



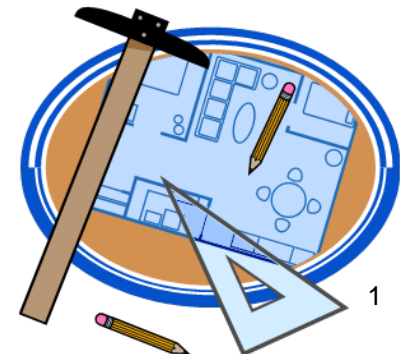
MDOT LPA CONSULTANT PROCEDURES

Local Public Agency Consultant
Operating Procedures for Professional
Services







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Consultant Services Unit

Introduction

-  LPA consultant process reviewed by Consultant Services Unit for **Federally Funded Projects** (through the MDOT District LPA Coordinator);
-  Proper documentation required before MDOT will concur with any package submitted;
-  MDOT, through the LPA Coordinator, communicates to with LPA and Consultant to assist LPA Compliance; and
-  Multiple MDOT concurrence along the process is vital.

Understanding the “Brooks Act”

- 📖 Foundation for Process, 23 CFR Part 172;
- 📖 Applies to Engineering & Design Services using Federal Funds other than Small Purchase;
- 📖 Promotes open competition of consultants;
- 📖 Agency will advertise, rank, select, & negotiate; and
- 📖 Consultants selected based solely on qualifications (Cost can not be discussed until selection is made)

MDOT Must Concur With the Following Items Relative to Consultant Services

- ☑ Selection Procedures Concurrence Package;
- ☑ Professional Service Contracts;
- ☑ Invoice Packages; and
- ☑ Supplemental Agreements.



LPA-Consultant Process for Competitive Project Services²

- 🌀 LPA issues legal advertisement (call MDOT with questions of Legal Ad);
- 🌀 LPA proceeds with Consultant selection process per 2.0 of the LPA SOP³;
- 🌀 MDOT concurs with LPA advertisement and selection package;
- 🌀 LPA and Consultant begin contract negotiations;
- 🌀 LPA submits Consultants executed Contract and Fee Proposal to MDOT for concurrence;
- 🌀 LPA executes the contract;
- 🌀 LPA issues the NTP;
- 🌀 Consultant/LPA submits invoicing; and
- 🌀 Project is finalized.



² Note: Project Services includes all phases of a project.

³http://www.gomdot.com/Divisions/AdministrativeServices/Resources/ConsultingServices/pdf/LPA_Consulting_Operating_Procedures.pdf

Items to Submit for MDOT Concurrence of Consultant Selection⁴

- ☞ Proof of advertisement (use MDOT CSU advertisement template and the RFP);
- ☞ Any addenda during advertisement (if needed for clarification);
- ☞ Meeting minutes (GoMDOT.com) from selection committee; and
- ☞ Score sheets for selection committee can be found in the LPA SOP Section 2.1.3.










⁴ Note: LPA SOP Section 2.1 Competitive Selection Process



Process for LPA to submit a Selection Concurrence Package

1. LPA puts Consultant selection concurrence package together to send to MDOT (3 copies);
2. LPA writes official letter to MDOT LPA District Coordinator requesting MDOT concurrence (more on this later);
3. MDOT reviews and concurs, if appropriate;
4. MDOT sends letter verification that the selection process is appropriate ;
5. LPA prepares and sends letter to all consultants notifying them of selection results; and
6. LPA notifies winning consultant to begin negotiations.

Optional LPA-Consultant Process for Project Services² Under \$100,000

-  LPA issues MDOT **Small Purchase** Letter per 2.2.1 LPA SOP³;
-  LPA and Consultant begin contract negotiations;
-  LPA submits Consultants executed Contract and Fee Proposal to MDOT for concurrence;
-  LPA executes the contract;
-  LPA issues the NTP;
-  Consultant/LPA submits invoicing with MDOT concurrence; and
-  Project is finalized with MDOT concurrence.



² Note: Project Services includes all phases of a project involving Federal Funds, Brooks Act does not apply when under \$100,000.

