

**CONSULTANT SELECTION GUIDE
FOR
CONSTRUCTION ENGINEERING ON LPA PROJECTS**

- 1. Review information received from B.L.P.**
 - a. Review letter with eleven attachments.
 - b. Review B.R.U.D. Memo 84-4 sent 1-16-84.
 - c. Fill out LPA Construction Engineering Supplemental Data Sheet(Attachment No. 5).
 - d. Review Prequalified Consulting Engineers List(Attachment No. 6).
 - e. Review Code of Conduct(Attachment No. 7).
- 2. Solicit interest from consulting engineers.**
 - a. Complete and send a "Letter of Interest"(Attachment No. 4) to 5-10 consultants (minimum 5) which have been selected from the Prequalified Consulting Engineers List (Attachment No. 6), with attention to the specific category of Construction Inspection (Roadway and Bridge Construction Inspection (Category 241). Include a copy of the Certification by Prospective Participants as to Current History Regarding Debarment, Eligibility, Indictments, Convictions, or Civil Judgements(Attachment No. 4A) and a completed Supplemental Data Sheet(Attachment No. 5).
 - b. Send to B.L.P. a copy of each letter sent to each consultant along with attachments. Do this at the time letters go out to consultants.
 - c. All firms which respond to the "letter of interest" and wish to be considered should have returned a signed and notarized copy of the "debarment statement"(Attachment 4A). If not, have the firm provide it prior to the convening of the Selection Committee.
- 3. Short listing of firms by Selection Committee.**
 - a. Provide for a Selection Committee of at least three persons and appoint a Chairperson.
 - b. Using Attachment No. 8, list all firms to whom letters were sent and place #7(Reason for Exclusion) by all firms which did not respond (if any).
 - c. Pass to the Negotiating Committee, without recommendation or preference, a minimum of 3 firms by placing an X beside the firms. The only exception to the minimum occurs when fewer than 3 firms wish to be considered for selection.
 - d. Exclude other firms using the established criteria shown on Attachment No. 8.
 - e. Chairperson dates and signs Selection Committee Form (Attachment No. 8).
- 4. Selection of consultant by Negotiating Committee.**
 - a. Provide for a Negotiating Committee of at least three persons and appoint a Chairperson. (May consist of same people as Selection Committee)
 - b. Using Attachment No. 9, list the firms passed by the Selection Committee.
 - c. If desired, apply a factor, on a scale of 0-10, to each of the criteria listed. Alternate criteria must receive **prior approval** from B.L.P.
 - d. Review qualifications of firms and rate each firm, on a scale of 0-10, for each of the listed criteria.
 - e. Based on steps (c) and (d), a ranking of the firms is developed, in order of preference. No tie in rank is allowed. A clear No. 1 ranked firm, a clear No. 2, etc., must be developed.
 - f. A single Negotiating Committee form (Attachment No. 9) representing the consensus of the Committee is dated and signed by Chairperson.

5. Request for Proposal

- a. Request a detailed proposal (example letter is provided) from the **First Ranked Firm** which includes a completed Attachment No. 10 (Proposal for Construction Engineering Services), a detailed cost estimate (using format of Attachment 10-Exhibit A), Listing of KDOT Certified Inspectors (Special Attachment No. 5) and a copy of the consultant's most recent overhead rate calculation.
- b. Review the proposal of the First Ranked Firm (Attachment 11 may be of use in this review) and either:
 - 1) Give preliminary acceptance to proposal or
 - 2) Negotiate costs further with the firm
- c. If unable to negotiate an acceptable proposal with the first ranked firm:
 - 1) Notify the firm in writing that negotiations are being terminated
 - 2) Then, contact the **Second Ranked firm**, request a proposal and follow the same negotiating process outlined above. (Inform B.L.P. immediately when negotiations are terminated with a First Ranked firm.)
- d. Notify all other firms that requested consideration that they were not selected.

6. Submit Supporting Documentation to B.L.P.

- a. A signed "Code of Conduct/Certification of Project Applicant" (Attachment No. 7).
- b. Copies of the "Letters of Interest" sent to each consultant (if not previously submitted).
- c. Copies of all responses received from consultants who replied along with a copy of the "Certification by Prospective Participants as to Current History Regarding Debarment, Eligibility, Indictments, Convictions, or Civil Judgments" (Attachment No. 4A) which must have been submitted by each consultant wishing to be considered for selection.
- d. Dated and signed Selection Committee Form (Attachment No. 8).
- e. Dated and signed Negotiating Committee Form (Attachment No. 9).
- f. Two copies of the consultant's detailed proposal (Attachment 10), including cost estimate, Listing of KDOT Certified Inspectors (Special Attachment No. 5) and consultant's most recent overhead rate calculation.

