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Department of Transportation

## PROFESSIONAL SERVICES PROCUREMENT MANUAL

### Chapter 1 INTRODUCTION

#### 1.1 PURPOSE

This manual defines the method used by the Florida Department of Transportation (Department) to procure qualified professional architectural; engineering; landscape architectural; land surveying and mapping; planning; and right of way services, in compliance with state and federal requirements.

#### 1.2 AUTHORITY

Sections 20.23(3)(a) and 334.048(3) Florida Statutes (F.S.)

#### 1.3 SCOPE

This manual will apply to all professional service contracts, whether state or federally funded, unless otherwise excepted herein or in cases of a valid public emergency as certified by the Secretary.

#### 1.4 REFERENCES

23 Code of Federal Regulations (CFR), Part 172, Procurement, Management, and Administration of Engineering and Design Related Services  
23 United States Code (USC), Section 112, Contracting for Engineering and Design Services  
40 USC, Sections 1101- 1104, Federal Brooks Act  
2 CFR, Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards  
49 CFR, Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs  
Federal Acquisition Regulation (FAR) Part 31, Contract Cost Principles and Procedures Section 112.061, F.S., Per diem and travel expenses of public officers, employees, and

authorized persons

Section 286.011, F.S., Public meetings and records; public inspection; criminal and civil penalties

Section 287.017, F.S., Purchasing categories, threshold amounts

Section 287.055, F.S., Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties

Section 337.027, F.S., Authority to implement a business development program

Section 337.105, F.S., Qualifications of professional consultants and other providers of contractual services; performance bonds; and audits of indirect costs

Section 337.106, F.S., Professional service providers; requirement for professional liability insurance

Section 337.107, F.S., Contracts for right-of-way services

Section 337.1075, F.S., Contracts for planning services

Section 337.165, F.S., Contract crime; denial or revocation of a certificate of qualification

Chapter 339, F.S., Transportation Finance and Planning

Chapter 14-75, Florida Administrative Code (F.A.C.), Qualification, Selection and Performance Evaluation Requirements for Professional Consultants to Perform Work for DOT

Chapter 14-78, F.A.C., Participation by Disadvantaged Business Enterprises

Chapter 60A-1.017, F.A.C., Acquisition of Commodities through Service Contracts

Chapter 60A-9, F.A.C., Office of Supplier Diversity

Federal-Aid Technical Bulletin No. 07-01, District-wide Consultant Selection Procedure Changes

Federal-Aid Technical Bulletin No. 10-06, Federalized Consultant Contracts that Have Previously Only Used State Funds

Federal-Aid Technical Bulletin No. 13-01, Construction Engineering Inspection Hybrid Contracts

FDOT Negotiation Handbook

Policy No. 001-010-020, Ethics Policy

Policy No. 001-275-015, Disadvantaged Business Enterprise Utilization

Policy No. 001-375-030, Compensation for Consultant Travel Time on Professional Services Agreements

Procedure No. 050-020-025, Records Management

Procedure No. 325-000-002, Transportation Technology Manual, Chapter 7, Acquiring Technology Resources

Procedure No. 350-050-005, Federal Project Authorizations

Procedure No. 375-030-001, Professional Services Consultant Qualification

Procedure No. 375-030-004, Audit Process for Professional Services Consultants and Contracts

Procedure No. 375-030-006, Conflict of Interest Procedure for Department Contracts

Procedure No. 375-030-007, Professional Services Consultant Work Performance Evaluation

Procedure No. 375-030-010, Amendments and Task Work Orders for Professional Services Agreements

375-030-035, Florida Accountability Contract Tracking System

Procedure No. 375-040-010, Consultant Marketing  
Procedure No. 375-040-130, Emergency Procurement During Governor Declared Emergencies  
Procedure No. 700-000-005, FHWA-FDOT Stewardship and Oversight Agreement  
Procedure No. 350-090-310, Tangible Personal Property

## 1.5 DEFINITIONS

**Affiliates:** The term “affiliate” means a predecessor or successor of a contractor under the same, or substantially the same, control or a group of business entities which are connected or associated so that one entity controls or has the power to control each of the other business entities. The term “affiliate” includes the officers, directors, executives, shareholders active in management, employees, and agents of the affiliate. The ownership by one business entity of a controlling interest in another business entity or a pooling of equipment or income among business entities shall be prima facie evidence that one business entity is an affiliate of another.

**Abbreviated Technical Proposal:** A written technical proposal between 2 to 5 pages in length.

**Automated Fee Proposal (AFP):** The AFP is the uniform cost proposal tool established by the Department for submittal of professional services contract cost proposal information. The AFP can be downloaded from the Procurement Office website.

