# DIVISION OF LOCAL ASSISTANCE
## Office of Policy Development And Quality Assurance
## PROCESS REVIEW #10-03 (1 OF 2 PARTS)
## CONSULTANT SELECTION REVIEW
## CITY OF RICHMOND
## OVERSIGHT ACTION PLAN

1. Prepared By: EUGENE SHY, Process Review Engineer — 1/11/11 Date

2. Recommend Approval: MOHSEN SULTAN, Chief, Office of Policy Development and Quality Assurance — 1/27/11 Date

3. Approved: DENIX D. ANBIAH, Chief, Division of Local Assistance — 2/17/11 Date

## I. Executive Summary

The City of Richmond's Oversight Action Plan, which was prepared by Caltrans, included Caltrans performing a process review of a Richmond federal-aid consultant contract and of a construction contract. Part 1 of this process review is this compliance review of the Richmond consultant contract for the design of the repairs to the Garrard Tunnel on Dorman Drive. Part 2 of this process review will be a compliance review of a Richmond federal-aid construction contract. Three fatal flaws have been found in the solicitation and administering of Richmond's federal-aid consultant contract which has made the consultant contract ineligible for federal-aid funding. Consequently, the Division of Local Assistance (DLA) will now take action to de-authorize the federal-aid funds that have been authorized for this consultant contract.

## II. Background

By letter dated October 1, 2010 (Attachment A), DLA notified the Federal Highway Administration (FHWA) that as requested in FHWA's letter dated July 2, 2010 (Attachment B), an initial "City of Richmond Oversight Action Plan (Action Plan)" had been developed and was enclosed with the DLA letter. The Action Plan stated the following in Item 3) B: "Caltrans will also be performing two process reviews of the City of Richmond's non-ARRA federal-aid projects, one in the PE phase and one in the Construction phase." This Part 1 is the compliance review of a non-ARRA, federal-aid eligible consultant contract in the Preliminary Engineering (PE) phase. Part 2 of this process review will be a compliance review of a Richmond federal-aid construction contract. The selected consultant contract provided design services for Richmond project #5137(029), which is the repair of the Garrard Tunnel on Dorman Drive in the City of Richmond. This consultant contract was selected for review because it was one of Richmond's more recent federal-aid consultant contracts which would demonstrate their current level of compliance with federal-aid requirements for the selection of, and contracting with engineering consultants as specified in Chapter 10 "Consultant Selection" of the Local Assistance Procedures Manual (LAPM).

## III. Findings, Observations and Recommendations

It was found that Richmond's consultant selection process generally followed the LAPM requirements and procedures of the federal qualification based selection requirements (Brook's Act) with these exceptions:

- The Request for Proposal (RFP) for the consultant contract was placed on Richmond's website and also advertised by "Bids On-Line" on 12/10/2008. Questions from interested proposers were received by 12/19/2008 and then quickly answered to all the proposers. A total of five proposals were received on 12/24/2008 (a two week period). Chapter 10 "Consultant Selection" states that four weeks are usually allowed from the time the RFP is advertised until proposals are due. 23 CFR 635.12 "Advertising for bids and proposals" requires a minimum of 3 weeks for advertising however this does not appear to apply to consultant contracts in the PE phase. Two weeks is a very short advertising time period, especially near the holiday season; but with the cost range between $150,000 and $200,000 and the fact that Richmond received five proposals, competition was considered adequate so this exception should not be considered a fatal flaw.

- A review of the advertised RFP revealed:

  (1) Richmond did not include Disadvantaged Business Enterprise (DBE) provisions in the solicitation. Beginning May 1, 2006 Caltrans implemented a Race Neutral DBE Program which continued until July 31, 2009 when a Race Conscious DBE Program was again implemented. Since the RFP solicitation was advertised in December 2008, Race Neutral provisions and language should have been included in the advertised RFP solicitation. Failure to include the DBE requirements in the solicitation is considered a fatal flaw (see Chapter 10 "Consultant Selection," pages 10-6b and -7, of the Local Assistance Procedures Manual) and is a basis for determining the consultant contract to be ineligible for federal-aid funds. Ironically, the consultant that was selected by Richmond was a DBE firm.

