LOCAL AGENCY REEVALUATION TASK FORCE
Meeting Minutes

Wednesday, September 29, 2010
8:30am CDOT Videoconference Facilities/Teleconference

The following Videoconference Rooms were used:
ConfRoom-Video HQ-Room 159, ConfRoom-Video R2-Colorado Springs, ConfRoom-Video R3-Room 308, ConfRoom-Video R4-Platte, ConfRoom-Video R5-NCR

Attendees: Jim Barwick, Scott Brace, Shaun Cutting, Angie Drumm, Joan Fagan, Tim Frazier, Art Griffith, Randy Jensen, Brian Killian, Neil Lacey, Rusty McDaniel, Heather McLaughlin, Don Scanga, Nick Senn, Karen Sullivan, Tim Tuttle, David Valentinelli

WELCOME AND INTRODUCTIONS – Neil Lacey, CDOT Project Development

1. **Comments/Revisions to August 26th Meeting Notes –** None

2. **Progress Update from Last Meeting Action Items**
   - **Information gathering from other states on "tiered system" approach**- still waiting on detailed information from other states
   - **Information from other states for "Certification and Acceptance"** program – still waiting on info, including resource levels, from other states
   - **Flow Charts of Project process from other states** – discussed with tiered system
   - **Consult with FHWA on "tiered system" approach –** FHWA will allow a tiered system; both FHWA and CDOT researching other states structures and how follow-up and monitoring is done on LA projects
   - **Follow up with CDOT Regions for strategies for Mtn Communities** - **Action Item: Neil is looking for Regions input on this topic, particularly strategies from the regions to move critical LA projects through regional specialty units quicker. Please e-mail Neil with strategies by 10/13.**
   - **Discussion with DOLA and GOCO about their process – Neil will research these organizations w/ regard to strategies used for Mtn. Communities**
   - **Policy Memo #23 discussion with CDOT Mgmt – Neil looking into a #23a to potentially waive requirement for projects on LA ROW with no ties to CDOT projects, will send out table summarizing which Policy Memo's, requirements, etc. are applicable to LA projects for discussion at next meeting.**

3. **Feedback on FDOT webpage training information .PDF and Flash Mode**
   Feedback on information sent out by Frank Kinder for CDOT LA Webpage
   Several members said we shouldn't create another text and that a powerpoint with bulleted, cut-to-the-point format was preferable. Some noted they liked Jay Kramer's R1 ROW presentation structured to address "if you do this, you will lose your money" style which was effective. The group discussed the idea of multiple levels of quizzes: fail the first, refer to manual, fail the second, see contact in region; videos where speed could be changed, and training stating the top problems, similar to Caltrans "Dirty Dozen".

   One member noted that the Washington State website was poorly organized with too much info and thought Florida's was much cleaner. A flowchart with pulldown facts with link to manuals, the Uniform Act, etc would be nice.

   Several members said the new CDOT website was more difficult to navigate and the forms access particularly bad. One LA said the loading time to pull up resources for the website were very long and suggested using drop down and scroll down menus to speed it up. Neil noted that we will need to live with the new format and hoped to have a LA webpage functioning by January 2011. **Action Item: Group members need to start brainstorming on contents of webpage including useful links and other functions**.

4. **Reports from Task Force Groups**

- **Preapplication Document/Checklist – David Valentinelli**
  David V. reviewed the preap checklist. The members felt this document was on the right track and identified a lot of the problem areas in the process. Group would like to have dollars and/or time frames attached to make it an even more useful document and clarify expectations. Realistic time frames should be used but on the high side. Fine tuning by the LA coordinator for each project is desirable.

  Tim T. reviewed the Project Estimate form used in Region 4 and commented that he found it useful but that the form hadn't been extensively reviewed by the region.

  Action Item: Members need to get comments to David V. and Tim T. by 10/13 to keep this effort moving forward. David V. and Tim T. will send out revisions to group before the next meeting.

  General Clearance guidlines.doc   Project_Estimate.xls

- **Swapping Federal Funds with State Funds (Other States) – Scott Brace**
  Scott contacted 3 states who were doing this. Washington State doesn't have any money to do the swap with, Utah is piloting 4 projects, and Oregon has been doing it for 20 years with STP money. Dollars were swapped at 85 cents state to a Federal dollar in Utah and 94 cents state to a Federal dollar in Oregon. Oregon emphasized there must be a benefit to the state. Final Audits are performed on on-systems projects in Utah and all projects in Oregon.

  The group discussed that greater efficiency could be created by doing this on smaller projects but emphasized that the decision to swap funds should be based on risk and not dollars. Shaun cautioned that the state must still comply with all the strings on the Federal dollars whether the LA or CDOT spends it. CDOT does have the advantage of using "blended money" for example, TE money for applicable components on a larger project. The difficulty may be with OFMB tracking the money.

