Manual Notice  2013-1

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Manual: PEPS Contracting: Selection Process

Effective Date: December 01, 2013

Purpose

PEPS Contracting: Selection Process includes guidelines TxDOT staff use to select a provider for a Professional Engineering Procurement Services (PEPS) contract. PEPS contracts involve architectural, engineering, or surveying services.

Contact

Please contact Mark Dye with questions or comments.

Archives

This is the first edition of the manual. No manual-notice archive exists.
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Chapter 1 — Introduction to Contracting for Professional Engineering Procurement Services

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Section 1 — Introduction

Overview of PEPS Contracting

A large segment of business that TxDOT conducts with the private sector involves contracting for architectural, engineering, and surveying services. TxDOT refers to these types of contracts as Professional Engineering Procurement Services (PEPS) contracts.

The process TxDOT uses to choose providers for PEPS contracts differs from other types of contracting, as it occurs in two separate steps. TxDOT initially selects providers based solely on their qualifications; after selection, prices are negotiated.

Guidelines are published in three manuals on the TxDOT Online Manuals System, which respectively address three key phases of PEPS contracting: selecting a provider, developing and negotiating the contract, and managing and administering a contract.

PEPS manuals include the following:

- PEPS Contracting: Selection Process
- PEPS Contracting: Contract Development and Negotiations (pending)
- PEPS Contracting: Contract Management and Administration (pending)

TxDOT also publishes the Contract Management Manual, which provides general contracting standards.

Chapter Overview

Chapter 2 in PEPS Contracting: Selection Process launches the selection process. Chapter 1 addresses the following, which pertain generally to all three PEPS manuals:

- essential resources
- PEPS Division oversight
- manual terminology
- authority
- ethics and fairness
- PEPS glossary
Chapter 1 — Introduction to Contracting for Professional Engineering Procurement Services

Section 1 — Introduction

Essential Resources

- **PEPS Provider Selection and Contract Award Process** – diagram of the selection and negotiation process. The flowchart includes color-coded phases of the process and references to respective forms.

- **Roles and Responsibilities table** – roles and responsibilities for all TxDOT employees involved with the selection process

- **selection process time frames table** – time frames for each major step for each selection process

- **PEPS intranet site** – host of information supporting PEPS contracting, including forms, templates, checklists, worksheets, training materials, news and events, and PS-CAMS information and links

- **PEPS WEB** – In 2013, consultant contracting at TxDOT was streamlined, upgraded, and rebranded as “PEPS.” PEPS WEB was created to help staff with the transition.

PEPS Division Oversight

The Professional Engineering Procurement Services (PEPS) division works with the Managing Office to provide advice and oversight throughout the selection, negotiation, and contract administration process. While the Managing Office initiates, implements, and manages the contracting process according to the existing laws, regulations, rules, and policies, PEPS ensures that primary steps are followed, time frames are adhered to, correct forms are used for documentation, and the selection process is implemented consistently and fairly across the state.

Manual Terminology

Many terms are used to identify the party TxDOT partners with in the contracting process, including “provider,” “consultant,” “contractor,” “firm,” etc. For the sake of simplification, the PEPS manuals generally use the term “provider.”

A single solicitation may advertise multiple contracts, depending on the needs to the Managing Office. For consistency, PEPS manuals generally present the selection process as being used for a single contract. Thus, the singular “provider” is used.

Authority

- **Texas Administrative Code (TAC) Title 43, Part 1, Chapter 9, Subchapter C**

- **40 U.S.C. §§1101-1104, Brooks Act**

- **23 U.S.C. §112(b)(2)**

- **23 C.F.R. Part 172**
Texas Government Code Chapter 2254, Professional Services Procurement Act
Texas Government Code Chapter 2161.252
Texas Transportation Code Chapter 223.041
Section 2 — Ethics and Fairness

Ethics and fairness issues pervade all facets of the PEPS contracting process. TxDOT employees involved with PEPS contracting must perform their roles and responsibilities with the utmost professionalism, objectivity, and impartiality. Any erosion of the public trust or hint of bias or impropriety, either real or perceived, can not only damage the integrity of TxDOT and its contracting process, but lead to serious and costly legal consequences. Issues specific to provider evaluation and selection are discussed in Ethics and Fairness in Provider Selection in Chapter 3, Section 8.

Office of Compliance and Ethics

The Office of Compliance and Ethics (OCE) maintains an intranet site, which provides guidance on ethics issues. The site includes TxDOT’s ethics policy.

OCE’s contact information is as follows:

  Suzanne Latimer, Director  
  Phone: 512-936-2729  
  OCE Phone: 512-936-2737  
  Fax: 512-465-3619  
  Email: Suzanne.Latimer@txdot.gov

Former TxDOT Employees

Former TxDOT employees often pursue job opportunities in the private sector. Thus, PEPS providers may include former TxDOT employees on staff. Such arrangements are subject to Revolving Door Provisions. It is the responsibility of all TxDOT employees involved with PEPS contracting – as well as former employees and consultants – to be familiar with these restrictions and rules.
Section 3 — PEPS Glossary

NOTE: See the TAC for rule references.

Accelerated process: The department’s selection process pertaining to state contracts valued at less than $1 million and involving PEPS services of relative low complexity and risk, defined by Texas Administrative Code §9.37.

Administrative qualification: A department process conducted to verify that a provider has an indirect cost rate that meets department requirements.

Audit Office (AUD): An office of the department whose functions include conducting independent reviews of negotiated contracts including the review of cost rate data.

Comprehensive process: The department’s selection process pertaining to specific deliverable contracts valued at $1 million or more, defined by Texas Administrative Code §9.34.

Consultant Certification Information System (CCIS): A department database used to collect and store information related to the department's pre-certification of providers and provider evaluation.

Consultant Selection Team (CST): The department’s team that evaluates statements of qualifications and interviews, and selects a prime provider based on demonstrated qualifications.

Department: The Texas Department of Transportation.

Disadvantaged business enterprise (DBE): A firm certified as a small business owned and controlled by socially and economically disadvantaged individuals through the Texas Uniform Certification Program and under 49 CFR Part 26.

Emergency process: The department’s selection process pertaining to emergency contracts, defined by Texas Administrative Code §9.38.

Federal process: The department’s selection process pertaining to federally funded contracts, defined by Texas Administrative Code §9.35.

Historically underutilized business (HUB): A firm certified as a small, minority- or woman-owned business through the Texas Comptroller of Public Accounts. Also see the Texas comptroller’s site.

Indefinite deliverable contract: A service-oriented contract of limited dollar value and duration that includes a general scope of services and uses work authorizations to sufficiently define the prime provider’s responsibilities §9.32.
Interview and Contract Guide (ICG): A document provided by the department to short-listed providers that includes instructions to prepare for the interview.

Managing Office: The department’s organizational sub-unit responsible for overseeing the provider selection, leading the contract negotiations, administering the contract, and processing invoices. Districts or divisions – including the PEPS Division – may serve as a Managing Office.

Managing Officer: The head of a Managing Office; that is, either the district engineer (DE) or the division director (DD).

Non-listed category (NLC): A formal classification, developed by a Managing Office, used to define a specific sub-discipline of work and provide the minimum technical qualifications for performing the work. NLCs address project-specific work categories not covered by the standard work categories.

Precertification: A department process conducted to verify that a provider meets the minimum technical requirements to perform work under a standard work category.

Prime provider: A firm that provides or proposes to provide architectural, engineering, or surveying services under contract with the state.

Professional Engineering Procurement Services (PEPS): Of or relating to the procurement of architectural, engineering, or surveying services.

Professional Services Contract Administration Management System (PS-CAMS): A web-based system of record that the department uses to administrate PEPS contracts.

Provider: A prime provider or subprovider.

Relative importance factor (RIF): The numerical weight assigned to an evaluation criterion, used by the Consultant Selection Team to score statements of qualification and interviews.

Request for qualification (RFQ): Generally referred to as a solicitation, a public announcement that advertises the department's intent to enter into an architectural, engineering, or surveying contract and provides instructions for the preparation and submittal of a Statement of Qualification.

Short list: The list of prime providers most qualified to perform the services specified in a Request for Qualifications, as demonstrated by the Statement of Qualifications scores (comprehensive, federal, and streamlined – if required – processes only).

Solicitation: A Request for Qualification.

Specific deliverable contract: A project-oriented contract that includes a detailed scope of services that sufficiently defines a detailed negotiated budget and schedule, as well as the prime provider's responsibilities. The contract may use work authorizations to issue the work §9.32.
**Standard work category:** A formal classification, developed by the department, used to define a specific sub-group of work and provide the minimum technical qualifications for performing the work.

**Statement of qualification (SOQ):** A document prepared by a prime provider, submitted in response to a Request for Qualification.

**Streamlined process:** The department’s selection process pertaining to indefinite deliverable contracts involving PEPS services of higher complexity, defined by Texas Administrative Code §9.36.

**Subprovider:** A firm that provides or supports or proposes to provide and support architectural, engineering, or surveying services under subcontract or proposed to be under subcontract with a prime provider.

**Urgent and critical process:** The department’s selection process pertaining to urgent and critical contracts, defined by Texas Administrative Code §9.39.
Chapter 2 — Introduction to Provider Selection

Contents:

Section 1 — Introduction
Section 2 — Overview of PEPS Selection Process
Section 1 — Introduction

This manual includes guidelines TxDOT staff use to select a provider for a Professional Engineering Procurement Services (PEPS) contract.

The TxDOT Managing Office is responsible for conducting the selection process, with the PEPS Division providing procurement support and coordination. Multiple parties within these entities interact to execute the selection process.

Qualifications-Based Selection

TxDOT chooses providers for PEPS contracts in a two-step process known as qualifications-based selection (QBS). First, TxDOT evaluates, scores, and selects a provider strictly on the provider’s qualifications.

After a provider is selected, TxDOT and the provider begin negotiations to establish a fair and reasonable price for the services. If a price cannot be agreed upon, TxDOT terminates negotiations with the provider and commences negotiation with the next most-qualified provider. This process continues until a fair and reasonable price is agreed upon.

Under QBS, price cannot be a criterion when evaluating and selecting the provider. Price is instead a negotiable component, post selection. The federal Brooks Act and state Professional Services Procurement Act, which authorize public agencies to procure engineering and design-related services, require TxDOT to use QBS when selecting PEPS providers.

All TxDOT employees must understand that considering price when selecting a PEPS provider is unlawful in all circumstances. Any hint of impropriety in this regard, either actual or perceived, creates great risk for TxDOT and involved employees.

Essential Resources

- PEPS Provider Selection and Contract Award Process – diagram of the selection and negotiation process. The flowchart includes color-coded phases of the process and references to respective forms.
- Roles and Responsibilities table – roles and responsibilities for all TxDOT employees involved with the selection process
- selection process time frames table – time frames for each major step for each selection process
- PEPS intranet site – host of information supporting PEPS contracting, including forms, templates, checklists, worksheets, training materials, news and events, and PS-CAMS information and links
PEPS WEB – In 2013, consultant contracting at TxDOT was streamlined and upgraded, and rebranded as “PEPS.” PEPS WEB was created to help staff transition to PEPS.
Section 2 — Overview of PEPS Selection Process

Once a TxDOT Managing Office determines a need for a PEPS contract, a Consultant Selection Team (CST) is assembled. The team initiates the provider selection process by assembling and submitting an Intent to Contract (ITC). After developing and posting a Request for Qualifications (RFQ) to advertise the contract, responses from interested providers – called Statements of Qualifications (SOQs) – are collected and evaluated by the CST. Depending on the selection process, providers are either selected or advance to a short list for an interview, final evaluation, and selection.

The below flowchart illustrates key steps in the PEPS selection process:
Figure 2-1. PEPS selection process

Action Steps and Deliverables

Action steps and deliverables for routine state and federal selection processes are below. The less common emergency process and urgent and critical process are expedited – see Chapter 11 for guidelines. Numerical references regard the relevant chapter and section.
Also see Available Selection Processes in Chapter 3 for discussions and comparisons of specific selection processes tailored to specific projects.

**Contract Preliminaries**

1. The Managing Office identifies the need for a PEPS contract (3.2).
2. The Managing Office determines the general characteristics of the selection, including the contract type, contract value, number of contracts required, funding source, and selection process to be used (3.2 - 3.6).
3. If the streamlined selection process is used (3.6), the Managing Office decides whether the provider will be selected directly after SOQ evaluations or after optional short list (interview) evaluations.
4. PEPS posts the anticipated contract on the projected contracts list (3.7).
5. The Managing Office forms a Consultant Selection Team (CST), who handle the provider selection process (3.8).

**Intent to Contract**

1. The Managing Office and the PEPS Rep assemble an Intent to Contract, which is electronically submitted to initiate the selection process (4.2).
2. The PEPS Rep creates an electronic selection file and includes required forms in the file (4.4).
3. The PEPS Rep assembles key documents and schedules a CST kickoff meeting for a briefing and a discussion of contract goals, provider qualities, and schedules (4.6).

**Scope of Work**

1. The TxDOT project manager (PM) downloads the appropriate scope template from the PEPS intranet website, if applicable (5.3).
2. Prior to drafting the scope, the TxDOT PM becomes familiar with project requirements, previous related contracts, and other aspects that contribute to scope creation (5.4).
3. The TxDOT PM drafts the scope per scope content requirements (5.4).
4. The District Engineer or Division Director approves the scope (5.5).
5. ID scopes are posted with the solicitation. SD scopes under the federal process and accelerated process are posted with the solicitation. Scopes under the comprehensive process may or may not be posted with the solicitation (5.5).
6. Scopes are finalized post-selection, in the negotiations stage.
Chapter 2 — Introduction to Provider Selection  

Section 2 — Overview of PEPS Selection Process

Request for Qualifications and Statement of Qualifications (solicitation and response)

1. The PEPS Representative on the Consultant Selection Team (CST), with CST support, develops a Request for Qualifications (RFQ), which advertises the contract and instructs interested providers on how to respond (6.1).
   a. The CST compiles general characteristics of the contract and downloads an RFQ template (6.2).
   b. The CST determines goals and consultant characteristics to represent questions providers must answer in a Statement of Qualifications (SOQ), the response to the RFQ (4.6, 7.2).
   c. The CST creates SOQ questions included in the RFQ based on goals and consultant characteristics (7.3).
   d. The CST creates a scoring grid, which includes weights of SOQ questions – included in the RFQ – and indicates how CST members should score questions (7.4).
   e. The CST prepares the Question and Response (Q&R) template to accommodate SOQ questions presented in the RFQ (7.5).
   f. The PEPS Rep prepares the Individual CST Member Scoresheet to accommodate SOQ questions, weighting, member scoring, and – for the accelerated process and streamlined processes that do not involve interviews – past performance scores (7.6, 7.7). (This may occur following RFQ advertisement.)

2. PEPS advertises the RFQ (Chapter 6).

3. The PEPS Rep develops a plan for receiving SOQs from providers, and the Managing Office receives and screens them (8.3, 8.4).

4. CST members score responses to SOQ questions, documenting results on Individual CST Member Scoresheets (8.5) using the scoring grid they created (7.4).

5. The PEPS Rep preps the Consolidated CST Summary Scoresheet and consolidates individual scoring to prepare for deliberations of scoring (9.2).

6. CST members deliberate scores of certain questions and update their scoring if necessary (9.3).

7. Depending on the selection process (3.6), providers are either selected or advance to a short list for an interview, final evaluation, and selection (8.6).
Short List / Interviews

NOTE: Steps in this subsection only regard selection processes that include a short list / interview (comprehensive process, federal process, and, when required, the streamlined process) (3.6).

1. The Consultant Selection Team (CST) drafts interview priorities, which represent topics for provider presentations at the interview and CST follow-up questions, and are later scored by the CST (10.2).

2. The CST drafts presentation topics, which providers center their presentations on at the interview (10.2).

3. The CST creates a scoring grid, which indicates how CST members should score priorities. (The grid may be created after ICG issuance.) (10.3)

4. The CST assembles the Interview Contract Guide (ICG), which contains details regarding interview requirements. Interview priorities (and weighting) and interview topics are included (10.4).

5. The CST issues the ICG to short-listed providers depending on when interviews are scheduled, so each provider has equal time for preparation.

6. The PEPS Rep sets up the Individual CST Member Scoresheet to accommodate scoring and weighting for the newly created priorities, as well as past performance scores (10.6).

7. The CST receives forms and documents requested in the ICG from providers.

8. CST members determine their roles at the interview, including lead questioner, facilitator, and timekeeper (10.7).

9. The CST conducts interviews, which typically include the following stages (10.8):
   - introduction
   - provider presentation
   - working break
   - follow-up Q&A session
   - closing remarks

10. Directly following the interview, CST members score priorities, documenting results on Individual CST Member Scoresheets using the scoring grid they created (10.9).

11. The PEPS Rep preps the Consolidated CST Summary Scoresheet and consolidates individual scoring results to prepare for deliberations of scoring (9.2).

12. The CST discusses individual scoring in one or two deliberations meetings, and CST members update their scoring if necessary (9.3, 9.4).

13. Final scores and ranking determine the selected provider (10.9).
Finalizing the Selection Process

1. The PEPS Rep completes a selection memo and submits it to the PEPS director (12.3).
2. The PEPS Rep notifies selected and non-selected providers (12.4).
3. PEPS publishes the selection on the TxDOT internet site and the Electronic State Business Daily site within five days of provider notifications (12.4).
4. The PEPS Rep initiates the Pre-Negotiation Report, which includes information regarding the provider’s indirect cost rate (12.4).
5. The CST schedules debriefs with non-selected providers to help them with future SOQs and interviews (12.5).
6. The PEPS Rep finalizes the selection file and ensures it is well-organized and complete (12.6).

Upon selecting a provider, TxDOT enters negotiations with the provider to finalize the scope of services and establish a fair and reasonable price for the services. If a successful contract cannot be negotiated, TxDOT terminates negotiations with the provider and commences negotiations with the next highest-qualified provider. This process continues until a successful contract is negotiated or it is determined to reprocure.
Chapter 3 — Contract Preliminaries

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Section 8 — Assembling a Consultant Selection Team
Section 1 — Introduction

Overview

Upon identifying a need to contract, the Managing Office begins the preliminary tasks associated with the PEPS selection process. The resulting information is included in an Intent to Contract, addressed in the following chapter.

Preliminary tasks, discussed in this chapter, include the following:

◆ identifying the need to contract
◆ indefinite deliverable vs. specific deliverable contracts
◆ determining federal and state funding and requirements
◆ identifying the selection process
◆ posting content on the projected contracts list
◆ assembling a Consultant Selection Team

Action Steps and Deliverables

Action steps and deliverables for this stage are summarized below (numerical references regard chapter / section).

1. The Managing Office identifies the need for a PEPS contract (3.2).
2. The Managing Office determines the general characteristics of the selection, including the contract type, contract value, number of contracts required, funding source, and selection process to be used (3.2 - 3.6).
3. If the streamlined selection process is used (3.6), the Managing Office decides whether the provider will be selected directly after SOQ evaluations or after optional short list (interview) evaluations.
4. PEPS posts the anticipated contract on the projected contracts list (3.7).
5. The Managing Office forms a Consultant Selection Team (CST), who handles the provider selection process (3.8).

Essential Resources

◆ PEPS Provider Selection and Contract Award Process – diagram of the selection and negotiation process. The flowchart includes color-coded phases of the process and references to respective forms.
Chapter 3 — Contract Preliminaries

Section 1 — Introduction

- **Roles and Responsibilities table** – roles and responsibilities for all TxDOT employees involved with the selection process

- **Selection process time frames table** – time frames for each major step for each selection process

- **PEPS intranet site** – host of information supporting PEPS contracting, including forms, templates, checklists, worksheets, training materials, news and events, and PS-CAMS information and links

- **PEPS WEB** – In 2013, consultant contracting at TxDOT was streamlined, upgraded, and rebranded as “PEPS.” PEPS WEB was created to help staff transition to PEPS.
Section 2 — Identifying the Need to Contract

The Managing Office determines the need to contract and identifies whether a PEPS contract is necessary. The DD/DE begins this process by reviewing the projects listed in the department’s four-year plan and assessing the levels of expertise and resources they require. Projects that call for a level of expertise or production beyond the capability of TxDOT’s in-house personnel are marked for potential contracting.

PEPS contracts involve architectural, engineering, and surveying services as a component, no matter how small that component may be. Any contract including none of these services will not involve PEPS. The PEPS Division can assist the Managing Office in determining whether a PEPS contract matches a need for services. Should it not, the Managing Office should seek assistance from Contract Services.

