

Procedure for Federal Aid Projects (Excluding scoping and Transportation Enhancement)

1. Department of Transportation contacts the sponsor to schedule a kickoff meeting and site visit. Topics of discussion will include:

- Terms and Conditions of the Program
- Scope of Work
- Environmental Document [NEPA Process]
- State Historic Preservation Office (SHPO) involvement
- Public support and community involvement
- Details relative to submissions, Design Exceptions, Permits, Plans, Specifications, Estimate, and any other item related to the project)
- Project Schedule and Progress Monitoring
- Budget & Funding Agreement
- Design Criteria and Process
- Items required by the Department of Transportation for Design Authorization
- Items required by the Department of Transportation for Construction Authorization

2. Sponsor prepares the Environmental Document (NEPA Process) in close coordination with the Department of Transportation:

- Submits the detailed scope of work to the Department of Transportation
- Identifies sites, buildings or districts on, or eligible for the National or State Register of Historic Places
- Completes the Environmental Document (NEPA process) and submit it to the Department of Transportation
- Upon receipt of completed packages, the Department will review the document, coordinate any reviews with the State Historic Preservation Office and FHWA and help issue the necessary approval
- Approval of the Environmental Document (Categorical Exclusion Document in most cases) makes the project *eligible* to receive federal funds

NOTE: *This process is different if the project has gone through the MPO Local Scoping process or if the project can be classified as a Programmatic Categorical Exclusion.*



3. Sponsor performs Consultant Selection for Design Contracts; submits authorization package to the Department of Transportation; and the Department obtains federal authorization of design (if design is federally funded):

- For projects that involve funding participation in the design, the sponsor must conform to the requirements of the Brooks Act and Federal Policy Guide 23 CFR 172A. The selection of a consultant must result from negotiations that utilize a qualifications based selection process. The process and any resulting contracts must first be reviewed by the Department of Transportation prior to use or execution. The use of in-house staff is allowable subject to the approval by the Department.
- Submit all items on the following design checklist to the Department to obtain authorization to proceed:
 1. Approved Design Exception (if applicable)
 2. Approved environmental documents
 3. SHPO review and approval, if required
 4. Documentation of the Consultant Selection process/use of in-house forces
 5. Final negotiated consultant cost proposal (including sub-consultant's cost proposals, if any)
 6. Funding agreement for design is prepared by the Department and executed by Sponsor and the Department.
 7. Design schedule

NOTE: *the sponsor shall NOT start design work until written authorization to proceed is received from the Department of Transportation*

4. Sponsor makes submissions in accordance with the design schedule:

- **Preliminary:**
 1. Design Exception (if applicable)
 2. Preliminary Plans, Specifications, and Engineer's Estimate
 3. Construction Bar Chart
 4. Notify the department of patented/proprietary items

NOTE: *The Department will determine the required DBE/ESBE participation and Trainee goals prior to the final submission.*

- **Final:**
 1. Final Plans
 2. Specifications,(Insert the appropriate Federal bid requirements)
 3. Engineer's Estimate



4. Approved Design Exceptions (if applicable)
5. Approved Environmental Documentation
6. SHPO review and approval, if required
7. Permit Certification with copies of permits (if applicable)
8. Right-of-way Certification
9. Utility Certification
10. Plans, Specifications and Estimate (PS&E package)
11. Designer's Certification
12. Authorization to Install, if traffic signals or channelization are part of project (Refer to NJAC 16:27 for requirements)
13. Estimate submitted by the sponsor at the time of the authorization request has to be fairly current (no older than 30 days from the time of submittal) {Refer to FHWA's Publications entitled: "Contract Administration Core Curriculum Participant's Manual and Reference Guide 2006" available at <http://www.fhwa.dot.gov/programadmin/contracts/coretoc.htm> and "Guidelines on Preparing Engineers Estimate, Bid Reviews, and Evaluation" (Jan. 2004)" available at: <http://www.fhwa.dot.gov/programadmin/contracts/ta508046.cfm>

5. If scoping/design phase of the project is federally funded, the sponsor must submit a request for final acceptance and with required documentation prior to or concurrent with the construction authorization package.

6. Department of Transportation obtains Federal authorization of construction:

- Review of final submission package and comment, if necessary
- An Environmental Document is valid for 1 year from the approval date by BEPR. If it is more than one year old at the time of submission of Federal Authorization Package and the scope of the project has changed, an Environmental Reevaluation (ER) form must be completed by the Bureau of Local Aid and submitted to the NJDOT BEPR for approval. An ER is valid for 90 days from the date of approval.
- Process the request for Federal Construction Authorization
- After receipt of Authorization, a written authorization notice will be sent to the recipient with award checklist and funding agreement.

7. Sponsor advertises project for bids:

- **The sponsor shall NOT advertise the project until written authorization to proceed is received from the Department of Transportation**
- Advertisement shall commence within 60 days from the date of the Department's letter of authorization.



