

## **15.0 LPA-ADMINISTERED PROCEDURES**



## **15.0 PROJECT DEVELOPMENT MANUAL FOR NON-NHS LOCAL GOVERNMENT ROAD AND STREET PROJECTS, LPA-ADMINISTERED PROCEDURES**

### **15.1 List of Acronyms:**

PIL-Paid Items List/Bid Tabs

FPIL-Final Paid Items List

TIP-Transportation Improvement Program

LCM-Local Construction Manager

PDE-Project Development Engineer

CMS-Construction Management System

MPO-Metropolitan Planning Organization

DBE-Disadvantaged Business Enterprise

### **15.2 Introduction**

#### **15.2.1 Purpose:**

KDOT, in cooperation with the FHWA, has developed a program through which local units of government may administer their own federally funded non-National Highway System (non-NHS) projects with minimum oversight from KDOT. Under this program the LPA develops, and submits for approval by KDOT, its own procedures for administration of the project following the guidelines contained in this section of the manual. The purpose of this section of the manual is to outline the responsibilities of the Bureau of Local Projects (BLP) and the Local Public Authority (LPA) for federal or state aid projects that are administered by the LPA with limited oversight by KDOT.

#### **15.2.1.1 LPA Qualification Requirements:**

##### **15.2.1.1.1 Compliance Requirements:**

KDOT 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 a LPA to be approved to administer its federally funded non-NHS 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, publicly employed, licensed professional engineer in responsible charge.
2. LPA must have a full-time professional staff to administer projects.
3. Approval by KDOT of all locally developed design criteria manuals and specifications.
4. Review by the LPA of the Project Development Manual for Non-NHS Local Government Road and Street Projects, LPA-Administered Procedures including all appendices.
5. Meet with BLP staff and discuss procedures and responsibilities.
6. **Initial Recertification** - LPA shall submit to BLP an initial recertification due to the changes in this manual. This will include historical lettings (a worksheet showing the scope of the project, the awarded bidder and the bid amount for all LPA-Administered projects for the last five years), and requiring the LPA to provide their process for fraud training in bid tab analysis proving that no collusion or bid rigging is occurring.
7. **Procedure Development** - Develop procedures for project development, including planning, design, letting, and contract administration. These procedures shall be submitted to KDOT for approval every **two years**. All subsequent changes to the LPA's procedures to be submitted to BLP immediately for approval of changes.

**15.2.1.1.2     KDOT Responsibilities:**

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

1. A determination that the LPA is suitably equipped and organized to discharge the duties of Title 23.
2. Review of LPA's design and construction policies, manuals, standards, and specifications.
3. Confirmation that adequate acceptance, independent assurance sampling and testing, and manufacturers' materials certifications are incorporated in the LPA's materials process.
4. Development and approval of the Project Authorization Form (Form 883).
5. Authorizing the LPA to proceed with the project.
6. Providing environmental oversight and coordinate with resource agencies.
7. Participation in project field checks.
8. Review and concurrence in PS&E.

9. Request authorization of federal funds.
10. Obligation of federal funds for the project.
11. Issuance of an Authority to Advertise to the project for a minimum of 30-days.
12. Concurrence in award of the construction contract.
13. Attendance at the Pre-Construction conference
14. Creation of a contract in CMS for KDOT tracking of project costs and for reimbursement documentation.
15. Tracking DBE participation monthly
16. Determination of participation in change orders. This includes concurrence in/approval of all change orders prior to the contractor beginning the work.
17. Assistance to the LPA during construction with materials testing, inspection and construction issues.
18. Providing FPIL (Final Paid Items List) to fiscal including all changes from original contract.
19. Conducting final inspection and final acceptance of the project.
20. Confirmation of compliance with non-Title 23 laws and regulations, i.e., Davis-Bacon, NEPA, Relocation Assistance Act, Buy America, Debarment, etc.

**15.2.1.1.3     LPA Responsibilities:**

**Project-specific requirements:**

1. Project must be on TIP. This must be complete prior to submitting 1302. For more information, please see Section 2 (Programming) of this manual.
2. Submission of a request to develop the project under the approved procedures.
3. Development of a project schedule (City Administered Project Schedule, available here under Downloadable Forms & Manuals <http://www.ksdot.org/burLocalProj/default.asp>) in the Downloadable Forms, and cost estimate.
4. Execution of an agreement for project responsibilities through BLP and proceed with project development.
5. Field Check submitted in accordance with the E-plans submittal instructions. <http://www.ksdot.org/burLocalProj/default.asp>, in the E-Plans section.

6. R/W and Utilities (Form 1304 and 1306)
7. All Project Permits (Form 1307)
8. Final Check submitted in accordance with the E-plans submittal instruction
9. PS&E submittal (Contract docs including required contract specifications  
<http://www.ksdot.org/burconsmain/specprov/2007/pdf/07-required.pdf>)
10. Advertisement (minimum 30-day)
11. Awarding of construction contract
12. Submitting signed contracts and Letting Summary Documents along with Bid Tabs/Paid Items List (PIL) in Excel format to be used by KDOT Bureau of Fiscal Services
13. Inviting Local Construction Manager (LCM) to the pre-construction meeting
14. Providing LCM with half size construction set of plans
15. Sending LCM Notice to Proceed (NTP) document
16. Submitting reimbursement requests monthly including Form 1010, Prompt pay document, and billing summary sheet
17. Submitting change orders with in proper format with necessary documentation (copy of email with concurrence and/or discussion) including determination of participating and non-participating items
18. Reviewing materials certifications

Providing the Project Development Engineer (PDE) with the Construction Summary Documents, including the Final Paid Items List (FPIL), example available here:  
<http://www.ksdot.org/burLocalProj/default.asp> in the downloadable forms section, and the Notice of Acceptance

### 15.3 **Administration**

**Federal Aid Funds:** Federal Aid Fund categories and fiscal and audit responsibilities are discussed in Section 2 (Programming) of this manual.

### 15.4 **Procedures**

#### 15.4.1 **Responsibility and Authority:**

The KDOT Standard Operating Manual (S.O.M.), KDOT Responsibility and Authority Statements Manual, and this document are the basis for development of county and city qualifying projects. The BLP provides information to the counties and cities relative to funding opportunities and regulations of the FHWA and KDOT. Information pertaining to the requirements for county and city federal-aid highway improvement projects is provided to the counties, cities and Metropolitan Planning Organizations (MPOs) through this manual and BLP Memorandums. Project types may include road or bridge construction or may consist of resurfacing, restoration, and rehabilitation (3R) projects such as bridge painting, signing, surface overlay, etc. The Bureau of Program and Project Management (BPPM) is responsible for preparing the State System projects, referred to as the State Transportation Improvement Program (STIP). In addition, BPPM coordinates the efforts of the various KDOT Bureaus and offices in preparation and maintenance of the statewide program for projects required under Title 23 and Title 49, U.S. Code.

#### **15.4.2 Procedures Outline:**

Alternative procedures other than those previously approved by KDOT can be followed when proposed by the LPA and approved by KDOT. **Any alternative procedures should accomplish the intent of the project development process described herein and meet scheduling and FHWA requirements.** 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 Title 23 and applicable Non-Title 23 federal requirements. Activities listed are common to the various types and scopes of non-NHS projects that are developed under federal aid non-full oversight procedures. Activities are designated by a number, and instructions are provided for the completion of each. KDOT, DOT and BLP forms listed in the Activities instructions may be used, or the LPA may develop, with KDOT's approval, its own forms for submittal to KDOT to accomplish the verification.

