

LOCALLY ADMINISTERED PROJECTS

Certification and Recertification Rollout



Today's Agenda



- **Welcome/Introductions/House Rules**
- **The Federal Perspective**
- **GDOT LAP Certification and Recertification**
- **GDOT Project Management Overview**
- **GDOT Procurement**
- ***BREAK***

GDOT Subject Matter Experts

- **Environmental**
- **ROW Acquisition**
- **Title VI**
- **Utilities**
- **Construction**
- **Atlanta Regional Commission**
- **Comments and Questions**
- **Closing Remarks**

Welcome and Introductions



THE FEDERAL PERSPECTIVE

Neosha Price

Realty Officer and Local Programs Coordinator
The Federal Highway Administration
Georgia Division



The Federal Perspective: The Office of Inspector Generals (OIG) Report

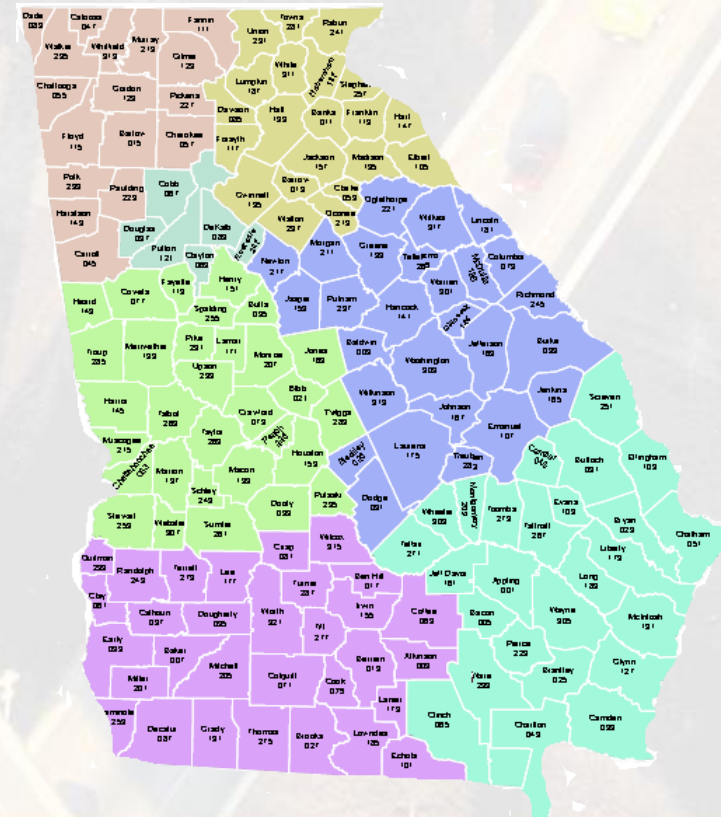
The report identified seven project activities where the OIG found a high level of non-compliance with Federal requirements.

1. Change Order and Claims
2. Project Bidding/contractor selection/unbalanced bid analysis
3. Utility agreements/reimbursements
4. Consultant selection and billings
5. Construction pay quantities and progress payments
6. Project reporting and tracking
7. Quality assurance procedures

The report can be found on the OIG's website:
<http://www.oig.dot.gov/library-item/5596>

The Federal Perspective: Local Program Reviews

- Reviews are being conducted in all of GDOT's 7 Districts (currently ongoing)
- FHWA Expectations
 - Increase emphasis on local programs
 - Locals Responsibility
 - Availability of Files
 - FHWA Form 1273
 - Buy America
 - Retainage
 - Future Reviews



GDOT LAP CERTIFICATION AND RECERTIFICATION

WHAT'S NEW?

Malik Al-Kush

LAP/PDP Coordinator



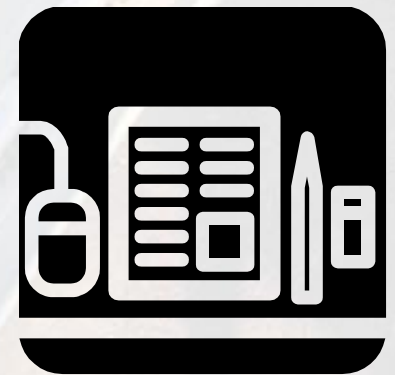
LAP Certification and Recertification:

Certification Acceptance is a program in which GDOT, through a stewardship agreement, delegates some or all authority to a qualified local agency for administering certain project activities and construction administration.

