

**13.1 General Discussion**

The Federal Highway Administration (FHWA) through a Stewardship Agreement, delegates authority to the Washington State Department of Transportation (WSDOT) for approving project development and construction administration. WSDOT has the option of delegating some or all of this authority to qualified local agencies, state or federal agencies, or Tribal governments. This procedure permits an agency to retain more of the approval authority at the local level when developing FHWA assisted transportation projects. WSDOT delegates this authority through a Certification Acceptance (CA) program. The CA program does not eliminate any project development procedures. Benefits of CA to a local agency include savings in time and money since the agency has the authority to develop, advertise, award, and manage its own projects. Another benefit is that only agencies with CA status may construct federal aid projects using agency forces.

CA requires local agencies to commit sufficient staff and other resources to project administration to ensure that all applicable state and federal requirements are met, and that the work can be accomplished efficiently. Once an agency has been certified, the certification agreement remains in effect indefinitely unless rescinded due to lack of performance or modified by one of the parties.

A CA agency has the option of requesting that WSDOT or another CA agency administer any given project.

By agreeing to accept Federal-aid funds, the local agency understands its roles and responsibilities with respect to carrying out the Federal-aid program. WSDOT is permitted to delegate certain activities, under its supervision, to local agencies (cities, counties, private organizations, or other state agencies) under federal regulation 23 CFR 1.11 and 635.105, however, WSDOT accepts responsibility for delegated activities.

FHWA is required by federal legislation to conduct verification activities to assure that WSDOT and the local agencies' implementation of the federal highway programs conform with laws, regulations and policies.

Projects funded by Enhancement, Scenic Byways, and Safe Routes to School programs shall be administered in accordance with Chapter 62 of the LAG Manual or in accordance with the Certification Acceptance Program.

## 13.2 Certification Acceptance (CA) Features

A certified agency is the approving authority for administering FHWA funded projects in the following project items:

- a. Design.
- b. Utility agreements.
- c. Railroad agreements.
- d. Standard consulting engineering agreements.
- e. Public hearings, findings, and orders.
- f. Plans, specifications, and estimates.
- g. Tied bids.
- h. Advertisement, award, and execution of construction contracts.
- i. Construction administration.
- j. Construction material testing and testing personnel.

All of the above functions should be administered per the responsibilities outlined in the Agency's approved CA Agreement.

WSDOT and FHWA retain approval authority for the following:

### **WSDOT**

- a. Implementation of the DBE, Title VI, and EEO programs.
- b. Agency Certification Acceptance (CA) approval.
- c. Project Final Acceptance.
- d. Revisions to Agreements, when applicable.
- e. Documentation/Project Management Reviews.

### **FHWA**

- a. Authorization of FHWA funds.
- b. Approval of National Environmental Protection Act (NEPA) and Endangered Species Act (ESA) environmental documents.
- c. Right-of-way certification approval.
- d. Approval of WSDOT's Disadvantaged Business Enterprises (DBE), Title VI (Civil Rights Act of 1964), and Equal Employment Opportunity (EEO) programs.
- e. Approval of the *Local Agency Guidelines* (LAG) manual.

### 13.3 Certification Acceptance Requirements

- a. Projects must be administered in accordance with the *Local Agency Guidelines* (LAG) manual.
- b. Projects must be administered utilizing a Professional Civil Engineer registered in the state of Washington who is either on staff as a public employee or is a contract employee designated as the agency's Engineer.
- c. The agency shall have sufficient expertise and capability to perform and supervise the design, environmental, PS&E, and construction-administration phases of the project.
- d. The agency must have designated an official approving authority for all WSDOT-delegated project approvals. This authority (e.g., agency executive or policy body) must officially approve each project step for which it is the approving authority, as identified in the agreement.

### 13.4 Application for Certification Acceptance

An agency applying to administer contracts under Certification Acceptance procedures must submit two copies of the Certification Acceptance Qualification Agreement and their Table of Organization to the Region Highways and Local Programs Engineer. A "Certification Acceptance Qualification Agreement" form is located at the end of this chapter and is also available through the WSDOT Region Local Programs Engineer.

After receiving the CA Qualification Agreement, the WSDOT Highways and Local Program's Project Development Engineer will conduct an interview with the local agency administrators to determine whether the agency is capable of administering an FHWA-funded project. Areas of consideration will be a determination of past performance, current staffing, overall capability, and knowledge of FHWA and state requirements.

Based on the interview, the Director of H&LP will allow the agency to administer a project under a trial/mentoring status. Immediately following the completion of the project, a Project Management Review (PMR) will be performed to evaluate how the agency performed. A favorable PMR will result in the agency achieving CA status.

### 13.5 Certification Acceptance (CA) Compliance

The WSDOT Region Local Programs Engineer will consult and advise the CA agency concerning the project-management procedures to be followed. The level of this assistance will depend on the nature of each project and the demonstrated capabilities of the agency. In order to be reasonably certain that local agencies are administering FHWA funds in accordance with the *Local Agency Guidelines*, WSDOT will perform procedural reviews on selected local agency ad-and-award projects.

