



**Bridge Factors Factual Report Attachment 67 – FDOT Construction Project
Administration Manual, Section 4.1 Administration of Consultant CEI Contracts, dated
November 2, 2012**

Miami, FL

HWY18MH009

(8 pages)

Section 4.1

ADMINISTRATION OF CONSULTANT CEI CONTRACTS

4.1.1 Purpose

To set forth general instructions concerning the administration of Consultant Construction Engineering and Inspection (CCEI) contracts.

4.1.2 Authority

Sections 20.23(4)(a) and 334.048(3), Florida Statutes (F.S)

FHWA Approved (12-14-11)

4.1.3 Background

The Department must ensure the Consultant CEI is performing services in accordance with the scope of services and the contract.

The following is a list of Professional Consultant Contract Administration Procedures and Guidelines pertinent to procurement and administration of Consultant CEI.

350-020-200	Contract Funds Management Funds Approval
360-050-005	Project Cost Reporting
375-020-010	Identifying and Assigning Responsibility for Errors, Omissions, and Contractual Breaches by PE
375-030-001	Professional Consultant Qualification
375-030-002	Acquisition of Professional Services
375-030-004	Audit Process for Professional Services Consultants and Contracts
375-030-005	Invoicing for Service Agreements
375-030-006	Restriction on Consultants' Eligibility to Compete for Department Contracts
375-030-007	Professional Services Consultant Work Performance Evaluation
375-030-010	Amendments and Task Work Orders for Professional Services Agreements

4.1.4 Role of Consultant CEI

The Department has representation in administering construction projects through Professional Services contracts. Hence, the authority of the CCEI firm's lead person, such as the Senior Project Engineer, and the CCEI Project Administrator shall be identical to the Department's Resident Engineer and Project Administrator respectively and shall be interpreted as such. The Consultant is required to exercise their professional judgment in performing their obligations and responsibilities under the contract. However, the Consultant must seek input from the Construction Project Manager. Therefore, the Department vests the Consultant with the responsibility of administering the project(s) and to implement actions based on their authority, subject to the requirements of **Section 4.1.6**.

The Consultant shall render the services consistent with the standard of care, skill, and diligence exercised by members of the same profession providing similar services under similar conditions at the locale of the project and at the time the services are to be performed. Consultants' standard of care shall not be altered by the application, interpretation, or construction of any other provision of the contract.

4.1.5 Pre-Service Phase

(A) Resident Level Responsibilities

A pre-service meeting is required on all Consultant CEI (CCEI) contracts following execution of the contract and prior to the pre-construction conference. Generally, those in attendance will be representatives of the Department's Professional Services Unit, the Construction Project Manager, District Construction Consultant Manager or designee, and the Consultant to discuss administration of the Consultant contract. The Construction Project Manager will be responsible for the meeting. The pre-services meeting can be optional if the Firm is already performing services in the District and District Construction Consultant Manager does not believe the pre-services meeting is needed.

Subjects covered at the meeting will include, but not be limited to:

- (1) Department lines of authority concerning administration of the Consultant contract and the administration of the construction contract.
- (2) Consultant's schedule (with datelines determined) for establishing field offices, assigning personnel and equipment.

- (3) Terms of the Consultant contract (e.g., approval of Consultant's personnel qualifications, approval of personnel and equipment assignments, rates, etc.). Clarify any portions of the Consultant CEI Scope of Services that are unclear to any parties.
- (4) Invoice procedure as outlined in *Invoicing for Service Agreements, [Procedure No. 375-030-005](#)*.
- (5) The coordination between the Construction Project Manager, District Construction Consultant Manager, Professional Services Administrator, and Consultant CEI for processing CCEI supplemental amendments and CCEI invoices.
- (6) Review the process for the CCEI to contact the Design Consultant for post-design services and clarification or correction of plans and specifications.
- (7) Discuss Disadvantaged Business Enterprise (DBE), On-the-Job Training (O.J.T.), and Equal Employment Opportunity (EEO) monitoring and documentation submission requirements.
- (8) The *Professional Services Consultant Work Performance Evaluation, [Procedure No. 375-030-007](#)*.
- (9) Action required by CCEI prior to start of construction.
- (10) Review of the critical items for successful administration of the construction contract.
- (11) Consultant CEI's Quality Control (Q.C.) Review process.

A complete and concise record (including the names, titles, addresses, and telephone numbers of all participants) of the proceedings of the meeting shall be prepared by the Consultant CEI and approved by the Construction Project Manager. Record of the meeting shall be distributed to all participants and other interested parties within 2 weeks following adjournment of the meeting.

4.1.6 Service Phase

(A) Resident Level Responsibilities

The Construction Project Manager, under direct supervision of the Department Resident Engineer or the District Construction Consultant Manager and in turn the District Construction Engineer, administers the Consultant CEI Contract(s) and monitors the activities of the Consultant(s) engaged in construction contract administration and is in responsible charge of the project(s) at all times. The Construction Project Manager will

serve as the liaison to the FHWA and the Department as it relates to various contract administration issues. The areas of responsibility of the District Construction Consultant Manager and Construction Project Manager include:

4.1.7 Consultant Personnel

(A) Resident Level Responsibilities

The Construction Project Manager or the District Construction Consultant Manager shall compare the personnel proposed by the Consultant with the Technical Proposal for any changes in personnel. Replacements for the original personnel must have equal or better qualifications than the personnel being replaced. The Construction Project Manager or Resident Engineer and the District Construction Consultant Manager shall jointly review and approve all subsequent additions and deletions to Consultant staffing of a project and all salary increases. All overtime usage is subject to the terms of the Consultant CEI contract. All salary and personnel approvals shall be in writing.

