



# CONSULTANT SELECTION & CONTRACT ADMINISTRATION FOR CERTIFIED LOCAL PUBLIC AGENCIES

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Certification User Group

Summer Work Session


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# TRAINING AGENDA

- Training Agenda:
- 1. Why ODOT Oversight?
- 2. Consultant Selection Methods
- 3. Evaluation Criteria Selection
- 4. SOW Writing Tips





# WHY ODOT OVERSIGHT OF CERTIFIED LPA FEDERAL-AID PROJECTS?

- FHWA/ODOT Stewardship & Oversight agreement
- ODOT retains additional oversight in areas such as environmental and right of way.
- Certification Program Agreement requires use of ODOT consultant contracting templates unless otherwise approved.
- ODOT guidance and templates are designed to comply with additional federal laws applicable to federal-aid projects.
- **Why is this important?** If you fail to comply with federal requirements when selecting a consultant, all work performed by that consultant may be ineligible for reimbursement.

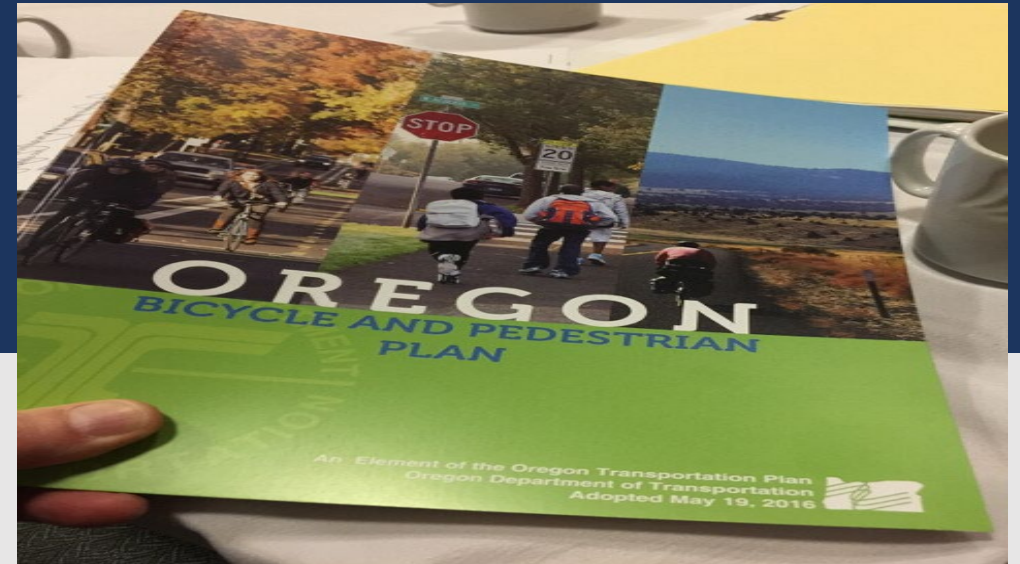


# Resources

- [Oregon Department of Transportation : Certified Local Agency Resources for Consultant Selection : Procurement](#)
- New versions to be posted to Local Government, Certification Guidance and Forms website.



## Architecture & Engineering (A&E)

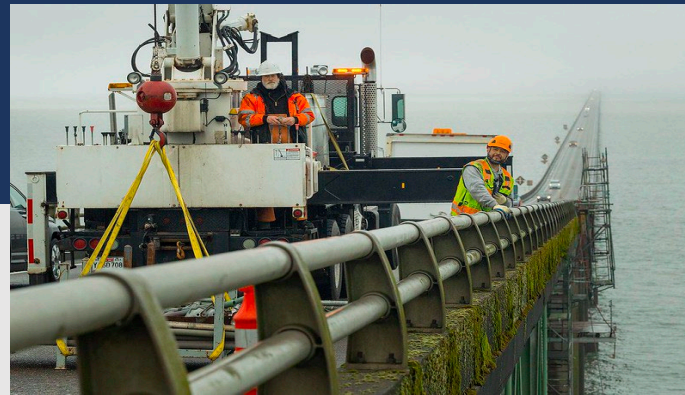


## Planning and Personal Services (non-A&E)

# TYPES OF A&E CONSULTANT SELECTION



**Direct Appointment Plus**  
**[Federal Small Purchase]**



**Informal**  
**[Federal Small Purchase]**



**Formal**  
**[Federal Competitive Negotiation]**



# TYPES OF A&E CONSULTANT SELECTION: COMPARISON OF THRESHOLDS

Threshold	State Procedure	Federal Authority
<\$100,000	OAR 137-048-0200 / ORS 279C.115 Direct Appointment [Plus]	23 CFR 172.7(a)(2) Small purchases
<\$250,000	OAR 137-048-0210 / ORS 279C.110 Informal Selection Procedure	23 CFR 172.7(a)(2) Small purchases
>\$250,000	OAR 137-048-0220 / ORS 279C.110 Formal Selection Procedure	23 CFR 172.7(a)(1) Competitive negotiation

