

Process for Construction Project Consultant Services - MOU

Memorandum of Understanding (MOU) is a contract completed for \$200,000 or less. This would be for small projects for inspection services or testing services as needed.

Solicitation is needed if Consultant Fees are greater than \$200,000

- If Design or Bridge Design has used funds and inspection fee is higher than remaining amount for the project, a solicitation will be needed.

Project Selection

- Determine what type of inspection will be needed. (<\$200,000 or remainder of \$200,000 not spent by Design and Bridge Design)
 - Roadway and Asphalt Plant Inspection
 - Roadway Inspection
 - Asphalt Plant Inspection

Step 1: DBE Goal Requirements *(1 to 3 weeks to receive answer)*

This process may take a week to obtain a DBE Goal percent, **request as early as possible.**

- The Consultant contract will require a DBE goal.
 - Items needed to get a DBE goal from ECR.
 - Project STIP Estimate – found in eProject folder for project or ask District Planning Manager.
 - Estimated Breakdown of Work on Engineering Consultant Contracts form
 - [Estimated Breakdown of Work Spreadsheet](#)
 - Enter the percent breakdown for the work the Consultant will perform totaling 100 percent for once completed.
 - Send request to DBEConsulGoal@modot.mo.gov
 - Items needed in request email
 - Request the DBE goal for construction inspection services.
 - Include – County, Route, Project Number, and Contract ID
 - Attached the STIP and Estimated Breakdown files to email.

Step 2: Consultant Selection

Select a Consultant from the MoDOT On-Call list.

- MoDOT On-Call list - <https://www.modot.org/call-design-consultants>
 - From this list, select a Consultant that fits the need required
 - Contact Consultant for availability

Step 3: Scope of Service Letter *(Up to 1 week to allow Consultant to review and ask questions – **can be drafted prior to selection**)*

- Scope of Services
 - Let's the Consultant know what work they will be required to perform and what expectations MoDOT requires. This is a detailed list of items that will be attached to the contract.

- **Exhibit A** – Item needed in Exhibit
 - List what testing will be required, what expectations are needed, what their services need cover, etc.
 - List of services provided by the Commission
 - Training needed for Consultant to perform the work, loose box samples and oil cans for asphalt work, etc.
- Once the scope has been completed, it will need to be sent to the Consultant. This will allow them to begin the process of creating their ‘Fee Estimate’ for the work items laid out in the scope.
- The write-up for the Scope of Services can start prior to the selection of the Consultant and be readily available after the Consultant is selected.

Step 4: Background Check and Access to MoDOT Systems *(This can be completed while waiting for fee estimate, this will be an ongoing process while the contract is completed)*

- The Consultant will need to complete a background check to allow them access to MoDOT’s server for AWP, Cognos, eProjects, Sharepoint, and Virtual Desktop.
- Background check will allow HR/IS to assign a MoDOT username and password. *(If Consultant individual is already on a MoDOT project or has an active MoDOT account in the past 3 months, no background check is needed).*
 - A Background Check form and fingerprint check will need to be completed by any Consultant individual accessing MoDOT’s internal network.
 - [Consultant Contractor Background Check Form](#)
 - The filled-out Background Check form will need to be sent to:
 - District HR
 - Missouri Automated Criminal History System (MACHS) background check will also need to be completed
 - <https://www.machs.mo.gov/MACHSFP/home.html>
 - Once completed, it needs to be submitted to HR
 - Once background checks have been completed and approved. HR will issue a username and password to access AWP and Cognos. (This could take up to 2 to 3 weeks to be fully processed)
 - The district IS department will need to be contacted to have STARTS request completed for Cognos, network access, AASHTOWare, Virtual Desktop, and TMS once username has been created.
 - The Consultant will need a Virtual Desktop Environment to access MoDOT’s server to input data.
 - Horizon Virtual Desktop - [Horizon Virtual Desktop Client](#)
 - This is the system the Consultant will need to download. In this document is the process of downloading the virtual desktop
 - If the Consultant has any issues accessing Horizon
 - VDI Helpdesk (753-751-1900)
 - An email will need to be sent to ReDev with Consultant inspector names and email address to get access to sharepoint and assigned contract access in AWP.

