Local Agency Process Reevaluation Meetings

June 10, 2010

Region 3

City of Glenwood Springs

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 share one objective for the meeting or identify the most important issue to address during the meeting. The group stated the following:

Issues, Objectives, and Concerns

- Ben Gerdes from Eagle County – wanted to learn more about Local Agency program and would provide input to the meeting where he could.

- Brian Killian with CDOT R3 was attending to listen to the concerns and interested in streamlining the process.
- Tom Gosiorowski, Town of Eagle, was interested to see what changes are being proposed and offering suggestions to improve the process.
- John Troka, SGM/Town of Salida wanted to understand the Local Agency process and to hear about issues/problems that others are having on projects.
- Nick Senn, SGM (has worked with Glenwood Springs/Silt/Rifle) performs work for many Local Agencies large and small and was interested in providing his input based on his experiences.
- Mike McDill, City of Glenwood Springs, stated that it was difficult to go through the CDOT processes to administer a Local Agency project. Not being able to use "all work" or "general" warranties for contractor's work creates issues for cities that are not set up for 100% inspection and testing. Also, Mike was interested in identifying areas where a city can use its own specifications rather than CDOT specifications.

Neil explained the Federal Aid Highway Program Stewardship Agreement and talked about the federal, state, and local relationship for Local Agency projects. The purpose of the meeting is to discuss how to improve the program. The group was then asked to provide input regarding the process. The discussion notes are below.

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

- Nick Senn, SGM/Silt/Rifle/Glenwood Springs stated that small communities do not have engineering staffs and that the first 4 chapters of the Local Agency Manual are "stumbling blocks" (hard to follow) for Local Agencies that are not familiar with the process. He suggested that CDOT do a better job in articulating the program requirements up front. The process needs to have more details such as showing anticipated timelines for processes, clearly defined program expectations of Local Agencies, and user friendly information displayed through detailed flowcharts.

- Local Agencies expressed that timeframes to complete processes associated with CDOT requirements are very time consuming and by going too long they are experiencing added costs to projects. They expressed a need to assign timeframes to different steps/phases (EX: ROW acquisition – Local Agencies are told by CDOT that on some projects, it may take approximately one year to get though the ROW process whereas it can take Local Agencies considerably less time).

- Local Agency project planning and eventual project timelines often differ. It was explained that a Local Agency will appropriate funds to a project in October of one year with the expectation of initiating construction in the Spring of the following year, yet the project may not begin because of delays in the expected timeline. It was suggested that CDOT could help

clarify expectations by providing a process flowchart with assigned timelines that will give Local Agencies a better understanding of the length of time associated with the process; this would be most helpful in the pre-application stage. Challenges also exist in trying to align the funding schedules with those of Local Agencies.

- Tom Gosiorowski, Town of Eagle, discussed the budget cycle issue where Local Agencies are prohibited by TABOR for doing multi-year budgeting. Can only do it 1 year at a time. Cannot commit future funds or commit future boards to funding.

- At times it has been difficult for Local Agencies to identify certain issues until they get to that stage in the project. It would be helpful to hold a pre-application coordination meeting with CDOT to identify potential issues and challenges ahead of time or at least before they approach certain phases in the process.. These coordination meetings could occur as a Region to effectively use the time of the Local Agency Coordinator and can occur either before a project phase to help anticipate issues or when a project ahs been completed successfully so others can learn from the experience.

- Local Agencies often need consultant assistance with the ROW process. It was suggested that CDOT articulate/help to identify the ROW requirements and expectations at the application stage of the project. It would be helpful for CDOT to explain how much time to anticipate and review the estimated funds for those processes at the application stage so that the Local Agencies know what the expectations are.

- SGM stated that CDOT Region 3 has made good strides in supporting the ROW process and making things better since Tim Woodmansee has taken over. Region members on Task Force should look at the elements that are working well in their respective Regions with ROW process so that others can look at modeling these best practices.

- It was noted that different approaches take place in CDOT Regions around environmental studies. Region 3 assists Local Agencies with environmental studies when a permit is not required. This same practice is not carried out in Region 5. In Region 5 the consultants do the environmental study work that CDOT Region 3 staff provides. Parties are aware of this upfront.

