

Federal Highway Administration Rules Concerning Consultant Selection and Contract Administration

When Federal funds are used in consultant contracts, the Federal Highway Administration (FHWA) requires the Department to comply with rules set out in 23 CFR 172. FHWA issued a set of updated rules effective June 22, 2015. The rules address program management and oversight, consultant selection, negotiation, consultant contracts, administration and cost accounting. The rules also require the Department to ensure that local governments comply with the rules when Federal funds are used in consultant agreements. State Transportation Agencies (STA), and by extension local governments, have one year from the effective date to comply with the new rule.

In order to assist local governments in compliance with Federal rules, the Department has developed policies and procedures, included in the Manual of Procedures for Locally Administered Transportation Projects, designed to assure compliance with FHWA rules. The Department is now working to revise and update both internal and local government policies and procedures in order to comply with the new rules. The Manual of Procedures for Locally Administered Transportation Projects will be updated along with associated documents including agreement forms, scope of services forms, and RFP documents.

As new procedures and rules are implemented over the coming months, it will be very important for local governments to review and understand the changes, and use the most current documents in selecting consultants, and negotiating and administering consultant agreements.

Link to 23 CFR 172 FHWA Rules:

<https://federalregister.gov/a/2015-12024>