

1. Policy –

- a. The revised 2021 Procurement Manual includes many new policies and procedures that varied greatly from the previous version and are not in concert with the current direction of the Department; this is creating confusion internally within VDOT as to which policies are actually in effect.
 - i. What is VDOT Leadership going to do to clearly communicate to staff the current practices and policies that are different than those within the 2021 Procurement Manual to avoid these misunderstandings?

Overall, the current manual represents the policies and procedures as supported by the agency. In the few minor instances, where issues arise, we will address those as needed through a revised business process and revisions to the manual.

We are currently working to identify such issues. We will be establishing a list of priorities and working through various means such as our internal agency stakeholders group, the Consultant Coordination Committee, and various external partners to consider the contributing factors, clarify issues, and align expectations. Our goal will be to improve communications both internally and externally. When necessary, we will issue clarifications with memos and revisions to the manual.

As time allows, we will establish a working group to review, assess and revise the manual to align with the new policies established by the newly established Professional Services Procurement Office.

- ii. When will this 2021 Version of the Manual be rescinded or significantly overhauled?

Good question. As of yet a timeline has not been set. As we work to stand up the new office, there are many issues and resource needs to address. We need to work together to manage expectations and realize that it takes an investment in time to work through processes at a steady, progressive pace. As always, our main priority is procuring and managing our contracts. Next, we will focus on recruiting and training of our new staff and falling closely thereafter, we will place a high priority on reviewing opportunities for process improvement. However, we will all need to be patient during this time.

2. Process –

- a. Will Working Titles be utilized in the future or was that only for cross walking during the pilot?

Yes, the use of Working Titles grouped with Classes will continue in the future. Working Titles provide for the breadth of coverage for the various engineering disciplines and specialty areas in the scope of work within the agency's Requests for Proposal (RFP). Grouping the Working Titles into Classes provides efficiency by reducing the number of positions in the negotiation process, scoping, etc.

- b. Will future RFPs ask for (and/or limit) specific labor classifications for staff and if so, which classes will be shown (old labor class, working title, 13 new classes)?

Future RFPs will include Working Titles and Classes for Key Personnel along with specific number of Key Personnel. Then a list of Working Titles will be provided within the RFP scope of work, but Class levels will not typically be specified. Each firm will be able to determine how to meet the scope including the numbers of staff in each Class and Working Title.

- c. How will VDOT use classification/rate data from one contract during negotiations for future contracts?

The classification / rate data will be stored in a confidential database so that historical rate data can be used along with our workforce salary data for comparison.

In the future, we very well may use the list of staff provided at pre-award to measure who is actually conducting work on contracts. VDOT will be able to evaluate whether firms are putting staff on the pre-award packets to establish the hourly rates but not using these proposed staff on the contracts. I would hope this is not the case, but in the future, we will be able track that if needed. Data is powerful and we will look for opportunities to drive our improvements, changes, etc. based on data.

- d. Are we setting precedent by agreeing to place people in certain classifications or at certain rates? For example, if we call someone a Technical Specialist IV on one contract, does that mean they're locked into that classification for other contracts (other regions, different types of contracts, etc.)?

No precedence is set by any single placement. Each pre-award submission will be evaluated independently based on the number of staff, and their qualifications, experience, and hourly rates. We will maintain flexibility with future pre-award packets for contracts. However, if you are placing staff based on their qualifications and rate of pay, typically staff will be in similar or same Class levels, even if being utilized on different contracts in different Working Titles.

The placement of a staff person may be questioned if placed in a lower Class level and Working Title on one pre-award packet but a much higher level Class and Working Title on a future pre-award submittal since placement is based on years of experience and qualifications as well as rate of pay.

If a firm presents the same team of staff members on multiple pre-award submissions, the firm can place the staff utilizing consistent placement in the same Working titles and Classes if they choose to do so. However, if the make-up of the team is different or if there are other factors that exist (different resources provided by diverse teams, different hourly rates, etc.), VDOT may request to revise placement to achieve the 'best fit' approach and establish well balanced teams to meet resource needs. In this way, flexibility will work for firms and VDOT alike.

- e. Similarly, is VDOT trying to establish specific rates for each class that will apply to all contracts? If we negotiate a rate for that Technical Specialist IV on one contract, will VDOT be expecting all future Technical Specialist IV rates to be in that same range?

VDOT is utilizing three sources for workforce salary data to evaluate fair and reasonable rates. The data will be used to establish realistic expectations for years of experience for various levels in various disciplines. A rate on one contract will not control a rate on a future pre-award packet. Each pre-award submission will be evaluated independently based on the number of staff, and their qualifications, experience, and hourly rates.

However, in the example above, if a company is a prime or sub-consultant on multiple contracts, the hourly rate for a Technical Specialist IV on one contract may be comparable to a Technical Specialist IV on a different contract. That will be due in part to the staffing alignment on the team being similar and based on qualifications, experience, and rate of pay alignment as well.

- d. Can staff be listed under multiple classifications? Some staff provide a wide range of services that could fit under the Inspector classification one day and Technical Specialist classifications the next.

No, for the purpose of establishing rates on the contract, staff can only be placed into one Working Title and Class. You are welcome to use this person in different Working Titles / Class levels at that rate during the life of the contract but for establishing rates, only place staff one time.

- e. What will be the process be to add staff after MOA execution? Will this be retroactive to contracts currently in place and before the latest VDOT process changes?

The process to add staff after the MOA execution will be a contract administration function handled primarily by the Lead Divisions. The Prime Firm will work with the Lead Division Contract Administrator on the submission of a form similar to pre-award roster with various details on each staff member including a reason for the addition such as new to firm, etc.