#### **15.4.3 Project Development Procedures for Locally Administered Projects**

##### **Initiation, Scoping and Scheduling**

| <u>Phase</u> | <u>Activity</u>                    |
|--------------|------------------------------------|
| A1           | Needs/Priority Evaluation          |
| A2           | Public Involvement                 |
| A3           | Project Request                    |
| A4           | Project Authorization (Form 883)   |
| A5           | Project Agreement                  |
| A6           | Begin Environmental Review Process |

**Preliminary Design**

|     |  |
|-----|--|
| B1  | Consultant Selection Process                 |
| B2  | Consultant Selection Process Certification   |
| B3  | Field Surveys                                |
| B4  | Request for Design Exception                 |
| B5  | Preparation & Submittal of Field Check Plans |
| B6  | Field Check Plan Review                      |
| B7  | Field Check                                  |
| B8  | Continue Environmental Process               |
| B9  | Continue Public Involvement Process          |
| B10 | Public Interest Finding                      |

**Final Design**

|     |                                       |
|-----|---------------------------------------|
| C1  | Design Exception Approved             |
| C2  | Initiate ROW Activities               |
| C3  | Initiate Utility Relocations          |
| C4  | Continue Environmental Review Process |
| C5  | Complete NEPA Documentation           |
| C6  | Complete ROW Acquisition              |
| C7  | Complete Utility Relocations          |
| C8  | Obtain Permits                        |
| C9  | Submit PS&E Package                   |
| C10 | PS&E Review                           |
| C11 | Additive Alternates                   |
| C12 | Obligation of Funds                   |
| C13 | Contract Addenda                      |
| C14 | Construction Engineering Agreements   |
| C15 | Continue Public Involvement           |

**Letting**

|    |                                       |
|----|---------------------------------------|
| D1 | Letting Process                       |
| D2 | Letting Review and Authority to Award |
| D3 | Letting Summary Document              |

**Construction**

|     |                               |
|-----|-------------------------------|
| E1  | Attend Pre-Construction       |
| E2  | Notice to Proceed             |
| E3  | Contract Administration       |
| E4  | Change Orders                 |
| E5  | Complete Public Involvement   |
| E6  | Materials Certification       |
| E7  | Construction Summary Document |
| E8  | Final Acceptance              |
| E9  | Project Audit                 |
| E10 | Final Payment                 |

**15.4.3.1 Initiation, Scoping and Scheduling Phase****15.4.3.1.1 Activity A1-Evaluation – Primary Responsibility - LPA**

For more information, please see Section 2.2.2.3 (Programming, Programming STP Metro) of this manual.

**15.4.3.1.2 Activity A2 Public Involvement – Primary Responsibility – LPA**

References: KDOT's "Guidelines for Public Involvement"

<http://www.ksdot.org/burTransPlan/pdf/SharingtheFuture.pdf>

Code of Federal Regulations 23CFR771

<http://www.fhwa.dot.gov/hep/23cfr771.htm>

Public involvement is an integral part of developing a multi-year program. 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 "Guidelines for Public Involvement". 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 23 CFR 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 "Guidelines for Public Involvement" 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.

**15.4.3.1.3     Activity A3-Project Request – Primary Responsibility - LPA**

Reference: DOT Form 1302 <http://www.ksdot.org/burLocalProj/Forms/1302.pdf>

CA Rupis schedule <http://www.ksdot.org/burLocalProj/default.asp> in the downloadable forms section.

For more information, please see Section 2.4 (Programming, Request for Project) of this manual.

Once approved in the TIP, the city shall submit a 1302 along with a copy of the approved TIP page showing the approved project. Once this is received, the project shall be programmed. After a two week review the BLP shall generate the 883 and create the City/State Agreement. Once the project receives the project number, the field check plans can then be submitted.

The LPA shall also provide a project schedule, please refer to the hyperlink for the CA Rupis Schedule.

**15.4.3.1.4     Activity A4-Project Authorization (Form 883) - Primary Responsibility - BLP**

For more information, please see Section 2.5 (Programming, KDOT Internal Program Procedures) of this manual.

**15.4.3.1.5     Activity A5-Project Agreement – Primary Responsibility –BLP**

For more information, please see Section 2.6 (Programming, Project Agreement) of this manual.

**15.4.3.1.6     Activity A6 – Environmental Process – Primary Responsibility – BLP**

For more information, please see Section 4 (Environmental) of this manual.

When the project is authorized and Form 883 is executed, the KDOT Bureau of Design, Environmental Services Section (ESS) will perform initial reviews and make initial contacts with the environmental regulatory agencies to ascertain the potential for environmental impacts.

**15.4.3.2     Preliminary Design Phase**

**15.4.3.2.1     Activity B1 – Consultant Selection – Primary Responsibility – LPA**

The LPA shall select and negotiate with a consultant for project design in accordance with local procedures and the referenced documents if the design is funded solely with local funds. If federal or state funds are used for the design, the LPA will use an approved list of consultants furnished by the BLP and the current BLP Consultant Selection Procedures. If the LPA intends to use federal funds in the construction engineering (CE),

and use the same consultant for both PE and CE, following the current BLP Consultant Selection Procedure for the PE will satisfy the requirements for the CE selection.

**15.4.3.2.2     Activity B2 – Consultant Selection Certification – Primary Responsibility – LPA**

For more information, please see Section 3.2.1 (PE Consultant Selection and Agreement, QBS) and Section 8.3.1 (CE Consultant Selection and Agreement, QBS) of this manual.

When federal funds are used in the preliminary engineering, the LPA will provide KDOT a certification 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.

**15.4.3.2.3     Activity B3 – Field Surveys - Primary Responsibility – LPA**

The LPA is responsible for the acquisition of all survey and geotechnical data that is necessary for the compilation of 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.

**15.4.3.2.4     Activity B4 – Request Design Exception – Primary Responsibility – LPA**

For more information, please see Section 5.2.1.1.1 (Road Design, Design Exception) of this manual.

If, during the development of plans for a proposed project, the LPA determines that there are circumstances that may make it impractical to meet the applicable guidelines, the LPA shall make a written request for a “design exception” to BLP. A request for a design exception may be made at any time in the design process when sufficient information is available to adequately evaluate the situation.

If it is determined that a design exception is appropriate, the design exception will be approved either by the Bureau Chief or State Transportation Engineer (STE). The request may involve one or more of the following controlling criteria: design speed, lane and shoulder width, bridge width, structural capacity, horizontal and vertical alignment, grades, stopping sight distance, cross slopes, superelevation, and horizontal and vertical clearances. Justification for the request shall be included along with cost estimates for reasonable alternates. For guidance on information to be included in a request for design exception, see KDOT Design Manual, Volume I, Road Section, Section 2.3.3.

**15.4.3.2.5     Activity B5 – Preparation and Submittal of Field Check Plans – 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 Appendix A. Cities and counties may request use of local criteria as long as they are consistent with these criteria/guidelines. KDOT's Design Manual, Volume 1, Road Section, Section 2.3, FIELD CHECK PLANS is the guide for plan preparation.

