

10.0 LPA-Administered Procedures

10.1 Introduction

10.1.1 Purpose

KDOT, in cooperation with the FHWA, has developed a program through which local units of government may administer their own state and federal funded projects with oversight from KDOT.

Under this program, the LPA will certify that it will follow the LPA-Administered Procedures identified in this Section. The purpose of this section of the Manual is to outline the responsibilities of BLP and the LPA for federal-aid and/or state-aid projects that are administered by the LPA with oversight by BLP.

MAP-21 has identified all principal arterials as being a part of the NHS. For additional procedures that involve projects with principal arterials, see [Section 10.3.2.1.4](#) below for more information.

10.1.2 Compliance Requirements

BLP will determine, by review of plans and other project documents, whether the requirements of the program have been met.

Certain minimum criteria have been established for the LPA to be approved to administer state and federal funded projects. These criteria are intended to provide verification that projects will be developed in accordance with all applicable laws, regulations, criteria, and accepted engineering practices. The following are the minimum criteria for certification and recertification:

1. LPA must have a full-time, public employee in responsible charge. More than one person may share the duties of the Person in Responsible Charge (PIRC), but all must be certified through KDOT's LPA Project Manager Certification program.
2. LPA must employ a licensed professional engineer (LPA-PM) to manage each project; the PIRC may also be the LPA-PM if they meet the criteria. The licensed professional engineer may be publicly employed or a consultant. There may be different project managers for design and construction. All project managers must be certified through KDOT's LPA Project Manager Certification program.
3. BLP must approve all locally developed design criteria manuals and specifications. Any revisions to these documents must be approved by BLP before use on the project.
4. LPA must submit a current organizational chart and EEO policy to BLP. Any revisions to these documents must be submitted to BLP within 30 days.
5. LPA must review this and other applicable sections of this Manual including all appendices.
6. LPA and BLP staff shall meet and discuss procedures and responsibilities.

7. LPA shall develop procedures for project development including planning, design, letting, and contract administration. These procedures shall be submitted to BLP for approval every **three years** to maintain their certification. All subsequent changes to the LPA's procedures shall be submitted to BLP immediately for approval. As an alternative, the LPA may commit to following the procedures in this Manual.

10.1.3 KDOT Responsibilities

KDOT has oversight of the projects administered under this program. In cooperation with the FHWA, KDOT has determined this oversight will include the following:

1. Determine that the LPA is suitably equipped and organized to discharge the duties of the [Code of Federal Regulations, Title 23 CFR Part 771](#).
2. Review of LPA's design and construction policies, manuals, standards, and specifications.
3. Confirm that adequate acceptance, independent assurance sampling and testing, and manufacturers' materials certifications are incorporated in the LPA's materials process.
4. Develop and approve the Project Authorization (KDOT Form 883).
5. Authorize the LPA to proceed with the project.
6. Designate a BLP Project Manager.
7. Provide environmental oversight and coordinate with resource agencies.
8. Participate in project field checks.
9. Review and concur in PS&E.
10. Request authorization of federal funds.
11. Obligate federal funds for the project.
12. Issue an Authority to Administer the project (the LPA may proceed to Advertise the project for a minimum of 30-days).
13. Concur in award of the construction contract.
14. Review LPA Approved Sub-Contractors form.
15. Confirm all Contractors have an EEO policy on file with the Office of Contract Compliance.
16. Attend the Pre-Construction meeting.
17. Create a contract in AWP for tracking of project costs and for reimbursement documentation.
18. Process LPA invoices in AWP for payment.
19. Track DBE participation monthly.
20. Determine funding participation in change orders. This includes concurrence in/approval of all change orders prior to the Contractor beginning the work.

21. Assist the LPA during construction with issues involving materials testing, inspection, and construction.
22. Provide project closeout documents to KDOT Bureau of Fiscal Services including all changes from the original contract.
23. Participate in the final inspection of the project.
24. Confirm compliance with non-[Title 23 CFR Part 771](#) laws and regulations, i.e.; Davis-Bacon; NEPA; Relocation Assistance Act; Build America, Buy America Act; Debarment; etc.

10.1.4 LPA Responsibilities

10.1.4.1 Person in Responsible Charge and Project Manager(s)

1. Submit a request to develop the project under the approved procedures; include the project manager contact information and proposed design criteria. PIRC
2. Administer inherently governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality, and scope of project. PIRC
3. Direct project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation. PIRC
4. Be aware of the qualifications, assignments, and on-the-job performance of the agency and consultant staff at all stages of the project. PIRC
5. Develop a project schedule ([City Administered Project Schedule](#)) and cost estimate and submit to the BLP Project Manager. – LPA PM
6. Execute the project agreement through BLP and proceed with project development. PIRC
7. Maintain familiarity of day-to-day project operations, including project safety issues. PIRC
8. Submit Field Check review package in accordance with the [E-plans submittal instructions](#). LPA PM
9. Conduct Field Check meeting and provide written meeting minutes to PM. LPA PM
10. Submit Office Check (100% complete) review package in accordance with the [E-plans submittal instructions](#). LPA PM
11. Include project on applicable transportation plan. This must be complete prior to obligation of funds. For more information, see [Section 2.0 Programming](#) in this Manual. PIRC
12. Submit PS&E review package in accordance with the [E-plans submittal instructions](#) (including [required contract specifications for Federal-aid projects](#).) LPA PM
13. Advertise project (minimum 30-day). LPA PM
14. Review bids for signs of collusion. LPA PM
15. Award construction contract. PIRC

16. Submit signed contracts and Letting Summary Documents along with Bid Tabs and Paid Items List (PIL) organized by work type in Excel format to be used by KDOT Bureau of Fiscal Services. LPA PM
17. Fill out [LPA Approved Sub-Contractors Form](#) and submit to BLP. LPA PM
18. Invite PM to the pre-construction meeting. LPA PM
19. Provide PM with half-size set of construction plans in accordance with the [E-plans submittal instructions](#). LPA PM
20. Send PM a copy of the Notice to Proceed (NTP) document. LPA PM
21. Visit and review the project on a frequency that is commensurate with the magnitude and complexity of the project. PIRC and LPA PM
22. Submit **monthly** reimbursement requests to BLP PM. LPA PM
23. Review financial processes, transactions, and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse. PIRC
24. Submit change orders with necessary documentation including determination of participating and non-participating items to PM. Signed by PIRC; submitted by LPA PM.
25. Review materials certifications. LPA PM
26. Provide PM with the Construction Summary Documents, including the [Final Paid Items List \(FPIL\)](#) and the Notice of Acceptance. Signed by PIRC; submitted by LPA PM.

10.2 Administration

Federal-aid fund categories and fiscal and audit responsibilities are discussed in [Section 2.0 Programming](#) in this Manual.

10.3 Procedures

10.3.1 Procedures Outline

Normal phases of project development will include Initiation; Scoping and Scheduling; Preliminary Design; Final Design; and Construction. Each phase involves activities and events needed to complete the project while verifying to KDOT compliance with applicable State Laws and Regulations as well as the [Code of Federal Regulations, Title 23 CFR, Part 771](#) (Environmental Impact and Related Procedures) and applicable Non-Title 23 CFR, Part 771 federal requirements. Activities listed are common to the various types and scopes of projects that are developed under federal aid non-full oversight procedures. Forms listed may be used, or the LPA may develop, with KDOT's approval, its own forms for submittal to KDOT to accomplish the verification.

10.3.2 Project Development Procedures for Locally Administered Projects

10.3.2.1 Initiation, Scoping and Scheduling Phase

10.3.2.1.1 LPA Project Identification – Primary Responsibility - LPA

For more information, see [Section 2.0 Programming](#) in this Manual.

10.3.2.1.2 Public Involvement – Primary Responsibility – LPA

The LPA is responsible for a public involvement process that is commensurate to the scope, complexity and potential of environmental impact of the proposed project. Public involvement should begin at the earliest stages of project development and continue throughout the project development process. It should be done in accordance with KDOT's [Sharing the Future: Public Involvement in the Kansas Transportation System](#). The level of public involvement will be dependent upon the complexity of the project, potential for significant social or environmental impacts, and amount of controversy generated. Less complex projects involving little or no environmental impact may involve only a public informational meeting. More complex projects which have a high potential for environmental impact will need early and continuous public participation during project development and extensive documentation in accordance with [Code of Federal Regulations, Title 23 CFR, Part 771](#). Documentation in these cases may be in the form of either an Environmental Impact Statement (EIS) (Class I) or an Environmental Assessment (EA) (Class III). The public involvement process flow charts included in KDOT's Sharing the Future: Public Involvement in the Kansas Transportation System provide the process used to categorize projects along with the sequence of events that need to be completed for each classification in order to comply with the federal requirements.