- f. Will promotions of staff be considered during the length of the contract? If so, what would that process involve? Since most contracts are renewable up to 4 years, it is reasonable to expect staff would acquire additional qualifications during that time. For example, if someone obtains a PE, AICP, or another certification can they be promoted to a higher class grouping?

It is reasonable to expect staff to increase their qualifications over time. However, the passage of time does not necessitate a promotion. In the near future, criteria will be established for the consideration of promotion in Class and Working Title based on a change in qualifications and specific impact to the role on the contract. Each request will be addressed on a case-by-case basis. Requests for promotion should be an infrequent occurrence and directly related to the change in role on the specific contract in question. As such, approvals for promotion on one contract will not affect any other contract.

- g. Will PSPO be looking at any of the initiatives underway by CPO such as present workload, SF330 revisions, etc.?

Yes, we will reengage with initiatives underway on such items as the factors related to present workload in an effort to gain clarity and provide improvements where possible. This will be one of several issues on the “short list” of things to do once we have filled all the vacancies on the PSPO team.

The SF330 has been resolved as of August 26, 2021. Additional information can be found on our VDOT PSPO page.

- h. Will VDOT be providing additional guidance as it relates to the BidExpress portion of the procurement process? For example, are there any anticipated changes to requirements for DPOR, SCC, Firm Data Information, etc. within BidExpress?

If this is a need then yes, we can provide additional guidance. Once we are fully staffed, we will be reviewing most if not all our businesses processes to provide input, clarity, improvements where possible.

3. Proposals/EOIs –

- a. Without altering the content and structure of the forms, is it allowable to recreate Attachments A, B, and C in our own Word format?

MS Word versions of the forms have been provided on our VDOT PSPO page. The formatting should not be modified.

- b. In Attachment A: Key Personnel Resume, does VDOT anticipate consultants including a brief bio paragraph for each key personnel in this form, or does the form not allow for that? It appears VDOT is only asking for the required information in the form and a key personnel bio paragraph is not necessarily required.

Complete the form as directed.

- c. In the Firm/Team’s Experience in Similar Type of Services, please confirm it is allowable to present a combination of seven (7) examples that may include both overall on-call contracts and individual projects/tasks?

Yes, On-call contract and individual projects/tasks

- d. Please confirm that the seven (7) examples in the above referenced section can include a combination of prime and subconsultant examples.

Yes, a combination of prime and subconsultant examples can be provided.

- e. Are there any stipulations or limitations on using graphics and/or photos on the covers and tabs of the proposal?

Graphics and photos can be used on the covers and tabs; however, are not permitted for any EOI sections unless otherwise noted in the RFP.

4. Rates –

- a. Will VDOT reconsider the 1% escalation memo for FY22 due to the pandemic and change in Employment Cost Index?

The 1% escalation rate will not be adjusted since it is within the rates limits stated in our current policy, which is based on an annual review of the Employment Cost Index, Table 9, Professional, Scientific and Technical Services. Additional information can be found on our VDOT PSPO page.

The rate fluctuates between 1% and 3%. We will advise the industry if there are any plans to deviate from the current rate.

- b. Will the Procurement Task Force (including industry) be having annual audits of the procurement process, as to measure success of current changes, as well as determining if rates are reasonable for the subsequent year?

The Procurement Task Force will remain engaged in an advisory role. Our office will be providing updates to the process as we continue to develop the Classes / Working Titles model and possible expansions, revisions, etc. (As an example, the possible addition of any other Class levels if data demonstrates a need for such change) as well as identify other priorities for process improvement. However, they will not serve in an authoritative or auditing role, but in an advisory role only.

- c. There should be some sort of an appeals process for when agreement on classifications/rates cannot be made between negotiators, where it escalates to DA, PSPO, Chief of Admin, Deputy Chief Commissioner, etc...Are there plans in place to accommodate this, and could it be in the next version of the Procurement Manual?

No, an appeals process is NOT being considered. An appeals process is not appropriate for procurement decisions. Leadership should not be involved in a procurement unless they were involved in the selection committee. As per the Commissioner, the Director of Professional Services Procurement Office has the authority to address any issues.

Asking VDOT leaders or others to micromanage the process of staff placement during an active procurement because a few staff are being placed in a class that has a firm unhappy over a few dollars per hour is unacceptable. Should this occur, it will be handled by the PSPO staff and / or Director.

Please keep in mind, the agency has listened to industry and by doing so, we have:

- Created an advisory group combined with representative of two professional engineering organizations and agency leaders;
- Created options for labor categories with flexibility criteria as requested based on a data driven process with fair and reasonable rates;
- Re-established an independent office in the Administration Directorate focused on professional procurements only.

However, results are not instant. The new processes will take time to work and the new office should be allowed time to do the job right. And, as far as flexibility requested by the industry, it works both ways – for Industry and VDOT. There has to be a compromise

for both parties. Now, we will focus on working together for positive solutions and not looking for opportunities to question the process.

5. Miscellaneous –

a. Understanding that Design Build contracts will continue to be procured through APD, will GEC/major pursuit contracts be taken on by PSPO moving forward? If so, will existing (or pre-PSPO) contracts continue to be managed through APD, or will they be transferred and managed through PSPO?

Correct. APD will continue with design / build projects. In general, professional services will be supported by the PSPO office. Each RFP will be evaluated and handled by the Lead Division working with either APD (if assigned by the Chief Engineer) or PSPO (if appropriate). Recently, the GEC / PSS contracts have been shifted to the Lead Divisions from APD. (Ex. I66 GEC to L&D, and I81 PSS to L&D also.)