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Remarks:

To download the April 2010 *LAG Manual* changes in their entirety electronically, go to:
www.wsdot.wa.gov/publications/manuals/m36-63.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.

Chapter 22 Forms

Revised the Local Agency Agreement to include the % of Federal Participation in the example on page 22-21.

Chapter 23 Progress Billings

There is a reference change from OMB Circular 87 to 2 CFR 225 in Section 23.5 and a requirement to supply a written explanation when a request for right of way reimbursement is sent after contract award.

Appendix 23.72 Local Programs Progress Billings

Updated the form and instructions for completing it.

Chapter 26 Disadvantaged Business Enterprises

In Section 26.2 changed procedure item 7.C. It now requires Local Agency projects with mandatory DBE goals to have Region Local Program Engineer’s concurrence with the award prior to awarding the contract and Section 26.2 item 10 requires LPE concurrence in all Change Orders that affect DBE work for all agencies.

Chapter 28 Title VI Program

Reorganization of the Appendices 28.74 through 28.77 to make them easier to use. Changed references to appendices showing examples of Annual Reports.

Appendix 31.94 Sample Advertisement

Changed the reference on page 31-38 **from** 49 CFR Part 23 **to** 49 CFR Part 26. All project advertisements should reflect this change immediately.

Appendix 32.56 Local Agency Railway Agreement

Revised the Local Agency Railway Agreement, WSDOT Form 140-044, to include “Buy America” language on page 3 of the agreement. All FHWA funded rail projects require American steel and iron but this was never part of the agreement until this revision.

Chapter 33 Emergency Relief Program

Updated the references to the WSDOT's *Disaster Plan* and USDOT/FHWA's *Emergency Relief Manual*.

Chapter 34 Highway Bridge Program

Rewrite of the chapter to update the Bridge Inspection Program requirements, eligible work items, define roles for inspection program.

Appendix 34.604 Bridge Program Manager Agreement

This new appendix is sample of the agreement.

Chapter 42 City and County Design for Non-NHS Routes

Update of the Design Standards Committee members.

Appendix 44.78 Local Agency Plans Preparation Checklist

Updated this form with the revised version dated 03/09.

Chapter 46 Local Advertisement and Award Procedures

Section 46.27 was revised to add a sentence that requires LPE concurrence on projects with a mandatory DBE goal.

Chapter 52 Local Agency Administered Projects

Added a statement that if using their own forms, local agencies must have the same information that WSDOT forms for the same purpose have and that payment source documents need to be stand alone documents. Updated internet links in Section 52.31. This revision adds direction in Section 52.41 explaining contractor payment documentation requirements.

Appendix 52.108 Exceptions to the WSDOT *Construction Manual*

Clarification of Buy America applications.

Appendix 53.51 Local Agency Project Management Review Checklist

Some minor editing to move boxes and add n/a options to some items.

Chapter 62 Enhancements, Scenic Byways, and Safe Routes to School

This chapter revision clarifies some requirements of the programs in Chapter 62 and outlines the consultant selection requirements for non-CA agencies administering these projects.

Appendix 62.103 Sample Evaluation Criteria for Consultant Selection

This is an added appendix to assist those evaluating consultants for the programs covered in this chapter. This appendix also requires concurrence from the Region LPE prior to awarding a consultant contract with funding through the programs in Chapter 62.

Instructions:

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**Washington State
Department of Transportation**

TECHNICAL MANUAL

Local Agency Guidelines

M 36-63.07

April 2010

Highways and Local Programs
Engineering Services

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Local Agency Agreement

Agency Clark County
 Address P. O. Box 9810
Vancouver, WA 98666-9810

CFDA No. **20.205**
 (Catalog of Federal Domestic Assistance)
 Project No. _____
 Agreement No. _____
For OSC WSDOT Use Only

The Local Agency having complied, or hereby agreeing to comply, with the terms and conditions set forth in (1) Title 23, U.S. Code Highways, (2) the regulations issued pursuant thereto, (3) Office of Management and Budget Circulars A-102, A-87 and A-133, (4) the policies and procedures promulgated by the Washington State Department of Transportation, and (5) the federal aid project agreement entered into between the State and Federal Government, relative to the above project, the Washington State Department of Transportation will authorize the Local Agency to proceed on the project by a separate notification. Federal funds which are to be obligated for the project may not exceed the amount shown herein on line r, column 3, without written authority by the State, subject to the approval of the Federal Highway Administration. All project costs not reimbursed by the Federal Government shall be the responsibility of the Local Agency.

Project Description

Name NE Ward Road Length 1.20 Miles
 Termini SR 500 to NE 162nd Avenue

Description of Work

Type of Work	Estimate of Funding		
	(1) Estimated Total Project Funds	(2) Estimated Agency Funds	(3) Estimated Federal Funds
PE			
86.5 % a. Agency	82,000.00	11,070.00	70,930.00
b. Other Consultant	469,000.00	63,315.00	405,685.00
c. Other			
Federal Aid Participation Ratio for PE d. State	1,000.00	135.00	865.00
e. Total PE Cost Estimate (a+b+c+d)	552,000.00	74,520.00	477,480.00
Right of Way			
% f. Agency			
g. Other			
h. Other			
Federal Aid Participation Ratio for RW i. State			
j. Total R/W Cost Estimate (f+g+h+i)			
Construction			
k. Contract			
l. Other			
m. Other			
n. Other			
% o. Agency			
Federal Aid Participation Ratio for CN p. State			
q. Total CN Cost Estimate (k+l+m+n+o+p)			
r. Total Project Cost Estimate (e+j+q)	552,000.00	74,520.00	477,480.00

Agency Official

Washington State Department of Transportation

By _____
 Title _____

By _____
 Director of Highways and Local Programs
 Date Executed _____

DOT Form 140-039 EF
 Revised 05/09

Construction Method of Financing (Check Method Selected)

State Ad and Award

- Method A - Advance Payment - Agency Share of total construction cost (based on contract award)
- Method B - Withhold from gas tax the Agency's share of total construction cost (line 4, column 2) in the amount of \$ _____ at \$ _____ per month for _____ months.

Local Force or Local Ad and Award

- Method C - Agency cost incurred with partial reimbursement

The Local Agency further stipulates that pursuant to said Title 23, regulations and policies and procedures, and as a condition to payment of the federal funds obligated, it accepts and will comply with the applicable provisions set forth below. Adopted by official action on _____, Resolution/Ordinance No. _____

Provisions

I. Scope of Work

The Agency shall provide all the work, labor, materials, and services necessary to perform the project which is described and set forth in detail in the "Project Description" and "Type of Work."

When the State acts for and on behalf of the Agency, the State shall be deemed an agent of the Agency and shall perform the services described and indicated in "Type of Work" on the face of this agreement, in accordance with plans and specifications as proposed by the Agency and approved by the State and the Federal Highway Administration.

When the State acts for the Agency but is not subject to the right of control by the Agency, the State shall have the right to perform the work subject to the ordinary procedures of the State and Federal Highway Administration.

II. Delegation of Authority

The State is willing to fulfill the responsibilities to the Federal Government by the administration of this project. The Agency agrees that the State shall have the full authority to carry out this administration. The State shall review, process, and approve documents required for federal aid reimbursement in accordance with federal requirements. If the State advertises and awards the contract, the State will further act for the Agency in all matters concerning the project as requested by the Agency. If the Local Agency advertises and awards the project, the State shall review the work to ensure conformity with the approved plans and specifications.

III. Project Administration

Certain types of work and services shall be provided by the State on this project as requested by the Agency and described in the Type of Work above. In addition, the State will furnish qualified personnel for the supervision and inspection of the work in progress. On Local Agency advertised and awarded projects, the supervision and inspection shall be limited to ensuring all work is in conformance with approved plans, specifications, and federal aid requirements. The salary of such engineer or other supervisor and all other salaries and costs incurred by State forces upon the project will be considered a cost thereof. All costs related to this project incurred by employees of the State in the customary manner on highway payrolls and vouchers shall be charged as costs of the project.

IV. Availability of Records

All project records in support of all costs incurred and actual expenditures kept by the Agency are to be maintained in accordance with local government accounting procedures prescribed by the Washington State Auditor's Office, the U.S. Department of Transportation, and the Washington State Department of Transportation. The records shall be open to inspection by the State and Federal Government at all reasonable times and shall be retained and made available for such inspection for a period of not less than three years from the final payment of any federal aid funds to the Agency. Copies of said records shall be furnished to the State and/or Federal Government upon request.

V. Compliance with Provisions

The Agency shall not incur any federal aid participation costs on any classification of work on this project until authorized in writing by the State for each classification. The classifications of work for projects are:

1. Preliminary engineering.
2. Right of way acquisition.
3. Project construction.

In the event that right of way acquisition, or actual construction of the road, for which preliminary engineering is undertaken is not started by the closing of the tenth fiscal year following the fiscal year in which the agreement is executed, the Agency will repay to the State the sum or sums of federal funds paid to the Agency under the terms of this agreement (see Section IX).

The Agency agrees that all stages of construction necessary to provide the initially planned complete facility within the limits of this project will conform to at least the minimum values set by approved statewide design standards applicable to this class of highways, even though such additional work is financed without federal aid participation.

The Agency agrees that on federal aid highway construction projects, the current federal aid regulations which apply to liquidated damages relative to the basis of federal participation in the project cost shall be applicable in the event the contractor fails to complete the contract within the contract time.

VI. Payment and Partial Reimbursement

The total cost of the project, including all review and engineering costs and other expenses of the State, is to be paid by the Agency and by the Federal Government. Federal funding shall be in accordance with the Federal Transportation Act, as amended, and Office of Management and Budget circulars A-102, A-87 and A-133. The State shall not be ultimately responsible for any of the costs of the project. The Agency shall be ultimately responsible for all costs associated with the project which are not reimbursed by the Federal Government. Nothing in this agreement shall be construed as a promise by the State as to the amount or nature of federal participation in this project.

The Agency shall bill the state for federal aid project costs incurred in conformity with applicable federal and state laws. The agency shall minimize the time elapsed between receipt of federal aid funds and subsequent payment of incurred costs. Expenditures by the Local Agency for maintenance, general administration, supervision, and other overhead shall not be eligible for federal participation unless a current indirect cost plan has been prepared in accordance with the regulations outlined in the federal Office of Management & Budget (OMB) circular A-87, and retained for audit.

The State will pay for State incurred costs on the project. Following payment, the State shall bill the Federal Government for reimbursement of those costs eligible for federal participation to the extent that such costs are attributable and properly allocable to this project. The State shall bill the Agency for that portion of State costs which were not reimbursed by the Federal Government (see Section IX).

1. Project Construction Costs

Project construction financing will be accomplished by one of the three methods as indicated in this agreement.

Chapter 23 Progress Billing (Reimbursement Costs)

23.1 General Discussion

All progress billings shall be submitted to the Region Local Programs Engineer by the local agency in accordance with the terms of the Local Agency Agreement (Chapter 22). Billings will not be accepted before the Local Agency Agreement is executed and authorization in writing has been received from the Washington State Department of Transportation (WSDOT).

The execution of the Local Agency Agreement does not constitute approval of federal funds. This authorization from WSDOT is separate from the Local Agency Agreement.

The Local Agency Agreement, when completed, establishes a work order account which permits billing to the project. The Work Order Accounting Plan (WOAP) and the work order ledger may be seen at the region office where the Region Local Programs Engineer can answer questions pertaining to these items.

WSDOT assigns a contract number on all federal aid construction projects. This number identifies the project. It should be used in addition to the federal aid project number when corresponding with WSDOT.

23.2 Billing Procedures for Local Agency Ad and Award and Agency Force Work

Once the Highways and Local Programs has executed the Local Agency Agreement and WSDOT has given the local agency written authority to proceed, the agency submits progress billings monthly for each phase of work. Any work that is performed before the official authorization date does not qualify for federal participation. Progress billings are submitted as follows:

1. Highways and Local Programs sends the local agency the original fund authorization letter.
2. The agency submits a request for payment to the Region Local Programs Engineer in accordance with the Local Agency Agreement. The first federal aid request for payment (PPC2; Appendix 23.71) must include the first date expenditures were actually incurred on the project.

All payment requests must be substantiated by the required standard documentation established in the *LAG Manual*, *Construction Manual*, requirements of the contract documents and as defined by FHWA and must be available for review.

All payment requests, including the final request for payment may be submitted by hard copy or electronically via e-mail. (Contact the Region Local Program Engineer.)

The form must be completed in accordance with the instruction outlined in Appendix 23.72.

23.3 Billing Procedures for State Ad and Award

Progress billings are submitted as follows:

- Requests for payment from contractors are submitted to the Regional Administrator in accordance with the Local Agency Agreement.
- The requests will be processed in the region using standard WSDOT procedures.

23.4 Number and Timing of Submittals

Progress billings will be numbered sequentially and submitted monthly.

If the billing is prepared properly, payment should normally be received within three weeks of submittal. If payment is not received within one month, the agency should contact the Region Local Programs Engineer.

23.5 Identification of Federal Aid Participating and Nonparticipating Charges

Costs are eligible for Federal Highway Administration (FHWA) federal participation if claimed in accordance and in compliance with 23 CFR and 2 CFR 225.

No costs may be claimed for reimbursement if incurred prior to FHWA authorization to proceed with the work. All work must be programmed with FHWA.

All local governments and units of local governments that claim indirect costs under federal awards must prepare an Indirect Cost Rate Proposal (ICRP) and retain it for audit. The ICRP must be prepared in accordance with the instructions and regulations outlined in 2 CFR 225 – Cost Principles for State, Local and Indian Tribal Governments (formerly OMB Circular A-87). If the local government has been assigned a federal cognizant agency by OMB, they must submit their ICRP to their federal cognizant agency for review and approval in accordance with the federal requirements. If the local government has not been assigned a federal cognizant agency, they are required by the federal regulations to keep all records and supporting documentation used in developing their ICRP and to make it available for inspection by the auditors at the time of the audit.

Some costs have been deemed ineligible for federal participation. Ineligible costs include equipment purchase and repair (unless specifically approved by FHWA) and those costs unallowable under 2 CFR 225.

.51 Participating Functions. Classifications of work programmed with FHWA and eligible for federal aid:

- a. Preliminary Engineering.** The work of locating and designing, making surveys and maps, sinking test holes, making foundation investigations, preparing plans, specifications and estimates, centerline, right of way plan preparation and other related preliminary work and incidental construction staking, to the extent such staking is necessary to review construction plans, and related general engineering preparatory to the letting of a contract for construction. The work may also include traffic counts, studies undertaken to determine traffic demands, holding of public hearings, preparation of right of way cost estimates, legal, and other costs incidental to the location and design of a highway project necessitating the acquisition of right of way thereon up to but not including the appraisal of individual parcels for acquisition purposes.

These engineering costs are generally incurred prior to the date of construction PS&E approval or the date construction plan changes are completed prior to the beginning of construction. The date of contract award is the cutoff for charging to preliminary engineering.

- b. Acquisition of Rights of Way.** The continuation of preparation of right of way plans; appraisal for parcel acquisition; review of appraisals; preparation for and trial of condemnation cases; management of properties acquired; furnishing of relocation advisory assistance; and other related labor expenses. If RW costs are claimed after the date of contract award, please provide an explanation.

- Excess land (appraised value) including uneconomic remnants.
- Improvements (appraised salvage value).
- Right of way acquired after certification by the local agency that right of way necessary for a designated federal aid highway project has been acquired.
- Judgments in condemnation cases not appealed when the attorney's closing report indicates a basis for appeal. The amount in excess of the review appraiser's determination of value is nonparticipating.
- Landowners:
 - Attorneys' fees;
 - Witness fees;
 - Expert witness fees; or
 - Similar costs to a landowner based on value of the services rendered to him which are paid by the local agency in connection with acquisition of rights-of-way, regardless of whether such costs are included in court judgments or court costs in litigated condemnation cases, e.g., statutory evaluation allowance.

- c. **Construction Engineering.** The work of supervising construction activities; the inspection of construction and related mechanical aspects (e.g., staking necessary to review construction plans together with those staking activities necessary for the local agency to control construction operations); testing of materials incorporated into construction, checking shop drawings and measurements for and preparations of progress and final estimates, and as-built drawings. Construction engineering costs are generally incurred only after approval of the PS&E, a contract number is issued, and also incurred prior to:
- Completion date of the final contract pay estimate and its submission to the contractor;
 - The final date of charges for required material testing; or
 - Completion date of the separation of contract cost by code type, location, etc., whichever is applicable to that portion of the construction engineering phase involved.
- d. **Highway Planning.** The orderly and continuing assembly and analysis of information about highways, such as the history of highway development and their extent, dimensions and conditions, use, economic and social effects, costs, and future needs.
- e. **Research and Development.** The search for more complete knowledge of the characteristics of the highway system and the translation of the results of research into practice.
- f. **Administrative Settlement Costs-Contract Claims.** Services related to the review and defense of claims against federal aid projects.
- g. **Miscellaneous Functions.** Costs incurred for other activities which are properly attributable to, and for the benefit of, federal aid projects but are not assignable to any of the previously defined functions.
- h. **Construction Costs Other Than Contractor Payments.**
- Royalty expenses for material furnished by the local agency that are used by the contractor.
 - Temporary signs, traffic control labor, traffic control devices, and temporary illumination furnished by the local agency. The initial basic cost of traffic control devices purchased for use on the project is an authorized participating cost.
 - Work performed by local forces.

.52 Standards for Selected Items of Costs. The following are standards for determining the allowability of selected items of cost. In general, costs must be reasonable, necessary, and allocable to the specific project. The allowability of the selected items of cost is subject to the general policies and principles stated above.

a. Salaries and Wages.

