



OREGON DEPT OF TRANSPORTATION

Consultant Selection – Technical Program Guidance for Certification in Formal and Informal Selection of A&E and Related Services

Statewide Program Unit - Certification Program

8/17/2015

Consultant Selection – Technical Program Guidance for Certification in Formal and Informal Selection of A&E and Related Services

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1. Document Revision History

This document was originally issued on 8/17/15. Changes to this document must be approved by the Certified Program Manager, an OPO representative, and the ODOT Section Manager. The following revisions have been approved and issued:

Revision Date	Revision Details (only the last ten revisions are retained)
04/25/2016	Updated Informal Selection: 3 qualified firms

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2. Document Acronyms

Acronym	Meaning
CLPA	Certified Public Agency
CPC	Certification Program Coordinator
CPM	Certification Program Manager
CPO	Certification Program Office
FHWA	Federal Highway Administration
LAG	Local Agency Guidelines
LAL	Local Agency Liaison

3. 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 and to deliver projects in a cost effective, timely manner through the collaboration of ODOT, FHWA and LPA as partners.

4. Formal/Informal Selection 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. LPAs certified by ODOT for Formal Selection of A&E and Related Services may conduct procurements without any dollar limitation provided the LPA follows the approved written procedures, uses the approved templates and forms, and has qualified staff. LPAs certified by ODOT for Informal Selection of A&E Related Services may conduct procurements up to \$150,000.00 or the LPA's threshold amount, whichever is lower, provided the LPA follows the approved written procedures, uses the approved templates and forms, and has qualified staff.

4.1 Frequently Ask Questions (FAQs)

FAQs are available at the ODOT Program Office.

4.2 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 thresholds. The LPA is required to identify their dollar threshold in the application.

5. Becoming Certified

When the LPA chooses to pursue certification for Formal and/or Informal 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 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.

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When the LPA completes the procurement portion of the required test project(s) and successfully passes the OPO presentation evaluation and the final contract administration evaluation, the LPA will be fully certified in the area of Formal and or Informal consultant selection for a federal aid project. Once a LPA has been fully certified in this area, the Master Certification Agreement is amended to reflect full certification in Formal and /or Informal Selection for A&E and Related Services.

5.1 Formal/Informal Certification Process Steps

The basic process steps for an LPA to become fully certified in Formal and/or Informal Selection of A&E and Related Services:

Phase 1

- LPA contacts the ODOT Certification Program Office (CPO) regarding the Formal and/or Informal Selection Certification process
- ODOT CPO sends LPA Formal and/or Informal Selection application, and Consultant Selection-Formal/Informal 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 ODOT Certification Program Office
- ODOT CPO reviews application for eligibility
- If eligible, Conditional Certification is granted to the LPA
- A Process Kick-off Meeting is held with the CPM, CPC 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 required paperwork and sends it to the ODOT Certification Program Office; Consultant Contract is not executed at this time
- ODOT CPO – conduct initial review of paperwork
- Request for Proposal (RFP), Statement of Work (SOW) and sample contract is submitted to CPC prior to advertisement. The CPC will coordinate the review process with OPO.
- Test project review of the RFP, SOW and sample contract prior to award is reviewed by OPO and LPA is given approval to advertise RFP for formal solicitation or send RFP and sample contract to no fewer than 3 consultants for Informal selection.
- A Presentation/Evaluation Meeting is not required for the Informal Selection Process.
- Upon completion of the Formal Selection process, a Presentation/Evaluation Meeting is held with the LPA and OPO to evaluate compliance with applicable requirements
- If the required test project(s) are successfully completed, LPA is recommended by OPO for Full Certification.

Phase 2

- Test project(s) is completed and a Post Project Review is conducted (includes contract administration, amendments, invoices, consultant evaluation and closeout)
- LPA is issued a Certificate of Full Certification in Formal and/or Informal Selection and IGA is amended to allow LPA to administrator Formal and/or Informal Selection consultant contracts

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

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5.2 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 General Requirements for Formal/Informal Selection

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 – Formal and /or Informal after meeting the initial eligibility requirements stated in the Consultant Selection 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 Consultant Selection, the LPA may receive a Corrective Action Notice from ODOT, which requires a plan to correct deficiencies in process, procedures or documentation.

