

PROJECT DEVELOPMENT

CHAPTER 5

Introduction

This chapter incorporates procedures detailed in the *CDOT Project Development Manual*, currently found at:

https://www.codot.gov/business/designsupport/bulletins_manuals/project-development-manual. As of 2021, sections of the *Project Development Manual* are being transitioned to a Project Management Webpage at the following link:

<https://www.codot.gov/business/project-management/pre-construction>. Eventually, much of this content will again transition to CDOT's new project management software platform (called PMWeb), currently under development. Both the *Project Development Manual* and the Project Management Webpage refer to responsibilities of the Resident Engineer. When the Local Agency is administering the design of the project, the Local Agency will typically assume some of the responsibilities of the Resident Engineer. Questions and clarification of responsibilities should be directed to the CDOT Project Manager, who is also known as the Local Agency Coordinator. This *Desk Reference* uses the term "CDOT Project Manager" to refer to the CDOT staff member responsible for providing assistance to the Local Agency.

CDOT continues to transition toward accepting all submittals, forms, Project Records and supporting documents in electronic format. During this transition, unless specifically stated, documents and forms listed in this Chapter will be accepted from the Local Agency in paper or electronic format, although electronic format is preferred and may be required by the CDOT Engineering Region where the project is located. See Appendix B for Local Agency requirements for electronic records and electronic signature requirements.

Funding Program and Project Delivery Requirements

Historically, most funds "passed through" CDOT to a Local Agency were Federal-aid Highway funds directed to specific federal programs. With the passage of Colorado Senate Bill (SB) 09-108 (FASTER), SB18-001 (MMOF) and SB21-260 (MMOF/

Revitalizing Main Streets (RMS)) legislation, higher levels of state funding became available to the Local Agency to deliver transportation-related projects. Adding further complexity, SB21-260 directed the American Rescue Plan Act / State and Local Fiscal Recovery Funds (ARPA/SLFRF), which have unique federal requirements, to the state MMOF/RMS programs. For simplicity, in this *Desk Reference*, the ARPA/SLFRF funds are referred to as “Federal Recovery Funds”. The state MMOF program also allows state funds to be strategically leveraged in combination with federal funds.

The various program requirements and funding combinations complicate project delivery requirements. The Local Agency should contact their CDOT Project Manager with questions concerning project-specific requirements.

5.1 Determine Delivery Method on Infrastructure Projects

Most Local Agency projects are delivered using a traditional Design-Bid-Build approach. However, other delivery methods are allowed including, but not limited to, the following: Design-Build, Streamlined Design-Build, Construction Manager/General Contractor (CM/GC), and Indefinite Delivery/Indefinite Quantity (ID/IQ). All these methods are approved for use by Federal regulations, State Statutes, and CDOT policies and procedures.

Each delivery method has unique requirements. The Local Agency, CDOT Resident Engineer and CDOT Project Manager are responsible for understanding the delivery method requirements prior to project initiation.

If a delivery method other than Design-Bid-Build is selected, a Local Agency should prepare a justification memo that summarizes how the Local Agency chose the delivery method and provide it to the CDOT Project Manager who will forward it to the CDOT Alternative Delivery Program Manager for review and approval. The memo should describe the deliberation process the Local Agency used to determine the delivery method. The memo should also narrate the highlights of how the attributes and opportunities of the chosen delivery method will be leveraged by the Local Agency to achieve the project goals. The Local Agency must obtain CDOT approval of the memo prior to the preparation of the IGA or initiation of the project. Alternately, the Local

Agency may use the CDOT Project Delivery Selection Matrix to determine the optimal project delivery method for a particular project.

Some delivery methods, such as CM/GC and ID/IQ on Federal-aid Highway program projects, require a Local Agency to follow CDOT procurement procedures. In accordance with *Title 23 CFR 635.504*, a Local Agency is allowed to use their own procurement procedures only if approved by both CDOT and FHWA in advance of the project. CDOT cannot assume FHWA review or approval responsibilities for a Local Agency's procurement procedures. In these instances, the Local Agency should provide its approved procurement procedures to the CDOT Project Manager, CDOT Alternative Delivery Program Manager and FHWA for review and approval. The Local Agency must obtain CDOT and FHWA approval of the procurement procedures prior to the preparation of the IGA or initiation of the project.

If using a delivery method other than traditional Design-Bid-Build, the CDOT Project Manager should notify the FHWA Area Engineer (on Federal-aid Highway program projects) and CDOT's Alternative Delivery Program Manager at the time of the request for IGA preparation and invite both to all project development meetings. The level of FHWA's involvement will depend upon whether the project is identified as a Project of Division Interest (PoDI).

If a Local Agency wants reimbursement for preconstruction services, FHWA authorization must be issued (on Federal-aid Highway program projects), the IGA/ Option Letter must be executed and notice to proceed received by the Local Agency prior to incurring costs. If the Local Agency does not want reimbursement for preconstruction services, but federal funds are included in the construction phase, the project should comply with federal and state requirements during preconstruction, including the approvals stated above.

Regardless of the type of delivery method, federal requirements pertaining to disadvantaged business enterprises (DBEs), the Uniform Act, NEPA, and construction contracts apply to projects with Federal-aid Highway funds.

Additional resources follow:

- Alternative Delivery Program (Design-Build and CM/GC) webpage with links to method-specific manuals and the Project Delivery Selection Matrix:
<https://www.codot.gov/business/designsupport/adp-db-cmgc>
- Code of Federal Regulations, *Title 23 CFR 635*: https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=23:1.0.1.7.23#se23.1.635_1501
 - Design-Build Contracting, *Title 23 CFR 635.100*, et seq and *Title 23 CFR 636*, et seq.
 - CM/GC Contracting, *Title 23 CFR 635.500*, et seq.
 - ID/IQ Contracting, *Title 23 CFR 635.600*, et seq.
- FHWA's CM/GC webpage: [CM/GC - ACMs - Contract Administration - Construction - Federal Highway Administration \(dot.gov\)](#)
- FHWA's Design-Build webpage: [Design-Build Project Delivery - Construction Program Guide - Contract Administration - Construction - Federal Highway Administration \(dot.gov\)](#)
- FHWA's ID/IQ Contracting webpage: [Indefinite Delivery/Indefinite Quantity Contracting for Federal-aid Construction \(Including Job Order Contracting\) - Construction Program Guide - Contract Administration - Construction - Federal Highway Administration \(dot.gov\)](#)

5.2 Prepare Design Data - CDOT Form 463

The CDOT [Form 463](#), which is completed in the CDOT database, is used on all on and off system projects to document important design information and provide uniform information during the project development process.

Design data on the Form 463 includes, but is not limited to:

1. Safety/Operations/ITS Considerations
2. Right of Way issues
3. Utilities

4. Railroad crossings
5. Environmental category
6. Traffic volumes
7. Roadway classification
8. Structures
9. Design Criteria
10. Scope of Work

The Form 463 is typically filled out by the Local Agency and input into the state database by the CDOT Project Manager. The Form 463 should be prepared soon after the project is created, and the scoping meeting is held. The Local Agency Project Manager should determine accurate project limits, project description, complete all applicable design data, and provide this information to the CDOT Project Manager. Unique Local Agency projects may require additional explanation in the Remarks field of Form 463.

Federal-aid Highway program projects on the National Highway System shall comply with geometric and structural standards outlined in the *CDOT Roadway Design Guide*. The *CDOT Roadway Design Guide* is based on the *AASHTO Policy on Geometric Design of Highways and Streets* (the “Green Book”). A current listing of AASHTO publications that provide valuable information for obtaining good design are found in *Title 23 CFR § 625.4 – Standards, policies, and standard specification*.

When a project reaches the Field Inspection Review stage, the information on the preliminary Form 463 should be complete and the scope of work or the project limits should not change. If it is necessary to revise the project limits or the scope of work, the Form 463 must be revised and the need for an IGA amendment evaluated. The CDOT Project Manager will be responsible to make changes in the CDOT database, T-code ZJ14.

5.3 Prepare Local Agency/CDOT Inter-Governmental Agreement

CDOT will prepare a project IGA detailing the responsibilities for the completion of the project. The agreement shall be developed in cooperation with the Local Agency and shall cover all phases of project work for which funding is approved. See Chapter 3 of this *Desk Reference* for further explanation.

In accordance with CRS 43-1-110(4), IGAs involving more than \$750,000 require the approval of the Transportation Commission. Because an IGA outlines all terms of a project, approval of the agreement serves as approval for all future contributions, option letters to encumber funds / specify phase dates, and amendments for that project. CDOT Engineering Contract Services coordinates the approval process through the Transportation Commission.

5.4 Conduct Consultant Selection/Execute Consultant Agreement

The Local Agency may hire a consultant to design and/or administer the construction of its project. To obtain Federal or State reimbursement, the Local Agency shall use CDOT's consultant selection process, or with the prior approval of CDOT's Engineering Contract Services, use its own consultant selection process. In order to obtain this prior approval, the Local Agency must have its attorney certify that the Local Agency Request for Proposal (RFP) and Consultant Selection Process is in conformance with federal and state laws. For projects with Right of Way acquisition, the Local Agency shall use CDOT's list of qualified acquisition and relocation agents.

A written RFP is prepared by the Local Agency to solicit proposals from the consultants. For purposes of this Desk Reference, RFPs and Requests for qualifications (RFQ) are considered equivalent.