1. Subject to appropriate authorization requirements, federal funds may participate in the cost of salaries, wages, and related payroll expenses incurred for periods of time public employees are actively engaged, either directly or indirectly, in project-related activities.
2. Salaries, wages, and related payroll expenses of a local agency for maintenance, general administration, supervision and other overhead are not eligible for reimbursement.

b. Travel and Transportation.

1. Federal funds may participate in the cost of commercial transportation, privately owned automobiles, and per diem or subsistence essential to the completion of the project and is performed in accordance with prescribed procedures.
2. Reimbursement may be made for use of privately owned automobiles and per diem or subsistence incurred in conformance with the established reimbursement policy of the local agency.

c. Employee Leave and Holidays.

1. A local agency may claim reimbursement for the costs of leave, e.g., annual, sick, military, jury, etc., that is earned, accounted for, and used in accordance with established procedures. The cost of such leave must be a liability of the local agency, must be equitably distributed to all activities, and the pro rata costs distributed to a federal aid project must be representative of the amount that is earned and accrued while working on the project.
2. Compensatory leave granted by a local agency in lieu of payment of overtime to eligible employees may be claimed for reimbursement if accrued and granted under established policies on a uniform basis. Such leave costs must meet the criteria discussed in paragraph (a) of this section.
3. Costs for other leave of a similar nature which may be peculiar to a specific local agency may also be reimbursed provided it meets the criteria set forth in paragraph (a) of this section.

d. Social Security, Retirement, and Other Payroll Benefits.

1. Federal funds may participate in allocable costs incurred for social security, retirement, group insurance premiums, and similar items applicable to salaries and wages of public employees engaged in work in federal aid projects.
2. The costs for such benefits must be a liability of the local agency and must meet the criteria set forth in paragraph 1 of c above.

.53 Utility Relocations, Adjustments, and Reimbursement. Federal participation is subject to the provisions of 23 CFR part 645, subpart A.

.54 Reimbursement for Railroad Work. Costs must be incurred per 23 CFR part 646, subpart B and will be reimbursed in accordance with 23 CFR part 140, subpart I.

.55 Other Costs Allowable Subject to FHWA's Approval. Although some category of expenditures are not mentioned specifically in Part 140, "Reimbursement," of 23 CFR as eligible for federal participation, should the local agency wish to seek federal participation it is allowed to request approval from the FHWA prior to billing. The expenditures that relate to the federal aid project should be well identified through proper documentation.

.56 Other Unallowable Costs. Other unallowable costs include those costs identified in 2 CFR 225.

23.6 Billing Reviews

Each year construction projects are selected for "Billing Reviews." These reviews are conducted at the agency and include representatives of FHWA, WSDOT Highways and Local Programs, and the local agency. One or more progress bills for the selected project will be reviewed for compliance with documentation standards established in the *LAG Manual, Construction Manual*, requirements of the contract documents, and as defined by FHWA. During a billing review, the agency must have all the required backup documentation necessary to support the invoice. The documentation must be available and filed in a way that is easy for the reviewers to locate.

At the conclusion of the review, a report is generated by FHWA and issued to WSDOT Highways and Local Programs. The report will include descriptions of the items reviewed, the backup documentation located in the files to support the payments, and a "Supported or Unsupported" finding for each item. Any "unsupported" payment findings are considered improper payments which may require corrective action and possible repayment of federal funds. Highways and Local Programs provides a copy of the report to the agency and identifies any findings.

23.7 Appendices

23.71 Sample Form Local Programs Progress Billing, "Federal Aid Request for Payment"

23.72 Instructions for Completing the Local Programs Progress Billing Form

Sample Form Local Programs Progress Appendix 23.71 Billing, "Federal Aid Request for Payment"

Local Programs Progress Billing

Address: _____

Fed Tax ID No. _____

Agency Billing Identification: _____

Federal Aid Project Agreement Number: _____
 Last Supplement: _____
 Project Title: _____

Progress Bill No: _____
 Final Progress Bill? _____
 Billing Period from: _____
 through: _____

	1	2	3	4	5	6	7	8
	Total Eligible This Period	Total Eligible To Date	Participation Rate	Amount Claimed This Period <i>Col 1 x Col 3</i>	Amount Claimed Prior Periods	Total Claimed To Date <i>Col 4 + Col 5</i>	Amount Authorized Per Agreement	Remaining Federal Funds <i>Col 7 - Col 6</i>
PE								
Line:								
(a) - Agency				0.00		0.00		0.00
(b) - Other				0.00		0.00		0.00
(c) - Other				0.00		0.00		0.00
(e) - Total Preliminary Engineering	0.00	0.00		0.00	0.00	0.00	0.00	0.00
RW								
(f) - Agency				0.00		0.00		0.00
(g) - Other				0.00		0.00		0.00
(h) - Other				0.00		0.00		0.00
(l) - Total Right of Way	0.00	0.00		0.00	0.00	0.00	0.00	0.00
CN								
(k) - Contract				0.00		0.00		0.00
(l) - Other				0.00		0.00		0.00
(m) - Other				0.00		0.00		0.00
(n) - Other				0.00		0.00		0.00
(o) - Agency				0.00		0.00		0.00
(p) - Total Construction	0.00	0.00		0.00	0.00	0.00	0.00	0.00
(r) - TOTAL PROJECT	0.00	0.00		0.00	0.00	0.00	0.00	0.00

Submission of this request for payment certifies that in accordance with the laws of the State of Washington and under the conditions of approval for the project identified above, actual costs claimed have been incurred and are eligible for the purposes specified; also, that no other claims have been presented to, or payment made by, the State of Washington for those costs claimed for reimbursement.

Signee _____ Title _____ Date _____ Approved by Regional Highways & Local Programs Office Date _____ Revised 02/08/10

Appendix 23.72 Instructions for Completing the Local Programs Progress Billing Form

This form only reflects the amounts claimed and authorized for payment to the local agency. It does not include costs for state services.

Distribution of Form

After the Fund Authorization letter is received by the agency, a blank Local Programs Progress Billing form should be filled out for the first progress billing. Highways and Local Programs will mail subsequent progress billing forms to the agency when payment for the previous billing is made.

Funding Set Up

The amount of federal funding set up for a project is based on the local agency agreement. The funding set up for each line item is shown in column (7). Column (7) should be compared with column (6) to ensure that the amounts requested are within the funding amount set up by the local agency agreement.

Payments will not be made in excess of the amount in column (7). If the amount in column (6) exceeds the amount shown in column (7), a supplement to the local agency agreement must be submitted to reflect the revised cost before payment can be made.

Exception: On a progress bill marked as Final, the amounts in column (6) may exceed the amounts in column (7), provided the total of column (6) does not exceed the total of column (7). Consult your Region Local Programs Engineer for specific project information. Only one billing will be accepted as final.

Data Required to Request Payment

As a minimum, only those line items for which payment is being requested need to be coded. The other lines can be left blank. The agency's Federal Tax ID is always required.

Coding Instructions

The Local Programs Progress Billing is arranged in the same manner as the local agency agreement though not all lines from the local agency agreement are shown on the Local Programs Progress Billing. The lines for state services are not included because state costs are billed separately. Since the state services are not shown, the totals for PE, R/W, and Construction shown on the Local Programs Progress Billing will not agree with those shown on the local agency agreement. The Local Programs Progress Billing totals (column 7) will reflect the total amount available to the local agency based on the local agency agreement.

The top portion of the form includes project identification information that will automatically appear on each progress billing. This information includes: Agency, Agreement No., Federal Aid No., Title, Progress Bill No., and Billing Period. Please provide actual dates for the current billing period and indicate whether the billing represents a final progress bill. Crosscheck the billing period dates against prior bills(s). If dates overlap, please provide a statement confirming that costs are new and have not been claimed on prior bills(s).

A space has been provided for an “Agency Billing Identification” number. This eight character item is for the agency’s use and is not required to receive payment. You may enter any combination of alphabetic and numeric symbols. This number will be used to identify each billing on the Vendor’s Remittance Advice which is transmitted to agencies receiving Electronic Fund Transfers (EFT). The number will appear in the “Invoice Number” block on the Vendor’s Remittance Advice.

Details for Completing Local Programs Progress Billing Form

- Line a — Agency work for PE.
Eligible PE cost incurred by the local agency.

- Line b-c — Other — For PE
Same as shown on agreement, usually consultant cost paid by local agency.

- Line e — Total PE Cost Estimate. This is the total amount claimed and authorized for payment to the local agency within the PE phase.
Column (7) on this line shows the total amount of funds set up for the local agency based on the latest version of the Local Agency Agreement. It does not include (line d) state services.

- Line f — Agency Work for R/W
Eligible R/W cost incurred by local agency.

- Line g-h — Other — R/W
Same as shown on Local Agency Agreement, usually consultant (etc.) cost paid by the local agency.

- Line j — Total R/W Cost Estimate. This is the total amount claimed and authorized for payment to the local agency within the R/W phase.
Column (7) on this line shows the total amount of federal funds set up for the local agency based on the latest version of the Local Agency Agreement. It does not include (line i) state services.

-
- Line k — Contract
Eligible payments made to contractor.
- Lines l-n — Other
Other costs incurred by the local agency as indicated on the Local Agency Agreement, such as Day Labor, Agency Supplied Materials, etc.
- Line o — Agency Work
Eligible cost incurred by the local agency.
- Line q — Total CN Cost Estimate. This is the total amount claimed and authorized for payment to the local agency within the Construction phase.
Column (7) on this line shows the total amount of funds set up for the local agency based on the latest version of the Local Agency Agreement. It does not include (line p) state services.
- Line r — Total Project Cost Estimate. Add the Total PE, Total R/W, and Total Construction. This is the total amount claimed and authorized for payment to the local agency.
Column (7) on this line shows the total amount of federal funds for all phases of work for the local agency based on the latest version of the Local Agency Agreement. It does not include state services.
- Column (1) — Total Expenditures Eligible for Federal Participation This Period
Record the total eligible expenditures this period for each item of work.
- Column (2) — Total Eligible to Date
- Column (3) — Percent of Participation
The current participation ratio will be provided.
- Column (4) — Amount Claimed This Period
Column (4) can never exceed column (1) times column (3), but may be less than. Multiply column (1) by column (3) and enter in column (4). This represents the amount of funds claimed on this progress bill.

Column (5) — Amount Claimed Prior Period

This represents the total amount of funds previously claimed (column (6) on the previous billing). This amount will be provided on the form.

Column (6) — Total Claimed to Date

Add column (4) and column (5) and enter the total in this column. The total claimed to date for PE, R/W, and Construction cannot exceed the amount authorized shown in column (7). Refer to funding setup section.

Column (7) — Amount Authorized Per Agreement

This is the total amount of funds authorized for each line item per the latest version of the Local Agency Agreement. This amount will be provided on the form.

Column (8) — Remaining Funds

Subtract column (6) from column (7) and enter the difference in this column. The difference represents the remaining funds available. This column cannot be a negative value. If negative, a supplement to the Local Agency Agreement must be prepared to receive full payment. An exception may be on the final progress bill. Consult your Region Local Programs Engineer for specific project information.

Sign and date the progress billing and distribute according to the instructions located at the bottom of the form. **All hard copy requests for payment must have an original signature in order to be processed.** If you have any questions, please contact your Regional Highways and Local Programs Engineer.

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.

Projects with DBE goals must have Region Local Programs Engineer concurrence before the contract is awarded. Failure to gain LPE concurrence will jeopardize the project’s federal funding.

B. After Award

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/offerer 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/offerer 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 for concurrence prior to executing the change order.

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

- e. Title VI Standard Assurances and Its Appendixes (DOT 1050.2). The USDOT 1050.2 Standard Title VI Assurances of Appendix 28.71 and its Exhibits are placed by reference in every contract, grant, or property regardless of its funding source. For consultant contracts see Exhibit H of Appendix 31.99. The agency's CEO signs these assurances.
- f. Complaint Procedures. This section outlines the process for filing complaints and the investigative process. It also identifies the agency staff positions responsible for this process, and the time limits for the submission of complaints and completion of investigations [60 days per 23 CFR 200.9(b)(3)].
- g. Table of Contents. This section enables the reader to quickly locate particular sections of the Plan.

28.3 Reporting Requirements

Local agencies are to provide the following reports and/or data to WSDOT: related to their transportation program:

Annual Title VI Update and Accomplishment Report

All agencies with approved Title VI Plans or Nondiscrimination Agreements are to annually prepare a report of their Title VI Program implementation compliance activities. This report is due one year from the date of approval of the Title VI plan and then annually on that same date. This is to describe the transportation activities that occurred during the year. This Annual Title VI Update and Accomplishment Report is to be completed by each agency and forwarded to the Region Local Programs Engineer, who will forward it to H&LP for transmittal to WSDOT's OEO for review and approval.

Examples of Annual Reports are outlined in Appendix 28.74 for agencies over 100,000 population and Appendix 28.75 for agencies with population under 100,000.

Revisions to the Local Agency's Title VI Plan or Nondiscrimination Agreement

The Plan is to contain current information on names of staff and any other needed revisions. Agencies must submit substantial revisions to their Title VI Plan or Nondiscrimination Agreement to the Region Local Programs Engineer for transmittal to H&LP for submittal to WSDOT's OEO as soon as they occur for review and approval. Substantial revisions may be the filing of the agency's new CEO signature, administrative changes in the agency's Title VI Program administrative structure and staffing, or changes to the plan's complaint procedures, etc.

Local agencies only need to submit a revised Title VI document when program changes such as the ones described above take place.

28.4 Title VI Complaint Investigations

The local agency is responsible for investigating all Title VI discrimination complaints occurring within the Federal-aid transportation program or its activities, unless the complaint filed is against the local agency. Complaints naming a local agency as a respondent shall be forwarded to the Region Local Programs Engineer, who will in turn forward it to H&LP. WSDOT's OEO will investigate these complaints. Each local agency's Title VI Plan will have External Complaint Procedures to assist them in conducting a timely, fair and impartial investigation.

All Title VI investigations are to be completed within 60 days of acceptance of a complaint.

An annual Log of Complaints must be maintained by each agency. The Log of Complaints must contain the following information for each complaint filed:

- The name and address of the person filing the complaint
- The date of the complaint
- The basis of the complaint
- The disposition of the complaint
- The status of the complaint

A sample Log of Complaints is shown in Appendix 28.76.

Only qualified, well-trained investigators should conduct these investigations. No agency is allowed to investigate a complaint against itself.

All findings from state or local investigations are preliminary and subject to the concurrence of FHWA Headquarters Civil Rights (HCR). FHWA HRC will render final decisions in all cases including those investigated by WSDOT. There are no administrative appeal forums in Title VI complaints. Once FHWA HCR issues its final agency decision (FAD), a complainant in disagreement with such determination may file an appeal with the appropriate US District Court.

28.5 Title VI Compliance Reviews

WSDOT/FHWA will conduct periodic reviews of compliance with Federal Title VI regulations as follows:

- A. Compliance review. The WSDOT Title VI Coordinator will notify H&LP and work through the Region Local Programs Engineers to make arrangements to conduct periodic compliance reviews of local agencies with approved Title VI Plans. The compliance review will focus on how effectively the local agency has implemented its approved Title VI Plan. Documentation is gathered and individuals with Title VI responsibilities

are interviewed as part of the review process. The local agency will be notified in writing of the scheduled date and the documents that will be required for the on-site review.

- B. Local agency found in compliance. If no deficiencies are found during the on-site review, the local agency will be told at the conclusion of the review and be notified in writing that it is in compliance.
- C. Local agency found in non-compliance. If deficiencies are identified during the review, the local agency will be apprised of them at the conclusion of the review and be given ninety (90) days to correct them. After an agency corrects deficiencies, it will be notified in writing that it is in compliance.

If a local agency does not correct Title VI Program deficiencies identified by WSDOT or FHWA, it may be subject to sanctions including the suspension of FHWA funding.

- D. Local agency responsibilities. Local agencies administering Federal-aid contracts are required to conduct on-site compliance reviews of prime contractors and subcontractors. Agencies needing assistance in conducting on-site reviews should contact their Region Local Programs Engineer.

28.6 Other Nondiscrimination Statutes Related to Title VI.

Limited English Proficiency – LEP (Executive Order 13166)

As noted above, one of the bases covered under Title VI is national origin. One type of national origin discrimination is discrimination based on a person's inability to speak, read, write, or understand English. The federal government and those receiving federal financial assistance (recipients, subrecipients, contractors) must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide. This may require providing written and/or oral communications in a language other than English. More information regarding LEP responsibilities can be found at:

www.lep.gov/recipbroch.html and at www.usdoj.gov/crt/cor/lep/dotlep.htm.

