

ILLINOIS TOLLWAY

REQUEST FOR QUALIFICATIONS (RFQ)

DESIGN-BUILD PROJECT



Table of Contents

	Definitions	1
1	INTRODUCTION AND GENERAL INFORMATION	9
1.1	Submitter Information.....	9
1.2	Project Description; Scope of Work.....	9
1.3	Estimated Cost	10
1.4	Project Completion Date	10
1.5	Project Goals.....	10
1.6	Project Status	11
1.7	Ex Parte Communications.....	11
1.8	Equal Employment Opportunity	11
1.9	Disadvantaged Business Enterprises (DBE) and Veteran Owned Small Business (VOSB) Participation....	12
1.10	Role of the Illinois Tollway	12
1.11	Design-Builder Responsibilities.....	13
1.12	Quality Management Plan.....	15
1.12.1	Selected Design-Builder Responsibility.....	15
1.12.2	Illinois Tollway Responsibility	15
1.12.3	Selected Design-Builder’s Quality Approach	15
1.12.3.1	General.....	15
1.12.3.2	Quality Organizational Requirements.....	16
1.13	Payment and Liquidated Damages.....	16
1.14	Insurance, Bonding, Licensing, and Securities	16
1.15	Governing Law	17
1.16	Prevailing Wages	17
1.17	Authority to Transact Business Under an Assumed Name	17
1.18	Secretary of State Certificate of Good Standing	17
1.19	State Board of Elections Registration, Required Disclosures and Certifications	17
1.20	Illinois Department of Human Rights (IDHR) Public Contract Number.....	17
1.21	SOQ Submitter Disqualification	17
1.22	Expatriated Entities.....	18
2	PROCUREMENT PROCESS.....	12
2.1	Overall Procurement Process	12
2.2	Project Schedule.....	13
2.3	Stipend Payment	13
3	RFQ PROCESS	12
3.1	Submitter Communications.....	12
3.2	Submitter Questions.....	12
3.3	BidBuy and Online Plan Room.....	13
3.4	Notification of Shortlist	13
3.5	Costs.....	13
3.6	Ineligible Firms.....	13
3.7	Organizational Conflicts of Interest	14
3.8	Project Industry Forum	14

4 SOQ SUBMITTAL REQUIREMENTS 12

4.1 Rules Applicable to SOQ Submittal..... 12

4.2 Date and Time of Receipt 12

4.3 Page Limit, Format, and Quantities 13

4.4 Content of SOQ..... 14

4.4.1 Cover Letter and Acknowledgement..... 15

4.4.2 Evaluation Objectives and Requirements..... 15

4.4.2.1 Legal 15

4.4.2.2 Financial 16

4.4.2.3 Submitter Experience..... 19

4.4.2.4 Key Personnel..... 20

4.4.2.5 Organization, Quality Management Approach, and Quality Organization..... 24

4.4.2.6 Project Understanding and Approach 24

4.4.2.7 Conflict of Interests and Other Forms..... 25

5 SOQ EVALUATION PROCESS 26

5.1 Evaluation Factors..... 26

5.1.1 Pass/Fail Factors 26

5.1.2 Qualitative Evaluation Factors and Weights..... 28

5.2 Illinois Tollway Requests for Clarification 30

5.3 Determination of Shortlist..... 30

5.4 Notification of Shortlist 30

5.5 Debriefing Meetings 30

6 FREEDOM OF INFORMATION ACT 36

6.1 Applicability of Act 36

6.2 Confidential Materials..... 36

6.3 Submitter to Defend Against Disclosure Request 36

7 PROTEST PROCEDURES 37

8 ILLINOIS TOLLWAY RIGHTS AND DISCLAIMERS..... 38

8.1 Illinois Tollway Rights..... 38

8.2 Illinois Tollway Disclaimers 38

9 COMPLIANCE WITH APPLICABLE LAWS 39

Definitions

Additional Key Personnel	Shall mean up to two additional Key Personnel which the Submitter deems necessary for the Project based on the Submitter’s approach to delivering the Project and helping the Illinois Tollway achieve the goals defined in <u>Section 1.3 (Project Goals)</u> .
Affiliate	<p>(a) Any person which directly or indirectly through one or more intermediaries controls, or is controlled by, or is under common control with, Design-Builder or any Major Participant; and</p> <p>(b) Any person for which 10 percent or more of the equity interest in such person is held directly or indirectly, beneficially, or of record by, [i] Design-Builder, [ii] any Major Participant, or [iii] any Affiliate of Design-Builder under clause (a) of this definition.</p> <p>For purposes of this definition, the term “control” means the possession directly or indirectly, of the power to cause the direction of the management of a person, whether through voting securities, by contract, family relation, or otherwise.</p>
Alternative Technical Concept (ATC)	A proposed deviation from the contract requirements set forth in the procurement documents for a Transportation Facility that offers a solution that is equal to or better than the requirements in the procurement documents (Section 10 of the ITI Act).
Apparent Best Value Proposer	Shall mean the entity that submits a (I) responsive Proposal, (II) a Proposal that receives a “Pass” on all Pass/Fail criteria, and (III) the Proposal with the highest total proposal score.
Authorized Representative	Shall mean individuals designated by the Illinois Tollway and the Design-Builder to represent their respective entities with the authority to make decisions and bind the Parties on matters relating to the Contract Documents, respectively.
Award	Shall mean the award of the Project to the successful Apparent Best Value Proposer, contingent upon approval of the Contract by the Illinois Tollway Board of Directors.
BidBuy	Shall mean the State of Illinois' eProcurement system.

Book 1	Shall mean the Contract Document designated as Book 1 (Contract) in the RFP, when issued.
Book 2	Shall mean the Contract Document designated as Book 2 (Project Requirements) in the RFP, when issued.
Book 3	Shall mean the Contract Document designated as Book 3 (Applicable Standards) in the RFP, when issued.
Calendar Day	Shall mean every day shown on the calendar, beginning, and ending at midnight.
Code	Shall mean the Illinois Procurement Code [30 ILCS 500].
Conceptual Design	Shall mean the conceptual designs provided by the Illinois Tollway to Proposers as part of the Project Information. The Conceptual Design may be categorized as either Reference Information or Supplemental Information in the Request for Proposals (RFP), when issued.
Contract	In addition to the definition of contract set forth in Section 1-15.30 of the Code, a contract is the written agreement entered into at the discretion of the SPO between the Tollway and the Design-Builder comprising such documents as set forth in each individual agreement, including change orders, contract adjustments, and renewals, and setting forth the obligations of the parties for the performance of the contract.
Contract Documents	Shall have the meaning set forth in Book 1, Section 1.2. of the RFP when issued.
Contract Price	Shall have the meaning set forth in Book 1, Section 14.1. of the RFP when issued.
Design	Shall mean the overall design of the Project, as represented in the RFC Documents.
Design Deviation(s)	Shall mean any Tollway Approved deviation from the criteria established under the term Design.
Design Manager	Shall mean the Design-Builder's engineer in charge of the Project design. The Design Manager is considered a Key Personnel for the Project.

Design-Builder/Design-Build Team	Shall mean the selected Proposer who is awarded the Project and enters into the Contract.
Design-Build	Shall mean project delivery methodology by which the Illinois Tollway contracts with a single firm that has responsibility for the design and construction of a project.
Disadvantaged Business Enterprise (DBE)	Shall mean a business currently certified by the Illinois Unified Certification Program (“ILUCP”) pursuant to 49 C.F.R. Part 26, or a business currently certified by the City of Chicago, Illinois or the County of Cook, Illinois, as a Minority or Women-Owned Business (“M/WBE”) pursuant to its M/WBE program for construction contracts, Art. IV, § 2-92-650, et seq, as amended, or a business currently certified by the U.S. Small Business Administration (SBA) pursuant to the Small Business Act as an SBA 8(a) business, owned and operated by a socially and economically disadvantaged person. A DBE is considered to have current certification if the firm is listed in the directory database of the pertinent certifying agency.
Easement	Shall mean a right created by grant, reservation, agreement, prescription, or necessary implication, which one has in the land of another. It is either for the benefit of land (appurtenant such as right to cross A to get to B) or “in gross”, such as a public utility easement.
Illinois Tollway Purchasing Agent	Shall mean the person designated by the Illinois Tollway, on Illinois Tollway’s behalf, to oversee the procurement of the Project.
Instructions to Proposers (ITP)	Shall mean a procurement document issued with the RFP, when issued, providing project specific instructions and requirements for Proposers to submit a compliant Proposal.
ITI Act	Shall mean the Innovations for Transportation Infrastructure Act [630 ILCS 10].
Joint Venture	Shall mean an unincorporated association of entities.
Key Personnel	Shall mean the persons listed on Book 2 Section 2, of the RFP when issued, subject to revision in accordance with the Contract.

Major Participant	Shall mean any of the following entities: all general partners or joint venture members of the Proposer team; all individuals, persons, proprietorships, partnerships, limited liability partnerships, corporations, professional corporations, limited liability companies, business associations, or other legal entity however organized, holding (directly or indirectly) a 20 percent or greater interest in the Proposer entity; any subcontractor that will perform Work valued at 20 percent or more of the Contract Price; the lead design firm(s); and each design Subconsultant that will perform 20 percent or more of the Design Work.
Notification of Award	Shall mean when the Illinois Tollway notifies the public of its intent to Award the Contract to the selected Apparent Best Value Proposer.
Partnering for Growth (P4G)	Shall mean the Illinois Tollway's mentorship program that encourages prime consultants and contractors to assist disadvantaged, minority- and women-owned business enterprise (D/M/WBE) firms and veteran-owned small businesses (VOSBs).
Payment Bond	Shall mean the security furnished by the Design-Builder and the Design-Builder's Surety to guarantee to pay not less than prevailing wages for the Work and to guarantee to pay all sums of money due for any labor, materials, apparatus, fixtures or machinery and transportation in accordance with the Contract.
Performance Bond	Shall mean the security furnished by the Design-Builder and the Design-Builder's Surety to guarantee performance of the Work in accordance with the Contract.
Plan	Shall mean the plan, profiles, typical cross-sections, and supplemental drawings that show the locations, character, dimensions, and details of the Work to be done.
Price Proposal	Shall mean the total price offered by the Proposer to perform the Work, consisting of items described in Section 4.2 of the Instructions to Proposers (ITP) when issued.
Project	Shall mean the Design-Build project, as more specifically described in Book 2, Section 1, of RFP when issued, and all other Work product to be provided by Design-Builder as a condition to Final Acceptance in accordance with the Contract Documents.

