



**COLORADO**

Department of  
Transportation

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## Local Agency Federal Aid Projects

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

August 2018





## CDOT Local Agency Project Oversight

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- What are Red Flags to Avoid?
- Cost & Schedule pitfalls
- What is CDOT's Role?
- What is the Process?



## CDOT Local Agency Manual (July 2017 revision)

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





## CDOT/Local Agency IGA

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- **No federal reimbursement without an Intergovernmental Agreement**
- What does an 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

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- **If you want to receive reimbursement with federal funds for the design consultant costs:**
  - Follow the federal-aid selection process (Brooks Act) 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.
  - 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

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- 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



# Utilities



## Local Agency Responsibilities

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- Distribute plans and meeting invitations to 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 elements of the agreements into the plans, Utilities specification, and Railroad requirements specification.





## Utilities Red Flags

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- Contact CDOT early to walk through the Utilities process.
- In application development, determine what utilities will be impacted, if there will be a potential conflict, if relocation are required, determine who will actually perform the work and how the work will be paid for.
- Build in time into the project schedule- both for plan reviews and for Utility relocations.





# 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....

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- Coordination with CDOT Environmental Staff - Early and Often



## Right of Way



## Right of Way

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- 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.



## 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**







## Final Thoughts



## Construction: Red Flags

- Allocate sufficient local agency staff / resources to manage and document the project.
- Local agency must have a **soils/materials engineer** assigned to do required testing - sometimes this is overlooked.
- 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





**Thank you!**

**Questions?**