**Consultant Evaluation Checklist**

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| **Local agency Information** | |
| Project Name: |  |
| Contract Amount: |  |
| Local Public Agency: |  |
| Address: |  |
| Contact: |  |
| Telephone number: |  |
| Email: |  |
| Date: |  |
| Procurement Type | Informal Selection |

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| **CHECKLIST Comments** | | |
|  | **LPA’s dollar threshold for Informal Consultant Selection**  Threshold amount: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Negotiated amount for contract: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |
|  | **Statement of Work**  Statement of Work meets requirements set forth in ODOT A&E SOW writing guide Yes  No |  |
|  | **DBE Goal**  Obtained DBE goal or no-goal assignment from ODOT’s Office of Civil Rights?  Yes  No |  |
|  | **RFP Document**  [A&E RFP Template](http://www.oregon.gov/ODOT/CS/OPO/docs/aepage/RFPaeLPA.doc) used?  Yes  No |  |
|  | **Informal Solicitation and Consultant Selection Procedures**  **3.2.1** LPA followed procedures in section 3.2.1 and OAR 137-048-0210 as well as any additional requirements of LPA’s rules/policies (to the extent LPA’s requirements do not conflict with State or Federal requirements).  Provided an RFP for the services needed to a minimum of five (5) prospective consultants from ODOT’s Lists of Approved Consultants (or followed exception process).  List of firms under ODOT Full-Service PAs  ESA Qualified List  Qualified ROW Appraisers (and contacted ODOT Right of Way Manager as required)  Register of Professional Archaeologist  Qualified Construction Inspectors  LPA’s Consultant list\*.  *\*LPA submitted* [*Consultant List Exception Request*](http://www.oregon.gov/ODOT/CS/OPO/docs/aepage/ConsExcReq.doc) *and received written approval from ODOT for the selected consultant.*  Received RFP or award protests?  Yes  No  Provided debriefings to not-selected proposers as requested  Yes  No |  |
|  | **Negotiations**  **3.6.4** After preparing the internal estimate, receiving contractor’s estimate and completing cost analysis, enter negotiations with the selected proposer with the objective of a agreeing on a contract at a compensation level that is reasonable and fair to the Agency. If the Agency and the selected candidate are unable for any reason to reach agreement within a reasonable time, the Agency shall, either orally or in writing, formally terminate negotiations with the selected candidate. The Agency may then negotiate with the next highest ranked candidate. The negotiation process may continue in this manner through successive candidates until an agreement is reached or the Agency terminates the consultant contracting process.  Did LPA follow the negotiation procedures in 3.6 of the A&E Requirements Guide for LPAs (or LPA procedures approved by ODOT)? Yes  No |  |
|  | **Internal Cost Estimate**  **3.6.1**. The LPA’s independent estimate becomes the basis for ensuring the consultant services are obtained at a fair and reasonable cost and will be used as the basis for negotiations. A detailed breakdown of estimated costs for the elements of the work must be prepared prior to receiving the consultant’s breakdown of estimated costs. A budget line-item amount or simple range based on a percentage of the dollar amount programmed for the construction project is sufficient for determining solicitation method (i.e., formal versus informal), but is not sufficient for purposes of the cost analysis and negotiation required for A&E and other no-bid pricing actions.  Did LPA prepare an independent breakdown of estimated costs, prior to receipt of consultant estimate?  Yes |  |
|  | **Cost Analysis**  **3.6.3** Cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits, is required per 49CFR 18.36. Cost Analysis is the analysis of the separate cost elements of a service or good and the application of judgment to determine what it should cost to complete or produce (rather than comparing to previous prices, i.e., Price Analysis), assuming reasonable economy and efficiency. Cost Analysis is used in developing Agency’s estimate, and in the review of costs and profit in a Contractor’s estimate to determine reasonableness. A detailed internal estimate for comparison purposes is required. Price Analysis (comparisons with previous prices) may be included, provided Cost Analysis was performed on the previous prices, reasonableness was determined and the previous contracted work is substantially the same.  Did LPA conduct cost analysis, to determine reasonableness of costs? Yes  No |  |
|  | **Billing Rates**  **3.5** ODOT Approved Rates. LPAs may request billing rate and overhead information for firms that ODOT has approved rates for on file. However, ODOT does not provide audit services to LPAs for cost data not on file.  [FHWA Policy](http://www.fhwa.dot.gov/legsregs/directives/orders/44701a.htm). Consultant certification of compliance with Federal Cost Principles is required. “It is FHWA's policy that an indirect cost rate proposal should not be accepted and no agreement should be made by a contracting agency to establish final indirect cost rates, unless the costs have been certified by an official of the contractor as being allowable in accordance with the applicable FAR cost principles of 48 CFR, part 31.” Related provisions and certification form are included in the RFP and Contract templates.  Approved Indirect Rate. If the indirect cost rate of the consulting engineering firm has been approved by a cognizant agency, the LPA must use this approved rate for contract estimation, negotiation, administration, reporting, and payment. Administrative or de-facto ceilings on indirect cost rates are not allowed (23 U.S.C. 112(b)(2)(C) and (D) and 23 CFR 172.7)  Did LPA use billing rate data approved by ODOT?  Yes  No If no:   * 1. Who approves rates?       N/A.   2. Was a cognizant audit and certification of compliance with 48CFR Part 31 obtained from consultant (only required for indirect costs)?   Yes  No |  |
|  | **Record of Negotiations**  **3.6.7** A record of the negotiations must be prepared for the procurement file. Best practice is to begin preparing the RON from the beginning and throughout the negotiation process rather than waiting until end of process and trying to recall what happened. The RON must identify how reasonableness of cost was determined. This includes documentation such as:   * Minutes/summary of SOW discussion meeting(s) * Local agency’s detailed estimate (prepared prior to receiving the consultant’s estimate) * Consultant’s initial and revised final estimate * Cost analysis and any pre-negotiation plan prepared by LPA, LPA’s negotiation position on profit and final agreed to profit (based on criteria in previous paragraph) * Minutes/summary of negotiation meeting(s) * Copies of relevant correspondence   Did LPA prepare a record of the negotiations?  Yes  No |  |
|  | **Documentation**  **4.** The basic expectation is that the effort and documentation applicable internal estimates, cost analysis, negotiation, SOW detail, documentation detail, etc., for A&E contracting and contract administration should be directly related to the dollar value, importance, and complexity of the contract or amendment.  Direct Appointment Selection Form completed  Yes No |  |
|  | **Contract**  **2.** LPAs in ODOT’s certification program for consultant selection shall use the following standard procurement templates for all federal aid A&E procurements**:**  A&E Contract Template used  Yes  No |  |

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| **Comments:** | |
| Corrective Action | Yes  No |
| Second Test Project Required | Yes  No |
| Certification Recommended | Yes  No |

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| --- | --- |
| Reviewed By | Date: |