**\*\*CRITICAL NOTE: Your jurisdiction may have different thresholds in local rules.\*\***

- If your jurisdiction has a lower threshold, you must apply the local lower threshold.
- If your jurisdiction has a higher threshold than noted above, you must apply the lower threshold.



# Direct Appointment Plus [Federal Small Purchase]

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- Begin with 23 CFR 172.7(a)(2) Small purchases
- Implement using OAR 137-048-0200 / ORS 279C.115 Direct Appointment [Plus]
- Key Requirements:
  - Review qualifications of at least 3 consultants on an ODOT approved vendor list,
  - A minimum of three consultants,
  - Costs subject to Federal Cost Principles,
  - Cannot exceed \$100K.





# Informal [Federal Small Purchase]

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- Begin with 23 CFR 172.7(a)(2) Small purchases
- Implement using OAR 137-048-0210 / ORS 279C.110 Informal Selection Procedure
- Key Requirements:
  - Solicit RFP to consultants on an ODOT approved vendor list,
  - A minimum of five consultants,
  - Costs subject to Federal Cost Principles,
  - Cannot exceed \$250K.



# Formal [Federal Competitive Negotiation]

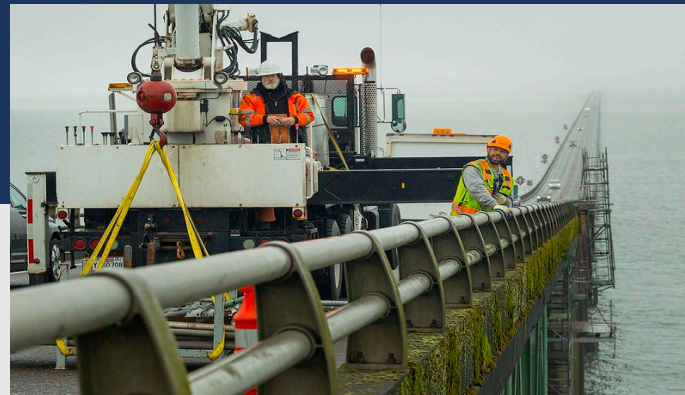
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- Begin with 23 CFR 172.7(a)(1) Competitive Negotiation
- Implement using OAR 137-048-0220 / ORS 279C.110 Formal Selection Procedure
- Key Requirements:
  - Publicly Solicit RFP
  - Costs subject to Federal Cost Principles,
  - Greater than \$250K.

# TYPES OF Non-A&E CONSULTANT SELECTION



**Small Procurement  
[Micro-Purchases]**



**Intermediate  
[Federal Simplified  
Acquisitions]**



**Formal Solicitations  
(Changing to “Competitive  
Sealed Proposals”)  
[Federal Proposals]**



# TYPES OF Non-A&E CONSULTANT SELECTION: COMPARISON OF THRESHOLDS

Threshold	State Procedure	Federal Authority
<\$10,000	OAR 137-047-0265 / ORS 279B.065 Small Procurements	2 CFR 200.320(a)(1) Micro-purchases
<\$250,000	OAR 137-047-0270 / ORS 279B.070 Intermediate Procurements	2 CFR 200.320(a)(2) Simplified acquisitions
>\$250,000	OAR 137-047-0260 / ORS 279B.060 Competitive Sealed Proposals	2 CFR 200.320(b)(2) Proposals

**\*\*CRITICAL NOTE: Your jurisdiction may have different thresholds in local rules.\*\***

- If your jurisdiction has a lower threshold, you must apply the local lower threshold.
- If your jurisdiction has a higher threshold than noted above, you must apply the lower threshold.





# Small Procurement [Micro-Purchases]

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- Begin with 2 CFR 200.320(a)(1) Micro-purchases
- Implement using OAR 137-047-0265 / ORS 279B.065 Small Procurements
- Key Requirements:
  - Does not exceed the Micro-Purchase Threshold as defined in the Federal Acquisition Regulation (FAR/48 CFR Ch.1).