If the Local Agency does not want reimbursement for consulting services, it may use its own consultant selection process without CDOT approval. For consultants performing Right of Way services, see Chapter 8 of the CDOT Right of Way Manual. *Title 23 CFR 172, Administration of Engineering and Design Related Service Contracts*, requires the

state highway agency to ensure that procurement actions by Local Agencies comply with this regulation. Consultant contracts shall be reviewed by CDOT prior to approval.

In accordance with *Title 23 CFR 172.5 (b)* and *Title 2 CFR 200.318*, the Local Agency shall prepare and maintain written policies and procedures for the procurement, management, and administration of engineering and design related consultant services in accordance with applicable Federal and State laws/regulations or adopt CDOT's policies. The Professional Services Contract Unit of CDOT Engineering Contracts Services can be contacted for a copy of CDOT's *Selection Process for Professional Consultant Services Contracts*.

The Local Agency should avoid conflicts of interest, either real or apparent, and should promptly disclose in writing any potential conflict of interest to CDOT. The Local Agency must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.

Because the regulations and laws are lengthy, the subsequent steps serve as a guide for a Local Agency obtaining professional consultant services. This guidance follows the format of *Title 23 CFR 172*. On Federal-aid Highway funded projects, these steps are listed in the CDOT/Local Agency IGA exhibit, *Local Agency Procedures for Consultant Services*.

1. The contracting Local Agency shall document the need for obtaining professional services.
2. Prior to solicitation for consultant services, the contracting Local Agency shall develop a detailed scope of work and a list of evaluation factors and their relative importance. The evaluation factors are those identified in CRS 24-30-1403, *Professional services - listings - preliminary selections*. Also, a detailed independent cost estimate shall be prepared by the Local Agency for use during negotiations with the most highly qualified consultant firm.

3. In accordance with CRS 24-30-1405, *Public notice*, the contracting agency must advertise for consultant contracts (professional services) if the basic construction cost of the project is expected to exceed \$1 million or if the fee for professional services is expected to exceed \$100,000. The advertisement period must be a minimum of 15 (business) days prior to the selection of the three most highly qualified firms, and the advertising should be done in one or more daily newspapers of general circulation or in an approved electronic medium. If the fee for professional services is expected to be \$100,000 or less, advertisement is not necessary, but a competitive selection process is still required.
4. The request for proposals on all projects shall include the following items:
 - a. Scope of work, technical requirements, and qualifications of consultants necessary for the services
 - b. Evaluation factors and their relative importance
 - c. Process for discussions with the three or more of the most highly qualified consultants following submission and evaluation of proposals (if required)
 - d. Method of payment (how the project is funded) and contract type
 - e. Estimated schedule for the procurement process
 - f. Statement indicating whether or not the Disadvantaged Business Enterprise (DBE) program is applicable. (This determination is made by CDOT.) If applicable, include the DBE participation goal set by CDOT (even if the DBE goal is zero).
 - g. Mandatory statements required by the IGA (if any)
 - h. The Local Agency's not-to exceed budget is allowed to be included in the request for proposal, but not required
 - i. Additionally, on projects with Federal-aid Highway funding:
 - Inclusion of the [CDOT Professional Services Local Agency Civil Rights and DBE Program Requirements](#) in the RFP along with a requirement for proposers to submit an [Affidavit of Small Business Participation](#) form with the proposal (even if the DBE goal is zero). The affidavit is the Consultant's contractually binding guarantee to meet the Contract Goal or make Good Faith Efforts to do so. (Failure of the proposer to submit the affidavit will result in the Consultant being deemed non-responsive and ineligible for award.)

- Inclusion of statements contained in the *CDOT Professional Services Local Agency Civil Rights and DBE Program Requirements*, Section II, in the RFP pertaining to consultant assurance, prompt payment and subcontract terms.

Price or cost related items shall not be used as a factor in the evaluation, ranking and selection phase of the most highly qualified firm. This includes, but is not limited to, direct salaries/wage rates, indirect cost rates, and other direct costs.

Contact the Civil Rights & Business Resource Center (CRBRC) for any questions pertaining to DBE requirements and forms.

The draft request for proposal shall be reviewed by the CDOT Project Manager prior to solicitation.

5. The evaluation and selection of the consultants are done in accordance with CRS 24-30-1403. This section of the regulation identifies the criteria to be used in the evaluation of consultants and their team. It also shows which criteria are used to short-list and make a final selection. The selection process is qualifications-based, and cost shall not be considered a factor.

The short-list is based on the following evaluation factors:

- a. Qualifications
- b. Approach to the Work,
- c. Ability to furnish professional services
- d. Anticipated design concepts, and
- e. Alternative methods of approach for furnishing the professional services.

Evaluation factors for final selection are the consultant's:

- a. Abilities of their personnel,
- b. Past performance
- c. Willingness to meet the time and budget requirement,
- d. Location – Note: On Federal-aid Highway program projects, in accordance with *Title 23 CFR 172.7(a) (1) (iii) (C)*, an in-state or local preference shall not be used as a factor in the evaluation, ranking and selection phase. On

state funded projects, in accordance with CRS 24-30-1403 (2), Colorado firms shall be given preference when qualifications appear to be equal. This factor should only be considered after the evaluation and ranking phase. On Federal Recovery Fund projects, in accordance with Title 2 CFR 200.319, geographic location is allowed to be a selection criteria provided its application leaves an appropriate number of qualified firms. While allowable, because of tight deadlines for expenditure of these funds, use of geographic location as a factor is discouraged.

- e. Current and projected workload,
- f. Volume of previously awarded contracts, and
- g. Involvement of minority consultants.

Optionally, the top firms (minimum of 3) can be short-listed and invited to participate in a presentation and interview phase. Final selection will then be made after the presentation and interview score is added.

On projects with Federal-aid Highway funding, after a consultant is selected, the Local Agency shall submit their *Affidavit of Small Business Participation* form along with the statement of interest proposal to CRBRC at CDOT_hq_dbefirms@state.co.us and copy the CDOT Project Manager. The CRBRC will approve the form only if the consultant demonstrates (i) sufficient commitments, or (ii) good faith efforts to meet the established DBE contract goal in accordance with the procedures outlined in the CDOT Professional Services Local Agency Civil Rights and DBE Program Requirements found at the following link: <https://www.codot.gov/business/civilrights/compliance/prof-services/local-agency>.

6. The Local Agency enters into negotiations with the consultant to obtain a fair and reasonable price for the anticipated work. The independent cost estimate prepared in Step 2 shall serve as the basis for negotiation.

Federal reimbursement is limited to those items allowable under the cost principles in *Title 48 CFR 15, Contracting by Negotiation (subpart 15.404-4 Profit)*. Fixed fees (profits) are determined with consideration given to such items as project size, complexity, duration, qualifications of contractors, and degree of risk involved in the work. Profit is not to exceed 15 percent of the total allowable

direct and indirect costs. Costs-plus-percent-of-cost contracts are not permissible.

The draft Consultant Contract shall be reviewed by the CDOT Project Manager to ensure the contract contains the necessary federal and state requirements.

On projects with Federal-aid Highway funding, the Consultant Contract shall contain or link to the *CDOT Professional Services Local Agency Civil Rights and DBE Program Requirements*. These requirements explain the civil rights and prompt payment processes and tracking on professional service contracts and the mandatory use of B2GNow, a web-based compliance system platform on contracts advertised on or after July 1, 2022. CDOT will set up the professional services contract in the B2GNow system using information provided by the Local Agency. See Appendix B for a sample Local Agency Professional Services B2GNow Contract Setup Information form.

If the Consultant Contract includes or is solely for construction contract administration services, the applicable CDOT construction and inspection manuals shall be incorporated by reference in the contract between the Local Agency and the Consultant. For example, if the Consultant was providing Quality Assurance inspections of fabricated items such as girders, the *CDOT Bridge Fabrication Inspection Manual* should be incorporated by reference in the Consultant Contract and the Consultant required to follow the procedures outlined in the manual.

7. A Consultant Contract for federally reimbursable consulting services should not be signed until the Local Agency/CDOT IGA and Option Letter encumbering funds have been signed and made effective by the CDOT Controller. On Federal-aid Highway program projects, the Local Agency shall submit a certification that procurement of any Consultant contract complies with the requirements of *Title 23 CFR 172.5 (b) (1)* prior to entering into such Consultant contract, subject to CDOT's approval. Immediately after the Consultant contract has been awarded, an electronic copy of the executed Consultant contract and any subsequent amendments shall be submitted to CDOT.
8. A qualified Local Agency employee shall be responsible and in charge of the project to ensure that the work being done is complete, accurate, and consistent

with terms, conditions, and specifications of the contract. On Federal-aid Highway funded projects (in accordance with *Title 23 CFR §172.9 (d)(2)*), at the end of the project, the Local Agency prepares a performance evaluation on the consultant and archives it for consideration as an element of past performance in the future evaluation of the consultant to provide similar services. (CDOT Form 313 in Appendix A can be used.)

9. Each of the steps listed above is documented in accordance with the provisions of *Title 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, (subpart D, 200.334 Retention requirements for records)*, which provide for records to be kept at least three years from the date that the Local Agency submits its final expenditure report. Records of projects under litigation shall be kept at least three years after the case has been settled. On projects with Federal Recovery Funds, records shall be maintained by the Local Agency for a period of five years after all funds have been expended. On state-funded projects, the Local Agency is required to retain project documentation and project records for 3.5 years from the CDOT Form 950 project closure date in accordance with Procedural Directive 21.1, *Requirements for Capital Engineering Program Records*, which is included in Appendix B. A Local Agency may have additional retention requirements on state-funded projects specific to its organization in addition to the 3.5 years. A best practice is for a Local Agency to retain structure records for the life of the structure.

