

INSTRUCTIONS TO PROPOSERS

Illinois Tollway Design-Build Project

RR-23-4920R

May 28~~March 27~~, 2026

Addendum 3



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Appendix A – ITP Forms

Form 1	Information about Major Participants and Identified Subcontractors
Form 2	Stipend Agreement
Form 3	Contract Bond Agreement
Form 4	Payment Bond
Form 5	Performance Bond
Form 6	Alternative Technical Concept (ATC) Submittal Form
Form 7	Information on Party to the Contract
Form 8	Addendum Receipt
Form 9	Responsible Proposer Affidavit in Accordance with 30 ILCS 500/30-22(8)
Form 10	DBE Utilization Plan (DBE 2026DB)
Form 11	Participation Letter of Intent Statement (DBE 2025DB)
Form 12	Demonstration of Good Faith Efforts (DBE 2023DB)
Form 13	Workforce Projection (EEO 1256DB)
Form 14	VOSB Utilization Plan (VOSB 2026DB)
Form 15	Participation Letter of Intent Statement (VOSB 2025DB)
Form 16	Demonstration of Good Faith Efforts (VOSB 2023DB)
Form 17	Partnering for Growth (P4G) Plan
Form 18	Partnering for Growth Agreement for Illinois Tollway Professional Services Agreement P4G Participant Firm
Form 19	Partnering for Growth Agreement for Illinois Tollway Construction Participant Firm
Form 20	Proposer Has Met Checklist
Form 21	State of Illinois CPO Standard Terms and Conditions

ITP Definitions (See Book 1 for Contractual Definitions)

Addendum	Shall mean graphic or written revisions to the Request for Proposals (RFP) (including responses to Proposer questions), issued by the Illinois Tollway after the RFP is issued but before the opening of the Proposals.
BidBuy	Shall mean the State of Illinois eProcurement system.
Design-Build	Shall mean a method of procurement and contracting that provides responsibility within a single contract between the Illinois Tollway and a Design-Builder for the furnishing of architectural, surveying, engineering, construction, and related services for a Transportation Facility. (Section 10 of the ITI Act).
Evaluation Committee	Shall mean the 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 as part of the Evaluation Team that will score SOQs and Proposals.
Notice of Award	Shall mean when the Illinois Tollway notifies the public of its intent to Award the Contract to the Apparent Best Value Proposer.
Proposal	A response to a Request for Proposals.
Proposal Bond	Shall mean the bond, in a form acceptable to the Illinois Tollway, given by the Proposer 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.
Proposal Validity Period	Shall mean the 180-day time period following the Proposal Due Date.
Protest	Shall mean in accordance with the Illinois Procurement Code, and 44 Ill. Admin. Code 6.390 through 6.440.
Record Plans	Shall mean Contract Plans which have been marked, to show changes or alterations to the work which were incorporated during the course of construction.
Request for Proposals (RFP)	As defined in Section 10 of the ITI Act, shall mean the document issued by the Illinois Tollway to solicit proposals and describe the procurement process for the Contract in accordance with the Design-Build project delivery method.

Shortlist	Shall mean Proposers that have submitted a response to the Request for Qualifications (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.
Stipend	Shall mean the payment available to responsible Proposers that elect to receive the stipend and submit a fully responsive but unsuccessful Proposal.
Stipend Agreement	Shall mean the agreement prescribed by Form 2 (Stipend Agreement) of the ITP.

1 INTRODUCTION AND SUMMARY

1.1 General Information

These Instructions to Proposers (“ITP”) are issued by the Illinois State Toll Highway Authority (“Illinois Tollway”) to only those firms or teams of firms (“Proposers”) that were approved to submit a Proposal by making it to the Shortlist in the Request for Qualifications (“RFQ”) selection process. This Request for Proposals (“RFP”) for the Illinois Route 390 Design-Build Project (“Project”) hereby invites such Proposers to submit competitive proposals (“Proposals”) for administration, design, and construction of the Project as more specifically described in the RFP.

The RFP consists of the following documents:

- (a) This ITP (not a Contract Document)
- (b) Contract Documents
 - a. Book 1 (Contract);
 - b. Book 2 (Project Requirements);
 - c. Book 3 (Applicable Standards); and
- (c) Project Information (not a Contract Document unless otherwise specified in Book 1 or Book 2)

Project Information consists of electronic files available on BidBuy (<https://bidbuy.illinois.gov>), the State of Illinois’ eProcurement system and files in the Illinois Tollway Online Plan Room (“Online Plan Room”). Refer to the Project Information table of contents provided in Book 1, Exhibit 13 for all information provided. Capitalized terms and acronyms not otherwise defined herein **shall** have the meaning set forth in Book 1, Exhibit 1. The ITP Forms listed on page v of the ITP are included as part of the RFP. Proposer may adjust fillable fields in the ITP Forms if it requires more space to provide the requested information than is currently allocated.

1.2 Project Description

The Project is located along Illinois Route 390 Tollway between Mile Post 6.0 (US 20/Lake St) to Mile Post 13.0 (I-290).

1.3 Project Goals

The following goals have been established for the Project:

- Project Goals
 - o Deliver a high-quality HMA overlay to extend the life of the pavement;
 - o Deliver high quality repairs to pavements;
 - o Deliver high-quality repairs to bridge structures;
 - o Deliver high quality supporting roadway infrastructure;
 - o Minimize traffic impacts to Illinois Tollway users during construction;
 - o Cause no disruption in collection of tolls;
 - o Meet or exceed DBE and VOSB goals; and
 - o To provide input for continuous improvement of the Illinois Tollway’s Design-Build program.

1.4 Description of the Work

The Design-Builder **shall** be required to self-perform a minimum of 35% of the Construction Work in the Contract. Specifically, the Work under this Contract includes, but is not limited to:

- (I) Rehabilitation of existing mainline and ramp pavements including crack routing and sealing, shoulder microsurfacing, pavement patching and resurfacing;
- (II) Rehabilitation of existing mainline bridges including scarifying the bridge decks, deck slab repairs, reconstruction of expansion joints, placement of bridge deck latex concrete overlays, bridge deck grooving, extensions of existing parapets, PPC I-Beam Repairs, resetting and/or replacement of elastomeric expansion bearings at select locations, cleaning and painting of structural steel and bearings at select locations, structural repair of concrete at piers and abutments (as required), and slope wall repairs. The mainline bridges included in this project are as follows:

- BN 1601 (SN 016-2565): IL Rte. 390 (eastbound) over Metra Railroad and Wetlands
- BN 1602 (SN 016-2566): IL Rte. 390 (westbound) over Metra Railroad and Wetlands
- BN 1602C: IL Rte. 390 over West Branch of DuPage River
- BN 1603 (SN 016-2590): Northbound Gary Avenue (Ramp B) to eastbound IL Rte. 390 over IL Rte. 390 Ramp D
- BN 1604 (SN 016-2589): IL Rte. 390 (westbound) to SB Gary Ave. (Ramp A) over IL Rte. 390 eastbound/westbound & Ramp D
- BN 1605 (SN 016-2587): IL Rte. 390 (eastbound) over Springingsguth Road
- BN 1606 (SN 016-2588): IL Rte. 390 (westbound) over Springingsguth Road
- BN 1606A (SN 016-2576): IL Rte. 390 (westbound) Exit Ramp to SB Gary Ave. over Springingsguth Road
- BN 1607 (SN 016-2591): IL Rte. 390 (eastbound) over Irving Park Road (IL Rte. 19)
- BN 1608 (SN 016-2592): IL Rte. 390 (westbound) over Irving Park Road (IL Rte. 19)
- BN 1609 (SN 016-2570): IL Rte. 390 (eastbound) over Rodenberg Road
- BN 1610 (SN 016-2571): IL Rte. 390 (westbound) over Rodenberg Road
- BN 1611 (SN 016-2568): IL Rte. 390 (eastbound) over Wright Boulevard
- BN 1612 (SN 016-2569): IL Rte. 390 (westbound) over Wright Boulevard
- BN 1613 (SN 016-2558): IL Rte. 390 (eastbound) over Mitchell Boulevard
- BN 1614 (SN 016-2557): IL Rte. 390 (westbound) over Mitchell Boulevard
- BN 1615 (SN 016-2560): IL Rte. 390 (eastbound) over Canadian Pacific Railroad Spur
- BN 1616 (SN 016-2559): IL Rte. 390 (westbound) over Canadian Pacific Railroad Spur
- BN 1619 (SN 022-0179): IL Rte. 390 (eastbound) over Meacham/Medinah Road

- BN 1620 (SN 022-0222): IL Rte. 390 (westbound) over Meacham/Medinah Road
- (III) Rehabilitation of crossroad structures including resetting and/or replacement of elastomeric expansion bearings at select locations, cleaning and painting of structural steel and bearings at select locations, structural repair of concrete at piers and abutments (as required), and slope wall repairs. The crossroad structures included in this project are as follows:
- BN 1600 (SN 022-0208): US Rte. 20 (Lake Street) over IL Rte. 390 (eastbound)
 - BN 1618 (SN 016-2562): Plum Grove Road over IL Rte. 390 eastbound/westbound
- (IV) Repairs to existing concrete box culverts;
- (V) Repairs to existing retaining walls and noise abatement walls;
- (VI) Repairs to existing overhead sign structures;
- (VII) Repairs to existing Drainage Structures
- (VIII) Update roadway lighting; to meet grading standards and relocation of lighting controllers as required in specific areas
- (IX) Provide improvements to the drainage and underdrain systems at select locations;
- (X) Maintenance of Traffic including those for impacts to local facilities;
- (XI) Miscellaneous landscape, drainage and erosion control improvements; and
- (XII) Protect and/or relocation of utilities.

1.4.1 Status of the Work

Right of Way (ROW): It is anticipated that no additional ROW (temporary or permanent) will be required for this Project.

Environmental Permits and Approvals: The Illinois Tollway is determining the permits and approvals that may be required for the Project, including those that the Illinois Tollway may obtain and those that the Design-Builder should be required to obtain. Additional information is provided in Table 4-1 of Book 2, Section 4 (Environmental).

Geotechnical: Additional geotechnical information may be required for the Project.

Utilities: There are no anticipated private or public utility relocations planned as part of the Project's scope.

1.5 Procurement Method

The Illinois Tollway is using a two-step process to select a Design-Builder to deliver the Project. As part of the first step, the Illinois Tollway determined the Shortlist for the Project based on Statements of Qualifications ("SOQs") it received in response to the Illinois Tollway's RFQ dated August 5, 2025. The Illinois Tollway will then Award the Contract (if at all) to the responsive Proposer offering the best value as described in this ITP. The Illinois Tollway reserves the right to reject any or all Proposals.

1.6 Change in Proposer's Organization

In the event a Proposer wishes to change its organizational structure (i.e. Major Participants, subcontractor, Key Personnel) from that described in its SOQ, Proposer **must** submit a written request as soon as possible and before the Deadline for Submitting Organizational/Major Participant/Key Personnel Change Requests identified in Section 2 (Procurement Schedule) and then obtain written Approval of the change from the Illinois Tollway before the Proposal Due Date. This includes any changes in the form of organization of any Major Participant or subcontractor, or any changes to Key Personnel identified in the SOQ (including additions, deletions, and reorganization). The written request should document how the proposed Major Participant or subcontractor or Key Personnel to be removed, replaced, or added will

be equal to or better than the Design-Build firm or individual identified in the SOQ. Key Personnel may not be changed for convenience. The Illinois Tollway **shall** use the evaluation criteria specified in the RFQ to decide all requests.

All Proposers should submit the requested changes as previously stated to the Illinois Tollway Purchasing Agent (“Purchasing Agent”) using the contact information provided in [Section 3.3](#) (*Proposer Communications*), along with the information specified for the entities or individuals in the RFQ. The Illinois Tollway may Approve or disapprove a portion of the request or the entire request at its sole discretion.

The Purchasing Agent will notify Proposers of proposed changes Approved or may request additional information be submitted by Proposers to support their requested changes. Substitutions of Key Personnel after execution of the Contract will be subject to the terms therein, and in certain circumstances, may be subject to the assessment of Liquidated Damages.

