2016 Preconstruction Conference

Consultant Design

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What are we going to talk about today?

- New CFR/Consultant Selection
- Scoping of Consultant Work
- Reviewing Consultant Work
- Consultant Performance Evaluations
- Term Contracts
- Questions & Answers
Before we dive in, I’ll give you a couple of quick stats on what we do in Consultant Design.

Consultant Design is responsible for facilitating and melding a partnership between an external consultant team and the MDT team into one collaborative team that gets the work done!
Who do we work with?......... A heck of a lot of firms!

This is a list of consultants we currently have open contracts with......... 111 to be exact!

Working with this many different firms requires Teamwork, Consistency, Coaching, and Communication, Communication, Communication!!

Keep this in mind while we talk today. A lot of what we’re going to discuss is how ALL OF MDT’s UNITS can work efficiently with ALL OF THESE FIRMS to get done what needs to be done to help improve our Transportation System.
First up is the new Federal Code of Federal Regulations, and what that means to all of us.

What are we going to talk about today?

• **New CFR/Consultant Selection**
  • Scoping of Consultant Work
  • Reviewing Consultant Work
  • Consultant Performance Evaluations
  • Term Contracts
  • Questions & Answers
New CFR/Consultant Selection

23 CFR 172
Procurement and Administration of ESA Consultant Contracts

Key Changes

➢ Consultant Solicitation & Selection
  • RFP required for every contract
  • No longer an option to directly select off of a prequalified list

➔ MDT Implementation
  • RFP for every contract
    • Consultant Design develops RFP, in cooperation with sponsoring MDT Unit/District
    • Advertisement Period: 2 weeks minimum, prefer 3+ weeks
    • Open Solicitation vs Short-list Solicitation

• New CFR went into effect June, 2015
• Had 12 months to establish formal policies and procedures. Completed new Consultant Services Manual (FHWA approved and made effective July 2016) in cooperation with ACEC and FHWA

Incorporated A LOT of new requirements. Most, we were already doing. Some, we weren’t. Today, we’re going to focus on just a few of the KEY CHANGES ----- the things that fundamentally CHANGED the way we do business.

• First up, Consultant Solicitation and Selection: RFP required for every contract
  • KEY POINT: Qualifications – Based selection process. NOT selecting on cost.
  • Did away with numerous Prequal rosters – only kept Roadway, Bridges, Traffic, Facilities, TA
  • Good news….. a lot fewer proposals during the prequalification cycle!
  • Bad news…. you have to evaluate, or put together, proposals for every single contract.
  • Four basic shells used for consistency
    • Robust requirements for content of RFP listed in new Regulations
  • Figure 3 weeks for advertisement after RFP developed, another 2 weeks review period, + getting to first available Consultant Selection Board meeting.

Open-solicitation
• Open to any firm, whether on prequalification roster or not
• Used when services don’t fall clearly within confines of one of the 5 rosters
• Used on very large or very complex projects
• Larger proposals

Short-list solicitation
• Not a reproduction of prequal submittal
• Must clearly fall within confines of roster
• Shorter proposals (generally 4 pages)
• Goes to Consultant Selection Board to first short-list firms ---- so doesn’t usually save calendar time, but saves staff time for MDT and Consultant due to shorter proposal length.
New CFR/Consultant Selection

23 CFR 172
Procurement and Administration of ESA Consultant Contracts

Key Changes

- Consultant Solicitation & Selection (continued)
- MDT Implementation (continued)
  - RFP Rating Committee established for every RFP
    - Rating Panel established prior to issuing RFP
    - Consultant Design PM checks for responsiveness
    - Instructional Meeting held prior to rating
    - Evaluation of Proposals
    - Rating Consensus Meeting
    - Consultant Selection Board action
    - Debriefing Notes

• Rating Panel established prior to issuing RFP
  Subject matter experts

• Consultant Design PM checks for responsiveness
  Consultant Design Engineer must make final determination
  When in doubt, continue evaluation as if responsive, and notify PM of finding