7. Processing of Agreement

- a. B.L.P. reviews and approves submitted documentation and proposal. If either is not acceptable, B.L.P. will advise L.P.A.
- b. B.L.P. prepares "Contract for Federal-Aid Road Construction Engineering by Consultant (Cost Plus Net Fee Agreement)" and submits to consultant.
- c. Consultant signs "State's Original", "City/County's Original" and "Consultant's Original" of agreement and sends to LPA along with one unmarked copy, retaining one unmarked copy for their file.
- d. LPA signs the three "Originals" and sends to B.L.P., retaining one unmarked copy for their file.
- e. The Secretary signs the three "Originals" and B.L.P. distributes executed agreement to consultant and LPA.

Attachment No. 3

PROPOSED TIMETABLE
TO SELECT A CONSULTANT
FOR CONSTRUCTION ENGINEERING

1 Week	1.	KDOT notifies LPA of projects in letting and requests LPA to select construction engineering option. LPA selects an option and notifies KDOT (writing or telephone).
1 Week	2.	LPA has selected an option to hire a consultant and then KDOT will send a list of prequalified consultants, example proposals, etc. to LPA.
1-2 Weeks	3.	LPA solicits interest (Letter of Interest) from at least five (5) to ten (10) consultants.
1 Week	4.	Selection Committee reviews "Letters of Reply" and develops consensus list of at least three (3) to five (5) consultants for submittal to Negotiation Committee.
1 Week	5.	Negotiation Committee reviews information submitted from Selection Committee and requests additional information prior to ranking consultants and contacting top ranked consultant requesting submittal of detailed proposal that will include a cost plus net fee. Consultant selected and submitted to KDOT for approval and preparation of agreement.
2 Weeks	6.	B.L.P. reviews and approves proposal and transmits agreements to consultant, LPA and back to KDOT (Also FHWA when necessary) for execution.
1 Week	7.	Distribution of executed agreement.
	8.	Letting
8-9 Weeks Total		

Note: There is little or no slack time in this timetable. Every effort should be made to keep the selection process on schedule if the projects are going to be let as scheduled. LPAs doing the construction engineering with their own personnel may utilize this timetable as a guide. The time shown for selection of consultant would probably be used in outlining the estimated time and costs for the LPA to perform the work.

Attachment No. 4: Example - "Letter of Interest"

Project No.
City/County

Consultant's Address

Dear _____:

The Kansas Department of Transportation (KDOT) has initiated a program where cities/counties have the option of hiring a consultant to perform certain construction engineering duties on projects developed under local jurisdiction. In order to carry out our construction program, we must augment our staff by soliciting interest from consulting firms to perform the construction engineering duties on the above noted projects. The purpose of this letter is to determine if you wish to be considered.

We intend to follow the procedures outlined in KDOT B.R.U.D. Memo 84-4 in our selection and negotiation with a consultant. Attached for your review is detailed information describing the project(s) which we are soliciting interest from consultants.

If your firm is interested in being considered for this you must respond by _____. With your letter of reply you should include the following information relative to the category of work proposed. (See B.R.U.D. Memo 84-4)

1. A copy of the current "Consulting Engineer Qualifications and Questionnaire" KDOT Form No. 1050 (Note: Completion of Page 5 not mandatory)
2. A signed and notarized copy of the Certification by Prospective Participants as to Current History Regarding Debarment, Eligibility, Indictments, Convictions, or Civil Judgements
3. Capabilities of the firm
4. List of qualified personnel including work history
5. Office locations
6. References
7. Other pertinent information

From those firms expressing interest, the Selection Committee will select a list of the most qualified (not less than three, no more than five). Those firms not selected will be notified by letter. A Negotiation Committee will review the qualifications of the firms and select one with which to begin negotiating a contract. (Note: The Negotiating Committee may desire to obtain additional information from the interested firms by personal or telephone interviews.) After a proposal has been given our approval, the remaining firms will be notified by letter. This proposal will be submitted to KDOT for approval and preparation of an agreement.

