



Transmittal Number PT 08-019	Date April 2008
Publication Distribution To: <i>All Local Agency Guidelines Manual</i> holders	
Publication Title <i>Local Agency Guidelines – Revision 2008-1</i>	Publication Number M 36-63
Originating Organization Washington State Department of Transportation Highways and Local Programs Division through Engineering Publications	

Remarks: All LAG Manual and CD Holders:

To download the April 2008 *LAG Manual* changes in their entirety electronically, go to:
www.wsdot.wa.gov/TA/Operations/LAG/LAGHP.htm

Summary of Changes:

Please Note: The following list is a brief overview of each revision. The actual revision should be reviewed in-depth to become completely knowledgeable of the revision. All revisions are underlined and include a sidebar to indicate the changes to the text.

Forward

Revised to correct LAG Committee contact information.

Appendix 12.66

Minor revisions.

Appendix 12.70

Revised NHS inventory.

Appendix 12.71

Appendix moved from Chapter 52, Appendix 52.109.

Appendix 21.41

Minor revisions.

Chapter 26

Clarification of practices and policies for the Disadvantaged Business Enterprises program.

Chapter 27

Chapter revised to update EEO and Training program activities and requirements.

Chapter 31

Clarification of section 31.31 removing references to bid amounts.

Appendix 31.97

Added language to clarify limits on overhead for subconsultants.

Appendix 33.93

Revised form 300-001.

Chapter 34

Clarified bridge funding increases.

Chapter 42

Update Design Standards Committee information and add a link to the ADA Accessibility Report.

Chapter 44

Clarification of the proprietary item approval and Certificate of Material Origin requirements.

Chapter 52

Changes to the process for Employer Liability Certificate, release of retainage and update the list of materials to test.

Appendix 52.108

Revised Local Agency Exceptions list.

Appendix 52.109

Appendix moved to Chapter 12, Appendix 12.71.

Appendix 52.110

Appendix is deleted.

Instructions:

Chapter	Remove		Insert	
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Local Agency Guidelines

M 36-63.03

April 2008

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* Wenatchee Valley Transportation Council (WVTC)	Chelan Douglas Okanogan	WVTC 300 South Columbia Street 3rd Floor Wenatchee, WA 98801 Phone: (509) 663-9059 Fax: (509) 663-2022
North Central RTPO (NCRTPO)		
* Whatcom Council of Governments (WCOG)	Whatcom	WCOG 314 East Champion Street Bellingham, WA 98225-4502 Phone: (360) 676-6974 Fax: (360) 738-6232
* Yakima Valley Conference of Governments (YVCOG)	Yakima	YVCOG 6 South Second Street, Suite 605 Yakima, WA 98901 Phone: (509) 574-1550 Fax: (509) 574-1551

* Indicates also an MPO

Adams County
Asotin County
Benton-Franklin Council of Governments
Chelan County
Clallam Long Range Transportation Planning Office
Columbia County
Cowlitz-Wahkiakum Council of Governments
Douglas County
Ferry County
Franklin County
Garfield County
Grant County
Grays Harbor Council of Governments
Island County
Jefferson County
Kittitas County
Klickitat County
Lewis County
Lincoln County
Mason County
Okanogan County
Pacific Council of Governments
Pend Orielle County
Puget Sound Regional Council
San Juan County
Skagit Council of Governments
Skamania County
Southwest Washington Regional Transportation Council
Spokane Regional Transportation Council
Stevens County
Thurston Regional Planning Council
Wahkiakim County
Walla Walla County
Wenatchee Valley Transportation Council
Whatcom Council of Governments
Whitman County
Yakima Valley Conference of Governments

Appendix 12.70**Local Agency NHS Route Termini**

Agency Name	Functional Class	Route Name	Start Location	Ending Location
Bellevue	14	NE 8th Street & NE 4th Street	I-405	Bellevue Transit Center
Bellevue	16	108th Avenue NE & NE 6th St.	I-405	Bellevue Transit Center
Bellevue	16	SE Eastgate Way	Eastgate P&R	156th Avenue SE
Bellevue	14	Lake Washington Boulevard	I-405	Kirkland C/L
Bellevue	16	Northrup Way	Lake Washington Blvd.	108th Avenue NE
Bellingham	14	12th Street	Donovan Avenue	Harris Avenue
Bellingham	17	Harris	12th	Alaskan Ferry
Bellingham	14	Meridian Street	I-5	Port of Bellingham
Bellingham	16	Squalicum Way	I-5	Port of Bellingham
Clallam County	16	Airport Road	SR 101	Airport
Douglas County	02	Grant Road & Airport Way	Urban Boundary	Airport Terminal
Douglas County	16	Grant Road	City Limits	Urban Boundary
East Wenatchee	14	Grant Road	State Highway 28	C/L
Everett	14	20th Avenue	SR 526	Boeing Parking Lot
Everett	14	Airport Road	SR 526	Everett C/L
Everett	14	Pacific Avenue	Multimodal Center	I-5
Everett	17	Hoyt Avenue	Everett Transfer Center	Everett Avenue/SR 529
Federal Way	14	S 320th Street	Federal Way P&R	I-5
Federal Way	14	S 348th Street	South Federal Way P&R	SR 99
Fife	14	Port of Tacoma Road	I-5	Fife C/L
Island County	07	Ault Field Road	Whidby Island NAS	SR 20
Kent	14	James Street	West Valley Highway	N Lincoln Avenue
Kent	16	N Lincoln Avenue & 264th Street	SR 516	Kent P&R
Kent	17	James Street	64th Avenue S	West Valley Highway
Kent	19	64th Avenue S	James Street	Meeker Street
King County	14	Rainer Avenue South	Renton C/L	Seattle C/L
King County	16	Juanita-Woodinville Way	Brickyard P&R	I-405
King County	14	S 272nd Street	SR 99	Star Lake P&R
Kirkland	16	Northrup Way & 108th Ave. NE	S Kirkland Transit Center	Lake Washington Blvd.
Kirkland	14	NE 124th Street	116th Avenue NE	I-405
Kitsap County	07	Beach Drive	Manchester Fuel Depot	Urban Boundary
Kitsap County	16	Beach Drive	Urban Boundary	Port Orchard C/L
Kitsap County	16	Clear Creek Road	SR 3	Trigger Avenue
Lacey	17	6th Avenue SE	Lacey Transit Center	College Street
Lacey	14	College Street SE	I-5	Yelm Highway
Lynnwood	17	200th Street SW	Lynnwood P&R	44th Avenue W
Mountlake Terrace	16	236th Street SW	I-5	Mt. Lake Terrace P&R
Olympia	14	State Avenue	Transit Center	Plum Street
Olympia	14	Henderson Boulevard	I-5	State Avenue
Olympia	19	Washington Street	4th Avenue	Port of Olympia
Olympia	14	4th Avenue	Plum Street	Washington Street
Pasco	14	20th Avenue	I-182	Argent Road

Agency Name	Functional Class	Route Name	Start Location	Ending Location
Pierce County	14	Bridgeport Way SW	I-5	McChord AFB
Pierce County	14	112th Street South	SR 512	McChord AFB
Pierce County	14	Port of Tacoma Road	Fife C/L	Tacoma C/L
Port of Seattle	12	Airport Freeway	SR 518	Seatac Airport
Port Orchard	16	Beach Drive	SR 166	Port Orchard C/L
Pullman	16	Airport Road	SR 270	Urban Boundary
Renton	14	Airport Way	Rainier Avenue South	I-405
Renton	14	Rainier Avenue South	S 2nd Street	Renton C/L
Richland	14	Stevens Drive	Jadwin Avenue	Spengler Road
Seatac	14	12th Place S/S 188th Street	I-5	SR 509
Seattle	12	West Seattle Freeway	South Columbian Way	Alaskan Way
Seattle	14	E Marginal Way	Seattle C/L	1st Avenue S. Bridge
Seattle	17	S Hanford Street	E Marginal Way	1st Avenue South
Seattle	14	Rainier Avenue South	Seattle C/L	I-90
Seattle	14	Elliott Avenue	SR 99 Viaduct	N 145th Street
Seattle	16	NE 103rd	I-5	Northgate P&R
Seattle	14	1st Avenue South	South Cloverdale Street	Olson/Meyers P&R
Seattle	14	Stewart Street	I-5	Greyhound Depot
Seattle	16	7th Avenue	I-5	Greyhound Depot
Seattle	17	Bellevue Avenue	I-5	Greyhound Depot
Seattle	19	Greyhound Terminal Road	I-5	Greyhound Depot
Seattle	14	4th Avenue S	SR 519	2nd Avenue S
Seattle	14	Airport Way S	Seattle C/L	Military Road S
Seattle	14	Mercer Street	I-5	Galer Street
Seattle	16	14 Avenue West	Elliott Avenue West	Port of Seattle
Seattle	14	W Marginal Way SW	1 Avenue South	Chelan Avenue SW
Seattle	16	S Forest Street	I-5	Port of Seattle
Seattle	17	11th Avenue SW	Spokane Street	Port of Seattle
Seattle	17	11th Avenue SW	11 Er Avenue SW	SW Florida Street
Seattle	14	Alaskan Way South	SR 519	Port of Seattle
Seattle	16	Alaskan Way South	E Marginal Way South	SR 519
Shoreline	14	<u>North 155th Street</u>	<u>Aurora Avenue N</u>	<u>Westminster Way N</u>
Snohomish County	14	128th Street SW	I-5	Everett C/L
Snohomish County	17	4th Avenue West	Mariner P&R	128th Street SW
Snohomish County	14	164th Street SW	Swamp Creek P&R	I-5
Spokane	16	Fancher Road	Spokane C/L	Felts Field (Airport)
Spokane County	14	Airport Drive	Spokane Inter. Airport	SR 2
Spokane County	14	Sprague Avenue	I-90	Fancher Road
Spokane County	16	Fancher Road	Sprague Avenue	Spokane C/L
Tacoma	14	Port of Tacoma Road	Tacoma C/L	Port of Tacoma
Thurston County	06	Yelm Highway	College Street	Urban Boundary
Tukwila	14	Boeing Access Road	I-5	Tukwila C/L
Tukwila	14	Airport Way	South C/L	North C/L
Tumwater	16	Airport Way	I 5	Tumwater C/L
Union Gap	14	Valley Mall Boulevard	I-82	Yakima Airport

Agency Name	Functional Class	Route Name	Start Location	Ending Location
Vancouver	14	Washington Street	I-5	W 7th Street
Vancouver	14	C Street	I-5	W 7th Street
Walla Walla Port	16	Airport Way	SR 12	6th Avenue
Whatcom County	17	Bennett Drive	I-5	W Bakerview Road
Whitman County	07	Airport Road	Urban Boundary	Airport
Yakima	14	South 1st Street	I-82	Yakima Airport
Yakima	16	Washington Avenue	I-82	Yakima Airport
Yakima County	07	Firing Center Road	I-82	Yakima Firing Center
Yakima County	16	Washington Avenue	I-82	Yakima Airport
US Dept of Energy	14	Stevens Drive	Spengler Road	Horn Rapids Road

Functional Classes	Urban	Rural
Principal Arterial	14	02
Freeway and Expressway	12	
Minor Arterial	16	06
Collector	17	
Rural Major Collector	07	
Rural Minor Collector	08	
Local Access	10	09

STP Distribution Attributable to the Proposed NHS System

Local Jurisdiction by MPO/RTPO	Approximate NHS Miles	% NHS	Lead Agency
Clallam County	0.85	0.72	
Richland	0.85	0.72	
Dept of Energy/Benton Co.	2.35	1.99	
Pasco	0.58	0.49	BFCG
Douglas County	3.74	3.17	
East Wenatchee	0.21	0.18	Douglas County
King County	1.77	1.50	
Bellevue	2.16	1.83	
Federal Way	0.40	0.34	
Kent	1.55	1.31	
Kirkland	1.29	1.09	
Renton	3.02	2.56	
Seatac	2.35	1.99	
Seattle	38.29	32.41	
Shoreline	0.91	0.77	
Tukwilla	2.67	2.26	
Port of Seattle	1.25	1.06	
Kitsap County	10.45	8.84	
Port Orchard	0.73	0.62	
Pierce County	0.25	0.21	
Lakewood	1.08	0.91	
Fife	0.12	0.10	
Tacoma	1.13	0.96	
Snohomish County	4.19	3.35	
Lynnwood	0.09	0.08	
Mountlake Terrace	0.09	0.08	
Everett	1.59	1.35	PSRC
Spokane County	4.33	3.66	
Spokane	3.23	2.73	SRTC
Whitman County	2.78	2.35	
Pullman	0.44	0.37	Whitman County
Thurston County	0.75	0.63	
Lacey	5.14	4.35	
Olympia	2.18	1.85	
Tumwater	2.50	2.12	TRPC
Walla Walla Port	0.72	0.61	Walla Walla County
Whatcom County	0.26	0.22	
Bellingham	4.90	4.15	WCOG
Yakima County	1.79	1.52	
Union Gap	0.58	0.49	
Yakima	2.43	2.06	YVCOG
Vancouver	0.28	0.24	
Island County	1.88	1.59	
Total	118.15	100.00%	

Local Agency: _____ Project Identification: _____

Use this sheet as a cover sheet to the project prospectus package. Place an "X" in the right column to denote items included.

If not applicable, state N/A. Include in the cover letter a comment explaining the action taken on each item as appropriate.

Note later with an "L" if the information will be supplied at a future date.

Application:

- 1. Project Prospectus (Chapter 21) _____ |
- 2. Vicinity Map _____ |
- 3. Typical Roadway Section _____ |
- 4. Typical Bridge Section _____ |
- 5. Local Agency Agreement (Chapter 22) _____ |
- 6. TIP/STIP Inclusion (MPO/County/Agency, selected/limited to \$) _____ |

Supporting Data:

- 7. Local Agency Design Matrix Checklist (Appendix 42.101) _____ |
- 8. Photos: (Railroad Crossing, ER event sites, as required) _____ |
- 9. Sample Deviation Analysis Format (Appendix 41.41) _____ |
- 10. Environmental Considerations (Chapter 24) _____ |
 - a. Class II Categorically Excluded (CE) — Environmental Classification Summary (ECS) _____
 - b. Class III Environmental Assessment (EA) _____
 - c. Class I Environmental Impact Statement (EIS) _____
 - d. SEPA Checklist _____
 - e. NEPA/SEPA/Section 404 Interagency Working Agreement _____
 - f. Evolutionarily Significant Unit (ESU) Determination of Effect Concurrence _____
- 11. Design Approval (Chapter 43) _____ |
 - a. Value Engineering Study (where applicable) _____ |
- 12. Location and Design Approval (Chapter 43) _____
- 13. Right of Way Requirements (Chapter 25) _____ |
 - a. Relocation Plan _____
 - b. Right of Way Plans _____
 - c. Right of Way Project Funding Estimate or True Cost Estimate _____
 - d. Request Right of Way Fund Authorization _____
- 14. Right of Way Certification (Appendix 25.149) _____ |
- 15. Agreements/Easements with Railroads, Utilities, and Other Agencies (Chapter 32) _____ |
- 16. FAA Notification (FAA Form 7460-1) _____ |
- 17. Tied Bids (Chapter 44) _____ |

Remarks:

The application package shall include:

1. **Project Prospectus** (Attach completed prospectus submittal checklist)

To be included with original submittal and whenever there is a change in the scope of work or termini. For planning and TDM projects, use the Planning/TDM Prospectus.

2. **Vicinity Map**

A vicinity map of the project with the termini clearly marked must be submitted with the Project Prospectus. The map should be 8.5 inches (212.5 mm) by 11 inches (275 mm), and of a scale such that a reviewer can identify the project area in the field. Show the agency name, project title, project termini, north arrow, map scale, and nearest city or distance to the nearest city/town, or major road intersection.

3. **Typical Roadway Section**

Attach a sketch of the proposed roadway section showing all data pertaining to the section, including side slopes and limits of right-of-way. Also indicate stationing and note any variations of the section throughout the stationing. If the design does not conform to the design standards (see Section 41.6), a request for deviation from these standards with complete justification is required.

4. **Typical Bridge Section (If Necessary)**

Attach a sketch of the proposed bridge section showing all dimensions and type of construction and SWIBS #.

On bridge projects where approaches are to be included in the contract, include roadway section and length of the approaches. In cases where the structure consists of a main span and approach spans, the length of the approach spans should be indicated, if known.

5. **Local Agency Agreement**

This agreement is necessary on all projects involving federal funds and/or when state forces will be involved in the processing of projects. It must be submitted with the Project Prospectus. See Chapter 22 for instructions on completing the agreement.

6. **Deviation Request**

See Appendix 41.72.

7. **Hearing Notices**

Chapters 24 and 43 outlines procedures for public hearings.

8. **Location and Design Approval**

For most projects, the Project Prospectus along with the data satisfying items 1 to 14 of this transmittal pavement design criteria and geometric design will be considered sufficient for the location and design report. For complicated projects requiring a more detailed location and design report, refer to Chapter 43.

9. **Right-of-Way Requirements**

a. No right-of-way required. Mark appropriate box on prospectus. This serves as the agency's right-of-way certification. (This replaces the no right-of-way certification.)

b. Right-of-way required. Mark appropriate box on prospectus and refer to Chapter 25 for further instructions.

26.1 General Discussion

Under Public Law 105-178 (TEA-21), a 10 percent aspirational goal was established for the participation of Disadvantaged Business Enterprises (DBEs) in transportation contracting, in an effort to value equal opportunity in the award and administration of U.S. DOT-assisted contracting and address the effects of past and current discrimination. Requirements of the DBE Program, as prescribed in 49 CFR Part 26, apply to all recipients (and subrecipients) of highway, transit, and airport funds.

A local agency, when participating in programs funded in whole or in part with federal funds made available by the Washington State Department of Transportation (WSDOT), must either adopt WSDOT's DBE Participation Plan, or develop an equivalent plan. The local agency equivalent plan must have the approval of WSDOT's Office of Equal Opportunity and the Federal Highway Administration (FHWA).

While WSDOT's Office of Equal Opportunity (OEO) has the overall responsibility for administration and implementation of WSDOT's DBE Program, local agencies (as subrecipients) also have an important role to ensure that their federally-assisted contracts are administered in accordance with the State's approved DBE Program Participation Plan, which is available on WSDOT's website.

WSDOT's OEO, in coordination with Highways and Local Programs, will conduct compliance reviews of the local agency's administration of the DBE Plan. A local agency that is found to be in noncompliance may be subject to formal enforcement action (suspense or loss of federal funds and/or CA status). A finding of noncompliance will result for failure to comply with the requirements of WSDOT's DBE Plan.

Each federally-assisted contract/subcontract must include the following assurance:

The contractor, subrecipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

26.2 Procedures

- 1. Local Agency DBE Liaison Officer.** The local agency is responsible for ensuring program compliance and monitoring its contractor's DBE activities. To accomplish this, a DBE liaison officer must be appointed by

the local agency. This liaison officer must be an administrator responsible to the chief executive of the agency. This administrator should have the authority to delegate the responsibility to the people who perform the contractor compliance function. The liaison officer's duties are to ensure compliance with the DBE Plan by the local agency and by their contractors.

2. **DBE Firm(s) Certification.** The Washington State Office of Minority and Women's Business Enterprise (OMWBE) is the sole authority in the State of Washington to perform certification of all minority business enterprises, women business enterprises, and socially and economically disadvantaged business enterprises for programs administered by any State, local, or Federal agency. This statutory authorization extends to and binds all USDOT DBE Program recipients in the State of Washington. In order to count DBE participation, only DBE firms that are currently certified by OMWBE may be used by prospective bidders on federally funded projects. A directory of certified DBE firms is maintained and published by OMWBE. The directory is available via OMWBE's website at www.omwbe.wa.gov/biznetwas or by calling (360) 753-9693
3. **Establishment of Project DBE Goals.** The Highways and Local Programs Project Development Engineer will review each project to determine if it involves work elements that are conducive to DBE participation. To initiate this review, the local agency must submit an engineer's estimate with their suggested DBE goal to the Region Local Programs Engineer when the contract work is determined. The estimate must show the item quantities and costs of the project.

If a local agency has any other projects tied to a federally funded project which utilizes one set of bid documents, the total project is considered a federal aid project for DBE goal setting purposes.

The goals for federal aid projects will be set under one of the following categories based on the projected participation level during the year to achieve the overall goal:

- Mandatory Goal
- Zero Goal

The Highways and Local Programs Project Development Engineer will then establish a DBE goal for the project. The methodology employed by WSDOT determining state and local agency project contract goals is as follows:

A. Elements

- a. Geographical location of the project;
- b. Type(s) of work included in the project, i.e., structure, roadway, new construction;

- c. Availability of DBEs to perform the type(s) of work;
- d. Potential subcontractable items of the work; and
- e. Total dollar value of the contract.

The attainment accomplished through this analysis will be reviewed annually to determine the appropriateness of the method of setting goals.

B. Goal Setting Process

- a. Review the department's overall DBE goal and the means to meet the goal.
- b. If the contract includes federal funds, a DBE goal is considered;
- c. If the contract amount is under \$100,000.00 then no goal is set. (However, if the work is such that the prime contractor has a distinctly separate class of work available, and meets the requirement for the prime to do 30% of the work, a goal may be considered);
- d. The bid items are sorted by pre-qualification work classes and the total estimated dollar amounts to help identify opportunities for subcontracting;
- e. Prime contractor work is assumed to be one class (the largest) unless two classes are needed to total a minimum of 30% of the total contract;
- f. Mobilization and specialty work are not considered for subcontracting;
- g. The remaining work is totaled, both as a percentage and a dollar amount. It is then evaluated to maximize the participation and to ensure that there are two distinct combinations of work classes to achieve the established goal; and
- h. Ensure that DBE firms are ready, willing, and able to perform the work at the geographic location and time of the project.

If a local agency feels the project goal set by the Highways and Local Programs Project Development Engineer is inappropriate, they may submit a request to have it changed. This request must be accompanied by justification based on the above criteria for establishing the contract goal.

4. **DBE Provisions in the Plans, Specifications, and Estimate (PS&E).**

After the goal has been determined, the applicable WSDOT General Special Provision (GSP), for the type of goal set as outlined above shall be included in the PS&E. These GSPs are available on the WSDOT website or from the Region Local Programs Engineer. Only the WSDOT GSPs are approved for use on a FHWA funded project.

To complete the DBE requirements in the PS&E, when a mandatory goal is established, Form 272-056A, "Disadvantaged Business Enterprise Utilization Certification," will be included. This form shall be in the proposal given to each bidder. This form is available from the Region Local Programs Engineer. When a zero goal is established the DBE Utilization Certification form is not required.

5. **Bid Opening.** Each bid proposal must be reviewed to determine if the bid is responsive. For a contract with goals, each proposal shall contain the form "Disadvantaged Business Enterprise Utilization Certification" completed by the contractor.

Failure to accurately complete this form will be considered as evidence that the proposal is unresponsive and, therefore, is not eligible for award.

6. **Is the DBE Firm Certified by OMWBE?** The DBE firm named by the contractor in the bid proposal shall be certified as a DBE firm by OMWBE to be eligible for work on a FHWA funded project. (See b, above.) To verify whether a firm is certified as a DBE and eligible to perform work on a FHWA funded project, you must contact OMWBE at (360)753-9693 or at their website www.omwbe.wa.gov/biznetwas and document your contact effort in the project file. To meet the goals for the project, DBE firms not certified at the time fixed for the bid opening will not be accepted by the local agency for participation, as a Condition of Award (COA) Contractor, in the project.

7. **Selection of the Successful Bidder**

A. Selection of Successful Bidder (When a mandatory goal is established.)

- a. The successful bidder shall be selected on the basis of having submitted the lowest responsive bid and, in order to be responsive, making good faith efforts to meet the DBE goal. The bidder can meet this requirement in either of two ways:
1. The bidder can meet the established DBE goal, documenting they have obtained enough commitments for participation by DBE firms to meet the goal; or
 2. If the bidder does not meet the established DBE goal, the bidder can document its adequate good faith effort and submit it with their proposal.

