

Federal-aid Consultant Checklist

The following checklist describes the procedures and sequence of steps that a local public agency (LPA) must follow to receive Federal-aid reimbursement for consulting services. Items with an asterisk (*) are the responsibility of the LPA. The LPA is encouraged to include this checklist in their project file and use it to ensure that all the necessary steps are completed.

- * 1. The LPA prepares a scope of work and cost estimate that reflects all the services to be provided by the consultant for the entire project, even if the initial contract will not include all of the services that will eventually be provided. If the cost estimate for consultant work is less than \$150,000 go to Step 2; if it is close to or greater than \$150,000, go to Step 6. See the "Estimate of Consultant Costs" section of [I.M. 3.305](#) for additional guidance in preparing a cost estimate.
- * 2. The LPA identifies at least 3 firms to be considered for the desired services. The LPA also decides if a Disadvantaged Business Enterprise (DBE) goal will be set, and if so, what percentage will be targeted. For guidance in setting DBE goals, refer to [I.M. 3.710](#), DBE Guidelines. The Iowa DOT maintains a list of engineering consultants available on the [Iowa DOT Consultant Utilization](#) website to assist in identifying engineering consultants. The LPA is responsible for determining if the firms on this list are qualified to perform the desired work. A LPA may also use firms not listed on the Iowa DOT's website.
- * 3. The LPA may hold discussions with the firms identified in the previous step as necessary to evaluate their ability to perform the work. Such discussions should include items such as: their qualifications to perform the desired work, any changes in qualified staff, workload, willingness to meet time requirements, ability to meet the established DBE goal (if any), past performance, accounting methods, and approach to the project.
- * 4. If after discussions, the LPA feels they can negotiate a contract with a qualified consultant at a cost less than \$150,000, the LPA submits a request to begin negotiations to the Administering Office. This request shall include the following:
 - a) The proposed scope of work and estimate of consultant costs.
 - b) The names of all the qualified firms considered.
 - c) The reasons why the selected consultant is considered most qualified.
 - d) An indication if the LPA has set a DBE goal, and if so, the targeted percentage of DBE participation.
 - e) A statement indicating the LPA has reviewed the System for Award Management (SAM) [website](#) and verified that the selected consultant is not currently suspended or debarred.
- 5. The Administering Office reviews the LPA's request. If the request is not acceptable, the Administering Office works with the LPA to revise their request. After the LPA's request is deemed acceptable, the Administering Office notifies the LPA that negotiations may begin with the selected consultant. Proceed to Step 24.
- * 6. The LPA appoints a selection committee. The selection committee should have 3 to 5 members which may include LPA staff, elected officials, and at least one member with technical expertise (i.e., a licensed professional engineer or architect). The selection committee can add non-voting members to act as resources if it deems necessary.
- * 7. The LPA submits the selection committee membership to the Administering Office. The LPA requests authority to proceed with the consultant selection process.
- 8. If acceptable, the Administering Office approves the LPA's request to proceed with the selection process.

- * 9. The LPA prepares and submits a draft Request for Proposal (RFP), estimate of costs, and the proposed DBE goal, if any, to the Administering Office. If no DBE goal is proposed for contracts with estimated costs greater than \$250,000, the LPA shall indicate the reasons why. If a DBE goal has been set, the RFP shall identify the goal. The RFP shall also specify that proposals that do not meet the DBE goal or provide documentation of a good faith effort to meet the goal will not be considered. For guidance in preparing the draft RFP, refer to the "Consultant Selection" section of [I.M. 3.305](#). For guidance in setting DBE goals, refer to [I.M. 3.710](#), DBE Guidelines.
- 10. The Administering Office reviews the draft RFP, estimated consultant costs, and proposed DBE goal, if any. If the submittal is not acceptable, the Administering Office works with the LPA to address the deficiencies. Once determined acceptable, the Administering Office forwards the draft RFP, cost estimate and supporting documentation for the proposed DBE goal to the Office of Employee Services, [Civil Rights Team](#) (OES-CRT) and requests concurrence in the DBE goal.
- 11. OES-CRT reviews the proposed DBE goal, and if acceptable, notifies the Administering Office of its concurrence. If not acceptable, OES-CRT provides comments to the Administering Office, which in turn provides these to the LPA to address. The LPA provides additional information and / or revises the proposed DBE goal to address the comments. Discussions continue between the LPA, the Administering Office and OES-CRT until the DBE goal is acceptable to OES-CRT.
- 12. The Administering Office notifies the LPA that it may proceed with the selection process.
- * 13. The LPA solicits RFPs by public announcement, notice or advertisement. This should be accomplished using the same means the LPA uses for other public notices, such as web sites, e-mail distribution lists, newspaper, social media, etc. The LPA should also send qualifications-based RFPs to three or more consultants. The Iowa DOT recommends sending RFPs to more than 3 firms, since additional justification will be required if less than 3 proposals are received.

