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CHAPTER SIX

CONSULTANT SERVICES PROCEDURES

6-1.0 CONSULTING SERVICES

6-1.01 Procedures

The INDOT Consulting Services Procedures govern consultant design/plan development. These were revised May 1998 and approved on July 15, 1998. The approved INDOT Consulting Services Procedures are shown as Figure 6-1A.

6-1.02 How the Consultant Submits Plans and/or Reports

The consultant submits plans and/or reports to the Department as shown below.

INDOT Production Management Division
Consulting Services Team
100 N. Senate Ave., IGC N642
Indianapolis, IN 46204

Attn: (Name of Project Manager)

All plans, reports, and Quality Assurance Forms that are being submitted to the Production Management Division must be submitted to its Consulting Services Team's project manager. The plans and/or reports should not be submitted directly to the reviewers.

6-2.0 QUALITY ASSURANCE PROCEDURES

6-2.01 Introduction

The purpose of these procedures is to demonstrate to the Production Management Division that quality control measures are being incorporated into the design process. The increased awareness and documentation provided by these procedures is intended to provide the Production Management Division with a level of confidence in the quality of plans which will promote a reduction in review time resulting in quicker turnaround times for plan submittals.

These procedures are not intended to replace quality control measures currently in use but to promote an increased awareness regarding the importance of quality control in the design process. Computation sheets and drawings must still be initialed by the originator and checker as per past practice. Review of items should be done independently by a second qualified individual. The qualifications of the checker should be commensurate with the item to be reviewed. For example, a second drafter would be qualified to check preliminary plotting but, usually, only an engineer would be qualified to review structural computations for bridge design.

6-2.02 Quality Assurance Form

The designer must complete the Quality Assurance Form, Figure 6-2A, and include it with each submittal. An editable version of this form may also be found on the Department's website at www.in.gov/dot/div/contracts/design/dmforms/ . The reviewer must provide a signature with the name typed or neatly printed below the signature line. The item blank will generally be the corresponding number from the appropriate checklist in Chapter Fourteen which was checked by the reviewer. The items identified by letters beneath each numbered item are not to be listed unless these items were reviewed by more than one individual. If some numbered items are not applicable for a specific project, they should be listed with a "N/A" in the reviewer space. When items are reviewed which do not correspond to a number in the checklist, a short description should be included in the item space.

***** PRACTICE POINTER *****

The Quality Assurance Form is to be signed by both the designer and the reviewer.

Immediately prior to submittal, the project manager will review the plans for consistency between sheets, completeness and overall content. This will include verifying that the proper number of plans and items such as construction cost estimates are included with the submittal. The project manager should also verify that all revisions requested from a previous submittal have been made or communicate what changes were not made and why. Providing the name and telephone number of the project manager is important for future communication between the INDOT reviewer and the project manager. Telephone conversations are encouraged to clarify items or answer questions during the review process.

Changes which are made to the plans that are not requested by the Production Management Division should be communicated for each submittal. A note could be written on the plans or included in the remarks section of the Quality Assurance Form. The remarks section could also be used to list any revisions requested which were not made with an appropriate reason; however, the project manager

is encouraged to discuss these items with the INDOT reviewers prior to submittal.

6-2.03 Structural Review Plan

For a project which involves a bridge structure, the consultant shall provide a plan for checking structural design and detail computations prior to proceeding with the design. The consultant shall provide written certification that the approved process has been followed along with the submittal of final plans.

6-2.04 Plan Submittal

Chapter Fourteen includes plan submittal information for the following types of projects.

1. Road Design (new construction/reconstruction);
2. Interstate Rehabilitation;
3. Bridge (new bridge construction/bridge replacement);
4. Bridge Rehabilitation;
5. Signing;
6. Signals; and
7. Lighting.

The checklists included in Chapter Fourteen are intended as a guide and are not all inclusive. These lists are not a checklist of drafting and design items to be included on the plans. Their purpose is to provide a minimum list of items that are to be independently reviewed prior to submittal. The numbers of the items in the checklist are to be the items listed on the Quality Assurance Form. The applicable portions of the *Indiana Design Manual*, INDOT memoranda, and other available publications should be consulted regarding specific technical procedures, formats, etc.

6-3.0 CONSULTANT EVALUATION

6-3.01 Introduction

To monitor the quality of the plans prepared by consulting firms and being reviewed by INDOT, evaluations are performed on most plan and document submittals. A copy of each completed evaluation will be returned to the consultant. The consultant has the right to question any of the ratings. The results of the evaluations will be used in the selection of consultants for future projects.

The Level I design criteria presented in Section 40-8 are all considered to be major items.

6-3.02 Rating Definitions

The review of each submittal is being performed so the consultant has an idea of how the quality of its work is being perceived by INDOT as the project is being developed. The review of the completed evaluations can be extremely important to a consultant's project manager, because the evaluation reflects the comments within the reviewed plans and/or reports. If there are any questions with regard to the rating, the evaluator will answer these questions. A rating of 3, 2, or 1 indicates that the reviewer felt the item reviewed was substandard. If a consultant questions an evaluation solely because a substandard rating impacts the consultant's future selection, it will not be well-received. At the same time, INDOT reviewers can sometimes make a mistake in the rating. If this is true, and a valid reason is presented, the Department will be more than willing to revise a rating.

The ratings will range from a high of 5 to a low of 1. The general interpretations of the ratings are as follows:

5 - Excellent. The consultant went above and beyond what was required. One or two very minor revisions will be allowed.

4 - Good. There were some revisions necessary and, of those found, they were minor.

3 - Marginal. There were many necessary revisions and, of those found, one or two were major and the remainder were minor.

2 - Poor. There were many revisions necessary and, of those found, three or four were major and the remainder were minor.

1 - Unsatisfactory. There was a considerable amount of necessary revisions, with a majority of them being major.

6-3.03 Plan Evaluation

A copy of the blank plan evaluation form used by the Production Management Division is shown as Figure6-3A, Routing/Evaluation Form/Design Plan Process. The form is also used as a routing slip within the Department. This form will be attached to all submittals of plans and/or reports to be reviewed. An editable version of this form may also be found on the Department's website at www.in.gov/dot/div/contracts/design/dmforms/ .

