## Professional Services

Florida law requires state agencies to acquire certain professional services by competitive selection. The selection is based on qualifications and followed by contract negotiations to establish a fee for the desired services. Here are some important rules and procedures:

- ***Procedure No. 375-030-002*, Acquisition of Professional Services**
- ***Procedure No. 375-030-003*, Professional Services Procurement Manual**
- ***Rule Chapter 14-75, Florida Administrative Code (F.A.C.), Qualifications, Selection and Performance Evaluation Requirements for Professional Consultants to Perform Work for DOT**
- ***Procedure No. 375-040-010, Consultant Marketing Procedure***

The ***Consultants' Competitive Negotiation Act (CCNA)***, ***Section 287.055, Florida Statutes (F.S.)***, mandates the following services be acquired through the CCNA process; Engineering, Surveying and Mapping, Architecture and Landscape Architecture. Right of Way and Transportation Planning services may also be acquired using the CCNA process. Persons and firms used whether prime consultant or subconsultant, can only perform the work for which they are prequalified with the Department, in accordance ***Rule Chapter 14-75, F.A.C.***

Per Florida Law, FDOT utilizes this process for any project requiring a Professional Engineer, Registered Architect, or other licensed professionals. FDOT uses this process for Planning, Project Development and Environment (PD&E), Design, Construction Engineering and Inspection (CEI), and General Engineering Consulting (GEC) contracts.

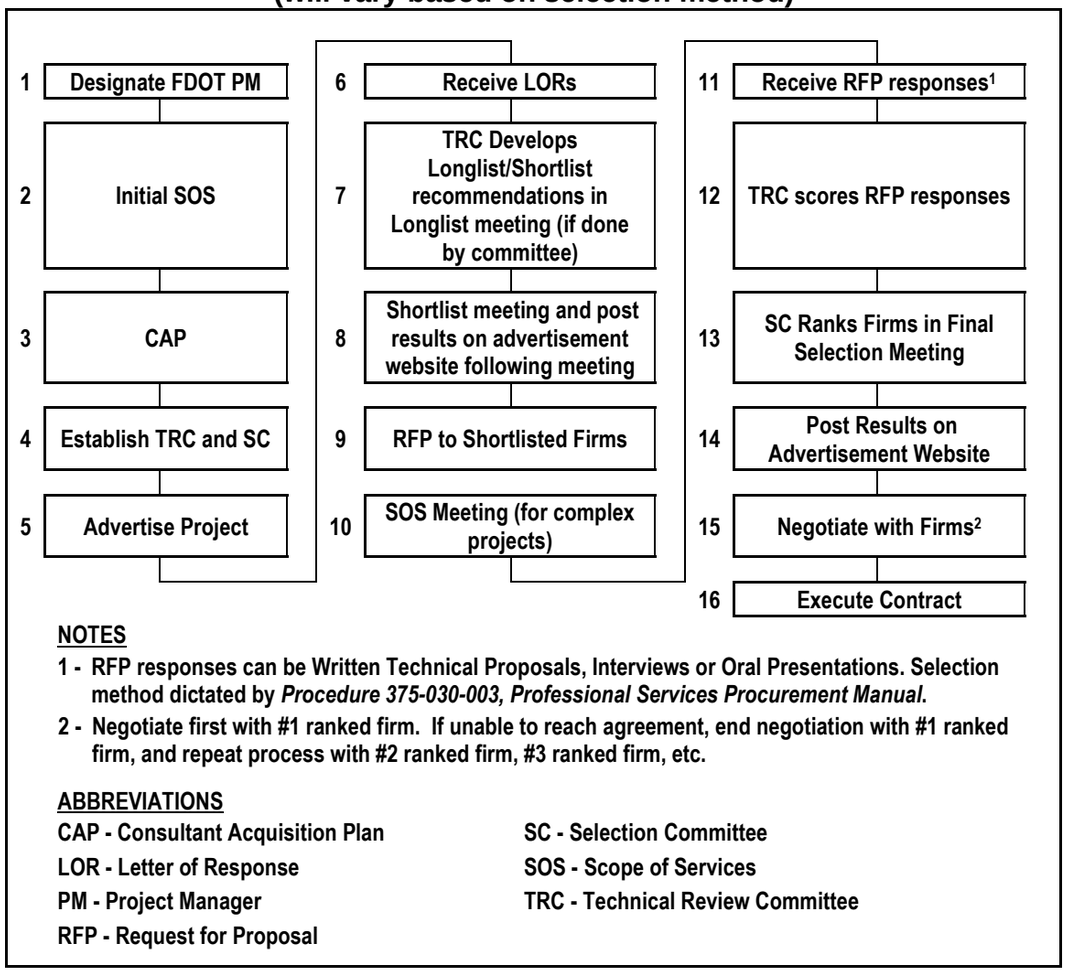
## Professional Services Procurement Process

