



Approved: _____
Executive Director

Professional Services Procurement Procedure

I. STATEMENT OF PROCEDURE

This procedure defines how the Metro Transportation Engineering and Construction Cooperative (hereinafter called “MTECC”) will procure qualified professional architectural; engineering; landscape architectural; surveying and mapping; planning; and right of way services, otherwise known as professional services, in compliance with state and federal requirements.

The details of implementation shall be in accordance with the most recent Florida Department of Transportation (FDOT) Local Program Manual (LPM) (525-010-300) for projects that include federal grants from FDOT (LAP) or direct from the Federal Highway Administration.

The details of implementation shall be in accordance with the most recent state and federal requirements, including any specific grant requirements for grants either direct or indirectly from the Federal Transit Administration or other federal agencies other than the Federal Highway Administration.

The details of implementation shall be in accordance with the most recent state law and any specific grant requirements from any specific grant requirements for grants either direct or indirectly from the County or local municipality in Broward County.

II. CONFLICT OF INTEREST

MTECC and its MTECC Members will adhere to the FDOT Conflict of Interest procedure (375-030-006). The MTECC General Counsel shall make the final decision regarding any potential conflicts arising from procurement and project management activities, including the roles and use of consultants. For Local Programs projects (LAP), the MTECC Member Responsible Charge shall consult with FDOT, who shall make the final determination. All MTECC consultants, members and employees participating in solicitations for services on LAP contracts or LAP projects must complete the FDOT Conflict of Interest/Confidentiality Certification Form (375-030-50) as part of the solicitation process.



III. AUTHORITY

MTECC was created pursuant to Section 163.01, Florida Statutes, the “Florida Interlocal Cooperation Act of 1969,” that authorizes local government units to enter into interlocal agreements for the mutual benefit of governmental units. The First Amended and Restated Interlocal Agreement (ILA) for the creation of MTECC was made, entered into and filed with the Clerk of Court for Broward County on January 17, 2023, by and between the Broward Metropolitan Planning Organization (BMPO); and the City of Hollywood, the City of Plantation, and the City of Pompano Beach, each a Florida municipality or local government unit of the State of Florida. All subsequent MTECC members adopted and signed the ILA to become a member.

Section 287.055, Florida Statutes, Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.

IV. OBJECTIVE

This procedure shall provide the governing principles that establish the MTECC procurement functions for the acquisition of professional services. To achieve the aforementioned objective, the MTECC Executive Director, MTECC Contracting Officer and his/her delegated procurement staff are the individuals authorized to procure MTECC services and shall:

- A. Provide fair and equitable treatment for all participants in MTECC procurement activities.
- B. Ensure the uninterrupted flow of the services by obtaining and ensuring delivery of acceptable quality services, on time and by the most qualified provider of the services.
- C. Comply with all applicable federal, state and local laws, statutes, ordinances and regulations for professional services. Special emphasis shall be placed on ensuring procurement actions comply with Chapter 112, Florida Statutes relating to ethical behavior in the acquisition of professional services and Section 287.055, Florida Statutes for all procurements. Comply with all grant specific requirements including:
 1. Federal Brooks Act for all federally funded grants.
 2. LPM 575-010-300 and CFR Title 23 PART 172 – Procurement, Management, And Administration of Engineering and Design Related Services, the Consultant Competitive Negotiation Act (CCNA) procedures for all federal grants funded by FDOT (LAP) or directly or indirectly from FHWA.
 3. Specific grant specific requirements from federal, state or local grants.
- D. No person or business shall be excluded from participation in, denied benefits of, or otherwise be discriminated against in connection with procurement activities on the grounds of race, color, religion, sex, and any protections offered by Title VI of the Civil Rights Act of 1964.



- E. Identify and address potential conflicts of interest, pursuant to Section II above.

V. SCOPE AND APPLICABILITY

The procedure outlined herein shall apply to MTECC and MTECC Members involved in any activities associated with the procurement of professional services for, or on behalf of, MTECC.

VI. ROLES AND RESPONSIBILITIES

- A. **MTECC Executive Director** - The MTECC Executive Director shall ensure that federal and state grantor agencies and the city where the project is located are consulted and made a part of the process for the development of the procurement documents with the final issuance of the documents being through the Contracting Officer of MTECC. For FDOT LAP Projects, Federally Funded Projects and Locally Funded Projects:
 - 1. The MTECC Executive Director is responsible for the timely initiation of project procurements from the current fiscal year Project Plan.
 - 2. For FDOT LAP Projects, The MTECC Executive Director shall ensure the participation and sign off by the MTECC Member for the completion and submittal of the Local Agency Program Checklist for Federally Funded Professional Services Contracts (form 525-010-49).
 - 3. The MTECC Executive Director is responsible for ensuring the procurement documents are prepared timely and that all parties are included in the process to review and sign off on the proposed procurement documents prior to issuance.
 - 4. In the case of an RFQ or RFP procurement:
 - a) The MTECC Executive Director is responsible for appointing qualified staff members from MTECC Members to an Evaluation Committee to evaluate proposals received in response to an RFQ or RFP to create a Library of firms under a continuing services approach or for an individual Project.
 - b) The MTECC Executive Director is responsible for reviewing the rankings and signing off with a summary report.
 - c) The MTECC Executive Director shall present the ranking of consultant proposals to the MTECC Board for review and approval. The Executive Director will provide the ranking to the MTECC Member Responsible Charge for approval for FDOT LAP projects prior to presenting the rankings to the MTECC Board.
 - d) Upon Board approval (and FDOT approval if needed on LAP projects) the Executive Director shall ensure the top-ranked firm submits a fee proposal.
 - e) The Executive Director will appoint a negotiating team composed of qualified staff from the MTECC Member and MTECC to negotiate with the top ranked proposer. The MTECC Executive Director shall present the negotiations team



to the MTECC Member Responsible Charge for approval on FDOT LAP projects.

