

Appendix 37

Non-A&E Consultant Procurement Checklist (For Federal and State Funded Non-A&E Consultant Contracts)

Date: _____

Contract Administrator Name: _____

Project Name: _____

Description of Consultant Services: _____

REQUIRED ITEMS	COMPLETED
PROCUREMENT PLANNING	
1) Determine the method of procurement by completing the Method of Procurement Selection Form Contract is for non-A&E consultant service? P&P Reference: 023E Appendices: 10	☐ Yes, Continue with the Checklist.
2) Agency has existing written policies and procedures for procuring non-A&E consultant contracts? P&P Reference: Procurement Policies and Procedures Manual	☐ Yes ☐ No
3) Complete Procurement Requisition Form to initiate the procurement process. P&P Reference: 021 Appendices: 2	
4) Agency has a Conflict of Interest policy? P&P Reference:007 Appendices: 3	☐ Yes ☐ No
5) Contract Manager is full-time agency employee and possesses have knowledge of legal and contractual arrangements in responsible charge?	☐ Yes ☐ No
6) Request for proposal using Cost Only or Cost and Qualifications ? (Cost must be considered in non-A&E solicitations and evaluations) P&P Reference:023E Appendices: 10,30	☐ Yes ☐ No

REQUIRED ITEMS	COMPLETED
7) Establish and advertise DBE goal for federally funded contracts? (See NOTE below) (Refer to Caltrans Local Assistance Manual, Chapter 10 for guidance on DBE procedures and forms)	☒Yes ☐No ☐N/A
SOLICITATION DOCUMENTS AND ADVERTISEMENT	
8) Develop the solicitation (RFP). The RFP should contain sufficient information to enable prospective offerers to prepare responsive proposals. The solicitation should be as complete as possible with respect to the items identified in Section 023E, 3.d. The RFP must also include evaluation factors and their relative importance (cost must be a factor), the method for conducting technical evaluations of the proposals received and for selecting awardees, as well as protest procedures. (Section 023E, 2). Include a copy of the draft contract. P&P Reference: 023E Appendices	☐Yes ☐No
9) Evaluation committee complies with prevention of conflict of interest? P&P Reference: 007 Appendices: 5,7,8	☐Yes ☐No
10) RFP must be advertised for a minimum of 14 calendar days. P&P Reference: 019B Appendices: 15	☐Yes ☐No
11) Perform responsiveness check? (All proposals are to be verified & documented. No proposals shall be considered that have not been received at the place and prior to the closing time, as stated in the RFP. Submittal of additional information after the due date must not be allowed) P&P Reference: 011 Appendices: 04,06,11,13	☐Yes ☐No
EVALUATION AND SELECTION OF CONSULTANT	

REQUIRED ITEMS	COMPLETED
12) Use competitive negotiation (minimum of 3 consultants responded)? (If only 1 consultant responded to solicitation, a Non-Competitive process must be justified and a Sole Source Justification/Public Interest Finding (PIF) (must be documented. If 2 consultants responded to solicitation, retain written justification in project file. Re-advertisement is recommended when less than 3 proposals received.) P&P Reference: 012 Appendices: 027	☐Yes ☐No
13) Evaluate consultant proposals based on published criteria? P&P Reference:019D, 023E Appendices:	☐Yes ☐No
14) Consultant meets DBE goal (if applicable)? (Refer to Caltrans Local Assistance Manual, Chapter 10 for guidance on DBE procedures and forms) :	☐Yes ☐No ☐N/A
15) Cost Only: Consider cost in the evaluation for proposals using Cost Only? (Cost must be considered in the procurement of non-A&E consultant contracts. Consultants are to submit their proposals and cost in a separate, sealed envelope. RFP should provide a standard format for cost proposal that all proposers must include in their proposal. Proposals that meet the format requirements and standards must then be publicly opened and read. Contract must be awarded to the lowest responsible consultant meeting the standards) P&P Reference: Appendices:	☐Yes ☐No
16) Cost and Qualifications: Consider cost and qualifications in the evaluation for proposal using Cost and Qualifications? (Cost must be considered in the procurement of non-A&E consultant contracts. Consultants are to submit their proposals as specified in the RFP. Substantial weight in relationship to all other criteria utilized must be given to the cost amount proposed by the consultant. The evaluation committee must evaluate and score proposals using the methods specified in the RFP. The non-A&E contract must be awarded to the consultant whose proposal is given the highest score by the evaluation committee) P&P Reference:023E Appendices:	☐Yes ☐No
17) Notify final ranking of top 3 consultants? P&P Reference: 023E Appendices: 16B	☐Yes ☐No

