



Sponsor's Training for Non-Traditional Transportation Projects

Wisconsin Department of Transportation

Online Certification Training

Fall 2020



Sponsor's Training

Welcome to the Sponsor's Guide to Non-Traditional Transportation Project Implementation Manual review and Certification training.

The following video training for the 2020 Non-Traditional Transportation Project Implementation Certification is being created with updated slides from the previous cycle presentation.



Training Course

Following each section training, there will be either a set of questions, or key points from the section for Sponsor to respond to or acknowledge prior to moving forward to the next section.

Training Course

Training and Certification is complete when the project Sponsor completes and submits the Sponsors Guide Acknowledgment form and the completed Certification form.

Both documents are required to be submitted no later than November 30, 2020 in order to move forward administering Locally Let Projects utilizing Federal funding

Questions and comments can be submitted to mailbox:

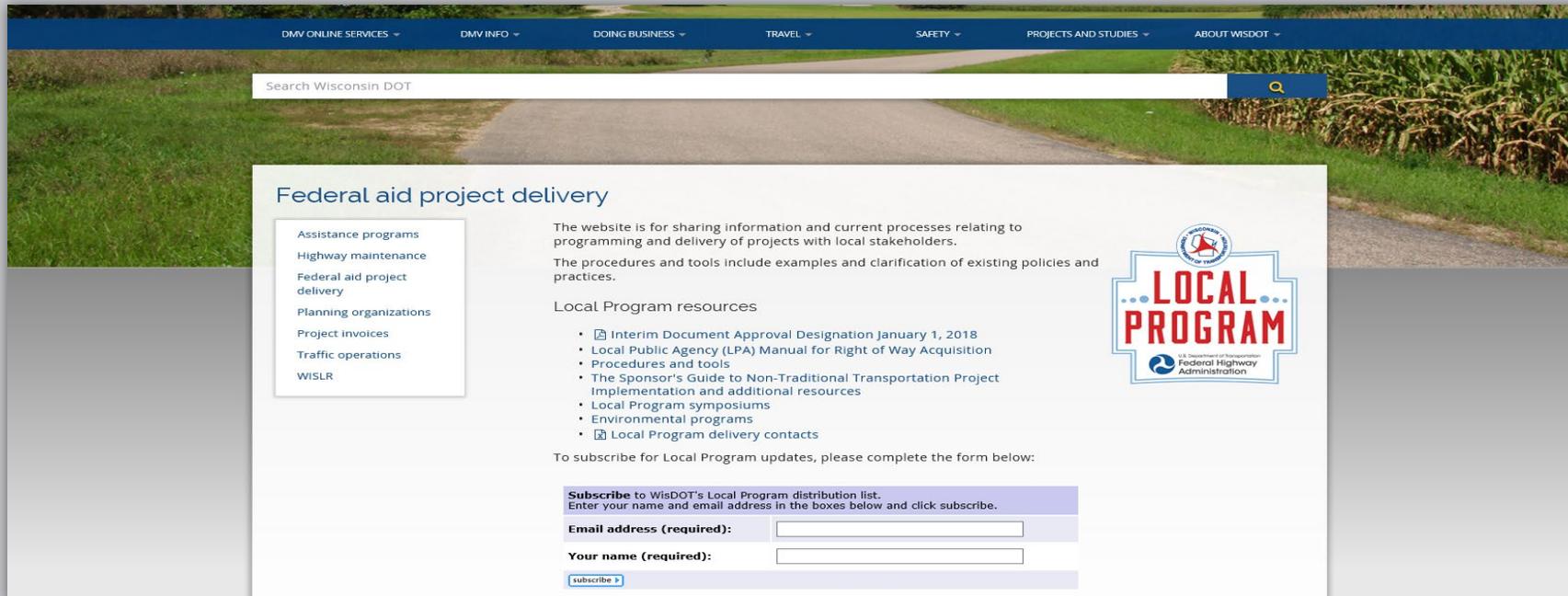
DOTNonTraditionalCertificationTraining@dot.wi.gov

Federal Aid Project Delivery Website

<https://wisconsindot.gov/Pages/doing-bus/local-gov/lpm/default.aspx>

Local Program Resources

- ▶ Sponsors Guide Information and Materials
- ▶ Region Local Program Project Manager contact list
- ▶ Listserv sign up for future updates



The screenshot shows the website's interface. At the top is a dark blue navigation bar with links: DMV ONLINE SERVICES, DMV INFO, DOING BUSINESS, TRAVEL, SAFETY, PROJECTS AND STUDIES, and ABOUT WISDOT. Below this is a search bar with the text "Search Wisconsin DOT" and a magnifying glass icon. The main content area features a large background image of a road winding through a green field. On the left, a white sidebar contains a list of navigation links: Assistance programs, Highway maintenance, Federal aid project delivery, Planning organizations, Project invoices, Traffic operations, and WISLR. The main content area is titled "Federal aid project delivery" and includes a paragraph about the website's purpose, a list of "Local Program resources" with links to various documents and symposiums, and a subscription form for updates. The form includes fields for "Email address (required)" and "Your name (required)", and a "subscribe" button. A logo for the "LOCAL PROGRAM" is also visible, featuring the Wisconsin state seal and the U.S. Department of Transportation Federal Highway Administration logo.

Sponsor's Guide Overview

Sponsor's Guide Section 1: Introduction



Sponsor's Guide Overview

Why is there training?

- ▶ Revision to the WisDOT/FHWA oversight agreement
- ▶ Delegation of certain actions to sponsors
- ▶ Requires a “Certification Program”
- ▶ Requires Training

Sponsor's Guide Overview

Why is there training?

- ▶ To ensure Sponsors do not jeopardize the benefit of using Federal funding
- ▶ Guidance to adhere with Federal and State requirements
- ▶ Only intended for use on Local Let projects. State let will follow FDM procedures for state letting

Sponsor's Guide Overview

Funding Program types covered by Sponsor's Guide

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

Sponsor's Guide Overview

▶ Acronyms – See Sponsor's Guide Appendix A

FHWA	Federal Highway Administration
LPA	Local Public Agency (Sponsor)
WisDOT	Wisconsin Department of Transportation
FDM	Facilities Development Manual
LLC's	Locally Let Contracts
SMA	State/Municipal Agreement
LFA	Local Force Account
DSR	Design Study Report

Organizational Structure and Roles and Responsibilities

Sponsor's Guide Section 2: Organizational Structure

Sponsor's Guide Section 3: Roles and Responsibilities



Organizational Structure

- Federal Highway Administration (FHWA)
- Wisconsin Department of Transportation (WisDOT)
- Local Public Agency (LPA)
- Consultants



Roles and Responsibilities

- FHWA



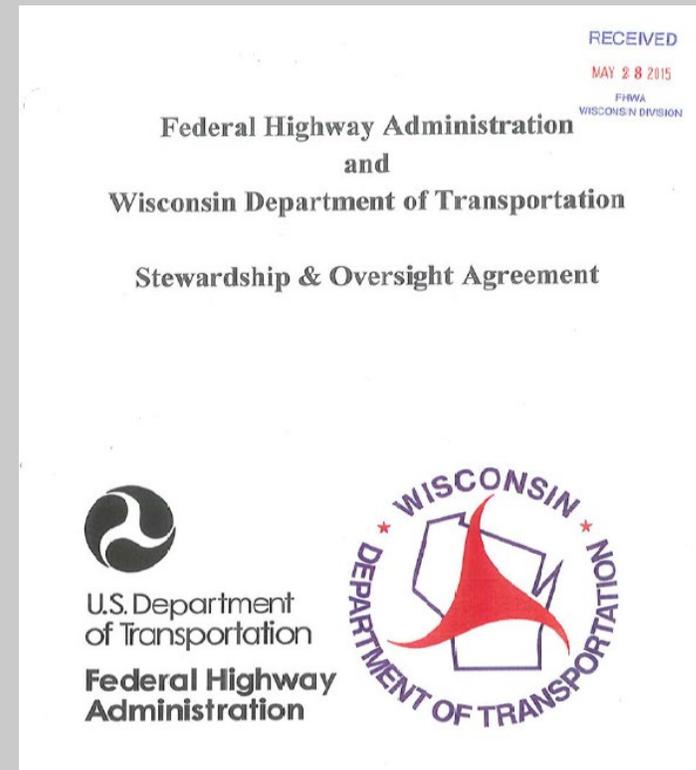
U.S. Department of Transportation

Federal Highway Administration

- Ultimate authority on the expenditure of Federal Aid Highway Funds
- Ensures all Federal laws and regulations are followed
 - Federal requirements on Federally funded projects cannot be waived simply because a project is a relatively small
 - The majority of the Federal requirements that apply to a \$810 million mega project will also apply to a \$300,000 federally funded project

Roles and Responsibilities

- WisDOT
 - Tasked with administering the local program for FHWA according to the Federal Aid Oversight agreement
 - Solicit projects, programming, monitors delivery activities
 - Coordinates with FHWA
 - Controls funding process



Roles and Responsibilities

WisDOT (and/or FHWA) maintains authority for the following:

- ▶ Project Programming
- ▶ Phase authorization (design, real estate, construction)
- ▶ National Environmental Policy Act (NEPA) document approvals
- ▶ Design Exceptions approval
- ▶ Right of Way Certification
- ▶ Utility Certification

Roles and Responsibilities

WisDOT (and/or FHWA) maintains authority for the following:
Continued

- ▶ Railroad Certification
- ▶ Construction Advertisement, Award or Reject of Bids
- ▶ Labor Compliance Enforcement (shared responsibility with LPA)
- ▶ Project Cost Eligibility
- ▶ Federal-Aid Payments
- ▶ Project Final Inspection and Acceptance

Roles and Responsibilities

- WisDOT - Local Program Manager (LPM)
 - Work directly with LPA's during project application, program eligibility, award and SMA
 - Project Scheduling
 - Provide assistance to the LPA in funding eligibility questions
 - Assists with Change Management Process
 - Works with the Local Program Project Manager

Roles and Responsibilities

- WisDOT - Local Program Project Manager (LPPM)
- Work directly with Local Public Agency (LPA), Consultant
- Ensure compliance of Federal and State Requirements
- Provide assistance to the sponsor in interpreting the regulations, manuals and guidelines as they apply to specific project conditions
- Review/approve of design documents per the Document Approval Designation Matrix
- Monitor progress schedule

 Local Program Document Approval Designation
MATRIX
April 28, 2020
Please see website for latest version
<https://wisconsin.gov/Pages/doing-business/local-gov/lpm/default.aspx>

- A=Approve
- C=Concur
- R=Review (provide comment and recommend "approval")
- For LPA approval, an LPA employee must provide signature
- All Documents are Required to be Submitted to WisDOT for filing
- Designations Supersede WisDOT Manuals

ACTIVITY/TASK	P D C H I E F	P D S U P	C U S U P	L P P M	L P A	O T H E R	COMMENT
DESIGN							
State Municipal Agreement (SMA)					A	A	• Region Systems Planning Operations
Memorandum of Understanding (MOU) Memorandum of Agreement (MOA)				A	A		
Change Management Request				R	A	A	• LPA complete • Region LPM or LPPM review/sign • DTIM Approve

Roles and Responsibilities

The LPPM is not responsible for

- ▶ Overall project administration for the sponsor
- ▶ The Sponsor's or their consultant's quality control

Roles and Responsibilities

Local Public Agency (Sponsor)

- ▶ A governmental entity with taxing authority including townships, villages, cities, counties, Tribal Nations
- ▶ May also include other state agencies
 - ▶ Metropolitan Planning Organization (MPO)
 - ▶ Regional Planning Organizations (RPO)
- ▶ Owner of the facility
- ▶ Has financial commitment in the project

Roles and Responsibilities

Local Public Agency (Sponsor)

- ▶ **Fully responsible for the administration of their projects**
- ▶ Designate a full-time local government employee “Person in Responsible Charge”
- ▶ Establish a defined Approval Authority to act as authority for all WisDOT delegated responsibilities and project approvals

Roles and Responsibilities

Local Public Agency (Sponsor)

- ▶ Scope of Work
- ▶ Preparation of Environmental Documentation in accordance with the NEPA process
- ▶ Acquiring all required Environmental Permits and approvals
- ▶ Consultant Selection and administration
- ▶ Project Design



Roles and Responsibilities

Local Public Agency (Sponsor) *Continued*

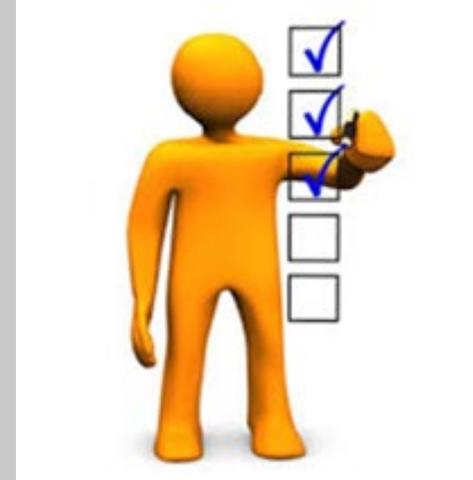
- ▶ Ensure timely submittals of design documents
- ▶ Preparation of Design Exception
- ▶ Design QC/QA
- ▶ Public Participation/Involvement
- ▶ Preparation of Preliminary and Final Plans, Specifications, and Estimates (PS&E)



Roles and Responsibilities

Local Public Agency (Sponsor) *Continued*

- ▶ Right of Way Acquisition
- ▶ Utility Relocation
- ▶ Construction Schedule
- ▶ Construction Advertisement and Award
- ▶ Contract Administration and Inspection including contractor claims
- ▶ Reimbursement Requests/documentation



Roles and Responsibilities

- Consultants
 - Knowledgeable in the policies associated with the Local Program's Federal/State Aid Project Delivery program, WisDOT Facilities Development process
 - Solicited and selected by LPA
 - Contracts can be 2-party (100% funded by LPA) or 3-party (LPA, WisDOT, Consultant)

Roles and Responsibilities

- Consultants
 - Should be in regular communication with both the LPA and WisDOT
 - Required to have internal QA/QC performed
 - Signs plans and will be held accountable for quality of plans

Roles and Responsibilities

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				

Sponsors Guide Overview Section 2 & Roles & Responsibilities Section 3

Questions

1. WisDOT is the ultimate authority on the expenditure of Federal Aid Highway Funds.
2. The Project sponsor is responsible for any coordination required with FHWA.
3. The project sponsor is responsible for their project administration and ensuring timely submittals.

Federal Expectations

Sponsor's Guide Section 4: Federal (and applicable State) Requirements



Federal Expectations

- Compliance with Federal Laws and Regulations
 - Prevents loss of Federal funding
 - Supports future certification and success
 - Provides public trust and confidence
- Documentation
 - Accurate information in each form
 - Required forms in each Project File
 - If audited, which could happen, all files would be readily available
- Timeliness
- Safety
- Completed project that adds value to the community, the state, and the country

Federal Requirements

- Federal-aid Highway Funds can only be used in compliance with Federal laws and regulations.
- The WisDOT LP Staff are knowledgeable of the Federal requirements.
- Therefore, work with WisDOT, so that the project file contains accurate and complete forms, then the project file will document compliance with federal requirements.

Stay on Top of the Process

- Whether using a staff person or a consultant to develop the design, you need to stay on top of the process to promote timeliness and good performance.
- Ask to be copied on emails.
- Ask and know what is next & get a due date.
- Follow-up with the designer on that date.

Federal Requirements Apply to All Projects with Federal Funding

- Federal requirements on federally funded projects cannot be waived simply because a project is a relatively small and locally-let.
 - * i.e., Construction Contracts must include all Federal Labor Compliance, and Prevailing Wage requirements.
- The majority of the federal requirements that apply to a \$810 million mega project will also apply to a \$300,000 federally funded local let project.
- Yes, this can result in a higher delivery time and delivery rate for smaller, relatively simple projects.

FHWA Federal-aid Essentials

- <https://www.fhwa.dot.gov/federal-aidessentials/>
- Provides information and illustrations on the often complex federal requirements of the Federal-aid Highway Program.
- Includes: Federal-aid Program Overview, Finance, Right-of-Way, Environmental, Civil Rights, Project Development, Project Construction and Contract Administration, and Other Programs.

FHWA Federal-aid Essentials

- 100+ short (10 minutes or less) videos
 - Plus printable Companion Resources (3-4 pages) with links to additional information
 - Provide the background and purpose of the Federal laws and regulations

FHWA Federal-aid Essentials

- Do not replace the **WisDOT FDM or Specifications.**
- Do not replace Federal Requirements.
- ⇒ The handouts are useful for explaining federal requirements to local agency leaders and citizens.

