



Local Programs Procedures

LPP 95 - 07 Reengineering

References: See attachments

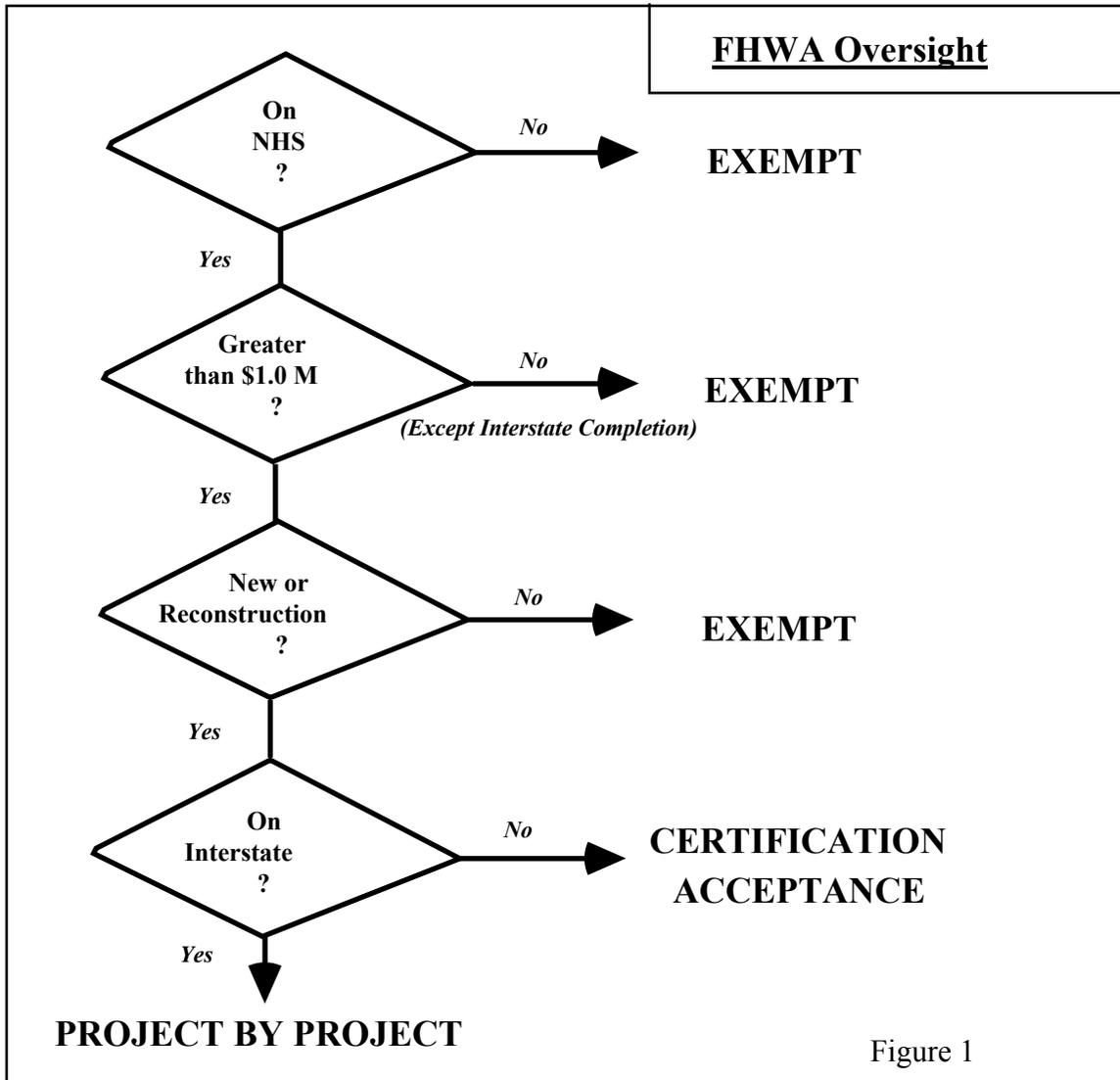
Effective Date: July 1, 1995 Approved: *Original Signed By*
Chief, Office of Local Programs

The purpose of this Local Programs Procedure (LPP) is to describe the Reengineered Local Assistance procedures. These changes are required in order to meet the 50 percent staff reductions proposed in the 1995-96 budget.

A new edition of the Local Programs Manual (LPM) is being prepared for release after the approval of the 1995-96 budget. This LPP is being released in advance of the new LPM to provide detailed instructions for project implementation between now and the new LPM release.

EXISTING PROCEDURES

Procedures described in the current edition of the Local Programs Manual are based on the amended California Certification Acceptance plan approved by the Federal Highway Administration (FHWA) for Local Agency projects in 1977. In response to the efficiencies provided in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, Caltrans and the Federal Highway Administration also entered into "Letters of Agreement" wherein Caltrans was granted exemption from FHWA project review and oversight for preliminary engineering and construction-related activities on certain federal-aid projects. This exemption applied to all projects off the National Highway System (non-NHS) and for Resurfacing, Restoration, and Rehabilitation (3R) and low-cost projects (less than \$1 million) on the National Highway System. (See Figure 1.)



The Letters of Agreement authorized significant changes in Local Assistance procedures. For example, local agencies were delegated the authority to approve design exceptions. Under Design Certification, when Caltrans determined them qualified to proceed without additional review, the local agencies were delegated Plans, Specifications and Estimates (PS&E) approval. Also, Caltrans was delegated authority to authorize projects for federal-aid participation and approve Right-of-Way Certifications for projects exempt from federal review and oversight.

However, to ensure that project sponsors meet federal requirements, the following preliminary engineering and construction review and approval activities by Caltrans were retained:

- A field review before the initial "Request for Approval to Proceed" (FNM-76) can be processed,
- Review and approval of consultant agreements,
- Review and approval of PS&E, including Disadvantaged Business Enterprise (DBE) project goals for those agencies not qualified under Design Certification or Local Agency Certification Acceptance,
- Concurrence in award,
- Invoice review, and
- Construction oversight including DBE compliance, contract change order approval, and final inspection.

NEW PROCEDURES

Effective July 1, 1995, the Caltrans preliminary engineering and construction review and approval activities listed above will not be performed for projects off the National Highway System (non-NHS). Caltrans' review activities for 3R and low-cost (less than \$1 million) projects on the National Highway System will continue in accordance with existing procedures. In addition, review of Environmental documents and some project authorization and agreement processing activities will be streamlined to eliminate duplication of effort and multiple reviews. All of these changes will return responsibility and accountability for federally funded local projects to the local agencies. Caltrans will initiate process reviews on a regular basis to ensure that federal requirements continue to be met.

This LPP does not address reengineered procedures for the Caltrans role in right-of-way activities performed by local agencies. Interim procedures are now being prepared and will be forwarded shortly after July 1, 1995. Additional systemic changes are also being developed, which will be phased in over the next six months.

Local agency Certification Acceptance (CA) will be discontinued as an optional procedure. However, if approved by the District Local Assistance Engineer,

agencies currently under Local Agency Certification Acceptance may continue under those procedures for up to one year. This approval will be based on the following:

- 1) Recent evaluations of the local agency's performance under current local assistance procedures, and
- 2) Consideration of the time necessary for Caltrans to process the local agency's projects under this Reengineering LPP versus the time necessary under Local Agency Certification.

An overview of the revised procedures is provided below. Detailed procedures are attached.

Project Authorization/Obligation of Federal Funds (Attachment 1)

To initiate a project authorization or add authorization for additional phases, local agencies will be required to complete a revised "Request for Authorization" form. This form and its attachments will provide all of the funding, classification, and statistical information needed by Caltrans and the FHWA to electronically authorize the project and obligate the federal funds. Instructions for completing this package have been developed and are included.

The agency will be expected to submit a complete form and certify the accuracy of all data on the form. Caltrans will make a cursory review, complete the authorization/obligation process, print out the "Authorization to Proceed" report and forward it to the project sponsor. Costs incurred prior to the date of authorization to proceed will not be reimbursed!

These procedures apply to all federal-aid projects.

Environmental Procedures (Attachment 2)

Caltrans will continue to review and approve Programmatic Categorical Exclusions. Caltrans will also endorse all other local environmental documents for completeness and sufficiency before transmittal to FHWA for review and approval. However, Caltrans' environmental staff will no longer be able to provide the level of assistance that was available before the staff reductions. Instead, the District Local Assistance Engineer will coordinate with FHWA and limit review of local agency environmental documents to complete submittals (including a completed Preliminary Environmental Studies form and basic supporting documentation, such as the results of records searches for cultural and biological resources) to support the conclusion.

In some cases, an on-site environmental review and/or office meeting may still be necessary. Coordination with Caltrans' district environmental staff may also be necessary given a project's complexity and/or its potential for controversy.

This LPP only modifies the level of Caltrans' review of local environmental documents and is not intended as a "stand-alone" procedural guide. The local agencies should continue to refer to Volume III of the current LPM for guidance material for the various federal environmental requirements until the new volume is released.

These revised procedures are for all local projects, regardless of whether they are on or off the NHS.

Field Review (Attachment 3)

The local agency sponsor of a project will decide whether or not to hold a field review to scope non-NHS projects. Caltrans will only be involved with non-NHS projects when requested by the local agency, and then only for major roadway or structure projects. Caltrans' involvement will be limited to the least number of functions and people possible. For most non-NHS projects, the initial obligation of funds may be processed without the field review or field review form. However, portions of the field review form must be submitted to provide a complete "scoping document" and other information required for authorization of the right of way or construction phases of the project and preparation of agreements.

Requirements for field reviews for projects on the NHS will continue in accordance with existing procedures.

Disadvantaged Business Enterprise (DBE) (Attachment 4)

Caltrans will continue to review and approve the local agency DBE Program and each Annual Plan/Goal. The local agency will be responsible for establishing project goals for DBE participation and will be required to complete the Report of DBE Awards and Utilization forms. For non-NHS projects, Caltrans will not:

- review project goals,
- concur with award of construction contracts, or
- monitor compliance during construction except for process reviews.

Caltrans' project level review and approval for projects on the NHS will continue in accordance with existing procedures.

Consultant Selection (Attachment 5)

Caltrans' approval of consultant agreements will no longer be required. The local agency will complete a checklist and document that federal requirements have been met. Pre-award audits will continue to be required for consultant agreements of \$250,000 or more.

These revised procedures apply to all federal-aid projects.

Design Standards (No Attachment)

Drafts of reengineered procedures have been widely distributed and used for reengineering workshops around the state. However, in the process of obtaining final approval from the FHWA, the proposal to allow locally-approved and adopted design standards for non-NHS projects was not approved. Therefore, non-NHS projects (as well as projects on the NHS) must continue to meet minimum AASHTO or 3R standards. We will challenge this decision. Until this issue is resolved, all local projects must continue to meet AASHTO or 3R standards and an exception must be approved by the local agencies on a project-by-project basis.

Plans, Specifications & Estimates (PS&E) (Attachment 7)

Determining the applicability of required federal contract provisions is difficult because ISTEA provided flexibility for non-NHS projects, but federal regulations have not been revised to clearly define the limits of the flexibility. A summary of applicable requirements for non-NHS projects is included in the attached detailed procedures.

Local agency sponsors will certify that their PS&E package for non-NHS projects complies with all these applicable federal requirements. A certification form is provided in the attachment that identifies those items which require local agency compliance. Caltrans will not review the local agency PS&E for non-NHS projects, with the exception of complex structure designs when a local agency specifically requests a review.

PS&E for local projects on the NHS will continue to be reviewed by Caltrans unless prepared under Design Certification or Local Agency Certification Acceptance.

Construction Administration (Attachment 8)

Except for process reviews and quality assurance procedures, Caltrans will not review any of the construction activity on local non-NHS projects. The local agency will certify their compliance with all state and federal contract administration requirements. Caltrans will gather DBE data from the local agencies and report it to the FHWA.

Once the Administering Agency receives the authorization to proceed for the construction phase of the project, Caltrans will not be involved in:

- approving the advertising or award of construction contracts,
- approving of change orders, or
- certifying compliance with DBE or Davis-Bacon wage requirements.

The FHWA denied the proposal to allow the local agencies to use their own quality assurance procedures for non-NHS projects. We will challenge this decision, but until this is resolved, sampling and testing on all local federal-aid projects must continue to follow Caltrans Construction Manual, Chapter VIII, Section 8-01, 8-02, and 8-03, "Sampling and Testing," and the Quality Assurance Program Manual.

Existing procedures will continue for projects on the NHS.

Agreements (Attachment 9)

Agreements must be prepared and executed before any invoices for payment can be processed. Caltrans' Office of Local Programs in Sacramento will prepare all agreements and process them directly with the local agency.

Invoices (Attachment 10)

This LPP revises LPP 94-05, "Revised Invoice Payment Process," issued on April 15, 1994, by eliminating the Caltrans district review of invoices. Instead, the District Local Assistance Engineer will only be required to verify completion of the project.

This procedure applies to all local agency projects requesting reimbursement from funds administered by the Office of Local Programs.

Process Reviews (Attachment 11)

The process review will be the main method for determining whether or not local agencies are in compliance with all laws, regulations, and procedures developed to administer federal-aid projects. The process reviews will be used to evaluate all aspects of the local assistance federal-aid program and to improve procedures.

Attachments

-
1. Overview
 2. Method
 3. Responsibilities
 4. Federally Funded Projects
 - 4.1 Request for Authorization
 - 4.2 Processing
 - 4.3 Authorization/Obligation
 - 4.4 Fund balances
 5. State-Funded Projects

Exhibits

- Exhibit A: Request for Authorization (2 pgs + verification statement)
- Exhibit A: Request for Authorization (fields empty for user entry, 4 pages)
- Exhibit B: Prefix check list
- Exhibit C: Finance letter
- Exhibit D: Instructions for request
- Exhibit E: Coding lists:
 - Appropriation codes
 - This Request
 - Urbanized areas
 - Air Basin
 - Line Number
 - County
 - Congressional District
 - Work type
 - Funct class
 - Safety
 - Fed-aid system
 - Fed reservation system
- Exhibit F: Example "Authorization to Proceed (E-76)"

Blank Forms

1. Overview

Work is not eligible for reimbursement from federal funds until the project or project phase is formally authorized (approved) by the Federal Highway Administration (FHWA). For projects exempt from FHWA oversight and review under stewardship agreements, FHWA has delegated authorization to Caltrans. FHWA obligates the federal funds for all projects. The state "Federal-Aid Data System" (FADS) database and the "Federal Management Information System" (FMIS) are integral systems used in the process. The State must provide certain detailed information to the FMIS database in order to successfully obligate the federal funds. Obligation of funds is automatic immediately after authorization if the data is correct and if the State has remaining fund apportionment appropriate for the project and obligation authority in the federal fiscal year. The "Authorization to Proceed", a report printed from the FADS system, shows the dates of authorization and obligation along with summary data about the project.

For most state-funded local agency projects and federal TEA projects, a California Transportation Commission (CTC) vote is required to allocate funds for the specific project before right of way (R/W) is acquired or a construction contract is awarded. Before beginning preliminary engineering, the local agency should discuss the current state program rules with the District Local Assistance Engineer (DLAE). Generally, preliminary engineering does not require an individual project vote by the CTC. The State-Local Transportation Partnership Program (SLTPP) projects do not require a CTC vote.

2. Method

References:

23 CFR 630.114

23 CFR 635.301 et. seq.

Local Programs Manual Volume I, Sec. 7

LPP 94-03 (ER/TIP)

LPP 94-04 (ER/R/W)

Federal-Aid Data System Instructions 06/02/93

Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) Stewardship Agreements dated 5/12/92

Applicability:

Applies to all Office of Local Programs (OLP) administered FHWA-funded projects.

Guidance:

Prior to beginning reimbursable activities, all federal-aid funded highway or highway related projects must receive FHWA authorization. CTC and/or Caltrans approval must be received for State Highway Account funded projects.

Exceptions:

For declared emergencies approved by FHWA for Emergency Relief (ER) funding, emergency repair work and preliminary engineering work may be initiated without prior authorization.

3. Responsibilities

The local agency is responsible for initiating the request for authorization or for a CTC vote in a timely manner. If all the prerequisite requirements are satisfied, two weeks processing time should be allowed for federal authorization for exempt projects. Another week or more may be required for non-exempt projects that require that the FHWA review and sign the "hardcopy FNM-76." Additional time may also be required near the beginning or end of the federal fiscal year.

Preparing and scheduling a project for a CTC vote requires six weeks lead time.

Before any authorization can be initiated, all projects (except ER) must be in a federally approved FTIP/FSTIP. ER projects must be included in the FTIP/FSTIP only if they involve substantial functional, location or capacity changes.

The following projects must also be included on the eligibility lists noted:

- Grade Crossing Improvement funds - PUC-approved list
- Transportation Enhancement Activity (TEA) funds - CTC-approved list
- Flexible Congestion Relief funds - CTC-approved STIP if over \$300,000
- Highway Bridge Replacement and Rehabilitation (HBRR) funds - Caltrans-approved list
- Hazard Elimination Safety (HES) funds - Caltrans approved list
- Transportation System Management (TSM) - Caltrans approved list

The project must have completed field review forms, see Attachment 3, and a federally approved environmental document for authorization of a R/W or construction phase and an approved R/W certification for authorization of the construction phase.

The local agency must meet these conditions prior to requesting authorization.

Separate work authorizations and fund obligations are normally made for the preliminary engineering (PE), right-of-way, and construction phases if federal funds are to be used in that phase of work. Authorization/obligation within the phases is sometimes subdivided as well.

The local agency will prepare a "Request for Authorization" form and will certify the accuracy of all data on the form.

Caltrans will process the requests in a timely manner and notify the agency of the FHWA "Authorization to Proceed" as outlined below.

4. Federally-Funded Projects

4.1 Request for Authorization

To initiate a federal project authorization/obligation and add authorization/obligation for additional phases, each local agency will prepare a "Request for Authorization" form that provides the information needed by Caltrans and FHWA. Information in this format can be input directly into the FADS computer files by Caltrans. The request should be submitted directly to the appropriate Caltrans District Local Assistance Engineer (DLAE). If the form is complete, Caltrans will initiate the authorization process. The form will be returned to the local agency if there is missing data that cannot be quickly obtained by FAX, telephone or other source.

For initial authorization of a structure project, include a copy of the field review that incorporates the Major Structure Data Sheets, see Attachment 3, "Field Review." A request for final design, right of way, or construction must include the field review and the FHWA-approved environmental document. A request for construction must include the above (if not previously sent); as well as the signed right-of-way/utilities certification; a finance letter; engineer's estimate; Plans, Specifications, and Estimates (PS&E) conformance certification; and PS&E package. A copy of the grant application for Federal Transit Administration (FTA) projects is requested with the initial FTA fund transfer request.

4.2 Processing

Upon receipt of the "Request for Authorization," District Local Assistance staff will input the data from the form directly into the electronic database. Upon completion of input, the project's electronic files are transmitted to Headquarters Office of Local Programs (OLP). Review in OLP will focus primarily on the project eligibility for the fund type(s) requested, availability of federal funding, and coding requirements.

The OLP Area Engineer electronically transmits the project to FHWA in Sacramento. If the project is exempt, this date of transmittal establishes the authorization date for that project phase. For these exempt projects, FHWA accounting staff makes a quick review and makes an electronic transmittal to the FMIS data files in Washington, DC. Entry into the FMIS files establishes the obligation of funds for the project. For non-exempt projects, a hard copy FNM-76 must be prepared for review and authorization (actual signature) by FHWA. As with exempt projects, the electronic file is used to transmit the data to Washington. Normally, exempt projects are processed more quickly than non-exempt since the FHWA reviewer is not involved in the authorization.

For a subsequent work-phase authorization the agency submits an updated "Request for Authorization". The District processes the updated FADS information in the same manner as above.

4.3 Authorization/Obligation

The electronic file will be monitored directly or via reports by the DLAE and OLP staff. When the DLAE determines that the project has been authorized and obligated, an "Authorization to Proceed" summary form (E-76) is printed which shows the authorized and obligated dates. This will then be sent to the local agency as verification that they may start that phase of project activity and be eligible for reimbursement by the State with federal funds. If the project cannot be authorized and/or obligated, the local agency will be informed and advised of what corrective actions are necessary. The DLAE will also submit a copy of the E-76 to the appropriate MPO/RTPA for their information and use.

Costs incurred prior to authorization are never eligible for FHWA reimbursement (see ER exception above). See discussions for each project phase for actions that may jeopardize an entire project phase eligibility if not preceded by authorization. Eligible costs incurred after authorization may be invoiced for reimbursement after both Federal/State (PR-2) and State/Agency Program Supplemental agreements are prepared and signed. See Attachment 9, "Agreements" for discussion of these agreements.

4.4 Fund Balances

Certain funds are allocated to the MPO/RTPA by formula under state law. Through the FTIP/FSTIP process, these are distributed to local agencies for specific projects. Caltrans provides reports showing the obligation of funds summarized at the District and MPO/County level. These also showing fund balances. The reports show the individual city and county projects, but Caltrans will not report balances at a lower level than those formulated by state law.

5. State-Funded Projects

Where the State is providing funds to match or supplement federal funding, the details of this funding shall be provided with the "Request for Authorization" submittal. Sufficient information and cost breakdown shall be provided to segregate the state funding. Transportation Systems Management (TSM) matching funds would specifically fall into this group.

See LPP 95-06, dated June, 1995, for a specific discussion of the process changes for federalizing TSM and Flexible Congestion Relief (FCR) projects. The "Request for Authorization" shall be submitted for these projects.

For projects involving only state funding, the application and approval processes will not change from those currently in place and described for the specific state program.

- For FCR, TSM, EEM and Proposition 116 projects see:
"Financial Guidelines for Local Agency Reimbursement"
Adopted by CTC June 29, 1991.
- For State-Local Transportation Partnership Program see:
LPP 94-09, dated June 8, 1994

REQUEST FOR AUTHORIZATION
AGENCY: _____

FLAG: (1) LOCATOR: (9)
PROJ/AGR NO.: (2) () (DIST., CO., RTE., AGCY. ABBREV.)
EA: (3) PROJ. LOCATION: (10)
PREFIX: (4)
RESP AGENCY: (5)
EXEMPT or (6) TYPE OF WORK: (11)
CA Y N
RTE: (7)
PM: (8) THIS REQ.: (12) FOR: _____

DEMONSTRATION PROJECTS: Estimated Construction Date (12a)

FSTIP FTIP/DATA	INTERGOVERNMENTAL REVIEW	RIGHT-OF-WAY ESTIMATE	TOTAL COST
	(16)	(19)	
URBANIZED: (13) POP: (14)	EXEMPT: _____ COMMENT: _____	R/W ACQ (Pcls): _____	\$ _____
MPO: _____	STATE OPR#: _____	RAP (Fmls): _____	\$ _____
YEAR _____ (15)	AREA IGR #: _____	(Bus): _____	\$ _____
APP. DATE: _____		LRH/HRDSHP: _____	\$ _____
	ENVIRONMENTAL DATA		
SHEET NO. : _____	TYPE: _____ (17)	UTILITIES: _____	\$ _____
TIP NO (PPNO): _____	EIS (Yr & #) _____	SUPPORT: _____	\$ _____
	APPROVED _____		
		TOTAL: _____	\$ _____

RR XING #S (24)

RR-PUC #: _____

RR-FED #: _____

INITIAL FED AUTHORIZATION

PE Date: _____ ENERGY: (20) % TOPICS: (21)

RW Date: _____ R/W CERT.: (22)

CON Date: _____ R/W CERT DATE: _____

Prepared by: (23) PHONE: _____ DATE: _____

REQUEST FOR AUTHORIZATION

PROJ/AGR NO: _____ (_____)

CMAQ Projects: Air Basin (Name & Code) _____ (25) _____

Local Agency/State Comments: (26)

PROJ/AGR NO: _____ (_____)

DETAIL RECORD #/#: _____

APPN: (30) LINE NUMBER: (31) URBAN/RURAL: (32) COUNTY CODE: (33)

CONGRESSIONAL DIST(S): _____ (34) _____

STATISTICAL DATA

APPN COUNT	: (35)	NO OF RELOC PAY	: (36)	NUMBER OF:	
WORK CLASS	: (37)	WORK TYPE (1-4)	: (38)	LANES	: (50)
FUNCTION CLASS	: (39)	SAFETY/RR	: (40)	STRUCTURES	: (51)
FED AID SYS	: (41)	FED RES SYS	: Z	BUSES/OTHER VEHICLES	: (52)
STATE SYS	: (43)	CONST BY	: (44)	INTERSECTIONS IMPROVED	: (53)
MILES	: (45)	KILOMETERS	: _____	PROJECTS	: (54)
LANE MILES	: (46)	LANE KILOMETERS	: _____	CROSSINGS PROTECTED	: (55)
	(47)	(48)	(49)	CROSSINGS IMPROVED	: (56)
TOTAL COST		PARTICIPATING COSTS	FEDERAL FUNDS		
PREV. OBLIG	: _____	_____	_____	TRF/MGT/CNTRL PROJECTS	: (57)
THIS REQ	: _____	_____	_____	OPERATING PROGRAMS	: (58)
TOTAL	: _____	_____	_____	PARKING SPACES	: (59)

BRIDGE #'S _____ (60) _____

PROJ/AGR NO: _____ (_____) DETAIL RECORD ##: _____

APPN: _____ LINE NUMBER: _____ URBAN/RURAL: _____ COUNTY CODE: _____

CONGRESSIONAL DIST: _____			STATISTICAL DATA		
APPN COUNT	: _____	NO OF RELOC PAY	: _____	NUMBER OF:	
WORK CLASS	: _____	WORK TYPE (1-4)	: _____	LANES	: _____
FUNCTION CLASS	: _____	SAFETY/RR	: _____	STRUCTURES	: _____
FED AID SYS	: _____	FED RES SYS	: <u> Z </u>	BUSES/OTHER VEHICLES	: _____
STATE SYS	: _____	CONST BY	: _____	INTERSECTIONS IMPROVED	: _____
MILES	: _____	KILOMETERS	: _____	PROJECTS	: _____
LANE MILES	: _____	LANE KILOMETERS	: _____	CROSSINGS PROTECTED	: _____
				CROSSINGS IMPROVED	: _____
	TOTAL COST	PARTICIPATING COSTS	FEDERAL FUNDS		
PREV. OBLIG	: _____	_____	_____	TRF/MGT/CNTRL PROJECTS	: _____
THIS REQ	: _____	_____	_____	OPERATING PROGRAMS	: _____
TOTAL	: _____	_____	_____	PARKING SPACES	: _____

BRIDGE #S _____

PROJ/AGR NO: _____ (_____) DETAIL RECORD ##: _____

APPN: _____ LINE NUMBER: _____ URBAN/RURAL: _____ COUNTY CODE: _____

CONGRESSIONAL DIST: _____			STATISTICAL DATA		
APPN COUNT	: _____	NO OF RELOC PAY	: _____	NUMBER OF:	
WORK CLASS	: _____	WORK TYPE (1-4)	: _____	LANES	: _____
FUNCTION CLASS	: _____	SAFETY/RR	: _____	STRUCTURES	: _____
FED AID SYS	: _____	FED RES SYS	: <u> Z </u>	BUSES/OTHER VEHICLES	: _____
STATE SYS	: _____	CONST BY	: _____	INTERSECTIONS IMPROVED	: _____
MILES	: _____	KILOMETERS	: _____	PROJECTS	: _____
LANE MILES	: _____	LANE KILOMETERS	: _____	CROSSINGS PROTECTED	: _____
				CROSSINGS IMPROVED	: _____
	TOTAL COST	PARTICIPATING COSTS	FEDERAL FUNDS		
PREV. OBLIG	: _____	_____	_____	TRF/MGT/CNTRL PROJECTS	: _____
THIS REQ	: _____	_____	_____	OPERATING PROGRAMS	: _____
TOTAL	: _____	_____	_____	PARKING SPACES	: _____

BRIDGE #S _____

Project Prefix check list

Federal Programs: Identify each fund type to be used for this project

Prefix Program

- (STP) Surface Transportation Program
- (MA) Minimum Allocation
- (DB) Donor Bonus
- (BH) Bridge Rehabilitation
- (BR) Bridge Replacement
- (CM) Congestion Mitigation & Air Quality
- (AHL) Access Hwys to Public Rec. Areas
- (ER) Emergency Relief
- (PLH) Public Lands Highway
- Demonstration Project
- Varies specify if known _____
- Other Describe _____

Sub-Programs
(Check all that Apply)

- (L) Local (Fund appropriation management)
- (S) State (State approp. management) not normally handled in OLP
- (N) On National Highway System (Currently all Principal Arterials)
- (R) Safety - Railroad
- (H) Safety - HES Program List Number _____
- (G) 100% Federal Funding (for Safety)
- (P) Bridge Painting
- (X) Bridge Rail replacement
- (Z) Seismic Retrofit - State Mandatory Pgm.
- (V) Seismic Retrofit - Voluntary Pgm.
- (E) TEA - Trans. Enhancement Activity
- Second vote request _____ or Vote date _____

Bridge (HBRR) only Sub-Programs

- (S) On System (Functional class greater than below)
- (O) Off System (Local Street/Road or Rural minor collector)

Additional State Funds involved (info only - does not affect prefix)

- TSM - Traffic System Management - Match ___ Other ___
- SLTPP - St. & Loc. Trans. Partnership Prog.
- FCR - Flexible Congestion Relief
- Other: Specify _____

The prefix provides a quick summary of the funding programs and subprograms.

FINANCE LETTER

DEPARTMENT OF TRANSPORTATION
 DIVISION OF ACCOUNTING
 LOCAL PROGRAM ACCOUNTING BRANCH

Date: _____
 Agency: _____
 Project No. _____
 EA No. _____

ATTN: _____

	TOTAL COST OF WORK	TOTAL PARTIC. COST	FEDERAL FUNDS	LOCAL FUNDS	OTHER FUNDS Type: _____	OTHER FUNDS Type: _____
Agency Preliminary Engineering						
State Furnished Preliminary Engineering						
Overhead at ____%						
R/W Engineering & Administration Costs						
R/W Purchase Costs						
Relocation Assistance (SJ 3A055)						
Contract Items						
Utilities _____						
Supplemental Work _____						
Contingencies _____						
Trainees _____						
Agency Furn. Mat. _____						
Contract Total:						
Agency Construction Engineering						
State Furn. Construction Engineering						
Overhead at _____%						
State Furnished Materials Testing						
Overhead at ____% EA No. _____						
Striping by Agency						
TOTAL:						

Federal
 Participation: %
 Reimb. Ratio: %

Signature: _____
 Title: _____

REMARKS: _____

REQUEST FOR AUTHORIZATION

Application Instructions

General

A request form shall be submitted whenever a local agency desires Federal participation in a phase of work. The request will be completed to provide all necessary project information for FHWA authorization. The request must be processed by Caltrans and FHWA and an "Authorization to Proceed" (E-76) must be issued before any federally reimbursable work is initiated or for construction before the project is advertised.

Federal funds shall not participate in costs incurred prior to the date of the "Authorization to Proceed". Emergency repairs and preliminary engineering for emergency repairs or restoration are an exception to this requirement.

Coding lists provided in this LPP attachment have been abbreviated to those most commonly used for local agency projects.

Applicant Agency: Indicate the name of the agency preparing the request and receiving project funding. Normally, this will be the same as the Responsible Agency coded in (5) below. If not, explain in the comments.

Basic project information (Header Input)

(1) **FLAGS** - These identify possible need for special handling or review by Caltrans or FHWA. Code as appropriate.

FTA1 - FTA transfer for vehicles

FTA2 - FTA transfer other

DEMO - Project funded with Demonstration funds. Must include estimated date of construction.

FCR - Flexible Congestion Relief project

TSM - Transportation System Management project

(2) **PROJECT NO. (AGREEMENT NO.)** - For initial authorization, Caltrans DLAE/OLP will complete these federal project and agreement numbers. For resubmittals complete as shown on the previous authorization.

(3) **E.A.** - Expenditure Authorization, OLP will assign this control number. For computer input, it will consist of a 2-digit District, 6-digit EA and a suffix L. The L indicates that the Federal funds are administered by the Office of Local Programs. An S suffix would indicate that the funds are administered by the Office of Federal Resources from funds allocated from the state highway account. These are not handled by OLP. It is possible to

have both types of funding one project. Usually in this case, separate federal project numbers will be assigned.

- (4) PREFIX - For initial submittal, complete the prefix checklist. Caltrans will use this list to assign the project prefix. On resubmittals enter the assigned prefix. If other federal fund types are added to later phases complete the prefix check list and note in the comments.
- (5) RESPONSIBLE AGENCY - Insert the standard agency code assigned by OLP (LOCODE) for the Agency responsible for development of the project (i.e., CALTRANS, City of, County, etc.). The District Local Assistance Engineer can provide this code. For ISTEA projects, this locode will normally become the project number.
- (6) EXEMPT - See discussion under stewardship defining which projects are exempt from FHWA oversight. Basically, all projects a. not on the NHS, b. less than \$ 1.0 million or c. 3R (resurfacing, restoration or rehabilitation) except Interstate are exempt.

If project is exempt from FHWA review and oversight under stewardship enter E.

If the project is not exempt, indicate certification acceptance status:

CERTIFICATION ACCEPTANCE - Indicate if project is being processed under State level Certification Acceptance (CA) or not.

For a non-exempt projects:

Interstate are not CA, code as CA= N

Others code as CA = Y

On further contract documents, place this code immediately after the project number (agreement number) as a quick means of identifying the type of FHWA involvement. e.g. STPL-4060(016)E

- (7) RTE - Enter the route(s) for projects on the state highway system.
- (8) PM - Enter the post mile(s) for projects on the state highway system.
- (9) LOCATOR (DISTRICT-CO-RTE-{PM/AGENCY}) - Complete Dist-County-Route (State Route only, default = 0)-Post Miles (St. Rte) or Agency abbreviation. (This group is called Project Locator)
- (10) PROJECT LOCATION - Enter a description of project termini. For initial programming of multi-location project use Comments or attach a separate sheet listing all locations and Federal route numbers.
- (11) TYPE OF WORK - Fully describe the work proposed (i.e., "Median Widening and channelization for left-turn lane").

(12) THIS REQUEST - Code from table, phase or phases requested (3 digits). For projects involving transfer of funds to FTA use OTH.

under FOR - elaborate on type of work or activity, e.g., environmental studies, contract, force account.

Request for authorization may be for an entire phase or a specific task(s) within a phase. For projects involving transfer of funds to FTA include FTA grant number. Add notes in REMARKS if needed.

(12a) If a DEMONSTRATION PROJECT - Enter Estimated Date of Construction: Award Month & Year MM/YY

(13) URBANIZED AREA CODE - Fill in Federal area code for an area of 50,000 or greater.

(14) POPULATION - Enter 1 50,000 to 200,000
2 Over 200,000

(15) FTIP/FSTIP DATA. - Insert name of MPO, Fiscal Year, Date Approved by FHWA, Sheet No., and TIP project number (PPNO) if any. If not in an MPO enter FSTIP and appropriate data for it. If in an amendment add amendment number.

(16) IGR (INTERGOVERNMENTAL REVIEW) - Enter Y if Exempt or N Not Exempt from review. If not exempt, indicate if there were comments, enter A Areawide review comments or S State review comments.
Enter state and/or areawide clearinghouse assigned review number.

(17) ENVIRONMENTAL DATA - Enter code for TYPE of document prepared: 1 Environmental Impact Statement,
2 Categorical Exclusion, or
3 Finding of No Significant Impact.

-If an EIS, add year & number of Federal approval, otherwise leave blank

-Enter date of Federal Environmental Document approval.

If approval is a Programmatic CE, use as appropriate 02/05/90 or 09/05/90. In Local/State Comments field indicate "Programmatic CE for Seismic Retrofit determination of February 5, 1990" or "Programmatic CE determination of September 5, 1990" plus Caltrans approval date.

(18) INITIAL FEDERAL AUTHORIZATION - Fill initial authorization date. If project was previously authorized under a different Class of Federal Funds or Project Number, indicate here.

(19) RIGHT OF WAY - Provide necessary Right-of-Way information if Federal Funds are requested for Right-of-Way. Include number and cost of parcels, families, businesses and

Last Resort Housing/Hardship (i.e. 17 pcls - \$700,000). Support costs include preliminary ROW work.

(20) ENERGY RELATED - If the project is an energy conservation activity, in whole or part, indicate the percentage of funds allocated to this activity. Public transportation, ride sharing, traffic signals/controls, and HOV facilities would be examples of this type of work. At the right of way stage make a reasonable estimate.

(21) TOPICS - Code whether the project is a Traffic Operations Improvement Program.

Enter **T** if a TOPICS type project and **N** if not.

Projects would include signals or signal coordination, improved transit service, and other actions to improve traffic flow or reduce congestion.

(22) Code ROW certification category and date of FHWA approval.

See manual for details, briefly:

Code **1** Certification 1 - Full legal and physical possession and property vacated by occupants.

Code **2** Certification 2 - Full physical possession and property vacated by occupants.

Code **3** Certification 3 - Used on an exception basis. Physical possession not complete, but "date certain" set for accomplishment. May authorize and advertise but need upgrade to Certification 1 or 2 to open bids.

Code **4** - Code as a 4 if your Certification #1 indicates that all right of way was acquired for a previous project and there are no other right of way actions, e.g., utilities, easements, material or disposal sites, obstructions, or railroads.

The certification data must be complete to proceed with Construction authorization.

(23) PREPARED BY - Name of preparer, Contact phone number and Date prepared.

(24) RR X'ING #S - Enter PUC and Federal Railroad crossing numbers if this is a crossing improvement project. Normally, these are initiated in OLP.

(25) CMAQ AIR BASIN - For any project using Congestion Mitigation and Air Quality funds (CMAQ) identify the air basin where the project will be implemented. Enter name & code from locode list.

(26) LOCAL AGENCY/STATE COMMENTS - For State or Local Agency use. In this space add justification or clarification information and a description of any reports submitted with request. If this is being submitted to update data but there is no funding change, clearly indicate here. This may not be processed until a funding update, depending on the significance of the change. Changes or additions in appropriation codes must be processed.

(27) -(29) no entries

Detail Record: Cost Estimate and related details

Detail record information must be completed to accurately reflect the funding breakdowns for the project. A new record must be prepared for each appropriation used and for each phase change (work class) and each work type change within that appropriation. Add as many detail record sheets as needed. Generally, work type groups would be limited to major items of work, e.g. 5% roadway approach work for a project with 95% Bridge work would include all costs in the bridge work type detail record. See Attachment 8, "Construction Administration"—Detail Estimate for work groupings which require a specific detail breakout.

Bridge work is a major type needing its own detail estimate and authorization detail record.

PREFIX - PROJECT NO. -AGREEMENT # - Repeat the number or project location to tie to first page as needed.

DETAIL RECORD #: Indicate which detail record and how many. e.g. 1/3

(30) APPROPRIATION CODE - Enter the Federal appropriation code. A list of common ISTEA programs and codes is provided. If uncertain, your MPO/RTPA or District Local Assistance Engineer may provide this for you.

(31) LINE NUMBER - All data on this sheet is recorded by the appropriation code then the line number. See list for choices. For each appropriation code, line numbers for the remaining work breakdowns must be unique. Start with the lowest number in a sequence and sequence upward, e.g. 30, 31, 32. When changing to a new appropriation code, start again at the lowest number in a sequence.

(32) URBAN/RURAL AREA - Check the appropriate box. Note: Urban areas are >5,000 while Urbanized areas previously used in item (13) start at 50,000.

(33) FEDERAL COUNTY CODE - From the list enter the code.

(34) CONGRESSIONAL DISTRICT - From the coding list enter the code only if there are multiple districts within a county. Coding between this and the county must correspond.

(35) APPROPRIATION COUNT - Indicate the number of federal appropriation codes used to fund the project. On the major funding appropriation detail sheets, put the total number. For the other appropriation detail sheets enter 0. (FHWA records define each appropriation as a "project".

(36) NUMBER OF RELOCATION PAYMENTS - Enter number

(37) WORK CLASS - 1 digit code for phases of work. PE = 1, ROW = 2 & CONSTRUCTION = 3. Others are [P = Planning, R = Research (HPR/PR funded only)] and T = Transit or Training.

- (38) WORK TYPE - 4 digit code for types of work activities being funded. Must be coded from tables.
- (39) FUNCTION CLASS - This 4 digit code consists of two parts: 2 digits for the Highway Type and 2 digits for the Type of Improvement. see code tables and select appropriate type.
- (40) SAFETY/RR CODE - See Safety list for Codes and which Statistical Data block to complete.
- (41) FEDERAL AID SYSTEM - Coding for the pre-ISTEA systems. see list and select appropriate code.
- (42) FEDERAL RESERVATION SYSTEM - Coding for projects on Federal lands. Precoded as Z - not on any Federal Reservation/Park system. Correct from code list if needed.
- (43) STATE SYSTEM CODE - Coding for Local/State road system. Select code. L = Local, S = State, M= Multi-system, Z = Not on State/Local system.
- (44) CONST. BY - 1 digit code defining how (by whom) this work will be performed. C = Contract, F = Federal Hwy. Forces, L = Public Agency, R = Railroad Force Account, S = State Force Account, U = Public Utility Force Account, O = Other Force Account. Must use L or S for PE & CE.
- (45) LENGTH (MILES OR KILOMETERS) - Enter the centerline length of the project for construction phases (work class 3). If using multiple appropriations, prorate length by line number, work type and county. Do not duplicate. May report to 1/1,000. Report only miles or kilometers not both.
- (46) LANE MILES/KILOMETERS - For roadway construction only, and if improvement type is 01 to 07 or 15 or 16, and if work type is A000 to K000 or YHOV, report to the nearest hundredths of a unit.
- COSTS - Segregate costs by Phase and work type activity within the construction phase with separate detail records. Previous costs are those already authorized and obligated with this same project and agreement number. Participating costs are not input, but are used to define whether the project is fully federally funded. Note that construction and construction engineering costs are separate detail records.
- (47) TOTAL COST - The total project cost for the phase or task(s) within phase requested at this time. Also, indicate all previously obligated funds.
- (48) PARTICIPATING COSTS - Enter the costs eligible for participation in Federal reimbursement.
- (49) FEDERAL FUNDS - The federal funds share of the phase(s) of work that are requested. This cannot be more than the fund reimbursement ratio times the participating costs. Always round down to the nearest dollar. If less than the standard ratio, see discussion on underfunding and discuss in COMMENTS.

(50)-(59) Statistical data. Normally enter only one of these items pre detail record. Report with work class 3 and do not duplicate count. Report with predominant work type.

(50) Number of lanes for roadway work.

(51) Number of structures for bridge work.

(52) Number of bus or transit vehicles, new or rehabilitation.

(53) - (56) see the safety code in item (40) for which to report.

(57) Number of Traffic Monitoring, Management or Control Projects, normally 1

(58) Number of Operating Programs, normally 1

(59) Number of Parking spaces Provided

(60) BRIDGE NUMBERS - Enter the Bridge Inventory Structure Number for this corresponding Work Type Code for each structure funded by this Appropriation and Improvement Type. If using more than one Appropriation or Improvement Type, repeat on that detail sheet also. Include "Major Structure Data Sheets" with submittal.

