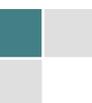


2014

Local Program Consultant Contracting & Administration

Management Consultant User Guide



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Introduction

The Management Consultant has both the responsibilities typical of region project development engineering staff and region contract specialists in managing three-party design engineering services contracts, two-party construction engineering services contracts, and other contracts on local projects. It is the intent that this manual supplement information provided in the Facilities Development Manual, primarily Chapter 8; the Wisconsin Department of Transportation “Doing Business – Design and Construction” Internet web site; and the “Contracting for Engineering and Related Services” Extranet web site. This is not intended to be an independent manual but is intended to provide policy and guidelines to strive for statewide local program consistency. It is not intended to provide detailed project-related technical guidance.

The Management Consultant should utilize the region project development engineering staff for project-related support and reviews; the Bureau of Project Development Local Program Contract Specialist for contract-related support and Division of Transportation Investment Management-Contract Administrative Unit (DTIM-CAU) for final processing-related support.

Sandra Villiesse, Bureau of Project Development Local Program Contract Specialist

Sandra.villiesse@dot.wi.gov

(262) 548-8649

Facilities Development Manual Chapter 8

<http://roadwaystandards.dot.wi.gov/standards/fdm/08-00toc.pdf>

Doing Business – Design and Construction Internet

<http://www.dot.wisconsin.gov/business/engrserv/index.htm>

Consultant Extranet – Contracting for Engineering and Related Services (via WAMS)

<https://trust.dot.state.wi.us/extntgtwy/consultants>

WisDOT Budget

The Wisconsin Department of Transportation (WisDOT) budget is set annually for each fiscal year. The fiscal year starts on July 1st and ends June 30th; it takes the name of the calendar year in which it ends.

Annual Consultant Budget Development and Monitoring

Development of the consultant budget begins in early spring each year. The Financial Integrated Improvement Programming System (FIIPS) is used to help facilitate budget development. The Management Consultant's identified confidential FIIPS representative should:

- Begin with running the following FIIPS reports for your region/bureau
FIIPS
REPORTS
Group
1.5 Download-Excel
- FR010501 FIIPS Master Download For LETS
- FR010502 FIIPS Master Download For Non-Lets
- FR010503 FIIPS Master Download "C/E"& "M/E"
 - This provides a summary of projects that already have C/E (consultant engineering) components and M/E (municipal engineering) scheduled in FIIPS
- Schedule Begin Date (Beginning of FY 7-01-XX)
- Schedule End Date (End of FY 6-30-XX)
- Division
 - 10
- Bureau (region)
 - 10-21: SW Region
 - 10-22: SE Region
 - 10-23: NE Region
 - 10-24: NC Region
 - 10-25: NW Region
- Bureau (other) Leave Blank
- Legislative Subprogram
- Component Award flag (Leave blank if you want to see both the planned FIIPS amount and the encumbered amount in EAPS)
 - Y
 - N
- Life Cycle Stage leave blank
- Download data to Excel
- Prepare a spreadsheet with a list of the already scheduled "C/E" and "M/E" components and add additional needs
 - Submit the final Budget to the Region FIIPS Coordinator for updating into FIIPS with the correct schedule date and priority code.

- Construction Packages: The development of the construction packages for the next construction season is also part of developing the budget.
 - Begin with running the letting report from FIIPS; FR010503 FIIPS Master Download For LETS.
 - As the construction packages and consultant budget are further developed it will be necessary to provide a scope and cost estimate.

- When developing the consultant budget it is also necessary to determine the amount for each placeholder. Most years there will be little need for placeholders, however, if a new program is pending, this should be reviewed with the region local program project manager. Placeholders for unknown/unscheduled needs:
 - Capped at 10% of the consultant budget
 - Type of needs that are funded through placeholders are:
 - State historical society, real estate services procured through purchase orders, etc.
 - Needs that can't easily be identified (can establish by looking at historical data).
 - Placeholders are entered into the budget spreadsheet and also scheduled in FIIPS accordingly.
 - Review placeholder needs on a monthly basis and make adjustments accordingly.

Final budget updates must be scheduled in FIIPS by May 1st. The official allocations are typically not approved until August or September. The following information must be included in the spreadsheet when recording the Local Program budget, sorted by Function and Subprogram. (See [Example 1](#). Example Southwest Region 2014 Consultant Budget.)

- Function
 - Subprogram
 - Project ID
 - Component ID
 - County
 - Route ID
 - Route Number
 - Title
 - Component Amount
-
- The Management Consultant components do not need to be separate from Design/Construction Consultant.

 - Contracts for Design Consultants should be scheduled no later than March in a fiscal year. Contracts for Construction Consultants should generally be scheduled based on the letting. WisDOT will announce its policy on the timing for negotiations on an annual basis.

 - The budget spreadsheet and FIIPS must be monitored very closely and updated as necessary.

 - All budget numbers should be confirmed by running FIIPS reports.

Monthly Budget Monitoring

Each month the Management Consultant should review consultant contracts and provide updates to the Region FIIPS coordinators as needed. The Region FIIPS coordinators are responsible for reconciling the budget with EAPS. Updates should be made in FIIPS by the 3rd working day of the following month.

Design Consultant Selection Process for Design Projects with Federal/State Aid

The Management Consultant should provide general support and guidance to the Municipality throughout the consultant selection process. The Management Consultant may not be involved in the selection itself.

- If the consultant contract is estimated <\$75,000, Small Purchase Contracting procedures can be followed.
- If the consultant contract is estimated >\$75,000, Local Design procedures must be followed.
- If the consultant contract is estimated more than \$1,000,000, interviews and coordination with the Chief Statewide Consultant Engineer is required.

Two of the solicitation methods – WisDOT’s Roster of Eligible Consultants, and WisDOT’s Internet Web Site – will require Management Consultant efforts. These solicitation methods should be the ones Municipalities should be encouraged to use. Other methods include newspaper advertisements, a local web site and local roster.

If the local unit of government chooses to use the WisDOT’s Roster, the Consultant Services Section (CSS) will email the Notice of Interest (NOI) on their behalf.

If the Municipality chooses to use WisDOT’s Internet Web Site the consultant solicitations generally occur on a bi-monthly basis and should consider;

- Verify the header states correct month, year, etc.
- Verify correct solicitation number
- Solicitation date (date the materials published on Internet)
- NOI due date (3:00 p.m. of the due date)
- Solicitation type – roster vs. open
- Anticipated construction cost (LET estimate)
- Anticipated project start date (3-4 months from date of solicitation)
- Local selection? Yes
- Verify Project ID and description are correct
- Verify consultant contract schedule in FIIPS
- Read through materials, checking content, spelling, grammar, etc.
- Check format
- Interview dates/location information included
- Submit questions to the Municipality
- Top portion of “Notice of Interest Questionnaire” is the same as page one
- Set document properties (Author is Wisconsin Department of Transportation)
- Save file as “SE01feb11” (region, solicitation No, solicitation month, year)
- All solicitation packages need to be on one Excel summary
- Work with the BPD LP Contract Specialist to get the projects published.

Questions/Answers:

- Consultants have until the following Friday, 3:00 p.m., to submit any questions.
- The questions are emailed to the Municipality
- The questions and answers are then published on-line so that all interested firms are provided the same information.

Notice of Interest Submittals:

The NOI must be submitted electronically by the consultants by 3:00 p.m. on the specified due date.

If WisDOT emails the NOI to the Roster, there is flexibility on the format. If it is done via the Internet site, the NOI should be the same as WisDOT's standard one.