6.4 ODOT 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 ODOT Policy Analyst work out of this office.

6.5 Recommendation for Certification

The LPA may be “Recommended for Full Certification” after the Presentation/Evaluation Meeting with ODOT Procurement Office (OPO).

6.6 Notice of Approval

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

6.7 Full Formal/Informal Certification

The LPA will become “Fully Certified” in Formal and/or Informal Consultant Selection – after successful completion of the Formal and /or Informal Selection requirements of the project(s), a Recommendation for Full 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 - Formal and Informal

This document sets forth the minimum requirements for an LPA to be certified in Formal or Informal Selection 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, follow approved procedures, have qualified staff and use ODOT RFP and contract templates for federally funded A&E procurements.

8. General Requirements for Formal/Informal Selection

Formal Selection Requirements	Informal Selection Requirements
<p>Dollar Threshold - Contracts for A&E and Design Related Services that will exceed \$150,000.00 (including as amended) must be publicly advertised and awarded using Formal Qualifications Based Selection Procedures.</p> <p>Selection Procedures may also be used for contracts under \$150,000.00 at LPA’s discretion, especially if the anticipated contract amount is close to the above dollar threshold or may exceed if amendments become necessary.</p>	<p>Dollar Threshold - Contracts for A&E and Design Related Services that do not exceed \$150,000.00 (including as amended) do not require public advertising, however LPA should distribute the RFP and sample contract to no less than 3 qualified firms to preform services.</p> <p>Selection Procedures may also be used for contracts under \$100,000.00 at LPA’s discretion, especially if the anticipated contract amount is close to the above dollar threshold or may exceed if amendments become necessary.</p>
<p>Qualifications Based Selection (QBS) – All solicitations for A&E and Design Related Services that are directly related to a construction project or that require performance or oversight by an engineer or architect must use QBS procedures and as per the Brooks act and may not consider costs until after selection of the most qualified firm.</p>	
<p>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).</p>	
<p>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).</p>	
<p>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.</p>	
<p>Approved RFP and Contract templates- LPA must use the most current approved ODOT RFP and contract templates which include all Federal, State and ODOT required provisions. Both documents include areas that LPAs may insert provisions specific to the LPA, provided they are not in conflict with</p>	

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Formal Selection Requirements	Informal Selection Requirements
federal requirements. The current DOJ-approved contract template is available.	
Legal Review – Contracts or contract amendments that will exceed \$150,000.00 (or lower threshold required by the LPA) must be reviewed for legal sufficiency by the LPA’s legal counsel.	Legal Review –Legal review is not required for contracts or amendments if under \$150,000.00, unless LPA has a lower threshold for legal sufficiency by legal counsel.
Procurement Files - Documentation for the procurement, negotiation and contract administration must be in conformance with section 4 of the A&E Requirements Guide for LPAs or LPA procedure approved by ODOT.	
<p>LPA Staff Knowledge, Skills and Experience – The Formal and Informal solicitation and contract award must be prepared and processed by an individual employed by the LPA that meets the following:</p> <ul style="list-style-type: none"> a) Minimum of 3 years in public procurement that includes experience processing formal or informal RFP’s and personal service contracts. b) Attend ODOT/DAS Statement of Work for Personal Services class (or equivalent in last 3 years. c) Attend ODOT Negotiation training (equivalent) in last 3 years. d) Attend ODOT/DAS Contract Administration of Personal Services class (or equivalent) in last three years. <p>Current certification in public procurement (I.e., CPPB, CPPO, and OPBC from NIGP, NASPO or (DAS) Oregon Department of Administrative Services) will substitute for items b thru d above.</p>	
Evaluation process with a minimum of 3 member evaluation team	Review and Rank proposals according to criteria set forth in the RFP and select the three highest ranked Proposers
Must provide public notice/advertisement using a forum or method that assures qualified in-State and out-of-State consultants are given a fair opportunity to be considered for award of the contract. The RFP must provide two protest periods: solicitation period and award period	Must request proposals from not fewer than 5 qualified firms and have a protest period. The RFP must provide two protest periods: solicitation period and award period.
DBE Requirements — must request DBE goal assignment (from ODOT’s Office of Civil Rights) prior to RFP release if contract will be over \$100,000.00	
Scope & Fee and Pre-negotiation - The effort that goes into preparing the internal cost estimate, cost analysis, pre-negotiation plan, record of negotiations and negotiating costs should be directly related to the dollar value, importance, and complexity of the contract, work order contract (WOC) or amendment.	
Test Projects - Two to four test projects	Test Projects - One to two projects

The above training or public procurement certification must be in completed before the LPA can begin a second test project in the Formal or Informal Selection Process.

