



FEDERAL REQUIREMENTS

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**Federal Highway Administration
Wyoming Division**



**Wyoming Department
of Transportation**
WYDOT

FIXING AMERICA'S SURFACE TRANSPORTATION (FAST) ACT

- **Signed into law December 4, 2015**
- **Authorizes \$305 billion over FY 2016-2020**
- **Core Programs**
 - **NHPP, NHFP, MP, HSIP**
 - **Surface Transportation Block Grant Program (STBGP)**
 - **Transportation Alternatives (TA) Set-aside**
 - **Bridge Off-System (BROS) Set-aside**
 - **Congestion Mitigation and Air Quality Improvement (CMAQ)**



FEDERAL REGULATIONS

Federal aid projects are subject to the provisions of Federal Regulation:

- 23 CFR Highways (FHWA)
- 49 CFR Transportation (USDOT)

www.ecfr.gov



TYPICAL PROJECT TIMELINE

Project Application

TA or CMAQ \$\$

Cooperative Agreement

Preliminary Engineering

Env, Design, ROW

Contract Documents

PS&E, Bid Proposals, Ad, Award

Construction

Inspections

Project Acceptance

Final Acceptance/ Final Voucher



PROJECT ELIGIBILITY

Project
Application

FHWA and WYDOT will....

- Review applications against appropriate Program Requirements considering:
 - *Entity submitting the application*
 - *Type of Work (eligible activity)*
 - *Relation to Surface Transportation*
- Forward eligible applications to the TA/CMAQ Committee



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TRANSPORTATION ALTERNATIVES (TA)

Project
Application

Purpose

- Enhance transportation environment
- Provide for multimodal transportation
- On/Off road pedestrian and bike facilities, non-driver accessibility



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TRANSPORTATION ALTERNATIVES

Project
Application

Eligible Activities

- Construction of pedestrian and bicycle facilities
- Construction of infrastructure-related projects for safe routes for non-drivers
- Conversion of railroad corridors to trails
- Construction of turnouts, overlooks, and viewing areas
- Community improvement activities
- Safe Routes to School eligible projects



***Activities are evaluated by the Selection Committee**



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CONGESTION MITIGATION/ AIR QUALITY (CMAQ)

Project
Application

Purpose

- Improve air quality by addressing transportation-induced regulated pollutants



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BRIDGE OFF-SYSTEM (BROS)

Project
Application

Purpose

- Replace structurally deficient bridges
- Public roadways
 - Local roads
 - Rural minor collectors



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COOPERATIVE AGREEMENT

Cooperative
Agreement

Project requirements are detailed in the agreement, including:

- **Roles and Responsibilities of both parties**
 - PE (if applicable) and Construction Phases
 - Project Supervision (“Responsible Charge”)
- **Required deliverables – NEPA, PS&E, Bids, etc.**
- **Oversight requirements**
 - Design review, consultant selection, contract provisions
- **Reimbursement frequency**
 - Keep projects moving towards construction



PROJECT AUTHORIZATION

Preliminary
Engineering

Project authorization by FHWA is required before expenses can be incurred and reimbursed

DO NOT INCUR EXPENSES WITHOUT WYDOT PROVIDING YOU A NOTICE-TO-PROCEED



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PRELIMINARY ENGINEERING (PE)

Preliminary
Engineering

PE Phase activities usually include:

- Consultant Selection and Administration
- NEPA Document
- Contract Document (PS&E) development



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PRELIMINARY ENGINEERING (PE)

Preliminary
Engineering

YOU DON'T HAVE TO ACCEPT THE CONSULTANTS INITIAL SOW

- You Can and Should Negotiate
 - Cannot discuss price
- Does the SOW include all items you want in your project?
 - ADA Design Guide, WDOT Review Periods, Specifications, Standard Plans, etc.