- f) The MTECC Executive Director shall execute the professional services agreement for the project or continuing services contract If the negotiations are concluded within the maximum budget. For FDOT LAP projects, the Executive Director must provide a procurement summary sheet that includes the following items to the MTECC Member Responsible Charge for review and coordination with FDOT for review and concurrence prior to executing the professional services agreement:
 - 1) Project scope;
 - 2) Summary of the procurement steps and dates;
 - 3) Name of proposers received;
 - 4) Ranking of the proposals by the evaluation team;
 - 5) Name for the selected proposer and the negotiated project amount;
 - 6) Any other key items of note;
 - 7) Request for FDOT review and concurrence.
 - g) If negotiations with the top-ranked firm do not fall within the maximum budget, then the Executive Director will authorize the MTECC Negotiations Team to end negotiations and to proceed with negotiations with the second highest ranked firm or to have discussions with the MTECC Member and MTECC Board about adding more funds from a project contingency or other funds to address the negotiated amount.
5. For Request for Work Order Proposals under a Continuing Services Library:
- a) The Executive Director will ensure the RFWOP is coordinated with the MTECC Member and reviewed and approved by the Responsible Charge for FDOT LAP projects. The Responsible Charge will coordinate with FDOT on scope of services for FDOT LAP projects to obtain approval for inclusion in the RFWOP.
 - b) The MTECC Executive Director is responsible for appointing qualified staff members from MTECC Members to a Review Team from the City where the project is located to review and rank qualifications of firms that submitted in response to an individual Request for Work Order Proposal (RFWOP) for firms in a Library of continuing service contracts. The MTECC Executive Director shall coordinate and obtain approval of the MTECC Member Responsible Charge for FDOT LAP projects.
 - c) The MTECC Executive Director is responsible for reviewing the rankings and approving the ranking. The MTECC Executive Director shall coordinate and obtain approval of the MTECC Member Responsible Charge for FDOT LAP projects.
 - d) Upon Executive Director approval (and MTECC Member Responsible Charge approval on LAP projects) the Executive Director shall ensure the top ranked firm submits a fee proposal.
 - e) The Executive Director will appoint a negotiating team composed of qualified staff from the MTECC Member and MTECC to negotiate with the top ranked



- proposer. The MTECC Executive Director shall present the negotiations team to the MTECC Member Responsible Charge for approval on FDOT LAP projects.
- f) The MTECC Executive Director shall execute the Work Order for the project under the Continuing Services Contract If the negotiations are concluded within the maximum budget. For FDOT LAP projects, the Executive Director must provide a procurement summary sheet that includes the following items to the MTECC Member Responsible Charge for review and coordination with FDOT for review and concurrence prior to executing the professional services agreement:
 - 1) Project scope;
 - 2) Summary of the procurement steps and dates;
 - 3) Name of proposers received;
 - 4) Ranking of the proposals by the review team;
 - 5) Name for the selected proposer and the negotiated project amount;
 - 6) Any other key items of note;
 - 7) Request for FDOT review and concurrence.
 - g) If negotiations with the top-ranked firm do not fall within the maximum budget, then the Executive Director will authorize the MTECC Negotiations Team to end negotiations and to proceed with negotiations with the second highest ranked firm or to have discussions with the MTECC Member and MTECC Board about adding more funds from a project contingency or other funds to address the negotiated amount.
6. The MTECC Executive Director may approve extensions to the term of Work Orders issued under a continuing services contract with no dollar impacts of professional services agreements, as long as the Work Order term does not exceed the original term of the Continuing Services Contract. The MTECC Executive Director shall coordinate and obtain approval of the MTECC Member Responsible Charge for FDOT LAP projects.
7. The MTECC Executive Director may approve and execute amendments to professional services contracts and Work Orders under a Continuing Services Contract for additional scope and price up to ten percent of the original professional services contract or Work Order amount, provided the amended amount is within the maximum project amount approved by the MTECC Board. For FDOT LAP Projects, MTECC will coordinate with the MTECC Member Responsible Charge for FDOT review and approval prior to MTECC Executive Director execution of such amendments.
8. The MTECC Executive Director shall execute all documents, including contracts, Work Orders, amendments and change orders, approved by MTECC.
9. The MTECC Executive Director shall ensure contracts are executed and disseminated to the appropriate parties.
10. The MTECC Executive Director shall ensure the safekeeping of all procurement and contract performance security instruments, including without limitation bonds, cashier or certified checks, letters of credit, and assignments of certificates of deposit, submitted to the MTECC Contracting Officer.



11. The MTECC Executive Director shall handle concerns and issues relative to responding to public records requests per Chapter 119, Florida Statutes also known as the “Public Records Law.”
 12. Based on recommendations of the MTECC Contracting Officer, MTECC Legal Counsel, MTECC Program Manager and MTECC Member Responsible Charge (on FDOT LAP projects) the Executive Director shall coordinate with the senior managers of the MTECC Member and MTECC Board members on major concerns with executed contracts or work orders. The Executive Director has the authority to request corrective action plans for major concerns from the consultant. If the corrective action plan is not acceptable or does not correct major problems in accordance with established schedules to the point that projects are not meeting major scope of service items, established schedules or key provisions are in default, the Executive Director may terminate a contract or work order. This shall be coordinated with and approval provided by the MTECC Member Responsible Charge and FDOT on FDOT LAP projects. MTECC will always partner with the consultant to achieve a timely corrective action plan to keep the project on track as the first priority.
- B. **MTECC Contracting Officer** shall provide for the acquisition of professional services for projects and shall be the single point of contact during an open procurement, in accordance with this procedure. These responsibilities include the following:
1. Following FDOT LPM (575-10-300) and Section 287.055, Florida Statutes, “The Consultants Competitive Negotiation Act, FDOT rule 14-75, Florida Administrative Code related to prequalification process, advertisement, and competitive selection of professional services consultants based on qualifications, followed by negotiations to establish a fair, competitive and reasonable fee for the desired services.
 2. The development of RFQs, RFPs, and RFWOPs.
 3. Assist in the development, administration and management of contracts.
 5. Responding to questions and preparing addenda if necessary to RFQ’s, RFP’s, and RFWOP’s in accordance with this Procedure and related administrative procedures.
 6. Making a final recommendation to the MTECC Executive Director, as authorized by the Interlocal Agreement.
 7. Providing in solicitation documents appropriate procedures for ensuring proposer protests are treated in a fair and objective manner.
 8. Attempt to informally resolve disputes or protests regarding a procurement between MTECC and professional service consultant.
 9. Recommending to the Executive Director the rejection of all proposals received in response to a particular solicitation, due to non-responsive or non-responsible proposals, or lack of competition if readvertising would presumably yield more submittals.
 10. Recommending to the Executive Director the termination of professional service contracts for consultant’s default or MTECC’s convenience.
 11. Maintaining professional service consultant performance records.
 12. Verifying a professional services consultant is not on the Federal System for Award Management (SAM) Excluded Parties List.



