TDOT Local Programs: Local Government Guidelines Training

November 18, 2015 – Cleveland

YOUR INFORMATION SOURCE

THE LOCAL GOVERNMENT GUIDELINES MANUAL

NAVIGATION

Local Government Guidelines Manual

- http://www.tn.gov/tdot/
- Click on the “Government” box on bottom of screen
- Click on “Local Programs” under the “Grant” tab

OTHER DOCUMENTATION

The Manual provides "hot links" to other forms and documents you may need for administration of your project.

All forms are listed on the Local Programs Development Office page below the manual.

TN TDOT Department of Transportation

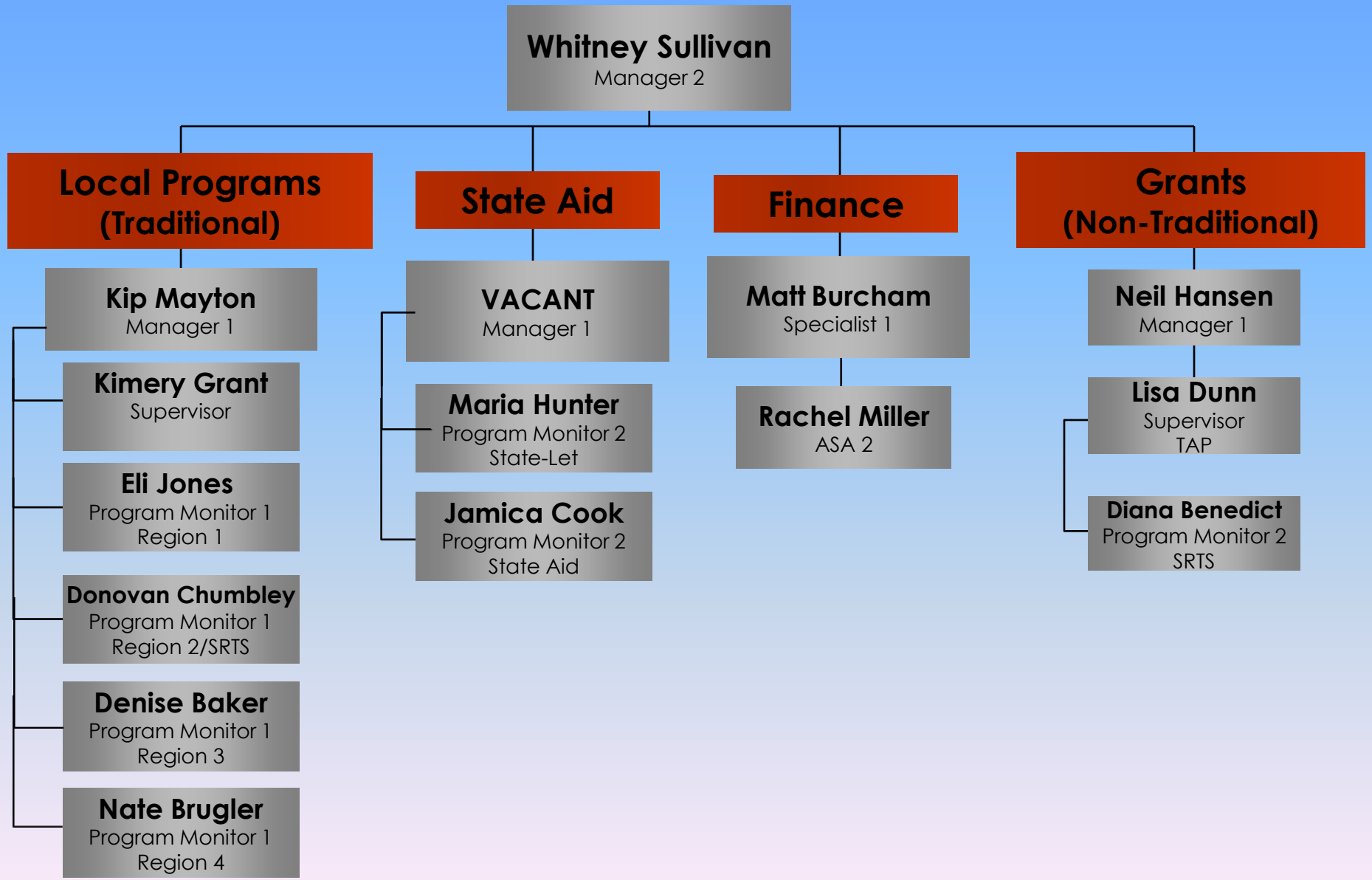
WHO WILL GUIDE YOUR PROJECT THROUGH THE PROCESS?

Your Local Program Monitor

TDOT LOCAL PROGRAMS IS YOUR MAIN POINT OF CONTACT

Local Programs Manager	Kip Mayton
Transportation Alternatives Coordinator	Neil Hansen
Safe Routes to School Coordinator	Diana Benedict
Local Programs Supervisor	Kimery Grant
Region 1 – Locally Managed Projects	Eli Jones
Region 2 – Locally Managed Projects	Donovan Chumbley
Region 3 – Locally Managed Projects	Denise Baker
Region 4 – Locally Managed Projects	Nathaniel Brugler
Invoicing	Matt Burcham

LOCAL PROGRAMS ORGANIZATIONAL CHART



WHEN CONTACTING US, PLEASE PROVIDE…

- **Project Title**
- **Project Location (City and County)**
- **Project Identification Number (PIN), an eight digit number (Example: 016055.00) assigned to each specific project**
- **PIN must also be referenced on all correspondence and reimbursement requests**

FEDERAL AND STATE FUNDS FOR LOCAL TRANSPORTATION PROJECTS

- **All the steps, regulations and procedures are in place to ensure that nobody misuses taxpayer funds.**
- **Assume every project you do will be audited.**

6 STEPS IN PROJECT DEVELOPMENT

1. Eligibility Determination ✔
2. NEPA Phase ✔
3. Design Phase ✔
4. Right of Way Acquisition Phase ✔
5. Construction Phase ✔
6. Project Closeout ✔

WHO IS ELIGIBLE FOR FUNDING?

Local Governments

(cities and counties)

SURFACE TRANSPORTATION PROGRAM (STP)

- **Match – 80% federal/20% state**
  - **Safety items are 100% federally eligible**
- **Eligible projects types– resurfacing, roadway widening, sidewalks, intersection improvements**
  - **Eligible STP Items (pg 212)**
- **How to apply – funds are programmed through TIP/STIP**

BRIDGE REPLACEMENT AND REHABILITATION (BRR)

- **Match – 80% federal/20% state**
  - **Can use State Aid to offset this cost**
- **Eligible project types– off-system bridges**
- **How to apply – bridges are identified by TDOT as needing repairs and offered to LGs as projects**

SPOT SAFETY AND HIGHWAY SPOT IMPROVEMENT PROGRAM (HSIP)

- **Match – varies**
  - **80% federal/20% local, 90% federal/10% local, 100% federal**
- **Eligible project types– anything safety related (i.e. guardrail, signage, turn lanes, flashing lights, etc.)**
- **How to apply –**
  - **Spot Safety – contact the TDOT Regional Traffic Engineer for consideration**
  - **HSIP – email the TDOT Safety Office to request a study at a particular location**

