

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

**7 CSR 10-24.300 Information Exchange, General**

*PURPOSE: This rule describes the types of information exchange that may take place either prior to or after the release of the Request for Proposal.*

(1) Verbal or written information exchanges prior to the release of the Request for Proposal (RFP) document ~~must~~will be consistent with state and/or local procurement integrity requirements, as well as those provided in 23 CFR 636.115 and 7 CSR 10-24.070. Title 23 CFR section 636.115 is incorporated by reference into and made a part of this rule as published by the United States Superintendent of Documents, 732 N Capitol Street NW, Washington, D.C. 20402-0001, website: <http://bookstore.gpo.gov> on January 1, 2012. This rule does not incorporate any subsequent amendments or additions to the Code of Federal Regulations in 23 CFR 636.115.

(2) Information exchange may be used at different points after the release of the RFP document. The following table summarizes the types of communications that will be discussed in 7 CSR 10-24.310 through 7 CSR 10-24.330. These communication methods are optional.

<b>Type of Information Exchange</b>	<b>When</b>	<b>Purpose</b>	<b>Parties Involved</b>
(1) Clarifications	After receipt of proposal	Used when award without discussions is contemplated. Used to clarify certain aspects of a proposal (resolve minor errors, obtain additional past performance information, etc.).	Any offeror whose proposal is not clear to the commission.
(2) Communications	After receipt of proposals, prior to the establishment of the competitive range	Used to address issues which might prevent a proposal from being placed in the competitive range.	Only those proposers whose exclusion from, or inclusion in, the competitive range is uncertain. All proposers whose past performance information is the determining factor preventing them from being placed in the competitive range.

(3) Discussions	After receipt of proposals and after determination of the competitive range	Enhance commission understanding of proposals and proposers understanding of scope of work. Facilitate the evaluation process.	<del>Must</del> Will be held with all proposers in the competitive range.
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(3) Commission will not engage in information exchanges that:

- (A) Favor one proposer over another;
- (B) Reveal a proposer's technical solution, including unique technology, innovative and unique uses of commercial items, or any information that would compromise a proposer's intellectual property to another proposer;
- (C) Reveal a proposer's price without that proposer's permission;
- (D) Reveal the names of individuals providing reference information about a proposer's past performance; or
- (E) Knowingly furnish source selection information that could be in violation of Missouri procurement integrity standards applicable to the commission.

*AUTHORITY: sections 226.020, RSMo 2000 and 226.030 and 227.107, RSMo Supp. 2004.\*  
Original rule filed Aug. 15, 2005, effective Feb. 28, 2006.*

*\*Original authority: 226.020, RSMo 1939; 226.030, RSMo 1939, amended 1965, 2003, 2004; and 227.107, RSMo 2002.*