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CONTRACT DOCUMENTS

Contract Documents

- **PS&E, Bid Proposal, Advertisement**
 - Describes location and design features
 - Traffic Control
 - Identifies construction requirements and other specifications
 - Includes an Engineer's Estimate
 - Bidding conditions
 - R/W, Utility and Railroad certifications



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CONTRACT DOCUMENTS

Contract Documents

Contract Provisions

- Competitive bidding requirements
- Prevailing wages (Davis-Bacon)
- DBE requirements
- Contractor Compliance with EEO
- Local Hiring Preference (not allowed)
- FHWA 1273 – May 2012 version
- Non-Collusion Statement by bidders



CONTRACT DOCUMENTS

Contract Documents

Material Requirements

- Buy America (Steel and Iron)
- Patented/Proprietary Products
 - Not allowed except where certified as:
 - Obtained through competitive bidding with equally suitable unpatented items
 - Essential for synchronization with existing facilities
 - Item used for research



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CONTRACT DOCUMENTS AND ADVERTISEMENT

Contract
Documents

- **Approved by WYDOT**
 - Complete PS&E Package approved by WYDOT before advertisement
- **Project advertisement by local agency**
 - Minimum 3 weeks
 - WYDOT requirements



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BID OPENING AND AWARD

Contract Documents

- **Local Bid Opening**
 - Public Opening and Announcement
- **Award to Lowest Responsive & Responsible Bidder**
 - **Responsive bid:** meets all the requirements of the advertisement and proposal
 - **Responsible bidder:** physically organized and equipped with financial wherewithal to complete contract
- **WYDOT Concurrence**



CONSTRUCTION

Construction

- **Subcontracts require formal authorization**
- **Submission of Payrolls**
- **Contract Changes and Extra Work**
- **Method of Measurement/Basis of Payment**



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ADA REQUIREMENTS

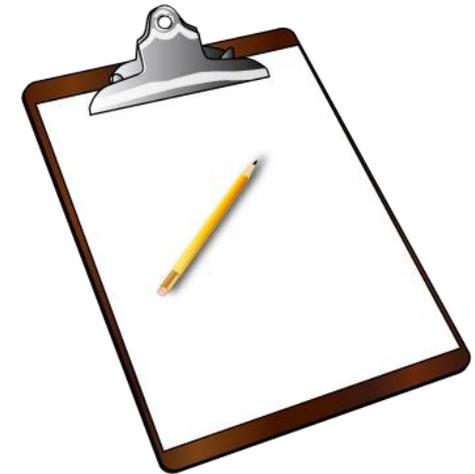
- **Must be incorporated into your contract**
 - ADA Design Guide
 - WYDOT standard plans
- **FHWA will not accept a project or reimburse for a project that does not meet all ADA guidelines**



PROJECT ACCEPTANCE

Project
Acceptance

- **Local agency accepts the contract work and certifies materials incorporated into the project**
 - If your project is on the National Highway System (NHS), contact the LGC or FHWA for additional guidance
- **Formal project acceptance by WYDOT**



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MILESTONES TO REMEMBER

- **Project Application**
 - Cooperative Agreement Developed
- **Phase Authorization**
- **Contract Documents**
 - Concurrence-In-Award
- **Construction**
 - **Inspections**
- **Project Acceptance**



FEDERAL-AID ESSENTIALS VIDEOS

- Federal-aid program
- Finance
- Right-of-way
- Environment
- Civil rights
- Project development
- Project construction & contract administration



<http://www.fhwa.dot.gov/federal-aidessentials/>



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IMPORTANT RESOURCES

- **Federal-Aid Essentials**
 - <https://www.fhwa.dot.gov/federal-aidessentials/>
- **Consultant Selection Resources**
 - <https://www.fhwa.dot.gov/programadmin/consultant.cfm>
- **Required Contract Provisions**
 - <https://www.fhwa.dot.gov/construction/contracts/provisions.cfm>
- **WYDOT Standard Plans (Sidewalk and ADA Accessibility)**
 - [http://www.dot.state.wy.us/files/live/sites/wydot/files/shared/Engineering_Services/Standard%20Plans/608-1B%20%20\(JUL_2018\).pdf](http://www.dot.state.wy.us/files/live/sites/wydot/files/shared/Engineering_Services/Standard%20Plans/608-1B%20%20(JUL_2018).pdf)
- **ADA Standards**
 - https://www.ada.gov/2010ADASTandards_index.htm



QUESTIONS?

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