The Production Management Division's Consulting Services Team's project manager initiates the use of the form when the consultant makes a submission. The project manager completes the general project information and the coordination team rating items. The general project information

is found at the top of the form.

The section and reviewer to whom the plans and/or report are being sent can be found on the top of the evaluation form. On the middle left of the evaluation form is where the project manager indicates the type of plans and/or report that has been submitted. On the lower left, the project coordinator indicates what other information was included in the submittal.

Items to be rated are located on the right half of the evaluation form. The project reviewer rates the items found in the middle right under Reviewer's Rating Items. The project coordinator rates the items found at the lower right under Coordinator's Rating Items. The rating to be used is found at the lower right of the evaluation form.

At the very bottom of the form is the final area to be completed by the reviewer. In this area the reviewer can indicate what submittal of plans and/or report to be submitted next. The reviewer also indicates whether the revisions to the evaluated plans and/or report were major or not. This helps the project coordinator set a due date for the next submission. The last line on the form is for the reviewer to sign and date the evaluation which has been completed.

6-3.03(01) How the Consulting Services Team Project Manager Rates the Submittals

When plans, reports, and Quality Assurance Forms are submitted to the project manager, an evaluation form will be attached to the submittal. The evaluation form also serves as a routing slip for the submittal.

The project manager is responsible for rating the submission for scheduling and procedure compliance. These items can be found in the lower right corner of the standard evaluation form. The rating for these items is as follows:

1. Scheduling. The rating of this item by the project manager is as follows:

   Once a due date has been presented to the consultant, it is the consultant's responsibility to meet that due date. If a due date can not be met, the consultant must contact the project coordinator.

   If the consultant requests that a due date be revised, the consultant will work with the project manager to identify an acceptable revised due date. If the due date is being revised due to reasons beyond the consultant's control or responsibility, the consultant's rating for scheduling can still be a 4 or 5 provided the revised due date is met. If the revision of the due date is a result of the consultant's own work, the rating must be a 3, 2, or 1. Because the consultant did contact the project manager and revised the due date, the consultant will not be penalized for the procedure compliance rating due to scheduling problems.

2. Procedure Compliance. The rating of this item will be based on the overall completeness of the submittal with regards to plan submittal procedures. Substandard ratings (3, 2, 1) could result because of the following:

   a. all of the items requested were not received,
   b. the consultant did not contact the Project Manager to revise the due date, or
   c. the correct number of copies of a requested item were not received.

   A 1 will be given if the Quality Assurance Form is not received with each submission. These are typical reasons for a rating of 3, 2, or 1 for Procedure Compliance.

6-3.03(02) How the INDOT Reviewers Rate the Submittal

Figure 6-3B, Items Rated for Each Submittal, General Plans Review, and Figure 6-3C, Items Rated for Each Submittal, Bridge Rehabilitation Review, illustrate the items which will be checked at each project stage. The following briefly describes each item.

1. Design Concept. The consultant will be evaluated on the completeness of a proposed design concept. The term completeness encompasses how well the consultant has thought through all of the necessary factors that promote the best possible design. If certain items were omitted from the design concept that are detrimental to the design, a lower rating will be issued.

   If the consultant is following the Engineer's Report that has been previously established by the Office of Environmental Services's Environmental Policy Team, the evaluation will reflect how well the consultant has followed that Report. The evaluation will also consider how well the consultant has addressed any obstacle that was encountered and not foreseen when the development of the Engineer's Report was completed.

2. Critical Design Elements. Section 40-8 discusses the Level I Design Criteria. Failure to satisfactorily address all applicable Level I Design Criteria will result in a rating no higher than 3.

3. Calculations. The operations of mathematical computations and deletions and/or additions to the computations are areas of scrutiny. With the implementation of the Quality Assurance Program, the review of how well the computations were executed will not be examined as thoroughly as in the past. However, spot checking will occur and the rating of this item will reflect the spot checking. The scoring will be as follows:

a. A major error is defined as an error originating from the computations that will result in a significant design change.

b. A minor error is one that poses no change to any element of the design.

If computations are not submitted because of the nature of the submittal or if they were not warranted, this item will not be rated. If the reviewer believes that some computations were needed but not submitted, the reviewer will not rate this category on this basis alone. This will be addressed in the Documentation of Work item, thereby, eliminating double penalties.

4. Plan/Report Quality. All material submitted at each stage of development such as plans, Design Summary (DS), design computations, special provisions, and any other supportive material will be evaluated. Ratings will be based on legibility, structure, and print quality.

5. Engineering Judgment. The rating of this item is subjective to the evaluator. If it is felt that poor or good judgment was used, the rating will reflect this. Engineering Judgment will be evaluated for areas such as rehabilitation options, project constructability, selection of construction materials, and maintenance of traffic scheme.

6. Documentation of Work. This item will be rated based on how well each design decision is documented or if they were documented at all. A majority of the documentation will be found in the Design Summary, but documentation can also occur elsewhere.

7. Environmental Mitigation/Permit Compliance. This item will be rated on the basis of whether the consultant has included all required environmental mitigation measures. This rating will also depend upon whether the consultant has identified all necessary permits and has initiated permit applications in a timely manner so that the permits are approved at the appropriate time.

8. Procedure/Standard Compliance. This category will evaluate how well the consultant is familiar with Federal, State and local policies, and will consider how well the consultant uses the available standards and guidelines and if the standards and guidelines were implemented properly into the design. This category will also evaluate how well the consultant follows established procedures for items such as foundation reviews, the final tracings submittal memorandum to the Contract Administration Division's Office of Contracting, etc.

9. Quality Assurance. The reviewer will rate this category based upon the consultant's compliance with the Quality Assurance Guidelines. Design computations should be initialed by both the design engineer and a second engineer who has reviewed the design engineer's work. This item rating is intended to monitor how well the consultant has performed the evaluation of checks and balances required for quality assurance including the submittal of the Quality Assurance Evaluation Form.

10. Cooperation. The reviewer will base this rating on how well the consultant cooperates with the reviewer when changes are requested. Willingness to answer questions and ease of participation for project development will also be a part of this category.

