

# Work Authorization Assignments

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TxDOT authorizes work on engineering, architectural, and surveying professional services contracts using work authorizations (WAs). A WA is a part of the contract and must fully comply with all contract terms, including those that reference the scope of work, fee schedule, and work schedule. WAs for indefinite deliverable (ID) contracts are issued and assigned by the Professional Engineering Procurement Services Service Center (PEPS SC). This guidance reviews the procedures used by the PEPS SC for making those assignments.

## ID Work Authorizations

For ID contracts, WAs define a specific project in a District or Division (D/D) and are limited by the following rules (Texas Administrative Code in 43 TAC §9.32):

1. WAs may only be issued during the first four years after contract execution.
2. WAs must be completed by the termination date of the contract. For most PEPS ID contracts, the termination date is five years after contract execution.
  - a. Federal contracts may not be extended beyond five years.
  - b. Non-federal (aka State) contracts may be extended beyond five years with the approval of the PEPS Division Director and contract Signature Authority.

PEPS SCs procure ID contracts for use in their respective D/Ds based on anticipated and planned needs. Typically, multiple ID contracts (known as a series) are procured in a single solicitation. The PEPS SC must follow the appropriate process when assigning work authorizations to a series. The defined WA assignment process must be followed without considering the provider's identity, rates, or other anticipated costs.

When assigning WAs in a series of contracts, TxDOT policy requires that the PEPS SC:

- ensure consistent application of guidelines across all D/Ds
- assign WAs and distribute work to providers equitably
- manage available contract capacity consistently, effectively, and proactively
- assign WAs for federal contracts based on a secondary evaluation process, which is qualifications-based.

*NOTE:* Available contract capacity refers to contracts with both operational value and with time remaining for the assignment of new work.

## Assigning WAs for a Series of Non-Federal ID Contracts

When considering assignments for a series of contracts procured using a non-federal selection process, WA assignments are issued in order of rank. After one complete rotation through the series, available contract capacity (value or time) is considered to ensure the utilization of contract capacity is distributed equitably.

When a new series of contracts is procured, the PEPS SC may have an existing series of contracts that is nearing the end of availability due to reduced capacity or limited time to issue new work. The existing contracts and new contracts are treated as a single series. The new contracts are added to the end of the rotation. The older contracts are given priority on the assignments, with the goal to maximize the utilization of existing contracts.

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## Assigning WAs for a Series of Federally Funded Contracts

When considering assignments for a series of contracts procured using a federal selection process, each WA is awarded through an additional second-tier qualifications-based selection procedure ( U.S. Code of Federal Regulations 23 CFR §172.9). Contracts procured under different solicitations are not required to be competed between each other.

The PEPS SC will work with the D/D to assign WAs using the following procedure:

1. The first WA is assigned to the top ranked provider.
2. For each subsequent WA, the PEPS SC and D/D will evaluate the proposals and resumes for the solicitation and select the provider that is most qualified for the services required for the WA project assignment.
3. The PEPS SC may consider the following additional factors when making assignments for WAs:
  - a. availability of the qualified provider's staff based on previous WAs already assigned to the provider;
  - b. remaining capacity (value and time) of the provider's contract;
  - c. past performance of the provider on previous WAs; and,
  - d. conflict of interest of the provider, if the provider has a conflicting business relationship or has performed previous work on the project (Utility or CEI).

Some solicitation events for multiple ID contracts specify one or more Districts in the solicitation. These contracts are assigned to specific districts after execution. For a single contract assigned to a district, the second-tier qualifications based process for assigning WAs is not required. For pools of multiple contracts (2 or more) assigned to a district, the second-tier qualifications process will be used to assign WAs in that district.

For questions related to the WA assignment process for a particular contract, contact the appropriate PEPS Service Center.