Sponsor's Guide To Non-Traditional Transportation Project Implementation

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Read this guide before starting your project.

Wisconsin Department of Transportation

SPONSOR'S GUIDE ACKNOWLEDGEMENT FORM

*The electronic version of this form can be accessed by clicking on the title of the form above (then Appendix B: Checklist/Forms)

The State/Municipal Agreement will not be processed until this acceptance is returned along with your certification.

Topics of Emphasis of the Sponsor's Guide include:

- Federal & State Laws & Regulations pertaining to Federal Aid Transportation Projects
- The definition of Non-Traditional Transportation Projects
- Consequences of non-compliance with Federal and State Laws and Regulations including denial of Reimbursement or payback of Federal funding
- Certification requirements to be met by the Sponsor to administer Locally Let Projects utilizing Federal Funding
- Project Delivery Procedures and Documentation Requirements
- Financial Record Keeping Requirements and the procedure for Reimbursement

As a representative of the Local Project Agency (Sponsor), I have received and read the Sponsors Guide, completed the on-line training program, and agree to meet the requirements of the *"Sponsor's Guide to Non-Traditional Transportation Project Implementation".*

_____

Signature Date

_____

Name Title

_____

Address

_____

Phone Email

SPONSOR'S GUIDE REVISION OVERVIEW

The Wisconsin Department of Transportation (WisDOT) and the Federal Highway Administration (FHWA), Wisconsin Division Office amended their Federal-Aid Oversight Agreement to address the stewardship and oversight of Non-Traditional Transportation Projects. The amended agreement provides the authority for WisDOT to delegate certain administrative actions to Sponsors in order to provide for a more efficient project delivery. Therefore, Local Public Agencies (LPA) or Sponsors can let certain projects provided they follow all Federal and State laws and regulations, which is an express requirement for each Sponsor in order to receive the benefit of federal funding. Moreover, since the Federal funding flows through WisDOT, the Department remains responsible for compliance with Federal laws and regulations on each federally funded project.

To ensure Sponsors do not jeopardize the benefit of using Federal funding for their projects, this Sponsor's Guide has been revised to reflect new procedures required to be performed by the Sponsors on Non-Traditional Transportation Projects.

The Sponsor's Guide is updated periodically, and addenda may be issued. Also, WisDOT policy and requirements occasionally change. The current version of the Sponsor's Guide, addenda, policy and requirements must be followed regardless of the versions available when projects begin.

The Sponsor's Guide provides the details, references, and checklists to assist Sponsors with their administration and documentation. However, there are several points of emphasis that the Sponsor must comprehend before applying for a Federal Aid project. There are severe consequences to not following the Federal Aid procedures, including refusal of reimbursement. These are explained in the Sponsor's Guide and the Sponsor must sign the acceptance sheet indicating they have read and understand them:

- Summary of applicable Federal Laws and Regulations
- Sponsor Certification Requirements
- Federal Authorization
- Labor Compliance, Civil Rights, and DBE
- Programming, MPO, TIP and STIP
- State Municipal Agreements
- Consultant Contracting
- Design
- Use of Local Staff to Perform Project Tasks
- National Environmental Protection Act (NEPA)
- Real Estate Purchasing
- Project Delivery – Design and Construction
- Utility and Railroad Coordination
- Local Contract Letting and Award
- Construction Contract Administration
- Reimbursement and Record Keeping

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SECTION 1: INTRODUCTION

1.1 About the Sponsor's Guide

The *Sponsor's Guide to Non-Traditional Transportation Project Implementation* (Sponsor's Guide) exists to provide information and instructions to Local Public Agencies (Sponsors) in order to help them successfully develop certain federally funded transportation projects in accordance with Federal and State laws and regulations. This Sponsor's Guide is only intended to address the procedures required for a Sponsor to deliver a project through a Local Letting Process. It should not be used for guidance on projects that are let through the State of Wisconsin Department of Transportation (WisDOT) letting process.

Furthermore, Sponsors of non-infrastructure and/or planning projects should note that a significant amount of this Sponsor's Guide will not apply to non-infrastructure activities such as Safe Routes to School education and enforcement activities.

The Sponsor MUST become familiar with the Sponsor's Guide so that they understand the responsibilities they are accepting when applying for the benefit of using Federal Funding. The Sponsor cannot begin any project activity until written notification from WisDOT confirming Federal Authorization has been received. Failure to meet Federal and State requirements will result in denial of Federal Reimbursement, even if the Sponsor has initially funded the activity.

The Sponsor's Guide has been broken into the following sections to aid in addressing the procedures and requirements for delivering your project**:**

- **Organizational Structure** contains description of organizations involved in the project.
- **Roles and Responsibilities** contains roles and responsibilities of the above organizations throughout the life of the project.
- **Federal Aid Requirements** contains a summary of applicable federal requirements intended to promote the Sponsor's understanding of each requirements. Specific procedural requirements are provided in each applicable section.
- **Labor Compliance, Civil Rights & DBE** contains required contract provisions on Federal-Aid construction contracts including FHWA-1273, Davis-Bacon and Related Acts, Federal Prevailing Wage Rates, Job Site Postings, Title VI and Nondiscrimination, Americans with Disabilities (ADA) and the Disadvantaged Business Enterprise (DBE) requirements.
- **Programming** contains procedures necessary to get a project selected for Federal Authorization, which is the critical step in receiving Federal Aid for any project.
- **Design Services** addresses the use of consultant services and/or the use of the Sponsor's staff to perform project actions.
- **Environmental Process** contains guidance for completing the appropriate environmental document for the project's proposed action.
- **Real Estate** contains guidance on real estate acquisition utilizing Federal/State funds.
- **Project Design Delivery** contains design requirements, including the environmental documentation, various agency coordination and PS&E submittal process.

- **Contract Letting** contains construction requirements, including the letting procedures, request to advertise and award, and contract administration. It also addresses the use of consultant services and/or the use of the Sponsor's staff to perform project actions.
- **Reimbursement** contains procedures and documentations required to successfully receive Federal reimbursement.
- **Project Completion and Closeout** contains guidance on closing project out along with the Project Completion Certificate.
- **Appendices** contain reference material including list of terms and acronyms used throughout the Sponsor's Guide and required checklists to be utilized during project delivery. The electronic version of the checklists can be accessed by clicking on the title of the checklist in Appendix B of Checklists/Forms.

Questions or comments regarding this Sponsor's Guide should be referred to your Region Local Program Project Manager, or WisDOT Bureau of Project Development Statewide Local Program Section **(please see page 8 of this guide).**

1.2 Certification Program

On May 20, 2010, FHWA and WisDOT developed an agreement to allow WisDOT to delegate certain actions to Sponsors in the administration of Federally Funded Non-Traditional Transportation Projects. This delegation requires a formal "Certification Program" that includes the following key elements:

1. A written agreement between WisDOT and the Sponsor regarding roles and responsibilities;
2. A staffing plan for providing appropriate monitoring of Non-Traditional Transportation Projects by WisDOT and administration of projects by Sponsor's personnel;
3. A training program to ensure qualified individuals are involved in oversight of Non- Traditional Transportation Projects;
4. A review and monitoring plan that details required oversight activities that will be performed for each project and Sponsor; and
5. An audit plan to ensure that required project and single audits are conducted.

Beginning with the 2010 Project Applications, Sponsors are required to complete a Certification Process in order to administer a locally let project with Federal and/or State funding. FHWA allows WisDOT to delegate project activities on Federal-aid projects to Sponsors, but WisDOT is ultimately responsible and must assure local compliance with all Federal and State laws, regulations and policies. Furthermore, WisDOT remains in control of the project. In order to uphold the integrity of WisDOT's local program and to demonstrate evidence of capability to administer a Local-let construction project, Sponsors must possess a minimum organizational structure, credentialed employees or consultants, and certain processes and experience. These considerations apply to more than just the specific project development disciplines associated with design and construction, but also general aspects of public business, fiscal accountability, and other applicable requirements associated with Federal and State funding. Through the Certification process, WisDOT will determine if a Sponsor possesses qualified staff, experience and management oversight to successfully administer a project from preliminary development through construction.

In order to be certified to conduct a local let, each Sponsors must meet certain standard requirements. Standard requirements of the Sponsor include but are not limited to:

- The Sponsor must have designated a Person in Responsible Charge or defined Approval Authority to act as authority for all WisDOT delegated responsibilities and project approvals.
- The Sponsor shall have sufficient expertise and capability, either in-house or consulted, to perform and supervise the design, environmental, PS&E, advertisement, letting and award and construction administration phases of the project. If the Sponsor utilizes Consultants, they must have a documented plan for consultant selection and management.
- Projects must be administered in accordance with the Sponsor's Guide to Non- Traditional Transportation Project Implementation. The Sponsor must view WisDOT Training presentations and prove their understanding of the Sponsor's Guide.

Once notified of award, the Sponsor begins the Certification process by reviewing the Sponsor's Guide and completing Non-Traditional Transportation Project training. Upon successful completion of the training, the Sponsor shall complete the Certification for Non-Traditional Project Administration and Delivery and submit it to WisDOT. WisDOT will review the Certification and determine if it is acceptable or needs more information. The Certification must be accepted by the State before the State/Municipal Agreement will be approved. **Once the Certification is accepted and the SMA is approved, the Sponsor may then begin the Project Development Process**.

By signing the Sponsor's Guide Acknowledgement Form, the Sponsor acknowledges it understands its roles and responsibilities with respect to carrying out the Federal-aid program requirements in order to receive the benefit of Federal funds.

Upon project completion, the Region may conduct a review of project records to verify compliance with Federal and State Requirements. If the review discovers deficiencies, the Sponsor shall reconcile their records and make the necessary adjustments. If the review discovers significant failure to meet Federal and State requirements, the Sponsor's Certification Status will be reevaluated by WisDOT and reimbursement may be withheld.

1.3 How should the Sponsor's Guide be used?

For Sponsors that are unfamiliar with Federal-aid procedures, the Sponsor's Guide serves as an overview and introduction to the Federal-aid process. For Sponsors that frequently receive the benefit of Federal Funds for their transportation projects, the Sponsor's Guide also serves as a reference tool to quickly locate more detailed information on a specific topic. The Sponsor's Guide contains checklists and forms that are required by WisDOT to ensure that Federal and State requirements are met.
Throughout the Sponsor's Guide, you will see titles of documents, such as Preliminary Engineering Checklist. These documents are hyperlinked and included in Appendix B as a tool for your documentation and project implementation.

The Sponsor's Guide is not intended to include all the details of every State and Federal requirement. Where appropriate, the Sponsor's Guide references other documents, manuals and websites that provide additional instructions concerning specific actions.

Technical terms and abbreviations used in the Sponsor's Guide are defined in Appendix A. Checklist and forms are contained in Appendix B.

1.4 Non-Traditional Transportation Projects

For Local Public Agencies (LPA), a reimbursement-type program is available for financing eligible transportation projects. Non-Traditional Transportation Projects are defined as LPA sponsored projects

funded by the following programs, controlled by WisDOT and administered through a Local Let Contract (LLC) or completed with Sponsor's staff and equipment through a Local Force Account (LFA) Agreement. These programs provide funding for a wide variety of transportation related projects that go beyond what has traditionally been delivered using highway funds. The following are typical funding categories:

- Transportation Alternatives Program (TAP)
- Congestion Mitigation and Air Quality Improvement Program (CMAQ)
- Sheboygan Non-motorized Transportation Pilot Program (NTPP)
- Scenic Byways
- High Priority Projects (HPPs) where LLCs or LFAs may be used
- Federal Appropriation Earmarks where LLCs or LFAs may be used

Effective in 2012, MAP-21 combined the previously separate Transportation Enhancement, Safe Routes to School, and Bicycle and Pedestrian Facilities Programs into TAP. As such, this Sponsor's Guide applies only to projects in the below-listed programs that were awarded during or before calendar year 2013:

- Local Transportation Enhancements Program (TE)
- Bicycle and Pedestrian Facilities Program (BPFP)
- Safe Routes to School Program (SRTS)

WisDOT has a webpage titled "Assistance Programs". Through this page, under the topic Other Aid, you can find links for each individual program that explains the criteria that a project must meet to be eligible. Note that each program has distinct eligibility requirements.

Federal-aid Non-Traditional Transportation Projects are funded as a Reimbursement Program. In other words, WisDOT encumbers the entire project cost in escrow. The Sponsor funds the project work as it is completed and submits a Reimbursement Request to WisDOT. WisDOT then reimburses the Sponsor from the encumbered dollars. The Sponsor must understand this system and have the appropriate funding budgeted prior to submitting a Project Application.

Work with your WisDOT Regional Planning Section if you have questions regarding the funding mechanism and the Sponsor's responsibility.

This Sponsor's Guide is not intended for implementation of other Local Program projects that are commonly funded through the Local Bridge Program, LRIP, STP Urban or STP Rural or are administered through the WisDOT letting process.

1.5 Useful References, Guides and Manuals

Frequent references are made to other WisDOT Manuals. To view certain WisDOT websites, user will need to register with username and password to gain access, click on the following link https://on.wisconsin.gov/WAMS/SelfRegController. The Sponsor should also become familiar with these manuals for use in project delivery:

- WisDOT's Highway Construction Contract Information (HCCI): https://wisconsindot.gov/Pages/doing-bus/contractors/hcci/default.aspx

- Construction & Materials Manual (CMM): https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/rdwy/cmm.aspx

- Facilities Development Manual (FDM): https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/rdwy/fdm.aspx

- Local Public Agency Manual for Right of Way Acquisition:
  https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/re/lpa-manual.aspx

- WisDOT Real Estate Program Manual (REPM)
  https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/re/repm.aspx

- State Procurement Manual (State PM)
  https://doa.wi.gov/ProcurementManual/Pages/default.aspx

- Current edition of the WisDOT Standard Specifications for Highway and Structure Construction (WisDOT Standard Specifications):
  https://roadwaystandards.dot.wi.gov/standards/stndspec/index.htm

- Wisconsin Bicycle Facility Design Handbook (HANDBOOK):
  https://wisconsindot.gov/Documents/projects/multimodal/bike/facility.pdf

- Wisconsin Manual on Uniform Traffic Devices (WMUTCD)
  https://mutcd.fhwa.dot.gov/

- WisDOT Pedestrian Guidance
  https://wisconsindot.gov/Documents/projects/multimodal/ped/guide-chap5.pdf

1.6 Other Helpful Websites

- FHWA Federal-aid Essential for Local Public Agencies
  http://www.fhwa.dot.gov/federal-aidessentials/

- FHWA Contract Administration Manual (includes provisions for all Federal-aid contracts)
  http://www.fhwa.dot.gov/programadmin/contracts/coretoc.cfm

- FHWA Manual on Uniform Traffic Control Devices (2009 Edition with May 2012 Revisions)
  http://mutcd.fhwa.dot.gov/kno_2009r1r2.htm

- FHWA Legislation, Regulations and Guidance
  http://www.fhwa.dot.gov/resources/legsregs/

- Designing Sidewalks and Trails for Access
  https://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/sidewalks/index. cfm

- United States Access Board Guidelines and Standards
  http://www.access-board.gov/guidelines-and-standards

- FHWA Transportation Alternatives Program (TAP) Website
  http://www.fhwa.dot.gov/environment/transportation_alternatives/

- FHWA Guidance on Transportation Enhancement (TE) Activities
  http://www.fhwa.dot.gov/environment/transportation_enhancements/guidance/

- National Transportation Alternatives Clearinghouse (NTAC)
  http://www.enhancements.org/

- FHWA Congestion Mitigation and Air Quality Program Website
  http://www.fhwa.dot.gov/environment/air_quality/cmaq/

- Safe Routes to School (SRTS) program:
  http://www.saferoutesinfo.org

- General information on a variety of local programs managed by WisDOT can be found at:
  https://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/default.aspx

SECTION 2: ORGANIZATIONAL STRUCTURE

2.1 Federal Highway Administration

The Federal Highway Administration (FHWA), Wisconsin Division Office is the ultimate authority on the expenditure of Federal Transportation Funds. FHWA authorizes each project and is responsible to ensure that all Federal laws and regulations are followed when utilizing Federal Funding. They maintain certain approval responsibilities and have delegated certain responsibilities to WisDOT through their Federal Aid Oversight Agreement. The Wisconsin Division Office is in Madison**.**

2.2 Wisconsin Department of Transportation

WisDOT administers the Federal Aid Local Program through their Federal Aid Oversight agreement with FHWA. The Division of Transportation Investment Management (DTIM) along with Regional Planning Staff is responsible for programming for the Non-Traditional Programs. DTIM is located in Madison Yards Transportation Building in Madison. They work with Sponsors to develop and schedule projects in the appropriate program. Prior to each program cycle, they solicit Local Public Agencies for projects to be included in the State Transportation Improvement Program. This Division will notify Sponsors when they have been awarded a project**.**

The Project Delivery Section in each Region is responsible for project delivery. After a project has been authorized, they provide oversight of the design and construction process. Each Region has one or two Local Program Project Managers.

Once a project has been approved, WisDOT will notify the Sponsor when Federal Authority to incur costs has been approved. The LPPM has a dual role of Enforcement of Federal and State Requirements, as well as assisting Sponsors with project design and construction issues. They have review and/or approval authority for certain project actions. The LPPM should be the first contact for a Sponsor to answer questions regarding project delivery. If you have any questions, please consult with your region LPPM – part of your project funding is paying for their services.

Region LPPM's generally do not oversee non-infrastructure projects such as bicycle-pedestrian planning or Safe Routes to School education activities. Sponsors of such non-infrastructure projects should contact and work directly with WisDOT Division of Transportation Investment Staff. Furthermore, many of the infrastructure-specific requirements contained in this Sponsor's Guide do not apply to non-infrastructure projects.

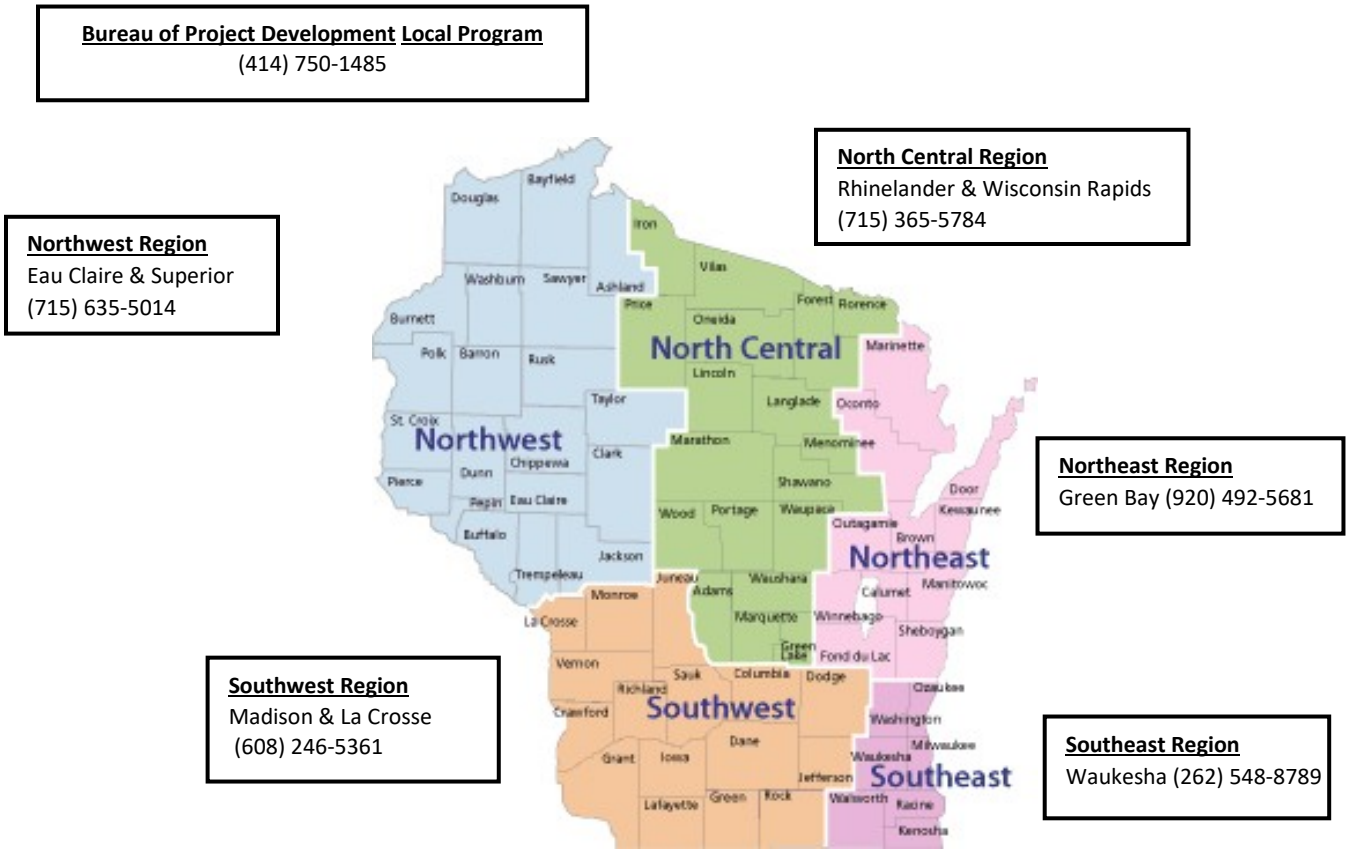


Figure 1: WisDOT REGIONS

2.3 Local Public Agency aka Sponsor

A Local Public Agency (LPA) in this Sponsor's Guide is referred to as the Sponsor. It is a governmental entity with taxing authority including townships, villages, cities, counties, Tribal Nations and may also include other State agencies. The Sponsor is required to have a current representative in responsible charge for each project utilizing Federal Funds.

2.4 Metropolitan Planning Organization (MPO), Regional Planning Organizations

Federal laws require all projects that receive Federal highway funding in a State to come from a transportation planning process. In urbanized areas with a population over 50,000, MPOs develop a Transportation Improvement Plan (TIP). The Sponsor is required to coordinate their project with the MPO TIP. Areas outside of the urbanized area may fall under a Regional Planning Organization or work directly with WisDOT to include their project in the STIP. Contact information can be found at the following website: https://wisconsindot.gov/Pages/doing-bus/local-gov/plning-orgs/mpo.aspx.

SECTION 3: ROLES AND RESPONSIBILITIES

3.1 WisDOT

WISDOT has a delegated responsibility through the Federal-aid Oversight Agreement to ensure that federal transportation funds are properly obligated, authorized, and utilized. Where FHWA has not delegated final approval through the Federal-Aid Oversight Agreement, WisDOT monitors Sponsor activities, makes recommendations to FHWA, is actively rendering decisions, and remains in control of the funding and process.

WisDOT (and/or FHWA) shall retain authority for the following[1]:

- Project Programming (project solicitation, selection, TIP & STIP inclusion, State/Municipal Agreement
- Phase authorization (design, real estate, construction)
- National Environmental Policy Act (NEPA) document approvals[1]
- Local Design Standards Approval Design Exceptions approval
- Right of Way Certification
- Sole Source Justification Approval
- DBE Goals
- Local Force Account/Cost Effectiveness Finding
- Reject of Bids
- Labor Compliance Enforcement (shared responsibility with LPA)
- Project Cost Eligibility
- Project Final Inspection and Acceptance
- Federal-Aid Payments

[1] *Applicable to CECs and PCEs. Environmental Reports, Environmental Assessments and Environmental Impact Statements require FHWA approval.*

The Federal-aid Oversight agreement can be found at: https://wisconsindot.gov/dtsdManuals/re/repm/fhwa-wisdot-oversight-agreement.pdf

Regional LPPM's work with the Sponsors to provide guidance/ assistance to the local agencies in interpreting the regulations, manuals and guidelines as they apply to specific project conditions. Environmental issues, ROW concerns, hazardous wastes, labor compliance, Equal Employment Opportunity, Title VI and DBE are among these areas where assistance may be needed.

The LPPM is not responsible for specific project administration and the Sponsor must not expect the LPPM to provide quality control for their or their consultants' work. The LPPM will be the Sponsors liaison with WisDOT staff having an approval, review, or advisory role for the project. In order for the project to progress smoothly, it is essential that adequate communication and coordination between the Sponsor and the LPPM be maintained.

3.2 Local Public Agency aka Sponsor

Sponsors are fully responsible for the administration of their projects and must designate a full-time local government employee "Person in Responsible Charge" or a defined Approval Authority to act as authority for all WisDOT delegated responsibilities and project approvals. **The Sponsor must also provide a professional engineer, licensed in Wisconsin, who may be contracted**.
The Sponsor may utilize a contracted consultant to manage day to day progress of the project. During such arrangement, however, a full-time employee of the Sponsor must be assigned as the Local government employee responsible for the project that must be familiar with and accountable for, all actions the contracted consultant performed on the Sponsor's behalf.

Unless otherwise established in the project State/Municipal Agreement, the Sponsor is also responsible for providing adequate construction inspection to ensure that the project is constructed in accordance with the contract documents and specifications.

The Sponsor must be particularly diligent to ensure compliance with all applicable federal and state requirements. **Non-compliance can result in partial or complete withdrawal of federal and/or state participation in the project**. In the event of the Sponsor's noncompliance with applicable requirements, WisDOT may impose such contract sanctions as it or the Federal Highway Administration (FHWA) may determine to be appropriate, including but not limited to withholding of payments to the Sponsor under this Agreement until the Sponsor complies; and/or cancellation, termination or suspension of the State/Municipal Agreement, in whole or in part.

Where Sponsor reimbursements have been made, WisDOT and FHWA have the authority to seek reimbursement.

WisDOT can delegate certain work activities to the Sponsor; however, the delegation requires the Sponsor to maintain an administrative record of project development and delivery activities that sufficiently demonstrate compliance with all federal laws, regulations and policies. Work activities delegated to the Sponsor include but are not limited to the following:

- Provide a local government employee in responsible charge for the project
- Scope of Work
- Preparation of Environmental Documentation in accordance with the NEPA process
- All required Environmental Permits
- Consultant Selection and administration
- Project Design
- Ensure timely submittals of design documents
- Preparation of Design Exception
- Design QC/QA
- Public Participation/Involvement
- Preparation of Preliminary and Final Plans, Specifications, and Estimates (PS&E)
- Right of Way Acquisition
- Utility Relocation
- Construction Schedule
- Construction Advertisement and Award
- Contract Administration and Inspection including contractor claims
- Reimbursement Requests/documentation

Oversight responsibilities are shown in the following Table 1 Non-Traditional Project Oversight Matrix.

Work Activity	**Action**			
	Sponsor		**WisDOT**	**FHWA**
Project Application / Scope of Work	P/S		R/C/A	
State/Municipal Agreement	A/S		P/A/S	
Project Authorizations			P/S	R/C/A
Environmental Document[2]	P/S		R/C/A	
Design Exceptions	P/S		R/C/A	
Design Study Report (if required)	P/S		R/C/A	
LFA, Cost Effectiveness Finding	P/S		R/C/A	
Right of Way Certification	P/S		R/C/A	
Utility Certification	P/S		R/C/A	
Railroad Certification	P/S		R/C/A	
PS&E	P/S		R/C/A	
Construction Advertisement	P/S		R/C/A	
Construction Award	P/S		R/C/A	
Construction Inspection	Responsible Charge [3]		R	
Reimbursement Request	P/S		R/C/A	
Project Closeout	P/S		R/C/A	R/C/A
A = Approve	C = Comment	P = Prepare	R = Review	S = Submit

Table 1. Non-Traditional Project Oversight Matrix[1]

1. *While WisDOT has approval authority of most of the listed actions, some approvals related to projects selected for full FHWA oversight and/or projects on the National Highway System remain with FHWA in accordance with the FHWA/WisDOT Oversight Agreement.*

2. *Applicable to programmatic Environmental Reports (CEC or PCE). Environmental Reports, Environmental Assessments and Environmental Impact Statements require FHWA approval*

3. *Unless Construction is performed by LFA Agreement.*

SECTION 4: FEDERAL (AND APPLICABLE STATE) REQUIREMENTS

4.1 **Before beginning any project activities for which Federal reimbursement will be requested, read this chapter carefully**! This chapter provides a summary of applicable Federal requirements in order to promote understanding and compliance with these requirements. Greater detail on specific activities and procedures is provided in each applicable section. The purpose of this Sponsor's Guide is to help each Sponsor be successful in complying with state and federal requirements. Compliance is critical since failure to comply may result in denial of reimbursement and the loss of the use of federal funds.

Federal funds may be used to pay project costs for project planning, preliminary engineering and oversight, right-of-way acquisition, construction, and audit. Project funds may only be expended after authorization by FHWA.

4.2 Record Keeping Requirements

It is the Sponsor's responsibility to assemble and retain a complete project file that verifies all project expenditures and that documents compliance with State and Federal requirements. Project files should include official documents, documentation of all approval actions, documentation that fully supports expenditure of funds, documentation of project decisions, and project correspondence. Documentation requirements are outlined in the Sponsor's Project File Checklist for Local Let Contract Projects, see Appendix B.

This file must be retained for a **minimum of seven years** from the date Sponsor requests final project reimbursement, or after the conclusion of any audit, negotiation, or litigation--whichever is later. Sponsor must keep all project records and have them available for inspection by FHWA and WisDOT or furnish copies of these documents if requested. For historical projects, the property deed must have a clause to maintain the historical integrity of the public investment.

4.3 National Environmental Policy Act

The National Environmental Policy Act (NEPA) is the basic Federal charter and the Wisconsin Environmental Policy Act (WEPA) is the basic State charter for protection of the environment. It is critical to understand that NEPA and WEPA are decision making processes. As such, each to contain policies and procedures that must be followed. Implementing regulations contain "action- forcing" provisions that make sure each Federal agency, State agency, or local public agency act according to the letter and spirit of these laws. The President and the Governor of Wisconsin, the Federal and State agencies, the courts, and each LPA share responsibility for enforcing the act so as to achieve the substantive requirements of these seminal environmental laws.

Public involvement is critical under NEPA and WEPA and therefore the procedures used must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA or WEPA. Most importantly, NEPA or WEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.

Ultimately it is not better documents but better decisions that count. The purpose of NEPA and WEPA is not to generate paperwork--even excellent paperwork--but to foster excellent decisions and actions. The NEPA and WEPA processes are mirror images of each other and they are intended to help public officials make decisions that are based on proper understanding of environmental consequences, and to take actions that protect, restore, and enhance the environment. The implementing regulations of these laws are also mirror images of each other and provide the direction to achieve the purpose of the laws.

FHWA, in 23 CFR 771 (and FTA in 49 CFR 662), promulgated regulations (consistent with CEQ regulations) to implement the Federal –Aid projects.

The FHWA's project development process is a balanced approach to transportation decision- making that takes into account the potential impacts on the human and natural resources and the public's need for safe and efficient transportation improvements. FHWA's approach is to use the NEPA process as an umbrella to cover all environmental laws.

There are certain decisions that need to be made when moving into the NEPA process. The decisions are:

1. Federal Action – Determine whether or not a Federal Action will occur – the use of Federal funds is considered a Federal action.
2. FHWA and WisDOT Oversight – For Federal-Aid work, NEPA is a FHWA responsibility; however, WisDOT handles much of the environmental process through its traditional relationship with FHWA.
3. Purpose and Need –The purpose–and–need section is in many ways the most important element of an environmental document it establishes why expenditure of taxpayers' money is proposed. The purpose and need should be as comprehensive and specific as possible. Information on factors such as safety, system linkage, social demands, economic development, and modal interrelationships, etc., that the proposed project will attempt to address, should be described as fully as possible.
4. Preliminary Design – Preliminary design is necessary to determine impacts, and the decision has to be made as to how much design needs to be done in the NEPA process.

