

# ❖ **ENGINEERING CONSULTANTS SECTION**

## **Consultant Contract Administration**

- **An Overview of Processes and Procedures for the Administration of Professional Services Contracts**

**Presented by:**

**Greg Wristen**

**Engineering Consultants Section (ECS) Manager**

# WHO IS ECS?

ECS administers the processes and procedures for the fair and efficient advertisement, selection, negotiating, monitoring and management of professional services contracts for ADOT which are exempt from the State Procurement Code (ARS 41-2501).

# WHO IS ECS?

Part of IDO

Report to Deputy St. Eng. (Barry)

3 Units

- 3 Teams

22 Members

- 2y 5mo average

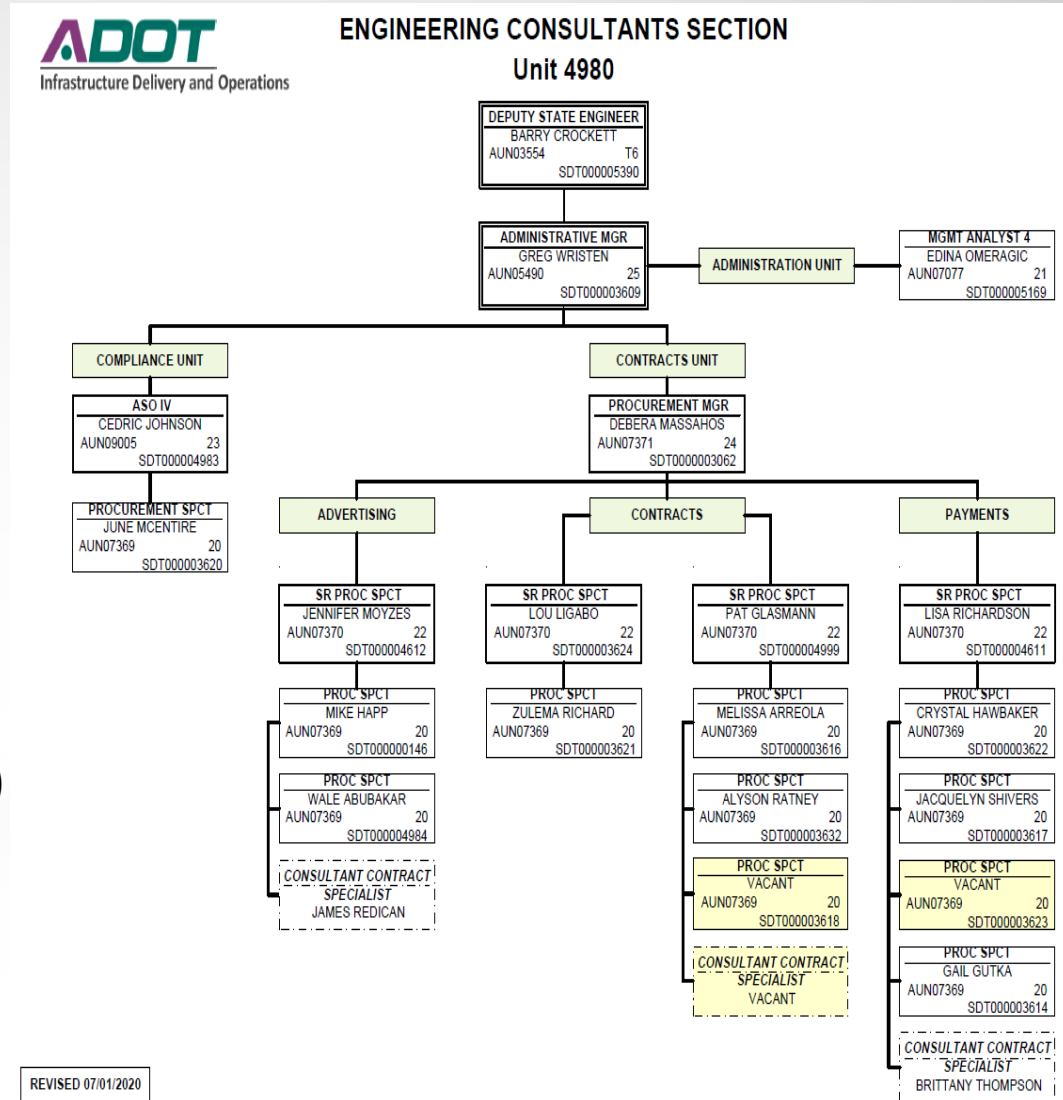
215 Current Contracts

Avg. 800 Mods & 2,060 PRs/Year

Design Contracts (9 Tech Groups)

Supplemental Service

Alternative Delivery (CMAR & DB)



# Regulations

## ► Some Regulations that Govern What and How we do things:

- [23 CFR Part 172](#) Administration of Engineering and Design Related Service Contracts
- [48 CFR Chapter 12 FAR](#) (DOT)
- [2 CFR Part 200](#) Uniform Admin Requirements , Cost Principles, and Audit Requirements for Federal Awards
- [49 CFR Part 26](#) DBE
- [49 CFR Part 26.7](#) Small Business Concern
- [23 CFR 635.112\(f\)](#) Advertising for Bids and proposals
- [Title 2 CFR Part 180](#) OMB Guidelines on Gov't Debarment and Suspension (Non-procurement)
- [USDOT Order 4200-5E](#) Suspension and Debarment Procedures
- [Title 31 USC 1352](#) Limitation on Use of Appropriated Funds to Influence Federal Contracting
- [23 USC 112\(b\)\(2\)\(b-c\)](#) Letting of Contracts
- [23 CFR 172.5 \(a\)\(c\)](#) Contract Compensation Types
- [23 CFR 172.9](#) Federal-Aid Funded Contracts
- [5 USC §552](#) Examination of Records (FOIA)
- [Public Law 112-141 Map](#) – 21 Moving Ahead for Progress in the 21st Century
- [23 CFR 172.5 \(a\)\(3\)](#) Non-Competitive Negotiations