Contracts that provide architectural, engineering, or surveying services may contain other types of services only if these services are directly tied to architectural, engineering, or surveying services. For example, an engineering service contract may require that a provider offer environmental services. Those environmental services would only be appropriate when directly supporting the engineering service.

Inappropriate use would include using an engineering contract as a pass-through to issue work for environmental services or other non-engineering services that do not directly supporting an engineering service under the same contract. Circumventing the appropriate procurement process for a particular service violates procurement laws.

Upon determining that a PEPS contract is appropriate, the next step involves choosing the type of contract.
Section 3 — Indefinite Deliverable vs. Specific Deliverable Contracts

Overview

Two types of contracts are used for PEPS, depending on the nature of the project:

- indefinite deliverable (ID) contracts, which include time restriction and dollar limits but are easier to execute, as they need not declare specific projects
- specific deliverable (SD) contracts, which categorically lack time restrictions and dollar limits, but are more complex to execute as they must detail specific projects

This section addresses these two types of contracts, as well as planning and packaging considerations.

NOTE: A solicitation may result in single or multiple contracts, regardless of contract type. The Request for Qualifications (RFQ), which advertises the need for contract services, designates these specifics (see Chapter 6 for details).

Indefinite Deliverable Contracts

Approximately 90 percent of PEPS contracts are indefinite deliverable (ID) contracts. These contracts support smaller, more routine work that can be completed within a relatively short time frame. ID contracts include a general scope of work, and use work authorizations (WAs) to define the specific project and the prime provider’s responsibilities. Typical work – rather than specific project commitments – is described in the RFQ. ID contracts are generally dedicated to more than one project, and the selection process often involves multiple contracts.

Contract duration. The maximum contract time for an ID contract is the time needed to complete all WAs issued in the first two years of the contract. The contract period, in which initial WAs may be issued, must heed this time frame unless an exception is approved by the Texas Transportation Commission prior to the RFQ posting date. Supplemental work authorizations may be issued to extend the contract period beyond the two years, but only as necessary to complete work on an existing initial work authorization.

Monetary caps. Dollar limits are designated and controlled by the administration. The maximum not to exceed for an ID contract is $2 million per contract. Advertising an ID contract over $2 million requires administrative approval.

Contract scope. As ID contracts do not commit to specific projects, scope is addressed in general terms at the time of advertisement. The contract scope defines the type of work expected and addresses general standards and requirements that apply to the work. The scope must be specific enough to identify limits regarding what work can and cannot be issued under the contract, and
must also provide enough meaning and purpose to ensure the contract cannot be generically applied to virtually any assignment.

**Work authorizations and scope.** Projects are defined at the WA level after award of the ID contract. The WA scope specifically defines the project assignment, tasks, controls, budget, deliverables, schedule, and other requirements. The task outline should clearly correspond to the negotiated budget, since the two are directly related. The WA scope must not be open ended.

**Flexibility.** Since specific projects are not identified in ID contracts, their general nature allows for several contracts to be advertised for one selection process, which can save time and allow flexibility in responding to changing priorities in project development. Executing the contract is also easier, as the relatively general scope typically requires little if any negotiation, and scope templates are available for the core disciplines. Only rates – rather than a project-related budget – are negotiated. A detailed project scope and budget, however, must still be negotiated at the work authorization level.

While ID contracts offer flexibility and time savings, they should not be associated with a large, complex project that can exceed these contracts’ time and dollar limits. Such projects are instead delivered through specific deliverable contracts.

**Specific Deliverable Contracts**

A specific deliverable (SD) contract is a project-oriented contract that includes a detailed scope of services that sufficiently defines the prime provider's responsibilities. These contracts include specific deliverables to be produced, and require a detailed negotiated scope and budget. Consequently, their development is relatively involved and time-intensive. While SD contracts generally involve large projects, they may be used for contracts of all sizes. SD contracts may be associated with one specific project or multiple projects at the time of advertisement.

**Contract scope.** The scope for SD contracts specifically defines the project assignment, tasks, controls, and deliverables. The scope also addresses standards and requirements that apply to the work. The tasks should clearly correspond to the negotiated budget, since the two are directly related. Unlike ID contracts, the contract scope cannot be open ended or general. The scope is expected to be developed prior to the advertisement.

**Work authorizations.** WAs are optional for SD contracts. They may be used when projects have multiple phases or complex work plans to better manage and control the authorization of work. Scope and budget for SD WAs should correspond to the contract scope and budget.

**Contract duration.** While these contracts lack time restrictions per se, every contract has a control that defines its duration. The time needed to complete the specific project as defined in the contract is considered the maximum contract time. The scope of work must designate the end-of-project effort; this typically involves completion of the identified deliverables.
Flexibility. These contracts provide flexibility with respect to time and budget. SD contracts, as a category, are not limited in terms of dollar value or duration.

Planning and Packaging Considerations

When evaluating work that is to be outsourced, the Managing Office must analyze the factors that influence what type of contract is used, and how work is packaged within a particular contract for acceptable and effective outsourcing. This includes consideration of the following:

- one or more project needs
- similarity of projects
- project size and value
- project duration and complexity
- one or more project development phases
- type of work to support multiple projects
- magnitude of work type needed
- good contracting practice
- departmental goals and objectives

Multiple project considerations. As a rule, when one project will comprise more than 60% of the total contract limit ($2 million), the Managing Office should opt and plan appropriately for an SD contract.

Also, if multiple similar large projects are listed, the Managing Office can consider bundling them under a single, SD contract if the work categories are the same and the scope is similar, to avoid repeating the selection process numerous times.
Section 4 — Determining the Funding Source

During contract preliminaries, the Managing Office must determine whether the contract’s funding source is state or federal. This determination is a key factor in determining the selection process (see Section 6, Available Selection Processes).

State-Funded Contracts versus Federally Funded Contracts

Funding is determined as follows:

- State-funded contracts are either entirely state-funded or, in some cases, funded with a combination of state and local funds. (While these are technically “non-federal contracts,” “state contract” is still the common nomenclature.)

- Federally funded contracts include any percentage of federal funding.

Approximately 85 percent of TxDOT’s contracts are state contracts; the rest are federal contracts involving work on off-system projects or other projects eligible for federal funding.
Section 5 — Contracting Requirements: State vs. Federal

Guidelines in this manual apply to both state and federal contracts (see above section for definitions). These contracts are identical, other than requirements regarding:

- Historically Underutilized Business (HUB) and Disadvantaged Business Enterprise (DBE) programs, and
- administrative qualification.

HUB and DBE Requirements

State contracts involve Historically Underutilized Business (HUB) requirements, whereas federal contracts involve Disadvantaged Business Enterprise (DBE) requirements. These requirements are discussed in HUB or DBE Goal in Chapter 4, Section 3.

Administrative Qualification

Administrative qualification is a process TxDOT uses to verify that a provider has an indirect cost rate that meets department requirements. Requirements for administrative qualification vary according to funding. Providers under state contracts are afforded certain exemptions to the administrative qualification requirements, whereas providers under federal contracts have more restrictive requirements (see TxDOT's internet site for details).
Section 6 — Available Selection Processes

During contract preliminaries, the Managing Office must determine the selection process associated with the specific deliverable (SD) or indefinite deliverable (ID) contract. To team a selection process to a contract, the Managing Office assesses the funding source, contract type, contract size, complexity, and risk. Should selection involve an emergency or an urgent or critical need, the Administration must initiate the contract.

PEPS includes six selection processes. The following are routine:

- federal process (SD and ID) – federal contract (required for routine contracts whenever federal funds are expended)
- comprehensive process (SD) – state contract
- streamlined process (ID) – state contract
- accelerated process (ID and SD) – state contract

The following are less common:

- emergency process (ID and SD) – state or federal contract
- urgent and critical process (ID and SD) – state contract

This section discusses the routine selection processes. The emergency process and the urgent and critical process, which follow distinct guidelines and require authorization from the executive director, are addressed in Chapter 11.

Authority. See 43 TAC, Chapter 9, Subchapter C.

Comparison of Selection Processes and Time Frames

The table below includes comparisons of the routine selection processes (many terms and concepts are explained in later chapters). The table notes contrasted elements; see Overview of PEPS Selection Process in Chapter 2 for common steps for routine processes.
### Comparison of Routine Selection Processes

<table>
<thead>
<tr>
<th>Description &amp; Examples</th>
<th>Comprehensive Process (SD) &amp; Federal Process (SD / ID)*</th>
<th>Streamlined Process (ID)</th>
<th>Accelerated Process (ID &amp; SD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complex, high-value, high-profile projects, which may include the following:</td>
<td>Complex engineering disciplines, which may include the following:</td>
<td>Complex engineering disciplines, which may include the following:</td>
<td>Low risk work involving low-complexity IDs and low-dollar SDs. Increased opportunity for HUB/DBEs. Projects may include the following:</td>
</tr>
<tr>
<td> GEC</td>
<td> GEC (ID)</td>
<td> surveying</td>
<td></td>
</tr>
<tr>
<td> complex PS&amp;E; e.g., urban interstate design</td>
<td> PS&amp;E (ID)</td>
<td> materials engineering</td>
<td></td>
</tr>
<tr>
<td> CE&amp;I</td>
<td> hydraulics / hydrology</td>
<td> geotech</td>
<td></td>
</tr>
<tr>
<td></td>
<td> schematic / environmental</td>
<td> scheduling support</td>
<td></td>
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<tr>
<td></td>
<td> traffic engineering</td>
<td></td>
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<tr>
<td></td>
<td> bridge inspection</td>
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<td></td>
<td> toll operations</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Contract Type / $ Amount / Funding</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Comp process: SD contract</td>
<td>ID contract</td>
<td>ID contract</td>
</tr>
<tr>
<td>Fed process: SD / ID contract</td>
<td>No set dollar amount</td>
<td>SD contract under $1 million</td>
</tr>
<tr>
<td>$1 million or more</td>
<td>State contract</td>
<td>State contract</td>
</tr>
<tr>
<td>Comp. process: state contract</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fed. process: federal contract</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Goal for Completion (RFQ preparation to contract execution)</th>
<th>65 - 100 working days</th>
<th>45 - 70 working days</th>
<th>45 - 50 working days</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Key Process Distinctions</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Short list stage required</td>
<td>Short list stage optional (typically not used)</td>
<td>No short list stage / interviews</td>
</tr>
<tr>
<td>Full interviews with provider presentations and follow-up Q&amp;A's</td>
<td>When conducted, interviews involve Q&amp;A’s and no provider presentation</td>
<td>Selection based on SOQ scores</td>
</tr>
<tr>
<td>Selection based on interview scores</td>
<td>Selection based on either SOQ scores or interview scores, as applicable</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RFQ Preparation &amp; Posting</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Posting time: 14 calendar days (minimum), 21 recommended</td>
<td>Posting time: 14 calendar days (minimum)</td>
<td>Posting time: 14 calendar days (minimum)</td>
</tr>
<tr>
<td>Ask 3 - 4 detailed questions specific to the project in RFQ</td>
<td>Ask 3 - 10 detailed questions in RFQ</td>
<td>Ask 3- 10 detailed questions in RFQ regarding project requirements and provider expertise</td>
</tr>
<tr>
<td>Allow for longer responses for complex projects</td>
<td>Push to develop SOQ questions to allow selection based on SOQ scores alone</td>
<td>Posted 90% scope required</td>
</tr>
<tr>
<td>Federal process requires 90% scope posted</td>
<td>Posted 90% scope required</td>
<td>Goal: 22 working days</td>
</tr>
<tr>
<td>Scope optional for comprehensive process at this stage</td>
<td>Goal: 20 - 27 working days</td>
<td></td>
</tr>
<tr>
<td>Goal: 30 - 40 working days</td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>SOQ Evaluation</th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Evaluate responses to questions; finalize scores and advance highest scoring providers to short list / interview</td>
<td>Evaluate responses to questions; finalize scores and select provider or advance highest scoring providers to short list / interview (as applicable)</td>
<td>Evaluate responses to questions; finalize scores and select provider</td>
</tr>
<tr>
<td>Goal: 10 - 20 working days</td>
<td>Goal: 8 - 13 working days</td>
<td>Goal: 8 - 13 working days</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Short List / Interview Evaluation, Negotiation</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>In ICG, provide interview priorities and presentation topics</td>
<td>Typically no short list / interview stage</td>
<td>No interviews</td>
</tr>
<tr>
<td>Conduct interviews, which include a presentation and follow-up Q&amp;A session</td>
<td>If short list stage used, issue ICG for abbreviated interviews, including interview priorities and excluding presentation topics</td>
<td>Negotiate &amp; execute contract</td>
</tr>
<tr>
<td>Finalize scores and select provider</td>
<td>Finalize scores and select provider</td>
<td>Goal: 15 working days</td>
</tr>
<tr>
<td>Negotiate &amp; execute contract</td>
<td>Negotiate &amp; execute contract</td>
<td></td>
</tr>
<tr>
<td>Goal: 25 - 40 working days</td>
<td>Goal: 17 - 30 working days</td>
<td></td>
</tr>
</tbody>
</table>

*Note. The federal process and the comprehensive process use similar selection processes; however, the federal process also involves any percentage of federal funding as well as federal requirements regarding DBEs and administrative qualifications (see sections 4 and 5 in this chapter).
Section 7 — Posting Content on the Projected Contracts List

Once the Managing Office identifies the general characteristics of the contract, the PEPS Division posts this information on the projected contracts list. Providing the consultant industry with projected contract information provides time to plan and coordinate teaming opportunities. Managing Offices should be prepared to post a projected contract at least one month prior to solicitation.

Information should include the following:

- estimated date of RFQ posting
- specific project location and description, if applicable
- contract type (specific or indefinite deliverable)
- number of contracts
- approximate value of work for streamlined and accelerated
- description of work
- TxDOT contact
- selection process to be used
- pre-RFQ meeting date and location, if applicable (also see Optional Meetings in Chapter 6, Section 3)

NOTE: The projected contracts list is an informal posting for informational purposes only, rather than an official solicitation. For details on official solicitations, see Chapter 6, Request for Qualifications.
Section 8 — Assembling a Consultant Selection Team

Overview

After the contract is identified on the projected contracts list, the Managing Office may assemble the Consultant Selection Team (CST), which conducts the qualifications-based process to select a provider.

This section addresses the following:

- CST member requirements
- CST roles and responsibilities of CST and support staff
- replacing team members
- ethics and fairness in provider selection

CST Member Requirements

CST members must be TxDOT employees who have taken TxDOT’s Consultant Management and Administration training course and have a sound understanding of contracting regulations, processes, and procedures. A CST consists of at least three members, including

- the PEPS Representative (referred to as the “PEPS Rep”), who facilitates the procurement process,
- the TxDOT project manager (PM) for an specific deliverable solicitation, and
- at least one other employee.

NOTE: Only TxDOT employees may participate on the CST. Requests for participation from local agencies, planning organizations, etc. must be declined.

At least one member of the CST must be the following:

- for engineering contracts, a professional engineer
- for surveying contracts, a professional engineer, or registered professional land surveyor
- for architectural contracts, a registered architect

It is strongly recommended to have more than one licensed professional on the CST for the type of services required. For example, a selection pertaining to an engineering contract should have at least two professional engineers on the CST.

The PEPS Rep should work together with the districts and divisions to identify the necessary skill sets required for team members on the CST.
Size considerations. While selection teams may include more than three people, consider that additional members increase the potential of scheduling conflicts. All CST members must fully understand the commitment of time and responsibility the selection process requires. CSTs consisting of three to five members are typical.

Roles and Responsibilities of CST and Support Staff

While the PEPS Division supports and coordinates the selection process to ensure consistency in process application, the CST maintains primary responsibility for conducting an organized, efficient, fair, and effective selection of the most qualified provider. CST members must possess adequate training, background, and experience to effectively evaluate the qualifications of teams submitting proposals.

While CST members have distinct responsibilities, their roles in the selection process are not hierarchical. This subsection addresses responsibilities for the CST and the CST support staff.

All CST members. Responsibilities for all CST members include the following:

- developing documents and forms specific to the selection
- developing questions, topics, and other evaluation criteria, along with subject matter experts (SMEs)
- developing materials used to evaluate and score a provider’s expertise and experience
- screening and evaluating Statements of Qualifications (SOQs)
- evaluating interviews
- selecting providers
- participating in provider debriefs, and other work

PEPS Rep. The PEPS Rep’s responsibilities include the following:

- understanding all selection processes and providing process expertise
- executing the selection process from start to finish
- developing a high-level calendar for the selection and obtaining CST input
- ensuring team members understand and adhere to designated guidelines
- ensuring that decisions to disqualify SOQs during screening are consistent and defensible
- evaluating SOQs and interviews
- compiling the selection file and ensuring all documentation is organized and accessible
- notifying PEPS management if any CST members are replaced
- ensuring records are kept for procurement activities
ensuring timely completion of procurement
leading negotiation for ID contracts, bringing rate schedule expertise

**TxDOT project manager (PM) for SD contracts.** The TxDOT PM’s responsibilities include the following:

- having a solid 90% scope and independent level of effort estimate prior to advertisement
- providing content expertise and bringing topical knowledge to the group
- defining specific user requirements for the contract
- participating in selection and negotiations with firms
- ensuring contract meets end-user needs
- leading negotiations for SD contracts

**SME support.** Subject Matter Experts (SMEs) may or may not be CST members. Support includes the following:

- offering substantive topical expertise
- participating in some CST meetings, as appropriate
- assisting with scope development
- providing substantive input on draft questions and scoring criteria, as appropriate

**Contract specialist support.** Contract specialists may provide the following support:

- handling receipt of SOQs
- screening SOQs
- preparing forms, templates, and worksheets
- handling other tasks assigned by PEPS Rep

**Managing Office support staff.** The Managing Office support staff assists the CST as needed. Responsibilities include:

- preparing RFQ attachments, including cover page, Question and Response Template, Project Team Composition Form, and other documents
- preparing scoresheets
- preparing forms
- receiving SOQs and creating the SOQ receipt log
- screening SOQs and developing the SOQ screening checklists
- verifying administrative qualifications
Replacing Team Members

If a CST member must withdraw from the team, a replacement may be named if the withdrawal occurs before RFQs are evaluated and scored (see Chapter 6, Request for Qualifications).

If a member withdraws after the closing date of the RFQ, the remaining CST members complete the selection process. However, the team must retain at least one professional engineer, registered professional land surveyor, or registered architect throughout the process, in accordance with the type of service required.

Ethics and Fairness in Provider Selection

The CST and all TxDOT employees involved with provider evaluation and selection must perform their roles and responsibilities with the utmost professionalism, objectivity, and impartiality, and be knowledgeable of the following ethical guidelines.

Thorough understanding of the process. Prior to beginning evaluations, the PEPS Rep must ensure that all CST members understand how the evaluation criteria are to be applied and the scores are documented and maintained. This ensures that the team maintains a common understanding of the criteria and evaluation and avoids extreme application and skewed results.

Maintaining objectivity. Evaluations must never favor providers with previous TxDOT experience or relationships, and must consider technical qualifications rather than knowledge of internal processes, forms, and procedures privy to current and former providers. Each CST member must ensure that evaluation criteria and the scoring methodology are fair and applicable to the work anticipated.

Maintaining unquestionable documentation. During each phase of the process, CST members must maintain unquestionable documentation that not only clearly reflects and supports a fair process, but also ensures effective debriefing. All documentation must be compiled so that it withstands the scrutiny of an audit or external challenge. All information is subject to open records requests.

Collaborating without undue influence. While CST members discuss various aspects of the selection process, they shall not unduly influence other members. The PEPS Rep must ensure that the evaluation process is conducted fairly and members act ethically. If the PEPS Rep conduct is in question, the problem should be reported to a supervisor.

Verifying results. The PEPS Rep is responsible for verifying that the final scores are correct. Scores that are skewed are discussed during deliberations (see Chapter 9, Deliberation and Evaluation).
tion of SOQ / Interview Scores) to ensure the instructions were clearly understood and the process was conducted fairly. One CST member may score harsher than another, as long as that member’s scoring remains consistent relative to other team members’ evaluations.

**Disclosure of information.** When working with existing providers under contract, the CST or any TxDOT staff may not disclose any information about a new project that the general public would lack. The same restrictions apply to TxDOT-provider friendships or other relationships – staff must vigilantly maintain their objectivity and professionalism during all phases of a selection process.