- Projects are administered in accordance with GDOT LAP Manual which is a living document
- Local Government's (LG's) must have adequate staff or consultant expertise to administer and deliver all phases of projects
- The LG will designate a full time public employee or request GDOT manage the project and be responsible for administering on a project by project basis

LAP Certification and Recertification: Old Format

- LAP Certification Application Form – 10 pages
- Appendix A – Certification Acceptance Qualification Agreement
- Appendix A-1 – Certification Acceptance Interview Form
- LAP Re-Certification – 5 pages
- Total = 15 page process



LAP Certification and Recertification: New Application

New certification application for Acceptance Qualification Agreement starts **November 12, 2014**

New **LAP Certification Form** – 27 plus pages

+

New **LAP Re-Certification Form** – 33 plus pages

Total = **60 Plus pages**

NOTE: All required training must be completed before submission of LAP application

LAP Certification and Recertification: Questionnaire & Evaluation Areas



- Title VI
- Environmental
- Right-of-Way
- Utilities
- Construction
- Procurement

LAP Certification and Recertification: Training/Certification

Training and certification is required every three (3) years on a quarterly cycle.



- LAP
- PDP
- ROW
- TITLE VI/ADA

NOTE: LG staff employees (non-consultants) must have all training and name/title identified on updated Organizational Chart

LAP Certification and Recertification:

One stop shop

Local Governments will work closely with the District Planning & Program Engineers (DPPE) to complete the certification process.

DPPE Contact			
District 1	Kim Coley	770-532-5530	kcoley@dot.ga.gov
District 2	Gazell "Cissy" McNure	478-552-4656	gmcnure@dot.ga.gov
District 3	Jack Reed	706-646-7566	jreed@dot.ga.gov
District 4	William "Shane" Pridgen	229-391-5471	spridgen@dot.ga.gov
District 5	Maggie Yoder (vacant)	912-530-4369	myoder@dot.ga.gov
District 6	Cherie Marsh	770-359-9512	cmarsh@dot.ga.gov
District 7	Kevin Cowan	770-986-1258	kcowan@dot.ga.gov

LAP Certification and Recertification: What to look for 2015-2017

- **Updated 2015 LAP MANUAL**
- **Enhancements on LAP External Website**
- **Better LAP Customer Service and LPA Alerts**
- **Webinars/FAQs with LAPCC SME's**
- **Database – Tracking and History**
- **User Friendly Registration in LMS**
- **LAP Certification Training Calendar**
- **2 in 1 Trainings for Title VI/ROW.....**
- **Quality Assurance and Local Audits**
- **LAP Certification Tests**