Note: The LPA shall not direct the consultant to include an estimate of cost with their proposal, even if the estimated cost is to be submitted in a separate, sealed envelope. If the LPA receives a proposal that includes cost information, that proposal shall not be considered.

Note: The Iowa DOT maintains a list of engineering consultants available on the [Iowa DOT Consultant Utilization](#) website to assist in identifying engineering consultants. The LPA is responsible for determining if the firms on this list are qualified to perform the desired work. A LPA may also use firms not listed on the Iowa DOT's website.

- 14. Consultants prepare and submit proposals in response to the RFP. If a DBE goal has been set by the LPA, consultants that did not meet the goal must document their good faith efforts to meet the goal. This documentation should include: a list of DBE firms contacted, a list of the DBE firms that responded with a subcontract proposal, and, if the consultant does not propose to use a DBE firm that submitted a subcontract proposal, an explanation why such a DBE firm will not be used. The documentation may be included in the proposal or in a separate document that accompanies the proposal.
- * 15. The LPA selection committee evaluates proposals utilizing the evaluation criteria. If less than 3 proposals are received, the LPA should consider making another solicitation for proposals. Refer to the Consultant Selection section of [I.M. 3.305](#) for additional guidance concerning non-competitive selections.
- * 16. If appropriate, the LPA selection committee conducts interviews (usually with no more than the top three firms). The LPA then applies the evaluation criteria, and finalizes the ranking in order of preference. The selection committee also documents its decision-making process.
- * 17. If a DBE goal was set for the contract, the LPA reviews the documentation provided with the top-ranked consultant's proposal to verify the DBE goal was met. If the goal was not met, but in the opinion of the LPA, the consultant made a good faith effort, or if no DBE goal was set for the contract, proceed to Step 22. For guidance in evaluating good faith efforts, refer to [I.M. 3.710](#), DBE Guidelines.