- [40 USC 1101](#) QBS Defined
- [40 USC 1104\(a\)](#) Negotiation of Contract
- [48 CFR 31](#) Contract Cost Principles and Procedures
- [48 CFR Subpart 9.4](#) Federal Debarment, Suspension and Ineligibility
- [48 CFR Subpart 3.8](#) Same as Title 31 USC 1352
- [49 CFR Part 21](#) Nondiscrimination in Federally Assisted Programs
- [41 CFR Part 60](#) Contract Compliance Programs, EEO
- [23 CFR 230.311](#) State Responsibilities
- [Section 306 of the Clean Air Act](#) Federal Procurement
- [Immigration Reform and Control Act of 1986](#)
- [Executive Order 11246 & 11375](#) EEO
- [Executive Order 09-04](#) Nondiscrimination
- [8 CFR](#) Federal Immigration
- ARS 41-2501 (K) Exemption to Procurement Code
- ARS §34-201(A) Public Notice of Intention
- ARS §39-201 Newspaper Defined
- ARS §39-203 Number of Publications
- ARS §39-204 Publication of Notice: Time, Place
- ARS 41-2653 Exempted services
- ARS 28-501 through 28-511 Standard of Conduct and Conflict of Interest
- ARS 41-753 Unlawful Acts
- ARS 41-2503 APC Definitions
- ARS 39-121 Inspection of Public Records
- ARS 28-411 Prompt Pay Legislation
- ARS 35-214 Inspection and Audit of Contract Provisions
- ARS 41-4401 Government Procurement, E-Verify
- ARS 23-214(A) Verification of Employment Eligibility
- ARS 38-503 Conflicts of Interest, Exemptions and Employee Prohibition
- ARS 38-504 Prohibited Acts
- ARS 41-2616 Violation; Classification; Liability; Civil Penalty; Enforcement Authority
- ARS 41-2517 Procurement Officers and Procurement Employees
- ARS 41-2534 Competitive Sealed Bids
- ARS 41-2537 Emergency Procurements
- ARS 41-2538 Competitive Selection Procedures for Certain Professional Services
- ARS 41-2578 Procurement of Specified Professional and Construction Services
- ARS 41-741 Definitions
- ARS 44-1401 Uniform State Anti-Trust Act
- ARS 32-121 to 32-131 Registration and Certification