• Instructional Meeting held prior to rating
  How to rate, check for conflicts of interest

• Evaluation of Proposals
  Fair and Impartial. On basis of Proposal only

• Rating Consensus Meeting
  Rating Committee must come to agreement on the final scores
  Consultant Design digs and probes, ensuring impartiality
  KEY POINT: Performance scores added AFTER consensus achieved

• Consultant Selection Board action
  Considers final scores and takes action

• Debriefing Notes
  All raters’ comments assembled into a debriefing document
  Useful for firms to know what to do better next time
Next up, the Term Assignment selection process

Originally, the draft version of the CFR contained a requirement that an RFP for EVERY TERM ASSIGNMENT be used.
Thankfully, FHWA heard all of the DOTs and Engineering Consultants and changed it to allow at least some flexibility.
This is how we got to where we are now.
Another Key Change deals with contract modifications.

It is very tempting for MDT units and Districts to ask a Consultant to do some extra work..... Like having them negotiate for R/W or add a small bridge instead of a box culvert.

Heck, this might even make every bit of sense in the world.

One problem......... FHWA doesn’t like that. So we need to be very careful here so as to not violate these governing regulations.

That’s our job in Consultant Design..... To help navigate this. Don’t be afraid to ask!
The last item isn’t as big, but still warrants discussion……. Performance Evaluations at Contract Close-out.

An absolute requirement that is very black and white in the Regulation……. When we close a contract, do a performance evaluation.

Lucky for everyone, we have a sweet web-based application for this! And I’ll be talking more about Consultant Performance Evaluations a bit later.
What are we going to talk about today?

- New CFR/Consultant Selection
- **Scoping of Consultant Work**
- Reviewing Consultant Work
- Consultant Performance Evaluations
- Term Contracts
- Questions & Answers
Good communication is required to develop an effective scope, schedule and budget for the project.

Everyone on the Design Team needs to be on the same page as to what is proposed for the project.
If you look at the Consultant Design Project Flowchart you will see the way MDT has structured consultant design projects is that the Design Team consist of MDT and the Consultant. There is a misperception that for Consultant Projects the Consultant and sub consultants make up the design team. MDT is part of the design team.

The whole design team needs to participate to define a complete Scope, Schedule and Budget.
Effective management of scope, schedule and budget is required to deliver a quality project.

A good management concept is to think of Scope, Schedule, Budget as an Equilateral Triangle

If one leg of an equilateral triangle changes, the other two legs change as well.

Project was nominated as a minor rehab with a corresponding budget. For whatever reason, reconstruction with added amenities was proposed during scoping. Expectation of local agencies that project would be delivered in a year.
Basic information is required before consultant solicitation. This helps determine qualifications required. What are we proposing to do? Is it a Pavement Preservation, reconstruction, minor or major rehab? Bridge, traffic R/W? This communicates project specifics to consultants (So they know what qualifications are required for the project.)

Communicate expected schedule. When consultants submit a proposal they need to know if they have the resources available for the proposed schedule? Do we have the budget required to meet the proposed scope? Is the project fully vetted?

We want to select the best qualified Consultant who has the same vision as MDT for the project.

Preliminary Scope

- Starts with planning and project nomination.
- Purpose and need
- Basic Scope
- Target completion date
- Budget

Benefits
- Sets the stage for a successful project
Most of these are readily known and documented.

Internal Guidance and preferences are not easily determined by Consultants. These need to be communicated to consultants during the scoping process.

Example: Evolving guidelines that are not posted create a moving target. Consultant is given a set of guidelines during scoping. The Guidelines change but the Consultant is out of the loop. When the Consultant submits their work it is rejected because it doesn’t meet the current guidelines.

Another example of preferences even though a Consultant may have a lot of experience in one district...Another district may operate or have different preferences. These preferences need to be communicated during the scoping process.
Potential project specific expectations are numerous. This takes time to determine and communicate fully to consultants what is the Scope, Schedule, Budget.
What part do MDT FM’s have in Scoping Consultant Projects

As an FM If you want your expectations met you need to be involved during the scoping of the project.