REQUIRED ITEMS	COMPLETED
18) Conduct oral discussion with top-ranked consultant? (Oral presentations are optional. Discussions are required only if stated in RFP. The evaluation criteria must include factors/sub-factors and weights used to score the proposer's performance at the oral presentation. All proposers must be asked the same questions for consistency.) P&P Reference: Appendices:	☐Yes ☐No ☐ Not stated in RFP
CONTRACT NEGOTIATION	
19) Recommended: Perform cost analysis by comparing independent cost estimate (ICE) and consultant cost proposal? (Cost analysis is performed to establish that costs and elements were fair and reasonable.) (Independent cost estimate is typically prepared prior to receipt or review of the most highly qualified consultant's cost proposal. ICE must contain elements of contract costs (e.g. indirect cost rates, direct salary or wage rates, fixed fee, and other direct costs) separately.) P&P Reference: 022, 024 Appendices:2,23,24,32,35	☐Yes ☐No
20) Apply Federal Cost Principles? (Agency is not required to award a contract if LPA determines that the contract price is not reasonable) P&P Reference: 023E Appendices: 3,10,30,24,7,8,11,13,18,19,	☐Yes ☐No
CONTRACT EXECUTION	
21) Contract consistent with Federal and State standards, including the governing procurement code, the California Public Contract Code (PCC), and California State Prevailing Wages? / PCC § 10335-10381] :	☐Yes ☐No
DOCUMENTATION	

REQUIRED ITEMS	COMPLETED
22) Retain all records and supporting documents for three (3) years from the date of submission of the final expenditure report? Example of records and supporting documents: a. Responsiveness checklist/Proposal responses b. Score sheets/Consultant ranking c. Forms/Exhibits used d. Cost analysis e. Negotiations (cost/profit) f. All financial documents g. Other documents as needed P&P Reference: 012, Appendices:10,30,23,25,6	☐Yes ☐No
23) Document all procurement process? P&P Reference: 012, Appendices:10,30,23,25,6	☐Yes ☐No
24) Contract Manager check applicable documentation and exhibits? a. Appendix 3 Agency's Conflict of Interest Policy b. Appendix 38: Cost-Effectiveness/Public Interest Finding/A&E Noncompetitive c. (Refer to Caltrans Local Assistance Manual, Chapter 10 for guidance on DBE procedures and forms) P&P Reference: Appendices:03,07	☐Yes ☐No
AMENDMENT	
25) Extend contract date? (Amendments must be agreed upon by both parties and executed prior to contract expiration of the most recently approved original or amended contract.) P&P Reference: Appendices:	☐Yes ☐No
26) Increase contract amount? (Amendments must be agreed upon by both parties and executed prior to contract expiration of the most recently approved original or amended contract.) P&P Reference: Appendices:	☐Yes ☐No
27) Document amendment process? (Amendments must be requested and executed prior to the termination date of the most recently approved original or amended contract. All records of contract activities must be kept for three years after the federal final voucher E-76 or the state final voucher for State-Only funds) P&P Reference: Appendices:	☐Yes ☐No

Comments:

Comments should include checklist item number as reference.

Contract Administrator Signature:		Date Checklist Completed:	
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