REENGINEERING, Attachment 1. Project Authorization/Federal Fund Obligation

LOCAL PROGRAMS
INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT (ISTEA)
FEDERAL AID PROGRAMS & REIMBURSEMENT %

(30)

<u>Appropriation Code</u>	<u>Project Designation</u>	<u>Class of Funds</u>	<u>Federal Reimbursement Rate **</u>
Surface Transportation Program - General Activities			
33C	STPL	Surface Transportation Program, Urbanized Areas, Pop. >200,000	88.53%
3AK	STPL	Surface Transportation Program Urbanized Areas, Pop. >200,000 FTA Transfer	88.53%
33S	STPLG	Surface Transportation Program Urbanized Areas, Pop. >200,000 100% Federal Particip. for Safety	100%
33D*	STPL	Surface Transportation Program, Any Area	88.53%
33T	STPLG	Surface Transportation Program, Any Area 100% for Safety	100%
3AN	STPL	Surface Transportation Program, Any Area, FTA Transfer	88.53%
Minimum Allocation			
34A	MAL	Minimum Allocation Any Area	88.53%
34B	MAL	Minimum Allocation, Urbanized Areas Population over 200,000	88.53%
3BC	MAL	Minimum Allocation, FTA Transfer	88.53%
Donor State Bonus			
35A	DBL	Donor State Bonus Any Area	88.53%

LOCAL PROGRAMS
INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT (ISTEA)
FEDERAL AID PROGRAMS & REIMBURSEMENT %

(30)

<u>Appropriation Code</u>	<u>Project Designation</u>	<u>Class of Funds</u>	<u>Federal Reimbursement Rate **</u>
35B	DBL	Donor State Bonus Minimum, Urbanized Areas Population over 200,00	88.53%

* Also Used in place of 33E and 3AA

**Pedestrian Walkway & Bicycle Facilities reimbursed at 80% for all funds

REENGINEERING, Attachment 1. Project Authorization/Federal Fund Obligation

LOCAL PROGRAMS
INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT (ISTEA)
FEDERAL AID PROGRAMS & REIMBURSEMENT %

(30)

<u>Appropriation Code</u>	<u>Project Designation</u>	<u>Class of Funds</u>	<u>Federal Reimbursement Rate **</u>
STP, Transportation Enhancement Activities (TEA)			
33B	STPLE	Surface Transportation Program, TEA	88.53%
33R	STPLEG	Surface Transportation Program, TEA, 100% Federal Particip. for Safety	100%
3AM	STPL	Surface Transportation Program TEA, FTA Transfer	88.53%
STP, Hazard Elimination Safety Program (HES)			
33P	STPLH	Surface Transportation Program, HES Program	90%
33Z	STPLHG	Surface Transportation Program HES Program, 100% Participation for Safety	100%
33A	STPLH	Surface Transportation Program, Safety (optional)	90%
33Q	STPLHG	Surface Transportation Program, Safety, 100% Federal Particip. for Safety (optional)	100%
STP, Rail-Hwy. Crossing Program (RR)			
33M	STPLR	Surface Transportation Program, RR Protective Devices	90%
33X	STPLRG	Surface Transportation Program RR Protective Devices, 100% Federal Participation for Safety	100%
33N	STPLR	Surface Transportation	90%

REENGINEERING, Attachment 1. Project Authorization/Federal Fund Obligation

LOCAL PROGRAMS
INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT (ISTEA)
FEDERAL AID PROGRAMS & REIMBURSEMENT %

(30)

<u>Appropriation Code</u>	<u>Project Designation</u>	<u>Class of Funds</u>	<u>Federal Reimbursement Rate **</u>
		Program, RR, Elimination of Hazards	
33Y	STPLRG	Surface Transportation Program RR, Elimination of Hazards, 100% Federal Participation for Safety	100%
Congestion Mitigation and Air Quality (CMAQ)			
320	CML	Congestion Mitigation and Air Quality Improvement Program	88.53%
3AZ	CML	Congestion Mitigation and Air Quality Improvement Program FTA Transfer	88.53%
32A	CMLG	Congestion Mitigation and Air Quality Improvement Program, 100% Federal Participation for Safety	100%
Bridge Replacement and Rehabilitation Program (HBRR)			
114	BRL or BHL	Bridge Replacement and Rehabilitation (20% off / on System)	80%
117	BRL or BHL	Bridge Replacement and Rehabilitation (15% off System)	80%
118	BRL or BHL	Bridge Replacement and Rehabilitation (65% on System)	80%
Bridge Replacement and Rehabilitation Program (using 40% HBRR funds converted to STP-33D)			
33D/BMS***	STLPZ	Seismic Safety Retrofit	88.53%
33D/BVS***	STPLV	Seismic Retrofit (HBRR Voluntary Program)	88.53%

REENGINEERING, Attachment 1. Project Authorization/Federal Fund Obligation

LOCAL PROGRAMS
INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT (ISTEA)
FEDERAL AID PROGRAMS & REIMBURSEMENT %

(30)

<u>Appropriation Code</u>	<u>Project Designation</u>	<u>Class of Funds</u>	<u>Federal Reimbursement Rate **</u>
33D/BPT***	STPLP	Bridge Painting	88.53%
33D/BRP***	STPLX	Bridge Rail Replacement	88.53%

*** 33D /xxx = Local Project Accounting Subcodes

Emergency Relief

098, 083 09E, 09G	ER	Emergency Relief codes vary with disaster	100% Em. Repair in 1st 180 days otherwise Std. Rate (88.53%)
----------------------	----	--	--

Special Programs

18E	PLH	Public Lands Highways, Fiscal Year 1992 and Subsequent Years	100%
19A	FLH	Forest Highways, Fiscal Year 1992 and Subsequent Years	100%
360	BRL	High Cost Bridge Projects Section 1103	80%
361	CRL	Congestion Relief Projects Section 1104	80%
365	RAL	Rural Access Projects Section 1106(a)	80%
366	UAL	Urban Access and Urban Mobility Projects Section 1106(b)	80%
367	DIL	Innovative Projects Section 1107	80%
368	PIL	Priority Intermodal Projects	80%

LOCAL PROGRAMS
INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT (ISTEA)
FEDERAL AID PROGRAMS & REIMBURSEMENT %

(30)

<u>Appropriation Code</u>	<u>Project Designation</u>	<u>Class of Funds</u>	<u>Federal Reimbursement Rate **</u>
--------------------------------------	---------------------------------------	------------------------------	---

Section 1108

For pre ISTEA appropriation codes, newly added codes, or codes used for the State Highway program, consult your District Local Assistance Engineer

REENGINEERING, Attachment 1. Project Authorization/Federal Fund Obligation

LOCAL PROGRAMS
INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT (ISTEA)
FEDERAL AID PROGRAMS & REIMBURSEMENT %

(30)

<u>Appropriation Code</u>	<u>Project Designation</u>	<u>Class of Funds</u>	<u>Federal Reimbursement Rate **</u>
-------------------------------	--------------------------------	-----------------------	--

ADVANCE CONSTRUCTION

OADACCM	Congestion Mitigation and Air Quality Improvement		88.53%
OAE	High Cost Bridge Projects, Section 1103 (f)		80%
OAF	Congestion Relief Projects, Section 1104 (f)		80%
OAH	High Priority Corridors on National Highway System, Section 1105		80%
OAK	Rural Access Projects, Section 1106 (a) (5)		80%
OAL	Urban Access and Mobility Projects Section 1106 (b) (6)		80%
OAM	Innovative Projects, Section 1107 (f)		80%
OAN	Priority Intermodal Projects, Section 1108 (f)		80%
OAU	STP, TEA		
OBK	STP		

<u>CODE</u>	<u>WORK TYPE</u>
Y000	MISCELLANEOUS (WASHINGTON OFFICE APPROVAL FOR USE)
Y002	TRAFFIC SIGNS
Y003	LANDSCAPING (PLANTING AND RELATED WORK)
Y004	ALL CLEARING (see Y103 for SIGNS, ETC.)
Y005	PLANTING OF NATIVE WILD FLOWERS
Y007	MINOR STRUCTURE (STORM SEWER, CULVERT, SNOW SHED, ETC.)
Y008	CHANNELIZATION OF TRAFFIC
Y009	SLOPE STABILIZATION/SLIDE PROTECTION
Y010	COAL ASH
Y021	SAFETY REST AREAS, SCENIC OVERLOOKS & TURNOUTS
Y022	COMFORT AND CONVENIENCE FACILITIES & RESTAREAS
Y023	SCREENING UNSIGHTLY AREAS
Y024	RECREATION-FACILITY
Y025	FRINGE PARKING
Y026	CARPOOL FACILITY (HOV)
Y028	VANPOOL REQUISITION
Y030	HIGHWAY LIGHTING
Y031	TRAFFIC SIGNALS
Y032	FRWY TRAFFIC SURVEILLANCE AND CONTROL SYSTEMS
Y033	COMPUTERIZED TRAFFIC SIGNAL SYSTEM
Y034	MOTORIST AID SYSTEM
Y035	HIGHWAY INFORMATION
Y036	COMPUTERIZED MATCHING PROGRAM
Y037	OPERATION & MAINTENANCE OF TR. MGT. SYSETMS
Y041	SPECIAL RELOCATIONS (RIVERS, CHANNELS, ETC.)
Y050	FRONTAGE ROAD
Y051	INDEPENDENT PEDESTRIAN WALKWAYS
Y052	INDEPENDENT BICYCLE FACILITIES
Y060	UTILITY ADJUSTMENT
Y063	ACQUISITION OF SCENIC EASEMENTS & SITES
Y064	ACQUISITION OF HISTORIC SITES
Y065	SCENIC HIGHWAY OR BYWAY PROGRAMS

<u>CODE</u>	<u>WORK TYPE</u>
Y066	HISTORIC HIGHWAY PROGRAMS
Y067	HISTORIC PRESERVATION
Y068	REHABILITATION & OPERATION OF HISTORIC TRANSPORTATION FACILITIES
Y069	PRESERVATION OF ABANDONED RAILWAY CORRIDORS
Y070	ARCHAEOLOGICAL SALVAGE
Y071	PALEONTOLOGICAL SALVAGE
Y072	HISTORICAL, ARCHAEOLOGICAL OR SCIENTIFIC SITE
Y073	ID, EVALUATION, PLNG, RESEARCH OF HISTORIC OR ARCHAEOLOGICAL RESOURCES
Y077	WETLANDS MITIGATION & ENHANCEMENT
Y080	TRAINING (CONSTRUCTION CONTRACTS)
Y081	TRAINING (NHI)
Y102	FENCING
Y103	OUTDOOR ADVERTISING CONTROL/ACQ./REMOVAL
Y105	INTERPRETIVE FACILITIES
Y108	TRANSIT PASSENGER FACILITIES
Y109	TRUCK LOADING FACILITY
Y110	MCSAP (DEVELOPMENT CODE)
Y111	MCSAP (ENFORCEMENT PROGRAM)
Y112	CDL (DEVELOPMENTAL)
Y113	CDL (TESTING OPERATORS)
Y200	BUS PURCHASES
Y205	PURCHASE OF ROLLING STOCK (FIXED RAIL)
Y210	ADMINISTRATIVE EXPENSES
Y215	OPERATING EXPENSES (NET)
Y219	FERRY BOATS
Y220	NOISE ABATEMENT
Y222	TRUCK SCALES, FIXED
Y223	TRUCK SCALES, PORTABLE
Y224	AUTO RESTRICTED ZONE
Y225	TERMINAL AND TRANSFER FACILITIES
YHOV	HIGH OCCUPANCY VEHICLE LANES (repeated)

The following work type codes are classified as **Roadway and Surface Work Type** codes:

A000, B000, C000, D000, E000, F000, G000, H000, I000, J000 and K000. The first digit is alpha and the rest are numeric zero's (0).

Following is a list of the codes with their work type:

CODE	WORK TYPE
A000	PRIMITIVE
B000	UNIMPROVED
C000	GRADED & DRAINED EARTH
D000	SOIL SURFACE
E000	GRAVEL OR STONE
F000	BITUMINOUS SURFACE TREATMENT
G000	MIXED BITUMINOUS
H000	BITUMINOUS PENETRATION
I000	BITUMINOUS CONCRETE
J000	PORTLAND CEMENT CONCRETE
K000	ALL OTHERS

Bridge Codes on next page.

The following work type codes are classified as **Bridge Work Type** codes: X--- The first digit (code X) indicates bridge class. The first digit is alpha and the rest are numeric.

CODE WORK TYPE

CODE	WORK TYPE
	The second digit indicates nature of structure.
X0--	HIGHWAY OVER WATERWAY
X1--	HIGHWAY OVER RAILROAD
X2--	HIGHWAY OVER HIGHWAY
X3--	HIGHWAY OVER WATERWAY AND RAILROAD
X4--	HIGHWAY OVER WATERWAY AND HIGHWAY
X5--	HIGHWAY OVER RAILROAD AND HIGHWAY
X6--	HIGHWAY UNDER RAILROAD
X7--	HIGHWAY UNDER HIGHWAY
X8--	HIGHWAY UNDER RAILROAD AND HIGHWAY
X9--	OTHER COMBINATION, INCLUDING HIGHWAY OVER WATERWAY, RR AND HIGHWAY; ALSO 3- AND 4- LEVEL GRADE SEPARATIONS AND MISCELLANEOUS

CODE	WORK TYPE	CODE	WORK TYPE
	The third digit identifies the material of principal supporting members of the span.		The fourth digit identifies type of span (identifies type if bridge comprises 2 or more span types).
X-0-	TIMBER	X--0	SLAB
X-1-	MASONRY	X--1	GIRDER
X-2-	CONCRETE, NOT PRESTRESSED	X--2	TRUSS (EXCEPT CANTILEVER)
X-3-	STEEL	X--3	RIGID FRAME
X-4-	STEEL AND CONCRETE	X--4	ARCH
X-5-	TIMBER AND STEEL	X--5	CANTILEVER TRUSS
X-6-	TIMBER AND CONCRETE	X--6	MOVABLE
X-7-	COMPOSITE STEEL AND CONCRETE	X--7	SUSPENSION
X-8-	CONCRETE, PRESTRESSED	X--8	BOX CULVERT (BRIDGE LENGTH)
X-9-	ALUMINUM	X999	HIGHWAY TUNNEL

Thus, work type code X015 would be a highway over waterway bridge using masonry as the principal supporting member of the span and using a cantilever truss for the type of span.

(39) Function Class [Highway Type + Improvement Type]

<u>CODE</u>	<u>TYPE OF HIGHWAY</u>	<u>CODE</u>	<u>TYPE OF HIGHWAY</u>
DC	Divided/Collector (Major)	FL	Freeway/Local
DL	Divided/Local	FM	Freeway/Minor Arterial
DM	Divided/Minor Arterial	FP	Freeway/Principal Arterial
DP	Divided/Principal Arterial	FR	Freeway/Collector (Minor)
DR	Divided/Collector (Minor)	NR	(Not Required)
EC	Expressway/Collector (Major)	UC	Undivided/Collector (Major)
EL	Expressway/Local	UL	Undivided/Local
EM	Expressway/Minor	UM	Undivided/Minor Arterial
EP	Expressway/Principal Arterial	UP	Undivided/Principal Arterial
ER	Expressway/Collector (Minor)	UR	Undivided/Collector Minor
FC	Freeway/Collector (Major)		

Type of Improvement codes:

<u>CODE</u>	<u>TYPE OF IMPROVEMENT</u>	<u>CODE</u>	<u>TYPE OF IMPROVEMENT</u>
Ø1	New Route	Ø9	Bridge Replacement
Ø2	Relocation	1Ø	Bridge Rehabilitation
Ø3	Reconstruction (see 15 & 16)	11	Minor Bridge Work
Ø4	Major Widening	12	Safety/Traffic/TSM
Ø5	Minor Widening	13	Environment Related
Ø6	Restoration and Rehabilitation	14	Bridge Program Special Actions
Ø7	Resurfacing	15	Reconstruction -Added Full Lane Capacity
Ø8	New Bridge	16	Reconstruction -No Added Full Lane Cap.

(40) SAFETY CODES

use only with appropriation codes: 33A, 33M, 33N, 33P, 33Q, 33X,
33Y, 33Z

<u>HAZARD ELIMINATION</u>	<u>CODE</u>	<u>NUMBER OF</u>
INTERSECTION IMPROVEMENT		1A Intersections
Improved		
ROADSIDE IMPROVEMENT		1B Projects
INSTALLATION OF TRAFFIC SIGNS	1C	Projects
PAVEMENT MARKING		1D Projects
INSTALLATION OF HIGHWAY LIGHTS	1E	Projects
TRAFFIC CONTROL SIGNALIZATION	1F	Projects
ROADWAY/STRUCTURE IMPROVEMENT		2A Projects/Structures
COMMUTER CARPOOLING/VANPOOLING		3A Projects
CONCRETE BARRIER AND TREATMENTS		3B Projects
BREAKDOWN UTILITY POLES	3C	Projects
PRIORITY CONTROL SYSTEM		3D Projects
INSTALLATION OF GUARDRAIL	3J	Projects
INSTALLATION OF IMPACT ATTENUATORS		3N Projects
OTHER SAFETY APPURTENANCES		4A Projects
<u>RAIL-WAY CROSSINGS</u>		
RAIL-HWY XING PROTECTIVE DEVICE		5A Crossings Protected
RAIL-HWY XING IMPROVEMENT		5B Crossings Improved/ Eliminated

(41) FEDERAL-AID SYSTEM CODE

This two (2) space (must be completed) field is used to enter the Federal-Aid System Code. Following is a list of the codes.

CODE	TYPE OF SYSTEM
I	On the Interstate System
J	On Interstate System, Section 139, additions
K	I-System - Section 103(e)(2) additions
M	Multi-system such as HPR, PR, HPS or Geodetic Markers
P	On the Primary System including extensions
S	On the Secondary System
U	On the Urban System
Z	Not on any Federal-Aid System

(42) FEDERAL RESERVATION SYSTEM CODE

This two (2) space (must be completed) field is used to enter the Federal Reservation System Code. Following is a list of the codes. Default is Z; change if needed.

CODE	TYPE OF SYSTEM
D	Public Lands Development Road
E	On Public Lands but not a Public Land Development Road
F	On Forest Highway System
I	Indian Reservation Road
J	On Indian Reservation and not Indian Reservation Road
M	Multi-system such as HPR, PR, HPS
N	Parkway
P	Park Road
Q	On National Park System Lands but not on a Park Road or Parkway
S	On National Forest System Lands but not a Forest Development Road
T	On Forest roads and trails
Z	Not on any Federal Reservation System or National Park

E-76

EXAMPLE - EXEMPT PROJECT

AUTHORIZATION TO PROCEED

FEDERAL AID PROGRAM HBRR		CALIFORNIA DEPARTMENT OF TRANSPORTATION
PROJ LOCATOR 11-SD-0-PTR		
PREFIX BRLO	PROJECT LOCATION	
PROJECT NO 4060(016)	WILSON CK @ BORDER CANAL,42C-WD40	PREV. AUTHORIZATION
SEQ NO 1		-----
DIST-EA 11-999999L	TYPE OF WORK	PE
AGENCY PETER	BRIDGE REPLACEMENT	R/W
ROUTE	FED. RR NOS	CON
TIP DATA:	PUC CODE(S)	
MPO/YEAR SANDAG	EXEMPT FROM FHWA REVIEW	APPR CODES 118
DATE 94/95	ENV STATUS CAT. EXCL. 03/02/94	LINE NOS 30 31
SHEET 207	R/W STATUS 4 09/24/94	WORK CLASS 3
URBANIZED SAN DIEGO	POPULATION OVER 200,000	FUNC. CL. UR09
URB/RURAL URBAN AREA	BRIDGE NOS 42C-WD40	

PHASE		PROJECT COST	FEDERAL COST
	PREV. OBLIGATION	0	0
CON	THIS REQUEST	200,000	160,000
	SUBTOTAL	200,000	160,000
	TOTAL	200,000	160,000

STATE REMARKS

 PE on this project was authorized under project No.BRM-F998(001)

AUTHORIZATION TO PROCEED WITH CON
 CONTRACT

PREPARED BY K. BROWN ON 01/23/95 (619) 421 9898
 REVIEWED BY J.B. SMITH ON 01/24/95 (916) 421 9899
 AUTHORIZED BY J.B. SMITH ON 01/24/95
 OBLIGATED BY A DERECHA ON 01/25/95

use only 1st pg for final LPP
 E-76

EXAMPLE - NON-EXEMPT PROJECT

AUTHORIZATION TO PROCEED

FEDERAL AID PROGRAM DEMONSTRATION		CALIFORNIA DEPARTMENT OF TRANSPORTATION	
PROJ LOCATOR 07-LA-0-DEB			
PREFIX	DPM	PROJECT LOCATION	
PROJECT NO	4005(001)	RTE 60/LAKEWORM BL.:VITO ST TO*	PREV. AUTHORIZATION
SEQ NO	2		-----
DIST-EA	07-999999L	TYPE OF WORK	PE
AGENCY	DEBARTOLO	WIDEN, MOD. TR SIGNALS, ADD LANES	R/W
ROUTE		FED. RR NOS	CON
TIP DATA:		PUC CODE(S)	
MPO/YEAR	SCAG	CERT. ACCEPTANCE - YES	APPR CODES 368
DATE	93/99	ENV STATUS	LINE NOS 10 20
SHEET	41	R/W STATUS	WORK CLASS 1 2
URBANIZED	LA-LONG BEACH	POPULATION OVER 200,000	FUNC. CL. DP03
URB/RURAL	URBAN AREA	BRIDGE NOS	

PHASE		PROJECT COST	FEDERAL COST
	PREV. OBLIGATION	715,000	572,000
PE	THIS REQUEST	0	0
	SUBTOTAL	715,000	572,000
	PREV. OBLIGATION	0	0
R/W	THIS REQUEST	138,000	110,400
	SUBTOTAL	138,000	110,400
	TOTAL	853,000	682,400

STATE REMARKS

 *ROUTE 60/LAKEWORM BLVD.; VITO STREET TO CARL STREET AND VARIOUS INTERSECTIONS WITHIN THE VICINITY OF LONE BRANCH AIRPORT: WIDEN, MODIFY TRAFFIC SIGNALS, ADD THROUGH AND TURN LANES
 LA/LBCH (3041), SCAG (6049), LACMTA (6065)
 FIELD REVIEW DATE: 3/31/92: TIP LUMP SUM: INTERMODAL PROJECT T99 "LONE BRANCH AIRPORT ACCESS"
 FINAL DESIGN FOR EACH PROJECT WILL NOT BE ELIGIBLE UNTIL THE ENVIRONMENTAL PROCESS HAS BEEN COMPLETED FOR THIS DEMONSTRATION PROJECT.
 THIS IS A NON-EXEMPT PROJECT.
 **HARDCOPY FNM76 HAS BEEN SUBMITTED FOR FHWA AUTHORIZATION 7/27/94.

PPNO- 000341

NOTES: THIS IS AN AUTHORIZATION FOR A NON-EXEMPT PROJECT. ADDITIONAL NOTES IN STATE COMMENTS ELABORATE ON THE DESCRIPTION AND CONDITIONS OF APPROVAL. FHWA CONDITIONS WOULD ALSO SHOW HERE, IF ANY. A SIGNATURE COPY OF THE FNM-76 WAS ALSO SUBMITTED TO FHWA.

AUTHORIZATION TO PROCEED WITH R/W
 PRELIM R/W WORK

PREPARED BY CARL BENSON ON 07/11/94 8-647-9999
 REVIEWED BY HUGH G. HARDY ON 07/19/94 916)653-9251
 REQ. APPR. BY BART DEVITOLLO ON 07/27/94
 AUTHORIZED BY AL MOUS ON 08/03/94
 OBLIGATED BY A DERECHA ON 08/04/94

ENVIRONMENTAL PROCEDURES

- 1. Overview**
 - 1.1 Existing Procedures**
 - 1.2 New Procedures**
 - 1.3 Obtain Authorization to Proceed**
 - 1.4 Preliminary Environmental Studies**

- 2. NEPA Process**
 - 2.1 Categorical Exclusion**
 - 2.2 Environmental Assessment (EA)**
 - 2.3 Environmental Impact Statement (EIS)**

- 3. Other Federal Environmentally-Related Processes**
 - 3.1 Section 4(f) Evaluation (Publicly Owned Park, Recreation Area, Wildlife or Waterfowl Refuge or Land from Historic Sites); Section 106 (Cultural Resources & Historic Properties); Section 7 (Endangered Species); E.O. 11990 (Wetlands); E.O.11998 (Floodplains)**

- 4. Other Considerations**
 - 4.1 Permits**
 - 4.2 PS&E**
 - 4.3 PS&E and Construction**

- 5. Process Review**

- 6. DLAE & Local Agency Training**

EXHIBITS

- Exhibit A Preliminary Environmental Studies Form and Instructions**
- Exhibit B Programmatic Categorical Exclusion (Impact-Based Projects)**
- Exhibit C Programmatic Exclusion (Seismic Safety Retrofit Projects)**
- Exhibit D Programmatic Categorical Exclusion/Categorical Exclusion Determination Form**

1. Overview

Reference:

Local Programs Manual, Volume III

Applicability:

Applies to all Federal Highway Administration (FHWA) funded local agency projects. Does not apply to state highway projects funded by local agencies.

1.1 Existing Procedures:

In the past, Local Agencies were expected to have filled out the Field Review Form and Preliminary Environmental Studies (PES) form in advance of the Field Review, and depending on the project type and potential for impact, Caltrans environmental staff conducted a preliminary drive-through survey of the project area, reviewed current inventories, records, maps and information relevant to the area, and may have consulted with agencies having expertise in the affected environmental elements (water, air, wildlife, plants, etc.) and/or permit or license authority over the proposed project. The local agency, and the District Local Assistance Engineer (DLAE) would then make any necessary revisions to the Field Review Form during the Field Review and if preliminary environmental studies completely supported the conclusion, and met the conditions of the Programmatic Categorical Exclusion (CE), the DLAE would sign a Programmatic CE. In other instances the FHWA Transportation Engineer would attend the field review and a determination could be made regarding environmental studies and level of the environmental document. If it was determined that additional data was required to support a CE determination, the local agency would complete the preliminary studies and submit a CE with studies to the DLAE for review and approval by FHWA.

Caltrans environmental staff attended field reviews and agency and consultant meetings upon request, reviewed environmental elements of consultant agreements and reviewed and commented on the adequacy of local agency environmental documents. Several reviews would often be required prior to Caltrans determining that the format and content of the local agency's environmental document conformed to National Environmental Policy Act (NEPA) and other Federal environmental requirements.

1.2 New Procedures:

Under the new procedures local agencies will be expected to conduct preliminary research, studies and resource agency coordination and provide documentation of the results, as necessary to accurately respond to the questions on the Preliminary Environmental Studies (PES) form (Exhibit A).

The DLAE will coordinate with FHWA and determine what level of involvement is necessary after reviewing the PES and supporting studies, and may call for an on-site visit.

The DLAE will limit Caltrans' review of local agency environmental documents to "complete" submittals (including a completed PES form and basic supporting documentation, such as the results of records searches for cultural and biological resources) to support the determination.

The DLAE will decide whether to accept the local agency's preliminary recommendation and approve and process local agency environmental documents to FHWA for review and approval based on their sufficiency for compliance with federal environmental requirements. Coordination with Caltrans' district environmental staff may be necessary given a project's complexity, impacts, and/or its potential for controversy. The DLAE will continue to transmit copies of all determinations, comments or letters of concurrence from and to FHWA (State Historic Preservation Officer [SHPO], Advisory Council on Historic Preservation [ACHP], U.S. Fish and Wildlife Service [FWS], Department of Interior [DOI], Environmental Protection Agency [EPA], etc.), to the local agency.

Caltrans will maintain and update the procedural guidance provided in the Local Programs Manual (LPM). Local agencies should refer to the LPM for much of the existing guidance material and know that it will be updated shortly. More comprehensive guidance, checklists and flowcharts on the preparation and processing of environmental reports and documents by local agencies and their consultants will be available. Caltrans will provide training and will maintain a record of local agency environmental documents for use in tracking compliance. Local agencies will also be responsible for maintaining copies of environmental documents and supporting documentation.

1.3 Obtain Authorization to Proceed

When a local agency desires federal funding assistance for preparing environmental studies and preliminary engineering, it submits a "Request for Authorization" form to the DLAE. The local agency may not proceed with reimbursable activities prior to the project's inclusion in a federally approved Federal Transportation Improvement Program/Federal Statewide Transportation Improvement Program (FTIP/FSTIP) and receipt of "Authorization to Proceed" notification from Caltrans. See Attachment 1, "Project Authorization/Federal Fund Obligation".

1.4 Preliminary Environmental Studies

The local agency will prepare the Preliminary Environmental Study (PES) form after conducting a preliminary site visit to survey the project area, reviewing current inventories, records, maps and information relevant to the area, and consulting with agencies with expertise in the affected environmental elements (water, air, wildlife, plants, etc.) and/or permit or license authority over the proposed project, regarding presence or absence of sensitive resources.

If the DLAE determines that the submittal is complete and sufficient, and concurs with the studies to be performed and the recommended level of environmental document, the DLAE will sign the PES form.

2. NEPA Process

2.1 Categorical Exclusion

Programmatic Categorical Exclusion

a. Impact-Based Programmatic Categorical Exclusion

On September 7, 1990 Caltrans and FHWA concurred in advance with the classification of those types of Categorical Exclusions (CEs), identified in 23 CFR 771.117(d), with no environmental impacts.

The DLAE is responsible for certifying that all conditions, identified in the Programmatic Agreement, provided at Exhibit B, are satisfied for each project processed under this Agreement. The certification will be based on the preliminary recommendations and supporting documentation provided by the local agency.

The local agency must continue to verify that all conditions, identified in the Programmatic Categorical Exclusion have been met, and there must be information in the project file to support the determination.

For federal aid programming the following notation should appear on the FNM-76 in the Environmental Status block: "Programmatic Cat. Exclusion, September 7, 1990".

b. Programmatic Categorical Exclusion for Seismic Safety Projects

On February 5, 1990 Caltrans and FHWA approved a Programmatic Categorical Exemption/Exclusion for seismic safety retrofit projects. Although it covers the majority of the retrofit work, it is applicable only to installations meeting the criteria shown on the form provided at Exhibit C.

The DLAE and the local agency must continue to verify that the Categorical Exemption/Categorical Exclusion (CE/CE) is appropriate, and there must be information in the project file to support the determination. In many cases this only needs to be structure photos and a notation from the field review.

This determination does not apply to those installations in the seismic safety retrofit project that do not fit the proposal description and purpose, or that involve direct work in wetlands or historic properties (including historic bridges that are in Categories 1 to 4 of Caltrans Bridge Inventory as eligible, listed, or potentially eligible for the National Register). For such properties, an individual categorical exclusion or the appropriate environmental document will be processed.

For federal aid programming the following notation should appear on the FNM-76 in the Environmental Status block: "Cat. Exclusion, seismic retrofit, February 5, 1990".

At the close of each fiscal year the local agency shall provide the DLAE with a list of projects approved under the Programmatic Categorical Exclusion agreement, for transmittal to FHWA.

Another agreement providing for the expeditious fulfillment of the requirements under Section 106, is the March 21, 1995 "Programmatic Agreement Regarding the Seismic Retrofit of Bridge Structures in California". NOTE: Additional assistance from the Caltrans Environmental, Cultural Resource Specialists, will be required when utilizing this agreement..

Processing Programmatic Categorical Exclusions

If preliminary environmental studies completely support the conclusion, the local agency will sign the Programmatic CE form (Exhibit D) declaring that conditions of the Programmatic CE have been met, submit the PES form and supporting information to the DLAE and request approval.

The DLAE will decide whether to approve the documents based on consideration of the following criteria:

- The type and location of project and its potential effects.
- "Complete" and sufficient submittals (complete PES form with supporting documentation--letters from resource and regulatory agencies and results of record searches) to support the determination.
- Process reviews of local agency's prior performance.
- Experience of local agency staff/consultants.

In some cases, an on-site environmental review and/or an office meeting may be necessary to support the conclusion. The DLAE will indicate approval by signing the Programmatic CE form. When the local agency submits a "Request for Authorization" for new phases of work, the local agency will enter the appropriate coding and date under "Environmental Data." See Attachment 1, "Project Authorization/Federal Fund Obligation.."

Incomplete documentation will be returned to the project sponsor.

CE Determination by the FHWA with Studies

If it is determined that additional data is required to support a CE determination, the local agency will complete the necessary studies, sign the CE form, declaring that CE conditions

have been met, and submit the PES form and supporting information to the DLAE for concurrence and transmittal to the FHWA for approval.

The DLAE will decide whether to concur with the local agency's recommended CE determination based on the same criteria shown above. If the DLAE determines that an on-site review is necessary, it will be coordinated with the local agency and FHWA.

The FHWA will acknowledge approval by signing the Categorical Exclusion and the DLAE will notify the agency. When the local agency submits a "Request for Authorization" for new phases of work, the local agency will enter appropriate coding and date of FHWA approval of the CE under "Environmental Data." See Attachment 1, "Project Authorization/Federal Fund Obligation".

2.2 Environmental Assessment (EA)

When it is not clear whether the project will result in significant impacts under NEPA or involve significant controversy, the local agency will arrange for a preliminary meeting with the DLAE and the FHWA and following the meeting will prepare and submit the completed draft EA and supporting studies to the DLAE for concurrence and transmittal to the FHWA.

In instances where numerous environmental issues have been identified and several reports and resource and regulatory agency approvals are required to bring about the environmental document, an office meeting or consultation with the district's environmental branch and the FHWA may be necessary to determine the scope and timing of studies to be performed, and the various methods for interrelating special studies with the NEPA environmental process.

If the proposal will not have a significant environmental effect the local agency will sign the document and submit the draft EA to the DLAE for concurrence and transmittal to the FHWA for approval for public availability.

The DLAE will review the document for completeness and decide whether to concur with the assessment based on the same criteria shown above. Incomplete documentation will be returned to the project sponsor.

If complete and sufficient, the DLAE will sign the draft EA cover sheet and forward the completed draft EA and supporting studies to the FHWA for review and approval for public availability.

If the FHWA determines that deficiencies exist, the DLAE will notify the local agency.

If in agreement with the scope and content, the FHWA Division Administrator will sign the title page to the draft EA. Approval may be subject to revisions being made by the local agency prior to circulation. The FHWA will return the signed title page and draft EA to the DLAE for transmittal to the local agency.

The local agency will initiate public circulation of the draft EA and, following public involvement, will respond to all comments and prepare the Final EA. If the Final EA indicates that proposal will not have a significant environmental effect, the local agency will submit the record of public comments and responses, and a request for a Finding of No Significant Impact (FONSI), to the DLAE for concurrence and transmittal to the FHWA.

Upon FHWA approval of the FONSI, the DLAE will notify the agency.

Prior to submitting a "Request for Authorization" for new phases of work, the local agency will enter the appropriate coding and the date the FHWA signed the FONSI, under "Environmental Data." See Attachment 1, "Project Authorization/Federal Fund Obligation."

2.3 Environmental Impact Statement (EIS)

When it is determined that a proposal may have a significant environmental effect the local agency will arrange for a preliminary meeting with the DLAE and the FHWA and following the meeting will prepare and submit a draft Notice of Intent (NOI) to the DLAE for transmittal to the FHWA for publication in the Federal Register.

Following publication in the Federal Register, the local agency will arrange for a scoping meeting and prepare and submit the completed DEIS and supporting studies to the DLAE for concurrence and transmittal to the FHWA.

The DLAE will decide whether to accept the draft EIS based on a review, of the format and content of the DEIS, for conformance with NEPA and its implementing federal regulations.

The DLAE will sign and transmit the original title page and the completed DEIS and two (2) copies of the related technical studies (noise, hydraulics, geo-technical, biological, socio-economic, cultural, etc.) to the FHWA Division Administrator for review and approval for public availability. If in agreement with the scope and content of the DEIS, the FHWA Division Administrator will sign the title page to the DEIS. Approval may be subject to revisions being made by the local agency prior to circulation. The FHWA will return the signed title page and DEIS to the DLAE for transmittal to the local agency.

The local agency will initiate public circulation of, and hold a public hearing on, the DEIS, and, following public involvement, will respond to all comments, and prepare the FEIS.

The local agency will sign the title page of the FEIS and forward the completed FEIS, record of public involvement and draft Record of Decision (ROD) to the DLAE for concurrence and transmittal to the FHWA. The DLAE will sign the FEIS title page and forward to the FHWA for approval. The FHWA will return the signed FEIS title page to the DLAE for transmittal to the local agency. The local agency will distribute the FEIS and notify the DLAE. The DLAE will notify the FHWA, who in-turn will notify EPA to place a notice in the Federal Register. The FHWA will prepare, sign and transmit the ROD to the

DLAE for forwarding to the local agency. Prior to submitting a "Request for Authorization" for new phases of work, the local agency will enter, under "Environmental Data", the appropriate coding and date of the FHWA's signature on the ROD. See Attachment 1, "Project Authorization/Federal Fund Obligation".

3. Other Federal Environmentally-Related Processes

3.1 Section 4(f) Evaluation (Publicly Owned Park, Recreation Area, Wildlife or Waterfowl Refuge or Land from Historic Sites); Section 106 (Cultural Resources & Historic Properties); Section 7 (Endangered Species); E.O. 11990 (Wetlands); E.O.11998 (Floodplains)

The local agency will evaluate the proposed action and determine whether any of the federal environmentally-related processes are applicable.

The local agency, or their consultant, will review current inventories and relevant information and coordinate with appropriate resources and regulatory agencies, except for consultations for which the FHWA is responsible (i.e., SHPO, ACHP, formal Section 7 consultation with USFWS).

If it is anticipated that the project may need an "Individual Section 404 Permit" the local agency should notify the DLAE and consult the NEPA/404 MOU as early as possible to * conformity.

The local agency will develop an Area of Potential Effect (APE) map for Section 106 purposes and other survey area maps as necessary to complete the studies and may notify the DLAE and request a study scoping meeting. The DLAE, in consultation with the FHWA, will determine whether the FHWA will be present at the study scoping meeting. The FHWA will approve the APE. The local agency will prepare all reports (containing their findings) and submit the appropriate number of copies of each report to the DLAE for transmittal to FHWA.

The DLAE will decide whether to "concur" with each of these reports, and transmit the documents, based on consideration of the following criteria:

- The type and location of project.
- "Complete" and sufficient submittals (Historic Property Survey Report, Biological Report, Wetland Report, Section 4(f), Noise, etc., containing letters from resource and regulatory agencies) to support the determination.
- Consultation with the FHWA Transportation Engineer or the District environmental staff.
- Process reviews of the local agency's prior performance.
- Experience of the local agency staff/consultants.

The FHWA will review the reports, consult with responsible and regulatory agencies as required, and submit a letter to the DLAE, indicating concurrence with the local agency's findings, or identifying deficiencies.

The DLAE will forward the FHWA response, and copies of any resource and regulatory agency responses to the FHWA, to the local agency.

The local agency will include copies of resource and regulatory agency letters in the environmental document.

4. Other Considerations

4.1 Permits

The local agency will obtain all necessary permits (404 Permit, Coast Guard Bridge Permit, 1601/03) prior to advertisement for construction.

4.2 PS&E

The local agency will certify that all required mitigation has been completed and/or is included in the final PS&E and that any required ongoing maintenance of mitigation is implemented.

The DLAE will assure that mitigation measures and any required ongoing maintenance of mitigation are implemented by conducting periodic process reviews.

4.3 PS&E and Construction

The local agency will implement mitigation measures. The local agency will check plans in the field to determine if all environmental commitments have been incorporated.

In advance of any commitment, the local agency will notify the DLAE of any significant change in project scope, impacts or mitigation which may compel environmental re-evaluation.

The DLAE will notify the FHWA of any significant change in project scope, impacts or mitigation and the FHWA will determine if additional environmental studies will be required or if any mitigation agreements will require modification. If so, the local agency will request reconsultation/reevaluation immediately.

5. Process Review

Caltrans will conduct process reviews of local agency procedures for preparing environmental documents and backup reports and for ensuring that all environmental commitments have been incorporated in construction.

6. DLAE & Local Agency Training

Caltrans will provide notifications of training opportunities to the DLAE and local agencies and their consultants via training programs available through FHWA, ACOE, USFWS, NHI, USEPA, universities and colleges, professional societies and private interest groups.

**Instructions for Completing the
Preliminary Environmental Studies Form**

When a local agency desires Federal funding assistance for preparing environmental studies and preliminary engineering, the local agency will submit a "Request for Authorization" form to the DLAE. The local agency may not proceed with reimbursable activities prior to the projects inclusion in a federally approved TIP and receipt of "Authorization to Proceed" notification from Caltrans.

The local agency will prepare the Preliminary Environmental Study (PES) form after conducting a site visit of the project area, reviewing current inventories, records, maps and information relevant to the area, and consulting with agencies with expertise in the affected environmental elements (water, air, wildlife, plants, etc.) and/or permit or license authority over the proposed project.

Agency (Dist-Co-Rte-Agency): _____ Example: 03-BUT-99-Butte Co

Project Number (Federal Program Abbreviation - Route): _____

Project Location Example: Located within City of Chico or 3 miles west of the City of Chico on Route 65.

Project Description (Briefly describe major components of the proposed work)

Example: Widening and signals or overlay. Indicate the length of the project to the nearest one-tenth of a mile. If the project is a spot location, use 0.1 mile.

A. The Physical Environment:

The following sources of information should be consulted prior to answering Questions 1-33 or before checking "NO" potential effect (direct or indirect) on the following environmental attributes:

1. **Noise:** Consult 23 CFR 772.5(h); to determine if this is a Type 1 project; "construction on new location or the physical alteration of an existing highway which significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes".
2. **Noise:** If "Yes" or "To Be Determined" is answered for Question #1, consult 23 CFR 772, Table 1, to determine if the project will result in predicted traffic noise levels that approach or exceed the noise abatement criteria, or if the predicted traffic noise levels will substantially exceed existing noise levels?
3. **Noise:** (Pile driving, structure demolition, blasting, etc.) Consider construction activities and techniques.
4. **Water Quality:** Consider project runoff, roadside drainage and proximity to water courses.
5. **Sole-Source Aquifer:** Consider if your project is located in or near one of the three sites in California that have been designated as sole-source aquifers; one in Fresno County; the Santa Margarita Aquifer in Scotts Valley, Santa Cruz County; and the Campo/Cottonwood Creek Aquifer in Butte County. A fourth site, the Ocotillo Coyote Wells Aquifer in Imperial County is proposed for designation. Environmental Protection Agency (EPA; S.F. Regional Office)
6. **Coastal Zone:** Check State Coastal Zone Management Program (CZMP) Plan or consult State Coastal Zone Management Agency.
7. **100-year Floodplain:** Review Federal Emergency Management Agency (FEMA) maps and National Flood Insurance Program (NFIP) maps, available from public libraries, State

Department of Water Resources, city and county flood control managers or public works departments.

8. **Wild and Scenic Rivers:** Consider proximity of project to the Tuolumne, American, Middle Fork of the Feather, Smith, Klamath, Trinity and Eel Rivers, as portions of these rivers are currently classified under this designation (Note: Designation protects river and a 0.25-mile corridor from development).
9. **Federally-Threatened or Endangered Species:** Request list of occurrences and significant natural areas from the Department of Fish and Game (CDFG) California Natural Diversity Database (CNDDDB) California, prior to answering this question.
10. **Wetlands:** Consult National Wetland Inventory (NWI) maps, available through the appropriate Natural Resource Conservation Service (NRCS) field office(s).
11. **Special Aquatic Sites or Greater than Five Acres of Other Waters:** If your project will impact special aquatic sites or greater than five acres of other waters of the U.S., and thereby require an Individual Section 404 Permit, notify the DLAE as early as possible to consult, and conform to, the provisions of the Memorandum of Understanding National Environmental Policy Act and Clean Water Act Section 404 Integration Process for Surface Transportation Projects in Arizona, California, and Nevada (fully executed spring 1994 by the U.S. Army Corps of Engineers, FWS, NMFS, EPA, FHWA, FTA Caltrans, Arizona DOT, Nevada DOT). AKA NEPA/404 MOU.
12. **Agricultural Wetlands.** Consult the appropriate National Resources Conservation Service field office for delineation and verification of agricultural wetlands. (Note: The U.S. Army Corps of Engineers remains the agricultural wetlands point for Section 404 Permits).
13. **Air Quality Conformity:** Confirm that your project is in a Federally-approved FTIP.
14. **National Ambient Air Quality (NAAQ) Standards:** Coordination with FHWA may be required to determine if the project will result in localized exceedances in the National Ambient Air Quality (NAAQ) Standards .
15. **Prime or Unique Farmlands:** Consult the appropriate Natural Resources Conservation Service field office for verification of prime and unique farmlands. Any conversions to non-agricultural use will require coordination with the U.S. Army Corps of Engineers.
16. **Hazardous Waste Sites including Underground Tanks?** Consider field observations of existing land uses. Coordinate with appropriate local and state agencies as indicated on the PES form.
17. **Modify River, Lake:** Consider for all bridge projects and any project near, in, or around water. When it appears that a project might require an Individual Section 404 Permit, the Local agency should notify the DLAE as early as possible to consult, and conform to, the provisions of the NEPA/404 MOU.
18. **Section 4(f) Parklands:** Field observation. If necessary, talk with local, regional and state park staff to confirm ownership.
19. **Section 6(f):** Check with the Federal Land and Water Conservation Fund (LCWF) program of the National Park Service, Department of the Interior, administered through the California Department of Parks and Recreation.
20. **Visual:** Consider scenic attributes. Observation project site and consider proposed construction management practices (large cut or fill area). When determining light and glare impacts, consider short and long term.
21. **Light, Glare and Shadows:** Consider project construction, operation and maintenance.

22. **Right of Way:** Consider construction easements and utility relocations and partial or full takes of right-of-way. Attach description (including total acreage and ownership) for all "Yes" and "To Be Determined" answers.
23. **Displace Business and Residences:** Field Observations, Visual Inspection, Economic Reports.
24. **Divide or Disrupt an Established Community:** Field Observations, Visual Inspection, Census.
25. **Minority or Low Income Community:** Presidential E.O. 12898 on Environmental Justice requires Federal agencies to assure that their actions do not result in disproportionate adverse environmental impacts on minority or low-income. Consult the Census.
26. **Induce growth:** Consider type, scope and location of project.
27. **Consistent with Community Plans:** Check General Plan or Community Plan
28. **Public services:** Consider police, fire, ambulance services during construction.
29. **Access Control:** Consider type, scope and location of project.
30. **Local traffic patterns:** Consider during construction, operation and maintenance of proposed facility.
31. **Parking:** Consider parking needs during and after construction. Is parking a controversial issue in your community?
32. **Future Construction:** Consider whether the project will necessitate the upgrade of an adjoining or connecting facility in the near future.
33. **Public Controversy:** Consider environmental, traffic, community support, political--Is your community mass transit oriented?
34. **Construction Impacts:** Consider water quality, erosion control, noise, dust, parking, traffic control, night time work.
35. **Historic Properties:** Check with FHWA prior to requesting any information from the SHPO, or the Regional Archaeological Clearinghouses. A review of bridge lists and general requests for information from local historians or Local Historical Societies may be completed by the Local agency and/or their consultant.

Sections C, D, & E:

Indicate which studies will be required based on those questions where a "YES" or "TO BE DETERMINED" answer was checked. Check the required study and indicate if coordination or permits and approvals will be required.

Section F:

Indicate if a Public Hearing or Public Availability will be required.

Section G:

Indicate the type of environmental document which will be prepared.

NOTE: For all "YES" and "TO BE DETERMINED" answers, early coordination between DLAE, FHWA and the Local agency should be undertaken to insure proper agency coordination and appropriate scope of study.

PRELIMINARY ENVIRONMENTAL STUDIES FORM
 (Attachment to Preliminary Information Form)

Agency (Dist-Co-Rte-Agency): _____
 Project Number (Federal Program Abbreviation - Route): _____
 Project Location: _____
 Project Description: _____

EXAMINE FOR POTENTIAL EFFECTS ON THE ENVIRONMENT, DIRECT OR INDIRECT, AND
 ANSWER THE FOLLOWING QUESTIONS

A. The Physical Environment	<u>Yes</u>	<u>To Be Determined</u>	<u>No</u>
1. Is the project a Type I project as defined in 23 CFR 772.5(h); "construction on new location or the physical alteration of an existing highway which significantly changes either the horizontal or vertical alignment or increases the number of through-traffic lanes."	_____	_____	_____
2. If yes, will the project result in predicted traffic noise levels that approach or exceed the noise abatement criteria (23 CFR 772, Table 1) or will the predicted traffic noise levels substantially exceed the existing noise levels?	_____	_____	_____
3. Will the project involve substantial construction noise due to pile driving, structure demolition, blasting, etc?	_____	_____	_____
4. Will project adversely affect water quality?	_____	_____	_____
5. Is project within a designated sole-source aquifer?	_____	_____	_____
6. Is it within or does it involve a coastal zone?	_____	_____	_____
7. Will the project encroach on the base (100 year) flood plain?	_____	_____	_____
8. Will the project affect the Wild and Scenic River System?	_____	_____	_____
9. Will the project affect Federally-listed, threatened, or endangered species (including candidate species) or modify critical or sensitive habitat?	_____	_____	_____
10. Will the project involve the destruction or modification of wetlands?	_____	_____	_____
11. Will the project impact "special aquatic sites", or impact greater than five acres of other waters of the U.S. and thereby require an individual Section 404 permit and NEPA/404 Merger MOU coordination?	_____	_____	_____
12. Will the project affect any agricultural wetland?	_____	_____	_____
13. Does the Federally approved Transportation Improvement Program (FTIP) include the project?	_____	_____	_____

- 14. Will the project result in localized exceedances in National Ambient Air Quality (NAAQ) standards? _____
- 15. Will the project impact any prime or unique farmlands? _____
- 16. Will the project involve hazardous waste sites including underground tanks? _____
- 17. Will the project modify or alter the channel of a river, stream, bay, inlet or lake? _____
- 18. Will the project use land from a public owned park land, recreation area, wildlife or waterfowl refuge [Section 4(f)]? _____
- 19. Were Federal Land and Water Conservation funds used in the development of the local park [Section 6(f)(3)]? _____
- 20. Will the project involve large cuts or fill areas or large structures, resulting in visual impacts on scenic areas? _____
- 21. Will the project produce light, glare or shadows? _____
- 22. Will the project require any right-of-way, including partial or full takes? Consider construction easements and utility relocations. Attach description (including total acreage and ownership) for all "Yes" and "To Be Determined" answers. _____
- 23. Will the project displace businesses and residences? _____

B. The Social and Economic Environment

- 24. Will the project divide or disrupt an established community? _____
- 25. If so, is the community a minority or low-income community? _____
- 26. Will the project induce unplanned growth? _____
- 27. Is the project inconsistent with plans and goals adopted by the community? _____
- 28. Will the project result in the need for public services, including utilities other than those presently available or proposed? _____
- 29. Will the project involve changes in access control? _____
- 30. Will project change local traffic patterns? _____
- 31. Will the project significantly reduce available parking? _____
- 32. Will the project require future construction to fully utilize the design capabilities included in the proposed project? _____
- 33. Will the project generate public controversy based on environmental effects? _____

LPP 95-07
Reengineering
Preliminary Environmental Studies Form & Instructions

34. Will the project result in significant construction impacts? _____
35. Will the project involve National Register listed or potentially eligible historic properties [Section 106, Section 4(f)]? _____

DATA AS REQUIRED TO SUPPORT THE CONCLUSIONS OF THIS CHECKLIST SHOULD BE ATTACHED OR AVAILABLE FROM THE LOCAL AGENCY UPON REQUEST
 (Check to Indicate Required Studies, Coordination, Permits or Approvals)

C. REQUIRED STUDIES	D. COORDINATION	E. PERMIT/APPROVALS
* NOISE STUDY	___ FHWA	
* WATER QUALITY STUDY * ___ Discharge Dredged/Fill material (US waters) ___ Construction in Navigable Waters ___ Construction of Bridges/Causeways Across Navigable Waters ___ Construction of Bridge ___ Stream or Lake Alteration	___ FHWA ___ U.S. Army Corp of Engineers ___ U.S. Army Corp of Engineers ___ U.S. Coast Guard ___ California Regional Water Quality Control Board ___ California Department of Fish & Game	___ Section 404 Permit ___ Section 10 Permit ___ Approves Plans ___ Water Quality Certification ___ Section 1601/03 Permit
* SOLE SOURCE	___ EPA (S.F. Regional Office)	___ Contamination Threat
* COASTAL ZONE	___ National Oceanic & Atmospheric Administration	___ Coastal Zone Consistency
* FLOODPLAIN RISK ASSESSMENT	___ Federal Emergency Management Agency ___ FHWA	
* WILD & SCENIC RIVERS	___ U.S. Department of Interior ___ Heritage Conservation/Recreation Service	
* BIOLOGY STUDY *	___ FHWA ___ California Department of Fish & Game	___ Sec 7 Biological Opinion ___ Incidental Take Permit
* WETLANDS STUDY * Agricultural Wetlands	___ FHWA ___ U.S. Fish & Wildlife ___ U.S. Army Corp of Engineers ___ National Marine Fisheries Service ___ Natural Resources Conservation Service	___ Verifies juris. wetlands ___ Verifies agri. wetlands
* AIR QUALITY STUDY *	___ FHWA	
* FARMLANDS	___ Natural Resources Conservation Service	___ Verifies prime/unique

* FHWA has responsibility for consultation under regulation or inter-agency agreement.