Contact Information

Tshaka Malik Al-Kush,

LAP/PDP Coordinator

Georgia Department of Transportation - Office of Program Control

One Georgia Center

600 West Peachtree St. N.W., 25th Floor - Room 2566

Atlanta, GA 30308

malkush@dot.ga.gov www.dot.ga.gov

404-631-1830 Office 770-710-5576 Mobile 404-631-1588 Fax



GDOT PROJECT MANAGEMENT OVERVIEW

Albert Shelby

State Program Delivery Engineer



GDOT Project Management: Office of Program Delivery



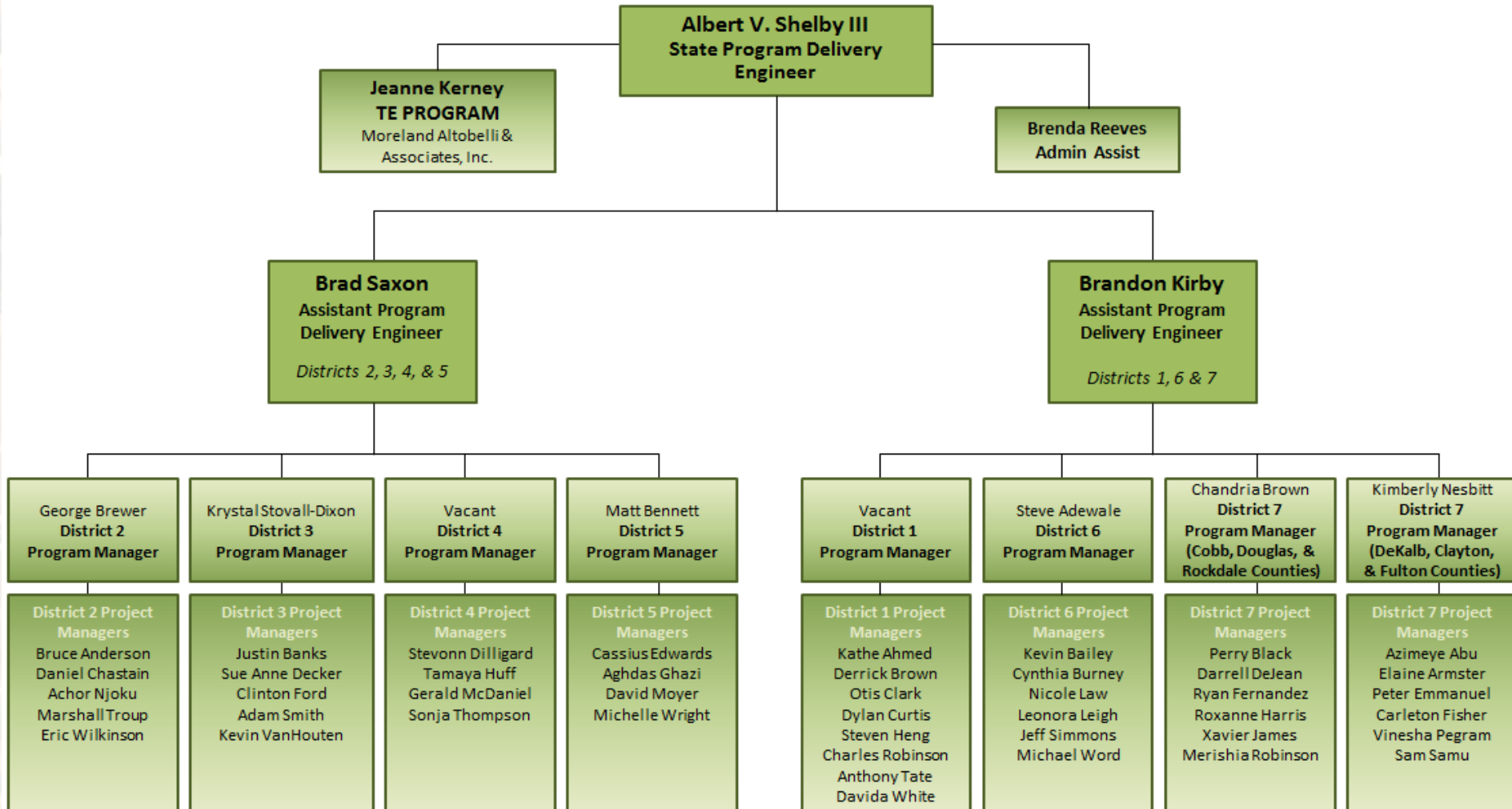
SERVICES:

- Federal Process Navigation
- Schedule Creation Assistance
- Scope Development Assistance
 - Consultant Advertisement Scopes
 - Project Risk Assessment

The GDOT Project Manager

GDOT Project Management: Office of Program Delivery, Delivering Excellence

Office of Program Delivery Organization Chart



GDOT Project Management: STIP Delivery Goals



Preliminary
Engineering
(PE) 100%



Right of Way
Acquisition
(ROW) 80%



Construction
(CST) 85%

YOUR GOALS ARE OUR GOALS!

GDOT PROCUREMENT

Maria Roux
QA Compliance Manager



A&E Procurement: Compliance

*In order to utilize federal funds it is important to follow and understand Federal and State law pertaining to A&E procurement.

