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John Bel Edwards, Governor
Shawn D. Wilson, Ph.D., Secretary

March 17, 2016

Ms. Melanje Bordelon
MPO Manager
Acadiana Planning Commission
P.O. Box 568
Carencro, La. 70520

Re: Acadiana Metropolitan Planning Organization (MPO)
Policy & Procedures Manual
Consultant Selection Process When Federal Funds Are Utilized
Adopted by TPC 11/15

Dear Ms. Bordelon:

This is to advise you that subject manual has been reviewed and approved by La DOTD for your MPO's use.

If additional information is required, please advise.

Sincerely,

Masood Rasoulia, P.E.
Contract Services Administrator

MR/tb

cc: Josh Cunningham
Mary Stringfellow
Brandon Buckner
Dan Broussard



**ACADIANA METROPOLITAN PLANNING ORGANIZATION
TRANSPORTATION POLICY COMMITTEE
RESOLUTION NO. 18-2015
APPROVING AND ADOPTING
THE CONSULTANT SELECTION PROCESS
FOR THE ACADIANA METROPOLITAN STUDY AREA, LOUISIANA**

WHEREAS, the Transportation Policy Committee is the decision-making body for the Acadiana Metropolitan Planning Organization; **AND**

WHEREAS, the Acadiana Metropolitan Planning Organization is responsible for transportation planning in the Acadiana Metropolitan Planning Area; **AND**

WHEREAS, the Acadiana Metropolitan Planning Organization can select consultants for planning and other contracts, with the exception of engineering services; **AND**

WHEREAS, the Acadiana Transportation Policy Committee has given thorough review and consideration to the Consultant Selection Process for the Acadiana Metropolitan Study Area;

NOW THEREFORE BE IT RESOLVED that the Transportation Policy Committee does hereby adopt the Consultant Selection Process for the Acadiana Metropolitan Study Area, which is attached to and part of this resolution.

THIS RESOLUTION BEING VOTED ON AND ADOPTED ON THE 18th DAY OF NOVEMBER THE YEAR TWO THOUSAND AND FIFTEEN.



William K. Fontenot, Chair
AMPO
Transportation Policy
Committee

ATTEST: Melanie Bordelon
Melanie Bordelon,
AMPO Manager

Acadiana Metropolitan Planning Organization (MPO)

Policy and Procedures

Consultant Selection Process When Federal Funds Are Utilized

Adopted by TPC 11/2016

Approved:

DOTD 03/2013

FHWA 05/2016

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SECTION I – EMPLOYMENT OF CONSULTANTS

Purpose

This section prescribes the policy of the Acadiana Planning Commission (herein referred to as APC) whose employees serve as staff to the Acadiana Metropolitan Planning Organization MPO (herein referred to as the AMPO) when Federal Funds are utilized in employing consultants for services. These services are limited to conceptual engineering, technical research, environmental analysis, and/or planning, etc. by both competitive and non-competitive selection.

Retaining of Consultants

- A. There are three conditions, which warrant the retention consulting services by the AMPO:
 - 1. The magnitude of the anticipated effort for a specific project or study is determined to be beyond the ability of the AMPO staff deferring other essential work if the AMPO's staff performed the needed effort.
 - 2. The services required by a project or study is determined to be of such a specialized nature the AMPO will be required to utilize experts in the appropriate fields to accomplish the effort.
 - 3. The timeframe within the services must be completed is such the AMPO's staff cannot undertake the effort and maintain its programmed work schedule.
- B. In order to determine if consulting services are warranted, the APC CEO shall consider and evaluate the following:
 - 1. The AMPO will submit a recommendation to utilize consulting services, with supportive documentation for such services. Identification of such needs may be incorporated into the AMPO's annual "UNIFIED PLANNING WORK PROGRAM" (UPWP) for transportation planning.
 - 2. The APC CEO shall decide if the need to use consultants for professional services for specific projects is warranted based upon information provided by the AMPO staff and the criteria established by Subsection (A) of this Section or as identified in the annual "UNIFIED PLANNING WORK PROGRAM" for transportation planning.