LPP 95-07
Reengineering
Preliminary Environmental Studies Form & Instructions

C.	REQUIRED STUDIES	D. COORDINATION	E. PERMIT/APPROVALS
*	HAZARDOUS WASTE STUDY (Cleanup of Hazardous Waste Sites)	<input type="checkbox"/> 1. CALIF. EPA; Department of Toxic Substances Control, Biennial Reports, Lists of Active Annual Workplan Sites <input type="checkbox"/> 2. CALIF. OPR; Hazardous Wastes & Substances Sites List, List of Contaminated Sites <input type="checkbox"/> 3. LOCAL; Health & Human Services Dept., Hazardous Waste Operations Division	
*	SECTION 4(f) EVALUATION *	<input type="checkbox"/> FHWA <input type="checkbox"/> Public Official w/ Jurisdictional Responsibility.	
*	SECTION 6(f) EVALUATION	<input type="checkbox"/> Park Official <input type="checkbox"/> DOI	
*	AESTHETICS	<input type="checkbox"/> FHWA	
*	RELOCATION IMPACTS STUDY	<input type="checkbox"/> State & Local Planning Departments	
*	SOCIO-ECONOMIC EVALUATION	<input type="checkbox"/> Airports, Schools, State and Local Planning Departments	
*	SECTION 106/HISTORIC PRESERVATION* <input type="checkbox"/> APE Map <input type="checkbox"/> Archaeological Field Survey <input type="checkbox"/> National Register Records Search <input type="checkbox"/> Historic Architectural Evaluation (including bridges)	<input type="checkbox"/> FHWA <input type="checkbox"/> State Historic Preservation Officer	
*	CONSTRUCTION/ENCROACH ON STATE LANDS <input type="checkbox"/> Under State Lands Commission Jurisdiction <input type="checkbox"/> Under Caltrans Jurisdiction	<input type="checkbox"/> State Lands Commission <input type="checkbox"/> Caltrans	<input type="checkbox"/> General Permit/Revise General Plans <input type="checkbox"/> Encroachment Permit
*	CONSTRUCTION / ENCROACHMENT ON FEDERAL LANDS	<input type="checkbox"/> U.S. Bureau of Reclamation <input type="checkbox"/> Private Land Owner	<input type="checkbox"/> Encroachment Permit <input type="checkbox"/> Right of Entry Permit
Additional studies may be required for other Federal Agencies.			

* FHWA has responsibility for consultation under regulation or inter-agency agreement.

LPP 95-07
Reengineering
Preliminary Environmental Studies Form & Instructions

F. Public Hearing and Public Availability

- | | |
|--|---|
| <input type="checkbox"/> Not Required | <input type="checkbox"/> Opportunity for a Public Hearing |
| <input type="checkbox"/> Notices of Availability | <input type="checkbox"/> Public Hearing Required |
| <input type="checkbox"/> Environmental Document ONLY | |

G. Preliminary Environmental Document Classification (NEPA)

Based on the evaluation of the project, the environmental document to be developed should be:

- Environmental Impact Statement
- Environmental Assessment
- Categorical Exclusion with Special Studies noted in "C Section" of form
- Programmatic Categorical Exclusion

Signature local agency: _____ Date _____

I have reviewed this Preliminary Environmental Study (PES) form and determined that the submittal is complete and sufficient. I concur with the studies to be performed and the recommended level of environmental document.

Signature DLAE: _____ Date: _____

Signature FHWA: _____ Date: _____

PROGRAMMATIC CATEGORICAL EXCLUSION

The California Department of Transportation (Caltrans) and the Federal Highway Administration (FHWA) concur in advance with the classification of those types of Categorical Exclusions (CE's), identified in 23 CFR Part 771.117(d) with no environmental impacts. Caltrans certifies that all the conditions indicated in this blanket classification will be satisfied for all of the projects processed under this programmatic classification and approval process.

Additional actions which qualify as CEs under 23 771.117(d), and which meet the criteria of 23 771.117(a), may be designated as CEs upon the submission of documentation which demonstrates that the specific conditions of criteria for those CEs are satisfied, and that significant environmental impacts will not result.

The following conditions will apply to those actions which qualify fun 23 CFR 771.117(d) that are processed by Caltrans under this programmatic approach. If one or more of the following conditions are not satisfied, separate environmental documentation which demonstrates that the specific conditions or criteria impacts will not result will be submitted to the FHWA to support the classification.:

1. The action does not have any significant environmental impacts as described in 23 CFR 771.117(a);
2. The action does not involve unusual circumstances as described in 23 CFR 771.117(b);
3. The action does not involve the following:
 - a. The acquisition of more than minor amounts of temporary or permanent strips of right-of-way for construction of such items as clear vision corners and grading. Such acquisitions will not require any commercial or residential displacements.
 - b. The use of properties protected by Section 4(f) of the Department of Transportation Act (49 U.S.C. 303).
 - c. A determination of adverse effect by the State Historic Preservation Officer.
 - d. Any U.S. Coast Guard construction permits or any U.S. Army Corps of Engineers Section 404 permits [other than nationwide (blanket) permits].
 - e. Any work in wetlands.
 - f. Any work permanently encroaching on a regulatory floodway or any work affecting the base floodplain (100-year) elevations of a water course or lake.

Programmatic Categorical Exclusion

- g. Construction in, across, or adjacent to a river designated as a component or proposed for inclusion in the National System of Wild and Scenic Rivers published by the U.S. Department of the Interior / U.S. Department of Agriculture.
 - h. Any changes in access control.
 - i. The use of a temporary road, detour or ramp closure unless the use of such facilities satisfy the following conditions:
 - (1) Provisions are made for access by local traffic and so posted.
 - (2) Through-traffic dependent business will not be adversely affected.
 - (3) The detour or ramp closure, to the extent possible, will not interfere with any local special event or festival.
 - (4) The temporary road, detour, or ramp closure does not substantially change the environmental consequences of the action.
 - (5) There is no substantial controversy associated with the temporary road, detour, or ramp closure.
 - j. Any known hazardous materials sites or hazardous materials remains within the right-of-way.
- 4. The action conforms to the Air Quality Implementation Plan which is approved or promulgated by the Environmental Protection Agency in air quality nonattainment areas.
 - 5. The action is consistent with the State's Coastal Zone Management Plan.
 - 6. The action does not affect federally listed endangered or threatened species or critical habitat.

All determinations made by Caltrans under this blanket classification will be documented. The documentation will be available for FHWA review upon request.

Programmatic Categorical Exclusion

A list of individual projects classified under this blanket classification will be furnished to the FHWA Division Office prior to final design activities, property acquisition (with the exception of hardship and protective buying), or project construction.

CALTRANS DETERMINATION:

The action to which this determination applies is a Categorical Exclusion.

(original signed by)

Chief, Caltrans Environmental Analysis

9/5/90

Date

FHWA DETERMINATION:

Based on the evaluation of this proposal, it is determined that it meets the criteria of and is properly classified as a Categorical Exclusion.

(original signed by)

FHWA Division Administrator

9/7/90

CATEGORICAL EXEMPTION/CATEGORICAL EXCLUSION DETERMINATION

Seismic Safety Retrofit Project pursuant to Streets and Highways Code Article 4.8

Proposal Description and Purpose: This determination is solely for seismic retrofits of existing publicly owned bridges on the State highway system, city and county, and other public road systems. It includes pedestrian structures and rail transit structures. The work includes deck restrainers which tie superstructure members together and to columns or piers with cables, enlarging or modifying footings for increased capacity, and retrofitting columns with steel sheathing, partial column reconstruction, or similar means. All work is to be performed within existing right-of-way. There will be no change in the overall general structure appearance.

Categorical Exclusion (NEPA)

The action does not have any significant environmental impacts as described in 23 CFR 771.117(a). A project under this proposal does not involve direct work in wetlands or historic properties eligible of the National Register.

Caltrans Determination:

Based on an examination of this proposal, it is determined that it is environmentally exempt, Class 1, Section 1510.1 of Caltrans Environmental Regulations (CEQA), and it is determined to be categorically excluded.

(originally signed by)

Chief, Caltrans Environmental Analysis

1/31/90

Date

FHWA Determination:

Based on the evaluation of this proposal, it is determined that it meets the criteria of and is properly classified as a Categorical Exclusion.

(originally signed by)

FHWA Division Administrator

2/5/90

Date

PROGRAMMATIC CATEGORICAL EXCLUSION
CATEGORICAL EXCLUSION DETERMINATION

Local agency (Dist.-Co-Route-Agency): _____

Project Number (Fed.Prog.abrev.-Route): _____

Project Location:

Project Description and Purpose: *(Briefly describe proposal, purpose, location, limits, and right-of-way requirements.)* :

RECOMMENDATION

1. This project does not have a significant effect on the environment as defined by the NEPA.
2. This project does not involve substantial controversy on environmental grounds.
3. This project does not involve significant impacts on properties protected by Section 4(f) of the DOT Act or Section 106 of the National Historic Preservation Act.
4. This project is not inconsistent with any federal, state or local law or administrative determination relating to the environmental aspects of the action.

Based on the Preliminary Environmental Study and supporting information attached, it is recommended that this project is a Categorical Exclusion

Signature - local agency

Date

PROGRAMMATIC CATEGORICAL EXCLUSION DETERMINATION

Based on an examination of the proposal, Preliminary Environmental Study (PES) form, and supporting information, it is determined that all conditions of the following Programmatic Categorical Exclusion have been satisfied:

_____ February 5, 1990, Seismic Safety Project

_____ September 7, 1990, Individual Impact-Based Project

Signature - Caltrans District Local Assistance Engineer

Date

CATEGORICAL EXCLUSION DETERMINATION

Based on the Preliminary Environmental Study and supporting information, this project meets the criteria for a Categorical Exclusion, Class II action as described in 23 CFR 771.117.

Signature - Caltrans District Local Assistance Engineer

Date

Approval:

Signature - FHWA Transportation Engineer

Date

INSTRUCTIONS FOR FIELD REVIEW

For projects on the NHS, the Applicant shall schedule and complete the field review in accordance with existing procedures using the forms in the exhibits. For non NHS projects, the Applicant shall complete the two page field review form prior to requesting authorization for right of way or construction or requesting a Program Supplement agreement. If Caltrans or other agencies are to be involved in meetings to assist in completion, the Applicant should fill out the Form as completely as possible prior to any meeting(s). The District Local Assistance Engineer may be consulted for clarification. Since some of the data is required to complete the "Request for Authorization" form for FHWA funded projects, it is suggested that the field review form be completed prior to making the initial request.

Item 1. PROJECT LIMITS

Briefly describe the physical limits of project if applicable. Include an attached list for various locations. Indicate length of project to nearest one-tenth of kilometer or mile or use 0.1 if spot location. If needed to clearly define the project location or scope of work, include additional sheets.

Item 2. WORK DESCRIPTION

Briefly describe all major components of the proposed work, e.g., signals, bridge replacement, ride sharing.

Item 3. PROGRAMMING DATA

All FHWA federally funded projects (except ER) are required to be on a FHWA/FTA approved FTIP or FSTIP. If project is within an MPO area, indicate the MPO or RTPA FTIP that includes project and the fiscal years of FTIP. Also list the page of FTIP or Amendment, Project Planning Number and FHWA/FTA approval date. If listed as part of a lump sum FTIP entry enter LS after the Federal Funds amount. For non-MPO areas include same information from FSTIP.

Indicate the federal funds and phases listed in the FTIP/FSTIP. For CMAQ projects name Air Basin.

Item 4. FUNCTIONAL CLASSIFICATION

For a roadway project, check appropriate functional classification category. See the discussion of specific fund types for system eligibility. Indicate N/A for projects not related to a specific road or street system.

Item 5. STEWARDSHIP

For roadway projects, indicate if project is on the National Highway System and whether project is exempt according to stewardship agreements. Refer to the introductory exhibit, "Required FHWA Oversight Federal-Funded Projects" to determine the project is exempt from FHWA oversight. Basically, non exempt projects are all those on the Interstate and those on an NHS route for new or reconstruction costing over \$1,000,000. All others are exempt. NHS projects

are subject to full Caltrans and FHWA as outlined in current manuals and procedures.

Item 6. CALTRANS ENCROACHMENT PERMIT

If the project involves a state highway, an encroachment permit is required, the applicant should contact the District Permit Officer early in the process.

Item 7. COST BREAKDOWN ESTIMATE

List estimated breakdown of all project phases and indicate phases for which federal participation will be requested. Include all known costs, but include each cost in only one group. [For structures related projects financed with Highway Bridge Replacement and Rehabilitation (HBRR) funds, the current HBRR operating procedures limit preliminary engineering costs, including environmental costs to 25% of the total construction cost. Any exceptions must be approved in writing by the program manager.]

Item 8. PROPOSED FUNDING

Fill in total cost of federal-funded project, type and amount of federal-aid funds, i.e., STP, CMAQ and the matching-fund breakdown. If the project is a Federalized Flexible Congestion Relief (FCR) or Transportation System Management (TSM), note these designations as well as the Federal funding if known.

If state funds are involved, indicate the source. Except for State/Local Partnership funds, typically State Gas Tax funds must be in STIP and are generally subject to a CTC vote.

If Partnership funds are involved, the total cost of the federal project (including matching) will be deducted prior to calculating Partnership funding.

The Agency should make a preliminary determination whether the project, or portion of it, qualifies for State CMAQ/RSTP (TSM) funds to match the federal funds. If the preliminary determination is yes, complete the CMAQ/STP- State TSM Match form and have the DLAE verify the determination.

Item 9. PROJECT ADMINISTRATION

Indicate name of agency that will be responsible for administering each project phase. Also indicate use of a consultant for any phase. Indicate if Caltrans review of PS & E will be requested. If yes, begin discussions with District Local Assistance Engineer on availability of staff. All PS & E documents to be reviewed must be in Caltrans format.

Item 10. SCHEDULING/PROPOSED ADVERTISEMENT DATE

The Applicant should indicate their proposed advertisement date. This will give the involved parties a target date for scheduling. However, the discussion of requirements and time frames may require adjustment of the advertisement date. Critical dates in the schedule can be noted in the remarks.

Item 11. PROJECT MANAGER CONCURRENCE

The Local Agency project manager should sign and date the field review form to signify agreement on the parameters proposed for development of the project. The DLAE and FHWA representative should sign the document for NHS projects. This document is then a guidance reference for further development of the project to assure that it adheres to the programmed concept or that any changes are approved by the manager.

Item 12. LIST OF ATTACHMENTS

The first three items are appropriate for all reviews. Others to be added depend on the type of project. See () notations for attachments required for specific types of projects

Note: The federal Damage Assessment Form (DAF) shall be used as the initial field review document for Emergency Relief projects.

FIELD REVIEW

Local Entity _____ Field Review Date _____
 Project Number _____ Locator (Dst/Co/Rte/Agcy) _____
 Project Name _____ Bridge No.(s) _____

1. PROJECT LIMITS (see attached list for various locations) _____

_____ Net Length _____ (km)
 or (mi)

2. WORK DESCRIPTION _____

3. PROGRAMMING DATA FTIP(MPO/RTPA) _____ FY _____ Page _____
 Amendment No. _____ FTIP PPNO _____ FHWA/FTA Approval Date _____
 Federal Funds \$ _____ Phases: P E _____ R/W _____ Const _____
 Air Basin _____ (CMAQ only)

4. FUNCTIONAL CLASSIFICATION:

Urban	_____	_____	Principal Arterial	Rural	_____	_____	Principal Arterial
		_____	Minor Arterial			_____	Minor Arterial
		_____	Collector Street			_____	Major Collector
		_____	Local Street			_____	Minor Collector
						_____	Local Road

5. STEWARDSHIP CATEGORY
 On NHS System Yes _____ No _____ Exempt (Per Stewardship) Yes _____ No _____
 If not exempt, Certification Acceptance Yes _____ No _____

6. Caltrans Encroachment Permit Required _____ Yes _____ No _____

7. COST BREAKDOWN ESTIMATE

(including structures)		\$1,000		Fed. Participation?
P E	Environmental Process	_____		_____ Yes _____ No
	Design	_____		_____ Yes _____ No
CONSTR.	Constr. Contract	_____		_____ Yes _____ No
	Constr. Engineer.	_____		_____ Yes _____ No
R/W	Preliminary R/W Work	_____		_____ Yes _____ No
	Acquisition			
	(No. of Parcels _____)	_____		_____ Yes _____ No
	(Easements _____)	_____		_____ Yes _____ No
	(Right of Entry _____)	_____		_____ Yes _____ No
	RAP (No. Families _____)	_____		_____ Yes _____ No
	RAP (No. Bus. _____)	_____		_____ Yes _____ No
UTILITIES (exclude if in contract item costs)		_____		_____ Yes _____ No
	Total Costs \$	_____		

8. PROPOSED FUNDING: Total Costs \$ _____

Federal Program _____ \$ _____ Fed \$ _____ Reimb. Ratio _____
 (Name/Total\$/Fed \$) _____ \$ _____ Fed \$ _____ Reimb. Ratio _____

Matching funds breakdown Local _____ %
 State _____ %
 Other _____ %

State Highway Funds? Yes _____ Source _____ No _____

State CMAQ/RSTP (TSM) Match Eligible _____ Yes _____ No _____ Partial _____
 (attach Minimum Information sheet, if yes)

Is this project underfunded (Fed \$) _____ Yes _____ No _____

9. PROJECT ADMINISTRATION

		Agency	Consultant	State
P E	Environ Process	_____	_____	_____
	Design	_____	_____	_____
R/W	All Work	_____	_____	_____
CONST ENGIN	Contract	_____	_____	_____
CONSTRUCTION	Contract	_____	_____	_____
MAINTENANCE		_____	_____	_____

Will Caltrans be requested to review PS &E? Yes _____ No _____ (Req'd for NHS projects)

10. SCHEDULES: PROPOSED ADVERTISEMENT DATE _____

Remarks _____

11. PROJECT MANAGER'S CONCURRENCE

Local Entity _____ Date _____
 Title _____ Phone No. _____

CALTRANS (District) _____ () _____ Date _____
 (if St. Hwy. Title _____
 or NHS)

12. LIST OF ATTACHMENTS (Include all appropriate attachments for NHS projects, see () notes for minimum required attachments for non NHS projects)

- _____ Preliminary Environmental Study Form (NEPA)
 (Required - could be completed independent of field review)
- _____ Field Review Attendance Roster or Contacts Roster
- _____ Vicinity map (Required for construction-type projects)

IF APPLICABLE (the following items should be completed, as appropriate, depending on the type of work involved):

- | | |
|---|--------------------------|
| _____ Roadway Data Sheets | _____ Signal Warrants |
| _____ Typical Roadway Geometric Section(s) | _____ Collision Diagram |
| _____ Major Structure Data Sheet (Req'd for HBRR) | _____ Protection of |
| _____ Railroad Grade Crossing Data Sheet | _____ Wetlands Statement |
| _____ Airport Data Sheet (if within 3 kilometers) | _____ CMAQ/RSTP State- |
| _____ Sketch of Each Proposed Alternate Improvement | _____ TSM Match Sheet |

ROADWAY DATA

1. TRAFFIC DATA

Curr. ADT	Year 19	Fut. ADT	Year 20	DHV	Trucks	%
Terrain (Check One)		Flat	Rolling	Mountainous		
Design Speed						
Proposed Speed Zone?		Yes	No	km/h		

2. GEOMETRIC INFORMATION

ROADWAY SECTION

Facility	Year Constr.	Min. Curve Radius	Thru Traffic Lanes			Shoulders		Median Width
			No. of Lanes	Total Width	Type	Each Width L/Rt	Type	
Exist.								
Prop.								
Min. AASHTO Stds.								
NE Contig. Sect.								
S/W. Contig. Sect.								

Remarks (If design standard exception is to be used, cite standard and explain fully how it varies):
 See Attachment 6, Design Standards

3. DEFICIENCIES OF EXISTING FACILITY (mark appropriate one(s))

Pavement Surface	Drainage
Alignment	Bridge
Crossfall	Safety (Attach collision diagram or other documentation)
Other (describe below)	Pavement Structure
Remarks	

4. TRAFFIC SIGNALS	Yes		New(attach warrants)		Modified		No
5. MAJOR STRUCTURES	Structure No.(s)		(attach structure data sheet)				
6. OTHER TRANSPORTATION FACILITIES (name)							
	None						
	Railroad		(attach railroad data sheet)				
	Airports		(attach airport data sheet)				
	Transit						
	Bicycle						
7. AGENCIES AFFECTED							
Utilities (mark appropriate one(s))		Telephone		Electrical		Gas	
		Water		Irrigation			
		Other		Sanitary			
Major Utility Adjustments							
High Risk Facilities							
Remarks							
Other							

MAJOR STRUCTURE DATA
(Please attach separate sheets for each structure)

Bridge Name (facility crossed) _____

State Br. No. _____ Date Constructed _____ Historical Br. Inv. Category _____

Road Name _____ Location _____

STRUCTURE DATA

	<u>Existing</u>	<u>Proposed</u>	<u>Minimum AASHTO Standards</u>
Structure Type	_____	_____	
Structure Length	_____	_____	
Spans (No. & Length)	_____	_____	
Clear Width (Curb to curb)	_____	_____	_____
Shldr. Width	_____ Lt. _____ Rt.	_____ Lt. _____ Rt.	_____ Lt. _____ Rt.
Sidewalks or bikeway width	_____ Lt. _____ Rt.	_____ Lt. _____ Rt.	_____ Lt. _____ Rt.
Total Br. Width	_____	_____	_____
Total Approach Rdwy. Width	_____	_____	_____

1. Preliminary Engineering by _____

2. Design by _____

3. Foundation Investigation by _____

4. Hydrology Study by _____

Detour, State construction, or Close Road _____

Length of Detour _____

Resident Engineer for Bridge Work: _____ Agency _____ Consultant (On Retainer as City/County Engineer)

Responsible Local Official _____ (If Consultant Involved)

To be designed by _____

To be checked by _____

Estimated Structure and Related Cost:

Bridge Cost		Federally Participating	
		YES	NO
Construct Bridge	\$ _____	_____	_____
Bridge Removal	\$ _____	_____	_____
Slope Protection	\$ _____	_____	_____
Channel Work	\$ _____	_____	_____
Detour - Stage Construction	\$ _____	_____	_____
Approach Roadway	\$ _____	_____	_____
Preliminary Engineering	\$ _____	_____	_____
Construction Engineering	\$ _____	_____	_____
Right of Way Costs	\$ _____	_____	_____
Utility Relocation	\$ _____	_____	_____
Mobilization	\$ _____	_____	_____

Remarks -----

***** If the project is funded by the HBRR Program, the field review sheets, the structure data sheets and the items below must be submitted with the initial "Request for Authorization" :

1. Plan view of proposed improvements.
2. Typical Section.

RAILROAD GRADE CROSSING DATA

(Separate Sheet for each crossing)

Project No. _____

Name of Railroad _____

Location (Road, City, or County, and Xing No.) _____

Vehicular Traffic Daily Traffic using crossing No. of Lanes Speeds (km/h) _____

No. of Exist. Tracks Main Line Branch Line Passing Other _____

No. of Future Tracks No. of Trains Daily Passenger Freight Total _____

Maximum Speeds Passenger Freight _____

Protection in Place _____

Protection Proposed _____

Skew of Xing Min. Sight Dist. (along track when driver is 30 meters from Xing) _____

Trains at Night? (Y/N) Seasonal Train Traffic? (Y/N) _____

Ten-Year Accident Record Accidents Killed Injured _____

Has Local Agency Requested or Received PUC Decision re:

Crossing protection required? _____

Protective devices proposed by Local Agency _____

Proposed financing of crossing protection _____

Does Local Agency propose to finance auto crossing protection as a "G" project using 100% Federal Funds?

NOTE: Attach sketch showing relationship of old and new Xing.

Remarks _____

FR-A(6), Preliminary Environmental Studies Form and FR-A(7), Categorical Exclusion Determination form are appropriate forms to complete at the time of a field review or can be completed independently. For the current versions of these documents refer to Attachment 2, Environmental.

CATEGORICAL EXCLUSION DETERMINATION

Local Agency (Dist.-Co.-Route-Agency) _____

Project Number (Fed:) _____

Project Location: _____

Project Description: _____

1. Based on the Preliminary Environmental Study, this project meets the criteria for a Categorical Exclusion

Signature Local Agency: _____ date _____

2. Based on evaluation of this project, it is determined that the project is a "Categorical Exclusion," Class II action as described in 23 CFR 771.117

Signature FHWA*: _____ date _____

* If wetlands are involved, the FHWA District Engineer must endorse Categorical Exclusions.

5/25/95 Form being updated: If this and the Form in Attachment 2, Environmental are different, use the form from Attachment 2

PROTECTION OF WETLANDS STATEMENT

(To be included in Categorically Excluded Projects involving wetlands)

District - County - Route _____

Federal Aid No. _____

Road Name _____

Road Location _____

Wetlands, as defined in Executive Order 11990, are involved in this project and:

_____ There is no practicable alternative to such construction.

_____ The proposed action includes all practicable measures to minimize harm to wetlands which may result from such use.

Transportation Engineer _____

Date _____

Chief, District Operations _____

Date _____

AIRPORTS

(Separate Sheet for each airport)

PROJECT NO. (Fed.) _____

NAME _____

LOCATION _____

RUNWAY

Direction _____

Distance from Project _____

SLOPE RATIO _____

FAA FORM 7460-1* _____

(status, attach if available)

REMARKS _____

*Notice of Proposed Construction or Alteration : Required per FAA Regulations 14 C.F.R., Part 77

FIELD REVIEW ATTENDANCE ROSTER

Date _____ Federal Aid No. _____

Road Name _____

Name	Organization	Phone Number
------	--------------	--------------

(Please Print)

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____
12. _____
13. _____
14. _____
15. _____
16. _____
17. _____
18. _____
19. _____
20. _____

**REQUEST FOR QUALIFYING
CMAQ/STP - STATE TSM MATCH
MINIMUM INFORMATION REQUIREMENTS**

FILE NUMBER(DIST/CO/RTE/AGCY) _____
PROJECT NUMBER _____

1. SPONSORING AGENCY: _____
CONTACT PERSON: _____ PHONE NO. _____

RESPOND BY CHECKING AND ANSWERING THE FOLLOWING QUESTIONS.

2. ELIGIBLE FOR STATE ARTICLE XIX FUNDS : YES ___ NO ___
If not eligible stop here.

If # 2 is yes, CMAQ funded amounts are eligible for TSM match. Project type determines eligibility for STP funded projects.

3. FEDERAL PROGRAM: CMAQ _____ RSTP _____

TYPE OF PROJECT: HOV _____
TCM _____ TSM _____
(SEE EXH. A-11(b) FOR PROJECT TYPE DESCRIPTIONS FOR TCM & TSM)

IDENTIFY THE ELEMENTS THAT QUALIFY FOR STATE TSM MATCHING FUNDS:*(
(FOR NON-CONSTRUCTION TYPE PROJECT LIKE TDM; VANPOOL, CARPOOL;
PLEASE PROVIDE CONCISE DESCRIPTION OF PROJECT/PROGRAM.)

ATTACH ADDITIONAL SHEETS IF NECESSARY

*PROVIDE SEGREGATED COST ESTIMATE FOR THE PROJECT IF NON QUALIFYING ELEMENTS ARE INCLUDED.

APPROVED,

LOCAL AGENCY

DISTRICT LOCAL PROGRAMS

DATE

ELIGIBLE TSM PROJECT TYPES

1. Establishment of auxiliary lanes on freeway, by construction or restriping. Auxiliary lanes include lanes for acceleration from on-ramps and deceleration lanes to off-ramps and weaving lanes extending between adjacent interchanges.
2. Traffic flow improvements on conventional arterial roads, including widening at intersections for turn lanes; other channelization; traffic signal coordination systems, including one-way street operations, reversible lanes, median closures, and parking restrictions.
3. Traffic metering systems, including meters on freeway on-ramps, freeway-to-freeway connectors, and freeway mainlines. Projects may include construction or restriping for meter bypass lanes for high occupancy vehicles and modifications to ramps and adjacent arterial roads for storage of vehicles waiting for ramp meter signals.
4. Traffic operations centers and related surveillance equipment, including traffic sensors and closed circuit television; related motorist information systems, including changeable message signs, highway advisory radio, computer bulletin boards, telephone call-in systems, and other media links; and related communications links, including links with other city or state traffic operations centers.
5. Improvements designed to improve traffic flow by accommodating transit vehicles on streets and highway, including bus turnouts and signal preemption systems for transit vehicles.
6. Demonstration projects to implement research and development in the field of traffic operations control systems.
7. Establishment of high occupancy vehicles lanes on freeways or surface streets, by construction or restriping.
8. Fringe and transportation corridor parking facilities serving multiple occupancy vehicle programs or transit facilities.

CMAQ = Congestion Mitigation and Air Quality improvement program

RSTP = Regional Surface Transportation Program

HOV = High Occupancy Vehicle

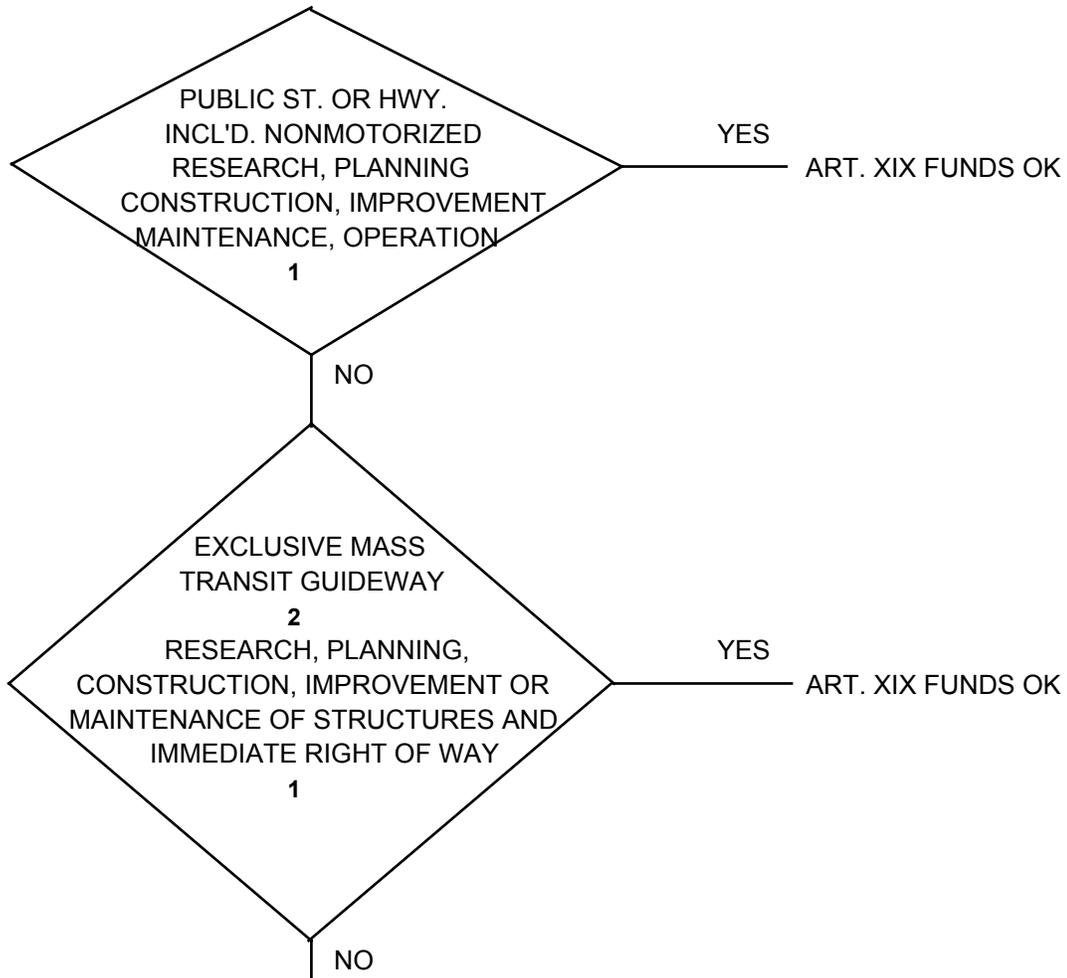
TCM = Transportation Control Measures

TSM = Traffic Systems Management

CLEAN AIR ACT-TRANSPORTATION
CONTROL MEASURES (TCM)

- i. programs for improved public transit;
- ii. restriction of certain roads or lanes to, or construction of such roads or lanes for use by, passenger buses or high-occupancy vehicles (HOV);
- iii. employer-based transportation management plans, including incentives;
- iv. trip-reduction ordinances;
- v. traffic flow improvement programs that achieve emission reductions;
- vi. fringe and transportation corridor parking facilities serving multiple-occupancy vehicle programs or transit service;
- vii. programs to limit or restrict vehicle use in downtown areas or other areas of emission concentration particularly during periods of peak use;
- viii. programs for the provision of all forms of high-occupancy, shared-ride services;
- ix. programs to limit portions of road surfaces or certain sections of the metropolitan area to the use of non-motorized vehicles or pedestrian use, both as to time and place;
- x. programs for secure bicycle storage facilities and other facilities; including bicycle lanes, for the convenience and protection of bicyclists, in both public and private area;
- xi. programs to control extended idling of vehicles;
- xii. ~~programs to reduce motor vehicle emissions, consistent with title II, which are caused by extreme cold start conditions; **EXCLUDED BY ISTE A**~~
- xiii. employer-sponsored programs to permit flexible work schedules;
- xiv. programs and ordinances to facilitate non-automobile travel, provision and utilization of mass transit, and to generally reduce the need for single-occupant vehicle travel, as part of transportation planning and development efforts of a locality, including programs and ordinances applicable to new shopping centers, special events, and other centers of vehicles activity;
- xv. programs for new construction and major reconstructions of paths, tracks or areas solely for the use by pedestrian or other non-motorized means of transportation when economically feasible and in the public interest. For purposes of this clause, the Administrator shall also consult with the Secretary of the Interior; and
- xvi. ~~program to encourage the voluntary removal from use and the marketplace of pre-1980 model year light duty vehicles and pre-1980 model light duty trucks. **EXCLUDED BY ISTE A**~~

**ARTICLE XIX FUNDING
(TSM MATCH)**



1. INCLUDES ENVIRONMENTAL MITIGATION, RIGHT OF WAY AND ADMINISTRATION

2. SPECIFICALLY EXCLUDES:

- MAINTENANCE & OPERATING COSTS FOR POWER SYSTEMS & PASSENGER FACILITIES
- VEHICLES
- EQUIPMENT
- SERVICES

DISADVANTAGED BUSINESS ENTERPRISES (DBE) PROGRAM

- 1. Overview**
 - 1.1 Definitions**
 - 1.2 Caltrans Responsibilities**
 - 1.3 Local Agency Responsibilities**
 - 1.4 DBE Program**

- 2. Overall Process**

- 3. Disadvantaged Business Enterprises (DBE) Program Elements**
 - 3.1 Designate a DBE Liaison Officer**
 - 3.2 Include DBE Contract Special Provisions in the PS&E**
 - 3.3 DBE Certification List**

- 4. Annual Goal/Public Notification**
 - 4.1 Annual Goal**
 - 4.2 Project Goals**
 - 4.3 Public Notification of Annual Goals**

- 5. Exemptions**

- 6. Achievement Reporting**
 - 6.1 Initial Report**
 - 6.2 Final Report**

Exhibits

- Exhibit A: Pre-Approved Disadvantaged Business Enterprises (DBE) Program for Local Agencies**
- Exhibit B: Disadvantaged Business Enterprises (DBE) Annual Plan**

1. Overview

References:

49 CFR Part 23 (DBE Regulations)
49 CFR Part 21 (Title VI Regulations)
23 USC 140(b)
23 CFR 200 & 230

Applicability:

Applies to all federal-aid highway construction projects.

Guidelines:

Local agencies applying for federal funds shall comply with all the elements of Title 49, Part 23 of the Code of Federal Regulations (CFR) entitled "Participation by Minority Business Enterprise in Department of Transportation Programs." These provisions require local agencies to maximize the use of minority and women owned businesses on local federal-aid construction contracts. Each local agency shall implement a Disadvantaged Business Enterprises (DBE) Program and establish an annual DBE Plan/Goal prior to submitting a "Request for Authorization" to proceed with the construction phase of a federal-aid project.

1.1 Definitions

A DBE is a small business concern which is at least 51 percent owned and controlled by one or more socially and economically disadvantaged individuals. These individuals must be citizens of the United States and are either Black Americans, Hispanic Americans, Native Americans, Asian-Pacific Americans, or Asian-Indian Americans and any other minorities or individuals found to be disadvantaged by the Small Business Administration. This definition was revised in 1987 to include women owned businesses as DBE.

1.2 Caltrans Responsibilities

Caltrans responsibilities are as follows:

- District Local Assistance Engineers (DLAE) will review and approve the local agency DBE Program and each Annual Plan/Goal.
- Office of Local Programs (OLP) and the DLAE will monitor the local agency's DBE program by conducting process reviews.

- DLAE reviews for completeness and sends Report of DBE Awards and Final Utilization forms to OLP.
- OLP will assemble statewide local agency DBE award and final utilization information and develop quarterly reports for FHWA.

1.3 Local Agency Responsibilities

The local agency responsibilities include:

- Developing and implementing a DBE Program and establishing annual and project goals for participation by DBE before submitting a "Request for Authorization" for the construction phase of a federal-aid project.
- Designating a DBE Liaison Officer, accountable to the Chief Executive Officer of the local agency, to administer the DBE Program.
- Completing the Report of DBE Awards and Utilization forms.
- Reviewing and taking action for noncompliance with DBE requirements by the local agency's contractors.

1.4 DBE Program

A local agency has two options in complying with DBE Program requirements. The options are:

- Adopt the Office of Local Programs (OLP) "DBE Pre-Approved Program" (Exhibit A), or
- Develop its own DBE Program in compliance with all the program elements required by Part 23 of Title 49 CFR.

Under option one, the local agency shall adopt the OLP Pre-Approved DBE Program and submit it to the Caltrans District Local Assistance Engineer (DLAE) along with a copy of the public notification described below in Section 4.

Under option two, the local agency shall prepare its own DBE program with all the elements required by Part 23 of Title 49 CFR and submit it to the DLAE for review and approval. Upon approval of the draft program, the local agency will adopt it, proceed with the public notification and furnish the DLAE a signed copy along with the proof of publication.

2. Overall Process

Participation by disadvantaged business enterprises is possible at four points in the process for developing local federal-aid transportation projects. They are Preliminary Engineering and Environmental Analysis, Final Design, Right of Way Acquisition and Construction.

Preliminary engineering studies and environmental analysis are the first steps in developing a local transportation project. Disadvantaged business enterprises may be engaged to perform all of these activities as a prime consultant or some of these activities as a member of a team of consultants.

Completion of final design and preparation of plans, specifications, and estimates normally are a continuation of preliminary engineering activities. However, in some situations the agency employs different consultants and professional teams to perform these final design activities. Disadvantaged business enterprises may be engaged at this point.

Acquisition of right of way for local transportation projects may be performed by the local agency or by a qualified consulting firm. Qualified disadvantaged business enterprises may be considered for performance of right of way activities.

Disadvantaged business enterprises may participate in bidding for construction contracts for projects developed by local agencies. There are other opportunities for participation in construction for disadvantaged business enterprises as suppliers, vendors, truckers, etc.

3. Disadvantaged Business Enterprises (DBE) Program Elements

3.1 Designate a DBE Liaison Officer.

The Chief Executive Officer of the local agency shall designate the DBE liaison officer. This person shall be responsible for implementing the DBE program on a daily basis. This includes technical assistance for DBE, providing information about available business opportunities. This will provide the DBE an equal opportunity to bid on a local agency federal-aid project.

3.2 Include DBE Contract Special Provisions in the PS&E.

The local agency shall include DBE special provisions in each federal-aid project. For projects advertised with Caltrans' *Standard Specifications*, the DLAE can provide samples of these provisions.

3.3 DBE Certification List

The local agency shall use the approved DBE contractors on the Caltrans certified DBE list. The Caltrans DBE certification is available to project bidders through the Headquarters Business Enterprise Program.

4. Annual Goal/Public Notification

4.1 Annual Goal

A local agency's DBE goal shall be set on an annual basis. Title 49 CFR requires a ten percent (10%) minimum DBE goal unless an exemption has been formally approved by the OLP. The local agency should have documentation on file to justify their proposed annual goals which must be formally approved by the Caltrans DLAE. (See Exhibit B for suggested form.)

4.2 Project Goals

The local agency will establish individual project goals based on the work performed and the availability of certified DBE contractors in the geographic area. These goals must be consistent with the following policies:

- Individual goals are established in order to achieve the DBE annual goals.
- The project analysis shall start with the availability and capacity of certified contractors (in the project area) to perform the items of work. The contractible items of work are evaluated by the local agency in light of the project type and size, and normal industry contracting practices.
- The contract goals shall be set to allow nondisadvantaged as well as DBE contractors to compete for contract work.

4.3 Public Notification of Annual Goals

Upon approval of the local agency's annual DBE goals, the local agency shall publish a notice in the various minority trade publications and general public media. This notice shall contain the following:

- The annual overall DBE goal.
- A statement that the goal and a description of how it was selected, will be available for public inspection for a period of 30 days.
- A statement that both the United States Department of Transportation (DOT) and the local agency will accept comments on the goal for 45 days from the date of the notice.

- Assurance that comments shall be used for informational purposes only.

The public notification shall be published (one day minimum) in a local newspaper of general circulation including a minority focus publication if available.

5. Exemptions

A local agency may request an exemption from the ten percent minimum annual DBE goal by submitting a request to the DLAE. The DLAE will review the request, make a recommendation, and submit it to the OLP for approval or rejection. OLP approval or rejection will be based on the criteria contained in Part 23.65(B) of Title 49 CFR.

The DLAE will notify the local agency when the exemption request is approved or rejected. If the request is approved, the local agency may proceed with public notification.

6. Achievement Reporting

6.1 Initial Report

The local agency shall include a copy of the "Bidder DBE Information Form " in contract documents. This is provided by the contractor as part of the bid package. The local agency will utilize this information to complete the "Report of DBE Awards" form. (See Attachment 8 Construction Administration, Section 5 "Contract Awards".) The information in this report is required by Caltrans' Business Enterprise Program and the FHWA to demonstrate DBE compliance on local agency projects.

6.2 Final Report

The "Final Utilization Report" is reviewed by the local agency and certified for completion and accuracy. The local agency must submit this report along with the request for final payment. (See Attachment 8 Construction Administration, Section 19 "Project Completion".)

PRE-APPROVED
DISADVANTAGED BUSINESS ENTERPRISES (DBE) PROGRAM
FOR LOCAL AGENCIES

(FHWA supports the use of this standard program description in accordance with Code of Federal Regulations 49, Part 23, Section 23.45 and other related sections)

DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

CITY/COUNTY OF: _____

I. Policy Statement

It is the policy of the _____
to utilize Disadvantaged Business Enterprises (DBEs) and firms as defined in 49 CFR Part 23 in
all aspects of contracting to the maximum extent feasible. This policy which is fully described
herein constitutes policy and commitment to substantially increase DBE Utilization in all program
activities funded wholly or in part by any U. S. Department of Transportation modal element.

This Agency, its contractors and subcontractors, which are the recipients of Federal-aid funds,
agree to ensure DBE firms have the maximum opportunity to participate in the performance of
contracts and subcontracts. In this regard, this Agency and all of its contractors and subcontractors
will take all reasonable steps in accordance with 49 CFR Part 23 to ensure that DBE firms have the
maximum opportunity to compete for and perform contracts.

II. Disadvantaged Business Enterprise (DBE) Liaison Officer

_____, _____
is the DBE Liaison Officer for this agency and shall report to the _____
_____. He/She will be assigned such staff as is necessary to fully implement the
provision of 49 CFR Part 23 and such other DBE programs as may be required. The reporting
structure and duties of support staff are shown on Attachment ____ .

III Duties of the DBE Liaison Officer

The DBE Liaison Officer shall develop, manage and implement the DBE Program on a day-to-day basis. Typical duties include, but are not limited to the following activities:

- Develop and carry out technical assistance programs for DBEs
- Arrange solicitations, time for the presentation of bid, quantities, specifications, and delivery schedules, so as to facilitate the participation of DBEs. Where such changes are found necessary to increase DBE utilization, they will be made in consultation and cooperation with the functional unit involved.
- Provide guidance to DBEs in overcoming barriers, such as inability to obtain bonding or financing.
- Carry out information and communication programs on contracting opportunities in a timely manner. Programs shall be bilingual where appropriate.
- Investigate the services offered by banks owned and controlled by Disadvantaged Business Enterprises.
- DBEs certified by Caltrans will be utilized. Said listing is to be made available to all project bidders. Said listing will include the following information: Name, address, telephone number, ethnic and/or sexual ownership, and type of work performed by firm.
- Prior to approval of the substitution of any DBE sub-contractor, the prime contractors will be required to prove performance of good faith efforts to replace the DBE with another eligible DBE.
- Establish a DBE overall annual goal. The goal shall be evaluated annually and adjusted as necessary.
- Establish an appropriate individual project DBE goal for each Federal-aid project advertised.
- Perform good faith analysis when the project goal is not achieved.

- Maintain such documentation as is necessary to verify performance of all activities included in this program.

IV. Public Notification

1. At the time of submittal of this program to the State Department of Transportation, a notice in both minority and majority local media will be published. Said publication shall include:
 - The annual overall DBE goal.
 - Notification that a description of how the goal was set is available for public inspection for a period of 30 days.
 - Notification that both U. S. DOT and this agency will accept comments on the goal for 45 days form the date of the notice. The notice shall advise interested parties that comments are for information purposes only.
2. This program will be reaffirmed by public notice annually at the time of publication of the overall goal. If substantial changes are made to this document, the entire document shall be subject notification noted in (1) above.
3. In addition to the forgoing, interested disadvantaged and majority contractor organizations will receive direct mailings of this complete program.

V. Establishment of Goal

1. The DBE goal will be established both annually (overall) and on a per contract basis. The overall goal will be based on planned contract activity for the coming year. The overall goal established will be subject to methodology and procedures established in 49 CFR Part 23, Subparts (C) and (D) and take effect on October 1st of each year.
2. The overall DBE goal established with this initial program is ____ % and covers the period October 1, 19__ to September 30, 19__.

3. Individual project goals will be established based on the following criteria:
- Attainment of established overall goals.
 - Size of project.
 - Opportunities for DBEs as subcontractors, vendors, and suppliers.
 - Minority population of geographic area in which work is to be performed.
 - DBE goals being utilized in the geographic area by other State, Federal or local jurisdictions.
 - Availability of certified DBEs.
 - Past experience on projects similar to the project being evaluated.
 - Such other factors as may affect the utilization of DBEs

Complete evaluation documentation will be retained for each project.

4. Projects which do not contain a specific goal will contain the following provisions:
- A. "Policy. It is the policy of the Department of Transportation that disadvantaged business enterprises as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the DBE requirements of 49 CFR Part 23 apply to this agreement."
 - B. DBE Obligation. The recipient or its contractor agrees to ensure that disadvantaged business enterprises as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provide under this agreement. In this regard, all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that disadvantaged business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors

shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts."

VI. Contract Procedure

This program shall be implemented through the utilization of a contract special provision which will be provided/updated as necessary by Caltrans' Office of Local Programs. These procedures require bidders to submit the names of DBE subcontractors and suppliers, a description of the work each is to perform or material to be furnished, and the dollar value of each DBE subactivity.

VII. DBE Notification

Projects will be advertised in local newspapers and minority focus newspapers when possible. These ads will include reference to DBE requirements and will indicate the DBE project goal.

DBE supportive service assistance centers will receive notification of projects scheduled to be advertised. Such centers will be afforded the opportunity to receive complimentary plans and specifications for projects within their geographical area of responsibility.

VIII. Selection Criteria for Projects with DBE Goal

Every project containing a DBE goal shall be evaluated by the DBE Liaison Officer or his/her designee to ascertain bidding contractors' efforts to attain the DBE goal. The award of any project must be concurred with by the DBE Liaison Officer or his/her designee before said contract may be awarded. Should there be disagreement between functional units concerning contractors' efforts to attain contract goals for DBE participation, the matter shall be referred to the _____ or his/her designee, for final determination.

Competitors that fail to meet the DBE goal and fail to demonstrate sufficient reasonable good faith efforts shall be declared non-responsive and ineligible for award of the contract.

All contracts that contain a DBE goal, pursuant to this policy, will be monitored on an ongoing basis by project personnel during the course of construction. The DBE Liaison Officer is to be immediately advised of any circumstance wherein contractor compliance with the DBE provision is questionable. The contractor shall submit a final report for each project which includes total payments to the prime contractor as well as any payments the prime contractor has made to DBE

subcontractors, vendors and suppliers. If the report indicates the prime contractor has not achieved the project goal, project personnel shall attach an evaluation, in narrative form, of the reasons for failure to attain the goal and any corrective action that was taken.

