadline or otherwise allow a late SOQ submittal due to a Proposer's failure to obtain the proper credentials to submit an SOQ through BidBuy.

4.3 Required Submittals

Each Proposer should organize its SOQ as follows. SOQs should contain bookmarks separating the information provided into the sections shown in the table below. The information that should be contained in each section, in addition to the page limit (if any) for each section, is contained in the table below and is further described in Section 4.4 (*Content of SOQ*). Failure to provide any of the required submissions **shall** result in a Proposer being deemed non-responsive. Pages provided by Proposer above the listed Page Limitations, if any, will be redacted and not considered as part of the SOQ evaluation.

Content	Required Submissions/Page Limits
<u>Section 4.4.1</u> (<i>Cover Letter and Acknowledgement</i>)	<ul style="list-style-type: none"> • Cover Letter: <i>Should be limited to Two (2) pages</i> <ul style="list-style-type: none"> • Including Proposer statement acknowledging no known conflicts of interest • Form A; Acknowledgment of Receipt of RFQ and Addenda : <i>No page limit</i>

Content	Required Submissions/Page Limits
<u>Section 4.4.2.1</u> (<i>Legal</i>)	<ul style="list-style-type: none"> • Form B; Proposer’s Organization Information: <i>No page limit</i> • Copy of Proposer formation agreement or material terms: <i>No page limit</i> • Narrative Information: <i>No page limit</i> • Form C; Past Performance: <i>No page limit</i> • Form D; Major Participant Certification: <i>Should be limited to three (3) pages per Major Participant</i>
<u>Section 4.4.2.2</u> (<i>Financial</i>)	<ul style="list-style-type: none"> • Financial Statements: <i>No page limit</i> • Bank/Surety/Insurance letter: <i>No page limit</i> • Credit Ratings: <i>No page limit</i> • Material Changes in Financial Condition: <i>No page limit</i>
<u>Section 4.4.2.3</u> (<i>Proposer Experience</i>)	<ul style="list-style-type: none"> • Form E; Information About Major Participants and Identified Subcontractors: <i>No page limit</i> • Form F; Project Description: <i>Should be limited to three (3) pages per Form F</i> • Form G; Awards, Citations, and/or Commendations: <i>Should be limited to two (2) pages</i> • Form H; Safety Questionnaire: <i>Should be limited to four (4) pages</i> • Form I; Record of DBE Performance: <i>No page limit</i> • Form R; Project References: <i>Should be limited to four (4) pages per reference</i>
<u>Section 4.4.2.4</u> (<i>Key Personnel</i>)	<ul style="list-style-type: none"> • Form J; Key Personnel: <i>Should be limited to five (5) pages (Three (3) pages for Form J and one (1) page for each Additional Key Personnel, if included)</i> • Key Personnel Resumes: <i>Should be limited to two (2) pages each</i> • Additional Key Personnel Resumes: <i>Should be limited to two (2) pages each, if included</i>
<u>Section 4.4.2.5</u> (<i>Organizational Structure</i>)	<ul style="list-style-type: none"> • Form K; Subcontractor Information: <i>No page limit overall, but should be limited to one (1) page for each subcontractor/subconsultant</i> • Organizational Chart and description of relationships, narrative of CM/GC understanding: <i>Organizational chart should be limited to one (1) page and narrative should be limited to an additional two (2) pages</i>

Content	Required Submissions/Page Limits
<p><u>Section 4.4.2.6</u> (<i>Conflict of Interests and Other Forms</i>)</p>	<ul style="list-style-type: none"> • Conflict of Interest information: <i>No page limit</i> • Form L; Affidavit of Non-Collusion: <i>Should be limited to two (2) pages</i> • Form M; Vendor Disclosure: <i>No page limit</i> • Form N; IPG Active Registered Vendor Disclosure: <i>No page limit</i> • Form O; Substance Abuse Prevention Program Certification (820 ILCS 265/15): <i>Should be limited to two (2) pages</i> • Form P; Non-Disclosure Agreement: <i>Should be limited to two (2) pages</i> • Form Q; Exhibit C: Current Obligations: <i>No page limit</i> • Form S; SOQ Has-Met Checklist: <i>Should be limited to five (5) pages</i>

Upload one (1) searchable .pdf copy of the SOQ in accordance with the instructions in Section 4.2 (*Date and Time of Receipt*). The document should be organized to correspond with the outline in this Section 4.3 (*Required Submittals*) and use bookmarks to separate the sections. A table of contents and bookmarks used to separate sections will not count against the maximum page limits identified in this Section 4.3. Each SOQ should be named as follows: “[Proposer Name], [Name of Project], [Date].” If Proposer’s SOQ is larger than ten (10) MB, Proposer should label each file, after the date ([File # X of X]; for example, “1 of 2”). All signatures required should be applied electronically or manually signed and scanned by Proposer.

SOQs should have a font size greater than or equal to 10-point in a standard font, except that the font size accompanying graphics should be greater than or equal to 8-point. The one page organizational chart in Section 4.4.2.5 (*Organizational Structure*) may be 11” x 17”; all remaining pages should be standard 8 1/2” x 11” and margins should be at least 1/2”.

4.4 Content of SOQ

This section describes the specific information that should be included in the SOQ. An outline of the required format for the SOQ is provided in Section 4.3 (*Required Submittals*). Required forms for the SOQ are contained in Appendix A. Any modification to the forms may result in the SOQ being declared non-responsive.

Proposers should provide brief, concise information that addresses the objectives and the requirements of the Project consistent with the evaluation criteria described in Section 5.2.2 (*Qualitative Evaluation Criteria and Weights*). Lengthy narratives containing extraneous information are discouraged. Failure to follow page limitations may result in the SOQ being non-responsive.