Several individuals within FDOT are involved in the acquisition process for Professional Services contracts, including the District Professional Services Unit (PSU) and Central Office Procurement Office staff, the FDOT Project Manager (PM), the Technical Review Committee (TRC) members and the Selection Committee members. The roles of each are described within this PM Topic. The critical stages in the acquisition process are:

1. Advertisement
2. Longlisting
3. Shortlisting
4. Final selection
5. Contract negotiation
6. Contract execution

The following flowchart illustrates the many steps contained in the Standard Procurement Process for Professional Services contracts.

**Standard Procurement Process**
**(will vary based on selection method)**




**NOTES**

1 - RFP responses can be Written Technical Proposals, Interviews or Oral Presentations. Selection method dictated by *Procedure 375-030-003, Professional Services Procurement Manual.*

2 - Negotiate first with #1 ranked firm. If unable to reach agreement, end negotiation with #1 ranked firm, and repeat process with #2 ranked firm, #3 ranked firm, etc.

**ABBREVIATIONS**

CAP - Consultant Acquisition Plan
LOR - Letter of Response
PM - Project Manager
RFP - Request for Proposal
SC - Selection Committee
SOS - Scope of Services
TRC - Technical Review Committee

### Step 1 Designate FDOT PM

The Five-Year Work Program identifies the FDOT PM for each project. Once this occurs, the FDOT PM contacts the District Procurement Office to begin the process of scheduling the contract acquisition. FDOT PM and the District PSU jointly prepare the contract acquisition schedule.

### Step 2 Initial Scope of Services

Prior to advertisement, the FDOT PM determines the appropriate work groups and develops a scope of services for the project. Work groups are described in ***Rule 14-75.003, F.A.C***. List major and minor work groups in the advertisement. Include a proposed scope of services in the advertisement. Standard Scopes of Services for PD&E, Roadway and Bridge/Structural Design, Materials Testing, and CEI projects can be found at the following websites:

- PD&E Services: ***Office of Environmental Management***
- Design Services: ***Production Support Office***
- CEI Services: ***Construction Office***
- Geotechnical and Materials Testing: ***Production Support Office***

The FDOT PM may modify the standard scope language as necessary to accurately describe the specific work required and to reflect unique district procedures.

The ***Standard Terms and Conditions for Professional Services Contracts*** and the ***Standard Method of Compensation*** language should be reviewed carefully to avoid duplicating or contradicting these contract elements in the scope of services. Coordinate with all appropriate support services (e.g., surveying and mapping, traffic, materials, right of way) during the development of the draft scope and professional service staff hour estimate..

The FDOT PM should also review the work program and the Long-Range Estimate (LRE) during this time to ensure that project phases and funding amounts are consistent with the scope being developed for the project. The final project scope may result in significant impacts on the project phases and funding levels which should be reconciled prior to executing a contract.

**Step 3 Consultant Acquisition Plan**

Once the FDOT PM submits the suggested work types and scope of services, the District PSU will establish milestone dates and enter them into the district Consultant Acquisition Plan (CAP) for the upcoming fiscal year. ***CAPs*** can be found on the ***Procurement Office*** website. Generally, the scope is not ready at that time, and identified work types are tentative and subject to change.

The FDOT PM should consult with the District PSU during the development of the CAP to determine the appropriate selection method. The options are expanded letters of response, written technical proposals, oral presentations, and interviews. See ***Procedure No. 375-030-002*** and ***Procedure No. 375-030-003*** for information on proposal requirements.

