U.S. Department of Transportation
Federal Highway Administration

Federal Highway Administration
California Division

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November 4, 2010

In Reply Refer To:
HDA-CA

Ms. Cindy McKim, Director
California Department of Transportation
P.O. Box 942873
Sacramento, CA 94273-0001

Attention: Richard Land, Project Delivery Deputy Director

Dear Ms. McKim:

SUBJECT: Final Report – Value Engineering Process Review

The Federal Highway Administration (FHWA) would like to thank the California Department of Transportation's (Caltrans) staff for their assistance in conducting a process review on the Value Engineering Program in California. Caltrans' team members included Troy Tusup, Richel Espinoza Noss, and Gene Shy.

The Review focused on evaluating and documenting how the Value Engineering Program is being administered in California, with an emphasis on how the current state of the practice addresses the findings of the 2005 audit conducted by the Office of Inspector General (OIG), as outlined in their 2007 *Value Engineering in the Federal-Aid Highway Program* Report (See Attachment A of the Final Report). The 2007 OIG Report contained seven recommendations that endeavored to improve Caltrans' Value Engineering Program and ensure its compliance with the Federal requirements. The Review Team focused on these seven recommendations and explored ways to enhance the overall Value Engineering Program in California. Based upon the outcome of this comprehensive review, it was deemed that Caltrans' Value Analysis Program substantially meets FHWA requirements.

This letter transmits the Final Report of the Value Engineering Process Review, which outlines the Review Team's findings and recommendations. All findings and recommendations have been discussed and agreed upon between FHWA and Caltrans' staffs.

RECOVERY.GOV

At your earliest convenience, please provide us with an Implementation Action Plan along with timeframes for complete implementation of the recommendations. We stand ready to work closely with your staff to ensure efficient and effective implementation of the recommendations. If you have any questions or would like to meet with FHWA, please contact Jeff Holm at (916) 498-5021.

Sincerely,

For
Walter C. Waidelich, Jr.
Division Administrator

Enclosure

FHWA California Division Office Value Engineering Process Review FINAL REPORT

October 2010

Performed by:

Federal Highway Administration (FHWA-CA)

California Department of Transportation

Approved: Maiser Khaled Date: 10/28/10

Maiser Khaled
Director, National Programs

I. EXECUTIVE SUMMARY

This review focused on exploring and documenting how the Value Engineering Program is being applied in California, with an emphasis on how the current state of the practice addresses the findings of the 2005 audit by the Office of Inspector General (OIG) as outlined in the 2007 *Value Engineering in the Federal-Aid Highway Program* report (See Attachment A). The 2007 OIG Report recommended to FHWA seven improvement areas for the Value Engineering program in California. The Review Team focused on these seven recommendations and evaluated the overall Value Engineering Program. Based upon this comprehensive review, Caltrans' Value Analysis Program was deemed to be in substantial compliance with FHWA requirements.

In 2007, Caltrans, with support from the FHWA California Division, updated their policy and guidance based upon the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), which was passed by Congress in 2005. FHWA and Caltrans worked to ensure that the SAFETEA-LU Value Engineering requirements were met by Caltrans' District offices and local agencies via Deputy Directive 92 and updates to the Project Development Procedures Manual and the Local Agency Procedures Manual (See Attachment B for excerpts from these documents). To ensure compliance for all projects that meet the threshold requirements for a Value Engineering study per SAFETEA-LU, Caltrans has included a certification for both State and local projects prior to FHWA approval of construction funding (See Attachment C for excerpts from these documents). A complete assessment of the seven Recommendations provided to FHWA, as well as general Review Team findings and recommendations, are discussed in detail in Section III.

The terms Value Engineering (VE) and Value Analysis (VA) are used interchangeably throughout this report and should be considered as equivalent for the purposes of this process review. Caltrans uses the term, Value Analysis, or VA, in its policy/guidance, and FHWA uses the term, Value Engineering, or VE.

The following is a summary of the Review Team's substantive findings and recommendations related to the 2007 OIG report and other general findings and recommendations regarding the CA VE Program as a whole.

Recommendation (OIG):
"Require responsible State management (e.g. the chief engineer) to sign off on the rejection of any Value Engineering recommendations with "substantial cost savings".

Review Team Findings:
The responsibility for signing off on the acceptance or rejection of Value Engineering recommendations with "substantial cost savings" is not specifically identified in policy or guidance issued by Caltrans.

Review Team Recommendations:

1. Caltrans should develop a process that outlines which responsible state manager will sign off on rejection or implementation of VE study recommendations;

2. Caltrans should establish management approval authority for not implementing "approved recommendations" during project design and construction phases; and
3. Caltrans and FHWA should collaboratively determine the definition of "substantial cost savings" with respect to the Value Engineering Program.

Recommendation (OIG):
"Require use of Life Cycle Cost Analysis (LCC) in evaluation of different scenarios."

Review Team Finding:
LCC analysis is required for each VE study per Caltrans' Project Development Procedures Manual, yet a number of reports were found not to address LCC.

Review Team Recommendation:
The requirement for and benefits of LCC analysis should be further emphasized in Caltrans' VA guidance, both for State and local Value Engineering studies. Guidance should also indicate that if a study does not address LCC for a given recommendation, then there should be documentation explaining why it was not addressed.

Recommendation (OIG):
"FHWA staff should participate in all VA studies."

Review Team Finding:
FHWA staff participation in individual VA studies is minimal.

Review Team Recommendation:
Division Management should ensure that the California Division's internal performance measure of "at least 50% of High Profile Projects' Value Engineering studies [are] attended by Division staff" is met on an annual basis.

Review Team Findings (General):

General Finding:
Two projects out of 160 reviewed failed to meet SAFETEA-LU requirements that VE studies be performed on all roadway projects on the National Highway System (NHS) with an estimated total cost of $25 million or more and any bridge project with an estimated total cost of $20 million or more.

Review Team Recommendation:
All State and local guidance language should specifically state that a VE study on projects that meet the SAFETEA-LU threshold must be completed and that no exemptions from the law are allowed.

General Finding:
Caltrans' VA Program guidance is outdated.

Review Team Recommendation:
Caltrans should update both the Caltrans' Value Analysis Team Guide and Report Guide to reflect SAFETEA-LU requirements.

II. INTRODUCTION

A. Background
The National Highway System Designation Act of 1995 required states to perform Value Engineering analyses for all Federal-aid highway projects on the NHS with an estimated cost of $25 million or more. The OIG's audit based their project selection upon this requirement. However, in 2005, SAFETEA-LU was passed, changing the authorizing legislation requiring VE studies to include:

- A roadway project on the NHS with an estimated total cost of $25 million or more
- a bridge project with an estimated total cost of $20 million or more, and
- any other project designated by the Secretary of Transportation

In addition, SAFETEA-LU allows the Secretary of Transportation to require multiple studies for major projects (estimated total cost of $500 million or more).

Provisions in the Code of Federal Regulations (CFR) part 23, section 627.1, required States to establish a program to improve project quality, reduce project costs, foster innovation, eliminate unnecessary and costly design elements, and ensure efficient investments by requiring the application of Value Engineering.

Each year, FHWA provides more than $30 billion to States through Federal-aid grants. In OIG's annual Top Management Challenges reports from 2003 through 2006, they have pointed to the need for FHWA to make improvements in the area of funds management for which effective Value Engineering programs have a key role. In addition, savings generated by implementing Value Engineering recommendations often reduce States' project costs, increase safety, reduce congestion, reduce impacts to the environment, and streamline construction practices. Savings realized by implementing Value Engineering recommendations on Federal-aid projects are not returned to FHWA, thereby allowing states to reapply the Federal share of these savings (which is generally 80 percent) to other needed projects, such as repairing structurally deficient bridges, improving existing roadways, or constructing new bridges or roadways. A more effective Value Engineering program will enable California to do more with available Federal funds.

Over the years, Value Engineering has evolved into a management tool that can be used alone or with other management techniques to improve operations and project quality while reducing project costs, by streamlining operations and implementing cost saving recommendations. It can also increase the use of environmentally sound and energy efficient practices and materials. Historically, Caltrans has realized substantial savings by using Value Engineering.

In FY 2005, the Office of Inspector General (OIG) conducted a nationwide review of FHWA's oversight of the Value Engineering (VE) program. California was one of ten states included in the OIG review. OIG's findings in California included the identification of some projects for which there was no evidence that a VE study had been conducted, even though the projects met the regulatory threshold. OIG also identified weaknesses in the tracking and monitoring of VE studies and VE study recommendations.

In July 2007, Caltrans issued Deputy Directive 92 - Value Analysis - which officially implemented the SAFETEA-LU requirements for Value Engineering in California and provides the basis for this review.

B. Purpose of Review

Validate that the VE Program in California meets the SAFETEA-LU requirements, and ascertain if the OIG recommendations, regarding the Program, have been addressed by Caltrans.

C. Review Objectives

The objectives of this process review were to:

1. Evaluate and verify that changes have been made to the Value Engineering program in California that address the OIG's 2005 review findings;
2. Identify and recommend solutions for any problems/issues associated with the State and local administration of the VE program in California;
3. Identify whether necessary process controls are in place within the Caltrans' VE Program to ensure that VE studies are performed on all NHS projects as required by the Federal requirements;
4. Determine if VE studies are performed on other projects that have a high potential for cost savings;
5. Determine that all reasonable VE recommendations are approved, permitting the greatest degree of potential savings to be achieved;
6. Evaluate why VE recommendations were rejected and the corresponding supporting documentation;
7. Determine the percent of recommendations implemented per project;
8. Determine the percent project design completed at the time the VE study was conducted;
9. Determine the cost savings for reviewed projects; and
10. Identify best practices.

D. Scope

This review covers Value Engineering studies performed on all projects meeting SAFETEA-LU requirement thresholds (the "population") that were advertised for construction after October 1, 2007, for each Caltrans' District or Region. It also covers individual approved recommendations within these studies – validating that they were actually implemented in the construction phase. Due to the extensive number of accepted VE recommendations in California and each requiring the gathering of detailed information, the set of recommendations reviewed was determined by statistically sampling the population, as outlined in "Section E: Approach" below.

E. Approach

This review involved the Caltrans' Value Analysis Coordinator, a Caltrans' Local Programs representative, and (on a project-by-project basis) specific Program Managers and Design Engineers. For each project selected, the PS&E package, VA Report, and as-built's (if required) were reviewed in depth either by the Review Team or the District staff (with Review Team verification) based upon the criteria set forth in the Review Objectives, outlined above. The Review Team completed a 100% review to determine if VE studies were completed on required projects and then statistically sampled accepted recommendations so as to achieve a 95% confidence level with a 15% margin of error.

The established populations of State and local projects were stratified separately, as follows:

- State
  - Based upon FMIS data (for projects with an E-76 authorization for preliminary engineering after the start of the 2008 Federal Fiscal Year (10/1/2007) that met SAFETEA-LU thresholds), 50 projects were identified. An additional 59 projects were identified through Caltrans' project management database.
  - Based upon Caltrans' Value Analysis Annual Report for FHWA, 105 accepted recommendations were identified for projects authorized for construction by FHWA after the start of the 2006 Federal Fiscal Year (10/1/05). 31 accepted recommendations were selected (via statistical sampling) to determine if implementation of the recommendations actually occurred as part of the construction project. Each recommendation was sent out to the local Caltrans' District Value Analysis coordinator working with the District Project Manager for verification.

- Local
  - Based upon FMIS data (for projects with an E-76 authorization for preliminary engineering after the start of the 2008 Federal Fiscal year (10/1/2007) that met SAFETEA-LU thresholds), 51 projects were identified.
  - Through Caltrans' Local Programs database, 144 locally accepted recommendations were identified for projects authorized for construction by FHWA after the start of the 2006 Federal Fiscal Year (10/1/05). 34 accepted recommendations were selected (via statistical sampling) to verify their implementation in the construction project. Each recommendation was sent out to the local Caltrans' District Value Analysis coordinator working with the District Project Manager or District Local Assistance Engineer for verification.

F. Criteria followed:

- SAFETEA-LU - Section 1904
- 23 USC 106
- 23 CFR Part 627
- Office of Management and Budget (OMB) Circular A-131
- Federal-Aid Policy Guide September 8, 1998, Transmittal 24
- California's policies and procedures for Value Engineering.

- Cost benefit analysis that measured (1) the cost of the studies, (2) the value of the recommendations, and (3) the value of approved recommendations.
- Alternative cost analysis and full justification of decisions by the appropriate level of management. Documentation that would support approval or rejection of recommendations. Methodology and documentation of how VE recommendations were considered and why VE recommendations were not accepted.
- Life Cycle Cost Analysis (LCC), if applicable. LCC considers all costs estimated for a facility over a designated time period (typically either 20 or 50 years) and adjust those costs to today's dollars, so that alternatives that have different subsequent and/or user costs can be compared, to assist in determining the most cost effective solutions for projects.
- Project selection using FMIS (FHWA's funding database), Caltrans' Project Management database, and Caltrans' Local Programs database.

G. Review Team members

- Jeff Holm, Design/Traffic Operations Engineer, FHWA National Programs
- Tim Crothers, Traffic Operations Engineer, FHWA National Programs
- Peter Pangilinan, Transportation Engineer, FHWA Local Programs
- Troy Tusup, Caltrans' Value Analysis Program Manager
- Richel Espinoza Noss, Caltrans' Value Analysis Administrator
- Eugene Shy, Caltrans' Local Assistance Engineer

III. FINDINGS AND RECOMMENDATIONS

The following Findings and Recommendations are divided into two separate sections. The first section responds to the OIG 2007 report recommendations, and the second section covers general Review Team's findings and recommendations regarding the California VE Program.

Evaluation of the CA VE Program in Response to OIG Recommendations:

OIG Recommendation Number 1:
"Require complete documentation of all value engineering study phases in the final value engineering [program] report."

Review Team Finding:
Caltrans releases each year an internal Value Analysis Final Report covering all Value Engineering studies throughout California, including a breakdown of studies completed within each Caltrans' District. An annual Final Report submitted to FHWA documents all of the studies completed each fiscal year.

Review Team Recommendation:
No further action required.

OIG Recommendation Number 2:
"Require that value engineering studies be conducted between the concept phase and 35 percent completion stage of the project design."

Review Team Finding:
On April 20, 2010, in response to the OIG 2007 report, FHWA Headquarters released a VE performance goal target of 30-45% of VE studies to be completed within 30% of design. The CA Division has established an internal goal of 45-65% of studies to be completed at or prior to the 30% phase. The data obtained through this Process Review confirmed that this performance measure is being met as 60% of local projects and 50% of State projects had a VE completed prior to or at the 30% phase. Annual data submitted to FHWA by Caltrans also validates meeting this performance measure. In 2009, 77% of the studies meet this measure.

Review Team Recommendation:
No further action required.

OIG Recommendation Number 3:
"Include management review guidelines to ensure that all value engineering recommendations are considered by the design team and incorporated into designs, as appropriate, and require responsible State management, (for example, the chief engineer) to sign off on the rejection of value engineering recommendations that contain substantial cost savings."

Review Team Finding:
Deputy Directive 92 (DD92) denotes the responsibilities of Caltrans' Management and staff (Headquarters and District level) with respect to the VE Program. However, the responsibility of signing off on the acceptance or rejection of "substantial" VE recommendations is not specifically identified in policy or guidance issued by Caltrans at this time. That stated, stakeholders (either Caltrans' District Management or Local officials) are invited and do attend each final VA study presentation. These decision-makers agree on the final recommendations that will move forward in the project development.

