

Excerpt from 3/12/20 Professional Services Contract Administration Manual

7.7 Change in Subconsultant Utilization on Federal Participating Contracts

7.7.1 Procedure for Terminating, Replacing or Adding a non-DBE Subconsultant

- The prime consultant sends a request to the INDOT Project Manager concerning terminating, replacing or adding a non-DBE sub-consultant related to services under the prime consultant's contract.
- The INDOT Project Manager may grant approval for termination of a subconsultant as long as the services are completed by the prime consultant or are no longer required. The INDOT Project Manager may grant approval for replacing or adding a sub-consultant as long as the new sub-consultant is prequalified for services that require prequalification and there is no increase in fee for the previously contracted service(s).
- Once the INDOT Project Manager grants approval, the new subconsultant should fill out and submit a Sub-Consultant Acknowledgement Form (Appendix E) to INDOT Contract Administration.
- If the affected services are not already addressed by a contract defined lump sum or unit price fee, the sub-consultant rates shall be submitted to INDOT Contract Administration for audit review and approval.

7.7.2 Procedure for Terminating or Replacing a DBE Subconsultant

- 49 CFR § 26.53 sets for the rules that must be adhered to whenever there has been a DBE goal established on a contract.
- The prime consultant must provide a written notice to the affected DBE sub-consultant. This notice must provide "good cause" for the change in utilization and inform the affected DBE that they have 5 days to respond with any objection.
- The prime consultant must make good faith efforts to find another DBE sub-consultant to perform at least the same amount of work under the contract as the DBE sub-consultant that was adversely affected to the extent needed to meet the contract goal.
- The prime consultant must provide a copy of the written notice to the INDOT Project Manager and to the INDOT Contract Compliance Manager of the Economic Opportunity Division (EOD) at DBEChange@indot.in.gov and any response of the affected DBE. A form for the Change in DBE Utilization Notification may be found here: <https://www.in.gov/indot/files/Change%20In%20DBE%20Utilization%20Form.pdf>
- The prime consultant must obtain written consent from INDOT EOD. If written consent is not provided by INDOT, the prime consultant **shall not** be entitled to any payment for work unless it is performed by the affected sub-consultant.
- Once written consent from INDOT EOD is given, the INDOT Project Manager may grant approval for terminating or replacing a sub-consultant. The new subconsultant must be prequalified for services that require prequalification and fees should not increase for previously contracted service(s).
- Once the INDOT Project Manager grants approval, the new subconsultant should fill out and submit a Subconsultant Acknowledgement Form (Appendix E) to INDOT Contract Administration.
- If the affected services are not already addressed by a contract defined lump sum or unit price fee, the subconsultant rates shall be submitted to INDOT Contract Administration for audit review and approval.
- Please contact the INDOT Contract Compliance Manager in the INDOT Economic Opportunity Division if you have further questions at DBEChange@indot.in.gov.

7.7.3 Procedure for Adding a DBE Subconsultant

- The prime consultant sends a request to the INDOT Project Manager and INDOT's Contract Compliance Manager in the Economic Opportunity Division (EOD) concerning adding a Disadvantaged Business Enterprise (DBE) subconsultant to perform services under the prime consultant's contract.

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- The INDOT Project Manager may grant approval for adding a DBE sub-consultant. The new sub-consultant must be prequalified for services that require prequalification and fees should not increase for previously contracted service(s).
- Once the INDOT Project Manager grants approval, the new sub-consultant should fill out and submit a Subconsultant Acknowledgement Form (Appendix E) to INDOT Contract Administration.
- If the affected services are not already addressed by a contract defined lump sum or unit price fee, the subconsultant rates shall be submitted to INDOT Contract Administration for audit review and approval.
- Please contact the INDOT Contract Compliance Manager in the INDOT Economic Opportunity Division if you have further questions at DBEChange@indot.in.gov.