Local Project Administration (LAG) Training

Dave Holien

MONTANA
Department of Transportation

Introduction

- What is Local Project Administration?
- Local Agency Guidelines (LAG) Manual
- What's the KEY?? ….Federal Aid Compliance!
- For Federally funded projects, though most (nearly all) of MDT's projects are federally funded. All of the current LAG projects have federal funds involved.
- 2 active projects currently
- Soon to be 21 additional projects

Good Morning … my name is Dave Holien, etc.

What is Local Project Administration? We'll the name is self explanatory – it is when a Local Government (not MDT) is administering a Federal Aid Transportation project. The name of "Local Project Administration" may be used interchangeable with "Local Agency Guidelines" or "LAG", which is the name of the manual from 2013 that defines the process.

The goal of this training is to help Local Agency's understand the process. This training isn't meant to replace the LAG Manual, but to supplement it. For more information on these topics, it is encouraged that the local project managers familiarize themselves with the LAG Manual. This training can be referred back to as sort of a "quick-guide."

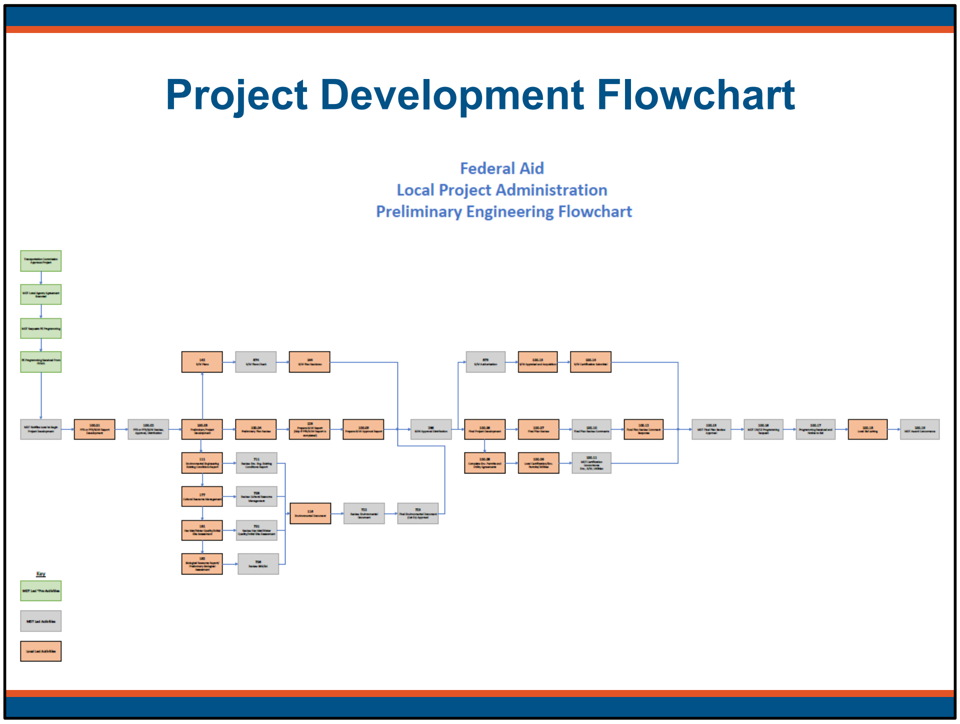
What's the KEY? Federal Aid Compliance! ….For MDT's Project Development process – both Preliminary Engineering and Construction Engineering, federal aid compliance is essentially "baked into" the entire process. Essentially everything MDT does related to project development focuses around being federally compliant with our projects, because nearly 100% of them involve federal aid funding. Therefore, this training is going to revolve around federal compliance.

Currently, MDT has just 2 active LAG projects – one with Missoula County and one with the

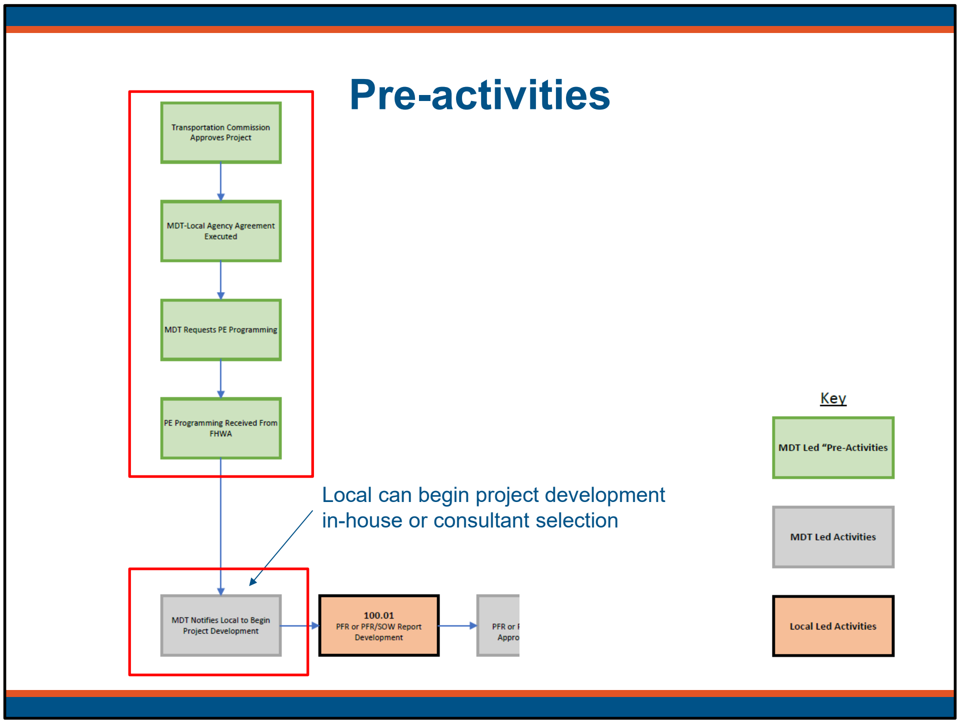
City of Helena. And as many of you know, we're getting ready to sign agreements for about 21 new projects that will be Locally Administered.

Agenda

- Project Development Flowchart
- Consultant Selection
- Preliminary Engineering
- Environmental
- Right-of-Way
- Final Plans, Specs & Estimate (PS&E)
- Certifications
- Final MDT Review
- MDT CN/CE Programming
- Notice to Bid
- Award approval
- Construction administration
- MDT Construction oversight
- Reimbursement requests
- Certification of Completion



Here is the Project Development flowchart that we'll be going through today. This is the Preliminary Engineering flowchart and doesn't include any construction activities. We'll be breaking this down and going through each step.



As you can see there are four "Pre-activities" before we really get to Project development.

Consultant Selection

- “Brooks Act” 23 CFR 172 – qualifications-based selection (not cost)
- 14-day minimum advertising period
- “Open solicitation” recommended
- MDT has five Prequalification Roster (short-list roster) that can be used (Road Design, Bridge, Facilities Layout & Development, Safety, and Transportation Alternatives)

Once MDT receives the PE programming from FHWA, the MDT Project Manager will notify the Local Agency’s project manager that the project has been “Federally Programmed” and that they can being project development activities. …This is an important milestone, because prior to this date, no “project development” activities could be charged to the project.