# Consultant Contract Administration

## Introduction – Process & Procedures

Key Terms, Acronyms and Information associated with the contract lifecycle:

### **Brooks Act** – Public Law 92-582 (40 USC 1104):

- *Selection of firms and individuals to perform architectural, engineering and related services based on demonstrated competence and qualifications for the type of professional services required.*
- *The agency shall negotiate a contract with the highest qualified firm at compensation which the agency head determines is **fair and reasonable**.*

### **Prompt Pay Law** – ARS 28-411:

- *ADOT must issue payments to Prime Consultants within 21 calendar days after receipt and acceptance of the payment report/invoice.*
- *Consultants must pay their subconsultants within seven (7) calendar days after receiving payment from ADOT.*

### **49 CFR Part 26**

- *Regulations for participation by disadvantaged business Enterprises in federal DOT financial assistance programs. This also includes all required reporting and documentation.*

### **ECS Consultant Contract Manual**

- *Procedures that govern ADOT's Engineering Consultants Section's award and administration of professional services contracts.*

### **FAR – Federal Acquisition Regulations**

- *Basis for accepted accounting principles and regulations.*

# Consultant Contract Administration

## Introduction – Process & Procedures

### Contract Types

Approved Contract Types for professional design and engineering services:

*\*\* Type of Contract and Scope of work must be defined in the Request for Qualifications (RFQ).*

#### Project Specific Contract (Single and Multi Phase)

- Contract where services are performed for a Defined Scope of Work for a Specific Project.
- Services may be divided into phases whereby the specific scope of work and associated costs may be negotiated and authorized by phase as the project progresses.

#### On-Call Contract

- Contracts for the performance of services for a number of projects which are awarded on a task-order basis.
- Shall define the number of consultant teams which shall be procured, duration and established dollar limitations.
- Original selection of consultant teams must be by Qualifications Based Selection.
- Tasks are awarded to the selected qualified consultants through one of the following options:

1. Regional Basis
2. Additional Qualifications Based Selection Procedures

*\*\* 23 CFR Part 172 – Equal or Rotational Distribution of Task Orders is no longer permitted on new On-Call Contracts.*

*\*\* Assignment of Task Orders is not guaranteed.*

# Consultant Contract Administration

## Introduction – Process & Procedures

### Compensation Methods – On-Call Contracts

Approved Compensation Methods for professional design and engineering services: *\*\* Type of Contract Compensation Method must be defined in the Request for Qualifications (RFQ).*

#### Lump Sum by Task Order (LSTO)

- Negotiated payment method establishing a defined price for a defined scope of work associated with a Task Order on an On-Call contract.

#### Cost Plus Fixed Fee by Task Order (CPFF by TO)

- Compensation type based on actual costs plus a fixed fee (FF). Budgets (estimated costs) are negotiated for the scope of work associated with a Task Order on an On-Call contract.

#### Specific Rates (SR)

- Compensation method when negotiated rates are used to compensate for work performed. Materials are paid at cost.