*If there are no federal funds being utilized for design related services the following does not apply. For more information and access to additional Q&A follow the below link.

http://www.fhwa.dot.gov/programadmin/172qa_01.cfm#q05

Compliance

- Adopt the written policies of the GDOT
- Local Governments must prepare and maintain written policies and procedures for the management and administration of A&E design related projects
- Local Governments may adopt policies within written policies and procedures that do not conflict with Federal or State guidelines
- Understand and include 23 CFR Part 172

A&E Procurement: Procurement Methodology

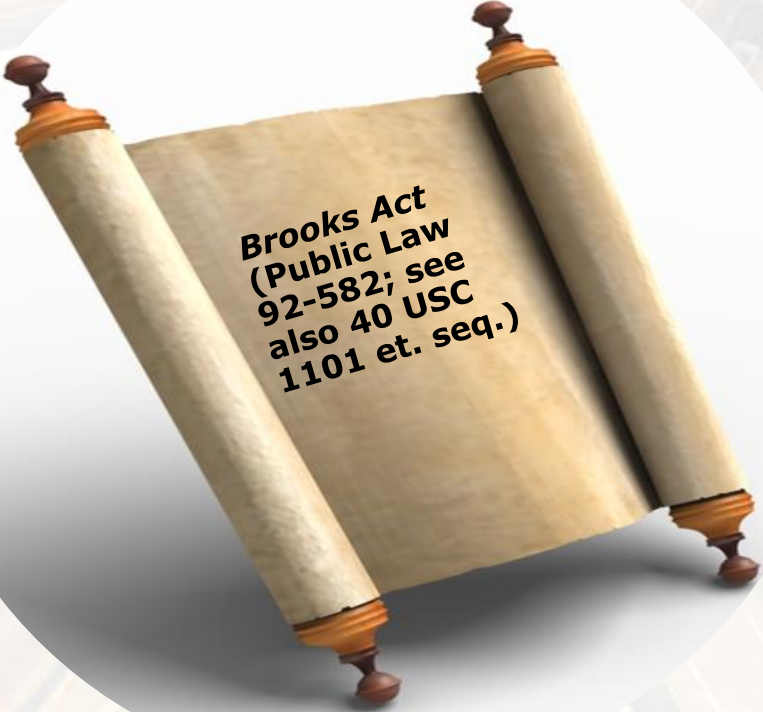
Local Government must advertise using one of three methods:

Qualification Based Selection:

A competitive procurement process as a part of the **Brooks Act** whereby consulting firms submit qualifications to a procuring entity who evaluate and selects the most qualified firm, and then negotiates the project scope of work, schedule, budget, and consultant fee.

*Keep in Mind:

- Notification must be given publicly via the Georgia Procurement Registry in addition radio and local newspaper's can be used
- The cost of the work (price) is **not** considered
- Contractors must be prequalified based on area classes necessary for the service.
<http://www.dot.ga.gov/doingbusiness/prequalification/Pages/default.aspx> **local entities should not use the prequalification list as the only criteria for selecting a supplier**
- Provide a clear scope of work that will identify evaluation factors



Brooks Act
(Public Law
92-582; see
also 40 USC
1101 et. seq.)

For additional information on the procurement methodology to be used access

<http://www.gpo.gov/fdsys/pkg/FR-2012-09-04/pdf/2012-21520.pdf>

A&E Procurement:

Procurement Methodology: QBS Criteria

Local Government must adhere to the following evaluation criteria guidelines in accordance with 23 CFR 172:

MAY Consider

- Ranking and selection of consultants:
 - Technical approach
 - ❖ project understanding
 - ❖ innovative concepts/alternatives
 - ❖ quality control procedures
 - Work experience
 - Specialized expertise
 - Professional licensure
 - Staff capabilities
 - Workload capacity
 - Past performance
- Non-Qualification based criteria*
 - Local presence
 - Disadvantaged Business Enterprise

SHALL NOT Consider

- Price
 - cost proposals
 - direct salaries/wage rates
 - indirect cost rates
 - other direct costs
- In-State or local preference as a factor in evaluation, ranking and selection phase.

***NOTE:** Non-qualification based criteria are permitted provided the combined total of these criteria do not exceed a nominal value of 10% of the total evaluation criteria.

A&E Procurement: Procurement Methodology

Local Government must conduct solicitations in one of three methods:

Small Purchases

This method is applied when services do not exceed the Simplified Acquisition Threshold (SAT) of \$150k (41 USC 403(11)) for federal purchases, \$75k for state. GDOT adheres to the more restrictive \$75k purchase unless the contract will use all federal funds. See criteria for QBS selection, excluding cost.

