

TRIBAL/LOCAL PUBLIC AGENCY

HANDBOOK 2019

Pedestrian and bicyclist underpass
on St. Francis Drive just north of
Cerrillos Road intersection.

T/LPA: City of Santa Fe



New Mexico DEPARTMENT OF
TRANSPORTATION



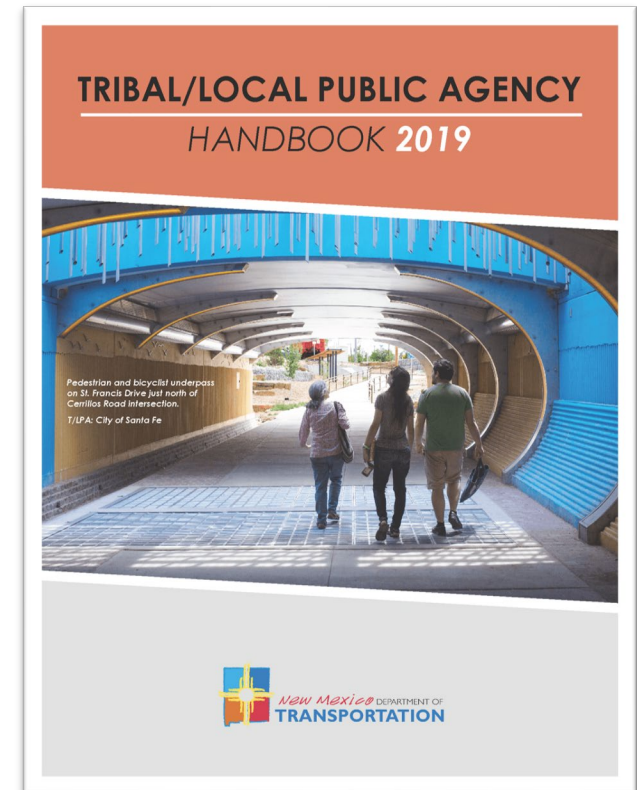
U.S. Department
of Transportation
**Federal Highway
Administration**

Overview of the T/LPA Handbook and the Project Development Process



Purpose of T/LPA Handbook

- Guide for local agencies in the planning, design, and implementation of ***federally-funded*** transportation projects
- Explain the various steps in the project development process
- NMDOT, MPO, and RTPO staff are still available for support



INTRODUCTION

Roles and Responsibilities: NMDOT

- Assist the T/LPA through all phases of the project
- Staff is identified in the Handbook for each phase
- Construction and Civil Rights Bureau (CCRB) has oversight during the entire project from planning to project implementation and closeout
- Staff members assure compliance with CFRs, the terms of the Cooperative Agreements, and other requirements



Roles and Responsibilities: T/LPA

Person in Responsible Charge:

- Agency staff member who is able to answer questions and make decisions about the project
- The T/LPA can designate a different staff person to be in Responsible Charge for each of the two phases established for T/LPA projects: **preliminary engineering** and **construction**



Cooperative Agreements

Definition

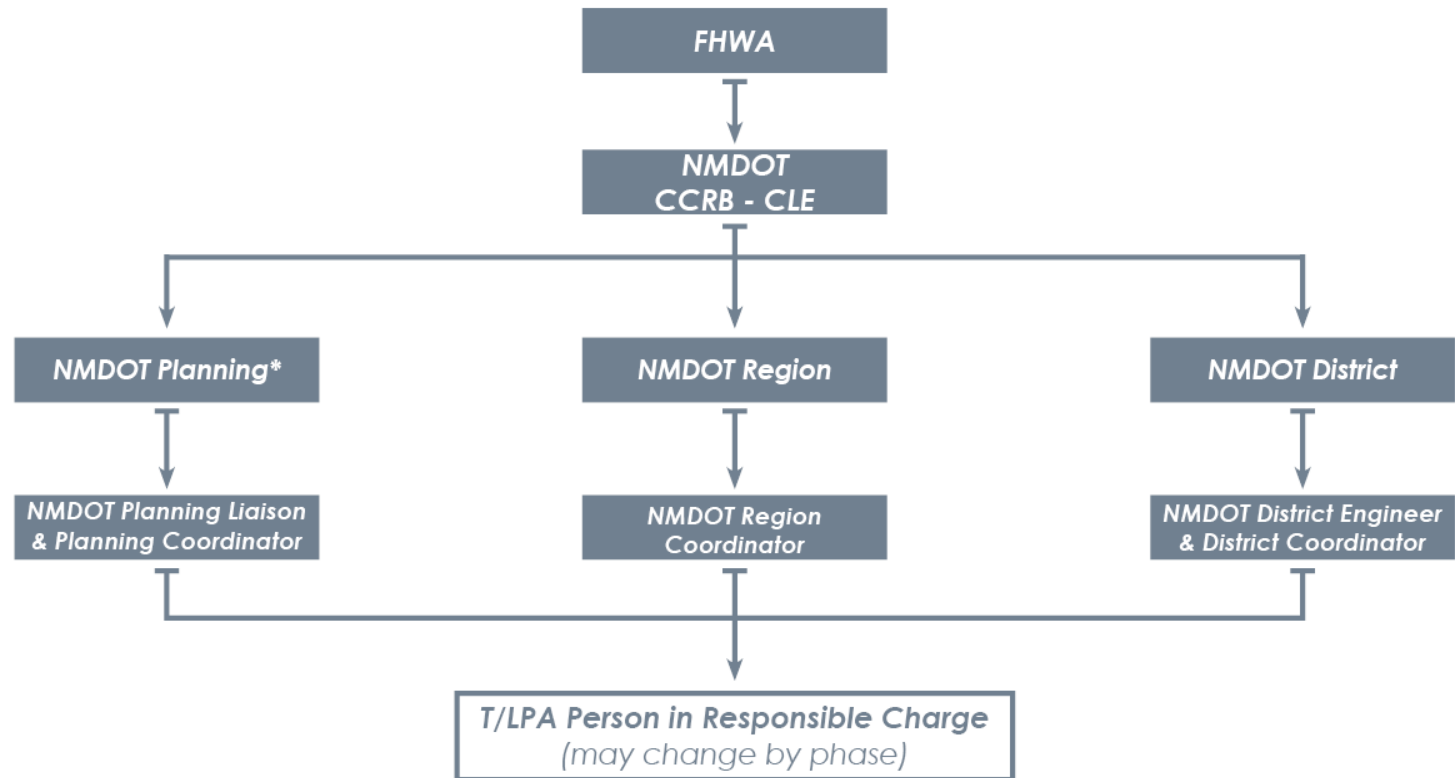
Contract between NMDOT and the T/LPA describing the funding sources, rights, and duties on each party in the design, development and/or construction of a federally-funded project.

