OREGON DEPT OF TRANSPORTATION

Consultant Selection – Direct Appointment Guidance

Statewide Program Unit - Certification Program
11/18/2014

Certification Program - Consultant Selection – Direct Appointment Guidance

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1. Document Revision History

This document was originally issued on xxxxxxx The following revisions have been approved and issued: Changes to this document must be approved by the Certified Program Manager, an OPO representative, and the SPU Section Manager.

Revision Date	Revision Details (only the last ten revisions are retained)
	Original Issue

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2.   Certification Program Mission
To streamline the Local Public Agency (LPA) delivery process of FHWA projects by certifying highly qualified LPA's that provide quality control that ensures FHWA requirements are met to deliver projects in a cost effective, timely manner through the collaboration of ODOT, FHWA and LPA partners.

3.   Direct Appointment (DA) Overview
The Local Agency Certification Program is a federal program that enables certified local public agencies (LPA) to obtain optimum approval authority and control at the local level when delivering federally funded transportation projects. Local agencies may use the direct appoint procurement method for A&E contracts up to the dollar threshold in the local agency's administrative rules, but may not exceed the federal amount of $100,000. Additionally, local agencies must have written federal aid and State complaint procedures, qualified staff and a minimum of 3 projects in the current STIP.

3.1 Frequently Ask Questions (FAQs)
FAQs are available on the Certification Program Office Website's Technical Program Guidance Link. Navigate to the Consultant Selection section of this page.

3.2 LPA Administrative Rules
Administrative rules which govern LPA procurement practices vary between entities and as result the dollar threshold takes precedence over the federal dollar threshold of $100,000. For example: The LPA threshold may only be $65,000. The LPA is required to identify their dollar threshold in the application.

4.   Becoming Certified
When the LPA chooses to pursue certification for DA in consultant selection they first must submit an application. The Certification Program Manager (CPM) will review the application to determine if the LPA meets the minimum requirements to participate in the certification program and will notify the LPA of the decision.   Once the eligibility determination has been made, ODOT and the LPA will enter into agreements that outline the roles, responsibilities and contractual obligations between the two parties. Next, the LPA administers one to two test projects in the conditional phase of certification to determine if the LPA is staffed and equipped to perform work and manage federal aid projects satisfactorily and cost effectively.

When the LPA completes the DA portion of the requirements and successfully passes the final evaluation for a federal aid project, the LPA will be fully certified in the area of DA. Once a LPA has been fully certified in this area, the Master Certification Agreement is amended to reflect full certification in DA.

4.1 DA Certification Process Steps
The basic process steps for an LPA to become fully certified in Consultant Selection – Direct Appointment:
- LPA contacts the SPU Certification Program Office regarding the DA Certification
- SPU Certification Program Office send LPA DA application, and DA Guidance Document
- If, LPA wants to begin the process a Pre-Application meeting is scheduled to discuss the application requirements and the LPAs current procurement methodologies
- LPA submits application to SPU Certification Program Office
- SPU Program Office reviews application for eligibility

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- If eligible, Conditional Certification is granted to the LPA
- A Process Kick-off Meeting is held with the CPM and the LPA
- Intergovernmental Agreement requirements are identified and met
- LPA works with the LAL to select a test project and provides the information to the CPC
- The Supplemental Agreement for the test project is written and executed
- LPA completes the Direct Appointment paperwork and sends it to the SPU Certification Program Office; Consultant Contract is not executed at this time
- SPU Certification Program Office – conduct initial review of paperwork
- Presentation/Evaluation meeting is scheduled by the CPC
- Upon completion of the Direct Appointment process, an Presentation/Evaluation Meeting is held with the LPA, OPO, CPM, and LAL to evaluate compliance with federal requirements
- LPA is recommended by OPO for Full Certification
- Test project is completed and a Post Project Review is conducted
- LPA is issued a Certificate of Full Certification in Direct Appointment and IGA is amended to allow LPA to administrator DA consultant contracts

The above process assumes the LPA is successful at each process step and they are using ODOT's written Procedures.