If your project will be designed in-house, then since your project is now federally programmed, you can now begin the design phase and begin expending “reimbursable” time on the project. More about the actual PE process in bit – I first want to discuss Consultant Selection, because many Local Agencies will be hiring a consultant to do the design and preparing plans and the project manual for the project.

So, once we have the PE funding from FHWA and once the MDT Project Manager notifies the Local Agency’s project manager that the project has been “Federally Programmed” the local agency may now send out the Request for Proposals (RFP).

So, the key here is Federal Aid compliance. You’ll need to follow provisions laid out in the 23 CFR 172 also known as the “Brooks Act.” This is qualifications-based selection – it cannot be based on cost.

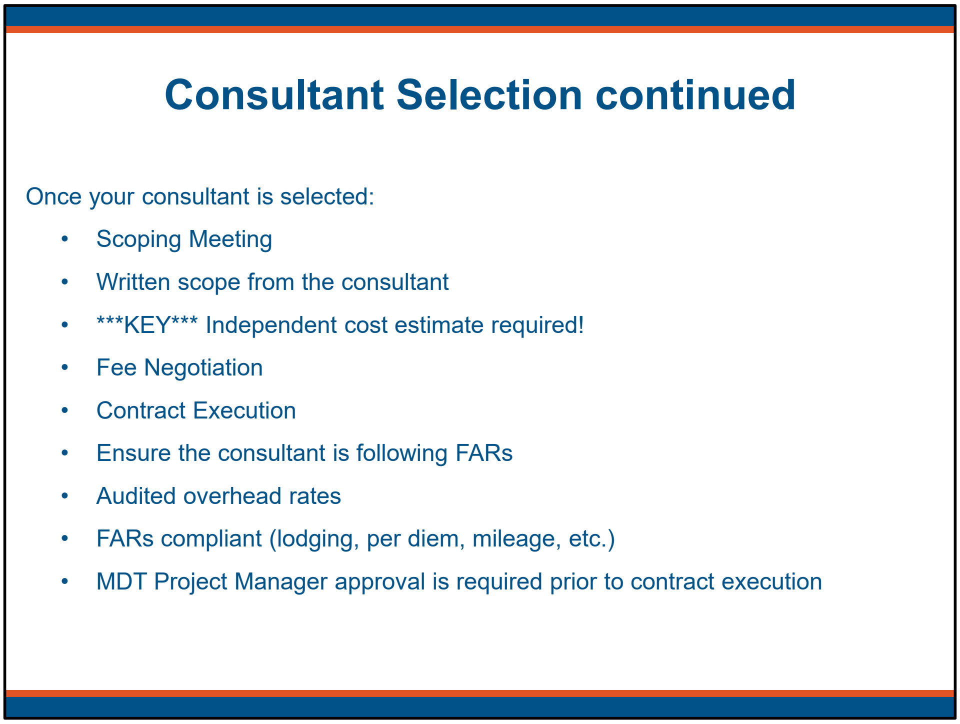
14-day minimum advertising period

The Local Agency can do an “open solicitation” Request for Qualifications or they are welcome to use MDT’s pre-qualification roster.

It is recommended that the RFP includes a requirement that the Consultant has experience with Federal Aid project development as a qualification, as well as completing MDT’s Environmental compliance activities

The RFQ can include a selection for both Preliminary Engineering and Construction Engineering (RFP needs to specifically mention CE Services).

If you would like to see an example of an MDT RFP, we can provide that – just ask the MDT Project Manager.



Once you've received the Proposals and have completed the scoring and have selected the most qualified firm, it is now time to begin negotiating a contract with them.

Of course, the first step is a scoping meeting with the consultant to define what they'll be scoped to provide. Ensure to invite the MDT Project Manager to the meeting. It can be in-person/and or virtual.

After the scoping meeting, the next step is the Consultant should provide the local agency with a written scope (only) – this is KEY. No fee estimate at this point. Then the Local Agency and consultant should negotiate the scope of services. Once they have agreed to the scope of services document, the Local Agency MUST prepare an independent estimate for these services to ensure that an appropriate amount of hours and fee are agreed to between the Local Agency and Consultant. This independent estimate should NOT be based on a percentage of the construction cost estimate. But, rather it needs to be an independent estimate of hours based on the scope of services provided.

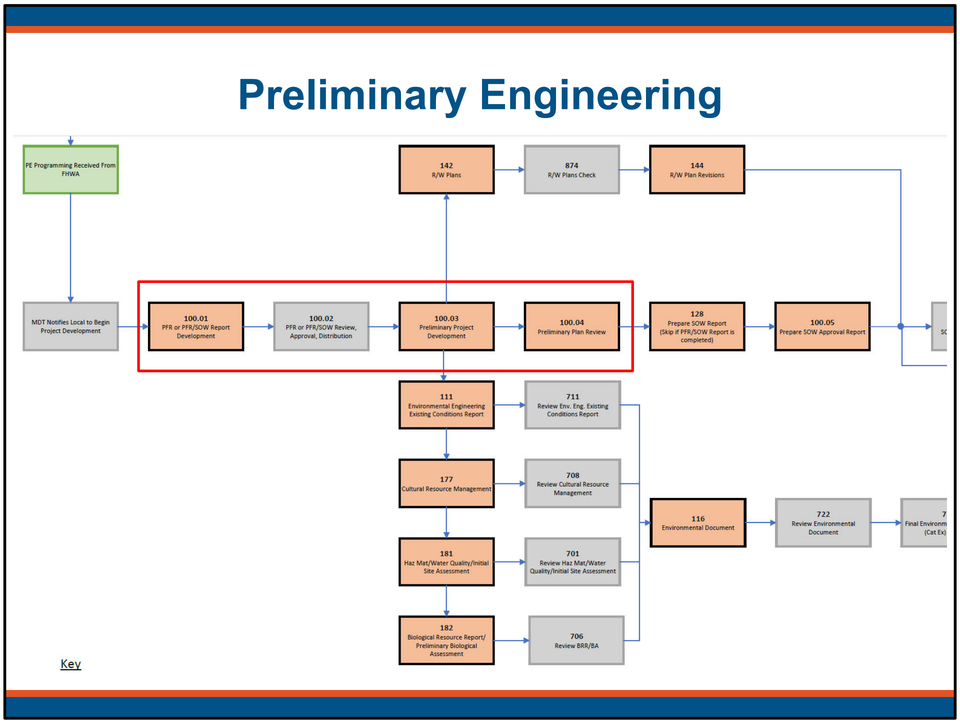
After the local agency has their independent estimate prepared, then they can ask the consultant to send their fee estimate. Then the two parties negotiate the fee. The local agency and consultant should also agree on a written schedule of the activities. Although it rarely happens, if the Consultant and Local Agency can't come to an agreement on the fee for the contract, then the Local Agency will move on to the second highest ranked Consultant from the RFP scoring.

Here are a couple of important notes for the Local Agencies to be aware of:
You need to ensure that the Consultants costs are FARs compliant FAR stands for Federal Acquisition Regulations. If the Contract with the Consulting Firm is over $50,000, the Consultant will need to use an approved Overhead Rate.

Profit is limited by FHWA to 15%. MDT commonly uses 12% profit for consultants, and 12% profit is recommended.

Ensure the consultant proposed costs are FARs compliant (lodging, per diem, mileage, etc.)

Prior to executing the contract with the consultant, please send the proposed contract, scope, fee, schedule, and independent estimate to the MDT Project Manager for them to check. They will do a cursory check to ensure the scope and fee are reasonable (compared to the fee estimate) as well as checking the Consultant's overhead rate and ensuring direct costs are FARs compliant.

