400.01 Introduction

The HQ Consultant Services Office (CSO) is the delegated authority for acquisition and administration of Architectural and Engineering (A&E) services for WSDOT. The CSO ensures the appropriate legal processes are followed, protects the rights of outside funding sources, and maintains uniformity of treatment within the department and to the consultant firms. All WSDOT contracts that fall under the category of A&E work are subject to review and approval by the CSO. Certain exceptions exist for agreements executed in emergency situations. (See Chapter 600 for details.)

A&E contracts are used for professional services that are specialized in nature. A&E work requires the oversight of those licensed by a state to practice the professions of architecture, engineering, surveying, and/or certain other specialized services, specifically those governed by statute. State and federal regulations covering A&E contracts are different than those covering Professional Service contracts in Chapter 200.

The sections herein cover the various processes involved in A&E contract acquisition, from determination of need for a contract to the distribution of the executed contracts to contract managers and area consultant liaisons (ACLs) for management and administration (see Chapter 500).

This part of the manual covers the three methods of acquisition WSDOT uses for A&E services that are compliant with the requirements of 23 CFR 172:

- Competitive negotiation
- Simplified acquisition (small purchase)
- Noncompetitive negotiation

Most of the contracts for A&E work will occur through the competitive negotiation process. Both project-specific contracts and Task Order contracts are procured under this process.

Simplified acquisition retains open competition, but restricts the maximum amount of the contract awarded to the amount allowed in 41 USC 403(11). It also streamlines the solicitation/selection process to provide efficiency in these smaller work efforts.

Smaller project-specific contracts and Task Order contracts may both be awarded using the simplified acquisition process, provided the dollar caps and any other restrictions are maintained. The differences between the competitive negotiation process and the simplified acquisition process are covered in the appendices regarding request memos (see Appendix T), the solicitations process (see Appendix U, U.1.3, and Appendix J, J.3), and the selection process through the evaluation/selection boards’ roles and responsibilities (see Appendix U, U.2.7).
Noncompetitive negotiations are covered in the tables below as well as in Chapter 430 and Appendix O for those circumstances when noncompetitive negotiations and emergencies cannot be avoided. IDCs are not awarded under the noncompetitive negotiation process.

### 400.02 Additional Approvals and Concurrence

There are a number of circumstances that require concurrence or approval from sources outside the normal processing by the CSO and the WSDOT approval chain. The ACL and project personnel need to be aware of these circumstances because they usually involve at least partial funding sources. Approvals include:

1. FHWA, 23 USC 106(h): Specifies that recipients of federal-aid highway funds get FHWA approval of design contracts (and any modifications or supplements) for projects that are defined as “Major Projects.”

2. Other USDOT resources: Similar approvals (to FHWA) may be required where funding sources are from other agencies, such as the Federal Aviation Administration, Federal Rail Authority, or Federal Transit Authority.

3. Office of Equal Opportunity (OEO): The OEO’s concurrence is required for contracts and supplements involving goals establishment and/or changes. This includes task order documents on on-call contracts.
410.01 Introduction

When it is determined that there is a need for a consultant, the responsible requesting manager (the requester) needs to contact the appropriate Area Consultant Liaison (ACL) and the WSDOT HQ Consultant Services Office (CSO) as soon as possible. The process for selecting the consultant, and for handling the contractual issues that follow, is the responsibility of the CSO.

The following process describes the steps involved in the acquisition of consultant contracts, including Task Order contracts. The steps necessary to assign work under existing master on-call agreements will involve the Second Tier Competition Process between firms holding those types of contracts. (That process is discussed as part of the process below, with further reference to the appropriate sections in Chapter 500 and several appendices.)

Project-specific acquisition is initiated by requests from project managers who need specific consultant services. Small purchase contracts under simplified acquisition are also generated in this manner.

Under most circumstances, category-specific acquisition, which includes most master Task Order contracts, occurs as a result of an aggregation of anticipated needs from the various WSDOT regions and divisions. The CSO manager develops request memos based on this aggregation and submits them to the State Design Engineer for approval.

The CSO maintains a database of consultants’ qualifications, contract awards, and past performance histories. This database is also used to maintain Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) information and statements of interest regarding small purchase acquisitions.