Step 5: Evaluation of “Fee Estimate” *(1 to 2 weeks depending on the scope of work to be completed by Consultant)*

- Once Consultant has submitted the fee estimate, this document will need to be reviewed to determine the hours for the work described in the “scope of work” is reasonable.
- The fee estimate will need to be detailed with a breakdown of hourly cost, OT cost, miles, etc.
- During the review of the submitted fee estimate, the profit (**Fixed Fee**) will need to be checked
 - MOU contracts capped at 12 percent
 - Max subconsultant capped at 12 percent

- The Consultant “Overhead Rate” percentage and Facilities Capital Cost of Money Rate (FCCM) will need to be checked
 - [SharePoint - Audits & Investigations section for OH and FCCM rate](#)
 - Click on [ConsultantOverheadRateLookup](#) for percentage values. (Will need site access to open the excel sheet)
 - FCCM is applied to labor costs only before Overhead Rate is applied
 - FCCM should not be included in the **Fixed Fee** calculation
- If a subconsultant is used, their fee estimate will also need to be included.
 - The subconsultant does not need to include their FCCM in with their overhead rate.
 - Review of the Overhead rate and FCCM percentages submitted by the subconsultant
 - FCCM should not be included in the **Fixed Fee** calculation
- Federal Highway requires that MoDOT completes an independent fee estimate to compare to what the Consultant submits. This Fee estimate will need to be saved for documentation in case of a Federal Highway audit.
- The **Fixed Fee** is based off the total cost except for direct costs and FCCM of the work performed. When reviewing the hours for cost, it is better to estimate on the lower end. Even if the work is completed for less than the original cost, the fixed fee is still paid based on the original agreed cost and not the lower cost of work performed. A Supplement Contract can be created later if the original cost is underestimated.
- Once the Fee Estimate has been reviewed at the District level, it will need to be sent to the District assigned Liaisons for final review.
- Once verified and approved, the fee estimate will be **Exhibit B** for the contract.

Step 6: Contract Creation- *(This document can be prepared after the Consultant has been picked and Fee Estimate is being reviewed)*

- Access to eAgreements is required to begin the contract process.
- This is the agreement that will be signed by the Consultant and MoDOT to allocate funds.
 - [eAgreements](#)
 - eAgreements Manual for additional information for agreements and DocuSign
 - [eAgreement Manual](#)
- On the main page for eAgreements, select **“New Agreement”**

 **eAgreements** Home **New Agreement** Request a Change ▾ Admin ▾ Help ▾

- The agreement form needed is - **CM46** – *Consultant Services Memorandum of Understanding (Federal Assistance)*
 - This is Step 1 of the agreement
 - Click next to move to Step 2

New Agreement

Step 1: Choose a Template

CM46 Consultant Services Memorandum of Understanding (Federal Assistance)

Filter by Division

Search by Template Name

start typing to filter the list below

Clear Filters

Next

Template List (Viewing 363 of 363 templates)

- ☐ CM07 Materials Standardization Service Agreement
- ☐ CM08 Inspection Services Agreement
- ☐ CM10 Standard Research Agreement
- ☐ CM11 Inspection and Testing Agreement
- ☐ CM13 Extension of Standard Research Agreement
- ☐ CM14 Assignment Agreement with Bond
- ☐ CM43 Construction Inspection Consultant Agreement
- ☐ CM44 Construction Inspection Supplemental Agreement
- ☒ CM46 Consultant Services Memorandum of Understanding (Federal Assistance)
- ☐ CM47 Consultant Services Memorandum of Understanding Supplemental Agreement
- ☐ CMB1 Basic Agreement Form
- ☐ CMB2 Extension of Basic Agreement
- ☐ CMB3 Task Order Contract
- ☐ CMB4 Task Order Contract Supplemental - Additional Time Only
- ☐ CMB5 Task Order Contract Supplemental - Additional Services Only
- ☐ CMB6 Task Order Contract Supplemental - Additional Time and Services
- ☐ CMB7 Task Order Contract for MCTI
- ☐ CR01 Personal Release for Use of Photographs
- ☐ CR05 Personal Release for Use of Photographs of Deceased

Step 2 of the agreement

Step 2: Provide Required Information

Warning: Using your browser's back button on this page will cause you to lose any unsaved changes. You can navigate to the previous page without losing your progress by using the back button at the bottom of this page.