Don’t expect anyone to read your mind.
Consultant provides durations for their task.

We need MDT FM input on durations for both consultant and MDT tasks.
What is the expected level of effort for the proposed work for both MDT and consultant activities. For Consultant work MDT is required to develop an independent estimate for the proposed work. If MDT/Consultant are on the same page, we should have approximately the same estimate for level of effort. (this has some qualifiers)
Based on hours to complete tasks not dollars.

The PM relies on FM input to help develop our independent estimate. Estimate is based on same detailed scope.
Be Specific. Single span Prestressed bridge
Share prior experience in bridge. Used similar projects to estimate level of effort. Is the bridge a single span prestressed girder or a multispans steel girder.
Defining the level of complexity helps determine the scope and also helps tie together budget and schedule. Minor rehab versus full reconstruction. R/W impacts, Bridge, traffic, constraints, risk, etc.

Single Span prestressed girder bridge versus a multi-span steel bridge. Defining a specific scope is very helpful in determining level of effort for the project. A specific scope also helps manage changes if they occur.
Scoping is a process.
A process for success includes good communication, Team participation, clear scoping and clear expectations.
Design team includes MDT and Consultant

Consultant Scoping requires the whole team to develop a detailed Scope, Schedule and Budget.

Keep in mind the scope, schedule, and budget equilateral triangle

Use Clear Communication
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Start with foundation for Quality
Quality Management is a process

Example: Home improvement project you have never done (Kitchen light). Before you start you develop some sort of scope, schedule, budget. The project takes 3 times longer than you thought, required 3 extra trips to the hardware store and cost double what you expected. If you were to do the same or similar project again you would follow a refined process from your previous experience and be more efficient. The quality of your work would improve.

Many problems with quality occur when there is an inadequate process for development of the product. There may be a well established process that has been short circuited for any reason that has resulted in decreased quality.

A good process allows the entire project team to produce quality deliverables with a minimal amount of errors and rework.

Everyone on the project design team is responsible for the quality of the project.
Quality Management

- QC – An evaluation to ensure that a product or service satisfies its stated role.
- QA – Process implemented so that quality requirements for a product or service will be met.
- Different tasks require different levels of QA/QC
- Consultants Responsibility
- MDT Responsibility

Consultant Peer does QC. Consultant Principle does QA.

Consultant Responsibilities:
Standard of Care. Quality is consistent with the care and skill ordinarily exercised by members of the Consultant profession.
Responsible to submit deliverables with the appropriate detail and accuracy.

MDT Responsibilities:
Performs spot checks of the Deliverables (Owner’s perspective)
Responsible to provide timely reviews, decisions, approvals as appropriate for each phase of development

These responsibilities just as discussed are outlined in the Consultant Contract
Quality Control Activities

- Deliverable reviews
- Milestone reviews
- Peer reviews
- Technical reviews
- Checklists
quality control at the end
Continuous quality mindset. Best approach to perform QA/QC throughout the project. The earlier errors are found, the easier and less costly they are to fix.
During Scoping of the Consultant we communicate what we want. Now it's time to review what we got.

Review versus Check

The MDT process is a Hybrid between reviewing and checking. The design needs to be evaluated to ensure that MDT’s expectations and requirements are met. It is not our responsibility to check rebar spacing to ensure that the bridge does not collapse. But it is our responsibility to ensure that the bridge width and load requirement meets the needs of the travelling public and the items contained to build the bridge are bid able.

