

Standards Subcommittee

Subcommittee Co-Chairs:

Tiffany Hamilton, ODOT
Olaf Sweetman, Lane County

SOW Workgroup Lead:

Mark Foster, Marion County

CPO Bulletin 101-77: Consultant Contracting Templates Proposed Updates



Statewide Programs Unit Certification Program Office (CPO)	Policy Number: 101_77	Supersedes: N/A
	Effective Date: 6/16/2025	
	Reference: ODOT Certification Program	
	Target Audience: Certified Local Public Agencies, Region Managers and Local Agency Liaisons	
Subject: Consultant Contracting Templates Proposed Updates (ACTION REQUIRED)		CC: ODOT Statewide Investments Management Section Manager, Statewide Programs Unit, Subject Matter Resources (OPO), FHWA

PURPOSE:

To inform Certified Local Public Agencies (Certified LPAs) and other Certification User Group members of proposed updates to consultant contracting templates, including:

- [Request for Proposals \(RFP\) for A&E and Related Services](#)
- [RFP for Non-A&E Planning Services](#)
- [Contract for A&E Services and Non-A&E Planning Services](#)
- [Contract Amendment](#)

To provide Certified LPAs with a Consultant Contracting Templates Comment Form to acknowledge receipt of this bulletin and to submit comments on the proposed updates to the consultant contracting templates by **Friday, July 18, 2025**.

Discussion 1: Revision to Statement of Work references in the RFP and Contract Templates (10 min.)

Revised language and instruction to include the SOW/Scope of Work in Attachment B, Sample Contract instead of as a separate attachment to the RFP:

- ☐ Are the updates clear?
- ☐ What do you think of this change?
 - Support
 - Neutral
 - Oppose
- ☐ Comments on why you support or oppose.



1.1 SUMMARY OVERVIEW & PROCUREMENT SCHEDULE

Agency is issuing this Request for Proposals and any Addenda thereto (collectively, the “RFP”) to obtain Proposals from qualified consultant(s) for preliminary engineering, design and related services (“Services”) for the projects described in section 1.2.

[Delete the following for single project RFP] Proposers may propose for one or more projects advertised in this RFP. Proposers must submit a separate Proposal for each project they wish to propose on. Each Proposal must include a separate, signed Proposal Cover Sheet and meet all submittal requirements listed in section 2.4.

[Include the following if awarding separate contracts for each of several disciplines needed for a single project that is otherwise an in-house design project. Delete the following if not applicable] Proposers may propose for one or more disciplines advertised in this RFP. Proposers must submit a separate Proposal for each discipline they wish to propose on. Each Proposal must include a separate, signed Proposal Cover Sheet and meet all submittal requirements listed in section 2.4.

For further information regarding the projects and Services needed, see sections 1.2 through 1.10 and RFP Attachment B: – Sample Contract, Exhibit A – Statement of Work.

Discussion 2: Deletion of Cost Range in the RFPs (10 min.)

ODOT Procurement proposes to delete the cost range from the A&E and Non-A&E RFP templates from section 1.2.



❑ What do you think of this change?

- Support 1 vote
- Neutral
- Oppose Rest opposed

❑ Comments on why you support or oppose.

[Enter the estimated construction budget and timeline for the project(s) in the fields below.]

The statement of work (SOW) will be developed and negotiated, within the scope advertised in this RFP, with the selected Proposer for inclusion in the Contract for each project. A draft SOW is provided in RFP Attachment B, which will be negotiated with the selected Proposer for inclusion in the Contract.

Project A: Project Name

- Project location:
- Estimated cost of the associated project construction:
- The scheduled bid-let date for the associated construction contract:
- Estimated date for completion of the A&E and Related Services required under this RFP:
- Estimated range of costs for the A&E and Related Services required under this RFP: to

Discussion 3: Contract Template – Addition of Task 1 (10 min)

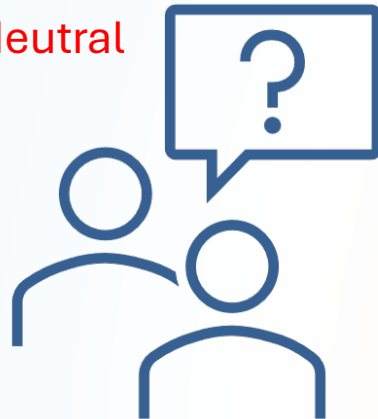
In the Contract template, in the SOW, Task 1, added Task 1 Project Management language from the Certified LPA SOW Library.

☐ What do you think of this change?

- Support
- Neutral
- Oppose

1 vote
Rest Neutral

☐ Comments on why you support or oppose.



E. **TASKS, DELIVERABLES and SCHEDULE** [A schedule for delivery must be included, either with each task/deliverable or in a separate Delivery Schedule Table following the task section.]