The CSO manager is responsible for generating requests for Statements of Qualifications and requests for statements of interest in small purchase contracting, which are announced separately from the specific project solicitations. Details regarding these solicitations can be found in Appendix J (databases), Appendix T (request memos), and Appendix U (solicitation-selection).
410.02 Request Memo

The review and approval process starts with the decision to use a consultant firm instead of using WSDOT personnel on work items within WSDOT’s area of responsibility.

Acquiring the services of a consultant starts with a request memo. If the services needed are short term and in a specific category, such as surveying or geotechnical, then Task Order contract most likely exists from which the services can be obtained. Often, the contract manager responsible for the Task Order contracts will want a request based on a format they have developed. The appropriate ACL or division support office can be contacted for contract availability. Under most circumstances, for obtaining services through a task order on a Task Order agreement, a Second Tier Competition Process will be required.

For larger projects, or to establish regional or divisional master Task Order contracts, a formal request memo is needed by the CSO. Under certain circumstances, if the CSO manager determines there is a statewide need for a particular category, the CSO manager may generate the request memo and submit it to the WSDOT State Design Engineer for approval.

Where the small purchase acquisition process is appropriate and project personnel wish to use the process, a request memo that specifies the small purchase, simplified acquisition process is required. The request should certify that the simplified acquisition threshold will not be exceeded, and it should provide a detailed engineer’s estimate, prepared by the state, that demonstrates how that determination was made (see Appendix U, U.1.3).

The requester and the appropriate ACL will work together to complete the request memo and obtain appropriate authorizations. Further details are provided in Appendix T, Request Memo Process.

The CSO maintains ownership of and responsibility for the formal request memo format. A copy of the formal request memo is available for download as a template from the CSO’s intranet website (wwwi.wsdot.wa.gov/consulting). The memo has a number of questions that need to be answered and requires the attachment of proposed statements of work, estimates of cost, materials to be shared during the advertisement, and so on.

410.03 Solicitation/Selection Processes – Advertised Agreements

A&E contracting is a unique process wherein WSDOT seeks to find the most highly qualified firm for the type of professional A&E services required. This process is governed by the Brooks Act, 40 USC 1101–1104, 49 CFR 18 (Common Grant Rule), and Chapter 39.80 RCW. The full citations can be found in Appendix C and Appendix D.

The process includes solicitation for qualifications and selection of the best-qualified firm(s).
Chapter 410 Acquisition Process

410.03.01 Pre-solicitation Meeting

When the request memo has been approved, notification will go back to the requester and the appropriate ACL. If this is a request for project-specific, category-specific, or Second Tier competitive selection, the CSO may start the process to develop the solicitation by scheduling a pre-solicitation meeting.

If applicable, the pre-solicitation meeting will be scheduled between the requester or project team, the ACL, a member of the Office of Equal Opportunity, and the CSO as soon as possible after approval of the request memo.

410.03.02 Determination of Selection Criteria and Scoring Factors

The purpose of the pre-solicitation meeting is to discuss with the CSO manager the important aspects of developing the selection criteria and scoring factors, potential selection of committee/panel members, and DBE and/or SBE goal requirements, if appropriate. The CSO will develop the selection criteria and solicitation based on the input from this meeting.

For potential items that need to be covered in the meeting, see Appendix U, Solicitation/Selection Process. For application and determination of DBE goals, refer to Chapter 700.

410.03.03 Publish Solicitation

The next step in the formal process for A&E consultant selection is the publication of the solicitation and posting of the Request for Qualifications on the CSO’s public website (www.wsdot.wa.gov/business/consulting). The CSO runs a short ad in the Seattle Daily Journal of Commerce, in accordance with state requirements, referring interested consultants to the full descriptive text on the CSO website, along with alternatives for receiving the information if they do not have web access or have disabilities. Depending on the location or nature of the potential work, the CSO might also publish in a more localized paper and/or specialized website. Refer to Appendix U for details regarding the solicitation process.

410.03.04 Log Received Submittals

The CSO will maintain a log of all submittals received and prepare each group of submittals for distribution to the evaluation/selection board (see Section 410.03.05).

CSO personnel will log and review submittals for timeliness and completeness. If there is a closing date and time on a , then all submittals should be time-stamped and logged.

Submittals received after published turn-in deadlines are considered nonresponsive and the submitting firm is to be notified. This should be done as soon as possible: first by phone call, then with a follow-up letter.