Project Right-of-Way or Project (ROW)	Shall mean the project identified on the ROW Work Map included as an exhibit in Book 2, Section 7 of the RFP when issued.
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 Proposal as security for the Proposal Guaranty in lieu of a bank draft, certified check, or cashier's check. All bonds provided to the Illinois Tollway must be from a Surety which is listed in the United States Department of Treasury's current Federal Register and must be licensed to conduct surety guarantees in the State of Illinois.
Proposal Guaranty	Shall mean the security designated in the Proposal to be furnished by the Proposer as a guarantee of good faith to enter into the Contract if the Project is awarded to such Proposer.
Proposer	Any individual, sole proprietorship, firm, partnership, joint venture, corporation, professional corporation, or other entity legally established to conduct business in this State that proposes to be the [CMGC, DB, or PDB Contractor] for any Transportation Facility under [the ITI] Act. (Section 10 of the ITI Act)
Protest	Shall mean in accordance with the Illinois Procurement Code, and 44 Ill. Admin. Code 6.390 through 6.440.
Quality Assurance	Shall mean a system for ensuring a desired level of quality in the development, production, or delivery of the Project.
Quality Management Plan	Shall mean the plan as identified in Section 5.3 of Book 2 of the RFP when issued.
Request for Qualifications (RFQ)	Shall mean the document issued by the Illinois Tollway to solicit Statements of Qualification (SOQs) for this Design-Build project.
Request for Proposals (RFP)	Shall mean the document issued by the Illinois Tollway to solicit proposals and describe the procurement process for the Contract in accordance with the Design-Build project delivery method. (Section 10 of the ITI Act).

<p>Request for Qualifications (RFQ)</p>	<p>Shall mean the document issued by the Illinois Tollway in the first phase of a two-phase procurement to solicit qualifications from Proposers in accordance with the Design Build project delivery method. (Section 10 of the ITI Act).</p>
<p>Released for Construction (RFC) Documents</p>	<p>Shall mean the design documents developed by the Design-Builder and accepted by the Illinois Tollway, which comply with the requirements of the Contract Documents, and shall be detailed, complete, constructible, and shall allow for verification of the design criteria and compliance with Contract Documents. Design documents shall only be considered RFC Documents when signed and sealed by Design-Builder's Engineer of Record (EOR) and Accepted by the Illinois Tollway.</p>
<p>Right of Way or Right-of-Way (ROW)</p>	<p>Shall mean the real land and real property (which term is inclusive of all estates and interests in real property) that is necessary for ownership and operation of the Project (includes permits). The term specifically excludes any construction easements. The term “Right of Way” or “Right-of-Way” is sometimes used to indicate Right of Way and is sometimes used to indicate rights of way for other facilities.</p>
<p>Scope Validation</p>	<p>Shall mean a permissible activity upon issuance of NTP 1 authorizing Design-Builder to (i) review and compare all of the then-existing Contract Documents, the Request for Proposals (RFP) Documents (when issued), and the Proposal and (ii) investigate the actual conditions at the Site and any other areas necessary for the completion of the Work. Design-Builder shall undertake the activities described in clauses (i) and (ii) to verify and validate Design-Builder’s proposed design concept and identify any defects, errors, or inconsistencies in the RFP Documents and the then-existing Contract Documents that affect Design-Builder’s ability to complete its proposed design concept within the Contract Price and/or Completion Deadline(s).</p>
<p>Shortlist</p>	<p>Shall mean Submitters 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.</p>

Stipend	Shall mean the payment available to responsible Proposers that submit a fully responsive but unsuccessful Proposal.
Statement of Qualifications (SOQ)	A formal response to an RFQ submitted by interested parties seeking to compete for the right to receive an RFP and submission of a Proposal.
Statement of Qualifications (SOQ) Submission Due Date	Shall mean the last date the Illinois Tollway may accept Statement of Qualifications (SOQ) submissions, as defined in this Request for Qualifications (RFQ).
Submitter(s)	Shall mean a Design-Build Team, entity, or entities submitting a Statement of Qualifications (SOQ) in response to this Request for Qualifications (RFQ).
Surety	Shall mean each properly licensed surety company, either the individual or entity, qualified to act as a surety in the State of Illinois and acceptable to the Illinois Tollway which has issued the Payment and Performance Bonds required by the Contract.
Tangible Net Worth	Shall mean the difference between the (i) the sum of paid-in capital stock plus preferred stock plus retained earnings, less (ii) the sum of treasury stock plus minority interest plus intangible assets, including goodwill, patents, and licenses, all determined in accordance with Generally Accepted Accounting Principles and as interpreted by the Securities and Exchange Commission in connection with financial statements filed pursuant to the Securities Exchange Act of 1934.
Technical Proposal	Shall mean Section 4.1 (<i>Technical Proposal Contents</i>) of the Instructions to Proposers (ITP), when issued. Submitted by the Proposer(s) in response to the Request for Proposals issued by the Illinois Tollway.
Technical Provisions	Shall mean the Project's technical requirements.

<p>Veteran-Owned Small Business (VOSB)</p>	<p>Shall mean a business currently certified by the Illinois Department of Central Management Services (“CMS”) and in compliance with Illinois Public Act 097-0260, Public Act 098-0307. A VOSB is a business that is 51 percent owned and controlled by a qualified veteran living in Illinois, has a valid DD214 and has annual gross sales under \$75 million with a home office in Illinois. A VOSB is considered to have current certification if the firm is listed in the CMS directory database of the pertinent certifying agency.</p>
<p>Work</p>	<p>Shall mean all duties and services to be furnished and provided by Design-Builder as required by the Contract Documents, including the administrative, design, engineering, quality control, quality assurance, relocation, procurement, legal, professional, manufacturing, supply, installation, construction, supervision, management, testing, verification, labor, materials, tools, equipment, documentation and all other incidentals and efforts necessary or appropriate to successful completion of the Project and of carrying out all duties and obligations imposed by the Contract, including final acceptance, except for those efforts which the Contract Documents specify will be performed by the Illinois Tollway or other persons. Work may also be used in context to describe, in whole or in part, the completed facilities to be constructed, altered or removed, as detailed in the Contract.</p>

1 INTRODUCTION AND GENERAL INFORMATION

The Illinois State Toll Highway Authority (“Illinois Tollway”) is requesting Statements of Qualifications (“SOQs”) through this Request for Qualifications (“RFQ”) document from entities (“Submitters”) interested in submitting Proposals for the Illinois Route 390 Tollway Design-Build Project (“Project”).

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

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

1.1 Submitter Information

To allow receipt of any addenda or other information regarding this RFQ, each Submitter is solely responsible for ensuring that the Illinois Tollway’s Purchasing Agent as described in Section 3.1 (Submitter Communications) has its contact person name and e-mail address. If an entity intends to submit an SOQ as part of a team, if shortlisted, the entire team is required to submit a single SOQ as a single Submitter.

1.2 Project Description; Scope of Work

The Project’s scope of work includes the items I – XII listed below, and will take place on Illinois Route 390 Tollway between Mile Post 6.0 (US 20/Lake St) to Mile Post 13.0 (I-290).

The Design-Builder will 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 (EB) over Metra RR and Wetlands
 - BN 1602 (SN 016-2566): IL Rte. 390 (WB) over Metra RR and Wetlands
 - BN 1602C: IL Rte. 390 over West Branch of DuPage River
 - BN 1603 (SN 016-2590): NB Gary Avenue (Ramp B) to EB IL Rte. 390 over IL Rte. 390 Ramp D
 - BN 1604 (SN 016-2589): IL Rte. 390 (WB) to SB Gary Ave. (Ramp A) over IL Rte. 390EB/WB & Ramp D
 - BN 1605 (SN 016-2587): IL Rte. 390 (EB) over Springingsguth Road
 - BN 1606 (SN 016-2588): IL Rte. 390 (WB) over Springingsguth Road
 - BN 1606A (SN 016-2576): IL Rte. 390 (WB) Exit Ramp to SB Gary Ave. over Springingsguth Road
 - BN 1607 (SN 016-2591): IL Rte. 390 (EB) over Irving Park Road (IL Rte. 19)
 - BN 1608 (SN 016-2592): IL Rte. 390 (WB) over Irving Park Road (IL Rte. 19)
 - BN 1609 (SN 016-2570): IL Rte. 390 (EB) over Rodenberg Road
 - BN 1610 (SN 016-2571): IL Rte. 390 (WB) over Rodenberg Road
 - BN 1611 (SN 016-2568): IL Rte. 390 (EB) over Wright Boulevard

- BN 1612 (SN 016-2569): IL Rte. 390 (WB) over Wright Boulevard
- BN 1613 (SN 016-2558): IL Rte. 390 (EB) over Mitchell Boulevard
- BN 1614 (SN 016-2557): IL Rte. 390 (WB) over Mitchell Boulevard
- BN 1615 (SN 016-2560): IL Rte. 390 (EB) over CPRR Spur
- BN 1616 (SN 016-2559): IL Rte. 390 (WB) over CPRR Spur
- BN 1619 (SN 022-0179): IL Rte. 390 (EB) over Meacham/Medinah Road
- BN 1620 (SN 022-0222): IL Rte. 390 (WB) 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 (EB)
- BN 1617 (SN 016-2561): Roselle Road over IL Rte. 390 EB/WB
- BN 1618 (SN 016-2562): Plum Grove Road over IL Rte. 390 EB/WB

(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) Update roadway lighting;

(VIII) Provide improvements to the drainage and underdrain systems at select locations;

(IX) Make safety improvements as further described in the Request for Proposals (RFP), when issued;

(X) Maintenance of Traffic including those for impacts to local facilities;

(XI) Miscellaneous landscape, drainage and erosion control improvements;

(XII) Protection and/or relocation of utilities.

Additional information regarding the project can be found on the following website: [TBD]

1.3 Estimated Cost

The estimated cost of the Project is approximately \$30.0 - \$40.0 Million.

1.4 Project Completion Date

Major construction items will be completed, and the Project will be open to unrestricted traffic no later than the end of 2024.

1.5 Project Goals

The following goals have been established for the Project:

- Project Goals
 - Deliver a high-quality HMA overlay to extend the life of the pavement;
 - Deliver high quality repairs to pavements;

- Deliver high-quality repairs to bridge structures;
- Deliver high quality supporting roadway infrastructure;
- Minimize traffic impacts to Illinois Tollway users during Construction;
- Minimize disruptions to tolls at Tollway Plazas; and
- Meet or exceed DBE goals.
- Project Pilot Goals
 - To provide input for continuous improvement of the Illinois Tollway’s Design-Build program.