1.7 Award and Proposal Validity

Proposals **shall** remain valid for 180 days following the Proposal Due Date. If not withdrawn at that time, the Proposal **shall** remain valid until an award is made or the solicitation is cancelled.

If the Illinois Tollway has not executed the Contract within the Proposal Validity Period, as previously stated, due to no fault of the selected Apparent Best Value Proposer, the Illinois Tollway may send a written request to the selected Apparent Best Value Proposer seeking concurrence to extend its Proposal and Proposal Validity Period. Such Proposer may, at its option, agree to extend the validity of its Proposal. After the Proposal Validity Period and any agreed extension thereof, Proposer may withdraw its Proposal, and the Proposal Guaranty or Proposal Bond **shall** be returned to Proposer. Proposer **shall** not be entitled to any damages or additional compensation due to a delay in awarding the Contract.

The Illinois Tollway **shall** have no liability or obligation to Proposer, the Surety, or any other party who may have an interest, directly or indirectly, for claims, losses or damages of any kind or nature whatsoever, resulting from the Illinois Tollway’s failure to execute the Contract.

1.8 Disadvantaged Business Enterprise (DBE) Participation and Performance Plan

The Illinois Tollway's Disadvantaged Business Enterprise (“DBE”) Program includes disadvantaged, minority and women-owned business enterprise (“D/M/WBE”) firms. Proposer **must** comply with the Illinois State Tollway Highway Special Provision for Design-Build projects for Disadvantaged Business Enterprise Participation (“DBE Special Provisions”) set forth in Book 1, Exhibit [6]. For the purposes of this Contract and in accordance with the DBE Special Provisions, DBE means 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, 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 firm’s participation can count towards the DBE goal if the firm has current certification at the time of Approval and if the firm is listed in the directory database of Illinois Department of Transportation or any other approved diversity database listed herein.

Two separate DBE goals have been established for this Project. One goal for design/professional services of **twenty-six (26) percent** and a second goal of twenty-nine **(29) percent** for construction-related services. Proposer, as part of its Proposal, **shall** submit an initial Form 10 (DBE Utilization Plan), also referred to as DBE 2026DB, that includes the list of currently certified DBE firms Proposer has identified and commits to utilize, including its own participation as a DBE, if applicable. Form 10 (DBE Utilization Plan) will include scopes and DBE % of the Work to be performed pursuant to this RFP, and in conformance with the DBE Special Provisions available on BidBuy. In addition, Proposer **shall** submit a DBE Performance Plan (“DBEPP”) which should consist of innovative and aggressive strategic narratives that summarize the Design-Builder’s efforts for DBE inclusion and utilization. The DBEPP will also include a DBE Achievement Strategy which outlines the DBE % for anticipated scopes of Work Proposer intends to utilize for DBE participation to meet both the professional services and construction-related services goals as previously stated throughout

the Project. The DBEPP should also clearly articulate the methods Proposer intends to employ to meet the goals including the good faith efforts demonstrated to meet the goals through extensive outreach in addition to business and mentoring initiatives. The DBEPP should identify the experienced dedicated diversity and inclusion personnel or consultant that Proposer will use on the Project to manage and monitor the utilization of DBE firms in compliance with the Contract.

Following the Notice of Award and before Contract execution further discussed in Section 6 (*Post-Selection Contracting Process*) of this ITP, the then Apparent Best Value Proposer will support their initial Form 10 (DBE Utilization Plan) by submitting Form 11 (Participation Letter of Intent Statement), also referred to as DBE 2025DB, for each DBE firm listed in their initial Utilization Plan. DBE 2025DB is not required to be submitted with the Technical Proposal. In no case should Proposer remove, replace, or reduce the commitment to a DBE firm listed in the initial or subsequent Form 10 (DBE Utilization Plan) DBE Form 2026DB without prior written consent of Illinois Tollway. Under no circumstances is Proposer allowed to change the amount of the Price Proposal.

Illinois Tollway will independently monitor the compliance of the DBE requirements, documentation, and the DBEPP throughout the procurement, Contract Award and post Award phases of the Contract. This includes monitoring the Design-Builder's good faith efforts quarterly throughout the Project through submitting Form 12 (Demonstration of Good Faith Efforts), also referred to as DBE 2023DB. This is provided for reference and is not required to be submitted with the Technical Proposal.

All DBE forms previously stated are contained in Appendix A. Details of the DBE Performance Plan and associated DBE Achievement Strategy are available by accessing the DBE Special Provisions document available as Book 1, Exhibit 6: Special Provision for Disadvantaged Business Enterprise Participation.

1.9 Equal Employment Opportunity (EEO) / Workforce Development

By submitting this Proposal, Proposer agrees to follow the Illinois Tollway Special Provisions for Equal Employment Opportunity Program ("EEO"), including the requirements set forth in Book 1, Exhibit [5]. The EEO Program promotes equality of employment opportunity for all individuals including veteran, minority, and female tradespersons on the Illinois Tollway capital construction projects. In its efforts to achieve this equality, it is the desire of the Illinois Tollway to follow the guidelines as instituted by the United States Department of Labor, Office of Federal Contract Compliance Programs ("OFCCP") as established through 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.

Proposer should meet the workforce goals assigned to the construction portion of the Contract. The Illinois Tollway Compliance department will regularly monitor the compliance of the EEO/workforce diversity requirements and reports submitted throughout the term of the Contract including Form 13 (Workforce Projection), also referred to as EEO 1256DB, contained in Appendix A. This form is for Proposer reference only but will be required to be completed by the selected Design-Builder no later than 30 days Calendar Day before construction commences. Additionally, the selected Design-Builder will comply with workforce diversity initiatives and goals of the Illinois Tollway and its programs including the ConstructionWorks Apprenticeship program and the Partnering for Growth (P4G) program.

1.10 Veteran Small Business (VOSB) Participation and Utilization/Performance Plan

Pursuant to the Illinois Tollway Veteran Small Business Participation and Utilization Plan Special Provisions, it is the goal of the Illinois Tollway to promote and encourage the continued economic development of small businesses owned and controlled by qualified veterans. Qualified service-disabled veteran-owned small businesses ("SDVOSB") and veteran-owned small businesses ("VOSB") can participate in the Illinois Tollway's procurement process as both prime contractors and subcontractors.

This RFP includes specific VOSB participation goals of **three (3) percent** for professional services and **one and a half (1.5) percent** for construction work based on the availability of the Illinois Department of Central Management Services

certified veteran-owned and service-disabled veteran-owned small business (VOSB/SDVOSB) firms to perform or provide the anticipated services and/or supplies required by this Project. Proposer, as part of its Proposal, **shall** submit an initial Form 14 (VOSB Utilization Plan), also referred to as VOSB 2026DB, that includes the list of currently certified VOSB firms the Proposer has identified and commits to utilize, including its own participation as a VOSB, if applicable. Form 14 (VOSB Utilization Plan) will include scopes and VOSB % of the Work to be performed pursuant to this RFP, and in conformance with the VOSB Special Provisions available on BidBuy. In addition, the Proposer **shall** submit a VOSB Performance Plan (“VPP”) which should consist of innovative and aggressive strategic narratives that summarize the Design-Builder’s efforts for VOSB inclusion and utilization. The VPP will also include a VOSB Achievement Strategy which outlines the VOSB % for anticipated scopes of Work the Proposer intends to utilize for VOSB participation to meet both the professional services and construction-relates services goals as previously stated throughout the Project. The VPP should also clearly articulate the methods Proposer intends to employ to meet the goals including the good faith efforts demonstrated to meet the goals through extensive outreach in addition to business and mentoring initiatives. The VPP should identify the experienced dedicated diversity and inclusion personnel or consultant that Proposer will use on the Project to manage and monitor the utilization of VOSB firms in compliance with the Contract.

Following the Notice of Award and before Contract execution further discussed in Section 6 (*Post-Selection Contracting Process*) of this ITP, the then Apparent Best Value Proposer will support their initial Form 14 (VOSB Utilization Plan) by submitting Form 15 (Participation Letter of Intent Statement), also referred to as VOSB 2025DB, Participation Letter of Intent, for each VOSB firm listed in their initial Form 14 (VOSB Utilization Plan). VOSB 2025DB is not required to be submitted with the Technical Proposal. In no case should a Proposer remove, replace, or reduce the commitment to a VOSB firm listed in the initial or subsequent Form 14 (VOSB Utilization Plan) without prior written consent of the Illinois Tollway. Under no circumstances is Proposer allowed to change the amount of the Price Proposal submitted or any other documentation unrelated to this special provision.

The Illinois Tollway will independently monitor the compliance of the VOSB requirements, documentation and the VPP throughout the procurement, Award of the Contract, and post-Award phases of the Contract. This includes monitoring the Design-Builder’s good faith efforts quarterly throughout the Project through Form 16 (Demonstration of Good Faith Efforts), also referred to as VOSB 2023DB. This is provided for reference and is not required to be submitted with the Technical Proposal.

The VOSB goals are separate and distinct from the DBE goals. A single firm may not be utilized to achieve credit toward both the DBE and VOSB goals on a single project except when the firm is submitting the Proposal as the lead firm for Proposer, is certified as both a DBE and VOSB and will commit to meeting the two goals by self-performing the same or greater percentage of work under the contract as the DBE and VOSB goals added together.

All VOSB forms previously stated are contained in Appendix A. Details of the VOSB Performance Plan and associated VOSB Achievement Strategy are available by accessing the Special Provisions for Design-Build Projects for VOSB Participation available on BidBuy.

1.11 DBE/VOSB Outreach

Proposers are strongly encouraged to attend and actively participate in local outreach activities and events to connect with DBE and VOSB firms and inform them about opportunities on the Project. This outreach could include events such as a DBE/VOSB networking workshop event related to the Project coordinated and scheduled by the Illinois Tollway’s Diversity Department in addition to the Building for Success webinar series. Proposers are also encouraged to connect with prospective professional services and construction services firms at any time during the procurement phase as well as after Award in addition to the DBE/VOSB outreach events in order to identify and ensure the utilization of DBE/VOSB participation to achieve the Project goals stated in Section 1.3 (*Project Goals*) of this ITP. However, Proposer is expected to conduct its own extensive outreach activities to DBE and VOSB firms prior to or after contract award to identify and actually utilize DBE and VOSB firms on the Project and to meet the commitment outlined in the DBE and VOSB Performance plans in addition to the associated DBE and VOSB Utilization Plans to meet the DBE and VOSB goals.

1.12 DBE/VOSB Partnering for Growth (P4G) Program

The Illinois Tollway’s Partnering for Growth Program (P4G) encourages prime consultants and contractors to assist disadvantaged, minority-and women-owned business enterprise (D/M/WBE) firms and veteran-owned small businesses (VOSBs) in remaining self-sufficient, competitive and profitable businesses. This program is applicable to both construction and professional services for DBE and VOSB firms. Proposer should include their intention and to what extent the Proposer will participate in the P4G Program in the DBE and VOSB Performance Plans. The Illinois Tollway strongly encourages Proposers to participate in the P4G Program by submitting Form 17 (Partnering for Growth (P4G) Plan) with the Technical Proposal. If Proposer elects to participate, at least one DBE or VOSB professional services firm **must** be identified on Form 17 (Partnering for Growth (P4G) Plan) with the Technical Proposal. Proposer may also include a DBE or VOSB construction firm on Form 17 (Partnering for Growth (P4G) Plan) if one is identified when the Technical Proposal is submitted. If Proposer elects to participate and there is no construction firm noted on the submitted Form 17 (Partnering for Growth (P4G) Plan), the Proposer **must** make an affirmative commitment to submit a P4G agreement with a construction firm no later than 30 Calendar Days before the start of construction. In addition, P4G program participation requires the selected Design-Builder following Award to execute at least one Form 18 (Partnering for Growth Agreement for Illinois Tollway Professional Services P4G Participant Firm), and at least one Form 19 (Partnering for Growth Agreement for Illinois Tollway P4G Construction Participant Firm). Form 18 (Partnering for Growth Agreement for Illinois Tollway Professional Services P4G Participant Firm) and Form 19 (Partnering for Growth Agreement for Illinois Tollway P4G Construction Participant Firm) are provided in Appendix A for reference only and are not required to be submitted with the Technical Proposal.

