Local Public Agency Certification Agenda
October 12, 2022

8:00 am - Registration

8:30 am - Intro/Policy Statement/Certification Requirements
(Local Government Coordination)

8:45 am - The Federal NEPA Process
(Environmental Services)

9:45 am - Contract Advertisement and Award
(FHWA)

10:05 am - Break

10:20 am - Federal Requirements
(Civil Rights)

11:05 am - Program Management
(Internal Review)

12:05 pm - Lunch

1:30 pm - Consultant Selection, Negotiation, and Contract Execution
(Engineering Services)

2:15 pm - Land Acquisition
(Right of Way)

2:35 pm - Construction Contracting
(Local Government Coordination)

3:00 pm - Break

3:15 pm - Reimbursement
(Local Government Coordination)

3:45 pm - Questions

4:15 pm - Short Certification Exam

4:30 pm - Training Wrap-up and Certificates

5:00 pm - Departure
LPA Success Stories

Why we do what we do!

Local Public Agency Funding
Fiscal Years 2015-2021

- $128,388,484
- 692 Projects
  - Congestion Mitigation Air Quality (CM2Q)
  - Transportation Alternatives Program (TAP)
  - High Risk Rural Road (HRRR)
  - Public Transportation Programs (5304, 5310, 5311, 5339)

10/3/2022
Town of Alpine:
Federal Award Amount: $28,000
Year Awarded: FY18
Project Type: TAP - Planning

Town of Guernsey:
Federal Award Amount: $90,150
Year Awarded: FY16
Project Type: Pathway
Washakie County Senior Center:

Federal Award Amount: $192,000
Year Awarded: FY18
Project Type: Public Transportation - Bus Garage
City of Cheyenne
Federal Award Amount: $274,071
Year Awarded: FY18
Project Type: Pedestrian Safety & Traffic Calming

City of Gillette
Federal Award Amount: $312,000
Year Awarded: FY17
Project Type: Underpass and Pathway
Hot Springs County

Federal Award Amount: $100,000
Year Awarded: FY17
Project Type: Guardrail
City of Green River
Federal Award Amount: $140,000
Year Awarded: FY16
Project Type: ADA Upgrades

City of Laramie
Federal Award Amount: $40,000
Year Awarded: FY18
Project Type: Design & Feasibility
Map for each Sweetwater County

Federal Award Amount: $310,803
Year Awarded: FY20
Project Type: Chemical Dust Suppression

Map for each
Sponsor Name:
Federal Award Amount:
Year Awarded:
Before and after pictures

Map for each

Sponsor Name:
Federal Award Amount:
Year Awarded:
Before and after pictures
### Early Project Planning

<table>
<thead>
<tr>
<th>Initials</th>
<th>Date</th>
<th>Milestone</th>
<th>Time Frame</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Project Approval Letter sent to Sponsor</td>
<td>* Sponsor’s Responsibility</td>
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<td></td>
<td>Lobbying Certification received by LGC</td>
<td>Sent by November 1</td>
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<td>Right-of-Way form received by LGC</td>
<td>* Sponsor’s Responsibility</td>
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<td>Unexecuted Agreement sent to Sponsor (if all pre-requisites are met)</td>
<td>* Sponsor’s Responsibility</td>
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<td>Fully Executed Agreements received by LGC</td>
<td>* Sponsor’s Responsibility</td>
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<td>Anticipated Project Start Date and Timeline Established (Milestones &amp; Status Update Tab)</td>
<td>Allow 30 business days</td>
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<td>Risk-Assessment Letter sent to Sponsor</td>
<td>* Sponsor’s Responsibility</td>
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<td>Risk-Based Monitoring dates completed</td>
<td>Allow 15 business days</td>
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<td></td>
<td>10% Authority For Expenditure (AFE) for PS&amp;E Requested by LGC</td>
<td>Allow 45 business days</td>
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<td>10% AFE Received by LGC</td>
<td>Allow 45 business days</td>
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<td>FAIN Agreement Update letter and Executed Agreement sent to Sponsor</td>
<td>Allow 15 business days</td>
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<td>LPA Cost Reimbursement Form Activated by LGC (Hyperlinked when active)</td>
<td>Available after issuance of 10% Notice to Proceed</td>
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<td>** Evidence of Qualifications-Based Consultant Selection received by LGC (if applicable)</td>
<td>* Sponsor’s Responsibility</td>
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<td>** Consultant Scope of Work received by LGC</td>
<td>* Sponsor’s Responsibility</td>
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<td>** Consultant Information Form received by LGC (if applicable)</td>
<td>* Sponsor’s Responsibility</td>
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<td>Executed Copy of Consultant Agreement</td>
<td>* Sponsor’s Responsibility</td>
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<td>Notice to Proceed: PS&amp;E and Environmental sent to Sponsor</td>
<td>Allow 15 business days</td>
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### Preliminary Engineering

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<th>Initials</th>
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<tr>
<td></td>
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<td>Environmental Documentation received by LGC</td>
<td>* Sponsor’s Responsibility</td>
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<td>Environmental Documentation submitted by LGC to Environmental Services</td>
<td>* Sponsor’s Responsibility</td>
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<td>Approved Categorical Exclusion received by LGC</td>
<td>Allow 15 business days</td>
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<td>** Public Interest Finding Received by LGC (If Force Account work is proposed)</td>
<td>* Sponsor’s Responsibility</td>
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<td>Bid Document Checklist with PS&amp;E received by LGC</td>
<td>* Sponsor’s Responsibility</td>
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### Final Engineering