  Region 2 would like to do a pilot project with Pikes Peak but there is no money to swap right now. Don mentioned there is $100,000 building rehab coming up using TE funds but isn't sure if region can use the TE dollars. Unclear if those dollars can be used in a different part of the state.

  Action Items: Scott to follow up with 1) are the requirements different depending on whose ROW the project is on? 2) what is R2 comfortable with for oversight? 3) check with Caltrans re: oversight requirements 4) can swapped Federal dollars be used in a different part of the state or must they be used in the same region/area?

- **Tiered System – Brian Killian and Neil Lacey**
  Brian and Neil each discussed their different proposals. Brian's was modeled off the Ohio process which divides projects into major, minor and minimal. Heather contacted Ohio who appears to do very little state oversight and has minimal involvement in the process. Neil's is a traditional approach based on ROW and classification of road: Interstate, NHS, non-NHS.

  Group expressed interest in the hands-off Ohio approach but had a lot of questions: unclear how documentation and monitoring of compliance was done, number of ODOT resources available, is certification and acceptance being used? Etc. Several voiced opinions that minor changes could be made to CDOT's preconstruction process and a risk based approach developed for construction using existing resources. Group agreed that some hybrid of the two systems might work but that the overall intent is to simplify the process and paperwork where we can.

Action Items: Shaun to follow-up with his FHWA counterpart re: how well the ODOT process works. Neil will review ODOT process and the PDP document. Neil and Brian will meet and discuss combining ideas in next 2 weeks.

Outline for Tiered Approach v2.doc

- **ROW Plans and Issues for tiered system – Neil Lacey & Tim Tuttle**
  Comments from the 18 statewide meetings were forwarded to Staff ROW who then brought the issues to the ROW Managers meeting for discussion. ROW managers agreed that the plan format for LA projects on and touching state ROW had to remain unchanged but for projects on the LA ROW having no impact on CDOT, the LA could use their own format. They also agreed that the regional ROW unit can approve plans where no Federal funds are used. When Federal funds are used, plan approval must be done by Staff ROW. LA's can hire appraisers from the CDOT list to speed up the process but must include the cost in their project cost estimate.
- **Change Orders for tiered system discussion – Karen Sullivan**
  Review of comments from the 18 statewide meetings indicated a lot of confusion with the change order process – expanding LA portion of the existing training will be key. Need to clarify that CDOT must approve the use of MCR or contingency money included in the Local Entity Agreement but not in the contractor's bid to the LA. Suggest requiring submittal of copy of complete change order prior to reimbursing LA for change order work. Per CFR, three Federal requirements: 1) prior approval of work, 2) price justification, and 3) justification for added time. However, Construction Manual requirements are just good business practice: description of work, basis of payment, method of measurement, financial status and reason for change to contract, etc. **Action Items: Karen will be talking with Art and Nick to clarify issues.**

- **Training Discussion – Karen Sullivan**

  Training Spreadsheet LA TASI

  Reviewed the spreadsheet: some are classes that need to be developed, some are trainings available now through CDOT or elsewhere. Action Item: Members need to review list and identify other needs and submit info to Neil by 10/13. Intent is to include powerpoints/ class schedules on new LA website.

- **2pm Update of Consultant Review of CDOT's Contracting Process (includes Local Entity contracts)- Casey Tighe**
  At the direction of Russ George, and based on problems identified by Audit and complaints from users, CDOT hired Traya Partners to review CDOT's Contracting Process, which includes Local Agency Agreements. The Phase 1 report came out in early August and made 18 recommendations. CDOT management has agreed to implement 16 of the 18 in Phase 2. CDOT is still discussing the last 2: centralizing contracting and having a contracting specialist in each region. Casey recommended contacting Tammy Lang, who is heading up the implementation, and making her aware of the Task Force concerns.
  Action Items: Casey will send Neil the Traya report electronically; Neil will distribute to the group. Neil will convey the issues to Tammy, develop a form al reporting process, and schedule an update for the next meeting.

5. **<u>Other Items (Time Permitting)</u>**
   Update of Consultant Contract Hiring Clarifications – Neil Lacey
   Neil reported that a lot of issues are in process being discussed on this topic: where to cap the size of consultant contract under the $100,000 Federal cap, Policy Memo #23 issues vs. conflict of interest, FHWA checking into Brook's Act need for qualification based selection rather than cost based, etc. **Action Item: Neil will provide update at next meeting.**

6. **<u>Next Meeting – Thursday, October 21, 2010</u>**
   Topics planned: updates, Consultant Contracting, Overmatch, In-Kind Match, FIPI's, Policy Memos, Change Orders, Tiered Process **Action Item: Send in topics for next meeting by 10/13.**

<u>ADJOURN: 3 p.m.</u>