

## Section 4.1

# ADMINISTRATION OF CONSULTANT CEI CONTRACTS

### 4.1.1 Purpose

To set forth general instructions concerning the administration of Consultant Construction Engineering and Inspection (CCEI) contracts.

### 4.1.2 Authority

[Sections 20.23\(3\)\(a\), Florida Statutes](#)

[Section 334.048\(3\), Florida Statutes](#)

### 4.1.3 References

The following is a list of Professional Consultant Contract Administration Procedures and Guidelines pertinent to procurement and administration of Consultant CEI.

[350-020-200 Contract Funds Management Funds Approval](#)

[360-050-005 Project Cost Reporting](#)

[375-020-010 Errors, Omissions, and Contractual Breaches by Professional Engineers on Department Contracts](#)

[375-030-001 Professional Services Consultant Qualification](#)

[375-030-002 Acquisition of Professional Services](#)

[375-030-004 Audit Process for Professional Services Consultants and Contracts](#)

[375-030-006 Conflict of Interest Procedure for Department Contracts](#)

[375-030-007 Professional Services Consultant Work Performance Evaluation](#)

[375-030-010 Amendments and Task Work Orders for Professional Service Agreements](#)

[Disbursement Handbook for Employees and Managers](#)

#### 4.1.4 Background

The Department must ensure the Consultant CEI (consultant) is performing services in accordance with the scope of services and the contract.

#### 4.1.5 Role of Consultant CEI

The Department maintains representation in administering construction projects through Professional Services contracts. Hence, the authority of the CCEI firm's lead person, such as the Senior Project Engineer, and the CCEI Project Administrator shall be identical to the Department's Resident Engineer and Project Administrator respectively and shall be interpreted as such. The Consultant is required to exercise their professional judgment in performing their obligations and responsibilities under the contract. However, the Consultant must seek input from the Construction Project Manager, as necessary. Therefore, the Department entrusts the Consultant with the responsibility of administering the project(s) and to implement actions based on their authority, subject to the requirements of **Section 4.1.7**.

The Consultant shall render the services consistent with the standard of care, skill, and diligence exercised by members of the same profession providing similar services under similar conditions at the location of the project and at the time the services are to be performed. Consultants' standard of care shall not be altered by the application, interpretation, or construction of any other provision of the contract.

#### 4.1.6 Pre-Service Phase

##### **Resident Level Responsibilities**

A pre-services meeting is required on all Consultant CEI (CCEI) contracts following execution of the contract and prior to the pre-construction conference. Generally, those in attendance will be representatives of the Department's Professional Services Unit, the Construction Project Manager, District Construction Consultant Manager or designee, and the Consultant to discuss administration of the CCEI contract. The Construction Project Manager will be responsible for coordinating the meeting. The pre-services meeting can be

optional if the Firm is already performing services in the District and the District Construction Consultant Manager does not believe the pre-services meeting is needed.

Subjects covered at the meeting will include, but not be limited to:

- (1) Department lines of authority concerning administration of the CCEI contract and the administration of the construction contract.
- (2) Consultant's schedule for identifying field offices, assigning personnel and equipment.
- (3) Terms of the CCEI contract (e.g., approval of Consultant's personnel qualifications, approval of personnel and equipment assignments, rates, etc.). Clarify any portions of the Consultant CEI Scope of Services that are unclear to any parties.
- (4) Invoice procedure as outlined in the ***Invoice Processing section of the [Disbursement Handbook](#)***.
- (5) The coordination between the Construction Project Manager, District Construction Consultant Manager, Professional Services Administrator, and Consultant CEI for processing CCEI supplemental amendments and CCEI invoices.
- (6) Review of the process for the CCEI to contact the Design Consultant for post design services and clarification or correction of plans and specifications.
- (7) Discuss Disadvantaged Business Enterprise (DBE), On-the-Job Training (O.J.T.), and Equal Employment Opportunity (EEO) monitoring and documentation submission requirements.
- (8) The ***Professional Services Consultant Work Performance Evaluation, [Procedure No. 375-030-007](#)***.
- (9) Action required by CCEI prior to start of construction.
- (10) Review of the critical items for successful administration of the construction contract.
- (11) Consultant CEI's Quality Control (Q.C.) Review process.