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<tr>
<td></td>
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<td>PS&amp;E sent to WYDOT Review Team</td>
<td>Allow 45 business days</td>
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<tr>
<td></td>
<td></td>
<td>PS&amp;E approved</td>
<td>* Sponsor’s Responsibility</td>
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<td>100% AFE requested by LGC</td>
<td>Allow 45 business days</td>
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<td>100% AFE received by LGC</td>
<td>Allow 45 business days</td>
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<td></td>
<td>FAIN Agreement Update letter sent to Sponsor</td>
<td>Allow 15 business days</td>
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<td></td>
<td></td>
<td>Notice to Proceed on Bid Advertisement Authorization sent to Sponsor</td>
<td>Allow 10 business days</td>
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### Project Bidding and Award

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<tr>
<td></td>
<td></td>
<td>Establish Pre-bid meeting date</td>
<td>* Sponsor’s Responsibility</td>
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<td></td>
<td>Pre-bid meeting attended by LGC (in-person or conference call)</td>
<td>* Sponsor’s Responsibility</td>
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<td>Bid Tabulation Form received by LGC</td>
<td>* Sponsor’s Responsibility</td>
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<td>Bid Tabulation reviewed by LGC</td>
<td>* Sponsor’s Responsibility</td>
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<td>Bid Tabulation and DBE information sent to WYDOT Civil Rights Office</td>
<td>* Sponsor’s Responsibility</td>
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<td>Concurrence in Bid Award Letter sent to Sponsor</td>
<td>* Sponsor’s Responsibility</td>
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<td></td>
<td>Executed Copy of Contractor Agreement received by LGC</td>
<td>* Sponsor’s Responsibility</td>
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<td></td>
<td></td>
<td>PE Phase Complete Certification received by LGC (In Reimbursement Document)</td>
<td>* Sponsor’s Responsibility</td>
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<td>Notify Budget to close PE and move remaining funds to construction</td>
<td>* Sponsor’s Responsibility</td>
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<td>Notice to Proceed: Construction sent to Sponsor</td>
<td>* Sponsor’s Responsibility</td>
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### Construction

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<tr>
<th>Initials</th>
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<tr>
<td></td>
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<td>Buy America Certification received by LGC</td>
<td>* Sponsor’s Responsibility</td>
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<td>Labor Compliance Interviews completed by Sponsor and Certification Sent to LGC</td>
<td>* Sponsor’s Responsibility</td>
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### Project Final Acceptance

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<th>Initials</th>
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<th>Milestone</th>
<th>Time Frame</th>
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<tr>
<td></td>
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<td>Final Acceptance Certificate received by LGC</td>
<td>* Sponsor’s Responsibility</td>
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<td>Final Acceptance with all signatures received</td>
<td>* Sponsor’s Responsibility</td>
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<td></td>
<td>Project Reviews Completed</td>
<td>* Sponsor’s Responsibility</td>
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<td></td>
<td>Project Monitoring Complete and Corrective Actions Resolved</td>
<td>Sent After Receipt of Acceptance Certificate</td>
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<td>Intent to Close Letter sent to Sponsor</td>
<td>Sent After Receipt of Acceptance Certificate</td>
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<td></td>
<td></td>
<td>Certification of Final Reimbursement Received (In Reimbursement Document)</td>
<td>* Sponsor’s Responsibility</td>
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<td></td>
<td></td>
<td>Project Closed by LGC</td>
<td>45 Days After Closure Letter Sent</td>
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Local Public Agency Certification

Purpose of Certification

• To ensure a sub-recipient agency has a fundamental understanding of the requirements in executing state and Federal Highway Administration rules:
  – Rules and regulations are strictly adhered to.
  – July 2011 – Office of Inspector General (OIG) audit

Requirement for Certification

• The Local Public Agency (LPA) must have a certified staff member before the application will be considered for funding.
  – Responsible Charge (23 CFR 635.105)
  • Must be a full-time employee of the Sponsor
• Began with FY 2012 funds.
• A certified staff member is defined as one that has taken and passed the certification course and has the ability to advise on the execution of the project.
Programs

• Certification is relevant to projects that LPA is administering
  – Typical examples:
    • Transportation Alternatives Program (TAP)
    • Congestion Mitigation & Air Quality (CMAQ)
    • High Risk Rural Road Program (HRRPP)
    • Transit Construction Projects
  – Occasional examples:
    • Bridge Replacement Off System (BROS)
    • State Transportation Program – Urban (STP-U)
    • Commission Road Improvement Program (CRIP)

Certification

• WYDOT’s Local Government Coordinator will determine the need for recertification.

• Normal certification period is three years:
  – If no significant deficiencies are found, the certification may be extended by three additional years based on a letter submitted to WYDOT
  – Recertification may be required if serious deficiencies are found.
  – Only one extension will be granted.
  – If certified individual leaves a new staff member must attend

• Certification tracked by T2/LTAP

References

• Primary:
  – uscode.house.gov
  • Title 23 Highways
  • Title 49 Transportation
  – www.ecfr.gov
  • 23 CFR Highways
  • 49 CFR Transportation
  • 2 CFR Part 200 Uniform Administrative Requirements

• Good Reference:
  – County Road Fund Manual
  – Federal Aid Essentials: http://www.fhwa.dot.gov/federal_essentials/
  – Project Agreement
How does this process work?!?!

