

NEBRASKA ADMINISTRATIVE CODE

Title 413 - NEBRASKA DEPARTMENT OF ROADS - PLANNING AND PROJECT DEVELOPMENT DIVISION

Chapter 1 - Consultant Services

001 CONSULTANT SELECTION PROCEDURES AND CONSULTANT CERTIFICATION. Under authority of, and in compliance with the Nebraska Consultants' Competitive Negotiation Act, 81-1701 through 81-1721 Neb. Rev. Stat., the following rules and regulations are prescribed by the Nebraska Department of Roads.

001.01 PURPOSE. To provide procedures to be followed for the selection of consultants to perform professional architecture, engineering, landscape architecture or land surveying services for the Nebraska Department of Roads.

001.02 SCOPE. Procedures outlined herein are intended to be in accordance with 81-1701 through 81-1721 Neb. Rev. Stat. Such procedures are to be followed when professional services are required to be contracted for a project whose basic construction cost is estimated to be more than the threshold amount of four hundred five hundred eighty thousand dollars, or for professional services when the estimated fee for such services exceeds the threshold amount of forty sixty thousand dollars. The threshold dollar amounts are subject to adjustment by the Department of Administrative Services pursuant to Neb. Rev. Stat. 81-1712. After any subsequent adjustment is made by the Department of Administrative Services, the adjusted threshold dollar amount will apply for all purposes of Chapter 1 of this rule and regulation.

001.03 GENERAL. Highway related projects for design or study may be required to be performed by consulting firms when the current workload of the State of Nebraska, Department of Roads staff is such as to preclude the timely completion by State of Nebraska, Department of Roads forces or when such work is of such a highly technical nature that specialized professional services are required. To provide managerial control over competitive negotiations, the following procedures will be observed for the selection of Consultants, when such services are required.

001.04 NOTICE OF INTENT. Public notice shall be given for any project whose basic construction cost is estimated to be more than the threshold amount, currently four hundred five hundred eighty thousand dollars, or if the estimated fee for professional services exceeds the threshold amount, currently forty sixty thousand dollars, except in cases when the Director-State Engineer certifies that a public emergency exists. The public notice shall include a general description of the project and shall indicate how interested firms can apply for consideration for such projects. As a minimum, said notice shall be given for three consecutive weeks in a newspaper of state-wide circulation.

001.05 CONSULTANT STATEMENT OF QUALIFICATIONS.

001.05A DR FORM 497, ARCHITECT, ENGINEER AND RELATED SERVICES ANNUAL CERTIFICATION FORM. Firms interested in providing professional services for the Department of Roads shall annually submit a DR Form 497 "Architect, Engineer and Related Services Annual Certification Form." Such information may be updated before the anniversary date to reflect changed conditions of the firm.

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A firm must have a current DR Form 497 and received certification from the Department of Roads in order to be eligible to respond to a notice of intent. Firms wishing to perform work on Federal-Aid projects for local ~~governments~~ public agencies must be certified.

001.05B DR FORM 498, ~~DETAIL SUPPLEMENT ARCHITECT, ENGINEER AND RELATED SERVICES SUPPLEMENT TO STATEMENT QUALIFICATIONS.~~ A firm must submit DR Form 498 "Architect, Engineer and Related Services ~~Detail Statement Supplement to Statement of Qualifications~~" with the letter of interest when responding to a notice of intent.

001.06 WHERE TO OBTAIN FORMS. DR Forms 497 and 498 may be obtained on the Nebraska Department of Roads' website, in person, or by mail from the Nebraska Department of Roads, Agreements Engineer, PO Box 94759, Lincoln, Nebraska 68509-4759.

Completed forms are to be returned to the ~~same address~~ Department by U.S. mail or the email address noted on the form.

001.07 COMMITTEE REVIEW. A committee consisting of the appropriate Deputy State Engineer, ~~and appropriate the~~ Division Head, ~~or their designated representative~~ of the Division for which services are being provided, the Agreements Engineer, ~~or their designated representatives,~~ and two members-at-large as designated by the Director-State Engineer, will be responsible for the review and evaluation of consultants responding to the public notice of intent. The Agreements Engineer or his or her designated representative shall act as a facilitator of the committee. This individual will perform such duties as managing the meetings, moderating the questions and collecting evaluation forms to assist in the consistent treatment of all firms.

