

Consultant Advisory

2019-7

November 20, 2019

## MDOT Contract Services Updates (1 of 2)

The following updates to MDOT policies and procedures will be implemented with Request for Proposals (RFPs) advertised on, or after, January 1, 2020. The modifications discussed below will not be retroactive to existing contracts or RFPs advertised prior to January 1, 2020.

### **Fixed Fee Payment – As Needed Contracts**

The FHWA has determined that MDOT's current methodology for prorating the fixed fee on a percentage of hours is prohibited by 23CFR172.9(b)(2). Therefore, for all as-needed services, advertised on or after January 1, 2020, the fixed fee will no longer be prorated. The vendor/consultant will be entitled to the maximum fixed fee as negotiated during scope/fee negotiations, after the work is completed to the satisfaction of MDOT. For example, if a vendor is selected to perform as-needed inspection and testing services, the vendor would be eligible for the full, negotiated fixed fee at the completion of those services regardless of the number of hours worked on the contract.

### **Selection Period - As Needed**

For all non-project specific as-needed RFPs, the selection period is currently two years. This selection period will be extended for RFPs advertised on or after January 1, 2020 to up to three years, with the option for a two-year extension, resulting in a possible five-year selection period. The optional two-year extension will be at the MDOT Project Manager's discretion.

For example, for as-needed design services, the selected vendor(s) will be available for project-specific authorizations from the date of the original as-needed selection for up to three years (with an option for two additional years) after their selection.

However, a vendor selected for as-needed inspection and testing for a specific project (i.e. as-needed inspection and testing on I-75 from Point A to Point B) will still be authorized for the anticipated duration that those services for that specific project may be needed.

### **Tier III QBS Selection Process**

The requirements for the consensus scoring team makeup will change for all Tier III (Engineer's estimate of \$1.5 Million or greater) Qualification Based Selection (QBS) projects. The revised consensus scoring team will consist of:

- Two CSRT members
- The MDOT Project Manager
- Two additional members, one of which have a different reporting relationship from the MDOT Project Manager

For Tier III Best Value, QBS/Low Bid, and Low Bid selections, one CSRT member will continue to participate on the selection team. Requirements for all other selection Tiers have not changed unless otherwise specified in this Advisory.

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## MDOT Contract Services Updates (2 of 2)

### Selection Tier and Process Modifications

The MDOT selection tier value ranges and selection processes are being modified. The dollar values for each Tier are identified below:

RFP Type	Anticipated Service Cost
Tier I	\$0 - \$250,000
Tier II	\$250,000 - \$1,500,000 (same as current value range)
Tier III	\$1,500,000 and Over (same as current value range)

The advertisement and selection process for Tier I selections (Engineer's estimate of \$0 to \$250,000) will change as well. Tier I projects will no longer require the RFPs to be advertised on the MDOT website and a consensus scoring team will no longer be required to score and determine the selected vendor. Tier I projects will require the MDOT Project Manager to contact a minimum of three (3) vendors that can provide the requested services, then determine the most qualified vendor using evaluation criteria appropriate for the services. After the selection process is complete, the results of the selected vendor, along with the other vendors contacted by the MDOT Project Manager, will be advertised on the MDOT website.

### Proposal Font Size Requirement

All text within proposals shall be 12-point font size with the exception of resumes, forms, exhibits/graphics, and tables. Resumes, forms, exhibits/graphics, and tables may have smaller fonts. Proposals not adhering to this requirement may be considered non-responsive.

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