Similarly, while marketing calls and inquiries about future work are to be expected, Managing Offices must ensure that information is imparted consistently from provider to provider.
Chapter 4 — Intent to Contract

Contents:

Section 1 — Introduction
Section 2 — ITC Contents and Submittal
Section 3 — HUB or DBE Goal
Section 4 — Selection File and Forms
Section 5 — ITC Revisions
Section 6 — Consultant Selection Team Kickoff Meeting
Section 1 — Introduction

Overview

The Managing Office and PEPS Rep initiate the selection process by completing and submitting an Intent to Contract (ITC), which includes major aspects of the proposed services. Related forms and attachments are also assembled at this stage and placed in an electronic selection file. A Consultant Selection Team (CST) kickoff meeting is also held at this stage.

After the ITC is submitted, the Managing Office advertises the contract using a Request for Qualifications, addressed in Chapter 6.

This chapter addresses the following:
- ITC contents and submittal
- HUB or DBE Goal
- selection file and forms and attachments
- ITC revisions
- Consultant Selection Team kickoff meeting

Action Steps and Deliverables

Action steps and deliverables for this stage are summarized below (numerical references regard chapter / section):

1. The Managing Office and the PEPS Rep assemble an Intent to Contract, which includes major aspects of the proposed project, and electronically submit it to initiate the selection process (4.2).
2. The PEPS Rep creates an electronic selection file and includes required forms in the file (4.4).
3. The PEPS Rep assembles key documents and schedules a CST kickoff meeting for a briefing and a discussion of contract objectives, provider qualities, and schedules (4.6).

Selection Process Applicability

Guidelines in this chapter apply to all selection processes other than the emergency process and the urgent and critical process, whose policies are addressed in Chapter 11.
Related Resources

- **PEPS Provider Selection and Contract Award Process** – diagram of the selection and negotiation process. The flowchart includes color-coded phases of the process and references to respective forms.
- **selection process time frames table** – time frames for each major step for each selection process
- **Roles and Responsibilities table** – roles and responsibilities for all TxDOT employees involved with the selection process
- **PEPS intranet site** – host of information supporting PEPS contracting, including forms, templates, checklists, worksheets, training materials, news and events, and PS-CAMS information and links.
Section 2 — ITC Contents and Submittal

The Intent to Contract (ITC), assembled by the Managing Office and the PEPS Rep, includes major aspects of the proposed services. Once complete, the ITC is entered directly into PS-CAMS, the department’s contract administration system.

An ITC checklist is used to ensure the ITC is complete and accurate.

ITC contents include the following, which are subsequently explained:

- Consultant Selection Team (CST) members (see Chapter 3, Section 8)
- general characteristics included in the projected contracts list
- work categories
- funding strategy
- tentative completion dates for solicitation, evaluation, and negotiations phases
- payment type(s)
- time extensions
- HUB or DBE goal (explained in the following section)

See the ITC for complete contents and requirements.

Prior to its submittal, the PEPS Rep conducts a final review, verifying the information and coordinating with other staff to ensure that the work categories are adequately defined, and the anticipated scope of the contract is covered.

General Characteristics

The following general characteristics of the contract, as provided on the project contracts list (see Chapter 3, Section 7), are included in the ITC:

- selection process (accelerated, streamlined, comprehensive, or federal) – see Available Selection Processes in Chapter 3, Section 6
- contract type (specific deliverable or indefinite deliverable) – see Chapter 3, Section 3, Indefinite Deliverable vs. Specific Deliverable Contracts
- number of contracts
- dollar value of contract
- description of work
Work Categories

The ITC designates the work to be performed under the contract. The Managing Office accomplishes this by listing the work categories by each category’s percentage of the contract. Two types of work categories are available, including

- standard work categories, and
- non-listed categories.

Standard work categories, which comprise the majority of services on a typical PEPS contract, are listed and defined in the precertification work categories document.

For remaining non-typical work outside the context of a standard work category, non-listed categories (NLCs) are used, which are developed by the CST’s subject matter experts. NLCs define both the work and minimum technical qualifications for performance. CSTs should implement effective NLCs from previous contracts whenever possible. In limited cases, the required services may be defined entirely by NLCs.

Regardless, work on a PEPS contract will always be defined by standard work categories, NLCs, or both.

Work groups. Work groups comprise work categories. TxDOT categorizes its PEPS work into 16 general work groups. Each work group is divided into one more standard work categories, for a total of 78 standard work categories. Work groups include the following:

- Transportation Systems Planning
- Environmental Studies
- Schematic Development
- Roadway Design
- Bridge Design
- Bridge Inspection
- Traffic Engineering and Operations Studies
- Traffic Operations Design
- Bicycle and Pedestrian Facilities
- Hydraulic Design and Analysis
- Construction Management
- Materials Inspection and Testing
- Geotechnical Services
- Surveying and Mapping
Example. The work group category Roadway Design, for example, may consist of the following standard work categories:

- 4.1.1, Minor Roadway Design
- 4.2.1, Major Roadway Design
- 4.3.1, Complex Highway Design
- 4.4.1, Major Freeway Interchanges and Direct Connectors

Funding Strategy

The ITC lists the funding strategy for the contract. The primary funding strategy for PEPS contracts is Strategy 111. Other strategies include

- Strategy 102, for survey contracts related to right-of-way work;
- Strategy 162, for design work pertaining to State Highway 121;
- Strategy 182, as related to Proposition 12; and
- Strategies 204 and 205, for Rail Division contracts.

This list is not exhaustive – other funding strategies are available.

In developing the ITC, the PEPS Rep verifies the funding strategies. The PEPS Rep may seek clarification from the DD/DE. Although not integral to the selection process, awareness of the funding strategy is necessary to ensure budget planning and priorities have been addressed.

Payment Type(s)

The ITC specifies the payment type(s) for the contract. The following four payment types are available:

- cost plus fixed fee,
- specified rates,
- lump sum, and
- unit cost.

Payment types – which depend largely on the work type – are discussed in detail in Chapter 7 of *PEPS Contracting: Contract Development and Negotiations* (manual is pending).
Time Extensions

Should a unique situation require the Managing Office to extend typical time frames for either the selection process or the negotiation process, this information is included in the ITC.

For typical selection process time frames, see Comparison of Selection Processes and Time Frames in Chapter 3, Section 6.

The typical time frame for negotiations is 30 working days, beginning the day after the selection memo is sent and ending upon partial contract execution by the provider.
Section 3 — HUB or DBE Goal

The ITC specifies the Historically Underutilized Business (HUB) or Disadvantaged Business Enterprise (DBE) goal for the contract (that is, the percentage of work on a contract to be performed by a HUB or DBE firm). The posted Request for Qualifications (RFQ) will include the goal for the provider’s information. State contracts are subject to the HUB program; federal contracts are subject to the DBE program. A solicitation will never require both. The Office of Civil Rights is responsible for tracking HUB and DBE goals.

For a discussion on state and federal funding requirements and how they relate to selection processes, see Sections 4 – 6 in Chapter 3.

Background

Small business owners have historically found it difficult to obtain work on federal- and state-funded programs when competing with larger, more established firms. To compensate, state and federal governments have established the HUB and DBE programs to help minority-owned and women-owned businesses compete.

The HUB program is a state program for state-funded projects. The Comptroller of Public Accounts certifies providers as HUBs. A certain percentage of contract expenditures must go to HUB subproviders. Should a contract over $100k require subcontracting, prime providers must create a HUB subcontracting plan to meet the goal for HUB subproviders.

Only providers certified as HUBs will satisfy HUB goals. Under this program, the goal is reached exclusively through subprovider participation; that is, HUB-certified prime providers are not counted toward the goal.

The DBE program is a federal program that regards all TxDOT contracts that expend federal funds. Under this program, individual federal contracts have assigned DBE goals that may be reached through both prime provider and subprovider participation, which TxDOT must make a good faith effort to meet or exceed. Only providers certified as DBEs may satisfy DBE goals.

Setting Goals

The Managing Office requests a reasonable HUB or DBE goal contract, which depends upon the standard work categories that define the work and the corresponding demographics of precertified firms. The Texas Comptroller of Public Accounts sets a baseline HUB goal for all state contracts by service type. A PEPS contract may deviate substantially from this goal. In some cases, an HUB goal exceeding the Comptroller’s baseline is reasonable. In other cases, a negligible goal may be appropriate.
Chapter 4 — Intent to Contract

Section 3 — HUB or DBE Goal

Approval

Upon receiving the ITC, PEPS reviews the Managing Office’s proposed HUB or DBE goal and recommends adjustments, as required. HUB goals must be approved by the Procurement Division director or the Office of Civil Rights.

Contacts

◆ For questions regarding the HUB or DBE programs, contact the Office of Civil Rights – Business Program Services.
◆ For questions regarding HUB forms for PEPS contracts, contact PEPS.

Resources for Verifying HUB / DBE Status

◆ HUB Directory
◆ DBE Program

For guidelines on typical goal assignments for PEPS contracts, contact your PEPS Rep.
Section 4 — Selection File and Forms

An electronic selection file is created at this stage and populated throughout the selection process. The following forms are assembled and placed in the selection file:

- Certificate of Non-Disclosure
- Communications Management Plan

These forms are brought to the CST kickoff meeting and signed by members – see Section 6.

Certificate of Non-Disclosure

CST members must read and sign the Certificate of Non-Disclosure form. The form ensures that the CST fully understands standards of confidentiality and maintains fairness throughout the selection process and the execution of the contract. For example, the CST is expressly prohibited from sharing any information they learn about providers with other providers until the solicitation is complete and firms are officially notified.

The form has no bearing on communications between CST members or PEPS staff supporting the process.

TxDOT Communications Management Plan

The PEPS Rep and the TxDOT PM complete and sign a Communications Management Plan, which helps minimize potential risks involved with inadequate communication of information before, during, and after contract execution. These risks jeopardize the selection process and the contract itself. Without a plan, risk of mismanagement is great.

The plan lists stakeholders and key contact personnel associated with provider selection, contract development and negotiation, and contract management and administration. The form requires specifics regarding milestones, planned communications, definitions of terms, and other information.

The PEPS Rep must provide the Communications Management Plan to all TxDOT employees listed on the plan so they are aware of their responsibilities.
Section 5 — ITC Revisions

Information submitted on the ITC ensures that an acceptable plan is in place for pursuing the required services and implementing the requested contract. Some of this information will directly impact the Request for Qualifications and cannot be changed without coordination through PEPS. This includes the work categories, contract type, number of contracts, contract funding source, and the HUB or DBE goals.

Should certain information on the ITC vary from that which was originally anticipated, revisions to the form are not necessary. The ITC need not be updated to reflect changes in payment type, construction cost, payment by fiscal year, etc.
Section 6 — Consultant Selection Team Kickoff Meeting

Overview

After the Consultant Selection Team (CST) is formed, the PEPS Rep schedules a kickoff meeting. This section addresses the following:

- key meeting documents
- general PEPS briefing
- contract objectives and essential provider qualities
- scheduling considerations and requirements

Key Meeting Documents

The following documents are brought to the kickoff meeting and used in the briefing:

PEPS Rep

- PEPS Provider Selection and Contract Award Process flowchart
- selection process time frames table
- CST Roles and Responsibilities (see Chapter 3, Section 8)
- Certificate of Non-Disclosure form, to be signed by CST members
- Communications Management Plan, to be signed by CST members

All CST members

- calendar to highlight key dates

General PEPS Briefing

Using the above documents, the PEPS Rep conducts a PEPS briefing to ensure the CST understands the selection process for the specific procurement. This includes briefing the other CST members on the contents of the ITC, including related forms and attachments.

The PEPS Rep is responsible for obtaining team member signatures on the Certificate of Non-Disclosure and the Communications Management Plan.
Contract Objectives and Essential Provider Qualities

The PEPS Rep should facilitate a discussion among CST members to identify the contract’s objectives and the characteristics, skills, and experience a successful consultant would have in response to the advertised selection process.

This discussion should prompt team members to begin determining the following:

- timelines for the advertised selection process
- objectives and specific questions that address the project’s needs and the consultant’s qualifications, and are presented in the RFQ (see Chapter 7, Developing SOQ Questions and Related Tools)
- work categories and non-listed categories (NLCs)
- if the streamlined process is being used, whether or not interviews will be included

Note. While interviews are typically not recommended under the streamlined process, they may be considered for complex disciplines or phases of work, or for situations in which the complexity of a team may require interaction across team members. See Chapter 10, Short List Stage: Interviews and Evaluations.

Scheduling Considerations and Requirements

The PEPS Rep develops a solicitation schedule, which cites tasks and deadlines, using a GANTT chart or other means. This is established to include meeting dates for developing RFQ questions, the estimated posting date, SOQ evaluation time period, deliberation time, etc. (further discussed in the chapters ahead). The schedule should be built around expected completion times.

CST members should highlight key dates on a calendar, including the RFQ posting date, the RFQ closing date, and the weeks the interviews will be held, if any.

So team members can better gauge time commitments and schedule requirements, the PEPS Rep should provide time estimates for lengthy tasks like evaluations. For example, reading, evaluating, and scoring 35 SOQs may take over 40 hours, as one evaluation may require an hour to process.

Similarly, when interviews are required, CST members must plan their schedules accordingly, as interview dates posted in the RFQ cannot be changed.
Chapter 5 — Scope of Work

Contents:

Section 1 — Introduction
Section 2 — About the Scope
Section 3 — Scope Templates
Section 4 — Drafting the Scope of Work
Section 5 — Approval, Delivery, and Finalization
Section 6 — Scope Deliverables
Section 1 — Introduction

The scope of work – also referred to as scope or scope of services – is the contract’s most critical component. The scope defines the work to be done and the manner in which it is to be accomplished, and includes all expected project deliverables.

The scope is one of three negotiable components in PEPS specific deliverable contracts. The other two include

- the schedule, and
- the budget.

A “90%” scope should be developed by the TxDOT PM prior to the solicitation. A 90% scope serves as a basis for negotiations, where at that stage it is finalized with the provider. Postponing scope development can adversely impact the expected solicitation and overall time frames.

The schedule and the budget must be well considered prior to selection in order to support efficient and effective negotiations with a selected provider. See PEPS Contracting: Contract Development and Negotiations for details (manual is pending).

Applicability

This chapter addresses developing detailed scopes for the following:

- specific deliverable (SD) contracts
- work authorizations (WAs) associated with ID contracts (post selection)

NOTE: WAs may also be associated with SD contracts. When used, WAs reflect project details already defined in the scope.

This chapter does not address scopes for the core indefinite deliverable (ID) contracts, as services and requirements are identified in general terms and typically involve simply adjusting the appropriate template (see Section 3, Scope Templates) and posting in the Request for Qualifications. Project details are instead addressed through an ID contract’s WAs, whose scopes are addressed in this chapter.
Chapter Contents

Chapter contents include the following:

- about the scope
- scope templates
- drafting the scope of work
- approval, delivery, and finalization
- scope deliverables

Action Steps and Deliverables

Action steps and deliverables for this stage are summarized below (numerical references regard chapter / section):

1. The TxDOT project manager (PM) downloads the appropriate scope template from the PEPS intranet website, if applicable (5.3).
2. Prior to drafting the scope, the TxDOT PM becomes familiar with project requirements, previous related contracts, and other aspects that contribute to scope creation (5.4).
3. The TxDOT PM drafts the scope per scope content requirements (5.4).
4. The District Engineer or Division Director approves the scope (5.5).
5. ID scopes are posted with the solicitation. SD scopes under the federal process and accelerated process are posted with the solicitation. Scopes under the comprehensive process may or may not be posted with the solicitation (5.5).
6. Scopes are finalized post-selection, in the negotiations stage.
Guidance on Scope Language

While ID templates can help the TxDOT PM draft the scope, original text must also be developed to define project details. See Appendix A: Writing Scopes: Effective Use of Language for tips on writing effective scopes.

Resources

The PEPS intranet site includes standard scope templates for the core ID contracts and resources for identifying deliverables (also see Section 3, Scope Templates). Though developed for relatively general ID contract scopes, the templates are also used as a foundation for SD scopes and work authorizations.
Section 2 — About the Scope

The scope identifies tasks the provider performs during the contract period and the products to be delivered. While content specifics vary by project, the scope of work invariably imparts detailed specifications, requirements, and instructions for completing the work in an exact, measurable manner by identified deadlines. As a rule, the scope of work identifies

- what work will be done,
- who will do the work,
- when will the work be done,
- where will the work be done, and
- how will the work be done.

The scope – the basis for the project budget – communicates exactly what the parties want to accomplish to a degree that allows an accurate estimation of project costs. During negotiations, the provider will use the scope to develop its fee proposal. See PEPS Contracting: Contract Development and Negotiations for details (manual is pending).

A well-drafted, precise scope promotes a timely delivery of services, efficient management of the contract, resourceful use of the department’s funds, and a professional rapport with the provider that foresees and avoids potential disputes. It is tailored to prevent costly amendments, untimely delays, disputes, and other management difficulties. Should a legal dispute occur, scrutiny falls on the scope’s verbatim language rather than discussed intentions, and an ambiguous scope may be subject to a costly outcome. A good scope of work reduces risk for all parties – most critically, TxDOT.
Section 3 — Scope Templates

CST members use scope templates and previous projects to assist with scope development.

NOTE: Also see Appendix A: Writing Scopes: Effective Use of Language.

Scope templates are available for the following 10 core ID contract types:

- on / off system bridge replacement
- PS&E
- schematic / environmental
- survey and mapping
- hydrology and hydraulic studies
- utility engineering and coordination (UEC)
- traffic engineering
- geotechnical engineering
- scheduling support (CPM)
- materials engineering and commercial lab services

While developed for relatively general ID contract scopes, the templates are also used as a foundation for SD scopes and work authorizations.

The TxDOT PM should be highly familiar with each template and able to use them interchangeably. For example, a contract for PS&E services may also require utility engineering and coordination, and thus the expanded language from the UEC template. It is the TxDOT PM’s responsibility to align the application of the scope templates with the best interests of the department, the Managing Office, and the project itself.
Section 4 — Drafting the Scope of Work

This section addresses pre-draft considerations and scope contents.

Pre-Draft Considerations

Prior to drafting the project scope, the TxDOT project manager (PM)

- visits the project site and determines the project requirements;
- solicits input from subject matter experts;
- coordinates information with other district / division personnel;
- identifies unknowns and documents all assumptions;
- becomes familiar with related projects, both previous and ongoing;
- becomes familiar with the scope templates, as applicable;
- reviews scopes from similar projects;
- identifies tasks by function code;
- considers involvement with other governmental entities (for example, local governments);
- identifies critical deadlines (for example, letting dates);
- considers future phasing; and
- considers construction scope, as applicable.

Using Previous Contracts

The TxDOT PM may model the scope using the scope of a contract with a similar service type, complexity, dollar value, and duration.

The TxDOT PM must be sure to initially identify the differences between the two contracts and make adjustments as needed. A previous scope of work is never a substitute for the current scope, which presents a unique set of challenges. As good practice, the TxDOT PM should review a scope from a prior project with the PM from that particular project.

Scope Contents

The scope of work consists of two parts:

- Attachment B: Services to Be Provided by the State
- Attachment C: Services to be Provided by the Engineer
NOTE: Attachment A consists of the general contract agreement.

Attachment B consists of an itemized list of services and items and is typically just a few pages. While the effort is relatively minor, the TxDOT PM must carefully consider what the State will provide, as TxDOT is bound to deliver the services and items as listed.

Attachment C – which requires the majority of the work – is generally referenced as the scope of work. Attachment C includes the following content.

- project description, including location and limits
- project management requirements
- required design criteria and standards
- assumptions
- task descriptions
- special analysis requirements
- materials and equipment
- software requirements
- major milestones
- project phasing
- deliverables and deadlines
- other information as needed to sufficiently define the provider’s responsibilities
Section 5 — Approval, Delivery, and Finalization

Approval

The DD/DE ultimately approves the drafted scope of work. Prior to approval, the DD/DE may choose to seek advice or an additional review from

- the PEPS Division,
- Contract Services,
- a PM outside the CST who has additional expertise, and
- a discipline-specific board – for example, Standing Committee on Surveying (SCOS).

Delivery

For SD contracts under the accelerated process and the federal processes, a 90% scope is developed and posted in the Request for Qualifications (RFQ). By definition, a 90% scope is developed to the extent that it may serve as a basis for negotiations.

For SD contracts under the comprehensive process, a 90% scope is expected at the advertisement stage, but an RFQ posting is not required.

All ID scopes are posted in the RFQ.

For a discussion on available selection processes, see Chapter 3, Section 6.