# Intermediate [Federal Simplified Acquisitions]

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- Begin with 2 CFR 200.320(a)(2) Simplified acquisitions
- Implement using OAR 137-047-0270 / ORS 279B.070 Intermediate Procurements
- Key Requirements:
  - Does not exceed the Simplified Acquisition Threshold (SAT) as defined in the Federal Acquisition Regulation (FAR/48 CFR Ch.1) (\$250K),
  - Price or rate quotations must be obtained from an adequate number of qualified sources,
  - OAR limits Amendments,
  - Costs subject to Federal Cost Principles.



# Formal Solicitations (Changing to “Competitive Sealed Proposals”) [Federal Proposals]

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- Begin with 2 CFR 200.320(b)(2) Proposals
- Implement using OAR 137-047-0260 / ORS 279B.060 Competitive Sealed Proposals
- Key Requirements:
  - Public Notice must be posted,
  - Written evaluation procedures considering price and other factors,
  - Costs subject to Federal Cost Principles,
  - Greater than \$250K.



# Exercise

**Work with your table to select a procurement method for each of the 3 scenarios. Be sure to support your decisions.**



## **Example 1: Small Bridge Replacement**

- **Project Summary:**
- A city is replacing an aging 50-foot rural bridge. Before construction, the city needs environmental permitting, surveying, geotechnical investigation, hydraulic analysis, and full engineering design.
- **Estimated Value:** \$250,000
- **Project Funding:** Includes Federal-Aid Highway Program (FAHP) funds.

## Example 1: Small Bridge Replacement

>\$250,000	OAR 137-048-0220 Formal Selection Procedure	23 CFR 172.7(a)(1) Competitive negotiation
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- Includes engineering design, surveying, geotechnical, and environmental analysis, and defined as Architectural, Engineering, and Related Services.
- FHWA funded triggering 23 CFR 172 implemented through OAR 137-048.
- Exceeds Small Purchase threshold.

## **Example 2: Roadway Safety Audit**

- **Project Summary:**
- A county plans to contract for a consultant to conduct a Roadway Safety Audit (RSA) for a 10-mile rural corridor with high crash rates. The project includes data collection, site visits, crash analysis, and safety improvement recommendations.
- **Estimated Value:** \$90,000.
- **Project Funding:** Federally funded through a safety grant.

## Example 2: Roadway Safety Audit

<\$100,000	OAR 137-048-0200 Direct Appointment [Plus]	23 CFR 172.7(a)(2) Small purchases
<\$250,000	OAR 137-048- 0210 Informal Selection Procedure	23 CFR 172.7(a)(2) Small purchases

- Roadway Safety Audits meet the definition of Related Services ORS 279C.
- Value is under \$100,000 – Direct Appointment [Plus] is allowed.
- Informal is recommended due to proximity to threshold and to promote competition.
- Your Agency may have lower threshold.



## **Example 3: Active Transportation Outreach & Planning**

- **Project Summary:**
- A city plans to contract for a consultant to lead a public outreach campaign, conduct community workshops, and prepare a strategic plan to expand biking and walking infrastructure.
- **Estimated Value:** \$90,000
- **Project Funding:** Federally funded.

## Example 3: Active Transportation Outreach & Planning

<\$250,000	OAR 137-047-0270 / ORS 279B.070 Intermediate Procurements	2 CFR 200.320(a)(2) Simplified acquisitions
>\$250,000	OAR 137-047-0260 / ORS 279B.060 Competitive Sealed Proposals	2 CFR 200.320(b)(2) Proposals

- Non-A&E: Meets definition of Personal Services in ORS 279C, but does not meet the definition of A&E.
- Value is under \$250,000 – Intermediate is allowed.
- Sealed Proposals are recommended for increased competition and more flexibility.



# Evaluation Criteria

## A&E vs Non-A&E

- The Brooks Act and 23 CFR 172 prohibits use of price as an evaluation factor for selection of consultants performing design work.
- Price is required by 2 CFR 200 for selection of consultants performing all other services.



# Examples of Criteria

- Understanding Requested Services
- Approach/Technical Approach
- Project Capability
- Project Samples
- Key Staff Resumes





# Example Evaluation Criteria 1

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## EVALUATION ITEM 1 – Understanding Requested Services

Demonstrate a clear and concise understanding of the Project as outlined in the Statement of Work (Contained within Attachment B - Sample Contract) being requested in this solicitation.



# Example Evaluation Criteria 2

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## EVALUATION ITEM 2 – Approach

Given the information provided with this solicitation, describe your approach for the prospective Project, include any unique challenges your firm may encounter and the strategy and staffing used in your approach.



# Example Evaluation Criteria 3

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## EVALUATION ITEM 3 – Project capability

Demonstrate the capability to complete the requested Services.

