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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.

CHAPTER 2 ADVERTISEMENT

2.0 GENERAL ADVERTISEMENT INFORMATION

On an annual basis, each district will enter the CAP on the Procurement Office Marketing website. This typically occurs by February of each year. Professional services projects should additionally be noticed on the Planned Advertisements website at least 10 calendar days in advance of actual advertisement. Any deviations from this requirement require approval from the Chief Engineer or Chief Planner, as applicable.

The Procurement Office will advertise, in accordance with Florida law and in a uniform and consistent manner, when professional consulting services are required and the fee is in excess of the threshold amount of Category Two, **Section 287.017, F.S.**, except in the case of a valid public emergency as declared by the Department Secretary. Emergency contracts shall be procured in accordance with **Procedure No. 375-040-130, Emergency Procurement During Governor Declared Emergencies.**

At a minimum, each advertisement will state the financial project (if known): name and description of the project, the District where the project is located, the major type(s) of work required, any minor types of work that are required for the project, estimated contract amount (if applicable), how and where Consultants can respond, time frames for submittal of LOR, how respondents will be selected, and scheduled times and dates for shortlist and final selection and other public meetings. For the Chief of Staff's Contract Approval process and database, PSU shall additionally input counties associated with the project, plain language description (summary of scope), estimated contract amount, estimated start and end date into the Procurement Application. The advertisement will indicate whether the contract requires technical qualification only, with an estimated fee less than \$500,000, or \$500,000 or above requiring technical qualification and an approved audit. When funding for a professional services contract has not been programmed at the time of advertisement, the contract advertisement must include a statement indicating "The State of Florida's performance and obligation to pay under this contract is contingent upon appropriation by the Legislature."

Contracts that are reserved for competition amongst small businesses through the Department's BDI program (Small Business Reserved projects) shall be identified as such in the contract advertisement (both Planned and Current). Candidate BDI projects must be approved by the District Secretary for District projects, or an Assistant Secretary for Central Office projects. The request should have a description of the project, major and minor work types, estimated cost, Fiscal Year, Financial Project number, the source of funds (state or federal), and advertisement/response date.

DBE and Small Business under-utilized Work Groups shall also be identified in the advertisement where applicable. PSU shall determine applicability by reviewing the Under-Utilized Work Group Report for the current fiscal year, posted on the Procurement Internet site. Under-utilization is defined by the Department as 25% or

less utilization of DBEs and Small Businesses in a Work Group, which may vary by district. The specific Under-utilized Work Groups are identified in the advertisement.

No preference points shall be given to Consultants who utilize DBE or Small Business subconsultants, regardless of the work type.

The minimum formal advertisement period will be 14 calendar days although a longer period may be utilized as needed. Any lesser period requires Chief Engineer or Chief Planner approval, as applicable, for state funded projects. For FHWA funded projects, federal approval must also be obtained to shorten the advertisement period to less than 14 days. A scope of services or a project concept report will be provided with the advertisement. The advertisement specifies requirements for submittals. When final ranking is to be made from the Expanded LORs, the advertisement will so indicate. Consultant submittals in response to the advertisement shall utilize: **Professional Services Letter of Response, Form No. 375-030-22**; the **Professional Services Expanded Letter of Response, Form No. 375-030-23**; the **Professional Services Letter of Qualification Form No. 375-030-24** only as referenced in the advertisement.

Where multiple Consultants are needed for projects with similar requirements (such as two district wide contracts for the same discipline), one advertisement and one selection process may be used where practical. The advertisement for such projects will include a statement indicating the exact number of contracts intended to be awarded.

Projects that do not conform to the types of work that are prequalified by the Department will be advertised in a manner that requires interested Consultants to submit a **Professional Services Letter of Qualification, Form No. 375-030-24**. The requirements of this letter (i.e., what is to be submitted, time frames, etc.) will be determined by the Project Manager with assistance from the PSU. Advertisements involving non-standard professional services must be approved by the District Secretary prior to posting the advertisement.

Use of Bridge Design Work Types 4.2.1 Major Bridge Design Concrete; 4.2.2 Major Bridge Design Steel; 4.2.3 Major Bridge Design Segmental; 4.3.1 Complex Bridge Design Concrete; 4.3.2 Complex Bridge Design Steel; and 4.4 Movable Span Bridge Design must be reviewed by District Structures Office for District projects involving Bridge Design. Central Office Structures Design Office shall also perform a secondary review, as a statewide consistency check for uniformity in specifying structural work types. The request to Central Office shall be sent by PSU to the State Professional Services Engineer.

Contract scopes containing reference to Unmanned Aircraft Systems, Unmanned Aerial Vehicles, or drones, should be sent to the attention of the Civil Integrated Management Officer and State Surveyor, for review before procuring.

An Information Resource Request (IRR) shall be submitted for contract scope of services or contract procurements that include reference to Information Technology

Resources (ITRs). Please refer to **Procedure Topic No. 325-000-002, Transportation Technology Manual, Chapter 7 Acquiring Technology Resources**, for additional information.

It will be the practice to advertise and shortlist Adjusted Score Design-Build projects before advertising the Phase 62 CEI services associated with the same project. This practice will permit Consultants who are not shortlisted on a Design-Build team to pursue the CEI Services. Any requests to advertise the Phase 62 CEI services prior to shortlisting the associated Adjusted Score Design-Build project must be approved by the District Secretary.

All Department staff that make decisions, approvals, disapprovals, or recommendations regarding the contract procurement are required to complete the **Conflict of Interest /Confidentiality Certification Form, Form No. 375-030-50**, and attest to the absence of a conflict of interest on the project. The **Conflict of Interest/Confidentiality Certification Form** is required to be completed and signed by every Technical Review Committee member, technical advisors (Department and Consultant), the Professional Services Manager, and the Procurement staff directly involved in the contract acquisition process for every new procurement undertaken. Selection Committee members are required to complete and sign the **Conflict of Interest/Confidentiality Certification Form** for every project Selection Committee meeting.

2.1 ADVERTISEMENT RESTRICTIONS

Any Consultant or its' affiliate that developed the scope of services, the Request for Proposal (RFP) or other solicitation documents for a particular project phase is ineligible to compete for that phase of the project for which they developed the documents.

A Consultant or its' affiliate that was Engineer of Record on a project will not be considered eligible to compete as a prime Consultant for Construction Engineering Inspection (CEI) services on the same project.

Consultants shall adhere to all other Consultant eligibility restrictions as provided in Procurement Office **Procedure No. 375-030-006, Conflict of Interest Procedure for Department Contracts**.

A Consultant cannot submit as prime on more than one LOR, Expanded LOR, or Letter of Qualification per project. If the Consultant is a member of multiple teams submitting for the same project, it is the responsibility of the Consultant to disclose this information to each respective team.

Pursuant to **Section 287.055, F.S.**, and the **Federal Brooks Act**, price shall not be an evaluation criterion during the advertisement and selection phase for professional services procurements. Consultants are prohibited from including references to their proposed professional services fees or indirect rates in the LOR, Expanded LOR, Interview, Oral Presentation, Abbreviated Technical, Written Technical Proposal, or

other procurement submittal documents. It is permissible to address cost savings specifically related to the construction project. Inclusion of prohibited professional services cost data in a Consultant submittal may cause the submittal to be considered non-responsive.

In order to ensure a fair, competitive and open process, once a project is officially advertised on the Current Advertisement site, all communications between interested firms and the Department must be directed to the appropriate PSU. All technical questions from the Consultant shall be in writing. Project Managers and other Department staff will cease discussions of the project with interested firms, and refer inquiries to the PSU. Respondents to a contract solicitation (i.e., contract advertisement) 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 Saturdays, Sundays, and state holidays, any employee or officer of the executive or legislative branch concerning any aspect of the solicitation, except in writing to the procurement officer responsible for coordinating the procurement, or the Procurement Services Manager, or as provided in the solicitation documents. Violation of this provision may be grounds for rejecting a response.

When considering Consultants for shortlisting, the Consultant or Consultant team listed in the advertisement submittal must be qualified or have submitted a complete qualification package by the response due date, for all major types of work listed in an advertisement. The prime Consultant must be technically prequalified in at least one or more of the major types of work specified in the advertisement. For projects with an estimated total cost of \$500,000 or more, the prime Consultant must have an approved and unexpired overhead audit on file with the Department in accordance with ***Procedure No. 375-030-001, Professional Services Consultant Qualification***; or submit an overhead audit for the most recent fiscal year performed by an independent Certified Public Accountant (CPA) or acceptable governmental agency. The audit must be submitted by the advertisement response due date to the Department's Prequalification Administrator, and must be approved by the Central Office Procurement Audit Review and Support Section prior to the shortlist date in order for the Consultant to be considered responsive for shortlisting. The Department shall not shortlist a Consultant who has not satisfactorily completed the prequalification requirement.

Unless otherwise noted in the advertisement, contracts that are reserved for competition amongst small businesses through the Department's BDI program (Small Business Reserved projects) require that the prime and all subconsultants/subcontractors/sub-vendors, including lower-tier and non-professional services firms, must be small businesses pursuant to section 337.027, F.S.

After submittal of Letters and up through contract execution, proposed subconsultants/subcontractors/sub-vendors, teaming arrangements, or key staff of the Consultant cannot be changed or substituted except in instances of force majeure or in the event of circumstances that cannot reasonably be anticipated and/or are beyond the control of the prime consultant. In such cases, changes or substitutions are subject to

the discretion of the Department, and cannot be made without written approval of the Department. All such requests made during the contract procurement must be routed through PSU. After contract execution, subconsultant/subcontractor/sub-vendor, teaming arrangement, or key staff changes/substitutions require pre-approval of the Department’s Project Manager before implementing. All qualification/certification requirements of the original advertisement shall govern, where applicable.

Other consultant restrictions shall also apply, as referenced in the contract advertisement and Standard Notes.

2.2 SELECTION METHODS

The following selection methods shall be used for acquiring professional services, based on project type:

		Continuing contracts for: design; drainage; safety; structures; planning; etc. (CEI hybrid, Resident Compliance Specialist, CEI continuing contracts, and specialty continuing contracts are excluded).	D/W and continuing specialty contracts (Geotechnical, materials testing, survey and mapping, aerial photogrammetry, utilities, transportation statistics, bridge inspection)	Planning projects less than \$1 million (non-DW); design contracts with estimated consultant fees less than \$1 million; resurfacing, rehabilitation, and reconstruction (RRR) projects; intermodal projects; PD&E contracts less than \$1 million; and Right of Way services	All capacity improvement projects (roadway widening, new alignment, etc.); design contracts with estimated consultant fees greater than \$1 million; PD&E Studies \$1 million or State-Wide Acceleration and Transformation (SWAT) projects \$1 million and over (oral presentations or interviews);	Less complex CEI Work Groups 10.1, 10.3, and 10.4- roadway, drainage, safety, minor structures, hybrid contracts, Resident Compliance Specialist, CEI continuing contracts	Complex CEI-Work Groups 10.5.1, 10.5.2, 10.5.3, 10.6.1, 10.6.2, 10.7; and 99.0 related to major structures, complex interchanges	GEC; Any non-standard professional services projects	Alternate Selection Method for Non-complex projects including district-wides of \$1.5 million (discretionary, as determined by Director)
	Letter of Response	X	X	X	X		X	X	O
Selection Process	Expanded Letter of Response					X			O
	Oral Presentation				O			O	
	Interview	X		X	O		X	O	O
	Abbreviated Technical Proposal		X					O	O
KEY: X= Required, O=Optional									

Project Type: Continuing contracts for: design; drainage; safety; structures; planning; etc. (CEI hybrid, Resident Compliance Specialist, CEI continuing contracts, and specialty continuing contracts are excluded)

Type of Selection- Two Stage Process (LOR & Interview)
Two stage selection process- shortlist from LOR, and then conduct Interviews with the shortlisted Consultants.
Ground Rules for LOR
<ul style="list-style-type: none">• Requirements specified in advertisement.• LOR- shall be submitted using Professional Services Letter of Response Form No. 375-030-22 and must adhere to restrictions referenced in the form.• Resumes and organization/staffing chart should not be included as additional attachments to LOR.
Ground Rules for Interviews
<ul style="list-style-type: none">• Refer to Section 7.9
Consultant Submittals (for shortlisted Consultants only)
<ul style="list-style-type: none">• Resumes restricted to 2 pages each.• Organization/staffing chart (can be either 8-1/2 x 11 or 11 x 17, at the discretion of the Consultant).• Font size of 11, with ½ inch margins are recommended for clarity, but not required, for Consultant submittals.• Required forms and certifications.• The RFP will specify the timeframe when submittals are due from shortlisted Consultants.
Exceptions: <ul style="list-style-type: none">• Expedited procurement schedules due to advancement of projects or the need to commit funds during a fiscal year may dictate selecting from Expanded LOR. Such instances shall be approved by the District Secretary or an Assistant Secretary, as applicable. This shall be the exception and not the norm.• All other deviations from the standard process require approval of the District Secretary or an Assistant Secretary, as applicable.

