



## MAINEDOT LPA CERTIFICATION TRAINING

### LPA MANUAL: CHAPTER 2

# HIRING CONSULTANTS

# OVERVIEW

- ❖ **Qualifications-Based Selection**
- ❖ **Goal: Hire the best qualified consultant.**
- ❖ **Interested firms ranked on scoring criteria:**
  - Experience, staff capabilities, technical expertise, references.
- ❖ **Price cannot be a ranking factor.**

# WHERE DOES IT SAY THIS?

## ❖ Title 23 in Code of Federal Regulations, part 172:

Price shall not be used as a factor in the evaluation, ranking, and selection phase. All price or cost related items which include, but are not limited to, cost proposals, direct salaries/wage rates, indirect cost rates, and other direct costs are prohibited from being used as evaluation criteria.

<https://www.ecfr.gov/current/title-23/chapter-I/subchapter-B/part-172>

# WHAT IS THE PROCESS?

1. Develop scope of work.
2. Prepare independent estimate.
3. Draft and issue Request for Proposals (RFP).
4. Score technical proposals.
5. Obtain price proposal from top-scoring firm.
6. Negotiate contract.



# SCOPE OF WORK

## ❖ Common Deliverables:

- Survey Plans
- Preliminary Design Report (PDR)
- Plan Impacts (PIC)
- Utility coordination
- Final Plans, Specifications and Estimate (PS&E)

## ❖ Specialized Work:

- Geotechnical engineering
- Traffic engineering

# INDEPENDENT ESTIMATE



Determines selection method



Basis for negotiations



Required by regulation  
(23 CFR 172)

INDEPENDENT ESTIMATE

Project Title/Location:

MaineDOT WIN:

Area or Phase of Work:

Orig. Date:

Revised Date:

Prepared By:

	PRINCIPAL	Project Manager	Project Engineer	Designer	CADD Technician	Traffic Engineer	Other	Other	ADMIN SUPPORT
Descriptions	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours
Development and Submittal									
Submittal									
Municipal Staff									
Permits									
Construction									
Contracts Submittal (PIC)									
Preparation									
Inspections									
Submittal									
Section (if applicable)									
TOTAL HOURS	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
HOURLY RATE	\$85.00	\$60.00	\$45.00	\$40.00	\$35.00	\$45.00	\$50.00	\$50.00	\$30.00
DIRECT LABOR TOTAL	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

PROJECT EXPENSES

\$

(se)

Overhead %

150.00%

Profit/Fee %

10.00%

Subtotal =

Total Direct Expenses =

TOTAL DIRECT EXPENSES = \$0.00

TOTAL ESTIMATED COST = \$0.00

Rev. 0

# WHAT GOES INTO AN ESTIMATE?

- ❖ Tasks, based on Scope of Work
- ❖ Consultant positions
- ❖ Hours for each
- ❖ Salary by position
- ❖ Overhead rate (typically 160% to 180%)
- ❖ Profit (10%)
- ❖ Direct expenses (travel, sub-consultants, printing)
- ❖ Template is online: [maine.gov/mdot/lpa/lpadocuments/](https://maine.gov/mdot/lpa/lpadocuments/)

	PRINCIPAL	Project Manager	Project Engineer	Designer	CADD Technician	Survey Crew Chief	Survey Worker	ADMIN SUPPORT	TOTAL	
Task Descriptions	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	Hours	
Survey	2	4	12	10		160	160	4	352.00	
Alignment and Profile	2	6	18	20	40	150	200	4	440.00	
Utility Coordination	2	3	12	8	8			4	37.00	
Preliminary Design Report Submittal	3	16	40	40	60			10	169.00	
Public Meeting(s)	6	16	16	6	10			6	60.00	
Meetings with Municipal Staff	6	16	24	12	10			4	72.00	
Environmental Permits	2	1	14	10	24			2	53.00	
Design Plan Impacts Submittal	2	16	40	40	24			10	132.00	
Construction Estimate Preparation	2	10	40	40	40			3	135.00	
Final Design	2	16	40	150	200			4	412.00	
Project Specifications	6	16	40	60	20			12	154.00	
Final PS&E Submittal	6	16	24	20	40			10	116.00	
									0.00	
									0.00	
									0.00	
TOTAL HOURS	41.00	136.00	320.00	416.00	476.00	310.00	360.00	73.00	2,132.00	
HOURLY RATE	\$62.00	\$62.00	\$50.00	\$45.00	\$36.00	\$45.00	\$42.00	\$24.00		
DIRECT LABOR TOTAL	\$2,542.00	\$8,432.00	\$16,000.00	\$18,720.00	\$17,136.00	\$13,950.00	\$15,120.00	\$1,752.00	\$93,652.00	
							Overhead %	150.00%	\$140,478.00	
DIRECT EXPENSES							Profit/Fee %	10.00%	\$23,413.00	
Travel	\$5,000.00								Subtotal = \$257,543.00	
Printing (External Use)	\$1,500.00									
Telephone	\$800.00								Total Direct Expenses = \$17,300.00	

