

LOCAL DESIGN SERVICES AGREEMENT (LDSA) CONSULTANT SELECTION PROCEDURE

A Request For Qualifications (RFQ) pursuant to the ad in the New York State Contract Reporter was made available to any architecture/engineering (A/E) firm (Firms dealing in survey, right of way, design, construction inspection services, etc.) by request at www.countyhwys.org or by mail by contacting the New York State County Highway Superintendents' Association, 230 Washington Ave Ext, Suite 101, Albany NY 12203 at 518-730-0052. Engineering consultants responded by sending an Expression of Interest (EOI) in accordance with the terms of the RFQ. What follows is the procedure each region shall use to establish the list of qualified firms.

Selection of the Regional Consultant List

The LDSA regional coordinator should invite all the Counties and any municipalities that may have multiple State or Federally funded projects on the Transportation Improvement Program (TIP) within each region to participate in the selection committee. Each participant in the selection will receive a copy of the EOI. Only municipalities who intend to use the LDSA process should participate in the selection of the Regional List.

The coordinator shall develop a summary and scoring sheet of the A/E Consultants responding with EOI's and distribute to the selection committee. The maximum number of consultants selected to the regional list may not exceed 15 per region. This number should be based upon the number of projects proposed for each county within their perspective NYSDOT Region. This contract term will include Regions 1-9.

The LDSA regional coordinator shall schedule a regional selection committee meeting to establish the number of A/E consultants required for the region before consultant selection. Scoring of the consultants for the regional list shall be based upon the criteria and scoring as established in the Request for Qualifications (RFQ). Rating sheets are working documents not subject to FOIL and should not be distributed to any individual party.

Once the Regional list is established, the LDSA regional coordinator sends the list of consultants to NYSCHSA. Notice of results will be announced by NYSCHSA once all regions have sent the final lists. Do not announce your regional list to anyone until NYSCHSA has published the statewide list.

Each municipality that participates in ranking of the regional list may also generate from the same regional rating its' own short list (5 firms) of consultants as described subsequently in this document.

Each municipality involved with the selection of the regional consultant list shall use the rating criteria as specified in the Request for Qualifications (**Highway, Bridge, and Transportation Related Municipal Engineering Services Designations – Municipalities in NYSDOT Regions 1 through 9**) document as follows.

**REGIONAL SCORE SHEET/RFQ
SELECTION CRITERIA FOR A/E CONSULTANTS**

CRITERIA	MAXIMUM POINTS	RATING
Experience and Qualification of Proposed Staff	30	
Experience of Firm and Team with Locally Administered Federal Aid Projects	30	
Past Performance of the Firm	15	
Firms General Technical and Professional Competence	15	
Logistics and Familiarity with the Selection Area	5	
DBE Utilization	5	
TOTAL	100	

Use of the LDSA Regional Consultant List

Once the Regional list is established it may be used by sponsoring Counties or other municipalities within the Region. Using the list is not mandatory. The sponsoring entity may make its' selection from the approved Regional list by conducting a separate evaluation by the municipality's selection committee that must be comprised of not less than three (3) members. The selection may be made by a review of the material submitted for the original RFQ or additional information may be requested from all interested consultants on the regional list.

The municipalities may, if desired, conduct interviews of the firms as part of their selection process. To avoid the high production cost normally associated with the on-site interview process, NYSCHSA suggests that you meet only with the project manager and chief designer without having them prepare any formal presentation. This model promotes a relaxed conversation with those most involved in the project.

The selection criteria will be based upon the specific project requirements. The municipality rating protocol may vary from that specified in the regional selection procedure. A copy of the selection criteria and ratings must be placed in the project file and available for audit. Selection criteria may include but not be limited to, Past performance with municipality, experience with similar projects, experience of proposed staff, etc. For additional criteria please refer to Procedures for Locally Administered Federal Aid Projects, Volume 1 – Guidelines, Chapter 6.

Based on the general information provided above and to assure consistency, users of the LDSA regional list are required to adhere to the following procedures:

- The sponsor selects a minimum 3-person selection committee that should include, when suitably available, one elected official or other non-staff individual holding interest in the project.

- The selection committee establishes the rating protocol prior to solicitation of the firm.
- All firms on the regional list must be contacted to provide them an opportunity for consideration.
- Firms that are not included on the Regional lists should not be contacted.

Regional List Selection Procedures

1. Project sponsors have two choices in identifying candidates from the regional list
 - a. Review the EOI of each firm and make a selection(s) by ranking each firm
 - or -
 - b. Sponsor prepares a 1-2 page project description and requests a supplemental 1-3 page proposal that may address the following areas:
 - The firm's ability to perform the work
 - The firm's ability to meet the project schedule by analyzing the firm's workload
 - The specific personnel that the firm will assign to the project. If the project sponsor believes the project requires specialized technical skills, the sponsor is to notify all firms and offer the consultant the opportunity to add to the team contained in the EOI.
 - Provide the firm with the opportunity to supply additional information regarding their expertise and experience with similar projects or work

Review each firm's EOI and the supplemented submission.