4.2 ODOT Consultant Selection Training

ODOT Procurement (OPO) and Department of Administrative Services (DAS) offer procurement classes for Local Public Agency Staff. Available classes are listed at iLearn .Oregon.Gov.

See Section 7.1 General Requirements for A&E Direct Appointments

5. ODOT Key Contacts for Certification Program

5.1 SPU – Certification Program Office

Contact	Title	Phone Number	Address
Mark Foster	Certification Program Manager	503-986-3649	555 13th Street N.E Salem, OR 97301
Marilyn Merritt	Certification Program Coordinator	503-986-4258	555 13th Street N.E Salem, OR 97301
Julie Redden	SPU Policy Analyst	503-986-4153	555 13th Street N.E Salem, OR 97301

5.2 Regional Local Agency Contacts – Region 1

Contact	Title	Phone Number	Address
Tom Weatherford	Local Agency Liaison	503-731-8238	123 NW Flanders Portland, OR 97209
Michele Thom	Local Agency Liaison	503-731-8279	123 NW Flanders Portland, OR 97209
Mahasti Hastings	Local Agency Liaison	503-731-8279	123 NW Flanders Portland, OR 97209
Bret Richards	Local Agency Liaison	503-731-8288	123 NW Flanders Portland, OR 97209
Reem Khaki	Local Agency Liaison	503-731-8501	123 NW Flanders Portland, OR 97209
David Arena	Local Agency Liaison	503-731-8276	123 NW Flanders Portland, OR 97209

5.3 Regional Local Agency Contacts – Region 2

Contact	Title	Phone Number	Address
Ted Keasey	Local Agency Liaison	503-986-6903	455 Airport Rd SE Bldg. B, Salem, OR 97301
Michael Starnes	Local Agency Liaison	503-986-6920	455 Airport Rd SE Bldg. B, Salem, OR 97301
Lee Cronemiller	Local Agency Liaison	503-986-2779	455 Airport Rd SE Bldg. B, Salem, OR 97301

Contact	Title	Phone Number	Address
Michael Schroeder	Local Agency Liaison	503-325-8274	350 W Marine Dr Astoria, OR 97103

5.4 Regional Local Agency Contacts – Region 3

Contact	Title	Phone Number	Address
Kelli Sparkman	Local Agency Liaison	541-774-6383	3500 Stewart Parkway Roseburg, OR 97470
Scott Adams	Local Agency Liaison	541-957-3636	3500 Stewart Parkway Roseburg, OR 97470

6. Document's Key Terms and Definitions

6.1 A&E Services
Professional Services that are required to be performed by an architect, engineer, photogrammetrist, planner, or land surveyor.

6.2 Conditionally Certified
The LPA is "conditionally certified" for Consultant Selection – Direct Appointment (DA) after meeting the initial eligibility requirements stated in the DA application.   Once the LPA is conditionally certified and they have the proper agreements in place with ODOT they are able to move forward with the test project process.

6.3 Corrective Action Notice
At any point during the certification process for DA, the LPA may receive a Corrective Action Notice from ODOT, which requests them to correct deficiencies in their process, procedures or documentation.

6.4 SPU Certification Program Office
The ODOT Certification Program Office is located in Salem and is responsible for managing the Certification Program. The CPM, Active Transportation Section Manager, the CPC, and the SPU Policy Analyst work out of this office.

6.5 Recommendation for Certification
The LPA may be "Recommended for Certification" after the Evaluation Meeting with SPU Procurement Office (OPO), Certification Program Manager (CPM), Certification Program Coordinator (CPC), and the regional contact.

6.6 Notice of Approval
A Notice of Approval letter will be sent to the LPA, once a Recommendation for Certification has been received from OPO

6.7 Full Direct Appointment Certification
The LPA will become "Fully Certified" in Consultant Selection – DA upon completion of the DA portion of the project, a Recommendation for Certification has been received from OPO and a successful post project review has been conducted by the CPC and the LAL.