6-3.04 Design Exception Evaluation

The Production Management Division will review all Design Exception requests using the form shown as Figure 6-3D, Routing/Evaluation Form/Design Plan Process – Design Exception. An editable version of this form may also be found on the Department's website at www.in.gov/dot/div/contracts/design/dmforms/ . The following briefly describes each rating item.

1. Identification of Need. The reviewer will evaluate how well the consultant determines the need for a design exception.

2. Analysis. The reviewer will evaluate how well the consultant documents the basis and rationale for granting the requested design exception(s).

3. Procedure/Compliance. The reviewer will evaluate how well the consultant complies with Section 40-8.04(01).

4. Cooperation. The reviewer will base this rating on how well the consultant cooperates with the reviewer when changes are requested. Willingness to answer questions will also be part of this category.

5. Timeliness. The reviewer will base this rating on the timeliness of the submission. A design exception should not be applied for until after the preliminary field check is held. Thereafter, the consultant should apply for a design exception after determining that a critical design element (Level 1) does not meet the appropriate criteria in the *Indiana Design Manual*.

6-3.05 Contracts and Construction Evaluation

The Contract Administration Division will review all consultant-prepared contract documents just prior to contract letting using the form shown as Figure 6-3E, Routing/Evaluation Form/Design Plan Process – Contracts and Construction. An editable version of this form may also be found on the Department's website at www.in.gov/dot/div/contracts/design/dmforms/ . The following briefly describes each rating item.

1. Special Provisions. The reviewer will evaluate whether or not the consultant has properly specified needed special provisions and unique special provisions.

2. Pay Items. The reviewer will evaluate whether or not the correct pay items and unique pay items are specified.

3. Procedure/Standard Compliance. The reviewer will base this rating on whether or not the right format is used in supplying contract special provisions, pay items, estimates, etc.

4. Cooperation. The reviewer will base this rating on how well the consultant cooperates with the reviewer when changes are requested.

Revised May, 1998

INDIANA DEPARTMENT OF TRANSPORTATION
CONSULTING SERVICES PROCEDURES

Figure 6-1A

A. GENERAL

1. Applicability

   a. These procedures apply to all divisions and districts of the Indiana Department of Transportation.

   b. These procedures do not apply to:

      i. the acquisition of land, except to the extent right-of-way engineering services are utilized.

      ii. Local Public Agency (LPA) contracts; however, LPA consultants shall be evaluated as provided in Section N of these procedures.

2. Definitions

   a. "Actual Costs" - means verifiable direct expenses that are directly attributable to a specific project and are the type of costs consistently charged to a particular project as an expense.

   b. "Consulting Services" - means the furnishing of services by:

      i. a person licensed, certified, or registered under I.C. 25-2.1 or by any board listed in I.C. 25-1-5-3;

      ii. an attorney;

      iii. an expert witness, court reporter, or investigator retained by the department in connection with judicial or administrative proceedings;

      iv. a minister, priest, rabbi, or other person empowered by the person's religious faith to conduct religious services or to provide spiritual counseling or guidance; or

      v. a person who performs services, the satisfactory rendition of which depends upon the person's unique training or skills.

   c. "Consulting Services Unit" - means the unit of the Legal Division responsible for consultant contracting.

   d. "Cost Plus Fixed Fee" - means a payment method whereby the consultant is reimbursed actual costs on a project, plus paid a specific dollar amount for performing the work.

   e. "Cost Plus % of Profit" - means a payment method whereby the consultant is reimbursed actual costs on a project, plus paid a profit margin on salaries and overhead only, exclusive of overtime premiums for completing the work. Profit is not to exceed 15% and should be based on the degree of risk involved in the scope of work.

f. "Department" - means the Indiana Department of Transportation.

g. "Executive Document Summary (EDS)" - means State Form 41221 issued by the Indiana Department of Administration to accompany **all contract documents** for tracking purposes.

h. "Lump Sum" - means a payment method whereby a consultant is paid a specified sum of money for a specific pay item of the contract.

i. "Negotiated Labor Rates" - means a payment method whereby the consultant and INDOT have agreed upon a specified hourly rate per classification for personnel working on an INDOT project. The negotiated (or agreed upon) rate takes into account the consultant's overhead rate and profit (which is not to exceed 15%), and must be approved by INDOT's contract audit supervisor.

j. "Open End Contract" - means a contract with a consultant that does not specifically identify the projects to be included under the contract scope of work. Usually, projects will be assigned under the contract on an "as needed" basis through the duration of the contract term.

k. "Person" - means an individual, partnership, corporation, or other business organization.

l. "Requesting Division" - means the division or district requesting the consulting service.

B. APPROVAL OF PROJECTS FOR CONSULTANT UTILIZATION

1. Necessity for Use of Consultant

The services of a consultant may be requested if funding is available and:

a. the in-house capabilities of the department are insufficient to accomplish the work within the desired time frame;

b. the complexity or nature of the project requires specialized expertise;

d. it is more economical to engage such services; or

e. it is otherwise in the public interest.

2. Authorization to Employ a Consultant

A Division Chief makes recommendations that consulting services be used for individual projects. The requesting division shall prepare a memorandum which contains the following:

a. verification that adequate funding is available;

b. a description of the project and the services request; and

c. the type and percentage of funding to be used (ex. 80% federal, 20% state)

d. for "open-end" contracts, the request shall also identify the approximate number of projects to be assigned, the approximate duration, and the proposed maximum fee.

3. Routing Consultant Utilization Request

The request shall be sent via memorandum to the division's Deputy Commissioner for approval. If the request is approved, the original of the Deputy Commissioner's approval shall be sent to the Consulting Services Unit, and then the project will be included in a Professional Services Bulletin (PSB). If denied, the request shall be returned to the originating division. The Consulting Services Unit is responsible for retaining original approval memoranda.

If the consultant's fee for federally funded work will be less than $100,000, the department may select a consultant in accordance with the Small Purchase Procedures without issuing a Professional Services Bulletin. The department may negotiate the scope of work and fee.

4. Sole Source Selections

A consultant may be selected by the department without advertising the work in a PSB, and only that consultant requested to submit a proposal, if the project will be funded with 100% state funds and one of the following conditions exists:

a. the project involves an emergency which will not permit the time necessary to issue a professional services bulletin, select a consultant, and negotiate a fee; or

b. the service is available only from a single source; or

c. after solicitation of a number of sources, competition is determined inadequate; or

d. it is considered to be in the public interest.