Sincerely,

(LPA's Name)

CERTIFICATION BY PROSPECTIVE PARTICIPANTS AS TO CURRENT HISTORY
REGARDING DEBARMENT, ELIGIBILITY, INDICTMENTS, CONVICTIONS, OR
CIVIL JUDGMENTS

President, Chairman, or Authorized Official
being duly sworn (or under penalty or perjury under the laws of the
United States), certifies that, except as noted below, _____

Agency or Company
or any person associated therewith in the capacity of _____

Owner, partner, director, officer, principal investigator, project
director, manager, auditor, or any other position involving the
administration of federal funds
is not currently under suspension, debarment, voluntary exclusion, or
determination of ineligibility by any federal agency;

has not been suspended, debarred, voluntarily excluded or determined
ineligible by any federal agency within the past three years;

does not have a proposed debarment pending; and

has not been indicted, convicted, or had a civil judgment rendered
against (it) by a court of competent jurisdiction in any manner involving
fraud or official misconduct within the past three years;

Exceptions _____

Exceptions will not necessarily result in denial of award, but will be
considered in determining bidder or respondent responsibility. For any
exceptions noted, indicate below to whom it applies, initiating agency,
and dates of action.

Providing false information may result in criminal prosecution or admin-
istrative sanctions.

Signature

Sworn to before me a Notary Public in and for
the County of _____, State of _____,
this ____ day of _____, 19__.

Notary Public

My Commission expires _____

**LPA CONSTRUCTION ENGINEERING
SUPPLEMENTAL DATA SHEET**

1. City/County: _____
2. Project No.: _____
 - a. Project Location: _____
 - b. Scope of Work: _____
 - c. Project Length: _____
 - d. Estimated Letting Date: _____
 - e. Estimated Number of Contractor Working Days _____
3. KDOT References that are the normal control for the Construction Engineering:
 - a. Standard Specifications for State Road and Bridge Construction of the Kansas Department of Transportation (1990 Edition) including Metric Version
 - b. KDOT Construction Manual
 - c. KDOT Forms and Documentation Manual
 - d. Plans, Construction Contract Proposal and Special Provisions
4. Construction Engineering duties will include on-site inspection, on-site testing and contract administration for the project unless specifically noted.
 - a. All inspection personnel must be KDOT Certified at the appropriate level.
 - b. A laptop computer is to be furnished by the consultant for their use in KDOT Construction Management System (CMS) administration.
 - c. Construction Staking is to be performed by
Contractor ____ Consultant ____ City/County ____ Not Applicable ____
in accordance with the Plans (See Summary of Quantities Sheet).
5. The provisions of the Civil Rights Act of 1964, the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, and Executive Order 12898 (1994) (and any amendments to each) will apply to all firms and will be included as part of the Agreement.
6. Worker's Compensation Insurance will be required for the Consultant's personnel assigned to the project.
7. The Consultants accounting system must provide:
 - a. Valid, reliable and current costs to support the firm's cost and pricing data.
 - b. A means of measuring the reasonableness of incurred costs.
 - c. Identifiable and accumulative allowable cost by contract or project records which will reconcile with the general ledger.
 - d. Supporting documentation of actual expenditures for each billing, based on costs.

ATTACHMENT NO. 6

**KANSAS DEPARTMENT OF TRANSPORTATION
PREQUALIFIED CONSULTING ENGINEERS LIST**

**TRANSPORTATION FACILITIES ENGINEERING AND DEVELOPMENT
CONSTRUCTION INSPECTION (ROADWAY AND BRIDGE CONSTRUCTION INSPECTION)**

The Consultants listed below have requested and have been prequalified by KDOT to perform Roadway and Bridge Construction Inspection. These consultants are eligible to be contacted.

To assure that Disadvantaged Businesses (DBE) and Women Owned Businesses (WBE) are considered and used when possible in the consultant selection process, we have identified those businesses on this list. Please take necessary affirmative steps to assure that these businesses may be considered and used when possible.

