MONTANA
Department of Transportation

Federal Aid
Local Project Administration

Consultant Procurement Help Guide

Federal Requirements

- Follow requirements in 23 CFR part 172 www.ecfr.gov/current/title-23/chapter-I/subchapter-B/part-172

Document Intent

- The intent of this document is not an exhaustive list of every requirement. See 23 CFR part 172 for the full requirements. The below is intended to provide general guidance and a quick reference as well as best practices.

IDIQ Contracts

- If the Local is going to use an existing contract, such as an On-call or indefinite delivery/indefinite quantity (IDIQ) to have their consultant develop their project through a task order, first the Local needs to ensure that contract was procured and the terms of the contract followed 23 CFR part 172. If any part of the procurement or terms of the contract didn't meet the requirements of 23 CFR part 172, then a new project-specific RFP should be issued, or a new IDIQ RFP should be issued.
    - For existing On-call / IDIQ contracts, ensure that the contract has no more than a 5-year time limit
        - Consider if there is enough time left in the On-call / IDIQ contract for the task order. Contract extensions past 5-years are not allowed.
    - Ensure the existing On-call / IDIQ contract has a contract ceiling amount that is identified in the contract. This amount can be amended throughout the life of the contract, as needed through contract amendments. The original contract should have a contract ceiling amount identified.
    - Ensure the existing On-call / IDIQ contract has a payment method identified (cost plus-fixed fee, lump sum, etc.)

Traditional Project Specific contracts (non-IDIQ contracts)

- Ensure to wait to hear from the MDT Project Manager that the PE (Preliminary Engineering) phase has been programmed for the project prior to issuing the RFP.
- When issuing an RFP, ensure the advertising period is no less than 14-days
- Ensure a thorough scope of work is included. If the project is a Transportation Alternatives (TA) project, consider adding a link to the TA application to supplement your scope of work section.
- If you plan to retain the consultant for the Construction Engineering Phase (construction administration and inspection) ensure that this work is identified in the original RFP. If construction engineering, inspection, and contract administration is not identified in the

original RFP, adding it later by amendment is not allowed; another RFP for construction engineering services would be necessary.

- Method of payment to the consultant must be described in the original solicitation (cost plus-fixed fee, lump sum, specific rates of compensation, etc.)
- Selection must be based on qualifications
- Up to 10 percent of the score may be based on a local presence and participation of Disadvantaged Business Enterprise (DBE) subconsultants

Helpful tips

- Ensure to keep good records, notes, scoring sheets, scoring comments/justification. This is helpful if there are future audits and as well as providing debriefings/justification to consultants.
- MDT typically breaks RFPs into two parts – Team Qualifications and Project Approach. If you would like an example, please work with the MDT Project Manager to request past examples.
- After the qualifications-based selection process, the next step is a scoping meeting to develop a scoping document.
- **IMPORTANT** The Local needs to prepare an independent cost estimate (hours and cost, including overhead, profit, direct costs, etc.). Complete the independent cost estimate before receiving the fee estimate from the Consultant. The independent cost estimate should be used as the basis of negotiation with the Consultant.
- Once a contract is executed between the Local and Consultant, please send a copy to the MDT Project Manager.
- Copies of contract amendments should also be sent to the MDT Project Manager