1.13 Construction Works Program

In addition to the Design-Builder's equal employment opportunity efforts undertaken as elsewhere required by this Contract, the Design-Builder is encouraged to participate in the qualifying Construction Works (“CW”) eligible apprentices. This incentive will provide wage reimbursement to the Design-Builder and its contractors who employ CW participants within the following skilled trades: i.e., Operating Engineers, Electricians, Iron workers, Carpenters, Cement Masons, etc. performing work on the Project. The CW wage reimbursement incentive promotes the employment and retention of CW eligible apprentices in their acquisition of the prerequisite skills needed to achieve journey worker status in the top skilled trades predominately utilized within the Illinois Tollway heavy highway and related transportation construction industries. CW encourages retention and utilization of historically underrepresented individuals such as minorities, women, veterans, ex-offenders and economically disadvantaged individuals on Illinois Tollway projects.

1.14 Governing Laws

The Contract Documents **shall** be governed by and construed in accordance with the law of the State of Illinois, without regard to conflict of law principles.

1.15 Entire Agreement

The Contract Documents contain the entire understanding of the parties with respect to the subject matter hereof and supersede all prior agreements, understandings, statements, representations, and negotiations between the parties with respect to its subject matter.

1.16 Not Used

1.17 E-Verify Certification

To the extent applicable as required by law, the Apparent Best Value Proposer **must** comply with and utilize the U.S. Department of Homeland Security’s Employment Eligibility Verification System (i.e., E-Verify), in accordance with the terms governing the use of the system, to confirm the employment eligibility of persons employed by the successful Proposer, during the term of the Contract, to perform employment duties within Illinois. The successful Proposer is

required to include an express provision in its subcontractor and subconsultant agreements requiring the subcontractors and subconsultants to do the same.

1.18 Acknowledgement of Receipt of Addenda

The Proposer should acknowledge receipt of any addenda issued to the Proposer by inserting the Addendum number and the issuing date in the space provided in the RFP, specifically Form 8 (Addendum Receipt).

1.19 Responsible Proposer Affidavit

Pursuant to Section 30-22(8) of the Illinois Procurement Code, 30 ILCS 500/30-22(8), Proposer **shall** maintain an Illinois office as the primary place of business for persons employed in the construction authorized by the Contract Documents. As such, Proposer **shall** submit Form 9 (Responsible Proposer Affidavit) with its Administrative Proposal.

In the event Form 9 (Responsible Proposer Affidavit) is found to be false in any respect, the Illinois Tollway may, at its option, void the Contract without liability on the part of the Illinois Tollway, and in addition, the selected Design-Builder and its Surety or sureties **shall** be liable to the Illinois Tollway for any and all damages of every nature and description sustained, directly or indirectly, by the Illinois Tollway as a result of entering into contracts based upon, among other things, the execution of such false affidavit.

1.20 Illinois Human Rights Act

The Proposer is advised that the Illinois Tollway has heretofore by resolution adopted all applicable requirements and provisions of the Illinois Fair Employment Practices Act, now the Illinois Human Rights Act, 775 ILCS 5/1-101, et seq., and all applicable rules and regulations promulgated thereunder, and that all such applicable requirements, provisions and rules and regulations are deemed to be a part of the Contract and to apply to the selected Design-Builder as if fully set out herein.

1.21 Not Used

1.22 Publicity

Proposer **shall** not, in any advertisement, including but not limited to Proposer's website or any other type of solicitation for business, state, indicate or otherwise imply that it is pursuing an active procurement with the Illinois Tollway. In addition, the Illinois Tollway's name **shall** not be used, including but not limited to on Proposer's website for any prior advertisement, solicitation, or previous project work without the prior written approval of the Illinois Tollway. Failure to comply could result in the Proposer being deemed Non-Responsive

1.23 Ineligible Firms

As previously stated in the RFQ, the following firms have either been retained by the Illinois Tollway to assist in the preparation of RFP technical specifications, Project scope of work, or consultation in the development of the qualifications and evaluation criteria for the SOQs and Proposals, or have directly and substantially participated in development of the preliminary engineering Design incorporated into the procurement solicitation for the Project, potentially providing an unfair competitive advantage in the Project procurement process:

- WSP USA, Inc.
- Ardmore Roderick
- HOH Group
- Morreale Communications
- HBM Engineering Group, LLC
- Accurate Group, Inc.
- Bowman Consulting Group, LTD
- Innleadair, LLC

- Millennia Professional Services of Illinois, Ltd.
- Tecma Associates, Inc.
- 4HD, Inc.
- Cotter Consulting, Inc.
- Material Solutions Laboratory
- Orion Engineers, PLLC
- Stanley Consultants, Inc.
- SW Consulting & Engineering Services
- TransLand Engineering Group
- HNTB Corporation
- Kaskaskia Engineering Group, LLC
- GZA GeoEnvironmental, Inc.

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

1.24 Inspector General

All Proposers hereby acknowledge that pursuant to Section 8.5 of the Toll Highway Act, 605 ILCS 10/8.5, the Office of Inspector General (“OIG”) of the Illinois Tollway is empowered to have the Illinois Tollway conduct investigations into certain matters including but not limited to allegations of fraud, waste, and abuse, and to conduct reviews. The Proposer, and eventual selected Design-Builder **shall** fully cooperate in any OIG investigation or review. Cooperation includes providing access to all information and documentation related to the goods/services described in this agreement and disclosing and making available all personnel involved or connected with these goods/services or having knowledge of these goods and services. All subcontracts **must** inform subcontractors and subconsultants of this provision and their duty to comply.

1.25 Acceptance of Scanned Signatures

Unless otherwise specified, the parties agree that bids, contracts, certifications and disclosures, and other Contract related documents to be entered into in connection with the resulting Contract will be considered signed when the signature of a party is delivered by scanned image (e.g. .pdf or .tiff file extension name) as an attachment to electronic mail (email). Such scanned signature will be treated in all respects as having the same effect as an original wet ink signature.

2 PROCUREMENT SCHEDULE

The deadlines and due dates shown in Table 2-1 apply to this ITP. The Illinois Tollway may at its discretion amend this schedule by issuing an addendum to the RFP.

Issue RFP to Shortlisted Proposers	March 27, 2026
Mandatory RFP Pre-Proposal Meeting (Virtual) – link to be provided to shortlisted teams by Illinois Tollway). See note (1) below.	April 7, 2026
Deadline to submit agenda items for first one-on-one meeting	April 21, 2026
First one-on-one meetings with Shortlisted Proposers	April 22, 2026
Mandatory Teaming Workshop (In-Person)	May 15, 2026
Deadline to submit agenda items for second one-on-one meeting	May 15, 2026
Second one-on-one meetings with Proposers	May 18, 2026
Deadline to submit Optional Project Site Walk Through Request	May 18, 2026
Deadline to submit agenda items for third one-on-one meeting	June 1, 2026
Third one-on-one meetings with Proposers	June 2, 2026
Deadline for RFP Questions	June 15, 2026 (2:00 p.m. CT)
ATC Submittal Deadline	June 15, 2026 (2:00 p.m. CT)
PAE Submittal Deadline	June 15, 2026 (2:00 p.m. CT)
Deadline for Submitting Organizational/Major Participant/Key Personnel Change Requests	June 18, 2026
Stipend Agreement Submittal Deadline	July 10, 2026
Proposal Due Date**	July 10, 2026 (10:30 a.m. CT)
Anticipated Announcement of Apparent Best Value Proposer*	August 17, 2026
Anticipated NTP 1	November 9, 2026

(1) Proposer representative(s) ~~should~~**shall** either view the virtual the RFP Pre-Proposal meeting or view the recording of the meeting when issued via Addendum. Proposer ~~should~~**shall** acknowledge on Form 20 (Proposer Has Met Checklist) in their ~~Executive Summary~~ that they have complied with this requirement. ~~See section 4.1.2 Executive Summary.~~

*Optional Project Site Walk Throughs with the Illinois Tollway are available to Proposers. The Illinois Tollway Purchasing Agent will contact each Proposer with suggested dates and times.

**Technical Proposals, Administrative Proposals and Price Proposals are to be submitted through BidBuy, the State of Illinois’ eProcurement System (see Section 3.5 (BidBuy and Online Plan Room)).

3 PROCUREMENT PROCESS

3.1 Confidentiality During Evaluation and Selection Process

Subject to the Freedom of Information Act, the Illinois Tollway has taken measures to protect the confidentiality of submitted Proposals during the entire evaluation and selection process. However, under no circumstances will the Illinois Tollway be responsible or liable to a Proposer or any other party as a result of disclosing any materials, whether the disclosure is deemed required by law, by an order of court, or occurs through inadvertence, mistake, or negligence on the part of the Illinois Tollway or its respective officers, employees, contractors, or consultants.

3.2 Examination of RFP and Requests for Clarification

Proposer **shall** be solely responsible for (1) reviewing and examining, with appropriate care, all RFP documents, including any supplements, addenda and notices issued; (2) requesting clarification or interpretation of any material discrepancy, deficiency, ambiguity, error, or omission in the RFP, or of any provision Proposer fails to understand; and (3) informing itself with respect to any and all conditions that may in any way affect the cost or nature of the Proposal or the performance of the Work after Award. Failure of Proposer to inform itself as described herein **shall** be at its sole risk.

Proposer **shall** take no advantage of any error or omission in the RFP documents or of any discrepancy between requirements therein. In the event Proposer discovers any error or discrepancy, Proposer **shall** immediately call upon the Illinois Tollway for resolution through a public question. The Illinois Tollway **shall** then make such corrections and interpretations as may be deemed necessary for the fulfillment of the intent of the RFP.

3.3 Proposer Communications

All communications including requests for clarification on the RFP documents, questions on the Proposal submittal, ATCs, and the Illinois Tollway's Design-Build program should be submitted to the Purchasing Agent through the contact information provided below. Prior to issuance of the complete RFP, all questions **must** be received by the Deadline for Book 1 and ITP Questions due date identified in Section 2 (Procurement Schedule). Following release of the complete RFP, all questions **must** be received by the Deadline for Complete RFP Questions due date identified in Section 2 (Procurement Schedule).

The Purchasing Agent **shall** be the sole point of contact for the Illinois Tollway during the procurement, except for assistance with registration in BidBuy, submitting electronic Proposals or accessing the Online Plan Room as provided in Section 3.5 (BidBuy and Online Plan Room). Contact Information:

The Illinois Tollway Purchasing Agent
Email: skelly@getipass.com

Proposer **must** identify a sole primary contact to communicate with the Illinois Tollway on procurement-related matters and provide this information to the Purchasing Agent. If the sole primary contact for Proposer is the same person as identified in the Proposer's earlier SOQ, then Proposer **must** reaffirm said sole primary contact in its Proposal. Only Shortlisted Proposers may submit questions through their respective sole primary contacts. The sole primary point of contact **must** be referenced in the executive summary as outlined in Section 4.1.2 (Executive Summary). Failure to comply could result in the Proposer being deemed Non-Responsive

Please note that written or oral communications received by the Illinois Tollway that impart or request 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 Illinois Procurement Code. See 30 ILCS 599/50-39. 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.

3.3.1 Web-Based Project Management

The Illinois Tollway will manage the Project following Award of the Contract using the Illinois Tollway’s web-based project management system. The primary goal of using the web-based project management system is to create a complete project record and serve as a project archive.

Once the Apparent Best Value Proposer is determined, all Project correspondence occurring with the Apparent Best Value Proposer will be addressed to the initial contact person identified previously in Section 3.3 (Proposer Communications) above via e-mail from the Illinois Tollway and via the web-based project management system. Initial correspondence is expected to consist of requests for information and responses related to DBE and subcontractor related items.

During the RFP, Proposers will submit the ATCs through the Web-Based Project management system that align with Form 6 (Alternative Technical Concept (ATC) Submittal Form). Proposers’ point of contact should request and take Web-Based Project Management training.

