A&E State-Only Consultant Procurement Checklist

(For State-Only Funded A&E Consultant Contracts)

*Disclaimer: This checklist is applicable to State-Only funded projects 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 all State and LAPM requirements.*

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

**Local Agency Name:**  **Prime Consultant:**

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

**Assigned Local**

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

**Project Name:**

**Description of Services:**

| REQUIRED ITEMS | COMPLETED |
| --- | --- |
| PROCUREMENT PLANNING | |
| 1. Maintains written policies and procedures for procuring A&E consultant contracts?   *[LAPM 10.2.3 |* *California Government Code §4526]* | Yes No |
| 1. Have internal department Conflict of Interest policy?   *[LAPM 10.2.3 |* *California Government Code §1090, 4526, §4529.12]*  **NOTE:** Conflict of Interest policy is a written code of standards of conduct for employees and consultants under contracts. | Yes No |
| 1. Consultant in a Management Support Role (CMSR)?   *[LAPM 10.2.1]*  **NOTE:** Applicable for A&E consultant contracts procured with state funds, to provide services for federal-aid projects. If contract is for CMSR, [Exhibit 10-U](https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/c10/10u.pdf) *CMSR (Consultant in Management Support Role) Conflict of Interest and Confidentiality Statement* is required. | Yes N/A |
| 1. Assign a Contract Administrator (full-time local public employee in responsible charge)?   *[Agency Master Agreement State-Funded Projects]*  **NOTE:** A Contract Administrator must be assigned to every A&E consultant contract. A Contract Administrator must be a full-time, public employee of the contracting agency who is qualified to ensure the contract requirements are met. | Yes No |
| 1. Ensure maximum participation of small business firms?   *[California Government Code §4526]* | Yes No |
| SOLICITATION DOCUMENTS AND ADVERTISEMENT | |
| 1. Advertise publicly?   *[LAPM 10.2.3 | California Government Code §4527]*  **NOTE:**  Minimum length of advertisement is 10 calendar days. | Yes No |
| **EVALUATION AND SELECTION OF CONSULTANT** | |
| 1. Use competitive negotiation (minimum of 3 consultants responded)?   *[LAPM 10.2.3 | California Government Code §4527, §4529.12]*  **NOTE:**  If only 1 or 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 10.2.3 | California Government Code §4527]*  **NOTE:**  If only 1 or 2 consultants responded to solicitation, retain written justification in project file. Re-advertisement is recommended when less than 3 proposals received.  **Recommended:** [Exhibit 10-T](https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/c10/10t.pdf) *Conflict of Interest & Confidentiality Statement* signed and dated for all panel members. [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.  **Recommended:** Perform responsiveness check. All proposals are to be verified & documented. Check proposals meet all RFP/RFQ requirements, e.g. submittal deadlines, number of copies, cost proposals deadline, etc. Datestamp proposals. | Yes No |
| 1. Consider price in evaluation?   *[California Government Code §4526, §4528]*  **NOTE:** Price cannot be considered in Qualifications-Based Selection (QBS) process. | Yes No |
| 1. Rank a minimum of 3 consultants?   *[LAPM 10.2.3 | California Government Code §4527]*  **NOTE:** Recommend to notify final ranking of top 3 consultants | Yes No |
| 1. Conduct discussions with top ranked consultants?   *[California Government Code §4527]*  **NOTE:** Discussions may be written, by telephone, video conference or by oral presentation/interview. Discussions shall be with at least the 3 top ranked consultants. | Yes No |
| **CONTRACT NEGOTIATION** | |
| 1. Receive cost proposal from top ranked consultant (consultant ranked #1)?   *[LAPM 10.2.3 | California Government Code §4528]*  **NOTE:** Only open cost proposal from the top ranked consultant (consultant ranked #1). If  negotiations with top ranked consultant are formally terminated, cost proposal from second  ranked consultant shall be requested and opened. If negotiations with second ranked consultant  are formally terminated, cost proposal from third ranked consultant shall be requested and  opened, followed by lower ranked consultants as needed. | Yes No |
| 1. Start contract negotiation with top ranked consultant (consultant ranked #1)?   *[LAPM 10.2.3 | California Government Code §4528]*  **NOTE:** If unable to negotiate a satisfactory contract with the top ranked consultant (consultant ranked #1), negotiations with that consultant shall be formally terminated. Start negotiations with the second ranked consultant. If unable to negotiate a satisfactory contract with the second ranked consultant, negotiations with that consultant shall be formally terminated. Then subsequently start negotiations with the third ranked and lower ranked consultants as needed. | Yes No |