A complete and concise record (including the names, titles, addresses, and telephone numbers of all participants) of the proceedings of the meeting shall be prepared by the Consultant and approved by the Construction Project Manager. The approved record of the meeting shall be distributed to all participants and other interested parties within 2 weeks following adjournment of the meeting.

## **4.1.7 Service Phase**

### **Resident Level Responsibilities**

The Construction Project Manager, under direct supervision of the Department Resident Engineer or the District Construction Consultant Manager and in turn the District Construction Engineer, must administer the CCEI Contract(s) and monitor the activities of the Consultant(s) engaged in construction contract administration and is in responsible charge of the project(s) at all times. The Construction Project Manager will serve as the liaison to the FHWA and the Department as it relates to various contract administration issues. The areas of responsibility of the District Construction Consultant Manager and Construction Project Manager include:

#### **4.1.7.1 Consultant Personnel**

##### **Resident Level Responsibilities**

The Construction Project Manager or the District Construction Consultant Manager shall compare the personnel proposed by the Consultant with the Technical Proposal for any changes in personnel. Replacements for the original personnel must have equal or better qualifications than the personnel being replaced. The Construction Project Manager or Resident Engineer and the District Construction Consultant Manager shall jointly review and approve all subsequent additions and deletions to Consultant staffing of a project and all changes in salary. All overtime usage is subject to the terms of the CCEI contract. All salary and personnel approvals shall be in writing.

#### **4.1.7.2 Office Space and Equipment**

Shall be in accordance with the CCEI contract.

#### **4.1.7.3 Travel**

All travel expenses of the Consultant with reimbursement are not to exceed State of Florida rates, Department policies and limitations, and within the terms of the CCEI contract.

#### **4.1.7.4 Training Courses**

## **District Level Responsibilities**

The District Construction Training Administrator or designee shall advise the Consultant, through the Construction Project Manager, of any construction training courses presented by the Department. The District Construction Engineer shall make space available to the Consultant for training that is normally available to Department field personnel. Training is an overhead expense in accordance with Federal Acquisition Regulations. Therefore, training costs are not to be charged directly to Department projects. However, the District Construction Engineer can authorize Consultants in that District to attend District specific informational sessions; in which case, the Consultants will be reimbursed for the hours spent in travel and in the session as part of their billable hours. No additional reimbursement will be made for travel, including but not limited to, mileage, lodging, meals, etc.

### **4.1.7.5 Consultant Billings**

#### **Resident Level Responsibilities**

The Construction Project Manager shall review and process Consultant monthly and final invoices according to the ***Invoice Processing section of the [Disbursement Handbook](#)***.

### **4.1.7.6 Consultant Performance**

#### **Resident Level Responsibilities**

The consultant CEI performance evaluation is a summary record of the Construction Project Manager's performance reviews of the CEI Consultant, the Quality Assurance Reviews prepared by the Specialty Engineer from the Office of Construction, and the Federal Highway Administration (FHWA) Monthly Field Reports. These source documents should be used as the basis for preparation of the performance evaluation and serve as the in-depth, back-up data needed to substantiate the numerical evaluation given. The Construction Project Manager shall maintain a continuing overview of Consultant performance of duties by quarterly interim reviews of records, inspection procedures, testing procedures, sampling procedures, etc. These performance reviews shall be conducted beginning with the first full quarter in accordance with ***Professional Services Consultant Work Performance Evaluation, [Procedure No. 375-030-007](#)***. Quarters are defined as follows: 1<sup>st</sup>

Quarter: January – March, 2<sup>nd</sup> Quarter: April – June, 3<sup>rd</sup> Quarter: July – September, 4<sup>th</sup> Quarter: October – December.

The Construction Project Manager shall use the **Consultant Evaluation System (CE)** to record quarterly interim and final grades. CEI consultant evaluations shall be completed using either the project-specific CEI evaluation criteria or the CEI Hybrid criteria. If a particular performance item does not apply to a project, it should not be used in the calculation of the weighted average for the performance test area.

Additional interim reviews may be conducted and recorded in the **Consultant Evaluation System** if needed.