When the APC CEO determines there is a need for an outside consulting service, a request will be submitted to the LaDOTD (Louisiana Department of Transportation and Development) Consultant Contract Services Unit for approval. Upon approval of LaDOTD and FHWA (Federal Highway Administration), the APC/AMPO consultant selection process shall be made in accordance with the provisions in Section II, as follows:

SECTION II - ADVERTISEMENT; SOLICITATION LIST;

Response Procedures

- A. A notice of intent to select a firm for performing consulting services and to request responses from qualified firm/teams may be distributed as follows:
1. Through advertisement in the official journals of the AMPO, as outlined in the Public Participation Plan. The advertisement for professional services will be published at least twice (once within the last five days of the date of published receipt notice) and a minimum of ten working days for response will be permitted; and/or,
 2. By emailing to firms on the AMPO's solicitation list and firms, which to the AMPO's knowledge, have experience in the area of the needed services or have made a request for notification; and/or,
 3. By means of the AMPO web-site or other newspapers, trade journals, and other forms of media which may be appropriate for specialty services, and to insure adequate response.
 4. Notices shall be advertised a minimum of ten working days prior to the deadline for receipt of response proposals.
 5. If the AMPO evaluation committee, described elsewhere, deems the number of responses received is insufficient, the project may be re-advertised using additional media or publications in an attempt to solicit additional responses.
 6. The AMPO staff shall email notices to firms listed in its solicitation listing for advertised projects.
 7. The advertisement shall detail information to be submitted in response to the advertisement. Responding firms shall submit a properly completed current LaDOTD Standard Form No. 24-102. Upon request, the APC CEO will make the response forms available. If additional information other than that provided by the response form is required, it shall be so noted in the advertisement.
 8. The applicant shall transmit the response form, as well as other specifically required information, identified in the AMPO notice of intent to select a consultant to the AMPO prior to the deadline shown in the advertisement. Responses that do not meet the requirements provided for in this Section shall not be considered. The AMPO shall consider false or misrepresented information furnished in response to the advertisement as grounds for rejection.
 9. There shall be no advertisement when a non-competitive selection process is determined, as detailed elsewhere within this document.

Audit Requirements

A. Consulting firms proposing to conduct services under a contract with the AMPO shall maintain records and accounts that will properly document the expenditure on monies paid under the terms of the contract for a period of five (5) years from the completion of the services required by the contract. The consultant shall permit authorized representatives of the AMPO, LaDOTD, the State Legislative Auditor, State Office of the Inspector General, and the U.S. Department of Transportation to inspect and audit data and records relating to performance under a contract obtained through the process contained herein until the expiration of five (5) years after the issuance of a final payment for the services rendered.

B. Negotiated contracts shall require a pre-award audit. Post audits may also be required. Pre-determined contracts may be audited during the course of the contract, or within five (5) years of final contract payment.

C. Consultants conducting contractual obligations with the AMPO shall be required to adhere to the procedures set forth in the latest version of LaDOTD's Consultant Contract Service Manual for the following: (1) compensation computation and (2) summary of operating costs expressed as a percentage of direct payroll (indirect rate). These items shall be submitted to the AMPO/LaDOTD/FHWA for review and approval prior to contract execution.

D. Consultants conducting contractual obligations with the AMPO shall be required to execute the following: (1) Standard Certification of Restrictions on Lobbying and (2) Standard Third Party Contractor Certification Regarding Debarment, Suspension and Other Responsibility Matters. These documents may be used to determine whether a contract will be executed with the consultant. Copies of these forms may be obtained from AMPO's Manager and shall be incorporated into the contract document.

E. Contracts entered into with the AMPO may specify minimum personnel assigned to the project the consultant will be expected to maintain. For planning contracts, this relationship shall be based on the total of the estimated planning, supervision, and principal work-hours expressed in all salary classifications, or as identified in the Contract Pricing Proposal (OMB Form 29-R0184). The AMPO will monitor this relationship by means of the consultant's progress schedules, invoices, and/or audits.

Compliance with Civil Rights

Selected consultants for AMPO services under the process contained herein shall:

A. Comply with Title VI of the Civil Rights Act of 1964, as amended, to provide no person in the United States shall on the basis of race, religion, color, sex or national origin, be excluded from participation in any program or activity receiving federal financial assistance.

B. Ensure maximum opportunity is afforded to disadvantaged and women-owned business enterprises to compete for and participate in consultant contracts, as prescribed in Title 49, Part 26 of the Code of Federal Regulations

C. Strive to and make a “good faith effort” to achieve the MPO/AMPO business enterprise (DBE) goal of 6% especially in the award of U.S. Department of Transportation, Federal Transit Administration funded projects.

Requirements of Consultants

A. A consulting firm must meet the following requirements to be considered for planning, environmental, or research work with the AMPO:

1. At least one of the principals of the firm shall be professionally competent in the field or fields of expertise required for the project.
2. At least one principal or responsible member of the firm shall have had a minimum of five (5) years experience in responsible charge of or major expertise in the field or fields involved.
3. Additional requirements or considerations for consultants for planning, environmental or research studies are as follows:
 - a. Special qualifications to meet particular project or study needs may be established by the AMPO. These qualifications shall be published in the advertisement for consultant services, if established.
 - b. A minimum personnel requirement shall be published in the advertisement for consultant services where appropriate.
 - c. The AMPO generally will not consider joint ventures for consulting services, except in rare cases and only after written justification.
 - d. Sub-consultants to a selected firm providing services to the AMPO are bound by the requirements of the selected firm. Sub-consultants must demonstrate qualified personnel are in charge. All sub-consultants are subject to AMPO written approval, either at the time of selection or thereafter.