The LPA shall provide electronic field check plans, per the instructions on submitting E-Plans, to the BLP for transmittal to the Environmental Services Section (KDOT), who will transmit plans to appropriate regulatory and resource agencies. Invitations to the regulatory and resource agencies to participate in the field check

should be rendered if environmental mitigation is required. The LPA shall provide a project cost estimate to the BLP with the plans.

**15.4.3.2.6      Activity B6 - Field Check Plans Review - Primary responsibility – BLP**

The LPA administering the project is responsible for the completeness and accuracy of the plans. The BLP shall review field check plans to verify that the work proposed meets all requirements for federal-aid eligibility.

The BLP will then submit the field check plans for review to the appropriate parties within KDOT and externally, if applicable.

BLP will schedule the field check meeting in coordination with the LPA, Consultant and all other necessary parties.

**15.4.3.2.7      Activity B7 - Field Check - Primary Responsibility – LPA. Coordination with KDOT**

Field Check will be conducted at a pre-determined location. The consultant or LPA will provide a set of plans at field check. BLP will review comments and will discuss any necessary actions with LPA and Consultant. After the field check meeting the consultant or the LPA will respond to the issues identified. The consultant or LPA will submit an updated set of plans to BLP addressing all corrections for KDOT records.

After Field Check plans have been received by BLP, a Field Check Report will be developed and provided to the LPA, Consultant, and all other necessary parties.

**15.4.3.2.8      Activity B8 – Continue Environmental Process - Primary Responsibility –LPA**

For more information, please see Section 4 (Environmental) of this manual.

Once authorization for the project is completed, KDOT will complete an initial review of the project location and scope to determine the degree of analyses that is required in order to comply with State and Federal environmental laws and regulations.

The BLP will receive from the LPA the 1307 form along with all applicable permits attached to comply with the NEPA process. If detailed environmental analyses are required, the investigation will be initiated at this time. Final and complete analyses and application for permits by the LPA may be completed after Field Check and detailed design information is available. All investigation and permits acquisitions will be conducted in accordance with the referenced manual and BLP Policy Memos.

**15.4.3.2.9      Activity B9 - Public Involvement Process - 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 in order to confirm the Class of Action shown on the Form 883 and/or to provide input for use in the appropriate environmental documents.

**15.4.3.2.10     Activity B10-Public Interest Finding**

Any instance where the LPA desires to use a proprietary product, allow city forces to install a product, etc. then a Public Interest Finding (PIF) shall be approved by the BLP. The LPA shall submit written documentation to the BLP explaining the need for the proprietary product and why it is in the public's best interest to allow it. The BLP shall review the documentation and make a recommendation for approval or denial of the PIF.

**15.4.3.3     Final Design Phase****15.4.3.3.1     Activity C1 – Design Exception Approved or Denied – Primary Responsibility – BLP**

BLP will respond by letter to the LPA approving or denying the design exception request (Activity B4). Requests made prior to field check will be addressed as a part of the field check discussions. When the request is made after or as a result of field check, the approval may be made prior to final check plans review if sufficient plan information is available on the field check plans or submittal of other details with the request. Approved items will be reflected in the Design Summary Document.

For more information, please see Section 5 (Road Design) of this manual.

**15.4.3.3.2     Activity C2 - ROW Activities Initiated - Primary Responsibility – LPA**

Engineering (development of property descriptions and deeds) and appraisal of tracts to be acquired on a project may begin at any time after the limits of the project's right of way needs has been established. These efforts should begin early enough in the project development process to allow sufficient time for acquisition and, if necessary, eminent domain procedures. Negotiations with the property owner and offer of compensation should not occur until completion of the NEPA documentation since changes in the project design may become necessary as a result of the NEPA process.

No right of way acquisition may begin until after Section 4(f), Section 6(f), or Section 106 activities have been completed. BLP will transmit a copy of the FHWA concurrence in the NEPA document and copies of the appropriate ROW forms when the NEPA review has been completed. Early acquisition (acquisition prior to completion of the NEPA document) may be approved for individual properties when it is determined to be in the public's and/or property owner's best interest. A written request for early acquisition shall be submitted to BLP that identifies the specific property and includes an explanation of why early acquisition is being requested.

**15.4.3.3.3     Activity C3 – 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 in order to minimize impacts on the project schedule.

**15.4.3.3.4     Activity C4 – Continue Environmental Process – Primary Responsibility – KDOT**

Field check plans are distributed to appropriate environmental resource agencies for them to complete their reviews of the project impacts. All environmental reviews and clearances, i.e., 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" to BLP. Once received by BLP, the PDE will distribute to the LPA.

**15.4.3.3.5      Activity C5 – Complete NEPA Documentation – Primary Responsibility – LPA/BLP**

The preliminary Environmental Classification deemed appropriate in accordance with 23CFR771 will be indicated on the KDOT Form 883. As the project design proceeds, more information becomes available that may, in some cases, cause a revision in the Environmental Classification of the project. Final determination of the environmental class will determine the type of documentation that will be required for the project.

If an Environmental Impact Statement or an Environmental Assessment is determined to be the appropriate document, it will be the responsibility of the LPA and its consultant to prepare the document, with coordination from KDOT and FHWA.

If the project is determined to be a categorical exclusion, the [Design Summary Document](#) transmitted by KDOT will be the documentation. KDOT will prepare the Design Summary Document for FHWA concurrence. Once concurrence is received from the FHWA, the PDE will forward to the LPA.

**15.4.3.3.6      Activity C6 – Completion of ROW Acquisition – Primary Responsibility – LPA, Coordinated with BLP**

For more information, please see Section 6 (Right of Way) of this manual.

Rights of way will be acquired in accordance with federal and state laws and regulations. Forms will be provided to counties and cities developing projects so that they can certify to KDOT that right of way for the project was obtained in compliance with federal and state laws and regulations. Transmittal of these forms by KDOT to the LPA along with KDOT's Design Summary Document will be the LPA's indication that acquisition may begin. The LPA shall complete and return these forms to KDOT after all rights of way have been acquired. Right of way, as used here, includes all permanent right of way, permanent easements, temporary easements, whether acquired through purchase, donation or any other method.

Note: Right of Way Clearance for Federal Aid Projects, Form 1306 must be completed and returned to BLP on all projects even if no rights of way are being acquired.

**15.4.3.3.7      Activity C7 – Complete Utility Adjustments – Primary Responsibility – LPA, Coordinated with – BLP**

For more information, please see Section 7 (Status of Utilities) of this manual.

Arrangements for utility adjustments and utility agreements should be completed early enough in the project development process in order to be completed without affecting the project schedule. The LPA shall complete, execute and return the List of Utilities and Status of Same, Form 1304 to BLP when these arrangements are completed.

KDOT will review the Form 1304 and compare with the Utility Contacts list on the design plans to verify that all utility contacts are properly identified. It is important that these two lists match.

It is recognized that there will be times that it is in the public's best interest for utilities to be adjusted during construction of the project. This is acceptable provided the contractor is informed in the bid documents of the situation and the need to coordinate with the utility company(s).