Finalization

The scope is finalized with the provider after the selection process, during contract negotiations. Prior to contract execution, the TxDOT PM provides a thorough review.
Section 6 — Scope Deliverables

The deliverables – the most important aspect of the scope of work – are represented in tangible items (such as PS&E package) and services (such as the facilitation of meetings).

This section addresses the following:

- deliverables for advance planning type projects
- deliverables for PS&E projects, including construction phase services
- quality control of deliverables

Advanced Planning Projects

TxDOT contracts providers for advanced planning projects, including corridor studies, schematic development, and environmental documentation. Process steps typically require something that is produced and reviewed or approved from TxDOT; these are the deliverables to be identified and documented through the completion of each step or phase of the planning process.

The scope should include

- a clear definition of the process, tasks, and deliverables,
- a description of the process the provider is expected to follow, and
- identification of the reports, meetings, and documentation produced along the way.

Deliverable Examples for Advance Planning Projects

At project initiation, the following deliverables may be required:

- project management plan
- invoices and format specifications
- detailed subtask work schedule
- study area definition
- study area map
- purpose and need report (outline, draft)
- goals and objectives
- facility type determination report (draft, final)
- initial alternatives / conceptual definitions
- meeting documentation
◆ mailing list
◆ newsletter (draft, final)
◆ website development
◆ public meeting summary
◆ purpose and need report (final)

As the work progresses, additional deliverables that may be expected include the following:

◆ constraints map
◆ proposed criteria matrix (draft)
◆ alternatives evaluation report (outline)
◆ meeting documentation
◆ mailing list update
◆ newsletter (draft, final)
◆ public meeting summary
◆ engineering analysis report (outline, draft, final)
◆ traffic analysis methodology and results report (outline, draft, final)
◆ environmental analysis or assessment report (outline, draft, final)
◆ cost estimate report
◆ specific graphics products (layouts, maps, etc.)
◆ alternatives evaluation report (draft, final)
◆ filled-in evaluation criteria matrix
◆ wrap-up newsletter (draft, final)
◆ website update
◆ executive summary (draft, final)

Identifying deliverables also includes estimating the quantity, which directly affects the required level of effort and the cost proposal the provider develops. Information that is important to address for estimate purposes includes

◆ level of detail,
◆ requirements for all stages (outline, draft, final),
◆ number of reviews, and
◆ number and types of copies.
Direct Expense Examples for Advance Planning Projects

Unique direct expenses may be associated with various planning tasks. These may include the following:

- travel (field trips)
- reproduction, including
  - routine
  - newsletters / postcards
  - graphics
  - meeting handouts
  - reports (draft, final)
- postage and other major shipping costs
- display boards
- newspaper ads
- facility rental
- audio / video rental

Public involvement considerations, including

- public involvement plan
- mailing lists and databases newsletters, including
  - publishing dates
  - number of pages
  - use of color printing
  - personnel
- meetings, including
  - preparation and length
  - participation
  - number and rounds
  - separate meetings for stakeholders / elected officials
  - format
  - TxDOT or provider personnel to attend
  - expected materials
  - location
  - press releases
• legal notices
  ◆ 1-800 number
  ◆ post office box for project
  ◆ project email address
  ◆ public involvement report
  ◆ website, including
    • host
    • updates
    • end of project considerations

**PS&E Projects**

TxDOT routinely contracts with providers to develop plans, specifications, and estimates (PS&E). A table of guidelines for these providers is available on the PEPS intranet site, which provides TxDOT’s expectations regarding various stages of PS&E completion of deliverables. Table data is modified to fit the specific project, including tasks and completion percentages, and other criteria. This or a similar table should be discussed with the provider during negotiations and included as part of the scope of work for the specific project.

**PS&E Construction Phase Services**

When a PS&E contract is involved, districts typically prefer to keep the contract active through construction, when practical. Districts customarily include construction phase services as part of the scope of work subsequent to preparation of the PS&E. Since these services can be less predictable than other phases of work, flexibility is provided in the requirements for scope and budget.

Because direction for construction phase services may involve the TxDOT construction PM, the PM must be made aware of the contractual requirements, budget constraints, and management expectations before any coordination with the provider is initiated during construction.

**Amending a PS&E scope to add construction phase services.** Adding money for construction phase services after a SD contract or ID work authorization is underway requires a change to the scope and the budget (if the provisions are not already included). This can also be addressed during ID work authorization negotiations at the beginning of the project, since the scope is general and the budgeted amount is not tied to a negotiated level of effort. Flexibility is provided, as the extent of services can be difficult to identify in advance of construction.

Whenever the scope is expanded, the added funds must only be spent on the work that those funds are intended to support. Thus, the budget identified for construction phase services must only be spent on construction phase activities. Unspent funds should remain in the contract; additional
funds deemed necessary should be added. As a rule, such directed funds can never represent a contingency for other tasks or a means to add money for other miscellaneous tasks.

**Payment methods for construction phase services.** Per the above example, it is strongly recommended that construction phase services be paid for on an hourly basis (cost plus fixed fee or specified rate) rather than by lump sum. (See Chapter 7 in *PEPS Contracting: Contract Development and Negotiations* for details on payment types – manual is pending.) An hourly basis provides flexibility with the unknowns typically associated with construction phase services and reduces the risk for both sides.