Agreement Details

Agreement Amount

\$ Fee Estimate

Agreement with Whom

Consultant (Full Name)

☐ Agreement Amount unknown

Select this option if the agreement amount is currently unknown. You will have the opportunity to update the agreement amount at a later step.

Commission Details

Was this approved by specific Commission action?

Yes No

Select Applicable Commission Policy

Highways-Consultant Engineering-STIP Project-Hourly Rate

Additional Comments

If you can't find your applicable policy or you have additional information enter it in this field.

MOU's use STIP Project-Hourly Rate

Signature Type

There are two types of execution: electronic signature and wet (handwritten) signature. Electronic signature is preferred for executing all agreements as it speeds up the process but wet signature (handwritten) is acceptable.

Signature Type

Electronic (DocuSign)

Select "Electronic" (DocuSign)

Previous or Parent Agreement

Previous/Parent Agreement

start typing to search by agreement number **Parent Agreement Number**

If this agreement is a supplemental or revision to a previous agreement, you can link to that previous agreement using the search above. All supplemental agreements should be linked to the original or master agreement. Hourly rate agreements should be linked to the master or negotiated rate agreement that the hourly is based on.

A maximum of 50 results will be displayed at a time, if you do not see your agreement please narrow your search criteria

- Enter the approved Fee Estimate amount
- Enter the full name of the Consultant Firm that is listed on the Parent Agreement (must match)
- Select "No" for Commission approved (*Only select "Yes" if directed by Commission*)
- Applicable Commission Policy – *Highway-Consultant Engineering-STIP Project-Hourly Rate*
- Digital signature required
- Enter "Parent Agreement" number
 - To find the "Parent Agreement" for the Consultant:
 - Select All Documents
 - Enter Consultant name in "With Whom" on left tool bar
 - The Parent Agreement will be a **DE01 – Consultant Services Master Agreement (All Fees)**
- Click next to move to Step 3

- *Step 3 of the agreement*

Step 3: Provide Agreement Location Information

Warning: Using your browser's back button on this page will cause you to lose any unsaved changes. You can navigate to the previous page without losing your progress by using the back button at the bottom of this page.

Job Number Details

Do you have a SIMS Job number?

☒ Yes ☐ No

Will be Yes if Project Number is known

Please select one or more SIMS job numbers using the search below. At least one number must be selected before continuing.

Search for SIMS Job Numbers

start typing to search **Project Number**

Selected SIMS Job Numbers

Job Number	District	County(s)	Route(s)	
SE0002	SE	ST. FRANCOIS	US 67 S	Remove

Pulls information from SIMS

If you have any job identifiers, counties, or routes in addition to the SIMS job information, please enter them below

Job Identifier

Division/District Responsible

Enter the applicable job number, program number, project number, RFP, or LPA (e.g. TAP-9999(999)), etc. If there is not job number, please enter "NA". (128 character limit)

Agreement County(s) [Click Here to Add/Remove County\(s\)](#)

Agreement Route(s) [Click Here to Add/Remove Route\(s\)](#)

Other Details

Location

Bridge Number(s) [Click Here to Add/Remove Bridge Numbers](#)

Enter a more detailed location description (US 50 at Jefferson etc.) (256 character limit)

[Add a Future Bridge Number](#)

Is this agreement with another state?

