

Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 24—Design-Build Project Contracts

7 CSR 10-24.100 Selection Procedures and Award Criteria

PURPOSE: This rule provides the criteria used to determine whether standard design-build or modified design-build procedures will be used.

(1) The commission will use a two (2)-phase selection procedure for all design-build projects. If it is determined by the commission that the design-build procedure is not appropriate for a given project, based on the criteria in 7 CSR 10-24.130 the modified design-build contracting method may be utilized.

(2) The following criteria will be used to decide whether design-build or modified design-build selection procedures are appropriate:

- (A) The number of offers anticipated;
- (B) Proposers are expected to perform substantial design work before developing price proposals;
- (C) Proposers will incur a substantial expense in preparing proposals; and
- (D) Commission has sufficiently defined and analyzed other contributing factors, including:
 1. The requirements of the project;
 2. The time constraints for delivery of the project;
 3. The capability and experience of potential contractors;
 4. Commission capabilities to manage the standard design-build selection process; and
 5. Any other criteria that the commission may consider appropriate.

(3) The commission will identify the selection procedure and award criteria in the Request for Qualification (RFQ). The following will determine the type of selection procedure and award criteria used by the commission:

Selection procedure	Award criteria options
Standard Design-Build Selection Procedures	Lowest price, adjusted low bid (price per quality point), meets criteria/low bid, weighted criteria process, fixed price/best design, best value.
Modified Design-Build	Lowest price technically acceptable.

(4) Commission will base the source selection decision on a comparative assessment of proposals against all selection criteria in the solicitation. Commission may use reports and analyses prepared by others, however, the source selection decision ~~shall~~ represents the commission's independent judgment.

(5) The source selection decision will be documented, and the documentation will include the rationale for any business judgments and tradeoffs made or relied on, including benefits associated with additional costs. Although the rationale for the selection decision ~~must~~will be documented, that documentation need not quantify the tradeoffs that led to the decision.

(6) A minimum of two (2) to a maximum of five (5) firms will be short-listed. If the commission fails to receive offers from at least two (2) responsive proposers, the offers will not be opened; and the commission may re-advertise the project.

AUTHORITY: sections 226.020, RSMo 2000 and 226.030 and 227.107, RSMo Supp. 2004.
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**Original authority: 226.020, RSMo 1939; 226.030, RSMo 1939, amended 1965, 2003, 2004;
and 227.107, RSMo 2002.*