3.4 Proposer Questions

Proposers **must** download and use the “Proposer RFP Questions” spreadsheet found on BidBuy to submit Proposal questions, and they **must** be submitted and received by the Purchasing Agent identified in Section 3.3 (Proposer Communications) by the Deadline for Proposer Questions identified in Section 2 (Procurement Schedule).

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

No oral requests for clarification or interpretation, whether in person or by telephone, will be accepted. If Proposer has meetings or discussions with agencies or entities other than the Illinois Tollway, Proposer **shall** be responsible for verifying with the Illinois Tollway any Project-related information it receives.

The Illinois Tollway will issue addenda on BidBuy in response to questions received from Proposers in its completed Proposer RFP Questions spreadsheet. Responses to Proposer RFP Questions will be considered a Contract Document in accordance with Book 1, Section 1.2.1 (*Content and Order of Precedence*), item number 9.

3.5 BidBuy and Online Plan Room

Proposers **must** access RFP documents through BidBuy. For questions relating solely to BidBuy, such as registration or submitting electronic Proposals, 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 customer service representative at BHFX Digital Imaging 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/>.

If the Tollway provides information in electronic documents (e.g. RFP Reference Information) that is different or in conflict with the information the Tollway provides on BidBuy, then the information contained on BidBuy is presumed to represent the Tollway’s intent.

3.6 Site Walk-Throughs

The Illinois Tollway will make all parts of the Project worksite available for inspection as specified in Section 2 (Procurement Schedule). By signing and submitting the Proposal, each Proposer acknowledges and agrees that time

was allowed to inspect the worksite. If Proposer elects to perform a site walk-through, the Illinois Tollway will provide Proposers with all logistical details of such event through BidBuy.

3.7 One-on-One Meetings

The Illinois Tollway will be available for up to two one-on-one meetings as shown in the procurement schedule in Section 2 (Procurement Schedule) with each Proposer to help: 1) expedite answers to clarifications; and 2) discuss Proposer's anticipated ATCs (see Section 3.9 (Alternative Technical Concepts ATC)) and Pre-Accepted Elements (see Section 3.11 (Pre-Accepted Elements (PAEs))).

The first set of one-on-one meetings with Proposers (identified in Section 2 (Procurement Schedule)) will be to receive Proposer feedback on the RFP and initiate discussions regarding ATCs (see Section 3.9 (Alternative Technical Concepts ATC)) and PAEs (see Section 3.11 (Pre-Accepted Elements (PAEs))).

The second set of one-on-one meetings with Proposers (identified in Section 2 (Procurement Schedule)) will be to discuss Proposer's anticipated ATCs and PAEs.

Such meetings will be held at an Illinois Tollway office or other location agreed to by the Illinois Tollway's designated Purchasing Agent and may be conducted virtually in the Illinois Tollway's sole discretion. The Purchasing Agent may limit the number of attendees representing the Proposer team, and if so, will designate a specific number in the final notice for a specific meeting.

The Purchasing Agent will initiate scheduling a time for these meetings. Time slots will be filled on a first come-first served basis. Each one-on-one meeting is limited to two hours.

Unless a specific agenda is transmitted to Proposer or requested by the Illinois Tollway, the meeting **shall** focus on the agenda items submitted by Proposer not later than two Calendar Days prior to the meeting. Proposer should also submit any RFP clarification questions with the agenda items submitted no later than two Calendar Days prior to the meeting.

While meetings will be considered confidential pursuant to the Innovations for Transportation Infrastructure Act, 630 ILCS 10/1, et seq., responses to questions at these meetings that the Illinois Tollway considers general clarifications may be provided to all Proposers; the Illinois Tollway may provide in writing to the relevant Proposer the questions agreed to in the meeting as clarifications and then post the questions and answers on BidBuy for all Proposers. Any verbal discussion regarding ATCs **must** be formally submitted and approved through the ATC process (see Section 3.9 (Alternative Technical Concepts (ATC))). Official minutes will not be kept during one-on-one meetings.

The Illinois Tollway will not be bound by, and Proposers **shall** not rely on, any oral communication regarding the Project or RFP documents; and Proposer **shall** not rely on any Illinois Tollway or other communication except the RFP documents and addenda.

3.8 RFP Addenda

If the Illinois Tollway determines at its sole discretion that interpretation or clarification of the RFP or any other consideration requires a revision of the RFP such as answers to Proposers questions, the Illinois Tollway will prepare and issue a written addendum through BidBuy. The Illinois Tollway will also issue notices listing questions received from Proposers and the responses given by the Illinois Tollway through addenda issued on BidBuy.

3.9 Alternative Technical Concepts (ATC)

The Illinois Tollway realizes the RFP scope of work was developed based on preliminary engineering and that each Proposer may have different approaches for accomplishing the Project goals. The Illinois Tollway has chosen to use the ATC process set forth in this Section 3.9 (Alternative Technical Concepts (ATC)) to allow for design and construction innovation and flexibility and ultimately obtain the best value for the public. Unless explicitly stated in the Contract Documents, ATCs may be proposed to change the Directive Designs and Design and construction requirements of the Contract Documents. ATCs **shall** be concepts that propose solutions equal to or better than, in quality or effect, the requirements of the Contract Documents, as determined by the Illinois Tollway in its sole

discretion. ATCs are not concepts that merely result in reduced costs and schedule by sacrificing the Project's performance or reliability requirements. If it is determined by the Illinois Tollway that the ATC exposes an error in the RFP, the Illinois Tollway may issue an addendum to correct the error.

Proposers may submit up to eight (8) total ATCs for the Illinois Tollway's review. Should the Illinois Tollway determine that a submitted ATC exposes an error in the RFP, the Illinois Tollway will not count such ATC towards the maximum permissible ATC submittals.

3.9.1 Submittal of ATCs

Proposer may include an ATC in its Proposal only if (a) the Illinois Tollway receives such ATC no later than the ATC Submittal Due Date (identified in Section 2 (*Procurement Schedule*)) on BidBuy, and otherwise in accordance with this Section 3.9 (*Alternative Technical Concepts (ATC)*), and (b) it has been approved in writing by the Illinois Tollway (including conditionally approved ATCs, if all conditions are met). Each ATC should be numbered sequentially and submitted using Form 6 (Alternative Technical Concept (ATC) Submittal Form).

Proposers may discuss ATCs during one-on-one meetings that occur prior to submitting Form 6 (Alternative Technical Concept (ATC) Submittal Form). Any verbal discussions during one-on-one meetings regarding ATCs **shall** not be considered a commitment by Illinois Tollway and all elements of the Contract Proposer desires to modify **must** be included in an ATC submission using Form 6 (Alternative Technical Concept (ATC) Submittal Form) for Illinois Tollway review.

3.9.2 Preproposal Review of ATCs

The Illinois Tollway may request clarifications and additional information regarding a proposed ATC at any time during its review which includes scheduling a separate ATC one-on-one meeting with Proposers. During these meetings, the Illinois Tollway would ask clarifying questions to the Proposer about its ATCs and Proposers would then, if needed, revise their ATCs and resubmit each applicable Form 6 (Alternative Technical Concept (ATC) Submittal Form) to restart the review process.

Following review of proposed ATCs, the Illinois Tollway may respond to Proposer through a formal written response with one of the following determinations:

- (a) The ATC is approved;
- (b) The ATC is conditionally approved: the ATC is not approved in its present form, but may be approved upon satisfaction, in the Illinois Tollway's sole judgment, of certain identified conditions that **shall** be met or certain clarifications or modifications that **shall** be made;
- (c) The ATC is not approved;
- (d) The submittal does not qualify as an ATC but may be included in the Proposal not as an ATC (i.e., the concept complies with the RFP requirements);
- (e) The submittal does not qualify as an ATC and may not be included in the Proposal; or
- (f) The submittal does not qualify as an ATC if the ATC identifies an RFP error. The Illinois Tollway will issue addenda to address the error.

Proposer may incorporate approved ATCs as part of its Proposal (including conditionally approved ATCs, if all conditions are met). Proposer **must** clearly state which ATCs it is incorporating into its Proposal and that all conditions of the ATC will be met. The ATCs Proposer chooses to incorporate **must** be included in the executive summary outlined in Section 4.1.2 (*Executive Summary*).

Any approval of an ATC will constitute a change in the specific requirements of the Contract Documents to the extent: (i) specified in such approval; (ii) the conditions to which the approval is contingent are met; and (iii) the Proposer is awarded the Contract.

Should the selected Design-Builder be unable to obtain necessary approvals for any ATC incorporated into the Contract Documents, or if the concept otherwise proves to be infeasible, the Design-Builder will be required to conform to the original requirements of the Contract Documents at no additional cost to the Illinois Tollway.

The Proposal Price (see [Section 4.3](#) (*Price Proposal Contents*)) may reflect any incorporated ATCs, at the Proposer's sole risk. Except for incorporating approved ATCs, the Proposal may not otherwise contain exceptions to or deviations from the requirements of the Contract Documents.

3.9.3 Effect of Approved ATCs

The Illinois Tollway's approval or conditional approval of an ATC will constitute the Illinois Tollway's determination that any deviation from requirements of the Contract Documents represented in the ATC is a non-material deviation because the ATC is "equal to or better than" the requirements of the Contract Documents. The Illinois Tollway Evaluation Committee will not deem a Proposal to be non-responsive, and will not decrease a technical score, solely on the basis that the Proposal contains one or more approved or conditionally approved ATCs. If Proposer includes one or more approved or conditionally approved ATCs in its Technical Proposal, Proposer acknowledges that the Illinois Tollway Evaluation Committee may view the ATC either favorably or neutrally.

3.9.4 Effect of Deviations Not Contained in an Approved ATC

If a Proposal, either intentionally or unintentionally, deviates from requirements of the Contract Documents, and the deviation is not stated in an approved or conditionally approved ATC, then such deviation may result in the Proposal being deemed non-responsive.

3.9.5 Acceptance of Stipends and Use of ATCs

Any qualified unsuccessful Proposal may be entitled to a Stipend pursuant to the terms and conditions set forth in this [Section 3.9.5](#) (*Acceptance of Stipends and Use of ATCs*). Subject to the terms and conditions of Form 2 (Stipend Agreement), the Illinois Tollway will pay a Stipend to: (1) all Shortlisted Proposers that grant the Illinois Tollway the right to use any work product developed including technologies, techniques, methods, processes, and information contained in the recipient's design for the Project and if Illinois Tollway cancels the procurement after the final ATC Submittal Deadline outlined in [Section 2](#) (*Procurement Schedule*), or (2) each unsuccessful Proposer that submits a responsive Proposal and grants the Illinois Tollway the right to use any work product contained in the unsuccessful Proposer's Proposal and other Proposal-related submissions. The Stipend amount for this Project **shall** not exceed \$99,000.

To accept the Stipend, Proposers **shall** complete and submit Form 2 (Stipend Agreement) on or before the Stipend Agreement Submittal Deadline identified in [Section 2](#) (*Procurement Schedule*). Proposers are not required to accept the Stipend as a condition to submitting a Proposal. Proposers that do not submit Form 2 (Stipend Agreement) will have the information from their Proposal considered confidential and will not be used by the Illinois Tollway on the Project, except in the case where an accepted ATC was included in another Proposer's Proposal submitted for this Project.

If the Stipend is accepted, it is the Illinois Tollway's right to use and/or incorporate any ideas or information from unsuccessful Proposer's Proposal, including proposed ATCs or other information provided during the Project's advertisement into this same contract or future contracts whether or not in connection with the Project.