All materials submitted in response to this RFQ will become property of the Illinois Tollway and will become public record after the evaluation process is completed and the Contract is awarded. If Proposer submits information in an SOQ or a Proposal that it believes to be proprietary information exempt from disclosure to the public, Proposer should:

- a. Clearly mark all proprietary information in its response (either their SOQ and/or Proposal if Shortlisted) at the time of submission.
- b. Include a statement with its response justifying the trade secret designation for each item. Any statements related to the justification of trade secret designations should be included as part of an appendix. Each statement should be less than one page (font size greater than or equal to 10-point in a standard font), and any statements included in an appendix **shall** not count towards any page limitations.
- c. Defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the Illinois Tollway, its agents and employees, from any judgments awarded against the Illinois Tollway in favor of the party requesting the materials, and any and all costs connected with that defense. This indemnification survives the Illinois Tollway's Award of the Contract. In submitting an SOQ response to the RFQ, Proposer agrees that this indemnification survives as long as the proprietary information is in possession of the Illinois Tollway.

4.4.1 Cover Letter and Acknowledgement

Provide a cover letter stating the business name, address, business type (e.g., corporation, partnership, Joint Venture) and roles of Proposer and each Major Participant. Proposer should identify a sole primary contact person that includes their address, telephone number, and e-mail address. This person should be the single point of contact on behalf of Proposer organization, responsible for correspondence to and from the organization and the Illinois Tollway. The Illinois Tollway will send all Project-related communications to this contact person.

Authorized Representatives of Proposer organization should sign the letter. If Proposer is a Joint Venture, the Joint Venture members should sign the letter. If Proposer is not yet a legal entity, the Major Participants should sign the letter. The letter should certify the truth and correctness of the contents of the SOQ and provide a statement acknowledging no known conflicts of interest exist. The cover letter should be limited to two (2) pages.

Proposers **shall** attach Form A (Acknowledgement of Receipt of RFQ and Addenda) acknowledging receipt of the RFQ and any addenda and/or responses to questions issued by the Illinois Tollway.

This information will be used to identify Proposer and its designated contact and will be reviewed during the responsiveness review and not as part of the qualitative assessment of the SOQ.

4.4.2 Evaluation Objectives and Requirements

The following objectives and SOQ submittal requirements are the key to the evaluation process. An objective is stated for each category to provide Proposers the minimum expectations of the Illinois Tollway. The requirements for each category and the information to be submitted are listed and described in detail. In providing the SOQ, Proposers should be guided by the Project goals in Section 1.5 (Project Goals) and the objectives listed in Section 4.4.2 (Evaluation Objectives and Requirements). The SOQ evaluation ratings of Section 5.2.2 (Qualitative Evaluation Criteria and Weights) will be based on how well the SOQ responds to the requirements and the objectives of each of the evaluation criteria.

4.4.2.1 Legal

Objective: To identify Proposers that are duly organized and do not present a material risk of inability to complete the Project in line with the Illinois Tollway's goals.

Legal Structure

- a. Using Form B (Proposer's Organization Information), identify Proposer's actual or proposed legal name, organizational structure and state of organization. Provide the legal name, organizational structure and state of organization for each Major Participant and its percent (%) of equity interest in Proposer.
- b. If Proposer is a consortium, partnership or any form of Joint Venture, provide a copy of the agreement between the constituent entities, including those individuals authorized to sign on behalf of the Joint Venture. If such agreement has not been executed, provide a draft copy of the agreement, including all anticipated key terms and provisions of the agreement. The agreement or draft agreement should include, at a minimum, the percentages of ownership of each constituent entity, the roles of the various entities, a stated commitment to execute an agreement prior to submission of a Proposal if Shortlisted, and the provisions concerning joint and several liability described in (c) below.
- c. If Proposer is a Joint Venture, consortium, or any type of limited liability entity, each constituent entity of Proposer should agree to be jointly and severally liable for Proposer's obligations with respect to the procurement and the Project, and **must** do so to be Responsive.

Legal History

- a. Identify any legal issues that **must** be resolved by Proposer, or any Major Participant, to permit Proposer to carry out its obligations if awarded the Contract. If there are no such legal issues, affirmatively state that there are none. This information is to be provided as a narrative.
- b. Using Form C (Past Performance), provide a list of all litigation, arbitration, mediation, dispute review board or other alternative dispute resolution proceedings, this does not include previous Illinois Tollway construction contract disputes that were resolved by the Illinois Tollway or the Illinois Tollway's Board, during the past five (5) years that have involved in excess of \$250,000 and that related to the performance of any Major Participant identified in the cover letter including all proceedings by project owners. State whether each proceeding was resolved against the participant(s) or its insurers/sureties or resulted in reduction in compensation to the participant. Identify any unresolved, outstanding proceedings.
- c. Liquidated Damages. Using Form C (Past Performance): Describe any assessment of liquidated damages against any Major Participant over the past five (5) years. Describe the causes/reasons for the assessment and the amounts assessed. Describe any outstanding damage claims by or damages due and owing to any owner/agency.
- d. Termination for Cause. Using Form C (Past Performance): Describe the conditions surrounding any contract (or portion thereof) entered into by Major Participants identified in the cover letter during the past five (5) years that has been terminated for cause, or which required completion by another party. Describe the reasons for termination or completion by another and the amounts involved, and claims lost or won.

- e. Disciplinary Action. Using Form C (Past Performance): Explain any disciplinary action taken against any Major Participant identified in the cover letter within the past five (5) years, including suspension from the right to propose/bid or removal from any offeror/bid list.
- f. Provide Form D (Major Participant Certification) for each Major Participant.

Where identified in Form C (Past Performance), provide the name of the Project and contact information for the owner's representative.

4.4.2.2 Financial

Objective: To identify Proposers with demonstrated capability to undertake the financial responsibilities associated with the Project, including bonding.

The Major Participants of Proposer that are Illinois Department of Transportation (IDOT) prequalified do not need to submit the financial requirements below. Any Major Participant that is not IDOT prequalified, should submit the following requirements outlined in this Section 4.4.2.2 (Financial):

Requirements and information should be submitted:

- a. Financial Statements: Financial statements for the Major Participants should be acceptable if not more than eighteen (18) months old. Financial statements should include:
 - Opinion letter (auditor's report);
 - Balance sheet;
 - Income statement;
 - Statement of changes in cash flow; and
 - Footnotes.