1.6 Project Status

As of the date of issuance of this RFQ:

Environmental: There are existing wetlands within the Project limits which the Illinois Tollway is currently delineating. It is expected that permits will be required to complete work within these areas. Once delineated, the Illinois Tollway will work to secure the required permits by the time of issuance of the **Request for Proposals (RFP)**.

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

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 will be required to obtain. Additional information will be provided in the RFP, when issued.

Geotechnical: No work requiring additional geotechnical information is anticipated on this project.

1.7 Ex Parte Communications

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

Any Submitter engaging in such prohibited communications may be disqualified at the sole discretion of the Illinois Tollway.

1.8 Equal Employment Opportunity

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

The Illinois Tollway Special Provisions for Equal Employment Opportunity Program (EEO) can be accessed via the following website: <https://www.illinoistollway.com/contract-compliance>. This provision should be attached to all procurement documents associated with the project including this RFQ and **Request for Proposals (RFP)**, when issued.

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

Additionally, to promote workforce development and diversity on the project, the Design-Builder will also be required to participate in the Illinois Tollway workforce programs and initiatives such as the ConstructionWorks program. More details about the programs can be found at: [ConstructionWorks – Illinois Tollway](#).

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

The Illinois Tollway has established a Disadvantaged Business Enterprises (DBE) Program and a Veteran Owned Small Business (VOSB) Program for locally funded projects and the Design-Builder shall adhere to the requirement of the DBE and VOSB programs, respectively. This procurement will have DBE and VOSB participation goals. Additionally, there will be distinct goals for DBE and VOSB participation for professional services and Construction Work. These goals will be provided in the Request for Proposals (RFP), when issued.

The Design-Builder will take all necessary and reasonable steps to ensure that DBE and VOSB firms have the maximum opportunity to compete for and perform work on the Project. Proposers shall make a commitment to make good faith efforts to meet the established goals utilizing certified DBE and VOSB firms. Proposers should use Form I (Record of DBE Performance) to state their commitment to meet the established goals utilizing certified DBE and VOSB firms. A directory of registered and/or certified DBE/VOSB/SDVOSB vendors in the State of Illinois is available on the following website: <https://cms.diversitycompliance.com/>. The Design-Builder should adhere to the Illinois Tollway Special Provision for Disadvantaged Business Enterprise Participation on Design-Build projects and the Illinois Tollway Special Provision for Veteran Owned Small Business/Service-Disabled, Veteran-owned Small Business (SDVOSB) Participation on Design-Build projects. These provisions have been provided as Exhibit 6: Special Provision for Disadvantaged Business Enterprise Participation; and Exhibit 7: Special Provision for Service-Disabled Veteran-owned Small Business (SDVOSB) and Veteran-owned and Small Business (VOSB) Participation. Exhibit 6: Special Provision for Disadvantaged Business Enterprise Participation and Exhibit 7: Special Provision for Service-Disabled Veteran-owned Small Business (SDVOSB) and Veteran-owned and Small Business (VOSB) Participation will be provided as part of the Request for Proposals (RFP) package. These exhibits will be included as part of Book 1. These exhibits can be viewed using the links below:

[Illinois Tollway Special Provision for Disadvantaged Business Enterprise Participation](#)

[Illinois Tollway Special Provision Veteran Owned Small Business/Service-Disabled, Veteran-owned Small Business \(SDVOSB\) Participation](#)

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

1.10 Role of the Illinois Tollway

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

- a. Providing the Conceptual Design and Project Information;
- b. Initiating environmental clearances and mitigation based on the Conceptual Design, except for those obligations specifically assigned to the Design-Builder;
- c. Overall Project and program administration;
- d. Project funding;
- e. Preparation of the RFQ and RFP, evaluation of SOQs and Proposals, determination of the Shortlist and selection of Design-Builder;

- f. Contract procurement and administration;
- g. Oversight and audit of Design activities;
- h. Acceptance of Released for Construction (RFC) Documents;
- i. Oversight and audit of both Construction and Construction Quality Control;
- j. Sign-off on Construction Critical Activity Points;
- k. Approval and Acceptance of Work and payment for Work;
- l. Land acquisition for Right-Of-Way (except as specified in Book 2, Section 7.8);
- m. Maintenance agreement(s); and
- n. Preparation of Project Information documents which may include:
 - 1. Traffic data;
 - 2. Geotechnical data;
 - 3. Permanent and temporary easements;
 - 4. Permanent Construction permits;
 - 5. Utility Agreements; and
 - 6. Preliminary Utility information

At the Illinois Tollway's sole discretion, it may use third parties to fulfill the responsibilities noted in this Section 1.8 (*Role of the Illinois Tollway*).

1.11 Design-Builder Responsibilities

The Design-Builder will be responsible for:

- a. All Work necessary to Design and construct the Project;
- b. Certain public information roles to alert the public of traffic and Construction;
- c. Coordination with Project stakeholders, other subcontractors, and Utility Owners;
- d. Overall Design quality, including Quality Control, discipline coordination reviews, independent technical reviews and audits;
- e. Overall Construction quality, including Quality Control, Critical Activity Points, materials certifications and audits
- f. Environmental mitigation efforts assigned to the Design-Builder;
- g. Environmental permitting efforts assigned to the Design-Builder;
- h. Obtaining certain governmental approvals for the Project, but not limited to the following:

ILLINOIS TOLLWAY DESIGN-BUILD PROJECT

1. Detours;
2. Lane closures;
3. Permits for Disposal of Waste:
4. Work within/or near Environmental Sensitive features such as wetlands or Waters of the United States
 - i. Right of Access to railroad properties Preparation and implementation of a Plan to manage traffic;
 - j. Certain maintenance activities during Construction;
 - k. Maintenance and protection of traffic;
 - l. Maintaining access to adjacent facilities;
 - m. Project safety and security;
 - n. Preliminary and final engineering;
 - o. Geotechnical investigations;
 - p. Preparation of Design deviations;
 - q. Management and remediation of hazardous materials;
 - r. Drainage and erosion control;
 - s. Construction waste disposal;
 - t. Obtaining and maintaining required clearances, licenses, and permits;
 - u. Identifying and consulting with the Illinois Tollway on need for additional Project ROW;
 - v. Obtaining temporary work areas;
 - w. Ancillary works;
 - x. Material location, acquisition, permits, and transportation;
 - y. Utility coordination and relocation, and protection of existing facilities;
 - z. Compliance with Utility Agreements;
 - aa. Obtaining and complying with additional agreements with Utility Owners;
 - bb. Site clearance and demolition;
 - cc. Such other responsibilities to be stated in the Contract Documents;
 - dd. Scope Validation;
 - ee. The selected Design-Builder shall also perform additional inspections and Materials samples and tests to investigate possible Nonconforming Work.

1.12 Quality Management Plan

1.12.1 Selected Design-Builder Responsibility

The selected Design-Builder shall develop, implement, and maintain a Quality Management Plan comprised of the selected Design-Builder's quality policy, quality objectives, Design Quality Management Plan, Construction Quality Management Plan, environmental compliance, quality procedures, and document control.

The selected Design-Builder shall be responsible for the quality management of all Design and Construction Work to ensure compliance with the Project's scope of work. In addition, the selected Design-Builder's executive management shall define and document its policy for quality management, including objectives for quality and its commitment to quality. The Design-Builder shall outline any potential conflict of interest in the Quality Management Plan.

1.12.2 Illinois Tollway Responsibility

The Illinois Tollway will undertake a Design oversight role during final Design. During the Construction Work, the Illinois Tollway will perform all Materials sampling and testing, and inspection for Acceptance of the Work in accordance with the Minimum Frequency of Sampling and Testing, and Inspection Guide as outlined in the **Request for Proposals (RFP)**, when issued.

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

- Perform independent Quality Assurance Design reviews on the Design (drawings, calculations, specifications, special provisions, studies, reports, and other design outputs);
- Accept all Design submittals up to and including the RFC Documents;
- Perform Construction inspection and Material sampling and testing, for the Acceptance of all Work;
- Perform Materials sampling and testing, and inspection at off-site facilities for Acceptance; and
- Perform auditing on the implementation of Design-Builder's Quality Management Plan. These audits will be systematic and independent examinations to determine whether quality activities and related results comply with the Quality Management Plan and whether they are implemented effectively and are suitable to achieving the goals of the Quality Management Plan. The Illinois Tollway will review and Accept modifications to the Quality Management Plan resulting from any shortcomings discovered in the audit process.

1.12.3 Selected Design-Builder's Quality Approach

1.12.3.1 General

The overall quality approach defined herein requires the selected Design-Builder to develop, implement, and maintain a quality program that encompasses the Design and Construction quality aspects, as well as documentation requirements for the Project.

The selected Design-Builder shall perform Quality Control and Quality Assurance activities for the Design of the Project in accordance with the policies and procedures to be defined in the Quality Management Plan requirements of the Request for Proposals (RFP), when issued. The Illinois Tollway's Design-related oversight role will include reviews of Design packages for Acceptance and audits of the Design aspects of the quality program.

The selected Design-Builder shall perform Quality Control activities, defined in the Quality Management Plan, for the Construction of the Project, including testing and inspection activities to ensure that Materials and the constructed Work meet the requirements of the Contract Documents.

The selected Design-Builder shall document quality activities and maintain quality data in accordance with the policies and procedures defined in their Quality Management Plan.

1.12.3.2 Quality Organizational Requirements

The selected Design-Builder's Quality Manager shall:

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

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

None of the selected Design-Builder's quality staff has the ability to deviate from the requirements of the Contract Documents or to interpret Project specifications. Their role is solely to ensure the finished Work meets the requirements of the Contract Documents that includes:

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

1.13 Payment and Liquidated Damages

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

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

1.14 Insurance, Bonding, Licensing, and Securities

The selected Design-Builder shall provide specified insurance, including professional liability insurance covering design. Details of the insurance requirements will be provided in the Request for Proposals (RFP), when issued.

Each firm on the Shortlist submitting a Proposal will be required to provide a Proposal Bond or other form of security acceptable to the Illinois Tollway. The selected Design-Builder will additionally be required to provide a Performance Bond and a Payment Bond or other security acceptable to the Illinois Tollway equal to 100% of the Contract Price. If the Illinois Tollway adds optional scope after execution of the Contract, the selected Design-Builder will be required to furnish a Performance Bond and a Payment Bond corresponding to the increase in the Contract Price.

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

Further, the selected Design-Builder shall be required to provide proof that all Major Participants have jointly agreed to indemnify the Illinois Tollway as follows:

- Design-Builder shall defend, indemnify, and hold harmless the Illinois Tollway, acting through its agents, representatives and employees, from and against any and all claims and suits, liability, damages, losses or expenses, including attorney's fees and costs, to the extent that they arise out of or are in any way connected with any act or omission of the Design-Builder, its officers, employees or agents.
- Design-Builder agrees, at its own expense, and upon written request by the Illinois Tollway, to defend any suit, action or demand brought against the Illinois Tollway on any claim or demand related to the Project in accordance with Book 1, Article 22.

