

# **Consultant Services – On Call Agreements**

## **Appendix Y      Second Tier Competition Process Steps**

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Prior to negotiating and executing task orders for services under the On Call agreements, the need for a second-tier competition must be conducted as shown below. In the event of unusual circumstances, only the CSO Manager, or designee, may grant an exception to this process.

- \$0 - \$10,000      Customer may select directly from the list
- \$10,001 - \$20,000      Customer must document discussions with at least 3 firms prior to selection
- \$20,001 and higher      Customer must engage in the formal process outlined below

\*\* Dollar amounts shown above represent the TOTAL task order value including amendments

### **FORMAL PROCESS – Task Orders of \$20,001 and higher:**

1. Customer (Purchaser) develops a “draft scope of work” outline, including a cost estimate for the work scoped.
2. Customer, in consultation with either the Area Consultant Liaison (ACL) or HQ CSO determines appropriate On Call Roster (Type of Work) to be utilized. A complete listing can be found at the following:  
([www.wsdot.wa.gov/Business/Consulting/Agreements/default.htm](http://www.wsdot.wa.gov/Business/Consulting/Agreements/default.htm))
3. Customer and ACL reviews On Call Consultant roster and selects an appropriate number of related consultants for competition.

**Multiple firms.** Customer(s) shall solicit responses from “multiple firms” in selecting a consultant. “Multiple” firms mean a reasonable number of parties considering such factors as type of services needed, schedule, and availability. The offer is to be issued to, at a **minimum, not less than 50% of the firms on the list**. If fewer than 50% of the firms are contacted, an explanation is to be included in the contract file as to why more firms were not invited to participate.

**Note:** if there are 6 or fewer qualified firms on the roster/list, the customer and ACL shall solicit all firms.

4. ACL and Customer develop Request for Additional Information (RFAI) documentation. For Task Orders estimated less than \$200,000, the page limitation for RFAI response should not exceed 3 written pages. For Task Orders estimated more than \$200,000, the page limitation for the RFAI response should not exceed 7 written pages. Exceptions may be requested through written request to the HQ CSO office.

**Note:** Examples and Templates are available from HQ CSO if needed.

5. ACL and Customer formally communicate, via email, the 2nd Tier Competition opportunity. The appropriate Request for Additional Information (RFAI) documentation shall be attached to the outgoing email.

*Recommended that HQ CSO staff be included as a cc.*

6. Consultants submit Responses to ACL/Customer via email by the Response Due Date & Time, as specified by the RFAI documentation.
7. ACL and Customer conduct evaluation of all responding consultant Responses and make selection.
8. ACL and Customer negotiate the Task Order Document (TOD). Upon execution of a final TOD, work may commence.
9. Consultant performs work and submits proper invoices to Customer for payment, per the Payment terms outlined in the Master On-Call Services Agreement.

Consultant Services Staff Contact Information

Attention: CSO Manager

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## **Second Tier Selection Processes – Recommended Process Hints**

First, check with the ACL and CSO to determine which on call list is appropriate for the project, and what the project total cost limits are on that list. All lists have maximum project amounts allowable for any work to be assigned. For example, the Transportation Design PS&E lists have limits for the Under \$500,000 firms at \$150,000 for the total project amount including all amendments. The Over \$500,000 list has a limit of \$1,500,000 total project amount including all amendments. Anything needed from this particular set of lists that is expected to exceed \$1,500,000 must be advertised. For most on call agreements, the task orders are limited to projects at \$1,500,000 or less. The CSO must also be notified that a Second Tier selection process is expected for the project along with the methods, list of firms to be invited, and criteria expected to be used.

Second, the ACL and CSO can help with structuring the information for the consultants and developing the Request for Additional Information (RFAI). The process may include meetings between the project office and the ACL to ensure as much project information is available as possible for the consultants to understand it. A draft scope is recommended for the work to be provided by the consultant, along with a draft state's estimate of total consultant services cost. Decisions regarding whether ties between firms responding or very close scores will need a second process must be made to ensure the consultants know the full selection process in the RFAI. A schedule will need to be provided for the project including the selection process dates. The scoring of

the criteria (point system) and a list of scoring staff will be developed. Note that for A&E selections, cost of the consultant services is not a criteria for selection, though the State needs to estimate their project costs using average consultant rates to ensure the \$1,500,000 maximum is not going to be exceeded.

Third, the process is to be managed by the ACL or CSO rather than the project office to provide a more neutral, one person contact point for the process. All documents from the consultants should be received by the ACL or CSO person in charge of the process. Questions during the RFAI will be asked, and a process for answering them to all consultants needs to be available within the invitation to the consultants.

Fourth, the due date and time and email address of the receiver (the ACL or CSO person) must be clearly stated. Criteria must be in accord with the project. For those projects under \$200,000, the page limitation is three (3) pages for the submittals and for those over \$200,000, the page limitation is seven (7) pages. Requests to CSO for the process should include whether the project demands more pages than the limitation and the reasons behind the request. The CSO has final decision authority on the parameters of the proposed process.

During the process, the project office does not contact any consultants, and if any consultants contact the project office, the ACL or CSO person managing the process should be notified immediately. A decision will be made regarding whether the consultant in question will be eliminated from the process or if the situation can be repaired in some way to not give that consultant an advantage.

After all proposals have been received (do not expect all invited consultants to respond with a proposal) on the date and by the time noted, the scorers are provided with a score sheet and the received proposals with a deadline for returning their scores to the process manager, the ACL or the CSO designee. Scorers should be expected to also provide a listing of the strengths and weaknesses noticed on the various proposals to allow for debriefings. The ACL will compile all scores on a combined score sheet and provide the results to the scorers with a recommendation to either select (a consultant has scored much higher than the rest) or to do the secondary selection process (certain firms are too close in score to determine best team), as outlined in the RFAI request document.

After the consultant is selected for the project, all consultants who responded will be notified of the selection. Debriefings are appropriate to offer to the non-selected firms. The debriefings need to be done by the ACL or CSO based on information received from the scoring team. Debriefings can be by phone or in person. Debriefing and Protest procedures are outlined in [Appendix AA](#). Should the negotiations with the selected firm fail, the process for working with the second firm is outlined in [Chapter 410](#) of the manual.

Costs or pricing components cannot be considered for A&E projects during the process until negotiations begin with the selected Consultant.

For Professional Services Second Tier processes, cost or pricing may be considered, along with Best Value. The Second Tier solicitation would include these elements, if desired, as part of the criteria for selection, and the Cost Analysis and Price Reasonableness form (see [Appendix Z](#)) will be used to help compare the proposing consultants' proposals.