**Sample scope text for construction phase services.** Sample scope text for construction phase services and additional funding is below:

```
begin sample text:

Task XX: Construction Phase Services

The Engineer shall provide Construction Phase Services at the written request of the TxDOT project manager. The written request shall include a description of the work requested, a mutually agreed upon time limit, and any special instructions for coordination and submittal. These services shall include, but are not limited to the following:

- Review and approval of shop drawings.
- Review and approval of forming details.
- Responding to requests for information (RFIs).
- Providing minor redesign (major redesign should be handled with a contract supplement).
- Answering general questions.
- Providing clarification.
- Other project-related tasks in support of TxDOT during construction.

Payments for Construction Phase Services shall not exceed $XX,XXX. Construction phase services will be charged on an hourly basis in accordance with the schedule of specified rates listed in Table (X), or actual rates not to exceed those listed in Table (X).

end sample text```

Quality Control of Deliverables

Quality control for submitted deliverables is the provider’s responsibility. While the TxDOT PM reviews and comments on submitted deliverables at preliminary, interim, and final stages, these reviews are not meant to serve as quality control. Providers are expected to have a quality management plan in place to ensure acceptable deliverables are submitted. TxDOT expects quality deliverables, and these must derive from a provider’s own system of review and checks, as opposed to multiple iterations of TxDOT comments.

A quality deliverable is defined as a contract product that meets TxDOT’s expectations. The scope is the primary instrument by which to TxDOT communicates its expectations to the provider. Without a quality scope, TxDOT cannot expect quality services.

Most PEPS contracts do not require a formal quality management plan as a deliverable, but it is recommended as good contracting practice. However, the scope should require the provider to maintain process of internal reviews, performed by qualified subject matter experts who are independent of the development. For PS&E contracts, the scope may require the provider to include color copies of its red-line markups with each milestone deliverable. As with all elements of the scope, it is the TxDOT PM’s responsibility to establish the department’s expectations for quality control.

Sample Scope Text for Quality Management Plan. Sample scope text for a quality management plan is below. This text is suitable for a large, complex, specific deliverable contract requiring formal quality assurance / quality control measures. The sample should be modified to meet the needs of the project.

begin sample text:

Task XX: Quality Management Plan

The Engineer shall develop a written Quality Management Plan (QMP) for quality assurance and quality control. The QMP shall provide, or demonstrate compliance with, the following items and requirements.

◆ Designated Quality Manager for the project, including name, location, and contact information. A summary of the Quality Manager’s background shall also be provided.
◆ Designated quality staff for the project, including names, locations, and contact information.
◆ Organization chart for the Quality Team.
◆ Specific qualifications of each quality staff member. Each quality staff member shall be a subject matter expert. Each quality staff member shall be competent, in terms of experience and
training, to the degree that the individual could have produced the material under review. For a given review, the designated quality staff member shall be (at least) as proficient as the corresponding project team member.

◆ Independence of quality staff members. Each quality staff member shall be independent of the material under review. For the purposes of the Quality Plan, project team members shall not check, review, or verify their own work.

◆ Quality criteria, including laws, regulations, guidelines, policies, and standards.

◆ Quality control processes for each type of deliverable identified in this scope of services, supported by flowchart diagrams.

◆ Corrective actions to address nonconforming deliverables.

◆ Quality management processes of sub-consultants.

◆ Quality tools to be implemented, including, for example, software features, check-print stamps, and color schemes.

◆ Sample checklists for each type of deliverable identified in this scope of services.

◆ Quality assurance processes of internal and external review comments for each type of deliverable, including capture, response, implementation, and close-out.

◆ Quality assurance for executing the QMP, including audits and plans for corrective action.

Deliverables

1. The Engineer shall provide one (1) electronic copy of the 95% QMP. The State will review the 95% QMP and provide comments. The Engineer shall incorporate the State’s comments into the final QMP.

2. The Engineer shall provide three (3) copies of the final QMP in manual form. The final QMP shall include table of contents, list of definitions, body text, and appendices. The manuals shall be tabbed by section and shall utilize 8 ½ x 11 sheets and appropriate binding. The Engineer shall also provide the QMP electronically in both a PDF and a Microsoft Word document.
Chapter 6 — Request for Qualifications

Contents:

Section 1 — Introduction
Section 2 — Developing the RFQ
Section 3 — RFQ Content Specifics
Section 4 — Advertising the RFQ
Section 1 — Introduction

Overview

To advertise the need for PEPS services the PEPS Rep, with Consultant Selection Team (CST) support, prepares a Request for Qualifications (RFQ) and submits it to PEPS for public posting. An RFQ contains specific contract information and instructions providers use to prepare and submit a Statement of Qualifications (SOQ) to compete for the contract. The SOQ is detailed in Chapter 8.

This chapter discusses developing and advertising the RFQ.

Action Steps and Deliverables

The majority of the work around this stage entails creating detailed questions for providers regarding the project and the providers’ expertise, preparing spreadsheet tools members use for scoring, and scoring and deliberating results. Action steps and deliverables for this work, detailed in this and the following three chapters, are summarized below (numerical references regard chapter / section).

1. The Consultant Selection Team (CST) develops questions providers must answer in the SOQ, as well as related tools.
   a. The CST develops goals and consultant characteristics to represent SOQ questions (4.6, 7.2).
   b. The CST creates SOQ questions included in the RFQ, which are based on goals and consultant characteristics to (7.3).
   c. The CST creates a scoring grid, which includes weights of SOQ questions – included in the RFQ – and indicates how CST members should score questions (7.4).
   d. The CST prepares the Question and Response (Q&R) template to accommodate SOQ questions presented in the RFQ (7.5).
   e. The PEPS Rep prepares the Individual CST Member Scoresheet to accommodate SOQ questions, weighting, member scoring, and – for the accelerated process and streamlined processes that do not involve interviews – past performance scores (7.6, 7.7). (This may occur following RFQ advertisement.)

2. The PEPS Rep downloads an RFQ template and assembles the remainder of the RFQ (6.2).  
3. PEPS advertises the RFQ (6.4).  
4. The PEPS Rep develops a plan for receiving SOQs from providers, and the Managing Office receives and screens them, completing an SOQ Receipt Log (8.3) (8.4).  
5. For the federal process only, the Managing Office screens providers’ SOQs for administrative qualification requirements (8.4).
6. CST members score responses to SOQ questions, documenting results on Individual CST Member Scoresheets (8.5) using the scoring grid they created (7.4).

7. The PEPS Rep preps the Consolidated CST Summary Scoresheet and consolidates individual scoring to prepare for deliberations of scoring (9.2).

8. CST members deliberate scores of certain questions and update their scoring if necessary (9.3).

9. Depending on the selection process (3.6), providers are either selected or advance to a short list for an interview, final evaluation, and selection (8.6).

When the selection process involves an interview, at the RFQ stage the CST should also begin considering interview priorities, topics, and related evaluation criteria. See Chapter 10, Short List Stage: Interviews and Evaluations, for details.

Selection Process Applicability

Guidelines in this chapter apply to all selection processes other than the emergency process and the urgent and critical process, whose policies are addressed in Chapter 11.

Administrative Qualification

Requirements for administrative qualification depend on the funding source for the contract. For definitions and details, see Chapter 3, Section 5, Contracting Requirements: State versus Federal.

Related Resources

- **PEPS Provider Selection and Contract Award Process** – diagram of the selection and negotiation process. The flowchart includes color-coded phases of the process and references to respective forms.
- **selection process time frames table** – time frames for each major step for each selection process
- **Roles and Responsibilities table** – roles and responsibilities for all TxDOT employees involved with the selection process
- **PEPS intranet site** – host of information supporting PEPS contracting, including forms, templates, checklists, worksheets, training materials, news and events, and PS-CAMS information and links.
Section 2 — Developing the RFQ

Overview

An RFQ’s contents and instructions must be clear and complete to allow a provider to adequately determine whether to submit a Statement of Qualifications (SOQ). RFQ contents contain post-SOQ requirements regarding the selection process as well.

This section addresses the following:
- templates for drafting RFQs
- RFQ contents and development
- RFQ checklist and review

Templates for Drafting RFQs

The Managing Office drafts the RFQ using one of four available templates and an RFQ checklist. The Intent to Contract (ITC) informs the choice of RFQ template by indicating the selection process that will be used.

Templates contain highlighted instructions for modifying contents to fit the specifics of the project, and include requirements and specific guidance regarding the RFQ’s format.

RFQ templates are based upon the selection process used and include the following:
- RFQ: federal process
- RFQ: comprehensive process
- RFQ: streamlined process with interview
- RFQ: streamlined without interview
- RFQ: accelerated process

NOTE: Always access templates and forms from the provided links or from the PEPS intranet site to ensure access to the latest versions.

For the accelerated process, the RFQ template provides options to accommodate whether the contract is indefinite or specific deliverable and whether an HUB Subcontracting Plan (HSP) is required.

For the comprehensive process, the RFQ template provides options to accommodate whether an HSP is required.
For the federal process, the RFQ template provides options to accommodate whether a DBE goal is required.

For the streamlined process, the RFQ template provides options to accommodate whether interviews are required, and whether an HUB Subcontracting Plan (HSP) is required.

Additions, deletions, or revisions to standard language in the RFQ template – apart from what is explicitly permitted – must be coordinated with the PEPS Rep.

**RFQ Contents and Development**

Typical RFQ contents are listed below, some of which derive from the ITC. See a specific RFQ template (above) for complete contents. Also see instructions for development.

- Statement of Qualifications (SOQ) questions presented on a Q&R template (See Chapter 7, Developing the SOQ Questions and Related Tools)
- weights for SOQ questions (see Weighting Questions in Chapter 7, Section 4)
- indefinite deliverable (ID) or specific deliverable contract (SD) (see Chapter 3, Section 3)
- selection process (federal, accelerated, comprehensive, streamlined) – see Chapter 3, Section 6
- whether interviews are held (streamlined process only) – see Contract Goals and Essential Provider Qualities in Chapter 4, Section 6
- solicitation number
- number of contracts involved
- general project description or work to be performed
- precertification requirements (see the precertification website and 43 TAC, Chapter 9, Subchapter C, §9.33)
- HUB or DBE goal and requirements, if applicable (see HUB or DBE Goal in Chapter 4, Section 3)
- standard work categories and non-listed categories (NLCs) listed in the ITC with percentages totaling 100 (see Work Categories in Chapter 4, Section 2)
- minimum technical qualifications the provider requires to perform NLCs
- general interview information for comprehensive, federal, and streamlined with interview processes (see Chapter 10, Short List Stage: Interviews and Evaluations)
- TxDOT contact name, address, phone and fax numbers, and email address
- SOQ submittal deadline
- SOQ components the provider submits, which include the following (blank versions are included in the RFQ):
**Chapter 6 — Request for Qualifications**  
**Section 2 — Developing the RFQ**

- **SOQ cover page** (see instructions)
- **Q&R template** (see instructions)
- project team composition form- state or federal (see state instructions or federal instructions)
- **NLC qualifications template**, as applicable (see instructions)
- **non-TxDOT client verification form** (optional) – see instructions
- **HUB Subcontracting Plan** (HSP), as applicable
- graphics page (provider-generated)
- project team org chart (provider-generated)

- **scope of work, as follows:**
  - All ID scopes are posted with the RFQ.
  - For SD contracts under the *accelerated process* and the *federal processes*, a 90% scope is developed and posted in the RFQ.
  - For SD contracts under the *comprehensive process*, a 90% scope is expected at this stage, but an RFQ posting is not required.

- the following information, detailed in the next section:
  - optional pre-SOQ or short list meetings
  - multiple selection requirements
  - provider replacement of PM or task leader
  - added requirements or restrictions

**NOTE:** Always access templates and forms from the provided links or from the **PEPS intranet site** to ensure access to the latest versions.

**RFQ Checklist and Review**

The PEPS Rep references the RFQ Checklist during RFQ development to ensure its accuracy and completeness.

Staff involved in the screening and evaluation of SOQs must be familiar with the content and instructions in the RFQ. RFQ development is a good opportunity for staff to familiarize themselves with the requirements; this in turn expedites evaluations.
Section 3 — RFQ Content Specifics

This section includes details on the following RFQ items:

- optional meetings, including those listed in the RFQ
- multiple selection
- provider replacement of PM or task leader
- added requirements or restrictions

Optional Meetings

Optional meetings, which are typically not held, include the following:

- pre-RFQ meeting, conducted before the advertisement
- pre-SOQ meeting (addressed in RFQ), conducted during the advertisement
- short list meeting for comprehensive and federal processes, conducted during the short list stage

Pre-RFQ meeting. The Consultant Selection Team (CST) may decide to schedule a pre-RFQ meeting to meet with prospective providers before posting the RFQ to provide information about the project and answer questions. Providers are notified of this meeting through the projected contracts list. See Chapter 3, Section 7, Posting the Projected Contracts List, for details.

The pre-RFQ meeting is best suited for SD contracts. It is less applicable to ID contacts, which do not involve specific projects.

Either the PEPS Rep or TxDOT project manager (or both) may conduct the meeting. An agenda is prepared beforehand to establish meeting parameters and introduce the project characteristics to be discussed.

Basic questions may be answered during the meeting. Project-specific questions are drafted, and the PEPS Rep drafts and posts responses on the TxDOT website in accordance with RFQ guidelines.

Questions regarding the solicitation are deferred to the RFQ when possible. To control risk of misinformation or misunderstanding, the CST should not prematurely advertise information ultimately included in the RFQ.

Pre-SOQ meeting. If the CST decides to meet with prospective providers after posting the RFQ, a pre-SOQ meeting is held, which also provides information about the project. Providers are notified of the meeting through the RFQ itself.
Questions from the pre-SOQ meeting are handled in the same manner as those from the pre-RFQ meeting; however, those regarding information in the RFQ are not answered. Providers are instead directed to the solicitation.

**Short list meeting.** The RFQ states whether a short list meeting will be held. While the meeting is typically not held, some selections involve specificities that are better addressed through face-to-face discussions than through the Interview & Contract Guide (ICG). See Chapter 10, **Short List Stage: Interviews and Evaluations** for more information. Attendance at these meetings is optional.

Whether to hold these meetings is dependent upon the situation and up to the CST. Considerations include the following:

- project complexity
- contract type
- selection process used
- whether the scope of work is posted with the RFQ

The PEPS Rep should evaluate these considerations and determine which meetings are appropriate. Due consideration should be given to providers’ and CST members’ available time and resources.

When conducting these optional meetings, CSTs are encouraged to utilize TxDOT’s webinar capabilities, when applicable.

**Multiple Selection**

For multiple contract advertisements, the RFQ lists the contracts in descending order of contract value as Project #1, Project #2, and so on. These designations are used in contract assignment (see **Assigning Providers to Multiple Selection Contracts** in Chapter 12, Section 2).

**Provider Replacement of PM or Task Leader**

The RFQ addresses replacement of provider team members during the selection process. A person proposed as a replacement for the prime provider project manager (PM) or a task leader must be designated in the SOQ and satisfy the applicable precertification and non-listed category requirements. The replacement PM must be employed by the prime provider.

**Pre-selection changes.** Limited options are available for replacing a PM or task leader during the selection process. Providers may identify the need for a replacement only until short list notification.

**Post-selection changes.** If TxDOT is notified of a change after selection but before contract execution, the provider’s options for replacement are restricted to the personnel identified in the
evaluated SOQ. If these options are unworkable, TxDOT instead opts for the next most qualified provider. After contract execution, personnel changes are governed by the contract.

**Added Requirements or Restrictions**

The RFQ may specify added requirements or restrictions that apply to a specific project, but the CST must consider this carefully. For example, the CST may wish to restrict the provider project manager (PM) exclusively to the project management role or restrict a task leader to a single work category.

While permissible, this is generally inadvisable, as it can potentially handcuff a provider’s expertise and inadvertently hinder efficiency. In cases in which the provider PM role does not require a full-time commitment, the PM may often serve as a task leader or lead multiple work categories without compromising the quality of the services. When developing the RFQ, the CST should verify that any such restrictions are absolutely necessary and appropriate. Otherwise, the project team’s organization should be left to the providers.

**NOTE:** Added requirements and restrictions must be clearly stated in the RFQ. The CST may not impose requirements and restrictions as part of the evaluation process that were not publicly advertised in the RFQ.
Section 4 — Advertising the RFQ

This section addresses the following:

- online posting
- advertising options for efficiency
- length of RFQ posting
- revisions to the posted RFQ
- handling questions prior to RFQ closing

NOTE: Information in this chapter is considered long before time of advertisement.

Online Posting

To advertise the RFQ, the Managing Office submits the RFQ to PEPS for posting on the TxDOT internet site and on the Electronic State Business Daily.

NOTE: Once an RFQ is posted, providers may contact only the individuals identified in the RFQ, according to RFQ instructions. Other TxDOT staff must be made aware of these restrictions.

Advertising Options for Efficiency

When advertising the RFQ, certain time-saving options are available, depending on the type of work, the projects that require outsourcing, and the type of contract. A single RFQ can be used to advertise the following:

- one specific deliverable contract
- multiple specific deliverable contracts with identical work categories or with similar project characteristics
- one specific deliverable contract with multiple specific projects
- one indefinite deliverable contract
- multiple indefinite deliverable contracts with identical work categories

Length of RFQ Posting

For less complex projects, RFQs should be posted a minimum of 14 calendar days from the date the SOQs are due. For complex projects, a posting of at least 21 days is recommended to ensure quality SOQs.
The RFQ closing date (SOQ due date) and the closing time must be listed in the RFQ. The closing date cannot occur on weekends or federal or state holidays. While 5:00 PM is a common closing time, the CST may choose any time during normal business hours.

**Revisions to the Posted RFQ**

Major changes to a posted RFQ may require a cancellation of the RFQ and a complete reposting.

Deadline extensions or minor corrections, additions, or deletions to posted RFQ content must be verified by the PEPS Rep and posted as an addendum on the TxDOT website (see instructions). Phone, email, or other notifications are not permitted, to eliminate potential misinformation and risk. Addenda is generally posted the same day PEPS is contacted. Providers who have submitted SOQs prior to an addendum are contacted and directed to the updated posting, to determine whether a resubmittal is necessary.

**Handling Questions Prior to RFQ Closing**

An RFQ typically produces questions from interested providers. These questions may pertain to the selection process, the project characteristics, or some aspect of the contract. PEPS handles these questions in accordance with the instructions in the RFQ.

Questions from providers may arise from a pre-RFQ or pre-SOQ meeting, if held, or from the advertisement. The PEPS Rep determines which questions are pertinent and develops the responses. Providers submit questions according to RFQ instructions within five to 10 days after the RFQ is posted, depending on the length of the posting period (this information is in the RFQ).

The PEPS Rep coordinates with the CST as needed and compiles questions and responses, which are posted by PEPS on the TxDOT website by the date indicated in the RFQ.
Chapter 7 — Developing SOQ Questions and Related Tools

Contents:

Section 1 — Introduction
Section 2 — Determining Goals and Consultant Characteristics
Section 3 — Developing RFQ Questions Based on Goals
Section 4 — Developing a Scoring Grid for Each Question
Section 5 — Preparing the Q&R Template
Section 6 — Preparing the Individual CST Member Scoresheet
Section 7 — Adding Past Performance Scores to Individual Scoresheets
Section 1 — Introduction

Overview

The Request for Qualifications (RFQ) includes a list of questions that all prospective providers must answer in a Statement of Qualifications (SOQ). These questions, presented in a Question and Response (Q&R) template for providers, address specifics regarding project requirements and the provider team’s expertise and experience.

Consultant Selection Team (CST) members develop questions with input from CST members, subject matter experts, procurement professionals, and others.

The CST also readies certain tools at this stage, including a scoring grid, Q&R template, and scoresheets.

This chapter addresses the following:

◆ determining goals and consultant characteristics
◆ developing RFQ questions based on goals
◆ developing a scoring grid for each question
◆ preparing the Q&R template
◆ preparing the Individual CST Member Scoresheets
◆ adding past performance scores to individual scoresheets

Receipt of the SOQ and CST member scoring of provider responses are addressed in the following chapter.

Action Steps and Deliverables

For action steps and deliverables regarding the full RFQ / SOQ process, see the introduction to Chapter 6, Request for Qualification.

Selection Process Applicability

Guidelines in this chapter apply to all selection processes other than the emergency process and the urgent and critical process, whose policies are addressed in Chapter 11.
Section 2 — Determining Goals and Consultant Characteristics

Prior to creating RFQ questions, the CST determines contract goals. This is particularly important for specific deliverable (SD) contracts, whose goals are often distinct and atypical. Determining goals helps align the CST with key characteristics of the most qualified team. Goals are discussed in the CST kickoff meeting (see Contract Goals and Essential Provider Qualities in Chapter 4, Section 6).

Considerations include the following:

- What are our specific requirements in this contract?
  - Are there unique characteristics about this contract that must be captured?
  - Are there specific technical needs or challenges that must be considered?
- What are the ideal characteristics of a provider that can meet project requirements?
  - What technical or non-technical qualifications will providers have?
  - Do providers need special tools or expertise?

Use the scope of work to ensure consultant characteristics are consistent with the requested services.

Example: Specific Deliverable Goals

Below is an example of goals and characteristics for a complex SD contract. The project required a firm that could

- manage a complex stakeholder base;
- create a scalable solution to provide options at different funding levels, accounting for funding uncertainty;
- accelerate approvals; and
- coordinate with other projects underway in the vicinity.

These goals and characteristics are shared with providers – in the RFQ or in the pre-RFQ meeting and subsequent posting – to better help them understand our needs.
Example: Indefinite Deliverable Goals

Below is an example of goals and characteristics for a low-complexity indefinite deliverable (ID) survey contract. The project required a provider with specific survey expertise and tools. Compared with the above SD example, these goals and characteristics are more technical and discipline-focused.
### Example – Survey Indefinite Deliverable goals and consultant characteristics

<table>
<thead>
<tr>
<th>Contract goals</th>
<th>Essential consultant characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Select surveyors with expertise and access to the right equipment to conduct survey work</td>
<td>• Demonstrate extensive survey expertise, particularly in Design, ROW, Project control</td>
</tr>
<tr>
<td>• Deliver high-quality survey work quickly</td>
<td>• Access to and knowledge of how to deploy advanced technical capabilities, particularly for:</td>
</tr>
<tr>
<td>• Identify surveyors that understand the local operating context</td>
<td>- Total Station Survey System to conduct data collection</td>
</tr>
<tr>
<td></td>
<td>- GPS and Virtual Reference Station</td>
</tr>
<tr>
<td></td>
<td>- GeoPak and MicroStation</td>
</tr>
<tr>
<td></td>
<td>- LiDAR System</td>
</tr>
<tr>
<td></td>
<td>• Demonstrated PMs and task lead experience:</td>
</tr>
<tr>
<td></td>
<td>- Managing subs</td>
</tr>
<tr>
<td></td>
<td>- Ensuring on-time project delivery</td>
</tr>
<tr>
<td></td>
<td>- Project scope delivery</td>
</tr>
<tr>
<td></td>
<td>- Effective communications with clients</td>
</tr>
<tr>
<td></td>
<td>• Deliver high-quality TxDOT-compatible materials:</td>
</tr>
<tr>
<td></td>
<td>- Prepared with MicroStation</td>
</tr>
<tr>
<td></td>
<td>- Presentation of ROW maps</td>
</tr>
<tr>
<td></td>
<td>• Deploy a robust QA/QC process</td>
</tr>
<tr>
<td></td>
<td>• Demonstrate knowledge and experience in:</td>
</tr>
<tr>
<td></td>
<td>- Operating in different types of terrain</td>
</tr>
<tr>
<td></td>
<td>- Conducting deed research</td>
</tr>
<tr>
<td></td>
<td>- Navigating in local community and stakeholders</td>
</tr>
<tr>
<td></td>
<td>- Delivering against tight deadlines</td>
</tr>
</tbody>
</table>

**Figure 7-2. Example - ID Goals**
Section 3 — Developing RFQ Questions Based on Goals

RFQ questions derive from the contract goals and consultant characteristics. Questions are accessed from the SOQ Question Bank (in PS-CAMS) and modified as needed, or are developed from scratch and later deposited in the bank. Learning to develop and recognize a good question is a skill that requires time and effort. Since provider responses directly reflect the quality of the questions, much rides on the CST’s ability to draft and hone effective questions. If questions do not align with goals, consider that the goals may need redeveloping or that questions are improperly exceeding the goals.

Specific deliverable contracts typically include 3 or 4 detailed questions.

Indefinite deliverable contracts typically include 3 to 10 questions.

Question Inclusions / Exclusions

When necessary, involve subject matter experts and other non-CST members when drafting or proofing questions. All non-CST members that are involved must sign a non-disclosure form; see Certificate of Non-Disclosure in Chapter 4, Section 4.

Question inclusions

◆ Focus on asking experience- or situational-based questions, allowing providers to demonstrate their team members’ capabilities rather than just describe their qualifications.

◆ State exactly what is required in specific, precise, and articulate fashion.

◆ Ensure questions are not so complex that they cannot be answered in a reasonable time frame.

◆ Ensure that typical responses will fit in the SOQ template, as the CST limits this space.

