



Quality Based Selection  
Consultant Contract Process for All  
INDOT Projects w/ Alternate Process  
for LPA Projects

**Driving Indiana's Economic Growth**

# QBS Regulations & Policies

- Title 40 USC, Chapter 10, Subchapter VI  
**"Brooks Act"**
- Title 49 USC, Subtitle A, Part 18, Subpart C, Section 18.36 –  
"Uniform Administration Requirements for Grants and  
Cooperative Agreements to State and Local Governments"  
**"Common Rule"**
- Title 23, Chapter 1, Subchapter 1, Section 112 **"Letting of  
Contracts"**
- 23 CFR Part 172 – **"Administration of Engineering and  
Design Related Services Contracts"** (Revised 06/12/02)
- FHWA Revised Guidance, Issued on 10/23/02.



# QBS – Applicability

- Applies to Design Work that is Federally funded or State/Local funded as Match for Federal funds as follows:
  - Program Management
  - Construction Management
  - Feasibility Studies
  - Preliminary Engineering
  - Design
  - Engineering
  - Surveying
  - Mapping
  - Architectural Related Services



# QBS – Required Outcomes

- Ensure that the highest qualified consultant is obtained through a Qualifications Based Selection process
- Ensure that the prescribed work is properly accomplished in a timely manner, and at a fair and reasonable cost



# QBS – INDOT Responsibilities

- INDOT must develop Written Procedures that will be reviewed and approved by FHWA
- INDOT shall **ENSURE** that sub-recipients comply with **ALL** Federal Requirements
  - SAFETEA-LU Section 1904 makes INDOT responsible for Ensuring that:
    - LPA's have adequate Project Delivery Systems for projects
    - LPA's have sufficient Accounting Controls to properly manage Federal Funds
- INDOT may require LPA's to follow the approved INDOT procedures or allow LPA's to develop written procedures, however, INDOT must review and approve LPA procedures, monitor and ensure compliance, including rescinding funds if necessary



# QBS – Required Elements

- Written Procedures must Include:
  - How the project Scope of Work is developed
  - How the Evaluation Factors are developed
  - How costs for services are estimated
  - Ensure that a public advertisement occurs that ensures that In-State and Out-of-State consultants are given fair opportunity to compete
  - Ensure that proposals are evaluated and Ranked in order of priority (1,2,3)



# QBS – Required Elements

- Ensure that an audit from another Cognizant Agency is accepted (Federal or State Agency), or one is conducted
- Ensure that negotiations commence with the highest qualified firm in an attempt to reach an agreed upon fair and reasonable price
- Ensure that if the Agency is unable to reach agreement, negotiations with #1 firm will be terminated and negotiations will commence with the #2 firms, etc.



# QBS – Required Elements

- Ensure that the consultant's work is monitored and evaluated when the work is completed
- Ensure that the Disadvantaged Business Enterprise (DBE) program provisions are applied to INDOT & LPA Contracts
- Ensure that preferences are not included, such as:
  - In-State preferences (Buy-Indiana)
  - Locality preferences
  - Indiana M/WBE Programs
- Ensure that costs are not allowed as a criterion during the evaluation phase of the selection process



# INDOT Vision – Principles to Follow

- FHWA requirements must be satisfied
- Follow best practices
- Maximize use of Federal Funds for INDOT and LPA's
- Empower professionals at ownership / initiator levels to make decisions
- Ensure performance through accountability standards



# Methodology Followed

- Identified customers
- Identified state and federal statutory requirements – Brooks Act QBS
- Interviewed INDOT professionals from all technical areas and offices
- Reviewed AASHTO guidance and procedures of other DOT's
- Met w/ consultant association & individual firm representatives
- Interviewed owners including LPAs



# LPA Consultant Selection Process

- Two processes available:
  - INDOT's Consultant Selection Process
  - Alternate Process for LPA's only
    - Use of the Alternate Process requires INDOT Contracts Administration Division to ensure compliance



# Prequalification

- Legal & financial prequalification required for all consultants and subconsultants
- Technical prequalification required for 45 defined work categories
- Sets capacity limitations



# Prequalification

## Legal & Financial Requirements

- Registered with Indiana Secretary of State
- In good standing with Dept of Revenue & Dept. of Workforce Development
- Professional liability insurance



# Prequalification

## Legal & Financial Requirements

- Acceptable / auditable accounting system
- Overhead rate package
  - *Cognizant agency approved; or*
  - *FAR Compliant and CPA Certified; or*
  - *Services less than \$250,000/year... self-certified accounting package*
  - *Not required for Unit price only contracting*