Environmental Justice (Executive Order 12898)

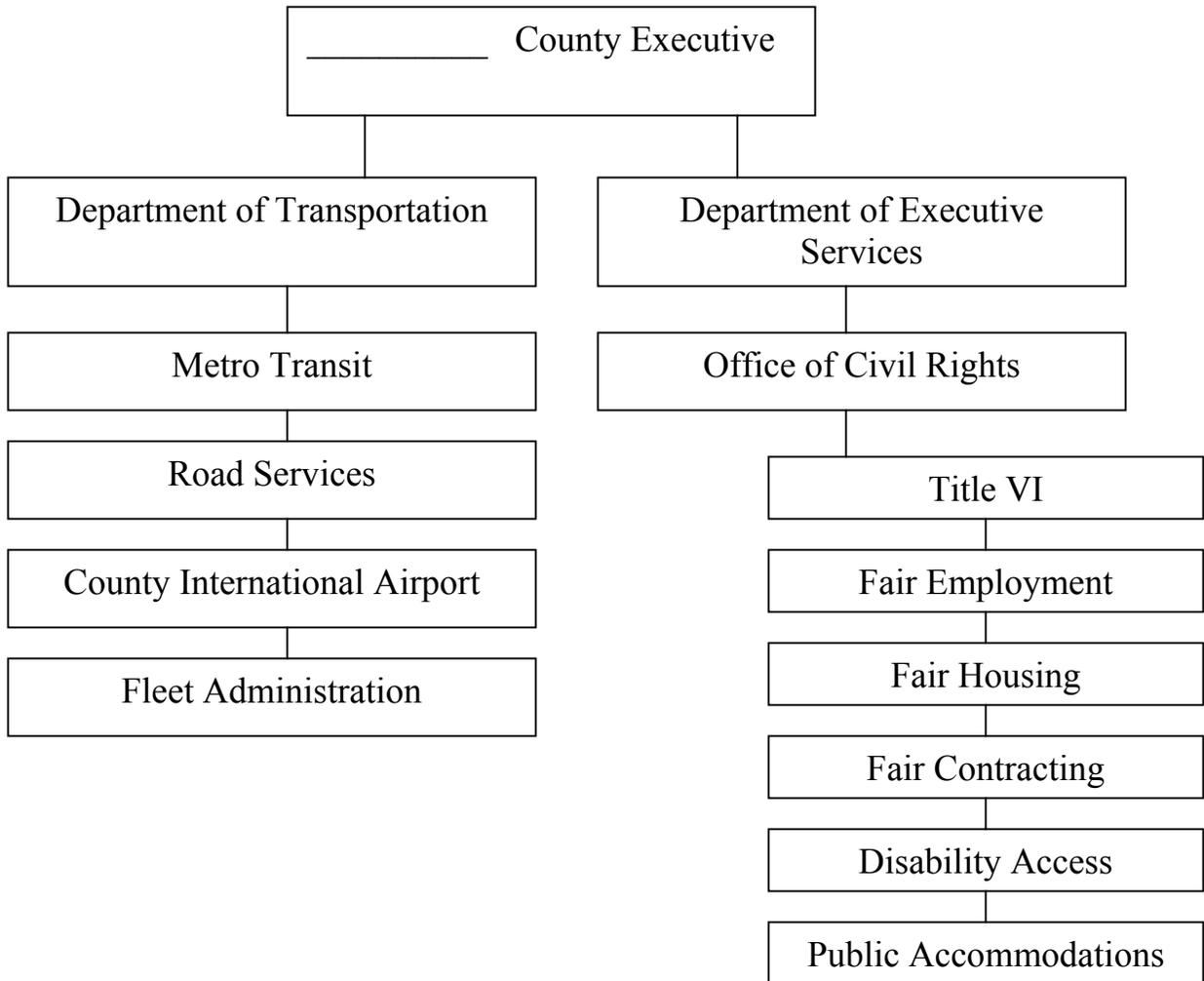
Procedures for addressing environmental justice may be found in Chapter 24 of the LAG, as well as Chapter 458 of WSDOT's *Environmental Procedures Manual*.

28.7 Appendices

- 28.71 Title VI Plan for Agencies Over 100,000 Population
- 28.72 Nondiscrimination Agreement Population Under 100,000
- 28.73 FHWA Title VI Annual Update of Accomplishments Report
- 28.74 Example of Annual Report for Agency With Population Over 100,000
- 28.75 Sample NDA Annual Report Population Under 100,000
- 28.76 Example of Title VI Complaint Log
- 28.77 Title VI Compliance Review Questionnaire for Local Agencies

Appendix G

Organizational Chart



I Appendix 28.74

Example of Annual Report for Agency With Population Over 100,000

Section I Policy Statement

A copy of _____ Title VI Policy Statement is attached in Appendix ___ of this report.

Section II Organization, Staffing And Structure

A. Organization

Outline your organization and how it works with your Title VI Policy.

B. Staffing

Describe your agency staff and how they interact in the program.

C. Structure

Describe the Structure of your program, the following is an example only. Your agency may have a different approach.

Table II.C.1. below shows Title VI Special Emphasis Program Area Liaisons within XYZ Agency. For this update, program area elements include planning, location, design, environmental services, real estate services (right of way), construction, and education and training. The program area liaisons work directly with the Title VI Specialist in the Office of the Title VI Coordinator. All liaison positions have been filled at this time.

Table II.C.1 – Title VI Special Emphasis Program Area Liaisons			
Name	Gender/ Ethnicity	Title	Program
John Smith	Male/Caucasian (example only)	Managing Engineer	Engineering/Planning/ Design and Construction
Mary Ramirez	Female/Hispanic (example)	Project/Program Manager III	Education/Training for Construction
		Program Analyst IV	Education/ Training for Administration
		Program Analyst IV	Education/ Training for Maintenance
		Project/Program Manager III	Education/Training for Construction
		Program Analyst IV	Education/ Training for Administration

Section III Title Vi Monitoring And Review Process

A. Actions to Promote Internal and External Compliance with Title VI

List actions, meetings, scheduled events, etc that help your agency promote both internal and external compliance with Title VI program.

Internal

In detail explain your agency's activities and interaction within your organization in this area.

External

Detailed explanation of your agency's activities outside the agency that promote your Title VI program.

B. Title VI Compliance Reviews During this Report Period

- List and bullet reviews conducted during the past year, name the reviewers and dates of the reviews.

Section IV Title Vi Complaints During This Report Period

Either:

“Received no complaints against the (Agency Name and Division) in the fiscal year 2003-2004.”

OR something like:

“The two complaints alleged one incident of denial of bus services by the (Agency Name and Division). The complaints alleged discrimination based on race. (Agency Name) resolved these cases.

Section V Accomplishment Report For Each Program Area

The following information describes the location of the major program functions within (Your Agency Name) and identifies accomplishments, applicable operational guidelines, process, and responsibilities of the various sections.

Appendix __ lists staff summarized by gender and race for the following Special Emphasis areas: Planning, Design, Construction and Maintenance Services and Environmental.

A. Planning

Example:

The Road Services Division is responsible for developing short and long-range plans that provide efficient transportation services to the citizens of (Agency Name).

Division staff coordinates with other government agencies, private groups, and the public to develop comprehensive plans that meet the transportation needs of (Agency Name). The Division provides staff and technical assistance to regional transportation groups and serves as liaison for planning with the Puget Sound Regional Council.

A.1 Number of Consultant Projects for Planning Awarded During this Reporting Period and Dollar Value

No consultant contracts for planning were awarded during FY 2004.

A.2 Efforts Made to Utilize Minority and Female Consultants and Sub-consultants in Federally Assisted Contracts

It is the policy of (Agency Name) to comply with 49 Code of Federal Regulations, Part 26, to ensure that Disadvantaged Businesses, including minorities and women, have an equal opportunity to receive and participate in federally assisted contracts. (Agency) does not exclude any person from participation in, deny any person the benefits of, or otherwise discriminate in connection with the award or performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin. Efforts made to use minority and female consultants during FY 2004 include the following outreach activities:

- **Disadvantaged Business Enterprise (DBE) Goals.** As part of (Agency Name) outreach efforts to use minority and female consultants, when appropriate, proposals include a Disadvantaged Business Enterprise (DBE) goal. Certified DBE firms can encompass small, minority and women-owned firms. As a condition of award, the successful bidder must make good faith efforts to meet this DBE goal. The proposer establishes good faith efforts when it documents that it has obtained enough DBE participation to meet the DBE goal; or documents that it has made adequate efforts to do so although unsuccessful.
- **Consultants Selection Procedures.** Consultants are selected according to the procedures outlined in the RCW, and Local Agency Guidelines (LAG) Manual procedures for federally assisted projects. (Agency Name) encourages all consultant firms that are registered in Washington State to conduct business and who possess the requisite professional license(s) to present their qualifications for highway design projects.

The (Agency Name) solicits firms for inclusion on the Architecture and Engineering, Professional Services, and the Construction Small Works Rosters in accordance with RCW 39.80 and (Agency Name) practices. (Agency Name) places an advertisement in various news media to include the (Names of Publications) and various minority newspapers that have existing contracts with the Agency. Advertisement is conducted a least twice during a year to encourage consultant firms to apply for placement on the rosters.

- **Public Pre-proposal Meetings.** Other outreach efforts to support the use of minority and female consultants include conducting public pre-proposal meetings to provide information concerning the scope of work and available subcontracting opportunities associated with projects. These meetings are open to all interested parties.

A.3 Studies Conducted which Provide Data Relative to Minority Persons, Neighborhoods, Income Levels, Physical Environments, and Travel Habits

The agency will continue to review all proposed projects for their potential to have a disproportionate impact on low-income and minority populations that are subject to additional consideration in accordance with applicable Title VI and Environmental Justice provisions. (Agency Name) unincorporated areas do not typically require substantial analysis to determine that the potentially affected areas do not meet thresholds for consideration as low-income or minority communities. However, (Specific Project name if applicable), does require such analysis.

A.4 Hearings Held During the Report Period and Efforts Utilized to Ensure Citizen Participation, Particularly Minorities, and Women—the Number of These Individuals and the Capacity of Their Participation

No hearings were conducted in FFY 2004. There were seven (7) community advisory group meetings and one other public meeting conducted.

(Agency Name) continues to use the Washington State Department of Transportation (WSDOT) form for collecting data on public hearing and public meeting attendees for Title VI reporting requirements, per Title 23, Code of Federal Regulations, Part 200.9(b)(4). See Appendix __ for a copy of the form used by (Agency Name) at its public meetings. Appendix __ summarizes the forms collected during FFY 2004.

B. Location

(Agency Name) emphasis over the past several years has been the improvement of existing Rights-of-Way and corridors. There has been no activity in the (Agency Name)'s Location Program. When future corridors are considered, the Location Program will be one of the tools used by the (Agency Name) to help determine their feasibility.

B.1 Number of Complaints Filed

None during this report period.

B.2 Identification of Titles, Ethnicity, and Gender of Employees in the Location Program

Not applicable this reporting period. Agency Name currently has no staff assigned to location duties since there has been no activity in that area.

B.3 Number of Environmental Impact Statements Reviewed During the Report Period, Including a Summary of Comments on EIS Where Minority, Handicapped, Elderly, etc. Communities were Adversely Impacted

None during this report period.

B.4 Number of Consultants Contracts Involving Project Development Activities

None during this report period.

B.5 Number of Public Hearings Held During the Report Period Concerning Location of a Project, including How the Hearings Were Advertised and Notification to Minorities

None during this report period.

B.6 Encouragement of Minority Leaders to Provide Suggestions and Ask Questions on Location of Highways

Not applicable during this report period. No new highways were located during this report period.

B.7 Need to Use Bilingual Advertisements, Announcements, Notices, etc. During the Report Period

None during this report period.

C. Design

Design activities are performed by (fill in appropriate information about your design process).

C.1 Number of Consulting Firms with Design Contracts, including the Number of these Contracts Held by Minority Firms and Women-Owned Firms/ Dollar Value

For FFY 2004, twenty-three consulting firms were engaged in design contracts. For reporting purposes, work order and task order contracts that have multiple awards are considered contracts awarded. The accompanying tables summarize the number of contracts awarded, including work order and task order contracts, and the sum of those contract awards by prime and sub-consultant.

Table V.C.1. provides the number of contracts and total dollar value awarded to minority firms and women-owned firms as prime consultants with design contracts.

Table V.C.1. – Design Contracts-Prime				
Name of Firm	Certification Status	Ethnicity	# Contracts Awarded (includes work and task numbers)	Sum of Contract Awards (rounded to nearest thousand)

Table V.C.2. below contains information on the number of minority firms and women-owned firms who currently have subcontracts, their certification status, ethnicity, and sum of contract awarded dollar value.

Table V.C.2. – Minority, Women-Owned Firms with Consultant Subcontracts				
Name of Firm	Certification Status	Ethnicity	# Contracts Awarded (includes work and task numbers)	Sum of Contract Awards (rounded to nearest thousand)

C.2. Efforts to Increase Minority and Female Participation in Obtaining Consultant Contracts

- **Procurement Information System.** (Agency Name) requests Letters of Interest, Statement of Qualifications and Proposals from all firms qualified and interested in providing professional services for contracts awarded by the (Agency Name). (Agency Name) posts information on current Requests for Proposals on its Internet Website. Proposals identify the types of sub consulting opportunities that may be available on the project for informational purposes.
- **Advertisement in local papers and Agency Procurement Website.** (Agency Name) advertises Requests for Proposals for consulting services in local papers and on its Procurement Website. The scope, size and duration of these contracts vary in size to promote diversity in the number and size of firms competing for these awards. Some contracts are for complete design services on a single project. Others may be for environmental reviews, traffic analysis, mediators or a wide range of professional services. (Agency Name) solicits some small A&E contracts (under \$150K) from Consultants using its A & E Roster.
- **Advance Information on Upcoming Contract Opportunities.** During Federal Fiscal Year 2004, (Agency Name) efforts to use minority and female consultants included providing advance information on upcoming contract opportunities to DBE’s to include small, minority and women-owned businesses.

Describe Agency involvement in this area.

- **Newsletter Distribution.** Describe activities that may pertain to this type of information.
- **Grassroots Level Outreach Efforts.** Describe any activities that your agency has conducted in this arena.
- **Office of Business Relations and Economic Development.** Describe any activity this type of division may undertake in your community.
- **Collaboration with other Local Governments.** Description of activity.

C.3 Public Hearings Held During the Design Phase of any Highway

Description of any activity in this area.

C.4 Employees in the Design Program Area, including Ethnicity and Sex, including Efforts to Increase Minority and Female Representation Where _____ (low, high?)

See Appendix ___ for information on employees.

During this report period, recruitment staff in the Design area actively participated in the following job fairs and forums: List participation if relevant.

C.5 Complaints Filed in the Design Program Area

None during this report period.

C.6 Significant Problem Areas, Accomplishments, and Actions to Take During the Ensuing Year.

No significant problem areas were identified during this report period.

D. Environmental Unit

The Environmental Unit of the (Agency Name) works to ensure the promotion of environmental integrity in the design, construction and maintenance of transportation systems that serve the needs of the Agency's various communities. This section responds to the requirements of the National Environmental Policy Act (NEPA) and the State Environmental Policy Act (SEPA) to ensure that projects undertaken by (Agency Name) meet these provisions, as required by Washington State and the Federal Government.

During FFY 2004, the (Agency Name, Division, Section) conducted _____ () NEPA and _____ () SEPA environmental reviews. The completed environmental reviews did not identify impacts to minority or economically disadvantaged communities. During FYE 2003 staff from (Agency Name) and WSDOT completed the technical studies pertaining to socio-economic impacts and Title VI/Environmental Justice considerations. The results from those studies have been incorporated into the draft review versions of the Draft EIS. Those initial drafts have been revised to clarify Title VI/Environmental Justice information and address specific comments from WSDOT. Following its approval by WSDOT and FHWA, (Agency Name) anticipates issuing the Draft EIS in 2005.

See Appendix ___ for the list of names for each project that was subject to an environmental review during FY 2004. A copy of the SEPA exemption determination and determination of non-significance is included for each project.

E. Real Estate Services (Right of Way)

Describe your Agency Real Estate Services Responsibility in the Title VI Plan.

The property acquisition process follows the WSDOT Right of Way Manual and all applicable laws and regulations, including Title VI and Section 504. The acquisition process includes appraisal of property, negotiation of terms and conditions for acquisition, and relocation assistance, as well as property management.

E.1 Civil Rights Complaints in the following Real Estate Services (Right of Way) Areas:

E.1.a. Appraisals – None during this report period.

E.1.b. Negotiations – None during this report period.

E.1.c. Relocation Assistance and Payments – None during this report period.

E.1.d. Property Management – None during this report period.

E.2 Number of Appraisers Utilized During the Reporting Period

During FFY 2004, four appraisers were utilized, two females, two males and no minorities. The appraisers are (Firm Name or Agency Name) employees. Decisions to obtain new appraisers are based on need and vacancies. There are no vacancies at this time. There were no contracts for appraisers during this reporting period.

E.3 Number of Negotiations During the Report Period and Disparity in Contract Negotiations between Minorities and Non-minorities

There were __ negotiations during this report period. No disparity in contract negotiations was noted.

E.4 Concerns Raised by Minorities or Women Regarding their Options in the Negotiation Phase

None during this report period. .

E.5 Number of Relocations During the Report Period

There were no relocations during FFY 2004.

E.6 Concerns Raised by Minorities or Women on Replacement Housing, Referral Housing and Advisory Services

None.

E.7 Opportunities for Minorities and Women to Obtain Contracts Awarded for Providing Relocation Assistance

In-house relocation assistance services are conducted according to the rules guidelines of the federal Uniform Relocation Act (CFR24), RCW 8.26, and the WSDOT relocation manual and LAG agreement. Staff attend project open houses to present relocation services and benefits, and later meet individually with affected relocatees to negotiate and finalize benefit awards.

F. Construction and Maintenance Services

The Construction Services Group provides guidance and oversight for the administration of transportation construction projects. The (Agency Name) Road Maintenance Operations Section is responsible for the preservation and upkeep of roads and bridges.

F.1 Civil Right Complaints Involving Competitive Bidding Procedures

There were no complaints involving competitive bidding procedures during the reporting period.

F.2 Summary of Efforts Made by the Title VI Coordinator to Encourage the Use of Minority Individuals, Firms or Agencies to Obtain Maintenance Agreements or Contracts

Summarize your Agency's effort in this area.

