



Local Agency Process Reevaluation Meetings

May 18, 2010

Longmont

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

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 Andrea Meneghel, meeting facilitator, with CDR Associates. Andrea asked the group to introduce themselves and share one personal objective for the meeting. The group identified the following objectives:

- Want to see good exchange of ideas
- Shorten timeframe to get projects to bid
- An interest of local agencies is to participate in an active stakeholder role to provide input into the process - Having dialogue of everyone inclusive –CDOT, FHWA, and Local Agencies
- Simplify/Streamline Local Agency processes where possible
- Streamline requirements – federal/state/local
- Need to understand the local agencies requirements before application



- Provide more clarity to the existing process
- Focus the process on the best projects to get them to advertisement
- Complicated process – takes long time to learn – need to make it clearer
- Here to learn the process
- Get issues out into the open – have local agencies voice their concerns

Neil the introduced Federal Aid Highway Program Stewardship Agreement and talked about federal, state, and local relationship for Local Agency projects. He also explained that the purpose of meeting is 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.

Project Initiation Process: Identify key issues and recommendations – Local Agency Project Flowchart Chapters 1-4

- There are different perceptions from local agencies as to how much advance work (as applicable based on scope of project) is needed to be completed for submittal for the application process. Local Agencies may not develop the projects very far (depending on work scope) if not knowing if project will be funded.
- Determining ROW needs and details of design process - flowcharts in local agency manual don't show design, design review, environmental, environmental review ROW detailed process. Suggest that revised local agency manual show detailed flowcharts of project process with detailed steps in sub flow charts for ROW process, environmental process, and design process with suggested/average timeframes.
- Local Agencies receive funding in spring, then start design in summer – don't start environmental till following year. Need to be able to overlap processes to complete in parallel rather than in series.
- Getting contracts going takes time.
- Changes to local agency process once projects start creates delays and increases costs. Prefer that changes not be retroactive; requested flexibility for grandfathering in projects or portions of projects from before the change order was issued if possible. Suggested that changes should come with money to fund them – no unfunded mandates.
- DRCOG stated that there has been some discussions regarding developing a uniform process for change orders.
- Because there is a lot of diversity among the different Local Agency laws, codes, ordinances, Local Agencies are looking for acknowledgement that not all Local Agencies operate in a similar fashion and CDOT will consider this when making program changes.



Project Initiation Process (continued)

- Unfunded mandates like ADA/truncated domes cause hardships and increased costs. Suggest more flexibility for those projects with fixed budgets and close to being advertised to be exempted.
- CDOT should not apply a one-size fits all approach to all projects. For example, Girder erection plan over interstate may not have the same impacts on erection for CBC in a ditch.
- IGA's – CDOT is currently requesting a disclosure of all funds expended by locals on projects. IGA's have changed processes for revising funds including the use of funding letters, contract amendments, and option letters.
- Provide the Regions with more flexibility to administer funding changes to reduce approval timeframes.
- Flexibility to move funding from phase to phase i.e., move cost funds to design phase to cover cost overruns.
- Project funding changes create issues for then needing to increase the overmatch – going through this process creates delays to the project.
- There is a perception that program changes are often brought about by problems experienced on a small percentage of projects. The implemented program changes are then experienced by all projects instead of the few that created the need for program revision. Develop a process that deals with projects that create problems and that the changes do not have to apply to all projects
- IGA's need to delegate authority for approvals to lowest level at Region so that Local Agencies can work directly with Region Local Agency Coordinators in order to get things done in more efficient manner.
- If Local Agencies are funding design ROW, etc. – why does FHWA detailed project financial information in advance of approving construction?
- Local Agencies don't understand why FHWA is concerned about the amount of overmatch in the project. Perception that if the funding does not add up to Engineer estimate – then FHWA won't authorize project...
- Overmatch has to be added to the following processes STIP, TIP, SAP and IGA; when it changes which creates delays.



Project Initiation Process (continued)

- Does FHWA see project financial statement prior to advertisement? Suggest that possibly move this information submittal earlier in process if needed. Local Agencies advocated for greater coordination and involvement with FHWA during the Local Agency process because waiting for FHWA decisions/authorization at project milestones delays the project when it can happen concurrently as progress is being made.
- Every added step adds time which can impact milestones.
- System is broken – what is FHWA looking for when they are requesting actual depiction of costs upfront prior to advertisement and not after bid opening. Local Agencies don't understand why this summary of costs is so important.
- Perception by the Local Agencies that paperwork process has nothing to do with finished product relating to providing total project cost and overmatch information required prior to bid. Local Agencies expressed support for reducing paperwork if it is unnecessary or is not applicable to the type of project or finished product.
- Why is overmatch so important? Suggest going back to previous process in IGA that shows project cost and match with no overmatch requirements.
- Local agencies are taking financial responsibility and then apply for reimbursement – local agencies are feeling they are taking the risk.
- Small towns looking for a tutorial of the process at time of “call for projects” so that locals are aware of requirements - **DRCOG stated at meeting that an upcoming e-mail will be sent out for training in advance of call for projects. Proposed dates of training are August 16th and August 25th. Looking to make it mandatory that applicants must attend one of these training sessions.
- Flexibility to provide access to dollars for unfunded mandates that impact project budgets.
- Suggestion to extend timeframe for call for projects with criteria provided upfront so instead of 2 months, Local Agencies would have 4 to 6 months to develop firmer cost estimates.