  (2) Richmond included their Local Business Ordinance, Local Employment Program, and Living Wage Ordinance in the RFP which gave preference to Richmond residents and businesses. This preference was included as one of the factors in the "Evaluation Criteria" which would give extra points for Richmond residents or businesses in the scoring and selection of the consultant. The inclusion of this local preference is considered a fatal flaw (see Chapter 12 "Plans, Specifications, & Estimate," 12.10 Restricted Contract Provisions" page 12-27 of the Local Assistance Procedures Manual) and is a basis for determining the consultant contract to be ineligible for federal-aid funds.

  (3) The RFP included the requirement that each consultant provide their cost data (hourly rates, etc) with their proposal and did not require that the proposals be sealed which allows the consultants to be competed based upon their proposed costs which is not allowed under the federal Brooks Act. This is contrary to Chapter 10 "Consultant Selection" wherein it states if cost proposals are requested from all competing firms, the cost proposals must be sealed and once the highest rated proposer (based upon qualifications) is identified, then the cost proposal of the highest rated proposer is opened and negotiations commence with the highest rated proposer. Should negotiations not be successful, then negotiations are ended with the highest rated proposer and negotiations commence with the second highest rated proposer after opening their cost proposal. Richmond stated they did not compete the five consultants based upon their submitted cost data. Never the less, not having sealed cost proposals is considered a fatal flaw (see Chapter 10 "Consultant Selection," pages 10-1 and -20 of the Local Assistance Procedures Manual) and a basis for determining the consultant contract to be ineligible for federal-aid funds.

The Richmond staff was very helpful and cooperative, and actively participated with Caltrans in the review. Each of the above exceptions/fatal flaws was discussed and fully understood by the Richmond staff in attendance.

## IV. History

The amount ($158,000) of the Richmond consultant contract was under the audit threshold of $250,000, therefore no pre-award audit was required; the selected consultant was the "Crosby Group." The review was conducted on November 3, 2010 at Richmond's Public Works Office, 450 Civic Center Plaza. The questionnaire used was from Process Review Plan #10-02 "Consultant Selection" and was completed during the review (Attachment C). The following participants were in attendance at the review:

Eric Kwan, City Engineer, City of Richmond
Andy Yeung, Engineering Staff, City of Richmond

Melissa Tigbao, Engineer I, City of Richmond
Nam Nguyen, DLAE Staff, Caltrans District 4
Louis Schuman, DLAE Staff, Caltrans District 4
Eugene Shy, Process Review Engineer, Caltrans HQ

## V. Goal of Review

The primary goal of the review was to determine the level of compliance Richmond is achieving in following the requirements for selecting engineering consultants for federal-aid projects. This goal was achieved by the identification of the exceptions (non-compliant areas) in Richmond's selection of the consultant and the administering of this contract for design services. A secondary goal was to communicate to Richmond what changes and/or improvements are needed for Richmond to be fully federal-aid compliant in selecting and contracting with engineering consultants. This goal was accomplished thru detailed discussions between the Richmond representatives and Caltrans representatives that participated in the review.

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October 1, 2010

Mr. Walter Waidelich
Division Administrator
Federal Highway Administration, California Division
650 Capitol Mall, Suite 4-100
Sacramento, CA 95814-4708
Attention: Ms. Karen Bobo, Director, Local Programs

Subject: City of Richmond Oversight

Dear Mr. Waidelich:

In response to your letter dated July 2, 2010, in which the Federal Highway Administration requested that the California Department of Transportation (Caltrans) develop a plan for providing additional oversight of the City of Richmond's (City) federal-aid projects, we have developed an initial "City of Richmond Oversight Action Plan" (Plan) which is enclosed for your information.

