**Full-Service A&E WOC User-Guide for LPA Projects (2022-2027)**

Resulting from RFP 73000-00002899 (34537)

**Two-Tier Forms and Procedures for LPAs and APM/LALs**

This document is a guide using Tier A and Tier B Full-Service A&E, Land Surveying and Related Professional Services price agreements (PAs) for Two-Tier Local Public Agency (LPA) full-service design projects where ODOT procures the necessary Full-Services on behalf of the LPAs, pursuant to Oregon Revised Statute (ORS) 279C.125, and Oregon Administrative Rule (OAR) 731-148-0260.

* **Forms and documents referenced in this guide are available at:**
  + <http://www.oregon.gov/ODOT/Business/Procurement/Pages/FS.aspx>
* A checklist of required forms and documentation is available as Attachment A to this guide.
* Many documents and forms referenced in this document are on internal ODOT websites and hyperlinks will not work for LPA staff. Documents will be provided by ODOT to LPA as needed.

**Definitions**

* “A&E” means Architectural and Engineering Services
* “APM” means the ODOT employee serving as “Agency’s Project Manager” for outsourced design and/or construction projects. APM is used generically to refer to Local Agency Liaisons (LALs), Consultant Project Managers (CPMs), or any other title acting as the WOC Administrator.
* “BOC” means breakdown of cost
* “CA/CEI” means Construction Contract Administration and Construction Engineering and Inspection Services
* “CE” means Construction Engineering
* “Design Acceptance Phase (DAP) to PS&E Project” means the consultant delivers the project from DAP to final PS&E. Under this project type the Agency delivers the project elements through DAP.
* “DBE” means Disadvantaged Business Enterprise
* “EA” mean ODOT expenditure accounts established with budgets
* “ER” means emergency relief
* “Full-Service” means the ability to deliver a multi-discipline transportation-related project from project initiation to final PS&E delivery up to bid (Preliminary Engineering Phase) and Consultant is solely responsible for delivery of the final project package.  The Agency reserves the right to maintain certain disciplines in-house that will contribute to the delivery of the final project package.
* “LPA” means local public agency
* “Multi-discipline” means two (2) or more disciplines
* “NTP” means Notice to proceed
* “OAR” means Oregon Administrative Rules
* “OCR” means ODOT Office of Civil Rights
* “OPO” means ODOT Procurement Office
* “ORS” means Oregon Revised Statutes
* “Overlap Range” means both Tier A PA and Tier B PA Consultants are eligible to compete for WOCs/Project $750,000-$1.5 million.
* “PA” means Price Agreement
* “PCS” means ODOT Procurement & Contract Specialist
* “PE” means Preliminary Engineering
* “PNP” means Pre-Negotiation Plan
* “PSK” means Personal Services Contract
* “PS&E” means Plans, Specifications and Estimates
* “QBS” means Qualifications-Based Selection
* “RON” means Record of Negotiation
* “SCM” means Selection Committee Members
* “Shelf Project” (delayed delivery) means a project that may not have construction funding at the time of consultant selection. Consultant designs project to an interim project milestone and then the project pauses until the construction funds are secured at which time the consultant may complete the final PS&E package. Need to add phased language into the Mini-Solicitation and subsequent WOC if applicable.
* “STIP” means Statewide Transportation Improvement Program
* “SOW” means Statement of Work
* “SSOW” means Standardized Statement of Work
* “Tier A” means PAs for WOCs (including as may be amended) $250,000 - $1.5 Million
* “Tier B” means PAs for WOCs (including as may be amended) $750,000 and above

“Work Order Contract” or “WOC” means the contract formed between Consultant and Agency by an executed work order. The executed WOC includes the SOW for a specific project, method of compensation, not-to-exceed dollar amount, and incorporates required and applicable provisions of the PA. A sample WOC form (as may be revised from time to time by Agency) is available at the following link: <https://ordot.sharepoint.com/:w:/r/teams/OPOStaff/Forms_AE/WOC.docm?d=w3dc9ca84ba734d4b9f25335a3b4124be&csf=1&web=1&e=0zuk6Y>

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**\*\*\*DAP to PS&E Projects and Shelf Projects are delivered by the consultant through PS&E and are therefore consistent with the definition of a Full-Service Project.\*\*\***

# A. Mini-Solicitation

**Overview**

Local public agency (LPA) identifies project from STIP**.** Agency’s Project Manager (APM) collaborates with LPAs and OPO as necessary to prepare scope of work, Mini-Solicitation documents and internal estimate for A&E consultant services.