****Contracts requirements should not be broken down into smaller components to permit the use of small purchase requirements and a minimum of three (3) consultants are required to satisfy the adequate number of qualified sources reviewed.***

Non-Competitive Negotiations

The use of Non-Competitive negotiations may be used when it is not feasible to award by competitive negotiations or simplified acquisition. The following must apply:

- Available from only one source
- Emergency
- Competition is determined to be inadequate after solicitation to a number of sources



A&E Procurement: Do's and Don'ts

It is important to gain an understanding of the rules and regulations governing the use of FAHP funds. The creation of an A&E Procurement Policy is key.

Do



Create Policy Manual



Adhere to QBS selection



View Q&A

<http://www.fhwa.dot.gov/programadmin/172qa.cfm>



View FHWA webinar

<https://connectdot.connectsolutions.com/p5u8ke0hdcs/?launcher=false&fcsContent=true&pbMode=normal>

Don't



Create policy contradictory to Federal and State Policy



Contract with suspended or debarred Consultants



Conflict of interest



A&E Procurement: Where do you go from here?

Additional assistance and resources are available to assist you with the creation of your local A&E Procurement policy

Resources:

O.C.G.A.

<http://www.lexisnexis.com/hottopics/gacode/>

Federal-aid Program Overview:

<http://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=14>

Georgia Procurement Registry:

https://ssl.doas.state.ga.us/PRSapp/PR_login.jsp

GDOT Procurement office

**When in doubt call for
assistance!!**

Maria L. Roux

QA Compliance Manager

404-631-1433

Mroux@dot.ga.gov

GDOT ENVIRONMENTAL

Hiral Patel

State Environmental Administrator



GDOT Environmental: questionnaire & Evaluation areas

- **Number and Type of NEPA Documents**
- **Number and Types of Permits**
- **Public Involvement Methods**
- **Typical Review Cycles**

GDOT Environmental: Streamlined approach: Programmatic Categorical Exclusion (PCE)

The GDOT agrees to act on behalf of FHWA in assuring compliance with all applicable federal environmental and related requirements.



GDOT Environmental: GDOT & FHWA Programmatic Agreement

Just Some example of eligible scopes of actions:

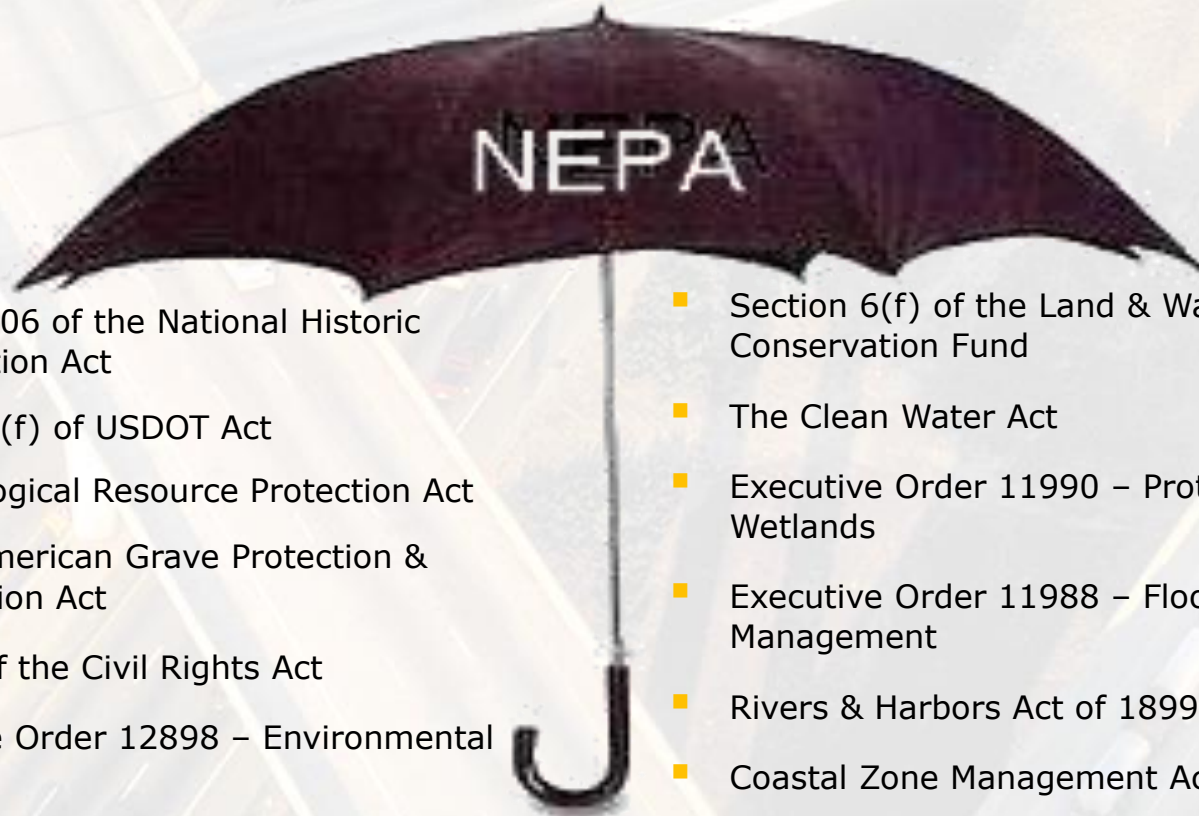
- Replacement of existing traffic signals or new traffic signal installation
- Installation or maintenance of signs, small passenger shelters, and/or replacement fencing
- General highway maintenance projects that include curb cuts and 2 foot shoulder building
- Culvert and bridge structure rehabilitation/replacement reconstruction as long as a bridge is not being replaced with a culvert
- Modernization of a highway by the addition of turn lanes and/or the addition/upgrade of shoulders.
- Construction of intersection realignments/reconfigurations (non Interstate) (including single lane roundabouts where public involvement has occurred per GDOT's Public Involvement Guidelines contained) and no substantial controversy is identified.

