



# Local Agency Process Reevaluation Meetings

June 23, 2010

Region 6 North Section

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

- Eduardo Moreno, City of Thornton, would like to see improvements on warranty process with CDOT and change back to the way it was operating prior to CDOT making the change. Ed would like the Task Force to look at areas where Local Agencies could use their own general conditions on Local Agency projects rather than having to use CDOT's specifications.



### **Issues, Objectives, and Concerns (continued)**

- Pete Brezall, City of Thornton, would like to see a commitment made to keeping projects on schedule and to receive comments back from CDOT in a more timely manner. It would be helpful to develop an established timeline for Local Agency projects that clearly illustrates the review processes and deadlines for both Local Agencies and CDOT to abide by.
- Joe Smith, City of Brighton, the time it takes to get IGA's processed is very lengthy; hopefully this could be expedited. The understanding is that CDOT is using a standard boilerplate type document which is fill in the blank. He also suggested that CDOT create some type of "ombudsman" position for local agencies to contact to be able to get issues addressed and get the projects through the system. There is a need for consistency within CDOT and a single point of contact would be helpful.
- Shaun Cutting, Federal Highway Administration (FHWA), attended to listen to Local Agencies' comments about process improvements and to help communicate requirements tied to the federal funding.
- Joliette Woodson, City of Northglenn, stated that a single source of guidance on the process would be very helpful in the initial stages of the process. It is difficult to look in multiple places in order to pull guidance from different sources. She suggested that CDOT provide better clarification on the overall process in the initial stages; especially direction as to what documents will be needed.
- Darren Sterling, Commerce City, agreed with all of the previous comments and indicated that CDOT mandated changes to projects after plans become approved creates a huge impact to projects; having to go back and revise the plans and specifications costs money. He suggested that CDOT set a timeframe after the plans are approved in which to make changes and after this date additional changes are halted or reduced significantly.
- Tim Aschenbrener, CDOT Project Development Branch, is interested to hear comments from the Local Agencies so that the Task Force can analyze the program effectively and develop recommendations to CDOT for improving the process/program.
- Rene Valdez, Adams County, has worked previously for CDOT and has now seen both sides of the process. Rene is interested to hear what others are saying and offer comments based on his experiences.
- Tim Frazier, CDOT Region 6 Local Agency Coordinator, wants to help figure out how to make the process better. CDOT Region 6 management is looking in to centralizing how Region 6 manages its entire Local Agency process within one unit. Tim is interested in being that person to lead that unit to provide service to the Local Agencies.



### **Issues, Objectives, and Concerns (continued)**

- Chris Proper, City of Arvada, indicated that the CDOT review can process be more efficient. CDOT makes review comments, and later provides additional comments which were not provided the first time when turning paperwork in to seek approval. The added comments are frustrating and add time and costs to getting the requested changes made.
- Pat Dougherty, City of Arvada, feels that the Local Agencies Coordinators within CDOT have been outstanding and are doing a great job in helping Local Agencies work out problems. The problems are the process itself. One issue is that projects become driven by DRCOG's funding schedules. Also, in the past, Local Agencies have done what was expected of them, but CDOT has not followed through with its responsibilities in the established timeframes, and where incomplete or delayed direction by CDOT has been inconsistent and unreliable, it has caused Local Agencies to receive a DRCOG "strike".

Neil explained the federal, state, and local relationship for Local Agency projects and described the Federal Aid Highway Program Stewardship Agreement. 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**

- Pat Dougherty, City of Arvada, stated that when they meet with CDOT at preliminary scoping all of the expected CDOT Staff from specialty groups do not show up. Often times this results in a situation where later in the project at the time of the Final Office Review (FOR), comments are provided by additional CDOT staff which are different than the initial direction provided at the scoping meeting. Local Agencies would like to know ahead of time what is required and are relying on CDOT to be knowledgeable to guide them through the requirements with consistent direction. It was suggested that an experienced, single point of contact from CDOT work with the Local Agencies to provide consistency and provide the clear direction needed and tell them what they need to do and what they do not need to do at the scoping meeting. From the scoping meeting and beyond, changing requirements creates problems and impacts project schedule and resources.
- It was stated that Local Agencies need help with processes at the start of project processes from a CDOT/FHWA person that can interpret the steps/processes upfront to help prevent Local Agencies wasting time or money on projects. Who at CDOT is the "go to person" to be able to provide that clear, consistent guidance that the Local Agencies can contact to bounce ideas off of or get guidance on steps to follow in the process? It was stated at the meeting that the CDOT Region Local Agency Coordinator or the assigned Project Manager currently is fulfilling this role. Tim Frazier, CDOT R6 told everyone in meeting to call him with questions or issues needing help.



