

**CONSULTANT SELECTION GUIDELINES
STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION**

I Introduction

I.1 Purpose

The purpose of this document is to facilitate a consistent consultant selection process for the Department of Transportation - Highways Division (HWY) which fulfills all applicable State and Federal procurement requirements, including the Brooks Act and other applicable FAR regulations, linked below. These procedures are intended to address the three general phases of consultant selection - 1) posting of Notice to Providers of Professional Services, 2) evaluation of interested consultants, 3) notification of selected and non-selected consultants - for planning, design, and CM/CS services contracts.

Figure I.1A Brooks Act - U.S.C. Title 40, Chapter 11, Sections 1101 - 1104
Figure I.1B U.S.C. Title 48, Part 36, Subpart 36.6
Figure I.1C C.F.R 23, Part 172

It is important that the Selection Manager (SM), managing the selection phase, and the Project Manager (PM), who will be the user and manager of the procured consultant, work closely during the selection process. The SM will be responsible for completing, routing, and filing all HWY documents generated during the initiation and follow through of the selection process. To facilitate electronic filing, all original documents, especially signed documents, should be scanned. The PM will be responsible for providing the SM with the necessary background information required to initiate and complete the selection documents.

In general, the SM should allow duration indicated on the Consultant Procurement Flow Chart in Appendix E of the Procedures for Procurement, Management, and Administration of Engineering and Design Related Services which provides target durations for each task to complete the selection process. Delays in the process are understandable and sometimes out of the SM's control.

II Posting of Notice to Providers of Professional Services (Notice)

II.1 RFP Ad Posting Process Overview

The Contracts Office (CON) will post the Notice on the Internet. The Notice will be accompanied by an RFP attachment containing the *Scope of Services, Guidelines for Preparing Consultant Proposals for Highways Division Projects, Proposal Evaluation Criteria, and Certification of Non-Exclusion*. Prior to posting, the use of a consultant and the estimated design fee must be approved. Therefore, the SM must process the required memorandum first. While the memo is being routed for approval, the RFP documents will be prepared. The PM shall provide the SM with the project information necessary to fill in the required fields: title, limits, number, scope of services, schedule, anticipated fees, etc.

The following information will be sent to CON via an email request for RFP ad posting.

1. An approved Request for Approval of Use of Consultant. Estimated Consulting Fee, and Selection Committee Members Memorandum (pdf)
2. Notice to Providers of Professional Services (Word document)
3. Notice attachment: (pdf)
 - a. Scope of Services
 - b. Guidelines for Preparing Consultant Proposals for Highways Division Projects
 - c. Proposal Evaluation Criteria
 - d. Certification of Non-Exclusion

II.2 Request for Use of Consultant Memorandum

To initiate the consultant selection process, the SM will complete the *Request for Approval of Use of Consultant, Estimated Consulting Fee, and Selection Committee Members* memorandum, and route for approval in accordance with the sample routing slip. The approved memorandum, required to verify Administration approval of the use of consultant services and estimated fee, should be submitted to CON in pdf format.

Figure II.2A Boiler Plate - Request for Approval of Use of Consultant, Estimated Fees, and Selection Committee.doc

Figure II.2B Sample Routing Slip - Request for Use of Consultant Memo - CIP.pdf

Figure II.2C Sample Routing Slip - Request for Use of Consultant Memo - SMP.pdf

II.2.1 General Notes for Completion of the Request for Use of Consultant Memorandum

1. If the project is funded with O&M (SMP) funds, include the State Fiscal Year (FY) in section 2, and include HWY-C in routing of the memorandum. (Route to Hwy-C before HWY).
2. In general, the estimated consulting fee should not exceed 10% of the estimated construction cost. However, some contracts may be exceptions to the 10% rule such as: those including CM/CSS services, Seismic Retrofit projects, projects with extensive or complex design, and projects with estimated construction costs less than \$2,000,000. If the estimated consulting fee exceeds the 10% threshold, the SM, with the assistance of the PM, must include a brief justification to explain the anticipated fee amount.
3. For Indefinite Quantity (General Services) contracts, indicate "Federal-Aid Contract" in subject heading, and check CIP and SMP for project type on line 2.
4. The Selection Committee (SEL) should be staffed with three primary members with knowledge and training regarding the procurement. Direct Supervisors and subordinates cannot serve on the same SEL to avoid conflicts of interest. All SEL members and alternates are required to sign the affidavit linked below.