3.10 Proposer Interview – Not Used

3.11 Pre-Accepted Elements (PAEs)

The Illinois Tollway has chosen to use a mandatory Pre-Accepted Elements (PAE) process to reduce the risk to the Illinois Tollway and Proposers in relation to certain Project elements. The PAE process requires Proposers to receive Illinois Tollway Approval of certain aspects of their approach before incorporating them into the Proposal. The Illinois Tollway may request clarifications and additional information regarding PAEs at any time during its review which

includes scheduling a separate PAE one-on-one meeting with Proposer. Proposer's failure to obtain Tollway Approval for the PAE identified below **shall** result in the Proposal being deemed non-responsive. Proposers **must** submit a PAE for the following:

Book 2 – Section 18 (*Maintenance of Traffic*)

Proposers **must** seek Illinois Tollway Approval for traffic diversionary periods for each of the detours the Proposer intends to utilize in Table 18-1 (Approved Detour Routes) of Book 2, Section 18 (*Maintenance of Traffic*). The traffic diversionary period in the Illinois Tollway Approved PAE will be the maximum allowed contractual time the Proposer will be allowed to utilize each detour. If a detour listed in Table 18-1 (Approved Detour Routes) is not intended to be utilized, Proposers should list Not Used. If Proposer intends to follow Table 18-1 (Approved Detour Routes) with no changes, the PAE **shall** state this as such.

Proposers may also seek Illinois Tollway Approval through this PAE process for modifications in the performance specifications in this section that benefit the overall delivery of the project. Proposers are encouraged to investigate and propose modifications to Section 18.3.4.15 (*Allowable Lane Closure Hours*) that will improve the safety, quality and/or overall cost of the project. Use of detour routes other than those included in Table 18-1 (Approved Detour Routes) **shall** be submitted for Illinois Tollway review and Approval within the PAE. Any modifications to this section included in an Illinois Tollway Approved PAE will constitute the contract requirements for the Proposer. All modifications to Book 2 – Section 18 (*Maintenance of Traffic*) are to be requested through this PAE process and no ATCs to this section will be considered by Illinois Tollway.

3.11.1 Submittal of PAEs

PAEs **shall** be received by Illinois Tollway on the applicable PAE Submittal Deadline (identified in Section 2 (*Procurement Schedule*)). The submittal deadlines in Section 2 (*Procurement Schedule*) apply only to initial PAE submittals. Resubmittal of a PAE that has been revised in response to Illinois Tollway's requests for further information concerning a prior submittal **shall** be received by Illinois Tollway by the time and date stated in Illinois Tollway's request. Proposers may submit multiple alternative PAEs.

Resubmittals of a PAE should be marked as Revision 1, Revision 2 etc. The final PAE submittal should be marked as Final.

All PAE submittals and resubmittals should be uploaded to BidBuy. PAE submittals may be submitted using an 11-inch x 17-inch sheet(s) and are not subject to a page limit.

This PAE should include the following:

- A proposed updated Table 18-1 (Approved Detour Routes) of Book 2, Section 18 (*Maintenance of Traffic*), with the proposed maximum traffic diversionary duration for each detour route and a narrative description of how the Proposer determined the duration and the benefits to the project.
- New detour routes with the proposed maximum traffic diversionary duration with a narrative addressing why the detour is needed and the benefits to the project, along with a conceptual plan view of the route.
- Any other proposed changes to Book 2, Section 18 (*Maintenance of Traffic*), with a narrative description of the change and benefits to the project, along with a conceptual plan view of the change, as needed, to aid in Illinois Tollway's review.

Proposer **must** submit the approved PAE(s) with their Technical Proposal. After announcement of the Apparent Best Value Proposer, Illinois Tollway will conform Book 2 to incorporate the PAE(s).

If a Proposer wishes to make any announcement or disclosure to third parties concerning a PAE, it **shall** first notify Illinois Tollway in writing of its intent to take such action, including details as to date and participants, and obtain Illinois Tollway prior approval to do so.

3.11.2 Restrictions

This PAE **shall** not extend the maximum duration of the detour routes contained in Book 2, Table 18-1 (Approved Detour Routes).

3.11.3 Illinois Tollway Review of PAEs

The Illinois Tollway may request additional information regarding PAE submittals at any time and will make every attempt to respond to a PAE submittal in a timely manner. The Illinois Tollway and Proposer can discuss PAEs at one-on-one Meetings.

Illinois Tollway will use its best efforts to keep all discussions with Proposers regarding PAEs confidential, provided that under no circumstances will the Illinois Tollway be responsible or liable to a Proposer or any other party as a result of disclosing any materials, whether the disclosure is deemed required by law, by an order of court, or occurs through inadvertence, mistake, or negligence on the part of the Tollway or its respective officers, employees, contractors, or consultants.

The Tollway will review each PAE and will respond to Proposer with one of the following determinations:

- a. The PAE is approved.
- b. The PAE is conditionally approved (not approved in its present form, but may be approved upon satisfaction, in the Illinois Tollway’s sole judgment, of certain identified conditions that **shall** be met or certain clarifications or modifications that **shall** be made). A conditionally approved PAE can be submitted if Proposer states they will comply with all stated conditions.
- c. The PAE is rejected.

The Illinois Tollway may view PAEs either favorably or neutrally and reserves the right to use all PAE concepts included in an unsuccessful Proposer’s Proposal if the Proposer accepts the Stipend.

3.12 Not Used

3.13 Proposal Guaranty or Proposal Bond

Each Proposer **shall** include, as part of its Price Proposal submission, a Proposal Guaranty or Proposal Bond in the form of either a bank draft, a cashier’s check or a certified check drawn on a U.S. bank (either federal or state charter) or an entity owned and controlled by any such bank with capital (capital, surplus and undivided earnings) in excess of \$100 million, or a Proposal Bond. The Proposal Bond should be delivered as a scan of the Proposal Bond as part of the Proposer’s Price Proposal submission. The Proposal Guaranty or Proposal Bond **shall** be in the amount equal to five percent of the total amount of the Price Proposal and **shall** be made payable to the order of the Illinois Tollway.

The Proposal Guaranty or the Proposal Bond of the Proposer **shall** be forfeited to the Illinois Tollway if the Apparent Best Value Proposer, after being awarded the Contract, fails to execute the Contract for any reason as contained in Section 6 (Post-Selection Contracting Process).

3.13.1 Return of Proposal Guaranty or Proposal Bond

Once the Contract has been properly executed by the then selected Design-Builder and approved, and the Contract Bonds have been provided and accepted, the Illinois Tollway will return the Proposal Guaranty or Proposal Bond to the selected Design-Builder and the remaining qualified, unsuccessful Proposers.

3.14 Illinois Tollway’s Rights

Proposer is solely responsible for ensuring that its Proposal is clear, correct, and internally consistent. The Illinois Tollway reserves the right, at its sole discretion (but is not obligated), to:

- (a) Investigate the qualifications of any Proposer;

- (b) Seek or obtain data from any source related to the Proposals;
- (c) Require confirmation of information furnished by a Proposer;
- (d) Require additional information from a Proposer concerning its Proposal;
- (e) Seek and receive clarifications to a Proposal;
- (f) Require additional evidence of qualifications to perform the Work;
- (g) Modify the RFP process (with appropriate notice to Proposers);
- (h) Waive minor deficiencies and irregularities in a Proposal including proposed deviations from requirements of the Contract Documents that are not so material as to require a finding of deficiency;

The RFP does not commit the Illinois Tollway to enter into a Contract or proceed with the procurement described herein. Unless a Proposer elects to receive the Stipend, no unsuccessful Proposer **shall** be entitled to reimbursement of its costs in connection with the RFP. All costs of preparing Proposals **shall** be borne solely by each Proposer and its team members.

3.14.1 Proposal Disqualification

Any one or more of the following causes may, in the sole discretion of the Illinois Tollway, disqualify Proposer or form the basis for rejection of its Proposal:

- (a) More than one Proposal for the same Work from an individual, firm or corporation under the same or different names;
- (b) Evidence of collusion among Proposers submitting Proposals. Additionally, participants in any collusion will receive no recognition as Proposers for any future work of the Illinois Tollway;
- (c) When any Major Participant, agent, representative, or employee of the Proposer currently serves as a member, employee, or agent of a governmental body that is participating financially in the proposed Work; and/or
- (d) When any principal, agent, or employee of the Proposer has participated in the preparation of the RFP for the Work.
- (e) Failure to identify any known or potential conflict(s) of interest with any of the ineligible firms listed in Section 1.23 (Ineligible Firms).

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

3.15 Protest Procedures

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 (7) 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 will 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 will not be considered.

Chief Procurement Office for General Services
Attn: Protest Review Office
Email: cpogs.pro@illinois.gov

4 PROPOSAL REQUIREMENTS

The Proposal **shall** consist of a (1) Technical Proposal, (2) Administrative Proposal, and (3) Price Proposal.

4.1 Technical Proposal Contents

Each Proposer should organize their Technical Proposal as follows. Technical Proposals should separate 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 Technical Proposal checklist below and is further described in this Section 4.1. Pages provided by Proposer above the listed Page Limitations, if any, will be redacted and not considered as part of the Technical Proposal evaluation.

Section	Information/Section	Page Limitations
1	Service Prequalification Requirements (<u>Section 4.1.1</u>)	No limit
2	Executive Summary (<u>Section 4.1.2</u>)	2 pages
3	Organizational Chart (<u>Section 4.1.3</u>)	1 page
4	Narrative (<u>Section 4.1.4</u>)	25 pages
5	Project Schedule (<u>Section 4.1.5</u>)	No limit (11” x 17” pages for this section are permitted.)
6	Additional Forms (<u>Section 4.1.6</u>)	No limit
7	Appendix Items (if applicable)	No limit
8	Information required to be submitted with Pre-Accepted Elements (if applicable)	No limit

4.1.1 Service Prequalification Requirements

Below is a list of the prequalification requirements all Proposer teams **shall** demonstrate in their Proposals. Proposers **shall** submit Form 1 (Information about Major Participants and Identified Subcontractors) designating which Major Participants as part of Proposer’s organization meet the following service prequalification requirements:

Prequalification for design firms. Follow the steps under the “Prequalification” tab –

<https://idot.illinois.gov/doing-business/procurements/engineering-architectural-professional-services/index>

Design firm prequalification requirements for Major Participants and subcontractors:

1. Highways (Freeways)
2. Structures (Highway Types: Typical)
3. Special Plans (Lighting: Typical)
4. Special Services (Surveying)

Proposers **shall** include the prequalification requirements in their Proposal.

4.1.2 Executive Summary (should be limited to two pages)

The executive summary should be in a letter format addressing the following:

- (a) The business name, principal business address, and business type (e.g., corporation, partnership, limited liability company, Joint Venture) of the legal entity that would enter into the Contract with the Illinois Tollway, and the name, title, and phone number of the person authorized to commit the legal entity to the commitments made in the Proposal;
 - (b) A list of Proposer’s incorporated ATCs;
 - (c) The name, address, telephone (work and mobile) and e-mail address for Proposer’s single point of contact responsible for correspondence to and from the Illinois Tollway. The Illinois Tollway will send all Project related communications through this person;
 - (d) A statement certifying the truth and accuracy of the Technical Proposal, Administrative Proposal, and the Price Proposal;
 - (e) The signature of an Authorized Representative(s) of Proposer organization. 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; and
 - (f) A statement confirming that since the submission of its SOQ: (i) its claims and litigation history and safety information have not changed, and (ii) all other aspects of its SOQ, except information regarding its organization and financial capacity and condition as indicated in its Proposal, have not materially and adversely changed.
- ~~(g) A statement that Proposer either attended the RFP Pre Proposal meeting listed in Table 2-1 or viewed the recording of the meeting as issued in Addendum.~~

4.1.3 Organizational Chart (should be no more than one page)

Proposer should provide an organizational chart, updated from the SOQ, showing the participants who are responsible for major functions to be performed and their reporting relationships in managing, designing, constructing and providing construction quality control services for the Project. The chart should show, at minimum, the functional structure of the organization and include the names of the Key Personnel (and company) and Additional Key Personnel (if any) identified in Form J (Key Personnel) of their SOQ. Any changes to Proposer’s Major Participants, subcontractors, or Key Personnel identified in the SOQ, require the Proposer’s prior written approval from the Illinois Tollway by the date prescribed in Section 2 (*Procurement Schedule*). The organizational chart may be submitted using an 11-inch x 17-inch sheet(s) and should not be more than one page.