A general review of the submittals will be done to ensure all requested forms, files, data discs, and/or Statements of Qualifications are included. If something is missing that was requested as part of the solicitation, the firm will be notified immediately (preferably by phone) that a required item is missing. They will also be informed that they are now considered nonresponsive and will not be considered further under this solicitation.
410.03.05 Evaluation/Selection Board

The CSO is responsible for determining the evaluation/selection board(s) appropriate to the solicitation.

Each selection board is described in Appendix U, Solicitation/Selection Process. All scoring team members must fill out and submit to the CSO a Conflict of Interest statement prior to joining the scoring team.

410.03.06 Short-Listing

There are two notifications to be made after the CSO manager has approved the recommendations of the evaluation/selection board regarding the short-listing of firms. The first notification is to those firms no longer under consideration for interviews. The second goes to those on the short list regarding interviews and the process that will follow.

- For firms no longer under consideration, notification will be in writing from the CSO manager explaining that they were not among the top firms still under consideration. The firms’ options for debriefing should be spelled out in the letter, as there are different processes involved if they request a debriefing (see Section 410.05.05) prior to final selection and agreement execution.

- The firms on the short list for interviews will be contacted by phone, with written follow-up. Because the time frames may be short, every effort should be made to speak with the firms’ designated contacts. If schedules and other pertinent data are not yet available, the firms are to be made aware of the anticipated timing, the person who will be in contact from the selection board, what process will be followed, and any other process-related details the firms will need.

At times, the selection process identifies a firm whose qualifications for a project far exceed those of the other firms proposing. In this case, a request may be made by the project office through the ACL to CSO to select the top scoring firm without interview. If this request is approved by the CSO, then the process continues with negotiations, and the interview stage is skipped. Should the negotiations with this firm fail to come to a “fair and reasonable” price, the CSO and ACL will determine whether to negotiate with the second highest scoring firm or re-solicit for the services.

410.03.07 Interview Process

The selection board will meet with each firm scheduled for an interview based on the short list approved by the CSO manager. (U.2.7 provides details regarding how interviews are conducted.) Upon completion of the interviews, the selection board will deliberate, document the ranked selections, and make the final recommendation to the CSO manager.

After the selection board has finished the selection process, made its recommendations to the CSO manager, and the manager has accepted the recommendations for the top three firms, notifications should be made in writing to the remaining firms regarding the outcome. The firms’ options for debriefing should be spelled out in the letter, as debriefing (see Section 410.05.05) will not be done prior to completion of the negotiation process and contract execution.
Notifications by phone and follow-up letters will be made to the top firms, including an explanation of the process to be used for negotiation and contract award (see Appendix K, Debriefing Procedures and Disclosure of Consultant Information). In addition, the project and lead negotiator (contract officer) will be notified of the selections and provided with the necessary data and information for the scoping and/or negotiation process.

410.03.08 Notification of Top-Ranking Firms

The top-rated firm will be notified of its ranking and the method of negotiation to be used based on the solicitation. If the state has a detailed statement of work (SOW), it should be submitted to the firm asking the firm to prepare and submit its proposal. A reasonable amount of time needs to be allowed for the top-ranked team to prepare its response to the Request for Proposal (RFP).

If the state intends to develop a SOW with the top-rated firm using the Managing Project Delivery (MPD) process (see Appendix N, Negotiations, Statements of Work, and Managing Project Delivery), the notification will address the process and establish the time and location for the initial meeting. Any further data required needs to be requested at this time.

Note: Under the Brooks Act regulations (see Appendix C, The Brooks Act), the selection process is open through the negotiation process and until a contract is awarded. The top three firms are considered selected going into negotiations, with the top-rated firm being the one negotiations start with. In the event that the firm and the state are unable to reach a determination of “fair and reasonable” costs (see Appendix L), negotiations are terminated with the top firm and started with the next-ranked firm. Refer to Section 410.04 for details on the negotiation process.

410.04 Cost Proposal and Statement of Work Negotiations

After the selection of the three top-ranked firms, the process of finalizing the detailed SOW and the anticipated cost enters the negotiation phase. Depending on the method of SOW development presented in the solicitation announcement, the CSO manager will submit to the top-ranked firm either an RFP or a proposed schedule for the MPD process.