- Experience through the Local Agency process was the best way to learn all of the requirements. Turnover at Local Agencies requires the CDOT Region Local Agency Coordinators to have to reintroduce these requirements on each project as needed. It was stated that this outreach is best provided in a face to face meeting. It was stated that Brian has been doing a great job helping out Local Agencies with requirements/processes. However, it was also stated that in order to combat staff turnover and retain the knowledge and experience gained by those doing the projects, a web-based resource should be

provided where new-comers to projects can access resources and quickly learn what is required in a certain phase.

- It was stated that the CDOT LA Manual is written by CDOT for CDOT in language that CDOT understands and not readily understood by Local Agencies. It was suggested that a pre-application workshop be held in advance of submitting projects for funding cycle to have Local Agency application reviewed by CDOT.

- Local Agencies have questions on which forms to use for which processes. For example, the CDOT Manual references the use of forms (i.e. Form 205, and Form 250). Only those that know the process are familiar with the CDOT forms. The CDOT Local Agency Manual needs to be revised to explain the process from the viewpoint for people who are not familiar with the steps/processes so that Local Agencies understand it. The manual should add context in a user friendly manner that explains how the use of the forms fits into the process or what the purpose is for a certain form. Also, it was suggested that examples can be provided that show what a correctly filled out form looks like for first time users (these can be hosted on the web).

- It was suggested that a list or table of CDOT forms that are applicable for each project be provided by CDOT at or prior to the preconstruction meeting. Local Agencies do not want to be referred to the current CDOT Forms webpage which is difficult to navigate..

- It was suggested that training workshops be held at a time when they can be matched up with funding cycle/call for projects. Glenwood Springs suggested that Region 3 hold a Regional training session for all applicants submitting for Transportation Enhancement funding in order to make the best use of Brian Killian's time and Region 3 specialty group resources. The training can start at one level and in subsequent years have different levels for those that are new to the process and for those that are experienced. Eagle County would like different levels like having to deal with different issues.

- It would be helpful for CDOT to provide examples of actual letters and completed CDOT forms that they can use as examples in completing forms for projects. Completed forms for different processes would be helpful, especially on the ROW process.

- The current Local Agency Manual is perceived to be more of a guide than an actual manual. Could a future version be web based with links to resources it directs users to? The current Manual is not a stand alone manual as other manuals are referenced for following different processes (i.e. Construction Manual and Field Materials Manual). It was suggested that the electronic forms be made more user friendly. Several of the existing forms available electronically are not capable of being edited so that it can filled out easily for a different days of work; currently time is being expended filling out the same form each day from the beginning, rather than simply being able to update it.

Project Initiation Process (continued)

- It is difficult to understand the COC (Certificates of Compliance) process as it is not explained in the Local Agency Manual. It was suggested that either training be provided or that the required processes be better written in the CDOT manuals.

Project Design/Advertisement: Identify key issues and recommendations – Local Agency Manual Chapters 5-7

- Town of Eagle – working with things like specialty or proprietary items for purchasing materials has caused problems for them in the past.   Local Agencies build things that have a specific aesthetic and oftentimes need to blend in with previously installed products or materials such as lamp posts, etc. Brian Killian explained that the current process for requesting the proprietary items through the Finding-In-the-Public-Interest (FIPI) has improved. Local Agencies who have questions should contact Brian directly for specific guidance.

- Is there flexibility regarding funds where a proprietary item could be provided as in-kind match or funded separately with local funds?

- It was suggested that access management and control be added to the checklist for items that need to be discussed at the pre-application stage as this creates issues for Local Agencies later on for curb cuts and who fills out the information for the access permits.

- Town of Eagle encountered an issue on a previous project that crossed a Railroad and suggested that ROW in and around a RR be treated as a "red flag" issue to look into more deeply so that it does not create issues that can lead to project delays. Town of Eagle thought CDOT owned ROW near RR and they only had an easement.

- It would be helpful for Federal Highway Administration (FHWA) to play a larger role in projects where applicable. As an example, the Town of Eagle cited a current interchange project on I-70 where it would have been helpful to have coordinated communications between FHWA, CDOT and the Town of Eagle. At times FHWA is only communicating with CDOT and not involving the Local Agency regarding the use of the federal funds on the projects.