This means that the bidder must show that it took all necessary and reasonable steps to achieve the DBE goal, and by their scope, intensity, and appropriateness to the objective, the bidder could reasonably be expected to obtain sufficient DBE participation, even if the bidder were not fully successful in meeting the established

DBE goal. Efforts done as a matter of form or for the sake of appearance, are not considered “good faith efforts” to meet the contract requirements for DBE utilization.

- b. Should the low and otherwise responsive bidder fail to attain the goal and provide adequate good faith effort documentation in the bid submittal, its bid will be determined to be non-responsive and the next low responsive bid accepted.
- c. If the apparent low bidder submits Good Faith Effort documentation with the bid, the Local Agency will submit the Good Faith Effort to Highways and Local Programs for approval action prior to awarding the project.

B. After Execution

The Local Agency will request that the apparent low bidder submit a description of the specific items of the work each DBE subcontractor named in the DBE Utilization Certification will perform. This description, dollar amount, and name of the DBE firm is identified in the award letter and made Condition of the Award (COA) of the contract.

C. Administrative Reconsideration

If Highways and Local Programs determines that the apparent successful bidder/offer did not meet the DBE goal or has failed to make a good faith effort to meet the goal, the Local Agency will, before awarding the contract, notify the bidder/offerer that it has five working days (from the date of notification) to request reconsideration or forfeit the right to reconsideration.

- a. WSDOT’s decision on reconsideration shall be made by an official who did not take part in the original determination that the bidder/offer or failed to meet the goal or make adequate good faith efforts to do so;
- b. The bidder/offerer shall have the opportunity to meet in person with said official to discuss the issue as to why it did not meet the goal or make good faith efforts to do so. The bidder’s position must be based on its bid submittal. The bidder may provide further explanation/clarification of the information and materials in the submittal, but no new material or information will be considered by the official in reaching a decision on reconsideration;
- c. WSDOT shall send the bidder/offerer a written decision on reconsideration, explaining the basis for finding that the bidder did or did not meet the goal or whether it made adequate good faith efforts to do so; and

d. The results of the reconsideration process is not administratively appealable to the USDOT.

8. **Condition of Award Letter.** The condition of award letter carries the same contractual obligation as the contract specifications and is only required when a mandatory goal is established for a project. A condition of award letter appears as Appendix 46.42. The second, third, fourth, and fifth paragraphs must be included in the letter. The DBE work shall be shown in the fifth paragraph. If a portion of an item is sublet to a DBE and the remainder is done by the contractor or another subcontractor, the DBE's work must be shown in detail in the fourth paragraph of the letter. Also, any DBE suppliers and manufacturers shall be shown.

Send a copy of this letter and a copy of the "Disadvantaged Business Enterprise Utilization Certification" to the Region Local Programs Engineer as a part of the award documentation submittal explained in Chapter 46.

Attach a copy of the letter to the contract papers that you send to your contractor for signature. The Region Local Programs Engineer shall be provided information on subletting by DBE contractors.

9. **Between Award and Execution.** The contractor shall supply a contractor's bidders list as described in the GSP's for all categories (zero and mandatory goals). The list shall include all firms (names and addresses) that bid on prime contracts or bid or quote subcontracts (successful and unsuccessful) on USDOT-assisted projects, including both DBEs and non-DBEs. The local agency shall immediately notify the Region Local Programs Engineer by email with the name and address of the successful contractor for forwarding to the OEO's contract compliance officer.

10. **Monitoring of DBEs During Construction.** The local agency must place special emphasis on the DBE requirements at the preconstruction conference. Changes to a Condition of Award letter shall be handled in accordance with the GSP (Changes in the Quantity of Work). All change orders affecting the work of DBEs shall be submitted to the Region Local Programs Engineer.

Project diary documentation of the DBE's activities on the project must be performed in the same manner as is done on the prime contractor and any other subcontractor's activities.

In addition to the project diary, the form "DBE On-Site Review" shall be completed by the CA Agency for every DBE contractor performing work on the project. See Appendix 26.33.

- at the start of work, and/or
- at the peak period of work, and/or

- whenever changes in the performance of the work warrants its completion.

The review should be completed per on-site observations, documentation review, and interviews of contractor's personnel. This completed form becomes a part of the local agency's project records. Additional forms are available from your Region Local Programs Engineer.

The WSDOT GSP, Disadvantaged Business Enterprise Participation Plan, and Chapter 1 of the WSDOT Construction Manual shall be followed to ensure compliance with the DBE Plan.

In order to receive credit for DBE participation (count towards the contract goal) a DBE firm must be performing a commercially useful function on that contract. A DBE performs a commercially useful function when it is responsible for executing one or more distinct elements of the contract work and is carrying out those responsibilities by actually performing, managing, and supervising the work involved. The documentation in the project diary and on the DBE On-Site Review form is the information that the local agency will use to valuate whether a DBE is performing a commercially useful function. If there is evidence that a DBE firm may not be performing a commercially useful function, immediately contact your Region Local Programs Engineer.

- 11. Prompt Payment.** Refer to Amendment Section 1-08, Prosecution and Progress (March 6, 2000) and RCW 60.28 for "Prompt Payment" requirements.
- 12. During Construction and Upon Completion.** For all federal aid projects the contractor shall submit Quarterly Report of Amounts Credited as DBE Participation, WSDOT Form 422-102 EF (Appendix 26.31), to the local agency. On this form, the contractor shows the actual amount paid to the DBE firm for the contact work. The local agency shall forward a copy to the Region Local Programs Engineer. This completed form is required quarterly and a final at the completion of the project must be submitted to Highways and Local Programs Project Development Engineer as specified on the form.
- 13. Records and Reports.** The local agency will maintain such records and provide such reports as necessary to ensure full compliance with the Plan.

Upon request from the OMWBE, WSDOT, or the USDOT, (or its operating administrations) the local agency shall submit the records deemed necessary for inspection, auditing, and review purposes.

26.3 Appendices

- 26.31 Quarterly Report of Amounts Credited as DBE Participation
- 26.32 Disadvantaged Business Enterprise Utilization Certification
- 26.33 M/D/WBE On Site Review

Quarterly Report of Amounts Credited as DBE Participation



Quarterly Report of Amounts Credited as DBE Participation

Check appropriate reporting period and enter reporting year. <input type="checkbox"/> 1st Quarter - January (Oct. - Dec.) <input type="checkbox"/> 4th Quarter - October (July - Sept.) <input type="checkbox"/> 2nd Quarter - April (Jan. - Mar.) <input type="checkbox"/> Final <input type="checkbox"/> 3rd Quarter - July (April - June) Reporting Year _____	State Contract Number Federal Employer I.D. Number
---	---

Contractor _____

DBE Participant Name and Federal Employer I.D. Number	Contract Type	Date of Payment	*Dollar Credit Amount

Contract Type:

S = Subcontractor	A = Agent
M = Manufacturer	R = Regular Dealer
J = Joint Venture	V = Service Provider

I, the undersigned, do hereby certify that in connection with all work on the project for which this statement is submitted, each DBE participant contracted by me has been paid on the dates shown. *Further, I certify that the amounts shown under "Dollar Credit Amount" are in accordance with the "DBE Eligibility" portion of the DBE Special Provision.

Signature _____ Title _____

This form is due on the 20th of the month following the end of the respective Quarter (January, April, July, October).



Disadvantaged Business Enterprise Utilization Certification

To be eligible for award of this contract the bidder must fill out and submit, as part of its bid proposal, the following Disadvantaged Business Enterprise Utilization Certification relating to Disadvantaged Business Enterprise (DBE) requirements. The Contracting Agency shall consider as non-responsive and shall reject any bid proposal that does not contain a DBE Certification which properly demonstrates that the bidder will meet the DBE participation requirements in one of the manners provided for in the proposed contract. If the bidder is relying on the good faith effort method to meet the DBE assigned contract goal, documentation in addition to the certificate must be submitted with the bid proposal as support for such efforts. The successful bidder's DBE Certification shall be deemed a part of the resulting contract. Information on certified firms is available from OMWBE, telephone 360-753-9693.

_____ Name of Bidder certifies that the Disadvantaged Business Enterprise

(DBE) Firms listed below have been contacted regarding participation on this project. If this bidder is successful on this project and is awarded the contract, it shall assure that subcontracts or supply agreements are executed with those firms where an "Amount to be Applied Towards Goal" is listed. (If necessary, use additional sheet.)

Name of DBE Certificate Number	Project Role * (Prime, Subcontractor, Manufacturer, Regular Dealer)	Description of Work	Amount to be Applied Towards Goal **
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Disadvantaged Business Enterprise Subcontracting Goal: _____ DBE Total \$ _____ ***

* Regular Dealer status must be approved prior to bid submittal by the Office of Equal Opportunity, Wash. State Dept. of Transportation, on each contract.
 ** See the section "Counting DBE Participation Toward Meeting the Goal" in the Contract Document.
 *** The Contracting Agency will utilize this amount to determine whether or not the bidder has met the goal. In the event of an arithmetic difference between this total and the sum of the individual amounts listed above, then the sum of the amounts listed shall prevail and the total will be revised accordingly.



MBE/DBE/WBE On-Site Review

Prime Contractor		Federal Aid Number
Subcontractor		Contract Number
Project Engineer	Region	<input type="checkbox"/> MBE <input type="checkbox"/> DBE <input type="checkbox"/> WBE

1. Per the condition of award, indicate M/D/WBE work observed this date (Note partial items)

Bid Item Number	Approximate % Complete	Item Description (Note partial items)	Dollar Amount

2. M/D/WBE Subcontractor's Start Date	3. WSDOT Contract Percent Complete	4. Anticipated Completion Date
---------------------------------------	------------------------------------	--------------------------------

5. Subcontractor's <input type="checkbox"/> Site Superintendent <input type="checkbox"/> Foreman (Name)	6. Exclusively Employed by the M/D/WBE Contractor? <input type="checkbox"/> Yes <input type="checkbox"/> No
---	---

6a. If No, Please Explain

7. Is Superintendent / Foreman Shown on M/D/WB Payroll? <input type="checkbox"/> Yes <input type="checkbox"/> No	8. Is Superintendent/Foreman Shown on any other On-Site Contractor's Payroll? <input type="checkbox"/> Yes <input type="checkbox"/> No
--	--

8a. If yes, Please Explain

9. If Known, to Whom does the M/D/WBE's Superintendent/Foreman Directly Report to Within His/Her Own Organization?
Name _____ Title _____

10. List Names and Crafts of M/D/WBE's Crew as Observed (Use additional sheets, if needed).

11. Are any Crew Members on the Prime or any other Project Subcontractor's Payroll(s)? Yes No

11a. If yes, Please Indicate

12. List M/D/WBE's Major (Self-Propelled) Equipment Used

13. Does Equipment have M/D/WBE's Markings or Emblems? Yes No

13a. If No, Please Indicate

14. Equipment Owned Leased

15. Has any other Contractor Performed, on behalf of the M/D/WBE, Substantial Amount of Work Designated to be M/D/WBE? Yes No

15a. If Yes, Please Explain

16. Has the M/D/WBE Owner been present on the Job Site? Yes No What % _____

17. Are Personnel and Equipment Under Direct Supervision of the M/D/WBE Subcontractor? Yes No

18. Does the M/D/WBE Subcontractor Appear to have Control over Methods of Work in its items? Yes No

Comments

Note: Attach any documents pertinent to the review, i.e., Invoices, Photographs, Daily Reports, Correspondence, etc.

Review Conducted By _____ Date of This Review _____

Instructions

The M/D/WBE On-Site Review should be completed for every M/D/WBE condition of award.

The On-Site Review should be completed during the peak period of the M/D/WBE's work and/or whenever changes on the performance of the work warrants its completion.

If a recognized M/D/WBE is employed on the project, but not listed on the condition of award, conduct an On-Site Review.

If by substitution or change order, a condition of award M/D/WBE is replaced by another M/D/WBE, an On-Site Review should be completed on the new M/D/WBE.

The review should be completed per on-site observation, documentation review, and interviews with contractor's personnel.

Response to questions on the On-Site Review form should be completed as thoroughly as possible. Additional sheets should be used, if needed.

The On-Site Review should be completed by the Project Engineer, or his/her designee.

Headquarter's copy should be forwarded as soon as it is completed.

Headquarters Use Only

DOT Form 272-051 EF
Revised 4/2002

27.1 General Discussion

To effectively assure Equal Employment Opportunity (EEO), it is the policy of the Federal Highway Administration (FHWA) to require that all federal aid highway construction contracts include specific requirements to implement the Title VI Program (Chapter 28), related civil rights laws and regulations. These specific requirements apply to contractors and all their subcontractors (not including material suppliers) holding subcontracts of \$10,000 or more. To be eligible for federal aid funds, the local agency must comply with the civil rights requirements.

The following statement shall be accepted by local agencies and contractors as their operating policy:

It is the policy of this Company to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, or disability. Such action shall include: employment upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, trainees, and/or on-the-job training.

Local agencies and their contractors must each designate an EEO officer to ensure compliance with the EEO Title VI, Section 504, and training policy.

The Washington State Department of Transportation (WSDOT) will monitor both the local agency and its contractors for compliance as part of the normal project management reviews and through contract compliance reviews of selected contracts.

The local agency, by signature to the Local Agency Agreement, agrees to the following:

1. To assist and cooperate actively with the state in obtaining contractor and subcontractor compliance with the equal opportunity clause and rules, regulations, and relevant orders of the FHWA and/or Secretary of Labor.
2. To furnish the state such information as it may require for the supervision of such compliance and otherwise assist the state in the discharge of its primary responsibility for securing compliance.
3. To refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, as amended, with a contractor debarred from, or who has not demonstrated eligibility for, government contracts and federally-assisted construction contracts pursuant to the Executive Order and other pertinent rules, laws, and regulations.

4. To carry out such sanctions and penalties for violation of the equal opportunity clause as may be imposed upon contractors and subcontractors by the state, FHWA, or the Secretary of Labor pursuant to Part II, subpart D of the Executive Order.

In addition, the agency agrees that if it fails or refuses to comply with these undertakings, the state may take any or all of the following actions:

- Cancel, terminate, or suspend the Local Agency Agreement in whole or in part;
- Refrain from extending any further assistance to the agency regarding the failure or refusal to comply until satisfactory assurance of future compliance has been received from the agency; and
- Refer the case to the Department of Justice for appropriate legal proceedings.

The local agency must consult the *WSDOT/APWA Standard Specifications, Amendments, General Special Provisions*, and the *WSDOT Construction Manual* to administer the EEO and training programs.

27.2 Training

To meet federal requirements, each contract must comply with applicable GSPs and Form FHWA-1273.

Training goals are established by the Highways and Local Programs Operations Engineer on selected federal aid construction contracts. The goals are set based on the formula developed by WSDOT, and the goal setting process takes into account the following factors:

1. The dollar amount of the project (normally Highways and Local Programs will not set goals on projects of less than \$500,000).
2. Type of work. Project must lend itself to training.
3. Availability of minorities and women for training.
4. Geographic location of the project.
5. Duration of the work (normally Highways and Local Programs will not set training goals on projects of less than 75 working days).

The training hours are established on the amount of labor, opportunity and location of each federally assisted project. Highways and Local Programs Project Development Engineer determines the training hours for each project. The local agency must submit an engineer's estimate for the duration of the contract including estimated number of working days to the Region Local Programs Engineer as a basis for the Highways and Local Programs Project Development Engineer to set goals. (The training goals and DBE goals are established at the same time.)

27.3 Contract Administration

.31 General. The local agency has the responsibility to:

1. Conduct preconstruction conferences during which EEO and training Special Provisions for federal aid contracts are discussed with the contractor. (Emphasis should be made regarding the applicability of goal-by-craft versus average-of-all-crafts.)
2. Ensure that the contractor posts and maintains notices and posters setting forth the contractor's EEO policy. A supply of OFCCP Poster No. 1420, Equal Employment Opportunity is the Law, shall be made available to the contractor.
3. Monitor on-site compliance with the EEO and training Special Provisions of federal aid contracts.
4. Ensure that their contractors locate, qualify, and increase the skills of minority groups, women employees, and applicants for employment as specified in the training provisions.
5. Prepare and/or ensure the preparation of the required EEO and training reports.

.32 EEO Reports.

1. PR 1391: This report is submitted by the contractor and subcontractors showing all the employees in the work force including an ethnic breakdown on their federal aid highway construction projects under construction during the month of July. The report is a summation of employees on the last payroll period in which work was performed during the month of July. The local agency retains this form in its project files.
2. PR 1392: Summation of the July PR 1391 reports received from all contractors and subcontractors that were working on federally-assisted projects during the month of July. This report is prepared by the local agency and sent to the Region Local Programs Engineer by August 30. The Region Local Programs Engineer will summarize agencies PR1392 into one PR1392. This summarized report is due at WSDOT Highways and Local Programs by September 10 annually.
3. DOT Form 820-010 Monthly Employment Utilization Report: This report includes the total work hours for each employee classification in each trade in the covered area for the monthly report period. This form will be kept in the Contractors' files and does not need to be submitted to the local agency. These forms are utilized when the annual EEO compliance reviews (see section 27.5) of the randomly selected contractors are conducted by the WSDOT OEO office.

.33 Training Reports.

1. Form 272-060: Federal Aid Highway Construction Annual Project Training Report is maintained by the local agency's Project Engineer as trainees are approved. Question 10 is to be completed from the project payroll/trainee records. Form 272-060 is due in the Region Local Programs office by December 10th.
2. Form 272-061: Federal Aid Highway Construction Cumulative Training Report extracts the information taken from Form 272-060. The Region Local Programs Engineer prepares this report which is due in the Headquarters by December 20.

27.4 Monitoring During Construction

.41 EEO. During the project construction, the local agency must monitor the contractor's performance to ensure compliance with its Title VI and Section 504 EEO policy. To accomplish this, the local agency must designate an EEO Officer. The EEO Officer's duties are to conduct reviews with the contractor, maintain records, reports, and required Title VI statistical data concerning the contractor's performance, and ensure that the local agency itself is in compliance with its EEO policy.

.42 Training. When training hours are assigned to the project, the local agency must verify that the trainee is on the project and is receiving beneficial training in accordance with the approved training program. When trainees are on a project, the local agency shall periodically conduct interviews with them to determine if they are receiving the training as specified in the approved training program. The "Trainee Questionnaire" form or similar forms should be used to document the employee interviews and the contractor's compliance with the training requirement.

The contractor will submit certified monthly detailed invoices showing the related weekly payroll number, name of the trainee, total hours trained under the program, previously paid hours, hours due, and the dollar amount due this estimate. These invoices must be kept with the project records and will become part of the temporary final records to be retained for three years after acceptance of the project by WSDOT and FHWA.

.43 Complaints. The local agency will send any complaints filed against contractors by trainees to the Region Local Program Office who will forward them to Highways and Local Programs for appropriate action.

27.5 Compliance Review

In addition to the selected compliance review of local agency contracts by WSDOT External Civil Rights Branch (ECRB), the Highways and Local Programs Operations Engineer's Office will review Title VI and Section 504 EEO and training compliance during its regular project management reviews. If, upon such examination, it is determined that further review is needed, the Highways and Local Programs Office may initiate a further investigation.

The evaluation of the local agency's and its contractor's compliance is based on the provisions included in the contract.

Forms

See Chapter 11 of the WSDOT *Construction Manual*.

General Discussion

To be eligible for reimbursement of Federal Highway Administration (FHWA) funds for payments to a consultant, the procedures in this chapter shall be followed. If a Local Agency elects to retain the consultant at its own cost, state law must be followed.

This chapter covers agreements for architects, landscape architects, land surveying, and engineering services outlined in RCW 39.80 (see 31.1). The definitions of these four professions are described in RCW Chapters 18.08, 18.43, and 18.96. These will be referred to as architectural and engineering (A&E) services, or engineering services, in this chapter.

This chapter also covers agreements for long-range planning, economic analyses, real estate negotiations, and environmental and biological assessments. These will be referred to as personal services, as outlined in RCW 39.29 (see 31.2).

Throughout this chapter the term “project” means the work to be undertaken by the consultant. An A&E services project may include construction engineering, but does not include the contracted construction work.

The “Definitions” chapter of WSDOT’s *Consultant Services Procedures Manual* contains a detailed description of which categories of work are considered A&E services or personal services. That Manual may be accessed on WSDOT’s Internet website at: (www.wsdot.wa.gov/Consulting), and then click on “*Consultant Services Procedures Manual*.”

The basic steps for entering into a consultant agreement are:

1. Determine the Need For Services.
2. Advertise the Need For Services.
3. Evaluate the Applicants’ Qualifications.
4. Select the Most Qualified Firm.
5. Negotiate with the Most Qualified Firm.
6. Execute the Contract (Standard Agreement, Exhibits, and Supplements, see Appendices).

31.1 A&E Services Consultants

A&E consultant services include the following:

1. Professional or technical expertise to accomplish a specific study, project, task, or other work statement.

2. Any phase of project development, as well as special studies or other assignments within any phase.
3. Periodic examination and consultation or full-time technical inspection during the construction phase.
4. Consultant design and preparation of plans, specifications, and estimates is common when an Agency's staff is small or when an Agency needs additional expertise.

Consultant services do not include purchased services provided by a vendor to accomplish routine, continuing, and necessary services. These may be acquired through use of purchased service agreements. Purchased services include services for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software maintenance, data entry, key punch services, computer time-sharing, contract programming, and analysis (RCW 39.29.006).

Section 319 of Public Law 101-121 prohibits federal funds from being expended by consultants or sub-consultants who receive a federal contract, grant, loan, or cooperative agreement to pay, any person for influencing or attempting to influence a federal Agency or Congress in connection with awarding any of the above.

.11 Determine the Need for A&E Consultant Services. Before an Agency advertises for A&E consultant services, it must have a clear definition of the work to be accomplished. This includes identification of:

1. The nature and scope of effort required,
2. The technical requirements and qualifications of the consultant services needed,
3. The level of funding resources available,
4. The time frame for performing the work, and
5. The expected results and products to be received.

If assistance is needed in describing the desired scope of work, the Agency should seek information from the Region Local Program Engineer or from other Local Agencies that have had similar projects.

Because selection of the most qualified consultant firm is based on evaluations by the Agency, it must develop clear selection guidelines (see 31.13).

The selection criteria should enable the Agency to identify and select the consultant best qualified to meet the Agency's needs and ensure that the selected consultant understands and provides services for the Agency's needs in the most cost-effective manner.

The basic agreement types are lump sum, cost plus fixed fee, provisional hourly rates, negotiated hourly rates, and cost per unit of work (see 31.32). The Agency should determine the type of agreement to be developed with the consultant (though this may be modified during negotiations with the selected consultant).

Consultant selection shall provide for maximum open and free competition and should provide opportunities for small and disadvantaged business enterprises to obtain an equitable share of the work, consistent with the project scope and capabilities of available small and disadvantaged owned firms.

A&E consultants may be solicited for:

1. A specific project,
2. A specific stage of a project (i.e., Design Report),
3. General engineering services (i.e., supporting services of an Agency's staff in studies, design, etc.),
4. For more than one project (i.e., several small bridge design projects) or multiple phases of a single project, or
5. For a combination of the above.

.11a Multi-Phase Projects. In the case of projects covering two or more distinct phases, when the cost for the second phase depends on decisions reached during the first phase, the agreement should cover only the first phase. The agreement for preliminary engineering should state that the consultant may be considered for subsequent phases provided this option was identified in the advertised solicitation. The consultant's engagement to complete subsequent phases depends upon the consultant's satisfactory performance on prior work and upon negotiation of an agreement for the subsequent phase(s). The Agency is not obligated to use the same consultant firm for all phases. Separate consultant agreements may be considered for each phase (e.g., one for preliminary engineering and another for construction engineering).

