
	Massachusetts Bay Transportation Authority
	ENGINEERING & CAPITAL DIVISION - CAPITAL PROGRAM SUPPORT Professional Services Procurement POLICIES & PROCEDURES –
	05/27/2025

Chapter 2

Professional Services Procurement

May 2025

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CHAPTER 2 – PROFESSIONAL SERVICES PROCUREMENT

This Chapter of the MBTA Procurement Manual focuses on the selection process for professional consultant services. Professional Consultant services may include program management, project management, feasibility studies, auditing, engineering and architectural design services, specialty support services related to change orders, project controls and field management and a myriad of other services required by the Authority. The MBTA shall implement either a Qualifications Based Selection Process (QBS) where price is not allowed to be a factor in the selection process or a Qualifications and Price Based Selection Process (QPBS) where price is required to be a factor in the selection process. The decision to use QBS or QPBS is described below. In addition, refer to Section 2.3 for abbreviated selection procedures applicable to procurements with an anticipated value less than \$250,000. The simplified acquisition threshold is now \$250,000.

2.1 WHEN IS THE MBTA REQUIRED TO USE A QUALIFICATIONS BASED SELECTION PROCESS

The FTA requires that the MBTA implement a qualifications-based selection process for procurement of services that meet the following 2 prong test;


- Prong 1 – Such services shall be of an architectural or engineering nature, consistent with the definition of A/E Services in the Brooks Act (40 USC 1102), and
- Prong 2 – Such services shall be directly in support of, directly connected to, directly related to, or lead to construction, alteration, or repair of real property, and

2.1.1 WHEN IS THE MBTA NOT AUTHORIZED TO USE A QUALIFICATIONS BASED SELECTION PROCESS

Any professional consultant services that do not meet the 2 Prong Test described above shall be procured using a Qualifications and Price Based Selection Process, hereinafter referred to QPBS.

2.1.2 QUALIFICATIONS BASED SELECTION (QBS) POLICY

If the professional consultant services pass the 2 Prong Test described above, the MBTA shall use a QBS process to select the consultant consistent with the process detailed in Section 2.2 below. All other professional consultant services shall be procured using a QPBS process.

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The MBTA QPBS shall be similar to the QBS process described in Section 2.2 except that price shall be included as a factor in the evaluation process.


These procedures shall assist Authority personnel in selecting firms that demonstrate the most competence and qualifications for the type of A&E services required. In addition, because the Authority is a public entity and strives for cost efficiency, the Authority will select firms willing to negotiate a contract at a fair and reasonable price.

The MBTA QBS Process requires that:

- a. An offeror's qualifications be evaluated;
- b. Price be excluded as an evaluation factor [FTA Circular 4220.1F.VI.3.f(3)]
- c. Negotiations be conducted with only the most qualified offeror; and
- d. Failing agreement on price, negotiations with the next most qualified offeror be conducted until a contract award can be made to the most qualified offeror whose price is fair and reasonable to the Authority.

The MBTA QPBS Process requires that:

- a. An offeror's qualifications be evaluated;
- b. Price be included as an evaluation factor [FTA Circular 4220.1F.VI.3.f(3)] [FTA C 4220.1F](#)
- c. Negotiations be conducted with only the offeror who is found to be most favorable based on an evaluation of qualifications and price; and
- d. Failing agreement, negotiations with the next most favorable offeror shall be conducted until a contract award can be made to the most favorable offeror who the Authority is able to come to agreement with for the services.

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2.2 CONSULTANT SELECTION PROCESS

The Authority's Professional Services consultant selection process consists of six phases:

- 2.2.1 Authorization
- 2.2.2 Announcement
- 2.2.3 Pre-selection
- 2.2.4 Selection
- 2.2.5 Negotiation
- 2.2.6 Award


The type of contract, dollar value or other circumstance may justify use of an abbreviated procedure (Section 2.3), which excludes the Announcement and Pre-Selection Phases.

2.2.1 AUTHORIZATION

The Head of Department with Appropriate Delegated Authority for using and administering the required professional services must authorize consultant selections. For most capital improvement projects (subsidized with federal funds or state bond proceeds) consultant selection authorization must include concurrence of the Head of the Department with Appropriate Delegated Authority in addition to all other appropriate approvals. For projects charged to an operating budget, the cognizant Director (Operations, Information Technology Department, etc.) authorizes the consultant selection.