13. Request in writing the MTECC Executive Director appointment of an MTECC Evaluation Committee for each professional services RFQ and RFP procurement.
 14. Request in writing the MTECC Executive Director appointment of an MTECC Review Team.
 15. Ensure the rankings of proposals are ranked in order 1, 2, 3, etc. Rankings will be based on the evaluation criteria and tie-breaking language in the RFP, RFQ and RFWOP solicitation documents.
 16. Cumulate and average the rankings for the proposals and present the report of the Evaluation Committee or Review Team to the Executive Director for approval of intent to award.
 17. For FDOT LAP projects, provide to the MTECC Member Responsible Charge for review and coordination with FDOT for review, any RFP, RFQ, or RFWOP, the ranking results and supporting documentation, and all other documentation necessary for the MTECC Member Responsible Charge to review and approve prior to presenting the ranking to the MTECC Board and prior to negotiations on FDOT LAP solicitations.
 18. Support the MTECC Executive Director in presenting the ranking to the MTECC Board for review and approval.
 19. Upon MTECC Board approval, request an hour and fee proposal from the top ranked firm for a project(s) specific professional services solicitation or MTECC Executive Director for a negotiated Work Order under a CSC library RFWOP.
 20. For award of an individual CSC or award of a CSC library, an hour and fee proposal will be requested on a Work Order basis. the MTECC Negotiations Team, with technical support provided by the MTECC Program Manager will negotiate on a Work Order basis with the top ranked proposal for a fair, competitive and reasonable fee for the RFWOP solicited services. If the negotiation is unsuccessful, the Executive Director will authorize negotiations with the second-ranked firm and so forth until reaching an agreement. On FDOT LAP projects coordinate with the MTECC Responsible Charge for review and approval and coordination with FDOT for review and concurrence.
- C. **MTECC Support Staff**– General responsibilities for all MTECC Program Manager, and support staff for the MTECC Executive Director and Contracting Officer, in accordance with the requirements of their positions, shall be responsible for:
1. Complying with all adopted purchasing procedures within the parameters of their position responsibilities, except as otherwise noted with this procedure.
 2. Providing timely information required for the project to the procuring entity, be that MTECC or a supporting organization by agreement.
 3. Providing necessary information and working with MTECC Procurement. i:
 - a) Assisting with bids and specifications;
 - b) Assist with the evaluation criteria;
 - c) Evaluating Responses to solicitations for completeness and compliance;
 - d) Evaluating proposer past performance. Note that FDOT past performance for proposers may be used;
 - e) Resolving proposer and contracted professional services issues and protests;
 - f) Identifying MTECC procurement needs;



- g) Providing MTECC Procurement with necessary technical assistance;
 - h) Contract documents.
4. Ensuring that MTECC Procurement is made aware of all communications with proposers and contracted professional services concerning:
- a) Request for Qualifications (RFQ);
 - b) Requests for Proposals (RFP);
 - c) Request for Work Order Proposal (RFWOP);
 - d) Schedule dates, including proposal due and opening dates;
 - e) Responses to RFQ, RFP, and RFWOP that have been received and opened;
 - f) List of potential contract documents.
- D. **MTECC Member** – The MTECC member shall be actively involved in MTECC procurement processes that are for Federally Funded Projects, FDOT LAP Projects and Locally Funded Projects in the member’s geographical area. For FDOT LAP projects the MTECC member shall ensure the Responsible Charge is the designated individual at a minimum for the below tasks. These tasks shall include at a minimum:
- 1. Review and approve the Project specific scope of work for the RFQ, RFP or RFWOP;
 - 2. Review the Independent Fee Estimate for the Project specific scope of work;
 - 3. Review and provide comments on the draft RFQ, RFP or RFWOP;
 - 4. Provide the City participants to rank RFQ’s, RFP’s and RFWOP’s;
 - 5. Provide the City participants to partner with MTECC on the review of the hours and fee proposed for the top ranked proposer for the Project scope of work. For FDOT LAP Projects, Responsible Charge to approve final hours and fee and coordinate with FDOT for review and concurrence and FDOT LAP projects;
 - 6. Review and Approve the Project Agreement with MTECC for the project. Approve MTECC issuing the Notice to Proceed for FDOT LAP Local Projects and coordinate with FDOT for review, concurrence and issuance of the FDOT Notice to Proceed;
 - 7. Participate in the kickoff meeting;
 - 8. Participate in status meetings;
 - 9. Submit project deliverable under the contract;
 - 10. Review and approval of final deliverables in partnership with MTECC;
 - 11. Participate in contract close-out in partnership with MTECC;
 - 12. Assist in invoicing for grants as required. For LAP projects MTECC submits invoices in GAP, the cover sheet is signed by MTECC Member listed as Responsible Charge and any reimbursements will go to the MTECC Member;
 - 13. Assist in grant reporting as required (note that for FDOT LAP Projects the MTECC Member Responsible Charge will take the lead on grant reporting).
- E. **FDOT/Other Awarding Federal Agency** –FDOT for FDOT LAP Projects or the awarding agency for projects funded by other federal grants to provide oversight of the state and federal requirements related to the project delivery and reimbursement processes. This shall include at a minimum:
- 1. Approval of grant agreements and related documents;
 - 2. Monitoring of grant requirements;



3. Oversight as required including review of draft procurement documents, negotiated hours and fee, and final contract documents;
4. Review and approval of invoices for completed work. This will be in accordance with the grant agency requirements, contract and work order requirements (including all amendments), and all federal and state requirements.
5. For FDOT LAP Projects, review and approval of all modifications to Contracts or Work Orders.