4.1.4 Narrative

This Section 4.1.4 should address the following (should be limited to 25 pages total):

(I) Technical Approach (should be limited to eight pages):

Introduction to Technical Approach

- a) Summarize the features of the proposed Design, construction methods, and Materials and how Proposer will meet and exceed the requirements of Book 2 and other relevant Contract requirements. Summarize how Proposer will maximize performance of the Project, including a narrative of how Proposer will mitigate project constraints and schedule risks;
- b) A narrative describing the top Design technical challenges identified by the Proposer and the approach to mitigate them;
- c) A narrative describing the top Construction technical challenges and the approach to mitigate them; and

- d) Any innovative approaches Proposer intends to utilize.

PAE Elements

The following **shall** be included in the Proposal:

- a) Illinois Tollway approval letters for its Pre-Accepted Elements (PAEs) that will be incorporated into the Project. If Proposer has obtained approval of multiple alternative PAEs, do not include approved PAEs that will not be included in the Project. Throughout the Technical Proposal, Proposers should highlight where an approved PAE is implemented; and
- b) A narrative discussing the extent to which Proposer’s Pre-Accepted Element for the Approach to Maintenance of Traffic and Construction Staging mitigates on the Tollway, Tollway users, and local road authorities having jurisdiction on detour routes.

(II) Project Delivery Approach (should be limited to eight pages):

Project Management Coordination, Risk, Materials, and Labor

The following should be included in the Proposal:

- a) A narrative detailing Proposer’s overall approach to project management, including design and construction management, coordination between the design and construction disciplines, partnering, and interactions with the Illinois Tollway;
- b) A narrative detailing Proposer’s understanding of project delivery risks and plan to mitigate those risks;
- c) A narrative detailing Proposer’s approach to ensuring the availability of Materials and labor to perform the Work in compliance with the Substantial Completion Deadline; and
- d) Any innovative approaches Proposer intends to utilize.

(III) Quality Management Approach (should be limited to five pages):

Overall Design and Construction Quality Management

The Proposal should contain a narrative describing Proposer’s approach to quality management, including:

- a) The roles, responsibilities, relationship, and relative authority of quality control/assurance personnel over design activities to ensure final product quality;
- b) The efforts of production staff in the Quality Control process;
- c) The methods to be used to keep Quality Assurance staff independent from production staff;
- d) Specific enhancements the Design-Builder will make to the Design Quality Management Plan provided in Book 2 Section 5.3.4 (Quality); and
- e) Any innovative approaches Proposer intends to utilize.

Design Quality Management

The Proposal should contain a narrative describing Proposer’s approach to design quality management, including:

- a) The recommendations for design quality, over-the-shoulder, technical disciplines, constructability, and independent technical reviews;

- b) The processes to incorporate quality verification staff into the efforts;
- c) The interaction of design QA/QC with the Tollway’s design quality verification team; and
- d) How QA/QC will be handled for design subconsultants.

Construction Quality Management

The Proposal should contain a narrative describing Proposer’s approach to construction quality management, including:

- a) A description of the use of Pre-Activity Meetings, Non-Conformance Reports, Critical Activity Points (Hold Points), Field Design Changes, and Stop Work Orders, and the overall effectiveness of the approach;
- b) How Proposer’s quality organization will coordinate with the Illinois Tollway’s quality oversight and verification program; and
- c) How Proposer will address QA/QC for construction subcontractors and Suppliers.

Document Control Measures

- a) A narrative detailing Proposer’s approach to document control. Include measures employed by Proposer to manage and document the Project design and delivery processes. Identify document control systems and software that will be used and how they will respond to the specific requirements of Design-Build delivery.

(IV) DBE/VOSB Participation Approach (should be limited to three pages):

The Illinois Tollway will favorably evaluate Design-Builders who demonstrate commitment for DBE and VOSB inclusion and business development. The evaluation of that commitment is determined on the submission and content of both the initial Form 10 (DBE Utilization Plan) and the initial Form 14 (VOSB Utilization Plan), which lists the identified DBE and VOSB firms, respectively that the Design-Builder is committed to utilize on the Project especially any professional services firms or pre-construction firms which are expected to perform work in the first 12-18 months of the Project. These plans would be complemented with the DBE and VOSB Participation Letters of Intent Statements if Proposer is Awarded the Project for each DBE or VOSB firm listed on the initial Form 10 (DBE Utilization Plan) or Form 14 (VOSB Utilization Plan). The DBE Performance Plan and the VOSB Performance Plan should provide an innovative and proactive strategic approach, methods and efforts that they will utilize for DBE and VOSB inclusion and utilization, respectively, through extensive outreach in addition to business and mentoring initiatives. Additionally, these plans should clearly articulate the Design-Builder’s commitment to meet the DBE and VOSB goal(s), respectively through the DBE and VOSB Achievement Strategies which will outline the name, participation percentage amounts and timing for Award of anticipated scopes of Work committed for DBE and VOSB utilization, respectively. Additionally, the DBE Performance Plan and VOSB Performance Plan should provide an innovative and proactive strategic approach, methods and efforts that they will utilize for DBE and VOSB inclusion and utilization through extensive outreach in addition to business and mentoring initiatives. Participation in the Illinois Tollway’s Partnering for Growth (P4G) program is strongly encouraged, which includes Form 17 (Partnering for Growth (P4G) Plan) with the Technical Proposal. If Proposer participates, at least one DBE or VOSB professional services firm should be identified on Form 17 (Partnering for Growth (P4G) Plan) with the Technical Proposal. The Proposer may also include a DBE or VOSB construction firm on Form 17 (Partnering for Growth (P4G) Plan) if one is identified when the Technical Proposal is submitted, if Proposer chooses to participate. If there is not a construction firm noted on the submitted Form 17 (Partnering for Growth (P4G) Plan), the Proposer should make an affirmative commitment to submit a P4G agreement with a construction firm no later than 30 Calendar Days before the start of construction. In addition, P4G

program participation requires the selected Design-Builder to execute at least one copy of Form 18 (Partnering for Growth Agreement for Illinois Tollway Professional Services P4G Participant Firm) and at least one copy of Form 19 (Partnering for Growth Agreement for Illinois Tollway P4G Construction Participant Firm) as described in Section 1.12 (DBE/VOSB Partnering for Growth (P4G) Program). Proposer should use no more than three pages to summarize its commitment for utilizing DBE and VOSB firms on the Project.

(V) EEO Workforce Diversity Approach (should be limited to one page):

The Illinois Tollway will favorably evaluate Proposers who demonstrate commitment for Equal Employment Opportunity (EEO) and workforce diversity on the Project. The EEO Program promotes equality of employment opportunity for all individuals including veteran, minority, and female tradespersons on the Illinois Tollway capital construction projects. In its efforts to achieve this equality, it is the desire of the Illinois Tollway to follow the guidelines as instituted by federal and state laws. The evaluation of that commitment is determined on the submission and content of the workforce development initiatives noted in the DBE and VOSB Performance Plans, the workforce projection form and commitment to participate in the Illinois Tollway's ConstructionWorks program. Proposer should use no more than one page to summarize its commitment for EEO and workforce diversity on the Project.

4.1.5 Project Schedule

Proposer **shall** provide a Critical Path Method schedule based on the anticipated NTP 1 as shown in Table 2-1 (Procurement Schedule) in Section 2 (*Procurement Schedule*) that details their design and construction Work. This schedule should depict the critical path for the project and include milestone dates for starting Design, submitting significant Design submittals, starting construction, implementing traffic restrictions, removing traffic restrictions, Substantial Completion, and Final Acceptance. The project schedule should be created using Primavera software. Proposer's schedule is not subject to a page limit and should only include relevant information related to the schedule. Proposers may utilize 11" x 17" pages to submit their schedules, but no other information or narrative should be included as part of the project schedule submittal outlined in this Section 4.1.5. Should the NTP 1 date be delayed, the Project's schedule may be revised in accordance with Book 1 Section 4.5.3 (*Updates to the Baseline Schedule*).

4.1.6 Additional Forms

The Technical Proposal **shall** also include the following additional forms and materials:

- (a) Form 1 (Information about Major Participants and Identified Subcontractors)
- (b) Form 10, (DBE Utilization Plan (DBE 2026DB))
- (c) Form 14, (VOSB Utilization Plan (VOSB 2026DB))
- (d) Form 17, (Partnering for Growth (P4G) Plan)*
- (e) DBE and VOSB Performance Plan and associated achievement strategies as described in the applicable DBE and VOSB Special Provisions
- (f) Alternative Technical Concepts (ATCs)
 - a. Form 6 (Alternative Technical Concept (ATC) Submittal Form) for all approved and conditionally approved ATCs Proposer elects to include; and
 - b. Copies of the Illinois Tollway's ATC approval letters.
- (g) Required materials identified in Section 1 (Introduction and Summary) and Section 3 (Procurement Process)

Each required form/letter that is submitted should be signed and dated by an authorized person from Proposer.

*Submit if Proposer chooses to participate in P4G program.

Please note that the following forms are included for reference only, and are not required to be submitted as part of the Technical Proposal or Administrative Proposal:

- (a) Form 3 (Contract Bond Agreement);
- (b) Form 4 (Payment Bond);
- (c) Form 5 (Performance Bond);
- (d) Form 11 (Participation Letter of Intent Statement (DBE 2025DB));
- (e) Form 12 (Demonstration of Good Faith Efforts (DBE 2023DB));
- (f) Form 13 (Workforce Project (EEO 1256DB));
- (g) Form 15 (Participation Letter of Intent Statement (VOSB 2025DB));
- (h) Form 16 (Demonstration of Good Faith Efforts (VOSB 2023DB));
- (i) Form 18 (Partnering for Growth Agreement for Illinois Tollway Professional Services Agreement P4G Participant Firm); and
- (j) Form 19 (Partnering for Growth Agreement for Illinois Tollway Construction Participant Firm).

4.2 Administrative Proposal Contents

The Administrative Proposal **shall** consist of forms and documents that are required to be submitted as part of the Proposal. These forms and documents are administrative and clerical in nature and will not be scored by the Evaluation Committee. The Administrative Proposal consists of the following forms and documents, contained in the Administrative Proposal checklist below:

Form/Document	Page Limitations
Form 2 (Stipend Agreement) (if Proposer chooses to accept Stipend)	Six pages
Form 7 (Information on Party to the Contract)	No page limit
Form 8 (Addendum Receipt)	Two pages
Form 9 (Responsible Proposer Affidavit in Accordance with 30 ILCS 500/30-22(8))	Two pages
Form 20 (Proposer Has Met Checklist)	Five pages
Form 21 (State of Illinois CPO Standard Terms and Conditions)	Eight pages

4.3 Price Proposal Contents

The main component of the Price Proposal is the Proposal Price which is the total price offered by Proposer for its Proposal for all Work as described in the Contract Documents. Proposers shall enter the Price Proposal line items on BidBuy in the Price Proposal Form located in the BidBuy Items tab. Price entries on the Price Proposal Form in the Items tab will be locked automatically upon submission of the quote. Entering cost, pricing or discount information in the Alternate Description may result in disqualification. In addition, the Price Proposal word document that was released as part of the RFP is for reference purposes only. Proposer must submit all pricing information through BidBuy. Failure to properly submit pricing information on BidBuy will result in a non-responsive Proposal.

Proposers can reference Article 16 Shared Risk Item Work and Allowances of Book 1 for additional information on the Shared Risk items.

In addition, as part of its Price Proposal submission, Proposer must also provide a Proposal Guaranty or Proposal Bond as described in Section 3.13 (Proposal Guaranty or Proposal Bond). The Proposal Guaranty or Proposal Bond must be submitted in the “Required Documents” section in the Attachments tab on BidBuy. Proposer must also check the box “Does the attachment contain any pricing, cost or discount information?”. Failure to check this box allows pricing to be viewed when bids are opened and may result in disqualification of your Proposal.

Documents shall be submitted in an electronic format that is accessible and readable using Microsoft Office suite software or Adobe Reader. Corrupted files shall not be considered. It is the Proposer’s responsibility to check that files are accessible and legible after uploading.

The Proposer is solely responsible for ensuring timely submission of their electronic solicitation response. Failure to allow adequate time prior to the Bid Opening Date to complete and submit a response to a solicitation, particularly in the event technical support assistance from the State is required, places the Proposer and their Proposal or response at risk of not being accepted.

