



# DBIA Guide to the Form Request for Qualifications and Request for Proposals

*This document is intended to supplement, not replace, proper education and training. Before embarking on a design-build project, owners should ensure that key personnel are educated and trained in the procurement, contracting, and execution of design-build projects.*

*DBIA strongly encourages owners to take DBIA's **Developing an Acquisition Strategy** course, as well as to carefully review the included Manual of Practice chapters and additional resources.*

## **INTRODUCTION**

This guide provides instructions on how to use the Design-Build Institute of America Standard Form of Request for Qualifications (DBIA Document No. 405) and Standard Form of Request for Proposals (DBIA Document No. 410). The intent of the Form RFQ and RFP is not to dictate a single method of procuring a design-build team. Because every project is unique, owners should modify the forms to match the risks and circumstances that are specific to the project. The Form RFQ and RFP should be viewed as merely a starting point. Certain market sectors have unique issues, and DBIA's market sector committees will develop additional guidance specific to those sectors.

One of the most important ways owners manage the risk of achieving success in a project is selecting a design-builder who is best suited to perform the work. To determine the best-suited design-builder, owners must design a procurement process that is focused on finding the right team for the project. This guide will assist owners with understanding the issues owners should consider and decisions owners need to make to create a procurement process that is most likely to lead to a successful project.

DBIA best practices state that owners should implement a procurement plan that enhances collaboration and other benefits of design-build and is in harmony with the reasons that the owner chose the design-build delivery system.<sup>1</sup> In implementing this best practice, the procurement process should focus heavily on the qualifications of the design-build and its key team members rather than price alone.<sup>2</sup>

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<sup>1</sup> DBIA Best Practices Guide §1.2.

<sup>2</sup> DBIA Best Practices Guide §1.2.a.

The RFQ/RFP Guide should be read in conjunction with *DBIA's Design-Build Done Right, Universally Applicable Best Design-Build Practices* and the *DBIA Manual of Practice*, in particular the chapters on “Competitive Acquisition of Design-Build Services” and “Developing Performance-Based Requirements for Design-Build Projects” (included). In addition, DBIA offers in-person and online courses and webinars, many of which provide further instruction and insight on the procurement process.

## **OWNER'S CONSIDERATIONS**

An owner should conduct a proactive and objective assessment of the unique characteristics of its program/project and its organization before deciding to use the design-build delivery method.<sup>3</sup> Owners should understand the potential benefits, limitations, and attributes of design-build and make an informed decision as to whether the use of design-build will benefit their project.<sup>4</sup> In its pre-procurement assessment, owners should first ask themselves the following questions:

### **1. Are there legal or regulatory barriers to utilizing best practices in procurement and delivery?**

Public owners must follow the applicable regulatory authority regarding procurement and delivery of public works. In some jurisdictions, the legal and regulatory environment have requirements that do not allow owners to take full advantage of design-build. If a public owner is not familiar with the applicable laws, it should consult with an expert in the area. DBIA has compiled a list of design-build laws by state, and the list can be found on the DBIA website.

### **2. What is the project “purpose statement”?**

Owners should be able to communicate a high-level, introductory overview in the design-build RFQ and RFP that conveys the stakeholders' functional requirements written in simple language and stated as goals, challenges, and constraints.

### **3. How prescriptive is the Owner's Program?**

Design-build works well for many types of projects, but if the Owner's Program is too prescriptive, the owner should consider either revising the Owner's Program so that it is based on a proper balance of prescriptive and performance requirements, or the owner should consider another delivery method option such as design-bid-build or construction manager at risk.

### **3. Are there risks that affect the project's viability?**

The design-build delivery method has a much different risk matrix than other delivery methods, and it shifts more of the risk onto the design-builder. The use of design-build is not, however, appropriate for shifting a large, unmanageable risk. Owners should use a rigorous and equitably-balanced project risk assessment process early in the procurement process and update/refine the risk assessment as the project proceeds from procurement through project execution.<sup>5</sup> Design-build requires that the parties fairly allocate each risk to the party best able

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<sup>3</sup> DBIA Best Design-Build Practices §I.1.

<sup>4</sup> DBIA Best Design-Build Practices §I.1.a.

<sup>5</sup> DBIA Best Design-Build Practices §I.1.f.

to manage, price, or insure the risk. Large, unmanageable risks should be considered as part of the viability of the project.

#### **4. Is the owner prepared to manage a design-build project?**

Design-build projects cannot be managed in the same way as projects using other delivery methods. Owners should create an organization that supports the successful procurement and execution of a design-build project, with key personnel (including those advising/representing the owner) educated and trained in, among other things: (a) the procurement, contracting, and execution of design-build projects; and (b) the importance of setting expectations and fostering a collaborative relationship among all members of the project team.<sup>6</sup> DBIA offers training that provides owners with a basic understanding of the design-build process, and DBIA members with the “DBIA” designation after their name have achieved certification from the DBIA as a “Design-Build Certified Professional,” demonstrating that they have the requisite education, experience, and personal references to meet the DBIA standards. Involving experienced design-build professionals in projects at any level (owner, design-builder, designer, subcontractor, etc.) is an excellent way to help ensure a successful design-build project. As guidance to paragraph 3.3.4 (and 5.3.3) of the DBIA Standard Form RFQ, including evaluative points and weight for the inclusion of DBIA professionals on an offeror’s team is becoming commonplace and speaks to an element of professionalism for a design-build team that may help an owner distinguish between qualified firms.

Owners should identify and involve key project stakeholders at the early stages of project planning, as stakeholder goals, expectations, challenges, constraints, and priorities should guide all project planning and procurement activities, including the determination and implementation of design excellence and sustainability goals.<sup>7</sup> Owners should also involve senior leadership and make sure that its leadership is committed to the success of the design-build process, as this will foster a healthy and trusting relationship among the entire project team.<sup>8</sup> For example, owners are often required to make decisions or address changes much earlier in the project than in other delivery methods, and they should understand how to review and manage these changes. Design-builders take on more risk than in other delivery methods, and owners need to understand these risks and how they impact the project.

Owner preparation is one of the key measures of success to satisfaction with the design-build delivery method. In addition to ensuring that it has experienced personnel to manage the project, owners should work through a number of issues to prepare to develop the best procurement for the project. Each of these issues are discussed in detail in Section 2.5 of the “Competitive Acquisition” chapter of the *DBIA Manual of Practice*. The results after evaluating each of these issues should be incorporated into the risk register for the project, and owners should incorporate the information into the RFQ or RFP, as appropriate. An outline of the issues addressed in the *Manual of Practice* is provided here for ease of reference:

- A. Know Your Needs**
- B. Know Your Limitations**

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<sup>6</sup> DBIA Best Design-Build Practices §I.1.b.