This initial Plan is envisioned as a "living document" which is expected to be frequently revised as Caltrans works with the City to help them to identify and take corrective action to overcome their deficiencies in the federal-aid program. Working to manage this Plan in conjunction with the City will be Sylvia Fung, District 4 Local Assistance Engineer, and her staff. Sylvia will be the Caltrans single point of contact regarding this Plan and the City. She expects to meet with the City of Richmond monthly or as needed. Sylvia has scheduled her next meeting with the City for October 1, 2010, to discuss and implement the enclosed Plan.

We would also like to take this opportunity to express our thanks for your letter dated August 9, 2010, transmitting the findings regarding the City. Of the 51 pages of findings, 28 pages consisted of the City's Single Audit Report (Report) for the year ending July 30, 2008. The three Department of Transportation findings on pages 9, 13, and 22 of this report are currently being addressed, along with the other findings, by the City in response to the Report.

Should you have any questions regarding the foregoing, please contact Sylvia by telephone at (510) 286-5226, or by email at: Sylvia_Fung@dot.ca.gov.

Sincerely,

DENIX D. ANBIAH, Chief
Division of Local Assistance

Enclosure

c: Martin Tuttle, Deputy Director, Caltrans, Planning and Modal Programs
Sylvia Fung, District Local Assistance Engineer, Caltrans, District 4

9/29/10

# CITY OF RICHMOND OVERSIGHT ACTION PLAN

1) A. Action Needed: Richmond to develop and adopt a uniform filing system and standard operating procedures (SOP) for construction contract administration of all Federal-aid projects for the City. The SOP for the administration of Federal-aid projects should include items such as the level of construction oversight by resident engineers and inspectors as well as a process for approving contract change orders.

   B. Status: City of Richmond letter dated 5/24/2010 to John Brewster states that City has implemented "A file folder system...for all federally funded projects." Also that "the City further commits to...create standard operating procedures for the City's internal administration of federally funded projects to promote uniformity and consistency;"

   C. Schedule: DLAE to verify implementation by 7 October 2010.

2) A. Action Needed: Perform a financial audit of the City's internal controls. FHWA is willing to meet with Caltrans if additional information is needed for this item. FHWA would like to review the scope and schedule for the audit prior to Caltrans commencing the audit.

   B. Status: HQ Division of Local Assistance is coordinating with Audits & Investigations to determine the practicality of the requested audit. DLAE and FHWA needs to be involved in the development of the scope of the audit.

   C. Schedule: FHWA, and Caltrans HQ, DLAE, and A&I to discuss the audit scope by telephone conference during week of September 27, 2010.

3) A. Action Needed: Perform additional project delivery oversight for Federally-funded, non-ARRA projects.

   B. Status: Currently the City of Richmond has 11 federal-aid projects. The City of Richmond's ARRA project, which is a construction project, is being closely oversighted by Caltrans construction oversight engineer who is also providing training. Caltrans will also be performing two process reviews of the City of Richmond's non-ARRA federal-aid projects, one in the PE phase and one in the construction phase.

   C. Schedule: Oversight by Caltrans construction oversight engineers of ARRA project is in progress. Caltrans construction oversight engineers conducting training of DLAE staff to perform oversight of non-ARRA projects in progress. Process reviews to be completed by December 31, 2010.

4) A. Action Needed: Close out Federal-aid projects that were authorized for construction more than three years ago and are not actively in the construction phase.

   B. Status: DLAE staff is currently working with City to remove projects from inactive list. An invoice has been submitted and approved by the DLAE staff for one project that is in the PE phase. Invoice for another project was submitted but rejected by DLAE staff and to be re-submitted by the City of Richmond. DLAE is assisting the City to close out several other projects which requires the City to provide pertinent necessary documents.

   C. Schedule: Target date is December 31, 2010 for City of Richmond and DLAE to jointly close out projects no longer active in the construction phase.