CRS 24-30-1401 through 24-30-1408, *Title 23 CFR 172, Title 2 CFR 200*, and *CDOT Procedural Directive 400.1 - Obtaining and Modifying Professional Services Contracts*, provide additional details for complying with the nine steps discussed above.

Appendix II to Part 200 (Title 2 CFR 200) – Contract Provisions for Non-Federal Entity Contracts Under Federal Awards requires:

It is also the responsibility of the Consultant to comply with the federal statutes and regulations cited in *Title 2 CFR 200*, Appendix II specifically: (A) Administrative, contractual, or legal remedies, (B) Termination for cause and for convenience, (C) Equal Employment Opportunity, (D) Davis-Bacon Act and Copeland "Anti-Kickback" Act, (E) Contract Work Hours and Safety Standards Act, (F) Rights to Inventions

Made Under a Contract or Agreement, (G) Clean Air Act and Federal Water Pollution Control Act, (H) Debarment and Suspension, (I) Byrd Anti-Lobbying Amendment.

See https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl for *Title 2 CFR 200* requirements.

5.4.1 Seek Approval of Local Agency On-Call List for Consultant Selection

Under certain conditions and with CDOT Engineering Contracts Services prior approval, a Local Agency is allowed to use their on-call list of consultants. The Local Agency must provide documentation to CDOT Engineering Contract Services showing compliance with CDOT's consultant selection process and federal requirements at *Title 23 CFR 172.9 (a) (3)* during the initial on-call solicitation. CDOT Engineering Contract Services concurrence with the initial on-call solicitation is required. An additional or second qualifications-based selection procedure is required to select a consultant for the project-specific contract.

The Local Agency shall submit the draft additional or second qualifications-based selection procedure to the CDOT Project Manager for review. The second solicitation does not require advertisement nor has to be a formal request for proposal, but shall include the following items:

- A detailed scope of work and alignment of scope between the initial on-call solicitation and the second step solicitation
- Technical requirements
- Statement indicating whether or not the Disadvantaged Business Enterprise (DBE) program is applicable. (This determination is made by CDOT.) If applicable, include the DBE participation goal set by CDOT (even if the DBE goal is zero).
- On Federal-aid Highway funded projects, inclusion of the *CDOT Professional Services Local Agency Civil Rights and DBE Program Requirements* along with a requirement for proposers to submit an *Affidavit of Small Business Participation* form with the proposal (even if the DBE goal is zero). The affidavit is the

Consultant's contractually binding guarantee to meet the Contract Goal or make Good Faith Efforts to do so.

- Statement that all federal and state laws must be followed
- Contract type and method of payment

This process applies to all projects, both federal and state funded. A minimum of three firms must be solicited from the on-call list for the second step. Price or cost related items shall not be used as a factor in the evaluation, ranking and selection of the most highly qualified firm. Specific questions about use of on-call lists should be directed to the CDOT Project Manager.

5.4.2 Implement Compliance System on Consultant Professional Service Contracts with Federal-aid Highway funding

The Local Agency's selected Consultant will be required to use a web-based platform, currently B2Gnow, to track Civil Rights compliance and prompt payment requirements on Federal-aid Highway funded professional service contracts advertised on or after July 1, 2022. These requirements are found in the *CDOT Professional Services Local Agency Civil Rights and DBE Program/Contract Requirements* at the following link: <https://www.codot.gov/business/civilrights/compliance/prof-services/local-agency>.

5.4.3 Seek Approval of Consultant as Extension of Local Agency Staff

On Federal-aid Highway program projects, with FHWA approval, a Local Agency may use a consultant in a management support (advisory) role in accordance with *Title 23 CFR 172.7 (b) (5)*. To be allowable, a management support role should be limited to the following:

1. Large projects or circumstances where unusual cost or time constraints exist
2. Instances where unique technical or managerial expertise is required, and/or
3. Instances where an increase in agency staff is not a viable option

Specific questions about use of consultants as an extension of staff should be directed to the CDOT Engineering Contracts and FHWA.

5.5 Conduct Design Scoping Review Meeting

The Design Scoping Review (DSR) or scoping meeting creates an early review of a project prior to preliminary design. This enables developing a scope of work that will be consistent with the planning and design characteristics. The CDOT Project Manager issues the invitation to the scoping meeting and invites the following parties, as appropriate:

From CDOT Region:	Others:
<ul style="list-style-type: none"> • Resident Engineer and LA Program Manager • Traffic /Safety Engineer • Utility Engineer • Planning/Environmental Manager • ROW Manager/Supervisor • Materials Engineer • Survey Coordinator • Maintenance Staff, if the project impacts a State Highway 	<ul style="list-style-type: none"> • CDOT Staff representatives: Bridge, Hydraulics, Safety and Traffic, ROW, Transportation Development, Permits, Environmental, Geotechnical, etc. • Other State Agencies • Local Government Agencies (city, county, etc.) • FHWA Representatives (and other federal agencies) • (Specific organizations: emergency, schools, special districts, enhancement sponsors, etc.) • Railroads, Transit Operators, Airports

The Local Agency and the CDOT Project Manager should discuss and agree who will be responsible for preparation of the meeting agenda and for conducting the scoping meeting. Project elements to discuss include, but are not limited to, the following:

- Project scope of work
- Project limits and location
- Project budget (by phase) - A man-hour estimate is needed for the design phase and a ROW phase budget is needed to properly reflect the Local Agency’s portion of ROW costs
- Preliminary construction budget or total project costs

- Design requirements – Typical sections, horizontal and vertical alignment, detour, drainage, approach to project, cut-off points, aesthetic features, pedestrian/bicycle features, landscaping, lighting, major structures and other structures, railroad, safety, traffic control, access control, source of materials, roadway and roadside clearances, erosion control, and pavement and resurfacing options
- Environmental requirements, including any unique considerations such as noise ordinances/time of day issues, permitting needs/requirements, Municipal Separate Storm Sewer System (MS4) requirements, Stormwater Management Plans (SWMP), air quality, National Environmental Policy Act (NEPA) commitment, etc.
- ROW requirements, including construction/temporary easements, acquisition process, and any potential relocations
- Utility requirements, including subsurface engineering (Senate Bill 18-167)
- Survey requirements, including use of unoccupied aircraft systems (drones) in accordance with [Federal Aviation Administration regulations under Part 107](#).
- Geotechnical considerations
- Traffic and safety issues, including technology elements which include a system engineering analysis (SEA) as required per *Title 23 CFR 940*. SEA information can be found at the following link: <https://www.codot.gov/programs/intelligent-transportation-systems/systems-engineering-analysis-sea/sea-and-local-agencies> Sections 1 and 2 of the SEA form can be completed early in the project delivery process to determine if a robust SEA evaluation is required.
- Long lead items
- Proprietary items
- American with Disability Act requirements - See *CDOT Procedural Directive 605.1, ADA Accessibility Requirements in CDOT Transportation Projects*.
- Maintenance concerns or agreements, especially pertaining to projects funded with Permanent Water Quality Program funds.
- Construction requirements, including anticipated Ad date. Note: A final structure quality inspection (of all structures) will be required to determine whether the work is in reasonably close conformity with the plans and specifications. The Local Agency should determine if this inspection will be performed by the Design Engineer of Record or the Engineer in Responsible Charge of Construction as either may perform the inspection.

- Construction management support services and *Division of Project Support Memo 2016-1 Consultant Waiver Request*. See Appendix B for waiver request form.
- Specifications – use of CDOT specifications is preferred. Contact the CDOT Project Manager with questions.
- Requirements pertaining to placement of Art within the project Limits. See the [CDOT Landscape Architecture Manual](#). Contact the CDOT Project Manager with questions.
- Coordination of all disciplines
- Project Schedule, including performance period end dates

Determining the limits of the project and a draft survey request should be one product of the DSR. An adequate field survey is essential to a properly constructed project and is required for land acquisition on a project. For Right of Way acquisition and plans, the accuracy of the survey increases, as listed in 5.5.2, “Minimum Horizontal Accuracy Tolerances,” and 5.5.3, “Minimum Horizontal Accuracy Tolerance Table” of the *CDOT Survey Manual* found at the following link:

<https://www.codot.gov/business/manuals/survey>.

Whenever possible it is desirable to conduct the scoping meeting after the local agency selects its consultant, but before it completes the consultant contract. This enables all parties to ensure that all task items assigned to the consultant are properly addressed in the consultant contract. The consultant will not receive any compensation for activities that precede the Notice to Proceed. The items needed to clear the project for construction will be discussed at the scoping meeting.

The Local Agency prepares the meeting minutes and addresses any action items. The CDOT Project Manager files the minutes in CDOT’s electronic data management system.

5.6 Conduct Public Involvement

It is recommended that Local Agencies involve the public throughout the project development. Project information can be provided via flyers, news releases, or the local agency website. Local Agencies should use their own public participation guidelines

and should notify the CDOT Region Public Information Office of public outreach efforts. Local Agencies should coordinate with CDOT to determine whether there are disproportionately adverse impacts to minority and low-income populations. Title VI Assurances are included in the IGA. For guidance contact your CDOT Project Manager or review the public participation guidelines in Chapter 7 of the *CDOT NEPA Manual*, found at: <https://www.codot.gov/programs/environmental/nepa-program/nepa-manual>

Public meetings can include door to door visits, homeowner group meetings, business surveys or stakeholder meetings, open houses, or formal public meetings and comment periods. It is in the best interest to have a wide range of public involvement early in the project. The elected officials, planners, design engineers and Right of Way agents should attend to get some public feedback on the project. Context sensitive solutions should be considered when designing and constructing the improvement.