<sup>7</sup> DBIA Best Design-Build Practices §I.1.c.

<sup>8</sup> DBIA Best Design-Build Practices §I.1.d.

- Legal:
  - Public Procurement
  - Professional Licensing
  - Contractor Short Listing Requirements
  - Stipends or Honorarium
  - Contract Authority
- Financial:
  - Funding in Place
  - Funding Limitations
  - Limitation of “Tax-Free” Financing
- Political:
  - Local Professionals and Builders
  - Political Rationale
- Time:
  - Schedule Restraints/Needs

- C. Know Your Stakeholders**
  - Official Chain of Command
  - Community and Business Leaders
  - Design Review or Planning Commission
  - Users
  - Unions and Other Industry Groups
- D. Know Your Objectives**
  - Image, Appearance, Aesthetics
  - Functional Efficiency
  - Health and Safety
  - Value for Money
  - Local Labor Content
  - Small/Disadvantaged Business Enterprise
- E. Know Your Costs**
  - Reasonable Cost to Design and Construct the Project
  - Contingencies
- F. Know the Market**
  - Qualified and Interested Design-Build Teams
  - How to Attract Design-Build Teams

## 5. Will the Owner Allow Self-Performance?

If the owner has the ability, both statutorily and as a matter of owner policy, to decide on the amount of self-performance that can be undertaken by design-builder, the owner should specify those requirements as well as any restrictions related to self-performance in the RFQ. This issue can be a “go/no go” issue for offerors, and offerors can then decide at the outset if the owner’s position for self-performance is acceptable.

## **STANDARD FORM OF REQUEST FOR QUALIFICATIONS**

### **Reference DBIA Document No. 405**

The Request for Qualifications, or RFQ, is the means by which an owner can determine whether the offerors have sufficient experience to be able to perform the work. The RFQ looks backward to the design-build team’s past performance, in contrast with the RFP, which examines the team’s proposed plan to perform the specific project that is the subject of the procurement. Prior to developing the RFQ, the owner should determine what type of past

performance would provide the best platform for the design-build team to be successful with the project and tailor the procurement to obtain information regarding such past performance.

## **SECTION 1: OWNER DESCRIPTION**

### **1.1 General**

Owners should include in this section information that will help design-build teams develop a Statement of Qualifications (SOQ) that best highlights how the team's past performance will help the owner meet the project's needs. Private owners should describe the type of business they conduct and how the project fits in with the owner's business plan. Public owners should describe the governmental functions it performs and how the project will further the public entity's mission. If the information can be found on a website, then provide a link to that website in the RFQ. It is helpful for design-build teams to know some background on the owner so they can better understand the project.

It is also helpful for design-builders to understand the identity of various stakeholders in the project and how those stakeholders may fit into the design and/or construction process. For example, the design-builder may be required during the project to collaborate with internal or external user groups, obtain subsequent approval from a governing authority such as a board of commissioners, or coordinate with other concurrent projects in the same vicinity.

### **1.2 Funding/Authority**

This section is intended to provide the design-build teams information regarding the source of funding and (for public projects) the regulatory authority under which the procurement is being conducted. If the project is fully funded, provide the source of the funding. A project that includes certain types of public funding (such as federal funding) may have very specific restrictions that are important for the design-build team to understand. These restrictions can affect how the design-builder prosecutes the work; therefore, it is particularly important for owners to disclose this information when requesting a price proposal. If there is a specific fund that will be the sole source of payment to the design-build team or the project funding must receive approval from a legislative body or a bond vote, this information is essential to the "go/no go" decision by the design-builder regarding whether to pursue the project.

### **1.3 Procurement Website**

Many owners are choosing to provide and distribute information electronically. In this section, owners should provide the link for the procurement website and any other restrictions or other requirements (such as, for example, registration) necessary to access the information.

## **SECTION 2: OVERVIEW OF THE PROJECT**

### **2.1 General**

In this section, the owner should provide a detailed description of the project. Design-builders create teams based on the expertise required to meet the demands of each project, and the owner should educate design-builders not only about the basics of the project such as the size, site, and use, but also broader information that would assist the design-build teams to better understand how they can meet the project demands. Owners should explain if there are specific objectives upon completion, or if the owner has a problem that the project is intended to

solve. In addition, owners should describe other specific considerations or challenges, such as schedule, difficult or unusual site conditions, design or construction challenges, unique project requirements, or sustainability goals. Many owners include the history of the project and/or the process by which the project was approved. The more information the owner can provide, the better the design-build teams can provide helpful SOQs.

If the description is particularly detailed or lengthy, owners may opt to provide a truncated description in the body of the RFQ and incorporate the remainder of the information as an exhibit. Although it is a good practice for owners to provide detailed information with the RFQ, many owners wait to provide the full Owner's Program, including any prescriptive specifications, with the RFP. The determination as to the level of detail the owner decides to provide with the RFQ will vary depending on the project. The most relevant consideration should be whether the information will assist the design-builder in selecting the appropriate team members and developing an SOQ that will assist the owner in its selection.

## **2.2 Project Objectives**

By identifying the project's objectives, owners provide an opportunity to enlist the creativity of the design-build teams to meet those objectives. The objectives listed in the RFQ are generic and should be supplemented by the results of the process outlined in Section 2.5.1 of the Competitive Acquisition Manual of Practice Chapter. Examples are as follows:

- Create an iconic [City Hall, Town Center, Public Library] that functions as both a central gathering space for the community and an efficient office environment for city departments.
- Design and construct a project that is cost effective to operate and maintain.
- Incorporate high-quality and sustainable materials with finish selections that emphasize durability, maintainability, and a cohesive aesthetic visual appearance.
- Provide flexibility for future space reallocation and facility expansion.
- Consolidate seven departments into a single, functional space.
- Be responsive to the project's sustainability objectives and achieve a minimum rating of [Insert required goal].

Although the project information in the RFQ is usually not as detailed as the information provided in the RFP, owners also should consider including a description of the size, functionality, and general performance capacity for the project.