Review Team Recommendations:

1. Caltrans should develop a process that outlines which responsible state manager will sign off on rejection or implementation of VE study recommendations;
2. Caltrans should establish approval authority for not implementing "approved recommendations" during the project's design and construction phases; and
3. Caltrans and FHWA should determine, collaboratively, the definition of "substantial cost savings" with respect to the VE Program.

OIG Recommendation Number 4:
"Require full support of cost estimates including evaluation of different scenarios that offer the lowest life-cycle cost alternative."

Review Team Finding:
Caltrans' Project Development Procedures Manual (PDPM) and Caltrans' Value Analysis Team Guide and Report Guide specify that Life-Cycle Costs (LCC) are essential for the full evaluation of competing alternatives and shall be reported in the final report. However, the Local Agency Procedures Manual is silent on LCC and the benefits for determining LCC. After reviewing eleven randomly selected final reports, it was confirmed that LCC is not being addressed consistently as required by Chapter 19 of the PDPM.

Review Team Recommendations:

1. Caltrans should ensure that all requirements in Chapter 19 of the PDPM are enforced for State and local projects.
2. Caltrans' VA Report and Team Guidance should be updated to reflect that if LCC is not addressed for a given recommendation, then the final report should document why addressing the LCC is not appropriate for that recommendation.

OIG Recommendation Number 5:
"Require Division Office engineers to either monitor or participate in all State Value Engineering studies involving Federal-aid projects and ensure that all required studies are performed."

Review Team Finding:
The California Division monitors Caltrans' VA Program on a program-wide basis, which involves responding to day-to-day inquiries from Caltrans and local agencies, attending quarterly and annual meetings with Caltrans' HQ and District VA Coordinators, and participating in the biennial AASHTO VE Conference. However, internal performance measures established in 2010 by the California Division also require Division staffs to participate in Value Engineering studies for at least 50% of High Profile Projects.

Review Team Recommendations:

1. Division Management should ensure that the performance measure regarding Division staff's participation in VE studies for at least 50% of High Profile Projects on an annual basis is achieved (See Attachment D for the Division Office internal performance measures); and
2. The Division should determine a schedule for conducting VE Process Reviews to evaluate the Program, ensure compliance with Federal requirements, and monitor projects not covered by Division Staff.

OIG Recommendation Number 6:
"Develop performance goals for measuring the effectiveness of state value engineering programs and for evaluating Division Office personnel in fulfilling the FHWA and OMB requirements for value engineering programs."

Review Team Finding:
Performance measures related to the VE Program have been established and are included in both the FHWA/Caltrans' Stewardship & Oversight Agreement and the Division's VE Program internal performance measures summary located on the Dashboard. Both documents reflect similar performance measures; however, the Division VE Program's internal performance measures summary contains the following additional measures:

- Adoption Rate for Recommendations,
- Percent of VE Studies conducted prior to 30% design,
- Percent of Major Projects having Division staff 's participation in VE studies,
- Number of implemented "Recommendations" based upon the benefit to the highway system

The above four goals were set as national goals on April 20, 2010, and adopted by the California Division with minor modifications based upon the availability of Division resources.

Review Team Recommendation:
No further action required.

OIG Recommendation Number 7:
"Incorporate value engineering into either the FIRE reviews or the corporate risk assessment process to determine whether all required studies are performed and to assess the states' consideration of recommendations with identified cost savings. Ensure that FHWA's annual assurance statements that each Federal-aid Division Office is required to perform in support of FHWA's annual certification of internal and financial controls to support the financial statements, as required by the Federal Managers' Financial Integrity Act, are based on the results of the FIRE reviews and the corporate risk assessments."

Review Team Finding:
The California Division, at this point, does not include the VE requirements as part of the FIRE review or the certification to support the financial statement. FHWA HQ, during discussions with OIG regarding this recommendation, determined that since 2006, FHWA has used a corporate risk assessment process that uses the risk management plans of the Division and Headquarters Offices to identify agency-wide risks. It was agreed that this process of identifying and evaluating corporate risk meets the intent of the OIG recommendation.

Review Team Recommendation:
No further action required.

IV. General Findings and Recommendations

A. Review Team Finding:
In reviewing Caltrans' policies, guidance, and general information, it was found that the VA Report and Team Guide are outdated.

1. Review Team Recommendation
Update both the VA Report and Team Guide to reflect SAFETEA-LU requirements.

B. Review Team Finding:
The review team found that out of 160 VA studies reviewed, two projects did not have a VA study performed. In both cases, the rationale provided was that the project was too far advanced in design to perform a VE analysis.

Review Team Recommendations:

1. All State and local guidance should explicitly state that a VE study must be completed for all projects that meet the requirement threshold and that no exemptions are allowed; and
2. Correspondence must be sent from Caltrans' Headquarters to all California local agencies and Caltrans Districts re-emphasizing the requirements that no exemptions are allowed.

V. Best Practices and Innovations:

Best Practices:

VA Studies Completed Outside of the VE Requirements:

1. A number of projects were found to have had Value Analysis Studies completed beyond those that met the SAFETEA-LU requirement threshold. In fact, Caltrans recommends that all projects on the State Highway system, over $15 million, and process reviews be subject to a VA study, regardless of federal funding. Examples of this, from the past few years, include Studies of the California Safety Roadside Rest Area (SRRA) System (06/07); Caltrans' HQ's Vegetation Control (07/08); District 11's Flexible Resources (07/08); District 4's project delivery process (07/08); Caltrans' HQ's development of the Need and Purpose statement (07/08); and District 7's Feasibility Study Report (07/08). A VA study is also planned for Colton Crossing, which is strictly a railroad project (UP and BNSF) and does not impact the NHS, though it is partially funded by a USDOT TIGER grant.

2. Seven Cost Risk Assessment (CRA) studies were performed as VA studies through the Value Analysis program. This was a pilot project that Caltrans conducted in response to a construction estimating crisis in the mid-2000's in which bids were coming in much higher than the engineer's estimates due to widely fluctuating materials costs. The CRA is slightly different from a VE study in that the focus is on Risk and the Cost of that Risk. Once all Risks were identified, the Team would continue with the VE portion to find

innovative ideas to eliminate, mitigate, or reduce those Risks. After the pilot was concluded, Caltrans determined that the CRA should be its own program, unassociated with the VA process.

3. Caltrans is currently engaged in a Road Safety Audit pilot with FHWA and Federal Lands that seeks to integrate the RSA and the VA Programs. Working in cooperation with local and tribal partners, the partners seek to streamline the planning, scoping, and project development processes for SR101 in Del Norte County.

Innovations

Caltrans has been engaged in an international Technical Exchange Program with their Korean counterparts – the Korean Expressway Corporation (KEC). As a part of this exchange program, KEC assigned an Engineer to a two-year rotation with Caltrans' structures and design offices. Caltrans currently has this Exchange Engineer working on a project to share and compare elements of each agency's respective VE program. Caltrans and KEC will simultaneously, yet independently, perform a VE study on a typical Caltrans' project, with results shared between the two sides. This Technical Exchange Program is an opportunity for the Division and Caltrans to benefit from a global perspective.

Review Team Note:

A Technical Memorandum has been developed that documents the review process including VA Study populations, VA recommendation populations, selection criteria, statistical sampling, and detailed information on each objective of the review. This Technical Memorandum serves as a "program improvement" tool outside of this compliance Process Review and can be obtained upon request from the FHWA California Division.

Attachment A

VALUE ENGINEERING IN THE FEDERAL-AID HIGHWAY PROGRAM

Federal Highway Administration

Report Number: MH-2007-040
Date Issued: March 28, 2007

Memorandum

U.S. Department of Transportation
Office of the Secretary of Transportation
Office of Inspector General

Subject: ACTION: Report on Value Engineering in the Federal-Aid Highway Program Report No. MH-2007-040

Date: March 28, 2007

From: Kurt Hyde
Assistant Inspector General
for Surface and Maritime Programs

Reply to Attn. of: JA-40

To: Federal Highway Administrator

This report presents the results of our audit of the Federal Highway Administration's (FHWA) oversight of value engineering (VE) in the Federal-aid highway program and the effectiveness of the states' respective VE processes. VE is the systematic process of review and analysis of a project, during the concept and design phases, by a multi-disciplined team of persons not involved in the project. The analysis is documented in a report that contains recommendations for: (a) delivering the project safely, reliably, and at the lowest overall cost; (b) improving the value and quality of the project; and (c) reducing the time to complete the project. The National Highway System Designation Act of 1995 (the 1995 Act), requires states to perform value engineering analysis for all Federal-aid highway projects on the National Highway System (NHS) with an estimated cost of $25 million or more. In implementing the 1995 Act, FHWA enacted a provision that provides for states to be reimbursed for the cost of conducting value engineering studies for projects under the Federal-aid program.

Over the years, value engineering has evolved into a management tool that can be used alone or with other management techniques to improve operations and project quality and reduce project costs, by streamlining operations and implementing cost saving recommendations. It can also increase the use of environmentally sound and energy efficient practices and materials. Nationally, state departments of transportation have realized substantial savings by using value engineering.

Our objectives were to determine whether FHWA's oversight is adequate to ensure that: (1) value engineering studies are performed on all Federal-aid NHS projects that have an estimated cost of $25 million or more, (2) value engineering studies are performed on all Federal-aid projects that have a high potential for cost savings, and (3) all value engineering recommendations that can be implemented are approved, permitting the greatest degree of potential savings to be achieved. We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards prescribed by the Comptroller General of the United States, except for standard 7.57, *Data Gathered by Management*.

The conditions identified in this report are based on our review of FHWA documents and state documents (for example, Connecticut's VE studies and interviews with the FHWA VE coordinator) and state highway officials (such as Washington State's Secretary of Transportation). Our estimates of savings lost are based on FHWA's official data for fiscal year (FY) 2001 through FY 2004. The FHWA data are the only nationwide data available on the subject, and are widely used and accepted by outside experts and policymakers. FHWA uses this information to compile its *Annual Federal-Aid Value Engineering Summary Report*, which is submitted to the Secretary and the Office of Management and Budget (OMB). The Transportation Research Board (TRB) used the same data in its assessment of state value engineering programs. We validated the data for the 10 states we visited and deemed it sufficiently reliable for use in this report. We also performed such tests as we considered necessary to detect fraud, waste, and abuse. Additional details of our objectives, scope, and methodology are in Exhibit A.

Congress first sought to apply value engineering to highway projects in the late 1960s, at a time when the highway network was being significantly expanded. The Federal-aid Highway Act of 1970 reflected this growing interest with a provision requiring that value engineering or other cost reduction analyses be performed on any Federal-aid highway project and that states certify and report to the Secretary that design alternatives were considered in a public forum. Provisions in the Code of Federal Regulations (CFR) part 23, section 627.1, required states to establish a program to improve project quality, reduce project costs, foster innovation, eliminate unnecessary and costly design elements, and ensure efficient investments by requiring the application of value engineering. OMB Circular A-131 (May 1993 update) requires all Federal agencies to use value engineering, where appropriate, to reduce program and acquisition costs and to report to OMB each fiscal year on the results of value engineering. Section 303(b)(f)(1) of Public Law 104-59, the *National Highway System Designation Act of 1995*, provides, "The Secretary shall establish a program to require States to carry out a value engineering analysis for all projects on the NHS with an

estimated total cost of $25,000,000 or more."[1] The 23 CFR Part 627.1(a) codified this provision requiring "the application of value engineering to all Federal-aid highway projects on the NHS with an estimated cost of $25 million or more."

Each year, FHWA awards more than $30 billion to states through Federal-aid grants. In each of our annual Top Management Challenges reports from 2003 through 2006,[2] we have pointed to the need for FHWA to make improvements in the area of grants management. Ensuring that states have effective value engineering programs in place is a component of grants management. In addition, savings generated by implementing value engineering recommendations reduce states' project costs. Savings realized by implementing value engineering recommendations on Federal-aid projects are not returned to FHWA, thereby allowing states to reapply the Federal share of these savings (which is generally 80 percent) to other needed projects, such as repairing structurally deficient bridges, improving existing roadways, or constructing new bridges or roadways. In an age when Highway Trust Fund revenues are not keeping pace with state infrastructure needs, more effective value engineering programs will enable states to do more with available Federal funds.

RESULTS IN BRIEF

Value engineering provides a substantial opportunity for states to obtain the most value from Federal-aid funds by achieving savings on planned construction projects. Furthermore, it has the potential to serve as a key tool in FHWA's stewardship of Federal funds. Historically, states have saved an average of 5 percent[3] of estimated project costs by performing value engineering studies and accepting resulting recommendations. From FY 2001 through FY 2004, states collectively reported $4.2 billion in recommended savings (about $1 billion annually). During the same 4-year period, we estimate that conducting required NHS value engineering studies and high-potential non-NHS value engineering studies, and accepting more recommendations, could have saved an estimated $725 million in Federal funds.[4] (See Table 1 on the next page.) Had these savings been achieved, additional planned projects could have been started.

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[1] In 2005, the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users, PL 109-59, lowered the threshold for requiring value engineering studies on bridge projects to $20 million. Because we reviewed states for the period of FY 2001 through FY 2004, this did not affect our conclusions.

[2] The Office of Inspector General annual reports on the United States DOT Top Management Challenges can be found on our website: www.oig.dot.gov.

[3] To calculate our estimate that 5 percent of estimated project costs could be saved from performing required VE studies, we analyzed FHWA's Annual Federal-Aid Value Engineering Summary Report(s) from FY 2001 through FY 2004. Our calculation was corroborated by the Transportation Research Board's December 2005 National Cooperative Highway Research Program's Synthesis 352.

[4] The Federal participation rate of most Federal-aid projects is generally 80 percent, while projects such as Federal Lands and Emergency Relief can go as high as 100 percent, with states or other allowable sources being responsible for the balance. To conservatively calculate the Federal share of the potential savings lost, we used 80 percent of the $906 million in estimated savings, which is approximately $725 million.

To assess FHWA's oversight of the value engineering program, we judgmentally selected and visited 10 states.[5] We selected these states because they possessed attributes such as not reporting any value engineering studies, approving low or high percentages of recommendations, or receiving large amounts of Federal-aid dollars. Based on our work in these states, we concluded that for state value engineering programs, FHWA provided limited oversight, such as facilitating states' use of value engineering and identifying and disseminating states' best practices.

We also engaged the assistance of the U.S. Army Corps of Engineers (the Corps), under the direction of the Office of Inspector General (OIG) Engineer Advisor, to review and assess the appropriateness and adequacy of North Carolina and Michigan's value engineering programs, processes, and studies and their compliance with FHWA policy. These states were selected because they had approved a low percentage of recommendations.

Table 1. Summary of Estimated Savings Lost
(FY 2001-FY 2004)

Area of Improvement	Estimated Savings Lost ($ in millions)*
Performing Value Engineering Studies ➢ 39 NHS Projects (in 7 states)--$98.4 million ➢ 9 Non-NHS Projects** that OIG identified as having a high potential of cost savings (in 3 states)--$19 million***	$117
Approval of Value Engineering Recommendations to achieve the 44.4 percent national average in all states (in 28 states)	$789
Total	**$906**
Federal Share	**$725**

Source: These savings were computed using FHWA's data and a calculation methodology developed in conjunction with the OIG Statistician.

* See Scope and Methodology section of Exhibit A for information on how the estimates were calculated.

** With respect to Federal-aid projects not on the NHS or NHS projects with estimated costs less than $25 million, 23 U.S.C. 106(e) states, "For such projects as the Secretary determines advisable, plans, specifications, and estimates for proposed projects on any Federal-aid highway shall be accompanied by a value engineering analysis or other cost reduction analysis."