8.1 Required Written Procedures

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23CFR.172.9 (a) requires written procedures "for each method of procurement". LPAs may follow ODOT's written procedures (see section 9 below), or may prepare their own written procedures (that comply with FHWA requirements and ODOT guidance) for approval by ODOT. For Formal and/ or Informal selection, the required written procedures must include the following:

- Preparing a scope of work and evaluation factors for selecting a consultant;
- DBE goals and documentation process;
- Public advertisement, evaluation of proposals and the ranking/selection of a consultant;
- Preparing an internal estimate breakdown and 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.

8.2 Applicable Laws, Guidance and Policies

Selections 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 [LPA A&E Requirements Guide](#). 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:

8.2.1 Federal Laws

- [23 CFR 172 - Administration of Engineering and Design Related Service Contracts](#)
- [2 CFR 200](#)
- [2 CFR 1201](#)
- [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](#)

8.2.2 State

- [ORS 279A Public Contracting – General Provisions](#)
- [ORS 279C.110](#) Selection procedure for consultants.
- [ORS 279C.120](#) Selection procedure for A&E "related services"
- [OAR 137-048](#) DOJ Model Rules for A&E and Related Services (or LPA's equivalent)

8.2.3 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.

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9. Roles and Responsibilities

9.1 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.

9.2 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, Title VI plan, qualified staff with appropriate credentials, a responsible person in charge, accepted accounting principles in place and a Quality Assurance plan to monitor compliance.

9.3 ODOT Certification Program Manager (CPM)

ODOT is responsible to FHWA for administering successful implementation of federal-aid programs and projects. The CPM is responsible for establishing and monitoring the Program's policies, procedures, and management of 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.

9.4 ODOT Certified Program Coordinator (CPC)

The ODOT CPC works closely with the CPM to coordinate activities between the LPA, CPM, LAL and OPO. They are also responsible to perform initial eligibility application review, work with CPM on conditional certification, track the progress for Formal and/or Informal certification test projects and maintain program documents.

9.5 ODOT Local Agency Liaison (LAL)

The LAL will serve as the primary point of contact for project guidance and contract invoice payments for the federal aid project.

9.6 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 processes and procedures to ensure compliance with federal and state laws, rules and requirements. Representatives from OPO support the Certified Program as subject matter experts. ODOT 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.

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9.7 ODOT Regional Agreement Coordinator

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

10. 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
Formal Selection Procedures	Sections 3.2.2 of LPA A&E Requirements Guide http://www.oregon.gov/ODOT/CS/OPO/docs/aepage/lpaARequirements.doc
Informal Selection Procedures	Sections 3.2.1 of LPA A&E Requirements Guide http://www.oregon.gov/ODOT/CS/OPO/docs/aepage/lpaARequirements.doc
Selecting A&E consultants from among ODOT's current full service A&E Price Agreements (<i>for Informal</i>)	Matrix of Primes & Subs for A&E Full-Service PA's http://www.oregon.gov/ODOT/CS/OPO/docs/fs/AEFSubs.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/lpaARequirements.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/lpaARequirements.doc
Processing contract amendments	LPA A&E Requirements Guide http://www.oregon.gov/ODOT/CS/OPO/docs/aepage/lpaARequirements.doc
Procurement files documentation requirements.	LPA A&E Requirements Guide http://www.oregon.gov/ODOT/CS/OPO/docs/aepage/lpaARequirements.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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12. Formal /Informal Selection Certification Process Steps – ODOT Procedures Adopted

The CPM (CPM) and the CPC (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 for use of alternate procedures as described in this document. The evaluation process of LPA alternate procedures can be complex, difficult to sustain, and involves additional time and oversight.