10.3.2.1.3 Request for Construction Project – Primary Responsibility - LPA

The LPA shall submit the [Request for Construction Project \(KDOT Form 1302\)](#) along with supporting information such as a project schedule, map, detailed estimate, TIP, award letter if not from BLP, etc. (See [LPA Administered Project Schedule](#) in the *Forms and Documents* area of the BLP [LPA Administered Projects](#) webpage for an example.) Once this information is received, BLP will verify the LPA is Pre-Project Certified (Pre-Project Certification Program, PPCP) and the project shall be programmed. After review, the BLP shall generate the Project Authorization (KDOT Form 883) and create the City/State Agreement. Non-infrastructure and procurement projects should use Form 1312.

For more information, see [Section 2.0 Programming](#) in this Manual.

10.3.2.1.4 NHS Approval Procedure – Primary Responsibility - LPA

For projects on principal arterials, the LPA must request special approval to administer federally funded projects on the NHS. This request needs to document the reasons for the request, demonstrate that the LPA has successfully administered a non-NHS project, and be submitted to BLP for approval.

10.3.2.1.5 Environmental Process – Primary Responsibility – BLP

When the project is authorized and the Project Authorization (KDOT Form 883) is executed, the KDOT Bureau of Right of Way, Environmental Services Section (ESS) will perform initial reviews and make initial contacts with the environmental regulatory agencies to ascertain the potential for environmental impacts. For more information, see [Section 4.0 Environmental](#) in this Manual.

10.3.2.2 Preliminary Design**10.3.2.2.1 Consultant Selection Process – Primary Responsibility – LPA**

For information, see [Section 3.0 PE Consultant Selection and Agreements](#) and [Section 11.0 CE Consultant Selection and Agreements](#) in this Manual.

10.3.2.2.2 Consultant Selection Process Certification – Primary Responsibility – LPA

When federal funds are used in the preliminary engineering, the LPA will provide KDOT documentation that appropriate steps have been completed and that the process complied with all applicable regulations. Any work done prior to obligation of federal funds will be non-participating.

For more information, see [Section 3.0 PE Consultant Selection and Agreements](#) and [Section 11.0 CE Consultant Selection and Agreements](#) in this Manual.

10.3.2.2.3 Field Surveys - Primary Responsibility – LPA

The LPA is responsible for the acquisition of all survey and geotechnical data that is necessary for the development of the plans. Data gathering techniques and procedures will be commensurate with the complexity of the project and will be in accordance with State statutes and accepted survey practices.

10.3.2.2.4 Design Exception Request – Primary Responsibility – LPA

For information, see [Section 5.0 Plan Development](#) and [10.3.2.3.1 \(Design Exception Approval\)](#) in this Manual.

10.3.2.2.5 Field Check Plans Preparation and Submittal – Primary Responsibility – LPA

The development of Field Check plans by the LPA shall be in accordance with recognized prevailing design criteria which are provided in [Section 5.0 Plan Development, Appendix A](#). The LPA may request use of local criteria if they are consistent with these criteria/guidelines. The LPA administering the project is responsible for the completeness and accuracy of the plans. KDOT's [Design Manual](#), Section 2.3, FIELD CHECK PLANS is the guide for plan preparation.

The LPA shall provide electronic Field Check plans and project cost estimate, per the instructions on submitting [E-Plans](#), to BLP for KDOT distribution, review and processing.

10.3.2.2.6 Field Check Plans Review - Primary Responsibility – BLP

BLP will distribute the Field Check plans for review within KDOT and external agencies, as applicable.

10.3.2.2.7 Field Check Meeting and Report - Primary Responsibility – LPA - Coordination with BLP

The LPA will schedule the Field Check meeting time and location in coordination with BLP, Consultant and all other necessary parties. The LPA will conduct and take minutes of the meeting. The Consultant or LPA will provide sets of plans for use at the meeting. BLP will review comments and will discuss any necessary actions with LPA and Consultant. After the meeting, the Consultant or the LPA will distribute meeting minutes and provide BLP with a response to the issues identified/discussed in the meeting. When BLP receives the meeting minutes and issues response, BLP will generate a Field Check Report and provide to the LPA, Consultant, and all other necessary parties.

During the site review/field check meeting, the participants shall determine if the proposed project will have a potential impact on rail facilities. If it appears that work will be near or on railroad right-of-way, the LPA will coordinate with the railroad to determine the need for flagging, liability insurance, agreements and a possible diagnostic review.

10.3.2.2.8 Environmental Process Continuation - Primary Responsibility –LPA

For information, [see Section 4.0 Environmental](#) in this Manual.

10.3.2.2.9 Public Involvement Process Continuation - Primary Responsibility – LPA

Although the public is involved in the early stages of project development for the more complex projects, additional public input may be needed in the early stages of preliminary design so that public opinion can be reflected in final design. Informational meetings may be needed at this stage along with environmental investigations to confirm the Environmental Classification shown on the Project Authorization (KDOT Form 883) and/or to provide input for use in the appropriate environmental documents.

10.3.2.2.10 Public Interest Finding (PIF) – Primary Responsibility - LPA

Federal-aid regulations specifically allow deviation from some standard practices through a public interest finding (PIF) or a determination of cost effectiveness. If the LPA requests to deviate from a standard practice, the LPA shall submit a PIF to BLP explaining the need for the deviation and why it is in the public's best interest to allow it. BLP shall review the request and work with FHWA to approve or deny the PIF.

10.3.2.3 Final Design**10.3.2.3.1 Design Exception Approval – Primary Responsibility – BLP**

BLP will respond to the LPA approving or denying any design exception request. Requests made prior to Field Check will be addressed as a part of the Field Check discussions. When the request is made after or because of Field Check discussion, the approval may be made prior to Office Check plan submittal if sufficient plan information or other details are provided to support the request. Approved items will be reflected in the Design Summary Document.

For more information, see [Section 5.0 Plan Development](#) in this Manual.

10.3.2.3.2 ROW Activities Initiated - Primary Responsibility – LPA

For information, see [Section 7.0 Right of Way](#) in this Manual.

10.3.2.3.3 Utility Adjustments Initiated – Primary Responsibility – LPA

Coordination with affected utility companies may begin at any time in the project development process. Early coordination is recommended to minimize negative impacts on the project schedule.

For information, see [Section 8.0 Status of Utilities](#) in this Manual.

10.3.2.3.4 Environmental Review Process/NEPA – Primary Responsibility – KDOT/LPA

All environmental reviews and clearances (such as noise, air quality, farmland, archaeological, historical, wildlife, Section 4(f), etc.) will conform to applicable federal and state law. When the reviews are complete, and all agencies have submitted their comments, KDOT's Environmental Services Section will transmit a "Status of Project's Environmental Concerns – Final" memo to BLP. Once received by BLP, the PM will distribute to the LPA.

For information, see [Section 4.0 Environmental](#) in this Manual.

10.3.2.3.5 ROW Acquisition Completion – Primary Responsibility – LPA – Coordination with BLP

[Right of Way Clearance for Federal Aid Projects \(KDOT Form 1306\)](#) must be completed and returned to BLP on all projects even if no rights of way are being acquired. All persons involved with the right of way process must be certified through KDOT's Right of Way Certification Program (ROWCP), see [Section 7.1.1.4](#).

For more information, see [Section 7.0 Right of Way](#) in this Manual.

10.3.2.3.6 Utility Adjustments Completion – Primary Responsibility – LPA – Coordination with BLP

For information, see [Section 8.0 Status of Utilities](#) in this Manual. Include Form 1304 in contract documents.

10.3.2.3.7 Permits Obtained – Primary Responsibility – LPA

For information, see [Section 4.0 Environmental](#) in this Manual. Include permits in contract documents.

10.3.2.3.8 Additive Work – Primary Responsibility – LPA – Coordination with BLP

The use of additive work bidding will require prior approval from the PM. The project's defined scope of work must be included in the base bid.

If the LPA chooses to include additive work bidding procedures, the LPA shall be required to prioritize the additions in order of consideration. Selection of the Contractor shall be based on the sum of the base bid plus the selected additive work items in order of consideration. If the LPA has any questions regarding the procedures for this, please contact the PM to discuss. Separate DBE goals may be required for additive work.

10.3.2.3.9 PS&E Package Submittal – Primary Responsibility – LPA

The LPA will submit to BLP all necessary documentation for the PS&E approval. As a minimum, this documentation will include completed plans, project specifications and contract documents, engineer's estimate of probable cost, [Status of Utilities \(KDOT Form 1304\)](#), [Right of Way Clearance for Federal Aid Projects \(KDOT Form 1306\)](#) and [List of Permits and Status of Same \(KDOT Form 1307\)](#). This shall all be submitted to the PM electronically via the [FTP site](#).

PS&E documents shall be submitted a **minimum of 30 days** prior to the desired advertisement date.

10.3.2.3.10 Contract Documents - Primary Responsibility- LPA

The LPA shall be responsible for the completion, execution and implementation of all contract documents, which may include, but are not limited to, proposals, notice to contractors, special provisions, bidding requirements and conditions (KDOT's "Standard Specifications for State Road and Bridge Construction", [Section 102](#)), bid bond, and the proposal schedule.