## **2.3 Scope of Work**

The Scope of Work for the RFQ can be a general description of the various elements of the project, but it needs to be detailed enough for design-builder teams to determine the qualifications needed to perform the work. In addition to the qualifications of the prime design-builder, the design-builder needs to know the type of design consultants and subcontractors it will need to form the best team for the project. The following bullet points provide some guidance on some generic tasks that are required on many projects:

- Public utility studies, surveys and coordination
- Subsurface utility engineering
- Geotechnical engineering and testing

- Validation of project site conditions and the owner's budget
- Survey of existing conditions
- Design the project
- Coordination and installation of owner-provided equipment
- Cost estimating and reporting
- Value engineering
- Lifecycle cost analysis
- Design and construction scheduling
- Permitting
- Right of way acquisition
- Construction
- Phasing and scheduling construction to meet the schedule without interruption of services to the owner's customers.
- Closeout (punchlist documentation and resolution, O&M manuals, systems and equipment training, as-built documentation, final inspection and acceptance.)
- Project commissioning
- Project acceptance testing
- Warranty bonds (if any)
- Post completion maintenance
- Extended warranty period

## **2.4 Estimated Budget**

Providing an estimated budget is important so that design-builders can determine how to scale their team, whether team members have the personnel capacity to take on the work, and whether they have sufficient bonding capacity, if required. Owners should develop a current scope with up-to-date and realistic project budgets, including, as applicable: (a) identifying "hard" costs/budget ceilings; (b) stating whether target budgets can be exceeded if proposed solutions enhance overall value; and (c) stating whether the owner expects offerors to develop technical proposals that will encompass the entire target budget.<sup>9</sup> If the project is only partially funded, and the owner will have to obtain additional funding through subsequent approvals such as a further budget allocation, public vote, or legislative approvals, that process should also be described in this section.

## **2.5 Project Procurement Schedule**

The form RFQ has a draft procurement schedule listing activities that are typical in a design-build procurement, but each owner should develop its own process and modify this section accordingly. It is important for owners to build sufficient time in the schedule for design-builders to review and develop productive deliverables for the procurement, and the time allotted is directly tied to the complexity of the deliverable. For example, if the owner is selecting based largely on qualifications with few, if any, design submittals, the time frame can be shortened; however, if the owner wants more extensive or detailed deliverables, the time for teams to respond should be longer. In the same manner, it is important for owners to build sufficient time in the schedule for evaluation and review of submissions, selection committee meeting(s) and any interviews.

The order of the different elements of the schedule also vary by project. Some owners schedule

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<sup>9</sup> DBIA Best Practices Implementing Technique 2.d.

meetings with the offerors after they have submitted their proposals. Other owners schedule multiple meetings throughout the procurement process. Each project is different, and the owner should consider both the size of the project and the complexity of the submittals in determining how to structure the schedule.

In considering the last date for the owner to issue addenda to the RFP, owners should consider the potential effect of the addenda on the submittal. If the addendum contains numerous substantive changes to the owner's program, owners should provide teams with sufficient time to review and respond to the addenda and submit a well-considered proposal. Owners can also amend the schedule through written addenda, if necessary.

## 2.6 Definitions

Owners should review the definitions to determine if there are other definitions or acronyms that are helpful to understanding either the project or the owner's program. In addition, there are two specific definitions that should be carefully reviewed and modified based on the project's needs:

**2.6.5 Design Excellence.** The definition of Design Excellence in the form RFQ is from the *DBIA Position Paper on Design Excellence*. Owners should consider revising this definition to be specific to the project and responsive to the owner's and project's needs.

**2.6.9 Projects of Similar Scope and Complexity.** The purpose of this definition is to provide a shorthand mechanism to describe those projects that the owner feels are the best representation of either the type of project or the best type of past performance to be successful in the project. In defining "Projects of Similar Scope and Complexity," owners need to be sufficiently specific to capture those projects that will score the highest, but should also be careful not to be too specific so that the owner doesn't overly restrict the number of qualified design-build teams and thus unnecessarily reduce competition. If the project is unique, and there simply aren't many design-build teams that have tackled the specific type of project, consider including other types of projects that would demonstrate a similar set of skills. Examples of additional factors in this definition are as follows:

- Complex projects that require coordination with multiple stakeholders and/or regulatory agencies
- Hospital projects and other projects with sensitive equipment requirements
- Projects with high security requirements, such as prisons, airports, or military facilities
- Projects that require complex scheduling with minimal disruption to a facility that operates on a 24/7 basis
- Interstate projects, complex interchange projects, transit heavy rail projects, transit light rail projects, elevated transit projects, tunnel projects

Projects may not have all the characteristics set forth in the definition. Also, offerors should not expect the owner to glean the relevance of a specific project. Offerors should make an effort to explain how the experience gained from a specific project will provide value to the owner's project. This definition is used throughout the RFQ and RFP.

## **SECTION 3: PROCUREMENT PROCESS**

### 3.1 General Information

**3.1.1 Compliance with Legal Requirements.** Public owners should include a citation to the legislation, rule, or ordinance that provides authority for the type of procurement being conducted. As procurement laws and regulations frequently change, owners are cautioned to make sure that their procurement complies with all legal requirements. Private owners typically do not have a similar requirement.

**3.1.2 Conflict of Interest and Communications with the Owner.** Many public entities have laws, regulations, or rules governing conflicts of interest which prohibit an entity that provided substantive assistance to the owner during the development of either the procurement or project from being a member of a design-build team proposing on the project. Owners should make an



early determination of their programmatic position on conflicts-of-interest policy for design-build procurements and promptly disclose this policy to the marketplace that will likely pursue these design-build procurements.<sup>10</sup> Even if a public entity is not subject to conflict-of-interest rules, owners should avoid creating a situation where a design-builder or a member of a design-build team has confidential information about the project that is not generally known. Under those circumstances, owners could be subject to a protest based on one team having a significant advantage over other teams. Even though the provisions in this section are geared to address the legal restrictions on public entities, private entities are also encouraged to adopt conflict-of-interest and ethical rules governing the conduct of the procurement.

The Form RFQ has optional language for owners to waive a conflict of interest if certain criteria are met and the owner makes a finding that the potentially conflicted offeror does not have a significant advantage over other offerors.

At the beginning of any procurement, public owners should determine whether there are any specific entities that would be subject to a conflict of interest for which the owner would not be willing to entertain a request for a waiver, and the owner should provide written notice to that team. The Form RFQ has an optional section for owners to list any of these entities.

This section also prohibits lobbying or communications with the owner regarding the procurement and describes how the owner will handle the confidentiality of the submittals from the design-build teams. Private owners should consider including these provisions in the procurement to improve the transparency of the process.

**3.1.3 Expenses of Offeror and Payment of Stipend/Honorarium.** This section addresses how and whether the owner will pay a stipend to the unsuccessful, shortlisted, responsive offerors. Owners should offer a reasonable stipend to unsuccessful shortlisted offerors when the proposal preparation requires a significant level of effort.<sup>11</sup> The amount of the stipend is based on the particular needs and complexities of the project, considering what is required to generate sufficient market interest from the most highly qualified design-build teams and the level of effort involved in proposal preparation. For more information on stipends and honorariums, owners are directed to the DBIA Position Statement “Use of Stipends” which can be found on the DBIA website.

