



Intermodal Transportation  
**MEMORANDUM**

TO: CA Agencies

FROM: Michael DenBleyker, PE  
Manager  
Engineering Consultants Section

DATE: March 18, 2015

RE: Certification Acceptance Academy  
Securing Architectural and Engineering Services  
Questions and Answers

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1. Where can we find a copy of the CA Agency Administration Guidelines for Federal-Aid Projects and CA Contract Administrative Procedures Review Checklist?

The CA checklist, along with the CA Guidelines, are posted on ECS's website. The following link will direct you to the webpage.

<http://azdot.gov/business/engineering-consultants/CertificationAcceptanceProgram>

2. Is a pre-qualification process required?

Yes. ADOT is requiring CA Agencies and SA Agencies to use ECS's prequalification list in their future solicitation for A/E professional service contracts using Federal funds. In order to be considered for selection, a firm must be prequalified through ADOT ECS.

The "Brooks Act" under Section 903 requires the agency head to encourage firms engaged in the lawful practice of their profession to submit annual statement of qualifications and performance data. ADOT obtained approval from FHWA to prequalify firms on a two year cycle.

The intent of the prequalification process is to determine if the firm (Consultant) is experienced and qualified and possesses all the proper licenses and registrations to perform their proposal services to negotiate a contract with.

Firms are not directly selected from the prequalification list. Rather, firms which are prequalified can submit SOQ's for advertised contracts to be considered and evaluated for selection.

3. Where can we find the guidelines on the ECS prequalification process?

Further information on ECS' prequalification program, or to obtain a copy of the most current list of prequalified firms can be found at <http://azdot.gov/business/engineering-consultants/consultant-prequalification>.

4. Is the prequalification requirement for DBE only or all Consultants?

All prime consultants interested in submitting SOQ's and performing the required services on federally funded projects, must be prequalified with ADOT ECS.

5. During the selection process discussions, is it against the rules to have panel members discuss past performance issues with an entity that they dealt with and they did not perform well?

Confidentiality, consistency and fairness must be maintained throughout the consultant selection process. Panel members must individually evaluate the qualifications of each submitting firm, based solely on the information presented in The Statement of Qualifications provided by the firms. Discussions or input from outside entities is not permissible. Panel members must clearly document their evaluation scores and comments. Upon completion of their individual evaluation, panel members will meet together to come to a consensus on the most qualified firms/teams. The identity and deliberations and contracts made by the panel members must remain confidential.

6. For on-call contracts how are DBE goals assessed? Are they assessed by contract or by project assignment? How are firms used fairly if a firm can perform in more than one technical area?

The use of On-Call contracts by Local Public Agencies for Federal-Aid Projects is not permitted at this time.

7. When will the Federal Uniform Terms and Conditions be made available?

ECS is working with its partners at ADOT BECO and FHWA to develop a document to provide to local agencies to reference and incorporate into their contract documents which will include all applicable and required Federal contract provisions.

This document will be posted on ECS webpage:

<http://azdot.gov/business/engineering-consultants/CertificationAcceptanceProgram>

8. If one of ADOT's on-call contract is used, are there any fees applied to the project?

In most cases, a JPA is required for ADOT to perform the work under ADOT's on-call program. The JPA will identify if fees are applied.

9. Are the prime Consultants required to include in their subcontracts the same terms and conditions in each subcontract they execute with their subconsultants?

Yes. As required in 49 CFR Part 18.37 Subgrants:

- (2) Ensure that every subgrant includes any clauses required by Federal statute and executive orders and their implementing regulations; and ...

Even though this requirement is not covered in the CA guidelines specifically, it is addressed in ECS standard contract and the Federal Uniform Terms and Conditions document.

10. Can we authorize work prior to obtaining federal authorization?

No. Work on projects funded with Federal-Aid Highway Program funds must be authorized by the Federal Highway Administration (FHWA) prior to execution of a contract or contract modification. No NTP or ANTP/Advanced Authorization shall be given until FHWA funding authorization is received. Consultant and/or Agency costs are not reimbursable if there is no written FHWA authorization or if costs are incurred prior to the FHWA authorization date.

Prior to advertisement of the contract or execution of the modification/task order for new projects, a copy of the FHWA funding authorization must be in place and maintained in the contract file.