# Consultant Contract Administration

## Introduction – Process & Procedures

**What do we do?**

**How do we do it?**

**Why do we do it?**



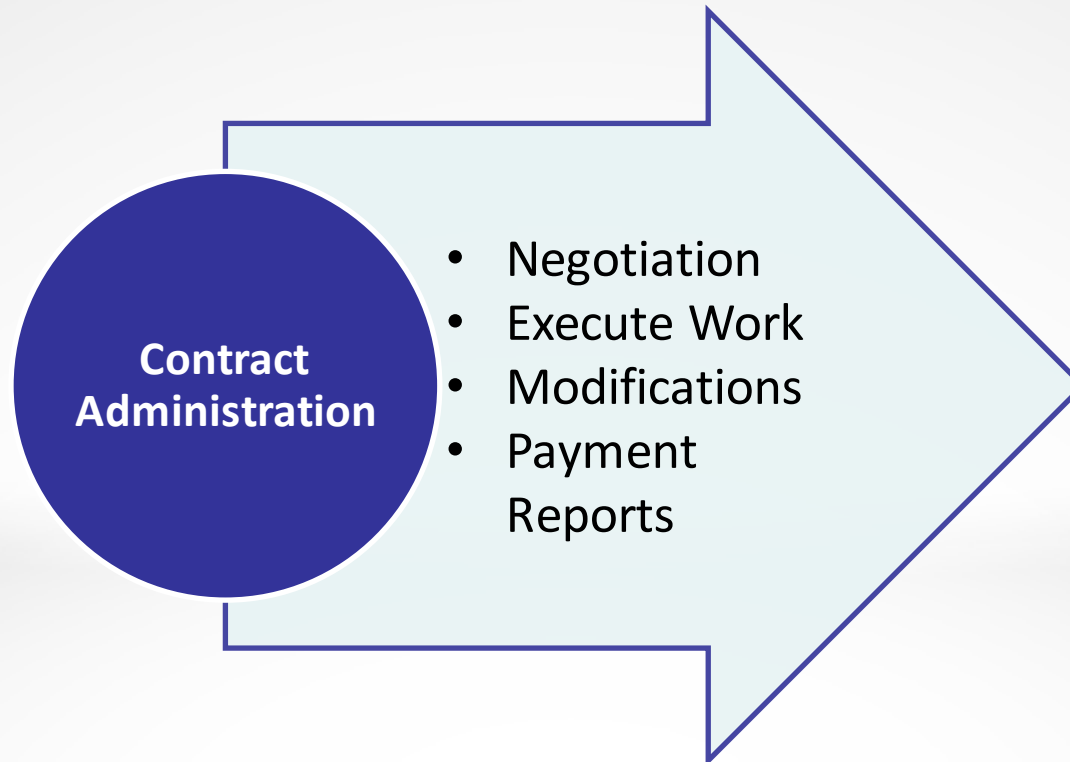
Contract Lifecycle Map



# Consultant Contract Administration

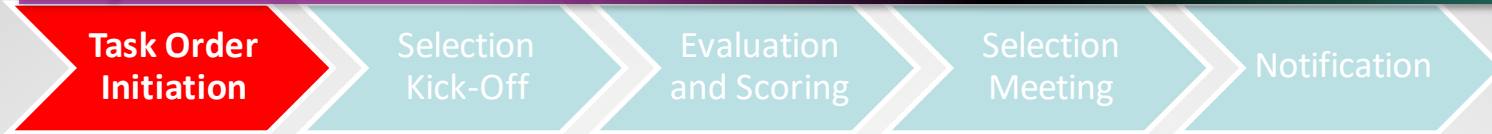
## Contract Administration

### Managing the Contract



# Consultant Contract Administration

## Project Initiation – On-Call Contracts



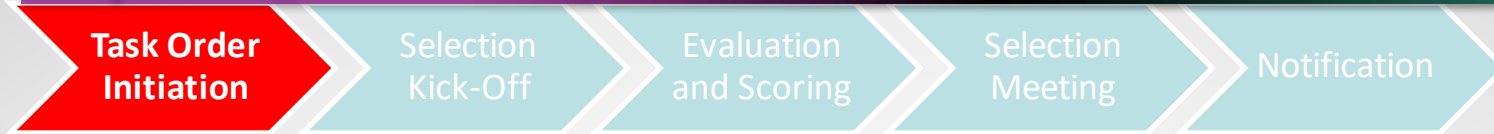
### Initiation of Task Order

1. Upcoming Project List
2. Development of the Project's Scope of Work and Need
  - Project Information/Location
  - PM Contact Information
  - LPA Contact Information
  - Project Features
  - Scope of Work