4.1.8 Office Space and Equipment

Shall be in accordance with the Consultant CEI contract.

4.1.9 Travel

All travel expenses of the Consultant with reimbursement are not to exceed State of Florida rates, Department policies and limitations, and within the terms of the Consultant CEI contract.

4.1.10 Training Courses

(A) District Level Responsibilities

The District Construction Training Administrator or designee shall advise the Consultant, through the Construction Project Manager, of any construction training courses presented by the Department. The District Construction Engineer shall make space available to the Consultant for training that is normally available to Department field personnel. Training is an overhead expense in accordance with Federal Acquisition Regulations. Therefore, training costs are not to be charged directly to Department projects. However, the District Construction Engineer can authorize Consultants in that District to attend District specific informational sessions; in which case, the Consultants will be reimbursed for the hours spent in travel and in the session as part of their billable hours. No additional reimbursement will be made for travel, including but not limited to, mileage, lodging, meals, etc.

4.1.11 Consultant Billings

(A) Resident Level Responsibilities

The Construction Project Manager shall review and process Consultant monthly and final invoices according to ***Invoicing for Service Agreements, Procedure No. 375-030-005***.

Consultant CEI Firm's Quality Assurance (Q.A.) Reviews: The quarterly Consultant's performance evaluation will note whether the Consultant's Q.A. reviews were performed every six (6) months by the CCEI Firm. Provide written explanation with supporting backup documentation as necessary for areas identified as "unacceptable" performance.

4.1.12 Consultant Performance

(A) Resident Level Responsibilities

During the early stages of the construction project, the Construction Project Manager shall thoroughly evaluate the performance of the CCEI Firm to ensure the CCEI Firm is demonstrating the necessary knowledge, skills and experience to make decisions in accordance with the Consultant's Contract. Any deficiencies in the performance of the CCEI Firm will necessitate remedial action, including but not limited to, reassignment of personnel, replacement of personnel, and increase in the frequency of monitoring and inspection activities, and increase the scope and frequency of training of the Consultant personnel. Such deficiencies shall be handled in accordance with section 4.2.5. The Construction Project Manager shall maintain a continuing overview of Consultant performance of duties by quarterly interim reviews of records, inspection procedures, testing procedures, sampling procedures, etc. These performance reviews shall be conducted beginning with the first full Quarter, (during the months of February, May, August, and November) in accordance with ***Professional Services Consultant Work Performance Evaluation, Procedure No. 375-030-007***. The Construction Project Manager shall use the ***Professional Services Information System (PSIS)*** using the ***Project Managers Grades System (PMGS)*** to record quarterly interim and final grades.

The Construction Project Manager may obtain comments from other appropriate District personnel on Consultant's performance.

4.1.13 Initial In-Depth Review

(A) Resident Level Responsibilities

The Construction Project Manager shall conduct an Initial In-depth review for each Consultant CEI contract. The Initial In-depth review should be conducted within six (6)

months of commencement of CCEI services and be documented on **Consultant CEI 6 Month In-Depth Review Report, [Form No. 700-010-03](#)**.

Written records of each review are to be maintained in a contract management file for each Consultant CEI contract for the life of the contract.

The review areas of each CCEI contract shall consist of:

- (1) **Personnel** - The Construction Project Manager shall review Consultant staffing to determine if the individuals assigned to the project are those identified in the technical proposal, and that project staffing is in accordance with the approved staffing plan. All replacement personnel shall have been properly approved and be equally or better qualified to perform in their respective positions, and their rates of pay must be in accordance with the CCEI contract requirements.
- (2) **Equipment** - The Construction Project Manager shall check to insure all equipment as required in the Consultant CEI contract has been provided, is in proper operating condition, is being maintained and calibrated, and is adequate for ongoing and projected construction activities.
- (3) **Construction Contract Administration** - The Construction Project Manager shall determine if the CCEI staff has the appropriate construction contract, plans, specifications, design standards, Department procedures, and other pertinent documents available in the project office and that the Consultant is complying with material testing, inspection, documentation, and contract administration requirements.

4.1.14 Final Evaluation

(A) Resident Level Responsibilities

The Construction Project Manager shall prepare and submit a final evaluation on the Consultant CEI's work performance within 30 days after completion and acceptance of basic services, in accordance with **Professional Services Consultant Work Performance Evaluation, [Procedure No. 375-030-007](#)**. The Construction Project Manager shall conduct a performance review for the period since the last quarterly grade was determined to that day of acceptance of basic services. The final grade for the Consultant CEI should be representative of the performance of the Consultant for the duration of the CEI contract and will be determined by averaging all the quarterly grades including the grade for the partial period prior to acceptance.

The Construction Project Manager shall obtain written comments from the District Final Estimates Manager (DFEM) if the DFEM performed a review of the Consultant's final estimates.

If close out of the Consultant CEI contract is requested in order to unencumber the remaining contract funds and a Final Consultant CEI work performance evaluation is required before the final estimate package has been completely checked by the District Final Estimates Office, then a Final Evaluation Grade can be given leaving the Final Estimate Package section blank. A second Final Evaluation Grade shall be given once the Consultant's final estimate package has been completely checked by the District Final Estimates Office, in order to determine an accurate performance grade.

4.1.15 Design-Build Contracts

(A) Resident Level Responsibilities

On Design-Build contracts that include CEI services, the Construction Project Manager shall conduct an Initial In-Depth Review, Quarterly Interim Reviews, and Final Evaluation in accordance with this procedure for the Design-Build CEI.