Any sole-source selection requires the approval of the Commissioner. The requesting division will be responsible for documenting the reason(s) for using sole-source selection. A copy of the documentation and the Commissioner's approval shall be sent to the Consulting Services Unit.

The department will develop an adequate scope of work and cost estimate before negotiating the fee. Negotiations will be conducted in accordance with Section G of these procedures.

C. PROFESSIONAL SERVICES BULLETINS

1. Preparation of a Professional Services Bulletin

Once approved requests for use of consultants are received, the Consulting Services Unit shall prepare a Professional Services Bulletin (PSB). Requests from various divisions should be combined whenever possible and will be coordinated with the participating divisions.

The requesting division is responsible for providing the Consulting Services Unit with the information regarding the project(s) to be included in the bulletin, including:

a. information the division would like submitted by consultants for evaluation

b. detailed description of the technical requirements for the services to be rendered

c. anticipated method of payment

d. list of evaluation factors and the order of relative importance

e. whether the budgeted amount for the work is to be included in the PSB

f. any data and forms necessary for consultants to prepare statements of interest and proposals

The PSB will specify the closing date for accepting statements of interest and proposals. Design PSBs will be advertised for a period of fourteen (14) days, unless the Design Division requests otherwise. PSBs for all other requesting divisions will be advertised for a period of thirty (30) days, unless FHWA has approved a different time period for PSBs containing projects with federal participation. The Commissioner may determine the closing date on PSBs containing 100% state-funded projects. The Commissioner and the requesting division(s) shall review and approve draft copies of the PSB.

2. Information to be Placed on Display

Each requesting division shall assemble copies of all relevant information on the projects before the PSB is mailed. The information shall be available for review from 7:45 a.m. to 4:15 p.m. until the PSB closing date. Each requesting division shall be responsible for displaying the information and answering questions about their projects.

3. Display of Professional Services Bulletin

A copy of the PSB is to be displayed in the Consulting Services Unit of the central office and the Toll Road Division office. The PSB is to remain on display until the closing date for the PSB has passed.

4. Consultants to Receive Professional Services Bulletins

The Consulting Services Unit shall send a PSB to all firms that are currently on the consultant mailing list that have expressed an interest in one or more types of work contained in the PSB. Copies of the PSB will also be made available to the public in the Consulting Services Unit. Before the PSB is mailed, Division Chiefs may inform the Consulting Services Unit of additional firms to receive the PSB.

The department will not be liable for any errors in the PSB or for failure to mail a PSB to any consultant.

5. Distribution of Professional Services Bulletin

In addition to the consultants, copies of the PSB are to be distributed as follows:

a. Commissioner;

b. Deputy Commissioners of Division(s) with item(s) on the PSB;

c. Chief Counsel;

d. Deputy Chief Engineer;

e. Division Chief(s) of Division(s) with item(s) on the PSB;

f. Division Chief of Civil Rights;

g. FHWA; and

h. Governor's Office

6. Public Notice of Professional Services Bulletin

The Consulting Services Unit shall arrange to have a notice of the PSB published in an Indianapolis newspaper of general circulation. The notice should state that a Professional Services Bulletin has been issued, a general description of the types of work available, where a copy of the PSB may be obtained, and the closing date for submitting statements of interest.

7. Statements of Interest and Proposals

Statements of interest and proposals shall be submitted to the Consulting Services Unit. If a consultant properly identifies submittals as statements of interest and/or proposals, as instructed on the PSB, the submittals will not be opened until the closing date for that PSB.

The Consulting Services Unit will prepare a list of the consultants responding to the PSB and distribute the statements of interest and proposals to the appropriate division(s). The requesting division shall be responsible for custody and control of the Statements of Interest and Proposals after receiving them from the Consulting Services Unit. The division shall retain and dispose of the Statements of Interest and Proposals in accordance with the most current Approved Record Retention and Disposition Schedule of the Commission on Public Records.

D. CONSULTANT SELECTION

1. Selection Process

a. Statements of Interest/Proposals Selection

i. The Chief of the requesting division or the Chief's designee shall review the statements of interest and proposals and compile a candidate list containing the following:

aa. list of consultants responding with item numbers shown, and whether the consultant is a DBE firm;

bb. list of existing projects by consultant;

cc. list of pending projects by consultant;

dd. list of the consultant’s existing, pending, and total fees by category of work and/or division;

ee. a minimum of three potential consultants for each item on the PSB; and

ff. the reasons for each recommendation.

ii. The above information shall be submitted to the appropriate Deputy Commissioner for review and approval.

iii. Once selected by the Deputy Commissioner, the name of the selected consultant shall be reviewed with the Commissioner and then submitted to the Consulting Services Unit.

iv. Upon receiving the name of the selected consultant, the Consulting Services Unit shall prepare a selection notification letter for the Commissioner's review and signature.

2. Notification of Selections

The Consulting Services Unit shall prepare a selection notification letter for the Commissioner's approval and send a copy of the selection notice to all consultants that responded to the PSB, all divisions with items on the PSB, the appropriate Deputy Commissioners, and the Governor's Office.

The official notification of selection shall be the Notification of Selection letter prepared by the Consulting Services Unit. No consultant shall be notified of its status in the selection process until the Commissioner approves the official Notification of Selection letter prepared by the Consulting Services Unit.

The Consulting Services Unit will retain a copy of the selected notice for all PSBs. The division shall retain and dispose of the selection notices in accordance with the most current Approved Record Retention and Disposition Schedule of the Commission on Public Records.

3. Federal Transit Funds

Request for noncompetitive negotiation must receive prior Federal Transit Administration approval. A consultant may be selected by the department through noncompetitive negotiation only when the award of a contract is not feasible under competitive proposal procedures and at least one of the following circumstances applies:

a. the service is available only from a single source;

b. the project involves public exigency or emergency and does not permit a delay resulting from competitive solicitation; or

c. the results of a competitive solicitation has determined competition to be inadequate.

All noncompetitive negotiated contracts must be submitted to the Federal Transit Administration for pre-award review in accordance with Federal Transit Fund Circular 9040. A cost analysis (in accordance with Section E of these procedures, Audit Evaluations) verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profit, is required.

