

Appendix B

REQUIREMENT CHECKLIST FOR CONSULTANT SERVICES ESTIMATED OVER \$250,000

These services must be procured using competitive negotiation and a qualifications-based selection (QBS) process commonly known as the Brooks Act to receive federal funds.

The following requirements must be adhered to, in addition to *23 CFR 172.7(a)(1)* regarding QBS. The listed documentation is required and must be submitted to the MDOT Local Agency Program Engineer prior to authorization of FAHP funds and reimbursement of allowable costs:

- Estimate of consultant/vendor hours by classification and cost required for the project
 - *23 CFR 172.7(a)(1)(v)(B)* requires, "...a detailed independent estimate with an appropriate breakdown of the work or labor hours, types or classifications of labor required, other direct costs, and consultant's fixed fee for the defined scope of work". This estimate shall serve as the basis for negotiations.

- Proof of Solicitation
 - A solicitation for services is required and shall be by public announcement and advertisement to assure qualified in-State and out-of-State consultants are given a fair opportunity to be considered for award of the contract. This can be accomplished with either a single step Request for Proposal (RFP), or a two-step Request for Qualifications (RFQ), whereby responding consultants are ranked based on qualifications, followed by an RFP to at least the three most highly qualified firms.
 - Include information detailing the language used, length of advertisement, publications/outlets utilized, etc.
 - A minimum of three weeks response time from the issuance of the RFP or RFQ is required. If an RFQ is completed, the RFP must be posted for a minimum of two weeks.

- Copy of the Request for Proposals (RFP)/Request for Qualifications (RFQ)
 - Shall contain a clear, accurate, and detailed description of the scope of work, technical requirements, and qualifications of the consultants necessary for the services to be rendered. It should detail the purpose and description of the project, services to be performed, deliverables to be provided, estimated schedule for performance of the work, and applicable standards, specifications, and policies.
 - Shall identify any special provisions or contract requirements associated with the solicited services. In addition, the RFP should clearly state if presentations are required with three or more of the most highly qualified consultants following the submission and evaluation of proposals; the RFP shall disclose how these presentations will be factored into the overall evaluation to determine the most highly qualified consultant.
 - An RFP for as-needed services shall include the maximum total dollar amount that may be awarded under the contract. Any additional services that are required once the established threshold is met requires a new solicitation for services.

- Shall contain Evaluation Factors and their relative weight or scoring factor. See Appendix D for MDOT’s recommended scoring factor form.
 - The evaluation factors are the criteria used for evaluation, ranking, and selection of consultants for the type of professional services solicited. These qualification-based factors may be technical approach (project understanding/innovation), work experience, specialized expertise, professional licensure, staff capabilities, workload capacity, and past performance.
 - Price or cost-related items such as cost proposals, direct salaries/wage rates, indirect cost rates, and other direct costs SHALL NOT be used as an evaluation factor.
 - In-State or local preference SHALL NOT be used as an RFP selection or consultant evaluation factor.
 - Local presence (e.g. local office) and Disadvantaged Business Enterprise (DBE) (sub)consultant(s) may be used; however, the weighted values must not exceed 10% for local presence and DBE combined.
 - If an RFQ is completed, it must identify the number of consultants/vendors who will receive the RFP based on the evaluation rankings.
 - Ensure a process is in place to determine rankings if scoring results in a tie.
- Shall contain the contract type and method of payment for services.
- Shall state any required cost proposal will be requested from the most highly qualified consultant (highest scoring) once all RFPs have been scored and ranked. **Cost-related items cannot be requested or considered in the selection process.**
- Shall contain the estimated schedule for the procurement process and establishes a submittal deadline for responses to the RFP or RFQ.

Listing of Consultants/Vendors that showed interest or provided bids/proposals

- A minimum of three consultants is required to satisfy the adequate number of qualified sources reviewed. See “**Procurement of Consultant Services**” section for more information.

Evaluation Scoring, Ranking and Negotiations

- Based on Evaluation Factors outlined in the RFP, the Local Agency will evaluate, score, and rank all consultants fully complying with the RFP submittal requirements. The most highly qualified (highest scoring) consultant will be notified to proceed with negotiations and provide their cost proposal to the Local Agency. Although the contract will be with the consultant, the qualifications of any subconsultants identified within the proposal should be considered.
- All unsuccessful consultant cost proposals shall be destroyed once negotiations have been initiated with the most qualified consultant. This cost data is considered confidential and proprietary to the submitting consultant.
- If satisfactory negotiations with the most highly qualified consultant cannot be reached, negotiations shall be formally terminated with that consultant prior to entering negotiations with the next most qualified consultant. A cost proposal from the next most qualified consultant shall be obtained by the Local Agency and negotiations resume.

- Notification to all unsuccessful consultants/vendors must be provided once negotiations with successful consultant/vendor is complete. This notification must include the final ranking of the three most highly qualified consultants/vendors. The Local Agency should consider providing a debriefing session for unsuccessful consultants/vendors.
- If applicable, provide the final list of candidates from RFQ.
- Provide basis for the final selection (i.e.. scoring sheets, past performance evaluations, key qualifications)

Statement that indicates consultant/vendor proposed hours are reasonable based on estimate prepared and negotiations, if applicable, conducted with selected consultant/vendor.

Executed Conflict of Interest Self Certification, MDOT Form 2660

- The Local Agency shall follow MDOT’s approved Conflict of Interest Guidance: [Conflict of Interest Policy](#)

Executed Compliance Certification Form ([Form 3536](#))

Copy of the executed 3rd Party Agreement with MDOT comments incorporated.

- Unless a custom 3rd Party Agreement is reviewed and approved by MDOT prior to obligation of funds, the MDOT 3rd Party Template must be used, unmodified.
 - The 3rd Party Agreement Template may be found at [Third Party Agreement Template](#).
- Verify fixed fee does not exceed 15% of the total cost of the contract. FHWA approval is required when fixed fee exceeds 15%.
- Attachments must include:
 - Executed [Form 5108L](#), “Certification of Indirect (Overhead) Rate” for consultant and sub-consultants.
 - Derivation of Cost with direct labor, overhead, facilities capital cost, other direct expenses, and fixed fee for the prime consultant ([Form 5101B](#) may be used).

Copy of the form that will be used to evaluate consultant/vendor performance upon completion of the contract.

- Per *23 CFR 172.9(d)(2)*, “The contracting agency shall prepare an evaluation summarizing the consultant's performance on a contract. The performance evaluation should include, but not be limited to, an assessment of the timely completion of work, adherence to contract scope and budget, and quality of the work conducted. The contracting agency shall provide the consultant a copy of the performance evaluation and an opportunity to provide written comments to be attached to the evaluation”.
- The form is required to be submitted with the final payment request.
- Sample evaluation criteria can be found in Appendix E.

This requirement checklist, stamped by the LAP Engineer, certifying that all the above items have been submitted.

MDOT LAP Engineer Dynamic Stamp:

Job Number: _____ Consultant/Vendor: _____ Project Phase: _____