**3.1.4 Public Disclosure.** For many public owners, the submissions from design-build teams constitute public information and are available through the applicable freedom of information act. If applicable, owners should provide information regarding how such requests will be handled and the requirements for the submission of proprietary and/or confidential information during the procurement. DBIA best practices note that owners should protect the intellectual property of all offerors and should not disclose such information during the proposal process.<sup>12</sup>

**3.1.5 Protest Procedures.** Most public owners have procedures in place for protesting a procurement; however, in many cases, the procedures need to be reviewed, and if possible, modified to address the unique nature of alternative procurement. The Form RFQ provides an example protest procedure. Public owners should modify this section to meet the applicable legal requirements in their jurisdiction. Owners also have the option to include additional protest procedures in Exhibit B.

**3.1.6 Identification of Projects.** The requirement to list projects identified by design-build teams in the SOQ and the deliverables required pursuant to the RFP is intended to provide the owner with basic information about each project referenced by the design-build team so that the owner can evaluate the relevance of the design-build team’s past performance. The Form RFQ provides the option for offerors to simply provide the information in table or spreadsheet form or to include it within the narrative of the submittal. The list of projects is not intended to be scored

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<sup>10</sup> DBIA Best Design-Build Practices §1.1.h.

<sup>11</sup> DBIA Best Design-Build Practices §1.3.f.

<sup>12</sup> DBIA Best Design-Build Practices §1.3.e.

separately from the other evaluative factors. The list simply provides additional information to the owner. Owners should review the information requested in the list to determine whether the list meets the needs of the project or whether more or less information should be required.

### 3.2 Owner Rights and Procurement Conditions

This section provides a list of reservations of rights for the owner and is intended to provide owners with sufficient flexibility to effectively manage the procurement process. Owners should review the list set forth in the form RFQ to determine whether the list of rights is consistent with the legal requirements applicable to the project.

### 3.3 Outline of the Procurement Process

This section describes the elements of the procurement process. Owners should modify the process to meet applicable legal requirements as well as the needs of the procurement. Both the RFQ and RFP processes are outlined so that offerors can prepare their teams to respond to all the requirements of the procurement.

**3.3.1 Request for Qualifications.** Owners should appropriately shortlist the number of offerors invited to submit proposals, as this will, among other things, provide the best opportunity for obtaining high-quality competition. The Form RFQ incorporates DBIA's best practice, which limits the shortlist to three teams. However, if the procurement is based primarily on qualifications, owners might consider shortlisting more teams, provided the owner is prepared to evaluate all the teams.

**3.3.2 Request for Proposals.** Owners can defer the description of the specifics of the RFP process to the issuance of the RFP, but at a minimum, owners should provide a general outline of the various submittals and Confidential Individual Meetings in the process. Offerors will evaluate the procurement process in their "go/no go" decisions with respect to participating in the procurement. It is essential that offerors understand what will be required of them during the course of the procurement.

**3.3.3 Price Proposal.** If the owner will require a price proposal as part of the offeror's submissions, the owner should provide a general description of the type of price proposal in this section, although it can defer the detailed instructions to the RFP. At a minimum, the owner should identify the type of pricing that will be required with the proposal. Example types of price proposals include, but are not limited to, the following: lump sum, cost plus with a guaranteed maximum price, design-builder fees, key team member hourly rates, etc. Owners should ensure that technical review teams do not have access to financial/price proposals until after completion of the scoring of technical proposals.<sup>13</sup>

**3.3.4 Evaluation and Ranking of Offerors.** In this section, the owner provides offerors with the relative weight of the evaluative criteria that is further defined in Section 5.3. The example table instructs owners to provide the heading of each of the evaluative criteria in Section 5.3 and provide a relative weight to each. The weights can be described in relative percentages or points. As an alternative, owners have used adjectival descriptions of the evaluative factors. Examples of scoring and weighting can be found in the *DBIA Manual of Practice* chapter "Competitive Acquisition."

Owners should include all the elements that will be scored in the table. For example, some owners choose not to score the proprietary meetings but do score interviews. In that case, the owner would not include the proprietary meeting in the list.

Owners need to determine whether to carry the scores from the RFQ round to the RFP round. Owners whose selection is primarily based on a technical proposal or design often decide to allow shortlisted offerors to start fresh in the RFP round. Owners conducting a more qualifications-focused procurement often carry these scores over into the final selection.

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<sup>13</sup> DBIA Best Design-Build Practices §1.3.h.

Owners should give more weight to those elements of the procurement that will have a greater impact on the evaluation of the offerors. The goal of publishing the relative weight of the evaluative factors is not only to create a more transparent process, but it is also to provide offerors with information so that they can produce more effective submittals that focus on the owner's biggest priorities.

Owners should ensure that their technical and cost proposal evaluation team members have sufficient time to perform their duties and are: (a) trained on the particulars of the procurement process; (b) unbiased; and (c) able to undertake their reviews and evaluations in a manner consistent with the philosophy and methodology described in the procurement documents.<sup>14</sup>

### **3.4 Contract Format**

Owners should either provide an example contract for offerors to review, or at a minimum, a description of the type of contract the owner intends to propose. Owners can reference one of the standard forms published by the DBIA or others as a shortcut.

## **SECTION 4: SOQ DOCUMENTATION REQUIREMENTS**

### **4.1 SOQ Format Requirements**

This section outlines the format of the SOQ. The format in the Form RFQ is directed toward electronic submissions. The Form RFP has an example of formatting when an owner prefers submission of hard copies. The owner should include all restrictions on the format of the SOQ in this section. Many owners restrict the number of pages and require a minimum font size so that their evaluation committee is not required to review excessive documentation submitted by the offerors. Owners should consider the number and type of deliverables when setting page restrictions. If owners are requesting graphic material, owners may want to increase the page size to allow for easier readability, and the form has language to accommodate this type of submission. Some owners issue standard procurement forms that allow all offerors to provide the required information in the same format which makes it easier for owner to review and evaluation.

### **4.2 SOQ Organization**

Owners should include the preferred organization of the SOQ in this section, if any.

## **SECTION 5: SOQ EVALUATION CRITERIA AND SUBMITTAL INFORMATION**

### **5.1 Letter of Interest**

The Letter of Interest is a common requirement so that owners have the primary point of contact for the offeror and other members of the design-build team. Owners will often request some additional information such as corporate form, or owners can defer this information to the Corporate Questionnaire in Exhibit E. Limiting this Letter of Interest to one or two pages is recommended.

### **5.2 Minimum Qualifications**

In this section, owners list the minimum qualifications for the offeror and, if applicable, other members of the design-build team. Owners should only include items in "minimum qualifications" that would disqualify an offeror, and these items are usually not scored. Instead, they are reviewed on a pass/fail basis. Common minimum requirements include bonding capacity, capacity to meet the owner's insurance requirements, financial capacity and wherewithal, and past safety metrics. The instructions for requiring bonding capacity are set forth in Exhibit C. The insurance requirements are set forth in Exhibit D.

