**Section 6.1040 PDB Procurement Process**

a) The progressive design-build project delivery method is a form of the design-build project delivery method that employs a progressive approach in which the Department and the selected progressive design-build contractor collaborate to progress the design and refine the project scope to meet project objectives with the goal of negotiating a mutually agreeable lump sum or guaranteed maximum price for the design and construction work.

b) PDB Projects are implemented in four phases:

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

2) Procurement Phase (Advertisement/Evaluation/Selection)

3) Preconstruction Phase (Design Advancement/GMP)

4) Implementation Phase (Final Design/Construction)

c) PDB Pre-Procurement Phase

During the pre-procurement phase for a PDB project, the Department will perform the typical project development activities associated with Phase I of the Department's project development process before procuring a PDB contractor. These activities include preliminary engineering, engineering studies, environmental and permitting activities, to prepare for beginning the PDB procurement.

d) PDB Procurement Phase

1) Overview

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

B) Under a single-phase procurement, the Department will issue only a request for proposals to procure the PDB contractor.

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

2) Selection and Award

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

B) All IPD evaluation committee members will participate in interviews, if anticipated in the RFP and conducted. Each individual IPD evaluation committee member will review each interview independently, observing its strengths and weaknesses based on project specific evaluation criteria provided in the procurement documents. Once all interviews are evaluated individually, the IPD evaluation committee will meet to confirm or update the consensus score for each proposer.

C) The highest ranked proposer (inclusive of the interview score, if interviews were conducted) will be selected to serve as the PDB contractor.

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

E) Once the Department has approved the selection, and after consultation with the SPO/CPO, the proposers will be notified of the selection results.

F) Once a PDB contract is executed with the successful proposer, the Department may offer a debrief meeting with unsuccessful proposers.

3) Preconstruction Phase Services Cost Proposal

A) The selected PDB contractor will prepare preconstruction phase services cost proposal inclusive of a detailed project scope and price for providing the necessary preconstruction services to reach an agreed lump sum or GMP which is in line with any cost information provided in the selected proposal, which will then be reviewed and negotiated, to the extent necessary, with the Department.

B) The Department will execute the PDB contract, inclusive of the agreed preconstruction phase services costs, and will issue a notice to proceed with the preconstruction phase services.

C) If the PDB is unable or unwilling to execute the PDB contract, the Department may award the project to the proposer with the next best score or reprocure the project under any other delivery method.

e) PDB Preconstruction Phase

1) The Department and the PDB contractor will work collaboratively to advance the project design to a level of completion necessary for the Department and the PDB contractor to reach a mutually agreed lump sum or GMP.

2) Once the Department and the PDB contractor mutually agree on the project scope, risk allocations, cost assumptions and the commercial terms of the PDB contract, the PDB contractor submits a lump sum or GMP proposal for the construction work.

3) Upon agreement, the PDB contract will be amended to reflect the negotiated construction terms. If the Department and the PDB contractor are unable to reach an agreed lump sum or GMP, after consultation with the SPO/CPO, the PDB contract will be terminated and the Department may either award to the next highest ranked proposer, if such proposer's proposal remains valid, or reprocure the project under any other delivery method.

4) All work product produced by the PDB contractor becomes the property of the Department pursuant to the terms of an executed PDB contract.

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