



# Local Agency Process Reevaluation Meetings

May 13, 2010

Loveland

Meeting Notes

## Meeting Purpose

The purpose of the meeting is to solicit input from local governments to improve the administration of the Local Agency Program.

## Meeting Agenda

- Opening Remarks and Introductions
- Meeting Guidelines, Existing Roles, and Agenda Review, Process overview
- Solicitation of issues, ideas and concerns regarding Local Agency Process
  - **Project Initiation Process**
  - **Project Design/Advertisement**
  - **Award of Project/Construction**
- Next Steps

## Opening Remarks and Introductions

Tim Tuttle, CDOT Region 4 local agency coordinator, opened the meeting and welcomed Neil Lacey and his team to the meeting. Neil Lacey, CDOT Headquarters, gave an overview of the expectations of the meeting and described elements that relate to the local agency processes. Neil introduced Tobilynn Erosky, meeting logistics and note taker, with CDOT and Jonathan Bartsch, meeting facilitator, with CDR Associates. Jonathan asked the group to introduce them and share one personal objective for the meeting. The group identified the following objectives:

- Discuss ROW process and clarify what property is deeded to CDOT
- Address the changing of rules and procedures midstream in the process and their impacts to projects



## **Opening Remarks and Introductions (continued)**

- Discuss advanced funding agreements, new materials testing requirements, lots of paperwork on requirements many of which are redundant
- Streamline processes and paperwork depending on size of projects - combine steps for off system, HES, SRTS funded projects.
- Evaluate requirements that can/need to be changed
- Be able to answer better local agency questions
- Streamline the paperwork based on project dollar amount requirements, i.e. reduced effort for smaller projects
- Develop better guidelines and more understandable processes
- Need for everyone to listen and understand issues/problems being discussed – want all parties to be responsible, work together in partnership, and use money efficiently
- Evaluate the CDOT business model overlay with local agencies – what is value added to end process?
- Clarify the Local Agency Manual– checklist guide showing specific requirements at each step for local agencies would be beneficial
- All locals do it differently – do not impose CDOT business process on Local Agencies.
- CDOT specifications great for highways but not applicable to local street projects

## **Project Initiation Process: Identify key issues and recommendations**

Neil introduced Federal Aid Highway Program Stewardship Agreement and talked about federal, state, and local relationship for Local Agency projects. Purpose of meeting to discuss how to make positive improvements to the program. The group was then asked to provide input regarding the project initiation process. The discussion notes are below.

- The project application process goes thru MPO and creates issues. Request for projects are random and do not fit within the established planning process (funding availability is not predictable), which makes it hard to plan or be proactive. There is insufficient time for a jurisdiction to prepare materials/information ahead of time.
- There is currently a struggle with accurate cost estimates and short time frame. The process for small projects is the same for larger projects which can be overwhelming with too many requirements. There is no consistency across requirements which cause tension.
- The required level of effort for a local agency for ROW plans is a costly process, especially when it is implemented with 100% local dollars. Can the process be streamlined to reduce amount of needed plan sets? One idea is to submit ROW plan sets electronically.
- There is frustration with CDOT agreements local process approvals which causes delays in turnaround.



## Project Initiation Process (continued)

- Delays in funding approvals [Some Region 4 funds are TIP'd in one Region and STIP'd in another Region]
- On one project, a jurisdiction had a project with the total cost approved and then later decided to divide into phases due to local funding constraints. The project had to go back to Transportation Commission for approval of the phased approach - it took a long time.
- Request was made to be able to go to have an on-line process such as a website location and see current status on all IGA's, to check their progress. Is there a way to put together some type of tracking system (like GPS for IGA's) to know their status and routing?
- Is there a way to authorize the design phase on a future project planned to be constructed in four years project that locals provide the match for funding? [This was asked with the intent that the Local would then be seeking reimbursement]. A comment was made that this had been allowed in the past but was stopped.
- Match/overmatch with CDOT. Local Agencies want to know why CDOT tracks overmatches and are involved in scope changes with overmatch money. Making any overmatch changes takes considerable time in getting the additional funds re-STIP'd. IGA states Local Agencies are responsible.
- Is overmatch a federal requirement? For example on a 2 phase project, can the overmatch be on the 1<sup>st</sup> phase only with federal funds – would like more flexibility.
- There are a lot of federal requirements for federal money, most recognize this reality. However, the overlay of CDOT process/State of Colorado make it very onerous and expensive, it should be enough to meet the federal process requirements.
- What is the reasoning behind calling it an IGA instead of a contract? All IGA's require ordinances to be attached and then has to go through City Council. Then it is signed by CDOT's Chief Engineer on behalf of Governor. This process takes a lot of time. Requiring an ordinance on IGA amendment for additional overmatch due to project cost increase, why is this needed if an ordinance was passed on the original IGA?
- There is a need to look at the authorization process and determine if there are ways to reduce time. Suggested that purchase order agreement like the one used for Safe Routes to Schools (SRTS) projects may be an option.