Prime contractors will be required to notify the Agency of any situation in which regularly scheduled progress payments are not made to DBE subcontractors, vendors or suppliers.

IX. Counting DBE Participants

This agency, its contractors, and subcontractors shall count DBE participation in accordance with the provisions of Section 23.47. Title 49, of the Code of Federal Regulations.

X. Records and Reports

1. The DBE Liaison Officer shall maintain such records, and provide such reports, as are necessary to ensure full compliance with this policy. Such records and reports shall include, as a minimum, the following information:

- Awards to DBEs
- Awards to majority contractors
- Final project reports concerning DBE utilization
- Such other data as is needed to fully evaluate compliance with this program

2. The DBE Liaison Officer shall submit reports to Caltrans and/or to the appropriate U. S. DOT modal element as required.

XI. Complaints

Any complaints received by the Agency concerning this program will be investigated by :

_____ . He/She will endeavor to resolve said complaints within 90 days of receipt by the DBE Liaison Officer. The appropriate DOT modal element and Caltrans will be furnished a copy of the complaint and may be invited to participate in the investigation/resolution. The DOT modal element and Caltrans will receive a

complete investigative report on the complaint and may be requested to concur in the proposed disposition of said complaint.

Contractors will be directed to notify the Agency of any complaints they may receive concerning this program.

DISADVANTAGED BUSINESS ENTERPRISES (DBE) ANNUAL PLAN

TO: CALTRANS DISTRICT _____
 District Local Assistance Engineer

The City/County/Region of _____
 requests approval of an annual DBE goal of _____% for the Federal Fiscal Year _____,
 beginning on _____ and ending on _____.

It is anticipated that the following Federal-aid projects will be advertised during this Fiscal Year with preliminary DBE participation levels established as shown. (Includes consultant preliminary engineering and construction contracts anticipated for award.)

<u>Fed. Proj. No.</u>	<u>Estimated Contract Items Cost</u>	<u>DBE Participation</u>	<u>Type of Work</u>
(1) _____	\$ _____	\$ _____	_____
(2) _____	\$ _____	\$ _____	_____
(3) _____	\$ _____	\$ _____	_____
(4) _____	\$ _____	\$ _____	_____
(5) _____	\$ _____	\$ _____	_____
Grand Total	\$ _____	\$ _____	
		DBE _____ %	

- () This goal meets the 10% minimum Federal requirement.
- () Since this goal does not meet minimum 10% Federal requirement, an exemption in accordance with Section 5 is requested. (Justification for approval is enclosed.)

 DBE Liaison Officer

 Date

CONSULTANT SELECTION

CONTENTS

1. GENERAL

- 1.1 Introduction
- 1.2 Legislative Requirements
- 1.3 Subcontracted Services
- 1.4 Audits
- 1.5 Authorization to Proceed
- 1.6 Selecting the Project
- 1.7 Appointing the Contract Administrator
- 1.8 Determining the Project Schedule
- 1.9 Identifying Need for Consultant
- 1.10 Segmenting Consultant Work
- 1.11 Specify Products to be Delivered
- 1.12 Define Scope of Consultant Work
- 1.13 Establish Intent for DBE Participation
- 1.14 Estimate Cost of Consultant Work
- 1.15 Determine Type of Contract
 - 1.15(a) Actual Cost Plus Fixed Fee
 - 1.15(b) Cost Per Unit of Work
 - 1.15(c) Specific Rates of Compensation
 - 1.15(d) Lump Sum

2. CHOOSING THE SELECTION METHOD

- 2.1 Background
- 2.2 One-Step RFP (Request for Proposals, Followed by Interviews and Negotiation)
- 2.3 One-Step RFQ (Request for Qualifications, Followed by Interviews and Negotiation)
- 2.4 Two-Step RFQ/RFP (Request for Qualifications, Followed by Request for Proposal and Negotiation)
- 2.5 Noncompetitive Negotiated Agreements
- 2.6 Agreements Costing Less Than \$25,000

3. SELECTING CONSULTANTS USING THE ONE-STEP RFP METHOD

- 3.1 Appoint Consultant Selection Committee
- 3.2 Develop Technical Criteria for Evaluation of Proposals
- 3.3 Develop Schedule for Consultant Selection
- 3.4 Prepare Request for Proposal (RFP)
- 3.5 Advertise for Consultants
- 3.6 Issue Request for Proposal
- 3.7 Conduct Proposer's Conference or Answer Written Questions
- 3.8 Receive and Evaluate Technical Proposals and Statements of Qualifications
- 3.9 Develop Final Ranking and Notify Consultants of Results
- 3.10 Negotiate Contract with Top-Ranked Consultant

CONTENTS CONTINUED**4. SELECTING CONSULTANTS USING THE ONE-STEP RFQ METHOD**

- 4.1 Appoint Consultant Selection Committee
- 4.2 Develop Schedule for Consultant Selection
- 4.3 Advertise for Consultants
- 4.4 Receive and Evaluate Statements of Qualifications and Develop Short List
- 4.5 Interview Top-Ranked Consultants
- 4.6 Develop Final Ranking and Notify Consultants of Results
- 4.7 Conduct Scoping Meeting
- 4.8 Request Cost Proposal
- 4.9 Negotiate Contract With Top-Ranked Consultant

5. SELECTING CONSULTANTS USING THE TWO STEP RFP/RFQ METHOD

- 5.1 Combined RFQ and RFP

6. COMPLETING THE PROJECT

- 6.1 Develop the Final Contract
- 6.2 Local Agency Review
- 6.3 Execute Contract and Issue Notice to Proceed to Consultant
- 6.4 Administer the Contract
- 6.5 Final Payments
- 6.6 Close Out Project
- 6.7 Performance Evaluation
- 6.8 Project Records

7. MISCELLANEOUS CONSIDERATIONS

- 7.1 Retaining a Consultant as City or County Engineer
- 7.2 Review and Approval of Agreements
- 7.3 Supplemental Agreements
- 7.4 Construction Engineering Services
- 7.5 Engineering Services Under \$25,000
- 7.6 Retention Clauses

EXHIBITS

- Exhibit A Disadvantaged Business Enterprise (DBE) Consultant Agreement Requirements
- Exhibit B Sample Cost Proposal
- Exhibit C Sample Payment Clauses
- Exhibit D Suggested Evaluation Sheet
- Exhibit E Consultant Agreement Reviewers Checklist
- Exhibit F Consultant Agreement Outline
- Exhibit G Certification of Local Agency
- Exhibit H Certification of Consultant

1 GENERAL

1.1 INTRODUCTION

Local agencies requesting federal funds to reimburse consultants must follow the selection and contracting procedures detailed in this Local Programs Procedures.

1.2 LEGISLATIVE REQUIREMENTS

The provisions of the Brooks Bill (40 USC 541) require local agencies to award federally-funded engineering and design contracts on the basis of fair and open competitive negotiations, demonstrated competence and professional qualifications (Federal Register, Volume 56, Number 83, 23 CFR 172).

California law requires selection of architectural, engineering, environmental, land surveying, or construction project management services consultants on the basis of demonstrated competence and professional qualifications. Local agencies may not use cost as a basis for selecting such consultants. Contracts must be negotiated in order of the most qualified firms at prices determined to be fair and reasonable to the local agency (Government Code, Chapter 10, Sections 4525 through 4529.5).

Consultants, other than architectural, engineering, environmental, land surveying, or construction project management services, should be selected using cost as one of the selection criteria .

1.3 SUBCONTRACTED SERVICES

The consultant is responsible for performing the work required under the agreement in a manner acceptable to the local agency. The consultant's organization and all associated consultants must be identified at the time of the proposal.

If the consultant wishes to use a firm not specified in the proposal, prior written approval must be obtained from the local agency. If the subcontract for work or services to be performed by such firms exceeds \$25,000, the subcontract shall contain all required provisions of the prime contract.

1.4 AUDITS

On consultant agreements of \$250,000 or more, the Caltrans Audits and Security office will perform a pre-award audit. Pre-award audits will examine the consultant's accounting, estimating, and administrative systems; proposed costs; quantities; and financial condition.

If the consultant agreement is for less than \$250,000, a pre-award audit will be required only when one of the following conditions exist.

- There is inadequate knowledge about the consultant's accounting procedures.

-
- There has been a previous, unfavorable experience with the consultant's estimating or accounting methods.
 - The audit has been requested by the local agency or the consultant.
 - It is the first time a consultant has performed services for the local agency and the State deems it appropriate.

The purpose of a pre-award audit evaluation is to provide the local agency with professional advice on accounting and financial matters and to assist in the award and administration of proposed consultant contracts. Pre-award audits also serve to alert both the consultant and the local agency of potential problems concerning the consultant's financial qualifications, basic agreement, cost/price proposal or cost accounting system.

The audit must be as broad in scope as necessary to meet the following objectives.

- Determine if the consultant agreement provides for a three-year record retention period, identifies methods of payment, references the cost principles set forth in the Code of Federal Regulations, and determines the allowability of individual items of cost.
- Determine if the consultant's cost proposal contains a breakdown of the estimate for performing the work, indicates reasonable proposed costs, and shows that the estimating system and procedures are adequate.
- Determine if the cost accounting system is capable of accumulating reasonable, allocable, and allowable costs.
- Determine if the consultant is financially capable of performing the required services.
- Determine the administrative systems' adequacy and the availability of applicable key personnel to perform the contract.

For situations where audits are appropriate, local agencies must send copies of the proposed consultant agreements to Caltrans Audits and Security Office.

When haste is imperative, the local agency may request Caltrans Audits to perform a desk audit which may considerably reduce delay. If the consultant has been successfully audited by Caltrans within the past several years and has a good record, staff may elect to perform a desk audit rather than reviewing operations in the field.

1.5 AUTHORIZATION TO PROCEED

Caltrans must give the Local Agency authorization to proceed with the work prior to the performance of any work for which Federal billing will be requested. (See Attachment 1 Project Authorization/Obligation of Federal Funds.)

Copies of the authorization to proceed and the consultant agreement must be retained in the project files for future audit purposes.

1.6 SELECTING THE PROJECT

Local agencies are responsible for selecting and initiating federal-aid highway projects. The decision to begin development is influenced by a project's need, its acceptability, and the timing of studies, financing and construction. The local agency should identify the project's objectives, including the general level of improvement or service, operating standards, and the target date for project completion before commencing the consultant selection process.

1.7 APPOINTING THE CONTRACT ADMINISTRATOR

The contract administrator, named in the consultant agreement, will be responsible for the quality of contract products or services, and should be involved throughout the development of the contract provisions. The contract administrator must be a public employee qualified to ensure the work pursued is complete, accurate and consistent with the terms, conditions and specifications of the contract.

The contract administrator's duties may include

- providing direction to ensure the contract is advertised properly, the request for qualifications (RFQ), description of work, and request for proposals (RFP), if used, are prepared and distributed, and the draft contract is appropriately prepared.
- arranging for preparation of an advance, independent, estimate of the value of the work to be contracted out.
- making analysis of the selected consultant's cost proposal.
- serving as the successful consultant's primary contact person.
- monitoring the consultant's progress and providing direction.
- approving the consultant's progress payments.

The use of a consultant for a "management" role should be limited to unique or very unusual situations. These situations require a thorough justification as to why the local agency cannot perform the work. Consultants used in management roles must be selected using the same procedures as those for other consultants specified in this directive with full justification retained in the project files for future reference.

1.8 DETERMINING THE PROJECT SCHEDULE

The local agency should develop a schedule to show the time for performance of work and completion of the project. The schedule should include sufficient time to allow for selecting consultants, developing consultant contracts, and conducting meetings and project reviews.

1.9 IDENTIFYING NEED FOR CONSULTANT

The need for consultants should be identified by comparing the project's schedule and objectives with the local agency's capabilities, its staff availability, and its funding resources.

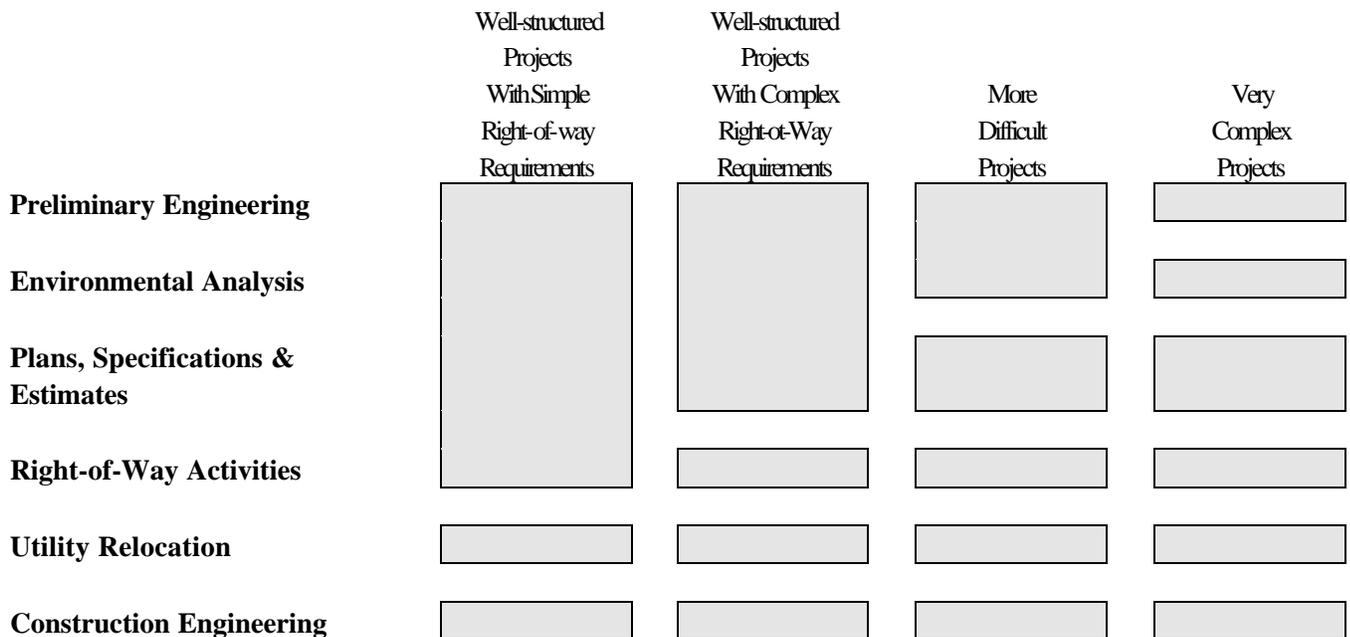
1.10 SEGMENTING CONSULTANT WORK

Consultant services are most effective when consultant work is segmented appropriately. The extent of segmenting depends upon the type and complexity of the work. Always try to combine preliminary engineering tasks with the preparation of the required environmental analysis.

Preparing an environmental assessment or environmental impact statement is more than simply writing a report. Assessment and impact reports include preliminary engineering needed to analyze project alternatives and produce an engineering and planning assessment. It is necessary to perform only as much traffic and engineering analysis of alternatives as is needed to produce a sound environmental assessment or environmental impact statement. Final detailed design should be delayed until environmental clearance has been received if federal reimbursement is desired.

Figure 1 illustrates several satisfactory ways to segment consultant activities.

Figure 1 Segmenting Consultant Work



1.11 SPECIFY PRODUCTS TO BE DELIVERED

The contract administrator should identify the products and services to be delivered as a result of contract work. These will vary depending upon the type of projects and the phase of project development being addressed.

1.12 DEFINE SCOPE OF CONSULTANT WORK

The scope of work, which the contract must include, is a detailed description of the products or services the consultant will provide. From a detailed scope of work, consultants responding to a project advertisement can determine personnel and time requirements, and can develop a technical proposal and person-hour estimate for the contract.

1.13 ESTABLISH INTENT FOR DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION

Local agencies receiving Federal funds must take affirmative steps to assure that Disadvantaged Business Enterprise (DBE) consultants are utilized when possible. Such steps include soliciting DBE firms and, when feasible, organizing the project schedule and task requirements to encourage participation by DBE firms. The consultant has the responsibility for using DBEs as sub-consultants when feasible. If a DBE subconsultant becomes unable to perform, the consultant must make a good faith effort to replace with another DBE subconsultant. (see Exhibit A – Disadvantaged Business Enterprise Consultant Contract Requirements).

1.14 ESTIMATE COST OF CONSULTANT WORK

An independent cost estimate is needed to ensure that consultant services are obtained at a fair and reasonable price. The estimate must be prepared in advance so the local agency's negotiating team has a detailed analysis of the project from which to evaluate the strengths and weaknesses of the consultant's cost proposal.

A good cost estimate can be prepared only if the scope of work is defined clearly. The scope of work must include a list of the products or services which the consultant will be required to deliver, and a schedule describing when they must be delivered.

The estimate must include a breakdown of

- direct labor costs.
- indirect costs.
- general and administrative costs.
- other direct costs.
- subconsultant costs.
- net fee.

1.15 DETERMINE TYPE OF CONTRACT

The contract must specify how the consultant is to be paid. Four methods of payment are permitted on consultant contracts: (a) Actual Cost Plus Fixed Fee; (b) Cost Per Unit of Work; (c) Specific Rates of Compensation; and (d) Lump Sum.

1.15(1) ACTUAL COST PLUS FIXED FEE

This method is used most commonly. The consultant is reimbursed for actual costs incurred and receives an additional predetermined amount as a fixed fee. The fixed fee is not adjustable for the life of the contract except where there is a significant change in the scope of the work, in which case the fee may be renegotiated.

This method of payment is appropriate when the extent, scope, complexity, character, or duration of work cannot be precisely predicted. Fixed fees apply to the total direct and indirect costs. Fixed fees over 15 percent must be justified and documented in the files prior to commencement of work. (See Exhibit B for a Sample Cost Proposal form, and Exhibit C, for a sample Payment Clauses form.)

1.15(2) COST PER UNIT OF WORK

The consultant is paid based on the work performed. This method of payment is appropriate when the cost per unit of work can be determined with reasonable accuracy in advance, but the extent of the work is indefinite. Contract payment provisions must specify what is included in the price to be paid for each item.

1.15(3) SPECIFIC RATES OF COMPENSATION

The consultant is paid at an agreed and supported specific fixed hourly or daily rate for each class of employee engaged directly in the work. Such rates of pay include the consultant's estimated costs and net fee. The specific rates of compensation, except for an individual acting as a sole proprietor, are to include an hourly breakdown, direct salary costs, salary additives, indirect costs, and net fee. Other direct costs may be set forth as an element of the specific rate or may be included as independent cost items.

This method of payment is used for on-call contracts, but should be considered only when none of the other three methods of payment can be used. It should be considered only for emergency work or when the tasks are relatively minor.

1.15(4) LUMP SUM

The consultant undertakes to perform the services stated in the agreement for an agreed amount as compensation. It is appropriate only if the extent, scope, complexity, character, and duration of the work have been sufficiently defined to permit just compensation to be determined and evaluated by all parties during negotiations.

2 CHOOSING THE SELECTION METHOD

2.1 BACKGROUND

As shown in Figure 2, one of three methods is normally used in selecting a consultant.

- One-Step Request for Proposals (RFP)
- One-Step Request for Qualifications (RFQ)
- Two-Step Request for Qualifications/Proposals (RFQ/RFP)

The method used will depend upon the scope of work, the services required, the project's complexity, and the time available for consultant selection.

Beginning with Section 3 Selecting Consultants Using the One Step RFP Method, the selection methods are explained in detail.

2.2 ONE-STEP RFP (REQUEST FOR PROPOSALS, FOLLOWED BY INTERVIEWS AND NEGOTIATION)

The One-Step RFP method may be used when the consultant service is highly specialized and there are few qualified consultants. This method is also used when a local agency has a modest number of projects per year, and the expected number of proposals is small--generally, less than Ten.

In this method, consultants submit at the same time, a technical proposal and statement of qualifications. Proposals by all consultants are evaluated based on criteria outlined in the RFP, and a short list of qualified consultants is developed. The local agency ranks qualified consultants and negotiation begins with the most qualified consultant.

2.3 ONE-STEP RFQ (REQUEST FOR QUALIFICATIONS, FOLLOWED BY INTERVIEWS AND NEGOTIATION)

The most common selection process is the One-Step RFQ method. It is used when typical services (such as preparations of PS&E) are required and there are many consultants. The One-Step RFQ method is also used when a local agency produces many projects and there are numerous consultants that wish to participate.

The consultant submits a Statement of Qualifications in response to a request for qualifications. The responding consultants are ranked by a consultant selection committee which develops a short list of qualified consultants invited for interviews. The final ranking of consultants is based on the interviews; negotiation begins with the most qualified consultant. Although it may be used for more than one project, the ranking process must be renewed at least once each year to give new consultants the opportunity to participate.

2.4 TWO-STEP RFQ/RFP (REQUEST FOR QUALIFICATIONS, FOLLOWED BY REQUEST FOR PROPOSAL AND NEGOTIATION)

The Two-Step RFQ/RFP method may be used when the scope of work is complex or unusual. The Two-Step RFQ/RFP method also may be preferred by local agencies that are apprehensive about negotiations and procedures for establishing compensation. However, Two-Step RFQ/RFP requires substantially more work and time than the other two methods described above.

In the Two-Step RFQ/RFP process, the consultant submits a statement of qualifications in response to a request for qualifications. Responding consultants are ranked by a consultant selection committee to prepare the short list of qualified consultants. Consultants on the short list receive a Request for Proposal (RFP) and respond with a technical proposal. The most qualified consultants are placed in a final ranking; negotiation begins with the most qualified consultant.

2.5 NONCOMPETITIVE NEGOTIATED AGREEMENTS

A noncompetitive, negotiated contract may be developed when special conditions arise. Conditions under which noncompetitive negotiated contracts may be acceptable include:

- only one organization is qualified to do the work.
- an emergency exists of such magnitude that cannot permit delay.
- competition is determined to be inadequate after solicitation of a number of sources.

The local agency must carefully document details of the special conditions and retain them in the files for future Caltrans or FHWA review.

2.6 AGREEMENTS COSTING LESS THAN \$25,000

Service agreements subcontracts and other consultant agreements costing no more than \$25,000 each, may be handled through an informal method of procurement. The method must be sound and appropriate for procurement of consulting services. Written justification must be placed in the project files for future audit purposes (see Section 7-5 Engineering Services Under \$25,000).

3 SELECTING CONSULTANTS USING THE ONE-STEP RFP METHOD

3.1 APPOINT CONSULTANT SELECTION COMMITTEE

A consultant selection committee, with a minimum of three members, is appointed at the beginning of the consultant selection process. The committee reviews materials submitted by consultants, develops a short list of qualified consultants, and develops a final ranking of most qualified consultants. Representation on the committee should include the contract administrator and a representative from the project's functional area. Participation by a District representative is optional.

3.2 DEVELOP TECHNICAL CRITERIA FOR EVALUATION OF PROPOSALS

The contract administrator is responsible for developing the technical criteria, and their relative weight, which will be used to evaluate and rank the consultant proposals.

The criteria and relative weights must be included in the RFP. Exhibit D shows a recommended evaluation sheet with criteria and rating points. This format is not mandatory but is recommended in the interest of developing consistency among the hundreds of agencies and consultants operating in the State. The local agency should consult with the DLAE before making major changes to the suggested approach.

3.3 DEVELOP SCHEDULE FOR CONSULTANT SELECTION

The contract administrator completes a contract schedule, including key dates for consultant selection activities, before the contract is advertised. The contract administrator must confirm target dates with all members before completing the schedule.

3.4 PREPARE REQUEST FOR PROPOSAL (RFP)

The information required in a RFP includes

- Description of project
- Scope of work
- Schedule of work
- Proposal format
- Method and criteria for selection

The RFP should specify the content of a proposal, the number of copies required, and the due date. A minimum of four weeks is usually allowed between the time the RFP is mailed and time that proposals must be submitted. More time may be required for very complex contracts or projects.

Items typically required in a technical proposal include

- Work plan (specify what is to be covered).
- Organization chart
- Schedule
- Staffing plan
- Staff resumes

-
- Names of consultant's project manager and the individual authorized to negotiate the contract on behalf of the consulting firm
 - Information about the consultant's use of Disadvantaged Business Enterprises (DBEs)

3.5 ADVERTISE FOR CONSULTANTS

The local agency advertises the availability of the RFP in a major newspaper of general circulation or technical publication of widespread circulation. Also the local agency shall identify and send the RFPs to organizations qualified to do the specified work as well as professional societies and recognized DBE and Women Business Enterprise (WBE) organizations. In some cases, it may be desirable to advertise nationwide for a particular project or service.

3.6 ISSUE REQUEST FOR PROPOSAL

The local agency shall issue the RFP to all consultants responding to the advertisement.

3.7 CONDUCT PROPOSER'S CONFERENCE OR ANSWER WRITTEN QUESTIONS

The local agency may allow for clarification of the RFP by inviting submittal of written questions or by conducting a proposer's conference, or by doing both.

The local agency must mail responses to written questions to all consultants receiving an RFP. No response should be given to verbal questions submitted by telephone or in person.

If a proposer's conference is to be held, the exact time and place must be specified in the RFP. Attendance at a proposer's conference normally is not mandatory. However, consultants not attending the conference will not receive notes from the meeting.

3.8 RECEIVE AND EVALUATE TECHNICAL PROPOSALS AND STATEMENTS OF QUALIFICATIONS

The contract administrator must verify that each proposal contains all forms and other information required by the RFP. If all required information is not provided, a proposal may be considered non-responsive and rejected without evaluation. Late submittal, submittal to the wrong location, or submittal with inadequate copies is considered non-responsive and shall result in rejection of the submittal. Submittal of additional information after the due date shall not be allowed.

The members of the consultant selection committee must evaluate each proposal in terms of the technical criteria which were listed in the RFP. The committee must also evaluate reference checks and other information that is gathered independently.

3.9 DEVELOP FINAL RANKING AND NOTIFY CONSULTANTS OF RESULTS

The selection committee discusses and documents the strengths and weaknesses of each proposal and develops a final ranking of most qualified consultants. All consultants that submitted proposals must be informed about the final ranking of consultants. It is important that all competing consultants receive the same information.

3.10 NEGOTIATE CONTRACT WITH TOP-RANKED CONSULTANT

After the top-ranked consultant submits a cost proposal, the local agency negotiates a contract. The goal of negotiation is to agree on a final contract that delivers the services or products required at a fair and reasonable cost to the local agency. The independent cost estimate developed in advance by the local agency is an important basis for negotiation. A pre-award audit of the consultant's operations may be required. (See Section 1.4, Audits.) If so, cost negotiations must not begin until after the audit report is received.

Items typically negotiated include

- Work plan
- Schedule
- Products to be delivered
- Classification and experience level of personnel to be assigned
- Cost items, payments and fee

A consultant will be awarded the contract only if it has either satisfied the intent for DBE participation or made a good-faith effort to do so. (See Exhibit A Disadvantaged Business Enterprises (DBE) Consultant Contract Requirements.)

If the local agency fails to conclude an agreement with the top ranked consultant a new negotiation is started with the next highest ranked consultant. If this new negotiation fails the process is repeated until a contract is negotiated successfully.

Before executing the consultant agreement, the local agency must make a review to ensure all federal requirements have been met. Exhibit E is a checklist which will be helpful in this evaluation. A copy of the completed checklist should be signed by the Contract Administrator and retained in the project files.

4 SELECTING CONSULTANTS USING THE ONE-STEP RFQ METHOD

4.1 APPOINT CONSULTANT SELECTION COMMITTEE

A consultant selection committee, with a minimum of three members, is appointed at the beginning of the consultant selection process. The committee reviews and scores the materials submitted by consultants in response to the RFQ, develops a short list of qualified consultants, interviews those consultants, and develops a final ranking of the most qualified consultants. Representation on the committee should include the Contract Administrator and a representative of the function upon which the work centers. Participation by a District representative is optional.

4.2 DEVELOP SCHEDULE FOR CONSULTANT SELECTION

Before a contract is advertised, the contract administrator completes a contract schedule, including key dates for consultant selection activities.

4.3 ADVERTISE FOR CONSULTANTS

Advertisements may take one of two forms. The most common form of advertisement is publication of the RFQ. The RFQ shall contain sufficient project information, permitting interested consultants to submit appropriate statements of qualifications.

In the second approach, the local agency advertises the availability of the RFQ in a major newspaper of general circulation or technical publication of widespread circulation. RFQs shall also be sent to organizations qualified to do the specified work, to professional societies, and to recognized DBE/WBE organizations. In some cases, it may be desirable to advertise nationwide for a particular project or service.

4.4 RECEIVE AND EVALUATE STATEMENTS OF QUALIFICATIONS AND DEVELOP SHORT LIST

The first step in the evaluation process is to determine that each proposal contains all forms and other information required by the RFQ. Submittals may be considered non-responsive if all required information is not provided, and rejected without evaluation. Late submittals, submittals to the wrong location, and submittals with inadequate copies are considered non-responsive and shall be rejected. Submittal of additional information after the due date shall not be allowed.

4.5 INTERVIEW TOP-RANKED CONSULTANTS

Interviews are to be structured and conducted in a formal manner. Each consultant shall be allowed the opportunity to make a presentation if desired; however, a time limit should be specified.

Interview questions should be prepared in advance. Two types of questions may be asked.

- Those questions that will be asked of all competing consultants
- Questions relating to each specific consultant, based upon the reference checks and the strengths and weaknesses identified during evaluation of the statement of qualifications

The agency can request competing consultants to bring additional information or examples of their work to the interviews if additional information will facilitate the interview or evaluation process. Additional information requested should be kept to the minimum, i.e., only that information required to select the most qualified consultant for the contract.

4.6 DEVELOP FINAL RANKING AND NOTIFY CONSULTANTS OF RESULTS

The selection committee should discuss and document the strengths and weaknesses of each proposal and develop a final ranking of most qualified consultants. All consultants interviewed must be informed about the final ranking of consultants. It is important that all competing consultants receive the same information.

4.7 CONDUCT SCOPING MEETING

The contract administrator should meet with the selected consultant's Project Manager to review the project and ensure that the consultant has a complete understanding of the work that is required. The consultant should be shown as much material as is available regarding the project. Any technical questions regarding the project should be answered completely for the consultant.

4.8 REQUEST COST PROPOSAL

The first-ranked consultant is then asked to provide a cost proposal to perform work described in the draft contract and discussed at the scoping meeting. The work is to be performed according to conditions described in the draft contract using the payment method described therein. If the contract involves more than one project, the consultant must provide a separate cost proposal for each project in addition to a summary cost proposal for the total contract.

4.9 NEGOTIATE CONTRACT WITH TOP-RANKED CONSULTANT

After the top-ranked consultant submits a cost proposal, the local agency negotiates a contract. The goal of negotiation is to agree on a final contract that delivers to the local agency the services or products required at a fair and reasonable cost. The independent cost estimate developed in advance by the local agency is an important basis for negotiations. A pre-award audit of the consultants operations may be required. (See Section 1.4, Audits.) If so, cost negotiations must not begin until after the contract administrator receives the audit report.

The Items typically negotiated include:

- Work plan
- Schedule
- Products to be delivered
- Classification and experience level of personnel to be assigned
- Cost items, payments and fee

A consultant will be awarded the contract only if he/she has either satisfied the intent for DBE participation or made a good-faith effort to do so. (See Exhibit A for a sample form.)

If the local agency fails to reach an agreement with the top ranked consultant a new negotiation is started with the next highest ranked consultant. If this new negotiation fails the process is repeated until a contract is negotiated successfully.

Lists of qualified consultants established through the RFQ process must be re-established at least once every 12 months to give new consultants the opportunity to qualify.

5 SELECTING CONSULTANTS USING THE TWO-STEP RFQ/RFP METHOD

5.1 COMBINED RFQ AND RFP

Selecting consultants using the Two-Step, RFQ/RFP method requires combining certain steps from each of the other two methods previously described. The combination of these steps is indicated on the Flow Chart. (See Figure 2 Selecting Consultants).

Initial steps in this method are the same as the initial steps followed when using the One-Step RFQ method. The remaining steps are the same as the later steps followed in the One-Step RFP method.

Because it is a combination of the One-Step RFQ and One-Step RFP methods, this method of consultant selection requires more work and time than the other two methods. Consequently, combined RFQ/RFP is recommended for use only when the scope of work is very complex or unusual.

6 COMPLETING THE PROJECT

6.1 DEVELOP THE FINAL CONTRACT

The Contract Administrator has responsibility to ensure that the final negotiated contract is complete and to verify that all required back-up documents have been provided. The appropriate numbers of copies of the contract are sent to the consultant for signature.

6.2 LOCAL AGENCY REVIEW

Agreements between local agencies and consultants are no longer subject to Caltrans approval to qualify for Federal reimbursement, but they must meet federal requirements. Federal-aid is contingent on meeting the federal requirements and can be withdrawn if the procedures are not followed and documented. The files should be maintained in a manner to facilitate future FHWA and/or Caltrans process reviews.

As specified in Section 3.10, the proposed agreement must be reviewed before execution and the check list shown as Exhibit E completed and signed. A copy of the signed document must be retained in the project files

6.3 EXECUTE CONTRACT AND ISSUE NOTICE TO PROCEED TO CONSULTANT

The Contract Administrator notifies the consultant when the contract is fully executed and issues a notice to proceed. Federal funds may not be used to reimburse consultants for costs incurred before the authorization to proceed is issued.

6.4 ADMINISTER THE CONTRACT

Project work begins immediately after the notice to proceed is issued to the consultant. Thereafter, the local agency manages and administers the contract to ensure that a complete and acceptable product is received on time, within standards, and within budget.

Contract administration activities ensure that contractual obligations are completed satisfactorily. Generally, these activities include

- monitoring project progress and compliance with contract requirements.
- reviewing invoices and approving payments.
- record-keeping and reporting.
- controlling costs..
- identifying changes to the scope of work and preparation of amendments.
- completing performance evaluations.

6.5 FINAL PAYMENTS

The local agency submits a final voucher to Caltrans to complete federal reimbursement, after making final payment of consultant invoices, and closes out the contract.

6.6 CLOSE OUT PROJECT

Local agencies are encouraged to close-out consultant contracts quickly. However, such close-outs should be delayed until after physical construction of the project is completed. Waiting for project completion will ensure the consultant's availability should problems arise or the need for change occurs.

6.7 PERFORMANCE EVALUATION

The contract Administrator should evaluate the consultant's performance after the consultant's final report has been submitted and the Contract Administrator has conducted a detailed evaluation with the consultant's Project Manager.

6.8 PROJECT RECORDS

Among the records to be retained are the following:

- Copies of RFPs and RFQs
- Documentation of DBE efforts and participation
- Solicitation/advertisement records
- Identification of selection committee members

-
- Evaluation and ranking records
 - Independent cost estimate
 - Negotiations
 - Pre-award audit when applicable
 - Executed consultant contracts and amendments
 - Construction oversight/progress meetings
 - Progress and final payments
 - Performance evaluation
 - Consultant Contract Checklist

Project records and documentation generally must be kept for three years after payment of the final voucher for audit purposes.

7 MISCELLANEOUS CONSIDERATIONS

7.1 RETAINING A CONSULTANT AS CITY OR COUNTY ENGINEER

A local agency may retain a qualified consultant as City Engineer or County Engineer. The retained consultant can be an individual or firm providing professional services. Eligibility for Federal reimbursement for these services requires

- compliance with the selection procedures specified in this chapter.
- existence of a contract between the local agency and the consultant specifying the services to be performed.
- designation as City Engineer or County Engineer.
- selection on an open and competitive basis within the last three years.

If engineering services for a project are within the scope of the services described in the retained consultant's agreement, they may be performed by the person or firm designated City Engineer or County Engineer. If the services are not within the scope, a new consultant agreement must be developed. A copy of the consultant agreement should be included with the agency's request for authorization to proceed.

Retained consultants involved in the preparation of the request for proposals/qualifications may not compete for the resulting work.

7.2 REVIEW AND APPROVAL OF AGREEMENTS

Proposed agreements for consultant services, including those for subcontracted work exceeding \$25,000, must be reviewed to verify that

- appropriate conditions are included and objectionable features are deleted.
- compensation is fair and reasonable.

-
- work activities and schedules are consistent with the nature and scope of the project.
 - a pre-award audit is conducted when appropriate. (See Section 1.4.)

The Outline for Consultant Agreements, shown in Exhibit F and the checklist shown in Exhibit E should be used to ensure that required documentation is provided.

A Sample Cost Proposal form is shown in Exhibit B and must include costs of materials, direct salaries, payroll additions, other direct costs, indirect costs, fees and backup calculations.

Before approving an agreement for consulting services, the Contract Administrator must be satisfied that the consultant's organization is

- qualified to perform the services required.
- in a position, considering other work commitments, to provide competent and experienced personnel to perform the services in the time allowed.
- fully apprised of all applicable federal and State laws, including implementing regulations, design standards, specifications, previous commitments that must be incorporated in the design of the project, and administrative controls including those of FHWA.

The agreement must provide for a level of acceptability and a statement to the effect that the consultant is required to modify its work as necessary (to meet that level of acceptability as defined in the agreement).

The agreement shall provide for reviews at appropriate stages during performance of the work to determine if any changes or other actions are warranted. These reviews should be made by the local agency.

The agreement shall also provide that the prospective consultant will establish a working office at a place acceptable to the local agency.

Furthermore, the agreement shall provide that the consultant and its subcontractors shall maintain all books, documents, papers, accounting records, and other information pertaining to costs incurred. Such materials must be available at their offices at reasonable times during the contract period. And such materials are to be available for inspection by federal, State and local agency authorized representatives, and copies thereof shall be furnished if requested. Following final settlement of the contract accounts with FHWA, such records and documents may be microfilmed at the option of the local agency, but in any event shall be retained for a three-year period after processing of the final voucher by FHWA.

Agreements with consultants covered by this manual must not be approved by the local agency until the certifications shown in Exhibits G and H are executed and incorporated in the agreement. The certifications shall be executed by a principal or authorized corporate official of the consultant, and by a principal administrative officer of the governmental agency responsible for the selection of the consultant. It is essential these certifications be preserved in the project files.

7.3 SUPPLEMENTAL AGREEMENTS

Supplemental agreements are required for modification in the terms of the original agreement to provide changes such as extra time, added work, or modification of payment. There is no prescribed format for supplemental agreements. They may take the form of letter-type agreements meeting the legal requirements of the local agency, clearly outlining the changes, and containing a mutually agreed upon method of compensation. Such agreements must conform to the requirements of this section with regard to payment.

Supplemental agreements shall be approved by the local agency prior to the performance of the work. When public interest requires that work begin without delay, it may not be practicable to establish equitable compensation prior to commencing the work.

7.4 CONSTRUCTION ENGINEERING SERVICES

A consultant may be utilized for periodic or full-time technical inspection of construction. Under Federal-aid regulations, however, the prime responsibility for general supervision of construction must remain with the local agency. The public agencies must also ensure the work is performed in accordance with the approved PS&E. Therefore, a full-time, registered engineer employed by a public agency must be placed in charge of the project (he or she need not be assigned solely to that project).

The consultant's engineering responsibility generally should be that of professional adviser to the local agency. The activities performed by the consultant will be under the overall supervision of the local agency engineer. These operations may include construction surveys, foundation investigations, measurement and computation of quantities, testing of construction materials, checks of shop drawings, preparation of estimates and reports, and other resident inspection activities necessary to ensure the construction is being performed in accordance with the plans and specifications. The construction engineering consultant agreement should define the relative authorities and responsibilities of the full-time, publicly-employed engineer in charge of the project and the consultant's inspection staff.

If the technical inspection consultant is giving professional assistance to the local agency's resident engineer a formal consultant agreement must be executed which follows all of this chapter's requirements.

7.5 ENGINEERING SERVICES UNDER \$25,000

When it is determined that engineering services in amounts less than \$25,000 are needed and federal reimbursement will be sought, these services may be obtained through personal services agreements up to a limit of \$25,000 each. In construction, such services may include, but are not limited to, surveys and inspection of materials to be incorporated into the project. Such services must be under the direction and control of the engineer in charge of the phase of work being conducted and must be for logical segments of the work.

Compensation for construction engineering services should be based on actual costs incurred plus a fixed fee, or in the case of individual compensation, on an agreed-upon, hourly or daily rate. Lump sum payments should not be used for construction engineering services.

For contracts under \$25,000, the following information must be approved by the local agency and retained in the project files.

- An explanation of the services needed and why they cannot be provided by the local agency
- The name and qualifications of the consultant who will provide the services
- Documentation of the fees to be covered showing they are within the prevailing range and are reasonable by comparative standards
- A copy of the agreement between the local agency and the consultant

7.6 RETENTION CLAUSES

At the option of the local agency, a retention clause may be included in the consultant agreement. The usual retained amount is 5 percent, and appropriate securities on deposit may be substituted for the retention. This procedure is used on many agreements and agencies wishing assistance in developing appropriate clauses may refer to the Caltrans Consultant Services Manual. Caltrans strongly recommends stipulating a retention in the consultant agreement.

DISADVANTAGED BUSINESS ENTERPRISE (DBE) CONSULTANT CONTRACT REQUIREMENTS

The provisions of Title 49, Part 23, Code of Federal Regulations (49 CFR 23) and the _____ (Local Agency) _____'s adopted DBE Program require that Disadvantaged Business Enterprises (DBEs) have the opportunity to participate in federally-funded, transportation projects.

In order to meet these requirements, the following criteria have been established:

1. Participation by Caltrans' certified DBEs as prime consultants or sub-consultants in this contract or
2. A good faith effort by the prime consultant in trying to secure participation by DBEs prior to award of this contract. Documentation of a good-faith-effort will be submitted in writing and will consist of the following:
 - a) A list of Caltrans' certified DBEs solicited.
 - b) Description of efforts to use the services of available minority community organizations; minority contractor groups; women contractor groups; and local, State, and federal minority business assistance centers in the recruitment and placement of DBEs including name of contact, date of contact, and information they provided.
 - c) Identification of the portions of the work to be performed by DBEs including type of work and dollar-value.
 - d) Documentation of good-faith negotiations between subcontractors and interested DBEs including names and dollar-values of all bids).

Sample Cost Proposal

LABOR

	Hours	Rate	Total
Project Director	_____	_____	_____
Staff Engineer	_____	_____	_____
Traffic Technician	_____	_____	_____
Clerical	_____	_____	_____
			Total Labor \$ _____

INDIRECT COSTS (Overhead)

Overhead Rate \$ _____ Total Overhead \$ _____

DIRECT COSTS

	Quantity	Unit Cost	Total
Equipment	_____	_____	_____
Supplies	_____	_____	_____
Others	_____	_____	_____
			Total Direct Costs \$ _____

FEE (profit) \$ _____

TOTAL COST \$ _____

SAMPLE PAYMENT CLAUSES*

COST-PLUS-FIXED FEE

The basis of payment for the services provided under this agreement shall be cost-plus-a-fixed fee.

1. The local agency shall reimburse the consultant for actual costs (including labor costs, employee benefits, overhead and other direct costs) incurred by the consultant in performance of the work, in an amount not to exceed \$ _____, exclusive of any fixed fee. Actual costs shall not exceed the estimated wage rates and other costs set forth in the consultant's proposal.
2. In addition to the costs referred to in paragraph 1 of this article, the local agency shall pay the consultant a fixed fee of \$ _____. Said fixed fee shall not be altered unless there is a significant alteration in the scope, complexity or character of the work to be performed.
3. The Consultant shall be reimbursed for actual travel expenses incurred in the performance of this work, including the use of private cars at the rate of _____ cents per mile, while traveling away from consultant's headquarters which is hereby designated as _____. In addition, consultant's personnel shall be reimbursed for per diem expenses at a rate not to exceed that currently authorized for State employees under State Department of Personnel Administration rules.
2. Total expenditures made under this agreement, including the fixed fee, shall not exceed the sum of \$ _____.

LUMP SUM

1. Pursuant to satisfactory completion of this agreement, a lump sum payment of \$ _____ including all expenses incurred will be made to the consultant.
2. The above lump sum payment will include salary, fringe benefits, overhead, profit and all other expenses incurred by the consultant.

*The other methods of payment are not addressed here.

SUGGESTED EVALUATION SHEET*		
Criteria	Maximum Points	Rating
Understanding of the work to be done	25	
Experience with similar kinds of work	20	
Quality of staff for work to be done	15	
Capability of developing innovative or advanced techniques	10	
Familiarity with State and Federal procedures	10	
Financial responsibility	10	
Demonstrated DBE intent	10	
Total	100	

*For projects other than architectural, engineering, environmental, land surveying, or construction project management services, cost should be one of the criteria.

The evaluation criteria and suggested maximum points shown above are not mandatory, but are recommended in the interest of maintaining consistency among the hundreds of agencies utilizing Federal funds.

CONSULTANT AGREEMENT REVIEWERS CHECKLIST

I SELECTION PROCEDURES ITEMS NEEDED FOR REVIEW

- A. Description of need for consultant _____
- B. Publication of RFP or RFQ records _____
- C. Solicitation records _____
- D. Evaluation criteria _____
- E. Documentation of selection _____
- F. Evaluation of DBE Good Faith Efforts (when applicable) _____
- G. Plan to monitor work _____

II CONSULTANT AGREEMENT

A. Introduction

- 1. Date of agreement _____
- 2. Names, addresses, and other identifying data of agreeing parties _____
- 3. Location and description of project _____
- 4. Name of Contract Administrator _____

B. Agreement

- 1. Type of work to be done
 - a) Consultant services _____
 - b) Right of Way _____
 - c) Subsurface investigations _____
 - d) Obligations of local agency to consultant _____
 - e) Conferences, visits to site, inspection of work _____
 - f) Checking of shop drawings _____
 - g) Consultant services during construction _____
 - h) Deliverables and number of copies _____
- 2. Time of beginning of contract _____
- 3. Payment methods _____
- 4. Record retention (three years) _____
- 5. Contract cost Principles and Procedures (CFR 48, Federal Acquisition Regulation System,, Chapter 1, Part 31`)
 - a) Covenants Against Contingent Fees - Exhibits G & H _____
 - b) Design Standards - Exhibit F, 2f(2) _____
 - c) Documentation - Exhibit F, 2f(3) _____
 - d) Ownership of Documents - Exhibit F, 2f(4) _____
 - e) Patent Rights - Exhibit F, 2f(5) _____
 - f) Copy Rights - Exhibit F. 2f(6) _____
 - g) Changes in work - Exhibit F. 2f(7) _____
 - h) Delays and Extensions - Exhibit F. 2f(8) _____

(Continued)

CHECKLIST CONTINUED

- k) Disputes - Exhibit F. 2f(11) _____
- l) Responsibility for Claims and Liability - Exhibit F. 2f(12) _____
- m) General Compliance With Laws and Wage Rates - Exhibit F. 2f(13) _____
- n) Subcontractions, Assignment and Transfer - Exhibit 1F. 2f(14) _____
- o) Consultant's Endorsement on Plans, etc. - Exhibit F. 2f(15) _____
- p) DBE considerations - Section 1.13, Exhibit A _____

C. CONCLUSIONS (ACCEPTED LEGAL EXPRESSION, ETC.) _____

D. SIGNATURES _____

E. CERTIFICATIONS OF CONSULTANT AND AGENCY _____

F. COST PRICE PROPOSAL _____

Contract Administrator

Date

CONSULTANT AGREEMENT OUTLINE

1. INTRODUCTION

The introduction should include:

A. DATE OF AGREEMENT

B. NAMES, ADDRESSES AND OTHER DATA IDENTIFYING AGREEING PARTIES

State the complete name and address of each party to the agreement, together with information with respect to whether the party is an individual, an agency of government, a partnership or a corporation. If a corporation is one of the parties, show the state of incorporation. Show the location of the office where the consultant's work will be available for inspection by local agency and State representatives. For the sake of brevity, a suitable short title, such as "State," "County," "Engineer" or "Consultant," should be designated and defined for each of the parties and used throughout the remainder of the agreement.

C. LOCATION AND DESCRIPTION OF THE PROJECT.

State the location and description of the project as precisely and as briefly as possible. Give the name of the project should one exist. If major structures are to be included, their approximate locations, lengths and types, if known, should be shown.

2. AGREEMENT

A. DESCRIPTION OF WORK TO BE DONE

1. Consultant Services

Detail based on the services to be furnished by the consultant nature and extent verified in the negotiations to make precise statements to eliminate subsequent uncertainties and misunderstandings. Describe acceptance criteria. Environmental documents should not be considered complete until final FHWA approval, such as a signed Categorical Exclusion, Finding of No Significant Impact, or published Record of Decision have been approved or completed by FHWA (refer to LPM, Volume III, Environmental Procedures).