### **5.3 Technical and Management Qualifications**

In this section, owners should describe in detail the type of qualifications and other information they would like to see in the SOQ from offerors. The evaluative criteria in the Form RFQ is very open-

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<sup>14</sup> DBIA Best Design-Build Practices §1.3.g.

ended and is intended to encourage each design-build team to distinguish itself with providing additional helpful information. This format allows offerors to distinguish themselves with their submittals by providing additional information to showcase their knowledge. However, if the owner wants to be more prescriptive in its request for information or needs specific information from the offerors, the owner should expand on the information required. Owners should carefully consider the volume of information requested of the offerors and only request information that will actually be evaluated. For example, an owner that requests a complete QA/QC manual for the sole purpose of making sure that a design-builder has one may be able to simply ask for the table of contents.

**5.3.1 Team Organization.** This section lists the key team members for which the owner would like to see an organizational chart, additional information, and/or a resume. The list is not exhaustive and is only provided as an example. Owners should use a procurement process that encourages the early participation of key trade contractors.<sup>15</sup> Owners should determine what key team members would be essential to evaluate for the specific project. Owners should seek information on the key team members regarding basic education, skills, training, and past performance, including specific design-build experience. Experience with other key team members working on prior projects is also routinely requested.

Generally, owners allow offerors to develop their own team based on the project requirements. Indeed, it is a DBIA best practice to bring key specialty and trade contractors on as early in the project as practicable so that the design team can benefit from their input. In a procurement where the basis of design and price are established at the outset, owners should require offerors to identify key specialty and trade contractors in the procurement; however, in some procurements, owners decide to limit the type of entities submitted by the offerors as team members. Owners might want to consider limiting this list when, for example, the owner wants to have some input into the selection of a specific specialty contractor. In cases where the project requires a unique skill set for which there are only a few consultants or specialty contractors available, owners may want to exclude submission of these entities as members of the design-build team because if these specialists submit exclusively with one team, competition may be limited. If owners do not require listing of key specialty and trade contractors in the procurement, as noted above, owners should certainly require the identification of these entities as early as possible in the performance of the work.

**5.3.2 Demonstrated Past Performance with Successful Projects of Similar Scope and Complexity.** The definition of Projects of Similar Scope and Complexity is set forth in the definitions section of the RFQ. In this section, owners should seek information that is specifically relevant to the project. The criteria outlined in the Form RFQ is focused not just on the specific type of project, but also on past performance with projects that integrate the design and the construction. In procurements where the owner is selecting primarily on a technical design, owners may include some of the criteria outlined in the form RFP, such as those included in Sections 3.4.1 – 3.4.4.

**5.3.3 Design-Build Design, Engineering and Permitting Past Performance.** The successful management of the design process is one of the key success factors in any design-build project. This section requests a description of the design-build team's past performance in this process.

**5.3.4 Design-Build Construction Past Performance.** Successful integration of the design and the construction is one of the key benefits to the design-build delivery method. The evaluative factor in the form RFQ requests offerors to provide detailed information regarding their past performance in this area. This criterion is particularly important in projects where the project requires phased construction or the owner is looking for innovation in the design-build team's approach to constructability or means and methods issues to resolve certain challenges in the project.

**5.3.5 Corporate Structure Questionnaire.** The questionnaire is intended to provide the owner with basic contact information as well as the structure of the prime design-builder as well as its

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<sup>15</sup> DBIA Best Design-Build Practices §1.2.b.

team members. This questionnaire allows owners to check to see that every entity has the proper licenses to perform the work. The questionnaire also provides the owners with an opportunity to elicit information pertaining to unfavorable circumstances or events that have the potential to adversely impact the offeror's ability to perform. Such information includes changes in financial position, existing or potential liabilities, violation of laws, regulatory violations, debarments, history of claims, and litigation.

## **SECTION 6: LIST OF ATTACHMENTS**

**Exhibit A – Scope of Work.** This exhibit provides additional detail to the design-build teams regarding what will be required in the project.

**Exhibit B – Protest Procedures.** If the owner has additional protest procedures, this exhibit is an opportunity to further explain them.

**Exhibit C – Proposal, Performance and Payment Bond Instructions.** This form outlines whether bonding will be required, as well as the type and amounts of the bonds. Owners should attach the proposal form for the various bonds that will be required for both the procurement and the performance of the project. DBIA has a comprehensive set of bond forms in its contract forms.

**Exhibit D – Insurance Requirements and Instructions.** In this exhibit, owners set out the insurance requirements for both the procurement and the performance of the project. DBIA has developed a set of insurance requirements that can be attached to this exhibit.

**Exhibit E – Corporate Structure Questionnaire.** This form allows owners a check to make sure that offerors are properly licensed to perform the project. Owners should modify this form to meet the applicable legal requirements as well as the needs of the project.

## **STANDARD FORM OF REQUEST FOR PROPOSALS**

### **Reference DBIA Document No. 410**

#### **1.1 General**

The Request for Proposals is the second phase of the procurement. The participants have been shortlisted through the evaluations in the RFQ process. Whereas the RFQ looks back at the design-build team's past performance, the RFP examines the design-build team's plan for successfully executing the owner's project. In the RFP, the owner provides sufficient information regarding the project for the offerors and other design-build team members to provide a responsive proposal. The amount of information is heavily dependent on whether the owner is requesting the shortlisted offerors to submit a project price or GMP with the proposal. DBIA best practices state that owners should develop their design-build procurement with the goal of minimizing the use of prescriptive requirements and maximizing the use of performance-based requirements, which will allow the design-build team to meet or exceed the owner's needs through innovation and creativity.<sup>16</sup>

The RFP constitutes an amendment to the RFQ. If the RFQ and RFP conflict, the RFP and any subsequent amendments will govern.

#### **1.2 Revised Procurement Schedule**

It is common for the procurement schedule to change during the course of the procurement. This section provides a placeholder to include the revised schedule.

#### **1.3 Owner's Program**

**1.3.1** The full description of the Owner's Program is attached to the RFP as Exhibit A. Offerors will use the Owner's Program as the basis for their proposal and any pricing and schedule

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<sup>16</sup> DBIA Best Design-Build Practices §1.2.c.

assumptions submitted in the deliverables pursuant to the RFP. Owners are directed to DBIA's *Manual of Practice* chapter "Developing Performance-Based Requirements for Design-Build Projects" for more guidance regarding the development of the Owner's Program. This chapter assists owners with identifying their goals, challenges, and constraints and converting that knowledge into an acquisition strategy, creating performance requirements that effectively communicate their vision and turn that vision into a reality.