Federal Expectations

- FHWA, WisDOT, local public agencies, and their associations have worked hard to bring the WisDOT federally funded local program into compliance.
- WisDOT LP staff know the state and federal requirements.

State/Municipal Agreement

- Read and understand the State/Municipal Agreement (SMA).
- Understand the post-construction obligations set forth in the SMA.
- Know that you are responsible for compliance with federal requirements even if another agency, such as DNR, is acquiring real estate for the project.

Federal Expectations

- Stay on top of the project – the Local Program Authority (LPA) is required to make sure their designer is keeping the project moving forward in a timely manner.
- Document for the file – accurately complete the forms.
- Follow WisDOT staff directions.
- Enjoy a completed project that enhances public trust and confidence.

Responsible Charge

- ▶ Administers inherently governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
- ▶ Maintains familiarity of day to day project operations, including project safety issues;
- ▶ Makes or participates in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- ▶ Visits and reviews the project on a frequency that is commensurate with the magnitude and complexity of the project;

Responsible Charge

- ▶ Reviews financial processes, transactions and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse; and
- ▶ Directs project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation.
- ▶ Is aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.
- ▶ <https://www.fhwa.dot.gov/federalaid/110804.cfm>

Labor Compliance, Civil Rights and Disadvantaged Business Enterprise (DBE)

Sponsor's Guide Section 5: Labor Compliance



FHWA-1273

- Applies to contractors and subcontractors performing work on federally funded or assisted contracts in excess of \$2,000.

REQUIRED CONTRACT PROVISIONS FEDERAL-AID CONSTRUCTION CONTRACTS

- I. General
- II. Nondiscrimination
- III. Nonsegregated Facilities
- IV. Davis-Bacon and Related Act Provisions
- V. Contract Work Hours and Safety Standards Act Provisions
- VI. Subletting or Assigning the Contract
- VII. Safety: Accident Prevention
- VIII. False Statements Concerning Highway Projects
- IX. Implementation of Clean Air Act and Federal Water Pollution Control Act
- X. Compliance with Governmentwide Suspension and Debarment Requirements
- XI. Certification Regarding Use of Contract Funds for Lobbying

ATTACHMENTS

A. Employment and Materials Preference for Appalachian Development Highway System or Appalachian Local Access Road Contracts (included in Appalachian contracts only)

I. GENERAL

3. A breach of any of the stipulations contained in these Required Contract Provisions may be sufficient grounds for withholding of progress payments, withholding of final payment, termination of the contract, suspension / debarment or any other action determined to be appropriate by the contracting agency and FHWA.

4. Selection of Labor: During the performance of this contract, the contractor shall not use convict labor for any purpose within the limits of a construction project on a Federal-aid highway unless it is labor performed by convicts who are on parole, supervised release, or probation. The term Federal-aid highway does not include roadways functionally classified as local roads or rural minor collectors.

II. NONDISCRIMINATION

The provisions of this section related to 23 CFR Part 230 are applicable to all Federal-aid construction contracts and to all related construction subcontracts of \$10,000 or more. The provisions of 23 CFR Part 230 are not applicable to material supply, engineering, or architectural service contracts.

In addition, the contractor and all subcontractors must comply

Davis-Bacon and Related Acts

- Applies to contractors and subcontractors performing work on federally funded or assisted contracts in excess of \$2,000.
- Applies to contracts for the construction, alteration, or repair (including painting and decorating) of public buildings or public works.

Davis-Bacon and Related Acts

Record Keeping Requirements

- Employee info, hours of work for each day and week, classifications, rates of pay for each payroll period, reasons for deductions, fringes, etc.
- Contractors must provide records and information to Local Public Agency upon request.



Prevailing Wage Requirements

- Pay no less than the prevailing wage rates and fringe benefits listed in the contract's Davis-Bacon wage determination.
- Apprentices – qualifications and pay.
- Pay employees weekly and submit certified payroll records within seven calendar days from the close of the pay period.

Federal Prevailing Wage Rates

- **Building Construction** includes the construction, rehabilitation and repair of sheltered enclosures with walk-in access for the purpose of housing persons, machinery, equipment, or supplies.
- **Highway Construction** includes the construction, alteration or repair of roads, streets, highways, runways, parking areas and most other paving work not incidental to building or heavy construction.

Federal Wage Determinations

Continued

- **Heavy Construction** is a “catch-all” category which includes those projects which cannot be classified as Building, Residential or Highway; often further distinguished on the basis of the characteristics of particular projects, such as dredging, water and sewer line, dams, major bridges and flood control projects.

WI10 Highway Construction

"General Decision Number: WI20200010 01/24/2020

Superseded General Decision Number: WI20190010

State: Wisconsin

Construction Type: Highway

Counties: Wisconsin Statewide.

HIGHWAY, AIRPORT RUNWAY & TAXIWAY CONSTRUCTION PROJECTS (does not include bridges over navigable waters; tunnels; buildings in highway rest areas; and railroad construction)

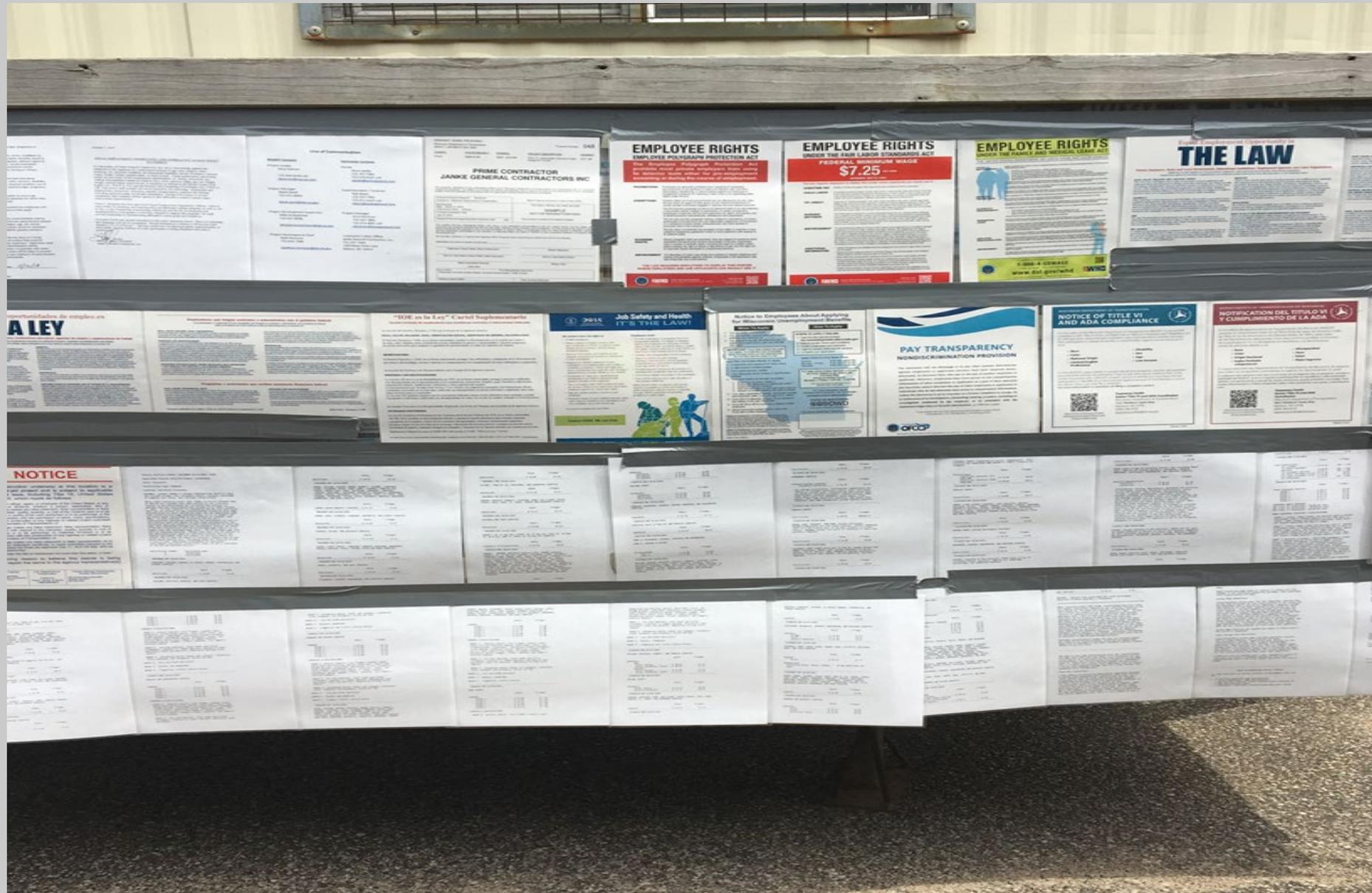
Wage Determinations To Include

- **Highway WI10** applies to all highway work.
- **Heavy WI15** included in contract if there is a bridge or structure over a navigable waterway as defined by USDOL and the US Coast Guard (applies to all work on the bridge/structure from bank to bank).
- **Heavy WI08** included in contract if sanitary sewer and water main work is more than 20% of the contract and will cost more than 1 million.
- **Building** rates included in any contract with building.

Check for Wage Determination Modifications

- The most up-to-date wage determination must be in the project proposal.
- If a wage modification is issued 10 or more days prior to let, the modification is included in the project proposal.
- If a wage modification is issued less than 10 days prior to let there would not be enough time to notify bidders and the modification is not included in the project proposal.
- After the bids are opened, the applicable wage determination remains in effect for the life of the contract.
- If the contract is not awarded within 90 days from the date of bid opening, the wage determination must be reviewed for modifications prior to award.

Job Site Posting Board



Job Site Posting Board Guidelines

- Posted - placing posters in a binder are not acceptable.
- Posters must be posted on the 1st day of work and left up until last day of construction.
- Complete and accurate - prime is responsible to ensure all required documents are posted.
- Posters must be readable.
- Moving operation – board placed in fixed location; sign in vehicle on project indicating where board is located.

Job Site Posting Board Guidelines

continued

- Accessible - board must be physically located where contractor and subcontractor employees and the public can approach and read the board.
- Wage rates can be stacked if each page is laminated and a sign above stating “Wage Rates”.
- Wage rates posted must be correct ones for that project.

Title VI of the Civil Rights Act of 1964 and Nondiscrimination

Prohibits discrimination in federally assisted programs and activities based upon:

Race, color, national origin, sex, age, disability, income status, and limited English proficiency.

“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.”

Title VI of the Civil Rights Act of 1964 and Nondiscrimination

“Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages or results in racial discrimination.” President John F. Kennedy, 1963

- Therefore do not build highways only in the minority or poor neighborhoods in the community.
- Therefore do not build all the bike paths just to benefit the wealthy neighborhoods in the community.

Environmental Justice

Federal Executive Order 12898 requires each agency to make environmental justice part of its mission.

A sponsor's actions and decisions should be guided by three fundamental principle of environmental justice:

- To avoid, minimize or mitigate disproportionately high and adverse human health and environmental effects, including social and economic effects on minority populations and low-income populations
- To ensure the full and fair participation by all potentially affected communities in the transportation decision-making process
- To prevent the denial of, reduction of or significant delay in the receipt of benefits by minority and low-income populations

Americans with Disabilities Act (ADA)

- Prohibits discrimination against people with disabilities in all areas of public life.
- No discrimination on the basis of disability in any program, activity, service or benefit provided to the general public.
- Deliver accessible planning, design, and construction.
- Equitable opportunity to use the transportation system.

Americans with Disabilities Act (ADA)

Projects should not be designed just to fit the existing conditions or just to be the lowest cost. A sponsor may have to perform more work and/or acquire real estate in order to be ADA compliant.

Americans with Disabilities Act (ADA)

Examples:

- In order to make curb ramps ADA accessible, sometimes the grading and proposed sidewalk have to extend further than the corner in order to have accessible grades. This may require TLE for grading.
- For paths in natural areas, more cuts and fills may be needed to make the path ADA compliant rather than just following the contour of the land.

See section 5.5 for several key ADA-related reference sources to use when designing pedestrian facilities.

Disadvantaged Business Enterprise (DBE)

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.

Local Public Agency DBE Program Implementation

- 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.
- LPA's are responsible for contractor monitoring, record keeping and reporting.

Compliance

- Each sponsoring local public agency is in **responsible charge** of their local let, federally funded nontraditional project with a designated full-time, government employee.
- Each local is responsible for ensuring contractor compliance with Davis-Bacon, prevailing wage rates, job site board postings, Title VI and Nondiscrimination, and Disadvantaged Business Enterprise requirements.
- Follow the Sponsor's Guide which has the details, forms and checklists needed to stay in compliance.

Programming

Sponsor's Guide Section 6: Programming



Programming

Non-traditional programs are grouped into two categories:

- ▶ Congestion Mitigation & Air Quality Improvement Program (CMAQ)
- ▶ Transportation Alternatives Program (TAP)
 - ▶ Formally know as Transportation Enhancements (TE), Safe Routes to Schools (SRTS), and the Bicycle – Pedestrian Facilities Program (BPFP)

Programming

Responsibilities

AWARD TYPE	CENTRAL OFFICE	REGION
SRTS PLANNING	X	
SRTS PROGRAMMING	X	
BIKE/PED PLANNING		X
INFRASTRUCTURE		X

Programming

WisDOT Central Office Responsibilities

- ▶ Quality Assurance review of State Municipal Agreements (SMA's)
- ▶ Review of Project Change requests:
 - ▶ Completion extension requests
 - ▶ Scope change requests
 - ▶ Schedule change requests
- ▶ Delivery of **SRTS** planning study projects –non-infrastructure projects.

Programming

WisDOT Regional Office Responsibilities

- ▶ Writing and sending SMA's and their approval for infrastructure projects & Bike/Pedestrian Planning Studies
- ▶ Answer local project sponsors project questions
- ▶ Oversight & review of infrastructure projects delivery
- ▶ Processing reimbursement requests from Local Sponsors

Programming

If you don't use it, we lose it

Federal funds are accessible only until the reimbursement period ends, which is identified as the sunset date in the approved SMA.

 **Commencement Deadline**

 **Sunset**



 **FHWA 10 Year Rule**

 **6 Month Inactive**

Programming

Project Commencement Requirements

§ 6.13 Commencement - Wisconsin State Statute 85.021(2)(b):

- ▶ **TAP projects must begin four years from their the date of project award letter. That date is memorialized in the project agreement**
- ▶ Commencement deadline fixed by statute – WisDOT cannot extend
- ▶ Not applicable to CMAQ projects

Programming

Project Commencement Requirements *continued*

§ 6.13 Commencement - Wisconsin State Statute 85.021(2)(b):

▶ **Commencement definition**

- ▶ Local Let Construction(LLC): Commenced upon execution of contract between Sponsor and Contractor
- ▶ Local Force Account Construction(LFA): Commenced upon execution of LFA Agreement between Sponsor and WisDOT
- ▶ State Let Construction: Commenced upon execution of contract between WisDOT and Contractor – Project awarded
- ▶ Planning project: Commenced when planning study is begun
- ▶ Non-infrastructure: Commenced on date WisDOT receives first reimbursement request

Programming

Project completion requirements

§ 6.13: Sunset Clause/Anticipated All Work Complete

- ▶ Projects must be complete within 6 state fiscal years from the award date
- ▶ This date is memorialized and written within the approved project agreement (SMA)
- ▶ Extensions may be available under extenuating circumstances via request to Central Office and approval from FHWA

Programming

Project Changes

Scope Change Requests:

- ▶ See § 6.5 of Sponsor's Guide
- ▶ Only limited scope changes are allowable
- ▶ Requests submitted after project approval may require SMA - revision
- ▶ Project substitutions not permitted
- ▶ Review committee competitively scored your project applications

Programming

Project Schedule Changes

§ 6.13: Schedule Changes

- ▶ Sponsors requesting to move their project into another State Fiscal Year will require Central Office approval
- ▶ If proposed request cannot be accommodated, Central Office will work with the Local Sponsor to identify alternatives, based on current funding availability

TAP projects schedule changes cannot violate the commencement requirement per State Statute

Programming

Project Scope Changes § 6.5

- ▶ Project awards capped, so availability of funds may drive decisions
- ▶ Need to notify WisDOT and obtain approval
- ▶ Unless minor, will usually require a revised application which serves as the Concept Definition Report (CDR)
- ▶ The sooner issues are addressed, the better

Programming

Bike/Ped Project Examples of Scope Changes

- ▶ Changes in termini, e.g., shorten or possibly lengthen path
- ▶ Routing – provided a parallel path in the corridor but on a different alignment