.11b Environmental Assessment /Environmental Impact Statement / Environmental Classification Summary. The first agreement would include preliminary engineering through final approval of the environmental documents. Preparation of the PS&E could be under a separate agreement with continuation of the original consultant at the option of the Agency, provided this was stated in the original advertisement. Depending on the complexity of the project, both A&E services and personal services consultants may be needed to accomplish this work.

.11c Engineering Management Consultants. While an engineering management consultant may assist an Agency in fulfilling its responsibilities, the Agency cannot delegate these responsibilities to a consultant or to another Agency. A consultant serving in a management role for an Agency, and then managing consultant agreements with its own firm, is a conflict of interest.

.12 Advertise the Need for A&E Consultant Services. State law, RCW 39.80, requires that each Agency must advertise that Agency's requirement(s) for architectural services, land surveying services, or engineering services. An Agency can comply with these requirements by either:

1. Publishing an announcement on each occasion when A&E consultants are required by the Agency, or
2. Publishing an annual notice to establish an "On Call Roster" (or rosters by specialty) to receive qualifications from consultants as to projected requirements for any category or type of engineering services (see 31.11). In addition, responsible A&E consultants shall be added to the appropriate "On Call Roster(s)" at any time they submit a written request and their qualifications.
3. The need for consultant services must be advertised at least one day per week for two (2) consecutive weeks (14 day minimum) in the area newspaper used for publication of legal notices. A three (3) week minimum response time from the initial date of publication should be provided to consultants. These advertisements may be supplemented by additional advertisements in special interest publications such as the Daily Journal of Commerce, trade magazines, or publications utilized by disadvantaged business enterprises.

.12a Advertisement Content. The advertisement should contain the following information (see Appendix 31.94 for a sample advertisement):

1. A project title and estimated start and end dates,
2. The general scope and nature of the project or work for which services are required and the address of a representative of the Agency who can provide further details,
3. Solicitations of qualification statements, referred to as Requests for Qualifications (RFQ) from consultants, must incorporate a clear and accurate description of the technical requirements for the service to be procured, including any special conditions or certifications required. (Example Submittal Information Forms to obtain consultant qualifications for Prime and Sub-consultants are contained in Appendixes 31.94(a) and 31.94(b), respectively),
4. Solicitations must clearly set forth sufficient detail on how applicant qualifications will be evaluated. These may include but are not limited to key personnel, firm experience, ability to meet schedule, past performance, in-house expertise, familiarity with WSDOT/ FHWA standards, and DBE approach and commitment,
5. Non-engineering service applicants should be asked to provide estimates for the man-hours and classifications needed to complete the project,

6. In the event that a project covers multiple phases (see 31.11a), the Agency is not obligated to utilize the original consultant for subsequent phases. If the Agency desires this option, the advertisement must state the possibility of a multi-phase agreement at the discretion of the contracting Agency,
7. All prospective consultants must be advised that Federally funded projects will be held to Federal EEO requirements,
8. Consultants will also be held to ADA and Civil Rights language for the employing Agency,
9. Response Due Date, and
10. Publication dates.

Specific project cost estimates shall not be requested until a consultant has been selected.

.13 A&E Consultant Evaluation and Selection Process. The Local Agency shall establish guidelines for technical evaluation of the qualifications received, determination of finalists for the purpose of written or oral discussions, and selection for agreement award. Consultants will be selected based upon the qualifications they present. For A&E related services, fees for services cannot be considered during the selection process.

The following are frequently utilized as part of the consultant selection process:

1. “Live” Interviews and Presentation of the RFQ by Consultant Individuals or Teams. Provides for interaction with the Agency and showcases the consultant’s presentation skills. This approach is best for larger, more complex projects, but does increase travel time and costs to the applicant. Video presentation or teleconferencing may be considered as an alternative to reduce travel costs.
2. Telephone Interviews. Provides for interaction but eliminates travel time and cost. This approach is useful for smaller projects or for selecting from an on-call or small works roster.
 - A. Exceptions to the competitive process used for consultant selection:
 1. Subsequent Phasing. Selection of a consultant to perform subsequent project phases may only occur if this option was advertised originally (i.e., Phase 1 Preliminary Engineering, Phase 2 Right-of-Way, Phase 3 Construction Engineering).
 2. Contract Amendments. Amendments that do not significantly alter the scope of work can be renegotiated with the existing consultant. However, this should not be used to avoid the responsibility of providing competition for consultant selection.

3. Emergency. To address a set of unforeseen circumstances beyond the Agency's control which present a real, immediate threat to the proper performance of essential functions, or may result in the material loss or damage to property, bodily injury, or loss of life if immediate action is not taken. (Consult *LAG Manual*, Chapter 33.)
4. Sole Source. Sole source agreements may be requested from Highways & Local Programs when the consultant provides professional or technical expertise of such a unique nature that the consultant is clearly and justifiably the only practicable source to provide the service. The Local Agency must provide the Region Local Programs Engineer written justification (see Appendix 31.95) for requesting this option based upon:
 - a. The unique nature of the services and/or the unique qualifications, abilities, or expertise of the consultant to meet the Agency's needs. (e.g., Are they highly specialized or one-of-a-kind? What is their past performance, their cost effectiveness [learning curve], and/or the follow-up nature of the required services?).
 - b. Other special circumstances that may be relevant such as confidential investigations, copyright restrictions, or time constraints.
 - c. Availability of consultants in the location required.

Highways & Local Programs must approve all consultant procedures that are exceptions to the competitive process.

- B. Documentation of Selection. Following consultant selection, the Local Agency shall retain the following documentation in the project file:
 1. The names of a minimum of three consultants considered for the work (excluding exceptions detailed above), and
 2. Consultant selected and reasons why this consultant was chosen over the others.

.14 Establishing a Consultant "On-Call Roster." To efficiently obtain consultant services, a process for developing and maintaining a consultant "On-Call Roster" is necessary. Agencies may, therefore, establish and maintain a continuous "On-Call Roster" to which interested and qualified firms may apply. This "On-Call Roster" must be maintained annually and may be shared with other interested public agencies through an Inter-local agreement signed by the interested parties.

No "On-Call Roster" consultant may be awarded more than one contract from the "On Call Roster" at a time. When active contracts are complete, the consultant's name will be returned to "available" status.

1. The Agency shall publish an announcement in a newspaper of general circulation at least once per year to invite consultant firms to submit statements of qualifications and performance data. The advertisement shall be for future project needs and announce generally projected requirements for any category or type of professional services. The advertisement shall state the address of the representative who can provide further details. The Agency shall name all agencies that are utilizing the “On-Call Roster,” if any, in addition to the Agency establishing the “On Call Roster.”
 - a. Advertisement content for “On Call Roster.” Separate “On Call Rosters” will be kept for each discipline of work. Agencies may not select a firm from one “On Call Roster” to perform work that is covered by a different “On Call Roster.” Each “On Call Roster” must have a separate list of qualification criteria which will be clearly stated in the advertisement for “On Call Roster” participants.
2. The advertisement shall encourage firms to submit or update qualifications and performance data.
3. The Agency may either provide an application that solicits desired information or allow firms to apply through other means of establishing credentials as best meets the agency’s needs, or a combination thereof.
4. The Agency shall review submittals to insure firms meet minimum eligibility criteria for responsible firms as defined by the Agency prior to establishing the “On-Call Roster.” Verification shall consider required licensing, experience, and financial stability in order to establish firms that are reasonably capable of performing the work.
5. Firms that meet at least minimum levels of responsibility based on the advertisement shall be placed onto the “On-Call Roster.” The “On Call Roster” shall list firms that responded to the advertisement and were found eligible for further consideration by the Agency as project needs arise.
6. Applications on file after one year will be required to update information through annual advertisement or through a direct process established by the Agency prior to establishing the “On-Call Roster.”
7. The Agency may issue repeat advertisements to solicit additional firms or firms with a particular specialty for the “On-Call Roster” at any time during the year.
8. The “On-Call Roster” shall be continuously open.
9. Firms listed on an Agency “On-Call Roster” shall be available for consideration and eligibility for a project need, unless a specific reason causes the firm to be placed on an inactive status. Such inactive status will be the right of the Agency; however, written notification of the change of status will be given to firms within 30 days of status change. The reason for the status change will be stated clearly in the notification.

10. The process to select firms from the “On-Call Roster” and enter into a contract shall be as follows.
 - a. Agencies will interview at least 3 firms for each contract from the “On Call Roster.”
 - b. If less than 3 qualified firms are available for a given contract, the agency will interview as many as are available on the “On Call Roster” for that particular contract.
 - c. If no qualified firms are available from the established “On Call Roster,” a separate advertisement and award process must be followed.
 - d. Following the interview, the Agency will select the best qualified consultant from those interviewed.

31.2 Personal Services Consultants

Professions outside the fields described in RCW 39.80 may provide such consulting services as long range planning and studies, economic analyses, real estate negotiations, and/or environmental and biological assessments. These consulting services are provided through personal services agreements (RCW 39.29). The basic difference between personal services and A&E consultants is that consultant fees may be considered in selecting personal services consultants, but cannot be considered in selecting A&E services consultants.

The Local Agency is to work with WSDOT Real Estate Services on right-of-way personal services agreements. (See Appendix 31.91 for a Sample Personal Services Contract for Appraiser, and Appendix 31.92 for a Sample Consultant Agreement for Negotiation Services.)

.21 Determine the Need for Personal Services Consultants. Before an Agency advertises for a personal services consultant, it must have a clear definition of the work to be accomplished. This includes identification of:

1. The nature and scope of effort required,
2. The technical requirements and qualifications of the consultant services needed,
3. The level of funding resources available,
4. The time frame for performing the work, and
5. The expected results and products to be received.

If assistance is needed in describing the desired scope of work, the Agency should seek information from the Region Local Program Engineer or from other Local Agencies that have had similar projects.

The Agency should develop selection guidelines for all to understand, because selection of the most qualified consultant firm is based upon evaluations by the Agency. The selection criteria should enable the Agency to identify and

select the consultant best qualified to meet the Agency's needs and ensure that the selected consultant understands and provides the Agency's needs in the most cost-effective manner.

The Agency should determine the type of agreement to be developed with the consultant. (This may be modified during negotiations with the selected consultant). The basic agreement types are lump sum, cost plus fixed fee, provisional hourly rates, negotiated hourly rates, and cost per unit of work (see 31.52).

Consultant selection shall provide for maximum open and free competition and should provide opportunities for small and disadvantaged business enterprises to obtain an equitable share of the work, consistent with the project scope, and capabilities of available small and disadvantaged owned firms.

Personal Services consultants may be solicited for:

1. A specific study (i.e., Economic Study),
2. A specific project (i.e., Acquisition of Real Estate),
3. A specific task (i.e., Real Estate negotiations), or
4. For a combination of the above.

.22 Advertise the Need for Personal Services Consultants. State law (RCW 39.29) requires that each Agency must competitively solicit that Agency's requirement for personal services. An Agency can comply with these requirements by either:

1. Using a competitive solicitation process that provides an equal and open opportunity to qualified parties. State law (RCW 39.29.011) requires competitive bidding for contracts greater than \$20,000 and documented evidence of competition on contracts between \$5,000 and \$20,000
2. Publishing an annual notice to establish an "On Call Roster" (or rosters by specialty) to receive qualifications from consultants for projected requirements for any category or type of personal services consultants. In addition, responsible consultants shall be added to the appropriate "On Call Roster(s)" at any time upon the submittal of a written request and a list of their qualifications. (See 31.14 for more information about establishing an "On Call Roster.")

The need for consultant services must be advertised at least one day per week for two (2) consecutive weeks (14 day minimum) in the area newspaper used for publication of legal notices. A three (3) week minimum response time from the initial date of publication should be provided to consultants. These advertisements may be supplemented by additional advertisements in special interest publications such as the Daily Journal of Commerce, trade magazines, or publications utilized by disadvantaged business enterprises.

.22a Advertisement Content. The advertisement should contain the following information (see Appendix 31.94 for a sample advertisement):

1. A project title, estimated project cost, and estimated start and end dates.
2. The general scope and nature of the project, or work for which services are required, and the address of a representative of the Agency that can provide further details.
3. Solicitations of qualification statements, referred to as Requests for Qualifications (RFQ) from consultants, must incorporate a clear and accurate description of the technical requirements for the service to be procured, including any special conditions or certifications required. (Example Submittal Information Forms to obtain consultant qualifications for Prime and Sub-consultants are contained in Appendixes 31.94(a) and 31.94(b) respectively).
4. Solicitations must clearly set forth sufficient detail on how applicant qualifications will be evaluated.
5. For personal services, consultant fees or costs may be requested. RCW 39.29.006 provides that the solicitation of qualifications for selection of personal services consultants may include such factors as consultant's fees or costs, ability, capacity, experience, reputation, responsiveness to time limitations, responsiveness to solicitation requirements, quality of performance, and compliance with statutes and rules relating to contracts and services.
6. Non-engineering service applicants should be asked to provide estimates for the man-hours and classifications needed to complete the project.
7. All prospective consultants must be advised that federally funded projects will be held to Federal EEO requirements.
8. Consultants will also be held to ADA and Civil Rights language for the employing Agency.
9. Due date for responses and publication dates.

.23 Personal Services Consultant Evaluation and Selection Process.

The Local Agency shall establish guidelines for technical evaluation of the qualifications received, determination of finalists for the purpose of written or oral discussions, and selection for agreement award. Consultants will be selected based upon the qualifications they present. Fees may be considered as an evaluation factor in the personal services selection process, but it is not a "low-bid" consultant selection where the low bidder wins the contract automatically. For more guidance, refer to the Municipal Research and Services Center (MRSC) of Washington guide, "Contracting for Professional Services in Washington State," Informational Bulletin Number 485.

The following are frequently utilized as part of the consultant selection process:

1. Written Response Only to the Request for Qualifications (RFQ). This approach is best for smaller, clearly defined projects, or projects which are heavily reliant upon their written presentation such as environmental reports.
2. “Live” Interviews and Presentation of the RFQ by Consultant Individuals or Teams. Provides for interaction with the Agency and showcases the consultant’s presentation skills. This approach is best for larger, more complex projects but does increase travel time and costs to the applicant. Video presentation or teleconferencing may be considered as an alternative to reduce travel costs.
3. Telephone Interviews. Provides for interaction but eliminates travel time and cost. This approach is useful for smaller projects or for selecting from an on-call or small works roster.

Exceptions to the competitive process used for consultant selection:

1. Sole Source. Sole source agreements may be requested from Highways & Local Programs when the consultant provides professional or technical expertise of such a unique nature that the consultant is clearly and justifiably the only practicable source to provide the service. The Local Agency must provide the Region Local Programs Engineer written justification (see Appendix 31.95) for requesting this option based upon:
 - a. The unique nature of the services and/or the unique qualifications, abilities, or expertise of the consultant to meet the Agency’s needs. (e.g., Are they highly specialized or one-of-a-kind? What is their past performance, their cost effectiveness [learning curve], and/or the follow-up nature of the required services?)
 - b. Other special circumstances that may be relevant such as confidential investigations, copyright restrictions, or time constraints.
 - c. Availability of consultants in the location required.
2. Emergency. To address a set of unforeseen circumstances beyond the Agency’s control which present a real, immediate threat to the proper performance of essential functions or may result in the material loss or damage to property, bodily injury, or loss of life, if immediate action is not taken. (Consult *LAG Manual*, Chapter 33.)
3. Contract Amendments or Added Scope (beyond the original advertisement.) Amendments that do not significantly alter the scope of work can be renegotiated with the existing consultant. However, this should not be used to avoid the responsibility of providing competition for consultant selection.

Highways & Local Programs must approve consultant procedures that are exceptions to the competitive process.

.24 Document Selection. Following consultant selection, the Local Agency shall retain the following documentation in the project file:

1. The names of a minimum of three consultants considered for the work, (excluding exceptions detailed above); and
2. Consultant selected and reasons why this consultant was chosen over the others.

31.3 Negotiation With Selected Firm, A&E, and Personal Services

The Local Agency will notify the consultant of their selection in writing, meet with the consultant to reach a complete and mutual understanding of the scope of services, and begin negotiations on the terms of the agreement.

In this meeting with the selected consultant, the Local Agency should include key people with appropriate technical expertise within the Agency to ensure that their concerns are addressed. The following are typically discussed while developing an agreed upon scope of services:

1. A list of meetings the consultant is expected to attend, expected location of the meetings, and key personnel.
2. The anticipated design schedule—the Local Agency shall designate the basic premises and list criteria to be used in design development.
3. Any special services required.
4. Complexity of the design.
5. Safety and operational considerations.
6. Environmental considerations.
7. Survey and geotechnical testing requirements.
8. Inspection services during construction.
9. Quality control during construction.
10. Preparation of forms, letters, and documents.
11. Property map preparation.

.31 Agency Preparation for Negotiations. Following receipt of the consultant's proposal, Agency responsibilities include:

Compare the consultant's proposal with the Agency's own estimate, examining the scope of work, work hours, and estimate of cost. (See Appendix 31.96, Independent Estimate for Consulting Services, Form DOT 140-012 EF.) The Agency is to prepare its independent cost estimate using:

1. The salary rates by position from the consultant's Payroll Register,
2. Multiplying these by the Agency's estimates of staff hours by position for work elements, and
3. Applying the consultant's overhead rate and profit/fixed fee (see below) to develop the total project staff cost estimate.

The Agency uses this independent estimate, along with estimates of non-salary costs, to negotiate the agreement with the consultant.

1. Ensure the consultant has divided the project into work units and related time units in such a manner that the estimate can be readily reviewed for work hours, rates of pay, overhead, profit, and itemized direct non-salary costs.
2. Request records to confirm the consultant's rates (i.e., their Payroll Register, giving payroll rates by name and position of staff working on the project).
3. Request the consulting firm's audited overhead rate from the WSDOT Audit Office. An audited rate conducted by another governmental agency will satisfy this requirement if the audit criteria used by the other agencies conforms with 48 CFR 31. An audited rate conducted by a private accounting firm must be reviewed and accepted by the WSDOT Audit Office before being accepted for use in an agreement. If the firm does not have an audited rate, the Audit Office will conduct an abbreviated audit to determine the rate. The Local Agency Agreement should anticipate a charge averaging \$1,000 for these costs. A lower overhead cost rate may be used if submitted by the consultant firm; however, the consultant's offer of a lower rate shall not be a condition for selecting a consultant.
4. Calculate the consultant's profit/fixed fee amount. An adaptation of WSDOT's procedure for calculating this (described in WSDOT's *Consultant Services Procedures Manual*) is contained in Appendix 31.97. A copy of the "Consultant Fee Calculation Worksheet" may be obtained from WSDOT's Internet website: www.wsdot.gov/Consulting, and then click on the worksheet that is listed under "Manuals/Forms." The fee is determined through evaluation of the following:
 - a. Degree of Risk,
 - b. Relative Difficulty of Work,
 - c. Size of Job,
 - d. Period of Performance,
 - e. Assistance of Agency, and
 - f. Sub-consulting.

- g. An acceptable profit for a federally funded project may not exceed 15 percent of the total of direct labor plus overhead costs or the fixed fee/profit percentage may not exceed 35 percent of direct labor costs only. Maximum allowable profit percentage rates (30-35 percent) are reserved for the most difficult, complex, and risky projects. Mark-ups are not allowed on direct “on salary” costs.
- h. A Management Reserve Fund (MRF) may be established to be used for:
1. Overruns of direct salary and overhead costs that might occur under the existing scope of work, or
 2. The consultant to perform additional work that is outside the agreement or supplement’s scope of work (but within the scope of the advertised project).

The maximum MRF set up at the beginning of the agreement is \$100,000 or 10 percent of the agreement, whichever is less. If the original MRF is less than \$100,000, the MRF may be increased by preparing a supplement to a total accumulative amount that cannot exceed \$100,000, (or exceed the cumulative 10 percent). An MRF cannot be included in a Lump Sum agreement. The Agency cannot authorize, and the consultant cannot utilize, the MRF until a task order agreement is set up. (See Appendix 31.99, Exhibit A-2.) To set up a task order agreement, the Agency and consultant must negotiate the scope, schedule, and budget for the increase in direct salary and overhead costs, or the increase in additional work to use all or a portion of the MRF.

- i. Mark-up for work performed by sub-consultants is a mandatory 4 percent with an optional 0-2 percent additional to provide extra oversight of small consultants that meet the definition of a small business as defined in the *Small Business Administration’s Table of Small Business Size Standards*. More information can be found at <http://www.sba.gov/services/contractingopportunities/sizestandardsttopics/index.html>
5. Record and retain an explanation of differences in work hours or costs between the Agency’s independent estimate and the negotiated consultant fee.
- .32 Agreement Types/Payment Options.** The following are the types of agreements that contain acceptable methods of payment for FHWA funded projects. Refer to the Standard Agreement Exhibits for further guidance and required forms (see 31.4):
1. **Lump Sum.** This type of agreement is only appropriate where the scope of work (quantity and type) can be clearly defined in advance. It is not recommended for construction engineering agreements. The agreement

should state the exact service to be provided within a specific time frame, and when the lump sum payment is to be made. Payments may also be paid in installments as the work proceeds.

Scope of work changes and Management Reserve Funds are not allowed with this type of payment.

Lump sum payment is generally used for investigations, studies, and basic services on design projects. Examples include designs, plans specifications and estimates (PS&E), and preparation of operating, maintenance, or training manuals. A qualified representative for the Agency must prepare, date, and sign an estimate detailing the hours required for each type of work, as well as the hourly rate.

2. **Cost Per Unit of Work.** This type of agreement is used when the unit cost of the work can be determined in advance with reasonable accuracy, but the extent of the work is indefinite. Examples include soils investigation where costs are based on per foot of drilling, installation of observation wells, soil testing, structural foundation analysis and reports, expert witness testimony, and construction engineering services. Construction engineering services include, but are not limited to, construction management, construction administration, materials testing, materials documentation, contractor payments, general administration, construction oversight, and inspection and surveying.
3. **Actual Costs Plus a Fixed Fee.** This type of agreement is used when the extent, scope, complexity, character, or duration of the work cannot be reasonably determined in advance. Examples include preparation of environmental documents, project design documents, PS&E for large or complex projects including major bridges, and may include construction inspection. The consultant is reimbursed for all eligible direct and indirect costs within defined limits, plus a predetermined amount as a fixed fee. The costs for methods 1-3 above are determined by:
 - a. Salaries of employees with time directly chargeable to the project and salaries of principals for the time they are productively engaged in work necessary to fulfill the terms of the agreement. Actual rates of pay for employees and principals actively involved in the project will be included in each agreement.
 - b. Direct non-salary costs incurred in fulfilling the terms of the agreement. Travel costs, (excluding air, train, and rental car costs), shall be in accordance with the Agency's travel rules and procedures. Air, train and rental car costs shall be reimbursed in accordance with 48 Code of Federal Regulations (CFR) Part 31.205-46 "Travel Costs."
 - c. The consultant's overhead or indirect costs properly allocable to the project. A break out of overhead items will be included in each agreement.

- d. The consultant's overhead schedule must be prepared in compliance with Code of Federal Regulations (CFR) Part 31.
- e. Management reserve funds are an Agency option and are to address overruns of direct salary and overhead costs that might occur under the existing scope of work or a need for additional work beyond the existing agreement scope of work, but within the advertised project scope of work.
- f. Profit / fixed fee is derived by considering the degree of risk, relative difficulty of work, size of job, period of performance, assistance by the Agency, and sub-consulting assumed by the consultant at the time of the negotiations (see 31.31).

Shown as exhibits to the agreement are the consultant's estimate of work, cost rates, overhead rate, and the fixed fee.