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

1.15 Governing Law

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

1.16 Prevailing Wages

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

1.17 Authority to Transact Business Under an Assumed Name

If Submitters are doing business under an assumed name, it shall be required to furnish, once the Shortlist is determined and resultant Proposers are named, a certificate of registration and authorization showing that such Proposer, whether an individual or partnership is registered and authorized to conduct business in Illinois under such assumed name in accordance with Assumed Business Name Act, 805 ILCS 405/1, et seq., as amended from time to time.

1.18 Secretary of State Certificate of Good Standing

A Person, other than an individual acting as a sole proprietor, must be a duly constituted legal entity and authorized to transact business or conduct affairs in Illinois prior to execution of the Contract as set forth in 30 ILCS 500/20-43. The Secretary of State Certification will be verified by the Illinois Tollway for the shortlisted Submitters.

1.19 State Board of Elections Registration, Required Disclosures and Certifications

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

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

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

Any Submitter who is Shortlisted and is selected to receive a Request for Proposals (RFP) and submit a corresponding Proposal must register with the IDHR to be eligible to be awarded public contracts. For additional information, see Form M (Vendor Disclosure).

1.21 SOQ Submitter Disqualification

Any SOQ that is not timely delivered will not be considered. Submitters will be entirely responsible for any consequences, including disqualification of the SOQ that results from Submitter's failure to follow the instructions in this RFQ. A disqualified SOQ will be considered non-responsive. It is Submitter's sole responsibility to see that its SOQ is properly received by the Illinois Tollway. Submitters shall provide responses to all information requested in this RFQ. Failure to

respond or to provide requested information may result in a determination by the Illinois Tollway, in its sole discretion, that an SOQ is non-responsive.

In addition, the following instances would disqualify any SOQ and associated Submitter:

- Lack of competency of Submitter, as determined in the sole discretion of the Illinois Tollway based on any information available to them. This may include:
 - Any unsatisfactory prior performance record, including, without limitation, slowness in, or failure to pay incurred labor and material costs, or subcontractor costs.
 - Uncompleted work which, in the opinion of the Illinois Tollway, might hinder or prevent the prompt completion of the Work.
- When any principal, agent, representative, or employee of the prospective Submitter currently serves as a member, employee, or agent of a Governmental Person that is participating financially in the proposed Work.
- When any principal, agent, or employee of the prospective Submitter has participated in the preparation of Plans or specifications of the RFP for the Work.
- The aforementioned listing is not intended to be comprehensive and shall not limit the right of the Illinois Tollway to disqualify a Submitter for any other legally permissible reason.

1.22 Expatriated Entities

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

2 PROCUREMENT PROCESS

2.1 Overall Procurement Process

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

In the second phase, the Illinois Tollway will issue a Request for Proposals (RFP) for the Project to the Shortlisted Submitters. Only the Shortlisted Submitters will be eligible to submit Proposals for the Project. Each shortlisted Submitter that submits a Proposal in response to the RFP (if any) is referred to herein as a "Proposer." The RFP will provide further specific instructions on what to submit, the evaluation factors, the objectives and requirements for evaluation, and the evaluation rating guidelines for the RFP phase of the procurement. Evaluation factor categories for the RFP could include, but not be limited to:

- Pass/Fail;
- Legal;
- Financial;
- Completeness of Proposal;
- Quality Management;
- Technical approach;
- Project Delivery approach;
- Management approach; and
- Price

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

- Legal documents demonstrating ability to execute the Contract with the Illinois Tollway;
- Financial information;
- Proposal Bond and Performance Bond;
- Specified certificates and representations;
- Description of project management approach, including organizational structure, delegation of authority, schedule and budget controls, and Quality Management Plan;
- Preliminary Baseline Schedule depicting the critical path methodology including all key decision-making processes;
- Technical approach including:
 - a. Rehabilitation to:
 - i. Existing mainline and ramp pavements;
 - ii. Existing mainline bridges;
 - iii. Crossroad structures.
 - b. Repairs to:
 - i. Existing concrete box culverts;
 - ii. Existing retaining walls and noise abatement walls;
 - iii. Existing overhead sign structures.
 - c. Other improvements, including but not limited to:
 - i. Updates to roadway lighting and drainage and underdrain systems;
 - ii. Maintenance of Traffic Scheming.
 - d. Minimizing impacts to motorists.
- Specified Design documents and conceptual diagrams and sketches; and
- Price Proposal.

The RFP process will include the opportunity for Proposers to submit Alternative Technical Concepts (“ATCs”). Permitted ATCs will consist of proposed changes of equal or better quality to the Technical Provisions that a Proposer contends will enhance the Project and/or reduce the costs or time to complete the Project. ATCs will be permitted to allow Proposers to submit innovative concepts to the Illinois Tollway. Additional details of the ATC process will be included in the RFP.

The Illinois Tollway will score Proposals using a best value methodology, which accounts for a balance of technical and price factors. While price is an important factor in the RFP phase of the procurement, Proposers’ technical approach, management approach, and quality are also significant factors in determining the success of the Project. Following this evaluation, the Illinois Tollway intends to Award the Contract.

The relative weights of the Technical Proposal and Price Proposal in the best value determination for the total Proposal score will be specified in the RFP.

2.2 Project Schedule

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

Table2-1 Anticipated Procurement Schedule	
RFQ Informational Meeting	TBD
RFQ Released to Industry	TBD
Deadline for Submitter Questions	TBD
SOQ Submission Due Date*	TBD
Notify Shortlisted Submitters	TBD
Issue Draft RFP to Proposers	TBD
Proposal Due Date*	TBD

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

2.3 Stipend Payment

The Illinois Tollway may pay a stipend to responsible Proposers that submit a fully responsive but unsuccessful Proposal. The amount of the stipend is anticipated to be \$75,000 for only the base scope of the Work.

Payment of the Stipend will be conditioned on release by the Proposer of the rights to all work product to develop a Proposal and the provision of substantiation for the costs of Proposal preparation. Additional information about the stipend payment, including timing, will be provided in the RFP, when issued

3 RFQ PROCESS

3.1 *Submitter Communications*

All questions and requests for clarifications for this RFQ must be submitted to the Illinois Tollway Purchasing Agent (“Purchasing Agent”) through the contact information provided below. All questions must be received by the Deadline for Submitter Questions due date identified in Section 2.2 (*Project 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 or transmitting electronic Proposals and accessing the Illinois Tollway Online Plan Room (“Online Plan Room”), as provided in Section 3.3 (*BidBuy and Online Plan Room*).

Contact Information: Illinois Tollway Purchasing Agent

mcampuzano@getipass.com

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

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

3.2 *Submitter Questions*

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

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

Completed Submitter RFQ Questions spreadsheets must be submitted and received by the Purchasing Agent by the Deadline for Submitter RFQ Questions identified in Section 2 (*Procurement Process*). No oral requests for clarification or interpretation, whether in person or by telephone, will be accepted.

The Illinois Tollway will issue clarification notices on BidBuy in response to questions received from Submitters in completed Submitter RFQ Questions spreadsheet. Responses to questions contained in clarification notices are not binding on the Illinois Tollway until such time as they are incorporated into an addendum or into the final RFP, when issued.

3.3 BidBuy and Online Plan Room

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

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

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

As applicable, the Illinois Tollway will send an e-mail notification to the contact person for each Submitter as soon as each addendum is issued. The notification will include an electronic copy of the addendum when possible.

3.4 Notification of Shortlist

After review and consideration of SOQs received, the Illinois Tollway will notify all Submitters whether they have been shortlisted. Additionally, the Illinois Tollway may publicly announce the shortlisted Submitters who now become “Proposers.” The date on which the Illinois Tollway anticipates providing notification and making the announcement is stated in the Procurement Schedule in Section 2.2 (*Project Schedule*).

The Illinois Tollway anticipates that it will Shortlist at least [two], but not more than [three] Submitters.

3.5 Costs

Except for the Stipend provided in Section 2.3 (*Stipend Payment*) and subject to the terms thereof, Submitters shall be responsible for all costs associated with participation in this procurement process, including but not limited to the preparation of SOQs and Proposals, submission of questions, participation in public forums or other meetings established pursuant to the procurement process, and any other efforts or costs arising from or related to this procurement.

Other than payment of the Stipend to eligible Proposers provided in Section 2.3 (*Stipend Payment*) and subject to the terms thereof, the Illinois Tollway assumes no liability whatsoever to any participant or possible participant in this procurement.

3.6 Ineligible Firms

The following firms have either been retained by the Illinois Tollway to assist in the preparation of 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.
- HBM Engineering Group, LLC
- Accurate Group, Inc.
- Bowman Consulting Group, LTD
- Innleadair, LLC
- Millennia Professional Services of Illinois, Ltd.

Pursuant to Illinois law, the above entities are ineligible to submit SOQs and Proposals or participate as part of any Submitter. See 30 ILCS 500/50-10.5(c)

3.7 *Organizational Conflicts of Interest*

All Major Participants within each Submitter team must submit a statement in their SOQs acknowledging any known or potential conflicts of interest. Each Submitter is prohibited from receiving any advice or discussing any aspect relating to the Project or the procurement of the Project with any person or entity with an organizational (i.e., an entity and not an individual) conflict of interest, including, but not limited to, ineligible firms listed in Section 3.6 (*Ineligible Firms*). Such persons and entities are prohibited from participating in any Submitter organization relating to the Project. If a Submitter team is unable to determine whether any member of its team has a potential organizational conflict of interest, Submitter team shall contact the Purchasing Agent as promptly as possible to make a determination.

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

3.8 *Project Industry Forum*

TBD.

4 SOQ SUBMITTAL REQUIREMENTS

4.1 Rules Applicable to SOQ Submittal

- a. Only Design-Build Teams who can complete this Project in its entirety may submit SOQs. Submitters must be comprised of an entire Design-Build Team that can complete the Project. Individual firms without the capacity to operate as a Design-Build organization cannot submit an SOQ on their own behalf.
- b. In its SOQ, Submitters must identify, in the cover letter as required in Section 4.4.1 (*Cover Letter and Acknowledgment*), all Major Participants.
- c. Any Major Participant (as defined in this RFQ, or any Affiliate thereof) on one Design-Build Team, may not serve in any capacity on any other Design-Build Team.
- d. Subcontractors performing more than 20% of the Construction (or any Affiliate thereof) may only be on one (1) Submitter's team. This limitation does not apply to an entity acting in its capacity as a Materials supplier. Therefore, an entity can be a subcontractor performing greater than 20% of the Construction on one (1) Submitter's team while providing pricing for the supply of materials only to other Submitters.