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7. Minimum Requirements for Consultant Selection - Direct Appointment

This document sets forth the minimum requirements for an LPA to be certified for Direct Appointment of A&E consultants under the ODOT LPA Certification Program.   To be eligible for entering ODOT's LPA certification program, LPAs must have a minimum of three projects approved in the current STIP, have qualified staff and use ODOT contract templates for Direct Appointment.

7.1 General Requirements for A&E Direct Appointments

- **Dollar limit -** Contracts for A&E and Design Related services may be entered as Direct Appointment up to the threshold provided in rules adopted by the LPA or $100,000, whichever is less. A minimum of three qualified sources must be reviewed; select one consultant for negotiation and identify two alternates in the event negotiations do not result in fair and reasonable pricing.

- **Conformance with Statement of Work (SOW) Writing Guide** - The SOW in the final executed Contract and any amendments must meet the requirements set forth in the ODOT A&E SOW Writing Guide (or LPA's SOW procedures that are approved by ODOT).

- **Negotiations and independent cost estimate** - Prior to receipt or review of the selected consultant's cost proposal for the contract or amendment to the contract, a detailed independent estimate must be prepared with an appropriate breakdown of the work or labor hours, types or classifications of labor required, other direct costs, and consultant's fee for the defined scope of work. The independent estimate shall serve as the basis for negotiation and ensuring the consultant services are obtained at a fair and reasonable cost. Negotiations must be in conformance with A&E Requirements Guide for LPAs, section 3.6 (or LPA's negotiation procedures that are approved by ODOT).

- **Allowable costs**- Costs or prices based on estimated costs for contracts are eligible for Federal-aid reimbursement only to the extent that costs incurred or cost estimates included in negotiated prices are allowable in accordance with the Federal cost principles (ref 48CFR Part 31). LPAs may obtain approved billing rate data for consultants if available from ODOT; see A&E Requirements Guide for LPAs, section 3.5 Billing Rate and Overhead Cost Data.

- **Approved contract template**- LPA must use the approved contract template which includes all Federal, State and ODOT required provisions. It includes areas that LPAs may insert provisions specific to the LPA, provided they are not in conflict with federal requirements. The current DOJ-approved contract template is available on-line here.

- **Procurement Files**- Documentation for the procurement, negotiation and contract administration must be in conformance with section 4of the Overview of Federal, State and ODOT Requirements for Federally Funded A&E Procurements by LPAs (A&E Requirements Guide for LPAs) or LPA procedure approved by ODOT.

- **LPA Staff Knowledge, Skills and Experience -** At least one individual employed by the LPA and involved with reviewing/processing the procurement must meet the following minimum qualifications:

a) Attend ODOT/DAS Statement of Work for Personal Services class (or equivalent) in last 3 years,
b) Attend Negotiation training (equivalent) in last 3 years,
c) Attend ODOT/DAS Contract Administration of Personal Services class (or equivalent) in last 3 years,

Or

d) Current certification in public procurement (i.e., CPPB, CPPO, and OPBC from NIGP, NASPO or (DAS) Oregon Dept. Administrative Services) will substitute for items a thru c above.

The above training or public procurement certification must be in completed before the LPA can be fully certified in the Direct Appointment or before they begin a second test project if one was required by OPO after the presentation/evaluation meeting.

7.2 Required Written Procedures

23CFR.172.9 (a) requires written procedures "for each method of procurement". LPAs may follow ODOT's written procedures A&E Requirements Guide for LPAs, or may prepare their own written procedures (that comply with FHWA requirements and ODOT guidance) for approval by ODOT. For direct appointments, the required written procedures include the following:

Process for selecting a qualified consultant for the project;

- Preparing a scope of work and cost estimate for selecting a consultant;
- Negotiation of the reimbursement to be paid to the selected consultant;
- Monitoring the consultant's work and in preparing a consultant's performance evaluation when completed; and
- Determining the extent to which the consultant, who is responsible for the professional quality, technical accuracy, and coordination of services, may be reasonably liable for costs resulting from errors or deficiencies in design furnished under its contract.