If the consultant's fee for federally funded work will be less than $100,000, the department may select a consultant in accordance with the Small Purchase Procedures without issuing a Professional Services Bulletin.

E. AUDIT EVALUATIONS

1. Pre-negotiation Audit

When consulting projects are awarded which are expected to exceed $250,000, the requesting division shall request the Contract Audit Unit of the Division of Accounting and Control to perform a pre-negotiation audit of the consultant's proposal; an overhead audit shall also be performed, if necessary. A pre-negotiation audit is required for contracts less than $250,000 if any of the following conditions exist:

a. There is insufficient knowledge of the consultant's accounting system;

b. There is previous unfavorable experience regarding the reliability of the consultant's accounting system; or

c. The contract involves procurement of incidental equipment or supplies for which cost experience is lacking.

2. Overhead Rate Audit

The Contract Audit Unit will determine if an overhead audit is necessary. An overhead audit should be performed, if practical when:

a. the consultant's latest audited overhead rate is more than two (2) years old;

b. the department has never performed an overhead audit of the consultant; or

c. the circumstances warrant an overhead audit

The department may use an audit performed by an independent certified public accountant, another state, a federal agency, or a local governmental agency if the audit is current and of sufficient detail. The overhead audits are to be treated as confidential information.

The Contract Audit Unit shall notify the Division of Design when a consultant overhead audit is scheduled. The Division of Design may request the Contract Audit Unit to perform an audit of one or more of the consultant's completed lump-sum projects while performing the overhead audit. The audit(s) shall indicate, as a minimum, the number of man-hours charged per classification and the consultant's total cost to complete the project.

F. SCOPE OF WORK

1. The requesting division shall provide the consultant with existing reports regarding the project, the anticipated schedule for the project, and shall indicate the method of payment (i.e. lump-sum, cost-plus-fixed-fee, unit prices and/or negotiated hourly rate) to be used for each pay item on the project.

2. The requesting division shall arrange a scope of work meeting with the consultant, if necessary. Once the scope of work for the project has been agreed upon, the consultant shall be instructed to submit a proposal to the requesting division. The submittal shall include:

a. the requested number of copies of the proposal;

b. a brief description of the project and services;

c. a man-hour justification for each lump-sum pay item or cost-plus-fixed-fee contract (except open-end contracts);

d. other information requested by the division;

e. request to subcontract any portion of the work.

3. The consultant shall be given a deadline for its submittal. If the consultant's submittal is not received by the deadline, the consultant's selection may be rescinded and the project may be awarded to another consultant responding to the PSB.

4. Subcontracts

   All proposed subcontracts must be approved in advance by the requesting division. The subcontract request shall be submitted with the consultant's proposal and include the following information:

   a. name of proposed subcontractor;

   b. type of work to be subcontracted;

   c. proposed subcontractor fee; and

   d. MBE-2 Forms, if a non-DBE firm is utilized.

   The requesting division shall review the subcontract request and notify the prime consultant if the request is approved or denied.

G. NEGOTIATIONS

1. The requesting division shall send copies of the proposal to other divisions for review, as needed. The divisions performing reviews shall send the results to the requesting division for use in the negotiations.

2. The requesting division shall be responsible for keeping schedules for consultant projects current so that the Division of Policy and Budget can program each project for the appropriate fiscal year.

3. The requesting division shall prepare a detailed cost estimate with an appropriate breakdown of specific types of labor required, estimated hours by classification, and an estimated fixed fee (if applicable) based upon the size, duration, risk, and complexity of the project, for use during negotiations.

4. The requesting division shall perform a technical evaluation of the consultant's proposal. Prior to negotiating, the requesting division shall review the consultant's overhead audit, the technical evaluation, and the reviews by other involved divisions. The requesting division shall document how the above information was used in the negotiations.

5. If negotiations are not successful, the consultant shall be notified in writing that the department is rescinding its selection. The requesting division shall prepare the letter for the Commissioner's signature. A copy of the letter shall be sent to the Consulting Services Unit. The requesting division shall indicate the reason(s) for rescinding the selection. The requesting division shall decide whether to recommend an alternate consultant from those responding to the PSB or to re-advertise the item in a future PSB.

6. The consultant may withdraw from negotiations at any time by giving the requesting division written notice. The requesting division shall decide whether to recommend an alternate consultant from those responding to the PSB or to re-advertise the item in a future PSB.

7. The Chief of the requesting division or his/her designee shall be responsible for the negotiation of consultant fees. The negotiations may be handled by telephone.

8. Cost-Reimbursable Contracts:

   a. The Chief of the requesting division or his/her designee shall be responsible for negotiating the fixed-fee and the maximum amount payable. On federal-aid projects, a fixed-fee greater than 15% of direct salary and overhead costs must be submitted to and approved by FHWA. Cost-reimbursable contracts utilizing federal-aid funds must be cost-plus-fixed-fee or negotiated labor rate agreements.

   b. Federal Highway Administration Authorization:

      For each project that is to utilize Federal Highway Administration funds, the requesting division shall prepare a FMIS form to request the obligation of funds and authorization from FHWA for the consultant to proceed with preliminary engineering, right-of-way, construction engineering, or project management on the project. The FMIS form request may be prepared once the contract has been negotiated. The total amount to be obligated shall be noted by the requesting division. The FMIS form shall be sent to the Division of Policy and Budget for approval. The Division of Policy and Budget shall then identify the class of funds and the federal aid requested in the form of an electronic agreement that is sent to the Federal Highway Administration.

      A division representative for the Commissioner shall sign the electronic agreement with the Federal Highway Administration. Once the Federal Highway Administration has signed the agreement, a copy of that agreement is then sent to the project manager who may then issue a notice to proceed.

   c. Other Federal-aid Authorization:

      For projects utilizing federal-aid other than Federal Highway Administration funding, the requesting division shall follow the appropriate federal guidelines.