Consultant Selection Approval process:

The Small Purchase Selection Approval DT 1516 and the Local Design Selection Approval Checklist DT 1515 can be found on the Extranet. (See [Example 2](#). Small Purchase Selection Approval and [Example 3](#). Local Design Selection Approval Checklist.)

<https://trust.dot.state.wi.us/extntgtwy/consultants/policy.shtm#selectionapproval>

Small Purchase Contracting Procedures:

If Small Purchase Contracting procedures were followed, Small Purchase Selection Approval DT 1516 should be completed by the Municipality and submitted to the Management Consultant. After reviewing the document, it should be forwarded to the Region Local Program designee.

If the estimated contract cost is less than \$50,000, it can be approved by the Region Local Program designee. Once approved, it should be forwarded to DOTConsultantServicesApproval@dot.wi.gov. If the estimated contract cost is greater than \$50,000, the Region Local Program designee should forward to DOTConsultantServicesApproval@dot.wi.gov for approval.

Upon receipt of the approval, the Management Consultant should forward it to the Municipality; direct them to contact the firms to announce the selection and start the contracting process with the selected consultant.

Local Design Procedures:

If Local Design procedures were followed, Local Design Selection Approval Checklist DT 1515 should be completed by the Municipality and submitted to the Management Consultant. After reviewing the document, it should be forwarded to the Region Local Program designee.

If the estimated contract cost is less than \$50,000, it can be approved by the Region Local Program designee. Once approved, it should be forwarded to DOTConsultantServicesApproval@dot.wi.gov. If the estimated contract cost is greater than \$50,000, the Region Local Program designee should forward to DOTConsultantServicesApproval@dot.wi.gov for approval.

Upon receipt of the approval, the Management Consultant should forward it to the Municipality; direct them to contact the firms to announce the selection and start the contracting process with the selected consultant.

Consultant Selection and Contracting for Non-Traditional Transportation Projects

WisDOT encourages the use of the Roster of Eligible Engineering Consultants for all non-traditional projects, regarding of funding. If there are federal funds for design engineering services, the qualification based selection process must be done in accordance with FDM Chapter 8. Although the use of federal funds for construction engineering services is not encouraged, if it is used, then qualification based selection process must be followed. Ideally the design engineering services selection would include the solicitation for such services, upon satisfactory completion of the design engineering services. If the solicitation did not occur at that time, the Management Consultant and region should review the construction engineering services solicitation. If federal funds are used for design engineering services, a two party construction engineering services contract must be used. Two contracts must be used; construction engineering services may not be included in the design engineering services contract.

Construction Consultant Solicitation

Construction engineering services for the upcoming construction season are solicited in August from firms on WisDOT's Roster of Eligible Engineering Consultants for those projects with let contracts with WisDOT or those projects with Local Force Account agreements with WisDOT. Only firms on the roster are eligible for construction engineering contracts. For these projects, firms awarded preliminary or final design engineering contracts are not eligible to compete for the construction engineering contract on that same project per FDM 8-5-25.

Each region puts together construction packages with all of the known consultant construction needs for the next year. The Management Consultant will work with the region, who will handle the coordination with the Consultant Services Section. The process is typically handled in the following manner:

- Directions are provided by the Consultant Services Section, generally in June.
 - Package template.
 - Project listing spreadsheet.
 - Although similar, the package template and project listing spreadsheet generally change annually.
 - Schedule.
- Develop the construction packages, generally in July.
 - This is generally an effort between design and construction Management Consultants and the region local program project manager.
 - Determine which projects will be included in the packages. Base information is generally provided by the design Management Consultant while the construction Management Consultant determines which projects should be combined into a single package and the appropriate staffing level and required testing.
 - Besides normal project identification and estimated consultant cost information, the designers, the type construction, the constraints, and the timeframe for construction should be identified as part of this process.

- The contact person on the templates should be Sandi Villiesse. The Management Consultant should identify a contact person for Sandi Villiesse to direct questions. An appropriate back-up should also be identified.
- The project listing spreadsheet should also be completed.
- The Management Consultant should submit the packages and the project listing spreadsheet to the region.
- Notice of Interest submittal and review process, generally done in August.
 - Interested firms will submit the NOI electronically by the required due date.
 - The Construction Interview Region Summary needs to be prepared using WisDOT's standard template.
 - A summary table just showing the packages, the firms, and which packages they are interested in also needs to be prepared.
- Interviews, generally done in September.
 - Interviews for local projects are done with state highway projects statewide at one venue.
 - The Consultant Services Section will develop an interview schedule.
 - The region will determine who will be attending the interviews. Generally it will be a combination of Management Consultant and region staff.
 - Interview packets with interviewer name on the front need to be prepared. The packets should contain the following:
 - Interview schedule.
 - The package/firm summary table.
 - Rating sheet for each interview.
 - Don't include the Construction Interview Region Summary. This is very confidential and should not be brought to the interviews.
- Selections, generally announced in November.
 - Shortly after the statewide interviews are held, those that attended the interviews and the region should meet to review. The Management Consultant will make recommendations to the region.
 - The Management Consultant should identify the projects which need more experienced staff as part of these discussions.
 - At this point, the region will complete the selection process and coordinate with the Consultant Services Section.
 - Once the recommendations are approved, the selections will be published on the Internet.
 - The Management Consultant should refer all questions and inquiries regarding the selection process, including recommendations, to the region.
- Complete hard copy files of the process must be maintained by the region.

Occasionally there may be changes to consultant needs after the annual solicitation is done. This is accomplished with the region designee via addenda.

The consultant selection process is confidential. WisDOT needs to make sure it only provides the necessary information to the Management Consultant while the Management Consultant must only involve those identified in the Confidentiality section in the Management Consultant contracts as appropriate.

Master Contracts

Master contracts are agreements between WisDOT and consultants to provide specified engineering and related services during a given period of time.

Master contracts are not encumbered upon signature like other consultant contracts. Payments to consultants do not occur until specific project-related agreements, work orders, are executed.

Work to be performed under statewide full service master contracts may not be done on a three-party basis and is limited to work on state highways in accordance with WisDOT policy.

Contract Negotiations

Overhead Rate

Consultants providing construction and design engineering services must file a Consultant Financial Report (CFR) with WisDOT on an annual basis. Other consultants providing services such as surveying, environmental, landscape architecture, historic preservation and planning studies for all modes of travel, for more than \$75,000 must also file a CFR on an annual basis. All indirect cost rates proposed by consultants for estimating or invoicing costs under WisDOT contracts are subject to audit. This audit establishes an allowable indirect cost rate (overhead rate). If a firm fails to comply, they will no longer have an approved rate and will not be allowed to contract with WisDOT. These rates are based on a 12-month period consistent with the consultant's fiscal year.

For more information on cost-based proposals and CFR requirements see the following FDM chapters:

FDM 8-10-30 requires that consultants submitting cost-based proposals must have a current Consultant Financial Report (CFR) on file with the WisDOT. The requirement for a CFR when there is a cost-based proposal is not dependent on the size of the cost-based contract or subcontract, it is based on the form of the fee comp. A cost based proposal is one that is built up based on the consultant's actual labor and overhead costs plus fixed fee. The alternative to a cost-based proposal is a market-based proposal which would typically be based on a standard schedule of billing rates.