The Authorization Request must be originated by a Director or Manager and transmitted to Contract Services. The Authorization Request contains the following documents (Exhibit 2.1 contains samples, checklists and templates):

- Routing Slip
- Authorization Cover Memo
- Executive Summary
- Independent Cost Estimate (ICE)
- Budget Concurrence Memo (Not Required for General Engineering Contract)
- DBE Concurrence Memo
- Public Announcement (Web and Media)
- Recommended Selection Committee
- Procurement Method and Contract Type Decision Matrix
- Request for Proposal (RFP) (Draft)

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Authorization Documents

Before a project may proceed to the Announcement Phase of the selection process, four authorization memoranda must have been signed:

- Authorization Cover Memo
- Budget Concurrence Memo (not required for General Engineering Contracts)
- Selection Committee Concurrence Memo
- DBE Concurrence Memo

First, the Project Office must prepare and submit for approval to the Budget Department a Budget Concurrence Request for identification of funding source(s). This Budget Concurrence Request must be approved in writing by the Budget Department (Exhibit 2.1.1). This memo includes a work order for advertising cost and a work order for project costs.


Second, the Project Office must prepare a Selection Committee Memo to the Delegated Authority requesting his/her concurrence with the proposed Selection Committee membership (Exhibit 2.1.2).

The Authorization Cover Memo is a transmittal memo to the Delegated Authority from the originating Director or Manager requesting approval to initiate the Consultant Selection Process (See Exhibit 2.1.3). The memo, which includes the attachments discussed below will be signed by the originator and contain concurrence lines for required approvals. Attachments to this authorization cover memo shall include:

- Executive Summary
- Procurement Method and Contract Type Decision Matrix
- Independent Cost Estimate
- Public Announcement
- Budget Concurrence Memo
- DBE Concurrence Memo
- Recommended Consultant Selection Committee
- Request for Proposal (draft)

The Office of Diversity and Civil Rights must assign a DBE goal to each federally funded project prior to advertisement in publications or posting on the website. (See Exhibit 2.1.4)

Once all approvals have been secured, the selection request is considered authorized, and the

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process continues.

Executive Summary

The Executive Summary (Exhibit 2.1.5) will contain a sufficiently detailed project description; scope of work; justification; identification of funding source; Independent Cost Estimate (ICE) (Exhibit 2.1.6) and construction estimates, if applicable; tentative schedule; and method of procurement. The Executive Summary must also contain two (2) separate work order numbers - one for the estimated cost of the project and one for advertisement.


Public Announcement [FTA Circular 4220.1F.VI.2.a;VI.3.C(2)(c)]

The Public Announcement is the proposed solicitation notice intended for advertisement in local/national publications. The announcement will describe the project and specify the required services (i.e. architect, engineer, other). The project description must contain sufficient information to enable interested parties to determine if the firm has the capability/desire to perform the work.

Capable Firms are invited to submit, by a specific date (a minimum of two 2 weeks from the date of advertisement), letters of interest accompanied by supporting documentation detailing the firm's qualifications for the project. Supporting documentation for architectural/engineering projects consists of updated and completed Standard Form 330 Architect-Engineer Qualifications. Firms must also furnish information related to their affirmative action plan and employee profile. The SF 330 is available on the General Services Administration website. [Standard Form 330 Architect-Engineer Qualifications](#)

The announcement will also include a statement describing the basis for selection and evaluation criteria, such as design ability, proposed staffing, specific task related experience, and other pertinent information. The advertisement will explicitly state that consideration shall also be given to each firm's Affirmative Action Plan, Employee Profile, most current DBE certification letters, as well as its commitment to the utilization of Supplier Diversity Office (SDO) certified Disadvantaged Businesses Enterprises (DBE's) as prime, in joint venture or as subconsultants. The announcement **must** also state the funding source (federal or state).

Two different public announcements exist: one for federally funded projects and a second for state funded projects. (Exhibits 2.1.8A and 2.1.8B respectively). The announcement must state whether the project is state or federally funded. Secondly, the federal government maintains a DBE participation goal that is set by the ODCR on a project-specific basis. For state funded projects which have no specific DBE requirement, the MBTA has adopted DEI

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Criteria. In the event DBE firms are unavailable to participate on a team, the consultant must submit an attachment to their proposal documenting their good faith efforts to include DBE firms in the project team. State funded projects have no specific DBE requirement. In the event a user department is soliciting personal services (non- Brooks Act) or requires an expedited procurement process Exhibit 2.1.8C provides a sample solicitation.

Selection Committee

The selection committee shall be composed of senior level management personnel who are thoroughly familiar with the selection process. Committee members must also be cognizant of the intended scope of the project and the specific services requested, as well as the functional departmental concerns that are involved in the procurement.


A Senior member from the Department originating the Authorization Request should chair the Committee. Every committee must include the designated Project Manager; the Director of Professional Service Contracts (or designee) (NON-VOTING); and the Director of the Office of Diversity and Civil Rights (or designee) (NON-VOTING). Other persons shall be added to the committee as required. (See Exhibit 2.1.2 and 2.1.10 for guidance on selection committee make-up). Ideally a Selection Committee is comprised of an odd number of voting members, typically five members.