Programming

Additional requirements for approved TAP Projects

- ▶ Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP) Requirement
- ▶ State/Municipal Agreement (SMA)
- ▶ Timeline for document approval
 - ▶ Certification & Sponsor Guide Acknowledgement Form
 - ▶ State/Municipal Agreement

Programming

TIP and STIP Program Requirement § 6.7 & 6.8

- ▶ Federally funded projects in urbanized and approved MPO boundaries must have projects listed in the MPOs TIP
- ▶ In urbanized areas MPOs receive their area project applications
- ▶ MPOs are notified of selected projects
- ▶ All federally funded projects must have projects listed in STIP which is updated by WisDOT for selected projects

Programming

State/Municipal Agreement

- ▶ WisDOT CO or Region sends SMA to Local Sponsor
- ▶ Sponsor return SMA executed by Sponsor to appropriate CO or Region within 10 weeks of Certification training
- ▶ SMA will **NOT** be approved until Certification has been completed and accepted by WisDOT

Programming

State Municipal Agreement (SMA) § 6.9 *Continued*

- ▶ State Municipal Agreement (SMA) includes the approved improvement concept – scope of work, project cost share, terms and conditions, Disadvantaged Business Enterprise (DBE) goals, maintenance requirements, etc.
- ▶ SMA's updated

Sponsors Guide Programming

Section 6

Questions

- 1) What deadline for TAP projects is Fixed by State Statute?
 - A. Anticipated All work Completion Date
 - B. Project award date
 - C. Commencement date

- 2) Can a project sponsor incur eligible costs before a State Municipal Agreement (SMA) is approved by WisDOT?
 - A. Yes
 - B. No

- 3) What is the standard maximum length of time a TAP project must be constructed/completed after approval by WisDOT?
 - A. 4 years
 - B. 6 years
 - C. 8 years

Sponsors Guide Programming

Section 6

Questions

- 1) What deadline for TAP projects is Fixed by State Statute?
 - A. Anticipated All work Completion Date
 - B. Project award date
 - C. Commencement date

- 2) Can a project sponsor incur eligible costs before a State Municipal Agreement (SMA) is approved by WisDOT?
 - A. Yes
 - B. No

- 3) What is the standard maximum length of time a TAP project must be constructed/completed after approval by WisDOT?
 - A. 4 years
 - B. 6 years
 - C. 8 years

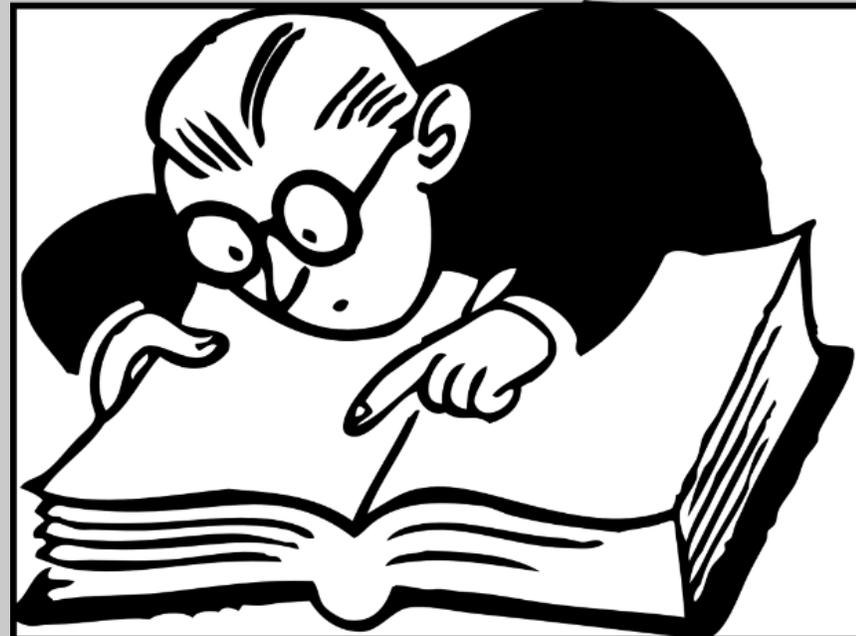
Design Services

Sponsor's Guide Section 7: Design Services



Design Services

- Facilities Development Manual (FDM) Chapter 8-5
- Contract types
- Process for each type



Design Services



Two-party: LPA, design Consultant

- 100% locally funded; including WisDOT oversight costs
- WisDOT is not involved in solicitation, selection, negotiation, execution or administration of contract
 - Recommend following QBS, but not necessary
 - Recommend the selected consultant be on the WisDOT's Roster of Eligible Firms
 - Firm must be eligible to practice engineering in Wisconsin
- Sponsor design in-house without a contract
- WisDOT should be included in contract scoping to ensure contract scope covers all necessary elements

Design Services

Three-party: LPA, WisDOT & Design Consultant

- Any amount of Federal/ state in Design (no threshold required)
- Requires Qualification Based Selections (QBS)
- WisDOT's conflict of interest policy FDM 8-5-3
- Documentation of the selection procedures and maintaining a project file
- Estimate of Engineering Fees will dictate solicitation/selection requirements

Design Services

Three-party: LPA, WisDOT & Design Consultant

- ▶ Design services selection process can begin once:
 - ▶ State/Municipal Agreement (SMA) is approved
 - ▶ You receive written approval to begin design selection process

Design Services

What is Qualification Based Selections (QBS) FDM 8-5-1



- Process defined by the “Brooks Act”
- Three firms selected in order of preference based on qualification criteria
- Documented trail showing selection process used
- Qualifications of firms are key
- **COST CANNOT BE PART OF SELECTION CRITERIA**

Why do we need to follow QBS?

- Feds and State Entered a Stewardship Agreement
- Federal Law 23 CFR 172, Brooks Bill

Design Services

When do we need to follow QBS?

FDM 8-5-1

- When any amount of federal or state funds are used in design
- Local Bridge
- STP-Rural
- STP-Urban
- Transportation Alternative Program (TAP)
- Congestion Mitigation & Air Quality (CMAQ)

Design Services

WisDOT's conflict of interest policy

FDM 8-5-3

- LPA cannot use their municipal engineering firm
- Firm can't prepare project application, then be considered for design unless original solicitation indicates the ability to perform the design and QBS is followed
- If firm did an independent engineering study on a bridge they cannot compete for the design (a firm that performs bridge inspections can compete for design of rehab. or replacement of said bridge)



Design Services

Estimate of Engineering Fees will dictate solicitation, selection requirements

FDM 8-5-20

- < \$200,000 – Small Purchase

- < \$1,000,000 – Solicit “Notice of Interests”, no interviews
 - > \$1,000,000 – Interviews must be held

Design Services

Small Purchase Contracting Selection process FDM 8-5-10

- Consultant services estimated to cost less than \$200,000
- LPA identifies the scope of the project
- LPA develops criteria to rank design consultants
- LPA develops a short list – Minimum of three design consultants
- LPA contacts consultants to determine if they are interested and available and documents all correspondence

Design Services

Small Purchase Contracting Selection process FDM 8-5-10



- LPA ranks firms based on objective criteria, past performance or other knowledge
- Interviews are not required, Bidding or discussing fees are NOT ALLOWED
- LPA completes DT1515 form and submits for WisDOT selection approval
- Selection Committee Chairperson upon receiving WisDOT approval of design selection:

Design Services

Local Design Selection process

FDM 8-5-20

- Consultant services estimated to cost greater than \$200,000
- LPA must solicit “Notice of Interest” from consultants firms
- LPA’s design consultant selection committee ranks firms
 - Interviews held if desired < \$1,000,000, required if over \$1,000,000
 - Must review and rank all firms which submitted a NOI
 - Creates short list of 3 firms (minimum)

Design Services

Local Design Selection process

FDM 8-5-20

- LPA completes DT1515 form and submits for WisDOT selection approval
- Selection Committee Chairperson upon receiving WisDOT approval of design selection:
 - Notifies successful firm
 - Notifies unsuccessful firms
 - Invites successful firm to begin negotiations



Solicitation/Selection requirements

Design Fees	Under \$200,000	Greater than \$200,000
Solicitation Process to Follow	Small Purchase Contracting FDM 8-5-10	Local Design FDM 8-5-20
Contact to make	<ol style="list-style-type: none"> If design fees are < \$200,000, may contact a minimum of 3 firms & verify if they are available OR solicit NOIs as shown in FDM 8-5-20.2 Rank and select consultants based on established criteria. Min 3. All communication with consultants must be documented. 	<ol style="list-style-type: none"> Must solicit "Notice of Interest" from: <ul style="list-style-type: none"> WisDOT Roster of Eligible Consultants A maintained roster of 10 or more firms maintained by the municipality. WisDOT Bi-Monthly solicitation Newspaper Local Internet site Rank and select consultants based on established criteria. Minimum 5. WisDOT approves shortlist of 3 firms
Meeting type	<ol style="list-style-type: none"> Selection committee can call firms or hold interviews Use rating sheet Must review requested NOIs 	<ol style="list-style-type: none"> Selection committee must review all NOI's submitted Hold interviews if desired. Must if over \$1,000,000 (WisDOT must be on interview panel) Use rating sheet

Design Services

Local Design - Selection Committee

FDM 8-5-20.3

- Minimum of 2 voting members and chairperson
- Responsible for documenting all procedures, including developing rating and ranking criteria, evaluating NOI, interviews, ranking, developing a short list and selection
- Need to maintain records for 3 years after construction & then records become a permanent part of the project records



Design Services

Objective Rating and Ranking Criteria

FDM 8-5-20

- General
 - Familiarity with WisDOT procedures
 - Professional Registration of Firm and staff, education
 - Current Firm's workload
 - Proximity of Firm's office to project
- Specific Relevant Experience
 - Public Involvement
 - Environmental Analysis and Documentation
 - Right of Way Plat preparation
 - Structure and Roadway Design
 - Drainage, Traffic Control, Survey
 - Experience with similar projects
 - Previous performance including timeliness, quality, trouble shooting

Objective Rating and Ranking Criteria

Example

FDM 8-5-20 Attachment 20.1

CONSULTANT INTERVIEW RATING SHEET FIRM _____						
<u>RATING FACTORS</u>						
1. Resources Available To Do Job	Unsat --0--	Margn --2--	Norml --4--	Above --6--	Excel --8--	Outst --10--
Outlook in general, interest in work.						
2. Project Manager/Engineer	Unsat --0--	Margn --2--	Norml --4--	Above --6--	Excel --8--	Outst --10--
General impression, self expression, knowledge and experience, self confidence, persuasiveness.						
3. Public Involvement	Unsat --0--	Margn --2--	Norml --4--	Above --6--	Excel --8--	Outst --10--
Proposal or plan, sensitivity.						
4. Environmental Issues	Unsat --0--	Margn --2--	Norml --4--	Above --6--	Excel --8--	Outst --10--
Knowledge, background.						
5. Right-of-Way and Utility Issues	Unsat --0--	Margn --2--	Norml --4--	Above --6--	Excel --8--	Outst --10--
Knowledge, background.						
6. Knowledge of Job	Unsat --0--	Margn --2--	Norml --4--	Above --6--	Excel --8--	Outst --10--
What work is needed, field review, etc.						
7. Identify Problems	Unsat --0--	Margn --2--	Norml --4--	Above --6--	Excel --8--	Outst --10--
Knowledge of problems and their approach to project challenges.						
8. Accommodating Public and Agency Concerns	Unsat --0--	Margn --2--	Norml --4--	Above --6--	Excel --8--	Outst --10--
Indication of sincere interest in the municipality, the Department and agencies, and their concerns.						

9. Schedule	Unsat --0--	Margn --2--	Norml --4--	Above --6--	Excel --8--	Outst --10--
Opinion of the firm's potential to complete on schedule.						
10. Past Performance	Unsat --0--	Margn --2--	Norml --4--	Above --6--	Excel --8--	Outst --10--
Rating from previous projects.						
CHECK ONE BOX IN THE MATRIX IMMEDIATELY AFTER THE INTERVIEW AND TOTAL THE RATINGS						
Rating Totals	--0--	--2--	--4--	--6--	--8--	--10--
Summary of Rating Totals _____						
<u>RATING SCORES</u>						
10	OUTSTANDING	Exceptional, applicable in rare instances				
8	EXCELLENT	Considerably above average, definitely stands out, makes immediate impression				
6	ABOVE AVERAGE	Well above average				
4	NORMAL	Satisfactory				
2	MARGINAL	Doesn't quite meet satisfactory standards				
0	UNSATISFACTORY	Unsuitable				
Interviewer Signature _____						

Design Services

Local Design - Solicitation of Interest

FDM 8-5-20.2 FDM 8-5-40

- Develop a Request of Proposal (RFP)
 - Used to solicit and determine a selection based on a pre-determined set of criteria
 - Used when the LPA prefers to solicit additional information from existing roster, or to develop a roster for a specific project
 - See FDM 8-5-40.7 for Guidelines
 - See FDM 8-5-40.8 Attachment 40.2 for example RFP

Design Services

Local Design - Solicitation of Interest

FDM 8-5-20.2 FDM 8-5-40

- Where to announce the solicitation
 - Email to the WisDOT roster of Eligible Consultants
 - Newspaper advertisement
 - Local Internet site
 - LPA established roster
 - Roster must have a minimum of 10 firms
 - Must send to all firms on the LPA established roster
 - Copy of Roster must be documented in project file

Local Design – DT 1515

Approved Project Information

Selection Committee

Estimate of Costs

Method of Solicitation
(letter, email, phone log....)

Objective Criteria

File Location

Short list Ranking and
Selection



LOCAL DESIGN SELECTION APPROVAL CHECKLIST

Wisconsin Department of Transportation
DT1515 10/2014

State Project ID		Highway/Street		Estimated Contract Cost	
Description of Work					
Municipality Contact		Name			
Title		(Area Code) Telephone Number		Email Address	
Municipality Selection Committee <i>(List at least 3 voting members in the selection process, including the chairperson)</i>					
Name		Title		(Area Code) Telephone Number	
1					
2					
3					
4					
5					
Detailed estimate of hours and costs for the project was developed by			Solicitation of Interest was published by: <i>(check all that apply)</i>		
<input type="checkbox"/> Municipality <input type="checkbox"/> Central Office Office <input type="checkbox"/> WisDOT Region Region			<input type="checkbox"/> Notifying entire WisDOT Eligible Roster of Consultants <input type="checkbox"/> Using WisDOT Internet site for design solicitation <input type="checkbox"/> Local Internet site <input type="checkbox"/> Justified Sole Source <input type="checkbox"/> Newspaper Advertisement <input type="checkbox"/> Small Purchase Procedure (see FDM 8-5-10) <input type="checkbox"/> Notifying entire municipally maintained roster of interested and qualified firms (minimum of 10). Solicitation method must be documented in the project file.		
Were objective criteria developed and used in short-listing the preferred consultants? <input type="checkbox"/> Yes <input type="checkbox"/> No			Number of firms contacted:		
Did the selection committee conduct interviews with the potential consultants? <input type="checkbox"/> Yes <input type="checkbox"/> No			Final short list of consulting firms in order of rank in the project:		
If Yes, how many firms were interviewed?			1		
A copy of the objective criteria can be found at the following location			2		
<input type="checkbox"/> Central Office Office <input type="checkbox"/> WisDOT Region Region project file <input type="checkbox"/> Municipality Project File			3		
DOT Estimate Attached			4		
<input type="checkbox"/> Yes <input type="checkbox"/> No			5		
Approval for selecting the following preferred consultant is requested:					
Municipality		Prepared By (name and title)		Date (choose)	
				Date	
WisDOT Use Only * CARS Required Values					
*Contract Phase		Date of Request		Date	
*Status Status		*Contract Function		Function	
*Project Limits		*Program Code		Program Code	
		*Federal Funding %		% <input type="checkbox"/> Yes <input type="checkbox"/> No	
*County County List		*ARRA		% <input type="checkbox"/> Yes <input type="checkbox"/> No	
*Region/Bureau Region/Bureau		*DBE % Goal		% <input type="checkbox"/> Yes <input type="checkbox"/> No	
		*DBE Waiver		% <input type="checkbox"/> Yes <input type="checkbox"/> No	
Selection for Design by Local Government Contract Approved by				See FDM 8-5-20.5	Assigned Fixed Fee %
Contracts \$50,000 or more – Statewide Consultant Engineer / Contracts under \$50,000 – Region					
Approval Signature <i>(Brush Script font)</i>					Date (choose)
					Date

For Statewide Consultant Engineer's Approval, send form to DOTConsultantServicesApproval@dot.wi.gov

Design Services

Contract Negotiation

FDM 8-10-5

- Contract scoping meeting held (Invite WisDOT LPPM)
- WisDOT region local program contact are resources for local governments but are not required to be part of the negotiations.
- Compensation method is determined
 - Lump sum
 - Actual cost
 - Combination of the above

Design Services

Contract Negotiation

FDM 8-10-5

- Design consultant creates three-party contract
 - Cover Signature Page
 - Standard Provisions
 - Special Provisions with supporting documents
- Design consultant estimates costs
 - Direct labor rates (WisDOT reviews in annual audit)
 - Hours by task
 - Allowable direct expenses (WisDOT reviews in annual audit)

Design Services

Contract Negotiation

FDM 8-10-5

- LPPM and LPA review and comment on contract and costs
- WisDOT Region Management provides concurrence on costs.
 - Statewide Consultant Engineer is involved in negotiations >\$1,000,000 (unless waived)
- Once contract and costs are acceptable:
 - Contract (signed) by Design Consultant
 - Contract (signed) by LPA
 - WisDOT processes and executes contract
- LPA sends Notice to Proceed to Design Consultant & copies LPPM



Design Services

Contract Management

- LPPM and LPA monitor project development

LPA reviews, process and make payments for consultant invoices

- Contract amendments:
 - Procedures are the same as the contract negotiation process
- Consultant Performance Evaluation

Design Services

Three-Party Design Contract

- ▶ Selection process: 6-9 weeks
 - ▶ Includes time for solicitation, selections and approval
 - ▶ Depends on Sponsor timing
- ▶ Contracting process: 2-4 months
 - ▶ Depends on scope, design consultant familiarity with WisDOT contracting, negotiations , internal Sponsor timing of approvals

Consultant Services

Document,
Document,
Document....