☐ Yes ☒ No

Agreement Comments

Enter services completed by MOU

Please enter comments regarding the Agreement review. If additional comments are necessary, please indicate the changes within the document. (256 character limit)

District administrating contract

Pulls information from SIMS

Enter if MOU has Bridges involved

Usually marked No

- Select Yes for SIMS Job Number
- Enter Job Number
- Division/District Responsibility – select District handling contract
- Job will populate in boxes from SIMS information
- Agreement Comments – Enter service completed by MOU
 - Examples
 - Asphalt Plant Inspection services
 - Roadway Inspection services
- Click next to generate contact
- Once all data has been entered and saved, the agreement will need to be downloaded for editing.
 - An agreement number will be assigned once the agreement is created.
 - Information will need to be entered into certain pages.
 - Page 1 – Enter information in the underlined sections
 - Contract Agreement number
 - Project Route
 - Project location with county
 - Project Number
 - Review Drafters Notes (delete items not needed).
 - Actual Cost Plus Fixed Fee
 - Lump Sum
 - Hourly Rate
 - Enter the contact executed date (date parent agreement was signed and approved)
 - Enter the Consultant who the contract is with
 - Type of work being performed (brief description)
 - Example
 - Roadway Inspection
 - Asphalt Plant Inspection

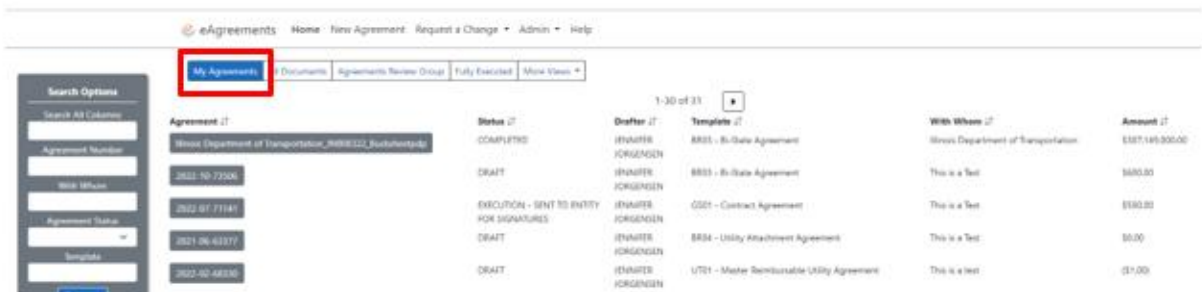
- Section (3) Disadvantaged Business Enterprise (DBE) Requirements
 - Subsection (A) DBE Goal – DBE goal from ECR
 - Section (4) DBE Participation Obtained by Consultant
 - – DBE goal from ECR
 - – Fill out information for subconsultant or put N/A if none used
 - Section (6) Subconsultants
 - Fill out information for subconsultant or put N/A if none used
 - Section (7) Period Of Service – Enter time for contract
 - Fill out number of days or calendar completion date for MOU
 - Items to consider for number of days or calendar completion date
 - To cover assigned work for the contract
 - To complete final plans
 - To cover stormwater reviews and seed acceptance/growth through winter
 - Section (8) Payment – Review Drafters Notes for payment (delete items not needed).
 - Enter Fixed Fee amount
 - Enter total maximum amount payable
 - Section (10) Attachments – Review Drafters Notes for payment (delete items not needed).
 - Page 7 – Update with Consultant name - Insert Consultant Name Here
 - Must match exactly to Parent Agreement
- Once eAgreement has been completed,
 - The edited version will need to be updated in eAgreements with your current changes.
 - This will need to be a word document for the Liaisons edit when reviewed.
 - Exhibit A (*Scope of Service and Commission Items*) and Exhibit B (*Fee Estimate*) will also need to be uploaded into eAgreements under the attachment tab. (PDF format)
- When all documents have been uploaded, it will need to be sent out for review.
 - Select the staff tab and enter the following individuals.
 - Construction Liaison – **Person assigned to District.**
 - Design Liaison – **Person assigned to District.**
 - After each individual/group has reviewed and corrections made from comments, the contract will need to be submitted to DBE Concurrence for review.
 - Select DBE tab and click submit.
 - Once the Liaisons and DBE have completed their review and all comments corrected, time for DocuSign.
- Download the edited word version of the agreement and create a PDF version of the contract including Exhibit 1, 2, 3, and 4.
 - This will need to be all in one file (PDF).
- Click on the tab **Execute Agreement** in eAgreements
 - A prompt will pop up, and you will need to upload the PDF file.
 - Click Submit when uploaded
 - Next click on “Send to DocuSign / Check DocuSign Status”
 - You will be prompted to click on “Create Agreement in DocuSign”.
 - Click “Open Agreement in DocuSign”.
 - DocuSign window will open