The Committee Chair is responsible for assigning members to the selection committee. As mentioned earlier, the Committee Chair must submit in writing to the Delegated Authority, a memo requesting the concurrence with the committee assignments. (Exhibit 2.1.2)

Request for Proposals

The formal Request for Proposals (RFP) will include a detailed project description, scope of work, construction estimate/budget if applicable, schedules, standard contract provisions, DBE provisions, affirmative action requirements, and other administrative requirements deemed appropriate. Contract Services maintains a Model RFP that contains required and suggested language as a starting point for user departments engaging professional services of an A&E nature.

Typically, the MBTA Project Office is responsible for preparing the Request for Proposal specifications that describe its needs while assuring that those specifications are not exclusionary, discriminatory, unreasonably restrictive, or otherwise in violation of Federal laws or regulations. In general, the specifications should clearly describe the services to be procured, discuss the estimated schedule and state how the proposals will be evaluated. For

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additional guidance, see FTA Circular 4220.1F - Chapter IV Section 2 and Chapter VI Section 3.

The scope of work for professional services shall be specific, detailed, well-defined and provide for project schedules and anticipated deliverables upon which responsive and competitive proposals may be based.

2.2.2 ANNOUNCEMENT


Upon approval from the appropriate Delegated Authority and concurrence from the Director of Professional Service Contracts, the Public Announcement of the project will be posted on the [MBTA Website](#), [MBTA BidExpress Site](#), and published in the legal notice section of local newspapers, selected local minority publications, and other publications deemed necessary to generate interest in the project [FTA Circular 4220.1F.VI.3.d.(2)(c)]. Contract Services is responsible for posting and publishing public advertisements for professional services. If necessary, the public announcement may also be placed in appropriate local and national trade (architectural/engineering) publications. Other means of notification may be initiated as required. A copy of the fully approved authorization request must be sent to Contract Services to initiate the public notification process. The customary publications used to announce Authority professional service solicitations are shown in Exhibit 2.1.9. [FTA Circular 4220.1F.VI.3.d(2)(a)]

2.2.3 PRE-SELECTION – QUALIFICATIONS PHASE

Contract Services Document Distribution

After the stipulated closing date for letters of interest and/or qualifications statements, Contract Services shall transmit to each committee member the following:

- Pre-Selection Screening Form (Exhibit 2.1.13)
- One (1) copy of each Letter of Interest/Statement of Qualifications accompanied by Standard Form 330 and other materials received from responding firms.
- A Selection Committee Certification Form, which each committee member must review and sign. The purpose of the form is to underscore the significance of the Selection Process, while demanding impartiality and confidentiality. (Exhibit 2.1.12)
- A copy of the Public Announcement
- A report on previous MBTA contracts awarded to the firms and performance evaluation (CPERs Report)

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The Committee members will evaluate and rank each of the responding firms on the basis of the criteria detailed in the Public Announcement. [Circular 4220.1F.VI.3.d(2)(e)]

Office of Diversity and Civil Rights (ODCR) Involvement

The Office of Diversity and Civil Rights (ODCR) shall evaluate each submittal accompanied by Standard Form 330 and other materials received from responding firms on a pass/pail basis for DBE requirements.

EEO/Affirmative Action compliance shall be determined on a pass/fail basis by ODCR. A form has been developed to facilitate the initial screening as detailed in Exhibit 2.1.13. ODCR shall receive all submittals prior to initial review/selection. ODCR shall:


- Review submittals for compliance with DBE, EEO and AA requirements.
- Furnish written reports on all submittals with pass/fail recommendations.
- Shall review the Letters of Interest Statement of Qualifications-(SF 330) based on the following:
 - Affirmative Action Plan
 - Employee Profile
 - SDO Certification Letters
 - DBE Contract Attachments
 - DEI Criteria

If, at the time of submission of the submittal (SF 330), ODCR determines that a respondent has failed to include the most recent Affirmative Action Plan, Employee Profile, or DBE Certification Letter, the respondent will have five working days from date of notification to present the missing data to ODCR.

ODCR will notify Contract Services of the pass/fail status of each respondent.

Non- Brooks Act Procurements

For services which do not meet the 2 prong test described in Section 2.1 above, the MBTA shall use a QPBS process. Contract Services shall transmit to each committee member the same documents described above in Paragraph 2.2.3 except that a modified scoring sheet shall be provided including price as an evaluation criteria, which will allow for scoring of respondents based on the specific information requested and the overall nature of the project.

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Cost shall be an evaluation criterion and the evaluation criteria must be stated in the Public Announcement.

Shortlist Procedure

After the committee members have evaluated all materials submitted, the committee will recommend at least three of the highest-ranking firms to whom RFPs will be issued. The Committee may recommend fewer or more firms based on what is deemed appropriate.