**15.4.3.3.8      Activity C8 – Obtain Permits – Primary Responsibility – LPA**

The LPA will make application for and maintain possession of all required environmental permits. BLP will monitor and coordinate with the regulatory agencies to assist if necessary in obtaining timely approval of permits. Permits required on a project will vary depending on a number of factors and may include one or more of the following agencies: U.S. Coast Guard, Kansas Department of Agriculture Division of Water Resources, U.S. Army Corps of Engineers, Kansas Department of Health and Environment, Kansas Department of Wildlife and Parks, and U.S. Fish and Wildlife Service. The LPA will then submit the 1307 form along with all permits to the Project Development Engineer. Reference Section 4 of this manual for more information regarding permits.

**15.4.3.3.9      Activity C9 – Submit PS&E Package – Primary Responsibility – LPA**

The LPA will submit to the BLP all necessary documentation for the Plans, Specifications, and Estimate (PS&E) approval. As a minimum, this documentation will include completed plans, project specifications and bid documents, engineer's estimate of probable cost, KDOT Forms 1304, 1306 and 1307, and an LPA Design Summary Document certifying compliance with appropriate criteria. This shall all be submitted to the Project Development Engineer electronically via the FTP site.

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

**15.4.3.3.10      Activity C10 – 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 federal aid eligibility requirements.

The 1304 and 1306 forms will be distributed to the Local Liaison in BLP for processing.

The estimate will be distributed to the Program Consultant in KDOT's Office of Civil Rights to determine the DBE goal. Once the Project Development Engineer receives the DBE Goal, the LPA will be notified so that the DBE Goal may be updated in the project proposal.

The Project Development Engineer will review the LPA's documents to verify that all required specifications are included (see link shown below for a current list of federally-required specifications).

<http://www.ksdot.org/burconsmain/specprov/2007/pdf/07-required.pdf>

The bid items on the plans and the bid documents will be compared with the estimate for accuracy.

The Project Development Engineer will contact the LPA for any clarification or modifications needed to the plans or other submitted documents.

Upon completion of the review, PS&E approval of the STE will be obtained to allow the LPA to advertise. The project must be advertised for a minimum of 30 days prior to bid opening.

**15.4.3.3.11     Activity C11 – Additive Alternates – Primary Responsibility – LPA**

The use of additive alternate bidding will require prior approval from the Project Development Engineer.

If the LPA chooses to include additive alternate bidding procedures, the LPA shall be required to prioritize the alternates in order of consideration and selection of the contractor shall be based on the sum of the bid plus the selected additive alternates in order. If the LPA has any questions regarding the procedures for this, please contact the PDE to discuss.

**15.4.3.3.12     Activity C12 – Obligation of Funds – Primary Responsibility – BLP/FHWA**

After PS&E plans and documents have been approved by BLP, KDOT program and project management will request FHWA to obligate the project's federal funds.

Once funds have been obligated, the Project Development Engineer will notify the LPA. After this occurs, the PDE will submit the Authority to Advertise ([CA#3-PS&E Approval Memo](#)) for signature by the STE.

Once the Authority to Advertise has been received by the PDE from the STE, it will be submitted to the LPA via memo ([CA#4-Authority to Bid](#)) and by email. The LPA shall advertise the project for a minimum of 30-days.

**15.4.3.3.13     Activity C13 – Contract Addenda – Primary Responsibility – LPA, Coordinated 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 until all applicable addenda have been approved by the BLP.

**15.4.3.3.14     Activity C14 – Construction Engineering Inspection Services Agreement – Primary Responsibility – LPA, Coordinated with – BLP**

For more information, please see Section 8 (CE Consultant Selection and Agreement) of this manual.

If the LPA does not have sufficient qualified engineering employees to accomplish the Construction Engineering (CE) Inspection Services on a proposed project, it shall employ a consulting engineering firm to perform the inspections. If federal aid dollars are used for this work and a consulting engineering firm is selected, the selection process shall be in accordance with KDOT's approved procedure for selecting consultants (See BRUD Memo 84-4). A copy of an executed agreement shall be provided to the BLP by the LPA. A certification by the LPA, indicating the project inspection was appropriate for the type of work and complied with applicable rules, regulations, and normal engineering practices, will be submitted to BLP upon completion of the project's construction.

Construction Engineering Inspection Services may be accomplished in one of four ways:

1. Construction Engineering Inspection Services by Consultant – Federal Aid Participating.
2. Construction Engineering Inspection Services by Consultant – Federal Aid Non-Participating.
3. Construction Engineering Inspection Services by LPA – Federal Aid Participating.
4. Construction Engineering Inspection Services by LPA – Federal Aid Non-Participating.

The rules that apply and the process to be followed will vary depending on the alternative selected. For more information regarding the selection process and other statutes and regulations, please see Section 8 of this manual.

#### **15.4.3.3.15     Activity C15 – Continue Public Involvement – Primary Responsibility – LPA**

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

#### **15.4.3.4     Construction Phase**

#### **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 two documents. All activities contained therein are not listed below as procedures to follow since not all activities are applicable to local units of government project; 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 partial 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.**

#### **15.4.3.4.1     Activity D1 Letting Process Primary Responsibility –LPA**

| <u>Sub-Activity</u>                 | <u>Primary Responsibility</u> |
|-------------------------------------|-------------------------------|
| D1-1     Project Schedule and Plans |                               |
| Distribution                        | LPA                           |



|      |                                 |     |
|------|---------------------------------|-----|
| D1-2 | Advertisement                   | LPA |
| D1-3 | Contractor's Prequalification   | LPA |
| D1-4 | Contract Documents              | LPA |
| D1-5 | Public Opening of the Proposals | LPA |

Sub-Activity D1-1 Project Schedule and Plans Distribution - Primary Responsibility – LPA

After PS&E approval, 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.

Sub-Activity D1-2 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 (Std. Specs) Section 102.1.

<http://www.ksdot.org/burConsMain/specprov/2007/102.pdf>

Sub-Activity D1-3 Contractor Prequalification – Primary Responsibility – LPA

The LPA shall use KDOT's list of pre-qualified contractors or establish a list in accordance with KDOT's SOM's. Requests by contractors to sublet any portion of the work shall be submitted to the LPA using the procedures outlined in KDOT's Construction Manual Section 2.09.01 "Subcontracting" or the LPA's procedures may be followed if approved by the KDOT.

<http://www.ksdot.org/burConsMain/Connections/ConstManual/ConstructionManualPartII.pdf>

Sub-Activity D1-4 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 (Section 102, KDOT Std. Spec), bid bond, and the proposal schedule. The following [special provisions](#) (latest version) are required for all projects along with

<http://www.ksdot.org/burconsmain/specprov/2007/pdf/07-required.pdf>

Note: Davis-Bacon wage rates used for a project shall be those in effect no more than 10 days prior to the letting.

Sub-Activity D1-5 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 102.15-17 of KDOT's Standards Specifications.

<http://www.ksdot.org/burConsMain/specprov/2007/102.pdf>

#### **15.4.3.4.2     Activity D2 – Letting Review and Contract Award**

##### **Sub-Activity D2-1 Bid Analysis - Primary Responsibility – LPA/KDOT**

The LPA will, after the proposals are opened and read, evaluate the bids to confirm that funds are being spent in the most effective manner, 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

Copies of all detailed bids will be submitted to KDOT for a cursory review by its Bureau of Construction and Maintenance staff.