~~Following receipt of the letters of interest for a project, the review committee will meet and reduce to three, the number of firms for further consideration.~~

~~Factors to be considered in selecting the three firms include:~~

- ~~1. Location of project in proximity to Consultants office and Consultant familiarity with the area.~~
- ~~2. Commitment of staff and ability to perform the desired services within the time prescribed.~~
- ~~3. Recent experience with similar work.~~
- ~~4. Experience with Federal Agencies or utilities and railroads when applicable.~~
- ~~5. Other workload which could affect performance.~~
- ~~6. Size of firms staff.~~
- ~~7. Ratings of performance for previous work with the Department of Roads or other agencies where similar work was performed.~~

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~~8. Present and past work with State and/or Federal Aid projects.~~

~~The committee shall then conduct discussions with the three qualified firms regarding their qualifications, approach to the project and ability to furnish the required service.~~

~~Following the discussions, the committee shall rank the firms in order of preference. If the two most qualified firms are considered to be equal, the firm having the least volume of work previously awarded by the Department of Roads will be ranked first. The committee will submit the rankings along with the factors accounting for the rankings to the Director State Engineer.~~

001.08 SELECTION PROCESS AND EVALUATION FACTORS.

001.08A SHORT LIST. For each proposed project, the committee designated by the Department of Roads shall evaluate current statements of qualifications and performance data, together with those that may be submitted by the firms, using the evaluation factors established pursuant to Part 001.08B.

001.08B EVALUATION FACTORS. Evaluation factors will be specific to each proposed project. These factors will be used to reduce the number of proposals (if necessary) and to determine the final selection for the project. These factors will be provided with the public notice for each project. In reviewing the qualifications of the interested firms, the committee will consider the firms based on such factors as, the ability of professional personnel, past performance, willingness to meet time and budget requirements, location of the firms' offices in proximity to the project, recent, current and projected workloads of the firms, and the volume of work previously awarded to the firms by the Department, with the object of effecting an equitable distribution of contracts among qualified firms, as long as such distribution does not violate the principle of selection of the most highly qualified firms.

001.08C FINAL SELECTION. The committee shall then conduct discussions with a minimum of the three most qualified firms regarding their qualifications, approach to the project, and ability to furnish the required services. Following the discussions, the committee shall select, in order of preference, a minimum of three firms deemed to be most highly qualified to perform the required services after considering the evaluation factors established pursuant to Part 001.08B.

~~001.08~~ 001.09 NEGOTIATIONS. ~~The Agreements Engineer with assistance from the Division responsible for the work will prepare a preliminary estimate of the cost for said services prior to the notice of intent. Following the selection of the firm deemed most qualified, the Agreements Engineer will proceed with negotiations.~~ The committee designated by the Department of Roads shall negotiate a contract with the most qualified firm for professional services at compensation which the Department determines is fair and

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reasonable. In making such determination, the committee shall conduct a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity. Negotiations shall continue until an agreement is reached or officially terminated.

In the event negotiations are terminated, the second most qualified firm will be contacted and negotiations will be initiated. The procedure will be repeated until an agreement is reached. In all cases where negotiations are terminated, the reasons and facts surrounding those negotiations shall be recorded in writing and submitted to the Director-State Engineer and to the engineering firm.

Should the Department be unable to negotiate a satisfactory contract with any of the three selected firms, the committee shall select additional firms in order of qualification according to procedures prescribed in ~~Section 001.07~~ Subsection 001.08. Negotiations shall then continue until an agreement is reached or until all firms have been contacted. Should no agreement be reached, the terms of the contract under negotiation shall be reviewed to determine the possible cause(s) for failure to achieve an agreement.

ANNOTATION

**Title 413
Chapter 1
Section 001**

**Enabling Legislation
81-1701 through 81-1721
Neb. Rev. Stat.**