FHWA determined that planning studies are exempt from NEPA environmental documentation (i.e. CEC). Subsequent proposed actions developed from a planning study (i.e. future bike path) would require a NEPA document as per the CE Programmatic Agreement.

4.4 Federal Regulations and Authorization

Under existing statutes and regulations, WisDOT is responsible for ensuring that all Federal-Aid projects are carried out in accordance with Federal laws and regulations. This responsibility was specifically clarified in 23 U.S.C. 106, as amended by the Moving Ahead for Progress in the 21st Century Act (MAP-21, Public Law 112-41).

4.5 WisDOT Roles and Responsibilities

1. Per 23 United States Code (USC) 23 Sect 302, WisDOT will retain control, adequate powers, and be suitably equipped and organized to meet the requirements of Title 23 in effectively administering the Federal-Aid program.
2. Per 23 CFR Sect 630.112(a), WisDOT will ensure all Federal requirements are met on Federal-Aid projects.
3. Per 23 USC Sect 106(c), WisDOT will provide and document appropriate project approvals, on behalf of FHWA, as described in Section VI of this agreement. WisDOT cannot further delegate this responsibility without formalized agreement by FHWA.

4.6 Laws, Regulations and Control Standards

Federal rules and requirements are applicable to any project which is funded with Federal dollars, even if only certain phases, segments or contracts are Federally-funded. The applicability of Federal requirements for any project is based upon:

1. The use of Federal funds
2. Whether the project is located on the NHS
3. Whether the requirements are outside of Title 23 USC or based on a law founded outside of Title 23 USC.

For all delegated programs, WisDOT shall ensure programs fully comply with Title 23 and certain non-Title 23, USC Federal-Aid program requirements relating to but not limited to:

- Metropolitan and statewide planning
- Environment
- Procurement of engineering and design related service contracts
- Title VI of the Civil Rights Act
- Participation by disadvantaged business enterprises
- Prevailing wage rates
- Acquisition of right-of-way

Take a moment to review Laws and Regulations applicable to Federally Funded Projects.

FEDERAL-AID PROJECT CLASSIFICATION	ALL FEDERAL LAWS & REGS (1)	ALL FEDERAL NON-TITLE 23 LAWS & REGS (2)	SELECTED FEDERAL NON-TITLE 23 LAWS & REGS (3)	STATE STATUTES & ADMIN. RULES (4)
All NHS projects regardless of work type	X	X	X	X
All non-NHS projects regardless of work type		X	X	X
All State or locally-funded project phases, segments, or construction contracts that are part of a project that has other phases, segments or construction contracts that are Federally-funded			X	X

Footnotes:

(1) All Federal laws and regulations include those in Tile 23 USC and 23 CFR, as well as applicable laws and regulations referenced within Title 23 USC and 23 CFR, and applicable laws and regulations in Title 49 USC and 49 CFR.

(2) All Federal non-Title 23 laws and regulations include those that are established within other titles, as well Title 23 requirements that are based on laws founded outside of Title 23. Specific examples include:

Non-Title 23 USC requirements:

- The Clean Air Act Amendments of 1990,
- The National Environmental Policy Act (NEPA), and other environmental laws and requirements,
- The Statewide and Metropolitan planning provisions of Title 49,
- The Uniform Acquisition and Relocation Assistance Act,
- The Civil Rights Act of 1964 and other Civil Rights laws and requirements including the DBE Program,
- The Davis Bacon Act and other labor laws/requirements,
- The Common Rule (2 CFR Part 1201) with respect to procurement
- The Brooks Act (Consultant contracts)
- Required Federal contract provisions (FHWA 1273)

Title 23 requirements based on laws founded outside of Title 23:

- Competitive bidding
- Buy America
- Statewide and Metropolitan planning (USC 134 & 135),
- Manual on Uniform Traffic Control Devices (MUTCD)
- Proprietary products
- Outdoor Advertising Control
- Federal Land Transfers
- Sale of Excess Land
- Publicly furnished materials

3) Selected Federal non-Title 23 laws and regulations are those that must be applied to all phases, segments or contracts of a Federal-aid project, regardless of funding source, in order to meet the full intent and extent of the law or regulation. Specific examples include:

- The Clean Air Act Amendments of 1990,
- The National Environmental Policy Act (NEPA), and other environmental laws and requirements,
- The Statewide and Metropolitan planning provisions of Title 49,
- The Uniform Acquisition and Relocation Assistance Act,
- The Civil Rights Act of 1964 and other Civil Rights laws and requirements including the DBE Program

(4) State statutes and administrative rules apply to the extent that they do not conflict with Federal laws and regulations.

Table 2. Laws and Regulations Applicable to Federally-Funded Projects

4.7 FHWA-1273

Required federal contract provisions are contained in FHWA-1273. This provision must be included in every Federally-Aid Construction Contract including locally let contracts. The Sponsor must be familiar with the contents of FHWA-1273 to understand the oversight requirements. The FHWA-1273 must be physically incorporated in each construction contract funded under Title 23. The contractor or sub-contractor must insert this document in each subcontract and further require its inclusion in all lower tier subcontracts.

SECTION 5: LABOR COMPLIANCE, TITLE VI AND NONDISCRIMINATION, AMERICAN WITH DISABILITIES ACT (ADA), AND DISADVANTAGED BUSINESS ENTERPRISE (DBE)

5.1 FHWA-1273, Davis-Beacon, and Related Acts

Required federal contract provisions are contained in FHWA-1273. This provision must be included in every Federally-Aid Construction Contract including locally let contracts. The Sponsor must be familiar with the contents of FHWA-1273 to understand the oversight requirements. The FHWA-1273 must be physically incorporated in each construction contract funded under Title 23. The contractor or sub-contractor must insert this document in each subcontract and further require its inclusion in all lower tier subcontracts.

All contracts with any federal funding let to bid and entered in to by the sponsor require provisions governing the employment and payment of persons hired by contractors, subcontractors, and suppliers to perform the contract work. These contract provisions are outlined in the Form FHWA-1273, Section IV. Davis-Bacon and Related Act Provisions. The sponsor is responsible for the application and monitoring of these provisions.

All workers on the site of the work will be paid unconditionally and not less often than once a week without subsequent deduction or rebate on any account (except such payroll deductions as permitted by law, the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the federal prevailing wage determination regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics. Such laborers and mechanics will be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill. Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked.

Payrolls and basic records relating thereto shall be maintained by the contractor during the work and preserved for a period of three years thereafter. Records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid. Overtime will be paid for all hours worked over 40 per week, at a rate not less than 1.5 times the basic rate of pay. Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program. For all physical work performed on the project, subcontractors are required to submit weekly certified payrolls to the Prime Contractor, who in turn, forwards them to the sponsor. The sponsor should review the payrolls for the correctness of rates, fringe benefit payments, and improper deductions. The federal payroll form WH-347 US Department of Labor can be used or the WisDOT forms can be used: Weekly Payroll Report (DT1929) and the Compliance Statement to Accompany Contractor's Weekly Payroll (DT1816).

The project engineer should discuss suspected violations of the employment provisions first with the sponsor. Complaints and confirmed violations are to be brought to the attention of the sponsor. The sponsor should make systematic spot interviews with laborers and mechanics engaged in contract work using the WisDOT Local Program Labor Compliance & EEO Field Interview Form. If non-compliance is determined, the sponsor should inform the contractor and follow through with the issue until compliance is achieved.

5.2 Federal Prevailing Wage Rates

A schedule of minimum prevailing wages for the county in which the work will be done is required to be included in the contract. Issued by the United States Department of Labor (US DOL). **WI 10** wages are to be inserted in every contract with federal funding (applies to all work except work over a navigable waterway). **WI 15** wages are to be inserted into a contract if there is a bridge or structure located over a navigable waterway as defined by USDOL and the US Coast Guard (applies to all work occurring on the bridge/structure from bank to bank). **WI 08** wages are to be inserted into a contract if it contains sewer work that is over 20% of the contract amount.

Building wages (**WI XX**-by county) are to be added when there is a building in the contract, for example a salt shed or bridge tender house. Wage determinations included in the contract remain in effect for the life of the contract. Contractors are responsible for determining the appropriate crafts necessary to perform the contract work. If a classification considered necessary for performance of the work is missing from the WD, the contractor must initiate a request for approval for a proposed wage and benefit rate by preparing an SF-1444, Request for Authorization of Additional Classification and Rate, for the unlisted craft. (Reference Title 29 CFR Part 5, Section 5.5(a)(1)(ii) and FAR 22.406-3).

IMPORTANT: The most up-to-date wage determination(s) issued at the time of contract award must be incorporated into the covered contract. An exception provides that contracts entered into by competitive bidding procedures provides that wage determination updates issued less than 10 days before the opening of bids shall be effective 29 CFR § 1.6(a)(2)(i)(A). Also, if for some reason the contract is not awarded within 90 days after bid opening, the wage rates need to be checked for modifications to be incorporated into the contract up to award, unless WisDOT requests and obtains an extension of the 90-day period. 29 CFR § 1.6(c)(3)(iv).

5.3 Job Site Board Postings

The following material must be posted in a conspicuous place on the project accessible to both workers and the public, for the duration of the project. The prime contractor is required to do the posting. The project engineer will check that the contractor erects and maintains the proper postings on display and in good readable condition at all times.

- Contract Wage Rates (US DOL, all pages - correct county/counties)
- Contractor's EEO Policy Statement including name/signature of EEO officer and date signed
- Contractor's letter appointing EEO Officer to the Project signed by company CEO/President
- DERECHOS DEL EMPLEADO BAJO LA LEY DAVIS-BACON [(WH 1321 SPA (Revised April 2009)]
- EMPLOYEE RIGHTS EMPLOYEE POLYGRAPH PROTECTION ACT (WH1462 REV 07/16)
- EMPLOYEE RIGHTS UNDER THE DAVIS-BACON ACT [WH 1321 Revised April 2009)]
- EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT (WH1088 REV 07/16)
- EMPLOYEE RIGHTS UNDER THE FAMILY MEDICAL LEAVE ACT (WH1420 REV 04/16)
- Equal Employment Opportunity IS THE LAW" [EEOC-P/E-1 (Revised 11/09)]
- "EEO is the Law" Poster Supplement
- La Igualdad de Oportunidades en el Empleo es LA LEY (EEOC-P/E-1 (Revised 11/09))
- Suplemento del document "IOE es La Ley"
- Job Safety and Health: IT'S THE LAW! (OSHA 3165–04R 2015) 8.5x14
- Notice to Employees About Applying for Wisconsin Unemployment Benefits [(UCB-7-P (R. 10/2017)]
- NOTICE – The highway construction under way at this location… [FHWA Form 1022 (Revised May2015)]
- PAY TRANSPARENCY NONDISCRIMINATION PROVISION (undated) (OFCCP 12/2016)

- Wisconsin Department of Transportation Notice of Title VI and ADA Compliance (8/1/2017)
- Wisconsin Department of Transportation Notification Del Titulo VI Y Cumplimiento De La Ada (8/1/2017)
- WISCONSIN FAIR EMPLOYMENT LAW [(ERD-4531-P (R.05/2014)]
- WISCONSIN FAMILY MEDICAL LEAVE ACT [ERD-7983-P (R-06/2014)]

5.4 Title VI of the Civil Rights Act of 1964 and Nondiscrimination

Title VI of the Civil Rights Act of 1964 prohibits discrimination based upon race, color, and national origin. Specifically, 42 USC 2000d et. seq. states that "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The use of the word "person" is important as the protections afforded under Title VI apply to anyone, regardless of whether the individual is lawfully present in the United States or a citizen of a State within the United States. In addition to Title VI there are other Nondiscrimination statutes that afford legal protection. These statutes include Section 162 (a) of the Federal-Aid Highway Act of 1973 (23 USC 324) (sex), Age Discrimination Act of 1975 (age), and Section 504 of the Rehabilitation Act of 1973/Americans with Disabilities Act of 1990 (disability). Taken together, these requirements define a broad Title VI/Nondiscrimination requirement consistent with the Civil Rights Restoration Act of 1987.

WisDOT conducts their federally funded local program in accordance with the Standard U.S. DOT Title VI Assurances (U.S. DOT Order 1050.2A).

WisDOT will provide for such methods of administration for the Title VI Program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and Title VI Assurances.

As sub-recipients of WisDOT, LPAs must sign Assurances that its programs and activities will be conducted, or facilities operated in a non-discriminatory manner. Failure or refusal to furnish the required Assurances is grounds for termination of financial assistance from FHWA.

Therefore, each LPA will need to understand, implement, and enforce Title VI and the related Nondiscrimination requirements in order to ensure that no person in the United States shall, on the ground of race, color, national origin, age, sex, or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any project and/or program that is receiving Federal financial assistance.

5.5 Americans with Disabilities Act (ADA)

State and local governments must comply with accessibility standards in the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act (ADA) of 1990. These requirements apply to **all** projects involving new or altered pedestrian facilities, not just projects funded by State or Federal sources. There are several key ADA-related reference sources to use when designing pedestrian facilities. These are included below. It may be necessary for a Sponsor to refer to more than one listed resource or to use a more recent standard or guide.

The U.S. Access Board has draft standards that act as interim guidance for pedestrian facilities within the public right-of-way (See Public Rights-of-Way Accessibility guidelines (PROWAG)).

Some standards that have already been approved for building sites (curb ramps, accessible routes, ground and floor surfaces, and bus stops and shelters) are already contained in the ADA Accessibility Guidelines (ADAAG) and integrated with PROWAG guidelines. Thus, it is acceptable just to follow PROWAG guidance. For shared use paths contained within their own corridor, such as a former rail grade or greenway, ADA Outdoor Development Areas guidelines may be used in place of PROWAG. Path/trail projects are also considered pedestrian facilities since they serve pedestrians. Path/trail projects must also comply with the WisDOT's Bicycle Facility Design Handbook if it serves bicyclists. A Professional Engineer is required to incorporate ADA requirements in all designs as a component of their license credential.

The primary purpose of the FHWA Americans with Disabilities Act (ADA) program is to ensure that people with disabilities have opportunity to use the transportation system in an accessible and safe manner. As part of their regulatory responsibility under Title II of the ADA and Section 504 of the Rehabilitation Act of 1973, FHWA ensures that recipients of Federal aid and State and local entities that are responsible for roadways and pedestrian facilities, such as sidewalks do not discriminate on the basis of disability in any highway transportation program, activity, service or benefit they provide to the general public; and to ensure that people with disabilities have equitable opportunities to use the public rights-of-way system. **LPAs are required to conduct self-evaluations of the accessibility of pedestrian facilities in their public right-of-way and to correct deficiencies by making necessary modifications. In addition, LPAs with fifty or more employees are required to have a Transition Plan**.

For more on the FHWA ADA program, as well as the applicable laws, regulations, and guidance, use the FHWA Essentials for Local Public Agencies or go to https://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?category=civilrig.

5.6 Disadvantaged Business Enterprise (DBE) Requirements

Title VI of the Civil Rights Act of 1964 forms the foundation for the DBE program and is codified in 23 U.S.C. 140(c), with regulatory policy in 49 CFR Parts 21 and 26 as well as 23 CFR 200 and 230. 49 CFR Part 26 is titled, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.

5.7 USDOT DBE Program

The goals of the federal DBE program are outlined in 49 CFR part 26.1:

(a) To ensure nondiscrimination in the award and administration of DOT assisted contracts in the Department's highway, transit, and airport financial assistance programs;
(b) To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;
(c) To ensure that the Department's DBE program is narrowly tailored in accordance with applicable law;
(d) To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as DBEs;
(e) To help remove barriers to the participation of DBEs in DOT-assisted contracts;
(f) To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by recipients;
(g) To assist the development of firms that can compete successfully in the marketplace outside the DBE program; and
(h) To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

DBEs are for-profit small businesses owned by socially and economically disadvantaged individuals who maintain at least a 51% interest in the business; certification eligibility requires that the owner(s)

demonstrate that they control, manage and operate the business competently. African Americans, Hispanics, Native Americans, Asian-Pacific and Subcontinent Asian Americans, and women are presumed to be socially disadvantaged. Economic disadvantage standards are determined by USDOT and business size standards are established the federal Small Business Administration. Other individuals may qualify as socially and economically disadvantaged on a case-by-case basis using the standards of 49 CFR Part 26.

DBE regulations outline requirements for certification, compliance & enforcement, goals, good faith effort and counting. Each state is responsible for maintaining a Directory of DBE certified firms and establishing triennial overall annual DBE goals. 49 CFR Part 26.37 requires states to implement mechanism to ensure compliance with this regulation by any recipient of FHWA funding that comes through this agency.

5.8 Wisconsin Department of Transportation's DBE Program Implementation

As a recipient of funds from the Federal Highway Administration (FHWA), Wisconsin Department of Transportation is required to administer the DBE program in compliance with all laws, regulations, executive orders, and official guidance applicable to program administration. WisDOT affirms that our DBE program is applied to all contracts procured and/or performed by and through this organization following the guidance in 49 CFR Part 26 whether the recipients is a contractors, consultant or Local Public Agency.

WisDOT is required to impose sanctions that may include termination of the agreement or other measures that may affect the ability of the Sponsor to obtain future WisDOT financial assistance if a recipient/sponsor fails to carry out the approved policy, WisDOT's DBE program and goals have been approved by FHWA.

- The approved list of certified DBE firms is titled, Wisconsin DBE Unified Certification Program Directory and can be found at https://wisconsindot.gov/Documents/doing-bus/civil-rights/dbe/dbe-ucp-directory.xlsx.
- The overall annual DBE goal is stated as a percentage of FHWA funds; a contract DBE goal is expressed as a percentage of the contract federal funds calculated as relative subcontract opportunity.
- DBE program implementation actions include contractor monitoring, record keeping and reporting requirements. More complex actions are the evaluations of contractor "good faith effort," replacement or substitution of DBEs during the contract, crediting DBE participation, and sanctions for non-compliance.

5.9 Local Public Agency DBE Program Implementation

Local Public Agencies (LPA) that receive federal funds through Wisconsin Department of Transportation (WisDOT) must adhere to WisDOT's DBE Program Plan to ensure that your local Federal-aid project funding is not jeopardized nor delayed due to complaints, challenges, or other issues. You must know and follow WisDOT's DBE Program Plan.

A DBE goal might be assigned to your project and noted in the State/Municipal Agreement. An assigned DBE goal is a legal obligation. Failure to carry out its terms is a violation of the State/Municipal Agreement and can result in withdrawal of Federal financial assistance from the project. DBE requirements are contract provisions and should be administered as such.

LPAs are responsible for contractor monitoring, record keeping and reporting

- LPA must report contract awards that include FHWA funding and all DBE commitments to WisDOT monthly.

- LPA's must monitor DBE participation by reviewing project documents and accounting records or visiting the project site to verify DBE participation.
- LPA's must coordinate commercially useful function reviews with WisDOT's DBE office at contract award time to confirm the role the DBE plays in a project and is a second line of defense against fraud and abuse.
- LPA must ensure that bidders who respond to solicitation list the DBE firms that will participate on the contract and the amount of the participation.
- After contract award, the LPA is responsible for verifying that the listed DBE firms were used as described.
- Arrange solicitations, time for the presentation of bids, quantities, specifications, and delivery schedules to facilitate the participation of DBE firms.
- Ensure communication and information is available regarding contracting procedures and specific contracting opportunities.

LPAs may assign contract DBE goals. Any FHWA-funded contract that has subcontracting possibilities is eligible for the assignment of a contract-specific DBE contract goal. Factors to consider in setting contract goals include the location, type of work, and availability of DBEs that perform the type of work involved in the contract.

The LPA must follow WisDOT's DBE goal setting process when assigning a DBE contract goal. If the LPA utilizes goals or preferences related to employment and/or minority or women business enterprise programs these cannot be incorporated in contracts that include FHWA funds received through WisDOT. Intentional or unintentional inclusion of these provisions will cause the project to be ineligible for federal funding.

WisDOT's DBE office is responsible for assigning WisDOT-procurement DBE goals; therefore, the LPA may request that the DBE Office calculate, assign and enforce the DBE contract goal.

WisDOT's DBE staff is housed in the Division of Transportation System Development, Office of Business Opportunity and Equity Compliance (OBOEC) is available to provide technical assistance as needed. 608-267-3849.

SECTION 6: PROGRAMMING

For the purpose of this Sponsor's Guide, the programming and planning phase includes project solicitation, application, and selection, TIP and STIP inclusion, State-Municipal Agreement (SMA) and federal authorization.

As discussed in the Introduction section of this Sponsor's Guide, WisDOT funds federal-aid Non-Traditional Transportation Projects through reimbursement procedures. In other words, WisDOT encumbers the entire project cost in escrow. The Sponsor funds the project work as it is completed and submits a reimbursement request to WisDOT. WisDOT then reimburses the Sponsor from the encumbered approved funding. **The Sponsor must understand this system and have local commitment for funding prior to submitting a Project Application**. Sponsors of approved infrastructure projects should contact the Region with questions regarding project funding procedures and Sponsor responsibilities.

6.1 Planning Requirements

Fixing America's Surface Transportation Act (FAST) continues to place considerable emphasis on transportation planning and programming activities at the regional and state levels. Federal law mandates a statewide planning process as well as the necessary consultation and coordination between the state and regional planning organizations.

6.2 Project Solicitation

WisDOT DTIM aims to solicit Non-Traditional Transportation Project programs every second calendar year or as federal funding is available. As of calendar year 2013, WisDOT operates two federally-funded, Non-Traditional Transportation Project programs: (1) the Congestion Mitigation and Air Quality Improvement Program (CMAQ); and (2) the Transportation Alternatives Program (TAP). TAP incorporates, with some eligibility changes, the previously separate Safe Routes to School, Transportation Enhancements, and Bicycle & Pedestrian Facilities Programs.
When a new Project Application cycle begins, WisDOT DTIM will solicit Project Applications on the WisDOT webpage titled "Programs for Local Government".

This webpage includes links to program-specific CMAQ and TAP websites where the public can obtain WisDOT contact information, application materials, and general information regarding project and Sponsor eligibility.

6.3 Project Scoping

It is critical that the Sponsor clearly defines the scope of a project before applying for federal funding. To justify expenditure of federal tax revenue, every project must show a comprehensive purpose and need, address an independent utility, and have a logical terminus. Accurate scoping includes a detailed description of the work, a project timeline or schedule, and an estimate of cost. Sponsors must document all elements of the project scope in a Project Application. It is especially important for Sponsors to develop a well-defined scope in a Project Application because WisDOT cannot permit changes to the original scope without written authorization once a project reaches development phase. The scope change approval process may result in project delay, which Sponsors can avoid or minimize by accurately scoping a project within application documentation.
The estimate of cost in a Project Application is the basis of the awarded federal funding level. **Sponsors must develop an accurate project cost estimate because federal funds are ultimately capped based upon an approved application**. Sponsors are responsible for 100% of project costs in excess of the limit of the federal funding award for a particular project.

A project's schedule will vary widely depending on complexity. Appendix B contains The Non-Traditional Project Timeline and Milestones. The Sponsor must consider these and other requirements when developing a realistic project schedule. Even the simplest project may require a year to design.

Sponsors should not develop project cost estimates based upon an ideal or preferable timeline; rather cost estimates should reflect accurate project schedules as provided by the Region and approved by WisDOT DTIM.

6.4 Project Application

Applicants interested in pursuing a potential project, should obtain a Project Application from the appropriate program https://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/default.aspx. **Failure to follow detailed application instructions or to provide a complete application could delay or jeopardize project approval**. All applications are released along with corresponding program guidelines from WisDOT DTIM. WisDOT reserves the right not to consider as eligible any application that does not adhere to corresponding program guidelines.

Sponsors should submit complete applications to their WisDOT Region in accordance with application instructions. WisDOT will not consider applications received after the noted application deadline.

6.5 Project Scope

Project Applications serve as the project scoping document. If changes in scope are needed, the Sponsor will need to submit a written scope change to the appropriate WisDOT region.
Scope change requests should include the following information:

- The project change requested
- An explanation of why the change is needed
- Any changes to the project timeline
- Any cost implications
- If the Sponsor proposed an altered project location, the scope change request must include a map that shows both the original location and the requested location.

See Sections 3.1 and 6.13 for directions on the process if the Sponsor determines that they will not complete the project.

6.6 Project Selection

Each program utilizes a separate selection process with input from varying state agencies and committees. Programs are competitive and typically over-subscribed. WisDOT collaborates with the Governor's office to announce approved projects by e-mail. Funded projects are also announced on the appropriate program website at https://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/default.aspx Federal Transportation Act -MAP-21 changed the procedures by which WisDOT must select certain Transportation TAP projects. For example, federal law gave Transportation Management Areas—Metropolitan Planning Organizations over 200,000 in population—increased authority to rate, rank, and select TAP projects. Applicants should consult the WisDOT TAP website and corresponding documents for the most current information on TAP project selection.

6.7 Metropolitan Planning Organizations (MPO) Transportation Improvement Plan (TIP)

In urbanized areas with a population over 50,000, Metropolitan Planning Organizations (MPOs) are responsible for cooperating with the State and developing a long-range transportation plan and a Transportation Improvement Program (TIP) that is consistent with the Long-Range Plan. There are 18 MPO locales in Wisconsin. Projects under the jurisdiction of an MPO must be included within the appropriate TIP prior to federal authorization, which requires coordination between Sponsors of approved projects and the appropriate MPO. The MPO is responsible for prioritizing projects in the TIP working closely with locals to address local transportation improvement needs. See more MPO information at: https://wisconsindot.gov/Pages/doing-bus/local-gov/plning-orgs/mpo.aspx
Prior to project authorization, Sponsors of approved projects must coordinate with the appropriate MPO Director to incorporate the approved project(s) into the TIP.

6.8 State Transportation Improvement Plan (STIP)

WisDOT DTIM incorporates the TIPs from the 18 MPOs and develops a State Transportation Improvement Plan (STIP). Sponsors located in rural areas that are not represented by an MPO must work the WisDOT region programming staff to have projects incorporated into the STIP. WisDOT submits the STIP for FHWA approval. FHWA will not authorize federal funding unless a project is included in the STIP.

6.9 State/Municipal Agreement

The project State/Municipal Agreement (SMA) includes discussion of the project cost share, terms and conditions, and project maintenance responsibilities. An example would be that snow removal may be required if a bike/pedestrian trail is a link between major destinations that the community wants open to bicyclists and pedestrians year-round. Snow removal is required for all SRTS projects. Once a Sponsor has become certified, the SMA is sent to the Sponsor for signature by the Sponsor's Approving Authority and returned to the Region. **WisDOT will not authorize a project to incur costs until the signed State/Municipal Agreement has been received and approved by the WisDOT Region or approved by WisDOT DTIM in the case of planning or non-infrastructure projects**.
The SMA will state, at a minimum:

- Scope and location of the project;
- WisDOT assigned project ID number(s);
- Percentage and maximum of project costs covered by Federal funds;
- Percentage of Disadvantaged Business Enterprise (DBE) participation required;
- Accounting and record keeping requirements; and
- Sponsor's obligation to maintain the project after construction.

A project phase means a distinctive project activity, including design, real estate acquisition, railroad work, construction and LFA work. **WisDOT must separately authorize each project phase for charging**. In rare cases, construction of large projects is split into phases if distinct project elements will not be built concurrently. WisDOT assigns each project phase a separate project ID number. It generally takes 4 to 6 weeks to process an authorization request. Once FHWA authorizes an activity for charging, WisDOT is required by law to put the full amount in escrow, where it cannot be used for any other project. For this reason, WisDOT does not authorize all project phases at one time. Construction, which is typically the most expensive project phase, does not begin until one year or more after the design commences based on the approved schedule. WisDOT avoids authorizing the construction for as long as possible, in order to keep as much money as possible available for use on other active project phases.

Federal funding of Non-Traditional Transportation Projects is capped at a maximum amount for the total project. Often the capped federal amount is less than the amount needed for the actual construction costs (construction costs are defined as the amount paid to the contractor).

Understanding that the Sponsor is likely to have to fund construction costs in excess of the capped Federal amount, it may be in the Sponsor's best interest that the State/Municipal Agreements are structured such that all of the Federal funding awarded to a Non-Traditional Transportation Project be allocated to the construction cost and that the design and real estate costs be 100% locally funded. Your WisDOT Region can explain the advantages of locally funding the design and allocating all of the Federal funding to the construction costs.

Costs incurred by WisDOT to oversee and review the project are charged to the project. Based on the information provided in the Project Application, WisDOT DTIM and Regional Local Program Managers add funds to the Sponsor's project estimate to cover these oversight costs. The costs to oversee and review the project are funded at the same percentage as the design and construction (for example, 80% federal 20% local). However, for any Non-Traditional Transportation Projects approved after calendar year 2013,

when project design is 100% locally-funded, the Sponsor must fully fund design oversight costs. WisDOT will not award 80% federal funds for state review and oversight of 100% locally-funded design. For 100% locally funded design oversight projects, WisDOT will provide an estimated cost of the required WisDOT oversight expense based on the size and complexity of the project. This is an estimate and actual cost of oversight by WisDOT will be charged to the Local Sponsor. WisDOT is committed to limiting the oversight expense but is required by FHWA to provide oversight for use of Federal Funding for these projects.

Sponsors are responsible for any oversight costs that exceed the project estimate. WisDOT will send an invoice for any amount due for these costs at project close out.

6.10 Public-Private Partnerships and Donations

Since the early 1990s, applicants have expressed growing interest in public-private partnerships wherein a public agency works with a private non-profit or for-profit entity to accomplish a project of mutual benefit. This arrangement allows the implementation of projects that may prove too difficult, innovative, or costly for either sector to implement on its own. Non-Traditional Transportation Projects that could justify a public-private partnership include restoration of a railroad depot owned by a public historical society, installation of a compressed natural gas fuel dispenser at a fueling station, or construction of a truck-stop electrification facility that reduces diesel engine idling emissions. While the public-private partnership is a powerful tool, the potential for improper use of federal funds does exist. Therefore, FHWA and WisDOT implement a number of restrictions and limitations to safeguard the public interest.
The Sponsor meets with potential private partners to assess the level of interest in the project, desired characteristics of the project, costs and benefits of the project, and the opportunities and risks of a partnership. The public and private partner negotiate an agreement for sharing of the non-federal share of the project costs, for maintenance of the improvements, for liability in case of a mishap involving the facility, for the responsibilities of project implementation, and the benefits of the project once it is completed. Public-private partnership agreements are subject to review and approval by WisDOT. Federal regulations require that all public-private partnerships using FHWA funds meet the following general requirements:

- The proposed partnership should benefit the general public. Public-private partnerships are allowed only if all or a significant portion of the project will benefit the public sector.
- The improvements funded with FHWA money must be owned, operated or controlled by the public sector. Leaseback arrangements, first right of refusal or restrictive covenants are sometimes used to provide a measure of flexibility in dealing with this requirement. Private donations such as money, property or services are allowed, but such donations do not imply the private donator will manage the project.
- The proposed activity must be one that is normally a public-sector responsibility.
- Sponsor retains full responsibility for protecting the public interest and investment inherent in the use of FHWA funds. The Sponsor has the ultimate maintenance responsibility and must insure that the facility receives adequate maintenance throughout its expected useful life. In many cases, this responsibility will be transferred to the private partner often in the role of site manager and guaranteed through covenants, liens, and/or revocable use rights. These agreements should always be structured in a manner providing the public partner with a legally binding way to ensure that the private partner fulfills its obligations.
- Sponsor acquires real estate or permanent easements, necessary for the project, unless the property is already owned by the private entity.