In addition, financial statements should meet the following requirements:

- GAAP or IFRS Compliant

Financial statements should be prepared in accordance with U.S. Generally Accepted Accounting Principles ("U.S. GAAP") or International Financial Reporting Standards ("IFRS"). If financial statements are prepared in accordance with principles other than U.S. GAAP or IFRS, a letter should be provided from a certified public accountant identifying and discussing the areas of the financial statements that would be affected by a conversion to U.S. GAAP or IFRS. A restatement of the financial information in accordance with U.S. GAAP or IFRS is not required.

- U.S. Dollars

Financial statements should be provided in U.S. dollars.

- Audited

Financial statements should be audited by an independent party qualified to render audit opinions (e.g., a certified public accountant). If audited financials are not available for an entity, the SOQ **shall** include unaudited financial statements for such entity, that should be certified as true, correct, and

accurate by the chief executive officer, chief financial officer, or treasurer (or by such equivalent position or role) of the entity.

- English

Financial statement information should be prepared in English. If audited financial statements are prepared in a language other than English, translations of all financial statement information should be provided with the original financial statement information.

- SEC Filings

If Proposer or any other entity for whom financial information is submitted in the SOQ files reports with the Securities and Exchange Commission (SEC), then such financial statements should be provided by including the entity's most recent Form 10-K (Annual report pursuant to Section 13 or 15[d]). For all subsequent quarters, provide a copy of any report filed on Form 10-Q (General Form for Quarterly Reports under Section 13 or 15[d]) or Form 8-K (Current Report Pursuant to Section 13 or 15[d]) that has been filed since the latest filed 10-K. The SEC Forms 10-K, 10-Q, and 8-K, are not attached to the appendices. Refer to the Securities and Exchange Commission for the most recent forms. Provide a letter from a bank, surety or insurance company stating that Proposer is capable of obtaining (i) Proposal Guaranty and (ii) Performance Bonds and Payment Bonds in the estimated amount in Section 1.3 (Estimated Cost). The insurance companies providing coverage should be rated by A.M. Best Company with a financial strength rating of A- or better and a financial size category of not less than VII. The letter should recognize the firm's backlog and work-in-progress in relation to its bonding capacity. Letters indicating "unlimited" bonding/security capability are not acceptable. Provide a letter from a bank, surety or insurance company stating that Proposer is capable of obtaining (i) Proposal Guaranty and (ii) Performance Bonds and Payment Bonds in the estimated amount in Section 1.3 (Estimated Cost). The insurance companies providing coverage should be rated by A.M. Best Company with a financial strength rating of A- or better and a financial size category of not less than VII. The letter should recognize the firm's backlog and work-in-progress in relation to its bonding capacity. Letters indicating "unlimited" bonding/security capability are not acceptable.

- b. Credit ratings: For each Major Participant that has a credit rating, Proposer should provide all current credit ratings for such Major Participant(s).
- c. Material changes in financial condition:
 - Proposer should provide information regarding any material changes in financial condition to each Major Participant, and, if applicable, each Guarantor for the past three (3) fiscal years and anticipated for the next fiscal year. In each case, if any of the foregoing entities is a consortium, partnership, or any form of Joint Venture, Proposer should provide this information for all members. If no material change has occurred and none is pending, each of these entities should provide a letter from their respective chief executive officer, chief financial officer, or treasurer (or equivalent position or role) so certifying.
 - In instances where a material change has occurred, or is anticipated, the affected entity should provide a statement describing each material change in detail, the likelihood that the factors underlying the change will continue during the period of performance of the Project, and the projected full extent of the changes likely to be experienced in the periods ahead. Estimates of the impact on revenues, expenses, and the change in equity should be provided separately for each material change certified by the chief executive officer, chief financial officer, or treasurer

(or equivalent position or role). References to the notes in the financial statements are not sufficient to address the requirement to discuss the impact of material changes.

- Where a material change will have a negative financial impact, the affected entity should additionally provide a discussion of measures that it will undertake to insulate the Project from such negative material changes, and those currently in progress or reasonably anticipated in the future. If the financial statements indicate that expenses and losses exceed income in each of the three (3) completed fiscal years (even if there has not been a material change), the affected entity should provide a discussion of measures that will be undertaken to make the entity profitable in the future and an estimate of when the entity will be profitable.

Set forth below is a representative list of events intended to provide examples of what the Illinois Tollway considers a material change in financial condition. This list is intended to be indicative only and is not exhaustive:

- An event of default or bankruptcy involving the affected entity, or an entity directly or indirectly controlling of the affected entity;
- A change in Tangible Net Worth of 15% or more of shareholder equity;
- A sale, merger or acquisition exceeding 15% of the value of shareholder equity prior to the sale, merger or acquisition that in any way involves the affected entity or an entity directly or indirectly controlling the affected entity, or any material change in structure or ownership;
- A downgrade in credit rating for the affected entity or an entity directly or indirectly controlling the affected entity;
- Non-payment of any debt service when due;
- Inability to meet material conditions of loan or debt covenants by the affected entity or an entity directly or indirectly controlling the affected entity, which has required or will require a waiver or modification of agreed financial ratios, coverage factors or other loan stipulations, or additional credit support from shareholders or other third parties;
- In the current and three most recently completed fiscal years, the affected entity or an entity directly or indirectly controlling the affected entity either: (i) incurs a net operating loss; (ii) sustains charges exceeding 5% of the then shareholder equity due to claims, changes in accounting, write-offs or business restructuring; or (iii) implements a restructuring/reduction in labor force exceeding 200 positions or involves the disposition of assets exceeding 10% of the then shareholder equity; or
- Other events known to the affected entity that represent a material change in financial condition over the past three fiscal years or may be pending for the next fiscal year.