A wise man once said,



“If the paperwork is not in the file, it didn’t happen!”

Don’t risk losing Federal/State funds..... Document it!!!

Sponsors Guide Design Services

Section 7

Questions

1. When using federal aid highway funds in consultant services contracts, local units of government must comply with the procedures set forth by WisDOT and Federal Highway Administration (FHWA) for the selection and approval processes as defined in Facilities Development Manual (FDM) chapter 8-5 and 23 Code of Federal Regulations (CFR) 172.
2. QBS is short for Quality Based Selection.
3. Cost proposals are allowed when soliciting consultant services and utilizing federal funds?

Environmental Process

Sponsor's Guide Section 8: Environmental Process



Environmental Process

Environmental requirements are based on Law & must be followed when there are federal or state funds in any part of the project

- ▶ National Environmental Policy Act (NEPA)
- ▶ Wisconsin Environmental Policy Act (WEPA)
 - ▶ TRANS 400, Wis. Admin. Code

Environmental Process

Environmental Documentation § 8.1 and 8.11

- ▶ FHWA/WisDOT Programmatic Agreement updated 2020
<https://wisconsindot.gov/Documents/doing-bus/eng-consultants/cnslt-rsrces/environment/CEprogrammaticagreement.pdf>
- ▶ CE documents listed on WisDOT Web Site

Environmental Process

Environmental Documentation § 8.1 and 8.11 *Continued*

- ▶ See Facilities Development Manual (FDM) Chapter 20 for guidance on environmental documentation
- ▶ The environmental document must address the entire project, not just the federally funded portion

Environmental Process

Environmental document types:

- ▶ Environmental Impact Statement (EIS)
- ▶ Environmental Assessment (EA)
- ▶ Categorical Exclusion (CE)

Environmental Process

Environmental document types:
Categorical Exclusions (CEs):

- ▶ Environmental Report (ER)
- ▶ Categorical Exclusion Checklist (CEC)
- ▶ <https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/environment/formsandtools.aspx>

Environmental Process

CEC Guidance

Essentially Narrative Discussion – Basic Sheet 3 of ER

- ▶ Purpose & Need Statement
- ▶ Summary of Alternatives
 - ▶ Typically 2 Minimum (Build & No Build)
- ▶ Detailed Description of Proposed Action
- ▶ Public Involvement Summary
- ▶ ER Factor Sheets for impacts to human/natural environment
- ▶ Summary/Status of Jurisdictional Agency Coordination
- ▶ Supporting documentation/Exhibits

Environmental Process

CEC Guidance:

- ▶ Contact your LPPM for latest guidance/samples

- ▶ WisDOT Web Site

<https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/environment/formsandtools.aspx>

- ▶ Environmental document plan requirements:

- ▶ The environmental document is a stand-alone document

- ▶ Preliminary plans are an attachment

- ▶ Enough preliminary design needs to be completed to determine impacts to human & natural environment

Environmental Process

Public Involvement § 8.3

- ▶ Public Involvement Plan required (FDM Chapter 6-5-10)
 - ▶ Purpose and Need Statement
 - ▶ Identify potential stakeholders
- ▶ Some type of public involvement is required for all projects
- ▶ One Public Informational Meeting (PIM) recommended for larger projects
- ▶ PIM(s) (Virtual) required if project has impacts to historical/archeological resources; parkland or other Section 4(f) properties.
- ▶ See FDM 6-10 for information on how to hold a PIM
- ▶ Environmental Tool Box

<http://wisconsin.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/environment/formsandtools.aspx>

Environmental Process

Archaeological and Historical Screening § 8.5:

- ▶ Some projects will qualify for WisDOT screening review. LPPM will coordinate the screening request
- ▶ Screening is performed at the beginning of the project
 - ▶ Allow 8 week minimum for screening response
- ▶ If a project is put on the screening list for both archaeology and history, the Section 106 process is complete
 - ▶ The screening list is located at:
<ftp://ftp.dot.wi.gov/dtsd/bts/environment/106screeninglist.pdf>

Environmental Process

Section 106 § 8.6

- ▶ If the project is not placed on the screening list for both archaeology and history, a Section 106 Report is required:
 - ▶ See FDM Chapter 26 for process and forms
 - ▶ Project impacts need to be known and shown. This is shown with preliminary plans
 - ▶ Allow 3-6 months for Section 106 Report processing



CAUTION: Section 106 Process takes time!

Environmental Process

Section 106 § 8.6

Section 106 Report:

- ▶ Contract with a qualified archaeologist and/or historian:
 - ▶ WisDOT Facilities Development Manual (FDM) 26-30 outlines archaeologist and historian qualifications
 - ▶ Wisconsin Historical Society (WHS) maintains a list of consultants at <https://www.wisconsinhistory.org/> type in “consultants” in the web page search box

Environmental Process

Agency Coordination § 8.8:

- ▶ Jurisdictional Agencies must be notified of the project
- ▶ Native American Notification required
 - ▶ WisDOT issues Notification Letters to Tribes
- ▶ FDM 5-1 Attachment 1.1 provides guidance on typical agency coordination required

Environmental Process

FDM 5-1 Attachment 1.1 Agency Coordination

Agency Coordination When Projects Involves:															
Coordinate with	FDM Procedure Number	Federal Funding	Waterways					4f Park	Forest Lands	Agri. Land	Indian Land	Hist. & Archeo. 106 Entities	R.R.	Airport	Util.
			404 Permit	N.R. 116	Comm. Navigable Waters	Wet-land	Coastal Zone Consistency								
General															
Local Review Coordinator	FDM 5-1-5	λ													
Federal Agencies															
Forest Service	FDM 5-5-5							λ	λ						
Nat. Resources Cons. Service	FDM 5-5-5									λ					
Bureau of Indian Affairs	FDM 5-5-10										λ				
Fish & Wildlife Service	FDM 5-5-10		λ		λ	λ		λ							
National Park Services	FDM 5-5-10							λ				λ			
U. S. Coast Guard	FDM 5-5-15				λ										
FAA	FDM 5-2-5													λ	
Army Corps. of Engineers	FDM 5-5-20		λ		λ	λ									
Adv. C on His. Preservation	FDM 5-5-25											λ			

Environmental Process

FDM 5-1 Attachment 1.1 Agency Coordination

Agency Coordination When Projects Involves:															
Coordinate with	FDM Procedure Number	Federal Funding	Waterways					4f Park	Forest Lands	Agri. Land	Indian Land	Hist. & Archeao. 106 Entities	R.R.	Airport	Util.
			404 Permit	N.R. 116	Comm. Navigable Waters	Wet-land	Coastal Zone Consistency								
State Agencies															
DNR	FDM 5-10-1		λ	λ	λ	λ		λ	λ						
DOA	FDM 5-10-35						λ								
State Hist. Society	FDM 5-10-5							λ			λ				
Public Service Commission	FDM 5-10-15														λ
Ofc. of Comm. of R. R.	FDM 5-10-20											λ			
Bureau Aeronautics	FDM 5-10-25													λ	
Dept. of Agr., Trade, & Cons. Prot.	FDM 5-10-30									λ					
Local Agencies															
Floodplain Zoning Authority	FDM 5-15-5			λ	λ										
Indian Tribal Governments	FDM 5-15-10										λ				

Note: In all cases, refer to appropriate procedure in this manual for detailed information concerning application.

Environmental Process

Agency Coordination § 8.8:

USFWS Coordination:

- ▶ **Section 8 (Federal)**
 - ▶ Coordination with U.S. Fish and Wildlife Service required for all projects with federal aid
 - ▶ Attach coordination results in environmental document
 - ▶ Contact Regional LPPM or REC with questions
- ▶ **Incidental Take Permit (Non-Federal)**
 - ▶ Required for non-federal projects that impact federally-listed species
 - ▶ Coordinate with DNR to determine if a federal take permit is required
- ▶ **Special Considerations**
 - ▶ Northern long-eared bat
 - ▶ Kramer blue butterfly & Rusty Patch Bumble Bee
 - ▶ **All Pollinators**

Environmental Process

Agency Coordination § 8.8:

Timing of permits:

- ▶ DNR coordination must begin prior to environmental document approval for projects that may have environmental issues
- ▶ All permits must be obtained prior to PS&E approval
- ▶ Specialty permit required, either:
 - ▶ Request a pre-application on-site meeting with DNR. Document results of the meeting getting DNR's concurrence and attach to the environmental document
 - ▶ Obtain permit and attach to the environmental document

Environmental Process

Agency Coordination § 8.8:

Timing of permits: Continued

- ▶ Standard DNR permit required: Attach list of permits required to environmental document. Those permits must be obtained prior to draft PS&E submittal
- ▶ No DNR permit required: Request an Endangered Resources Review <https://dnr.wi.gov/topic/ERReview/>. Attach the results to the environmental document

Environmental Process

Hazardous Materials § 8.9:

Investigate the potential for presence of hazardous materials

- ▶ Complete the Initial Site Reconnaissance Checklist for all projects
- ▶ Complete the Parcel Reconnaissance Checklist for all parcels with red flags and all parcels that the Sponsor will have a permanent real estate interest on
- ▶ Additional assessment may be required (Contact LPPM or REC):
 - ▶ If there are red flags
 - ▶ Depending on real estate acquisition and/or excavation depth
- see FDM 21-35

Environmental Process

Timeframe for environmental process:

- ▶ Allow ample time for report reviews and approvals
- ▶ The environmental document cannot be approved until the project has completed:
 - ▶ Native Tribal Notifications (NTN)
 - ▶ History/Archeology is screened or Section 106 approved
 - ▶ USFWS Consultation, if required
 - ▶ HazMat Reconnaissance or Phase 1 HMA approved
- ▶ A CEC is approved by WisDOT and can take a few months to approve
- ▶ An ER is approved by FHWA and can take longer to approve



CONTACT LPPM IF POTENTIAL SCOPE CHANGE

Sponsors Guide Environmental Process

Section 8

Takeaways

- ▶ Allow ample time for report reviews and approvals.
- ▶ Remember some agency coordination will require field work...and much of this field work is seasonal or weather dependent. Ensure adequate project schedule time.
- ▶ Avoid Scope Change. Your project will be delayed and costs will increase.



CONTACT LPPM IF POTENTIAL SCOPE CHANGE



Right of Way Acquisition

Sponsor's Guide Section 9: Real Estate



Right of Way Acquisition

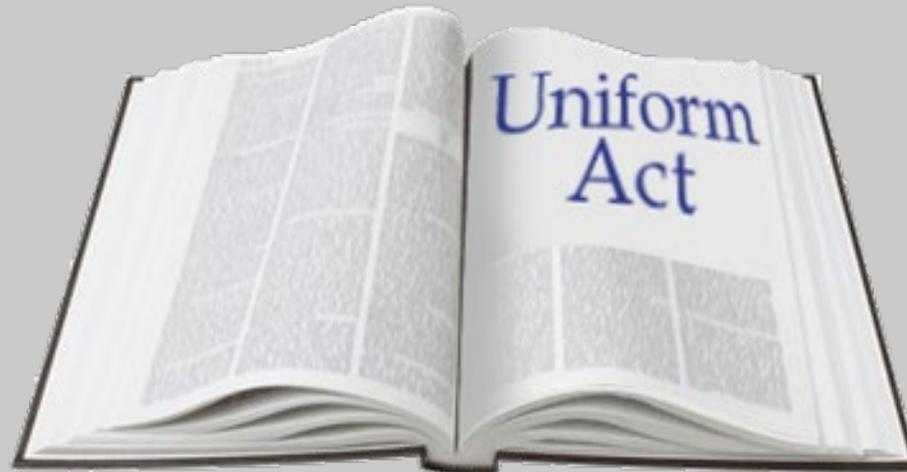
- ▶ Eminent Domain
 - ▶ The power of any sovereign government to take private property without the consent of the owner.
- ▶ U.S. Constitutional Limitations on Power of Eminent Domain
 - ▶ 5th Amendment

“...nor shall private property be taken for public use without just compensation.”
 - ▶ 14th Amendment

“...nor shall any State deprive any person of life, liberty, or property, without due process of law...”

Right of Way Acquisition

- ▶ Public Law 91-646 - Uniform Act
- ▶ Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Public Law 91-646)



Right of Way Acquisition

- ▶ Public Law 91-646 - Uniform Act
 - ▶ Code of Federal Regulations
 - ▶ 49 CFR Part 24 – Department of Transportation
 - ▶ 23 CFR Part 710 - Highways
- ▶ Wisconsin State & Local Statutes
 - ▶ Chapter 32.05 Eminent Domain
 - ▶ Chapter 62.22 – Cities
 - ▶ Chapter 83.07 & 83.08 - Counties
 - ▶ Chapter 61.34(3),(3m) & 61.36 – Villages
 - ▶ Chapter 60.50 & 82.12 - Townships

Right of Way Acquisition

WisDOT Policy

- ▶ FHWA and WisDOT Oversight Agreement – How does this affect LPA Projects?
- ▶ Develop procedures – How does this affect a LPA project?

Right of Way Acquisition

What Constitutes a Federal-Aid Project?