12.1 LPA Inquiry/Formal/Informal Certification Process

LPA’s interested in the Formal /Informal Consultant Selection process will contact the ODOT Certification Program Office for information. The CPC will send the LPA the Formal or Informal Selection Application, Frequently Asked Questions, and the Formal/Informal Consultant Selection Guidance document.

12.2 Pre-Application Meeting

If after review of the application and the Formal/Informal Selection Guidance document the LPA is interested in pursuing Formal Consultant Selection certification they will contact the ODOT Certification Program Office to request a Pre-Application Meeting.

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

If, after the meeting, the LPA is still interested in Formal or Informal Selection certification they will submit an application.

12.3 Application/Review Process/Kick-Off Meeting

Once the LPA submits the application it is reviewed by the ODOT Certification Program Office and OPO to ensure it meets the eligibility requirements. Upon successful review the LPA will receive a “Conditional Acceptance Letter” and will be contacted to schedule a Kick-Off Meeting. The Kick-Off Meeting is required for all Formal certifications and optional on Informal certifications.

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

The application at the ODOT 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 Formal or Informal Selection 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 ODOT LAL is	CPC

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Process Step	Responsibility
copied on the correspondence.	
<ul style="list-style-type: none"> 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 Formal /Informal Selection minimum requirements: <ul style="list-style-type: none"> 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
If LPA does not meet certification minimum requirements: <ul style="list-style-type: none"> 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

12.4 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. Agreements must be executed before any phase of the project is funded with federal money.

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.

Refer to the LAG for further information regarding program agreements

12.4.1 Master Certification Agreement

Process Steps	Responsibility
Upon eligibility approval notification from the CPC, the CPC will work with the Policy Analyst (PA) and the CPM to provide guidance on the next steps for the agreement depending on the LPAs current status with the Certification Program.	CPC/PA/CPM
If the LPA does not currently have a MCA: <ul style="list-style-type: none"> MCA is required and must be in place and executed before LPA can proceed with the Formal and/or Informal selection certification process and test project(s). 	
LPA already has a MCA with Consultant Selection – Formal/Informal language: <ul style="list-style-type: none"> No changes are required to the MCA and LPA may move to the next step in 	

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Process Steps	Responsibility
the process. MCA does not contain Consultant Selection – Formal Language: <ul style="list-style-type: none"> • Amendment is required to add language to the MCA. Amendment must be executed before LPA can proceed with Certification Process and begin Test project 	
CPC will notify LAL of the LPA's intent to begin the consultant selection certification process.	CPC
CPC will advise the CPM, PA, LAL, and LPA what type of MCA changes (if any) will be required. PA will work with the LPA and ODOTs internal processes to either amend an existing MCA, or draft a new MCA, as appropriate.	CPM/LPA
PA will notify the CPM, the LAL, and the LPA upon execution of the Master Certification Agreement.	PA

12.4.2 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 and the Test Project has been selected.	LAL
The draft Supplemental Agreement is sent to the PA and the CPC for review prior to sending to the LPA for review and signature.	Regional Agreement Coordinator

12.5 Test Project

The LPA works with the LAL to select an appropriate test project to be used for Formal and/or Informal certification process. If Agency chooses to hire a consultant to design a bridge but is not pursuing certification in bridge design see additional process information below.****

The timeline for completion of the selected test project may 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 after the OPO/Evaluation Meeting, the project could be delayed as a corrective actions plan may be required and noted deficiencies corrected.

Process Step	Responsibility
LPA selects a test project and contacts the LAL for approval	LPA

