

Consultant Advisory

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Consultant Advisory
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Changes to the Consultant Subcontracting Process

For all priced proposals received on or after **August 1, 2016**, the following process change will be implemented. As stated in previous Advisories, **Training will be held on July 14th at 10:00am**, and will be provided in person as well as via webinar.

Consultant Subcontracting Process Overview:

- Form 5101S, Intent to Subcontract, must be submitted, for each subconsultant working on a project at the time the original or revised Priced Proposal or other contract documentation is submitted. The form is also required when an amendment to a subcontract is necessary.
- Form 5101S must be submitted for each subconsultant providing services under the prime contract/authorization, as identified in the prime consultant technical proposal, **regardless of dollar amount**.
- The Intent to Subcontract does not serve as a replacement for the subcontract agreement between the prime consultant and subconsultant(s). Consultants must continue to develop and retain the original signed subcontract, regardless of dollar amount.
- The subcontract must be signed using digitally encrypted signatures and awarded between the parties **prior** to the assigned work being performed.
- MDOT will allow an exception to the above, for those unique and unusual situations, for specialty services that occur at the beginning of a project such as surveying and geotechnical. In these cases a Limited Notice to Proceed (LNP) must be completed and signed, using digitally encrypted signatures, by the prime consultant, subconsultant, and MDOT Project Manager.
- The effective date of the subcontract shall not be prior to the date of signature by both parties unless a LNP is in place.
- MDOT will randomly select active contracts/authorizations for an interim and/or post review of subcontracts to ensure compliance with subcontracting requirements, regardless of dollar amount.
- If selected, the Prime Consultant will be notified, and will have five business days to provide MDOT, via e-mail, all of the subcontracts associated with the contract/authorization selected.
- Failure to provide the subcontracting document within the required time frame, and/or noncompliance with subcontracting requirements will be tracked, and notification of infractions will be sent to the prime consultant. The consultant will be requested to bring the subcontract in question into compliance, and resubmit it to MDOT.
- Consequences for non-compliance may lead to costs not being paid, up to including termination of services.
- Infractions may result in submittal to the Contract Performance Evaluation Review team for review and action, as well as possible recommendations to the Prequalification Committee, up to and including the loss of prequalification.
- This process is required for all new priced proposals and any priced proposals for amendments and revisions, received by MDOT on or after **August 1, 2016**.
- **This Advisory is intended as an overview only. See the complete MDOT Consultant [Subcontracting Process Guidelines](#), including links to referenced documents.**