USC 323 allows donated funds, materials, and services to be used on projects administered by the FHWA. However, project Sponsors should note that WisDOT generally exercises its authority ***not to allow*** "in-kind" or "soft match" match to satisfy the local match requirement for Non- Traditional Transportation

Projects. Communities should not apply for or accept funding if project success relies upon in-kind or soft match. Sponsors should contact their Region staff for additional information on this topic.

6.11 Matching Federal Funds with Other Federal Funds

FAST ACT continued to increase state and local governments' ability to leverage federal resources through program flexibility and novel financing tools. 23 USC 120 allows use of funds appropriated to any federal land management agency to pay the non-federal share of the cost of any FHWA-funded project in 23 USC 104 (i.e., STP, CMAQ, or Recreational Trails funds). 23 USC 162 allows use of funds appropriated to any federal land management agency to pay the non-federal share of the cost of a project that is along a public road that provides access to or within federal or Indian land. However, the land management agency must have enabling
legislation giving the opportunity to use its funds as match against another federal agency's funds.

As stated in the Federal Lands chapter of the FHWA Delegations and Organization Manual, an agency is defined as a federal land management agency if the agency has management control of federal lands. The following list is not all-inclusive for determining the federal agencies that can potentially contribute toward the non-federal cost of a FHWA project. Sponsors and/or applicants should work with WisDOT to review eligibility of each potential opportunity to match FHWA funding with other federal agency funding.

1. Department of Agriculture
2. Department of the Interior
3. Department of Defense: Bureau of Reclamation
4. Military Traffic Management Command
5. National Park Service
6. Pentagon
7. US Army Corps of Engineers
8. US Fish and Wildlife Service
9. US Navy
10. US Air Force
11. US Forest Service: Bureau of Indian Affairs
12. US Forest Service: Bureau of Land Management

With few exceptions, neither federal nor state law permits Sponsors to use federal funds to match any federal funds received from WisDOT for a Non-Traditional Transportation Project.
Therefore, communities should apply for and accept funding with the general understanding that requisite local match cannot come from federal funding sources.
In a few cases, federal funds with specific legislative authority may provide match to other federal funds. Sponsors may utilize the following federal funds to match FHWA funds:

- State and Local Assistance Act: PL 92-512
- HUD Community Development Block Grants: PL 93-383
- Public Works Employment Act of 1976: PL 94-369
- Delaware & Lehigh Navigation Canal National Heritage Corridor Act of 1988: PL 100- 692

6.12 Federal Authorization

Federal authorization is the most critical step in the development of a federally-funded project. No work may proceed on a project until FHWA grants federal authorization. The Region will notify the Sponsor in writing when a project has been authorized to begin work. **WisDOT cannot reimburse work completed prior to written notification confirming federal authorization**. Federal authorization is required for each separate phase of the project. Once a project is approved and authorized for receipt of federal funding, the Sponsor should work with the appropriate Region to move the project into the preliminary design phase.

6.13 Timeline

Project Commencement

Section 85.021 of the Wisconsin Statutes requires TAP projects to commence within four (4) years of the project award date or the grant is rescinded.

1. For Local Let Construction (LLC) projects, a project is commenced upon execution of the Contract between the Sponsor and Contractor (Vendor).
2. For Local Force Account (LFA) Construction projects, a project is commenced upon execution of the LFA Agreement between the Sponsor and WisDOT.
3. For State Let (LET) Construction projects, a project is commenced upon execution of the Contract between WisDOT and the Contractor.
4. For planning projects, a planning project is commenced when the planning study is begun.
5. For non-infrastructure projects that do not fall within any of the above categories, a project is considered commenced on the date that WisDOT receives the first Reimbursement Request (form DT1713) from the Sponsor, as noted in the 'Date Received' field.

TAP State/Municipal Agreements will outline project award date, commencement deadline, and project completion deadline. **The project commencement deadline is fixed by statute and may not be extended**.

Please note that these commencement requirements apply only to TAP and not to CMAQ projects.

Project Schedule

The Region will notify the Sponsor in writing when a project has been authorized to begin work. Consultant selection and project design must begin promptly and stay on schedule in order to meet the PS&E and Local Let dates, and the project commencement deadline. The project development process for WisDOT Local Let projects outlined in this Sponsor's Guide takes longer than a locally funded local let project because of the process and document requirements. The Sponsor is responsible for schedule monitoring and must work with the Region to ensure the project is developing in a timely manner. The WisDOT budget is based on the PS&E and Local Let dates set at the beginning of the project. If a project is delayed there may not be funding available in the subsequent fiscal year and the project may be delayed a year or more until funding is available in the budget. **PLEASE NOTE**: It is the responsibility of the Local Sponsor of the approved project to manage their project and maintain the schedule with the assistance of your WisDOT Region Local Program Project Manager (LPPM). Failure to maintain the approved schedule may jeopardize your approved Federal funding on the project. If and when scheduling issues occur, the Project Sponsor should notify the LPPM as soon as possible to help resolve the scheduling issue.

Project Completion

TAP and CMAQ State/Municipal Agreements will memorialize a specific sunset date by which Sponsors must complete a project. Sponsors must submit a Project Completion Certificate to WisDOT on or before the date provided in the State/Municipal Agreement. For example, Sponsors must complete TAP projects approved in state fiscal year 2016 by June 30, 2022 (6 State Fiscal Years).
Please note that sunset requirements apply to Non-Traditional Transportation Project SMAs approved during or after calendar year 2013. The requirement further applies to SMAs from earlier award cycles if a Sponsor submits a project scope change or project completion extension request.

Requests to extend the project completion deadline in a project SMA must:

1. explain the reasons for project implementation delay;
2. include a revised project completion timeline;
3. explain any impact of the extension upon project costs.

Sponsors must also comply with Section 6.5 of this Sponsor's Guide if submitting an extension request in combination with a project scope change. WisDOT may consider a written request to extend a project

completion deadline from the Sponsor and may approve such a request in the presence of extenuating circumstances.

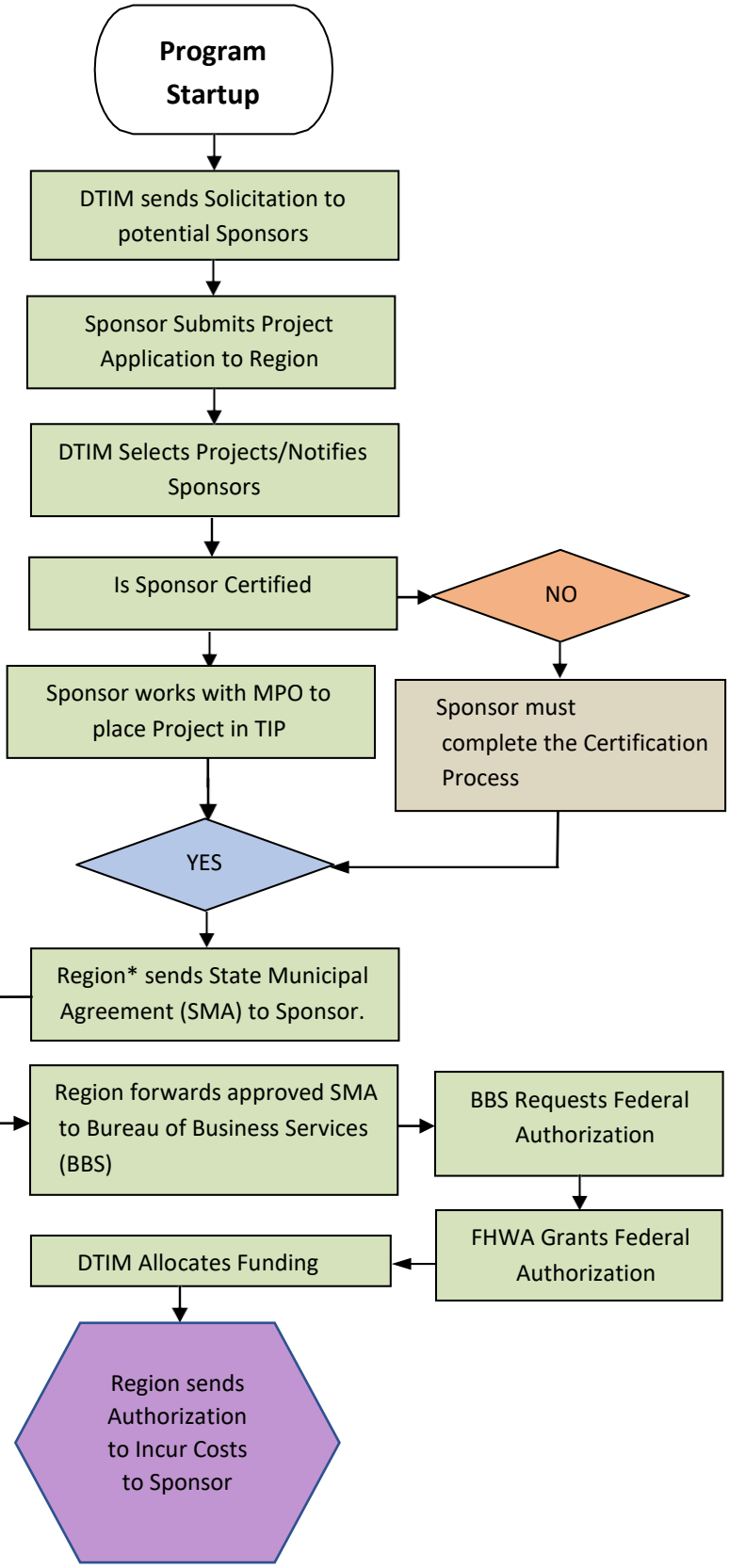
Sponsors of approved infrastructure projects should submit completion extension requests to the appropriate Region, who will forward requests to all necessary WisDOT staff.

Sometimes for varying reasons, projects must be closed before they are completed. Typically, the Sponsor must reimburse WisDOT for state or federal dollars that were already spent on that project. To close a project, the Sponsor must write a letter to WisDOT indicating that a project should be closed. That letter should be written on letter head and signed by an official authorized to enter into and out of contract obligations. Once the project is closed, if federal or state funds were spent on the project, WisDOT will request repayment of funds.

PROGRAMMING

*** For detailed Programming information refer to the Guide

Maintain all documentation in the project file.



Abbreviations

DOT - Wisconsin Department of Transportation
DTIM - Division of Transportation Investment Management
FHWA - Federal Highway Administration
LPA - Local Public Agency (Sponsor)
MPO - Metropolitan Planning Organization
Region - DOT local office

*DTIM sends SMAs to Sponsor and BBS for non-infrastructure projects.

SECTION 7: DESIGN SERVICES

7.1 Design Performed by Sponsor's Staff

It may be in the public interest for a Sponsor to use its own staff for preliminary engineering, or other services. The Sponsor must have a well-qualified and suitably-equipped engineering organization. For typical design work, this generally means having a Professional Engineer on staff. Sponsor's in-house designers must have access to all WisDOT manuals and forms. For projects such as historic preservation or complex landscaping, it may require having a suitably- certified professional in those fields. Sponsors wishing to undertake design or preliminary engineering work using their own staff should contact their Region who will make a determination on whether this will be authorized.
A two-party contract between the Sponsor and WisDOT is required if the Sponsor's design services costs will utilize federal funding. The contract defines the Scope of Services and the basis of payment, including the estimated level of effort in hours by classification and rate. A two-party contract consists of the signature pages, the two-party contract boilerplate, and special provisions. Supporting documents used to estimate the basis of pay are also attached. The Region will assist in drafting the contract.

Costs charged to the project for work done by local staff will be limited to those costs eligible for reimbursement under Office of Management and Budget Circular A-87 (OMB A-87).

Under OMB A-87, both direct costs and indirect costs are eligible for reimbursement. However, a Sponsor must submit a cost allocation plan for approval by its cognizant agency in order to be reimbursed for indirect costs. For Sponsors that do not have a cognizant agency, the cost allocation plan should be discussed with the Region and will be coordinated with the WisDOT Chief of Audit in the Bureau of State Highway Programs. Cost allocation plans do not need to be submitted if the only indirect costs to be recovered are fringe benefit costs.

7.2 Design Performed by Consultant

The Sponsor may decide to contract with a Consultant Engineering Firm to perform their project design. The Sponsor can use federal funds or local funds for the consultant design services costs.
If the consultant design services costs utilize federal funds, a Three-Party Design Engineering Services Contract is required, and the Sponsor must follow Federal Regulations. The Brooks Act requires that consultant selection must be made on a Qualification Based Selection (QBS) process. **The QBS process prohibits selection criteria based on cost, i.e. you cannot ask for price quotes to select a low bid.** Requests for priced proposals or other consideration of price in the selection process will deem any costs incurred for design ineligible for federal participation. The consultant selection process must be open to all qualified consultants. Location of a consultant within political boundaries may not be considered in the selection process. Geographic proximity to a project may only be considered when there is a demonstrated advantage to having a consultant close to the project. Geographic preference may constitute no more than 10% of criteria awarded in the selection process. The consultant is selected on their qualifications and approach to the project; then a contract is negotiated at a fair price based on the Scope of Work. If the Sponsor and consultant selected cannot agree on price, the Sponsor can go to their next choice. WisDOT must approve the consultant selection prior to negotiation of a contract with the selected consultant.

FDM 8-20 discusses the selection process for the Local Program. The FDM contains a Consultant Interview Rating Sheet, Local Design Selection Approval Checklist, and sample notification letters to use to document the process. The Region will also monitor the selection process to ensure federal requirements are met and can assist the Sponsor with the process. **However, the selection for a three-party design**

contract is the sole responsibility of the Sponsor so the Region will not participate in the selection decision.

Small Purchase Procedures may be utilized for contracts as per FDM Chapter 8. Discuss this option with the Region if it is applicable.

Unless the contract qualifies as a small purchase, use of a Sponsor's created roster could be problematic. The creation of a Sponsor's roster must also follow the QBS selection process, i.e. **advertise** for potential services that could be contracted for with the qualified firms selected for the roster. Most Sponsor-created rosters are generated in a way that does not include fair and open advertisement and therefore does not follow federal requirements.

WisDOT maintains a Roster of Eligible Engineering Consultants. To be eligible to perform engineering services, a firm must be on that roster. Some Non-Traditional Transportation Projects may not require the use of a consultant from the Roster for specialized services, (e.g. historic preservation, environmental services, hazmat). If a consultant is not required to be on the Roster, they still need to get an approved overhead rate with WisDOT before the contract can be approved. Consult with your Region to determine if the consultant must be on the Roster to be selected.

There may be scenarios where a consultant performing duties for a Sponsor may be ineligible to contract for federally-funded project work. If a Sponsor utilizes a consultant engineering firm, they must understand and abide by the WisDOT Conflict of Interest Policy when selecting consultant firms. WisDOT Conflict of Interest Policy can be found in FDM 8-5-3 as well as the contract boilerplate language. Further guidance regarding Consultants in Management Roles in Local Government is found in FDM 8-5-55.

The Three-Party Design Engineering Services Contract is between WisDOT, the Sponsor, and the Consultant. The contract defines the Scope of Services and the basis of payment. The Sponsor must be familiar with the entire contents of Chapter 8 of the FDM. **The Basis of Payment contract language shall be structured such that the Sponsor is responsible for payment to the consultant**. The Sponsor will seek reimbursement from the Department as defined in the State/Municipal Agreement. The Region will assist with drafting of the contract and the negotiation process.

If the consultant design services will be 100% locally funded, a two-party contract between the Sponsor and the consultant is required. The Sponsor will be responsible for the consultant selection and contract administration. The consultant is not required to be on WisDOT Roster of Eligible Engineering Consultants, but it is recommended. The Region will still perform oversight for the Department; cost responsibility will be documented in the State/Municipal Agreement.

7.3 Facilities Development Process

The WisDOT Facilities Development Process defines the procedures approved by FHWA for complete project delivery. A qualified designer should be familiar with the FDM and apply the standards and procedures outlined in designing transportation projects.
Throughout this Sponsor's Guide, references and links direct the Sponsor to the pertinent section of the FDM. The FDM is updated on a regular basis; the user must be sure to be using the most recently updated version. This is best assured by using the electronic version on the WisDOT website. Chapter 3 of the FDM explains the Facilities Development Process, and Chapter 11 discusses the design standards and the process of obtaining an Exception to Standards. Chapter 19 discusses Plans, Specifications, and Estimates (PS&Es), and Chapter 20 provides guidance on Environmental Documentation, including the Categorical Exclusions (CEC or PCE).

For certain projects, particularly historical preservations, the FDM may not be applicable, and the Sponsor will need to consult with qualified professionals for the conforming project development.

SECTION 8: ENVIRONMENTAL PROCESS

The environmental process is a critical decision-making element of the Preliminary Design Phase. Preliminary design is necessary to determine impacts, and the decision has to be made as to how much design needs to be done in the NEPA process. To emphasize its importance, this section was pulled out of Section 10: Project Design Delivery. You may need to refer to Section 10 in conjunction with this section to complete the documentation required of the Environmental Process.

8.1 Type of Action/Environmental Document Type

When a submitted project develops into an approved project, it should be assigned an Environmental Action FDM 20, discusses Environmental Action Types. If you have questions regarding which action type fits your project, contact the Region.

The majority of Non-Traditional Transportation Projects will have minimal impact to the environment and can be documented with a Categorical Exclusion Checklist (CEC). This Sponsor's Guide will familiarize Sponsors with the process to complete environmental document.

If your project warrants a higher level of environmental documentation such as an Environmental Report (ER), Environmental Assessment (EA), or Environmental Impact Statement (EIS), the Sponsor's designer must be qualified to complete the environmental process. Some projects may require the professional services of an environmental and/or cultural resource (archeological/historic architectural) consultant. Such a qualified consultant should be familiar with NEPA, WEPA, Section 106 and the FDM.

8.2 Environmental Documentation Process

Following the determination of the appropriate action type, the development of the subsequent environmental document follows a review and approval process prescribed by the Federal and State environmental regulations.

8.3 Scoping

The purpose of scoping is to identify issues and the range of alternatives to be addressed during environmental analysis very early in the process. Scoping and the public involvement process provide a good means of meeting the documentation and concurrence requirements of environmental actions. During the scoping process, related environmental requirements, such as Section 404 permits, Section 4(f) evaluations, Section 6(f) determinations, hazardous materials investigation, noise study reports, Section 106 and Section 7 Endangered Species Consultation are identified so that required analysis and studies can be integrated into the environmental document. Environmental justice concerns may also be identified during this process. The designer must also investigate the requirements for the applicable Wisconsin DNR Permits and process the necessary applications.

Public involvement is an essential part of the environmental process. Some level of public involvement is required for all projects. Sponsors are encouraged to hold one Public Involvement Meeting (PIM) on every project. Public Involvement guidance is found in FDM 6.

A PIM is required, if your project warrants an environmental action of an ER, EA or EIS. In addition, any project affecting a historic or archeological resource, requiring Section 106 involvements, requires a PIM.

Refer to FDM 6-10-1 for information on how to hold a PIM.

It is important to identify potential stakeholders. Examples of potential stakeholders include but are not limited to:

- Federal, State and local agencies
- Native American Tribes
- Other local interest groups such as organizations related to environmental, bicycling, conservation, sportsman, business, schools, etc.
- Minority and low-income environmental justice populations

8.4 Native American Tribal Notification

The Tribal Historic Preservation Officer (THPO) for the Native American Tribes should be notified of WisDOT administered and supervised projects. Refer to FDM 26-5-1 and https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/environment/cultural-resources.aspxfor guidance in preparing and notifying applicable tribes.
Note EIS project types requiring additional tribal notification(s), please refer to FDM 26-5-1 and FDM 5-15-10 for more information.

8.5 Screening List

One field of the Section 106 Review sheet asks if the project is on the Screening List. This pertains to the WisDOT Environmental Process and Documentation Section screening list for WisDOT administered and supervised let projects. It is a list of projects that have been determined to pose no significant impact to the cultural resources and will not require further investigation. Non-Traditional Transportation Projects are eligible to use the WisDOT archaeological and historical screening process if they meet the criteria under FDM 26-5-1. The Designer should consult FDM Chapter 26 for guidance in completing the Section 106 process. The Region will assist with placing the project on the Screening List.

Locally let projects are not subject to the WisDOT/DNR Cooperative Agreement; therefore, DNR permitting is often required. In reviewing permit applications, the DNR conducts Archaeological and Historical Resource screening. **Please note, DNR screening for archaeology or history does not constitute WisDOT/FHWA approval.**

8.6 Section 106

Section 106 of the National Historic Preservation Act of 1966 (NHPA) and it's implementing regulations (36CFR 800) requires that the Sponsor proposing an action must "take into account" the effect of a project on cultural resources and it must "afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment". Cultural Resources can be historical or archaeological in nature. Chapter 66 Wis. Statutes require the Local Municipality to determine if the proposed project will have an effect on the cultural resource and notify the State Historic Preservation Officer (SHPO) of any proposed action it determines would affect any resource.
Section 106 Review Archaeological/Historical Information (form DT1635) provides a format for documentation and is linked in FDM 25-10

The first step is to determine if there is a historic or archeological resource or property within the Area of Potential Effect (APE) in the project limits. If the project does not meet the criteria to be placed on the Screening List, a qualified historian and/or archaeologist is required to determine if historic properties exist in the Area of Potential Effect (APE) and any effects the project may have on the resources. If any

resources are identified, further investigation by the historian and/or archaeologist is required. The Section 106 clearance is then documented in the environmental document.

Burial Site(s)/Cemetery(ies)
Wis. Stat. 157.70 Burial Sites Preservation: Under Wisconsin's Burial law, no burial site/cemetery may be disturbed without a permit/authorization from the director of the Wisconsin Historical Society. If you are not able to avoid the burial(s) go to FDM 26-25 for guidance.

If your project is near a burial site or cemetery, immediately contact the Region before conducting any investigation.

8.7 Air Quality

If the project is in an air quality non-attainment area for ozone or particulate matter a conformity analysis may be required. If the area is under the jurisdiction of a MPO, the MPO will perform the analysis. If the area is not under the jurisdiction of a MPO, the Sponsor will be responsible for the conformity analysis. Assuming that the project meets the air quality criteria, it is added to the annual TIP, which is reviewed and approved by the MPO Policy Board per FHWA.

8.8 Agency Coordination

Federally funded Non-Traditional Transportation Projects require the project designer to notify appropriate Federal, Tribal, State and Local Agencies of the project activities and solicit their concerns and comments. For guidance, Attachment 1.1 of FDM 5-1-1 lists most agencies and the areas of interest of each. The attachment is not all-inclusive, but it does represent the agencies contacted most often and their involvement. Send a letter to the appropriate agencies and include a description of the scope, timeframe of the project and provide contact information for reply. The letter should provide as much detail about the project impacts as known. Agencies routinely request further information to complete their concurrence letters. The project schedule should incorporate adequate response time for the agencies and the coordination should be implemented as early in the design process as is feasible. **The Region will send letters for Tribal Notification**.

There are two agencies where coordination will differ from the FDM guidance. Non-Traditional Transportation Projects that are locally let are not eligible for concurrence through the cooperative agreements WisDOT has with Department of Agriculture, Trade and Consumer Protection (DATCP) and the Wisconsin Department of Natural Resources (DNR). The coordination with these agencies needs to be clear that these projects do not fall under the cooperative agreements.

DATCP

Non-Traditional Transportation Projects that are Locally Let are not eligible for DATCP concurrence through the WisDOT/DATCP Cooperative Agreement. Local Let projects that are located entirely within the boundaries of a city or village are exempted from Agricultural Impact Statement requirements. See: https://datcp.wi.gov/

DNR

Non-Traditional Transportation Projects that are Locally Let are not eligible for DNR concurrence through the WisDOT/DNR Cooperative agreement and are subject to DNR Permitting. Please refer to the DNR website https://dnr.wi.gov/permits/to determine if you need a DNR Permit.
Obtain any required permits and keep in project file, submit permits with the environmental document or Project Proposal Certification. Permits may take up to 90 days for DNR review. Typical Permits that are

often required are NR 216 Storm Water Discharge Permits, NR 103 Water Quality Standards for Wetlands, Chapter 30 Navigable Waters, Harbors and Navigation and Endangered Species Screening.

To determine what specific permitting attachments, you will need for your environmental document, please see below:

1. On projects with an environmental impact which will require a specialty permit (impacting a river, lake, wetland), the Sponsor should request a pre-application on-site meeting with the local DNR permitting person and obtain DNR initial comments including endangered resources screening results. Attach this to the draft environmental document. You could also apply for and receive the permit and attach to the draft environmental document.
2. On projects with minimal environmental impact, the Sponsor will provide a listing of anticipated permits that will be secured prior to draft PS&E (such as the standard grading permit if you are disturbing more than 1 acre). Please reference the permit wizard on the DNR website as noted above. Include a commitment listing the required permits and that they will be obtained prior to draft PS&E.
3. With reference to endangered resources, each project is required to have an endangered resource evaluation completed prior to the environmental document being submitted.
    1. Standard DNR permits (NOI-NR 216, Chapter 30, etc.) screen for endangered resources as part of the process. If permits are obtained, or the DNR initial comment letter includes the endangered resources screening results, the evaluation is complete.
    2. If DNR permits are not obtained yet or are not required, then request the DNR Endangered Resources Review (ERR): Attach the ERR results to the draft environmental document.

Your project will be required to have all approved permits in place prior to the final structure submittal, if applicable, or prior to the draft PS&E package submittal.

The Municipality and/or County in which the project is located may also require permitting or notification.

8.9 Hazardous Materials

Various State and Federal laws restrict using State or Federal funds to knowingly acquire real estate that contains hazardous waste. These laws and regulations require the cleanup or mitigation of hazardous materials prior to construction of a transportation facility. To determine whether there is the potential for hazardous waste encountered on the project, complete the Initial Site Reconnaissance Checklist for the project, considering the land the project will be constructed on and also the surrounding area. Complete the Parcel Reconnaissance Checklist for each parcel that has a red flag and for each parcel that will have a permanent real estate interest. These checklists are in Appendix B of the Sponsor's Guide. If the project involves any non-exempt bridge work, conduct an asbestos inspection following the process in FDM 21-5. The list of exemptions is found in 21-5-1 1.1.2

If the project requires excavation depths of two feet or greater or if the Initial Site Reconnaissance Checklist or Parcel Reconnaissance Checklist show potential for Hazardous Materials, a Phase 1 Hazardous Materials Assessment must be completed. See FDM 21-35.
In areas in which an easement is acquired, a Phase 1 Hazardous Materials Assessment is only required if the excavation depths within the easement will be two feet or greater.

8.10 Section 4(f)

Section 4(f) evaluation is required when the project may impact a public park, recreational area, historic site, wildlife refuge area, or other public area. FDM 20-45-5 covers the Section 4(f) evaluation process. The FHWA Section 4(f) Policy Paper also provides information on Section 4(f).

8.11 Categorical Exclusion Criteria Checklists (CEC)

Certain project types have been approved to meet the requirements for categorical exclusion for environmental documentation as per 23 CFR 711.117 (c) and (d). www.ecfr.gov A Categorical Exclusion Checklist (CEC) may apply according to project type as listed in 23 CFR 711.117 (c) or (d) respectively. www.gpo.gov.

Categorical Exclusion templates may be found at http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/environment/formsandtools.aspx. Designers must consult FDM 20 for guidance on ER, EA and EIS documentation (See Section Sponsor's Guide 8.12). The Region can provide guidance for your environmental document.

In the environmental document, the Designer must articulate the project Purpose and Need clearly. The Purpose and Need should be as comprehensive and specific as possible. Information on factors such as safety, system linkage, social demands, economic development and modal Interrelationships, etc., that the proposed project will attempt to address should be described as fully as possible. There must also be a comprehensive Description of Proposed Action.

The CE Checklists (CEC) contain a series of questions intended to identify if the project meets the criteria for a categorical exclusion or if further investigation is required. If the answer to every question fits the **meets criterion** field, the environmental analysis is complete. Attach a project location map, Section 106 or ESS Screening documentation, Preliminary Plans (see Section 10.2 for contents), DNR coordination (see Section 8.8 for requirements), any other agency coordination, and the hazardous material documentation Initial Site Reconnaissance Checklist, Parcel Reconnaissance Checklist, or Phase 1 Hazardous Materials Assessment Approval and Recommendations and submit to the Region for review. Once the environmental document is finalized, the Region will process it for WisDOT approval.

Do not proceed with Final Design until you receive written approval of the environmental document and Design Study Report if required.

8.12 Environmental Report (ER) or Environmental Assessment (EA)

If any answer on the Categorical Exclusion Checklist fits the Criterion Not Met field, the project may be complex enough to warrant an ER or an EA. The ER must be approved by FHWA. The EA must also be approved by FHWA and will lead to either a Finding of No Significant Impact (FONSI) or the determination that an EIS must be prepared for the project.

The Designer must consult FDM 20 for more information about ERs or EAs If your project requires an ER or an EA, the Designer should be experienced with environmental documentation and the guidance in the FDM. These documents will require additional documentation (completion of ER or EA Template for the Environmental Evaluation of Facilities Development Actions and any applicable factor sheets) along with agency coordination. Potential examples of required documentation may include but are not limited to a Section 106 Review, Section 4(f) Evaluation, or Noise Analysis.

The ER and EA Template for the Environmental Evaluation of Facilities Development Actions may be found on the Environmental Programs webpage: https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/environment/formsandtools.aspx

Do not proceed with Final Design until you receive written approval of the environmental document and Design Study Report if required. Maintain all environmental documentation in the project file.

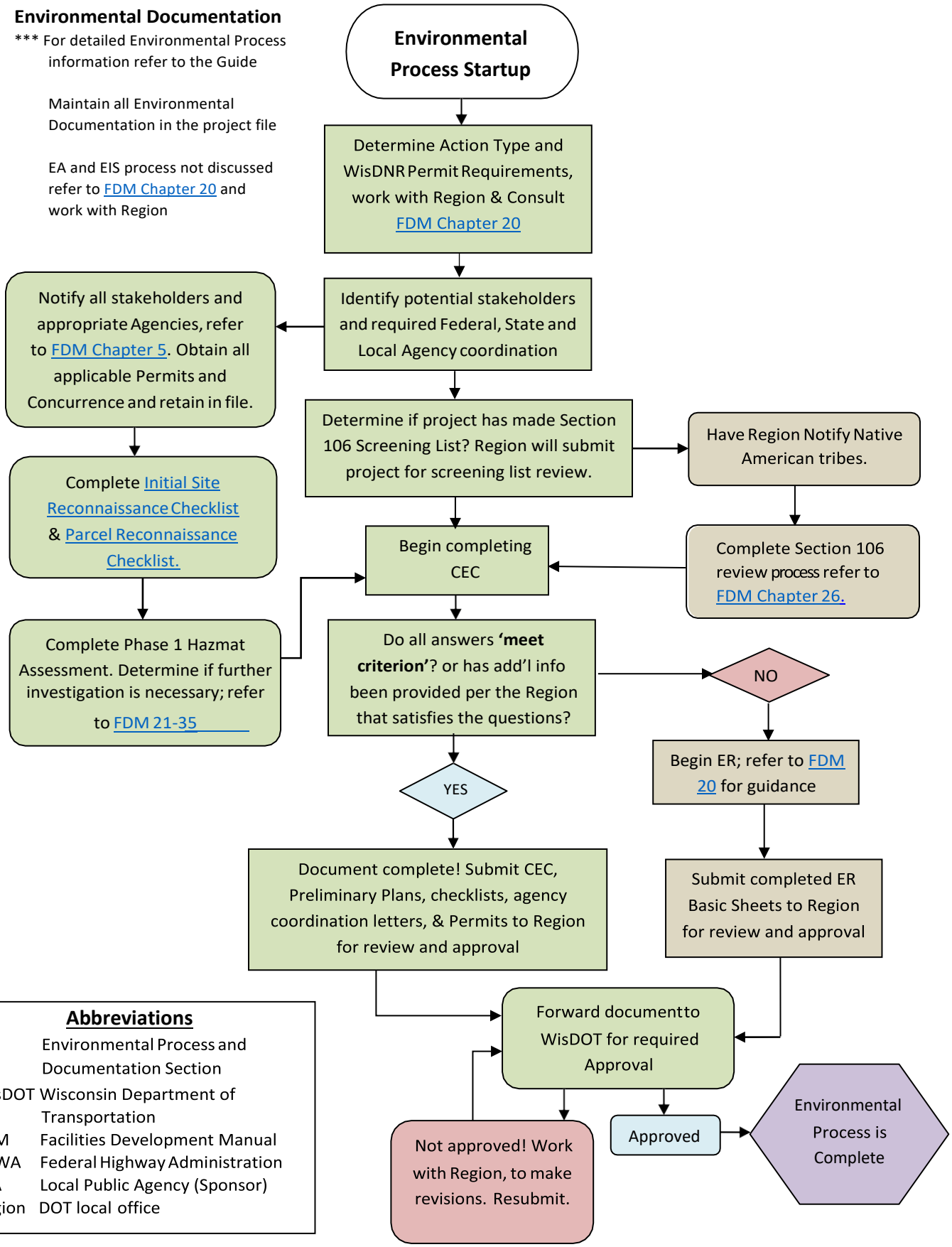
Ensure Environmental Commitments and any necessary special provisions are included with construction contract documents to be let. Also ensure environmental document and commitments are conveyed to construction project management team to ensure follow through of Environmental Commitments.