# ESTIMATE WORKSHEET



# WAYS TO SOLICIT PROPOSALS

- ❖ **Simplified process:** Estimated cost up to \$500,000.
  - You may email RFP directly to 3 to 5 prequalified consultants; or
  - You may use an advertised, public RFP if local policies require such.
- ❖ **Advertised RFP:** Estimated cost \$500,000 or greater.
  - You must use an advertised RFP in such cases under the federal Brooks Act.
- ❖ **RFQ:** May issue a Request for Qualifications to create a pool of prequalified firms for project-specific work.
  - Selection must be qualifications-based to be eligible for federal or state funding.
  - The process cannot ask consultants for the hourly rates they charge.

# REQUESTS FOR PROPOSALS

## ❖ When using a project-specific RFP, these steps apply:

- 1) Determine best-qualified consultant;
- 2) Receive price proposal;
- 3) Negotiate price, based on estimate;
- 4) Prepare a contract, using MaineDOT template;
- 5) Execute contract, after receiving MaineDOT approval; and
- 6) Give consultant Notice to Proceed.

# PREQUALIFICATION

- ❖ **MaineDOT has a list of prequalified consultants.**
  - Vetted to ensure they meet minimum qualifications in each category.
- ❖ **MaineDOT generally requires use of prequalified firms.**
  - Starting point for the RFP process.
- ❖ **Common Categories:**
  - 202.10 – Reconstruction/Rehabilitation Highway Design;
  - 209.10 – Pedestrian/Bicycle Facilities Design;
  - 210.10 – Traffic Signal and Flashing Beacon Design.

## What's New

### Open Prequal Now Posted

MaineDOT is now accepting Open Prequalification Applications

About  
Prequalification

Open Prequal  
Application

Perpetual Prequal  
Application

Prequalified  
Firms

## What Does it Mean to be Prequalified?

MaineDOT uses a Qualifications Based Selection (QBS) process when awarding non-construction contracts. Our list of prequalified firms forms the foundation of MaineDOT's consultant selection process when awarding contracts with State and/or Federal funding valued at \$250,000 or less.

Being pre-qualified for service item(s) under a specific service area does **not** mean a consultant is pre-qualified to perform all work generated by MaineDOT within that service area; the project scope and the complexity of same should be taken into consideration when considering a consultant from our list of pre-qualified consultants.

# PREQUALIFICATION



# CONSULTANT PRICE PROPOSALS

## ❖ Two Ways to Receive Price Proposals:

### ➤ Receive up front in separate, sealed envelopes:

- Must be locked away until RFP deadline;
- Only price proposal from top-ranked firm is opened.

### ➤ Request only from the top proposer, after ranking:

- Always do this if proposals are submitted by e-mail;
- Give a proposer 5 days to submit price proposal.

# CONSULTANT SALARY CAPS

- ❖ **Now, direct salary is limited to \$87.13/hour.**
  - For new contracts & adjustable-rate contracts extending into 2025 and later.
- ❖ **Supported by Appendix A-1 form, listing staff and pay rates.**
  - Form is online: [www.maine.gov/mdot/lpa/lpadocuments/](http://www.maine.gov/mdot/lpa/lpadocuments/)
- ❖ **Waiver is needed for higher rates.**
  - Form is online: [www.maine.gov/mdot/lpa/lpadocuments/](http://www.maine.gov/mdot/lpa/lpadocuments/)
- ❖ **No limit on overhead, but it must be supportable.**
  - Audited Overhead Report.

# PAYMENT METHODS

## ❖ Burdened Hourly Rate (Fixed or Adjustable)

- Should be used in most cases.
- Use adjustable if contract is greater than one year.

## ❖ Commercial Rate (Hourly or Task)

- Use when a firm has no audited overhead report.
- Limited to \$250,000.