Figure II.2D Memo - Consultant Selection Committee.pdf (to be revised)

Figure II.2E Boiler Plate - Affidavit of Employee.doc

The SM should have three primary selection committee members and at least one alternate member agrees to serve on the committee prior to routing the memo. Alternate members

may consist of Branch or Section Heads, or other personnel, from other branches with experience and knowledge in the area of the services required. The signed affidavits of the three primary committee members and alternates should be attached.

II.3 Notice to Providers of Professional Services

Boiler Plate forms are provided for Design, Planning, and CM/CSS projects. These documents provide information regarding the project title, DOT contact information, submission requirements, submission deadline, and ineligible providers for the project. For consistency, this document is generally similar for both Federal aid and non-Federal aid projects. However, the DBE section, highlighted in RED on page 2 of the files linked below are required only for Federal aid projects or contracts, and should be removed for non-Federal aid projects or contracts. The document shall be submitted to CON in Word format.

Figure II.3A Boiler Plate - Notice to Providers of Professional Services - Design.doc

Figure II.3B Boiler Plate - Notice to Providers of Professional Services - Planning.doc

Figure II.3C Boiler Plate - Notice to Providers of Professional Services - CM/CSS.doc

A proposed schedule for procurement with milestone dates should be included and a sentence which explains what will be required during the discussions after the RFP is submitted. The deadline date for submission of proposals, located in line 3 of paragraph 3, should be left highlighted for CON to complete. Unless noted otherwise, the deadline for submittals is generally set 30 days after the RFP ad is posted.

II.4 RFP Ad Attachment

The ad attachment, consisting of the *Scope of Services*, *Guidelines for Preparing Consultant Proposals for Highways Division Projects*, *Proposal Evaluation Criteria*, and *Certification of Non-Exclusion* should be submitted to CON in a pdf document. The components of the ad attachment are broken down in sections II.4.1 and II.4.2.

II.4.1 Scope of Services

A Scope of Services boiler plate for design services is linked below. The PM should provide the SM with the information necessary to fill in the required fields, highlighted in RED, in the linked document. The scope of services should contain the project location, purpose, scope of services, and anticipated design duration. The information in the document should be sufficient to allow interested consultants to prepare qualifications proposals.

Figure II.4.1A Boiler Plate - Scope of Services - Design.doc

Figure II.4.1B Boiler Plate - Scope of Services - Planning.doc

Figure II.4.1C Boiler Plate - Scope of Services - CM/CSS.doc

II.4.2 Proposal Guidelines and Evaluation Criteria

The proposal guidelines, evaluation criteria, and Certification of Non-Exclusion forms are contained within the same word file. Editing of this document is generally unnecessary for typical projects. Boiler plate documents for design, planning, and CM/CS services are provided in the links below.

Figure II.4.2A Boiler Plate - Proposal Guidelines and Evaluation Criteria - Design.doc

Figure II.4.2B Boiler Plate - Proposal Guidelines and Evaluation Criteria - Planning

Figure II.4.2C Boiler Plate - Proposal Guidelines and Evaluation Criteria - CM/CSS.doc

II.5 Request for Posting of Notice

II.5.1 Requesting Email

After the approved *Request for Approval of Use of Consultant. Estimated Consulting Fees and Selection Committee Members* memo is received and the Notice and attachments have been completed, the SM will send an email to CON to request posting of the Notice on the internet. All required documents should be attached to the email. Generally, the deadline for consultant submittals is set 30 calendar days after the RFP ad is posted. The email should be addressed to the Contracts Engineer and Contracts Staff, Administrator-Highways, Branch or District Engineer, Section Head, and PM. Based on the Stewardship Agreement, the email should also be copied to the FHWA representative for Federal Aid projects. A sample of a requesting email is linked below.

