



Local Agency Process Reevaluation Meetings

July 8, 2010

Region 6 South 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

- The City of Lone Tree has had a good experience with working with CDOT Region 6 staff. It is concerned with the amount of time the project process takes and the time it takes to complete IGA's.
- The City of Centennial said R6 is doing a great job to accommodate Local Agency needs through project process and feels that the time for the IGA process is too long which impacts



the Local Agencies. Meeting project deadlines has been an issue in the past and support from CDOT HQ for Regions to strictly stick to deadlines would be helpful.

- Brian Weimer, Arapahoe County, stated that the County is getting great help with process from CDOT Region 6 but the process is cumbersome and always changing. It would be helpful to get these processes changed and streamlined for better efficiency. Stimulus projects are an example of how projects are carried out quickly, where resources can be focused and projects advertised in short time frame.
- The City of Englewood said that their projects have gone smoothly but noticed some of the processes take a lot of time – one of the processes that takes a lot of time is IGA process which has affected other aspects of projects which delayed the start of the project until the next construction season. Local Agencies have their own processes that they prefer vs. CDOT's processes.

Tony Gross, CDOT Region 6 Resident Engineer, feels that a lot of improvements in existing processes can be made. FHWA is emphasizing increased oversight and CDOT is currently dealing with staffing resource shortages. Local Agencies hire licensed Professional Engineers who are then responsible and CDOT should be concerned less about the technical review. With current staffing issues, the ability to provide service to Local Agencies that has occurred in the past is a concern. DRCOG process is different for Region 6 than other Regions. Local Agencies are questioning the CDOT project overhead rate of 23.95% where they can hire consultants for less. If volume of work has gone down in last year, why has the overhead rate not dropped?

- Shaun Cutting, FHWA, attended the meeting to listen to concerns that Local Agencies/CDOT have on processes and projects. He wants to help with oversight on seeing if monies are spent wisely and wants to see how FHWA/CDOT/Local Agencies can make changes in processes.
- Tim Frazier, CDOT Region 6 Local Agency Coordinator, stated that CDOT Region 6 has staffing issues due to a hiring freeze. Region 6 is looking into changing how it manages Local Agency projects to potentially centralize it under one unit. Interested in focusing on accountability and transparency leading to better service to Local Agencies.
- The City of Littleton is interested in streamlining processes and improving communication with all parties.
- Mark Brown, Arapahoe County, felt that there is a lot of bureaucracy on processes for Local Agencies to work through on projects.
- Brad Bauer, Jefferson County, would like to see processes changed to be more efficient where steps can be done concurrently. IGA's can take over a year to complete. Projects cannot be advertised without an executed IGA. Can this process be changed to working on IGA and allowing Local Agencies to advertise projects at the same time? Milestone meetings



such as FIR/FOR meetings are important where CDOT staff need to either attend or provide their review comments. Not getting the comments timely delays the project. Can Local Agencies become certified? He suggested that CDOT provide a generic flowchart of the project process with timelines.

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

- DRCOG emphasizes being ready to move ahead with projects and doing a sufficient amount of design upfront. Issue is getting CDOT involved early on without having an account to charge to. Several Local Agencies are taking on the design costs not seeking federal reimbursement and using the federal funds for construction. How to get CDOT involved early on to insure that issues that need to be addressed get included in the scope/budget for the work. DRCOG looking into pre-IGA fund per project to potentially tap into to get process going sooner. Bringing projects mostly designed and ready to build is an issue for some Local Agencies.
- Suggested that CDOT needs to be more of a competitive business model, structured to provide the support to the Local Agencies and insure that the requirements tied to the federal and state funds are met.
- City of Centennial and Arapahoe County have met with government officials in Washington, DC on previous projects and suggested that Congress is open to hearing comments related to making changes to existing federal requirements when receiving federal funds. CDOT was invited to provide any comments that they may have to City of Centennial or Arapahoe County. Local Agencies are not in favor of the requirements that are tied to the federal funds. Local Agencies are asking: "is there a best practices model with AASHTO or other processes". What about other states processes?
- Tony Gross, CDOT Resident Engineer, suggested looking at improving the Local Agency process by modeling the risk assessment aspects after those of the CDOT design-build Quality Assurance/Quality Control (QA/QC) process. Also, suggested looking at the lessons learned from the recent Recovery Act funded projects (ARRA) where multiple projects were advertised for construction in short time span.
- Is there a way to restrict or lock down the access to fields within the CDOT Intergovernmental Agreement (IGA) where the document could be sent out electronically and Local Agencies would only be able to limit their input to only specific fields keeping the integrity of the original document using the standard template format?