The Recommendation Package (prepared by Contract Services) must be reviewed and concurred by the Director of Professional Service Contracts and approved by the Delegated Authority. The Recommendation Package will contain:


- Routing Slip
- Selection Approval cover Memo
- Pre-Selection Screening Forms (Exhibit 2.1.13)
- Tabulation of Scores (Exhibit 2.1.15)
- Selection Committee Member Certifications (Exhibit 2.1.12)
- Letters to the Respondents (Exhibits 2.1.16A and B).
- SAMs for Prime Consultant
- Request for Proposal

The letters notifying the responding firms of Selection or Non-selection are prepared by Contract Services for the Delegated Authority's signature. Contract Services will issue shortlist notification letters only after obtaining final signed authorization. For those firms selected to continue in the process, the shortlisted letters shall include the following attachments:

- Request for Proposal
- DBE Provisions
- MBTA Standard Contract Terms (Articles II and III)
- Attachment templates including Exhibit B and Forms D&F

System for Award Management (SAM)

A representative from Contract Services will verify that no firm appears on the SAM from Federal Procurement Programs maintained by the General Services Administration on the [SAM](https://sam.gov) (sam.gov). If a consultant wishes to conduct business with the MBTA, MBTA staff must

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check if the FTA has granted an exception should a firm appear on the registry. [Code of Federal Regulations - Title 2](#)

Review of Past Performance

The committee members shall contact the responsible Project Manager to obtain additional information relating to the firm's past performance. If a firm has limited experience with the Authority, the chairperson (or designee) may elect to investigate that firm's performance on contracts with other agencies.

Contract Services shall distribute a copy of the current MBTA Consultant Evaluation Rating Sheets or Score Summary sheet for each of the short-listed firms to the selection committee members.

2.2.4 SELECTION – PROPOSAL PHASE

Proposal Distribution

After receipt of all proposals submitted by shortlisted firms by the closing date and time stipulated in the Request for Proposal (a minimum of 3-4 weeks from issuance of the RFP), Contract Services shall transmit to each Committee member:

- One (1) proposal from each Firm
- Proposal Evaluation Rating Sheets (Exhibit 2.1.17)


Proposal Evaluation

Committee members will evaluate the proposals using the proposal Evaluation Rating Sheets (Exhibit 2.1.17). [FTA Circular 4220.1F.3.d(2)(d)]

The option qualities or periods contained in an Offerer's proposal must be evaluated in order to determine contract award. [FTA Circular 4220.1F.VI.7.b]

Financial Responsibility Determination

Prior to initial interviews, a Contract Services representative will analyze consultant profitability to ensure that each firm is financially stable. The consultant will submit the required ratios in their proposals (Article II – General Provisions Attachment K). [FTA Circular 4220.1F.VI.8.b]

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Oral Interviews

At a time and place designated in the selection letter, oral presentations and interviews may be held with all firms from whom proposals were received. At the close of those interviews, committee members will complete their evaluation of written and oral presentations simultaneously based on established proposal evaluation criteria (Exhibit 2.1.17). The members will weigh evaluation factors according to the requirements of each project as stated in the RFP. Committee members will review and tabulate the scores of all firms and identify the highest-ranking firm. In turn, this firm will be recommended for selection to begin negotiation.

Selection Documentation

A representative from Contract Services shall tabulate the rankings (first, second, third) of each firm. The firm with the lowest score in ranking will be recommended for selection.


Within a reasonable period of time after the final scoring of firms, each committee member will forward to Contract Services ~~and~~ their scoring of the proposals.

Contract Services will complete a selection recommendation package. This package will consist of the following:

- Approval Cover Memo
- Tabulation of Scores (Exhibit 2.1.15)
- Proposal Evaluation Sheets (Exhibit 2.1.17)
- Letter notifying the selected and non-selected firms (Exhibits 2.1.22 A/B) prepared for the appropriate Delegated Authority's signature.
- Schedule of Cost Data is to be attached to the selected consultant letter (Exhibit 2.1.23).

Contract Services will forward the complete package to the Director of Professional Service Contracts for review and concurrence. The recommendation package will then be forwarded to the appropriate Delegated Authority for final approval. Contract Services shall issue the Selected and Non-Selected Letters to all participating Firms.

Selection committee documents are to be maintained at two levels. The committee chairperson must ensure that all appropriate documents are furnished to Contract Services. The Project Manager, delegated the responsibility for the contract, must also maintain full sets of selection documentation electronically.

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System for Award Management (SAM)

Upon final recommendation and prior to award a representative from Contract Services will verify that no firm appears on the System for Award Management [SAM](https://sam.gov) (sam.gov)

2.2.5 INITIAL NEGOTIATIONS

Contract Services will hold an initial negotiation to review contract requirements. Follow up negotiations will be conducted by the Project Manager in full coordination with other departments/individuals deemed appropriate.