Figure II.5.1A Sample - E-mail request to post Notice on internet.pdf

II.5.2 Confirmation Email

After the ad is posted, CON will send a confirmation email to the SM. A sample email is linked below.

Figure II.5.2A Sample - Confirmation email of posting.pdf

The SM shall allow one week for CON to post the RFP ad. If confirmation is not received within one week, the SM should check with CON. The SM can also view the Procurement Website (spo3.hawaii.gov/notices/notices) to confirm posting.

II.5.3 Notification Email

After confirmation of the RFP ad posting is received, the SM will send a notification e-mail to the PM, SEL, and any other applicable party, for their information. The email should contain links to the RFP ad and ad attachment for ease of reference. Sample text for a notification email is linked below.

Figure II.5.3A Sample - Notification E-mail to PS&E project manager.doc

II.5.4 Re-advertisement of Notice

If re-advertisement of a Notice is required, the *Notice to Providers of Professional Services* document should be amended. The typical blurb linked below should be added to the first paragraph, following "...View Specifications Document'."

Figure II.5.4A Boiler Plate - Notice for readvertisement.doc

III Evaluation of Interested Consultants

III.1 Consultant Evaluation Process Overview

In response to the Notice, interested consultants will submit three (3) hard copies and one (1) pdf copy of their qualifications proposal. The hard copies will be routed when necessary, while the pdf files will be used for filing and backup. All proposals received shall be time stamped to verify receipt prior to the deadline. If responsive proposals are received from less than three firms, the

SM shall evaluate the potential to receive at least three responsive proposals and prepare a recommendation for HDOT Director's approval.

Once all interested consultants are determined, the SM will check with the approved SEL to determine whether conflicts of interest exist. If necessary, the selection committee member with the conflict of interest will be replaced by an alternate member who does not have a conflict of interest.

After scheduling the evaluation meeting, the SM will provide the SEL with the following information and documents:

1. Notice and attachments;
2. DOT Highways consultant performance evaluations;
3. DOT Highways workload of interested consultants, including selections;
4. Proposals from interested consultants; and
5. Evaluation forms and Guidelines for Scoring Evaluation Criteria.

Non-voting technical advisors may be present at the evaluation meeting to provide their expertise during discussions. Since they have no evaluation authority, Administration approval is not required for their attendance.

After the evaluation meeting, the SEL will return all documentation, including the completed evaluation forms, to the SM. The SM will compile the evaluation results on an Evaluation Summary Sheet, which will indicate the top three ranked consultants. Discussions will be held with the top three ranked consultants. Discussions should be documented, and can be in the form of email or presentations. Any additional information received during the discussion phase will be forwarded to the SEL for re-consideration of evaluation of the top three consultants. Any changes to the evaluation of the top 3 consultants shall be transmitted to the SM for final compilation of scores and ranking

After consultant evaluation has been completed, the SM will process a *Request for Selection of Consultant* memorandum through Highways Administrator to Administration. For Federal projects that require full Federal oversight, the SM will process a *FHWA Approval of Selected Consultant* letter through Highways Administrator to FHWA.

III.2 Disqualified Proposals

Proposals will not be considered for selection for the following reasons:

1. Proposal received after the deadline indicated on the Notice.
2. Construction Management or Construction Support Services proposal submitted by a consultant who performed work on the design phase of the project.
3. Proposal not prepared in accordance with the Notice.

In the event a proposal is disqualified, the SM will send an email to the consulting firm to notify them of disqualification and the reason(s) for disqualification.

III.3 Preparation for Evaluation Meeting

The SM will schedule the date, time, and location of the evaluation meeting and email all applicable parties. Due to conflicting schedules, this should be done as soon as the SEL members have agreed to serve and the proposal deadline has been established.