Celebration of Knowledge
• End of the day;
• Open book, open notes;
• Demonstrate basic understanding:
  – 70% Correct to complete celebration;
  – Multiple choice and true/false.
• Ask questions and celebrate again;
• Come hang out with us for another LPA class.

Introductions
Name
Agency you represent
WYDOT Environmental Form Instructions for Local Governments

General Information

- This form is used for federal-aid pass through funding for local governments and tribal authority.
- Based on the completion of the form, WYDOT will determine the Class of Action.
- Determinations of the Area of Potential Effect (APE), level of cultural investigation and determinations of eligibility are all made by the lead federal agency per 36 CFR 800. FHWA is the lead federal agency for WYDOT projects, including those with pass through funding. FHWA has designated WYDOT to make these determinations on their behalf.

Required Steps

- Prepare scoping letters with detailed proposed scope of work and location of project, including the Public Land Survey System description (PLSS).
  - Projects with only work on the existing road surface (i.e. dust suppression, striping, etc.) do not require scoping outside agencies. Contact Environmental Services for assistance regarding if your project is exempt from agency scoping.
- Send the scoping letters to the Wyoming Game and Fish Department, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, at a minimum, and any other applicable agencies depending project specifics.
- **Do Not** scope the State Historic Preservation Office. Their role is to concur on determinations made by the lead federal agency or their designee (WYDOT).
- Send a letter to WYDOT Environmental Services ([Nick.Hines@wyo.gov](mailto:Nick.Hines@wyo.gov) and [Stephanie.Lowe1@wyo.gov](mailto:Stephanie.Lowe1@wyo.gov)) seeking cultural comments. Including the following information
  a. Project Description, emphasizing ground disturbances
  b. Project location and boundaries, using the PLSS down to quarter-quarter.
  c. Map showing location and boundaries of project.
  d. Identify any federal land managing agencies within the project area (e.g. BLM, US Forest Service, etc.)
- Follow subsequent guidance provided by WYDOT Environmental Services.
- Complete design plans to 35% (ex. grading plans) to determine the projects proposed impacts (Except for maintenance projects that do not have plans).
- Complete the attached environmental form.
- **Once completed** SEND THE FOLLOWING TO WYDOT’s LOCAL GOVERNMENT OFFICE
  o Completed environmental form
  o Figures
  o Agency letters and their responses
  o At least 35% design plans
- **Wait** for a response from WYDOT before proceeding to the next step.
DATE

Monica Gourdine
Wyoming Division Administrator
Federal Highway Administration
2617 E. Lincolnway, Suite D
Cheyenne, WY 82001-5662

Project No.: Insert Project Number
Insert Project Name
Insert Project Location or Road Name
Insert County
Insert Type of Work

Pursuant to the requirements of the National Environmental Policy Act, the Wyoming Department of Transportation (WYDOT) submits this Categorical Exclusion (CE) on behalf of INSERT PROJECT SPONSOR for the above referenced project. Justification for the determination of minimal and temporary impacts is presented in the following sections.

DETERMINATION

Wyoming Department of Transportation

____________________________             ________________
Scott Gamo, Ph.D.                               Date

The attached document meets the requirements of a WYDOT CE1.
The attached document meets the requirements of a WYDOT CE3.
The attached document meets the requirements of a WYDOT CE3.

This project is a Categorical Exclusion per FHWA approval

____________________________             ________________
Monica Gourdine                               Date
Attachments:

LGC Environmental Form
Site Location Map
Proposed Improvements Map
Agency Letters
  • Letter to WYDOT Environmental Services requesting a Cultural Determination
  • WYDOT Cultural Response Letter
  • Letter to the USACE
  • USACE Response Letter
  • Letter to the Wyoming Game and Fish
  • Wyoming Game and Fish Response Letter
  • Letter to the U.S. Fish and Wildlife
  • U.S. Fish and Wildlife Response Letter
  • Design Plans (optional for maintenance type projects)
  • If applicable, enter additional attachments here
LGC ENVIRONMENTAL FORM

PROJECT LOCATION
Describe the location of the project including roads, town/city, county and Section, Township and Range. Include as Figure 1 the project locations.

PURPOSE AND NEED
Describe what issue or problem you are intending to resolve with this project and why does the issue/problem need to be resolved. Do not state the solution or the scope of work.

PROPOSED IMPROVEMENTS
Describe all proposed improvements, including their locations. If applicable include width and surfacing material for any pathways or sidewalks. Include as Figure 2.

AFFECTED ENVIRONMENT / IMPACTS
** If answered Yes to any of the questions below further details are required.