Project Type: District-wide and continuing specialty contracts: geotechnical; materials testing; surveying and mapping; aerial photogrammetry, utilities, transportation statistics; bridge inspection

Type of Selection- Two Stage Process (LOR & Abbreviated Technical Proposal)
Two stage selection process- shortlist from LOR, and shortlisted Consultants submit abbreviated Technical Proposals.
Ground Rules for LOR
<ul style="list-style-type: none">• Requirements specified in advertisement.• LOR- shall be submitted using Professional Services Letter of Response Form No. 375-030-22 and must adhere to restrictions referenced in the form.• Resumes and organization/staffing chart should not be included as additional attachments to LOR.
Ground Rules for Abbreviated Technical Proposals
<ul style="list-style-type: none">• Refer to Section 7.7
Consultant Submittals (for shortlisted Consultants only)
<ul style="list-style-type: none">• Resumes restricted to 2 pages each.• Organization/staffing chart (can be either 8-1/2 x 11 or 11 x 17, at the discretion of the Consultant).• Staff hours on summary sheet (one sheet showing the hours of prime and all subs) - where applicable.• Schedule- where applicable (2 page maximum, 11"x17" allowed).• Font size of 11, with ½ inch margins are recommended for clarity, for Consultant submittals. Note: The Abbreviated Technical Proposal has a required font size and margin, as specified in the RFP and Section 7.7.• Required forms and certifications.• The RFP will specify the timeframe when submittals are due from shortlisted Consultants.
Exceptions:
<ul style="list-style-type: none">• Expedited procurement schedules due to advancement of projects or the need to commit funds during a fiscal year may dictate selecting from Expanded LOR. Such instances shall be approved by the District Secretary or an Assistant Secretary, as applicable. This shall be the exception and not the norm.• All other deviations from the standard process require approval of District Secretary or an Assistant Secretary, as applicable.

Project Type: Planning projects less than \$1 million; design contracts with estimated consultant fees less than \$1 million; all resurfacing, restoration, and rehabilitation (RRR) projects; intermodal projects; PD&E contracts less than \$1 million; and Right of Way services

Type of Selection- Two Stage Process (LOR & Interview)
Two stage selection process- shortlist from LOR, and then conduct Interviews with the shortlisted Consultants.
Ground Rules for LOR
<ul style="list-style-type: none">• Requirements specified in advertisement.• LOR- shall be submitted using Professional Services Letter of Response Form No. 375-030-22 and must adhere to restrictions referenced in the form.• Resumes and organization/staffing chart should not be included as additional attachments to LOR.
Ground Rules for Interviews
<ul style="list-style-type: none">• Refer to Section 7.9.
Consultant Submittals (for shortlisted Consultants only)
<ul style="list-style-type: none">• Resumes restricted to 2 pages each.• Organization/staffing chart (can be either 8-1/2 x 11 or 11 x 17, at the discretion of the Consultant).• Staff hours on summary sheet (one sheet showing the hours of prime and all subs).• Schedule (2 page maximum, 11 x 17 allowed).• Font size of 11, with ½ inch margins are recommended for clarity, but not required for Consultant submittals.• Required forms and certifications.• The RFP will specify the timeframe when submittals are due from shortlisted Consultants.
Exceptions:
<ul style="list-style-type: none">• Expedited procurement schedules due to advancement of projects or the need to commit funds during a fiscal year may dictate selecting from Expanded LOR. Such instances shall be approved by the District Secretary or an Assistant Secretary, as applicable. This shall be the exception and not the norm.• All other deviations from the standard process require approval of the District Secretary or an Assistant Secretary, as applicable.

Project Type: All capacity improvement projects (roadway widening, new alignment, etc.); design contracts with estimated consultant fees greater than \$1 million; PD&E Studies \$1 M or SWAT projects \$1 million and over (oral presentations or interviews)

Type of Selection- Two Stage Process (LORs & Oral Presentations or Interviews)
Two stage selection process- shortlist from 2 page LOR, and then Consultants conduct Oral Presentations or Interviews, as approved by Director
Ground Rules for LOR
<ul style="list-style-type: none">• Requirements specified in advertisement.• LOR- shall be submitted using Professional Services Letter of Response Form No. 375-030-22 and must adhere to restrictions referenced in the form.• Resumes and organization/staffing chart should not be included as additional attachments to LOR.
Ground Rules for Oral Presentations or Interviews
<ul style="list-style-type: none">• Refer to Sections 7.8 or 7.9.
Consultant Submittals (for shortlisted Consultants only)
<ul style="list-style-type: none">• Resumes restricted to 2 pages each.• Organization/staffing chart (can be either 8-1/2 x 11 or 11 x 17, at the discretion of the Consultant).• Staff hours on summary sheet (one sheet showing the hours of prime and all subs).• Schedule (2 page maximum, 11 x 17 allowed).• Font size of 11, with ½ inch margins are recommended for clarity, but not required for Consultant submittals.• Required forms and certifications.• The RFP will specify when submittals are due from shortlisted firms.
Exceptions:
<ul style="list-style-type: none">• Expedited procurement schedules due to advancement of projects or the need to commit funds during a fiscal year may dictate selecting from Expanded LOR. Written Technical Proposals may also be an option for complex projects. Such instances shall be approved by the District Secretary or an Assistant Secretary, as applicable. This shall be the exception and not the norm.• All other deviations from the standard process require approval of the District Secretary or an Assistant Secretary, as applicable.

Project Type: Less Complex CEI Work Types 10.1, 10.3, and 10.4 – roadway, drainage, safety, minor structures, hybrid contracts, Resident Compliance Specialist, CEI continuing contracts

Type of Selection- Selecting from Expanded LOR, per Section 6
Ground Rules for Expanded LOR
<ul style="list-style-type: none">• Scoring criteria and forms specified in advertisement.• Expanded LOR- Professional Services Expanded Letter of Response Form No. 375-030-23 restrictions referenced in form.• Page count does not include resumes, organization/staffing chart, or required forms and certifications.
Other Consultant Submittals (submitted with Expanded LOR)
<ul style="list-style-type: none">• Resumes restricted to 2 pages each.• Construction Training and Qualification Program (CTQP) printouts may also be submitted.• Organization/staffing chart (can be either 8-1/2 x 11 or 11 x 17, at the discretion of the Consultant).• Staff hours on summary sheet (one sheet showing the hours of prime and all subs) - where applicable.• Schedule (2 page maximum, 11 x17 allowed).• Font size of 11, with ½ inch margins are recommended for clarity, but not required for Consultant submittals.• Required forms and certifications.• All submittals are due with the Expanded LOR.
Exceptions: <ul style="list-style-type: none">• All other deviations from the process outlined above require approval of the District Secretary or an Assistant Secretary, as applicable.

Project Type: Complex CEI- Work Types 10.5.1, 10.5.2, 10.5.3, 10.6.1, 10.6.2, 10.7; and any 99.0 related to major structures, complex interchanges

Type of Selection- Two Stage Process (LORs & Interviews)
Two step selection process- shortlist from 2 page LOR, and then conduct Interviews with the shortlisted firms.
Ground Rules for LOR
<ul style="list-style-type: none">• Requirements specified in advertisement.• LOR- to be submitted using Professional Services Letter of Response Form No. 375-030-22 and must adhere to restrictions referenced in the form.• Resumes and organization/staffing chart should not be included as additional attachments to LOR.
Ground Rules for Interviews
<ul style="list-style-type: none">• Refer to Section 7.9
Consultant Submittals (for shortlisted Consultants only)
<ul style="list-style-type: none">• Resumes restricted to 2 pages each.• Organization/staffing chart (can be either 8-1/2 x 11 or 11 x 17, at the discretion of the Consultant).• Staff hours on summary sheet (one sheet showing the hours of prime and all subs).• Schedule (2 page maximum, 11 x 17 allowed).• Font size of 11, with ½ inch margins are recommended for clarity, but not required for Consultant submittals.• Required forms and certifications.• The RFP will specify when submittals are due from shortlisted Consultants.
Exceptions:
<ul style="list-style-type: none">• Selecting from Expanded LOR for Design-Build CEI is acceptable with the approval of the District Secretary or an Assistant Secretary, as applicable. Selecting from Letters allows time to initiate the CEI procurement after shortlisting the Design-Build contract. Consultant firms are thereby afforded the opportunity to compete for both the Design-Build and the Design-Build CEI contract.• All other deviations from the process outlined above require approval of the District Secretary or an Assistant Secretary, as applicable.

Project Type: General Engineering Consultant Contracts (GEC); Any non-standard professional services projects

Type of Selection- Two Stage Process (LORs & Interviews/Oral Presentations/Written Technical Proposals)
Two stage selection process- First stage is shortlist from LORs or LOQs. Interviews or Oral Presentations, with Written Technical Proposals may be required, at the discretion of the Department. When specified, the length of Written Technical Proposals shall be determined by the Department.
Ground Rules for LOR or LOQ
<ul style="list-style-type: none">• Requirements specified in advertisement.
Ground Rules for Interviews or Oral Presentations, and/or Written Technical Proposals
<ul style="list-style-type: none">• Requirements specified in RFP.
Consultant Submittals (for shortlisted firms)
<ul style="list-style-type: none">• Resumes restricted to 2 pages each.• Organization/staffing chart (can be either 8-1/2 x 11 or 11 x 17, at the discretion of the Consultant).• Staff hours on summary sheet (one sheet showing the hours of prime and all subs) - where applicable.• Font size of 11, with ½ inch margins are recommended for clarity, but not required for Consultant submittals.• Required forms and certifications.• The RFP will specify when submittals are due from shortlisted firms.
Exceptions:
<ul style="list-style-type: none">• Expedited procurement schedules due to advancement of projects or the need to commit funds during a fiscal year may dictate selecting from Expanded LOR, per Section 6. Such instances shall be approved by the District Secretary or an Assistant Secretary, as applicable. This shall be the exception and not the norm.• All other deviations from the standard process require approval of the District Secretary or an Assistant Secretary, as applicable.

Project Type: Alternate Selection Method for Non-Complex projects including districtwides. \$1.5 million or less. Discretionary, as determined by Director.

Selection options for non-complex projects \$1.5 million or less- Selecting from Expanded LOR; or LORs & Interviews; or LORs and Abbreviated Written Technical Proposals
“Non-complex” is generally defined as straight-forward projects such as simple 3R, traffic operations studies, Category 1 bridges, standard geotechnical or survey, sidewalk construction, minor drainage projects, minor safety type projects, or miscellaneous minor districtwide contracts of \$1.5 million or less. District Director approval (or higher) must be obtained to utilize an alternative selection method for non-complex projects \$1.5 million or less. Central Office approval is not required.
Ground Rules for Expanded LOR
<ul style="list-style-type: none">• Requirements specified in advertisement.
Ground Rules for Interviews
<ul style="list-style-type: none">• Requirements specified in RFP.
Ground Rules for Abbreviated Technical Proposals
<ul style="list-style-type: none">• Limited to either 2, 3, 4, or 5 pages, as specified in the RFP,
Other Consultant Submittals (submitted with Expanded LOR, where applicable)
<ul style="list-style-type: none">• Resumes restricted to 2 pages each.• Organization/staffing chart (can be either 8-1/2 x 11 or 11 x 17, at the discretion of the Consultant).• Staff hours on summary sheet (one sheet showing the hours of prime and all subs) - where applicable.• Font size of 11, with ½ inch margins are recommended for clarity, but not required for Consultant submittals.• Required forms and certifications.• The RFP will specify when submittals are due from shortlisted firms.

CHAPTER 3 PROCUREMENT REVIEW OF SUBMITTALS

3.0 RESPONSIVENESS CHECK

The PSU shall perform a responsiveness check on all submittals. The responsiveness check may include but is not limited to: qualifications of prime and subconsultants, timeliness of submittals, small business requirements as applicable, inclusion of cost data, document requirements, size limits, and advertisement or other submittal requirements. The PSU will identify as non-responsive any submittals received where the prime Consultant is not prequalified in at least one major work type, or does not have an application for such prequalification in process by the response deadline date. Subconsultants may be used to qualify for all other major types of work, in accordance **with Procedure 375-030-001, Professional Services Consultant Qualification**. For projects with an estimated total cost of \$500,000 or more, PSU shall identify as non-responsive any submittal received where the prime is not administratively qualified, in accordance **Procedure No. 375-030-001, Professional Services Consultant Qualification**, or has not submitted an overhead audit to the Department performed by an independent Certified Public Accountant (CPA) or acceptable governmental agency for the most recent fiscal year. 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.