The [Required Contract Specifications](#) shall be included on all Federal-aid projects.

Additionally, per 23 CFR 635.109(a)(1)(i-iv), the following changed conditions contract clauses shall be made part of, and incorporated in, each highway construction project approved under 23 U.S.C. 106:

(1) Differing site conditions

(i) During the progress of the work, if subsurface or latent physical conditions are encountered at the site differing materially from those indicated in the contract or if unknown physical conditions of an unusual nature, differing materially from those ordinarily encountered and generally recognized as inherent in the work provided for in the contract, are encountered at the site, the party discovering

such conditions shall promptly notify the other party in writing of the specific differing conditions before the site is disturbed and before the affected work is performed.

(ii) Upon written notification, the engineer will investigate the conditions, and if it is determined that the conditions materially differ and cause an increase or decrease in the cost or time required for the performance of any work under the contract, an adjustment, excluding anticipated profits, will be made and the contract modified in writing accordingly. The engineer will notify the contractor of the determination whether or not an adjustment of the contract is warranted.

(iii) No contract adjustment which results in a benefit to the contractor will be allowed unless the contractor has provided the required written notice.

(iv) No contract adjustment will be allowed under this clause for any effects caused on unchanged work.

One of the following two (2) paragraphs **must be placed above the signature line in the bidding document:**

PARAGRAPH #1 (For projects WITH Federal funds)

REQUIRED CONTRACT PROVISIONS:

*The current versions of the following Required Contract Provisions (I-IV) require the Contractor to furnish information. The Contractor shall complete and submit with its proposal these provisions. The City/County of _____ **will reject** proposals that fail to contain completed Required Contract Provisions I, II and III and **may reject** proposals that fail to contain completed Required Contract Provision IV.*

I.	08-10-66 (LPA)	Certification – Non-collusion & History of Debarment
II.	04-26-90 (LPA)	Declaration – Limitations on Use of Federal Funds for Lobbying
III.	07-19-80 (LPA)	DBE Contract Goal
IV.	01-01-11 (LPA)	Tax Clearance Certificate

PARAGRAPH #1 (For projects with NO Federal funds)

REQUIRED CONTRACT PROVISIONS:

*The current versions of the following Required Contract Provisions (I-IV) require the Contractor to furnish information. The Contractor shall complete and submit with its proposal these provisions. The City of _____ **will reject** proposals that fail to contain completed Required Contract Provision I and **may reject** proposals that fail to contain completed Required Contract Provision IV.*

I.	08-10-66 (LPA)	Certification – Non-collusion & History of Debarment
IV.	01-01-11 (LPA)	Tax Clearance Certificate

PARAGRAPH #2 (For ALL projects)**CERTIFICATION:**

I CERTIFY THAT I AM AUTHORIZED TO REPRESENT THE CONTRACTOR IN PREPARING AND PRESENTING THIS PROPOSAL. I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING (INCLUDING, BUT NOT LIMITED TO, THE INFORMATION CONTAINED IN THE REQUIRED CONTRACT PROVISIONS REFERENCED ABOVE) IS TRUE AND CORRECT. EXECUTED ON _____ (DATE).

Note: [Davis-Bacon wage rates](#) used for a project shall be those in effect **no more than 10 days** prior to the letting. Per FHWA, “A contracting agency is responsible for incorporating the applicable wage rate determination into each federally-assisted contract entered into pursuant to competitive bidding procedures. When notice of a change to a wage determination is published in the Federal Register 10 days or more before the opening of bids, the USDOL requires that the new wage determination be incorporated into the contract by amendment. [29 CFR1.6\(c\)\(3\)\(i\)](#)”. Davis-Bacon wage rates are required to be followed on all federal-aid projects.

Some LPAs may wish to utilize contract incentives/disincentives (liquidated damages) for either timely or untimely completion of part or all of the work for a specified period (hourly, working day, calendar day, or calendar completion date. Should the LPA choose to use Contract Incentives/Disincentives, this shall be included in the preliminary contract documents submitted during PS&E. If the LPA has adopted the Kansas Department of Transportation Standard Specifications for Road and Bridge Construction (Current Version) and accompanying Special Provisions, the Incentive/Disincentives are outlined in Sections 108.7 and 108.8. If the LPA has their own Specifications, the incentive/disincentive language should be included in the Current Specification or in a Special Provision with the requirements for the incentive/disincentive defined for the prospective bidders. Incentives/disincentives are a participating part of the contract as outlined in 23 CFR 635.127.

LPAs must, as part of their DBE program, include a contract clause to require prime contractors to pay subcontractors for satisfactory performance of their contracts no later than 30 days from receipt of each payment made to the prime contractor. The LPA must ensure prompt and full payment of retainage from the prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed. One of the following methods must be used to comply with this requirement:

- 1) The LPA may decline to hold retainage from prime contractors and prohibit prime contractors from holding retainage from subcontractors. (Preferred)
- 2) The LPA may decline to hold retainage from prime contractors and require a contract clause obligating prime contractors to make prompt and full payment of any retainage kept by prime contractor to the subcontractor within 30 days after the subcontractor's work is satisfactorily completed.

- 3) The LPA may hold retainage from prime contractors and provide for prompt and regular incremental acceptances of portions of the prime contract, pay retainage to prime contractors based on these acceptances, and require a contract clause obligating the prime contractor to pay all retainage owed to the subcontractor for satisfactory completion of the accepted work within 30 days after the LPA's payment to the prime contractor. (Discouraged)

For purposes of this section, a subcontractor's work is satisfactorily completed when all the tasks called for in the subcontract have been accomplished and documented as required by the LPA. When an LPA has made an incremental acceptance of a portion of a prime contract, the work of a subcontractor covered by that acceptance is deemed to be satisfactorily completed. The LPA's DBE program must provide appropriate means to enforce the requirements of this section. These means may include appropriate penalties for failure to comply, the terms and conditions of which the LPA sets. The program may also provide that any delay or postponement of payment among the parties may take place only for good cause, with your prior written approval. The LPA may also establish, as part of their DBE program, any of the following additional mechanisms to ensure prompt payment:

- 1) A contract clause that requires prime contractors to include in their subcontracts language providing that prime contractors and subcontractors will use appropriate alternative dispute resolution mechanisms to resolve payment disputes. The LPA may specify the nature of such mechanisms.
- 2) A contract clause providing that the prime contractor will not be reimbursed for work performed by subcontractors unless and until the prime contractor ensures that the subcontractors are promptly paid for the work they have performed.
- 3) Other mechanisms, consistent with this part and applicable state and local law, ensure that DBEs and other contractors are fully and promptly paid.

10.3.2.3.11 PS&E Review – Primary Responsibility – BLP

Upon receipt of the PS&E package from the LPA, BLP will review the documents to confirm that the project complies with State and/or Federal requirements.

The estimate will be distributed by BLP to the Program Consultant in KDOT's Office of Contract Compliance to determine the DBE goal. Once the PM receives the DBE Goal, the LPA will be notified so that the DBE Goal may be updated in the project proposal.

The PM will review the LPA's documents to verify that all required specifications are included.

Upon completion of the review, PS&E approval by KDOT will be obtained.

10.3.2.3.12 Obligation of Funds – Primary Responsibility – LPA/BLP/FHWA

After PS&E plans and documents have been approved by BLP, KDOT BPPM will request FHWA to obligate the project's federal funds. The project agreement must be executed before obligation of funds. For projects within an MPO, the TIP must be up to date before obligation of funds.

After the funds have been obligated, the PM will submit the Authority to Administer the project for approval by the BLP Bureau Chief.

After the Authority to Administer has been approved, it will be submitted to the LPA via electronic memo ([Authority to Bid](#)) by email. The LPA shall advertise the project for **a minimum of 30 days**.

10.3.2.3.13 Contract Addenda – Primary Responsibility – LPA – Coordination with BLP

If it is necessary that changes must be made after a project is advertised, project addenda shall be provided to all potential bidders and shall be issued with sufficient time for contractors to prepare their bids. Copies of all addenda shall be submitted to BLP for review and to confirm that the previous PS&E approval continues to be valid after the changes are made. The LPA shall not let the project to bid until all applicable addenda have been approved by the BLP.

10.3.2.3.14 Construction Engineering (CE) Agreement – Primary Responsibility – LPA – Coordination with BLP

For information see [Section 11.0 CE Consultant Selection and Agreements](#) in this Manual.

10.3.2.3.15 Public Involvement Continuation – Primary Responsibility – LPA

The public involvement process should be ongoing and provide input from interested parties throughout the project development.

10.3.2.4 Letting

STATEMENT OF POLICY

The Kansas Department of Transportation's [Construction Manual](#) (CM), [Standard Specifications for State Road and Bridge Construction](#) (Standard Spec), required contract provisions, and recurring special provisions have been approved by the Federal Highway Administration (FHWA) for use on highway and similar construction projects when Federal money is involved as a means to comply with Federal laws and regulations. Therefore, when projects sponsored by local units of government involve federal money, all letting, and construction activities shall be regulated by these documents. All activities contained therein are not listed below as procedures to follow since not all activities are applicable to LPA's projects; however, as foreseen and unforeseen situations arise during the course of a project that are not covered below, policies and procedures contained in the CM and Standard Spec shall be used to resolve the situation.

