

Consultant Selection



MaineDOT

Contract Procurement Office

Develops, implements and oversees MaineDOT's policies, procedures, and standards for non-construction contracts.

Contact Information: 207-624-3262 or
www.maine.gov/mdot/cpo

Consultant Procurement Process

Qualifications-Based Selection (QBS):

- Selection based on consultant **qualifications**.
- Must be used to select consultants for engineering and architectural services that will lead to a construction project.
- This is pursuant to Part 172 of Title 23 of the U.S. Code of Federal Regulations.

Consultant Procurement Process

- Develop a detailed scope of work.
 - This will be the basis for the consultants' proposals.
- Prepare an Independent Estimate.
 - This will help determine which selection method to use.
 - It will be the basis for negotiations with the consultant.
 - A consultant may help put together the estimate, but that consultant **cannot** then submit a proposal

Independent Estimate

What goes into an Independent Estimate?

- Tasks, based on Scope of Work
- Consultant positions
- Number of hours by task and position
- Direct salary by position
- Overhead rate (typically 160% to 180%)
- Profit/Fee (typically ~ 8% to 10%)
- Direct expenses (travel, sub-consultants, printing, etc.)
- Template is online: maine.gov/mdot/lpa/lpadocuments

Independent Estimate

Project Title/Location:						Revised Date:					
MaineDOT PIN:											
Consultant Firm Name (if known):						Prepared By:					
Service Area or Phase of Work:											
Contract Payment Method:											
Contract Coding:											
=>		PRINCIPAL IN-CHARGE	?	?	?	?	?	?	?	ADMIN SUPPORT	TOTAL
#	Task Descriptions	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours
1											0.00
2											0.00
3											0.00
4											0.00
5											0.00
6											0.00
7											0.00
8											0.00
9											0.00
10											0.00
11											0.00
12											0.00
13											0.00
14											0.00
15											0.00
16											0.00
17											0.00
18											0.00
19											0.00
20											0.00
21											0.00
	TOTAL HOURS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	HOURLY RATE										
	DIRECT LABOR TOTAL	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	DIRECT EXPENSES	\$									
	Travel										
	Printing										
	Telephone										
	Subconsultant										
	?										
	TOTAL ESTIMATED COST =									\$0.00	
	TOTAL DIRECT EXPENSES =	\$0.00									

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Consultant Salary Limits

- MaineDOT has determined that **\$62 per hour** is a fair and reasonable direct salary rate for the project manager / quality control engineer.
- The previous cap of **\$50/hour** remains in place for all other personnel
- Approved **waiver** is needed to exceed these rates.
- No limit on **overhead rate** but it must be **supportable**.

Selection Methods

- Simplified process may be used for contracts, *including modifications*, that are $\leq \$25,000$.
- Competitive process must be used for contracts, *including modifications*, $> \$25,000$ and $\leq \$250,000$.
- Brooks Act (publicly advertised) must be used for contracts *including modifications* that are $> \$250,000$.

Selection Methods

	Simplified	Competitive	Brooks Act
	≤\$25,000	>\$25,000 to ≤\$250,000	>\$250,000
• Contract Value			
• Develop a Scope of Work.	x	x	x
• Generate a Government Estimate.	x	x	x
• Select the most qualified consultant from a list of Pre-Qualified firms.	x		
• Request a cost proposal from the most qualified consultant.	x		
• Develop Scoring Criteria.		x	x
• Develop a Request for Proposal (RFP), to be reviewed by the MaineDOT's Project Manager.		x	x
• Send finalized RFP to 3 to 5 Pre-Qualified firms, requesting a technical and separate sealed cost proposals.		x	
• Advertise the finalized RFP, requesting a technical and separate sealed cost proposals.			x
• Organize an evaluation team who will review the RFP technical submittals.		x	x
• Review technical proposal (Revise Government Estimate if necessary).	x	x	x
• Open sealed cost proposal from the number 1 ranked consultant.		x	x
• Negotiate scope of work, schedule, and a fair and reasonable price.	x	x	x
• Best and final Offer.		x	x
• Execute contract.	x	x	x
• Issue written Notice to Proceed.	x	x	x

Selection Process

RFP COST PROPOSALS:

There are two methods of receiving RFP Cost Proposals:

1. They can be received as part of the submittals in a separate sealed envelope, using the opening method on the preceding slide.
2. It can be requested following the ranking process from the highest ranked proposer.
 1. Always use this process if proposals are being submitted via e-mail.
 2. State in the RFP that cost proposals will be requested from the highest ranked proposer following the ranking process.
 3. Give the proposer 5 days to submit their cost proposal.

Selection Process

REMINDERS:

1. Obtain Project Manager's approval to use Simplified Acquisition seeking proposal from a single, **qualified** consultant.
2. Following technical proposal review in a competitive process:
 - a) Rank consultants
 - b) Revise Independent Estimate, if necessary
3. Consultants must always sign a contract first.
4. Send a copy of the executed agreement to MaineDOT.
5. Document your process and retain records for your files.

Payment Methods

- Burdened Hourly Rate (Fixed or Adjustable)
- Cost Plus Fixed Fee
- Commercial Rate (Hourly or Task)
 - Use when there is no audited overhead report.
- Lump Sum

Actions that risk funding

- Using lowest price as a selection method.
- Failing to comply with the Brooks Act.
- Starting work before executing a contract.
- Allowing extra work under a contract without having a contract modification in place.
- Exceeding the maximum contract amount without a contract modification in place.
- Performing work past a contract expiration date.

Consultant General Conditions

MaineDOT's Consultant General Conditions cover consultant contracts:

<http://www.maine.gov/mdot/cpo/doingbusiness/>

Key clauses:

- Project Records
- Duties regarding sub-consultants
- Flow down provisions for sub-contracts
- Responsibility for errors and omissions
- Electronic exchange of CADD data (format of work)
- Progress Reports
- Indemnification and insurance requirements
- Default, termination, or suspension
- Copyright and licenses
- Conflict of interest
- Federal Provisions (FHWA-1273)