Pre-Qualified Consultant List for Construction Engineering - Category 241

Consultant Firm Name	WBE MBE	CA T	Address	PO Box	City/State/Zip	Work Phone
Anderson Engineering, Inc.		Y	730 North Benton Ave.		Springfield, Missouri 65802	417-866-2741
Austin Miller, P.A.		Y	254 South Laura, Suite 210		Wichita, Kansas 67211	316-262-1281
Bartlett & West Engineers, Inc.		Y	1200 SW Executive Drive		Topeka, Kansas 66615-3850	785-272-2252
BG Consultants, Inc.		Y	206 Southwind Place		Manhattan, Kansas 66503	785-537-7448
Black & Veach		Y	8400 Ward Parkway		Kansas City, Missouri 64114	816-339-2000
Bucher, Willis & Ratliff Corporation		Y	609 West North Street		Salina, Kansas 67401-2064	785-827-3603
Burns & McDonnell		Y	9400 Ward Parkway		Kansas City, Missouri 64114-3319	816-333-9400
Campbell & Johnson, Engineers, P.A.		Y	113 West 7th Street		Concordia, Kansas 66901-2801	785-243-1755
Cohorst & Associates Engineering Services		Y	1100 1/2 Broadway		Marysville, Kansas 66058	785-562-5148
Continental Consulting Engineers, Inc.		Y	9000 State Line Road		Leawood, Kansas 66206	913-642-6642
Cook, Flatt & Strobel, Engineers, P.A.		Y	6111 SW 29th Street		Topeka, Kansas 66614	785-272-4706
CP Engineers & Land Surveyors, Inc.		Y	320 SW 33rd Street		Topeka, Kansas 66611	785-267-5071
Delich Roth & Goodwillie P.A.		Y	400 State Avenue, Suite 900		Kansas City, Kansas 66101	319-281-4210
Earles & Riggs, Engineers, Planners & LA		Y	101 1/2 South Main	P.O. Box 147	Lindsborg, Kansas 67456	785-227-3787
Evans, Bierly, Hutchison & Assoc., P.A.		Y	1105 Williams Street		Great Bend, Kansas 67530-4487	316-793-8411
Finney & Turnipseed Trans. & Civil Engr.		Y	603 Topeka Avenue		Topeka, Kansas 66603-3230	785-235-2393
George Butler Associates, Inc.		Y	8207 Melrose Drive		Lenexa, Kansas 66214-3621	913-492-0400
Goedecke Engineering Co.		Y	205 South Main	P.O. Box 629	El Dorado, Kansas 67042	316-321-3773
HDR Engineering, Inc.		Y	4435 Main Street, Suite 450		Kansas City, Missouri 64111	816-360-2700
HNTB Corporation		Y	7007 College Boulevard, Suite 150		Overland Park, Kansas 66211	913-491-9333
HWS Consulting Group, Inc.		Y	200 Southwind Place, Suite 103		Manhattan, Kansas 66503-3186	785-539-2202
Kaw Valley Engineering, Inc.		Y	2319 North Jackson	P.O. Box 1304	Junction City, Kansas 66441	785-762-5040
Kirkham, Michael & Associates, Inc.		Y	9110 West Dodge Road	P.O. Box 24129	Omaha, Nebraska 68124-0129	785-393-5630

Pre-Qualified Consultant List for Construction Engineering - Category 241

Consultant Firm Name	WBE MBE	GA T 241	Address	P.O. Box	City/State/Zip	Work Phone
Landplan Engineering, P.A.		Y	1310 Wakarusa Drive, Suite 100		Lawrence, Kansas 66049-3829	785-843-7530
Mid-Kansas Engineering Consultants, Inc.		Y	411 North Webb Road		Wichita, Kansas 67206	316-684-9600
Muecting Engineering and Surveying		Y	612 Community Drive		Seneca, Kansas 66538	785-336-6044
PB Booker Associates, Inc. of Kansas		Y	225 North Market, Suite 350		Wichita, Kansas 67202	316-263-6121
Penco Engineering, P.A.		Y	711 NW 3rd Street	P.O. Box 392	Plainville, Kansas 67663	785-424-2145
Peterson Freund Associates, Inc.		Y	517A SW 37th Street		Topeka, Kansas 66611	785-267-2828
Poe & Associates of Kansas, Inc.		Y	5940 East Central, Suite 200		Wichita, Kansas 67208-4242	316-685-4114
Professional Engineering Consultants, P.A.		Y	303 South Topeka		Wichita, Kansas 67202	316-262-2691
Schwab-Eaton, P.A.		Y	1125 Garden Way		Manhattan, Kansas 66502	785-539-4687
Shafer, Kline & Warren, P.A.		Y	11100 West 91st Street		Overland Park, Kansas 66214-3216	913-888-7800
Taylor & Assoc. Inc.		Y	509 North 6th Street		Garden City, Kansas 67846	316-276-2356
Terracon		Y	14700 West 107th Street		Lenexa, Kansas 66215	913-492-7777
Transystems Corporation		Y	800 West 47th Street, Suite 600		Kansas City, Missouri 64112	816-756-1484
Van Doren-Hazard-Stallings, Inc.		Y	3401 SW Van Buren Street		Topeka, Kansas 66611-2227	785-267-1414
Wilson & Company		Y	1700 East Iron Avenue	P.O. Box 1640	Salina, Kansas 67402-1640	785-827-0433

CODE OF CONDUCT

This Code of Conduct shall govern the performance of our officers, employees or agents engaged in the award and administration of contracts supported by Federal funds. NO employee, officer or agent of the grantee shall participate in selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such conflict would arise when:

1. The employee, officer or agent;
2. Any member of that employee, officer or agent's immediately family;
3. Any employee, officer or agent's partner; or
4. An organization which employs, or is about to employ; any of the above,

has a financial or other interest in the firm selected for award.