The letter to the selected firm (Exhibits 2.1.22A) will include certain information and requirements that must be addressed during initial negotiations. The selected firm must furnish specific cost data (Exhibit 2.1.23), as required by the Director of Professional Service Contracts, to support the preliminary estimated price of the contract (estimated labor effort, hourly rates, overhead, profit factors, etc.).


The initial phase of negotiations will involve establishment of a definitive scope of work, project schedules (primarily the responsibility of the Project Manager).

The importance of the negotiation phase must be emphasized. Documentation of all efforts is required to support the reasonableness of a final negotiated contract that is in the best interest of the Authority and, correspondingly, the most efficient and effective use of public funds.

Negotiations of Contracts for A/E Services

The MBTA will negotiate a contract with the selected Firm for professional services at compensation which the MBTA determines is fair and reasonable. The firm shall submit its cost proposal in the form of the MBTA PS Matrix (Scope and Compensation Matrix). . In finalizing the contract amount, the MBTA will take into account the estimated value of the services to be rendered, the scope of work, complexity, level of effort, duration, deliverables, and other professional or technical issues impacting the nature of the services.

Should the MBTA be unable to negotiate a satisfactory contract with the selected firm, at a price the MBTA determines to be fair and reasonable, negotiations with that Firm shall be formally terminated. The MBTA will then undertake negotiations with the next (second) ranked firm. Failing accord with the next (second) ranked firm then such negotiations will be formally terminated and the MBTA will then undertake negotiations with the next (third) ranked firm.

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Contract Cost and Price Analysis

The MBTA must perform a cost or price analysis in connection with every procurement action, including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation. The MBTA Project Manager Manual provides guidance on performing an engineering fee summary analysis for A/E contracts. Chapter 1 of this manual also discusses elements one must consider in conducting a price or cost analysis. Additional resources are available in Chapter 1, such as the FTA website and Best Practices Procurement Manual. Contract Services assigns an independent Certified Public Accountant to perform a pre-audit on contract actions to verify the proposed cost data and profits. The Independent Cost Estimate prepared at the initiation of the procurement is also an essential tool in conducting a proper analysis. Overall, the analysis should include elements such as:

- Comparison to ICE
- Evaluation of Personnel Classifications (Senior vs. Junior level)
- Comparison of Personnel Hours
- Level of Effort Distribution
- Duration


Requests for Debriefings

Requests for debriefings shall be in writing and forwarded to the Director of Professional Service Contracts and a copy also sent to the Committee Chairperson. Debriefings shall be made in all appropriate cases, upon request, after the award of the contract.

2.2.6 AWARD

The Authority must make the selection to the responsible firm whose proposal is most advantageous to the Authority's program with price and other factors considered. [FTA Circular 4220.1F.VI.3.d(2)(e)]

Contracts shall be awarded consistent with the Delegation of Authority.

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Staff Summary/Exhibit 3-4

The responsible department shall submit a Staff Summary or Exhibit 3-4 based on delegated authority level along with appropriate authorization document (prepared in accordance with established procedures) for either the General Manager's or Board's approval (as required), to award and execute a contract. Once approval is received, Contract Services will prepare an Award/Notice to Proceed for issuance by the Delegated Authority. The MBTA Project Manager's Manual provides comprehensive guidance on staff summary preparation.

Pre-Audit Evaluation

Contract Services will then perform a pre-audit evaluation to review the fairness and reasonableness of the costs submitted. No payments shall be made until the pre-audit evaluation is completed.

Written Record of Procurement History (Redbook)


The Project Office shall work with the Contract Services to prepare for the file the Written Record of Procurement History [49 CFR § 18.36(b)(9)], [49 CFR § 19.47] [FTA Circular 4220.1F.III.3.d(1)]. This written record shall be maintained at the Project Office and Contract Services. Refer to the Redbook section 2.5 of this manual for detailed lists of documentation required.

Contract Execution and Payment

Once the cost proposal has been verified and appropriate negotiations completed, a formal contract will be prepared for execution. Once a contract is executed, a requisition can be entered, and a Purchase Order (PO) is issued. Once a PO is issued, a Firm may start invoicing against the contract (Project-Specific Only). For a General Engineering Contract, Requisitions and POs are required at the Task Order level, prior to invoicing.

Advance Payment - FTA Circular 4220.1F Section IV.2.b (5)(b) prohibits the use of advance payments. The MBTA may not use FTA assistance to make payments to a third party contractor before the contractor has incurred the costs for which the payments would be attributable.

Progress Payment - FTA Circular 4220.1F Section IV.2.b (5)(b) Progress Payments are payments for contract work that has not been completed. The recipient may use FTA assistance to support progress payments provided the recipient obtains adequate security for

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those payments and has sufficient written documentation to substantiate the work for which payment is requested.

MBTA Standard Terms and Conditions - MBTA standard terms Article II – General Provisions and Article III - Compensation and Payment details the MBTA conditions for payment. Standard Terms Article II and III are attached as Exhibit 2.2.