7.3 Applicable Laws, Guidance and Policies
Direct Appointments must be in conformance with applicable Federal, State and local laws, and any additional requirements set forth in the ODOT LAG Manual (Section C – Chapter 12) and Overview of Federal, State and ODOT Requirements for Federally Funded A&E Procurements by LPAs. The order of precedence shall be 1) Federal laws and policies, 2) State laws and policies, and 3) local laws and policies. Applicable state and federal laws and policies include, but are not limited to, the following:

7.3.1 Federal Laws
- 23 CFR 172 - Administration of Engineering and Design Related Service Contracts
- 49 CFR Part 18.36: Procurement (Common Rule)
- 48 CFR Part 31: Contract Cost Principles and Procedures
- FHWA Policy regarding Indirect Costs 4470.1A 10/27/2012
- Local Public Agency Stewardship Issues 02/13/2012
- Responsible Charge 08/04/2011
- FHWA Video: Consultant Services Overview

- [FHWA Q&A: Administration of Engineering and Design Related Services Contracts](#)

7.3.2 State
- [ORS 279A – Public Contracting – General Provisions](#)
- [ORS 279C.115 Direct Contracts for services of consultants.](#)
- [OAR 137-048-0200 – Direct Appoint Procedure](#)

7.3.3 Local
Any additional requirements, restrictions or lower dollar thresholds set forth in Administrative Rules or policies adopted by the LPA, provided LPA requirements are not in conflict with federal or state requirements.

8. Roles and Responsibilities

8.1 Federal Highway Administration (FHWA)
FHWA has the authority and responsibility for implementing and monitoring federal laws, regulations and executive orders affecting highway transportation projects undertaken with federal funding. When a project involves FHWA funding, FHWA is involved according to these responsibilities, delegations of authority and FHWA's Stewardship agreement with ODOT. FHWA has final approval authority over LPA certification processes, procedures and program status.

8.2 Local Public Agency
The LPA must demonstrate its capability, experience and resources to develop and administer federal aid projects in accordance with all applicable federal and state laws, regulations and requirements. The LPA must have written procurement procedures, qualified staff with appropriate credentials, a responsible person in charge, accepted accounting principles in place and a Quality Assurance plan to monitor compliance.

8.3 ODOT Certification Program Manager (CPM)
ODOT is responsible to FHWA for administering successful implementation of federal-aid programs and projects. The CPM is responsible to establish and monitor the Program's policies, procedures, and manage the program. The CPM will evaluate the LPA's ability to successfully develop and administer federal-aid projects through established processes. The CPM ensures that processes are in place to monitor the LPA during the test project phase to ensure that all applicable federal and state laws, regulations and requirements are met before a LPA will be granted full certification. The CPM has oversight responsibilities to ensure ODOT and LPA meet ongoing compliance with federal and state laws, rules and requirements.

8.4 ODOT Certified Program Coordinator (CPC)
The ODOT CPC works closely with the CPM to coordinate activities between the LPA, CPM, LAL and the OPO. They are also responsible to perform initial eligibility application review, work with CPM on conditional certification, track the progress for DA certification and maintain program documents.

8.5 ODOT Local Agency Liaison (LAL)
The LAL will serve as the primary point of contact for guidance and contract invoice payments for the federal aid project.

8.6 ODOT Procurement Office (OPO)

ODOT's Procurement office will maintain the terms and conditions of contract templates for LPA's use and review the LPA's procurement process and procedures to ensure compliance with federal and state laws, rules and requirements. Representatives from OPO support the Certified Program as subject matter experts. SPU Certified Program Office will contact the OPO as required.
 It is preferred that, all requests for OPO assistance come through the ODOT Certified Program Office to ensure we have a consistent communication between all parties.