When a significant number or proportion of the affected community needs information in a language other than English to participate in the process, the Local Agency shall provide notices of public meetings and project information in the other languages and take any other reasonable steps, including providing an interpreter, appropriate for the scope of the program and the size and concentration of the limited English proficiency population.

Announcement on the Local Agency's website of the design of the transportation improvement project and its corresponding public meeting is also effective.

5.7 Conduct Field Inspection Review (FIR)

The Field Inspection Review (FIR) is the on-site review of preliminary construction plans and cost estimate that signifies the end of the preliminary design phase and represents a 30% complete project. Often, the FIR is held in an office or virtual meeting environment with an optional field trip to visit the site. FIR plans are preliminary in nature, but still must contain applicable required items and details of all salient features. The FIR is held to conclude all unresolved issues identified during preliminary design and to establish the specific criteria and direction that are to be used in the final design.

The Local Agency should coordinate the electronic transmittal of the FIR plans with the CDOT Project Manager. While a month is preferable, a minimum of two weeks should be allocated for CDOT staff review. If the plans as submitted do not reflect a 30% complete project, the CDOT Project Manager should not schedule or hold the FIR meeting.

The CDOT Project Manager provides the FIR plans to CDOT Specialty staff. Depending on the complexity of the project, the Local Agency's consultant, or Staff Bridge, may request a separate structures FIR. Outside public agencies involved in a project may request a separate field review prior to the FIR.

The following items, if applicable, are required prior to the FIR:

- Scoping, Budgeting, and Planning
 - Preliminary alignment data
 - Justification for variances
- Environmental Clearance Document
 - Form 128 – Categorical Exclusion Determination showing clearance activities or other appropriate clearance document
 - Federal-aid Highway funded projects not eligible for Programmatic Categorical Exclusions require FHWA sign-off
- Traffic
 - Identification of detours and the proposed preliminary construction-phasing plan
 - Complete traffic data, accident data, safety report, and turning movements, if required
- Materials
 - Soil survey should be completed
 - Final stabilization plan should be provided
- Right of Way
 - The assessor's parcel maps, ownership list, old Right of Way plans, and other available Right of Way information should be prepared for review by the ROW Plans PLS-II or delegated reviewer for ROW Plans. Any property acquisition areas are needed, if possible.
 - The consultant selection process for Right of Way work should be initiated prior to the FIR and shortly after the scoping meeting to allow the

consultant time to complete the topographical survey and preliminary ownership map prior to the FIR. Accurate location of all existing Right of Way and property lines cannot be provided until adequate research of public records has been completed at a minimum.

- Utilities
 - Existing utility information, including irrigation ditches and water rights in compliance with Senate Bill 18-167.
- Hydraulics
 - A preliminary hydraulic report or design should be provided prior to the FIR. Requirement may be adjusted by the region depending on project complexity.
- Structures
 - A Structures Selection report should be provided prior to the FIR.
- Wetlands
 - Identification and scheduling of wetland mapping.
- Survey
 - A complete survey, including topography, utilities, and existing monumentation should be completed and tied to CDOT's survey control network, High Accuracy Reference Network (HARN), if within CDOT ROW.
 - If Right of Way is involved, aliquot section corners, property pins, and Right of Way markers must also be tied to CDOT's survey control network to allow work on the ownership map to begin.
- Preliminary Cost Estimate
- Required on all FIR-level Plans
 - Scoping, budgeting, and planning:
 - A title sheet, typical sections, general notes, plan and profile sheets with existing topography and utilities, proposed alignments, slope catch points, profile grades, ground line, cross sections, existing Right of Way and rough structure notes, drainage plan, access plan, and detour plan.
 - Environmental:
 - a. Mapping of any existing wetlands
 - b. Preliminary mitigation plan
 - c. Locations of environmental constraints (other than wetlands)

- d. Initial site assessment completed, and potential hazardous materials sites identified.
 - e. Preliminary SWMP
- Traffic
 - a. Traffic volume data
 - b. Conceptual construction phasing plan
- Structure
 - a. Bridge general layouts and applicable plan sheets
 - b. Major structure cross-sections
- Materials
 - a. Soil profile and stabilization requirements
- Right of Way
 - a. Existing and proposed Right of Way shown on the design plan
- Utilities
 - a. Identification of impacts to utilities shown
 - b. Names of utility companies and contact personnel
- Other
 - a. Preliminary layouts of interchanges and intersections
 - b. Special details and unusual specifications
 - c. Driveways and field approaches
- Desired Items – The FIR plans should contain the following items if available in time for the scheduled FIR:
 - Preliminary survey tabulation sheet
 - Preliminary survey control sheet

The Local Agency coordinates with the CDOT Project Manager to schedule the FIR meeting at a mutually beneficial time, prepares the agenda and conducts the meeting. The Local Agency should document all comments in a Comments Resolution matrix. Specialty Unit staff provide written comments prior to or attend the meeting to provide comments. The items to be reviewed may include, but are not limited to, the following:

- Scoping, Budgeting and Planning
 - Typical sections, stabilization, and general notes
 - The horizontal and vertical alignments
 - Plan details for approaches to project

- Preliminary cost estimate
- Schedule, including performance period end dates if applicable
- Budget
- Environmental
 - Plan details for measures to mitigate or avoid adverse environmental impacts
 - Preliminary field mapping of existing wetland areas
 - Stormwater management plans
 - Permit requirements
- Traffic
 - Plan details for any provisions for traffic during construction, including detours, phasing, and barrier
 - Traffic control plan
 - Traffic signal plan (if applicable)
 - System engineering analysis evaluation in accordance with *Title 23 CFR 940* if not completed during scoping or if a robust analysis is required
- Structures
 - Structure Selection Report – QA Checklist found at:
<file:///C:/Users/colec/Downloads/Chrome/Structure%20Selection%20Report%20QA%20Checklist.pdf>
 - Structure demolition method
- Materials
 - Stabilization Report and Life Cycle Cost Analysis (if available)
 - Materials Recommendation Report
 - Quality incentives
 - FIPIs for proprietary items, if any
- Right of Way
 - Right of Way requirements and access control plan
 - Impacts to buildings, other improvements, and agricultural operations
 - Number of owners affected and what the impacts are
 - If relocation of homes, businesses, farms or personal property are required, the Local Agency or their agent consultant must prepare an Acquisition Stage Relocation Plan. (CDOT Form 557 and see *Title 49 CFR 24.205*)
 - Purchase of mitigation areas

- Existing Agreements that have conditions affecting plans
- Plan details for fencing requirements
- Purchase of utility easement
- Purchase of temporary construction easements
- Section 4(f) process requirements
- Utilities
 - Utility relocation requirements
 - Power sources
 - New or future utility accommodations
 - Irrigation ditches
- Agreements, justifications, and approvals status
 - Railroad requirements and other agreement conditions
 - Requirements for any Intergovernmental Agreements
 - Requirements for any Maintenance Agreements, especially pertaining to Permanent Water Quality Program funding
 - Coordination of all design elements requiring mitigations, action items, conditions, or justifications
- Survey
 - Preliminary survey tabulation sheet
 - Additional survey needs
- Hydraulics
 - Irrigation and drainage requirements
 - Preliminary drainage report, as applicable
 - Major structure sizing
- Others
 - Use of CDOT Standard Specifications
 - Safety issues
 - Maintenance concerns
 - Special interest groups
 - Specialty reports (safety, geotechnical)
 - Fencing

The Local Agency prepares and distributes the meeting minutes and addresses any action items. The CDOT Project Manager files the minutes in CDOT's electronic data management system.

5.8 Conduct Environmental Processes

The Local Agency must ensure that the environmental consequences of its transportation project have been adequately considered and that required mitigation measures can be completed within the timeframe and budget described in the application. An environmental NEPA clearance (front page for the CDOT Form 128) is required before final design, Right of Way acquisition and construction funds are authorized. Contact the CDOT Project Manager for guidance concerning the environmental requirements. Among those requirements, Environmental Justice considerations should be analyzed and documented, if applicable. For more information see Chapter 9.15 of the *CDOT NEPA Manual*, found at:

<https://www.codot.gov/programs/environmental/nepa-program/nepa-manual> .

On Federal-aid Highway funded projects, also see Chapter 3 of the *FHWA Project Development and Design Manual*, found at:

<http://flh.fhwa.dot.gov/resources/manuals/pddm/> .

5.9 Acquire Right of Way

All Right of Way needed in connection with Local Agency projects must be acquired in compliance with Public Law 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended¹, commonly called the Uniform Act. The rules are reprinted each year in *Title 49 CFR 24*. See

http://www.fhwa.dot.gov/real_estate/uniform_act/ or *Title 49 CFR 24.102*.

Before Federal funding can be authorized for Right of Way purposes, CDOT must review and approve a set of Right of Way plans. The Right of Way plans shall include legal descriptions and topographic features for all land acquisitions. An approved Acquisition Stage Relocation Plan (CDOT Form 557), if applicable, and cost estimates for Right of Way acquisition need to be submitted with the Right of Way plans in the packet requesting approval prepared for the project. See the CDOT Region Right of

¹ As amended by Public Law 100-17, Apr. 2, 1987, Title IV, Uniform Relocation Act Amendments of 1987; As amended by Public Law 102-240, Dec. 19, 1991, Sec. 1055, Relocation Assistance Regulations Relating to the Rural Electrification Administration; As amended by Public Law 105-117, Nov. 21, 1997, Sec. 104, an Alien not lawfully present in the United States.

Way Program/ Manager for the extent of Right of Way plans needed to obtain approval.