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Process Step	Responsibility
<p>The project meets the criteria as a test project.</p> <ul style="list-style-type: none"> • 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 ODOT Policy Analyst (PA) to begin the supplemental project agreement process for the test project.	LAL/Regional IGA Coordinator
Prepare scope of work and procurement documents. Follow Formal or Informal procedures in sections set forth or incorporated in sections 3.2.2, 3.2.1 of the LPA A&E Requirements for LPA's, or the LPA's alternate procedures approved by ODOT. http://www.oregon.gov/ODOT/CS/OPO/docs/aepage/lpaARequirements.doc	LPA/LAL
<p>Submit the following for review prior to release of the RFP:</p> <ul style="list-style-type: none"> • Formal and Informal: RFP with evaluation criteria, project description and scope of work. If a detailed SOW is not available for the RFP include, at minimum, a list of the tasks/disciplines and deliverables needed from the selected consultant. • Formal: Final draft of language for public notice/advertisement and information of where advertisement/notice will be placed. • Informal: List of 3 prospective consultants identified from the "ODOT Consultant Lists for LPA's. 	LPA/OPO
<p>Following review and approval by OPO</p> <ul style="list-style-type: none"> • <i>Formal:</i> Advertise RFP, conduct evaluation with conformance of procedures set forth or incorporated in section 3.2.2 of the A&E Requirements Guide for LPA's, or the LPA's alternative procedures approved by ODOT. • <i>Informal:</i> Informal solicitations do not require public advertising; however, an RFP is required. Proposals and optional interviews/discussions are sought from no fewer than 3 qualified firms and as described in section 3.2.1 of the A&E Requirements Guide for LPAs. Notice of Approval will be given after OPO review and evaluation. 	LPA
<p>Consultant Contract is not executed at this time. Execution of the contract cannot occur until the Notice of Approval is received after the Presentation/Evaluation Meeting described in section 12.6.</p>	
<p>Upon Formal selection of the consultant, the LPA sends the ODOT Program Office notice the consultant has been selected:</p> <p>ODOTcertification@odot.state.or.us</p>	LPA

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Process Step	Responsibility
The ODOT Program Office sends the LPA the OPO Presentation/Evaluation Checklist and schedules the meeting with the LPA and OPO.	CPC/OPO/LPA

12.5.1 Bridge Design

Process Step	Responsibility
LPA choses a test project to hire a consultant to design a bridge.	
<p>The project meets the criteria as a test project.</p> <ul style="list-style-type: none"> 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. 	
<p>If the LPA does not have qualified staff to oversee the negotiation of the contract and administration of the consultant an owner’s representative is required.</p> <p>Owner’s Representative is a consultant hired by the local agency to represent the owner in the delivery of a project containing a bridge(s) and/or other transportation related structure(s). Consultant must be qualified to perform the following duties:</p> <ul style="list-style-type: none"> Bridge Designer - responsible for the development of design calculations, drawings, specifications, and contract documents, and review of shop drawings related to a specific bridge design. Bridge Design Checker - responsible for performing a full technical check of the structural design calculations, drawings, specifications and contract documents. Bridge Design Reviewer - reviewing work and deliverables to ensure that work is progressing in a manner to meet project schedule and budget requirements. <p>The Owner’s Representative may be selected through Direct Appointment, Informal or Formal solicitation methods</p>	
<p>LPA hires a consultant to act as an Owner’s Representative in contract negotiation and/or administration of bridge design contract</p> <p style="text-align: center;">Or</p> <p>LPA contracts with a local agency certified in bridge design to act as an Owner’s Representative in contract negotiation and/or administration for the bridge design contract</p>	

12.6 LPA Presentation/Evaluation Meeting

Process Steps	Responsibility

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<p>LPA should review Section 4 of LPA A&E Requirements Guide and section 8 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/lpaARequirements.doc</p>	LPA
<p>LPA Presentation/Evaluation Meeting: LPA’s process and documentation for the test project are reviewed and evaluated.</p> <p>LPA will be expected to bring the following project documents to the meeting in order to demonstrate compliancy with ODOT’s procurement requirements:</p> <ul style="list-style-type: none"> • Scope of Work/Statement of Work • Public Advertisement, • Documentation of DBE Goal request and assignment • Evaluator score/comment sheets, score matrix • Copy of intent to award and not selected notices • Any award protests and responses (involve ODOT) • Internal Cost Estimates Breakdown • Record of Negotiation and Cost Analysis • Contract <p>The following outcomes are possible:</p> <ul style="list-style-type: none"> • If compliant with applicable state and federal requirements, Full Certification is recommended. • If the LPA’s documents and processes are not compliant with applicable state and federal requirements, a corrective action form will be completed detailing the minor deficiencies will be issued to the LPA. <ul style="list-style-type: none"> ○ LPA has 30 days to respond to ODOT on how they will correct the deficiency. ○ ODOT will accept or reject the LPA’s corrective action plan. <ul style="list-style-type: none"> ▪ If rejected the LPA will receive a notice of denial and 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. 	LAL/CPM/OPO SME’s/CPC
<p>OPO will send Recommendation for Full certification to CPM. A written Notice of Approval letter to award the contract will be send by the CPM to begin the test certification project.</p>	OPO/CPM
<p>LPA will complete the test project</p>	LPA