410.04.01 Request for Proposal

Project-Specific Contracts

If WSDOT is not going to use the MPD process for detailed SOW development, then a concise project description or synopsized SOW is published in the solicitation. The CSO manager submits a formal notice to the top-ranked firm and requests a full proposal from the firm, to include:

- A detailed statement of work.
- A detailed cost proposal for the firm and any proposed subconsultants covering labor rates, overhead, non-labor expenses, and profit (fee).
- A proposed schedule listing appropriate mileposts.
- A Disadvantages Business Enterprise or Small Business Enterprise goal proposal. (See Chapter 700 for specifics on requirements.)
- Any other pertinent data necessary to the negotiations.
Refer to Appendix N for additional details regarding the negotiation process for project-specific contracts.

**On Call Services Contracts** For on call services, the CSO will develop the general statement of work that will govern the boundaries of the category of work covered, the maximum amount of the contract, the end date, and other terms that govern the overall scope of the contract. The CSO will also negotiate the cost factors, expenses, and profit for the overall life of the contract and be responsible for negotiating any changes to these items through the life of the contract.

Work authorized under on call services contracts will be done through task order documents (TODs), if appropriate to the on call type. Selection of the consultant to do a project on a task order, unless specific permission is given by CSO for a sole sourced task order, will require a Second Tier Competition Process (see Appendix Y).

If there are multiple task order master contracts for the category of work available, any new task orders requested will be subject to the Second Tier Competition Process (see Appendix Y). It is required that items of work proposed for the task order contracts be competed between all on call agreement holders in the specific category. However, all task order master contracts have a maximum amount allowed for a specific project task order, and the project office and ACL involved must scope and estimate the full project amount to select the right list and to determine if the project can be accommodated on a task order rather than making the work a project specific agreement through regular advertisement and selection processes. All Second Tier Competitive Processes are coordinated with the CSO prior to contacting the consultants.

After selection of the consultant, negotiations for each TOD, or an amendment to a TOD, will follow the same steps listed above for project-specific contracts, if the MPD process is not used to develop the TOD statement of work.

For more information on call contracts, see Appendix I, Contract Types.

For more information on TODs, see Appendix W, Task Order Documents.

For more information on Second Tier Competition Process, see Appendix Y.

**410.044.02 Statement of Work and Budget Negotiations Using the MPD Process**

The statement of work (SOW) is the narrative description of the work to be done by the consultant. It describes in detail what each party understands about the services to be provided for which the state will pay.

Experience has shown that for larger, more complex projects or items of work, there are significant benefits to both the consultant and the state when the SOW is developed jointly. The process used for developing the SOW through a joint effort is known as Managing Project Delivery (MPD). (A full explanation of the MPD process and the steps involved in its use are provided in Appendix N, Negotiation, Statements of Work, and Managing Project Delivery.)

Generally, on call contracts are limited in total project amounts allowed per task order (which varies with each type of IDC list), and will not be used where large or complex work items are expected. For these, project-specific contracts should be used.
Nothing precludes WSDOT from using the MPD process on specific work authorizations under IDCs as long as its anticipated use is announced as part of the solicitation process among the contract holders.

The appropriate ACL or a representative of the CSO manager will lead the MPD process, with support from the project personnel. A meeting is to be held between the project, the CSO, and the ACL prior to the first meeting with the consultant to establish the goals and expectations of the state.

**410.05 Contract Execution and Notice to Proceed**

After negotiations reach agreement and an award has been made, notifications will be sent to the submitting firms regarding the award. The award information included in the notification will include the contract amount, the name of the firm awarded the contract, and information regarding debriefing, if not already provided.

**410.05.01 Final Submittals and Contract Assembly**

After the negotiations are complete, the ACL submits to the CSO:

- The completed SOW and the contract estimate of cost.
- The negotiation notes and any explanations regarding variances to the original engineer’s estimate of cost that are more than 10% over or under.

The CSO manager reviews the final documents and, if found acceptable, requests that the consultant submit any other required material not already received. The manager then proceeds with the assembly of the contract.

Final documents needed from the consultant include the most current approved overhead rates from the WSDOT Internal Audit Office or the firm’s cognizant agency (see definition in Chapter 140); subconsultant information, including Disadvantaged Business Enterprise/Small Business Enterprise certifications; Washington State universal business identification number; System for Award Management (SAM) Excluded Parties Record search results for the prime and all subs on the contract; and federal employer identification number for prime and subs.