**Option 1: If local agency will be making the final selection of the consultant:** PCS conducts Mini-Solicitation and forwards proposals to LPA and other LPA evaluators. LPA evaluation committee performs evaluation and scoring of proposals. PCS leads LPA through the selection process. APM and LPA prepare internal estimate and negotiate costs with selected consultant. PCS prepares WOC and routes for review or signatures and contract execution. Upon contract execution, APM issues NTP.

**Option 2: If local agency will be adopting an alternative process for Tier Two:** LPA’s final selection and assignment process will be identified in the mini-solicitation and may include adopting an alternative process as identified in OAR 731-148-0260, such as selecting the highest-ranked firm identified by ODOT in the mini solicitation, or such other process the LPA chooses for that WOC assignment. The alternative process must be described in the mini solicitation document.

*One example, if LPA decides they would like to go with the highest-ranked firm identified by ODOT:* PCS conducts Mini-Solicitation through OregonBuys and forwards proposals to APM and other evaluators. Evaluation committee performs evaluation and scoring of proposals and LPA concurs with ODOT’s selection. APM and LPA prepare internal estimate and negotiate costs with selected consultant. PCS prepares WOC and routes for review or signatures and contract execution. Upon contract execution, APM issues NTP.

**Mini-Solicitation Steps**

* 1. **Identify Project** **(LPA).** The project must be approved and included in the STIP (except Emergency Relief {ER} projects). ODOT will assess each project and, in its sole discretion, will determine if the project is to be assigned under the PA. A project EA must also be established.
  2. **Identify PA Tier (APM/PCS).** The scopes of services and estimated PE contract value determine the applicable PA Tier to use for the Mini-Solicitation process. The estimated PE contract should include potential amendments (except for potential amendments to add any elements of CA/CEI services). If the estimated contract value is close to an applicable Tier, ODOT reserves the right to solicit to the next highest Tier.

During the course of a WOC, if the estimated contract value ends up being higher or lower than what was originally estimated at the time of Mini-Solicitation, ODOT reserves the right to continue work with the selected firm from the original Tier and not resolicit to the other applicable Tier.

* **Both Tier A PA and Tier B PA Consultants are eligible to compete for WOCs/Project $750,000-$1.5 Million.**
* Tier A PA Consultants are eligible to compete for WOCs/Projects $250,000 - $1.5 Million.
* Tier B PA Consultants are eligible to compete for WOCs/Project $750,000 and above.
* Full-Service procurements under $250,000 will be done outside of these PAs.
  1. **Prepare scope of work, project charter/prospectus, and any other relevant project information; determine estimated budget, as may be amended, for WOC including PE costs. (APM and LPA)**
  2. **Submit requisition for Full-Service Mini-Solicitation to OPO (APM).** Prior to any contact with consultants, prepare requisition through OregonBuys at: <https://oregonbuys.gov/bso/> with sufficient lead time for procurement process**.**
* **Assigned PCS** will contact APM to discuss the procurement/timelines and determine if the project fits within the scope and intent of the PAs.
  1. **Prepare Mini-Solicitation document** using **current template (PCS).**