F. MTECC Board:

1. The MTECC Board shall designate the use of applicable approved Disadvantage Business Enterprise (DBE) plans to apply to each proposed professional services procurement. The current plan for the Broward MPO covers the County and has been designated by the MTECC Board for use on applicable procurements.
2. The MTECC Board approves the ranking of proposals for RFQ and RFP procurements and delegates the negotiation to the appointed Negotiations Team for finalization and execution of the professional services agreement within the maximum project budget.
3. The MTECC Board shall approve any professional services contracts and Work Orders amendments above ten percent of the original professional services contract amount or Work Order amount that exceed the maximum project amount.

The overall professional services for MTECC support services shall be organized into the following groups:

- A. MTECC Program Manager** – MTECC will competitively procure a qualified program management consultant that is also prequalified by FDOT to support the MTECC Board, MTECC Executive Director and MTECC Support Staff on technical issues at an overall level and for each project.
1. The MTECC Program Manager shall have a wide range of qualifications to meet many types of transportation projects, such as Highway Design, Traffic Engineering, Traffic Operations Design, Surveying and Mapping, Soil Exploration Materials Testing and Foundations, CEI, Engineering Contract Administration and Management, Planning, Architect, and Landscape Architect. These qualifications listed are not intended as an exhaustive list of qualifications required of the Program Manager consultant but listed as an example of the qualifications required to undertake its services for transportation projects throughout Broward County.
 2. The MTECC Program Manager contract shall be competitively procured under a continuing services contract with a not to exceed five-year duration, driven by Work Orders that must contain a detailed project specific scope with a proposed fee that is negotiated and finalized for each Work order. The MTECC Program Management Contract shall be a work order driven contract with no guarantee of work at the time of contract execution.
 3. There is an annual Work order proposed and negotiated to support the MTECC Board, MTECC Executive Director, and MTECC Members on general non-project technical activities during each fiscal year.
 4. Individual work orders shall be proposed and negotiated by the MTECC Executive Director for projects identified on the approved Project Plan. These work orders will run for the term of the activities for the Project and be coordinated with the project design and construction phases. For FDOT LAP Projects, CSC work orders will not exceed five (5) years and will only be



eligible for federal funding within the dates listed in the federal authorization. On LAP Projects the Program Manager proposed scope, and negotiated fee will be coordinated and approved by the MTECC Member Responsible Charge. If funding is requested under the FDOT LAP Project the MTECC Member Responsible Charge will coordinate with FDOT for review and concurrence prior to approval of Work Orders.

- B. MTECC Design Services Library (DES)** – MTECC shall competitively procure a library of professional design services consultants via continuing services contracts that will offer services, such as Design, Construction Plans and Specifications, Project Management, Organization Administration, Public Involvement and Media Relations, and other project related services.
1. The MTECC Design Services Library (DES) shall be work order driven contracts with no guarantee of work at the time of contract execution.
 2. Once a MTECC member requires MTECC support on a Locally Funded Project or Federally Funded Project (not funded by FDOT through a LAP Agreement) and the MTECC Board has approved the request, MTECC Contracting Officer and Program Manager shall partner with the MTECC Member to develop a scope of work, Independent Fee Estimate and RFWOP.) MTECC will coordinate with MTECC Member Responsible Charge for review and approval and coordination with FDOT on FDOT LAP Projects for review and approval.
 3. The draft scope of work may be shared with all the DES teams contracted with MTECC in advance of the RFWOP being issued.
 4. The RFWOP shall be issued to all DES firms for project specific design and engineering services.
 5. Once a Work Order has been negotiated and approved by the MTECC Member and MTECC (and FDOT on FDOT LAP Projects) the Work Order will be executed.
 6. With MTECC Member concurrence, the MTECC Contracting Officer shall issue the notice to proceed for commencement of services (with FDOT concurrence on FDOT LAP Projects.)
- C. MTECC Construction Engineering and Inspection (CEI) Services Library** – MTECC shall competitively procure a library of professional CEI consultants via a continuing services contract that will offer services such as project resident engineer with independent engineering judgment, survey control, on-site inspection, sampling and testing, engineering services, geotechnical engineering, schedule development and review, asphalt plant services, quality assurance program, certification of progress estimates, certification of final estimates, construction agreement management, post construction claims review and other services as needed on review of the construction for the project.
1. The MTECC CEI Services Library (CEI) shall be a work order driven contract with no guarantee of work at the time of contract execution.
 2. Once a MTECC member requires MTECC support on a Locally Funded Project or Federally Funded Project (not funded by FDOT through a LAP Agreement) for the construction phase and the MTECC Board has approved the request, MTECC Contracting Officer and Program Manager shall partner with the MTECC Member to develop a scope of work, Independent Fee Estimate and RFWOP.) The MTECC Member Responsible Charge will review and approve and coordinate with FDOT for LAP funded projects for review and concurrence.



3. The draft scope of work may be shared with all the CEI teams contracted with MTECC in advance of the RFWOP being issued.
4. The RFWOP shall be issued to all CEI firms for project specific construction and engineering services.
5. Once a Work Order has been negotiated and approved by the MTECC Member and MTECC (and FDOT on FDOT LAP Projects) the Work Order will be executed.
6. With MTECC Member concurrence, the MTECC Contracting Officer shall issue the notice to proceed for commencement of services (with FDOT concurrence on FDOT LAP Projects)