F.3 Procedures Reviewed to Assure Subcontract Agreements, First and Second Tier, Material Supply and Equipment Lease Agreements During the Report Period

Description of your Agency procedures.

F.4 Significant Accomplishments and/or Action Items for the Ensuing Year

Continue monitoring disadvantaged, minority, women, and small business participation in (Agency Name) Road construction contracting.

G. Education and Training

G.1 During the Reporting Period, Efforts Made to Encourage Participation by Minorities and Women in the NHI's Educational Program

Description of this activity, if applicable

G.2 Types of NHI Sponsored Programs and Number of (Agency Name) Participants, Including Minorities and Women

Description of activity in this area by your Agency.

G.3 Identify Staff Responsible for Training by Job Title, Ethnicity and Gender

Staff within (Agency Name) Office of Civil Rights ((AGENCY NAME)) provides guidance to departments on their responsibilities and reporting requirements for Title VI.

Table V.G.1 below shows staff responsible for Title VI training to departments by job title, ethnicity, and gender.

Table V.G.1 – Title VI Training Staff within the Office of the Title VI Coordinator			
Name	Job Title	Ethnicity	Gender
	Title VI Coordinator	Caucasian	Female
	Civil Rights Specialist	African-American	Male

G.4 Civil Rights Complaints Filed Concerning Training and Educational Opportunities and any Corrective Actions Taken

No complaints were filed during this reporting period.

H. Administration

H.1 List of Employees by Ethnicity and Gender in each of the Title VI Program Areas.

Please refer Appendix __ for a summarization of the ethnicity and gender of employees in the respective program areas.

H.2 Summarize all Activities Undertaken During the Reporting Period which Provide for Assurances of Title VI Compliance with Contractors, and by Contractors (i.e. are Title VI compliance included in all contracts and consultant agreements; were reviews made to ensure contractors and consultants are adhering to Title VI requirements; are contractors and/or consultants appraised of Title VI implications and issues, etc.)?

The following is a summary of activities undertaken during the reporting period that provide for assurances of Title VI compliance with contractors, and by contractors.

- ❖ ***Title VI Training***
- ❖ ***Dissemination of (Agency Name) Title VI Policy Statement***

(Agency Name) Title VI Policy Statement is included in a post award packet of informational materials that the Agency Name sends to prime contractors. The post award packet includes information on the (Agency Name) reporting requirements and is sent to all prime contractors for each contract that has been publicly bid and advertised.

❖ **Title VI Provisions in all (Agency Name) Federally Funded Contracts**

All federally funded contracts administered by (Agency Name) contain Title VI provisions (FHWA form 1273).

❖ **Analysis Worksheet Reviews for All Advertised Construction Bids and Proposals**

SAMPLE: “Contract Compliance Specialists located in the Business Development and Contract Compliance Office receive and review Subcontracting/Apprenticeship Availability Analysis Worksheets for projects advertised for construction bids. The worksheet identifies the specific scopes of work, if any, which may be available for performance by subcontractors. Specifications (FHWA form 1273) defining Title VI requirements are included in the contract documents with a requirement that these provisions be included in all amendments, supplements and lower tier contracts entered into by the contractor. (Contract documents also include GSP 01-07.11 language relating to the Requirements for Non-discrimination.) Goals are established for the participation of Disadvantaged Business Enterprises, where applicable.”

❖ **Public Pre-proposal Meetings**

No public pre-proposal meetings were held during this reporting period.

❖ **Inclusion of Goals on Federally-Assisted Contracts**

Staff in the (Section of your Agency) review federally assisted contracts for DBE goals.

❖ **Non-discrimination Provisions in Contracts**

All (Agency Name) contracts, including federally assisted contracts, contain non-discrimination provisions to ensure and heighten awareness that (Agency Name) will not tolerate discriminatory practices.

H. 3 Title VI Training During the Period

Table V.H.3. lists the FFY 2004 Title VI training/meetings and attendees

Table V. H.3. – Title VI Trainings/Meetings		
Date	Type of Training	Audience

Appendices

Appendix A

Form – Title VI Compliance Statement for use in public meetings/hearings Voluntary Title VI Public Involvement

Title VI of the Civil Rights Act of 1964 requires (Agency Name) to gather statistical data on participants and beneficiaries of the agency’s federal-aid highway programs and activities. (Agency Name) collects information on race, color, national origin and gender of the attendees to this public meeting to ensure the inclusion of all segments of the population affected by a proposed project.

(Agency Name) wishes to clarify that this information gathering process is completely voluntary and that you are not required to disclose the statistical data requested in order to participate in this meeting. This form is a public document.

The completed forms will be held on file in (Agency Name) Department of Transportation. For further information regarding this process, please contact the Title VI Coordinator by phone at _____ or e-mail at _____.

Please respond to the following questions:

Project name:	Date:
Meeting location:	

Name (please print):		Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	
General ethnic identification categories (check one):			
<input type="checkbox"/> Caucasian	<input type="checkbox"/> Hispanic American	<input type="checkbox"/> American Indian/ Alaskan Native	
<input type="checkbox"/> African American	<input type="checkbox"/> Asian/Pacific Islander	Other _____	
Color:		National Origin:	

After you complete this form, please fold it and place it inside the designated box on the registration table.

Thank you for your cooperation!

Appendix B

The following table summarizes staff gender and race by the respective program areas.

Special Emphasis Area	Race	Gender	
		Female	Male
Design	Asian	15	17
	Black	3	1
	Caucasian	13	42
	Filipino	1	2
	Hispanic	2	2
	Other	1	
Design Total		35	64
Environmental Services Unit	Black	2	
	Caucasian	9	5
	Hispanic		1
Environmental Services Unit Total		11	6
Planning	Asian	2	5
	Black		1
	Caucasian	6	10
Planning Total		8	16
Construction & Maintenance Services	Asian	2	6
	Black		2
	Caucasian	6	12
Construction & Maintenance Services Total		8	20
Grand Total		62	106

Appendix D

(AGENCY NAME) TITLE VI IMPLEMENTATION PLAN Revised September 2004

1. Internal Dissemination

Goal: To complete internal dissemination of (Agency Name)'s revised Title VI Plan and FFY 2004 Title VI Update Report before December 1, 2004.

(Agency Name)'s Title VI Coordinator has distributed copies of its original Title VI Plan and assurances to Agency departments, (Agency Name) Council, (Agency Name) Civil Rights Commission, Department of Transportation Division Managers and the Office of the Prosecuting Attorney. Such distribution occurred on or before December 2000. The updated Plan dated September 2002 was disseminated in December 2002. The Plan as revised in 2004, along with the FFY 2004 Title VI Update Report will be circulated by December 1, 2004.

The Title VI Specialist and Special Emphasis Area Liaisons (as defined in the plan) received copies of the original plan and will receive copies of the updates promptly for incorporation into operational manuals, guidelines, and procedures.

2. External Dissemination

Goal: Public notification of (Agency Name)'s Title VI Plan will be on going.

- A. (Agency Name) will publicize (Agency Name)'s policy statement, as included in the Title VI Plan, in local minority and community-based newspapers. The (Agency Name)'s Title VI Plan will be made available to the public upon request. Additionally, the (Agency Name) Title VI Policy Statement and Complaint procedure may be found on the internet at http://www._____
- B. The (Agency Name) will continue to distribute copies of the Title VI Plan to contractor organizations upon request. Additionally, the (Agency Name) will make copies of the plan available to all prime contractors, subcontractors, consultants and suppliers currently participating on (Agency Name) public works projects receiving federal financial aid upon request. The (Agency Name) will also make copies available to other firms providing goods and services to (Agency Name) upon their request.
- C. The (Agency Name) will include the appropriate Title VI nondiscrimination language and any implementing requirements FHWA may issue in all solicitations for competitive bidding or negotiated procurements with federal aid for construction, professional services and purchase of materials or equipment.

3. Training

Goal: To ensure that (Agency Name) employees involved in the project management and the contracting practice are knowledgeable on potential Title VI issues (ongoing).

A. Title VI Specialists and Liaisons are strongly encouraged to participate in training programs and workshops offered through Washington State Department of Transportation and others. Additionally, the Title VI Coordinator, in communicating with the Title VI Liaisons and Specialists, informs (Agency Name) employees of any new training opportunities upon notification from other external agencies.

B. Additionally, Staff in conjunction with staff in the (Agency Name) Department of Transportation, Road Division, will continue to develop new training for (Agency Name) staff.

C. The (Agency Name)'s Title VI Coordinator shall oversee training to include staff involved in (Agency Name)'s contracting processes. The Title VI Specialist will conduct the training. Training will occur throughout the year and will be specific to the Road Services and Contracting Divisions of (Agency Name) initially. This training will include information on:

- The role of ___ as the Title VI Coordinating agency
- Technical Assistance on Title VI matters
- Title VI reviews of program areas
- Procedures for the prompt processing of complaints of discrimination
- The necessity of updating the Title VI Plan to reflect organizational policy or implementation changes

The (Agency Name)'s Title VI Coordinator will request Department Directors and Managers to inform employees of new training opportunities upon notification from the Coordinator's office. Such opportunities may include courses offered by WSDOT, as well as from other outside agencies.

D. The (Agency Name) will provide a training schedule to the Washington State Department of Transportation's Office of Equal Opportunity Title VI Coordinator.

E. The (Agency Name)'s Title VI Coordinator shall maintain information gathered from training records for inclusion in annual report updates.

4. Information Collection for Annual Updates

Goal: To establish and implement processes and procedures for collection of information required for inclusion in annual update report.

- A. The Title VI Specialist and Liaisons will assist the Title VI Coordinator in gathering and maintaining information on specific program areas and affected (Agency Name) departments.
- B. (AGENCY NAME) will work with Liaisons and a designated Data Coordinator to collect and report on the information required by WSDOT for the Title VI Annual Update.
- C. Information for reports will be obtained from sources such as on-site compliance reviews (internal and external), checklists, review guides, questionnaires, public meeting sign in sheets, personnel inventory and employment utilization forms and inquires from the public. The Office of the Title VI Coordinator will compile this information for inclusion in the annual update reports as required.

5. **Complaint Resolution**

Goal: To ensure that complaints are resolved in a professional and timely manner.

The (Agency Name)'s Title VI Coordinator will investigate all complaints of Title VI violations as appropriate. The (Agency Name) will use procedures outlined in the Title VI Plan to investigate such complaints. The objective of the investigation will be to determine whether prohibited discrimination has occurred or could occur, and to take steps to remedy the situation. To accomplish this, the Title VI Coordinator shall coordinate the following:

- A. Identification of the basis for the complaint;
- B. Identification of sources of information;
- C. Fact finding interviews with aggrieved persons, witnesses and the alleged violator;
- D. Development of a statement of finding-of-facts and information relevant to the issue/basis for the complaint;
- E. Informal dispute resolution;
- F. Report of findings in a manner that includes a conclusion and determination of future actions to take; and
- G. Provision for possible appeal of the decision to the FHWA.

The (Agency Name)'s Title VI Coordinator will consult with WSDOT before commencing investigations to determine which agency should properly investigate.

6. **Annual Title VI Update Report**

Goal: To provide detailed information on activities performed in implementing (Agency Name)'s Title VI Plan and to document accomplishments.

The Annual Title VI Update Report will include detailed information regarding the implementation activities related to (Agency Name)'s Title VI Plan and the (Agency Name)'s accomplishments. Specific areas that will be covered in the Annual Report include, but may not be limited to the following:

- A. Organization and Staff Profile
- B. Title VI Monitoring and Review Process
- C. Complaints and Investigations
- D. Special Emphasis Program Area Activities and Accomplishments
- E. Title VI Administration
- F. Training
- H. Accomplishments Report for Current Year

Appendix E

(Agency Name) Title VI Policy Statement

(Agency Name) assures that no person shall on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and as amended, and the Civil Rights Restoration Act of 1987 (P.I. 100.259) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance from the Washington State Department of Transportation.

(Agency Name) further assures every effort will be made to ensure nondiscrimination in all of its programs and activities, whether those programs or activities are federally funded or not.

In the event (Agency Name) distributes federal aid funds to another governmental entity or other sub-recipient, (Agency Name) will include Title VI language in all written agreements and will monitor for compliance.

(Agency Name)'s Office of the Title VI Coordinator is responsible for initiating and monitoring Title VI activities, preparing required reports and other (Agency Name) responsibilities as required by 23 CFR 200 and 49 CFR 21.

(Agency Name) Executive)

Date

Appendix F

TITLE VI FORMS

(Agency Name) provides Title VI forms to participants at public meetings (See Appendix A). In 2004 two forms were completed and turned in by participants.

Title VI Public Involvement forms were made available at the _____
(Fill in appropriate information.)

Title VI Public Involvement forms were made available at the Sth Park Bridge EIS Community Advisory Group meetings on April 6, April 20, and May 4, 2004 at the Concord Elementary School Library, 723 S. Concord Street in Seattle, but no forms were submitted.

Title VI Public Involvement forms were made available at the (Fill in the Name) on (Fill in the Date) at (Fill in location), but no forms were submitted. (OR: Two forms were submitted according to actual circumstance.)

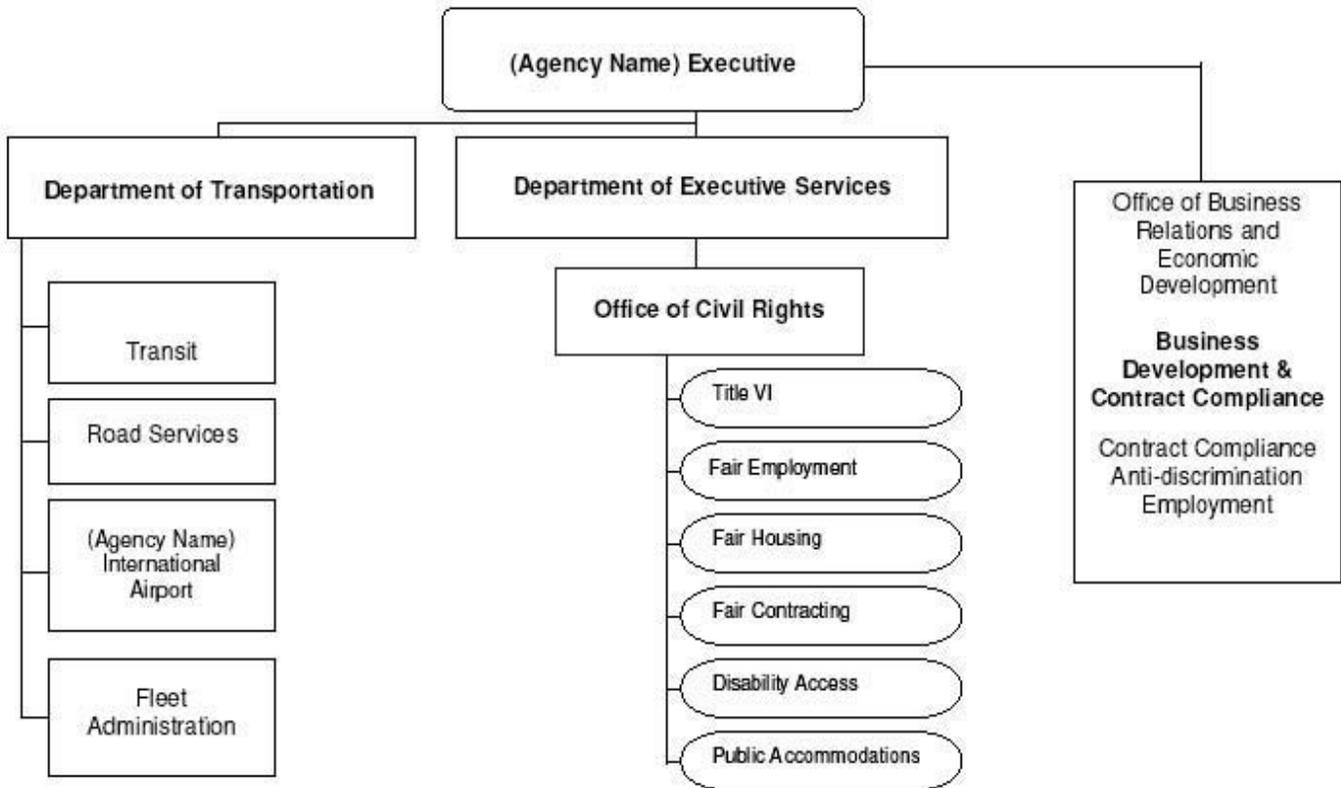
Title VI Public Involvement forms were made available at the (Fill in the Name) on (Fill in the Date) at (Fill in location), but no forms were submitted. (OR: Two forms were submitted according to actual circumstance.)

Title VI Public Involvement forms were made available at the (Fill in the Name) on (Fill in the Date) at (Fill in location), but no forms were submitted. (OR: Two forms were submitted according to actual circumstance.)

These forms are kept on file in the (Section of your Agency) and in the Office of the Title VI Coordinator.

Appendix G

SAMPLE Organizational Chart



1. Report any changes in the organizational structure since the last reporting period.

Example: New Title VI Coordinator, new planning or public works directors etc.

- Report should identify the changes in the racial/gender composition of those persons involved in the transportation decision making, including planning and advisory staff.
 - If no changes have been made, please indicate that accordingly.
2. Using the most current data available (through Census or Washington State Office of Financial Management), describe the demographics within your jurisdiction.
 - a. Describe any required Title VI activities and/or studies conducted that provided data relative to minority persons, neighborhoods, income levels, physical environment, and travel habits.
 - b. How was the information utilized or Title VI provisions and needs applied in each study or activity?
 3. List any Public outreach activities during the reporting period such as:
Public announcements and/or communications for meetings, hearings, project notices.

