INSTRUCTIONS FOR STATE-ONLY FUNDED
A&E CONSULTANT CONTRACT REVIEWERS CHECKLIST
(Not applicable for Non-A&E Contracts)

Submittal of Exhibit 10-C.2 for new or amended consultant contracts is required for all state-only funded A&E consultant contracts for Caltrans review and acceptance prior to contract award. Complete Sections A, B, and C except for contract amendments. For amendments, complete Section D only. A designated contract administrator must prepare and sign EXHIBIT 10-C.2.

EXHIBIT 10-C.2 must be submitted using fillable PDF along with a signed copy via email to aeoversight@dot.ca.gov in the following format State Project Number/District/Agency/New (or Revised).

A. PROCUREMENT PLANNING

1. DESCRIPTION OF NEED FOR CONSULTANT

Describe need for consultant: How was the need for a consultant justified? Compare the project schedule and objectives with local agency capabilities, staff expertise and availability, and funding resources.

2. LOCAL AGENCY CONTRACT ADMINISTRATOR (NAME & CONTACT INFO)

The Local Agency Contract Administrator must be a qualified local agency employee, or have staff that is qualified to ensure the consultant’s work is complete, accurate, and consistent with the terms and conditions of the consultant contract.

   a. Include contact information: name of contract administrator.
   b. Phone and email of contract administrator.

3. SCOPE OF WORK

Indicate if scope of work (SOW) is included in solicitation and contract. SOW means all services, work activities, and actions required of the consultant by the obligations of the contract.

   a. If the contract is for a consultant in a management role it will require approval of the SOW and Conflict of Interest (COI) prior to advertisement by FHWA and approval of Exhibit 10-U by FHWA prior to contract execution in order for the consultant to be considered appropriate to manage or oversee a federal-aid contract.
   b. Schedule of work from work breakdown structure (WBS) helps to determine the schedule of contract delivery and must be included in the scope of work to increase accountability and efficiency of a contract.

4. COST ESTIMATE

A cost estimate is needed for cost analysis and contract negotiation.
B. SOLICITATION DOCUMENTS AND ADVERTISEMENT

1. CONSULTANT SELECTION COMMITTEE AND CONFLICT OF INTEREST

Consultant selection committee reviews submittals from consultants, develops a shortlist of qualified consultants, and develops a final ranking of the most qualified proposals.

a. Exhibit 10-T should be completed by all panel members and anyone involved in the procurement process, and include signatures and dates.

b. Completed Exhibit 10-T includes all applicable boxes checked and the contract administrator’s signature verifying no conflicts of interest.

2. PROCUREMENT SCHEDULE

Provide an estimated schedule for the procurement process. Establish a submittal deadline for responses to the RFP/RFQ that provides sufficient time for interested consultants to receive notice, prepare, and submit a proposal. A contract procurement schedule must be completed before advertising the contract and included in the solicitation document, identifying key dates for consultant selection activities.

3. EVALUATION CRITERIA AND WEIGHTS (EXHIBIT 10-B)

The criteria and relative weights must be included in the RFP/RFQ, and the same criteria and relative weights must be used on the evaluation sheets. See Exhibit 10-B for example criteria. The evaluation criteria MUST have weights in order to properly evaluate the submittals. The criteria MUST be the same as what was listed in the solicitation document. Any changes not made through an addendum render the contract invalid. Consultants should be initially ranked based on raw data and the final ranking based on the sum of the initial ranking.

4. RECORDS OF PUBLICATION FOR RFP OR RFQ

List the platform that was used to advertise the RFP/RFQ: A public forum must be used. Acceptable advertisements include, although not limited to: public clearinghouse, Planetbids, Public Purchase, and local agency’s website.

5. RECORDS OF RESPONSE TO SOLICITATION

a. A minimum of three proposals must be received and evaluated.

b. The Contract Administrator must evaluate each SOQ/SOP and verify each proposal contains all of the forms and other information required by the solicitation.

c. All proposals received should be documented (e.g. log sheet, copies of time-stamped envelopes, etc.), and copies must be kept in agency’s files.

C. EVALUATION AND SELECTION

1. DOCUMENTATION OF CONSULTANT SELECTION

a. Documentation of when each proposal was received must be maintained in the project files. Copies of date stamped envelope covers or box tops are recommended. All supporting
documentation must be retained in the project files for the required retention period in the event an audit or review is performed.

b. Evaluation criteria must be the same as in the solicitation from which a qualifications-based-selection was conducted.

c. Original score sheets complete with signatures must be in the file. Spreadsheets alone are not an acceptable method of showing evaluation. All evaluators must conduct an independent review and have a signed score sheet for each evaluation (or all evaluations on one sheet per evaluator).

2. DEVELOP TOP RANKED CONSULTANTS AND NOTIFY ALL INTERVIEWEES

Three or more highest ranked consultants (short listed) will be interviewed and a final ranking of the highest ranked consultants must be developed. Notes should be kept explaining why a particular consultant was not selected if requested.

Interviews are optional and should be listed in the solicitation. Interviews are structured and conducted in a formal manner. Each consultant to be interviewed is sent an invitation to the interview, with an agenda and timeline. A copy of the draft proposed contract, defining the standard contract language/boilerplate is also provided. Reference checks shall be completed and other information gathered before the interviews are conducted. All oral interviews must be evaluated including signatures and dates.

