



Local Agency Process Reevaluation Meetings

June 14, 2010

Region 6/Central Section

East/West Arterial Conference Room

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

- Jim Barwick, City and County of Denver, was interested in having CDOT revise its current IGA template so that the IGA's make sense. City and County Denver believe there are some old clauses such as "debarring a Local Agency" and others that need to be reviewed for updating.
- Dennis Ohlrogge, City and County of Denver, was interested in getting a clearer understanding about how Change Modification Orders (CMOs) and field directives to execute change orders can become more timely to keep projects moving and on schedule. The formal CMO process takes at least 3 to 4 weeks.
- Lizzie Kemp, CDOT Region 6, was interested in supporting the Local Agencies in making changes to the current process and seeing how specialty units such as Environmental, ROW, or Utilities can help in improving the current process for Local Agencies.
- Jim Bemelen, CDOT Region 6 was interested in working towards a better understanding of Local Agency projects for both CDOT and Local Agencies.
- Roger Mutz, City and County of Denver, was interested in improving the coordination and collaboration of the complex teams comprised of consultant and agency staff that Denver has on projects that work with CDOT to insure schedules and timelines are progressing, especially with regard to EA's and EIS's.
- Vince Casteel, City of Lakewood, was interested in seeing IGA's completed in a more timely manner.
- Tim Frazier, CDOT Region 6, was interested in improving the Region's service to Local Agencies and was supportive of adequate staffing within the CDOT Regions to support the Local Agencies to get their projects completed on a timely basis.
- Mark Westberg, City of Wheat Ridge, wanted to see more consistency in the overall process. He has experienced changes to the process that are not addressed in the Local Agency Manual that have impacted projects. Because impacts can raise project costs and the City of Wheat Ridge has a small engineering staff this causes a considerable challenge. The changes create cost and time impacts to their projects that may have been addressed at the beginning had they been made aware to them early on. Mark questioned whether it is necessary to have SWMP sheets on small sidewalk and driveway ramp projects especially when the projects are not in CDOT ROW.



Issues, Objectives, and Concerns (continued)

- Dave Baskett, City of Lakewood, stated that there is pressure from FHWA through DRCOG to get projects initiated and progressing towards completion. Delays in executing IGAs and getting design started are playing a role in Local Agencies not being able to meet DRCOG's 3 strike policy and with DRCOG considering going to a one strike policy, it becomes even more challenging. He suggested looking at strategies that can assist with projects moving forward in a more timely manner to meet DRCOG strike policy.
- Art Griffith, Douglas County, has worked with CDOT on many projects and was looking to understand the overall project administration needs for the process for federally funded Local Agency projects in CDOT ROW and how they differed from those that are constructed in Local Agency ROW. Feels that there is a major disconnect between projects constructed in CDOT ROW from those constructed in local agency ROW. The ROW process for local funded projects and use of warranties by Local Agencies on 100% local funded projects are handled differently.

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 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

- Douglas County, was interested in working with CDOT to set the project DBE goal early on in the project and not have this change later. Local Agency staffs are hiring consultants to perform work on projects prior to the application stage and prior to the decision to pursue federal funds on that specific project. Looking to CDOT to set the DBE goal with a fixed % for design consultants so that Local Agencies are not delayed and can meet the DBE goal on consultant contracts at the outset of the project.
- The City of Wheat Ridge suggested that having an understanding of CDOT administrative staff costs to Local Agency projects upfront would be helpful so that this can be included in project cost estimates. The City suggested that CDOT define this for those projects where the administrative costs are being applied and address this formally in the Local Agency Manual.
- The City and County of Denver is looking for flexibility for multi-year/multi-agency complex projects from the DRCOG 3 strikes policy. Trying to scope projects for multi-year and coordinate with multiple entities is really difficult to coordinate timeframes. DRCOG is ratcheting down on requirements and would like to see flexibility where multi-year projects could be evaluated annually with a meeting with all of the stakeholders including DRCOG, CDOT, Denver, and other stakeholders



Project Initiation Process (continued)

- It was indicated that in previous projects with the City of Lakewood, it has taken 6 months to get an IGA with a project number in order to set up an account for CDOT staff to charge against. Having to wait for the IGA is costing valuable time where the Local Agencies could be meeting with CDOT staff to discuss and move ahead with the project. Dave Baskett suggested that meetings be held concurrently with IGA process to keep the project moving. Need to find ways to get the discussions initiated sooner with CDOT to avoid having to wait to set up an account to accrue charges. Dave stated that DRCOG TIP/STIP team is considering strategies for upfront funding off the top to set aside funds for people to charge against in a pool and repay the pool later once the project account is established
- Local Agencies seek ways to get started sooner with projects and not be held up until the IGA is executed. Local Agencies seeking federal reimbursement for design costs have to wait until the project is authorized by CDOT and FHWA which is after the IGA is executed. Can CDOT initiate an IGA that only takes 1 month for pre-design instead of the 6 month or longer process that is currently being experienced?
- Local Agencies want to know if they can get approval to proceed with projects if the IGA is not signed and still be able to get reimbursed for funds expended prior to the IGA being signed. Dave cited an FTA process where they have a letter of no prejudice where the locals can proceed at their own risk. Since FTA and FHWA have different processes this would need to be looked at further to get FHWA concurrence and CDOT Office of Management and budget concurrence
- A suggested strategy used by Douglas County in Regions 1 and 6 was to initiate the IGA's early in the process in advance of receiving authorization for federal funds to be able to have the accounts established to be able to involve CDOT staff early on in the project
- Local Agency projects get delayed when having to wait for approval of the IGA's. Can there be different process for smaller size projects? Are the requirements the same for large and small federal projects or is it by type of federal funding provided.