<table>
<thead>
<tr>
<th>Social Impacts</th>
<th>Yes</th>
<th>No</th>
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<tbody>
<tr>
<td><strong>Land Use</strong> <em>(New land development, redistribution of developments or changes in zoning)</em></td>
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<tr>
<td>• Will the proposed project lead to land development or redistribution of existing land development not already in a planning document?</td>
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<tr>
<td>If Yes, describe impacts here</td>
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<tr>
<td><strong>Community Cohesion</strong> <em>(The ability of people to communicate and interact with each other in ways that lead to a sense of community. Cohesion is reflected in the neighborhoods ability to function and be recognized as a singular unit.)</em></td>
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<tr>
<td>• Does the project have residential impacts and/or create a barrier between a residential community and social or commercial resources?</td>
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<tr>
<td>If Yes, describe impacts here</td>
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<tr>
<td><strong>Relocation Potential</strong> <em>(Relocation of private or commercial businesses, buildings or property)</em></td>
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<tr>
<td>• Are any residential or commercial properties going to be relocated?</td>
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<tr>
<td>If Yes, describe impacts here</td>
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### Churches and Schools
*Potential impacts to physical property of a church or school or changes to how they are accessed.*
- Will there be any impacts to church or school property including how they are accessed?

If Yes, describe impacts here

### Controversy Potential
*If individuals, groups or organizations are against the project.*
- Is there any controversy with the project in the community or adjacent landowners?

If Yes, describe impacts here

### Energy Production
*Potential impacts to oil, gas, coal, uranium extraction and production.*
- Will the project impact energy production or the recovery of materials in or adjacent to the project area?

If Yes, describe impacts here

### Utility Lines
*Potential impacts to telephone lines, fiber optic, electrical, water and sewer*
- Will any utility lines be moved or impacted due to the project?

If Yes, describe impacts here

### Emergency Services
*Potential impacts to designated emergency routes or impacts that may delay emergency services*
- Will the project impede emergency service access through the project or surrounding areas?

If Yes, describe impacts here

### Environmental Justice
*Compare the impacts on the minority and/or low-income populations with respect to the impacts on the overall population within the project area. Fair distribution of the beneficial and adverse effects of the proposed action is the desired outcome.*
- Is there fair distribution of the beneficial and adverse effects of the proposed action to all populations within the project area?

*No additional information needed if checked “Yes”.

If No, provide justification here
### Public Transportation
*(Potential impacts to public transit operations, existing transit routes, transit facilities, etc.)*
- Will the project impact public transportation operations or alter public transportation routes?

If Yes, describe impacts here

### Right-of-Way
*(Public rights of way used for transportation.)*
- Will the project require land that is currently not existing city, county or state transportation right-of-way?

*All property acquisitions used in this project must comply fully with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.*

If Yes, describe impacts here

### Construction Permits
*(Temporary construction easements or property used only during construction to allow equipment access or additional room to construct the project.)*
- Will there be temporary access on private, state, or federal land outside of the existing right-of-way for temporary use during construction?

If Yes, describe impacts here

### Pedestrian and Bicycle
*(Potential impacts to existing pathways, sidewalks or other features used by pedestrians or bicyclists.)*
- Will there be any impacts to existing pedestrian or bicycle routes or pathways?

If Yes, describe impacts here

### Archaeological and Historical Impacts

#### Cultural/Archaeological/Historic Impacts
*(Contact WYDOT for a determination of effect or if additional cultural or Historical Studies need to be completed.)*

*Insert WYDOT’s response below and the SHPO concurrence letter in the appendix.*

Insert WYDOT response here
Section 4(f) (Section 4(f) of the DOT Act establishes the requirement for consideration of park and recreational lands, wildlife and waterfowl refuges and historic sites in transportation project development.)

- Will your project involve work on any of the following types of properties: fairgrounds, public open spaces, public parks, state game lands, or other recreation facilities fully open to the public?

* If Yes, Contact WYDOT Environmental Services before submitting the final CE

If Yes, describe impacts here

### Natural Resources

**Wetlands and other Waters of the U.S.** *(Potential impacts to open water, wetlands, creeks, dry channels, irrigation canals, etc.)*

- Are there any impacts to Waters of the U.S. including wetlands, creeks, streams or rivers?
- Did the U.S. Army Corps of Engineers (USACE) indicate the project would impact Waters of the U.S.

*Send scoping letter to the U.S. Army Corps of Engineers (USACE), attach scoping letter and USACE response in appendix.*

If Yes, describe impacts here

**Water Quality** *(Potential impacts to existing impaired waters or sediment run off from the project.)*

- Are there any Wyoming Department of Environmental Quality (WYDEQ) Class I, Class II or impaired waters in the project limits?
- Does the project require compliance or a permit with the Wyoming Pollutant Discharge Elimination System (WPDES)?

If Yes, describe impacts here

**Wild and Scenic Rivers** *(Wild and Scenic Rivers Act was created to preserve certain rivers with outstanding natural, cultural and recreational values in a free-flowing condition for the enjoyment of present and future generations.)*

- Are there any designated or proposed Wild and Scenic Rivers in or adjacent to the project area?