STATE PROGRAMS

- **Interchange Lighting Program**
  - Match – 50% state/50% local
  - Project type – lighting of an interchange
  - How to apply – send request letter to Commissioner
- **State Industrial Access Road Program (SIA)**
  - Match – ROW-50% state/50% local, construction-100%
  - Project type – Needing access to a new or expanding industry
  - How to apply – contact Danielle Hagewood (615-253-2521)
- **Local Interstate Connector Program (LIC)**
  - Match - 50% state/50% local
  - Project type – connecting an interstate to an interstate-like facility
  - How to apply – fill out application

GRANT OPPORTUNITIES

- **Congestion Mitigation and Air Quality (CMAQ)**
  - Match – 80% federal/20% local or 100% federal
  - Eligible project types – traffic flow improvement, transit, ridesharing, intermodal freight, education and outreach (must be in nonattainment or maintenance area)
  - Contact – Alan Jones (615-741-6832)
- **Safe Routes to School (SRTS)**
  - Due Jan. 15, 2016 at 2PM CST
  - Match – 100% federal
  - Eligible project types – traffic diversion improvements, sidewalks, on-street bicycle facilities
  - Contact - Diana Benedict (615-253-2421)

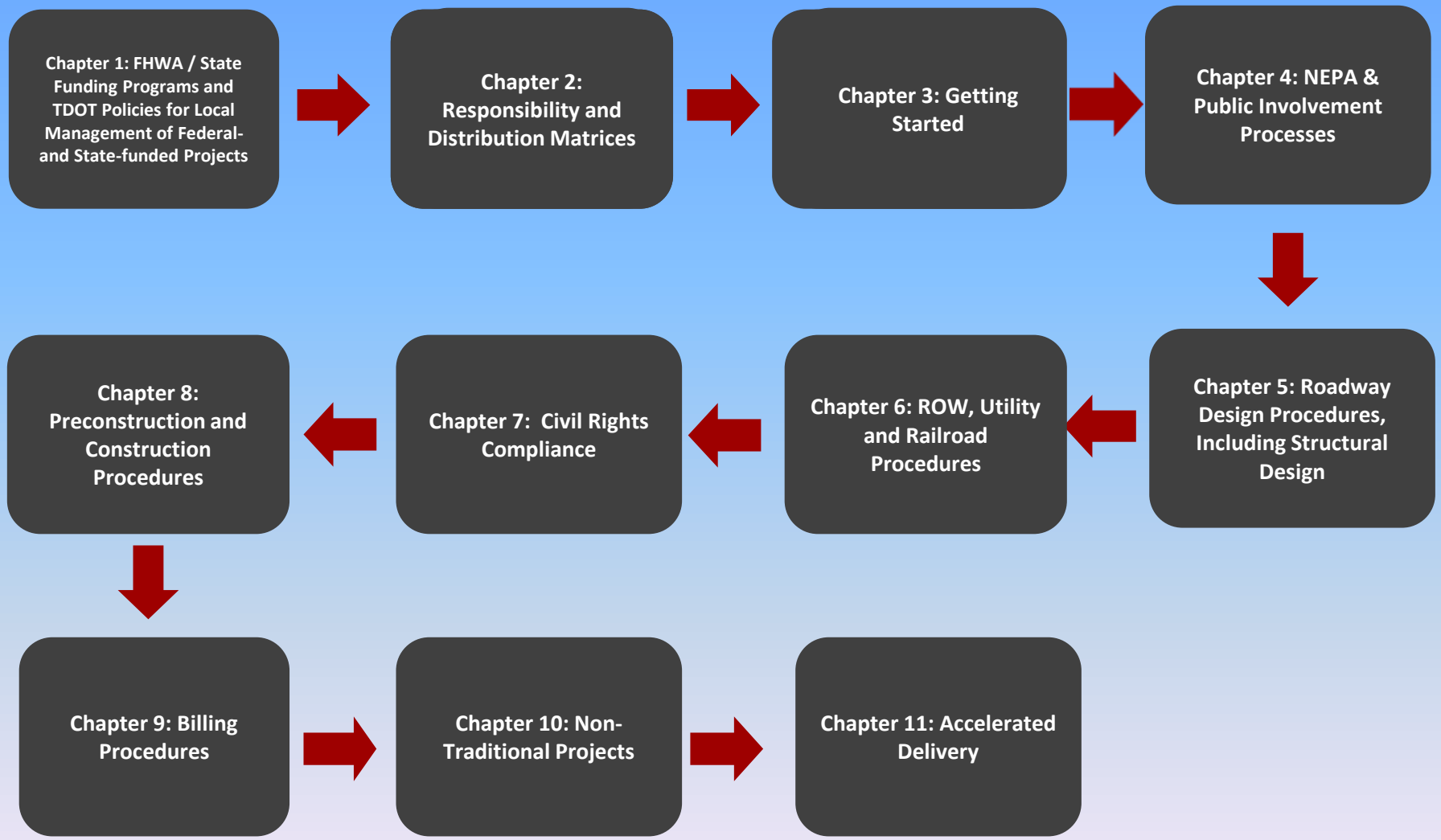
SafeRoutes
Tennessee Safe Routes to School

- **Multimodal Access Grant**
  - **Due Jan. 15 at 4PM CST (by RPOs/MPOs)**
  - **Match – 95% state/5% local**
  - **Eligible project types - sidewalks, bicycle lanes, road diets, separated bicycle facilities**
  - **Contact – Jessica Wilson (615-741-5025)**
- **Transportation Alternatives Program (TAP)**
  - **These were due on Nov. 3, 2015**
  - **Match – construction only, 80% federal/20% local**
  - **Eligible project types – pedestrian facilities, scenic overlooks, historic preservation, safe routes for non-drivers**
  - **Contact – Neil Hansen (615-741-4850)**

OVERVIEW

- **Local Programs is the single point of contact for:**
  - **Project Correspondence**
  - **Submittals**
  - **Project Coordination**
- **Checklists are provided for each review point**
- **If guidelines are not followed, withdrawal of all federal and/or state funding may occur**
- **Local governments shall use TDOT pre-qualified consultants for every phase**

FLOW CHART AND RESPONSIBILITY MATRIX



PLANNING REQUIREMENTS

- **Projects being considered must be included in the Transportation Improvement Program (TIP) in the case of urban areas over 50,000 population, or**
- **Must be included in the State Transportation Improvement Program (STIP) with Rural Planning Organization (RPO) notification in regard to projects in rural areas**

OVERVIEW - REQUIREMENTS

- **Projects must be on a road functionally classified <u>greater than</u> a local street or a rural minor collector**
- **Local Governments must be staffed and equipped to manage and construct the project**
- **Local governments shall use TDOT standards, specifications and item numbers**

GETTING STARTED

- **Contact TDOT Local Programs Office Program Monitor**
- **Submit Form 3-1: Project Initiation Form and Checklist**
- **The local government must be staffed and equipped to manage the project**

PROJECT INITIATION FORM AND CHECKLIST

TN TDOT Department of Transportation

Local Government Guidelines Form 3-1
November 12, 2014

Local Government Managed Project Initiation Checklist and Form

Below you will find a checklist that will aid you in the process of establishing a federally or state-funded project that your agency wishes to manage and let to construction. Please check off the items in the checklist below to be sure that you have all of the necessary information that is required for the process of beginning a new project. A detailed description of each item is located on the following pages and in the Local Government Guidelines.