1. _____

1.1 _____

Deliverables:

2. _____

1.2 _____

TASK 1 - PROJECT MANAGEMENT

Consultant shall provide management and coordination of Services under this SOW for delivery of Tasks and Deliverables according to the agreed upon delivery schedule.

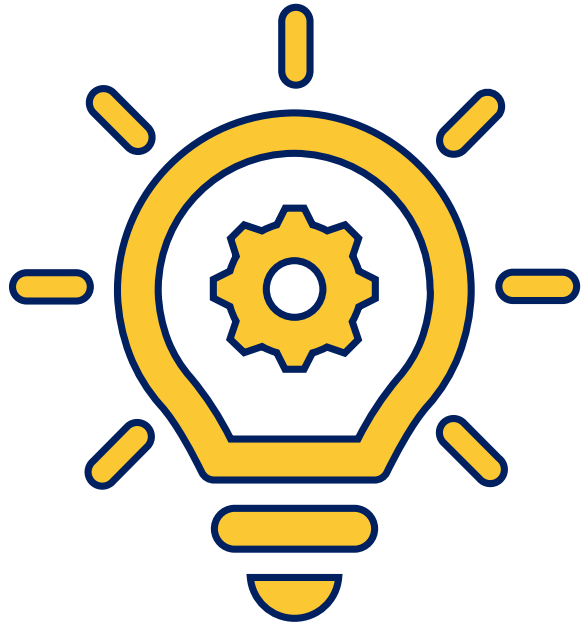
1.1 Administration & Record Keeping

Consultant shall:

- [If Consultant has QA/QC plan on file with ODOT, have consultant submit a copy to the Certified LPA with any modifications in track changes. Email LAL to request approved QA/QC plan if one is available in ODOT's internal QA/QC Plan share folder.] Prepare or Submit a Quality Assurance/Quality Control ("QA/QC") Plan for Agency review and approval. The QA/QC Plan must be developed consistent with requirements of ODOT's "Guidance/Template for Consultants" available online at: http://www.oregon.gov/ODOT/HWY/OPL/docs/SEOPL/Consultant_Quality_Plan_Model.doc; Local Agency should direct Consultant to Agency specific requirements, if any, in this space

Idea Generation

15 minutes



1. What issues are your agency experiencing in relation to consultant contracting?
2. What is your highest priority issue relating to consultant contracting procedures?



Report Out and Wrap Up

10 min

Bonus Question: Methods of Compensation – Addition of Instruction*

Issue: Sample Contract at RFP phase omits some methods of compensation. Final Contract includes omitted method following negotiations.



Proposed template update: To ensure all proposers are aware of compensation methods available, instructions revised to recommend including all the CLPA is willing to consider during negotiations.

☐ Are the updated instructions clear?

Yes | No | Comments / Concerns

Potential alternative update: Reformat to instruct all options to remain in the Contract but “check the box” on the chosen methods of compensation.

☐ Would this be more helpful?

Yes | No | Comments / Concerns

[Determine the Method(s) of Compensation for this Contract using any one or a combination of the methods listed below. Additional guidelines for selecting appropriate method of compensation are available in Section 3.6.6 of the LPA A&E or non-A&E PSK Requirements Guide, as applicable.]

- > **Option (a): Cost Plus Fixed Fee with Not-to-Exceed (CPFF).** CPFF is not applicable for Consultants (or subconsultants) that have NBRs, as profit is already built into the rates. CPFF is commonly used for preliminary engineering phase (A&E and Related Services prior to Final Design);
- > **Option (b): Fixed Price.** Fixed Price should be used only when the work is clearly defined and the level of effort required can be accurately quantified and fairly negotiated. For example, Fixed Price is not typically appropriate for preliminary engineering phase or CA/CEI phase but may be suitable for final design phase. In some cases, Fixed Price may not be appropriate for projects that include alternatives analysis;
- > **Option (c): Time and Materials with NTE (T&M).** T&M is appropriate for some types of services and may be the best choice for various contingency tasks. Per FAR requirements, T&M should be used for the overall Contract only if no other method is suitable. A justification for using T&M must be prepared for OPO Contract files. T&M may be used for contracts using NBRs if Fixed Price is not appropriate per the guidance above.
- > **Option (d): Price Per Unit.** Identify the “units” of repetitively-delivered Services; for example, As-Built drawings, Standardized Scoping site-visits, geotechnical borings, highly standardized technical review of project applications, or a training class that is delivered multiple times.]

[For solicitation, include all payment methods the Agency is willing to consider. For the final contract select the payment option for this Contract and delete unused options.]

*Time permitting



Bonus Question: Sample A&E Selection Criteria*

ODOT Procurement has an internal “Library of Sample A&E Selection Criteria” to assist ODOT in developing RFPs.

- Would it be helpful to provide a similar resource for CLPA use?
- Do you have a scoring approach that has been particularly effective that should be included?



*Time permitting