Types of Cooperative Agreements

- Design
- Construction
- Programmatic Projects (including Plans and Studies)



Roles and Responsibilities

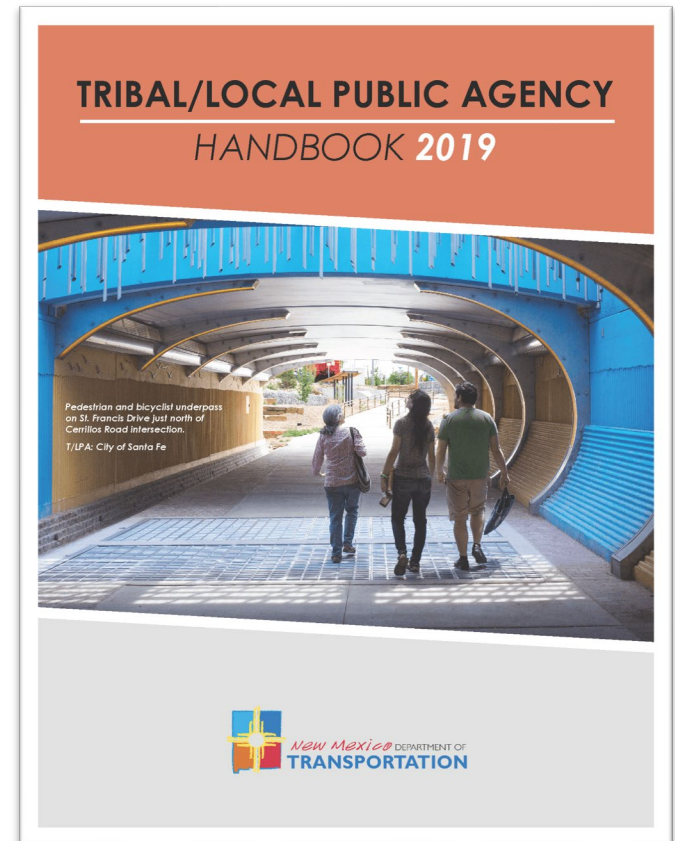


**MPO/RTPO can be contacted at any time for assistance*



Organization of Handbook

- Handbook organized in order of project development
- Each phase is its own chapter
- “What T/LPAs Need to Know”
- References to other manuals and resources
- Links to NMDOT website



INTRODUCTION

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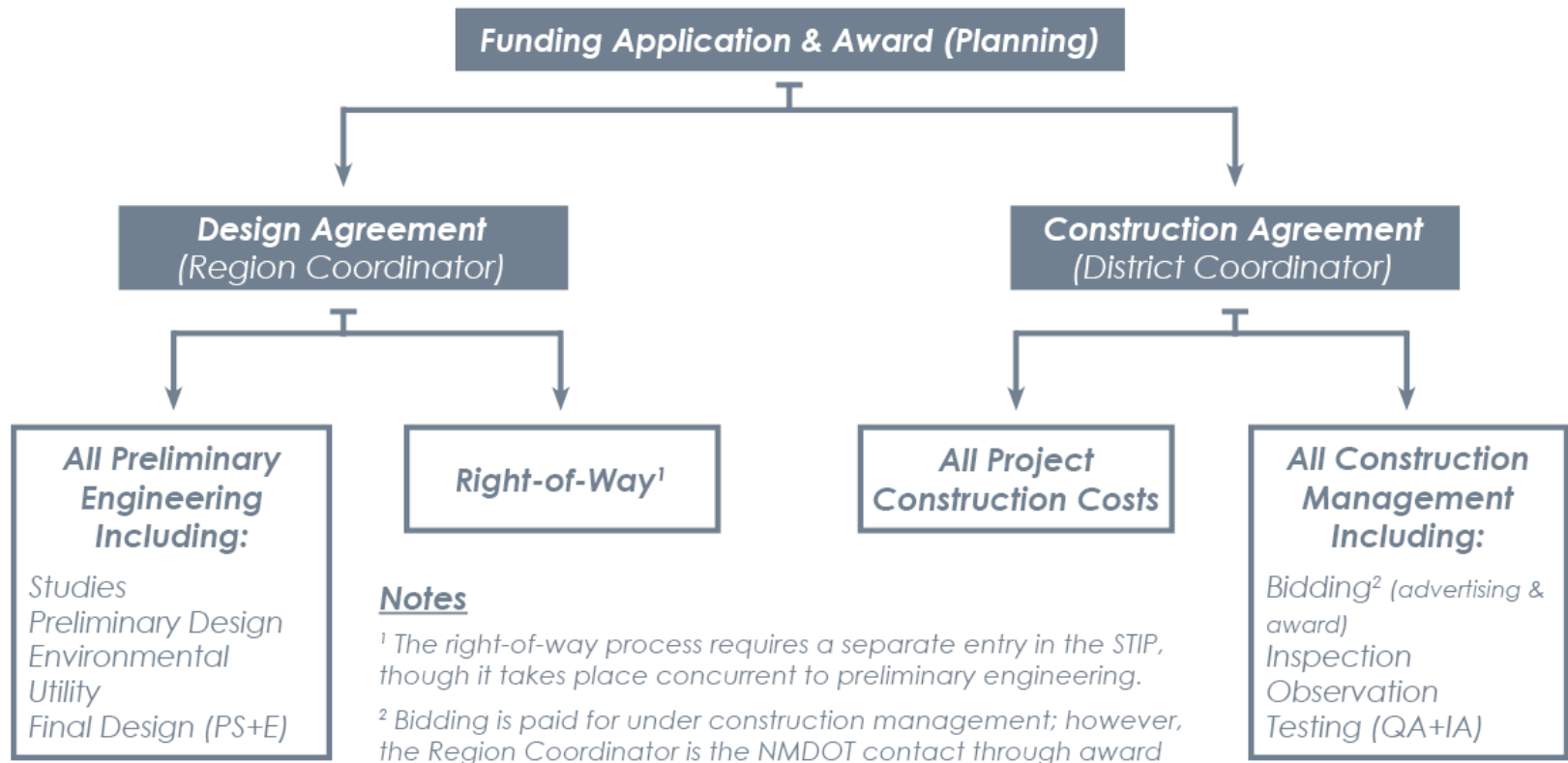
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PLANNING

Planning Context

- Role and functions of NMDOT
- Role and functions of transportation planning agencies (MPOs and RTPOs)
- Getting projects into the STIP

Project Development



Funding Opportunities



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PLANNING

APPLICATION PROCESS

STEP 1: Contact MPO/RTPO

STEP 2: Project
Scoping/Project Feasibility
Form

STEP 3: Feasibility Meeting

STEP 4: Feasibility
Determination

STEP 5: Project Prospectus
Form (PPF)

STEP 6: Submittal of Application

STEP 7: Project Selection

STEP 8: Award Letter

OTHER CONSIDERATIONS

Other Requirements

- ADA Transition Plan
- Title VI Plan



Changes to an Awarded Project

- Any requested changes to an awarded project require review and approval by the applicable NMDOT Program Coordinator
- Examples include changes to scope, termini, funding, and/or phasing