GDOT Environmental: How to Lose Federal Funds

**Decide
and
Defend**

GDOT Environmental:

How Not to Lose Federal Funds: **compliance**



- Section 106 of the National Historic Preservation Act
- Section 4(f) of USDOT Act
- Archaeological Resource Protection Act
- Native American Grave Protection & Repatriation Act
- Title VI of the Civil Rights Act
- Executive Order 12898 – Environmental Justice
- Noise Abatement – 23 CFR 772
- The Clean Air Act
- Surface Transportation & Uniform Relocation Assistance Act
- Section 6(f) of the Land & Water Conservation Fund
- The Clean Water Act
- Executive Order 11990 – Protection of Wetlands
- Executive Order 11988 – Floodplain Management
- Rivers & Harbors Act of 1899
- Coastal Zone Management Act of 1972
- Endangered Species Act of 1973
- Fish & Wildlife Coordination Act
- Farmland Protection Policy Act of 1981
- ETC. . . .

GDOT RIGHT OF WAY ACQUISITIONS

Ruthie Jones

State Local Government
R/W Coordinator



Local Government Right of Way: Office Functions

- Guide in implementing Federal & State Procedures
 - Acquisition Contract
 - Approved Right of Way Plans
 - Appraisal Reports
 - Notice to Proceed
- Advise on the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended

<http://fhwainter.fhwa.dot.gov/legsregs/directives/fapg/cfr4924b.htm>

Right of Way: Website

Acquisition Guide for Local Public Agencies and Sponsors Manual



<http://www.dot.ga.gov/localgovernment/row/Pages/default.aspx>

Right of Way: Real Property

- Interests, benefits and rights inherent in ownership of physical real estate
- Often considered the “bundle of rights”
- Includes fee simple
- Permanent easements and temporary easements



Right of Way: Responsibility of Negotiators

- Policy
- Responsibility of the Local Sponsor
- Responsibility of the Negotiator
 - Prepare for Negotiation



Right of Way: Responsibility of Negotiators

Negotiators Must:

- Have documented experience and be familiar with requirements in performing acquisitions which complies with the requirements of the Uniform Act or be a full-time employee of the Local Public Agency
- Demonstrate the ability to understand appraisals and appraisal reviews.
- Demonstrate the ability to interpret right-of-way plans.
- Possess effective communication skills.
- Have attended GDOT/FHWA TRAINING CLASS.