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

- Local Agencies want clarification of the water quality/erosion control requirements on projects. There are concerns that CDOT may be requiring too much due to an over reaction to the CDPHE consent order. What are the minimum CDPHE requirements? Can there be flexibility based on amount of disturbance and the time and effort for developing Stormwater Management Plan (SWMP) sheets?



Project Design/Advertisement (continued)

- Steve Glueck, City of Golden, would like to see flexibility or efficiency created to address the hiring of engineering design consultants where the Local Agency has a current on-going on-call contract for engineering services for multiple years but still have to competitively bid out for engineering services for a federal aid project. Can the on-call contract that locals have with engineering firms be treated as in-house services and not have to bid out for each project? The Local Agency Manual needs to address or make reference to the guidelines for developing an on-call selection process that meets the federal requirements for eligibility for federal-aid reimbursement. Local Agencies want to be able to use the same consultant due to their knowledge and experience on CDOT projects and not have to go through the selection process for every project.
- Local Agencies are looking for consistency among CDOT staff where CDOT staff turnover has led to different interpretations and revisions to Local Agency work. There is a need for CDOT to maintain consistency in order to avoid multiple interpretations of decisions affecting Local Agency projects. There needs to be consistency in the training, guidance and direction CDOT staff is providing to Local Agencies.
- Local Agencies are interested in having the decisions made at the project or lowest possible levels to streamline the process. At this time the Region Local Agency Coordinators don't have authority to make judgement calls on projects. Region 6 is currently looking at how it administers the Local Agency Program and may make some changes to see if reverting back to how Region 6 managed the pre-construction phase by a staff all in one unit as it has been done in the past can improve consistency and service to Local Agencies.
- It was suggested that CDOT look at a tier or gradation of processes so that smaller size projects are not treated the same as larger size complex projects. Local Agencies feel there is benefit to doing this where the process would not be as burdensome.
- Art Griffith, Douglas County, suggested that Local Agencies be allowed to follow their in-house developed processes once they have been approved by CDOT which the Local Agencies feel would save both time and costs on projects. The following example was given: On CDOT ROW follow the CDOT Right of way Plan Review Process (ROPR) and if not on CDOT ROW then the Local Agency can use their process.
- Local Agencies feel that review of ROW appraisals could be streamlined where CDOT HQ ROW Staff could hire consultant review appraisers as additional staff to speed up ROW process and avoid sunset of appraisals. This idea has been suggested before and the response provided by CDOT was that the in-house staff was required to perform the review of appraisal duties.



Project Design/Advertisement (continued)

- City and County of Denver expressed concern about availability of CDOT staff resources. Local Agency projects have increased where CDOT staff has not increased at the same rates. The City and County of Denver understands that CDOT resources are limited; however, the need exists for CDOT staff involvement on its projects to meet the needs. How is CDOT evaluating staff resources for Local Agency projects?
- Roger Mutz, City and County of Denver, discussed with the group that project delivery contracting and procurement methods are likely to be the way that projects are handled in the future than the predominant practice of design-bid-build. Local Agencies are looking for guidance from CDOT on how to best to use these innovative methods such as design/build; best value contracting. The CDOT contact for innovative design methods is Nabil Haddad in the CDOT HQ Project Development Branch.

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

- Local Agencies expressed concern that getting approval from CDOT with current CMO process takes too long. Can the Local Agency Manual be changed to have a process that is more flexible and allows the Local Agency to proceed with change orders and clarify when upfront approval from CDOT and FHWA is required? Can the Local Agencies proceed with change orders for “critical” work without CDOT approval and risk of not being eligible for federal-aid reimbursement? Local Agencies are concerned about CDOT approval process delaying the contractor from doing the proposed work. If Local Agency is going to pay for changes with local agency funds, can CDOT allow them to go ahead with proposed change order without CDOT approval? The IGA already states that Local Agencies have to pay if the funding amount in IGA is exceeded.
- Art Griffith with Douglas County stated that Local Agencies need authority to make decisions on change orders. The existing change order process needs to be revisited to better define what decisions that the Local Agencies can make on their own without risking eligibility of federal funds. CDOT needs to also provide clarification on the use of the MCR budget and the approval process.
- Local Agencies need CDOT to let them know where they can use warranties, how to apply warranties to what part of the projects. Douglas County expressed frustration when told by CDOT that warranties were not allowed to be used on a project with no federal funds on project.
- Local Agencies looking for commitment from CDOT to provide timely billings on projects. Examples were provided where billings were received for work from 6 months earlier. Can CDOT provide billings within 1-2 months vs. 4-6 months after the work is completed?



Other issues: Identify key issues and recommendations

None raised at the meeting

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 continue to participate in an open communication process with CDOT by submitting any additional questions/concerns to the Project Development branch or to their Regional Local Agency Coordinator, Tim Frazier.. Andrea informed the group that the meeting notes will be posted on the website.

ATTENDEES:

Tim Frazier	CDOT R6 Local Agency Coordinator
Jim Bemelen	CDOT R6
Carol Hoisington	CDOT R6
Lizzie Kemp	CDOT R6
Dennis Ohlrogge	City and County of Denver
David Baskett	City of Lakewood
Vince Casteel	City of Lakewood
Roger Mutz	City and County of Denver
Karen Sullivan	CDOT HQ, Project Development
Mark Westberg	City of Wheat Ridge
Art Griffith	Douglas County
Jim Barwick	City and County of Denver, P.W. Engineering
Steve Glueck	City of Golden
Neil Lacey	CDOT HQ, Project Development Branch
Tobilynn Erosky	CDOT HQ, Project Development Branch
Andrea Meneghel	CDR Associates