The Uniform Act applies when Federal dollars are utilized in any phase of the project. The Uniform Act applies even when Federal dollars are not used specifically for property acquisition or relocation activities, but are used elsewhere in the project, such as planning, environmental assessments or construction. The Uniform Act also applies when Right of Way is acquired for projects that modify state highways where no Federal dollars are used in any phase (100% local funded projects).

The Uniform Act is divided into three major sections or titles. Title I, General Provisions, covers definitions. Title II, Uniform Relocation Assistance, contains provisions relating to the displacement of persons or businesses by Federal or federally assisted programs or projects. Title III, Uniform Real Property Acquisition Policy, pertains to the acquisition of real property for Federal or federally assisted programs or projects.

CDOT must provide assurance to the FHWA that it can fully comply with the Uniform Act. The Local Agency must certify that it has followed the Uniform Act when acquiring real property. Pursuant to *Title 23 CFR 635.309 Authorization*, a project should not receive authorization to advertise until a statement is received that all Right of Way clearance, utility, and railroad work has been completed or that all necessary arrangements have been made for it to be undertaken and completed as required. See Appendix B for two examples of Right of Way certification letters.

If Right of Way is required for a project, the minimum timeline necessary to complete the acquisition process ranges from 12-24 months. It is preferable for all Right of Way to be purchased and taken into possession prior to concurrence to advertise for bids. However, the Local Agency may request a conditional Right of Way clearance per *Title 23 CFR 635.309 (c)(3)(i-v)* in some situations where there is a critical need to accelerate the advertisement of the project. Using CDOT's Right of Way clearance form, Local Agencies may apply for a conditional Right of Way clearance to their CDOT Region Right of Way Program/Manager. The Region Right of Way Program/Manager will evaluate the request considering the public interest to be served with the risk of construction delay damages that the Local Agency would be taking if the request were approved. If the Region Right of Way Program/Manager approves, the request then goes to CDOT's Project Development Branch Manager for review, and either approval

or denial. When Regions approve a Local Agency's decision to take a risk or if the risk is very low, the CDOT Project Development Branch Manager will likely approve the conditional Right of Way clearance request. In situations where people are residing on any of the parcels on the project – or in that phase of the project – CDOT's policy is not to approve the request unless sufficient evidence substantiates that the displacees have been informed about the project and would have protection from any construction activity should the construction begin before all are relocated. If the relocation is personal property (like a junkyard) or a business, a conditional clearance may be approved if there is a reasonable plan in place for relocating the personal property or if the business owner doesn't plan to reestablish their business. Or, if the business owner has been provided comparable business replacement locations and there is a reasonable plan in place for relocation of the business, a conditional clearance may be approved. Also, when a project with a conditional Right of Way clearance is advertised, the ad set must contain information about the no-work parcels and the estimated availability dates. See Chapter 8 of the ROW manual, found at: <https://www.codot.gov/business/manuals/right-of-way/Chapter%208%20-%20Local%20Public%20Agencies>.

The Local Agency may accept, as part of a Federal or federally assisted project, a parcel that a developer is required to dedicate to the Local Agency based on the requirements of the Local Agency in the planning, subdivision and zoning approval process. Dedication is the process in which a local government directly appropriates property for a future public use in the subdivision platting and zoning approval process. Dedications are usually consummated at the time of subdivision approval. Dedications must be completed and enforceable before the Local Agency requests a Right of Way clearance.

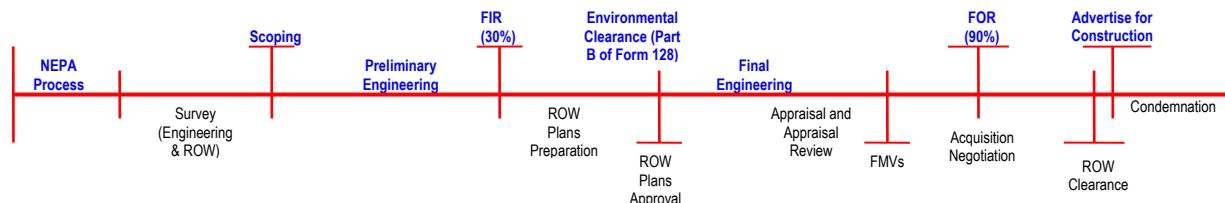
Real property obtained through a Local Agency's planning, subdivision and zoning process are often strips of land for transportation purposes. When the Local Agency acquires land through application of its planning, subdivision and zoning rules, it is a use of the Local Agency's police power. Police power does not require payment for the land acquired through dedication, as dedication is not a use of eminent domain. Land acquired in this manner may be incorporated into a federally assisted project without jeopardizing participation in other project costs.

Property owners whose real property is to be acquired for a project may make a gift or donation of the land, or any part of it, or of any of the compensation paid for it, to the acquiring agency. The owner-donors must be fully informed of the right to receive just compensation for the acquisition of the property if it is desired. The owners must also be fully informed that they are entitled to have an appraisal made of the property along with an offer of just compensation. The owners may release the Local Agency from either or both of these obligations. This release must be acquired in writing and cannot be obtained through coercion. CDOT Form 1344, Real Property Donation, is used in instances where property is donated for a Local Agency project.

The Local Agency shall work closely with the CDOT Project Manager and the CDOT Region Right of Way Program/Manager during the entire acquisition process, both to expedite acquisition and to assure that all Federal and State requirements are met.

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Right of Way Acquisition Pursuant to the Uniform Act



Observations:

- ROW Process is a system of handoffs
- ROW Process interacts with other disciplines, e.g.: Engineering, Environmental, Utilities, etc.

The above illustration shows that the Right of Way timetable threads its way through the environmental clearance and design process. NEPA clearance (without corresponding permits) is required before Right of Way plans are approved by CDOT. Thus the notice to proceed with the owner interaction and appraisals period is dependent upon the Right of Way plans approval. See Chapter 8 of CDOT’s Right of Way Manual for in-depth instructions and further regulations at:

<https://www.codot.gov/business/manuals/right-of-way/Chapter%208%20-%20Local%20Public%20Agencies> .

The local agency shall use appraisers and acquisition agents selected from CDOT's RFP list or CDOT's qualification acquisition and relocation agent list in accordance with section 8.4.1 of CDOT's Right of Way Manual. Once the appraisal is completed, it must be sent to the CDOT regional ROW office for review. This review may require the Local Agency's appraiser to adjust the appraisal. It is about a 3-to-4-week process. It is wise to also obtain the owner's appraisal at about the same time, as this can generally be used for setting or adjusting the Fair Market Value (FMV) by the CDOT regional office.

Negotiations between the Local Agency and the property owner can begin when the FMVs are established. If the Local Agency decides to compensate the owner more than the FMV for some reason, the CDOT Region Right of Way Program/Manager shall be informed of this decision. All possession and use and final closing documents must be copied to the regional ROW manager.

CDOT forms must be used for Right of Way acquisition since it streamlines the process and provides a very easy way for CDOT to concur with these actions. The property must be free of all liens and encumbrances to avoid endangering the integrity of the federally funded facility.

5.10 Obtain Utility and Railroad Agreements

Utilities

It is the Local Agency's responsibility to coordinate with all affected utility owners to identify existing facilities, determine where conflicts exist, and negotiate relocation requirements and payment terms. The Local Agency is also required to comply with Subsurface Utility Engineering (SUE) requirements found in CRS 9-1.5-102, et seq. More information is also available at the FHWA SUE website found at:

<https://www.fhwa.dot.gov/programadmin/sueindex.cfm> .

Pursuant to *Title 23 CFR 635.309(b) Authorization*, no project can be advertised until CDOT has provided written certification that all conflicts with the utility companies have been resolved. The Region Utilities Engineer will issue a Utility clearance for the project (See Appendix B).

The Region Utilities Engineer provides guidance to the Local Agency Project Manager in identifying and addressing all utilities affected by the project. The Local Agency Project Manager shall:

1. Identify, verify, and locate known utilities and conflicts within project limits in accordance with SUE quality level requirements. The Utility Conflict Matrix is used to identify utility conflicts with roadway design features.
2. Coordinate necessary utility relocations and negotiate the agreements and/or permits.
3. Draft project utility specifications, and ensure that existing utility lines and any relocation requirements are accurately shown and identified on the project plans, specifications and estimates.
4. Submit project Utility Clearance letter to the Region Utilities Engineer.
5. Process utility billings.

Railroads

The Local Agency may encounter railroad involvement in one of two contexts:

1. On projects specifically for the installation of safety devices at highway/rail at-grade crossings, or
2. When the transportation project will encroach upon railroad property and/or impact railroad facilities.

On Local Agency projects with railroad involvement, an agreement between the railroad and the Local Agency is required which can significantly affect the project schedule. An application may need to be submitted to and approved by the Colorado Public Utilities Commission. The CDOT Railroad Program Office in the Project Development Branch can furnish guidance and support at the Local Agency's request.

5.11 Conduct Final Office Review (FOR)

The FOR plans and specifications shall be final in nature. The FOR is a final review of construction plans, specifications and cost estimates for completeness and accuracy.

FOR documents shall consist of the following package:

1. Plans and specifications
 - i. Complete project plans containing all necessary tabulations and details required for construction (including an approved Storm Water Management Plan).
 - ii. Project Specifications
 - iii. A listing of special provisions (project and standard special) necessary for the project, current as of the date of the FOR.
 - iv. The project manual or document containing the general terms of the contract
2. Cost Estimate
An updated cost estimate of all finalized plan quantities, including planned force account work and other items chargeable to the project such as design, Right of Way, utilities, and construction engineering
3. System Engineering Analysis (SEA) evaluation, as applicable
4. CDOT Form 859 – Project Control Data, Construction
The Local Agency should complete and sign Form 859. The contract time shown on Form 859 should match the time in the Commencement and Completion of Work special provision, (CDOT Standard Specifications, §108.08).