◆ Ensure questions are explicit regarding assumptions the consultant is expected to make.

Question exclusions

◆ Exclude technical questions whose answers may be found in a textbook, the web, or in the scope.

◆ Avoid unqualified “laundry list” responses. When asking, for example, a firm to list all the necessary stakeholders, attempt to qualify the list (for instance, request that the top three stakeholders are prioritized.).

◆ Do not request experience with TxDOT-exclusive software systems or processes, as this rewards only formerly hired firms and consequently decreases competition. While TxDOT experience may be necessary in certain cases, this should be a rare exception.

◆ Exclude terms or abbreviations that are not an industry standard.
Do not address firm location, as the physical location of the firm is not a qualification. If local expertise is important for the contract, focus on that requirement instead.

Exclude questions that require providers to spend an excess of time or money, especially regarding smaller contracts. For example, requesting a firm to provide design ideas for a small contract would be relatively costly and unfair.

Examples: Draft and Final Questions

The CST typically creates draft questions that are further evaluated and refined. This process can involve a number of iterations, so schedules should accommodate this potentially time-consuming step. Included below are four examples of this process for two contracts: an RFQ for a large SD contract and an RFQ for a survey ID contract.

Note that improved questions in the below examples generally

- are directed rather than open ended;
- disallow providers to promise things that are difficult to validate;
- are more specific, and request examples to support the provider’s assertions;
- when requesting examples, are specific on number, timing, and source;
- focus on a firm’s experience and judgment; and
- are constructed so firms cannot study for or research answers to questions.

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**Figure 7-3. Example 1 - SD question**

**Example 1 - Specific Deliverable**

**First draft question**

For a design package which accomplishes the interim improvements enclosed, provide your approach to:

- Major work categories
- Operational efficiency improvements
- Stakeholder management

**Why improve on this question?**

- Open-ended

**Final question**

For a design package which accomplishes interim improvements enclosed, please describe:

- The steps and overall approach you would take to define your interim solution, and the studies, information, and constraints that you would consider
- Recommended operational improvements and the expected benefits these improvements will have on traffic flow or congestion throughout the corridor
- The key stakeholders and your approach to managing them

**Why is this better?**

- More specific in what we are looking for
- However, also more challenging
Figure 7-4. Example 2 - SD question

Figure 7-5. Example 3 - SD question
Example #4 - Survey Indefinite Deliverable

First draft question

- What steps will you undertake to resolve conflicted ROW monuments?
- What would you do if the back corner is missing from the parent track?

Final question

- Please describe the different types of ROW (right of way) issues the PM has encountered. For each issue, please provide an example of work where this issue was encountered by the PM, specifying when and where the work was performed.
- Please pick the most challenging issue encountered and describe in further detail what specific steps the PM took in the example provided to resolve the issue and the outcome.
- Please describe the appropriate actions you (PM) would take in responding to the below scenario:
  - You have already signed and sealed the ROW documents. However, during the acquisition process, TxDOT discovers a deed wherein a portion of one of the parcels was sold off to a different owner. You are asked to fix this.

Why improve on this question?

- Very open-ended. Could end up being a laundry list or textbook response

Why is this better?

- Uses situational judgment
- Asks for a specific example

Figure 7-6. Example - ID question
Section 4 — Developing a Scoring Grid for Each Question

A scoring grid is created for each RFQ question the CST develops, which the team uses to evaluate providers.

This section addresses the following:

◆ scoring range
◆ recommendations for development
◆ development tips
◆ example: draft and final scoring grid
◆ weighting questions
◆ refining the questions and scoring grid

Scoring Range

A scoring range scale of 1 – 5 is required. This range is defined as follows:

◆ 1 equals a response that does not meet the requirements for this contract.
◆ 3 equals a response that meets the requirements for this contract – this firm is considered qualified to perform the work under this contract.
◆ 5 equals a response that exceeds the requirements for this contract.

Scores of 2 or 4 fall in-between these guidelines. Only whole numbers are used.

Recommendations for Development

Recommendations for scoring-grid development are as follows:

◆ Anchor providers around the score of 3 and complete that grid first. Anchoring on the high-end allows no way to reward firms that truly exceed typical qualifications.
◆ Consider the score of 5 second, which represents firms that go above and beyond expectations. Often these firms present ideas the CST has not considered. (This can be encouraged by phrasing questions with “may include, but are not limited to . . . ”)
◆ Reward quality rather than quantity. Do not award points for more years of experience or more examples provided. One high-quality example exceeds three mediocre examples, and a 20-year PM may have more quality experience than a 30-year PM.
◆ Consider the space allowed for the response (determined by the CST) when developing the scoring grid. The grid should represent the length of response expected for the question.
Development Tips

Development tips include the following:

- Do not reward firms that provide unwanted superfluous content.
- Do not make the scoring grid a guessing game for the provider (for example, never request one example in a question and reward two examples in the grid).
- Avoid rewarding mentions of key words in the scoring grid.
- Do not make the scoring grid a laundry list – prioritize and reward what is most important.
- Do not unfairly reward TxDOT experience. Similar responses – one with and one without TxDOT experience – should be scored equally.

Example: Draft and Final Scoring Grid

Similar to the RFQ questions, a scoring grid is drafted, then evaluated and refined.

Below are a first draft and an improved final draft of a scoring grid for an RFQ question (complex SD contract).

![Figure 7-7. Scoring grid - first draft](image)
Weighting Questions

After the RFQ questions and grid are developed, the CST weights each question based on its importance to the services required. It may be useful to revisit the contract goals for perspective. Do not weight one question more than 35 percent, as this will consequently underweight other questions. Also, questions should include different weights, as equally weighted questions make it difficult to apply the tie-breaking process.

Selection process considerations. For selection processes that do not include a short list / interview, weights should total 90 – 95 percent to account for a 5 – 10 percent weighting of past performance scores during evaluations (see Adding Past Performance Scores to Individual Scoresheets in Section 7). For selection processes that involve interviews, past performance scores are instead evaluated during the short list / interview stage.

Example SOQ Question and Weighting

<table>
<thead>
<tr>
<th>SOQ Question</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>In the example provided, please pick the most challenging issue you have encountered and describe in detail specific steps the PM took to resolve the issue.</td>
<td>15%</td>
</tr>
</tbody>
</table>
Refining the Questions and Scoring Grid

After the questions and scoring grid are created, the CST ensures all components complement each other and makes any final adjustments. Final considerations include the following:

- Ensure the scoring grid matches the question. For example, if generic PM experience is requested, ensure the scoring grid does not contradictorily reward advanced inclusions.
- Ensure that all jargon, unclear abbreviations, and TxDOT-specific language are removed. The perspective from an objective party (who has signed a non-disclosure form) may also be sought.
- Ensure questions are clear to all potential audiences. Seek feedback from subject matter experts if necessary, ensuring that they realize that this is confidential information.
Section 5 — Preparing the Q&R Template

SOQ questions are presented to providers in the RFQ on a Question and Response (Q&R) template. A provider includes responses on the template and submits them with the SOQ.

Before adding questions to the Q&R template, the CST determines a maximum length for every answer to every question, and the PEPS Rep adjusts the template accordingly (instructions are included with the template). While the suggested maximum word length is 2,000, the CST may set limits for each question as it sees fit while considering the following:

- Larger and more complex contracts are allotted more space for responses than smaller contracts.
- Higher-weighted questions are allotted relatively more space for responses.
- Complex questions are allotted relatively more space for responses.
Section 6 — Preparing the Individual CST Member Scoresheet

CST members score provider responses to questions individually and document them on Individual CST Member Scoresheets using the scoring grid addressed in Section 4. The PEPS Rep initially prepares the scoresheets to accommodate questions, weighting, and scores (see scoresheet instructions). Past performance scores may be required – see the following section.
Section 7 — Adding Past Performance Scores to Individual Scoresheets

All prime providers with past contracting experience with TxDOT should have past performance scores from a TxDOT PM on file. These scores are retrieved and entered by the PEPS Rep on Individual CST Member Scoresheets and weighted at the CST’s discretion (typically five or 10 percent).

This section addresses the following:
- scoresheets requiring past scores
- retrieving past performance scores
- handling providers without TxDOT experience

Scoresheets Requiring Past Scores

Past performance scores are included on the SOQ Individual CST Member Scoresheet only for selection processes that do not include a short list / interview stage (accelerated process and streamlined process without a short list).

For selection processes that involve a short list (comprehensive process, federal process, and streamlined process with interview), past performance scores are instead included on the interview Individual CST Member Scoresheet (see Chapter 10, Short List Stage: Interviews and Evaluations).

Retrieving Past Performance Scores

Prime Provider Evaluation form. Over the course of a TxDOT contract, all prime providers are evaluated by the TxDOT PM on the Prime Provider Evaluation form, which is entered in the CCIS database upon being reviewed and signed by the provider PM. The form has two parts: the evaluation of the provider PM, and the evaluation of the firm itself. See PEPS Contracting: Contract Management and Administration for details on using the form as a contract management tool (manual is pending).

Evaluation Score Averages (ESAs). The Prime Provider Evaluation form within the CCIS database is used to generate an Evaluation Score Average (ESA) for a given PM-firm combination. Parallel with the Prime Provider Evaluation form, the ESA consists of two parts: a score for the provider PM and a score for the firm. The maximum score for the provider PM is 8.00; the maximum for the firm is 2.00. Thus, the maximum provider ESA for a given PM-firm combination is 10.00.

Retrieving past performance scores (ESAs). The PEPS Rep locates ESAs as follows:
1. The PEPS Rep logs into the CCIS database.

2. The PEPS Rep searches for the provider PM. This may be done by either name or sequence number.

3. Once the provider PM and firm are found, the PEPS Rep clicks the Provider ESA button. The provider ESA will appear immediately below the button.

4. The PEPS Rep then conveys the ESA to the CST members, who enter the number into the applicable evaluation form.

5. As good contracting practice, the PEPS Rep conveys each provider ESA to the CST members through a group email. This accommodates a single communication to the CST as a whole and preempts any verbal miscommunications.

6. For supporting documentation, the ESA calculator produces a PDF that lists the contracts used to produce the ESA. This document is retrieved by clicking on the provider ESA number as it appears on the screen. The PEPS Rep saves the PDF to the selection file (see Selection File in Chapter 12, Section 6).

Handling Providers without TxDOT Experience

Providers are not penalized for lacking experience on TxDOT contracts. PMs and firms with no experience on TxDOT contracts receive maximum scores (8.00 and 2.00, respectively), and thus receive the benefit of the doubt. A PM-firm pairing in which neither has TxDOT experience results in the maximum provider ESA (10.00).
Chapter 8 — Statement of Qualifications: Receipt, Screening, and Scoring

Contents:

Section 1 — Introduction
Section 2 — SOQ Documents Submitted by Providers
Section 3 — Receipt of SOQs by the Managing Office
Section 4 — SOQ Screening
Section 5 — Scoring SOQs on Individual CST Member Scoresheets
Section 6 — SOQ Evaluation Outcome
Section 1 — Introduction

Overview

To compete for a PEPS contract advertised in a Request for Qualifications (RFQ), a prospective provider submits a Statement of Qualifications (SOQ) to the Managing Office.

The Managing Office initially screens SOQs for general compliance; those that pass screening are evaluated by the Consultant Selection Team (CST). The CST scores then deliberates the responses to SOQ questions using spreadsheet tools (deliberations are addressed in the following chapter).

This chapter addresses the following:

- SOQ documents submitted by providers
- receipt of SOQs by the Managing Office
- SOQ screening
- scoring SOQs on Individual CST Member Scoresheets
- SOQ evaluation outcome

Action Steps and Deliverables

For action steps and deliverables regarding the full RFQ / SOQ process, see the introduction to Chapter 6, Request for Qualification.

Team Configurations

The prime provider is responsible for the SOQ, which represents the qualifications of the project team as a whole. While a firm can submit as prime provider only one time in response to a solicitation, subproviders may participate on multiple project teams. Thus, a firm may appear as a prime provider on one SOQ and as a subprovider on other SOQs.

Selection Process Applicability

Guidelines in this chapter apply to all selection processes other than the emergency process and the urgent and critical process, whose policies are addressed in Chapter 11.

Time Restrictions

The CST must make early provisions to ensure time frames and deadlines are met. See the selection process time frames table in Related Resources, below.
Related Resources

- **PEPS Provider Selection and Contract Award Process** – diagram of the selection and negotiation process. The flowchart includes color-coded phases of the process and references to respective forms.
- **selection process time frames table** – time frames for each major step for each selection process
- **Roles and Responsibilities table** – roles and responsibilities for all TxDOT employees involved with the selection process
- **PEPS intranet site** – host of information supporting PEPS contracting, including forms, templates, checklists, worksheets, training materials, news and events, and PS-CAMS information and links.
Section 2 — SOQ Documents Submitted by Providers

The Statement of Qualifications (SOQ) providers submit is composed of documents included in the RFQ and provider-generated documents.

Submitted Documents

SOQ documents included in RFQ

- **SOQ cover page** (provides certification statements)
- **Q&R template** (includes responses to questions in the RFQ)
- Project team composition form (state & instructions, or federal & instructions)
- **NLC qualifications template** (details the technical qualifications of the NLC task leaders, if needed – see instructions)
- **non-TxDOT client verification form** (optional) - see instructions
- **HUB Subcontracting Plan** (HSP), as applicable- see instructions

Provider-generated documents

- graphics page
- Project team organization chart (includes the names of the prime provider, sub-providers’ proposed task leaders and their contract responsibilities by work category, and related parties and contact information)
Section 3 — Receipt of SOQs by the Managing Office

Before the RFQ is posted, the PEPS Rep must develop a systematic plan to ensure that staff properly handles incoming SOQs. Incoming SOQs may be numerous and may arrive by hand delivery, regular mail delivery, express delivery, or other methods of postal delivery. Emailed and faxed submissions are not accepted.

The Managing Office must advise the mailroom or other staff responsible for receiving mail that contract SOQs are being mailed to TxDOT. As the SOQs are received, the Managing Office must

- stamp each envelope or package upon receipt, recording the official date and time the SOQ is received;
- complete the SOQ Receipt Log, recording the official date and time each SOQ is received and the mode of delivery (hand, standard mail, or express mail) for each SOQ, as well as the total number of SOQs received; and
- maintain the SOQs in a secure location, such as a locked file cabinet, until the RFQ closing date.
Section 4 — SOQ Screening

Overview

SOQs are screened to ensure they are prepared according to the RFQ instructions.

The PEPS Rep must ensure that SOQ screening is performed consistently and professionally. All decisions to eliminate providers must be consistent and readily defensible.

Providers disqualified at screening. Providers disqualified at screening are not contacted until the short list is determined. See the subsection Providers not Short-Listed or Selected at this Stage at the end of the chapter.

This section addresses the following:

- screening personnel
- screening checklist and process
- screening for administrative qualifications (federal process only)

Screening Personnel

SOQs are screened by a CST member or another qualified staff member knowledgeable with the contracting process and familiar with the RFQ. As good contracting practice, one person should conduct all screenings to help ensure consistency. Any NLC attachments must be screened by an SME, however, who may or may not be a CST member.

Screening Checklist and Process

SOQs are screened using the Statement of Qualifications Screening Checklist (see Instructions). The checklist parallels the instructions in the posted RFQ, and ensures that SOQs and their forms and attachments are screened fairly, consistently, and completely. The CST may provide additional screening items to reflect additional requirements posted in the RFQ, but no checklist items may be deleted.

The screening process verifies that

- RFQ instructions were followed and attachments and forms are present;
- HUB or DBE requirements are listed on the project team composition form and accurately represented (see the PEPS intranet site for instructions);
- minimum technical requirements of NLCs, if any, are met.
Screening for Administrative Qualifications

For the federal process only, the CST screens providers’ SOQs for administrative qualification requirements. The CST uses the SOQ checklist and the list of administratively qualified firms current at the RFQ’s closing date and time. Firms providing engineering- and design-related services that are not administratively qualified at the RFQ closing date and time are disqualified and removed from further consideration. However, such firms may be able to maintain eligibility through participation in an approved Federal Highway Administration program. For guidance on such programs, contact PEPS.

NOTE: Administrative qualification requirements for providers under the comprehensive process and the streamlined process are verified at the short list stage. Unlike the federal process, provider disqualification does not occur at this stage. See the PEPS intranet site for guidance.
Section 5 — Scoring SOQs on Individual CST Member Scoresheets

SOQs that pass screening are scored by CST members on Individual CST Member Scoresheets the PEPS Rep has set up (see Chapter 7, Section 6, Preparing the Individual Scoresheets and instructions).

Members score each response to each SOQ question prospective providers submit with the SOQ using the scoring grid the CST developed along with the SOQ questions (for details, see Developing a Scoring Grid for Each Question in Chapter 7 Section 4). Members should double-check their entries for possible errors.

Discussing SOQ Scores in Deliberations Meetings

Upon completion, CST members forward individual scoresheets to the PEPS Rep, who transfers scores to a Consolidated CST Summary Scoresheet to prepare for deliberation of scoring (see Chapter 9, Deliberation and Evaluation of SOQ / Interview Scores).
Section 6 — SOQ Evaluation Outcome

After CST scores are deliberated (see the following chapter) and firm rankings are finalized, successful providers either advance to the short list or are selected, depending on the selection process.

Selected Providers

For selected providers, see Chapter 12, Finalizing the Selection Process.

Short-Listed Providers

Short-listed providers are interviewed for final evaluation and selection.

Short list eligibility. If the Managing Office is conducting a single contract selection, a minimum of three firms advance to the short list (unless fewer than this number submitted responsive SOQs).

For multiple contract selection, the short list includes a minimum of three firms plus the advertised number of contracts (unless fewer than this number are available). Thus, if the selection requires 10 contracts, the short list must include a minimum of 13 firms.

The above are minimums; it is common for the short list to include more than the minimum required number. In these cases the CST should review the scores on the Consolidated CST Summary Scoresheet, ensure the top firms are included on the short list, and identify an obvious break in the providers’ scores that separates the highest-qualified providers from the rest.

Notification of advancement. Providers advancing to the short list stage for interviews are notified by email. Once the Interview and Contract Guide (ICG) is complete – which includes the date and time of the interview and other information – this is emailed as well.

See Chapter 10: Short List Stage: Interviews and Evaluations for details on the ICG and the short list stage.

Providers not Short-Listed or Selected at this Stage

At this stage, the PEPS Rep is responsible for notifying providers who are not short-listed or selected.

Providers are notified by email, which include a non-selection letter template attachment. If a provider’s SOQ was disqualified at screening and deemed non-responsive, the email provides this information.
**Debriefs.** Debriefs with non-selected providers are scheduled after selection to help them improve future SOQs and interviews. See Chapter 12, Section 5, [Provider Debriefs](#) for details.
Chapter 9 — Deliberation and Evaluation of SOQ / Interview Scores

Contents:

Section 1 — Introduction
Section 2 — Preparing for Deliberations
Section 3 — First Deliberations Meeting
Section 4 — Second Deliberations Meeting
Section 1 — Introduction

Overview

After Consultant Selection Team (CST) members score a Statement of Qualifications (SOQ) or an interview, members forward their completed Individual CST Member Scoresheets to the PEPS Rep, who consolidates scores into a Consolidated CST Summary Scoresheet. This scoresheet helps the CST determine specific information to discuss in deliberations meetings and update rankings, if necessary.

The deliberations stage consists of an initial deliberations meeting and, when necessary, a follow-up meeting. Only providers whose rankings vary widely between CST members are deliberated.

This chapter addresses the following:

◆ preparing for deliberations
◆ first deliberations meeting
◆ second deliberations meeting

Selection Process Applicability

This chapter regards deliberating CST scores for both SOQs and interviews. For SOQs, questions are deliberated; for interviews, priorities are deliberated.

Guidelines in this chapter apply to all selection processes other than the emergency process and the urgent and critical process, whose policies are addressed in Chapter 11.

Action Steps and Deliverables

For action steps and deliverables regarding SOQ deliberations, see the introduction to Chapter 6, Request for Qualification (beginning with step 7).

For action steps and deliverables regarding interview deliberations, see the introduction to Short List Stage: Interviews and Evaluations (beginning with step 12).
Section 2 — Preparing for Deliberations

The CST prepares a Consolidated CST Summary Scoresheet to first identify **firms** to deliberate, and then identify specific **questions / priorities** to deliberate. (Deliberations involving SOQs regard questions; deliberations involving interviews regard priorities.)

This section addresses preparing for deliberations, including the following:

- about deliberations
- preparing consolidating scoresheets
- identifying firms to deliberate
- identifying questions / priorities to deliberate

About Deliberations

A deliberation is a meeting between CST members during which certain scores on members’ Individual CST Member Scoresheets are discussed. Deliberations are intended to ensure the most qualified providers advance by not only encouraging CST members to share their expertise and scoring rationale, but also discuss potential oversights or misinterpretations.

CST members often update their scores following deliberations, but are under no obligation to do so. A well-prepared, well-focused examination of scoring rationale among members is the intended result of deliberations; the opportunity to unduly influence others is not.

Scoring is never done by consensus during deliberations, and a deliberations meeting should never mitigate the requirement for CST members to independently and judiciously analyze and score questions and priorities on Individual CST Member Scoresheets. This work provides the bases for defining qualifications and providing a defensible outcome, and sets a baseline for poor, good, or excellent responses.

Deliberations follow CST scoring. Selection processes that only involve SOQ scoring include one deliberations phase (one or two meetings); processes that involve interview scoring as well include a second deliberations phase.

Preparing Consolidated Scoresheets

CST members must forward their individual scoresheets to the PEPS Rep at least two days before deliberations to allow the PEPS Rep to prepare for deliberations. Once received, the PEPS Rep establishes which questions / priorities are deliberated by consolidating CST member’s Individual CST Member Scoresheets into one Consolidated CST Summary Scoresheet, a spreadsheet tool that allows further analysis of data (see instructions).
Identifying Firms to Deliberate

To best demonstrate how the consolidated scoresheet helps identify questions / priorities for the CST to deliberate, examples of a typical procurement are provided below. In the example 10 contracts are available, and 13 firms are slated to advance to the short list.

The table below indicates a “heat map” generated by the Consolidated CST Summary Scoresheet. The map colors the top, middle, and bottom ranges, and indicates the overall rank of the firm alongside the relative rank provided by each CST member. In this example, only 20 firms out of 40 are initially considered for deliberations.

![Figure 9-1. Heat map 1](image)

The heat map helps the team determine which firms will be deliberated by indicating outlier and borderline firms, defined as follows:

- **Outlier firms** are firms with rankings that vary significantly among CST members (E, K, M, and T).
- **Borderline firms** are firms that, with a moderate change of score, could fall in or out of the list of advancing firms (F – J, L, and N – Q).
Thus, in this example, the 14 outlier / borderline firms are considered for deliberation. Note that firms A – D are not discussed, as they are certain to advance.

The PEPS Rep takes a screen shot of the heat map and forwards it to CST members before deliberations.

**Identifying Questions / Priorities to Deliberate**

After identifying the firms to be deliberated, specific questions / priorities to be deliberated must be identified. The PEPS Rep accomplishes this by producing CST member scores in the consolidated scoresheet for each outlier or borderline firm (see below graphic), and highlighting questions / priorities with the greatest variation (typically two or more points in the five-point scale).

These questions / priorities, highlighted in the below example, are the **only ones** that the CST deliberates.
Figure 9-3. Deliberated questions / priorities

The PEPS Rep takes a screen shot of questions / priorities for each outlier and borderline firm, and forwards them to the CST before deliberations.
Section 3 — First Deliberations Meeting

Once the PEPS Rep identifies the questions / priorities for the CST to deliberate, the first deliberations meeting is held. This meeting typically takes between one and three hours.

This section addresses the following:

- pre-meeting
- deliberations meeting
- updating scoring

Pre-Meeting

Pre-meeting considerations:

- Ensure the PEPS Rep has sent screen shots of the heat map and questions / priorities to the CST for consideration prior to deliberations.
- Ensure meetings are scheduled and planned in advance, accounting for time for the CST to meet, at least two days for rescoring, as required, and then the second meeting to finalize rankings.
- Ensure the PEPS Rep or designated facilitator guides the conversation, to maintain focus.
- Ensure that CST members realize that updating scores is entirely at their own discretion, and that all written communications – which are subject to open records requests – must never imply otherwise, as this is an ethical breach potentially subject to legal action.