**Business Development Initiative (BDI):** The BDI Program objective is to provide more opportunities and support for small businesses to move from subcontracting to prime contracting consulting roles. BDI reserves projects for competition by small businesses. Additional information on the BDI program is available on the Department’s Equal Opportunity website. Candidate BDI projects (professional services) must be approved by the District Secretary for District projects or an Assistant Secretary for Central Office projects, prior to the Equal Opportunity Office (EOO) posting the project to the BDI Reserved Contracts page on the EOO Internet site, or prior to advertising on the Consultant Acquisition Plan (CAP).

**Conflict of Interest:** Employees of the Department may not have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity or accept any obligation of any kind which is in conflict with the proper conduct of their duties in the public interest.

**Consultant Invoice Transmittal System (CITS):** CITS is an Internet web based application that allows for the electronic generation and submittal of invoices via the internet which streamlines the review and approval process. The system provides a paperless, efficient, and uniform means of delivering properly formatted invoices to the Department, in compliance with State law and rules.

**Contract Approval Process and Database:** All professional services contracts require Chief of Staff review and approval through the Contract Approval process and database on the Chief of Staff's SharePoint site, prior to final execution. Non-professional services subconsultants proposed to be added to professional services contracts after contract execution also require approval by the Chief of Staff through the Contract Approval Process prior to amendment execution.

**Contract Funds Management (CFM) System:** The CFM System is the Department's internal application used for updating the Department of Financial Services (DFS) state contract reporting system, known as Florida Accountability Contract Tracking System (FACTS). Contract information and images must be updated in CFM within 30 days of a new contract being executed, or any major change made to a contract. Additionally, procurement documents associated with a contract shall be uploaded into CFM within 30 days after execution of a new contract. Instructions on inputting contract information and uploading images into CFM are available on the Office of Comptroller- Statewide Contracts, Grants, and Funds Management SharePoint site.

**Detailed Consultant Analysis Report (Shortlist profile):** Department report from Procurement database providing available procurement information on Consultants, including past projects awarded, and past performance evaluations.

**Disadvantaged Business Enterprise (DBE):** The Department's DBE Program is authorized by the U.S. Department of Transportation. DBEs are defined and utilized in accordance with **Policy No. 001- 275-015, Disadvantaged Business Enterprise Utilization**. DBE goals shall be achieved using race and gender-neutral means. The Department encourages use of DBEs in all work types, to assist the Department with achieving its federal DBE utilization goal. No preference points will be given for DBE participation. The Department's approved DBE goal is found on the Equal Opportunity website. Information on the DBE Certification process is also available on the Equal Opportunity Office website.

**Expanded Letter of Response (Expanded LOR):** The amplified letter submittal by the Consultant in response to an advertisement, that is longer than the standard Letter of Response. The Consultant shall utilize the **Professional Services Expanded Letter of Response Form No. 375-030-23** when responding to advertisements with Expanded LOR referenced as the Selection Method. The required content for the Expanded LOR shall be specified in the advertisement and/or Form.

**Letter of Response (LOR):** The letter submittal by the Consultant in response to a standard project advertisement is known as the LOR. The Consultant shall utilize **Professional Services Letter of Response Form No. 375-030-22** when responding to advertisements with LOR referenced as the first stage of the Selection Method. The required content for the LOR shall be specified in the advertisement and/or Form.

**Letter of Qualification:** On each occasion when the Department requires professional engineering services that are not covered by a prequalified standard type of work, the advertisement for such services will require interested Consultants to submit a Letter of

Qualification. The Consultant shall utilize **Professional Services Letter of Qualification Form No. 375-030-24** when responding to advertisements with Letter of Qualification referenced as a Standard Note. The required content for the Letter of Qualification will be specified in the advertisement and/or Form. Consultants not prequalified with the Department are also required to provide proof of professional liability insurance or letter of credit, licenses and registrations in accordance with **Chapter 14-75, F.A.C.** If contract fees are \$500,000 or greater, the Consultant is also required to submit an overhead audit performed in accordance with the Department's [Reimbursement Rate Guidelines](#). Refer to **Procedure No. 375-030-004, Audit Process for Professional Services Consultants and Contracts**, for additional information. A complete audit must be submitted by the advertisement response deadline. The overhead audit must be approved by the Central Office Procurement Audit Review and Support Section prior to contract shortlist.

