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MONTANA DEPARTMENT  
OF TRANSPORTATION

## **2018 Preconstruction Conference**

### **Interacting with Consultants for MDT Personnel**

Ryan Dahlke – Consultant Design Engineer  
Dave Holien – TA Engineer  
Bryan Miller – Consultant Plans Engineer



## Presentation Outlines

- Why Use Consultants?
- Overall Responsibilities & Communication
- Delegation – an MDT Obligation
- One Contract to Rule Them All
- Reviewing Consultant Submittals
- Q & A

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## Why Consultants?

Additional resource/capacity



Additional expertise & ideas



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Why does MDT use consultants on certain projects? MDT does not have the capacity to deliver all of the projects in the program.

Frequently FM's wonder why we have consultant projects and there is a thinking that MDT could do these tasks/activities on their own more efficiently, etc. In reality we can't. MDT simply does not have the capacity to handle all work in house. As we look at projects in EPS, we can see projects that are often red due to the lack of resources.

Functional Managers may feel obligated to complete all the work assigned to them. They may feel that it is easier to do the work rather than hire a consultant. Traditionally, project schedules have slipped in EPS to match the resources available. Another approach is to increase your resources by adding consultants to the design team.

Consultants can add a new perspective as well. They have experiences and resources with different expertise that MDT can effectively use to deliver projects.

MDT relies on consultant services for specialized services that are beyond the level of expertise within MDT. Waste water treatment for Rest Areas is an example of this.

Consultants are simply an extension of the MDT team and are important to delivering the program.

## Responsibilities

- MDT obligations
  - Set clear expectations
  - Clearly define scope, schedule, and budget
  - Assign an appropriate level of delegation
- Consultant obligations
  - Complete scope within schedule and budget.
  - Contract obligations
- Everyone's obligations
  - Teamwork!

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When hire a consultant, what's our responsibility? MDT has the responsibility to help ensure the success of the **project and the team**. We need to set expectations for the project and to communicate those expectations clearly, to set the scope, schedule, and budget, to delegate effectively, and to provide an appropriate level of guidance. We don't just hire them and walk away expecting a finished product at the end. We stay actively involved to make sure the scope, schedule, and budget are achieved.

When a consultant takes on a project, what are their responsibilities? The Consultant has the responsibility to help ensure the success of the **project and the team**. This includes putting the success of these before themselves. They have contractual requirements to complete the scope of the task within the schedule an budget.

**Everyone** is obligated to do their part to maximize the potential for the project and the team to be successful!

## Communication..... the key to it all



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Communication is the key to not only getting what you want, but also to giving the other party the best chance to succeed.

Reading minds is a difficult task. It is imperative that we all bear the burden to actively and effectively articulate what we want, and what we understand the other party is expecting.

Always be asking yourself..... does the other person understand what I am expecting? And more importantly..... How do I know they do?

## Communication

### ➤ Successful Team Communication

- ✓ Communicate expectations up front
- ✓ Actively listen and reaffirm what you heard
- ✓ Recognize everyone as equal team members
- ✓ Allow for creativity and innovation
- ✓ Provide frequent, constructive feedback
- ✓ Check in regularly
- ✗ Don't make assumptions

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- Communicating expectations up front – don't expect others to simply know what you want.
- MDT has the overall responsibility of the owner which includes construction, maintenance, and so on. We set policy, determine scope, schedule, budget and required quality. It's critical we communicate those requirements early.
- Delegation: Appointing a person to act on one's behalf. For them to act on your behalf, you need to be clear what you want if you have specific needs or requirements.
- Allow for creativity, professional judgement, and yes..... opinions. They may very well have experiences that we don't. People thrive on the ability to be creative and use judgement, and with it comes increased ownership and pride in the work.
- Consultants are an extension of team – not an outsider that should know everything.
- Provide feedback **regularly**. Is consultant still on scope? Are MDT expectations met? And don't wait until the end to do so.
- Practice active listening. They should be reaffirming what they heard. If they aren't..... remind them to. Ask for feedback frequently. Check in. If they aren't..... remind them to.