<u>Request for Statement of Interest</u> <span style="color: red;">(project team to update all table fields in white)</span>	
+ The Arizona Department of Transportation (ADOT) requests Statements of Interest in response to the following request.	
ADOT On-Call Contract Name:	
ADOT On-Call Contract Series:	
PROJECT SUMMARY INFORMATION	
Project	
Project Name:	
Project (TRACS) Number:	
District:	
Route/MP:	
Funding Source:	
Construction Funding FY:	
ADOT Project Manager Information	
Project Manager Name:	
Technical Group	
Phone Number:	
Email Address:	
Local Government Contact (if applicable)	
Local Government Agency:	
Local Government Contact:	
Phone Number:	
Email Address:	
Solicitation Information	
Submission Instructions:	Electronic Submittal is required (PDF). Submit an electronic PDF file of your firm's SOI to <a href="mailto:ECSSOO@azdot.gov">ECSSOO@azdot.gov</a> by 11:00 a.m. on the Submission Deadline Date. SOI submissions will not be accepted after the 11:00 a.m. deadline. Hard copies will not be accepted.
Project Features:	
Scope of Work:	

# Consultant Contract Administration

## Project Initiation – On-Call Contracts

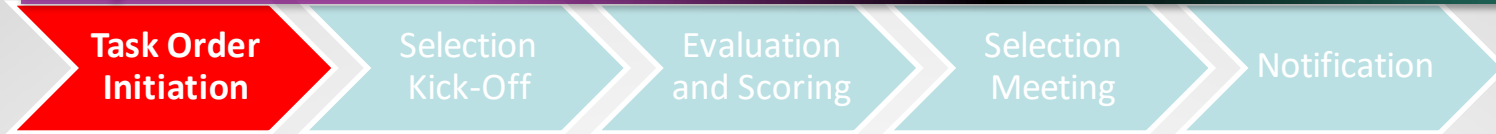


### **Initiation of Task Order**

3. Development and Coordination of the Project Schedule
4. Statement of Interest (SOI) Package
  - Project Framework
  - Solicitation Schedule (posting dates; questions; due date; selection date)
  - SOI Response Page Limitation
  - Selection & Scoring Criteria
  - Attachments
5. Authorization of Funds for the Project
  - FHWA Authorization of Funds or State Funds
6. Reference Documentation Availability & Posting

# Consultant Contract Administration

## Project Initiation – On-Call Contracts



## Advertisement & Submittals

1. Approval to Advertise
2. Communication (SOI/Amendments)
  - External Website
3. Submittals
  - Low-Tech (email)
  - Requirements and Initial Review



# Consultant Contract Administration

## Project Initiation – On-Call Contracts



### **Who makes up a Selection Panel?**

1. Panel Group Composition is determined by the Project Manager. Effort is made to make sure representation is provided by the appropriate ADOT Sections.
2. ADOT Group/Section Managers may provide recommendations for qualified Panel Members from their Group/Section to serve.
3. Final Panel Member list is approved by ECS Manager.

Selection Panels are typically comprised of the following members:

- ADOT Project Manager
  - ADOT District Representative
    - ADOT Disciplinary/Group Representatives
      - Other Relevant ADOT Technical Staff

# Consultant Contract Administration

## Project Initiation – On-Call Contracts



### **Selection Panel Kick-Off**

Upon submittal of all qualified SOI's, the Selection Panel Members are provided:

- A detailed summary of the Project's Scope and Goals (SOI Package).
- Copies of the qualified and responsive SOI's.
- SOI Evaluation Criteria
- Directions and Process Overview
  - Schedule
  - Confidentiality
  - Communication
- Required Forms:
  - Panel Member Participation Form
  - Confidentiality Agreement Form



# Consultant Contract Administration

## Project Initiation – On-Call Contracts



### **Evaluation and Scoring**

Each Panel Member evaluates and scores each SOI independent from the other panel members.