- ▶ If federal funds are expended **anywhere** in a project
 - ▶ You must follow the Uniform Act and state statutes/codes even if you **DO NOT** utilize Federal funds in the right of way phase of the project
 - ▶ If **ANY** federal funds (even \$1) are in a project, federal rules and regulations must be followed
 - ▶ If an LPA anticipates **EVER** requesting federal funds, the Uniform Act and State laws and regulations must be followed
 - ▶ *49 CFR 24.2 (a)(22) Definition of Program or Project*
 - ▶ *49 CFR 24.101 (d) Federally Assisted Projects*

Right of Way Acquisition

LPA's are expected to:

- ▶ Follow the procedures outlined in the LPA manual
- ▶ Secure the approvals needed to proceed with right of way acquisition on state or federal aid projects
- ▶ Ensure that all state and federal procedures and laws are followed
- ▶ Document, Document, Document

Right of Way Acquisition

WisDOT Procedures

- ▶ Local Program Real Estate Manual (LP RE Manual)
- ▶ Real Estate Program Manual (REPM)
- ▶ Facilities Development Manual (FDM)

Right of Way Acquisition

Important Requirements

Right of Way Acquisition (ROW)

Preliminary ROW Activities

PRELIMINARY REQUIREMENTS

- ▶ Environmental document approval (NEPA process)
- ▶ Design study report (DSR) approval

REQUIREMENTS PRIOR TO REAL ESTATE ACQUISITION

- ▶ Cost estimate (state/federal funding)
- ▶ R/W plat approval/relocation order filed
- ▶ Start-Up Meeting

Right of Way Acquisition

Important Requirements

REQUIREMENTS PRIOR TO REAL ESTATE ACQUISITION
continued

- ▶ STATE/FEDERAL FUNDS IN REAL ESTATE - Do not proceed with real estate acquisition process* until you receive letter regarding authorization of federal funds
- ▶ **ACQUISITION PROCESS INCLUDES (BUT NOT LIMITED TO): Preparation of appraisals, appraisal approval, contacting property owners (negotiations)*

Right of Way Acquisition

Important Requirements

REQUIREMENTS FOR WISDOT CERTIFICATION OF ROW

- ▶ State/Municipal Agreement (SMA)
- ▶ Conveyance documents – Warranty Deed, TLE or PLE Easements
- ▶ Construction permits – attach exhibit from plan/plat
- ▶ Encroachments – removed or allowed via revocable permit
- ▶ Acquisition Capability Statement
- ▶ Approvals – ER, DSR, relocation plan, R/W plat, signed real estate consultant contracts (if applicable)
- ▶ Local Certification (LPA 3028 Certification of LPA R/W)
- ▶ Negotiation diary
- ▶ R/W plat or construction plan sheets



Right of Way Acquisition

Important Requirements



REQUIREMENTS FOR REIMBURSEMENT (State or Federal Funds in Real Estate)

THE FOLLOWING DOCUMENTS ASSOCIATED WITH THE PROJECT:

- ▶ Only real estate related items
- ▶ State/Municipal Agreement (SMA)
- ▶ R/W detailed statement of expenditures
- ▶ Signed contracts for consultant services (invoices & copies of checks)
- ▶ Itemized list of recording fees associated w/each parcel
- ▶ Charges for partial/satisfaction of mortgages



Right of Way Acquisition

Important Requirements

REQUIREMENTS FOR REIMBURSEMENT (State or Federal Funds in Real Estate)

THE FOLLOWING DOCUMENTS ASSOCIATED WITH EACH PARCEL:

- ▶ Negotiation diary
- ▶ Statement of Construction Engineer
- ▶ Recorded conveyances
- ▶ Nominal Waiver of Appraisal (signed & approved)
- ▶ Approved offering price reports
- ▶ FHWA reimbursement of owner's appraisal fee
- ▶ Approved Administrative Revision (if applicable)
- ▶ Disposition of R/E taxes, including Closing Statement
- ▶ Copy of property owner compensation check
- ▶ Relocation & litigation expenses

Right of Way Acquisition

Real Estate Acquisition Process & Timeline

Right of Way Acquisition

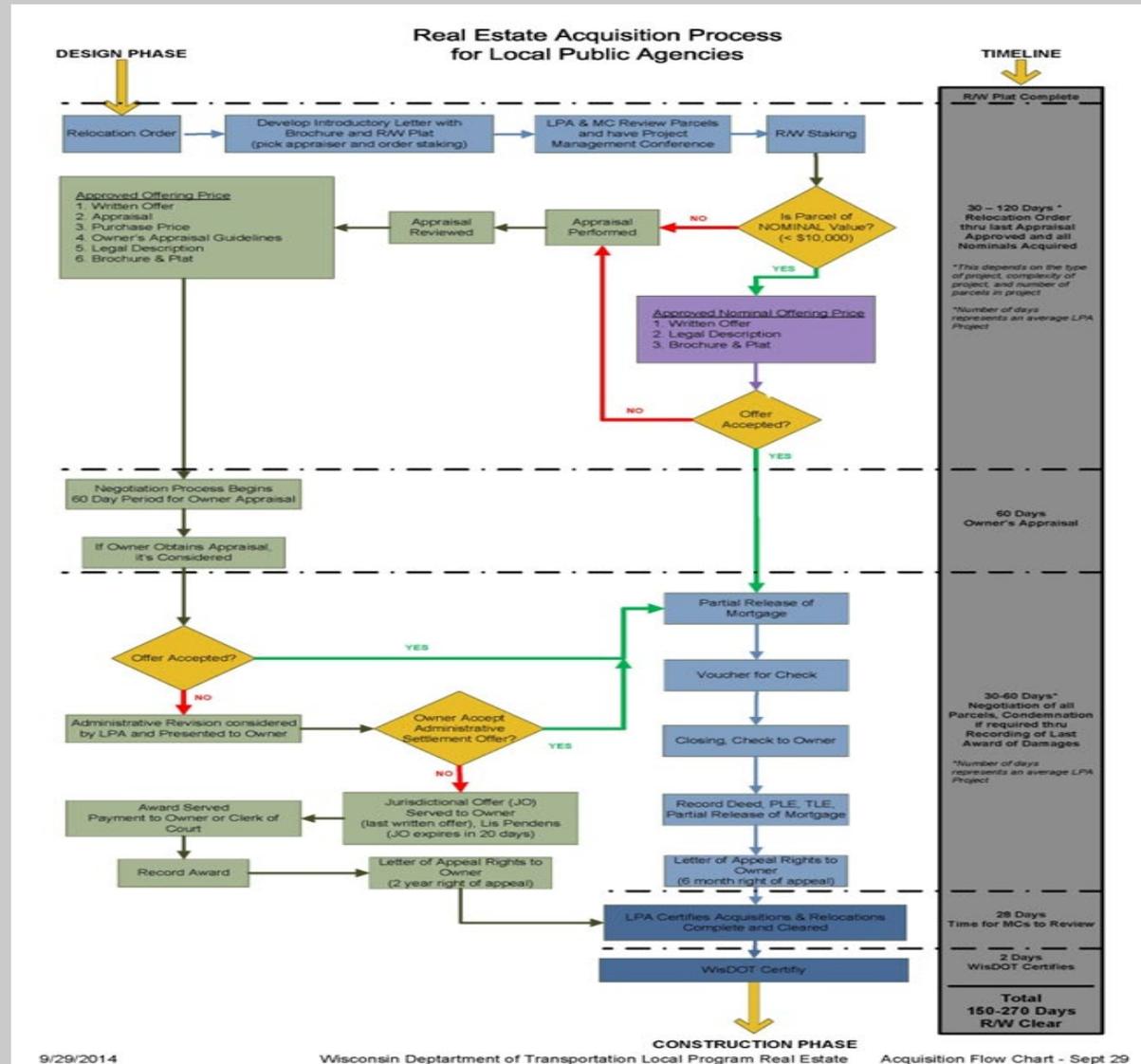
Real Estate Acquisition Process & Timeline

- ▶ Real Estate must be done prior to Request to Advertise
- ▶ Timeframe for real estate:
 - ▶ Allow ample time for real estate acquisition. Property owners may live out of state or travel for work, or there may be a property with multiple owners
 - ▶ It is hard to put a timeframe on acquisition because of the variables but it is safe to assume that it will take months or possibly years rather than days.

Right of Way Acquisition

Real Estate Acquisition Process & Timeline

Real Estate Acquisition Process for LPAs

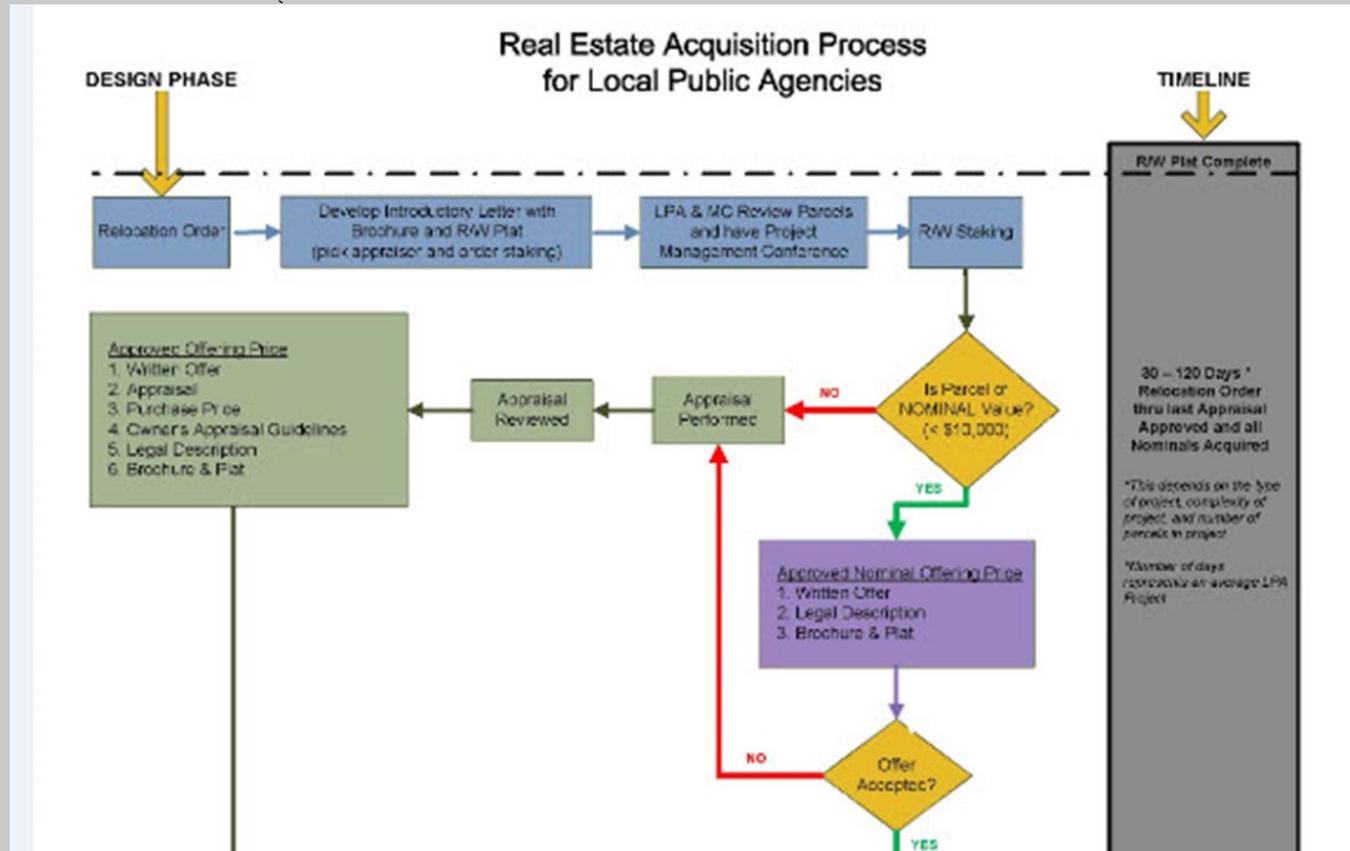


Right of Way Acquisition

Real Estate Acquisition Process & Timeline

Relocation Order thru Approved Offer

Schedule at least 30-120 Days



Right of Way Acquisition

Real Estate Acquisition Process & Timeline

Owner's Appraisal
Schedule at least 60 Days

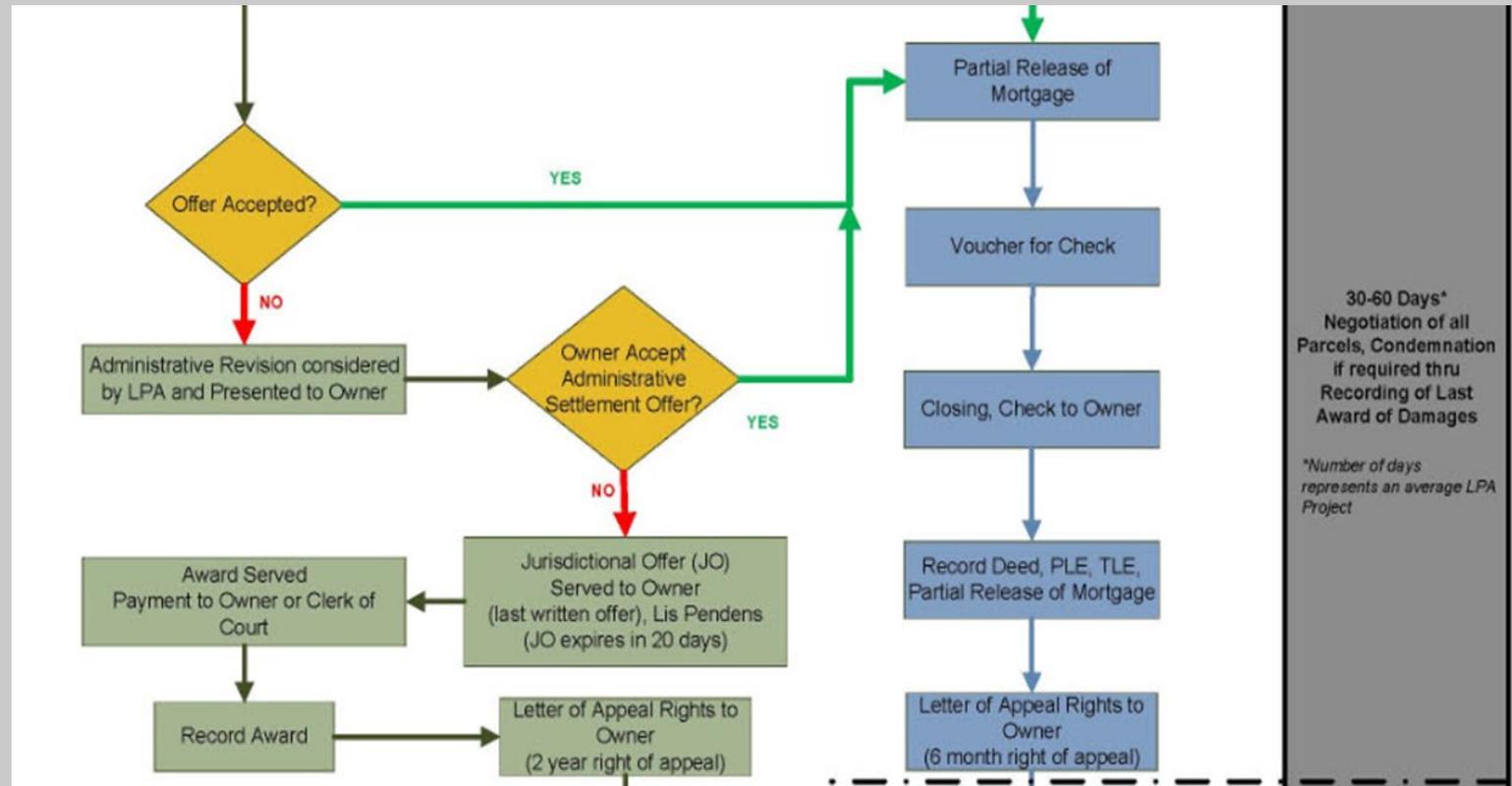


Right of Way Acquisition

Real Estate Acquisition Process & Timeline

Negotiation thru Condemnation

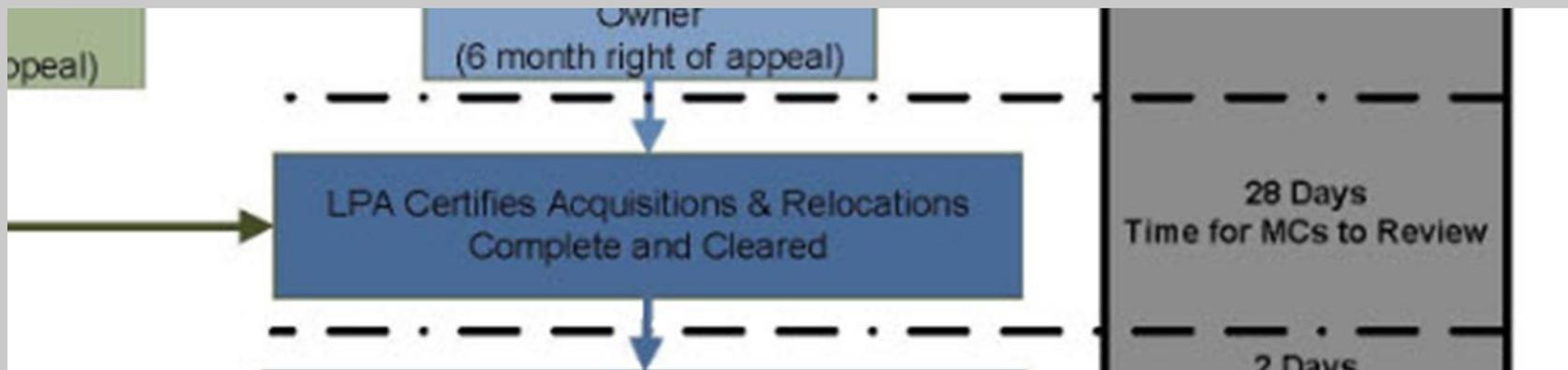
Schedule at least 30-60 days



Right of Way Acquisition

Real Estate Acquisition Process & Timeline

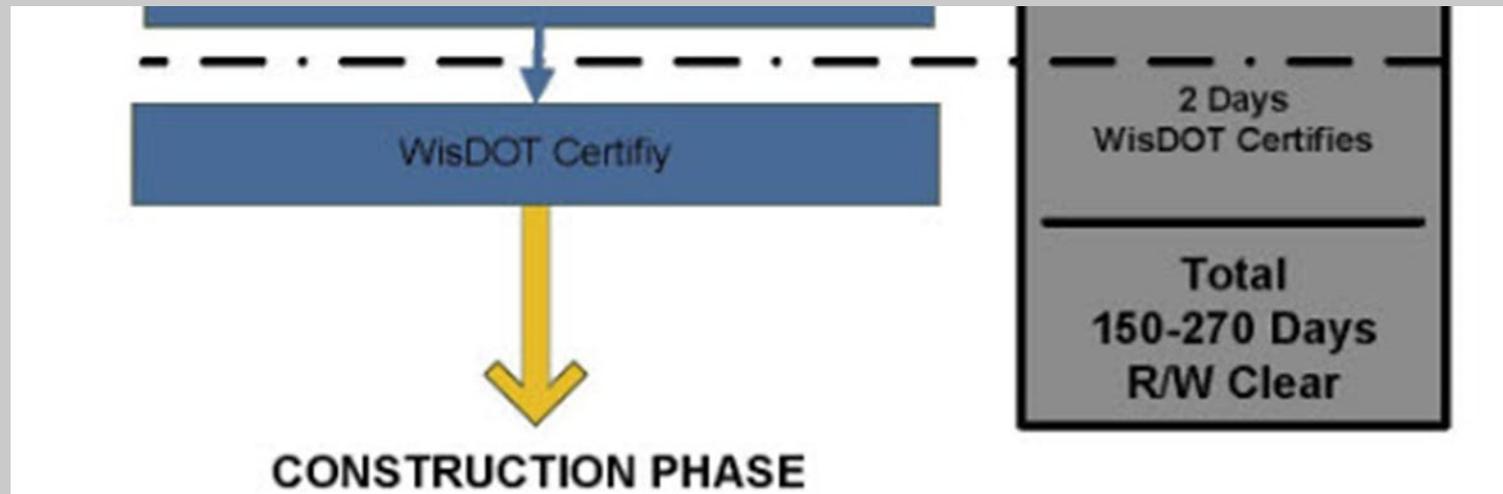
Region Review for Certification
Schedule 28 days prior to PS&E