At the sole discretion of the Illinois Tollway, any failure to disclose a prior or pending material change may result in disqualification from further participation in the selection process.

- d. Guarantor: the Illinois Tollway may, in its discretion and based upon the review of the financial information provided, specify that an acceptable Guarantor is required as a condition of Shortlisting. If the Illinois Tollway requires a Guarantor as a condition of Shortlisting, the Illinois Tollway will

require Proposer to provide the Guarantor's financial statements for the preceding three (3) years by a time specified in the Illinois Tollway's notice to Proposer that a Guarantor is required. If a Guarantor is required or the financial statements of a Guarantor are submitted, Proposer **must** still comply with all other requirements in the RFQ for the submission of financial information. The Illinois Tollway reserves the right to review a proposed Guarantor's financial capacity and reject the proposed Guarantor if there is a material risk that it would be unable to fulfill its obligations.

4.4.2.3 Proposer Experience, Qualifications and Performance (40%)

Objectives:

- a. To identify Proposers with a demonstrated track record of providing Phase One (preconstruction) services to an agency or owner, including (but not limited to): scheduling, Work sequencing, constructability, cost estimating, and risk identification;
- b. To identify the most highly qualified Proposers available with demonstrated experience, expertise, and capacity in Phase Two (construction) Work of the nature included in the Project, delivering projects on time, within budget and with a record of producing quality Work;
- c. To identify Proposers that have similar project experience in successfully managing Tollway users' access to facilities and site operations, successfully collaborating with numerous types of utility facilities, successfully collaborating with multiple: crews, segments, and jurisdictions, and supporting Tollway community interaction aspects;
- d. To identify the extent and depth of experience using innovative means of construction that resulted in cost savings and expediting of project completion;
- e. To identify Proposers with a commitment to safety;
- f. To obtain the commitment of Proposer and Major Participants regarding representations made in the SOQ; and
- g. To identify Proposers with a record of maximizing DBE participation.

Requirements and information to be submitted:

- a. Service Prequalification Requirements: **There are no service prequalification requirements.** However, Proposers can use Form E (Information About Major Participants and Identified Subcontractors), to indicate service prequalifications listed in Section 5.2.1 (Responsiveness and Deficiency Reviews)(a) that Proposer chooses to include for consideration by the Evaluation Committee for each Major Participant and subcontractor;
- b. Firm Experience: Using Form F (Project Description), Proposers should provide at least two (2) projects, but no more than three (3) projects, for each Major Participant, of equal or greater complexity than this Project. Proposers should use one (1) Form F (Project Description) for each project for each Major Participant. All project descriptions should highlight experience in the last ten (10) years relevant to the Project. Describe those projects having a scope comparable to that anticipated for the Project. Color graphics and photographs may accompany this Form F (Project Description). Include performance ratings for any project Work done for the Illinois Tollway, IDOT or any other governmental agencies or bodies, if applicable. Form F (Project Description) will be evaluated using the specific evaluation criteria listed in Section 5.2.2 (Qualitative Evaluation

Criteria and Weights) Proposer Experience and Performance. The descriptions should include projects demonstrating that Proposer meets the minimum experience stated in Section 5.2.1(a) (*Responsiveness and Deficiency Reviews*). Projects included, if any, beyond three *will be redacted and not considered as part of the Technical Proposal evaluation*;

- c. Using Form G (Awards, Citations, and/or Commendations), list awards, citations, and/or commendations for performance relevant to this Project received by any Major Participants within the last ten (10) years. Describe the Work for which award(s), citation(s) and/or commendation(s) were received;
- d. Safety: Submit Form H (Safety Questionnaire), for each Major Participant responsible for construction;
- e. DBE Participation: Submit Form I (Record of DBE Performance), for each Major Participant that provides construction services reflecting the record of DBE performance in their contracts for the past four (4) years; and
- f. Reference Checks: Follow instructions listed on Form R (Project References) to submit references for projects listed in this Section 4.4.2.3.

4.4.2.4 Key Personnel (40%)

Objective: To identify qualified individuals who will lead the Project on behalf of the CM/GC Contractor.

Proposer shall not use the same individual to fill multiple Key Personnel roles, unless otherwise stated in this RFQ. This also applies to any Additional Key Personnel, if included.

Proposers **shall** identify the following Key Personnel, failure to identify any of the positions below may deem your SOQ non-responsive. Proposers are advised that proposed Key Personnel will be subject to Liquidated Damages that will be specified in the RFP.

Key Personnel	Minimum Responsibilities:	Minimum Education and Experience Requirements:
Project Manager	<ul style="list-style-type: none"> • Lead the CM/GC Contractor team. • Should have the authority to represent, make decisions for, and oversee the performance of preconstruction consulting services, construction, quality, and Contract management. • Should be a full-time employee of the lead contractor. 	<ul style="list-style-type: none"> • Should have a minimum of ten (10) years' experience in project management of projects of similar scope and complexity. • CM/GC management experience preferred. • Specific stakeholder expertise preferred such as specific environmental permitting agencies, community advocacy groups, and utilities.
Construction Manager	<ul style="list-style-type: none"> • Responsible for the planning and execution of Phase Two Services 	<ul style="list-style-type: none"> • Should have a minimum of ten (10) years' experience in managing construction for