The Local Agency should coordinate the electronic transmittal of the FOR package with the CDOT Project Manager. Upon receipt of the FOR documents, the CDOT Project Manager electronically transmits the information to Specialty Staff and schedules the FOR meeting. While a month is preferable, a minimum of two weeks should be allocated for CDOT staff review. The CDOT Project Manager should not schedule the FOR meeting if the FOR package is not complete. The FOR package should be reviewed for completeness and accuracy of construction details and plan quantities.

The Local Agency develops the agenda and conducts the FOR meeting. The Local Agency prepares and distributes the meeting minutes and documents any remaining final action items in a Comments Resolution matrix. The CDOT Project Manager files the minutes in CDOT's electronic data management system.

5.12 Justify Force Account Work by the Local Agency

Construction of a project shall be performed under a contract awarded to the lowest responsible bidder. However, under limited circumstances, subject to CDOT's approval, it may be in the public interest for a Local Agency to construct a portion of a project on a force account basis. In this context, the term "force account construction method" means the direct performance of project work by the Local Agency using labor, equipment and materials furnished by it and used under its direct control.

It may be found in the public interest and cost effective for a Local Agency to undertake a construction project by the force account construction method when a situation arises in which the rights and responsibilities of the community at large are so affected as to require a special course of action. Situations that may justify a request for a Force Account Construction Method – Finding in the Public Interest (FIPI) are listed in [CDOT Form 895](#), and include the following:

1. Emergency repair work
2. Railroad or Utility work
3. Contract value under \$50K; lack of bids; or bids received were unreasonable
4. Incidental work for which the force account construction method is cost effective
5. Material furnished by the Local Agency
6. Unusual circumstances unlikely to recur for which the force account construction method is cost effective

When the force account construction method is considered, it must be justified by a cost effectiveness determination that shows a substantial savings over estimated contract prices.

1. The cost effectiveness determination is prepared by the Local Agency and should compare the detailed cost estimate for work by the force account

- construction method with the detailed cost estimate of work by the competitive bid method of construction. The estimates for both shall be all inclusive so a fair and equal comparison can be made.
2. The Local Agency estimate for the force account construction method must include all costs associated with the work and not just the work that will be billed to the project. These costs include non-reimbursable costs that are inherent to the work including labor, overhead, equipment, materials, and supplies.
 3. The cost effectiveness determination may be based on unit prices, including all engineering and administrative costs. Unit prices must be based on the cost of performing the work. If the Local Agency has no set rates for its equipment, it may use the current rental rates specified in subsection 109.04 (c) of CDOT's Standard Specifications.
 4. The cost effectiveness determination must include the overhead costs incurred by the Local Agency (employee wages, benefits, and equipment costs) and other items subsidized by the taxpayer
 5. To perform work by the force account construction method, the Local Agency must be adequately staffed and suitably equipped to perform the work cost effectively in the prescribed time.

The CDOT Region Program Engineer must approve the FIPI justification before a Local Agency is authorized to perform any work on a project by the force account construction method. Upon receipt of the FIPI justification, the CDOT Region Program Engineer will prepare the CDOT Form 895 – Region Certification – Force Account Construction Method –and Finding in the Public Interest (see Appendix A). For more information on Federal-aid Highway funded projects, see FHWA Policy on Agency Force Account Use, FHWA Order 5060.1 at the following link:

<https://www.fhwa.dot.gov/legsregs/directives/orders/50601.cfm>

5.13 Justify Proprietary, Sole Source, or Local Agency Furnished Items

In accordance with [Design Bulletin 2020-2](#), when the use of a patented or proprietary (trade name), sole source, or Local Agency furnished item is essential for a project, the Local Agency should prepare a simplified CDOT [Form 1381](#) Proprietary Item – Certifications or Finding in the Public Interest (FIPI) which documents that no equally

suitable alternative exists. This applies to all projects, NHS and non-NHS, regardless of funding source. See Section 2.24 of the [CDOT Project Development Manual](#).

One or more of the following criteria must be documented in the Form 1381 to justify the use of proprietary items:

1. The Local Agency certifies that such patented or proprietary item is essential for synchronization with existing transportation facilities; or
2. The Local agency certifies that no equally suitable alternative exists; or
3. Such patented or proprietary item is used for research or for a distinctive type of construction on relatively short sections of road for experimental purposes.
4. It is in the public interest not to allow any other projects even though other equally acceptable materials or projects are available.

A FIPI may be written for use of a proprietary item on a specific project (Resident Engineer approval), for use on a region-wide basis (CDOT Program Engineer approval) or for use on a state-wide basis (Branch Manager approval). A project specific FIPI applies only to that one project and cannot be used to justify use of the proprietary item on other projects. When research is used as the justification for using a proprietary item, the CDOT Resident Engineer sends a copy to the CDOT Standards and Specifications Unit for tracking purposes.

5.14 Document Design Exceptions – CDOT Form 464

The CDOT [Form 464](#) – Design Exception Variance Request is used to document a project design exception (variance). This form documents important decisions, mitigation and safety information required when minimum design standards, as identified on the CDOT Form 463 – Design Data cannot be met. See Section 2.06 of [CDOT Project Development Manual](#) for information on preparing a variance letter.

Variances of the *CDOT Bridge Design Manual* shall be approved by Staff Bridge. The CDOT Project Manager should file a copy of the form in ProjectWise Explorer in accordance with PD 21.1 and CDOT Record File Plans.

5.15 Seek Approval of Guaranty and Warranty Clauses

In accordance with *Title 23 CFR 635.413* and [Design Bulletin 2010-3](#), warranties or guarantees are allowed on Federal-aid Highway projects; however, their inclusion within the contract must be limited to a “specific product or feature” and cannot “place an undue obligation on the Contractor for items or conditions over which the contractor has no control.” Warranties for “all work” on the project to be free from defects for a 1-year or 2-year period are not allowed. Warranties for items of maintenance are not eligible for federal participation and will not be allowed. Allowing the use of a “General Warranty” by making an item non-participating is not an acceptable solution since this is viewed as circumventing the federal requirements. CDOT applies this policy to all projects including those that are state funded or are not on the NHS.

5.16 Justify Colorado Residency Labor Preference

In accordance with [Design Bulletin 2010-3](#) and *Title 23 CFR 635.117 (b)* “...no procedures or requirement shall be imposed by any State which will operate to discriminate against the employment of labor from any other State, possession or territory of the United States, in the construction of a Federal-aid project.” The Colorado Labor on Public Works statute found at CRS 8-17-101 does not apply to projects that receive federal funds and should not be referenced. The *Standard Special Provision Revision of Section 103 – Colorado Resident Bid Preference* should only be included when state/local funds are used on applicable Local Agency projects.

5.17 Seek Approval of Specifications on Local Agency Project

In accordance with [Design Bulletin 2010-2](#), unless otherwise approved, Local Agencies shall use the latest editions of the CDOT Standard Specification, standard special provisions, and M&S Standard Plans. The standards and specifications noted in the previous sentence will be referred to as specifications for simplicity throughout the remaining portions of section 5.17. These specifications are approved by FHWA and CDOT for use on federal and state funded projects. The Local Agency, in consultation

with the CDOT Project Manager must follow one of the three options listed below for specification packages:

- Option 1: Utilize CDOT Standard Specifications, applicable CDOT standard special provisions, and applicable CDOT approved project special provisions. Approved changes to definitions and substitution of the local agency dispute resolution process for the CDOT dispute resolution process [subsections 105.21 through 105.23] are the only revisions to Section 100 of the CDOT specifications allowed.
- Option 2: Utilize CDOT Standard specifications, applicable CDOT standard special provisions, CDOT approved project special provisions, and CDOT approved substitutions for or revisions to Section 100 of the CDOT specifications. The Local Agency can replace CDOT specifications in part with CDOT-approved project special provisions. The Local Agency shall review CDOT's Section 100, and the Local Agency's proposed substitutions for their corresponding specifications to ensure that the requirements within the CDOT specifications and applicable Standard Special provisions are addressed in the Local Agency's proposed specification substitution.
- Option 3: Substitution of the Local Agency's own standard specifications or the Local Agency's own set of custom specifications for the CDOT Standard Specifications. The substitution, in whole, of specifications shall conform to the same State and Federal regulations as CDOT's specifications. The Local Agency shall review CDOT's Section 100, and the Local Agency's proposed substitutions for their corresponding specifications to ensure that the requirements within the CDOT specifications and applicable Standard Special provisions are addressed in the Local Agency's proposed specification substitution. This option could be project specific or for all of the Local Agency's projects.

The 3 options noted above are explained in further detail in subsequent paragraphs.

The decision to use the CDOT Standard Specifications, use the CDOT Standard Specifications with approved substitutions, or substitute the local agency's specifications in whole should be made at or prior to the project scoping meeting to allow for the necessary review time by CDOT. Significant additional time is typically

required for CDOT to review and approve custom specifications. FHWA and CDOT may require major revisions to the Local Agency specifications before use. If the Local Agency requests to use their own agency standard specification(s) in part, the Local Agency must include the complete language in a project special provision in the specification package, not just provide a link.

A local agency desiring to advertise a project using Local Agency Standard Specifications or substitutions must obtain approval at least four weeks prior to the FOR meeting.