## Level of Delegation

1. Do as I Say
2. Give me your Advice, I'll Decide
3. Explore, Decide and Check with Me
4. Explore and Decide within these limits
5. Take care of it for me.



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What is delegation?

Appointing a person to act on one's behalf. Delegation is the entrusting of authority, and responsibility to another. Delegation is a process of granting an authority to someone else to cope with the increasing work load and make effective use of time and resources to minimize cost of an organization.

Here are some levels of delegation that MDT may incorporate in hiring consultants.

There is not a one size fits all for MDT work delegated to Consultants. There are too many dynamics to expect one particular level of delegation. Within a project there may be different levels of delegation for different task. For the most part MDT delegates work to consultants at level 3 (Explore, Decide and check with me). However, sometimes we delegate to the consultant at level 5 but we review at level 2 or even level 1!!! In these cases we create confusion, frustration, time delays and higher cost.

## Delegation Process

- **Analyze the task**
- **Analyze Consultant Capabilities**
- **Assign Task (determine level of delegation)**
- **Provide Backup and Support**
- **Regular Feedback Sessions**
- **Review (based on level of delegation)**

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Here is a six step process for delegating consultant work.



## Analyze the Task

- **What is the task?**
- **When is it due?**
- **What resources are available?**
- **What resources are required?**
- **What is the expected outcome or deliverable?**
- **Who does the delegating?**

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Lets look at the first step Analyze the task

In other words. What is Scope, schedule and budget for the work to be done.

What is the purpose and need for the work to be done?

What are the constraints in respect to scope, schedule and budget put in place by the project sponsor?

For projects managed by consultant design we are relying on the MDT design team to help delegate the work.

## Analyze Consultant Capabilities

- **Qualifications**
- **Task Approach**
- **Past Performance**

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### **The second step is to Analyze the Consultant's Capabilities:**

Consultants are selected based on qualifications and past performance for the work to be done.

Based on the consultant's track record are they capable of a higher level of delegation? Or do they need a lower level of delegation. This is really no different than any employee on the team.

MDT administration is encouraging us to delegate to the higher levels of delegation. We need to work at getting there. This is not something that can happen overnight or that can apply to all situations or all consultants. We need to work through this on a case by case basis.

## Assign Task (Scoping)

- **Setting Expectations**
- **Deadlines**
- **Budget**
- **Define outcome**

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The third step in the delegation process is **Assign Task “Scoping”**

Assign tasks based on the level of delegation that is appropriate. The target for delegating work to consultants is level 3 (Explore, Decide and Check with Me).

Setup expectations up front. Define the right outcomes. Explain objectives. Discuss timelines and deadlines. Provide examples. It is better to focus on the outcome of the project rather than “how” to complete the project. Activity descriptions that guide consultants should focus on outcomes rather than describe how to complete the activity. Keeping activity descriptions up to date is a good way of communicating expectations. Consider a method specification versus a performance specification. Should work described to consultants be any different? Ensure understanding: Clear communication, ask for clarification.

## Provide Backup and Support

- **Guidance**
- **Training**
- **Accountability**
- **Follow up**

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### **The fourth step is Provide Backup and Support**

Make sure guidelines are current and available. Make sure information to MDT staff for design is available to Consultants. Communicate changes in policy, standards, details, etc.

Appropriate support does not mean micromanaging work. Provide accountability with Follow-up meetings, reviews and progress reports. Avoid interference.

MDT has many built in opportunities for backup and support:

Manuals, guidelines and memos etc.

Standard specifications

Standard Details

Standard Activity descriptions

Potential Training

An example of training is R/W design has developed training and offers project related training for every project to consultants.

## Regular Feedback Sessions

- **Based on level of Delegation.**
- **Is Consultant on scope?**
- **Have any requirements changed?**

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### **The fifth step is Regular Feedback Sessions**

Feedback is based on the level of delegation. This is where we check in and monitor progress with the work. Also, communicate any changes in requirements or scope.