H. PROCESSING OF CONTRACT

1. <u>Contract Request</u>

After negotiations for a project are complete, the request for a contract shall be made with a memorandum from the requesting chief (or the chief's designee) to the Chief Counsel, attention: Consulting Services Unit. The request shall include the following:

a. Name and address of selected consultant

b. Project description, including Des. No., if any

c. Maximum amount to be paid under the contract

d. Whether funds are federal or state, and the percentage of each type

e. Duration for the contract expressed either as an expiration date or term for a period of months or years.

f. The year, bulletin, and item number of the PSB for the work

g. The method of payment for the contract: lump-sum, cost-plus-fixed fee, cost-plus % of profit or negotiated labor rates

h. Approval from contract audit of the overhead rates, negotiated rates, or facilities capital cost of money rates, if any requested

i. A completed Executive Document Summary (EDS); however, the Consulting Services Unit will complete the agency's EDS number on the form.

2. Contract Preparation

The Consulting Services Unit shall prepare a contract, incorporating the terms from the scope of work and the fees arrived at during the negotiation phase. The contract shall specify the method of payment for each element of the work. The contract shall be sent to the requesting division for review and comment. The division's written approval or written request for changes shall be sent back to the Consulting Services Unit.

3. Consultant Signature

The Consulting Services Unit shall resolve the division's comments and send two copies of the contract to the consultant for review and signature. The letter shall be signed by the Program Coordinator, Consulting Services Unit.

4. Department Signature

Once returned by the consultant, the Consulting Services Unit shall send the documents for signature to the Commissioner through the appropriate Deputy Commissioner.

5. Attorney General's Approval

After the department signatures are obtained, the Consulting Services Unit shall send the documents to the Office of the Attorney General for approval as to form and legality.

6. Other Required Signatures

On occasion, the State Budget Agency or the Department of Administration may be required to approve professional services contracts. If this is necessary, the Consulting Services Unit shall obtain the required signatures.

7. Workers' Compensation Certificates

The Consulting Services Unit shall maintain a file of current workers' compensation certificates for all consultants providing services to the department. Prior to distributing the executed contract, the Consulting Services Unit shall verify that the consultant has a current workers' compensation certificate on file. If the consultant does not have a current certificate on file, the Consulting Services Unit shall contact the consultant to obtain one.

8. Distribution of Contracts

When the Consulting Services Unit has obtained all required signatures and verified that the consultant has a current workers' compensation certificate on file, the Consulting Services Unit shall transmit one original contract to the requesting division. The requesting division shall retain a copy of the contract, then forward the original to the consultant. The Consulting Services Unit shall retain the other original contract in the project file.

The contract may be distributed once the funds have been encumbered and all of the required signatures have been obtained.

I. SUPPLEMENTING OR MODIFYING CONTRACTS

1. Circumstances requiring Contract Modification

Circumstances may exist that require a consultant contract to be modified, amended, or supplemented. Situations requiring a formal change to the contract include, but are not limited to:

a. a change in the maximum amount payable

b. a change to a specific pay item

c. any additions or deletions of pay items

d. revisions to the scope of work

e. a change in the term of the contract or completion date for the work

2. Requesting Changes to Existing Contracts

a. A request to change an existing contract may be made with a memorandum from the requesting division chief (or the chief's designee) to the Chief Counsel, attention: Consulting Services Unit. The request shall contain the following information:

i. identify the consultant agreement to be modified

ii. state the specific nature of the changes, including any revision to the amount of payment

iii. an Executive Document Summary (EDS) for the supplemented or modified contract time, after the contract term has expired.

b. Requesting divisions should make requests for changes in a timely manner to allow changes to be made and all required signatures obtained within the existing term of the contract. Requests for extensions of time should be made as soon as it becomes apparent that additional time will be required.

c. Open-end contracts will not be supplemented, except for a change in the scope of work, to extend the duration of the contract for work already assigned, or to increase the maximum amount payable to complete work already in progress. If a division desires to increase the maximum amount payable of an open-end contract for work not in progress, the division must request a new contract, instead of supplementing the existing contract.

J. NOTICE TO PROCEED

The requesting division is responsible for ascertaining the availability of funding and issuing a written notice to proceed to the consultant. No notice to proceed shall be given until the contract is fully-executed, the funds have been encumbered, and any necessary federal approvals have been received. No payment will be made for work undertaken prior to the notice to proceed. A copy of the notice to proceed shall be sent to the Consulting Services Unit.

In the event there is a change in scope of work after the issuance of the written notice to proceed, adjustments in compensation to the consultant shall be determined by INDOT, subject to the consultant's approval. The consultant shall not commence the additional work until a supplemental contract is agreed to in writing, executed by all parties and approved by the Attorney General.

However, upon approval by the Design Division, INDOT may authorize supplemental work up to $30,000.00 prior to the execution of a supplemental agreement for work. Any authorization for additional work shall not be binding on the parties, unless and until the supplemental agreement is approved by the Attorney General as to form and legality.

K. PROGRESS REVIEW

1. The Chief of the requesting division shall provide final review and supervision of the consultant's work. The Chief of the requesting division will assign member(s) of the staff to directly monitor progress of the work, compliance with the contract, and any applicable state and/or federal standards and regulations.

2. Each division that revises a department manual, road or bridge memorandum, etc. affecting consulting work shall be responsible for ensuring that all consultants currently doing work for the department are made aware of the change(s).

3. The consultant shall make submittals and progress reports in accordance with the provisions of the contract. The plans and/or reports shall be sent to the division responsible for monitoring the work.

   Each division shall have a process in place to deal with untimely submittals.

After reviewing the submittal, the division shall send directions, comments, and/or marked-up plans or reports to the consultant.

The consultant shall be requested to attend a conference if its submittals are wholly inadequate or substantially unsatisfactory.

4. Each division monitoring any portion of the consultant's work will watch for unauthorized subcontract work. If unauthorized subcontract work is discovered, the requesting division shall request an explanation from the consultant.

   The consultant's response shall be sent to the personnel responsible for the selection of the consultant. Penalties against the consultant for use of unauthorized subcontractors may range from a written warning against future violations to affecting future selection for consultant projects. The department may also elect to terminate the contract.

L. INVOICE VOUCHERS

1. Consultants shall send invoice vouchers to the requesting division. The requesting division shall log in each invoice voucher received and write the date received on the voucher. The voucher must be reviewed, signed, and sent to the Division of Accounting and Control within 21 calendar days of the date received in order to avoid paying interest on the payment. If the invoice voucher is unacceptable, the requesting division will reject the invoice voucher and return it to the consultant with a Notice of Good Faith Dispute.

