

Policy Change
Sub Consultant Pre-Qualification
4/15/12
Clarification 7/11/12*

Please be aware that the policy for sub consulting under the MnDOT Pre-Qualification Program has changed. Sub consultants no longer need to be prequalified. Only the prime consultant on a contract must be prequalified in the work types required for the contract/project. This change is effective immediately. The following details the policy change:

“Old” Policy for Prequalification Program Regarding Sub consultants:

In order to be considered for professional/technical work (P/T) contract work under the MnDOT Pre-Qualification Program, and in order to perform work under an applicable work type for a specific contract, all consultants performing the work must be prequalified. If the prime consultant is not prequalified in a work type deemed to be necessary for the contract, then they must sub consult the work out to a consultant that is prequalified.

New Policy Effective Immediately:

In order to be considered for professional/technical work (P/T) contract work under the MnDOT Pre-Qualification Program, and in order to perform work under an applicable work type for a specific contract, only the prime consultant must be prequalified. The prime consultant will be responsible for all of the work under the contract, but may sub consult portions of the work to non-prequalified consultants with MnDOT approval. ***If the prime consultant is not prequalified in a work type deemed to be necessary for the contract, then they must sub consult the work out to a consultant that is prequalified.**

Reasons for the Change:

- Consultant Services has been approached by smaller firms and DBEs that are missing out on opportunities because they are not prequalified for certain work types. These firms have expertise and can perform pieces of the work required for certain work types, but may not meet all of the requirements to be prequalified for that work type. For example, a small firm that has only one engineer on staff cannot become prequalified for Bridge Design even though they are more than qualified to just do the design for the retaining walls for the bridge. This policy change opens the door for small businesses to be able to perform work for MnDOT under the supervision and direction of prequalified firms.
- It is anticipated this policy change will provide more opportunities to smaller businesses and DBEs to not only work for MnDOT, but to gain valuable experience for future projects and bolster future prequalification applications.
- Policy is consistent with the P/T contracting process because in all contracts the prime consultant is responsible for all aspects of the work. Article 14.1 of the General Terms states the following: “If Contractor is authorized by State to use, or uses, any subcontractors, Contractor will be responsible for coordinating and managing the work of such subcontractors. The use of subcontractors does not relieve Contractor from its obligation to perform the services specified in this Contract.”
- Policy change potentially provides more opportunities for business that specialize in certain areas that make up a work type, but have no interest in performing the entire scope of work or meet all of the qualifications.
- Policy change potentially helps reach DBE goals and increases MnDOT and larger consultant firms’ confidence in DBEs and small businesses.

Communication of Policy Change:

Consultant Services will inform the consultant community of the policy change through the following:

- Collaboration framework (ACEC/MN)
- Consultant Services Web Site
- Office of Civil Rights Notification Emails to DBE firms

Consultants Services will inform MnDOT of the policy change through the following:

- Consultant Services Web Site
- E-Mail to Consultant Coordinators, Project Managers and Contract Administrators
- All MnDOT Managers email notification