**410.05.02 Obtain Appropriate Signature**

Upon completion of contract document assembly and receipt of necessary documentation, the CSO sends the original documents to the consultant for review and signature.

**410.05.03 Contract Approval and Execution**

After the consultant has approved and signed the contract documents, they are returned to the CSO. Supplements are then sent to the Washington State Attorney General’s Office (AGO) for review and approval as to form.

With the AGO’s approval, the documents are returned to the CSO for execution by the state. The CSO manager signs all contracts and contract supplements Assistant Secretary Engineering & Regional Operations Chief Engineer.
410.05.04 Distribution and Notice to Proceed

After execution of the contract, the CSO sends one original to the appropriate ACL or requester for distribution to the consultant. The ACL will also issue a notice to proceed (NTP), with a cover letter and the consultant’s original agreement. This process also applies to individual task orders on on call contracts.

For on call contracts, the CSO distributes the contracts to the consultant firm.

There may be times when the project does not want to give a notice to proceed until a later date. When this is the case, the project should fully document to the CSO manager what date the consultant should anticipate a notice to proceed and the reasons for the delay.

There may be other times when the services of the consultant may be needed prior to the agreement being fully executed. The project should document to the CSO the details. A limited notice to proceed (LNTP) can be issued by the CSO manager, or designee, provided the negotiations are complete, based on the completed cost factors contained in the negotiations and the acceptance by the consultant of the limited nature of the NTP.

The LNTP should spell out specific items of work that can start, the limited dollar approval, and the limited time frame in anticipation of the full NTP. The discretion to issue a limited notice to proceed rests with the CSO manager.

410.05.05 Announce and Debrief

After the execution of the contract(s), the CSO will publicly announce the contract award(s). Notice will also be sent to each firm that submitted a statement of qualifications in response to the solicitation. The notice will identify the firm(s) that received a contract, the contract amount, and a description of the process they must follow if they wish to be debriefed.

Appendix K, Debriefing Procedures and Disclosure of Consultant Information, describes the notification and debriefing requirements in detail.

410.06 Small Purchase Using Simplified Acquisition

As stated in the introduction (400.01), 23 CFR 172 specifies three methods that state departments of transportation can use for acquisition of consultant services. One of those methods covers the procedures for small purchase contracts.

Contracts acquired by the simplified acquisition process are limited to the maximum amount specified in 41 USC 403(11), which is known as the simplified acquisition threshold. There are other restrictions regarding small purchase contracts’ use, size, and acquisition methods as well. These restrictions are covered in U.1.3.

The following outlines the steps that lead to a small purchase contract:

1. On an annual basis, the CSO manager publicly requests consultant statements regarding their interest in being considered for small purchase contracts (see the full discussion in Appendix J).
2. The CSO maintains a consultant database, which includes those consultants interested in competing for small purchase contracts (see J.3).

3. A region or division project manager determines they have a need for a consultant service that meets the small purchase specifications (see U.1.3) and submits a small purchase request to the CSO. (See the request memo discussion Section 410.02 and in Appendix T.)

4. Upon determination by the WSDOT Assistant Secretary Engineering & Regional Operations Chief Engineer that sufficient competition exists among those firms in the database, the CSO will meet with the project manager and area consultant liaison to determine the selection criteria, potential DBE goals, and the members of the evaluation/selection board.

5. The project details, firms’ Statements of Qualifications, past performance details, and selection criteria are provided to the selection board’s chairperson.

6. The selection board determines whether Option 1 or Option 2 will be used for selection (see the full discussion in U.2.7).

7. The top three consultants are selected in rank order and their names are returned to the CSO manager, along with the board’s selection summary and notes.

8. The area consultant liaison and project manager enter into negotiations with the top-ranked firm following the WSDOT negotiation procedures for A&E contracts.

9. After agreement is reached regarding the statement of work and contract costs, the CSO proceeds with contract execution, notifications, and debriefing to those firms that had been under consideration.

10. The CSO manager issues a notice to proceed to the consultant.
Chapter 420 A&E Contract Supplements

420.01 Introduction

Contract supplements occur as a result of a changed condition affecting the terms of the existing contract. Any material change to the existing terms of a contract requires renegotiation of those terms and a detailed written supplement to the contract. Material changes can include additions or deletions of deliverables, methods of delivery, and time required for delivery, as well as changes in cost or even in those doing the work. Changes also impact Disadvantaged Business Enterprise (DBE) and Small Business Enterprise (SBE) goals and could potentially impact DBE or SBE participation.