1. ☐ Description of the Project
   - ☐ Location Map (attachment)
   - ☐ Description of Project Limits
   - ☐ Length of Project
   - ☐ Functional Classification
   - ☐ Railroad Information (if applicable)
   - ☐ Anticipated Project Budget
2. ☐ List of Consultants Involved in Project (If not seeking reimbursement)
3. ☐ Local Government's Experience
4. ☐ Resumes/Qualifications for Local Government staff (attachment)
5. ☐ Responsible Charge Form
6. ☐ List of Civil Rights Coordinator(s), Title VI, DBE Liaison
7. ☐ Copy of any Agreements / Contracts / MOU Or Certification of Compliance Regarding Third Party Contracts (attachment)
8. ☐ Proprietary Items
9. ☐ Method of Bidding Statement (attachment)
10. ☐ Copy of TDOT Right-of-Way Training Certificate (attachment)
11. ☐ Copy of Local Government Guidelines Manual Certificate (attachment)
12. ☐ Most Recent Audit (attachment)
13. ☐ Reimbursement Signatures
14. ☐ Purpose and Need Statement (attachment)
15. ☐ Donated Services or Land (Federally Funded Only) (attachment)
16. ☐ Copy of the TIP Page (attachment)
17. ☐ Copy of Traffic Study Warrant for New Signal (attachment)

_____ Date

_____ County

_____ Local Government Official / Project Supervisor

The information included in the checklist must be submitted to the Department (Local Program Development Office, Suite 600, James K. Polk State Office Building, 505 Deaderick Street, Nashville, TN 37243-0341 or Local.Programs@tn.gov)

METHOD OF DETERMINATION

- **Written statement of qualifications followed by an interview with Local Programs**
- **If certification was previously obtained, the local government must verify that all prior information provided to TDOT has not changed**

SMALL PROJECTS, SUCH AS…

- **Transportation Alternatives (TA)**
- **Intersection improvements without significant ROW (under one acre of disturbance)**
- **Safe Route to Schools**
- **Resurfacing, striping, signing**
- **Guardrail installation**
- **Signalization**
- **Some bridge replacement projects (under one acre of disturbance)**
- **Non-construction/service contracts (as listed in Chapter 10)**
- **Low risk and exempt ITS**

REQUIREMENTS

- **Full-time employee of agency with experience in managing similar projects**
- **Must hire design and construction engineering and inspection (CEI) consultants from TDOT's pre-approved list**
  - **NOTE: No need for consultant CEI if local forces are qualified, experienced and pre-approved by TDOT**

MID-RANGE PROJECTS, SUCH AS…

- **Roadway widening**
- **Realignment of existing roadway**
- **Signalization projects with the addition of turn lanes**
- **Intersection improvements with significant ROW (over one acre of disturbance)**
- **Bridge replacement projects requiring significant land acquisition (over one acre of disturbance)**
- **Projects with environmental requirements greater than a categorical exclusion but lesser than an EIS**
- **High risk ITS**

REQUIREMENTS

- **Professional registered engineer on staff**
- **Must hire design and construction engineering and inspection (CEI) consultants from TDOT's pre-approved list**
- **The selected CEI consultant shall not be associated with any other aspect of the project**

LARGE PROJECTS, SUCH AS…

- **Construction of new facilities**
- **Widening of existing roadways**
- **Realignment of existing roadways that require significant land acquisition (over 10 acres)**
- **Environmental clearances that require an EIS**

REQUIREMENTS

- **Professional registered engineer on staff with extensive experience working with federal and state agencies**
- **Experience in managing federally-funded transportation projects**
- **Must hire design and construction engineering and inspection (CEI) consultants from TDOT's pre-approved list**
- **The selected CEI consultant shall not be associated with any other aspect of the project**

STATE-MANAGED PROJECTS

The Department may manage your project for you if one of the following circumstances is applicable:

- If your project is within State Right of Way

or

- If your local government is not adequately staffed and equipped for the level of project you wish to pursue

The local agency may request TDOT Management or it may be determined by the Department.

Plans must meet Design Guidelines

All required documents for letting must be turned in on specified turn-in date

COMMON MISTAKES

- **Common mistakes:**
  - All applicable phases not in the TIP
  - Road not functionally classified
  - Not using the most updated version of Form 3-1: Project Initiation Form and Checklist
  - Not including a good map
  - Not including a breakdown of the budget
  - Not considering CEI and TDOT Engineering Services costs in the Construction budget

START TO FINISH, HOW LONG DOES IT TAKE?

1. **Agency determines project scope and submits application/initiation form (3-1)**
   - **Choose a road that is functionally classified for federal aid**
   - **Make sure the project is in the STIP or TIP, whichever is applicable**
   - **Gather submittal information (Map, Scope, Description, and Budget)**
   - **Submit application/form to LPDO**
   - **LPDO makes staffed and equipped determination**

ALLOW AT LEAST 4 WEEKS

START TO FINISH, HOW LONG DOES IT TAKE?

2. Local Programs Development Office Activities

- Verifies eligibility
- Coordinates with TDOT Program Operations
- Generates contract

ALLOW AT LEAST 2 WEEKS

START TO FINISH, HOW LONG DOES IT TAKE?

3. Contract to Local Agency for Signatures

- Review terms and responsibilities
- Contact LPDO if any changes are needed
- Obtain governing authority and signatures

ALLOW AT LEAST 4 WEEKS

START TO FINISH, HOW LONG DOES IT TAKE?

4. Contract to Local Programs for Execution

- Contract sent to TDOT Legal Division for signature
- Request obligation of NEPA funds from FHWA
- Contract sent to Commissioner for execution
- Contract returned from Commissioner to LPDO
- Copy of fully-executed contract sent to local agency
- Receive obligation of NEPA funds
- Issue PE-NEPA NTP

ALLOW AT LEAST 3 WEEKS

NOTICES TO PROCEED

- Preliminary Engineering for Environmental Clearance and Hiring of the Design Consultant
- Preliminary Engineering for Final Design
- Right-of-Way (sent to TDOT Regional Right-of-Way Office only)
- Construction

SAMPLE NOTICE TO PROCEED

NOTICE TO PROCEED WITH THE FUNDED

CONSTRUCTION PHASE

OF PROJECT DEVELOPMENT

PIN:
FEDERAL PROJECT NUMBER:
STATE PROJECT NUMBER:
ROUTE (STREET NAME):
FROM:
TO:
CITY:
COUNTY:
REGION:

Effective Date:

Date of Transmittal:

This letter serves as your official **Notice to Proceed** with the above referenced phase of work for the subject project. The Local Government shall perform this phase of project development in accordance with the Local Government Guidelines provided on the Local Program Development Office website at http://www.tn.gov/tdot/section/local-programs. ***Any work performed ahead of a Notice to Proceed's Effective Date will not be reimbursed.***

You may procure, in accordance with law, a consulting engineering firm to do all phases of construction at this time. Please refer to Section 1.6 of the Local Government Guidelines for guidance on consultant selection, if needed. Please provide a copy of the executed contract with the consultant and a copy of the notice sent to the consultant indicating the date work was authorized on the phase of the project mentioned above. These documents should be addressed to Manager, Local Program Development Office and sent by email to Local.Programs@tn.gov. **Note:** If the person in responsible charge for this phase of the project has changed since Form 3-1 (Project Initiation Form) was submitted, the Local Government shall resubmit the responsible charge page of Form 3-1 at this time to the Local Programs Development Office at the email below.