CHAPTER 4 LONGLIST/SHORTLIST RECOMMENDATIONS

Unless the selection method is final ranking directly from Letters (as specified in the advertisement), the following processes in Sections 4 and 5 shall apply.

4.1 LONGLIST

The Project Manager, Department designee, or TRC shall review and evaluate all administratively responsive LOR submittals, as provided by PSU. Based upon the consideration factors referenced in Section 4.3, the Project Manager or Department designee as established by a Director, or TRC will longlist a minimum of ten, or all responsive respondents if less than ten. If the TRC is developing the longlist, they must do so in a properly noticed public meeting. If the Project Manager is independently developing the longlist, no public meeting is required. No one developing the longlist may act as a voting member on the Selection Committee.

4.2 SHORTLIST RECOMMENDATION

Using the same factors referenced in Section 4.3, the TRC or Project Manager shall review the longlist, and recommend no less than three firms to be shortlisted by the Selection Committee. 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. No one developing the shortlist recommendation may act as a voting member on the Selection Committee.

4.3 CONSIDERATION FACTORS FOR THE LONGLIST AND SHORTLIST RECOMMENDATIONS

The following factors will be considered by the Project Manager, Department designee, or TRC in developing the longlist and shortlist recommendations:

- (A) Past performance evaluations received by the Consultant on current and previous Department projects, or other performance data included by the Consultant in the LOR or Letter of Qualification, and work experience including specialized experience.
- (B) Staff capabilities.
- (C) Local presence- The location of the Consultant in relation to the work to be performed, for projects where Consultant proximity to project location is pertinent and adds value to the quality and efficiency of the project (e.g., CEI project). If a

Consultant from outside of the local area indicates that it will satisfy the criteria in some manner, such as establishing a local office, that commitment shall be considered to have satisfied the local presence criteria. However, local preferences, i.e., State or local requirements that limit competition, are not allowed.

- (D) Any restrictions placed on the Consultant by the prequalification evaluator.
- (E) Availability of proposed consultant personnel.
- (F) Technical approach, innovation, and any other information contained in the LOR or Letter of Qualification.

4.4 PSU COMPILES LONGLIST AND SHORTLIST RECOMMENDATIONS INTO THE SHORTLIST PACKAGE

Once the Project Manager, Department designee, or TRC has determined the longlist, the PSU will ensure that the project file is sufficiently documented. At a minimum, the file will contain the LORs, and the longlist portion of the ***Professional Services Selection Package, Form No. 375-030-2A***. All longlisted Consultants shown on the ***Professional Services Selection Package Longlist Form*** will be displayed in alphabetical order, without ranking. The shortlist recommendation from the TRC shall also be included in the ***Professional Services Selection Package Form***, to be presented to the Selection Committee for review.

If fewer than three Consultants respond to the advertisement, the Department will extend the advertisement, if the contract schedule permits. Alternatively, the Department will review its list of Consultants prequalified for the major work type(s) and contact no fewer than ten (10) prequalified Consultants (or all prequalified Consultants if fewer than 10) deemed to be the most highly qualified, based on qualification information on file to solicit LORs for the project. Consultants may be contacted via email notification sent to all firms qualified in the major work types. If only two qualified consultants respond to an advertisement from which one contract is to be awarded, the contracting agency may proceed with evaluation and selection if it is determined that the solicitation did not contain conditions or requirements which arbitrarily limited competition, and if due diligence is performed and documented to the file as referenced herein. If after extending the advertisement only one qualified Consultant responds, the District or Central Office PSU as applicable, will contact the Chief Engineer or the Chief Planner to determine whether to proceed with the selection process.

CHAPTER 5

SHORTLIST DETERMINATION BY SELECTION COMMITTEE

5.0 GENERAL

The Professional Services Selection Package; Letters of Response; Scope of Services; and Detailed Consultant Analysis Report, will be packaged and transmitted to each Selection Committee member for their review prior to or at the scheduled selection meeting. 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 (where available), along with the longlist/shortlist recommendations from the TRC when determining the final shortlist.

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 Committee is not limited to shortlisting from the list of longlisted Consultants; however, whenever the Committee elects to shortlist other qualified Consultants who are not on the longlist but did submit a LOR/Qualification, the selection file must be documented by the PSU as to the reasons for the selection. The Selection Committee shall also make the final determination on responsiveness of all Consultants who submitted in response to the advertisement. At a minimum documentation will consist of the longlist/shortlist portion of Professional Services Selection Package.

Race or gender set-asides, preferences or quotas shall not be considered when making contracting decisions.

5.1 SHORTLIST CONSIDERATION FACTORS FOR THE SELECTION COMMITTEE

Factors to be considered by the Selection Committee when making the shortlist decision include but are not limited to the following:

- (A) Past performance evaluations received by the Consultant on current and previous Departmental projects, or other performance data included by the Consultant in the LOR/Letter of Qualification/Expanded Letter of Response as applicable, and work experience including specialized experience.
- (B) The workload of each Consultant, as evidenced by the number of similar projects the Consultant is shortlisted on that have not had a final selection, as well as the residual fees remaining to be paid to the Consultants on active agreements.

- (C) Availability of proposed Consultant personnel.
- (D) Balancing the needs of the project to the abilities of the Consultants.
- (E) The Consultant's working relationship/experience with the Department on previous projects.
- (F) The general and specific information used to longlist the Consultants (i.e., prequalification restrictions, etc.).
- (G) Proposed subconsultant teaming (also applicable for projects advertised with DBE and Small Business under-utilized goals).
- (H) Detailed Consultant Analysis Report, where available.

Race or gender set-asides, preferences or quotas shall not be considered when making contracting decisions.

5.2 SHORTLIST POSTING/DOCUMENTATION

At the conclusion of a shortlist meeting, the PSU will: complete the minutes from the shortlist meeting on the **Professional Services Selection Package** Form; and input the names of the responding firms and shortlist data into the Procurement Application. This Form will become part of the permanent project file. The results of the meeting will then be published on the Procurement Internet website.

The Professional Services Selection Package shall document the decision by the Selection Committee, including the reasons for selecting the shortlisted firms. LORs, selection notes, and comments which reveal Consultant's technical approach shall not be released after posting the shortlist. The Procurement Office may release the shortlist package excluding the LORs. LORs, selection notes, and comments may be released after the posting of the final ranking.

CHAPTER 6 EXPANDED LETTERS OF RESPONSE

6.0 SELECTION FROM EXPANDED LETTERS OF RESPONSE

The selection from letters process requires submittal of a **Professional Services Expanded Letter of Response, Form No. 375-030-23** and required forms and certifications as referenced in Section 7.6, in response to the contract advertisement. Restrictions are referenced in the form. Oral Presentations, Interviews, Abbreviated Technical Proposals, or Written Technical Proposals are not permitted when using the Expanded LOR process.

The advertisement for Expanded LORs must include evaluation criteria and weightings, the procurement schedule, required forms, as well as the project scope of services, contract type, and method of payment.

The selection from letters process will occur using either of the following variations:

- (A) Final ranking is developed directly from the administratively responsive Expanded LORs. The TRC shall independently evaluate and score all the responsive Expanded LORs, using the evaluation criteria and weightings published in the contract advertisement. Upon completion of the TRC evaluation and scoring, PSU will prepare the final selection portion of the **Professional Services Selection Package**. During the publicly noticed and scheduled final selection meeting, the Selection Committee shall review the TRC's recommendations and final rank, in order of preference, no fewer than three responsive Consultants (where available).
- (B) The Project Manager, Department designee, or TRC shall longlist the responsive Expanded LORs, and shall recommend no less than three responsive Consultants (where available) to be shortlisted for the project, using the longlist/shortlist recommendation factors provided in Section 4.3. In the scheduled and noticed shortlist meeting, the Selection Committee shall shortlist no less than three responsive Consultants using the shortlist consideration factors provided in Section 5. As the next step, the Expanded LORs for the shortlisted Consultants are then independently scored by the TRC, using the evaluation criteria published in the contract advertisement. Upon completion of the TRC evaluation and scoring, PSU will prepare the final selection portion of the **Professional Services Selection Package**. During the noticed and scheduled final selection meeting, the Selection Committee shall review the TRC's recommendations and final rank, in order of preference, no fewer than three Consultants, if available.

If fewer than three Consultants respond to the advertisement, the Department will extend the advertisement. Alternatively, the Department will review its list of

Consultants prequalified for the major work type(s) and select no fewer than ten (10) prequalified Consultants (or all prequalified Consultants if fewer than 10) deemed to be the most highly qualified, based on qualification information on file, to solicit Expanded LORs for the project. Consultants may be contacted via email notification sent to all firms qualified in the major work types. If only two qualified consultants respond to the advertisement, the contracting agency may proceed with evaluation and selection if it is determined that the solicitation did not contain conditions or requirements which arbitrarily limited competition, and if due diligence is performed and documented to file as referenced herein. If after extending the advertisement only one qualified Consultant responds, the District or Central Office PSU as applicable, will contact the Chief Engineer or Chief Planner to determine whether to proceed with the selection process.

The selection from letters advertisement must include the required forms from Section 7.6, and evaluation criteria along with their relative criteria weighting (point values) on a 100 point scale. When the advertisement has stated that the selection from letters process will be used, the PSU will provide the TRC with the Expanded LORs administratively deemed responsive along with a Detailed Consultant Analysis Report for each Consultant. TRC meetings to discuss the Expanded LORs shall be properly noticed.

The TRC members shall independently evaluate and score the Expanded LORs. They 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. The TRC will consider the staff hour estimates during the evaluation of the Consultants only in terms of understanding of the scope. The staff hour estimates will not be assigned evaluation criteria points; however, the work effort is recognized as an indication of scope understanding.

When each TRC member has completed the evaluation of each Expanded LOR the raw scores will be transmitted to the PSU, who will compile the individual scores and calculate the average grade for each proposal. All individual evaluations should be signed and dated by the evaluator. The individual evaluations will be included in the selection package. The Selection Committee will review the information provided and select in order of preference, no fewer than three Consultants. The Recording Secretary will document the reasons for the ranking, explaining any difference from the TRC recommendations.

The PSU will input the final ranking in the Procurement Application following the Final Selection Committee meeting, posting the selection results.

CHAPTER 7 PREPARATION OF RFP

The PSU will prepare the RFP package to be provided to the shortlisted Consultants for the Abbreviated Technical Proposal, Written Technical Proposal, Oral Presentation, or Interview process. Preparation of the RFP is not applicable to contracts selected using the Expanded Letter of Response.

7.1 STANDARD PROVISIONS

The RFP should contain information on project type, scope of services, submittal due dates, scope of services meeting, estimated schedule for performance of the work (where applicable), applicable standards, identification of Project Manager, insurance requirements, reference to standard professional services agreement terms, schedule of events, final evaluation scoring criteria with relative weight, proposed method of compensation, consultant staff hour estimate proposal form (where applicable), required forms, etc. The RFP will specify that all subconsultants performing the standard types of work covered by **Chapter 14-75, F.A.C.**, must be technically prequalified with the Department or have an application for prequalification under review at the time that they are proposed.

7.2 SCOPE OF SERVICES AND DEPARTMENT INDEPENDENT STAFF HOUR ESTIMATE

It is good practice to have the Department's independent staff hour estimate prior to the advertisement of the project. The Project Manager will prepare the scope of services and Department staff hour estimate for each occasion that the Department requires professional services, except where not applicable for task assignment type contracts. For task assignment type contracts, detailed scope of services and staff hour estimate are required at the time of each assignment. The Department's independent staff hour estimate must be completed before proposals can be released to the TRC. Scopes must be written in sufficient detail for the shortlisted Consultants to develop their technical proposals.

The PSU should review the Project Manager's scope of services for clarity and format, and for appropriateness to advertise as professional services. Scopes that request technology resources or services, as referenced in **Topic No. 375-000-002, Transportation Technology Manual**, shall be sent back to Project Manager for Information Resource Request (IRR) approval. Also, the PSU should discuss the method of compensation and other contractual requirements with the Project Manager in order to complete the RFP properly. The PSU will verify the Financial ID Numbers, Federal-Aid Project Numbers, and budget scheduled in the Work Program to reduce issues during the contract execution phase.

7.3 PROPOSED METHOD OF COMPENSATION

The proposed method of compensation shall be described in the RFP (reference Section 11.4).

7.4 TECHNICAL REVIEW CRITERIA

The criteria to be used in the evaluation of Written Technical Proposals, Abbreviated Technical Proposals, Interviews, or Oral Presentations will be included in the RFP.

7.5 CONSULTANT STAFF HOUR ESTIMATE PROPOSAL FORM

Except where not needed for task assignment type contracts, the Consultant will be requested to complete a summary staff hour estimate. A form for this purpose will be included with the RFP and will be required to be submitted with the proposal.