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

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

4.2 Date and Time of Receipt

SOQs must be received no later than the SOQ Submission Due Date identified in Section 2.2 (*Project Schedule*).

SOQs received after this deadline will not be accepted.

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

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

Electronic SOQs must be in a searchable PDF format. The Illinois Tollway encourages Submitters to keep each individual file attachment to no more than 25 MB for uploading purposes. Submitters will receive a confirmation email upon successful delivery of their complete SOQ to the Illinois Tollway.

Submitters planning to submit as a Joint Venture or other type of unincorporated association must submit under the planned name of the Joint Venture or other organization. Such Submitters must obtain a Bidder ID from BidBuy in the name of the Joint Venture or other organization to upload an SOQ. For purposes of the Bidder ID, the name of the Joint Venture or other unincorporated organization may be the intended name of Submitter if Submitter has not finalized its organization as a Joint Venture or other unincorporated organization prior to submission of the SOQ. Nothing in this paragraph shall modify any other provision of this RFQ that permits Submitters to finalize their Joint Ventures or other organizational arrangements after submission of the SOQ; provided, however, that any changes to the constituent members of a Submitter remain subject to [Section 4.1\(g\)](#) (Rules Applicable to SOQ Submittal).

Submitters are advised to plan for sufficient time to obtain a Bidder ID in advance of the SOQ Submission Deadline. The Illinois Tollway will not extend the SOQ Submittal Deadline or otherwise allow a late SOQ submittal due to a Submitter's failure to obtain the proper credentials to submit an SOQ through BidBuy.

4.3 Page Limit, Format, and Quantities

Each Submitter shall organize its SOQ as follows. SOQs must contain bookmarks separating the information provided into the sections shown in the table below. The information that must be contained in each section, in addition to the page limit (if any) for each section, is contained in the table below and is further described in [Section 4.4](#) (*Content of SOQ*).

Content	Required Submissions/Page Limits
Section 4.4.1 (<i>Cover Letter and Acknowledgement</i>)	<ul style="list-style-type: none"> • Cover Letter: 2 pages • Form A; Acknowledgement of Receipt of RFQ, Addenda and Responses to Questions
Section 4.4.2.1 (<i>Legal</i>)	<ul style="list-style-type: none"> • Form B; Submitter's Organization Information • Copy of Submitter formation agreement or material terms • Narrative Information: No page limit • Form C; Past Performance • Form D; Major Participant Certification
Section 4.4.2.2 (<i>Financial</i>) (no page limits)	<ul style="list-style-type: none"> • Financial Statements • Bank/Surety/Insurance letter • Credit Ratings • Material Changes in Financial Condition

Content	Required Submissions/Page Limits
<u>Section 4.4.2.3</u> (<i>Submitter Experience</i>)	<ul style="list-style-type: none"> • Form E; Information About Major Participants and Identified Subcontractors • Form F; Project Description • Form G; Awards, Citations, and/or Commendations • Form H; Safety Questionnaire • Form I; Record of DBE Performance
<u>Section 4.4.2.4</u> (<i>Key Personnel</i>)	<ul style="list-style-type: none"> • Form J; Key Personnel • Key Personnel Resumes: 2 pages each
<u>Section 4.4.2.5</u> (<i>Organization, Quality Management Approach and Quality Organization</i>)	<ul style="list-style-type: none"> • Form K; Subcontractor Information • Organizational Chart and description of relationship: 3 pages • Narrative description of quality organization and approach: 5 pages
<u>Section 4.4.2.6</u> (<i>Project Understanding and Approach</i>)	<ul style="list-style-type: none"> • Narrative: 12 pages
<u>Section 4.4.2.7</u> (<i>Conflict of Interests and Other Forms</i>)	<ul style="list-style-type: none"> • Conflict of Interest information • Form L; Affidavit of Non-Collusion • Form M; Vendor Disclosure • Form N; IPG Active Registered Vendor Disclosure • Form O; Substance Abuse Prevention Program Certification (820 ILCS 265/15) • Form P; Non-Disclosure Agreement

Upload one (1) searchable .pdf copy of the SOQ in accordance with the instructions in Section 4.2 (*Date and Time of Receipt*). The document must be organized to correspond with the outline in this Section 4.3 and use “bookmarks” to separate the sections. Each SOQ must be named as follows: “Submitter Name, Name of Project, Date.” If Submitter’s SOQ is larger than 10 MB, Submitter must label each file, after the date (File # X of X; for example, “1 of 2”). All signatures required must be added using a program that applies electronic signatures.

SOQs must have a font size greater than or equal to 10-point in a standard font, except that the font size accompanying graphics must be greater than or equal to 8-point. Two (2) pages in Section 4.4.2.5 (*Organization, Quality Management Approach and Quality Organization*) and also in Section 4.4.2.6 (*Project Understanding and Approach*) may be 11” x 17” in each section respectively (for a total of four pages); all remaining pages must be standard 8 1/2” x 11” and margins must be at least 1/2”.

4.4 Content of SOQ

This section describes the specific information that must be included in the SOQ. An outline of the required format for the SOQ is provided in Section 4.3 (*Page Limit, Format, and Quantities*).

Submitters should provide brief, concise information that addresses the objectives and the requirements of the Project consistent with the evaluation factors described in Section 5.2 (*Qualitative Evaluation Factors and Weights*). Lengthy narratives containing extraneous information are discouraged.

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

- a. Clearly mark all proprietary information in its response (either their SOQ and/or Proposal if shortlisted) at the time of submission.
- b. Include a statement with its response justifying the trade secret designation for each item.
- c. Defend any action seeking release of the materials it believes to be trade secret, and indemnify and hold harmless the Illinois Tollway, its agents and employees, from any judgments awarded against the Illinois Tollway in favor of the party requesting the materials, and any and all costs connected with that defense in accordance with Book 1, Article 22. This indemnification survives the Illinois Tollway's Award of the Contract. In submitting an SOQ response to the RFQ, Submitter agrees that this indemnification survives as long as the proprietary information is in possession of the Illinois Tollway.

4.4.1 Cover Letter and Acknowledgement

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

Authorized Representatives of Submitter organization must sign the letter. If Submitter is a Joint Venture, the Joint Venture members must sign the letter. If Submitter is not yet a legal entity, the Major Participants must sign the letter. The letter must certify the truth and correctness of the contents of the SOQ. The cover letter shall be limited to two (2) pages.

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

This information will be used to identify Submitter and its designated contact and will be reviewed on a pass/fail basis only and not as part of the qualitative assessment of the SOQ.

4.4.2 Evaluation Objectives and Requirements

The following objectives and SOQ submittal requirements are the key to the evaluation process. An objective is stated for each category to provide Submitters the minimum expectations of the Illinois Tollway. The requirements for each category and the information to be submitted are listed and described in detail. In providing the SOQ, Submitters should be guided by the Project goals in [Section 1.3 \(Project Goals\)](#) and the objectives listed in [Section 4.4.2 \(Evaluation Objectives and Requirements\)](#). The SOQ evaluation ratings of [Section 5.2.2 \(Qualitative Evaluation Factors and Weights\)](#) will be based on how well the SOQ responds to the requirements and meets or exceeds the Project goals and the objectives of each of the evaluation factors.

4.4.2.1 Legal

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

Legal Structure

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

Legal History

- a. Identify any legal issues that must be resolved by Submitter, or any Major Participant, to permit Submitter to carry out its obligations if awarded the Contract. If there are no such legal issues, affirmatively state that there are none. This information is to be provided as a narrative.
- b. Using Form C (Past Performance), provide a list of all litigation, arbitration, mediation, dispute review board or other alternative dispute resolution proceedings during the past five (5) years that have involved in excess of \$250,000 and that related to the performance of any Major Participant identified in the cover letter including all proceedings by project owners. State whether each proceeding was resolved against the participant(s) or its insurers/sureties or resulted in reduction in compensation to the participant. Identify any unresolved, outstanding proceedings.
- c. Liquidated Damages. Using Form C (Past Performance): Describe any assessment of liquidated damages against any Major Participant over the past five (5) years. Describe the causes/reasons for the assessment and the amounts assessed. Describe any outstanding damage claims by or damages due and owing to any owner/agency.
- d. Termination for Cause. Using Form C (Past Performance): Describe the conditions surrounding any contract (or portion thereof) entered into by Major Participants identified in the cover letter during the past five (5) years that has been terminated for cause, or which required completion by another party. Describe the reasons for termination or completion by another and the amounts involved, and claims lost or won.
- e. Disciplinary Action. Using Form C (Past Performance): Explain any disciplinary action taken against any Major Participant identified in the cover letter within the past five (5) years, including suspension from the right to propose/bid or removal from any offeror/bid list.
- f. Provide Form D (Major Participant Certification) for each Major Participant.

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

4.4.2.2 Financial

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

Requirements and information to be submitted:

- a. Financial Statements: Financial statements for the Major Participants will be acceptable if not more than 18 months old. Financial statements must include:

- Opinion letter (auditor’s report);
- Balance sheet;
- Income statement;
- Statement of changes in cash flow; and
- Footnotes.

In addition, financial statements must meet the following requirements:

- GAAP or IFRS Compliant

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

- U.S. Dollars

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

- Audited

Financial statements must be audited by an independent party qualified to render audit opinions (e.g., a certified public accountant). If audited financials are not available for an entity, the SOQ shall include unaudited financial statements for such entity, certified as true, correct, and accurate by the chief executive officer, chief financial officer, or treasurer (or by such equivalent position or role) of the entity.

- English

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

- SEC Filings

If Submitter or any other entity for whom financial information is submitted in the SOQ files reports with the Securities and Exchange Commission (SEC), then such financial statements shall be provided by including the entity’s most recent Form 10-K (Annual report pursuant to Section 13 or 15[d]). For all subsequent quarters, provide a copy of any report filed on Form 10-Q (General Form for Quarterly Reports under Section 13 or 15[d]) or Form 8-K (Current Report Pursuant to Section 13 or 15[d]) that has been filed since the latest filed 10-K. The SEC Forms 10-K, 10-Q, and 8-K, are not attached to the appendices. Refer to the Securities and Exchange Commission for the most recent forms.