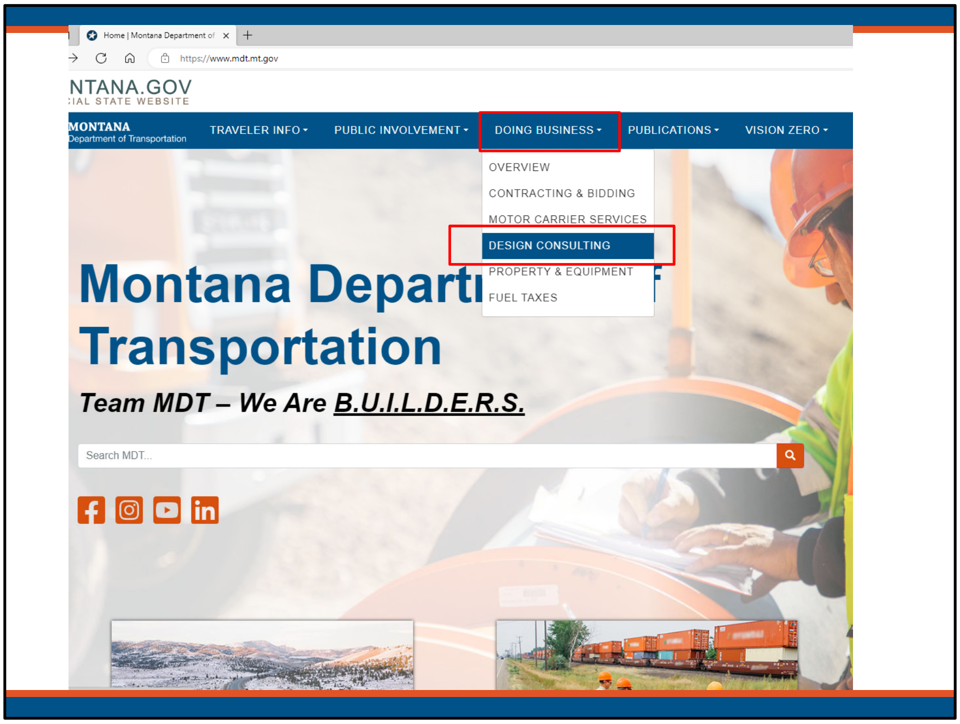


As you can see on this flowchart, the next step in the PE phase is Activity 100.01 – PFR or PFR/Scope of Work Development. This is something the local agency can prepare themselves or have their consultant prepare. MDT has a template available and examples as well. After the report is prepared, the local agency will submit it to the MDT Project Manager for review, edits, etc. Once the MDT Project Manager has reviewed and comments and edits have been incorporated, the MDT Project Manager will get the signature of the Consultant Design Engineer, Kelly Williams, and then it will be distributed at MDT for comment with a 2-week comment period. This Distribution is Activity 100.02.

Then, Activity 100.03 is Preliminary Project Development. This is really many activities lumped into one – survey, design, etc. The local agency can choose to break this activity into sub activities, which would be encouraged if they are using a Consultant. This is really the "meat and potatoes" of everything that is needed for preliminary design. This is typically survey, design (alignments, cross sections, typical sections, preliminary quantities, preliminary cost estimate, plan sheets, special provisions), investigation and analysis (if warranted) such as hydraulics analysis and design, geotechnical investigation, structural design (bridge, retaining walls), traffic design, etc. Follow all applicable design requirements (AASHTO Green Book, City or County Standards, MDT Standards, AASHTO Guidelines for Bicycle and Pedestrian Facilities, MUTCD, etc.) Also, if your project may affect utilities, this will also need to include the Consultant and Local Agency to meet with the utility companies to notify them of the project and the potential impacts to their utilities. …….As a reminder, as far as the plans go, this is not an MDT designed project is it is not going to be let by MDT, so there is no need to follow MDT plan standards or bid items. If the Local Agency wants to follow MDT's plan standards and specs, that is fine and they can do that, just so you know it is not a requirement. You can certainly use City or County plan standards and Montana Public Works standard specifications.

This will culminate in the Preliminary Plan Review meeting (Activity 100.04). Plan for a 2-week review period prior to the Preliminary Plan Review meeting. This meeting will be with the MDT Project Manager and certain functional managers that need to be included.

The MDT Project Manager will work with the Local Agency's Project Manager to find a time for the review that will work for everyone that needs to be included. Due to the difficulty of scheduling meetings with a large group, it is encouraged to begin coordinating with the MDT Project Manager a month or so in advance of the desired meeting date to ensure availability on everyone's calendars. To be clear, the Local Agency should be the one to schedule the meeting, but the point here is to communicate with the MDT Project Manager on a time that will work for the MDT folks that should be involved.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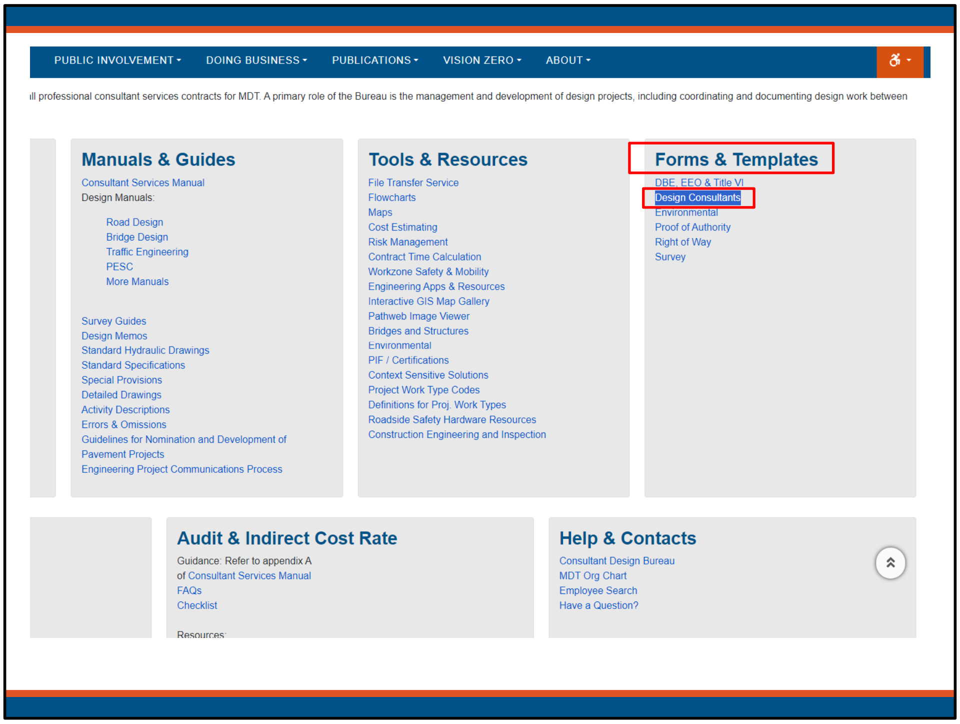
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ABOUT
ll professional consultant services contracts for MDT. A primary role of the Bureau is the management and development of design projects, including coordinating and documenting design work between
Manuals & Guides
Consultant Services Manual
Design Manuals:
Road Design
Bridge Design
Traffic Engineering
PESC
More Manuals
Survey Guides
Design Memos
Standard Hydraulic Drawings
Standard Specifications
Special Provisions
Detailed Drawings
Activity Descriptions
Errors & Omissions
Guidelines for Nomination and Development of Pavement Projects
Engineering Project Communications Process
Tools & Resources
File Transfer Service
Flowcharts
Maps
Cost Estimating
Risk Management
Contract Time Calculation
Workzone Safety & Mobility
Engineering Apps & Resources
Interactive GIS Map Gallery
Pathweb Image Viewer
Bridges and Structures
Environmental
PIF / Certifications
Context Sensitive Solutions
Project Work Type Codes
Definitions for Proj. Work Types
Roadside Safety Hardware Resources
Construction Engineering and Inspection
Forms & Templates
DBE, EEO & Title VI
Design Consultants
Environmental
Proof of Authority
Right of Way
Survey
Audit & Indirect Cost Rate
Guidance: Refer to appendix A of Consultant Services Manual
FAQs
Checklist
Resources:
Help & Contacts
Consultant Design Bureau
MDT Org Chart
Employee Search
Have a Question?