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AGREEMENTS

Cooperative Agreement Process: Pt. 1

Receipt of Award Letter from NMDOT

T/LPA is notified and begins ARF process



ARF completed & signed by T/LPA Person in Responsible Charge

T/LPA submits ARF to Region Coordinator



ARF is signed by NMDOT

Region Coordinator signs then routes ARF for District Coordinator and CLE's signatures



ARF is sent to POD

Region Coordinator submits ARF to POD

Cooperative Agreement Process: Pt. 2

POD drafts three original agreements

POD submits agreements to NMDOT Office of General Counsel



Office of General Counsel reviews agreements

Upon approval from Office of General Counsel, POD submits signed agreements to Region Coordinator



Region Coordinator sends agreements to T/LPA

Region Coordinator sends agreements to T/LPA Person in Responsible Charge for T/LPA signature (execution)

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PROCUREMENT

Procurement Overview

- Process applies to all T/LPA projects utilizing federal funds to pay for any portion of engineering and design-related services
- NMDOT oversees the procurement process and ensures that the evaluation criteria are administered properly
- T/LPAs have authority and control over the selection process, negotiations with selected consultants, and payment methods

Procurement Overview (Cont.)

- Assistance available from NMDOT in creating an RFP and understanding procurement requirements
- An executed Cooperative Agreement must be in place prior to advertising/soliciting for any consultant services
- Tribal governments are exempt from the requirements in this chapter and must follow their own procurement codes

Insurance Requirements

- ✓ Liability Insurance
- ✓ Worker's Compensation Insurance
- ✓ T/LPA As Additional Insured
- ✓ Certificate of Insurance
- ✓ Umbrella Coverage
- ✓ Professional Liability/Errors and Omissions Insurance



Procurement Methods and Procedures

Competitive Negotiation

If estimated consultant fees are anticipated to exceed \$60,000 Small Purchases

- Solicitation
- Request for proposals
- Negotiation and Award



Procurement Methods and Procedures

Non-competitive (sole-source)

(expand)

General Requirements

(expand)



Contract Methods

Project-specific:

- A contract between the T/LPA and the consultant related to a specific project or projects

Multi-phase:

- Services are divided into phases and scope and costs may be negotiated as the project progresses

On-call or Indefinite Delivery/Indefinite Quantity (IDIQ):

- Allows a consulting firm to provide work and services for a number of projects using task or work orders.
- The on-call or IDIQ contract must comply with the competitive negotiation procurement procedures.
- The T/LPA should consult with its Regional Coordinator and obtain approval prior to using an on-call or service agreement.

Payment Methods

The method of payment to the consultant must be outlined in the original RFP. The method of payment may be one or a combination of the following:

- ***Specific rates of compensation:*** Based on direct labor hours at specified fixed hourly rates, subject to an agreed-upon maximum amount.
- ***Cost plus fixed fee:*** A cost-reimbursement contract with a fixed fee that does not vary with actual cost but may be adjusted as a result of changes in the work to be performed under the contract.
- ***Cost per unit of work:*** A cost per unit of work contract (also called a time and materials contract) in which the contractor is paid for work performed using specified rates.
- ***Lump Sum:*** A single fixed fee for an entire scope of work.

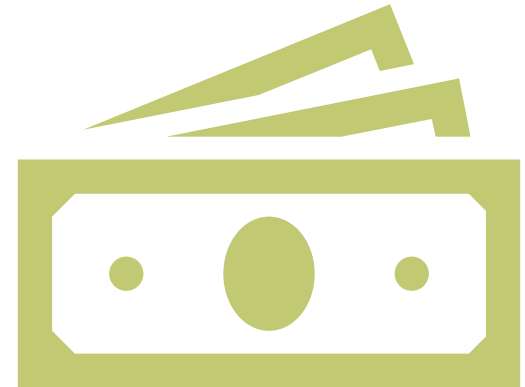
Contract Modification

- Defines and documents the changes made to the contract
- Required for any amendments to the cost, character, scope, complexity, or duration of the contract
- Negotiated using the same procedures as the original contract
- Only activities similar to the original scope may be added. New services outside of the scope must be procured.
- Cost overruns do not automatically warrant an increase in the consultant's fee
- Concurrence from the Region Coordinator required prior to approving any contract changes



Design Contracts & Reimbursements

- Expenses must be properly documented to be eligible (based on contents of Cooperative Agreement for Design)
- Requests for reimbursement for all work completed during the PE phase must be submitted to the Region Coordinator for quarterly approval
- Requirements for request for reimbursement outlined in the T/LPA Handbook



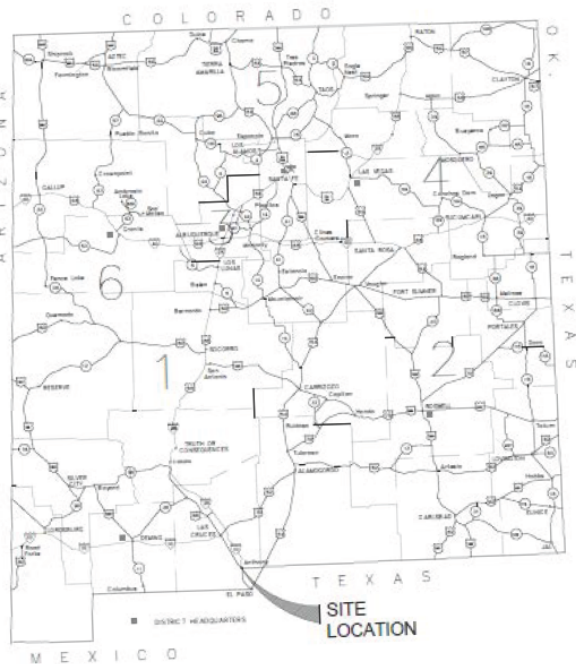
Recordkeeping

- T/LPAs must retain documentation related to the solicitation, proposal, evaluation, and consultant selection process
- Other documents: financial records, supporting documents, statistical records
- Documents must be retained for a period of three years