### **Project Initiation Process (continued)**

- Would like use of a checklist up front before nominating a project. R4 has implemented this to some extent. This checklist would help improve estimate total cost of the project (avoid overlooking costs for ROW, environmental issues, etc.).
- There is a funding form in the IGA's (Appendix C) that is very difficult to understand. The numbers in the form don't add up easily (EX: 27.2%, 72.8% instead of 20%, 80%). Can these numbers be corrected in the form? Local Agencies are requesting training on understanding the applications of the form.
- Blanket bid contracting process (on call) contracts – competitive process for a year – allows Local agencies to move quickly – can this be considered?
- Can local agencies receive certification to administer their projects through training? Can training be split up in sections whereby local agencies could attend the sections that pertain to their current project issues? Can training be web-based instead of attending in person?
- Training CDOT R4 provides has been good and adds value.

### **Project Design/Advertisement: Identify key issues and recommendations**

- Utility/Railroad Agreements - how does CDOT enforce private utility relocations when it is in CDOT ROW? Local agencies have to work around utilities schedules and pay for the relocations, if they want it done in a timely fashion. Can CDOT help get these utility relocations implemented sooner? What assistance can be provided for smaller communities that do not have franchise agreements with utilities and RR's?
- ROW and environmental processes are too redundant. Local agencies would like to be able to use their own ROW plans instead of having to use CDOT's format for ROW plans which contain extra pages (eleven (11) pages required). If there are changes, it affects several pages of the plans rather than merely the specific plan change. Is it a requirement to meet both federal and state processes on local agency ROW – oversight of Uniform Act process? CDOT does not differentiate for on system vs. off system flexibility (state highways/roads versus local roads). Does the process need to be as prescriptive for off-system projects?
- DBE Process: it is difficult for local agencies to follow DBE requirements and meet goals. The Good Faith Effort (GFE) process takes a long time and local agencies want this process streamlined. Local agencies would like to move away from having to obtain a goal (fuzzy) to just meeting requirements (easier to implement).



## **Project Design/Advertisement (continued)**

- Is there a definition for a Good Faith Effort process? An HQ review of goals takes a long time (1-2 months). There might be limitations on DBE firm capacities in the design services. The DBE goals seem to be increasing because CDOT is looking at the plans and
- Determining the goals of projects. The Transportation Commission sets statewide goal and develops specific goals for each region and project. Local agencies want the opportunity to have input on project goals so they know what the work is involved and know what the prime DBE goals are and have input on the goals.
- Can consultants be used via on-call/blanket bid process rather than new consultant bid process for each project, as long as the consultant meets federal and state guidelines. Consultants that do design will need waiver in order to be approved to be retained for
- Construction management [CDOT Policy Memo #23]. If you do RFP and identify a consultant for a large project, why can't they also be used for small projects based on the initial competitive process?
- The Davis Bacon wage rate is difficult to manage due to the amount of resources required to fulfill the wage compliance procedures, although it must be done or it can jeopardize agencies entire federal funds. This effort requires using one whole person to meet requirements to conduct labor compliance interviews, [CDOT Form 280] review payrolls etc. Is there a middle ground?
- Requirement to store records for a required period of time, which seems long and tricky.
- Suggest that timeframe between FOR and federal review for authorization of funds be shortened – taking too long between FOR and federal authorization.
- During design phase, local agencies are requesting more flexibility to move funds from construction phase to design phase without an option letter. Can there be a dollar limit for regions to move funds from one phase to another without having to go to the Controller. Can funds be moved between phases easier?



### **Award of Project/Construction: Identify key issues and recommendations**

- Local agencies would like more control over change order process including having an agreed upon change order process. There needs to be more communication between CDOT (e-mails from CDOT) and local agencies. This includes the way change orders are issued. Local agencies have their own change order process and do not want CDOT to have approval of their process. Do local agencies need to follow CDOT's process? Look at ways to make CMO process more flexible for local funding. Are local agencies using their money or the feds money? Can a 'mini stewardship' agreement be drawn up between CDOT and local agencies?
- Local agencies have quality assurance materials testing and independent assurance processes and are required by CDOT to do additional Independent Assurance Testing (IAT's). CDOT does not want the IAT) data so why is the testing required? Why do local agencies need to do CDOT Central lab testing? This is an issue on a lot of the projects. Will the updated Local Agency Manual allow for no Central Lab testing for materials?