*** VE studies were not required per Federal Regulations, but we chose to include these projects because of the potential savings.

[5] There are 52 Division Offices: the 50 states, the District of Columbia, and Puerto Rico. For purposes of this report, we refer to the District of Columbia as a "state."

Seven of Ten States Reviewed Missed Opportunities to Achieve Significant Savings by Not Performing Required Value Engineering Studies

Section 303(b)(f)(1) of Public Law 104-59, the *National Highway System Designation Act of 1995*, provides, "The Secretary shall establish a program to require States to carry out a value engineering analysis for all projects on the NHS with an estimated total cost of $25,000,000 or more."[6] Regulations in 23 CFR Part 627.1(a) codified this provision requiring "the application of value engineering to all Federal-aid highway projects on the NHS with an estimated cost of $25 million or more." Neither Federal law nor regulations allow exceptions to these requirements, and FHWA is not allowed to grant waivers.

FHWA's *Policy Guide* states, "The FHWA will assure that a VE study is performed on all Federal-aid funded NHS projects with an estimated cost (includes design, right-of-way, and construction costs) of $25 million or more, and on other Federal-aid projects where its employment has high potential for cost savings." For purposes of our analysis, we considered all non-NHS Federal-aid projects with an estimated cost exceeding $25 million to have a high potential for cost savings.[7] We assessed the use of value engineering on 314 NHS projects in 10 states for the period FY 2001 through FY 2004 and found that the application of value engineering varied across those states. Of the 10 states, 3 (Massachusetts, Washington, and Wisconsin) performed value engineering studies on all 25 projects that met the $25 million threshold.

In contrast, the remaining seven states (California, Connecticut, Michigan, New Jersey, North Carolina, Texas, and the District of Columbia) did not perform required value engineering studies on 39 of the 289 projects (13 percent) that met the threshold. If the seven states had performed the required studies for the 39 projects, collectively valued at $2.0 billion, and achieved the 5-percent national average savings,[8] we estimate they could have saved an additional $98.4 million ($24.6 million annually) and reprogrammed the savings to other projects. For example:

- North Carolina DOT (NCDOT) officials did not perform required value engineering studies on five design-build projects valued at $435 million even though they acknowledged that design-build projects are not exempt from the Federal requirement to conduct value engineering studies. If these studies

[6] In 2005, the Safe Accountable Flexible Efficient Transportation Equity Act: A Legacy for Users, PL 109-59, lowered the threshold for requiring value engineering studies on bridge projects to $20 million. Because we reviewed states for the period of FY 2001 through FY 2004, this did not affect our conclusions.

[7] We considered non-NHS Federal-aid projects with an estimated cost exceeding $25 million to have a high potential for cost savings. According to FHWA, some projects with estimated costs below $25 million could also have a high potential for cost savings, while other projects exceeding $25 million, such as repaving existing roadways, may not.

[8] The 5-percent savings average is computed by dividing the value of approved recommendations by the estimated cost of projects for which value engineering studies were performed for FY 2001 through FY 2004.

had been performed and had produced the national 5-percent average savings, North Carolina could have saved and reprogrammed an estimated $21.7 million.

- The Texas and California state DOT central offices delegated the responsibility for ensuring performance of value engineering studies to the district levels. However, the central offices did not follow up to ensure that the districts performed the studies. Consequently, between these two states, 27 additional studies should have been performed. If these studies had been performed and had produced the national 5-percent average savings, these states collectively could have saved an estimated $62.7 million.

Further, our audit showed that value engineering studies were not conducted on nine additional Federal-aid projects in the District of Columbia, North Carolina, and Texas that are not on the NHS, all with estimated costs exceeding $25 million. By not performing these value engineering studies, the three states collectively lost the opportunity to save an additional estimated $19 million, had the studies produced the national 5-percent average savings. We estimate that if these NHS and non-NHS Federal-aid highway projects had undergone the required value engineering studies, the remaining seven states in our sample could have saved an additional $117 million.

Value Engineering Recommendations That Were Not Implemented Resulted in Additional Missed Opportunities for Significant Savings

For those projects on which value engineering studies were performed, states did not approve many of the resulting recommendations. From FY 2001 through FY 2004, 5 of the 10 states we visited (Connecticut, North Carolina, California, Michigan, and Wisconsin) collectively approved 23 percent of the proposed recommendations, which contrasts with the nationwide approval average of 44.4 percent.[9] We calculated that had those five states achieved the 44.4 percent national average, and saved the national average of $1.18 million on each accepted recommendation,[10] an additional estimated $381 million (a combined Federal share of approximately $305 million) could have been saved and reprogrammed to other qualifying projects.

During the same FY 2001 through FY 2004 time period, 23 states that were not in our judgmental sample of states visited, did not meet the 44.4 percent national average. We calculated that, if those states had achieved this national average, an

[9] Our 44.4 percent average estimate of value engineering recommendations is based on our analysis of FHWA's *Annual Federal-Aid Value Engineering Summary Report(s)* from FY 2001 through FY 2004. Our calculation was corroborated by the Transportation Research Board's December 2005 National Cooperative Highway Research Program's *Synthesis 352*.

[10] The national average of $1.18 million in savings includes all accepted recommendations. Value engineering recommendations can increase or decrease project costs.

estimated additional $408 million (of which the Federal share is approximately 80 percent or $326 million) could have been saved and reprogrammed to other qualifying Federal-aid projects. Nationally, had the 28 states (5 visited plus 23 not visited) achieved the national average for the percentage of recommendations implemented, we estimate they could have saved an additional $789 million (about $197 million annually).

According to state DOT and FHWA officials, low acceptance rates of value engineering recommendations occurred because: (1) state officials did not promote to staff the fiscal benefits of using value engineering, (2) the states perceived that value engineering studies caused unneeded project delays, and (3) value engineering studies were performed too late in the design process to approve and implement recommendations. States have the final decision whether to accept or reject recommendations. However, these decisions should be documented and available for FHWA's review. In assessing why states did not accept recommendations, we found that only 2 of the 10 Division Offices we visited participated in the implementation process or required documentation justifying the decisions for rejecting the recommendations. Without independent FHWA review we cannot be assured that states were correct in rejecting their respective recommendations.

FHWA's Oversight of State Value Engineering Programs Needs To Be Significantly Strengthened

To ensure that states use value engineering analyses throughout highway project development, design, and construction, FHWA Division Offices should increase their oversight and strengthen existing policies. Enhanced FHWA oversight is needed in the areas of:

- **Limited time to develop expertise.** FHWA VE coordinators stated that their tenures were too short (2 to 3 years) and during their tenures, they were responsible for other assignments. Additionally, they opined that their limited tenures did not allow them the time to acquire sufficient knowledge and training to perform as coordinators.

- **Discontinued performance measures.** FHWA's performance goal of increasing the use of VE and measures to achieve greater cost savings was discontinued in FY 2001, limiting the agency's ability to assess the VE program's effectiveness and to reveal problem areas within the program.

- **No review of internal controls over the VE program.** FHWA is implementing two processes to assess controls and improve oversight of grants management—the Financial Integrity Review and Evaluation (FIRE) Program and its program of corporate risk assessments. However, FHWA

does not specifically assess its internal controls over the VE program as part of either process.

FHWA Needs to Disseminate States' Best Practices to Improve Value Engineering

FHWA initiated a task force to improve the value engineering process and establish new value engineering performance measures. The task force, which first met in 2005 and comprises many stakeholders–including experts from both FHWA and the states, could identify and disseminate best practices. FHWA has not collected and disseminated best practices that could enhance the benefits of value engineering studies. However, we identified a range of best practices already being used. For example:

- In Washington State, senior management and outside stakeholders participate in the value engineering process and the state has adopted the Society of American Value Engineers (SAVE) International's methodology, which facilitates implementing the best alternatives recommended.

- New Jersey value engineering team members are trained annually by the National Highway Institute. This training includes conducting a value engineering study on an active project. In fostering a multi-disciplinary approach, New Jersey offers this training to both engineers and non-engineers.

- Massachusetts requires written justification for value engineering recommendations that are not approved and challenges questionable justifications for rejection.

We analyzed the effectiveness of value engineering programs in the states visited and generally found that states with best practices ranked higher overall in key indicators of value engineering effectiveness than states that had not adopted best practices. Further, adopting best practices can make state value engineering studies more cost-effective. For example, over the 4-year period, FY 2001 through FY 2004, Washington State produced a return on investment of $523 for each $1 spent performing value engineering studies and approved 83 percent of its recommendations, while the national average for return on investment was $128 for each $1 spent, with a 44.4 percent recommendation approval rate. New Jersey and Massachusetts yielded the highest percentages of project savings. Implementing the following recommendations will help FHWA and the states generate more savings from the value engineering process.

RECOMMENDATIONS

Our recommendations are summarized below. The complete list of recommendations begins on page 11.

We recommend that FHWA revise its value engineering policy to:

- Require responsible state management (for example, the chief engineer) to sign off on the rejection of value engineering recommendations that contain substantial cost savings.
- Establish requirements for the support of cost estimates, including the evaluation of life-cycle cost alternatives.
- Require the FHWA Division Offices' value engineering coordinators to either monitor or participate in all state value engineering studies for Federal-aid projects.

To strengthen the FHWA oversight of the value engineering program and to better monitor value engineering performance, we also recommend that FHWA:

- Develop performance goals for measuring the effectiveness of state value engineering programs and for evaluating the responsible Division Office personnel.
- Incorporate value engineering into either the FIRE reviews or the corporate risk assessment process to determine whether all required studies were performed and to assess how the states determine to either accept or reject recommendations.
- Collect and disseminate best practices to the states' departments of transportation.

SUMMARY OF MANAGEMENT COMMENTS AND OFFICE OF INSPECTOR GENERAL RESPONSE

On January 31, 2007, we provided FHWA a draft copy of this report. On March 2, 2007, FHWA provided us its formal response, which is included in its entirety in the Appendix.

In its response, FHWA fully concurred with all of our recommendations and provided planned corrective actions that will begin as early as March 2007. Specifically, FHWA plans to (1) revise Federal regulations by updating FHWA policy, developing technical guidance, and producing outreach material; (2) convene a working group to evaluate and establish performance goals and measures to assess FHWA's value engineering program; (3) incorporate an assessment of state value engineering programs into the corporate risk assessment

program; and (4) develop value engineering technical guidance, best practices, and outreach materials. Additionally, in discussing the results of our review, FHWA officials accepted our calculations of the estimated savings lost from states not performing required value engineering studies and from not achieving the 44.4 percent national average of recommendations approved.

ACTIONS REQUIRED

FHWA's planned actions were responsive to our recommendations and we commend FHWA for promptly initiating actions to address each of our recommendations. However, the recommendations will be considered unresolved until FHWA provides target dates for completed corrective actions. In accordance with DOT Order 8000.1C, we would appreciate receiving, within 30 days, estimated completion dates for all planned corrective actions.

We appreciate the cooperation and assistance provided by FHWA and Army Corps of Engineers representatives during this audit. If you have any questions concerning this report, please call me at (202) 366-5630, or Rebecca Anne Batts, Deputy Assistant Inspector General for Surface and Maritime Programs, at (202) 493-0331.

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FINDINGS

States Need To Perform Value Engineering Studies In Order To Achieve Substantial Savings

Section 303(b)(f)(1) of Public Law 104-59, the *National Highway System Designation Act of 1995*, provides, "The Secretary shall establish a program to require States to carry out a value engineering analysis for all projects on the National Highway System with an estimated total cost of $25,000,000 or more." The 23 CFR 627.1(a) codified this provision requiring "the application of value engineering to all Federal-aid highway projects on the National Highway System with an estimated cost of $25 million or more." Neither Federal law nor regulations allow exceptions to these requirements. However, we found that value engineering analyses are not being conducted in accordance with Federal regulation and FHWA policy, Federal-aid funds are being expended on projects with unrealized cost savings, and states are missing opportunities for substantial savings.

While Some States Performed Required Value Engineering Analyses for Projects Over $25 Million, Others Did Not

Our fieldwork concentrated on highway projects covering the period from FY 2001 through FY 2004. Based on our analysis, using the 5-percent national average, we estimated that the 10 states visited could have saved an additional $117 million ($29 million annually) and reprogrammed these savings to other qualifying Federal-aid projects by performing additional value engineering studies.

As shown in Table 2 on the following page, the extent to which the 10 states in our audit performed their required value engineering studies varied. To their credit, from FY 2001 through FY 2004, 3 of the 10 states (Massachusetts, Washington, and Wisconsin) performed all required value engineering studies.

However, we found that the remaining seven states we visited (California, Connecticut, Michigan, New Jersey, North Carolina, Texas, and the District of Columbia) did not perform many required value engineering studies. Of the 289 NHS projects in these seven states, 39 projects (or 13 percent) with a total cost of $2.0 billion did not undergo the required value engineering studies, resulting in lost opportunities to reprogram an estimated $98.4 million. Because it did not effectively track the status of state value engineering efforts, FHWA was unaware that most of the required studies were not performed.

We also identified nine Federal-aid projects (five in Texas, three in North Carolina, and one in the District of Columbia), each with estimated costs

exceeding $25 million, that were not on the NHS and did not have value engineering studies performed. With a total estimated cost of $379 million for these nine Federal-aid projects, each of them could have been identified as having a high potential for cost savings. Although value engineering studies were not required for these non-NHS projects, we estimated that the three states lost the opportunity to save an additional $19 million of the $379 million combined cost by not performing value engineering studies on the nine projects.

Table 2. Value Engineering Studies Not Performed (FY 2001—FY 2004)

States Visited	NHS Projects Above the $25 Million Threshold			Non-NHS Projects With a High Potential for Cost Savings	
	Number of NHS Projects	Number of NHS Projects Without Required Study	Estimated Savings Lost by Not Performing the Study ($ millions) *	Number of Non-NHS Projects Without Study	Estimated Savings Lost by Not Performing the Study ($ in millions)
California	102	11	$26.5	*N/A*	
Connecticut	10	2	$3.3	*N/A*	
District of Columbia	1	1	$1.4	1	$1.7
Massachusetts	6	*All required studies performed.*			
Michigan	18	1	$1.6	*N/A*	
New Jersey	11	1	$1.8	*N/A*	
North Carolina	34	7	$27.6	3	$6.0
Texas	113	16	$36.2	5	$11.3
Washington	10	*All required studies performed.*			
Wisconsin	9	*All required studies performed.*			
Total	**314**	**39**	**$98.4**	**9**	**$19.0**

Source: FHWA generated list of Financial Management Information System projects estimated to cost $25 million or more.

* See Scope and Methodology section of Exhibit A for information on how the estimates were calculated.

The use of value engineering programs varied widely across the states we reviewed, as indicated in the examples below.

- **Texas DOT.** Texas performed no value engineering studies on 16 applicable NHS projects collectively valued at $724 million. Using the 5-percent national average, we estimated potential lost savings of $36.2 million (a Federal share of approximately $29 million). The Texas Central DOT Office delegated responsibility for performing the value engineering studies to the

25 districts throughout the state, but did not follow up to ensure the districts performed the required studies.

- **California DOT.** California performed no value engineering studies for 11 applicable NHS projects, collectively valued at $529 million. Using the 5-percent national average, we estimated potential lost savings of $26.5 million (a Federal share of approximately $21.2 million). California's central DOT office delegated responsibility for performing value engineering studies to its 12 districts located throughout the state, but did not follow-up to ensure that districts performed the required studies.