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PHASE 2
JUNE 2016



CN: NMDOT E100220

SPEC. NO.	ITEM DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE
ROADWAY				
203000	UNCLASSIFIED EXCAVATION	CY	285.0	\$14.50
203000	BORROW	CY	250.0	\$25.00
208000	LINEAR GRADING	MILE	0.4	\$6,500.00
414000	COLD MILLING (ASPHALT)	SY-IN	14055	\$0.90
608004	CONCRETE SIDEWALK 4"	SY	1190	\$58.00
608106	DRIVEPAD 6"	SY	110	\$63.00
609462	CONCRETE CURB & GUTTER TYPE "C" 8" X 32"	LF	4125	\$23.00
609650	CONCRETE VALLEY GUTTER 6" X 72"	LF	125	\$60.00
632000	CLASS A SEEDING	AC	1.0	\$6,000.00
SUBTOTAL				
UTILITY				
663000	UTILITY ITEMS	LS	1	\$8,700.00
SUBTOTAL				
PERMANENT SIGNING				
701000	PANEL SIGNS	SQ FT	140	\$22.00
701100	STEEL POST AND BASE POST FOR ALUMINUM PANEL SIGNS	LF	180	\$15.00
SUBTOTAL				
MISCELLANEOUS ITEMS				
603000	STORM WATER	LS	1	\$3.50
603281	SWPPP PLAN PREPARATION AND MAINTENANCE	LS	1	\$5.30
618000	TRAFFIC CONTROL MANAGEMENT	LS	1	\$4.48
621000	MOBILIZATION	LS	1	\$22.43
702810	TRAFFIC CONTROL DEVICES FOR CONSTRUCTION	LS	1	\$6.72
801000	CONSTRUCTION STAKING BY THE CONTRACTOR	LS	1	\$6.72
802000	POST CONSTRUCTION PLANS	LS	1	\$2.40
SUBTOTAL				
CONSTRUCTION TOTAL				
TESTING				
901100	AGENCY TESTING	LS	1	\$10.80
901300	INDEPENDENT ASSURANCE TESTING	LS	1	\$9.20
SUBTOTAL				
CONSTRUCTION MANAGEMENT				
22	PROFESSIONAL CONSTRUCTION MANAGEMENT SERVICES	LS	1	\$28.00
SUBTOTAL				
TOTAL OF BID ITEMS				
ENGINEERING & CONTINGENCY @ 6%				
NMGRT @ 7.875%				
TOTAL				

SPECIFICATIONS AND CONTRACT DOCUMENT
FOR
CONSTRUCTION OF

Street Phase II (O'Hara Road to e) Congestion Mitigation & Air Improvement Program



U.S. Department of Transportation
**Federal Highway
Administration**

June 2016

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PROJECT DEVELOPMENT

Project Development Overview

- Process that T/LPAs follow once a project has been awarded funding
- T/LPAs coordinate all project development activities through the Region Coordinator
- Federal funds work as a reimbursement program. All project costs must be paid up-front by the T/LPA.



Project Development Milestones

Milestone 1 - Procurement

T/LPA coordinates with Region Coordinator on Procurement Process (see Procurement Chapter)



Milestone 2 - Project Scoping

T/LPA submits Project Scoping Report to Region Coordinator



Milestone 3 - Preliminary Design (30% Design)

T/LPA submits Preliminary Design to Region Coordinator
Design review meeting with Region Coordinator and CLE



Milestone 4 - Grade and Drain (60% Design)

T/LPA submits Grade and Drain to Region Coordinator
Design review meeting with Region Coordinator and CLE

Project Development Milestones

Milestone 5 - Plan-in-Hand (90% Design)

T/LPA submits Plan-in-Hand to Region Coordinator
Design review meeting with Region Coordinator and CLE



Milestone 6 - Plans, Specifications, and Estimates (PS&E)

T/LPA submits Plans, Specifications, and Estimates (PS&E) to
Region Coordinator / PS&E review meeting



Milestone 7 - Production

T/LPA submits Project Production Package to Region Coordinator
CLE submits Obligation Letter to POD

Project Scoping

Project Feasibility Form (PFF)

- Determines project feasibility and funding sources
- Prepared with support from MPO/RTPO staff and reviewed by NMDOT Planning staff prior to award of funding

Project Scoping Report

- Defines proposed improvement(s) and level of effort for right-of-way certifications and environmental clearances; created after funding is awarded
- Indicates whether public meetings or additional outreach are necessary
- Prepared by a professional engineer
- Reviewed by the Region Coordinator → Feedback and required changes based on federal and state requirements, engineering judgement, and the engineer's estimate

Project Scoping (Cont.)

Project Scoping Report Components

- Existing conditions, environmental, and right-of-way needs
- Design parameters for the project
- Safety considerations
- Proposed improvements
- Factors that could affect project development
- Preliminary field review meeting
- Preliminary engineer's estimate



Design Review Milestones – Preliminary Design (30%)

- Address the needs and issues identified in the Scoping Report and determine project footprint for environmental clearance
- Preliminary design establishes roadway alignment, grade, initial slope limits, and identifies existing drainage structures
- Complete phase with design review meeting; plans submitted by the T/LPA to NMDOT at least two weeks prior to the meeting

Key Activities

- Hold public information meetings
- Continue environmental documentation
- Complete drainage report
- Begin pavement design
- Complete preliminary bridge/structure plans
- Coordinate on railroad, ITS, and utilities

Design Review Milestones – Grade and Drain (60%)

All of the components in the 30% Preliminary Design phase are developed and designed to a greater level of detail. Complete phase with second design review meeting; plans submitted by the T/LPA to NMDOT at least two weeks prior to the meeting

Key Activities

- Submit engineer's estimate
 - Design drainage improvements
 - Complete quantity schedules
 - Prepare/submit design variance/exceptions
 - Continue environmental process
 - Continue right-of-way process
 - Perform a constructability review
 - Preliminary construction signing and striping plans
- Submit draft contract book with specifications, special provisions and Notice to Contractor (NTC)
 - Incorporate ITS sheets, rail design and agreements, utility relocation documentation
 - Submit all Public Interest Findings (PIF) and Certification Requests, if applicable
 - Storm Water Pollution Prevention Plan and Temporary Erosion and Sediment Control Plan (if the disturbed area is greater than one acre)

Design Review Milestones – Plan-in-Hand (90%)

- Comments from the 60% Design review meeting are incorporated
- Plans, quantities, and engineer's estimate should be nearly complete; only minor changes should occur at (or after) this phase
- Construction phasing layouts and construction signing and striping plans are finalized
- Project certification requests are completed and requested from the Region Coordinator
- The 90% Design phase is the deadline for the T/LPA to request additional construction funds based on the current engineer's estimate

Design Review Milestones – Plans, Specifications, and Estimate

- Finalize plans, quantities, and engineer's estimate
- Incorporate comments from 90% Design review meeting
- PS&E reviews are required for all federally-funded projects
 - PS&E review meeting are held in person and fully documented
 - Attendees of PS&E review include:
 - Region Coordinator
 - District Coordinator
 - CLE
- Project Production Package submitted to NMDOT
 - Requirements included in T/LPA Handbook

Design Exceptions and Variances

If minimum design standards and the Americans with Disabilities Act (ADA) standards are not met, a design exception must be requested.

Design Exception

- Documentation process when the project's design deviates from any of the *controlling criteria*

Design Variance

- Documentation process required when the project's design will deviate from any State Statute, NMDOT policy or NMDOT or federal design standards
- Not required for projects entirely on a locally-owned and maintained road, is not an NHS route, and local design criteria are being met

ADA Design Variance

- Documentation process required when physical constraints make it impracticable to construct pedestrian facilities to fully meet current NMDOT standards

Other Considerations

Note to Jolene:

Do you think the Buy American or Public Interest Findings and Certifications merit inclusion in the presentation.