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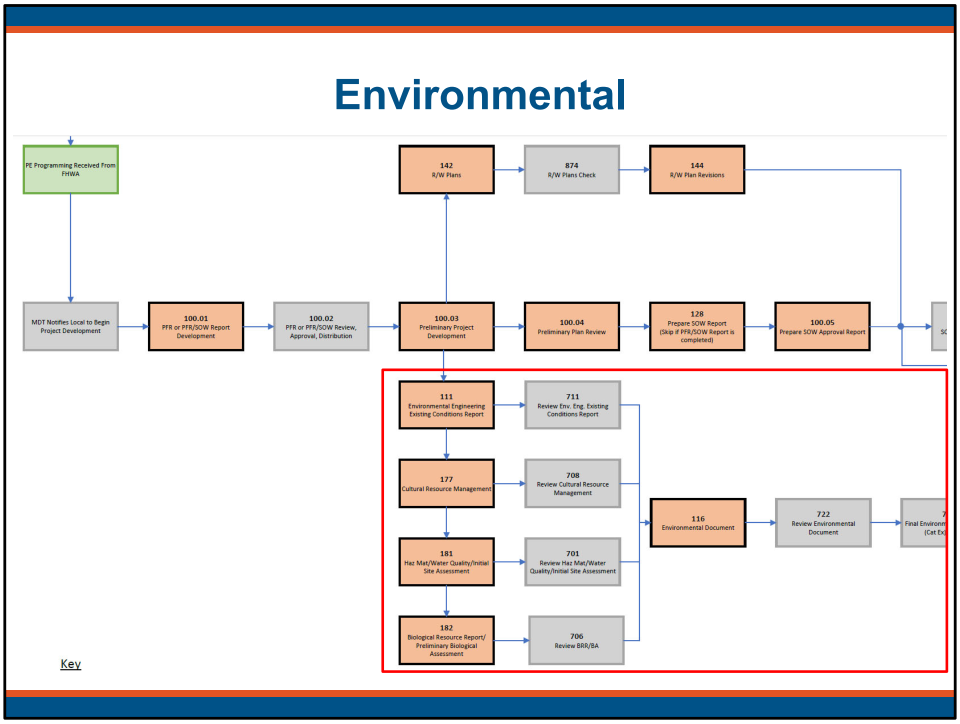
Perpendicular Ramp - Shared Landing

Design Consultants

- ADA Statement of Technical Infeasibility
- Alignment and Grade Review Report (AGR)
- Baseline Variance Report
- Certification of Indirect Costs
- Certification of Loaded Rate Compliance
- Combined Preliminary Field Review (PFR) and Scope of Work (SOW) Report
- Comment Response Document
- Commitment and Resolution Document
- Design Exception Report - Full
- Design Exception Report - FHWA PoDI
- Design Exception Report - Local Agency Encroachments
- Fee Proposal for Project
- Final Plan Review (FPR) Report
- Fee Proposal for Term Assignment
- Plan-in-Hand (PIH) Report
- Preliminary Field Review Report (PFR)
- Progress Report PE Sample Instructions
- Progress Report PE Template
- Progress Report CE Template
- Project Transmittal
- Request for Exception to Design Standards



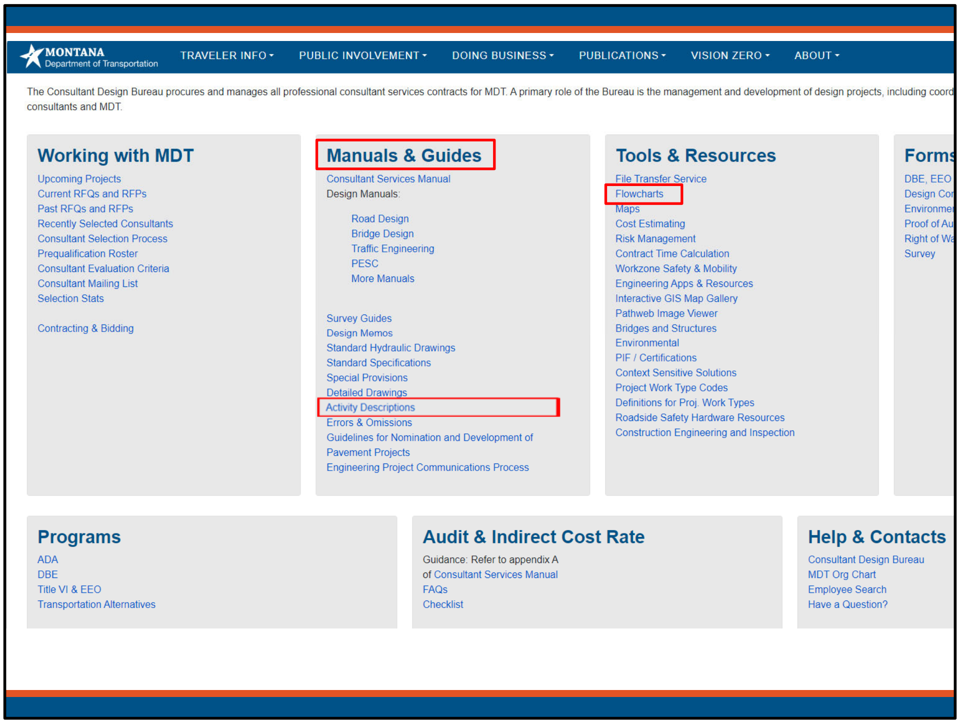
Next to discuss are the Environmental tasks. You can see them here below Activity 100.03 Preliminary Project Development. The Activities are 111 – Environmental Engineering Existing Conditions Report, 177 – Cultural Resource Management, 181 – Hazardous Materials/Water Quality/Initial Site Assessment, 182 – Biological Resource Report/Preliminary Biological Assessment. All of these are required, except for Activity 177 – Cultural Resource Management. Sometimes this can be "skipped or waived", but that decision will be made by Jon Axline who is MDT's Historian. Generally, if a project is within existing right-of-way (no R/W acquisition), often then Activity 177 does not need to be completed (meaning a separate cultural resource analysis doesn't need to be done.) Also, activity descriptions can be found in MDT Activity Descriptions – I'll show the where these can be found on the next slide.