- Would like to see flowchart on process steps for audits – Local Agencies would like experienced and trained people working on projects (consultants, engineers, etc. that know CDOT's processes)
- Local Agencies have had discussions with DRCOG to see if there could be funds available set aside for getting CDOT involved in steps in process like pre-selection, pre-IGA, etc. so that Local Agencies can use the money to accelerate processes on projects?.
- It was suggested that CDOT standardize the budgeting process for projects to reduce time and make it a set process with anticipated timeframes.
- Local Agencies would like to see IGA process changed so IGA's can get signed quicker or done concurrently with advertising the project to reduce delays. There needs to be better communication between CDOT/Local Agency/FHWA so Local Agencies will know what the steps are at the time when they need to be done to reduce delays or increased costs for doing the process over. Suggested that a flow chart of the process be developed that includes the steps that can be done concurrently with other processes to shorten the process. Local Agencies stated it feels like the accountants are driving the process rather than adapting accounting process around the project contracting process.
- It was suggested that a risk analysis approach be considered to help address the type and amount of risk between CDOT and Local Agencies and manage the risks better instead of treating all agencies the same. How can the risks be worked on to identify additional or preventive measures for those that are at risk?
- Local Agencies would like authorization process to go back to how it operated previously where Local Agencies provided a letter of commitment that stated if the federal funds fell through, Local Agency would fund the project. Use of the letter of commitment would allow project to proceed without being held up for revision to IGA.
- Suggested that the FHWA/CDOT Stewardship Agreement be looked at to see if this is similar to what other states have. Can this be reviewed to see what CDOT is doing based on the requirements and what the interpretations are so that CDOT is not doing more than what is actually being required?
- Regarding FIR/FOR meetings, Local Agencies say that CDOT doesn't show up at these meetings and sends comments in late which delays the process. CDOT is only interested in CDOT issues and not Local Agencies issues.
- CDOT Project Managers need to be empowered to work with CDOT specialists to get the accountability and commitment to provide service to the Local Agencies. Local Agencies asked if having CDOT specialty groups attend project milestone meetings was a staff resource issue.



- It was suggested to establish more meaningful timeframes for review periods. In the past, 2 weeks may have been sufficient, now with short staffs so now 3-4 weeks may be more appropriate. Communication is key to a successful project.
- Can Local Agency pay for outside consultants to review ROW appraisals if CDOT staff unable to do this from an approved CDOT list?
- It was suggested that where CDOT finds itself short-staffed to support Local Agency projects it hires “on-call” consultants to make up for any CDOT staffing shortage for the program.
- Local Agencies say that DRCOG has their own systems and they don’t like listening to Local Agencies comments/concerns on systems issues...can this be changed? Tony Gross suggested to see if DRCOG can come up with a list of resources for Quality Assurance aspects for the Local Agency program to maintain consistency.
- Can Local Agencies select on-call consultants funded by locals to provide support staff to CDOT not just on ROW but other processes that are CDOT trained and not have to pay the CDOT CE costs?