# Prequalification

## Technical Requirements

- For pre-defined categories, such as:
  - *Complex or non-complex roadway design*
  - *Level 1 or Level 2 bridge design*
  - *Environmental document preparation*
- Not required for less-used services
  - *Will be specified on case by case basis in advertisements*



# Advertisement

- RFP's scheduled in advance, 1 per month
- Owner offices identify projects and services to be advertised and provide the following information to the contracts office:
  - *Approved determination of need*
  - *Documentation of project programming*
  - *Documentation of funding availability*
  - *Project / services scope document*



# Advertisement (cont.)

- Advertisements will list category prequalifications and any additional special qualifications required
- Advertisements to include selection evaluation criteria and score sheet
- Advertisements to identify DBE or MBE/WBE goals
- Two-week advertisement period with advance notice on most items via 18-month RFP list



# Proposals / Statements of Interest

- Statements of interest and proposals submitted electronically
- Proposals for specific projects to include:
  - *Project Approach*
  - *Key staff list and availability*
  - *Any requested special qualification information*
  - *Firms contract priority list*



# Selection Scoring

- Three to five person scoring team from initiating office *independently* scores all proposals
  - *Using advertised selection evaluation form*
  - *Each score sheet is certified with signature*
  - *Scoring for past performance, disputes and location to be input directly from database*



# Selection Evaluation Form

Selection Rating for RFP- No. \_\_\_\_\_, Item No. \_\_\_\_

Consultant Name:		Services Description:			
Evaluation Criteria to be Rated by Scorers					
Category	Scoring Criteria	Scale	Score	Weight	Weighted Score
Capacity of Team to do Work	Evaluation of the team's personnel and equipment to perform the project on time.			20	0
	Availability of more than adequate capacity that results in added value to INDOT.	1			
	Adequate capacity to meet the schedule.	0			
	Insufficient available capacity to meet the schedule.	-1			
Team's Demonstrated Qualifications	Technical expertise: Unique Resources that yield a relevant added value or efficiency to the deliverable.			15	0
	Demonstrated outstanding expertise and resources identified for req'd services for value added benefit.	2			
	Demonstrated high level of expertise and resources identified for req'd services for value added benefit.	1			
	Expertise and resources at appropriate level.	0			
	Insufficient expertise and/or resources.	-3			
Project Manager	Predicted ability to manage the project, based on: experience in size, complexity, type, subs, documentation skills.			10	0
	Demonstrated outstanding experience in similar type and complexity.	2			
	Demonstrated high level of experience in similar type and complexity.	1			
	Experience in similar type and complexity shown in resume'.	0			
	Experience in different type or lower complexity.	-1			
Insufficient experience.	-3				
Approach to Project	Project Understanding and Innovation that gives INDOT cost and/or time savings.			15	0
	High level of understanding and viable inovative ideas proposed.	2			
	High level of understanding of the project.	1			
	Basic understanding of the project.	0			
	Lack of project understanding.	-3			
<b>Weighted Sub-Total</b>					<b>0</b>

The scores assigned above represent my best judgement of the consultant's abilities for the rating categories. Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Evaluation Ratings to be Assigned from Office of Contracts Data Sources					
Category	Scoring Criteria	Scale	Score	Weight	Weighted Score
Disputes	Outstanding Agreement Disputes.			20	0
	No outstanding unresolved agreement disputes > 3 mos. old.	0			
	Outstanding unresolved agreement disputes more than 3 mos. old.	-3			
Past Performance	Performance evaluation score averages from historical performance data.			12	0
	Quality score for similar work from performance database.				
	Schedule score from performance database.				
	Responsiveness score from performance database.				
	*Budget score from performance database.		N/A		
*Constructability score from performance database.		N/A	7		
Location	Location of assigned staff office relative to project.			5	0
	Within 50 mi.	1			
	51 to 150 mi.	0			
	151 to 500 mi.	-1			
	Greater than 500 mi.	-2			
	For 100% state funded agreements, non-Indiana firms.	-3			
<b>Weighted Sub-Total</b>					<b>0</b>

For categories that are not relevant to the particular item being evaluated leave the category score as N/A. This is to be as documented in the RFP.

\* Only applicable for transportation project development contracts. Data not available yet.