2. Project sponsor rates and ranks firms under consideration based upon selection criteria identified for the project (see Chapter 6 of the manual entitled "Procedures for Locally Administered Federal Aid Projects", particularly Section 6.3.2).
3. At the discretion of the project sponsor, project sponsor may conduct final oral interviews and/or interview with top-ranked consultant(s). If necessary, this should be limited to the top 2-3 firms.
4. Final selection is made and documentation of selection is sent to the NYSDOT Regional Office Local Projects Unit. This is a Qualification Based Selection (QBS) process. Any discussion of fee shall be done after selection of the consultant. All firms submitting proposals should receive notification from the project sponsor on the result of the selection process.

All individual firms' rating/rankings are considered working documents and will not be disseminated for review by anyone other than NYSDOT.

5. Project sponsor begins task list preparation and negotiation of costs with selected consultant.

Selections of the municipal short list of qualified firms

A municipality involved in the regional list selection, may elect to establish a "short-list" of qualified A/E Consultants to perform federal aid engineering on projects within their individual municipalities from the regional list. The determination to establish this short-list should be based upon an evaluation of the number of proposed/potential federal aid projects in the municipality during the next several years. If a municipality does not participate in the Regional list selection process, they are not eligible to establish or select from a short list.

If so desired a sub-list of up to five A/E Consultants can be established. That list shall be established by a modified application of the original rating of the RFQ responses. The method of establishing that sub-list of five (5) A/E Consultants shall be by applying a 50% weight to the original RFQ selection score of that county and distributing the remaining 50% weighted equally to each of the remaining original RFQ scores from the other counties participating in the original selection process.

The determination to establish a sub-list of A/E Consultants should be performed concurrently with the original RFQ scoring or within several days after the concluding the original RFQ scoring.

Once a short list is established, the municipality must use it for subsequent project selections, unless there are compelling reasons for the municipalities to use the regional list. Such "compelling reasons" are limited as all firms have opportunity to change teams or add project specific expertise per the methods described herein and in the RFP. Examples of "compelling reasons" may be if most firms on the short list have heavy workloads that threaten schedules or business dissolution. However, the project sponsor can always chose to perform, on any project, an open selection using the full federal consultant selection procedure.

Use of the municipality LDSA short list of consultants

When the municipality decides to create a short list, they should use the following procedures:

All users of the LDSA short list firms must do the following:

- All firms on the municipality's short list must be contacted to provide them notice that a selection is being made.
- Selection off the short list can be done by an individual or a selection committee.
- Write a summary justifying your selection from the short list.

Individual Municipality Short List Selection Procedures.

1. Project Sponsors have two choices in identifying candidates from the short-list:
 - a. Review the EOI of each firm and make a selection(s) by ranking each firm. Rating and selection can be made directly from this list using the EOI without any other documentation.
- or -
- b. Sponsor prepares a 1-2 page project description and requests a supplemental 1-3 page proposal that may address the following areas:
 - The firm's ability to perform the work
 - The firm's ability to meet the project schedule by analyzing the firm's workload
 - The specific personnel that the firm will assign to the project
 - Provide the firm with the opportunity to supply additional information regarding their expertise and experience with similar projects or work
 - If special expertise is required, the sponsoring agency is to notify all short-listed firms to provide them the opportunity to augment his/her team to address that special expertise.

Review each firm's EOI and the supplemented submission.

2. At its' discretion, municipalities conduct final oral interviews and/or in-person interview with consultant(s) under consideration.
3. Municipalities make final selection and documents selection by completing a summary justifying the selection. This is a Qualification Based Selection (QBS) process. Any discussion of fee shall be done after the selection of the consultant. If the municipality decides to abandon use of the short list for a particular project, a full written justification shall be reviewed with the NYSDOT and placed in the project file.
4. Send a final copy of the justification and determination to the NYS Regional Local Projects Unit. Project sponsor should notify short-list firms on who was selected, but are not obligated to reveal any individuals firms rating and/or ranking.
5. Project sponsor begins task list preparation and negotiation of costs with selected consultant.

Inclusive Negotiations

If the Sponsor and consultant cannot come to an agreed upon scope and cost of the project, the Sponsor must inform the consultant in writing that negotiations have ended and provide the reasons for termination. The Sponsor must notify the LDSA Regional Coordinator and their RLPL of the terminated process and their intentions on how to proceed. The Sponsor repeats steps 3-5 as needed and identify the next most qualified consultant to begin negotiations.

Evaluation of Consultant Performance

The Sponsor's Project Manager (PM) should prepare a written evaluation of the consultant's performance after the consultant's final payment and progress report have been submitted and after the PM has conducted a detailed evaluation with the consultant's project manager. The report should include, but not be limited to, an evaluation of such items as timely completion of work, conformance with contract cost and the quality of work. A sample evaluation report is available on the NYSCHSA website. A copy of the report must be sent to the consultant for review and/or comments. Any written comments submitted to the Sponsor by the consultant must be attached to the final evaluation. Evaluations should be forwarded to the Regional NYSCHSA LDSA coordinator and will be maintained by the NYSCHSA. Consultant evaluations shall not be shared with other Consultants.