5) A. Action Needed: In letter of May 24, 2010, the City of Richmond stated "the City further commits to the following:

(1) Create standard operating procedures for the City's internal administration of federally funded projects to promote uniformity and consistency;

(2) Strictly adhere to file retention requirements per the Code of Federal Regulations;

(3) Schedule monthly meetings between the Federal-Aid Project Coordinator and all project managers to monitor status and compliance of projects with the LAPM;

(4) Schedule monthly meetings to include relevant City staff as needed, the Federal-Aid Project Coordinator and the DLAE to report on and discuss project status and follow through;

(5) Develop a project tracking system of milestones for each active, inactive and de-obligated project based on the FHWA FMIS database;

(6) Work with the DLAE project-by-project to try to re-obligate funds on de-obligated projects;

(7) Comply with Caltrans construction oversight procedures and meet with Caltrans staff regarding any significant stages of construction;

(8) Implement in-house training for City and Agency staff to reinforce SOPs, filing system, and reporting requirement."

B. Status: DLAE has taken or plans to take the following actions:

(1) DLAE staff recently requested that City of Richmond provide a status update of their 10 federal aid projects and progress on their commitments listed above. DLAE staff asked that this be provided to the DLAE by the end of the week (September 17, 2010). DLAE has not been asked to participate in monthly meetings with the City (item (4) above) so this item will be discussed with the City by the DLAE as the DLAE and/or staff plan to meet with the City each month for a status meeting of all their federal-aid projects.

(2) City is working with DLAE staff in the re-obligating of funds and submitting of invoices to keep projects active.

(3) In order to assess and monitor City's progress on their improvement plan, and to ensure adequate self-sufficiency in their administration of federal-aid projects, DLAE staff is proposing the following to continue through September 30, 2011, (at which time FHWA can assess if City of Richmond is still considered an at risk agency):

a. For Requests for Authorization to Proceed with PE, City will be required to submit to DLAE a project schedule through completion at the time of field review. This should be updated quarterly at a minimum. Copy of advertisement and RFQ/RFP for consultant services will be submitted to DLAE for review. Selection procedures will be submitted to DLAE prior to contract

award. Any proposed contract amendments will be submitted to DLAE for review prior to execution.

b. DLAE will set up meeting with Caltrans District R/W staff, including new District R/W Utilities Coordinator and City staff to ensure sufficient understanding on R/W certification process. Discussion will include utility work by others (including other city contracts, city forces, utilities) that could impact federal-aid project. Construction schedule will be reviewed and adjusted as needed.

c. On Requests for Authorization for Construction, PS&E will be reviewed by DLAE, Caltrans HQ, and FHWA; all comments must be resolved and PS&E updated with changes prior to authorization. A revised schedule to be submitted to DLAE and copies of contract advertisement and bid documents (including all addenda) will be submitted to DLAE prior to contract award. DLAE and Caltrans HQ will review to ensure that no significant revisions have occurred since authorization to proceed for construction was received and that all issues are addressed prior to contract award. DLAE and Caltrans HQ construction oversight engineer will attend pre-construction conferences. HQ construction oversight engineer will review ARRA projects twice (near start and end) to ensure adequate record retention and procedures/processes.

d. DLAE staff and Caltrans HQ construction oversight engineer will meet with City staff prior to City's acceptance of contract work to ensure city will have all documents needed to close out project.

(4) FHWA letter dated August 9, 2010 stated that City of Richmond's federal-aid project No. 5137(032) did not have the FHWA Form 1273 included in the contract documents which makes the contract ineligible for federal reimbursement. DLAE staff and Caltrans HQ to assist FHWA in this matter so that a FIN can be expeditiously issued to close out this item.

C. Schedule: City of Richmond to provide the foregoing mentioned schedules to the DLAE so the DLAE staff can schedule and monitor the City of Richmond's actions and the progress of their federal-aid projects.

