

## PMM Addendum No. 3 – Consulting Contract Administrator

– effective September 27, 2022 – to align with the updated General Conditions for Consulting Services, requires a change from “project manager” to “Consulting Contract Administrator” in referring to the person who administers consultant contracts.

The following PMM Sections or pages are impacted by this change:

PMM Page #	PMM Section	Description
7-8	7.2	Perform Integrated Change Control Process (2 changes)
7-10	7.2.2.1.2	Evaluation Stage
7-12	7.2.2.1.4	Implementation Stage
7-12	7.2.2.2	Change Control Process – Contract Level (2 changes)
7-12	7.2.2.2.1	Identification Stage (9 changes)
7-13	7.2.2.2.2	Evaluation Stage (5 changes)
9-26	9.8.4.2	Change in Scope of Services (CSS)
Appendix H – 4-14	Glossary	Add Consulting Contract Administrator definition

### † 7.2 Perform Integrated Change Control Process

...

The **Consulting Contract Administrator** is responsible for reviewing and managing all Consultant changes in a timely manner according to the Contract, while the Contract Administrator is responsible for processing of Construction contract changes (with Project Manager input).

...

For Consultant contracts, the **Consulting Contract Administrator** must review the change (Change in Scope of Services (CSS)), the budget impacts and the rules on over-expenditure before signing and issuing the change order.

#### † 7.2.2.1.2 Evaluation Stage

...

**Document Evaluation Process** – The outcome of the change evaluation process shall be documented. Where the change to the project or program originated from individual contract, the various contract change logs, proposed change notices, change work orders, and other correspondence regarding the change should be retained in the Contract Administrator and/or **Consulting Contract Administrators** project files.

#### † 7.2.2.1.4 Implementation Stage

If funding has been obtained or is available, the change can be formally approved. If no contracts are impacted by the change, the change is implemented and all impacted parties are notified. If contracts are affected (for example, in cases where a contract change was identified), the

Contract Administrator (for Contracts) or **Consulting Contract Administrator** (for Consultant Contracts) will issue a Change Work Order (CWO) or Change in Scope of Services (CSS).

### † 7.2.2.2 Change Control Process – Contract Level

The Change Control Process – Contract Level process is shown in Figure 7-6. Recall that contracts for construction, services and goods are administered by a Contract Administrator (CA) who may be internal or external to the City, while consultant contract are typically administered by a **Consulting Contract Administrator**/City Project Manager, and has authority analogous to those of a Contract Administrator. The General Conditions for each appropriate type of Contract outline the authorities of the Contract Administrator (or **Consulting Contract Administrator**) and how to address changes to the contract.

#### † 7.2.2.2.1 Identification Stage

Changes may be initiated by the Contractor (or Consultant), Contract Administrator or City. Contractors (or Consultants) identifying a change should notify the Contract Administrator (or **Consulting Contract Administrator**) in writing by submitting a Request for Information (RFI), or alternatively a notice of a change in work, or a notice of a change in the scope of work, as per the General Conditions. Once submitted, the Contract Administrator (or **Consulting Contract Administrator**) should record the information, and proceed to evaluate if it is in fact a legitimate change to the Contract. If it is not, the Contract Administrator (or **Consulting Contract Administrator**) shall respond to the change notice with their determination, at which point the Contractor (or Consultant) shall proceed with the work.

The Contract Administrator (or **Consulting Contract Administrator**) should conduct an initial review to determine if the change is contractually legitimate and warranted. If not, this determination is communicated to the Contractor (or Consultant). If it is legitimate and initially deemed to be warranted but there is no time to prepare a Proposed Change Notice (PCN) and negotiate a mutually acceptable price, the Contract Administrator (or **Consulting Contract Administrator**) may issue a Field Instruction (or, in the case of consulting contracts, a Change in Scope of Services (CSS)) directing the Contractor (or Consultant) to proceed with the work, and prescribing the valuation of the work.

If at any time a Contractor (or Consultant) disputes the Contract Administrator's (or **Consulting Contract Administrator's**) determination or valuation of a contract change, they may take up the dispute resolution process as defined in the contract.

...

A reasonable period of time (typically 5-10 business days) for the Contractor to respond to the PCN (depending on the magnitude of the change), and should be stated on the PCN as well as the method for valuation of the contemplated change (refer to General Conditions). The Contract Administrator (or **Consulting Contract Administrator**) shall maintain a log of all PCNs and their status in the Proposed Change Notice Log.

When receipt of the Contractor's (or Consultant's) response is in hand, the Contract Administrator (or **Consulting Contract Administrator**) shall record the date of the response and the amount in the Proposed Change Notice Log.

Note that the PCN template provides a space for the Contractor (or Consultant) to provide a quotation for the requested change, however, the PCN itself need not be filled out by the Contractor (or Consultant). Any manner of quotation (preferably in writing) may be issued from the Contractor (or Consultant) to the Contract Administrator (or **Consulting Contract Administrator**)

such as by letter, email, or taken as meeting records during site meeting discussions, and deemed to be a legitimate quotation for consideration.

### † 7.2.2.1.4 Evaluation Stage

The Contract Administrator (or **Consulting Contract Administrator**) shall promptly review the cost proposed by the Contractor (or Consultant), and if not acceptable, shall request them to provide further substantiation of the costs, or cost revisions.

If either the Project Manager or Contract Administrator becomes aware that the Contractor is performing the work prior to approval, the Contract Administrator shall immediately issue a stop work order to the Contractor. Under the legal concept of unjust enrichment, if the City is aware the Contractor is performing the work and does not stop it, the City may be responsible for the expense. This also is contrary overriding principle of the integrated change control process in that the cost is known in advance of the work.

The Contract Administrator (or **Consulting Contract Administrator**) logs all identified requests or queries that could affect the project on the appropriate project documentation, which helps track and manage all identified issues and their disposition.

...

If mutually agreeable pricing cannot be arrived at or it is taking too long and time is of the essence, the Contract Administrator (or **Consulting Contract Administrator**) may at any time issue a Field Instruction (or Change in Scope of Services) directing the Contractor (or Consultant) to proceed with the work immediately. The Contract Administrator (or **Consulting Contract Administrator**) may also set out the valuation for how the work is to proceed. The Contractor (or Consultant) must comply with the directive, and if they further dispute the determination of the Contract Administrator (or **Consulting Contract Administrator**), they may proceed to the dispute resolution process as defined by the contract. Dispute resolution can be costly and tedious, and every reasonable effort should be made to resolve disputes before they are advance to the formal dispute resolution process

### † 9.8.4.2 Change in Scope of Services (CSS)

The Change in Scope of Services (CSS) serves as the vehicle to issue a formal notice of a change to a Consultant Services Contract in accordance with the applicable General Conditions for Consultant Services. A CSS is issued by the **Consulting Contract Administrator** for Consulting Contracts.

### † Glossary – Add Consulting Contract Administrator Definition

<b>Consulting Contract Administrator</b>	The individual whose role is identified in a contract with specific responsibilities and authority administering a consultant contract.
------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------