VIII. Qualifications Based Selection (QBS) Process

- A. For professional services procurements, MTECC shall utilize a competitive qualifications-based selection (QBS) process. All applicable RFQ and RFP solicitations will be publicly advertised in accordance with Florida Chapter 287.055, Florida Statutes, when professional services are required and the fee is in excess of the threshold amount of Category Two, Section 287.017, F.S., except in the case of a valid public emergency declared by the Governor of the State.
- B. The MTECC Executive Director and MTECC Contracting Officer shall maintain procurement and contract records documenting the professional services procurement process, in compliance with 2 CFR Part 200.s. These records shall be maintained, in accordance with General Records Schedule GS1-SL for State and Local Government Agencies and FDOT's LPM (525-010-300).
- C. Consultants must be prequalified with FDOT to submit responses on professional services solicitations Unless the selection method is final ranking directly from submittals (as specified in the project advertisement), the selection process will include the following steps:
 1. Public announcement of the approved RFQ or RFP for the minimum formal advertisement period of 14 calendar days. The advertisement shall include a description of the services and specify requirements for submittals. For continuing services contract where multiple Consultants are needed for projects with similar requirements, one advertisement and one selection process may be used where practical. The advertisement for such projects will include a statement indicating the number of technical proposals that will be shortlisted and the number of contracts intended for award. The number of shortlisted Consultants will be a minimum of two more than the number of Consultant contracts intended for award.
 3. Technical evaluation scoring will be based on weighted evaluation criteria contained in the solicitation document and resulting ranking by the MTECC Evaluation Committee. In lieu of weighted scoring on a criteria basis, technical proposals may be ranked overall and against each other with written details by each Evaluation Committee Member describing the rationale of their ranking, if this process is detailed in the solicitation document.
 4. If fewer than three Consultants (CSC minimum required responses will vary) respond to the advertisement, MTECC will extend the advertisement, if the contract schedule permits. For FDOT LAP related procurements FDOT exception requests must be submitted to the FDOT LAP administrator and FHWA for concurrence to proceed with less than the minimum.



5. Recommendation by the MTECC Evaluation Committee of no less than three firms ranked in order 1, 2, 3, etc. See Chapter VII, Section 6 and Section 7 for subsequent details.
6. Pursuant to Section 287.055, F.S., and the Federal Brooks Act, price shall not be an evaluation criterion during the advertisement and selection phase for professional services procurements. Criteria for selection shall be included in the RFQ or RFP.

IX. EVALUATION CRITERIA; RECOMMENDATIONS AND EVALUATION COMMITTEE SHORTLISTING

- A. The following factors will be considered by the MTECC Evaluation Committee in developing the recommendations for shortlisting and final ranking:
 1. Staff capabilities;
 2. Availability of proposed Consultant personnel;
 3. Technical approach to the project;
 4. Workload, as evidenced by the number of similar projects the Consultant has under active MTECC contracts/work orders;
 5. Local presence- The location of the Consultant in relation to the work to be performed, for projects where Consultant proximity to project location is pertinent and adds value to the quality and efficiency of the project (e.g., Construction Engineering Inspection (CEI) project). If a Consultant from outside the locality area indicates that it will satisfy the local presence criterion by establishing a local office, that commitment shall be considered to have satisfied the local presence criterion. However, local preferences, i.e., State or local requirements that limit competition, are not permissible;
 7. Any qualification restrictions;
 8. Innovation, and any other information contained in the solicitation.
- B. The MTECC Evaluation Committee will shortlist no less than three Consultants, if available. For FDOT LAP related procurements, FDOT exception requests must be submitted to the FDOT LAP administrator and FHWA for concurrence to proceed with less than the minimum. Where multiple contracts will be awarded with one advertisement, at least two more Consultants than number of contracts awarded will be shortlisted.

X. REQUIRED CERTIFICATIONS AND NOTICES (INCLUDING FEDERAL FORMS) -

- A. Certification forms to be included in the RFQ or RFP:
 1. E-Verify (Form #375-031-06)
 2. Debarment, Suspension, Ineligibility and Voluntary Exclusion (Form #375-030-32)
 3. Certification for Disclosure of Lobbying Activities (Form #375-030-34)
 4. Scrutinized Companies Lists (Form #375-030-60)
 5. Affidavit Regarding Labor and Services (Form #375-030-31)
 6. Truth in Negotiation Certification (Form #375-030-30)



7. Additional certifications/forms as may be required with the passing of new State or Federal legislation applicable to project funding for MTECC procurements.
- B. Notice of Restrictions: For all contracts, the advertisement shall include notice that persons or entities convicted of public entity crimes may not submit bids.

XI ESTABLISHING THE METHOD OF COMPENSATION

The method of compensation to the consultant shall be set forth in the original solicitation, contract, and in any contract modification thereto. Compensation for professional services agreements will involve one or more of the following methods:

- A. LUMP SUM: A firm fixed price not subject to adjustment due to the actual cost experience of the Consultant in the performance of the contract.
- B. COST REIMBURSEMENT PLUS FIXED FEE: The Consultant is reimbursed the costs incurred in the performance of the contract. FHWA only participates in cost reimbursement contracts in which the Consultant's operating margin is a lump sum or "fixed fee." In such instances, partially loaded hourly rates paid in conjunction with fixed fee shall exclude compensation for operating margin. In establishing contractual fees, the MTECC Contracting Officer may request the Consultant to provide average rates for job classifications when multiple staff members are included under one job classification.
- C. COST PER UNIT OF WORK: A negotiated unit rate for a repetitive task or deliverable product is established and paid for each unit produced.
- D. SPECIFIC RATES OF COMPENSATION: Billing rates are established for units of time, usually per hour. These rates normally include wages, overhead, estimated expenses and operating margin. MTECC shall utilize the lump sum method of payment for basic design services, where appropriate and where the level of effort and scope can be reasonably determined. MTECC is responsible for converting Consultant rate information into fixed hourly billing rates. In accordance with 23 USC 112; and 23 CFR 172.11(d), cost and rate data (audit information) shall be confidential and shall not be accessible or provided, in whole or in part, to another individual, firm, or to any government agency which is not part of the group of agencies sharing cost data, except by written permission of the audited firm.

XII NEGOTIATING CONTRACT FEES

- A. After final ranking by the MTECC Evaluation Committee, and approval from MTECC Responsible Charge (if a FDOT LAP Projects) negotiations will begin with the number one ranked Consultant.
- B. The Consultant will be requested to submit a detailed staff hour estimate and Fee Proposal with support information to the MTECC Contracting Officer. Staff hour estimates will be submitted in the manner prescribed by the MTECC Contracting Officer with the request.



- C. The MTECC Contracting Officer shall distribute the detailed staff hour estimate and fee proposal to the MTECC Negotiations Team.
- D. The MTECC Negotiations Team shall lead the negotiations utilizing the FDOT Negotiation Handbook For Professional Services Contracts as a guide, available on the FDOT Procurement website.
- E. The MTECC Contracting Officer and MTECC Executive Director shall review the negotiated fee structure, to ensure the proposed compensation costs are fair, competitive, reasonable, accurate and allowable, pursuant to 23 CFR 172.7, and 2 CFR 200.333.