Right of Way: Requirements for Non-Staff Negotiators

- Any CONSULTANT contracted for negotiation services for the acquisition of right of way for the COUNTY/CITY must either:
 - Hold an active Real Estate license in the State of Georgia or
 - Hold an active Real Estate broker's license in the State of Georgia or
 - Be identified as an exception under OCGA 43-40-29
- Any contracted CONSULTANT for negotiation must have attended THE GDOT/FHWA TRAINING CLASS

Right of Way: Important Reminder

PLEASE REMEMBER

1. No offer can be made until FUNDING HAS BEEN AUTHORIZED AND a NOTICE TO PROCEED is issued by the Department.
2. The property owner MUST be fully informed of his right to receive just compensation.

Note: Failure to comply will jeopardize your funding requests



Right of Way: Training

Right of Way Acquisition Training for Local Public Agencies



TITLE VI

Adoraeu Jouett

Title VI/Environmental Justice
Specialist



TITLE VI

Duties, Roles & Responsibilities



Title VI: What is it and Why is it Important?

No person in the United States shall on the basis of race, color national origin, be excluded from participation in, or be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Civil Rights Act of 1964

Title VI is important because the federal funds we receive should not be used to discriminate. Recipients of federal assistance should promote Equal Rights, Equal Access, Equal Treatment, & Equal Opportunity

Title VI: How Does it Apply to Me?

For Title VI to apply the program or agency must:

- Be located in the United States
- Be providing a Service
- Be receiving direct(recipient) or indirect(sub- recipient) federal funding or assistance

NOTE: If you receive one dollar of federal money you are under the requirements of Title VI. If you are a state, local government, college ,university, corporation, or private organization who receives and distributes federal monies you have to comply with the requirements of Title VI.

Title VI: What Do I Need to Do?

SIGNED ASSURANCES:

- Follow USDOT's Regs found in 49 CFR 21 and FHWA Title VI Regs found in 23 CFR 200. **(updated every 3 years)**
- Both ***REQUIRE*** recipients execution of Title VI Assurances as a condition of federal aid. **NOT AN OPTION!**
- **TITLE VI PLAN** or Nondiscrimination Agreement **(100,000 or more in population will have to have a Title VI Plan).**
- **Attend training-** Training is a mandatory requirement for all those who receive federal money or who may want to receive federal money. Once you have attended Title VI training once , you are required as part of the FHWA Title VI requirements and the LAP recertification process to attend Title VI training every 3 years.

Training schedule will be placed on the website

Title VI: Audits/Noncompliance

Noncompliance is the failure or refusal to comply with the requirements of Title VI. There are 2 main penalties for Noncompliance:

- **WITHHOLD**- Federal funds to the recipient GDOT or subrecipients until the recipient complies
- **CANCELLATION**, Termination & Suspension of Federal Funds in whole or in part.



Title VI: Recertification

If you fail to submit the necessary Title VI documents for recertification, your re-certification could be in jeopardy.

- Recipients of federal funds will be audited for Title VI Compliance.
- Title VI Audits results in 2 findings: ***In Compliance or Not in Compliance.***
- Recipients of federal funds found to be Not in Compliance will have 90 days to address any deficiencies. A Follow Up Review will be conducted.



GDOT UTILITIES

Lee Upkins

Assistant State Utilities Engineer



Utility and Railroad Certification: (11 WEEKS PRIOR TO LETTING)

BUY AMERICA, (see utilities webpage for more information <http://www.dot.ga.gov/doingbusiness/utilities/Pages/Permitting.aspx>)

- **MAP-21 Section 1518** Buy America Provisions
 - Revised to include Utilities
 - Manufactured Products (Steel and Iron Products)
- **23 USC 313(g)** Application to Highway Programs
 - All contracts eligible for assistance regardless of funding source
- Application to **Utility/Railroad Agreements**
 - **Locally Administered:** Reimbursable Agreement and Contract Item
 - **Does not apply:** Utility Adjustments/Permitted & Located within Public Right-of-Way, unless include in the Contract

Utility and Railroad Certification: (11 WEEKS PRIOR TO LETTING)

Local Let Utility Certification Requirements FOR STATE ROUTES

- Letter of facilities in conflict from each affected Utility/Railroad Owner to Sponsor
- Permit Requirements (submitted thru **G**eorgia **U**tilities **P**ermit **S**ystem)
 - *Permits Data/Form 8413*
 - *NPDES Compliance Form*
 - *Project Plans*
 - *Utility Adjustment Schedule (UAS)*
 - *Cost Arrangement Letter*
- Agreement(s) for utility reimbursement (Include "Buy America" clause)
- "Status" for each Utility/Railroad Owner
- Approved Design Variance/Exception (if applicable)
- Executed Lighting Agreement
- Submit Utility Certification Request Letter to GDOT DUE