Officers, employees or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Violations of this code by any officer, employee, agent, subcontractor or subcontractor's agents shall be penalized to the full extent under applicable Local, State and Federal laws, both criminal and civil.

Note: This Code of Conduct is required by Federal Regulations. Please review the above information and sign and return the attached sheet "Certification of Project Applicant."

Project No. _____

CERTIFICATION OF PROJECT APPLICANT

I hereby certify that I am the _____ and
duly authorized representative of the _____ whose
address is _____ that
neither I nor the above agency I hereby represent has allowed any officer, employee or
agent to participate in the selection of a Consultant, an award, or in the administering of a
contract to be supported by Federal funds, if a conflict of interest, real or apparent, would
arise from:

1. An officer, employee or agent having a financial or other interest in the firm selected; or
2. An immediate family member of an officer, employee or agent having a financial or other interest in the firm selected; or
3. A partner of an officer, employee or agent having a financial or other interest in the firm selected; or
4. An organization that employs or is about to employ any of the above, where the organization has a financial or other interest in the firm selected.

I further certify that no officer, employee or agent has solicited nor accepted gratuities, favors or anything of monetary value from said firm that is of substantial or intrinsic value, so determined by the established Code of Conduct.

I acknowledge that this certificate is to be furnished to the Secretary of Transportation for the State of Kansas in connection with this Agreement and is subject to applicable State and Federal laws, both criminal and civil.

Date

Signature (City or County)

Example form to Evaluate Consultants by Selection Committee

Project Number	
City/County	

Note: Please list firms in the order in which their responses were received.

[illegible]

REASONS

X = Passed to Negotiating Committee

1 = Excluded because of size and qualifications

2 = Excluded because of experience of personnel available for project

3 = Excluded because of location

4 = Excluded because of current uncompleted work, or distribution of work

5 = Excluded because of performance

6 = Other (communication, program procedure knowledge)

7 = No response from the Consultant

* = Firm not prequalified in this category

Selection Committee Findings of
(Date)

	Signature
Selection Committee Chairperson	

Example form to rank Consultants by Negotiating Committee

Project Number	
City/County	

		Consultants from Selection Committee Findings			
		Name of Consulting Firm			
		Factors 0-10			
1.	Commitment of staff, equipment & facilities				
2.	Ability to perform the desired services within the time prescribed				
3.	Past performance of firm				
4.	Staff's training schools attendance				
5.	Previous experience with similar work				
6.	Work commitment which could limit performance				
7.	Accessibility of firm's office				
8.	Firm's familiarity with project area				
9.	Firm's knowledge of project procedures				
10.	Other				
		Totals			
		Ranking			

Negotiating Committee Findings of
(Date)

Signature
Negotiating Committee Chairperson

Project No. _____

_____ County

**PROPOSAL FOR CONSTRUCTION ENGINEERING SERVICES
(Cost Plus Net Fee)**

The consulting engineering firm of _____ with
offices located at _____
hereinafter referred to as the CONSULTANT has reviewed the information transmitted by
_____ City/County, hereinafter referred to
as the LPA. Based on this information, the CONSULTANT submits the following
proposal:

1. The LPA has requested a proposal for construction engineering services from the CONSULTANT for the on-site inspection and testing, contract administration and may include surveying on the above noted project.
2. The LPA desires the services provided by the CONSULTANT to be in accordance with regulations prescribed by the Federal Highway Administration (FHWA) and the Secretary of Transportation of the State of Kansas, hereinafter referred to as the SECRETARY.
3. The LPA has stated that it _____ does _____ does not desire federal participation in the cost of the construction engineering services for this project.
4. The services performed by the CONSULTANT will be as per terms of an Agreement prepared by the SECRETARY and generally be described as follows:

A. The CONSULTANT agrees to:

- (1) Attend all conferences designated by the KDOT, or required under the terms of the Agreement.
- (2) Designate a Project Engineer/Project Manager who shall serve as the CONSULTANT'S Field Supervisor. The Project Engineer/Project Manager will meet KDOT's certification policy and report and transmit Project activity documents to KDOT's Construction Office. The Project Engineer/Project Manager and other KDOT Certified Inspector(s) will inspect all work done and material furnished. Such inspection may extend to all or any part of the work and to the preparation of the materials to be used. The Project Engineer/Project Manager will not be authorized to alter or waive the provisions of the Specifications or the Construction Contract Proposal. The Project Engineer/Project Manager will not be authorized to issue instructions contrary to the Plans and Specifications, or to act as foreman for the Contractor, however, the Project Engineer/Project Manager shall have the authority to reject work or materials until any questions at issue can be referred to and be decided by the KDOT Field Engineer.

