

# LPA Consultant Selection Procedure

## On-Call Environmental Services February 27, 2013

### COMMONLY USED ACRONYMS OR TERMS AND DEFINITIONS

ES	Environmental Services
FMIS	Financial Management Information System
FHWA	Federal Highway Administration
ICE	Independent Cost Estimate
LPA	Local Public Agency
LPD PC	Local Projects Division Project Coordinator
QBS	Qualifications Bases Selection
RFP	Requests for Proposal
RC	Responsible Charge
SC	Selection Committee
SOS	Scope of Services
Work Categories	The general work tasks and project limits
Detailed SOS	The project description, the location, the appropriate standards, publications, and guidelines, the project assumptions and understandings and items to be provided by the consultant and by the LPA. Work categories, sub categories and work tasks for which consultant services will be provided.
Staffing plans	List of employee classifications assigned to the project and the qualifications. This establishes the cost estimate table that both parties will use to estimate the cost.
Detailed work plan	Detailed SOS and staffing plan

The Consultant will assist the Local Public Agencies (LPA) with the following environmental services to be completed in accordance with the NDOR & Federal Highway Administrations' (FHWA) *Programmatic Agreement for NEPA Categorically Excluded Transportation Projects*:

- Review or Preparation of the Programmatic Categorical Exclusion (PCE) Form, to be completed in accordance with the PCE Form Guidelines
- Review or Preparation of the Categorical Exclusion Form, to be completed in accordance with the Categorical Exclusion Form Guidelines
- Re-evaluation of, or Supplement to, existing Categorical Exclusions Documents
- Programmatic / De minimis 4(f) Determinations
- Wetland Delineation/Determinations, and Permitting (e.g. Section 404, Section 10, Coastguard, Section 401, NE Title 117), to be completed in accordance with the appropriate Corps of Engineers Wetlands Delineation Manual
- Wetland and Stream Mitigation Design and Monitoring
- Hazardous Materials Reviews
- Noise Studies, to be completed in accordance with NDOR's Noise Analysis and Abatement Policy

- Air Quality Studies
- Threatened and Endangered Species Reviews
- Green Sheet Preparation, to be completed in accordance to with the Green Sheet Procedures
- Permitting activities associated with NEPA documents, including obtaining National Pollutant Discharge Elimination System (NPDES) & Floodplain Permits
- Section 106 of the National Historic Preservation Act services
- Other related environmental services including socioeconomic studies, environmental justice assessments, prime/unique farmland assessments, wild and scenic river assessments, and coast guard permitting requirements
- Public Involvement
- On-Site Visits

This RFP is not intended to include the preparation of an Environmental Assessment (EA) or Environmental Impact Statement (EIS) document.

If the LPA RC determines that a consultant is needed to provide ES necessary for the preparation of environmental documents on a federal aid project, a consultant must be selected through a QBS process in accordance with Federal Regulations and Chapter four of the [LPA Guidelines Manual for Federal-Aid Projects](#). For a consultant to be eligible to respond to an RFP for these services, they must already be certified with the NDOR for Standard Work Category 101A: NEPA Studies. A list of NEPA Studies certified consultants can be found on the NDOR's website at: [www.roads.ne.gov/rfp/downloads/pdf/cert-list-NEPA.pdf](http://www.roads.ne.gov/rfp/downloads/pdf/cert-list-NEPA.pdf).

All forms and documents referred to in this on-call ES selection procedure are located at: [www.roads.ne.gov/gov-aff/environmental.html](http://www.roads.ne.gov/gov-aff/environmental.html) under the "LPA Consultant Selection Procedure for On-Call Environmental Services" category.

To assist the LPAs, the NDOR performed a QBS process and selected nine (9) [On-Call ES Consultants](#) to provide ES for LPAs. In lieu of performing their own QBS process, the LPA may contract ES with one of these nine consultants as a task order under NDOR's master agreement with the consultant.