These procedures and regulations were written for KDOT personnel; however, since these projects involve federal monies and are being completed with oversight of KDOT, appropriate representatives of the local units of government should use the procedures and regulation as if they were written for their use.

Exception: The LPA can use their own specifications and procedures if they have been reviewed and approved by KDOT.

10.3.2.4.1 Letting Process -- Primary Responsibility – LPA

The LPA is responsible for following the letting process as documented in this section or the LPA's approved procedures manual.

10.3.2.4.2 Project Schedule and Plans Distribution - Primary Responsibility – LPA

After given authority to administer, the LPA will confirm the project letting date and provide full, complete and accurate plans, specifications and special provisions for examination purposes by interested and qualified contractors. These will be made available **at least 30 days before** the scheduled letting date.

10.3.2.4.3 Advertisement - Primary Responsibility-LPA

After the date is set for receipt of proposals, the LPA will give notice of such letting to prospective bidders. The notice shall conform to the requirements set forth in KDOT's "Standard Specifications for State Road and Bridge Construction", [Section 102.1](#). The Notice describes the contemplated work, informs the prospective Contractor to obtain bidding proposal forms, identifies the location of plans and specifications, identifies the time and place for the public opening and reading of proposals and reserves the LPA's right to reject bids.

10.3.2.4.4 Contractor Prequalification: Prime, Sub-Contracting, and EEO – Primary Responsibility – LPA

All prime contractors must be on [KDOT's list of pre-qualified contractors](#) as a prerequisite to submitting a responsive bid. (The LPA's proposal must include this requirement.)

All contractors working on any State/Federal-Aid project must have an EEO policy on file with the Office of Civil Rights Compliance. Each contractor and is responsible for submitting their company's [EEO policy](#) on their company letterhead, a [letter of appointment](#) of the company's EEO officer, and the [DOT 1049 CFR Form](#). If a contractor has 50 or more employees, an Affirmative Action Plan is also required. Please contact KDOT's Office of Civil Rights Compliance with any questions. (785.296.7940)

See [Appendix A](#) for a table of [EEO and DBE Documentation](#) that is required for Federally funded projects. The LPA is responsible for receiving, checking and submitting to BLP.

10.3.2.4.5 Public Opening of Proposals – Primary Responsibility – LPA

The LPA shall be responsible for the letting place and schedule and for the notification of interested participation of the same. The LPA shall conduct the letting in accordance with state laws and regulations. Proposals shall be opened and read in public at the time and place indicated in the Notice to Contractors. This procedure shall follow instructions listed in [Sections 102.15-18](#) of KDOT's "Standard Specifications for State Road and Bridge Construction".

10.3.2.4.6 Letting Review and Authority to Award**10.3.2.4.6.1 Bid Analysis - Primary Responsibility – LPA/KDOT**

The LPA will, after the proposals are opened and read, evaluate the bids to determine whether funds are being spent effectively, that there was good competition in the bidding, and the lowest practicable price for the project was received. The review will include a comparison of the bid prices with respect to the Engineer's Estimate and other factors that may include the following:

- Number of bids
- Distribution or range of the bids
- Identity and geographic location of the bidders
- Urgency of the project
- Unbalancing of the bids
- Current market conditions and workloads
- Comparison of bid prices with similar projects in recent lettings
- Justification for significant bid price differences
- Potential for savings if the project is re-advertised
- Other factors as warranted

As a part of this review, the LPA must review the bids for collusion. The Department of Justice, Antitrust Division has a [Red Flags of Collusion checklist](#) to help prevent and detect collusion.

Copies of the detailed bid tabulations will be submitted to BLP for review by the BOCM.

10.3.2.4.6.2 Bid Approval - Primary Responsibility – LPA – Coordination with BLP

The proposals shall be considered by the LPA in accordance with [Section 103.1](#) of KDOT's "Standard Specifications for State Road and Bridge Construction". Once reviewed, the lowest responsible and responsive bidder should be approved. If any of the required certifications have not been signed by the Contractor, their bid will be considered non-responsive and will be rejected. In addition, the DBE goal for the project must be met for the bid to be considered responsive unless Good Faith Effort documentation has been submitted and approved by KDOT. The LPA will also verify that the apparent low bidder is on KDOT's list of approved contractors ([Prequalified Contractors](#)). The LPA shall submit to BLP its recommendation for award, detailed bids from all bidders, and copies of all required certifications for the apparent low bidder ([Checklist for Authority to Award](#)).

10.3.2.4.6.3 Concurrence in Award - Primary Responsibility - BLP

BLP will review the information submitted by the LPA and confirm that all requirements have been satisfactorily met. When it has been determined that all requirements are met, the LPA will submit “[Authority to Award Contract](#)” document for KDOT execution. The executed “[Authority to Award Contract](#)” document will then be sent to the LPA.

10.3.2.4.6.4 Award and Execution of Contract – Primary Responsibility - LPA

Upon notification of the “Authority to Award” from KDOT, the LPA shall award and execute a contract in accordance with [Section 103](#) of KDOT’s “Standard Specifications for State Road and Bridge Construction”, or the LPA’s KDOT-approved procedures may be used.

The LPA will submit both a hard copy and an electronic copy of the fully executed contract with all required certifications to the PM prior to the PM issuing the Notice to Proceed. The electronic copy shall be in pdf form and all sections shall be bookmarked.

10.3.2.4.6.5 Letting Summary Document - Primary Responsibility – LPA

Upon completion of the Letting Phase, the LPA shall provide BLP with a “[Letting Summary Document](#)” that certifies the letting process has been completed and the contract has been awarded in accordance with the requirements of this document as well as Section 102, 103, and 104 of the KDOT “Standard Specifications for State Road and Bridge Construction”. The “[Letting Summary Document](#)” shall be submitted to the PM prior to the PM issuing the Notice to Proceed.

An example of the “[Letting Summary Document](#)” is included in [Appendix A](#) of this section. A breakdown of the project construction costs ([Paid Item List](#)) by work type (i.e., roadway, surfacing, bridges, traffic signals, and common items) and with non-participating items identified in an Excel spreadsheet shall be submitted to BLP at this time.

10.3.2.4.6.6 Request for Project Exemption Certificate – Primary Responsibility LPA

After the “Authority to Award” has been issued by BLP, the LPA must complete a “REQUEST FOR PROJECT EXEMPTION CERTIFICATE (Department of Revenue Form PR-76)” available from KDOR at:

<https://ksrevenue.org/pdf/pr76.pdf>

If the LPA has attained “agent” status through KDOR, they must submit a copy of the document granting them “agent” status and a copy of the Form PR-76 issued by the LPA to the Contractor. A publication containing more information about this form and the process can be found at:

<https://www.ksrevenue.org/pdf/pub1520.pdf>

or you may contact the Kansas Department of Revenue (KDOR) directly at the address or phone shown below:

Kansas Department of Revenue (KDOR)
120 S.E. 10th Avenue
Topeka, KS 66612-1588
Phone: (785)296-3081
FAX: (785)296-7928

After the LPA completes the form, they need to return it to the address stated above. KDOR will assign the LPA an Exemption Certificate Number specific to the project. A copy of the document from KDOR assigning the Exemption Certificate Number must be provided to BLP prior to issuing the “Notice to Proceed.”

After the project is completed, the LPA shall complete the “State of Kansas Project Completion Certification” (KDOR Form PR-77) available from KDOR at:

<https://www.ksrevenue.org/pdf/pr77.pdf>

This certifies that all materials purchased by the Contractor were exempt from payment of sales tax. This form must be delivered to the LPA and kept on file for 5 years after project finalization.

10.3.2.4.6.7 Sub-Contractor Approval

After award, the LPA will submit the BLP [LPA Sub-Contractor Approval Form](#) and [DBE Commitment Letter\(s\)](#) to the PM for review prior to issuing the Notice to Proceed to the Contractor. All sub-contractors working on any State/Federal-Aid project must have an EEO policy on file with the Office of Civil Rights Compliance. Each sub-contractor is responsible for submitting their company's [EEO policy](#) on their company letterhead, a letter of appointment of the company's EEO officer, and the DOT 1049 CFR Form. If a sub-contractor has 50 or more employees, an Affirmative Action Plan is also required. Please contact KDOT's Office of Civil Rights Compliance with any questions. (785.296.7940). The PM will notify the LPA if a subcontractor does not have a policy on file. The sub-contractor will not be allowed to work on the project until the Office of Civil Rights Compliance verifies that they have a policy on file.

10.3.2.5 Construction Phase

10.3.2.5.1 Pre-Construction Meeting – Primary Responsibility - LPA/KDOT

The LPA shall coordinate with the PM regarding the Pre-Construction meeting date and location.