The State encourages the Proposer to ensure that their BidBuy account is up-to-date. It is recommended that the Proposer access its BidBuy account prior to the Proposal Due Date and time to make sure that its information is up-to-date and its password is current. Files may be uploaded at any time prior to submission.

File size may impact the uploading and downloading speed and may lead to browser time-outs, resulting in failed upload/download attempts. Please consider this dependency when attaching very large documents.

4.4 Proposal Due Date

The Technical Proposal, Administrative Proposal and Price Proposal **shall** be submitted electronically through BidBuy and are required to be received by the Proposal Due Date and time outlined in [Section 2 \(Procurement Schedule\)](#). Proposals submitted after this time **shall** not be accepted. The Illinois Tollway will not be responsible if a Proposal fails to fully upload, or if the Administrative Proposal or Technical Proposal file(s) are corrupt and cannot be opened. It is the Proposer’s responsibility to ensure that the Illinois Tollway received a complete and readable Proposal. Only Shortlisted Proposers will be permitted to submit Proposals.

4.5 Delivery Format

The Administrative Proposal and the Technical Proposal should be submitted as separate PDFs. All Proposal material should use a minimum font size of 11-point, but 10-point font size is permitted on charts, graphs and tables. The Technical Proposal and Administrative Proposal should comply with the page limits and order identified in the table in Section 4.1 (Technical Proposal Contents) and Section 4.2 (Administrative Proposal Contents), respectively. Proposers must respond to the correct RFP. All pages of the Proposal (with the exception of the organization chart described in Section 4.1.3 (Organizational Chart), the PAE(s) as described in Section 3.10.1 (Submittal of PAEs), and the project schedule described in Section 4.1.5 (Project Schedule) should be 8.5-inch by 11-inch, single spaced, with a margin of no less than one inch provided on all pages (excluding header/footer text). The Illinois Tollway encourages Proposers to keep each individual file attachment for the Technical Proposal and Administrative Proposal under [25] MB each for uploading purposes. Each individual file should be in a searchable PDF format and bookmarked for each part listed in the Technical Proposal and Administrative Proposal checklist, respectively. Bookmarks which provide links to content within the Technical Proposal and Administrative Proposal are allowed. Bookmarks or hyperlinks which provide links to information not included within the content of the Technical Proposal or Administrative Proposal should not be utilized except to link to the Proposer’s website, if applicable. No macros will be allowed. No price information of any kind may be included in the Technical Proposal and Administrative Proposal (e.g.: Proposer must black-out any price information).

All information in a Proposer's Price Proposal shall be entered directly into BidBuy with the Price Proposal form provided serving as a reference. Enter each line item listed on the Price Proposal Form directly into the corresponding cells on BidBuy. Proposers should not upload their own completed Price Proposal form into BidBuy. Failure to correctly enter pricing information on BidBuy may result in a Proposal being considered non-responsive. Proposer should submit any clarifications related to the Price Proposal and BidBuy to the Illinois Tollway Purchasing Agent no later than the Deadline for Complete RFP Questions listed in Section 2 (Procurement Schedule).

4.6 Administrative, Technical Proposal and Price Proposal Disqualification

Any Technical Proposal, Administrative Proposal and Price Proposal not submitted by the Proposal Due Date will not be considered. Proposer will be entirely responsible for any consequences, including disqualification of the Administrative Proposal, Technical Proposal and Price Proposal that results from Proposer's failure to follow the instructions in this ITP and other RFP documents. A disqualified Administrative Proposal, Technical Proposal and Price Proposal will be considered non-responsive. It is Proposer's sole responsibility to see that its Administrative Proposal, Technical Proposal and Price Proposal are received as required. Proposers should provide responses to all information requested in the ITP. Failure to respond or to provide requested information may result in a determination by the Illinois Tollway, in its sole discretion, that an Administrative Proposal, Technical Proposal or Price Proposal is non-responsive.

5 PROPOSAL EVALUATION PROCESS

5.1 General

The Illinois Tollway **shall** review, evaluate, score, and rank Proposals and determine which Proposal offers the best value to the public based on the evaluation criteria set forth in this ITP. The Illinois Tollway may Award the Contract based on this determination.

Technical Proposals and Administrative Proposals will be evaluated first and **shall** expressly exclude and be separate from the review of Price Proposals. Administrative Proposals will only be evaluated for responsiveness and deficiency and not scored. After Administrative Proposals have been evaluated for responsiveness and deficiency, and Technical Proposals have been scored and interviews conducted (if any), the Illinois Tollway Evaluation Committee will review the Price Proposals. The Illinois Tollway reserves the right to request clarification or supporting documentation at any time. In addition, the Illinois Tollway reserves the right to reject all Proposals, to re-advertise for Proposals, or to cancel the procurement for any reason.

5.2 Administrative and Technical Proposal Responsiveness and Deficiency Reviews

Each Administrative and Technical Proposal will be reviewed for (i) the responsiveness to the requirements set forth in the RFP, (ii) the deficiency review; and (iii) conformance to the ITP instructions regarding organization and format, and (iv) minor nonconformities, irregularities, and apparent clerical mistakes unrelated to the substantive content of the Technical Proposal.

5.2.1 Responsiveness

Any items listed in this ITP using “**shall**” or “**must**” will be included as part of the Responsiveness review and failure to comply with the requirements **will result** in a Proposer’s Proposal being deemed Non-Responsive.

The following table outlines the documents, forms and requirements for Proposer to submit a responsive Proposal. Failure to submit any of the items listed or to comply with any of the requirements in the table below (or as outlined in this ITP) **shall** result in a non-responsive Proposal:

Type	Name/Description	ITP Section
Document	DBE Performance Plan	<u>Section 1.8</u> (<i>Disadvantaged Business Enterprise (DBE) Participation and Utilization/Performance Plan</i>)
Document	VOSB Performance Plan	<u>Section 1.10</u> (<i>Veteran Small Business (VOSB) Participation and Utilization/Performance Plan</i>)
Requirement	Undisclosed deviations (either intentional or unintentional) from the requirements of the Contract Documents in approved or conditionally approved ATC(s)	<u>Section 3.9.4</u> (<i>Effect of Deviations Not Contained in an Approved ATC</i>)
Requirement	Proposal responds to correct RFP	<u>Section 4.5</u> (<i>Delivery Format</i>)

Document	Illinois Tollway Approval for PAE identified in <u>Section 3.11</u> (<i>Pre-Accepted Elements (PAEs)</i>)	<u>Section 3.11</u> (<i>Pre-Accepted Elements (PAEs)</i>)
Requirement	Submittal of PAE by the PAE Submittal Deadline (identified in <u>Section 2</u> (<i>Procurement Schedule</i>)).	<u>Section 3.11.1</u> (<i>Submittal of PAEs</i>)
Requirement	Resubmittal of PAE by the date and time requested by the Illinois Tollway (if applicable)	<u>Section 3.11.1</u> (<i>Submittal of PAEs</i>)
Document	<p>Technical Proposal shall include the following:</p> <ul style="list-style-type: none"> • Executive Summary; • Organizational Chart; • Narrative; • Project Schedule; • Additional Forms, including: <ul style="list-style-type: none"> ○ Form 1 (Information about Major Participants and Identified Subcontractors); ○ Form 6 (Alternative Technical Concept (ATC) Submittal Form) for all approved and conditionally approved ATCs the Proposer elects to include ○ Form 10, (DBE Utilization Plan (DBE 2026DB)); ○ Form 14, (VOSB Utilization Plan (VOSB 2026DB)); and ○ Form 17 (Partnering for Growth (P4G) Program Plan)* • Appendix (if applicable); and Information required to be submitted with Pre-Accepted Elements (PAEs). <p>*Submit if Proposer chooses to participate in P4G Program.</p>	<u>Section 4.1</u> (<i>Technical Proposal Contents</i>)
Document	<p>Administrative Proposal, including:</p> <ul style="list-style-type: none"> • Form 2 (Stipend Agreement) – if Proposer chooses to accept the Stipend; • Form 7 (Information on Party to the Contract); • Form 8 (Addendum Receipt); • Form 9 (Responsible Proposer Affidavit); 	<u>Section 4.2</u> (<i>Administrative Proposal</i>)

	<ul style="list-style-type: none"> • Form 20 (Proposer Has Met Checklist); • Form 21 (State of Illinois CPO Standard Terms and Conditions) 	
Document	Copies of the Illinois Tollway’s ATC approval letters	<u>Section 4.1.6 (Additional Forms)</u>
Requirement	Price Proposal items are correctly entered into BidBuy.	<u>Section 4.3 (Price Proposal Contents)</u>
Document	Proposal Guaranty or Proposal Bond	<u>Section 3.12 (Proposal Guaranty and Proposal Bond)</u>
Documents	Required materials identified in <u>Section 1 (Introduction and Summary)</u> and <u>Section 3 (Procurement Process)</u> .	<u>Section 4.1.6 (Additional Forms)</u>
Requirement	Proposal must be submitted electronically through BidBuy by the Proposal Due Date outlined in <u>Section 2 (Procurement Schedule)</u> .	<u>Section 4.4 (Proposal Due Date)</u>
Requirement	Changes as outlined in <u>Section 1.6 (Change in Proposer’s Organization)</u> have been properly documented with the Illinois Tollway.	<u>Section 1.6 (Change in Proposer’s Organization)</u>

*Submit if Proposer chooses to participate in P4G program.

5.2.2 Deficiency Review

After performing the responsiveness review as outlined in Section 5.2.1 (Responsiveness), for all responsive Administrative and Technical Proposals, the Illinois Tollway will perform a Deficiency Review. The Deficiency Review will consider all aspects of the Technical Proposals and Administrative Proposals, including (but not limited to) all information requested as part of the table in Section 5.2.1 (Responsiveness) that could pose a risk to the Illinois Tollway, including but not limited to, any minor irregularities in the Technical Proposal or Administrative Proposal, the organizational structure and potential conflicts of interest. The Illinois Tollway can waive any minor irregularities identified during the Deficiency Review.

Should the Illinois Tollway identify any element of the Administrative Proposal or Technical Proposal that may be deficient that cannot be waived, it may contact the Proposer and request clarifying information. The Illinois Tollway reserves the right to deem Proposals non-responsive during the Deficiency Review should the review yield results that pose an unacceptable risk to the Illinois Tollway.

5.3 Technical Proposal Evaluation

The table below sets forth the evaluation criteria for the Technical Proposal, together with their corresponding weightings for scoring the Technical Proposal. The Technical Proposal will count towards [40%] of the total Proposal score, or [400] points out of a possible [1,000] points.

Technical Proposal Evaluation Criteria	Weighting	Points out of [400]
Technical Approach	35%	140
Project Delivery Approach	30%	120
Quality Management Approach	15%	60
DBE/VOSB Participation Approach	18%	72
EEO Workforce Diversity Approach	2%	8
Total	100%	400

The table below describes the objectives of the previously stated evaluation criteria and associated expectations of the Illinois Tollway regarding the Work to be performed and the related information to be submitted in the Technical Proposal. The Project goals identified in Section 1.3 (Project Goals) will guide the Illinois Tollway’s assessment of the evaluation criteria.