**Weighted Total** 0



# Selection / Performance

## Evaluation Scoring Philosophy

- Selection Scoring
  - +2 Outstanding Qualifications*
  - +1 Highly Qualified*
  - 0 Qualified*
  - 1 Slightly Below Desired Qualification*
  - 3 Insufficient Qualification*
- Performance Ratings
  - +2 Exceeds*
  - 0 Satisfactory*
  - 1 Needs Improvement*
  - 3 Unsatisfactory*



# Evaluation by Scorers

Selection Rating for RFP- No. \_\_\_\_\_, Item No. \_\_\_\_

Consultant Name:

Services Description:

Evaluation Criteria to be Rated by Scorers					
Category	Scoring Criteria	Scale	Score	Weight	Weighted Score
Capacity of Team to do Work	<b>Evaluation of the team's personnel and equipment to perform the project on time.</b>				
	Availability of more than adequate capacity that results in <b>added value</b> to INDOT.	1		20	0
	Adequate capacity to meet the schedule.	0			
	Insufficient available capacity to meet the schedule.	-1			
Team's Demonstrated Qualifications	<b>Technical expertise: Unique Resources that yield a relevant added value or efficiency to the deliverable.</b>				
	Demonstrated outstanding expertise and resources identified for req'd services for value added benefit.	2		15	0
	Demonstrated high level of expertise and resources identified for req'd services for value added benefit.	1			
	Expertise and resources at appropriate level.	0			
	Insufficient expertise and/or resources.	-3			
Project Manager	<b>Predicted ability to manage the project, based on: experience in size, complexity, type, subs, documentation skills.</b>				
	Demonstrated outstanding experience in similar type and complexity.	2		10	0
	Demonstrated high level of experience in similar type and complexity.	1			
	Experience in similar type and complexity shown in resume.	0			
	Experience in different type or lower complexity.	-1			
	Insufficient experience.	-3			
Approach to Project	<b>Project Understanding and Innovation that gives INDOT cost and/or time savings.</b>				
	High level of understanding and viable inovative ideas proposed.	2		15	0
	High level of understanding of the project.	1			
	Basic understanding of the project.	0			
	Lack of project understanding.	-3			
				<b>Weighted Sub-Total</b>	<b>0</b>

The scores assigned above represent my best judgement of the consultant's abilities for the rating categories. Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



# Evaluation from database

Evaluation Ratings to be Assigned from Office of Contracts Data Sources					
Category	Scoring Criteria	Scale	Score	Weight	Weighted Score
Disputes	<b>Outstanding Agreement Disputes.</b>				
	No outstanding unresolved agreement disputes > 3 mos. old.	0		20	0
	Outstanding unresolved agreement disputes more than 3 mos. old.	-3			
Past Performance	<b>Performance evaluation score averages from historical performance data.</b>				
	Quality score for similar work from performance database.			12	0
	Schedule score from performance database.			7	0
	Responsiveness score from performance database.			7	0
	*Budget score from performance database.		N/A	7	
*Constructability score from performance database.		N/A	7		
Location	<b>Location of assigned staff office relative to project.</b>				
	Within 50 mi.	1			
	51 to 150 mi.	0			
	151 to 500 mi.	-1		5	0
	Greater than 500 mi.	-2			
	For 100% state funded agreements, non-Indiana firms.	-3			
				<b>Weighted Sub-Total</b>	<b>0</b>

For categories that are not relevant to the particular item being evaluated leave the category score as N/A. This is to be as documented in the RFP.

\* Only applicable for transportation project development contracts. Data not available yet.

**Weighted Total** 0



# Selection Scoring (cont.)

- For INDOT the initiating office forwards all evaluation forms to the central office contracts administrator within 14 calendar days
  - *Including signed spreadsheet tabulation of scores by evaluators*
  - *Ranked, highest to lowest based on **lowest ordinal totals***



# Selection Recommendation Analysis

- Central office Consultant Services Section initiates reviews of the high ranking firms to:
  - *Verify annual services no more than 200% of consultant's previous year's total wages & Salaries*
    - *\$150,000 minimum limit*
  - *Coordinate with Economic Opportunity Division to verify compliance with DBE or MBE/WBE goals or good faith efforts for meeting goals*
- The Consultant Services Section prepares documentation of the above for the Central Office Review Committee



# Selection Recommendation Review

- INDOT's Central Office Review Committee made up of:
  - *Contract Administration Director*
  - *Production Management Director*
  - *Economic Opportunity Director*
  - *Planning Director*



# Selection Recommendation

## Review

- INDOT's Central Office Review Committee reviews the scoring information provided for each item to:
  - *Verify scoring procedure compliance*
  - *Review results of DBE or MBE/WBE compliance checks*
  - *Review results of capacity computations & key personnel availability*
- Firms not meeting set criteria (including late/non-conforming submittals, negative total evaluation score, etc.) are eliminated from consideration
- Applies DEF adjustments and re-ranks by ordinals