FDM 8-10-15 and 8-10-30 allow contracting without cost-based fee comps for contracts and subcontracts that are less than \$75,000. The less than \$75,000 fee comp exemption only applies if the contract or subcontract is lump sum, specific rate, or cost per unit. All actual cost plus fixed fee contracts must have cost-based fee comps.

The \$75,000 threshold also applies to subcontracts. If a subcontract isn't cost-based, the prime consultant and WisDOT are still responsible for documenting and demonstrating that the cost is reasonable. Cost-based means based on an estimate of costs in accordance with the Federal Acquisition Regulation cost principles using an indirect cost rate accepted by WisDOT audit. There are several ways to demonstrate that the cost of the subcontract is reasonable if it isn't cost-based:

- Getting quotes from multiple vendors.
- Comparing the cost to other recently negotiated contracts with similar scope.
- Getting a detail cost estimate that breaks down the level of effort by task using loaded billing rates.
- Evaluation of the level of effort can be accomplished by consulting with in-house technical experts and getting their concurrence with the level of effort by task. Evaluation of rates should compare the proposed loaded contract rates to loaded rates charged in other contracts. If WisDOT data is not available, it may be possible to evaluate billing rates by obtaining independent industry specific surveys.

Indirect cost rates/overhead rates are NOT fixed in contracts using actual cost plus fixed fee method of payment. This means that the firm invoices WisDOT for what the firm's approved rate is at the time (depending on the length of the contract, the rate may fluctuate from year to year). Actual cost contracts are also subject to an audit review at the completion of the contract. If necessary, the overhead will be adjusted to the actual rates during the time period of the contract. This could result in the firm reimbursing WisDOT, or WisDOT reimbursing the firm (if sufficient funds remain on the contract).

Federal regulations prohibit WisDOT from negotiating indirect/overhead rates, but a firm may offer to work at a reduced or limited indirect/overhead rate. When a firm chooses to do so, on an actual cost plus fixed fee contract, they must include the following language:

Reimbursement for indirect costs shall be at the final audited rate for the period in which the work is performed, except that it shall not exceed _____%.

The Management Consultant should contact Sandi Villiesse to get current information regarding overhead rates and allowable expenses. This is the most confidential information that the Management Consultant needs to have to negotiate consultant contracts and must only be available to those identified as such in the Confidentiality section in the Management Consultant contracts.

Some things to keep in mind about overhead rates and how they should be used on amendments:

The following are things that need to be addressed at the time the amendment is prepared and before it is submitted:

- For cost plus fixed fee and lump sum contracts, the overhead rate on the amendment must be the current/latest (provisional or audited) overhead rate for the firm. It should not be the overhead rate from the original contract or work order, or the overhead rate from any prior amendments.
- For specific rate and cost per unit contracts, the overhead rate would be the original rate if the firm is adding additional hours or units of work. If they are adding additional staff or services, WisDOT would need to address those on a case by case basis. WisDOT does not allow increased rates to be used as substitutes to the original rates except in the case of the local program management contracts. On those contracts, firms can submit new rates every year.
- Any amendments that are received for approval will be returned to the region or central office bureau for correction.
- Since pre-awards are not conducted on those amendments executed in the field, it is the responsibility of the region and central office staff to review and correct those before they are executed.

Methods of Payment

Lump Sum – Under this method of payment, a specific total dollar amount will be paid for all of the services required by the contract, regardless of the actual costs incurred. A contract amendment will not be approved to increase the lump sum amount due to a change in the consultant's indirect cost rate or other cost overruns. It will only be considered when there is either an increase or decrease in the scope of services required.

It is appropriate when the amount, extent, scope, character, complexity and duration of the services are defined in enough detail to allow determination of fair and reasonable compensation in advance by all parties. It is commonly used for design contracts.

Lump sum contracts need to have cost-based estimates in accordance with [FDM 8-10-30](#).

For example, if the contract has 1000 hours, the firm will be paid the entire amount whether it takes 500 hours or 1200 hours.

Actual Cost Plus Fixed Fee – Under this method of payment, a consultant is reimbursed for all allowable costs incurred up to a maximum upper limit plus a fixed fee. Fixed fee is defined as a specific dollar amount, not subject to change except by contract amendment when there is a change in the scope of services required.

Actual cost plus fixed fee is appropriate when the scope of services can be well defined but the precise extent, complexity, or duration of the required services is indeterminable at the time of negotiations. It is also appropriate when the services are of a nature that WisDOT does not have the knowledge or experience to evaluate the reasonableness of a lump sum amount. It is commonly used for construction engineering contracts and designs of broadly defined scope.

All actual cost contracts need to have cost-based estimates in accordance with [FDM 8-10-30](#).

For example, if the contract had 1000 hours, and the firm only worked 500, they would only be paid for the 500 hours but they would receive the entire profit/fixed fee. If the contract had 1000 hours, and the firm needed 1200 to perform the work, they would need an amendment in order to receive approval for the additional 200 hours.

Specific Rate of Compensation – Under this method of payment, a specified hourly or daily rate is paid for each class of employee or type of equipment engaged in providing the required services. It may be used for relatively minor or straightforward scope of services of indeterminable extent of effort over which WisDOT can monitor the time and classification of employee and/or equipment utilized. Types of contracts where specific rates of compensation are most commonly used are plan review, construction finals, construction engineering contracts where WisDOT supplies the project manager, local program management, surveying, staffing type contracts and journal voucher contracts.

Specific rate contracts are audited prior to the contract being fully executed. The base labor rate must be the individual's current rate and will be verified by the audit section. Specific rate contracts do NOT allow for overhead adjustments throughout the life of the contract, except for local program management consultant contracts.

Specific rate contracts need to have cost-based estimates in accordance with [FDM 8-10-30](#). Contracts under \$75,000, however, do not require those cost-based estimates.

Cost Per Unit of Work – Under this method of payment, a specified dollar amount is paid for costs plus fixed fee for each completed unit of work. It is appropriate when the scope of services and unit cost can be determined in advance with reasonable accuracy, but the extent of the effort is indefinite. It may be appropriate for contracts for right-of-way plat sheets and corner restoration or monumentation.

Cost/unit contracts need to have cost-based estimates in accordance with [FDM 8-10-30](#). Contracts under \$75,000 however, do not require those cost-based estimates.

Direct Costs

As part of an overhead approval, a listing of allowable costs which can be directly billed to a project is determined.

Direct costs are those in which a firm has a process in place to capture and allocate them to all clients.

Typically, costs not considered allowable as direct expenses may be included in a firm's overhead rate.

If a firm is requesting an expense that is not included in their listing of allowable direct expenses, it can only be included if approval is received from DTIM-CAU.

In March 2013 WisDOT revised the Consultant Financial Report DT 1865, which is effective for fiscal years ending 12/31/2012 and later. The revised form includes many changes and new templates for submitting consultant's indirect cost rate information, cost accounting information, and supporting documentation. One of the changes is to the Direct Cost Summary to make the direct cost categories easier to list in contract documents:

"The Direct Cost Summary – Part 3C template must be completed by all consultants. If your firm has a direct cost category not specifically listed on the schedule, try to fit into one of the categories as listed. When contract proposals are prepared, consultants may use their firm specific categories with WisDOT's standard category noted in brackets (e.g. stakes, lathe, paint, flags-Survey Supplies)."

Lodging and Meals:

If lodging and meals are an allowable direct expense for a firm, they are to abide by their company policy as far as when and how much, with the exception that it can't be higher than the federal per diem rates. They can be found at the following location: <http://www.gsa.gov/portal/category/21287>. Be sure when verifying the per diem rates that you are checking the area in which the firm would be staying, as there are different rates for some areas.