Follow highlighted instructions in the template**:**

* **Project information** **(LPA and APM)**. Project description and problem statement, project scope, project charter/prospectus information, project timeline, scheduled bid-let date, construction budget, and any known constraints.
* **Project phasing (LPA and APM)**. Industry standard for outsourced A&E design projects is to use a phased development approach. In the case of projects covering two or more distinct phases, when the cost for the second phase depends on decisions reached during the first phase, the initial WOC should cover only the first phase. The solicitation and WOC for preliminary engineering should state that the consultant may be considered for subsequent phases. The consultant’s engagement to complete subsequent phases depends upon the consultant’s satisfactory performance on prior work and upon negotiation of an agreement for the subsequent phase(s). Agency is not obligated to use the same consultant firm for all phases (e.g., one firm for preliminary engineering and another firm for construction engineering).
* **Statement of Work (LPA and APM).** Include a statement of work (SOW) {or, at minimum, an outline of expected tasks and deliverables} along with proposed draft schedule in section 3 of Mini-Solicitation.
* SOW must be in conformance with SOW Writing Guide prior to WOC execution (LPA SOWs are exempt from using the Standardized Statement of Work (SSOW) Tool, however that is subject to change, please see Project Development Bulletin PDB-02 at: <https://www.oregon.gov/odot/Engineering/Doc_TechnicalGuidance/PDB-02.pdf>).
* SOW Templates: Use CA/CEI Template for CE phase; several other task templates are also available at: <http://www.oregon.gov/ODOT/Business/Procurement/Pages/SOW.aspx>
* **DBE Goal or “No-Goal” (APM and PCS).** DBE goal assignment process is included through the requisition in OregonBuys (viewable after selecting “Yes” on the General Tab).
* **Evaluation criteria and score assigned to each criterion** **(LPA)**. Two or more criteria must be considered for each selection/assignment. Evaluation/selection criteria must be within the criteria allowable under applicable QBS law {ORS 279C.110 (3) and OAR 731-148-0220 (3), as modified} (sample criteria are listed in PA and WOC). Pricing, cost, overhead or rate factors must not be considered in evaluation/selection phase. (APM may provide technical guidance to LPA during the development of evaluation criteria.)
* **Due date for proposals** **(LPA; APM and PCS)**. Also include language regarding potential interviews if applicable.
  1. **Establish selection committee, see options below (Option 1: LPA, Option 2: ODOT).**

**Option 1:** **If local agency will be making the final selection of the consultant:** A minimum of 3 “voting” members from LPA is required. APM may only participate on the committee as a “non-voting” member and may serve as a technical expert, advisor or facilitator.

**Option 2: If local agency will be adopting an alternative process for Tier Two:** LPA’s final selection and assignment process will be identified in the mini-solicitation and may include adopting an alternative process as identified in OAR 731-148-0260, such as selecting the highest-ranked firm identified by ODOT in the mini solicitation, or such other process the LPA chooses for that WOC assignment. The alternative process must be described in the mini solicitation document.

*One example, if LPA decides they would like to go with the highest-ranked firm identified by ODOT:* A minimum of 3 ODOT only “voting” members is required.

* 1. **Finalize and issue Mini-Solicitation.**
* **Review Mini-Solicitation and related documentation (PCS).** Use Track Changes for any revisions and send to APM for review and approval.
* **Coordinate DOJ legal review (PCS).** Any substantive revisions by OPO or DOJ must be reviewed by APM.
* **Release Mini-Solicitation (PCS) via OregonBuys to applicable Tier and notify the other Tier either through OregonBuys or by a separate email courtesy notice along with the PA Administrator. Use Full-Service PA Info (2022-2027) information on ODOT Intranet/Internet (PCS) to determine Full-Service Primes by applicable Full-Service Tier.** PCS receives proposals and conducts review using Pass/Fail Scoresheet. PCS is the single-point of contact once the Mini-Solicitation is released.
  + For WOCs with estimated budget (including as may be amended) of $750,000 or less, select only firms with Tier A PAs.
  + For WOCs with estimated budget (including as may be amended) of $750,000 to $1.5 Million, select firms with Tier A and Tier B PAs.
  + For WOCs with estimated budget (including as may be amended) of greater than $1.5 Million, select only firms with Tier B PAs.
  1. **Proposal Evaluation and Selection.**
* **Coordination of process (PCS).** Follow OPO Evaluation Committee Process to coordinate proposal evaluations (and interviews, if applicable) by LPA staff for Option 1 or ODOT staff for Option 2 using standard forms.
* **Pass/Fail Reviews (PCS).** PCS receives proposals and conducts review using Pass/Fail Scoresheet form.
* **Evaluate & score proposals (LPA Evaluators for Option 1 or ODOT Evaluators for Option 2), even if only 1 proposal is received.** PerEvaluation Committee Instructions, each evaluation committee member:
* Reviews/signs Pre-evaluation COI Form.
* Performs an independent evaluation of the proposals or information;
* Scores and ranks consultant responses or proposals based only on the criteria in the Mini-Solicitation;
* Completes the Evaluator Score/comment Sheet for each proposal;
* Writes appropriate comments to support each score for each consultant considered; and
* Signs and dates each evaluation/scoring sheet, which includes a re-certification conflict of interest statement.
* **Conduct selection committee meeting(s) (PCS).** Follow OPO Evaluation Committee Process.
* Evaluator scores are added together to determine the score and ranking of proposers.
* Selection committee discusses scores and proposals; determines if optional interviews or reference checks are required. APM may participate as non-voting member.
* (optional) Conduct interviews and reference checks if needed.
* See Evaluation Committee Instructions & Pre-Evaluation COI form.
  1. **Selection Documentation required for OPO files (Follow Electronic File Management Desk Procedure DP-OPO-026.).**
* Selection e-mail with score summary and selection/assignment reasoning and conclusions on behalf of evaluation committee**;**
* Each committee member’s signed score sheet, with comments and signed conflict of interest statements;
* Copy of solicitation and proposals;
* Documentation of interviews, if conducted; and
* Documentation of references, if conducted.
  1. **Award.**
* Following review and approval of selection documentation, provide WOC number and Issue **Intent to Award** and **Not Selected** notices. **(PCS)**
* Develop the project SOW, or requests consultant to submit proposed project approach in the form of a draft SOW. Final SOW must be in conformance with requirements of the SOW Writing Guide (LPA SOWs are exempt from using the Standardized Statement of Work (SSOW) Tool, however that is subject to change, please see Project Development Bulletin PDB-02.) **(APM, OPO works with LPA and consultant)**
* Conduct SOW review and negotiations with consultant per [Section C – Negotiations](#_C._NEGOTIATIONS). **(APM and LPA)**
* Submit required documentation of negotiation to PCS following agreement on draft SOW, schedule and costs. **(APM and LPA)**
* Review SOW & coordinate DOJ legal review when applicable. Any substantive revisions by OPO or DOJ must be reviewed by APM, LPA and consultant. **(PCS)**