If you have questions or concerns regarding this matter please direct them to Kip Mayton at 615.741.5314 in the Local Program Development Office. You may contact us by email at: Local.Programs@tn.gov.

cc: Paul Degges
Jim Moore
Whitney Sullivan
Ronnie Porter
Will Reid
Sherree Hall Crowder
Kip Mayton
Matt Burcham
Kimery Grant
TDOT.DesignDesign.LocalProgram
Assistant Chief of Engineering
Director of Regional Project D
Design Manager
Traffic Supervisor
Construction Supervisor
Materials and Test Supervisor
MPO Coordinator

BROOKS ACT OF 1972

- **A United States federal law passed in 1972 that requires that the U.S. Federal Government select engineering and architecture firms based upon their competency, qualifications and experience rather than by price**

- **Procurement of services over $150,000**
  - **Must advertise to get Request for Qualifications (RFQs) from qualified firms**
  - **Establish a consultant evaluation committee**
  - **Do not negotiate price until selection made**

- **Procurement of services under $150,000**
  - **May contact adequate number (3) of firms for RFQs**
  - **Establish a consultant evaluation committee**
  - **Do not negotiate price until selection made**

ENVIRONMENTAL PHASE CONTACT

Katie McKeel

Tennessee Department of Transportation

James K. Polk Building, Suite 900

Environmental Documentation Division

505 Deaderick Street

Nashville, Tennessee 37243-7120

Direct – 615-253-2475

Katie.mckeel@tn.gov

Environmental Document

- Must be prepared in accordance with the TDOT Environmental Procedures Manual
- TDOT will submit the environmental document to FHWA for review and approval
  - Once document approved, only valid for 3 years
  - Must be re-evaluated if there is a scope change
- Review '<u>Guidelines for Locally Managed Projects</u>'
  - NEPA Documentation for Programmatic and C-List Categorical Exclusions

PUBLIC INVOLVEMENT

- **Local government determines the proper level of public involvement**
- **Local government is responsible for holding all public hearings/meetings**
- **Local government shall certify the level of public involvement with dates and times of meetings**
- **Records and comments shall be kept for all public meetings and provided to TDOT**
- **Disposition of comments shall be collected and included in the NEPA document**
- **https://www.tn.gov/assets/entities/tdot/attachments/pip.pdf**

START TO FINISH, HOW LONG DOES IT TAKE?

5. NEPA Phase

- LPDO receives funds obligation; issues NTP
- Length of NEPA Phase dependent on project complexity
- Some design activities must occur in the NEPA Phase
- Ends with approved environmental document

ALLOW AT LEAST 12 WEEKS

FUNDING NOTE!

5. NEPA Phase

- Week 5 of NEPA Phase, consultant should invoice agency
- Agency pays consultant invoice
- Agency's bank statement reflects canceled check (Week 9)
- Agency sends first invoice to LPDO (Week 9)
- Agency receives reimbursement 4 to 6 weeks after submittal

COMMON MISTAKES

- **Common mistakes:**
  - **Not sending executed consultant contract to monitor**
  - **Not billing as invoices and canceled checks become available**
  - **Requesting reimbursement for ad expenses paid before receiving the NTP**
  - **Not getting a re-evaluation done when necessary**

DESIGN PLANS – ROADWAY DESIGN PROCEDURES

- **Procurement of Engineering services shall follow the Brooks Act procedures – Qualification Based Selection**
- **Design Consultant shall be selected from TDOT's pre-qualified list.**
- **Design Consultant shall be qualified to design the project you want to construct.**
- **Any Proprietary items desired for use on the project must be pre-approved during the Design Phase.**
  - **Go to http://www.tn.gov/tdot/topic/proprietary-products to view templates and certified products**

DESIGN PLANS – ROADWAY DESIGN PROCEDURES

- **Design plans for locally managed projects should be developed according to TDOT standards**
- **Design Plans are generally submitted (electronically) 3 times:**
  - **Preliminary design**
  - **Right-of-way**
  - **Final construction**
- **Each phase has different submittal requirements**
  - **TDOT Design Guidelines Checklist**

DESIGN PLANS – ROADWAY DESIGN PROCEDURES

- **Will be reviewed for the thirteen controlling elements of Design**
  - **Design Speed**
  - **Lane Width**
  - **Shoulder Width**
  - **Grades**
  - **Horizontal Alignment**
  - **Vertical Alignment**
  - **Cross Slopes**
  - **Stopping Sight Distance**
  - **Superelevation**
  - **Bridge Width**
  - **Horizontal Clearance (other than clear zone)**
  - **Vertical Clearance**
  - **Structural Capacity**

DESIGN PLANS – ROADWAY DESIGN PROCEDURES

- **Not all projects will involve the 13 controlling elements**
- **Any exception to TDOT Design standards regarding any of the 13 controlling elements must be approved by TDOT Design Division.**
- **Preliminary design plans are submitted during the design phase**
- **Right-of-way plans are <u>also</u> submitted during the design phase**
  - **All present and proposed right-of-way must be shown, whether ROW is being acquired or not**
- **Construction plans <u>might</u> be submitted during the design phase**

DESIGN PLANS – ROADWAY DESIGN PROCEDURES

Other Design Considerations:

- **ADA requirements** (PROWAG 2011 standards for Roadways and Multi-use Paths, ADAAG 2010 standards for vertical structures)
- **Format of Plans** – Follow TDOT format, with Local Title Sheet
  - Reduced chance of errors and omissions
  - Quicker plans review
  - Lower Contractor's Risk = LOWER BID PRICE
- **TDOT construction item numbers required**
  - Compatible with TDOT standard specifications
  - Bid historical data for estimating purposes
- **TDOT does not approve your plans!**

STRUCTURAL DESIGN PROCEDURES

Structures Plans – Grade Crossings, submit:

- **Preliminary Bridge Layout, including minimum clearances**
  - **All Structures plans must be stamped and signed by a Professional Engineer licensed in the State of Tennessee**
  - **Local Program Development Office will transmit submittals to TDOT Structures Division**
  - **Local Agency will also submit all final bridge plans for Structures Division approval prior to letting**

ROADWAY AND STRUCTURAL DESIGN PROCEDURES

Retaining walls, submit:

- **Preliminary design plans must include geotechnical data**
- **Final structural design must be reviewed and approved prior to letting**

Enhancement (TA) projects – detail project location in relation to nearest TDOT structure if said structure may be impacted

COMMON MISTAKES

Common mistakes:

- Proprietary items not being approved by LP Office
- Cover sheets
  - Re-label the plans to reference each submittal (Preliminary, Right-of-Way, Construction)
  - Construction Plans Stamped
- ADA requirements
- Design Exception Request and Justification Form (5-1)
- Design Procedures Checklist (Form 5-4)
- Missing design plan sheets

START TO FINISH, HOW LONG DOES IT TAKE?