Approval on Individual Local Agency Project

The CDOT Project Manager provides the initial review of the specification package and has the option to forward the complete set to the CDOT Standards and Specifications Unit for review and approval. See Appendix B for a Local Agency Specification Review Checklist, which should be completed by the CDOT Project Manager prior to forwarding documents to the CDOT Standards and Specifications Unit.

For each project, the Local Agency electronically submits the following documents in Microsoft Word format to the CDOT Project Manager:

1. Proposed project special provisions
2. Index of proposed CDOT standard special provisions
3. Contract Documents – including but not limited to instructions to bidders, general conditions, special conditions, and a copy of the proposed contract between the Local Agency and the low bid contractor

If a Local Agency has its own standard specifications that it intends to use to control construction on a project, the specifications should be submitted to the CDOT Project Manager at least four weeks prior to the Final Office Review. Review of these documents for a specific project does not constitute approval for use on all of that Local Agency's projects. CDOT approval of the Local Agency specifications is required before the Local Agency is permitted to use its own standards and/or specifications to control construction on a project.

All Local Agency project specifications used in conjunction with the CDOT Standard Specifications shall follow the format described in the [CDOT Style Guide for Writing Specifications](#), and the [CDOT Roadway Design Guide](#), Chapter 16.

A Local Agency that is approved to use its own specifications for a portion of the CDOT Standard Specifications shall provide a clear order of precedence of the contract documents.

Approval on all the Local Agency's Projects

A Local Agency desiring to use its standard specifications or contract documents on all of its projects in part or in whole, either by referencing them as a source document in the project specifications or as a stand-alone substitute for Section 100 or any other section of the CDOT Standard Specifications, must submit them for detailed review. This review would be a one-time detailed, comprehensive review to ensure compliance with State and Federal regulations. The detailed review is estimated to take several weeks. The Local Agency should submit the substitution documents to the CDOT Project Manager for forwarding to the CDOT Standards and Specifications Unit. Submittals are reviewed in the order that complete packages are received.

For this review, the Local Agency electronically submits the following applicable documents in Microsoft Word format to the CDOT Project Manager:

1. Proposed project special provisions
2. Index of proposed CDOT standard special provisions
3. Contract Documents – including but not limited to all: instructions to bidders, general conditions, special conditions, and a copy of the proposed contract between the Local Agency and the low bid contractor
4. General information
5. A copy of or link to Local Agency Standard Specifications
6. Completed and signed Local Agency Specification Review Checklist. See Appendix B.

The CDOT Project Manager forwards the complete package to the CDOT Standards and Specifications Unit for review and approval. Once approved, a Local Agency may continue to use its specifications and contract documents on all future projects for a period of five years unless the specifications or contract documents change.

If a Local Agency modifies its approved specifications or documents, the agency shall submit the changes in electronic format to the CDOT Project Manager who will forward it to the CDOT Standards and Specifications Unit for review and approval. The Local Agency shall submit a completed CDOT [Form 1215](#) providing the explanation for the change with the proposed revision.

The Local Agency must renew the approval of its standard specifications and contract documents every five years by submitting them for approval. CDOT's Standards and Specifications Unit will track the approvals and notify the CDOT Project Manager when approval of its standard specifications and contract documents is about to expire.

Use of Local Agency Specification Review Checklist

The Local Agency is encouraged to use the "Local Agency Specification Review Checklist" on all submittals to ensure that project plans and specifications have been reviewed and are compliant with Federal and State regulations. See Appendix B.

Use of Project Specification Assembly Tool (PSA)

On projects using CDOT Standard Specifications, this tool can be used to assemble the required Project Special Provisions and the current Standard Special Provisions Index into an overall Specifications Package for use in an advertisement set. The tool is found at the following link: <https://www.codot.gov/business/designsupport/cdot-construction-specifications/2019-construction-specifications/psat-1>

5.18 Prepare Plans, Specifications, Construction Cost Estimates and Submittals

Plans and specifications of a project describe the location and design features with all the construction items in sufficient detail to facilitate construction. The estimate reflects

the anticipated costs in detail to permit an effective review and comparison of bids received.

A complete plans, specifications and estimate package (PS&E) shall include:

1. *CDOT Standard Specifications for Road and Bridge Construction* as supplemented by CDOT Standard Special Provisions (SSP), CDOT Project Special Provisions (PSP), CDOT M&S Standard Plans and approved Local Agency specifications.
2. Plans in the form of detailed drawings.
3. Detailed cost estimate of bid and force account items (by the Local Agency). CDOT's review of the final cost estimate prior to completion of the bid package will be at the discretion of the Project Manager. Bid item information is available on the CDOT website at: <https://www.codot.gov/business/eema> .

For all projects that require the preparation of design or engineering plans, the Local Agency is required to have professional personnel on its staff or under contractual agreement to be in charge of the project. As appropriate, this professional may be an architect certified by the Colorado Board of Examiners of Architects, an historian, an architectural historian, or a Professional Engineer certified by the State Board of Professional Engineers and Land Surveyors. All projects involved with the rehabilitation or preservation of historic buildings, structures or sites are coordinated with and receive written approval from the State Historic Preservation Officer.

Construction plans and specifications are electronically sealed by the Professional Engineer according to Rule VIII, bylaws and rules of procedure of the State Board of Registration for Professional Engineers and Professional Land Surveyors, and *CDOT Procedural Directive 508.1 – Reqmts. for the Use of the Professional Engineer's Seal*. The Local Agency's project manager is responsible for coordinating all project-related activities with CDOT, including the status of the project plans. CDOT has final approval authority for plans and specifications submitted for advertisement and construction.

The Local Agency completes the project plans and specifications in conformance with Local Agency/CDOT IGA requirements during the project development process. CDOT reviews the final set of construction plans and specifications.

5.19 Comply with CDOT Staff Bridge Requirements for Off- and On-System Bridges and other Structural Work

For Local Agency projects, CDOT Staff Bridge will provide limited technical assistance, when requested, to Local Agencies, Consultant design engineers, and CDOT Regions. This assistance will involve answering specific questions and facilitating the use of CDOT structures-related documents. This assistance will be provided by the Staff Bridge PE II, or their designee, assigned to the Region where the project is located.

This person will be the CDOT Structural Reviewer for the project. See Appendix B for an example Local Agency Bridge Project Checklist and a Final Design Submittal Checklist.

Regardless of the technical assistance provided by CDOT, the Local Agency's Structural Design Engineer-of-Record (EOR) for the project is solely responsible for all structural engineering decisions concerning permanent or temporary work that could create a danger to the life, health, property, and welfare of the public. This responsibility applies to Local Agency projects under CDOT's oversight, both within CDOT Right of Way and/or within the Local Agency Right of Way. As a recipient of federal and/or state funds, the Local Agency is responsible for following all federal and state laws and regulations and the Local Agency should pass appropriate responsibilities through to its Consultants. Any agreement between the Local Agency and its Structural Design EOR should clearly identify responsibilities of each party.

Prior to advertising Local Agency projects with major or minor structures, walls, tunnels, ancillary structures or miscellaneous structures, design information must be submitted to CDOT Staff Bridge for review and archiving according to the *CDOT Bridge Design Manual* at: <https://www.codot.gov/library/bridge/bridge-manuals/lrfd-bridge-design-manual>. Staff Bridge will provide reviews of the Local Agency's structural plans and specifications to help ensure that the Department's written minimum requirements for safety, inspection access, and geometry are satisfied and that the new construction has no adverse impact on CDOT facilities. For bridges off of the National Highway System, some CDOT practices may be omitted with CDOT approval through the variance process. The review will include helping to ensure that CDOT's written minimum requirements for structure durability are satisfied.

Unless otherwise noted, all documents shall be submitted with files clearly labeled to facilitate the archival process. Files will be retained by Staff Bridge in CDOT's electronic document management system, currently ProjectWise. The following items shall be placed in ProjectWise (preferred) or submitted by the Local Agency or the Local Agency's Consultant to the CDOT Project Manager for forwarding to Staff Bridge. These items should be received and reviewed prior to final payment for the design phase:

1. Design and Independent Design Check Calculations, a complete and final set, in electronic format, for each major and minor structure on the project. Independent Design Checks are required for only major and minor structures that carry the highway system and other structures that could affect the highway system, i.e., walls, non-standard inlets and culverts, and non-S-standard sign and signal structures. Exceptions may be as approved by Staff Bridge. Both Design Calculations and Independent Design Check Calculations packages must be signed and sealed by a Colorado Licensed Professional Engineer (CO PE sealed). Minor additions to CDOT owned structures do not require sealed calculations with the submittal package as approved by Staff Bridge.
2. Any supporting documents/reports available, e.g., Structure Selection Report, a finalized copy for each major structure (CO PE sealed), Final Geotechnical Report (CO PE sealed), Final Hydraulics Report (CO PE Sealed), etc.
3. A Load Rating Package (for all major structures and as defined in the *CDOT Bridge Rating Manual*) (CO PE sealed)
4. Inspection Sketches per *CDOT Bridge Detailing Manual*.
5. Software files, MicroStation DGN files and related reference files for each structure in the bid package.
6. Final Bid Documents (Plans and Specifications) (CO PE sealed). Plans shall be submitted in both PDF and native file format. Microstation files are preferred, but CDOT recognizes that many Local Agencies use AutoCAD exclusively and, therefore, the latter is acceptable in for Staff Bridge archives. (Note that the plans and specifications are required to be sealed after award of the construction contract.)
7. Bid results

8. Field Information Packages, one hard copy delivered to the CDOT Project Manager and one electronic copy for each structure being built on the project (The Field Information Package shall be prepared in accordance with *CDOT Bridge Design Manual* including a record set of quantities, the Geotechnical Report, and the as-built plans for existing structures that are to be removed). The Field Information package is only required for projects where CDOT performs the construction inspection.
9. A statement that, to the best of the consultant's knowledge, all of the work on the project has been designed in accordance with the latest CDOT standards and FHWA regulations (This statement may be included in the letter of transmittal).
10. Agreements defining Maintenance and Ownership, when applicable.