Evaluation Criterion	Objectives
Technical Approach	<p>The Technical Approach will be evaluated based on the following criteria:</p> <p>Introduction to Technical Approach</p> <p>How thorough a summary of the proposed Design, construction methods, and Materials is provided;</p> <p>The extent to which the Proposer’s Technical Approach will meet or exceed the requirements of Book 2 and other relevant Contract requirements; and</p> <p>How the Proposer will maximize the Project’s performance, and mitigate constraints and schedule risks.</p> <p>Pre-Accepted Elements (PAE)</p> <p>The extent to which the Proposer’s approved PAEs for the Approach to Maintenance of Traffic and Construction Staging lessen impacts on the Illinois Tollway, Illinois Tollway users and other parties; and</p> <p>The value that any other innovations add to the Project.</p> <p>Technical Risks</p> <p>The depth, detail and innovation of Proposer’s approach to detailing technical risks.</p>
Project Delivery Approach	<p>The Project Delivery Approach will be evaluated based on the following criteria:</p> <p>The extent to which Proposer’s approach addresses project management, including design and construction management, coordination between the Design and construction disciplines, partnering and interaction with the Illinois Tollway;</p> <p>The extent to which Proposer’s approach addresses the Project’s risks and plan to mitigate those risks; and</p>

	<p>The extent to which Proposer’s approach ensures the availability of Materials and labor to perform the Work in compliance with the Substantial Completion Deadline.</p>
<p>Quality Management Approach</p>	<p>The overall Design and Construction Quality Management will be evaluated based on the following criteria:</p> <ul style="list-style-type: none"> (I) The efficacy and robustness of the roles, responsibilities, relationship, and relative authority of quality control/assurance personnel over design activities to ensure final product quality; (II) The efforts of production staff in the Quality Control process; (III) The Design-Builder’s approach to keep Quality Assurance staff independent from production staff; and (IV) The effectiveness and value that the Design-Builder’s specific enhancements bring to the Design Quality Management Plan provided in Book 2, Section 5.3.4 (<i>Quality</i>). <p>The depth and effectiveness of the following elements of the Design Quality Management approach will be evaluated:</p> <ul style="list-style-type: none"> (I) Recommendations for design quality, over-the-shoulder, technical disciplines, constructability, and independent technical reviews; (II) The processes to incorporate quality verification staff into the efforts; (III) The interaction of Design QA/QC with the Illinois Tollway’s design quality verification team; and (IV) How QA/QC will be handled for Design Subconsultants. <p>The depth and effectiveness of the following elements of the Construction Quality Management approach will be evaluated:</p> <ul style="list-style-type: none"> (I) a description of the use of Pre-Activity Meetings, Non-Conformance Reports, Critical Activity Points (Hold Points), Field Design Changes, and Stop Work Orders, and the overall effectiveness of the approach; (II) How Proposer’s quality organization will coordinate with the Illinois Tollway’s quality oversight and verification program; and (III) How Proposer will address QA/QC for construction subcontractors and suppliers. <p>The approach to Document Control will be evaluated based on the following elements:</p> <ul style="list-style-type: none"> (I) The completeness and robustness of the measures employed by the Proposer to manage and document the Project’s design and processes; and (II) The effectiveness of document control systems and software at responding to the specific requirements of the Design-Build delivery.

<p>DBE/VOSB Participation Approach</p>	<p>The DBE/VOSB Participation Approach will be evaluated on how well it addresses the requirements outlined <u>Section 4.1.4 (Narrative)</u>. Specifically, the DBE/VOSB approach will be evaluated on the strength of Proposer’s commitment to utilizing DBE/VOSB firms to complete the Project, as well as the commitment to the DBE/VOSB goals. Proposer does not need to include an exhaustive list of all DBE firms it plans to utilize on the Project. The Proposer’s approach will be assessed in this section.</p> <p>Two separate DBE goals have been established for this Project. One goal for design/professional services of twenty-six (26) percent and a second goal of twenty-nine (29) percent for construction-related services.</p> <p>This RFP includes specific VOSB participation goals of three (3) percent for professional services and one and a half (1.5) percent for construction work based on the availability of the Illinois Department of Central Management Services certified veteran-owned and service-disabled veteran-owned small business (VOSB/SDVOSB) firms to perform or provide the anticipated services and/or supplies required by this Project.</p>
<p>EEO Workforce Diversity Approach</p>	<p>The Illinois Tollway will favorably evaluate Design-Builders who demonstrate commitment for Equal Employment Opportunity (EEO) and workforce diversity on the Project. The EEO Program promotes equality of employment opportunity for all individuals including veteran, minority, and female tradespersons on Illinois Tollway capital construction projects. In its efforts to achieve this equality, it is the desire of the Illinois Tollway to follow the guidelines as instituted by federal and state laws. The evaluation of that commitment is determined on the submission and content of the workforce development initiatives noted in the Performance Plans, the workforce projection form and commitment to participate in the Illinois Tollway’s ConstructionWorks program.</p>

Proposers are hereby advised that an overall Technical Proposal score of less than 40% of the cumulative total of Technical Proposal points shall result in the Proposer being deemed Non-Responsive and removed from further consideration.

5.4 Price Proposal Score

Subject to Section 5.2 (Administrative and Technical Proposal Responsiveness and Deficiency Review), after completion of (I) the responsiveness of the Administrative Proposals and Technical Proposals, and (II) deficiency review of the Administrative Proposals, Technical Proposals and (III) Technical Proposal scoring, the Illinois Tollway will review the Price Proposals to determine conformance to the requirements set forth in Section 4.2 (Price Proposal Contents). This step will serve as the deficiency review of the Price Proposal. The Illinois Tollway will then proceed to determine the Price Score as shown in the formula below. Proposer is advised that the Illinois Tollway will independently analyze the Price Proposal against the Illinois Tollway’s estimate of the cost of the Work to ascertain the basis of pricing and to determine whether the proposed price is reasonable.

The Illinois Tollway may request further information if it discovers information in the Price Proposal submitted that appears to show unbalancing, irregularities, or other discrepancies between the information submitted by Proposer and the price contained in the Price Proposal. Once decided, the Price Proposal will count towards 60% of the total Proposal score, or 600 points out of a possible [1,000] points.

The Price Proposal score will be calculated using the following formula:

$$\text{Price Score} = (\text{lowest evaluated Proposal Price received} / \text{evaluated Proposal Price}) \times [\text{XX}]$$

Evaluated Proposal Price = Total dollar amount of Proposer's Price Proposal.

Lowest evaluated Proposal Price = The lowest Proposal Price submitted by any Proposer.

5.5 Best Value Determination and Total Proposal Score

The best value determination will be based on a 40-60 percentage weighting. The determination of the Apparent Best Value Proposer **shall** be based on the highest total Proposal score (maximum of [1,000] points). As stated in Section 5.4 (*Price Proposal Score*), the Price Proposal will represent 60 percent of the total proposal score (600 points), and as stated in Section 5.3 (*Technical Proposal Evaluation*), the Technical Proposal will represent 40 percent of the total Proposal score (400 points).

The total Proposal score, with a maximum of 1,000 points, is computed using the following formula:

Price Score (max. 600 points) + Technical Proposal score (max. 400 points)

The Apparent Best Value Proposer will be chosen based on which Proposal receives the highest total Proposal score.

6 POST-SELECTION CONTRACTING PROCESS

This section describes the processes and actions to be performed from and after the Illinois Tollway announces the Apparent Best Value Proposer. Unless otherwise determined by the Illinois Tollway, Completion Deadline(s) **shall** not be adjusted due to any delays in the process described in this [Section 6](#).

6.1 Announcements and Notifications

The Illinois Tollway will contact the Apparent Best Value Proposer in accordance with the Project schedule in [Section 2](#) (*Procurement Schedule*). Following the initial contact, the Illinois Tollway will proceed with the Apparent Best Value Proposer to finalize the Contract Documents, which **shall** include, without limitation: incorporation of ATCs, Proposal Commitments, and Escrow Proposal Documents (“EPD”) in accordance with Book 1, Section 26.1. For the avoidance of doubt, by submitting a Proposal, each Proposer commits to enter into the Contract included in the RFP, without negotiation or variation, except to fill in blanks and incorporate information from the Apparent Best Value Proposer’s Proposal into the Contract, as may be required by the Contract Documents. The sole primary contact identified in [Section 3.3](#) (*Proposer Communications*) should be familiar with assembling or obtaining the duly executed documents constituting the Contract Documents between the Illinois Tollway and the eventual Design-Builder.

If the Illinois Tollway and the Apparent Best Value Proposer fail to finalize the Contract Documents within the number of Calendar Days for the Proposal Validity Period set forth in [Section 1.7](#) (*Award and Proposal Validity*), the Illinois Tollway may proceed to discussions with the next highest ranked Proposer. In this case, the next most highly ranked Proposer will be the Apparent Best Value Proposer. Failure to enter into a Contract due to any action or inaction of the Apparent Best Value Proposer **shall** result in forfeiture of such Proposer’s Proposal Guaranty or Proposal Bond.

Upon finalizing the Contract Documents, the Illinois Tollway will submit the Contract and Apparent Best Value Proposer’s credentials to the Illinois Tollway’s Board of Directors for consideration and approval. If approved, the Illinois Tollway will then send the Notice of Award to the State Procurement Officer (SPO) for approval and potential posting on BidBuy. If approved and posted, a 14-Calendar Day Protest period **shall** commence. See [Section 3.15](#) (*Protest Procedures*).

6.2 Documents Required for Contract Execution

Once the Notice of Award is posted, each of the documents listed in this [Section 6.2](#) **must** be submitted for the Illinois Tollway to proceed with the execution of the Contract. Submission of complete and fully executed documents is a condition precedent to execution of the Contract. It is possible that bond and insurance requirements in [Section 6.2.1](#) (*Contract Bonds*) and [Section 6.2.2](#) (*Insurance*) below respectively be finalized before board approval.

These documents will become part of the Contract once finalized. If a Protest under [Section 3.15](#) (*Protest Procedures*) is filed, finalization of these documents and the Contract **shall** pause until the CPO issues a determination relative to the Protest.

6.2.1 Contract Bonds

The Apparent Best Value Proposer **must** furnish a completed Form 3 (Contract Bond Agreement), Form 4 (Payment Bond), and Form 5 (Performance Bond) as a requirement of Contract execution. These forms have been attached to this ITP in Appendix A for Proposer reference with the understanding the Apparent Best Value Proposer will have to deliver these bonds and associated forms in the amount of the proposed Contract price. Refer to Book 1, Section 11.1 for further requirements.

6.2.2 Insurance

Prior to execution of the Contract, the Apparent Best Value Proposer **shall** deliver verification and certificates of insurance to the Illinois Tollway showing that all insurance policies required under the Contract Documents are in full force and effect.

6.2.3 DBE [and VOSB] Form 1925DB, Participation Letter of Intent Statement(s)

Following board approval, the Apparent Best Value Proposer **shall** submit DBE and VOSB Form 2025DB (Forms 11 and 15, respectively) for each DBE and VOSB firm listed in their initial DBE and VOSB Utilization Plans submitted through Form 10 and Form 14, respectively.

6.3 Contract Execution

Once the Contract Documents are in final form, the Illinois Tollway will transmit the Contract to the Apparent Best Value Proposer for signature. Once received back with signature, the Illinois Tollway will send the signed Contract Documents to the SPO for final approval. Once the SPO final approval is received on BidBuy, the Illinois Tollway will countersign and execute the Contract, which **shall** constitute the official Award of the Contract for the Project. The Apparent Best Value Proposer then becomes the Design-Builder.

6.4 Debriefing

Following the expiration of the 14-Calendar Day Protest period and Contract execution, the Illinois Tollway will be available for an oral debriefing session upon written request made to the Illinois Tollway Purchasing Agent by an Authorized Representative of any unsuccessful Proposer. The debriefing **shall** not include discussion of other Proposer's Proposals.

If a Protest under [Section 3.15 \(Protest Procedures\)](#) has been filed, no debriefing meetings **shall** occur until the CPO issues a determination relative to the Protest.

6.5 Tax Exemptions

The Illinois Tollway is currently exempted from the payment of Illinois Retailer's Occupational Tax, Use Tax, Service Tax, Municipal Taxes and Federal Excise Tax. The tax-exempt number and form will be provided to the Apparent Best Value Proposer and become a part of the Contract with the successful Apparent Best Value Proposer.

6.6 Freedom of Information Act

6.6.1 Applicability of Act

Proposer acknowledges and agrees that all records, documents, drawings, plans, specifications and other materials in Illinois Tollway's possession or those to which 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.

6.6.2 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 will use its best efforts to keep all discussions with Proposers regarding ATCs, trade secrets, and other proprietary information confidential.

6.6.3 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 Proposal, Proposer agrees to defend, indemnify and hold the Illinois Tollway harmless in accordance with Book 1, Article 22.

APPENDIX A

ITP Forms