



# Local Agency Process Reevaluation Meetings

May 24, 2010

Pueblo Residency

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, Project Development Branch, CDOT Headquarters, opened the meeting and gave an overview of 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 identify either the most important issue they came to discuss, a goal they had for the meeting, or a desired outcome for the Local Agency process re-evaluation meetings. The group identified the following:



## **Issues and Concerns**

- The City of Pueblo expressed an interest in identifying flexibilities for how federal funding is administered.
- Canon City expressed a need for greater consistency with program guidance provided from CDOT personnel.
- One staff member from the City of Pueblo attended to gain a better understanding of the overall Local Agency process. He stated that there is a need for greater consistency; personnel changes within CDOT have affected overall consistency in direction. There is also a need for closer coordination and additional guidance from CDOT.
- Look for areas in the Local Agency process where activities or steps could be expedited to take less time. There is an interest to coordinate project-specific schedules with local agency planning schedules where possible. It was stated that the existing process is quite lengthy and creates delays.
- The CDOT Regional Coordinator was in attendance to gain a general overview of the process and sought to understand Local Agency needs and concerns so that all parties could be on the same page. He also expressed a need for more consistency.

Neil introduced Federal Aid Highway Program Stewardship Agreement and talked about federal, state, and local relationship for Local Agency projects. The purpose of the 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 Manual – Chapters 1-4**

- Local Agencies recommended reviewing CDOT's role during project application and suggested that CDOT look to be more involved at the time of application than what is currently being experienced in order to provide support and guidance.
- Local Agencies suggested that more clarity, guidance and coordination can be provided by CDOT in the initial phases of the project initiation process so that the clearance process for ROW, Environmental, and Utility issues can be discussed between Local Agency and CDOT at the application stage to avoid problems later on. More information and improved communication on the "front end" could avoid problems down the road.
- Local Agencies suggested that a detailed checklist of project requirements would be helpful to have during the pre-approval phase to identify what is needed to submit for project application. It would also be helpful to look for areas where Local Agency work can be pre-approved due to the length of time it takes to obtain clearances for ROW, environmental. Don Scanga, Region 2 South Program Region Local Agency Coordinator, suggested providing a CDOT contact list of individuals that can provide the Local Agencies with the information needed to help support this phase of the process. Don, being the Local Agency Coordinator would remain in contact with these parties to provide assistance and stay informed.



## Project Initiation Process (continued)

- Local Agencies sided against adding additional requirements to the grant application process. Suggested that local governments work with one another to insure that conflicts don't exist when responding to grants that create issues in fulfilling the project. Local Agencies think that a single group or person should review the applications in their own organizations prior to submittal to insure constructability of the project.
- Local Agencies expressed a need for CDOT guidance and support during the beginning stages of the project to clearly explain to Local Agencies what is required for the environmental clearance process. Although Local Agencies have had experiences where they felt there was a clear understanding pre-IGA, there have been times when after the IGA has been approved, more than what they originally thought was required was actually needed. Upfront clarity and guidance from CDOT to clearly identify these needs would be helpful.
- Local agencies requested closer coordination and communication with CDOT. Local Agencies need a CDOT person (one point of contact) to show them what is needed and explain the processes involved. Suggested needing assistance from CDOT with reviewing grants for pre-application before project initiation.
- Local Agency project budgets are tight and don't have enough dollars for projects to do processes over when a correction or revision is needed. There is a desire to make efficient use of funds and by only doing the process once by obtaining assistance and guidance from CDOT in the initial planning stages. It was suggested to utilize a checklist that clearly identifies requirements and required processes for projects.
- It was requested for the Task Force to review if all projects are in need to follow the same type of processes and meet the same level of requirements. For example, do all federally funded non-highway construction project require environmental and ROW clearances? An example brought forth was the printing of bicycle maps had to meet these requirements. It was suggested to develop a different type of process for non-highway, non construction projects.
- Local Agencies suggested that upfront joint training be provided at time of application. It was mentioned that Safe Routes To Schools (SRTS) projects require mandatory meeting for grant applicants.
- Local Agencies suggested that a updated detailed checklists be developed that can illustrate requirements in a flowchart format for the different phases of the Local Agency process, such as a checklist for environmental planning, construction, or if checklists can be developed once a project is initiated outlining that project's specific requirements.



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

- Local Agencies identified the issue that projects become delayed when it takes the state controller more than 30 days to sign off on an IGA. It was viewed that this delays the project and can be expedited, especially if a Local Agency hasn't made any changes to the document.