Owner’s Perspective...educated evaluation. This is not a review or check!
MDT Evaluation Process

- Milestone reviews included in project schedule
- Reports/approvals

MDT has an establish formal review process

Compliance reviews occur before AGR and PIH submittals. This includes Milestone reviews at AGR, PIH and FPR

AGR is to review and finalized design elements that control the horizontal and vertical alignments and surfacing section of the proposed road. (future design adjustments for these design elements should be minimal)

PIH review is for design elements that control the final construction limits

FPR is to review constructability and bidability

Reports
PFR
AGR
SOW
PIH
FPR

The Benefits of reports is to document the design process. To document the development of the project scope, addressing impacts and design exceptions.
Here is a good framework for MDT evaluation of Consultant Work

Framework for Evaluation

- Determine who will do the review
- Define completeness and correctness criteria
- Send out review material prior to review meeting
- Conduct Review
- Conclude Review
- Communicate the Results
Step #1
Review activities are assigned during scoping and scheduling of the project. Milestone reviews are scheduled by the PM. Reviews are completed by the Design Team. It is important to get participation from the whole team during the milestone reviews. Too often someone on the design team misses a review and comments later in the project development on something that should have been discussed at an earlier review. This causes potential delays and increased expense to complete the project. Is very frustrating for the designer. Sometimes it may be too late to incorporate the comment. Sometimes these comments conflict with other comments made during the review. The opportunity to discuss all comments is missed.

This happens on MDT and Consultant Projects
Step #2
Consistency creates efficiency. However, if there are nonnegotiable preferences they need to be communicated at scoping. Otherwise, those with preferences may not get what they want.
Send out material Prior to meeting

- Reviews are more efficient when reviewers have a chance to look at material before the meeting.
Conduct Review

- Keep a list of action items.
- Focus on the completeness and correctness criteria
- Is the deliverable acceptable

Step #4

Allow some “artistic license”. It is not the reviewer job to re-design the work.
Conclude the Review

- Does the deliverable meet required criteria?
- Is the review activity complete?
- Are Iterations required?
Finally Step #6
Use active voice. Passive language yields passive results! Be specific.

- Required changes. These changes must be made in order for MDT to accept the work product. Supplemental information may justify no change.
- Preferred changes. As implied, these changes are preferred by the reviewer but are not required for MDT acceptance of the work product.
- Items to Consider. Items that should be considered by the Consultant on this project and future projects. These items are usually professional opinion that the reviewer is simply presenting to the Consultant as something to consider, and may require changes.
- Potential Risks. What are some of the potential risks identified with the consultant’s work product? What questions does the reviewer have that the consultant should address, and what training or guidelines are available for the consultant to better meet the need of MDT.
Use Active Voice

- **Passive**
  - “The coordinates should be published to three decimal places.”

- **Active**
  - “Change all coordinates to three decimal places.”
Is Our Process Perfect?

- We would like to improve our QA/QC
- Receive feedback
- Refine completeness and correctness criteria

After hearing this presentation you may think of some areas where improvements can be made. I want to hear about your ideas and see where we can incorporate improvements. Remember quality management is a process. Good processes are intentional and take time to define and refine.
Now we’re going to talk about Consultant Performance Evaluations.
Consultant Performance Evaluations
Before we continue on, I would like to say a huge thank you from all of us in Consultant Design, and from all of those in the Consultant community. The evaluations that you have done over the years has helped so much in getting you what you want.
Consultant Performance Evaluations

Tool for completing Performance Evaluations

✓ Consultant Design Evaluation web application
  Resources -> Forms -> Consultant Design
Tips for completing a thorough Performance Evaluation

- Be as objective as possible
- Consider the entire body of work for the entire review period
- Be fair, constructive, and honest
- Consider the Quality and the Schedule
- Provide detailed comments
- **SURPRISE!**

*Example:*

- **“The Consultant has no QA/QC process.”**

- “The deliverable contained far too many typos and grammatical errors for a report at this stage. I returned the report with red-line corrections and discussed with the Consultant at the time of the review. I also suggested that they should consider additional or revised QC process to minimize these errors.”