These reviews will be:

- Project Management Reviews (PMR) performed by Highways and Local Programs (See Appendix 53.51 for review questions for PMR's and Documentation Reviews) and/or
- Documentation Reviews performed by the Region Local Programs Engineer
- Project Administration Reviews (PAR) by H&LP – (See chapter 62 and Appendix 62.101)

The agency may lose CA status, have its delegation of authority reduced to a project or phase of a project, or be placed on probationary CA. This may be the result of

- A PMR or Documentation Review
- An audit by the State Auditor
- Final project inspection
- The qualifications and experience of the agency staff are altered.

If a vacancy occurs in the positions described in the CA Agreement as “Approving Authority,” the Region Local Programs Engineer shall be notified and may schedule an interview of the replacement person.

The loss of CA status and reinstatement conditions will be outlined in a letter from H&LP.

## 13.6 Non-CA Status

If an agency does not have CA status, the following two options are available for administration of a FHWA funded project

### Option 1

- CA Agency Administering a Project for a Non-CA Agency

A non-CA agency enters into an Agreement with a CA agency to administer all aspects of the project. This requires approval by the Region Local Programs Engineer.

### Option 2

The Region Local Programs Engineer acts as the CA for the agency and approves an agency to perform specific aspects of a project. An approved plan for the administration of the project is executed between the Region Local Program Engineer and the agency. This category allows projects of smaller sizes to be performed in part by the agency. The project plan shall address such issues as:

- Financing approvals — accounting/billing capabilities.
- Consultant involvement and monitoring. The agency must obtain the approval of the Region Local Programs Engineer prior to selection of a consultant.

- Development of Design and Design Documentation
- Development of plans, specifications, and estimates.
- Approval of contract documents.
- Advertising, award, execution of a contract.
- Contract oversight and documentation.
- Change Order Approval
- Material Approval

### **13.7 CA-Exceptions**

Projects funded by Enhancement, Scenic Byways, and Safe Routes to School programs shall be administered in accordance with Chapter 62 of the LAG Manual or in accordance with the Certification Acceptance Program.

### **13.8 Forms**

Appendix 13-1 Certification Acceptance Qualification Agreement

Appendix 13-2 Certification Acceptance Interview Form

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AGENCY \_\_\_\_\_ AGENCY NO. \_\_\_\_\_

**The agency agrees to comply with the following requirements when developing all Federal Highway Administration (FHWA) projects under \_\_\_\_\_ CA status.**

1. Adherence to the *Local Agency Guidelines* and all policies and procedures promulgated by the Washington State Department of Transportation (WSDOT) which accomplish the policies and objectives set forth in Title 23, U.S. Code, Highways, and the regulations issued pursuant thereto.
  
2. The overall approval authorities and conditions will be as follows:
  - a. The project prospectus will be reviewed and approved by the following official.  
\_\_\_\_\_  
Position Title Only
  
  - b. The local agency agreement will be reviewed and approved by the following official or officials.  
\_\_\_\_\_  
Position Title Only
  
  - c. The designs and environmental documents will be reviewed and approved by the following state of Washington registered Professional Civil Engineer.  
\_\_\_\_\_  
Position Title Only
  
  - d. The hearing's findings (if required) will be reviewed and approved by the following official or officials.  
\_\_\_\_\_  
Position Title or Titles Only
  
  - e. The contract plans, specifications and estimate of cost will be reviewed and approved by the following state of Washington registered Professional Engineer.  
\_\_\_\_\_  
Position Title or Titles Only
  
  - f. Agreements will be signed by the following responsible local official:
    - (1) Railroad \_\_\_\_\_  
Position Title Only
  
    - (2) Utility \_\_\_\_\_  
Position Title Only
  
    - (3) Consultant \_\_\_\_\_  
Position Title Only

(4) Technical Services

\_\_\_\_\_  
Position Title Only

- g. The award of contract will be signed by the following responsible local official.

\_\_\_\_\_  
Position Title Only

- h. All projects will be constructed in conformance with the Washington State Department of Transportation/American Public Works Association (WSDOT/APWA) current *Standard Specifications for Road, Bridge, and Municipal Construction* and such specifications that modify these specifications as appropriate. Multimodal enhancement projects shall be constructed in conformance with applicable state and local codes.

- i. The contract administration will be supervised by the following state of Washington registered Professional Civil Engineer.

\_\_\_\_\_  
Position Title Only

- j. Construction administration and material sampling and testing will be accomplished in accordance with the WSDOT *Construction Manual* and the *Local Agency Guidelines*.

3. The agency agrees that they have the means to provide adequate expertise and will have support staff available to perform the functions being subdelegated. The support staff may include consultant or state services.
4. The agency agrees that the signature on each project prospectus and local agency agreement will be consistent with section 2 above.

