

Chicago Park District to Use Design-Build Contracts

By Patrick Miller*

On May 31, 2009, the Illinois General Assembly passed a bill that, if signed by Governor Pat Quinn, will authorize the Chicago Park District to enter into design-build contracts. House Bill 3986 gives the Park District the ability to procure integrated design and construction services based on the "best value" award process. This is a significant departure from traditional design-bid-build contracts which separate design and construction services into two contracts and award construction phase contracts based on the lowest bid (and not best value).

The Bill follows the procurement model of the Illinois Capital Development Board and other public entities in the Region (including Indiana state and local projects) by breaking the procurement into two phases. Phase I is a customary qualification-based selection process where the Park District issues a request for proposals and then "short-lists" the most qualified design-build teams. Phase II requires the qualified teams to submit technical and cost proposals that are evaluated for purposes of awarding the design-build contract.

Other highlights of the process include:

1. The Park District must issue a notice of intent to receive proposals 14 days before issuing the Request for Proposals;
2. The Request for Proposals must solicit information for both phases of the selection process, but design-builders are not required to prepare technical and cost proposals if they are not selected at the end of Phase I;
3. The Park District is authorized to enter into separate contracts with design professionals to develop the scope and performance criteria in the Request for Proposals (this entity is referred to as the "bridging consultant" or the "design criteria consultant" in other Illinois and Indiana statutes authorizing public design-build contracts);
4. The "short-list" cannot be less than 2 or more than 6 design-build teams;
5. The Park District is required to include a guaranteed maximum project cost in the criteria for Phase II; and
6. If the project is less than \$12 million, the Park District can consolidate Phases I & II into one combined step.

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