Following is a list of the common deficiencies found during the Project Management Reviews conducted during the 2012–2013 calendar year. Also included is Best Practice guidance on how to avoid these deficiencies on future projects.

**Consultant Agreements**

**Findings**
- The original agreement and/or supplements are allowed to expire prior to finishing the tasks on the agreement.

**Best Practice**
- Review expiration dates monthly. Payments for work performed under an agreement can only be made if the agreement has not expired. If an agreement has expired, an agency must either re-advertise or request a sole source agreement approval from Highways and Local Programs (H&LP). Please be reminded that payments made to the consultant after the agreement expires are non-participating.

**Findings**
- Agencies were not in compliance with the Local Agency Guidelines and their Title VI Plan by not including Title VI language in the newspaper advertisement for consultant services.

**Best Practice**
- When advertising for Consultant Services, review proposed newspaper publications to ensure all of the criteria listed in Local Agency Guidelines M 36-63 (LAG) Chapter 31, Section 31.12a is included in the advertisement.

**Change Orders**

**Findings**
- No backup documentation or independent engineer’s estimate justification for costs and/or any adjustment to working days.

**Best Practice**
- An agency must have backup documentation for all change orders. The backup documentation should include an explanation in sufficient detail so that everyone involved or reviewing the contract would understand the need for the change and how the change will affect the cost of the overall contract. The explanation shall include a detailed justification of the cost and/or any adjustment to working days associated with the change. The detailed cost justification must be documented independent of the contractor’s proposal to substantiate the cost of the change.
**Mobilization Payments**

**Findings** – Mobilization Bid Item paid incorrectly.

**Best Practice** – Based on the lump sum Contract price for “Mobilization,” partial payments will be made in accordance with Standard Specifications for Road, Bridge, and Municipal Construction M 41-10 Section 1-09.7, as follows:

1. When 5 percent of the total original Contract amount is earned from other Contract items, excluding amounts paid for materials on hand, 50 percent of the amount Bid for mobilization, or 5 percent of the total original contract amount, whichever is the least, will be paid.
2. When 10 percent of the total original Contract amount is earned from other Contract items, excluding amounts paid for materials on hand, 100 percent of the amount Bid for mobilization, or 10 percent of the total original Contract amount, whichever is the least, will be paid.
3. When the Substantial Completion Date has been established for the project, payment of any amount Bid for mobilization in excess of 10 percent of the total original Contract amount will be paid.

**Materials**

**Findings** – The agency does not perform the proper number of tests required by Construction Manual M 41-01.

**Best Practice** – Use the Record of Materials (ROM). The ROM is a list of all materials to be used on a local agency construction project. The ROM identifies the types and quantities of materials, the standard acceptance methods, and the number of acceptance and verification samples required for all material. The ROM should always be maintained. If material quantities are increased or decreased during the construction of the project, the ROM should be modified to reflect these changes. This may either increase or decrease the amount of acceptance tests needed. The ROM also lists the acceptance requirements for materials requiring other actions, such as fabrication inspection, manufacturer’s certificate of compliance, shop drawing, or catalog cuts.

**Buy America – Tracking**

**Findings** – Did not track cost of foreign material.

**Best Practice** – Steel and iron permanently incorporated into the project shall consist of American-made materials as outlined in the required General Special Provision (GSP). Minor amounts of foreign steel and iron may be used in the project provided the cost of foreign material used does not exceed one-tenth of one percent of the total contract cost or $2,500, whichever is greater. It is important to track the dollar amount of foreign material used. We suggest you track this in a spreadsheet. When your construction files are reviewed, you must be able to show that if foreign material was incorporated into the project, you met the requirements of 23 CFR 635.410. Also ensure you have a Certification of Materials Origin (CMO) for the total amount of iron and steel, filled out and signed prior to incorporating any steel or iron materials into the project.

**Wage Rate Interviews**

**Findings** – Were either not completed at all or only partially filled out.

**Best Practice** – Wage rate interviews should be conducted in accordance with the Construction Manual to ensure a representative sampling has been made for all classes of workers employed on a contract. A minimum sampling should include employees of the contractor and all major (30 percent or more of the contract dollars) subcontractors. The interviews should be made with such frequency as may be necessary to ensure compliance. Make sure forms are filled out completely to ensure compliance with the Construction Manual M 41-01.

**What To Do When You Have More Than One Federal Funding Source**

It is important to contact your Region H&LP Office as soon as possible if your project has more than one federal funding source. Different federal agencies may require different specifications both for environmental and the construction contract. It is important to establish a lead federal agency early on to avoid delays to construction.