**Step 4 Establish Technical Review Committee and Selection Committee**

**Technical Review Committee**

A TRC (minimum of three members) will be assigned the responsibility to evaluate LORs, Letters of Qualification, Interviews, Oral Presentations, Expanded LORs, Abbreviated Technical Proposals, and/or Written Technical Proposals submitted by Consultants. The TRC is determined by the appropriate Director (or designee) and are selected based on knowledge and expertise with required work groups, complexity of the project, and availability. When establishing the members of the TRC, consideration should be given for including technical experts for specialized work as follows:

(1) For bridge design projects involving Category I Bridges, consideration shall be given to including the District Structures Design Engineer or their designee as a member of the TRC.

(2) For bridge design projects involving Category II Bridges, consideration shall be given to including the State Structures Design Engineer or their designee as a member of the TRC.

(3) For rail corridor projects, consideration shall be given to including the Public Transportation Manager (or the District Rail Corridor Manager), and the State Rail Officer or their designees as members of the TRC.

(4) For projects involving right of way services, consideration shall be given to including the District Right of Way Manager or their designee as a member of the TRC.

(5) If a significant portion of the contract (greater than fifty percent) involves specialized services, then inclusion of technical experts as described above is required. General Engineering Consultant contracts shall include one Central Office participant on the TRC, to be named by the Chief Engineer.

The TRC shall consist of an odd number of members for professional services procurements. An even number of evaluators is not permitted on professional services TRCs to reduce instances of ordinal ranking ties.

Consultant staff may not be members of the TRC. It is permissible for Consultants to serve as technical advisors to the TRC, however, no employee of a Consultant or its affiliate that is competing for a project may serve as a technical advisor for the same project.

Participation by employees of other Florida governmental entities on a TRC is not permissible, although they may serve as technical advisors to the TRC. Private citizens and members of special interest groups are not permitted to serve on TRCs.

Standing committees may be established for broad types of work with the Project Manager for each project serving as the chairperson.

All potential TRC members must sign a ***Conflict of Interest/Confidentiality Certification***, ***Form No. 375-030-50***, which will be maintained in the contract file by the PSU. The ***Conflict of Interest/Confidentiality Certification*** is required to be completed and signed by the TRC members for every contract acquisition that they participate on and maintained in the individual contract file along with other documentation related to a single contract procurement. Potential TRC members that have a conflict of interest with a firm that has submitted a letter of response, should not accept membership on the committee. These potential TRC members shall still maintain confidentiality as outlined in the form.

TRC members must be familiar with the scope of services document prior to evaluating project submittals.

**Selection Committee**

No member of the TRC may serve on the Selection Committee for the same project. Each voting member of the Selection Committee may appoint an appropriate management level alternate. All Selection Committee members must sign a ***Conflict of Interest/Confidentiality Certification, Form No. 375-030-50***, which will be retained in the contract file.

The composition of a Selection Committee varies depending on whether it is for a contract in Central Office or in a district as follows:

- **Central Office Selection Committee**

  At a minimum, the Central Office Selection Committee will be composed of the appropriate Assistant Secretary or designee, (who will serve as Chairperson), the appropriate Director, and the appropriate Office Head or other members appointed by the Chairperson. The Manager of the Procurement Office (or designee) will serve as Recording Secretary at all meetings.

- **District Selection Committee**

  At a minimum, the District Selection Committee will be composed of three members: The District Secretary (who will serve as Chairperson), the appropriate Director, and at least one other Director or the appropriate Office Head or other members appointed by the District Secretary. The Procurement Services Manager, or their designee, will serve as Recording Secretary at all meetings.

**Step 5 Advertise the Project**

Initially, the project will be listed by Professional Services as a planned project in order to prompt the interest of consultant firms. During this period, the FDOT PM may speak with firms who request information about the project prior to advertisement. Once a project is posted as a current advertisement, all communications between interested firms and the Department must be directed to the appropriate Professional Services Office. The advertisement contact is referenced in the Respond To: section of each advertisement. Respondents to the solicitation or persons acting on their behalf may not contact, between the release of the solicitation and the end of the 72-hour period following the agency posting the notice of intended award, excluding weekends and state holidays, any employee or officer of the executive or legislative branch concerning any aspect of this solicitation, except in writing to the procurement officer or as provided in the solicitation documents. Violation of this provision may be grounds for rejecting a response.