The use of non-certified inspector(s) for this project will be limited to specific work after demonstrating satisfactory performance and obtaining written approval by the Field Engineer.

- (3) Assign a sufficient number of KDOT Certified Inspector(s) to the Project to perform the services required under the Agreement, in a timely manner to avoid delay to the Contractor.
- (4) Become familiar with the standard practices of the KDOT, the Contract Documents (Specifications, Contract Proposal, Special Provisions and Plans), and the Contractor's proposed schedule of operations prior to beginning field services to be performed under the Agreement.
- (5) Perform the CONSULTANT'S field operations in accordance with accepted safety practices.
- (6) Furnish all equipment required to accomplish the CONSULTANT'S services, and to check or test it prior to use on the Project.
- (7) Provide for CONSULTANT personnel such transportation, supplies, materials and incidentals as are needed to accomplish the services required under the Agreement.
- (8) Undertake the following:

Transmit orders from KDOT to the Contractor and provide guidance in the proper interpretation of the Specifications and Plans.

Perform or provide construction surveys, staking and measurements needed by the Contractor (unless provided for in the contract where contractor construction staking is to be performed as a bid item by the Contractor) and perform measurements and surveys that are involved in the determination of final pay quantities.

Inspect all phases of construction operations to determine the Contractor's compliance with Contract Documents and to reject such work and materials which do not comply with the Contract Documents until any questions at issue can be referred to and be decided by the Field Engineer.

Take field samples and/or test materials to be incorporated in the work, and reject those not meeting the provisions of the Contract Documents until any questions at issue can be referred to and be decided by the Field Engineer.

Make certain that test report records or certificates of compliance for materials tested off the Project site and required prior to the incorporation in the work, have been received.

Keep such daily diaries, logs and records as are needed for a complete record of the Contractor's progress, including Project Engineer/Project Manager and Inspector's diaries.

Measure and compute all materials incorporated in the work and items of work completed, and maintain an item account record.

Provide measurement and computation of pay items.

Prepare and submit, or assist in preparing, such periodic, intermediate and final reports and records as may be required by the KDOT and as are applicable to the Project, which may include:

- a. Progress Reports
- b. Weekly statement of working days
- c. Notice of change in construction status
- d. Report of field inspection of material
- e. Test report record
- f. Contractor pay estimates
- g. Pile driving data
- h. Piling record
- i. Final certification of materials
- j. Explanation of quantity variation
- k. Statement of contract time
- l. Other records and reports as required by the Project

Review, or assist in reviewing, all Contractor submittals of records and reports required by the KDOT, as applicable to the Project, which may include:

- a. Requests for partial and final payment
- b. Other reports and records as required by the individual Project

- (9) Prepare and submit, if desired by the CONSULTANT, partial payment invoices for services rendered by the CONSULTANT, but not to exceed one submittal per month.
- (10) Collect, properly label or identify, and deliver to the KDOT all original diaries, logs, notebooks, accounts, records, reports and other documents prepared by the CONSULTANT in the performance of the Agreement, upon completion or termination of the Agreement.
- (11) Return, upon completion or termination of the Agreement, all manuals, contract documents, guides, written instructions, unused forms and record keeping books, and other documents and materials furnished by the KDOT. The CONSULTANT shall be responsible for replacing lost documents or materials at the price determined by the KDOT.
- (12) Prepare and submit a certification of Project completion.
- (13) Prepare and submit a final payment voucher for services rendered by the CONSULTANT.

- (14) Prepare and deliver (when Project is completed) one copy of major changes to the plans (by letter) to the KDOT. The letter should contain such items as the following:

a. Earthwork and Culverts

1. A revised list of bench marks
2. Location of government bench marks
3. Major changes in alignment
4. Major changes in grade line
5. Established references on cornerstones
6. Major changes in location of drainage structures
7. Major changes in flow line of drainage structures
8. Drainage structures added or deleted
9. Any change of access control

b. Bridges

1. Changes in stationing
2. Changes in type, size or elevation of footings
3. Changes in grade line

5. The services performed by the SECRETARY will be as per terms of an Agreement prepared by the SECRETARY and generally be described as follows:

A. The KDOT agrees to:

- (1) Make available to the CONSULTANT sufficient copies of the contract documents, shop drawings, plan revisions, written instructions and other information and data considered by the KDOT to be necessary to enable the CONSULTANT to perform the services under this Agreement for the Project to the same standards required of the KDOT's personnel.
- (2) Provide for the use of the CONSULTANT a sufficient supply of the blank diaries, logs, record keeping books and reporting forms considered by the KDOT to be necessary for the CONSULTANT to perform the services under this Agreement to the same standards required of the KDOT's personnel.
- (3) Provide space in the field office and field laboratory furnished by the Contractor under the terms of the Construction Contract Proposal, for the occupancy and use of the CONSULTANT until completion of the construction work.
- (4) Perform or provide for laboratory testing of materials requiring off-site testing facilities, and obtain test reports or certificates of compliance thereof.
- (5) Perform all necessary weld inspection when there is welding for bridge beam connections and splices, and for sign supports. This includes all cross frames, diaphragm connections, and stud welding.

