



Selected Shorts Video Series

#1



A&E Consultant Contract: Limited Proposals Received during RFP/RFQ Process

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A&E Consultant Contracts:

Only One Proposal Received during RFP/RFQ Process

Script:

Today's topic on our Selected Shorts series is "What if you receive only one proposal from your solicitation for an A&E consultant?"

While re-advertising is highly recommended, sometimes this may be determined not feasible due to cost, time constraints, or amount of effort/complexity or beneficial due to limited firms in the area.

As long as your solicitation did not contain conditions or requirements that arbitrarily limited competition, an acceptable course of action would be to follow the non-competitive process. This process requires a PIF also known as a Public Interest Finding to be completed and must be signed by your DLAE. See the PIF form attached or follow the link provided.

Backup documentation for the PIF and your files should include evidence of contacting all consultants and documenting why they didn't compete. Conclude that documentation for PIF and re-advertising would not result in a different outcome.

Synopsis:

After solicitation of a number of sources for an A&E consultant where competition is determined to be inadequate, an agency may still proceed but the PIF process must be followed. The DLAE is required to sign the PIF. Documentation should include evidence of contacting all consultants and documenting why they didn't compete. Re-advertising should be considered.



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A&E Consultant Contracts: Moving Forward with Only One Proposal

References:

LAPM Ch. 10: A minimum of three proposals must be received. If only two proposals are received, a justification must be documented to proceed with procurement. When only one proposal is received, a Non-Competitive process must be justified and a Public Interest Finding (PIF) must be documented and signed by the DLAE.

http://www.dot.ca.gov/design/lap/landscape-design/irrigation/docs/PIF_FHWA_guidance.pdf

Exhibit 12-F: <http://www.dot.ca.gov/hq/LocalPrograms/lam/forms/lapmforms.htm>

23 CFR 172.7 (a)(1)(iv)(D): From the proposal evaluation and any subsequent discussions which may have been conducted, the contracting agency shall rank, in order of preference, at least three consultants determined most highly qualified to perform the solicited services based on the established and published criteria. In instances where only two qualified consultants respond to the solicitation, the contracting agency may proceed with evaluation and selection if it is determined that the solicitation did not contain conditions or requirements that arbitrarily limited competition. Alternatively, a contracting agency may pursue procurement following the noncompetitive method when competition is determined to be inadequate and it is determined to not be feasible or practical to re-compete under a new solicitation as specified in paragraph (a)(3)(iii)(C) of this section.

- (iii) A contracting agency may award a contract by noncompetitive procedures under the following limited circumstances:
- (A) The service is available only from a single source;
- (B) There is an emergency which will not permit the time necessary to conduct competitive negotiations; or
- (C) After solicitation of a number of sources, competition is determined to be inadequate



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A&E Consultant Contracts: Contact Information

Mohammad Maljai

Districts 7, 8, 11, 12

mohammad.maljai@dot.ca.gov

(916) 651-6552

Felicia Haslem

Districts 1, 2, 3, 4

felicia.haslem@dot.ca.gov

(916) 653-7759

Sukhdeep Nagra

Districts 5, 6, 9, 10

sukhdeep.nagra@dot.ca.gov

(916) 651-8915

The' Pham

Support

the.pham@dot.ca.gov

(916) 653-4342

Local Assistance Consultant Selection and Procurement Webpage

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