

This is the second monthly newsletters published by Consultant Contract Services (CCS). If a Project Manager or Consultant desire a particular topic or issue be addressed, please e-mail Alan Dale with a request.

Workload to be shown on the 24-102 form

The firm's remaining work for all open contracts and the contract amount for recently awarded projects awaiting contract execution for all of your firm's offices for work with the DOTD shall be shown. This includes work as the Prime Consultant or as a Sub-Consultant. This also includes both competitively and non-competitively selected contracts. Work on design-build projects must be included. Estimates for the total compensation for contracts under negotiation are also to be reported. If any workload meeting the above requirements is not shown, the firm will be subject to be considered non-responsive.

When listing projects for retainer contracts, show only open task orders, and list each task order under the retainer contract number. All task orders for retainer contracts are to be shown. All identifying contract data shall be shown on this section of the 24-102 form. For a task order, the retainer contract number, the task order number and the purchase order number are to be shown. A retainer contract without any assigned task orders is to be included in the table but a "N/A" is to be shown under the "Remaining" column.

CCS may elect to add workload amounts for recent awards and other contract actions (less than 60 days from deadline date of submittal of 24-102 form). The last invoice as entered into ECTS (DOTD's Section 80 invoice program) and any new contract actions (original contracts, supplemental agreements, task orders, etc.) entered into Lotus Notes will be reviewed and outstanding balances adjusted.

If a project's compensation was overestimated, and the Consultant wishes to reduce the reported work backlog, the Consultant shall submit a request to the PM for adjustment. The PM shall forward the request to CCS for action.

For Sub-Consultants under more than one Prime Consultant, the Sub-Consultant shall be given the highest outstanding work balance reported. Additional checks may be performed but only to address under reporting of the outstanding work balance.

Overhead rates and salaries

Due to the backlog of contract actions and new employees in the section, CCS will only use the existing Audit Section's salary and overhead rates for the firm. It is the responsibility of the Consultant Firm to ensure that their information is updated in a timely manner. CCS will not delay the issuance of any Contract or Task Order to wait for these rates to be updated. Negotiations between the Project Manager and the Consultant should be for man-hours and direct expenses. The dollar amount of the contract should only be considered for a negotiated lump sum contract (infrequency).

Hiring Ex DOTD Workers

No former public employee shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following termination of his public employment, render, any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

An ethics ruling should be obtained prior to including an ex-DOTD employee on a 24-102 form. It is encouraged that the firm submit the ethic review form to DOTD to ensure that the duties of the ex-employee are stated accurately.

<http://ethics.la.gov/default.aspx>

<http://ethics.la.gov/Pub/InfoSheets/PostEmploymentRev2-09.pdf>

Reassignment of contracts and past work ratings

DOTD standard contract language, “This Contract, or any portion thereof, shall not be transferred, assigned, or sublet without the prior written consent of the DOTD.” If a company is to be sold or merge with another company, the firm is required to notify DOTD in writing prior to the action. This does not imply that DOTD will approve any transfer or reassignment of any contract(s). Any request for transfer or reassignment of contract shall include the declaration key personnel of the firm to be sold or merged along with a statement concerning any changes in contractual signature personnel. Past work ratings will not be transferred to the new firm. If the re-assignment is approved by the DOTD, the Project Manager’s future ratings will be under the new firm’s name.

Overtime Pay

Overtime pay is normally not considered for most Consultant contract. When an exception does occur, the Consultant shall inform the Project Manager if their overhead includes overtime pay. Failure to provide this information will cause an Audit Section finding when the project is closed. Overtime pay for a billable rate contract shall be established by adding half the hourly rate of the classification to the billable rate for that classification. Overtime rates shall not include any additional profit or overhead.