- (6) Designate a Field Engineer (Metro Engineer, Field Engineering Administrator and/or Area Engineer). The Field Engineer will delegate to a construction office the overseeing of the Project where a Construction Engineer/Construction Coordinator will be assigned to monitor and coordinate all Project related activity to assure compliance with applicable Federal and State requirements of services performed under this Agreement and all construction activities performed under the Contract Documents.
- (7) Provide, through the Field Engineer and the District staff, such assistance and guidance to the CONSULTANT as may be reasonably necessary to perform and complete the Agreement in conformance with standard construction engineering practices of the KDOT.

B. The KDOT reserves the right to assign and charge to the Project such KDOT personnel as may be needed.

6. The CONSULTANT has been advised by the LPA that the anticipated services to be performed will start in 19_____, and be completed by 19_____ with the estimated number of contractor working days _____.

7. The CONSULTANT will save the LPA and SECRETARY and their authorized representatives harmless from costs, liabilities, expenses, suits, judgments and damages to persons or property caused by the CONSULTANT, it's agents, employees or subcontractors which may result from negligent acts, errors, mistakes or omissions from the CONSULTANT'S operation in connection with the services to be performed hereunder.

8. The CONSULTANT will make all documents and accounting records pertaining to the cost of the services for the Project available at the CONSULTANT'S office to representatives of the LPA, SECRETARY, FHWA or any authorized representative of the Federal Government for audit for a period of three (3) years after the date of final payment.

9. The CONSULTANT will comply with all federal, state and local laws and ordinances applicable to the services to be performed.

10. The cost plus net fee total cost proposal proposed by the CONSULTANT for the performance of services is supported on "Exhibit A". The CONSULTANT will request reimbursement of actual costs in conformity with approved FHWA cost principals and not to exceed the upper limit of compensation. The fees proposed are as follows:

- A. A Net Fee amount of \$ _____.
- B. The upper limit of compensation, Total Cost plus Net Fee, for services detailed in this proposal shall be \$ _____.
- C. Other _____

11. The CONSULTANT will provide engineering services outside those set forth above, or for changes in criteria. Any payments authorized under this paragraph must be approved by the SECRETARY in a supplemental agreement.

12. The CONSULTANT may request a partial payment each month; however, partial payment requests will be limited to \$1000 minimums. It is understood that the accumulated partial payments shall not exceed ninety-five percent (95%) of the total fee earned prior to the final approval by the LPA and/or the SECRETARY. Final payment to the CONSULTANT should be made within ninety (90) days after receipt of proper billing and final approval by the LPA and/or the SECRETARY.

13. The CONSULTANT's accounting system, cost records and overhead factors may have to be reviewed by the SECRETARY's Bureau of Fiscal Services at the time a three (3) party agreement is prepared by the SECRETARY.

14. It is understood by the CONSULTANT that if the CONSULTANT does not have a certified Project Engineer/Project Manager when the Project is ready to let, the Project may be withdrawn from a letting and any agreement executed as a result of this proposal may be cancelled.

15. The CONSULTANT'S Project Engineer/Project Manager for this project will be _____
whose Certification Number is _____ (expiration date is _____) and
whose work address is _____
and mailing address is _____
and work telephone is _____.

The Chief Inspector for the CONSULTANT will be _____
_____, whose Certification Number is _____
(expiration date is _____) and whose work address is _____
and mailing address is _____
_____ and work telephone is _____.

16. The CONSULTANT certifies the actions of all representatives of the firm will be in compliance with the prescribed "Code of Conduct" solicitation and execution of contract Federal regulations.

17. The above proposal indicates our interpretation of the services desired by the LPA, and the CONSULTANT will be happy to meet and discuss any or all items of this proposal.

Respectfully submitted,

CONSULTANT (Title)

Date

Attachment 10 - Exhibit A (Consultant)

NOTE: Costs, hours estimated, employees utilized and services performed provided in this example are not intended to establish amounts. Information shown on this example is provided to show an acceptable format for submitting justification of a Cost Plus Net Fee. A detailed derivation of overhead shall also be included with each proposal.