XIII PERFORMANCE EVALUATIONS

For professional services and continuing services contracts, The MTECC Contracting Officer will coordinate with the MTECC Project Manager to conduct performance evaluations of the Consultants under contract, frequency depending on the length of the contract term. At a minimum, a final performance evaluation will be conducted prior to the close-out stage of the contract or Work Order. Ratings for evaluations will be based on factors such as quality of work deliverables, timeliness/adherence to schedule, professionalism in representing MTECC and its MTECC Members, and other factors. The MTECC Contracting Officer will consult with the MTECC Member Responsible Charge when completing the evaluation for their review and concurrence. FDOT LAP Projects will have additional requirements and FDOT involvement. The MTECC Project Manager, MTECC Contracting Officer and Consultant will sign the performance evaluation acknowledging the results. Consultants will be given the opportunity to respond in writing to the performance evaluation.

XIV REQUEST FOR WORK ORDER PROPOSAL

The following process will be followed by MTECC Executive Director and Contracting Officer in the selection of a firm from the DES or CEI library to perform work pursuant to a Project Work Order valued at more than \$35,000.00.

A. Work Order Proposal Selection Process

1. MTECC Executive Director will respond to a project request for DES or CEI RFWOP based upon a MTECC Member submitting a request for support related to design or CEI related services that have been endorsed by the MTECC Board. Once MTECC Executive Director has given concurrence for an RFWOP from the MTECC DES or CEI libraries:
 - a) A detailed scope of services, independent fee estimate, and schedule with a list of key deliverables will be developed by the MTECC Program Manager specific to the project that meets the grant requirements in partnership with the MTECC Member.
 - 1) The MTECC Member must review and approve the project scope of services, independent fee estimate and schedule with list of key deliverables. These sections will become exhibits of the Project Agreement or Tri-Party Agreement depending on the grant funding source.
 - 2) The MTECC Member Responsible Charge will be responsible for ensuring the process



follows the LAP Manual and for the review and approval of all documents and coordination with FDOT on FDOT LAP Projects. This includes the LAP Certification checklist being completed for the procurement section of the checklist. FDOT must approve the checklist, proposed RFWOP including the scope of services and independent fee estimate prior to the MTECC Member Responsible Charge approving issuance of the RFWOP.

- b) The approved scope of work may be provided to all the MTECC DES or CEI Consultant Library of firms in advance of the RFWOP procurement to help the firms become familiar with the upcoming project.
 - c) The inclusion of a Disadvantaged Business Enterprise (“DBE”) goal for a specific Project DES or CEI Work Order will be based on the original DES or CEI Library RFP and contracts. If a DBE goal is to be used for a specific Project DES or CEI Work Order, then the applicable DBE analysis will be performed to identify the amount for goals and applicable trades.
 - d) If approved by the MTECC Member and grant agency, the RFWOP may be issued in advance of the final grant agreement and Project Agreement or Tri-Party Agreement provided the work order is not finalized and signed prior to the grant agreement and Project Agreement or Tri-Party Agreements are approved and signed by all parties.
2. Upon receiving all required approvals, the RFWOP will be issued to the MTECC DES or CEI Library of firms. There is a cone of silence imposed once the RFWOP is issued. The MTECC Contracting Officer or designee shall be the single point of contact during the RFWOP process.
 3. The RFWOP will include:
 - a) The Scope of Work, RFWOP submittal instructions for responding to the RFWOP, special conditions, grant agreements, Program Agreement or Tri-Party Agreement and other key requirements that may apply to the Project;
 - b) Criteria for selection including capabilities and resources of the Consultants, proposed approach to the Work, availability of qualified personnel, ability to meet schedules, innovative ideas, workload, and overall distribution of work;
 - c) Reference and incorporation of the Federal and State requirements contained in the CSC Agreement.
 - d) In the event a DBE goal is established for a Local Project Work Order, the RFWOP will include Project level DBE goal requirements.
 - e) A boilerplate LAP Agreement attached.
 4. The MTECC DES or CEI library of firms will be required to provide a response to the RFWOP that is clear and concise, to include at minimum a summary of the Consultant’s ability to perform the Work, approach to the Work, and resumes of key personnel that would be assigned to the Work.
 5. The MTECC Contracting Officer will establish a defined deadline for submittal of the response to the RFWOP. No responses will be accepted after the deadline. A Cone of Silence will be in effect from issuance of the RFWOP through award of the Work Order.
 6. Responsive proposals received by the deadline will be independently reviewed and ranked by the MTECC Review Team. The Review Team members shall submit their ranking sheets to the MTECC Contracting Officer. Each MTECC Review Team member must sign a Conflict-of-Interest/Confidentiality Certification (FDOT Form 375-030-50) prior to evaluations and be advised the cone of silence.
 7. The MTECC Contracting Officer will compile the results of the review and provide the recommended ranking to the MTECC Executive Director for review and approval. For FDOT



LAP Projects the responses and all reviews and rankings by the MTECC Review Team must be provided to FDOT for review and approval prior to any negotiations.

8. Upon approval, the MTECC Contracting Officer will request a fee proposal utilizing the contract rates from the highest-ranked Consultant.
9. After receiving the fee proposal (including the approved contractual hourly rates by job classification and hours for each under the scope of work and the approved overhead rates as part of the DES or CEI Contracts), the MTECC Negotiations Team will commence negotiations with the highest ranked Consultant. Note that the rates for salaries, overhead and administrative rates will have already been set for the Contracts so the RFWOP negotiations will be based on the work order scope of services and negotiate the following key elements:
 - a) Staff hours by task and subtask
 - b) Staff hours assigned by staff member/class
 - c) Consultant organization, task and hours assigned to the prime and each subconsultant
 - d) Any unique elements required for the scope of services to ensure full understanding of these items and that requisite staff and hours have been assigned to these elements.
 - e) Margin in relationship to items such as the expertise required, complexity or simplicity of the scope of services and the availability of resources.

The MTECC Member within the team designated as Responsible Charge shall be the lead on negotiations with the Consultant. Should negotiations be successful, the Consultant shall provide the final negotiated fee sheet and Scope of Work to the MTECC Contracting Officer. Should negotiations be unsuccessful, negotiations may begin with the next highest ranked Consultant (with FDOT concurrence for LAP Projects) and so on.