**Longlist:** 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.

**Minority Business Enterprise (MBE):** The Department of Management Services (DMS) Office of Supplier Diversity (OSD) is responsible for certifying Florida based minority, woman, and veteran businesses on behalf of all state agencies and universities. MBE is a state program. In order to become certified by OSD as an MBE, a business must meet the eligibility criteria set forth in **Chapter 60A-9, F.A.C.** and on the DMS Office of Supplier Diversity website. The business must register with MyFloridaMarketPlace as a vendor, and submit supporting documentation for certification to OSD for review.

**Multi-phase contract:** A project specific contract where the solicited services are divided into phases whereby the specific scope of work and associated costs may be negotiated and authorized by phases as the project progresses.

**Ordinal Ranking:** Ordinal values (1, 2, 3, etc.) will be assigned by the Professional Services Unit to each Technical Review Committee member's technical evaluation scores, based on the rank order of their technical scores for each firm. Ordinals may be considered as the basis for final ranking by the Selection Committee in instances of skewing, or if technical evaluation scores are tied.

**Professional Services:** In accordance with **Section 287.055(2)(d), F.S.**, "Professional services" means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, or those services performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice. **Sections 337.107 and 337.1075, F.S.**, also allow procurement of right of way services and planning services using the professional

services procurement process. Professional services do not include road/bridge construction or maintenance services, design-build services, construction, renovation, repair, modification or demolition services of building or structures, or commodities and/or contractual services pursuant to **Section 287.057, F.S.** Non-professional services will not be procured on a professional services contract unless they are ancillary and incidental, but are necessary support for accomplishing the professional services activities identified in the contract scope of services. Chief of Staff approval must be obtained for any non-professional services sub-vendors/subcontractors added to a professional services contract via contract amendment.

**Professional Services Consultant:** Any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice professional services as defined in **Sections 287.055, 337.107, and 337.1075, F.S.** Hereafter referred to as Consultant.

**Professional Services Unit (PSU):** An office, whether Central Office or District, that maintains Department staff responsible for the procurement of professional services.

**Project:** A project may include the following:

- (A) Professional services associated with a specifically identified project.
- (B) A grouping of professional service assignments for substantially similar activities where the grouping of assignments provides advantage to the Department because of the geographic proximity of the existing or proposed transportation facilities involved, or use of shared resources for multiple projects, or to allow multiple use of a single design concept. The advertisement for a contract for such a grouping will specify the geographical limits and other criteria for assignments and the period during which assignments may be made. Services that extend beyond five years are not eligible for federal funding, including post design/plans update services.
- (C) Miscellaneous minor professional services, performed on a task assignment basis. The total contract fee may not exceed \$1,500,000 and individual assignments may not exceed \$300,000. However, these limits may be exceeded due to unplanned cost increases, subject to the approval of the Chief Engineer or Chief Planner, as applicable. The period for new assignments will not exceed five years unless extended to complete assignments previously authorized or for post design/plans update services for assignments previously authorized, subject to the approval of the Chief Engineer or Chief Planner, as applicable. Services that extend beyond five years are not eligible for federal funding, including post design/plans update services.
- (D) Professional services provided to the Department on a continuing basis. Continuing contracts for professional services will be restricted in use to services for projects in which the estimated construction cost of each individual project under the contract does not exceed \$2,000,000, or for each study activity where

the fee for professional services for each individual study under the contract does not exceed \$200,000, or for work of a specified nature as outlined in the contract.

Without the approval of an Assistant Secretary, the period for a continuing contract shall not exceed 5 years and total fee may not exceed \$5,000,000. Services that extend beyond five years are not eligible for federal funding, including post design/plans update services.

- (E) Professional services of a General Consultant which include the administration, support and management of engineering; architectural; surveying; planning; or right of way acquisition, relocation, and property management activities. These activities may involve a number of different projects in the Work Program or operating budget as required. A General Consultant contract will be restricted in use to services for projects in which the estimated construction cost of each individual project under the contract does not exceed \$2,000,000, or study activity where the fee for professional services for each individual study under the contract does not exceed \$200,000, or for work of a specified nature as outlined in the contract. Without the approval of an Assistant Secretary, the contract time may not exceed five years. This type of contract is not eligible for federal funding participation. The **Work Program Instructions** provide direction for appropriate use of Work Program versus operating budget for District-wide, continuing, and General Consultant contracts.