- b. Provide a letter from a bank, surety or insurance company stating that Submitter is capable of obtaining (i) Proposal Guaranty and (ii) Performance Bonds and Payment Bonds in the estimated amount of \$40.0 million. The insurance companies providing coverage shall be rated by A.M. Best Company with a financial strength rating of A- or better and a financial size category of not less than VII. The letter should recognize the firm’s backlog and work-in-progress in relation to its bonding capacity. Letters indicating “unlimited” bonding/security capability are not acceptable.
- c. Credit ratings: For each Major Participant that has a credit rating, Submitter shall provide all current credit ratings for such Major Participant(s).

d. Material changes in financial condition:

- Submitter shall provide information regarding any material changes in financial condition to each Major Participant, and, if applicable, each Guarantor for the past three (3) fiscal years and anticipated for the next fiscal year. In each case, if any of the foregoing entities is a consortium, partnership, or any form of Joint Venture, Submitter shall provide this information for all members. If no material change has occurred and none is pending, each of these entities shall provide a letter from their respective chief executive officer, chief financial officer, or treasurer (or equivalent position or role) so certifying.
- In instances where a material change has occurred, or is anticipated, the affected entity shall provide a statement describing each material change in detail, the likelihood that the factors underlying the change will continue during the period of performance of the Project, and the projected full extent of the changes likely to be experienced in the periods ahead. Estimates of the impact on revenues, expenses, and the change in equity shall be provided separately for each material change certified by the chief executive officer, chief financial officer, or treasurer (or equivalent position or role). References to the notes in the financial statements are not sufficient to address the requirement to discuss the impact of material changes.
- Where a material change will have a negative financial impact, the affected entity shall additionally provide a discussion of measures that it will undertake to insulate the Project from such negative material changes, and those currently in progress or reasonably anticipated in the future. If the financial statements indicate that expenses and losses exceed income in each of the three completed fiscal years (even if there has not been a material change), the affected entity shall provide a discussion of measures that will be undertaken to make the entity profitable in the future and an estimate of when the entity will be profitable.

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

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

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

- e. Guarantor: the Illinois Tollway may, in its discretion and based upon the review of the financial information provided, specify that an acceptable Guarantor is required as a condition of Shortlisting. If the Illinois Tollway requires a Guarantor as a condition of Shortlisting, the Illinois Tollway will require Submitter to provide the Guarantor's financial statements for the preceding three (3) years by a time specified in the Illinois Tollway's notice to Submitter that a Guarantor is required. If a Guarantor is required or the financial statements of a Guarantor are submitted, Submitter must still comply with all other requirements in the RFQ for the submission of financial information. The Illinois Tollway reserves the right to review a proposed Guarantor's financial capacity and reject the proposed Guarantor if there is a material risk that it would be unable to fulfill its obligations.

4.4.2.3 Submitter Experience

Objectives:

- I. To identify the most qualified Design and Construction firms available with demonstrated experience, expertise, and capacity in work of the nature included in the Project with a record of producing quality work;
- II. To identify Submitters that have the experience in successfully managing, designing, and constructing projects of the size and complexity of this Project;
- III. To identify Submitters with superior records of completing Design and Construction contracts on time and within budget;
- IV. To identify Submitters that have experience in successfully managing maintenance of traffic, successfully collaborating with numerous types of utility facilities along a highway corridor, successfully collaborating with multiple: crews, segments, and jurisdictions on a corridor or highway, and supporting community interaction aspects of this Project;
- V. To identify the extent and depth of experience using innovative means of Design and Construction that resulted in cost savings and expediting of project completion;
- VI. To identify Submitters with Design and Construction experience on highway intersections;
- VII. To identify Submitters with excellent safety records;
- VIII. To obtain the commitment of Submitter and Major Participants regarding representations made in the SOQ; and
- IX. To identify Submitters with a record of maximizing DBE participation.

Requirements and information to be submitted:

- a. Service Prequalification Requirements: Using Form E (Information About Major Participants and Identified subcontractors), indicate which service prequalifications listed in Section 5.2.1(c) (Pass/Fail Factors) will be met by each Major Participant and subcontractor;
- b. Firm Experience: Using Form F (Project Description), Project Description, provide at least two (2) projects, but no more than three (3) projects, for each Major Participant, of equal or greater complexity than this Project. Submitters should use one (1) Form F (Project Description) for each project for each Major Participant. All project descriptions should highlight experience in the last 10 years relevant to the Project. Describe those projects having a scope comparable to that anticipated for the Project. Color graphics and photographs may accompany this Form F (Project Description). Include performance ratings for any project work done for the Illinois Tollway, IDOT or any other governmental agencies or bodies, if applicable. Form F (Project Description)

will be evaluated using the specific evaluation criteria listed in Section 5.2.2 (a) (Qualitative Evaluation Factors and Weights) Submitter Experience and Performance. **The descriptions must include projects demonstrating that Submitter meets the minimum required experience stated in Section 5.2.1(c) (Pass/Fail Factors);**

- c. Using Form G (Awards, Citations, and/or Commendations), list awards, citations, and/or commendations for performance relevant to this Project received by any Major Participants within the last 10 years. Describe the work for which award(s), citation(s) and/or commendation(s) were received;
- d. Safety: Submit Form H (Safety Questionnaire) for each Major Participant and any Construction subcontractor; and
- e. DBE Participation: Submit Form I (Record of DBE Performance) for each Major Participant that provides Construction services reflecting the record of DBE performance in their contracts for the past four (4) years.

The Illinois Tollway may elect to use the information provided as a reference check.

4.4.2.4 Key Personnel

Objective: To identify qualified individuals who will lead the Project on behalf of the Design-Builder.

Submitters shall identify the following Key Personnel with the following minimum qualifications:

Key Personnel	Minimum Responsibilities:	Minimum Education and Experience Requirements:
Project Manager	<ul style="list-style-type: none"> • Lead the Design-Build Team • Will have the authority to represent, make decisions for, and oversee the performance of Design, Construction, quality, and Contract management. • The Project Manager and the Construction Manager roles may be filled by the same person, provided that the identified person meets the criteria for both positions. 	<ul style="list-style-type: none"> • Minimum of 10 years' experience in Design and Construction management of projects of similar scope and complexity. • Design-Build management experience preferred
Construction Manager	<ul style="list-style-type: none"> • Lead Construction team • Lead coordination between Design and Construction teams with Design Manager • Responsible for maintaining 	<ul style="list-style-type: none"> • Minimum of 10 years' experience in managing Construction for projects of similar scope and complexity

Key Personnel	Minimum Responsibilities:	Minimum Education and Experience Requirements:
	<p>Construction schedule and budget</p> <ul style="list-style-type: none"> The Project Manager and the Construction Manager roles may be filled by the same person, provided that the identified person meets the criteria for both positions. 	
Design Manager	<ul style="list-style-type: none"> Lead the Design team Lead coordination between Design and Construction teams with Construction Manager Will be responsible for ensuring that the overall Project Design is completed in accordance with the Contract 	<ul style="list-style-type: none"> Minimum of 10 years' experience in managing Design for projects of similar scope and complexity Will be licensed as a Professional Engineer in the State of Illinois Must be an employee of the lead Design firm
Quality Manager	<ul style="list-style-type: none"> Lead the Design and Construction quality management of the entire Contract Will have the ability to stop Design or Construction at any time and in the individual's sole discretion 	<ul style="list-style-type: none"> Minimum of 10 years' experience in Construction quality management of projects of similar scope and complexity Will be licensed as a Professional Engineer in the State of Illinois Shall report to an executive officer of a Major Participant
Safety Manager	<ul style="list-style-type: none"> Leading safety team, creating safety plans and programs, and managing safety requirements of entire Contract 	<ul style="list-style-type: none"> Minimum 10 years of experience Must be a Certified Safety Professional (CSP) and hold current 30-hour card for OSHA Construction
Environmental Manager	<ul style="list-style-type: none"> Coordinating the lead Design firm(s)'s 	<ul style="list-style-type: none"> Minimum of 10 years of experience

Key Personnel	Minimum Responsibilities:	Minimum Education and Experience Requirements:
	<p>environmental studies and ensuring that issues are resolved before and during Construction work.</p> <ul style="list-style-type: none"> • Demonstrated knowledge and ability to obtain required permits. • Oversee field operations and ensuring compliance with regulations. • Have the authority to stop any and all Work that is not in compliance with environmental requirements. 	<ul style="list-style-type: none"> • Minimum of 2 years managing environmental compliance activities and permitting for highway projects • Meet the prequalification requirements of IDOT Prequalification Guidelines for conducting Environmental Studies
<p>Scheduler</p>	<ul style="list-style-type: none"> • Responsible for preparing the proposed Baseline Schedule for the Design-Builder, accounting for applicable constraints on the Work. 	<ul style="list-style-type: none"> • 10 years of preparing schedules for similar projects • Experience with alternative delivery methods or projects with Designer involvement, including progressive design-build, CM/GC or design-build, for example
<p>Maintenance of Traffic Team</p>	<ul style="list-style-type: none"> • The MOT team (one or two people) will be responsible for ensuring that the traffic designs and maintenance of traffic operations are completed in accordance with contract requirements and best practices to minimize impacts of the project on the traveling public, the local road system, 	<ul style="list-style-type: none"> • Recent experience designing maintenance of traffic and staging plans on projects of similar scope and complexity (3 years' experience or 2 similar projects within the last 5 years minimum). • Available to visit the Project site within two (2) hours at all times. • Work under the direct supervision of the Design Manager.

Key Personnel	Minimum Responsibilities:	Minimum Education and Experience Requirements:
	and Illinois Tollway revenue. The MOT team will also be responsible for coordinating and managing information provided to stakeholders and the public.	<ul style="list-style-type: none"> • Must be a registered professional engineer in the State of Illinois by the time the first notice to proceed is issued. • Experience with public information management for similar projects

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

A Submitter may, but is not required to, submit up to two Additional Key Personnel that Submitter deems necessary for the Project based on Submitter’s approach to delivering the Project and the Illinois Tollway’s identified goals in Section 1.3 (Project Goals). The Additional Key Personnel will be evaluated based on how their inclusion shows a deeper understanding of the Project’s scope, and how this person or persons will help the Illinois Tollway achieve the Project’s goals. Should the Proposer deem Additional Key Personnel necessary, they may attach an additional statement justifying inclusion not to exceed 1 page for each Additional Key Personnel to Form J (Key Personnel).

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

In addition to the information provided with Form J (Key Personnel), Submitter shall submit a resume for each identified Key Personnel and Additional Key Personnel, if applicable. Each resume shall not exceed two (2) pages and shall highlight the following information, considering the evaluation factors for Key Personnel contained in Section 5.2.2(b) (Qualitative Evaluation Factors and Weights):

- Role on project and experience in area of responsibility;
- Employment history (to include, without limitation, roles and responsibilities, years of employment) with Major Participant and prior;
- Experience in the management, Design, and/or Construction of projects with a scope similar to the Project;
- Percent of time committed to this Project including percent of time during Design, post Design and Construction activities; and
- Percent of time committed to other projects.