4. **Specific Rates of Pay Agreement.** This type of agreement is based upon specific rates of pay for each class of employee and is appropriate for relatively minor items of work of indeterminable extent. This method requires constant and direct control of the time and class of employees used by the consultant. Examples include certain types of soils investigations, planting inspections, bridge inspections, expert witness testimony, training presentations, construction inspections, supplementing Agency staff on small design projects or studies, and "on-call services." The rate of pay may be established through one of two processes:
 - a. **Negotiated hourly rate** payment option establishes the rates of pay through use of the consultant firm's Payroll Register, the audited overhead rate obtained from WSDOT's Audit Office, plus the calculation of the consultant's profit/fixed fee. (See 31.31 for guidance in developing the independent estimates of these costs for use in negotiations with the consultant firm.) The following items also apply to negotiated hourly rate agreements.
 1. Direct non-salary costs incurred in fulfilling the terms of the agreement. Travel costs, (excluding air, train, and rental car costs), shall be in accordance with the Agency's travel rules and procedures. Air, train, and rental car costs shall be reimbursed in accordance with 48 Code of Federal Regulations (CFR) Part 31.205-46 "Travel Costs."
 2. The consultant's overhead or indirect costs properly allocable to the project. A break out of overhead items will be included in each agreement.
 3. The consultant's overhead schedule must be prepared in compliance with 48 Code of Federal Regulations (CFR) Part 31.

4. Management reserve funds are an Agency option and are to address overruns of direct salary and overhead costs that might occur under the existing scope of work or a need for additional work beyond the existing agreement scope of work, but within the advertised project scope of work.
 5. Profit / fixed fee is derived by considering the degree of risk, relative difficulty of work, size of job, period of performance, assistance by the Agency, and sub-consulting assumed by the consultant at the time of the negotiations (see 31.31).
- b. **Provisional hourly rate payment** option establishes rates of pay through the use of the consultant firm's Payroll Register, plus an overhead rate based on industry standards if an audited overhead rate is not available from WSDOT's Audit Office within the time frame it is needed. Provisional rates are established at the beginning of the project and are used until the results of an audited overhead rate are known. The provisional rates are then retroactively adjusted to reflect the rate established from the new audit. The following items also apply to provisional hourly rates.
1. Direct non-salary costs incurred in fulfilling the terms of the agreement. Travel costs, (excluding air, train, and rental car costs), shall be in accordance with the Agency's travel rules and procedures. Air, train, and rental car costs shall be reimbursed in accordance with 48 Code of Federal Regulations (CFR) Part 31.205-46 "Travel Costs."
 2. The consultant's overhead or indirect costs properly allocable to the project. A break out of overhead items will be included in each agreement.
 3. The consultant's overhead schedule must be prepared in compliance with 48 Code of Federal Regulations (CFR) Part 31.
 4. Management reserve funds are an Agency option and are to address overruns of direct salary and overhead costs that might occur under the existing scope of work, or a need for additional work beyond the existing agreement scope of work, but within the advertised project scope of work.
 5. Profit / fixed fee is derived by considering the degree of risk, relative difficulty of work, size of job, period of performance, assistance by the Agency, and sub-consulting assumed by the consultant at the time of the negotiations (see 31.31).
- c. **Task Order Agreements.** This type of agreement is used with Negotiated and Provisional Hourly Rate methods of payment. (See Appendix 31.99, Exhibit A-2.) Each item of work is listed by task

assignment in the scope of work and each assignment is individually negotiated with the consultant. The maximum amount established for each assignment is the maximum amount payable for that assignment, unless modified in writing by the Local Agency.

While a regular negotiated hourly rate agreement is for a specific project, a single task order agreement can be used for a series of projects. Once the agreement is established, and each time the consultant's services are needed, a formal task assignment document is completed that describes the work, location, maximum amount payable, and completion date for the task. The agreement does not have to be renegotiated for each new task, therefore saving time. An example of a task order agreement would be one for performing construction inspection over a two-year period.

.33 Agency/Consultant Negotiations. Negotiate an agreement with the selected consultant and retain a record of these negotiations (see Appendix 31.98). Negotiations may include the following:

1. The Agency negotiator and the consultant meet in person or by telephone and go over any significant areas of discrepancy between the Agency estimate and consultant proposal. Either the consultant satisfactorily explains differences or agrees to address concerns in a revised proposal.
2. The Agency reviews revised proposals and revises their detailed cost analysis accordingly. Steps 1 and 2 are repeated, if required.
3. The consultant submits a final fee proposal.
 - a. Provide a final offer in writing.
 1. The final agreement must specify the maximum amount payable,
 2. The basis for establishing the maximum amount should be documented, and
 3. Procedures for adjustments to the maximum amount to accommodate changes in the work distribution or workload shall be explained.
 - b. When unresolved differences exist between the consultant and Local Agency, the Agency shall notify the Region Local Programs Engineer. The Local Programs Engineer will review and confirm that the Agency has followed all the required procedures and will notify the Agency of the finding. The Agency will then notify the consultant in writing that negotiations are terminated and proceed to the next highest ranked consultant to begin the negotiation process again. Negotiation steps and records will be repeated with the alternate consultant selected.

31.4 Standard Agreement, Exhibits, and Supplements to Agreements, A&E, and Personal Services

When the cost of consulting services is \$10,000 or more, Local Agencies must use the Local Agency Standard Consultant Agreement. (See sample agreement in Appendix 31.99, WSDOT Form 140-089 EF and Appendix 31.910, WSDOT Form 140-089A EF.) Standard agreement forms are available online at <http://www.wsdot.wa.gov/Consulting/submittalinformationpack.htm>. (Select either the Package for Prime Consultants or Sub Consultants.) The standard agreement was developed to allow the Local Agency to select the appropriate exhibits and assemble them into a complete agreement package for all types of consulting work. The agreement completion date (expiration date) shall be established based on the project schedule. The agreement completion date establishes the last possible date the consultant may work, and be paid for that work, utilizing federal funds. Any work performed after expiration of the agreement will be considered non-federally participating. It is of the utmost importance that the Agency monitor the project completion date and extend the date by supplemental agreement, if appropriate, prior to the completion date.

The time period for completion of the agreement is dependent upon the complexity of the project's scope of work. The duration may vary from two years for a relatively simple project, to six or more years for a complex project having multiple phases of work.

.41 Exhibits. Exhibits for the Standard Agreement are provided (see Appendix 31.99). The various payment methods require their own exhibits. Examples of types of work for each agreement payment type have already been discussed under Section 31.32, "Agreement Types/Payment Options." Most exhibits are common to any agreement; others require selection by the person creating the standard agreement.

.42 Supplements to the Agreements. An agreement shall be supplemented in writing when work that falls outside the scope of the original agreement is requested, when supplemental language to the standard agreement is desired, or when there is a need for time extension or wage adjustment. This may be done by a supplemental agreement only when the agreement completion date has not expired. (See Appendix 31.911, WSDOT Form 140-063 EF.) The work in the supplement must have been included in the advertisement for consultant services regarding the original agreement.

The supplemental agreement should include:

1. A statement that the original agreement will be supplemented to add/change/amend conditions;
2. A scope of work described in sufficient detail to clearly outline what additional work the consultant is to do or what changes are authorized to the existing scope;

3. The method of payment—i.e., cost-plus-fixed-fee, specified hourly rate, daily rate, and any indirect cost. (Note: Always include a maximum amount payable.) Section V of the original agreement should be reviewed prior to negotiating any supplements;
4. A specific time for beginning/continuing work under the supplement and completing the project in calendar days or day and month of the year;
5. A summary of the estimated costs of the original agreement plus those of the supplement(s);
6. Provisions that give both parties of the agreement the authority to act; and
7. Specific rates of pay shall be established for the supplemental agreement in the same manner as described in Section 31.32 Agreement Types/ Payment Options, Sub-Part d, Specific Rates of Pay.

.43 Patent or Royalty Rights. Agreements that involve research, developmental, experimental, or demonstration work may include patent or royalty rights. In this case, the Standard Agreement should be supplemented by adding the appropriate language to account for this. The Region Local Programs Engineer is to be contacted for assistance in developing these supplemental agreements.

.44 Risk Management and Added Insurance Requirements. The Agency may change Section XIII of the Standard Agreement to reduce the requirement for the Consultant Professional Liability from one million dollars to the amount of the Agreement; whichever is the lesser of the two. This should be done for work that involves minimal risk, such as studies. For many consultant firms, covering the one million dollar liability would be an added cost to their overhead or directly to the project.

In the event the Agency determines that added liabilities or an insurance policy are warranted beyond the amount allowed in the Standard Agreement, they should negotiate this with the Consultant after the selection process is complete. This ensures that engineering qualifications, rather than the ability to obtain insurance, is the criteria for selection.

The Agency will determine the sufficiency of insurance normally provided within the consultant's overhead costs, and will identify the costs beyond that amount on Exhibit L. This exhibit is not needed if the standard agreement provisions are used. These costs will be considered direct project costs, and will not be billed to an FHWA funded project. In the event that Exhibit L is warranted, it should be sent with the risk analysis to the Region Local Programs Engineer for approval, who will forward it to Headquarters for review, prior to execution by the Agency and the consultant.

The Agency risk analysis should show that the work warrants this added cost and that consideration has been given to less costly solutions, including assuming the risk; insuring the risk outside of the agreement as an Agency cost; or adding a third tier of engineering overview to check the work.

To calculate the risk requires an ability to judge the likely amount of a jury's award if liability is determined. A suggested method is to determine the number of comparative cases presently existing within this state and to develop the probabilities based upon historic awards.

31.5 Audit Requirements

A Pre-Award Audit is no longer required. The Agency is now to negotiate the consultant's fee using the audited overhead rate for the consulting firm obtained from WSDOT's Audit Office, the Payroll Register of the firm, and the calculation of the consultant's profit/fee, or percentage, to validate and negotiate financial information supplied by a consultant in a cost proposal. (See 31.3 Negotiations with the Selected Firm.) The consultant is to also be aware of FHWA's cost eligibility and documentation requirements of 49 CFR 18.

If the Agency has questions about the information provided, it may request a Pre-Award Audit. In the event a project must begin before an audit can be completed, provisional wages based on industry standards may be paid through completion of the audit with wage adjustments made in a supplemental agreement. If the Local Agency requests a Pre-Award Audit, the Local Agency Agreement should anticipate a charge averaging \$5,000 for these costs.

WSDOT and/or FHWA may at their discretion require an intermediate or post audit for any project exceeding \$100,000. The Agency, WSDOT External Audit Office, or FHWA will determine the need for either of these.

31.6 Oversight of the Agreement and Project Closure

The Local Agency shall assign one of its personnel as project administrator to work with the consultant. The project administrator's responsibilities are to:

1. Prepare supplements to existing agreements for services beyond the scope of the original agreement and include the Agency's independent estimate of the costs for the work involved;
2. Ensure that no work is done or costs incurred until the agreements and supplements are approved by the approving authority and executed by the proper parties;
3. Conduct regular meetings with the consultant to track progress and identify potential concerns;
4. Act as a liaison between the Agency and the consultant to assure compliance with the terms of the agreement, including OEO provisions and the use of mandatory forms;
5. Monitor the consultant's progress reports to ensure that problem areas are reported and corrective action taken;

6. Make sure that all work is within the agreement's scope of work;
7. Establish controls to monitor the time for completion of the agreement to ensure that the specified time limitations are not exceeded;
8. Ensure the accuracy of bills presented by the consultant and their consistency with the work performed;
9. Maintain cumulative cost records to assure that costs are allowable, allocable, and reasonable. Track bills to ensure compliance with agreement and fixed fees. (See Appendix 31.912 "Sample Invoice Tracking Sheet");
10. Establish controls to prevent overpayment of the agreement and fixed fees; and
11. Ensure that all terms and conditions of the agreement have been met prior to final release of the consultant.

.61 Invoicing. The invoice will include the following:

1. By name, all employees that worked on the project during the billing period;
2. The classification of each employee, the hours worked, the actual hourly payroll rate, and the total wages paid; and
3. Direct non-salary costs. Non-salary costs should be supported for auditing purposes by copies of the invoice or billing instruments the consultant received for payment. Either the consultant or the Agency may retain these copies.

The Local Agency may disallow all or part of a claimed cost, which is not adequately supported by documentation.

.62 Documentation. Original documents may include but are not limited to signed time sheets, invoices, payroll records, rental slips, and gasoline tickets that support the costs billed to WSDOT. The consultant is responsible to account for costs and for maintaining records, including supporting documentation adequate to demonstrate that costs claimed have been incurred, are allocable to the agreement, and comply with Part 31 of CFR 48. Time sheets should document hours worked, the billing rate of pay, and must be signed by the supervisor or his designee and the employee. Records will be retained for a period of three years after receipt of final payment.

.63 Closure. Upon completion of the work under the consultant agreement, the Agency will ensure that all terms and conditions of the agreement have been complied with and that all services to be performed under the agreement have been completed prior to final release of the consultant. The Local Agency should evaluate the consultant's performance and retain this in their records, (see Appendix 31.913).

31.7 Appendices

- 31.91 Sample Personal Services Contract for Appraiser
- 31.92 Sample Consultant Agreement for Negotiation Services
- 31.93 Information Required in Agreements for Non-CA Agencies
- 31.94 Sample Advertisement
- 31.94(a) Submittal Information Form (Prime)
- 31.94(b) Submittal Information Form (Sub-consultant)
- 31.95 Request for Sole Source Consultant Services
- 31.96 Independent Estimate for Consulting Services
- 31.97 Consultant Fee Calculation Worksheet
- 31.98 Sample Record of Negotiations
- 31.99 Local Agency Standard Consultant Agreement, includes Exhibits A-1 Scope of Work, A-2 Task Order Assignment, B-1 DBE Utilization Certification, C Electronic Exchange of Engineering and Other Data, D-1 Lump Sum Payment, D-2 Cost Plus Fixed Fee Payment, D-3 Negotiated Hourly Rate Payment, D-4 Provisional Hourly Rate Payment, E-1 Consultant Fee Determination Sheet—Lump Sum, Cost Plus Fixed Fee, Cost Per Unit of Work, E-2 Consultant Fee Determination Worksheet—Specific Rates of Pay, F Breakdown of Overhead Cost, G Subcontracted Work, G-1 Subconsultant Fee determination Worksheet, G-2 Breakdown of Subconsultants Overhead Cost, H Title VI Assurances, I Payment Upon Termination of Agreement, J Alleged Consultant Design Error Procedures, K Consultant Claim Procedures, L Supplemental Language for Insurance Requirements, M-1(a) Certification of Consultant, M-1(b) Certification of Agency Official, M-2 Debarment Certification, M-3 Federal Fund Restrictions, M-4 Current Cost or Pricing Data
- 31.910 Supplemental Signature Page for Standard Consultant Agreement
- 31.911 Supplemental Agreement
- 31.912 Sample Invoice Tracking Sheet
- 31.913 WSDOT Performance Evaluation Consultant Services

PERSONAL SERVICES CONTRACT

It is mutually agreed between the Washington State Department of Transportation, hereinafter referred to as the "Department," and the undersigned, hereinafter referred to as the "Contractor," that:

1. The Contractor shall provide the services specified in Section 18 of this contract. The Contractor shall not be entitled to compensation for the services rendered under the terms of this contract unless and until the services are satisfactory to the Department. Any dispute relating to the quality of acceptability of the services furnished; to the acceptable fulfillment and performance of the contract on the part of the Contractor; and/or compensation due the Contractor shall be decided by the Chief Right of Way Agent, Department of Transportation. All reports called for under the terms of this contract shall become the property of and shall be retained by the Department.
2. The Department shall have the right to cancel services under the terms of this contract by giving notice by certified mail to the Contractor, and shall be liable for services at the rates specified herein, less any prior interim payments only to the date of receipt of such notice by the Contractor. Upon payment of such sums, the Department shall be discharged from all liability to the Contractor and this contract shall be terminated.
3. If, due to the Contractor's error or oversight, corrections to the services contracted for herein are necessary, the Contractor will make such corrections at no additional cost to the Department and will submit such corrections to the Department within ten (10) days of receipt of the Department's request.
4. The services to be furnished under the terms of this contract shall be performed by the Contractor and the Contractor's bona fide employees, and shall not be delegated or subcontracted to any other person or firm.
5. The Contractor warrants that it has not employed or retained any company, firm, or person, other than a bona fide employee working exclusively for the Contractor, to solicit or secure this contract; and that it has not paid or agreed to pay to any company, person or firm, other than a bona fide employee working exclusively for the Contractor, any fee, commission, percentage, brokerage fee, gift, or other consideration contingent upon or resulting from the award or making of this contract. For breach or violation of this warranty, the Department shall have the right to annul this contract.
6. During the performance of this contract, the Contractor, for itself, its assigns and successors in interest, agrees as follows:
 - a. **COMPLIANCE WITH LAWS AND REGULATIONS:** The Contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract. The Contractor shall comply with the State Law Against Discrimination, Chapter 49.60 RCW and any regulations adopted thereto.
 - b. **NONDISCRIMINATION:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap unless based upon a bona fide occupational qualification, in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by Chapter 49.60 RCW or by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
 - c. **SOLICITATIONS FOR SUBCONTRACTORS, INCLUDING PROCUREMENT OF MATERIALS AND EQUIPMENT:** In all solicitations either by competitive bidding or negotiation made by the Contractor for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this contract and the Regulations relative to nondiscrimination on the above grounds.
 - d. **INFORMATION AND REPORTS:** The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, or other sources of information, and its facilities as may be determined by the State Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, directives, or laws. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the State Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
 - e. **SANCTIONS FOR NONCOMPLIANCE:** In the event of the Contractor's noncompliance with the nondiscrimination provisions of this contract, the State Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate including but not limited to:
 - (1) withholding of payments to the contract until the contractor complies, and/or
 - (2) cancellation, termination or suspension of the contract, in whole or in part
 - f. **INCORPORATION OF PROVISIONS:** The Contractor shall include the provisions of paragraphs a through e in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The Contractor shall take such action with respect to any subcontract or procurement as the State Department of Transportation or the Federal Highway Administration

Relative Difficulty of Design

If the design is most difficult and complex, the weighting should be .35 and should be proportionately reduced to .17 on the simplest of jobs. This factor is tied in, to some extent, with the degree of risk. Some things to consider: the nature of the design, what is the time schedule; etc.; and rehabilitation of new work.

Size of Job

All agreement (estimated) total costs less \$100,000 shall be weighted at .35. The fixed fee percentage should be proportionately weighted for those projects between \$100,000 and \$5,000,000 may be proportionately weighted from .34 to .21. Agreements from \$5,000,000 to \$10,000,000 may be proportionately weighted from .21 to .17 and work in excess of \$10,000,000 at .17.

Period of Performance

Agreements and/or supplements that are 24 months or longer, are to be weighted at .35. Agreements of lesser duration are to be proportionately weighted to a minimum of .17 for work less than two (2) months.

Assistance by the Agency

To be weighted from .35 in those situations where few items are provided by the agency to .17 in those situations where the agency provides many items. Things to consider: existing design or plans, mapping, quantities, surveys, geotechnical information, etc.

Sub-consulting

To be weighted in proportion to the amount of sub-consulting. Where 40 percent or more of the design is to be contracted, the weighting is to be .35 and such weighting proportionately decreased to .17 where all the design is performed by the consultant's own forces.

Note: If the Federal Highway Administration (FHWA) funds the project, the allowable fixed fee/profit percentage may not exceed 15 percent of direct labor plus overhead costs or the fixed fee/profit percentage may not exceed 35 percent of the project's direct labor costs.

When considered necessary because of unusual circumstances or local conditions, the range of weight may be increased above .35 if supported by adequate justification and approval of Highways and Local Programs.

Appendix 31.98

Sample Record of Negotiations

Name & Job Title: John Doe, PW Contracts Mgr.

_____ (signature)

Action	Date
1. Consulting firm of Acme Consulting selected.	2/15/99
2. Independent cost estimate of \$953,000.00 prepared by agency to address the following*: Develop design for Timermann Rd. Realignment from MP 53 to MP 57; including pre-engineering services of biological assessment, & NEPA/SEPA documentation.	2/25/99
3. Meeting held with consultant to ensure thorough understanding of the scope of work.	2/20/99
4. Consultant provided scope of work; request for proposal solicited.	2/15/99
5. Consultant submitted proposal in the amount of \$ 1,203,000.00.	2/27/99
6. Agency compared proposal with independent estimate and negotiation objectives were established	3/3/99
7. Agency negotiator contacted/ met with the consultant and identified the following as items which needed revision (i.e., excessive or insufficient principal/ management involvement, high overhead, [unallowable costs). ** Mark-ups on two subconsultants for environmental work not allowable; overhead rate of 35% too high based on nature of the work and degree of risk; consultant management & principal attendance redundant at meetings; subconsultant time excessive*	3/5/99
8. Agency revised detailed cost estimate based on negotiations.**	3/15/99
9. Consultant submitted revised proposal with following changes: ** Removed \$53,000 in subconsultant mark-ups; overhead rate reduced to 26%; reduced management attendance with principal to 2 meetings.*	3/20/99
10. Agency accepted final fee proposal of \$1,000,000.00 to address the following: Develop design for Timermann Rd. Realignment from MP 53 to MP 57; including pre-engineering services of biological assessment, and NEPA/SEPA documentation to be completed by Ace Engineering Services as subconsultant.*	3/23/99
11. (or alternately) Agency could not agree to final proposal and notified the consultant in writing of this fact.	3/23/99

The negotiations were conducted in good faith to ensure the fees were fair and reasonable. The procedures outlined in the LAG manual were followed.

* Additional detail should be expanded upon with documentation.

** These steps should be repeated as often as necessary, with documentation.

This example has been simplified and does not include the level of detail typically found in a complete record of negotiations.