MDT has many established opportunities to provide feedback:

These include scoping documents with the consultant  
milestone meetings such as the scoping, AGR, PIH and FPR  
Milestone reports such as PFR, AGR, SOW, PIH, FPR  
Progress reports submitted by Consultants  
Status meetings

## Review

- **Did Consultant complete scope?**
- **Are MDT expectations met?**
- **Review based on level of delegation.**
- **Communicate results of review.**

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### **The last step in the delegation process is to Review**

Is consultant still on scope? Are MDT expectations met?

Consultant has ownership of design – Consultants are responsible for indemnifying MDT for errors and omissions. (reference contract)

This is also the time to review the delegation process. Did we delegate effectively? How can we improve? If there were problems completing the project, how did the delegation process contribute to the problem?

## Quality

- **Effective Delegation will result in Quality**



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With effective delegation which includes analyzing the task, assigning the task with proper level of delegation, set the right expectations, providing backup and support and guidance; with regular feedback sessions and proper evaluation by MDT, MDT will be more effective in receiving quality work from consultants.

## Level of Delegation

1. Do as I Say
2. Give me your Advice, I'll Decide
3. Explore, Decide and Check with Me
4. Explore and Decide within these limits
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Just to summarize here are the levels of delegation



## Responsibilities

### Consultant responsibilities

- Complete Scope within schedule and budget.
- Contract obligations
  - Discuss language in the contract

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Now that we've talked about what MDT's responsibilities are regarding delegation of work to a consultant, let's talk about what the Consultant's responsibilities are, starting with what's in the contract.

## What's in the Contract?

- Consultant's submission of its work to MDT shall follow the schedule agreed to, in writing, by the Consultant and MDT.
- The Consultant must meet all deadlines and Deliverables set forth on the Project Schedule, unless approved otherwise, in writing, by MDT.
- The Consultant is not responsible for delays caused by Force Majeure, failure of any governmental or other regulatory authority to act in a timely manner, failure of MDT to furnish timely information or to approve or disapprove promptly the Consultant's services or work product; or delays caused by faulty performance by MDT.



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So, what exactly *is* in our contracts?

Consultant's submission of its work to MDT shall follow the schedule agreed to, in writing, by the Consultant and MDT. This is really straightforward – the schedule is really important, and we should plan to stick to it. That means that we can be better prepared for when the Functional Manager's review activity is scheduled to begin – we should be able to plan for that.

The Consultant must meet all deadlines and Deliverables set forth on the Project Schedule, unless approved otherwise, in writing, by MDT. Again, it goes without saying, but each deliverable must meet the agreed upon schedule.

The Consultant is not responsible for delays caused by Force Majeure, failure of any governmental or other regulatory authority to act in a timely manner, failure of MDT to furnish timely information or to approve or disapprove promptly the Consultant's services or work product; or delays caused by faulty performance by MDT. MDT's review of consultant work can and will have an impact on the overall schedule. If MDT is causing delays to the Consultant, they are not responsible. It is paramount that we (MDT) also adhere to the schedule as much as possible with our review activities. There are times impacts to the schedule will be unavoidable, but we all need to strive to meet the

schedule. **Check** and **update** EPS **often** and **communicate regularly** with the Project Manger.

## What's in the Contract?

- MDT is not responsible for:
  - QC
  - incomplete submittal
  - inadequate submittal

## What's in the Contract?

- “**3.8.** The Consultant is responsible for the content of each Deliverable submitted at each stage of Project development.”
- “**3.9.** The Consultant understands and agrees that MDT will not perform detailed checks of the Deliverables.”
- “**5.2.2.3.** Construction problems or conflicts arising as a result of design or plan errors or omissions are the Consultant's responsibility.”

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Here are some important excerpts from the contract:

**3.8.** The Consultant is responsible for the content of each Deliverable submitted at each stage of Project development.

**3.9.** The Consultant understands and agrees that MDT will not perform detailed checks of the Deliverables.

**5.2.2.3.** Construction problems or conflicts arising as a result of design or plan errors or omissions are the Consultant's responsibility.