Mileage:

Methods used to charge vehicles must be consistent with the consultant's normal cost accounting methods. Vehicle types and usage patterns have a significant impact on the cost per mile for fleet vehicles. For example, vehicles used on job sites would be expected to have higher costs per mile than vehicles used for longer trips on over the road travel. Reimbursement to employees for travel using personal vehicles is usually based on a rate per mile. Reimbursement rates for personal vehicles should be consistent with the consultant's established reimbursement policy. While most consultant firms do not pay employees more than the standard mileage rate established by the IRS, the IRS rates do not constitute a standard limit on WisDOT contracts. Limits on mileage reimbursement rates are not a required provision of WisDOT contracts.

Further direction is included in FDM 8-15 Exhibit 1.7 Guidelines for Potential Special Provisions on Construction Management Contracts.

Fixed Fee

WisDOT expects that contracts, both lump sum and actual cost plus fixed fee, will follow their current policy regarding fixed fee.

Contract Negotiations

The Management Consultant will negotiate the services and costs of the contract with the consultant. Development of the contract services is a key responsibility to WisDOT, as well as to the Municipality. The Management Consultant needs to prepare an independent estimate for every project as the basis for the negotiations. If the fee estimate is greater than \$600,000 WisDOT will be involved. The Management Consultant should be conservative in this area; once an estimate is over \$500,000 this issue should be reviewed.

After negotiations are complete, the Management Consultant must get region approval before the consultant, and Municipality as appropriate, can execute the contract.

Contract & Work Order Cover/Signature Pages

There are various cover/signature pages, depending on the type of contract.

The cover signature pages can be found on the extranet.

Extranet - <https://trust.dot.state.wi.us/extntgtwy/consultants/contract.shtm>

The following is a listing of cover/signature pages of regular contracts:

- **Construction – Consultant Supplies Project Engineer**
- Construction – Department Supplies Project Engineer
- Design Services – Two Party
- **Design Services – Three Party**
- Full Service Construction Master Contract
- Full Service Design Master Contract
- Local Construction Contract
- Local Construction Master Contract
- Local Design Contract
- Local Design Master Contract
- Shortform for Federally Funded Contract
- Shortform for Non-Federally funded Contract
- Speciality Master Contract

The following is a listing of cover/signature pages for work orders:

- Full Service Construction Work Order
- Full Service Design Work Order
- **Specialty Work Order**
- Local Construction Work Order
- Local Design Work Order

Boilerplates

There are various boilerplates, depending on the type of contract.

The boilerplates can be found on the extranet.

Extranet - <https://trust.dot.state.wi.us/extntgtwy/consultants/contract.shtm>

The following is a listing of boilerplates for regular contract.

- **Construction – Consultant Supplies Project Engineer**
- Construction – Department Supplies Project Engineer
- Design – Two Party
- **Design – Three Party**
- Full Service Construction Master Contract
- Full Service Design Master Contract
- Local Construction Contract
- Local Construction Master Contract
- Local Design Contract
- Local Design Master Contract
- Shortform for Federally Funded Contract
- Shortform for Non-Federally Funded Contract
- Speciality Master Contract

When preparing a construction consultant contract or a design contract, it is NOT necessary to include paper copies of the boilerplates with the submittal. The cover/signature pages include them as a reference. It is necessary to revise the Design – Three Party cover/signature pages to indicate that the Municipality also acknowledges receipt of the boilerplate.

When using the shortform it **IS** necessary to include the boilerplates with the completed paper copies of the contracts.

Support Documentation

Consultant cost worksheets can take many forms, but all of the information on the example forms must be included. All information should be easily seen without any additional calculations. Separate fee computations are necessary for each project ID number or “if authorized” provision.

The work sheets can be found on the extranet.

Extranet - <https://trust.dot.state.wi.us/extntgtwy/consultants/policy.shtm#workbooks>

The following is a listing of the required work sheets:

- Summary of Staff Hours and Direct Labor Costs for Design Contracts
- Staff Work Schedule for Construction Contracts
- Consultant Direct Labor Rates, and Consultant Weighted Average Direct Labor Rates, as needed
- Fee Computation Summary by Engineering Task

- Direct Expenses by Item
- Consultant Contract Total Fee Computation

The Consultant Activity Task List can be found as Attachment 1.3 on the Internet as part of FDM 8-10 Attachments.

Reviewing Contracts/Work Orders

The following is a general summary of what the Management Consultant should review/utilize on all contracts and work orders:

- Correct (most current) cover/signature page is being used. The forms are found on the Extranet <https://trust.dot.state.wi.us/extntgtwy/consultants/contract.shtm>
 - Spot check to make sure the form has not been altered, except as noted above.
 - Construction engineering services contracts have two different cover sheets: Department Supplies Project Engineer and Consultant Supplies Project Engineer. Local projects should use Consultant Supplies Project Engineer.
 - Shortform contracts have either federally or non-federally funded forms. To determine which one is appropriate, verify in FIIPS if there is any federal participation on the contract. If there is federal participation, then use the federally funded form.
- Verify the project ID(s) and description(s) are accurate. Central Office will use these descriptions when entering information into the Contract Administration & Reporting System (CARS) consultant database. Typically it should match what is shown in FIIPS.
- Verify that the DOT FOS Object Code is correct:
 - For Design, this determination is made by reviewing the State/Municipal Agreement for the payment arrangement. In general, if a project is state let, then WisDOT makes payments, but; if a project is locally let, then the Municipality makes the payment and requests reimbursement.
 - Design Three-Party with Consultant, WisDOT pays object code is 5501 (FIIPS = C/E)
 - Design Three-Party with Consultant, WisDOT pays the Municipality object code is 5529 for County, or 5525 for other Municipality (FIIPS = C/E)
 - Design Two-Party with Municipality WisDOT pays the Municipality object code is 5529 for County, or 5525 for other Municipality (FIIPS = M/E)
 - Construction Two-Party object code is 5501 (FIIPS = C/E)
- Verify that the completion date is shown accurately. For construction contracts the template will have text for two Start and Completion dates:

It is anticipated PROJECT start date is (enter anticipated start date of construction) and completion date is (enter anticipated date of construction completion). (Identify anticipated start and end dates of each PROJECT, if applicable).

Work under this contract will start on (enter date of anticipated start of work under this contract), and be completed by (enter anticipated end of work under this contract).
- Verify that the dollar amounts in the basis of payment add correctly under the “all services”, and that they match the attached cost worksheets. All costs within the cost worksheets must be accurate to the nearest penny. Rounding **is not** acceptable. All costs in a contract must be to the nearest penny. It is not necessary to include the basis of payment twice in the contract. It is no longer required that the basis of payment text be repeated in the special provisions.