# B. Negotiations

**LPA, APM negotiate SOW, schedule and costs with selected consultant (with assistance from staff, including Region Technical Centers, Salem Technical Services and other ODOT and OPO staff as needed).**

**Resources, guidance and forms used for negotiation are on OPO’s Intranet page for Negotiation Resources at:** <https://ordot.sharepoint.com/sites/opo/SitePages/Contract_Negotiations.aspx>**.**

**Negotiation steps:**

1. Assemble negotiation team including but not limited to LPA staff and APM (if possible, include PCS, technical/subject-matter experts and project stakeholders, as appropriate, depending on cost and complexity of the procurement).
2. Develop detailed SOW for project (see [project phasing](#Phasing) and [statement of work](#SOW) in Section A.4).
3. Review and discuss SOW with selected Consultant, revise SOW to reflect any agreed upon revisions or clarifications.
4. Notify Consultant in writing, e-mail is acceptable, with reminder of timeframe allowed for negotiations, as referenced in the Intent to Award.
5. Independent cost estimates:

* Request detailed Breakdown of Costs (BOC) or BOC-NBR, as applicable, from consultant.
* Prepare detailed internal breakdown of estimated costs prior to receiving consultant estimate.

1. Following receipt of Consultant’s estimate, conduct analysis of costs to:

* Confirm labor rates for each classification on consultant estimate are within maximums in Accepted Salary Rates at: <file://scdata2/OPOBillingRateData/AcceptedRates/Firm_ESR_NBR/>, and Accepted Overhead Rates at: <file://scdata2/OPOBillingRateData/AcceptedRates/AcceptedOverheadRates/OHRates.xlsx> (when applicable);
* Assess reasonableness of hours and classifications for each task, deliverable, schedule, and costs for expenses.

