

## **Consultant Loss of Key Staff Notification Process**

**February 9, 2015**

The intent of this document is to outline the process for notifying and informing MDOT when a consultant experiences the loss of key staff. This plan provides guidance to consultants and MDOT to ensure that projects currently being worked on are not adversely impacted due to a loss of key staff, as well as the actions required by consulting firms to maintain their prequalification in the categories for which the individual is listed as a key staff member. First, the process for notifying MDOT of the key staff loss and the subsequent replacement of the key staff specifically on a project level is outlined. Second, requirements pertaining to prequalification implications due to a loss of key staff are provided.

The loss of key staff may have an immediate effect on a project or specific discipline, or losses may have no immediate impact on work and can be worked out over time. Therefore, timely communication with the MDOT Project Manager is critical to making this determination and resolving these issues. It is the joint responsibility of MDOT and the consultant to understand the risks of have certified and qualified staff performing work on the project.

Note that if a project is suspended during the delivery of services, even if no work is being performed, the consultant is still required to inform MDOT of the loss of key staff.

### **PROJECT**

The following steps are required when a consultant loses a key staff member on a project:

1. The consultant will provide written notice to the MDOT PM within five (5) business days of the effective date of the departure of the employee. The written notice will include a transition plan complete with the name, resume and applicable certifications of the proposed replacement, as well as a brief explanation as to why the proposed replacement is recommended, along with the process the consultant will enact to ensure a smooth transition. This information will accompany the required MDOT form for staff replacement.
2. If accepted, MDOT will notify the consultant in writing within five business days.
3. If the proposed replacement(s) are not accepted or concerns arise, a phone call or meeting will be held to discuss the proposed plan and the concerns of MDOT. This meeting will be initiated by MDOT and will occur within ten business days of the receipt of the aforementioned written communication

During the meeting, the consultant and MDOT will discuss subsequent courses of action. These may include, but are not limited to:

- a. MDOT may accept or reject the proposed replacement. The consultant may propose alternatives until available staff is exhausted.

- b. MDOT and the consultant may agree that the work in question be sub-contracted to another (prequalified) firm as long as the integrity of the Qualification Based Selection (QBS) process is maintained. The decision on the percentage of allocation of work between the prime and the sub will be made by the prime and approved by MDOT.
- c. If it is in the best interest of MDOT and the success of the project, the consultant and MDOT may arrange a mutually beneficial agreement that works within the requirements of QBS and the applicable CFR.
- d. The consultant may request an extension of time to find an adequate replacement and the MDOT PM may grant this extension in the event that the extension of time will not be detrimental to the successful delivery of the project.

Upon agreement by all parties, MDOT will notify the consultant in writing by signing the current required MDOT form submitted by the consultant within seven business days of receipt. The consultant is to prepare and document the meeting notes and any action items from these meetings.

### **Consequences**

Failure to comply with the established procedures will be reflected in the consultant project evaluation and/or other actions as determined appropriate by the Department.

### **PREQUALIFICATION**

The loss of the key staff may affect the consultant's prequalification, and therefore the following steps are required.

1. If the key staff is listed as key personnel in a prequalification category, the consultant will notify MDOT Contract Services Division (CSD), in writing within 10 business days of the departure of the key staff. The notification must also provide a list of current MDOT projects affected by the prequalification associated with the lost key staff member, should this be the case.
2. Prequalification will immediately be revoked if no immediate replacement is available from the initial Prequalification Application. The prequalification will remain revoked until the replacement key staff is confirmed and approved by MDOT. Prequalification will immediately be reinstated upon MDOT's approval of the consultant's replacement key staff. However, failure to provide an approved replacement within 6 months (effective the date the notification of the loss of key staff to CSD), the consultant will be required to submit a full prequalification application package. MDOT will have ten business days from the date of the written notification to make a determination on the adequacy of the replacement.

### **Consequences**

Failure to comply with the established procedures will result in the loss of the consultant's prequalification status for up to 12 months in the affected classification.

Any consultant that notifies MDOT of new staff, submits staff for prequalification or replacement, offers staff in a proposal, or in anyway represents as staff who is not a bona fide employee of that firm will be

subject to loss of prequalification for an unspecified length of time and/or other actions as determined appropriate by MDOT.