

NCDOT's Small Business Program:



Small Professional Services Firm (SPSF) Procurement Procedures

April 2023

Party responsible for SPSF Procurement Procedures: Chief Engineer's
Office

Table of Contents

List of Acronyms and Definitions	2
1. Introduction	3
2. SPSF Prequalification	3
3. SPSF Certification.....	3
4. SPSF Procurement Process	4
4.1 SPSF Project Selection (Individual projects)	4
4.2 SPSF Project Selection (LSC projects)	4
5. Subcontracting.....	4
6. SPSF Evaluations	5

List of Acronyms and Definitions

GESG General Engineering Services Consultant
LSC Limited Services Contract
RFLOI..... Request for Letter of Interest
SPSF Small Professional Services Firm

Project Manager: The individual in NCDOT responsible for oversight of the project work after the contract is executed. The Project Manager, for this document, is responsible for overseeing the purchase orders and assignments under the contract.

Responsible Charge: The direct control and personal supervision of engineering work. The SPSF Prime firm in Responsible Charge is actively engaged in the engineering process, from conception to completion of the assignment.

1. Introduction

General Assembly Session Law 2022-68 (SB 201) amended General Statute 136-28.10 to include a section on the outsourcing of professional services firms and allows NCDOT to limit advertisements for these services to Small Professional Services Firms (SPSF).

The session law language states:

INCREASED OUTSOURCING TO SMALL PROFESSIONAL SERVICES FIRMS SECTION 17. G.S. 136-28.10 is amended by adding a new subsection to read: "(a1) Notwithstanding the provisions of G.S. 136-28.4(b), the Department of Transportation shall increase the outsourcing of professional services for Highway Fund and Highway Trust Fund projects to Small Professional Services Firms. The Department of Transportation may identify professional services likely to attract increased participation by Small Professional Services Firms and restrict the solicitation and award to those firms, and any award of these contracts shall be through the Qualification Based Selection (QBS) process. The Board of Transportation may delegate full authority to award contracts, adopt necessary rules, and administer the provisions of this section to the Secretary of Transportation."

This legislation will allow small firms that meet the SPSF criteria as established by the [Small Professional Services Firm \(SPSF\) Program Guidelines](#) the opportunity to compete against other small professional services firms.

A benefit of the legislation as part of NCDOT's Small Business Program, is that it affords opportunities to smaller professional services firms to compete for NCDOT business and thereby establish a track record of performance as a prime, while fostering opportunities for growth of these firms.

This document aligns with the [NCDOT Policies and Procedures for Procurement and Administration of Major Professional or Specialized Services Contracts](#).

2. SPSF Prequalification

Prequalification is required for those services that are considered professional in nature and are included in the [Discipline Requirements](#) index. For those services, prequalification will be required for prime consultants and subconsultants. Prequalification requirements will be documented in the RFLOI advertisement.

If required, SPSF firms must be prequalified in the discipline area(s) that meets the need(s) identified in the project advertisement.

3. SPSF Certification

In order to respond to an SPSF advertisement, the firm must be certified as an SPSF at the time of RFLOI submittal. SPSF certification is to be maintained throughout the contract as long as the firm continues to meet the small business criteria.

If a firm grows out of the small business program while they have a contract and are no longer an SPSF, the NCDOT Project Manager will decide if it is in the best interest of the project to have the firm continue and be assigned additional tasks and time extensions. No new (unrelated to

existing project) assignments should be given via the SPSF Contract once the firm is no longer SPSF certified. The responsibility for checking SPSF certification lies with the Project Manager before a new task or project is given. This is done by checking the certification in the [NCDOT Directory of Firms](#) for the “SPSF” Certification.

4. SPSF Procurement Process

Procurement of SPSF firms will follow the same requirements outlined in the [NCDOT Policies and Procedures for Procurement and Administration of Major Professional or Specialized Services Contracts](#) with the exception that the advertisement will be limited to SPSF firms only and will be identified as such in the advertisement through the Professional Services Management Unit (PSMU).

The SPSF procurement process can be used to deliver state and federally funded projects as part of the Federal [Fostering Small Business](#) regulation 49 CFR Part 26.39.

4.1 SPSF Project Selection (Individual projects)

When determining if an SPSF advertisement would be a good fit for a project, the NCDOT Project Manager will consider the needs of the project in correlation with the capabilities of SPSF firms. As an example, the Project Manager will compare what disciplines are required for the project with the SPSF firms that are prequalified in those areas.

For these specific types of services, the advertisement would identify that the project is limited to SPSF certified firms only. Other than limiting what firms can submit, the [NCDOT Policies and Procedures for Procurement and Administration of Major Professional or Specialized Services Contracts](#) will be followed for the procurement.

4.2 SPSF Project Selection (LSC projects)

Another option for procuring an SPSF firm(s) is through an LSC advertisement that is limited to SPSF primes only.

When assigning work off an LSC, consider matching the needs of the project to the capabilities of the firm.

5. Subcontracting

Prime SPSF firms/team will be selected for an assignment based on their qualifications meeting the needs of the project. For example, a firm that specialized in Utilities would not be a good selection for a roadway design project. However, if allowed, SPSF firms may subcontract activities to other firms (SPSF or non-SPSF) to meet the prequalified discipline requirements of the advertisement. Subletting of disciplines to form a well-rounded team is appropriate but, it is important that SPSF primes do not become a broker or a pass-through to non-SPSF subconsultants. To assist in this, it is recommended that the Project Manager monitor RS-2 submittals to ensure that the SPSF Prime remains in responsible charge of the project.

Subletting of advertised SPSF contracts will follow the current process outlined in the [NCDOT Policies and Procedures for Procurement and Administration of Major Professional or Specialized Services Contracts](#) or as outlined in the advertisement.

6. SPSF Evaluations

SPSF firms who provide a service will be reviewed and evaluated the same as non-SPSF certified firms via the Consultant Evaluation Process. Where required, SPSF firms must also meet all the same prequalification, licensing, and insurance requirements as other (non-SPSF) firms.