1. A Pre-negotiation Plan (PNP) should be prepared prior to any negotiations, especially for any contract or amendment over $100,000. The PNP documents areas of concern in consultant’s estimate, items to be negotiated, and negotiation objectives.
2. A Profit Fee Worksheet is also prepared by LPA (with input from ODOT as needed) following receipt of Consultant BOC (see 2.5 of the ODOT Negotiations Guide). Enter assigned points per “Profit Factors and Scoring Guidance” tab, and a brief justification for each criterion per guidance on the “Instructions & Limitations” tab.
3. Negotiate hours/level of effort and profit as necessary to reach agreement on costs that are fair and reasonable to the Agency.
4. A Record of Negotiations (RON) to document negotiation is required.
5. If negotiations result in agreement, APM submits required documentation related to the negotiation to assigned PCS at OPO.
6. If negotiations fail to result in agreement on costs, SOW and schedule, in the time allowed for negotiations:

* Send written request (email) for best and final offer from consultant.
* If best and final offer is not fair and reasonable (as determined by LPA and ODOT), send notice terminating negotiation, document file and send a copy to assigned PCS at OPO.
* Commence negotiations with second highest scoring firm (or first alternate for direct appointment selections), and so on until satisfactory agreement is achieved; or
* Conduct new solicitation if necessary.

# C. WOC Administration Requirements

“Contract Administration involves those activities performed by government officials after a contract has been awarded to determine how well the government and the contractor performed to meet the requirements of the contract. It encompasses all dealings between the government and the contractor from the time the contract is awarded until the work has been completed and accepted or the contract terminated, payment has been made, and disputes have been resolved. As such, contract administration constitutes that primary part of the procurement process that assures the government gets what it paid for.” – [Acquisition.Gov](http://acquisition.gov/bestpractices/bestpcont.html)

The APM shall administer WOCs in accordance with the guidance and forms on **OPO’s Contract Administration Intranet Page at:** <https://ordot.sharepoint.com/sites/opo/SitePages/Contract_Administration.aspx>(including Roles & Responsibilities, Invoice Review, Amendments, Consultant Performance Evaluations and Contract Closeout).

# Attachment A – Checklist of Documentation for Two-Tier WOC Assignments

**LPA Required Documentation -** submit the following to ODOT APM or PCS as requested:

**Before Mini-solicitation:**

Project scope

Selection criteria, minimum qualifications and evaluation committee member’s names

**APM Required Documentation -** ODOT APM must submit the following to OPO:

**Before Mini-Solicitation:**

Completed requisition (must have EA# for future DOJ WOC review charges) through OregonBuys

Statement of work (or, at minimum, an outline of expected tasks and deliverables) along with proposed draft schedule

STIP verification of funding screenshot for projects in the STIP

DBE Goal Calculation Form **(Only required if requesting a DBE goal other than the standard goals)**

Selection criteria, minimum qualifications and LPA’s evaluation committee member’s if Option 1, developed in collaboration with LPA or ODOT evaluation committee member’s names if Option 2.

[The assigned PCS will process the Mini-Solicitation, receive the proposals and process the subsequent WOC.

See Complete Request Checklist for more information: <https://ordot.sharepoint.com/:b:/r/sites/opo/Shared%20Documents/PSK_Complete_Request_Checklist_240116.pdf>]

**LPA Before negotiation Option 1:**

Evaluator Score/comment Sheet

Documentation of interviews and references checks (if conducted)

**LPA Two-Tier Selection e-mail confirmation**

Internal breakdown of estimated costs. Prepared after selection and SOW development/review with selected consultant but prior to receipt of consultant’s cost estimate. Prepared by LPA if possible, or LPA assists APM in preparing estimate. APM should seek assistance from other technical discipline staff as needed. If possible, reviewed by PCS prior to negotiation.

**APM Before negotiation Option 2:**

Evaluator Score/comment Sheet

Documentation of interviews and references checks (if conducted)

**Selection e-mail confirmation and concurrence from LPA of ODOT’s selection**

Internal breakdown of estimated costs. Prepared after selection and SOW development/review with selected consultant but prior to receipt of consultant’s cost estimate. Prepared by APM with assistance from technical discipline staff as needed. If possible, reviewed by PCS prior to negotiation.

**APM with assistance from LPA Following negotiation:**

Statement of Work (with any revisions agreed upon during negotiations)

Profit Fee Worksheet

Consultant’s detailed BOC, and RON with any negotiation related documentation such as PNP, cost analysis, correspondence, meeting summaries.

DBE Breakdown and Commitment Form(s) provided by selected consultant. Required only if DBE goal is greater than zero; 1 form for each DBE subconsultant used; consultant prints form from BOC or BOC-NBR per instructions tab of BOC. Signed form(s) must be submitted (PDF format) to PCS and approved by OCR before execution of the WOC.