3. COST PROPOSAL

a. All cost proposals need to be in the same format as Exhibit 10-H or equivalent and contain all of the cost components including direct, indirect, other direct, and fee. See http://www.dot.ca.gov/hq/LocalPrograms/lam/forms/chapter10/10h.pdf for sample form for each method of payment.

b. The method of payment must be specified in cost proposal. Four methods are permitted depending on the scope of services to be performed: Actual Cost-Plus-Fixed Fee; Cost Per Unit of Work; Specific Rates of Compensation; Lump Sum.

c. Cost proposal must identify classifications to be billed. Labor costs must be broken down to direct and indirect.

d. ICR must be a given current fiscal year.

e. All key personnel must be identified in cost proposal.

f. Cost proposal must include other direct costs and supporting calculations (EXHIBIT 10-H)

g. The determination of the amount of the fixed fee/profit shall take into account the size, complexity, duration, and degree of risk involved in the work.

4. AUDIT AND REVIEW DOCUMENTS

For contracts equal to or greater than $150,000, an Exhibit 10-A: A&E Consultant Audit and request Letter and Checklist and associated documents (all prime and sub-consultants) must be submitted to A&I for state funded contracts. The firm will be listed on A&I’s website, if the firm’s annual indirect cost rate has been accepted by A&I and shown with the identification number and the applicable fiscal year.

a. Proposed indirect cost rate on all contract proposals are subject to review by A&I prior to execution.

b. The review may result in acceptance, adjustment, or denial of proposed ICR. The final cost proposal must be revised if applicable to reflect the adjusted or denied ICR.

c. Any findings by A&I need to be resolved prior to contract execution or the contract could be
considered ineligible for state funding.

5. RECORD OF COST/PROFIT NEGOTIATIONS

Selected/best-qualified consultant’s cost elements must be analyzed including necessity for and reasonableness (verification of cost or price information not comparing cost or price data). An analysis and negotiation is needed in order to ensure that consultant services are obtained at a fair and reasonable cost.

a. Cost analysis, i.e., verifying the cost in the cost proposal from the top-ranked consultant and evaluating the specific elements such as direct salary or wage rates, fixed fee, other direct costs, indirect costs and profits. Cost Analysis is the analysis of the separate cost elements of a service to verify proposed costs are reasonable for the work to be performed and in compliant with Federal cost principles. Cost Analysis is used to verify direct cost in consultant’s cost proposal to actual costs of labor, products and services and to determine if the costs are reasonable. 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.

6. EVALUATION FACTOR

For A&E contracts, price cannot be used as an evaluation factor. Price should not be considered until negotiations. Only the consultant chosen for negotiations should have their cost proposal opened (all other proposals should be returned to sender unopened or disposed of according to agency policy after contract execution).

D. FOR CONSULTANT CONTRACT AMENDMENT ONLY

1. AMENDMENT NUMBER

Every contract amendment must have an amendment number and that amendment number must be specified in the EXHIBIT 10-C.2.

2. SPECIFY MAXIMUM LENGTH OF CONTRACT AMENDMENT

Specify a reasonable maximum length of consultant contract amendment period by indicating start date of the amendment and end date of the total new-contract period.

All contract amendments must be fully executed before the ending date of the contract. Failure to amend a contract prior to the ending date will make the subsequent costs ineligible for state reimbursement.

3. WHAT IS A&I’S ICR DECISION?

For amended contracts equal to or greater than $150,000, with a change in ICR, addition of consultants, or name change of consultants, an annual Exhibit 10-K: Consultant Annual Certification of Indirect Cost and Financial Management System must be submitted to A&I for review. Proposed changes to indirect cost rates on all contract proposals are subject to review by A&I prior to contract award. The review may result in acceptance, adjustment, or denial of proposed ICR. The final cost proposal must be revised if applicable to reflect the adjusted or denied ICR.
4. TOTAL AMENDED CONTRACT AMOUNT

Specify the amendment amount and maximum total amount of amended contract (includes original contract plus amount added) that may be awarded. A&E Consultant Audit and Review Process of LAPM Chapter 10 shall apply to the entire contract and must be completed prior to execution of the contract amendment.

5. DESCRIPTION OF NEED FOR AMENDMENT

Describe need for amendment of the existing project schedule and objectives: How was the need for an amendment justified? How has the original project been handled and why is it required to be modified? (e.g.: Extra time, added work, or increased costs). Only work within the original advertised scope of services shall be added by amendment to the contract. The addition of work outside the original advertised scope will make that work ineligible for state reimbursement.

6. HAS THE SCOPE OF WORK CHANGED?

Scope of work and preparation of amendments must be clearly stated in EXHIBIT 10-C.2 and the amendment contract to ensure that any changes to the scope are within the constraints of the original RFP/RFQ.

Only work included within the original advertised scope of services and evaluation criteria of the solicitation from which a consultant was selected based on qualifications to perform may be incorporated into a contract. Necessary or desired services which are outside of the advertised scope from which the qualifications based selection was conducted shall be procured under a new advertisement, accomplished with in-house contracting agency staff, or performed under an existing on-call contract which allows for the desired services, necessary qualifications, costs, and schedule.