10.3.2.5.2 Notice to Proceed - Primary Responsibility - LPA

Following the instructions in [Section 108.1](#) of KDOT's “Standard Specifications for State Road and Bridge Construction”, the LPA shall provide a written notice to the Contractor to proceed with the contract work including, when applicable, the date for commencement of the contract time for performance. This notice shall be submitted to BLP electronically.

10.3.2.5.3 Contract Administration - Primary Responsibility - LPA - Coordination with KDOT

The LPA is responsible for implementing and controlling the work described and required in the project contract including requirements of the Construction Engineering agreement. Control of the work should follow instructions provided in Sections 2.07 through 2.13 of KDOT's "[Construction Manual](#)", current edition, where 'Field Engineer' is the LPA PM, 'Inspector' is the LPA's CE Inspector, and 'District Engineer' is the PIRC. Traffic is to be handled during construction in accordance with the plans and the current edition of FHWA's "[Manual on Uniform Traffic Control Devices](#)" (MUTCD). Monitoring shall be performed to confirm the Contractor's compliance with Davis-Bacon wage requirements, EEO, DBE, and other contractual requirements.

The LPA shall pay the Contractor and submit a voucher for reimbursement to BLP on a **monthly** basis using the [Payment Request Form \(KDOT Form 1313\)](#). Appropriate data shall be provided to justify the amount of reimbursement and non-participating amounts clearly noted, with a billing summary sheet. The voucher will be checked by BLP and processed for payment. A copy of the [Certificate of Subcontractor Work Payment \(KDOT Form 1010LP\)](#) and [Monthly DBE Payment Affidavit \(KDOT Form 1008\)](#) shall be included with the reimbursement requests. Any changes to subcontractors must be approved using the same procedures as initially followed; If the DBE goal is affected, discuss with BLP.

The LPA shall maintain contact with BLP throughout the project. The LPA shall submit monthly construction progress reports to the PM. BLP will conduct audits of documentation, certifications and billing during the project construction. BLP shall be invited to all project progress meetings and be invited to the final inspection.

10.3.2.5.4 Change Orders - Primary Responsibility - LPA - Coordination with KDOT.

Often changes occur during construction of a project that requires adjusting the compensation paid to a Contractor. All changes must be within the scope and limits of the project. All change order requests must be submitted to the PM using the [Contract Change Order Form \(KDOT Form 1314\)](#) for review and approval **before the work is initiated**. KDOT will provide email concurrence on all changes within **3 business days**. If the LPA does not receive prior approval, the items on that change order may be deemed non-participating, as per the "Code of Federal Regulations", Title [23 CFR 635.120](#). KDOT's role is to provide general administrative oversight and to determine the amount of federal participation.

The LPA will submit change orders using the unit prices from the original bid tabs when possible. If unit prices for the work aren't included in the original paid items list, the LPA will conduct an independent cost analysis (per 23 CFR 635.120) for the proposed work. The LPA will submit to BLP the cost analysis and the proposal from the Contractor as backup documentation for the negotiated price. If line items are deleted or zeroed out by change order, they will be listed at the bottom of the pay estimate, in the change order section, as negative amounts. Line items shall never be completely removed from the original bid tabs/paid items list. When changing an existing item, the existing unit price must be used.

Non-participating items shall be clearly marked on the original bid tabs, plans, pay estimates and change orders. Email correspondence between the LPA and KDOT regarding the prior approval and determination of federal participation of the change order items shall be submitted by the LPA as backup documentation with change orders. Once the determination of participation has been made, the items will be marked accordingly on the pay estimates.

The LPA will conduct a cost analysis of all changes to the contract included in the change order request. Per KDOT's "Standard Specifications for State Road and Bridge Construction", [Section 104.9a](#), all direct and indirect costs associated with the Contract Change, including labor, materials, equipment, overhead, profit, impact costs and other costs for which the Contractor claims compensation is owed. Do not include prohibited costs as listed in Subsection 104.9c.

The LPA must list all changes on the [Final Paid Items List \(FPIL\)](#), and units and unit prices must be the same as on the Bid Item List. For example, if the bid item is 1 LS \$10,000, it can only be adjusted in \$10,000 increments.

10.3.2.5.5 Public Involvement Complete – Primary Responsibility – LPA

Public involvement is a continuous and ongoing process during project development and should continue through the construction phase. The LPA is responsible for implementing measures, appropriate for the specific project, to keep the public informed of project activities and to respond to their input.

10.3.2.5.6 Materials Certification - Primary Responsibility - LPA

The LPA is responsible for materials certifications as documented in KDOT's "Construction Manual", [Section 2.08](#), and KDOT's "Standard Specifications for State Road and Bridge Construction", [Section 2601](#). These certifications will verify the Contractor has furnished materials that meet specified requirements.

Materials sampling, testing procedures and materials certification requirements must be included in the LPA procedures manual and followed on each project. Materials testing personnel must be properly certified.

See KDOT's "Standard Specifications for State Road and Bridge Construction", [Section 106](#) for information on QC/QA or Verification testing.

Materials testing personnel performing materials tests on Federal-aid projects must be witnessed by BCM personnel. Mass witnessing events take place in each KDOT District on a yearly basis. Most consultants already participate. It is the LPA's responsibility to contact the local KDOT construction office to inquire about mass witnessing events.

10.3.2.5.7 Final Closeout - Primary Responsibility – LPA

Once the project is substantially complete, the LPA will coordinate with the Contractor, the Inspector, and the PM to perform a walk-through of the project. Any corrective measures to be addressed by the Contractor will be noted by the LPA and a schedule to complete the corrective work (if any) will be determined. Once the LPA is satisfied that the project is complete, they will begin the final closeout process for the project.

The LPA is responsible for creating and submitting the following documents to the PM:

- **Notice of Acceptance.** This document notifies the Contractor that the LPA has accepted the project and that the Contractor is relieved of their responsibility for maintenance of barricades, lights and watchmen, and will no longer be required to perform additional work or maintenance.
- **DBE Summary Report.** This document shows that the DBE goals were met.
- **Construction Summary Document.** This document certifies that all project activities (PE, CE, and Construction) have been completed in accordance with federal and state laws and regulations as well as KDOT's "Construction Manual" and/or the LPA's approved procedures manual. The document will include a final statement that the Contractor has provided appropriate materials certification for the project.
- **Final Acceptance of Federal-Aid Project Constructed Under Exempt Oversight.** This document states the LPA's acceptance of the project and compliance with all federal regulations and material certifications.
- **State of Kansas Project Completion Certificate (PR-77).** This document certifies that all tax-exempt materials purchased under the exemption certificate were incorporated into the project.
- **Paid Items List by Work Type.** This document provides a final breakdown of costs by work type (i.e., roadway, surfacing, bridges, traffic signals, and common items) with the participating and non-participating items clearly separated. It must include all costs associated with the project regardless of funding source.
- **Final Invoice.**

Examples of these documents are provided in [Appendix A](#) below.

10.3.2.5.8 Project Audit - Primary Responsibility – KDOT

Costs shall be audited according to the "The Single Audit Standards" set forth in [Federal O.M.B. Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations"](#) and in the "the Office of Management and Budget Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards", Title [2 CFR part 200](#).

10.3.2.5.9 Final Payment - Primary Responsibility – KDOT

After the audit is completed, KDOT will submit the final claim to FHWA. After FHWA concurs with the final claim, KDOT will provide the LPA with a "Final Statement of Costs" for final settlement.

10.3.2.5.10 Retention of Records – Primary Responsibility – LPA

The LPA is responsible for retaining all project records for five years after the project's completion.

Appendix A – Index of Items

Documentation of Public Meeting

Authority to Bid

Checklist for Authority to Award

Authority to Award Contract Document from LPA

Letting Summary Document

KDOT BLP LPA Approved Sub-Contractors Form

Example of DBE Commitment Letter

EEO and DBE Required Documentation

Final Transmittal

Notice of Acceptance

DBE Summary Report

Construction Summary Document

Final Acceptance of Federal-Aid Project Constructed Under Exempt Oversight

Paid Items List by Work Type

Final Invoice

Project Completion Certificate (PR-77)

Documentation of Public Meeting

Documentation of Public MeetingProject Location: KDOT Project No.: LPA Project No.: Project Name: Project Limits: Meeting Location: Meeting Date and Time: Translation Services: ☐ Yes ☐ No If yes, what language(s):

Presenters:

Elected Officials in Attendance:

Total number of attendees (approx.): Total number of commenters:

Describe how the event was advertised:

Contents/Attachments:

- A. Comment/response matrix
- B. Notices
- C. Sign-in sheet(s)
- D. Comments received
- E. Figures, handouts, etc.