- If there is more than one ID on the contract, the amounts per ID must be shown. To insure timely closure of contracts, if there is more than one ID on a contract it should be for an associated project only. In construction this means it should only include projects that are let together.
- For Two-Party Construction Engineering Services Contracts, the Management Consultant should be listed as the Department Representative.
- For Three-Party Design Engineering Services Contracts when the Management Consultant is issuing the authorization to proceed, add “Section III is amended to acknowledge that the DEPARTMENT or its authorized representative, on behalf of the MUNICIPALITY, will issue the written order authorizing the CONSULTANT to commence services.” to the beginning of the special provisions. This should not be included when the Municipality pays the consultant directly.
- For Construction Engineering Services contracts when there is a Disadvantaged Business Enterprise (DBE) goal, make sure that “This CONTRACT is federally funded. As part of this CONTRACT, the CONSULTANT shall subcontract \$_____ to one or more Disadvantaged Business firms as defined in 49 CFR Part 26. If the prime CONSULTANT is a certified Disadvantaged Business firm, work performed by the CONSULTANT can be considered in meeting this requirement.” is included. For Design Engineering Services, local program projects are currently not subject to a DBE goal.
- For all contracts where there is DBE participation, a DBE Commitment Form is required.
- For actual cost contracts, the consultant’s key staff must be included. For construction contracts, at least the project leader must be listed and for design, at least the project manager and specialty staff must be included. It is acceptable to have these people either listed in the cost worksheets and/or the special provisions.
- Make sure the legal names for the consultant firm, and subconsultant firms as applicable, are used in the contract.
- Review the cost worksheets, verifying all numbers/math.
 - Verify the overhead rate.
 - Verify that the direct expenses are allowable. They should be listed in detail, not grouped as “other” or “miscellaneous”.
 - Verify that pay wage escalation is within current policy.
<http://www.dot.wisconsin.gov/business/engrserv/caunotice.htm>
 - Verify that the amounts shown match on the various worksheets and match the cover/signature pages.
- Ensure that the proper subconsultant (if applicable) information is included. Make sure they use the correct subconsultant basis of payment language.
 - For firms that contract with WisDOT and have an approved CFR they should be using cost worksheets.
 - Verify the overhead and direct expenses are allowable.
 - For firms that do not have an approved CFR and their contract is less than \$75,000 they need to submit a proposal letter from the firm and something that indicates how they derived at the costs. (Something from the sub to the prime stating what they are going to do.)
 - Verify the numbers/math is accurate.
 - If there is a second tier subconsultant, make sure proper information is provided.

(See [Example 4](#). Abbreviated Design Contract with Cost Worksheets, [Example 5](#). Design Contract Approval Summary and Contract Cost Summary and [Example 6](#). Construction Summary of Engineering Cost and Contract Cost Summary.)

Contract/Work Order Submittal Checklists

The DT 1520 Contract/Work Order Submittal Checklist must be completed for all contracts.

The form can be found on the Extranet: <https://trust.dot.state.wi.us/extntgtwy/consultants/docs/dt1520.doc>.

- Fill in today's date
- Date of Solicitation, Solicitation ID and Date of Selection: should have the correct dates along with the number example: NC01
 - If the Municipality did not use WisDOT Internet Web Site, fill in N/A
- From should be the Management Consultant who the approved contract should be returned to
- WisDOT contact should be the Management Consultant
- Consultant contact
- Contract work type (select from the drop down menu)
- Contract type
- Object Code
- Project ID
- Consultant
- Master Contract ID, if applicable
- Location and Description
- All appropriate boxes should be checked on the second page

(See [Example 7](#). Design Contract/Work Order Submittal Checklist and [Example 8](#). Construction Contract/Work Order Submittal Checklist.)

DT 25 Recommendation to Governor for Contract and Bond Approval

A DT 25 form must be completed for the following:

- All contracts over \$3,000
- All amendments that double the original contract value (and each subsequent amendment after that point)

NOTE – they are NOT required for work orders because the Governor signed the DT 25 when the Master Contract was approved.

It can be found on the Extranet, along with examples:

<https://trust.dot.state.wi.us/extntgtwy/consultants/policy.shtm#DT25>

How to complete the form:

- Project ID(s) – should be listed one per form field, from lowest to highest
- Organization – Division – Transportation System Development
- Bureau – Specific Region – Local Program
- Originator Name – Contract Manager in DTIM, currently Randy Knoche (608) 266-1824
- Title – Contract Manager
- Contract Amount – this is the consultant contract amount
- WisDOT Confidential Estimate – N/A

- Contract With – Consultant Name
- Contract Type – usually Construction Eng, Design Eng
- Of – list the City, State for the consultant firm (if multiple offices, use the one shown in the contract)
- Project Description/Location – use each section per ID, description should be consistent with FIIPS (abbreviate, the fields are pretty small)
- Date Let – N/A
- Date Awarded – N/A
- Bond Required – leave unchecked
- Bond Not Required – check
- Project Requested by or Purpose: See link above for examples
- Work Consists of: See link above for examples
- Consequences - If Not Approved: See link above for examples
- Project Funding Percentages – look up the project in FIIPS, under the summary funding tab to determine the percentages
 - Enter the project ID(s) in the same order as at the top of the form.
 - Under each column put the percentage (\$ dollar value), for example 10% (\$49,709.98).
 - The dollar values are determined using the total contract amount.

(See [Example 9](#). Design Governor Bond Approval Form and [Example 10](#). Construction Governor Bond Approval Form.)

How to process the form:

- The completed form is sent as an email attachment to Contract Specialist in DTIM-CAU Diane Phaneuf diane.phaneuf@dot.wi.gov
 - One copy of the completed form should be printed for the file.
 - If there are more than four ID numbers, then use multiple forms in contract amount order and labeled 1 of 2, 2 of 2, etc.

How to review the progress of the DT 25 Approval:

If it is necessary to review the progress of the DT 25 Approval, call Sandi Villiesse or the Local Program Project Manager.

Contract Submittal & Approval

Design and related services:

Contract Submittal

The Management Consultant needs to submit at least **six (6)** copies of the contract with original signatures from first the consultant and then the Municipality as detailed above, along with the Submittal Checklist and the appropriate selection form, to DTIM-CAU, attention Diane Phaneuf. The Municipality that signs the State/Municipal Agreement must sign the contract, but there can be others as well. The DT 25 must be sent electronically to Diane Phaneuf, diane.phaneuf@dot.wi.gov.

US MAIL:
Contract Coordinator
Contract Administration Unit
Wisconsin Department of Transportation
P.O. Box 7913
Madison, WI 53707-7913

EXPRESS DELIVERY/HAND DELIVERY:
Contract Coordinator
Contract Administration Unit
Wisconsin Department of Transportation
4802 Sheboygan Avenue, Room 951
Madison, WI 53705

Update FIIPS with the estimate and schedule.

Contract Distribution/Authorization to proceed If the Department is paying the Consultant

- DTIM - CAU will return at least three (3) copies of the signed/executed contract to the Management Consultant as shown on the DT 1520 Contract/Work Order Submittal Checklist.
- The Management Consultant will fill out the “Authorization to Proceed Design Contracts” letter.
- Print at least three copies.
 - Send one copy of the contract along with the letter to the consultant and the Municipality.
 - One copy of the letter, contract, and all submittal forms for the file.
 - Provide one copy to the Local Program Project Manager.
- Do not send this authorization letter to Diane Phaneuf.

(See [Example 11](#). Authorization to Proceed Design Contract Template and Example.)

Contract Distribution/Authorization to proceed If the Municipality is paying the Consultant

- DTIM - CAU will return at least three (3) copies of the signed/executed contract to the Management Consultant as shown on the DT 1520 Contract/Work Order Submittal Checklist.
- The Management Consultant needs to direct the Municipality to prepare an authorization letter to the consultant.
 - Letter should state “this letter is your notification to proceed with the preliminary engineering in accordance with the contract provisions” with a copy to the Management Consultant.
 - The Municipality needs to send one copy of the contract along with the letter and keep one for their file.
- Do not send this authorization letter to Diane Phaneuf.