U.S. Department of Transportation
Federal Highway Administration

Federal Highway Administration
California Division

650 Capitol Mall, Suite 4-100
Sacramento CA 95814
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(916) 498-5008 fax

July 2, 2010

In Reply Refer To:
HDA-CA

Ms. Cindy McKim, Director
California Department of Transportation
P.O. Box 942873
Oakland, CA 94273-0001

Attention: Mr. Marty Tuttle, Deputy Director, Planning and Modal Programs

Dear Ms. McKim:

**SUBJECT: City of Richmond Oversight**

The purpose of this letter is to request that the California Department of Transportation (Caltrans) Division of Local Assistance develop a plan for providing additional oversight on City of Richmond (City) Federal-aid projects. Based on recent reviews, the Federal Highway Administration California Division (FHWA) has concerns regarding the City's management of Federal-aid projects. Additional oversight activities would verify that the City has the capacity to administer the Federal-aid program and may also identify any necessary improvements.

FHWA is making this request based on a number of recent reviews. In February 2010, the Department of Transportation Office of the Inspector General (OIG) performed a review of local agency projects in California. While a final report has not been produced, the review of City of Richmond projects raised concerns regarding the Caltrans' oversight and the City's management of Federal-aid projects, particularly in the area of construction management. Other reviews which raised concerns of the City's administration of Federal-aid funds include FHWA's Construction Contractor Payment Reviews for 2007 & 2008, FHWA's Inactive Obligation Reviews and the City's 2008 Single Audit Report.

As a result of the findings from these reviews, FHWA will be conducting additional project reviews of those City of Richmond projects currently active in FHWA's Fiscal Management Information System (FMIS). ***Until FHWA's review is complete, FHWA and Caltrans will retain approval for plans, specifications & estimates packages prior to authorization for construction and any related construction authorization modifications.*** The City will have to adjust their project development schedules to account for the additional review and approval by

Attachment "B"

Caltrans and FHWA. We request that Caltrans review the PS&E packages and forward to FHWA with a recommendation for approval, as appropriate.

In addition to our project review, FHWA is requesting that Caltrans develop a brief oversight plan to prevent similar issues on future Federal-aid projects. The oversight plan should include, at a minimum:

1) Developing and adopting a uniform filing system and standard operating procedures (SOP) for construction contract administration of all Federal-aid projects for the City. The SOP for the administration of Federal-aid projects should include items such as the level of construction oversight by resident engineers and inspectors as well as a process for approving contract change orders.
2) Performing a financial audit of the City's internal controls. FHWA is willing to meet with Caltrans if additional information is needed for this item. FHWA would like to review the scope and schedule for the audit prior to Caltrans commencing the audit.
3) Performing additional project delivery oversight for Federally-funded, non-American Recovery and Reinvestment Act (ARRA) funded projects.
4) Closing out Federal-aid projects that were authorized for construction more than three years ago and are not actively in the construction phase.

Please provide the oversight plan to FHWA within 30 days of the date of this letter.

Based on the results of these additional reviews and audits, FHWA could impose additional actions and/or issue a federal ineligibility notice (FIN). FHWA will work with Caltrans and the City to resolve any deficiencies as expeditiously as possible.

FHWA appreciates Caltrans and the City of Richmond meeting with us on April 15, 2010 to discuss this issue. We also understand that the City has already started to implement changes for managing Federal-aid projects, and we will continue working closely with both the City and Caltrans. If you have any additional questions, please contact Ms. Jean Mazur at jean.mazur@dot.gov or 916-498-5732.

Sincerely,

Karen A Bolo

For
Walter C. Waidelich
Division Administrator

11.3.10

**CALIFORNIA DEPARTMENT OF TRANSPORTATION**
**DIVISION OF LOCAL ASSISTANCE**
GARRARD BLVD TUNNEL 5137(029)

**Consultant Selection Questionnaire**

The following standards of review will be applied to each project selected:

1. Did this project follow the consultant selection process?
x Yes ☐ No *Comments:* ***In general, there some exceptions as noted.***

2. Did the local agency use the Consultant Agreement Reviewers Checklist?
☐ Yes x No Comments:

3. Was the need for a consultant justified?
x Yes ☐ No Comments: ***Also, City Council reviewed and gave their approval.***