The same selection criteria is used by each Panel Member:

1. Project Understanding and Approach
2. Project Team & Availability
3. Project Risks
4. Schedule



Evaluations and scoring are performed manually. Upon completion of the evaluations and scoring, the ECS Contract Manager reviews the evaluations for completeness and accuracy.

# Consultant Contract Administration

## Project Initiation – On-Call Contracts



### **Selection Meeting**

After all Panel Members have completed their review and scoring, Panel Members meet to:

1. Discuss and address any concerns or questions about what was presented in the SOI's.
  - Panel Members are given the opportunity to discuss the rationale for their individual scores.
  - Any Panel Member may elect to amend his or her score based on the discussion held during this meeting.
2. Ranking of the firms is presented and the selected firm(s) is identified.
3. Upon consensus, complete and sign the "Selection Approval Confirmation Memorandum".





# Consultant Contract Administration

## Project Initiation – On-Call Contracts



### **Notification**

- The completed “Selection Approval Confirmation Memorandum” is presented to the ECS Manager for review and signature. Additionally, copies of the panel members score, ranking and comments are provided for review. Discussions are held as appropriate.
- The Selected Firm is Notified.
- The non-selected firms are notified of the selection and provided the opportunity for a Debrief. The Debrief includes:
  1. Copy of the selection panel’s evaluation comments and scores of their firm’s SOI.
  2. Score of the Selected Firm’s SOI.
  3. Copies of the SOI submitted by the Selected Firm is **not** provided for review.
  4. Copies or reproduction of the Selected Firm’s SOI and comments/scores are not permitted.

# Consultant Contract Administration

## Project Initiation – On-Call Contracts

### Plan & Schedule

- **Project (Task Order) Initiation**

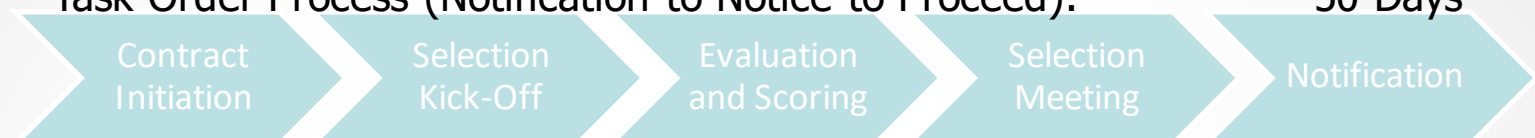
- |  |         |
|--|---------|
| 1. Posting to Upcoming Project List (minimum): | 2 Weeks |
| 2. Development of the SOI (concurrent):        | 2 Weeks |
| 3. SOI Advertisement:                          | 1 Week  |

- **Consultant Selection Process**

- |                                    |          |
|------------------------------------|----------|
| 1. SOI Internal Compliance Review: | 1-2 Days |
| 2. SOI Evaluation & Scoring:       | 1 Week   |
| 3. Scoring Review:                 | 1-2 Days |
| 4. Selection Meeting & Ranking :   | 1 Day    |
| 5. Notification:                   | 1-2 Days |

Total Time Allotted (Initiation to Notification): 3-5 Weeks

Task Order Process (Notification to Notice to Proceed): 50 Days



# Consultant Contract Administration

## Project Initiation – On-Call Contracts

### What are some “Barriers” to a Smooth and Timely Selection Process?

1. Funding.
2. Scheduling conflicts with panel members.
3. High volume of SOI’s to review...requires more time.
4. Panel Member conflict of interest issues.
  - Potential Removal or Re-assignment.
5. Poor Communication of:
  - Schedules
  - Submittal Requirements
  - Questions and Responses