8.7 ODOT Regional Agreement Coordinator

The Regional Agreement Coordinator is responsible to work with the LAL and LPA on the Supplemental Agreement.

8.8 ODOT SPU Policy Analyst (SPA)

The SPU Policy Analyst is responsible to ensure the certification agreement templates are current and meet the Certification Program policy requirements. They work with the CPC and CPM to determine the type of agreement which is required to meet the current situation. The Analyst also provides technical support for the Region Agreement Coordinators and reviews all LPA Certification agreements prior to execution.

9.   Key ODOT Procedures and Links

Activity	Reference
Preparing a scope/statement of work	ODOT's Statement of Work Writing Guide http://www.oregon.gov/ODOT/CS/OPO/docs/sow/sowguideae.doc
Direct Appointment Procedures	Sections 3.1.1 and 3.1.2 of LPA A&E Requirements Guide http://www.oregon.gov/ODOT/CS/OPO/docs/aepage/lpaAErequirements.doc
Selecting A&E consultants from among ODOT's current full service A&E Price Agreements	Matrix of Primes & Subs for A&E Full-Service PA's http://www.oregon.gov/ODOT/CS/OPO/docs/fs/AEFSsubs.xls
Approved billing rates, internal cost estimate, determining method of compensation and negotiation of profit and cost for A&E contracting	LPA A&E Requirements Guide http://www.oregon.gov/ODOT/CS/OPO/docs/aepage/lpaAErequirements.doc
Monitoring the consultant's work and preparing a consultant's evaluation at project closeout	LPA A&E Requirements Guide http://www.oregon.gov/ODOT/CS/OPO/docs/aepage/lpaAErequirements.doc
Processing contract amendments	LPA A&E Requirements Guide http://www.oregon.gov/ODOT/CS/OPO/docs/aepage/lpaAErequirements.doc
Procurement files	LPA A&E Requirements Guide

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Activity	Reference
documentation requirements.	http://www.oregon.gov/ODOT/CS/OPO/docs/aepage/lpaAErequirements.doc
Procedure for Errors and Omissions	LPA Template for FHWA-Funded A&E Contracts http://www.oregon.gov/ODOT/CS/OPO/docs/aepage/PSKaeLPA.doc

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11. DA Certification Process Steps – ODOT Procedures Adopted
The CPM (CPM) and the CPM (CPC) are the primary contacts during the application and review process.

It is strongly recommended that the LPA adopt ODOT's procedures as indicated in the application. The LPA may request an exception to this process to use alternate procedures as described in this document. The evaluation process of LPA procedures can be complex, difficult to sustain, and involves additional time and oversight.

11.1   LPA Inquiry/DA Certification Process
LPA's interested in the Consultant Selection process will contact the SPU Certification Program Office for information. The CPC will send the LPA the Direct Appointment Application, Frequently Asked Questions, and the Consultant Selection Direct Appointment Guidance document.

11.2   Pre-Application Meeting
If after review of the application and the DA Guidance document the LPA is interested in pursuing DA certification they will contact the SPU Certification Program Office to request a Pre-Application Meeting.

The CPC will work with the CPM and the LPA to schedule a meeting.   OPO may choose to attend this meeting as well.

If, after the meeting, the LPA is still interested in DA certification they will submit an application.

11.3   Application/Review Process/Kick-Off Meeting
Once the LPA submits the application it is reviewed by the SPU Certification Program Office to ensure it meets the eligibility requirements. Upon successful review the LPA will receive an "Acceptance Letter" and be contacted to schedule a Kick-Off Meeting.

The purpose of the Kick-off Meeting is to review the process steps and answer any final questions the LPA may have regarding the DA certification process.