Response must include:

- An explanation describing Proposer's staffing levels and capacity for the types of projects under this Contract. Describe how the Proposer can accommodate varying levels of work, including any limitations.
- An explanation describing how the Proposer can accommodate working on projects that may be located in various parts of Oregon. Describe Proposer's branch or satellite offices located within the State near the project locations.
- An explanation of internal procedures and policies related to project management, quality assurance/quality control and cost control.



# Example Evaluation Criteria 4

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## EVALUATION ITEM 4 – Project Samples

Provide at least 3 project samples comparable to the requested services performed by your firm within the last 4 years. For the sample projects -

- Describe their relevance to the Project and Services included in this solicitation, including descriptions of how any outstanding issues and project constraints were addressed and resolved.
- Include a brief description of project type, location, size, duration and objectives; a list of key project staff and their roles; tasks performed by the Proposer to fulfill the project objectives; the project budget, and whether the schedule and budget were met.
- Include 2 contacts for each project with valid contact information.



# Example Evaluation Criteria 5

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## EVALUATION ITEM 5 – Specific Experience of Key Staff

Complete a “Key Staff Resumes” form available at  
<http://www.oregon.gov/ODOT/Business/Procurement/Pages/PSK.aspx>.

Provide information for the proposed key staff. Scoring will be based on relevance of the experience, qualifications, and technical competence of Project Manager and key staff proposed for use on this specific project.

Key Staff Resumes are not included in the Proposal page limit identified for this solicitation; however, a minimum of 3 Key Staff Resumes shall be submitted with a maximum score of 5 points each. Any resumes submitted beyond this limit will be discarded by Agency and will not be included in the evaluation. The fields on the Key Staff Resumes form may be expanded, but may not exceed 1 page per resume and must use a minimum of 11 point font for substantive text.





# Example Evaluation Criteria - Price (Non-AE Only)

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The Proposal must include a completed Cost Proposal using the Attachment B Cost Proposal.

The Single Point of Contact (SPC) will conduct the cost evaluation. The SPC will award a cost score to each Cost Proposal based upon the percentage of the proposed cost as compared to the lowest Proposer's cost using the following formula:

$$\frac{\text{lowest cost of all Proposers}}{\text{cost being scored}} \times \text{cost points possible} = \text{cost score}$$

# EVALUATE PROPOSALS

- A minimum of 3 evaluators must complete an independent review & scoring of all responsive proposals received.
- Each evaluator must sign a [COI Disclosure for Proposal Evaluators](#) (required ODOT form).
- Evaluators must follow the [Evaluation Committee Instructions](#).
- Each independent evaluation must be documented on the procurement file.
  - ODOT sample forms: [Evaluator Scoresheet for Formal & Informal RFPs](#), [Evaluation Score Matrix](#)
  - Evaluation notes are public documents that proposers may request to see after the selection process



# Questions





A worker in a red safety suit and hard hat is positioned on a blue aerial lift bucket, working on a steel truss bridge. The background is a dense forest of evergreen trees. The entire image has a dark blue overlay.

# SOW Writing Tips

# SCOPE OF WORK VS STATEMENT OF WORK

## 1.2 PROJECT BACKGROUND/SCOPE

Lane County seeks a qualified consultant to provide the Lane County 30<sup>th</sup> Avenue Active Transportation Corridor Plan to support Active Transportation along Agate Street and McVay Highway, an area where safe and comfortable infrastructure. A secondary pedestrian network connectivity between Hilyard City of Springfield. This corridor requires a context and safety on what is otherwise a high-speed (55 mph) corridor is an essential connection for the region.

- Scope of Work: The range of services that are to be performed and the limit to which the services can be changed.
- Tip: Draft Scope of Work broadly, to encompass where a project might go, including amendments.

## STATEMENT of WORK and DELIVERABLES 30<sup>th</sup> Avenue Active Transportation

Lane County's Project Manager ("APM")  
Contract Administrator ("CA")

Statement of Work: Describes the work to be performed in detail and communicates performance expectations and objectives related to the cost and schedule for completion of services.



# PREPARE STATEMENT OF WORK

- Use [Statement of Work Writing Guide](#)
- Use [Statement of Work Library](#), Task Language Templates for Certified Local Agency Projects
  - Each template has instructions that must be followed to tailor the template to a specific project.
- Use tip sheet on how to [automate SOW reviews](#).
- **Note:** For disciplines where ODOT retains oversight (such as environmental and right of way), ODOT may require LPA to use specified task language and submit draft SOW for technical review. Work with your LAL to coordinate reviews.