The level of detail in the Owner's Program is very dependent on the type of procurement. In a qualifications-based procurement, the level of detail for the project may be minimal, as the owner is usually selecting the design-builder with very little, if any, design performed on the project. On the opposite side of the spectrum, an owner requiring offerors submit a price with the proposal must provide sufficient detail regarding the owner's needs on which the offerors can base their price.

**1.3.2** In every case, owners should perform appropriate front-end tasks (e.g. geotechnical/environmental investigations and permit acquisitions) to enable the owner to: (a) develop a realistic understanding of the project's scope and budget; and (b) furnish offerors with information on which they can reasonably rely in establishing their price and other commercial decisions.<sup>17</sup> The Form RFP allows offerors to rely on the accuracy of the design or prescriptive specifications provided in the owner's program as well as their compatibility with other information in the RFP. The RFP also notes that although offerors can rely on the information for the purposes of developing the proposal and price, the selected design-builder will be required to validate all information provided by the owner and remain responsible for meeting the performance requirements of the project.

Allowing the offerors to rely on the prescriptive information provided in the owner's program reduces the amount of the contingency and risk built into the price provided by the offeror. Case law consistently holds that an owner is responsible for the prescriptive information set forth in the RFP and allows for the selected contractor to receive a change order if the actual conditions are different from what was represented when the project was priced. The purpose of such reliance is "to allow contractors to submit more accurate bids by eliminating the need for contractors to inflate their bids to account for contingencies that may not occur."<sup>18</sup>

**1.3.3** Owners must be cautious regarding the statements made to offerors with respect to the procurement. Owners can be subject to protest if one or more offerors receive vital information not made available to all the offerors. Therefore, offerors cannot rely on oral statements from the owner, unless the statements are confirmed in writing via written addendum. The remainder of this paragraph provides some guidance to offerors in the case of a conflict between the Owner's Program and industry standards and requirements noting that the most stringent requirement applies.

## **1.4 Contract Documents**

Owners should provide shortlisted offerors with a draft design-build contract at the outset of the second phase of a procurement which: (a) provides offerors with an opportunity to suggest modifications during the proposal process and (b) enables offerors to base their proposals on the final version of the contract.<sup>19</sup> The Form RFP provides options from the DBIA Form Contract Documents; however, if the owner has its own contract form, or if the owner modifies the DBIA documents, the contract form the owner intends to use should be included as an attachment to the RFP. Offerors make many decisions based on the form of contract, as the contract establishes the risk matrix for the project. Many of the terms in the contract have a direct impact on pricing; not just the costs of the work, but also the general conditions and fee. In a cost plus/GMP contract form, for example, many owners modify the items included in the definition of the Cost of the Work. If items that are usually priced as reimbursable costs by the offeror are removed from the definition of the Cost of the Work, the offeror will include a contingency

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<sup>17</sup> DBIA Best Design-Build Practices §1.3.a.

<sup>18</sup> *HB Mac, Inc., v. U.S.*, 153 F.3d 1338, 1343 (Fed. Cir. 1998).

<sup>19</sup> DBIA Best Design-Build Practices §1.3.c.

in the fee to account for the inability to receive reimbursement under the contract. Likewise, the terms of the insurance, indemnification, and dispute resolution process may impact the amount of the fee or the overall price.

## **SECTION 2: RFP PROCUREMENT PROCESS**

In this section, the owner provides additional detail regarding the procurement process outlined in the RFQ. Owners can modify the process, if needed; however, owners are cautioned that major modifications may result in offerors deciding not to participate in the procurement.

### **2.1 Site Walk Through**

Many owners allow for a site walk through in either the RFQ or RFP process. The site walk through was included in the RFP process for the form document because the number of participants is limited to the shortlisted offerors, and with fewer participants, owners can provide more detailed information. Indeed, this section also allows owners to restrict the number of participants during the walk through so that the owner can keep the participants down to a manageable number. Owners with security requirements should clearly state those requirements in this section so that offerors can make sure that the appropriate personnel meet those requirements.

### **2.2 Proposed Changes in the Design-Build Contract Documents**

Owners are not necessarily aware of the potential unnecessary additional costs that are hidden in the terms of the contract or technical requirements. This section allows offerors to propose other terms that will help to identify those provisions. In addition, as most design-build authorizing legislation provides for a negotiation period, this section allows the owner some insight into what provisions of the contract the offeror intends to negotiate. In suggesting a revision to the contract, the offeror is required to explain the effect of the revision on the commercial terms, such as price and schedule.

The purpose of learning this information is to reduce the time frame for negotiation once the selected offeror is chosen. If the owner has scheduled meetings with the shortlisted offerors, the owner reserves the right to discuss the changes with the offerors; therefore, it is a good practice to require submission of the proposed changes before the last scheduled meeting. If the owner accepts any of the changes, the owner issues an amended contract form in an addendum. The owner is not required to accept any of the proposed changes, and the form RFP is clear that if the offeror provides a proposal, it is bound by the terms of the proposal. Likewise, even though the offeror has provided a proposal, further negotiation of the contract after the selected offeror is chosen is not precluded by this provision, provided that the applicable authorizing legislation allows for such negotiation.

### **2.3 Alternative Technical or Management Concepts**

This section provides an example of how to incorporate the ability for offerors to propose alternative technical or management concepts (“ATCs”) into the procurement. Owners should modify the ATC process to meet their needs and/or the applicable legal requirements. The goal of accepting ATCs is to encourage innovation by the offerors. Public owners are cautioned that not every jurisdiction allows for the consideration of ATCs. Many states require public owners that accept ATCs that are inconsistent with the Owner’s Program to issue an addendum that modifies those portions of the Owner’s Program that would not allow the ATC; however, in some states, public owners may accept an ATC that is inconsistent with the Owner’s Program without notifying the other shortlisted offerors. Public owners should review the law in their state to determine the applicable legal requirements in this area. If the Owner’s Program is modified to accept the ATC, owners should maintain the confidentiality of the ATCs to the greatest extent possible under state law and limit any modification of the owner’s program to protect the offeror’s proprietary ATC. For example, if there is a prescriptive requirement that impedes the submission of the ATC, owners should consider simply removing the prescriptive requirement or converting the prescriptive requirement into a performance requirement that does not reveal the solution provided by the offeror in the ATC.

Offerors must identify those portions of the ATC considered to be proprietary or confidential to assist owners in protecting the information, if possible; however, as most public owners are governed by public disclosure laws, offerors are cautioned that owners may not have the legal ability to protect all

information submitted in the procurement. The form RFP provides a process for owners to notify offerors of a determination to disclose the information and an opportunity to withdraw or modify the information prior to disclosure.