### **Other issues: Identify key issues and recommendations**

- With all of the technology resources available today, in order to save time, can there be an electronic website/repository versus having to rely on paper copies and delays in distribution?
- Is there a process CDOT can put together that references rule, size of projects and what work is involved on projects, processes/procedures, etc? Can more flexibility be provided for off system vs. on system and smaller projects vs. larger projects. Suggested that level of effort be on par with size, type, and scope of project.
- There is no "one size fits all" for problems. Local agencies sometimes say HQ does not trust regions and that is why it has to go to HQ. What things should the regions is working on to improve the trust level? Local agencies are required to send entire specifications down to Denver versus just sending down the questions on specific needs. Can't CDOT approve the specific needs instead of reviewing full project? Regions don't like the HQ review process for specifications checking.
- Local agencies like the use of warranties on their own funded projects. Why can't general warranties be used on federally funded projects?
- Can Local Agencies be trusted to follow through on concerns and be allowed to follow their own agency's processes?



## **Other Issues (continued)**

- Local agencies don't like layers of state rules that may not apply to non-state highways for on system/off system facilities. They would like more control authority on their roads and want clarification between applicability of state rules with federal rules. Confusion between applicability of state rules and federal rules.
- Need a better way of communicating changes internally within CDOT so that information can be shared more timely with Local Agencies. Changes that occur that are made to be
- Retroactive, impact design projects already underway – implementing changes increase costs.
- Develop on/off system checklist.

## **Next Steps**

The audience expressed a big “THANKS” to Neil and Jonathan for holding this meeting. They noted that this is a positive approach to working on these issues. Members noted that there is room for CDOT to change some of these issues. There is a need for better communication between CDOT and local agencies.

Jonathan encouraged everyone to fill out a comment card with further questions/concerns and noted that the meeting notes will be posted on the website.

## **Parking Lot**

- A question was raised regarding the interaction between the Transportation Planning Region (TPR) planning process and the local agency process. The local agency process is daunting (how to treat rural vs. MPOs) and there are financial capacity gaps issues with more rural areas. They don't have the staff like an MPO.
- How exact does initial cost estimate need to be?
- There are issues with TIP's in one region and STIP's in another Region. Why do we get grants that are not on TIP/STIP? Earmarks were an example of this occurring.
- Does Transportation Commission need to approve Local overmatch funds?
- Why are LA funds being STIP'd



## Parking Lot (continued)

- Detailed design phase estimates for Safe Routes to Schools (SRTS) projects – Is there anyway to make this simpler such as tier funding limits when a detailed estimate should be required?
- Can LA go to 2<sup>nd</sup> low bidder if low bidder does not meet DBE goal?
- Is CDOT doing enough upfront at the start of the project to communicate the requirements that need to be followed for using federal aid funds?
- Can the CMO process be streamlined when federal aid funds are not being used to pay for the change order?
- What are the federal requirements for change orders and is there any flexibility to make changes to this process?

## ATTENDEES:

| NAME               | AFFILIATION                  |
|--------------------|------------------------------|
| Derek Schuler      | City of Loveland             |
| Tim Tuttle         | CDOT R4 Traffic              |
| Shaun Cutting      | FHWA                         |
| Tim Aschenbrener   | CDOT Project Development, HQ |
| Kyle Lambrecht     | City of Fort Collins         |
| Dean Klinger       | City of Fort Collins         |
| Jim Wang           | City of Fort Collins         |
| Justin Stone       | City of Loveland             |
| Dave DeBaere       | City of Loveland             |
| Ross Shaw          | City of Loveland             |
| Stuart Miller      | CDOT R4 Traffic              |
| Rich Sarchet       | CDOT R4 Traffic              |
| Ina Zisman         | CDOT R4 Traffic              |
| Pete Graham        | CDOT R4 Traffic              |
| Stephanie Brothers | Town of Berthoud             |
| Randy Jensen       | FHWA                         |
| Rod Rindal         | City of Boulder              |
| Barb Kirkmeyer     | Weld County Commission       |
| Toby Erosky        | CDOT Project Development, HQ |
| Jonathan Bartsch   | CDR Associates               |
| Neil Lacey         | CDOT Project Development, HQ |