Environmental Documentation

*** For detailed Environmental Process information refer to the Guide

Maintain all Environmental Documentation in the project file

EA and EIS process not discussed refer to FDM Chapter 20 and work with Region



Abbreviations

ESS	Environmental Process and Documentation Section
WisDOT	Wisconsin Department of Transportation
FDM	Facilities Development Manual
FHWA	Federal Highway Administration
LPA	Local Public Agency (Sponsor)
Region	DOT local office

SECTION 9: REAL ESTATE

If real estate is needed for a project and Federal/State funds are used in any phase, or the property was purchased in anticipation of the project, Federal laws and regulations as well as State Statutes and policy must be followed. Purchasing real estate with Federal/State funds is complicated and time consuming. State Real Estate laws regarding the purchase of property for highways and Non-Traditional Transportation Projects are in compliance with Federal Real Estate requirements. A file will need to be maintained to show how the property was acquired regardless of the funding.

Specific procedures must be followed whenever Federal/State funds are used for the acquisition of real estate. The same procedures apply to all projects, traditional (highway and bridge construction) and Non-Traditional (bicycle lanes, park & ride lots, purchasing a historic depot, etc.). This section provides a very brief overview of these procedures. WisDOT Real Estate staff developed the Local Program Real Estate Manual (LP RE manual). It provides information and forms for the real estate acquisition process in the local program.

It should be noted, however, that this is a supplemental manual to the WisDOT Real Estate Program Manual (REPM) which provides much greater detail in regard to real estate requirements and procedures.

The minimum real estate procedures are based on the following laws and regulations**:**

- Sections 32.05, 32.09, 32.19, and 32.195, Wisconsin Statutes
- The Department of Administration, Administrative Rule Adm. 92
- Federal Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970 as amended (Uniform Act)
- ***49 Code of Federal Regulations Part 24*** for implementation of the Uniform Act

Note, there are three important issues that are a point of emphasis in the acquiring of real estate for the local program:

1. ROW that has been acquired in anticipation of a project must be properly documented proving that the Federal and State laws and regulations were followed. If you have acquired ROW in anticipation of this project be prepared to provide your documentation for review – whether you are proving you followed the requirements or if you are seeking exception from the Uniform Act.

2. Clear title is an essential element in protecting the land owner as well as properly acquiring interest in real property. A partial release of mortgage is required on any FEE or permanent easement taking where there are other parties of interest named in the property title. The Sponsor must be willing to pursue these releases and if not able to obtain are willing to acquire via a Jurisdictional Offer /Award of Damages. More guidance on the policy and procedures regarding clear title can be found in Chapter 6 of the LP RE Manual.

3. Condemnation Limitations

   September 21, 2017, Assembly Bill 64 was passed. It now incorporates limitations to condemnation authority:

   "Property may not be acquired by condemnation to establish or extend a recreational trail; recreational trail; a bicycle way, as defined in s. 340.01 (5s); a bicycle lane, as defined in s. 340.01 (5e); or a pedestrian way, as defined in s. 346.02 (8) (a)."

WisDOT's view of the new real estate restrictions is that condemnation CAN be used for sidewalk projects (new and replacement) and for replacement of existing bike paths (lanes and trails). Condemnation cannot

be used for any other NEW pedestrian way or NEW bike paths (lanes and trails). This also includes the EXTENDING of new trails, and bike or pedestrian ways. Note, this is WisDOT's current interpretation. It is subject to change. LPAs should have its legal staff review the new law to determine how it affects its transportation project.

Consideration of how this law may affect the project is paramount. Any questions or concerns should be address early on in the project preferably during design. DO NOT WAIT until acquisition is underway to troubleshoot if the project falls into this category.

Extreme caution should be used if a Sponsor is planning to introduce other funding sources such as DNR Stewardship grant money or earmarked funds into a project. When accepting Federal/State transportation funds, the Sponsor has agreed to follow its laws, regulations and requirements. Consult the Region if you have acquired real estate in anticipation of a project with either your own funds or by another source.

On Federally funded real estate projects, do not begin work or incur any costs until the Region has notified you in writing that the project is authorized to incur costs. Costs incurred prior to authorization for expenditure are never reimbursable.

Real Estate that has been purchased with federals funds cannot be sold without prior approval from the WisDOT and concurrence from FHWA. All properties acquired with federal funds require a reimbursement at the same pro-rata share as the original purchase. For anticipated disposal of property acquired with State or Federal funds, contact your Region.

Real Estate that is purchased for historical projects will require language in the deed of purchase to include a condition for maintenance of the historical investment.

Because of the effort required to administer Federal funds for real estate, Non-Traditional Transportation Projects require that a minimum of $100,000 for real estate be included in the projects or the Sponsors should plan on covering all real estate separately with local funds. This still requires compliance with Federal and State real estate procedures per the Uniform Relocation Act (URA), but the paperwork and Region approval process will be somewhat streamlined as a result.

For SRTS projects on private land, there must be a written legal easement or other written legally binding agreement that ensures public access to the project. There must be an easement filed of record, which specifies the minimum length of time for the agreement to maximize the public investment in the project. The State/Municipal Agreement should clearly state in writing:

- The purpose of the project
- The minimum timeframe for the easement or lease
- The duties and responsibilities of the parties involved
- How the property will be used and maintained in the future

The project must remain open for general public access for the use for which the funds were intended for the timeframe specified in the easement or lease. The public access should be comparable to the nature and magnitude of the investment of public funds.

Reversionary clauses may be appropriate in some instances. These clauses would assure that if the property is no longer needed for the purpose for which it was acquired, it would revert to the original owner.

The Right-of-way (R/W) and Real Estate (R/E) Checklist, see Appendix B, is current and reflects changes in the Local Public Agency Manual for Right of Way Acquisition.

The most current version of the LPA guide will be the basis for real estate requirements. The Right-of-Way (R/W) and Real Estate (R/E) Checklist is only required for projects that have real estate acquisition.

The Certificate of Right of Way (RE1899) is required for all projects, regardless if real estate is purchased or not, and maintained in the project file. Cert 1 is required prior to requesting construction authorization.

SECTION 10: PROJECT DESIGN DELIVERY

10.1 Preliminary Engineering Checklist

The first task in the Project Delivery Phase is to complete the Preliminary Engineering Checklist, see Appendix B. The questions in the checklist are designed to identify components of the project where coordination with outside agencies may be needed, as well as identify certain forms that are required to be completed. Each question also identifies the pertinent reference to the Facilities Development Manual, the Local Public Agency Manual for Right- Of- Way Acquisition, WisDOT Standard Specifications, and other WisDOT manuals.

Answer each question based on the understanding of the project to date and submit a copy of the checklist to the Region. The Region will review and coordinate if further documentation is required. Keep a copy of the Preliminary Engineering Checklist in the Project File.

Milestone schedule and approval dates need to be recorded and submitted to the Region via the Bi-Monthly Schedule Work Sheet. This work sheet must be submitted every two months, failure to do so will delay reimbursement requests and project delivery.

10.2 Preliminary Plans

A preliminary plan should be submitted prior to or accompany the Section 106 or environmental document submittal. Preliminary plans should include enough information so that the plans can be evaluated to confirm that design standards are met, and site-specific challenges are identified and addressed. Examples of information that should be included are the following:

- Existing and proposed typical sections
- Curve radii
- Running slopes
- Clear width
- Delineation of environmentally-sensitive areas (wetlands, rivers, lakes, etc)
- Project limits
- Slope intercepts for grading activities
- General site information (adjacent road names, major properties, parks, etc)
- Proposed structures
- Property lines
- Proposed R/W acquisition
- Utilities

Plans do not need to be in the WisDOT State LET template. Plans should be developed and submitted in 11x17-inch format, include the WisDOT ID and project title, and be identified as federally-funded on the title sheet.

10.3 Railroad Coordination

If the project crosses or is within 1,000 feet of a railroad (including work zone traffic control devices), contact the Region early in the project development process. The Region will begin the coordination with the Regional Railroad Coordinator (RRC). The RRC handles railroad coordination through Division of Transportation Investment Management (DTIM). When Federal or State funds are used, DTIM must negotiate the necessary arrangements with railroad companies for stipulations, agreements, and land rights that would be needed to construct grade separations or install crossings and crossing warning devices.

DTIM will also provide guidance to the Region to assist with acquisition of necessary railroad land rights using Sponsor funds.
Corridors preserved under the Federal Trails Act are not considered to be abandoned and must be preserved for the future resumption of railroad service.

The Office of the Commissioner of Railroads (OCR) has jurisdiction over at-grade and separated highway-railroad crossings. On projects involving the creation of new or an alteration, including closure of existing highway/recreational trail-railroad crossings, OCR approval is required. DTIM will make the necessary arrangements when State or Federal funds are used. FDM Chapter 17 provides details for the railroad coordination process, specifically 17-20-5 which details the estimated lead times for coordination which are long.

Regardless of the level of railroad involvement, all projects require approval of the Certificate of Coordination of Railroad Work with Highway Construction ((form DT1804) prior to WisDOT approval of the PS&E.

10.4 Utility Coordination

Within the terms and conditions of the executed Project Agreement, WisDOT policy and/or requirements are set forth in-regards to utility coordination. Sponsors are required to conform with the following:

- The utility coordination process outlined in the WisDOT Guide to Utility Coordination Chapter 17.
- Unless the sponsor adopts a policy, which has equal or more restrictive controls, utility coordination must also be performed so that it is in accordance with the WisDOT utility accommodation policy. This is spelled out in the Highway Maintenance Manual.

Some utilities are visible on the surface of the ground or in the pavement, but there may be more located beneath the surface. Accurate identification of all affected utilities during the design phase helps avoid construction delays, worker injuries, unscheduled utility outages, cost overruns, and litigation. It is imperative that the location of these facilities be accurately determined to define the areas of conflict with your project's proposed improvements. Most utilities are members of the Diggers Hot-Line and will locate their facilities with one call. Some municipal facilities and individually-owned utilities may not be associated with Diggers Hot-Line and may require extra effort to locate the owners to have the facilities marked.

Many Non-Traditional Transportation Projects will not involve work on an STH. In these cases, the Local Project Utility Coordination Task List, see Appendix B, will provide guidelines on handling utility work on these projects. This checklist should be filled out at the beginning of the project and submitted to the Region for discussion. The checklist should be referred to throughout project development in order to make sure that the appropriate coordination is completed and the Plans, Specifications, and Estimate (PS&E) and other documents are developed in accordance with the executed State/Municipal Agreement, WisDOT procedures for Utility Coordination, and program guidelines. The checklist should be updated as needed during final design and submitted with the PS&E package. **In cases where your project is in State Trunk Highway (STH) right-of-way and involves utility work, different procedures may apply**. If in doubt, please contact your Region for guidance.

The responsibility for the preparation of the Utility Special Provisions should be addressed in the early stages of the project, and the process should be addressed in detail. Urban projects may typically require

one or more utility coordination meetings in addition to the Utility Work Plan to ensure that the language in the special provisions properly portrays the situation the contractor will encounter when work starts.
When a utility has a land interest or easement within the area being acquired for a project, the relocation or adjustment of facilities within this area is considered to be eligible for reimbursement of relocation cost. Such costs are eligible for reimbursement as part of the project, and they do count against the maximum dollar limit for the project if it is capped. The acquisition of utility parcels is the responsibility of the local unit of government.

The preferred way to fund compensable utility relocations on Non-Traditional Transportation Projects is for local units of government to fund 100% of the utility portion of the project. This includes utility facilities owned by municipalities, cooperatives, private individuals, or companies. Although acquisition of utility parcels is technically eligible for participation, it is not the preferred method for funding compensable utility relocations on these projects.

In order to reduce administrative costs, only large compensable utility relocations (in excess of $50,000 per utility) are eligible for Federal/State funding. Smaller compensable utility relocations will continue to be funded entirely by the local unit of government.

Approval must be obtained from the Utility and Access Unit within the Bureau of Technical Services before State or Federal funds are to be used to pay the cost for utility relocation on Non- Traditional Transportation Projects covered by this document.

Regardless of the level of utility involvement, all projects require approval of the Utility Status Report (form DT1080) prior to WisDOT approval of the PS&E. This form and instructions on how to complete the form are located on the Local Program Agency Tools/job-aid.

10.5 Structures

When your project involves a structure (bridges, boardwalks, culverts, retaining walls, sign bridges), a preliminary and final plan submittal to the WisDOT Bureau of Structures (BOS) is required. Structures must follow the design requirements in the WisDOT Bridge Manual.
Boardwalks are not considered "bridges" when their clear spans are less than or equal to 20 feet, and their height above ground and/or water is less than 10 feet. Boardwalks falling under these constraints do not need to be submitted to BOS and are not required to follow the design requirements in the WisDOT Bridge Manual, but do need to follow the standards established in the Wisconsin Bicycle Facility Design Handbook. Retaining walls are not submitted to BOS when they meet the definition of a minor retaining wall as defined in FDM 11-55-5.2 and in the WisDOT Bridge Manual (WBM) Section 14.1.1.1 (Wall Numbering System). All other retaining walls follow the requirements of the WisDOT Bridge Manual and are submitted to BOS. All structures, including Overhead Sign Supports, will need to be submitted to BOS for acceptance and inventory in the Highway Structures Information System.

The submittals for preliminary and final plans are to be ESubmittals. In order to ESubmit, the designer will need to register and obtain a user ID and password. ESubmit information can be found in FDM 15-5-10, 19-10-1, and the WisDOT Bureau of Structures Highway Structures – WisDOT LRFD website.

The WisDOT Bureau of Structures Highway Structures – WisDOT LRFD website includes the WisDOT Bridge Manual and other applicable information.

The checklist and Structure Survey Reports are located at:
https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/strct/survey.aspx

All submittals are first sent to the Region. Once the Region checks the document for completeness, the designer should then ESubmit the document to BOS for preliminary review. Once the designer receives preliminary review comments, they are responsible for making the necessary changes, re-submitting to the Region for a completeness check, and then finally ESubmitting the final plans to BOS for review.

As outlined in Section 7, Non-Traditional Transportation Projects that are locally LET are not eligible for DNR concurrence through the WisDOT/DNR Cooperative Agreement and are subject to DNR permitting. The structure submittals for these projects vary from traditional State LET projects because of this, and these differences are as follows:

- The structure plans do not need to be in WisDOT format.
- The ESubmittal comments field must include "non-traditional locally LET project" and the "Notify Additional Affected Parties" field must include the Region email address.
- The Structure Survey Report forms:
  - Fields for the PS&E and letting dates: Include the scheduled PS&E and letting dates and add "Locally LET" after both dates.
  - Additional Information section: Include "This is a locally LET project that follows the Sponsor's Guide to Non-Traditional Transportation Project Implementation. The DNR Chapter 30 permit will be included in the final structure submittal."

Include basic hydraulic data, such as estimated or calculated high-water elevation and velocity through the bridge (if available) on the structure plans. WisDOT will not typically review the hydraulic calculations for compliance with floodplain requirements; however, WisDOT will review the size, type, and location of the proposed structure. New or replacement structures on public roadways require scour calculations and scour critical code information to be provided on the structure plans. Provide a copy of the Chapter 30 permit with the final structure submittal for BOS record keeping and documentation of DNR approval of hydraulics.

The preliminary structure design, or TS&L (type, size, & location), should be submitted at the preliminary plan stage. Structure types can have an impact on the wetland impacts and real estate needs, so this should be determined before the environmental document submittal. Six to eight weeks should be allotted for the preliminary plan review.

The final submittal must be sent to BOS a minimum of two (2) months before PS&E/Request to Advertise. Once accepted by BOS, the designer shall insert the BOS signed and dated accepted plans into the LLC package.

10.6 Local Force Accounts

Competitive bidding is the principal means to award Federal-aid contracts. However, there may be situations that support the use of a contracting method other than competitive bidding. Local Force Account (LFA) agreements may be approved if using local forces is proven to be more cost effective. The consideration of using a local force account agreement requires a cost effectiveness determination as well as an evaluation and prequalification that the Sponsor is "adequately staffed and suitably equipped". **WisDOT procedures require a Sponsor to be prequalified to perform the work**. In order for a local public agency to be "adequately staffed and suitably equipped", they must be able to essentially complete the work with their own forces and their own equipment.

FHWA is continually ensuring that work performed via local force account agreements complies with Federal requirements. Some of the recent policy changes for LFA agreements include: Sponsor can only perform work on their own system, they must complete the work with their own forces and equipment (limited rental of very specialized equipment may be allowed), and they must document that they are adequately staffed and suitably equipped by submitting a Prequalification – Local Force Account Projects (form DT2300) for review and approval. If a municipality is not equipped to undertake a certain type of work (e.g. miscellaneous concrete work, paint striping, etc.), that work could be competitively bid with local forces doing the remaining work. The bid will need to make this clear and ensure the work is coordinated. The competitively-bid work would not be part of the LFA.

No longer will WisDOT differentiate CMAQ and TAP agreements from the typical Local Force Account (LFA) agreements used for many highway construction and maintenance activities. Once it is decided that the Sponsor intends to construct a project via LFA, the policies set forth in the FDM will be followed. These policies are documented in FDM Chapters 3-5-10, and 19-25-5. The Sponsor is responsible for submitting all of the necessary forms for LFA work per the FDM. Additional guidance on LFA policy can be found at:
https://wisconsindot.gov/rdwy/fdm/fd-03-05.pdf#fd3-5-10
https://wisconsindot.gov/rdwy/fdm/fd-19-25.pdf

Because CMAQ and TAP programs have statutory grant authority, the Governor's signature executing the agreement is not required. The signature of the Agreement for Construction – Local Force Account (form DT2056) by the Director of the Bureau of Project Development acts as the execution of the agreement.

Following the Facilities Development Manual for developing Local Force Account Agreements takes care of the following issues:

- Determination if the Sponsor is "adequately staffed and suitably equipped" through the prequalification process. (FDM 3-5-10 Attachment 10.1).
- Because Federal and State law requires competitive bidding of most road construction projects administered by WisDOT, it is necessary to determine if it is cost effective to make an exception and allow public employees to build the project.
- Projects that cost less than $25,000 are covered by a Programmatic Cost Effectiveness Finding (FDM 3-5-10.9).
- If the project cost will exceed $25,000 for any reason, a Cost Effectiveness Finding (CEF) will need to be completed and approved.
- Once the PS&E is approved, WisDOT will request authorization to incur costs from FHWA. That authorization normally takes 4 to 6 weeks to process. Once FHWA authorizes the project to incur costs, the DT2056 can be executed by the Director of the Bureau of Project Development. The construction phase of the project must be authorized for charges, and the DT2056 needs to be executed before any costs can be incurred. Do not begin work until you receive the signed DT2056 and authorization to incur costs for the construction phase.
- **There are special oversight requirements for the construction phase of LFA projects. Contact the Region prior to performing any work for additional information.**

10.7 Request for a Variance to the Wisconsin Bicycle Facility Design Handbook, Wisconsin Guide to Pedestrian Best Practices.

When Non-Traditional Transportation Projects are approved, there is an expectation that they will meet the design standards. Programs are competitive, and substandard facilities are not an appropriate use of these funds. The minimum 10-foot-wide path and 5-foot-wide sidewalk are expected. That said, some variances to design guidelines are understandable once design begins and issues are encountered.

A Request for a Variance to the Wisconsin Bicycle Facility Design Handbook or the Wisconsin Guide to Pedestrian Best Practices (Variance) may be required when deviating from current design guidelines. These two guides also incorporate Chapters 11-46-5 and 11-46-15 of the FDM via reference as well.

A Variance is a separate and distinct process from the traditional Exception to Standards (ESR) process for the 13 controlling criteria as detailed in FDM Chapters 11-1-2, and 11-1-4. The ESR process applies to improvements on roads. This is also a separate and distinct process from a roadway project where pedestrian and bicycle facilities apply, and there is an omission of bicycle or pedestrian facilities as detailed in FDM 11-46.

When there is a deviation from the guidelines listed above, a Variance may be required. Examples of variances include narrow bike lanes, departures from the minimum curve radii guidance (often necessary for overpasses), narrowing of paths, multiple variances within the same section of facility, etc.

The following information needs to be documented if requesting a Variance:

- Present your request and state specific standard (and source) not being met
- Present the justification for this request
- Indicate "Probable Impacts on Users"
- Present Cost Savings, if any, and why the savings offset any negative impacts. Present the cost savings in relation to total project costs
- Discuss measures to neutralize the negative impacts
- Attachments (plan and profile sheets, photos, etc.)

The designer should initiate the Variance process by contacting the Region. **Designers must allow ample time for request consideration and response as the Variance review process involves a number of WisDOT business areas**. Requests may require meetings to complete the Variance request process. Designers should not assume that requests for Variances will be automatically approved by the Department. It is recommended that requests are submitted as soon as possible and must be completed before DSR submittal. Expect a lead time of 3 months for approval.

The Region's Local Program Project Manager is responsible for contacting the appropriate staff for project review. A review of the submitted paperwork for a decision will involve the State and Regional bicycle/pedestrian coordinator, Local Program Project Manager, the bicycle/pedestrian engineer from the Design Standards unit, and a representative from Structures where appropriate.

Minor Variances are understandable and can be discussed and approved by the Region's Local Program Project Manager, without going through the Variance process. Minor Variances need to be documented in the DSR, or for projects that do not require a DSR, in a memo in the project file. Examples of minor Variances include departures from minimum curve radii approaching a stop condition and minimums allowed as discussed in the Wisconsin Bicycle Facility Design Handbook, such as minimum separation between a roadway and path for a short distance or clear zone widths along continuous objects.

Do not proceed with final design until you receive written approval of Variances and the Design Study Report has been approved.

10.8 Design Study Reports (DSR)

A Design Study Report is required for projects in the transportation improvement program. If the project is a building or is less than $500,000 in total construction cost, a DSR is not usually required. The final determination of DSR requirement will be made by the Department. The Region will review and provide final approval for the DSR. For projects on NHS routes, concurrence from the Bureau of Project Development Section is required. It must be approved before Final Design and before Real Estate acquisition can begin. The DSR document and process are detailed in FDM 3-1-25

A Transportation Traffic Management Plan (TMP) is required as a part of the DSR for any project that is affecting a roadway. The TMP is detailed in FDM 11-50-5.

10.9 Final Design

Final design is the development of final plans, specifications, special provisions, contract letting documents, and a final construction estimate. **The final project plans must be signed by the sponsoring agency and signed and stamped by a registered Professional Engineer, Architect, or Landscape Architect**. Plans and specifications do not need to be in the WisDOT State-LET template but do need to include appropriate detail and information so that contractors can prepare their bids. Plans should be developed and submitted in the 11x17-inch format, include the WisDOT ID and project title, and be identified as federally-funded on the title sheet.

All applicable WisDOT Standard Specifications are encouraged to be included as a reference but are not expressly required. However, the Sponsor shall include Part 1 of the WisDOT Standard Specifications by reference, with a statement similar to the following:

> "The current edition of Part 1 of the WisDOT Standard Specification for Highway and Structure Construction will be a part of this contract and will govern the work on this contract. If there is any conflict between Part 1 of the WisDOT Standard Specifications and the Sponsor's specifications, then the stricter of the two shall apply. Furthermore, references to WisDOT personnel or positions will be interpreted as a reference to the applicable Sponsor's personnel or positions. Part 1 language that solely refers to WisDOT State let procedures would not apply."

Contract provisions must also incorporate WisDOT Standard Specification 108.1.2 that requires:

> "Prime Contractor Participation (1) Perform at least 30 percent of the original contract amount with the contractor's own organization. The contractor's own organization is defined as workers the contractor employs and pays directly as well as equipment the contractor owns or rents, either with or without operators." This requirement will also be incorporated into the Advertisement (See Section 10.12).

Special Provisions should include any environmental commitments, utility information, and any unique information that will allow contractors to make the most complete bid. Construction estimates should not include contingencies; they must consist of bid items and unit prices and should be calculated to the penny. Estimates of quantities should be broken out into participating and non-participating group codes. Construction estimates are confidential. The Plans, Specifications, and Estimate are referred to as a PS&E and will be submitted as a package with other WisDOT checklists to the Region for review.

The use of proprietary products in plans and specifications should be avoided. FDM 19-1-5 outlines the requirements and details the approval process if a proprietary product is warranted. Proprietary product approvals must be obtained before construction authorization is requested.

Wis. Stats. may provide an exemption from sales use tax for building materials sold to a construction contractor that become part of a local government or qualifying nonprofit facility. The Region does not provide guidance and cannot provide answers to questions regarding tax issues. LPAs are to contact the Wisconsin Department of Revenue regarding tax issues and retain proper documentation as directed by WDOR if listing tax exemption language in proposals for prospective bidders or vendors. WDOR may be contacted at their https://ww2.revenue.wi.gov/Internet/dorhelp.html?subject=DORSalesandUse.

A Transportation Traffic Management Plan (TMP) is required for any project that is affecting a roadway, regardless if a Design Study Report is required. The TMP is detailed in FDM 11-50-5.

10.10 Project Proposal Certificate

The Project Proposal Certificate's, see Appendix B, purpose is to ensure that the required program requirements have been addressed and included in the bid package that is ready for advertising. It is a series of questions and a checklist of items to ensure the contract requirements are met. The designer should complete the Project Proposal Certificate and include it with the PS&E submittal.

10.11 Construction Bid Letting Checklist

The Construction Bid Letting Checklist and the Local Let Project Contract Document Checklist, see Appendix B, are tools to ensure that all federally-required provisions are included in the Locally LET Contract. Each question cites appropriate contacts and provides specific reference to the State or Federal statutes where applicable. The Sponsor should work with the Region to ensure that the appropriate Additional Special Provisions (ASP) are included. The designer must complete the checklists and include them with the PS&E submittal.

The Sponsor is prohibited from establishing any procedures or requirements for qualification or licensing of contractors, which prevents the submission of bids or prohibits consideration of bids submitted by any responsible contractor.

Qualification must consist of bonding capability and licensing requirements as required by State law statute 779.14(1m)(d). When the DBE participation goal is included in the contract provisions, meeting the goal is part of the bidding requirements. For all federally- funded projects, bidding opportunities on a nondiscriminatory basis shall be afforded to all qualified bidders regardless of State boundaries, race, sex, color, or national origin.

The prequalification of prospective bidders is not required and is at the discretion of and the responsibility of the Sponsor. The Sponsor may at its option use the WisDOT prequalification procedure specified in the WisDOT Standard Specifications Section 102. The WisDOT prequalification procedure is recommended for large complex projects and bridge projects.

Federal wage rates apply if the project, regardless of function, is located within an existing right-of- way of a federal-aid highway, or if the project is linked to a federal-aid highway based on proximity or impact (i.e. without the federal-aid highway, the project would not exist). Note that TAP, SRTS, and Sheboygan NTPP program projects must follow federal wage rates regardless of location. If the project is not linked to a

federal-aid highway and is based solely on function (i.e. a transportation facility such as an independent bike path), then the "white sheet" rates of federal wage rates do not apply. Wisconsin wage rates still apply to projects. These rates vary by county, and the higher rate applies if the project overlaps more than one county.

10.12 Request to Advertise

The Request to Advertise - Local Let Project, see Appendix B, is the document that WisDOT must approve before the Sponsor can place the advertisement for a Local LET. WisDOT uses this document to trigger Federal Authorization. This is certifying that the advertisement and acceptance of bids and proposals will be conducted in accordance with the applicable State and Federal rules, regulations, and laws. This document is also submitted with the PS&E submittal. Advertisements for Local LETs must conform to the requirements of Wisconsin State Statutes. The Construction Bid Letting Checklist outlines the minimum information required in the advertisement.

Non-Traditional Transportation Projects must be advertised for a minimum of three weeks prior to opening of bids. Projects must be advertised in the **Sponsor's official legal publication** at least twice, and the first such advertisement starts the minimum 21-calendar-day requirement. Therefore, if the Sponsor's official legal publication advertisement is first available to be read on Tuesday, May 3, at 4:00 PM, then the earliest that the Sponsor may have the bid opening is Tuesday, May 24, at 4:00 PM. To provide the widest possible coverage, the Sponsor is encouraged to advertise for greater than the minimum 21 calendar days and to advertise in additional media such as the State of Wisconsin's legal newspaper, Trade Journals, the Daily Reporter, etc. The Sponsor must keep affidavits of publication in the project file and submit a copy with the Request to Award – Local Let Project.

Do not advertise the Local LET until the Request to Advertise – Local Let Project is returned signed by WisDOT. If the Sponsor proceeds before obtaining the appropriate authorization, the project will no longer be eligible for federal reimbursement.

10.13 Plans, Specifications, and Estimate (PS&E) Submittal

The PS&E package consists of the plans, the specifications (special provisions), the estimate, and other necessary exhibits to develop bidding documents. History has shown that PS&E submittals

often contain errors and need revisions. The designer must submit a draft PS&E package to the Region 6 to 8 weeks prior to the deadline for final submittal so that final review can be expedited.

The final PS&E package must be submitted a minimum of six weeks prior to the desired advertisement placement date. The Region will review and approve.

In the submittal to the Region, include (minimum of two sets of everything, with all having original signatures):

- Project Manual: cover, Special Provisions, contract front end, WisDOT DBE & Labor Compliance Additional Special Provisions (noted on Local Let Project Contract Document Checklist), supplemental information (as required – e.g. permits, soil borings, etc.)
- Project Plans (signed and sealed – typically 11x17-inch format)
- Engineer's Estimate
- WisDOT forms/checklists (all forms with original signatures)
    - Preliminary Engineering Checklist (unless previously submitted)

- Local Project Utility Coordination Task List (unless previously submitted)
- Utility Status Report (form DT1080) (even if no utility involvements are necessary): The USR must be approved by WisDOT before construction authorization can be requested.
- Certificate of Right- of- Way (form RE1899) (even if no Real Estate is acquired): The Real Estate must be Cert 1 before construction authorization can be requested.
- Certificate of Coordination of Railroad Work With Highway Construction (form DT1804) (even if no railroad involvements are necessary): The Railroad Cert must be approved by WisDOT before construction authorization can be requested.
- Construction Bid Letting Checklist
- Local Let Project Contract Document Checklist
- Project Proposal Certificate (with required attachments)
- Request to Advertise - Local Let Project (with Proposed Advertisement attached)

The Region will review and approve the submittal package relying primarily on engineer's certifications for compliance with federal regulations. If approval to advertise cannot be granted by the date requested, the Sponsor will be notified, and a mutually agreeable advertisement date will be determined.