Authority to Bid

Dwight D. Eisenhower State Office Building
700 S.W. Harrison Street
Topeka, KS 66603-3745

Julie L. Lorenz, Secretary
Michael J. Stringer, P.E., Chief



Phone: 785-296-3861
Fax: 785-296-6946
kdot#publicinfo@ks.gov
<http://www.ksdot.org>
Laura Kelly, Governor

June 25, 2019

Re: 23 U-2334-01
SRTS Phase 2
City of Lawrence
Douglas County

Mr. Dave Cronin, P.E.
City Engineer
City of Lawrence
6 East 6th Street
Lawrence, Kansas 66044

Dear Mr. Cronin,

The Plans, Specifications, and Estimate (PS&E) for the referenced project were approved on 6/21/2019 and the Federal Highway Administration has approved the obligation of funds for this project. Therefore, the City is hereby authorized to take bids for contract after a minimum 21-day advertisement.

After the bids have been opened and the City has identified the lowest responsible bidder, please submit a copy of the low bidder's bidding documents, a copy of the bid tabs, and a copy of the DBE's acceptance of his subcontract offer to this office. Upon satisfactory review by KDOT, we will authorize the City to award the contract and issue the Notice to Proceed.

Sincerely,

Bill Legge, P.E.
Local Road Engineer

BL

c: Jake Baldwin, P.E., City of Lawrence
file

Checklist for Authority to Award

ITEMS REQUIRED FOR AUTHORITY TO AWARD

PROJECT _____

LETTING DATE _____

- ☐ All required provisions that were included during PS&E review are still included?
- ☐ LPA reviewed bids for collusion (memo)?
- ☐ Submit bid tabs to Construction & Materials for review.
- ☐ Receive comments from Construction & Materials regarding review of bid tabs?
- ☐ 04-26-90: Declaration - Limitations on Use of Federal Funds signed by Contractor?
- ☐ 08-10-66: Certification – Non-collusion and History of Debarment signed by Contractor?
- ☐ 07-19-80: DBE Contract Goals completed and signed by Contractor?
- ☐ DBE Commitment Letter signed by DBE?
- ☐ 01-01-11: Tax Clearance Certificate completed and signed by Contractor?
- ☐ Does listed DBE participation equal or exceed the established DBE goals?
- ☐ Are listed DBE contractors on the approved DBE list?

Revised 10/2014

Checklist for Authority to Award

Authority to Award Contract Document from LPA

December 1, 2014

John Smith
Bureau of Local Projects
Kansas Department of Transportation
Dwight D. Eisenhower State Office Building
700 SW Harrison Street, 3rd Floor
Topeka, KS 66603-3745

XX N-XXXX-01
GEOMETRIC IMPROVEMENTS - CITY OF ANYTOWN

Dear Mr. Smith:

Please find the attached AUTHORITY TO AWARD CONTRACT COMMITMENT OF FEDERAL/STATE FUNDS that has been executed by the City of Anytown. You will also find a copy of the bid tabulation resulting from the letting on November 30, 2014, and the required contract documents indicating Contractor compliance with the following items:

- Certification – Non-collusion and History of Debarment;
- Declaration - Limitations on use of Federal Funds for Lobbying;
- Certification - Contractual Services with a Current Legislator or a Current Legislator's Firm;
- DBE Contract Goals (DBEs are on the approved KDOT list); and
- DBE subcontractor commitments.

Acme Construction Company, the design consultant, and Anytown staff have reviewed the detailed bid tabulations and compared them with other recent bid lettings on similar projects in the City of Anytown. We find no evidence of contractor collusion or bid rigging.

We are requesting KDOT authorization, so we can award this contract by December 15, 2014. Please return the fully executed copy to my attention.

If you have any questions or comments, please contact me as soon as possible.

Sincerely,
Sally Jones, PE
Project Manager, Anytown, KS

Attachment

Authority to Award Contract Document from LPA (Continued)

**AUTHORITY TO AWARD CONTRACT
COMMITMENT OF FEDERAL/STATE FUNDS**
September 30, 2016

Project No.: XX N-XXXX-01 (Project Name)
STP-NXXX(X01)

WHEREAS bids were received at Anytown, Kansas on September 29, 2016 for the performance of work covered by plans on the above numbered project, and

WHEREAS the bidder and low bid or bids on work covered on this project were:

CONTRACTOR	ADDRESS	TYPE OF WORK	AMOUNT
Acme Construction Co.	P.O. Box 1234 Anytown, KS 66xxx	Grading, Surfacing, Seeding	\$1,000,000.00

WHEREAS bids are considered satisfactory and have been recommended by the City Engineer of the City of Anytown, for consideration and acceptance of the work on this project as covered by such bid or bids.

The State Transportation Engineer of the State of Kansas, and the City of Anytown agree to fund the cost of construction in accordance with the City/State Agreement No. XXX-YY.

Recommended for Approval:

Sally Jones, P.E.
City of Anywhere Title

Date

Catherine M. Patrick, P.E.
State Transportation Engineer

Date

Letting Summary Document

LETTING SUMMARY DOCUMENT
November 6, 2013

Project: 46 N-0545-01 / HSIP-N054(501)
College Boulevard & Lackman Road Traffic Improvements

Johnson County

MEMORANDUM TO: Bureau Chief - Bureau of Local Projects

The above referenced project was advertised in publications listed below on the dates indicated in accordance with Section 102.01 KDOT's Standard Specification for State Road and Bridge construction, current edition.

<u>Publication</u>	<u>Date Advertised</u>
Legal Record	7/23/13, 7/30/13, 8/6/13, 8/13/13, 8/20/13
Kansas Register	7/25/13, 8/1/13, 8/8/13, 8/15/13, 8/22/13

Contractors were prequalified in accordance with KDOT's Standard Specification for State Road and Bridge Construction, current edition, and KDOT's Construction Manual or they were taken from KDOT's list of pre-qualified contractors.

Contract documents that were used fulfilled federal and state requirements in regard to letting procedures and with the City of Lenexa's Project Procedures Manual.

Public opening of the proposals took place **August 29, 2013** at **Lenexa City Hall, 12350 W. 87th Street Parkway, Lenexa, Kansas** in accordance with State Law and Regulations and with the City of Lenexa's Project Procedures Manual.

The bid of the lowest responsible and qualified bidder was accepted and contracts were awarded on **October 15, 2013** in accordance with the City of Lenexa's Project Procedures Manual.

A handwritten signature in black ink, appearing to read "Tim Green", is written over a horizontal line.

Tim Green, PE
City Engineer

City of Lenexa / 12350 West 87th Street Parkway / Lenexa, Kansas 66215-2882
City of Lenexa / P.O. Box 14888 / Lenexa, Kansas 66285-4888
Telephone (913) 477-7500 / Fax (913) 477-7504

KANSAS DEPARTMENT OF TRANSPORTATION
LPA APPROVED SUB-CONTRACTORS

LPA City: _____
Prime Contractor: _____

☐ Federally-Aided contracts. These contracts contain the applicable Required Contract Provisions, Specific Equal Employment Opportunity Responsibilities, and FHWA-1273. The requirements of this Contract Provision will be physically incorporated into such subcontract.

☐ State Funded Contracts. These contracts contain the applicable Required Contract Provisions, Specific Equal Employment Opportunity Contractual Requirements. The applicable requirements of this Contract provision will be physically incorporated into such subcontract.

[illegible]

Approved on _____, 20____
(Month) (Day) (Year)

By _____
Local Public Authority

Example of DBE Commitment Letter

CRAIG S. OWENS
CITY MANAGER

City of Lawrence

MUNICIPAL SERVICES & OPERATIONS

City Offices
PO Box 708 66044-0708
www.lawrenceks.org6 East 6th St
785-832-3000
FAX 785-832-3405

CITY COMMISSION

MAYOR
LISA LARSEN

COMMISSIONERS

JENNIFER ANANDA, JD, MSW
MATTHEW J. HERBERT
LESLIE SODEN
STUART BOLEY

July 31, 2019

Traffic Management LLC
2378 Cheyenne Rd
Holton, KS 66436Safe Routes to School Phase 2
23 U-2334-01
DBE SUBCONTRACT

Your firm received a subcontractor commitment in this letting. The information is listed below. If this agrees with your records and if you are ready, willing, and able to perform this work please sign and date below and fax, email, or mail a copy within 48 hours.

<u>PROJECT</u>	<u>CONTRACTOR</u>	<u>SUBCONTRACT AMOUNT</u>	<u>LINE ITEMS</u>
23 U-2334-01	Traffic Management	\$6,450.00	2

If you have any questions, please contact this office at (785) 832-3196.