## Project Initiation Process (continued)

- The suggestion was made that decision items or directions provided at the project scoping meetings be documented so that this information is tracked and can be reviewed later on. Tim Frazier stated that it is the responsibility of the Local Agencies to take the meeting notes and explained that with multiple projects it is not always possible to have a representative from CDOT specialty groups at every meeting. Need to better define roles and responsibilities for Local Agencies and CDOT so that it is clear about who is responsible for what and by when. Local Agencies want to understand what is required at the time of the scoping meeting.
- Local Agencies suggested that right CDOT staff be in attendance at the Scoping, FIR, and FOR meetings so that as issues come up these can be discussed at the meetings and clear direction provided and then consistent actions be carried out which were agreed upon at those meetings. There is a need for a commitment from CDOT to provide timely comments if they are not able to attend the above mentioned meetings. It was suggested that CDOT set a final timeline after FOR when final comments are due or provide a listing of those items which if they do change will need to be addressed so that the Local Agencies know this upfront.
- Local Agencies are finding it difficult to select engineering consultants based on qualifications only and not being able to consider price. This is a federal requirement included in the Brooks Act. Local Agencies would like to see where any flexibility exists in the way the federal regulation is being implemented to make this less stringent.
- Local Agencies suggested reviewing the completed CDOT Form 1243 included as an attachment to the IGA at the scoping meeting to review the checklist and track these items upfront.
- Local Agencies don't understand why it takes 6 months or longer for IGA's if they are using a standard boilerplate and filling in the blanks with the specific project information. Is the IGA getting lost between HQ and the office of the Attorney General? The pre-approved boilerplate was supposed to speed up the process. The problem may not be the IGA but rather the process may be the problem. It was suggested that CDOT develop a flow chart of the IGA steps in the process (amendments, budgeting, and de-budgeting) and anticipated timeframes. Local Agencies understand if the IGA standard boilerplate is requested to be revised then it takes longer to execute the IGA.
- It would be helpful for CDOT and FHWA to provide clear procedural direction and timelines. Local Agency staffs have to inform and respond to elected officials and often times can't provide them with accurate answers because they have no indication of the timelines or how long CDOT will take internally within a certain step of the process.



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

- Pat Dougherty, City of Arvada, stated that it is frustrating when a Local Agency takes a “strike” from the DRCOG “three strikes policy” when the Local Agency has fulfilled its obligations and met its deadlines but the project delays have been due to CDOT delays in review, response, or guidance. Local Agencies need assistance from CDOT to help them with DRCOG so that a strike is not assessed to the Local Agency if not caused by the Local Agency. It was requested that the meeting notes from the DRCOG meeting held at CDOT Region 6 on March 23, 2010 be forwarded to the Task Force to provide it with the context of what was discussed at that meeting regarding this issue. Is there any flexibility within the “three strike policy” or exceptions that can be granted?
- Local Agencies expressed concern that DRCOG is looking to implement a “one strike process” which will be much worse for Local Agencies to meet schedules and timeframes to follow required processes and construct projects. Local Agencies think the DRCOG process needs to be changed. It was suggested that CDOT, FHWA, and DRCOG work together to develop a unified process that works for DRCOG, CDOT and Local Agencies,
- Joe Smith, City of Brighton, thought that it would be beneficial if there was a CDOT person – at scoping meetings to define what is to be expected or anticipated for the construction process. This information should then be discussed or coordinated with Region Local Agency Coordinators to get their input at that time so as the project begins and moves toward construction the Local Agencies and CDOT know what to expect from their initial conversations.

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

- Local Agencies expressed concern with having to submit their agency’s General Conditions to CDOT for review. Local Agencies want to use their own general conditions for which their attorneys have reviewed and feel are appropriate. CDOT is reviewing these documents to insure that there are no conflicts with requirements in federal regulations. Local Agencies would like some flexibility for allowing Local Agencies to use their contract provisions where appropriate.
- Local Agencies expressed the desire to warranty projects with federal funds like they currently do for projects that are funded with local funds only. Neil Lacey explained that for federally funded projects the warranties have to be specific so that the criteria for corrective work is clear to the Contractor. Local Agencies stated that not using warranties will increase their oversight costs on the projects to watch the work of the Contractor more closely. Latent defects and getting work corrected is currently included in the Colorado Revised Statutes.



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

- The City of Thornton feels that the “concurrence to award” process is time sensitive and that the current CDOT process takes too much time. Note: City of Thornton experienced a delay in obtaining concurrence to award a project when the Region 6 Project Manager at the time retired. Suggest that CDOT provide a timeframe for when Local Agencies can expect to receive turnaround from CDOT.
- Local Agencies expressed interest in CDOT holding training specifically designed for Local Agencies so that they can understand construction documentation. It was suggested that CDOT hold a training class for Region 6 Local Agencies using the Quality in Construction Administration Manual which covers documentation and steps in process during construction. It was requested that Carol Hoisington, Region 6 Finals Engineer be contacted to coordinate and hold a training class.
- Commerce City stated that they were having difficulty in getting their employees registered to be able to take the CDOT Construction Inspector Certification training classes. This training is a requirement for Local Agency personnel working on projects within CDOT ROW. Need to list the class times and registration information so that this information is accessible to Local Agencies.
- Shaun Cutting, FHWA, Local Agencies about the change order process. Those at the meeting stated they have not experienced any problems. Tim Frazier stated that some Local Agencies don’t follow the existing process and are not providing sufficient information within the change order along with the necessary supporting documentation.

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

- Shaun Cutting mentioned to people in meeting to maybe have Local Agency Coordinator set up monthly meetings with Local Agencies on dealing with questions/issues on projects. CDOT Region 6 Leadership meets periodically with Local Agencies. These reevaluation meetings are an opportunity to continue communication between CDOT and Local Agencies to improve the existing process.

## **Next Steps**

The audience expressed appreciation to CDOT for holding this meeting.

Andrea outlined the creation of the upcoming Task Force meetings and encouraged everyone to either go to the website and add additional questions/concerns. Andrea mentioned that the meeting notes will be posted on the website. Andrea asked that those interested in participating on the Task Force to contact Tim Frazier.



**ATTENDEES:**

Joliette Woodson	City of Northglenn
Tim Frazier	CDOT R6 Local Agency Coordinator
Chris Proper	City of Arvada
Patrick Dougherty	City of Arvada
Rene Valdez	Adams County
Darren Sterling	City of Commerce City
Joe Smith	City of Brighton
Eduardo Moreno	City of Thornton
Pete Brezall	City of Thornton
Shaun Cutting	FHWA
Tim Aschenbrener	CDOT HQ –Project Development Branch Manager
Neil Lacey	CDOT HQ, Project Development Branch
Tobilynn Erosky	CDOT HQ, Project Development Branch
Andrea Meneghel	CDR Associates