4. Was there evidence of advertisement for RFQs or RFPs in the following methods?

a. Professional publications/newsletters ☐ Yes x No ***Comments: Richmond used "Bids Online" that connected to interested firms. Richmond placed RFP solicitation on the "Bids Online" website.***

b. Direct mailing notices from a register of known qualified consultants
☐ Yes x No Comments: ***Using "Bids Online", sent out RFP 12/10/08, received questions 12/19/08, received 5 proposals on 12/24/08***

c. Did local agency use race-neutral means to facilitate DBE participation? (49 CFR Part 26.51)
☐ Yes x No Comments: ***Richmond did not mention DBE in the solicitation but stated that the prime consultant was a DBE.***

5. Did the ads for the RFQs or RFPs include the following information:
a. Type of service solicited xYes ☐ No Comments:

b. Description of project x Yes ☐ No Comments:

c. Deadline for receiving reply x Yes ☐ No Comments:

d. Address and telephone number x Yes ☐ No Comments:

e. Name of contact information x Yes ☐ No Comments:

f. A civil rights statement of EEO assurances x Yes ☐ No Comments: ***Addressed City of Richmond residences only!***

g. Evaluation criteria x Yes ☐ No Comments: ***Included City of Richmond's Local Business Ordinance, Local Employment Program, and Living Wage Ordinance as one of the criteria.***

h. Description of information that must be submitted x Yes ☐ No Comments: ***Must submit with proposal: Cover Letter, Conflict of Interest, Summary of Qualifications and Experience, and a Schedule of costs and fees including reimbursable expenses.***

6. Did the consultant selection advertisement and its geographical area match the project's complexity and cost? x Yes ☐ No Comments: ***Proposed costs were under $200,000 and 5 proposals were received.***

7. Was evaluation criteria such as the following included:
a. Professional excellence, demonstrated competence and specialized experience of the firm
x Yes ☐ No Comments: ***Also included doing business and number of employees living in Richmond.***

b. Staffing capability, workload and ability to meet schedules
x Yes ☐ No Comments:

c. Principles to be assigned and education and experience of key personnel
x Yes ☐ No Comments:

d. Nature and quality of completed work x Yes ☐ No Comments:

e. Reliability and continuity of firm x Yes ☐ No Comments:

f. Other factors deemed relevant to the contract effort x Yes ☐ No Comments: ***Provided opportunity for competing firms to submit questions and all firms received the same answers.***

8. Did the local agency follow the federal Brooks Act (qualification based and without considering cost) in evaluating the competing firms and in making their selection.
☐ Yes ☐ No Comments: ***The City of Richmond received cost data from each proposer but the City stated they did not use the cost data in making a selection.***

9. Did the evaluation and ranking for this contract appear reasonable based upon the responses filed? x Yes ☐ No Comments:

10. Was a short list of at least the top 3 prospective consultants developed from the ranked firms?
x Yes ☐ No Comments:

11. Were there any unusual changes in the final ranking of the "short" list? If so, what was the reason(s)?
☐ Yes x No Comments:

12. Was the top ranked consultant selected? If not, what was the basis?
x Yes ☐ No Comments:

13. Were there any protests regarding the ranking and selection?
☐ Yes x No Comments:

14. Did the local agency prepare a cost estimate prior to cost negotiations?
☐ Yes x No Comments: ***Used their programming amount with adjustment for inflation.***

15. Was the negotiated contract amount reasonable compared to the local agency's cost estimate?
x Yes ☐ No ***Comments: City of Richmond said "Yes"!***

16. Was there a pre-award audit?
☐ Yes x No Comments: ***Under the $250,000 audit threshold!***

17. If there was a pre-award audit, were the auditor's recommendations followed by the local agency and/or consultant?
☐ Yes ☐ No Comments: (identify the recommendations here) ***N/A***

18. Did the consultant meet the DBE goal or make a Good Faith Effort (assumes race conscious requirements)?
☐ Yes x No Comments: ***No DBE race neutral or race conscious information was included in the solicitation, however the selected consultant was a DBE.***

19. Is the prime consultant a DBE? x Yes ☐ No Comments:

20. Was the one of the four methods of payment specified in the contract:
a. Lump Sum
b. Actual cost plus fixed fee
c. Cost per unit of work
d. Specific rates of compensation
x Yes ☐ No Comments: (Which one?) ***Specific rates of compensation***