Right of Way Acquisition

Real Estate Acquisition Process & Timeline

WisDOT Certification
Schedule at least 2 days



Right of Way Acquisition

Reference Materials

Right of Way Acquisition

Reference Materials

WisDOT LPA Real Estate Links

- ▶ Local Public Agency (LPA) Real Estate Information Web Site
<https://wisconsindot.gov/Pages/doing-bus/local-gov/astnce-pgms/aid/lpa-re-info.aspx>
- ▶ Local Program Real Estate Manual (LP RE Manual)
<https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/re/lpa-manual.aspx>
- ▶ Local Program Real Estate Forms Web Page
<https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/re/lpa-forms.aspx>
- ▶ Real Estate Program Manual (REPM)
<https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/re/repn.aspx>

Sponsors Guide Real Estate Section 9

Top 5 Take-Aways

Right of Way Acquisition

Top 5 Take-Aways

1. **ALWAYS** comply with the Uniform Act
 - ▶ You will lose your funding if you fail to comply with the Uniform Act and Chapter 32!

Right of Way Acquisition

Top 5 Take-Aways

2. Follow the FHWA approved ROW manual.
 - ▶ You will lose your funding if you fail to follow the requirements and procedures found in the Local Program Real Estate Manual (LP RE Manual)

Right of Way Acquisition

Top 5 Take-Aways

3. DO NOT Cut Corners!
 - ▶ If you do not have the money to do it right, you don't have money to do it at all!
 - ▶ If you don't have sufficient and knowledgeable staff then hire a qualified consultant from the WisDOT LPA Approved Consultant List!

Right of Way Acquisition

Top 5 Take-Aways

4. Schedule enough time to clear the ROW to meet project milestones! (Cert. 1)
 - ▶ Remember allow a minimum of at least 150 days to acquire a parcel (it could take longer, much longer!).
 - ▶ Good faith negotiation is a MUST!
 - ▶ Plan for issues!

Right of Way Acquisition

Top 5 Take-Aways

5. The “Almost Golden Rule”
(taken directly from FHWA)
 - ▶ “If it ain’t documented, it didn’t happen!”

Project Design Delivery

Sponsor's Guide Section 10: Project Design Delivery



Project Design Delivery

Design Standards

- ▶ Design standards to be followed:
 - ▶ Wisconsin Bicycle Facility Design Handbook
 - ▶ Wisconsin Guide to Pedestrian Best Practices
 - ▶ Facilities Development Manual (FDM) elements (documented in the Design Study Report (DSR))
 - ▶ Additional references listed in § 1.5
- ▶ These are listed in the **Project Proposal Certificate**
- ▶ Any initial challenges with standards need to be discussed early on

Project Design Delivery

Process Overview

Timeline: 12 months to 3 years

- ▶ Dependent on familiarity of designer with process, if design amendments are needed, & complexity of project
- ▶ At the end of this process, you must submit a draft PS&E and Request to Advertise

Project Design Delivery

Process Overview

- ▶ Design begins



- ▶ Environmental Document approved



- ▶ Design Study Report (DSR) approved (if required)



- ▶ Plans, Specs & Estimates (PS&E)/Draft Request to Advertise



- ▶ WisDOT Request to Advertise form approved

Project Design Delivery

Design Challenges ⇔ Added Time

- ▶ Railroad
- ▶ Utilities
- ▶ Structures
- ▶ Design Variance
- ▶ Proprietary Products
- ▶ Scope Modifications
- ▶ Multiple phases of construction

Project Design Delivery

Design Challenges ⇒ Added Time *Continued*

- ▶ Section 106 challenges (Historical or Archeological)
- ▶ WisDNR/Army Corp of Engineers permitting/environmental issues
- ▶ Bureau of Aeronautics Permit
- ▶ Hazmat (greater than Phase 1)
- ▶ Real Estate



THE SOONER YOU COORDINATE WITH YOUR LPPM THE
BETTER

Project Design Delivery

Design Challenges: Railroad § 10.3

- ▶ If RR within 1,000 feet, contact LPPM who will work with Regional Rail Coordinator (RRC)
- ▶ If a crossing is needed, an Office of the Commissioner of Railroads (OCR) hearing is required
- ▶ Contact is required as well with abandoned corridors
- ▶ RR involvement may add 2+ years to the project (depending on level of complexity)
- ▶ A Certificate of Coordination of Railroad Work is required prior to approval of PS&E on **ALL PROJECTS**



DO NOT CONTACT THE RAILROAD DIRECTLY

Project Design Delivery

Design Challenges: Utilities § 10.4

- ▶ Refer to the WisDOT Guide to Utility Coordination
- ▶ TRANS 220 does not apply to Local Program Projects, including Non-traditional, however utility coordination is still required
- ▶ Coordinate for planning locates through digger's hotline and/or through private utilities
- ▶ Utility relocation costs not reimbursable
- ▶ A Utility Status Report form must be approved prior to approval of PS&E on **ALL PROJECTS**

Project Design Delivery

Design Challenges: Structures § 10.5

- ▶ Culverts, bridges, boardwalks, retaining walls are submitted to Bureau of Structures (BOS)
 - ▶ Does not apply to boardwalks with spans less than 20' and heights less than 10 feet above water/ground
 - ▶ Does not apply to retaining walls that meet the definition of minor retaining wall (FDM 11-55-5.2 and WisDOT Bridge Manual 14.1.1.1)
 - ▶ These structures still need to follow standards established in the Wisconsin Bicycle Facility Design Handbook

Project Design Delivery

Design Challenges: Structures § 10.5 *Continued*

- ▶ Formal BOS submittals—both preliminary (Type, Size, Location (TSL)) and final
 - ▶ Preliminary submittal comments must be received and addressed prior to the Design Study Report (DSR)
 - ▶ Final BOS submittal to BOS a minimum of 2 months prior to final submittal of draft PS&E and Request to Advertise

- ▶ Prior to submittal to BOS, submit to LPPM for review of completeness

Project Design Delivery

Design Challenges: Structures § 10.5 *Continued*

- ▶ Will be submitted electronically in accordance with FDM
 - ▶ Will need structure number for submittal
 - ▶ In “comments” section, write: “Non-traditional locally let project” since they are evaluated differently

- ▶ Be aware
 - ▶ Weight restrictions : Min 20,000 lbs (10 tons)
 - ▶ Desired 14’ wide clear width (12’ minimum)
 - ▶ Appropriate railing and fencing requirements are required

Project Design Delivery

Design Challenges: Variance § 10.7

- ▶ Required for variances to design standards (width, clear zone encroachments, side slopes, curve radii, etc.)
- ▶ **Last resort, alternative design solutions should be explored first and foremost.** Contact your LPPM if you are concerned that there will be a challenge with a standard



DO NOT ASSUME APPROVAL

Project Design Delivery

Design Challenges: Variance § 10.7 *Continued*

- ▶ Specific format and requirements for the Variance can be gotten from your LPPM
- ▶ Allow ample time for review and modifications/approval (months)
- ▶ Need to be approved prior to submittal of DSR and/or 60%

Project Design Delivery

Design Challenges: Proprietary Products § 10.9

- ▶ Required for items that specify unique, distributor, manufacturer
- ▶ Certification of Patented or Proprietary Products (DT1584) form is available on WisDOT Doing Business Forms page
- ▶ Within special provisions, identifying “or approved equal” is not enough
 - ▶ Need to have total of two or more options and note “or approved equal”
 - ▶ OR generalize the specification to remove specific products and names
 - ▶ This applies to non-participating items as well
- ▶ Per Facilities Development Manual (EDM) 19-1-5

Project Design Delivery

Design Challenges: Other

- ▶ Scope Modifications § 6.5
 - ▶ Multiple-levels of approval (not quick)
 - ▶ Do not assume approval, talk to LPPM if you believe a scope change is required
 - ▶ Possible re-work (which would then not be reimbursable)
- ▶ Multiple phases of construction

Project Design Delivery

Design Challenges: Other *Continued*

- ▶ Previously discussed
 - ▶ Section 106 challenges (Historical or Archeological) § 8.6
 - ▶ WisDNR /Army Corp of Engineers (ACOE) permitting/environmental issues § 8.8
 - ▶ Bureau of Aeronautics Permit – Airport in proximity of project § 8.8
 - ▶ Hazmat (greater than Phase 1) § 8.9
 - ▶ Real Estate § 9

Project Design Delivery

Design General Notes

- ▶ Preliminary plans are required with environmental document
- ▶ Design Study Report (DSR) includes 60% plans
- ▶ Plans and specifications do not need to be in WisDOT state-let template, but do need to include appropriate detail & information
- ▶ WisDOT specifications Part 1 (Contract Front End) must be included by reference on all projects. It is encouraged to use the WisDOT Specification for all projects. Avoid using WisDOT bid item numbers when not using WisDOT specifications
- ▶ Estimates should not include contingencies

Project Design Delivery

Design Stages

Preliminary submittal

- ▶ **Preliminary Engineering Checklist** § 10.1
 - ▶ Preliminary plans (see § 10.2 for required information)
- ▶ **Local Project Utility Coordination Task List** § 10.4
 - ▶ Preliminary structure plans (if req'd) § 10.5
 - ▶ Section 106 (if req'd) § 8.6
 - ▶ Phase 1 Hazmat (if req'd) or **Initial Site Reconnaissance Checklist & Parcel Reconnaissance Checklist** § 8.9
 - ▶ Environmental document w/ appropriate back-up* § 8.11 & 8.12



DO NOT MOVE FORWARD UNTIL REVIEW COMMENTS RECEIVED
AND ENVIRONMENTAL DOC APPROVED

Project Design Delivery

Design Stages
“60%” submittal

- ▶ Updated project plans
- ▶ Design Study Report (DSR) (if applicable--more on next slide)
- ▶ **Local Project Utility Coordination Task List § 10.4**



DO NOT MOVE FORWARD UNTIL REVIEW COMMENTS
RECEIVED AND DSR APPROVED

Project Design Delivery

Design Stages “60%” submittal

- ▶ Design Study Report (DSR) § 10.8
 - ▶ Required when construction project costs are greater than \$500,000
 - ▶ May be required on projects under \$500,000 at the direction of WisDOT
 - ▶ Does not apply to building-type projects or some other unique types
 - ▶ DSR **must be approved** prior to beginning Real Estate
 - ▶ Needs to be approved prior to draft PS&E and **Request to Advertise**
 - ▶ 60% plans are one of the attachments

Project Design Delivery

Design Stages

Draft PS&E Package Submittal § 10.9, 10.10, 10.11, 10.12, 10.13

- ▶ Draft final plans
- ▶ Final structure plans (if applicable)
- ▶ Draft Project Manual with all required WisDOT forms per **Local Let Project Contract Document Checklist** (LLPCDC), front end documents and special provisions included
 - ▶ LLPCDC examples: DBE forms, Federal Wage Rates, Buy America, etc.
- ▶ Engineer's Estimate

Project Design Delivery

Design Stages Draft PS&E Package *Continued*

- ▶ Sponsor's Guide and WisDOT forms/checklists
 - ▶ **Construction Bid letting Checklist**
 - ▶ highlights all elements required in your advertisement
 - ▶ **Project Proposal Certificate**
 - ▶ Attach final approved permits (DNR/ACOE permits; STH permits)
 - ▶ **Local Let Project Contract Document Checklist (LLPCDC)**
 - ▶ **Local Project Utility Coordination Task List**
 - ▶ **Utility Status Report (USR) (DT1080)**

Project Design Delivery

Design Stages Draft PS&E Package *Continued*

- ▶ Sponsor's Guide and WisDOT forms *Continued*
- ▶ Certification of Coordination of Railroad Work with Highway Construction (DT1804)
- ▶ Certificate of Right of Way (DT1899) Cert 1 with applicable documents (if not already submitted)
- ▶ ***Request to Advertise***



DO NOT MOVE FORWARD UNTIL REVIEW
COMMENTS RECEIVED

Project Design Delivery

Design Stages

Request to Advertise/Final PS&E Submittal § 10.9, 10.10, 10.11, 10.12, 10.13

- ▶ Submit a minimum of six weeks prior to the desired advertisement placement date.
- ▶ In the submittal to the LPPM include (2 sets of everything, with both sets having all original signatures)

Project Design Delivery

Design Stages

Request to Advertise/Final PS&E Submittal continued

- ▶ Project Manual:
 - ▶ Cover
 - ▶ Special Provisions
 - ▶ Contract Front End
 - ▶ Part 1 of WisDOT Standard Specifications (via reference)
 - ▶ WisDOT DBE & Labor Compliance and Additional Special Provisions and required inserts (noted on Local Let Project Contract Document Checklist)
 - ▶ Supplemental Information (as required—e.g. permits, soil borings, etc.)

Project Design Delivery

Design Stages Request to Advertise/Final PS&E Submittal *Continued*

- ▶ Sponsor's Guide and WisDOT forms/checklists
 - ▶ Approved Certificate of Right of Way (DT1899) (even if no Real estate is acquired)
 - ▶ **Construction Bid Letting Checklist**
 - ▶ **Local Let Project Contract Document Checklist**
 - ▶ Utility Status Report (DT1080)
 - ▶ Certificate of Coordination of Railroad Work with Highway Construction (DT1804)
 - ▶ **Project Proposal Certificate**

Project Design Delivery

Design Stages Request to Advertise/Final PS&E Submittal *Continued*

- ▶ Sponsor's Guide and WisDOT forms/checklists *Continued*
 - ▶ **Request to Advertise** (with Proposed Advertisement attached) § 10.12
 - ▶ Minimum 21 Calendar Days between the first advertisement and the bid date
 - ▶ Recommend diverse publication to ensure competitive bid
 - ▶ Sponsor's Legal Newspaper
 - ▶ Trade Journals
 - ▶ State or Other Local Newspaper
 - ▶ Sponsor's Internet Site or Other Internet Site
 - ▶ Obtain Affidavit of Publication and keep in Records (You will need this for the **Request to Award**)

Project Design Delivery

Design Stages

Request to Advertise/Final PS&E Submittal *Continued*

- ▶ Project Plans
 - ▶ Signed & sealed by designer and signed and accepted by Project Sponsor
 - ▶ Typically 11 x17 format

- ▶ Engineer's Estimate



DO NOT ADVERTISE UNTIL THE REQUEST TO ADVERTISE PACKAGE HAS BEEN APPROVED AND YOU HAVE RECEIVED AUTHORIZATION LETTER

Project Design Delivery

Sponsor's Guide and WisDOT forms/checklists

Note: Part 1 of the WisDOT Standard Specification requires the Prime Contractor to perform a minimum of 30% of the contract.
(Section 108.1.2)

Project Design Delivery

Material & Equipment Purchasing § 10.14

General:

- ▶ Slightly different than full Request to Advertise Package—called “Purchase Request Package”
- ▶ Still includes an advertisement, bid documents, and Request to Award package as well

Project Design Delivery

Material & Equipment Purchasing § 10.14

- ▶ Three Different bidding types
 - ▶ Simplified Bidding
 - ▶ \$5,000 or less- a little more flexibility
 - ▶ \$5,000 to \$25,000—three or more quotes—in writing preferred
 - ▶ Official sealed bidding
 - ▶ Purchases of more than \$25,000
 - ▶ Newspaper advertisement & sealed bids
 - ▶ Project must be listed on state vendor.net site
 - ▶ Non-Competitive Negotiation & Sole source—contact your LPPM or more info

Project Design Delivery

Material & Equipment Purchasing § 10.14

Examples:

- ▶ Purchase of Bike sheds and installation by volunteers
- ▶ Municipal purchase of pre-fab bridge and then separate installation of the bridge by contractor (equates to two separate **Request to Advertise** Packages)

Project Design Delivery

Material & Equipment Purchasing § 10.14



DO NOT ADVERTISE UNTIL THE REQUEST TO ADVERTISE
PACKAGE HAS BEEN APPROVED AND YOU HAVE RECEIVED
THE AUTHORIZATION LETTER

Schedule

Discussions throughout Sponsor's Guide



Schedule

Critical issues:

➤ Commencement:

- Project must commence within 4 years of the award date

➤ Completion:

- Project must be complete within 7 years of the award date

➤ Funding availability:

- Funding is programmed for each fiscal year (July 1 – June 30)

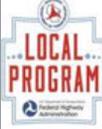
➤ Moving a project out of the fiscal year it is programmed in is not a given – depends on funding availability

- Requires a change management request

Schedule

Bi-Monthly Schedule Work Sheet APPENDIX B

- ▶ 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.