- Ensure that all members use the established scoring grid when assigning scores, which provides the basis for qualifications-based selection.
- Ensure that CST members bring relevant notes to the meeting and are prepared to discuss their scoring rationale for identified questions / priorities.

Deliberations Meeting

Meeting considerations:

- Ensure that each CST member shares their perspective openly and honestly when discussing scoring variations.
- Begin with a fact-based conversation focusing on the rationale members used for scoring targeted questions, as opposed to general opinions about various preferences that can entrench opinions rather than foster discussion.
Chapter 9 — Deliberation and Evaluation of SOQ / Interview Scores

Section 3 — First Deliberations Meeting

- Ensure that if general impressions regarding why one response is preferred over another are voiced, they follow (rather than precede) an examination of specific facts.
- Ensure that CST members note any scores they wish to update. Updated scoring typically occurs after the meeting.
- Ensure that no one updates scores on behalf of another member.

Updated Scoring

Updated scoring considerations:
- Ensure that CST members are allowed one or two days to update their scores (if necessary).
- Ensure that updated scores are promptly submitted to the PEPS Rep, who generates another heat map, forwards a screen shot of the results, and schedules a second brief deliberation meeting, if necessary.
Section 4 — Second Deliberations Meeting

A second deliberations meeting may or may not be necessary. In the second meeting, CST members review and finalize potentially questions/priorities with updated scores. Prior to the meeting, the PEPS Rep consolidates resubmitted scores into the consolidated scoresheet, creates another heat map, and sends screenshots to CST members prior to the meeting for review. The new heat map for the example contract is below.

![Final heat map](image)

The meeting facilitator should focus the discussion around significant movements that have placed firms in or out of the advancement list (firms L and F), as well as continued outliers (firms E, H, and I).

If CST members agree with the outcome, the scores and ranking are finalized. If there is still some debate, further discussion and updated scoring may occur. Note that this meeting should address new considerations rather than rehash previously discussed issues. It is important that at this stage the focus can never be preference-based – that is, viewing the heat map and making adjustments to ensure a particular firm advances.

Next Steps

- Should deliberations regard SOQs, see Chapter 8, Section 6, SOQ Evaluation Outcome.
Should deliberations regard short list / interviews (see the following chapter), the provider with the highest score on the Consolidated CST Summary Scoresheet is selected and advances to negotiations. See Chapter 12, *Finalizing the Selection*. 
Chapter 10 — Short List Stage: Interviews and Evaluations

Contents:

Section 1 — Introduction

Section 2 — Developing Priorities and Presentation Topics for Interviews

Section 3 — Developing a Scoring Grid for Interview Priorities

Section 4 — ICG Issuance, Contents, and Forms

Section 5 — Preparing the Individual CST Member Scoresheet

Section 6 — Interview Attendance

Section 7 — Determining CST Roles in Interviews

Section 8 — Conducting Interviews

Section 9 — Provider Scoring and Evaluation
Section 1 — Introduction

Overview

Providers who advance to the short list are sent an Interview Contract Guide (ICG) and are interviewed for a final evaluation by the Consultant Selection Team (CST). This chapter addresses the following:

- developing priorities and presentation topics for interviews
- developing a scoring grid for interview priorities
- ICG issuance, contents, and forms
- interview attendance
- determining CST roles
- conducting interviews
- provider scoring and evaluation

Selection Processes Applicability

Interviews are not conducted under the accelerated process. They are always conducted under the comprehensive process and the federal process.

Interviews are optional under the streamlined process. While typically not recommended, they may be considered for complex disciplines or phases of work, or for situations in which the complexity of a team may require interaction across team members. For interview variances, see Considerations for Streamlined Process in Section 8.

Guidelines in this chapter do not apply to the emergency process and the urgent and critical process, whose policies are addressed in Chapter 11.

Action Steps and Deliverables

The majority of the work around this stage entails creating priorities and topics addressed at interviews, adjusting scoring tools members use for scoring, and scoring and deliberating results. Action steps and deliverables for this work – addressed in detail in this chapter and in Chapter 9, Deliberation and Evaluation of SOQ / Interview Scores – are summarized below (numerical references regard chapter / section).
1. Upon formation of the short list, the Managing Office staff verifies providers under the comprehensive process and streamlined process for administrative qualification requirements (10.1).

2. The CST drafts interview priorities, which represent topics for provider presentations at the interview and CST follow-up questions, and are later scored by the CST (10.2).

3. The CST drafts presentation topics, which providers center their presentations on at the interview (10.2).

4. The CST creates a scoring grid, which indicates how CST members should score priorities. (The grid may be created after ICG issuance.) (10.3).

5. The CST assembles the Interview Contract Guide (ICG), which contains details regarding interview requirements. Interview priorities (and weighting) and interview topics are included (10.4).

6. The CST issues the ICG to short-listed providers depending on when interviews are scheduled, so each provider has equal time for preparation.

7. The PEPS Rep sets up the Individual CST Member Scoresheet to accommodate scoring and weighting for the newly created priorities, as well as past performance scores (10.6).

8. The CST receives forms and documents requested in the ICG from providers.

9. CST members determine their roles at the interview, including lead questioner, facilitator, and timekeeper (10.7).

10. The CST conducts interviews, which typically include the following stages (10.8):
    - introduction
    - provider presentation
    - working break
    - follow-up Q&A session
    - consultant’s closing remarks

11. Immediately following the interview, CST members score priorities, documenting results on Individual CST Member Scoresheets using the scoring grid they created (10.9).

12. The PEPS Rep preps the Consolidated CST Summary Scoresheet and consolidates individual scoring results to prepare for deliberations of scoring (9.2).

13. The CST discusses individual scoring in one or two deliberations meetings, and CST members update their scoring if necessary (9.3, 9.4).

14. Final scores and ranking determine the selected provider (10.9).
Chapter 10 — Short List Stage: Interviews and Evaluations

Section 1 — Introduction

Verifying Administrative Qualification Requirements

For the comprehensive process and the streamlined process, the Managing Office verifies administrative qualification requirements for providers at this stage. Providers or subproviders not administratively qualified at this stage are not disqualified; however, they are informed that they must accept the indirect cost rate developed by the TxDOT Audit Office. See the PEPS intranet site for guidance.

NOTE: For the federal process, providers are screened for administrative qualifications previously, as part of the SOQ screening. See Screening for Administrative Qualifications in Chapter 8, Section 4 for details.

Recording Interviews or Passively Observing Interviews

Audio or video recording of interviews by the CST or the provider is strictly prohibited.

Non-CST TxDOT staff may observe an interview only for the strict purpose of training to be a procurement lead on future procurements as part of their job duties. At the onset of interview, the CST should explain the identity and role of the observer, and mention that the observer will have no impact on evaluations.

Resources

- **PEPS Provider Selection and Contract Award Process** – diagram of the selection and negotiation process. The flowchart includes color-coded phases of the process and references to respective forms.
- **selection process time frames table** – time frames for each major step for each selection process
- **Roles and Responsibilities table** – roles and responsibilities for all TxDOT employees involved with the selection process
- **PEPS intranet site** – host of information supporting PEPS contracting, including forms, templates, checklists, worksheets, training materials, news and events, and PS-CAMS information and links.
Section 2 — Developing Priorities and Presentation Topics for Interviews

The CST meets and drafts interview priorities and presentation topics. Priorities and topics are initially considered when developing the RFQ and the SOQ questions. When available, priorities and topics may also be selected from the Interview Priority Bank or the Interview Topic Bank (both in PS-CAMS). Newly developed priorities and topics should be deposited into these banks for future use.

Priorities

Priorities and weights are included in the ICG (see Section 4). Priorities must be broad enough to comprise all presentation topics and follow-up questions. Priorities – rather than topics or follow-up questions – are scored and deliberated.

Below is an example of four priorities for a project:

- execution of interim solutions to achieve outcomes
- execution of phased approach
- execution of compressed time line
- interaction and operation of prime and subs

Presentation Topics

The CST drafts three to five presentation topics, which are also included in the ICG.

While new information may be addressed, topics generally expand on priorities as well as project specifics in the SOQ questions, and may refer to technical diagrams or other visual aids included in the ICG. Topics should test the provider’s essential qualifications and must be presented clearly and succinctly.

As interview time limits are strictly enforced, presentation topics should not be overly complex or numerous. When drafting topics, CST members must strongly consider the amount of time providers are allotted to both prepare for and present topics they receive, to ensure the task is not overly burdensome.

Below is an example of four presentation topics for a project:

- Describe your interim solution design, including the operational improvements you would recommend and the expected improvement to traffic flow or congestion. Discuss the aspects of this design which will promote cost effective and timely project delivery.
◆ Describe how your approach is phased dependent upon available construction funding. Include any innovative financial solutions that may be appropriate in the absence of authorized funds.

◆ Describe your project team organization, how this team will operate, and how this structure is well suited to deliver this project under a compressed time line.

◆ Describe a recent example where the proposed team (project manager and / or key task leads) developed a similar project under a compressed time line. Emphasize the team member’s (PM and / or key task leads) specific role, actions to develop the initial EA / schematic / 30% PS&E, and how this work was transitioned to successful project delivery.
After priorities and topics are created, the CST creates a scoring grid to evaluate providers’ performance on priorities. The grid includes weighting of priorities.

Since the process of creating scoring grids for SOQ questions and interview priorities is virtually identical, consult the following subsections in Chapter 7, Section 4, Developing a Scoring Grid for Each Question, substituting priority for question:

- scoring range
- recommendations for development

The following two tables, based on the example priorities in the previous section, present how to create a scoring grid. A priority description (first table) is recommended to flesh out precisely what is being evaluated. Do not weight one priority more than 35 percent, as this will consequently underweight other questions. Also, no two priorities should include the same weight, as equally-weighted questions make it difficult to apply the tie-breaking process.

Note that the weights below total only 95 percent to account for weighting of past performance scores, which is typically five or 10 percent. For details on past performance scores, see Adding Past Performance Scores to Individual Scoresheets in Chapter 7, Section 7.
# Section 3 — Developing a Scoring Grid for Interview Priorities

## Chapter 10 — Short List Stage: Interviews and Evaluations

### Figure 10-1. Weighted priorities

<table>
<thead>
<tr>
<th>Priority</th>
<th>Priority Description</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interim solution innovation and impact</td>
<td>Firm’s proposed interim solution provides cost effective improvement to traffic flow and provides innovative solutions.</td>
<td>35%</td>
</tr>
<tr>
<td>Phased approach</td>
<td>Firm presents a phased approach which is scalable dependent upon construction funding that becomes available. Innovative funding solutions provided.</td>
<td>25%</td>
</tr>
<tr>
<td>Compressed timeline ability</td>
<td>Approach and past experience indicates the team will be successful at managing the project under a compressed timeline. Firm understands the important design and environmental concerns and displays the ability to overcome these issues.</td>
<td>20%</td>
</tr>
<tr>
<td>Operating mode</td>
<td>Project team is organized effectively and demonstrates sufficient capacity and commitment to execute this project.</td>
<td>15%</td>
</tr>
</tbody>
</table>

### Figure 10-2. Scoring grid

<table>
<thead>
<tr>
<th></th>
<th>1</th>
<th>3</th>
<th>5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does not meet requirements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Meets TxDOT requirements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Significantly exceeds TxDOT requirements</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Minimal understanding and knowledge of issues listed under Score 3.</td>
<td>- Response displays sufficient understanding and knowledge of appropriate operational improvements such as:</td>
<td>- In addition to items in score 3 response may also include but not limited to, the following:</td>
<td></td>
</tr>
<tr>
<td>- Does not demonstrate understanding of basic operational problems of IH 35E corridor.</td>
<td>- Collecto-Distributor Roads</td>
<td>- Innovative solutions which improve congestion or level of service in cost effective ways not already outlined in project Pegasus.</td>
<td></td>
</tr>
<tr>
<td>- Operational improvements would not meet the interim solution.</td>
<td>- Ramp improvements</td>
<td>- Solution discusses tradeoff between a set of improvement opportunities.</td>
<td></td>
</tr>
</tbody>
</table>

---

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Section 4 — ICG Issuance, Contents, and Forms

The Interview and Contract Guide (ICG), which contains the provider’s requirements and instructions regarding the interview process, is typically developed during RFQ posting and is ready to go after deliberations. The Managing Office downloads the ICG template, which the PEPS Rep modifies to accommodate the specific project, per the highlighted instructions.

The PEPS Rep (or TxDOT PM for SD contracts) must address any issues that affect the ICG, interview, and utilization of the contract.

A short list meeting may be held at the CST’s discretion. See Optional Meetings in Chapter 6, Section 3, RFQ Content Specifics.

Issuance

ICGs are issued electronically to providers through email in staggered fashion to accommodate scheduling of interviews. Each provider should be allotted equal time to prepare for interviews.

No more than three interviews should be scheduled in a single day. At least one hour should be scheduled between interviews to allow scoring and give CST members a break.

If a short list meeting is held, ICGs must be issued in advance of the meeting to allow providers to review the documents. The ICG must not be distributed in person at the short list meeting.

The PEPS Rep should verify that each provider received the ICG.

ICG Contents

The ICG template includes full instructions. Contents include the following:

- date, time, location, and length of the interview, and items on the agenda
- attendance requirements
- short list meeting information
- interview format, including the following options:
  - presentation plus question and answer
  - question and answer only (streamlined process only – see subheading just below)
- indication that any presentation material the provider leaves behind will be unconsidered and discarded
- priorities that will be scored and their associated weights
Interview topics on which providers base their presentations
- Information regarding administrative qualifications (*comprehensive process* only)
- Any technical diagrams or other visual aids that may accompany presentation topics
- Insurance requirements, if selected
- List of forms and documents, to be completed by the provider and emailed to the CST prior to the interview:
  - **Debarment Certification** - Architectural, Engineering and Surveying (“Provider”) Contracts
  - **Lower Tier Participant Debarment Certification** (Architectural, Engineering and Surveying Contracts)
  - Lobbying Certification for Grants, Contracts, Loans and Interagency Cooperation Contracts

These three forms apply if the provider is selected for negotiations.

Always access forms from the provided links or from the [PEPS intranet](#) site to ensure the latest versions are used.

**Streamlined Process**

Should a *streamlined process* include an interview, the interview process may be abbreviated. Variances and details must be included in the ICG. See [Considerations for the Streamlined Process](#) in Section 8.
Section 5 — Preparing the Individual CST Member Scoresheet

The PEPS Rep sets up the Individual CST Member Scoresheet to accommodate priorities, weighting, scoring, and past performance scores, per scoresheet instructions. CST members score interview priorities on the scoresheet using the scoring grid discussed in Section 3. Also see in this chapter Section 9, Provider Scoring and Evaluation.

Past Performance Scores

Providers’ past performance scores are entered on the scoresheet per scoresheet instructions. For details, see Adding Past Performance Scores to Individual Scoresheets in Chapter 7, Section 7.
Section 6 — Interview Attendance

This section includes interview attendance requirements for the CST and the provider team.

CST

All CST members must attend all interviews. If a CST member misses an interview, to maintain a uniform and unbiased panel, that member’s interview evaluations and scores are voided and further participation in the interview process is disallowed. The interview process continues with the remaining CST members.

Provider

The interview attendance requirements for providers are stated in the RFQ and repeated in the ICG. The RFQ provides one of the following three attendance options:

- prime provider’s project manager (PM) and all of the task leaders
- PM and only the task leaders for certain work categories
- PM only

The provider PM may only attend the interview of the project team the PM is managing. Thus, an individual serving as the PM on one team and a task leader on a second team may not attend the interview of the second team. The second team must provide a substitute task leader for the purposes of the interview. Any such substitute must be identified in the project team organization chart attached to the SOQ.

No such restriction exists for task leaders. A task leader assigned to multiple teams may attend interviews for each of those teams (subject to the attendance requirements in the RFQ and ICG).
Section 7 — Determining CST Roles in Interviews

Before the interview, the CST determines the following roles for members:

- lead questioner
- facilitator
- timekeeper

Anyone on the CST may fulfill these roles, and one person can fulfill multiple roles. As the process expert, the PEPS Rep can provide guidance on roles, questions, and interviews.

Lead Questioner

The lead questioner leads the follow-up Q&A session. While all CST members may ask questions, a barrage of questions coming from many directions hinders a provider’s ability to respond. The lead questioner ensures the conversation is monitored and managed appropriately.

Facilitator

The facilitator facilitates the break in each interview by collecting and helping prioritize questions. This person also typically facilitates the deliberation meetings. The PEPS Rep is typically the facilitator.

Timekeeper

The timekeeper ensures the interview stays on schedule and announces when each of the five interview stages is five minutes from ending and when time is up.
Section 8 — Conducting Interviews

Overview

The CST conducts interviews with the short-listed providers. The interview typically consists of the following stages:

- introduction (10 minutes)
- consultant presentation (25 – 40 minutes)
- break / development of follow-up questions (10 -15 minutes)
- Q & A session (20 – 30 minutes)
- closing remarks (5 minutes)

This section addresses these stages, as well as considerations when interviewing under the streamlined process.

Considerations for the Streamlined Process

Should interviews be required under the streamlined process, the following variances to the standard interview procedures may be considered:

- Omit provider presentations and include only the Q&A session (forward discussion priorities to providers).
- Shorten interviews to approximately 30 minutes.
- Consider conducting interviews by telephone.

The ICG must state these variances.

Introduction

It is recommended the PEPS Rep prepare a script in advance of the interviews. This provides structure and ensures that each provider receives the same information. At the onset of the interview, the PEPS Rep

- introduces the CST members,
- accommodates the introduction of the project team members,
- reviews the interview format with the provider,
- identifies and discusses the guidelines and restrictions, and
- emphasizes time restrictions and maintains a clock in clear view.
The PEPS Rep ensures that all guidelines and restrictions are applied consistently. To ensure the interview attendance requirements are satisfied, the PEPS Rep should reference the project team org chart (submitted with the provider’s SOQ) before the interview starts.

The exact timing for each stage depends on the size and complexity of the contract, and is at the CST’s discretion. The CST timekeeper ensures the allotted time for each stage of the interview is strictly adhered to.

**Documents.** The ICG instructs the provider to email all forms and documents to the Managing Office prior to the interview. Should a form / document be missing, the provider should be notified at the interview. The provider typically has until the end of the day to produce it.

**Consultant Presentation**

Consultants present on the set of three to five topics they receive from the CST. During the provider presentation, CST members take notes for potential follow up questions. The presentation stage does not include questions and answers; however, the CST should redirect presentations that veer off-topic.

**Break / Development of Follow-up Questions**

During the short break that follows the presentation, the CST members convene, consult their notes, and determine one or two must-ask follow-up questions per CST member (four or five total) based on the presentation for the ensuing Q&A stage. Questions may also be pre-developed and address weaknesses in a provider’s SOQ response. Note that the break is not the time to deliberate the provider’s presentation or to take an actual break – it is instead a working session for the CST. The designated CST facilitator consolidates and prioritizes the questions, and ensures the most pressing and involved questions are presented first.

The Q&A between the provider and the CST helps the department determine a truly qualifications-based selection. The CST, however, must adhere to certain guidelines to ensure questions are patently unbiased and fair across all providers.

Guidelines include the following:

- Questions must stay within the same priorities and style of questions across all providers, and always pertain to the content the provider delivers in the presentation or SOQ.
- Questions are always posed clearly and unambiguously so they are not subject to varying interpretations.
- Questions may regard relevant past experience with a firm that affects this project, but may not refer specifically to these past projects.
- Questions should be open ended.
Questions should not be leading.
Questions should not be able to be answered with a simple “yes” or “no.”
Questions should not address significant additional content beyond the parameters of the designated priorities. Questions should seek elaboration rather than request information that has not been mentioned.
Questions should not refer to examples from the questioner’s own past experience with the firm that could be construed as either biased or irrelevant to the contract.
Questions should not indicate approval or disagreement.
Questions should not regard level of effort or any direct or indirect reference to costs.

Example: Poor and Improved Questions

<table>
<thead>
<tr>
<th>Poor Question</th>
<th>Problem</th>
<th>Improved Question</th>
</tr>
</thead>
<tbody>
<tr>
<td>I’m not sure I understand the issue on Example ABC on public involvement. Can you provide me another example that is better?“</td>
<td>asks for additional information / examples</td>
<td>I’m not sure I understand the issue on Example ABC on public involvement. Can you talk more about how you handled the stakeholders?</td>
</tr>
<tr>
<td>In your Example XYZ on innovation, did you test for 123 dimensions?</td>
<td>avoid yes / no questions</td>
<td>What issues did you test for in Example XYZ?</td>
</tr>
<tr>
<td>Great response on Question 2. How did you measure the improvements made by this project?</td>
<td>“great response” is a qualitative judgment</td>
<td>Thank you for your response on Question 2. How did you measure the improvements made by this project?</td>
</tr>
<tr>
<td>You mentioned in Question 3 that you would do steps A, B, and C. Are you missing anything, do you think?</td>
<td>leading</td>
<td>What were your main considerations in the project mentioned in Question 3?</td>
</tr>
<tr>
<td>You have had trouble managing work in the past – how do you expect to change that now with all the work you have?</td>
<td>refers to negative experience in the past – can be construed as biased</td>
<td>How do you propose managing your current workload with TxDOT with these projects?</td>
</tr>
</tbody>
</table>

Q & A Session

After the break, the provider reenters the room for the Q & A session, which should be an interactive conversation. The CST poses questions developed during the break, beginning with the most important ones. If time allows, spontaneous questions may follow provider responses.
NOTE: Should providers choose to leave any presentation materials behind, this information is not evaluated.
Section 9 — Provider Scoring and Evaluation

This section addresses the following:

- scoring providers
- discussing interview scores in deliberations meetings
- provider selection

Scoring Providers

Each CST member takes notes during the presentation and interview, then, directly after the interview, individually scores the provider using the scoring grid the team created. CST members score interview priorities on Individual CST Member Scoresheets the PEPS Rep previously set up, double-checking their entries for possible errors.

Compared with SOQ scoring, interview scoring is more holistic, and based on the provider’s overall performance in the presentation and Q&A stages. CST members should always evaluate the quality of the answers rather than whether certain keywords were mentioned or every last detail was covered. Because the interview is somewhat fluid, providers may not get every item in the criteria due to timing or the direction of the conversation.

Evaluations should not be viewed as tests – providers who deliver an overall comprehensive and high-quality response should be evaluated accordingly.

At least an hour should separate interviews to allow scoring and provide CST members a break.

Discussing Interview Scores in Deliberations Meetings

Upon completion, CST members forward their Individual CST Member Scoresheets to the PEPS Rep, who transfers scores to a Consolidated CST Summary Scoresheet to prepare for deliberation of scoring. For details, see Chapter 9, Deliberation and Evaluation of SOQ / Interview Scores.

Provider Selection

The provider or providers with the highest scores on the Consolidated CST Summary Scoresheet are selected and advance to negotiations. For next steps, see Chapter 12, Finalizing the Selection Process.
Chapter 11 — Emergency / Urgent and Critical Selection Processes

Contents:

Section 1 — Introduction
Section 2 — Emergency Process
Section 3 — Urgent and Critical Process
Section 1 — Introduction

Of the six selection processes available for PEPS contracts, the emergency process and the urgent and critical process are relatively less common and follow distinct guidelines, which are addressed in this chapter. For guidelines on the four routine selection processes, see Chapter 3, Section 6, Available Selection Processes.
Section 2 — Emergency Process

The emergency process is used when the TxDOT executive director certifies in writing that a PEPS contract is required to address a

- safety hazard,
- substantial disruption of the orderly flow of traffic and commerce, or
- risk of substantial financial loss to the department.

The emergency process may be associated with state, federal, specific deliverable, or indefinite deliverable contracts.

Solicitation and Evaluation