Do NOT advertise the project until you receive Region notification the Request to Advertise package has been approved, that the construction phase is authorized for charging, and you have received a "Notice to Proceed" letter.

10.14 Material and Equipment Purchasing Activities

Many Non-Traditional Transportation Projects involve the purchase of equipment or supplies. They range from relatively inexpensive items such as stationery to big-ticket items such as vehicles, computer systems, and entire fueling stations. The specific procedures depend on the estimated cost of each purchase. The Sponsor should work with the Region to ensure proper procedural compliance for purchases.

Competitive procurement procedures must be followed when project funds are used to purchase items, regardless of whether the purchase is being made by the Sponsor or by a private partner. Examples of private partners that are required to follow these procedures include: a local

historical society that is buying building materials for a railroad depot renovation project, a fuel retailer that is purchasing items to establish a compressed natural gas fueling station, or a local bicycle club that is purchasing printing of a bike map. Failure to comply with competitive bidding requirements is a violation of Federal and State law and will jeopardize reimbursement. Only consultants and contractors are exempt from these requirements. Consultant means a firm that has been contracted through a QBS process. Contractor means a firm that has been selected through a competitive bidding process using the Local Letting process or through the WisDOT letting process. Purchasers must follow the basic practices in the State Procurement Manual, https://vendornet.wi.gov/or https://wisconsindot.gov/Documents/doing-bus/local-gov/astnce-pgms/transit/procurement.pdf
(unless local governments have their own documented purchasing processes that meet federal requirements).

Buy America, 23 CFR 635.410, and STAA Section 165 require all iron and steel materials that are permanently incorporated into your project to be “Made in USA.” This includes both the products themselves and all value-added coating processes such as epoxy coating, galvanizing, and painting. One Chinese pipe elbow is not the end of the world: small amounts of foreign iron and steel materials can be

incorporated to the project, provided that their total cost does not exceed 0.1% of the total contract cost or $2,500, whichever is greater. These costs are based on the value of products as delivered to the work site. Buy America provisions do not affect iron and steel materials that are used only temporarily for the project (such as forms for concrete), nor do they affect products made out of materials other than iron or steel.

THE EQUIPMENT PURCHASING PROCESS

1. If sole procurement is involved, then the Sponsor needs to submit to the Region a "Request for Waiver" of the bidding process. This should be done prior to the "Purchase Request Package."
2. Regardless of the size of project, the Sponsor must submit to the Region a "Purchase Request Package" which will consist of:
    a. Request to Advertise – Local Let Contract form (some questions will be N/A)
    b. Spec/cut sheets and vendors to send to
    c. If sole procurement, "Request for Waiver" approval must be included
    d. Advertising shall be in accordance with Sponsor's Guide and State bidding law (dependent on project size)
    * The Region will process and forward to Central Office, Central Office will forward to FHWA, and then the Construction ID gets authorized to incur expenses. Once fully approved, Sponsor can advertise
3. Regardless of the size of project, the Sponsor must submit to the Region a "Request to Award Package". This will consist of:
    a. Request to Award Form (some questions will be N/A)
    b. Purchase Order Requisition or "contract" with selected vendor
    c. Quote summary tabulation
    d. WisDOT-approved DBE commitment
    e. Copy of Notarized Advertisements
    * Once Award is approved, funds are encumbered, and Sponsor can purchase materials

Each "phase" of the construction ID must have a separate Request to Advertise/Award package (separate construction phases, one construction with an equipment purchase, etc.)

***** If these steps are not followed, your equipment purchases will not be eligible for reimbursement*****

PURCHASES OF $5,000 OR LESS:

- Sponsor may award to the vendor judged best able to supply. This does not apply to purchases of printing.
- In choosing a vendor, the following should be considered: location of delivery point, quality of articles to be supplied, price of articles, conformity with specifications, purpose for which articles are required, and date of delivery.
- The Sponsor will make a special effort to award to small businesses, veteran-owned businesses, minority businesses, and work centers.

PURCHASES OVER $5,000 THROUGH $25,000:

- Sponsor must compare bids from at least three bidders, whenever possible, for: price lists, quotes on file, phone or verbal quotes (confirmed in writing by the successful vendor), or written bids. Receipt of an invoice may serve as confirmation.
- Sponsor will check the invoice against the purchase order to assure proper pricing.

PURCHASES OF MORE THAN $25,000

Official Sealed Bidding process is used for soliciting bids by advertising to all bidders. Subscribed in the applicable commodity/service area at: https://vendornet.wi.gov/. Any vendor who believes they can provide the commodity/service may request a bid. It is used when the item to be purchased can be tied to a fairly rigid specification. For example, the project may require the purchase of some bus shelters; in this case, the specifications would spell out the type, size, material, and color of the bus shelters, and perhaps even how they are to be fabricated, as well as the estimated or exact quantity you intend to purchase.

Competitive Negotiation - Request for Proposal (RFP) process is used for soliciting proposals where an award cannot be made strictly on specifications or price and several firms are qualified to furnish the product or service. For example, RFPs can be used for non-engineering and architectural professional services such as developing a marketing campaign or training program. However, price is always a consideration. This process has greater flexibility to consider different combinations of price, quality, and service. An evaluation committee is established prior to sending out the RFP. Proposals are reviewed by the evaluation committee and scored against stated criteria.

Perhaps you are restoring the interior of a train station and need to replace some vandalized marble panels. Every piece of marble is different; you want a vendor that can give you the best possible match for the existing marble, as long as the price and lead-time is not increased. Using this process, you could encourage vendors to submit samples of their products, along with their price per panel. Some vendors may even want to submit more than one proposal. For instance, they may offer the same stone with different surface finishes at different prices.

Noncompetitive Negotiation - Waiver of Bidding Process (Sole Source Procurement) is the least used and most difficult option. This process is generally avoided because it is often nearly impossible to be sure your agency is getting a fair price. If you can buy the item from more than one vendor, it is probably not a sole source procurement. For example, only General Motors makes Chevrolet S-10 pick-up trucks, but there are dozens of competing dealers that sell them.

Since the dealer mark-up is a big factor in the final price, as long as you get bids from at least three dealers, this purchase is not considered a sole source procurement.

One or more of the following circumstances, with adequate justification, may serve as the basis for requesting a waiver of the bidding process:

- **Uniqueness:** When a product or service can be established as one-of-a kind, not available from more than one supplier. The purchase of used equipment, which offers a significant discount.
- **Patent or Proprietary**: The features of a product or service that cannot be obtained from others. The features are available from only one source and not merchandised through competitive outlets.
- **Intrinsic Value**: When product procurement is determined by its historic, artistic, or educational value. When viable specifications or standards cannot be determined in the procurement of a professional or technical service.
- **Emergency**: When the risk of human suffering or substantial damage to real or personal property exists that requires immediate action.
- **Bidding is Not Possible:** When award cannot be made strictly on specifications or price.

- **Substantial Time Pressure**: When substantial time pressure exists beyond the agency's control. This does not include administrative delays or confusions in processing the necessary paperwork for purchasing approval.

*** * * A Proprietary Product Justification (PPJ) as detailed in FDM 19-1-5 must be submitted as part of the waiver request. * * ***

When equipment is valued at $25,000 or more, or because of the nature of the items being purchased, a contract between the purchaser and the supplier should be developed. Usually this contract will be nothing more than a simple purchase order issued by the Sponsor, approved by the Region, and forwarded to the supplier. For the purchases of motor vehicles or specialized equipment, it may be desirable to draw up a formal contract specifying delivery dates, warranty terms, etc. A contract is also appropriate when the purchase requires a substantial amount of labor or technical assistance to get the equipment set up.

The Sponsor is responsible for administering a contract and for determining the adequacy of contractor compliance. The name of the individual responsible for administering the contract should appear on the purchasing request. That person should also participate in preparation of the specifications and in the evaluation process. The purchasing request package, sent to the Region prior to the contract, should include performance criteria that can be used to determine the adequacy of the contractor's performance of delivering goods or services.

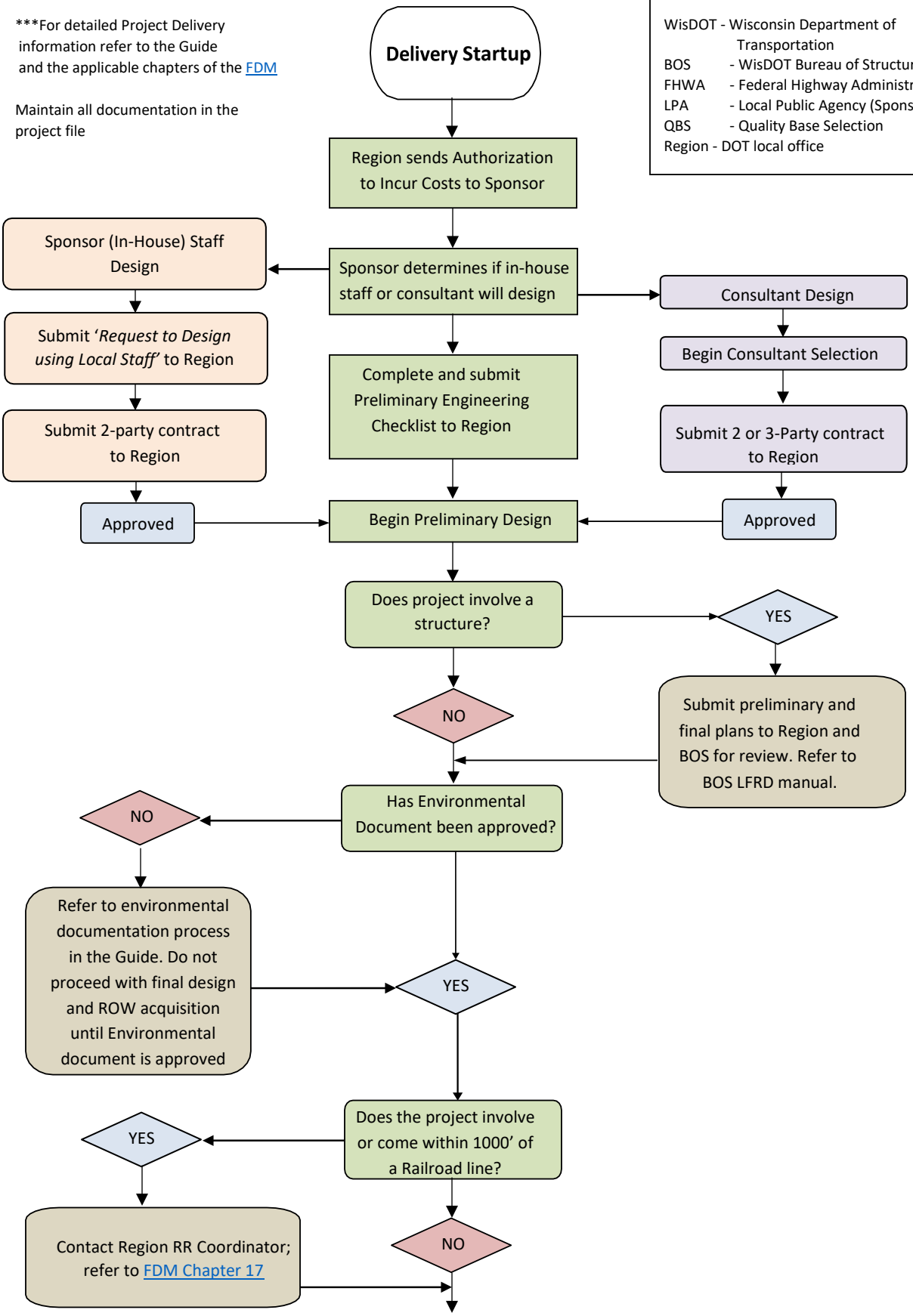
PROJECT DELIVERY

***For detailed Project Delivery information refer to the Guide and the applicable chapters of the FDM

Maintain all documentation in the project file

Abbreviations

WisDOT - Wisconsin Department of Transportation
BOS - WisDOT Bureau of Structures
FHWA - Federal Highway Administration
LPA - Local Public Agency (Sponsor)
QBS - Quality Base Selection
Region - DOT local office



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Abbreviations

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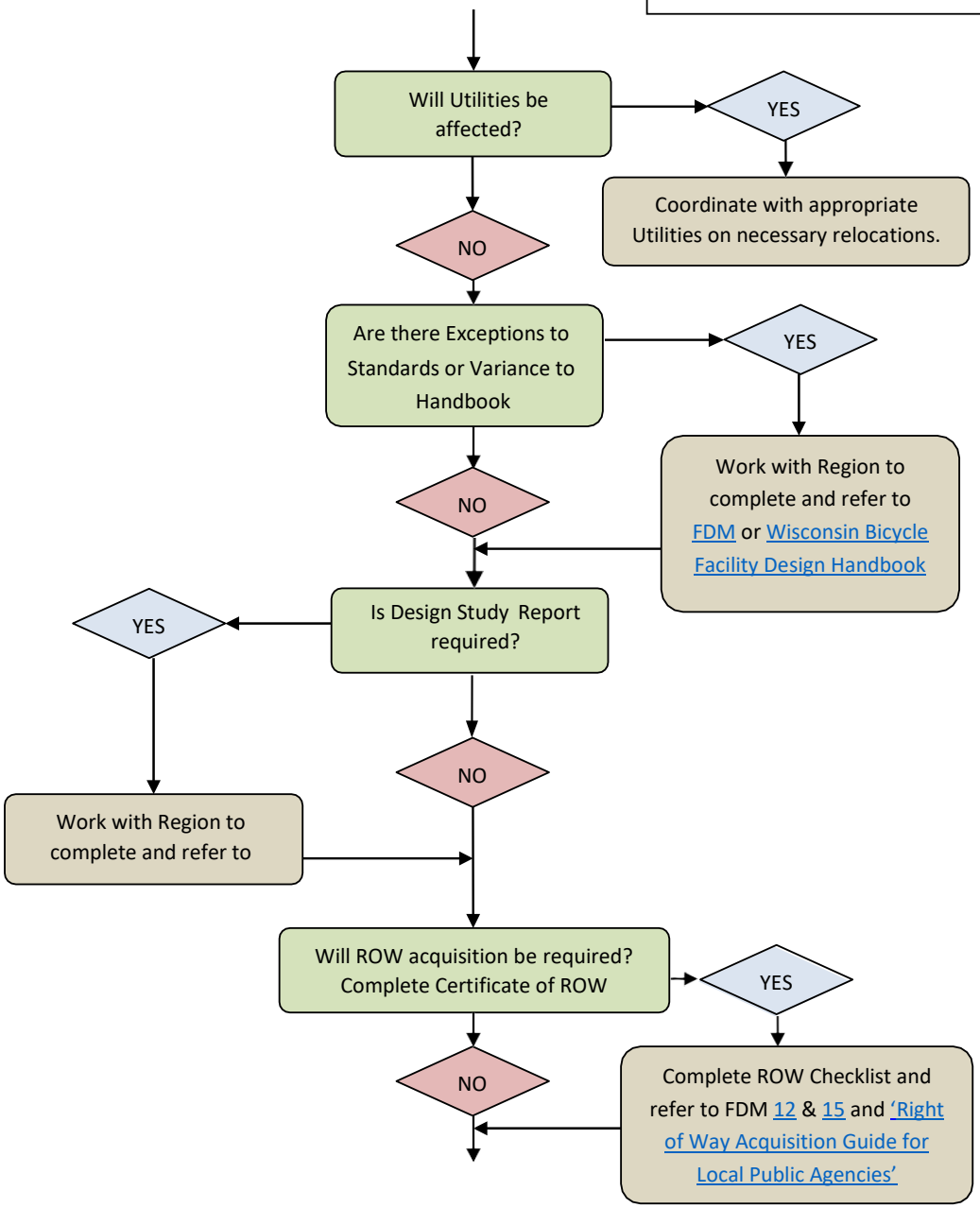

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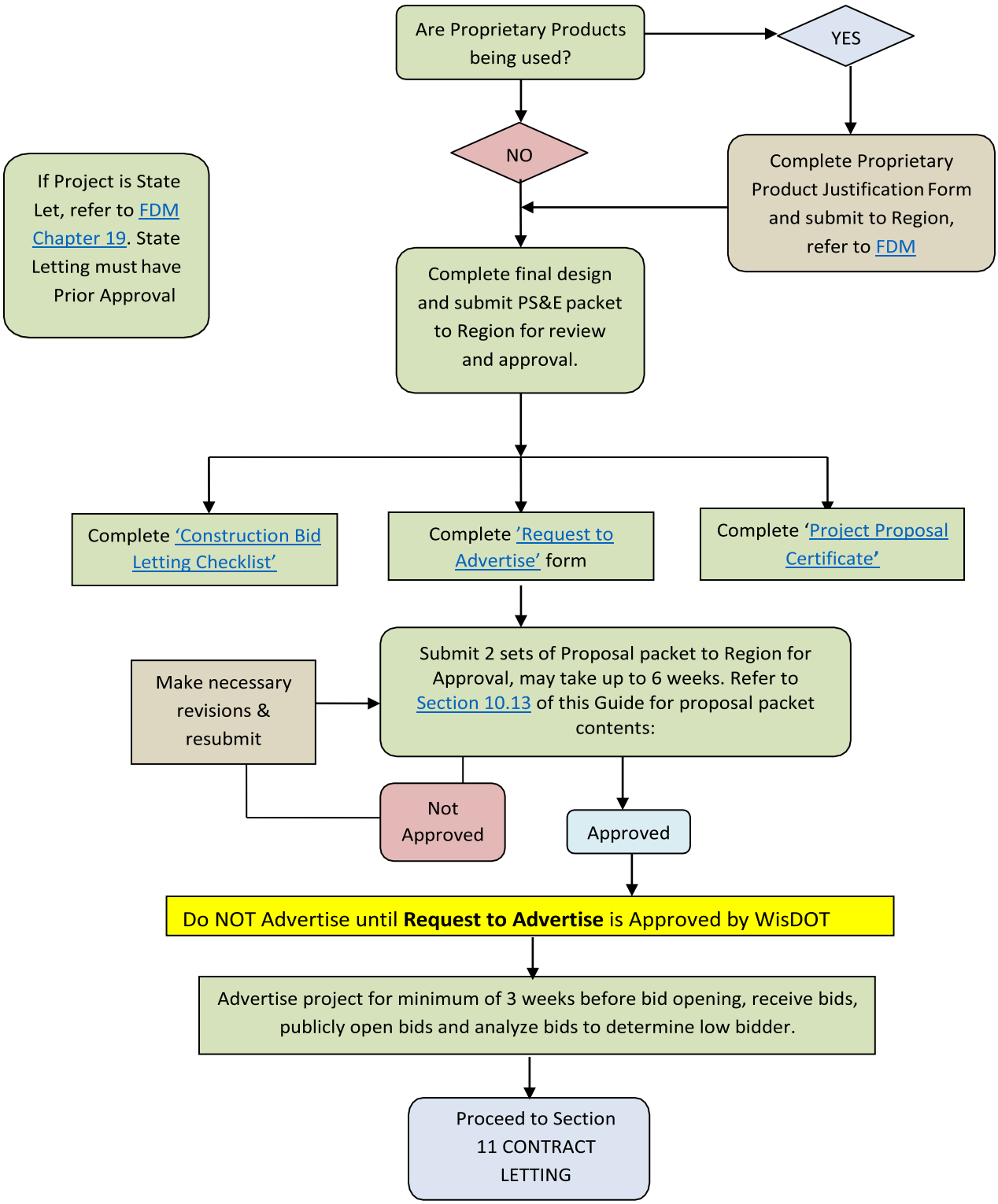
Contract Administration

*** For detailed Contract Administration information refer to the Guide

Maintain all documentation in the project files.



SECTION 11: CONTRACT LETTING

11.1 Locally Let Contracts (LLC)

The Sponsor may let contracts for their projects that receive the benefit of federal funding provided that the following conditions are met:

- The State/Municipal Agreement for the Construction Phase between the Sponsor and WisDOT is in effect setting forth the conditions under which the project will be constructed.
- The Sponsor is participating in the cost of the project or has other special interests in it.
- The Sponsor is certified for contract administration through the Certification Program.
- The bidding and award of the contract complies with Section 102 and Section 103 of the WisDOT Standard Specifications, part 1 and as detailed below.
- The Sponsor uses the advertising and award procedures outlined this Sponsor's Guide and the Construction Bid Letting Checklist to advertise for bids, select the lowest responsible bidder and award the contract.
- The Request to Advertise – Local Let Project has been approved by WisDOT and returned to the Sponsor.

11.2 Addendum

After the advertisement is placed, if there is a significant change or error discovered that will impact the opportunity for contractors to submit fair and complete bids, an Addendum must be issued notifying the contractors of the issue. It is important to notify the Region immediately if an addendum is required, the Region must approve significant changes in the proposal before addenda are issued. Significant is defined as changes in quantities or work that would affect the engineer's estimate for the project, changes in starting or completion dates or any other change connected with the permit, approval or mitigation measures associated with the project.

11.3 Request to Award

All bids received in accordance with the terms of the advertisement shall be publicly opened and announced, either by item or total amount. On-line bid openings are permitted but must include the total of each proposal and be posted at a time designated in the advertisement. The type and manner of posting web-based proposals is left to the discretion of the sponsor, as long as the process ensures the opportunity for free, open and competitive bidding. If any bid received is not read, the name of the bidder and the reason for not reading the bid shall be publicly announced at the bid opening. Adequate justification for rejecting any bids must be documented by the Sponsor.

The Sponsor will certify selection process after advertising, bid opening, and determination of the lowest responsive and responsible bidder. The Sponsor should tabulate the bids and return to the Region. The Sponsor should evaluate the bids in accordance with Section 103 of the WisDOT Standard Specifications.

The low bid contractor must submit the Commitment to Subcontract to DBE Non-Traditional Project (form DT1880) listing the DBE Contractors to the Region within 5 days of notification from the Sponsor. This must be accompanied by a separate Attachment A for each Subcontractor.

Send Request to Award – Local Let Project, WisDOT approved DBE Commitments and Affidavit of Publication to the Region allowing at least two weeks for review. The following warrant special notice:

- The Region must receive copies of all addenda issued to the proposal

- Sponsors must document the reason for rejecting any bids
- If less than three bids were received for the project, justification must be provided as to why it is in the public interest to proceed with the award
- If the bid was more than 10% over the engineer's estimate, justification must be provided as to why it is in the public interest to award this contract
- Complete a bid review and determine that the bids were not irregular. This should be per item, if appropriate, and compared to the engineer's estimate and the bids from other contractors. A percent variance of the bid from the engineer's estimate must be computed
- Send the bid summary listing unit prices for three low bidders and total bids of all bidders

The Region will review and WisDOT will approve Sponsor contract selection based on information in the Request to Award – Local Let Project. In making the determination to allow the Sponsor to proceed, the following will be considered:

- Documentation for rejected bids based on established grounds
- Justification to proceed with less than three bidders if required considering low bid, good contractor, proper advertisement, specialty work, completion date, geographic area and size of the contract
- Low bid unit prices - compared to engineer's estimate
- Local bid review, as appropriate
- Justification to proceed with a "high" bid
- Bid tabulations for future reference
- Sponsor acknowledgement of costs if the funded amount is less than the bid amount

WisDOT will not approve the Request to Award – Local Let Project until the DBE commitments are fulfilled and approved. The Region will notify Sponsor to proceed by returning signed Request to Award – Local Let Project with copies to the WisDOT Expenditure Accounting Unit.

11.4 Contract Administration

Locally Let Contracts result in a contract between the contractor and the Sponsor for the construction project. **The Sponsor is responsible for the construction administration and must utilize experienced, competent staff or qualified consultants knowledgeable in WisDOT construction procedures**. Responsibilities include inspection, materials acceptance, record keeping, measurement of quantities, enforcement of plans and specifications, contractor payments, monitoring of DBE utilization, Labor Compliance and finals documentation.

Particular attention should be paid to erosion control and the requirements of any environmental permits including the documentation of erosion control activities during the project. The project leader responsible for the construction administration must be familiar with the plans, specifications and special provisions and be experienced in construction management. The project leader also must be familiar with the WisDOT Construction and Materials Manual (CMM) and WisDOT Standard Specifications.

It is recommended that Federal funding is applied to the let contract and the Construction Engineering Oversight is locally funded. If the Sponsor wishes to use Federal Funding for their construction administration effort using their own staff, a two-party construction administration contract between WisDOT and the Sponsor is required. If Federal funding is utilized for construction oversight and the Sponsor utilizes a consultant for construction administration, a two-party contract between the Sponsor and the Consultant is required. The consultant selection and contracting must follow Federal requirement detailed in FDM Chapter 8.

If the Sponsor uses a consultant under a two-party contract, the selection process must follow the QBS procedures, similar to selecting a Design Consultant, as outlined in Section 7.2. WisDOT maintains a Roster of Eligible Consultants who performs these services on State-let projects.
Your Region can assist with the selection process to ensure it meets QBS guidelines.

Whether or not Federal funding is used for construction administration, the Region will provide oversight of the project to ensure Federal and State requirements are met.

11.5 Pre-Construction Meeting

The Sponsor shall invite the Region and conduct a pre-construction meeting with the successful bidder to clarify the detail of the project. The CMM Chapter 226 provides an outline and guidance on items that should be covered at this meeting and information on contract administration requirements including documentation that the Construction Engineer should complete. Some projects will not require the use of all of these procedures. It is suggested that the Construction Engineer become familiar with the requirements of this chapter prior to commencing of construction activities.

The contractor is required to install a job site posting board with required federal wage requirements, state and federal law notifications and the company EEO policy, see Section 5.3. The required posters can be obtained at http://www.fhwa.dot.gov/programadmin/contracts/poster.cfm. The posting board must be installed before any construction operations can begin. The contractor must ensure that the posting board remain in a visible and accessible location on the project at all times during construction.
The Sponsor must inspect the board for compliance. CMM Chapter 224 also provides information regarding Labor Compliance or your Region can refer questions to the Regional Labor Compliance Specialist.

11.6 Construction Project Documentation

The CMM Manual is written to provide guidance for contract administration on State Let contracts. WisDOT utilizes FieldManager, Materials Information Tracking (MIT) and Field Information Tracking (FIT) for electronic records. For an LLC, although the construction engineer likely will not use these programs, they will be required to maintain comparable records.
Typically required information includes:

- Contract Proposal
- As-Built Plans (also provide to the Region)
- Project Diaries (project engineer's daily diary and inspector's diaries)
- Source Documents (delivery tickets, receipts, survey notes, measurements, computations)
- Borrow Pit Releases
- Material Records (test results certifications)
- Pictures and Videos
- Correspondence Files
- All Other Documentation for Project
- Contractor Pay Estimates
- Justifications for Non-Conforming Work or Materials
- Labor Compliance (see Section 5.0 Labor Compliance)
- Buy America if applicable

Documentation requirements are outlined in the Sponsor's Project File Checklist for Local Let Contract Projects, see Appendix B.

The Sponsor is responsible to enforce the Labor Compliance provisions of the contract including payment of prevailing wages and Equal Employment Opportunity (EEO). The Sponsor should have the contractor submit weekly payrolls to the Sponsor for review. The Sponsor should also conduct periodic wage interviews with contractor and subcontractor employees on the project utilizing the WisDOT Wage EEO Interview Form (see Appendix B) and compare with submitted payrolls. All payrolls and interview forms should be kept in the project files.

To monitor the progress of its DBE program the Sponsor must keep records that identify and assess DBE contract awards, prime contractors' progress in achieving DBE subcontract goals, affirmative action efforts and report results. These records must be available upon the request of an authorized WisDOT employee and must be submitted to Office of Business Opportunity & Equity Compliance (OBOEC) on a **quarterly** basis. Specifically, the Sponsor is required to maintain records showing:

- Adopted procedures that comply with the requirements of DBE commitment.
- Awards to DBEs will be measured against projected DBE awards and/or DBE goals. To assist in this effort, the Sponsor shall obtain regular reports from prime contractors on their progress in meeting contractual DBE obligations.
- List specific efforts used to identify and award contracts to EOffice of Business Opportunity & Equity Compliance (OBOEC) .
- Reports shall include and conform to appropriate information in the Commitment to Subcontract to DBE Non-Traditional Projects (form DT1880), contained in the Insert Package.
- Sponsor must ensure that the prime contractor forwards the completed Commitment to Subcontract to DBE Non-Traditional Projects (form DT1880), showing compliance with the DBE participation requirements, to OBOEC for review and approval. Contractor must submit paper work to the Region for DBE office approval whether a DBE goal is a specific goal or is discretionary.
- WisDOT will not approve the Request to Award – Local Let Project until the contract DBE commitment is fulfilled or a good faith effort has been made.
- If DBE goals are not met, the contractor must submit a good faith effort request.
- If OBOEC does not approve the effort, Sponsor must reject the bid and re-let the contract.
- To award a contract to a bidder who has failed to meet DBE contract goals, the Sponsor must determine that the competitor's efforts were those that, given all relevant circumstances, a competitor actively and aggressively seeking to meet the goals would make.
- Sponsor is encouraged to contact OBOEC for assistance in making the determination of good faith efforts or for more information.
- Actual payments made to DBEs by prime contractors.

Refer to the CMM for guidance.

Pantry Software has been developed for construction administration. It consists of customized forms or spreadsheets to use for computations, tracking or miscellaneous record keeping. Your Region can assist you in obtaining Pantry Software.

Every spring, each Region holds a Construction Conference or Training. This is an opportunity to review construction issues and address new items. Construction engineers on federally funded projects will be invited to the conference by their local Region.

11.7 Local Force Accounts

Local Force Accounts (LFA) requires the same level of record keeping as let contracts. **Sponsors who perform LFA work cannot also perform the construction administration and oversight of that work**. WisDOT must ensure compliance and will do so by contracting with a consultant contractor to perform construction oversight with the costs charged back to the project as detailed in the State/Municipal Agreement.

11.8 Contract Modifications

Often times in construction, the construction engineer will encounter field conditions (without a change in project scope) that warrant extra work and require a contract modification for additional payment to the contractor. Federal aid construction costs for Non-Traditional Transportation Projects are capped at the limits of the State/Municipal Agreement for the construction phase. Regardless of the size of the contract modification, the project cap is still in place and no additional Federal funds will be awarded to the project, i.e. the cost of any contract modifications exceeding the cap is 100% Local responsibility.

Contract Modifications require approval by WisDOT prior to work being initiated. The following process is required to approve Contract Modifications.

The Sponsor or Construction Engineer must complete the Contract Modification Prior Approval Justification Form and submit to the Region. The Region will review with WisDOT to recommend approval or meet with the Sponsor to discuss alternatives. The Region will return the signed Justification, and the Sponsor may solicit actual costs of the work from the Contractor.
The Sponsor completes and signs the Non-Traditional Transportation Project Implementation Program Contract Modification, has the contractor sign and returns it to the Region. The Region will obtain WisDOT approval and instruct the Sponsor to proceed with the Extra Work.