2. Right of Way

State whether Right of Way requirements are to be determined and shown by the consultant; whether land surveys and computations with metes and bounds descriptions are to be made; and whether Right of Way plots are to be furnished.

3. Subsurface Investigations
State specifically whether or not the consultant has responsibility for making subsurface investigations. If borings or other specialized services are to be made by others under the supervision of the consultant, appropriate provisions should be incorporated. Archaeological testing and data recovery guidance can be found in LPM, Volume III, Environmental Procedures.
4. Local Agency Obligations
All data applicable to the project and in possession of the local agency or other agency or government that are to be made available to the consultant should be referred to in the agreement. Any other assistance or services to be furnished to the consultant should be stated clearly.
5. Conferences, Visits to Site, Inspection of Work
The agreement should provide for conferences as needed, visits to the site and inspection of the work by representatives of the State or FHWA. Costs incurred by consultants for meetings subsequent to the initial meeting shall be included in the fee.
6. Checking Shop Drawings
For agreements requiring the preparation of construction drawings, make provision for checking shop drawings. Payment for checking shop drawings by the consultant may be included in the contract fee or provision may be made for separate payment.
7. Consultant's Services During Construction
The extent, if any, of the consultant's services during the course of construction should be specified in the agreement, together with the method of payment for such services.
8. Number of Copies
The number of copies of papers or documents to be furnished, such as reports, brochures, sets of plans, specifications or Right of Way plots should be specified. Provision may be made for payment of additional copies.

B. TIME OF BEGINNING AND COMPLETION

A time must be set for beginning work under the agreement. Usually this is a given number of days after a letter of notification has been sent to the consultant. The time allowed for performing the work should be specified; it should be reasonable for the kind and amount of services contemplated; and it should be stated in the agreement. It is desirable that Critical Path Method (CPM) networks be prepared and incorporated into the contract by reference.

C. PAYMENTS

State the basis of payment for the services to be furnished should be stated. The services may be considered as a whole or by units. The agreement should establish a method of payment as the work progresses or as each unit is completed, and for final settlement after all work is delivered, accepted, and approved. The agreement should set a maximum limit on the total amount payable.

D. RECORD RETENTION

The agreement should state the period of time that the consultant's records will be retained for inspection by the State, FHWA, or their duly authorized representatives. This time period must be at least three years after final payment to the consultant (currently, records must be retained indefinitely for ongoing audits).

E. COST PRINCIPLES

The agreement must state that the Federal Acquisition Regulations in Title 48, CFR 31 are the governing factors regarding allowable elements of cost.

F. MISCELLANEOUS PROVISIONS

1. Covenant Against Contingent Fees

All Agreements for consultant services in which Federal funds are to participate shall contain the following clause:

“The Consultant warrants that he/she has not employed or retained any company or person, other than a bona fide employee working for the consultant, to solicit or secure this agreement, and that he/she has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or formation of this agreement. For breach or violation of this warranty, the Local Agency shall have the right to annul this agreement without liability, or at its discretion to deduct from the agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.”

2. Design Standards

The Agreement should include reference to the appropriate standards for design or other standards for work performance stipulated in the consultant agreement.

3. Documentation

Agreements, where appropriate, shall provide that the consultant document the results of the work to the satisfaction of the local agency and the State. This may include preparation of progress and final reports, plans, specifications and estimates, or similar evidence of attainment of the agreement objectives.

4. Ownership of Documents

The agreement should provide that tracings, plans, specifications, and maps prepared or obtained under the terms of the agreement be delivered to and become the property of the local agency, and that basic survey notes and sketches, charts, computations, and other data prepared or obtained under such agreement shall be made available, upon request, to the local agency without restriction or limitation on their use. When an agreement is for preliminary plans only, no commitment should be stated or implied that would constitute a limitation of the subsequent use of the plans or ideas incorporated therein for preparation of construction plans.

5. Patent Rights

Applicable patent rights provisions described in 41 CFR 1-9.1 regarding rights to inventions shall be included in Agreements as appropriate.

6. Copyrights
The local agency may permit copyrighting reports or other agreement products. If copyrights are permitted, the agreement shall provide that the FHWA shall have the royalty-free non-exclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the work for government purposes.
7. Changes in Work
The agreement should contain provisions that permit mutually acceptable changes in the scope, character, or complexity of the work if such changes become desirable or necessary as the work progresses. A method should be established for making adjustments to the basis of payment and to the time for performance of the work. Provision should be made for special cases where it is essential that the extra work be performed immediately with execution of a supplemental agreement covering the changes as soon as possible.
8. Delays and Extensions
The agreement should provide for appropriate extension of time in case of unavoidable delays and for consideration of corresponding warranted adjustments in payment.
9. Termination or Abandonment
A procedure covering, among other things, the ownership of work completed or partially completed, including the basis of payment, should be established in the event of termination of the agreement prior to completion of the work. Conditions for termination due to default and circumstances beyond the control of the contractor should be included.
10. Remedies
Provision(s) should be included allowing administrative, contractual, or legal remedies for violation or breach of contract terms, citing appropriate sanctions and penalties.
11. Disputes
The agreement should provide for a procedure to resolve any dispute concerning a question of fact in connection with the work not settled by agreement between the parties. Such procedures should conform to the practice followed by the local agency in resolving disputes in other contractual matters.
12. Responsibility for Claims and Liability
The consultant should be required to save harmless the local agency or other agency of government from all claims and liability due to his/her negligent acts or the negligent acts of his/her subcontractors, agents or employees.
13. General Compliance with Laws and Wage Rates
The consultant shall be required to comply with all Federal, State and Local laws and ordinances applicable to the work. This includes compliance with prevailing wage rates and their payment in accordance with California Labor Code, Section 1775.

14. Subcontractors, Assignment and Transfer
Consultant services are considered to be a personal relationship between client and principal; therefore, agreements in which participating Federal funds are furnished shall contain a clause expressly prohibiting the subcontracting, assignment or transfer of any of the work except as otherwise provided for in the executed agreement. All contracts shall provide that subcontracts exceeding \$25,000 in cost shall contain all required provisions of the prime contract.
15. Consultant's Endorsement on PS&E/Other Data
The responsible consultant/engineer shall sign all plans, specifications, estimates (PS&E) and engineering data furnished by him/her and where appropriate, indicate his/her registration number.
16. Disadvantaged Business Enterprise Considerations
Agreements for engineering and design: Consultants must give consideration to DBE Firms as specified in 23 CFR 172.5(e).

3. CONCLUSION

The concluding clause may be any one of the many accepted legal expressions commonly used for that purpose.

4. SIGNATURES

5. CERTIFICATIONS (see Exhibits G and H)

6. COST PRICE PROPOSAL (see Exhibit B)

CERTIFICATION OF LOCAL AGENCY

I HEREBY CERTIFY that I am the _____ of the _____ (local agency) _____, and that the consulting firm of _____ or its representative has not been required (except as herein expressly stated), directly or indirectly, as an express or implied condition in connection with obtaining or carrying out this Agreement to:

- (a) employ, retain, agree to employ or retain, any firm or person; or
- (b) pay or agree to pay, to any firm, person or organization, any fee, contribution, donation, or consideration of any kind.

I acknowledge that this Certificate is to be made available to the California Department of Transportation (Caltrans) in connection with this Agreement involving participation of Federal-aid Highway funds, and is subject to applicable State and Federal laws, both criminal and civil.

(Date)

(Signature)

CERTIFICATION OF CONSULTANT

I HEREBY CERTIFY that I am the _____ and duly authorized representative of the firm of _____ whose address is _____, and that, except as hereby expressly stated, neither I nor the above firm that I represent have:

- (a) employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above consultant) to solicit or secure this agreement; nor
- (b) agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out the agreement; nor
- (c) paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above consultant) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out this agreement.

I acknowledge that this Certificate is to be made available to the California Department of Transportation (Caltrans) in connection with this agreement involving participation of Federal-aid Highway funds, and is subject to applicable State and Federal laws, both criminal and civil.

(Date)

(Signature)

(Intentionally left blank)

PLANS, SPECIFICATIONS AND ESTIMATES

TABLE OF CONTENTS

- 1. Overview**
- 2. Method of Construction**
- 3. Metrication**
- 4. Plans**
 - 4.1 General
 - 4.2 Traffic Control Plans
- 5. Required Federal Contract Provisions (Form FHWA-1273)**
 - 5.1 General
 - 5.2 Use of Local Hiring Preferences
 - 5.3 Use of Convict Labor
 - 5.4 Nondiscrimination
 - 5.5 Nonsegregated Facilities
 - 5.6 Payment of Predetermined Minimum Wages
 - 5.7 Statements and Payrolls
 - 5.8 Record of Materials, Supplies, and Labor
 - 5.9 Subletting or Assigning the Contract (Subcontracting)
 - 5.10 Safety: Accident Prevention (Compliance with OSHA Regulations)
 - 5.11 False Statements Concerning Highway Projects (Poster Form FHWA-1022)
 - 5.12 Implementation of the Clean Air Act and Federal Water Pollution Control Act
 - 5.13 Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion
 - 5.14 Certification Regarding the Use of Contract Funds for Lobbying
- 6. Other Required Federal Contract Provisions**
 - 6.1 Buy America (Specification)
 - 6.2 DBE (Specification)
 - 6.3 Noncollusion Certification
 - 6.4 On-the-Job Training
- 7. Restricted Contract Provisions**
 - 7.1 Indian Preference On Federal-aid Projects
 - 7.2 Price Adjustment Clauses
 - 7.3 Bonding and Prequalification

8. Materials & Equipment

- 8.1 Publicly-Owned Equipment
- 8.2 Contractor-Purchased for Local Ownership
- 8.3 Convict-Produced Materials
- 8.4 Local Preferences

9. Force Account/Day Labor

10. Liquidated Damages

11. Experimental Work

12. Use of Standard Specifications

13. Preliminary Estimate

- 13.1 Nonparticipating Work
- 13.2 Contract Items
- 13.3 Local Agency Furnished Material
- 13.4 Supplemental Work
- 13.5 Contingencies
- 13.6 Federal Trainee Program
- 13.7 Estimates for Force Account/Day Labor

14. Bridge Review

15. Projects without Traditional PS&E

16. Local Agency Certification

Exhibits

- Exhibit A: Required Contract Provisions (Form FHWA-1273)
- Exhibit B: Certification for Debarment, Suspension, Ineligibility, and Voluntary Exclusion
- Exhibit C: Certification for Use of Contract Funds for Lobbying
- Exhibit D: Noncollusion Certification
- Exhibit E: Plans, Specifications and Estimate Certification Letter
- Exhibit F: Preliminary Estimate Form
- Exhibit G: Scope of Work CMAQ/TEA Projects

1. Overview

The preparation of the Plans, Specifications, and Estimates (PS&E) for Local Assistance projects is the responsibility of the local agency. Local agency sponsors will certify that their PS&E package complies with all applicable federal and state regulations and procedures. The certification form (See Exhibit E) will identify those items which require local agency compliance. Caltrans will review the local agency documents (with the exception of structure designs) only when a local agency specifically requests a cursory review.

The procedural instructions in this LPP reflect current federal requirements. They do not cover State laws and local regulations. Local agencies must comply with those in addition to meeting federal mandates.

2. Method of Construction

References:

23 U.S.C. 112(a)
23 U.S.C. 112(b)
23 CFR 635.104
23 CFR 635 Subpart B

Applicability:

Applies to all federal-aid highway construction projects

Guidance:

Construction contracts are to be awarded competitively to the lowest responsible bidder.

Exceptions:

Noncompetitive construction contracting may be approved under one of the following conditions:

- An emergency exists of such magnitude that work cannot be delayed.
- Only one organization is qualified to do the work.
- Competition is deemed inadequate after bidding solicitation.

Selection on a non-competitive basis must be thoroughly justified in writing and documented in the project files to be retained for future investigations. If force account/day labor is to be used, it must be carefully incorporated into the PS&E package (see Section 9).

3. Metrication

By 1995, the full conversion of the American Association of State Highway and Transportation Officials' (AASHTO's) *A Policy of Geometric Design for Highways and Streets* (Green Book) and *the Highway Capacity Manual* is expected. In addition, full conversion of data collection and reporting systems such as the Highway Performance Monitoring System (HPMS) and the National Bridge Inventory System (NBIS) is expected by 1995. After September 30, 1996, all PS&E's for construction projects must be metric. All standards currently in use will be converted.

Two ways to convert from English units to metric units are:

- "Soft " conversion—a direct mathematical conversion to an exact or nearly exact metric equivalent. A 12 foot lane would be 3.658 meters.
- "Hard" conversion—a rounded, rationalized, metric number that is convenient to work with and easy to remember. The hard conversion of a 12-foot lane is 3.6 meters.

The Federal Highway Administration (FHWA) offers training by way of the National Highway Institute (NHI) course called "Metric Training for Highway Agencies" for Caltrans and local agencies. AASHTO has developed *the Guide to Metric Conversion*. Caltrans also has a booklet, *Getting into Metrics* (December 1993), for more information.

4. Plans

4.1 General

References:

23 U.S.C. 106(b)(2)

Guidance:

Plans shall describe the location, design features, and construction requirements in sufficient detail to facilitate the construction, contract control and estimation of construction costs of the project.

The local agency may use the current edition of Caltrans' *Standard Plans* or their own standard plans, signed (with registration number) by the local agency's responsible person in charge who must be a California registered civil engineer. If the local agency wishes structures-review assistance from Caltrans, then Caltrans Standard Plans must be used.

The local agency may also use the Department's *Drafting and Plans Manual* as a guide to the preparation of contract plans. This manual is available from Caltrans' Central Publications and Distribution Unit, 1900 Royal Oaks Drive, Sacramento, California 95815, telephone 916/445-3520.

The title sheet must be signed (with registration number) by a responsible authority who is licensed as a professional civil engineer in the State of California. Additional local agency signatures are optional. Plans for projects advertised, awarded and administered by the local agency will not contain the State Engineer's signature, except as required for a state encroachment permit. Bridge or major structure plans shall be signed as specified in Section 14 "Bridge Review." The title sheet must show the federal-aid project number.

Other plan sheets (including typical section sheets) are to be signed by the person under whose direction the sheets were prepared. Signature of the sheets may be delegated to a California registered civil engineer employed or retained by the local agency to prepare the plans. The signer's signature, registration number and registration classification, e.g., "Registered Civil Engineer," must appear on all plan sheets.

The plans must reflect an intent to minimize soil erosion and water pollution resulting from construction operations as required by the Code of Federal Regulations (23 CFR 635.309i).

4.2 Traffic Control Plans

References:

23 U.S.C. 630.1010(a)(2)

Guidance:

A "traffic control plan" is a plan or procedure for handling traffic through or around a specific highway or street work zone, or project, to provide safety for the motorist and workers. A traffic control plan shall be developed for each project and shall be included in the PS&E. The degree of detail in the traffic control plan will depend on the complexity of the project and the degree to which traffic interferes with construction activity.

A traffic control plan must be developed specifically for each construction project and must be consistent with the *Standard Plans* and the *Manual of Traffic Controls for Construction and Maintenance Work Zones* published by Caltrans, or the *Work Area Traffic Control Handbook* published by Building News, Inc., of Los Angeles.

Caltrans uses the following guidelines to establish the scopes of traffic control plans for State highway projects:

- For expressway work requiring lane closures or shifting of traffic, drawings are required. (A standard plan sheet has been developed for such lane closures).
- For conventional multi-lane highways, where widening or reconstruction requires lane closures or shifting traffic for stage work, drawings are preferred. The state's "Standard Plan Sheet" shows a typical lane closure.

- For resurfacing and minor repair or reconstruction work on two-lane highways requiring one-way traffic control, a reference to standard plans or a manual is adequate for most projects. Where special problems are apparent, additional special provisions may be written (e.g., restricting hours of lane closures, etc.) and a plan showing the placement of signs, positioning of flagmen, etc., may be added provided the plan does not reduce the established standards.

The scope of the traffic control plan should be determined during the preliminary design phase of the project.

Provisions may permit contractors to develop their own traffic control plans and use them if the local agency finds that these plans are better than those provided in the PS&E.

Any changes to the traffic control plans contained in the approved PS&E must be reviewed and approved by the local Agency's resident engineer, if registered, or at a higher level as required to satisfy the need for registration.

The PS&E should include the method of payment for providing, installing, moving, replacing, maintaining, and cleaning traffic control devices required by the Traffic Control Plan. Suitable force account procedures may be utilized for traffic control items. Lump-sum method of payment should be used only on very small projects, projects of short duration, contingency and general items. Payment for traffic control items incidental to other items of work should be discouraged.

All persons responsible for the development, design, implementation and inspection of traffic control shall be adequately trained. Local agency engineers should contact Caltrans Local Assistance for information concerning the availability of state-conducted training.

5. Required Contract Provisions (Form FHWA-1273--See Exhibit A)

5.1 General

References:

23 U.S.C. 114
23 U.S.C. 315
23 CFR 633
49 CFR 1.48

Guidance:

Exhibit A, referred to as FHWA Form 1273, is a package of all required provisions that must be included as provisions on federal-aid projects. They apply to all contracts and subcontracts and must be physically incorporated into each subcontract and subsequent lower-tier subcontracts. They may not be incorporated by reference. Failure to comply with this requirement represents a grounds for contract termination or withdrawal of

federal funds. In addition, failure to incorporate the form into subcontracts may cause debarment.

The FHWA Form 1273 package is not required for projects on roads functionally classified as *local roads or rural minor collectors*.

Payment of predetermined prevailing wage and payroll submittals are required by the U. S. Department of Labor programs. Disputes shall be resolved using local agency, U. S. Department of Labor procedures.

5.2 Use of Local Hiring Preferences

References:

23 CFR 635.117(b)

Guidance:

This provision requires that the contractor shall not discriminate against labor from any other state. The local agency may not include provisions for preferences to hire locally on any federal-aid contract.

5.3 Use of Convict Labor

References:

23 U.S.C. 114(b)

Guidance:

Construction work shall not be performed by convict labor within the site boundaries of any federal-aid highway construction project. An exception is "labor performed by convicts who are on parole, supervised release, or probation." The use of convict labor restricts competition because the labor rates are below market costs or force account rates. A person on a daily-release program could be eligible to work on a federal-aid project if that person was employed by the contractor and was being paid at least minimum prevailing wage.

5.4 Nondiscrimination

References:

23 USC 140, 23 USC 324, 23 CFR 200, 23 CFR 230 A&D,
28 CFR 35, 29 CFR 1630, 41 CFR 60, 49 CFR 21, 49 CFR 23,
The Civil Rights Act of 1964
The American Disabilities Act 1990

ReengineeringApplicability:

Applies to all federal-aid construction contracts and to all related subcontracts of \$10,000 or more.

Guidance:

Nondiscrimination provisions prohibit discrimination because of race, color, religion, sex, national origin, age or disability. This applies to the contractor's employment, solicitations, selection of subcontractors and procurement of materials. Contractors are required to have an Equal Employment Opportunity (EEO) policy that provides affirmative action in employment; a designated EEO officer to administer the EEO program; and posted notices or posters containing EEO information. The contractor should not discriminate in recruitment and is required to review the project sites, wages and personnel action for compliance with EEO policy. The contractor is required to notify employees regarding available training and provide opportunities for the improvement of skills of minorities and women. The contractor should cooperate with the union to incorporate EEO clauses.

Non-compliance with the EEO specifications may be a breach of contract. Payment may be withheld or the contract canceled. The local agency must have a staff to conduct reviews and make noncompliance determinations.

5.5 Nonsegregated FacilitiesReferences:

23 CFR 633A

Applicability:

Applies to all federal-aid construction contracts and to all related subcontracts of \$10,000 or more.

Guidance:

Under the contract, the organizations and firms, subcontractors and suppliers shall certify that they maintain nonsegregated facilities to conform to requirements of 41 CFR 60.1.8. The only exception to the nonsegregated facilities provision is access for the disabled.

5.6 Payment of Predetermined Minimum WagesReferences:

23 USC 113, 40 USC 276 (a) Davis Bacon & (c) Copeland Act
23 CFR 633 Subpart A
23 CFR 635.124
23 CFR 635.309
29 CFR 1,3,5

Applicability:

Applies to all federal-aid construction contracts exceeding \$2,000 and all related subcontracts, except for projects located on roadways classified as local roads or rural minor collectors, which are exempted (in such cases, Section IV on FHWA Form 1273 should be crossed out, removed, or it should be specified elsewhere in the contract that they do not apply.).

Guidance:

Davis-Bacon Act of 1931 was enacted to prevent contractors from importing cheap labor from outside the area. The Department of Labor enforces these statutes and determines the prevailing wage rates. The rates are determined by a review of payroll or a survey based on wage data from active projects. Notice of wage-rate decisions are published in *the Federal Register* and mailed to subscribers through a user-fee supported service. The contractor and subcontractors should pay employees at least the minimum wage and fringe benefits specified for the classification of work performed. The local agency is responsible for including the wage rate in the federal-aid contract.

All employees are to be classified with a wage-rate determination set by the Department of Labor. There are provisions for fringe benefits and requirements for paying less than the full wage rate for apprenticeships and trainee programs. Apprenticeship and trainee programs are subject to other Department of Labor requirements.

The State has the authority to withhold funds from the progress payment to the prime contractor in order to pay employees and the subcontractor full wages. The contractor is required to pay overtime at one and one half times the employee's basic pay rate for hours worked in excess of 8 per day. Liquidated damages may be held for days which the contractor did not pay overtime. The State can enforce the withholding of \$10 per day against the contractor or subcontractor for each underpaid employee. Other actions such as termination of the contract or legal action may be enforced if there are any serious violations of the contract.

5.7 Statements and Payrolls

References:

23 CFR

Applicability:

Applies to all federal-aid construction contracts exceeding \$2,000 and all related subcontracts, except for projects located on roadways functionally classified as local roads or rural minor collectors, which are exempted (in such cases, Section IV on FHWA Form 1273 should be crossed out, removed, or it should be specified elsewhere in the contract that they do not apply).

Reengineering

Guidance:

Under the Copeland Act, workers are protected from paybacks to employers. Form FHWA 1273 addresses the Copeland Act. The contractor and subcontractors must furnish weekly certified payroll statements so that the Davis Bacon requirements can be verified.

5.8 Record of Materials, Supplies, and LaborReferences:

23 CFR 635.126

Applicability:

This section does not apply to projects off the National Highway System (NHS) in which case Section VI on Form FHWA-1273 should be crossed out, removed or it should be stated elsewhere in the contract that it does not apply.

5.9 Subletting or Assigning the Contract (Subcontracting)References:

23 CFR 126

Applicability:

This federal requirement does not apply to projects off the NHS in which case Section VII should be crossed out, removed or it should be stated elsewhere in the contract that it does not apply. Conformance with state public contract law regarding subcontracting shall be provided elsewhere in the contract provisions.

5.10 Safety: Accident Prevention (Compliance with OSHA Regulations)References:

40 USC 333, 23 CFR 635.108, and 29 CFR 1926

Applicability:

Applies to all federal-aid construction contracts.

Guidance:

Safety concerns and responsibilities are presented in the *An Informational Guide on Occupational Safety* (AASHTO, 1972). The contractor must comply with all federal, state, and local laws governing health, safety, and sanitation. The contractor must protect the life and health of employees and safety of the public and property. Laborers and mechanics should not be allowed to work under unsanitary or hazardous conditions as determined by safety standards. The Department of Labor has right of entry to any

site of a contract for inspection or investigation of safety standards. The local agency must enforce the state safety standards, report violations, and provide cooperation.

5.11 False Statements Concerning Highway Projects (Poster Form FHWA-1022)

Applicability:

Applies to all federal-aid construction contracts.

Guidance:

The use of false statements is a felony. False claims for the purpose of obtaining payments against federal funds is subject to a \$2,000 fine per each violation. Willful distortion, or misrepresentation of any facts related to the project violates federal law and requires that the "false statements" poster, Form FHWA-1022 be posted on the project site. Copies of the poster may be obtained through Caltrans or FHWA Offices.

5.12 Implementation of the Clean Air Act and Federal Water Pollution Control Act

References:

23 CFR 633A

Applicability:

Applies to all federal-aid construction contracts and to all related subcontracts of \$100,000 or more.

Guidance:

Concrete or asphalt plants used in construction are required to meet air or water quality standards of the Clean Air Act or Federal Water Pollution Control Act. A "List of Violating Facilities" is in the *Federal Register*. Changes to this list is published weekly in the *EPA Environmental News*.

The "List of Violating Facilities" consists of the following sublists:

1. Violating facilities of the Clean Air Act (mandatorily listed), and
2. Facilities that are or have been in recurring noncompliance with clean air or water standards and have one or more of the following:
 - A conviction under the Clean Air Act under Section 113(c)(2).
 - Any injunction or judgment including consent decrees or other forms of civil ruling by a federal, state, or local court issued because of noncompliance with clean air and water standards.

- A criminal conviction by a state or local court based on noncompliance of the clean air or water standards.
- Violation of an administrative order issued under Sections 113(a),(d), 167, or 303 of the Clean Air Act or Section 309(b) of the Clean Water Act due to noncompliance.
- A Notice of Noncompliance issued by EPA under Section 120 of the Clean Air Act.
- An enforcement action filed by EPA in federal court under Sections 113(b), 167,205, or 211 of the Clean Air Act or Section 309(b) of the Clean Water Act due to noncompliance with standards.

Form FHWA 1273 (See Exhibit A) implements EPA regulations which prohibit the use of violating facilities on contracts. Under this provision, the contractor certifies that the facilities are not under consideration for inclusion on the EPA list. The contractor is required to inform the local agency of any notification from EPA showing that the facility may soon be on the list.

5.13 Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion (See Exhibit B)

References:

49 CFR 29

Applicability:

Applies to all federal-aid construction contracts and to all related subcontracts of \$25,000 or more.

Guidance:

The contractor and participants must certify they are in compliance with the above provision. Subcontractors, material supplier, and vendors are included. Each participant in the contract must certify "that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal agency and they have not been convicted or had civil judgment rendered within the past 3 years for certain types of offenses." A list of suspended and debarred parties excluded from all federal contracts is provided by the State to ensure that federal-aid highway projects are not awarded to those parties.

5.14 Certification Regarding the Use of Contract Funds for Lobbying (See Exhibit C)

References:

23 CFR 635.112(g)
49 CFR 20

Applicability:

Applies to all federal-aid construction contracts and to all related subcontracts of \$100,000 or more.

Guidance:

Federal funds may not be used to provide financial gain to a member of Congress or a federal agency. Awarding a federal-aid contract to a constituent would be an example of financial gain. This applies to contractors as well as subcontractors. A certification that the contractor has not or will not make any payments for lobbying must be included in the provisions. Payments of non-federal funds to any lobbyist must be disclosed.

6. Other Required Contract Provisions

6.1 Buy America (Specification)

References:

23 CFR 635.410
STAA Section 165
ISTEA Section 1041(a)
ISTEA Section 1048(a)

Applicability:

Applies to all federal-aid highway construction projects.

Guidance:

The current regulations require that steel and iron used in federal-aid projects be made in the United States. All foreign steel and iron materials are covered by the "Buy America" provision regardless of the percentage of steel in the manufactured product. All manufacturing processes involved in steel or iron products must occur within the US. These processes include rolling, extruding, machining, bending, grinding, drilling, coating and smelting. Domestically-produced steel billets or iron ingots shipped overseas for any process and returned to the US do not conform to this requirement. Buy America does not apply to:

- Minimal use of foreign material in which the delivery cost to the project site is less than \$2500 or 0.1 percent of the contract amount, whichever is greater;

- Raw materials; scrap temporary steel items such as sheet pilings, bridges, steel scaffolding and falsework; or
- Materials that remain in place at the contractor's convenience such as sheet pilings and forms.
- Pig iron manufactured outside the United States

A local agency shall not list an ineligible iron or steel product as "nonparticipating" in order to circumvent the Buy America requirements

Waiver:

A waiver of the Buy America requirements by the Regional Federal Highway Administrator is permitted for specific projects, specific products, specific geographical areas, or combinations if the following occur:

- Buy America is inconsistent with the public interest, or
- There are not sufficient supplies of domestic materials of satisfactory quality available.

Waiver requests covering more than one region should be submitted to Caltrans for transmittal to the FHWA Division Administrator. A minimum of six months lead time should be provided to permit adequate FHWA review. Approval authority for waiver of Buy America requirements has not been delegated from FHWA to Caltrans and therefor is not delegated to the local agencies..

6.2 DBE (Specification)

References:

49 CFR 23
49 CFR 21
23 USC 140(b)
23 CFR 200 & 230

Applicability:

Applies to all federal-aid highway construction projects.

Guidance:

Since the passage of Title VI of the 1964 Civil Rights Act, all federal-aid projects are subject to the legislative and regulatory Disadvantaged Business Enterprise (DBE) requirements. The main objective is to ensure that DBE firms can participate in federally-funded projects. Additional information regarding DBE contract goals can be found in Attachment 4, Disadvantage Business Enterprise and Attachment 8 Contract Administration.

Contracts which do not contain specific goals shall contain special provisions stating that it is the local agency's policy to comply with Part 23 of Title 49, Code of Federal Regulations (CFR), and specifying the contractor's obligation under these regulations.

6.3 Noncollusion Certification – (See Exhibit D)

References:

23 USC 112
CFR 635.112(f)

Applicability:

Applies to all federal-aid highway construction projects.

Guidance:

The noncollusion certification protects the integrity of the federal-aid highway program and serves as a tool in prosecuting construction-contract bid rigging cases. A noncollusion certification (Exhibit D) is required from all bidders as part of the bid proposal package. Failure to submit the certification will render the bid ineligible for award.

6.4 On-the-Job Training (See Exhibit A— Form FHWA 1273)

References:

23 CFR 230.111

Applicability:

Applies to selected federal-aid, highway construction projects.

Guidance:

The objectives of the On-the-Job (OJT) Program are to:

- Provide training for women and minorities which will upgrade their job skills—increasing their access to higher-paying trade jobs and journeyman-level positions, and
- Ensure that a diverse work force will meet future labor needs in the construction industry.

A majority of training positions on each project must be for women and minorities.

If a contractor cannot meet the OJT objectives, direct recruitment efforts must be documented to show an effort at OJT compliance.

The major components of the OJT program are:

- The local agency should include the federal-requirement, training special provisions in the PS&E package if the project size and duration warrant an OJT program. (See Exhibit A)
- The local agency should select contracts that contribute to the "Contract Training Goals." These contracts must show the number of trainees, the number of trainees upgraded to journeyman, and the level of skills.
- The local agency will review the training programs proposed by contractors. Approval or rejection will be based on the legitimacy of the job-skill classifications proposed and the number of training hours specified.
- Caltrans must determine if statewide OJT is effective.
- The contractor is responsible for recruitment and selection of trainees.
- The contractor must evaluate training based on an approved training program.
- The contractor must report the number of trainees and jobs using Form 1391.
- Caltrans submits Form HCR - 10 to the Office of Civil Rights.

OJT provision costs are reimbursed by FHWA out of Intermodal Surface Transportation Act (ISTEA) funds. Training special provisions may be funded at \$0.80/hour, or the training program can be a bid item with the same reimbursement ratio as the construction project. The OJT support services include recruiting, counseling, remedial training, and OJT program administration by others.

Sanctions:

If the contractor does not show a good faith effort to provide acceptable training to the number of trainees specified, a sanction may be applied. Sanctions may include withholding progress payments if effective on-the-job training is not provided.

7. Restricted Contract Provisions

7.1 Indian Preference On Federal-aid Projects

References:

23 USC 140
23 CFR 635.117

Applicability:

Applies to all federal-aid highway construction projects.

Guidance:

Local agencies may not use local hiring practices. However, the passage of ISTEA permits an Indian employment preference provision for federal-aid projects on or near Indian reservations or Indian lands. Roads near an Indian reservation are those within a reasonable commute to and from the reservation. Indian preference shall be applied without regard to tribal affiliation or place of enrollment.

In setting employment goals, consideration should be given to the potential employment requirements of the contractor and core-crew. A contractor shall not layoff or terminate a core-crew employee to meet a preference goal. Any sanctions for failure to meet employment goals should be included as part of the contract.

Many tribes have a Tribal Employment Rights Office (TERO) tax which applies to contracts performed within the reservation boundaries. FHWA will reimburse any local tax as long as it does not single out federal-aid highway construction contracts. TERO's can bill contractors for services rendered during recruitment and related support services. These fees are not eligible for federal participation. If part of a project is not within the reservation boundaries, the TERO tax shall not apply that portion. "On" and "off" reservation portions of the project should be clearly indicated in order to avoid over-payment.

7.2 Price Adjustment Clauses

Applicability:

Applies to all federal-aid highway construction projects.

Guidance:

Price adjustment clauses may be implemented under the following conditions:

- Material costs are extremely volatile;
- Suppliers are unable to provide a price quote for the full term of the contract;
- Price quotes are subject to delivery or market conditions; or
- Shortages are expected.

These clauses should be limited to materials whose price volatility which may effect the contract prices. The standard should be quantifiable and set out in the contract specifications. This standard should represent a price or base index such as the consumer price index. Published price data may be found in the Bureau of Labor Statistics: *Producer Price Indexes*, *Engineering News Record*(weekly), or any number of oil-related publications.

Some concepts for developing price adjustment clauses are:

- The price adjustment doesn't need to be a standard specification unless shown in the bid proposal.

Reengineering

- Both upward and downward adjustments should be calculated.
- A significant change in the index should trigger a price adjustment.
- The basis of payment should cover price adjustment clauses.
- The contractor should not have an option to accept or reject a price adjustment compensation and the compensation should be automatically incorporated in progress- and partial-payment computations.
- The compensation should not be based on actual invoiced receipts
- Upward price adjustments should not be allowed after the contract time has expired.

When a local condition warrants it, price adjustment clauses should be:

- Considered for projects which will exceed nine months duration from bid opening to completion
- provided for all price volatile materials which affect the unit costs of the major items of work on single season contracts, and
- provided for all price volatile materials and supplies for multiple season contracts.

When fuel prices are volatile a price adjustment clause may be needed. This may occur on projects that are fuel intensive such as excavation, embankment, aggregate hauling and paving.

7.3 Bonding and Prequalification

References:

23 CFR 635.110

Applicability:

Applies to all federal-aid highway construction projects, except for the following requirements which are not applicable to exempt non-NHS projects:

Guidance:

Bonding is grouped into three classifications which are:

- Bid bonds—consisting of a bond, certified check or negotiable instrument submitted with the bid as assurance that the bidder will execute the contract within a specified time;

Reengineering

- Performance bonds—executed with the contract to assure the contractor's obligations under the contract; and
- Payment bonds—executed in connection with a contract to assure payment, as required by law, to all persons supplying labor and material in the contract.

Prequalification is defined "as a means of predetermining job experience and work capacity and is used to identify those who may accept a bid."

The FHWA does not require implementation of procedures or requirements for prequalification, bonding, or licensing on federal-aid projects. However, if the local agency has such procedures or requirements they must conform to the FHWA's competitive bidding policy as follows:

- No procedure or requirement for bonding, insurance, prequalification, qualification, or licensing of contractors shall be used which may operate to restrict competition, to prevent submission of a bid by, or to prohibit consideration of a bid submitted by any responsible contractor, whether resident or nonresident of the state wherein the work is to be performed.
- No contractor shall be required to obtain a license before the submission of a bid or before the bid may be considered for award of a contract.

8. Materials & Equipment

8.1 Publicly-Owned Equipment

References:

23 CFR 635.106

Applicability:

Applies to all federal-aid highway construction projects.

Guidance:

Publicly-owned equipment should not normally compete with privately-owned equipment on a project going out for bid. Publicly-owned equipment may be justified by an exception and be a participating item for federal funds if:

- The PS&E submittal provides for the proposed use, and
- The specifications indicate the equipment available, the rates and delivery point, and
- The specifications include the provision that the contractor shall have the option of renting all or part of the necessary equipment or provide the equipment.

Public agencies shall not benefit from the rental of its own equipment and rental rates must be competitive. In force account work the rates may be an agreed unit price or actual cost. The equipment may not need to be included in the estimate. The estimate should include a schedule of rates charged for use of publicly owned equipment.

8.2 Contractor-Purchases for Local Ownership

Applicability:

Applies to all federal-aid highway construction projects.

Guidance:

Equipment purchased by the local agency or by a contractor with ownership transferred to the local agency for construction engineering (CE) is not a participating item for federal-aid. Only the portion of the amortized cost attributable to the time the equipment is used on a federal-aid project will be accounted for as CE and participating.

8.3 Convict Produced Materials

References:

23 USC 114(b)(2)
23 CFR 635.417

Applicability:

Applies to all federal-aid highway construction projects.

Guidance:

Materials produced by convict labor after July 1, 1991 may be used on federal-aid projects if:

- materials have been produced by convicts on parole, supervised release, or probation from prison;
- material has been produced in a qualified prison facility and the amount produced during any 12-month period does not exceed the amount produced during the 12-month period ending July 1, 1987.

These materials will not be given preferential treatment and are subject to the same requirements as materials from other sources. The contractor furnishes all materials through the contracting procedures and selects either public or private sources of materials. Prison Industries may not bid directly on projects but may serve as a material supplier to contractors.

8.4 Local Preferences

References:

23 CFR 635.409
23 U.S.C. 112

Applicability:

Applies to all federal-aid highway construction projects.

Guidance:

This policy applies to local preference actions against materials of foreign origin unless permitted by federal law. Materials produced within a state or local area shall not be favored over comparable materials produced outside of the state or local area. Also, in-state material sources cannot be given preference over foreign materials. State preference provisions are not allowed on federal-aid project contracts.

9. Force Account-Day Labor

References:

23 CFR 635.104(a & b)

Applicability:

Applies to all federal-aid highway construction projects.

Guidance:

Title 23 Part 635 of the Code of Federal Regulations (CFR) states, "Actual construction work shall be performed by contract awarded by competitive bidding..." This requirement applies whenever an agency's project is financed fully or in-part with Federal-aid funds.

The CFR defines force account as the direct performance of construction work by a local agency, a railroad, or a public utility, using labor, equipment, materials and supplies furnished by them and used under their direct control. Payment is based on the actual cost of labor, equipment, and materials furnished with consideration for overhead and profit. Performance of work by force account should be considered an exception to the normal contract method of competitive bidding. Each local agency must, when considering performance of work by force account, look to its Charter and applicable State Code(s).

The following circumstances may justify the use of force account:

- When the rights or responsibilities of the community are so affected as to require a special course of action, including situations where there is a lack of competition or unreasonable bids and it is found to be cost effective.
- When the inherent nature of the operation, deems it cost-effective to do so for minor adjustments of railroad and utility facilities. Major work still must be accomplished by competitive bidding. The use of force account in these circumstances must have been predetermined to be cost-effective.
- When a major element or segment of the highway system has failed and the situation is such that competitive bidding is not possible or is impractical because immediate action is necessary to minimize the extent of the damage, to protect remaining facilities, or to restore essential travel.

Certification

When a local agency plans to incorporate force account into the PS&E for a federally-financed project, it must document the justification in writing and it must be approved by the City/County Public Works Director. If the Director of Public Works is not registered as a California Civil Engineer, the approval can be delegated to the City/County Engineer or the highest level registered engineer in the agency who is.

The justification must include the following:

- Identification and description of the project and the kinds of work to be performed.
- Comparison of detailed cost estimates of work by force account versus contract.
- Estimate of Federal funds to be provided based on the reimbursement ratio of the qualifying costs.
- Reason(s) why the use of Force Account is considered to be cost effective or an emergency.
- Certification as noted above

Documentation

Precise documentation of actual force account work is essential. The information listed below must be included;:

Personnel

- Time sheets.
- Salaries and payrolls.

Reengineering

- Foreman's reports.

Materials

- Invoices for materials and supplies, and for any special services.
- Cost of producing materials supplied by the local agency.

Equipment

- Time and cost for using equipment owned by the local agency.
- Time and rates for using rented equipment.

Cost records and documentation must be kept for at least three years after the Federal government completes final vouchering of the project.

10. Liquidated Damages

References:

23 CFR 630.305

Applicability:

Applies to all federal-aid highway construction projects.

Guidance:

Federal law requires the provision for liquidated damages on all federal-aid projects.

Liquidated damages are based on the estimated cost of field construction engineering. In special cases, liquidated damages greater than the estimated field construction engineering cost may be specified, provided that detailed reasons are given to support the greater amount. In all cases, calculations should that support the recommended rate. Liquidated damages are not to be used as disincentives or incentives to encourage timely completion.

Local agencies should use the following formula to avoid excessive liquidated damages:

$$\frac{L\% \text{ (See Table Below)} \times \text{Total Estimate}}{\text{Working Days}} = \text{Liquidated Damages}$$

LIQUIDATED DAMAGES FACTOR (L%)

Project Estimate	Project Type		
	Resurfacing*	New Align Highway	Others
Over \$5 million	3%	3%	3%
\$500,000 - \$5 million	3%	5%	5%
\$200,000 - \$500,000	3%	9%	7%
Less Than \$200,000	5%	9%	7%

* Resurfacing projects include Asphalt Concrete(AC) Surfacing, seal coats, slurry seals, etc.

Except when the minimum liquidated damages apply as provided herein, the calculated liquidated damages should be rounded up as follows:

Calculated Liquid Damages	Round Up
<\$500	\$25 increments
\$500-\$1000	\$50 increments
>\$1000	\$100 increments

If the local agency uses an alternate method to determine liquidated damages for locally funded projects, it may be used on federal-aid projects as long as it avoids excessive charges. The local agency should have a liquidated damage calculation in the project files.

11. Experimental Work

Although such happenings are infrequent, a local agency may wish to include an experimental feature in their project or may be required to do so in order to receive federal funds. An experimental feature is a material, process, method, equipment item, traffic operational device or other feature that has not been sufficiently tested under actual service conditions to merit acceptance without reservation in normal highway construction.

Caltrans and the FHWA should be notified if experimental work is contemplated. An application package for "Construction-Evaluated" (C-E) projects is available from the Office of Project Planning and Design, Value Engineering Resource Conservation Branch (VE/RC) at Caltrans Headquarters. The application package includes specific guidelines and a sample work plan. The local agency must prepare a work plan that includes a description of the experimental and/or evaluation feature objectives, measurements to be made, time frames, reporting methods, cost estimates, post construction inspections and evaluations, and final recommendations. The work plan should also include the name and phone number of the principal investigator to be contacted should there be any questions regarding the experimental work.

The normal procedure is to include the work plan when the local agency requests Authorization to Proceed with Construction. Upon receipt of the workplan, Headquarters VE/RC Branch will complete the FHWA Form-1461 and submit the package to the FHWA for approval.

It should be emphasized that an evaluation of the constructability and performance of the experimental work is critical. These evaluations shall be conducted by a qualified person from either the local agency or outside over a period of several years (generally a minimum of three years). When it becomes apparent that additional information or experimental value is unlikely to be gained, the local agency shall prepare and forward a Final Report to Caltrans. The construction, performance, and final reports are then submitted to the VE/RC Branch. The VE/RC Branch then completes a Form FHWA 1461 and submits it with the report to the FHWA and to any interested Caltrans units.

Experimental features, if minor in nature and scope, may also be included in ongoing projects by submitting the work plan with a contract change order. Ample time should be allowed for the work plan to be processed through the VE/RC to the FHWA for approval.

12. Use of Standard Specifications

References:

23 U.S.C. 106(b)(2)

Guidance:

The local agency may use the current edition of Caltrans' *Standard Specifications*, the current, approved *Standard Specifications for Public Works Construction* (commonly referred to as "the Green Book") or their own standard specifications. The use of any of these standard specifications is subject to the condition that in the event any conflict arises between the standard specifications and the provisions or requirements of applicable Federal statutes, the regulations for the administration of Federal-aid for Highways, or the policies and procedures promulgated by the Federal Highway Administration for carrying out the provisions and purposes of the Federal laws and regulations, the latter shall apply.

13. Preliminary Estimates (See Exhibit F)

A "Preliminary Estimate" must be prepared for all federal-aid projects and is based on the engineer's estimate. Contract quantities are segregated by major construction categories (Exhibit 10-F). Further, any items of work in each category which are ineligible for federal participation must be segregated from other items of work in that category. This estimate must be prepared by the local agency prior to advertisement of the project for bids (see Attachment 1, Project Authorization)

13.1 Nonparticipating Work

Work which is not within the limits of the federal-aid project must be segregated under a category called "Not Part of Federal Project" for purposes of the preliminary and detail estimates (work funded by others is most generally nonparticipating).

Work within the federal-aid project limits, but ineligible for federal funding, is referred to as "nonparticipating work." Items considered "nonparticipating work" include but are not limited to the following:

- Experimental work without an approved work plan.
- Betterment work such as capital outlay, safety improvements, or operational improvements that goes beyond restoring a site to its original condition (for emergency relief work).
- Right-of way obligations when right-of-way is nonparticipating.
- Maintenance related activities.
- Spare parts not incorporated in the work.

The above work must also be identified and segregated for the purposes of the preliminary and detail estimates.

Quantities for each structure shall be shown separately with an appropriate structure code. Miscellaneous work, such as utility adjustments by a utility company, shall also be separate. Nonparticipating work outside the limits of the federal-aid project must be segregated.

13.2 Contract Items

In order to determine which contract items should be included in the preliminary estimate, the work is broken down into the basic types of construction, such as excavation, concrete and steel. Each type and each classification of a type of construction comprises one bid item. Each contract item must be measured accurately. After October 1996, metric units must be used for all items of work.

When practical, work that may be performed by a different subcontractor should also be segregated into separate contract items.

The list of contract items should be analyzed to be sure that all phases of the work are included in the estimate. Care should also be taken to ensure that there is no overlap of contract items, which could result in a duplication of payments.

The "Coded Contract Item List," published by Caltrans, may be used by the local agency with or without the item code number. The contract item list should be used if the local agency is using Caltrans' *Standard Specifications*, as the items are matched with the specifications (see authorization to proceed in Attachment 1).

13.3 Local Agency Furnished Materials

Local agency furnished materials are a part of the total cost of the project and should be subtotaled and included in the total project cost.

To be eligible for Federal participation in its cost, any material other than local natural materials, to be purchased by the local agency and furnished to the contractor for mandatory use in the project, must have been acquired on the basis of competitive bidding, except when there is a finding of public interest justifying the use of another method of acquisition. The unit cost eligible for Federal participation will be limited to the unit cost of such material to the local agency.

13.4 Supplemental Work

"Supplemental work" is work that is anticipated and required but cannot be described and quantified for delivery on a unit-price or lump-sum basis.

Such work must be included in the project estimates and should follow the "Subtotal Contract Items." Supplemental work should include extra work, additional work, right-of-way obligations, traffic control (if required) or other work to be performed by the contractor and charged to the contract work order. Supplemental work can be listed and included in the total project cost, or included in the contingencies section of the estimate.

For additional information on the use of supplemental work as an item of work, refer to Caltrans' *PS&E Guide*, available from the Caltrans Publications Distribution Unit.

13.5 Contingencies

Estimates may include an amount up to five percent of the total estimate for contingencies. The maximum contingency limit for Highway Bridge Replacement and Rehabilitation (HBRR) projects is determined annually by the HBRR Steering Committee. Contingency amounts should be adjusted to give the total contract a round number.

13.6 Federal Trainee Program (also see Section 6.4)

Preliminary estimates for federal-aid projects may include an estimated amount for the Federal Trainee Program. It is up to the local agency to establish the number of trainees on each project. As a general guideline, allow \$800 for each trainee. The project must be a major construction project, with funding greater than \$500,000 and an estimated contract time of at least 100 working days.

13.7 Estimates for Force Account/Day Labor

If force account/day labor is to be included in the project, it must be listed in the estimate as a separate item. Such work must be justified and documented as described in Section 9.

14. Bridge Review

When a bridge or major structure is involved in a local agency project, the local agency may request a cursory review of the structural designs by Caltrans' Division of Structures, Local Assistance. Caltrans' review and comments will be advisory only. If requested, Caltrans' decision to review structural plans will be based on:

- Experience of local agency staff;
- Complexity of project, type of structure;
- Availability of Caltrans staff.

If the local agency requests a cursory review, they must submit checked plans to Caltrans' Division of Structures. The checker's signature or initials must appear on each sheet of the structure plans. Unsigned plans will be returned to the local agency. The project special provisions and engineering reports must have the engineer's signature and registration number on the title sheet.

When transmitting the project documents to the Division of Structures for review, the District must identify the following:

- Agency advertising the project;
- Estimated advertising date;
- Type of funding; and
- Expenditure authorization number on State-advertised projects.

The following schedule should be followed when submitting the structure design documents for review by the Division of Structures. The figures shown below represent the minimum number of copies required.