| 1. Submit Financial Document Review Request to Independent Office of Audits and Investigations (IOAI) and receive Acceptance Identification (ID) number?   See IOAI website: <https://ig.dot.ca.gov/resources/instructions-fdr-icr/>  *[LAPM 10.2.1, 10.2.3 | California Government Code §4529.14]*  **NOTE:** For any contract (project specific, multi-phased, or on-call) ≥ $1M, Acceptance ID for all consultants (Prime and subconsultants) must be received prior to contract execution. | Yes  No, contract less than $1M |
| 1. Negotiate contract items with top ranked consultant?   *[LAPM 10.2.3 | California Government Code §4528]*  **NOTE:** Negotiated items: Workplan; classification/wage rate/personnel experience level; cost items/payments/fees; hours, etc. | Yes No |
| 1. Perform cost analysis by comparing independent cost estimate (ICE) and consultant cost proposal?   [*LAPM 10.2.3 |* California Government Code §4526, §4528]  **NOTE:** Cost analysis must be performed to establish that costs and elements were determined to be 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 10.2.1 | 2 CFR 200 | 48 CFR 31 | Agency Master Agreement State-Funded Projects]* | Yes No |
| 1. Complete and submit the A&E Consultant Contract form to the A&E Consultant Contract database? <https://dla.dot.ca.gov/fmi/webd/AE%20Consultant%20Contract%20Form>   *[LAPM 10.2.3]*  **NOTE:** Submit prior to contract execution or after contract execution, but no later than the first invoice. Retain copy in project file. | Yes No |
| **CONTRACT EXECUTION** | |
| 1. Contract contains required Federal Fiscal provisions from 2 CFR 200?   *[LAPM 10.2.1 | 2 CFR 200]*  **NOTE:** For reference, [Exhibit 10-R](https://dot.ca.gov/-/media/dot-media/programs/local-assistance/documents/lapm/c10/10r.pdf) *A&E Boilerplate Agreement Language* | Yes No |
| **DOCUMENTATION** | |
| 1. Retain all records and supporting documentations for three (3) years from date of final payment of the entire project?   *[LAPM 10.2.3 | California Government Code §4529.14 | Agency Master Agreement State-Funded Projects]*  Example of records and supporting documents:   1. Consultant Selection Process 2. Consultant Agreement documentation 3. Score sheets/Consultant ranking 4. Forms/Exhibits used 5. Cost Analysis 6. Negotiations (cost/profit) 7. All financial documents 8. Other documents as needed | Yes No |
| 1. Document all procurement process?   *[LAPM 10.2.3 | California Government Code §4529.14 | Agency Master Agreement State-Funded Projects]*  **NOTE:** Make sure to document and keep records of Items 1-19 at a minimum. | Yes No |
| 1. Contract Administrator check applicable documentation and exhibits:   **Required Exhibits:**   1. A&E Consultant Contract Form 2. Exhibit 10-U: Consultant in Management Support Role Conflict of Interest and Confidentiality Statement (if applicable) 3. Internal Department Conflict of Interest Policy 4. Financial Document Review Request Form and Certification of Indirect Costs and Financial Management System (if applicable)   (See IOAI website <https://ig.dot.ca.gov/resources/instructions-fdr-icr/>)  **Optional Exhibits:**   1. Exhibit 10-R: A&E Boilerplate Agreement Language 2. 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. Failure to amend a contract prior to the ending date will make the subsequent costs ineligible for state reimbursement. | Yes No |
| 1. Increase contract amount?   **NOTE**: Amendments must be agreed upon by both parties and executed prior to contract expiration. Failure to amend a contract prior to the ending date will make the subsequent costs ineligible for state reimbursement. | Yes No |
| 1. Submit Financial Document Review Request to Independent Office of Audits and Investigations (IOAI) and receive Acceptance Identification (ID) number?   See IOAI website <https://ig.dot.ca.gov/resources/instructions-fdr-icr/>)  *[LAPM 10.1.3, 10.1.8]*  **NOTE:** For any contracts (project specific, multi-phased, or on-call) with original amounts under $1M but subsequently became > $1M after amendment, IOAI Financial Document Review is not required | Yes  No, contract less than $1M |
| 1. Replacing subconsultant or adding new subconsultant?   *[LAPM 10.1.8, 10.2.1, 10.2.3 | California Government Code §4529.14]*  **NOTE:** If yes, submit Financial Document Review Request to IOAI if original contract amount is ≥ $1M. | Yes No |
| 1. Complete and submit amended A&E Consultant Contract Form to the A&E Consultant Contract database? <https://dla.dot.ca.gov/fmi/webd/AE%20Consultant%20Contract%20Form>   *[LAPM 10.2.3]*  **NOTE:** Submit prior to the first invoice after the contract has been amended. | Yes No |
| 1. Document amendment process?   *[LAPM 10.2.3 | California Government Code §4529.14 | Agency Master Agreement State-Funded Projects]* | 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)

<https://dot.ca.gov/programs/local-assistance/guidelines-and-procedures/local-assistance-procedures-manual-lapm>

California Government Code Sections 4525 through 4529.5 and Sections 4529.10 through 4529.20

<https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=5.&title=1.&part=&chapter=10.&article=>

<https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=5.&title=1.&part=&chapter=10.1.&article=>

2 CFR 200

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

48 CFR 31

<https://www.ecfr.gov/current/title-48/chapter-1/subchapter-E/part-31>