7.6 REQUIRED FORMS AND NOTICES

Certification Forms to be included in the RFP: **Professional Services DBE or Small Business Commitment Form, Form No. 375-030-83** (for non-Fixed Capital Outlay projects), **MBE Planned Utilization Form, No. 375-040-24** (for state funded Fixed Capital Outlay projects), and **Truth in Negotiation Certification, Form No. 375-030-30** will be included and are required to be submitted with the proposal. The RFP should encourage use of DBE, Small Business, or MBE subconsultants. MBE shall be applicable for state funded contracts only.

Vendor Certification Regarding Scrutinized Companies Lists: Companies are prohibited from bidding on, submitting a proposal for, entering into or renewing a contract for goods or services of any amount if at the time of contracting the company is on the Scrutinized Companies that Boycott Israel List, or is engaged in a boycott of Israel. Companies are also prohibited from bidding on, submitting a proposal for, or entering into or renewing a contract for goods or services of \$1 million or more if the companies are on the Scrutinized Companies with Activities in Sudan List, or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List. **Vendor Certification Regarding Scrutinized Companies Lists, Form No. 375-030-60**, shall be required in the RFP for professional services contracts. As part of their contract review process, PSU will check the Florida State Board of Administration's (SBA) website, which provides a comprehensive list of Scrutinized Companies, to ensure that the prime Consultant is not a Scrutinized Company. This shall be done prior to executing the contract. The link to the SBA website is:

<https://www.sbafla.com>

Federal Certification Forms: If the project is to be federally funded, a **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Form, No. 375-030-32** as required by **49 CFR, Section 29**; and **Certification for Disclosure of Lobbying Activities, Form No. 375-030-33** and **Disclosure of Lobbying**

Activities, Form No. 375-030-34 as required by **49 CFR, Section 20** will be included in the RFP and are required to be submitted with the proposal.

Conflict of Interest Certification for Project Development and Environmental (PD&E) Study Contracts: For PD&E projects, a certification that neither the Consultant nor any of the principals of that firm have any financial or any other interest in the outcome of the project will be included in the RFP and is required to be submitted with the proposal. All Consultants used for preparation of environmental management documents for PD&E contracts shall complete and sign the **Consultant Affirmation, Form No. 375-030-18**.

Notices of Restrictions: For all contracts, a notice will be included in the RFP advising that persons or entities convicted of public entity crimes may not submit bids or transact business with state agencies.

7.7 INSTRUCTIONS FOR ABBREVIATED TECHNICAL PROPOSALS

If Abbreviated Technical Proposals are required for the selection process, the following information should be addressed in the RFP:

- (A) The shortlisted Consultants should be encouraged to use simplified Proposal formats and packaging for the Proposal and to restrict the content of the Proposal to a demonstration of an awareness of project issues, explanation of the proposed approach to the project, and plans for the staffing of the project. Performance of actual design as part of the Proposal should be discouraged.
- (B) A maximum limit of two (2), three (3), or five (5) pages allowed will be provided in the RFP. Font size will be restricted to 11 pitch or larger, with ½ inch margins. The length of resumes will also be limited, with a maximum length of two pages per person.
- (C) The electronic transmission of Proposals shall be required.
- (D) Other requirements may apply, depending on project type and selection method.

7.8 INSTRUCTIONS FOR ORAL PRESENTATIONS

If Oral Presentations are required for the selection process, the following shall be the established guidelines:

- (A) The RFP will state that the order of Oral Presentations shall be by random selection.
- (B) The shortlisted Consultants will be instructed to make their Oral Presentations project specific. The Oral Presentation should provide a demonstration of an awareness of project issues, explanation of the proposed approach to the project, and plans for the staffing of the project.

- (C) Attendance at the Oral Presentation by the Consultant's proposed Project Manager will be strongly recommended.
- (D) A limit of 6 participants will be established, unless otherwise noted in the RFP. Switching of participants in the Oral Presentation room is not permitted.
- (E) If a proposed subconsultant is a member of multiple teams submitting for the same project, it is the responsibility of the subconsultant to disclose this information to each respective team.
- (F) A maximum time limit of 30 minutes shall be allowed for the Oral Presentation. A maximum time limit of 30 minutes shall be allowed for Q&A following the Oral Presentation. Time may be redistributed between the Oral Presentation and the Q&A at the discretion of the Department, as long as the net total for both sessions is a maximum of 1 hour.
- (G) PSU shall serve as the timekeeper for Oral Presentations, and the Q&A session.
- (H) Approximately 5 minutes each are allowed for set-up and breakdown of the Oral Presentation materials by the Consultant. Setup and breakdown are not included in the set time limits for the Oral Presentation or Q&A, and are not timed.
- (I) Questions can be both standard (asked of all firms) and clarifying (related to information addressed by the Consultant during the Oral Presentation).
- (J) In accordance with the RFP document, the Department is permitted to place a firm limit on the number of slides for the PowerPoint presentation. Slides shall be numbered by the Consultant.
- (K) Consultants are assessed/scored based on the information verbally communicated during the oral presentation. TRCs are not obligated to review slides after an oral presentation has occurred.
- (L) Only the following items may be provided to the Department for an Oral Presentation: An electronic copy of the PowerPoint slides; an electronic copy of a single 11" x 17" aerial plot per project where specified; a physical copy of the 11" x 17" aerial plot per project, the physical aerial exhibit board where specified, and physical copies of the PowerPoint slides where specified. Electronic copies of the PowerPoint slides and aerial plot(s) shall be due on the date/time specified in the RFP.
- (M) The RFP document will specify if aerial boards are allowed. If specified, altered aerial exhibit boards up to 4' x 6' per project may be utilized during the Oral Presentation. Split views are permitted, as long as the overall total size does not exceed 4' x 6'. The Consultant may leave behind the aerial exhibit boards. The

RFP will specify if the Consultant is permitted to leave behind physical copies of the 11" x 17" aerial boards or PowerPoint slides.

- (N) Written submittals will be restricted to required certifications, organization/staffing chart, resumes, staff hour estimates and schedule of events (except where not applicable). The RFP will require that these items be submitted to the PSU prior to the Presentation.
- (O) Unless otherwise approved by the District Secretary or an Assistant Secretary as applicable, the RFP will advise that smart boards, videos, computer animations, and 3-D models may not be used in the Oral Presentation. However, any other media may be used.
- (P) Consultants are allowed to bring in paper notepads or index cards with notes during the Oral Presentations, for their own reference and use. The notepads and index cards will not be left behind for the Department, nor shared with the TRC.
- (Q) Consultant supplied video-monitors are permitted. If utilized, the Consultant will solely be responsible for the setup and use of this equipment.
- (R) Other requirements may apply, depending on project type and selection method.

7.9 INSTRUCTIONS FOR INTERVIEWS

If Interviews are selected in lieu of formal Oral Presentations or Written Proposals, the following shall be the established guidelines:

- (A) The RFP shall state that the order of Interviews shall be by random selection.
- (B) Interview questions may be developed after shortlisting. However, Interview questions must be prepared in advance of the Interview, by the Project Manager and/or the Technical Review Committee. At least a portion of the prepared Interview questions shall be common to all shortlisted Consultants. 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, where time permits. Prepared questions for the shortlisted Consultants should generally be limited to the range of 10- 15 questions, to allow sufficient time for complete responses by the Consultants.
- (C) The Department may pose questions about hypothetical or actual projects, or situational questions, but only during the follow-up Question and Answer portion. The rationale is to avoid imposing the cost of extended research for the Consultant.

- (D) Attendance at the Interview by the Consultant's proposed Project Manager is strongly recommended.
- (E) A maximum of six (6) attendees per Consultant team is allowed. Switching out of participants in the Interview room is not permitted. The Department has the discretion to specify Consultant disciplines that should attend the Interview. The Department may also elect not to specify disciplines.
- (F) Just prior to the start of their Interview, each Consultant team shall be given the prepared questions to review for five (5) minutes. One copy of the questions shall be provided to each member of the Consultant team. The Consultant may keep the copy of the questions during the interview. The Consultant may not leave the Interview room to review the questions. The Consultant remains in the same room as the TRC and PSU staff when reviewing the questions. The five minutes for reviewing questions is not considered as part of the Interview. Discussions by the Consultant team members during the 5 minute review are not part of the interview process, and are not considered in evaluation of the Consultant.
- (G) Introductions of Consultant staff and Department staff are also not counted as part of the Interview time. Interviews are limited to forty-five (45) minutes total, inclusive of Consultant opening statement and Questions and Answers (Q&A). Ten (10) minutes will be allowed after the 45 minute Interview for follow-up questions pertaining to the Consultant's responses and Consultant's closing statement. (closing statement is optional and only if time permits). PSU shall be timekeeper, and is responsible for ensuring the Consultant adheres to the stated time limits. The Interview may conclude early if less time is actually required. Each Consultant may make an opening statement of approximately 5 minutes (opening statement is optional). The opening statement shall not be separately timed.
- (H) No handouts or leave-behinds provided by the Consultant will be permitted. If specified in the RFP document, the Consultant may bring one unaltered aerial board per project identified in the advertisement. The unaltered aerial plot is limited in size to 24" x 36" per project, for use during the Interview. Split views are allowed, as long as the overall size does not exceed 24" x 36". The Consultant shall only include a North arrow, and street names on the aerial plot. The unaltered aerial plot may be marked up or drawn upon by the Consultant during the Interview, but not before the Interview begins. The unaltered aerial plot shall not be left with the Department after the Interview. No other visual aides are allowed to be brought in by the Consultant. The Department may elect to provide the aerial for Consultant Interviews. The provider of the aerial (Consultant or Department) will be specified in the RFP document. The Department shall supply and make available either a standard white board or flip chart with markers during the Interview. The Consultant is not permitted to bring in

prepared diagrams or drawings to display on the Department-supplied flip chart or white board. Procurement will discard the flip chart pages at the completion of the interview. Flip charts and/or white board illustrations will not be given to the TRC for evaluation after the Interview.

- (I) Additional written submittals will be restricted to required certifications, organization/staffing chart, resumes, equipment list, staff hour estimates and schedule of events (except where not applicable). The RFP will require that these submittals be provided to the PSU prior to the Interview.
- (J) Other requirements will apply, depending on project type and selection method.
- (K) Consultants may bring in paper notepads or index cards with notes during their Interviews, for their own reference and use. The notepads and index cards will not be left behind for the Department, nor shared with the TRC.
- (L) Consultants are not permitted to refer to smartphones, tablets, laptops, or other electronic devices during the course of the Interview.
- (M) Exceptions to the Interview requirements in this section require written approval as noted in Section 2.2.

CHAPTER 8

SCOPE OF SERVICES MEETING

Scope of services meetings are optional, but may be held for complex projects or where procedural issues exist. Teleconference (or GoToMeeting) scope of services meetings should be used where practical. The purpose of the scope of services meeting is to provide a forum for all concerned parties to discuss the proposed project, answer questions on the scope of services, method of compensation, instructions for submitting proposals, and other relevant issues. The need for a meeting will be determined by the Project Manager in conjunction with the PSU. Since the RFP package is the working document on which a scope of services meeting is based, the shortlisted Consultants may be furnished a copy of the RFP at least one week prior to the scope meeting, but as a minimum, a copy of the scope of services. The scope of services meeting when held may be attended by representatives of the shortlisted Consultants, as appropriate, Project Manager, other functional area representatives (as necessary), and moderated by a PSU representative. The Project Manager will explain and answer questions to clarify project objectives. The PSU representative will explain and answer questions to clarify contractual requirements, method of compensation, and selection procedures. 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.

During and after the scope of services meeting, it is the responsibility of the PSU to ensure that each shortlisted Consultant develops their technical proposal with the same information. If a Consultant receives information from the PSU relating to the project prior to the Information Cutoff Date, the Department will ensure that all shortlisted Consultants receive the same information in a timely fashion, via email. The project file will clearly document all communications with any Consultant regarding the scope of services by the PSU.

At the conclusion of the scope meeting, or when it is reasonable to assume that no further scope changes will be required, the Project Manager will update the scope of services and staff hour estimate, as necessary. The updated scope and staff hour estimate should be made available to each member of the TRC prior to the evaluation of the technical proposals. Also, should changes result from the scope of services meeting, the shortlisted Consultants will be provided the updated scope of services.

CHAPTER 9 TRC REVIEW OF TECHNICAL PROPOSALS, INTERVIEWS, AND ORAL PRESENTATIONS

Each member of the TRC must base their evaluation on the criteria provided in the RFP so that value uniformity can be established. The following considerations may be used as a guide in establishing evaluation criteria. The Project Manager is encouraged to meet with the TRC as a group prior to contract advertisement in order to discuss project requirements, major emphasis points, and develop evaluation criteria. The evaluation criteria, including their relative importance, will be provided to the shortlisted Consultants in the RFP or at the scope of services meeting.