The SM will then prepare a selection package, containing the hard copies of the consultant proposals and other required information and documents, as listed in III.1 and presented in III.3.1 through III.3.4, for the evaluation meeting and route to the SEL.

III.3.1 Notice and Attachment

The SM will include a copy of the Notice and attachment for each of the SEL members and any anticipated technical advisors in the selection package. These documents will provide the SEL with the scope of services, proposal guidelines, and evaluation criteria upon which the consultant submittals were based. The SM should save a copy of the ad when it is initially posted since it will only be available on the website until the proposal deadline.

III.3.2 Consultant Performance Evaluations (CPE)

The SM should include available consultant evaluations in the selection package. The forms, prepared by Highways project managers, evaluate consultants on staffing, technical competency, quality of work, timeliness, cooperation, and project administration. The SM shall contact CON to request available CPE forms for all consultants being evaluated. A sample CPE form is linked below.

Figure III.3.2A Sample - Consultant Performance Evaluation.pdf

III.3.3 Workload of Interested Consultants

The SM should print out a listing of the current DOT workload of each interested consultant from the Contracts Office Log for inclusion in the selection package. This information will be considered when evaluating the consultants' capacity to accomplish the work in the required time. A sample workload report is linked below.

Figure III.3.3A Sample - Consultant Work Load Report.pdf

The report should be resolved to delete completed projects not administratively closed, and to include projects that have been selected but not contracted. The HWY-DS section head should be contacted for assistance.

III.3.4 Evaluation Forms

The SM should print out one copy of the evaluation form for each SEL member for inclusion in the selection package. The boiler plate evaluation and summary sheets linked below may be used for both Federal Aid and Non-Federal Aid projects. The boiler plate file contains a summary sheet tab and an evaluation form tab for each SEL member. Fields in the evaluation forms are linked to those in the summary sheet, so the SM should populate the required information on the summary sheet tab first. Interested consultants should be listed in alphabetical order. The *Guidelines for Scoring Evaluation Criteria*, provided to insure consistency of scoring between SEL members and other procurements, should be updated to be project specific and provided along with the evaluation forms.

The SM will be responsible for determining responsiveness of proposals, and completing the deductions fields on the evaluation forms prior to the evaluation meeting. To do so, the SM will review the proposals and evaluate them with respect to the requirements and penalties indicated in the Notice.

Figure III.3.4A Boiler Plate - Evaluation and Summary Sheets.xls

Figure III.3.4B Guidelines for Scoring Evaluation Criteria.pdf

III.4 Evaluation Meeting

All SEL members should be present for the meeting to take place. Meetings can occur in person, via video-conference, or by teleconference. Non-voting technical advisors, with knowledge and experience applicable to the services to be procured and the SM may also attend the evaluation meeting. Meeting attendees may discuss their opinions of the consultants openly, call references listed in the consultants' proposals, and call DOT project managers currently working with, or who have worked with, the interested consultants to assist in evaluating the proposals. However, scoring should not be discussed by non-voting technical advisors. After all evaluation forms are completed by the SEL, all selection information should be repackaged for return to the SM prior to completion of the evaluation meeting.

It must be ensured that the RFP guidelines are followed and all consultant proposals are evaluated fairly.

III.5 Processing Results of Evaluation Meeting

The SM will compile the scoring indicated on the completed evaluation forms to complete the Evaluation Summary Sheet. The SM will then email the SEL to identify the top three ranked consultants and indicate that discussions will commence.

III.6 Discussions with Top Three Ranked Consultants

To satisfy Brooks Act Requirements for Federal Aid projects, discussions must be held with the top 3 ranked consultants prior to final selection. Although not required for non-Federal Aid projects, discussions should be performed for all projects for consistency, to allow clarification of proposal items for the top 3 ranked consultants, and to preserve the option of using Federal funds. At a minimum, the SM will blind copy (bcc:) the boilerplate email, linked below, to each of the three consultants presenting them the opportunity to change/update their proposals.

