Non-A&E Consultant Procurement Checklist

(For Federal and State Funded Non-A&E Consultant Contracts)

*Disclaimer: This checklist is applicable to projects with any amount of federal and state funding unless otherwise noted. This checklist is not exhaustive and is provided as guidance only. It does not relieve local agency of its responsibility to meet Federal, State, and LAPM requirements.*

**Date:** **Caltrans District:**

**Local Agency Name:**  **Consultant Participant(s):**

**Contract Administrator Name:**  **Contract Administrator Phone:**

**Assigned Local**

**Assistance Project No.:**  **Local Agency Contract No.:**

**Project Name:**

**Description of Consultant Services:**

| REQUIRED ITEMS | COMPLETED |
| --- | --- |
| PROCUREMENT PLANNING |
| 1. Contract is for non-A&E consultant service?

*[LAPM 10.3]*Determine whether the services needed are more of a technical nature and involve minimal professional judgement and that requiring a cost proposal would be in the public’s best interest. These type of consultant services that are not directly related to a highway construction project or are not included in the definition of engineering and design-related services are considered non-A&E. The determining factor is whether the services being procured are related to a specific construction project and whether the services require work to be performed, provided by, or under the direction of a registered engineer or architect.**NOTE:** The following are common non-A&E services:1. Right-of-Way Appraisal and acquisition activities
2. Conducting public outreach during environmental clearance or construction
3. Active Transportation Program educational and outreach activities
4. Intelligent Transportation System (ITS) (Non-Engineering/Non-Architectural services)
5. Non-Infrastructure
6. Local Roadway Safety Plan (LRSP) associated with Highway Safety Improvement Program (HSIP) funded projects.
7. Traffic Counts
8. Speed Survey
 | [ ]  Yes, Continue with the Checklist.[ ]  No, See Federal or State A&E Procurement Checklist  |
| 1. Maintain written policies and procedures for procuring non-A&E consultant contracts?

*[LAPM 10.3]* | [ ] Yes [ ] No |
| 1. Have an internal department Conflict of Interest policy?

*[LAPM 10.3 | PCC § 10410]***NOTE:** Conflict of Interest policy is a written code of standards of conduct for employees and consultants under contracts.  | [ ] Yes [ ] No  |
| 1. Designate a Contract Manager within the Local Public Agency (LPA) (full-time local public agency employee in responsible charge)?

*[LAPM 10.3 | PCC § 10348.5]***NOTE:** At least one (1) Contract Manager must be assigned to every non-A&E consultant contract. A Contract Manager must be a full-time, public employee of the contracting agency. The Contract Manager must have knowledge of legal and contractual arrangements. | [ ] Yes [ ] No  |
| 1. Request for proposal using **Cost Only** or using **Cost and Qualifications**?

*[LAPM 10.3 | PCC § 10344(b), § 10344(c)]***NOTE:** Cost must be considered in non-A&E solicitations and evaluations. | [ ] Yes [ ] No |
| 1. Establish and advertise DBE goal for federally funded contracts? (See NOTE below)

*[LAPM 10.3]***NOTE:** Use [Exhibit 9-D](https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/c09/09de.xlsx) *DBE Contract Goal Methodology* to establish the DBE goal. Submit Exhibit 9-D to the District Local Assistance Engineer (DLAE) for review and concurrence, or for Caltrans approval if the consultant contract is greater than $500,000 prior to contract advertisement. See LAPM 9.7 for additional information. | [ ] Yes [ ] No [ ] N/A  |
| **SOLICITATION DOCUMENTS AND ADVERTISEMENT** |
| 1. RFP does not limit the competition directly or indirectly to any one consultant?*[LAPM 10.3 | PCC § 10339]*NOTE: Any contract awarded in violation of this shall be void.
 | [ ] Yes [ ] No  |
| 1. Evaluation committee comply with prevention of conflict of interest?

*[LAPM 10.3 |* *PCC § 10410]***NOTE:** [Exhibit 10-T](https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/c10/10t.pdf) *Conflict of Interest & Confidentiality Statement* may be used as an example. Each panel member must sign and date a separate statement prior to evaluation. | [ ] Yes [ ] No  |
| 1. Advertise publicly?