- (A) **Awareness of Project Issues:** (0 to 30 points) - Includes the Consultant's understanding of the scope of services and of any unique issues involved in the project.
- (B) **Proposed Approach to Project:** (0 to 30 points) - Includes the Consultant's approach to the project, unique concepts and cost saving suggestions, proposed quality review schedule, the reasonableness of the proposed schedule based on the quantity of personnel available, whether the individual tasks are staged properly and in proper sequence, and whether the proposed schedule is better than, the same as, or worse than the Department's estimate.
- (C) **Proposed Project Staffing:** (0 to 30 points) - Includes the Consultant's staffing quality and availability, experience on similar projects, proposed subconsultants, interrelationship between the Consultant and any proposed subconsultants.
- (D) **Other Considerations:** (0 to 10 points) Communication ability, use of specialized equipment, commitment to satisfy the Department's needs, past performance on similar projects, etc.

TRC meetings held to discuss the Consultant Technical Proposal, Interview, or Oral Presentation submittals shall be properly noticed.

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.

The TRC will consider the staff hour estimates during the evaluation of the Consultants only in terms of understanding of the scope. The staff hour estimates will not be assigned evaluation criteria points; however, the work effort is recognized as an indication of scope understanding.

When Oral Presentations or Interviews are utilized, the Department representatives to attend the Oral Presentations or Interviews will be the Project Manager, other members of the TRC, PSU, and the Selection Committee members at their option. However, any Selection Committee Member who wishes to attend any Oral Presentation or Interview must attend all Oral Presentations or Interviews for the specified project. All Oral Presentations and Interviews will be recorded by the Department. The audio or video recordings will be kept as an electronic record in the PSU procurement file.

CHAPTER 10 FINAL RANKING

Upon the completion of the technical review, the PSU will complete the final selection portion of the **Professional Services Selection Package**, to the extent possible, and attach to these forms the comments written by the TRC. The compiled average evaluation scores will be completed in the **Professional Services Selection Package**.

PSU shall prepare an ordinal ranking matrix for final selection, listing the ordinal rankings of each respective TRC member's scores. Ordinal values will be assigned by PSU to each individual TRC member's set of technical evaluation scores. The ordinal ranking of "1" will be assigned to a TRC member's highest score. The ordinal ranking of "2" will be assigned to the same TRC member's second highest technical score, etc. The matrix of ordinal rankings will be prepared by PSU and provided to the Selection Committee as part of the **Professional Services Selection Package** for final selection. Ordinals will be used as a tool to determine skewing, which may sometimes occur due to natural scoring differences between TRC members. Skewing does not imply improper scoring. Selection Committee members may consider ordinal rankings as the basis for final ranking in instances of skewing, or if technical evaluation scores are tied.

Once compiled, the PSU will transmit the **Professional Services Selection Package** to the TRC and the Selection Committee. During the final selection meeting, the form will be completed by the recording secretary with a narrative explanation for the reasons for the ranking. If the average technical scores and ordinal rankings are identical for the two top rated Consultants, the Selection Committee may consider availability of Consultant as a tie breaker. Deviation from the TRC scores will be clearly explained in the **Professional Services Selection Package**.

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. Once the selected firm is input into the Procurement Application, the contract may then be reviewed by the Chief of Staff through the Contract Approval Process and Database. The contract may not be fully executed until Chief of Staff approval is obtained.

CHAPTER 11 NEGOTIATING CONTRACT FEES

Contract negotiations shall be conducted in accordance with the *FDOT Negotiation Handbook*, available on the Procurement Internet site.

11.1 NEGOTIATING WORK EFFORT

Upon the ranking of the shortlisted Consultants, negotiations will begin with the number one ranked Consultant. At that time, the Consultant will be requested to submit a detailed staff hour estimate and Fee Proposal with support information to the Department. Staff hour estimates for PD&E, roadway and bridge design projects must be submitted in the staff hour estimating spread sheet provided by the Department. The proposed costs must be submitted in the *Automated Fee Proposal (AFP) Spreadsheet*. Once the Consultant's detailed staff hour estimate is received, the Department will make available the Department's detailed estimate of work to the Consultant. The first date and anticipated ending date of negotiation meetings with the Consultant will be adequately noticed as public meetings. Minutes will be taken. The negotiations for work effort should focus on the technical proposal for the purpose of clarifying and resolving any differences concerning the scope of the project and the level of effort necessary to accomplish the project. The objective of work effort negotiations is to ensure that estimated work effort is fair and reasonable.

11.2 REVIEW PROCESS FOR FEE PROPOSAL AND AUDIT PACKAGE

The PSU is required by law to perform a detailed cost analysis of all firms (prime, subconsultants, subcontractors, and sub-vendors) on a professional services contract, to ensure the proposed compensation costs are fair, competitive, reasonable, accurate and allowable, pursuant to **23 CFR 172.7**, and **2 CFR 200.333**. Compensation means the amount paid by the Agency.

The fee proposal must contain a certification that any direct costs proposed are not included as overhead in the Consultant's accounting system, as referenced in the *Audit Certification Package for Professional Services Firms, Form No. 375-030-39*. The certification will be signed by the Consultant's comptroller, chief financial officer, accountant, or other appropriate person who is knowledgeable of the Consultant's normal accounting requirements. At a minimum, the review of the fee proposal by the PSU must include the following:

11.2.1 IDENTIFICATION OF THE BASIS FOR PROPOSED WAGE RATES

- (A) The proposed wage rates will be certified in writing as being current and accurate by a responsible company official. The Department will require payroll registers

to confirm the accuracy of the proposed pay rates. A payroll register is defined as a record of pay details for an employee during a specified pay period. The payroll register will display the following information about the employee: name of employee, date, date range, hours (regular and overtime), gross pay, deductions, taxes withheld, and net pay. A payroll register is not a payroll summary, monthly projection, payroll forecast, or certified pay rate. Confidential information may be redacted. Resumes will be used to validate and confirm employee qualification. ***Audit Certification Package For Professional Services Firms, Form No. 375-030-39*** shall be included with the supporting documentation submittals, also known as the audit package. Resumes must be used to validate and confirm employee staff classifications.

- (B) If averages for select employees are used, payroll information of how the average rate was computed (i.e., straight average, weighted average, etc.) must be provided. Only employees actually committed to and needed for the project will be used in computing the average.
- (C) If the Consultant's average rates for specified job classes are used, appropriate company records that identify employees within the classes and their respective wage rates will be submitted.
- (D) Consultants (geotechnical, aerial photography, etc.) that normally work on a unit price basis will be required to provide a copy of their standard fee schedule and attest that the fees contained therein are their normal fees for such services (whether performed for private or governmental clients). Firms who are compensated in whole or in part using fee schedule rates will be required to complete a certification statement during contract negotiations, attesting to full disclosure of intended use of lower tier subconsultants/subcontractors/sub-vendors, including use of drilling subs. All lower tiered subconsultants/subcontractors/sub-vendors must be named in the contract, in accordance with the Standard Professional Services Agreement in order to be considered an authorized subconsultant/subcontractor/sub-vendor. All firms used on a contract must complete the ***Certification of Use of Subs and All Lower Tier Subs, Form No. 375-030-40***. Geotechnical and materials testing firms shall utilize the Standard Items and Item Descriptions for Geotechnical and Materials Testing firms identified in the ***Negotiation Handbook***, when submitting the AFP.
- (E) Consultants with audited overhead rates who maintain a published fee schedule but do not bill exclusively from the schedule must maintain a job cost accounting system for their hourly services. However, the direct costs of services billed on cost-based rates or scheduled fees, shall be excluded from the calculation of direct expense rates. The accounting system description will include assurance of the segregation of the costs to deliver fee or rate based services from the costs associated with hourly services. The Basis of Accounting and Description of Accounting System Note should contain the following text, or text containing

the same essential elements: "The Company maintains a job-order cost accounting system for the recording and accumulation of costs incurred under its contracts. Direct costs incurred in providing services billed to clients at unit rates or on the basis of a published fee schedule are charged by functional accounts and accumulated as a single project or grouping to allow segregation of such costs from other direct costs. Each project is assigned a job number so that costs may be segregated and accumulated in the Company's job-order cost accounting system."

- (F) A comparison of the actual salary with prevailing rates for the class of personnel will be performed. The on-line **Consultant Wage Rate Report** provides wage rate statistics for various Consultant staff classifications by district. The **Consultant Wage Rate Report** can be accessed from the Procurement Office website. The Consultant Wage Rate Report shall be run and printed on the submittal due date for the AFP established in the Request for Fee Proposal document, or the actual date the AFP is received by the Department, whichever occurs first. If personnel with unusually high salaries are proposed, the negotiators must determine whether there is sufficient need for that individual to justify their work on the project at that rate. If the Department determines there is not a need for their expertise, they will not be allowed to bill time on the project. The Department may negotiate contract rates as averages for employee classifications.
- (G) Arbitrary or across the board limitations on direct salary/wage rates which do not consider the factors prescribed in the **Federal Acquisition Regulation (FAR)** cost principles are contrary to the requirements of the **Federal Brooks Act, 40 U.S.C. 1104(a)**, which requires fair and reasonable compensation considering the scope, complexity, professional nature, and value of the services to be rendered, as required in **23 U.S.C. 112(b)(2)**. Additionally, if limitations or benchmarks on direct salary rates and total compensation are too low, they may limit the number of Consultants and the qualifications of the Consultants who submit proposals to perform work on projects. Furthermore, direct labor limitations or benchmarks not supported by the cost principles create associated disallowed indirect costs which effectively limits the calculated indirect cost rate, contrary to **23 U.S.C. 112(b)(2)(D)** and **23 CFR 172.11(b)(1)**. Arbitrary reduction or capping of indirect cost rates is not permitted under Federal laws and regulations.
- (H) In 2015, the Department received approval from FHWA to utilize the FDOT Consultant Wage Rate Report as a benchmark or limit for contract rates on Construction Engineering and Inspection (CEI) contracts. For purposes of negotiating CEI consultant personnel direct salaries by job classification, FDOT will use the appropriate district 75th percentile by job classification (i.e., upper quartile) as the benchmark or limit, based on a one year history of actual unloaded rates. However, the 75th percentile may be exceeded when warranted by project complexity. When the 75th percentile is exceeded, it will only be for the

select position(s) that warrant such an increase, as determined by the assigned Construction Office. Detailed guidance regarding negotiation of CEI contracts is found in the **Negotiation Handbook**, available from the FDOT Procurement Office website.

- (I) Contracts written to allow rate adjustments when consultant personnel receive pay raises (known as actual rate contracts) are not allowed on professional services contracts. Additionally, annual rate escalation is not allowed on professional services contracts. For multi-year contracts of longer duration (twenty-five months or above), the Department shall apply a Contract Duration Adjustment Factor multiplier to the unloaded direct labor rate. Refer to the **Negotiation Handbook** for the restricted conditions of economic price adjustments, and rate re-negotiation scenarios for amendments.

11.2.2 OVERHEAD AND FRINGE BENEFITS

- (A) If the Consultant is prequalified with the Department at the unlimited level, a copy of the Procurement Office's prequalification letter with the approved overhead rate should be included in the fee proposal. FDOT approved audited overhead rates are accepted and not negotiated. The Consultant's most current approved overhead rate will be used. If the Consultant voluntarily proposes to use a lower overhead rate than the current audit in order to keep overall project costs competitive, the Department may accept the lower overhead. The use of a lower overhead rate will not be a requirement for contracting. The average overhead rates for both home office and field office overhead are provided in the Department's **Negotiation Handbook**, available on the Procurement Office website. These average overhead rates are provided for comparison purposes. They are one of the tools the Department's negotiators may use to assess Consultant cost controls and the competitiveness of the overall costs proposed. The submission of an updated overhead audit after the end of the Consultant's fiscal year is required as part of the prequalification renewal process.
- (B) If the proposed project requires the establishment of a field office, a separate overhead rate for the field office must be submitted. If the Consultant does not have an approved field office overhead rate which has been established through the prequalification process, a field office overhead rate will be prepared by the Consultant in accordance with the instructions contained in the **AASHTO Uniform Audit and Accounting Guide**, available on the Procurement Office website.
- (C) All firms performing inspection services on CEI contracts shall utilize CEI field office rates.
- (D) Use of the Field Office for non-CEI type projects: For contract negotiation purposes, a field office rate (labor & expenses) shall be applied when Consultant staff is assigned in Department space for a minimum of six consecutive months.