## ❖ Lump Sum

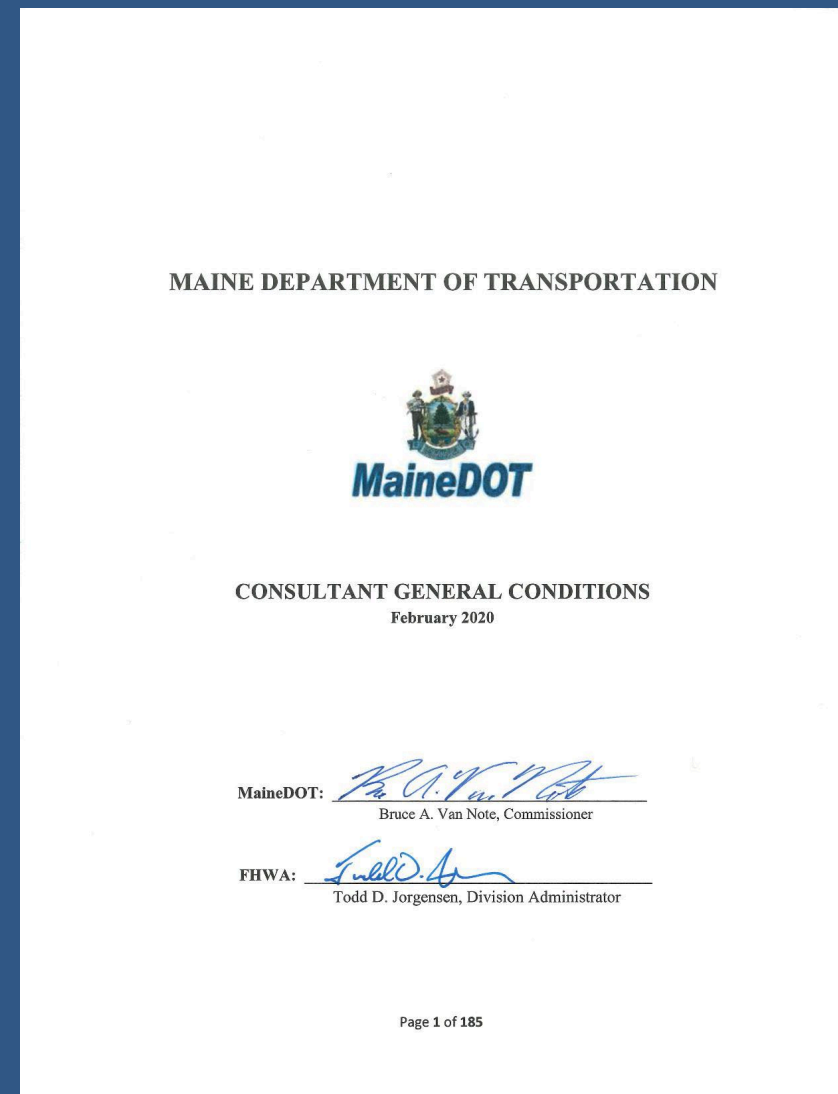
- Limit to smaller projects where engineering cost can be estimated accurately.
- Scope of work is relatively simple and well-defined.

# CONSULTANT CONTRACTS

❖ Contracts should be modeled after MaineDOT Consultant General Conditions

❖ Key sections:

- Project Records
- Progress reports
- Time
- Invoicing
- Indemnification and insurance
- Default, termination, or suspension
- Copyright and licenses
- Conflicts of interest
- Federal Provisions (FHWA-1273)



❖ Found on the Contract Procurement Office site: [www.mainedot.gov/cpo/](http://www.mainedot.gov/cpo/)



# CONSULTANT DOCUMENTS

## ❖ Templates are online:

[www.maine.gov/mdot/lpa/lpadocuments/](http://www.maine.gov/mdot/lpa/lpadocuments/)

### — Consultant Procurement

- Consultant Contacts List
- Pre-Qualified Consultants
- Consultant General Conditions (PDF)
- DBE Form (DOC)
- Consultant Evaluation Form (DOC)
- Independent Estimate Form (XLS) Updated August 2024
- RFP, Design Services - Federal Funds (DOC) Updated August 2024

# ACTIONS THAT RISK FUNDING

- ❖ Considering price as a ranking factor.
- ❖ Failing to advertise RFP if  $\geq \$500,000$ .
  - ❖ Starting work before signing a contract.
- ❖ Exceeding contract maximum.
- ❖ Working past contract expiration.





(207) 624-3324



[www.mainedot.gov/cpo/](http://www.mainedot.gov/cpo/)



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