2. The invoice voucher shall be checked by the requesting division for the following:

   a. purchase order number;

   b. location, function and object codes;

   c. state share, federal share and total disbursement;

   d. cost account number;

   e. project number;

   f. consultant signature; and

   g. fund and participation codes.

3. The requesting division will verify that:

   a. money is available in the subject purchase order to pay the invoice;

   b. the correct fee for the work has been used;

   c. the consultant's claimed progress agrees with division records and the information received from other divisions;

   d. the hourly rates and provisional overhead rates on cost reimbursable contracts are valid; and

e. the mathematical computations are correct.

If the voucher information is correct, the requesting division will sign and forward the invoice voucher to the Division of Accounting and Control.

If the voucher information is incorrect, the requesting division of primary concern shall reject the invoice and mail the consultant a "Notice of Good Faith Dispute" letter detailing the reason(s) for the rejection.

M. PROJECT COMPLETION

1. Lump-sum Contracts

The requesting division shall detail the fee earned and mark "lump-sum" on the face of the final invoice voucher to notify the Division of Accounting and Control that no audit is needed for final payment. The invoice voucher will then be forwarded to the Division of Accounting and Control.

If the contract contains a cost-plus provision for changes during construction, and work has been performed thereunder, the requesting division may request the Division of Accounting and Control to perform a final audit for the cost-plus portion of the contract when that portion is less than $25,000. The requesting division shall request the Division of Accounting and Control to perform a final audit when the "cost-plus" portion of the contract is $25,000 or more.

2. Cost Reimbursable Contracts

The requesting division shall request the Division of Accounting and Control to perform a final audit for "cost-plus" contracts in excess of $25,000.00.

Upon receipt of the audit report, the requesting division shall follow the procedures established by the Division of Accounting and Control for audit resolutions and the finaling out of cost reimbursable contracts.

3. Closed Projects/Contracts

When a project has been completed and the contract has been closed, the requesting division shall promptly notify the Consulting Services Unit that the contract is closed. Upon such notification, the Consulting Services Unit will remove the contract file from active status and will be responsible for the storage and retention of the contract in accordance with the most current Approved Record Retention and Disposition Schedule of the Commission on Public Records.

N. CONSULTANT EVALUATIONS

1. The department will evaluate each consultant's performance on:

a. each department project; and

b. each Local Public Agency project utilizing federal-aid funds.

2. The evaluation must include the following factors:

   a. Timely completion of work.

   b. Quality of work.

   c. Administrative effectiveness.

3. Each division responsible for monitoring a portion of a project shall prepare an evaluation for each submittal or at regular intervals during the progress of the work and send a copy to the consultant.

   The original shall be retained by the division performing the evaluation. The consultant shall be given the opportunity to discuss its evaluations. If the consultant submits written comments, they shall be attached to the evaluation.

O. CONSULTANT PREQUALIFICATION

1. Division Criteria

   Each division that establishes prequalification is responsible for the prequalification process to be used by that division, if any. Consultants desiring to become prequalified should contact the division directly. Consultants desiring to provide services for divisions that utilize prequalification must be prequalified in order to be considered eligible for placement on the department mailing list for such services.

   If Federal Highway Administration (FHWA) funds are to be used, the requesting division's prequalification process must receive prior FHWA approval.

2. Prequalification Appeals Requirements

   In accordance with I.C. 4-21.5, divisions that establish prequalification criteria must have an appeals process in place and notify consultants of their appeal rights. Appeals must be conducted in accordance with I.C. 4-21.5.

3. Geotechnical Services Prequalification

   Consultants desiring to provide geotechnical services, as either contractors or subcontractors, must be prequalified by the Division of Materials and Tests. The Division of Materials and Tests shall send a list of the prequalified firms and/or changes to the list to the Consulting Services Unit each time the list changes.

4. Hazardous Materials Services

   The department may utilize the consultant lists of the Indiana Department of Environmental Management when the services of hazardous waste consultants are required.

5. Consultant Mailing List

   The Consulting Services Unit shall maintain a consultant mailing list. The purpose of the list is to facilitate the mailing of Professional Services Bulletins.

The Consulting Services Unit shall request all consultants to complete an "areas of interest" form regarding the types of work desired. Consultants will be placed on the mailing list to receive Professional Services Bulletins pertaining to the consultant's areas of interest after submitting the "areas of interest" form. In addition to the "areas of interest" form, the Consulting Services Unit shall request all consultants to provide data qualifications materials, which must be on file before a consultant may be considered for selection in response to a PSB. It is the consultant's responsibility to notify INDOT of changes to the areas of interest form and/or the data qualification materials, whenever the consultant information changes, or at least once every two (2) years. It is also the consultant's obligation to keep INDOT advised of the consultant's current mailing address. PSBs or other correspondence returned to INDOT undeliverable by the U.S. Postal Service at the address provided by the consultant shall result in the consultant being deleted from the mailing list.

6. Updating Prequalification Data

Prequalification data shall be updated in accordance with the requirements of each division utilizing prequalification criteria. Such divisions shall maintain their own prequalification data.

P. DISADVANTAGED BUSINESS ENTERPRISE REPORTS

1. Documentation of DBE Utilization

The Consulting Services Unit shall prepare a monthly report of all consulting services contracts. The report will be sent to the Civil Rights Division by the fifth of each month.

The report shall include the following information:

a. date contract is distributed;

b. consultant name;

c. project description;

d. project number;

e. contract amount;

f. federal participation;

g. state participation;

h. DBE contracts identified;

i. monthly and fiscal year (state and federal) DBE total contract (primes and subcontractors) amount, federal participation, and state participation;

j. monthly and fiscal year (state and federal) consultant total contract, federal participation, and state participation;

k. monthly and fiscal year (state and federal) DBE percentages.

Q. EXCEPTIONS

Any exceptions to this procedure must be approved by the Commissioner, and FHWA must approve any exceptions to these procedure if any federal funding is to be utilized.