11.9 Curb Ramp Compliance Post Construction Report

To document that all curb ramps on the project have been built to meet ADA requirements, the Sponsor shall fill out a Curb Ramp Compliance Post Construction Report for all curb ramps constructed on the project. A link to the Curb Ramp Compliance form and the instructions for filling out the form are included here; Curb Ramp Compliance Report. A sample form which has been filled out is include in Appendix B.

After the Sponsor has filled out the Curb Ramp Compliance Forms, they should be filed with the project records.

11.10 Claims

There will be no Federal participation in any contractor claims or work not necessary to completing the intent of the approved plans. A special provision may be necessary to address resolution of contractor claims, disputes, and extra work claims at the local level. If there is a dispute during the construction phase, the Sponsor should consult the Region to ensure it is resolved in a manner acceptable to WisDOT.

11.11 Site Visits

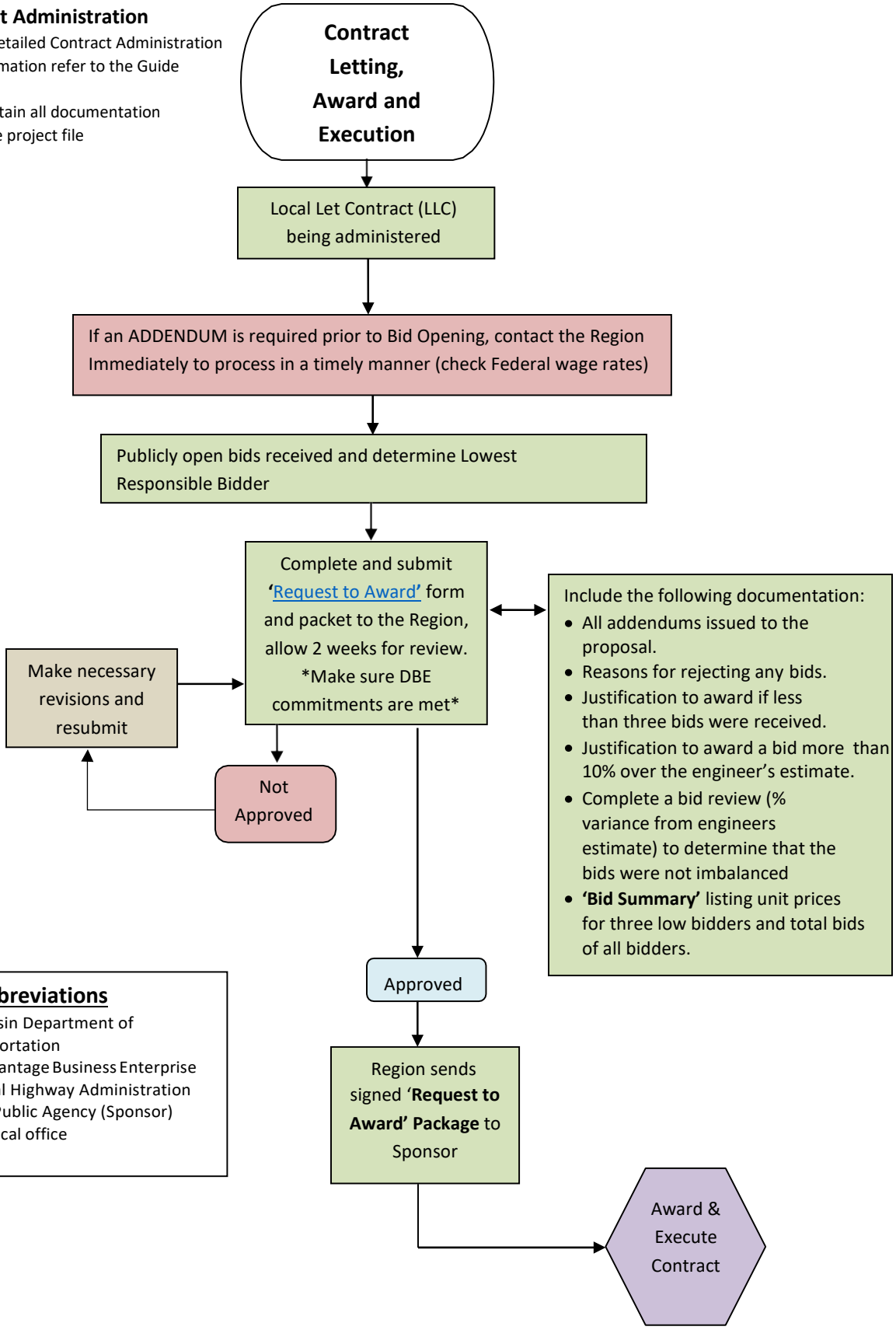
The Region may periodically visit the project site to ensure items are built according to contract documents. The Region will perform an interim site visit prior to critical operations such as paving & deck pours as determined by the Department. Additional items that may also be reviewed are as follows: basic plan elements, detectable warning field and pedestrian ramp installation, sign placement, vertical and

horizontal clearances, erosion and traffic control. The Region may also perform a site visit for each reimbursement request submitted & may check the project records to ensure that all federal & state reporting requirements are current. As the project nears completion, the sponsor should coordinate a final site visit with the Region to expedite completion of Punch List items.

Contract Administration

*** For detailed Contract Administration information refer to the Guide

Maintain all documentation in the project file



Abbreviations

WisDOT - Wisconsin Department of Transportation
DBE - Disadvantage Business Enterprise
FHWA - Federal Highway Administration
LPA - Local Public Agency (Sponsor)
Region - DOT local office

SECTION 12: REIMBURSEMENT

The Sponsor pays the cost of the project, and then may submit requests for reimbursement of payments made for work completed. Requests can be more frequent during major design efforts or construction periods; generally, three to four times a year is reasonable. Requests should only be submitted for a reasonable amount (>$1,000) because there is a cost to process each request. To prevent possible loss of federal funding, submit a reimbursement request at least once every six months. Do not wait to submit design requests until construction is complete.

Requests should be made with the Reimbursement Request form (form DT1713) see Appendix B for an example. Design reimbursement requests must use the design ID and include an invoice, progress report, Bi-Monthly Schedule Worksheet, and cancelled check (front and back) showing payment. Construction reimbursement requests must use the construction ID and include a Construction Estimate showing the items completed multiplied by the unit cost along with other supporting documentation, as necessary per guidance in the CMM Manual, and cancelled check (front and back) showing payment. Clearly indicate any amounts that are not eligible for State/Federal cost participation.

WisDOT will review the request and recommends approval to the Bureau of Financial Services.
If the Sponsor has questions about project cost invoices they receive, contact your LPPM.

The Region may periodically visit the project site to verify that the reimbursement requested is consistent with the work done. The Region may also check the project records to ensure that all Federal and State reporting requirements are current. As the project nears completion, coordinate a final site visit with the Region to expedite completion of Punch List items.

Prior to submittal of the project's final Reimbursement Request, all required project records must be complete. For construction, this includes DBE approval (approved DT1880), completed EEO Wage Interview forms and supporting payrolls, Materials Certification, Buy America Certification, and any other construction administration records. The final bill can be submitted once the design or construction is complete. This should be completed for construction after the final walk through, after all work is complete, and the Sponsor is satisfied with the work performed by all of the contractors and subcontractors. As noted above, be sure to include all supporting documentation and to mark your invoice **FINAL**.

Sponsors must submit the final Reimbursement Request in accordance with Section 13, the "Project Completion and Close-out" section and Section 6.13, the "Timeline" section of this Sponsor's Guide.

The Region may review the project records for completeness. If any deficiencies are discovered in completing the review, the Sponsor will be required to correct or provide a justification. Upon successful completion of the review, the final payment will be made to the Sponsor.

SECTION 13: PROJECT COMPLETION AND CLOSE-OUT

WisDOT asks for your cooperation in closing out the project as soon as it is practical to do so. This is important because remaining funds cannot be taken out of escrow until the project is officially closed. The project cannot be closed out until all federal or state funded contracts issued under the project have been completed and all claims have been resolved. The Sponsor must include the Project Completion Certification as a part of the request for final reimbursement.

Timely submission of Project Completion Certification is also important because WisDOT will not deem a project complete until submission of this documentation. As such, Sponsors are responsible for submitting a Project Completion Certification in accordance with Section 6.13, the 'Timeline' section of this Sponsor's Guide.

The Region will make a visual inspection of the project site to assess whether the project has been completed in substantial conformance with the plans, specifications and intended scope of the project, as amended by approved contract change orders. For construction activities, a review of the appropriate construction documentation and adjustment of quantities, if necessary, will be conducted at this time. Upon completion of the inspection and final acceptance of the project, The Region will approve the Project Completion Certification, see Appendix B, and process the reimbursement request.

Sponsors are encouraged to contact the Region for a final walk-through prior to final payment of the Contractor in order to assure that all punch list items are completed.

A Project Completion Certification must be submitted at the completion of design if federally or state funded, and at the completion of construction. If a design is locally funded, a Project Completion Certification is not required.

Sponsors have obligations that extend beyond the submission of a Project Completion Certification. Sponsors should review their State/Municipal Agreement (SMA) to understand and identify all continuing obligations and responsibilities. As an important example, Sponsors have ongoing project maintenance responsibilities and should have a plan in place to ensure that requisite maintenance is performed. Sponsors risk having to repay federal project funds if ongoing maintenance is not performed per the requirements outlined in the project SMA

APPENDIX A: Acronyms & Abbreviations

AASHTO	American Association of State Highway and Transportation Officials
ADA /AG	Americans with Disabilities Act / Accessibility Guidelines
BPFP	Bicycle and Pedestrian Facilities Program
CEC	Categorical Exclusion Checklist
CMM	Construction and Materials Manual
CFR	Code of Federal Regulations (Common Rule)
CMAQ	Congestion Mitigation/Air Quality program. (Pronounced "See Mack")
DATCP	Department of Agriculture, Trade and Consumer Protection
DBE	Disadvantaged Business Enterprise
DNR	Department of Natural Resources
DOA	Department of Administration
DSR	Design Study Report
DTIM	Division of Transportation Investment Management Bureau of Transit, Local Roads, Rails and Harbors
DWD	Department of Workforce Development
EA	Environmental Assessment
EIS	Environmental Impact Statement
ER	Environmental Report
ESS	Environmental Process and Documentation Section
FAST ACT	Fixing America's Surface Transportation Act
FDM	Facilities Development Manual
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
ISTEA	Inter-modal Surface Transportation Efficiency Act, 1991 (Pronounced "Ice Tea")
LFA	Local Force Account-formerly Agreed Unit Price (AUP) and Service & Supply (S&S)
LPA	Local Public Agency (Sponsor)
MAP-21	The Moving Ahead for Progress in the 21st Century Act
MPO	Metropolitan Planning Organization
NEPA	National Environmental Policy Act
OBOEC	Office of Business Opportunity and Equity Compliance
PCE	Programmatic Categorical Exclusion
PL	Public Law
PS&E	(Construction) Plans, Specifications & Estimates
QBS	Qualification Based Selection
R/E	Real Estate
RFP	Request For Proposals
R/W	Right of Way
SHPO	State Historical Preservation Office of Wisconsin
SMA	State/Municipal Agreement
SRTS	Safe Routes to School
STP	Surface Transportation Program State
PM	State Procurement Manual
STIP	Statewide Transportation Improvement Program
TAP	Transportation Alternatives Program
TE	Transportation Enhancements (different from Transportation Economic Assistance program)
TIP	Transportation Improvement Program (listing of projects published by MPO)
USC	United States Code
WEPA	Wisconsin Environmental Policy Act

APPENDIX B:

Checklists/Forms

1. Non-Traditional Transportation Project Development Timeline and Milestones
2. WisDOT Wage EEO Interview Form
3. Preliminary Engineering Checklist
4. Initial Site Reconnaissance Checklist
5. Parcel Reconnaissance Checklist
6. Right-of-Way (R/W) & Real Estate (R/E) Checklist
7. Local Project Utility Coordination Task List
8. Project Proposal Certificate
9. Construction Bid Letting Checklist
10. Local Let Project Contract Document Checklist
11. Request to Advertise - Local Let Project
12. Request to Award – Local Let Project
13. Commitment to Subcontract to DBE Non-Traditional Projects (form DT1880)
14. Reimbursement Request (form DT1713)
15. Project Completion Certificate
16. Contract Modification Prior Approval Justification
17. Contract Modification
18. Request for a Variance to the Wisconsin Bicycle Facility Design Handbook or Wisconsin Guide to Pedestrian Best Practices
19. Buy America Certification (form DT 4567)
20. Sponsor's Project File Checklist for Local Let Contract Projects
21. Bi-Monthly Schedule Worksheet
22. Curb Ramp Compliance Post Construction Report
23. Construction Site Visit Checklist
24. Sponsors Guide Acknowledgement Form

Non-Traditional Transportation Project Development Timeline

WisDOT Project ID Number		Date Checklist Completed
Project Title	Hwy N°/Letter	County
Project Limits		Sponsor
Project Description		Preparer/Title

Enter Date Completed

___/____/_____**Project initialization: Average 3 months from time State/Municipal Agreement is sent to Sponsor and the design ID is authorized.**

Check when completed
☐ State/Municipal Agreement sent to Sponsor
☐ Sponsor approval by governing body (Common council, county Board, etc.)
☐ WisDOT processing and execution of State/Municipal Agreement

*After receiving an approved State/Municipal Agreement, design is authorized to incur costs (although you still need to follow design protocol below) *

____/____/____**Design contract executed—WisDOT reimbursable (2-party or three-party): Varies: 3-9 months -** *Dependent on familiarity with WisDOT contracting, scope of project, need for negotiation, timing of Sponsor internal approvals and type of contract*

For 3-party contract (Sponsor, Design Consultant, WisDOT)
☐ Creation of RFP
☐ Solicitation via QBS
☐ Consultant approval by WisDOT
☐ Scoping of the contract
☐ Creation, negotiation and review of 3-party
☐ Execution by Design Consultant & Sponsor
☐ WisDOT processing & execution

For 2–party contract (Sponsor & WisDOT)
☐ Scoping of the contract
☐ Creation and review of contract
☐ Execution by Sponsor
☐ WisDOT processing & execution

After receiving Notice to Proceed, you can start design

SAMPLE

____/____/____**Design: Varies: 6 months to 3 years -** Dependent on familiarity of designer with process, if design amendments are needed, & complexity of project.

Items that add to complexity include the following:
☐ Railroad
☐ Structures
☐ Real Estate
☐ Utility coordination
☐ DNR/ACOE permitting
☐ Multiple phases of construction
☐ Section 106 challenges (historic or archeological)

* Once authorized, you can submit Request to Advertise – Local Let Project*

____/____/_____**Request to Advertise Approval/ Construction funds authorization: 2-3 months**
Includes WisDOT and FHWA review, approval, processing and authorization

After receiving an approved Request to Advertise – Local Let Project, advertise the project

____/____/____ **Request to Award – Local Let Project Approval/ Construction contract can be executed: 1-1.5 months**
☐ Advertisement of project
☐ Opening of bids
☐ Submittal & Approval of Request to Award – Local Let Project

After receiving an approved Request to Award – Local Let Project, execute your construction contract

____/____/____**Construction: 3 months to 2 years -** *Varies based on complexity, construction oversight, enforcement of project schedule, phasing, and time of year when project began*

☐ Pre-construction meeting
☐ Construction
☐ Processing of contract modifications (if applicable)
☐ Final walk-through/punch listing

____/____/____**Reimbursement Requests (RR) & Project Completion: 3 months to 2 years –** *Varies based on when RRs began & submitted, along with project completion cert.*

☐ Submission of RRs and applicable back-up
☐ Field reviews based on the RRs & any necessary fixes in the field
☐ Approval of Reimbursement Requests & receipt of reimbursements
☐ Submission and approval of Project Completion Certificate

*When completed, project is closed. Note that this is applicable for all IDs (design, real estate, construction, etc.).

From project inception to project close-out: 2 years to potentially 8 years, 4.5 months

SAMPLE

WAGE/EEO Interview Form

(Nov 2017 and later lets)

Project ID/ Location/Prime contractor	
What is your name? (Optional - Phone #/Email address)	
Who do you work for? How long have you worked there?	
What is your work classification? (Occupation/Job Title)	
What are your **job duties**? What **tools and/or equipment** do you **use or operate**?	
Are you an **apprentice?**	Yes or No
Are you a **union** member?	Yes or No | Local #
Who is your **supervisor or foreman?**	
How **long** have you worked on this project? When did you **start** working on this project?	
What is your **wage rate per hour?**	
Do you know where the Job Site Posting Board is**?**	Yes or No
How many **hours** do you **work** per week? Do you get paid for **overtime?** ***What is your*** *overtime rate**?***	
How are you paid? ***What*** *day of the week* ***are you paid?***	Cash Check Direct Deposit Weekly Bi-Weekly S M T W TH F S
Do you have any *deductions* ***other than*** *taxes & SS**?***	Yes or No IF YES, EXPLAIN:
What **type of benefits** do you **receive?**	Health Life Dental Holiday/Sick/Vacation Pension 401K Cash in lieu of fringe benefits Other:
Do you **keep records** (payments, hours, work performed)?	Yes or No
Have you ever had any *problems with your wages**?***	Yes or No IF YES, EXPLAIN:
If you believed that you were not being paid properly, **who would you see to file a complaint?** *Explain**:** Keep an accurate record of hours worked and work performed (including truck # and equipment used) because they must prove that a wage underpayment has actually occurred*	
Do you receive a pay advice statement with your payroll check or direct deposit notification that lists the number of hours worked and rates of pay? What are your work assignments?	Yes or No WisDOT Construction Projects Private Work Shop Work Municipal Projects
INTERVIEWER NAME:	| Date:
HANDOUTS given:	Wage Rates Wage Brochure Business Card Wage Complaint Form Other:
PAYROLL CROSS REFERENCE:	Consistent with payroll | Inconsistent with payroll

MPLE

EEO Section

1. Who is the ***company's EEO Officer*** and *how can you contact* him/her?
2. Who would you ***contact*** regarding **discrimination and harassment issues or complaints**?
3. While working on this job site and for this company, have you ever **seen or felt any harassment, intimidation, or coercion?**

Also, complete if time permits:

4. Have you worked with **any women or ethnic minorities** on this crew? If no, WHY do you think there are not any employed on this crew?
5. Where can you find out about the **company's policies** of **equal opportunity, non-discrimination and sexual harassment?** Have you looked over the material? If so, how did you receive the information (e.g. meeting, foreman verbal overview, handouts/manual, posting)?
6. Where would you go for assistance with a personnel concern or complaint?
7. Have you been asked to refer qualified minority and women applicants?
8. Have you been informed about training opportunities available (e.g. union/private)? What type of training has been offered to you?
9. Have you been informed about promotions with this company? If so, what is the progression that a person must go through for a promotion?

SAMPLE

TRUCK Section

Project ID/ Location/PRIME Contractor	
Driver Name	
Owner/Operator	Yes (If yes, who hired you?) No (If No, who do you drive for?)
Do you understand that you must **pay yourself** prevailing wage rate **weekly and submit weekly certified payrolls?**	
Who writes your payroll check?	
Wage rate	
How are you paid?	Cash Check Direct Deposit
Any deductions other than tax and SS?	Yes or No IF YES, EXPLAIN:
What **type of benefits** do you receive?	Health Life Dental Holiday/Sick/Vacation Pension 401K Cash in lieu of fringe benefits Other:
Do you **keep records** (payments, hours, work performed)?	Yes or No
Additional comments:	
Handouts given:	Wage rates Wage Brochure Business Card Trucking guidelines

PRELIMINARY ENGINEERING CHECKLIST

WisDOT Project ID Number		Date Checklist Completed
Project Title	Hwy Nº/Letter	County
Project Limits		Sponsor
Project Description		Preparer/Title

Complete this checklist and review with the Region at the beginning of the project. This checklist will help make sure the Plans, Specifications, and Estimates (PS&E) and other contract documents are developed in accordance with the program guidelines. **Send copy to the Region Local Program Project Manager (LPPM).**

1. **Does the proposed project involve construction activities (e.g. grading, paving, painting, structural improvements, landscaping, etc.)?**
   - ☐ **NO**
   - ☐ **YES** Plans, Specifications and Estimate must be completed and signed and sealed by a Professional Engineer, Architect, or Landscape Architect. Designs must comply with all applicable Federal, State and local standards and codes. Bicycle projects should conform to American Association of State Highway & Transportation Officials (AASHTO), Guide For Development of Bicycle Facilities and must conform to the Wisconsin Bicycle Facilities Design Handbook and the WisDOT Facilities Development Manual (FDM).

2. **For Safe Routes to School projects, has the pre-project/activity survey using the SRTS Parent Survey and Student Tally Sheets been completed and submitted to the National Center for Safe Routes to School at http://www.saferoutesinfo.org/data-central?**
   - ☐ **YES**
   - ☐ **N/A**

3. **Will consultant engineering or architectural services be utilized for project design or construction?**
   - ☐ **NO**
   - ☐ **YES** Selection process for contractual construction engineering or architectural services (as defined in ***23 CFR 172***) on all three-party contracts will be in accordance with the "Brooks Bill" (***Public Law 92-582, 86 Stat. 1278*** (1972), ***40 USC 541***). FDM 8 provides a discussion and a sample short form for federally funded contracts that can be used by the Sponsor and modified as necessary to fit the project.

4. **Does the proposed project involve the acquisition of Real Estate (e.g. land, easements, structures, etc.)? Reference:** FDM 12 & 15 and Right of Way Acquisition Guide for Local Public Agencies.
   - ☐ **NO** A completed Certificate of Right of Way (form RE1899) is required at draft PS&E. Note that regardless of land acquisition, the certificate must be submitted for each project.
   - ☐ **YES** Complete the ***Right-of-way (R/W) and Real Estate (R/E) Checklist*** and appropriate documentation provided in the references above after the DSR has been approved. The checklist is found in Appendix B.

5. **Does the proposed project require adjustments to existing utilities? Reference:** FDM 18
   - ☐ **NO**
   - ☐ **YES** Coordination must be made with the affected utility companies and development of appropriate documentation is required.

6. **Does the proposed project affect or come within 1,000' of an abandoned or existing railroad right-of-way? Reference:** FDM 17
   - ☐ **NO**
   - ☐ **YES** **Immediately contact the Region**. Coordination must be made with the affected railroad company to obtain their concurrence, acceptance of construction proposals and their cooperation in changing or adjusting railroad facilities in a timely manner to accommodate the proposed project.

SAMPLE

[Type here]

7. **Will the proposed project be constructed in accordance with the WisDOT *Standard Specifications for Road and Bridge Construction* and/or WisDOT Standard Special Provisions? Reference:** WisDOT Standard Specifications for Road And Bridge Construction
   - ☐ **NO** Non-WisDOT specifications may be used for non-highway related work by incorporating them into the contract documents by reference as a special provision, provided they are national, State or industry recognized standard specifications and do not conflict with Federal laws or regulations. Part I of WisDOT Standard Specifications For Roads and Bridges is to be referenced in all contract language.
   - ☐ **YES**

8. **Will the proposed project specify proprietary products? Reference:** FDM 19-1-5
   - ☐ **NO**
   - ☐ **YES** Propose a Proprietary Product Justification to the Region LPPM stating why the proprietary product is necessary, or incorporate language (generally list of 2 alternatives) allowing the use of approved equal materials into the contract specifications.

9. **Will the proposed project include the use of warranties in the contract?** Ref.: FDM 19-15-3
   - ☐ **NO**
   - ☐ **YES** Sponsor must work with the Region LPPM to determine & document compliance with industry standards.

10. **Will the proposed project involve work on State Trunk Highway (STH) right-of-way (R/W)?**
    - ☐ **NO**
    - ☐ **YES** Contact Region Maintenance Section to obtain a permit to conduct work on STH R/W.

11. **The Uniform Purchasing Procedure was followed for the purchase of the property for the project?**
    - ☐ **NO** What year was the land purchased?
    - ☐ **YES** It was purchased in what year?_____
    - ☐ **N/A** (If land was purchased more than 10 years before the Project Application was submitted)

12. **Will the proposed project involve any structures? (retaining walls, boardwalks, bridges)**
    - ☐ **NO**
    - ☐ **YES** Refer to STRUCTURES section, Section 10.5 of the Sponsor's Guide for guidance.

13. **Does the proposed project involve any equipment purchasing?**
    - ☐ **NO**
    - ☐ **YES** Refer to the EQUIPMENT PURCHASING POLICY section, Section 10.14 of the Sponsor's Guide for guidance.

14. **Does the proposed project still meet the project description in the State/Municipal Agreement?**
    - ☐ **NO** Contact the Region LPPM for approval of the change and updating the State/Municipal Agreement
    - ☐ **YES**

By signing below, I hereby certify that the above information is true and correct to the best of my knowledge.		
Signature of Sponsor's Representative	Title	Date

SAMPLE

INITIAL SITE RECONNAISSANCE CHECKLIST

WisDOT Project ID Number		Date of Form Prepared
Project Title	Hwy Nº/Letter	County
Project Limits		Sponsor
Project Description		Preparer/Title

Part 1. Land Use "Red Flags" That Indicate Potential for Hazardous Materials. Several land uses currently or formerly involved operations, processes, or activities that have the potential to generate hazardous wastes. Also of concern are land uses that have on-site chemical or fuel storage facilities. **Place a check mark ☑ next to any of the following activities that have been undertaken on or near the project site currently *or at any time in the past*:**

☐ Gas stations	☐ Chemical manufacture, formulation, or processing.
☐ Repair and maintenance of motor vehicles (automobiles, aircraft, trucks, construction equipment, RVs, etc.).	☐ Chemical & petroleum product storage facilities (including above- and under-ground tanks and flammable storage rooms.)
☐ Operation or repair of printing and reproduction equipment.	☐ Electroplating and other metal manufacturing and fabricating operations.
☐ Photographic processing or printing.	☐ Analytical laboratory operations.
☐ Provision of home, industrial, or commercial pest control.	☐ Dry-cleaning and laundry services.
☐ Warehouse operations.	☐ Cosmetic manufacturing or processing.
☐ Home, garden, pool, or agricultural supply manufacturing.	☐ Textile mfg. (including fabric dyeing and finishing).
☐ Manufacture, refinishing, or stripping of furniture or wood products.	☐ Manufacture, formulation, or processing of pesticides or agricultural products or chemicals.
☐ Chemical treatment of lawns, gardens, yards, or provision of other landscape and tree services.	☐ Metal finishing, refinishing, and etching (auto body, printed circuit board manufacturing, jewelry fabrication).
☐ Building and repair of boats.	☐ Production and repair of shoes.
☐ Paint formulation and mixing.	☐ Metal galvanizing.
☐ Drum, barrel, and tank reconditioning.	☐ Battery manufacturing, rebuilding, or recycling.
☐ Solvent recycling.	☐ Scrap metal and junk yard operations.
☐ Pressure treating or preserving of wood products.	☐ Landfills.
☐ Facilities that receive bulk deliveries of raw or processed materials	☐ Schools, auditoriums and other facilities with large heating requirements.
☐ Nursery and greenhouse operations.	☐ Waste or spent production incineration.
☐ Recycling facilities.	☐ Foundries.
☐ Railroad corridors.	

Part 2. Specific physical features that may be indicators of potential contamination.
Carefully examine the site and place a check mark in the appropriate square if any of the following is observed:

☐ Unnatural, sunken or depressed areas as well as raised areas.	☐ Tanks, pits, lagoons, or ditches/
☐ Surface water plumes or sheens.	☐ Waste material piles.
☐ Raw material storage piles.	☐ Barrels or other storage containers.
☐ Security fencing and protected areas.	☐ Landfills and areas used for burning.
☐ Loading ramps and railroad staging areas.	☐ Filled areas.
☐ Pumping manifolds.	☐ Fill pipes or other pipes projecting out of the ground.

Part 3. Land surface characteristics that may indicate problems.
Carefully examine the site and place a check mark in the appropriate square if any of the following is observed:

☐ Color variations indicating differences in soils or stained soils.	☐ Barren soil areas.
☐ Exposed and graded soils.	☐ Obvious changes in vegetation density.
☐ Drainage patterns bringing drainage from off-site.	☐ Dead trees and shrubs.
	☐ Barren vegetation adjacent to live vegetation.

SAMPLE

Part 4. Building features and equipment that may indicate problems. Carefully examine all existing buildings on the site and place a check mark in the appropriate square if any of the following is observed:	
☐ Asbestos-containing materials, such as pipe insulation, ceiling or floor tile, transit board, sprayed-on fireproofing, etc.	☐ Electrical transformers.
	☐ Floor drains.
	☐ Hydraulic equipment.

By signing below, I hereby certify that the above information is true and correct to the best of my knowledge.		
Name of Preparer		
Based on the above information, I recommend: ☐ NO FURTHER ACTION ☐ FURTHER ACTION		
Signature		
Date		

SAMPLE

PARCEL RECONNAISSANCE CHECKLIST

WisDOT Project ID Number		Date of Form Prepared
Project Title	Hwy Nº/Letter	County
Project Limits		Sponsor
Project Description		Preparer/Title
Property Address		Owner Address (If Different)

Will This Parcel Be Purchased? ☐ YES ☐ NO	Current Land Use
Will Excavation Be Done On This Parcel? ☐ YES ☐ NO	Previous Land Use
Will Utilities On this Parcel Be Relocated? ☐ YES ☐ NO	Adjacent Land Use
Will Easements Be Obtained for This Parcel? ☐ TEMPORARY ☐ PERMANENT ☐ NONE	Comments
Are there any Underground Storage Tanks on this Parcel? ☐ YES ☐ NO	Is there evidence of contamination? ☐ YES ☐ NO
Are there any Above Ground Storage Tanks on this Parcel? ☐ YES ☐ NO	Is the ground surface disturbed or unnatural? ☐ YES ☐ NO
Are there disposal pipes, drums, etc.? ☐ YES ☐ NO	Are there unusual surface drainage patterns or impoundments? ☐ YES ☐ NO
Are there ponds, basins, sumps, etc.? ☐ YES ☐ NO	Is there stressed vegetation? ☐ YES ☐ NO
Comments:	
Is there evidence of asbestos on this parcel? ☐ YES ☐ NO Location: Type: Source of Evidence:	Is there evidence of migration of contaminants on this parcel? Toward the existing right-of-way: ☐ YES ☐ NO Toward the proposed right-of-way: ☐ YES ☐ NO To/From adjacent property: ☐ YES ☐ NO

RECORDS SEARCH RESULTS

County Assessor ☐ OK ☐ Possible Problem ☐ Not Investigated	**DWD Underground Storage Tank Records** ☐ OK ☐ Possible Problem ☐ Not Investigated
Fire Department ☐ OK ☐ Possible Problem ☐ Not Investigated	**Department of Natural Resources** ☐ OK ☐ Possible Problem ☐ Not Investigated
Plat Books ☐ OK ☐ Possible Problem ☐ Not Investigated	**Department of Transportation** ☐ OK ☐ Possible Problem ☐ Not Investigated
County Highway Department ☐ OK ☐ Possible Problem ☐ Not Investigated	**US EPA Underground Storage Tank Records** ☐ OK ☐ Possible Problem ☐ Not Investigated
Register of Deeds ☐ OK ☐ Possible Problem ☐ Not Investigated	**USGS Maps** ☐ OK ☐ Possible Problem ☐ Not Investigated
City/Village/Town Records ☐ OK ☐ Possible Problem ☐ Not Investigated	**Business Directories** ☐ OK ☐ Possible Problem ☐ Not Investigated
Aerial Photographs ☐ OK ☐ Possible Problem ☐ Not Investigated	**CERCLIS** ☐ OK ☐ Possible Problem ☐ Not Investigated

ATTACHMENTS

☐ AERIAL / SITE MAP	☐ UST REGISTRATION	☐ CERCLIS LIST
☐ PHOTOGRAPHS	☐ SPILLS REPORT	☐ OTHER (List)

Name of Preparer

Based on the above information, I recommend:
☐ NO FURTHER ACTION ☐ FURTHER ACTION

Signature of Sponsor or Design Consultant | Date

SAMPLE

RIGHT-OF-WAY (R/W) AND REAL ESTATE (R/E) CHECKLIST

WisDOT Project ID Number		Date of Form Prepared
Project Title	Hwy N°/Letter	County
Project Limits		Sponsor
Project Description		Preparer/Title

NOTE: All Real Estate acquisition must be completed before PS&E. The project cannot be advertised until the local program real estate project manager (LPREPM) has reviewed and approved ROW documentation. Consult your LPREPM for any real estate questions.