As a part of this review, the LPA must review the bids for collusion. The LPA shall put in their procedures how they are reviewing the bid submittals. The Department of Justice, Antitrust Division has a checklist on how to locate and prevent collusion. Please review the following analysis for further detail:

#### **Red Flags of Collusion**

You can prevent collusion in procurement and grant awards-or detect collusion after an award has been made-by using this simple four-part MAPS analysis:

#### **M=Market**

Who is in the market for this award?

Find out how many vendors could compete for the award and which vendors are best positioned to perform the award. The award may be the target of collusion if:

- There are few vendors in the market that offer the goods or services.
- A small group of major vendors controls a large share of the market.
- The goods or services sought are standardized, such that price rather than other competitive factors (such as design, quality, or service) is determinative.
- There are opportunities, such as trade association meetings, for the competitors to communicate with one another.

**A=Applications**

Are there similarities between vendor applications or proposals?

Closely examine the proposals or applications submitted by the competing vendors and look for similarities. The award may be the target of collusion if:

- Two or more proposals contain similar handwriting, typos, or mathematical errors.
- Two or more proposals are sent from the same mailing address, e-mail address, fax number, or overnight courier account number.
- Two or more proposals reflect that last-minute changes (such as white-outs and cross-outs) were made to alter price quotes.
- The document properties of two or more electronic proposals show that the proposals were created or edited by one vendor.

**P=Patterns**

Have patterns developed among competing vendors?

Review the outcome of prior awards for the same product or service to identify patterns over time. The award may be the target of collusion if:

- Over a series of awards, competing vendors rotate as the award winner.
- Over a series of awards, competing vendors routinely win the same or similar amounts of work.
- Over a series of awards, one vendor always wins, regardless of competition.
- The winning vendor subcontracts work to losing vendors or to vendors that withdrew their proposals or refused to submit proposals.
- As compared with prior awards, a smaller numbers of vendors submit proposals for the current award.

**S=Suspicious Behavior**

Have vendors demonstrated behavior that suggests they worked together on the award?

Keep an eye out for suspicious behavior that indicates that vendors worked together rather than competed for the award. The award may be the target of collusion if:

- A vendor submits a proposal for procurement or grant award for which you know the vendor lacks the ability to perform.
- A vendor brings multiple proposals to an in-person procurement or grant process or submits multiple proposals.
- A vendor makes statements on the phone or by e-mail indicating advance knowledge of a competitor's prices or its likelihood of winning the award.

**If you notice any one or a combination of these red flags, you should report your concerns immediately to the Antitrust Division.**

**E-mail:** [antitrust.complaints.recovery@usdoj.gov](mailto:antitrust.complaints.recovery@usdoj.gov)

**Mail:** **Citizen Complaint Center-Antitrust Division**  
**950 Pennsylvania Avenue, NW**  
**Room 3322**  
**Washington, DC 20530**

**Phone:** **1-888-647-3258 (toll-free) or**  
**202-307-2040**

**Field Office Contact Info:** [www.usdoj.gov/atr/contact.html](http://www.usdoj.gov/atr/contact.html)

**Website:** [www.usdoj.gov/atr/public/criminal/economic\\_recovery.htm](http://www.usdoj.gov/atr/public/criminal/economic_recovery.htm)

Sub-Activity D2-2 Bid Approval - Primary Responsibility – LPA

Coordinated with: BLP

Reference: KDOT Standard Specification

The proposals shall be considered by the LPA in accordance with Section 103.1 of KDOT's Std. Specs. 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 is considered to be non-responsive and shall not be accepted. In addition, the DBE goal for the project must be met in order for the bid to be considered responsive. 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](#)).

<http://www.ksdot.org/burConsMain/specprov/2007/103.pdf>

Sub-Activity D2-3 Concurrence in Award - Primary Responsibility BLP

The BLP will review all 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 STE will execute an "Authority to Award" document. Once the Authority to Award document has been received by the Project Development Engineer, the LPA will be notified by email along with a letter ([CA#4A-Authority to Award](#)).

Sub-Activity D2-4 Award and Execution of Contract – Primary Responsibility - LPA

Reference: KDOT Standard Specifications

<http://www.ksdot.org/burConsMain/specprov/2007SSDefault.asp#100>

Upon receipt of the Authority to Award from KDOT the LPA shall award and execute a contract in accordance with Section 103 of KDOT's Std. Specifications, or the LPA's procedures may be used if approved by the KDOT.

**15.4.3.4.3     Activity D3 Letting Summary Document - Primary Responsibility – LPA/KDOT**

Upon completion of the Letting Phase, the LPA shall provide the 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 Kansas Standard Specifications. This document shall be submitted to the Project Development Engineer within one month after receiving the Authority to Award document.

In addition, a signed copy of the contract with all required certifications will be submitted to KDOT at this time. An example of the "[Letting Summary Document](#)" is included. A breakdown of the project construction costs (Bid Item List) by work type (i.e., roadway, surfacing, bridges, traffic signals, and common items) and with non-participating items marked as such shall be submitted to BLP at this time. This needs to be an excel spreadsheet using formulas in the total column; do not hard key the numbers.

The Project Development Engineer will then prepare the "CMS Contract Request" document to be submitted to the Local Construction Manager in order to have the project initiated for payment of construction payments.

The Project Development Engineer will send the submitted documents to the Chief Accountant-Federal Aid in the Bureau of Fiscal Services via memo ([CA#6-Contract and Bond Memo](#)) and email for their records.

Copies of the DBE Goal Form and the DBE commitment letters will be sent to the Program Consultant in charge of DBE in the Bureau of Civil Rights via ([CA#7-DBE Goals Memo](#)).

**15.4.3.4.4     Activity E1 Pre-Construction Meeting-LPA/KDOT**

The LPA is required to notify the Local Construction Manager of the Pre-Construction Conference date and location with a minimum of one week advance notice.

**15.4.3.4.5     Activity E2 Notice to Proceed - Primary Responsibility - LPA**

Following the instructions in Section 108.1 of KDOT's Standard Specifications, 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.

<http://www.ksdot.org/burConsMain/specprov/2007/108.pdf>

**15.4.3.4.6     Activity E3 Contract Administration - Primary Responsibility - LPA - Coordinated with KDOT.**

Reference: KDOT's Construction Manual, Current Edition

<http://www.ksdot.org/burConsMain/Connections/ConstManual/index.asp>

Manual on Uniform Traffic Control Devices (MUTCD)

<http://mutcd.fhwa.dot.gov/>

KDOT Standard Specifications

<http://www.ksdot.org/burConsMain/specprov/2007SSDefault.asp>

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. Traffic is to be handled during construction in accordance with the plans and the current edition of the MUTCD. Monitoring shall be performed to confirm the contractor's compliance with Davis-Bacon wage requirements, EEO, DBE, and other contractual requirements.

23CFR630.1008 (d) <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?type=simple;c=ecfr;cc=ecfr;sid=db2da173ffa4cce6765a945bce7a1d81;idno=23;region=DIV1;q1=630.1008;rgn=div8;view=text;node=23%3A1.0.1.7.21.9.1.4>

Work Zone Safety and Mobility must be included in every Federal Aid contract. Proof of training shall be submitted by the Traffic Control Subcontractor verifying training in Temporary Traffic Control set up.

The LPA shall pay the contractor and submit a voucher for reimbursement to BLP on a monthly basis. Appropriate data shall be provided to justify the amount of reimbursement requested and non-participating amounts clearly denoted, with a billing summary sheet. The voucher shall be checked by BLP and processed for payment. A copy of the Form 1010, available here in the downloadable forms section <http://www.ksdot.org/burLocalProj/default.asp>, shall be included with reimbursement requests. The LPA shall keep an accounting record of each work phase.