- Advertisement is required to take place once a week for three (3) consecutive weeks in a minimum of two (2) legal newspapers one of which is a regional newspaper and they must be identified to the Local Aid District office. Any deviation from this requirement must be approved by the District Office, Bureau of Local Aid
- Copies of all advertisements will be submitted to the Department of Transportation
- Sponsor signs funding agreement and return to NJDOT with certified copy of resolution and scope of work

8. Sponsor Receipt of Bids:

- Sponsor submits and/or verifies to the Department of Transportation, prior to Award of Contract, the following:
 1. DBE/ESBE participation and Trainee participation, if applicable
 2. Contractor's status - not on current list of debarred contractors
 3. All conditions set forth in the bid proposal have been satisfied
 4. Bid analysis and a tabulation of all bids received showing unit prices and amounts for the construction pay items. (Refer to FHWA's Publications entitled: "Contract Administration Core Curriculum Participant's Manual and Reference Guide 2006" available at <http://www.fhwa.dot.gov/programadmin/contracts/coretoc.htm> and "Guidelines on Preparing Engineers Estimate, Bid Reviews, and Evaluation" (Jan. 2004)" available at <http://www.fhwa.dot.gov/programadmin/contracts/ta508046.cfm>)
 5. Resolution awarding contract subject to Department of Transportation concurrence (two (2) original signed and sealed copies) along with two (2) copies of a certified tabulation of bids and award checklist

If the sponsor rejects the bids,

- 1- The Bureau of Local Aid must be notified in writing of the rejections and the reasons why; as per Federal Aid Policy Guidelines (FAPG)
- 2- FHWA has to be notified prior to the sponsor's re-advertisement of the project.

Refer to 23 CFR (Code of Federal Regulations) section 635.114

http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/cfr_2003/aprqrtr/pdf/23cfr635.113.pdf

9. Department of Transportation concurs in Award:

- Reviews sponsor bid analysis



- Assembles bid package (Federal-Aid Project Agreement, bid tabulation, Check List)
- Circulate funding agreement for DOT execution
- Gives written concurrence of award to sponsor

10. The sponsor will do the following to start the construction of the project:

- Schedule a pre-construction meeting in coordination with the Bureau of Local Aid so NJDOT staff can attend the meeting
- Submit Material Questionnaire, Material Certifications, List of Suppliers, and Mix Design Reports for approval, if applicable
- Notify Department of Transportation of start of construction in writing (prior to start of construction). Periodic site visits will be made by the Department of Transportation during the construction stage. Failure to notify the Department of Transportation of any major changes in the scope of work will result in non-participation of the work by the Department of Transportation
- Construction inspection is the responsibility of the sponsor. For projects that are located on the National Highway System (NHS) a full time resident engineer must be assigned to the project for construction oversight and compliance.
- Maintain appropriate records to ensure compliance with permits, DBE/ESBE program, trainees, and any other items outlined in the basic agreement, task order project agreements or bid documents. The sponsor's resident engineer, representing, the NJDOT, is responsible for the submittal of relevant forms required for the project.

11 Sponsor submits the following to the Department of Transportation for reimbursement of partial payment vouchers:

- Partial payment (as per funding agreement on Form PV.)
- Progress Report
- Change Orders (prior approval of change required)
- Evidence of costs to date incurred in the form of payroll certifications or receipts of contractor payments (two copies of backup documentation must be submitted)

12. Department of Transportation performs Final Inspection:

- Sponsor notifies the Department of Transportation, in writing, that the project is substantially complete (All pay items have been completed)
- Department of Transportation will inspect and inform the sponsor of any necessary corrective action required
- Upon written notification from the sponsor that all corrective action has been completed, the Department of Transportation will perform a final inspection



- Upon completion the sponsor will be advised to submit a final payment voucher (within six months from the date of final inspection)

13. Sponsor submits the following to the Department of Transportation for reimbursement of final payment voucher:

- Form PV - Payment Voucher along with backup documentation to substantiate all project costs (two copies of backup documentation must be submitted)
- Chief Financial Officers Certification indicating that the final project cost is part of the annual single audit or the final project cost will be made part of the next annual single audit. If neither is the case, then an Independent Auditor's Certification of final project cost is required.
- Engineer's Certification - Project Completion
- Form DC-173A (LGS) - Federal Aid Change Order (2 pages)
- List of all as-built quantities
- Form FHWA-47 - Statement of Materials and Labor (for all NHS projects or projects over \$1 million in construction costs)
- Evidence of contractors Payroll compliance
- Form DC-123 - Contractor's Final Certificate of Compliance (for wage rates)
- Form DC-126 - Wage Rate Inspections
- Form DC-127 - Monthly Summary of Contractor's Payrolls
- Form FA-7 - Statement of Compliance
- Evidence of contractors EEO compliance
- Form CC-257 - Monthly Employment Utilization Report
- Supplement to Form CC-257 - Monthly Employment Utilization Report
- Form FHWA-1391 - Annual EEO Report (only used for active projects during July). Local Aid to submit the completed form to the NJDOT – Division of Civil Rights by August 15.
- Evidence of contractor's Trainee compliance (if Trainees are required)
- Apprentice/Trainee Approval Memorandum Part "A"
- Form DC-29A - Daily Inspector's Report (optional - could be used to monitor the performance of the trainees). Local form may be used.
- Biweekly Training Report
- Contractor's 1409 Quarterly Training Report
- Training Certificate
- Evidence of contractor's DBE/ESBE compliance (if DBE's/ESBE's are required)
- Form AD-267 - Monthly Report, Utilization of Disadvantaged Business Enterprises
- Form AD-268 - Final DBE/ESBE Report
- Release Statement from Agreement for Federal Aid

14. Forms completed by NJDOT, Bureau of Local Aid with information supplied by sponsor



- **Form LB-96** (*NJDOT Materials Certification*) along with the material test results (Form DS-8 for bituminous concrete) and material certifications
- **Step 7A Request Letter to FHWA**
- **Form AD-12** - *Commission Action Slips (for final payment, and acceptance and project close out with FHWA)*
- *Transmittal letter to Supervisor, Federal Aid Coordination for project close out*

