



COLORADO

Department of Transportation

Local Agency Federal Aid Projects

**TIP Training Workshop on Process
Requirements:
What Every Project Manager
(and Applicant) Should Know**

February 2022





CDOT Local Agency Project Oversight

When applying for Federal Funding give extra thought to:

- What is CDOT's Role?
- Is your Project Schedule and Cost Estimate Realistic?
- What is the Process?



CDOT Local Agency Manual (July 2017 revision)

- Federal \$\$ come with requirements that can impact your:
 - Cost
 - Scope
 - Schedule
- Set realistic dates for project development and delivery
- Talk with CDOT early and often





CDOT / Local Agency IGA

- **No federal reimbursement without an Executed Intergovernmental Agreement (IGA) and an Executed Option Letter**
- **What does an Outline IGA define?**
 - Scope of Work-As per the approved TIP Application
 - Project responsibilities (Form 1243)
 - Funding Provisions (TIP Application and Cost Estimate for Exhibit C of IGA - Design, ROW, Utilities, Misc, Construction)
 - Payment obligations (FHWA authorizes phases of work, Allows spending of funds)
 - Phase and Project Deadlines (Start and end dates for phases are established as each phase receives FHWA authorization)



Consultant Selection

- **If you want to receive reimbursement with federal funds for the design consultant costs:**
 - Follow the federal-aid selection process (Brooks Act - Qualification Based Selection) included in Exhibit H of the IGA along with a list of federal and state laws.
 - Chapter 5 of the Local Agency Manual
 - Local Agency prepares documents stating the need for professional services and develops the RFP.
 - CDOT Reviews the RFP and request DBE goals.
 - Local Agency advertises the RFP upon CDOT approval and inclusion of a DBE goal for a minimum of 15 days.
 - Local Agency conducts interviews and selection is based on competence and qualifications only (cost not a consideration since cost must be fair and reasonable as pursuant to CRS-24-30-140)
 - After a consultant is selected, the LA negotiates costs with the consultant and they execute a contract. The LA then issues the Notice of Proceed to the consultant and copies CDOT.



Project Schedule

- Milestones:
 - Kickoff/Scoping meeting
 - Field Inspection Review (30% Design)
 - Final Office Review (90% Design)
 - Clearances-ROW, Utility, Environmental
 - Plans & Specs and Estimate Approval
 - Concurrence to Ad
- Please Note: If IGA is construction only, the project still needs to go through the Preconstruction milestones above



Utilities



Local Agency Responsibilities

- **SUE - New law, requires a SUE investigation if your project meets all 4 criteria**
 - Project involves a construction contract with a public entity;
 - Project involves primarily horizontal construction and does not involve primarily the construction of buildings;
 - The project has anticipated excavation footprint that exceeds 2 feet in depth and that is a contiguous 1000 square feet (excluding fencing and signing projects) **OR** involves utility boring;
 - Project requires the design services of a licensed PE.
- **Budget for SUE.**
- **Distribute plans and meeting invitations to Utility owners for review. Provide plans to CDOT Utilities a minimum of 2 weeks prior to each milestone meeting.**
- **Draft, negotiate, and execute required agreements, including the Public Utilities Commission action for Railroads.**
- **Incorporate all work elements of the agreements into the plans, Utilities specification, and Railroad requirements specification.**



Utilities Red Flags

- Contact CDOT early to walk through the Utilities process.
- In application development, determine what utilities will be impacted, if there will be a potential conflicts, if relocations are required, determine who will perform the work and how the work will be paid for.
- Build in time into the project schedule - for plan reviews, Utility relocations and signatures on your agreements.
- The Utility Clearance Certification Letter must detail how the utility work for each utility is being paid; whether at project cost, at no cost to the project, per the project force account, per the franchise agreement or by using over match money.





Environmental



Environmental: Federal vs. Non-Federal

Federal funding triggers the following laws not triggered with local or state funding:

- **National Environmental Policy Act (NEPA)**
- **Section 4(f) Historic**- if you have takings of buildings greater than 50 years old this substantive law applies
- **Section 4(f) Parks & Recreation** - if you are touching parks or recreation resources (trails) this substantive law applies

The above will impact your project in terms of scope, fee, and schedule

These items apply regardless of funding:

- Wetlands Section 404
- Migratory Bird Treaty Act
- Section 6(f) - Land & Water Conservation Fund
- Clean Air Act
- Endangered Species Act
- MS4 compliance

In addition, items apply on CDOT roadways:

- Noise Analysis
- Air Analysis
- Archaeo/Paleo
- Hazardous Materials



Environmental: Success Tips for Federal Funding

- Environmental scoping meeting with CDOT
- Provide environmental scope for consultants to CDOT for review
- Identify red flag resources early
- Engineers work in conjunction with environmental to avoid & minimize impacts



Environmental Bottom Line....