- (E) The Department may allow Consultants and other service providers to share Department office space for the contract duration. Use of Department space must clearly enhance the productivity of the Consultant in performing the scope of services, or daily interaction with Department staff must be required to effectively perform their duties. The decision to provide Department space to the Consultant shall be made prior to contracting so that consideration may be given to offsetting the cost of the services with the value of the space provided, through use of field office overhead rates. This will occur during the competitive negotiation of a professional services contract. Consultants housed in Department space may only work on the Department project requiring their presence. Other non-project activities, such as marketing, are prohibited. Department equipment which will be made available for Consultant use on the project shall be identified prior to contracting. When Department equipment is not available, consideration may be given to allowing the consultant to bring their own equipment into Department space for use on the project, if it is essential to the effective performance of the contracted services. All applicable Department policies, procedures, standards and guidelines pertaining to Department owned equipment, including data processing equipment and software, must be adhered to by the Consultant.
- (F) For contracts with fees less than \$500,000, the Department is authorized to contract with firms without an audited overhead rate. The Consultant must provide a self-certified overhead determination. The average overhead rates provided in the ***Negotiation Handbook*** will be used as caps on maximum awarded overhead (indirect costs) rates for firms who submit unaudited rates, including interim reimbursement rates, self-certified reimbursement rates, and job cost accounting system review reimbursement rates for use on professional services contracts.

11.2.3 OPERATING MARGIN

The operating margin which is paid in a Consultant contract does not represent net profit to the Consultant. Operating margin is intended to compensate the Consultants for normal business expenses that are excluded from allowable overhead by Federal Regulation (e.g., interest, advertising, unrecovered direct costs, etc.). These legitimate costs cannot be recovered on Department contracts except through operating margin. Operating margin compensates the Consultant with a reasonable fee.

Operating margin in Department contracts is calculated as a percentage of direct salaries. The percentage is negotiated within a range of 12 to 42%. For federal-aid contracts, operating margin may not exceed 15% of the total direct labor plus indirect costs of the contract. This equates to the upper range of 42 percent operating margin calculated as a percentage of direct salaries only.

The operating margin is negotiated based on the complexity of the project, the degree of risk assumed by the Consultant, the project schedule, and Consultant cost controls.

Operating Margin Percentage Calculation for Direct Salaries

Project Complexity	5% to 7%
Degree of Risk	3% to 5%
Project Schedule	1% to 3%
Cost Control Efforts	3% to 27%
TOTAL	12% to 42%

The Operating Margin Guidelines table in the ***Negotiation Handbook*** on the Procurement Internet site provides direction on how these factors shall be weighted and considered.

For contracts of longer duration, the Department shall allow a Contract Duration Adjustment Factor (CDAF) to be applied as a multiplier to direct labor. CDAF is defined as an economic price adjustment, necessitated by instability of labor costs for an extended period of contract performance. CDAF is not negotiated, but shall be a fixed number of points based on the overall anticipated length of contract (project schedule). Contract length shall be as assessed by reviewing the anticipated project schedule at the time of contract negotiation. CDAF points shall be allocated by the Department as follows:

Operating Margin Criteria Plus CDAF	
Operating Margin Criteria	Range
Project Complexity	5% to 7%
Degree of Risk (Financial)	3% to 5%
Project Schedule	1% to 3%
Cost Control Efforts	3% to 27%
Total Operating Margin Points	12% to 42%
CDAF Points	0% to 5.5%
Operating Margin plus CDAF	12% to 47.5%

Anticipated Length of Contract	CDAF- Contract Duration Adjustment Factor (Percentage Points applied to direct labor)
0- 12 months	0
13- 24 months	0
25- 36 months	3
37- 48 months	4.5
49- 60 months	5.5
+ 60 months	Renegot w/ new rates

Additional guidance regarding CDAF is found in the **Negotiation Handbook** on the Procurement Internet site.

11.2.4 EXPENSES

- (A) Direct project expenses will be compensated using the direct expense rate which is required as a part of annual overhead audits performed for fiscal years ending December 31, 2002 and after. All professional services contracts negotiated since October 1, 2003 have included reimbursement of direct expenses by application of a direct expense rate based on the audit listing of direct costs in relation to the direct labor base. Separate audited rates are required for home office expenses and field office expenses. These rates represent the ratio of direct expenses to actual direct labor excluding premium overtime. Field office set up, mobilization, rent, and utilities costs are excluded from the audited field office direct expense rate in the audit submittal. The Department will reimburse the costs of field office set up, mobilization, de-mobilization, rent, and utility costs as a direct project cost on the contract rather than through the field office direct expense percentage, provided the aforementioned costs are documented by appropriate receipts. Utility costs may include electricity, water, natural gas, sewer, internet service, phone service, trash pick-up, and hook-up fees associated with the aforementioned utilities. Field office set-up/mobilization and de-mobilization charges involved with transporting the trailer to and from the job site may also be reimbursed. Charges for furniture, supplies, insurance,

cleaning, and equipment (including fax, copier, computer, and phone) are included in the direct expense percentage and are not compensated as an itemized expense directly on the contract. Of course, if the field office is provided through the construction contract or by the Department on another contract, the Consultant does not incur rent or utilities costs, so they cannot be invoiced or booked. There should normally be no other direct expense compensation. The only exceptions to this would be unusual and infrequently occurring items with a cost in excess of \$10,000. When such items are compensated separately from the direct expense rate, they must be excluded from the direct expense pool used to calculate the direct expense rate. When Consultants propose such items, the negotiator will forward the information to the Central Office Procurement Audit and Review Support Section for a determination prior to incorporating such items into the contract.

- (B) If the Consultant does not have a current approved audit that includes a direct expense rate, an expense rate may be determined based on a projection of expenses for the project, divided by direct labor (subject to a cap). If this method of determining the compensation for expenses is not used, then sufficient documentation must be provided to support the basis for expenses. Written quotes from vendors, invoices reflecting prices paid on previous purchases, copies of catalog pages, etc. may be used as support for the proposed prices.

As a general rule, the method of acquisition for any capital asset (item costing \$1,000 or more and having a life expectancy of 1 year or more) will be determined through the use of a lease versus purchase analysis. A copy of the analysis will be included in the fee proposal. A reasonable allowance for salvage value of the items, based on the term of the project, must be provided for the purpose of such items.

Acquisition of tangible capital assets for Department ownership through service contracts is normally not acceptable. The requirements of **Rule 60A-1.017, F.A.C.**, must be considered when this is necessary. Property acquired as part of a service contract must be handled in accordance with Procedure No. 350-090-010, Tangible Personal Property Procedure.

Unit rates used to compute travel costs may not exceed those authorized for State employee travel in accordance with Section 112.061, F.S. Air fare must be based on coach rates with reasonable advance purchase and costs for rental cars must be based on the use of compact cars, unless otherwise justified and approved by the Department. Mileage for private vehicles must be at the state rate. The **Disbursement Operations Handbook**, is available on the Department's Office of Comptroller (OOC) SharePoint site.

11.2.5 SUBCONSULTANT/SUBCONTRACTOR/SUB-VENDOR COSTS

Subconsultant/subcontractor/sub-vendor costs must be specifically identified in the price proposal and supported in a manner that will allow the contracting office to make a determination that the proposed costs are fair, reasonable and competitive. Intended use of all lower tier subs must be disclosed during contract negotiations, regardless of tier level or type of subconsultant, subcontractor, or sub-vendor. Unauthorized subs are not in accordance with the **Standard Professional Services Agreement**, Section 7A, which states: "The Consultant...will not sublet, assign, or transfer any work under this Agreement to other than subconsultants specified in the Agreement without the written consent of the Department." Subs will require submission of the same type of data as required for the prime Consultant. This includes support for wage rates, rates per unit of work, direct expense rates and overhead rates. Subconsultants technically qualified in a standard work type are required to submit an overhead audit prepared by an independent CPA if their fees on a single contract are \$500,000 or greater. If the subconsultant fee is less than \$500,000, a self-certified overhead statement certified by a principal of the subconsultant firm must be completed on the **Self-Certification of Accounting System and Reimbursement Rates, Form No. 375-030-51**, which must be sent to Central Office Procurement for review and approval. Certified billing rates are not acceptable for negotiating rates for non-professional services firms utilized as subs on professional services contracts. The Department shall utilize one of following methodologies for negotiating rates for non-professional services firms utilized as subs on professional services contracts:

- (A) Prime Consultant shall request at least two quotes and will utilize the lowest rates. This is to be used for equipment rates, court reporters, corrosion inspection and testing, aerial photography, and maintenance of traffic.
- (B) Non-professional services firms shall submit the **Simplified Self-Certification for Non-Professional Services Firms, Form No. 375-030-92**. Adequate support must be provided with the form when submitted, including payroll registers or evidence of draws.
- (C) Rates supported by competitively procured contractual services contracts where price was a factor in selection can be used (support of best value).
- (D) Procurement staff will utilize available comparable salary survey information for labor rates to negotiate a reasonable rate.

The prime Consultant shall not receive overhead and operating margin for subconsultant/subcontractor/sub-vendor services. Subconsultant/subcontractor/sub-vendor fees are pass-through costs, and cannot include administrative mark-up.

The prime Consultant and all subconsultants/subcontractors/sub vendors shall attest to full disclosure of intended use of lower tier subconsultants/subcontractors/sub-vendors, including use of drilling subs.

Private attorney services may not be utilized on Department contracts without advance approval from the Attorney General's Office. The advance approval may only be requested by Department General Counsel, and not the Consultant. Since approval cannot be assumed, consultant firms shall refrain from proposing legal firms as part of the professional services Consultant team in their procurement response and proposal documents.

The University Master Agreement is the appropriate means for contracting with Florida universities. When necessary for a professional services contract, the Department's Project Manager may procure university services by means of a task work order issued against a University Master Agreement.

11.3 FEE PROPOSAL REVIEW

The PSU will verify the cost elements of the fee proposal, verify and confirm proposed consultant classification of staff in the AFP in accordance with the FDOT Standard Job Classes, review all proposed salaries and other cost information, and shall perform a detailed cost analysis, in accordance with **Section 287.055(5)(a), F.S.** and the **Negotiation Handbook** available on the Procurement Internet website. A comparison of the actual current salary rates with prevailing rates for the class of personnel will be performed by PSU. The Consultant Wage Rate Report on the Procurement Internet website provides wage rate statistics for various Consultant staff classifications by district.

Any errors, deficiencies, omissions, etc., noted during the review of the fee proposal by the PSU will be brought to the attention of the selected Consultant, and corrected data will be requested immediately.

11.4 ESTABLISHING THE METHOD OF COMPENSATION

The method of compensation to the consultant shall be set forth in the original solicitation, contract, and in any contract modification thereto. Compensation for professional services agreements will involve one or more of the following methods:

LUMP SUM: A firm fixed price not subject to adjustment due to the actual cost experience of the Consultant in the performance of the contract. This places the maximum risk on the Consultant and provides motivation for efficient cost management to maximize profits. It also minimizes the Department's time in contract administration. It is the recommended method of compensation when the scope of services is well defined and the level of effort can be reasonably predicted. The use of lump sum contracts for CEI work is prohibited unless the "extent, scope, complexity, character and duration of the work" have been established.

COST REIMBURSEMENT: The Consultant is reimbursed the actual costs incurred in the performance of the contract. A "maximum limiting amount" is normally established to cap the amount the Department will pay for the services. This method is used when the services are so vague or complex that the level of effort or expenditure cannot be estimated with reasonable accuracy. This provides minimal incentive to the Consultant to control costs and is time consuming to administer. FHWA only participates in cost reimbursement contracts in which the Consultant's operating margin is a lump sum or "fixed fee." In such instances, partially loaded hourly rates paid in conjunction with fixed fee shall exclude compensation for operating margin.

COST PER UNIT OF WORK: A negotiated unit rate for a repetitive task or deliverable product is established and paid for each unit produced. The unit rate is not subject to adjustment. A maximum limiting amount is normally established based on the estimated number of units required. This method is frequently used for geotechnical services, lab tests, soil explorations, traffic counts, bridge inspections, etc.

SPECIFIC RATES OF COMPENSATION: Billing rates are established for units of time, usually per hour. These rates normally include wages, overhead, estimated expenses and operating margin. A maximum limiting amount is normally established. This method is frequently used for surveying services. The Department has received approval from FHWA to use fixed hourly rates method of payment for professional services task assignment contracts, such as district-wide miscellaneous minor professional services contracts, continuing contracts, groupings, and also for maximum limiting amount/cost reimbursement contracts. Use of specific rates compensation (fixed hourly rates) will protect consultant confidential audit information, and eliminate the need to display consultant multipliers such as overhead rate in the contract documents. Only design contracts are excluded from use of this payment method for basic services on federal-aid contracts. For design services, the Department shall utilize the lump sum method of payment for basic design services, where appropriate and where the level of effort and scope can be reasonably determined.