The field books shall be created and maintained in accordance with KDOT's Documentation Manual available at <http://www.ksdot.org/9080/burconsmain/Connections/ConstManual/documentationindex.asp>

There are sections for each type of work that provide examples on how the books are to be organized. There are also several checklists for various types of work available under the Construction Checklist link.

<http://www.ksdot.org:9080/burconsmain/Connections/ConstManual/checklistindex.asp>

It is very important that the pages be numbered, and if there are mistakes, line through the mistake and initial. Never erase anything in a field book. All inspectors that make entries into the field books must sign and initial on the first page. Below is a link to the definitions and explanations of field documentation.

<http://www.ksdot.org/burconsmain/Connections/ConstManual/General.pdf>

The LPA shall maintain contact with BLP throughout the project. The LPA shall submit monthly construction progress reports to the Local Construction Manager. BLP will conduct audits of documentation, certifications and billing during this time. BLP shall be invited to all project progress meetings and given 24 hour advance notice for all paving operations, concrete or asphalt work.

**15.4.3.4.7      Activity E4 Change Orders - Primary Responsibility - LPA - Coordinated 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 orders require prior approval from the Local Construction Manager. All changes require approval/concurrence by BLP prior to any of the work being completed. 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 23CFR635.120. KDOT's role is to provide general administrative oversight and to determine the amount of federal participation. All Change Orders shall be submitted to BLP for entry into CMS.

Change Orders will be submitted 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 and Contractor will negotiate a price. The LPA will conduct a cost analysis and submit the proposal from the contractor as backup documentation to BLP. 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 you must use the existing unit price. An example of the Final Paid Items List and the Paid Items List are available in the downloadable forms section of this page: <http://www.ksdot.org/burLocalProj/default.asp>

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

When following these procedures, reimbursement of funds shall be accomplished on a monthly basis when the LPA submits a proper billing and certification that the project is being constructed within compliance of approved plans and specifications. Billing shall be by Construction Management System (CMS) work phases which include Preliminary Engineering (PE), Right of Way (ROW), Utilities, Construction Engineering (CE) and Construction. Each CMS work phase is identified in the work phases included in this manual.

The LPA will conduct a cost analysis of all changes to the contract included in the change order request. Per Std Spec Sec 104.9a <http://www.ksdot.org/burConsMain/specprov/2007/104.pdf>, 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.

All changes must be listed on the 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.

When receiving Federal Aid for Inspection, the LPA will submit requests for reimbursement to the LCM, with proper documentation.

#### **15.4.3.4.8     Activity E5 Complete Public Involvement – 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 to implement measures, appropriate for the specific project, to keep the public informed of project activities and to respond to their input.

#### **15.4.3.4.9     Activity E6 Materials Certification - Primary Responsibility - LPA**

Reference:     KDOT's Standard Specifications, current edition

                    KDOT's Construction Manual, current edition

The LPA is responsible for materials certifications as documented in Section 2.07, KDOT's Construction Manual, current edition, and Section 2600, KDOT's Standard Specifications. 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. Testing frequency charts are available on the KDOT website. Materials testing personnel must be properly certified.

See section 106 in KDOT's 2007 Standard Specifications or latest revision, <http://www.ksdot.org/burConsMain/specprov/2007/106.pdf> for information on QC/QA or Verification testing.

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

#### **15.4.3.4.10    Activity E7 Construction Summary Document – Primary Responsibility - LPA**

The LPA shall be responsible for the submission of a Construction Summary Document to KDOT once the project has been accepted from the contractor. This document will certify that activities in the Construction Phase have been completed in accordance with Federal and State laws and regulation as well as KDOT's



Construction Manual. The documents will include a final statement that the contractor has provided appropriate materials certification for the project. An example of the [Construction Summary Document](#) is included. A FPIL with a breakout of costs by work type (i.e. Common Items, Roadway, Bridge, Traffic Signals) shall be submitted to BLP at this time. This breakdown is similar to the Bid Items List submitted with the Letting Summary Document except it should reflect the actual costs of construction, including all change orders with all non-participating items marked as such. The FPIL will need to be in excel and formula-driven, not hard-keyed, in the total column.

The Construction Summary Document shall be sent to the PDE. The PDE shall forward the document, along with the breakdown, final acceptance and final invoice to KDOT-Bureau of Fiscal Services ([CA#8-Construction Summary Memo](#)).

**15.4.3.4.11     Activity E8 Final Acceptance - Primary Responsibility – LPA**

The LPA is responsible submitting a Final Acceptance of Federal Aid Project document. This document states the LPA's acceptance of the project, compliance with all federal regulations and material certifications. The LPA shall complete a "Final Statement of Cost" for Submission to BLP, in excel format. At this time a final breakdown of costs by work type (i.e., roadway, surfacing, bridges, traffic signals, and common items) shall be provided to KDOT, with the participating and non-participating items clearly separated. Both the final statement of cost and the breakdown by work type should include all costs associated with the project regardless of funding source with non-participating items marked as such. The LPA shall notify the Local Construction Manager when the Notice of Acceptance is issued and the LCM shall perform a walkthrough of the project.

**15.4.3.4.12     Activity E9 Project Audit - Primary Responsibility – KDOT**

Costs shall be audited according the "The Single Audit Standards" set forth in Federal O.M.B. Circular A-133, "Audits of State and Local Governments"

<http://www.whitehouse.gov/sites/default/files/omb/assets/omb/circulars/a133/a133.pdf>

and in 49 CFR 18

<http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=2c86e9f92282c1af95f221f6949e7a17&rgn=div5&view=text&node=49:1.0.1.1.12&idno=49>

**15.4.3.4.13     Activity E10 Final Payment - Primary Responsibility – KDOT**

The LPA shall submit final costs for Agreements executed and completed along with cost for work phase completion (such as contract administration and construction).

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

15.5 **Appendix A**

## Design Summary (Environmental Class 2A)

## DESIGN SUMMARY DOCUMENT

December 18, 2007

**MEMORANDUM TO:** Ron Seitz, P.E.  
Chief of Local Projects

**Re:** 88 C-4373-01  
City of XX  
Seward County

Project Location: From Jct. US-83 and US-160, thence S & W 4.5 mi.

Type of Project: surfacing

Project Length: 4.5 miles

The project has been developed under Exempt oversight.

Design standards conform to the current Non NHS L.R. & S.P. guidelines. The Deputy Secretary for Engineering/State Transportation Engineer approved the design concepts and standards on 12/18/2006.

The Field Check was conducted on 12/11/2007.

The Status of Project Environmental Concerns-(EXEMPTED-CLEARED) was completed on 07/02/2007.

The project does not involve nor substantially impair the function of Section 4(f) lands.  
The project does not involve nor substantially impair the function of Section 6(f) lands.  
The project does not have a substantial negative effect on social and economic concerns.  
The project does not have a disproportionately high and adverse effect on identified minority or low-income populations.

The NEPA process was followed in accordance with 23 CFR 771 and it was determined that the project was properly classified as a Class II, Type A. Right of way acquisition and final design can begin on this project.