Coordination with CDOT Environmental Staff - Early and Often



Right of Way



Right of Way

- If any portion of the project receives federal reimbursement, (even just one traffic signal) Uniform Act must be followed. CDOT local agency staff and ROW team can help advise.
- You must identify ROW at scoping. The ROW process following the Uniform Act takes time, money and paperwork and adds 9-12 months to your schedule, no matter your funding source, size of project or size of acquisitions.
- You must have environmental approval to submit plans for approval. Review and approval takes 1-2 months, depending on quality of plans submitted.
- It can take 9 to 12 months after the ROW plans are completed and authorized to acquire ROW. The time between ROWPR and Ad Date needs to be at least 9 to 12 months.



Right of Way: Red Flags

- **Are you willing to condemn?**
Can you condemn?
Are you ready to condemn?
- **If relocation is involved, start early.**
Talk to CDOT ROW ASAP
- Always assume worst case when scheduling, relocation and condemnation can add 9-18 months





Traffic



Traffic

- Project components must conform to the Manual on Uniform Traffic Control Devices
 - New traffic signals require that one or more signal warrants under existing conditions is met (prior to applying is preferable)
- Alterations to street and highway facilities require traffic analysis
 - Data collection (vehicle, bicycle, and pedestrian counts) and analysis; be sure to include in the scope and cost
- Systems Engineering Analysis required for projects incorporating technology
 - <https://www.codot.gov/programs/intelligent-transportation-systems/systems-engineering-analysis-sea>
 - Conduct prior to application or include in scope of project
- Projects on the state highway system require an Operations Evaluation
- Many traffic control products have long lead times for procurement, build into project schedule



Traffic Red Flags

- Traffic signals without a warrant analysis
- Crosswalk enhancements without adequate analysis
- Lack of SEA
- Lump Sum of traffic control
- Experimental or non-MUTCD traffic control devices
- Proprietary items (may be used with justification - Finding in the Public Interest)





Intelligent Transportation Systems (ITS) and the Systems Engineering Analysis (SEA)



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- Systems Engineering Analysis -> SEA
 - **Project delivery process** for technology to ensure project success from pre-scoping to retirement of the system
 - Process: guides the Project Managers (PMs) through the technology portion of design, step by step, using templates that PM's complete
 - Required per 23 CFR 940
(<https://www.fhwa.dot.gov/legsregs/directives/fapg/cfr0940.htm>)
 - Required to be completed to have federal funds released



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- **Local Agency SEA Form required for projects starting design on/after 03/01/2022**
 - Use the Local Agency SEA Form to determine which SEA process to use
 - [Robust SEA Process](#) required for project falls within at least one of the following:
 - On CDOT's right of way
 - Will be owned, operated, or maintained by CDOT
 - Impact CDOT devices
 - Uses CDOT's network
 - Involves multiple local agencies
 - [SEA & Local Agency Webpage](#)
 - <https://www.codot.gov/programs/intelligent-transportation-systems/systems-engineering-analysis-sea/sea-and-local-agencies>



ITS Red Flags

- Every project must document if there is technology or not
- SEA must be started early in design process
- When completing the form - the more detail the better! Vague answers will cause a longer review!





Final Thoughts



Construction: Red Flags

- Allocate sufficient local agency staff / resources to manage and document the project.
- Local agency must have a certified **soils/materials engineer** assigned to do required testing - sometimes this is overlooked.
- For the construction phase, a licensed Professional Engineer is Federally required to be in responsible charge.
- Keep the CDOT project manager informed throughout project completion. Can help avoid project delays.





Recent Red Flags

- Buy America (no waivers)
- Federal Legislation changes
- External factors (natural disasters)
- Economic Influences on Bids
- CMO concurrence / review / approval needed
- EEO certification for final missing
- Missing materials finals documents





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Thank you!

Questions?