

## **Engineering Brief # 11**

Date: February 27, 1976

In Reply Refer To: AAS-580

Subject: Engineering Brief No. 11, The FAA'S Role in the Selection  
of Sponsor Consultants

From: Chief, Airports Engineering Division, AAS-500  
To: All Regions

Attn: Chiefs, Airports Divisions

Engineering Brief No. 11, The FAA'S Role in the Selection of Sponsor Consultants, is enclosed. There are questions and suggestions in the brief which have been posed regarding guidance contained in Advisory Circular 150/5100-9, Engineering Services Under the Development Aid Program. The brief also presents AAS-500 views regarding those suggestions, and we would like your comments regarding those views. The comments will be used to determine if revisions need to be made to AC 150/5100-9.

ORIGINAL SIGNED BY:

J. W. BUSHEE  
for  
LEONARD E. MUDD

Enclosure

ENGINEERING BRIEF NO. 11

THE FAA'S ROLE IN THE SELECTION OF SPONSOR CONSULTANTS  
FOR ENGINEERING SERVICES UNDER ADAP

Background.

Guidance to sponsors on how to select consultants for Engineering Services Under the Airport Development Aid Program is contained in Advisory Circular (AC) 150/5100-9. Very little is said about the role the FAA should play in the selection process other than to note that FAA offices stand ready to advise and assist sponsors in obtaining and developing engineering services at any stage of the process.

Recently AAS-500 has received a number of inquiries and suggestions about the FAA's role in this area. It was a topic of discussion at the October 1975 National Conference on Airport Construction Standards in Denver. It is covered under Airports Task Group No. 17 (Item B {11} of the ADAP Task Group), and more recently it has been the subject of letters we have received from ASW-600 and AEA-600.

Because of the widespread interest in the FAA role, we will attempt to reply to questions and suggestions, and express our views in

this engineering brief, rather than begin a revision of the AC based on conflicting recommendations. In turn, we hope to receive comments from you on the contents of this brief so that we will have a better idea of what revisions need to be made to the AC with regard to the FAA's role in the selection of sponsor consultants.

#### Inquiries and Suggestions.

1. At the National Conference on Airport Construction Standards, various regions indicated that some sponsors don't have proper interest in negotiating consultant fees so that ADO's become involved in bringing engineering fees in line with reasonable costs. The question was also raised as to whether FAA should approve qualifications of consultants.
2. The Airports Task Group studied the question of guidelines on sponsor consultants. In their final report, the task group said it did not want the FAA to get more involved in approval of sponsor consultants. However, it recommended that the FAA issue guidelines to assist sponsors in the selection process.
3. DOT Order 4600.9A, Uniform Administrative Requirements for Grants in Aid to State and Local Governments, provides instructions for implementing Attachment 0 to OMB Circular A-102. It says that DOT elements administering grant programs should forego preaward review and approval of grantee proposed contracts unless required by statute or under certain other special conditions such as sole source contracts exceeding \$5000, proposed contracts exceeding \$500,000, and grantees working on first projects supported by DOT grants.
4. Change 1 to Order 5900.1B, revised recently the Planning Grant Program (PGP) Handbook regarding the role of FAA personnel in consultant selection. In addition to the advice given in AC 150/5100-9 on engineering services, it says FAA should:
  - a. Aid the sponsor in developing scope of services.
  - b. Not recommend consultants or participate in the consultant interview and ranking process.
  - c. Review the consultant's and his subcontractor's qualifications, as well as the proposed scope of service and costs.
  - d. Inform the sponsor that the FAA reserves the right to disapprove the employment of a consultant (as opposed to approving consultants), based on obvious lack of qualifications or serious deficiencies in past performances.
5. In a January 28, 1975 letter to AAS-1, AEA-600 questioned the need for detailed cost breakdowns to accompany consultant proposals for lump-sum contracts as recommended in paragraph 25b of AC 150/5100-9. In particular they questioned the need to know or review the overhead on labor costs, general and

administrative overhead, materials and supplies, travel, profit, etc. and suggested that these items be deleted from the requirement for the engineers detailed estimate.

6. In a January 16 letter to AAS-500, ASW-600 recommended that guidance in AC 150/5100-9 be changed with a definite charge being made to FAA to :

a. Strengthen and further emphasize the requirement that ADAP engineering contracts be reviewed and approved by the FAA prior to execution by the sponsor.

b. Require that prospective consultants submit a resume (to the sponsor) of their experience and qualifications and identify in advance their key experience personnel who would be used on the project.

c. Provide for FAA assistance in sponsor evaluation of the resume if requested by the sponsor.

d. In general, provide for FAA input and/or assistance to the inexperienced sponsor throughout the solicitation and evaluation process; not, however, in the final selection portion of the process.

e. In making these recommendations ASW-600 cites an FHWA Policy and Procedure Memorandum 40-6 dated January 17, 1973, which says that consultant proposals shall be accompanied by a statement by a sponsor (a state, county, or city) showing the adequacy of the consultant's qualifications, the appropriateness of the method of payment, and the reasonableness of the compensations proposed. In addition it says that sponsor agreements shall be subject to the prior approval of the State Highway Department and the FHWA.

#### AAS-500 View on the FAA Role In Selection of Sponsor Consultants

From the above inquiries and suggestions it is obvious that there are conflicting ideas and regulations regarding the role the FAA should play in the selection of sponsor consultants for engineering services under ADAP. They also indicate that various regions and ADO's are taking different approaches to the problem.

In general AAS-500 feels there should be considerable latitude in the role field offices play in the consultant selection process. In the case of the experienced sponsor and consultant very little effort should be required. In the case of the inexperienced sponsor or consultant, an FAA field office is in a position to provide valuable advice from the beginning of the selection and negotiation process. In either case it appears that FAA field offices and sponsors should discuss the problems involved before the process begins. In these discussions it is suggested that the FAA field offices advise sponsors:

a. that the FAA is available to advise and assist sponsors at any stage of the selection and negotiation process.

b. that the FAA is available to aid sponsors in developing the scope of services to be performed by the consultant.

c. that Chapter 3 of AC 150/5100-9 suggests a recommended procedure for selection of the engineer, i.e., that the sponsor should solicit proposals from three or more consulting firms and establish a consultant selection panel.

d. that the FAA will not recommend consultants or participate in the consultant interview of ranking process.

e. that the selected consultant's and his subcontractor's qualifications, as well as the proposed scope of services and costs must be submitted to the FAA for review.

f. that the FAA reserves the right to disapprove the employment of a consultant. Disapproval of a consultant must be based upon obvious lack of qualifications or serious deficiencies in past performances.

AAS-500 feels that the above advice to sponsors is compatible with DOT Order 4600.9A and the guidance provided in AC 150/5100-9 and at the same time provides the latitude needed in dealing with sponsors and consultants who have various degrees of experience with ADAP and airport engineering.

Your comments on the thoughts expressed in this Engineering Brief will be appreciated.

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AAS-580