Step 7: Contract Agreement Execution (*Less than 1 week*)

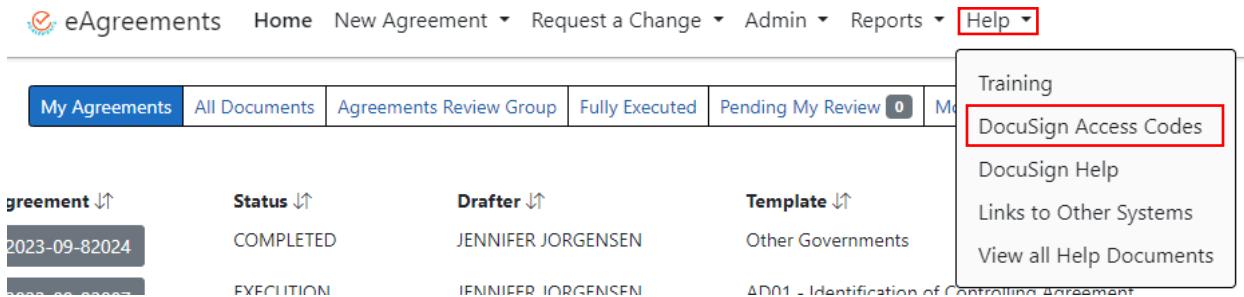
- In DocuSign, select continue and click the add signer button.

- You will be prompted to begin filling out who will need to sign the agreement. Order of whose signing is below. Each signer will be assigned a color shade to the left of their name.
- For the Consultant to sign in DocuSign, an “Access Code” will need to be used. Follow this step below to determine Consultants “Access Code” or to get on authorized for the Consultant
 - **Navigate to the List of Access Codes (Steps 1-4)**

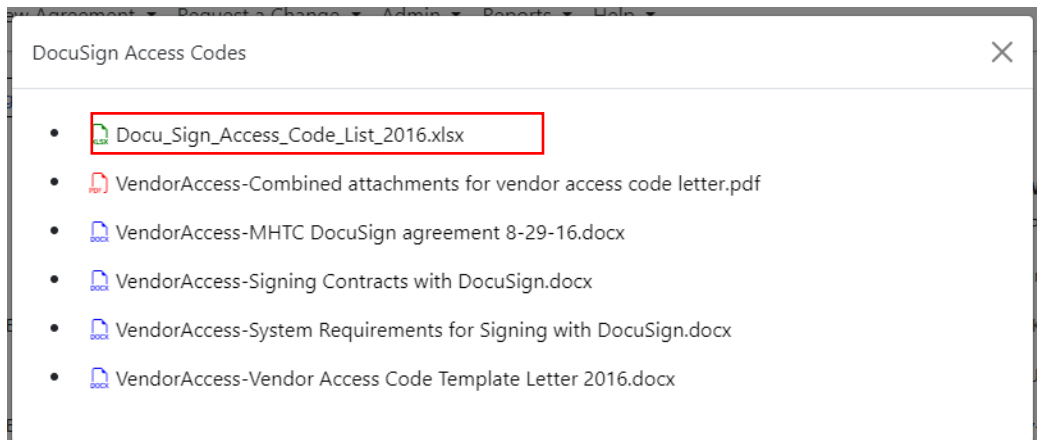
1. In an internet browser (Edge [preferred], Google Chrome, etc.) navigate to the eAgreements II site
(<https://netprod3.dot.missouri/eAgreements/Search/QuickSearch>).
2. By default, the drafter will land on the “My Agreements” view.



