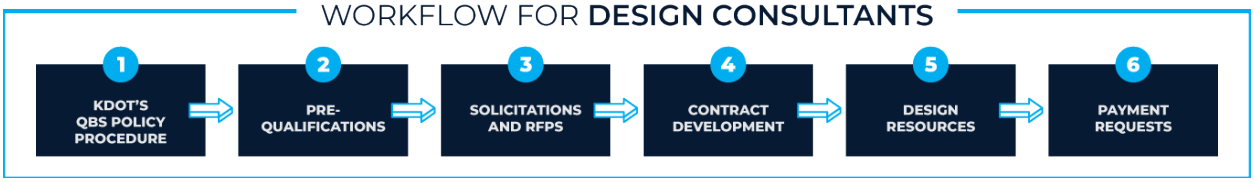
DESIGN CONSULTANT ENGAGEMENT MANUAL

Mission Statement/Purpose Statement: To deliver quality and prompt contracting services through transparent and fair procurement practices that meet the needs of our customers and internal partners.

A high-level workflow of how KDOT engages with design consultants is below.



A description of and target durations for each step is provided below.

1. QUALIFICATIONS-BASED SELECTION POLICY PROCEDURE

As required by federal and state law, KDOT has established a qualifications-based selection (QBS) process to engage the most highly qualified consultants based on demonstrated competence to provide engineering and other technical services for its projects. Following the process illustrated above, KDOT's Division of Engineering and Design Contracts Section (Contracts Section) manages the consultant procurement process by:

- Pre-qualifying eligible firms
- Publicly announcing all requirements for engineering and related services
- Developing agreements as the contractual basis for qualified firms to provide services required
- Maintaining and providing links to standards and requirements for consultant use while providing services
- Managing the payment request, invoicing, and project closeout process

2. PRE-QUALIFICATIONS

Prior to being selected for most KDOT projects, companies providing Engineering or Technical services must be pre-qualified in the category(ies) specified on the project RFP. The Contracts Section receives and facilitates the review of all pre-qualification submissions. The steps and timelines for these actions are listed below.

Consultant Action: Submit pre-qualifications documents.

- How: Submit 1050 Form and associated documentation to **KDOT.DesignContracts@ks.gov.**
    - RFP/Q pre-qualification category definitions are provided in the Bluebook.
- Submission deadline: Annually; six (6) weeks prior to annual **expiration** (see below for expiration dates)
- Exceptions:
    - Frequency of submission of full updates can be relaxed to every other year if no significant changes have occurred to a consultant's staffing and relevant projects since the previous year's submission. Firms intending to claim no changes shall state such in an email sent to the address listed above no later than the submission deadline.
    - Consultants may submit a new or updated 1050 Form at any time to pursue a new pre-qualification category for any reason. New or updated pre-qualification information can be submitted on the 1050 Form for consideration with a proposal.

Contracts Section Action: Facilitate review of pre-qualification submissions.

- How:
    - Approximately one quarter of the consultants that serve KDOT submit 1050 Forms each quarter.
        - Pre-qualification **expiration** dates are around:
            - End of March
            - End of June
            - End of September
            - End of December
    - Contracts Section facilitates updates to pre-qualification category definitions and criteria (see Blue Book) as deemed necessary by the KDOT Director of Engineering and Design.
    - Once updates and new qualifications documents are received from consultants, the Contracts Section delivers all submissions to category reviewers.
    - Reviewers evaluate submissions and provide one of the following responses for each category pursued by each consultant:
        - Approved
        - Need More Information
        - Rejected
    - Contracts Section updates database and communicates results to consultants and facilitates any follow-up reviews.
- Deadline: Contracts Section anticipates review and communication of initial results to consultants within four (4) weeks of submission deadlines.

    - This timeline depends on category reviewers completing their reviews and providing decisions and any necessary comments within two (2) weeks of receiving submittals from Contracts Section.
- For reference:
    - Current Pre-qualified Consultants, **listed by category**
    - Current Pre-qualified Consultants, **listed by consultant**

3. SOLICITATIONS AND RFPS

KDOT regularly seeks qualified consulting firms to provide professional services such as survey, design, planning studies, construction inspection, etc., to complement and extend KDOT staff. KDOT uses Bid Express to release requests for proposals / requests for qualifications (RFPs/RFQs), requests for interest (RFIs) in on-call consultant service needs, and to receive responses to all. Companies wanting to be selected to provide service to KDOT must register with Bid Express. The steps below detail the responsibilities of the Contracts Section and the actions companies need to take to be considered for projects with KDOT.

Consultant Action: Submit response to service request (RFP/Q/I).