The final negotiated fee package and Scope of Work will be reviewed and approved by the MTECC Member Responsible Charge, and they will coordinate with FDOT on LAP Projects for review and concurrence in the format required under the LPM 575-010-300.

B. Work Order Approval Process

1. The LAP Agreement and Project Agreement must be approved and signed by all parties for FDOT LAP projects. The Tri-Party Agreement and grant agreement must be approved and signed by all parties for projects funded by other grant programs. The project budget must be amended into the MTECC approved budget.
2. Once a MTECC Library consultant has been selected and its fee proposal is approved by the MTECC Executive Director (in consultation with the MTECC member and if FDOT LAP project, reviewed and approved by the MTECC Member Responsible Charge who coordinated with FDOT for review and concurrence.). The details shall be in accordance with Section VII, 5.
3. Upon Notice to Proceed by FDOT on LAP projects or MTECC Executive Director approval on other projects, the Local Project DES or CEI Work Order will be submitted to the Consultant for execution. No funding can be expended prior to receiving the Notice to Proceed from FDOT on LAP projects.
 - a.) If applicable, the DBE goal will be included in the specific DES or CEI Work Order, satisfaction of the DBE goal will be included as a term of the DES or CEI Work Order.
4. The executed Local Project DES or CEI Work Order will then be signed by the MTECC Executive Director (after receipt of MTECC Member Responsible Charge approval on FDOT LAP projects).



5. Once final MTECC approval is obtained, the Consultant will be issued a Notice to Proceed from MTECC for the DES or CEI Work Order.

C. Work Order Amendments

1. The MTECC Project Manager shall review within 15 days of receiving a written consultant or internal proposed change to the executed Work Order including a change to the term, scope of services or negotiated fee. The Project Manager shall provide a summary of the review for the MTECC Member Responsible Charge, MTECC Contracting Officer, and MTECC Executive Director for review and consideration. The summary shall include the following at a minimum:
 - a) Written request from the consultant or internal (Contracting Officer or MTECC Member Responsible Charge) that describes the proposed change to term, scope of services or negotiated fee for the executed work order.
 - b) MTECC Project Manager's review of the proposed change that outlines the issue, any facts that support or disagree with the proposed change, and a recommendation for consideration in making a decision about the proposed change.
 - c) Supporting documentation related to the proposed change and the MTECC Project Manager's review.
- b) The MTECC Contracting Officer, MTECC Member Responsible Charge, and MTECC Executive Director shall review the materials provided by the MTECC Project Manager within 15 days of receipt.
- c) The MTECC Member Responsible Charge and the MTECC Executive Director shall meet and agree on the proposed change. The MTECC Member Responsible Charge shall provide a summary of the proposed changes to FDOT for review and concurrence on LAP projects.
2. Upon MTECC Member City Responsible Charge (and FDOT if required) and MTECC Executive Director concurrence, the MTECC Executive Director may approve extensions to the term of Work Orders issued under a continuing services contract with no dollar impacts of professional services agreements, as long as the Work Order term does not exceed the original term of the Continuing Services Contract.
3. Upon MTECC Member City Responsible Charge (and FDOT if required) and MTECC Executive Director concurrence in the proposed change in scope of services the negotiated fee shall follow the same approach as A.9. above in this article to negotiate the revised fee. Once the proposed change is finalized the MTECC Responsible Charge shall provide a summary of the fee negotiations and overall package to the MTECC Contracting Officer and to FDOT for review and concurrence on FDOT LAP projects.
4. Upon MTECC Member City Responsible Charge (and FDOT if required) and MTECC Executive Director concurrence, the MTECC Executive Director may approve and execute amendments to professional services contracts and Work Orders under a Continuing Services Contract for additional scope and price up to ten percent of the original professional services contract or Work Order amount, provided the amended amount is within the maximum project amount approved by the MTECC Board.
5. For any proposed changes above ten percent of the Work Order amount or that the proposed change would exceed the approved budget for the Project the Executive Director shall present



- the item on the next MTECC Board agenda for review and consideration by the MTECC Board.
6. Upon MTECC Board approval of items presented under item 4. above, the MTECC Executive Director may approve and execute amendments to professional services contracts and Work Orders under a Continuing Services Contract for additional scope and price up to ten percent of the original professional services contract or Work Order amount.
 7. The MTECC Contracting Officer shall update the Contract files and provide copies of the executed amendment to the Work Order to: MTECC Project Manager, MTECC Member Responsible Charge, and grant agencies (FDOT, Broward MPO, or others as required.)

D. Project Work Order Close Out

1. Upon the completion of all deliverables on the Project Work Order, the MTECC Project Manager shall coordinate Work Order Close Out with the MTECC Member. The deliverables shall have been reviewed and accepted as final by the MTECC Member Responsible Charge and also by FDOT for LAP projects.
 2. After acceptance of all deliverables, the MTECC Project Manager shall support the MTECC Member Responsible Charge in preparing a final invoice to the grant agency.
 3. After payment of all consultant firm expenses and reimbursements by the grant agency, MTECC Contracting Officer shall close out the Work Order. The MTECC Member Responsible Charge shall certify completion to FDOT on LAP projects, identify any unused funds on the grant and receive approval from FDOT prior to closing out of the MTECC Work Order.
- E. The MTECC Project Manager shall coordinate and support the MTECC Member Responsible Charge in the preparation of the Local Agency Program Performance Evaluation and submit to FDOT on LAP projects.