5. All projects under Certification Acceptance shall be available for review by the FHWA and the state at any time and all project documents shall be retained and available for inspection during the plan development and construction stages and for a three year period following acceptance of the project by WSDOT.
6. Approval of the local agency certification by the Director of Highways and Local Programs may be rescinded at any time upon local agency request or if, in the opinion of the Director of Highways and Local Programs, it is necessary to do so. The rescission may be applied to all or part of the programs or projects approved in the local agency certification.

\_\_\_\_\_  
**Mayor or Chairman**

\_\_\_\_\_  
**Date**

**WASHINGTON STATE DEPARTMENT OF TRANSPORTATION**

**Approved By:** \_\_\_\_\_  
**Director, Highways and Local Programs**

\_\_\_\_\_  
**Date**

Agency: \_\_\_\_\_

Date: \_\_\_\_\_

Interview Conducted By:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Agency Representatives:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Table of Organization:** (Get copy from agency and review duties, requirements, and personnel currently filling.)

**Position Responsible for the Following Functions**

- Six-Year Transportation Improvement Program: \_\_\_\_\_
- Selection of Annual Program: \_\_\_\_\_
- Location/Design Approval: \_\_\_\_\_
- Environmental Documents: \_\_\_\_\_
- PS&E Approval: \_\_\_\_\_
- Tied Bids: \_\_\_\_\_
- Approval of Materials Sources: \_\_\_\_\_
- Construction Administration: \_\_\_\_\_
- Construction Inspection: \_\_\_\_\_
- Acceptance Sampling/Test: \_\_\_\_\_
- Independent Assurance Sampling/Test: \_\_\_\_\_
- Change Orders: \_\_\_\_\_
- Project Files: \_\_\_\_\_
- QEO Interviews/Monitoring: \_\_\_\_\_
- Training Goal Attainment: \_\_\_\_\_
- DBE Compliance/Monitoring: \_\_\_\_\_

**Consultants**

For what areas does the agency expect to use consultants?

- |                                |                                   |
|--------------------------------|-----------------------------------|
| _____ Environmental            | _____ Right-of-Way Relocation     |
| _____ Design                   | _____ Construction Administration |
| _____ PS&E Preparation         | _____ Construction Inspection     |
| _____ Right-of-Way Appraisal   | _____ Surveying                   |
| _____ Right-of-Way Negotiation | _____ Sampling and Testing        |

Does local agency have written procedures for the selection of consultants? Yes \_\_\_\_\_ No \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_

If consultants are used, how will agency monitor and control the consultant's work? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Remind agency that they will be in control of the consultant's work and that EEO, DBE, and training should be done by agency.

**Right-of-Way**

Does the agency have procedures approved by WSDOT for:

Right-of-Way Acquisitions	Yes _____	No _____
Relocation	Yes _____	No _____

**Procedures for Ad, Award, and Execution of Contract**

Position Responsible for:

Approval to Advertise	_____
Prequalification of Bidders	_____
Award of Contract	_____
Execution of Contract	_____
Name of Legal Publication	_____

**General Questions About Administration**

Who decides on and approves deviations from design prior to submittal to the state for formal approval?

\_\_\_\_\_  
Describe ledger system: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Who will check payrolls, etc.? \_\_\_\_\_

Describe change order approval process: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe materials testing and approval process: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe agency requirements for project diary and inspectors daily report keeping: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe agency process for approval of subcontractors: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

How will agency handle administration of more than one contract at the same time? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

How will agency handle inspection of several phases of project at same time (e.g., dirt work, electrical, paving, structure)?

\_\_\_\_\_

\_\_\_\_\_

How will agency respond if project engineer and/or inspector are unable to be on job site due to illness, etc.? Who will handle control of project if needed person cannot be there? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

How does agency manage traffic control? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Are there written procedures for preconstruction conferences? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Does Agency Have These Necessary Manuals**

Local Agency Guidelines	Yes _____	No _____
AASHTO — Policy on Geometric Design of Highways and Streets	Yes _____	No _____
WSDOT Construction Manual	Yes _____	No _____
WSDOT/APWA Standard Specifications	Yes _____	No _____
APWA Amendments	Yes _____	No _____
WSDOT Amendments and Standard Specifications	Yes _____	No _____
Standard Item Table	Yes _____	No _____
MUTCD	Yes _____	No _____
WSDOT Design Manual	Yes _____	No _____
WSDOT Standard Plans for Road and Bridge Construction	Yes _____	No _____
WSDOT Utility Manual	Yes _____	No _____
WSDOT Right-of-Way Manual (2 volumes)	Yes _____	No _____
SWIBS Manual	Yes _____	No _____
Hydraulics Manual	Yes _____	No _____

**Upcoming Federal Aid Projects**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Scheduled to Begin**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Summary**

Action to be taken by agency in following areas: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Comments From Reviewers**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Recommendation of Review**

- Full administration by agency of all projects
- Administration by agency on a project-by-project basis
- Administration by agency for projects up to \$ \_\_\_\_\_
- Deny approval for certification acceptance
- Remove from certification acceptance status

**Concurrence by Assistant Secretary for Highways and Local Programs**

\_\_\_\_\_  
Assistant Secretary for Highways and Local Programs

\_\_\_\_\_  
Date