

# LPA Consultant Selection Procedure

## For On-Call Construction Engineering Services

If the local public agency (LPA) responsible charge (RC) person determines that a consultant is needed for construction engineering (CE) services, they may contract these services with one of the on-call CE consultants under NDOR's master agreement. NDOR performed a qualifications based selection (QBS) process in accordance with applicable Federal regulations and selected 12 on-call CE consultants. The selected consultants are shown in the [2009 RFP Final Selections](#) list located on the NDOR Local Projects Division [Downloadable Files & Forms](#) website, under the "On-Call Consultant Procedures & Documents" category.

This document outlines the consultant selection procedures the RC must follow to use one of the on-call CE consultants. The RC may request training in proper consultant procurement procedures by submitting an application form to NDOR. The [NDOR Application for Training](#), along with all other forms and documents listed in these procedures, can also be found on the Local Projects Division website, at the same location described above. The completed application form should be scanned and emailed to the NDOR Project Coordinator (PC) assigned to the project. NDOR will provide the RC with an NDOR trainer or a contracted trainer from the Nebraska Local Technical Assistance Program (NE LTAP).

The consultant selection procedure for these on-call CE services has 3 phases. The first phase is the development of a scope of services and independent cost estimate. The second phase is the CE consultant selection process. The third phase is negotiating the scope and the hours for the CE services with the selected and approved CE consultant. Detailed descriptions of the three phases are provided below.

**NOTE:** If the LPA chooses NOT to select one of the NDOR on-call CE consultants, the RC MUST develop a solicitation plan in accordance with [Chapter 4 of the LPA Guidelines Manual](#).

### Phase 1: Scope of Services (SOS) and Independent Cost Estimate (ICE)

1. Review the following information and documents:
  - Project plans and specifications
  - PS&E estimate (provided by NDOR PC)
  - Working day report (the estimate of working days, provided by NDOR PC)
  - Sampling requirements list (provided by NDOR PC)
  - Draft CE scope of services (provided by NDOR PC)
2. Visit project site if necessary to evaluate the CE services that will be needed.
3. Review and modify the SOS to include a detailed and complete list of required CE services, such as tasks, measurements, documentation and samples and testing.
4. Calculate the total ICE by completing the [Work Hour Estimate \(WHE\) Form](#):
  - a. Modify the task descriptions, as necessary.
  - b. Review, and modify if necessary, the resources (classifications of personnel) that will be required.

- c. Estimate the number of work-hours for each classification of personnel it will take the consultant to perform each task.
- d. Review, and modify if necessary, the estimated hourly rates for each classification, the overhead rate and the fixed fee.
- e. Determine material and equipment needs, along with other direct project expenses.
- f.

The *deliverables* at the end of Phase 1 include the SOS, WHE and the ICE. The RC should email these items to the NDOR Local Projects Division (LPD) PC for review and approval before proceeding to Phase 2.

**STOP:** A notice to proceed (NTP) will be issued by the LPD PC before the RC can proceed with the Phase 2 consultant selection process.

## Phase 2: Consultant Selection

Due to NDOR's selection of 12 qualified CE consulting firms through the QBS process, the LPA's portion of the selection process is simplified. The RC shall assemble a selection committee (SC) to review ALL 12 Selected Consultants Proposals and Questionnaires (*see list below in box*) submitted in response to NDOR's request for proposals (RFP). The SC shall consist of a minimum of 3 public employees or elected officials from the LPA; one of which is a qualified RC. The SC shall short list a minimum of 3 CE consulting firms from the 2009 RFP Final Selections list considering the following criteria:

- The consultants' geographic area limitations.
- The consultant's team and the types of CE services they are able to perform (i.e. urban, rural, overlay, reconstruction, bridge, lighting, transportation enhancement, etc.).
- The consultant's team and the available resources compared to the size of the project.