- **North Carolina DOT.** North Carolina did not perform required value engineering studies on seven projects, collectively valued at $551 million. Using the 5-percent national average, we estimated that North Carolina lost potential savings of $27.6 million (a Federal share of approximately $22 million). NCDOT explained that, for five of these seven projects, valued at $435 million, value engineering was not required because the projects were awarded through the design-build process. However, FHWA's value engineering coordinator acknowledged that design-build projects are not exempt from undergoing value engineering studies.

  NCDOT established a Value Engineering Advisory Panel in March 1995 that planned to meet quarterly to review rejected recommendations. The Advisory Panel had the authority to concur with the rejection, approve the recommendation, or require modifications to the recommendation before approval. However, despite some interest among NCDOT personnel, the Advisory Panel has never met, and therefore has not provided the oversight it was established to perform.

States Are Not Implementing Many Value Engineering Recommendations, Missing Further Opportunities to Achieve Significant Savings

The 1995 Act and 23 CFR Section 627.1 emphasize the benefits of value engineering "for reducing the total cost of the project and providing a project of equal or better quality." Public Law 104-59 and SAVE provide specific requirements for conducting value engineering studies and for ensuring that approved recommendations are incorporated into design plans.

Few States Achieved Established Industry Benchmarks

The TRB's synthesis, *Value Engineering Applications in Transportation,*[11] developed two metrics that can be compared to state DOT performance of value

[11] "*Value Engineering Applications in Transportation,*" NCHRP Synthesis 352, prepared by David C. Wilson, PE, CVS, Vice President NCE Limited, 2005.

engineering studies—percentage of savings of total project costs and percentage of the number of approved recommendations (see Table 3 below.) The synthesis allowed us to compare the states' performance against the two established industry benchmarks.

Of the 10 states we visited, 1 state (New Jersey) achieved project cost savings exceeding the 10-percent industry benchmark and 3 states (New Jersey, Texas, and Washington State) achieved the industry benchmark of approving 60 percent or more of their recommendations. Nationally, for the period FY 2001 through FY 2004, only 12 states achieved the industry benchmark by approving at least 60 percent of the value engineering recommendations. More states might have been able to achieve the industry benchmark, but states face unique challenges that private sector entities do not, such as the need to consider context sensitive solutions,[12] which may preclude approval of some cost savings recommendations.

Table 3. Comparison of Industry Benchmarks to Federal-Aid Value Engineering Performance (FY 2001-FY 2004)

Value Engineering Program Metric	Industry Benchmark (Percent)	Federal-Aid VE Performance (Percent)
Project Savings (value of approved recommendations/estimated capital cost of projects studied)	10	5
Acceptance of Value Engineering Proposals (number of approved recommendations)	60 to 80	44.4

Source: TRB's "*Value Engineering Applications in Transportation*," NCHRP Synthesis 352, December 2005, except the 44.4 percent, which was calculated by the OIG statistician.

Using FHWA data, we found that from FY 2001 through FY 2004, 28 states did not approve the national Federal-aid performance average of 44.4 percent of proposed value engineering recommendations. Had each of those states approved additional recommendations to achieve the 44.4 percent rate, and if each of the additional recommendations yielded the national average of $1.18 million in savings per approved recommendation, an additional $789 million could have been saved and reprogrammed to other qualifying Federal-aid projects.

Of the 10 states we visited, 5 (Connecticut, North Carolina, California, Michigan, and Wisconsin), collectively approved 23 percent of the proposed recommendations, as contrasted with the national approval average of 44.4 percent for Federal-aid highway projects. We estimated that had those five states achieved

[12] Context sensitive solutions is a collaborative, interdisciplinary approach that requires all stakeholders to develop a transportation facility that fits its physical setting and preserves scenic, aesthetic, historic and environmental resources, while maintaining safety and mobility. For example, some value engineering recommendations may not be approved if they negatively impact historic or environmental resources at the project site.

the national average of 44.4 percent, an additional $381 million (a combined Federal share of approximately $305 million) could have been reprogrammed to other qualifying Federal-aid projects.

From FY 2001 through FY 2004, 23 other states that we did not visit did not achieve the 44.4 percent national average. We estimated that if those 23 states had achieved the national average, an additional $408 million (a combined Federal share of approximately $326 million) could have been reprogrammed to other qualifying Federal-aid projects.

Management at state departments of transportation and FHWA attributed the low acceptance rate to:

- the failure of state senior transportation managers to send a strong enough message to department staff on the benefits of value engineering,
- states' perception that value engineering causes unneeded project delays, and
- studies being performed too late in the design process to approve and subsequently implement recommendations.

To determine how effectively states were assessing value engineering recommendations, we evaluated the reasons for the rejection of value engineering recommendations in Connecticut, Michigan, and North Carolina. These three states had the lowest recommendation approval rates of the 10 states visited. For example, during the 4-year period of FY 2001 through FY 2004, Connecticut and North Carolina collectively approved only $3.1 million of a combined total of $508 million of the proposed recommendations. Of the 10 states visited, with the exception of the Massachusetts and Connecticut FHWA Division Offices, we found no documentation showing that the FHWA Division Offices took exception to or challenged the states' explanations and decisions for rejecting the recommendations, as appropriate. That is, independent FHWA review would provide added assurance that states were prudent in rejecting recommendations.

As demonstrated in the following examples, additional independent review is warranted:

- North Carolina rejected all but $3 million of $203 million in recommended value engineering savings. Additionally, at our request, the Army Corps of Engineers (the Corps) reviewed and analyzed North Carolina's value engineering program, including four value engineering studies. The Corps determined that documentation of engineering effort varied from report to

report and the project designer's review and determinations sometimes lacked content and quality.

Though the VE recommendations were forwarded to the design teams for acceptance or rejection, there was no coordination after that point. The Corps found that NCDOT did not include support for cost estimates, including evaluating life-cycle cost alternatives. However, following our November 2004 visit, North Carolina improved its value engineering process and reported accepting 73 percent of value engineering recommendations in FY 2005.

- Connecticut rejected all but $80,000 of $305 million in recommended value engineering savings. For FY 2005, Connecticut reported no value engineering activity at all.

  The Connecticut DOT value engineering studies did not always have complete or consistent documentation supporting recommendations for changes or reasons for rejecting suggested changes. The value engineering study of the Moses Wheeler Bridge illustrates two different ways in which the lack of complete documentation limited acceptance of value engineering recommendations. For example, the study included a recommendation to use reinforced earth embankments in lieu of structural piers, for a savings of $10.6 million. However, because the recommendation was not supported by a detailed cost estimate with a life-cycle cost analysis, Connecticut DOT rejected the recommendation, citing unrealistic cost savings. As part of the same study, Connecticut DOT rejected three recommendations relating to modification of the bridge, with estimated savings of $9.9 million. Although Connecticut DOT cited the reduction in vertical bridge clearances and the need for design exceptions as reasons to not implement the recommendations, we questioned the explanation, in part because it was incomplete. Further, we noted that the state had previously granted a design exception for vertical clearance in a similar situation.

FHWA Can Strengthen Its Oversight of State VE Programs

Analysis of FHWA Oversight Indicates Need for Increased Participation

In interviews with personnel from the states and FHWA Division Offices, we found that the level of compliance with the *Policy Guide* varied from state to state. Most Division Offices reported that they participated in value engineering studies, but our audit showed that some offices demonstrated very little impact from their efforts. Further, FHWA Division Office personnel indicated that their participation in state value engineering programs was limited because: (1) state

value engineering was viewed as a mature program not requiring oversight; (2) limited FHWA resources required engineers to be assigned to other priorities, such as reviewing project proposals and monitoring construction projects; (3) state and FHWA management placed low emphasis on the value engineering program; (4) FHWA value engineering coordinators served as resources for information, but not as participants in state studies; and (5) one Division Office was not provided sufficient lead time to attend value engineering meetings or to participate in studies.

In addition to the Division Offices' reported limitations, we identified four additional factors that we believe hindered FHWA Division Office oversight of value engineering in the states within their regions.

- Division Offices did not ensure that states performed all required value engineering studies. For example, the Connecticut and Texas Division Offices granted waivers from the statutory requirement to perform value engineering studies, stating that the projects were already underway and that a similar project, such as resurfacing, had previously undergone a value engineering study. FHWA incorrectly considered the new projects extensions of the ongoing projects, even though the new projects were initiated under new project agreements. Notably, FHWA policy does not waive the requirement for states to perform value engineering studies. If FHWA wants to consider approving waivers for routine tasks, such as repaving projects, a change will be required to Federal Regulations and FHWA's policy.

- FHWA value engineering coordinators reported their tenures to be too short and too multi-functional. During the 2 to 3 years that value engineering coordinators typically spend in their role, they may also be assigned other significant responsibilities. They interface with the state DOT and FHWA Headquarters by actively participating in value engineering studies and reconciling the studies performed with studies the states were reporting in their annual summary reports to FHWA Headquarters. Because the coordinators' tenures are temporary, they do not have time to acquire sufficient knowledge and training to perform their oversight functions. Coordinators were required to interface with the state DOT and FHWA Headquarters by actively participating in value engineering studies, and reconciling the studies performed with studies the states were reporting in their annual summary reports to FHWA Headquarters. Our work and the Corps' review corroborated the coordinators' claim, as neither found evidence that the coordinators were sufficiently involved to provide adequate guidance and oversight.

- FHWA discontinued its performance measures for value engineering, which hindered its ability to determine the program's effectiveness, reveal problem areas, and implement improvements. After FY 2001, FHWA dropped from its performance plan the only value engineering performance goal of increasing the use of value engineering to achieve greater cost savings. As a result, only 2 of the 10 Division Offices we visited had value engineering performance goals in effect at the time of our visit. To their credit, in response to FHWA's discontinuing their sole performance measure, the North Carolina and Texas Division Offices developed their own performance goals and measures. Of note, FHWA initiated a task force to improve the value engineering process and establish new value engineering performance measures.

Army Corps of Engineers' Review was Consistent With Our Analysis

The Corps assessed FHWA's oversight over the state value engineering process in two states, North Carolina and Michigan, and identified weaknesses in the FHWA policy. Specifically, the Corps concluded that FHWA policy:

- does not require complete documentation of work performed in all phases of the value engineering study in the final value engineering study report. Industry standard is to create a thoroughly documented report to demonstrate that all value engineering study elements are covered and proper methodology is followed.

- implies that early timing of a value engineering study in a project is optional. In contrast, the policy should require that value engineering studies be conducted between the 10 percent and 35 percent design completion stages, unless dictated otherwise by extenuating circumstances.

- does not state that management needs to assure that value engineering proposals are given serious consideration by the design team and incorporated into designs as needed.

- does not specify any necessary credentials for the value engineering study team leader, and implies that the value engineering training for that position is optional.

FHWA Has Not Assessed the Effectiveness of State Value Engineering Program

Until the May 19, 2006 FIRE Program directive, FHWA did not have a system in place to recognize the grants management oversight weaknesses we identified in this report. In each of our annual Management Challenges Reports from 2003 through 2006, we pointed to the need for FHWA to make improvements in the

area of grants management. Additionally, the Highway Trust Fund financial statement reports for 2004 and 2005 identified a material weakness in FHWA's grants management. As required in OMB Circular No. A-123, "Management's Responsibility for Internal Control," agency managers should use audit results, such as those detailed in this report, in annual assessments of agency internal controls. The focus of internal control in the value engineering program is on the effectiveness and efficiency of operations and compliance with the regulation to complete required value engineering studies.

FHWA is in the process of implementing two processes to improve oversight of grants management. In the FIRE Program, FHWA conducts annual assessments of state management of Federal-aid funds. FHWA is also initiating a corporate risk assessment process that will assess risk in all major aspects of the Federal-aid program. As stated, value engineering is a key component of state management of Federal funds because it provides states the opportunity to improve operations and project quality and to reduce project costs by streamlining operations and implementing cost saving recommendations. However, under the current policy, FHWA is not required to assess value engineering in FIRE reviews or in the risk assessments of states' Federal-aid programs. FHWA should consider including in the annual report to the Secretary, required by OMB Circular No. A-123, the issues identified in this report.

FHWA Needs To Disseminate States' Best Practices for Value Engineering

We found that FHWA does not have any mechanism in place to identify best practices related to value engineering or a means to recommend any best practices to states. We used four key indicators[13] and the corresponding metric to measure the effectiveness of value engineering programs in the 10 states we visited. Our assessment of 10 value engineering programs identified the following best practices:

- Washington State included top-level management and outside stakeholders in the value engineering process to consider all views.
- New Jersey hosted annual training by the National Highway Institute for value engineering teams. In fostering the multi-disciplinary approach promoted by SAVE, New Jersey offered this training to engineers and non-engineers, which included conducting a value engineering study on an actual highway project.

[13] The four key indicators were: (1) completion of required studies—fulfilling a statutory requirement, (2) percentage of approved recommendations—exceeding the national average, (3) return on investment of the cost spent to perform value engineering studies—exceeding the national average, and (4) percentage of project savings—exceeding the national average.

- Massachusetts required written justification for value engineering recommendations that were not approved and for challenges to rejections of value engineering recommendations.

By using best practices associated with performing VE studies, New Jersey achieved nearly 13.5 percent project cost savings, whereby the industry benchmark is 10 percent for savings as a percentage of total project costs. Massachusetts came close to achieving the benchmark, realizing more than 9 percent in savings as a percentage of total project costs. Similarly, using best practices associated with implementing recommendations, Washington State approved 83 percent of recommendations and produced an annual return on investment averaging $523 in cost savings for every $1 spent on value engineering studies from FY 2001 through FY 2004. In contrast, nationally, states approved 44.4 percent of recommendations and realized an annual return on investment averaging $128 for every $1 spent. The best practices that these states implemented enhanced their respective value engineering programs and merit wider dissemination to other states for adoption, where practicable.

As shown in Table 4, states using best practices ranked higher overall in these indicators than states that had not adopted best practices. In the 10 states visited, Washington State ranked best in three of the four indicators. Other states using best practices and exceeding the national average in three of the four indicators were Massachusetts and New Jersey.

Table 4. Comparison of States' Performance in Key Indicators of Value Engineering Effectiveness

	Key Performance Indicators States listed from highest to lowest			
	Percentage of Required Studies Performed [b]	Percentage of Approved Recommendations[b]	Return on Investment[b]	Percentage of Project Savings[b]
More Effective	**Massachusetts**[a]	**Washington**	**Washington**	**New Jersey**
	Washington[a]	**New Jersey**	**Massachusetts**	**Massachusetts**
	Wisconsin[a]	**Texas**	**Texas**	**California**
	Michigan	**Massachusetts**	**New Jersey**	Texas
	New Jersey	Wisconsin	California	Washington
	California	California	Wisconsin	Wisconsin
	Texas	Michigan	North Carolina	Michigan
	Connecticut	Connecticut	Michigan	North Carolina
	North Carolina	North Carolina	Connecticut	Connecticut
Less Effective	District of Columbia	District of Columbia	District of Columbia	District of Columbia

Source: FHWA Annual Value Engineering Summary Reports, FY 2001 through FY 2004 and OIG site visits.
[a] These 3 states completed all required studies and are listed alphabetically.
[b] **Bolded states** indicate that they met statutory requirements or exceeded national averages.

States with the OIG-identified best practices tended to be more effective in the metrics cited. Unlike Washington State, Massachusetts, and New Jersey, the District of Columbia DOT does not have an active value engineering program and as of November 2004, it had not performed any value engineering studies, although one of its Federal highway projects required a value engineering study.

We recognize that additional best practices are being used in the states we did not visit, and recommend that FHWA identify best practices among all the Division Offices and issue the results to all Division Offices and state departments of transportation.