**Washington State
Department of Transportation**

**Detailed Damage Inspection Report
FHWA Emergency Relief**

Applicant		County(s)	FHWA Disaster No.
Location of Damage (Name of Road or Street)		Milepost	Inspection Date
		From _____ To _____	Federal-Aid Route
Description of Damage (Include Bridge Number(s) if Applicable)			Local /State Project No(s).
			Functional Class

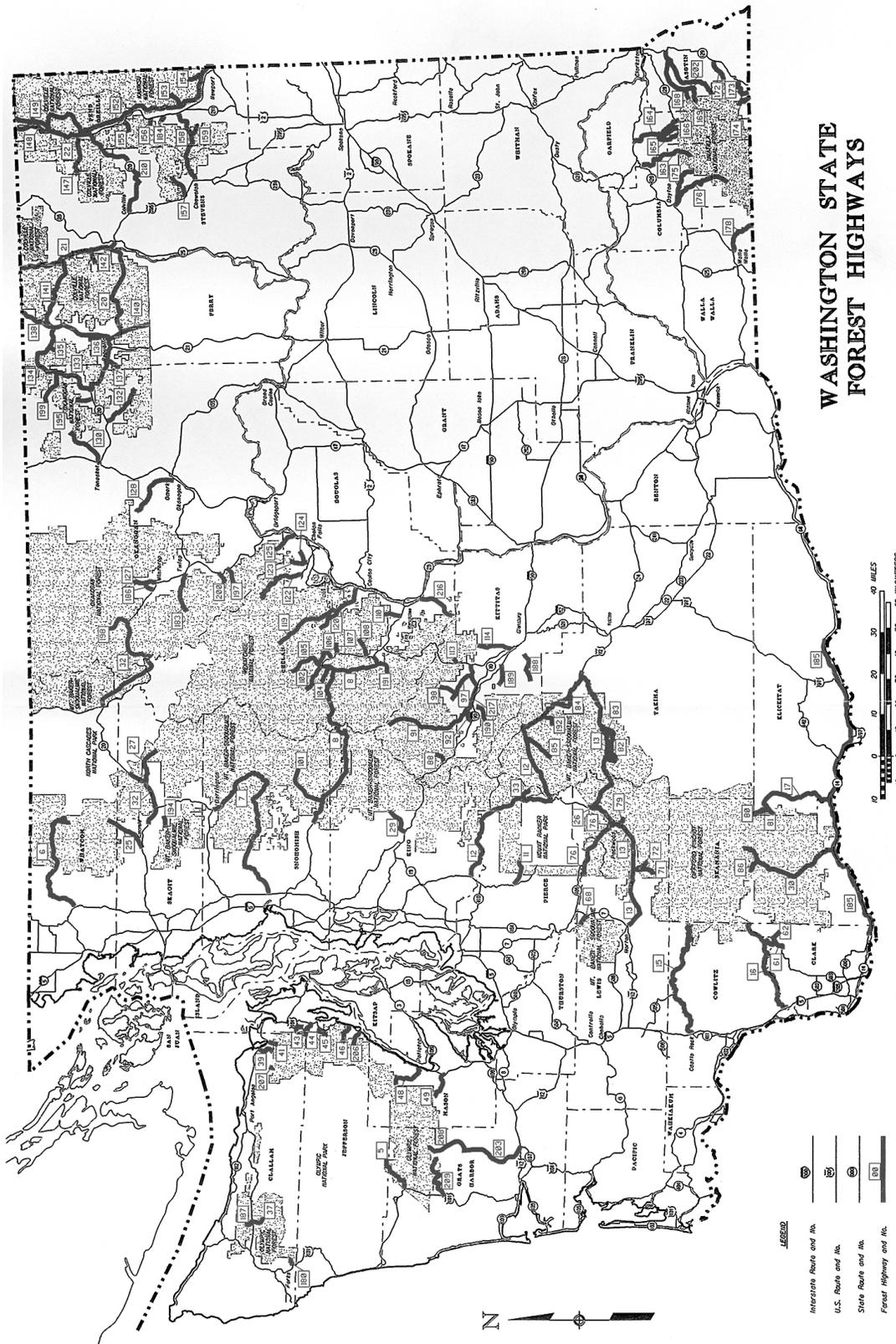
Cost Estimate (Including Preliminary and Construction Engineering)

Temporary/Emergency Repair and Incidental Permanent Restoration work are eligible for 100% Federal participation until

<p>Temporary/Emergency Repair (<i>Work required to restore essential travel and protect the remaining facility from immediate threat.</i>)</p>		Temporary / Emergency Repair
<p>Method of Work: <input type="checkbox"/> Local/State Force Account <input type="checkbox"/> Emergency Contract Total Temporary Repair \$ _____</p>		
<p>Incidental Permanent Restoration (<i>That portion of the permanent work which has been determined to be more economical to be constructed along with the Temporary/Emergency work.</i>)</p>		Incidental Permanent Restoration
<p>Method of Work: <input type="checkbox"/> Local/State Force Account <input type="checkbox"/> Emergency Contract Total Incidental Perm. \$ _____</p>		
<p>Permanent Restoration (<i>This work is eligible for Federal participation at the standard matching ratio. This work must receive additional FHWA authorization before advertisement.</i>) Describe any proposed betterments and their eligibility.</p>		Permanent Restoration
<p>Method of Work: <input type="checkbox"/> Local/State Force Account <input type="checkbox"/> Contract Total Perm. Restoration \$ _____</p>		
<p>Environmental Classification ESA, Section 106, and Section 4(f) are required on all ER work. NEPA approval is required on permanent work only.</p>		Total Estimated Cost \$ _____
<p>Recommendation for Eligibility <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	Local Agency Representative	Date
<p>Recommendation for Eligibility <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	State Representative	Date
<p>FHWA Recommendation <input type="checkbox"/> Eligible <input type="checkbox"/> Ineligible</p>	FHWA Engineer	Date

DOT Form 300-001EF
(Revised 01/2008)

Forest Map



34.1 General Discussion

The primary objective of the Federal Highway Bridge Program (HBP) is to enhance travel safety through replacement and rehabilitation of bridges, owned by cities and counties that are physically deteriorated and are structurally deficient or functionally obsolete. The HBP also funds systematic preventive maintenance activities for structures (23 U.S.C. 116(d)). Routine maintenance is not eligible for HBP funding.

This chapter describes the process for inspecting and selecting bridge projects to be funded using HBP funds.

34.2 Bridge Condition Inspection Program

A methodical Bridge Inspection Program is mandatory for agencies that want to qualify for HBP funds.

The Federal Highway Administration (FHWA) has set the national standards for the proper safety inspection and evaluation of bridges in a document called the National Bridge Inspection Standards (NBIS). These standards are located in the Code of Federal Regulations, 23 Highways Part 650, Subpart C. The December 14, 2004 electronic version of the NBIS can be found online at www.fhwa.dot.gov/bridge/. Information and guidance on bridge condition inspection in Washington State is located in the *Washington State Bridge Inspection Manual* (WSBIM). An electronic version of the WSBIM can be accessed at www.wsdot.wa.gov/TA/Operations/BRIDGE/BRIDGEHP.HTM. Reference these documents for additional information on the following subjects.

.21 Delegation of NBIS Responsibilities. Each State Transportation Department is required to have an Inspection Organization responsible to inspect all bridges that are owned by the state, county, and city. The H&LP Local Agency Bridge Engineer will function as the Program Manager for county and city bridge owners. WSDOT has the option of delegating some of this authority to qualified local agencies.

.22 Bridge Inspection Types and Frequencies. Each structure in the National Bridge Inventory (NBI) shall receive a routine inspection at 24-month intervals. Routine Inspections may require special access equipment to perform a hands-on inspection. Inspections that require special access or procedures are performed for county and city bridge owners by the State at no cost to the agency.

Inspections that require special equipment or procedures are:

1. Complex Bridges
2. Underwater Inspection
3. Bridges with fracture critical elements

Inspection requirements are outlined in the flow chart in Appendix 34.602 of this manual and detailed in the WSBIM.

.23 Qualification of Bridge Inspection Personnel. Federal regulations specify the requirements for two of the positions within a Bridge Inspection organization:

- Program Manager
- Team Leader

The **Program Manager** is the individual in charge of the program, that has been assigned or delegated the duties and responsibilities for bridge inspection, reporting, and inventory. The program manager provides overall leadership and is available to inspection team leaders to provide guidance.

Minimum Qualifications for Program Manager are:

- Registered Professional Engineer or 120 months of inspection experience
- And successful completion of FHWA approved Comprehensive Bridge Inspection Training Course.

The **Team Leader** is the individual in charge of an inspection team responsible for planning, preparing and performing field inspection of the bridge. The Team Leader is required to be onsite for all condition inspection activities, and is responsible for inspection and inventory coding.

Minimum Qualifications for Team Leader are:

- Qualified Program Manager
- Or, 60 months of bridge inspection experience and successful completion of FHWA approved Comprehensive Bridge Inspection Training Course
- Or, Certified Level III or IV NICET bridge safety inspector and successful completion of FHWA approved Comprehensive Bridge Inspection Training Course
- Or, BS degree in engineering, and successfully passed EIT, and 24 months Bridge Inspection experience, and successful completion of FHWA approved Comprehensive Bridge Inspection Training Course
- Or, Associates degree in engineering, and 48 months bridge inspection experience, and successful completion of FHWA approved Comprehensive Bridge Inspection Training Course

The flow chart in Appendix 34.601 describes the required qualifications for the Program Manager and Team Leader positions. The time requirements listed for qualification are measured by the actual time spent performing the designated activity or related tasks.

All applications for Program Manager and Team Leader certification will be reviewed and approved by the WSDOT H&LP. Certification is issued to an individual that meets the qualifications, not the agency. Certifications will be in writing to the individual in question. This written Certification will become part of the “Staff Qualification” file that the agency must maintain and which will be checked during QA/QC reviews. Agencies must retain a minimum of one certified Team Leader to have inspection responsibilities delegated to them.

Agencies that elect to hire consultants for bridge inspections are required to use qualified persons. The WSDOT Bridge Preservation office maintains a list of qualified inspection service consultants which is available through H&LP.

.24 Continued Certification of Bridge Inspection Personnel. Bridge Inspectors certified by the State must participate in a continuing education program to maintain certification. This program includes attending a refresher course every three years and a field evaluation performed by WSDOT H&LP during QA/QC reviews (see 34.3). Visit the Website at www.wsdot.wa.gov/TA/T2Center/Training/Software/ for Bridge Training opportunities.

.25 Bridge Inspection Records and File Requirements. Bridge owners are required to maintain a complete and current official bridge file for each National Bridge Inventory (NBI) structure. This file is to be maintained throughout the life of the bridge. Chapters 1 and 6 of the WSBIM list information the official bridge file should contain and detailed guidance on what to include.

Agencies must identify bridges requiring special attention and keep these Master Lists with the official bridge files. Items such as, Fracture Critical Member Inspections, Load Posted Bridges, Underwater Inspections, Complex Bridge Inspections, and Scour Critical Bridges, should be noted on the Master Lists.

Additionally, each member of the Inspection staff is required to have a current file detailing their experience and training.

.26 Bridge Load Ratings. All bridges require load ratings which must be stamped and signed by the Professional Engineer performing the rating and placed in the official bridge file discussed in Section 34.25. Bridges must be posted or restricted when the maximum load carrying capacity drops below the maximum unrestricted legal load. Additional load rating requirements are available in Chapter 5 of the WSBIM.

.27 Bridge Scour Analysis. A scour evaluation is required for each bridge over water. Chapter 5 of the WSBIM provides information necessary to perform this evaluation. The scour analysis must yield the federal scour code as detailed in Chapter 2 of the WSBIM under the Washington State Bridge Inventory System (WSBIS) WB76-80 card. This evaluation becomes part of the official bridge file discussed in Section 34.25.

Note: Codes U, T, and 6 are temporary codes and must be replaced with one of the permanent codes as soon as possible.

Plans of action for monitoring as well as scour mitigation plans are required for bridges determined “scour critical.”

.28 Critical Damage Bridge Repair Reports. A Critical Damage Bridge Repair Report must be completed whenever a bridge is identified as having significant structural damage causing emergency load restrictions, lane closure, bridge closure, or if a bridge has failed.

H&LP Local Agency Bridge Engineer must be notified by telephone or e-mail within one working day of identification of a problem. This notification starts a series of reports that are ultimately forwarded to FHWA. This series of reports allows the local agency, H&LP, and FHWA to track the status of critically damaged bridges until the bridge is returned to full service. See Chapter 7 of the WSBIM for contact information, timelines, forms, and procedures.

34.3 Quality Assurance and Quality Control Reviews

H&LP conducts Quality Assurance and Quality Control (QA/QC) reviews statewide to maintain compliance with the NBIS standards and verify local bridge inspection programs are functioning effectively. Agencies will be reviewed a minimum of once every three years. H&LP will work with agency personnel in evaluating the program’s strengths and weaknesses and make suggestions for correction of any program deficiencies.

The QA/QC reviews will factor in to the recertification of Team Leaders along with results from refresher training and individual evaluations. Some important elements that will be checked during the QA/QC review include the following:

- a. Staff qualifications;
- b. Completeness and organization of bridge files;
- c. Accurate and current Master Lists;
- d. Accurate and properly documented bridge load ratings;
- e. Accurate and complete scour evaluations including scour codes and plans of action for all scour critical bridges;
- f. Thoroughness and completeness of inspections;
- g. Inspection frequency as outlined by the NBIS, see Appendix 34.602.

The results of the review will be discussed with the agency followed by a formal letter summarizing the review.

.31 WSDOT High Cost Bridge Inspection Program. Inspections requiring special access such as provided by scaffolding or an Under Bridge Inspection Truck (UBIT), fracture critical inspections, complex bridge inspections, and underwater inspections are considered High Cost Bridge Inspections. WSDOT provides this inspection at no cost to the agency.

34.4 Small City Bridges

Washington Counties have accepted inspection responsibilities for bridges owned by small cities (populations less than 5,000 people) located within their boundaries under the High Cost Inspection Agreement. Counties will be reimbursed for the cost of load ratings and scour evaluations performed for Small City bridges.

34.5 Highway Bridge Program Call for Projects

Counties and cities submit bridge projects to WSDOT in response to the Highway Bridge Program Call for Projects. These bridge projects must meet the eligibility requirements in Section 34.51.

The application requirements will be outlined in the actual call for projects.

.51 Highway Bridge Program Eligibility. A bridge project must fulfill the following federal criteria to be eligible for HBP funding:

1. The bridge must be a minimum of 20 feet in length measured along the centerline.
2. It must be recorded in the Washington State Bridge Inventory System (WSBIS) maintained by the WSDOT Bridge Preservation Office.
3. For replacement and rehabilitation, the bridge must be structurally deficient (SD) or functionally obsolete (FO) with sufficiency ratings as follow:
 - a. For Replacement: less than 50.
 - b. For Rehabilitation: 80 or less.
4. Preventive Maintenance: Eligible activities may be funded for bridges regardless of sufficiency rating.
5. No replacement or rehabilitation projects can have been performed using HBP funds in the past 10 years. There is no moratorium following preventive maintenance projects.

The Federal Highway Administration (FHWA) has developed a formula that calculates sufficiency ratings and assigns SD or FO designations. This computation is performed by the WSBIS using inventory and inspection data submitted by state and local agency bridge inspectors. The sufficiency rating is based on four factors: structural adequacy and safety, serviceability and functional obsolescence, essentiality for public use, and special reductions.

Ratings can range from 0 (worst) to 100 (best). Chapter 5 of the *Washington State Bridge Inspection Manual* (WSBIM) further explains sufficiency ratings and outlines criteria for structural deficiency and functional obsolescence. An online version of this manual is available at www.wsdot.wa.gov/TA/Operations/Bridge/WSBIM.pdf. A sufficiency rating generator is included as part of the Laptop98 Bridge Inspection software available for download at www.wsdot.wa.gov/TA/Software/.

.52 Bridge Replacement Design Standards. Bridges shall be designed in accordance with Chapter 42 and the following criteria:

1. Live Load: HL 93, HS 25-44 or equivalent.
2. Vertical Clearances: Clearance over roadways is a minimum 16.5 feet. Clearance over railroads is a minimum 23.5 feet.
3. Section 43.21 for Design-year ADT. Bridges shall be designed based on the following criteria:
4. Bridge Length: The length of the replacement bridge can be affected by one or both of the following factors:
 - a. The bottom of the superstructure will be 3 feet above the 100 year flood or as determined by field review.
 - b. The abutment and pier locations(s) of a new bridge generally reduce the existing backwater elevation. In fish bearing waters, acceptable rise in the backwater elevation is 0.2 foot above the no-bridge conditions, as referenced in WAC 220-110-070(1)(h). For non-fish bearing waters, the acceptable rise in the backwater elevation is 1 foot above no-bridge conditions.
5. Bridge Type: The bridge type selected will be the most economical type for the span length needed, based on sound engineering judgment and/or economics.
6. Bridge Foundation Type: The type and depth of the foundation elements will depend on the results of the geotechnical and scour analyses.

.53 Bridge Rehabilitation Criteria. To qualify as a rehabilitation project, the total rehabilitation costs shall not exceed 70 percent of the replacement costs. Rehabilitation projects will be subject to the following requirements:

1. Structural deficiencies will be removed.
2. Structure will be brought up to current standards.
3. Completed bridge must load rate at or above an H-15 inventory rating.

.54 Preventive Maintenance Criteria. These funds are intended for systematic preventive maintenance projects with a minimum estimated cost of \$30,000. Project eligibility and priority ranking is based on the Washington

State Bridge Management System (BMS) element data. See Chapter 4 of the WSBIM for BMS information. These items have been approved as state wide systematic cost effective maintenance programs.

- Systematic preventive maintenance:
 - Bridge Member Strengthening
 - Movable Bridge Electrical/Mechanical
 - Deck/Joint Repair
 - Steel Bridge Painting
 - Seismic Retrofit

.55 Eligible Bridge Costs. The following are eligible bridge costs:

1. Bridge Construction: All items typically detailed by bridge designers (concrete, re-bar, piling, barriers, expansion dams, etc.).
2. Bridge Aesthetics: Limited to the treatment required in the approved NEPA documents. Typically, paints or pigmented sealers and fractured fin finishes on concrete structures will not be approved.
3. Demolition of existing structures.
4. Detour. All work items required to accommodate the construction of the new bridge.
5. Traffic Control for the Work Zone: Prorated by costs of bridge vs. approach work.
6. Structural Excavation and Backfill for Bridge: Includes abutments, wing walls, footings, cofferdams, etc.
7. Riprap Protecting Bridge Structure Within the Right-of-Way: Riprap placed within the right-of-way to protect the structure can be considered a bridge item.
8. Approach Slab: The approach slab is a reinforced concrete element that protects the bridge and abutments from impacts and can be considered a bridge item.
9. Approach Guardrail Transition Section: Approach guardrail systems are installed in accordance with Standard Plans and are considered a bridge item provided site conditions do not require unusually long transitions.
10. Retaining Walls (up to 20 feet maximum distance from the abutment): Retaining walls are structural elements that serve the same functions as the standard bridge wing walls and are designed by bridge designers. Retaining walls beyond these limits would not be considered bridge items.
11. Bridge Drainage: Including components necessary to carry water from the structure.

12. Environmental Mitigation: Prorated for the bridge, demolition of existing structure, and/or detours.

13. Mobilization: Prorated by costs of bridge and approach work.

Approach costs will be limited to 15 percent of the above items.

.56 On-Site Field Review of Candidates. The on-site field review verifies the condition of the bridge, review site information and finalizes scope of work.

a. Field Review Team. The Field Review Team consists of the WSDOT H&LP Bridge Engineer (Review Team leader), a local agency bridge owner representative, the Region Local Programs Engineer, and FHWA Division Bridge Engineer whenever possible. On non-CA agency bridges, the Field Review Team will also have a representative from the agency providing CA services for the non-CA agency. The H&LP Bridge Engineer may add other representatives as deemed appropriate for specialized conditions.

b. Review Procedures.

1. The Field Review Team conducts an on-site review of proposed bridge projects. The Field Review Team may use results of a previous review for a bridge submitted but not funded, provided the review was conducted within the past three years.
2. The Bridge Inspection Report is reviewed at the site. The Field Review Team looks for inconsistencies between condition codes, load ratings, postings, and other factors. The WSDOT H&LP Bridge Engineer calculates an independent sufficiency rating based on codes agreed to by the review team. The final sufficiency rating may change again based on information requested by the team but not available during the field review.
3. The items submitted with the application are reviewed at the site. The Field Review Team reviews the site in detail and decides on which of three funding program best fits the condition of the bridge.
 - a. Replacement projects, the bridge is rated as a good, fair, or poor project for replacement.
 - b. Rehabilitation projects.
 - c. Systematic Preventive maintenance.
4. A consensus is reached on the appropriate funding program and scope of work for the project.
5. The project cost estimate submitted by the agency is discussed in detail and revised as appropriate.

.57 Bridge Selection. The Bridge Replacement Advisory Committee (BRAC) convenes after the on-site field reviews are completed. Bridge projects are presented to the Committee ranked by their sufficiency rating or other criteria by specific funding program. Results of the field review, Review Team recommendations, and other pertinent information are presented to the committee. The Committee reviews all of the projects and then recommends projects for funding.

The BRAC consists of seven voting members and two alternates, four county engineers/public works directors, and four city engineers/public works directors and H&LP Engineering Services Manager serves as Chair. Alternates initially serve one year as a non-voting member then for three more years as a voting member. Alternates for either city or county may participate in the event a voting member from their respective association is absent.

The Director of H&LP reviews the list of projects recommended by the BRAC, accepts or modifies their recommendations, and approves a final list of bridges to receive funding. Counties and cities will receive a funding notification letter informing them that their bridge project has been approved for funding. The letter will identify the anticipated federal funding level and asks the agency to submit their request for funds through their Region Local Programs Engineer. This letter will also identify the percentage for bridge approach cost participation and any other requirements specific to the project.

.58 Cost Increases. The level of federal project funding may be increased one time only. Request for increased funding should outline the reasons why additional funding is needed.

The local agency has the following options of bids are received that exceed the construction amount authorized in the funding notification letter:

- Request and receive approval from Highways & Local Program (H&LP) for the increase (provided no other funding increases have been granted).
- Award the project prior to receiving approval of H&LP and incur all costs above the authorized amount.
- With Concurrence from H&LP, reject all bids. (This is only required on projects that are funded at 100 percent.)

If additional funds are approved, H&LP will send a letter to the agency outlining the increase. The the local agency must then prepare, sign, and submit a Supplemental Agreement to the Region Local Programs Engineer for further processing.

34.6 Appendices

- 34.601 NBIS Regulation Qualifications of Personnel
- 34.602 NBIS Regulation Inspection Frequency
- 34.603 Bridge Inspection Experience and Training Report DOT Form 234-100
- 34.604 Bridge Inspection Manual Chapter 6
- 34.605 Individual Bridge Record

42.1 Introduction

The City Design Standards Committee and the County Design Standards Committee, in accordance with RCWs 35.78.030 and 43.32.020, meet on a regular basis to review and update the City and County Design Standards for Non-NHS facilities.

The Local Agency Engineer may approve use of the minimum AASHTO and related standards as contained in the references. Design deviations must have the approval of the Washington State Department of Transportation (WSDOT) Highways and Local Programs in accordance with RCW 35.78.040 or RCW 36.86.080 as appropriate.

These standards apply to new construction and reconstruction projects, 3R and 2R projects, and low volume road and street projects on Non-NHS routes which are classified as Principal Arterials, Minor Arterials, or Collectors. These standards are applicable to new or reconstructed bridges on rural minor collectors, local roads and local streets.

Included in the standards are the Non-NHS Local Agency Design Matrices. The matrices are used to standardize design element requirements based on project type for Non-NHS facilities. The Local Agency Design Matrices Checklists may serve as design documentation for decisions made.

In adopting these standards, the committees seek to encourage standardization of road design elements where necessary for consistency and to assure that motoring, bicycling, and pedestrian public safety needs are met. Considerations include safety, convenience, context sensitive solutions, proper drainage, and economical maintenance. The committees recognize that cities and counties must have the flexibility to carry out the general duty to provide streets, roads, and highways for the diverse and changing needs of the traveling public.

These standards cannot provide for all situations. They are intended to assist, but not to substitute for, competent work by design professionals. It is expected that land surveyors, engineers, and architects will bring to each project the best skills from their respective disciplines. These standards are also not intended to limit any innovative or creative effort, which could result in better quality, better cost savings, or both. An agency may adopt higher standards to fit local conditions. Special funding programs may also have varying standards.

The decision to use a particular road design element at a particular location should be made on the basis of an engineering analysis of the location. Thus, while this document provides design standards, it is not a substitute for engineering judgment.

Engineers should take into account all available information, including available funding, and use the professional judgment that comes from training and experience to make the final design determination. There shall be a record of the matters considered during the design process that justify decisions made regarding the final project design. The project Design Approval document must be stamped by a licensed professional engineer per RCW 18.43.070.

42.2 Committee Membership

City Design Standards Committee RCW 35.78.020	County Design Standards Committee RCW 43.32.010	Other Participants
Lynn Price, PE Project Manager City of Bremerton lynn.price@ci.bremerton.wa.us	Jim Whitbread, PE County Engineer Stevens County jwhitbre@co.stevens.wa.us	Ashley Probart Association of Washington Cities Ashleyp@awcnet.org
Vacant	Bryan Thorp, PLS Design and Construction Manager Benton County bryan.thorp@co.benton.wa.us	Randy Hart, PE County Road Administration Board randy@crab.wa.gov
Mike Johnson, PE Roadway Design Supervisor City of Seattle mike.johnson@seattle.gov	Dale Rancour, PE County Engineer Thurston County rancoud@co.thurston.wa.us	Greg Armstrong, PE Chief Engineer Transportation Improvement Board GregA@tib.wa.gov
Vacant	Jon Brand, PE Assistant Director of Roads & Engineering Kitsap County jbrand@co.kitsap.wa.us	Dave Olson WSDOT Design OlsonDa@WSDOT@wa.gov
Martin Hoppe, PE, PTOE City of Lacey Transportation Manager mhoppe@ci.lacey.wa.us	Bob McEwen, PE Program Engineer Snohomish County Bob.mcewen@co.snohomish.wa.us	Megan Hall, PE Federal Highway Administration Megan.Hall@FHWA.dot.gov
Pat O'Neill, PE City Engineer City of University Place poneill@cityofup.com	Paul Bennett, PE County Engineer Lincoln County paulb@co.lincoln.wa.us	

These design standards were developed with the approval and authorization of:

Scott Zeller, PE
Committee Chair
Engineering Services Manager
Headquarters Highways and Local Programs
Washington State Department of Transportation

42.3 Local Agency Design Matrices – Non-NHS Routes

The Local Agency Design Matrices were created as part of the Local Agency Standards to assist designers in determining the design level for the geometric and safety elements of a project. The Local Agency Design Matrix Checklist may serve as documentation for design decisions made.