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ENVIRONMENTAL

Requirements and General Considerations

- T/LPA is responsible for obtaining all of the approvals or concurrences necessary to fulfill the NMDOT's environmental certification requirements
- Three NMDOT approvals needed
 - Hazardous materials
 - Cultural resources
 - National Environmental Policy Act
- Region Coordinator will assist T/LPAs during the Environmental process
- T/LPAs are encouraged to start the environmental review process as early as possible

Environmental Level of Effort (ELOE or LOE) Form

- Identifies the following information:
 - All proposed project activities
 - Land ownership
 - Funding sources
 - Agencies involved
 - Details on the potential area of impact
- T/LPAs send the LOE Form to the Region Coordinator and the Environmental Bureau's T/LPA Coordinator

Hazardous Materials Investigation

- Identify locations with contamination or regulated materials/substances during project design in order to address those issues during construction
- Develop project-specific recommendations to minimize the risk to the T/LPA posed by time delays and cost overruns, contaminant exposure to staff and the public, and contaminant releases
- Coordinated through the NMDOT Environmental Geology Bureau

Types of Investigations

- Initial Site Investigation Determination
- Initial Site Assessment
- Preliminary Site Investigation
- Detailed Site Investigation
- Building Material Survey

Cultural Resources

- NMDOT Environmental Bureau will identify the need for cultural resources surveys as part of the LOE Form
- Potential consultation with State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO)
- Cultural resources field surveys include identification of archaeological sites and historic buildings
- Produce a cultural resources report that meets state/NMDOT standards
- The Environmental Bureau will identify the need to consult with Native American tribes as part of the LOE provided in response to the PFF

National Environmental Policy Act (NEPA)

There are four levels of environmental analysis, with increasing complexity and effort:

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

The majority of T/LPA projects will be certified as PCEs or CEs

NMDOT Environmental Bureau will confirm that the project:

- Has a clearly stated purpose and need
- Has independent utility or significance
- Connects logical termini and is of sufficient length to address environmental matters on a broad scope
- Does not restrict consideration of alternatives of other transportation improvements

Roles and Responsibilities

- The T/LPA and its consultants will be responsible for preparation of the required documents
- NMDOT Environmental Bureau will work the Region Coordinator and the T/LPA and its consultants during review process
- The findings from the separate documentation on hazardous materials and cultural resources will be integrated into the overall NEPA documentation
- NMDOT Environmental Bureau will certify the project after documentation of the environmental review process is determined to be satisfactory

Certification Approval and Construction Plans

- Final design, acquisition, and construction activities may proceed upon approval of the final NEPA document and completion of environmental certification.
- The T/LPA submits an environmental commitment plan sheet to the Region Coordinator for approval by the Environmental Bureau.
- The approved environmental commitment plan sheet shall be included with all construction plans.
- Environmental commitments monitored by T/LPA and NMDOT during construction

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RIGHT-OF-WAY

Requirements and General Considerations

- All federally-funded projects are required to obtain a **right-of-way certification** - whether acquiring right-of-way or not
- The Environmental Document must be approved by FHWA prior to obtaining federal authorization to proceed for right-of-way activities
- T/LPAs using federal funding must follow the requirements in the Uniform Act even if they are paying for right-of-way activities with non-federal funds
- Phases of right-of-way acquisition process:
 - Appraisal
 - Negotiation
 - Acquisition of property
- Consult the NMDOT Right-of-Way Handbook for additional information; Region Coordinator is available to assist T/LPAs

ROW Certification

- Right-of-way certification must be obtained prior to the PS&E meeting
- No funding will be authorized for the project without a right-of-way certification signed by the NMDOT ROW Bureau
- T/LPA must complete a request for right-of-way certification following completion of all right-of-way activities and prior to receiving authorization to advertise the construction for bids
- Certification request submitted to the Region Coordinator at least 30 calendar days prior to the anticipated PS&E review date
- ROW Bureau will review and approve the request for certification

Timeline

- Timeframes provided in the chart are typical for CMEs or TCPs.
- A complex scope or project with numerous owners or condemnation may require an additional 2-3 months per step
- Title search, property survey, and right-of-way maps phases may take place simultaneously or with some overlap
- Contact the Region Coordinator and the [ROW Handbook](#) for more details on timelines



Roles and Responsibilities

NMDOT

- Overall responsibility for the acquisition of right-of-way on all federal-aid highway systems, even if a T/LPA is the lead agency
- The ROW Bureau will monitor, approve, and offer guidance
- *Note: All contact with the ROW Bureau is initiated through the Region Coordinator*
- Informs the T/LPA of the specific right-of-way requirements based on the scope of work; provides sample forms
- The ROW Bureau Chief authorizes right-of-way certification; no funding will be authorized without this certification

T/LPAs

- Duties can be delegated to consultants; however, the Person in Responsible Charge must know, understand, and adhere to the provisions and regulations of the [ROW Handbook](#)
- Update the Region Coordinator at each stage of right-of-way activity
- Be aware of conflicts of interest:
 - Consultants, local officials, employees or agents are prohibited from having interests in real property acquired for a project, unless certain conditions are met
 - The T/LPA must notify the Region Coordinator if a conflict of interest occurs

Procedures: Qualifications and Monitoring

Qualification

- ROW Bureau reviews the T/LPA's staff (or consultants), policies, and procedures to perform right-of-way activities
- Qualification of the T/LPA begins when it has become apparent during the project scoping phase that right-of-way might be required on the project

Monitoring

- ROW Bureau assures that T/LPA right-of-way practices comply with state and federal laws
- A compliance check sheet for each right-of-way function being monitored is completed by the T/LPA for each parcel
- Monitoring procedures cover the following right-of-way elements:
 - Project Scoping Report (or combined PPF / Scoping Report)
 - Title Search and Title Reports
 - Property Survey and Right-of-Way Mapping

ROW Activities

Four types of acquisitions of right-of-way property

- Total or complete acquisition of a property, including all improvements
- Partial acquisition of a property
- Temporary Construction Permit (TCP)
 - When it is necessary to provide for temporary construction and/or maintenance activities outside of the right-of-way
 - Employed when there are no continuing maintenance activities anticipated after completion of construction. The property must be restored to a condition at least equivalent to that prior to the construction.
- Temporary Construction Maintenance Easement (CME)
 - When it is necessary to provide for construction and maintenance activities outside of the right-of-way
 - Maintenance likely to continue for an indefinite period of time

ROW Procedures

1. Title Search
2. Property Survey and Mapping
3. Appraisal
4. Acquisition
5. Relocation
6. Encroachments
7. Property Management

Reimbursement for ROW activities must be addressed in the Cooperative Agreement; Occurs after final ROW certification is issued

Reimbursements and Records

Reimbursement for Right-of-Way Activities

- Reimbursement for any of the costs of right-of-way activities must be specifically addressed in the Cooperative Agreement
- Reimbursement will not occur until after a final right-of-way certification has been issued
- The reimbursement must be approved by the Region Coordinator based on the recommendation of the ROW Bureau
- List of required documents for a reimbursement request can be found in the T/LPA Handbook

Records and Reports

- All documents related right-of-way activities must be available for inspection by NMDOT, FHWA, and other federal agencies
- Records must be kept and maintained for at least six (6) years

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UTILITIES

General Considerations

Utility lines are often under or adjacent to roadways and can be impacted by construction

T/LPAs must ensure all utility relocation coordination and arrangements have been made prior to 90% design

T/LPAs must identify all conflicts caused by the proposed construction and certify that negotiations to resolve these conflicts have been completed

There are two types of utility relocations:

- Reimbursable
- Non-reimbursable.