Adam Pritchard  
Project Development Engineer

cc: FHWA, Attn: John Knowles  
Bur. of Program & Project Management, Attn: Chuck Protasio  
City of Wichita, Attn: Gary Janzen  
File

## Design Summary (Environmental Class 2B)

## DESIGN SUMMARY DOCUMENT

April 4, 2008

**MEMORANDUM TO:** Ronald J. Seitz, P.E.  
Chief of Local Projects

**Re:** 87 N-0360-01  
City of Wichita  
Sedgwick County

Project Location: 25<sup>th</sup> Street North Bridge over Little Arkansas River

Type of Project: Grading-Bridge Rehabilitation-Seeding

Project Length: 0.04 mile

The project has been developed under Exempt oversight.

Design standards conform to the current Non NHS L.R. & S.P. guidelines. The Assistant Secretary and State Transportation Engineer approved the design concepts and standards on April 25, 2005.

The Field Check was conducted on May 11, 2007.

The Status of Project Environmental Concerns-Final was completed on June 11, 2007.

The project does not involve nor substantially impair the function of Section 4(f) lands.  
The project does not involve nor substantially impair the function of Section 6(f) lands.  
The project does not have a substantial negative effect on social and economic concerns.  
The project does not have a disproportionately high and adverse effect on identified minority  
or low-income populations.

The NEPA process was followed in accordance with 23 CFR 771 and it was determined that the project was properly classified as a Class II, Type B. Initial classification was concurred upon by the FHWA on September 25, 2005 and with the approval of this document by the FHWA, right of way acquisition and final design can begin on this project.

The project is programmed on the 2008-2011 MPO Transportation Improvement Program.

Adam Pritchard, P.E.  
Project Development Engineer

cc: FHWA, Attn: John Knowles

cc: when received back by FHWA  
Bur. of Program & Project Management, Attn: Chuck Protasio  
City of Wichita, Attn: Gary Janzen  
File

## CA#3-PS&amp;E Approval Memo

MEMO TO: Jerome T. Younger, P.E.  
Deputy Secretary for Engineering and  
State Transportation Engineer

FROM: Ronald J. Seitz P.E., Chief  
Bureau of Local Projects

BY: Adam Pritchard, P.E.  
Bureau of Local Projects

DATE: December 19, 2007

SUBJECT: 46 N-0366-01  
119<sup>th</sup> Street Widening, US-69 to Riley  
City of Overland Park  
Johnson County

This above-referenced project has been designed in accordance with prevailing design guidelines and the following City of Overland Park procedures and criteria:

Project plans, specifications, special provisions, and estimate (PS&E)  
Project Development Procedures for Non-NHS projects  
Standard Specifications for the Construction of All City Projects

We are requesting approval to authorize the City of Overland Park to administer the project activities in accordance with Alternative Procedures as outlined in the Kansas Department of Transportation, Bureau of Local Projects: *Project Development Manual for Non-National Highway System Local Government Road and Street Projects; Volume II (Local Public Authority (LPA) Administered Projects)*.

Concurrence:

\_\_\_\_\_  
Jerome T. Younger, P.E.  
Deputy Secretary and State Transportation Engineer

file

## CA#4-Authority to Bid

April 23, 2009

Re: 46 N-0373-01  
College Boulevard, Pflumm to US-69  
City of Overland Park  
Johnson County

Mr. Justin Nickel  
Public Works  
City of Overland Park  
8500 Santa Fe Drive  
Overland Park, Kansas 66212

Dear Mr. Nickel,

Attached is a copy of the PS&E approval from the Deputy Secretary for Engineering/State Transportation Engineer. The Plans, Specifications, and Estimate (PS&E) were approved on 4/21/09 for the above referenced project 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 30-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 the KDOT, we will authorize the City to award the contract and issue the Notice to Proceed.

Sincerely,

Adam Pritchard, P.E.  
Project Development Engineer

AMP  
Attachment

c: J. Michael Bowen, P.E., FHWA  
Daniel Miller, P.E., Senior Civil Engineer, City of Overland Park  
Rosie Ingram, Chief, Bureau of Program & Project Management  
Pam Anderson, Chief Accountant-Federal Aid & Projects Accounting, w/attachment (orig.)  
file, w/attachment (copy)

## CA Required Contract Provisions

**Instructions for the KDOT's administrators of the local-let projects**

The following two paragraphs must be placed above the signature line in the bidding document. You must also revise the required contract provision (RCP) paragraph to match the funding source:

- Include I and IV RCP for all projects.
- Include II and III RCP for Federal funded projects, unless there is no DBE contract goal.

**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 Provisions I, II and III and **may reject** proposals that fail to contain completed Required Contract Provision IV.

- |                     |  |
|---------------------|--|
| I. 08-10-66(LPA)    | Certification-Noncollusion & 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                                    |

**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).

## 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 & Maintenance for review.
- ☐ Receive comments from Construction & Maintenance regarding review of bid tabs?
- ☐ 04-26-90: Declaration-Limitations on Use of Federal Funds signed by contractor?
- ☐ 08-10-66: Certification-Noncollusion and History of Debarment signed by contractor?
- ☐ 07-19-80: DBE Contract Goals completed and signed by contractor?
- ☐ 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?

## Required Provisions List

**Required Contract Specifications  
For Local Authority Let Projects**

|                   |   |
|-------------------|---|
| 08-10-66-R05(LPA) | Required Contract Provision – Certification – Noncollusion and History of Debarment   |
| 04-26-90-R04(LPA) | Required Contract Provision – Limitations on Use of Federal Funds for Lobbying  |
| 7-19-80-R12(LPA)  | Required Contract Provision – DBE Contract Goals  |
| 11-03-80-R09      | Required Contract Provision – Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246) |
| 11-15-96-R05      | Required Contract Provision – Specific Equal Employment Opportunity Contractual Requirement   |
| 09-06-94-R01      | Notice to Contractors – U.S. Department Of Transportation Hotline   |
| FHWA-1273         | Required Contract Provision – Federal Aid Construction Contracts  |
| 01-07-09          | Required Contract Provision (Revisions to FHWA-1273)  |
| 03-10-06-R01      | Required Contract Provision – Federal Aid Contracts Utilization of Disadvantaged Businesses Suppliers/Regular Dealers                     |
| 07-18-80-R26      | Required Contract Provision – Federal Aid Contracts Utilization of Disadvantaged Businesses   |
| 02-01-95-R02      | Required Contract Provision – Area Practice for Douglas, Johnson, Leavenworth, Miami, Shawnee, and Wyandotte Counties in Kansas           |
| 01-01-11(LPA)     | Required Contract Provision – Tax Clearance Certificate   |
| 01-21-11(LPA)     | Required Contract Provision – “Buy America” Materials   |
| Wage Rates        | <a href="#">Davis Bacon Wage Determinations</a> (Obtain from web site)  |

Updated 2-17-11



## CA#4A-Authority to Award

DATE, 2007

Re: **PROJECT NUMBER**  
**FED AID NUMBER**  
**LOCATION**  
City of Wichita  
Sedgwick County

Mr. James Armour, P.E.  
City Engineer  
City of Wichita- Department of Public Works  
City Hall-7<sup>th</sup> Floor  
455 North Main Street  
Wichita, Kansas 67202

Dear Mr. Armour,

Enclosed for your information and file is an original of the Authority To Award Contract for project **87N-XXXX-01** signed by the State Transportation Engineer.