Construction contracts:

Contract Submittal

The Management Consultant needs to submit **five (5)** copies of the contract with original signatures from the consultant as detailed above along with the Submittal Checklist, to DTIM-CAU, attention Diane Phaneuf. The DT 25 must be sent electronically to Diane Phaneuf, diane.phaneuf@dot.wi.gov.

US MAIL:

Contract Coordinator
Contract Administration Unit
Wisconsin Department of Transportation
P.O. Box 7913
Madison, WI 53707-7913

EXPRESS DELIVERY/HAND DELIVERY:

Contract Coordinator
Contract Administration Unit
Wisconsin Department of Transportation
4802 Sheboygan Avenue, Room 951
Madison, WI 53705

Update FIIPS with the estimate and schedule.

Contract Distribution/Authorization to proceed

DTIM - CAU will return two (2) copies of the executed contract to the Management Consultant as shown on the DT 1520 Contract/Work Order Submittal Checklist.

If the Project ID is authorized for charging and the project is LET/Awarded:

- The Management Consultant should determine an appropriate authorization time. If construction is starting, authorization should be issued promptly. If the letting is early in the construction season, authorization should be held until construction is starting.
- The Management Consultant will fill out the "Authorization to Begin Work Construction Contracts" letter.
- Print two copies.
 - Send one copy of the contract along with the letter to the consultant.
 - Place one copy of the letter, contract, and all submittal forms into the contract file.
 - Send an electronic copy of the signed and dated authorization letter to Diane Phaneuf: diane.phaneuf@dot.wi.gov.

If the project has not been LET/Awarded:

- The Management Consultant should hold the approved contracts until the Project ID is authorized for charging and the Project ID is LET/Awarded.
- The Management Consultant should determine an appropriate authorization time.
- The Management Consultant will fill out the "Authorization to Begin Work Construction Contracts" letter.
- Print two copies.
 - Send one copy of the contract along with the letter to the consultant.
 - Place one copy of the letter, contract, and all submittal forms into the contract file.

- Send an electronic copy of the signed and dated authorization letter to Diane Phaneuf: diane.phaneuf@dot.wi.gov.

(See [Example 12](#). Authorization to Begin Work Construction Contract Template and Example.)

Management Consultant Work Orders:

Work orders are prepared by the Management Consultant for WisDOT approval. Work orders should not be submitted until the projects are authorized. Work orders should be processed in sequential order.

Work Order Approval/Distribution – work orders less than \$50,000:

- Work orders less than \$50,000:
 - Ensure the work order is signed by the correct person:
 - Work orders less than \$50,000 – signed by the Region Local Program designee
 - Five copies with original signatures are needed
 - Update FIIPS with the project ID, name of the firm and amount of the work order
 - After the work orders are signed, do the following:
 - Send the DT 1520 Contract/Work Order Submittal Checklist and three signed copies of the work order to DTIM-Contract Administration Unit, Room 951
 - Send one signed work order to the consultant. In accordance with FDM 8-20-5.3 this constitutes the authorization to proceed.
 - Place one signed work order and copy of the submittal checklist in the project file.

Work Order Approval/Distribution – work orders greater than \$50,000:

- Work orders greater than \$50,000:
 - Ensure the work order is signed by the correct person:
 - Work orders greater than \$50,000 – signed by DTIM-CAU Contract Manager.
 - Five copies with original signatures are needed.
 - Update FIIPS with the project ID, name of the firm and amount of the work order.
 - Submit the DT 1520 Contract/Work Order Submittal Checklist, and five copies of the work order to DTIM-Contract Administration Unit, Room 951
 - After the executed work order is returned from DTIM-CAU, do the following:
 - Send one signed work order to the consultant. In accordance with FDM 8-20-5.3 this constitutes the authorization to proceed.
 - Place one signed work order and copy of the submittal checklist in the project file.

Amendments

Amendments are required for any modification in the terms of the original contract that change the cost of the contract, change the subconsultants working on the contract, significantly change the character, scope, complexity, or duration of the contract services or significantly change the conditions under which the services are required to be performed.

A contract amendment needs to clearly outline the changes made and include an amount and method of compensation for the work or services covered by the amendment. In addition, it needs to state the total revised contract amount and basis of payment resulting from the amendment changes.

Actual Cost Contracts: Overruns in the costs of services do not warrant an adjustment in the fixed fee portion of a cost plus fixed fee contract. Adjustment of the fixed fee portion in an actual cost plus fixed fee contract will be allowed only when a significant change to the scope of services is made.

Three-Party Design Contracts: It is important to keep consultants accountable to performance dates. A time extension amendment may only be granted when the delay is beyond the consultant's control in accordance with the Prosecution and Progress section in the boilerplate. A time extension may not be granted when the delay is attributable to the consultant. In that circumstance, the Management Consultant and/or Municipality should request a new schedule and get a commitment to completion with revised dates instead.

An amendment should NOT add work outside the scope of the original contract or add project IDs without prior approval from the Statewide Consultant Engineer.

Work should not begin prior to the amendment being fully executed/signed, unless in an emergency situation when approval is granted by WisDOT in accordance with FDM 8-25-15.

(See [Example 13](#). Abbreviated Design Consultant Amendment with Cost Worksheets.)

Contents of an amendment:

- Cover/signature page can be found on the following location:
<https://trust.dot.state.wi.us/extntgtwy/consultants/contract.shtm#cs>
- A page describing the reason for the amendment and including a completely deleted and revised Basis of Payment.
- Additional special provisions, if necessary.
- Fee Computation Worksheets (for both prime and subconsultants).
 - Fee computations show the increases and/or decreases in costs.

Amendment Negotiations:

- The Management Consultant will negotiate the services and cost of the amendment with the consultant.
- After negotiations are complete, the Management Consultant must get region approval before the consultant and Municipality can execute the amendment.

Amendment Approval/Distribution, less than \$50,000:

- Amendments less than \$50,000 – signed by the Region Local Program designee.
- For amendments to three-party design engineering services contracts, at least six copies (depending on the number of signatory Municipalities) are needed. The consultant should sign the amendment first and then the Municipality.
- For amendments to two-party construction engineering services contracts, five copies are needed.
- After the amendment is signed, do the following:
 - Send 3 signed copies of the amendment along with the DT 1521 Amendment Submittal Checklist to DTIM-CAU, RM 951.
 - Send one signed amendment to the consultant. This constitutes the authorization to proceed.
 - For amendments to three-party design engineering services contracts, send one signed amendment to each Municipality.
 - Place one signed amendment and the DT 1521 Amendment Submittal Checklist in the contract file.

Amendment Approval/Distribution, greater than \$50,000:

- Amendments greater than \$50,000 – signed by DTIM-CAU Contract Manager.
- For amendments to three-party design engineering services contracts, at least six copies (depending on the number of signatory Municipalities) are needed. The consultant should sign the amendment first and then the Municipality.
- For amendments to two-party construction engineering services contracts, five copies are needed.
- Submit DT 1521 Amendment Submittal Checklist, and copies as noted above to DTIM-CAU, RM 951.
- After the executed amendments are returned from DTIM-CAU, do the following:
 - Send one signed amendment to the consultant. This constitutes the authorization to proceed.
 - For amendments to three-party design engineering services contracts, send one signed amendment to each Municipality.
 - Place one signed amendment and the DT 1521 Amendment Submittal Checklist in the contract file.