Exhibit A - Definitions

DEFINITIONS

- A. **CSC** means a “Continuing Services Contract.” A continuing services contract is a contract for any of the following:
- Professional services entered into in accordance with all the procedures of this act between an agency and a firm whereby the firm provides professional services to the agency for projects in which the estimated construction cost of each individual project under the contract does not exceed \$7.5 million. Beginning July 1, 2025, and each July 1 thereafter, the department shall adjust the maximum amount allowed on the preceding June 30 for each individual project in a continuing contract by using the change in the June-to-June Consumer Price Index for All Urban Consumers issued by the Bureau of Labor Statistics of the United States Department of Labor. The department shall publish the adjusted amount on its website;
 - Study activity if the fee for professional services for each individual study under the contract does not exceed \$500,000; or
 - Work of a specified nature as outlined in the contract required by the agency, with the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause.
 - For LAP projects the amount allocated to each Library member may not exceed \$1.5 million for the term of the contract.
- B. **FDOT** means and refers to the Florida Department of Transportation, an agency of the State of Florida created pursuant to Section 20.23, Florida Statutes. Responsible for the oversight and administration of LAP funded projects.
- C. **FDOT Local Agency Program (LAP)** means and refers to FDOT’s primary delivery mechanism for local agency projects. It allows towns, cities, and counties to develop, design, and construct transportation facilities using Federal-Aid funds.
<https://www.fdot.gov/programmanagement/lp/lp>
- D. **FDOT LAP Agreement** refers to a legally binding Agreement between FDOT and a Local agency (MTECC Member) requiring funded projects be in compliance with all Federal and State program requirements agreed to therein for the planning, design, CEI, construction and/or completion of a project that has been awarded Federal-aid funds from FHWA.
- E. **FDOT LAP Project** refers to an approved local agency (MTECC Member) project that may be eligible to receive Federal Aid reimbursement under a LAP Agreement.
- F. **Federally Funded Project** refers to transportation related projects that are fully or partially funded with Federal Funds.
- G. **First Amended and Restated Interlocal Agreement for the Creation of the Metro Transportation Engineering and Construction Cooperative (MTECC)** refers to the instrument executed by the



Broward MPO and the cities of Hollywood, Plantation, Pompano Beach and subsequent MTECC Members for the creation of MTECC. The purpose of the Agreement is to consent and authorize the creation of MTECC, in order to facilitate the planning, design and construction of transportation related projects throughout Broward County. All subsequent MTECC members adopted and signed the ILA to become a member.

- H. **Fiscal Year** means and refers to the MTECC fiscal year commencing October 1st and concluding September 30th.
- I. **Library** means and refers to a grouping of multiple awarded contracts to consultants for professional services pursuant to an advertised solicitation.
- J. **Locally Funded Projects (LAP)** means and refers to any transportation related project that does not utilize federal funding and/or is not undertaken pursuant to a LAP Agreement. Projects funded exclusively by the local government.
- K. **Major Work Groups** means and refers to the work type professional services consultants will fall into based on the duties assigned by MTECC. Groups Include: MTECC Program Manager, MTECC Design Services Library (DES) and MTECC Construction Engineering and Inspection Services Library (CEI).
- L. **MTECC** means and refers to Metro Transportation Engineering and Construction Cooperative.
- M. **MTECC Board** means the governing board consisting of the initial membership of three Board Members, comprised of one eligible, voter-elected representative from each of the founding member cities of Hollywood, Plantation and Pompano Beach.
- N. **MTECC Consultants for Support Services** means and refers to contractors procured by MTECC for professional services as defined in Major Work Groups.
- O. **MTECC Contracting Officer** means the Chief Procurement Officer for MTECC.
- P. **MTECC Evaluation Committee** means the committee established by the MTECC Executive Director comprised of MTECC Members to evaluate proposals received under a formal RFP or RFQ procurement process. Evaluation meetings are advertised and are conducted as public meetings.
- Q. **MTECC Executive Director** means the chief executive officer of MTECC that is appointed by and responsible to the MTECC Board.
- R. **MTECC General Counsel** means the legal counsel to the MTECC Board and MTECC staff.
- S. **MTECC Members** means the Municipal Members that have entered into the First Amended and Restated Interlocal Agreement for the creation of MTECC.



- T. **MTECC Negotiations Team** means the individuals from the MTECC Members that are appointed by the MTECC Executive Director to lead negotiations with a consultant to determine a total compensation amount for a professional services contract or Work Order. The MTECC Member's Responsible Charge will be an appointee on the Negotiations Team for LAP RFWOP. The Responsible Charge will be the lead and will sign off on the efforts of the Negotiations Team.
- U. **MTECC Procurement** means and refers to the MTECC Chief Contracting Officer and the staff that the position manages for MTECC procurement activities.
- V. **MTECC Review Team** means a small team of independent reviewers comprised of MTECC Members, established by the MTECC Executive Director to review and rank the qualifications of firms submitting in response to individual RFWOP's issued under the continuing services contract. The Responsible Charge will review and sign off on the final ranking for LAP projects.
- W. **Professional Service Contract** means and refers to a contract awarded pursuant to a Request for Qualifications or Request for Proposals, in compliance with Chapter 287.055 Florida Statutes and the Federal Brooks Act.
- X. **Project Agreement** means the agreement between MTECC and the MTECC Member for the delivery of the Project for a LAP project. FDOT is not a party to the Project Agreement but a party to a LAP Agreement as defined above.
- Y. **RFQ** means a Request for Qualifications solicitation issued by MTECC for professional services, in compliance with Chapter 287.055 Florida Statutes and the Federal Brooks Act.
- Z. **RFP** means a Request for Proposals solicitation issued by MTECC for professional services, in compliance with Chapter 287.055 Florida Statutes and the Federal Brooks Act.
- AA. **RFWOP** means Request for Work Order Proposals, issued to a Library to determine the most qualified consultant to perform the scope of work for an individual Work Order under a multiple award continuing services contract.
- BB. **Response** means the submittal from a firm in response to a Request for Qualifications, Request for Proposals and Request for Work Order Proposals.
- CC. **Responsible Charge** means the MTECC Member's full-time employee who is the primary point of contact for the LAP Project. The Responsible Charge is expected to perform the duties identified in the FHWA Memorandum dated August 4, 2011 [Responsible Charge - Federal-aid Program Administration - Federal Highway Administration \(dot.gov\)](#). For non-LAP projects the Responsible Charge may be an MTECC employee or the MTECC Member as defined in the Tri-Party Agreement or in writing between the Tri-Party Agreement members.
- DD. **Work Order** means an agreement between MTECC and the consultant for a specific Federally Funded Project or Locally Funded Project under a continuing services contract. The Work Order will be issued for LAP projects only after the Responsible Charge has received approval from FDOT and the Responsible Charge provides authorization for MTECC to execute the Work Order.