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12.7 Project Closeout and Full Certification

Task	Responsibility
<p>Upon test project completion the LPA is to send the CPC the following information:</p> <ul style="list-style-type: none"> • Contract closeout request form • A copy of all amendments to the consultant contract • Complete consultant evaluation form • Any project close-out information specifically related to the contract. <p>This paperwork is due thirty days after project completion as reflected on the Project monthly report. The required documentation is to be sent to:</p> <p style="text-align: center;">ODOTcertification@odot.state.or.us</p>	LPA
<p>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 to complete the Certification contract completion evaluation form for the contract. LAL will recommend full certification if the LPA has successfully administrated the contract and paid all invoices.</p>	CPC
<p>Upon successful review of the completion of the contract, OPO, LAL’s, CPM and Region Manager’s approval the CPC will be awarded full certification in Consultant Selection.</p> <p>If the LPA’s processes and documentation is not in compliance with applicable requirements, a second test project will be required. A letter donut corrective action plan which indicates the areas of non-compliance will be sent to the LPA with a copy to the LAL.</p>	CPC/CPM
<p>ODOT’s LPA records are updated and supporting documentation is filed</p>	CPC

13. LPA Formal Selection– Using LPA Written Procedures

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

In order for an LPA to use their own Formal or Informal Selection 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 Formal Process
- A copy of procedures and processes which clearly demonstrate compliance with the above referenced 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

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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.

13.1 Exception Process

Process Step	Responsibility
<p>If LPA requests an exception waiver in writing from the CPM to use alternative procedures:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> ○ LPA is granted a waiver exception and moves forward to the next step in the process ○ LPA is not granted a waiver and written denial is sent to LPA by CPM. 	CPM/CPC/OPO
<p>OPO reviews and determines if the alternate procedures meet requirements and notifies LPA and the ODOT Program Office.</p> <p>If OPO determines the alternate procedures do not meet the requirements a denial letter is sent to the LPA.</p> <p>The CPC copies the LAL on all correspondence during the exception process.</p>	OPO/CPC

14. Consultant Selection

In conformance with FHWA and State requirements, formal solicitations must be publicly advertised with full and open competition in conformance with applicable requirements set forth or incorporated in the A&E Requirements Guide for LPAs.

In addition, solicitations that include disciplines listed below must state in the minimum requirements sections that proposer (or subcontractor on proposer’s team) must be certified by ODOT to preform those services. Lists of currently certified firms are at the following links.

- [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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15. Post Certification

Once the LPA is fully certified in Formal and or Informal Consultant Selection they will manage the process with minimal oversight from the ODOT Certification Program Office, Procurement office and Region staff.

15.1 LPA Responsibilities

It is important that the LPA continues to meet the minimum requirements for 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 documentation to ODOT as requested for Quality Assurance Audits

15.2 ODOT Certification Program Office Communication

The ODOT Certification Program Office sends out program bulletins regarding changes in law, templates, forms or processes. It is incumbent upon the LPA to be informed through their own processes on any changes to the laws.

16. Quality Control

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

16.1 Annual Compliance Request

Annually, the ODOT 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 projects utilized the Formal or Informal Selection process
- Type of consultant project

16.2 Biennial Audits

Every two years a complete audit of the LPA’s process, documentation and a sampling of completed projects will be conducted. As part of a quality assurance plan, a compliance review will be completed within two years after the certification of an agency to assess the role and effectiveness of LPA-administered federal aid projects. The compliance review objectives are to assess the extent of LPA compliance with ODOT’s Master Agreement, and adherence to state and federal requirements in the procurement of consultants under the Local Agency Certification Program.

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

17. Consultant Selection Oversight Team

ODOT is committed to dealing with issues and concerns with the current Consultant Selection procurement 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.