Approved by: _____ Date _____, 20___
Commissioner

Approved by: _____ Date _____, 20___
FHWA

QUALITY ASSURANCE FORM

CONSULTANT COMPLETES THIS SECTION

Consultant:_____

Project Description:_____
_____
_____

Des. No.:_____Project No.:_____

Submittal: _____

This submittal has been reviewed with regard to consistency, completeness, and overall content prior to submittal by the following:

Project Manager: _____

Telephone Number: _____Date: _____

REVIEWER COMPLETES THIS SECTION (see Note)

The above submittal has been reviewed for quality in accordance with the Quality Assurance Procedures.

Item	Designer	Reviewer

Remarks **:** _____
_____
_____
_____

NOTE: The consultant is responsible for checking all of its work as outlined in *Indiana Design Manual* Section 6-2.0, Quality Assurance Procedures. This area is where the consultant indicates which of its personnel has checked which items.

RATING / EVALUATION FORM – DESIGN PLAN PROCESS

Project Coordinator: _____ ATTN: _____

Date: _____ Hwy. Opers. Div. Dir.: _____

Hydraulics Team Ldr.: _____

RFL Date: _____ Real Estate Ofc. Mgr.: _____

Rdwy. or Str. Svcs. Mgr.: _____

Consultant: _____

Route: _____ Des. No.: _____ Proj. Manager: _____

Description: _____

District: _____ Work Type: _____

Structure No.: _____ CN Project No.: _____

TYPE OF REVIEW

Grade/Str. Size :_____

Hydraulics :_____

Prel./Final Field Check :_____

Design Summary :_____

Hearing Plans :_____

R/W Plans/Tracings :_____

Prel. Plan Final Appr. :_____

Signing/Lighting Plans :_____

Final Plans/Tracings :_____

Inspection Report :_____

Preliminary Plans :_____

REVIEWERS' RATING ITEMS

Design Concept	:_____	:_____
Critical Design Elements	:_____	:_____
Calculations (Hydraulics & Bridge Rehabilitation Review Only)	:_____	:_____
Plan/Report Quality	:_____	:_____
Engineering Judgment (Bridge Rehab. Review Only)	:_____	:_____
Documentation of Work	:_____	:_____
Env. Mitigation/Permit Comp.	:_____	:_____
Procedure/Standard Comp.	:_____	:_____
Quality Assurance	:_____	:_____
Cooperation	:_____	:_____

Hearing: Advertise ☐ Schedule ☐ (Click On One)

INCLUDED ARE: (Click On Boxes Which Apply)

Markup of: _____

Plans as Sent to Traffic Engrg. Ofc.: ☐

Computations: ☐ Disk: ☐

Cost Est.: ☐ Spl. Prov. ☐

Quantities: ☐ X-Secs. ☐

Q.A. Form: ☐ Scope/Env./Permit Form: ☐

Other: _____

COORDINATOR'S RATING ITEMS

Scheduling	:_____	:_____
Procedure Compliance	:_____	:_____

5 = Excellent, 4 = Good, 3 = Marginal
2 = Poor, 1 = Unsatisfactory

Request Plans For: _____, the next submittal.

Are the Revisions Major? Yes ☐ No ☐ (Click On One)

Reviewer's Signature: _____ Date: _____

Reviewer's Telephone No.: _____

Clear Data

Item No.	Item Rated	Grade Review and Str. Size / Type	Hydrau-lics	Prel. / Final Field Check	Design Sum-mary	Design Hear-ing	PPFA	Final Plans	Tra-cings
1	Design Concept	X	X	X			X	X	
2	Critical Design Elements	X		X			X	X	
3	Calculations		X						
4	Plan/Report Quality	X	X	X	X	X	X	X	X
5	Engineering Judgment								
6	Documentation of Work	X	X		X			X	
7	Environmental Mitigation / Permit Compliance	X			X	X		X	
8	Procedure / Standards Compliance	X	X	X	X		X	X	X
9	Quality Assurance	X	X	X	X	X	X	X	X
10	Cooperation	X	X	X	X	X	X	X	X

Note: A change in the project scope may result in evaluations at subsequent design stages where such an evaluation was not originally scheduled.

ITEMS RATED FOR EACH SUBMITTAL
General Plans Review

Figure 6-3B

Item No.	Items Rated	Inspection Report	Preliminary Plans	Final Plans	Tracings
1	Design Concept	X	X	X	
2	Critical Design Elements	X	X	X	
3	Calculations	X		X	X
4	Plan / Report Quality	X	X	X	X
5	Engineering Judgment	X	X	X	
6	Documentation of Work	X	X	X	
7	Environmental Mitigation / Permit Compliance	X	X	X	
8	Procedure / Standards Compliance	X	X	X	X
9	Quality Assurance		X	X	X
10	Cooperation	X	X	X	X

Note: A change in the scope of the project may result in evaluations at subsequent design stages where such an evaluation was not originally scheduled.

ITEMS RATED FOR EACH SUBMITTAL
Bridge Rehabilitation Review

Figure 6-3C

RATING / EVALUATION FORM – DESIGN PLAN PROCESS

Design Exception

Consultant: _____

Route: _____

Des. No.(s): _____

Description: _____

Structure No.: _____

CN Project No.: _____

REVIEWER'S RATING ITEMS

Identification of Need _____
Analysis _____
Procedure/Compliance _____
Cooperation _____
Timeliness _____

5 = Excellent, 4 = Good, 3 = Marginal
2 = Poor, 1 = Unsatisfactory

Comments:

Are the revisions major? YES ☐ NO ☐ (Click On One)

Reviewer's Signature: _____ Date: _____

Clear Data

RATING / EVALUATION FORM – DESIGN PLAN PROCESS

Production Management Division

Contract No.: _____ Letting Date: _____ District: _____

Route: _____ Des. No.: _____

Description: _____

CN Project No.: _____ Structure No.: _____

Consultant: _____ Project Manager: _____

REVIEWER'S RATING ITEMS

Special Provisions ___
Pay Items ___
Procedure/Standard Compliance ___
Cooperation ___

5 = Excellent, 4 = Good, 3 = Marginal
2 = Poor, 1 = Unsatisfactory

Comments:

Are the Revisions Major? YES ☐ NO ☐ (Click On One)

Reviewer's Signature: _____ Date: _____

Clear Data