Sincerely,

Jake Baldwin, PE
Senior Project Engineer

Signature:

Date: 7/31/2019



We are committed to providing excellent city services that enhance the quality of life for the Lawrence Community

EEO and DBE Required Documentation

Document	Frequency	Who Retains
EEO Policy – prime & subs	Calendar Year	Office of Civil Rights Compliance
DBE Certification	At Contract Award ● Only 60% of DBE supplier value can be used	DBEs and Office of Civil Rights Compliance
Wage Rate Interviews	One employee/company/quarter	LPA
Certified Payroll	Weekly (within 7 calendar days of pay)	Contractor and LPA
Bulletin Board	Details posters required for project	Contractor
Bulletin Board Check Sheet	Maintain during project	LPA
Form 239* Field Construction Administrator's Report	When Project is 20-30% complete	LPA and BLP
Form 270 (or similar from LPA) DBE Payment Affidavit	End of Project	LPA, BLP and Office of Civil Rights Compliance
Form 294* Additional Classification Request Form	As needed for job classes not in contract	Contractor, LPA, BLP and BOCM
Form 1003 Federal-Aid Highway Construction Employment Data Summary	Monthly (contracts over \$500,000)	Contractor and BLP
Form 1008 Monthly DBE Payment Affidavit	Monthly - One per each DBE subcontractor (by the 5 th for preceding month)	BLP
Form 1010LP Certificate of Subcontractor Work and Payment	Monthly (within 15 calendar days after making subcontractor payment)	Contractor, LPA and BLP
Form 1014* Commercially Useful Function	One for Each DBE per project (when DBE's work is 1/3 to 1/2 complete)	LPA and BLP
Form 1391 (FHWA) Federal-Aid Highway Construction Contractors Annual EEO Report	Annually to Civil Rights Compliance (last full pay period of July)	Office of Civil Rights Compliance

***Request from the BLP PM**

Final Transmittal

January 8, 2014



Ed Thornton, P.E.
Bureau of Local Project
Kansas Department of Transportation
700 SW Harrison
Topeka, KS 66603-3754

RE: 46 N-0568-01
151ST & MAHAFFIE GEOMETRIC IMPROVEMENTS PROJECT
CITY OF OLATHE (PN 3-C-002-11)

Dear Ed:

I am enclosing the following documents in order to complete the final closeout of the subject project and receive final payment reimbursement up to the agreed cap amount:

- Notice of Acceptance
- DBE Summary Report
- Construction Summary Document
- Final Acceptance of Federal-Aid Projects Constructed Under Exempt Oversight
- State of Kansas Project Completion Certificate
- Paid Items List by Work Type
- Final Invoice

The final construction invoice for payment in the amount of \$6,345.16 has been sent to you in the Topeka office. This final amount represents the total reimbursements requested for this project less retainage.

Please call me at (913) 971-9032 if you have any questions regarding the attached paperwork or request.

Sincerely,

Therese Mersmann, P.E.
Capital Projects and Development Manager

Notice of Acceptance

CITY OF OLATHE

NOTICE OF ACCEPTANCE

X OF CONTRACT ___ OF PORTION OF CONTRACT

TO Gunter Construction Company CONTRACTOR

CITY OLATHE PROJECT NO. 3-C-002-11 KDOT PN 46 N-0568-01

TYPE OR NET 0.122 KILOMETERS
BRIDGE NO. Turn Lane Addition LENGTH OF PROJECT: GROSS 0.122 KILOMETERS


PREVIOUS SURFACE TYPE Asphalt NEW SURFACE TYPE Asphalt

DATE CONTRACTOR COMPLETED WORK November 14, 2013

You are hereby notified that the contract described as follows: 400 L.F. of turn lane addition with demolition and removal of existing curbs and pavement, storm sewer modifications, traffic signal modifications, and all other related work and appurtenances necessary to complete the project.

was accepted on November 14, 2013 and you are hereby relieved of your responsibility for maintenance of barricades, lights and watchmen, and will be required to perform no additional work or maintenance subject to contractual requirements and the following conditions: _____

RECOMMENDED BY:


Project Engineer

APPROVED BY


City Engineer

This is to affirm that I agree to the acceptance of the portion of the contract and to the conditions stated above.

CONTRACTOR _____

SIGNED BY _____

NOTE: Contractor's signature required only for acceptance of portion of contract. This form to be mailed to the Contractor and to the Bureau of Construction and Maintenance on the date of acceptance of the project.

2/10/98

City Form V-2398

DBE Summary Report


City of Olathe

DBE SUMMARY REPORT

MEMORANDUM TO: Bureau Chief, Bureau of Local Projects

Date: December 5, 2013Project: 151st & Mahaffie Geometric Improvements
Johnson CountyKDOT Project No. 46N-0568-01Contractor: Gunter Construction CompanyContract Amount: \$153,086.98

<u>DBE</u> <u>SUBCONTRACTOR</u>	<u>SUBCONTRACT</u> <u>AMOUNT</u>	<u>ITEMS</u> <u>PERFORMED</u>
Tenoch Construction, Inc	\$13,000	7


Project Engineer

Construction Summary Document

CONSTRUCTION SUMMARY DOCUMENT

DATE: December 1, 2014

Project: XYZ Geometric Improvements ProjectLocation: Nowhere County

MEMORANDUM TO: Bureau Chief, Bureau of Local Projects

Notice to proceed on the referenced project(s) was issued to Acme Construction Company Contractor(s) on April 1, 2014 in accordance with Section 101.43, KDOT's Standard Specification for State Road and Bridge Construction, current edition.

Contract administration was completed in accordance with the requirements referenced in Section 15.3.2.5, LPA Project Development Manual.

Notice of Acceptance of the contracted work was issued to the contractor(s) in accordance with Section 105.17, KDOT's Standard Specification for State Road and Bridge Construction, current edition.

Materials Certification was completed in accordance with Section 2.07, KDOT's Construction Manual, current edition, and Section 2600, KDOT's Standard Specification for State Road and Bridge Construction, current edition.

Preliminary Engineering (PE) performed by the PE consultant was accepted as complete.

Construction Engineering (CE) performed by the CE consultant was accepted as complete.

City Engineer

Final Acceptance of Federal-Aid Project Constructed Under Exempt Oversight

CITY OF OLATHE

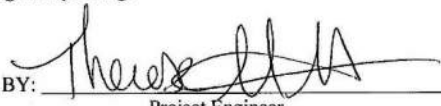
FINAL ACCEPTANCE OF FEDERAL – AID PROJECTS
CONSTRUCTED UNDER EXEMPT OVERSIGHTKDOT PROJECT NO. 46-N-0568-01 CITY: OLATHE

DESCRIPTION OF IMPROVEMENT AS PROGRAMMED: 400 L.F. of turn lane addition with demolition and removal of existing curbs and pavement, storm sewer modifications, traffic signal modifications, and all other related work and appurtenances necessary to complete the project.

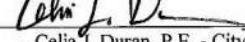
CONTRACTOR'S NAME:	CONTRACT AMOUNT:
Gunter Construction Company	\$153,086.98

NOTICE OF ACCEPTANCE REQUIREMENTS: The above project has been completed under the provisions of Title 23 C.F.R. and all applicable Federal and State rules and regulations. All Notice of Acceptance's have been submitted and Final Contractor Payments have been made. There is no litigation pending.

FINAL INSPECTION:

BY: 
Project EngineerDATE: 1/8/14

APPROVAL:

BY: 
Celja J. Duran, P.E. - City EngineerDATE: 1/8/14

2/10/98

City Form V-2698

Paid Items List by Work Type

151st & Mahaffie Turn Lane							
KDOT Project Number 46N-0568-01							
City of Olathe PN 3-C-002-11							
Gunter Construction Company - Bid Breakdown							
Item No.	Item Name	Qty	Unit	Participating		Non-Participating	
				Unit Price	Total Price	Unit Price	Total Price
1	Clearing and Grubbing	1	L.S.	1,145.00	1,145.00		
2	Excavation and Grading	245	C.Y.	100.00	24,500.00		
3	Curb and Gutter Removal and Disposal	93	S.Y.	50.00	4,650.00		
4	Sidewalk Removal and Disposal	371	S.Y.	11.00	4,081.00		
5*	6" Aggregate Base (OP-Modified AB-3)	429	S.Y.	14.00	6,006.00		
6*	Install 2" Superpave Asphaltic Concrete	359	S.Y.	25.00	8,975.00		
7*	Install 8" Superpave Asphaltic Concrete Base	259	S.Y.	71.00	18,389.00		
8*	Install 10" Concrete Pavement	59	S.Y.	83.00	4,897.00		
9	Install Type B Concrete Curb & Gutter	408	L.F.	17.00	6,936.00		
10	Install 4" Concrete Sidewalk (5' width)	233	S.Y.	30.00	6,990.00		
11	Install ADA Handicap Sidewalk Ramp	1	ea.	1,390.00	1,390.00		
12	Convert Curb Inlet to Junction Box	1	ea.	2,250.00	2,250.00		
13	Install 4x4' Curb Inlet	1	ea.	3,000.00	3,000.00		
14	Install 15" RCP	9	L.F.	100.00	900.00		
15	Install 6" HDPE Underdrain	193	L.F.	15.00	2,895.00		
16*	4" Solid Yellow Cold Plastic Line	80	L.F.	2.50	200.00		
17	6" Solid White Cold Plastic Lane Line	424	L.F.	3.50	1,484.00		
18	6" Solid White Cold Plastic X-Walk Line	223	L.F.	3.50	780.50		
19	6" Dotted White Cold Plastic Extension Line	415	L.F.	1.25	518.75		
20	12" Solid Yellow Cold Plastic Diagonal Line	23	L.F.	7.00	161.00		
21*	24" Solid White Cold Plastic Stop Line	45	L.F.	14.00	630.00		
22	Turn Arrow White Cold Plastic	5	ea.	185.00	925.00		
23	Turn/Thru Arrow White Cold Plastic	3	ea.	275.00	825.00		
24	Word Symbol White Cold Plastic	1	ea.	250.00	250.00		
25	Permanent Street Signing	2	ea.	300.00	600.00		
26	Traffic Signal Reconstruction (Mahaffie Street)	1	L.S.	35,950.00	35,950.00		
27*	Sod - (Tall Turf Type Fescue)	518	S.Y.	6.00	3,108.00		
28	Erosion Control and SWPPP Compliance	1	L.S.	600.00	600.00		
29	Mobilization	1	L.S.	6,305.00	6,305.00		
30	DBE Mobilization	1	L.S.	1,000.00	1,000.00		
31	Temporary Traffic Control	1	L.S.	3,450.00	3,450.00		
32	Construction Staking	1	L.S.	950.00	950.00		
33*	Additional Milling	1	LS	1,162.04	1,162.04		
34**	Damage to Traffic Signal Cabinet	1	LS	(2,816.31)	(2,816.31)		
Bid Total					\$ 153,086.98		\$ -

