

# Consultant Contracting Documents Updated

(October 24, 2019)

As a result of partnering meetings with our Consultant community, the following documents were updated:

Contract Escalation in Cost Plus Fix Fee Agreements: NDOT's method of taking into account expected salary escalation for long duration contracts

Multi-year Specific Rates of Compensation Fee Proposal Workbook: Creates billing rates for multiple years.

Fee for Profit Worksheet: This worksheet has been revamped and will be used for future contracts.

Fees and Payments Exhibit template: A thorough internal review was recently performed on this Exhibit template and new processes have been established. Following are some highlighted changes made to the agreement Fees and Payments Exhibit template:

Established Maximum Amounts for each category; specifically the direct labor.

The billing Profit Rate will be determined for those agreements where multiple Profit Rates were used in the total fee calculation.

Invoices must be submitted to NDOT within 90 days of incurring costs.

In the event Consultant has incurred otherwise allowable costs, and such costs would exceed the maximum direct labor costs or total agreement amount listed in the agreement, Consultant shall list such costs on the invoice, but they must be subtracted from the total invoice amount submitted to State for payment. This is for several reasons including to accurately document project effort/costs at the time they occurred, when we pass costs on to others (Local Program) or if Overhead adjustment frees up funds under agreement maximums.

Added emphasis on Consultant's responsibilities in reviewing and approving Subconsultant costs (including final request for remaining Fixed Fee for profit in Subs contract).

Overhead adjustment ("True-up") invoices for CPFF and the older MNTE payment methods: After State receives Consultant's latest Overhead Rate submittal and State establishes an approved rate for Consultant, Consultant shall submit a separate Overhead Adjustment Invoice that reconciles the indirect costs billed during the past fiscal year covered by the latest ICR submittal. If reconciling the indirect costs requires the Consultant to reimburse State for overpayment of indirect costs, Consultant may request reimbursement of additional allowable costs that have not been already reimbursed, provided that the costs were documented and subtracted out on previous invoices. More information regarding Overhead Adjustment Invoices is available on the State's website at <http://dot.nebraska.gov/business-center/consultant/>. Consultant shall require Subconsultant(s) to submit Overhead Adjustment Invoices to Consultant consistent with this section. Consultant must include such subconsultant Overhead Adjustment Invoices when Consultant submits their own invoices to State. A final Overhead Adjustment Invoice must be submit within 90 days of completion of the work under the Agreement.

Agreement Closeout: Upon submitting its final invoice, the Consultant must complete and submit to State a Notification of Completion Form (NDOT Form 39). The form is generated and submitted electronically through State's OnBase Invoice Workflow System. Instructions for generating and submitting the NDOT Form 39 are available on the State's website at <http://dot.nebraska.gov/business-center/consultant/>. Consultant shall submit NDOT 39 Form within 90 days of completion of the work under this Agreement, and if such Form is not timely submitted, State may audit and closeout the Agreement without accepting any further invoices from Consultant.

-NDOT Consultant Services Team