**Project Manager/Project Engineer:** (Project Manager is used throughout this procedure to mean Project Engineer when applicable.) This is the person in the Department responsible for the general administration of the professional service contracts and who coordinates activities between the Consultant and the Department, assuring that the Consultant provides the specified services at a satisfactory level of quality and performance standards, in accordance with the terms and conditions of the contract, and is responsible for receipt of goods, services, or both. Additionally, the Project Manager or their designee will complete performance evaluations on the Consultant at minimum intervals specified in **Procedure No. 375-030-007, Professional Services Consultant Performance Evaluation**, and will initiate necessary actions as a result of the Consultant's non-compliance with the terms and conditions of the contract, or if the Consultant fails to meet the minimum level of service (performance measures identified in the agreement).

**Project Specific Contract:** A contract for the performance of services and defined scope of work related to a specific project or projects.

**Procurement Services Manager:** The Head of the Procurement Office located in each District. The Procurement Services Manager will be responsible for ensuring that the acquisition of these services is performed in accordance with these procedures, **Chapter 14-75, F.A.C.** and **Chapter 287, F.S.**

**Public Meetings/General Staff Meetings/Exempt Meetings:** Any meeting of two or more members of a Technical Review Committee, or Selection Committee to discuss their evaluations, conduct deliberations, make recommendations, or take formal action

is considered a public meeting and must be open to the public. Reasonable notice of all public meetings must be given prior to the event, and minutes from the meeting shall be made and maintained in the formal procurement file. Public meeting requirements do not apply to individual decision makers (e.g., one Selection Committee member), fact finding involving only one Technical Review Committee member, or general staff meetings not related to the procurement, or before the procurement is officially advertised on the Current Advertisement site. Meetings that are exempt from public meeting requirements do not require advertising and notice during the procurement process. A complete recording shall be made of any exempt meeting. No portion of the exempt meeting may be held off the record. It is recommended that the PSU utilize digital voice-recorders and an omni-directional microphone in order to facilitate the process of recording exempt meetings. Two separate recording devices are recommended to be used during exempt meetings. The second recorder will serve as backup, in case the primary recorder malfunctions. Members of the public shall be allowed the opportunity to provide input on matters on the agenda. The agenda for each public meeting, as noticed on the Professional Services advertisement site, is as follows: a) Opening Remarks (approximately 3 minutes); Public Input (minimum 15 minutes will be allotted); c) Department business; and d) Closing. All public meetings will be held in Central Office or District headquarters (as applicable), unless otherwise noted in the project advertisement. Changes to meeting dates and times will be updated under the “All Advertisements” link on the Procurement Internet site.

The following table shall be applied when assessing the status of professional services procurement meetings (reference s. 286.011, F.S., 2019):

Longlist/Shortlist Recommendation- Technical Review Committee Meetings	Public Meeting
Shortlist Meeting- If the longlist and shortlist recommendations were developed by the Technical Review Committee, at least a quorum of the Technical Review Committee members shall be in attendance at the Selection Committee meeting, to confirm their recommendations to the Selection Committee. If the Project Manager independently developed the longlist and shortlist recommendations, the Project Manager shall attend the shortlist meeting to confirm the recommendations to the Selection Committee. A Technical Review Committee member/Project Manager/Selection Committee member may attend the Selection Committee meeting by phone when travel or other circumstances prevent in-person attendance.	Public Meeting
Scope of Services Meeting	Public Meeting



Oral Presentation	Exempt Meeting
Interview	Exempt Meeting
Technical Review Committee Meetings	Public Meeting
Selection Committee Meetings/Final Selection Meeting- At the minimum, a quorum of the Technical Review Committee members shall be in attendance at the Selection Committee meeting, to confirm the evaluations and scoring to the Selection Committee. A Technical Review Committee member may attend the Selection Committee meeting by phone when travel or other circumstances prevent in-person attendance.	Public Meeting
Negotiation Meetings (for professional services)	Public Meeting(s) The start and end dates of the negotiation meeting(s) shall be publicly noticed.
Negotiation Strategy Meetings (held with internal staff only)	Exempt Meeting
Debriefing Meetings with non-selected proposers following Final Selection (Shall not occur until after the cone of silence has expired. Ref. s. 287.057(23), F.S.) At this point in time, the Consultant may meet with all Technical Review Committee members at once or separately. Consultant shall contact the Project Manager or PSU as applicable to schedule post-final selection debriefings. Debriefing with Selection Committee members shall be at the discretion of the Selection Committee members.	Not a Public Meeting

**Selection Committee (Central Office):** This Committee will make both shortlist and final selection decisions. At a minimum, this Committee will be composed of the appropriate Assistant Secretary or his or her designee, (who will serve as Chairperson), the appropriate Director, and the appropriate Office Head or other members appointed by the Chairperson. The Procurement Manager (or designee) shall serve as Recording Secretary at all Selection Committee meetings. Each voting member of the 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 for every Selection Committee meeting, which will be retained by the PSU in the individual contract file.