Exercise of Options [FTA CIRCULAR 4220.1F, V, 7.]

When MBTA exercises an option, the terms and conditions of the option stated in the contract must be strictly adhered to and a determination must be made that the option price was better than the prices available in the market or that the option was a more advantageous offer at the time the option was exercised. The MBTA may not exercise an option unless it has determined that the option price is better than prices available in the market, or that when it intends to exercise the option, the option is more advantageous.

If a contract has one or more options and those options were not evaluated as part of the original contract award, exercising those options after contract award will result in a sole source award that requires a formal sole source justification.


Negotiating a Lower Option Price. Exercising an option after the MBTA has negotiated a lower or higher price will also result in a sole source award unless that price can be reasonably determined from the terms of the original contract, or that price results from Federal actions that can be reliably measured. In the circumstances described in this paragraph, FTA assistance may be used to support a sole source award only if that award can be justified under FTA's third party contract standards for sole source awards.

Cost or Price Analysis. A cost analysis will be necessary whenever adequate price competition is lacking and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalogue or market price of a commercial product sold in substantial quantities to the general public or on the basis of prices set by law or regulation.

The Best Practices Procurement Manual ([BPPM](#)) is available online.

2.3 ABBREVIATED SELECTION PROCEDURE (SMALL PURCHASES)

When the estimated value of the professional services contract is less than \$250,000, and factors are considered appropriate to warrant its use, an abbreviated selection process may be

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utilized with the approval of the appropriate Delegated Authority.

The abbreviated selection procedure consists of the following steps. This process is the same process as discussed in Section 2.2, except there is no specific requirement to publicly advertise.

- **Authorization** - The Authorization Request, as described previously, will now specifically request the abbreviated procedure, justify its use and identify 3 to 5 firms considered appropriate candidates for receipt of Requests for Proposals.
- **Selection**
- **Negotiation**
- **Award**

Announcement and Pre-Selection Phases are not to be used. All other requirements of the customary selection process must be adhered to and fully documented.

2.4 COMPLIANCE WITH FTA CIRCULAR 4220.1F

All procurements must comply with FTA Circular 4220.1F requirements when the project is funded using federal funds. These requirements include but are not limited to areas of general procurement standards applicable to third party procurements, competition, methods of procurement, contract cost and price analysis, as well as current FTA mandated contract clauses as listed in Exhibit 1.4.1 of this manual and available on the [FTA website](#). [FTA Circular 4220.1F.IV.2]

2.5 CONTRACT SERVICES

2.5.1 Record of Procurement History

The Contract Services office shall as standard practice maintain contract administration files that include at a minimum the documentation listed below. In addition, the Technical Project Manager is responsible for maintaining its own Project Office contract files. The Contract Services office Selection Documentation “Red Book” shall be kept in the contract file and shall contain the following documents:

Authorization Documents

- ☐ Authorization Cover Memo
- ☐ Budget Concurrence Memo
- ☐ Executive Summary



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- ☐ Method of Procurement Decision Matrix
- ☐ Independent Cost Estimate (ICE)
- ☐ Public Announcement
- ☐ DBE Concurrence Memo
- ☐ Selection Committee Listing
- ☐ Request for Proposal “RFP” (draft)

Newspaper Solicitations

- ☐ Advertisement requests to the various news outlets

Shortlist Package

- ☐ Shortlist memo with shortlisted firms
- ☐ Letters to shortlisted firms selected and non-selected
- ☐ Pre-selection totals page
- ☐ Individual scoring sheets
- ☐ Committee member certifications
- ☐ Excluded Parties Listing System Confirmation (SAM) (Shortlisted consultants)
- ☐ Request for Proposal (final)

Selection Package

- ☐ Selection letter
- ☐ Evaluation scoring totals page
- ☐ Individual scoring sheets
- ☐ Supporting memos
- ☐ Letters to selected firm and non-selected firms
- ☐ Excluded Parties Listing System Confirmation (SAM) (Selected consultants)

Staff Summary/Exhibit 3-4


- ☐ Full Copy

Notice to Proceed

- ☐ Signed Copy

Proposal/Contract Attachments applicable

- ☐ Attachment A Conflict of Interest
- ☐ Attachment B Current SDO (f.k.a. SOMWBA) Certification Letter (Consultant submittal)
- ☐ Attachment C DBE Schedule of Participation (Form A)
- ☐ Attachment D DBE Affidavit (Form B)
- ☐ Attachment E DBE Unavailable Certification (if applicable)
- ☐ Attachment F DBE Letter of Interest
- ☐ Attachment G Certification regarding Debarment
- ☐ Attachment H Certifications on Restrictions on Lobbying
- ☐ Attachment I Child Care Compliance Certification