- Eagle County had an issue with a firm that was a certified ROW appraiser. It had wanted to know if the agents for firms were certified individually because there had been issues which led to project impacts. Also, wanted to know how this could be done more consistently from firm to firm. CDOT Region 3 ROW Manager has a listing of appraisers that have been certified. It was suggested that Local Agencies in western Colorado, try to find a firm or an agent from the western slope with Regional experience.

Award of Project/Construction: Identify key issues and recommendations – Local Agency Manual Chapters 8-11

- There had been an issue in trying to work with CDOT construction residency staff on small enhancement projects. When contacted, the CDOT Resident Engineer staff was busy with other things and not able to address the concerns of the Local Agency with their questions on forms or processes, thus creating a delay. . Brian Killian stated that this is where he can be a resource to get involved and have a formal handoff from design to construction. It was suggested that a Regional workshop be held at the beginning of the construction season to invite Resident Engineers and Local Agencies to review preconstruction processes, use of forms, materials testing.

- It was stated that there are two hurdles in construction that impact Local Agencies 1) Change Orders and 2) CDOT Documentation. Getting Change Orders approved by CDOT sometimes takes 4 months which seems longer than it should even though the changes are discussed with CDOT at the time of the change. Local Agencies need training on CDOT documentation including change orders

- Local Agencies would like to not fill out change order on small changes per CDOT requirements. It was suggested that more guidance be provided about when a CMO is required, how small changes can be handled through the MCR process and how to handle quantity overruns. For example, a CMO was written to delete 11 light poles on a past project.

- Local Agencies feel that they are spending too much time doing paperwork and don't have time reviewing quality of construction. It was suggested that the scale of reporting be based on the type/complexity of the project. Perhaps a checklist be developed such as on certain projects like $1M projects what forms are needed vs. what forms are needed on low budget projects. It was suggested that CDOT develop a tiered approach pertaining to level of project administration.

- Use of Warranties on projects – Local Agencies like the use of warranties and find them effective in their work on their own funded projects. There was a desire to see CDOT/FHWA procedures with "all work " or "general" warranties.

- City of Glenwood Springs said they were appreciative to CDOT in holding these reevaluation meetings.

- Local Agencies don't have resources to do Davis Bacon so they hire outside consultant assistance .

- Glenwood Springs stated that for its area there is a limited labor pool for DBE's. Higher costs are paid for DBE's that travel a long way. Glenwood Springs also contracts out the monitoring of the DBE's as they are not familiar with the paperwork

Award of Project/Construction (continued)

- It was suggested CDOT look at flexibilities for allowing material specifications based on local preferences, especially when Local Agencies are maintaining the product.

Other issues: Identify key issues and recommendations

- It was stated that CDOT should review its Contractor prequalification procedures. Dollar amounts years ago may not have the same meaning with current construction costs. Local Contractors have to provide an audit to get qualified at specific levels. Not sure when the last time this was last checked. It was suggested that the prequalification thresholds be raised to keep current with rising construction costs

Identified Best Practice

- Region 3 works with Local Agencies on identifying ROW needs upfront and using Region 3 developed project checklist at project inception.

- It was suggested that policy governing the Local Agency program not be determined to right or address a single occurrence. It should be based on a high frequency of occurrence so that those that are not in violation are not held accountable to additional regulation.

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 encouraged everyone to either go to the website or add additional questions/concerns or to fill out a comment card in the meeting. Andrea mentioned that the meeting notes will be posted on the website.

PARKING LOT

- Glenwood Springs – asked if this process being carried out because "federal regulations have changed or is there more emphasis on how Local Agency projects are being managed?"
- Can Local Agencies fund "specialty" products (i.e. proprietary items) [i.e. pay with local funds rather than with federal funds (non-participating]? Can "specialty" products (i.e. proprietary items) be provided as "in-kind' match?
- Why do other federal agencies other than FHWA (FTA, FAA) allow "all work warranties" and FHWA under Title 23 CFR does not?

ATTENDEES:

John Troka	Schmeuser, Gordon and Mayer (SGM)
Nick Senn	Schmeuser, Gordon and Mayer (SGM)
Tom Gosiorowski	Town of Eagle
Brian Killian	CDOT
Ben Gerdes	Eagle County
Mike McDill	City of Glenwood Springs
Neil Lacey	CDOT HQ, Project Development Branch
Tobilynn Erosky	CDOT HQ, Project Development Branch
Andrea Meneghel	CDR Associates