The application at the SPU Program Office or located online at:
http://www.oregon.gov/ODOT/HWY/LGS/Pages/Certification.aspx

Process Step	Responsibility
LPA completes the online application for Direct Appointment and emails application and organizational chart to the certification program mail box listed below: ODOTcertification@odot.state.or.us	LPA
CPC notifies LPA and CPM when application is received via email. The Regional Local Area Liaison (LAL) is copied on the correspondence.	CPC
• The Application is reviewed using the eligibility checklist. • LPA indicates they will adopt ODOT's written procedures, if not exception process applies and the LPA will be notified.	CPC
If, LPA meets DA minimum requirements: • Review eligibility results with CPM and request approval to move forward • Complete the certification program acceptance letter with Kick-Off Meeting date and send to LPA and LAL.	CPC

Process Step	Responsibility
If, LPA does not meet certification minimum requirements: • Review application with CPM and request approve to deny application • Complete the certification program denial letter with reason the LPA does not meet requirements and send to LPA and LAL.	CPM

11.4   Intergovernmental Agreements (IGA)

There are two types of Intergovernmental Agreements which are used for Certified LPAs:

- The Master Certification Agreement (MCA) – This agreement is the primary certification agreement.
- Supplemental Agreement (SA) – This agreement is written to govern a specific project under the Certification Program.

The MCA is the foundational agreement upon which all supplemental project agreements are based. The MCA will be updated with each new federal transportation act to reflect revisions to ODOT's Stewardship Agreement with FHWA or the AOC/LOC Agreement, and will include laws which are the basis for all federal-aid agreements.

The LPA will enter in to a MCA with ODOT for the certification program or their existing MCA may have to be amended. The agreement will outline the area(s) the LPA is perusing certification in and the roles and responsibilities of the LPA and ODOT during the process.

A supplemental project agreement between the LPA and ODOT is required for every funded project. Agreements must be executed before any phase of the project is funded with federal money.

When an LPA applies for certification in Consultant Selection – Direct Appoint they may already have an executed MA.   This agreement may have to be amended to add provide the LPA the ability to conduct test projects in this area.

11.4.1 Master Certification Agreement

Process Steps	Responsibility
Upon eligibility approval notification from the CPC, the SPU Policy Analyst (SPA) will work with the CPM to provide guidance on the next steps for the agreement depending on the LPAs current status with the Certification Program. **If the LPA does not currently have a MCA:** • MCA is required and must be in place and executed before LPA can proceed with the DA certification process and test project. **LPA already has a MCA with Consultant Selection – Direct Appointment language:** • No changes are required to the MCA and LPA may move to the next step in the process. **MCA does not contain Consultant Selection – Direct Appointment Language:** • Amendment is required to add language to the MCA. Amendment must be	CPC/SPA/CPM

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Process Steps	Responsibility
executed before LPA can proceed with Certification Process and Test project	
Certification Coordinator will notify Local Agency Liaison of the LPA's intent to begin certification process	CPC
SPA will advise the CPM, CPC, LAL, and LPA what type of MCA changes (if any) will be required. SPA will work with the LPA and ODOTs internal processes to either amend and existing MCA, or draft a new MCA, as appropriate.	CPM/LPA
SPA will notify the CPM, the LAL, and the LPA upon execution of the Master Certification Agreement.	SPA

11.4.2 Supplemental Agreement

Process Step	Responsibility
The LAL will notify via email the Region Agreement Coordinators to draft the Supplemental Agreement. A copy of this notification is also sent to the CPC. This notification occurs after the MCA process is completed in previous section and the Test Project has been selected.	LPA
The draft Supplemental Agreement is sent to the SPA and the CPC for review prior to it being sent to the LPA for signature.	Regional Agreement Coordinator

11.5   Test Project

The LPA works with the LAL to select an appropriate test project to be used for DA certification process.

The timeline for completion of the selected test project will take longer due to the fact that this project will undergo full oversight during the test phase of the certification process.

Additionally, if the LPA is not recommended for full certification at the OPO/Evaluation Meeting, the project will be delayed as corrective actions may be required and noted deficiencies corrected.