Additional Notes on Amendments:

- There are amendments that require approval of the Governor and are detailed in [FDM 8-15-25](#). In general any amendments that more than double the contract value, regardless of the amount of the amendment must be approved by the Governor. The DT 25 Recommendation to Governor for Contract and Bond Approval Form must be completed. Each amendment after that point for that contract must be handled the same way.
- Amendments that add a project ID must be submitted to DTIM-CAU, RM 951 for signature/execution, regardless of the actual cost.

Amendment Submittal Checklist

The DT 1521 Amendment Submittal Checklist must be completed for all amendments.

The form can be found on the Extranet: <https://trust.dot.state.wi.us/extntgtwy/consultants/docs/dt1521.doc>.

- Fill in today's date
- From should be the Management Consultant who the approved amendment should be returned to, if necessary
- WisDOT contact should be the Management Consultant
- Consultant contact
- Project ID
- Contract type
- Work Order number, if applicable
- Amendment number
- Location and Description
- Consultant
- Cost information
- Time information
- Reason for amendment; additional description regarding scope
- Check all appropriate boxes

(See [Example 14](#). Design Contract Amendment Submittal Checklist.)

Amendment Submittal & Approval

The following should be submitted for each amendment:

- DT 1521 Amendment Submittal Checklist
- Amendment with cover/signature pages stapled to the Special Provisions
- Supporting documents, including spreadsheets and subconsultant proposals

Consultant Invoices

Consultants may only invoice once per month for authorized contract work.

Invoices must be in the WisDOT standard invoice format (DT 1510). This is available to consultants through the Extranet at the following location: <https://trust.dot.state.wi.us/extntgtwy/consultants/forms.shtm>

Approval and Processing

The Management Consultant must review the consultant invoice for accuracy, completeness, allowability, and reasonableness of costs in relation to the nature and extent of the work or services performed.

- The following should be included with the invoice submittal:
 - Consultant Contract Invoice DT 1510
 - Subconsultant invoices
 - Monthly Progress Report DT 1509 (three-party design engineering contracts only)
 - A schedule of direct labor including employee name, classification and number of hours for each employee with the total number of hours and direct labor costs by classification (actual cost contracts only)
 - Invoice generated from the consultant's financial system (if provided)

WisDOT must pay invoices within thirty (30) days of receipt of the invoice, or pay interest. If information is missing or the invoice needs mathematical corrections, then the date of receipt may be extended. In order to ensure that WisDOT has every opportunity to make the payment within the thirty (30) day period, the Management Consultant should normally process the invoices within three (3) days of receipt.

If there is a dispute as to the invoiced amount, there is direction in the FDM how to document this.

The first review should be done by the Management Consultant staff most familiar with the project status. They should review the following:

- Accuracy
- Completeness
- Reasonableness of charges/hours/etc.

This should be documented on progress report or the consultant invoices for all other contract types. Checkmarks and initials/signature are appropriate.

The last review is generally done by the administrative Management Consultant staff. Except for lump sum contracts, this is done by those identified in the Confidentiality sections.

- Review the invoice for the following items:
 - Project ID is correct
 - Everything matches the contract
 - Invoice period is correct
 - Verify that if there are subconsultant charges included, they are shown properly on the invoice and the proper supporting documentation is included (need detailed invoice attached from subconsultant)
 - Verify that the amount due matches the supporting information
 - Three-party design engineering contracts must include a monthly progress report
 - Actual cost contracts must have supporting information from the consultant that shows the specific hours, expenses, etc. that are being billed
 - Check the math
- Place the DOT invoice on top
- Ensure invoice has proper signatures from the Management Consultant and the consultant (must be original signatures)
- Be sure partial/final is checked, amount approved is written in, and invoice received date are completed
- Either prepare a transmittal letter or log the invoices prior to mailing to the Bureau of Business Services so that you have a record of when the invoice was sent, etc. if questions should arise later

The supporting documentation should show all activities are charged within the invoice period. Work done by a subconsultant may be done prior to that invoice period (but within the contract time) but received by the prime consultant during that invoice period.

Actual cost contracts need enough supporting information to be able to approve the costs. For construction, WisDOT expects that hours by name or employee numbers with separate identification for all employees will be provided. For design, WisDOT expects that hours by name or employee numbers with separate identification for at least key employees, and by classification for remaining employees will be provided. WisDOT also expects there to be the total number of hours and direct labor cost by classification. Consultants do not have to provide direct labor rates and direct labor costs by employee. If there is a reason to request more detailed invoice formats, this must be approved in advance by the Statewide Consultant Engineer.

(See [Example 15](#). Invoice for Design Consultant Lump Sum Contract with Progress Report, No Subconsultant; [Example 16](#). Invoice for Design Consultant Lump Sum Contract with Progress Report, With Subconsultant, [Example 17](#). Complicated Progress Report for Design Consultant Lump Sum Contract, and [Example 18](#). Invoice for Construction Consultant Actual Cost Contract.)

Forward the approved invoice with its supporting documents and Monthly Progress Report to:

Wisconsin Department of Transportation
 Bureau of Business Services
 Expenditure Accounting Contract Payment Unit
 Room 851, Hill Farms State Transportation Building
 4802 Sheboygan Avenue
 Madison, WI 53705

If the invoice is a final payment, the Consultant Performance Evaluation must be completed too, as discussed on the next page. Do not send the evaluation with the invoice.

Progress Reports

For three-party design engineering contracts, the Monthly Progress Report (DT 1509) is required.

The Management Consultant should recommend to the prime consultant how the progress data is to be prepared and submitted. The work completion percentage calculated by task reflects the percentage of actual work completed rather than just time or money spent on the task which may not reflect the true progress of the project.

Work performed by subconsultants may be included on the prime consultant's monthly progress reports. Variations are acceptable provided the monthly progress report reflects actual work completed by both the prime consultant and subconsultant.

Progress reports must be updated when there are amendments to the contract.

The Management Consultant should send a copy to the Municipality, if requested.

Several regions negotiate a milestone based payment schedule in the contract (i.e. upon completion of approval of the Design Study Report, up to 65% may be paid, etc.). The progress report needs to be done in accordance with this practice.

Miscellaneous

- On actual cost contracts, the consultant should always be billing using their most current approved overhead/indirect cost rate.
- When the final invoice is submitted for an actual cost contract, the consultant should have billed for 100% of the fixed fee, unless an amendment is being negotiated to reduce the fixed fee. Otherwise, at audit time they will be paid the remainder of the fixed fee.
- Modifying DT 1510 to include formulas and more lines for specific rate invoices is acceptable.

Reimbursement

On contracts where the Municipality pays the consultant directly, the Consultant Contract Invoice DT 1510 is not required. All other requirements must be met. The Municipality must submit the reimbursement request, following the procedures in the Sponsor's Guide to Non-Traditional Project Implementation. It is recommended that the Management Consultant review invoices for the Municipality before payment is made.

Performance Evaluations

Evaluations are required for all three-party design engineering services contracts and two-party construction engineering services over \$10,000. Evaluations should be conducted in a timely manner. Interim evaluations may be completed. In order to allow the Municipalities the opportunity to do their own evaluation, the Management Consultant should provide it to them. The Management Consultant should ask that it be returned within two weeks if the Municipality is interested in completing it. If a Municipality completes an evaluation, it should be separate from the one done by the Management Consultant. If a Municipality does not respond, the Management Consultant may assume that they are not interested in completing it.

There are two different consultant evaluations:

- Design Consultant Performance Evaluation Report (DT 1558)
- Construction Consultant Performance Evaluation (DT 1087)

Evaluation forms can be found: <http://www.dot.wisconsin.gov/forms/index.htm>

(See [Example 19](#). Design Consultant Performance Evaluation and [Example 20](#). Construction Consultant Performance Evaluation.)