<u>Document Submitted</u>	<u>Number Required</u>
Plans (reduced or full size prints)	3
Special provisions (for bridge portion)	3
Hydraulic report	2
Foundation report	2

15. Projects Without Traditional PS&E

Some ISTEA projects such as Congestion Mitigation and Air Quality (CMAQ) and Transportation Enhancement Activities (TEA) may consist of studies. Examples include: Traffic Demand Management (TDM) studies relating to regional air quality, ride sharing, commuter incentives and commuter computer centers.

These projects will not have a set of plans or PS&E, but may only consist of a consultant contract agreement. The local agency shall submit the following to DLAE (See Exhibit G):

Reengineering

- Workplan.
- Budget, with schedule.
- Consultant agreement.
- Request for Authorization form prior to consultant approval.

Unlike the traditional PS&E, these studies are submitted for preliminary engineering, only. The project workplan, budget, and consultant agreement are submitted in lieu of PS&E and a detailed estimate. If the project is part of a regional study done by a Metropolitan Planning Organization (MPO), then the local federal-aid portion of the workplan must be segregated to show the project costs associated with each local agency.

16. Local Agency Certification

The local agency must submit a PS&E certification letter (See Exhibit E), along with a "Request for Authorization" (which is the notice to proceed with construction) as part of the PS&E package which is sent to the DLAE. The certification letter must be signed by the local agency engineer in charge of the project. This person must be a professional civil engineer registered to practice in California, and either a public employee or a consultant on retainer as the City/County Engineer.

In the letter, the local agency certifies that the PS&E has been prepared in accordance with *the Local Programs Manual* and that any necessary design exceptions have been approved by the Public Works Director or his/her designee. The certification must also acknowledge that review of PS&E will not be performed by Caltrans. By this certification, the local agency accepts responsibility for compliance with applicable design standards, Title 23 of the United States Code, and other applicable federal requirements (DBE, EEO, federal/state wage rates, license requirements, etc.). Failure to comply with any of these requirements may cause withdrawal of funds.

Exhibit A consist of FHWA Form 1273, Required Contract Provisions, Federal-Aid Construction Contracts. This form may be viewed, in its entirety, on the FHWA web site, at:

<http://www.fhwa.dot.gov/programadmin/contracts/1273-2co.htm>

**TITLE 49, CODE OF FEDERAL REGULATIONS, PART 29
DEBARMENT AND SUSPENSION CERTIFICATION**

The bidder, under penalty of perjury, certifies that, except as noted below, he/she or any other person associated therewith in the capacity of owner, partner, director, officer, manager:

is not currently under suspension, debarment, voluntary exclusion, or determination of ineligibility by any federal agency;

has not been suspended, debarred, voluntarily excluded or determined ineligible by any federal agency within the past 3 years;

does not have a proposed debarment pending; and

has not been indicted, convicted, or had a civil judgment rendered against it by a court of competent jurisdiction in any matter involving fraud or official misconduct within the past 3 years.

If there are any exceptions to this certification, insert the exceptions in the following space.

Exceptions will not necessarily result in denial of award, but will be considered in determining bidder responsibility. For any exception noted above, indicate below to whom it applies, initiating agency, and dates of action.

Notes: Providing false information may result in criminal prosecution or administrative sanctions.

The above certification is part of the Proposal. Signing this Proposal on the signature portion thereof shall also constitute signature of this certification.

Certification for Federal Aid Contracts

The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL*, "Disclosure of Lobbying Activities," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

* Standard Form LLL may be obtained from Caltrans or FHWA offices

**INSTRUCTIONS FOR COMPLETION OF SF-LLL,
DISCLOSURE OF LOBBYING ACTIVITIES**

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of covered Federal action or a material change to previous filing pursuant to title 31 U.S.C. section 1352. The filing of a form is required for such payment or agreement to make payment to lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress an officer or employee of Congress or an employee of a Member of Congress in connection with a covered Federal action. Attach a continuation sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence, the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last, previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District if known. Check the appropriate classification of the reporting entity that designates if it is or expects to be a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the first tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in Item 4 checks "Subawardee" then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organization level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identification in item 1 (e.g., Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract grant or loan award number, the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitments for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influenced the covered Federal action.
(b) Enter the full names of the individual(s) performing services and include full address if different from 10 (a). Enter Last Name, First Name and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed or will be expected to perform and the date(s) of any services rendered. Include all preparatory and related activity not just time spent in actual contact with Federal officials. Identify the Federal officer(s) or employee(s) contacted or the officer(s) employee(s) or Member(s) of Congress that were contacted.
15. Check whether or not a continuation sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name title and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instruction, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

To the State of California, Department of Transportation

NONCOLLUSION AFFIDAVIT
(Title 23 United States Code Section 112 and
Public Contract Code Section 7106)

In accordance with Title 23 United States Code Section 112 and Public Contract Code 7106 the bidder declares that the bid is not made in the interest of or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

Note: The above Noncollusion Affidavit is part of the Proposal. Signing this Proposal on the signature portion thereof shall also constitute signature of the Noncollusion Affidavit.

Bidders are cautioned that making a false certification may subject the certifier to criminal prosecution.

PS&E CERTIFICATION (Federal Project Off the NHS)

Local Agency Letterhead

To: (District Local Assistance Engineer's name)
District Local Assistance Engineer
Caltrans, Office of Local Assistance
(District Address)

Dear (District Local Assistance Engineer's name):

Design Certification (Federal Number and Description)

With submission of the enclosed Plans, Specifications and Estimates (PS&E) for the subject project, I hereby certify that the project was designed and prepared for advertisement in accordance with the "Local Programs Procedures" or the "Local Programs Manual" (whichever is most recent) produced by the California Department of Transportation (Caltrans). For those elements which do not meet the Design Standards therein, Design Exceptions have been approved.

I understand Caltrans will not be performing a review of this PS&E at this time but that all documents relating to this project are subject to review by the Federal Highway Administration (FHWA) and/or Caltrans in order to verify this PS&E certification. I also understand if deficiencies are found in subsequent review the following actions will be considered:

- (1) Where minor deficiencies are found, PS&E certification for future projects may be conditioned or not accepted until the deficiencies are corrected.
- (2) Where deficiencies are of such magnitude as to create doubt that the policies and objectives of Title 23 of the United States Code (or other applicable Federal and State laws) will not be accomplished by the project, federal funding may be withdrawn.

Geometric Design Standards (check appropriate box)

- 1990 AASHTO Standards
- 3R Projects - Minimum Standards for Geometric Design of Federal-Aid Resurfacing, Restoration, and Rehabilitation Projects on Local Streets and Roads, Local Programs Manual, State of California Department of Transportation

Functional Classification (For AASHTO Standards only)

This project was designed in accordance with the criteria set forth in the most recent version of "A Policy on Geometric Design of Highways and Streets" under the provisions of the following functional classification:

- | | |
|---|--|
| <input type="checkbox"/> Urban Collector | <input type="checkbox"/> Rural Collector |
| <input type="checkbox"/> Local Urban Street | <input type="checkbox"/> Local Rural Roads |

Controlling Criteria Checklist (For AASHTO Standards only)

Check the appropriate box for each line even if it does not apply to this project.

Criteria Met	Design Criteria Not Met	Design Exception Approval Date	Controlling Criteria
<input type="checkbox"/>	<input type="checkbox"/>	_____	Design Speed
<input type="checkbox"/>	<input type="checkbox"/>	_____	Lane Width
<input type="checkbox"/>	<input type="checkbox"/>	_____	Shoulder Width
<input type="checkbox"/>	<input type="checkbox"/>	_____	Bridge Width
<input type="checkbox"/>	<input type="checkbox"/>	_____	Structural Capacity
<input type="checkbox"/>	<input type="checkbox"/>	_____	Horizontal Alignment
<input type="checkbox"/>	<input type="checkbox"/>	_____	Vertical Alignment
<input type="checkbox"/>	<input type="checkbox"/>	_____	Grades
<input type="checkbox"/>	<input type="checkbox"/>	_____	Stopping Sight Distance
<input type="checkbox"/>	<input type="checkbox"/>	_____	Cross Slopes
<input type="checkbox"/>	<input type="checkbox"/>	_____	Superelevation
<input type="checkbox"/>	<input type="checkbox"/>	_____	Horizontal Clearance
<input type="checkbox"/>	<input type="checkbox"/>	_____	Vertical Clearance

Bridge Design Standards

Check the appropriate box for each line.

Standards Met	Design Standards Not Met	Exception Approval Date	Controlling Criteria
<input type="checkbox"/>	<input type="checkbox"/>	_____	Caltrans Bridge Design
<input type="checkbox"/>	<input type="checkbox"/>	_____	Barrier Railing
<input type="checkbox"/>	<input type="checkbox"/>	_____	Approach Guard Railing
<input type="checkbox"/>	<input type="checkbox"/>	_____	Hydrology & Hydraulic
<input type="checkbox"/>	<input type="checkbox"/>	_____	Foundation Invest. Study

Standard Plans (check appropriate box):

- Caltrans
- Locally Approved Standard Plans

_____ Date signed on behalf of the local agency by a person in responsible charge who is a registered professional engineer licensed to practice civil engineering in the State of California.

Plans (Check box if requirement met.)

- Plans signed on behalf of the local agency by person in responsible charge who is a registered professional engineer licensed to practice civil engineering in the State of California.
- Traffic Control Plans Included

Standard Specifications (Check Standards used)

- Caltrans
- Greenbook, "Standard Specifications for Public Works Construction"
- Locally Approved

Specifications Checklist (Check if included)

- Required Contract Provisions Form FHWA-1273
- Buy America Specification
- DBE Contract Provisions
DBE Goal _____ (annual goal approved by Caltrans - see Attachment 4)
- Noncollusion Certification Specification
- On the Job Training Specification
- Required Contractor Licenses
- Notice to Contractors
- Bidder Conditions
- Railroad Regulations
- Description of Work

Environmental Analysis

As specified in Section 4.2 of Attachment 2, Environmental Procedures of this LPP, the preparation of PS&E must reflect findings of the environmental analysis performed for the project.

By checking the box below, the agency certifies that the necessary actions called for by the environmental documents have been responded to in the PS&E.

- Environmental Mitigation

Restricted Contract Provisions Checklist (Check appropriate box)

The use of contract provisions pertaining to the following items is restricted and may not be federally reimbursed unless supporting justification is provided with this certification.

- | <u>Included</u> | <u>Not
Included</u> | |
|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | Indian Preferences |
| <input type="checkbox"/> | <input type="checkbox"/> | Indian Reservation _____ |

Restricted Contract Provisions Checklist (continued)

<u>Included</u>	<u>Not Included</u>	
<input type="checkbox"/>	<input type="checkbox"/>	Price Adjustment Clauses
<input type="checkbox"/>	<input type="checkbox"/>	Bonding and Prequalification

Experimental Work

Plan Included Workplan Code _____ Approval Date _____

Liquidated Damages

- Per formula in Local Programs Manual
 - Other
- Amount: \$ _____

Materials & Equipment

The use of the items listed below is restricted and their costs will not be reimbursed with federal-aid funds unless proper justification is included in the project files. Check the appropriate box to indicate whether or not provisions for their use have been included in the PS&E.

<u>Included</u>	<u>Not Included</u>	
<input type="checkbox"/>	<input type="checkbox"/>	Publicly Owned Equipment (for use of Contractor)
<input type="checkbox"/>	<input type="checkbox"/>	Contractor-purchased Equipment (which becomes the property of the agency)
<input type="checkbox"/>	<input type="checkbox"/>	Convict-Produced Materials (as purchased by Contractor for use on the project)
<input type="checkbox"/>	<input type="checkbox"/>	State/Locally Owned/Furnished/Designated Materials (refer to Section 13.3)
<input type="checkbox"/>	<input type="checkbox"/>	Public Agencies in Competition with the Private Sector (refer to Sections 2, 8, and 9)

(Signature, Title)
(Local Agency)

Professional Engineer's
Registration Number: _____

Expiration Date: _____

SCOPE OF WORK CMAQ/TSM/TEA Projects

BASIC ELEMENTS

The scope of work should be one page long and include:

- project description
- major objectives
- project locations
- project components
- project milestones
- special conditions
- target populations

PROJECT MILESTONES

Provide all completion dates and deliverables including:

- quarterly progress reports
- final report
- marketing plans
- Request for Proposals(RFP)
- notice of completion
- equipment procurement & purchase
- beginning of operation

PROPOSED BUDGET

Provide a budget and workplan with costs that include:

- capital costs
- non-capital costs
- donations
- all private & public \$
- line items for marketing, training, and data collection
- administrative costs
- workplan costs by task

SAMPLE WORK PLAN FOR A TRAFFIC DEMAND CENTER (shows all tasks and associated costs)

<u>TASK DESCRIPTION</u>	<u>COST</u>	<u>SCHEDULE</u>	
		<u>Start Date</u>	<u>Completion Date</u>
A Building Space	\$45,000		
B Telephones	\$75,000		
C Cabling and Wiring	\$12,000		
D Communications	\$30,000		
E Security	\$16,000		
F Furniture	\$60,000		
G Hardware	\$17,000		
H Software	\$85,000		
I Teleconferencing	\$90,000		
J Marketing	\$32,000		
K Administration	\$30,000		
L Project operations	\$60,000		
M Evaluations	\$10,000		
TOTAL	\$562,000		

SAMPLE BUDGET FOR A TRAFFIC DEMAND CENTER (shows all fund sources and private contributions)

<u>CAPITAL COSTS</u>	<u>Local</u>	<u>Private</u>	<u>MPO</u>	<u>Measure</u>	<u>Total</u>
Equipment	\$177,000	\$70,000	\$42,000	\$40,000	\$329,000
Lease		\$45,000			\$ 45,000
Construction				\$28,000	<u>\$ 28,000</u>
Subtotal					\$402,000
<u>NON-CAPITAL COSTS</u>					
Construction Engineering				\$30,000	\$30,000
Design	\$10,000				\$10,000
Administration			\$30,000		\$30,000
K Operations		\$60,000			\$60,000
L Project Implementation	\$30,000				<u>\$30,000</u>
TOTAL COSTS	\$217,000	\$175,000	\$72,000	\$98,000	\$562,000

1. Overview

EXISTING PROCEDURES

The construction contract administration of Locally Administered projects is reviewed by Caltrans representatives. The review includes approval to advertise and award, a review of construction engineering, DBE/WBE compliance, and approval of major change orders and spot checks of the records and data used to prepare progress pay estimates against requests for reimbursement. Caltrans District Materials Branch also provides independent assurance sampling and testing for the local agencies. Except for non-exempt projects, the final inspection has been delegated by the Federal Highway Administration (FHWA) to Caltrans. Caltrans also provides assistance in document preparation when using the Local Agency Automated Pay System (LAAPS).

NEW PROCEDURES:

Except for process reviews, Caltrans will not review any of the construction activity on local projects off the National Highway System (NHS). Caltrans will no longer offer the use of LAAPS by Local Agencies. Caltrans will gather DBE data from the local agencies and report it to the FHWA. Once the Administering Agency receives the authorization to proceed for construction, Caltrans will not be involved in approving the advertising or award of construction contracts, approving of change orders nor certifying compliance with DBE or Davis-Bacon wage requirements. The local agencies will be responsible for their own quality assurance program and will certify their compliance with all state and federal contract administration requirements.

Note: Procedures for Locally administered projects in the State right of way will continue in accordance with the Special Funded Policy as outlined in Deputy Directive DD-23.

2. Definition of Terms

Administering Agency	The State or a City, County, or other Local Public Agency who advertises opens bids, and awards the contract. (also called Responsible Agency)
CA	Certification Acceptance. Procedure whereby the federal government releases to the State, authority to control the development and construction of highway projects by allowing the State to delegate these responsibilities to qualified Local Agencies.
Contract Administration . . .	Includes advertising, opening bids, award, and execution of the contract; control of work and material; and making payments to the contractor.
Contractor.	The person or persons, firm, partnership, corporation, or combination thereof, who have entered into a contract with the administering agency, as party or parties of the second part of his or their legal representatives.
DBE	Disadvantaged Business Enterprise.
Department	The Department of Transportation of the State of California, as created by law; also referred to as Caltrans , the Department of Transportation , or State .
District.	The subdivision of the Department of Transportation organized to administer the affairs of the Department relating directly to the Local Agency; also referred to as Transportation District.
Engineer.	A qualified Engineer who is empowered to administer the contract.
FHWA.	The Federal Highway Administration.
Headquarters	The Headquarters office of the Department of Transportation; also referred to as Transportation headquarters (1120 "N" Street, Sacramento, CA 94274-0001).
Local Agency	A City, County, or other Local Public Agency.
LPM	Local Programs Manual consisting of three volumes (Volume I, Project Processing Procedures; Volume II, Contract Administration; Volume III, Environmental Procedures).
LPP	Local Programs Procedures

DLAE	District Local Assistance Engineer - District Engineer responsible for liaison with local agencies
NHS	National Highway System
Office Engineer	Chief of the Headquarters Office of Office Engineer.
Report of Expenditures	Collectively refers to the following final report documents: Final Inspection of Federal-Aid Project (FIF 6/95), Final Invoice, Final Detail Estimate, Change Order Summary (containing liquidated damages/contractor's claims, date of completion, date of acceptance by City or County), Final Report Utilization of Disadvantaged Business Enterprise (DBE), Materials Certificate, and Report of Completion of Structures if bridges were constructed,
S&H	California Streets and Highways Code.
SHA	State Highway Agency
WBE	Women-owned Business Enterprise

3. Project Advertisement

References:

U.S.C. 112
 23 CFR 635.112
 1994 Contract Administration Core Curriculum
 LPM Section 2-03

Applicability:

Applies to all non NHS federal-aid projects

Guidance:

A Local Agency shall not advertise a project using federal-aid funds until the project is **authorized by Caltrans** (23 CFR 635.112-No work shall be undertaken on any Federal-aid project, nor shall any project be advertised for bids, prior to authorization.)

Prior to advertisement, all Local Agency sponsors will certify that their PS&E package complies with all applicable federal and state regulations and procedures (See PS&E Section instructions). All local agencies must submit a completed Request for Authorization and receive verification that construction has been authorized before a project can be advertised. (See LPP 95-07 Attachment #1 , Project Authorization /Federal Fund Obligation). All projects must have R/W certification, utility and railroad clearance (if railroad is involved), and Environmental Clearances before advertisement. Each Local Agency and all of its contractors, subcontractors, and vendors shall take all reasonable steps in accordance with part 23 of Title 49 Code of Federal Regulations to ensure that DBE/WBEs have an opportunity to compete for and perform contracts. The Local agency shall notify all prospective bidders of PS&E addendum's in the same manner as all other non federal-aid projects. The Local agency shall certify the PS&E, advertise the project, and assure free and open competition.

The advertisement period is determined by the administering agency. A minimum advertisement period of three weeks is recommended.

Procedures:

Federal-aid projects must be advertised by the State or by an authorized Local Agency. The State will advertise Local Agency projects only on an exception basis. These exceptions shall be granted by the Office of Local Programs and the Office of Office Engineers at Caltrans Headquarters. If the State is the "Administering Agency," the State's normal procedures will be followed. Generally local agencies will advertise all Federal-aid projects and use their own procedures.

Each Local Agency and all of its contractors, subcontractors, and vendors shall take all reasonable steps in accordance with part 23 of Title 49 Code of Federal Regulations to ensure that DBE/WBEs have the maximum opportunity to compete for and perform contracts.

Prior to project advertisement the Plans, Specifications, and Estimate (PS&E) must be approved by the Administering Agency; the right of way must be certified; the necessary railroad clearance must be obtained (if railroad is involved).

The Administering Agency will review final plans and specifications to ensure that all revisions, contingent to PS&E approval, have been made prior to project advertisement. The Local Agency shall notify the District of date of advertisement and date and time of proposed bid opening. As soon as the project is advertised, the Local Agency shall furnish the DLAE one copy of the plans and special provisions or two copies if structures (bridges) are involved. The District may request additional copies for Process Review purposes.

When it is necessary to issue addendum to the approved PS&E during the advertising period, the addendum must be approved in advance by the Administering Agency (wage changes are considered to be automatically approved). Addendum can only be issued if there is an accurate record of outstanding bid documents, otherwise the contract must be re-advertised.

The local agency shall assure that all updated estimates are fundable from available federal resources.

Advertising costs shall be charged to the preliminary engineering work authorization if such authorization has been requested and established for the purpose of Federal reimbursement.

A checklist (Exhibit 3-A) is provided to assist administering agencies in reviewing their projects before advertising

EXHIBIT 3-A

Local Agency Advertising Checklist

Project : _____
DIST-----CO-----RTE-----PM-----Agency
Federal # _____
Location: _____
Limits: _____

Table with 4 columns: Question, YES, NO, NOT APPLICABLE. Rows include PS&E Review, Environmental measures incorporated?, Right of Way Certification, Design, Traffic (Electrical/Signing/Striping), Materials, Landscaping, Hydraulics, Permits, Bridge Plans, Are encroachments permits required?, Are design exceptions approved?, Is material testing and sampling arranged?, DBE program approved?, Force account work?, Agency furnished material approved?, Are the Federal Funds for construction authorized, Have a complete set of Plans and Special Provisions been sent to the Caltrans District Local Assistance Engineer (two copies if structures (bridges) are involved)?

Reviewed by: _____
(Name of Local Agency Representative)

Title: _____

Date: _____

4. Contract Bid Opening

Reference:

23 CFR 635.113
1994 Contract Administration Core Curriculum
LPM Section 2-04

Applicability:

Applies to all Federal-Aid highway construction projects except for the "tabulation of bids requirement" of 23 CFR 635.113(b) which does not apply to projects off the NHS .

Background:

The bid opening is a public forum for the announcement of all bids, and is that point in time where the bids are opened and read aloud. It is also the last moment that bids can be accepted. For the bidder, the reading of the bids confirms whether his bid is successful. For the Local Agency and the general public, this forum establishes the cost to build the project.

Guidance:

The FHWA policy requires all bids to be opened publicly and read aloud either item-by-item or by total amount. If a bid is not read, the bidder is to be identified and the reason for not reading the bid announced.

Reasons for not reading a bid include the bid itself being non-responsive, often called "irregular," or the bidder is determined to be unreliable. The difference between a responsive bid and responsible bidder is that:

a responsive bid is one that meets all the requirements of the advertisement and proposal, while

a responsible bidder is one who is physically organized and equipped with the financial ability to undertake and complete the contract.

Some reasons for not reading a bid due to bidding irregularities may include:

- failure to sign the bid,
- failure to furnish the required bid bond,
- failure to include a unit bid price for each item,
- failure to include a total amount for the bid,
- failure to prepare the bid in ink,
- failure to submit a non-collusion affidavit,
- failure to commit to the achievement of the DBE contract goals or demonstrate good faith efforts to do so,
- inclusion of conditions or qualifications not provided for in the specifications, or
- submission of a materially unbalanced bid.

The above examples do not include all possible bidding irregularities. The Local Agency's standard specifications govern regarding what constitutes a bidding irregularity. Accordingly, the Local Agency's bidding documents should clearly identify those requirements which the bidder must comply with to make the bid responsive.

Just as the bid may be rejected for being irregular or unresponsive, a bid may also be rejected on the grounds that the bidder is not a responsible bidder. A bidder may be deemed not responsible because of past unsatisfactory performance, as evidenced by failure to meet the Local Agency's qualification requirements, or because of State or Federal suspension/debarment action.

In summary, a successful bid opening should identify the responsible bidder submitting the lowest, responsive bid.

Procedures:

The Administering Agency shall follow its own procedures for bid opening, provided such procedures are substantially in accordance with 23 CFR 635.113. A checklist (Exhibit 4-A) is included for assistance to the administering agency. As bid proposals are received, they shall be logged in and stamped with the time and date. The bids shall be retained in a secure place until the designated time and place for public opening. All bids received in accordance with the terms of the advertisement shall be publicly opened and announced either item by item or by total amount. If any bid received is not read aloud, the name of the bidder and the reason for not reading the bid aloud shall be publicly announced at the bid opening. Negotiation with contractors, during the period following the opening of bids and before the award of the contract shall not be permitted.

The agency's bidding procedures shall not discriminate against any qualified bidder because of political boundaries. No bidder shall be required to obtain a license before submitting a bid or before the bid is considered for award of a contract which includes Federal financing; however, on Federal-aid projects, a state contractor's license must be obtained upon or subsequent to the award of the contract. The Local Agency may also withhold payment under such contract until such time as the contractor furnishes proof of a proper license in compliance with State laws. No Local Agency shall bid in competition with, or enter into a subcontract with private contractors.

**Note: For use of Convict Labor and Convict Produced Materials
(See LPP 95-07 Attachment #7 PS&E)**

The Local Agency shall notify the DLAE of the results of the bid opening and shall submit the Bidder DBE/WBE Information form (See EXHIBIT 4-B) with the detail estimate (for more information on detail estimate, see Section 6).

The Administering Agency shall retain the following completed documents for the successful bidder in the project file:

- Bid Opening Checklist (EXHIBIT 4-A)
- A list of Bidders and bid amounts.
- "Good Faith Effort Statement of DBE/WBE Participation" form is to be retained in the project file if the commitment level(s) do not meet DBE/WBE goals. (See EXHIBIT 4-C)
- The Non-Collusion Affidavit Public Contract Code Section 7106

In order to ascertain the successful bidder for contracts containing DBE/WBE goals, the Local Agency shall evaluate the apparent low bidder's efforts to attain the DBE/WBE goals in conformance with the approved contract Special Provisions .

Where the lowest bid exceeds the engineer's estimate by an unreasonable amount as defined by established agency procedures, or where competition is considered to be poor for the size, type, and

location of project, bids may be rejected unless an award of contract is justified as being in the best interest of the public.

EXHIBIT 4-C

GOOD FAITH EFFORT STATEMENT OF DB/WBE PARTICIPATION

Federal-Aid Project No. _____ Bid Opening Date _____

Type of Work _____

The _____ (Local Agency) _____ established a Disadvantaged Business Enterprise (DBE) goal of _____% and a Women's Business Enterprise (WBE) goal of _____% for this project. The Contractor has committed to a goal of _____% DBE and a goal of _____% WBE, necessitating a good faith effort statement in accordance with 49 CFR 23.45. Our project files show that a good faith effort was made. The following is a summary of that documentation:

- 1) Attendance at - or request for any pre-solicitation or pre-bid meetings:

- 2) Advertising in appropriate publications subcontracting opportunities: (Name and date of publications)

NAME	DATE
_____	/ /
_____	/ /
_____	/ /
_____	/ /

- 3) Providing written notice to a reasonable number of DBE(s) and WBE(s) seeking their interest in subcontracting opportunities being made available by the Contractor: (Sample letter attached)

- 4) Following up of initial solicitations of interest: (Names, type, result.)

- 5) Selecting portions of the work to be performed by DBE(s) and WBE(s): (Include \$ value)

- 6) Providing interested DBE(s) and WBE(s) with adequate information:

- 7) Negotiating good faith with interested DBE(s) and WBE(s): (\$ value of DBE/WBE Bids and one taken)

- 8) Making efforts to assist interested DBE(s) and WBE(s) in obtaining bonding, lines of credit, or insurance; and

- 9) Effectively using the services of available minority community organizations; minority contractors' groups, local, State and Federal Minority Business Assistance in the recruitment and placement of DBE(s) and WBE(s): (Name, date of contact, information provided)

Signature, Local Agency DBE/WBE Liaison Officer.

5. Contract Award

References:

23 U.S.C. 112
23 CFR 114(a)
23 CFR 635.113
23 CFR 635.114(f)
23 CFR 635.114(h)
FHWA TA T 5080.4
FHWA TA T 5080.6
1994 Contract Administration Core Curriculum

Applicability:

Applies to all non NHS federal-aid projects

Guidance:

The Administering Agency shall award Federal-aid contracts on the basis of the lowest responsive/responsible bidder. The Administering Agency shall retain the executed contract, the award date, and the Pre-construction Conference minutes.

Concurrence in Award Policy:

The Administering Agency is delegated the authority to determine the lowest responsive/responsible bidder without approval of the SHA or FHWA as required in Section 23 CFR 635.113 . Written justification shall be included in the project file for all projects that are not awarded to the lowest bidder. The administering agency shall follow its normal procedures for award of the contract and assure that all federal requirements are followed.

Procedures:

It is the responsibility of the administering agency to assure with the DLAE and RTPA/MPO that the appropriate amount of federal funds are authorized before the project is awarded. The Administering Agency shall forward the following information to the District Local Assistance Engineer after award of the project:

- Report of DBE Awards (see EXHIBIT 5-A,)
- Detail Estimate (see EXHIBIT 6-A , 6-B AND 6-C)
- Finance Letter: (see EXHIBIT 6-D)
- The Local Agency Award Checklist (See EXHIBIT 5-B).

The DLAE shall perform a cursory review of these documents for correct format and completeness and forward them to the Headquarters Office of Local Programs for processing the Federal-aid Agreement (PR-2). **Invoices from the local agency will not be processed for reimbursement until a PR-2 is executed with the FHWA.** The PR2 will normally take about a week to execute with the FHWA after all required documentation regarding the PR-2 is received at Headquarters Office of Local Programs.

Post-Award Procedures

The administering agency shall conduct post award bid evaluations to assure against bid rigging. An adequate number of projects awarded over a sufficient time period should be evaluated. A period of approximately 5 years should be selected for an initial evaluation to determine if any abnormal competitive bid patterns exist. The following information should be considered in a post-award review for abnormal bid patterns:

- number of contract awards to a specific firm,
- project bid tabulations,
- firms that submitted a bid and later become a subcontractor on the same project,
- rotation of firms being the successful bidder,
- consistent percentage differential in the bids,
- consistent percentage of the available work in a geographic area to one firm or to several firms over a period of time,
- consistent percentage differential between the successful bid and the engineer's estimate,
- location of the successful bidder's plant versus location of the other bidders' plants,
- variations in unit bid prices submitted by a bidder on different projects in the same bid opening ;
- type of work involved,
- number of plans and proposal taken out versus the number of bids submitted,
- any other items that indicate noncompetitive bidding, and
- on re-advertised projects, if the eventual successful bidder was also low bidder on the first letting.

EXHIBIT 5-A

Report of DBE Awards
COMPLETE THIS FORM FOR EACH CONTRACT

Locode: _____
 District: _____
 Fed. Project No.: _____
 Total Contract Bid: _____
 Federal Share: _____

Agency: _____
 DBE Project Goal: _____
 Reimbursement Ratio: _____
 Award Date: _____

Prime (P) contracts and Subcontracts (S) Awarded:

	MBE Awards (Incl. Others)			MWBE Awards			WWBE Awards		
	No.	Total	Fed Share	No.	Total	Fed Share	No.	Total	Fed Share
P									
S									

Combined MBE/WBE Percent of Federal Share for this Project : _____

MBE/DBE Prime and Subcontractors Award by Ethnic, Woman, or DB Groups

	Black	Hispanic	Native	Asian-Indian	Asian-Pacific	Others (MW, WW, DBE)	Total
No.							
Total \$							
Fed \$							

Professional and Consultant Services

1. Engineering _____
2. Architectural _____
3. Right of Way _____
4. Other _____

MBE (& Others)

MWBE

WWBE

Construction

1. Grading/Drainage _____
2. Paving _____
3. Structures/Buildings _____
4. Materials _____
5. Equipment _____
6. Trucking _____
7. Traffic _____
8. Landscaping _____
9. Other _____

Totals:

Distribution: (1) Original-Caltrans District Local Assistance Engineer. (2) Copy-Local Agency Project File

(Cut off date by the 30th of each month)

DUE TO HEADQUARTERS BY THE 5TH OF THE FOLLOWING MONTH

FAX: 8-464-2409 OR 654-2909

EXHIBIT 5-B

Local Agency Contract Award Checklist

Project : _____
DIST-----CO-----RTE-----PM-----Agency

Federal #: _____

Location: _____

Limits: _____

Low bidder's proposal: _____

Bid summary - itemized for 3 lowest bidders:..... _____

Addenda certification: _____

Bidder DBE/WBE report:..... _____

ROW Cert. #1 or #2: _____

Bid analysis approved: _____

Date of award:..... _____

Amount of award:..... _____

Reviewed by: _____
 (Name of Local Agency Representative)

Title: _____

Date: _____

Distribution: (1) Original-Caltrans District Local Assistance Engineer. (2) Copy-Local Agency Project File

6. Detail Estimate

References:

23 CFR 630 subpart C
LPM Section II-6

Applicability:

Applies to all non NHS federal-aid projects

Procedures:

Following award, a detail estimate and finance letter must be prepared outlining all project costs by work type code. For further information on the work type code see LPP 95-07 Attachment #1 on Project Authorization . The detail estimate and finance letter shall be prepared by the administering agency and submitted to the DLAE for a cursory review of format and completeness. The DLAE will then forward the Detail estimate, finance letter, Report of DBE Awards (see EXHIBIT 5-A), and the Bidder DB/WBE Information form (See EXHIBIT 4-B) to the Office of Local Programs for preparation of the PR2.

A sample form for the detail estimate and instructions are shown on Exhibits 6-A, 6-B, and 6-C of this section. A sample finance letter is shown as Exhibits 6-D of this section.

From the information contained in the detail estimate, the State (Office of Local Programs) will prepare a Federal-Aid Project Agreement (PR-2), (when Federal funds are involved). This agreement sets forth the amount of Federal funds which may be expended on the project.

If at any time during construction, the project cost is expected to overrun the project agreement (PR2) amount, the administering agency must submit a **Revised Detail Estimate** (a copy of the original showing changes is satisfactory) and request a modification of Federal Project Agreement, Form PR-2A, indicating the anticipated increase. The PR-2A is processed in the same manner as the PR2. The **Revised Detail Estimate** should include the effects of all change orders and anticipated work through the end of the contract. This is to avoid future revisions.

NOTE: If the amount of Federal funds obligated in the PR2 is less than the full pro-rata share, the amount of Federal funds in the project may not be increased above the amount originally obligated. Exceptions to this rule, generally for unforeseen work that would otherwise be eligible, will be handled on an individual basis.

The Local Agency and State personnel involved shall insure timely processing of the detail estimate, finance letter, Bidder DBE/WBE Information Form, and PR-2, since no reimbursements can be made prior to their proper execution.

EXHIBIT 6-A

DETAIL ESTIMATE

File: _____

To be used as a basis of agreement for Federal-Aid Project #(1) _____
in the City/County of(2) _____

Construction Authorization Date:(3) _____, 199 _____

Type: (4)

Preliminary Engineering (Authorization Date:(5) _____, 199 _____

Right-of-Way (Acquisition Authorization Date:(6) _____, 199 _____

Acquisition (No. Parcels _____)	\$ _____
RAP	
(number homes _____)	\$ _____
(number businesses _____)	\$ _____
LRH (Parcel No. Name _____)	\$ _____
TOTAL COST	\$(7) _____

Utilities (Authorization Date:(8) _____, 199 _____

Total Cost \$ _____

Code(9) _____

Length(10) _____ (Miles)

Item Estimate

Item No.	Item Description	Unit	Quantity	Unit Price	Amount
			(11)		
	Subtotal Contract Items			\$(11)	_____
	Supplemental Work			\$(12)	_____
	Agency/State Furnished Materials			\$(13)	_____
	Striping			\$	_____
	Total			\$	_____
	Contingencies			\$(14)	_____
	Contract Total			\$	_____
	Construction Engineering			\$(15)	_____
	TOTAL COST			\$	_____

Distribution: (1) Original + 4 copies-Caltrans District Local Assistance Engineer. (2) Copy-Local Agency Project File

EXHIBIT 6-B

**DETAIL ESTIMATE
SUMMARY (16)**

	Total Cost	Participating Cost	Federal Funds	Other Funds
Preliminary Engineering	\$ _____	\$ _____	\$ _____	\$ _____
Right-of-Way	\$ _____	\$ _____	\$ _____	\$ _____
Construction:	<u>Work type</u>			
Code _____	\$ _____	\$ _____	\$ _____	\$ _____
Code _____	\$ _____	\$ _____	\$ _____	\$ _____
Construction Engineering:	\$ _____	\$ _____	\$ _____	\$ _____
Total Cost	\$ _____	\$ _____	\$ _____	\$ _____

Contract Items Participating	=	\$ (17) _____	=	_____ %
Contract Items Non-participating	=	\$ _____	=	_____ %
Total	=	\$ _____	=	100.00 %

*Reimbursement Ratio: _____ % (18)

Appropriation Code(s) (19)

Name/Date Prepared _____

*Reimbursement ratios may vary within each phase of work such as Emergency Relief PE for Emergency Repair (100%) and PE for restoration (88.53%). In these cases, the detailed estimate shall include two separate lines of preliminary engineering.

EXHIBIT 6-C

DETAIL ESTIMATE

1. File

fill in project identification

example: Dist-County-Rte-City: 07-LA-0-LA

- Fed-Aid Project #: STPL-5006(023)
- Federal-Aid Program: Surface Transportation Program, population > 200,000

2. Project Location

Fairly detailed (list intersections or project limits, etc.) Should agree with Authorization to Proceed (E-76)

3. Construction Authorization Date

FHWA authorization date on the Authorization to Proceed (E-76)

4. Type

General type of work (signalization, widening, construct four-lane divided street, etc.)

5. P.E. Authorization

FHWA authorization date on the Authorization to Proceed (E-76)

6. Right-of-Way Authorization

FHWA authorization date on the Authorization to Proceed (E-76)

7. Right-of-Way Costs

Total for project

Overhead and/or right-of-way preliminary engineering costs included in totals

8. Utility Authorization

FHWA authorization date on the Authorization to Proceed (E-76)

9. Code

Determine the major roadway improvement work type Y codes or str. section codes from (Attachment #1-Project Authorization Exhibit E (38) Work Type Code pages 11&12) and place all work incidental thereto under this general code, except the following work which requires separated coding:

Each structure (X codes from: Attachment #1-Project Authorization Exhibit E (38) Work Type Code page 14

Utilities as construction item (Code Y060)

Utilities as right-of-way items (Code ROWA)

Landscaping - other than erosion control (Code Y003)

Major work performed as part of an outside agreement (i.e., sewers, railroad grad-crossing protective devices - Y codes from (Attachment #1-Project Authorization Exhibit E (38) Work Type Code pages 11&12).

Trainees Y080

Some examples of work type codes are:

Traffic Signals -Y031

Channelization -Y008

Widening Roadwork -I000 (Bituminous Concrete)

-J000 (Portland Cement Concrete)

Bridges -X231 (Highway over Highway, Steel Girder)

EXHIBIT 6-C continued

10. Length

Length in kilometers (to nearest 0.1) is required for roadway codes and for bridge codes
Measured along center line
Not required for "Miscellaneous" codes

11. Item Estimate

Use sample format
Separate by code as noted above (should be same as preliminary estimate)
Place non-participation work directly following participating work of similar codes
Separate as "not part of Federal-aid Project" that work which is beyond project limits of Federal participation but is being done under the same contract

12. Supplemental Work

Work that is anticipated but because of its uncertainty, cannot be included as a contract item, i.e., utility work, additional staking, ect.
If supplemental work is determined to be needed, a Change Order is required to include it in the contract.

13. State/Agency Furnished Materials

List each item and cost of all items or expenses that are to be furnished by other than contractor
Should agree with items listed in Special Provisions and Plans

14. Contingencies

Generally 5% to 10%
FHWA does not want supplemental work segregated from contingencies
If large amount of supplemental work, 10% may be exceeded, but contingencies should always be at least 5%
Separate for each code, etc.

15. Construction Engineering

Separate for each code, etc.

16. Detail Estimate Summary

Summary generally broken down only between P.E., Construction, and Right-of-Way
Work Type Codes and non-participating involved, must be outlined in summary
Calculate P.E., Construction (by code) and Right-of-Way separately at appropriate reimbursement ratio

17. Federal Participation Calculation

Use contract items only

18. Reimbursement Ratio (Federal)

Use current ratio
Job ratio is established at PS&E approval date

19. Appropriation Code(s) (Federal)

Appropriation code applicable to the program involved

EXHIBIT 6-C continued

20. Revised Detail Estimate or Modification

Required when Federal funds are to be changed from what was previously under agreement

Changes can be accomplished by updating item costs, supplemental work, contingencies, etc.

Change Title to "Revised Detail Estimate".

Must remain consistent with FTIP/FSTIP rules

Wording to be changed in Item 2 by adding "To be used as basis for modification of Agreement for Federal-aid project....."

Remaining instructions are unchanged

OLP will provide FHWA with two original PR2As upon receipt from the DLAE of a Revised Detail Estimate and Revised Finance Letter

FINANCE LETTER

DEPARTMENT OF TRANSPORTATION
 DIVISION OF ACCOUNTING
 LOCAL PROGRAM ACCOUNTING BRANCH

Date: _____
 Agency: _____
 Project No. _____
 EA No. _____

ATTN: _____

	TOTAL COST OF WORK	TOTAL PARTIC. COST	FEDERAL FUNDS	LOCAL FUNDS	OTHER FUNDS Type:	OTHER FUNDS Type:
Agency Preliminary Engineering						
State Furnished Preliminary Engineering						
Overhead at ____%						
R/W Engineering & Administration Costs						
R/W Purchase Costs						
Relocation Assistance (SJ 3A055)						
Contract Items _____						
Utilities _____						
Supplemental Work _____						
Contingencies _____						
Trainees _____						
Agency Furn. Mat. _____						
Contract Total:						
Agency Construction Engineering						
State Furn. Construction Engineering						
Overhead at ____%						
State Furnished Materials Testing						
Overhead at ____% EA No. _____						
Striping by Agency						
TOTAL:						

Federal Participation: _____ %
 Reimb. Ratio: _____ %

Signature: _____
 Title: _____

REMARKS: _____

Distribution: (1) Original + 4 copies-Caltrans District Local Assistance Engineer. (2) Copy-Local Agency Project File

7. Project Supervision & Inspection

References:

23 U.S.C. 114
23 U.S.C. 302
23 CFR 635.105
LPM Section II-7

Applicability:

Applies to all Federal-aid highway construction projects.

Guidance:

Section 302 of Title 23 requires State Highway Agencies (SHA) to be suitably equipped and organized to carry out the Federal-aid program. By requiring projects to be completed in accordance with the approved plans and specifications, the FHWA has assigned the responsibility of contract administration and construction inspection to the SHA's. This responsibility is conveyed to the SHA's by way of the project agreement, Form PR-2, which is executed for each Federal-aid project. For all non-NHS projects further delegation of responsibility is made by Caltrans to the agency administering the project.

The administering agency responsibility is not terminated when construction engineering services are provided by a consultant. It is incumbent that the administering agency provide a full-time engineer in responsible charge of the project at all times.

When a Federal-aid project is to be constructed on a facility that is not under the SHA's jurisdiction, the SHA may arrange for the local public agency having jurisdiction to perform the work with its own forces, or by contract, provided that all of the following conditions are met:

- all Federal requirements including those prescribed in 23 CFR 635 Subpart A shall be met on work performed under a contract awarded by a local public agency,
- force account work shall be in full compliance with 23 CFR 635 Subpart B.
- the local public agency is adequately staffed and suitably equipped to undertake and satisfactorily complete the work, and
- the local public agency shall provide a full-time employee of the agency to be in responsible charge of the project that employs consultants for construction engineering services.

Such an arrangement does not relieve the SHA of overall project responsibility, and is subject to the division administrator's concurrence. The Office of Local Programs will review local agency project staffing by periodic process reviews to assure compliance with Section 302 of Title 23.

Project Staffing:

Adequate construction personnel should be provided to ensure that quality highways are constructed. Local Agencies shall include in the project records the names and titles of all staff assigned to each federal-aid project.

The documentation of project staffing is essential in making a determination of the adequacy of the Local Agency's construction staffing. Items that should be reviewed and documented in the projects files are:

- sampling and testing (i.e., quality level analysis, frequency, testing results, failing test reports, etc.),
- documentation of field control (i.e., problem situations, diaries, work orders to remove and replace, etc.), and
- the engineer's candid opinions on staff, supervision, and job control.

Procedures:

The administering agency must designate a qualified engineer who is empowered to administer the contract. The agency may employ a consultant to provide construction engineering services such as inspection or survey work, however, the agency must provide a full-time employee to be in charge of and have administrative control of the project. A consulting firm that is on retainer as City Engineer will be considered as a full-time publicly employed engineer. The engineer or his delegated Local Agency employee is to devote the major portion of his time to the project while work is underway.

Contractors, including those operating in joint venture, are required under the contract to designate in writing a person or persons authorized to supervise the work and to act for the contractor on the project. The administering agency's engineer is to insure that this information is on file. The addresses and local telephone numbers of such persons should be included.

The work must be inspected to ensure compliance with the contract. Deviations must promptly be brought to the contractor's attention. Samples must be taken and tests performed as noted in Section 18 of this attachment or in accordance with the local agencies own Quality Assurance Program . A record must be made of the engineer's and inspector's activities, as noted in Section 11 of this attachment.

The activities of the engineer and inspector may vary considerably depending on the terms of the contract; such as, end result specifications; method specification; types of measurement and payment clauses; experience of the contractor; complexity of the work; adequacy of the plans and specifications; protection of the public; and other factors. The Local Agency shall assign the necessary personnel to the project to assure that all the requirements of the contract are being fulfilled.

The primary responsibility for assuring the contractor's compliance with the Disadvantaged Business Enterprise/Women Owned Business Enterprise (DBE/WBE) commitments approved prior to award rests with the Liaison Officer and the Local Agency Resident Engineer. The Resident Engineer should ascertain that no one other than the approved DBE and WBE contractors are performing the work, and that DBE and WBE subcontractor substitutions have been approved in advance.

When a problem arises, the Resident Engineer may request assistance or clarification from the DLAE. The DLAE will evaluate staff availability and determine if assistance can be provided. It is recommended that Chapter VI of the State's Construction Manual be reviewed for more specific activities relating to roadwork. For structure work the State's Bridge Construction Records and Procedures Manuals contains much technical reference material.

The DBE/WBE Local Agency Liaison Officer and his/her reporting manager are to be immediately advised of any circumstances wherein a contractor appears to be violating the approved DBE/WBE commitments.- The Liaison Officer will assign an investigator and recommend any corrective action needed. The RE is responsible for resolving contractor violations by verifying that corrective action

was completed. Noncompliance with the DBE and WBE requirements may result in withholding of funds by Caltrans or by the administering agency on the items already completed if permitted in the Special Provision (See LPM Volume I, Section 18).

8. Pre-Construction Meeting

References:

LPM Section II-8

Applicability:

Applies to all non NHS federal-aid projects

Procedures:

The administering agency shall schedule a pre-construction conference, unless the administering agency determines that the project is of such a minor nature that a meeting is not necessary.

The meeting shall be attended by representatives of the Local Agency and the Contractor. It is suggested that other affected agencies; local authorities (police, fire, etc.); and public utilities personnel be invited to attend. Additional meetings may be advisable where considerable effort and time is required to cover specific areas, such as Labor Compliance, EEO, record keeping, etc.

Local Agency representatives will explain the various forms, reports, as well as sanctions for noncompliance with Local, State, and Federal requirements. Discussion is to include requirements for Equal Employment opportunity, State and Federal safety, labor compliance and DBE/WBE. Potential utility and traffic safety problems should also be discussed, as well as environmental requirements.

A written record of attendance and items discussed shall be made by the administering agency. A copy of the written record or the reasons for not holding the pre-construction conference shall be kept in the project files.

9. Contract Time

References:

23 CFR 635.121
FHWA TA T 5080.15
LPM Section II-9

Applicability:

23 CFR 635.121 applies to all Federal-aid highway construction projects except non-NHS projects.

Guidance:

For non-NHS projects, the administering agency is responsible for reviewing working days, contract time requirements, and documenting time extensions according to their own requirements. These requirements must be consistent with other similar projects not using federal aid. Contract time extensions proposed after acceptance of the contract must have written approval of the administering agency.