6. LPDO Design Phase Activities

- Receives approved NEPA document
- Receives obligation of design funds from FHWA
- Issues NTP for Design Phase to agency

ALLOW AT LEAST 2 WEEKS

START TO FINISH, HOW LONG DOES IT TAKE?

6. Design Phase - Preliminary Design Plans

- Design time depends on complexity of project
- When “footprint” is determined, utility coordination may begin, non-billable activities
- Design plans submitted to TDOT for review

ALLOW AT LEAST 6 WEEKS

FUNDING NOTE

6. Design Phase

- About 4 weeks into Design Phase, consultant will invoice agency
- Agency could be receiving NEPA and design invoices simultaneously

START TO FINISH, HOW LONG DOES IT TAKE?

6. Design Phase – ROW Plans

- Produce ROW plans and submit to LPDO
- Design plans reviewed by TDOT Design Division
- Obtain ROW plans comments from LPDO
- Corrections made, if applicable
- Possible shortcuts for resurfacing and other smaller projects

ALLOW AT LEAST 3 WEEKS

START TO FINISH, HOW LONG DOES IT TAKE?

7. Design Phase – Final Construction Plans

- Produce construction plans and submit to LPDO
- Design plans reviewed by TDOT Design Division
- Obtain construction plan comments from LPDO
- Corrections made, if applicable

ALLOW AT LEAST 3 WEEKS

AMERICANS WITH DISABILITIES ACT (ADA)

- TDOT Standard Drawings
- TDOT web site, Design Division
- Design Standards

AMERICANS WITH DISABILITIES ACT (ADA)

- **ADA.gov homepage**
- **About the ADA Standards - United States Access Board** http://www.access-board.gov
- **ADA/Section 504 - Civil Rights | Federal Highway Administration**
- **Public Rights-Of-Way Accessibility Guidelines (PROWAG)** · July 26, 2011
- 2010 ADA standards for Accessible Design

AMERICANS WITH DISABILITIES ACT (ADA)

Margaret Zeman Mahler, CADAC
ADA Compliance
Chief Engineer's Office
Tennessee Dept. of Transportation
615-741-4984
V/TTY 615-253-8311
fax 615-532-5995

RIGHT OF WAY PHASE

Upon TDOT concurrence with Right-of-Way Plans, LPDO will:

- Request Right-of-Way funding, obtain funding, and issue a Notice to Proceed to the TDOT Regional ROW Coordinator if right-of-way is to be acquired, OR
- Issue a Notice to proceed with ROW Certification to the TDOT Regional ROW Coordinator if no right-of-way is to be acquired.
  - The TDOT Regional ROW Coordinator will contact the Local Agency, and provide guidance for the next step.
  - At this point, the Local Agency will coordinate with Utilities and any Railroads affected by the project.

RIGHT-OF-WAY, UTILITY AND RAILROAD PROCEDURES

- **Land acquisition procedures are mandated by federal law and policies**
- **If land acquisition procedures are found to be flawed, all state and federal funding for the project may be withdrawn for every phase**
- **Withdrawal may be effective even if other phases were done in accordance with federal law, regulations and procedures**

UTILITY CERTIFICATION

- **Utility Certifications must be obtained from each applicable utility whether affected or not**
- **Utility companies have 120 days to respond**
- **If project is within 200-feet of railroad you must obtain certification from the railroad**
  - **Upgrades may be required to the rail-highway grade crossing**
- **All certification letters must be forwarded to the appropriate TDOT Regional Utility office for processing**

SUBMITTALS

- ROW documents are submitted to Regional LPA Coordinator
- Utility documents are submitted to Regional Utility Coordinator
- Railroad coordination documents are submitted to Railroad Coordinator
- Can be done concurrently

START TO FINISH, HOW LONG DOES IT TAKE?

7. Upon approval of final ROW plans

- **LPDO will request obligation of ROW funds OR**
- **If no ROW is to be acquired, LPDO will request certification of ROW and utilities from the TDOT Regional ROW Office**
- **NTP for ROW issued to Regional ROW LPA Coordinator**
- **<u>Pre-construction activities are performed during ROW Phase</u>**

ALLOW 3 WEEKS (1 WEEK IF NO ROW ON PROJECT)

START TO FINISH, HOW LONG DOES IT TAKE?

7. Right-of-Way Phase will depend on…

- Complexity of ROW acquisition
- Number of tracts to acquire
- Whether property owners support project
- If utilities are to be relocated

ALLOW AT LEAST 6 WEEKS IF NO ROW TO ACQUIRE

START TO FINISH, HOW LONG DOES IT TAKE?

7. Right-of-Way Phase

- Railroad clearance, if applicable
- Utility clearance
- ROW and utility certifications
- Submittal and review of construction plans
- Construction estimate submittal and review

START TO FINISH, HOW LONG DOES IT TAKE?

7. Right-of-Way Phase

- DBE goal setting
- Title VI certification (can be done prior to this phase)
- Bid advertisement submittal and review
- Bid book submittal and review
- Obtain concurrence from TDOT Permit Office

PRE-CONSTRUCTION ACTIVITIES IN ROW PHASE

- **Form 8-1: Contract Proposal Template (Sample Bid Book) must be used or bid books will be returned.**
- **Final Construction Plans must be submitted for review.**
- **Detailed cost estimate must be submitted for review and concurrence.**
- **Bid book must be reviewed and obtain TDOT concurrence**

PRE-CONSTRUCTION ACTIVITIES IN ROW PHASE

- **No alternates or deductions shall be included in bid proposal**
- **Permit certification must be reviewed and approved by TDOT (contact John.Hewitt@tn.gov)**
- **Proposed DBE goals must be submitted and approved by TDOT (if applicable)**
- **Title VI certification must be obtained from TDOT Civil Rights Division**

DISADVANTAGED BUSINESS ENTERPRISE (DBE)

- **All federally-funded projects should be assessed for inclusion of DBEs**
- **Local governments should establish an appropriate DBE goal and obtain concurrence from TDOT**
- **All established DBE goals must be met or exceeded**
- **DBEs must perform a Commercially Useful Function (CUF), to be confirmed by CEI**
- **Commercially Useful Function Checklist (Form 8-9) should be completed WHENEVER a DBE performs work (even if there is no goal assigned to the project).**
  - **Sent to TDOT Civil Rights Office and LPDO**

SPECIAL PROVISION 1247

Common Contractor Mistakes:

- Swapping out DBE work with non-DBE contractors
- No CUF's performed
- Elimination of DBE work and did not find replacement work
- Not submitting necessary forms to TDOT Civil Rights Office and LPDO

SPECIAL PROVISION 1247

If the Contractor fails to comply with this Special Provision 1247, the Department may take one or a combination of the following steps:

1) Require the Contractor to have its entire management staff attend DBE training arranged by the Department and paid by the Contractor.
2) The next bid when Contractor is the low bidder on a DBE goal project, require that Contractor shall achieve a DBE participation that is twice the stated goals.
3) For the Contractor's failure to find another DBE subcontractor to substitute for a DBE that is terminated or fails to complete its work on the contract for any reason or to provide the CRO - SBDP documentation clearly evidencing good faith efforts, as detailed in D.1. above, then **the Department may withhold from the Contractor an amount not to exceed the amount of money originally committed to the non-complying DBE subcontractor, not as a penalty but as liquidated damages.**
4) Suspend the Contractor from participation in Department bid lettings pursuant to rules promulgated by the Department.
5) For repeated failures to comply, debar the Contractor pursuant to rules promulgated by the Department.
6) Invoke other remedies available by law and/or in the contract.
7) Invoke remedy agreed upon by the Commissioner and Contractor in writing.