*If Yes, contact WYDOT Environmental Services.*

If Yes, describe impacts here
**Floodplains** *(Floodplains are identified by the National Flood Insurance Program (NFIP) and the Federal Emergency Management Agency (FEMA).)*

- Is the project within an identified floodplain or will it encroach on a regulatory floodplain?
  - *If Yes, contact the local Floodplain coordinator and include their response in the appendix.*
  - If Yes, describe impacts here

**Farmlands** *(The Farmland Protection Policy Act is intended to minimize the impact on the conversion of farmland to nonagricultural uses.)*

- Are you impacting any prime or unique farmland as defined by the Natural Resource Conservation Service?
  - If Yes, describe impacts here

**Wildlife and Habitat** *(Potential impacts to state managed wildlife or wildlife habitat, Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.)*

- Are there any raptor nests within one mile of the project area?
  - If Yes, describe impacts here

- Is the project located in Sage-Grouse Core Management Areas?
  - Did the Wyoming Game and Fish Department have any recommendations or concerns with the project?
  - *If Yes, identify which recommendations you will be implementing.*
  - *Include scoping letter to the Wyoming Game and Fish and their response in the appendix.*
  - If Yes, describe impacts here

**Threatened and Endangered Species** *(Potential impacts to federal Species Of Concern or Threatened and Endangered species.)*

- Did the U.S. Fish and Wildlife Service scoping letter indicate any concerns?
  - *Include scoping letter to the USFWS and their response in the appendix.*
  - If Yes, describe impacts here
**Vegetation** *(Potential impacts to special status plant species and preventing the spread of noxious and invasive species.)*

- Will the project impact any special status plant species?

*Projects must have all disturbed (bare ground) areas seeded with commercially available native species at the end of construction to help control the spread of noxious and invasive species. Explain below if this will not happen.*

If Yes, describe impacts here

**Ecosystem** *(Potential impacts when considering all the various natural resource impacts to determine if combined they cause impacts to the regional ecosystem.)*

- Is the project expected to cause permanent regional ecosystem impacts?

If Yes, describe impacts here

### Physical Impacts

**Noise** *(Potential impacts caused by traffic noise increase to noise sensitive areas, including parks, amphitheaters, churches, schools, residential, businesses, etc.)*

- After construction will the project increase noise at any noise sensitive areas within or adjacent to the project area?

If Yes, describe impacts here

**Air Quality** *(Potential impacts to air quality from particulate matter and gas emissions)*

- Is the project in a WYDEQ non-attainment area?
- Will there be any adverse long-term impacts to air quality from the project?

If Yes, describe impacts here

**Hazardous Waste Sites & Contamination** *(Potential for the project to release or expose contamination from previous fueling stations, lube shops, dry cleaners, mechanic shops, industrial operations, refineries, etc.)*

- Will the project impact any locations that could contain hazardous waste or is adjacent to facilities that may have been previously contaminated?

If Yes, describe impacts here

**Visual** *(Potential impacts to areas that are known for their scenic views including National Scenic Byway, National Scenic Area, Wild and Scenic River, National Trails System, National Monument, cultural resources, etc.)*

- Will the project be seen by any areas known for their scenic views or will it block any areas known for scenic views?

If Yes, describe impacts here
Plant Sites, Material Sources, Haul Roads (*All disturbances related to the project including batch plants, hot plants, material sources, borrow sites and haul roads accessing these places need to be covered by this document.*)

- Will the project use borrow sources, waste areas and plant sites other than contractor furnished or commercially available sources?
- Are there any other areas outside the project limits that will have work combined with this project that have not been discussed above?

If Yes, describe impacts here

| Temporary Impacts (*Describe any other temporary impacts that have not been covered.*) |
| | Will the project have any other additional temporary impacts that have not been addressed above? |
| | If Yes, describe impacts here |

PUBLIC PARTICIPATION

Describe any opportunities that the public has had to provide comments on the project, including dates and a generalized public response. Can include council meetings and direct landowner contact.

ENVIRONMENTAL COMMITMENTS

The contractor will become familiar with and adhere to all laws relevant to avoiding and/or minimizing damaging impacts to the environment.

All property acquisitions used in this project are in full compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

All disturbed areas (even if previously bare ground) will be seeded with commercially available native species at the end of construction to help control the spread of noxious and invasive species.

If any impacts, not discussed in this document, are discovered during construction, work should immediately stop until WYDOT Environmental Services has been notified and has evaluated the impact(s) to determine the proper measures to be taken to prevent further impact and provide guidance on how to mitigate any impacts that require mitigation.
PREPARER

Name, Title, Organization of Preparer

I agree to comply with all commitments and conditions listed above. The information provided above is accurate to the best of my knowledge.

____________________________________

DATE

Name of Individual with Signatory Authority
Title of Signatory
Local Public Agency Guide to Getting Through NEPA

Overview of NEPA

- 1969 NEPA Enacted by Congress
- First Major Environmental Law
- Evaluate Environmental Effects
- Two Major Purposes

More Information on NEPA

- WYDOT Environmental Services webpage
  https://www.dot.state.wy.us/home/engineering_technical_programs/environmental_services.html
- FHWA Environmental Review Toolkit
  https://www.environment.fhwa.dot.gov/
- Code of Federal Regulations (23 CFR 771)
  https://www.ecfr.gov
How NEPA Affects Local Agencies

How NEPA Affects Local Agencies

FHWA / WYDOT and LPA Projects

FHWA / WYDOT Programmatic Agreement regarding the processing of actions classified as Categorical Exclusions

CE1-Batched
CE2-WYDOT Approved
CE3-FHWA Approved
Before You Begin the Environmental Form

http://www.dot.state.wy.us/home/engineering_technical_programs/environmental_services/LPA.html

Agency Scoping Letters

- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Services
- Wyoming Game and Fish
- WYDOT Environmental Services

Optional Agency Scoping Letters

- Local Floodplain Coordinator
- U.S. Bureau of Land Management
- U.S. Forest Service
- Natural Resources Conservation Service
- Tribal Coordination
- Local landowners
What to include in Scoping Letters

- Project City, State and County
- Description of Work
- Location of Work
- Maps or Plans Showing Location and Proposed Improvements

[The LCC Office has example letters]

Archeological and Historical

Determinations of the Area of Potential Effect, level of cultural investigation and determinations of eligibility are all made by the lead federal agency per 36 CFR 800. FHWA is the lead federal agency and has designated WYDOT to make these determinations.