- * 18. If, in the opinion of the LPA, the consultant **did not** make a good faith effort to achieve the DBE goal, the LPA notifies the consultant that a contract cannot be awarded due to the consultant's lack of a good faith effort.
- The consultant may appeal the LPA's decision by submitting a written request for an administrative reconsideration. If an appeal is made, proceed to the next step. If no appeal is sought, the LPA goes back to Step 17 and evaluates the good faith effort of the next highest ranked firm. For the guidance concerning the administrative reconsideration procedures, refer to [I.M. 3.710](#), DBE Guidelines.
19. The consultant prepares and sends a written request for an administrative reconsideration to the Administering Office. This request should include copies of the following: the RFP, the consultant's proposal, and any additional justification or documentation that may support the consultant's good faith efforts to meet the DBE goal.
20. Upon receipt of the written request for an administrative reconsideration, the Administering Office forwards this request to the OES-CRT, along with one copy of the documentation provided by the LPA and / or consultant.
21. The OES-CRT reviews the administrative reconsideration request. If the OES-CRT concurs with the LPA's determination, the OES-CRT so notifies the Administering Office and provides copies to both the LPA and the consultant. The LPA goes back to Step 17 and evaluates the good faith effort of the next highest ranked firm.
- If, on the other hand, the consultant's good faith effort is judged sufficient, the OES-CRT notifies the Administering Office and provides copies to the LPA and the consultant.
- * 22. The LPA requests approval from the Administering Office to initiate negotiations with the consultant ranked highest by the selection process. The request shall include the following:
- a) the consultant rankings, including supporting documentation that shows how the rankings were determined;
 - b) a statement indicating the LPA has reviewed the [SAM website](#) and verified that the highest ranked consultant is not currently suspended or debarred;
 - c) if the highest ranked consultant's proposal did not meet the DBE goal, documentation provided by the consultant to substantiate its good faith efforts to meet the goal (the LPA may also include any additional information it considered in evaluating the consultant's good faith efforts); and
 - d) if less than 3 firms submitted a proposal, justification for proceeding with the selection process (refer to the Consultant Selection section of [I.M. 3.305](#) for additional guidance concerning non-competitive selections).
23. The Administering Office reviews the LPA's request to begin negotiations with the selected consultant. If a DBE goal was set and the Administering Office has questions about the consultant's good faith effort to meet the goal, the Administering Office shall contact the OES-CRT for assistance. After the LPA's request is deemed acceptable, the Administering Office notifies the LPA that negotiations may begin with the selected consultant.
- * 24. The LPA informs those consultants that submitted proposals of the results of the selection process.
- * 25. The LPA begins negotiations with the selected consultant. For additional guidance on negotiation procedures, refer to the "Contract Negotiation" section of [I.M. 3.305](#). Negotiations continue until agreement is reached on these items. If agreement cannot be reached on these items, the LPA goes back to Step 2 (for contracts estimated less than \$150,000) and begins discussions with the next firm; or goes back to Step 17 (for contracts estimated at \$150,000 or more) and evaluates the good faith effort of the next highest ranking firm. This process continues until negotiations are successful.

- * 26. The LPA submits a request for FHWA authorization to the Administering Office. This request shall include the following information:
 - a) A copy of the draft contract prepared by the consultant, including any subconsultant contracts, if available.
 - b) An estimate (even if only a very rough one) of the costs of all phases of consultant contract work that are anticipated for the project. This should also include costs for any services that are not included in the initial draft contract. The estimate for all phases of work may be based on the typical percentages provided in this I.M., but the costs associated with the scope of work included in the draft contract must be supported by a detailed estimate.
 - c) A copy of the completed DBE Commitment Information ([Form 517010 \(Word\)](#)). This form is required, even if no DBE goal was set or no DBE commitment has been made. For more information, refer to the instructions included with the form.
- 27. The Administering Office reviews the draft contract in accordance with [Attachment B](#) to I.M. 3.305 and verifies that [Form 517010 \(Word\)](#) was completed correctly.
- 28. If appropriate, the Administering Office shall forward a copy of the draft contract(s) to the Office of Finance (External Audits) and request a pre-audit. For more information on pre-audits, refer to the "Pre-audit Procedures" section of [I.M. 3.305](#).
- 29. External Audits conducts a pre-audit (if requested) of the draft contract(s) and forwards a copy of the pre-audit report to the Administering Office.
- 30. The Administering Office forwards a copy of the pre-audit report (if conducted) and the Administering Office's comments on the draft contract(s) to the LPA and the consultant.

NOTE: Steps 34-36 may run concurrently with Steps 31-33 below.