[Baker & Associates, Inc.](#)  
[HDR](#)  
[HWS](#)  
[JEO](#)  
[Kirkham Michael](#)  
[Mainelli Wagner & Associates, Inc.](#)  
[M. C. Schaff and Associates, Inc.](#)  
[Miller & Associates](#)  
[Olsson Associates](#)  
[Schemmer](#)  
[Speece-Lewis Engineers](#)  
[W Design Associates](#)

[State Map with Districts and Consultants](#)

The LPA Short List Selection Criteria Form should be completed by each SC member. This form is the first of the [LPA Selection Criteria Forms](#) available on the LPD website. The SC will then consider only the short listed consultants, and perform a detailed analysis considering the following criteria:

- The consultants' professional qualifications.
- The consultant's specialized experience and technical competence.
- The consultant's past performance.
- The location of the consultants' offices.

The LPA Final Selection Criteria Form should be completed by each SC member. The LPA Final Selection Criteria Summary should be completed by the RC. These forms are the second and third of the LPA Selection Criteria Forms available on the LPD website.

The RC must then complete and email the [LPA Final Selection Memorandum](#) to the NDOR Agreements Engineer - Dawn Knott, [Dawn.Knott@nebraska.gov](mailto:Dawn.Knott@nebraska.gov), 402-479-4778, with a copy to the NDOR LPD PC. The memo will list no less than 3 consultants in the order of preference as determined by the SC to be the most qualified to perform the required services for the project. The LPA Final Selection Memorandum shall include a statement indicating that the LPA has given all of the selected consultants fair and reasonable consideration. The memo will also include a statement that the LPA has determined that the selected consultants can be awarded this contract, based upon a thorough review of the "Consultant Issues" category of the NDOR LPD [Frequently Asked Questions](#) website. The following LPA Selection Criteria Forms MUST be attached to the LPA Final Selection Memorandum:

- LPA Short List Selection Criteria Forms (prepared by each SC member)
- LPA Final Selection Criteria Form (prepared by each SC member)
- LPA Final Selection Criteria Summary (prepared by the RC)

The *deliverables* at the end of Phase 2 include all selection forms and the final selection memo. The RC should email these items to the NDOR Agreements Engineer, with a copy to the LPD PC, for review and approval before proceeding to Phase 3. The NDOR Agreements Section will review the selection forms and memo, consider the LPA's preferences and make the final selection in accordance with [48 CFR 16.505](#), to:

- Ensure that all selected consulting firms have a fair opportunity to be considered for each task order.
- Provide for the minimum task order requirements of the NDOR RFP.
- Consider the potential impact on the other task orders placed with the selected firm.

**Note:** Based upon the above conditions, the LPA may NOT be assigned ANY of their three selected consultants.

**STOP:** A notice to proceed (NTP) will be issued by the LPD PC before the RC can proceed with the Phase 3 negotiations process.

## Phase 3: Negotiations

Upon notification by NDOR of the selected and approved CE consultant for the project, the RC will be provided a notice to proceed and the authority to negotiate with the selected consultant. A Record of Negotiation must be prepared by the LPA, included in the master project file, and emailed to the LPD PC. This record must contain sufficient detail to document the following:

- The consultant's original fee proposal.
- Any changes in the LPA's original SOS as a result of the negotiations.
- Any changes to the LPA's original ICE as a result of the negotiations.
- An explanation of any significant differences between the LPA's original and the negotiated SOS and ICE.
- The consultant's final fee proposal containing the negotiated SOS.

The *deliverables* at the end of Phase 3 include the COMPLETE Record of Negotiation as described above. The RC should email these items to the NDOR Agreements Engineer, with a copy to the LPD PC, for concurrence with the Record of Negotiation.

**STOP:** Written concurrence with the Record of Negotiation will be issued by NDOR before the Task Order Agreement will be written by NDOR.

The LPA/Consultant Task Order Agreement references the NDOR/Consultant Master Agreement, which is made part of the Task Order Agreement by reference. A copy of the Master Agreement can be provided by the NDOR Agreements Engineer upon request. Upon full execution of the LPA/Consultant Task Order Agreement, NDOR will provide the LPA with approval to issue a notice to proceed to the selected and approved CE consultant. For questions regarding these procedures, contact the LPD PC for your project or the appropriate NDOR LPD Section Engineer:

- Secondary Roads Engineer - Larry Legg, [Larry.Legg@nebraska.gov](mailto:Larry.Legg@nebraska.gov), 402-479-3943.
- Urban Engineer - Tony Dirks [Anthony.Dirks@nebraska.gov](mailto:Anthony.Dirks@nebraska.gov), 402-479-4442.