Changes that require a supplement need both documentation and justification, and they require approval from the HQ Consultant Services Office (CSO) prior to starting negotiations. Where goals are affected, either through changes to the statement of work (SOW) or changes to who does the work, the CSO must get concurrence from the Office of Equal Opportunity.

The process involved in supplements to existing contracts is shown in Tables 410-1 through 410-4 and in the following section.

420.02 Supplement Process

Contract supplements require approval from the CSO prior to starting negotiations. The process starts with a “request to supplement” provided on the proper request memo form (types include time only, and general supplement memos).

Changes that require a supplement need both documentation and justification. All changes and modifications to the contract must be done in writing. The area consultant liaison (ACL) will assist the project management team in writing the request memo.

In the supplement body, the ACL and project management will provide the reasons for a supplement, prepare an engineer’s estimate of cost if there are additional costs involved, and provide a SOW for new work added or a statement of impact explaining why changes to the SOW are needed. This will include reasons for requesting additional time and why additional costs are involved and/or work is being added to the contract.

If the request for a supplement is approved, the ACL will notify the project office and the consultant of the need for negotiations. If the Managing Project Delivery process was used previously and the project manager wants to use that process again, then schedules need to be established as quickly as necessary to maintain the overall progress on the work effort.
After negotiations are concluded and appropriate documentation is received by the CSO, along with two originals of the contract supplement signed by the consultant, the supplement will be reviewed by the CSO for completeness and will be submitted to the Attorney General’s Office (AGO) for review and approval as to form. When approved by the AGO, the CSO manager will execute the supplement on behalf of the state. Copies will be distributed as appropriate.

Additional information for planned supplements and a narrative discussion regarding problems with changed conditions are provided in Appendix V, Contract Supplements.
430.01 Introduction

This chapter covers the process steps used by WSDOT for noncompetitive negotiation in the acquisition of architectural and engineering (A&E) consultant services. The circumstances under which the processes are used, also known as “sole source,” are described. Emergency conditions (briefly described below) are covered separately in Chapter 600.

430.02 A&E Sole Source Justification and Procedures

430.02.01 Emergency Situations

Emergency situations are briefly covered here because an emergency is one of the three federal provisions allowing for noncompetitive acquisition of A&E contracts. However, the processes for emergency contracts are covered in Chapter 600.

Generally, those situations that pose an immediate threat of loss of life, bodily injury, or loss or damage to physical property are readily apparent. Earthquakes, severe weather events, accidents, landslides, and other natural disasters can all pose an immediate threat to the public itself or to publicly owned property. However, there are circumstances when an emergency exists, but is not so readily seen.

For this reason, the WSDOT policy statement regarding acquisition through noncompetitive negotiation requires executive-level determination as to whether or not a circumstance constitutes an emergency.

430.02.02 Noncompetitive Acquisition Considerations

One of the following three situations will justify a noncompetitive acquisition. For a sole source acquisition, a request memo will be needed. It will address the existence of one of these three circumstances and provide documentation to support the assertion.

1. The service is available from only a single source.
   - For the service to be available from only a single source requires that a firm be the only one that can provide the services.

2. There is an emergent situation that will not permit the time necessary to conduct competitive negotiations.

3. After solicitation of a number of sources, competition is determined to be inadequate.
430.03 Sole Source Contracts for Phased Work Assignments

There are circumstances when it makes sense to end an agreement at the finish of one phase of work, or in the middle of a project, and keep the firm available for the next phase of the work.

Following are the circumstances where a sole source agreement is allowable without a determination of an emergency situation:

1. One phase of work ends and another begins with the same consultant.
2. Overlapping phases require a new agreement to start before work ends on the last phase.
3. Design support is needed during construction.
4. The contract payment type or contract type changes during the course of the work.
5. An expert witness is needed (FAR 6.302-3(a)(2)(iii)).
6. There is a legislative exemption for expert or review panels (A&E).

In each of the first three cases above, the issue of potentially awarding the next phase of work to the consultant who has been authorized to do the first and possibly successive phases must be addressed in the announcement soliciting for the original work.

Additional details and precautions are included in Appendix O, Noncompetitive Negotiations.