**Selection Committee (District):** This Committee will make both shortlist and final selection decisions. 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 designee) shall serve as Recording Secretary at all Selection Committee meetings. Each voting member of the Committee may appoint an appropriate management level alternate. For every Selection Committee meeting, all Selection Committee members must sign a ***Conflict of Interest Certification/Confidentiality, Form No. 375-030-50***, which will be retained by the PSU in the individual contract file.

**Selection Method:** Procurement process to be followed, as designated in the contract advertisement. Types of selection are found in Chapter 2.0.

**Shortlist:** List of selected Consultants chosen by a Selection Committee, from whom additional submittals may be requested, and a final ranking made.

**Small Business:** The term means a business with yearly average gross receipts of less than \$6.5 million for professional and nonprofessional services firms. A business' average gross receipts are determined by averaging its annual gross receipts over the last 3 years, including the receipts of any affiliate. Firms shall complete the ***Small Business Affidavit Certification for Prequalified Professional Services Firms, Form No. 275-000-03***; or the ***Small Business Affidavit Certification for Road and Bridge Construction Firms and All Other Non-Professional Services Firms, Form No. 275-000-01***; as applicable. The Small Business Affidavit Certification shall be completed and submitted in accordance with the advertisement instructions.

**State Procurement Manager:** Central Office Procurement Services Manager.

**State Professional Services Engineer:** The State Professional Services Engineer oversees professional services procurements in Central Office, and is responsible for ensuring that the acquisition of professional services in Central Office is performed in accordance with these procedures, Chapter 14-75, F.A.C. and Chapter 287, F.S.

**Technical Review Committee (TRC):** 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 during the procurement process. The members of this Committee will be determined by the appropriate Director, or designee. The contract Project Manager/Project Engineer is not required to be a member of the TRC. The TRC shall consist of an odd number of members for professional services procurements. Members of the TRC shall be chosen based on their knowledge and expertise as it relates to the nature of the work requested, the complexity of the project, and the availability of personnel to timely review and evaluate submittals. When establishing the members of the TRC, consideration should be given for including technical experts for specialized work as follows:

- (A) 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.

- (B) For bridge design projects involving Category II Bridges, consideration shall be given to including the State Structures Design Engineer or his/her designee as a member of the TRC.
- (C) 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.
- (D) For projects involving right of way services, consideration shall be given to including the District Right of Way Manager or his/her designee as a member of the TRC.

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, and a representative from another District. Except as noted herein, TRC members are not required to hold Professional Engineer licensure. The TRC's responsibilities shall include reviewing the scope of services document prior to evaluating or scoring of project submittals. An even number of evaluators is not permitted on professional services TRCs in order 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. No member of the TRC may serve on the Selection Committee for the same project. All TRC members must sign a **Conflict of Interest Certification/Confidentiality, Form No. 375-030-50**, which will be maintained in the contract file by the PSU. The **Conflict of Interest Certification/Confidentiality Form** 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.

**Time Extension:** Amendment to a contract extending the Agreement service period and/or the contract term. Time extensions not involving funds must be approved by the District Secretary for District projects, or an Assistant Secretary for Central Office projects.

**Type of Work:** The Department has sub-categorized the types of professional services it generally requires into standard types of work listed in **Rule 14-75.003, F.A.C.** These types of work are the basis for prequalifying Consultants. Consultants performing a standard type of work on a contract must first be qualified in that work type, regardless of status as a prime consultant or subconsultant. Each advertisement for professional

services will indicate both the major and minor (if applicable) types of work to be requested. Minor types of work will be identified in advertisements so Consultants know in advance that either the prime Consultant or other Consultant team members must be qualified in these minor types of work prior to final selection. Consultants must indicate how minor types of work will be accomplished by the technical proposal submittal stage of the selection process. If final ranking is made from the Expanded LORs per Section 6, the Consultant must indicate how minor types of work will be accomplished within the Expanded LOR.

**Under-utilization:** The under-utilization goal is intended to encourage use of professional services DBE and small business firms in a wider array of projects and professional services Work Groups. Under-utilized Work Groups are identified in the project advertisement, where applicable. "Proposed Subconsultant Teaming" is a consideration factor in shortlisting, including teaming with firms qualified in under-utilized Work Groups.

**Work Group:** A work group is a category of types of work.