In the Form RFP, owners reserve the right to consider the ATC after award of the contract. Therefore, the owner can select the design-builder based on the information in the RFP and consider whether to accept the ATC during the performance of the project. This alternative might be attractive for owners who need to obtain third-party approval before accepting the ATC but want to go ahead and select the design-builder and start the project.

## **2.4 Confidential Individual Meetings with the Owner**

Owners should conduct confidential individual meetings with shortlisted offerors prior to the submission of technical and price proposals, as this process encourages the open and candid exchange of concepts, concerns, and ideas.<sup>20</sup> Owners may also conduct meetings after the submission of the technical proposals. The structure, purpose, and timing of the meeting varies with each procurement. The Form RFP provides examples of three types of meetings. Some owners choose multiple types in the same procurement, depending on the evaluative factors for the specific procurement and the need to either obtain or impart information during the process. The Form RFP provides some structure to limit the number of people participating in the meeting. The owner is not bound by statements or representations made during the meeting, unless the statement or representation is committed to writing as an addendum. Further, the Form RFP requires the parties to enter into a confidentiality agreement prior to any meeting. The confidentiality agreement is intended to assure offerors that their information will be kept confidential, to the extent allowable under applicable law. If any of the meetings below will be evaluated and scored, the RFP should provide the necessary evaluative criteria.

### **2.4.2 Proprietary Meetings**

Proprietary meetings are usually held prior to the submission of the Technical Proposal. They provide the offeror the opportunity to ask questions regarding the RFP and the owner the opportunity to comment on the viability of the offeror's proposal. Many owners require offerors to submit preliminary documents prior to the proprietary meeting so that the owner may provide commentary on the strengths and weaknesses of the offeror's plan. The process is intended to allow collaboration between the owner and offeror prior to the submission of the Technical Proposal and to improve the submissions as a whole.

In a large or complex procurements, owners may conduct multiple proprietary meetings. Likewise, if there is a substantial change in program during the course of the procurement, either in response to external pressures or as the result of accepting an ATC, owners may consider conducting another proprietary meeting to allow offerors to ask questions regarding the change.

In the Form RFP, the owner does not score the proprietary meeting; however, the owner reserves the right to evaluate the interaction as part of the overall score for the procurement. The reason for this reservation of rights is to allow the owner to reward an offeror that does an outstanding job furthering the procurement or to provide a negative score for an offeror who has an extremely poor submission or does not exhibit collaborative behavior during the proprietary meeting. Some owners combine the proprietary meeting with the interactive meeting, and the owner scores the meeting with the same considerations outlined below.

### **2.4.3 Interactive Meeting**

Effective communication and collaboration are vital to a successful design-build project, and it is difficult to evaluate these characteristics on paper or in a structured interview. The interactive meeting is designed to gain insight into how a design-build team collaborates with the owner and with each other.

The structure of interactive meetings varies greatly depending on the procurement goals. Owners can either allow the offeror to conduct the meeting, or the owner can provide some

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<sup>20</sup> DBIA Best Design-Build Practices §1.3.d.



structure in the form of hypothetical questions or an agenda. In the Form RFP, offerors are instructed to consider the meeting to be the first project meeting so that owners can get a feel for how project meetings will be conducted. Offerors are also required to memorialize the meeting with meeting minutes submitted with the proposal. The intent of this requirement is to provide the owner with an example of the type of communication the offeror will provide during the project.

Successful design-build teams who are focused on achieving design excellence will not only effectively communicate their ideas to the owner, they are also skilled at soliciting and understanding the owner's goals. In the Form RFP, the owner evaluates the offeror on both the effectiveness of the communication and collaboration during the meeting as well as the offeror's ability to incorporate the results of the meeting into the Technical Proposal. For these procurements, the owner does not spoon-feed the information to the offerors or provide the same information to every offeror. Rather, much like during the project itself, the successful offeror will do an outstanding job of asking questions with the goal of gleaning and understanding the owner's goals.

#### **2.4.4 Interview**

Generally, interviews are conducted after the submission of the proposal. Offerors are provided an opportunity to present their proposal to the owner, and owners are provided an opportunity to ask questions of the offerors. The structure of interviews varies greatly among procurements, and owners should describe the process that best fits the procurement and the project. Interviews can be evaluated and scored.

The Form RFP provides language for procurements where the offeror provides a technical or design solution to the owner. It also includes a requirement for offerors to provide examples of previous projects where the offeror achieved design excellence. The definition of design excellence is provided in the RFQ. The requirement to present on previous projects achieving design excellence is useful for all procurement types, but it is particularly applicable to procurements that are qualifications-focused, where the offeror does not provide a design solution for the specific project being procured. Rather, owners evaluate offerors similarly to how designers are selected in other delivery methods, by their previous history of achieving design excellence for previous projects.

The Form RFP also has instructions regarding the logistics of the presentation and the form of media for the presentation. Owners may also restrict the size and/or the form of media, if desired, to manage the amount of materials the evaluation committee must review during the selection process and to disallow offerors from expanding their proposal submission through the presentation.

## **2.5 Technical Proposal**

The specific instructions for the Technical Proposal are below.

## **2.6 Price Proposal**

For procurements that include a Price Proposal, this provision provides the structure for submission of the proposal. In most procurements, a Price Proposal can be limited to elements of the project that are known at the time of the proposal such as design-builder's fee percentage, general conditions estimate for a given duration, bond and insurance rates, or design fee. Local procurement laws should be consulted if procured by a public entity.

## **2.7 Selection of Preferred Offeror**

These provisions outline the process for selection. Owners may also choose to only include this section in the RFQ and omit it from the RFP. Owners must modify the section to meet the needs of the procurement. In addition, public owners are cautioned to review the applicable legal requirements, as they vary across the country. Owners should insert the appropriate description of how the preferred offeror will be selected. Suggestions include "highest score," "best overall ranking," and "best value." The description should reflect the means by which the offerors are scored during the RFP phase.

## 2.8 Selection De-Briefing

Owners should provide unsuccessful offerors with an opportunity to participate in an informative debriefing session after the procurement.<sup>21</sup> Owners are also encouraged to provide the successful offeror the same opportunity for a de-briefing. Most owners wait to conduct the de-briefing until after the execution of the design-build contract because where the procurement process includes a negotiation phase, there is always the possibility that the owner will not be able to agree on the commercial terms with the preferred offeror. The de-briefing is valuable to both the owner and the unsuccessful offerors. The unsuccessful offeror gains insight on how to produce a better proposal the next time the owner conducts a procurement. The owner gains insight on how it can improve its processes.

## **SECTION 3: DOCUMENTATION REQUIREMENTS**

### 3.1 Submittal Process

This section explains how the deliverables responsive to the RFP should be submitted. Section 3.1.1 provide an example of an electronic submission process. Section 3.1.2 provides an example of process where hard copies are submitted. Owners can use either, or owners can combine the two processes if the owner prefers to have some elements submitted electronically (such as the Technical Proposal) and some elements submitted in hard copy (such as price, renderings, drawings, or submittals).