Include the following:

- a. How were special language needs assessed? List the special language needs assessments conducted.
- b. What outreach efforts did you utilize to ensure that minority, women, low-income, and LEP population groups were provided equal opportunity to participate in those outreach activities. (Examples: provided materials in other languages, met with local social services agencies, advertised in a minority publications)
- c. List the special language services provided – note the professional language service provided including the name of the service, date provided, number of persons served, and any other relevant information.
- d. List any costs incurred for translations and interpreters for each activity.

4. List all the transportation related contracts, (Federal and others), that were executed during the reporting period. (Please include construction, consultant agreements for planning, design, engineering, environmental, research, maintenance, etc.)
 - Include dollar value of each
 - Other than advertising in your local legal publication, what outreach was made to the DMWBE firms that a contracting opportunity existed within your agency?
 - Identify the DMWBE contracts that were awarded and their dollar amount.
 - Is there a Title VI Non-Discrimination statement included in all contracts & public notices?
 - How did your organization ensure that minority, women and disadvantaged firms were provided equal opportunity to participate in the contracting arena?
5. Summarize any transportation projects that identify potential impacts to minority and/or low-income Environmental Justice (EJ) populations i.e. impacts such as displacements, increased noise, bisecting neighborhoods, et al). Note the following:
 - How impacts were minimized/mitigated.
 - Also include a statement, if applicable, on projects that specifically benefit community cohesion such as: adding sidewalks, improving access to properties that improve access for EJ populations.
6. If ROW has been acquired for a transportation project, please describe:
 - Identify the number of minority, low-income, elderly and disabled persons affected
 - The efforts that were made to address Limited English Proficiency issues (including use and cost of translators, outreach efforts for each reported activity)
 - Describe any concerns raised by minorities and women regarding appraisals, negotiations, relocation assistance and payments. What actions were taken to resolve those issues?
7. List and describe any Title VI related complaints, as a result of transportation activities and projects. Include:

What was the allegation or concern?

 - Procedures used
 - Action taken
 - Resolution

Case Number	Complainant/ Address	Filing Date	Basis	Status	Disposition

**Title VI Compliance Review
Questionnaire for Local Agencies**

I Appendix 28.77

Local Agency: _____

Date: _____

Name/Title: _____

I. Administration

A. Staff Composition and Program Administration

1. Provide breakdown of your administrative staff by race, color, national origin, sex, and their positions.

2. How many federally funded projects have you managed during the last two years? Dollar amount?

3. Have you designated an EEO Officer or Title VI Coordinator? Provide name and time in the position.

4. Do you have a Title VI Policy, Assurances and Plan in place? Provide proof of public dissemination of your Title VI policy.

B. Complaint Procedure

1. Do you have a Title VI complaint procedure for external discrimination complaints? If so, please provide a copy. To what extent is the community aware of it?

2. Have you received any Title VI related complaints during the past two years? If so, how many? What were the outcomes? Where there any Title VI complaint lodged by beneficiaries or participants? If so, explain the issues involved.

3. Do you have a Title VI Notice to Public? If so, please provide copy.

C. Training

1. Has your staff received any training (formal or informal) regarding Title VI?
2. Are you considering scheduling Title VI training sometime soon? If so, when and who will present it?

II. Planning Activities

A. Public Involvement

1. Are minority members of the community invited to participate in public hearings?
How do you go about doing that?
2. Were accessible location, adequate time, and translation services considered or provided during the coordination of hearings?
3. Is the Hearing Coordinator keeping records in attendance? Is the information broken down by race, color, national origin, and sex (by visual identification)?
4. Have planning manuals, directives, guidelines, and policies been reviewed for Title VI compliance purposes?

III. Consultant Contracts Activities

1. Are Title VI assurances and provisions included on consultant contracts?
2. Are DBE goals being included and met for consultant contracts? If not, what provisions have been taken to meet them?
3. Have directives, operational procedures, guidelines, and policies been reviewed for Title VI compliance purposes?

IV. Design/Environmental Activities

1. Are minority members of the community invited to participate in public hearings? How do you go about doing that?
2. Are accessibility of locations, adequate time, and translation services considered during the coordination of hearings? Was any other effort made to promote maximum attendance by those affected by the project, including member of minority communities?
3. Is the Hearing Coordinator keeping records in attendance? Is the information broken down by race, color, national origin, sex, (by visual identification)?
4. Have location and design manuals, directives, operational procedures, guidelines, and policies been reviewed for Title VI compliance purposes?
5. Is statistical data being collected on race, color, national origin, and sex on communities affected by a construction project?

V. Right of Way Activities

1. Are DBE goals for real estate appraisers being met? If not, what provisions have been taken to help reach these goals?
2. Is Title VI language being incorporated in all acquisition, negotiation, property management communications, and contracts?
3. Are Title VI language and assurance statements being included in all surveys for property owners and tenants after the conclusion of all business?
4. Are all values and communications associated with appraisals conducted in an equitable fashion?
5. Do deeds, permits, and leases contain Title VI compliance clauses?
6. Is statistical data being gathered on race, color, national origin, and sex for all relocatees?

VI. Construction and Maintenance Activities

1. Have contractor selection procedures been reviewed to determine uniformity in their application to minority and nonminority contractors?
2. Are minority contractors and subcontractors being informed about contracting opportunities with your organization?

3. Are construction rules and regulations being applied in an equitable fashion?
Have you received any complaints within the last two years?

4. Are Title VI assurances being included in all contracts, subcontracts, and material supply agreements?

AGENCY NAME NOTICE TO CONSULTANTS FOR
PROJECT NAME

The AGENCY NAME solicits interest from consulting firms with expertise in Civil and Structural Design. Consultants will be considered for the following project.

PROJECT DESCRIPTION

The work to be performed by the CONSULTANT consists of preparing preliminary engineering and PS&E for improvement of 36th Street East to Jovita Boulevard East. The proposed improvements include widening the road to accommodate four lanes of traffic, improving intersection radii, increasing left turn storage, revisions to existing signal systems in order to accommodate the proposed improvements, and construction of retaining walls to provide for roadway widening. The major features of the project are as follows:

- Approximately 1.74 miles of widening for two additional lanes.
- Improving intersection radii to meet design standards.
- Environmental planning and preparation of permit applications.
- Signal modifications and design.
- Structural design for retaining walls and culvert extensions/replacements.
- Determination of R/W needs and R/W plan preparation.
- A partnering effort is possible to assist with short project schedule, coordination of management, decision-making, and interaction with the (Agency name) regarding structural issues and reviews.

SUBMITTAL

Submittals should include the following information: Firm name, phone and fax numbers; Name of Principal-in-Charge and Project Manager; and Number of employees in each firm proposed to project.

Submittals will be evaluated and ranked based on the following criteria:

- 1) Key personnel;
- 2) Firm experience with PS&E;
- 3) Firm experience with environmental planning and permitting process;
- 4) Ability to meet schedule;
- 5) Approach to project;
- 6) Familiarity with relevant codes and standards;
- 7) Past performance/references;
- 8) Ability to provide M/WBE participation.

Double rating will be given to criteria #2.

AGENCY NAME encourages disadvantaged, minority, and women-owned consultant firms to respond.

Please submit FOUR copies of your Statement of Qualifications to: Director of Services Consultant Agency Name, Address, and Contact Person by April 7, 2002 not later than 10:00 AM. No submittals will be accepted after that date and time. Any questions regarding this project should be directed to Director of Consultant Services, at Agency Phone

Persons with disabilities may request this information be prepared and supplied in alternate forms by calling collect (Alternate format Phone) dates of Publication: February 15, 1999 and February 22, 1999.

The Recipient, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises as defined at 49 CFR Part 26 will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award.

Dates of publication: June 21, 1999, and June 28, 1999.



**Local Agency Railway Agreement
Federal Aid Safety Projects
Highway-Railway Grade Crossing
Warning Devices**

Local Agency _____ Project Number _____

Railway _____ Agreement Number _____

The above parties having complied, or hereby agreeing to comply, with the terms and conditions set forth in (1) Title 23, U.S. Code, Highways, (2) the regulations issued pursuant thereto, and (3) the Policies and Procedures promulgated by the Washington State Department of Transportation, relating to grade crossing warning devices, hereby agree to proceed with the accomplishment and completion of the project hereinafter described.

Project Description

Local Agency Road Name _____

Location _____

Railway Line Name _____

Location _____

Description of Work

The site plan attached hereto as Exhibit C further describes the work.
Construction is estimated to be completed in _____ days, following execution of this agreement and authorization to proceed.

Estimate of Cost

Type of Work	Labor	Non-Labor	Total
1. Install Warning Devices (Type)			
a. Freight Material Handling			
b. Equipment Rental			
c. Expenses			
d. Salvage			
e. Other			
2. Engineering and Accounting			
3. Liability Insurance			
4. Labor Surcharge			
5. Other Work by Railroad* <input type="checkbox"/> Yes <input type="checkbox"/> No Exhibit A attached hereto			
6. Total Project Costs			

* If detail is required, attached Exhibit A. Insert Exhibit A totals in this line.

The above parties further stipulate that they agree to and will comply with the provisions set forth in the reverse hereof and made a part of this agreement. Where a franchise or permit exists, the parties shall determine to what extent the franchise or permit is superseded by this agreement. Such determination should be in writing and attached as part of the agreement.

Repair or replacement of damaged or obsolete signals. The cost of repair or replacement of the signals shall be borne on the ratio of _____ percent Local Agency and _____ percent railway.

This agreement shall inure to the benefit of and be binding on the parties hereto, their successors and assigns.

Adopted by Resolution/Ordinance No. _____ Railroad Official _____

Local Agency Official _____ Title _____

Date _____ Date _____

I. Scope of Work

The Railway will provide all the work, labor, materials, and services to install the warning devices hereinafter called "signals" as described and set forth in the "Project Description" and "Estimate of Cost."

The Railway will provide all the work, labor, materials, and services to install the warning devices hereinafter called "signals" as described and set forth in the "Project Description" and "Estimate of Cost."

The Local Agency shall perform those services necessary to facilitate the processing of all necessary documents required for the orderly progress of the project in accordance with the policies and procedures of the Washington State Department of Transportation (hereinafter called "Department") and the Federal Aid Policy Guide of the Federal Highway Administration (hereinafter called "FHWA.")

The Local Agency shall install without expense to the Railway advance warning signs, standard pavement markings for railroad crossings, and guardrails or barriers to protect the signals from highway traffic when such protection is required.

II. Funding

The project will be financed in conformity with FHWA regulations adopted for safety improvement projects authorized in the Transportation Equity Act for the 21st Century.

III. Payment

Upon written authorization by the Local Agency, the Railway may proceed with the project. Following execution of this agreement, progress bills may be submitted to the Local Agency for the cost of labor, materials, and other services provided to date of billings and as shown in the Estimate of Cost or supplemental estimates of cost furnished by the Railway and accepted by the Local Agency, the Local Agency shall pay such progress billings promptly upon receipt. Final and detailed billing of all incurred costs shall be made by the Railway within one year of project completion, and the Local Agency shall pay all eligible amounts of such bill, less progress payments previously made.

The Local Agency agrees to reimburse the Railway for the amount shown in the Estimate of Cost for the actual cost of labor, materials, and other services furnished by the Railway pursuant to this agreement, provided the costs are eligible.

IV. Availability of Records

All project records in support of all costs incurred and expenditures are to be kept and maintained by the Railway and by the Local Agency in accordance with Subchapter B, Subpart H or Section 140.922(c) of the C.F.R.

The records shall be open to inspection by the Department and FHWA at all reasonable times and shall be retained and made available for such inspection for a period of not less than three years from the final payment of any funds to the Railway.

V. Maintenance of Facility

Upon completion of installation, the Railway shall operate and maintain the signals as required by law. The Local Agency will maintain the advance warning signs, the standard pavement markings for railroad crossings, and protecting barriers or guardrails at Local Agency expense. However, in the event that any existing or future legislation makes federal, state, or other public funds available for the operation, maintenance, repair, or replacement of signals at grade crossings, the Local Agency shall cooperate with the Railway to secure said funds for the operation, maintenance, repair, or replacement of the signals installed pursuant hereto. This agreement may be supplemented and amended as necessary for the operation and maintenance of said signals to qualify for such funds.

VI. Repair or Replacement of Damaged or Obsolete Facility

In the event one or more of the signals installed under this agreement are partially or wholly destroyed and its or their replacement value or cost of repairing cannot be recovered from the person or persons responsible for such destruction, then in that event, cost of repair of the signals or cost of installation of a new signal or signals shall be borne on a ratio agreed upon by the Railway and the Local Agency as specified on the front hereof.

If the damage to a signal is caused by highway traffic, Local Agency will cooperate with the Railway in determining the location and identification of the parties responsible to the extent of making accident records available.

If said damaged signals cannot, through age, be maintained or require replacement by virtue of the obsolescence, then the cost of replacing the signals shall be negotiated by the Local Agency and the Railway as specified on the front hereof, with such state, federal, or other public funds as may be available at the time such replacement becomes necessary.

VIII. Disposition of Signals No Longer Required

If for any reason, signals shall no longer be required at grade crossing and, in the opinion of the Railway and WSDOT Highways and Local Programs, they are not obsolete, the state will take ownership and arrange to have them relocated to some other grade crossing. If said relocation is agreed upon by the WSDOT Highways and Local Programs and the Railway, the divisions of cost of such relocation shall be agreed upon between the Local Agency and the Railways prior to such removal. If for any reason the signals shall no longer be required at the grade crossings and in the opinion of the Railway and WSDOT Highways and Local Programs the signals are obsolete, the Railway may remove the signals and credit the Local Agency with the value of salvage recovered less cost of removal. The funds credited by the Railway will be reimbursed to the FHWA.

VIII. Relocation Required by Improvement

In the event that either railway or highway improvement will necessitate a rearrangement of relocation or alternation of the existing signals at said crossing, the party whose improvement causes such changes shall bear the entire cost thereof without expense to the other party. The Railway and WSDOT Highways and Local Programs will make the decision as to whether the signals or control circuits will be obsolete or inadequate to accommodate an improvement, subject to conformance with the policies and procedures promulgated by the Washington State Department of Transportation relating to grade crossing warning devices.

IX. Nondiscrimination Provision

If the Railway enters into a contract or agreement with a contractor to perform any of the work which the Railway is required to perform under the terms of this agreement, the Railway for itself, its assigns, and successors in interest, agrees that it will not unlawfully discriminate in its choice of contractors and will include all the nondiscrimination provisions set forth in Exhibit B, attached hereto and made a part hereof, in any such contract or agreement.

X. Buy America Requirements

The requirements of 23 C.F.R., section 635.410, "Buy America" apply to this project.

XI. Audit of Federal Aid Project

The Department, if services of a consultant are required, shall be responsible for audit of the consultant's records to determine eligible federal aid costs on the project. The report of said audit shall be in the Department's files and made available to the state and the federal government.

An audit shall be conducted by the Department's Internal Audit Office in accordance with generally accepted governmental auditing standards as issued by the United State General Accounting Office by the Comptroller General of the United States; WSDOT Directive D27-50, Consultant Authorization, Selection, and Agreement Administration; and Office of Management and Budget circular A-128.

If upon audit, it is found that an overpayment of federal money in ineligible items of cost has occurred, the Railway shall reimburse the Local Agency for the amount of such overpayment in excess of participation (see Section VIII). The funds credited by the Railway will be reimbursed to the FHWA.

This chapter provides information and instructions on procedures applicable to emergency projects funded by FHWA under the Emergency Relief (ER) Program. Agencies should notify the Region Local Programs Engineer of damages to roadway systems caused by an emergency/disaster.

When an emergency exceeds the capability of state and local government, federal assistance can be requested from FHWA (ER and ERFO) and FEMA for the purposes noted below:

- The Federal Highway Administration (FHWA) under Title 23, U.S.C., Section 125 provides Emergency Relief (ER) funds for the restoration of all damaged public roads and bridges except for rural minor collectors and local roads and streets.
- FHWA's Western Federal Lands Highway Division Office directly handles ERFO funds (Emergency Relief for Federally Owned Lands) for repairs to federal roads maintained by federal agencies (Forest Service, Park Service, etc.) that were damaged by a disaster and determined to be eligible by the FHWA Administrator.
- Federal Emergency Management Agency (FEMA) provides federal funds under Public Law 93-288, as amended, "Robert T. Stafford Disaster Relief and Emergency Assistance Act, Nov. 1988," for restoration of damaged roads and bridges on rural minor collectors and local roads and streets.

Congress annually authorizes \$100 million nationwide for FHWA's ER program. The type of events that qualify for ER funding are:

- A widespread natural disaster. Examples are floods, hurricanes, severe storms, earthquakes, volcanic eruptions, landslides, or tidal waves.
- A catastrophic failure. This is defined as the sudden and complete failure of a major element or segment of roadway system that causes a disastrous impact to transportation services. The cause must be external to the facility, such as a barge hitting a bridge and causing it to collapse.

References

- State of Washington Comprehensive Emergency Management Plan
- WSDOT *Disaster Plan M 54-11* — [April 2007](#)
- USDOT/FHWA Emergency Relief Manual — Interim update
[November 2009](#)

33.1 Steps Following a Disaster

Local Agency Process. Outlined below are the initial steps a local agency follows immediately after a disaster.