MDT has templates and examples for all of these activities. When these activities are complete, send them to the MDT Project Manager who will coordinate the review with the MDT Functional Managers. A 20-working day review is common. After the four "pre-Environmental" activities are complete, the local or Consultant can complete the Activity 116 – Environmental Document. The template can be found on the MDT website. In addition, MDT can provide examples if needed.

After the Environmental Document is prepared, again, submit it to the MDT Project

Manager who will coordinate the review with the MDT Functional Manager in Environmental. The Environmental Document must be complete and signed by MDT before the Scope of Work Approval memo can be completed (more on this later.)

If these initial Environmental deliverables can be submitted at the same time as the preliminary plans are delivered, that would be preferred. That way, if Environmental has any questions, they can attend the Preliminary Plan Review. Also, it is sometimes helpful for them to have the plans to review as they review the Environmental deliverables.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ABOUT
The Consultant Design Bureau procures and manages all professional consultant services contracts for MDT. A primary role of the Bureau is the management and development of design projects, including coord
consultants and MDT.
Working with MDT
Upcoming Projects
Current RFQs and RFPs
Past RFQs and RFPs
Recently Selected Consultants
Consultant Selection Process
Prequalification Roster
Consultant Evaluation Criteria
Consultant Mailing List
Selection Stats
Contracting & Bidding
Manuals & Guides
Consultant Services Manual
Design Manuals:
Road Design
Bridge Design
Traffic Engineering
PESC
More Manuals
Survey Guides
Design Memos
Standard Hydraulic Drawings
Standard Specifications
Special Provisions
Detailed Drawings
Activity Descriptions
Errors & Omissions
Guidelines for Nomination and Development of Pavement Projects
Engineering Project Communications Process
Tools & Resources
File Transfer Service
Flowcharts
Maps
Cost Estimating
Risk Management
Contract Time Calculation
Workzone Safety & Mobility
Engineering Apps & Resources
Interactive GIS Map Gallery
Pathweb Image Viewer
Bridges and Structures
Environmental
PIF / Certifications
Context Sensitive Solutions
Project Work Type Codes
Definitions for Proj. Work Types
Roadside Safety Hardware Resources
Construction Engineering and Inspection
Forms
DBE, EEO
Survey
Programs
ADA
DBE
Title VI & EEO
Transportation Alternatives
Audit & Indirect Cost Rate
Guidance: Refer to appendix A of Consultant Services Manual
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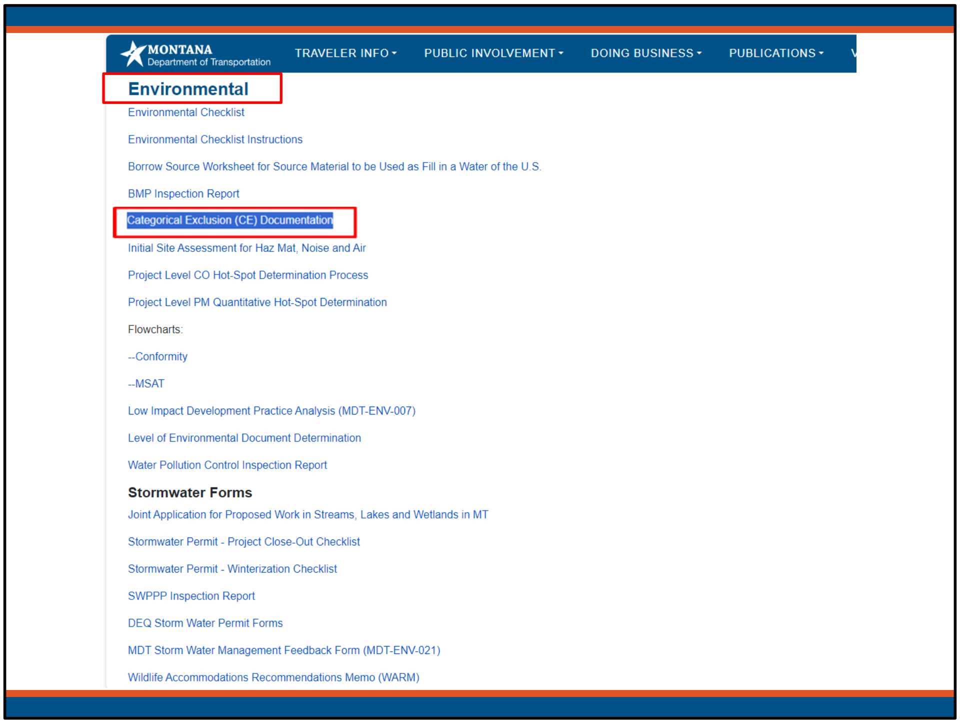
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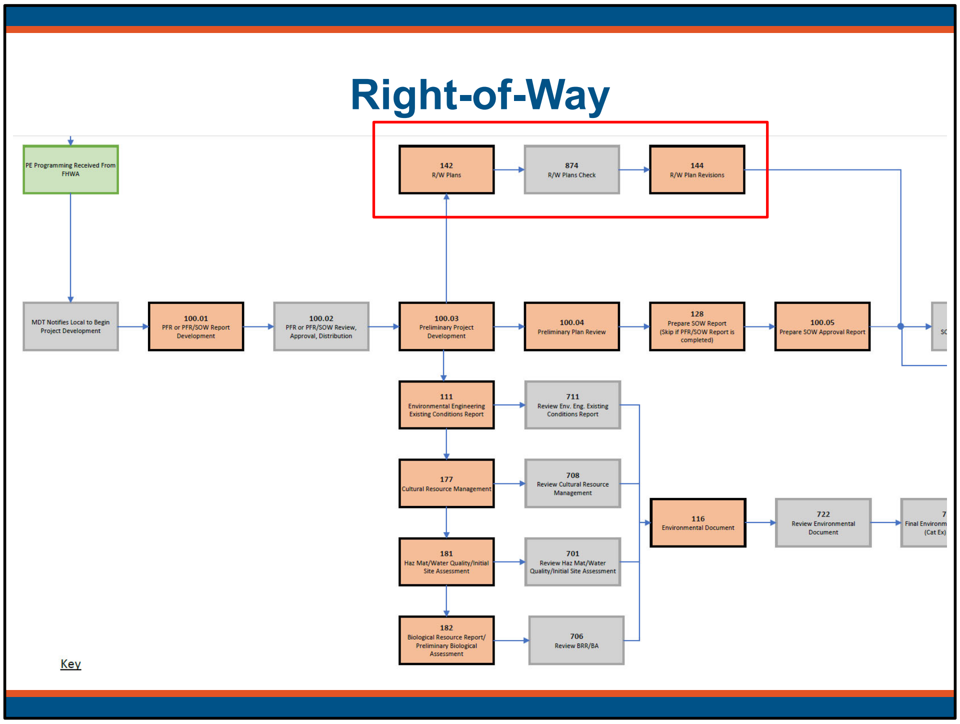
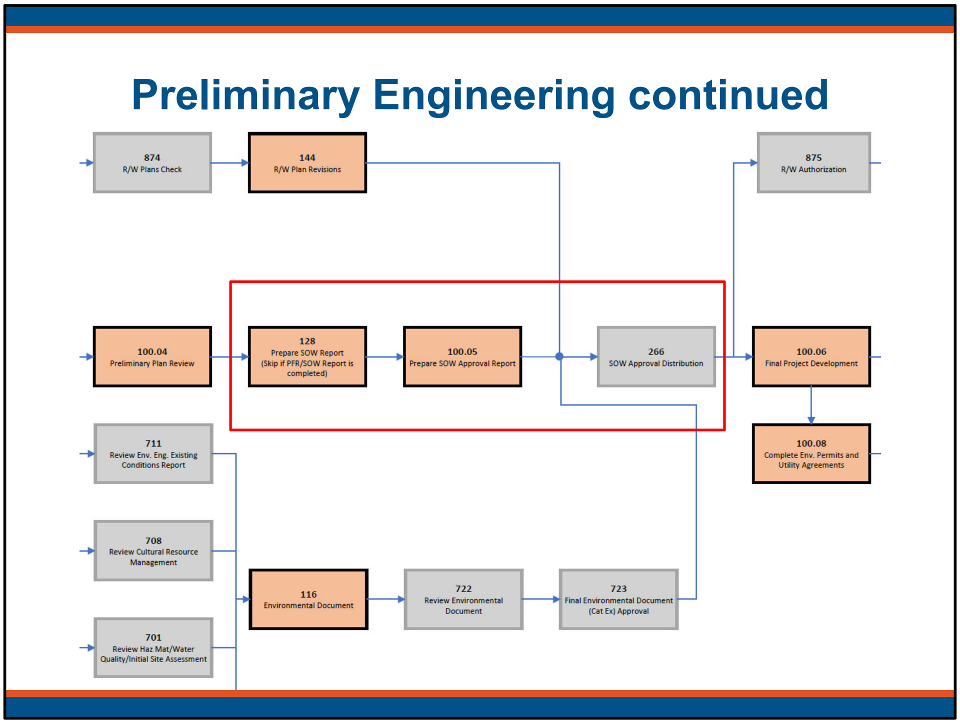
Environmental
Environmental Checklist
Environmental Checklist Instructions
Borrow Source Worksheet for Source Material to be Used as Fill in a Water of the U.S.
BMP Inspection Report
Categorical Exclusion (CE) Documentation
Initial Site Assessment for Haz Mat, Noise and Air
Project Level CO Hot-Spot Determination Process
Project Level PM Quantitative Hot-Spot Determination
Flowcharts:
--Conformity
--MSAT
Low Impact Development Practice Analysis (MDT-ENV-007)
Level of Environmental Document Determination
Water Pollution Control Inspection Report
Stormwater Forms
Joint Application for Proposed Work in Streams, Lakes and Wetlands in MT
Stormwater Permit - Project Close-Out Checklist
Stormwater Permit - Winterization Checklist
SWPPP Inspection Report
DEQ Storm Water Permit Forms
MDT Storm Water Management Feedback Form (MDT-ENV-021)
Wildlife Accommodations Recommendations Memo (WARM)