Key Personnel	Minimum Responsibilities:	Minimum Education and Experience Requirements:
	<p>including the construction Work in the field.</p> <ul style="list-style-type: none"> • Resolve issues that occur during construction. • Responsible for ensuring that the Project is constructed in accordance with the Contract Documents. • Lead construction team. • Attend Project meetings that discuss constructability, risk, and schedule. Expected to be on site during Phase Two of the Project. • Responsible for maintaining construction schedule and budget during Phase Two. • Able and willing to work with Illinois Tollway, the Design team, and stakeholders during the Project’s Phase One and Phase Two. 	<p>projects of similar scope and complexity.</p> <ul style="list-style-type: none"> • CM/GC experience preferred. • Experience with innovative construction approaches and build-out means and methods preferred.
<p>Lead Estimator</p>	<ul style="list-style-type: none"> • Responsible for developing an estimate on an Open-Book basis as well as coordinating with the ICE during estimate reconciliation meetings to help reach an agreement on a GMP or Lump Sum price. • Will assist the Illinois Tollway in managing the Risk Register, provide input on the Project Schedule, and coordinating during Phase One and Phase Two with items related to estimating and bidding. 	<ul style="list-style-type: none"> • Should have a minimum of seven (7) years’ experience preparing production-based construction cost estimates, managing risk, managing construction schedules for projects with similar scope and complexity. • Experience providing owners Open-Book estimates preferred.
<p>Quality Manager</p>	<ul style="list-style-type: none"> • Lead the construction quality management of all Phase Two Amendments. • Should have the ability to stop construction at any time and in the individual’s sole discretion. 	<ul style="list-style-type: none"> • Should have a minimum of ten (10) years' experience in construction quality management of projects of similar scope and complexity.

Key Personnel	Minimum Responsibilities:	Minimum Education and Experience Requirements:
		<ul style="list-style-type: none"> • Should be licensed as a Professional Engineer in the State of Illinois. • Should report to an executive officer of a Major Participant.
Safety Manager	<ul style="list-style-type: none"> • Lead safety team, creating safety plans and programs, and managing safety requirements of entire Contract. 	<ul style="list-style-type: none"> • Should have a minimum ten (10) years of experience. Should be a Certified Safety Professional (CSP) and hold current 30-hour card for OSHA Construction.

**For purposes of calculating the years of experience of all Key Personnel, there is no limitation on the timing of those years. For example, the Project Manager's ten (10) years of delivering projects of similar scope and complexity is not limited to projects completed in the last ten (10) years; rather, it can be from any projects completed over the course of the proposed Project Manager's career.*

A Proposer may, but is not required to, submit up to two (2) Additional Key Personnel that Proposer deems necessary for the Project based on Proposer's approach to delivering the Project and the Illinois Tollway's identified goals in [Section 1.5 \(Project Goals\)](#). The Additional Key Personnel will be evaluated based on how their inclusion shows a deeper understanding of the Project's scope, and how this person or persons will help the Illinois Tollway achieve the Project's goals. Should the Proposer deem Additional Key Personnel necessary, they may attach an additional statement justifying inclusion not to exceed one (1) page for each Additional Key Personnel to Form J (Key Personnel).

Proposer should complete Form J with the required information for each Key Personnel position. In addition, Proposers should affirm, using Form J (Key Personnel), that each Key Personnel will commit the time during the Design and construction phases of the Project necessary to fulfill the responsibilities of each position.

In addition to the information provided with Form J (Key Personnel), Proposer should submit a resume for each identified Key Personnel and Additional Key Personnel, if applicable. Each resume should not exceed two (2) pages and should highlight the following information, considering the evaluation criteria for Key Personnel contained in [Section 5.2.2 \(Qualitative Evaluation Criteria and Weights\)](#) (b):

- Role on project and experience in area of responsibility;
- Employment history (to include, without limitation, roles and responsibilities, years of employment) with current firm and prior firm(s);
- Experience in the management, and/or construction of projects with a scope similar to the Project;
- Percent of time committed to this Project including percent of time during Phase One (preconstruction) and Phase Two (construction) activities; and
- Percent of time committed to other projects.

Proposer **shall** not change its organization as described in their SOQs after the SOQ Submission Due Date identified in Section 2.2 (Project Schedule) without Illinois Tollway Approval. Shortlisted Proposers, when preparing Proposals in response to the RFP, may submit a written request and **must** obtain Approval from the Illinois Tollway to change any part of its organization that includes but is not limited to, Major Participants and Key Personnel. More information will be provided in the RFP, when issued.

4.4.2.5 Organizational Structure (20%)

Objective:

- a. To identify Proposers who have an in-depth organizational structure with clear lines of reporting and communication.
- b. To identify Proposers that have the technical and management experience and expertise to plan, organize, execute the Phase One (preconstruction) and Phase Two (construction) services, and assure the quality and safety of the Project.
- c. To identify Proposers that demonstrate an understanding of the CM/GC process, and how its organizational structure will help the Illinois Tollway successfully deliver the Project and achieve the Project goals outlined in Section 1.5 (Project Goals).

Requirements and information to be submitted:

- a. Using Form K (Subcontractor Information), identify subcontractors Proposer plans to use, to the extent they are known, including those required to be identified by Section 4.1 (Rules Applicable to SOQ Submittal)(b). Submit maximum one page summary of experience for each listed subcontractor or subconsultant;
- b. Provide an organizational chart identifying participating firms responsible for major functions to be performed in constructing, and providing quality management, and quality control services for Proposer's organization. The chart(s) should show the functional structure of the organization down to the construction superintendent level and should identify Key Personnel by name. The organizational chart should not exceed one (1) page. All Major Participants and known Subcontractors and subconsultants should be identified on the chart. Provide a brief description of the significant functional relationships among these firms. The critical support elements of project management, project/contract administration, construction management, and quality control should be identified. Provide a brief, written description of significant functional relationships among participants and how the proposed organization will function as an integrated CM/GC Contractor. The narrative should demonstrate the Proposer's understanding of how the CM/GC process, and the CM/GC Contractor organization will contribute to the success of the Project and to meeting the Illinois Tollway's Project goals. The narrative should not exceed an additional two (2) pages.