Proj. No. _____
 _____ County
 Sheet _____ of _____

Supporting Data Sheet
 for
ESTIMATE OF ENGINEERING FEE

A. Direct Payroll

Contract Administration

<u>Work Type</u>	<u>Employee</u>	<u>Est. Hrs.</u>	<u>Avg.²⁾ Sal.</u>	<u>Extension</u>
1. Field inspection daily contract documents	(a) Eng(s) &/or Mang.	50	@ \$16.00	= \$ 800
	(b) Techn(s)	150	@ 12.00	= 1,800
	(c) Clerical	20	@ 7.00	= 140
Subtotal				\$2,740
2. On-site Testing	(a) Eng(s) &/or Mang.	30	@ 16.00	= 480
	(b) Techn(s)	150	@ 12.00	= 1,800
Subtotal				\$2,280
3. Surveying ¹⁾	(a) Eng(s) &/or Mang.	40	@ 16.00	= 640
	(b) Techn(s)	100	@ 12.00	= 1,200
Subtotal				\$1,840
4. Final Paper Preparation	(a) Eng(s) &/or Mang.	20	@ 16.00	= 320
	(b) Techn(s)	25	@ 12.00	= 300
	(c) Clerical	10	@ 7.00	= 70
Subtotal				\$ 690
Total Direct Payroll Costs				\$7,550

- 1) Surveying will not be required if Contractor Staking is included in the Construction Contract Proposal or Plans, however consideration should be given, when necessary, to include estimated hours to perform the measurements and surveys that are involved in the determination of final pay quantities.
- 2) Average salaries of assigned employees to the Project may be used, however verification of Average Salaries may require an audit by KDOT for audit assurance.

Proj. No. _____
 _____ County
 Sheet _____ of _____

Summary Total Direct Payroll Costs

	<u>Hours</u>	<u>Rate</u>	<u>Extension</u>
(a) Eng(s) &/or Mang. =	140	@ \$16.00	= \$ 2,240
(b) Techn(s) =	425	@ 12.00	= 5,100
(c) Clerical =	30	@ 7.00	= <u>210</u>
Total Direct Payroll Costs			= \$ 7,550
B. Salary related and General Overhead (100%)			= <u>7,500</u>
C. Total Payroll plus Overhead (A. + B.)			= 15,100
D. Net Fee			= <u>1,810</u>
E. Total Direct Payroll, Overhead and Net Fee			= \$16,910
F. Direct Expenses (Travel, Postage, Misc.) ⁴⁾			
Per diem & Subsistence (70 days @ \$40)			= \$ 2,800
Mileage:			
Auto (500 @ \$0.22/mile)			= 110
Pickup (500 @ \$0.22/mile)			= 110
Postage & Telephone			= 50
Testing Laboratory (XYZ Lab) ⁵⁾			= 1,000
Equipment Rental ³⁾			= <u>100</u>
Total Other Direct Expenses			= <u>\$ 4,170</u>
TOTAL COST PLUS NET FEE			= \$21,080

- 3) List rental cost estimate of each piece of equipment if cost of rental is expected to exceed \$500. On Final Billing, equipment rental claims must be supported by itemized actual cost statements.
- 4) If any of these charges are part of your overhead factors, these costs will not be treated as direct expenses.
- 5) If a testing laboratory is to be used, a detailed estimate showing costs and person hours, as well as type of tests and costs per test, needs to be added to this Estimate of Engineering Fee. The name of the lab needs to be listed.

Special Attachment No. 5

Listing of KDOT Certified Inspectors

The following list of KDOT Certified Inspectors are available to perform the inspection on this project when required.

Name	Level of Certification	Certification No.	Expir. Date
------	------------------------	-------------------	-------------

1.			
2.			
3.			
4.			
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7.			
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25.			

Example - "Letter to Transmit Proposal and Exhibit A to Consultant"

Project No.
City/County

Consultant's Address

Dear _____:

This letter is to inform you that your firm has been selected by procedures outlined in the Kansas Department of Transportation's B.R.U.D. Memo 84-4 to submit a detailed proposal to perform certain construction engineering services on the above noted project(s).

We are requesting that you consider, complete and return two copies of the attached proposal. This example proposal indicates the services to be performed and provides for the cost of your service or cost plus a net fee. We are also requesting that you complete a detailed breakdown of costs form (example format provided as "Exhibit A"). An example provides the format to present cost details. We are requesting your proposal including cost details be returned to us by _____.

Please refer to KDOT B.R.U.D. Memo 84-4 if you have any questions regarding our selection process or contact this office if we can be of assistance.

Sincerely,

City/County