*[LAPM 10.3 | PCC § 10339, § 22037]***NOTE:**  Minimum length of advertisement is 14 calendar days.  | [ ] Yes [ ] No  |
| 1. Perform responsiveness check?

*[LAPM 10.3 | PCC § 10344(a)]***NOTE:**  All proposals are to be verified & documented. No proposals shall be considered that have not been received at the place and prior to the closing time, as stated in the RFP. Submittal of additional information after the due date must not be allowed. See Responsiveness Checklist <https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/ae/2022/sop-soq-responsiveness-checklist-20220503.docx> | [ ] Yes [ ] No  |
| **EVALUATION AND SELECTION OF CONSULTANT** |
| 1. Use competitive negotiation (minimum of 3 consultants responded)?

*[LAPM 10.3 | PCC § 10340]***NOTE:** If only 1 consultant responded to solicitation, a Non-Competitive process must be justified and a Public Interest Finding (PIF) ([Exhibit 12-F](https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/c12/12f.pdf): *Cost-Effectiveness/Public Interest Finding/A&E Noncompetitive*) must be documented. If 2 consultants responded to solicitation, retain written justification in project file. Re-advertisement is recommended when less than 3 proposals received. | [ ] Yes [ ] No  |
| 1. Evaluate consultant proposals based on published criteria?

*[LAPM 10.3 | PCC § 10344]***NOTE:** If only 1 consultant responded to solicitation, a Non-Competitive process must be justified and a Public Interest Finding (PIF) ([Exhibit 12-F](https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/c12/12f.pdf): *Cost-Effectiveness/Public Interest Finding/A&E Noncompetitive*) must be documented. If 2 consultants responded to solicitation, retain written justification in project file. Re-advertisement is recommended when less than 3 proposals received. | [ ] Yes [ ] No  |
| 1. Consultant meet DBE goal (if applicable)?

*[LAPM 10.3]***NOTE:** Document Good Faith Efforts ([Exhibit 15-H](https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/c15/15h.pdf) *Proposer/Contractor Good Faith Efforts*) if consultant did not meet DBE goal set in RFP.  | [ ] Yes [ ] No [ ] N/A  |
| 1. **Cost Only**: Consider cost in the evaluation for proposals using Cost Only?

*[LAPM 10.3 | PCC § 10344(b), § 10344(c)]***NOTE:** Cost **must** be considered in the procurement of non-A&E consultant contracts. Consultants are to submit their proposals and cost in a separate, sealed envelope. RFP should provide a standard format for cost proposal that all proposers must include in their proposal. Proposals that meet the format requirements and standards must then be publicly opened and read. Contract must be awarded to the lowest responsible consultant meeting the standards. | [ ] Yes [ ] No  |
| 1. **Cost and Qualifications:** Consider cost and qualifications in the evaluation for proposal using Cost and Qualifications?

*[LAPM 10.3 | PCC § 10344(b), § 10344(c)]* **NOTE:** Cost **must** be considered in the procurement of non-A&E consultant contracts. Consultants are to submit their proposals as specified in the RFP. Substantial weight in relationship to all other criteria utilized must be given to the cost amount proposed by the consultant. The evaluation committee must evaluate and score proposals using the methods specified in the RFP. The non-A&E contract must be awarded to the consultant whose proposal is given the highest score by the evaluation committee. | [ ] Yes [ ] No  |
| 1. **Recommended:** Notify final ranking of top 3 consultants?
 | [ ] Yes [ ] No  |
| 1. Conduct oral discussion with top-ranked consultant?

*[LAPM 10.3]***NOTE:** Oral presentations are optional. Discussions are required only if stated in RFP. The evaluation criteria must include factors/sub-factors and weights used to score the proposer's performance at the oral presentation. All proposers must be asked the same questions for consistency. | [ ] Yes [ ] No [ ]  Not stated in RFP |
| **CONTRACT NEGOTIATION** |
| 1. **Recommended:** Perform cost analysis by comparing independent cost estimate (ICE) and consultant cost proposal?