# Selection Recommendation

## Approval

- Central Office Review Committee approves the remaining highest ranked firms by ordinals for each contract along with two alternates for each item
- Approval is indicated on the scoring tabulation forms submitted by the initiating offices by signature of each person on the review committee



# Selection Recommendation

## Approval

- Results of the review committee actions are tabulated and certified as accurate by the Contracts Manager
- Selection recommendations are approved by the Commissioner by signature to the same tabulation and posted to the Consultant Services RFP Website and a notice is sent to RFP listserv members
- Letters of Interest, scoring documentation, and committee and Commissioner actions for all submittals to be published on the internet after contracts are approved by AG signature
- Scoring information is confidential until contracts are approved by AG signature



# Design Efficiency Factor

- Purpose – To make better use, from a program perspective, of the consulting industry and thereby accelerate the delivery of Major Moves.
- DEF is applicable to project development contracts only, including:
  - Project specific design contracts;
  - On-call road project development contracts; &
  - On-call bridge development contracts.



# Why DEF?

- Brooks Act was developed in a time when DOTs self-performed the vast majority of their own design work
- Brooks Act is therefore a project-by-project regulation without allowance for a DOT's program capacity issues



# Why DEF Now?

- Items necessary before DEF could be considered:
  - Demonstrated Need
  - One year's data under new Consultant Selection Process for validation
  - Priority Listing of applied for contracts from submitting firms in LOI
  - Industry acceptance to implement DEF
  - FHWA conditional approval



# DEF Required Outcomes

- Complete Transparency
- Easily Communicated
- Multiple Selections Possible on Single RFP
- No Selections of Non-Performing Firms
- Factors in Firm's Workload
- Data Driven



# DEF Development Process

- Met with Industry Stakeholders;
- Defined Goals;
- Developed Set of Potential Solutions;
- Assigned Work Groups for Best Solutions;
- Validated All Leading Solutions;
- Conducted Stakeholder Review;
- Obtained consulting Industry written approval of DEF modification;
- Submitted the Best Solutions for FHWA Approval;
- Received Conditional Approval from FHWA; &
- Initiated DEF on RFP 07-01



# DEF Process

- RFP scoring process conducted as normal
- Owners score and Tabulate as normal
- Consultant Selection Review Committee has added responsibility of applying DEF adjustments to tabulations, where advertised
- After adjustments, consulting teams re-ranked by ordinals
- Selection of highest rated firm and alternates
- Approval by INDOT Commissioner



# How DEF Works

- A five (5) point deduction is made on every scorers total score for a lead consulting firm's award of a applicable selection during the previous twelve (12) month period
- The total scores are recalculated and the firms re-ranked by ordinals
- For lead consulting firms with multiple selections, the priority list submitted with the LOI is examined and the highest ranked item is selected
- The DEF is re-applied to that specific firm's other submittals.