## Review

- Reviewing to the communicated expectations
  - Consultant contractual responsibilities

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So what does this all mean? So now we've talked about delegation, scoping the consultant, and the consultant's responsibilities particularly as per the contract, so what does this mean in respect to reviewing consultant work?

To be clear, the consultant has responsibilities to meet what's in the contract.

Our responsibility is to ensure our expectations are IN the contract.

It is our responsibility to then be sure we review work against what we have communicated for expectations - *and put in the contract*. This will give the **best chance** that the consultant will deliver a product that meets **YOUR** expectations.

We are reviewing the work from the owners perspective – the owner reviews the results.

To further emphasize to when Bryan was talking about delegation, this comes down to review of the expectations that were **communicated**.

## Review

- **Is consultant on track?**
  - What if they are not?
- **Are MDT expectations met?**
  - What if they are not?
- **Accountability**
- **Incomplete or unacceptable submittals?**
- **What is the new expectation for less MDT review of consultant work**

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When things aren't what we expect, it's not always clear what to do about it. Don't jump to conclusions and don't make assumptions. Get the facts - Look at what was scoped, what was communicated, and what is **in the contract**.

For instance, say that we wanted a house painted. If we just tell a contractor to paint a house, they will do just that – in whatever color they choose, but they will get it painted. And we should review according to that. Compare that with if we told a contractor to paint a house "earth tone." Again, we will get just that, though it's closer to what we truly wanted, but did we really get what we wanted? Furthermore, if we tell a contractor to paint a house "Beige SW6108", we will get just that.

It comes down to setting clear expectations, and we need to review according to the expectations that were communicated. If we tell the consultant to design something to industry or federal standards, or MDT standards, that's what we'll get. We need to be clear in setting expectations and we need to review to those expectations that were set.

As you can see, careful and clear communication is **paramount**. If we asked a consultant to consider something, did they do it? If we really wanted something specific or for them to explore something and check back with MDT, we expect the consultant to do that.

Incomplete or unacceptable submittals: Partial rejection? Full rejection? Revise and handle with next submittal? It depends.

Is consultant still on scope? What if they are not? If they aren't what can MDT do to get the project back on track: **clear communication** with the Project Manager is key.

Are MDT expectations met? What if they're not? Reject work with no communication? That is what the contract says, but is that the best approach for the success of the project? The **success of the project** is paramount and comes first – **ahead** of the success of the consultant, Project Manager, and the Functional Manager. When the project succeeds the whole team succeeds.

The consultant has ownership of design – Consultants are responsible for indemnifying MDT for errors and omissions. The specific language can be found in our consultant contract.

One thing I like to say is: we're all on the same team here. Project Manager's need to be sure to adequately involve their Functional Managers during scoping. If we get the scope correct up front and set clear expectations, we're more likely to get what we want. If a deliverable doesn't meet expectations, there generally isn't a one-size-fits-all response. The Functional Manager and the Project Manager should communicate to come up with a plan to address the gap in what was submitted vs. the expectations.

Management' would like to reduce MDT's effort and expense to review consultant work. We can get to this vision of less MDT personnel effort, hours spent, and expense incurred reviewing work by consultants if we focus on more upfront work establishing expectations at scoping, communicating those expectations, and ensuring these expectations are **in the contract**.

So, what does this all mean for reviewing consultant work? Does this mean that I'm just supposed to reduce my review time somehow by some arbitrary amount? What should that amount be? The answer to this and how we are going to get there as a department comes back to what was scoped and in the contract. If we get the expectations communicated correctly **up front** then less review time should be needed. This should result in overall lower project costs – both for MDT staff and for the consultants. We're going to get a better result when we correctly scope the project, communicate expectations, and document the level of delegation from the beginning.



## Conclusion



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*“What can **you do**, as an MDT employee, that will contribute to the success of the project you’re part of?”*

Our call to action is for all of us to consider this question when we get back to it in the office. The next time you participate in a team involving a consultant, consider asking yourself what specific steps you’re taking to proactively help the project, and just as importantly your team, succeed.