Meetings of the Technical Review Committee (TRC) or Selection Committee to discuss or rank consultant proposals are considered public meetings and require proper public notice. Proposed meetings of these committees must be noticed (time and date) in the advertisement. The FDOT PM should coordinate these

meetings with the District PSU prior to advertisement. The Procurement Office is responsible for facilitating these meetings to ensure all applicable laws, rules, and procedures are followed.

Once the project is advertised, the "clock starts." All milestones must be completed on time to meet the contract execution schedule. The advertisement should include the proposed Scope of Services.

For projects that do not require interviews, technical proposals, or oral presentations, such as less complex CEI projects, the ranking of firms may be made directly from the Expanded Letters of Response. The advertisement must notify consultants what selection method will be followed.

**Step 6 Receive Letters of Response**

The District PSU will receive the Letters of Response (LOR), and perform a responsiveness check. The PSU will provide the Project Manager, Department designee, or TRC with a copy of all responsive submittals received for a given project, and make available a Detailed Consultant Analysis Report providing information on past performance with the Department for all responding Consultants prequalified to perform the advertised major types of work. For professional services contracts, all administrative responsiveness checks are exclusively performed by PSU, and the recommendations are provided to the Selection Committee for the final determination.

**Step 7 Develop the Longlist and Shortlist Recommendation**

From the LORs, Expanded Letters of Response, or Letters of Qualifications received from Consultants in response to an advertisement, the Project Manager, Department designee, or a Technical Review Committee will prepare a longlist of the most qualified Consultants to then be considered for shortlist recommendation to the Selection Committee. This longlist will contain a minimum of ten Consultants or all qualified responsive respondents if fewer than ten.

If the TRC is developing the longlist, they must do so in a properly noticed public meeting. . *If consultants or members of the public attend this meeting, the TRC should refrain as best as possible from mentioning any innovative ideas or unique items discussed in a firm's letter. To the greatest extent possible the TRC should protect the ideas presented in LOR's* If the Project Manager is independently developing the longlist, no public meeting is required.

There are certain factors to be considered by the Project Manager, Department designee, or TRC in developing the longlist and shortlist recommendations. Please review the ***Professional Services Procurement Manual*** for the factors.

The PSU will advise the Project Manager, Department designee, or TRC of the shortlist recommendation requirements. If the TRC is developing the shortlist, they must do so in a properly noticed public meeting. The longlist development and shortlist recommendation development may occur at the same public meeting. If the Project Manager is independently developing the shortlist recommendation, no public meeting is required.

**Step 8 Develop the Shortlist**

The shortlist meeting shall be conducted as a public meeting. The Selection Committee may review and consider the information in the Detailed Consultant Analysis Report (if available), along with the longlist/shortlist recommendations from the TRC when determining the final shortlist.

There are certain factors to be considered by the Selection Committee when making the shortlist decision. Please review the ***Professional Services Procurement Manual*** for the factors.

The Selection Committee will shortlist no less than three Consultants. Where multiple contracts are being selected with one advertisement, at least two more Consultants than number of contracts being awarded will be shortlisted.

The Selection Committee may, at its discretion, deviate from the recommendation of the TRC, and may consider other firms from the longlist for purposes of shortlisting. The Selection Committee shall also make the final determination on responsiveness of all Consultants who submitted in response to the advertisement.

**Step 9 RFP to Shortlisted Firms**

The PSU will input the Selection Committee's action in the Procurement Application immediately following the shortlist meeting. The results will be posted consistent with the Procurement Internet website. The shortlisted firms are sent a Request for Proposal (RFP) which includes the proposed Scope of Services. Requirements of the RFP are provided in ***Procedure No. 375-030-002*.**

**Step 10 Scope of Services Meeting (if applicable)**

A Scope of Services meeting with the shortlisted firms is optional; typically held only when project is complex, or scope issues exist. Scope of Service meetings should be held as either a teleconference or virtual meeting.