Documentation similar to the **Form CEM-2701** (Old HC-146) EXHIBIT 9-A is acceptable and shall be retained in the project file

EXHIBIT 9-A

Form CEM-2701 (Old HC-146)

File Index No. 27
REPORT
NO. _____

FORM HC-146 (REV. 7-79) JOB STAMP

WEEKLY STATEMENT OF WORKING DAYS

To _____ Contractor
The following statement shows the number of working days charged to your contract for the week ending _____ 19____

Date	Day	Weather, Weather Conditions, or Other Conditions (Note 1)	Working Day	Non-Working Days Caused by Weather	Working Days No Work Done on Controlling Operation (Note 2)
	Mon				
	Tue.				
	Wed.				
	Thur				
	Fri.				
Days this week					
Days previously reported					
Total days to date					

TIME EXTENSIONS	CCO Numbers (Note 3)	Days Approved	
		CCO	Other
Days This Report			
Days Previously Reported			
Total days to date			

COMPUTATION OF EXTENDED DATE FOR COMPLETION	Number of Days	Numbered Day (Note 5)	Date
1. Date Contract approved by Attorney General			
2. Working days specified in contract			
3. COMPUTED DATE FOR COMPLETION (if all days specified are workable)			
4. Total time extension days approved to date (CCO plus other)			
5. Total non-working days to date (Note 4)			
6. Sub Total (Line 4 Plus Line 5)			
7. EXTENDED DATE FOR COMPLETION (Line 3 Plus Line 6)			
8. Revised Working days for contract (Line 2 Plus Line 4)			
9) Total working days to date			
10) WORKING DAYS REMAINING (line 8 minus line 9)			

Controlling Operation(s)

REMARKS (Note 6) (Continues on reverse)

The Contractor will be allowed fifteen (15) days in which to protest in writing the correctness of the statement; otherwise the statement shall be deemed to have been accepted by the Contractor as correct. NOTE: All footnotes are on reverse side.

Resident Engineer

Distribution: (1) Original CONTRACTOR (2) Copy-Local Agency RE Project File

EXHIBIT 9-A (Continued)

INSTRUCTIONS TO LOCAL AGENCY RESIDENT ENGINEER
for Form CEM-2701Procedures:

1. When recording non working days due to weather, state the reason why the day is unworkable when the weather description itself does not adequately describe conditions. For example, "Clear -- wet grade" to describe conditions when the weather was clear, but the grade is too wet to work. Do not list days merely as "Unworkable".
2. Enter days on which no productive work has been performed on the controlling operation(s) for reasons other than weather.
3. List numbers of contract change orders providing for time extensions.
4. Do not include non working days which occur after expiration of the Extended DATE OF COMPLETION. On contracts that are overtime, the total under WORKING DAYS shall not be greater than the total of REVISED WORKING DAYS, (Line 8). After approved total of working days has been reached, continue recording working and non working days but do not add into the totals. Make statement under REMARKS that WORKING and NON WORKING days are shown for record only since the contract time has elapsed.

If an extension of time is subsequently approved, determine the new Extended DATE by taking into account all non working DAYS.

5. From calendar issued by Headquarters Construction with working days numbered for convenience in computations.
6. Time extensions other, are to be explained under REMARKS and the following information is to be included:
 - (a) Cause of delay and specification reference under which approval was granted.
 - (b) Statement as to what controlling operation or operations are being delayed and to what extent.
 - (c) Dates for which the extension was granted.
 - (d) Reference to supporting data.

10. Subcontractors

References:

1994 Contract Administration Core Curriculum
Public Contract Code Chapter 4
49 CFR part 23
FHWA 1273 Contract Provisions

Applicability:

Applies to all non NHS federal-aid projects except that 23 CFR 635.116 does not apply to projects off the NHS system i.e. there is no limitation to the amount of subcontracting that can be used. Subcontracting and substitution of subcontractors is governed by the Public Contract Code and the requirements of 49 CFR part 23.

Procedures:

The contractor must request permission in writing and receive written consent from the Local Agency **before** subletting any portion of a contract to a first tier subcontractor. Refer to EXHIBIT 10-A Subcontracting Request form DC-CEM 1201 (Old Form HC-45) which states what portion of an item is to be subcontracted along with the dollar value of that item. The requirement for written consent does not apply to second and lower tier subcontracts. However, all labor compliance, EEO, insurance and other contractual obligations remain in effect regardless of tier. Occasionally, a situation may arise whereby an item of work designated to be performed by a DBE/WBE will be performed under a lower tier subcontractor. In these instances it is imperative that the subcontracting approval be granted only if the designated DBE/WBE actually performs that item of work.

Substitution of Subcontractors

If a listed or approved Disadvantaged Business/Women Business Enterprise (DBE/WBE) subcontractor is unable to perform the designated work, the prime contractor shall replace him or her with a DBE/WBE or make a good faith effort to do so.

A letter from the Prime Contractor at the time a request for substitution which is submitted to the Liaison Officer must include as a minimum, the following:

- Reason for substitution if it is initiated by a DBE/WBE subcontractor.
- Name, address and telephone number of the listed or approved DBE or WBE.
- Name, address and telephone number of the proposed subcontractor.
- Item numbers, description of work and the proposed subcontractor's bid amount.
- Good-faith effort if the substitute subcontractor is not a DBE or WBE.

STATE OF CALIFORNIA - DEPARTMENT OF TRANSPORTATION
SUBCONTRACTING REQUEST
DC-CEM-1201 (REV. 4/94) (OLD HC-45) CT# 7541-3514-7

EXHIBIT 10-A
FRONT

See Instructions
On Back

CONTRACTOR NAME		COUNTY	ROUTE
BUSINESS ADDRESS		CONTRACT NO.	
CITY/STATE	ZIP CODE	FEDERAL AID PROJECT NO. (From Special Provisions)	

SUBCONTRACTOR (Name, Business Address, Phone)	BID ITEM NUMBER(S)	% OF BID ITEM SUBBED	CHECK IF: (See Categories Below)			DESCRIBE WORK WHEN LESS THAN 100% OF WORK IS SUBBED	\$ AMOUNT BASED ON BID \$ AMOUNT
			(1)	(2)	(3)		

Categories: 1) Specialty 2) Listed Under Fair Practices Act 3) Certified DBE/MBE/WBE/DVBE

I Certify That:

- The Standard Provisions for labor set forth in the contract apply to the subcontracted work.
- If applicable, (Federal Aid Projects only) Section 14 (Federal Requirements) of the Special Provisions have been inserted in the subcontracts and will be incorporated in any lower-tier subcontract. Written contracts have been executed for the above noted subcontracted work.

CONTRACTOR'S SIGNATURE	DATE
-------------------------------	-------------

NOTE: This section is to be completed by the Resident Engineer

1. Total of bid items	\$	
2. Specialty items (previously requested)	\$	
3. Specialty items (this request)	\$	
4. Total (lines 2+3)	\$	
5. Contractor must perform with own forces (lines 1 minus 4) x _____ %	\$	
6. Bid items previously subcontracted	\$	
7. Bid items subcontracted (this request)	\$	
8. Total (lines 6+7)	\$	
9. Balance of work Contractor to perform (lines 1 minus 8)	\$	

APPROVED	
RESIDENT ENGINEER'S SIGNATURE	DATE

EXHIBIT 10-A (Continued)

Back

INSTRUCTIONS FOR COMPLETING SUBCONTRACTING REQUEST FORM

All First-tier subcontractors must be included on a subcontracting request.

Submit in accordance with Section 8-1.01 of the Standard Specifications. Type or print requested information. Information copy is to be retained by the contractor. Submit other copies to project's Resident Engineer. After approval, the original will be returned to the contractor.

When an entire item is subcontracted, the value to be shown is the contractor's bid price.

When a portion of an item is subcontracted, describe the portion, and show the % of bid item and value.

THIS FORM IS NOT TO BE USED FOR SUBSTITUTIONS.

Prior to submittal of a DC-CEM-1201 involving a replacement Subcontractor, submit a separate written request for approval to substitute a listed subcontractor. Section 4107 of the Government Code covers the conditions for substitution.

Submit a separate written request for approval of any DBE/MBE/WBE/DVBE substitution. Include appropriate backup information and state what efforts were made to accomplish the same dollar value of work by other certified DBE/MBE/WBE/DVBEs.

NOTE: For contractors who will be performing work on railroad property, it is necessary for the contractor to complete and submit the Certificate of Insurance (State Form DH-OS-A10A) naming the subcontractor as insured. *No work will be allowed which involves encroachment on railroad property until the specified insurance has been approved.*

11. Engineers Daily Reports

References:

LPM Volumes I & III
LPM Section II-11
Caltrans Construction Manual Section 3-01-1

Procedures:

The administering agency's engineer and construction inspectors shall keep daily reports to record work in progress.

Record hours worked by men and equipment:

- 1) where work is being paid for based on the cost of labor, equipment, and material
- 2) when there is an anticipated change in character of work
- 3) when there is a potentially significant overrun or under-run, or
- 4) when there is disputed work or a potential claim.

The detail should be sufficient to permit review of the contractor's costs of the work in a manner similar to force account. Equipment should be identified sufficiently to enable determination of the applicable rental rates and operator's minimum wage. In some cases it may be desirable to record dates of arrival or departure of equipment, as well as idle time for breakdown or other reasons.

The narrative portion of the report should include a description of the contractor's operation and the location where the work was performed. It should also include statements made by the contractor or agency personnel. The report must also contain the name of the contractor or subcontractor performing the work.

When the report is used to determine compliance with the labor provisions of the contract, include the following additional information: (1) the names or identification numbers of the contractor's personnel, (2) the respective classifications of the work being performed, and (3) the number of hours worked on the date covered by the report. Reporting for labor compliance will be done on a random spot-check basis only. The number of reports for this purpose should vary with the size and duration of the contract and the degree of compliance revealed by checking previous reports. One report per week for each operation being performed on the project should be used as an initial guide. The frequency may be reduced after a high degree of compliance has been verified.

An example of a engineers daily report form (HC 10A) used by Caltrans is shown on page 2-11-2 of the Local Programs Manual.

The engineers' daily reports discussed herein are required in addition to the extra work reports submitted by the contractor.

12. Project Files

References:

LPM Section II-12

Guidance:

An administering Local Agency must establish a separate record file for each Federal-aid Highway project. The file shall contain all data pertinent to the work and to the requirements of the specifications. The file must be complete, available at a single location, and be organized and maintained in a manner that will permit inspection by Caltrans and FHWA personnel.

Generally, whenever the Local Agency is unable to produce requested data or information, it shall assumed by reviewing personnel the required actions were either never performed or not properly recorded. Organized project files will minimize these negative assumptions.

DLAEs shall periodically perform process reviews and inspect, during construction, Local Agency project files for compliance with Federal and State requirements. Organization and content of the project file is essential to the effective and efficient use of resources for conducting process reviews.

Procedures:

Organization of Files

Local Agency administered Federal-aid Highway project files shall be organized and maintained as indicated below:

Project Record Filing System - Locally Administered Federal-aid Projects

1. Project personnel
2. Correspondence
 - a. Contractor
 - b. General
3. Weekly record of working days
4. Materials data
5. Engineer's daily reports
 - a. Resident engineer
 - b. Structure engineer
6. Contract item pay quantity documents
7. Contract change orders
8. Extra work reports
9. Progress pay estimates and status of funds

10. Labor compliance and Equal Employment Opportunity (EEO) records
11. Contractor's payrolls
12. Final report
13. Materials Certificate
14. DBE Records

Other sections of the Local Programs Manual (Volumes I through III) explain the contents of the previously listed file categories.

Large Projects

A large and complex Local Agency project usually requires a more detailed record-keeping system. The record-keeping system described in Caltrans Construction Manual, Section 3-01-1 ("Red Book") is suggested for large projects.

Process Review Facilitated With Proper Maintenance of Files

All contract documentation and backup records shall be available at any time for inspection by Caltrans and FHWA reviewing personnel. Use of a uniform project record-keeping system, together with diligent maintenance of the system, greatly facilitates a process review and minimizes negative findings. Good records of all construction activities clearly demonstrate to all concerned that project supervision and control were attained on the project.

13. Construction Records and Accounting Procedures

References:

LPM Section II-13

Procedures:

On "State Administered" projects, the procedures outlined in the State's Construction Manual will be followed. On "Locally Administered" projects a similar accounting system should be used. The essential elements of the system are as follows:

- It must contain a file of source documents supporting payments made to contractors. Source documents can be any written record(s) which clearly record: a) to what specified portion of work it applies; b) the necessary measurements and/or calculations by which the quantity is determined; and c) the name of the individual who made the determination.

The calculations on source documents are to be checked in accordance with good engineering practice and the name of the checker included thereon. Checking should be performed as soon as practicable, but in any event prior to payment of a final estimate. Quantities from source documents must be entered in the appropriate project records.

Weight master certificates are source documents and must be validated by a representative of the administering agency at the point of delivery.

- It should contain a separate item sheet for each contract item and each other appropriate accounting category such as; adjustments of compensation; extra work payments; payments for materials not yet incorporated into the work; and deductions.

It should contain a contingency balance and anticipated changes sheet, on which the current estimated probable final cost of the work is recorded.

- It must provide for retention of the records in accordance with the Local Agency-State Agreement. This agreement requires that records be retained by the local agency for a period of three years from the date of final payment under the project program supplement.

Progress Estimates must be prepared and a copy submitted to the Caltrans Accounting Service Center Attention: Local Programs Accounting Branch with each invoice requesting reimbursement. The Local Agency may use its own format. The Progress Estimate will be used as part of the back-up for the invoice shown as EXHIBIT 13-A.

LAAPS is no longer available to the Local Agencies.

EXHIBIT 13-A

SAMPLE FEDERAL-AID INVOICE
Single-Phase EA

(Letterhead of Local Agency)

Date of Invoice

(For Progress Invoice)
Department of Transportation
Accounting Service Center
Local Program Accounting Branch *Street or P. O. Box*
P.O. Box 942874
Sacramento, CA 94274-0001

(For Final Invoice)
Name, District Director
Department of Transportation
City, CA Zip Code
Attention: *Name*, Local Assistance Engineer

Billing No: *1, 2, ..., or Final*
Invoice No: *Local Agency's Invoice No.*
Federal Aid Project No: *Fund Abbr.-Route-(Job #)*

Tax Identification No: *Agency IRS ID Number*
Date Accepted by City/County: *Final Date : "Ongoing" (if not*
Project Location: *Project Limits Final*

Reimbursement for Federal Funds are claimed pursuant to Local Agency-State Agreement
No. *Number*, Program Supplement No. *Number*, executed on *Date*.

	<u>Preliminary Engineering</u>	<u>Construction Engineering</u>	<u>Construction Contract</u>	<u>Total 33D</u>
Federal Appropriation Code	33D	33D	33D	
Expenditure Authorization No	969696	969696	969696	
Federal Authorization Date	06/30/94 01/02/95	01/02/95		
Federal participating costs from	07/05/94 01/30/95	02/15/95		
to	12/30/94	04/30/95	04/30/95	
 Total Costs	 \$3,500.60	 \$8,400.30	 \$200,000.10	 \$211,901.00
Less: Retention	(0.00)	(0.00)	(20,000.00)	(20,000.00)
Non participating Costs	<u>(350.00)</u>	<u>(840.00)</u>	<u>(16,000.00)</u>	<u>(17,190.00)</u>
Subtotal \$3,150.60	\$7,560.30	\$164,000.10	\$174,711.00	
 Plus: Payment of Previously Withheld Retention	 <u>0.00</u>	 <u>760.00</u>	 <u>0.00</u>	 <u>760.00</u>
 Federal Participating Costs to Date	 \$3,150.60	 \$8,320.30	 \$164,000.10	 \$175,471.00
 Less: Participating Costs on Previous Invoice				 <u>88,495.62</u>
 Change in Participating Costs Reimbursement Ratio				 \$86,975.38 <u>88.53%</u>
 Amount This Claim				 \$76,999.30

EXHIBIT 13-A continued

	<u>Construction Engineering</u>	<u>Construction Contract</u>	<u>Total 33T</u>
Federal Appropriation Code	33T	33T	
Expenditure Authorization No	969696/30600	969696/30600	
Federal Authorization Date	01/02/95	01/02/95	
Federal participating costs from	01/30/95	02/15/95	
to	04/30/95	04/30/95	
Total Costs	\$2,100.10	\$50,000.00	\$52,100.10
Less: Retention	(0.00)	(5,000.00)	(5,000.00)
Non participating Costs	<u>(210.00)</u>	<u>(4,000.00)</u>	<u>(4,210.00)</u>
Subtotal	\$42,890.10	\$1,890.10	\$41,000.00
Plus: Payment of Previously Withheld Retention	<u>190.00</u>	<u>0.00</u>	<u>190.00</u>
Federal Participating Costs To Date	\$2,080.10	\$41,000.00	\$43,080.10
Less: Participating Costs on Previous Invoice			<u>21,470.00</u>
Change in Participating Cost Reimbursement Ratio			\$21,610.10 <u>100.00%</u>
Amount This Claim			\$21,610.10
INVOICE TOTAL			\$98,609.40 =====

I certify that the work covered by this invoice has been completed in accordance with approved plans and specifications; the costs shown in this invoice are true and correct; and the amount claimed, including retention as reflected above, is due and payable in accordance with the terms of the agreement.

Signature, Title and Unit of Local Agency Representative

Phone No.

Note: When multiplying "Change in Participating Costs" by "Reimbursement Ratio", the result is be rounded to the lowest cent. Federal rules do not allow rounding up.

Distribution: (1) Original + two copies to Caltrans Local Programs Accounting (2) Copy-retained by Local Agency

14. Safety Provisions

References:

LPM Section II-14
Division of Industrial Safety-Construction Safety Orders

Applicability:

Applies to all non NHS federal-aid projects .

Procedures:

The contractor is required under the contract to comply with safety rules and regulations. The "Construction Safety Orders" of the State Division of Industrial Safety apply.

In administering this part of the contract, the engineer is required to see that the contractor properly provides for the safety of the workmen. Under no circumstances should the contractor be instructed orally or in writing on how to correct a deficiency. The unsafe condition should simply be identified as well as the specific regulation involved if it is known. In carrying out the responsibilities of assuring safety compliance as a contract requirement, the following guidelines shall be used:

1. Imminent Hazard -- a condition that if not corrected would most likely result in an accident causing severe or permanently disabling injury or death.

When an imminent hazard condition is known to exist or when a contractor either delays in correcting or permits repeated occurrences of hazardous condition, the engineer should immediately order the contractor to suspend the operations affected and not permit the work to resume until the condition has been corrected. The local Division of Industrial Safety office should be notified of the hazardous condition and of the action taken.

2. Dangerous -- a condition that does not present an immediate danger to workers, or the public, but if not corrected could result in a disabling injury and possible death, or could develop into an imminent hazard.

When a dangerous condition is known to exist, the engineer should notify the contractor in writing of the conditions and allow a reasonable period for correcting the condition. If the engineer is not certain of the remedial measures proposed or taken by the contractor, then the Local Agency's safety coordinator shall be consulted. If the contractor does not correct the dangerous condition or if the condition is deteriorating into an imminent hazard, the engineer should consider suspending the affected operations.

2. Minor or Non-Serious -- conditions that could result in minor or less serious injuries, or that are repetitive in nature, or that may be classified as a threat to health.

When minor or non-serious conditions are known to exist, the engineer should advise the contractor of the conditions and of the necessity for eliminating them. If the contractor fails to correct the problem or permits its repeated occurrence on subsequent operations, then the Local Agency's safety coordinator should be notified.

15. Labor Compliance

References:

Copeland Act
Davis-Bacon Act
Construction Manual, Chapter IX, Section 9-01, "Labor Compliance"
LPM Section II-15

Applicability:

Applies to all non NHS federal-aid projects .

Procedures:

General

The Administering Agency is responsible for ensuring that all labor compliance requirements are performed and documented in the project file. Generally, labor compliance issues are covered at the pre-construction conference.

All labor compliance requirements will be monitored by Caltrans through a process review or a mini process review regardless of whether an agency is under Certification Acceptance (CA). Process review teams shall consist of a representative from Caltrans' District Local Assistance unit and a District Labor Compliance Officer.

When labor compliance problems are discovered by the administering agency they should be reported to the District Local Assistance Engineer. The DLAE will consult with the District Labor Compliance Officer to determine the appropriate action required to remedy or address the problem. When labor compliance problems are discovered by process review they should be documented in the process review report with a recommendation for correction of the problem. The report shall be submitted to Headquarters Local Programs Process Review Committee for approval.

Documentation

The administering agency must maintain sufficient records to ensure contractor/subcontractor compliance with wage and apprenticeship sections of the contract. Specific actions required, include but are not limited to:

- Preparing inspector's daily reports which note employee names, labor classifications, hours worked, and equipment working on the project. Ideally, employee names, classifications, and hours worked should be noted on each daily report. If this is not possible, then as a minimum, the data must be reported in at least one diary during the week.
- Conducting spot interviews with employees on the project. A form similar to, or State Form HC-0031 should be used. (Exhibit 15-A).
- Ensuring that the contractor submits certified payrolls and/or owner operator listings (as appropriate) for their work and from all subcontractors or equipment rental companies who perform work on the project. Every laborer or mechanic performing work on the project must appear on either a certified payroll or owner operator list.
- Maintaining written evidence of apprentices employed on the project.

- Spot checking the payrolls or listings to ensure that at least the applicable Davis-Bacon or State prevailing wage rates as referred by the Special Provisions are paid.
- Cross checking reports, interviews, payrolls and wage rates in order to determine the contractor's and subcontractor's compliance. Comparing all day labor work to certified payrolls. Employees' names, classifications, and wage rates should match.
- Ensuring that the contractor posts all specified posters, wage determinations, etc. at the job site.
- Applying necessary sanctions against the prime contractor for failure to submit payrolls or noncompliance with the labor standard requirements. Sanctions must be in conformance with current Department of Transportation policy as described in the Construction Manual, Chapter IX, Section 9-01, "Labor Compliance."
- Reporting any apparent violation of State or Federal labor requirements to the Caltrans District Labor Compliance Officer immediately upon discovery; contacting the District Labor Compliance Officer for advice, training, and assistance as needed.

EXHIBIT 15-A

STATE OF CALIFORNIA•DEPARTMENT OF TRANSPORTATION

EMPLOYEE INTERVIEW:LABOR COMPLIANCE/EEO

HC-0031A(REV.4/91)

CT#7541-3512-3

CONFIDENTIAL		CONTRACT #
<i>This document contains personal information and pursuant to Civil Code 1798.21 it shall be kept confidential in order to protect against unauthorized disclosure</i>		FEDERAL #
INSTRUCTIONS-(See Reverse Side)		
1. TO BE FILLED IN BY INTERVIEWER (Data may be obtained from payroll records or during source document review)		
EMPLOYEE NAME		LABOR CLASSIFICATION
MINIMUM BASE WAGE PER CONTRACT:	Base Rate	FRINGE BENEFITS
MINIMUM BASE WAGE PER PAYROLL (if available):	Base Rate	FRINGE BENEFITS
EMPLOYER		PRIME CONTRACTOR ON THE PROJECT (If same, state so)
WORK BEING PERFORMED AT TIME OF INTERVIEW		
2. QUESTIONS TO BE ASKED OF EMPLOYEE		
A. HOW LONG HAVE YOU WORKED FOR YOUR PRESENT EMPLOYER?		HOW LONG ON THIS PROJECT?
B. DESCRIBE THE TYPE OF WORK YOU HAVE BEEN DOING THIS PAST WEEK?		
C. WHAT IS YOUR WAGE (Including Base Rate and Fringe Benefits (Compare to Payroll))		DO YOU KEEP A RECORD OF HOURS WORKED? YES NO
D. DO YOU WORK OVERTIME? <input type="checkbox"/> FREQUENTLY <input type="checkbox"/> SELDOM <input type="checkbox"/> NONE ARE YOU PAID TIME AND ONE HALF FOR OVERTIME? <input type="checkbox"/> YES <input type="checkbox"/> NO		IF NO, EXPLAIN
E. HAS YOUR EMPLOYER DIRECTED YOUR ATTENTION TO THE REQUIRED WAGE RATE POSTER ON THE PROJECT? <input type="checkbox"/> YES <input type="checkbox"/> NO		HAVE YOU SEEN THESE POSTERS? <input type="checkbox"/> YES <input type="checkbox"/> NO
F. ARE YOU AWARE OF THE CONTRACTOR'S EEO POLICIES? <input type="checkbox"/> YES <input type="checkbox"/> NO		IF NO, EXPLAIN
DOES THE CONTRACTOR HOLD REGULAR EEO MEETINGS <input type="checkbox"/> YES <input type="checkbox"/> NO		HOW OFTEN?
WHO CONDUCTS THE MEETINGS?	WHO IS THE EEO OFFICER FOR YOUR EMPLOYER?	WHO IS THE EEO OFFICER FOR THIS PROJECT
G. ARE YOU INTERESTED IN/OR HAS YOUR EMPLOYER INFORMED YOU OF UPGRADING AND TRAINING POSSIBILITIES? <input type="checkbox"/> YES <input type="checkbox"/> NO		IF YES, PLEASE EXPLAIN
3. ADDITIONAL QUESTIONS FOR OWNER OPERATORS		
A. EQUIPMENT DESCRIPTION		TRUCK LICENSE NO. TRUCK (CAL-T)NO
HOURLY RATE \$ _____ (Fully operated & Maintained)	BASE EQUIPMENT RATE \$ _____	ON WHAT DO YOU BASE YOUR EQUIPMENT RENTAL RATE? <input type="checkbox"/> HOURLY <input type="checkbox"/> WEEKLY <input type="checkbox"/> MONTHLY
B. DO YOU OWN THE EQUIPMENT <input type="checkbox"/> YES <input type="checkbox"/> NO		MAY I SEE YOUR CERTIFICATE OF OWNERSHIP? (Interviewer Note Response) <input type="checkbox"/> YES <input type="checkbox"/> NO
LEGAL OWNER		REGISTERED OWNER
4. EMPLOYEE COMMENTS Do you have any comments of complaints about wages or EEO policies?		5. INTERVIEWER'S COMMENTS
INTERVIEWER'S SIGNATURE		RESIDENT ENGINEER SIGNATURE
DATE _____		DATE _____

EXHIBIT 15-A Continued

STATE OF CALIFORNIA•DEPARTMENT OF TRANSPORTATION

EMPLOYEE INTERVIEW:LABOR COMPLIANCE/EEO

HC-0031B(REV.4/91

CT#7541-3512-3

DIRECTIONS TO INTERVIEWER

1. Fill in Section 1 from payroll records, if available, after interview
2. Fill in Section 2 completely. (does not apply to owner operators
3. Fill in Section 3 completely.
4. Employee comments optional in Section 4.
5. Interviewer comments on findings and recommendations
further actions be taken. Attach additional sheets if necessary.

16. Equal Employment Opportunity

References:

23 U.S.C. 140 , 23 U.S.C. 324
23 CFR 200 , 23 CFR 230A and D, 28 CFR 35, 29 CFR 1630
41 CFR 60
49 CFR 21
49 CFR 23
The Civil Rights Act of 1964, Title VI
The Age Discrimination and Employment Act of 1967
The Age Discrimination Act of 1975
The American Disabilities Act of 1990
LPM Section II-16

Applicability:

Applies to all Federal-aid construction contracts and to all related subcontracts of \$10,000 or more.

Procedures:

The administering agency must maintain sufficient records to insure that the contractor complies with the Equal Employment Opportunity (EEO) requirements of his contract as well as adequate records of its own internal employment procedures. These records are to fulfill the requirements of Title VI of the 1964 Civil Rights Act.

The administering agency must establish an internal EEO reporting system which monitors both contractors under the provisions of Executive Order 11246 as amended, and itself. for compliance with Title VI of the 1964 Civil Rights Act. The Local Agency will be reviewed by the DLAE and EEO Coordinator for compliance with Title VI of the 1964 Civil Rights Act. This review will be conducted in accordance with the process review procedures and reported to the FHWA

The EEO requirements under Executive Order 11246 as amended, are applicable to any contractor who has a Federally-funded contract for more than \$10,000.

The EEO requirements of the contract may include specific affirmative action programs as described in 23 CFR 230.103 . In addition, various reports by the contractors and/or the Local Agency must be forwarded to the Caltrans District Labor Compliance Officer for transmittal to the FHWA. Such reports include the following:

- PR-1391, (EXHIBIT 16-A) - Report of employment showing ethnic and sex composition of each craft classification annually during July. Prepared by the contractor and by each subcontractor if their work exceeds \$10,000.
- Federal Standard Form (CC-257) (EXHIBIT 16-B) - This form shall be submitted as required directly to the US Department of Labor Office of Federal Contract Compliance Programs (OFCCP). A listing of the Office addresses are shown on EXHIBIT 16-C of this Section.
- Other reports developed by the Local Agency for Title VI or required of the Local Agency by the State.

The administering agency will insure that contractors comply with the EEO requirements of their contract by conducting periodic compliance reviews of the contractor at the home office and/or project file.

The District may assist a Local Agency in informing the contractor of EEO requirements. The District may also provide the Local Agency with training and assistance in checking EEO compliance of the contractor.

EXHIBIT 16-A continued

INSTRUCTIONS

This report form shall be used to report the number of minority and non-minority group employees engaged in each work classification on the contract work, as required in Section 14 (previously section 6) of the Special Provisions for Federal-Aid Contracts.

WHO MUST REPORT: Prime contractors who have Federal-Aid contracts of over \$10,000 and all subcontractors, regardless of tier, whose subcontract(s) exceed \$10,000. Each annual report shall be for project personnel only and shall be compiled for the last full work week of July. Contractors and subcontractors who do not perform any work during that week, need not apply

REPORT DATA: Subcontractors should report contract and employment data pertaining to their sub-contract work only. The staffing figures to be reported in Table A should include apprentices and trainees along with all other permanent, part time or temporary journey-level men and women. Staffing figures in Table B and C are for apprentices and for apprentice/training only. Apprentices/trainees that are reported in Table B must also be reported in Table C

DUE DATE: Staffing reports are due on or before the 15th of August.

DEFINITION OF TERMS:

OFFICIALS (MANAGERS): Officers, project engineers, superintendents, etc., having management level responsibilities and authority.

SUPERVISORS: All levels of project supervision, if any, between management and foreman levels.

FOREMEN AND WOMEN: Men and women in direct charge of crafts workers or laborers performing work on the project.

MECHANICS: Equipment service and maintenance personnel.

LABORER, SEMI-SKILLED: All laborers classified by specialized type of work.

LABORER, UNSKILLED: Non-classified laborers.

OTHERS: Miscellaneous job classifications are to be incorporated in the most appropriate category listed on the form. All employees on the project should thus be accounted for.

MONTHLY EMPLOYMENT UTILIZATION REPORT

U. S. DEPARTMENT OF LABOR
 Exhibit 16-B
 Employment Standards Administration
 Office of Federal Contract Compliance Programs

This report is required by Executive Order 11246, Sec. 203. Failure to report can result in contracts being cancelled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts of federally assisted construction contracts.				1. COVERED AREA (SMSA OR EA)				2. Employers I.D. No.				OBM No. 1215-0163 Expires 12/31/92							
3. Current Goals Minority _____ Female _____		4. Reporting Period From _____ To _____		Name and Location of Contractor										Federal Funding Agency					
5 CONSTRUCTION TRADE	CLASSIFICATIONS	6. TOTAL FEDERAL AND NON-FEDERAL CONSTRUCTION WORK HOURS												9		10			
		6a. Total All Employees by Trade		6b. BLACK (Not of Hispanic Origin)		6c. Hispanic		6d. Asian or Pacific Islander		6e. American Indian or Alaskan Native		7 MINORITY PERCENTAGE		8 REMALE PERCENTAGE		Total Number of Employees		Total Number of Minority Employees	
		M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
	Journey Worker																		
	Apprentice																		
	Trainee																		
	Subtotal																		
	Journey-Worker																		
	Apprentice																		
	Trainee																		
	Subtotal																		
	Journey Worker																		
	Apprentice																		
	Trainee																		
	Subtotal																		
	Journey Worker																		
	Apprentice																		
	Trainee																		
	Subtotal																		
	Journey Worker																		
	Apprentice																		
	Trainee																		
	Subtotal																		
TOTAL JOURNEY WORKERS																			
TOTAL TRAINEES																			
GRAND TOTAL																			
11. COMPANY OFFICIAL'S SIGNATURE AND TITLE								12. TELEPHONE No. (Including area code)				13. DATE SIGNED				PAGE _____ of _____			

EXHIBIT 16-B continued

INSTRUCTIONS FOR FILLING OUT MONTHLY EMPLOYMENT UTILIZATION REPORT (CC-257)

The Monthly Utilization Report is to be completed by each subject contractor (both prime and sub) and signed by a responsible official of the company. The reports are to be filed by the 5th day of each month during the term of the contract, and they shall include the total work-hours for each employee classification in each trade in the covered area for the monthly reporting period. The prime contractor shall submit a report for its aggregate work force and collect and submit reports for each subcontractor's aggregate work force to the Federal compliance agency that has Executive Order 11246 responsibility. (Additional copies of this form may be obtained from the U. S. Department of Labor, Employment Standards Administration, OFCCP's regional office for your area)

Compliance Agency	U. S. Government agency assigned responsibility for equal employment opportunity. (Secure this information from the contracting officer).
Federal Funding Agency	U. S. Government agency funding project (in whole or in part). If more than one agency, list all.
Contractor	Any contractor who has a construction contract with the U. S. Government or a contract funded in whole or in part with Federal funds.
Minority	Includes Blacks, Hispanics, American Indians, Alaskan Natives, and Asian and Pacific Islanders - both men and women.
1. Covered Area	Geographic area identified in Notice required under 41 CFR 60-4.2
2. Employer's Identification Number	Federal Social Security Number used on Employer's Quarterly Federal Tax Return. (U. S. Treasury Department form 941).
3. Current Goals (Minority & Female)	See contract Notification.
4. Reporting Period	Monthly, or as directed by the compliance agency, beginning with the effective date of the contract.
5. Construction Trade	Only those construction crafts which contractor employs in the covered area.
6. Work-Hours of Employment (a-e)	a. The total number of male hours and the total number of female hours worked by employees in each classification. b.-e. The total number of male hours and the total number of female hours worked by each specified group of minority employees in each classification.
7. Minority Percentage	The percentage of total minority work-hours of all work-hours (the sum of columns 6b, 6c, 6d and 6e divided by column 6a; just one figure for each construction trade).
8. Female Percentage	For each trade the number reported in 6a. F divided by the sum of the numbers reported in 6a, M and F.
10. Total number of Employees	Total number of male and total number of female employees working in each classification of each trade in the contractor's aggregate work force during reporting period.
10. Total # of Minority Employees	Total number of male minority employees and total number of female minority employees working in each classification in each trade in the contractor's aggregate work force during reporting period.

PUBLIC BURDEN STATEMENT

We estimate that it will take an average of 60 minutes per response to complete this collection of information, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding these estimates or any other aspect of this collection of information, including suggestions for reducing this burden, send them to the Office of IRM Policy, U. S. Department of Labor, Room N1301, 200 Constitution Avenue, N.W., Washington, D. C. 20210; and the Office of Management and Budget, Paperwork Reduction Project (1215-0163), Washington, D.C. 20503

DO NOT SEND THE COMPLETED SURVEY TO EITHER OF THESE OFFICES

EXHIBIT 16-C

U. S. DEPARTMENT OF LABOR
OFFICE OF FEDERAL CONTRACT COMPLIANCE PROGRAMS
EMPLOYMENT STANDARDS ADMINISTRATION

OFCCP OFFICES WITHIN CALIFORNIA

Mr. Lou C. Madrid
Area Director
Los Angeles Area Office
OFCCP / ESA
U. S. Department of Labor
3660 Wilshire Blvd
Los Angeles, CA 90017
Phone No. (800) 475-4020

Ms. Myra Stratton
Area Director
San Francisco Area Office
OFCCP / ESA
U. S. Department of Labor
1375 Sutter Street, Suite 205
San Francisco, CA 94109
Phone No. (415) 744-6630

Mr. William Smithermen
Area Director
Van Nuys Area Office
OFCCP / ESA
U. S. Department of Labor
14546 Hamlin, Suite 220
Van Nuys, CA 91411
Phone No. (818) 904-6285

Mr. Edgar Collins
Area Director
Oakland Area Office
OFCCP / ESA
U. S. Department of Labor
1301 Clay Street, Suite 1080N
Oakland, CA 94612-5217
Phone No. (510) 6372938

Mr. Frank Galaz
Area Director
Santa Ana Area Office
OFCCP / ESA
U. S. Department of Labor
34 Civic Center Plaza, Rm 703
Santa Ana, CA 92712
Phone No. (714) 836-2784

Ms. Alice Young
Interim Director
San Jose Area Office
OFCCP / ESA
U. S. Department of Labor
60 South Market, Suite 410
San Jose, CA 95113-2328
Phone No. (408) 291-7384

Mr. Emmons Shumate
Area Director
San Diego Area Office
OFCCP / ESA
U. S. Department of Labor
880 Front Street, Room 2-S-17
San Diego, CA 92188
Phone No. (800) 475-4020

17. Contract Change Orders

References:

1994 Contract Administration Core Curriculum
LPM Section II-17

Applicability:

Applies to all non NHS federal-aid projects.

Any change of the approved plans or specifications or work required which was not included in the contract must be covered by a contract change order.. All change orders are to be approved by the administering agency in advance of any work being done on the change. **CAUTION:** All change orders which require additional federal funds for the item or change may, in fact, be jeopardized if work is done before authorization is received for the additional federal funds. To receive authorization for additional federal funds the administering agency shall submit the following to the DLAE:

- A letter explaining the change order
- A revised detailed estimate
- Written approval of the change order from the RTPA/MPO.

Approval must be received in writing for the additional federal funds from the DLAE before the change order is approved by the administering agency. All information regarding approved change orders shall be retained in the project construction records. It is recommended that Section 2-50 of the State's Construction Manual be reviewed for additional information on change orders. The procedures described therein will be followed on "State Administered" local assistance projects. For "Locally Administered" projects the following procedures apply.

If the change order work is of an emergency nature and additional federal funds are needed, the Administering Agency shall request the increase in federal funds from the DLAE and RTPA/MPO. Approval for additional federal funds may be given verbally, but the Local Agency shall submit the request in writing to the DLAE and RTPA/MPO immediately to confirm such approval in writing. The request by the administering agency shall include a revised detail estimate. The approval for additional federal funds shall be retained in the construction records.

The Administering Agency is responsible for determining eligibility of all change orders .

Some examples of work which require change orders are listed below:

- Revisions to geometric design (main road, ramps, frontage road, or crossing).
- Revision of the structural section above subbase level.
- Revisions in conflict with standards upon which project approval was based.
- Revisions involving addition, deletion, or relocation of major structures .
- Any change in planned access provisions.
- Any change which should alter the scope of the contract.

- Any change related to type or quality of materials to be furnished.
- Changes in specifications or specified method of processing.
- Changes resulting in an increase or decrease of over 25 percent in a significant item of the contract or total contract amount, or changes resulting in adjustment in unit prices when due to change in the character of the work. A "significant" item will be one for which the bid schedule amount for the item exceeds 5 percent of the-total bid. Adjustments resulting from the application of Section 9-1.08 of the State's Standard Specifications will not be considered major.
- Force account work over \$15,000 in amount and not provided for in an approved PS&E as supplemental work.

A change may be participating, participating in part, or non-participating. In general, most changes will be participating provided they are necessary to complete the project as originally contemplated at the time the plans and specifications were approved.

Following are some items which normally are non-participating:

- Guarantees other than electrical or mechanical.
- Electrical/Mechanical guarantees over 6 months.
- Delivery of salvaged material off the project.
- Utility work - betterment's or work not programmed.
- Plant establishment periods of over 1 year.
- Work outside project limits.
- Work not on properly designated route.
- R/W obligation not programmed.
- R/W obligation already compensated.
- Work chargeable to other programs.
- Maintenance work (except Demonstration Programs).
- Work not in accordance with approved Specifications, unless quality is not reduced.
- Non-highway related work.
- Work outside of Local Agency rules or limits.
- Work done before authorization is received for major CCO's.
- Work over and above amount programmed.
- Deviations from design standards without approved designed exception by local agency.

All questions regarding eligibility (federal funding participation) can be directed to the DLAE for guidance. The Administering Agency engineer should discuss pending change orders with the DLAE as early as possible.

Process reviews will be conducted by DLAE periodically to monitor approved change orders. If change orders are found to be ineligible during a process review, federal funds paid for the change order will be withdrawn from the project.

18. Materials Sampling and Testing

References:

23 CFR 635 subpart D
23 CFR 637 subpart B
Local Agency Guidelines - Washington State Department of Transportation
Construction Manual, Chapter III, Section 3-00, "Project Records and Reports"
Construction Manual, Chapter VIII, Section 8-01,8-02, and 8-03, "Sampling and Testing"
LPM Section II-18

Applicability:

Applies to all non NHS federal-aid projects.

Procedures:

Current procedures for materials sampling and testing for all Federal-aid projects are to follow the Construction Manual, Chapter VIII, Section 8-01, 8-02, and 8-03, "Sampling and Testing".

A "Materials Certificate" (see EXHIBIT 19-E) shall be completed and included in the report of expenditures of the project. A copy of the "Materials Certificate" shall also be included in the local agency construction records. All materials incorporated into the work which did not conform to specifications must be explained and justified on the "Materials Certificate".

19. Project Completion

References:

23 CFR 635 subpart D
23 CFR 637 subpart B
23 CFR 640.113
Construction Manual, Chapter III, Section 3-00, "Project Records and Reports"
Construction Manual, Chapter VIII, Section 8-01,8-02, and 8-03, "Sampling and Testing"
LPM Section II-19

Applicability:

Applies to all non NHS federal-aid projects.

Procedures:

General

On State administered projects the procedures outlined in the State's Construction Manual will be followed. On locally-administered projects the provisions described herein will apply.

Acceptance Procedures

The local agency representative will make the final inspection. The inspection should be made sufficiently in advance of completion to allow time for possible corrective action

The construction contract may not include all of the work contemplated in the project authorized by the FHWA such as striping by day labor. This work should nonetheless be completed in a timely manner. All additional work required for the authorized project must be completed before the final inspection by the Administering Agency.

As Built Plans

On locally-administered contracts the engineer responsible for structure work will provide the DLAE a set of original structure tracings; or a clear, readable, black-line copy of the original tracings with "As Built" corrections. These will be forwarded by the DLAE to the Division of Structures with a copy of the Report of Completion of Structures (Exhibit 19-G). These will be returned to the local agency after microfilming, if they so desire.

"As Built" corrections for the roadwork portion of the plans should be recorded in accordance with local agency requirements.

Reports at Completion of Contract

The local agency is responsible for preparing and submitting to the DLAE final report documents which collectively constitute a "Report of Expenditures." It is this Report (and a Report of Completion if the local agency normally prepares one) which provides key information required by Caltrans and FHWA to initiate timely project closure. The Report of Expenditures/Report of Completion is due at the completion of a contract. Deadline for submittal of the Report(s) is six (6) months after notification of project completion. The State will initiate actions discussed under "Consequences for Non-Compliance" within this section.

The Report of Expenditures includes, as a minimum, the following documents:

- **Final Inspection of Federal-Aid Project.** The local agency shall notify the State when the project has been completed. The Local Agency will prepare FIF91 entitled "Final Inspection of Federal-Aid Project" and submit it to the DLAE as part of the Report of Expenditures (See Exhibit 19-A). This form which asks for a clear description of the project location, limits, and type of work, is to be completed after a locally-administered project has been accepted or after the Administering agency's final inspection of that project. It initiates the project verification by the DLAE.
- **Final Invoice.** Should conform to the form in Exhibit 19-B. Submit one original. The Final Invoice **must** agree with the Final Detail Estimate.
- **Final Detail Estimate** For format of the final detail estimate see Section 6, Detail Estimate of this attachment. Prepare the final detail estimate in the same format as for the initial Detail Estimate given to the District Project Engineer DLAE at the beginning of the contract. If claims are still pending, the Detail Estimate should be identified as "semi-final". The Final Detail Estimate must agree with the Final Invoice. State costs will be furnished by the District Accounting Office to Local Program Accounting. State costs should not be included in the local agency prepared Final Detail Estimate.
- **Change Order Summary.** Should conform to sample form in Exhibit 19-3 19-C. This is required regardless of whether or not change orders were made during the course of the contract. If there were none, please note "none." Additionally, the following mandatory items of information must also be included on this form:
 - **Liquidated damages/contractor's claims.** Indicate the liquidated damage days charged (calendar days) if any, the amount per day, and the total amount charged. Also, provide a brief summary of each of the contractor's pending claims if any, including dollar amounts, if known.

This is to be a summary of claims as they exist at the time the contractor returns the proposed final pay estimate. Add any pertinent explanations or clarifying comments. Refer to Section 2 of this LPP, Contract Administration, for contractor's claims procedures. If there were no liquidated damages/contractor's claims, please note "none."

- **Date of project completion.**
- **Final Report, Utilization of Disadvantaged Business (DBE) and Woman-Owned Business Enterprise (WBE:).** See Exhibit 19-D. This form shall be completed and signed, and it shall be in conformance with the requirements in LPM I-18.
- **Materials Certificate.** (See Exhibit 19-E). This certificate, is commonly referred to as the "Materials Certificate," is to be included in the project files upon completion of the project. Exceptions to the certification should be documented in project records in summary form along with explanations and attached to the certificate.
- **Cover Letter and Report of Completion of Structures on Local Streets and Roads.** See Exhibits 19-F. This report is to be forwarded by the DLAE to the Division of Structures , Office of External Liaison and Agreements, Structures Local Assistance Branch for projects which include a bridge or other major structure. This information is necessary to incorporate all bridges into the statewide inventory and maintenance management system. (Include two (2) copies in the Report of Expenditures).

A checklist identifying all documents inclusive in the Report of Expenditures is in Exhibit 19-G. All documentation materials shall be maintained on file at the local agency for any future audits as specified in the Master Agreement and Program Supplement, and to serve as verification that contractor labor requirements were met.

Consequences For Non-Compliance

Failure to comply with the FHWA imposed reporting requirements discussed above will result in the following:

If the report of Expenditures is not submitted within the six-month time period, the last invoice submitted by the local agency will be considered by the State as the local agency's final invoice for the related project.

When the local agency submits a final invoice or it is otherwise determined that the project is physically completed, Local Program Accounting will track the project by computer. If any of the documentation specified in this section is missing, the project will appear on the "Projects with Documentation Needed from Districts" report. The missing documentation is identified in the comments field. The date this comment was entered will appear in the District Response field. This report is sent monthly to the District Local Assistance Engineers by Local Program Accounting.

After sixty (60) days from the date in the District Response field has elapsed, a "First Request" letter will be sent to the District requesting the missing documentation. After sixty (60) days, a "Second Request" letter will be sent. If the missing documentation is not received within the next sixty (60) days, a "Third and Final Request" letter will be sent. After coordination with the DLAE engineer, a copy of this Final Request Letter will also be sent to the Financial Officer of the local agency. This letter states that Local Program Accounting will bill the agency for all expenditures made on this project if the missing documentation is not received within the next sixty (60) days. If the local agency does not pay the accounts receivable bill within thirty (30) days, Local Program Accounting will initiate action with the State Controller to offset their gas tax funds.

If the local agency has previously included in their billing items not reimbursable by the FHWA or over-billed progress payments that exceed the Final Estimates, the local agency will be billed for the overpayment. If the local agency does not pay the state's accounts receivable bill within thirty days, Local Program Accounting will initiate action with the State Controller to offset their gas tax funds. The same policy will apply to those recommendations from process review reports on applicable findings or the improper utilization of Disadvantaged Business Enterprises.

EXHIBIT 19-A

CALIFORNIA DEPARTMENT OF TRANSPORTATION
OFFICE OF LOCAL PROGRAMS

FINAL INSPECTION OF FEDERAL-AID PROJECT

(Except for ISTECA Certification Acceptance Projects on the NHS
for New and Reconstruction of more than \$1,000,000)

INSTRUCTIONS: Local Agency is to complete Items 1-9. DLAE completes Items 10-12
and submits original plus two (2) copies to the Office of Local Programs.

1. PROJECT NO.:	2. DIST-CO-RTE-AGENCY:	3. COMPLETION DATE:
4. LOCATION OF IMPROVEMENTS AS PROGRAMMED:		
5. TYPE OF WORK:		
6. CONTRACTOR'S NAME:	7. CONTRACT AMOUNT:	
8. FINAL INSPECTION. The above listed project was completed and a final inspection has been made. The project was completed as programmed and in compliance with all State and Federal requirements.		
SIGNATURE (Local Agency Rep)		DATE:
TITLE:		
9. REMARKS:		
10. DISTRICT VERIFICATION MADE BY:	11. DATE OF VERIFICATION:	
12. PROJECT VERIFICATION: This verification of completion also constitutes approval to pay costs shown in the Final Invoice included in the Report of Expenditures and a member of my staff has reviewed the job site and found the project constructed in accordance with the scope and description of the project authorization document.		
SIGNATURE: _____ District Local Assistance Engineer		DATE: _____

Form FIF 6/95

FHWA INSPECTION
NOT REQUIRED

Exhibit 19-B

**SAMPLE FEDERAL-AID FINAL INVOICE
Single-Phase EA**

(Letterhead of Local Agency)

Date of Final Invoice

(For Final Invoice)

Name, District Director

Department of Transportation

Street or P. O. Box

City, CA Zip Code

Attention: **Name**, Local Assistance Engineer

Billing No: **Final**

Invoice No: **Local Agency's Invoice No.**

Federal Aid Project No: **Fund Abbr.-Route-(Job #)**

Tax Identification No: **Agency IRS ID Number**

Date Accepted by City/County: **Final Date**

Project Location: **Project Limits**

Reimbursement for Federal Funds are claimed pursuant to Local Agency-State Agreement

No. **Number**, Program Supplement No. **Number**, executed on **Date**.