This document outlines the consultant selection procedures the RC must follow to contract with one of the on-call ES consultants. For additional assistance with typical consultant procurement procedures (i.e., ICE, SOS, selection, negotiation, etc.), contact your Project Coordinator.

The consultant selection procedure for these on-call ES has three (3) phases.

- Phase 1 is the consultant selection process.
- Phase 2 is the development of a detailed work plan and independent cost estimate.
- Phase 3 is negotiating the scope and the fee for the services.

Detailed descriptions of the three phases are provided below.

## Phase 1: Consultant Selection

As these six (6) on-call environmental consultants were previously selected by the NDOR through a QBS process, the LPA's role in the selection of their ES consultant is be simplified by using these procedures.

**Step 1-1:** The RC will review the six selected consultant's proposals submitted in response to NDOR's request for proposals (RFP). Links to each consultant's proposal are in the list below:

[Alfred Benesch & Company](#)  
[Burns & McDonnell Engineering Company, Inc.](#)  
[CH2M Hill Inc.](#)  
[Felsburg Holt & Ullevig](#)  
[HDR Engineering, Inc.](#)  
[Olsson Associates](#)  
[Parsons Brinckerhoff, Inc.](#)  
[SRF Consulting Group, Inc.](#)  
[TranSystems Corp.](#)

The RC should then complete the [LPA Final Selection Criteria Form](#) considering the following criteria:

1. Professional qualifications necessary for satisfactory performance.
2. Specialized experience and technical competence in the type of work required.
3. Past performance on contracts with government agencies and private industry.
4. The capacity to accomplish the work in the required time.
5. Location of the project and knowledge of the area.

**Step 1-2:** The RC must complete and email the LPA Final Selection Criteria Form and the [LPA Final Selection Memorandum](#) to the LPD PC. The memo will list the final consultant selected as determined by the RC 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 LPA has determined that the selected consultant can be awarded this contract, based upon a thorough review of the "Consultant Issues" category of the NDOR LPD [Frequently Asked Questions](#) website.

**Step 1-3:** The *deliverables* at the end of Phase 1 includes the Final Selection Criteria Form and the Final Selection Memo. The RC should email these documents to the LPD PC for review and approval before proceeding to Phase 2.

**STOP:** A written approval will be provided by the LPD PC before the RC can proceed to Phase 2.

## Phase 2: Detailed Work Plan and Independent Cost Estimate (ICE)

Once the LPD PC has reviewed and approved the Final Selection Memo, the top ranked Consultant will be contacted via phone by the RC to determine if they have adequate staff available to perform the services in the time frame provided. If the Consultant has adequate staff available, a scoping meeting will be scheduled to prepare the Detailed Work Plan. If the Consultant does not have adequate staff available for this project, the RC will contact the next highest ranked Consultant, and so forth, until a Consultant has agreed provide services on their project. In this case, the alternative Consultant will be documented and sent to the LPD PC.

**Step 2-1:** Preparation of the Detailed Work Plan: The LPA will meet with the selected consultant to jointly develop and coordinate a detailed work plan that includes a detailed SOS and a staffing plan.

The detailed SOS should include the project description, project location, appropriate standards, expectations for quality, publications, guidelines, project assumptions and understandings, and responsibilities of the consultant and the LPA. Also, the detailed SOS should include the Environmental categories to be provided, specific work tasks for each sub category, deliverables, and schedule. Example [SOS](#)'s for various types of ES and the specific work tasks have been provided as examples for your use.

The staffing plan should be provided by the consultant and include a table of employee classifications to be assigned to the project and a brief description of each classification. The associated labor rates with each of these employee classifications should be listed on the staffing plan.

Work tasks will be entered into a table to establish a base form to be used by both parties to develop the ICE. The LPA may request the consultant to create this base form, and review it, before both parties separately develop their ICE.