Utilities Certification

NMDOT requires a utility certification for all federally-funded projects, regardless if there are impacts or not

The utility certification describes each affected utility with location(s) and proposed relocation description(s), if necessary, to ensure conflicts have been identified and relocated prior to construction

Documentation is gathered by T/LPAs or their consultants

Roles and Responsibilities

Utility Owner Responsibilities

Compliance with industry code, the conditions outlined in permits, state and federal statutes

Design, construction, and maintenance of all facilities to be installed within T/LPA right-of-way

Measures required to preserve the safe and free-flow of traffic, structural integrity of the roadway or facility structure, ease of roadway maintenance, and appearance of the facility resulting from the utility installation

T/LPA Responsibilities

All elements of the utility relocation are subject to review and approval by the T/LPA, particularly the materials, location, and method of installation.

Traffic control plans and signage for relocation of utilities shall be approved by the T/LPA prior to any utility work within T/LPA right-of-way.

The T/LPA is required to verify any no conflict letters received from the utility companies and include them in the certification documentation.

Local laws and industry standards that exceed NMDOT standards must be adhered

Procedures and Documentation

Reimbursable Relocation Costs

- Though utility owners must request reimbursement, the T/LPA must submit complete relocation documentation to the Region Coordinator for review and concurrence
- See Handbook for documentation requirements
- The T/LPA will not reimburse a utility owner for any utility relocation caused by the construction of the project unless the utility owner can prove their right to be paid
- T/LPA sends draft of the proposed utility agreement to the Region Coordinator, reviewed by NMDOT Utilities Section

Procedures and Documentation

Non-Reimbursable Relocation Costs

- Non-reimbursable relocations require that the utility owner pay for the relocations
- The T/LPA is responsible for coordinating relocation with the utility companies prior to the start of construction and documenting how this will take place
- Documentation required for non-reimbursable costs:
 - A relocation plan on the facility construction plan and profile sheets showing the existing and proposed roadway features and utility relocation plan
 - Permit application and plans, if required, to install the utility or relocate the utilities within the public right-of-way
 - Stamped as-built plans of the relocated/installed building utilities submitted to the T/LPA

Certification Process

A utility certification must be requested in writing from the NMDOT by the T/LPA once all utility coordination has been completed.

The T/LPA must certify to NMDOT that all utility relocation coordination and arrangements have been made or that there will be no utility impacts

The T/LPA must identify all conflicts caused by the proposed construction and certify that conflicts have been resolved

If relocations are not required, the T/LPA must clearly state that determination in the utility certification request and include correspondence from each utility

Full certification letter requirements outlined in Handbook

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RAILROAD

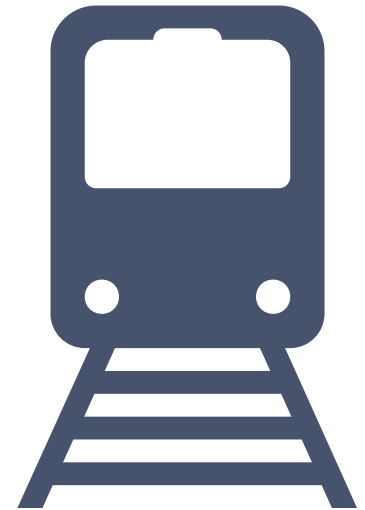
Purpose

Railroads have their own unique set of design, operational, maintenance, and safety considerations that differ from roadway considerations.

Coordination is necessary where railroads and roadways interact to ensure both transportation systems can coexist in a safe manner

Safety issues can arise if this coordination is minimized or ignored

Familiarization with concepts and procedures can eliminate or minimize potential issues to T/LPA project schedules and budgets when involving railroads



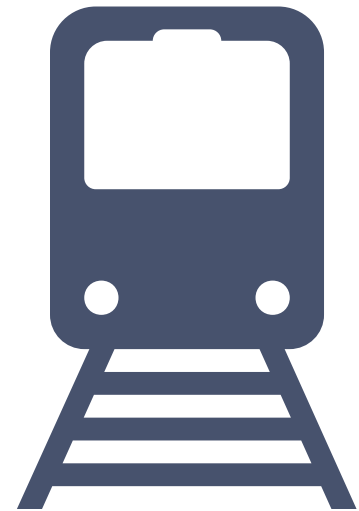
Railroad Impacts

Projects within or near railroad property can be considered to have an impact to the railroad company

The extent of which varies depending upon the project's scope of work

Communication with the railroad company early in the project development process is important for efficient planning, scheduling, and budgeting

T/LPAs should not assume that a proposed use of a railroad right-of-way will automatically be granted by a railroad company.



Types of Projects with Railroad Involvement

Types of projects that typically involve railroad coordination include the following:

- Construction of a new roadway overpass across railroad tracks
- Removal/replacement or repair/modification of an existing roadway overpass for railroad facilities
- Upgrade or widening of an existing at-grade crossing surface
- New installation, relocation, or upgrade of automatic crossing flasher lights and/or gate arms
- Reconstruction of roadway approaches to a railroad crossing
- Installation of drainage swales or culverts along parallel roads and railroads
- Railroad right-of-way encroachment needed to accommodate new/widened roads/trails
- Temporary access for surveying, geotechnical core sampling, or construction access
- Material or equipment staging close to railroad right-of-way
- Crane or excavator swing radius activity close to or within railroad right-of-way

Coordination with Railroad Companies – Preliminary & Initial Coordination

If a railroad property is affected, the T/LPA should reach out to the affected railroad company to hold a preliminary design meeting

Consider a field meeting or diagnostic review to understand the railroad company's operations and design requirements

Share the conceptual plan with the railroad company at early stages of coordination

Key considerations for preliminary field meeting/diagnostic review:

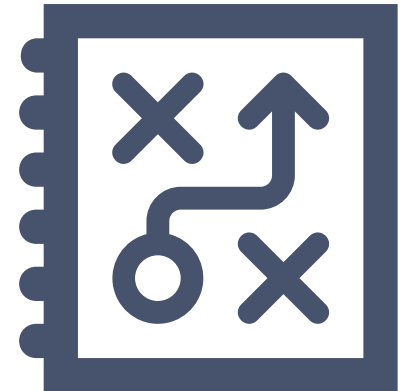
- Identification of number of trains per 24 hours
- Number of tracks (including need for future tracks)
- Roadway data such as vehicle counts, pedestrian use, school bus, and heavy truck use (including hazardous materials)
- Proximity of schools, hospitals, and fire stations
- Potential of future land development
- Degree of sight distance for motorists at or approaching a railroad crossing

Railroad Coordination Process



Design Reviews

- If the railroad company agrees to the conceptual plan, the T/LPA should submit a 30% design to the railroad company for review
- Designs must incorporate railroad standards and avoid relocation or adjustment of railroad facilities where possible
- Designs should account for any future tracks and railroad maintenance access needs
- Subsequent design submittals to the appropriate railroad company should also occur at the 60%, 90% and 100% levels. Each design submittal review may take up to 90 days.
- Railroad companies typically will not provide final approval to designs until the 99% to 100% design level



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INTELLIGENT TRANSPORTATION SYSTEMS

Intelligent Transportation Systems

- ITS certification is required for all federally-funded projects; requirements for projects without ITS elements are minimal
- A project is considered to include ITS elements if it deploys devices that can receive and share information and data
- Refer to the regional or statewide ITS Architecture for guidance on integrating ITS elements of a project with other techniques
- T/LPAs are encouraged to follow a Systems Engineering

Examples of ITS

- Closed Loop Signal Systems
- Dynamic Message Signs
- Video Monitoring Systems
- Road Weather Information Systems
- Traffic Monitoring Devices



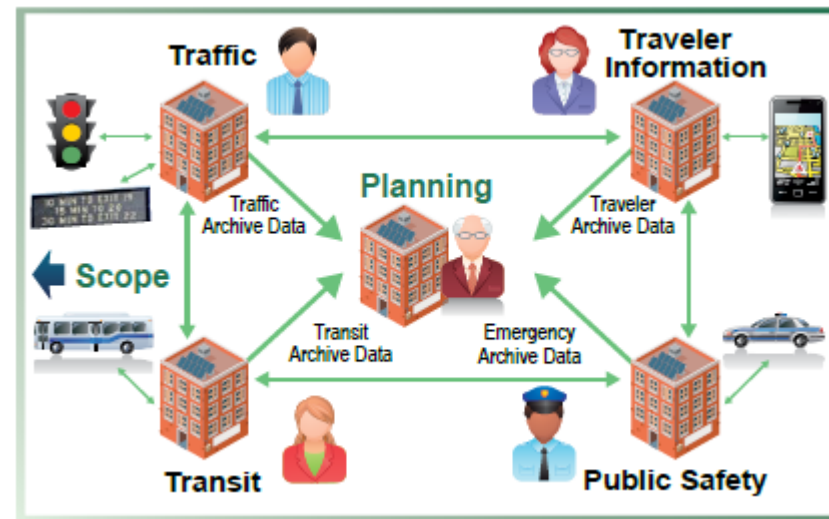
ITS Architecture

Planning tool that identifies transportation issues and needs of stakeholders within a region to help select ITS solutions with the greatest benefits

Prioritizes needs as near-term (0-5 years), mid-term (5-10 years), and long-term (10-20 years).

The typical maintenance cycle for ITS Architectures is five years

There are five ITS Architectures in New Mexico: four MPO areas and statewide (outside of MPO boundaries)



<https://ops.fhwa.dot.gov/publications/fhwahop12001/c2.htm>

Systems Engineering Process

Method of project development and engineering that ensures the ITS elements implemented in a transportation project are necessary and that the system is designed to provide useful information to motorists

Ensure ITS projects (or ITS components within projects) are completed both within schedule and budget

FHWA methodology for SE process implementation

- Identification of the portions of the regional ITS Architectures being implemented
- Identification of the participating agencies' roles and responsibilities
- Analysis of alternative system configurations and technology options to meet requirements
- Procurement options
- Identification of applicable ITS standards and testing procedures
- Procedures and resources necessary for operations and management of the system



Certification Process

The ITS and SE compliance certification is obtained by completing the Project Checklist and submitting it to the Region Coordinator a minimum of thirty (30) calendar days prior to the anticipated PS&E date.

ITS certification is required for all projects utilizing federal funding, though only basic information is required for projects without ITS elements

The ITS Checklist is reviewed by the ITS Bureau to determine if the project has any potential conflict with existing ITS infrastructure

Where conflicts exist:

- Project must take proactive measures to ensure the ITS infrastructure remains undamaged and operable both during and after project activities
- The Region Coordinator and ITS Bureau will support coordination on the development of mitigation measures



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www.lcsun-news.com

LAS CRUCES SUN-NEWS

PROOF OF PUBLICATION

I, being duly sworn, Maria Del Villar deposes and says that she is the Legal Coordinator of the Las Cruces Sun-News, a newspaper published daily in the county of Dona Ana, State of New Mexico; that the 1186822 is an exact duplicate of the notice that was published once a week/day in regular and entire issue of said newspaper and not in any supplement thereof for 3 consecutive week(s)/day(s), the first publication was in the 11-20-2017, the last publication

NOTICE OF INVITATION FOR BID

Sealed bid proposal on forms prepared by Wilson and Company, Inc., E&A (hereinafter called Consultant) will be received by City of Anthony, Projects Coordinator, Ms. Esther Motongo (hereinafter called "City" and "Owner"), at the City of Anthony, 820 Highway 478 Anthony, NM 88021, until 10 a.m. (local time) on Tuesday May 23rd, 2017 and will be publicly opened and read aloud immediately thereafter, for the 4th Street Phase II-Rebid (O'Hara Road to Duffer Lane) Congestion Mitigation & Air Quality Improvement Program Project, NMDOT CN: E100220.

Project consists of pedestrian access enhancements and multi-modal improvements including the installation of new 5 foot wide concrete sidewalk, concrete barrier curb, concrete driveway, valley gutter, permanent

Advertisement

Advertisement for construction bids can begin after:

- The obligation letter has been signed by all parties
- The NMDOT has provided the T/LPA the executed agreement letter with the approved Federal Form (“fed form”), Purchase Order, and executed Construction Agreement
- Region Coordinator has reviewed contract documents to verify all federal requirements are included.