Disqualification of Firms from the Selection Process

A. Firms may be disqualified from being selected for new services when a firm has received a letter stating that the firm is twenty-five percent (25%) behind the approved time schedule for completion of any phase of an existing contract with the AMPO or LaDOTD.

B. Firms may be disqualified when a firm has a record of unsatisfactory performance for the AMPO or other state/federally funded projects.

SECTION III – SELECTION PROCEDURE

Evaluation Committee; Evaluation Criteria

An evaluation committee consisting of at least three AMPO designees shall evaluate the qualifications of the responding consulting firms and report the results of their evaluation to the AMPO Policy Committee chairman for all projects. Personnel designated for this evaluation includes the AMPO Manager and the APC CEO. In addition, other staff or member government technical staff members as determined by the APC CEO may also be included if determined to be appropriate. If FHWA funds are to be used to fund the project, a representative from the appropriate LaDOTD Section will be invited to participate in the evaluation.

Non-Competitive Negotiation Selections

A. In special and rare circumstances, non-competitive selection may be utilized. These circumstances include, but are not limited to:

1. Specialty contracts where the necessary expertise is available only from one or a few sources.
2. The extension of services of the original consultant required on a project for which the contract has been satisfactorily completed and closed out at an earlier date.
3. Contracts requiring immediate action.

B. The APC CEO, after ascertaining the need for a non-competitive selection, shall request approval from the AMPO Policy Committee to engage a specific firm to perform the required services. The request shall be in written form containing the following information:

1. The justification for a non-competitive selection.
2. The name of the recommended firm and the reason for the recommendation.
3. The type of contract recommended.
4. The projected cost/budget.

The non-competitive selection process shall be submitted to LaDOTD and FHWA for approval prior to the execution of a contract with the selected firm.

Competitive Selection

1. Upon termination of the deadline for receipt of consulting services responses, the evaluation committee shall confer and evaluate said responses. A point based rating system based upon the evaluation criteria and the committee in its evaluation shall use weighting factors provided for in this Section. Interviews may be used as

necessary for evaluation. If interviews are a requirement, the advertisement shall so state.

The evaluation committee will not consider recommendations by others in their evaluation of any firm's qualifications. Other MPO personnel or member government technical staff members may assist the committee in the evaluation process. On those projects for which partial or full funding is supplied by others, the AMPO may consider recommendations by the entity funding the effort, however, such recommendation must be limited to the 3 highest rated firms from those which were evaluated. Such a recommendation is not binding to the AMPO.

2. The AMPO Consultant Evaluation Committee shall prepare a list of all firms responding to the request for qualifications, including a list of the three (3) highest rated firms as per the "Requirements of Consultants" in Section II and the general criteria and weighting factors found in Section III, subsection 4.

The three (3) highest rated firms will be presented to the AMPO Policy Committee for review and approval in the order ranked highest to lowest. The AMPO Policy Committee will authorize staff to commence negotiations with the firm deemed more qualified as demonstrated by receiving the highest ranking. Upon successful completion of negotiations, all responding firms will be notified of the selection.

If the highest ranked firm is unable to comply with the proposed terms of the contract or agree upon a fair and reasonable price for their services, staff will notify the AMPO Policy Committee and request authorization to engage the next highest ranked firm in negotiations. If the staff is unable to come to terms with that firm, they will move to the third in a similar fashion. If staff is unable to successfully contract with any of the highest ranked firms, they would be required to open up their selection criteria to more firms.

3. The general criteria and weighting factors to be used in evaluating responses to requests for consulting services for the services described herein are as follows:

- a. Firm experience on similar projects, weighting factor = **3**;
- b. Personnel experience on similar projects, weighting factor = **4**;
- c. Past performance on AMPO projects, weighting factor = **6**;
- d. Current workload, weighting factor = **5**;
- e. Firm size as related to project magnitude, weighting factor = **3**;
- f. Location where work will be performed, weighting factor = **4**;
- g. Any special evaluation criteria specified in the advertisement required to meet particular project needs;

- h. Local preference will not be utilized as a criterion in awarding federally funded contracts.
- 4. Other weighing factors may be used for special project requirements. Weighing factors to be used for each project will be stated in the project's advertisement.
- 5. The written records produced during the evaluation and selection processes are subject to the Public Records Act, R.S.44: 1 et seq.
- 6. In the event the AMPO Policy Committee selects another firm from the short list other than the top ranked firm, the reason for this decision will be explained in writing and included in the consultant selection documentation materials submitted to LaDOTD Consultant Contract Services Administrator.
- 7. All selection documentations and other relevant materials shall be submitted to the LaDOTD's Consultant Contract Services Administrator for final approval by LaDOTD and FHWA both: 1) prior to contract negotiations or 2) prior to a proposed contract with the consultant.
- 8. A copy of the executed contract should be submitted to the LaDOTD's Consultant Contract Services Unit for LaDOTD records.