Figure III.6A Boiler Plate - Discussion Email.doc

The discussion email may be used to solicit additional information that the SEL may see as beneficial to accurately evaluate the top three ranked consultants.

The SM should allow one business day for consultants to confirm receipt of the email. If email confirmation is not received from any consultant, the SM should call to confirm receipt. The SM should allow 5 business days for consultants to submit updates. Any discussion information received after the deadline will not be considered.

Timely updated proposal information received during the discussion phase should be forwarded with the evaluation forms, completed during the evaluation meeting, to the SEL via email. The SEL should re-evaluate the top 3 consultants, if necessary, based on the additional information provided in response to the discussion solicitation. Revised scoring shall be performed by marking up the original evaluation form. The SEL members may perform the re-evaluation independently, and are not required to gather for an additional evaluation meeting. Results of re-evaluation should be emailed to the SM for finalization of evaluation forms.

If the top three ranked consultants indicate no changes to their proposals, re-evaluation of the top three firms will not be required.

III.7 Approval of Consultant Selection

III.7.1 Non-Federal Aid Projects

The SM will update the Evaluation Summary sheet, if necessary, to identify the final consultant ranking. In the event of a tie, past performance will be the governing criteria. Therefore, the firm scoring highest for the past performance criteria will be ranked higher, as indicated in the *Proposal Evaluation Criteria for Design Services*. If past performance scoring is also equal, scoring for the innovative or alternative methods criteria will govern. The SM will process a *Request for Selection of Consultant* memo, linked below, for approval by routing as indicated in the sample routing slip. All ties and the criteria used to break ties shall be noted in section 5 of the memorandum.

Figure III.7.1A Boiler Plate - Request for Selection of Consultant.doc

Figure III.7.1B Sample Routing Slip - Request for Selection of Consultant.pdf

III.7.2 Federal Aid Projects

The SM must determine if the project requires Full Federal Oversight, or if it is to be State Administered, by reviewing the flow chart in the Project Oversight Determination portion of the Stewardship Agreement, linked below.

Figure III.7.2A Stewardship Agreement - Project Oversight Determination.pdf

If the project is determined to require Full Federal Oversight, the SM will process a letter to FHWA, linked below, requesting approval of the selected consultant by routing as indicated in the sample routing slip.

Figure III.7.2B Boiler Plate - FHWA Approval of Selected Consultant.doc

Figure III.7.2C Sample Routing Slip - FHWA Approval of Selected Consultant.pdf

Based on the Stewardship Agreement, FHWA approval of the selected consultant is not required for State Administered projects. FHWA approval will be required for all indefinite quantity contracts.

IV Notification of Selection and Non-Selection

After the necessary approvals are received, the SM will process a selection letter to inform the top ranked consultant that they will be contacted to initiate fee negotiations. A boilerplate letter and sample routing slip are linked below.

Figure IVA Boiler Plate - Selection Letter.doc

Figure IVB Sample Routing Slip - Selection Letter.pdf

To expedite the negotiation process, accounting information will be requested at this time. The memorandum linked below should be attached to the selection letter.

Figure IVC Memo - Required Accounting and Related Documents for Consultant Contract Negotiations.pdf

In addition, the top ranked consultant shall submit the following certifications:

Figure IVD Certificate of Final Indirect Costs

Figure IVE Certificate Regarding Lobbying

Concurrently, Notifications of Non-Selection shall be prepared for all other offerors. If negotiations with the top-ranked consultant cannot be finalized, negotiations will be continued with the next ranked consultant. Therefore, boiler plate non-selection letters for the 2nd and 3rd ranked consultants differ from those ranked 4th and below.

Award of the project to the top-ranked consultant should be posted on the Professional Services Awards website <http://spo3.hawaii.gov/psa/professional-service-awards> within 7 days of the date of the fee acceptance letter.

Figure IVF Boiler Plate - Notification of Non-Selection 2 and 3.doc

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