**NOTE:** Cost analysis is performed to establish that costs and elements were fair and reasonable.Cost Analysis worksheet available at <https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/ae/part-c-d/part-2-cost-analysis-worksheet-rev-12042020-a11y.xlsm>**NOTE:** Independent cost estimate is typically prepared prior to receipt or review of the most highly qualified consultant’s cost proposal. ICE must contain elements of contract costs (e.g. indirect cost rates, direct salary or wage rates, fixed fee, and other direct costs) separately. Refine ICE based on more detailed Scope of Work (SOW) for project specific or on-call at task level. ICE worksheet available at <https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/ae/part-c-d/part-1-ice-worksheet-rev-12112020-a11y.xlsm> | [ ] Yes [ ] No  |
| 1. Apply Federal Cost Principles?

*[LAPM 10.3 | 2 CFR 200 | PCC § 10344(d)]***NOTE**: LPA is not required to award a contract if LPA determines that the contract price is not reasonable | [ ] Yes [ ] No  |
| **CONTRACT EXECUTION** |
| 1. Contract consistent with Federal and State standards, including the governing procurement code, the California Public Contract Code (PCC), and California State Prevailing Wages?

*[LAPM 10.3 | PCC § 10335-10381]* | [ ] Yes [ ] No  |
| 1. **Recommended:** Send copies of the executed contract and DBE Commitment Exhibits ([Exhibit 10-O1](https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/c10/10o1.pdf): *Consultant Proposal DBE Commitment* and [Exhibit 10-O2](https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/c10/10o2.pdf): *Consultant Contract DBE Commitment*) to DLAE for Federally-funded contracts?

**NOTE:** For on-call contracts, send a copy of the issued task order and corresponding [Exhibit 10-O2](https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/c10/10o2.pdf) to DLAE. | [ ] Yes [ ] No  |
| **DOCUMENTATION** |
| 1. Retain all records and supporting documents for three (3) years from the date of submission of the final expenditure report?

*[LAPM 10.3]*Example of records and supporting documents:1. Responsiveness checklist/Proposal responses
2. Score sheets/Consultant ranking
3. Forms/Exhibits used
4. Cost analysis
5. Negotiations (cost/profit)
6. All financial documents
7. Other documents as needed
 | [ ] Yes [ ] No  |
| 1. Document all procurement process?

*[LAPM 10.3]***NOTE:** Make sure to document and keep records of Items 1-21 at a minimum. | [ ] Yes [ ] No  |
| 1. Contract Manager check applicable documentation and exhibits?
2. Exhibit 9-D: DBE Contract Goal Methodology
3. Exhibit 12-F: Cost-Effectiveness/Public Interest Finding/A&E Noncompetitive
4. Exhibit 15-H: Proposer/Contractor Good Faith Efforts
5. Internal Department Conflict of Interest Policy

**Optional Exhibits:**1. Exhibit 10-O1: Consultant Proposal DBE Commitment
2. Exhibit 10-O2: Consultant Contract DBE Commitment
3. Exhibit 10-T: Conflict of Interest & Confidentiality Statement
 | [ ] Yes [ ] No  |
| **AMENDMENT** |
| 1. Extend contract date?

**NOTE:** Amendments must be agreed upon by both parties and executed prior to contract expiration of the most recently approved original or amended contract. | [ ] Yes [ ] No  |
| 1. Increase contract amount?

**NOTE:** Amendments must be agreed upon by both parties and executed prior to contract expiration of the most recently approved original or amended contract. | [ ] Yes [ ] No  |
| 1. Document amendment process?

**NOTE:** Amendments must be requested and executed prior to the termination date of the most recently approved original or amended contract. All records of contract activities must be kept for three years after the federal final voucher E-76 or the state final voucher for State-Only funds. | [ ] Yes [ ] No  |

**Comments:**

Comments should include checklist item number as reference.

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| **Contract Administrator Signature:** |  | **Date Checklist Completed:** |  |

**References:**

Local Assistance Procedures Manual Chapter 10 Consultant Selection – Latest Published Version (Updated Annually)

[Local Assistance Procedures Manual (LAPM) | Caltrans](https://dot.ca.gov/programs/local-assistance/guidelines-and-procedures/local-assistance-procedures-manual-lapm)

2 CFR 200

<https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200?toc=1>

California Public Contract Code (PCC)

[Codes: Codes Tree - Public Contract Code - PCC (ca.gov)](https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=PCC&tocTitle=+Public+Contract+Code+-+PCC)