Bi-Monthly Schedule Work Sheet							
		Sunset Date:					
		Commencement Date:					
		Sponsor/LPA:					
		Project ID:					
		Project Name/Description:					
		Project Limits/County:					
		Submitted By/Date:					
Project Milestones	Original Schedule		Current Schedule		Actual Schedule		Percent Complete
	Submit	Approve	Submit	Approve	Submit	Approve	
Start of Design							
Iteration Planning Meeting (OPM)							
Request for History/Archeology Screening							
Tribal Historic Preservation Letters							
Traffic Memo/LOS Report Approved							
Soils Report							
Intersection Control Evaluation Report (ICE)							
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 Report (DSR)							
Real Estate Acquisition							
Railroad Package)							
Final Structure Plan							
Utility Status Checklist							
AW (Cert 1)							
RAFT Plans Specials Estimate (PSE) 90							
Final PSE (eSubmit)							
ET							
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:							
<i>Schedule Directions</i>							
Fill in the schedule and approval dates for the tasks/milestones applicable for your project.							
Submit form to Region LPPM every two months							
							8/27/2018

Schedule

Notes on the example schedules:

- ▶ Schedule begins at training
- ▶ Timelines shown are **estimates only**
- ▶ Only key activities are shown
- ▶ The timeline does not include reimbursement requests
- ▶ Most submittals require revisions by the design consultant, re-submittal, and another review. 1-2 weeks is included in each review and approval item to account for this, assuming only one revision is required
- ▶ The reviews and approvals take time

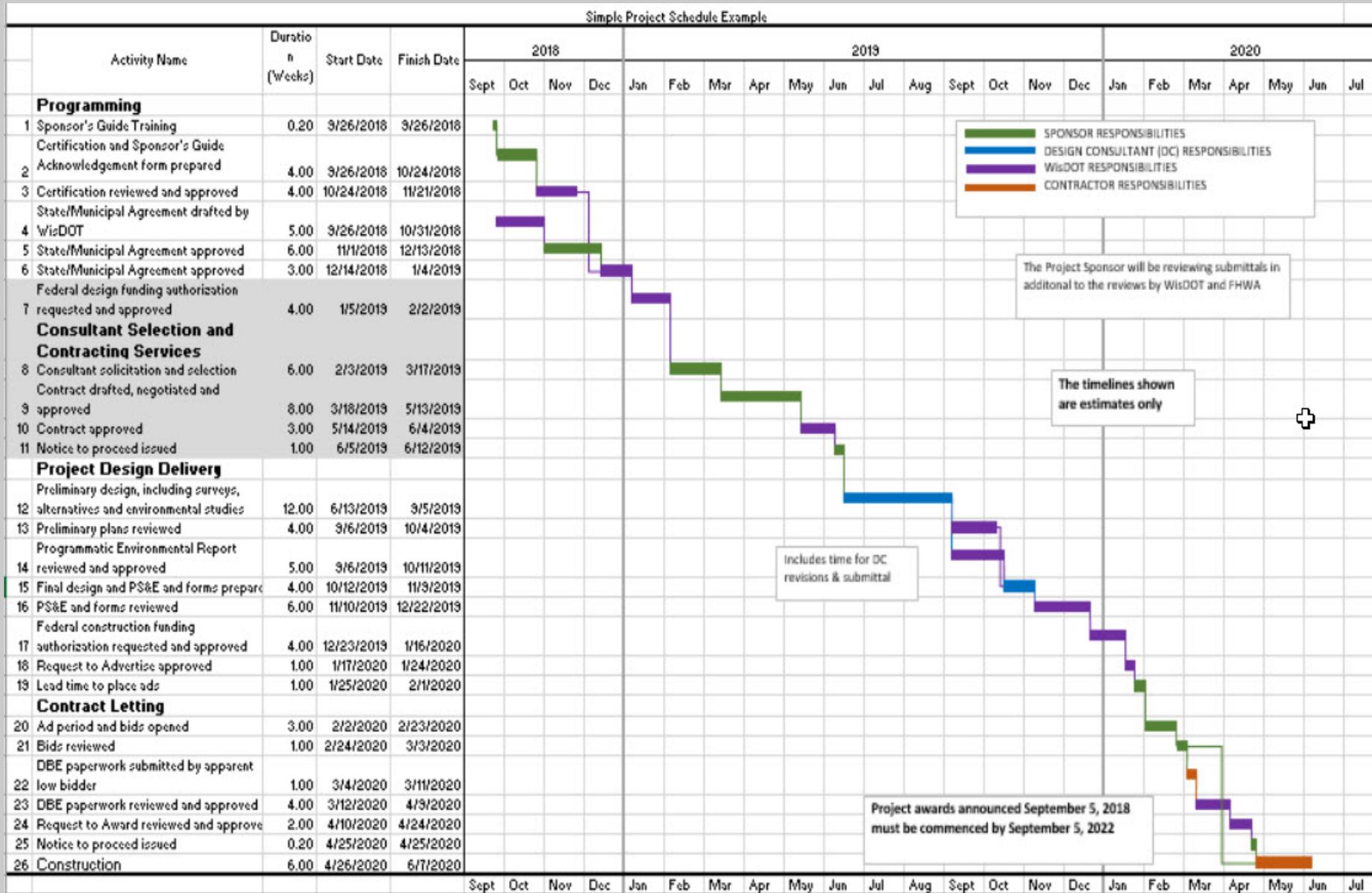
Schedule

Simple Project schedule

Assumptions:

- ▶ Project screened for both archaeology and history
- ▶ Categorical Exclusion Checklist applicable
- ▶ Design Study Report not required
- ▶ No real estate acquisition (no TLE, PLE or fee)
- ▶ No other design challenges like hazardous materials, environmental impacts, railroads, structures, effects on utilities, or scope modifications (see Design Challenges slides)

Simple Project Schedule



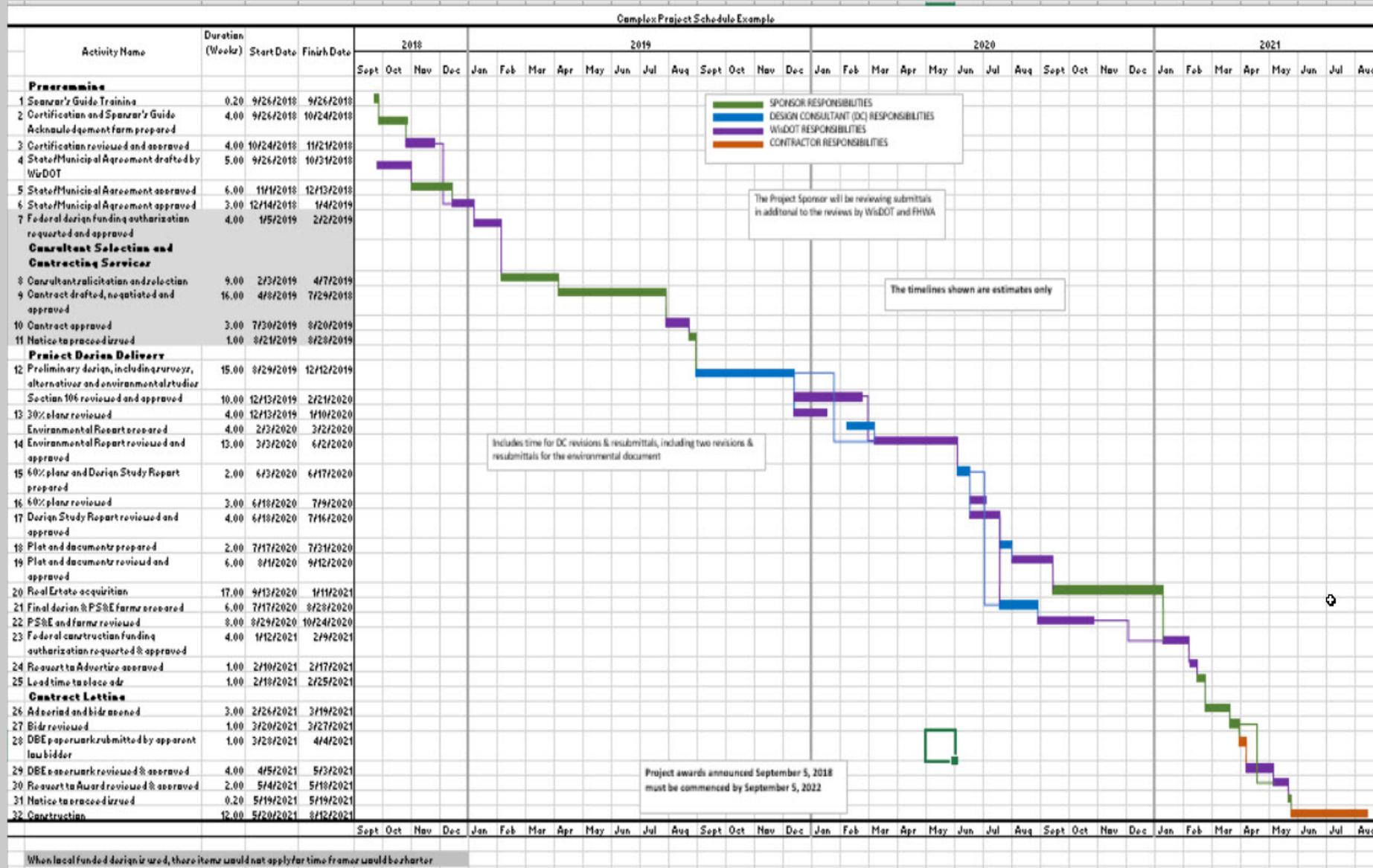
Schedule

Complex Project Schedule

Assumptions:

- ▶ Section 106 required, assumes no eligible properties
- ▶ Categorical Exclusion Checklist applicable
- ▶ Design Study Report required
- ▶ Real estate acquisition does not require condemnation
- ▶ Project includes a structure

Complex Project Schedule



Schedule

Summary

- ▶ Remember commencement and completion deadlines
- ▶ Remember funding availability constraints
- ▶ If design funding in Fiscal Year 2019 – execute design contract should be completed by Mid-April to allow time to process.
- ▶ Start as early as allowable

Example Schedule

1. Simple project
2. Complex project

Federal State Aid Project Delivery Sponsors Guide section
webpage:

<https://wisconsindot.gov/Pages/doing-bus/local-gov/lpm/guide-man.aspx>

Contract Letting

Sponsor's Guide Section 11: Contract Letting



Contract Letting

Locally Let Contracts (LLC) § 11.1

- ▶ Contract between Sponsor and a contractor for the construction project
- ▶ Key conditions that must be met
 - ▶ The State/Municipal Agreement for the construction phase is in effect
 - ▶ The bidding and award of the contract comply with WisDOT Standard Specifications Section 102 & 103
 - ▶ Sponsor's roles and responsibilities will be detailed in your Sponsor's Certification

Contract Letting

Addendum § 11.2

- ▶ If an Addendum is required, notify the LPPM of significant changes or errors requiring Addendum
 - ▶ Missing items that are required to complete the work
 - ▶ Change in quantities or work that would affect the Engineer's Estimate
 - ▶ Changes in start or completion dates, or amount of working days
 - ▶ Change connected with permitting, approval or mitigation measures
- ▶ LPPM must approve addendum before issued

Contract Letting

Request to Award § 11.3

Bid Opening

- ▶ All bids shall be sealed and sent to Sponsor or the Design Consultant Engineer in accordance with terms of Advertisement
- ▶ All bids received shall be publicly opened and announced either by item or total amount
- ▶ If any bid is not read, publicly announce the name of the bidder and the reason

Contract Letting

Request to Award § 11.3 Bid Evaluation

- ▶ Sponsor must evaluate all bids for irregularities – Section 102 and 103 of Standard Specifications
- ▶ Sponsor must prepare justification
 - ▶ If any bids rejected
 - ▶ To award if less than 3 bids received
 - ▶ To award if low bid is greater than 10% over Engineer Estimate
- ▶ Sponsor must verify the Prime Contractor will provide at least 30% of the contract.
 - ▶ See CMM 260 Subcontracting
 - ▶ Standard specification 103.6 and 108.1.2

Contract Letting

Request to Award § 11.3 DBE Commitments

- ▶ Apparent Low Bidder submits Commitment to Subcontract to DBE Non-Traditional Project (form DT 1880) along with Attachment A for each subcontractor to LPPM **within 5 days of notification**.
- ▶ If Contractor cannot meet DBE Commitments, they must submit a Good Faith Waiver Request
 - ▶ Good Faith Waiver is not automatically approved
- ▶ WisDOT will review/approve

Contract Letting

Key items documented on the **Request to Award** form

(Available in APPENDIX)

- ▶ Prime Contractor will provide at least 30% of the contract
- ▶ Non-participating work included in the bid if applicable
- ▶ Compares the bid cost with the funded amount
- ▶ Sponsor is ensuring selection process meets requirements after advertising, bid opening and determination of lowest responsive and responsible bidder

Request to Award attachments

- ▶ Copy of Notarized Advertisement
- ▶ WisDOT approved DBE Commitments
- ▶ All addenda
- ▶ Justification for rejecting bids if applicable
- ▶ Justification to award if less than 3 bids received
- ▶ Justification to award if bid is > 10% over engineers estimate
- ▶ Bid tab listing unit prices for bidders and total bid
- ▶ Bid summary review to determine bids not irregular

Contract Letting

Request to Award § 11.3

Request to Award

- ▶ Sponsor submits to LPPM
- ▶ Allow at least 2 weeks for review
- ▶ WisDOT approves



DO NOT SIGN CONTRACT WITH
CONTRACTOR UNTIL REQUEST TO
AWARD PACKAGE APPROVED

Contract Letting

Request to Award § 11.3
Contract Execution

- ▶ LPPM will notify Sponsor to Proceed with Contract Execution by returning signed **Request to Award**
- ▶ Sponsor will execute the Contract in accordance with their Local Approval Authority as documented in the Sponsor's Certification
- ▶ The Sponsor will provide the LPPM with a signed and executed copy of the contract.

Construction Administration

Sponsor's Guide Section 11 (continued)



Construction Administration

WisDOT Oversight – Role of LPPM During Construction

- ▶ Limited site visits
 - ▶ Critical interim site visits (pre-pour, pre-pave, etc.)
 - ▶ Pre-pour/pre-pave may be attended by region materials representatives.
- ▶ Participates in Pre-Construction Conference
- ▶ May call in or attend weekly scheduling meetings
- ▶ Approval of prior justifications (WisDOT signs)
- ▶ Approvals of contract modifications (WisDOT signs)
- ▶ Final Walk Through
- ▶ Approvals of reimbursement requests (possible site visit for verification)

Construction Administration

Communication

- ▶ LPPM needs to be kept informed
- ▶ The earlier the LPPM is involved with concerns or questions the better
- ▶ LPPM will assist you in meeting your goal of maintaining an eligible project
- ▶ Don't be afraid to ask

Construction Administration

Local Force Account (LFA) § 10.6 & 11.7

- ▶ LFA consideration requires cost effectiveness determination
- ▶ Sponsor is responsible for submitting all necessary forms for LFA work per the FDM
- ▶ If constructed by LFA, WisDOT may conduct construction oversight with State forces or contract with a consultant for construction oversight in accordance with the FDM

Construction Administration

Construction Oversight – Sponsor's staff vs. consulting engineer.