## **Project Design/Advertisement: Identify key issues and recommendations – Chapters 5-7**

- Clarity is required about the requirements for the ROW process and what is required per the Uniform Act requirements when Local Agencies are funding ROW with their own funds.
- Local Agencies want assistance from CDOT on clarification for what % level complete plans are required for Safe Routes to Schools (SRTS) projects prior to executing IGA.
- Local Agencies expressed concern that existing projects for this season are being delayed due to the length of time CDOT HQ needs to review Local Agency project specifications; it is currently taking 6 weeks or more. There is a preference to see if the possibility exists to have specifications pre-approved for use on future projects. Would it be possible for Local Agencies to use their own pre-approved specifications where applicable instead of CDOT's. Include on form 1243 checklist: Have there been changes on your pre-approved specifications? If so, need to submit for review.
- Davis Bacon – Clarity is needed to identify which projects require Davis Bacon wages. Chris Horn at FHWA stated that it can be related to type of federal funding. If a project happens within state highway ROW, Davis Bacon applies. It would be helpful for Local Agencies to be able to identify when Davis Bacon is required ahead of time.
- Environmental Form #128 project clearance – Local Agencies asked if this process and proceeding with environmental clearance can occur sooner. Past practice in Region 2 was to review the Local Agency project when 90% complete construction drawings were submitted. Any chance to improve this practice?
- It would be helpful for Local Agencies to have guidance from CDOT on the program requirements earlier on in the project process. It was suggested to have an upfront coordination meeting (with CDOT Form 1243) with CDOT to go over processes after project selection.



## **Award of Project/Construction: Identify key issues and recommendations – Chapters 8-11**

- Local agencies appreciate the fast turnaround for concurrence in award and the guidance provided by Richard Ott at CDOT. Richard sends out a letter that lists any required documents still needed that were not submitted. The CDOT concurrence to award process is the only part of the project that happens fast.
- Local Agencies asked if the CDOT Local Agency Manual can be updated to clearly identify the forms required at time of project award. It was suggested that there are too many forms required at this phase and there could be an opportunity to reduce the amount needed.
- Change orders – local agencies need clarification on processes for using current change orders – the process needs to be revised so process is faster for submitted change orders and doesn't take so long for CDOT to approve.
- Local Agencies want simpler method for providing cost justifications for their projects. Blue Book Rental rates do not come close to prices being requested by Contractors. What is required for a proper justification of an acceptable agreed upon price change from the bid prices?
- Local Agencies asked if it was possible to identify a dollar amount limit for change orders where the Local Agencies could approve on their own without having to seek approval or submit to CDOT.
- Would it be possible for CDOT to keep its focus only upon the amount of federal funds in a project and to allow the Local Agencies to have authority over the portions of a project funded with their own funds? The group discussed ways in which extra work could be added into the project such as using a “cut back” project approach or use of multiple bid schedules should bid prices come in lower than anticipated and additional quantities of work added to the project.
- There was a perception that CDOT can become involved to the point of “micro-managing” a project. It was requested that the Task Force look for opportunities where CDOT can delegate responsibility to the Local Agency or trust a Local Agency to manage certain areas of a project. It was explained that Title 23 Code of Federal Regulations does not allow CDOT to delegate authority and responsibilities to Local Agencies for meeting federal requirements. Ultimately FHWA holds CDOT responsible for the Local Agencies meeting the federal requirements.
- Local Agencies requested the Task Force explore ways to expedite the process when project funds are added to a project. The TIP/STIP process takes 60 or more days to add additional local overmatch. Can this process be completed in less time?



### **Award of Project/Construction (continued)**

- Local Agencies asked if CDOT could develop an IGA with a Local Agency at a programmatic level rather than for each individual project. Specifically, it was asked if the agreement could apply to a Local Agency that has displayed competence with the program and managing projects so that the same steps wouldn't have to be repeated for each individual project.
- Are there possible opportunities where CDOT can exchange federal funds for state funds to be able to expedite the delivery of Local Agency projects with less requirements?
- Local Agencies felt that Don Scanga was doing a good job given that he is the Region 2 Finals Engineer and South Program Local Agency Coordinator. Local Agencies felt that additional CDOT personnel could help out with Local Agency projects.

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

- **None were raised**

### **Next Steps**

The audience expressed appreciation to CDOT for holding this meeting. They noted that this is a positive approach to working on these issues. They expressed thanks to having these meetings in order to be able to share their concerns with CDOT.

Andrea informed the Local Agency contacts how to stay connected to the process for reevaluation of the Local Agency Program and how to submit additional input following the meeting. It was noted that the meeting summary will be available on the CDOT website.

### **PARKING LOT**

- What role should CDOT play during the application/planning process in Local Agency process?
- Are there many Local Agency projects that are non-highway construction such as the printing of bike maps? Can these type of projects undergo a different process than the process a typical roadway construction project would undergo?
- What level of oversight does federal government provide over CDOT processes? Are there areas where CDOT can give local agencies more control? Clarification and guidance is needed regarding CDOT oversight and the requirements associated with a project not on CDOT ROW?
- Should all processes be the same for all types of projects (SRTS, CMAQ, etc.)?



## **PARKING LOT (continued)**

- When Environmental Form #128 is filled out, it would be helpful to provide feedback to the Local Agencies so they can be involved in the process.
- Can Local Agencies overrun plan quantities without needing a CMO? Region 2 uses 2% rule.

## **ATTENDEES:**

Chris Horn	FHWA
Don Scanga	CDOT R2 Finals Engineer
Bill Zwick	City of Pueblo
Adam Lancaster	City of Canon City
Sam Vigil	City of Pueblo
Pepper Whittlet	City of Pueblo
Neil Lacey	CDOT HQ, Project Development Branch
Tobilynn Erosky	CDOT HQ, Project Development Branch
Andrea Meneghel	CDR Associates