.31 Using the Matrices. The column headings on each of the three design matrices are **design elements**. They are based principally on the thirteen controlling design criteria recognized by FHWA: design speed, lane width, shoulder width, bridge width, structural capacity, horizontal alignment, vertical alignment, grade, stopping sight distance, cross slope, superelevation, vertical clearance, and horizontal clearance. Within the column headings, some of the controlling criteria have been combined (for example, design speed is part of horizontal and vertical alignment). The matrices are divided into three tables, one each for Roadways, Cross Roads, and Bridges. Within the three tables the project types are identical, design elements vary depending on which elements apply.

A blank cell within the design matrix signifies that the design element need not be addressed because it is beyond the scope of the project type.

Design levels of City and County Design Standards (D), AASHTO (A), and Agency Evaluate (AE), are used in the matrix. The design level codes are noted in the cells by D, A or AE or by a number corresponding to a footnote. For roads that have volumes less than 400 ADT, AASHTO Geometric Design of Very Low Volume Roads (ADT<400) may be used.

Optional Checklists have been provided for the designer to use with the matrix. A checklist is available for each type of project in Appendix 42.101.

Matrix Cells: Each Matrix cell is either blank or has a coded design level.

.32 Design Levels. If the Design Level is **D**, use the Geometric Cross-Section for Two-Way Roads and Streets within the City and County Design Standards on page 10.

If the design level is **A**, the design standard is AASHTO (the most current edition of the AASHTO publication “A Policy on Geometric Design of Highway and Streets,” “Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT< 400),” or as noted in the City and County Design Standards.

When the Matrix cell has either a “D” or an “A” and the final design utilizes something less than Design Level A, a Design Deviation, approved by Headquarters Highways and Local Programs, is required.

A **Blank Cell** on a matrix line indicates that particular design element requires no evaluation or documentation. If the agency decides to improve or modify a blank cell design element, that element must meet Design Level A and the agency must justify in their design document files why the decision to upgrade

the design element was made. Per FHWA guidelines, if an improvement in a “**Blank Cell**” area is made, it must meet all requirements of design level A. Or if, in the opinion of the agency’s design Engineer, Design Level A cannot be achieved, a **Design Exception** may be considered.

AE in a matrix cell indicates that an agency needs to determine if the existing design element is less than Design Level A. If the existing design element meets or exceeds Design Level A the agency notes that in the design documents and no further action is required. If the existing design element is less than Design Level A, the agency shall determine the impacts and cost effectiveness of upgrading the design element to Design Level A. The decision whether or not to upgrade, and its analysis and justification shall be in the agency design documentation files. If the agency upgrades, Design Level A applies. Or if, in the opinion of the agency’s design Engineer, Design Level A cannot be achieved, a **Design Exception** may be utilized.

A **Design Exception** may be utilized if, in the opinion of the local agency’s design Engineer, the existing design element is being improved but Design Level D or A cannot be achieved. For example, design standard requires a 6 foot wide shoulder for a project, the existing condition is a two foot wide shoulder but the best that can be reasonably achieved is a 4 foot wide shoulder. This is a **Design Exception**, improvement is being made but not to Design Level A.

.033 Local Agency Design Matrices State Routes. Refer to the WSDOT *Design Manual* for matrix selection and documentation requirements on State Routes. Contact the Region Local Programs Engineer for guidance.

42.4 Local Agency Design Matrix Definitions

.41 Design Elements. Design elements are the principal elements of design that are common to projects. The following elements are shown on the Design Matrix.

- **Horizontal Alignment** is the horizontal attributes of the roadway including horizontal curvature, superelevation, and stopping sight distance; all based on design speed.
- **Vertical Alignment** is the vertical attributes of the roadway including vertical curvature, profile grades, and stopping sight distance; all based on design speed.
- **Lane Width** is the distance between lane lines.
- **Shoulder Width** is the distance between the outside or inside edge line and the edge of in-slope, or face of barrier.
- **Lane and Shoulder Taper** (pavement transitions) are the rate and length of transition of changes in width of roadway surface.

- **Pedestrian Facility** is a facility designed to meet the needs of pedestrians in accordance with city, county, and ADA requirements concurrent with a local agency project
- **Sidewalk Width** is the width of a sidewalk from the face of curb to the back of sidewalk.
- **Cross Slope, Lane** is the rate of elevation change across a lane. This element includes the algebraic difference in cross slope between adjacent lanes.
- **Cross Slope, Shoulder** is the rate of elevation change across a shoulder.
- **Superelevation** is the rotation of the roadway cross section in such a manner as to overcome part of the centrifugal force that acts on a vehicle traversing a curve.
- **Fill/Ditch Fore Slope** is downward slope from edge of shoulder to bottom of ditch or catch.
- **Clear Zone** is the total roadside border area, starting at the edge of the traveled lane, available for use by errant vehicles. This area may consist of a shoulder, a recoverable slope, a nonrecoverable slope, and/or a clear run-out area.
- **Safety Improvements** are the safety items listed under the “Safety Improvements” section of these standards.
- **Shared Use Bicycle and Pedestrian Facilities** are walkways, paths, or trails for use by bicyclist or shared use by both pedestrian and bicycle traffic. Refer to Chapter 10.20 of the WSDOT *Design Manual* to locate design parameters for any facility allowing bicycle traffic.
- **Turn Radii** is the geometric design of the intersection to allow the design vehicle for each turning movement to complete the turn without encroachment.
- **I/S (Intersection) Sight Distance** is the distance that the driver of a vehicle on the crossroad can see along the through roadway, as compared to the distance required for safe operation.
- **I/S Angle** is the angle between any two intersecting legs at the point that the center lines intersect.
- **Barriers Standard Run (Std Run)** are guardrail and other barriers excluding terminals, transitions, attenuators, and bridge rails.
- **Barriers Bridge Rail** is barrier on a bridge excluding transitions.
- **Bridge Vertical Clearance** is the minimum height between the roadway including shoulder and an overhead obstruction.
- **Bridge Structural Capacity** is the load bearing ability of a structure.

- **Terminals** are crashworthy end treatment for longitudinal barriers that is designed to reduce the potential for spearing, vaulting, rolling, or excessive deceleration of impacting vehicles from either direction of travel. Impact attenuators are considered terminals and beam guardrail terminals include anchorage.
- **Transitions** are sections of barriers used to produce a gradual stiffening of a flexible or semi-rigid barrier as it connects to a more rigid barrier or fixed objects.

.42 Project Type Definitions:

- **New Construction** involves the construction of a new roadway facility or structure where nothing of its type currently exists.
- **Reconstruction projects** may add additional travel lanes to an existing roadway or bridge and if 50 percent or more of the project length involves vertical or horizontal alignment changes, the project will be considered reconstruction.
- **3R projects** focus primarily on the preservation and extending of the service life of existing facilities and on safety enhancements. Work may include: resurfacing, pavement structural and joint repair, lane and shoulder widening, alterations to vertical grades and horizontal curves, bridge repair, removal or protection of roadside obstacles, and improving bridges to meet current standards for structural loading and to accommodate the approach roadway width.
- **2R projects** focus primarily on restoration of pavement structure, crown correction, ride quality basic safety, and spot safety. Widening shoulders for continuity with the existing roadway cross section is acceptable.
- **Railroad** is a project to reduce the accident frequency and severity at grade crossings. Project elements may include, signals, bells, signage, pavement markings gates or surfacing at the crossing. Railroad-highway grade separation projects are also in this category. If the project includes other roadway work, use 3R matrix line.
- **Bridge New/Replacement** is a new bridge or a replacement of an existing bridge.
- **Bridge Widening** is the widening of existing bridges.
- **Bridge-Other** are Project types that may include, scour mitigation, painting, seismic retrofit, deck repair, strengthening, rehabilitation, and electrical mechanical repairs.
- **Paths and/or Trails** is the construction of non-motorized facilities that are independent of a roadway alignment.
- **Pedestrian Facilities** are projects with a main focus of providing pedestrian facilities for public use.

- **Other, Interpretive Centers, Etc.** projects may include, bicycle facilities, structures, bus shelters, archeology and historic preservation, and buildings.
- **Parking Facilities** are projects that construct parking facilities. Project types may include Park and Ride facilities and on-street parking.

.43 Other Definitions:

- **Average Daily Traffic (ADT).** The general unit of measure for traffic defined as the total volume during a given time period (in whole days), greater than one day and less than one year, divided by the number of days in that time period.
- **Design Hourly Volume (DHV).** The DHV is generally the 30th highest hourly volume (30 DHV) of the future year chosen for design. On the average rural road or arterial, DHV is about 15 percent of ADT. For urban areas, DHV is usually between 8 to 12 percent of the ADT.
- **Low Volume Roads and Streets.** For this document, a collector or lower classified road or street with an ADT of less than 400.
- **Resurfacing.** The addition of a layer or layers of paving material to provide additional structural integrity or improved serviceability and rideability.
- **Restoration.** Work performed on either pavement sections or bridge decks to render them suitable for an additional stage of construction. This may include supplementing the existing roadway by increasing surfacing and paving courses to provide structural capability and minor shoulder widening to provide roadway section continuity. Restoration will generally be performed within the existing right-of-way.
- **Rehabilitation.** Similar to “Restoration” except the work may include, but is not limited to, the following:
 - Reworking, strengthening, or removing and replacing the base and/or subgrade.
 - Recycling or reworking existing materials to improve their structural integrity.
 - Adding underdrains.
 - Replacing or restoring malfunctioning joints.
 - Substantial pavement under-sealing when essential for stabilization.
 - Pavement grinding to restore smoothness, providing adequate structural thickness remains.
 - Removing and replacing deteriorated materials.

- Crack and joint sealing but only when the required shape factor is established by routing or sawing.
- Improving or widening shoulders.

Rehabilitation may require acquisitions of additional right-of-way.

- **Traveled Lane.** The portion of the roadway intended for the movement of vehicles, exclusive of shoulders and lanes for parking, turning, and storage for turning.

.044 Safety Improvements. When using AASHTO guidance for clear zone determinations, the designer should take into account all AASHTO guidance (i.e. AASHTO Roadside Design Guide) relating to clear zone and project circumstances. See references section of this chapter.

Mandatory Upgrades

1. Update all delineation and signing in accordance with the current MUTCD. (This does not include replacement of sign bridges or cantilever supports.)
2. Modify substandard guardrail transitions and terminals to current standards.

Agency Evaluate Need

3. Adjust existing features that are affected by resurfacing, such as guardrails, monuments, catch basins, and access covers. Adjustment may include asphalt tapers as appropriate.
4. Modification of drainage structures, which present a hazard in the clear zone, e.g., beveled end sections/safety bars for both parallel and cross-drains.
5. Remove, relocate, reduce severity of hazard by providing crashworthy features, protect, or delineate roadside obstacles inside the design clear zone.
6. Restore sight distance at public road intersections and the inside of curves through low cost measures if they are available such as removal or relocation of signs and other obstructions, and cutting of vegetative matter. The local agency Engineer will determine if the measures are low cost.

↓ Project Type	Roadways															
	Horiz. Align.	Vert. Align.	Lane Width	Shldr Width	Lane & Shldr Taper	Pedestrian Facilities	Cross Slope Lane	Cross Slope Shldr	Fill/Ditch Slopes	Safety Improvements	Shared Bike/Ped Facilities*	Turn Radii	I/S Sight Dist	I/S Angle	Guardrail & Barrier	
Design Elements ⇨																
New Construction	D	D	D	D	D	1	D	D	D	A	3	A	D	A	A	
Re-Construction	A	A	A	A	A	1	A	A	A	A	3	A	A	A	A	
3R	AE	AE	AE	AE	AE	1	AE	AE	AE	4	3	AE	AE	AE	1	
2R							AE	AE		4	3				1	
Railroad (If roadway work included use 3R line)										AE	3		AE		1	
Bridge Rehabilitation, Paint, Seismic, etc....																
Trails	3	3	3	3			3	3	3	3	3	3		3		
Pedestrian Facility Improvement Projects						1										
Other, Interpretive Centers, etc....	2	2	2	2	2	1	2	2	2	A	3	2	2	2	2	
Parking Facilities	A	A	A	A	A	1	A	A	A	A	3	A	A	A	1	

- Blank Cell
- D Design Level D
- A Design Level A
- AE Agency Evaluate to Design Level A
- (1) When provided, must meet current standards
- (2) See LAG Manual chapter 62 -- Appendix 62.70
- (3) When provided must meet WSDOT Design Manual Chapter 1020 standards
- (4) Refer to Safety Improvements on page 8. Mandatory Upgrade items 1 and 2, all others are AE
- * If Facility is not used for bikes, chapter 1020 does not apply

See Using Matrices and Design Levels on Pages 3 and 4

Non-NHS Local Agency Design Matrix
Table 1.1

↓ Project Type	Cross Roads						
Design Elements ⇨	Horiz. Align	Vert. Align	Lane Width	Shldr Width	Fill/ Ditch Slopes	Safety Improvements	Shared Bike/Ped Facilities*
New Construction	AE	AE	AE	AE	AE	4	3
Re-Construction	AE	AE	AE	AE	AE	4	3
3R	AE	AE	AE	AE	AE	4	3
2R							3
Railroad (If roadway work included use 3R line)							
Bridge Rehabilitation, Paint, Seismic, etc....							
Trails							
Pedestrian Facility Improvement Projects							
Other, Interpretive Centers, etc....	2	2	2	2	2	2	2
Parking Facilities	A	A	A	A	A	3	3

- Blank Cell (1) When provided, must meet current standards
- D Design Level D (2) See *LAG Manual* chapter 62 -- Appendix 62.70
- A Design Level A standards (3) When provided must meet WSDOT *Design Manual* Chapter 1020
- AE Agency Evaluate to Design Level A (4) Refer to Safety Improvements on page 8. Mandatory Upgrade items 1 and 2, all others are AE

* If Facility is not used for bikes, chapter 1020 does not apply

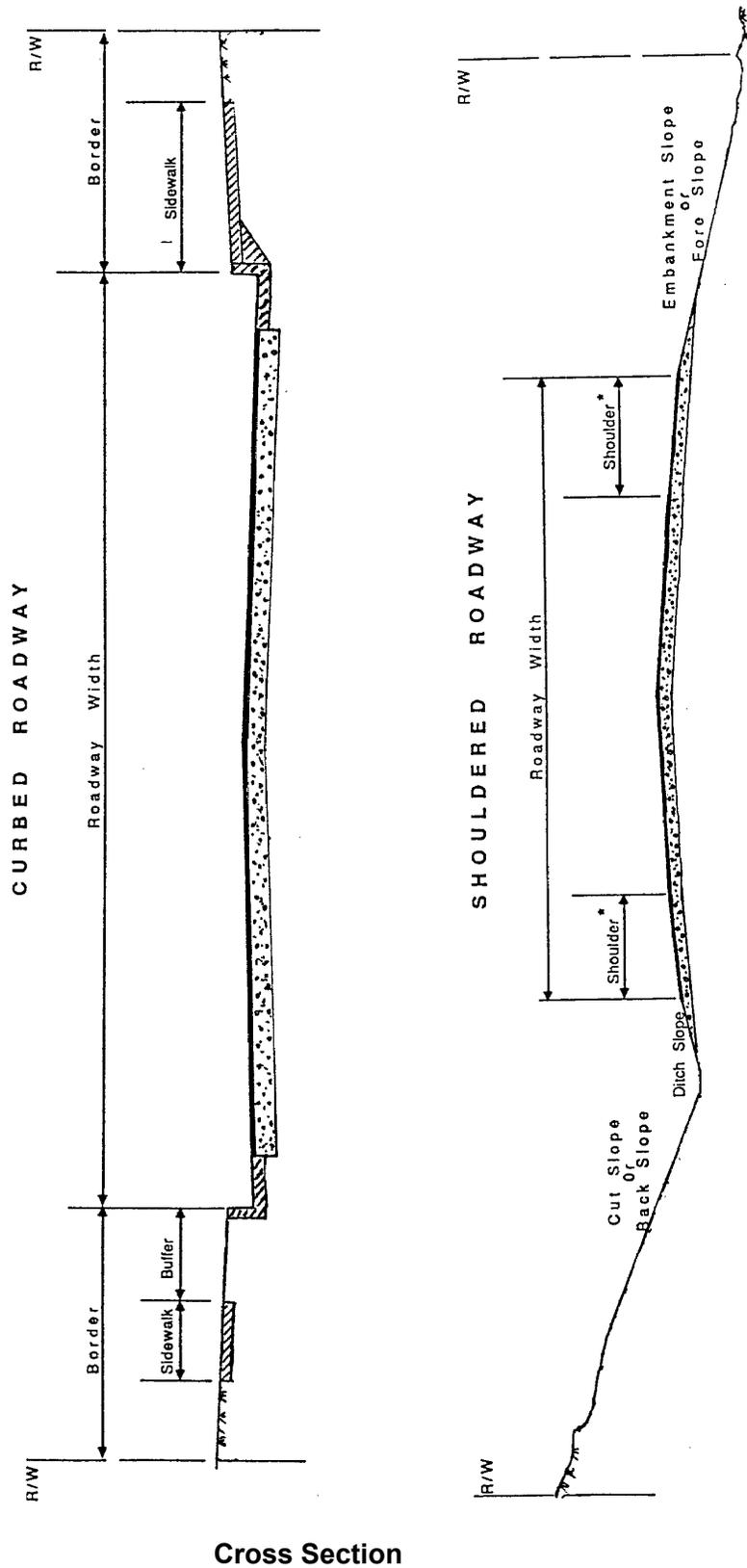
See Using Matrices and Design Levels on Pages 3 and 4

Non-NHS Local Agency Design Matrix
Table 1.2

↓ Project Type	Bridges				
Design Elements ⇨	Lane Width	Shldr Width	Vertical Clear.	Structural Capacity	Bridge Rail
New Construction	D	D	D	D	D
Re-Construction	A	A	D	D	D
3R	AE	AE	AE	AE	1
2R			AE	AE	1
Railroad (If roadway work included use 3R line)					1
Bridge Rehabilitation, Paint, Seismic, etc....					
Trails	3	3	3	3	3
Pedestrian Facility Improvement Projects					
Other, Interpretive Centers, etc....	2	2	2	2	2
Parking Facilities	A	A	AE	AE	1

Non-NHS Local Agency Design Matrix
Table 1.3

**DEFINITION
OF
ROADWAY ELEMENTS**



* Does not include widening for guard rail or other special purposes.

42.5 Design Level D Standards for Two Way Roads and Streets

Design Standards	Arterial							Collector				
	Principal			Minor								
	Curbed(4)	Shouldered		Curbed(4)	Shouldered			Curbed(4)	Shouldered			
	DHV All	DHV Below 200	DHV 200 and Over	DHV All	DHV Below 100	DHV 100 to 200	DHV 201 and Over	DHV 400 and Over	ADT 400 to 750	ADT 751 to 1000	DHV 100 to 200	DHV 201 and Over
Right of Way	Not less than required for all design elements.											
Roadway Width(1)(2)(7)(9)	24ft	36ft	40ft	24ft	32ft	36ft	40ft	24ft	26ft	28ft	34ft	40ft
Lane width:												
(A) Exterior(2)(7)	12ft	12ft	12ft	12ft	12ft	12ft	12ft	12ft	10ft	10ft	11ft	12ft
(B) Interior Thru(2)	11ft	11ft	11ft	11ft	11ft	11ft	11ft	11ft	10ft	10ft	11ft	11ft
(C) Two Way Left Turn(2)	11ft	11ft	11ft	11ft	11ft	11ft	11ft	11ft	10ft	10ft	11ft	11ft
(D) Exclusive Turn(2)	11ft	11ft	11ft	11ft	11ft	11ft	11ft	11ft	10ft	10ft	11ft	11ft
(E) Parking(2)	10ft(3)			10ft(3)					(5)			
Shoulder Width(6)(7)(9)(2)		6ft	8ft		4ft	6ft	8ft		3ft	4ft	6ft	8ft
Clear Zone/Side Slopes	AASHTO(10)											
Ditch Slope (in slope)	Slopes steeper than 4:1 should only be used when achieving a 4:1 slope is impractical.											

- (1) For curbed, distance from face of curb to face of curb. For shouldered, distance from paved edge to paved edge of shoulder.
- (2) May be reduced to minimum allowed by AASHTO.
- (3) 8 feet may be acceptable when the lane is not likely to become a traffic lane in the foreseeable future.
- (4) Curbed section is appropriate for urban setting.
- (5) Industrial areas 8 feet to 10 feet. Residential areas 7 feet to 10 feet.
- (6) When guardrail is necessary, provide 2 feet of widening or longer posts to ensure lateral support.
- (7) For roads with traffic volumes of less than 400 ADT, the low volume road and street standards may be used.
- (8) Federal functional classification defined by WSDOT (Planning and Programming Service Center).
- (9) For guidance for one-way streets, see AASHTO, and the current uniform fire code.
- (10) When using AASHTO guidance for clear zone determinations, the designer should take into account all AASHTO materials relating to clear zone and project circumstances. See the reference section of this publication.

Note: Design Hourly Volume (DHV). The DHV is generally the 30th highest hourly volume (30 DHV) of the future year chosen for design. On the average rural road or arterial, DHV is about 15 percent of ADT. For urban areas, DHV is usually between 8 to 12 percent of the ADT or AADT.

Detectable Warnings (Truncated Domes)	For dimensions, see WSDOT Standard Plans F3a - F3e. For material contrast requirements, see proposed ADA guidance from the U.S. Access Board at http://www.access-board.gov/ada-aba.htm U.S Access Board at http://www.access-board.gov/prowac/draft.htm
New Sidewalks (when provided)	<ul style="list-style-type: none"> • Minimum Width — 60 inches continuous clear width or 36 inches clear width with 60 inch by 60 inch clear passing spaces at 200-foot minimum intervals. • Surface — Firm, stable, and slip resistant. • Crosslopes — 1:50 (2%) maximum. • Running Slope — When adjacent to road, must be consistent with the slope established by the roadway. If separate from the roadway must conform to ADA guidance. • Buffer — Separation from vehicular ways by curbs or other barriers.

42.6 Roadway Geometrics

The 2001 AASHTO publication, “A Policy on Geometric Design of Highways and Streets” (Green Book) is referenced below by page number, table, or figure number for design elements of the urban and rural highway. For those design elements not specifically identified in the table below, such as crown, superelevation, design speed, number of lanes, pavement design, intersection design, vertical clearance over walkway areas, etc., designers should refer to AASHTO. The designer should read all text associated with the standards and should also consider other related tables and text. Additionally, design references are provided in the References for New Construction and Reconstruction, 3R, and 2R Standards.

AASHTO QUICK REFERENCE GUIDE	
Design Elements	References
Stopping Sight Distance	Stopping Sight Distance (wet pavement) Exhibit 3-1, page 112, and text on pages 425 (rural) and page 435 (urban).
Passing Sight Distance	Single vehicle passing a single vehicle (Exhibit 3-7, page 124). Minimum passing sight distance single vehicle (Exhibit 3-7, page 124).
Roadway/Approach/Departure Sight Distance	Exhibit 9-50 through 9-70, pages 654-682, “Intersection sight distance.”
Horizontal Curvature (Radius)	Exhibit 3-14, page 145, “Minimum Radius for Design of Rural Highways, Urban Freeways, and High-Speed Urban Streets Using Limiting Values of e and f.”
Vertical Sag Curves	Exhibit 3-78, page 278 “Design Controls for Sag Vertical Curves - Open Road Conditions.” Exhibit 3-79, pages 280, “Design Controls for Sag Vertical Curves.”
Vertical Crest Curves	Exhibit 3-75, page 273, “Design Controls for Crest Vertical Curves – Open Road Conditions.” Exhibit 3-76, page 274, “Design Controls for Stopping Sight Distance and for Crest Vertical Curves.” Vertical Curves Based on Passing Sight Distance.”
Vertical Grade	Exhibit 6-4, page 427, “Maximum Grades for Rural Collectors.” Exhibit 6-8, pages 436, “Maximum Grades for Urban Collectors.”

