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 subconsultant 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.

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

• 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.