RECOMMENDATIONS

We recommend that FHWA:

1. Revise its value engineering policy to:

    a. Require complete documentation of all value engineering study phases in the final value engineering report.

    b. Require that value engineering studies be conducted between the concept phase and 35 percent completion stage of the project design.

    c. Include management review guidelines to ensure that all value engineering recommendations are considered by the design team and incorporated into designs, as appropriate, and require responsible state management, (for example, the chief engineer) to sign off on the rejection of value engineering recommendations that contain substantial cost savings.

    d. Require full support of cost estimates including evaluation of different scenarios that offer the lowest life-cycle cost alternative.

    e. Require Division Office engineers to either monitor or participate in all state value engineering studies including Federal-aid projects, and ensure that all required studies are performed.

2. Develop performance goals for measuring the effectiveness of state value engineering programs and for evaluating Division Office personnel in fulfilling the FHWA and OMB requirements for value engineering programs.

3. Incorporate value engineering into either the FIRE reviews or the corporate risk assessment process to determine whether all required studies are performed and to assess the states' consideration of recommendations with identified cost savings. Ensure that FHWA's annual assurance statements that each Federal-aid Division Office is required to perform in support of FHWA's

annual certification of internal and financial controls to support the financial statements, as required by the Federal Managers' Financial Integrity Act, are based on the results of the FIRE reviews and the corporate risk assessments.

4. Disseminate to the states known best practices for value engineering, including:

   - Performance metrics,
   - Annual value engineering training by the National Highway Institute or other vendors with similar expertise, and
   - Inclusion of states' senior management and outside stakeholders in the value engineering process.

MANAGEMENT COMMENTS AND OFFICE OF INSPECTOR GENERAL RESPONSE

On January 31, 2007, we provided FHWA a draft copy of this report. On March 2, 2007, FHWA provided us its formal response, which is included in its entirety in the Appendix. In its response, FHWA fully concurred with all of our recommendations and provided planned corrective actions that will begin as early as March 2007, which, collectively, meet the intent of all of our recommendations. We commend FHWA for initiating prompt actions. However, the recommendations will be considered unresolved until FHWA provides target dates for completed corrective actions.

Recommendation 1. FHWA concurred with the recommendation to revise its value engineering policy. Recognizing that additional proactive guidance and oversight measures are needed in support of advancing current value engineering practices of state and local agencies, in addition to revising Federal regulations, FHWA plans to initiate the development of technical guidance and production of outreach material in April 2007.

These revisions will be incorporated, as appropriate, into all future activities of FHWA's value engineering program. Also in April 2007, FHWA plans to initiate the process to (1) modify the value engineering provisions contained in 23 CFR, part 627 and (2) initiate the development of technical guidance and outreach material.

OIG Response. FHWA's planned actions meet the intent of our recommendation.

Recommendation 2. FHWA concurred with the recommendation to develop performance goals for measuring the effectiveness of state value engineering programs and goals for Division Office personnel in fulfilling the FHWA and OMB requirements for value engineering programs. In May 2007, FHWA plans to convene a working group to evaluate and establish performance goals and measures to assess FHWA's value engineering program.

This group would also be tasked to work with industry representatives to identify changes in the report that annually assesses and reports on the progress of value engineering programs of state departments of transportation and their completed studies. This effort will focus on identifying changes that will be used in the data collection and reporting conducted in FY 2007 on the progress that state departments of transportation value engineering programs have achieved.

OIG Response. FHWA's planned actions meet the intent of our recommendation.

Recommendation 3. FHWA concurred with the recommendation to incorporate an assessment of state value engineering programs into its corporate risk assessment to support the risk management assessments that are completed for FY 2008, as well as to ensure that FHWA's annual assurance statements that each Federal-aid Division Office is required to perform, are based on the results of the FIRE reviews and the corporate risk assessments. FHWA plans to incorporate value engineering into FHWA's corporate risk assessment process to support the risk management assessments to be completed for 2008.

OIG Response: FHWA's planned actions meet the intent of our recommendation.

Recommendation 4. FHWA concurred with the recommendation to disseminate to the states known best practices for value engineering. Starting in March 2007, FHWA plans to develop value engineering technical guidance, best practices, and outreach materials.

OIG Response. FHWA's planned actions meet the intent of our recommendation.

EXHIBIT A. OBJECTIVES, SCOPE, AND METHODOLOGY

Our objectives were to determine whether FHWA's oversight is adequate to ensure that: (1) value engineering studies are performed on all Federal-aid NHS projects that have an estimated cost of $25 million or more, (2) value engineering studies are performed on all Federal-aid projects that have a high potential for cost savings, and (3) all value engineering recommendations that can be implemented are approved, permitting the greatest degree of potential savings to be achieved.

To accomplish our objectives, we met with the FHWA value engineering coordinator in Washington, D.C., to assess the role of FHWA Headquarters in the FHWA Value Engineering Program, and we administered to all 52 Division Offices (50 states, the District of Columbia, and Puerto Rico) a questionnaire on the role of the FHWA Division Offices in the value engineering programs and analyzed the results. Additionally, to better understand why states were not approving significant value engineering recommendations, we evaluated the reasons for their rejection in 3 of the 10 states we visited (North Carolina, Michigan, and Connecticut).

We discussed questionnaire responses with FHWA Division personnel and the roles and responsibilities in the value engineering process with FHWA Division and state personnel (for example, Washington State DOT), including initiatives for approving all recommendations that can be implemented. We also analyzed data that FHWA collects from states or Division Offices to compile its *Annual Federal-aid Value Engineering Summary Reports.*

To corroborate the questionnaire responses and assess value engineering performance, we selected for review 10 states and their respective Division Offices because they: (1) did not report any value engineering studies during FY 2002 (District of Columbia and Massachusetts), (2) approved a low percentage of their value engineering recommendations from FY 2001 through FY 2004 (North Carolina, Connecticut, Michigan, and Wisconsin), (3) approved a high percentage of their value engineering recommendations from FY 2001 through FY 2004 (New Jersey and Washington State), or (4) received large amounts of Federal-aid dollars (California and Texas).

At the OIG's request, FHWA provided OIG with Fiscal Management Information System (FMIS) computer runs that listed all Federal-aid projects underway between FY 2001 through FY 2004 that had estimated costs of $25 million or more. These lists included NHS and non-NHS projects. When we visited the 10 states, we had state DOT personnel identify which Federal-aid projects were NHS and which were non-NHS. From the FMIS lists, state DOT personnel identified 323 Federal-aid projects in the 10 states from FY 2001 through

FY 2004, estimated to cost $25 million or more. Of these 323 projects, 314 were identified as NHS projects. We worked with state DOT personnel to determine whether required value engineering studies were performed on each of the 314 projects. In addition, nine Federal-aid projects with estimated costs greater than $25 million were identified that were not on the NHS and that had not undergone a value engineering study. We then asked why the projects had not undergone a value engineering study. Because of the high-dollar amount of the nine projects, we believe they would have had a high potential for cost savings. Consequently, we judgmentally determined to expand our audit universe by including in our review the nine non-NHS Federal-aid projects.

Finally, to better understand why states were not approving significant value engineering recommendations, we evaluated the reasons for their rejection in three of the states visited with the lowest recommendation approval rates (North Carolina, Michigan, and Connecticut). Specifically, we assessed the merit and supporting documentation of the proposed recommendations and judged the technical sufficiency of the states' rationale for not approving the recommendations.

We analyzed responses to the questionnaire from the Division Offices and interviewed Division Office and state department of transportation personnel to assess their respective roles and responsibilities. We also determined whether states performed all required value engineering studies by reconciling FHWA's FY 2001 through FY 2004 FMIS and cost data to state records, and determined whether states reported the correct number of value engineering studies and recommendations. We conducted separate interviews with state department of transportation and FHWA Division Office personnel to evaluate their respective processes and responsibilities for their value engineering programs. At the end of each site visit, we discussed our preliminary results with the responsible state and FHWA Division Office personnel.

We also reviewed FHWA and state value engineering policy and procedures to determine whether FHWA Divisions participated in and oversaw the states' value engineering programs. We reviewed the content of the states' value engineering studies and recommendations, and obtained any written justification for the states not approving value engineering recommendations covering the period from FY 2001 through FY 2004. We assessed the adequacy of FHWA's policy and procedures and included such tests as were considered necessary to provide a reasonable assurance of detecting abuse or illegal acts.

To estimate the potential lost savings that resulted from state departments of transportation not performing required value engineering studies or from studies that did not achieve the national average of recommendations accepted, we used the OIG calculated percentages that are comparable to national averages published

in the TRB Synthesis 352, *Value Engineering Applications in Transportation*. We independently calculated the percentage savings using data from the state departments of transportation for FY 2001 through FY 2004—our calculations were consistent with the TRB's percentages. The TRB study included figures on historical Federal-aid value engineering performance and industry benchmarks. We used the cited metrics in our report of project savings[14] (5 percent) and the acceptance rate of value engineering recommendations (44.4 percent)[15] as a baseline for evaluating the projects we reviewed for this audit. For projects on which no value engineering study was performed, but should have been, we used the 5-percent project savings metric to estimate how much the state could have saved, had the study been conducted. Similarly, for projects on which a value engineering study was performed, we used the OIG-calculated 44.4-percent rate of value engineering recommendation approval metric to compare and estimate the additional potential savings. The OIG Statistician also computed the national average savings of $1.18 million per approved recommendation.

To present a conservative estimate of savings lost by not implementing recommendations, we used the OIG-calculated 44.4 percent average, instead of the higher industry benchmarks of from 60 percent to 80 percent cited in the TRB study. For states that approved less than 44.4 percent, we computed the number of recommendations that should have been approved to achieve the 44.4 percent. We credited the states for the number they did approve by subtracting them from the number they should have approved (based on 44.4 percent). The remainder, which was the number lost, was multiplied by $1.18 million (the national average savings per approved recommendation) to arrive at the estimated lost savings for each state.

The scope of our audit included reviewing the FHWA value engineering policy, regulations and legislation and FHWA's value engineering activity during the period FY 2001 through FY 2004, for all 52 Division Offices. With respect to the 10 states visited, the scope further included reviewing FMIS reports and Federal-aid NHS projects active during the period FY 2001 through FY 2004, with estimated costs exceeding $25 million; the states' value engineering standard procedures and policies; and FHWA's oversight of the states' value engineering programs.

Under the direction of the OIG Engineer Advisor, we engaged the assistance of the Corps to review and assess the appropriateness and adequacy of North Carolina and Michigan's value engineering programs, processes, and studies and their

[14] The project savings metric is based on the value of the approved value engineering recommendations divided by the estimated capital cost of the project.

[15] The acceptance rate of value engineering recommendations metric is based on the number of recommendations approved for implementation divided by the total number of recommendations put forward by the value engineering study.

compliance with FHWA policy. These states were selected because they had approved a low percentage of recommendations. Under this scope, the Corps:

- reviewed the FHWA value engineering policy;
- reviewed the state value engineering standard procedures and policy;
- reviewed four North Carolina and seven Michigan value engineering studies to evaluate the:
    - application of FHWA policy,
    - application of standard value engineering principles and procedures,
    - justifications for acceptance or rejection of value engineering recommendations, and
    - timeliness of the studies; and
- reviewed FHWA oversight of the state value engineering programs.

Our audit work included contacts with FHWA Headquarters, FHWA Division Offices and state departments of transportation, the American Association of State Highway and Transportation Officials, and the Corps.

We conducted this performance audit from October 2004 through March 2007, in accordance with Generally Accepted Government Auditing Standards prescribed by the Comptroller General of the United States, with one exception, standard 7.57, *Data Gathered by Management.* We did not independently verify the reliability of the data reported in FHWA's *Annual Federal-aid Value Engineering Summary Reports,* which formed the basis for our estimates of potential savings. However, the data are used by FHWA to report to the Secretary and OMB and used in research performed by the TRB. The data are the only nationwide data available that contains the value and number of reported and accepted value engineering recommendations.

Our audit findings are based on evidence we gathered during our fieldwork in the states and FHWA Division Offices, as well as work conducted by the Corps. We used the data in FHWA's *Annual Federal-aid Value Engineering Summary Reports* to quantify the estimated monetary impact of our findings.

Preliminary analysis of the data that states submitted to FHWA (and reported in FHWA's *Annual Federal-aid Value Engineering Summary Reports*) disclosed reporting inconsistencies among the states that affected the precision of our estimates of potential savings. It was not practicable for us to quantify the effect of these issues on our estimate; however, we performed alternative procedures to determine the usefulness of our estimates in illustrating the potential monetary benefits of the increased use of value engineering studies and the increased implementation of value engineering recommendations. For example, we

compared our 4-year results to the results reported by TRB and found them to be comparable.

EXHIBIT B. ACTIVITIES CONTACTED OR VISITED

American Association of State Highway Transportation Officials Office

Washington, DC

American Association of State Highway Transportation Officials Value Engineering Conference

San Antonio, Texas

Federal Highway Administration

Washington, DC

Federal Highway Administration Division and State Transportation Department Offices

California
Connecticut
District of Columbia
Massachusetts
Michigan
New Jersey
North Carolina
Texas
Washington State
Wisconsin

U.S. Army Corps of Engineers

EXHIBIT C. MAJOR CONTRIBUTORS TO THIS REPORT

The following individuals contributed to this report.

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Harriet Lambert	Writer-Editor

U.S. Department of Transportation
Federal Highway Administration

Memorandum

Subject: **INFORMATION:** Federal Highway Administration (FHWA) Response to Office of Inspector General (OIG) Draft Audit Report, "Value Engineering in the Federal-Aid Highway Program"

Date March 2, 2007

From: J. Richard Capka
Administrator

Rick Capka
Thanks for the recommendations!

Reply to
Attn. of: HIPA-1

To: Calvin L. Scovel III
Inspector General (JA-40)

Thank you for the opportunity to review and comment on the OIG Draft Report, "Value Engineering in the Federal-Aid Highway Program." We concur with the recommendations and plan to implement them as described herein. FHWA is committed to continue promoting the importance of and need to improve value engineering practices nationally. We will continue to collaborate and partner with industry to advance our collective practices to ensure value engineering is being applied to improve the quality, cost-effectiveness, and productivity associated with developing improvement projects on the surface transportation.

Following are our comments and planned actions on the specific audit report recommendations.

Recommendation 1: "Revise its value engineering policy to:

a. Require complete documentation of all value engineering study phases in the final value engineering report.

b. Require that value engineering studies be conducted between the concept phase and 35 percent completion stage of the project design, recommending that conducting studies early in the process is preferable.

c. Include management review guidelines to ensure that all value engineering recommendations are considered by the design team and incorporated into designs, as appropriate; and require responsible state management, (e.g., the chief engineer) to sign off on the rejection of value engineering recommendations that contain substantial cost savings.

d. Require fully supported cost estimates and the evaluation life cycle cost alternatives.

e. Require Division Office engineers to either monitor or participate in all state value engineering studies involving Federal-aid projects, and ensure that all required studies are performed."

MOVING THE AMERICAN ECONOMY

Response: We concur with these recommendations. These comments will be incorporated as appropriate into all future activities of the FHWA's Value Engineering program. The FHWA recognizes that additional proactive guidance and oversight measures are needed in support of advancing current value engineering practices of State and local agencies. These value engineering activities will include revising Federal regulations, updating FHWA policy, developing technical guidance, updating training materials, and producing outreach material.