.61 Bridge Standards

Design Elements	References
Bridge Width	The minimum bridge width for two-way structures is the greater of: (1) the design roadway width, or (2) the existing roadway width.
Loading	HS 25-44 (for federally funded projects), others may use HS 20-44.
Vehicular Railing	AASHTO Crash Tested Rail, or Approved Crash Tested Rail.
Pedestrian Railing	AASHTO.
Approach Railing	AASHTO Crash Tested Rail, or Approved Crash Tested Rail.
Vertical Clearance	16.5 feet minimum.

.62 Other Standards

Design Elements	References
Bicycle	Chapter 1020 of the WSDOT <i>Design Manual</i> (RCW 35.75.060 and 36.82.145).
Signing	MUTCD, as modified by the Washington State Transportation Commission per RCW 47.36.030.
Americans with Disabilities Act-1990 ADA	Code of Federal Regulations 28 CFR Part 36, Interim Final Rules U.S. Department of Justice. The Architectural and Transportation Barriers Compliance Board WSDOT/Standard Plan F-3 Current International Building Code, and Washington State Amendments.
Sidewalks	AASHTO Guide for Planning, Design, and Operation of Pedestrian Facilities
Low Volume Roads	2001 AASHTO Geometric Design of Very Low Volume Local Roads (ADT < 400)

42.7 3R Projects

.71 General Discussion. Funding restrictions and other considerations do not always allow improvement of all existing roads and streets to the standards desirable for new construction. Therefore, when pavement condition deteriorates to the level of minimal standards, a cost-effective pavement improvement is needed.

A project becomes 3R when the proposed improvement consists of resurfacing, restoration, or rehabilitation to preserve and extend the service life of the roadway, or enhances the safety of the traveling, bicycling, and/or walking public.

3R projects primarily involve work on an existing roadway surface and/or subsurface. Their purpose includes extending the service life, providing additional pavement strength, restoring or improving the original cross-section, increasing skid resistance, decreasing noise, improving the ride of the roadway, and enhancing safety.

Many factors influence the scope of 3R projects, including:

- Roadside conditions.
- Funding constraints.
- Environmental concerns.
- Changing traffic and land use patterns.
- Deterioration rate of surfacing.
- Accidents or accident rates.

Normally, all 3R improvements are made within the existing right-of-way, although acquiring right-of-way and/or easements should be considered when and where practical.

Each 3R project should be considered in context with the entire route between logical termini and within the constraints imposed by limited funding and other considerations.

As a minimum, normally include the following for a 3R project:

- Guardrail end treatments upgraded to current standards.
- Appropriate transition and connection of approach rail to bridge rail.
- Beveled end sections for both parallel and cross-drain structures located in the clear zone.
- Relocating, protecting, or providing breakaway features for sign supports and luminaires.
- Protection for exposed bridge piers and all abutments.
- Modification of raised drop inlets that present a hazard in the clear zone.

It is desirable to provide a roadside clear of fixed objects and nontraversable obstacles. The priority for action relative to roadside obstacles is: (1) remove; (2) redesign; (3) relocate; (4) reduce severity by crashworthy features; (5) protect or (6) delineate.

On all projects, which include structures with deficient safety features, consideration must be given to correcting the deficient features. When complete upgrading is not practical, a partial or selective upgrading and/or other improvements should be considered to mitigate the effects of the substandard elements.

42.8 2R Projects

.81 General Discussion. Funding restrictions do not always allow improvement of existing roadways to the standards desired. Therefore, when pavement condition reaches a minimal condition, cost effective pavement improvements are needed.

Resurfacing and restoration (2R) projects involve work to restore the existing roadway surface and appurtenances for safe and efficient highway operation. This type of project provides for resurfacing of the existing roadway to provide structural adequacy, to restore the roadway surface condition, and to consider making minor safety improvements.

Resurfacing of the roadway will normally be to the existing width. This should consider paving of previously unpaved shoulders. If short lengths of narrower lanes or shoulders exist within the project limits, widening should be considered to provide roadway section continuity within the project limits.

42.9 References

The designer may use the standards and rationales incorporated into the following manuals (see the following page for addresses to acquire reference materials).

AASHTO

- A Policy on Geometric Design of Highways and Streets, 2004 Edition.
- Guide for Design of Pavement Structures
- Highway Drainage Guidelines
- Guide for Roadway Lighting
- Roadside Design Guide
- Geometric Design of Very Low Volume Local Roads (ADT<400)

Transportation Research Board (TRB)

- Highway Capacity Manual

Washington State Department of Transportation (WSDOT)

- *Standard Specifications for Road, Bridge, and Municipal Construction*
- Supplement to MUTCD (WAC 468-95)
- *Bridge Design Manual*
- Highway Hydraulics Manual
- *Standard Plans for Road, Bridge, and Municipal Construction*
- *Design Manual* (except for 2R/3R)
- Pavement Design Manual
- A Guide for Local Agency Sidewalk Details, WSDOT Headquarters
Highways and Local Programs, Washington State Technology
Transfer Center

Institute of Transportation Engineers (ITE)

- Traffic Engineering Handbook

FHWA

- Manual of Uniform Traffic Control Devices (MUTCD)
- 49 CFR Part 27 and Designing Sidewalks & Trails for Access, Part II

ADA

- 28 CFR Part 35, 28 CFR Part 36, Appendix A, and the Access Board's Proposed Public Right of Way Guidelines.

Roundabouts

- NCHRP Synthesis 264 — Modern Roundabout Practice in the United States, Transportation Research Board
- FHWA — Roundabouts, An Informational Guide
- WSDOT *Design Manual*, Chapter 915

Traffic Calming

- A Guidebook for Residential Traffic Management, Final Report, December 1994, WSDOT Highways and Local Programs Service Center, Washington State Technology Transfer Center.

.91 Addresses to Acquire Reference Materials**AASHTO**

American Association of State Highways and Transportation Officials
444 North Capitol Street NW, Suite 249
Washington, DC 20001
(202) 624-5800
(202) 624-5806 (fax)

TRB

Transportation Research Board National Research Council
2101 Constitution Avenue NW
Washington, DC 20418

WSDOT

Engineering Publications
Department of Transportation
Transportation Building, Room SD3
Olympia, WA 98504-7400
(360) 705-7430
(360) 705-6861 (fax)

ITE

Institute of Transportation Engineers
525 School Street SW, Suite 410
Washington, DC 20024
(202) 554-8050
(202) 863-5486 (fax)

MUTCD

Superintendent of Documents
U.S. Government Printing Office
Washington, DC 20402

ADA

Office of the General Counsel Architectural and Transportation Barriers
Compliance Board

1331 F Street NW, Suite 1000

Washington, DC 20004-1111

(202) 272-5434 (Voice), 272-5449 (TDD)

(202) 272-5447 (fax)

Public Rights-of-Way Access Advisory Committee (PROWAAC)

http://ite.org/accessible/PROWAAC/PROWAAC/_SpecialReport.pdf

42.10 Appendices

42.101 Checklists for 3R, 2R, Reconstruction and New Construction projects

42.102 ADA Accessible Facilities on Road, Street, and Highway Projects

44.1 General Discussion

After a project's location and design have been approved, work begins on the final version of its plans, specifications, and cost estimates (PS&E). These documents are used to award and administer a construction contract. The PS&E must be approved as defined in Chapter 13, *Becoming Certified to Administer FHWA Projects*, before the project can be advertised for construction.

PS&E approval is done by the local agency as identified in the Washington State Department of Transportation (WSDOT)/Local Agency Certification Acceptance (CA) Agreement. The approving authority identified on the CA Agreement must approve the plans and specifications, and a professional engineer licensed in the state of Washington must seal and date the plans and specifications.

The local agency should use the Project Development Checklist (Chapter 14, *Developing Projects Using Local Agency Guidelines*) to check for completeness of the contract plans prior to approving them.

The local agency should have a commitment file, when applicable, containing a summary of commitments made during project development. The file should be reviewed to ensure that the commitments are incorporated in the PS&E. These commitments typically involve right-of-way or environmental considerations (see Appendix 44.78 for list of possible required permits).

A copy of the bid documents should be furnished to Region Local Programs Engineers prior to advertisement.

Any local agency project with work on, over or below state routes requires PS&E concurrence from WSDOT.

On WSDOT ad-and-award projects, WSDOT will review and concur with the PS&E prior to printing contract plans. An estimate of the cost of this service can be obtained from the Region Local Programs Engineer. Refer to forms for a checklist.

44.2 PS&E Requirements

.21 Wage Rates. For information on state law requirements, contact the Municipal Research and Services Center for a listing of current laws. State and federal wage rates must be included for all Federal Highway Administration (FHWA) projects advertised by a local agency. The wage rates used will reflect the latest rates approved by the Washington State Department of Labor and Industries (L&I) and the U.S. Department of Labor. Refer to CFR 29 part 30 and RCW 39.12 and RCW 49.28.

The Federal Davis-Bacon Act predetermined minimum wage must be paid to all covered workers on federal aid projects exceeding \$2,000 that are located on a route which is classified as a federal aid highway (Principal Arterial, Minor Arterial or Collector). The Davis-Bacon requirements do not apply to force account work performed by agency forces.

The applicability of Davis-Bacon to an Enhancement, Scenic Byways, or Safe Routes to School project is dependent on the relationship or linkage of the project to a federal aid highway. If the project is “linked” to a federal aid highway based on proximity or impact (i.e., without the federal aid highway the project would not exist), then Davis-Bacon requirements apply. Examples of such projects include the removal of outdoor advertising, a wetland to filter highway drainage, etc. Please contact your Region Local Programs Engineer to determine if Davis Bacon prevailing wage rates apply.

If the project is on a route classified as a rural minor collector or local access then the Davis-Bacon requirements do not apply.

Another Davis-Bacon issue is the acceptability of using volunteer labor on transportation projects. The Department of Labor states in its Field Operations Handbook (Section 15): “There are no exceptions to Davis-Bacon coverage for volunteer labor unless an exception is specifically provided for in the particular Davis-Bacon Related Act under which the project funds are derived.” The Davis-Bacon Related Act for the Federal Aid Highway Program (23 U.S.C. Section 113) is silent on this subject. Therefore, on projects subject to Davis-Bacon coverage, a contractor or subcontractor may not use volunteer labor. On the other hand, a state highway or local government agency may use volunteer laborers under their direct control as a force account effort.

Local agencies may access the Wage Rate data file at <http://www.wsdot.wa.gov/EESC/Design/projectdev/AdReady/CombinedWage.htm>. If a local agency is not “on line,” wage rates can be requested through the Region Local Programs Engineer.

The effective date for state and federal rates is determined as follows:

- a. State Wage Rates. L&I will use the date that bids are due as the effective date for determining prevailing wages provided that the contract is awarded within 60 days after bids are due (RCW 39.12). If the contract is not awarded within 60 days after bids are due, L&I will determine the prevailing wage on the date the contract is awarded.
- b. Federal Wage Rates. This data is received from the USDOL in a document entitled “General Wage Determinations Issued Under the Davis-Bacon and Related Acts.” Modifications are issued weekly by the USDOL. The effective date for federal wage rates is the date of notice in the Federal Register or the date on which written notice is received by WSDOT, whichever occurs first. All modifications on projects to which the determination applies are effective if published before contract award.

The following are exceptions:

- The effective date for determining state prevailing wage rates shall be the date of bid opening. For contracts awarded more than six months after the bid opening date, the effective date for determining the wage rates shall be the award date.
- The effective date for determining federal prevailing wage rates shall be ten days prior to bid opening (or less if the engineer determines an addenda can be issued prior to bid opening). For contracts awarded more than 90 days after the bid opening date, the effective date for determining the wage rates shall be the award date.

Prior to bid opening, the local agency may contact the Support Systems Engineer in the Plans Branch of WSDOT at (360) 705 7455, to see if wage rates have changed or pending.

To minimize the possibility of out-of-date state and federal wage rates at the time of bid opening, the wage rates should be requested from the Region Local Programs Engineer seven days before the advertising date.

.22 Other Requirements.

- a. Form FHWA-1273. Each set of contract documents shall include Form FHWA-1273, “Required Contract Provisions, FHWA Construction Contracts,” and such amendments that modify the FHWA-1273. Copies of the FHWA-1273 Form and amendments are available from the Region Local Programs Engineer.
- b. Affirmative Action. See Chapter 27, Equal Employment Opportunity and Training.
- c. Disadvantaged Business Enterprises (DBE). In accordance with FHWA and WSDOT efforts to increase DBE participation in FHWA projects, WSDOT has developed a management-by-objective goal-setting process for DBE participation. For additional information, see Chapter 26, Disadvantaged Business Enterprises.
- d. “Buy-America” Requirements. Steel and iron that is permanently incorporated into the project shall consist of American-made materials, as outlined in the required GSP.

The local agency must include a provision containing the “Buy-America” requirements in each contract. General Special Provisions similar to those now used by WSDOT can be used by the local agency. These general special provisions are included in the WSDOT Amendments and General Special Provisions publication.

Purchase of foreign steel and iron products by local agencies for installation on a federally funded project is not allowed.

- e. Traffic Control Plans. Traffic Control Plans (TCP) must be included in the contract documents. TCP's shall be consistent with Part 6 of the MUTCD, low volume roads, Part 5 and WSDOT Standard Plans, Series K. The Series K WSDOT Standard Plans must be referenced in the contract specifications if they are utilized as the project TCP's. Detour Plans and agreements shall be included in the contract documents to demonstrate constructability.

Construction projects that impact bicycle and/or pedestrian traffic must include accommodation for all impacted modes of travel in the contract Traffic Control Plans.

- f. A "tied bid" is where a federal project and a non-federal project or two federal projects (otherwise separate contracts) are advertised and bid together as a single contract. In order to bid the projects under a single contract the agency must document that the tying of bids does not increase the cost of the federal aid highway project.
- g. Sole Source Justification. Justification for the use of agency-supplied materials must be documented by the local agency. The materials must have been produced by agency forces or acquired through competitive bidding. Material purchased from a sole source may be used only with justification by the Agency.
- h. Warranty/Guarantee. No warranty requirement shall be approved which may place an undue obligation on the contractor for items or conditions over which the contractor has no control. Warranties/ guarantees shall not be included in federal aid projects or the bonds except as follows:

On NHS construction contracts a warranty can be included in the contract in accordance with the following: Warranty provisions shall be for a specific product or feature. Warranties for items of maintenance are not eligible for federal participation and will not be allowed. All warranty requirements and subsequent revisions shall be submitted to the WSDOT Region Local Programs Engineer and forwarded to Highways & Local Programs for advance approval.

On non-NHS construction contracts a warranty can be included in the contract in accordance with the following: Project warranty/maintenance provisions may be included in a project if a non-participating bid item and special provision is included in the contract. All other warranty requirements other than product or feature, and subsequent revisions, shall be submitted to Region Local Programs Engineer for advance approval.

.23 Local Ad and Award Projects. See Chapter 46.

.24 State Ad and Award Projects. See Chapter 45.

44.3 Documents Requiring Professional Stamps

The following documents require a PE stamp upon completion. The Professional Engineer with responsible charge of the project will assure that appropriate engineering reports and documents are stamped in accordance with RCW 18.43.070. If a particular “Engineering Report or Document” is not listed, it is not necessarily exempt from the requirement.

The list includes:

- Design Documents
- Right-of-Way Plans
- Type, Size, and Location Report
- Plans, Specifications (with appropriate Division 1 approvals as outlined in Section 44.5), and Estimates, including all plan sheets.
- Special Provisions
- Temporary Erosion and Sediment Control Plan
- Plans for Falsework and Forms, normally the contractor’s responsibility
- Bridge Design Report
- Bridge Load Ratings
- As Built Plans
- Technical Change Orders
- Value Engineering Study Report
- Standards Deviation Request
- Emergency Contracts that contain the equivalent of PS&E documents

44.4 Contract Plans

For WSDOT ad-and-award projects, the plans should be prepared in accordance with the WSDOT *Plans Preparation Manual* (M 22-31). For local ad-and-award projects, there are no federal or state requirements for plan sheet size or guidelines for preparing contract plans.

44.5 Specifications

WSDOT publishes and distributes the Standard Specifications, and the Amendments and General Special Provisions. On federal aid projects, any revision to Division 1 of the *Standard Specifications* or approved Division 1 revision (Amendment or WSDOT or APWA General Special Provision) requires prior approval from Highways and Local Programs.

.51 Standard Specifications. All FHWA funded projects, including local agency force projects, will be constructed in conformance with the current WSDOT Standard Specifications for Road, Bridge, and Municipal Construction, and such approved amendments that modify these specifications. Refer to Chapter 62 for Enhancement, Scenic Byway or Safe Routes to School project requirements.

.52 Amendment to the Standard Specifications. These amendments are approved changes to the Standard Specifications.

.53 General Special Provisions. These are specifications that describe special project features in common usage.

.54 APWA General Special Provisions. These are specifications unique to local agency projects. See www.wsdot.gov/partners/apwa/

.55 Special Provisions. Since Special Provisions are specifications governing matters peculiar to an individual project, they are not covered in the Standard Specifications. Their use should be held to a minimum and applicable Standard Specifications should be used instead. Issues mandated in the state and federal laws shall not be changed.

Special Provisions are required:

- a. For the presentation of all features of a project not covered by the Standard Specifications and General Special Provisions.
- b. Where the Standard Specifications are being amended.
- c. For any deviation from the Standard Specifications with regard to materials, construction details, measurement, and payment.
- d. When noted in the WSDOT Standard Item Table.

The following paragraphs discuss some pertinent aspects of special provisions.

- All nonstandard pay items shall be covered in the Special Provisions.
- The local agency is encouraged to include a value engineering incentive clause in their construction specifications encouraging the contractor to propose changes in contract requirements that will accomplish the project's functional requirements at less cost on high cost and major projects.
- Traffic control must be in accordance with the MUTCD. A Special Provision shall be prepared outlining traffic control requirements and including any pay items. See Chapter 41.2.
- Neatline measurement of quantities is allowed by special provision. This specification may allow payment of the neatline measurement from the lines and grades as shown on the plans or as directed by the Engineer's stakes on the ground. This may apply to aggregates, base course, and surfacing. On asphalt quantities, the unit price could include the cost of

coring to verify density and depths. Culvert and pipeline installation may be paid by the lineal foot-in place with bedding, backfill, and compaction as incidental to the unit price. In these instances, an item should be added for extra excavation or backfill if the profile varies or is subject to change during the contract. Shoring must be paid as a separate bid item.

- Direct reference to proprietary specifications of national, regional, or local trade associations should not be included in FHWA contract specifications; such proprietary specifications are subject to change without notice to, or acceptance by, the state or FHWA. If proprietary specifications must be used, the complete text, or such parts as are applicable, should be incorporated into special provisions for the project.

Proprietary Items

The use of trade names in specifications and on plans should be avoided. Instead, specifications should be formulated to assure full opportunity for competition among equivalent materials, equipment, and methods. Specifying patented or proprietary material, products or processes is allowed for federal-aid projects only under one of the following conditions:

- At least three names of acceptable materials or products, if available, are listed together with a list of the required features and specifications that will be considered equal to the listed items
- The agency is requiring a specific material or product and a written Public Interest Finding (PIF) document has been prepared, or
- The material or product has been approved through FHWA as an experimental feature

Public Interest Finding

An agency may require a specific material or product when there are other acceptable materials and products when such specific choice is approved as being in the public interest, such as traffic signal control equipment.

The written (PIF) must:

Clearly show that the best interest of the public and the agency will be achieved. This is accomplished by describing any cost effectiveness and efficiency to be realized. A benefit cost analysis should be completed to support the PIF. The supporting documentation and the decision of the agency must be maintained in the project file.

CA Agencies may approve proprietary items on non NHS routes, all other proprietary items must be approved by H&LP.

A PIF is not required when:

1. The funding source is from a municipality or other entity, and is not reimbursable with federal monies, including when the contract has tied bids, and the item is only part of the locally funded project.

2. A utility agreement is being established and there are minor quantities of materials and supplies and proprietary products that are routinely used in a utility's operation, which are essential for the maintenance of the system.

44.6 Estimates

The engineer's estimate of a proposed project's cost shall include the estimated quantity and estimated unit price for each proposed work item. Bridge items shall be segregated from roadway items. A tabulation for each bridge showing its applicable items shall be submitted.

If materials salvaged from the project are to be used for roadway purposes, the value of such materials should not be included in the project cost.

The estimate shall separately list the costs of nonparticipating items, local agency force work, and local agency furnished materials.

The separate cost groups shall be summarized and totaled on the first sheet of the estimate.

The Region Local Programs Engineer may be contacted for assistance in preparing the estimate. A sample estimate is shown in Appendix 44.76.

44.7 Appendices

- 44.72 Sample Proposal (Metric/English)
- 44.73 Bid Proposal Package
- 44.74 Sample City Letter of Financial Responsibility
- 44.75 Sample County Letter of Financial Responsibility
- 44.76 Sample Estimate and Grouping
- 44.77 List of Permits
- 44.78 Local Agency Plans Preparation Checklist

Forms

- FHWA Form 1273 Required Contract Provisions, FHWA Construction Contracts
- FHWA Form LLL Disclosure of Lobbying Activities

This chapter is used for NHS and non-NHS routes by Local Agencies operating under Certification Acceptance (CA) and choosing to administer construction contracts themselves. For information on NHS System, see Appendix [12.70](#) and [12.71](#). In the sequence of project development, this follows *Local Agency Guidelines (LAG) Manual*, Chapter 46, Local Advertising and Award Procedures.

Local Agencies whose construction contracts are administered by the Washington State Department of Transportation (WSDOT) should refer to *LAG Manual*, Chapter 51, WSDOT Administered Projects.

Title 23 USC and 23 CFR provisions apply to all NHS Federal aid projects regardless of federal funding source or approval authority. State standards may be used on non-NHS projects, except for federal requirements pertaining to contracts (bid proposal content including Davis Bacon and DBE) and procurement procedures (competitive bidding and Brooks Act).

52.1 General Discussion

WSDOT is responsible for the proper expenditure of FHWA funds on Local Agency projects. Highways & Local Programs will consult and work with Local Agencies as needed and will perform systematic project management reviews to ensure that proper procedures are followed.

Except for this chapter of the *LAG Manual*, construction should be administered, and materials will be inspected, in accordance with the *Construction Manual*, M 41-01. For exceptions to *Construction Manual*, see Appendix 52.108. In case of conflicting guidelines, this chapter governs the *Construction Manual*.

Refer to *LAG Manual*, Chapter 62, Enhancement, Scenic Byways, and Safe Routes to School Projects, for criteria governing construction of these types of projects.

All FHWA projects are subject to Disadvantaged Business Enterprise (DBE) and Equal Employment Opportunity (EEO) compliance reviews by WSDOT.

Appendix 52.105 illustrates the major timeline for construction contracts and provides more details for specification references.

52.2 Preconstruction Conference

After a contract is awarded, the Local Agency should arrange a conference with the contractor. The Local Agency Engineer shall notify the Region Local Programs Engineer of the time and place of the conference.

On large, complex projects, a preconstruction conference should be held before each construction phase. It may be desirable to hold separate conferences for some specialized construction items such as paving, roadside planting, or electrical work. The preconstruction conference may include a partnering session, if appropriate. For a sample conference agenda, refer to Appendix 52.101.

The meeting should be documented and copies of the minutes transmitted to the Region Local Programs Engineer and each agency, organization, and firm that has involvement or interest in the project (see Appendix 52.102).