Two Party Contract § 11.4

▶ **In-house staff: Two-party WisDOT/Municipal contract**

▶ Not allowed on LFA contracts

▶ **Consultant: Two-party between Sponsor & Consultant**

▶ Need to solicit via QBS (Quality Based Selection) process

▶ Cannot be part of the three-party design contract

▶ Includes standard provisions of construction engineering agreements, FDM 8-15-1

Construction Administration

Construction Oversight - continued

Reimbursement § 11.4

▶ **If reimbursable**

▶ Is charged to construction ID

▶ Costs are funded the same as the construction costs

▶ Look at how the construction contract amount compares to what is reimbursable under the construction ID

Construction Administration

WisDOT/FHWA requirements § 11.4

- ▶ Documentation and recordkeeping
- ▶ On-site inspection
- ▶ Materials acceptance & testing
- ▶ Certification of Acceptance (Buy America Certs)
- ▶ Measurements of quantities & verification (load tickets)
- ▶ Explanation of variation of quantities
- ▶ Plans and Specification enforcement

Construction Administration

WisDOT/FHWA requirements § 11.4 *Continued*

- ▶ Contractor payments
- ▶ Keeping project on schedule
- ▶ Monitoring of DBE utilization & Labor Compliance
- ▶ Documentation of Erosion Control Activities
- ▶ Ensure Conformance to Permits (environmental)
- ▶ Finals Documentation

Construction Administration

Pre-con Meeting § 11.5

- ▶ Formally invite LPPM
- ▶ Use WisDOT Region Specific Preconstruction Conference Agenda Forms (Forms available in Pantry software)
- ▶ Local and WisDOT topics (contract mods, labor compliance, monthly progress reports)
- ▶ Discuss Erosion Control & Traffic Control items
- ▶ Federal Wage Rate postings should be distributed
- ▶ Contractor presents the schedule for completion

Construction Administration

Erosion Control

- ▶ In accordance with WisDNR permits, project plans and special provisions
- ▶ Contractor submits detailed schedule of erosion control activities (ECIP Erosion Control Implementation Plan)
- ▶ All environmental permits should be posted on-site
- ▶ Responsible for meeting all conditions of permits and maintaining erosion control
- ▶ Documentation of erosion control activities during the project

Construction Administration

Project Documentation § 11.6

- ▶ Contract Proposal
- ▶ As-Built Plans
- ▶ Project Diaries (project leader – Daily Diary & Inspectors diary's)
- ▶ Item Record Account contains Source Documents
 - a) Measurements of bid items
 - b) Use forms available in pantry software
- ▶ Material Records, (Certifications, testing records)
- ▶ Contractor Pay Estimates
- ▶ Pictures & videos
- ▶ Correspondence Files
- ▶ Justifications for non-conforming work or materials
- ▶ Labor compliance – DBE reporting

Construction Administration

Labor Compliance § 5.1 & 11.6

Sponsor responsible for monitoring labor compliance until project completion: Form available: **APPENDIX B**

- ▶ Federal Wage rates on all Federal Aid Projects
- ▶ Post the wage rates on-site (Posting Board)
- ▶ Weekly Certified payrolls are required for all projects
- ▶ Contractor interviews are the responsibility of the Sponsor



THIS IS YOUR
RESPONSIBILITY

Construction Administration

Contract Modifications (CM) § 11.8

Needed when:

- ▶ Field conditions requiring extra work
- ▶ Addition of bid items
- ▶ Change in contract requirements

Is a two - part process requiring WisDOT approval

- ▶ WisDOT approval/signature prior to work being initiated (Prior Approval Justification)
- ▶ Prior Approval Justification requires support documents
 - ▶ Plans & Specs
 - ▶ Contractor quotes
- ▶ Contract Modification Requires WisDOT approval/signature
Without both approvals work is not reimbursable

Construction Administration

Contractor Challenges

- ▶ Keep LPPM informed of any problems & associated resolutions
 - ▶ If contractor is behind schedule
 - ▶ If liquidated damages will be assessed
 - ▶ If Sponsor is going after Payment or Performance Bond
- ▶ Construction contract is between the Project Sponsor and Contractor
 - ▶ WisDOT/FHWA is NOT involved in any claims

Construction Administration

Site Visits § 11.11

- ▶ Ensure items are built according to contract documents
- ▶ Critical operations such as paving and deck pours as determined by the Department
- ▶ Reimbursement requests
- ▶ Final Walk Through
- ▶ A copy of the LLC Site Visit Checklist will be provided for your project records

Construction Administration

LLC Site Visit Checklist - Local Program

LLC Site Visit Checklist - WisDOT Local Program

State ID#: _____ Inspection Date: _____
Project Name: _____ ACS: _____
LPA: _____ County: _____

ADA CURB RAMPS ALL PROPERLY CONSTRUCTED No problems Needs adjustments (explain)
COMMENTS _____
<http://roadwaystandards.dot.wis.gov/standards/rdm/21-46.pdf> FDM 11-46-10 and construction details

CROSS SLOPES 1.5 TYP 2.0% MAX No problems Needs adjustments (explain)
COMMENTS _____
<http://roadwaystandards.dot.wis.gov/standards/rdm/011-06.pdf> FDM 11-46-5 Section 5.2.1: 1.5% Typical X-Slope; 2.0% Maximum

RUNNING SLOPES No problems Needs adjustments (explain)
COMMENTS _____
<http://roadwaystandards.dot.wis.gov/standards/rdm/011-06.pdf> 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 problems Needs adjustments (explain)
COMMENTS _____
<http://www.dot.wisconsin.gov/projects/state/docs/bike-facility.pdf> Section 4.5 WI Handbook: Desirable lateral clearance 3'-5'

• 2' min. from isolated obstructions (poles, boulders, signs, etc.) No problems 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 problems Needs adjustments (explain)
COMMENTS _____
<http://www.dot.wisconsin.gov/projects/state/docs/bike-facility.pdf> Section 4.5 WI Handbook: p 4-10

VERTICAL CLEARANCE
• Branches and other overhead clearances No problems Needs adjustment (explain)
COMMENTS _____
<http://www.dot.wisconsin.gov/projects/state/docs/bike-facility.pdf> Section 4.5 WI Handbook: Des. overhead clearance 10.0'; Min. 8.0'

MISCELLANEOUS No problems Needs adjustment (explain)
• Erosion control issues
COMMENTS _____

• All items installed as per plan? No problems 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 problems Needs adjustment (explain)
COMMENTS _____

• Is Contract Mod adding work consistent with approved project/SMA? Does WisDOT have all Mods?
• Is the project consistent with the contract documents? No problems Needs adjustment (explain)
• Visually verify misc. items such as structures, boardwalks, curve radii, railings, side slopes, etc...
COMMENTS _____

• Final walk through Date: _____ No problems Needs adjustment (explain)
COMMENTS _____

ADDITIONAL COMMENTS _____

Construction Administration

Field Review Items

- ▶ Basic plan elements
- ▶ Detectable Warning Field (DWF) installation & ramp installation
- ▶ Sign placement
- ▶ Clear zone encroachments
- ▶ Vertical & horizontal clearances
- ▶ Erosion and Traffic control
- ▶ Items added or deleted from approved plans
- ▶ Items that are incorrect, missing or not built per plan, will need to be corrected prior to reimbursement

Construction Administration

Close-out

- ▶ Final Walk through – punch list
 - ▶ Invite LPPM
 - ▶ Take pictures
 - ▶ Ensure all items are addressed prior to final Contractor payment

- ▶ Records
 - ▶ Be ready to submit final request for reimbursement and completion certificate
 - ▶ Neat and complete
 - ▶ Ready for when FHWA comes for an audit

Construction Administration

Curb Ramp Compliance Report

- ▶ Curb Ramps must be built to ADA standards
 - ▶ Report filled out prior to project completion to verify ramps are built to standards.
 - ▶ Report becomes part of the permanent project records.
 - ▶ A link is provided in the Sponsors Guide to the blank form.
 - ▶ An example form is provided in the Appendix

Construction Administration

▶ Example Curb Ramp Compliance Report

▶ A “smart level” is helpful in filling out the report

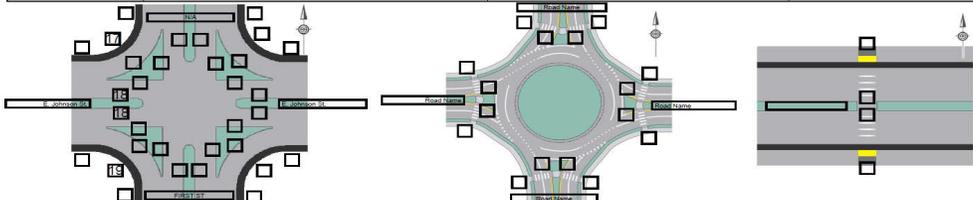
▶ A ‘smart level’ reads slopes in a percent.



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	Curb Ramp SDD Date 06/17
Highway/Road Local Street	Intersecting Highway/Road First St (Hwy 113)		
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)	3.9 %	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			

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, 0.4 %

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			
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.

Reimbursement

Sponsor's Guide Section 12: Reimbursement



Reimbursement

These projects are reimbursement projects where the Sponsor pays the cost of the project **as charges are incurred** and then submits a **request for reimbursement**

Reimbursement is made for the federal share on the project, typically 80% up to your federal maximum.

If the Sponsor has questions on invoices they need to pay, contact your LPPM.

Reimbursement

Timing/Frequency

- ▶ Submit as soon as practical
- ▶ Generally, monthly requests encouraged during major design or construction efforts
- ▶ Do not wait to submit **design** reimbursement requests until **construction** is complete



NO MORE THAN 6 MONTHS WITHOUT
REIMBURSEMENT REQUEST

Reimbursement

Reimbursement process

- ▶ Designer/Contractor submits invoice(s) to Sponsor
- ▶ Sponsor reviews and pays invoice(s)
- ▶ Sponsor submits reimbursement request with back-up information to the LPPM
- ▶ LPPM reviews and approves request
- ▶ Request is forwarded to expenditure accounting for payment
- ▶ Sponsor receives payment

Reimbursement

Required documentation for all phases

- ▶ Reimbursement Request form DT1713
 - ▶ One Project ID per Request (do not combine phases on the same request form)
- ▶ Invoice
- ▶ Cancelled check showing payment (front and back)

Reimbursement

Additional required documentation for design

- ▶ Progress Report
- ▶ Bi-Monthly Schedule work sheet

Additional required documentation for construction

- ▶ Detailed Invoice (per item)

Local Force Account projects:

- ▶ Require detailed summary of work and payment is processed through FieldManager

Reimbursement

Additional required documentation for reimbursable construction oversight

- ▶ Consultant construction oversight
 - ▶ Detailed Invoice (per item)

- ▶ Sponsor construction oversight
 - ▶ Printout from financial system that shows the employees, rates, hours worked, and time period

Reimbursement

Final Reimbursement Request

- ▶ All project records must be complete
- ▶ Provide the Project Completion Certificate
 - ▶ Complete for both design and construction
 - ▶ Complete for construction after the final walk-through and all work is complete
- ▶ Mark the reimbursement request “Final” and provide all required documentation



REMEMBER THE PROJECT
COMPLETION DATE

Local Billing/Invoicing

- ▶ Oversight costs
 - ▶ 20% share of these charges
 - ▶ WisDOT staff or consultant engineering
 - ▶ Listed as Labor Delivery Other
- ▶ All project costs over the Federal/State funding limit.
 - ▶ Refer to your SMA for limits
- ▶ When project costs are at least \$1000
 - ▶ June and December bill any amount
 - ▶ Project is in closing process
- ▶ Do not balance forward

Local Billing/Invoicing

- ▶ Work credits from your reimbursement requests.
 - ▶ Work credits – are your 20% share of the reimbursement request – needed in the system to show FHWA that you participated at 20%.
- ▶ <https://wisconsindot.gov/Pages/doing-bus/local-gov/project-invoices.aspx>

Local Billing/Invoicing

Grand City WI 5XXXX-0100

Invoice No: 395-00000XXXX

Invoice Date: 6/6/2018

Page: 1 of 1

Project information
Project ID starts with 395

Project ID: 395XXXXXXXXX
 Project Title: MUNI-NAME, BEST ROAD
 Customer Number: MUNI000XXX
 Payment Terms: NET30
 Due Date: 7/6/2018

AMOUNT DUE: \$ 31,109.57 USD

Amount due this invoice

For billing questions, please call: 608-245-5347

Category #

Billing Period

Project Title	Source Activity	Billing Period	Net Amount
MUNI-NAME, BEST ROAD	0010ROADWAYITEM	5/8/2018 to 5/24/2018	\$ 24,496.64
MUNI-NAME, BEST ROAD	0020STRUCTURE/B	5/8/2018 to 5/8/2018	\$ 3,175.65
MUNI-NAME, BEST ROAD	LABOR-DLVY-OTHR	5/1/2018 to 5/25/2018	\$ 3,437.28

Certification and Acknowledgement



Certification Program

The certification process requires a Local Public Agency to certify they have sufficient expertise and capability, either in house or contracted, to administer all aspects of project delivery and construction.

Certification Program

Why Certification

- FHWA Local Program Review found inconsistencies
- Federal-Aid Oversight Agreement
 - Found at: <https://www.fhwa.dot.gov/federalaid/stewardship/agreements/wi.pdf>
 - Documents the authority for WisDOT to delegate certain administrative actions to beneficiary of Federal Funding
 - Allows Sponsors to locally let certain projects provided they follow all Federal and State laws and regulations

Certification Program

- Required for all approved CMAQ and TAP approved projects
- State Municipal Agreements will not be approved until Certification has been completed and accepted by WisDOT.

Certification Program

Requirements

- Designated Person in Responsible Charge or defined Approval Authority to act as authority for all WisDOT delegated responsibilities and project approvals
- 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.
- Projects must be administered in accordance with the Sponsor's Guide to Non-Traditional Transportation Project Implementation.

Certification Program

Process

- Review and understand the Sponsor's Guide to Non-Traditional Transportation Project Implementation
- Complete the Sponsor's Guide and Certification Training Overview
- Complete the:
 - Sponsor's Guide Acknowledgment Form
 - Certification for Non-Traditional Project Administration and Delivery form

Certification Program

Process

- Sponsor submits the completed form to WisDOT Region Local Program Project Manager, LPPM
- WisDOT will Evaluate submittal, if satisfactory will Accept certification, if unsatisfactory, may ask for additional information.

Certification Program

Project Administration and Delivery Models

Four delivery model options available allowing Project Sponsor to perform all tasks, including Administration, design and construction oversight or hire a consultant to perform these functions on behalf of the Sponsor

Certification Program

Delivery Models

Option 1

- Sponsor adequately staffed to provide project administration duties on a Locally Let Construction Project and perform their own project design and construction oversight

- Requires a PE on staff

Certification Program

Delivery Models

Option 2

- Sponsor Adequately staffed to Provide project administration duties a Locally Let Construction Project BUT
 - Utilizes consultants to perform Project Design and/or Construction Oversight
 - Requires a Professional Engineer contracted for the project design.

Certification Program

Delivery Models

Option 3

- Sponsor will retain a unique consultant for Project administration and utilize other consultant(s) for project design and construction oversight
 - Consultant utilized for admin functions are not eligible for federal funds and are 100% locally funded
 - Consultant utilized for project design and construction oversight may be eligible for federal reimbursement

Certification Program

Delivery Models

Option 4

- Sponsor will utilize a single consultant for Administrative tasks and project design and construction oversight.
 - Option only available if 100% Sponsor funded for all consultant services
 - No federal reimbursement allowed

CERTIFICATION

Certification for Non-traditional transportation Project Administration and Delivery

- ▶ *It is requested the Certification form and Sponsor's Guide Acknowledgment form be completed and submitted to the region Local Program Project Manager (LPPM) within thirty (30) days of completing certification training for new sponsors or concurrently with State Municipal Agreement (SMA) for repeat sponsors.*

Certification Section

Questions

1. The project must be administered in accordance with the Sponsor's Guide.

True or False?

2. The Delegated person in responsible charge must be certified.

True or False?

3. The certification can be submitted following the training is completed and before the State Municipal Agreement will be signed?

True or False?

Submit Questions to WisDOT Mailbox

- DOTNonTraditionalCertificationTraining@dot.wi.gov