Selection and negotiation guidelines regarding the emergency process are expedited and differ significantly from the other selection processes. Most typical requirements do not apply, including the ITC, RFQ, SOQ evaluation, short list evaluation, and most forms. This process minimizes formalities without compromising the fundamental requirements of qualifications-based selection. The district or division will identify a primary contact and communicate the emergency to PEPS for support and coordination, as necessary.

When an emergency transpires or is impending, the following steps occur:

1. Upon the administration’s certification, the district or division reviews the active precertified firm and informs at least three firms of the nature of the situation and the specifications for the remedy. If the services are outside the standard work categories, precertification is not required.

2. The district or division evaluates the qualifications of these firms and selects the one most qualified.

3. TxDOT enters negotiations with the selected provider to finalize the scope of services and establish a fair and reasonable price for the services. If a successful contract cannot be negotiated, TxDOT terminates negotiations with the provider and commences negotiations with the next highest-qualified provider. This process continues until a successful contract is negotiated. See PEPS Contracting: Contract Development and Negotiations for details on negotiating emergency contracts (manual is pending).

Administrative Qualifications

Similar to other PEPS contracts, administrative qualifications requirements vary under emergency contracts due to whether federal funding is involved. These requirements are detailed on TxDOT’s internet site.
HUB / DBE Requirements

As with other PEPS contracts, state contracts involve Historically Underutilized Business (HUB) requirements, whereas federal contracts involve Disadvantaged Business Enterprise (DBE) requirements.

With help from PEPS, a goal may or may not be assigned, depending on the nature of the emergency, urgency to act, volume of work, and subcontracting opportunities.
Section 3 — Urgent and Critical Process

The urgent and critical process is used when the department has an urgent and critical need for architectural, engineering, or surveying services (state contracts only). An urgent and critical need is considered a circumstance that, while below the level of an emergency situation described in the previous section, exposes the department to an undue additional cost that could escalate to an emergency situation if not promptly addressed.

The Executive Director is the sole party who may initiate and authorize the urgent and critical process. To do so, the TxDOT Executive Director certifies the following in writing:

◆ An urgent and critical need exists that generally cannot otherwise be met using a routine PEPS selection process.
◆ There may be sufficient objective reason to believe that a specific provider is most qualified to address this need, based on their demonstrated competence and qualifications.
◆ Federal funds will not be involved in the contract.

These contracts may be either specific deliverable or indefinite deliverable.

Pre-Certified Providers and Selection

Once an urgent and critical need is identified, the department identifies the firm or firms most qualified to perform the required work by reviewing TxDOT’s list of active pre-certified firms, as well as other relevant information. If the services are outside the standard work categories, precertification is not required.

The Executive Director determines whether there is sufficient information to determine that one provider is objectively the most qualified to perform this work. If not, the department follows the process described in Solicitation and Evaluation in Section 2, above.

Administrative Qualifications

Administrative qualification requirements for non-federal contracts are detailed on TxDOT’s internet site.

HUB Requirements

As with other PEPS contracts, Historically Underutilized Business (HUB) requirements apply as necessary (see Section 2, Emergency Process, above, and Chapter 4, Section 3, HUB or DBE Goal).
Chapter 12 — Finalizing the Selection Process

Contents:

Section 1 — Introduction
Section 2 — Final Considerations
Section 3 — Selection Memo
Section 4 — Notification & Publication / Appeals / Pre-Negotiations Report
Section 5 — Provider Debriefs
Section 6 — Finalizing the Selection File and Record Retention
Section 1 — Introduction

Overview

After provider evaluations are complete and the provider is selected, the Consultant Selection Team (CST) submits a selection memo and finalizes the selection process.

This chapter addresses these final steps, including the following:

- final considerations
- selection memo
- notifications / appeals / pre-negotiations report
- provider debriefs
- finalizing the selection file / record retention

Action Steps and Deliverables

Action steps and deliverables for this final stage are summarized below (numerical references regard chapter / section):

1. The CST completes a selection memo and submits it to the PEPS director (12.3).
2. The PEPS Rep notifies selected and non-selected providers (12.4).
3. PEPS publishes the selection on the TxDOT internet site and the Electronic State Business Daily site within five days of provider notifications (12.4).
4. The PEPS Rep initiates the Pre-Negotiation Report, which includes information regarding the provider’s indirect cost rate (12.4).
5. The CST schedules debriefs with non-selected providers to help them with future SOQs and interviews (12.5).
6. The PEPS Rep finalizes the selection file, ensuring it is organized and complete (12.6).

Selection Process Applicability

Guidelines in this chapter apply to all selection processes other than the emergency process and the urgent and critical process, whose policies are addressed in Chapter 11.
Related Resources

- **PEPS Provider Selection and Contract Award Process** – diagram of the selection and negotiation process. The flowchart includes color-coded phases of the process and references to respective forms.
- **selection process time frames table** – time frames for each major step for each selection process
- **Roles and Responsibilities table** – roles and responsibilities for all TxDOT employees involved with the selection process
- **PEPS intranet site** – host of information supporting PEPS contracting, including forms, templates, checklists, worksheets, training materials, news and events, and PS-CAMS information and links.
Section 2 — Final Considerations

Final considerations may involve

- resolving tie scores, and
- assigning providers to multiple selection contracts.

Resolving Tie Scores

When top-ranked providers receive tie scores, resolution efforts are conducted as follows, in accordance with the relevant TAC sections:

Statements of Qualifications. For processes that do not utilize interviews, for the first tie breaker, the scores for the criterion with the highest relative importance factor (RIF) – the numerical weight assigned to an evaluation criterion – are used. The remaining SOQ criteria are compared in order of decreasing RIF until the tie is broken. If the scores for all criteria are identical, the provider is chosen by random selection (see below).

Interviews. For the first tie-breaker, the scores for the interview criterion with the highest relative importance factor (RIF) – the numerical weight assigned to an evaluation criterion – are used. The remaining interview criteria are compared in order of decreasing RIF until the tie is broken. If the scores for all criteria are identical, the provider is chosen by random selection (see below).

Random selection method. If comparing evaluation criteria still does not a break the tie, the PEPS Rep determines a method of random selection. Options include a coin flip, drawing of straws, or another comparable method. The PEPS Rep informs the providers of the tie score, describes the random selection method to be used, and provides the time and location of the meeting. A company officer from each of the firms must attend the meeting to observe the outcome. Once the selected provider is determined, the PEPS Rep develops a memo to document the situation in its entirety. This memo is maintained in the selection file.

Assigning Providers to Multiple Selection Contracts

The RFQ lists the contracts in descending order of contract value as Project #1, Project #2, and so on. Project #1 is assigned to the highest-ranked provider; Project #2, the second highest-ranked provider, and so on, until all of the contracts are assigned.

While rare, if fewer providers than available contracts are deemed qualified, the contracts are assigned in descending order by provider rank and contract dollar value, until each provider is assigned a contract. The remaining contracts are similarly assigned until all contracts are assigned. Once all contracts are assigned, the PEPS Rep develops a memo to document the situation in its entirety, which is maintained in the selection file.
Section 3 — Selection Memo

The PEPS Rep documents the outcomes of the selection process in a selection memo on a selection memo template, which is emailed to the PEPS Director. Unless instructed otherwise by the director, the CST notifies selected and non-selected providers as soon as one day following memo submittal (see the following section). Should the PEPS Director raise concerns, notification is delayed, and the Managing Office may be required to provide evaluation worksheets and other documentation to support the decision.

CSTs should plan for negotiations to begin immediately following provider notification.

The selection memo includes the following:

◆ number of responses received
◆ number of responses deemed responsive
◆ number of short-listed firms
◆ identification of selected firms
◆ anticipated date by which negotiations will be completed
◆ verification statement by the PEPS Rep that the selection process was conducted in accordance with applicable laws, regulations, policies, and procedures.

A copy of the selection memo goes in the selection file (see Section 6).
Section 4 — Notification & Publication / Appeals / Pre-Negotiations Report

Notification and Publication of Selection

The PEPS Rep is responsible for notifying selected and non-selected providers prior to publication of the results. All who are privy to results must understand when disclosure is appropriate. The PEPS Rep verbally notifies both the selected provider and the non-selected providers; non-selected providers are notified in writing as well.

PEPS publishes the selection notice in the Electronic State Business Daily and on the TxDOT internet site within five days after provider notification (see instructions and posting tables for single and multiple selections). PEPS may delay publication at the Managing Office’s request.

Following the verbal notifications, the Managing Office’s negotiator (typically the TxDOT PM) contacts the selected provider in writing to commence negotiations.

Selection Appeals

A provider may file a written appeal concerning the selection process with the executive director (or designee), in accordance with 43 TAC §9.7. The PEPS Rep should be familiar with the appeal process.

Pre-Negotiations Report / Administrative Qualifications

The Pre-Negotiations Report (PNR) is a report that includes information the Managing Office requires regarding the provider’s indirect cost rate (see TxDOT’s internet site for more information on administrative qualification and the indirect cost rate and the manual PEPS Contracting: Contract Development and Negotiations – manual is pending).

The PEPS Rep initiates the PNR for the selected project team and preps it for the Audit Office, which completes it and forwards it to PEPS and the Managing Office PM. As good contracting practice, the PEPS Rep preps the PNR concurrent with the selection package to ensure that negotiations proceed expeditiously and ideally without time extensions.

Procedures for processing the PNR

1. The PEPS Rep downloads a blank PNR from the PEPS intranet site for the selected project team and enters the firm names of the prime provider and all subproviders. These names are listed on the provider’s project team composition form, submitted with the SOQ.

2. For state contracts, the CST identifies the firms that are not subject to the administrative qualifications requirements. These include
• non-engineering firms, and
• firms exempted by service type.

3. If a rate is necessary, but the firm is not administratively qualified, they must complete the **Certification of No Indirect Cost Rate** form in order to use the TxDOT developed rate of 145%.

4. The CST enters **N/A** into the PNR; if they have accepted the TxDOT developed rate, **145%** is entered.

5. For the federal process, the CST identifies the non-engineering firms, and enters **N/A** into the PNR.

6. The PEPS Rep submits the form to the Audit Office. The Audit Office completes the form by providing the audited indirect cost rates for the firms subject to the administratively qualifications requirements.

7. The Audit Office uses this information to complete the PNR for the selected project team and forward it to PEPS and, for SD contracts, the Managing Office PM.

**NOTE:** If the PNR is delayed, the Managing Office should contact the Audit Office to verify status of the report. Also, should a correction to the report be required, the Audit Office emails PEPS and the PM a PNR Correction Notice.
Section 5 — Provider Debriefs

Following selection, the CST schedules debriefs for eliminated providers, which identify areas of weakness and help providers improve future SOQs and interviews. Debriefs should focus on the provider’s qualifications, as demonstrated, in terms of experience, skill, and knowledge.

All non-selected providers are eligible for a debrief. Prior to the debrief, plan a basic agenda in advance, and ensure reference materials are organized and readily accessible, including the RFQ, screening checklist, SOQ, and evaluation worksheets. While debriefs may be conducted in person, they are typically handled by phone and should be brief. They should not exceed 30 minutes.

Those who conduct debriefs must exhibit utmost professionalism, and be mindful that non-selected providers are never pleased with the outcome.

This section addresses the following:

- deadlines for requests
- screening debriefs
- evaluation debriefs
- debriefing schedule

Deadlines for Requests

Requests for debriefs are accommodated up to four months after contract execution; this information is provided in the RFQ. The CST is not obliged to conduct debriefs after that time.

Screening Debriefs

If a provider’s SOQ was disqualified at the screening stage, the screener, who may or may not be a member of the CST, may debrief the provider after selection.

Before conducting the debrief, the screener must be familiar with the finalized screening checklist, as well as the requirements specified in the RFQ, and be prepared to answer potential questions. The screener must be able to tie the disqualification to one or more requirements in the solicitation. During the debrief, the screener should identify the missing or incomplete items. Providers should not be given copy of the checklist, or be walked through each checklist item.

Evaluation Debriefs

Evaluation debriefs are conducted by one or more members of the CST. If requested, the firm’s score and ranking is provided, but other providers’ scores and rankings may never be discussed. If
a provider’s score was affected by past performance evaluations, rather than addressing specific comments or identifying the TxDOT Managing Office responsible for them, the provider is simply advised to log into the CCIS database and review the evaluations.

Debriefing Schedule

Debriefs occur as follows:

<table>
<thead>
<tr>
<th>Debriefing Schedule</th>
<th>Selection Processes without Interview (Accelerated, Streamlined without Interview)</th>
<th>Selection Processes with Interview (Comprehensive, Federal, Streamlined with Interview)</th>
</tr>
</thead>
<tbody>
<tr>
<td>SOQ Disqualified at Screening</td>
<td>debrief provider after selection</td>
<td>debrief provider after selection</td>
</tr>
<tr>
<td>SOQ Evaluated, but Provider not Selected</td>
<td>debrief provider after contract execution</td>
<td>N/A</td>
</tr>
<tr>
<td>SOQ Evaluated, but Provider not Short-listed</td>
<td>N/A</td>
<td>debrief provider after selection</td>
</tr>
<tr>
<td>Provider Short-listed, but not Selected</td>
<td>N/A</td>
<td>debrief provider after contract execution</td>
</tr>
<tr>
<td>Provider Selected</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Section 6 — Finalizing the Selection File and Record Retention

An electronic selection file is created when the Intent to Contract is assembled and compiled over the course of the selection process.

This section addresses the following:

- selection file contents
- office of record and record retention

Selection File Contents

The PEPS Rep is responsible for compiling selection file contents and ensuring the file is properly maintained and secured. The filing system must be organized in a manner clearly understandable to anyone unfamiliar with the selection or contract. Files are typically maintained in PDF format.

A selection file checklist addresses file components, which include the following:

- copy of selection memo
- ITC
- RFQ
- receipt log for SOQs
- screening checklist of providers disqualified at screening
- consolidated scoresheet for SOQs
- ICG (if applicable)
- consolidated scoresheet for interviews (if applicable)
- PDFs of ESA computation
- SOQs of selected providers (all attachments – cover page, Q&R template, etc.)
- nepotism forms signed by CST members and others as applicable (not a TxDOT form). See Procedures for Submitting the Required Nepotism Form.
- signed certification of non-disclosure by CST members
- communications management plan
- other relevant documentation (for example, a tie-breaking memo)
Office of Record and Record Retention

PEPS is the office of record for the selection file. Records are maintained for a period of four years after the contract is terminated. For PS&E contracts, the period is either four years after the contract is terminated or until the construction contract is closed, whichever is later.

All records are subject to open records requests or audits, and must be organized, accessible, and complete. Should a selection be challenged or records be audited, incomplete documentation can expose the department to substantial risk, including contract cancellation.

NOTE: While Contract Services is the office of record for the original contract documents, PEPS remains responsible for the selection file.
Appendix A — Writing Scopes: Effective Use of Language

Much of the scope can be developed by using the scope templates and incorporating previous scopes of work. To define the project details, however, original text must be developed. This appendix provides writing tips for effective scope language.

Communicating Clearly

The purpose of writing is to communicate clearly. Good writing is not self-consciously artful and indeed does not call attention to itself. When you read something that is well written, words seemingly disappear and the author’s mind presents itself directly on the page.

When you write a scope well, your intentions provide no room for doubt or argument. A well-written scope heads off potential disputes, defuses arguments before they begin, and ensures that you can always answer the first question asked whenever a provider’s performance is deemed deficient: “Where does it say that in the contract?”

Assuming Personnel Changes

In writing the scope, the TxDOT PM should always assume the provider will replace personnel over the course of the contract. Scope language should be written such that the requirements will be clear to a replacement PM who is new to the project and unfamiliar with the contract.

Avoiding Repetition

To minimize the risk of ambiguity, confusion, and misinterpretation, scope language must not repeat itself.Repeated language is not only unnecessary, but opens the door to competing interpretations.

Scope language must not repeat the contract provisions, terms, and conditions. The articles of the contract stand on their own merit. The articles in Attachment A must not be repeated in any other attachment, in any form. The scope should never repeat or echo any portion of the agreement.

Choosing Words Carefully

Genteelisms and legalisms. Certain word choices convey an impression of prestige at the expense of understanding. Two forms of this are the genteelism and the legalism.

Examples of Genteelisms

◆ “Assistance” instead of “help”
Examples of Legalisms

- “Said” instead of “this”
- “Same” instead of “that”
- “Herein” instead of “in this contract”

Example sentence, with genteelisms and legalisms:

“The State will promulgate said work authorizations utilizing the form included in Attachment D (Work Authorizations and Supplemental Work Authorizations) hereafter for the purpose of authorizing all endeavors herein.”

Example sentence, clearly written:

“The State will issue work authorizations using the form included in Attachment D (Work Authorizations and Supplemental Work Authorizations) to authorize all work under this contract.”

“Which” versus “That.” A good way to tell the difference between “which” and “that” is “that” is a defining or restricting pronoun. The pronoun “which”, however, is non-defining and non-restrictive. In other words, use “that” when the phrase after “that” is essential to identifying what came before. Use “which” when the phrase after “that” adds additional information, but is not necessary to identify what came before. One other good tip is that “which” should almost always be preceded by a comma or a preposition. If a comma is not necessary in the sentence where you want to use “which” and if “which” does not have a preposition in front of it, you should probably use “that” rather than “which.”

Consider the following sentences.

“The plans, which shall conform to TxDOT standards, shall be delivered on June 1.”

The above sentence is clear. Particular plans shall be delivered on June 1 and shall conform to TxDOT standards.

“The plans that shall conform to TxDOT standards shall be delivered on June 1.”

The above sentence is also clear. Plans shall conform to TxDOT standards and shall be delivered on June 1, but other plans, which do not conform to TxDOT standards, may be delivered on some other date.

“The plans which shall conform to TxDOT standards shall be delivered on June 1.”
The above sentence is unclear. You cannot tell if the phrase “shall conform to TxDOT standards” is merely additional descriptive information, or if the phrase is essential to describing these plans. Remember that a comma will almost always precede “which.”

“And / or.” “And / or” is a legal and linguistic abomination. Generally, the use of “or” is taken to include “and.” If there is a risk of ambiguity, you can always say “A or B, or both.”

Gender-specific language. Gender-specific pronouns are generally considered poor drafting in legal documents or any type of professional writing. There are several techniques for avoiding the following gender-specific sentence:

“If the Engineer submits work that does not comply with the terms of this contract, the State shall instruct him to make whatever revision is necessary to bring the work into compliance with the contract.”

You can rewrite the above sentence to avoid the situation:

“If the Engineer submits work that does not comply with the terms of this contract, the State shall provide instructions to make whatever revision is necessary to bring the work into compliance with the contract.”

Or, you can repeat the term for which you are using a pronoun:

“If the Engineer submits work that does not comply with the terms of this contract, the State shall instruct the Engineer to make whatever revision is necessary to bring the work into compliance with the contract.”

Or, you can refer to the Engineer inanimately, since the Engineer is most likely a corporation and neither a “he” nor a “she”:

“If the Engineer submits work that does not comply with the terms of this contract, the State shall instruct it to make whatever revision is necessary to bring the work into compliance with the contract.”

If no other method will suffice, you can use both genders as alternatives:

“If the Engineer submits work that does not comply with the terms of this contract, the State shall instruct him or her to make whatever revision is necessary to bring the work into compliance with the contract.”

Note: “S(he),” “s / he,” and similar unpronounceable formulations are as abhorrent as “s / he / it,” with which they have much in common. Avoid such constructions.

Inherently ambiguous words. “Presently” really means “soon,” but a less common minor meaning is “currently.” In general, use “currently” or “soon” and avoid “presently” altogether.
“May” grants permission, but it can also mean “might.” A contract must be clear about whether you are granting the State the power to do something or merely predicting that the State might do it. Use “might” to indicate probability and “may in its discretion” to grant permission.

“Should” expresses a kind of wistful sense of moral obligation and rarely belongs in a contract. Almost always, the better word is “shall.”

**Building Phrases**

**Parallel phrasing.** Parallel phrasing signals to a reader that two or more items constitute a series. The application of parallelism in sentence construction improves clarity and readability.

Example sentence, non-parallel:

“This list shall include the suppliers’ names, suppliers’ addresses, the telephone numbers, and a type of work.”

Example sentence, parallel:

“This list shall include for each supplier its name, address, telephone numbers, and type of work.”

The examples above illustrate another important tip: whenever possible, write using singular nouns instead of plural nouns. In the first sentence, the plural nouns confuse whether each supplier must provide multiple telephone numbers. The second sentence, by relying on the singular whenever possible, makes clear the each supplier may include multiple telephone numbers.

**Commas in series.** When listing more than two items, it is best to use a comma before the conjunction.

Example sentence, improper comma placement:

“All list shall include the name and address, mobile and office telephone numbers and type of work”

Example sentence, proper comma placement:

“All list shall include the name and address, mobile and office telephone numbers, and type of work”

In the first sentence, it almost seems as if “mobile” and “office” refers both to “telephone numbers” and to “type of work.” In the second sentence, the addition of the comma after “numbers” makes clear that “type of work” is separate.
Writing Sentences

“A sentence should contain no unnecessary words, a paragraph no unnecessary sentences, for the same reason that a drawing should have no unnecessary lines and a machine no unnecessary parts” (Strunk and White, *The Elements of Style*).

**Write to a simple, non-technical level.** Every word (except for the occasional technical term) should be understandable to a seventh grader. While the length of sentences will vary, keep the average around twenty words. An excellent check is to read your writing aloud. If it sounds hard to understand to the ear, then it is in fact hard to understand.

**Active and passive voice.** Active voice refers to the standard noun-verb-object sentence construction. Passive voice refers to a sentence structure in which the object comes first, followed by a “to be” verb.

Example sentence, active voice:

“The Engineer shall submit Progress Assessment Reports.”

Example sentence, passive voice:

“Progress Assessment Reports shall be submitted.”

Recall, the scope must clearly establish who is doing what. In the example, the passive voice hides the identity of the entity responsible for submitting the reports.

**Connecting modifiers.** As a rule, indefinite modifiers in a sentence are taken to refer back or forward to the next noun to which they can refer. When an indefinite modifier like a pronoun or a participle is placed near the wrong word, the result is apt to be confusing.

Example sentences, with dangling constructions:

“Showing the percent completion of the work accomplished, the Engineer shall submit a separate report with each billing statement.”

“At its sole discretion, the Engineer’s time to complete work may be extended by the State through execution of a supplemental work authorization.”

Example sentences, with proper constructions:

“The Engineer shall submit a separate report with each billing statement showing the percent completion of the work accomplished.”

“At its sole discretion, the State may extend the Engineer’s time to complete work through execution of a supplemental work authorization.”
The first two examples make it look as if the Engineer is showing the percent completion and the Engineer is the one with discretion. The second two examples make clear that the report must show the percent completion and the discretion belongs to the State.

**Connecting Paragraphs**

**Topic sentences.** A topic sentence at the beginning of a paragraph allow you to signal to the reader that you are changing direction, either by moving to a new topic or by exploring a previous topic in more detail. They should not be stilted or merely summarize the contents of the paragraph. The key language may be only a phrase or even a single word, such as “however.”

Example sentences:

“The engineering plans shall be developed in accordance with the applicable State’s Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges, and the special specifications and special provisions related thereto.”

“In procuring professional services, the parties to this Agreement must comply with federal requirements cited in 23 CFR Part 172 if the project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases.”

Note that the second paragraph signals its contents with only the introductory phrase, “in procuring professional services.” Without that phrase, the reader might be two or three sentences into the paragraph before figuring out what the topic really is.

**Repetition.** Another way to connect thoughts is to repeat sentence elements so the reader is easily able to see how sentences fit together.

Example sentence:

“The Contractor is responsible for providing any public meetings or public hearings required for development of the environmental assessment. Public hearings will not be held before approval of the project schematic.”

Note that the second sentence repeats the phrase “public hearings” to orient the reader.