

FLOYD COUNTY RESOLUTION 2005- X

**A RESOLUTION APPROVING PROCEDURES FOR SELECTION OF CONSULTANTS  
ON CONTRACTS INVOLVING FEDERAL PARTICIPATION**

**WHEREAS**, the Indiana Department of Transportation (INDOT) requires that a Local Public Agency adopt formal procedures for the selection of certain consultants for projects involving a request for federal funds or reimbursement; and

**WHEREAS**, INDOT has furnished suggested procedures (Procedures) for adoption by a Local Public Agency, to include Floyd County, Indiana; and

**WHEREAS**, the Board is, by this resolution, desirous of approving said Procedures, all as hereinafter set forth.

**NOW THEREFORE:**

**BE IT RESOLVED** that the recitals set forth above be incorporated in this resolution and made a part hereof.

**BE IT FURTHER RESOLVED**, that the Procedures appended hereto and made a part hereof be, and said Procedures are hereby approved and adopted as the procedures to be used in the selection of certain consultants when federal funding or reimbursement is involved.

**SO RESOLVED** this 5<sup>th</sup> day of April, 2005.

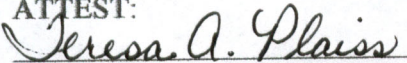
BOARD OF COMMISSIONERS  
OF THE COUNTY OF FLOYD

  
MEMBER

  
MEMBER

  
MEMBER

ATTEST:

  
FLOYD COUNTY AUDITOR



PROCEDURES FOR SELECTION OF CONSULTANTS

ON

CONTRACTS INVOLVING FEDERAL PARTICIPATION

I. Purpose

To prescribe the procedures of the Board of Commissioners of Floyd County hereinafter called the LPA (Local Public Agency), applicable to the retaining of consultants on contracts involving federal participation so that these procedures are compatible with appropriate regulations and guidelines of the U.S. Department of Transportation.

II. Necessity for Use of Consultant

The services of a consultant may be requested for a project where:

- (a) the in-house capabilities of the LPA are insufficient to accomplish the project within the desirable time; or
- (b) the complexity or nature of the project requires specialized expertise; or
- (c) it is more economical to engage such services; or
- (d) it is otherwise in the public interest.

III. Authorization for Employment of a Consultant

When determined at a regular meeting of the LPA that consulting services are to be used, the minutes shall show that the LPA has decided to use the services of a consultant.

IV. Record of Consultants

The LPA will maintain files and records of consultants who have expressed interest in providing professional services and who have submitted information as to the qualifications of their firm.

The record of consultants will be based upon information provided by each consultant in a manner which may be prescribe, supplemented with such other information as is considered necessary to provide current data about the firm. The information shall include the name, address, list of principals, list of professional-technical-supportive staff, the qualifications and experience of individuals, the history and experience of the firm, the extent of involvement in noteworthy projects, and technical and financial references. From time to time supplemental information may be submitted by the consultant to keep their file current.



The record of listing of consultants will include the firms previously and currently satisfactorily employed by the County, and all DBE (Disadvantaged Business Enterprises) firms currently listed in a directory on file with the Indiana Department of Administration Minority Business Development Division. The tabulation should produce a listing of four to eight firms for each type of work.

V. Selection of Consultants

The selection of consultants for specific projects will be made by majority decision of the LPA.

VI. Request for Proposals

Prior to the consultant selection, the LPA will prepare a notice of projects for which consultant proposals are being requested that will include a scope of the work that reflects a clear, accurate and detailed description of the technical requirements for the services to be rendered. A list identifying the evaluation factors and their relative importance must be included. The listing is to be posted for 30 days in the Office of the LPA.

The notices will be sent to all firms that have met the requirements outlined in Section IV of these procedures, and which have requested in writing that notices covering specific types of projects be sent to them with the firm's request being renewed annually.

The LPA and/or INDOT will provide a cost estimate before negotiations of fees for the proposed work, considering like projects, risk and complexity except for contracts awarded under small purchase procedures. This is to be used during negotiations.

VII. Submittal of proposals

Any consultant having on file in the LPA's Office or submitted with the proposal current information on the firm's qualifications may submit proposal(s) for items noted in the notice of request for proposals during the period of time specified in the notice. The proposal must include:

- (a) description of the proposed project; and
- (b) description of anticipated work elements; and
- (c) proposed staffing for the work including designation of project manager; and
- (d) proposed schedule of work; and
- (e) information concerning current overhead rate as prepared by a C.P.A. or registered accountant or as approved by the INDOT.



#### VIII. Selection of Consultant

The LPA, after a review of the proposals received for a project, will decide which firm the LPA in its opinion has found most suitable for employment for that project. In keeping with the intent of Indiana's Affirmative Action Plan and Federal Regulations concerning employment of DBE firms, the greatest possible consideration for use of these firms will be given during the selection process.

The minutes of the LPA meeting will note the reasons for selection of the recommended consultant.

Upon the LPA's approval, the proposal received from the selected consultant together with any necessary added information of breakdown of scope, schedule, and proposed compensation with man-hour estimates - overhead rate - direct costs - etc., will undergo a further technical review by the LPA. As required, preliminary discussions between the consultant and the LPA will take place during these assessments.

In those instances, where 23 CFR 172.5(c)(1) requires pre-award audit evaluation on selected consultants which are expected to exceed \$250,000, or insufficient knowledge of the consultant's accounting system or the contract involves procurement of new equipment, said financial review will be made by the LPA in conjunction with INDOT's Accounting and Control Division.

#### IX. Negotiations for Contract

When the assessment of the Consultant's proposal has been completed, negotiations of the contract for the work will take place with the LPA in group negotiating the contract with documentation of the use of the evaluations during negotiations and a preliminary agreement developed and submitted from any necessary reviews and approvals. Upon receipt of needed approvals including local, LPA and INDOT approvals, a final contract will be executed.

If agreement cannot be reached during negotiations of a contract with reasonable efforts to reach an agreement, either the LPA or Consultant may terminate the discussions. In such event, the selection and negotiations with an alternate firm may then be undertaken.

#### X. Exceptions to Procedure

In accordance with 23 CFR 172.7(b)(c) exceptions to the procedures are provided when the project related expenses do not exceed \$25,000, or when specialized qualifications of a single consulting firm are required for the project, or when the project is considered to be an emergency, a particular consultant may be selected with concurrence of the INDOT. The LPA will prepare and submit a preliminary agreement to the INDOT for review and approval.

XI. Notice to Proceed with Work

When approvals have been received by the INDOT on the contract along with "Authorization to Proceed", a written notice to proceed with the work will be given to the Consultant by the LPA. No compensation will be made for work undertaken prior to such notice to proceed.