GOOD FAITH EFFORT

- **Applies only to securing a contract with the contractor**
- **When contract is executed, DBE goals will be met**
- **If DBE goal is not met, Local Agency will be subject to repayment of work performed that would have been performed by DBE**
- **Federal audit will catch this**

EQUAL EMPLOYMENT OPPORTUNITY (EEO)

The local government must be committed to a policy of Equal Employment Opportunity and will administer its personnel policies and conduct its employment practices in a manner which treats each employee, applicant for employment and contractor/consultant employee on the basis of merit, experience and other work related criteria without regard to race, color, religion, national origin, sex, age, disability or any other protected class.

CIVIL RIGHTS COORDINATOR

Local Government <u>must have</u> a civil rights coordinator on staff that has completed the Title VI training, which is available online. Designate appropriate person(s) responsible for ensuring compliance with Title VI, EEO and DBE requirements. (Title VI Coordinator, EEO Officer, DBE Liaison). This person should have a responsible position in the local government and have easy access to the head of the local government.

TITLE VI

- Every government receiving federal-aid must have a comprehensive and pro-active Title VI enforcement program to eliminate and prevent discrimination
- Title VI certification must be obtained prior to the issuance of a Notice to Proceed for Construction
- Title VI compliance must be from TDOT

FHWA 1391 REPORTING

- **Required per 23 CFR 230, Subpt. A**
- **TDOT Civil Rights Office sends letters to all prime contractors working on locally managed projects in the month of July**
- **Contractors respond with required information by August 15th of each year**
- **Placed in End of Job File**

START TO FINISH, HOW LONG DOES IT TAKE?

7. After All ROW Phase LPDO Activities

- Request obligation of construction funds from FHWA
- Receive confirmation of obligation from FHWA
- Issue NTP for Construction Phase to agency

ALLOW AT LEAST 3 WEEKS

PRE-CONSTRUCTION ACTIVITIES IN CONSTRUCTION PHASE

- **Notice to Proceed for Construction must be obtained prior to advertisement**
- **Must advertise once in the grand division newspaper, local paper and minority paper**
- **Must open bids three weeks after the date of the last insertion**
  - **Must read each responsive bid out loud and in public**
  - **Must select the lowest responsive bidder pending TDOT concurrence**
  - **Do not open bids by non-prequalified contractor**

Who Can Bid?

- All contractors must be on TDOT's pre-qualified list
- Contractors must use and only use the name as shown on pre-qualification records
- All sub-contractors must be on TDOT's pre-qualified list before beginning any work
- Bid book and bid form must be marked VOID if sold to <u>non-prequalified contractors or those pending qualification</u>
- Local Agency is responsible for checking all bid proposals to ensure that the contractors are prequalified prior to opening bid proposal

PRE-CONSTRUCTION & CONSTRUCTION PROCEDURES

- **Form 8-1: Contract Proposal Template (Sample Bid Book) must be used or bid books will be returned or bid rejected**

- **Common mistakes:**
  - **Not using standard template**
  - **<u>Using incorrect bid bond form</u>**
  - **Contradictory language**

Licensing of Prime Contractors

Please be aware that TDOT now **requires <u>all PRIME contractors</u> (except mowing and litter removal contractors) to be licensed with the Tennessee Department of Commerce and Insurance, Board for Licensing Contractors.**

Contractors will not be required to have a license to bid. However, prior to recommending award of the Contract, TDOT will confirm that the lowest responsible bidder is licensed. The Contractor will be considered for award for twenty-one (21) days after the letting date (bid submittal). If the contractor does not have a license, on or before the 21 days, the contractor will be considered non-responsive, and the next lowest responsible bidder will be considered for award.

It is recommended that all PRIME Contractors who are not currently licensed and intend to bid on future projects begin the process to obtain their contractor's license.

For more information on obtaining a Contractor's License please visit the Board for Licensing Contractors website at the following:
http://www.tn.gov/regboards/contractors/contractor.shtml

NOTICE: Title 48 of Tenn. Code Ann.

Title 48 of Tenn. Code Ann. **requires all contractors and subcontractors that are domestic or foreign Corporations, Limited Liability Companies, Limited Partnerships, or Limited Liability Partnerships to be in good standing with the Secretary of State.** This includes being duly incorporated, authorized to transact business, and/or in compliance with other requirements as detailed by the Secretary of State. Please contact the Secretary of State should you have any questions at (615) 741-2286 or visit http://www.tn.gov/sos/bus_svc/index.htm .

Effective immediately, TDOT will not execute any contracts or approve subcontracts with contractors that are domestic or foreign Corporations, Limited Liability Companies, Limited Partnerships, or Limited Liability Partnerships, who are not in good standing with the Secretary of State (i.e. have a valid Certificate of Existence/Authorization).

Award of Contract

- **Must submit estimate and bid tabulations to TDOT via email**
- **Must email request for concurrence on <u>local government letterhead</u> to TDOT prior to award to lowest bidder**
- **TDOT will review bids for concurrence or denial within approximately two weeks**
- **If TDOT cannot concur, project must be re-bid following the aforementioned procedures**

REASONS FOR NOT AWARDING A BID

1. Failure to sign the bid (proposal form, proposal certification, proposal bond, Power of Attorney)
2. Failure to furnish the required bid bond and Power of Attorney, with the same dates
3. Omissions, alterations of form, additions, or conditions not called for
4. Unauthorized bids or irregularities
5. Failure to include a unit bid price for each item (must be an amount of zero or greater)
6. Units prices are mathematically unbalanced
7. Failure to submit a non-collusion affidavit
8. Failure to utilize the required forms approved by TDOT (Form 8-1)
9. Failure to submit a bid within the original bound bid book
10. Failure of bidder to acknowledge all addenda
11. Bidder not prequalified or not in good standing the day of the letting

START TO FINISH, HOW LONG DOES IT TAKE?

