



# Illinois Department of Transportation

2300 South Dirksen Parkway / Springfield, Illinois / 62764

June 11, 2010

## **CIRCULAR LETTER 2010-04**

### **CONSULTANT PREQUALIFICATION REQUIREMENTS FOR FEDERAL WORK**

COUNTY ENGINEERS/SUPERINTENDENTS OF HIGHWAYS  
MUNICIPAL ENGINEERS/DIRECTORS OF PUBLIC WORKS/MAYORS  
CONSULTING ENGINEERS

For local agency projects utilizing federal funds, the Code of Federal Regulations (CFR) Title 23 637.209 provides the basis for Independent Assurance (IA). Key provisions that need to be followed are sub-articles (b) and (c) as follows:

(b) Sampling and testing personnel. After June 29, 2000, all sampling and testing data to be used in the acceptance decision of the IA program shall be executed by qualified sampling and testing personnel.

(c) Conflict of interest. In order to avoid an appearance of a conflict of interest, any qualified non-STD [State Transportation Department] laboratory shall perform only one of the following types of testing on the same project: Verification testing, quality control testing, IA testing, or dispute resolution testing.

On federal projects, consultants retained to perform verification, IA or dispute resolution testing must meet the department's prequalification requirements of one or both of the following categories:

- QA HMA & Aggregate, or
- QA PCC & Aggregate

In addition, the same consultant cannot perform work for the contractor and perform quality assurance for the contracting agency, as this is a conflict of interest and direct violation of the CFR.

Those agencies not in compliance with the CFR should make every effort possible to correct this deficiency whether using federal or local funds for oversight of federal projects. All project oversight work after January 1, 2011 must be in compliance with the CFR on federal projects.

Sincerely,

Darrell W. Lewis, P.E.  
Acting Engineer of Local Roads and Streets

David L. Lippert, P.E.  
Engineer of Materials and Physical Research

Attachment