- 31. The Administering Office verifies that adequate federal funds are shown in the current fiscal year of the Statewide Transportation Improvement Program (STIP). If funds are inadequate, or if they are incorrectly programmed, the Administering Office contacts the LPA and requests them to work with the appropriate Metropolitan Planning Organization (MPO) or Regional Planning Affiliation (RPA) to revise the programming of the project's funds.
- 32. If adequate funds are available, and they are correctly programmed, the Administering Office prepares a request for FHWA authorization. If FHWA Environmental Concurrence has not yet been obtained, final design may not yet begin. In such cases, the Administering Office's authorization request will note that final design will not begin until after FHWA Environmental Concurrence has been obtained.
- 33. The Iowa DOT submits the authorization request to FHWA. FHWA reviews the authorization request, and if acceptable, electronically signs the request.
- * 34. The consultant and LPA modify the contract(s) to address the Administering Office's comments and the pre-audit recommendations, if any.
- * 35. The LPA submits the contract(s) to the City Council, County Board of Supervisors, County Conservation Board, or other appropriate contracting authority for approval.
- * 36. The consultant and LPA execute and forward a copy of the prime contract and any subconsultant contracts to the Administering Office.
- 37. The Administering Office verifies that all comments have been addressed. If not, the Administering Office works with the LPA to resolve any remaining issues.
- 38. The Administering Office verifies that FHWA authorization has been obtained. If so, the Administering Office signs and dates a copy of the prime contract, notifies the LPA that FHWA authorization has been obtained, and provides a copy of the notification to the appropriate RPA or MPO. The Administering Office's notification shall contain a reminder that the consultant's final design activities shall not proceed until the NEPA process is complete. For additional information concerning this requirement, refer to the "Contract Administration" section of [I.M. 3.305](#).

- * 39. The LPA issues the Notice to Proceed to the consultant and reminds the consultant that final design activities may not proceed until the NEPA process is complete.
- 40. The Administering Office sends a copy of the authorized contract to both the LPA and consultant; and provides a copy to the Office of Finance (Project Accounting & Payables) and External Audits. The Administering Office retains one copy of the prime contract for their file.
- * 41. The LPA forwards copies of the executed subconsultant contracts (if not previously obtained) to the Administering Office. Upon receipt, the Administering Office sends a copy of the subconsultant contract to the Office of Finance (Project Accounting & Payables) and External Audits. The Administering Office retains one copy for their file.
- * 42. After a payment has been made to the consultant, the LPA may submit a request for reimbursement to the Administering Office. For more information on reimbursement requests, refer to the "Contract Administration" section of [I.M. 3.305](#).
- 43. The Administering Office processes the billings received from the LPA for reimbursement.
- * 44. After all work covered by the consultant contract is complete, including any approved supplemental contracts, and all deliverables have been received and accepted, the LPA makes final payment to the consultant in accordance with the final payment procedures in the Contract Close-out section of [I.M. 3.305](#).
- * 45. After the consultant has been paid in full, the LPA requests final reimbursement for the consulting services. Along with the request for final reimbursement of consulting services, the LPA shall also complete and include a copy of the DBE Payment Information ([Form 517011 \(Word\)](#)). This form is required, even if no DBE goal was set or no DBE commitment has been made. For more information, refer to the instructions included with the form.
- 46. The Administering Office reviews [Form 517011 \(Word\)](#). If complete, the Administering Office forwards a copy of this form to the OES-CRT.
- 47. The Administering Office reviews the final reimbursement request, and if acceptable, processes the final reimbursement for consultant services.
- 48. The Administering Office requests a final audit or a final review from External Audits. External Audits conducts a final review or audit in accordance with the procedures in the "Contract Close-out" section of [I.M. 3.305](#).
- 49. After the final review or audit is completed, the Administering Office provides a copy of the audit findings, if any to the LPA.
- * 50. If the audit report finds that a balance is due to the consultant, the consultant may invoice the LPA for the balance due and the LPA may request reimbursement for the additional payment. Upon receipt of such a request, the Iowa DOT will reimburse the LPA for the appropriate Federal share. If the audit report finds that the consultant has been overpaid, the Iowa DOT will invoice the LPA for the appropriate Federal share or deduct this amount from the balance of reimbursement that is due to the LPA for other project costs. Likewise, the LPA may request reimbursement from the consultant for the amount of overpayment.
- * 51. The LPA completes the LPA Consultant Evaluation ([Form 517024](#)) and sends a copy to the Administering Office. The Administering Office completes its portion of the evaluation form and returns a copy to the LPA, the consultant, and the Office of Local Systems.
- 52. Upon FHWA approval of the final closure document, the Administering Office will notify the LPA and the consultant of the record retention date.
- * 53. The LPA and consultant keep all records associated with the project for at least 3 years from the record retention date.