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**HOUSE BILL NO. 2184**

Offered January 20, 1999

A *BILL to amend the Code of Virginia by adding in Chapter 1 of Title 33.1 an article numbered 17, consisting of sections numbered 33.1-223.10 through 33.1-223.24, relating to the Department of Transportation and the Department's use of consultants.*

Patrons—Marshall and Robinson

Referred to Committee on Transportation

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 1 of Title 33.1 an article numbered 17, consisting of sections numbered 33.1-223.10 through 33.1-223.24, as follows:**

*Article 17.**Use of Consultants by Department.*

§ 33.1-223.10. *Department to track use of consultants on department-wide basis.*

*The Virginia Department of Transportation shall measure and track the use of consultants on a department-wide basis. In establishing and implementing this process, the Department shall employ the most appropriate measures of consultant use for each function performed by consultants. For design-related work, the Department shall use the cost of projects as a workload measure.*

§ 33.1-223.11. *Review of consultant-related fields to be included in Department's financial management system.*

*The Department shall include in its financial management system a review of all consultant-related fields. Such review shall ensure the inclusion of all information necessary for project managers and Department management adequately to (i) monitor consultants and (ii) make adjustments to the fields as necessary. Such review shall include consideration of whether data entered for each field should be required or optional.*

*Contract data obtained from the Department's consultant tracking system established pursuant to § 33.1-223.10 shall be entered into the Department's financial management system, and previous systems shall be discontinued. The Department shall conduct periodic quality checks of the data in its financial management system to ensure that data is consistently and accurately recorded.*

§ 33.1-223.12. *Determination of cost-effectiveness of consultant services in Department work required.*

*The Department shall conduct a formal analysis of its work to determine which of its activities may cost-effectively be performed by consultants. Such analysis shall be used as the basis for departmental staffing decisions and requests and be used to determine the manpower requirements necessary for the Department to retain adequate in-house expertise. No Department work shall be assigned to or performed by consultants unless a cost-effectiveness analysis of so doing has been completed by the Department.*

§ 33.1-223.13. *Board approval of certain consultant contracts not to be required.*

*No provision of this title or policy, procedure, or regulation of the Department or the Commonwealth Transportation Board shall require or be construed to require the Commonwealth Transportation Board's approval of consultant contracts.*

§ 33.1-223.14. *Use of work hour estimates.*

*The Department shall ensure that its staff is aware of the importance of preparing work hour estimates in advance of receiving consultants' fee proposals. Divisional consultant services section managers shall periodically monitor negotiations for projects to ensure that work hour estimates are being prepared appropriately.*

§ 33.1-223.15. *Department to ensure development of certain standards.*

*The Department shall ensure that all its divisions that procure consultant services develop standards for the length of time required for different types of project activities. These standards shall be periodically reviewed to ensure accuracy. Project managers shall be provided with these standards and shall use them in negotiating work hours with consultants.*

§ 33.1-223.16. *Department to institute certain training.*

*The Department shall, as soon as practicable, institute contract negotiation training for Department personnel engaged in contract negotiations with consultants.*

§ 33.1-223.17. *Department to develop policy for use of certain contracts.*

*The Department shall develop a formal policy governing the use of limited services contracts by the Department's divisions. Such policy shall identify the conditions under which use of limited services*

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60 *contracts shall be authorized. Furthermore, the Department shall also develop and require all its*  
61 *divisions to use a standard mechanism for tracking individual projects assigned to limited services*  
62 *contracts.*

63 *§ 33.1-223.18. Memorandum of agreement required prior to proceed on project.*

64 *No notice to proceed on any project shall be issued by the Department involving the use of any*  
65 *consultant unless a memorandum of agreement governing such project has been signed by the*  
66 *Department and the consultant.*

67 *§ 33.1-223.19. Department to ensure review of certain vouchers and completion of certain*  
68 *evaluations.*

69 *The Department shall ensure that all its relevant division staff review vouchers for consultant*  
70 *projects and complete consultant evaluations on all projects at least every six months. If the Department*  
71 *has insufficient staffing to perform such oversight activities, it shall submit a request for the required*  
72 *positions to the General Assembly at its next regular session.*

73 *§ 33.1-223.20. Department to implement plan to evaluate certain design comments.*

74 *The Department shall implement its plan to evaluate design comments identified through the Design*  
75 *Quality Index review, identify causes of plan errors, and take appropriate corrective actions. The*  
76 *Department shall use information from this review in further examining staffing concerns.*

77 *§ 33.1-223.21. Department to develop certain training plan and policies manual.*

78 *The Department shall develop a training plan and a policies manual for staff consultant project*  
79 *managers to provide those managers with detailed guidelines for project oversight.*

80 *§ 33.1-223.22. Department to develop certain formal models.*

81 *The Department shall develop formal models for coordinating potentially overlapping studies and*  
82 *projects. Such models shall include standards to (i) allow for coordination efforts to begin at the*  
83 *earliest possible stage, (ii) allow effective coordination of the public involvement process, and (iii)*  
84 *include a mechanism to ensure that conflicts are addressed. Such models shall be incorporated into the*  
85 *Department's project management manual.*

86 *§ 33.1-223.23. Department to develop and implement system or process to preserve and identify*  
87 *certain information.*

88 *The Department shall develop and implement a system or process to preserve and identify historical*  
89 *project information for use in coordinating the Department's projects and avoiding duplication of efforts.*

90 *§ 33.1-223.24. Department to develop mechanism to ensure consistency in certain division*  
91 *management practices.*

92 *The Department shall develop a mechanism to ensure consistency in division management practices*  
93 *regarding consultant use. In developing such a mechanism, the Department shall consider, but need not*  
94 *be limited to, creating the position of assistant to the Chief Engineer or strengthening the Department's*  
95 *Consultant Coordinating Committee.*

96 **2. On or before November 1, 1999, the Department shall report to the House Committee on**  
97 **Appropriations and the Senate Committee on Finance on its implementation of the requirements**  
98 **of § 33.1-223.12, recent staffing changes, its competency-based staff evaluation and compensation**  
99 **problems.**