Overhead data shall be restricted to Department employees only in PSU, who will receive the information submitted by the Consultant by means of the AFP during contract negotiations. PSU will be responsible for converting Consultant rate information into fixed hourly rates. In accordance with **23 USC 112**; and **23 CFR 172.11(d)**, cost and rate data (audit information) shall be confidential and shall not be accessible or provided, in whole or in part, to another individual, firm or to any government agency which is not part of the group of agencies sharing cost data, except by written permission of the audited firm.

COST PLUS PERCENTAGE OF COST: The cost-plus percentage of cost payment method shall not be used on federal-aid eligible contracts.

The method of compensation will be described in the agreement using the standard Method of Compensation language.

Contract compensation elements shall be established as either limits or estimates in the contract compensation summary table. A limit is a not-to-exceed maximum amount for a compensation element. An estimate is a non-binding amount provided for project management purposes. A compensation element established as an estimate may go beyond the stipulated amount, as long as it is offset by a reduction in the same amount from other compensation elements also established as estimates. Compensation elements established as estimates may not exceed overall contractual limits.

11.5 NEGOTIATION PROCESS

During the entire negotiation process, a summary or taped record of the resolution of all decisions between the Consultant and the Department will be kept and will be filed with the official agreement records in the PSU.

Consultant support staff may be present during Department contract negotiations, but Department staff shall lead when negotiating Consultant contracts. Consultant support staff shall not have access to confidential consultant audit data.

Final negotiations will reconcile any variances in work effort from that previously negotiated and establish the compensation to be paid the Consultant for the services to be rendered. The results of all negotiations with the Consultant must be documented in writing and made a part of the permanent project file.

Compensation will be negotiated within the limits established by state and federal law, rules and regulations, whichever is more restrictive. The negotiated compensation will be in an amount the Department determines is fair, competitive, and reasonable considering the scope and complexity of the project.

Should the Department be unable to resolve differences in the considered data or negotiate a fair and reasonable fee for the services as determined by the Department, the Department will terminate negotiations with the Consultant and provide written notice of termination to the Consultant. The Department will then initiate negotiations with the Consultant previously ranked second by the Department's Selection Committee.

Should the Department be unable to negotiate an agreement with the second ranked Consultant, the aforementioned process will be initiated with the third ranked Consultant. Should the Department be unable to negotiate a satisfactory agreement with any of the selected Consultants, the Department will select additional Consultants in order of their competence and qualification and continue negotiations in accordance with these procedures until an agreement is reached, or initiate a new selection process in accordance with this procedure.

The decision to terminate negotiations is a business decision the Department makes and it should not cause the Consultant to be viewed negatively or in any way impact their opportunity for future selections.

CHAPTER 12 THE AGREEMENT

12.1 PREPARATION OF THE AGREEMENT

Subsequent to negotiations, the PSU will prepare an appropriate agreement consistent with the results of the negotiations. The agreement will generally consist of: the **Standard Professional Services Agreement, Form No. 375-030-12**; Exhibit "A" - Scope of Services; and Exhibit "B" - Method of Compensation, and any other applicable attachments.

12.2 VENDOR ELIGIBILITY CHECK

Public entities may not contract with firms that have been excluded from participating in the public contracting process. Before awarding a contract, PSU shall check if the prime and all subs appear on the Department of Management Services (DMS) Convicted/Suspended/Discriminatory/Federal Excluded Parties/Complaints/Scrutinized Companies Vendor Lists. Additionally, federal law requires a check of the Federal Excluded Parties List (EPL) for businesses that have been debarred, suspended, or otherwise excluded from federally funded contracts. PSU shall complete and sign the **Vendor Eligibility Check Prior to Contract Award, Form No. 375-030-91** for each contract, checking for vendor eligibility to contract with the Department.

12.3 CONTRACT ATTESTATION

The Contract Attestation Checklist Form No. 375-040-34 shall be completed and signed by the Contract Manager/Project Manager for all contracts or purchase orders: a) funded by the state or federal government; b) results in anticipated expenditures of \$1 million or more during the term of the contract; c) procured in accordance with Chapter 287, Florida Statutes. In conjunction with the Contract Attestation Checklist, a signed Contract Attestation Form No. 375-040-45 must also be received by PSU prior executing contracts meeting the aforementioned criteria.

12.4 AGREEMENT EXECUTION

The PSU will coordinate execution of the professional service agreement. Signature routing shall be accomplished using the Department's approved electronic signature application for Procurement. The contract document shall be transmitted to all internal and external signing parties including the Consultant via electronic signature application. The Consultant shall consent to sign the contract using the Department's electronic signature application. The Department will transmit the Consultant's copy of the fully executed contract document via e-mail.

The following lists the signatures and approvals necessary for agreements.

12.4.1 THE GENERAL COUNSEL'S OFFICE

This signature indicates that the agreement has been reviewed by an attorney to determine that the agreement contains all the required statutory provisions; contains all necessary provisions to be legally enforceable; contains all relevant provisions to clearly define the responsibilities and obligations of each party; and to protect the Department's interests.

12.4.2 THE CONSULTANT

This signature indicates that the Consultant agrees to all terms, conditions, and provisions contained in the agreement. If any changes have been made by the Consultant subsequent to Legal's initial review, the General Counsel's Office will review the changes and approve.

(A) CORPORATIONS:

Generally, only a President or Vice-President may sign on behalf of a corporation. If another person is signing, they must have proper authorization from the corporation. If another other than the President or Vice President will sign, the Procurement office shall request the following documentation from the Consultant:

Articles of Incorporation (filed with the Secretary of State, check for amendments)
Corporate Resolution signed by the corporate Secretary identifying by name any other people that are authorized to sign agreements on behalf of the corporation.

(B) LIMITED LIABILITY COMPANIES (LLC):

If the LLC is member managed, any member may sign on behalf of the LLC, unless the Articles of Organization or the Operating Agreement states otherwise. If the LLC is manager managed, any manager may sign on behalf of the LLC, unless the Articles of or the Operating Agreement states otherwise. If another person is signing, they must have an appropriate authorization from the LLC. If a member managed company, all managers will sign the designation.

Documentation to request and review:

- i. Articles of Organization for managers or managing members (filed with Secretary of State, check for amendments).
- ii. Certificate or affidavit executed by all members or all managers identifying (by name) other people that are authorized to sign agreements with the Department on behalf of the LLC.

12.4.3 OFFICE OF COMPTROLLER

Before executing an agreement, funds approval must be obtained through the OOC Contract Funds Management System (CFM). This system checks for 1) available budget (Work Program versus operating); 2) that projects are programmed for the

appropriate amount and year in the Adopted Work Program; and 3) any needed federal authorizations are being obtained. These assurances are required for the Comptroller to state that funds are available in accordance with Section 339.135(6)(a), F.S. An electronic copy of the funds approval e-mail must be placed in the contract file folder. If there are any questions regarding the CFM System or budgetary approval, please contact the CFM Section. If there are any changes to the financial provisions in the **Standard Professional Services Agreement Terms, Form No. 375-030-12**, the changes must be approved by OOC.

12.4.4 THE PROCUREMENT OFFICE OR DISTRICT PSU, AS APPROPRIATE

While not required by law, this review signature has the greatest procedural responsibility. This signature indicates that the signer has either verified or certifies that:

- (A) The Consultant was competitively selected in accordance with the Department's approved selection process, and that all Federal contracting requirements have been met in order to ensure federal eligibility.
- (B) The terms and conditions of the agreement meet the specifications of the Project Manager, are reasonable to the Department and the Consultant, and were written in a form approved by legal counsel.
- (C) The agreement, when negotiated, was done so in good faith and in accordance with all applicable laws, rules, and procedures. Also, that the negotiated price is fair, competitive, and reasonable considering the scope and complexity of the project.
- (D) The method of compensation is appropriate and the amount is reasonable.
- (E) The project is included in the Department's adopted Work Program, and that the project has a proper phase, fund code, and financial management number(s).
- (F) Any change to previously approved form or content has been reviewed and resolved with the appropriate office.
- (G) The individual signing has signature authority.
- (H) OOC and FHWA, if applicable, have authorized funding.
- (I) The prime Consultant has secured and presented proof of professional liability insurance in accordance with the agreement.
- (J) For all contracts, PSU shall confirm eligibility of all prime and subconsultants prior to final execution of the contract, using the Vendor Eligibility Check Prior to

Contract Award Form No. 375-030-91. A contract award (reference 2 CFR 180) must not be made to parties listed on the government-wide Excluded Parties List System in the System for Award Management (SAM).

- (K) For contracts in excess of \$5 million, PSU will identify the specific appropriation of state funds from which the state of Florida will make payment under the contract during the first year. The Appropriation Bill Number and Line Number will be entered on page one of the ***Standard Professional Services Agreement***. Please use the Crosswalk to Budget Entities spreadsheets provided by the Budget Office to properly identify the appropriation information.

12.4.5 THE AGENCY HEAD (OR THEIR DESIGNEE)

This signature obligates the Department to the terms, conditions, and provisions of the agreement. This signature completes execution of the agreement.

Signature authority is delegated to Senior Management Level Directors and above and Procurement Services Managers. Directors, Assistant Secretaries, or District Secretaries may delegate signature authority to other office heads in writing.

12.5 CONTRACT DISTRIBUTION

The PSU distributes the executed agreements in the manner set forth below.

- (A) Electronic copy to the Department's Comptroller or District Financial Services Office, as applicable.
- (B) Electronic copy to the Consultant.
- (C) Electronic copy to Professional Service Unit.
- (D) Electronic copy to the Project Manager.
- (E) Electronic copy to FHWA of federally funded contracts or task work orders, as identified in the Projects of Division Interest (PoDI) list provided to FDOT, or as specifically requested by FHWA. Contracts for projects delegated to the State are only provided upon request.

12.6 LOADING CONTRACTS INTO CITS AND CFM

The AFP containing all agreed upon negotiations information shall be uploaded by PSU into the CITS application using the Ipswitch WS_FTP file transfer software. Instructions for use of the AFP are found on the Procurement website. Concurrent with loading the AFP contract information into CITS, the contract average wage rate data from the AFP is also uploaded into the Procurement application database via Ipswitch WS_FTP. The average wage rate data is used by the Department and Consultants for purposes of

comparison of the proposed salary or billing rates with prevailing rates for the class of personnel, as part of contract negotiations.

PSU shall be responsible for uploading professional services contract images into CFM. Contract images must be updated in CFM within 30 days of a new contract being executed.

All contracts for professional services shall be invoiced using CITS, unless approval is obtained from Central Office Procurement and OOC to exclude the contract from CITS. Contracts not entered in CITS will require a **Summary of Contractual Services Agreement/Purchase Order Receiving Report and Invoice Transmittal – Contracts, Form No. 350-060-02**. It is the responsibility of the Project Manager to ensure that Consultant costs billed are allowable in accordance with the contract terms and conditions, and consistent with Federal cost principles for federal-aid contracts. The form may only be completed through FDOT CFM System.

CHAPTER 13

SPECIAL REQUIREMENTS FOR FEDERALLY FUNDED PROJECTS

Consultant contracts are eligible for federal-aid participation where federal requirements are followed, and costs may be allocable to a particular federal-aid project. This section prescribes requirements necessary for conformance with 23 U.S.C. 112(b)(2)- Contracting for Engineering and Design Services; 23 CFR 172- Procurement, Management, and Administration of Engineering and Design Related Services; and the process which will be followed when federal funds are to be requested.

In fulfillment of federal regulations, Central Office Procurement shall be responsible for maintaining **Topic No. 375-030-002, Professional Services Procurement Manual**, which constitutes the standard operating requirements, instructions and processes for professional services contract procurement.

13.1 OVERSIGHT CLASSIFICATION

13.1.1 PROJECTS OF DIVISION INTEREST (PoDI)

The Projects of Division Interest (PoDI) are those projects that have an identified elevated risk, contain elements of higher risk, or present a meaningful opportunity for FHWA involvement to enhance meeting program or project objectives. Project selection for PoDI is completed for each performance year (June 1 to May 31) and stewardship and oversight activities are directed toward addressing identified risks. Identification of these projects allows Federal Highway Divisions to concentrate resources on project phases or areas that add the most value on important projects to the Division. PoDI projects could include projects either on or off the National Highway System. PoDIs may also be either State DOT administered projects or LAP-administered projects.

FHWA provides Central Office Procurement with a copy of a concise PoDI list, which includes all PoDIs and the activities that will be conducted as part of the focus oversight. The plan identifies which projects may include oversight in the consultant program area.

For the aforementioned FHWA PoDI projects, the District Project Manager should consult with the appropriate FHWA Transportation Engineer, or Technical Specialists, to discuss the PoDI plan activities pertaining to the Consultant Program Area. As a minimum, a draft scope of services, in-house cost estimate, and RFP (when applicable) will be reviewed. A cost estimate for this purpose will be completed using in-house staff hour estimates prepared by the Project Manager. Concurrent with submittal of the final cost estimate and draft contract to FHWA, a funding request will be made through the District Federal-Aid Coordinator. The professional services acquisition process may proceed up through contract execution prior to receipt of the FHWA Electronic Signature Authorization/Modification Document, but a notice to proceed will not be issued until approval is received from FHWA. Approval for oversight contracts shall be maintained by PSU in the electronic contract file.