- a. Initial Notification. A local Emergency Management Office immediately notifies the Washington State's Emergency Management Division (EMD) via the fastest means possible.
- b. Local Agency Proclamation. A proclamation is signed by elected official(s) in accordance with the State of Washington Comprehensive Emergency Management Plan. In accordance with RCW 38.52, the state and each political subdivision (e.g., local agency) have prepared a Comprehensive Emergency Plan which is put into effect when a disaster occurs. (Appendix 33.91)
- c. Recording Site Specific Costs. It is very important to document all expenses incurred by an agency in coping with the disaster or catastrophe. Records must be site specific, identified by route, M.P. and/or by cross street identifiers within the route. Cost records must have supporting documentation for labor, equipment, and materials. Failure to document costs as outlined above is a major reason for ineligibility findings.
- d. Additional Data Gathering. Agencies should gather evidence of the disaster such as newspaper clippings and photos. This information is helpful in the preparation of the field reports to request emergency relief funds.
- e. Requesting State Assistance. During and immediately after the disaster, the local Emergency Management Office conducts "damage assessments" to determine the magnitude, dollar value, effects, and impacts of the emergency/disaster. There will also be a site visit from the Local Programs Engineer and FHWA.

It is very important to make timely and accurate damage reports to the EMD. These reports should describe the disaster and any local response. The "Incident Report" and "Disaster Analysis Report" forms provided by EMD and completed by the local agency (see Comprehensive Emergency Management Plan) are approved means of providing such a report. In addition, this notification should include the local agency's "Proclamation of Emergency."

- f. Proclamation by the Governor. From the information received EMD will inform the Governor's Office. If the situation warrants state assistance, EMD will coordinate the state response to supplement the efforts of local governments. The Governor will proclaim a State of Emergency when necessary. The Governor's proclamation is required to obtain assistance under both ER and FEMA. (Appendix 33.92)

From this point on, the processing of ER or FEMA projects are different, and the procedures are shown separately in the following sections.

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 that are either physically deteriorated or that no longer provide the necessary the level of service. Deteriorated bridges that are in poor condition are considered Structurally Deficient (SD) and bridges with existing geometric configurations below current standards for service demands are considered Functionally Obsolete (FO). 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 <http://www.wsdot.wa.gov/Publications/Manuals/M36-64.htm>. Reference these documents for additional information on the following subjects.

.21 Delegation of Bridge Program Manager Status. Each State Transportation Department is required to have an Inspection Organization responsible to inspect, or cause to be inspected, all highway bridges located on public roads that are fully or partially within the State's boundaries, except for bridges owned by Federal agencies. The WSDOT Local Agency Bridge Engineer is the Program Manager for county and city owned bridges. The NBIS contains provisions to allow delegation of bridge program functions identified in §650.307 (c) (2). See Appendix 34.604.

.22 Bridge Inspection Types and Frequencies. Each structure in the National Bridge Inventory (NBI) shall receive a routine inspection at intervals not to exceed 24 months. Routine Inspections may require special access equipment in order to perform a hands-on inspection. Highways & Local Programs (H&LP) administers a program called the High Cost Inspection Program to help provide for these inspections. See Section 34.31 below.

Inspections that require special equipment or procedures are:

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

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

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

- Program Manager
- Team Leader

The **Program Manager** is the individual in charge of the bridge program, that has been assigned or delegated the duties for bridge inspection, reporting, and inventory. The program manager provides overall leadership and is available to the 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 and is 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 the inspection and for accurate 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. Program Manager delegation is issued to an individual within a specific agency that meets the qualifications, not to the agency. Any change of employment of the Agency Bridge Program Manager requires re-delegation by WSDOT H&LP of these functions to other qualified personnel within the specific agency (see Section 34.21). Certification of Bridge Program Manager status will be in writing to the individual in question. Bridge Inspector Team Leader certification will be acknowledged through an e-mail response and by activation of Certified Bridge Inspector privileges in the Bridge Works Bridge Inspection Software. Any acknowledgement of 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 bridge inspectors that have been certified by H&LP. WSDOT 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 WSDOT must participate in a continuing education program to maintain certification. This program requires each of the following during a five-year period:

- 60 hours of Bridge related training including WSDOT sponsored bridge training and bridge conferences and other NHI Bridge Training courses.
- An approved Bridge Inspector Refresher Training course.
- Field evaluation performed by WSDOT H&LP during QA/QC reviews (see 34.3).

Visit the H&LP Bridge Services Web site at <http://www.wsdot.wa.gov/LocalPrograms/Bridge/Training.htm> 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. Chapter 1 of the WSBIM and Appendix 34.604 list what 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 local agency is required to maintain a current file on each member of the Inspection staff detailing their experience and training.

.26 Bridge Load Ratings. All NBI bridges require load ratings which must be stamped and signed by the Professional Engineer performing the analysis. These ratings must be placed in the official bridge file as 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 also 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 all bridges determined to be “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 6 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. Bridge inspections requiring special equipment or procedures, as detailed in Section 34.22 above are eligible for the High Cost Inspection Program. This program provides some or all of the personnel or equipment necessary to perform inspections that require special access or procedures. Highways & Local Programs maintains a Master List of Local Agency owned structures requiring High Cost inspections.

34.4 Small City Bridges

Washington Counties have accepted inspection responsibilities for bridges owned by small cities (populations less than 5,000) 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 more than 20 feet in length measured along the centerline.

2. It must be recorded in the Washington State Bridge Inventory System (WSBIS).
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. Seismic-Paint-Scour: Eligible activities may be funded for bridges regardless of sufficiency rating. However, bridges must be scour critical or have unknown foundations to be eligible for scour projects.
5. No replacement or rehabilitation projects can have been performed using HBP funds in the past 10 years. There is no moratorium following Seismic-Paint-Scour projects.
6. Bridges with structurally deficient decks (Deck Overall codes of 4 or less) are eligible for rehabilitation regardless of sufficiency rating. The 10 year moratorium will not disqualify the candidate; however, once the deck has been replaced or rehabilitated, the ten-year rule will apply.

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). A further explanation of sufficiency rating and criteria for structural deficiency and functional obsolescence can be found at <http://www.wsdot.wa.gov/LocalPrograms/Bridge/Resources.htm> under a link labeled "Bridge Analysis." A sufficiency rating generator is included as part of the Bridge Works Bridge Inspection software which is available for download at <http://www.wsdot.wa.gov/LocalPrograms/Bridge/BridgeWorks.htm>.

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

1. Live Load: LRFD HL 93.
2. Vertical Clearances: Clearance over roadways is a minimum 16.5 feet. Clearance over railroads is a minimum 23.5 feet.
3. Design-year ADT will be determined per Section 43.21.
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 existing 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 the existing 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 and shall not be considered scour critical (WB76-80 coded 8 or 9).

Both a load rating and a scour analysis shall be provided for the official bridge file.

.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 Seismic-Paint-Scour. 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.

.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, ADT, 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. Seismic-Paint-Scour.
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.

There are two situations when an agency can request additional funding.

1. **Prior to Construction Obligation/Authorization.** At the construction authorization point, the agency is required to have all necessary funding secured. If the current engineer's estimate exceeds the amount of funding approved for the project, the agency may submit a request to increase federal funding.

Approval for the increase in funding must be received prior to construction authorization or all costs above the original amount approved for the project will be the responsibility of the agency.

2. **After Advertisement But Before Award.** If all bids received exceed the amount of funding approved for the project, the agency may submit a request to increase federal funding.

Approval for the increase in funding must be received prior to awarding the project contract or all costs above the original amount approved for the project will be the responsibility of the agency.

H&LP will send a letter to the agency approving or denying the proposed increase. If approved, 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 Program Manager Agreement
- 34.605 Bridge Inspection Manual Chapter 6
- 34.606 Individual Bridge Record



Bridge Inspector Experience and Training Record

Team Leader Name		Date	
Agency Name			
Education			
Institution	Major	Years	Degree
Professional Registration			
State	Branch/Agency	Registration Number	
Bridge Inspection Training			
Course	Hours	Sponsor	Dates
Special Technical Course			
Course	Hours	Sponsor	Dates
Bridge Inspection Experience			
Agency/Firm	Bridge Duties	Years	
To the best of my knowledge, the above information is true and accurate.			
Team Leader's Signature _____		Date _____	
Having reviewed the above information, I conclude that this individual meets the minimum qualifications for a bridge inspection team leader as specified in the current National Bridge Inspection Standards.			
Team Leader's Supervisor's Signature _____		Date _____	
Supervisor's Name (Print) _____		Title _____	

DOT Form 234-100 EF
8/98

AGENCY _____ AGENCY NO. _____

In accordance with Title 23, Code of Federal Regulations, Part 650 - Bridges, Structures, and Hydraulics, Subpart C – The National Bridge Inspection Standards (NBIS) the Washington State Department of Transportation (WSDOT) in its role as the Washington State Bridge Inspection Organization is responsible to inspect, or to cause to be inspected, all highway bridges located on public roads that are fully or partially within the State's boundaries, except for bridges owned by Federal agencies. The NBIS contains provisions to allow delegation of bridge program functions identified in §650.307 (c) (2).

The individual in charge of the bridge program as defined in the NBIS is the Bridge Program Manager. The overall Program Manager for Local Agency owned bridges in Washington State is the WSDOT Local Agency Bridge Engineer. The individual delegated Program Manager status within an agency and deemed in charge of the Agency Bridge Program for that agency is the Agency Bridge Program Manager. While delegation of Program Manager is allowed, such delegation does not relieve WSDOT of any of its responsibilities under the NBIS.

Agency Bridge Program Manager status is assigned to a specific qualified individual within a specific agency. Any change of employment of the Agency Bridge Program Manager requires re-delegation by the WSDOT Local Agency Bridge Engineer of Bridge Program Manager status to another qualified person within that specific agency.

A qualified person within a Local Agency who accepts Bridge Program Manager status agrees to:

- Adhere to the Washington State Bridge Inspection Manual and all policies and procedures promulgated by the Washington State Department of Transportation (WSDOT) which accomplish the policies and objectives set forth in NBIS.
- Provide overall leadership and be available to the inspection team leaders to provide guidance.
- Supervise or provide Bridge Program quality control to ensure that the requirements of the NBIS are met. This includes review of inspection reports and approval of the Team Leaders work, overseeing bridge inspection schedules, ensuring that all analysis, reporting, and inventory requirements are met, and critical deficiencies are addressed in a timely manner. Support staff may be Private Consultant or State Services.

The qualified person within a Local Agency who accepts Bridge Program
Manager Status:

Bridge Program Manager (Name)

Bridge Inspector Cert. No.

Mayor or Chairman

Date

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

Approved By:

Highways and Local Programs
Engineering Services Manager

Date

I Appendix 34.605 Bridge Inspection Manual Chapter 6

6.01 General

The on-site inspection of each bridge is important for gathering information about the bridge's structural condition and adequacy. This information must be stored as a permanent bridge record. Such a record provides a useful and accurate history. It also contains information on previous repairs and provides others with ready access to information.

Each agency is responsible for maintaining a bridge file for each bridge within its jurisdiction. A detailed list of information that should be in the bridge file is listed and described in Chapter 1. When inclusion of this information in the bridge file is not possible or impractical, reference to the location where it can be found will suffice.

In addition, agencies are required to maintain a record of other general information. This information may be requested during the quality assurance review of the bridge inspection program. The following general information should be on file:

- An experience and training record for each lead inspector.
- A master list of all bridges within the agency's jurisdiction. This list should identify bridges that have fracture critical members, require underwater inspection, and/or warrant special attention because of their design features, location, or strategic importance.

6.02 Individual Bridge Records

A permanent record on each bridge must be maintained. This record provides a history of the bridge's condition, maintenance, and inventory data. This information must be kept current. The National Bridge Inspection Standards (NBIS) require changes to the bridge record information to be reported quarterly.

A. Washington State Bridge Inventory System (WSBIS) Inventory Coding Form

A copy of the completed WSBIS Inventory Coding Form must be in the bridge file as a ready source of the current bridge information.

The procedures for establishing, maintaining, and updating the inventory information is described in detail in Chapter 2.

B. Bridge Inspection Reports

Copies of all on-site inspection reports must be kept in the individual bridge file. The reports provide specific details about the bridge's condition, how conditions have changed over time, and any previous

repairs or maintenance performed. This information is reviewed prior to each bridge on-site visit to prepare the inspector for the conditions or problems they may encounter. Procedures for completing bridge inspection reports are covered in Chapter 3.

C. Critical Damage Bridge Repair Report

A copy of the Critical Damage Bridge Repair Report must be kept in the bridge file. This report provides evidence that formal recommendations to correct major bridge damage were made and acted upon in a timely manner, ensuring the safety of the public. See Chapter 7 for more information.

D. Photographs

Labeled and dated copies of elevation and deck photographs of the bridge must be kept in the bridge file. The label should include the structure ID, bridge name, bridge number, inspector's initials, and a description including orientation. Whenever the bridge's condition changes, new photographs should be taken and added to the file. An agency may also keep on file photographs of problems or deficiencies discovered at the bridge (e.g., section loss in a deteriorating piling or significant spalling on a bridge deck). These photographs can provide documentation of existing or developing problems that could lead to repairs.

E. Plans

Most bridges will have detailed design plans used for the construction of the bridge. These plans should be kept in the bridge file. If these plans are not available, a detailed sketch of the bridge needs to be made showing bridge length, width, span length, clearances, and a typical section with bridge materials and dimensions.

F. Calculations

Bridge calculations necessary for inclusion in the bridge file are detailed in Chapter 5.

A copy of the stamped, signed and dated load rating must be kept in the bridge file. Include a note in the bridge file with location of any load rating that is too bulky to fit in the file itself.

Scour elevations must also be included in the bridge file. The scour evaluation must include the code entered in WB76 - 80 and an action plan for high water events for scour critical bridges.

G. Correspondence

All letters regarding the inspection, maintenance, or ownership of the bridge should be kept in the bridge file. This may include correspondence from FHWA, WSDOT, other agencies, and/or individuals.

H. Inspection Procedures

Each agency is required to develop and maintain procedures that address the special features of a bridge. Special features include fracture critical members, underwater elements, or any other feature requiring special attention due to location, strategic importance, or special design features.

The members that require an underwater inspection shall be identified and the inspection procedures specified. Waters deeper than 4 feet will normally require a diver that is trained in bridge inspections. Wading types of inspections can usually be performed by regular bridge inspection teams as part of the structural inspection. Detailed procedures for conducting these inspections are in Chapter 3.

I. Other Information

All other information gathered about the bridge should be kept on file. This includes details about maintenance work performed, special reports or studies, heat straightening, damage, and paint reports.

6.03 Master List

The purpose of a master list is to assist in the management of nonroutine inspections, bridges needing special attention and/or inspection equipment. Each agency is required to maintain a master list of:

- Bridges with fracture critical members
- Bridges requiring underwater diving inspections
- Bridges with special features (e.g., segmental bridges)

It is recommended that each agency maintain a master list of:

- Bridges that are scour critical
- Load posted bridges
- Bridges requiring an Under Bridge Inspection Truck to inspect limited access members
- Short span bridges
- Bridges needing repairs
- Bridges needing traffic control for routine inspections
- Fatigue cracked bridges
- Environmentally sensitive bridges
- Bridges needing deck replacement
- Bridges that are seismic vulnerable
- Bridges needing painting

This information can be used to plan, schedule, and monitor the special inspections. At a minimum, the following information must be included for each bridge:

- Bridge type and location
- Type and frequency of inspection required
- Location of particular members to be inspected
- Inspection procedures to be used
- Type of special equipment required
- Previous inspection dates
- Most recent inspection findings
- Any follow-up action taken as a result of the most recent inspection findings

Bridges are added to the master list when they are identified as needing an underwater, fracture critical, or special features inspections. As these inspections are performed, the master list is updated with the most current information. Bridges are kept on the master list throughout their service life, unless the bridge's category (e.g., fracture critical, special features) changes.

6.04 Short Span Bridges

Short span bridges (see Chapter 8) are bridges or multiple culverts having an opening of 20 feet or less. The short span bridges are generally not reported to the Federal Highway Administration. Washington State encourages the reporting of short span bridge information because of concerns about their condition and possible maintenance repairs required.

6.05 Inspector Qualifications

The NBIS outline the minimum training and experience required for the head of the bridge inspection organization and the lead bridge inspector. Each agency is required to maintain a record of qualifications for each of its bridge inspection personnel. The agency needs to include the names and qualifications of each individual performing bridge inspections.

The Bridge Inspector Experience and Training Record Form was developed for this purpose. The form is completed by the head of the bridge inspection organization who verifies that lead inspectors meet the qualifications. The completed form is sent to the Bridge Engineer for Local Agencies for review and the issuance of a bridge inspector identification number. This number is required on the inspection reports. A copy of the completed form is kept on file with the agency.

Each agency is responsible for keeping this information current. During the quality assurance review process, agencies may be asked to verify the qualifications of their inspectors.