### 3.2 Submittal Format Requirements

This section provides instructions on how the deliverables responsive to the RFP should be formatted. The instructions on pagination provide an exception if owners request graphic information that is better submitted in a larger format. Again, owners should carefully determine the volume of deliverables requested in any portion of the procurement and limit deliverables to only those items that will be evaluated and that will inform the owner of distinguishing factors between offerors.

### 3.3 Cover Letter

The cover letter for the Technical Proposal allows an opportunity for offerors to provide contact information for new team members or changes in the design-build team. Some procurements are lengthy, requiring offerors are to substitute either individual key team members or entities that are members of the design-build team. In addition, offerors will sometimes augment their team with new members in response to requirements that are disclosed in the RFP or change team members based on feedback from proprietary or interactive meetings. Offerors are required to explain and justify any revisions to the team in the cover letter.

Owners are faced with a dilemma when a substitution occurs because the offeror achieved its status on the short list based on the qualifications of these individuals and entities. Owners who decide not to carry the scores from the RFQ through to the RFP may be faced with the problem of a team that must be disqualified from submitting its proposal based on a revised team. The Form RFP provides that for owners who do carry the RFQ scores through to the RFP, any changes from the RFQ submission will result in re-evaluating the RFQ scores.

### 3.4 Technical Proposal

This section provides examples of RFP evaluative criteria. For more information regarding developing the evaluative criteria for an RFP, owners are encouraged to review the *DBIA Manual of Practice*, specifically the chapters on “Competitive Acquisition of Design-Build Services” and “Developing Performance-Based Requirements for Design-Build Project.” In addition, DBIA offers a number of in-person and online courses and webinars dedicated to the development of procurement documents.<sup>1</sup> The criteria in the form RFP are examples only. In this section in particular, owners must modify the RFP to meet the needs of the project.

**3.4.1 Overall Management Approach.** This evaluative criterion requires offerors to provide their overall management approach for the project. It contrasts with the information requested in the Form RFQ, in that the information in the RFQ looks backwards to the offeror’s past

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<sup>21</sup> DBIA Best Design-Build Practices §1.3.i.

performance, and the RFP looks forward as to how the offeror will manage the specific project that is the subject of the procurement. This criterion is particularly important when owners are utilizing qualifications-focused procurement with little to no design submissions from the offerors. When owners require highly specific technical solutions for a project, this evaluative criterion is sometimes moved back to the RFQ so that owners can concentrate on the offeror's technical solution in the RFP. The Form RFP contains several different elements in the overall management approach, and owners can keep them in the same criterion or separate them out, if that makes more sense for the procurement strategy.

**3.4.2 Project Controls, Cost Tracking [and GMP Development].** In this criterion, the owner evaluates how the design-builder tracks and monitors its costs. It is particularly useful for projects that will utilize a Cost Plus with a Guaranteed Maximum Price contract form. For projects that will utilize a Lump Sum contract, the information would only be applicable to changes, and therefore, has limited usefulness. The Form RFP contains language that is specific to progressive design-build projects where the owner selects the design-builder prior to the establishment of price, scope, or both.

**3.4.3 Collaboration and Integration.** This criterion is important on all design-build projects, regardless of contract form. The criterion examines the offeror's approach on not only communication and collaboration, but also how claims and conflicts will be resolved.

**3.4.4 Design Development and Management.** Every successful design-build project starts with a successful design management phase. With this criterion, the owner evaluates the offeror's approach to and knowledge of this process. In addition, the Form RFP includes specific information regarding the types of tools the design-build team utilizes to manage the design. If the owner's acquisition strategy is based primarily on a technical approach or design, this criterion is also often evaluated in the RFQ stage rather than in the RFP.

Design commitment is noted as a discussion point for proposers because it is a critical element of project success that must be mutually understood and scheduled as part of every project. Owners must grant the design-build team flexibility to complete design detail in accordance with the owner's criteria. If the owner has a preference for the number and timing of design packages, the owner should note that preference in the RFP. Owners must keep in mind that changes to the design after design commitment have a highly negative impact as significant resources will have been committed to implementing design in the field. Among the considerations for an owner to ensure effective design management processes are the timing of some critical milestones, including when the design component will be priced and confirmed to be within budget, and when the construction documents are provided by the designer of record and approved by the owner.

**3.4.5 Project Sequencing and Scheduling.** The sequence and schedule of a design-build project is different than in any other delivery method. This criterion examines the offeror's knowledge regarding scheduling as well as the tools the offeror uses to manage the schedule. The offeror provides its proposed schedule, if it is a required deliverable for the RFP, or its method of developing the schedule if it is not.

**3.4.6 Proposed Design.** For projects where the design is a deliverable, owners provide the requirements of the submittal in this section.

**Other Examples of Evaluative Criteria.** DBIA's market sector committees will supplement this guide with examples of evaluative criteria that are specific to their market. Below is an example of evaluative criteria for small business utilization that might be of interest to owners.

#### **Small Business Utilization**

- .1 Provide a preliminary outreach plan that focuses on how the design-build team will reach out and work with small businesses to provide opportunities to compete for and participate in the work associated with this project.
- .2 Describe actions taken by the design-builder in the past 5 years to provide small businesses with opportunities to compete for and work on projects managed and/or

constructed by the design-builder. For each project discussed, provide the following information: (a) describe in detail the outreach process taken by the Key Team Member involved in the project and (b) identify the percentage utilization of small businesses, the approach to packaging subcontracted work; and the specific strategy that delivered those results.

- .3 Explain how the design-builder's efforts to utilize qualified small businesses will impact the design-builder's subcontractor procurement approach.
- .4 The information provided in response to this Section of the RFP will be evaluated based on the following considerations:
  - a. The strength and viability of the design-build team's small business utilization and outreach plan, including not only the specific topics on which the owner has requested discussion, but any other topics that the proposed design-build team deems essential to the success of the project;
  - b. The design-build team's history of success in implementing small business utilization plans; and
  - c. The differentiating resources that the design-build team will bring to the project and how those differentiating resources will enhance the project.

#### **SECTION 4: ATTACHMENTS TO THE RFP**

The owner should list all attachments that comprise the RFP. This point is particularly true if either the RFP or proposal become part of the contract documents or Basis of Design documents. The Form RFP only provides a general outline of the attachments that are noted in the form.

With respect to the Price Proposal Instructions, these instructions vary greatly by project. Attached to this guide are examples of Price Proposal Instructions derived from various projects.

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<sup>i</sup> DBIA courses and webinars can be found at [www.dbia.org](http://www.dbia.org)