Not all projects will have Right-of-Way, but some will. If your project will have Right-of-way acquisition or permits, then typically a cadastral survey would need to be done along with an ownership report. These are typically part of the Activity 100.03 in the flowchart (Preliminary Project Development). After these activities, then the local agency or Consultant can complete the Right-of-Way plan development activities: Activity 142 – R/W Plans, 874 – R/W Plans Check, 144 – R/W Plan Revisions. This is preparing the R/W plans. If there is uncertainty with the limits of construction, and the size of easements or acquisition, it is recommended that the R/W plan development wait until the plans are better developed and the construction limits are finalized. Also, there is typically all of the other items that go along with Right-of-Way plan development including an ownership report, last deed of record, title commitments, etc.



So, we've talked about a few the initial preliminary engineering activates, as well as Environmental and Right-of-Way.

The next step after the Activity 100.04 Preliminary Plan Review and after the Environmental Document is complete and approved, the next activities are the Scope of Work Report and Scope of Work Approval Memo.

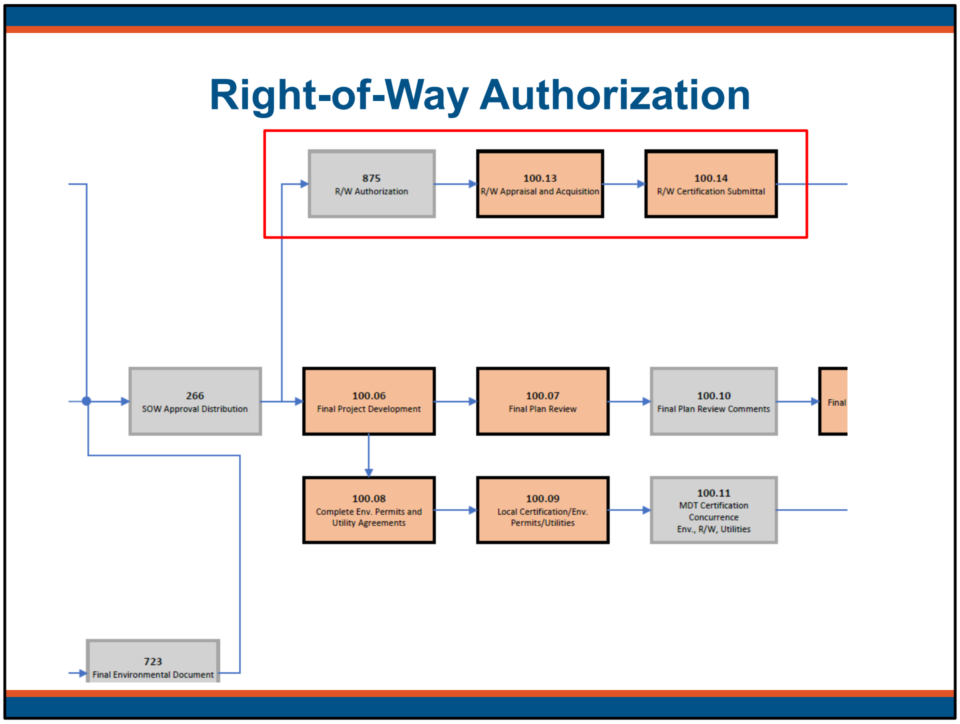
If, back in Activity 100.01 which was the Preliminary Field Review Report. It is an option to instead of writing a Preliminary Field Review Report, to write a combined Preliminary Field Review / Scope of Work Report. This is recommended for projects where the scope is well defined. Most TA projects will have their scope very well defined from the beginning, so a combined PFR/SOW is recommended.

If a combined PFR/SOW was not done – in other words, just a Preliminary Field Review Report was done, then a Scope of Work Report will need to be drafted and distributed for comment. After the comment period has ended, then the Scope of Work Approval Report can be drafted. The SOW Approval Report reports all of the approvals from the Scope of Work Report. Approvals need to be obtained from several key MDT staff such as the District Administrator and several Bureau Chief level staff. The people that review the Scope of Work Report are required to provide a response within a 2-week period after the report is distributed. Also, comments are requested from those on the distribution list.