During this meeting, FDOT expectations and the Scope of Services will be discussed; including public involvement, environmental and utility concerns, unique project conditions, and need for Specialty Engineer.

The PSU will establish an information cutoff date at the scope of services meeting. No questions will be answered relating to the project objectives after the information cutoff date. The Consultants will be instructed as to where to direct all questions after the scope meeting.

**Step 11 Receive RFP Responses**

Shortlisted firms must submit their proposals prior to the deadline. Depending on the acquisition method chosen, presentations or interviews may be required. All members of the TRC must attend the presentation and interview meetings and complete evaluations for each firm. If a member of the Selection Committee attends one firm's presentation or interview, they must attend these events for all firms.

Requirements for evaluation and scoring are provided in ***Procedure No. 375-030-002*.** The items to be scored and the weight attached to each item should reflect the criteria that are important in selecting the consultant firm for a specific project.

**Interviews**

The PM or TRC prepares interview questions in advance of the interview to ensure all consultants receive the same common questions. The questions should be designed to provide the interviewers the comparative knowledge and experience of the competing teams that are being proposed. However, the interview should be structured to allow the interviewers flexibility to pursue lines of questioning that will provide insight into the consultant's other qualifications. The Department may prepare additional questions that are unique for a Consultant, based on the Consultant's Letter of Response, organization/staffing chart, or other information. An equivalent number of interview questions shall be prepared for each shortlisted Consultant. TRC members may also ask follow-up clarifying questions during the interview, as time permits. Prepared questions for the shortlisted Consultants are generally limited to 10-15 questions, to allow sufficient time for complete responses by the Consultants.

**Presentations**

When consultants are evaluated by oral presentations, they should demonstrate awareness of project issues, explain their approach to the project and describe their staffing qualifications and capabilities.

The selection of a consultant should be made on the technical qualifications of the firm, not "showmanship." Therefore, presenting consultants should have their key technical personnel proposed for the project develop the presentation.

**Technical Proposals**

The evaluation of technical proposals often requires more of the TRC's time to thoroughly review the material. A proposal page limit is typically set to reduce this time requirement and expense. It is important for the consultant to include input from all team members in their written proposal to give the TRC a clear indication of the team's knowledge and understanding of the project.

### Step 12 TRC Scores RFP Responses

After the selection method procedures have been completed, the TRC evaluates each consultant firm following the process outlined in ***Procedure No. 375-030-002.***

Committee members should concentrate on a firm's ability to do the work. They should not be distracted by other factors such as an attractive proposal or an artistic presentation. Although these attributes are impressive, they may not reveal the qualifications required. Gathering input from various disciplines and support offices can be beneficial in evaluating technical issues.

Each TRC member should include a written explanation for the score given. Although the scoring must be done individually, it is appropriate to discuss the consultants in general and reach some consensus on the major issues involved before scoring. These discussions shall only occur in a publicly noticed meeting that Procurement facilitates.

The TRC members shall independently evaluate and score the Technical Proposals, Interviews, or Oral Presentations. TRC members shall provide objective evaluations from a solely technical standpoint. The evaluations must be done individually by each reviewer and not as a consensus evaluation. The evaluators should provide comments along with their evaluation scores. When each evaluator has completed the evaluation of each Technical Proposal, Oral Presentation, or Interview, the raw scores and comments will be transmitted to the PSU, who will compile the individual scores and calculate the average score for each Consultant. All individual evaluations should be signed and dated by the evaluator. The individual evaluations will be included in the selection package.

### Step 13 Selection Committee Ranks the Firms

The selection package is prepared by the District PSU for consideration by the Selection Committee, which decides the final ranking. The FDOT PM should be prepared to answer any questions that the Selection Committee may have during this process.

### Step 14 Notify Firms

The PSU will input the Selection Committee's action in the Procurement Application immediately following the selection meeting. The results will be posted consistent with the Procurement Internet website.

### Step 15 Negotiate with Firms

The negotiation process begins with the number-one ranked firm. See ***PMG 230 – Contract Negotiations*** for more information.

### Step 16 Execute Contract

The consultant may only commence work with an executed contract and with funds approval.