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

- In bid phase, when contractor doesn’t meet goals, the Good Faith Effort (GFE) process needs to occur more timely. Project DBE goals need to be more realistic based on type of work, DBE contractors available. Local Agencies feel there is a disconnect with the existing projects where projects for example with critical schedule for utility relocations are being delayed.
- Bryan Weimer, Arapahoe County asked for the need for there to be a different standard as to what is locally maintained vs. federally/state maintained. An example is pipe type selection policy – is having to choose an alternate type of pipe consistent with what the Local Agency is equipped and prepared to maintain.
- Brad Bauer, Jefferson County asked if there can be flexibility with pavement types if the Local Agencies are maintaining the roadway. FHWA/CDOT Stewardship agreement doesn’t mandate CDOT materials/pavements. Stewardship agreement states on non-NHS facilities, need to follow state procedures.
- Currently the ROW appraisal and acquisition process cannot proceed without an environmental clearance. If the environmental process is on the critical path and gets delayed that impacts the entire project. Why can’t ROW appraisal start and be done concurrently with environmental clearance process? What are the risks to the Local Agency? What are the risks to CDOT?



- On ROW, Local Agencies plans are different than CDOT's plans (different level of detail) – Local Agencies don't need so many details on ROW plans on their local roadways that they are responsible for. Arapahoe County uses legal descriptions and not full blown ROW plans for their off CDOT ROW projects. Why do Local Agencies need to do CDOT ROW plans for off-system projects? Suggest that the CDOT ROW Manual be revised such that if the local road is not tying into a state highway then Local Agencies be allowed the flexibility to not have to do Right of Way Plan Review (ROWPR) level plans. Overall guidance for Right of Way plans needs additional clarity in the manual.
- Need clarity in manual on what requirements are needed – manual needs flexibility on what's needed on specific projects.
- Local Agencies don't want to be called on surprises – like installing an elevator, finding out that the elevator wasn't made in America and had problems with installation so Local Agency bought another elevator using local funds. Who makes decision on what supplies, materials to use? Suggested to give the decision authority on materials to people who are going to install materials, etc. Need coordination with FHWA/CDOT/Local Agencies on these kind of issues.
- Douglas County asked if the Local Agency can have a variance for items that they are paying for. For example, can the Local Agency break out what items they are paying for (not eligible for reimbursement) and those that federal funds are being paid for? In projects with overmatch, can there be a variance created for extra things Local Agencies need to pay for so that the construction of the projects isn't slowed down and continues on time.. Can Local Agencies get help with a resolution process to have someone help them in case of problems during various stages during construction, design?
- It was suggested that the LA Manual be revised to include a Resolution process to address who are the involved parties, decisions that can be made at the project level to timely resolve issues, and escalation process

Bryan Weimer suggested that this type of meeting continue to so that the conversation between CODT Region 6 and Local Agencies can be ongoing. Neil Lacey stated that staying connected between the CDOT Regions and their respective Local Agencies would be a great way to keep the communication ongoing and a forum where issues at the Regional level can be resolved.

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

- No concerns were expressed regarding this section.

Other issues: Identify key issues and recommendations

- Neil Lacey gave a brief overview of some of the other issues that were discussed at the previous 17 meetings.

Next Steps



Andrea outlined the creation of the upcoming Task Force meetings and encouraged everyone to 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.

The Local Agency representatives expressed a desire to make meetings like this one a reoccurring event within the Region that brings Local Agencies and CDOT together to discuss program issues and challenges as a group and provide a forum for CDOT or FHWA to provide coordinated guidance.

ATTENDEES:

Larry Nimmo	City of Englewood
Tony Huerta	City of Centennial (SEH)
Dave Zelenok	City of Centennial
Jon Williams	Arapahoe County
Tim Weaver	Littleton
Mark Brown	Arapahoe County
Tony Gross	CDOT R6 South Section RE/LA
Shaun Cutting	FHWA
Karen Sullivan	CDOT Project Development
Art Griffith	Douglas County
John Cotton	Lone Tree
Bryan Weimer	Arapahoe County
Brian Pederson	Jefferson County
Brad Bauer	Jefferson County
Tim Frazier	CDOT R6 Local Agency Coordinator
Neil Lacey	CDOT HQ, Project Development Branch
Tobilynn Erosky	CDOT HQ, Project Development Branch
Andrea Meneghel	CDR Associates