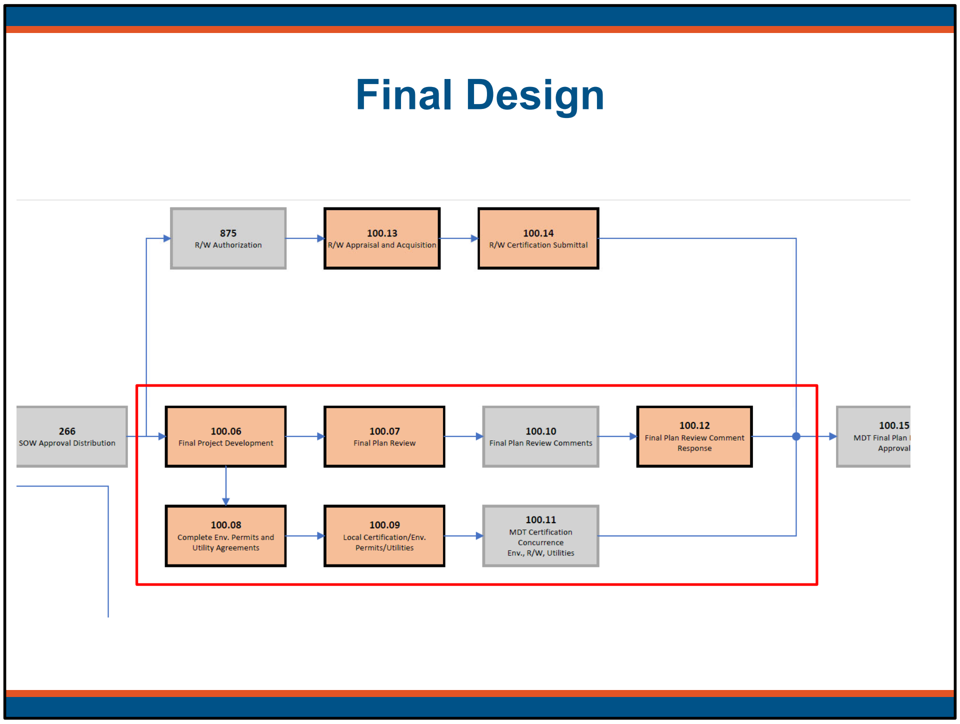
The MDT Project Manager will be responsible to distribute the report once it is prepared.

Once all approvals and comments are received, the MDT Project Manager will prepare the Scope of Work Approval Memo and will collaborate with the local agency and their consultant on responses to any comments received. Once the Scope of Work Report is prepared and accepted by the Preconstruction Engineer, this then concludes the “Preliminary Engineering phase” and the project can move into “Final Design.”

The Scope of Work Report is important is it is a key step in the design process. It is the document that defines the scope, schedule and budget for the project.



If your project does have a Right-of-Way phase, the Federal programming for the R/W Phase can be requested after the SOW Approval Report is finalized and distributed. After the R/W Programming is received, you can then begin R/W Acquisition activities including appraisal and acquisition. Ensure to follow the Uniform Act which is also known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. If there are any question on this there is information in the LAG Manual and you can also contact the MDT Project Manager who can put you in touch with MDT's Right-of-Way Bureau. After the R/W is acquired, the local agency will submit a certification (statement) to MDT indicating that the R/W process is complete and that the Right-of-Way has been secured for the project. This certification is necessary prior to bid letting.

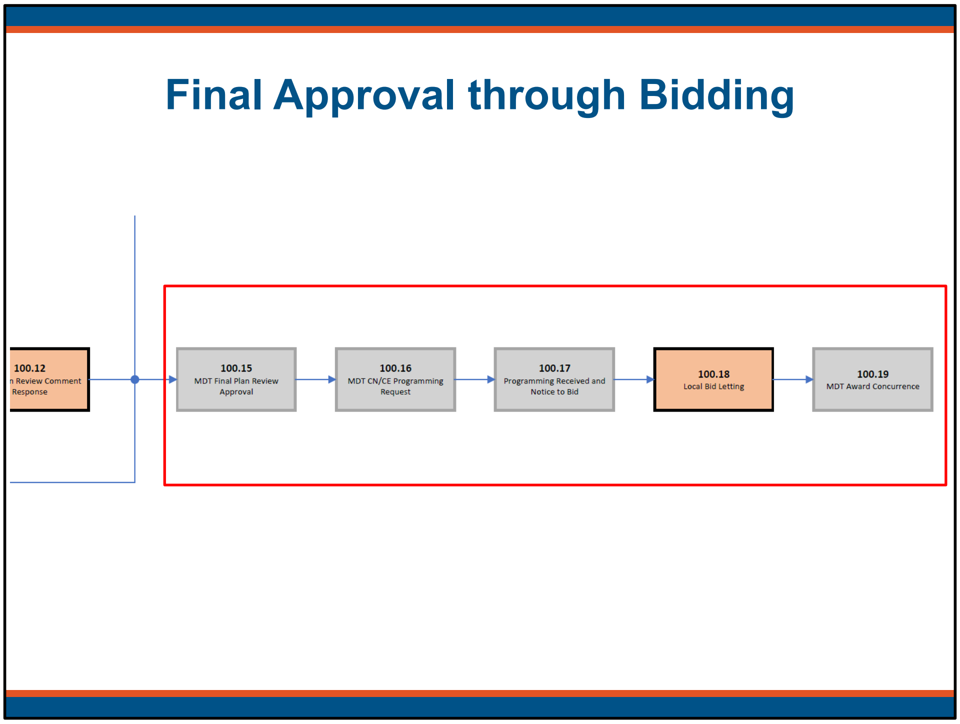


After the Scope of Work Approval Report and distribution, the local agency can begin Final Design. Similar to the Preliminary Design, this activity includes a combination of several activities lumped together to one Activity named 100.06 Final Project Development. This is essentially finalizing the design based on what was documented in the Scope of Work Report and Scope of Work Approval Memo, meaning that it will consider the comments and responses contained in that report. Again, follow all applicable design requirements. After the plans are finalized, there will be a Final Plan Review (plan for a 2-week review period prior to the meeting.) This meeting will be with the MDT Project Manager and certain functional managers that need to be included.

After the Final Plan Review, the local agency or consultant will provide a comment/response document containing all comments from the Final Plan Review with responses of how the comments are addressed. The local agency should send this comment/response document to the MDT Project Manager along with the Final Plans (with comments addressed.) The MDT Project Manager and MDT Plans Checker will check the plans to ensure all comments are addressed.

The other activities that need to be completed prior to MDT being able to approve the plans are Activities 100.08, 100.09, and 100.11. These Activities are for completing any necessary environmental permits, such as SPA 124/404, EPA Injection Wells, etc. that might be necessary. This also includes any Utility agreements that need to be included. For off-system projects, the local agency can handle these directly with the Utility companies. If the project is on-system and there is an IC (Utility relocation Federal Aid phase), where there are federal funds involved along with cost-sharing with the Utility company, you'll need to coordinate with MDT Utilities. MDT Utilities can assist with coordination with the Utility company, but the local agency will be the lead with assistance from the MDT Utility Section. Best thing here is to treat this as case by case and have a lot of communication with the MDT Project Manager and the MDT Utilities Section to coordinate tasks to ultimately get to an executed Utility Agreement.

Once the Local Agency completes any needed Environmental permits, Utility Agreements, and any R/W Acquisition, the local agency must then "certify" to MDT that all of these items are complete. If there are none, such as no Environmental permits, utility agreements, or R/W acquisition – the local agency still needs to tell the MDT Project Manager in writing that it is "certifying" to MDT that all of these items are complete. MDT can provide a check list for this.