FHWA reviews and approves all Consultant contracts where a Consultant performs in a management support role. Management support role means performing engineering management services or program or project administration role on behalf of the Department.

13.1.2 OVERSIGHT OF PLANNING CONTRACTS

The State Planning and Research (SPR) is the work program outlining use of federal highway planning (HP) funds for each fiscal year. The SPR is coordinated through the Department's Office of Policy Planning (OPP) and is submitted by OPP to FHWA for approval for the upcoming fiscal year, by June 15th. Amendments to the SPR may be submitted throughout the fiscal year. Please refer to the [SPR and FHWA Reviews SharePoint](#) for additional information.

Scopes of work do not need to be submitted by OPP's SPR Coordinator to FHWA for additional review unless specifically identified in the SPR Work Program Approval letter. If the scope of work changes from the activity described in the SPR Work Program spreadsheet, then an additional SPR Amendment will be required from OPP's SPR Coordinator prior to authorizing federal funds. The updated task description will be sent with the SPR Amendment for FHWA review. As long as the activity provides the details outlined in the draft consultant procedures, no further FHWA review of the scope is necessary.

Prior to beginning procurement of a planning contract, the Project Manager must determine if HP funds will be or may be used for the proposed scope of services. If HP funds will be or may be used, then the Project Manager must ensure that the scope of services complies with allowable activities described in federal code **23 U.S.C. 134 Metropolitan Transportation Planning; 23 U.S.C.135 Statewide and Nonmetropolitan Transportation Planning, and 23 U.S.C. 420 Planning and Research Program Administration.**

For project-specific contracts utilizing HP funds:

The Project Manager must ensure that the project is eligible for HP funding, included in the Approved SPR, and consistent with the project's Activity Description, Financial Project, and funding amount.

The Project Manager must then request Department approval of the scope of services by uploading the draft scope of services to the [SPR and FHWA Reviews SharePoint](#) site, for review by Strategic Development Finance and Administrative Services Team. As part of the review, additional instructions regarding submittal of the scope of services to the FHWA Transportation Planning Specialist may be provided, as applicable.

The Strategic Development Finance and Administrative Services Team will provide an internal reference number. The internal reference number shall be maintained by the Professional Services Unit (PSU) in the contract electronic file.

After approval for eligibility and consistency with the SPR, the Project Manager may route the draft scope of services to PSU for advertisement. No additional reviews of the contract scope will be performed by FHWA prior to contract execution.

For task assignment contracts that are anticipated to utilize HP funds:

The Project Manager must request approval of the task assignment contract scope of services by uploading the draft scope of services to the Department's [SPR and FHWA Reviews SharePoint](#) site, for review by the Strategic Development Finance and Administrative Services Team. As part of the review, additional instructions regarding submittal of the scope of services to the FHWA Transportation Planning Specialist may be provided, as applicable.

Once the contract draft scope is approved, the Strategic Development Finance and Administrative Services Team will provide a confirmation email. After approval of the contract scope for eligibility and consistency with the SPR, the Project Manager may route the draft scope of services to PSU for advertisement.

Prior to issuance of individual task work orders involving HP funds, the Project Manager must ensure the task work order scope aligns with the project's Activity Description, Financial Project, and funding amount in the approved SPR Work Program.

The Project Manager must then request approval of the task work order and cost estimate through the Department's [Strategic Development Task Work Order Reviews SharePoint](#) site. This applies to all task work orders using HP funds, whether the tasks are issued by Central Office or the District.

The Strategic Development Finance and Administrative Services Team will provide an internal reference number for the task work order. The internal reference number must be noted in the Project Manager's contract file and provided to the Federal Aid Management Office in the Office of Work Program and Budget. Approval must be received prior to encumbrance of funds and execution of the task work order.

After approval for consistency with the SPR, the Project Manager must route the task work order following their internal routing procedures as appropriate.

Federally funded planning contracts (including planning task assignment type contracts) are subject to a five-year term, \$5 million budgetary ceiling.

13.1.3 OVERSIGHT DELEGATED TO THE DEPARTMENT

Responsibilities for oversight are assumed by the Department for FHWA projects classified below:

- (A) Miscellaneous minor professional services contracts (also known as District-wides).
- (B) Other federally funded task assignment contacts (non-districtwides & non-planning). This would include groupings of professional service assignments for substantially similar activities, and continuing contracts for professional services.
- (C) Project specific contracts, unless those identified for focus oversight of consultant procurement per Section 13.1.1.
- (D) Right of way acquisition projects.
- (E) Planning contracts implementing tasks which have sufficient detail described in the UPWP or SPR Work Program.

The cost/time limitations for federally-funded miscellaneous minor professional services contracts (also known as District-wides) shall be \$1.5 million overall contract limit, \$300,000 per task assignment, and contract term of five years. No new task assignments on District-wides will be started after the five year term ends, with the exception of post design work/plans update, which would not be federally funded after the five year contract period. FHWA approval is not required to extend contracts beyond five years to complete task assignments previously authorized before the end of the five year limit. Chief Engineer or Chief Planner, as applicable. Proper justification for the extension must be kept on project file.

Other federally funded task assignment contracts are subject to the contract term limit of five years, and \$5 million budgetary ceiling. This includes groupings of professional service assignments for substantially similar activities, and continuing contracts for professional services. No new task assignments will be started after the five year term ends (with the exception of post design work/plans update, which would not be federally funded after the five year contract period). FHWA approval will not be required to extend contracts beyond five years to complete task assignments previously authorized before the five year limit. Chief Engineer or Chief Planner approval is required, as applicable. Proper justification for the extension must be kept on project file.

Project specific contracts are not subject to time or monetary thresholds.

Due to the recurring nature of the services, and in order to promote contract turnover and ensure open competition, bridge inspection contracts will be subject to a five year limit and \$5 million budgetary ceiling. This guidance does not apply to bridge inspections performed on asset maintenance contracts, which are not professional services.

Project specific contracts, where work is done as task assignments in order to facilitate design & post-design phase closure are not subject to the five year limit or any monetary thresholds.

For the aforementioned delegated contracts only, the Department provides an electronic copy of executed professional services contracts to FHWA.

On federally funded projects, Notice to Proceed (NTP) or authorization to start work must not be delivered to the consultant until the Department receives federal authorization of the contract. Copies of this authorization must be provided to the District PSU, and the Office of the Comptroller.

The Consultant must not commence work without an executed contract and funds approval in place.

13.2 CEI AND DESIGN CONTINUING CONTRACTS USED BY LOCAL AGENCY PROGRAM (LAP)

Districts may establish a dedicated continuing services task work order driven contract to be utilized exclusively for delivery of LAP projects, for CEI and Design. Contracts shall be procured by the District, in accordance with the procurement procedures referenced herein. Task work orders shall be issued for individual LAP projects, by the Department's Project Manager. The Department's Project Manager shall be responsible for maintaining the contract budget, ensuring task work orders amendments are timely and appropriately issued, approval and payment of invoices through CITS, and contract and task work order oversight. The local agencies shall be responsible for developing the task work order scope, and cost estimate, and shall be in responsible charge of the task services. The task work orders shall be administered in accordance with ***Procedure No. 525-010-300, Local Agency Program Manual***.

Continuing contracts for delivery of LAP projects must comply with Department Conflict of Interest policies.

13.3 FHWA MONITORING

FHWA will perform independent process reviews to evaluate the program. In accordance with federal requirements, and ***Procedure No. 700-000-005, FHWA-FDOT Stewardship and Oversight Agreement***, FHWA is required to approve the procedures to hire consultants using federal-aid funding. The approved procedures are required to be followed for both PoDI and state delegated federal-aid projects.

In support of this requirement, Central Office Procurement shall be responsible for a Quality Assurance Review (QAR) of a statistical sampling of professional services contracts, on a two-year cycle. An annual summary report of the QARs performed, including findings, will be submitted to FHWA with an action plan on how to correct any deficiencies noted. Representatives from FHWA shall be invited to all scheduled QARs with sufficient advance notice, to validate the FDOT QAR process.

CHAPTER 14 EMERGENCY CONTRACTS

Whenever there is an emergency declaration for a project for which FHWA funds are to be requested, FHWA will be notified immediately by the PSU that the Department intends to deviate from its normal selection process. FHWA will be provided a copy of the emergency declaration and the preliminary scope of services. FHWA's prior approval is required for FHWA financial participation. Emergency procurements of professional services must be performed in accordance with Department ***Procedure No. 375-040-130, Emergency Procurement During Governor Declared Emergencies.***

CHAPTER 15

DBE AND MBE REQUIREMENTS

The PSU will determine Disadvantaged Business Enterprise (DBE) requirements per federal definition, or Minority Business Enterprise (MBE) requirements per state definition, in accordance with existing Department rule, procedure and policy.

CHAPTER 16 EXEMPT CONTRACTS

Purchases of professional services for a project where the basic construction cost is estimated to be less than the threshold amount of Category Five (\$325,000) as referenced in s. 287.017, F.S., are exempt from competition. For federal-aid projects, the additional limiting constraint is that the contract fee may not exceed the simplified acquisition threshold of \$150,000 established in 48 CFR 2.101.

Contracts involving studies or activities not associated with a construction project are exempt from competition where the total professional services fee is less than the Category Two threshold (\$35,000).

For work under the referenced thresholds, at least three prequalified Consultants will be considered, ranked in order of preference, and negotiations initiated with the Consultant ranked number one. If this selection process is not followed, the contract file will be documented as to the reasons for the selection.

The contract fee will be negotiated, and the negotiations documented in accordance with this procedure. In addition, agreements will be prepared using the **Standard Professional Services Agreement, Form No. 375-030-12**, with standard exhibits; the agreements entered into the Procurement Application; and for any work falling within standard types of work, Department procedure for performance evaluation will be followed.

CHAPTER 17 TRAINING

Training on this procedure will be included in periodic Project Manager and professional services training programs.

CHAPTER 18 FORMS

The following forms are available in the Department's Forms Library:

- 275-000-01 Small Business Affidavit Certification for Road and Bridge Construction Firms and All Other Non-Professional Services Firms
- 275-000-03 Small Business Affidavit Certification for Prequalified Professional Services Firms
- 375-030-01 Request for Qualification Package for Professional Services Consultants
- 375-030-1A Professional Services Request for Contract Amendment
- 375-030-2A Professional Services Selection Package
- 375-030-2G Final Selection Committee Summary
- 375-030-06 Professional Services Advertisement Request Form
- 375-030-10 Consultant Invoice Transmittal System (CITS) Authorization Form
- 375-030-12 Standard Professional Services Agreement
- 375-030-18 Consultant Affirmation
- 375-030-22 Professional Services Letter of Response
- 375-030-23 Professional Services Expanded Letter of Response
- 375-030-24 Professional Services Letter of Qualification
- 375-030-25 Task Work Order for Professional Services
- 375-030-26 Task Work Order Amendment Form for Professional Services
- 375-030-30 Truth-In-Negotiation Certification
- 375-030-32 Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion for Federal Aid Contracts
- 375-030-33 Certification for Disclosure of Lobbying Activities on Federal Aid Contracts
- 375-030-34 Disclosure of Lobbying Activities
- 375-030-39 Audit Certification Package for Professional Services Firms
- 375-030-40 Certification of Use of Subs and All Lower Tier Subs
- 375-030-50 Conflict of Interest/Confidentiality Certification
- 375-030-51 Self-Certification of Accounting System and Reimbursement Rates
- 375-030-5B Invoice Summary Sheet
- 375-030-5D Invoice Summary Sheet (Multi-Project/Task)
- 375-030-5E One Page Invoice
- 375-030-60 Vendor Certification Regarding Scrutinized Companies Lists
- 375-030-62 Aspiration Goal Form for DBE and Non-DBE Small Business Firms
- 375-030-81 Certificate of Completion Agreement
- 375-030-82 Operating Margin Justification
- 375-030-83 Professional Services DBE or Small Business Commitment Form
- 375-030-91 Vendor Eligibility Check Prior to Contract Award
- 375-030-92 Simplified Self-Certification for Non-Professional Services Firms
- 375-030-93 Professional Services Expedited Letter
- 375-030-98 Notice to Proceed
- 375-030-99 Multiple Task Work Order Close Form for Professional Services
- 375-040-24 MBE Planned Utilization

- 375-040-34 Attestation Checklist
- 375-040-35 Contract Attestation
- 350-060-02 Summary of Contractual Services Agreement/Purchase
Order Receiving Report and Invoice Transmittal - Contracts