3. Click on the arrow next to the Help menu.



4. Select “DocuSign Access Codes”.



○ **Determine if the External Party has an Access Code (Steps 5-6)**

5. Can you find the external party on the list (look under the *Vendor Name* field)?

If **yes**, go to Step 6.

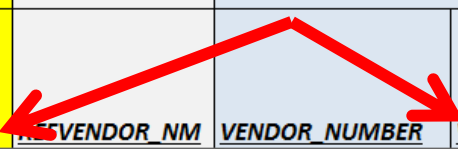
If **no**, go to Step 7.

6. Is there a date in the *Date Access Code Issued to Vendor* field?

If **yes**, a letter with the access code has already been sent to the external party. You may want to contact your external party to remind them they have already received their access code and will need it to execute the agreement. No other steps are necessary at this time.

If **no**, go to Step 7.

Date Access Code Issued to Vendor				
MM/DD/YY	<u>DOCUSIGN PIN</u>	<u>VENDOR_NM</u>	<u>VENDOR_NUMBER</u>	<u>VENDOR_NAME</u>
	107399		4315684870	Wayne Millington
	107400		4318999760	Wayne's Heating & Co



- **Request an Access Code, If Applicable (Step 7)**

7. Send an email to the CS email group (CS@modot.mo.gov) requesting a DocuSign access code. You will need to provide the following information, which the external party should be able to provide.

- ☐ SAMII Vendor Number, Missouri Buys Number, or Federal/Taxpayer Identification Number
- ☐ Name
- ☐ Address, City, State, and Zip Code
- ☐ Phone Number

A member of the CS email group will email you and let you know the list of access codes has been updated. When this has been completed, the DocuSign process can begin.

- **Begin the process of getting signer and CC boxes added**

- You will click “Add Recipient” to add boxes for signers and CC individuals
 - Update the signing/CC order on the left-hand side.
 - Executive Assistants will need to match the signing order number as the Commission signer

The screenshot displays the DocuSign interface for adding a recipient. The 'Name' field contains 'Consultant Signers Name' and the 'Email' field contains 'Consultant Signers email'. A dropdown menu is open next to the 'Needs to Sign' button, showing options: 'Select signature type', 'Add access code' (highlighted with a red box), 'Add identity verification', and 'Add private message'. Below the fields, the 'Access code' section has a text input field with a red arrow pointing to it and the text 'Enter 6 digit code'. A sidebar on the left shows a box with the number '1'.

- Consultant Agreement Signer (Name and email will need to be entered) **(Level 1)**
 - Select “Need to Sign” to right of name.
 - Click on Customize
 - Select “Add access code”
 - This code needs to be sent to the Consultant Signer

2	<p>Name *</p> <p>MARK CROARKIN</p> <p>Needs to Sign</p> <p>Customize</p> <p>Email *</p> <p>MARK.CROARKIN@modot.mo.gov</p>	<p>Note: Contract value \$100,000 to < \$200,000</p>
2	<p>Name *</p> <p>Tara Herx</p> <p>CC Receives a Copy</p> <p>Customize</p> <p>Email *</p> <p>tara.herx@modot.mo.gov</p>	
2	<p>Name *</p> <p>Dana L. Kaiser</p> <p>CC Receives a Copy</p> <p>Customize</p> <p>Email *</p> <p>Dana.Kaiser@modot.mo.gov</p>	

- **Commission Signer for MOU (\$100,000 to < \$200,000 – Assistant Chief Engineer) (Level 2)**
 - Executive Officer – Assistant Chief Engineer - **Mark Croarkin** and email address
 - Select “Need to Sign” to right of name.
 - For level 2 these individuals will need to be CC
 - Senior Executive Assistant - **Tara Herx** and email address
 - Select “CC” to right of name.
 - Senior Executive Assistant to Director - **Dana Kiser** and email address
 - Select “CC” to right of name.

