

## **2024 TAP & RTP Kickoff Meeting Question & Answers**

Q: “Will a list of the 40 consultants be provided?”

A: A link to the LPA On-Call Consultants is in the accompanying email.

Q: “If our project does not involve any construction or consultants, what are the steps we need to take to get the Notice to Proceed?”

A: The agreement must be executed and ARDOT must approve the phase prior to funds being obligated. A formal Notice to Proceed will be in the form of a letter from ARDOT.

Q: “Please clarify "do not contact the landowner" -- this seems contradictory to the instruction that we need to find out the value of the right of way and whether the owner will sell.”

A: The property owners are not to be contacted until the Environmental Clearance document has been formally approved. The value of the property must be estimated without talking to the property owner. The property value must be offered to each property owner. Donation documents can be provided as well, but the determined value must be offered to each property owner after we approve the proposed acquisition documents.

Q: “Must the 20 percent local match be cash or are in-kind services allowed, such as donated labor, donated land, donated use of equipment?”

A: For some RTP-eligible projects, In-kind services can be approved after a Cost-Benefit Analysis is reviewed and approved. This will be a formal request and approval through ARDOT and your Project Manager.

Q: “Have any of the federal funds been affected by the current administration's DOGE activities?”

A: Both the National Electric Vehicle Infrastructure Program and Federal Lands Access Program have been affected to varying degrees.

Q: “Has a decision been made on the Consultant advertisement requests as of yet? To expand on my questions the Sponsor submitted a letter of request to advertise for a consultant for the specific project per the LPA requirements and have not had a response as of yet.”

A: Local Programs and Consultant Contracts are working diligently on updating the language for Requests for Letters of Interest for Local Public Agencies. This has been a part of the Department updating and improving the overall Consultant Contract Procurement process.

Q: “If a Sponsor does Annual Statements for Engineering Services, would this be accepted for the Sponsor Consultant Selection?”

A: According to federal regulations and the Arkansas Department of Transportation (ARDOT) guidelines, such a selection process does not align with the required procurement procedures for projects utilizing federal funds.

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The Code of Federal Regulations (23 CFR Part 172) outlines the requirements for the procurement, management, and administration of engineering and design-related services under federal-aid programs. Specifically, 23 CFR § 172.5(a)(1) mandates that contracting agencies must use qualifications-based selection (QBS) procedures when procuring these services. This process involves:

Public Announcement – Issuing a public notice to solicit interest in the project.

Evaluation and Ranking – Assessing submitted qualifications and ranking firms based on their expertise and experience.

Negotiation – Entering into negotiations with the top-ranked firm to establish a fair and reasonable contract.

Additionally, ARDOT, with approval by FHWA, sets forth specific scoring criteria for the Letters of Interest and defines the short-listing process.

Relying on Annual Statements without following these steps does not satisfy the competitive selection process.

To assist local public agencies in meeting these federal requirements, ARDOT has conducted a competitive qualifications-based selection process on behalf of Arkansas cities and counties, resulting in a prequalified list of 40 firms. These firms represent a broad range of local expertise and are fully qualified to provide engineering and design-related services for local projects. By utilizing this ARDOT-approved list, local agencies can ensure compliance with federal procurement standards while benefiting from an efficient and competitive selection process.

While it is likely that some firms from the city's pre-approved list are also on ARDOT's list, ARDOT has carefully documented and maintained a record of the procurement process to ensure compliance at all levels. This oversight is crucial in preserving the integrity of federal-aid funding and guaranteeing a fair and transparent consultant selection process.

To comply with federal regulations and ARDOT guidelines, the city must either select a consultant from ARDOT's on-call list or conduct a separate qualifications-based selection process for the specific project, beginning with a public Request for Letters of Interest (RFLOI). This ensures full compliance with 23 CFR Part 172 and prevents any risk of federal funding ineligibility.

If you require further clarification or assistance with the procurement process, please feel free to contact Consultant Contracts Division.