³http://www.gomdot.com/Divisions/AdministrativeServices/Resources/ConsultingServices/pdf/LPA_Consulting_Operating_Procedures.pdf

Items to Submit for Concurrence of Consultant Contract

- A. MDOT approved appropriate (PE or CE&I) contract boilerplate⁶ (make sure Scope Detailed);
- B. Cost Fee Proposal;
- C. Project Progress Schedule (not applicable to CE&I);
and
- D. Approved overhead rate⁷



⁶ <http://www.gomdot.com/Divisions/AdministrativeServices/Resources.aspx?Div=ConsultingServices>


(Pick from the different types of Contracts under LPA Consulting Services Information)

⁷ AASHTO Uniform & Accounting Guide, <http://www.transportation.org>

Process for submitting a Preliminary Engineering Contract

- ☞ Consultant emails draft of Contract and Fee Proposal via MDOT Coordinator;
- ☞ CSU reviews the Contract and Fee Proposal;
- ☞ CSU communicates with Consultant for any modifications;
- ☞ When requested, Consultant will submit three (3) signed original Contracts and Fee Proposals to the LPA;
- ☞ LPA submits to MDOT Coordinator (but doesn't execute);
- ☞ MDOT reviews the three (3) original Contracts and Fee Proposals;
- ☞ MDOT sends a concurrence letter and two (2) original Contracts and Fee Proposals to the LPA;
- ☞ LPA signs Contracts and issues the Notice to Proceed (NTP); and
- ☞ LPA keeps one (1) executed original and sends one (1) executed original to the Consultant, LPA sends one (1) executed copy to CSU, MDOT District Coordinator, and the LPA Division.

Process for submitting a CE&I Contract


 MDOT receives three (3) copies of the Construction, Engineering and Inspection (CE&I) Services Contract and the Fee Proposal (signed only by Consultant) with the submission of the Plans, Specifications, and Estimates (PS&E) assembly;

 MDOT reviews the CE&I Contract and Fee Proposal;

 MDOT will communicate with Consultant for any modifications, if required;

 MDOT sends Correct CE&I Contract to LPA for execution;

 LPA signs Contracts and issues the Notice to Proceed (NTP) to the Consultant; and

 LPA keeps one (1) original executed Contract and Fee Proposal, LPA sends one (1) original executed Contract and Fee Proposal to the Consultant, LPA sends one (1) copy each of the original executed Contract and Fee Proposal to CSU, MDOT District Coordinator, and the LPA Division.

LPA Invoice Package Requirements

- ☑ Five complete copies of all documentation;
- ☑ Original signed CSU-001 (provided by CSU);
- ☑ Original current consultant invoice per the Consultants Contract; and
- ☑ All support documentation for payments





Submitting an Invoice

1. MDOT CSU creates CSU-001 and e-mails to Consultant;
2. Consultant bills LPA and project manager signs CSU-001;
3. LPA reviews billing, if appropriate, CAO signs CSU-001;
4. LPA submits to MDOT CSU “LPA Invoice Package”;
5. MDOT CSU reviews billing, if appropriate, processes invoice; and
6. MDOT CSU will sign and send copy to LPA & MDOT District LPA Coordinator .

NOTE: MDOT LPA Division will process all CE&I Invoices

Concurrence of Supplemental Agreements

- ❑ Necessary when adjusting scope & costs;
- ❑ MDOT must verify availability of funds;
- ❑ Use Supplemental Agreement Boilerplate template⁸;
- ❑ Includes description, adjustment of costs, justification, and benefit for added work;
- ❑ Must be signed and executed before additional work can begin;
- ❑ The submission process is the same as the contract submission (Process for Submitting a Contract slide).



⁸ <http://www.gomdot.com/Divisions/AdministrativeServices/Resources.aspx?Div=ConsultingServices>

Under LPA Consulting Services information, select Supplemental Agreement Boilerplate

Do's and Don'ts to Remember

- ⊘ Do not advertise using “cost” as a criteria;
- ⊘ Do keep P.E. Contract separate from the CE&I contract;
- ⊘ Do provide a detailed scope of work;
- ⊘ Do validate scoring is consistent with Legal Ad;
- ⊘ Do issue a NTP before work begins; and
- ⊘ Do Communicate & Submit through the MDOT District LPA Coordinators.



QUESTIONS???



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