- OR -

2	<p>Name *</p> <p>District Engineer</p> <p>Needs to Sign</p> <p>Customize</p> <p>Email *</p> <p>District Engineer email</p>	<p>Note: Contract value \$0 to < \$100,000</p>
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2

Name *

DE Assistant Executive

cc
Receives a Copy
▼

Customize
▼

Email *

DE Assistant Executive email

- **Commission Signer for MOU (\$0 to < \$100,000 – District Engineer) (Level 2)**
 - Executive Officer – **District Engineer** – Enter DE’s name and email address
 - Select “Need to Sign” to right of name.
 - For level 2 this individual will need to be CC
 - Executive Assistant – **DE Executive Assistant** name and email address
 - Select “CC” to right of name.

3

Name *

CODEPSCReview

cc
Receives a Copy
▼

Customize
▼

Email *

codepscreview@modot.mo.gov

3

Name *

DBE Concurrence

cc
Receives a Copy
▼

Customize
▼

Email *

DBEConcurrence@modot.mo.gov

3

Name *

Obligate

cc
Receives a Copy
▼

Customize
▼

Email *

obligate@modot.mo.gov

- **These groups will all receive a “CC” (Level 3)**
 - CODEPSCReview
 - Select “CC” to right of name.
 - DBE Concurrence
 - Select “CC” to right of name.
 - Obligate
 - Select “CC” to right of name.

-
- Click **Next** in the bottom right-hand corner to continue to place the signatures on the agreement.
 - You will assign the location for the signature for each individual listed above in the PDF document. You will be required to set up the signature blocks, date blocks, and title blocks per person.
 - On the left side of the screen is where the different blocks are located (The color of the signature block will match the color shade when setting up the individuals)
 - Consultant signature data
 - Click and drag the “Signature” block and drop it on the line under the consultant signer. Next click and drag the “Title” block and drop it on the line under the signer's block. Finally click and drag the “Date” block and drop it on the line for the “Executed by the Consultant the” section above the signer's area.
 - On the right-hand side there will be a drop-down menu with each individual's name that will be signing, title block and date are assigned to the Consultant, make sure this is selected for each item).
 - Missouri Highways And Transportation Commission - MoDOT
 - Click and drag the “Signature” block and drop it on the line under the Missouri Highways and Transportation Commission. Next click and drag the “Title” block and drop it on the line under the signer's block.
 - For MOU’s \$100,000 to \$200,000
 - On the right-hand side there will be a drop-down menu with the Assistant Chief Engineers name for signing and title, make sure **Mark Croarkin** is selected. Next click and drag the “date” block and drop it on the line “Executed by the Commission the”.
 - For MOU’s \$0 to <\$100,000
 - On the right-hand side there will be a drop-down menu with the District Engineers’ name for signing and title, make sure District **DE** is selected. Next click and drag the “date” block and drop it on the line “Executed by the Commission the”.
 - See below for layout.

IN WITNESS WHEREOF, the parties hereto entered into this MOU on the date last written below:

Executed by the Consultant the Date Signed (date).

Executed by the Commission the Date Signed (date).

MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

By: Sign

Title: Title

Assistant Chief Engineer or District Engineer, Title, and date signed

SCI ENGINEERING, INC.

By: Sign

Title: Title

Consultant Signer, Consultant Title, and date signed

ATTEST: (Consultant seal, if existing)

Date Signed

Recipient

- Consultant
- ✓ ● ACE or DE

Location

SAVE AS CUSTOM FIELD

DELETE

Back Send ▼

- Click on send once all boxes have been assigned and properly color coded to the correct individual.
 - The agreement will be sent in order to each individual or group after signing has been completed. You will receive an email once each individual has signed the agreement.

Step 8: Consultant Agreement Completion

- You will receive an email from MoDOTSP stating the “agreement has been fully executed”.
- An Email from obligate@modot.mo.gov will be received roughly one to two weeks after the agreement has been fully executed.
- Financial Services will send an email with the SAM II code for the Financial Number. The email will be roughly two to three weeks after the agreement has been fully executed. (The Financial number will not be issued until Federal Highway completes their review of the contract)
- Once Funds are obligated, the Notice to Proceed can be issued
 - NPT letter will need to be sent to the Consultant
 - [NTP Letter](#)