**Step 2-2:** Based on the detailed SOS and the staffing plan, both parties will estimate the work hours for each of the work tasks separately and then summarize the cost and prepare an ICE for the services. The ICE will be prepared with thought given to which work classification will perform each of the work tasks. A [template ICE](#) for the ES has been provided for your information and use. The following describes how to use the template ICE:

- a. Modify the work task descriptions, as necessary, to match the detailed SOS.
- b. Review, and modify if necessary, the employee classifications specific to this project.
- c. Review, and modify if necessary, the estimated hourly rates for each classification, the overhead rate and the fixed fee (profit). Use the [fixed fee worksheet](#) to estimate the appropriate fixed fee percentage.
- d. For each work task, estimate the number of work-hours it will take each employee classification
- e. Determine reasonable direct non-labor costs such as printing, travel, mileage, phone charges, postage, sub consultant expenses and etc.

The **deliverables** at the end of step 2-2 include the detailed work plan (included SOS and staffing plan), the RC's fixed worksheet, and the RC's ICE. The RC should email these items to the LPD PC for review and approval before proceeding to step 2-3.

**STOP:** A written approval must be provided by the LPD PC before the RC can proceed with Step 2-3.

**Step 2-3:** Once both parties complete the ICE, the RC will request the consultant to email their ICE to the RC for comparison. The RC will review the consultant ICE and prepare a plan for negotiation which is documented in the pre-negotiation memo. The memo will document differences in work hours and discuss plans or strategies for the negotiation. [Negotiation Memoranda Examples](#) have been provided for your information and use.

**Step 2-4:** The **deliverables** at the end of Phase 2 include the consultant's fee proposal, consultants' fixed fee worksheet, and the LPA's pre-negotiation memo. The RC should email these items to the LPD PC for review and approval before proceeding to Phase 3.

**STOP:** A notice to proceed (NTP) must be provided by the LPD PC before the RC can proceed with the Phase 3.

## Phase 3: Negotiations

Upon notification by LPD PC of the approved detailed SOS, the ICE and the pre-negotiation memo, the RC will be provided a notice to proceed and the authority to negotiate with the selected consultant.

**Step 3-1:** The RC will email their ICE to the consultant in preparation to negotiate.

**Step 3-2:** A negotiation meeting or phone conference may be scheduled with the consultant to negotiate the differences in the ICE. A record of negotiation must be prepared and include the following documents:

- A post-negotiation memo that describes significant differences between the LPA's ICE and the consultants ICE. The LPA's plan for the negotiation meeting and an explanation of changes made to the ICE as a result of the negotiation meeting.
- The consultant's final fee proposal containing the negotiated ICE.

These negotiation documents should be placed in the project file as a record of the negotiation.

**Step 3-3:** The **deliverables** at the end of Phase 3 include the post-negotiation memo and the consultant's final fee proposal. The RC should email these items to the LPD PC for review and concurrence.

**STOP:** A written approval with the negotiations will be issued by LPD PC before the Task Order Agreement will be prepared by NDOR.

The consultant's final fee proposal containing the negotiated ICE will be exhibits to the LPA/Consultant Task Order Agreement (Task Order). The Task Order references the NDOR/Consultant Master Agreement, which is made part of the Task Order by reference. A copy of the Master Agreement can be provided upon request by the NDOR Agreements Engineer - Randy Eldorado, [Randy.Eldorado@nebraska.gov](mailto:Randy.Eldorado@nebraska.gov), 402-479-4778.

Upon full execution of the Task Order and after the FHWA approves the FMIS action, LPD PC will provide the LPA with approval to issue a notice to proceed to the selected and approved on-call ES consultant.

For questions regarding these procedures, contact the LPD PC for your project or the appropriate NDOR LPD Section Engineer:

- Secondary Roads Engineer - Mark Osborn, [Mark.Osborn@Nebraska.gov](mailto:Mark.Osborn@Nebraska.gov), 402-479-4443.
- Urban Engineer - Michael Kleffner, [Michael.Kleffner@Nebraska.gov](mailto:Michael.Kleffner@Nebraska.gov), 402-479-4881.