4.4.2.6 Conflict of Interests and Other Forms

Proposer should provide the following in their SOQs:

- a. Conflict of Interest Statement (see Section 3.7 (Organizational Conflicts of Interest));
- b. Form L (Affidavit of Non-Collusion);

- c. Form M (Vendor Disclosure). All Proposers responding to an Illinois Tollway solicitation **must** comply with Illinois Procurement Code, 30 ILCS 500/1, et seq., specifically section 50-35 Financial Disclosures and Potential Conflicts of Interest. The Illinois Procurement Gateway (“IPG”) is a web-based system that serves as the primary location for entering, organizing, and reviewing Proposer information. The IPG allows prospective Proposers to provide disclosures, registrations, and other documentation needed to do business with a state agency in advance of any procurement. It is highly recommended that Proposers register on the IPG webpage provided in Form M (Vendor Disclosure).
- d. Form N (IPG Active Registered Vendor Disclosure);
- e. Form O (Substance Abuse Prevention Program Certification);
- f. Form P (Non-Disclosure Agreement);
- g. Form Q (Illinois State Highway Toll Authority Exhibit C: Current Obligations) (For Major Participants only);
- h. Form S (SOQ Has Met Checklist).

5 SOQ EVALUATION PROCESS

This Section 5 describes the evaluation criteria for the RFQ phase of the procurement. The anticipated evaluation criteria for the RFP phase of the procurement are listed in Section 2.1 (*Overall Procurement Process*).

5.1 Review and Evaluation of SOQs

The Illinois Tollway **shall** review SOQs in accordance with the responsiveness and deficiency reviews and qualitative evaluation criteria identified below. SOQs **must** be responsive and non-deficient (including the Illinois Tollway waiving minor irregularities (if any), to advance to the qualitative review criteria.

5.2 Evaluation Criteria

5.2.1 Responsiveness and Deficiency Reviews

The responsiveness and deficiency reviews will evaluate the minimum required qualifications that the Illinois Tollway has deemed necessary to complete the Project. The responsiveness and deficiency review factors are:

- a) **Responsiveness:** All information requested in this RFQ (in Section 4.3 (*Required Submittals*) or as outlined in this RFQ) has been submitted and indicated on Form S (SOQ Has Met Checklist). Failure to submit any of the items listed in Section 4.3 (*Required Submittals*) (or as outlined in this RFQ) **shall** result in an unresponsive SOQ. Additionally, the responsiveness review will consider: (I) the SOQ was submitted no later than the SOQ Submission Due Date and time identified in Section 2.2 (Project Schedule), and (II) the SOQ is responding to the correct RFQ. Any items listed in this RFQ using "**shall**" or "**must**" will be included as part of the Responsiveness review.
- b) **Deficiency Review:** After performing the responsiveness review as outlined in Section 5.2.1 (*Responsiveness and Deficiency Reviews*), for all responsive SOQs, the Illinois Tollway will perform a deficiency review to ensure all required materials have been submitted correctly. Illinois Tollway reserves the right to contact Proposers, as outlined below, to correct any potential deficiency.

It is the responsibility of Proposer to provide accurate and complete information to the Illinois Tollway. If information is not complete, the Illinois Tollway may request additional clarifying information. Proposer may not be allowed to participate further in the procurement of this Project until Proposer provides all required information. The Illinois Tollway may return deficient statements or incomplete forms directly to Proposer and may include notations identifying some or all deficiencies or omissions. Also, at its sole discretion, the Illinois Tollway may request clarification and/or submittal of corrected, supplemental or missing documents or information during the SOQ evaluation and Shortlisting process.

The Illinois Tollway may waive irregularities in the form of the SOQ that do not alter the quality or quantity of the services, or the management, and Phase One (preconstruction) and Phase Two (construction) services offered.

All requests and responses will be issued by e-mail through BidBuy. Responses should be limited to answering the specific requests received from the Illinois Tollway.

The Illinois Tollway will review the following information as part of the deficiency review:

(I) Experience:

i. Contractor (construction) prequalifications

There are no IDOT prequalification requirements on this Project. Proposers can include on Form E any IDOT prequalifications they currently hold that would be viewed as applicable to this Project.

Prequalification for contractors – <https://idot.illinois.gov/doing-business/procurements/construction-services/index>

- Major Participants: To meet the minimum desired experience, in the ten (10) years preceding the date of issuance of this RFQ:
 - i. Proposer (or at least one or more of its Major Participants that are responsible for the construction of the Project) should have completed no fewer than two (2) projects meeting the following criteria – new construction, rehabilitation, and/or improvement project with a similar scope, size and complexity as the Project;

**For purposes of the foregoing, “complete” means that the project has reached Substantial Completion, evidenced by the owner’s issuance of a Notice or Certificate of Substantial Completion or its substantive equivalent under the Contract for the qualifying project. Further, either Proposer as a whole, or one or more of its Major Participants should have completed a total of at least two (2) projects meeting the minimum project size. For example, if Proposer has three (3) Major Participants that are responsible for the construction of the Project, (a) if one (1) such Major Participant has completed two (2) (or more) projects, or (b) two (2) separate Major Participants have each completed at least one (1) (or more) past projects, then Proposer meets this Section 5.2.1 (Responsiveness and Deficiency Reviews).*

(II) Legal

- Each Proposer has presented evidence showing it has the proper organizational or corporate authority to enter into and perform the obligations of the CM/GC Contractor under the Contract, to include designing and building the Project;
- No Proposers or any Major Participant, is currently disqualified, removed, debarred, or suspended from performing or bidding on Work for the United States federal government or a state or local government within the United States or any U.S. territory;
- Each Proposer’s organizational documents commit all Major Participants to be jointly and severally liable for the obligations of the Proposer entity;
- Proposer does not indicate a material risk that Proposer may be unable to undertake the Project;
- Proposer’s organization does not contain any entity prohibited by this RFQ from being part of its organization;

- There are no conflicts of interest; and
- Each Proposer has made the express, written commitments regarding Key Personnel required by Form J (Key Personnel).

(III) Financial:

- Proposer has shown that Major Participants are either IDOT prequalified or has provided required financial documents;
- Demonstrated ability to obtain required Payment and Performance Bonds in the required amounts;
- Demonstrated ability to obtain Proposal security;
- If required, Proposer showed commitment to provide a Guarantor;
- Each Proposer, in the Illinois Tollway's sole discretion, has sufficient financial capacity to complete the Project; and
- Each Proposer, in the Illinois Tollway's sole discretion, does not present a material financial risk that would hinder its ability to complete the Project.