Advertisement

- Projects must be advertised for a minimum of 21 days
- Copies of advertisement provided to Region Coordinator
- Required software for construction bidders: B2GNow and LCPtracker
- Use of Disadvantage Business Enterprise (DBE) goals not required

Bid Process - General Considerations

- Public agencies cannot bid in competition with or enter into subcontracts with private contractors.
- The T/LPA ***cannot*** establish procedures or requirements that restrict competition, prevent the submission of bids, or prohibit consideration of bids submitted by contractors
- Negotiation with contractors during the period following the opening of bids and before the award of the contract shall not be permitted

Bid Process

Licensing

- Contractors must be licensed in New Mexico by the Construction Industries Division of the Regulation and Licensing Department prior to bid award

Pre-qualification

- Bidder must be on the NMDOT's Prequalified Contractors and Subcontractors List at the time of bid opening

Agency Responsibilities

- T/LPA review to make sure that all required bid documents have been submitted
- A letter of recommendation to award, or a request to reject bids, shall be sent to the Region Coordinator on the T/LPA's letterhead
- NMDOT review to determine compliance with federal requirements

Contract Award & Transition to Construction

- Award to **lowest responsible bidder**
- NMDOT reviews bid documentation and sends concurrence letter
- T/LPA bears ultimate responsibility, even if a consultant is hired for construction management

District Coordinator – The NMDOT staff person who guides T/LPAs through the construction and construction management processes

Transition meeting

- Participants include T/LPA, District Coordinator and CLE
- Discuss the required project documentation, and format for submittals
- Discuss procedures to be used to ensure adequate management of a federally-funded construction project

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CIVIL RIGHTS AND
EQUAL EMPLOYMENT OPPORTUNITIES

General Requirements

- T/LPAs have oversight responsibilities to ensure federal laws and responsibilities related to civil rights are met
- T/LPAs can consult District Coordinator with questions
- NMDOT Construction and Civil Rights Bureau CRB [Civil Rights/EEO Field Procedures Manual](#) provides to guidance, procedures, forms, and checklists Title VI Plan
 - Required before receiving federal funds
 - Describes T/LPAs Title VI Program
 - Designates Title VI Coordinator, complaint procedures, Limited English Proficiency procedures, training, and data collection initiatives

Disadvantaged Business Enterprise (DBE) Program

- Ensure small businesses owned and controlled by minorities, women, and other socially and economically-disadvantaged persons have opportunities to compete for contracts
- DBE goals and evaluation criteria
 - Use of a DBE may be an evaluation criterion for firm selection
 - T/LPAs may voluntarily set DBE goals; DBE work must fulfill a commercially useful function (CUF)

Prompt payment - race-neutral mechanism that can benefit DBEs and all other small businesses

- Prompt payment clause in DOT-assisted contracts – monitored through B2GNow software
- In practice, DBE firms are often included on project teams as subcontractors
- T/LPA ensures prompt and full payment by the prime contractor to their subcontractors

Labor Compliance Requirements, p. 1

- T/LPA is responsible for ensuring that its contractors abide by all **labor** and EEO requirements of the contract
- T/LPA shall conduct Labor and EEO Compliance Interviews to verify compliance with the requirements of the contract
- Requirements related to wages
 - The contract must contain both a copy of the applicable state and federal wage decisions; the higher wage rates shall apply
 - Prevailing wage rates, including fringe benefits, should be provided for each classification of work being performed
 - The contractor and subcontractors must provide certified payrolls to the T/LPA for each consecutive week it performs work on the project

Labor Compliance Requirements, p. 2

- B2Gnow and LCPtracker software programs can be utilized to track EEO and/or civil rights requirements and considerations
 - B2Gnow – track DBE participation and prompt payment compliance information
 - LCPtracker
 - track compliance with project prevailing wage requirements
 - collect certain EEO information on all prime contractors and all tier subcontractors
 - Certified payrolls submitted using LCPtracker

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CONSTRUCTION

T/LPAs are expected to play an active role in the construction process and are responsible for a range of oversight, project management, and documentation activities.

Project management may be delegated to a consultant, but the T/LPA must still assign a Person in Responsible Charge

A District Coordinator will be assigned as the point of contact for the T/LPA for each project

The District Coordinator is available to assist the T/LPA with questions regarding record keeping and paperwork and is responsible for processing reimbursement requests for construction projects.

Other NMDOT representatives will participate in pre-construction meetings and inspections.

T/LPAs should reference the NMDOT Standard Specifications for definitions and additional information

Notice to Proceed and Pre-Construction Conference

Notice to Proceed

Issued once the contract has been fully executed

Copies of executed contract and NTP submitted to District Coordinator

Pre-Con Conference

- Attendees:
 - T/LPA: project manager, inspector(s), office manager, designer
 - NMDOTP: District Coordinator, Region Coordinator, representative from CCRB attend the pre-con.
 - Contractors, additional subcontractors, suppliers, utility owners, and stakeholders
- See [T/LPA Section 100's 2019 Edition](#) for additional information

T/LPA Agency Responsibilities

Staff Responsibilities

- Construction Project Manager
- Inspector
- Office Personnel
- Software and Reporting Requirements

General Agency Responsibilities

- Project Management
- Certification and Documentation
- Contracts and Payroll

Contractor Project Superintendent

- The Project Superintendent is the contractor staff authorized in writing to be in charge of the project
- Role of Project Superintendent:
 - Be present on the project at all time
 - Read and understand contract documents
 - Possess substantial experience in the type of work being performed
 - shall communicate with T/LPA Person in Responsible Charge for all project related questions and promptly submit all documentation required by the contract

NMDOT District and CCRB Responsibilities

A District Coordinator will be assigned as the point of contact for the T/LPA for each project.

Responsibilities include:

- performing and documenting periodic inspections
- Adherence to federal, state and local rules and regulations
- Approval of change order work;
- Performing and documenting the final inspection of the project
- Final acceptance of the project after the final estimate and documentation are submitted.
- CLE will prepare a final inspection report and provide recommendation to close the projec

Materials and Inspections

- The T/LPA will be responsible for providing both Quality Assurance and Independent Analysis during materials testing
- Refer to [Minimum Testing Requirements](#)
- Contractor must submit Certificates of Compliance to the T/LPA's project manager before incorporating material in the work
- Traffic control inspections – performed by Traffic Control Supervisor (both T/LPA and contractor)

Measurements and Documentation

Daily Work Report (DWR)

- Information-gathering tool used by field inspectors to document daily activities
- Activities include the inspector's observations, the contractor's use of personnel and equipment, the inspector's daily tasks, and pay quantities for the contractor
- DWRs will directly affect the project outcome and processing of documentation for reimbursement of funds for federally-funded projects

Source document books

- Required to keep record of all work installed on the project, during the progress of work, and upon completion of the work
- Need to be set up with each item in the contract prior to the start of work

Change Orders

Only authorized method for changing the contract

Routed through the T/LPA District Coordinator for processing and approval from the District and CCRB, regardless of federal participation

Supplemental Agreement

- Written agreement to perform work beyond the scope of the original contract
- A supplemental agreement requires the signature of the contractor
- Approval required from District Engineer or CLE

Field Sheet

- Allows increase or decrease quantities to the plans and contract amount without affecting the length or scope of the project
- A field sheet does not require the contractor's signature