Archeological and Historical

WYDOT will send language to put in the CE and include both letters in the CE.

WYDOT will review the project based on the information provided in the scoping letter and ask, "Is there a potential to affect historical properties?"

- NO
- YES

- No Potential to Affect Historic properties
- Potential to Affect Historic properties

WYDOT will respond that a consultant will be required to perform a Cultural or Historical survey and prepare a draft report.

- A consultant will be required to perform a Cultural or Historical survey and prepare a draft report.
Archeological and Historical

WYDOT will review the project based on the information provided in the scoping letter and ask “Is there a potential to affect historical properties?”

YES

Consultant/LPA will SEND A DRAFT report of their findings to WYDOT for review and comment.

WYDOT will make a determination and will consult with SHPO.

Once the SHPO concurrence letter is received WYDOT will send language to put in the CE. Include letters in the CE.

Public Participation

Describe any opportunities that the public has had to provide comments on the project. Include any public meetings, council meetings, or direct landowner contact.

WYDOT’s current Public Involvement Handbook can be found on the WYDOT website.

http://www.dot.state.wy.us/home/news_info/public_involvement.html

LPA Environmental Form

WYDOT Environmental Form Instructions for Local Governments

Project Information

• Project Name: [Project Name]
• Project Location: [Project Location]
• Project Description: [Project Description]
• Project Sponsor: [Project Sponsor]
• Project Contact Person: [Project Contact Person]
• Project Contact Phone: [Project Contact Phone]

Preliminary Study

• Preliminary study results: [Preliminary Study Results]
• Preliminary study status: [Preliminary Study Status]

Environmental Assessment

• Environmental assessment: [Environmental Assessment]
• Environmental assessment status: [Environmental Assessment Status]

Public Participation

• Public participation: [Public Participation]
• Public participation status: [Public Participation Status]

Project Description

• Project Description: [Project Description]
• Project Description status: [Project Description Status]

Project Consultant

• Project Consultant: [Project Consultant]
• Project Consultant status: [Project Consultant Status]

Project Approval

• Project Approval: [Project Approval]
• Project Approval status: [Project Approval Status]

Project Implementation

• Project Implementation: [Project Implementation]
• Project Implementation status: [Project Implementation Status]

Project Monitoring

• Project Monitoring: [Project Monitoring]
• Project Monitoring status: [Project Monitoring Status]

Project Closure

• Project Closure: [Project Closure]
• Project Closure status: [Project Closure Status]
### LPA Environmental Form

#### Section 3
LPA Environmental Form

**Public Transportation:** Identifies projects that impact public transportation, including

- Public bus stops
- Bicycle lanes
- Pedestrian walkways

**Public Onsite Impact**

- The project may impact public transportation operations or the public right-of-way.

**Environmental Factors**

- Noise
- Vibration
- Lighting

**Archaeological and Historical Impact**

- Cultural resources may be impacted by the project.

**Native American Factors**

- Native American cultural resources may be impacted by the project.

**Natural Resource Impact**

- Fish and Wildlife
- Vegetation
- Wildlife

**Wildlife Impact**

- Wildlife may be impacted by the project.

---

**Public Onsite Impact**

- Public bus stops
- Bicycle lanes
- Pedestrian walkways

---

**Environmental Factors**

- Noise
- Vibration
- Lighting

---

**Archaeological and Historical Impact**

- Cultural resources may be impacted by the project.

---

**Native American Factors**

- Native American cultural resources may be impacted by the project.

---

**Natural Resource Impact**

- Fish and Wildlife
- Vegetation
- Wildlife

---

**Wildlife Impact**

- Wildlife may be impacted by the project.
## LPA Environmental Form

### Form Information

#### Project Information
- **Location:** [Project Location]
- **Indicators:** [List of Indicators]
- **Contact Information:** [Contact Details]

#### Financial Information
- **Funding:** [Funding Source]
- **Budget:** [Budget Breakdown]

**Notes:** [Additional Notes]

---

### Environmental Considerations

**Wildlife:**
- [List of Wildlife Considerations]

**Human Health:**
- [List of Human Health Considerations]

**Environmental Impact:**
- **Air Quality:** [Air Quality Impact]
- **Water Quality:** [Water Quality Impact]

**Mitigation Measures:**
- [List of Mitigation Measures]

**Supporting Documents:**
- [List of Supporting Documents]

---

### Public Participation

**Notice of Public Hearing:**
- [Notice Details]

**Public Comments:**
- [List of Public Comments]

**Filing Requirements:**
- [List of Filing Requirements]

---

### Legal Considerations

- [Legal Notes]

---

### Additional Information

- [Additional Information]

---

### Contact Information

- **Phone:** [Phone Number]
- **Email:** [Email Address]
- **Website:** [Website URL]
LPA Environmental Form

**Preparer:**

Name of Preparer and Environmental Authority

I agree to comply with all conditions and procedures listed above. The authorities excluded above are required to the best of my knowledge.