8. Construction Phase – Pre–construction Activities

- Agency will advertise for bids
- Agency receives and tabulates bids
- Agency submits bids to LPDO for concurrence to award
- Upon getting concurrence, agency awards project
- Pre-construction conference held
- Contracts are signed by all parties

ALLOW AT LEAST 10 WEEKS

Local Government Project Supervisor

- **Local government must designate a qualified full-time staff member who will be responsible for project administration; including:**
  - **Supervision of the hired CEI**
  - **Authority to request TDOT approval of change orders**
  - **Accountability for contract compliance**
  - **All local points of contact with TDOT**
  - **Maintaining a complete project file**

CEI Procedures

- Local government must hire a pre-qualified consultant to oversee construction in the field
- CEI consultant must be on TDOT's pre-approved list
- CEI consultant must have completed LPDO CEI Training and show proof of attendance
- Local government's CEI will conduct all acceptance testing for materials

LOCAL AGENCY CEI TRAINING COURSE

- **The Office of Local Programs has a training course specifically for local agency to better understand what is required**
- **Mandatory for CEIs and city employees actively managing projects (valid for 5 years)**
- **Level 1 (one day) is for local agencies (project supervisors)**
- **Level 2 (two day) is for consultants and local agencies wishing to perform CEI services on their own projects (prior approval required)**

TDOT Performed Oversight During Construction

- TDOT will assign an inspector to the job
- TDOT's inspector and a representative of the Regional Materials and Tests Division must attend the mandatory pre-construction meeting
- Do not conduct a pre construction meeting without TDOT representation in person or via conference call; reschedule meeting

CONSTRUCTION PROCEDURES

The TDOT inspector will:

- Attend regularly scheduled progress meetings
- Make monthly visits to the project site

Materials Testing

- Local government's CEI will conduct all acceptance testing
- TDOT will perform verification and independent assurance testing
- Local Agency must submit 14 days prior to Pre-construction meeting plans, specifications and estimate to Regional TDOT Materials and Tests
- Mix designs are submitted to Headquarters Materials and Tests

Final Inspection and Acceptance

- TDOT must attend the final inspection
- TDOT must provide the final acceptance of the project

CHANGE ORDER PROCESS

- **The Local Agency provides the final approval of change orders, as it is your project**
- **Your program monitor needs to be aware of each change order, as the project funds are bound by the amount in the TIP**
- **For all change orders, prior review is required by Local Programs to check for funding availability**

PROJECT CLOSE-OUT

- **Summary Change Order**
  - **Explanations of overruns/underruns**
  - **Determination of time, based on quantity increase**
- **End of Job Certificate completed & signed by Project Manager**
- **CC-3(s), certification of Disadvantaged Business Enterprise (DBE) payments**
- **Material certification letter**
- **Advertisement of contract for claims**

RETENTION OF RECORDS

- **Keep all records – 5 years**
- **Keep documents related to the bid letting – 10 years**
  - **Notice to contractors**
  - **Estimates**
  - **Correspondence for advertising and receiving bids**
  - **Letting advertisements**
  - **Bid tabulations**
  - **Bid books completed by contractor**
  - **Project specifications and provisions**
  - **Job estimate**
  - **Bond certificates**

RECURRING AUDIT ISSUES WITH FHWA

- **Engineer & CEI must be on TDOT's pre-qualified list**
- **All Sub-contracts must have FHWA 1273 included**
- **Change Orders must be processed in a timely manner and approved by TDOT**
- **Material acceptance test documentation**
- **TDOT assurance testing performed when testing is done**
- **DBE participation must be met**
- **CUF interviews must be performed**
- **OJT must be completed by contractor and on file**

RECURRING AUDIT ISSUES WITH FHWA

- **Daily diary of work activity must be kept by CEI**
- **CEI must be on site at times of inspections as required by 23 CFR635.105**
- **If original low bid is rejected, local agency must have TDOT concurrence to reject and justification from local agency as to why**
- **Buy America certifications on file; no exceptions**
  - **Any phase(s) could be subject to penalties if Buy America requirements are not met**

PROJECT RECORDS – FHWA'S "BIG FIVE"

1. Environmental Commitments
2. ADA
3. DBE
4. Buy America
5. Source Documents for Payment
   - Inspector's Daily Reports
   - Material Certifications
   - Invoice / Bill of Laden

OTHER CONSTRUCTION NOTES

Remember

- Change Orders – approved by Local Agency, after TDOT concurrence
- Invoices submitted monthly
- Input required information into Local Programs NIC reporting system (stay tuned for details)
- After last invoice is submitted, the agency will send in an End of Job certificate

LOCAL REPORTING REQUIREMENTS:

- **Construction Award Date**
- **Award Amount**
- **Start Date/Anticipated Start Date**
- **Contract Completion Date**
- **Actual Completion Date**
- **DBE Goal**
- **DBE Commitment**
- **Contractors**
- **ID-DUNS**
- **Company Name, Location Address, Billing Address**
- **Sub-consultants**
- **ETC.**

Requirements: **Local agency responsible to report; not the contractor**
Required to report upon issuance of work order to contractor

Local Programs

Tennessee Department of Transportation - Local Programs

Users

Welcome back.

Go to Log In

What You Can Do

- Revise Project and Contractor information
- Add and Edit Subcontractor information

What You Will Need

- Contractor and Subcontractor information including their ID - Duns, Contact Name/Address, Contract Numbers and more

Help and FAQs Privacy Statement

Tennessee Department of Transportation

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Local Programs

Log In

Log In to Local Programs

User Name

Password

Log In

Forgot your user name or password?

Update account information or change your password.

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Local Programs

Dashboard

Modified Date	Program PIN	Description
05/02/2012	12345.67.89	Bonbon marzipan tootsie roll marzipan chocolate cake gingerbread halvah biscuit.
04/12/2012	12345.67.24	Donut bear claw chocolate muffin donut jelly pie donut jelly.
04/07/2012	12345.67.34	Macaroon sweet roll jelly beans pie. Sweet jelly-o sweet cotton candy marzipan.
04/02/2012	12345.67.12	Jelly soufflé cupcake fruitcake chocolate bar soufflé gummies.

Local Programs

Edit Program

Project Information

Region	Region Name
PIN	**1234.567.89**
FED #	123456789
Contract Agency Name	Agency Name
Contact #1 Name	John Smith
Contact #1 Primary Phone	(615)555-5555
Contact #1 Alternative Phone	N/A
Contact #1 Email	john.smith@tn.gov
City	
County	Davidson
Route	
Termini/Description	
Type of Work	
Construction Award Date	
Contract Award Amount	$
Start Date/Anticipated Start Date	
Contract Completion Date	
DBE Goal	%
DBE Commitment	%

Actual Completion Date	

Contractor Information

Local Programs

Confirmation

Thank you for submitting your Program information.

Return to Dashboard

Home | Log Out

Help and FAQs Privacy Statement

BILLING PROCEDURES

- **Invoices must be sent by email as an attachment to lpd.invoices@tn.gov in PDF form**
- **Includes all invoices for Local Programs, Enhancement/TA, and Safe Routes to School Projects**
- **TDOT Local Government invoice cover sheet from https://www.tn.gov/tdot/article/tdot-local-programs-development-office must accompany all reimbursement requests**
- **All invoices without the correct TDOT invoice cover sheet will be returned**

SAMPLE:

TDOT CONSTRUCTION INVOICE

COVER SHEET

(NAME OF LOCAL GOVERNMENT)

TN TDOT Department of Transportation

Local Government Guidelines Form 9-8

July 23, 2015

LOCAL GOVERNMENT CONSTRUCTION COSTS INVOICE

INVOICE DATE _____

INVOICE PERIOD: _____ TO _____

FINAL INVOICE FOR THIS PHASE? YES [ ] NO [ ]

INVOICE # _____

PIN # _____

STATE PROJECT # _____

FED PROJECT # _____

CONTRACT # _____

PROJECT DESCRIPTION

Type project description here.