# Consultant Contract Administration

## Project Initiation – On-Call Contracts

### **What are some “Barriers” to a Smooth and Timely Execution of Modifications?**

1. Incomplete or delayed submittals by Consultant, Subconsultant or Vendors.
2. Incomplete or delayed review by ADOT.
3. Errors or missing contract documentation.
4. Funding is not authorized or available.
5. Review and/or negotiation of allowable or unallowable expenses.
6. Delayed communications between ADOT and Consultant and between Consultant and ADOT.
7. Incomplete or unapproved DBE documentation.



# Consultant Contract Administration

## Summary – Other Helpful Tools

Engineering Consultants EXTERNAL Website - <https://azdot.gov/business/engineering-consultants>

### Consultant Prequalification

How To Information and Resources

### Advertisements

Pending Advertisements, Current Advertisements

SOQ Submittal Guidelines

Upcoming Projects

### Selections

Pending Selections

Recent Selections

### Information Bulletins

### Consultant Resources

Procedures, General Information & Instructions

### Forms & Templates

Sample Contracts, Certifications, Guidelines, Forms, & Checklists

### Policies & FAQ

### Disadvantage Business Enterprise (DBE) Programs

Forms, Links & Resources

### Local Public Agency Consultant Procurement

### Contact Information

**ADOT** subscribe for updates

About Motor Vehicles Projects Business Planning News Traffic Maps Contact

Home » Business » Engineering Consultants

### Engineering Consultants

Consultant Prequalification Advertisements Selections Information Bulletins Consultant Resources

Forms and Templates Policies and FAQ Disadvantaged Business Enterprise (DBE) Program

Local Public Agency Consultant Procurement Contact Us

ADOT's Engineering Consultants Section (ECS) is responsible for prescribing and administering procedures for managing ADOT's professional services contracts which are exempt from the State Procurement Code (ARS 41-2501). It is ECS's responsibility to ensure these procedures and the administration of the contracts are compliant with applicable State and Federal regulations. ECS is committed to providing fair, equitable, efficient, timely, accurate, professional, and quality service to the Department and its stakeholders, consistent with the Department's goals and objectives in meeting the transportation needs of the State of Arizona. The information contained on these pages is intended to provide professional services consultants with material to help them to do business more efficiently with the Department.

#### Announcement

[Traveler Responsibilities](#)

#### Consultant Prequalification

Find information about the ECS Prequalification process. Architectural/Engineering firms must prequalify in order to do design work for ADOT.

#### Advertisements

Find current and pending advertisements.

#### Selections

Find pending and recent selections.

#### Information Bulletins

Information Bulletins provide the most current information regarding updates to ECS policies and procedures and should be reviewed regularly by prequalified consultants.

#### Consultant Resources

Business

- ADOT Business Coach On Demand
- Business Engagement and Compliance
- Engineering and Construction
- Contracts and Specifications
- Project Management Services
- Highway Maintenance
- Procurement
- Engineering Consultants
  - Consultant Prequalification
  - Advertisements
  - Selections
  - Information Bulletins
  - Consultant Resources
  - Forms and Templates
  - Policies and FAQ
  - Disadvantaged Business Enterprise (DBE) Program
  - Local Public Agency Consultant Procurement
  - Contact Us
- Programs and Partnerships
- Permits
- Equipment Services

# Questions?



# Consultant Contract Administration

## Overview of Process & Procedures

### Engineering Consultants Section (ECS)

Greg Wristen

Manager, Engineering Consultants Section

[gwrysten@azdot.gov](mailto:gwrysten@azdot.gov)

Ph.: (602) 712-4474

Debera Massahos

Assistant Manager, Engineering Consultants Section

[dmassahos@azdot.gov](mailto:dmassahos@azdot.gov)

Ph.: (602) 712-8183