1. *Preliminary*
   - ☐ If persons or businesses are to be displaced, complete an acquisition stage relocation plan. Use of a relocation consultant is recommended. Completed plan to be submitted to WisDOT BTS-RE for review and approval.
   - ☐ Submit parcel cost estimate (R/W Parcel Cost Estimate Form) to WisDOT for use in R/E funding authorization. Do not incur costs until you have authorization. Any R/E costs incurred prior to authorization will NOT be reimbursed. R/E funding authorization is not the same as a signed State/Municipal Agreement.
   - ☐ *Read The* Rights of the Landowner Under Wisconsin Eminent Domain *Law (Eminent Domain Brochure)*, available at the Department of Administration website https://doa.wi.gov/Pages/AboutDOA/RelocationAssistance.aspx
   - ☐ Complete title search.
   - ☐ Determine which parcels will need a partial release of mortgage.
   - ☐ Draft and approve R/W Plat and Relocation Order and file with County Clerk within 20 days. Submit copies to LPREPM.
   - ☐ Draft Descriptions/Deeds.
   - ☐ Notify utilities.
   - ☐ Identify and remove/permit encroachments.
   - ☐ Complete the Acquisition Capability Statement (ACS) form. It is found on the Local Program Real Estate Forms webpage. Contact your LPREPM for assistance.
     - Local Program real estate consultants (acquisition and relocation agents, appraisers, and review appraisers) must be listed on the approved list of consultants found on the Local Program Real Estate website.
     - Individual LPA Staff performing right of way acquisition functions must meet certain criteria and be approved by WisDOT prior to working on project acquisition (See Section 2.2.1 LPA Staff in Local Program Real Estate Manual for details).
   - ☐ Use of WisDOT contracts are required.
   - ☐ Use of WisDOT's Real Estate Automated Data Systems (READS) is required (WisDOT LPA forms are required and are stored here). Contact your LPREPM for more information.
   - ☐ Coordinate a real estate Start-Up Meeting with your LPREPM. Information about the Start-Up Meeting is found in section 3.5 Start-Up Meeting of the Local Program Real Estate Manual.
2. *Notify Owners*
   - ☐ Prepare a parcel folder for each parcel acquisition.
   - ☐ Send introduction letter with the brochure: The Rights of the Landowner Under Wisconsin Eminent Domain Law to each property owner.
   - ☐ Send notification of the possible need for a partial release of mortgage.

3. *Appraisal*
   - ☐ Contract with appraiser. Contract must be approved by your LPREPM when Fed/State funds in R/E.
   - ☐ Furnish appraiser with:
     - R/W Plat
     - Legal Description
     - Appraisal requirement
     - Title information for each parcel
     - Construction Plan, Profiles and Cross Sections
     - List of property owners names, addresses and phone numbers

SAMPLE

4. *Waiver of Appraisal Procedure*: The Agency may attempt to negotiate without formal appraisal those parcels valued at $25,000 or less. If Fed/State funds in R/E, your LPREPM must approve nominal offering prices and any subsequent increases. The following steps must still be followed:
   - ☐ Prepare sales study.
   - ☐ Tabulate on Waiver of Appraisal form a conclusion of damages (based on the sales study) for each parcel.
   - ☐ Fill out the Nominal Payment Parcel - Waiver of Appraisal Recommendation and Approval (RE1897-READS) form for each nominal parcel. WisDOT must approve if Fed/State funds in R/E.
   - ☐ Advise owner of his/her rights as outlined in Eminent Domain Brochure.
   - ☐ Owner willingly signs the Nominal Payment Parcel - Waiver of Appraisal Recommendation and Approval (RE1897-READS) form, the deed easement and other necessary documents. Note: No one can condemn a nominal parcel without first going through the appraisal process.

5. *Appraisal Review*. If Fed/State funds are used in the real estate, WisDOT must review appraisals and approve offering prices. Submit completed Offering Price Report and Submittal (RE1894-READS) form along with the appraisal.
   - ☐ Review/approval of all appraisals is completed by qualified appraisal reviewer. Nominal payment parcels have been approved. Values concluded are uniform, consistent and complete throughout project, have been approved prior to the initiation of negotiations.

6. *Negotiation*
   - ☐ Review Title Search for parties of interest and any encumbrances against the property (i.e., tax liens, judgments, etc.). These must be satisfied or cleared before payment to the owner, including any possible partial release of mortgage.
   - ☐ Contact owner(s) and provide to them:
     - A copy of the appraisal or Waiver
     - Offering Price Letter
     - Appraisal if over $25,000 or Waiver not signed
     - Closing Statement
     - W-9 if appropriate
     - Statement to Construction Engineer
     - Copy of Deed and/or Easement and legal description.
     - Eminent Domain Brochure (if not given before negotiations)
     - Owner Appraisal Guidelines, if necessary
     - A copy of the plat and the Schedule of Interests form to all affected property owners
     - Tax Proration, if appropriate
   - ☐ Negotiation Diary Complete (Thorough documentation of all meetings and conversations during acquisition process is required.)
   - ☐ Wait for owners to secure their own appraisal, if appropriate, explained in Eminent Domain Brochure-they have 60 days from receipt of Agency appraisal. Owners should be given the Owner Appraisal Guidelines at initial negotiation call.
   - ☐ Arrange for reimbursement of the owner's appraisal fee if their appraisal met the requirements outlined in the Owner Appraisal Guidelines.
   - ☐ Obtain any necessary Partial Releases of Mortgage.
   - ☐ Obtain a Purchase Agreement from owner if any special conditions or commitments are agreed to. Any commitments are to be reviewed and approved by the consulting Engineer and Agency. If Fed/State funds in R/E, WisDOT must approve any changes in offering prices. If the acquisition changes, start entire process over.
   - ☐ If the original approved offer is revised during negotiations, notify owner in writing.

7. *Closing*
   - ☐ List commitments (if any) to owner.
   - ☐ Secure executed deed or easement.
   - ☐ Make payment to the owner.
   - ☐ Record documents with the Register of Deeds including TLEs.
   - ☐ Complete Diary Documentation and sign.

8. *Condemnation Procedures:* In accordance with State Statute 32.05 when an agreement cannot be reached and condemnation is necessary coordinate closely with your LPREPM. It is strongly suggested, the Agency's attorney review all condemnation documents prior to service.
   - ☐ Serve a Jurisdictional Offer (J.O.) to all parties of interest. But NOT before the end of the owner's 60-day period to obtain his/her own appraisal.
   - ☐ File Notice of Lis Pendens with attached copy of J.O. in the office of the Register of Deeds within 14 days of the service of the J.O.
   - ☐ If the owner(s) rejects or ignores the J.O. within the 20 days provided by Statute, then prepare, approve and serve Award of Damage along with payment.
   - ☐ Attempts to negotiate will continue through the J.O. period.
   - ☐ Record the award with Register of Deeds after payment made to owner or to Clerk of Court.
   - ☐ Do not amend an award of damages or continue to negotiate after the award is recorded.

SAMPLE

9. *Certification*
   - ☐ Forward the Certification of Local Public Agency (LPA) Right of Way Acquisition (form LPA3028) along with the WisDOT Certificate of Right of Way (form RE1899) to your LPREPM.

10. *Reimbursement:* If Fed/State funds used in R/E, send completed reimbursement request with all documentation to WisDOT Region LPA Coordinator as soon as practical. NOTE: In order to receive reimbursement for property owner appraiser fees, a form "Criteria for FHWA Reimbursement of LPA Property Owner Appraisal Fees" is required as part of the reimbursement package.

11. If your project involves the relocation of a residence or business, contact your LPREPM.

12. If you have any questions concerning the real estate process, refer to the Local Program Real Estate Manual or contact your LPREPM.

SAMPLE

LOCAL PROJECT UTILITY COORDINATION TAKS LIST

	Title		Date of Form Prepared
WisDOT Project Design ID	Limits		PS&E Date
WisDOT Project Construction ID	Highway	County	Let Date
Project Sponsor (LPA)	Telephone Number		E-mail Address
Design Consultant (DC)	Telephone Number		E-mail Address
WisDOT Project Manager (LPPM)	Telephone Number		E-mail Address
Utility land interest(s) associated with real estate acquisition on this project? ** ***Marked tasks only apply if check "Yes"***			☐ Yes ☐ No

Refer to the task list throughout project development to make sure that the appropriate coordination is completed, and the Plans, Specifications, and Estimates (PS&E) and other documents are developed in accordance with the executed State/Municipal Agreement, WisDOT procedures for Utility Coordination, and program guidelines.

This list is meant to provide guidance on utility coordination tasks and should be tailored based on project-specific information; certain tasks listed below may not apply, or there may be applicable tasks that require adding to the list.

SAMPLE

By signing below, I hereby certify that the information included in this task list is true and correct to the best of my knowledge:

Project Sponsor's Representative Signature	Title	Date
Name (clearly printed)		
Design Consultant Representative Signature	Title	Date
Name (clearly printed)		

	TASK	RESPONSIBLE PARTY		TASK DUE DATE
		LPA	DC	
1.	Create list of known utilities within the project limits.	☐	☐	
2.	Prepare and send project notification, along with cover letter and exhibits, to all utilities with a potential for facilities in the project area.	☐	☐	
3.	Have utilities verify that they have facilities in the project area, and submit description and general location of each utility facility.	☐	☐	
4.	Coordinate field locates of all utility facilities in the project area; this work shall be coordinated with the utility facility owner.	☐	☐	
5.	Show existing utility facilities on plans, and cross sections. ***Note: plot the horizontal locations of all underground and overhead utility facilities on mainline and side road cross sections.***	☐	☐	
6.	Compare the facility locations submitted from the utilities to the highway plan information to confirm that all utility facilities are shown properly.	☐	☐	
7.	Invite utilities to Operational Planning Meeting – may also be referred to as the Design Kick-Off Meeting.	☐	☐	
8.	Invite utilities to all Public Information Meetings.	☐	☐	
9.	Hold utility coordination meetings on the project on an as-needed basis.	☐	☐	
10.	Participate in all design-related project meetings.	☐	☐	
11.	Prepare plans and cross sections which identify all "ground-breaking activities". These should be complete enough for use by the utilities to evaluate potential conflicts and develop utility relocation plans.	☐	☐	
12.	Identify potential utility conflicts to be sent to the utilities.	☐	☐	
13.	** Prepare plat(s) and verify that the utility information is shown correctly for each utility with a land interest.	☐	☐	
14.	** Prepare appropriate utility release of rights documents (e.g. Quit Claim Deed, Conveyance of Rights in Land, and/or Temporary Construction Easement), and appropriate compensation documents (e.g. Audit Agreement, Lump Sum Agreement, Statement of Non-Reimbursement [SNR]). ***Note: Coordinate with region utility unit if there is federal funding associated with a utility agreement.***	☐	☐	
15.	Submit Project Plan Transmittal packet to each utility in the project area. This submittal shall include, but is not limited to: cover letter, plan set, project synopsis, environmental information, potential utility conflict list, utility contact list, and utility worksheet.	☐	☐	
16.	** Submit recorded plat(s), release of rights documents, utility agreement or SNR form, all real estate commitments, and Buy America certification form along with Project Plan Transmittal packet. ***Note: Buy America applies if there is federal funding on any portion of this project.***	☐	☐	
17.	Send notice to utilities of having received their work plan, including their utility worksheet and any associated documents.	☐	☐	
18.	** Send notice to utilities of having received their utility agreement or SNR form, release of rights documents, and any associated documents.	☐	☐	
19.	Review utility work plans as they are received to verify there are no remaining conflicts with proposed construction or project schedule, or other	☐	☐	

SAMPLE

	TASK	RESPONSIBLE PARTY		TASK DUE DATE
		LPA	DC	
	utility work to take place. Recommend and coordinate corrective action as necessary. ***Note: See Facilities Development Manual (FDM) Chapter 18-10-35.2 for further direction on this review process.***			
20.	** Review release of rights documents, utility agreements and/or waiver forms, and any associated documents, as they are received.	☐	☐	
21.	** Negotiate and approve utility agreements for compensable relocations.	☐	☐	
22.	** Submit release of rights documents, utility agreement, and plat(s) to Central Office - Utilities for review and approval. ***Note: This applies if there is federal funding associated with a utility agreement.***	☐	☐	
23.	** Obtain and record signed release of rights documents.	☐	☐	
24.	Provide utilities with plan revisions that may affect their facilities. Repeat tasks 15-23 as necessary.	☐	☐	
25.	Approve utility work plans.	☐	☐	
26.	Submit work plan approval and start work notice to utilities.	☐	☐	
27.	Review utility permit applications for compatibility with the approved utility work plan and recommend corrective action, if necessary.	☐	☐	
28.	Conduct field meetings with utilities, as needed.	☐	☐	
29.	Write the utilities section of the highway contract special provisions, based upon approved work plans provided by the utilities.	☐	☐	
30.	Update utility notes and utility contacts on the General Notes sheet based upon information provided by the utilities.	☐	☐	
31.	Prepare and submit Utility Status Report (DT1080) per instructions.	☐	☐	
32.	Send the LPPM a statement certifying that State & Federal regulations have been followed. An e-mail statement is acceptable. ***Note: See DT1080 instructions for further information.***	☐	☐	
33.	Provide field staking for utilities, as needed. Right-of-way staking is needed only in the areas where utility facilities are placed.	☐	☐	
34.	Send final project plan set and copy of the utility portion of the highway contract special provisions to each utility just prior to, or soon after, the final PS&E.	☐	☐	
35.	Monitor the status of all compensable and non-compensable utility relocations, and notify the LPPM of potential delays prior to the pre-construction meeting.	☐	☐	
36.	Send pre-construction meeting invite to all utilities within the project limits.	☐	☐	
37.	** Review invoices, Buy America certifications, and any applicable documents related to compensable utility relocations.	☐	☐	
38.	** Submit final invoices, Buy America certifications, and any applicable documents related to compensable utility relocations to Central Office – Utilities for review and approval. ***Note: This applies if there is federal funding associated with a utility agreement.***	☐	☐	

SAMPLE

PROJECT PROPOSAL CERTIFICATE

WisDOT Project ID Number		Date Form Prepared
Project Title	Hwy N°/Letter	County
Project Limits		Sponsor
Project Description		Preparer/Title

1. The Engineer's Estimate (without contingencies) for this project is: _____
2. The contractor pre-qualification for this project is:_____
3. The Unit prices are based on:_____
4. The proposal Guaranty for this project is:_____
5. The DBE goal assigned to this project is:_____
6. Starting date _____ Completion Date _____
7. In addition to the owner of the facility, the Sponsor, WisDOT, and WisDOT's representative additional insurance is:
   a. Provided for:_____
   b. Outlined in the Special Provisions in what location:_____
8. The proposal includes the following work that is non-Federal participating:
   _____
   _____
   _____
9. The plans for this project have been developed in accordance with the following references listed in Section 1.5. List any additional guidelines not listed in Section 1.5 that were used.
   _____
   _____
   _____
10. The Engineer for the project has developed the following special provisions. (Maintenance of Traffic, etc.) Please list.
    _____
    _____
    _____
11. List any Variation to the Wisconsin Bicycle Facility Design Handbook or Wisconsin Guide to Pedestrian Best Practices that were required and the date approved.
    _____
    _____

SAMPLE

12. List any project changes from the Project Application and the date approved.

_____

_____

_____

13. ☐ Confirm that the project is listed in the TIP or STIP by attaching the page showing the project is listed. See website: http://www.dot.wisconsin.gov/localgov/highways/stip.htm

14. ☐ Confirm Part 1 of the WisDOT Standard Specifications has been incorporated by reference in the Project Manual. List the location:_____

15. Answer the following by checking either "YES", "NO" or "N/A" as appropriate.

YES	NO	N/A		
☐	☐	☐	a.	The project incorporates current WisDOT Standard Specifications for Road & Bridge Construction except as modified by special provision or supplemental specification.
☐	☐	☐	b.	The project limits are free of railroads that require coordination and the Certificate of Coordination of Railroad Work With Highway Construction (form DT1804) has been completed and approved.
☐	☐	☐	c.	All necessary coordination has been completed through WisDOT for railroads affected by this project and the Certificate of Coordination of Railroad Work With Highway Construction (form DT1804) has been completed and approved.
☐	☐	☐	d.	Environmental Document has been completed for this project and approved by Region.
☐	☐	☐	e.	In terms of the environmental review, if an EIS or EA was required (only upon notification from Region), the appropriate documentation has been completed and approved.
☐	☐	☐	f.	The environmental commitments have been incorporated into the plans and/or special provisions and are provided with this form.
☐	☐	☐	g.	If required by the Environmental Document process, the State Historical Preservation Officer (SHPO) has reviewed the project.
☐	☐	☐	h.	All required DNR and Corps of Engineers Permits have been secured and are provided with this form.
☐	☐	☐	i.	If required for construction, a WisDOT or County permit to perform construction on STH or CTH right-of-way has been secured and is provided with this form.
☐	☐	☐	j.	If applicable, any mitigation measures required in the permit or review process has been accommodated in the plans.
☐	☐	☐	k.	The Certificate of Right of Way (form RE 1899) for this project has been completed and approved.
☐	☐	☐	l.	WisDOT insert package of federally required special provisions in form FHWA-1273 have been included in the contract proposal.
☐	☐	☐	m.	DBE requirements are in the bid proposal.
☐	☐	☐	n.	This project has no effect on any utilities and the Utility Status Report (form DT1080) has been completed and approved.

SAMPLE

YES NO N/A

16. If applicable, the following utilities are affected by this project and provisions have been made in the plans to relocate them:

_____

_____

17. If applicable, the following utilities are affected by this project and necessary coordination has been completed, as per the approved Utility Status Report (form DT1080), to have them relocated prior to construction:

_____

_____

Based on the above criteria and a general review of the contract documents, this project complies with applicable Federal and State requirements.

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Certified by Sponsor's Professional Engineer's Signature	Title/Seal	Date
Name (clearly printed)		
Approved by WisDOT	Title	Date

CONSTRUCTION BID LETTING CHECKLIST

WisDOT Project ID Number		Date Form Prepared
Project Title	Hwy Nº/Letter	County
Project Limits		Sponsor
Project Description		Preparer/Title

1) Will the proposed project use Local Forces to complete the construction activity?

☐ **NO**
☐ **YES** Sponsor see FDM 19-25 for requirements.

2) Will the proposed project be executed by a contract based on competitive bids?

☐ **NO**
☐ **YES** Then competitive bidding must be in accordance with both Federal and WisDOT specifications. The following Federal and State laws apply:

- ***23 USC 112 (a) & (b)*** and ***23 CFR 635.104*** requires that the actual construction work shall be performed by a contract awarded as a result of competitive bidding. Exemptions may be granted if another method can be shown to be more cost effective. (See Question 1 above), ***Wisconsin S.S. 84.06(2) and/or 66.29***.
- ***23 USC 112*** and ***23 CFR 635.112(f)*** requires that the bidder submit a sworn affidavit that he/she has examined and carefully prepared the bid and that the bidder has not participated in any collusive activity or restraint of trade in connection with the bid preparation. ***Wisconsin SS 66.29 (7).***

  ☐ An affidavit of non-collusion has been included in the bid package. Example language is: "This certifies that the undersigned bidder, duly sworn, is an authorized representative of the firm named above; that the bidder has examined and carefully prepared the bid from the plans and specifications and has checked the same in detail before submitting this proposal or bid; and that the bidder or agents, officer, or employees have not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this proposal bid."

3) 23 CFR 635.112 requires that on all Federal-Aid projects the advertisement and plans be available to the prospective bidders a **minimum of three (3) weeks** prior to the opening of the bids to ensure adequate review time and encourage competition. Publication requirements and types are discussed in Section 10.12.
The Sponsor shall develop the advertisement for the proposed project and include at a **minimum** the following information:

☐ **Federal Funding:** Information that the project is funded with federal funds shall be prominently displayed.
☐ **Proposal Acceptance:** Information on the date, time and location where sealed proposals will be received.
☐ **General Construction:** Proposed project description including location, type of work, project ID, required guaranty, plan remittance, principal bid items, and contact name for further project information.
☐ **Plans or Proposals:** Location where specifications are available and how to obtain a set of plans or description of proposal request procedures.
☐ **Proposal Guaranty:** Information on proposal guaranty requirements.
☐ **DBE** goals of the project.
☐ **Affirmative Action:** A statement on Affirmative Action requirements for the project. See FHWA form 1273 under 2.I.b.

SAMPLE

- ☐ **Affidavit of Non-Collusion:** A statement requiring an affidavit to be filed stating that the bidder has not engaged in any collusion related to the bidding of the project.
- ☐ **Qualifications of Bidders:** A description of the qualification requirements of prospective bidders. Minimum qualifications are discussed in Section 10.11.
- ☐ **Prequalification's of Bidders:** A description of the prequalification requirements if applicable.
- ☐ **Prime Contractor Participation:** A statement requiring that the prime contractor will perform at least 30 percent of the original contract amount with the contractor's own organization as per Section 108.1.2 of the current edition of the WisDOT Standard Specifications for Highway and Structure Construction.
- ☐ **Federal Prevailing Wage Rates** https://wdolhome.sam.gov/
  - ☐ Highway (Include for every project)
  - ☐ Building (Include if there is a building being built or demolished)

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LOCAL LET PROJECT CONTRACT DOCUMENT CHECKLIST

This checklist was developed to assist the Sponsors or their Consultants assemble contracts for Non-Traditional Transportation Projects.

WisDOT Project ID Number		Date Form Prepared
Project Title	Hwy Nº/Letter	County
Project Limits		Sponsor
Project Description		Preparer/Title

CONTRACT ITEMS TO INCLUDE IN THE CONTRACT:

✓	DOCUMENT DESCRIPTION
☐	**Prominently identify the contract as a Federally funded project** on a cover sheet or title page.
☐	**FHWA 1273 Required Contract Provisions Federal-Aid Construction Contracts** This Federal document contains Equal Employment Opportunity, Certified Payroll language etc. and must be included if the contract has Federal funding. *Titled "***Required federal provisions** *(FHWA 1273)" on WisDOT's web site **
☐	**FHWA 1273 Attachment A.** Located at the end of the FHWA 1273 (applicable on contracts funded by the Appalachian Regional Development Act of 1965. Appalachian Contract Employment Preference language). *Titled "*Required federal provisions *(FHWA 1273)" on WisDOT's web site **
☐	**Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246**). *Titled "Affirmative Action" on WisDOT's web site **
☐	**Additional Federal-Aid Provisions**. This includes information for bidders to report fraudulent activities. *Titled "Additional federal provisions" on WisDOT's web site **
☐	**Buy America Provision.** This includes requirements for steel and iron products. *Titled "Buy America" on WisDOT's web site **
☐	**Buy America Certification** Form #WS4567— on WisDOT's website*
☐	**Cargo Preference Act.** This includes requirements for use of United States-flag vessels. *Titled "Cargo Preference Act Requirement" on WisDOT's web site **
☐	**Additional Special Provision 3 Disadvantaged Business Enterprise Program**. This document contains the Disadvantaged Business Enterprise (DBE) program information pursuant to CFR 49 part 26. Any additional DBE language or forms placed in the contract must be consistent with CFR 49 part 26 or it must be removed or edited. *Titled "ASP-3" on WisDOT's web site **
☐	**DBE Percentage prominently identified on the cover of the contract.** This percentage is included the State/Municipal Agreement.
☐	**Commitment to Subcontract to DBE Non-Traditional Projects (form DT1880)**. This form is used to report the DBE firms that the Prime Contractor is subcontracting on the contract. The contractor is making a commitment regarding the DBE firms that they intend to use. This percentage of use will be included in the WisDOT statewide DBE goal. All DBE firms must be certified with WisDOT or recognized by the Unified Certification Program. The form must be submitted to the Region within 5 calendar days after notification from the Sponsor. *Titled "Commitment to Subcontract to DBE for Non-Traditional Projects (DT1880)" on WisDOT's web site **
☐	**Commitment to Subcontract to DBE Attachment A.** This form is at the end of DT1880 and contains the DBE firm's confirmation of their participation in the contract. One form for each DBE firm must be submitted along with the DBE Commitment form. *Titled "Commitment to Subcontract to DBE for Non-Traditional Projects (DT1880)" on WisDOT's web site **
☐	**Additional Special Provision 4** Payment to all Subcontractors. Applies to all projects let after March 2001. *Titled "ASP-4" on WisDOT's web site **
☐	**Additional Special Provisions** 5 Fuel Cost Adjustment. See WisDOT Facilities Development Manual 19-15-90 to determine applicability. *Titled "ASP-5" on WisDOT's web site **
☐	**Additional Special Provision 6 ASP 6 - Modifications to the standard specifications.** This is a supplement to the annual publication of WisDOT Standard Specifications which incorporates updates that occur in-between publications. Applicable for all contracts that incorporate the WisDOT Standard Specifications. *Titled "ASP-6" on WisDOT's website**
☐	**Wisconsin Department of Transportation Division of Transportation and System Development, Supplemental Required Contract Provisions for Projects with Federal Aid.** This State document contains Prevailing Wage Rate, Certified Payroll language etc. and must be included in the contract. *Titled "Supplemental Required Contract Provisions" on WisDOT's web site **

SAMPLE

☐	**Federal Wage Rates.** These wage rates are only included in the contract if the project is a TAP project, Safe Routes to School project, a Sheboygan NTTP project or contains Federal funding and if the project, regardless of function, is located within an existing right-of-way of a Federal-aid highway, and/or if the project is linked to a Federal-aid highway based on proximity or impact. When it comes to wage rates, a Federal-aid highway does not include 1) local roads, 2) rural minor collectors and 3) facilities not on a highway system. The Federal wage rates are located on the following web site: http://wisconsindot.gov/Pages/doing-bus/civil-rights/labornwage/federal-wage-sheets.aspx. More information regarding Federal wage rates is located here: https://www.dol.gov/whd/govcontracts/pwrb/Tab6.pdf It is imperative that the most recent Federal wage rate decision is included in the contract. Every contracts needs to have WI10 Highway Construction wage rates. If there is a building included in the contract, Building Construction (by county) should also be included in the contract.
☐	**Notice To Bidders Wage Rate Decision.** This document is only placed in the contract if **BOTH** State and Federal wage rates are included. *Titled "Notice to Bidders" on WisDOT's web site **
☐	**List of Subcontractors** or consistent local language. *Titled "List of Subcontractors" on WisDOT's web site **
☐	**Proposal Requirements and Conditions** or consistent local language. *Titled "Proposal Requirements" on WisDOT's web site **
☐	**Certification Regarding Debarment, Suspension, and other Responsibility Matters – Primary Covered Transactions** or consistent local language. *Titled "Disbar Certification" on WisDOT's web site **

**** Documents available on the WisDOT Letting website:*** https://wisconsindot.gov/Pages/doing-bus/contractors/hcci/cntrct-info.aspx

ADDITIONAL CONTRACT ITEMS INCLUDED IN THE CONTRACT: Review the contract for municipal contract documents that pertain to Equal Employment Opportunity, Disadvantaged Business Enterprise programs, local contractor payroll requirements, local wage requirements and local contracting preferences. Contact the WisDOT District Office to ensure that the local programs or requirements do not conflict with State or Federal laws. Only Local Public Agencies programs and requirements that are consistent with State and Federal laws can be inserted in the contracts for Non-Traditional Transportation Projects.

Reviewed by: _____ Date:_____

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REQUEST TO ADVERTISE - Local Let Project

WisDOT Project ID Number		Date Form Prepared
Project Title	Hwy Nº/Letter	County
Project Limits		Sponsor
Project Description		Preparer/Title

1. This solicitation is:
   - ☐ A **Request for Bids** in accordance with procedures specified in the WisDOT *Standard Specifications for Road and Bridge Construction*.
   - ☐ A **Request for Proposals** in accordance with procedures specified in the Wisconsin Department of Administration *State Procurement Manual*.
2. The plans and proposal for this project are those that were certified in the Project Proposal Certificate form by _____ (name) on _____ (date).
3. The proposed solicitation opening will be held:
   at _____ (location) at _____ (date and time).
4. The proposed advertising dates are:_____
   - ☐ Please attach a copy of the proposed advertisement.
5. Bids for the project will be solicited in the following ways:
   - ☐ Advertisement on Website:_____
   - ☐ Advertisement in ***Daily Reporter***
   - ☐ Advertisement in _____ (name of Sponsor's official legal publication)
   - ☐ Advertisement in _____ (name of publication)
   - ☐ Advertisement in _____ (name of publication)
   - ☐ Courtesy copies of plans & proposal will be sent to _____ of local contractors (number)
   - ☐ Other (please describe)_____
6. Any significant changes to the plans & proposal made by addendum must first be submitted to Region LPPM before being issued.
   - ☐ Acknowledged.
7. Federal wage rates will be verified.
   https://www.dol.gov/whd/govcontracts/pwrb/Tab6.pdf It is imperative that the most recent Federal wage rate decision is included in the contract. Every contract needs to have WI10 Highway Construction wage rates. If there is a building included in the contract, Building Construction (by county) should also be included in the contract.
   - ☐ Acknowledged.
8. Copies of all addenda issued for this project will be provided to Region Local Program Project Manager (LPPM).
   - ☐ Acknowledged.
9. This project must not be advertised until notification to proceed is received from the Region LPPM.
   - ☐ Acknowledged.

By signing below, the Sponsor's representative certifies the advertisement and acceptance of bids/proposals will be conducted in accordance with the applicable State and Federal rules, regulations and laws.

Signature of Sponsor's Professional Engineer or Design Consultant	Title and/or Seal	Date

Region Approvals

Approved by WisDOT	Title	Date

***If the Sponsor proceeds before obtaining the appropriate authorization, the project will no longer be eligible for Federal reimbursement. ***

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REQUEST TO AWARD - Local Let Project

WisDOT Project ID Number		Date Form Prepared
Project Title	Hwy Nº/Letter	County
Project Limits		Sponsor
Project Description		Preparer/Title

Federal ID (if applicable) _____ Name of Contractor _____

☐ Attach WisDOT approved DBE Commitments

☐ Attach copies of Notarized Advertisements

1. ☐ Yes, if Award is 90 days after Let, Federal wage rates have been verified
2. There were _____ addenda issued to all contractors who received plans and proposal for bids for this project.
   ☐ Attach copies of all addenda issued for this project.
3. The project was advertised and bids were opened in accordance with the Request to Advertise - Local Let Project form as approved on _____.
4. bids were opened and read. bid(s) were rejected.
   Attach justification or documentation for any bid rejected, if applicable.
   Attach justification to support awarding this bid if less than three bids were received.
   ☐ Attach justification if the bid was more than 10% over the engineer's estimate.
   ☐ Attach a summary of the low bid unit prices and the breakdown of the three low bidders and the total of all other bidders.
   ☐ Attach a summary of the bid review including a per item review, as appropriate, compared to the engineer's estimate and other bids.
5. The low bidder was _____ of _____ with a bid of _____.