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- | | |
|---------------------------------------|---|
| <input type="checkbox"/> Attachment J | Certificate of Non-collusion |
| <input type="checkbox"/> Attachment K | Financial Determination |
| <input type="checkbox"/> Attachment L | OSHA Training |
| <input type="checkbox"/> Attachment M | Undocumented Workers Certification |
| <input type="checkbox"/> Attachment N | MBTA Retiree Disclosure |
| <input type="checkbox"/> Attachment O | Certificate of Responsibility and Independence Owner's Representative (if applicable) |
| <input type="checkbox"/> Exhibit B | List of Key Personnel |


In addition to the selection documentation, the contract file shall contain:

- The executed contract
- Contract-required insurance documentation (stored in Docutrak database)
- Post-award (pre-performance) correspondence from or to the consultant or other government agencies
- Approvals or disapprovals of contract submittals required by the contract and requests for waivers or deviations from contractual requirements.
- Modifications/changes to the contract including the rationale for the change, amendments issued, and documentation reflecting any time and or increases to or decreases from the contract price as a result of those modifications;
- Documentation regarding settlement of claims and disputes including, as appropriate, results of audit and legal reviews of the claims and approval by the proper authority (Delegated Authority) of the settlement amount;
- Documentation regarding stop work and suspension of work orders and termination actions (convenience as well as default); and
- Documentation relating to contract close-out (Close-out procedure is contained in Exhibit 2.1.25).

2.6 COST PRINCIPALS

Federal Cost Principles Cost or prices based on estimated costs for contract under federal grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated process are consistent with Federal cost principles.

As stated earlier in this Chapter, the Contract Auditor within the Contract Services office or CPA pool shall perform a pre-audit evaluation of proposed cost to establish provisional indirect cost rates and billing rates and to determine the allowability of costs, and approve final vouchers.

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2.7 PRECLUSION

As stated in Chapter 1 due to a potential conflict of interest, a designer, programmer, consultant or key subconsultant chosen by the Authority to perform a feasibility study, master plan or program for a project, shall be ineligible for a subsequent appointment or employment to perform design development services for that project, unless sound reasons in the public interest otherwise dictate. All public announcements for services referenced above must clearly indicate this requirement.

2.8 CONTRACT CLOSE-OUT

Prior to contract close-out the Contract Services Department may conduct an interim and/or post-audit to confirm appropriate charges to the contract. Upon completion of the work, the Project Manager shall prepare a Contract Close-out Report and complete a Final Consultant Performance Evaluation Rating Sheet. These shall accompany the final invoice. Please refer to the [Professional Services Closeout Manual](#).



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EXHIBIT 2.1

CONSULTANT SELECTION PROCEDURE EXHIBITS

<u>EXHIBIT</u>	<u>TITLE</u>
2.1.1	Budget Concurrence Memo
2.1.2	Selection Committee Authorization Memo
2.1.3	Authorization to Advertise Memo
2.1.4	DBE Concurrence Memo
2.1.5	Executive Summary
2.1.6	Independent Cost Estimate Template
2.1.7	Method and Contract Type Decision Matrix
2.1.8	Public Announcement
2.1.8A	Abbreviated Public Announcement for Print Media
2.1.9	Publications List for Public Solicitation Notices
2.1.12	Selection Committee Member Certification Statement
2.1.13	Pre-Selection Screening Form
2.1.14	Approval of Pre-selection (Shortlist Memo)
2.1.15	Qualification Score Tabulation
2.1.16A	Letter to Firms receiving RFPs (Shortlisted) - Interview invitation included if Project-Specific
2.1.16B	Letter to Firms not receiving RFP (non-shortlisted)
2.1.17	Proposal Evaluation Rating Sheet
2.1.18	Request for Proposal (RFP)
2.1.18A	Request for Qualification/Proposal (RFQ/P)
2.1.20	Proposal Score Tabulation
2.1.21	Approval of Selection Committee Recommendation Memo
2.1.22A	Letter to Firm(s) Selected
2.1.22B	Letter to Firm(s) not selected
2.1.23	Schedule of Cost Data Required for Pre-Audit (Attachment to Selection Letter)
2.1.24A	Red Book (Procurement Documents) Cover Memorandum Template
2.1.24B	Red Book (Procurement Documents) Checklist
2.1.24C	Red Book (Procurement Documents) Checklist – Sole Source
2.1.25A	Negotiation Notes (Project-Specific)
2.1.25B	Negotiation Notes (Task Orders)
2.1.26	Professional Services Closeout Standard Operating Procedure
2.1.27	Professional Services Selection Process/Contract Award (Project Specific & GEC) Procedure
2.1.28	Diversity, Equity & Inclusion (DEI) Procedures

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- 2.1.29 Non-Brooks (QPBS) Procedures
2.1.30 Procurement Schedule

EXHIBIT 2.2

MBTA STANDARD CONTRACT TERMS

Article I – General Provisions
Article II – Plans, Specifications, and Confidentiality
Article III – Duration, Commencement, and Completion
Article IV – Compensation and Payment
Article V – Insurance and Indemnification
Article VI – Termination and Suspension
Article VII – Dispute Resolution
Article VIII – Miscellaneous Provisions

Attachment E: Federal and FTA Required Clauses

The Designer agrees to include all Federal and FTA Required Clauses in all Designer Subconsultant Agreements and require its Subconsultants to include these assurances in their subcontracts.