LOCAL GOVERNMENT AGENCY: _____

REMIT TO ADDRESS: _____

COUNTY: _____

		CURRENT COSTS		COST SHOWN ON PRIOR INVOICES		TOTAL COSTS
COSTS PER ENGINEER'S ESTIMATE OR LOCAL FORCES INVOICE			+		-	$0.00
CONSTRUCTION ENGINEERING COSTS			+		-	$0.00
SUBTOTAL						$0.00
LESS: LOCAL GOVERNMENT SHARE	0%				-	$0.00
BALANCE						$0.00
LESS: AMOUNTS PREVIOUSLY INVOICED					-	$0.00
AMOUNT DUE THIS INVOICE						$0.00

I CERTIFY UNDER PENALTY OF LAW THAT THIS CERTIFICATION/ESTIMATE AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHERED AND EVALUATED INFORMATION PRESENTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, I HEREBY CERTIFY THAT THIS SUBMITTAL IS ACCURATE AND CORRECT. I AM AWARE THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS. I FURTHER ACKNOWLEDGE THAT FAILURE TO FOLLOW FEDERAL DIRECTIVES, GUIDELINES, AND REGULATIONS WILL RESULT IN THE LOSS OF FEDERAL FUNDING.

_____ (PROJECT SUPERVISOR)

_____ (LOCAL GOVERNMENT OFFICIAL)

FOR TDOT USE ONLY

DIVISION ID # 4036330040

INVOICE RECEIVED _____

I HEREBY ACKNOWLEDGE RECEIPT OF THE APPROPRIATE DOCUMENTATION FOR PAYMENT OF THIS ESTIMATE/INVOICE WHICH INCLUDES CERTIFICATION SIGNED BY THE LOCAL GOVERNMENT ENTITY. BASED ON THE ATTACHED DOCUMENTATION AND IN ACCORDANCE WITH THE LOCAL PROGRAM GUIDELINES THIS INVOICE IS SUBMITTED FOR PAYMENT.

_____ TDOT OFFICIAL _____ DATE

STAMP

APPROVED PAY		FED SPEED CHART		$	PO LINES
LOCAL MATCH $		ST SPEED CHART		$	1
VENDOR NAME		LOC SPEED CHART		$	2
VENDOR ID		SPLIT SPEED CHART		$	3
LOCATION	ADDRESS #	RECEIPT #			4
EDISON CONTRACT ID		VOUCHER #			5
PURCHASE ORDER ID		PAYMENT REF ID #			6

COMMENTS: _____

MATERIALS AND TESTS BILLING

TN. Dept. of Transportatation - Finance Division **INVOICE #1007**

505 Deaderick St, Suite 800, Nashville, TN 37243

Phone 615-350-4100 Fax 615-350-4128 TDOT.MaterialsTests@tn.gov

Customer

Bedford County Dept. of Finance

200 Dover St., Suite 102

Shelbyville, TN 37160

Invoice Date 5/2/2014

Sales Person Materials & Tests Division

P.O. #

Phone 931-685-2024

Fax 931-680-1029

Job	Payment Due	Payment Terms
02953-3502-94 PIN 030645.01	6/2/2014	Net 30

Product	Quantity	Unit Price	Line Total
Concrete Cylinder Strength Testing	2	$26.19	$52.38

Services Total	$0.00
Products Total	$52.38
Taxes	$0.00
Invoice Total	**$52.38**

Thank you for your business

TN. Dept. of Transportatation - Finance Division 505 Deaderick St, Suite 800, Nashville, TN 37243

Phone 615-350-4100 Fax 615-350-4128 TDOT.MaterialsTests@tn.gov

Page 1 of 1

SAMPLE:

AUTHORIZED SIGNATURE FORM

TN TDOT Department of Transportation

Local Government Guidelines Form 3-1
November 12, 2014

DUNS Number and Authorized Signature Form

DUNS Number	
DUNS Number	Address (must include 9-digit zip code)
Physical Address of Project (must include 9-digit zip code)	
Authorized Signatures	
A minimum of two (2) signatures must be shown to permit flexibility in making requests for reimbursement.	
Typed Name and Title	Signature
Typed Name and Title	Signature
Typed Name and Title	Signature
Typed Name and Title	Signature
I certify that the signatures of the above individuals are only those persons authorized to sign for the reimbursements requests.	
Signature of Highest Elected Official	Date

A new form must be submitted whenever authorized signers change

BILLING PROCEDURES

Invoices may be submitted no more often than monthly

C.4 Payment Methodology:

In the event that the Agency shall receive federal and/or state funds for any portion of the herein described Project, this provision shall apply.

a) The Agency shall submit invoices, in a form outlined in the Local Government Guidelines with all necessary supporting documentation, prior to any reimbursement of allowable costs. Such invoices **shall be submitted no more often than monthly but at least quarterly** and indicate, at a minimum, the amount charged by allowable cost line-item for the period invoiced, the amount charged by line-item to date, the total amounts charged for the period invoiced, and the total amount charged under this agreement to date. Each invoice shall be accompanied by proof of payment in the form of a canceled check or other means acceptable to the Department.

Will not issue Notice to Proceed without billing of prior phase of project

BILLING PROCEDURES

- **Invoices will be returned for correction of errors**
- **Each request must include:**
  - **copies of paid invoices**
  - **copies of canceled checks, or**
  - **other acceptable proof of payment**
  - **approved submittal signature**
- **Invoices must be signed by the Project Supervisor with the local agency**

LOCALLY MANAGED PROJECT TIMELINE RE-CAP

Project Inception to Fully Executed Contract -	**13 Weeks**
NEPA Phase -	**14 Weeks**
Design Phase -	**10 Weeks**
ROW Phase -	**9 Weeks**
Construction NTP to Construction Beginning -	**10 Weeks**

LOCALLY MANAGED PROJECT TIMELINE RE-CAP

IF EVERYTHING GOES ACCORDING TO PLAN, THE MINIMUM TIME FROM PROJECT INCEPTION TO CONSTRUCTION WILL BE 56 WEEKS PLUS THE LENGTH OF TIME IT TAKES TO CONSTRUCT THE PROJECT.

BE DILIGENT AND PATIENT. GOOD LUCK!

ACCELERATED DELIVERY (AD) PROCESS

- **An option that allows local governments to deliver transportation projects with limited TDOT oversight during project development**
- **<u>Cannot</u> be on the State or National Highway System or funded by a competitive grant**
- **The local government will pay for all project work following the NEPA Phase USING THEIR OWN FUNDS**
- **Upon completion of the project, the LG will notify the TDOT LPDO and request a project review**
- **Letters of interest can be submitted**

LOCALLY MANAGED TRANSPORTATION PROJECTS

Whitney Sullivan
Transportation Manager
TDOT Local Programs
615.253.1387
whitney.sullivan@tn.gov

TN TDOT Department of Transportation

TN TDOT Department of Transportation

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Local Programs

- Staff
- Funding Guidance
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Local Programs Development Office