52.3 Quality Control

The quality of materials and workmanship on a project must conform to the contract specifications so that the public funds expended will have purchased a safe, economical, and fully functional transportation facility.

.31 General. The source for each type of material must be approved by the Local Agency prior to use. There are two submittal processes allowed by Standard Specification 1-06.1 for material approval in Washington State, the Qualified Product List and the Request for Approval of Materials (RAM). Contractors are encouraged to use one of these tools to request material approval or, if an agency has their own process established, to follow that.

The Qualified Products List (QPL) is compiled by WSDOT Materials Laboratory (Mats Lab) Documentation Section and published by WSDOT Engineering Publications. The QPL is available in hardcopy or can be accessed on the internet at <http://www.wsdot.wa.gov/fossc/mats/QPL/QPL.cfm>. Upon request, the Region Local Programs Engineer will provide a hardcopy of the QPL.

The Request for Approval of Materials is a form distributed by WSDOT and available on the web at <http://www.wsdot.wa.gov/TA/Software/#fillin>. Look for WSDOT Form #350-071. Contractors may use this form to submit requests for approval for materials not found in the QPL. Some agencies have a similar form that is also acceptable.

Local Agencies requesting a Record of Materials (ROM) from WSDOT's Mats Lab should submit their request at the time of award to avoid delaying the contractor. The average processing time is approximately four (4) weeks.

Reimbursement of FHWA funds may be denied for work done contrary to, or in disregard of, the contract documents.

Local Agencies making improvements to National Highway System (NHS) routes with federal funding must comply with the FHWA approved qualified tester program. If a Local Agency is not certified to perform the tests, they can contact a qualified testing laboratory or their Region Local Programs Engineer to make arrangements for WSDOT to perform the testing on the project.

.32 Qualified Tester Requirements. For local agencies the guidelines below apply:

- a. **Construction Projects on Non-NHS Highway System.** There is no requirement for qualified testers on the non-NHS highway system. Construction projects that have FHWA funds must follow the requirements contained in *LAG Manual*.
- b. **Construction Projects on the NHS Highway System With No FHWA Funds.** There is no requirement for qualified testers on the NHS highway system that do not have FHWA funds in the construction phase.
- c. **Construction Projects on the NHS Highway System With FHWA Funds.** Qualified Testers are required for construction projects that on the NHS highway system that have FHWA funds in the construction phase.

Agencies have several options for meeting the qualified tester requirements:

- Contract with WSDOT to perform the required tests.
- Local agency may pursue tester qualification through WSDOT for agency personnel.
- Agencies may also use any AMRL R-18 or WAQTC laboratories qualified to test as defined by AASHTO test methods appropriate to the material. Employees of AMRL R-18 laboratories are considered qualified via the laboratory certification process.

HMA Testing – qualification is required for the following test methods:

AASHTO T168 – Sampling Bituminous Paving Mixtures

AASHTO T308-ASTM D6307 – Asphalt Content of Hot Mix Asphalt (HMA) by the Ignition Method (may substitute other AASHTO or ASTM extraction methods). Use of Ignition Method must include furnace correction factor for each mix tested.

AASHTO T209/ASTM D2041 – Rice Density

AASHTO T27/T11 – Sieve Analysis of Fine and Coarse Aggregates

AASHTO T255 – Total Evaporable Moisture Content of Aggregate by Drying

WAQTC TM6 – Moisture Content of HMA

HMA Density Testing – qualification is required in the following test method:

WAQTC TM8 – In place density of Bituminous Mixes using the nuclear Moisture-Density Gauge

Concrete testing can be performed by testers qualified by AMRL R-18 qualification in the following test methods:

AASHTO T23 – Making and Curing Concrete Test Specimens in the Field

AASHTO T119 – Standard Test Method for Slump of Hydraulic-Cement Concrete

AASHTO T152 – Air Content of Freshly Mixed Concrete by the Pressure Method

AASHTO T141/ASTM C172 – Sampling Freshly Mixed Concrete

AASHTO T309 – Temperature of Freshly Mixed Portland Cement Concrete

Laboratories must meet the AASHTO Standards for Moist Cabinets, Moist Rooms and Water Storage Tanks and be qualified to Cure, Cap and perform compression testing of test specimens.

Testers with current ACI grade 1 Concrete Testing Certification can also perform concrete field testing on NHS projects with federal funding.

Aggregate testing can be performed by laboratories qualified by AMRL R-18 in the following test methods:

AASHTO T2 – Sampling of Aggregates

AASHTO T27/T11 – Sieve Analysis of Fine & Coarse Aggregates

AASHTO T176 – Determination of the Plastic Fines in Graded Aggregate by Use of the Sand Equivalent Test

AASHTO T248 – Reducing Field Samples of Aggregates to testing size

AASHTO T255 – Total Moisture Content of Aggregate by Drying

AASHTO TP61 – Determining the Percentage of Fracture in Coarse Aggregate

Laboratories offering Embankment and Base Density field testing must be qualified to perform the following test methods:

AASHTO T224 – Correction for Coarse Particles in the Soil Compaction Test

AASHTO T310 – In-Place Density and Moisture Content of Soil and Soil Aggregate by Nuclear Method

AASHTO T99 or other approved test method of determining – Moisture Density relations of Soils

The following is a breakdown of materials and how they will be accepted.

List of Materials to Test

1. Structural Concrete
 - Slump
 - Air
 - Temp
 - Compression Testing
2. Asphalt in the roadway
 - Density
 - Hot Mix
3. Surfacing under roadway & bridge approaches
 - Density
 - Gradation & SE
4. Base material under roadway, embankments, bridge approaches
 - Density
 - Gradation & SE
5. Structural Grout
 - Compression Testing
6. High Strength Nuts Bolts and Washers*
 - Manufacturer's Certificate of Compliance
 - Certificate of Material Origin

*See Section 9-06.5 of the *Standard Specifications for Road, Bridge, and Municipal Construction*.

List of materials to Certify

1. Steel
 - Manufacturer's Certificate of Compliance
 - Certificate of Material Origin
2. Iron
 - Certificate of Material Origin

3. Liquid Asphalt Products
Manufacturer's Certificate of Compliance
4. Geotextile Fabrics – Not including Geogrid behind walls
Manufacturer's Certificate of Compliance
5. Guardrail Items
Certificate of Material Origin for steel components
6. Bridge Bearing Assemblies that are not welded
Manufacturer's Certificate of Compliance
Certificate of Material Origin

List of material to accept with Visual Inspection or Catalog Cut

1. Traffic marking – paints and thermoplastics
2. Electrical items and accessories
3. Fencing
4. Landscaping or irrigation items
5. Drainage Items
6. Rebar Tie Wire
7. Backer Rod under RCS Expansion Joints
8. Rebar Chairs and Dobie Blocks
9. Temporary Items
10. Compost
11. Street furniture etc.
12. Monument Case and Cover
Certificate of Material Origin is required

List of Materials that Require Fabrication Inspection

1. Structural Steel Beams or Fabricated, Welded items
2. Structural Precast Concrete Items
3. Bridge Bearing Assemblies that are welded
4. Signs
5. Sign Bridges
6. Cantilever Sign Structures

.33 Use of WSDOT mix designs. Local Agencies utilizing a WSDOT mix design for a project may use that mix design beyond the year it was submitted for approval, provided the contractor supplies written certification that all material properties meet the original WSDOT mix design.

52.4 Progress Payments

Progress payments must be based on measurements of work performed so that the contractor can be fairly compensated and so that public funds will not be expended on work that has not yet been done.

.41 General. Progress estimates should be prepared on a pre-selected date each month and payment made to the contractor. The Local Agency shall document the quantities paid each month. Progress estimates should be prepared promptly and may be forwarded to the contractor for review and signature.

.42 Statement of Intent to Pay Prevailing Wages. The contractor and subcontractors of every tier shall submit form

LI 700-29 to Washington State Department of Labor & Industries (L&I) for approval of the wage rates they intend to pay. Each statement must be accompanied by the filing fee established by L&I and required by RCW 39.12.030 and 040.

The approved pink copy of form LI 700-29 shall be on file with the Local Agency before any payment is made to the contractor. Subcontractors of every tier shall have an approved copy of this form on file with the Local Agency before any payment can be made for their work.

52.5 Changes and Extra Work

Prior to beginning work on a contract, a Local Agency should have a written policy for the approval of change orders to ensure that appropriate procedures are followed. Without a written change order policy delegating approval authority, the designated CA Agreement approval authority must approve all change orders. See item #2, i of the Certification Agreement (Chapter 13).

It is important to distinguish between actual changes to the contract work and normal overruns and under-runs that may occur. No change order work shall be done prior to approval being given by the appropriate authority, verbal or written. Verbal approval requires written documentation including a description of work that adequately describes the extent of the change. Verbal approval must be followed by a written change order. No contract payment shall be made prior to having the written change order approved by the appropriate authority.

When changes in the work will alter the termini, character, and scope of an approved project, approval of Highways & Local Programs is required prior to the commencement of the physical work. Refer to *LAG Manual*, Chapter 21, The Project Prospectus, for further information. All change orders must be numbered in sequence.

Change order documentation is composed of two parts,

- a. The approved change order signed by the agency and the contractor, and
- b. The backup documentation. The backup documentation shall include an explanation in sufficient detail so that everyone involved will understand the need for the change, and how the change will affect 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 shall be documented independent of the contractor's proposal to substantiate the change.

.51 Administrative Settlement Costs. Administrative settlement costs are costs related to the defense and settlement of contract claims. These will include, but are not limited to salaries of contracting officers or their authorized representatives, attorneys, or members of arbitration boards, appeal boards, etc., that are allowable to the findings and determination of contract claims, but not including administrative or overhead costs.

FHWA funds may participate in administrative settlement costs which are:

- Incurred after notice of claim,
- Properly supported,
- Directly allocable to a specific FHWA project, or
- For employment of special counsel for review and defense of contract claims when recommended by the agency's legal counsel and approved in advance by WSDOT.

When a claim is submitted, the Region Local Programs Engineer should be contacted for advice on how to proceed.

52.6 Termination of Contract

Section 1-08.10 of the *Standard Specifications*, Termination of Contract, contains procedures and criteria for termination of a contract. Prior to termination action against a contractor, the Local Agency must obtain Highways & Local Programs concurrence.

52.7 Compliance With Federal Contract Provisions

FHWA requires that all subcontracts at any tier be in writing, per 23 CFR, Section 635.116(b). This includes both contracts between the prime contractor and their subcontractors, and contracts between subcontractors and their agents.

Each of these subcontracts must also physically contain the following documents. None of these documents can be included by reference only.

- The general special provision (GSP) entitled “Required Federal Aid Provisions,”
- Form FHWA 1273 “Required Contract Provisions, Federal Aid Construction Contracts,” and
- The minimum wage rates for the contract as required by RCW 39.12 and Title 29 of the Code of Federal Regulations (CFR).

It is the responsibility of the Local Agency to ensure full compliance with the provisions above.

Implementation of the DBE and EEO programs are also federal contract requirements. For information, refer to *LAG Manual*, Chapter 26, DBE, and Chapter 27, Equal Employment Opportunity and Training.

52.8 Physical Completion of Construction

The Local Agency will carry out the following requirements to terminate the construction contract and ready the project for acceptance by WSDOT and FHWA:

.81 Notice of Physical Completion. Within ten (10) calendar days after physical completion of the work by the contractor, the Local Agency Project Engineer shall notify the contractor by letter that the construction is physically complete, and that the project is subject to inspection, audit, and acceptance by WSDOT. The agency shall diligently pursue closure of the contract.

.82 Final Inspection. The Local Agency Project Engineer shall send a request for WSDOT inspection and acceptance to the Region Local Programs Engineer no later than within 15 days of physical completion of work by the contractor. A copy of the physical completion letter that is sent to the contractor should accompany the request.

.83 Final Reports. A construction project is considered complete when the items listed below have been completed. All certifications and reports shall be retained for at least three (3) years after final acceptance of the project.

- a. Final Estimate (Approving Authority File). When the contractor has a claim pending against the Local Agency and wants to receive a final estimate, a claim must be submitted in writing, detailing the specific items and amounts. When a claim is submitted, immediately contact the Region Local Programs Engineer so that FHWA can be informed of the claim’s details at an early stage. See Section 1-09.12(2) of the WSDOT Standard Specifications.
- b. Comparison of Preliminary and Final Quantities (Approving Authority File). This is a listing of items that show the preliminary and final quantities.

- c. Certified Final Bill for Utility Agreement, if applicable, to Region Local Programs Engineer.
- d. Final Records (Approving Authority File). The Local Agency Project Engineer must document the work performed on the contract. Documentation consists of field books, inspector's record of field tests, Project Engineer's and inspector's diaries, all invoices, weigh bills, truck measurements, quantity tickets, receiving reports, field office ledgers, mass diagrams, cross-sections, computer listings, and work profiles. Photographs or video tapes before, during, and after construction could be useful, especially if care is taken to show any unusual conditions, equipment, or procedures.

Final records shall be retained by the Local Agency for at least three (3) years following acceptance of the project by Highways & Local Programs. The Local Agency will receive the administrative review letter showing the starting and ending date of the three-year retention period from the Director of Highways & Local Programs Division of WSDOT (OMB Circular A-133).

- e. Record of Material Samples and Tests.
- f. Materials Certification (Appendix 52.104). The intent of the materials certification is to assure that the quality of all materials incorporated into the project are in conformance with the plans and specifications, and thus ensure a service life equivalent to the design life.
 - 1. This materials certification shall be completed in accordance with Section 9-1.5 of the *Construction Manual* or Chapter 52.3 of the *LAG Manual* and is submitted along with the completion letter to the Region Local Programs Engineer.
- g. Affidavit of Wages Paid. Upon completion of a contract, the prime contractor and every subcontractor or agent shall submit Form LI-700- 7, "Affidavit of Wages Paid" to L&I for certification of the wage rates paid on the project. Each affidavit must be accompanied by the filing fee established by L&I.

Local Agencies are required to retain a percentage of money earned by the contractor according to the provisions of RCW 60.28.011. An L&I certified copy of Form LI-700-7 from the prime contractor, and every subcontractor or agent, must be on file with the Local Agency before the retained sum will be released.

- h. Release for the Protection of Property Owner and General Contractor. Form LI-263-83, is no longer furnished by L&I. The new process requires the agency to use the Labor and Industries website at <https://fortress.wa.gov/lni/crpsi/> to verify that the prime contractor and all subs on the project have paid the required industrial insurance and medical-aid

premiums. The UBI number for each contractor and sub is required to access the verification. The printed verification statements must be on file with the Local Agency before the retained percentage can be released.

- i. WSDOT Form 422-102, “Quarterly Reports of Amounts Credited as DBE Participation,” shall be submitted by the contractor to the Local Agency on all projects that contain DBE goals. This form should also be submitted when a qualified DBE contractor or subcontractor is employed on a project, regardless of whether that DBE is a condition of award or not. This form is submitted on a quarterly basis in January, April, July, and October. See *LAG Manual*, Chapter 26, Disadvantaged Business Enterprises.

.84 Project Acceptance. The approving authority’s approval of the final estimate will be considered as the Local Agency’s acceptance of the project.

52.9 Projects Within Interstate Rights-of-Way

All construction, materials, and quality control requirements contained in the current editions of the *WSDOT Standard Specifications* and *Construction Manual* must be incorporated into the contract. (See Chapter 14.4 for complete guidance on work within the Interstate Rights-of-Way.)

52.10 Appendices

- 52.101 Sample Preconstruction Conference Agenda
- 52.102 Sample Preconstruction Conference Minutes
- 52.103 Sample Letter Requesting WSDOT Project, Inspection and Acceptance
- 52.104 Sample Materials Certification
- 52.105 Timeline for Construction Contracts
- 52.106 Weekly Statement of Working Days
- 52.107 Change Order
- 52.108 Exceptions to the WSDOT *Construction Manual*

Forms

See Chapter 11 of the WSDOT *Construction Manual*.

FHWA Form WH-347

Appendix 52.101 Sample Preconstruction Conference Agenda

- I. ORDER OF WORK (Progress Schedule)
- II. UTILITIES AND RAILROADS
 - A. Project Engineer prepare list of affected services and representative to be contacted.
 - B. Underground services should be located.
 - C. Notification time required by organizations.
 - D. Insurance required, if any.
- III. SUBCONTRACTORS AND AGENTS
 - A. Request for approval must be submitted along with a Statement of Intent to Pay Prevailing Wage and Subcontractor or Agent Certification.
 - B. Nature of work to be performed by each.
 - C. Subcontractor's route correspondence via prime contractor.
 - D. Prime contractor must have a representative with authority on the job at all times (designated by letter).
 - E. DBE subcontract work — indepth discussion including conditions of award if any.
- IV. RECORDS AND REPORTS
 - A. Description of required forms and initial supply should be handed out or mailed to prime contractor.
 - B. All reports must be handled through prime contractor's office.
 - C. Record of Materials should be provided and Requests for Approval of Materials Sources (RAM) should be submitted as soon as possible.
 - D. Falsework plans, if required.
 - E. Certified payrolls must be submitted on time and wage rate interviews will be conducted.
 - F. EEO and trainee requirements — indepth discussion.
 - G. DBE requirements when the contract contains DBE goals — indepth discussion.
 - H. Required job site posters (provided to Prime Contractor).
 - I. Davis-Bacon statement regarding the USDOL, WSDOT and local agency's role in investigations for labor compliance.
 - J. ADA requirements.

The following exceptions to the WSDOT *Construction Manual* may be used by the local agency.

- The local agency may develop their own Record of Materials, and approve manufacturers not listed on the approved WSDOT manufacturers list.
- Asphalt plant inspectors and scalepersons are not required at established commercial sources. This exception does not allow the agency to eliminate acceptance sampling of the materials.
- The following items may be accepted with an approved catalogue cut and documented by visual inspection or a manufacturer’s material certification (provided manufacturer’s certification is based on actual testing):

Electrical items and accessories	Re Bar Tie Wire
Paving or geotextile fabrics	Backer Rod under RCS Expansion Joint
Fencing of any kind	Rebar Chairs and Dobie Blocks
Landscaping or irrigation items	Temporary Items
Glare screens	Sandbags, Rope, and Wood Stakes
Traffic buttons or pavement markings	Compost
Guardrail items	Monument Case and Cover (Certificate of Material Origin is required)
Drainage items	PG Binder (Certificate of Compliance is required)

- Local agencies may test their own signal cabinets.
- Local agencies may lower the density testing requirements to 90 percent of the rice density for non structural overlay pavement designs with a thickness of 1.25 to 2 inches (30 to 50 mm). This should be limited to areas or projects with documented foundation problems and on overlay of existing pavements.
- Local agencies are not required to follow the qualified testing program outlined in the WSDOT *Construction Manual* if the agencies projects are not on the NHS, or are on the NHS and the project does not contain federal funding AND the acceptance sampling frequencies and test methods are done in accordance with Chapter 9 of the WSDOT *Construction Manual* and the exceptions listed above.

In addition to mandatory acceptance sampling, a local agency may choose to do independent assurance sampling. If a local agency elects to do independent assurance sampling, the procedures listed below shall be followed.

- Assurance sampling and testing will be done independent of acceptance testing, not utilizing the same testing equipment or performed by the same personnel. Assurance samples of aggregate may be taken by the field inspector and split two ways. One split will be tested by the inspector in the field as an acceptance sample and the other split will be an assurance sample for immediate testing and comparison with field results.
- Assurance sample testing does not reflect on the acceptability of the material involved. Acceptance under the contract is determined by the acceptance testing process. Assurance testing is performed to obtain an independent verification of proper testing procedure and equipment.

Comparison of Assurance and Acceptance Test Results. Assurance sample results will be compared with the acceptance test results of the companion samples.

Reports of the comparison of results will be placed in the project file. The degree of conformance will be determined according to the deviation ranges noted below. Gradation test results will be compared only on specification screens.

Test	Normal Range of Deviation	Maximum Range of Deviation
Sand Equivalent	±8 points	±15 points
Fracture	±5 percent	±10 percent
Asphalt Content (ACP & ATB)	±0.3 percent	±0.6 percent
Sieve Analysis — All Items:		
No. 4 (4.75 mm) sieve and larger	±5 percent	±8 percent
No. 6 (3.35 mm) sieve to No. 80 (0.180 mm) sieve	±3 percent	±6 percent
No 100 (0.150 mm) and No. 200 (0.075 mm) sieve	±2 percent	±4 percent

In the table above, “Normal Range” indicates an acceptable range of variation between test results and no action is required. Test results which fall in this category will be so indicated by the wording “normal deviation” on the assurance test reports. Test results falling outside of the “Normal Range” but within the “Maximum Range,” will be indicated by the wording “questionable deviation” on the assurance test reports. For deviations falling into this category, the Project Engineer or a representative shall review the original test report form, advise the responsible test operator of the deviation, and review the test procedure at the next opportunity.

Test results exceeding the maximum range will be indicated by the wording “excessive deviation.” For deviations falling in the excessive category, the Project Engineer or a representative will notify the appropriate personnel for corrective action.

Corrective action will include review of sampling procedures, sample splitting procedures, testing procedures, and testing equipment. Actions and results of these investigations will be documented to the project file by a notation. These may include comments or findings by the Lab and testing personnel.

Independent Assurance Sampling Frequency Guide

<u>Item</u>	<u>Test</u>	<u>Assurance Sample</u>
Gravel Borrow	Grading & SE	1 – 20,000 Ton
Select Borrow	Grading & SE	1 – 20,000 Ton
Sand Drainage Blanket	Grading	1 – 20,000 Ton
Gravel Base	Grading, SE & Dust Ratio	1 – 20,000 Ton
CSTC	Grading SE & Fracture	1 – 10,000 Ton
CSBC Grading,	SE & Fracture	1 – 10,000 Ton
Maintenance Rock	Grading, SE & Fracture	1 – 10,000 Ton
Ballast Grading,	SE & Dust Ratio	1 – 10,000 Ton
Shoulder Ballast	Grading & Fracture	1 – 10,000 Ton
Backfill for Sand Drains	Grading	1 – 10,000 Ton
Crushed Coverstone	Grading, SE & Fracture	1 – 5,000 Ton
Crushed Screening		
5/8 – 1/4	Grading & Fracture	1 – 5,000 Ton
1/2 – 1/4	Grading & Fracture	1 – 5,000 Ton
1/4 – 0	Grading & Fracture	1 – 5,000 Ton
Gravel Backfill For Foundations	Grading, SE & Dust Ratio	1 – 5,000 Ton
Walls	Grading, SE & Dust Ratio	1 – 5,000 Ton
Pipe Bedding	Grading, SE & Dust Ratio	1 – 5,000 Ton
Drains	Grading	1 – 5,000 Ton

Independent Assurance Sampling Frequency Guide Cont.

<u>Item</u>	<u>Test</u>	<u>Assurance Sample</u>
PCC Paving		
Coarse Aggregate	Grading	1 – 10,000 Ton
Fine Aggregate	Grading	1 – 5,000 Ton
Completed Mix		
Consistency	Slump	1 – 25,000 SY
Air Content	Air	1 – 25,000 SY
Yield	Cement Factor	1 – 25,000 SY
Test Beam	Flexural Strength	1 – 25,000 SY
PCC Structures		
Coarse Aggregate	Grading	1 – 5,000 Ton
Fine Aggregate	Grading	1 – 2,500 Ton
Consistency	Slump	1 – 1,000 CY
Air Content	Air	1 – 1,000 CY
Cylinders (28-day)	Compressive Strength	1 – 1,000 CY
Yield	Cement Factor	1 – 1,000 CY
Cement	Chemical & Physical Certification (Verification Sample)	1 – 1,000 Ton
Asphalt Materials		Verification
Paving Asphalt (AR, AC, PBA)		1 qt. every 3rd shipment
Liquid Asphalt (Cutback, Emulsion)		1 qt. every other shipment
Emulsion for ACP Tack Coat		None required

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