Accordingly, we will initiate the process in April of 2007 to modify the value engineering provisions contained in the Code of Federal Regulations (23 C.F.R. Part 627) to reflect the changes in Federal law reflecting the congressional intent and policy direction provided in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), P.L. 109-59. Upon issuance of this final rule, we will also complete an update of FHWA's value engineering policy contained in FHWA's Federal-Aid Policy Guide to reflect these changes in Federal law and regulations. Outreach will be conducted through our Division Offices to their State partners. The outreach includes raising their awareness and assisting with implementing these changes into current practices of State and local agencies.

The FHWA recognizes the need to develop value engineering technical guidance and outreach material. Accordingly, we will initiate the development of technical guidance and outreach materials in April 2007. We will work with industry in developing and promoting these resources to advance value engineering practices nationwide. These products will focus on integrating and supporting value engineering within each agency, along with advancing the application of value engineering on individual surface transportation improvement projects.

Specifically, these activities will include previously identified revisions to 23 C.F.R. Part 627, updating FHWA's policy, and developing technical guidance and outreach material to:

1(a). Clarify the information to be contained in the final report documenting the results of value engineering studies. While FHWA's Federal-Aid Policy Guide requires complete documentation of all value engineering study phases in the final value engineering report, we will explore clarifying what additional information should be included in this report.

1(b). Clarify opportunities of when value engineering studies should be performed in the process of planning and developing surface transportation improvement projects.

1(c). Provide a framework State and local agencies could use to improve how they consider and approve value engineering recommendations. The FHWA's Federal-Aid Policy Guide identifies only the need for management guidelines and reviews to be performed to ensure value engineering recommendations are incorporated into the development of projects.

1(d). Encourage the use of life-cycle costs to improve the cost estimating that is performed on value engineering studies.

1(e). Enhance FHWA's stewardship and oversight of State DOTs value engineering programs and ensure VE studies are performed on required improvement projects.

Recommendation 2: "Develop performance goals for measuring the effectiveness of state value engineering programs and goals for Division Office personnel in fulfilling the FHWA and OMB requirements for value engineering programs."

Response: We concur with this recommendation. FHWA will convene a working group in May 2007 consisting of representatives from the FHWA Division Offices, Resource Center, and the Office of Program Administration, to evaluate and establish performance goals and measures to assess FHWA's Value Engineering Program. This group will also be tasked to work with industry representatives to identify changes in the report that annually assesses and reports on the progress of State DOT's value engineering programs and their completed studies. This effort will focus on identifying changes that will be used in the data collection and reporting that will be conducted in FY 2007 on the progress achieved by State DOTs value engineering programs.

Recommendation 3: "Incorporate value engineering into either the FIRE reviews or the corporate risk assessment process to determine whether all required studies are performed and to assess the states' consideration of recommendations with identified cost savings. Ensure that FHWA's annual assurance statements, required by FMFIA and the Office of Management and Budget Circular A-123 are based on the results of the FIRE reviews and the corporate risk assessments."

Response: We concur with this recommendation. Value engineering will be incorporated into FHWA's corporate risk assessment process to support the risk management assessments that are completed for 2008. The FHWA does not consider the Financial Integrity Review and Evaluation (FIRE) Program process to be suitable for monitoring, reporting, or assessing value engineering practices. This is based on the limited ability for a State DOT or FHWA's financial accounting system to track or identify changes in a projects construction cost estimate that may result from implementing value engineering study recommendations.

Recommendation 4: "Disseminate to the states known best practices for value engineering, including:

a. Performance Metrics,

b. Annual value engineering training by the National Highway Institute, or other vendors with similar expertise, and

c. Inclusion of states' senior management and outside stakeholders in the value engineering process."

Response: We concur with these recommendations. FHWA recognizes the need to develop and distribute value engineering technical guidance, best practices, and outreach material. As previously identified, we will initiate the development of these resources in March 2007. These resources will include a focus on the need for and importance of performance metrics, available training resources, inclusion of agency management and stakeholders in sustaining a successful value engineering program, and in conducting specific value engineering studies.

In closing, we would like to emphasize that FHWA's role is to provide general program stewardship and oversight of State DOT's value engineering programs and specific studies. Our role is not to carry out, participate in, require the use of, or approve recommendations identified in every value engineering study. Rather, it is our stewardship and oversight of State DOT's value engineering policies, program, procedures, and approach where we continuously encourage improvements, which is consistent with the direction of FHWA Federal-aid highway program oversight responsibilities set by Congress in current legislation, balanced against our available resources.

The efforts of the OIG auditors to further improve the value engineering programs and practices of public agencies nationally are greatly appreciated. If you have any questions or comments regarding this response, please contact Mr. Jon Obenberger at (202) 366-2221.

Attachment B

Deputy Directive

Number:	DD-92
Refer to Director's Policy:	DP-07 Project Delivery
Effective Date:	July 2007
Supersedes:	NEW

TITLE Value Analysis

POLICY

Value Engineering studies, known to the Department of Transportation (Department) internally as Value Analysis studies, are mandated by federal law (Title 23 USC 106) for all projects on the federal-aid system (Interstate and the National Highway System) with a total project cost (right-of-way, construction and support) of $25 million or more and on bridge projects totaling $20 million or more. Value Analysis studies should be appropriately conducted in consideration of the project schedule and complexity. Although the Value Analysis study is most effective in the early stages of project development, a Value Analysis study can be conducted at any phase of the project prior to the start of construction.

The above requirements apply regardless of the funding source, or whether the Department's employees, local agencies, consultants, or others are accomplishing the work.

DEFINITION/BACKGROUND

The Department maintains a Value Analysis program in order to improve quality, foster innovation, and minimize life-cycle cost of transportation projects. Value Analysis studies are a function-oriented, systematic team approach, used to analyze and improve the value in a project, product, or process. They provide a powerful methodology for solving problems, reaching consensus, and reducing costs while improving performance and maintaining the objectives of the proposed project.

The National Highway System Act of 1995 included a mandate directing the United States Secretary of Transportation to develop a program requiring the state departments of transportation to conduct Value Engineering studies for all federal-aid projects on the National Highway System costing $25 million or more. The Federal Highway Administration published its Value Engineering regulation implementing this mandate on February 14, 1997.

Title 23 USC 106 and related federal regulations require the Department to establish a program to improve project quality, reduce project costs, eliminate unnecessary and costly design elements, foster innovation, and ensure efficient investments on all projects requiring Value Engineering. The term "project," as it relates to this law, is the project defined in the environmental document, and may include multiple contracts over many years.

In 2005, Congress enacted the *"Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users" (SAFETEA-LU)* with new provisions and regulations. SAFETEA-LU expanded the scope of the 1995 Value Engineering mandate to include all projects on the federal-aid system with an estimated total project cost of $25 million or more and on bridge projects costing $20 million or more. As defined by federal regulations, a bridge is a structure over a depression or an obstruction, such as water, highway, or railway, and having an opening measured along the center of the roadway of more than 20 feet.

Previously, federal law required Value Engineering studies for only those projects that were federally aided. Currently, Value Engineering studies are required regardless of the project's funding source.

See http://pd.dot.ca.gov/design/specproj/value-analysis.asp and Chapter 19 of the Project Development Procedures Manual for more information about Value Engineering.

RESPONSIBILITIES

Deputy Director, Project Delivery:

- Establishes and ensures implementation of statewide policies, standards, and practices for Project Delivery.

Deputy Director, Planning and Modal Programs:

- Establishes and ensures implementation of statewide policies, standards, and practices for Planning and Modal Programs.
- Ensures compliance with the Value Analysis mandate for those projects not sponsored by the Department.

Chief, Division of Design:

- Establishes and maintains a Value Analysis program in order to improve project quality, reduce project costs, foster innovation, eliminate unnecessary and costly design elements, and ensure efficient investments for all projects.

Division Chiefs:

- Ensure the consistent and effective application of standards, procedures, best practices, and quality management activities for the timely delivery of quality projects.
- Ensure staff fully participates in the Value Analysis studies.

District Directors:

- Maintain a district Value Analysis program, in support of the Department's established Value Analysis program, to manage Value Analysis activities within their respective district.
- Ensure that Value Analysis studies are properly resourced to effectively carry out related activities.
- Support Value Analysis studies by ensuring that recommendations are fully considered and acceptable recommendations are implemented, in order to minimize cost and maximize project performance, while adhering to standards, procedures, best practices, and quality management activities.

Managers, Project Managers, Functional Managers, and Supervisors:

- Empower employees with the appropriate tools, resources, time, and training to deliver the Value Analysis studies for which the Department is responsible.
- Ensure project compliance with policies, standards, procedures, and best practices.

APPLICABILITY

All departmental employees involved with the delivery of projects on the State Highway System.

Randell H. Iwasaki

RANDELL H. IWASAKI
Chief Deputy Director

July 30, 2007
Date Signed

CHAPTER 19 – VALUE ANALYSIS

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

Project records must be kept at least three years after the federal government completes a final voucher of the project.

EMERGENCY WORK

In an emergency situation competitive bidding may be waived on any of the federal-aid programs, and the work may be performed by either force account or negotiated contract. For projects that are exempt from FHWA oversight, the waiver shall be approved by the DLAE. An emergency is a situation that requires emergency repair work, as provided under Emergency Relief (ER) Program (see Chapter 11 "Disaster Assistance" in the *Local Assistance Program Guidelines*), or when a major element or segment of a highway system has failed and the situation is such that competitive bidding is not possible or is impractical. Competitive bidding under such circumstance may not be possible or may be impractical because immediate action is necessary to:

- Minimize the extent of the damage
- Protect remaining facilities, or
- Restore essential travel

As an example: a local agency has a bridge programmed for replacement, using Highway Bridge Program (HBP) funds and has begun preliminary engineering on the bridge replacement project, a major storm does damage to the bridge before the local agency completes the design of the bridge, such that repairing the bridge is not practical. At this point, for projects that are exempt from FHWA oversight, the local agency can contact their DLAE to be granted a waiver ("Authorization to Proceed"), so as to begin negotiations with contractor(s) to replace the bridge using HBP funds and using the plans that have been completed to date.

It should be noted that this waiver to competitive bidding only applies to emergency repairs as defined above, reconstruction work and permanent repairs that can be separated from emergency repairs, are to be performed using the competitive bidding process.

12.5 VALUE ENGINEERING ANALYSIS

SAFETEA-LU

Federal requirements included in "SAFETEA-LU" Section 1904 "Stewardship and Oversight," mandate that a "value engineering analysis" be performed on federal-aid projects on the federal-aid system with a total project cost of $25 million or more and for bridge projects with a total project cost of $20 million or more, The "value engineering (VE) analysis" consists of a systematic process of review and analysis of the project during the concept and design phases, by a multi-disciplined team of persons not involved in the project.

The local agency administering the project has been delegated the responsibility to ensure that VE analysis is performed under Caltrans delegation authority. For each project, the local agency shall indicate in the appropriate checkbox on the PS&E Checklist whether VE analysis was performed.

DEFINITIONS

Project - A portion of a highway or local road that a local agency proposes to construct, reconstruct, or improve as described in the FSTIP, RTIP. A project may consist of several contracts or phases over several years.

Value Engineering Analysis - The systematic application of recognized techniques by a multi-disciplined team to identify the function of a product or service; establish a worth for that function; generate alternatives through the use of creative thinking; and provide the needed functions to accomplish the original purpose of the project, reliably, and at the lowest life-cycle cost without sacrificing safety, necessary quality, and environmental attributes of the project.

PROCEDURES

The multi-disciplined team can be qualified local agency staff, qualified personnel from the current design consultant contract, or qualified personnel from a certified "value engineering analysis" consultant contractor. The most important factor is for the multi-disciplined team be qualified and not involved in the project in which they are performing the "value engineering analysis" The following web sites may be of assistance when undertaking a "value engineering analysis":

http://www.value-eng.org/

http//www.fhwa.dot.gov/ve/

http://www.dot.ca.gov/hq/oppd/pdpm/pdomn.htm

The multi-disciplined team performing "value engineering analysis" shall provide recommendations:

- To improve the value and quality of the project
- To provide the needed functions safely, reliably, and at the lowest overall cost
- To reduce the time to complete the project
- To combine or eliminate otherwise inefficient use of costly parts of the original proposed design for the project
- To completely redesign the project using different techniques, materials, or methods so as to accomplish the original purpose of the project

For bridge projects, the multi-disciplined team shall also include bridge substructure requirements based on construction material and be evaluated as follows:

- On engineering and economic bases, taking into consideration acceptable designs for bridges.
- Using an analysis of life-cycle and duration of project construction. For VE Studies of projects on the State Highway System, it is advisable to have Caltrans' participation on the VE team.

This process concludes with a value analysis report that contains the approved recommendations. A copy of this report shall be submitted by the local agency to the DLAE who forwards it to the District Value Analysis Coordinator (DVAC) that is responsible for the project. The DVAC will submit this report to the Value Analysis Branch in headquarters, who will then include it in their annual report to FHWA. As a guide, Chapter 19 "Value Analysis" of the *Project Development Procedures Manual* may be used. The DVAC may be consulted for applicable sections.

Attachment C

Incentive/Disincentive (I/D)

I/D are bonuses and deductions used for meeting internal time constraints and encouraging early contract completion. I/D may be used in conjunction with Cost+Time Bidding.

Informal

The informal bids process may be used on emergency projects to reduce PS&E processing, advertising, and award time. If federally funded, an approved PIF is also required.

Partnering

Projects with estimated cost of $1,000,000 or more as required by SSP.

Pre-Award Qualifications

Allowed to be used on design sequencing projects. Provide a copy of the approval with the project submittal if the project uses this requirement. See the memorandum, "Pre-Bid and Pre-Award Qualifications Provisions," from Robert Buckley dated March 22, 2002 in regard to the approval requirement for use on other projects utilizing this requirement.

Tribal Employment Rights Ordinances (TERO)

Required for projects with limits in particular tribal lands. See Deputy Directive, DD-74R, "Tribal Employment Rights Ordinances" (TERO) for requirements.

Time Related Overhead (TRO)

Include a TRO item on all projects with a cost estimate of $5 million or more.

Value Analysis

Required for all projects on the National Highway System or Interstate with a total project cost (right of way, construction, and support) of $25 million or more regardless of whether Caltrans employees, local agencies, consultants, or others are accomplishing and/or funding the work. In addition, a VA study will be performed on all bridge projects with a total project cost of $20 million or more. Provide a copy of the approval with the project submittal if the project deviates from the requirement.

Warranty

Used when a project has been approved for the warranty pilot program.

Estimate

Indicate the road construction cost, structures cost, total cost, number of contract items, BEES keyword, estimate date and call out number. For information on how to round the contract items subtotal for use as the call

APPENDIX E PS&E SUBMITTAL MEMORANDUM

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Memorandum

DistrictEA: _____
Project ID: _____
Date :
File :

To: **Division of Engineering Services, Office Engineer**

Attn.: Scheduling Engineer, Mail Station 43

From: **DEPARTMENT OF TRANSPORTATION OFFICE ENGINEER**

Subject: **Project Plans, Specifications, & Estimate (PS&E) Submittal**

Priority Submittal:
DES-OE processes informal and safety (Program 010) projects as the first priority. AAOE projects are assigned the same day the submittal is complete. Indicating the submittal as a safety or informal project will facilitate project assignment and processing. (See Section 10.6 and 3.6.6)

○ Standard ○ Safety (201.010) ○ Informal Bid

Service Level: ☐ AAOE ☐ AADD
The service level determines the level of DES-OE effort requested by the district (see Section 3.5.1 and 3.5.2). For AADD use the AADD Database.