Contract Types

- A. The AMPO shall utilize either cost plus fixed fee with a maximum compensation limitation or lump sum contracts for either competitive or noncompetitive selections. In general, negotiated cost plus fixed fee contracts are used for larger projects with more complex and difficult to determine scopes of services. An independent cost analysis will be made before receiving cost proposals from the consultant to determine the reasonableness of the proposed contract price. The analysis will be retained along with other project records and documentation.
- B. Procedures for utilizing negotiated lump sum or cost plus fixed fee with maximum limitation contracts shall be as follows:
 - 1. Advertisement shall include, but not be limited to, the following:
 - a. Description of project.
 - b. Services required, including projected duration of contract.
 - c. Material or information to be furnished by the AMPO.
 - d. General information and an outline of the selection process, including the criteria/categories used to evaluate consultant responses and the weighting factors used in the evaluations of proposals.

2. After the AMPO Policy Committee has selected a consulting firm, such firm shall be invited to submit a price proposal within a specified time limit. AMPO staff shall analyze this proposal and a pre-award audit shall be obtained. If FHWA funds are used, LaDOTD will be invited to participate in review of the selected consultant's proposal.

3. The review personnel shall negotiate differences between the work-hour estimates of the AMPO/LaDOTD/FHWA and the consultant firm. Should attempts at an agreement between the AMPO /LaDOTD/FHWA and the consultant be unsuccessful, negotiations shall be terminated and the second rated firm in the selection process will be selected. This process will continue until agreement is reached with a firm/team.

4. Compensation will be based on the negotiated work-hours, the consultants audited salary and indirect cost rates subject to maximums, the designated contingency percentage and the computed fixed fee. The AMPO's standard fixed fee computation for the process contained herein shall be that utilized by LaDOTD and includes consideration for overall contract amount and magnitude of the firms' indirect cost rate.

5. The contract is to be executed following agreement by all parties on the required work effort and costs. Should the selected firm/team fail to execute the contract, the AMPO may either select the next rated firm/team from the original respondents or republish the notice of intent.

C. Procedures for utilizing pre-determined lump sum compensation or cost plus fixed fee with a maximum limitation shall be as follows:

1. Advertisement as required shall include, but not be limited to the following:

a. Length and description of project.

b. Services required, including duration of contract.

c. Specific identification of deliverable products.

d. Material or information to be furnished by the AMPO.

e. Compensation by phase of work.

f. General information, including an outline of the selection process, including the criteria/categories used to evaluate the responses and the weighting factors for each.

2. Compensation shall be determined by using the AMPO /LaDOTD/FHWA's work-hour estimates, the latest average of applicable salary rates and the latest average

overhead together with a contingency, where appropriate, and profit computed in accordance with the AMPO /LaDOTD/FHWA's standard procedure. These compensations shall not be subject to further negotiation.

3. Upon notification of selection and a determination of compensation for the identified services, the selected firm shall have ten days from such notice to execute a contract. If the firm fails to execute the proposed contract, the AMPO shall select the next rated firm from the original respondents.

D. Upon approval by the AMPO /LaDOTD/FHWA proposed contract and execution of parties, a copy of the executed contract should be submitted to the LaDOTD Consultant Contract Services Unit for their records.

SECTION IV CERTIFICATION

A. All members of the AMPO Consultant Evaluation Committee shall strictly adhere to and follow the Consultant Evaluation Committee Code of Conduct and certify to this effect for each project selection.

B. The APC CEO shall notify the LaDOTD Consultant Contract Services Administrator of changes in the names or position of personnel serving on the AMPO Consultant Evaluation Committee.

Consultant Evaluation Committee Code of Conduct

No employee, officer, or agent of the AMPO shall participate in selection, or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

- i) The employee, officer, or agent,
- ii) Any member of their immediate family,
- iii) Their partner, or
- iv) An organization, which employs, or is about to employ any of the above has a financial or other interest in the firm selected for award.

The members will not, directly or indirectly, accept, receive, seek, or solicit anything of value as a gift, loan, gratuity, or favor from any person, firm, or any officer of the firm seeking to obtain contractual or other business or financial relationships with or through the AMPO, with the exception of unsolicited promotional items of nominal intrinsic value with no substantial resale value. To the extent permitted by State laws and regulations, violations of such standards by the team members will result in disciplinary action.