The Construction Project Manager may obtain comments from other appropriate District personnel on Consultant's performance.

The Department's PM may offer the consultant CEI the opportunity to request a meeting to discuss a grade with the DCE within ten calendar days of receipt of the evaluation. The DCE shall consider any information submitted by the consultant and decide whether the performance evaluation will be revised. The DCE's decision is final.

The evaluation of the overall performance for the entire contract period shall be the average of all evaluations (interim and final) for the contract and is automatically calculated in CE.

#### 4.1.7.6.1 Initial In-Depth Review

##### Resident Level Responsibilities

During the early stages of the construction project, the Construction Project Manager must thoroughly evaluate the performance of the Consultant Firm to ensure the Consultant Firm is demonstrating the necessary knowledge, skills and experience to make decisions in accordance with the CCEI Contract. The Construction Project Manager shall conduct an Initial In-depth review for each CCEI contract.

The Initial In-depth review should be conducted within six (6) months of commencement of CCEI services and be documented on **Consultant CEI 6 Month In-Depth Review Report, [Form No. 700-010-03](#)**.

Written records of each review are to be maintained in a contract management file for each CCEI contract for the life of the contract.

The review areas of each CCEI contract shall consist of:

- (1) **Personnel** The Construction Project Manager shall review Consultant staffing to determine if the individuals assigned to the project are those identified in the technical proposal, and that project staffing is in accordance with the approved staffing plan. All replacement personnel shall have been properly approved and be equally or better qualified to perform in their respective positions, and their rates of pay must be in accordance with the CCEI contract requirements.
- (2) **Equipment** The Construction Project Manager shall check to ensure all equipment as required in the CCEI contract has been provided, is in proper operating condition, is being maintained and calibrated, and is adequate for ongoing and projected construction activities.
- (3) **Construction Contract Administration** The Construction Project Manager shall determine if the Consultant staff has the appropriate construction contract, plans, specifications, design standards, Department procedures, and other pertinent documents available in the project office and that the Consultant is complying with material testing, inspection, documentation, and contract administration requirements.

#### 4.1.7.6.2 Interim Evaluations

##### Resident Level Responsibilities

Interim performance evaluations shall be completed within 30 days after the end of each quarter.

Each interim performance evaluation should note whether the Consultant's Q.A. reviews were performed every six (6) months by the Consultant Firm. Provide written explanation with supporting backup documentation as necessary for areas identified as "unacceptable" performance to FHWA.

Commendatory or critical comments shall be included in the evaluation to fully explain the intent of the evaluation. The CPM shall provide as much documentation as deemed necessary to fully explain the conditions encountered in the field.

##### 4.1.7.6.2.1 Initial Interim Evaluation

The Construction Project Manager shall prepare and submit the initial interim evaluation at the end of the first full quarter of contract performance.

#### **4.1.7.6.3 Final Evaluation**

The Construction Project Manager shall prepare and submit a final evaluation on the Consultant's work performance within 30 days after completion and acceptance of basic services, in accordance with ***Professional Services Consultant Work Performance Evaluation, Procedure No. 375-030-007***. The Construction Project Manager shall conduct a performance review for the period from the previous evaluation to the end of the contract.

The final grade for the Consultant should be representative of the performance of the Consultant for the duration of the CCEI contract and will be determined by averaging all the interim grades including the grade for the partial period prior to acceptance.

The Construction Project Manager shall obtain written comments from the District Final Estimates Manager (DFEM) if the DFEM performed a review of the Consultant's final estimates.

If close out of the CCEI contract is requested in order to unencumber the remaining contract funds and a Final Consultant CEI work performance evaluation is required before the final estimate package has been completely checked by the District Final Estimates Office, then a Final Evaluation Grade can be given leaving the Final Estimate Package section blank. A second Final Evaluation Grade shall be given once the Consultant's final estimate package has been completely checked by the District Final Estimates Office, in order to determine an accurate performance grade.

### **4.1.8 Design-Build Contracts**

#### **Resident Level Responsibilities**

On Design-Build contracts that include CEI services, the Construction Project Manager shall conduct an Initial In-Depth Review, Quarterly Interim Reviews, and Final Evaluation in accordance with this procedure for the Design-Build CEI.