Specific language for these provisions can be found in the current Professional Services Terms & Conditions.

PROVISION	Professional Services/A&E	Operations/ Management
No Federal Government Obligations to Third Parties (by Use of a Disclaimer) MA 30 – §3(I)	All	All
False Statements or Claims Civil and Criminal Fraud MA 30 - §4(e)	All	All
Access to Third Party Contract Records MA 30 - §9	All	All
Changes to Federal Requirements	All	All

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MA 30 - §3(g)		
Termination MA 30 - §16(d)(2)	>\$10,000	>\$10,000
Civil Rights (Title VI, ADA, EEO except Special DOL EEO clause for construction projects) MA 30 - §16(d)(3)	All	All
Special DOL EEO clause for construction projects 2 CFR 200 Appendix II (C) and MA 30 - §12(d)(3)		
Veteran's Employment Preference Section 2108 of Title 5 and MA 30 - §16 (u)		
Disadvantaged Business Enterprises (DBEs) MA30 - §12(e)	All	All
Prompt Payment to Subcontractors (if not part of DBE clause) 49 CFR § 26.29 and MA 30 - §12(e)	All	All
Incorporation of FTA Terms MA 30 - §16(a)(3)	All	All
Debarment and Suspension 2 CFR Parts 180 and 1200 and MA 30 - §16(d)(8)	>\$25,000	>\$25,000
Buy America 49 USC 5323(j)(13) MA 30 - §15(a)		
Resolution of Disputes, Breaches, or Other Litigation – Notification of Contractor and/or Subcontractor to Agency and Agency notification to FTA 2 C.F.R. §180.220 - \$25,000 threshold 2 CFR 200.318(k); 2 CRF 200 Appendix II (a)	>\$25,000	>\$25,000



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MA 30 - §16 (d)(1) and MA 30 - §39(b)		
Lobbying 2 CFR 200 Appendix II (I) MA 30 §4 (c) and 16(d)(7)	>\$100,000	>\$100,000
Clean Air 2 CFR 200 Appendix II (G) MA 30 - §16 (d)(7)	>\$150,000	>\$150,000
Clean Water 2 CFR 200 Appendix II (G) MA 30 - §16 (d)(7)	>\$150,000	>\$150,000
Cargo Preference MA 30 - §15(c)		
Fly America MA 30 - §15(d)	Foreign air transp. /travel.	Foreign air transp. /travel.
Davis-Bacon Act 2 CFR 200 Appendix II (D) MA 30 – §16(d)(4)		
Contract Work Hours and Safety Standards Act 2 CFR 200 Appendix II (E) MA 30 - §16(d)(5) OR MA 30 - §24(b) – non-construction		>\$100,000 (transportation services excepted).
Copeland Anti-Kickback Act Section 1 Section 2 2 CFR 200 Appendix II (D) MA 30 - §16(d)(4)		
Bonding 2 CFR 200.326		
Seismic Safety	A&E for new	



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MA 30 - §23.(b)	buildings & additions.	
Transit Employee Protective Arrangements MA 30 - §24(d)		Transit operations.
Charter Service Operations MA 30 - §28		All
School Bus Operations MA 30 - §29		All
Drug Use and Testing MA 30 - §35(b)		Transit operations.
Alcohol Misuse and Testing MA 30 - §35(b)		Transit operations.
Patent Rights MA 30 - §17(a)(2)	R & D	
Rights in Data and Copyrights MA 30 - §18	R & D	
Rights to Inventions Made Under a Contract or Agreement 2 CFR 200 Appendix II (F) MA 30 - §16(d)(6)	R & D with Small Business or Non-Profit	
Energy Conservation MA 30 - §26(j)	All	All
Recycled Products 2 CFR 200.323 MA 30 - §16(d)(10)		EPA-selected items \$10,000 or more annually.
Conformance with ITS National Architecture MA 30 - §16(l)	ITS projects.	ITS projects.
ADA Access MA 30 - §12(h)	A&E	All
Notification of Federal Participation for States MA 30 - §37	Limited to States.	Limited to States.



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Safe Operation of Motor Vehicles

1. Seat Belt Use
2. Distracted Driving

MA 30 - §34

All

All

Prohibition on certain telecommunications and video surveillance services or equipment

2 CFR 200.216

All

All