	<u>Preliminary Engineering</u>	<u>Construction Engineering</u>	<u>Construction Contract</u>	<u>Total 33D</u>
Federal Appropriation Code	33D	33D	33D	
Expenditure Authorization No	969696	969696	969696	
Federal Authorization Date	06/30/94 01/02/95	01/02/95		
Federal participating costs from	07/05/94 01/30/95	02/15/95		
to	12/30/94	04/30/95	04/30/95	
Total Costs	\$3,500.60	\$8,400.30	\$200,000.10	\$211,901.00
Less: Retention	(0.00)	(0.00)	(20,000.00)	(20,000.00)
Non participating Costs	<u>(350.00)</u>	<u>(840.00)</u>	<u>(16,000.00)</u>	<u>(17,190.00)</u>
Subtotal \$3,150.60	\$7,560.30	\$164,000.10	\$174,711.00	
Plus: Payment of Previously Withheld Retention	<u>0.00</u>	<u>760.00</u>	<u>0.00</u>	<u>760.00</u>
Federal Participating Costs to Date	\$3,150.60	\$8,320.30	\$164,000.10	\$175,471.00
Less: Participating Costs on Previous Invoice				<u>88,495.62</u>
Change in Participating Costs				\$86,975.38
Reimbursement Ratio				<u>88.53%</u>
Amount This Claim				\$76,999.30

Exhibit 19-B continued

	<u>Construction Engineering</u>	<u>Construction Contract</u>	<u>Total 33T</u>
Federal Appropriation Code	33T	33T	
Expenditure Authorization No	969696/30600	969696/30600	
Expenditure Authorization No	969696/30600	969696/30600	
Federal Authorization Date	01/02/95	01/02/95	
Federal participating costs from	01/30/95	02/15/95	
to	04/30/95	04/30/95	
Total Costs	\$2,100.10	\$50,000.00	\$52,100.10
Less: Retention	(0.00)	(5,000.00)	(5,000.00)
Non participating Costs	<u>(210.00)</u>	<u>(4,000.00)</u>	<u>(4,210.00)</u>
Subtotal	\$42,890.10	\$1,890.10	\$41,000.00
Plus: Payment of Previously Withheld Retention	<u>190.00</u>	<u>0.00</u>	<u>190.00</u>
Federal Participating Costs To Date	\$2,080.10	\$41,000.00	\$43,080.10
Less: Participating Costs on Previous Invoice			<u>21,470.00</u>
Change in Participating Cost Reimbursement Ratio			\$21,610.10 <u>100.00%</u>
Amount This Claim			\$21,610.10
INVOICE TOTAL			\$98,609.40 =====

I certify that the work covered by this invoice has been completed in accordance with approved plans and specifications; the costs shown in this invoice are true and correct; and the amount claimed, including retention as reflected above, is due and payable in accordance with the terms of the agreement.

Signature, Title and Unit of Local Agency Representative

Phone No.

Note: When multiplying "Change in Participating Costs" by "Reimbursement Ratio", the result is be rounded to the lowest cent. Federal rules do not allow rounding up.

Distribution: (1) Original-included in Report of Expenditures (2) Copy retained by Local Agency in project file

Exhibit 19-C

(SAMPLE)

CHANGE ORDER SUMMARY

Change Order No.	Brief Description	Contract Item Price*	Amt. Part.	Amt. Exp. Extra Work**	Amt. Part.
1	Traffic Control	0.00	0.00	\$4,527.25	\$4,527.25
2	6"PCC Driveway at Sta. 41+50 RT	255.00	255.00	0.00	0.00
3	Add'l 18" RCP at 67+70 LT	96.00	0.00	0.00	0.00
4	Relocate waterline at 14+25 RT	0.00	0.00	145.15	145.15
5	Adjust Compensation AC overrun	0.00	0.00	(-832.00)	(-832.00)
6	Delete Valley Gutters	<u>(-255.00)</u>	<u>(-255.00)</u>	<u>0.00</u>	<u>0.00</u>
		\$ 96.00	\$ 0.00	\$3,840.40	\$3,840.40

The amount shown as extra work is to be reported as a supplemental expenditure on the final Detail Estimate.

Liquidated Damages/contractors claim: None

Date of completion: 1/2/87

Date of acceptance: 1/5/87

*Amounts shown are included at Bid Prices on Detail Estimate.

**Extra Work (Payment under force account or agreed price).

STATE OF CALIFORNIA
 DEPARTMENT OF TRANSPORTATION
 New: CEM ????? (Old: Form IIC43 REV 11/83)

**FINAL REPORT
 UTILIZATION OF DISADVANTAGED BUSINESSES (DB)
 AND WOMAN-OWNED BUSINESS ENTERPRISES (WBE)**

Location (CO/RTIE/PM) _____
 Project/Contract No. _____
 Federal Air Project No. _____
 Administering Agency _____
 Contract Completion Date _____

Prime Contractor: _____
 Address: _____
 Estimated Total _____
 Payment to Contractor \$ _____

CONTRACT ITEM NO	DESCRIPTION OF WORK PERFORMED AND MATERIALS PROVIDED	FOR CALTRANS USE ONLY	NAME OF DB OR WBE	FOR CALTRANS USE ONLY	CONTRACT PAYMENTS		COMMENTS
					DB	WBE	
					\$	\$	

If actual DB/WBE utilization (or item of work) was different than that approved at time of award, explain why.

Use reverse side if additional space is required.

Totals

\$	\$
%	%
Total	%

Approved DB/WBE Information at time of contract award (if none indicate 0)

DB _____ %
 WBE _____ %
 Total _____ %

To the best of my information and belief, the above information is complete and correct.

I certify that the above information is complete and correct.

 Signature - Resident Engineer

 Date

 Contractor Representative

 Title

 Phone Number

 Date

Exhibit 19-D

Exhibit 19-E

Materials Certificate
CITY/COUNTY LETTERHEAD
(Sample)

Date: _____
Federal-Aid Project No.: _____
Caltrans File Category 61: _____
Job Stamp: _____

Subject: Materials Certification

This is to certify that:

The results of the tests on acceptance samples indicate that the materials incorporated in the construction work and the construction operations controlled by sampling and testing were in conformity with the approved plans and specifications.

- Exceptions to the plans and specifications are explained on the back of this memorandum (or on attached sheet).
- No exceptions to the plans and specifications were found.

Signature of Local Agency Engineer in responsible charge of project and title

Distribution: (1) Original Project Files (2) Include copy on Report of Expenditures to DLAE

Exhibit 19-F

SAMPLE COVER LETTER

Date

Type of Funding

Dist.- Co-Rte.

State Contract No.

Fed. Project No.

Chief, Office of Structures Design
Caltrans
P. O. Box 942874
Sacramento, CA 94274-0001

Attention: _____ Local Assistance Engineer

Dear: _____

Submitted herewith is the REPORT OF COMPLETION OF STRUCTURES ON LOCAL STREETS AND ROADS for the structures listed below:

Bridge Name
(future intersected)

Road Name
(facility carries)

State Bridge No.

Contractor

Bridge Resident Engineer

Exhibit 19-F continued

REPORT OF COMPLETION OF STRUCTURES
ON LOCAL STREETS AND ROADS

- A. Description of Bridge Work
- B. Contract Chronology
Structure Work Completed _____
- C. Final Photograph
Attach one photograph of completed structure, side view.
- D. Site Map
Include an 8 1/2 X 11" reproduction of the work location site map.
- E. Attachments
1. As Built Plans.
 2. Stream Flow record (high water during construction).
 3. Shop plan microfilms, pre-stress, structural steel, pumping plants, movable bridges.

Exhibit 19-G

CHECKLIST OF MANDATORY "REPORT OF EXPENDITURES" DOCUMENTS

- () Final Invoice
- () Final Detail Estimate
- () Change Order Summary
- () Statement of the existence or absence of liquidated damages and/or contractor's claims
- () Date of completion
- () Date of acceptance
- () Final Report, Utilization of Disadvantaged Business Enterprise(DBE) and Woman-Owned Business Enterprises (WBE), modified Form HC-43 (See Exhibit 19-D)
- () Materials Certificate" (Exhibit 19-E)
- () *Report of Completion of Structure (two copies) (*Shall include one set of "As Built" Plans*)
- () Final Inspection of Federal-aid Project Form FIF 6/95)

Single submittal of all these documents would facilitate timely project closure.

*Additional documents required on bridge/major structural project or projects which meet specified conditions (described under Reports at Completion of Contract).

Distribution: (1) Original Project Files

20. Construction Engineering Review by the State

References:

23 CFR 640.113
LPM Section II-20

Applicability:

Applies to all non NHS federal-aid projects.

Procedures:

The construction engineering of "Locally Administered" projects will be reviewed as outlined in the Process Review LPP. When structure (bridge) work is involved, the process review team shall include a representative from Caltrans Office of Structures, Construction.

The Administering Agency shall notify the DLAE of final completion and acceptance of the project by submitting the Final Inspection of Federal-Aid Project (Form 1446C). The DLAE will verify the project by visiting the project limits and checking to see if the projects was constructed according to the scope described in the project authorization. Project verification shall be documented by signing the Final Inspection of Federal-Aid Project document. Upon verification the DLAE will submit the Final Inspection of Federal -Aid Project document and the report of Expenditures to the Accounting Service Center, attention: Local Programs Accounting.

21. Traffic Safety in Highway and Street Work Zones

References:

23 CFR 630 subpart J
LPM Section II-21

Applicability:

Applies to all non NHS federal-aid projects.

Procedures:

The purpose of this section is to provide guidance and to establish procedures to ensure that adequate consideration is given to motorists, pedestrians and construction workers on all Federal-aid construction projects.

Each Local Agency shall develop and implement procedures consistent with the requirements of this section that will assure the safety of motorists, pedestrians and construction workers on Federal-aid highway construction projects. The procedures shall be consistent with the provisions of the State Traffic Manual. Local Agencies are encouraged to implement these procedures for non-Federal-aid projects and maintenance operations as well.

The Local Agency's procedures shall include, but not be limited to the following:

- Traffic Control Plan (TCP)

- 1) A traffic control plan is a plan for handling traffic through a specific highway or street work zone or project. TCP's may range in scope from a very detailed plan designed solely for a specific project, to a reference to standard plans, the State Traffic Manual or a manual such as the "Work Area Traffic Control Handbook" published by Building News, Inc., in Los Angeles. The degree of detail in the TCP will depend on the project complexity and traffic interference with construction activity.
- 2) Traffic control plans shall be developed for all Federally aided projects and included in the plans, specifications and estimates (PS&E's).
- 3) The scope of the TCP should be determined during the planning and design phases of a project.
- 4) Provisions may be made to permit contractors to develop their own TCP's and use them if the Local Agency find that these plans are as good or better than those provided in the PS&E.

- Responsible Person

The Local Agency shall designate a qualified person at the project level who will have the primary responsibility and sufficient authority for assuring that the TCP and other safety aspects of the contract are effectively administered. While the project or resident engineer may have this responsibility, on large complex projects another person should be assigned at the project level to handle traffic control on a full-time basis. The person's name should be included in the "Project Advisory Letter" (see Section 2-04) if the resident engineer is not given this responsibility.

- Training

All persons responsible for the development, design, implementation and inspection of traffic control shall be adequately trained.

- Process Review and Evaluation

A Process review team consisting of appropriate Caltrans and FHWA personnel will review randomly selected Federal-aid projects throughout the State for the purpose of assessing the effectiveness of its procedures. The results of this review will be forwarded to the FHWA.

- Accident Analysis

Local Agencies should analyze construction and maintenance work site accidents for the purpose of correcting deficiencies which are found to exist on individual projects and to improve the content of future traffic control plans.

- Pay Items

The method of payment for traffic control items should be described in the project specifications

1. Overview
2. Method
3. General Agreements
 - 3.1 Local Agency-State Master Agreements
 - 3.2 Program Supplement Agreement
4. Special Program Agreements
 - 4.1 Annual Exchange & Match Agreement
 - 4.2 Bicycle Lane Account Agreements
 - 4.3 Proposition 116 Agreements, Bicycle Projects & EEM Agreements
 - 4.4 Railroad Service Contract
5. Processing
6. Federal-Aid Project Agreement (PR-2/PR-2A)
7. State Highway & Other Agreements

EXHIBITS:

Exhibit A: Agreement checklist

1. Overview

The Federal-Aid Highway Program and most local programs funded from the State Highway Account are reimbursable programs. Agreements (contracts) must be executed in order to pay funds to the local agency. The Office of Local Programs (OLP) will prepare all agreements and process them directly with the local agency. The agreements must be executed before any invoices for payment can be processed.

2. Method

References:

23 U.S.C. 630.301 et. seq.

Local Programs Manual Volume I, Sec. 16

LPPs 94-02 & 09 (Partnership Program)

Published Memos Weaver/Kiff, 2/20/93, Everitt 5/28/93 & 1/5/95 (Exchange & Match procedures).

Applicability:

Applies to all local agency projects receiving Federal-aid highway project funds and state highway account funds.

Guidance:

An agreement must be in place between the local agency and the state and for federal funds, between FHWA and the state in order to transfer (pay) funds.

3. General Agreements

3.1 Local Agency-State Master Agreement

A Local Agency-State Master Agreement is required of a local agency whenever federal or state funds are to be used on a local project funded from the following programs:

- Federal Aid
- TSM/FCR
- State Local Transportation Partnership

In the master agreement, a local agency agrees to comply with all federal/state laws, regulations, policies and procedures relative to the design, right of way acquisition, construction and maintenance of the completed facility. It is normally processed with the agency as it begins its first Federal-aid or State funded projects, once for each of the above three programs. The Local Agency-State Master Agreements are occasionally

updated to account for changes in laws and policies and must be reexecuted with local agencies sponsoring local federal-aid/state funded projects.

3.2 Program Supplement Agreement

This supplement to the master agreement formalizes the financial responsibilities and provisions for a specific Federal-aid/state funded project in the categories defined above. This program supplement identifies the reimbursable phase(s) of work in addition to the types and amounts of federal, state and local funds used to finance the locally sponsored project. It is the contract allowing the state to pay the local agency for work done.

- Federal Aid

The "Request for Authorization" certification will define when the local agency needs the supplement agreement and Federal PR-2 Agreement to be prepared. For federal-aid projects, the OLP will normally prepare a Program Supplement Agreement upon completion of the construction phase authorization/obligation but prior to the advertisement of the project. If a local agency plans to request federal reimbursement for a phase(s) of work before it requests reimbursement for the construction phase, a separate program supplement is required for that phase(s) of work. The PR-2 must also be prepared. The local agency will prepare the Local Programs Agreement checklist (Exhibit A) defining general and specific conditions which need to be incorporated into the agreement. If costs have changed since the original submittal, a revised estimate, finance letter and verification of FTIP/FSTIP consistency should be submitted to the DLAE.

The Program Supplement Agreement should be executed by both the local agency and state in a timely manner, preferably prior to awarding the contract. Standard covenants in a program supplement stipulate that payment of federal funds is limited to the amounts approved by the FHWA in the Federal-Aid Authorization to Proceed (E-76) or in the Project Agreement (PR-2)/Detail Estimate or its modification (PR-2A). Any increase in project costs above the authorized federal and state funds in the program supplement shall be the responsibility of the local agency unless modified by a later agreement or PR-2/2A revision. A revised estimate, finance letter and verification of FTIP/FSTIP consistency from the agency are needed to initiate these changes.

- TSM/FCR

For a project which will not be using federal funds, typically with construction costs of \$300,000 or less, a Program Supplement Agreement is prepared by the Office of Local Programs prior to advertising a project after the California Transportation Commission vote to allocate funds. For the remaining projects which will be implemented with federal funds, both the CTC vote and federal authorization would be completed before preparing the supplemental agreement. Information supplied at the CTC vote request and the agreement check list would define agreement conditions.

- State/Local Transportation Partnership Program

A Program Supplement Agreement is prepared by the Office of Local Programs after the award of the contract and after funds have been budgeted by the Legislature. The award amount is used in the calculation for the funds to be encumbered in the agreement.

4. Special Program Agreements

4.1 Annual Exchange & Match Agreement

These agreements are processed to exchange Federal-aid funds for state funds as provided by S&H Code 182.6 (g) et seq. At the beginning of each federal fiscal year, an annual calculation of the amounts available for exchange is made and a notification is sent to the MPOs, RTPAs and counties. The local agency notifies the District Local Assistance Engineer (DLAE) of the amounts they wish to exchange. The DLAE and Area Engineer review the request and OLP prepares an agreement for local agency signature and return to OLP for final execution.

4.2 Bicycle Lane Account Agreements

Applications are submitted to OLP for annual project selection. Upon selection, agreements for all projects for the year are prepared and submitted to accounting for fund encumbrance then processed for local agency signature and return to OLP for final execution.

4.3 Proposition 116 Agreements Bicycle Projects & EEM Agreements

Upon the second vote by CTC for funding, OLP prepares the Agreement and processes it for local agency signature and return to OLP for final execution. Funds are encumbered as part of the final execution process.

4.4 Railroad Service Contract

These are contracts between Caltrans and a railroad company. OLP processes these directly with the railroad. The local agency would not be involved in this contract, but would be involved in the agreement for federal funds for the project.

5. Processing

In its "Request for Authorization" for federal projects, the local agency will define at what project phase it wishes to begin invoicing its federal costs. Processing for Partnership Supplemental Agreements is begun when the agency provides the award data package to the DLAE and he submits the partnership finance letter to OLP. Timing for

other agreements varies, but they must be executed by both the local agency and Caltrans before any invoice payments can be processed.

The local agency will submit the Local Programs Agreement checklist and, if not previously submitted, the two page field review summary (see Attachment 3, "Field Review") to the DLAE. After ensuring that these documents are complete, the DLAE will forward them to OLP. From this point, Local Agency/State agreements will be processed directly between Caltrans OLP in Sacramento and the local agency.

Agreements will returned for processing to the contact person and address shown on the project's local programs agreement checklist. The DLAE and OLP will maintain an address list for each local agency including the name of the contact individual(s). Each agency will inform both DLAE and OLP of any changes.

District staff will be informed of actions taken, but will not process or sign the agreements.

Agreement execution must be completed in a timely manner. Agreements must be returned with a resolution or minute order of the local agency governing body approving the agreement and authorizing a specific person(s) to sign it for the agency. Local agencies may authorize signature of future agreements by an individual, e.g. city manager, in general resolution without having to present each agreement to the governing board. This is acceptable and will speed up the process. Any changes to the document language made by the local agency may void the agreement.

Normally, funds will be encumbered before the agreement is sent to the local agency. The following agreements must be executed by the State in the state fiscal year in which the funds are encumbered:

- Federal Supplemental
- EEM

At times, especially near the close of the state fiscal year, the encumbrance may be delayed until the return of the agreement to OLP. This can speed processing and will avoid reprocessing the agreement if there is a delay in local agency response which crosses fiscal years. The agency should indicate on the agreements check list its willingness to execute such an agreement.

6. Federal-Aid Project Agreement (PR-2/PR-2A)

All local federal-aid projects must have a Federal-Aid Project Agreement. This agreement, between FHWA and the state, establishes the level of federal funds needed for reimbursement of the federal share of project costs and stipulates the state's compliance with federal requirements. It allows federal funds to flow to the state to reimburse the state for payments made by the state to the project sponsor. For the

construction phase, the PR-2 is usually processed after receipt of bid opening/award information, see Attachment 8, "Construction Administration." This provides a more precise estimate for adjustment in the federal obligation amounts which were originally established in the "Authorization to Proceed". All requests for changes in costs or cost distribution on the PR-2 from those shown in the "Authorization to Proceed" (E-76) shall be accompanied by a new detailed estimate, a new finance letter and an appropriate explanation. Any increase in federal funds above that authorized in the PR-2 will require FHWA concurrence through the processing of a PR-2A. Adjustments in costs must be consistent with funding established for the project in the FHWA-approved MPO FTIP or the FSTIP.

7. State Highway & Other Agreements

There are various types of agreements involving Caltrans, other state agencies, local agencies and/or private entities. Example of these agreements include Grade Separation Fund, Cooperative, Joint Powers, Highway Powers, Highway Improvement, Escrow, PVEA, and Contribution Agreements and Service contracts. These are not processed to agencies by OLP but are developed and processed as defined in other Caltrans manuals and documents. The need for one or more of these agreements should not be overlooked during project development. see Attachment 3 & 7, "Field Review" and "Plans, Specifications and Estimates."

LOCAL PROGRAMS AGREEMENT CHECK LIST

Agency: _____

Request for agreement for federal/state funding: Project No. _____

A. Funds

____ Federal ____ TSM match ____ FCR ____ TSM ____ SLTPP

____ Match/Exchange ____ Bike Lane Acct. ____ EEM

____ Prop. 116 Bicycle

Is a CTC 2nd vote required? ____ Yes ____ No

Has it been scheduled/voted? ____ Yes ____ No Date _____

B. Agreement Type

____ Master ____ Supplemental* ____ Revised Supplemental* ____ PR-2/2A*

C. Phases to be Covered now:

____ PE ____ ROW ____ Const. ____ Other (specify) _____

D. Standard Conditions

Who will: L = Local Agency S = State (Caltrans)

___ Advertise ___ Award ___ Administer ___ Furnish RE ___ Maintain

Other Agency will: (Specify who) _____

___ Advertise ___ Award ___ Administer ___ Furnish RE ___ Maintain

E. State to be Reimbursed for:

____ Resident Engineer ____ Inspection ____ Other (specify) _____

F. Agency will sign agreement without fund encumbrance, if necessary. Yes ___ No ___

G. If multiple fund sources are to be used provide Finance Letter, Estimates and clarifying information defining references needed in the agreement.

H. On a separate sheet, describe any other special conditions applying to the project.

I. Cooperative Agreement No. (if there is one) _____

J. Contact Person _____ Date _____ Phone _____

Mail Address: _____

Attach required pages of Field Review if not previously submitted.

* Provide an updated finance letter if costs have changed from "Authorization to Proceed", also confirm that funding level is still consistent with FHWA approved TIP or TIP amendment.

INVOICES

1. Overview
2. Method
3. Responsibilities
4. Process
 - 4.1 Initiation Requirements
 - 4.2 Invoice
5. District Review of Invoices
 - 5.1 Progress Invoices
 - 5.2 Final Invoices
6. Payment
7. Audits
8. Report of Expenditures

EXHIBITS

- Exhibit A: Invoice Single Phase EA
- Exhibit B: Invoice Multi-Phase EA
- Exhibit C: Invoice State Programs

1. Overview

Invoices must be prepared for local agency administered project work that is to be reimbursed for payment from state or federal-aid funds. The following procedure will be used by the local agency regardless of the type of funds or street or highway system.

2. Method

References:

Local Programs Manual, Volume I, Section 20
Local Programs Manual, Volume II, Section 19
Caltrans Accounting Manual, Chapter 19
State/Local Transportation Partnership Program Projects Guidelines
Guidelines for Matching RSTP/CMAQ with State Match Funds - 4/21/94
LPP 94-05
LPP 94-09
LPP 95-03

Applicability:

This procedure applies to all local agency projects requesting reimbursement from funds administered by the Office of Local Programs.

Guidance:

Local agencies may submit invoices for reimbursement of participating project costs on a monthly progress basis. Invoices for all progress billings shall be submitted directly to Caltrans, Accounting Service Center (ASC) in Sacramento. If there will be more than nine months between completion of Plans, Specifications, and Estimates (PS & E) and completion of construction, the final invoice for each project phase should be prepared and processed as soon as all the cost data is available. Final invoices shall be submitted to the appropriate District Local Assistance Engineer (DLAE).

Exceptions:

State/Local Transportation Partnership Program (SLTPP) projects involving \$300,000 or less in state funds and Transportation Systems Management (TSM) matching funds for Federal Transit Administration grant projects receiving \$300,000 or less in state matching funds will receive the full state share of funding at the time of contract award. This lump sum payment is considered a "grant," and will be reimbursed regardless of final cost.

These shall be submitted to the DLAE as a final invoice. See LPP 94-09, "State and Local Transportation Partnership Program."

3. Responsibilities

The local agency is responsible for accurately billing Caltrans for reimbursable work upon completion. The local agency shall prepare invoices in the prescribed format based upon work completed and payments made therefor.

Upon project completion, the DLAE will receive the final invoice and will verify completion of the work prior to approving the final payment.

The Caltrans ASC will process all properly completed invoices for payment by the Controller in a timely manner.

4. Process

4.1 Initiation Requirements

The agency must have an executed Program Supplement that includes the requested project phase with the Department of Transportation before any invoice can be processed. For FHWA funded projects, the Department must have an executed Federal-Aid Project Agreement (PR-2). Invoices shall not exceed the amounts shown in the PR-2/2A. See Attachment 9, "Agreements." See Attachment 8 "Construction Administration" for discussion on Construction Records, Accounting Procedures and record retention.

4.2 Invoice

- The agency shall bill the State by using the proper invoice form (examples attached). The agency representative shall certify that the claimed expenses have been incurred.
- An original invoice, two (2) copies of the invoice, and one (1) copy of back-up information* for all progress invoices and also for final invoices for Flexible Congestion Relief projects will be sent by the agency directly to:

Department of Transportation
Accounting Service Center
Local Programs Accounting Branch
P. O. Box 942874
Sacramento, CA 94274-0001

Exception:

Invoices for work performed under Caltrans service contracts shall be submitted to the designated program manager, e.g., Railroad Crossing Program Manager, for review and verification. Upon verification, he/she will forward the invoice to Accounting for payment.

Notes:

Final invoices shall be sent to the DLAE for verification of work completion. See below and Attachment 8, "Construction Administration."

* See Local Programs Manual Chapter 14 for invoice format and for backup information on invoices for R/W. Change the header and transmittal addresses in accordance with the invoice exhibits attached to this LPP. Include a copy of the agency's progress pay estimate to the contractor for construction invoices.

- Progress billing invoices shall be based on participating project costs and reimbursement ratio, if applicable, of completed work. The agency shall maintain written source document records that identify agency costs and support payments made to consultants, vendors and contractors.

Exceptions:

SLTPP projects involving \$300,000 or less in state funds will receive the full state share of funding at the time of contract award. This lump sum payment is considered a "grant," and will be reimbursed regardless of final cost. Final inspection and accounting reconciliation will not be performed.

SLTPP projects involving more than \$300,000 in state funds can be reimbursed at 100 percent of incurred cost for any state share. Progress billings will be reimbursed at 100 percent until the total state share is fully reimbursed.

Transportation Systems Management (TSM) matching funds for Federal Transit Administration grant projects receiving \$300,000 or less in state matching funds are eligible for Local Agency invoicing upon award of the contract and execution of a Program Supplement agreement.

- Agencies shall use the invoice format in Attachments A or B for federal-aid projects.

For state programs, e.g., SLTPP, agencies shall use the invoice form in Attachment C.

- Invoices must be submitted on local agency letterhead and include the following:
 1. Local Agency/State agreement and supplement numbers
 2. Project number
 3. Local Agency IRS Tax identification number¹
 4. Progress billing and/or invoice number

¹ The Internal Revenue Service (IRS) requires an ID number for all agencies receiving state payments. If Local Programs Accounting does not have this number, they will return the invoice. If the agency insists on payment, Caltrans must withhold 30+ percent of the payment and sent it to IRS and the agency will have to recover it from IRS.

-
5. Reimbursement ratio
 6. Cost breakdown by phase of work, i.e., P.E., C.E., construction, etc., as follows:
 - a) Total cost to date
 - b) Retention withheld
 - c) Liquidated damages
 - d) Nonparticipating or ineligible cost to date
 - e) Participating costs on previous invoice
 - f) Amount of current claim
 - g) Invoice total
 7. Certification and signature of local agency representative

5. District Review of Invoices

5.1 Progress Invoices

DLAE, subject to availability of personnel, may assist any agency in the preparation of the initial invoice. Progress invoices for work performed under Caltrans service contracts will be submitted to the program manager designated in the contract for review and approval prior to forwarding to Local Programs Accounting Branch (LPA).

5.2 Final Invoices

DLAE will receive two copies of the Report of Expenditures that includes an original invoice and one (1) copy of the invoice. DLAE will arrange with the agency for verification of project completion. See Attachment 8, "Construction Administration" for information and documents that should be submitted in the Report of Expenditures. See Local Programs Manual Chapter 14 for information that should be provided for final invoices involving right of way. An update of this chapter is being prepared.

For projects involving right of way and/or physical construction, a site visit will normally be scheduled for verification of completion. Other types of projects may be verified through review of final reports, project goals and accomplishment, annual review data, etc. Upon verification, DLAE will approve the original final invoice for payment and transmit it to the LPA with two copies of the invoice and one copy of the Report of Expenditures. The remaining copies will be retained in the district files. DLAE will send a copy of the verification statement to the local agency.

6. Payment

Caltrans' LPA will date-stamp the monthly progress payment invoices immediately upon receipt from the local agency and enter the record into their Invoice Tracking System. Final invoices will be stamped upon receipt of the approved original from the DLAE.

All invoices will be reviewed for completeness and accuracy, batched, and forwarded to the Accounts Payable Unit by LPA for claim scheduling to the State Controller's Office for payment. If the review identifies errors, omissions or inaccuracies, LPA will return the invoice to the local agency and will advise the DLAE of the return of final invoices.

7. Audits

Local agency expenditures for all Local Assistance programs are subject to financial and compliance audits by the State Controllers Office (SCO) and Caltrans Office of Audits and Security (Audits). Based upon the auditor's evaluation of the local agency's system of controls, the necessity for an on-site audit of the local agency's records underlying the reported project expenditures will be determined.

Local agencies are also subject to the audit requirements of the Federal Office of Management and Budget *Circular A-128*. A single audit is required if an agency receives more than \$100,000 in federal funds from all sources. The number of audits to be performed by the SCO and Caltrans Audits will be determined by local agency compliance with the Single Audit Act (P.L. 98-502). Normally, a project audit will not be necessary when the project expenditures are covered by a Single Audit Report that has been accepted by the cognizant federal agency.

8. Report of Expenditures

The final invoice and the Final Report of Expenditures shall be coordinated as noted above. Refer to LPP 95-03 Final Project Expenditure Report for State-Funded Local Assistance Projects and Attachment 8, "Contract Administration" for further details on the Report of Expenditures for reports required for federal-aid projects. In accordance with the Local Agency-State Agreement, contract records must be retained by the local agency for a minimum period of three years from the date of final payment.

SAMPLE FEDERAL-AID INVOICE
Single-Phase EA

(Letterhead of Local Agency)

Date of Invoice

(For Progress Invoice)
 Department of Transportation
 Accounting Service Center
 Local Program Accounting Branch **Street or P. O. Box**
 P.O. Box 942874
 Sacramento, CA 94274-0001

(For Final Invoice)
Name, District Director
 Department of Transportation
City, CA Zip Code
 Attention: Name, Local Assistance Engineer

Billing No: **1, 2, ..., or Final**

Invoice No: **Local Agency's Invoice No.**

Federal Aid Project No: **Fund Abbrev-Route-(Job #)**

Tax Identification No: **Agency IRS ID Number**

Date Accepted by City/County: **Final Date : "Ongoing" (if not Final)**

Project Location: **Project Limits**

Reimbursement for Federal Funds are claimed pursuant to Local Agency-State Agreement

No. Number, Program Supplement No. Number, executed on Date.

	<u>Preliminary Engineering</u>	<u>Construction Engineering</u>	<u>Construction Contract</u>	<u>Total 33D</u>
Federal Appropriation Code	33D	33D	33D	
Expenditure Authorization No	969696	969696	969696	
Federal Authorization Date	06/30/94 01/02/95	01/02/95		
Federal participating costs from	07/05/94 01/30/95	02/15/95		
to	12/30/94	04/30/95	04/30/95	
Total Costs	\$3,500.60	\$8,400.30	\$200,000.10	\$211,901.00
Less: Retention	(0.00)	(0.00)	(20,000.00)	(20,000.00)
Non participating Costs	<u>(350.00)</u>	<u>(840.00)</u>	<u>(16,000.00)</u>	<u>(17,190.00)</u>
Subtotal \$3,150.60	\$7,560.30	\$164,000.10	\$174,711.00	
Plus: Payment of Previously Withheld Retention	<u>0.00</u>	<u>760.00</u>	<u>0.00</u>	<u>760.00</u>
Federal Participating Costs to Date	\$3,150.60	\$8,320.30	\$164,000.10	\$175,471.00
Less: Participating Costs on Previous Invoice				<u>88,495.62</u>
Change in Participating Costs Reimbursement Ratio				\$86,975.38 <u>88.53%</u>
Amount This Claim				\$76,999.30

	<u>Construction Engineering</u>	<u>Construction Contract</u>	<u>Total 33T</u>
Federal Appropriation Code	33T	33T	
Expenditure Authorization No	969696/30600	969696/30600	
Federal Authorization Date	01/02/95	01/02/95	
Federal participating costs from	01/30/95	02/15/95	
to	04/30/95	04/30/95	
Total Costs	\$2,100.10	\$50,000.00	\$52,100.10
Less: Retention	(0.00)	(5,000.00)	(5,000.00)
Non participating Costs	<u>(210.00)</u>	<u>(4,000.00)</u>	<u>(4,210.00)</u>
Subtotal	\$42,890.10	\$1,890.10	\$41,000.00
Plus: Payment of Previously Withheld Retention	<u>190.00</u>	<u>0.00</u>	<u>190.00</u>
Federal Participating Costs To Date	\$2,080.10	\$41,000.00	\$43,080.10
Less: Participating Costs on Previous Invoice			<u>21,470.00</u>
Change in Participating Cost Reimbursement Ratio			<u>\$21,610.10</u> <u>100.00%</u>
Amount This Claim			\$21,610.10
INVOICE TOTAL			<u><u>\$98,609.40</u></u>

I certify that the work covered by this invoice has been completed in accordance with approved plans and specifications; the costs shown in this invoice are true and correct; and the amount claimed, including retention as reflected above, is due and payable in accordance with the terms of the agreement.

Signature, Title and Unit of Local Agency Representative

Phone No.

Note: When multiplying "Change in Participating Costs" by "Reimbursement Ratio", the result is be rounded to the lowest cent. Federal rules do not allow rounding up.

SAMPLE FEDERAL-AID INVOICE
Multi-Phase EA

(Letterhead of Local Agency)

Date of Invoice

(For Progress Invoice)
 Department of Transportation
 Accounting Service Center
 Local Program Accounting Branch *Street or P. O. Box*
 P.O. Box 942874
 Sacramento, CA 94274-0001

(For Final Invoice)
Name, District Director
 Department of Transportation
City, CA Zip Code
 Attention: Name, Local Assistance Engineer

Billing No: *1, 2, ..., or Final*
 Invoice No: *Local Agency's Invoice No.*
 Federal Aid Project No: *Fund Abbrev-Route-(Job #)*
 Tax Identification No: *Agency IRS ID Number*
 Date Accepted by City/County: *Final Date : "Ongoing" (if not* Project
Project Limits Final)

Location:

Reimbursement for Federal Funds are claimed pursuant to Local Agency-State Agreement No. Number, Program Supplement No. Number, executed on Date.

	<u>Preliminary Engineering</u>		<u>Construction Engineering</u>		<u>Construction Contract</u>
Federal Appropriation Code	33D		33D		33D
Expenditure Authorization No	023451		023453		023454
Federal Authorization Date	06/30/94		01/02/95	01/02/95	
Federal participating costs from	07/05/94		01/30/95	02/15/95	
to	12/30/94		04/30/95		04/30/95
Total Costs	\$3,500.60		\$8,400.30		\$200,000.10
Less: Retention	(0.00)		(0.00)		(20,000.00)
Non participating Costs	<u>(350.00)</u>		<u>(840.00)</u>		<u>(16,000.00)</u>
Subtotal	\$3,150.60		\$7,560.30		
Plus: Payment of Previously Withheld Retention	<u>0.00</u>		<u>760.00</u>		<u>0.00</u>
Federal Participating Costs to Date	\$3,150.60		\$8,320.30		\$164,000.10
Less: Participating Costs on Previous Invoice	<u>2,615.62</u>		<u>3,960.00</u>		<u>81,920.00</u>
Change in Participating Cost Reimbursement Ratio	\$534.98 <u>88.53%</u>		\$4,360.30 <u>88.53%</u>		\$82,080.10 <u>88.53%</u>
Amount This Claim	\$473.61		\$3,860.17		\$72,665.51

		<u>Construction Engineering</u>	<u>Construction Contract</u>
Federal Appropriation Code		33T	33T
Expenditure Authorization No		023453/30600	023454/30600
Federal Authorization Date	01/02/95		01/02/95
Federal participating costs from	01/30/95		02/15/95
	to	04/30/95	04/30/95
Total Costs		\$2,100.10	\$50,000.00
Less: Retention		(0.00)	(5,000.00)
Non participating Costs		<u>(210.00)</u>	<u>(4,000.00)</u>
Subtotal		\$1,890.10	\$41,000.00
Plus: Payment of Previously Withheld Retention		<u>190.00</u>	<u>0.00</u>
Federal Participating Costs To Date		\$2,080.10	\$41,000.00
Less: Participating Costs on Previous Invoice		<u>990.00</u>	<u>20,480.00</u>
Change in Participating Cost Reimbursement Ratio		<u>\$1,090.10</u> <u>100.00%</u>	<u>\$20,520.00</u> <u>100.00%</u>
Amount This Claim		<u>\$1,090.10</u>	<u>\$20,520.00</u>

INVOICE TOTAL \$98,609.39

I certify that the work covered by this invoice has been completed in accordance with approved plans and specifications; the costs shown in this invoice are true and correct; and the amount claimed, including retention as reflected above, is due and payable in accordance with the terms of the agreement.

Signature, Title and Unit of Local Agency Representative

Phone No.

Note: When multiplying "Change in Participating Costs" by "Reimbursement Ratio", the result is be rounded to the lowest cent. Federal rules do not allow rounding up.

Sample Invoice-State Programs

(Letterhead of Local Agency)

Date of Invoice

Department of Transportation
 Accounting Service Center
 Local Program Accounting Branch
 P.O. Box 942874
 Sacramento, CA 94274-0001

Billing No: ***1,2,... or final***
 Local Agency's Invoice No: ***Local Agency's Invoice No.***
 Completion Date: ***Date Project Completed***
 State Project No: ***Fund Abrev-Job Number***
 Tax Identification No: ***Agency IRS ID Number***
 Project Location: ***Project Limits***
 EA No.: ***Project EA #***

Reimbursement for State Program funds is claimed pursuant to Local Agency-State Agreement No. Number, Program Supplement No. Number, Executed on Date.

	* Preliminary Engineering	Construction Engineering & Contingencies	Construction Contract	Total
Total Cost to Date:	_____	_____	_____	_____
Less: Ineligible Costs	_____	_____	_____	_____
Eligible Costs to Date	_____	_____	_____	_____
Reimbursement Ratio	_____	_____	_____	_____
Less: Previous Invoice	_____	_____	_____	_____
Eligible Costs Subtotal	_____	_____	_____	_____
Invoice Total	_____	_____	_____	_____

* See specific program for eligibility of various phases: include only appropriate columns

I certify that the Program Name work covered by this Invoice has been completed in accordance with plans and specifications; the costs shown in this Invoice are true and correct; and the amount claimed is due and payable in accordance with the terms of the Agreement

Signature & Title of Local Agency Representative Phone Number

PROCESS REVIEW

- 1. Overview**
 - 1.1 Existing Procedures**
 - 1.2 New Procedures**
- 2. Methods**
- 3. Objectives**
- 4. Findings**
- 5. Recommendations**
 - 5.1 Procedure Corrections**
 - 5.2 Request for Corrective Action**
 - 5.3 Sanctions**
 - 5.4 Appeals**
- 6. Monitoring Plan**
- 7. Goals**
- 8. Mini Process Review**

1. Overview

1.1 Existing Procedures

In the past, process reviews were generally initiated and scheduled annually by the Federal Highway Administration (FHWA) for selected areas of the federal-aid program. Presently, the only activities which FHWA uses the program review/product evaluation (process review) on non NHS projects are those activities required outside of Title 23 such as, Title 49, the Davis Bacon Act, the National Environmental Policy Act, and The Uniform Relocation Assistance and Real Property Acquisition Policies Act. FHWA process review teams are accompanied by Caltrans Local Assistance staff who monitor projects individually for compliance with all laws, regulations, and procedures developed to administer federal-aid projects. The process reviews are used to evaluate all aspects of the local agencies federal-aid project development program. Caltrans is responsible for participating in the initial review and all follow-up work identified by the review team.

1.2 New Procedures

The process review will be the main method for determining if local agencies are in compliance with all laws, regulations, and procedures developed to administer federal-aid projects. The process reviews will be used to evaluate all aspects of the local agencies federal-aid program and improve procedures.

2. Methods

A process review committee will guide and approve a multi-year process review monitoring plan. The committee will:

- select the review team leader.
- review for consistency and approve recommendations from the process review reports developed by the review teams
- resolve any problems which occur with the process review procedures.

The process review committee will consist of:

Chief, Program Management Branch (HQ, OLP)
Chief Project Implementation Branch (HQ, OLP)
Procedures Development Engineer
Division of Structures Representative
District Representative(s)
FHWA Representative(s)
Local Agency Representative(s)
Metropolitan Planning Organization/Regional Transportation Planning Agency
Representative(s)

A multi-year monitoring plan will be developed and implemented by Caltrans staff with adjustments made to it each December by the process review committee. The plan will outline the topics, schedule, method and goals desired for the process reviews. The review committee will approve the schedule for the next year based on their evaluation of all process reviews completed within the last year. The Committee will select team leader(s). The review team leader(s) will select other team members and agencies to be reviewed. The team leader(s) are accountable for developing the format for the review plan (i.e., objectives, scope, and approach), and incorporating other team members' recommendations for the plan.

Process reviews will be initiated in accordance with the monitoring plan. The Caltrans District Local Assistance Engineer will schedule review team meetings with selected local entities.

Caltrans, in cooperation with FHWA and local agencies, will develop and lead initial reviews, and be responsible for follow-up work identified by the review team.

Prior to commencing a process review on a particular topic the review team will develop a plan. This plan will state the objectives and scope of activities to be studied. A checklist and series of questions will be developed before agencies are scheduled to be reviewed. The plan shall be approved by the review committee before reviews are held. Copies of each review plan will be forwarded to FHWA.

Each process review report will be submitted to the process review committee for approval. Once the committee has approved the report it is considered final. Copies of all final reports will be forwarded to FHWA for each process review conducted. The final report will include as a minimum:

- Objectives, scope, and approach used
- Findings
- Recommendations
- Action taken/Follow-up

3. Objectives

The main objective of the report will be to provide management information and recommendations regarding the local agency federal-aid program.

Other objectives include the correction of deficiencies within the reviews area, documentation of existing deficiencies for future comparison, and evaluation of benefits derived from previous recommendations.

4. Findings

Major project deficiencies are defined as:

Project review findings of such magnitude that the policies and objectives of Title 23 of the United States Code (and other applicable federal and state laws) are not accomplished by the project.

Example 1: Agency receives federal-aid funds for a project not on a federal-aid highway.

Example 2: Ineligible work billed to Caltrans.

Example 3: Contractor fails to pay prevailing wage rates

Major agency deficiencies are defined as:

Findings that a local agency's knowledge and compliance procedures do not accomplish the policies and objectives of Title 23 and other federal and state laws.

Example 1: Agency has no procedures in place to enforce requirement that a contractor pays prevailing wage rates.

Example 2: Right of Way staff is determined not qualified for acquisition, relocation, or appraisal duties.

Major procedural deficiencies are defined as:

Failure to follow procedures/requirements clearly identified in Local Programs Manual or on certification/checklists.

Example 1: A local agency replaces a bridge washed out with ER funds and later it is discovered that the bridge was programmed in the HBRR program for replacement.

Minor deficiencies are defined as:

Findings which do not jeopardize a projects funding. These findings will be pointed out during the review but generally will not be included in the report.

5. Recommendations

Draft recommendations are made by Caltrans process review team and forwarded the process review committee. The process review committee reviews the report and approves recommendations to be forwarded to the FHWA California Division Administrator for concurrence. Upon FHWA concurrence, recommended procedural corrections will be developed and circulated through the LPP method. If sanctions are recommended they will be applied immediately after FHWA concurrence. Listed below are the types of recommendations to be included in the final process review report.

5.1 Procedure Corrections

Review findings will be used to evaluate existing procedures. Procedure corrections that will assist local entities to comply with federal laws and regulation will be recommended in the report.

5.2 Request for Corrective Action

All major procedural deficiencies will be brought to the attention of the administering agency. A request for corrective action will be recommended. Failure to correct the deficiencies will be grounds for sanctions.

5.3 Sanctions

All major project or agency deficiencies require sanctions by Caltrans. Caltrans will recommend one of the following sanctions, depending on the severity and circumstances of the deficiency:

- Freeze on all future programming of federal funds until corrective action is implemented.
- Percentage of federal funds withdrawn.
- All federal funds withdrawn from program or project.

5.4 Appeals

The dispute resolution process can be used to appeal sanctions which the local agency does not agree with. Local Agency appeals shall be submitted to the State/Local Project Development Program Manager.

6. Monitoring Plan

An outline of the topics to be covered by the monitoring plan is listed below:

Project Planning and Programming
 Congestion Management Plans
 RTIP/FSTIP process and procedures
 Project scope information
 Project obligation process
 Timely use of funds

Accounting procedures
 Reimbursement Invoicing
 Expenditure Reports
 Audits
 Project Costs

Project Management

Use of Consultants

- Selection
- Payment and Invoicing

Project Development and Design

- Project Study Reports
- Design Standards
 - Geometric
 - Signs and Markings
 - Structures
 - Pavement Structures
 - Drainage
 - Traffic Signals
- Safety
 - OSHA
- Plans, Specifications, and Estimates
 - Special Provisions
- Right of Way
 - Appraisals
 - Acquisition
 - Relocation
- Agreements
 - Master and Program Supplement
 - Cooperative
 - Utility
 - Railroad
 - Permits
 - Service Agreements
- Environmental mitigation
 - Documents/Permits

Contracts

- Advertisement
- Bid Opening
- Award
- Detail Estimate
- Finance Letters

Construction

- Payment and Invoicing
- Materials Sampling and Testing
- Traffic Control/Safety in Work Zones (OSHA)
- Labor Compliance
- Contract Administration
- OJT Training
- DBE/WBE Goals and Commitments
- EEO
- Contract Supervision and Inspection

- Change Orders
- Files/Records
- Project Completion and Acceptance
- Claims and Time Extensions
- Environmental Mitigation during construction

Maintenance

- Local Agency Maintenance Program
 - Traffic Signals
 - Striping/Signing
 - Pavement
- Bridge inspection

ISTEA Management Systems

7. Goals

The primary goal of these process reviews is for Caltrans to assure that requirements of the state and federal governments are being met and that proper procedures are performed by the administering agencies.

A secondary goal is to maintain a continual process to improve procedures for a more efficient and effective federal-aid program.

It is intended that the above topics shall be reviewed on a five year rotation. This rotation period may be adjusted depending upon budget and staff resources allocated to the review function. Reviews will consist of random sampling of project documentation and formal visits with the administering agencies. Reviews may be completed by both individual staff and review teams .

8. Mini Process Reviews

Some of the topics outlined in the monitoring plan will be evaluated by mini-process reviews on a less formal basis such as random sampling of project scope documentation, PS&E packages etc.. The difference between a mini process review and regular process reviews is that they are usually conducted over a small number of projects and are conducted by no more than three people. They are not scheduled by the process review committee and use standard formats such as the annual maintenance reviews conducted by the district.

Another form of a mini-process review will be through the distribution of questionnaires to selected entities to evaluate specific procedures used for federal-aid project activities. Responses from the questionnaire will be used as one criteria for determining if any agencies will be reviewed through the more formal process review method approved by the process review committee.

Mini-process reviews should be reported to the process review committee and FHWA in the same manner as regular process reviews.