**Section 6.925 Competitive Request for Proposals Process**

a) *The competitive request for proposals process* will*, at a minimum, solicit statements of* qualifications *and proposals from offerors* (Section 20(b) of the Act)as part of a two-phase selection process and solicited through an RFQ and RFP.

1) The first phase consists of the receipt and evaluation of qualifications in response to an RFQ, resulting in a short list of the most highly qualified persons.

2) The second phase consists of the receipt and evaluation of technical proposals and financial proposals in response to an RFP. Innovative financing concepts will be encouraged.

3) Offerors may be permitted to submit alternate technical concepts in their pre-proposals as long as these alternate technical concepts do not conflict with criteria agreed upon in the environmental decision making process and the alternate technical concept is in the State's best interest. Alternate technical concept proposals may supplement, but not substitute for, base proposals that respond to the RFP requirements. (See 23 CFR 636.209.)

b) Public notice of an RFQ will be published in the Transportation Procurement Bulletin for at least 30 days before the date set in the invitation for the submittal of statements of qualifications. (See Section 17 of the Act.)

c) Public notice of an RFP will be published in the Transportation Procurement Bulletin for at least 21 days before the date set in the invitation for the opening of proposals. (See 23 CFR 635.112.)

d) *The competitive request for proposals* will *take into account*, but not be limited to, *the following criteria*:

1) *The offeror's plans for the Illiana Expressway project;*

2) *The offeror's current and past business practices;*

3) *The offeror's poor or inadequate past performance in developing, financing, constructing, managing, or operating highways or other public assets;*

4) The offeror's plans to utilize small businesses, including *the offeror's ability to meet*, *and past performance in meeting, or exhausting good faith efforts to meet the utilization goals, or plans to comply with utilization goals, for business enterprises established in* Section 6(d) of *the Business Enterprise for Minorities, Females, and Persons with Disabilities Act* [30 ILCS 575/6(d)]or federal law or regulations that establish standards and procedures for the utilization of minority, disadvantaged, and female-owned businesses;

5) *The offeror's ability to comply with,* *and past performance in complying with, Section 2-105 of the Illinois Human Rights Act* [775 ILCS 5]. (Section 20 of the Act)

e) *The Department* will *not include terms in the* RFQ or RFP *that provide an advantage, whether directly or indirectly, to any contractor presently providing goods, services, or equipment to the Department*. (Section 20(e) of the Act)

f) The RFP may be revised prior to the receipt of proposals.

g) Oral presentations may supplement written information at the invitation of the Department at any time during the procurement process, including, but not limited to, one-on-one meetings with the Department and oral presentations of proposals. If oral presentations will be used, the time and date, format, and other details will be included in the solicitation.

h) The Department may elect to pay a stipend to unsuccessful offerors who have submitted responsive proposals.

1) This decision will be made in accordance with 23 CFR 636.112 and 636.113 and may depend on eligibility for federal aid participation.

2) If stipends are used, the RFP will describe the process for distributing the stipend to qualifying offerors. Acceptance of the stipend is not mandatory.

i) A procurement protest process will be specified in the RFQ and the RFP.

(Source: Added at 37 Ill. Reg. 15878, effective September 27, 2013)