(IV) Safety:

- Proposer's safety record does not present a material risk of unsafe practices that might compromise the safety of workers and the public.

If a Proposer is deemed responsive, (including the Illinois Tollway waiving minor irregularities (if any), its SOQ will be further evaluated using the qualitative criteria in Section 5.2.2 (Qualitative Evaluation Criteria and Weights).

5.2.2 Qualitative Evaluation Criteria and Weights

SOQs **shall** be reviewed and scored as follows:

- a. **Proposer Experience, Qualifications, and Performance (40%)** – For Major Participants responsible for the Phase One (preconstruction) and Phase Two (construction) of the Project and other identified subcontractors and subconsultants:
 - Experience in the past ten (10) years providing Phase One (preconstruction) services to an agency or owner, including (but not limited to): scheduling, Work sequencing, constructability, cost estimating, and risk identification for projects of a similar scope, complexity, and size as the Project;
 - Demonstrated experience, expertise, and capacity in Phase Two (construction) Work with successful completion in the past ten (10) years of projects of similar scope, complexity, and size as the Project on time, within budget and with a record of producing quality Work;
 - A demonstrated record of completing construction contracts on time and within budget;

- Experience in managing Tollway users' access to facilities and site operations, successfully collaborating with numerous types of utility facilities, successfully collaborating with multiple: crews, segments, and jurisdictions, and supporting Tollway community interaction aspects;
- Experience with using innovative means of construction that resulted in cost savings and expediting of project completion;
- Proposers commitment to safety; and
- Proposers DBE performance history.

Proposer member integration:

- Prior successful collaboration between the Major Participants.

b. Key Personnel (40|%)

All Key Personnel experience **shall** be evaluated through all submitted documentation in reference to the table of Section 4.4.2.4 (*Key Personnel*):

- Experience of Proposer's Project Manager in managing projects of similar size and scope as the Project and facing constraints and challenges similar to the Project;
- Experience of Proposer's Construction Manager in managing construction, leading coordination between construction and Design teams and facing constraints and challenges similar to the Project;
- Experience of Proposer's Lead Estimator in preparing estimates on projects of similar size and scope as this Project and their commitment to open book transparency with owners;
- Experience of Proposer's Project Quality Manager in developing, implementing, and maintaining construction quality management systems of similar size and scope as that required for the Project;
- Experience of Proposer's Safety Manager in creating and executing safety plans and programs, leading safety teams and managing safety requirements for projects of a similar size and scope as the Project;
- Evidence of how inclusion of Proposer's Additional Key Personnel shows a deeper understanding of the Project's scope, and how the Additional Key Personnel should help the Illinois Tollway achieve the Project Goals stated in Section 1.5 (*Project Goals*). Should the Proposer choose not to submit any Additional Key Personnel, they **shall** be evaluated solely on the bullet points above.

c. Organizational Structure (20%)

- Proposer's understanding of the organizational structure necessary for a CM/GC project;
- The integration of Proposer's organization and its capability to function as a team that will effectively manage the Project, minimize risks, and complete the Project on time; and

- The extent to which Proposer’s organizational chart fully reflects the structure of its organization, including all Major Participants, all known Subcontractors, subconsultants, and Key Personnel, and all lines of communication between the parties listed on the organizational chart.

To determine the Shortlist, the Illinois Tollway **shall** evaluate each category using the following adjectival ratings:

- Exceptional;
- Good;
- Acceptable;
- Weak; and
- Unacceptable.

To rank Proposers’ SOQs, the Illinois Tollway, through an Evaluation Committee, **shall** reach a consensus adjectival rating for each of the categories (a through c) identified above. The consensus adjectival ratings **shall** be converted to numbers to assign a score to each SOQ. SOQs **shall** be ranked in order of their SOQ score.

A Proposer that receives an adjectival rating of “Unacceptable” in any of the categories above may, in the Illinois Tollway’s discretion, be eliminated from further consideration.

5.3 Determination of Shortlist

The Illinois Tollway will establish a Shortlist of an appropriate number of the highest quality Proposers to ensure adequate competition. The Shortlist **shall** be created by eliminating the lowest scored Proposers until an appropriate number remains. The Illinois Tollway anticipates it will name no fewer than two (2) and no more than five (5) Proposers to the Shortlist. Neither the overall ratings nor the ranking of Proposers on the Shortlist **shall** be disclosed during the procurement process. The Shortlist will be presented in alphabetical order to the public with points of contact listed for each respective team. SOQ scores **do not** move forward to step-two, the RFP phase.

5.4 Interview

Interviews are not anticipated to be required in the RFP, when issued.

5.5 Debriefing Meetings

No debriefing meetings will be held prior to Contract Award. Within sixty (60) Calendar Days after execution of the Contract, the Illinois Tollway will be available for an oral debriefing session upon written request made to the Illinois Tollway Purchaser by an Authorized Representative of any unsuccessful Proposer. The debriefing will not include point-by-point comparisons of the debriefed Proposer’s SOQ with those of the other Proposers. Moreover, the debriefing **shall** not reveal any information exempt from release under the Illinois Freedom of Information Act. More information about debriefing meetings will be provided upon request from unsuccessful Proposers after the Illinois Tollway announces the execution of the Contract.

6 FREEDOM OF INFORMATION ACT

6.1 Applicability of Act

Proposer acknowledges and agrees that all records, documents, drawings, plans, specifications and other materials in the Illinois Tollway's possession or those to which the Illinois Tollway is entitled to access, including materials submitted by Proposer, provided to or required to be provided to the State are subject to the Illinois Freedom of Information Act ("FOIA"), 50 ILCS 140/1 et seq. Proposer **shall** fully cooperate with Illinois Tollway's efforts to fulfill its obligation to comply with the FOIA. Proposer **shall** be solely responsible for all determinations made by it under such Act and for clearly and prominently marking each and every page or sheet of its materials with "trade secret" or "non-public" as it determines to be appropriate. Proposer is advised to contact legal counsel concerning such act and its application to Proposer.