If the Consultant performs Owners Assurance (OA) for the project, the following shall also be submitted: a Final Detail Letter (FDL) in Microsoft Word format. This document will be used to prepare the "official" FDL for internal distribution.

The Local Agency shall provide OA level fabrication inspection prior to and for construction. During construction the Structural Design EOR should be available to the construction Project Engineer for assistance in interpreting or clarifying the structure plans and specifications. At the conclusion of construction, the Structural Design EOR will be required to conduct a final inspection for all structures constructed, modified or otherwise affected by the construction on Local Agency projects. The CDOT Structural Reviewer shall work with the CDOT Project Manager during scoping and the design phase to inform Local Agencies of these requirements.

The *CDOT Bridge Design Manual* is updated periodically through the issuance of "Bridge Design Manual Technical Memorandums" which can be found at the following link: <https://www.codot.gov/library/bridge/miscbridgedocs/techmemos>.

5.20 Update Approvals on PS&E Package if Project Schedule Delayed

After approval of the plans, specifications and estimate package (PS&E), most projects proceed immediately to the construction phase. In some instances, a project may encounter delays due to a number of reasons, including availability of funding. The

Local Agency should work with the CDOT Project Manager to understand the consequences of “shelving” a project. If a project has delays extending over one year or more, clearances and specifications must be brought current and CDOT approval reissued prior to proceeding to construction.

On projects with Federal-aid Highway funding, if the project experiences delays over a number of years, funding could be placed in jeopardy and the Local Agency required to pay back the preliminary engineering costs. See [FHWA Order 5020.1A](#) for further explanation.

5.21 Ensure Authorization of Funds for Construction

Authority to spend funds for preliminary engineering through final design, Right of Way, utilities, and construction is authorized in phases. The CDOT Project Manager submits a CDOT [Form 1180](#) – Standard Certification and Project PS&E Approval to authorize construction funds when the project is ready for advertisement.

The following documents must be submitted by the CDOT Project Manager to the CDOT Program Engineer prior to request for project authorization:

1. Form 1180
2. Final Form 463 – Design Data
3. Right of Way Certification (Region Optional)
4. Utility certification (Region Optional)
5. Environmental clearance – Form 128, or FONSI or ROD
6. Plans, Specifications and Cost Estimate
7. Form 859 – Project Control Data
8. Final Detail Letter for Structures (Region Optional)

CDOT will prepare the necessary paperwork to verify the federal funds are authorized for the construction phase. Project authorization and CDOT Concurrence to Advertise must be granted before advertisement. The CDOT Project Manager should check encumbrance before construction work begins. An Option Letter may be necessary at this point. Funds spent by the Local Agency before project authorization are not eligible for reimbursement.

5.22 Use Electronic Signatures

See Appendix B for Local Agency requirements on electronic records and electronic signature requirements.

5.23 File Project Records/Documentation in ProjectWise

The CDOT Project Manager should file Project Records in ProjectWise in accordance with Policy Directive 21.1.

5.24 Roles and Responsibilities

• Local Agency

- Responsible for implementing individual projects in compliance with federal and state laws, rules, regulations and procedures. This responsibility includes the conception, planning, programming, environmental investigation, design, Right of Way, construction, and maintenance of the project on their local transportation system.
- Appoints a full-time employee to be in responsible charge of each project's administration. This person should be expected to be able to perform the following duties and functions:
 1. Administers inherently governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects.
 2. Maintains familiarity of day-to-day project operations, including project safety issues.
 3. Makes or participates in decisions about changed conditions or scope changes that require change orders or supplemental agreements.
 4. Visits and reviews the project on a frequency that is commensurate with the magnitude and complexity of the project.
 5. Reviews financial processes, transactions, and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse.

6. Directs project staff, agency, or consultant, to carry out project administration and contract oversight, including proper documentation.
7. Is aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.
- Responsible for adhering to the requirements and terms in the IGA, including the CDOT Form 1243, Contract Administration Checklist. Provides the local contribution of funds for the project, as applicable. Provides certifications as required.
- Performs or enters into a contract with a consultant to provide the plans to the extent required by the nature of the work, as follows:
 1. Prepares final design in accordance with the requirements of the latest edition of the American Association of State Highway Transportation Officials (AASHTO) manual or other standard, as approved by CDOT
 2. Prepare plans, specifications and estimates in accordance with the most current version of CDOT's Roadway and Bridge Design and Detailing Manuals and Standard Specifications for Road and Bridge Construction or Local Agency specifications, if approved by CDOT.
 3. Complies with requirements found in the *Local Agency Web Manual*, the *Local Agency Project Desk Reference*, the *CDOT Bridge Manual* (s), the *CDOT Right of Way Manual*, the *CDOT NEPA Manual*, the *Region Lane Closure Policy*, and other CDOT Manuals, as appropriate.
 4. Includes details of any required detours in the Plans in order to prevent any interference of the construction work and to protect the traveling public.
 5. Ensures the Plans are accurate and complete.
 6. Electronically seals the plans and specifications as produced by a Colorado registered professional engineer.
 7. Submits reimbursement requests (if needed) to the CDOT Project Manager in a timely manner.
 8. On Federal-aid Highway funded contracts, ensures compliance with Disadvantaged Business Enterprise contract requirements and uses compliance software systems as directed.
 9. On Federal-aid Highway funded contracts, ensures compliance with prompt payment requirements for professional services.

- Ensures consultant costs are allowable in accordance with the federal cost principles and consistent with the contract terms as well as the acceptability and progress of the consultant's work.
 - Documents contract monitoring activities and maintains supporting contract records. Provides status updates to CDOT as requested.
 - Involves the public as appropriate during development of the project.
- **CDOT**
 - **Project Manager/Local Agency Coordinator**
 1. Oversees the Local Agency's development of the project from the preparation of the IGA through the completion of the design phase/ final bid documents, advertisement, bid and award of the construction project. Oversight includes:
 - a. Meets with Local Agencies as required to review pre-application materials prepared by the local governments and offer comments on project elements and processes. Reviews and provides comments on work hour estimates and schedules developed by Local Agencies.
 - b. Finalizes 2 CFR 200 risk assessment using initial assessment from the Local Agency.
 - c. Creates and initiates projects in CDOT's financial systems.
 - d. Facilitates preparation of the IGA with CDOT Engineering Contracts using documents provided by the Local Agency.
 - e. Facilitates preparation of Maintenance IGAs as applicable.
 - f. Files documentation as required in CDOT's electronic data management system.
 - g. Issues Notice to Proceed.
 - h. Monitors the project scope, schedule, and budget throughout the design phase. Prepares CDOT budget actions. Reviews Local Agency project requests for reimbursement to ensure costs are allowable (necessary, reasonable, and allocable).
 - i. Conducts scoping meetings in coordination with appropriate CDOT specialty unit personnel.

- j. Provides guidance and technical assistance to the Local Agency, as needed, or requested to ensure compliance with requirements in applicable CDOT Manuals.
- k. On Federal-aid Highway funded contracts, forwards information to the Region Civil Rights Office, as required. Periodically reviews/view Disadvantaged Business Enterprise Consultant (professional services) contract requirements in compliance software systems.
- l. Reviews the Local Agency's Request for Proposal/ Qualifications for Professional Services for compliance with the federal and state requirements, as appropriate. Reviews (and files) contracts between the Local Agency and its Consultants.
- m. Schedules and attends project meetings during project development.
- n. Coordinates with CDOT specialty unit personnel throughout the project development process to achieve Right of Way, Environmental, Utility and Bridge clearances.
- o. Communicates directly with all CDOT staff associated with project reviews to achieve project success.
- p. Provides periodic plan, specifications and estimate reviews
- q. Performs general engineering review of advertisement plans and specifications.
- r. Provides project updates, as needed, to various offices and divisions, including Executive Management and/or FHWA.
- s. Updates project tracking documents in tracking systems as required.
- **Specialty Unit Staff**
 - 1. Attend scoping, FIR, FOR, and all other project level meetings as required and provide Specialty area expertise and input as required.
 - 2. Conduct process and technical reviews focused on general conformance with written requirements.

- 3. Conduct reviews of PS&E and other deliverables pertaining to area of Specialty.
 - 4. Provide technical assistance and guidance to the Local Agency, as requested.
 - 5. Issue Clearance letters as appropriate.
 - 6. File documentation in CDOT's electronic document management system.
 - **Region Civil Right Office**
 - 1. On all projects, determine if DBE program requirements apply to professional service contracts and set DBE goal accordingly
 - 2. Perform verification checks on all aspects of DBE compliance, as applicable.
 - 3. Perform verification reviews of contracts for compliance with prompt payment requirements, as applicable.
 - 4. Perform final Civil Rights audit of the project, as applicable.
 - **Civil Rights and Business Resource Center**
 - 1. Review Affidavit of Small Business Participation Form for DBE goal and Good Faith Efforts Report, if applicable
 - 2. Ensure the contract gets set up in B2GNow, if applicable
- **FHWA** – Overall responsibility for the Federal-aid Highway Program including those project actions which cannot be assumed by the CDOT or the Local Agency.