Process Step	Responsibility
LPA selects a test project and contacts the LAL for approval	LPA
A project meets the criteria as a test project. • If the project meets the criteria for the test project, the Test Project Acceptance Letter is sent to LPA • If the project does not meet the criteria for the test project, the Test Project Denial Letter is sent to LPA.	LAL/CPM
LAL will coordinate with Regional IGA coordinator and the SPU Policy Analyst (SPA) to begin the supplemental project agreement process for the test project.	LAL/Regional IGA Coordinator
Follow DA procedures in sections 3.1.1 and 3.1.2 of the LPA A&E Requirements Guide: or the LPA's alternate procedures approved by ODOT.	LPA/LAL

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Process Step	Responsibility
http://www.oregon.gov/ODOT/CS/OPO/docs/aepage/lpaAErequirements.doc	
Consultant Contract is not executed at this time. Execution of the contract cannot occur until the Notice of Approval is received after the Evaluation Meeting.	LPA
Upon selection of the consultant, the LPA sends the SPU Program Office notice the consultant has been selected: ODOTcertification@odot.state.or.us	LPA
The SPU Program Office sends the LPA the OPO Presentation/Evaluation Checklist and schedules the meeting with the LPA/OPO and CPM.	CPM/CPC/OPO/LPA

11.6   LPA Presentation/Evaluation Meeting

Process Steps	Responsibility
LPA should review Section 4 of LPA A&E Requirements Guide and section 7 of this guide to ensure required documentation and process requirements have been met prior to the LPA Presentation/Evaluation Meeting. http://www.oregon.gov/ODOT/CS/OPO/docs/aepage/lpaAErequirements.doc	LPA

LPA Presentation/Evaluation Meeting: LPA's process and documentation for the test project are reviewed and evaluated.
 	
LPA will be expected to bring the following project documents to the meeting in order to demonstrate compliancy with ODOT's procurement requirements:
• Scope of Work/Statement of Work
• Direct Appointment Selection Form
• Internal Cost Estimates Breakdown
• Record of Negotiation and Cost Analysis
• Contract
 	
 The following outcomes are possible:
• If compliant with the federal aid project requirements, Full Certification is recommended.
 	
• If the LPA's documents and processes are not compliant with the federal aid project requirements, a corrective action form will be completed detailing the minor deficiencies will be issued to the LPA.
   o LPA has 30 days to respond to ODOT on how they will correct the deficiency.
   o ODOT will accept or reject the LPA's corrective action plan.
       ▪ If rejected the LPA will receive a notice of denial and
	LAL/CPM/OPO SME's/CPC

alternate arrangements will need to be made for the project to move forward. • If the LPA's documents and processes contain major deficiencies, the LPA will receive a notice of denial and alternate arrangements will need to be made for the project to move forward.	
OPO will send a Notice of Approval to the LPA to begin the test certification project	OPO
LPA will complete the test project	LPA

11.7   Project Closeout and Full Certification

Task	Responsibility
Upon test project completion the LPA is to send the CPC the following information: • A copy of all amendments to the consultant contract • Complete consultant evaluation form • Any project close-out information specifically related to the contract. This paperwork is due thirty days after project completion as reflected on the Project monthly report. The required documentation is to be sent to: ODOTcertification@odot.state.or.us	LPA
Upon receipt of the final project close-out documentation the CPC will review and forward the information via email to the LAL for review and completion of "Feedback Form" regarding the project.	CPC
Upon successful review of the DA portion of the project, the CPC will review the information and seek authorization to issue the "Fully Certified" certificate. If the LPA's process and documentation is not in compliance with applicable requirements, a second test project will be required. A letter which indicates the areas of non-compliance is sent to the LPA with a copy to the LAL.	CPC/CPM
ODOT's LPA records are updated and supporting documentation is filed	CPC

12. LPA Direct Appoint – Using LPA Written Procedures

The SPU Certification Program Office is not currently staffed to evaluate or conduct quality compliance audits on multiple versions of LPA's DA documentation and procedures.