Once the MDT Project Manager has the certification from the Local Agency for Environmental, Utilities, and Right-of-Way and after they have approved of the Comment/Response Document, Final Plans and Project Specifications and Project Manual – they will then notify the local agency that they will be requesting that MDT Fiscal Programming “Program the CN/CE funds” for the project. The local agency needs to wait until they hear from the MDT Project Manager that the project has been “programmed” meaning that FHWA has transferred the CN/CE funding to MDT before bidding the project.

One thing that I haven’t covered yet is the Project Manual. This needs to contain certain items for federal compliance such as the FHWA 1273 Form, Buy America/Buy American Provisions, and the Davis Bacon Federal Wage Rates. Back 10-years ago in the CTEP Program we had the CTEP Special Provisions and I believe one other form. I need to review them and see what needs updating. Of course, the project manual will also need to include other information such as how the contractor should bid (is it electronic/hard copy) – bid items, contract time or completion date, information on any mandatory pre-bid meetings, bid bond information, etc.

I’ll put together a full list of all of the necessary information that should be included and that will be shared with the local agencies. …In fact, there is need for an entire MDT webpage with all of the relevant information for Local Administered projects including the

LAG Manual, this presentation, the flowchart, links to the Activity Descriptions for the Standard MDT Activities, report templates, checklists, etc. I'll be working on this over the next couple months. Once it is available, it will be shared with the local agencies.

Once MDT receives the federal programming for CN/CE, the MDT Project Manager will gives the local agency the "green light" that they can advertise their project for bid letting. Follow federal bidding requirements which is a minimum 21-day advertisement period.

After receiving bids, analyzing the bid, and if you intend to award the project to the lowest responsive bidder, you'll need award concurrence from the Chief Engineer at MDT who is Dustin Rouse. We'll need to know what the Engineer's Estimate is and what the bid was (as well as how many other bids there were) Bids must be within "Guidelines for Award." The Guideline of Award is a scale that MDT uses for the threshold that is "within Guidelines."

Guidelines for Award

Table 2 - MDT Guidelines for Awarding Construction Agreements

(Used to determine allowable overrun cost participation based on construction bid award amount)

LOWEST RESPONSIVE BID	ALLOWABLE OVERRUN %
UNDER $50,000	30%
$50,000 - $200,000	25%
$200,000 - $500,000	20%
$500,000 - $2,000,000	15%
OVER $2,000,000	10%

Construction Administration

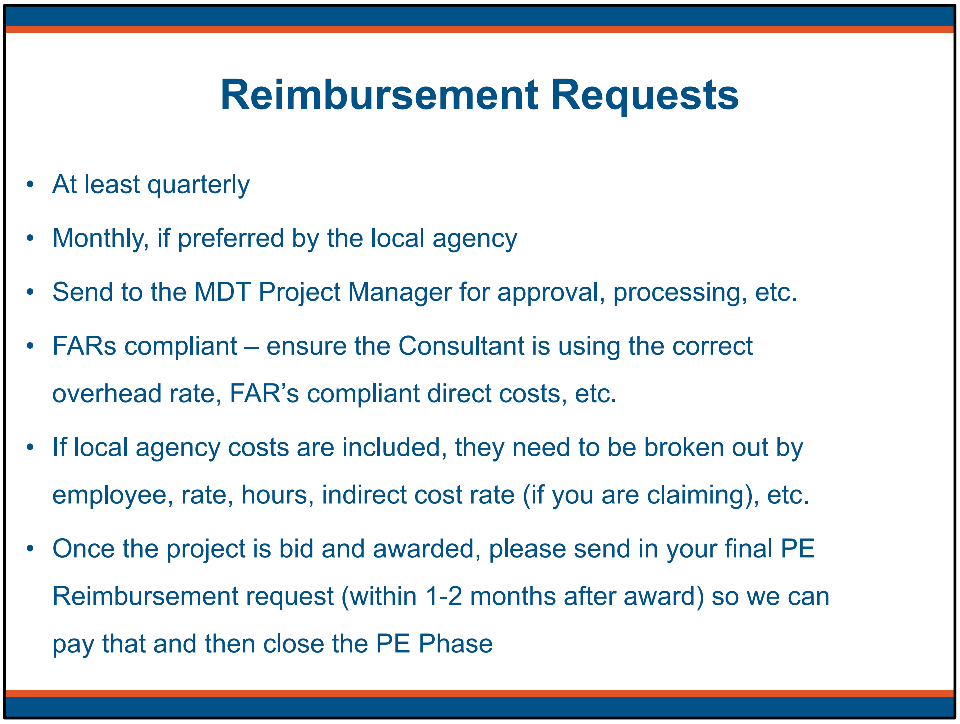
- Once your project has been let, awarded, and MDT has concurred with the award, construction can begin according to the contract requirements
- Record keeping
- Inspection – to be done by Local Agency or their consultant
- Documentation
- Closeout

Ensure that you or your consultant keep good records during construction. For example, everything from keeping daily work reports of what the contractor is working on and keeping track of progress. Ensure that you are keeping track of their progress. Ensure that all of the materials that need to be tested are tested and that the results are documented. I'm not going to go over all of the required testing – that should be included in the contract – the Project Manual, or should be included by reference either the Montana Public Works Standard Specs, or MDT specs, etc.

Also, for features that have an ADA compliance component, all of that must meet ADA, so make sure you are checking forms for ramps both prior to and after they have been poured – as well as the cross slope of sidewalks and paths.

If you will be using a Consultant for contract administration and inspection, ensure that you scope them to do that work with a written scope and fee estimate. This would usually be an amendment of your existing contract with your Consultant, unless you'll be procuring a different consultant. Ensure that you don't scope this work until you have your project either advertised or awarded (CN/CE funds need to be programmed in order to scope this work.) This fee needs to be tracked apart from the PE budget (as it will be paid out of CE funding.)

At the end of construction, typically the EPM (MDT Engineering Project Manager) will meet with the Local Agency for a final walkthrough and to sign a Certificate of Completion which will be required to close the project.



Ensure that you send a cover letter with the request and the total amounts and where MDT is supposed to send the check. Also, be sure to attach all relevant invoices from consultants, subconsultants, etc.

Reimbursement Requests continued…

- Construction reimbursement requests
- Send to the MDT Project Manager who will coordinate with the MDT Engineering Project Manager (EPM) in the District who will be assigned to the project
- The EPM will need to meet with the Local Agency to review the contractor's certified payroll, review the portion of the project that has been constructed and included in the reimbursement request, check ADA compliance, etc.
- If your project has a 13.42% local match, then your reimbursement request should be requesting 86.58% of the costs for reimbursement (not 100%).

Project Closeout

- Final Reimbursement Request
- Certificate of Completion

As mentioned previously, after your project is bid and awarded, ensure that you submit your final PE reimbursement request as soon as possible after that (within reason – generally within 1-2 months.)

Similarly, with the Construction phase, you can send in reimbursements monthly or quarterly. As soon as the project is complete and you've paid the contractor's final pay request, please send MDT the final reimbursement request so MDT can pay it and we can get the project closed.

Once construction is complete, please notify the MDT Project Manager and EPM and get the final walkthrough scheduled. After the walkthrough and it is determined that there are no unresolved issues, the project can be closed. In order for MDT to close a project we will need a Certificate of Completion signed by the Local Project Manager (and several people at MDT).

What is the key to all of this?

-Follow the process

-Federal Aid compliance

-Communicate often and regularly with the MDT Project Manager. I would recommend that the Local Agency's Project Manager meet with the MDT Project Manager every 2-3 weeks.