6.2 Confidential Materials

Under no circumstances **shall** the Illinois Tollway be responsible for or liable to Proposer, or any other Person, for disclosing any materials provided to Illinois Tollway by Proposer or that Proposer causes to be provided to Illinois Tollway, whether the disclosure is required by law, by court order, or occurs through inadvertence, mistake or negligence on the part of Illinois Tollway.

The Illinois Tollway **shall** use its best efforts to keep all discussions with Proposers regarding trade secrets and other proprietary information confidential.

6.3 Proposer to Defend Against Disclosure Request

In the event of litigation concerning the disclosure of any material submitted by Proposer to the Illinois Tollway, the Illinois Tollway's sole involvement will be as a stakeholder retaining the material until otherwise ordered by a court, and Proposer **shall** be fully responsible for otherwise prosecuting or defending any action concerning the materials at its sole cost and risk.

By submitting a SOQ, Proposer agrees to defend, indemnify and hold the Illinois Tollway harmless for any alleged patent or copyright infringement or other allegedly improper appropriation or use of, or release of trade secrets, patents, proprietary information, know-how, copyright rights or furnished or communicated to the Illinois Tollway pursuant to CM/GC Contractor's Statement of Qualifications; provided, however, that this indemnity **shall** not apply to any infringement to the extent resulting from the Illinois Tollway's failure to comply with specific written instructions regarding use provided to the Illinois Tollway by CM/GC Contractor.

7 PROTEST PROCEDURES

A Proposer may file a Protest pursuant to the administrative Protest rules of the Chief Procurement Officer (“CPO”) for the Department of Transportation, 44 Ill. Admin. Code 6.390 through 6.440. Protests **must** be in writing and submitted to the Protest Review Office at the address listed below within seven Calendar Days after the protesting party knows or should have known of the facts giving rise to the Protest. Protests filed after the seven-Calendar Day period **shall** not be considered. In addition, Protests that raise issues of fraud, corruption or illegal acts affecting specifications, special provisions, supplemental specifications and plans **must** be received by the CPO no later than 14 Calendar Days after Notice of Award. Protests filed after this 14-Calendar Day period **shall** not be considered.

Chief Procurement Officer
Attn: Protest Review Office

Email: cpogs.pro@illinois.gov
Illinois Relay: (800) 526-0844

8 ILLINOIS TOLLWAY RIGHTS AND DISCLAIMERS

8.1 Illinois Tollway Rights

The Illinois Tollway may investigate the qualifications of any Proposer under consideration, may require confirmation of information furnished by a Proposer, and may require additional evidence of qualifications to perform the Work described in this RFQ. The Illinois Tollway additionally reserves the right, in its sole and absolute discretion, to:

- a. Reject any or all SOQs;
- b. Modify the RFQ process (with appropriate notice to Proposers);
- c. Seek the assistance of outside technical advisors in the SOQ evaluation;
- d. Approve or disapprove the use of particular Subcontractors or Subconsultants and/or substitutions and/or changes in SOQs;
- e. Waive minor and/or technical deficiencies, informalities, and irregularities in SOQs;
- f. Deem an SOQ non-responsive as outlined in Section 5.2.1 (*Responsiveness and Deficiency Review*)(a);
- g. For all SOQs deemed responsive, the Evaluation Committee will perform a deficiency review as outlined in Section 5.2.1 (*Responsiveness and Deficiency Review*)(b); and/or
- h. Refuse to issue an RFQ to a prospective Proposer and refuse to receive or open an SOQ, once submitted, or reject an SOQ if such refusal or rejection is based upon, but not limited to, the following:
 - Failure on the part of a Major Participant to pay, satisfactorily settle, or provide security for the payment of claims for labor, equipment, materials, supplies, or services legally due on previous or ongoing contracts;
 - Default on the part of a Major Participant under previous contracts;
 - Unsatisfactory performance of previous Work by Proposer and/or a Major Participant;
 - Issuance of a notice of debarment or suspension under the Illinois Tollway regulations to Proposer, and/or a Major Participant;
 - Submittal by Proposer of more than one SOQ for the same Work under Proposer's own name or under a different name;
 - Evidence of collusion between a prospective Proposer (or any Major Participant) and other Proposer(s) (or Major Participants) in the preparation of an SOQ, Proposal or bid for any the Illinois Tollway construction project; and/or
 - Uncompleted Work or default on a contract in another jurisdiction for which the prospective Proposer or a Major Participant is responsible, which in the judgment of the Illinois Tollway

might reasonably be expected to hinder or prevent the prompt completion of additional Work if awarded.

The RFQ does not commit Illinois Tollway to enter a Contract, nor does it obligate Illinois Tollway to pay for any costs incurred in the preparation and submission of an SOQ or in anticipation of a Contract. By submitting an SOQ, a Proposer disclaims any right to be paid for such costs.

8.2 Illinois Tollway Disclaimers

In issuing this RFQ and undertaking the procurement process contemplated hereby, the Illinois Tollway specifically disclaims the following:

- a. Any obligation to Shortlist Proposers pursuant to this RFQ;
- b. Any obligation to issue an RFP;
- c. Any obligation to Award or execute a Contract pursuant to this RFQ; and
- d. Any obligation to reimburse a Proposer for any costs it incurs in relation to this procurement.

A Proposer's submission of an SOQ and participation in the procurement process constitutes Proposer's acknowledgement, understanding, acceptance of and agreement with these disclaimers.

9 COMPLIANCE WITH APPLICABLE LAWS

Proposers **shall** comply with all applicable laws in all aspects in connection with the procurement process of this Project, and if selected, the performance of the Contract.

APPENDIX A
RFQ Forms