Forms

Bridge Inspector Experience and Training Record

**Bridge Program Files (Chapter 34)
Washington State Bridge Inspection Manual (WSBIM) Chapter 6**

Individual Bridge Record

Bridge Name _____
 Bridge Number _____ Structure I.D. _____

Date
Initials or N/A

_____ _____ Current Washington State Bridge Inventory Coding Form (WSBIS)
 _____ _____ Inspection date is current
 _____ _____ Data is complete and correct (WSBIM Ch. 2)

_____ _____ Bridge Condition Inspection Report History
 _____ _____ Reports signed and dated by qualified Team Leader
 _____ _____ Team Leader qualification and training file up-to-date
 _____ _____ History complete according to inspection frequency

_____ _____ Critical Finding (WSBIM Ch. 7)
 _____ _____ Critical Damage Bridge Repair Report
 _____ _____ Follow-up information (Inspection/Design/Repair)
 _____ _____ Conclusion (Bridge reopened or permanently closed)

_____ _____ Photographs (deck and elevation at a minimum)
 _____ _____ Date, description, orientation, inspector's initials
 _____ _____ Location if not in individual bridge file

_____ _____ Bridge plans or detailed drawings
 _____ _____ Plans do not exist
 _____ _____ Location if not in individual bridge file

_____ _____ Scour Analysis (WSBIM Ch. 5)
 _____ _____ Bridge is not over water
 _____ _____ Analysis defines the WB76-80 Scour Code

_____ _____ If Scour Critical
 _____ _____ Action plan
 _____ _____ Bridge is included on Scour Critical Master List

_____	_____	Load Rating (WSBIM Ch. 5)
_____	_____	Stamped, signed, and dated by Professional Engineer
_____	_____	WB72-93 coded correctly per load rating
_____	_____	Bridge is posted if necessary
_____	_____	Bridge is included on master list of posted bridges
_____	_____	WB76-60 coded correctly
_____	_____	WB75-51 through WB77-55 correctly coded
_____	_____	Location if not in individual bridge file
_____	_____	General Correspondence
_____	_____	Inspection Procedures (WSBIM Ch. 3)
_____	_____	Bridge is Fracture Critical
_____	_____	Bridge is on Fracture Critical Master List
_____	_____	Fracture Critical procedures
_____	_____	Bridge requires underwater inspection
_____	_____	Bridge is on Under Water Inspection Master list
_____	_____	Underwater Inspection procedures
_____	_____	Bridge is Complex
_____	_____	Bridge is Complex Bridge Master List
_____	_____	Complex Bridge Inspection Procedures
_____	_____	Maintenance Records
_____	_____	Maintenance recommendations on inspection report
_____	_____	Maintenance initiation (signed, dated)
_____	_____	Maintenance completed (signed, dated, description)
_____	_____	Other Information
_____	_____	Special reports

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.

All projects are subject to Americans with Disabilities Act (ADA) requirements for accessibility. For guidance on ADA standards please see WSDOT Design Manual, section 1025 and the Local Agency ADA Planning and Design Resource Web page at <http://www.wsdot.wa.gov/ta/operations/localplanning/ADA.html>.

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
Mr. Jim Parvey, PE City Engineer City of Tacoma jparvey@cityoftacoma.org	Jim Whitbread, PE County Engineer Stevens County jwhitbre@co.stevens.wa.us	Ashley Probart Association of Washington Cities ashleyp@awcnet.org
Dan Handa, PE Development Services City of Puyallup dhanda@ci.puyallup.wa.us	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
Mr. Mike Taylor, PE City Engineer City of Spokane mtaylor@spokanecity.org	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	Ramiro Chavez, PE Project Engineering Manager Pierce County rchavez@co.pierce.wa.us	

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

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

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 Im-provements	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					3					
Other, Interpretive Centers, etc....	2	2	2	2	2	1	2	2	2	A	3	2	2	2	2	2
Parking Facilities	A	A	A	A	A	1	A	A	A	A	3	A	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 62.102
- (3) When provided must meet WSDOT Design Manual
- (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, WSDOT Design Manual 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	AE	4	3
Re-Construction	AE	AE	AE	AE	AE	AE	4	3
3R	AE	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	2
Parking Facilities	A	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 62.102
- A Design Level A (3) When provided must meet WSDOT *Design Manual* standards
- 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, WSDOT standards do 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	D
Re-Construction	A	A	D	D	D	D
3R	AE	AE	AE	AE	AE	1
2R			AE	AE	AE	1
Railroad (If roadway work included use 3R line)						1
Bridge Rehabilitation, Paint, Seismic, etc....						
Trails	3	3	3	3	3	3
Pedestrian Facility Improvement Projects						
Other, Interpretive Centers, etc....	2	2	2	2	2	2
Parking Facilities	A	A	AE	AE	AE	1

Non-NHS Local Agency Design Matrix
Table 1.3

Topic	Agency	Conditions Requiring	When to Initiate	References
Water Quality	DOE	Prior to issuance of a federal permit/license for activity which involves discharge into navigable waters, certification of compliance with state water quality standards is necessary	During project development	FHWA #401, RCW 90.48.260, WAC 173-225
Water Rights	DOE	Appropriation of ground water or surface water	Prior to putting water to use	RCW 90.44,RCW 90.03.250
Waters/ Wetlands (Sec. 404 -Dredge/Fill)	Army Corps of Engineers (Coordination with USFWS)	Discharging, dredging, or placing fill materials within waters of the USA or adjacent wetlands	Early stages of project development	Sec. 404 FWPCA 1972, 33 USC 1344
Waterways (Sec. 10)	Army Corps of Engineers Coordination with USFWS)	Obstruction alteration, or improvement of any navigable water (rechanneling, piers, wharfs, dolphins, bulkheads, buoys, etc.)	Early stages of projects development	Rivers and Harbors Act of 1899, 33 33 USC 401 #10
Waterways (Sec. 9)	Coast Guard (Coordination with USFWS)	Bridges and causeways in navigable waters, including all tidal-influenced streams	After design	Rivers and Harbors Act o f 1899,33 USC #9
Wetlands	USFWS or NMFS	Impact to lowlands covered with shallow and sometimes temporary/intermittent waters (swamps, marches, bogs, sloughs, potholes, etc.)	During preparation of environmental document	49 USC 1651 ,EO 11990 (Protection of Wetlands)
Wild & Scenic Rivers	USFS/NPS	Impacts to rivers or streams in or having potential for designation in the National Wild and Scenic River System	During preparation of environmental document	

LEGEND:

ACHP — Advisory Council on Historic Preservation
 CFR — Code of Federal Regulations
 CZMA — Coastal Zone Management Act
 DNR — Department of Natural Resources (state)
 DOE — Department of Ecology (state)
 DOI — U.S. Department of Interior
 DOT — U.S. Department of Transportation
 EO — Executive Order
 EPA — Environmental Protection Agency (federal)
 FAA — Federal Aviation Administration (DOT)
 FERC — Federal Energy Regulatory Commission
 FHWA — Federal Highway Administration (dot)
 FWCA — Fish And Wildlife Coordination Act
 FWPCA — Federal Water Pollution Control Act
 FHPM — Federal Highway Program Manual
 NMFS — National Marine Fisheries Service (Department of Commerce)
 NPDES — National Pollutant Discharge Elimination System

NPS — National Park Service (DOI)
 OAHP — Office of Archaeology And Historic Preservation (state)
 RCW — Revised Code of Washington
 SDWA — Safe Drinking Water Act
 USC — United States Code
 USDOA — U.S. Department of Agriculture
 USFS — U.S. Forest Service (usdoa)
 WAC — Washington Administrative Code
 WS — Washington State



**Local Agency
Plans Preparation Checklist**

Rd/St. No./Name	Project No.	P.I.N.	P.E. / Design Eng.	F. A. No. (s) or Local Agency
Job Title				Program
Prepared By		Phone Number	District Reviewer	Phone Number
X Items Required On This Project		IN Initial When Complete		
Permits & Approvals		N/A	X	IN
Army Corp Of Eng. (Sec. 10 Or Sec. 404)				
FAA Airport/Highway Clearance				
FERC Restricted Hydro-electric Land				
USFWS Wetlands Report				
USFWS/NMFS Endangered/threatened Species		X		
Soil Conservation Service Prim & Unique Farmlands				
Natl Forest Restriction				
Park Restriction (4 (f))				
OAHP Historic/Archaeological (Sec. 106)		X		
Epa Sole Source Aquifer				
Dept's Of Fish And Wildlife HPA				
DOE Water Quality Cert.				
DOE/Counties Flood Plains				
DOE Coastal Zone Management Act				
DOE Discharge of Pollutants into Surface Water (NPDES)				
DOE State Waste Disposal				
DOE Short Term Mod.				
DOE Water Right Approp.				
DOE Water Pollution Control Plan				
Counties/Cities DOE Shoreline Management Substantial Development				
Counties Cities DOE Conditional Use				
EIS Commitments				
NEPA (All Federal Aid Projects)				
SEPA		X		
Railroads		N/A	X	IN
Railway Easement (Checked For Stipulations)				
Railway Construction Agreement				
Railroad Insurance				
Flagging Cost Estimate				
Cities		N/A	X	IN
Approval Of City Streets As Detours (Agreement)				
City Participation In Cost (Agreement)				
City Streets Used As Haul Roads (Agreement)				
Construction Permits				
Turnback Agreement				
County		N/A	X	IN
Approval Of County Roads As Detours (Agreement)				
County Participation In Cost (Agreement)				
County Roads Used As Haul Roads (Agreement)				
Construction Permits				
Turnback Agreement				
Compare Previous Approvals		N/A	X	IN
Detours				
Approved Recl. Plan For Pit Site				
Approval For Tied Bids				
Approval <u>Not</u> To Use Bridge Approach Slab				
Hydraulics		N/A	X	IN
Pipe Alternates				
Materials		N/A	X	IN
Sufficient Quantity In Pit Site				
Spec. Conditions - Wet Soil, Unsuitable, Etc.				
Spec. Treat. For Exist. Pave.				
Ret. Wall Data Sheet For Rock Walls Over 5' And All Other Walls Over 10'				
pH And Soil Resistivity Values For Pipe Alternates				
Plans - General		N/A	X	IN
Township, Range, Subdivision, North Arrow, Scale Bar Each Sheet			X	
State Boundary, County Line, Corporate Limit				
Reservation, Park Or Forest Boundary				
Project Limits Noted			X	
Construction Limits Noted				
Federal Aid Sections Noted				
Ultimate Const. Detailed (FA Jobs)				
Note "Bridges Included" Or "Bridges Not Included"				
Equations Noted				
Contract Recl. Plan Included				
Index To Plans (More Than 30 Sheets)				
Sheets Numbered (In Pencil Or Use Ref. No. For Large Projects)				X
Project Title Block Left Blank				X
Sheets Identified In Lower Left Corner				X

Job Title				Project No.			
X Items Required On This Project				IN Initial When Complete			
Plans - General (continued)				Roadway Sections			
	N/A	X	IN		N/A	X	IN
Sheet Titles In Ink In Lower Right Title Block		X		Label Sections			
Local Agencies & St. Aid Seals & Signatures				Sta Limits For Each Sec-Entire Length Of Each Roadway Must Be Covered			
Consultant Signatures & Seals				Check For Overlap And Gaps In Stationing			
Consultant Written Consent To Revised Plan				Show Future On F.A. Projects For Future FA Funding			
All Plan Sheets In Proper Order		X		Conformance With Soils Report			
Connect. To Existing Streets, Driveways, Etc. (Field Rev.)				Conformance With Design Report			
No Combination Of Ink And Pencil On Same Sheet		X		Guardrail Widening Details			
Plan Symbols In Accord. Chapter 5 - Legend		X		Shoulder Dressing Details			
Min. Lettering Height 1/8" On Full Size Sheet		X		Slope Rounding Details			
				Broken Back Subgrade Shoulder Detail			
Vicinity Map	N/A	X	IN	ACP Planning Detail			
Reasonable Scale To Show The Project		X		Table For Variable Slopes			
Project Limits By Milepost And Stationing		X		Legend All Sheets			
Constructions Limits By Milepost And Stationing				Reference Notes			
Equations And Exceptions				Note Equations And Exception			
Distance To Towns-rural Projects Only				Lift Thickness For ACP And Surfing (Compacted Depth)			
Pit, Waste, And Stockpile Sites And Haul Roads				No "Min." Or "Max." For Surf. And Paving Depth Or Slopes			
Detour Routes							
Railroad Lines-IMPORTANT To Show Any In Area				Alignment, R/W, Grading & Existing Features Plan	N/A	X	IN
If Staged Project, Show Staging For Future FA Funding				Curve Data, Super Elevation Rates			
Show Bridge No.				Slow Cut And Fill Catch Line			
				Monumentation - Protect Existing, Install New			
Summary of Quantities	N/A	X	IN	Legend Or Reference Note On All Sheet			
All Necessary Groups Per Chapter 3		X		Alignment Plan Must Show R/W Centerline (Including R/W Curve Data) And Const. Centerline With Ties If Different			
Separate Groups For Agreement Work				R/W And L/A Must Agree With Approved R/W & L/A Plan			
Review For Order, Nomenclature And Standard Number		X		Show RR Alignment And RR R/W			
Look For Unusual And Non-Std Items - These Need Sp. Provs.		X		Are Easements And/Or Permits Required			
Used Std, Tem No. For Std. Item		X		Show Site Prep. And Demolition Work			
All Items Tabulated		X		All Items To Be Removed Shown			
Check Quantities From Plans		X		Show Fencing			
Q.A. Items				Show Guardrail (Or Paving Plan)			
Roadway Sections	N/A	X	IN	Quantity Tabulations	N/A	X	IN
Mainline				Same Order And Nomenclature As On Summary Of Quantities			
Ramps				Items Required On Q-tab Per Chapter 3			
Frontage Roads				Round Off Quantities Per Chapter 3			
City/county Roads At Intersections				Correct Totals (Sheet And Project)			
Road Approaches				Transfer Project Totals To Summary Of Quantities			
Detours				Guide Post Color And Reflector Type Indicated			
Trails				T-2 Raised Pave. Mark. Color Indicated			
Bridge Approach Slab							
Bridge							

Job Title				Project No.			
X Items Required On This Project				IN Initial When Complete			
Quantity Tabulations (continued)				Structure Notes (continued)			
	N/A	X	IN		N/A	X	IN
Traffic Arrow Type Indicated				Appropriate Special Provision Referred To In General Notes			
Agreement Items Denoted				Leave Several Station Lines Blank Between Ref. Sheet Nos.			
Plan Sheet Reference Number Filled In				Box Culvert Quantities			
Stations Agree With Plans							
Guardrail Placement Case							
Radius And G. R. Length For Non-Std. Bends				Drainage Plans and Profiles	N/A	X	IN
Design "F" Guardrail Terminal Approval By Bridge				Legend Or Reference Note On All Sheets			
Leave Every 5th Item Column And Station Line Blank				Need Profiles For Major Culverts And Sewer Systems			
Appropriate Special Provision Referred To In General Notes				Conformance With Hydraulics Report			
				Pipes Over 30" Dia. Need Design Review By Hydraulics			
Profiles	N/A	X	IN	Details Required For Work <u>Not</u> Covered By Standard Plans			
Mainline				Show Distance Between Structures (ie. \bar{Q} C.B. to \bar{Q} C.B.)			
Ramps							
Frontage Roads				Utility Relocations	N/A	X	IN
Detours				Existing Utilities Must Be Shown In Plan			
Trails				Reloc. Costs - Reflect In Below-The-Line Costs			
Show Equations And Exceptions				Timing Of Work-Address In Provision			
Plan/profile Sheets, Stationing Must Be Identical				Details			
Coordinate With Roadway Sections And Plans							
Show Bridges ("Included" Or "Not Included")				Channelization and Paving Plan	N/A	X	IN
Show Quantities Per Chapter 3 (10 Sta. Totals)				Paving Plan And Road. Sect. Must Agree			
Round Off Quantities Per Chapter 3				Legend Or Reference Note On All Sheets			
Correct Totals To Summary Of Quantities				Show Paving Plan For I/C And Intersections			
Show Unsuit. Exc. Limits And Excavation Slopes				Channelization Detail			
Superelevation Diagrams, Match Rates As Shown On Alignment Plan				Show Guide Posts Especially I/C And Intersections			
Datum Symbol And Bench Mark Location				Show Pave. Marking (Optional)			
Show Road Approach Arrow & Indicate Lt. & Rt.							
				Miscellaneous Details	N/A	X	IN
Structure Notes	N/A	X	IN	Required For Work Not Covered By Standard Plan			
Order And Nomenclature Of Item As Shown On Summary Of Quantities							
Round Off Quantities Per Chapter 3				Illumination Plans, Schedules and Details	N/A	X	IN
Correct Totals (Sheet & Project)				Legend Or Reference Notes On All Sheets			
Transfer Project Totals To Summary Of Quantities				Conflicts With Existing Features, i.e., Utilities, Drainage, & Sidewalks			
Consistency Between Structure Notes, Plans Profiles, And Spec's				All Work Within R/W Or Construction Permit Area			
Agreement Items Noted							
Steel., Alum., And Conc. Pipe Alter. Provided				Signal Plans, Schedules and Details	N/A	X	IN
Alternate Treat. For Steel And Alum. Pipe				Legend Or Reference Note On All Sheets			
Maximum Height Of Cover Column On Structure Notes In Pencil, Or Separate Level In Cad Files				Conflicts With Existing Features			
Note Beveled End Sections				Traffic Signal Approval/Permit No.			
Leave Every 5th Item Column Blank				All Work Within R/W Or Construction Permit Areas			

- To meet the conditions of a Bureau of Reclamation Permit (Irrigation Canal).

The project will be advertised in the official legal publication for the agency and, if necessary, other newspapers to provide the widest possible coverage commensurate with the size of the project. Affidavits of publication must be in the project file.

The local agency will comply with the standard USDOT Title VI Assurances by inclusion of the following language in the solicitations for bids:

“The (Local Agency) in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, subtitle A, Office of the Secretary, Part 21, nondiscrimination in federally assisted programs of the Department of Transportation issued pursuant to such Act, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or national origin in consideration for an award.”

Should an addendum be necessary during the advertising period to correct or add something to the bid or plan data, such addenda shall be approved by the CA local agency prior to transmittal to all the plan holders. Each bidder shall present with their bid written notice of their receipt of each addendum received.