Project Design/Advertisement: Identify key issues and recommendations

- Time for ROW approval on plans before you can negotiate with property owners is taking too long. Is there a way for Local Agencies to negotiate with property owners **sooner** in the process instead of expending dollars for resources to change design and spending more dollars on changes on ROW plans?



Project Design/Advertisement (continued)

- How can local agencies receive ROW approval sooner to be able to negotiate with property owners? Looking for guidance from CDOT to clarify when is best time in order to minimize costs, minimize changes etc.
- How to accelerate to get to ROW authorization with not all of the information on the ROW plans. Can ROW plans for off-system projects be different than those for on-system projects?
- Iterative ROW process from requesting approval to negotiating is critical to the overall schedule. Additional time to comply with required format (font sizes, line weights, etc) and not focusing if all required information is included adds costs but perception by Local Agencies is that no value is added.
- Can't have warranties in our special provisions. Handling the approval of warranties at regional level would be helpful to expedite the process.
- Clearances for agencies outside of CDOT – need early coordination and commitment of project stakeholders for external agency approvals.
- Suggestion to allow obligation approval for project to take place during advertisement process. Look for opportunities to develop processes more in parallel, less in series.
- Why the need for tabulation sheets in plans? What is the value added. Local agencies want flexibility for “say” in what sheets are included in the plans taking into account the economy of scale.
- Do local agencies projects need x-section and other sheets normally included in CDOT projects?
- Request for local government project manager to be included in setting of project DBE goal as a stakeholder before DBE goal being finalized.

Award of Project/Construction: Identify key issues and recommendations

- Policy Memo #23 issue – Local Agencies don't want to seek waiver for local agency projects. Local agencies want to understand what the requirements behind having to request a waiver are.
- Do Policy Memo #23 and other CDOT Policy Memorandums apply to Local Agency projects since this is a CDOT requirements and not a federal requirement? Can there be flexibility around this requirement?



Award of Project/Construction (continued)

- Minor contract revisions should be continued to be allowed.
- Suggestion that for Change orders funded with overmatch for offsystem projects be allowed to follow Local Agency's change order process and not need to seek CDOT approval.
- Request that local agencies be allowed to generate their own form 250 and submit to CDOT for concurrence. Local Agencies feel that turnaround is a critical issue for agencies getting quotes for materials testing consultant services. Suggestion that those who want to do it – allow them to generate and CDOT check.
- Form 250 – need an online template similar to Fuel Cost Adjustment template in Excel.
- Wage compliance interviews using CDOT Form 280 – local agencies feel too many interviews required – need to look at this and simplify.
- OJT – Local Agency expressed perception that inordinate amount of time required to implement for not much benefit actually achieved.

Other issues: Identify key issues and recommendations

- No other issues rose.

Next Steps

The audience expressed a big “THANKS” to Neil and Andrea for holding this meeting. They noted that this is a positive approach to working on these issues. There is a need for better communication between CDOT and local agencies. Neil talked to group if there was interest in either Local Agencies within Regions to meet on their own either annually or some other frequency or perhaps a larger statewide meeting to stay connected.

Andrea 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

- Prior to FHWA authorization – if the engineer's estimate prior to authorization is more than 10% less, are federal funds reduced prior to advertisement?
- How far along does design need to be to get ROW plan approval for local agencies?



PARKING LOT (continued)

- What portion of environmental clearance need to be done in order to get ROW authorization in order to be eligible for reimbursement? When do local agencies assume risks – looking to pursue processes in parallel?

ATTENDEES:

Todd Cottrell	DROG
Joe Bath	Boulder County
Stuart Miller	CDOT R4 Traffic
Tim Swope	Boulder County
Jason Fell	City of Boulder
Stephany Westhusin	City of Boulder
Alex May	City of Boulder
Pete Graham	CDOT R4 Traffic
Abra Geissler	Town of Timnath
Tim Tuttle	CDOT R4 Traffic
Neil Lacey	CDOT HQ, Project Development Branch
Tobilynn Erosky	CDOT HQ, Project Development Branch
Andrea Meneghel	CDR Associates