21. Was a scoping meeting held with the selected consultant and documented?
Response: ***Yes, a meeting was held but not documented!***

22. Was there a local agency project coordinator for this contract? x Yes ☐ No Comments: (Who?) ***Matt Bonanno***

23. How was the periodic review of the consultant's work documented? Response? ***Periodically reviewed for performance but no records were prepared to document the review.***

24. Were progress reports submitted regularly by the consultant? x Yes ☐ No
Comments:

25. Did the Caltrans DLAE or Project Manager (and FHWA area engineer for full oversight projects) have knowledge of the project and the consultant contract? x Yes ☐ No
Comments: ***Nam (Caltrans) worked with Matt I (City of Richmond)***

26. Is the Contract Administrator ensuring that the contractual obligations are being completed satisfactorily? x Yes ☐ No Comments:

27. Did the consultant's work progress to the satisfaction of the local agency and Caltrans (for the projects on the SHS)? x Yes ☐ No Comments***: Project not on the SHS!***

28. What was the overall quality of the work? Response: ***Satisfactory!***

29. Were there any cost overruns on this contract? ☐ Yes x No Comments:

30. Were there any major changes in the contract that required a contract amendment? If so, were additional funds needed and was Caltrans' (and, for High Profile Projects, FHWA's) approval requested for the additional funding?
☐ Yes x No Response:

31. Was a performance evaluation of the consultant's work prepared after the completion of the contract? ☐ Yes x No Comments: (please attach a copy of the evaluation) Action: ***Richmond, as it is still not too late to prepare a performance evaluation of the consultant.***

32. Were there additional costs to the local agency resulting from the consultant's errors or omissions? ☐ Yes x No Comments:

33. Did the consultant have "Errors and Omissions" Insurance? x Yes ☐ No
Comments:

34. Did the local agency (and/or Caltrans) obtain reimbursement for costs resulting from the consultant contractor's errors or omissions, if any? ☐ Yes x No Comments:

35. Does the local agency have a consultant in a management position?
☐ Yes x No ***Comments: No contract staff in management positions!***

36. If the local agency has a consultant in a management position, what is their authority and have there been any potential or actual "conflict of interest" with regard to the consultant contract being reviewed? ☐ Yes ☐ No Comments: ***Not applicable!***

37. Are local agencies using consultants in management roles? If so, how were these consultants procured, what is their authority, and are there conflicts of interest (actual or perceived)? ***Not applicable!***

38. Are local agencies using Personal Service Agreements only for services less than $25,000?
☐ Yes ☐ No Comments: ***Not applicable!***

39. Is additional work being added to the original consultant personal service agreement and does the additional work exceed the $25,000 threshold?
☐ Yes ☐ No Comments: ***Not applicable!***

In order to verify the local agencies' responses to these questions for each selected project, the following documentation is to be made available by the local agency at their office:

| | |
|---|---|
| 1.Copies of RFPs or RFQs | ***yes*** |
| 2.Documentation of DBE participation, when applicable | ***n/a*** |
| 3.Solicitation/advertisement records | ***yes*** |
| 4.Identification of selection committee members | ***yes*** |
| 5.Evaluation and ranking records of proposing firms | ***yes*** |
| 6.Independent cost estimate | ***no*** |
| 7.Record of negotiations | ***no*** |
| 8.Pre-award audit, when applicable | ***n/a*** |
| 9.Executed consultant contracts and amendments | ***yes*** |
| 10.Minutes of construction engineering oversight/design progress meetings as applicable | no |
| 11.Documentation of progress and final payments | ***yes*** |
| 12.Consultant performance evaluation | ***no*** |
| 13.Consultant agreement reviewer's checklist (LAPM Exhibit 10-C) | ***no*** |
| 14.Final Voucher including consultant's accounting records documenting compliance with federal 48 CFR, Part 31 accounting requirements. | ***yes*** |