# 07-01 Tabulation w/DEF

#	Consultant Name	DEF	Katherine Smutzer		Kenny Franklin		Gary Pence		Runfa Shi		Before DEF	After DEF	Before DEF	After DEF								
			Scores	Scores After DEF	Before Rank	After Rank	Scores	Scores After DEF	Before Rank	After Rank					Scores	Scores After DEF	Before Rank	After Rank				
17		0	88.3	88.3194444	7	6	88.3	88.3194444	4	2	98.3	98.3194444	5	1	13.3	13.3194444	21	18	37	27	7	1
20		-10	74.1	64.0756315	15	17	94.1	84.0756315	2	3	104.1	94.0756315	3	4	49.1	39.0756315	4	4	24	28	1	2
7		-10	113.1	103.140021	1	3	93.1	83.140021	3	4	63.1	53.140021	20	21	103.1	93.140021	1	1	25	29	2	3
4		-5	113.1	108.061598	2	1	88.1	83.061598	5	5	88.1	83.061598	13	14	28.1	23.061598	12	11	32	31	3	4
14		-5	109.9	104.865241	3	2	24.9	19.8652413	16	17	94.9	89.8652413	8	7	39.9	34.8652413	7	6	34	32	4	5
3		-5	72.9	67.9224365	17	15	82.9	77.9224365	6	8	92.9	87.9224365	9	9	52.9	47.9224365	3	3	35	35	5	6
6		0	79.2	79.2238095	11	9	19.2	19.2238095	19	18	89.2	89.2238095	11	8	54.2	54.2238095	2	2	43	37	11	7
10		-5	88.0	83.0202727	8	8	28.0	23.0202727	13	13	98.0	93.0202727	6	6	28.0	23.0202727	13	12	40	39	10	8
2		0	97.3	97.3377365	4	4	82.3	82.3377365	7	6	72.3	72.3377365	18	17	22.3	22.3377365	16	14	45	41	12	9
15		0	75.0	75	12	10	100.0	100	1	1	85.0	85	15	10	0.0	0	23	22	51	43	15	10
18		-10	81.3	71.3035044	9	13	81.3	71.3035044	8	9	106.3	96.3035044	2	3	21.3	11.3035044	17	19	36	44	6	11
16		0	75.0	75	12	10	80.0	80	9	7	85.0	85	15	10	15.0	15	19	17	55	44	17	11
19		0	67.7	67.6685648	18	16	22.7	22.6685648	17	14	97.7	97.6685648	7	2	22.7	22.6685648	15	13	57	45	18	13
13		0	89.8	89.7854828	6	5	29.8	29.7854828	11	11	44.8	44.7854828	22	22	29.8	29.7854828	10	8	49	46	13	14
21		-5	73.8	68.796874	16	14	63.8	58.796874	10	10	88.8	83.796874	12	13	28.8	23.796874	11	9	49	46	13	14
8		-5	67.4	62.3784915	19	19	27.4	22.3784915	14	15	87.4	82.3784915	14	15	42.4	37.3784915	6	5	53	54	16	16
11		-10	95.8	85.8071181	5	7	25.8	15.8071181	15	20	90.8	80.8071181	10	16	30.8	20.8071181	9	15	39	58	9	17
23		0	75.0	75	12	10	20.0	20	18	16	85.0	85	15	10	0.0	0	23	22	68	58	19	17
24		0	53.6	53.6297216	23	21	28.6	28.6297216	12	12	68.6	68.6297216	19	18	23.6	23.6297216	14	10	68	61	19	19



# 07-01 DEF Results

<b>RFP</b>	<b>I T E M</b>	<b>DEF Chg?</b>	<b>No. 1 Ranked Firm Prior to DEF Application, if Different</b>	<b>Selection</b>	<b>Item Description</b>
07-01	6	N		Firm A	SR 14 Allen Co ATL Proj. Development
07-01	7	Y	Firm B Firm A	Firm C	SR 15, Kosciusko Co. ATL Project
07-01	8	N		Firm B	I-65/SR 58, Interchange Modification
07-01	16	Y	Firm D	Firm E	SR 42 Rd Reconstruction in Vigo County
07-01	17	Y	Firm F	Firm G	SR 240 Pavement Replacement
07-01	21	N		Firm H	Road Project Development Services, Greenfield District



# 07-01 DEF Validation Notes

- Three of six selected firms had not previously been selected by the new selection process implemented in 8/05.
- No firm was selected on these items that had been previously selected more than one time by the new process.
- No firm was selected for more than one of these items on the same RFP.
- The number of firms submitting per item has been reduced by approximately 6 to an average of 23.



# Performance Evaluation

- Completed for all contracts
- Evaluation for each major deliverable including construction specification packages
- Cumulative evaluation maintained for each contract
- Up to eleven evaluation opportunities
- Project evaluation scores amended by any additional information arising during construction
- Evaluations for sub-consultant prepared deliverables will be attributed to the sub-consultants
- Intermeditate and closeout evaluation meetings to be held for each contract



# Summary of Modifications to Original Process as of Jan '07

- Ordinal Ranking of Scores
- Key staff availability reporting
- Priority List
- DEF
- Increased weight to project manager & approach of 5 weight points
- Visual modification to score sheet
- Development of improved performance evaluation (still in draft)



# Completion as of March '07

- Prequalification manual
  - *Complete, but will be revised*
- Audit procedure
  - *Complete*
- Consultant selection procedure
  - *Complete, details to be documented in procedure manual*
- Performance evaluation system
  - *80% complete*
- Consultant procedure manual
  - *80% complete*



# Work Remaining as of March '07

- Completion of previously-mentioned manuals and procedures
- Online prequalification system
- Online LoI submittal system
- Automated selection scoring data collection system
- Develop and implement web-based training



# Prequalification Progress as of March '07

- 317 Applicants to date
- 283 Fully pre-qualified firms
- 47 Applicants pending
  - 44 in audit review
  - 8 in technical review



# INDOT

## Consultant Contract Process

# Q&A Available at

[www.state.in.us/dot/business/  
consultants/index.html](http://www.state.in.us/dot/business/consultants/index.html)

