



**COLORADO**

**Department of Transportation**

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## **Multimodal Transportation and Mitigation Options Fund (MMOF)**

### **State General Funds Fact Sheet – *July, 2022***

Senate Bill 2021-260 (SB 260)

*This fact sheet provides information specific to MMOF infrastructure projects funded solely with state general funds provided under SB 260.*

#### **Program Overview**

The Multimodal Transportation and Mitigation Options Fund (MMOF), established in the State Treasury in 2018 and governed by Colorado Revised Statutes 43-4-1103, seeks to promote a “complete and integrated multimodal system.” Changes implemented in Senate Bill 2021- 260 expanded the program’s focus and directed general state funds and Federal Recovery funds received under the Coronavirus State & Local Fiscal Recovery Funds (SLFRF) under Section 9901 of Title IX, Subtitle M of the Federal “American Rescue Plan Act of 2021” (ARPA), Pub.L. 117-2 to the program.

Comprehensive information on the MMOF program and its funding requirements may be found on the [MMOF Program webpage](#).

#### **Program features**

##### *Combo Project Requirements*

- Local Agency “combo” projects (those with multiple sources of awarded funds) must comply with the most stringent requirements of each funding program and apply those requirements to the entire project. An example is a project containing Federal-aid Highway program funds (such as TAP, HSIP, SRTS, etc.) and MMOF program state general funds.

##### *Match Requirements*

- MMOF match funding may come from any other source, including other federal, state or local programs. For instance, MMOF funding may be matched with funds from another federal program (TAP, FTA 5339, etc.), other state program funds (e.g., RMS), or local funding. Refer to the [Local MMOF Program Guide](#) for additional information on matching requirements under different funding scenarios.

*Technical Requirements for MMOF projects funded solely with state funds (with or without local funds, but not combined with any federal funds)*

- Administrative Requirements of each project:
  - Compliance with applicable requirements in the Intergovernmental Agreement (IGA) and the Exhibits contained in the IGA. Funding expiration dates will coincide with the term of the IGA, typically 10 years.
  - Record Retention: Under this program, records must be retained in accordance with CDOT Procedural Directive 21.1, *Requirements for Capital Engineering Program Records*. For most Local Agency projects, records are required to be maintained for 3.5 years from the Form 950 project closure date. Your CDOT Project Manager will provide a copy of the Form 950 at project close.



- Designation of a Local Agency administrative “Employee in Responsible Charge” for each project, including projects that employ consultants. This must be a full-time employee of the local agency, although the person does not have to be an engineer nor dedicated full time to a project. The person in responsible charge must do the following:
  - Supervise all project administration activities and coordinate with CDOT based on the assignment of responsibilities
  - Maintain familiarity with day-to-day project operations, including safety issues
  - Approve contract changes based on the IGA with CDOT
  - Perform field reviews with a frequency appropriate to the project size and complexity, including a final inspection to compare against the plans and specifications
  - Review project financials to ensure that safeguards are in place to minimize fraud, waste, and abuse, and
  - Direct staff to carry out project administration and ensure it is done satisfactorily.
- Use of designated Compliance Software System B2GNow on [construction](#) contracts advertised on or after July 1, 2022. Projects funded with only state general funds and local funds are not required to use LCPtracker.
- For Infrastructure projects, Professional Services Consultant Selection requirements must follow the documented procedures in Chapter 5 of the Local Agency Manual, or with the prior approval of CDOT’s Engineering Contract Services, the Local Agency may use its own consultant selection process. In order to obtain this prior approval, the Local Agency must have its attorney certify that the Local Agency Request for Proposals (RFP) and Consultant Selection Process is in conformance with federal and state laws. The DBE program will not apply to the RFP unless the project is combined with Federal-aid Highway program funds. Prompt Payment requirements will apply to professional service contracts.
- Project Development Requirements: As applicable, compliance with the following:
  - Standard project delivery processes, [CDOT Manuals](#) and other guidance documents
  - ROW Clearance: Uniform Relocation Assistance (Uniform Act) requirements per the [CDOT Right of Way Manual](#)
  - Environmental Clearance: Environmental requirements per the [CDOT NEPA Manual](#) (including State Historical Clearance). Interim requirements per SB 260 / C.R.S. 43-1-128 are under development and are anticipated to be issued before 7/1/2022. If a project is a regionally significant transportation capacity project, additional air monitoring and modeling may be required. Attention to greenhouse gas reduction mitigations should be considered.
  - Utility Clearance: Utility requirements per the [CDOT Utility Manual](#), including Subsurface Underground Engineering requirements found at C.R.S. 9-1.5-101, et seq.
  - Compliance with Americans with Disability Act (ADA) requirements
  - Compliance with ITS System Engineering Analysis (SEA) requirements for Local Agencies per CDOT policy which requires Local Agencies to follow CDOT procedures in certain instances (on CDOT’s right of way, will be owned, operated or maintained by CDOT, impacts CDOT devices, uses CDOT’s network or involves multiple local agencies)
- Construction Requirements: As applicable, compliance with the following:
  - Standard project delivery processes, [CDOT Manuals](#) and other guidance documents
  - Designation of a Local Agency Professional Engineer in-responsible-charge of construction supervision per the Colorado AES Board Rules (4 CCR 730-1) and C.R.S.



12-120-202(8). The name of the Professional Engineer is shown on the CDOT Form 1243, Local Agency Contract Administration Checklist. The full-time Local Agency employee and the Professional Engineer in-charge of construction supervision may be the same person but only if the Professional Engineer is an employee of the Local Agency.

- Prompt Payment requirements found in C.R.S. 24-91-103
- [Equal Employment Opportunity](#) (Executive Order 11246, as amended)
- Permit requirements, as applicable (e.g., Special use, erosion control, landscape, 404, CDPS stormwater construction permit, dewatering, license agreements, etc.)
- Environmental / Greenhouse Gas mitigations found at C.R.S.43-1-128 and 2 CCR 601-22
- Project-specific documentation as indicated on CDOT's construction checklists, including the latest version of the Construction Oversight Checklist
- Project elements that are **NOT** required (unless the MMOF project is combined with Federal-aid Highway program or other federal funding):
  - Disadvantaged Business Enterprise (DBE) Regulations, 49 CFR Part 26
  - On-the-Job Training (OJT) Requirements, 23 CFR Part 230
  - Davis-Bacon and Related Acts Provisions
  - Buy America requirements
  - 2 CFR 200 requirements and compliance