   This was _____ % (over/under) the engineer's estimate of _____.
6. The low bidder's (prime contractor) work effort as per Standard Specification 108.1.2 is calculated at _____ which is _____ % of the total bid amount.
7. ☐ No Contractor or subcontractors are currently debarred or suspended. See https://wisconsindot.gov/hccidocs/debar.pdf
8. The project included a bid of _____ for non-Federal participating work.
9. The Contract Bond for this project is _____.
10. The total estimated participating construction cost in the State/Municipal Agreement is $_____.
    ☐ The Sponsor acknowledges responsibility for any costs that exceed the funding in the State/Municipal Agreement.
11. Based on the above information, the project complies with applicable Federal and State requirements and, as such, may proceed in awarding the contract.

_____

Sponsor's Signature Title Date

_____ _____

Name (clearly printed) Approved by (WisDOT Signature)

_____

Title Date

SAMPLE

COMMITMENT TO SUBCONTRACT TO DBE NON-TRADITIONAL PROJECTS

Wisconsin Department of Transportation

DT1880 4/2010 s.84.06(2) Wis. Stats.

Project(s): _____

Prime Contractor: _____

County: _____

Letting Date: _____

This contract requires that a specified percentage of the work be subcontracted to a disadvantaged business enterprise and that this information be submitted within **10 business days** after the notification of contract award. Completion of the following information indicates your intent in the fulfillment of these contract requirements.

Total $ Value of: _____

Prime Contract: _____

DBE Contract Goal: _____ %

This form must be completed and returned for THIS contract. See reverse side for instructions.

A	V	NAME OF DBE SUBCONTRACTOR	TYPE OF WORK	SUBCONTRACT $ VALUE	Government Use Only Adjusted Amounts
		SUBTOTAL DBE $ VALUE	**A ($)**	**TOTAL %**	
			V ($)	**TOTAL %**	

A	V	NAME OF DBE SUPPLIER AND/OR MANUFACTURER (see #3 on Instructions)	TYPE OF MATERIAL	SUBCONTRACT $ VALUE	Government Use Only Adjusted Amounts
		SUBTOTAL DBE $ VALUE	**A ($)**	**TOTAL %**	
			V ($)	**TOTAL %**	

A	V	NAME OF DBE TRUCKING FIRM	MATERIAL HAULED	EST. # OF TON/C.Y.	EST. # OF TRUCKS REQ'D		$ VALUE	Government Use Only Adjusted Amounts
					O=	L=		
					O=	L=		
					O=	L=		
					O=	L=		
					O=	L=		
		SUBTOTAL DBE $ VALUE	**A ($)**		**TOTAL %**			
			V ($)		**TOTAL %**			
		GRAND TOTAL DBE $ VALUE	**A ($)**		**TOTAL %**			
			V ($)		**TOTAL %**			
			T =		**TOTAL %**			

I certify that arrangements have been made for the foregoing work with the listed DBE Contractors. I further understand that any willful falsification, fraudulent statement or misrepresentation will result in appropriate sanctions, which may include debarment and/or prosecution under applicable State (Trans 504) and Federal laws.

O = Owned Trucks Used on Project

L = Leased Trucks Used on Project

A = Assigned (DBE Conscious)

V = Voluntary (DBE Neutral)

Government Use Only Approved Amounts

A = $ %

V = $ %

Total = $ %

Signature:

Date:

Good faith waiver granted: Yes ☐ No ☐

X

(Authorized Agent)

(Date)

Mail to: Wisconsin Department of Transportation
DBE Programs Office, Rm. 451
PO Box 7965
Madison, WI 53707-7965

SAMPLE

Proposal Number _____

Instructions For Completing Commitment To Subcontract To DBE Form:

1 In accordance with the DBE Regulations (49 CFR part 26), WisDOT is tracking Assigned Goals for DBE's (DBE Conscious) and Voluntary Usage of DBE Firms (DBE Neutral). DBE participation reported on this form will be used to periodically adjust (DBE Conscious and DBE Neutral) components of WisDOT's overall annual DBE goal.

2 For each DBE firm listed on this form, place an “x" in the appropriate column to indicate whether it will be used to meet the Assigned Goal (A) and/or whether it is used on a Voluntary basis (V). Any achievement above assigned goals should be reported as a voluntary achievement. If you indicate that a firm will be used to meet both assigned and voluntary goals, indicate the dollar amount attributable to assigned goals and the amount attributable to the voluntary goal. Our objective is to capture all DBE achievement you generate. The following is an example:

a. The total contract amount is $100,000 and the DBE goal is 10% or $10,000 in DBE participation
b. If $10,000 is the subcontract dollar value to ADBE Landscaping Co. then $10,000 would be Assigned (DBE Conscious) and you would place an “x” in the “A” column
c. If $15,000 is the subcontract dollar value to ADBE Landscaping Co. then $10,000 would be Assigned (DBE Conscious) and you would place an “x” in the “A” column and ADBE Landscaping Co. would be listed **on the next line** for $5,000 which would be Voluntary (DBE Neutral) and an “x” would be placed in the “V” column

3 The department will give full credit toward the DBE goal if the DBE is a manufacturer of their materials or supplies. The department will give 60 percent credit or brokerage fee set by industry’s standard toward the DBE goal if the DBE is merely a supplier of these materials or supplies. It is the Prime Contractor’s responsibility to use the Bidder’s List or UCP Directory to find out if the DBE is considered a supplier or a manufacturer before listing them on Commitment to Subcontract to DBE form. WisDOT will apply the appropriate credit when approving the form.

4 After completing the form, if it does not indicate that the DBE goal has been met or exceeded, please complete and supply the necessary documentation on the Certificate of Good Faith Efforts form (DT1202 6/2007.)

SAMPLE

Instructions For Completing Attachment A Form:

5 Section 26.53 (49 CFR part 26) requires written confirmation of participation from each DBE firm to be used on the contract. Please submit one copy of a completed Attachment A, Confirmation of Participation form, for each DBE firm to be used on this contract. Each form must be signed by the Prime Contractor, the hiring contractor (if applicable) and the DBE Firm specified on the form.

6 DBE crediting for the trucking industry is achieved in the following manner:

a. A minimum of one truck owned by the DBE must be used on the contract.
b. Full DBE credit is given for owned trucks and trucks leased from another DBE.
c. For one truck owned by the DBE firm, they can receive DBE credit for a truck leased from a non-DBE firm (one DBE truck owned = one non-DBE truck leased).
d. Trucks leased from non-DBE firms above the one-for-one ratio described in letter c, will be given DBE credit only for the brokerage fee charged by the DBE.
e. All trucks used for credit must be listed and approved on the DBE firm’s Schedule of Owned/Leased Vehicles for DBE Credit and/or a WisDOT approved trucking utilization plan.

It is the Prime Contractor’s and the DBE firm’s responsibility to ensure that utilization of trucks and the DBE credit earned is in accordance with the above and will yield the subcontract dollar value listed on the Commitment to Subcontract to DBE form.

If you have questions about filling out these forms, please contact the Civil Rights and Compliance Office at (608) 266-6961.

COMMITMENT TO SUBCONTRACT TO DBE
ATTACHMENT A

CONFIRMATION OF PARTICIPATION

Project I.D.:	Proposal Number:
Letting Date:	Total $ Value of Prime Contract:

Name of DBE Firm Participating in this Contract:
Name of the Prime/Subcontractor who hired the DBE Firm: *(list all names of tiers if more than one)*
Type of Work or Type of Material Supplied:
Total Subcontract Value:

FOR PRIME CONTRACTORS ONLY: I certify that I made arrangements with the participating DBE firm to perform the type of work listed or supply the material indicated above for the subcontract value listed above.	Prime Contractor Representative's Signature
	Prime Contractor Representative's Name (Print Name)
	Prime Contractor (Print Company Name)
	Date

SAMPLE

FOR PARTICIPATING DBE FIRMS ONLY: I certify that I made arrangements with the Prime Contractor or the Hiring Contractor to perform the type of work or supply the material indicated above for the subcontract value listed above.	Participating DBE Firm Representative's Signature
	Participating DBE Firm Representative's Name (Print Name)
FOR DBE TRUCKING FIRMS ONLY: I certify that I will utilize, for DBE credit, only trucks listed on my WisDOT approved Schedule of Owned/Leased Vehicles for DBE Credit form and I will be utilizing the number of trucks and material hauled as listed below.	Participating DBE Firm (Print Company Name)
	Date

# Owned Trucks	# Leased Trucks	# Estimated Tons/C.Y.	Material(s) Hauled

Wisconsin Department of Transportation

REIMBURSEMENT REQUEST
PROGRAMS USING LOCAL LET CONTRACT (LLC) PROCESS

DT1713 6/2011

WisDOT Project ID Number		Date Form Prepared
Project Title	Hwy Nº/Letter	County
Project Limits		Municipality/Local Sponsor
Project Description		Name of Person Who Prepared This Form
Name of Contractor or Consultant	How Many Previous Reimbursement Requests Have Been Made for This Project? ☐ 0 ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ __	Mark Here If This Is The Final Request ☐

Quantity	Unit	Item Description	Unit Price	Amount

SAMPLE

1	**Total Amount of This Request**	
2	Subtract Any Non-Participating* Items	–
3	Total Cost of Participating* Items	
4	Multiply By Maximum Participation (Usually 80%)	x %
5	**Participating Share of This Request**	
6	Total Participating Amount Previously Requested	
7	Add Lines 5 and 6	
8	Maximum Dollar Amount of Participation on This Project (From Project Agreement)	
9	If Line 7 exceeds Line 8, subtract Line 7 from Line 8 and enter amount here. If Line 7 is less than line 8, enter zero.	–
10	Subtract Line 9 from Line 5 and enter the amount here. This amount is owed to your agency.	
	* Participating Costs are costs eligible for State or Federal cost sharing and approved for inclusion in this project.	

WisDOT PAYMENT APPROVAL

Date Received	Date Approved
Indicate Type of Payment ☐ Partial ☐ Final	Amount Approved $
Signature of District Representative	Signature of Bureau of Financial Services Representative

Attach supporting documents and return this form to the appropriate WisDOT Region Office.

PROJECT COMPLETION CERTIFICATE

WisDOT Project ID Number		Date Form Prepared
Project Title	Hwy Nº/Letter	County
Project Limits		Sponsor
Project Description		Preparer/Title
Name of Contractor		Date of Project Completion

Sponsor Certification

I hereby certify:

1. That the project identified above has been completed in a manner consistent with its description in the executed State/Municipal Agreement and the approved Project Proposal Certificate.
2. That all consultants, contractors, subcontractors, and Sponsor employees have substantially fulfilled their contractual obligations to this project.
3. That if the project was a construction project, it was completed substantially in accordance with the approved plans and specifications, as may have been amended by approved contract change order(s).
4. That if the project includes steel and iron materials permanently incorporated in the project, the Buy America provision has been met and certification form WS4567 has been submitted.
5. That any and all construction-related claim known to exist as of this date, including "third-party" claims, have been resolved.
6. That if the project is a Safe Routes to School project the post-activity/project survey has been completed or will be completed within 12 months. Please check one:
   - ☐ I have completed the Survey and submitted on date: _____.
   - ☐ I will complete and submit the survey by date: _____
7. That the final reimbursement request has been submitted and that upon payment of this reimbursement request the project may be permanently closed to all charges.
   The total project costs for this phase were $_____ of which $_____ was Federally/State funded.

Signature of Sponsor	Title and/or Seal	Date

WisDOT Acceptance

I have inspected the project listed above and determined that it has been completed in substantial conformance with the State/Municipal Agreement and the approved plans and specifications, as may have been amended by approved contract change order(s).

Signature of Region Representative	Title and/or Seal	Date

SAMPLE

NON-TRADITIONAL TRANSPORTATION PROJECT IMPLEMENTATION CONTRACT MODIFICATION PRIOR APPROVAL JUSTIFICATION

CONTRACT ID:		**CONTRACT MODIFICATION NO:**	
PROJECT ID:		**FEDERAL ID:**	
PROJECT DESCRIPTION:		**COUNTY:**	
MANAGING OFFICE:		**SPONSOR:**	

1. Description & need for change:

2. Consequences if this Contract Modification is not approved:

3. Alternatives considered:

4. Estimated cost:

5. Justification of price:

6. Does this change affect the contract time? ☐ **Yes** ☐ **No**
Explanation for consideration of time:
Additional Number of days: **New completion date:** **To be determined:**

7. Does this require Exceptions to the Standards? ☐ **Yes** ☐ **No**
Explanation for consideration to the standards:

SAMPLE

Prepared By _____ _____
Project Sponsor Representative **Date**

Approved _____ _____
WisDOT Local Program Project Manager **Date**

Estimated Cost

NON-TRADITIONAL TRANSPORTATION PROJECT IMPLEMENTATION PROGRAM

CONTRACT MODIFICATION

Date:	**Contract Modification No.**
Project ID:	Sponsor:
Project Description:	Contractor:
Region:	Region Representative:

Description of Changes:

Bid Item Increases/Decreases:

Item Number	Item Description	Unit	Original Quantity (including any previous revisions)	New Revised Quantity	Difference (+ or -)	Unit Price	Total Cost Increase/Decrease	Participating
					0		$0.00	
					0		$0.00	
					0		$0.00	
					0		$0.00	
					Participating	**Subtotal**	**$0.00**	

Item Number	Item Description	Unit	Original Quantity (including any previous revisions)	New Revised Quantity	Difference (+ or -)	Unit Price	Total Cost Increase/Decrease	Non-Participating
					0		$0.00	
					0		$0.00	
					0		$0.00	
					0		$0.00	
					Non-Participating	**Subtotal**	**$0.00**	

New Items:

Item Number	Item Description	Unit	Original Quantity	Revised Quantity		Unit Price	Total Cost Increase/Decrease	Participating
							$0.00	
							$0.00	
							$0.00	
							$0.00	
					Participating	**Subtotal**	**0.00**	

Item Number	Item Description	Unit	Original Quantity	Revised Quantity		Unit Price	Total Cost Increase/Decrease	Non-Participating
							$0.00	
							$0.00	
							$0.00	
							$0.00	
					Non-Participating	**Subtotal**	**0.00**	
					Total Contract Increase/Decrease		**0.00**	

Authorized Contract Amount: Let amount from Bid Letting plus any approved contract modifications		$0.00
Revised Contract Amount		$0.00
Non-Participating Cost Non-Participating Costs are funded by the Sponsor and are not eligible for Federal reimbursement.	Non-participating costs this mod	$0.00
	Previous Non-participating costs	$0.00
	Total non-particpating costs	**$0.00**
Total Participating Cost (Subtract Non-Participating Cost from Revised Cost)		$0.00

SAMPLE

Participating Costs are costs eligible for State or Federal cost sharing and approved for inclusion in this project.	
Multiply by Maximum Participating Percentage (See Project Agreement; usually 80%)	80%
Revised Participating Cost	$0.00
Maximum Participating Cost (See Project Agreement)	$0.00

Time:

Original Completion Date/Working Days/Calendar Days	
Additional Calendar Days/Working Days added by this modification	
New Completion Date/ Working Days/Calendar Days	

Recommended By: Signature of Engineer	Accepted By: Signature of Contractor
Approved By: Signature of Sponsor	Approved By: Signature of Region

SAMPLE

REQUEST FOR A VARIANCE TO THE WISCONSIN BICYCLE FACILITY DESIGN HANDBOOK OR WISCONSIN GUIDE TO PEDESTRIAN BEST PRACTICES

Project I.D. 0000-00-00
Project Title
Project Subtitle
County

(Engineer's Seal)

Name: _____

Date: _____

SAMPLE

1. **PROJECT DESCRIPTION**

2. **PRESENT YOUR REQUEST AND STATE SPECIFIC STANDARD NOT BEING MET**

3. **PRESENT THE JUSTIFICATION FOR THIS REQUEST**

4. **PROBABLE IMPACTS ON USERS**

5. **PRESENT COST SAVINGS IF ANY AND WHY THE SAVINGS OFFSET ANY NEGATIVE IMPACTS. PRESENT THE COST SAVINGS IN RELATION TO TOTAL PROJECT COSTS.**

6. **DISCUSS THE MEASURES USED TO NEUTRALIZE THE NEGATIVE IMMPACTS.**

SAMPLE

EXHIBITS:

Buy America Certification

WS4567 **3/26/12**

Wisconsin Department of Transportation

Project ID: _____ Highway: _____ County: _____
Name of Road/Project: _____
Prime Contractor: _____
Address: _____
Contact Person: _____ Phone: _____
DOT Project Manager: _____ Project Leader: _____

The undersigned certifies that only domestic steel and iron was permanently incorporated into the construction portion of the project.

To be considered domestic, all steel and iron used and all products manufactured from steel and iron must be produced in the United States. This includes smelting, coating, bending, shaping, and all other manufacturing processes performed on the product. Coating includes all processes which protect or enhance the value of the material to which the coating is applied.

This requirement does not preclude a minimal use of foreign steel and iron materials, provided the cost of such materials does not exceed 0.1 percent of the contract price or $2500 whichever is greater. Attached to this certification are invoices and other available documentation substantiating a claimed exemption.

SAMPLE

Signature (prime contractor representative) _____

Typed or Printed Name _____

Title _____

Date _____

SPONSOR'S PROJECT FILE CHECKLIST FOR LOCAL LET CONTRACT PROJECTS

Project files should include official documents, documentation of all approval actions, documentation that fully supports expenditure of funds, documentation of project decisions, and project correspondence.

Reviews can and will be conducted at any time during the course of the project.

Contract records (both Design and Construction)

- ☐ Request for Qualifications with description of the scope of services being requested
- ☐ List of selection and evaluation criteria that will be used to select consultant/firm
- ☐ Cost estimate and scope of project being advertised
- ☐ Proposals from all the firms that responded to the advertisement
- ☐ Evaluation and ranking notes for the selection of the firm from each selection panel members and/or summary of evaluations and ranking
- ☐ Negotiation records (e-mails, spreadsheets, phone records, meeting minutes, etc.)
- ☐ Evaluation of firms' performance on the contract

Also review FDM Chapter 8 for additional guidance.

SAMPLE

Design Project records

- ☐ Official documents, if applicable to project
- ☐ State/Municipal Agreement
- ☐ Concept Definition Report
- ☐ Request to Advertise – Local Let Project
- ☐ Request to Award – Local Let Project
- ☐ Plan
- ☐ Local Force Account Agreement

Documentation of all approval actions, if applicable to project

- ☐ Cost Effectiveness Finding (CEF)
- ☐ Environmental documents
- ☐ Exception to Standards Report
- ☐ Design Variance
- ☐ Design Study Report (projects greater than $500,000 in construction)
- ☐ R/W Plat and documents
- ☐ Final Cost Effectiveness Finding (if different than initial CEF)
- ☐ Certificate of Right of Way (form DT1899)
- ☐ Utility Status Report (form DT1080)
- ☐ Certificate of Coordination of Railroad Work With Highway Construction (form DT1804)

Documentation that fully supports expenditure of funds

- ☐ All Contracts
- ☐ Work Orders
- ☐ Invoices (with progress reports)
- ☐ Reimbursement Requests with back-up

Documentation of project decisions

- ☐ Time extensions

☐ Scope modifications

Project correspondence; including email

☐ Local unit proposal for inclusion in local program (Project Application)
☐ All project correspondence (between WisDOT, locals, FHWA, public, designer, DNR, utilities, etc.)
☐ Project related meeting notes
☐ Project related council minutes
☐ Operational Planning Meeting minutes
☐ Public Involvement
☐ Documentation supporting environmental document
☐ Archeological
☐ Historic
☐ Section 106
☐ DNR Letter/Permits
☐ Corps of Engineers

Construction Project Records

☐ Executed Contract between the Sponsor and vendor/contractor
☐ Copy of two-party contract between Sponsor and consultant for construction oversight
☐ As-Built Plan
☐ Request to Award with applicable back-up (bid forms)
☐ DBE commitments forms
☐ Contract Modifications and Prior Approval Justifications
☐ Preconstruction Meeting minutes
☐ Correspondence, email, videos, pictures, releases, as has been forwarded by Sponsor
☐ Record of oversight by WisDOT representative (i.e. meeting minutes with attendance, field site visit reports with attendance)
☐ Explanation of Variations (over/under quantities)
☐ Notice to Proceed
☐ Work Suspension (if applicable)
☐ Buy America documentation
☐ Contractor Certified Payrolls
☐ Project Completion Certificate (Sponsor's Guide form)
☐ Construction Reimbursement Requests with backup (contractor pay applications, field review photos, cancelled checks, etc.)
☐ Erosion Control Diary/Documentation
☐ Curb Ramp Compliance Report

SAMPLE

Bi-Monthly Schedule Work Sheet

Sunset Date:	
Commencement Date:	
Sponsor/LPA:	
Project ID:	
Project Name/Description:	
Project Limits/County	
Submitted By/Date:	

	Original Schedule		Current Schedule		Actual Schedule		Percent
Project Milestones	**Submit**	**Approve**	**Submit**	**Approve**	**Submit**	**Approve**	**Complete**
Start of Design							
Operation Planning Meeting (OPM)							
Request for History/Archeology Screening							
Tribal Historic Preservation Letters							
(Traffic Memo/LOS Report Approved)							
Soils Report							
Intersection Control Evaluation Report							
Pavement Design Report (PDR)							
Public Information Meeting (PIM)							
(Preliminary Structure Plan - TSL)							
Section 106							
Phase 1 HMA Approved							
Environmental Document							
Right of Way Plat							
Stormwater Report							
Design Study Reort (DSR)							
Real Estate Acquisition							
(Railroad Package)							
Final Structure Plan							
Utility Status Checklist							
R/W (Cert 1)							
Draft Plans Specials Estimate 90% Plan							
Final PSE (eSubmit)							
LET							

1. Important milestones, events, and/or accomplishments that were made this month:

2. Milestones, events, meetings, etc. to be held/completed in the next two (2) months:

3. Items/tasks that were scheduled to be completed this month but were not (list and explain):

4. Items that are needed from others in the next two (2) months:

5. Issues to be aware of or needing to be resolved:

- Fill in the schedule and approval dates for the tasks/milestones applicable for your project.
- Submit form to Region LPPM every two months

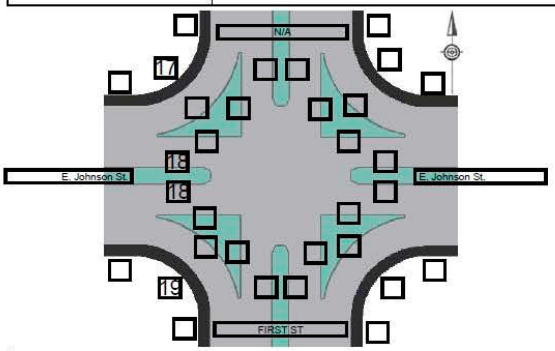
2/26/2019

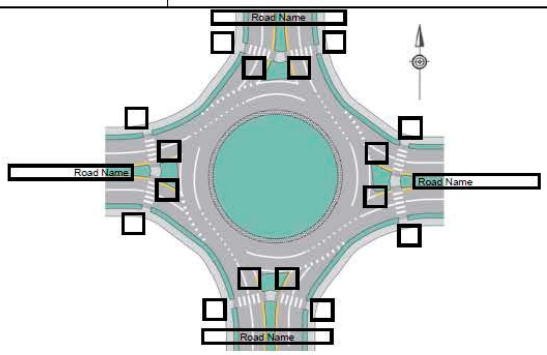
SAMPLE

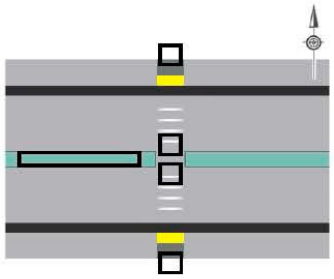
Curb Ramp Compliance
Post Construction Report

Email completed copy of this report to WisDOT Region Bike/Ped. Coordinator for project. Also include copy of this report in final project records.

Project ID 5992-09-14	Project Name City of Madison, East Johnson St; N Baldwin St to First St	Region Southwest
Highway/Road Local Street	Intersecting Highway/Road First St (Hwy 113)	Curb Ramp SDD Date 06/17
Date November 9, 2019	Inspected By Monty Carlson, HNTB	Email mcarlson@hntb.com	Phone 608-209-1562







Curb Ramp Location(s)	Ramp Location CR		Ramp Location CR		Ramp Location CR		Ramp Location CR	
Curb Ramp ID (Latitude/Longitude)	43.094197	-89.362500	43.093888	-89.362222	43.094094	-89.362222	43.093988	-89.361944
Location Type	Mid-Block		Intersection		Intersection		Intersection	
Curb Ramp Type	Type 7 (Mid-Block)		Type 5 (Median)		Type 5 (Median)		Type 2 (Perp.)	

Curb Ramp Attributes	Ramp Location CR	Ramp Location CR	Ramp Location CR	Ramp Location CR
Ramp Opening Width (48" minimum)	56 "	70 "	72 "	70 "
Ramp Running Slope (8.33% maximum)	3.3 %	1.0 %	3.8 %	3.5 %
Ramp Cross Slope (2% maximum)	1.6 %	1.5 %	0.5 %	1.0 %
LT. Flare Slope (10% max., 6:1 max. for graded)	8.1 %	8.1 %	13.8 %	3.8 %
RT. Flare Slope (10% max., 6:1 max. for graded)	7.7 %	13.2 %	13.1 %	3.4 %
Rollover (11% maximum)	6.0 %	4.7 %	5.8 %	6.5 %
4'x4' Clear Space at Ramp Bottom?	✓ Yes No NA	✓ Yes No NA	✓ Yes No NA	✓ Yes No NA

Level Landing Attributes	Ramp Location CR	Ramp Location CR	Ramp Location CR	Ramp Location CR
Width (48" minimum)	68 "	63 "	63 "	62 "
Depth (48" minimum)	60 "	60 "	60 "	188 "
Cross Slope (2% maximum - both directions)	2.0, 1.2 %	1.5, 1.1 %	1.5, 1.1 %	1.8, 0.6 %

Detectable Warning Field Attributes	Ramp Location CR	Ramp Location CR	Ramp Location CR	Ramp Location CR
Detectable Warning Field Spans Ramp Width?	✓ Yes No	✓ Yes No	✓ Yes No	✓ Yes No
Radial Panels?	Yes ✓ No NA	Yes ✓ No NA	Yes ✓ No NA	Yes ✓ No NA
Warning Field Color (Yellow, White, Patina)	Patina	Patina	Patina	Select

Transition Details	Ramp Location CR	Ramp Location CR	Ramp Location CR	Ramp Location CR
Lip less than ¼ inch? (if present)	✓ Yes No	✓ Yes No	✓ Yes No	✓ Yes No
Gutter Flowline Slope at Ramp (2% maximum*)	0.5 %	0.3 %	0.3 %	0.8 %
Gutter Counter Slope (4% maximum)	2.7 %	4.0 %	2.1 %	2.9 %

*Slope at street crossings without yield or stop control and at mid-block street crossings shall be permitted to equal the road grade.

If curb ramp not built to plan specs, explain below.

CR18 median ramp exceeded flare slope on west side due to proximity of inlets on both sides of the median limiting curb cut distance and east side match to median sloped nose.

SAMPLE

LLC Site Visit Checklist - WisDOT Local Program

State ID#: _____ **Inspection Date:** _____
Project Name: _____ **Project Manager:** _____
LPA: **County:**

ADA CURB RAMPS ALL PROPERLY CONSTRUCTED ☐ No concerns ☐ Needs adjustments (explain)

COMMENTS

https://wisconsindot.gov/rdwy/fdm/fd-11-46.pdf#fd11-46-10 FDM 11-46-10 and construction details

CROSS SLOPES 1.5 TYP 2.0% MAX ☐ No concerns ☐ Needs adjustments (explain)

COMMENTS _____

https://wisconsindot.gov/rdwy/fdm/fd-11-46.pdf#fd11-46-5 FDM 11-46-5 Section 5.2.1: 1.5% Typical X-Slope; 2.0% Maximum

RUNNING SLOPES ☐ No concerns ☐ Needs adjustments (explain)

COMMENTS _____

https://wisconsindot.gov/rdwy/fdm/fd-11-46.pdf#fd11-46-5 FDM 11-46-5 Section 5.1.1: Over 5.0%, 5'x5' landing pad for every 2.5' of rise

LATERAL CLEARANCE

- 3' to 5' desired from isolated/continuous obstructions (poles, boulders, signs, fences, etc.) ☐ No concerns ☐ Needs adjustments (explain)

COMMENTS _____

https://wisconsindot.gov/Documents/projects/multimodal/bike/facility.pdf Section 4.5 WI Handbook: Desirable lateral clearance 3'-5'

- 2' min. from isolated obstructions (poles, boulders, signs, etc.) ☐ No concerns ☐ Needs adjustment (explain)

COMMENTS _____

AASHTO Guide for Development of Bicycle Facilities Section 5.2.1: Minimum lateral clearance 2.0'

SLOPING

- 5' min. distance from slopes greater than 3:1 ☐ No concerns ☐ Needs adjustments (explain)

COMMENTS _____

https://wisconsindot.gov/Documents/projects/multimodal/bike/facility.pdf Section 4.5 WI Handbook: p 4-10

VERTICAL CLEARANCE

- Branches and other overhead clearances ☐ No concerns ☐ Needs adjustment (explain)

COMMENTS _____

https://wisconsindot.gov/Documents/projects/multimodal/bike/facility.pdf Section 4.5 WI Handbook: Des. overhead clearance 10.0'; Min. 8.0'

MISCELLANEOUS ☐ No concerns ☐ Needs adjustment (explain)

- Erosion control issues

COMMENTS _____

- All items installed as per plan? ☐ No concerns ☐ Needs adjustment (explain)

COMMENTS _____

Check: Sign type, size, mounted height and lateral offset from path, etc…

ADMINISTRATION

- Preconstruction meeting ☐ Date held: _____ ☐ Minutes on file?

COMMENTS _____

- Contract Modification documents on file ☐ No concerns ☐ Needs adjustment (explain)

COMMENTS _____

- Is Contract Mod adding work consistent with approved project/SMA? Does WisDOT have all Mods?
- Job Site Board Postings Location
- Is the project consistent with the contract documents? ☐ No concerns ☐ Needs adjustment (explain)
- Visually verify misc. items such as structures, boardwalks, curve radii, railings, side slopes, etc…

COMMENTS _____

- Final walk through Date: _____ ☐ No concerns ☐ Needs adjustment (explain)

COMMENTS _____

ADDITIONAL COMMENTS _____

SAMPLE

Wisconsin Department of Transportation

SPONSOR'S GUIDE ACKNOWLEDGEMENT FORM

The State/Municipal Agreement will not be processed until this acceptance is returned along with your certification.

Topics of Emphasis of the Sponsor's Guide include:

- Federal and State Laws and Regulations pertaining to Federal Aid Transportation Projects
- The definition of Non-Traditional Transportation Projects
- Consequences of non-compliance with Federal and State Laws and Regulations including denial of Reimbursement or payback of Federal funding
- Certification requirements to be met by the Sponsor to administer Locally Let Projects utilizing Federal Funding
- Project Delivery Procedures and Documentation Requirements
- Financial Record Keeping Requirements and the procedure for Reimbursement

SAMPLE

As a representative of the Local Project Agency (Sponsor), I have received and read the Sponsors Guide, completed the on-line training program, and agree to meet the requirements of the "*Sponsor's Guide to Non-Traditional Transportation Project Implementation*".

_____

Signature Date

_____

Name

_____

Title

_____

Address

_____

Phone Fax

_____

Email