**Date:**

Name of Preparer and Environmental Authority

**Questions:**

- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
- 
-
The National Environmental Policy Act (NEPA)

Local Public Agency Guide to Getting through NEPA

Presented by:
Nick Hines, CEP
NEPA Management and Project Delivery Supervisor
(307) 777-4156
Nick.Hines@wyo.gov

For Cultural Questions Contact:
Stephanie Lowe
Cultural Resources Specialist
(307) 777-4364
Stephanie.Lowe1@wyo.gov
(When corresponding with Stephanie, please cc Nick as well.)
Overview of NEPA

1969 NEPA Enacted by Congress
First Major Environmental Law
Evaluate Environmental Effects
Two Major Purposes
More Information on NEPA

WYDOT Environmental Services webpage
http://www.dot.state.wy.us/home/engineering_technical_programs/environmental_services.html

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How NEPA Affects Local Agencies
FHWA / WYDOT and LPA Projects

FHWA / WYDOT Programmatic Agreement regarding the processing of actions classified as Categorical Exclusions

CE1-Batched
CE2-WYDOT Approved
CE3-FHWA Approved
My Notes:

### Optional Agency Scoping Letters
- Local Floodplain Coordinator
- U.S. Bureau of Land Management
- U.S. Forest Service
- Natural Resources Conservation Svc.
- Tribal Coordination
- Local landowners

### What to include in Scoping Letters
- Project City, State and County
- Description of Work
- Location of Work
- Maps or Plans Showing Location and Proposed Improvements

(See the USGS Office for example letters)
Archeological and Historical

Determinations of the Area of Potential Effect, level of cultural investigation and determinations of eligibility are all made by the lead federal agency per 36 CFR 800.

FHWA is the lead federal agency and has designated WYDOT to make these determinations.

Archeological and Historical

WYDOT will review the project based on the information provided in the scoping letter and ask "Is there a potential to affect historical properties?"  

**NO**  
No Potential to Affect Historic properties  
WYDOT will send language to put in the CE and include both letters in the CE.

**YES**  
Potential to Affect Historic properties  
WYDOT will respond that a consultant will be required to produce a report.  
A consultant will be required to perform a Cultural or Historical survey and prepare a draft report.
**Archeological and Historical**

WYDOT will review the project based on the information provided in the scoping letter and ask “Is there a potential to affect historical properties?”

Consultant/LPA will send a draft report of their findings to WYDOT for review and comment.

WYDOT will make a determination and will consult with SHPO.

Once the SHPO concurrence letter is received WYDOT will send language to put in the CE. Include letters in the CE.

---

**Section 4(f) of the DOT Act**

Section 4(f) of the 1966 DOT Act establishes the requirement for consideration of park and recreational lands, wildlife and waterfowl refuges and historic sites in transportation project development. Projects involving work on, or even adjacent to, fairgrounds, public open spaces, public parks, state game lands, or other recreational facilities fully open to the public will require compliance with Section 4(f).

Contact WYDOT Environmental Services for guidance before submitting the final CE.
Public Participation

Describe any opportunities that the public has had to provide comments on the project. Include any public meetings, council meetings or direct landowner contact.

WYDOT's current Public Involvement Handbook can be found on the WYDOT website:
http://www.dot.state.wy.us/home/news_info/public_involvement.html
WYDOT Environmental Form Instructions for Local Governments

General Information
- This form is used for federal-aid pass through funding for local governments and tribal authority.
- Based on the completion of the form, WYDOT will determine the Class of Action.
- Determinations of the Area of Potential Effect (APE), level of cultural investigation and determinations of eligibility are all made by the lead federal agency per 36 CFR 800. FHWA is the lead federal agency for WYDOT projects, including those with pass through funding. FHWA has designated WYDOT to make these determinations on their behalf.

Required Steps
- Prepare scoping letters with detailed proposed scope of work and location of project, including the Public Land Survey System description (PLSS).
  - Projects with only work on the existing road surface (i.e., dust suppression, striping, etc.) do not require scoping outside agencies. Contact Environmental Services for assistance regarding if your project is exempt from agency scoping.
- Send the scoping letters to the Wyoming Game and Fish Department, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, at a minimum, and any other applicable agencies depending on project specifics.
- Do Not scope the State Historic Preservation Office. Their role is to concur on determinations made by the lead federal agency or their designee (WYDOT).
- Send a letter to WYDOT Environmental Services (Nick.Hines@wyo.gov and Stephanie.LoweI@wyo.gov) seeking cultural comments. Including the following information:
  a. Project Description, emphasizing ground disturbances
  b. Project location and boundaries, using the PLSS down to quarter-quarter.
  c. Map showing location and boundaries of project.
  d. Identify any federal land managing agencies within the project area (e.g., BLM, US Forest Service, etc.)
- Follow subsequent guidance provided by WYDOT Environmental Services.
- Complete design plans to 35% (e.g., grading plans) to determine the projects proposed impacts (Except for maintenance projects that do not have plans).
- Complete the attached environmental form.
- Once completed SEND THE FOLLOWING TO WYDOT's LOCAL GOVERNMENT OFFICE:
  o Completed environmental form
  o Figures
  o Agency letters and their responses
  o At least 35% design plans
- Wait for a response from WYDOT before proceeding to the next step.
Pursuant to the requirements of the National Environmental Policy Act, the Wyoming Department of Transportation (WYDOT) submits this Categorical Exclusion (CE) on behalf of INSERT PROJECT SPONSOR for the above referenced project. Justification for the determination of minimal and temporary impacts is presented in the following sections.