Utility and Railroad Certification: (11 WEEKS PRIOR TO LETTING)

Local Let Utility Certification Requirements **FOR OFF-SYSTEM ROUTES**

- Letter of facilities in conflict from each affected Utility/Railroad Owner to Sponsor
- Agreement(s) for utility reimbursement (Include “Buy America” clause)
- “Status” for each Utility/Railroad Owner
- Submit Utility Certification Request Letter to GDOT DUE

Utility and Railroad Certification: CERTIFICATION REQUEST LETTER

THIS SHALL BE PLACED ON LOCAL GOVERNMENT LETTERHEAD

DATE

District Utilities Engineer
ADDRESS
City, Georgia Zip Code

RE: Request for Utility/Railroad Certification

Project No:

P.L. #

Description:

Dear District Utilities Engineer

Name of Local Government requests that Utilities/Railroad for the above subject project be certified for funding authorization. I hereby certify that the appropriate research, field investigation, design considerations and coordination with the Utility/Railroad Owners on this project, as indentified in the table below, have been performed, and further certify that all known utility related issues have been indentified and resolved as conforming to 23 CFR, PART 645, SUBPART A, and all Railroad related issues have been resolved as conforming to 23 CFR, PART 646. All necessary arrangements have been made for resolution to be undertaken and completed as required for proper coordination with the project's physical construction schedule.

Status of Utilities/Railroad

A. There are **NO** known utilities within the project limits.

B. There are known utilities within the project limits. However, Due to scope of work no utility coordination is required. (**Comments**)

Utility/Railroad Company	Utility Type	Status 1,2, 3 or 4	Conditional Restriction and Time

Status 1: The Utility/Railroad Owner is in conflict with the project and requires relocation by the Utility/Railroad Owner during construction requiring coordination with the Contractor and the Utility/Railroad Owner. The relocations are non-reimbursable and the Utility Owner will be relocating at no cost to the Local Government or the Department.

Status 2: The Utility/Railroad Owner is in conflict with the project and requires relocation by the Utility/Railroad Owner during construction requiring coordination with the contractor and the Utility/Railroad Owner. The reimbursable agreement between the Local Government and the Utility/Railroad Owner is attached.

Status 3: The Utility/Railroad Owner is located within the project limits but requires no relocation work.

Status 4: Utility relocation to be incorporated into the highway construction project contract.

Project Number:

P.L. Number

Date

Page 2

The Georgia Department of Transportation shall bear no cost in the Utility or Railroad relocation reimbursement for this project. Any Utility or Railroad Reimbursement Agreement required for construction of this project shall be between the Name of Local Government and the respective Utility or Railroad Owner. If a previously unknown conflict arises during construction that requires reimbursement, then Name of Local Government shall be responsible for all such costs.

Signature of an Official of the Local Government

Date

CONSTRUCTION

Michael Lankford

Assistant State Construction Engineer



Construction

Certification

- “Drill Down” Areas, LG \$\$
- Advertisement, Award, Contract Execution
- Supervision and Administration
- Change Orders
- Materials and Testing
- Policies and Manuals
- Schedule, Workload
- Delivery Performance, QA



Construction

Certification

- Who is Responsible for the Task?
- Who is Performing the Task?
- Who is Monitoring the Performer of the Task?
- The Scope Changes!! What Now?
- Experience
- A “Blank” left on the Application conveys emptiness of the ability of the LG to Perform the Task!

Construction

Re-Certification

- “Drill Down” Areas to pull ...
- Experience Federal \$\$ Use (3 Projects)
- Bidding, Letting, and Award Compliance
- DBE Goals
- Construction Process
 - Spec Compliance
 - Schedule
 - Measurement & Payment
 - Close-Out, Final Voucher

Construction

Re-Certification

SEND ALL REQUESTED DOCUMENTATION!!!



Questions



An aerial, high-angle photograph of a complex highway interchange with multiple lanes and overpasses. The image is slightly blurred, suggesting motion or a long exposure. A large, 3D-style blue speech bubble is centered in the upper half of the frame, containing the text "Closing Remarks".

Closing Remarks