- How: Sign up for a free **Bid Express®** account; monitor and respond to RFP/Q/Is.
    - An individual account is required for each staff member monitoring or responding to KDOT RFP/Q/Is. Each account from a given company should be affiliated with the same company entity in Bid Express.
    - Each individual can enable free "follower notifications" to receive notice when KDOT releases solicitations.
    - Submit special attachments with every proposal
        - Special Attachment No. 8 (Tax Clearance Certificate)
            - Required from prime consultant and all sub-consultants
            - Obtain from the Kansas Department of Revenue
            - Apply online
            - Allow sufficient time for processing
        - Special Attachment No. 10 (Policy regarding sexual harassment)
        - Special Attachment No. 12 (Certification of Company Not Currently Engaged in the Procurement or Obtainment of Certain Equipment, Services, or Systems)
- Deadline: Rolling, see Bid Express; timing varies by type of request.
    - All RFP/Qs shall be advertised for a minimum of 15 days.
    - RFIs for on-call consultant service needs may close as quickly as 24 hours after distribution but typically remain open for seven

days. Open an RFI upon notification to find out when the response is due.

Action by KDOT Bureau Chief, KDOT Project Management, or delegate thereof: Initiate RFP/Q/I process; review and approve RFP/Q/I content before solicitation.

- How: Determine what scope KDOT needs consultants to provide on project and which pre-qualification categories are required of respondent firms/teams; submit request for RFP/Q/I form to KDOT Engineering and Design Contracts Section; review draft(s) of RFP/Q/I and approve for solicitation.
- Deadline: RFP/Q requests are typically due on the second Monday of the month prior to solicitation; RFI requests are welcome as soon as the need is identified.

Contracts Section Action: Release RFP/Q/Is

- How: Review, edit, and format RFP/Q/I solicitation provided by KDOT project manager; advertise on Bid Express; facilitate evaluation process; post selection notifications to Bid Express.
    - Send RFP/Qs to the Kansas Register to be published therein and posted on their website per statute
    - Post RFP/Q/Is and relevant reference materials on Bid Express
    - Receive submittals and distribute them to evaluator(s) for review
    - Post selection decisions on Bid Express
- Deadline: Rolling, RFP/Qs are typically released once per month and a schedule of these dates is developed at the end of each year for the subsequent year; RFIs are released on an as-needed basis.
    - If any respondent consultants submit an updated 1050 Form to become pre-qualified in a category not previously achieved, send updated 1050 Form to category reviewers as soon as possible and request expedited review; wait for approval/rejection before initiating RFP/Q/I response evaluations
    - Share pre-qualified responses with shortlist committee
        - Shortlist committee anticipates evaluation and scoring of proposals within 14 days
        - Selection is based on shortlist committee evaluations for all RFP/Qs for consulting services estimated to cost less than $1,500,000
    - Share shortlisted responses with the negotiating committee and facilitate interviews (if necessary)
        - The negotiating committee will be involved in selections for all RFP/Q/Is for consulting services which are estimated to cost $1,500,000 or more

        - Negotiating committee evaluates and score proposals and/or interviews within 14 days (pending scheduling of interviews, if necessary)
    - Post selection results within five (5) days of final selection evaluation

4. CONTRACT DEVELOPMENT

Once a consultant is selected to provide professional services, they must negotiate scope, hours, and fees with KDOT and provide the required documentation before entering into a contract with KDOT. The Contracts Section will execute the contract and issue a Notice to Proceed (NTP). Durations listed in this section and in the Payment Requests section are target durations and shall not be construed as contractual obligations for KDOT.

Consultant Action: Selected consultant to initiate scope/fee negotiations and provide documentation required to enter a contract with KDOT.

- How: Set up scope/fee kickoff meeting, submit scope, labor hour estimate, and KDOT Exhibit B for their firm and any subconsultants.
    - Set up scope/fee negotiation kickoff meeting; invite KDOT Project Manager (PM), KDOT Engineering and Design Contracts Section staff, and relevant project leaders from the selected consultant team
        - Purpose: identify project scope to be included in current and future phases
    - Be responsive and diligent in follow-up tasks and negotiation meetings for scope, labor hours, schedule, fees – including fixed fees (for Cost Plus Fixed Fee contracts)
    - Develop man-hour estimate for scope to be executed by both prime and all subconsultants using KDOT's standard man-hour estimate spreadsheet
    - Develop fee estimate, fill out and sign finalized Exhibit B documents; prime and all subconsultants must sign an Exhibit B
    - Submit PDFs of Exhibit B and, upon successfully completing negotiations, submit signed agreement and all necessary attachments to KDOT.DesignContracts@ks.gov
    - For on-call projects: Submit a signed copy of the On-call Services Form (KDOT Exhibit B) to KDOT.DesignContracts@ks.gov
    - Begin work promptly upon receiving Notice to Proceed, but not before.
- Target Deadlines:
    - Scope/fee negotiation kickoff meeting within one (1) week of selection
    - Complete negotiations on scope, man-hours, and fee within two (2) weeks of selection

- Fully executed agreement within 30 days after submission of required documents.