Project Information:
Identification: *Information required for project processing, advertisement, award, funding, federal fund participation, etc. The information is taken from the program documents, etc. (See RTL Section 10.6)*

Project Plans For: _____

County: (1) _____ (2) _____ (3) _____ (4) _____
(up to 12 selections) (5) _____ (6) _____ (7) _____ (8) _____
(9) _____ (10) _____ (11) _____ (12) _____

Route: _____

Kilometer/ Post Miles: _____
(Single digit after decimal.) _____ Metric ○ Yes ◉ No PM\KP Designation: ◉ PM ○ KP

Dist-Co-Rte. KP: _____

PPNO: _____ Resp Dist: _____ Assembly Dist: _____
Primary/Combined EA: _____ Resp Unit: _____ Senate Dist: _____
Secondary EA: _____ Congressional Dist: _____

Description: *Same as the project location description on the title sheet.* ***** DO NOT USE ABBREVIATIONS*

_____

Work Description: *List types of work in general terms using a maximum of 70 characters.*

_____

Approval: EA from Project Report: ___ - _____ PA/ED Date: _____ *This is the expenditure authorization date from the project report and the Project Approval/Environmental Document date that authorized this project.*

Personnel: *List the names of the personnel involved in the preparation of the PS&E. The information is needed for communication purposes. The responsible District is the one performing the District Office Engineer function.*

State:	Name	Phone Number
Project Engr./Oversight Engr.:		
Drafting Standards Reviewer:		
District Reviewer: Roadway:		
Electrical:		
Landscape Architect:		
District Estimator:		
District Office Engr.:		
Project Manager - **3 Initials/Name**:		
Structure Project Engr.:		
Structure Specification Engr.:		
Structure Estimator:		

Local Agency or Consultant:	Name	Phone Number
Agency or Firm:		
Project Engineer:		
Project Manager:		

Performance Indicators:

Non-Standard Special Provisions (see list): [ ]

Include a list of all Non-Standard Special Provisions in the PS&E submittal package. This list should provide Title/Description, functional owner, target approval date or actual date of approval. HQ owner approval of Non-Standard Special Provisions is a conditional of section 6C of the RTL Certification.

Permits: [NONE]

Agency:	Issue Date	Expiration Date	Target Date

Information Handout:
Indicate whether or not this project has Information Handout.

O YES O NONE

Explanation for permits not approved:

Transportation System Information (TSI):	Project Delivery Assets Form: Submitted to TSI Date: _____ *This form is required for districts to achieve PS&E Submittal (milestone 380.)*
Design:	RE Pending File: Submitted to Construction RE Actual Submittal Date: _____ Target Submittal Date: _____ (No later than RTL date) *Indicate the submittal target date to the Construction RE, but no later than the RTL date.* ☐ List of Salvageable Materials *Check if List of Salvageable Materials is provided.*

Design (Continued) :	Survey File: Submitted to the Project Surveyor — Actual Submittal Date: _____ Target Submittal Date: _____ (No later than RTL date) *Indicate the submittal target date to the Project Surveyor, but no later than the RTL date . Leave submittal dates blank if no surveys are needed.* ☐ Verification of Survey File Delivery Form *Check if the form is provided, required on all projects.*
Landscape:	Compost: For erosion control (include hydroseeding and dry apply) _____ yd^3 *Indicate the volume of compost used with Erosion Control applications and planting operations. Includes soil amendment, green material (compost and bark mulch) used for compost blanket or incorporated compost.*
	Highway Planting: Replacement Planting (due to road work) _____ acres Mitigation Planting _____ acres *Indicate the area of planting and irrigation work required due to new road construction or planting as a mitigation requirement.*
	Mulch (Include mulch in basins): Wood chips/Tree bark/Shredded bark _____ yd^3 *Indicate the volume of mulch used from wood chips, or bark.* Inert material (e.g., gravel, loose cobbles, decomposed granite, etc.) _____ yd^2 *Indicate the area of inert materials used as ground cover.*
	Recycled Water: Project uses recycled water for irrigation? ○ Yes ○ No Estimated annual recycled water usage: _____ acre ft/yr. *Indicate if the project will use recycled water. Indicate the estimated annual recycled water use for the project.*
	Wildflower seeding _____ yd^2 Or if not appropriate Value of wildflower seeding to be tracked for future project. _____ (must be 1/4 of 1% of planting & irrigation estimate.) *Indicate the area of Wildflower Seeding.* ***DO NOT*** *include any wildflowers included in Erosion Control applications. If no seeding is applied on this project and it is required, indicate the value of wildflower seeding to be tracked for a future project. The value is calculated as .25 of 1% of the total value of planting and irrigation. .*
	Worker Safety: Gates (drive, soundwall and walk gates) _____ EA Number of Maintenance accesss roads _____ EA Maintenance accesss roads total length _____ ft Paving (e.g. narrow areas, road edge, slope paving and paving beyond the gore area) _____ yd^2 Maintenance vehicle pullouts (MVP) _____ EA *Indicate the number of gates, area and quantity of maintenance access roads, area of paving and number maintenance vehicle pullouts.*

Funding: (Project Funding Package attached and funding verified)

Program : ☐ STIP ☐ SHOPP ☐ Other ☐ Maintenance ☐ Minor A

Program Code: _____ **Budget Year (FY):** _____
(TRAMS)
_____
_____

The year the project's construction fund is budgeted for.

The code as shown in http://onramp.dot.ca.gov/hq/accounting/Coding_Manual1/Tables/ch07_2_20.htm

Is this project eligible for Congestion Mitigation and Air Quality Improvement (CMAQ)? ○ Yes ○ No

If yes, district must provide an emission reduction study to the Office of Federal Resources, Division of Budgets

This project is not eligible for **federal funding** due to

○ Determination by FHWA Engineer _____ dated _____
○ Funding by Maintenance (HM) Program
○ Does not qualify per Federal-aid Project Funding Guidelines.
○ Other _____

Federal Participation:

Indicate whether the project is Delegated or High Profile regarding FHWA review and oversight. If High Profile, the name of the FHWA Engineer and the date the High Profile Project Agreement was executed is to be shown. See PDPM Chapter 2, Figure 2, for determination of FHWA oversight. Note that the designation "State Authorized" is now changed to "Delegated," and the designation "Full Oversight" is now changed to "High Profile." Contact the appropriate FHWA Engineer to confirm the determination.

"This project is eligible and programmed for federal funding and has been determined to be:

○ Delegated regarding FHWA review and oversight per the Stewardship Agreement between the Department and FHWA.
○ High Profile requiring FHWA's review and approval of only those items listed in the High Profile Project Agreement"

_____: Dated _____

Is the project in the current approved Federal STIP? ○ Yes ○ No

If YES, provide one of the following:

- The current adopted FTIP./FSTIP information (For Non-MPO Rural counties, use "Rural " for MPO):

  MPO _____ FTIP / FSTIP cycle _____ FY programmed _____ Federal Approval Date _____

- The approved FTIP / FSTIP Amendment information (if applicable):

  FTIP/FSTIP amendment number _____ and amendment Federal approval date _____

If NO, provide the following target information:

Proposed FTIP/FSTIP amendment number _____ and amendment target MPO approval date _____

For Federal Aid Projects

List the structure name, number, begin and end stations. This information is to be provided by SOE.

Names and Number of Structures by Division of Structures:

Name	Number	Beginning & End of Structure by Station

PS&E Information:

Plans: Standard Plans Year: _____ *Indicate what version of Standard Plans was used to prepare the project plans.*

Sheets: No. of Roadway: _____ No. of Structures: _____ Total No.: _____

Specifications: Standards Specifications Year: _____ General Conditions: (Building Only) ○ Yes ○ No

Indicate what version of Standard Specifications or General Conditions was used to prepare the special provisions.

Bidder Inquiries:

Bidder Inquiries to be submitted on "Bidder Inquiry" forms:

Indicate whether bidder inquiry will be submitted using the "Bidder Inquiry" form. If so, provide the Duty Senior FACSIMILE number.

○ Yes ○ No , Duty Senior Facsimile Number: _____

Prosecution of the Work:

Construction Working Days: _____ (Do not include Plant Establishment Days)

The number of working days provided to finish the work excluding the plant establishment period. See "Discussion of Selected Special Provisions" in Section 6 for points to consider when determining the number of working days.

Plant Establishment Working Days: _____ Indicate Type 1 or 2 _____

The number of working days provided to establish plants and maintain irrigation systems. Type 1 plant establishment begins when all construction work ends. Type 2 plant establishment begins whenever the Resident Engineer indicates a begin date to the Contractor.

Total Working Days: _____

The total sum of the construction and plant establishment (if applicable) working days.

Liquidated Damages: _____

The expense to the State due to the Contractor's failure to complete the contract within the specified time. See "Liquidated Damages" in Section 6.4 for liquidated damages table.

Road User Cost: _____

See "Guidelines for Use of A+B Bidding Provisions" Memo.

Special Features: (Approval attached)

	Justification/ Approval Date	Target Date
☐ Design Sequencing		
☐ Escrow		
☐ Incentive/Disincentive		
☐ Informal		
☐ Partnering		
☐ Pre-Award Qualification		
☐ TERO		
☐ TRO		
☐ Value Analysis		
☐ Warranty		

Estimate:

Indicate the total cost, number of contract items, the BEES keyword and the call out number. See http://projdel.dot.ca.gov/des/documents/decisiondocs/call_out_number.pdf on how to round the contract items subtotal for use as the call out number. (Note: Includes Electrical and Landscape/Erosion Control)

Landscape Involved ☐
Electrical Involved ☐

(Road) _____ + (Structures) _____ + (Building) _____ = Total Cost: _____

Call Out Number: _____

No. of Contract Items: _____
BEES Keyword: _____
Latest Estimate Date: _____

SSP 59-501 required and included ☐ Yes
Indicate with checkmark if SSP 59-501 is required and included

Bid Type: ○ unit price ○ cost+time ○ lump sum

Indicate the type of bid. Select one of three choices.
"Unit Price" - bid is the total of item cost (product of the quantity and unit price of each contract item.)
"Cost+Time" (formally designated as "A+B") - bid is the sum of the total of item cost and the product of the number of working days bid to complete the work (excluding Plant Establishment) and the cost per day.
"Lump Sum" - bid is a single amount for all the items of work.

Construction Window *Provide recommended begin construction date based on RTL, funding and construction*
Indicate the description, location and dates work can NOT be performed.

Recommended Begin Construction _____

Construction Window Constraints that affect Begin Construction Date: (e.g. Events, Windows due to Climate or Environmental Constraints, Adjacent Construction, etc.)

Description, Location & Dates work CAN NOT be performed.

SUBMITTED BY:
(Signature Of DOE/ROE)

REVIEWED BY:
(Signature Of Project Manager)

Name Of DOE/ROE (Print)

Name Of Project Manager (Print)

PS&E Distribution List *Indicate and provide the applicable document to Divisions that are identified.*

ADDRESSEE	WHEN	PORTION
◯ District Project Manager	ALL PROJECTS	PS&E Submittal Memo and RTL Certification (Draft or Final)
◯ Division of Engineering Services *Office Engineer* (ftp://10.168.8.5/psedropbox or MS 43)	ALL PROJECTS	Full PS&E package with project plans (See Section 10, Table 10.1 of RTL Guide)
◯ Division of Engineering Services *Structure Office Engineer* (MS 9)	If Structures or Buildings involved	Full PS&E package with project plans
◯ Division of Local Assistance *Office of Local Programs, Project Implementation (MS 1)*	If Measure or Local funding involved	PS&E Submittal Memo, RTL Certification (Draft or Final) and if all funding is Meaure/Local etc., one copy of each Cooperative Agreement, finance letter.
◯ Division of Design *Office of State Landscape Architecture (MS 28)*	If project has more than $120,000 of Highway Planting work	Full PS&E package with project plans including water letters, Design Intent Statement and Fact Sheet
◯ Division of Maintenance *(MS 31)*	All projects with Maintenance funding	Full PS&E package with project plans
◯ Division of Traffic Operations *(MS 36)*	If (HB 1) 201.010, 201.015 or 201.020 Program	PS&E package without Special Provisions
◯ Division of Traffic Operations *Toll Bridge Operations Branch (MS 36)*	If Toll Bridge (TBF) funding involved	PS&E package without Special Provisions
◯ Division of Budgets *Office of Federal Resources (MS 23)*	ALL PROJECTS **except** Maintenance	PS&E Submittal Memorandum & RTL Certification (Draft and Final) FHWA PS&E Approval Transmittal (rev 2005) R/W Certification NEPA Environmental certification signature sheet Funds Request Letter Engineer's Estimate - segregated BEES Cooperative Agreement Location map Valid FTIP Amendment Electronic E-76 Check applicable items and submit: ☐ High Profile Project Agreement ☐ Executed R/R Service Contract Agreement ☐ Design Exception & Fact Sheet ☐ Director's Order ☐ Damage Assessment Form (DAF) ☐ Cost Effectiveness/Public Interest Finding (PIF) Statement ☐ Emissions Reduction Study (CMAQ Eligible Projects) ☐ Value Analysis Study (if estimate over $25 million, on NHS) ☐ Army Corp of Engineers 404 Permit ☐ Supplemental Work Justification Memo ☐ State Furnished Materials Justification Memo ☐ Approved Finance Plan (if estimate over $100 million) ☐ Approved Project Management Plan (if estimate over $500 million) ☐ **Environmental Commitments Record (ECR) or (MMRR) ☐ **Noise Study **Technical Reports should have been submitted prior to PS&E submittal. Provide upon FHWA Engineer request.
◯ Division of Transportation System Information (MS38)	ALL PROJECTS	PS&E Submittal Memo with Project Delivery Assets Form (http://onramp/tsi/output.html) E-mail electronic copies to: "TSI Highway Assets" in Lotus Notes.

PS&E Distribution List (Continued)

ADDRESSEE	WHEN	PORTION
External Offices:		
◯ FHWA *650 Capitol Mall, Ste. 4-100* *Sacramento, CA. 95814-4708* *Attn: Cesar Perez*	HIGH PROFILE PROJECTS (Submit only those items that require FHWA review and approval per the High Profile Project Agreement.)	High Profile Project Agreement Full PS&E package with project plans FHWA Design Approval Transmittal Memo (rev 2005) PS&E Submittal Memorandum & RTL Certification (Draft or Final) Environmental Certification and PS&E Ready to List Review Tool R/W Certification PE H/L Risk Utility Cert Funding Package Funds Request Letter Engineer's Estimate - segregated BEES Cooperative Agreement Location map Check applicable items and submit: ☐ Executed R/R Service Contract Agreement ☐ Design Exception & Fact Sheet ☐ Director's Order ☐ Damage Assessment Form (DAF) ☐ Cost Effectiveness/Public Interest Finding (PIF) Statement ☐ Value Analysis Study (if estimate over $25 million, on NHS) ☐ Army Corp of Engineers 404 Permit ☐ Supplemental Work Justification Letter ☐ State Furnished Materials Justification Letter ☐ Finance Plan (if estimate over $100 million) ☐ Project Management Plan (if estimate over $500 million) ☐ **Environmental Commitments Record (ECR) or (MMRR) ☐ **Noise Study ☐ **New/Revised Access Report ☐ **Materials Report **Technical Reports should have been submitted prior to PS&E submittal. Provide upon FHWA Engineer request.

Notes

The "PS&E Certification" (Exhibit 12-C) must be signed by the engineer responsible for the project. Either a local agency employee or a consultant retained by the local agency and must be a professional civil engineer registered to practice in California.

In the certification, the local agency certifies that the PS&E has been prepared in accordance with this chapter 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 and state wage rates, license requirements, etc.). Failure to comply with any of these requirements may cause withdrawal of funds.