.25 Bid Opening. All bids received in accordance with the terms of the advertisement shall be publicly opened and announced, either item by item or by total amount.

If any bid received is not read, the name of the bidder and the reason for not reading the bid shall be publicly announced at the bid opening.

Adequate justification for rejecting any bids must be documented by the local agency.

.26 Evaluation of Bids for Award. The local agency shall verify that all required bid documents have been properly submitted and executed by all bidders. All bids are then reviewed for accuracy, unbalancing of bid items, etc., and tabulations checked and confirmed. Any corrections to the bid tabulations are made, if necessary, in accordance with the WSDOT Standard Specifications, Section 1-02 and 1-03.

In order for a bid to be considered responsive, a bid deposit of at least 5 percent of the total bid proposal must accompany each bid. In accordance with Section 1 02.7 of the Standard Specifications, the Proposal Bond shall not be conditioned in any way to modify the minimum 5 percent required.

When there is a specified DBE goal for the project, the successful bidder will be selected on the basis of having submitted: (1) the lowest responsive bid which has met the DBE goal; or (2) when the DBE participation is less than the specified goal, responsiveness will be determined on the basis of good faith efforts to attain the goal. For more information on DBE program requirements see chapter 26 of the *LAG Manual*.

The local agency shall prepare a tabulation of bids showing the item details for at least the three lowest acceptable bids.

The local agency shall document the reason(s) for rejecting the low bid and may reject all bids for any reason(s).

Reasons for justifying an unusual award:

- Where the competition is good; or
- Where the project is essential to the public interest (safety, emergency repair, etc.); or
- Where the engineer's estimate is clearly in error to a significant amount; or
- Where advertising again would likely result in higher bids.

If the local agency determines that the lowest bidder is not qualified or deemed non-responsive, it shall document those findings prior to awarding the bid to the next-lowest responsive bidder.

The Local Agency Agreement must be supplemented if any overrun or underrun occurs beyond the authorized amount. See Section 22.3.

One originally signed Supplemental Agreement form must be submitted to the Region Local Programs Engineer. This supplemental agreement form will be retained by WSDOT. It is the responsibility of the local agency to submit an additional supplemental agreement form or copy if they need an executed supplemental agreement for their files.

.27 Award of Contract. After bids have been tabulated and evaluated in accordance with the procedures described above, the construction contract may be awarded to the lowest responsive bidder. Projects with DBE goals must have concurrence of the Region Local Programs Engineer prior to award. Failure to obtain LPE approval will jeopardize the project's federal funding. Prior to award, agencies must verify contractor status with the Excluded Parties Listing System (EPLS) at <http://www.epls.gov/> to determine if a contractor has been excluded from bidding on a federal-aid contract. The results of that search will be documented to the project file. EPLS is the electronic version of the Lists of Parties Excluded from Federal Procurement and Nonprocurement Programs (Lists), which identifies those parties that have been suspended, debarred, or otherwise excluded from bidding on federal procurement and nonprocurement contracts. Construction contracts awarded to firms listed on the Excluded Parties Listing will not be eligible for federal-aid reimbursement.

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, construction shall be administered and materials inspected, in accordance with the *Construction Manual* M 41-01. For exceptions to the *Construction Manual*, see Appendix 52.108. In case of conflicting guidelines, this chapter governs the *Construction Manual*. Agencies may chose to use their own forms provided the same information is included on the agency forms as is shown on the WSDOT forms used for the same purposes. For an understanding of WSDOT documentation requirements, use Chapter 10 of the *Construction Manual* as a guide.

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://fmapps.wsdot.wa.gov/forms/eforms.php>. 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://fmapps.wsdot.wa.gov/forms/eforms.php>. 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 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. WAQTC testers may also work on NHS projects.

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
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. Measurement and payment for all acceptably completed bid items of work will be in accordance with Chapter 1-09 of the WSDOT Standard Specifications. Source documents used to support payments must be complete, stand alone documents that fully support the payment being made. Documentation to support payment shall be in accordance with Chapter 10 of the WSDOT Construction Manual. Agencies that have integrated computer programs for Inspector Daily Reports and payment source documents shall include all the information shown on the WSDOT forms used for those purposes. 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.

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 for concurrence prior to executing the change order.

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.

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 <u>(Certificate of Material Origin is required)</u>	Monument Case and Cover (Certificate of Material Origin is required)
Drainage items <u>(Certificate of Material Origin is required)</u>	PG Binder <u>Suppliers Bill of Lading</u> <u>(acts as Manufacturer’s Certificate of Compliance)</u>

- A Certificate of Material Origin is required for all steel and iron items on federally funded projects.
- 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 (HMA & 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.

Appendix 53.51

**Local Agency Project
Management Review Checklist**

Agency: _____ Date: _____
Project Title: _____
Federal Aid Project No.: _____ Contract No.: _____
Reviewers: _____

LAG Ref.

13 Table of Organization and CA Agreement Review:

<u>Action</u>	<u>Approving Authority</u>
Design Approval	_____
PS&E Approval	_____
Contract Award	_____
Contract Administration	_____

Preliminary Engineering:

- 14.62 Project Development Checklist Yes _____ No _____
- 24 NEPA Approval Date: __/__/__
- 42 Design Matrix Checklist Yes _____ No _____
- 43.1 Design Approved By: _____ Date: __/__/__
- 44.1 PS&E Approved By: _____ Date: __/__/__
- 44.22 Agency Supplied Materials Approved By: _____
- 44.22 Sole Source Items? Yes _____ No _____
- 21.1 Changes in Scope, Limits, Character, Cost? Yes _____ No _____
- 44.22 Tied Bids Approved By: _____ Date: __/__/__

Advertising and Award:

- 46.21 FHWA Construction Authorization Date: _____
- 46.24 Advertising Dates: _____
- 46.24 Three Week Advertising Period? Yes _____ No _____
- 46.24 Affidavits of Publication in File? Yes _____ No _____
- 46.25 Bid Opening Date: _____
- 46.27 Award Date: _____
- 46.26 Award to Lowest Bidder? Yes _____ No _____
If Not, Explain: _____
- 46.28 Contract Execution Date: _____
- 46.28 Contract Award Amount: _____
- 46.3 Award Information Transmitted to WSDOT? Yes _____ No _____

52 First Working Day: _____ No. of Working Days: _____
No. of Working Days Complete: _____

52.2 Preconstruction Conference Minutes Review:
Meeting held? Yes _____ No _____
Meeting documented? Yes _____ No _____

44.1 Commitment File:

24.94 Environmental and Permit Conditions Met Yes _____ No _____ N/A

LAG Ref.

25 Right-of-Way

Right of Way Acquired Yes _____ No _____
Right of Way Acquisition Procedures Dated: _____
Listing of Right of Way Staff Current Yes _____ No _____
25.11 Project Right of Way Certification Dated: ____/____/____

52 Administrative Settlements

52.51 Were any claims settled by Administrative Settlement? Yes _____ No _____
Were claims submitted to Local Programs Engineer? Yes _____ No _____
Comments: _____

52.1 Project Diaries and Inspector's Daily Reports signed and reviewed?
Yes _____ No _____

52.4 Payrolls:

Wage Rates Included in Contract? Yes _____ No _____
Certified by Contractor? Yes _____ No _____
Checked and Initialed by Agency? Yes _____ No _____

27 EEO Compliance:

27.32 PR-1391 on File and PR 1392 sent to Region Local Programs? Yes ___ No ___ N/A
Comments: _____

Training:

Training Goal Set? Yes _____ No _____ Hours _____
Training Plan Approved by Agency: Yes _____ No _____
Training Goal Met? Yes _____ No _____ Hours _____
Comments: _____

26 DBE Compliance:

26.2 DBE Goal Set: Yes _____ No _____ % _____

26.2 DBE Condition of Award Amount: \$ _____

26.2 How Was DBE Certification Verified Prior to Award? _____

52.5 Change Orders Affects on DBEs: Yes _____ No _____

Comments: _____

52.5 Additional Work Provided to DBEs? Yes _____ No _____

52.5 Any Changes to DBE Goals? Yes _____ No _____

26.2 DBE goal changes approved by H&LP? Yes _____ No _____

26.2 Quarterly Report of Amounts Credited as DBE Participation

Sent to Region Local Programs Engineer? Yes _____ No _____

Contract Completion:

52.81 Completion Date: _____

52.81 Completion Letter to Contractor transmitted to Local Programs: Yes ___ No ___

52.83 End of Project Materials Certification From Project Engineer to
Approving Authority Date: _____

44 Traffic Control

44.22e TCP or K Plans in contract? Yes _____ No _____

Adopted by Contractor? Yes _____ No _____

44.22e Detour included in contract? Yes _____ No _____

44.22e If yes, agreements included in contract? Yes _____ No _____ N/A

31 Consultant Agreements

Agreement renewed prior to expiration date? Yes _____ No _____

Fee Type? _____

Advertisements on file? Yes _____ No _____

Selection Process on file? Yes _____ No _____

62.1 General Discussion

All public agencies are allowed to administer projects funded by Enhancement, Scenic Byways, and Safe Routes to School programs. Agencies must follow the guidelines established by this chapter of the *LAG Manual*. Electronic access to the entire *LAG Manual* can be found at: <http://www.wsdot.wa.gov/localprograms/LAG/>.

Non-profit groups may administer projects that will not require design, the acquisition of property or construction (such as maps, educational programs, and corridor management plans). At the completion of the project the non-profit group shall provide a Certification Statement that the work has been completed in accordance with the approved project prospectus.

Administrative costs will need to be documented in order to be eligible for reimbursement. Funds may not be used for the ongoing administrative, operating or maintenance expenses of a non-profit organization or preparation of grant applications (e.g., general staffing, hosting and maintenance of a website, organizing and sponsoring annual promotional events or festivals, and costs associated with the fulfillment of individual information requests).

Projects within the Interstate right of way shall be designed and constructed in accordance with the Washington State Department of Transportation (WSDOT) guidelines and standards. WSDOT or a CA agency with oversight by the WSDOT must administer the project. For additional information see *Local Agency Guidelines* (LAG) Section 14.4.

Only public agencies are allowed to administer projects that include design, acquisition of property, or construction. All nonprofit groups must obtain a public agency sponsor for the project. The public agency sponsor will oversee the administration of the design, acquisition of property, and construction phases and provide the Certification Statement at the completion of the project.

62.2 Consultants

If the agency requires any consultant services, then LAG Chapter 31 needs to be followed. (Public agencies shall follow the rules outlined in LAG Chapter 31). If there are any questions, contact your Region Local Programs Engineer (LPE) for assistance. Non-CA agencies must have LPE concurrence prior to awarding a consultant contract.

Appendix 62.103 provides an example of selection criteria for evaluating planning consultants.

62.3 Design Standards

The design standards for roadway and pedestrian projects shall be at a minimum the City and County Design Standards which can be found in LAG Chapter 42. The design standards for bicycle or shared use facilities shall be the WSDOT *Design Manual*. The design documents are to be signed and stamped by a Professional Engineer Licensed in the State of Washington. All other projects shall be designed and approved in accordance with state law, and if applicable, in accordance with US Department of Interior Standards for Archeology and Historic Preservation, Volume 90 #140:44716.

.35 Design Documentation and Approval. For projects on the National Highway System (NHS), design documentation shall be in accordance with applicable sections of the WSDOT Design Manual. Please contact your Local Programs Engineer for guidance.

Local agency projects with work on, over, or below state highway routes may require design and traffic documentation approval from WSDOT as a separate step prior to completion of the Plans, Specifications and Estimate (PS&E) and Advertisement. Please contact your local Program Engineer to determine what design documentation is needed for your specific project, especially if working on intersections, between backs of curbs or within the paved roadway and shoulders.

62.4 Environmental

NEPA environmental documentation is required on all Right of Way and Construction projects. Most Enhancement, Safe Routes to School, and Scenic Byways projects will fall under the documented categorical exclusion (DCE) classification and require only the completion of an Environmental Classification Summary (ECS) form for NEPA documentation. DCEs typically are projects that a local agency is capable of preparing much of the necessary documentation with minimal direction. Detailed instructions on completing the ECS form are available in the ECS Guidebook, which can be downloaded from the H&LP's Environmental Web site. The Region Local Programs Engineers are the local agency's primary point-of-contact for advice to complete the ECS. When the initial draft of the ECS is completed, H&LP Environmental Engineers will review documents, provide technical assistance, and answer questions as needed.

When additional documentation is required to support the DCE determination, such as a biological assessment, cultural resources, and hazardous waste discipline reports, it is the responsibility of the local agency to prepare that documentation. Any additional documentation shall be prepared and submitted in accordance with LAG Chapter 24.

For those projects that require higher level NEPA documentation—Environmental Impact Statement (EIS) or Environmental Assessment (EA)—it is the responsibility of the local agency to prepare the NEPA document. Development of the EIS or EA shall be in accordance with the process outlined in LAG Chapter 24.

The local agency is responsible for ensuring compliance with SEPA and obtaining all applicable local, state, and federal permits.

62.5 Acquisition of Property

If the project requires additional right of way (the acquisition of land, buildings, or easements), the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 apply. If your agency is not a Certified Acceptance (CA) agency with approved Acquisition Procedures, contact your Region Local Programs Engineer for consultation and assistance prior to beginning any right of way processes.

62.6 Construction/Contract Documents

The contract documents for bids are required to incorporate federal requirements such as competitive bidding, DBE/EEO, and Buy America provisions, see 62.10 for the list of federal specifications. Projects within the highway, city street or county road right of way may require the inclusion of Davis Bacon prevailing wage rate. Please contact your Region Local Programs Engineer to determine if Davis Bacon prevailing wage rates apply. Contract documents shall be signed and stamped in accordance with state law.

Sole sourcing or use of trade names in specifications and on plans are discouraged and if used, is subject to the approval of the Region Local Programs Engineer.

Prior to advertising for publishing, manufacturing, and/or construction of a work product or project a copy of the PS&E, Scenic Byway Corridor Management Plans, interpretive signage, literature, etc., shall be provided to the WSDOT Region Local Program Engineer for final review and concurrence.

62.7 Advertising, Award, and Execution

The contract advertisement period is a minimum of two weeks. The agency will award and execute the contract to the lowest responsive bidder, unless the agency decides that all bids are to be rejected.

62.8 Certification Statement

After the completion of the contract and acceptance by the agency, a Certification Statement shall be provided to Region Local Programs Engineer. The Certification Statement must state that the work has been completed in accordance with the approved project prospectus and provide a Building Permit that has been signed off by the building inspector or must state that the work has been completed in accordance with the approved project prospectus, and applicable federal, state and local codes, public works contracting requirements and laws.

62.9 WSDOT's Final Inspection

After the contract work is completed, the Region Local Programs Engineer will conduct a final inspection of the project.

62.10 Federal Specifications

Washington State Department of Transportation's Standard Specifications for Road, Bridge, and Municipal Construction

- 1-04.4 Changes
- 1-04.7 Differing Site Conditions (Changed Conditions)
- 1-07.11 Requirements for Nondiscrimination
- 1-08.1(1) Subcontractor Completion and Return of Retainage Withheld
- 1-08.9 Liquidated Damages

Washington State Department of Transportation's *General Special Provisions*

- GSP 0651.GR1 Buy America
- GSP 07112.GR1 EEO
- GSP 07112B.GR1 DBE Zero Goal (Race Neutral) or
- GSP 07112C.FR1 DBE Mandatory Goal (Condition of Award)
- GSP 0712.GR1 Federal Agency Inspection
- FHWA 1273 Federal Aid Contract Provisions
- Davis Bacon Federal Wage Rates, if applicable.

62.100 Appendices

62.101 Project Administration Review (PAR)

62.102 Project Standards

62.103 Sample Criteria for Evaluating Planning Consultants

The following criteria is provided to assist local agencies when using Federal Highway Administration (FHWA) funds for transportation planning projects required to comply with Chapter 62 of the Local Agency Guidelines. Once a selection process has been completed, the selection criteria used and the results of the evaluation shall be submitted to the Region Local Programs Engineer for concurrence Please include the Federal Aid Project Prospectus for Planning Scope of Work with the submittal.

**Scoring Criteria: Qualifications and Expertise of Firm
Minimum 0 points and Maximum 20 points**

- List the type of expertise that your firm provides.
- How long has your firm provided these types of expertise.
- Provide the number of employees that your proposed team has in Washington state and nationwide.
- Provide the organization chart of your firm and include the respective roles that each employee will provide for the team.
- Provide a table identifying current availability of key staff (in hours per month) and resources for this project.
- Describe up to three projects that your firm has completed within the last three years that demonstrate your firm's expertise needed for this project. Include services provided and the total dollar value for each project.

**Scoring Criteria: Qualifications of Proposed Project Manager(s)
Minimum 0 points and Maximum 20 points**

- Describe up to three examples for each proposed project manager that demonstrates his/her prior experience as a project manager on a federally funded or similar project. Include the dates of each project; the name of the client/organization for each project; list the project manager's responsibilities and tasks on each project that demonstrate the expertise needed for this project.
- Describe the project manager's familiarity with relevant state and federal policies, regulations, and procedures.
- Provide a listing of professional licenses/accreditations for each proposed project manager (i.e., AICP, PE); include the year that each license/accreditation was received. Please include the licenses/accreditations valid in the State of Washington only.

Scoring Criteria: References/Past Performances
Minimum 0 points and Maximum 20 points

- Provide a minimum of three and a maximum of five performance evaluations for similar projects that are either currently active projects or have had a completion date within the last three years.
- If your firm currently has performance evaluations on file with WSDOT, and you wish to use those evaluations, please state in your submittal that you wish to use the performance evaluations that WSDOT has on file for your firm.