Submitters may not change its organization as described in their SOQs after the SOQ Submission Due Date identified in Section 2 (Procurement Process). Shortlisted Submitters, referred to as Proposers during the second phase of this procurement, when preparing Proposals in response to the RFP, may submit a written request and must obtain Approval from the Illinois Tollway to change any part of its organization that includes but it not limited to, Major Participants and Key Personnel. More information will be provided in the RFP, when issued.

4.4.2.5 Organization, Quality Management Approach, and Quality Organization

Objective:

- I. To identify Submitters who will effectively manage all aspects of the Contract in a quality, timely, and effective manner; and
- II. To identify Submitters that have the technical and management experience and expertise to plan, organize, execute the Design and Construction, and assure the quality and safety of the Project.

Requirements and information to be submitted:

- a. Using Form K (Subcontractor Information), identify subcontractors Submitter plans to use, to the extent they are known, including those required to be identified by Section 4.1(b) (*Rules Applicable to SOQ Submittal*). Submit maximum one (1) page summary of experience for each listed subcontractor or subconsultant;
- b. Provide an organizational chart identifying participating firms responsible for major functions to be performed in designing, constructing, and providing quality management, and quality control services for Submitter's organization. The chart(s) must show the functional structure of the organization down to the Design discipline leader or Construction superintendent level and must identify Key Personnel by name. All Major Participants and known subcontractors and subconsultants must be identified on the chart. Provide a brief description of the significant functional relationships among these firms. The critical support elements of project management, project/contract administration, Construction management, Design management, and quality control shall be identified. Provide a brief, written description of significant functional relationships among participants and how the proposed organization will function as an integrated Design-Build Team (not to exceed three pages); and
- c. Describe the critical aspects of Submitter's quality organization, including Submitter's approach to quality for both Design and Construction. Explain how Submitter's proposed organization facilitates quality, and how Submitter's quality experience demonstrates its capability to complete a quality Project. This narrative description is not to exceed five pages.

4.4.2.6 Project Understanding and Approach

Objectives:

- I. To identify Submitters demonstrating an understanding of the management, technical, utility, and maintenance of traffic issues and risks associated with the Project; and
- II. To identify Submitters demonstrating an understanding of how the Design-Build process and the Design-Build Team organization will contribute to the success of the Project and meeting the Illinois Tollway's Project goals.

Requirements and Information to be submitted:

- a. Describe Submitter's preliminary approach to the Project;
- b. Describe Submitter's understanding of the Project, the Illinois Tollway's goals, and Submitter's preliminary approach to completing the Project on time and within budget;
- c. Describe how Submitter's identified experience demonstrates its ability to complete the Project in line with the Illinois Tollway's goals;
- d. Describe Submitter's understanding of and approach to coordinating with utility owners and ensuring compliance with the Master Utility Agreement;
- e. Describe preliminary major risks and challenges associated with the Project and how Submitter would plan to mitigate those risks and overcome those challenges;

- f. Describe Submitter’s understanding of the Project’s significant technical challenges, approach to their resolution, and how Submitter’s experience demonstrates its capability to achieve such resolution;
- g. Describe Submitter’s approach to maintenance of traffic for the Project, and how Submitter’s experience with these critical issues will contribute to their successful implementation; and
- h. Briefly describe how Submitter will use its organization and the Design-Build process (including ATC) to ensure a successful, innovative Project, considering the Illinois Tollway’s Project goals listed in Section 1.3 (Project Goals).
- i. Describe the submitters approach to meeting DBE/VOSB goals.

Please submit bullet points in this Section 4.4.2.6(a) through (h) (*Project Understanding and Approach*) above in a narrative format, which shall not exceed 12 pages.

4.4.2.7 Conflict of Interests and Other Forms

Submitter shall provide the following in their SOQs:

- a. Conflict of Interest Statement (see Section 3.7 (Organizational Conflicts of Interest));
- b. Form L (Affidavit of Non-Collusion);
- c. Form M (Vendor Disclosure). Form M is a guide for Submitters to access Form A (Acknowledgement of Receipt of RFQ, Addenda and Responses to Questions) and Form B (Submitter’s Organization Information), available using weblinks provided in Form M (Vendor Disclosure). All Submitters responding to an Illinois Tollway solicitation must comply with Illinois Procurement Code, 30 ILCS 500/1, et seq., specifically section 50-35 Financial Disclosures and Potential Conflicts of Interest. The Illinois Procurement Gateway (“IPG”) is a web-based system that serves as the primary location for entering, organizing, and reviewing Submitter information. The IPG allows prospective Submitters to provide disclosures, registrations, and other documentation needed to do business with a state agency in advance of any procurement. It is highly recommended that Submitters register on the IPG webpage provided in Form M (Vendor Disclosure). Submitters who are **not** registered with the IPG must submit Form A (Acknowledgement of Receipt of RFQ, Addenda and Responses to Questions) with their SOQ, while Submitters who are registered with the IPG must submit Form B (Submitter’s Organization Information) with their SOQ, as shown in Form M (Vendor Disclosure);
- d. Form N (IPG Active Registered Vendor Disclosure);
- e. Form O (Substance Abuse Prevention Program Certification); and
- f. Form P (Non-Disclosure Agreement).

5 SOQ EVALUATION PROCESS

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

The Illinois Tollway will review SOQs in accordance with the pass/fail criteria and qualitative evaluation factors identified below. SOQs must receive a “Pass” on each of the pass/fail criteria to advance to the qualitative review factors.

5.1 Evaluation Factors

5.1.1 Pass/Fail Factors

The pass/fail review will evaluate the minimum required qualifications that the Illinois Tollway has deemed necessary to complete the Project. The pass/fail evaluation factors are:

- a. **SOQ completeness:** All information requested in this RFQ has been provided in the format specified in Section 4.3 (Page Limit, Format and Quantities) and is within any stated page limitations.
- b. **SOQ Responsiveness:** The SOQ is responsive to the requirements of this RFQ.
- c. **Experience:**
 - Service prequalification requirements: In addition to the minimum required project experience described below, the following service prequalification requirements have been identified as the most critical for the Project. Additional service prequalification requirements will be identified in the RFP, when issued. Submitters not meeting these prequalification requirements will not advance to the RFP stage:
 - i. *Design firm prequalification requirements*
 1. Highways (Freeways)
 2. Structures (Highway Bridges: Typical)
 3. Special Plans (Lighting: Typical)
 4. Special Services (Surveying)
 - ii. *Contractor (Construction) prequalification requirements*
 1. Earthwork
 2. Portland Cement Concrete (PCC) Paving
 3. Hot-Mix Asphalt (HMA) Plant Mix
 4. HMA Paving
 5. Cleaning and Sealing Cracks & Joints
 6. Aggregate Bases & Subsurfaces (Types A & B)
 7. Structures (Highway, Railroad, and Waterway)
 8. Structures Repair
 9. Drainage
 10. Drainage Cleaning
 11. Electrical
 12. Cover and Seal Coat
 13. Concrete Construction
 14. Landscaping
 15. Seeding and Sod Guardrail
 16. Painting and Cleaning
 17. Pavement Markings (Paint, Thermoplastic, Epoxy, Polyurea, and Modified Urethane)
 18. Installation of Raised Pavement Markers
 19. Pavement Texturing and Surface Removal
 20. Cold Milling, Planing and Rotmilling
 21. Demolition
 22. Fabrication
 23. Expressway Cleaning

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

Prequalification for Design firms. Follow the steps under the “Prequalification” tab – <https://idot.illinois.gov/doing-business/procurements/engineering-architectural-professional-services/index>

- Major Participants: To meet the minimum required experience, in the ten (10) years preceding the date of issuance of this RFQ:
 - i. Submitter (or at least one or more of its Major Participants that are responsible for the Construction of the Project) must have completed no fewer than two (2) projects, each of such projects meeting the following criteria – new construction, rehabilitation, and/or improvement of a highway with a construction value of no less than approximately \$30.0 - \$40.0 million.
**For purposes of the foregoing requirement, “complete” means that the project has reached Substantial Completion, evidenced by the owner’s issuance of a Notice or Certificate of Substantial Completion or its substantive equivalent under the contract for the qualifying project. Further, to meet the requirement, either Submitter as a whole, or one or more of its Major Participants must have completed a total of at least two projects meeting the minimum size requirement. For example, if Submitter has three Major Participants that are responsible for the Construction of the Project, (a) if one such Major Participant has completed two (or more) projects meeting the foregoing requirement, or (b) two separate Major Participants have each completed at least one (or more) past projects meeting the foregoing requirements, then Submitter meets the requirements of this Section 5.2.1 (Pass/Fail Factors).*
 - ii. Submitter (or at least one or more of its Major Participants that comprise of the lead Design firm(s) must have completed the Design of no fewer than two (2) projects, each of which meeting the following criteria – The Design of a new construction, rehabilitation, and/or improvement of a highway with a construction value of no less than \$40.0 million.
**For purposes of the foregoing requirement, “complete” means that the design of the project is complete, such that no further original design submittals are required to complete the design of the Project. The design work is considered complete even if the lead design firm (or firms) is finalizing previously submitted designs, such as to make design changes, and/or is still performing ancillary design-related services during construction. Additionally, for purposes of measuring the Design value, Submitters may use the aggregate design value of a single project, even if the Design contracts for the project were individually less than \$40.0 million. For example, if the proposed lead Design firm(s) completed final design work for a construction project where the owner completed the construction work through two separate Design contracts, each worth less than \$40.0 million, but at least \$40.0 million in aggregate, then the design experience would meet the requirements for one of the representative projects of this Section 5.2.1 (Pass/Fail Factors).*

d. Legal

- Each Submitter has presented evidence showing it has the proper organizational or corporate authority to enter into and perform the obligations of the Design-Builder under the Contract, to include designing and building the Project;
- No Submitters or any Major Participant, is currently disqualified, removed, debarred, or suspended from performing or bidding on work for the United States federal government or a state or local government within the United States or any U.S. territory;
- Each Submitter’s organizational documents commit all Major Participants to be jointly and severally liable for the obligations of the Submitter entity;
- Submitter does not indicate a material risk that Submitter may be unable to undertake the Project;
- Submitter’s organization does not contain any entity prohibited by this RFQ from being part of its organization;
- There are no conflicts of interest; and
- Each Submitter has made the express, written commitments regarding Key Personnel required by Form J (Key Personnel).

e. **Financial:**

- Demonstrated ability to obtain required payment and performance bonds in the required amounts;
- Demonstrated ability to obtain Proposal security;
- If required, commitment to provide a Guarantor;
- Each Submitter, in the Illinois Tollway's sole discretion, has sufficient financial capacity to complete the Project; and
- Each Submitter, in the Illinois Tollway's sole discretion, does not present a material financial risk that would hinder its ability to complete the Project.