PS&E CHECKLIST

Local agencies will complete the "PS&E Checklist" (Exhibit 12-D) and attach it to all PS&E Certification Letters submitted to the DLAE. The checklist has been developed to address the flexibility allowed under federal regulations and still ensure that the minimum required provisions are included in each set of contract documents. For instance, some provisions included in FHWA Form 1273 may not apply to some projects. This will depend on estimated cost, functional classification of the road, and whether the project is on the NHS. However, if any of the required provisions are left out of a construction contract, the project will not be eligible for federal reimbursement.

"PS&E Checklist Instructions" (Exhibit 12-E) are included in order to lead the local agency through the checklist and determine which of the various federal contract provisions are required. Samples of each required federal contract provision are attached. These samples are based on Caltrans *Standard Specifications*, however, the local agency may use equivalent provisions based on other standard specifications as long as the intent of the federal requirement is met.

CHECKLIST REVIEW BY CALTRANS

The DLAEs will review each checklist to ensure that the local agency has completed the form in accordance with the instructions in this manual. Except as discussed below, this review will be limited to the actual checklist and will not involve a review of the PS&E package.

SPECIAL PROVISIONS REVIEW BY CALTRANS

The DLAE has the responsibility to confirm that the correct Special and Federal Contract Provisions are included in the contract provisions as indicated on the checklist. The DLAE should ensure that at least one set of Special and Federal Contract Provisions is reviewed per year for each local agency that submits a PS&E. Also, the DLAE will decide if additional documents will be reviewed based on past experience with the agency; the number of federal-aid projects; the agency has done since the reengineering of Local Assistance procedures; and the amount of resources the district can direct to this effort. Local agencies requesting reviews will be accommodated to the extent that resources are available.

PS&E CERTIFICATION

Local Agency Letterhead

To: (*District Local Assistance Engineer's name*)
District Local Assistance Engineer
Caltrans, Office of Local Assistance
(*District Address*)

(*Federal Number*)
(*Project Description*)

Dear (*District Local Assistance Engineer's name*):

With submission of the attached PS&E CHECKLIST for the above subject project, I hereby certify that the project was designed and prepared for advertisement in accordance with the *Local Assistance Procedures Manual* produced by the California Department of Transportation (Caltrans).

I understand Caltrans may 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.

_____
(*Signature, Title*)

_____
(*Local Agency*)

Professional Registration Number: _____

Expiration Date: _____

Attachment

(If the entire project will be constructed by Force Account (Day Labor)

☐ The project is "Delegated" subject to minimal FHWA oversight. A Public Interest Finding has been submitted to the DLAE for review and filed in the contract records justifying the method.
☐ The project is "High Profile" subject to a high degree of FHWA oversight. A Public Interest Finding justifying the method has been submitted and approved by Caltrans and FHWA.

V. ENVIRONMENTAL ANALYSIS (Check box if requirement is met)

☐ The PS&E is fully responsive to the necessary actions called for by the environmental document, permit conditions, and other agreements.

VI. VALUE ENGINEERING (VE) ANALYSIS (Check appropriate box)

☐ VE analysis has been performed on this project and a copy of the analysis has been submitted to the DLAE for forwarding to the Caltrans District Value Analysis Coordinator.

☐ The project is not a bridge project. VE analysis has not been performed as the estimated total project cost is <$25 million.

☐ The project is a bridge project. VE analysis has not been performed as the total project cost is <$20 million.

VII. GEOMETRIC DESIGN STANDARDS (Complete this section if project changes existing geometrics)

A. Geometric Design Standards Used (Check appropriate box)

☐ Caltrans Design Standards (on State Highway System)
☐ Current AASHTO Standards
☐ 3R Projects - Minimum Standards for Geometric Design of Federal-Aid Resurfacing, Restoration, and Rehabilitation Projects on Local Streets and Roads, *Local Assistance Procedures Manual*, State of California Department of Transportation.
☐ Local Agency Design Standards Date approved _____

B. Deviations from Controlling Criteria (check appropriate box for each controlling criteria)

Criteria Met	Design Criteria Not Met	Design Exception Approval Date	Controlling Criteria
☐	☐	_____	Design Speed
☐	☐	_____	Lane Width
☐	☐	_____	Shoulder Width
☐	☐	_____	Bridge Width
☐	☐	_____	Horizontal Alignment
☐	☐	_____	Vertical Alignment
☐	☐	_____	Grades
☐	☐	_____	Stopping Sight Distance
☐	☐	_____	Cross Slopes

Attachment D

Design Performance Management Goal and Measures May 5, 2010

Program Goal

The design program goal is to provide program and project level federal oversight of design activities and deliverables. The design phase is a part of the project development process that spans a period of time that begins with feasibility studies and ends with the completion of PS&E, resulting in a product that is buildable and biddable. The major components at the program level are the development and implementation of state design policies (such as Applications of Design Standards, Value Engineering, Interstate access control, context sensitive solutions) and standards (such as the Highway Design Manual, roundabouts, ADA, and all standard specifications) and assistance in the consistent application of those policies and standards on projects from inception through construction. The major components at the project level are review and approval of Interstate access requests and design exceptions, detailed design reviews and approval of PS&Es.

Project delivery Performance Measures such as Engineer Estimate, Time Growth, RTL Milestone, etc. are listed in the State Programs Performance Management Goal and Measures. The Design Program will assist the State Programs as needed to update/produce results for the various Project Delivery Performance Measures.

Tier I Performance Measures

	Performance Measures	Goal	Reporting Cycle	Current Data Year 2008	Change from Previous Year	Explanation of Performance Measure Data	Data Source
Tier I	Independent Quality Assurance (IQA) Score	TBD	TBD	TBD	TBD	Caltrans is in the process of working with 2 Districts in piloting the IQA. Once the pilot is completed and depending on results IQA may go state-wide and if that happens, the PM will be tracked.	To be determined

*

Description of the Tier I Performance Measures – Independent Quality Assurance

Monitoring of the Independent Quality Assurance (IQA) scoring is based on a review team that is independent of the project and a minimum of 2 reviews by the team will occur on each project and scoring will be based on 12 Performance Criteria. The basis for the IQA is

1. To determine if projects are being "developed in accordance with… the quality control plan…"
2. To "ensure that the implementing agency's quality assurance activities" are being implemented according to plan, and

3. To determine if project results are "in accordance with Department standards, policies and practices."

The above 3 goals of the IQA will specifically focus on the following three design products:

1. Project Initiation Documents (PID)
2. Project Reports (PR)
3. Plans, Specifications, and Estimates (PS&E)

Caltrans is in the process of working with 2 Districts in piloting the IQA. Once the pilot is completed, and depending on its results, IQA may go state-wide, and if that happens, this PM will be tracked.

Tier I Measurements Used to Achieve Our Goal

A. Value Engineering Program

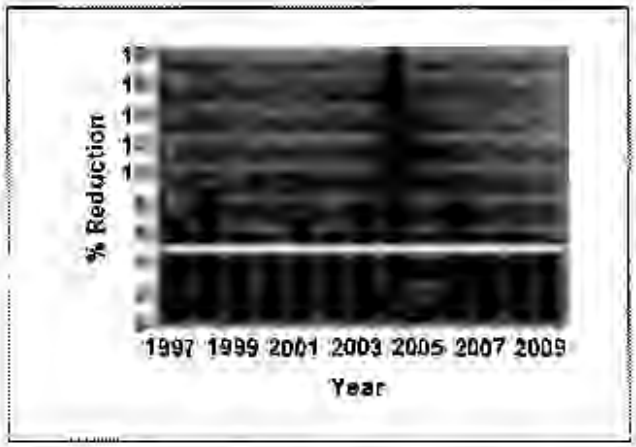
	Performance Measures	Goal	Reporting Cycle	Current Data as of 10/09	Change from Previous Year	Explanation of Performance Measure Data	Data Source
Tier I	Percent of Value Engineering (VE) studies performed (for $25 million projects and $20 million bridge projects) vs. required on State highway projects only.	100%	Annual	100%	0%	Compliance measure.	FHWA Annual VE Report

<u>Description of the Tier I Value Engineering Performance Measures – Percent VE Studies Completed vs Required</u>

Value Engineering is required by law, 23 USC 106 (g), and therefore Value Engineering is a compliance measure and the goal of 100% must be met 100% of the time. If at any time, this goal is not met, we will investigate to determine the underlying reason(s) a project(s) was not studied under the VE program and recommend actions to reduce the likelihood of it occurring again.

B. Tier II Value Engineering

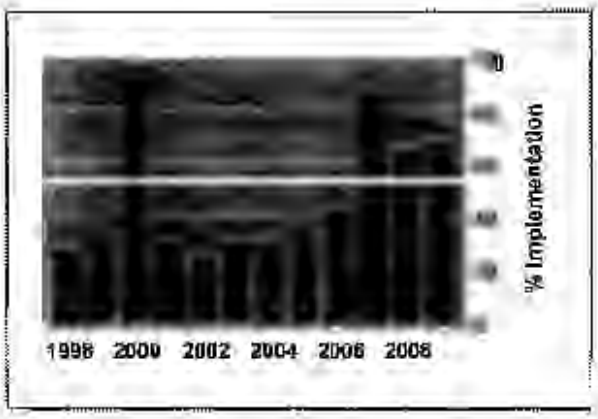
	Performance Measures	Goal	Reporting Cycle	Current Data as of 10/09	Change from Previous Year	Explanation of Performance Measure Data	Data Source
Tier II	Overall Value Engineering reduction in project costs	>5%	Annual	5%	-2%	Value of approved VE recommendations/estimated capital cost of projects on State Highway projects.	FHWA Annual Report



Description of the Tier II Performance Measures – Overall Value Engineering Reduction in Project Cost

The reduction in overall project cost is based upon the total amount of projects that had a value engineering study completed in that fiscal year divided by the aggregate amount of all recommendations approved on all studies. The federal-aid historical "reduction percentage" is 5% which is graphically shown in the above chart.

	Performance Measures	Goal	Reporting Cycle	Current Data as of 10/09	Change from Previous Year	Explanation of Performance Measure Data	Data Source
Tier II	Adoption Rate for Recommendations	55%	Annual	68% implementation rate	+3%	The goal for this measure is the national goal released on April 20, 2010	FHWA Annual VE Report



Description of the Tier II Performance Measures – Implementation Rate

The implementation rate is based on the number of recommendation that were approved by District Management at the conclusion of the study. There are many recommendations that are not accepted for various reasons such as; implementation not feasible due to unforeseen impacts unknown to the VE team, project development process may be too far along to implement, District Management may be in disagreement with the recommendation.

	Performance Measures/Indicator	Goal	Reporting Cycle	Current Data as of 10/09	Change from Previous Year	Explanation of Performance Measure Data	Data Source
Tier II	Percent of VE Studies conducted prior to 30% design.	3	Annual	Level 4 (77%)	2009 data was the first year collected	Goal released by HQ on April 20, 2010. This is a program indicator that will be reported on a national level. 100% (level 5) is not a future goal	FHWA Annual VE Report

Description of the Tier II Performance Measures – Percent of VE Studies conducted prior to 30% design

Percentage of VE studies conducted prior to completing 30% of a project's design.

-National Baseline: 1.9 (FY 2009)
-National Target: 2.7 (FY 2016)
-Division Target: 3
Performance Metric: This indicator reflects the percentage of the VE studies conducted prior to completing 30% of a project's design, using the data collected (question 4c) in the annual VE reporting cycle, is converted to a numeric value and averaged as depicted in the following matrix:

Level	0	1	2	3	4	5
% of VE studies conducted before completing 30% of a project's design	0 – 15 %	15 – 30 %	30 – 45 %	45 – 60 %	60 – 80 %	80 – 100 %

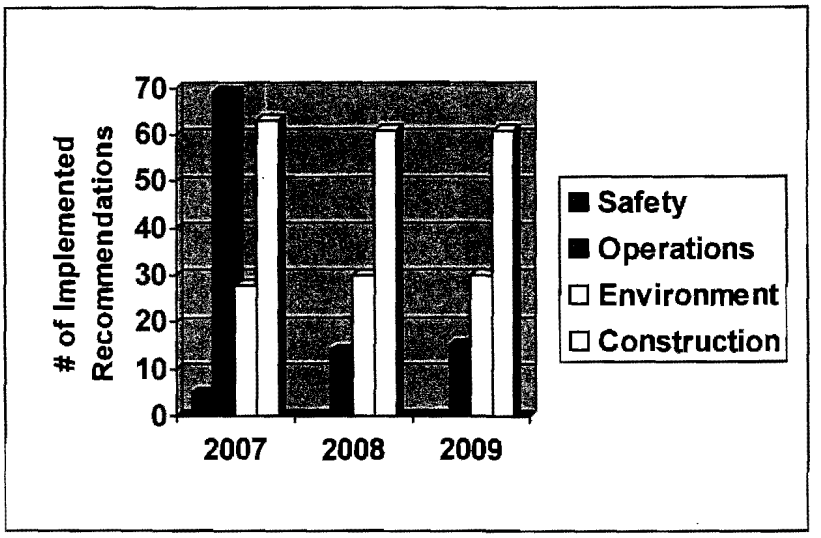
	Performance Measures/Indicator	Goal	Reporting Cycle	Current Data as of 10/09	Change from Previous Year	Explanation of Performance Measure Data	Data Source
Tier II	Percent of Major Projects having Division staff 's participation in VE studies	Lvl 3	Annual	0	0	This is a program indicator that will be reported on a national level. 100% (level 5) is not a future goal	Annual VE Report

Description of the Tier II Performance Measures – Division Staff participating in VE Studies (Major Projects Only)

Divisions are engaged in VE studies.
-National Baseline: 3.1 (FY 2009)
-National Target: 4.2 (FY 2016)
-Division Target: 3
Performance Metric: The data collected (question 20a) in the annual VE reporting cycle is converted to a numeric value and averaged as depicted in the following matrix:

Level	0	1	2	3	4	5
Participating in VE studies	No involvement	Rarely (0-20 %)	Seldom (21-40 %)	Occasionally (41-60 %)	Frequently 61-80 %	Normally (80-100 %)

	Performance Measures/Indicator	Goal	Reporting Cycle	Current Data as of 10/09	Change from Previous Year	Explanation of Performance Measure Data	Data Source
Tier III	Number of implemented "Recommendations" based upon the benefit to the highway system	N/A	Annual	Safety - 2 Operations - 20 Environment - 31 Construction - 70	Safety – +2 Operations - +6 Environment - +1 Construction - +9	Indicates what benefit is derived from implementation. Indicator may change to Percent of Implemented vs non-Implemented based on benefits.	FHWA Annual Report



Description of the Tier III Performance Measures – Implemented Recommendations base on Benefit

The performance indicators were developed in 2007 at the request of FHWA and AASHTO as the success of the Value Engineering program had always been based on savings associated with approved VE recommendations and now we are focusing on other key indicators common to most transportation projects.

- Safety: Mitigation or reduction hazards on the facility
- Operations: Improvement of real-time service and efficiency of the facility; improvement of local, corridor, or regional level of service of the facility.
- Environment: Avoidance or mitigation of impacts to natural and cultural resources
- Construction: Implementation of innovative techniques that enhance or expedite the project delivery or improve work zone conditions
- Other: Recommendations not readily categorized by the above features

Because it is likely that a single VE recommendation provides benefit to more than one of these project attributes once it is approved, the States were asked to indicate each project attribute the approved recommendations supported rather than "pigeonholing" recommendations into a single category.