Tips for completing a thorough Performance Evaluation

- Be as objective as possible
- Consider the entire body of work for the entire review period
- Be fair, constructive, and honest
- Consider the Quality and the Schedule, for what they were scoped to do
- Provide detailed comments
  - **Comments need to match score**
  - **Comments need to be factual, not personal judgement**

- **Comments and rating should not come as a surprise to the Consultant**
Consultant Performance Evaluations

The Road to Improvement begins with Continuous and Constructive feedback!

Performance Evaluations can (and should) be done ANYTIME.

Milestone reviews
Annually in the spring
Any large submittal
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The last thing we’re going to cover today is Term Contracts
Term Contracts

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So what could we possibly discuss about Term Contracts?

We’ll answer some questions like:

- How Term Contracts are different than a regular Consultant Project
- Term Contract Amendments versus Term Assignment Addendums
- The Role of the Consultant Design Project Engineer
- And the Role of The Contract Manager
- .....and several other questions....
Term Contracts

Term Contracts ARE:
✓ An excellent resource to help ease workload or use outside expertise

Term Contracts are NOT:
✘ Free rein to ask a Consultant to do anything you need
✘ The same as a regular Consultant project

Term Contracts need to be used in a way that complies with Federal Regulations and benefits MDT and the taxpayer, in a way that protects both MDT and the Consultant.

Processes are set up to ensure this happens. And we’re going to talk about those processes and requirements this afternoon.

While tempting, Term Contracts are not intended to give free rein to order Consultant services willy-nilly.

How are they different than a Consultant Project?
• Recs have to be in a specific format for MDT folks to use versus how those same recs might be given to YOUR internal folks.
• MDT projects follow a different workflow of activities than Consultant projects
  • EX: A certain activity in the Consultant project flowchart may be broadly scoped, whereas that same activity may be broken into 4 separate activities in the MDT project flowchart.
As I mentioned previously, the new Federal Regulations that are now in effect changed the way we solicit and select consultants for term contract work.

Probably the biggest change Term Contract Managers see is the additional qualifications-based selection for term assignments:

- No additional paperwork required from consultant
- Include Form with Term Assignment Approval Memo
Roles: Who does what?

**Contract Manager**
- Responsibilities at assignment level
- Develops scope for assignments
- Selects Consultant for Term Assignment
- Issues notice to proceed
- Primary point of contact with Consultant
- Tracks Consultant scope, schedule, & budget
- Reviews & accepts work
- Reviews invoices
- Retains original invoices
- Maintains assignment details in CIS
- Keeps track of contract expiration date

Remember the guidance out on the intranet!
Why is CIS needed? For active tracking of contract ceilings, overheads, etc. – compliance with federal and state regulations and the contract.
Roles: Who does what?

**Consultant Design Project Engineer**

- Responsibilities at contract level
- Sets up original Contract
- Reviews and submits term assignments for approval
- Answers contract questions (overhead rate, etc.)
- Approves invoices
- Submit invoices to Financial Officer for payment
- Maintains *contract* details in CIS
Roles: Who does what?

**Consultant**
- Completes Work
- Maintains Assignment scope, schedule, & budget
- Keeps track of contract expiration date
- Submits invoices & progress reports
Amendments & Addendums

Amendments

• Contract level
• Contract extensions ← (KEEP AN EYE ON THIS!)
• Increases in contract ceiling
• Email request to Consultant Design
• If approved, Consultant Design Project Engineer will process

➢ Stay ahead of the assignments!

Contract Amendments vs Assignment Addendums
What work can be performed? --- limited to work described in RFP
Out of scope work
Don’t let the contract expire!
Amendments & Addendums

Addendums
• Assignment level
• Out of scope work
• Via Term Assignment Approval Memo
• If approved, follows same process for execution of term assignments

➢ Limited to work described in original solicitation!

Contract Amendments vs Assignment Addendums
What work can be performed? --- limited to work described in RFP
Out of scope work
Don’t let the contract expire!
......And don’t forget the evaluation!

We’ve already discussed performance evaluations.....the why and how

Reminder this applies to Term Contracts & Assignments as well!
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