Contracts Section Action: Draft contract; collect required signatures for approval; send executed contract to consultant and issue Notice to Proceed (NTP)

- How: Process agreements, send NTP.
  - KDOT PMs shall negotiate terms in the following order:
    - Negotiate and agree upon scope
    - Negotiate and agree upon labor hours and schedule
    - Negotiate and agree upon costs, based on audited overhead rate and fixed fees for Cost Plus Fixed Fees contracts
  - Receive from KDOT PM finalized Exhibit B, scope and all associated contract documents
  - Prepare an Agreement for Engineering and Technical Services and provide to KDOT Legal for review
  - Once approved, electronically send to prime consultant for execution
  - Receive PDFs of the signed Agreement and all necessary attachments from consultant
  - Send to legal for final review
  - Forward contract to the State Transportation Engineer for execution
  - Generate a contract number
  - Build contract in AASHTOWare Project™
  - Send executed contract to prime consultant and issue Notice to Proceed (NTP)
  - Exception: On a limited basis when project schedule is critical, the Engineering and Design Contracts Section can issue an advanced NTP once the three steps of negotiation are complete.
    - KDOT is solely responsible for determining if advanced NTP is warranted. KDOT will not reimburse the consultant (or subconsultants) for any effort prior to NTP.
- Target Deadline: Fully executed agreement in-place and NTP sent to selected consultant within 30 days after submission of required documents.

5. DESIGN RESOURCES

The Contracts Section is not involved in the planning, consulting, or design phases of contracts outside of the activities mentioned in other sections of this document. For specific design policy information, go to **KART**. KART is KDOT's storehouse for important guidance documents for those who are

providing professional services for the Department. There you will find design and engineering manuals and policies. Each KDOT Division and Bureau may have additional resources on their respective KDOT webpages which are available through the "Inside KDOT >> Divisions & Bureaus" drop downs on **KDOT's homepage**.

6. PAYMENT REQUESTS

A consultant must submit a completed Payment Request Form and summary justifying the charges with each payment request. The Contracts Section will process and pay invoices. See the steps and requirements listed below to ensure prompt payment.

Consultant Action: Submit completed payment request form and summary of charges to KDOT with each payment request.

- How: Perform scope and submit payment request monthly reflecting work accomplished in the previous month; be responsive to revision requests when required; submit "Final Invoice" when original scope and any scope added by change order are entirely complete
    - Consultants working on projects managed by a program management consultant (PMC) shall follow these additional steps when submitting payment requests; in ONE submission to KDOT:
        - Submit consultant's monthly, complete (non-redacted) invoice AND
        - As a separate file attached to the same email, submit a separate cover sheet with numbers redacted or removed from the form (redacted - example).
        - KDOT Contracts will then forward the redacted cover sheet to the appropriate PMC project manager for them to review and approve the progress claimed by the consultant. This process is the most efficient way to achieve timely processing and payment. It is also consistent with best practices for keeping consultants' proprietary information confidential.
    - Once scope is complete: submit final invoice with summary of man-hours
    - If a change order is needed, initiate by having a conversation with the assigned KDOT PM and Contracts Section, if necessary, and return to the contract negotiation phase.

    - If KDOT requests consultant begin a subsequent phase, initiate by holding scope and fee negotiation kickoff discussion with the assigned KDOT PM and return to the contract negotiation phase to negotiate and execute a supplemental.
    - Review links below for further information
        - KDOT Policy for Consultant Reimbursement for Hotel and Per Diem
        - Fixed Fee Payout Procedures for Cost Plus Fixed Fee Contracts
- Schedule: Submit payment requests on monthly basis to reflect work performed in previous month

Contracts Section Action: Process and pay invoices.

- How: Review invoice for compliance; facilitate review by KDOT PM; communicate reasons for rejection (as necessary) or process approved payment requests through to fiscal group for payment; manage project closeout process.
    - Step 1 (by consultant): Consultant submits payment request (see above)
    - Step 2: Initial compliance review by KDOT Engineering and Design Contracts Section
        - If rejected, send comments to consultant and copy KDOT PM
        - If initially approved, push forward in the process for KDOT PM review
    - Step 3: KDOT PM review and verify progress indicated is accurate
        - Review for compliance and check progress
        - If revisions are needed, send to the consultant and copy Contracts Section
        - If compliance and progress are approved by PM, push back to Contracts Section for processing
    - Step 4: Contracts Section processes invoice and requests payment be made by KDOT Fiscal
    - Step 5: KDOT Fiscal issues payment and sends payment voucher to Contract Section
    - Project Closeout Process: Initiated by consultant submission of “Final Invoice”
        - Follow Steps 1-5 above
        - If Contracts Section and KDOT PM approve Final Invoice:

        - Create audit binder
        - Complete project audit, process final payment, release retainage / request adjustment from consultant
        - Initiate project closeout processes with Fiscal
- Target Durations:
    - KDOT Engineering Contract Section Review: 10 days
    - KDOT Project Manager Review: 15 days
    - KDOT Accounts Payable Issues Payment: 5 days