In order for an LPA to use their DA procedures they must effectively demonstrate that their agencies procedures are fully compliant with the federal requirements and OAR 137.048 and contain all of the documentation processes as required by ODOT written procedures as stated in the application.

Agencies must also provide with their application the following:
• Three examples of completed projects which utilized the Direct Appointment Process
• A copy of procedures and processes which clearly demonstrate compliance with federal aid project requirements

- Provide ODOT with their consultant selection list and qualifications or; indicate they will be using ODOT's full-service on call Price Agreement list

The procedure documentation the LPA provides to ODOT must clearly identify by highlighting each component of federal provisions and ODOT written procedure.

The Active Transportation Manager and the Certified Program Manager must approve all exceptions. The exception approval/denial process may take 3 to 4 months as the documents must be reviewed by OPO and the ODOT Program Office.

12.1   Exception Process

Process Step	Responsibility

If LPA requests an exception waiver in writing to the CPM to use alternative procedures:
• CPM contacts the LPA and determines if the LPA initially qualified to use alternative process.
• LPA submits application and all of their supporting documentation as shown above.
• Certification Coordinator reviews the package for completeness and then forwards the package to OPO for review.
• Approval process:
   o LPA is granted a waiver exception and moves forward to the next step in the process
   o LPA is not granted a waiver and written denial is sent to LPA by CPM.
	CPM/CPC/OPO

OPO reviews and determines if the alternate procedures meet requirements and notifies LPA and the ODOT Program Office. If OPO determines the alternate procedures do not meet the requirements a denial letter is sent to the LPA. The CPC copies the LAL on all correspondence during the exception process.	OPO/CPC

13. Consultant Selection

Except for the specialty disciplines listed below, the LPA's will select consultants from the list of approved primes and subcontractors under the current ODOT full-service on call Price Agreements. If the LPA chooses to use a consultant not on the current ODOT list they must demonstrate that the consultant is qualified to perform the work. All exceptions must be reviewed by the CPM with input from the LAL.

In addition, tasks for the following disciplines require specific pre-qualifications. Lists of certified firms for each discipline are linked below.
- Biology (Consultant Qualification For Providing ESA Documentation)
- Archeology/Cultural
- Qualified Construction Inspectors

 ** Right of Way Services – contact Region Right of Way Manager**

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14. Post Certification
Once the LPA is fully certified in Consultant Selection – Direct Appointment, they will manage the process will minimal oversight from the ODOT Certification Program Office.

14.1   LPA Responsibilities
It is important that the LPA continues to meet the minimum requirements for DA certification. The following list contains some of their key responsibilities:

- Staff must keep current on their training to ensure they are aware of any changes in the laws or processes.
- Notify ODOT of staff changes
- Ensure their documentation is current
- Maintain accurate project records
- Provide ODOT documentation as requested for Quality Assurance Audits

14.2   SPU Certification Program Office Communication
The SPU Certification Program Office sends out program bulletins regarding any changes in laws or the Direct Appointment process.   It is incumbent upon the LPA to be informed through their own processes on any changes to the laws.

15. Quality Control
Certification Program policy required ODOT to conduct quality audits to ensure that LPAs Direct Appointment processes, documentation, and resources are current and compliant with FHWA regulations and requirements. Additionally, a recently completed project may be audited for compliance.

15.1   Annual Compliance Request
Annually, the SPU Certification Program Office will send the LPA an "Annual Compliance Request Form". The form will request information such as:
- Request updated organizational chart
- Updated training list (training must be completed every three years)
- List of project they utilized the DA process

15.2   Direct Appointment Audit
Every two years a complete audit of the LPA's process, documentation and a sampling of completed projects will be conducted.

For additional information refer to Quality Control Guidance (under development)

16. Consultant Selection Oversight Team
ODOT is committed to dealing with issues and concerns with the current Direct Appointment process. A Consultant Selection Oversight Team is in place to efficiently and effectively deal with any process or policy issues. This team includes the ODOT CPM, ODOT, CPC, and representatives from OPO.