Procedures:

- The consultant invoice states that an evaluation should be submitted with the final invoice. However that is rarely the case and should not warrant holding up the processing of the invoice.
- Complete the evaluation. For the Design Evaluation, if there are structures involved, the Bureau of Structures will provide rating information after review of the preliminary structure submittal and may provide additional rating information after review of the final structure submittal.
 - For the Design Evaluation, there are five categories:
 - Project Management
 - Human Relations
 - Technical Skills, Other
 - Quality of Work
 - TimelinessA rating of five (5) is highest (positive) while a rating of one (1) is the lowest score. A rating of three (3) is considered a satisfactory rating. The rating for each category is not necessarily an average valuation of the selected answers within that category. An Average Design Consultant Rating is calculated to the nearest tenth from the five rating items. Written comments are encouraged to better define the numerical ratings.
 - Under Technical Skills, there is a question regarding the accuracy of the Engineer Estimate. This question cannot be answered until the project has been bid.
 - Under Quality of Work, there is a question regarding errors and omissions. Normally this should be considered a reflection of the design work. However, if there are significant issues during construction that result in a Consultant Contract Claim or Dispute in accordance with FDM 8-25-25, a revised Design Evaluation may be prepared. The Design Quality Index Report prepared by the Construction Leader is provided to the consultant and that may suffice.
 - For the Construction Evaluation, there are six categories;
 - Project Management
 - Human Relations
 - Engineering, Inspection and Survey Skills
 - Quality of Work
 - Cost Control
 - TimelinessA rating of five (5) is highest (positive) while a rating of one (1) is the lowest score. A rating of three (3) is considered a satisfactory rating. The rating for each category is not necessarily an average valuation of the selected answers within that category. An Average Design Consultant Rating is calculated to the nearest tenth from the five rating items. Written comments are encouraged to better define the numerical ratings.
- Send two copies to the consultant for their signature, they keep one and send one back.

- Distribution for the Design Evaluation:
 - File the original, one copy should be provided to the region and one copy to the Municipality.
 - Send a signed and dated copy of the evaluation electronically to the DOT Consultant Evaluations mailbox: DOTConsultantEvaluations@dot.wi.gov. Do not send hard copies.
- Distribution for the Construction Evaluation:
 - File the original and one copy should be provided to the region.
 - Send a signed and dated copy of the evaluation electronically to the DOT Consultant Evaluations mailbox: DOTConsultantEvaluations@dot.wi.gov. Do not send hard copies.

Steps to Closing out a Contract

The Management Consultant will close consultant contracts through the following processes.

Design Projects:

- By policy, WisDOT expects that design projects be closed to charging within thirty days of the construction contract award.
- Acknowledging that this policy is not possible with the need for Management Consultant services through the bid letting before final invoicing and payment can be made, the Management Consultant's contracts were written requiring the Management Consultant notify region staff to close projects within sixty (60) days after construction contract award.

Three-Party Design Engineering Services Contract Language:

- Contract completion is discussed under Section III. of the Standard Provisions. Section III.A.(6) states "Unless the CONTRACT has been terminated prior to the completion of the Services, the CONTRACT shall not be considered terminated upon completion and acceptance of the Services, or upon final payment therefore, but shall be considered to be in full force and effect for the purposes of requiring the CONSULTANT to make revisions or corrections in the Services as are necessary to correct errors or omissions made by the CONSULTANT in the Services, or for the purposes of having the CONSULTANT make revisions in the Services at the request of the MUNICIPALITY as "Extra Services".
- Local Program Position: This language covers any plan revisions, including addenda and bid justifications that would be needed after the PS&E is submitted to Central Office. However, this would not necessarily include participation in the pre-construction conference.

Lump Sum Contracts:

- These contracts would provide for timely project closure in accordance with the Management Consultant contract.
- In order to allow timely project closure, Section III.A.(6) would need to be modified. The Prosecution and Progress section in the Special Provisions would include this statement: "Section III.A.(6) is amended as follows: The CONTRACT shall also be considered in full force and effect for the purposes of participation in the pre-construction conference as scheduled by the DEPARTMENT."
 - There should not be a line item in the Meetings section of the Special Provisions requiring the consultant to participate in the pre-construction conference when the Prosecution and Progress section line item above is included. However, the consultant should be reminded of this responsibility when the conference notice is sent to the consultant.

- A lump sum consultant contract would generally be considered complete when the PS&E is submitted to Central Office. Contract completion dates would generally be calculated to end within a month of the PS&E deliverable date.
- Final invoices would usually be submitted after that point. Any services that must still be accomplished after that time such as plan revisions and addenda before the bid letting, bid justification after the letting and participation in the pre-construction conference would be covered as discussed above.
- Payment would be made after all services directly stated in the contract are completed.

Actual Cost plus Fixed Fee Contracts:

- These contracts would not provide for timely project closure in accordance with the Management Consultant contract. WisDOT acknowledges that this contract provision cannot be met in this circumstance.
- There should be a line item in the Meetings section of the Special Provisions requiring the consultant to participate in the pre-construction conference.
- An actual cost consultant contract would be considered “almost” complete when the PS&E is submitted to Central Office. There are services that must still be accomplished after that time such as plan revisions and addenda before the bid letting, bid justification after the letting and participation in the pre-construction conference. The contract completion date would generally be calculated to end within a month of the expected pre-construction conference date.
- Final invoices would usually be submitted after that point. There would be no further services to be accomplished.
- Payment would be made after all services directly stated in the contract are completed.

Construction Projects:

- The Management Consultant’s contracts were written requiring the Management Consultant prosecute the closure activities such that the project be able to be closed for charging within 180 days after final acceptance by the contractor.

Actual Cost plus Fixed Fee Contracts:

- In general, a construction consultant contract is considered complete when the finals are approved.
- Payment is made after all services are completed.

Appendix

Example 1. Example Southwest Region 2014 Consultant Budget

Example 2. Small Purchase Selection Approval

Example 3. Local Design Selection Approval Checklist

Example 4. Abbreviated Design Contract with Cost Worksheets (Includes Title Page, Partial Standard Provisions, Partial Special Provisions and Cost Worksheets; Intentionally does not include Subconsultant Proposals)

Example 5. Design Contract Approval Summary and Contract Cost Summary

Example 6. Construction Summary of Engineering Cost and Contract Cost Summary

Example 7. Design Contract/Work Order Submittal Checklist

Example 8. Construction Contract/Work Order Submittal Checklist

Example 9. Design Governor Bond Approval Form

Example 10. Construction Governor Bond Approval Form

Example 11. Authorization to Proceed Design Contract Template and Example

Example 12. Authorization to Begin Work Construction Contract Template and Example

Example 13. Abbreviated Design Consultant Amendment with Cost Worksheets (Includes Title Page, Special Provisions and Cost Worksheets; Intentionally does not include Subconsultant Proposals)

Example 14. Design Contract Amendment Submittal Checklist

Example 15. Invoice for Design Consultant Lump Sum Contract with Progress Report, No Subconsultant

Example 16. Invoice for Design Consultant Lump Sum Contract with Progress Report, With Subconsultant

Example 17. Complicated Progress Report for Design Consultant Lump Sum Contract

Example 18. Invoice for Construction Consultant Actual Cost Contract

Example 19. Design Consultant Performance Evaluation

Example 20. Construction Consultant Performance Evaluation