Work Type Summary			
	Participating	Non-Participating	Total
Common Items			
Roadway			
Surfacing			
Storm/Sewer/Water			
Traffic Signals			
Total			

Final Invoice (Page 1 of 2)

ESTIMATE NO: 4 - Final

PROJECT NAME: 151st & Mahaffie Turn Lane

ENGINEER: Schlager and Associates

PROJECT NO. 3-C-002-11 ENC# 700143

DATE: 11/13/2013 OL 200982

CONTRACTOR: Gunter Construction

Item#	Item	Quantity	Unit	Unit Cost	Contract Price	Units to Date	Value of Work Completed	% Complete
1	Clearing and Grubbing	1	LS	1,145.00	\$1,145.00	1	\$1,145.00	100%
2	Excavation and Grading	245	CY	100.00	\$24,500.00	245	\$24,500.00	100%
3	Curb and Gutter Removal and Disposal	93	SY	50.00	\$4,650.00	93	\$4,650.00	100%
4	Sidewalk Removal and Disposal	371	SY	11.00	\$4,081.00	371	\$4,081.00	100%
5*	6" Aggregate Base (OP-Modified AB-3)	429	SY	14.00	\$6,006.00	429	\$6,006.00	100%
6*	Install 2" Superpave Asphaltic Concrete	359	SY	25.00	\$8,975.00	359	\$8,975.00	100%
7*	Install 8" Superpave Asphaltic Base	259	SY	71.00	\$18,389.00	259	\$18,389.00	100%
8*	Install 10" Concrete Pavement	59	SY	83.00	\$4,897.00	59	\$4,897.00	100%
9	Install Type B Concrete Curb & Gutter	408	LF	17.00	\$6,936.00	408	\$6,936.00	100%
10	Install 4" Concrete Sidewalk (5' width)	233	SY	30.00	\$6,990.00	233	\$6,990.00	100%
11	Install ADA Handicap Sidewalk Ramp	1	Ea	1,390.00	\$1,390.00	1	\$1,390.00	100%
12	Convert Curb Inlet to Junction Box	1	Ea	2,250.00	\$2,250.00	1	\$2,250.00	100%
13	Install 4'x4' Curb Inlet	1	Ea	3,000.00	\$3,000.00	1	\$3,000.00	100%
14	Install 15" RCP	9	LF	100.00	\$900.00	9	\$900.00	100%
15	Install 6" HDPE Underdrain	193	LF	15.00	\$2,895.00	193	\$2,895.00	100%
16*	4" Solid Yellow Cold Plastic Line	80	LF	2.50	\$200.00	80	\$200.00	100%
17	6" Solid White Cold Plastic Lane Line	424	LF	3.50	\$1,484.00	424	\$1,484.00	100%
18	6" Solid White Cold Plastic X-Walk Line	223	LF	3.50	\$780.50	223	\$780.50	100%
19	6" Dotted White Cold Plastic Extension Line	415	LF	1.25	\$518.75	415	\$518.75	100%
20	12" Solid Yellow Cold Plastic Diagonal Line	23	LF	7.00	\$161.00	23	\$161.00	100%
21*	24" Solid White Cold Plastic Stop Line	45	LF	14.00	\$630.00	45	\$630.00	100%
22	Turn Arrow White Cold Plastic	5	Ea	185.00	\$925.00	5	\$925.00	100%
23	Turn/Thru Arrow White Cold Plastic	3	Ea	275.00	\$825.00	3	\$825.00	100%
24	Word Symbol White Cold Plastic	1	Ea	250.00	\$250.00	1	\$250.00	100%
25	Permanent Street Signing	2	Ea	300.00	\$600.00	2	\$600.00	100%
26	Traffic Signal Reconstruction (Mahaffie St)	1	LS	35,950.00	\$35,950.00	1	\$35,950.00	100%
27*	Sod - (Tall Turf Type Fescue)	518	SY	6.00	\$3,108.00	518	\$3,108.00	100%
28	Erosion Control and SWPPP Compliance	1	LS	600.00	\$600.00	1	\$600.00	100%
29	Mobilization	1	LS	6,305.00	\$6,305.00	1	\$6,305.00	100%
30	DBE Mobilization	1	LS	1,000.00	\$1,000.00	1	\$1,000.00	100%
31	Temporary Traffic Control	1	LS	3,450.00	\$3,450.00	1	\$3,450.00	100%
32	Construction Staking	1	LS	950.00	\$950.00	1	\$950.00	100%
33*	Additional Milling	1	LS	1,162.04	\$1,162.04	1	\$1,162.04	100%
34**	Damage to Traffic Signal Cabinet	1	LS	(2,816.31)	(\$2,816.31)	1	(\$2,816.31)	100%
					\$153,086.98		\$153,086.98	

Unused Materials on Hand

\$0.00

Final Invoice (Page 2 of 2)

ESTIMATE NO: 4 - Final
 PROJECT NAME: 151st & Mahaffie Turn Lane
 ENGINEER: Schlager and Associates

PROJECT NO. 3-C-002-11 ENC# 700143
 DATE: 11/13/2013
 CONTRACTOR: Gunter Construction

Item#	Item	Quantity	Unit	Unit Cost	Contract Price	Units to Date	Value of Work Completed	% Complete
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ORIGINAL CONTRACT AMOUNT	\$149,023.25
CHANGE ORDER 1	\$6,880.04
CHANGE ORDER 2	(\$2,816.31)
REVISED CONTRACT AMOUNT	\$153,086.98

Total Value of Work and Unused Material on Hand	\$153,086.98
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Total Previous Payments	\$145,155.54
Total Previous Retainage	\$7,639.77
Total Previous Value of Work & Unused Material on hand	\$152,795.31
Total Payments to Date	\$153,086.98
Total Retainage to Date	\$0.00
Amount Remaining on Contract	\$0.00

Current Value of Work & Unused Material on Hand	\$7,931.44
Less % To be Retained (0%)	\$0.00
AMOUNT DUE	\$7,931.44

100%

Inspector

Project Manager

Contractor

Project Completion Certificate (PR-77)

Office of Policy & Research
Kansas Department of Revenue
915 SW Harrison Street
Topeka, KS 66612-1588

Phone: (785) 296-3498
Fax: (785) 296-7928

STATE OF KANSAS
PROJECT COMPLETION CERTIFICATE

TO: City of Olathe

Name of Entity to whom Project Exemption Certificate was Issued

100 E Santa Fe
Street

Olathe
City

Kansas
State

66061
Zip Code

This is to certify, to the best of my knowledge and belief, that all materials purchased under **Exemption Certificate Number 0000032995**, issued by the Kansas Department of Revenue, were incorporated into the building or project for which the exemption was issued and were entitled to an exemption pursuant to K.S.A. 79-3606(d), (e), or (ee), as amended.

Gunter Construction Company
Contractor/Subcontractor

510 Southwest Boulevard, Ste A
P.O. Box and/or Street Number and Name

Kansas City, KS 66103
City, State Zip

Chris D. V. A., President
Signature and Title of Authorized Representative

12/6/13
Date

INSTRUCTIONS

Upon completion of a tax exempt project, the contractor must furnish this certification to the taxpayer for which the work was performed. A copy of this certificate must also be forwarded to the Kansas Department of Revenue, Office of Policy & Research, 915 SW Harrison Street, Topeka, Kansas 66612-1588. All invoices must be retained by the contractor for a period of five (5) years and are subject to audit by the Kansas Department of Revenue.

PR-77 (Rev. 7/98)