After the contract has been approved by the City and signed by all parties, please forward to this office the information as set out in the Project Development Procedures for NON-NHS Projects.

Sincerely,

Adam Pritchard, P.E.  
Project Development Engineer

AMP  
Attachments

Gary Janzen, Design Engineer, City of Wichita  
Rosemary M. Ingram, Chief, Bureau of Program & Project Management  
James R. Simerl, FHWA, Topeka Office  
Pam Anderson, Chief Accountant-Federal Aid & Projects Accounting, w/a (original)  
File, w/a (copy)

## Letting Summary Document

## LETTING SUMMARY DOCUMENT

July 9, 2009

Project College Boulevard Widening from Pflumm to U.S. 69, KDOT Project No. 46 N-0373-01Johnson 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> |
|--------------------------|------------------------|
| <u>Kansas Register</u>   | <u>April 30, 2009</u>  |
| <u>Overland Park Sun</u> | <u>April 29, 2009</u>  |

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 other items listed in Sub-Activity DI-5 of the "Project Development and Design Manual For The Preparation of Road and Street Plans - Volume II."

Public opening of the proposals took place June 2, 2009 at Overland Park City Hall, 8500 Santa Fe Drive, Overland Park, Kansas in accordance with State Laws and Regulations and section 102.15-17, KDOT's Standard Specification for State Road and Bridge Construction, current edition.

The bid of the lowest responsible and qualified bidder was accepted and contracts were awarded on June 15, 2009 in accordance with Section 103, KDOT's Standard Specification for State Road and Bridge Construction, current edition.

  
Daniel G. Miller, P.E.  
City Engineer

## CA#6- Contract and Bond Memo

MEMO TO: Pam Anderson, Chief Accountant  
Federal Aid & Projects

FROM: Adam Pritchard, P.E.  
Project Development Engineer

DATE: *DATE*

RE: 87N-XXXX-01  
LOCATION  
City of Wichita  
Sedgwick County

SUBJECT: Bid Documents

This project in the city of Wichita has been let by and will be administered by the City of Wichita. Emailed to you on July 4, 2010 were the Letting Summary Document, a signed copy of the contract between the City and the Contractor (***CONTRACTOR***), and the Bond to the City of Wichita. A copy of the break out contract cost is also attached.

AMP  
Attachment

Cc: Gary Janzen, P.E., City of Wichita  
File

## CA#7-DBE Goals Memo

MEMO TO: Debra Hepp  
Program Consultant, Office of Civil Rights

FROM: Adam Pritchard, P.E.  
Project Development Engineer

DATE: July 28, 2006

RE: 46 N-0370-01

This project in the City of Shawnee was let on June 16, 2006 and will be administered by the City. Attached is a copy of the DBE Contract Goal form as filled out by the contractor and the DBE commitment letters. The total contract amount for the project is \$1,355,340.03.

AMP

Attachments

c: Paul Lindstrom, P.E., Sr. Project Engineer, City of Shawnee  
file

## Construction Summary Document



## CONSTRUCTION SUMMARY DOCUMENT

December 29, 2010

Mr. Ronald Seitz, Chief  
Bureau of Local Projects  
Kansas Department of Transportation  
700 SW Harrison  
Topeka, Kansas 66603-3754

RECEIVED  
DEC 30 2010  
Bureau of Local Projects

RE: 87 N-0429-01  
21st Street Bridge over Little Arkansas River  
Sedgwick County

Notice to proceed on the referenced project(s) was issued to **Wildeat Construction Co, Inc.** on 12/1/08 in accordance with the City of Wichita's approved "Project Development Procedures"

Contract administration was completed in accordance with the requirements referenced in Activity D4 of the City of Wichita's approved "Project Development Procedures"

Notice of Acceptance of the contracted work was issued to the contractor(s) on 12/4/09 in accordance with City of Wichita's approved "Project Development Procedures"

Materials Certification was completed in accordance with City of Wichita's approved "Project Development Procedures"

Construction Engineering Agreement executed, if needed, in accordance with designated guidelines and regulations.

James L. Armour, P.E.  
City Engineer - Co-Director of Public Works & Utilities

cc: District Engineer  
Area Construction Engineer  
Chief of Construction & Maintenance

## CA#8-Construction Summary Memo

MEMO TO: Pam Anderson  
Bureau of Fiscal Services

BY: Adam Pritchard, P.E.  
Project Development Engineer

DATE: December 30, 2005

RE: 46 N-0255-01

This project in Overland Park was let and administered by the City. Enclosed are the Notice of Acceptance, Construction Summary Document, Final Acceptance of Federal-Aid Constructed under Exempt Oversight, Final Breakout of Construction Costs by Work Type, and Invoice Request No. 11 & FINAL.

AMP  
Enclosures  
c: file

## Billing Summary Sheet



## Department of Public Works

June 27, 2011

Mr. Javier Martinez  
 Kansas Department of Transportation  
 3200 E. 45th Street North  
 Wichita, KS 67220

RE: State Project No. 87-N-0388-01  
 119th Street West, Kellogg to Maple

Dear Mr. Martinez:

Attached is the 1st payment to Cornejo & Sons, Inc., which is the basis for billing Statement #1 to the Kansas Department of Transportation (KDOT), which is figured as follows:

|                          |                 |
|--------------------------|-----------------|
| Total Billings           | \$508,619.95    |
| Less Non-Participating   | (\$20,750.00) ✓ |
| Total Paid               | \$485,869.95    |
| Subtotal                 | \$485,869.95    |
| Less Retainage 5%        | (\$24,293.50)   |
| Subtotal                 | \$461,576.45    |
| Less Local's Share (20%) | (\$92,315.29) ✓ |
| Less Retainage           | (\$500.00)      |
| Subtotal                 | \$368,761.16    |
| Less Previous Invoices   | \$0.00          |
| Amount Due               | \$368,761.16 ✓  |

Please process for payment. If you have any questions, contact me (316) 268-4503.

Sincerely,

Martha Strayer  
 Admin. Aide II

Attach.

## Engineering Division

City Hall • 7th Floor • 465 North Main • Wichita, Kansas 67202-1620

T 316.268.4501 F 316.268.4114

## Notice of Acceptance

## CITY OF OVERLAND PARK


FINAL ACCEPTANCE OF FEDERAL - AID PROJECTS  
CONSTRUCTED UNDER EXEMPT OVERSIGHTKDOT PROJECT NO. 46 N-0391-01 CITY: OVERLAND PARKDESCRIPTION OF IMPROVEMENT AS PROGRAMMED: 132<sup>nd</sup> Street (U.S. 69 Overpass).

| CONTRACTOR'S NAME:               | CONTRACT AMOUNT: |
|----------------------------------|------------------|
| Pyramid Contractors Incorporated | \$3,233,011.76   |
|                                  |                  |
|                                  |                  |
|                                  |                  |
|                                  |                  |

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:

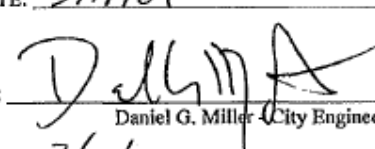
  
Larry E. Blankenship - Project Engineer

DATE:

3/17/09

APPROVAL:

BY:

  
Daniel G. Miller - City Engineer

DATE:

3/17/09