- f. **Safety:** Submitter's safety record does not present a material risk of unsafe practices that might compromise the safety of workers and the public.

If a Submitter passes all pass/fail evaluations, its SOQ will be further evaluated using the qualitative criteria in Section 5.2.2 (Qualitative Evaluation Factors and Weights).

5.1.2 Qualitative Evaluation Factors and Weights

SOQs will be reviewed and scored as follows:

- a. **Submitter Experience and Performance (30%)** – For Major Participants responsible for the Construction of the Project and other identified Construction subcontractors:

- Experience in the past ten (10) years constructing projects of a similar scope and size as the Project;
- Successful completion in the past ten (10) years of projects with a similar scope and size as the Project;
- Experience requiring management of multiple crews and segments;
- Collaboration with multiple jurisdictions on a corridor or highway;
- Successful maintenance of traffic on highway projects, demonstrated by minimizing lane closures, minimizing congestion, avoiding prolonged shutdowns, and minimizing disruption to commercial traffic;
- Experience with highway intersections;
- On-time management of Construction with a demanding schedule;
- Extent and depth of experience using innovative means of Design and Construction that resulted in cost savings and expediting of project completion; and
- Successful collaboration with multiple utility owners with numerous types of utility facilities along a highway corridor.

For Major Participants that comprise the lead Design firm(s) and identified Design subconsultants:

- Experience in the past ten (10) years Designing projects with a similar scope and size as the Project;
- Successful completion of Design in the past ten (10) years of projects with a similar scope and size as the Project;
- Design experience with highway intersections; and
- Extent and depth of experience using innovative means of Design and Construction that resulted in cost savings and expediting of project completion.

Submitter member integration:

- Prior successful collaboration between the Major Participants; and
- Extent and depth of Submitter's experience managing and integrating all aspects of work under a complex contract in a quality, timely, and effective manner.

- b. **Organization and Key Personnel (40%)**

- The experience of Submitter’s Project Manager in managing projects of similar size and scope as the Project and facing constraints and challenges similar to the Project. In addition, this Key Person will be evaluated through all submitted documentation;
- The experience of Submitter’s Construction Manager in managing Construction, leading coordination between Construction and Design teams and facing constraints and challenges similar to the Project. In addition, this Key Person will be evaluated through all submitted documentation
- Experience of Submitter’s Design Manager in managing the Design of projects of similar size and scope as the Project and facing constraints and challenges similar to the Project. In addition, this Key Person will be evaluated through all submitted documentation;
- Experience of Submitter’s Quality Manager in developing, implementing, and maintaining quality management systems of similar size and scope as that required for the Project. In addition, this Key Person will be evaluated through all submitted documentation;
- Experience of Submitter’s Safety Manager in creating and executing safety plans and programs, leading safety teams and managing safety requirements for projects of a similar size and scope as the Project. In addition, this Key Person will be evaluated through all submitted documentation
- Experience of Submitter’s Environmental Manager in coordinating, managing and completing environmental permitting and environmental compliance for projects of a similar size and scope as the Project. In addition, this Key Person will be evaluated through all submitted documentation;
- Experience of Submitter’s Scheduler in preparing and managing Design and Construction schedules for projects of a similar size and scope as the Project. In addition, this Key Person will be evaluated through all submitted documentation;
- Experience of Submitter’s Maintenance of Traffic Team in ensuring that the traffic designs and maintenance of traffic operations were completed in accordance with contract requirements and best practices for project of a similar size and scope as the Project. In addition, these Key Person(s) will be evaluated through all submitted documentation;
- The integration of Submitter’s organization and its capability to function as a team that will effectively manage the Project, minimize risks, and complete the Project on time;
- Evidence of how inclusion of Submitter’s Additional Key Personnel shows a deeper understanding of the Project’s scope, and how the Additional Key Personnel will help the Illinois Tollway achieve the Project Goals stated in Section 1.3 (Project Goals). Should the Submitter choose not to submit any Additional Key Personnel, they will be evaluated solely on the bullet points above.

c. Project Understanding and Approach (20%)

- Submitter’s preliminary approach to the Project;
- Submitter’s understanding of Project risks and approach to mitigating those risks;
- Submitter’s understanding of and approach to coordinating with utility owners and ensuring compliance with the master utility agreement;
- Submitter’s understanding of maintenance of traffic issues associated with the Project; and
- Submitter’s approach to develop innovative concepts for the Project, expedite Project completion, reduce risks to the Illinois Tollway and Submitter team, and overcome potential Project challenges.

d. Quality Management Approach and Organization (10%)

- Submitter’s experience implementing and executing a quality management program on projects of similar size and scope as the Project;
- Submitter’s experience implementing an effective quality management program on projects where the project owner provides independent oversight of the firm’s quality program;
- Submitter’s experience with quality management on highway Construction; and
- Submitter’s preliminary proposed approach to effective quality management on this Project.

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

- Exceptional;
- Good;

- Acceptable;
- Weak;
and
- Unacceptable

To rank Submitters' SOQs, the Illinois Tollway, through an evaluation committee, will reach a consensus adjectival rating for each of the categories (a through d) identified above. The consensus adjectival ratings will be converted to numbers to assign a score to each SOQ. SOQs will be ranked in order of their SOQ score.

A Submitter that receives an adjectival rating of "Unacceptable" in any of the categories above may, in the Illinois Tollway's discretion, be eliminated from further consideration.

5.2 Illinois Tollway Requests for Clarification

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

The Illinois Tollway may waive technical irregularities in the form of the SOQ that do not alter the quality or quantity of the services, or the management, Design, and Construction offered.

All requests and responses shall be issued by e-mail from the Illinois Tollway's Purchasing Agent. Responses shall be limited to answering the specific requests received from the Illinois Tollway.

5.3 Determination of Shortlist

The Illinois Tollway will establish a Shortlist of an appropriate number of the highest quality Submitters to ensure adequate competition. The Shortlist will be created by eliminating the lowest scored Submitters until an appropriate number remains. The Illinois Tollway anticipates it will name no fewer than two (2) and no more than three (3) Submitters to the Shortlist. Neither the overall ratings nor the ranking of Submitters on the Shortlist will be disclosed during the procurement process. The Shortlist will be presented in alphabetical order to the public with points of contact listed for each respective team.

5.4 Notification of Shortlist

Upon completion of the evaluation, scoring and Shortlisting process, the Illinois Tollway will notify shortlisted Submitters in accordance with Section 3.4 (Notification of Shortlist).

5.5 Debriefing Meetings

No debriefing meetings will be held prior to Award. Within two (2) Calendar Days after execution of the Contract, the Illinois Tollway will be available for an oral debriefing session upon written request made to the Illinois Tollway Purchasing Agent by an Authorized Representative of any unsuccessful Submitter. The debriefing shall not include point-by-point comparisons of the debriefed Submitter's SOQ with those of the other Submitters. Moreover, the debriefing shall not reveal any information exempt from release under the Illinois Freedom of Information Act. More information about debriefing meetings will be provided upon request from unsuccessful Submitters after the Illinois Tollway announces the execution of the Contract.

6 FREEDOM OF INFORMATION ACT

6.1 Applicability of Act

Submitter acknowledges and agrees that all records, documents, drawings, plans, specifications and other materials in the Illinois Tollway's possession or those to which the Illinois Tollway is entitled to access, including materials submitted by Submitter, 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. Submitter shall fully cooperate with Illinois Tollway's efforts to fulfill its obligation to comply with the FOIA. Submitter 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. Submitter is advised to contact legal counsel concerning such act and its application to Submitter.

6.2 Confidential Materials

Under no circumstances shall the Illinois Tollway be responsible for or liable to Submitter, or any other Person, for disclosing any materials provided to Illinois Tollway by Submitter or that Submitter 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 Submitters regarding ATCs, trade secrets, and other proprietary information confidential.

6.3 Submitter to Defend Against Disclosure Request

In the event of litigation concerning the disclosure of any material submitted by Submitter 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 Submitter shall be fully responsible for otherwise prosecuting or defending any action concerning the materials at its sole cost and risk.

By submitting a SOQ, Submitter agrees to defend, indemnify and hold the Illinois Tollway harmless in accordance with Book 1, Article 22.

7 PROTEST PROCEDURES

A Submitter 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 Notification of Award. Protests filed after this 14-Calendar Day period will not be considered.

Chief Procurement Officer

Email: eec.legalstaff@illinois.gov

Attn: Protest Review Office
401 South Spring Street

Fax: (217) 558-1399

Suite 515 Stratton Office Building
Springfield, IL 62706

Illinois Relay: (800) 526-0844

8 ILLINOIS TOLLWAY RIGHTS AND DISCLAIMERS

8.1 *Illinois Tollway Rights*

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

- a. Reject any or all SOQs;
- b. Modify the RFQ process (with appropriate notice to Submitters);
- c. Seek the assistance of outside technical experts in the SOQ evaluation;
- d. Approve or disapprove the use of particular subcontractors and/or substitutions and/or changes in SOQs;
- e. Waive minor and/or technical deficiencies, informalities, and irregularities in SOQs; and/or
- f. Refuse to issue an RFQ to a prospective Submitter and refuse to receive or open an SOQ, once submitted, or reject an SOQ if such refusal or rejection is based upon, but not limited to, the following:
 - Failure on the part of a Major Participant to pay, satisfactorily settle, or provide security for the payment of claims for labor, equipment, materials, supplies, or services legally due on previous or ongoing contracts;
 - Default on the part of a Major Participant under previous contracts;
 - Unsatisfactory performance of previous work by Submitter and/or a Major Participant;
 - Issuance of a notice of debarment or suspension under the Illinois Tollway regulations to Submitter, and/or a Major Participant;
 - Submittal by Submitter of more than one SOQ for the same work under Submitter's own name or under a different name;
 - Evidence of collusion between a prospective Submitter (or any Major Participant) and other Submitter(s) (or Major Participants) in the preparation of an SOQ, Proposal or bid for any the Illinois Tollway Construction project; and/or
 - Uncompleted work or default on a contract in another jurisdiction for which the prospective Submitter or a Major Participant is responsible, which in the judgment of the Illinois Tollway might reasonably be expected to hinder or prevent the prompt completion of additional work if awarded.

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

8.2 *Illinois Tollway Disclaimers*

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

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

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

9 COMPLIANCE WITH APPLICABLE LAWS

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