DETERMINATION

Wyoming Department of Transportation

Scott Gamo, Ph.D. Date

This project is a Categorical Exclusion per FHWA approval

Monica Gourdine Date
Attachments:

- LGC Environmental Form
- Site Location Map
- Proposed Improvements Map
- Design Plans
- Agency Letters
  - Letter to WYDOT Environmental Services requesting a Cultural Determination
  - WYDOT Cultural Response Letter
  - Letter to the USACE
  - USACE Response Letter
  - Letter to the Wyoming Game and Fish
  - Wyoming Game and Fish Response Letter
  - Letter to the U.S. Fish and Wildlife
  - U.S. Fish and Wildlife Response Letter
  - If applicable, enter additional attachments here
LGC ENVIRONMENTAL FORM

PROJECT LOCATION
Describe the location of the project including roads, town/city, county and Section, Township and Range. Include as Figure 1 the project locations.

PURPOSE AND NEED
Describe what issue or problem you are intending to resolve with this project and why does the issue/problem need to be resolved. Do not state the solution or the scope of work.

PROPOSED IMPROVEMENTS
Describe all proposed improvements, including their locations. If applicable include width and surfacing material for any pathways or sidewalks. Include as Figure 2.

AFFECTED ENVIRONMENT / IMPACTS

**If answered Yes to any of the questions below further details are required.**

<table>
<thead>
<tr>
<th>Social Impacts</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Land Use</strong> (New land development, redistribution of developments or changes in zoning)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Will the proposed project lead to land development or redistribution of existing land development not already in a planning document?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If Yes, describe impacts here</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Community Cohesion</strong> <em>(The ability of people to communicate and interact with each other in ways that lead to a sense of community. Cohesion is reflected in the neighborhoods ability to function and be recognized as a singular unit.)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Does the project have residential impacts and/or create a barrier between a residential community and social or commercial resources?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If Yes, describe impacts here</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Relocation Potential</strong> <em>(Relocation of private or commercial businesses, buildings or property)</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Are any residential or commercial properties going to be relocated?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If Yes, describe impacts here</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Category</td>
<td>Question</td>
<td>Yes</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>--------------------------------------------------------------------------</td>
<td>-----</td>
</tr>
<tr>
<td>Churches and Schools (Potential impacts...)</td>
<td>Will there be any impacts to church or school property including how they are accessed?</td>
<td></td>
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<tr>
<td></td>
<td>If Yes, describe impacts here</td>
<td></td>
</tr>
<tr>
<td>Controversy Potential (If individuals, groups or organizations are against the project.)</td>
<td>Is there any controversy with the project in the community or adjacent landowners?</td>
<td></td>
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<tr>
<td></td>
<td>If Yes, describe impacts here</td>
<td></td>
</tr>
<tr>
<td>Energy Production (Potential impacts to oil, gas, coal, uranium extraction and production.)</td>
<td>Will the project impact energy production or the recovery of materials in or adjacent to the project area?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>If Yes, describe impacts here</td>
<td></td>
</tr>
<tr>
<td>Utility Lines (Potential impacts to telephone lines, fiber optic, electrical, water and sewer)</td>
<td>Will any utility lines be moved or impacted due to the project?</td>
<td></td>
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<tr>
<td></td>
<td>If Yes, describe impacts here</td>
<td></td>
</tr>
<tr>
<td>Emergency Services (Potential impacts to designated emergency routes or impacts that may delay emergency services)</td>
<td>Will the project impede emergency service access through the project or surrounding areas?</td>
<td></td>
</tr>
<tr>
<td></td>
<td>If Yes, describe impacts here</td>
<td></td>
</tr>
<tr>
<td>Environmental Justice (Compare the impacts on the minority and/or low-income populations with respect to the impacts on the overall population within the project area. Fair distribution of the beneficial and adverse effects of the proposed action is the desired outcome.)</td>
<td>Is there fair distribution of the beneficial and adverse effects of the proposed action to all populations within the project area? *No additional information needed if checked “Yes”.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>If No, provide justification here</td>
<td></td>
</tr>
<tr>
<td><strong>Public Transportation</strong> (Potential impacts to public transit operations, existing transit routes, transit facilities, etc.)</td>
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<tr>
<td>• Will the project impact public transportation operations or alter public transportation routes?</td>
<td></td>
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<tr>
<td>If Yes, describe impacts here</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Right-of-Way</strong> (Public rights of way used for transportation.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Will the project require land that is currently not existing city, county or state transportation right-of-way?</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>All property acquisitions used in this project must comply fully with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.</em></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If Yes, describe impacts here</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Construction Permits</strong> (Temporary construction easements or property used only during construction to allow equipment access or additional room to construct the project.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Will there be temporary access on private, state, or federal land outside of the existing right-of-way for temporary use during construction?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If Yes, describe impacts here</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Pedestrian and Bicycle</strong> (Potential impacts to existing pathways, sidewalks or other features used by pedestrians or bicyclists.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Will there be any impacts to existing pedestrian or bicycle routes or pathways?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If Yes, describe impacts here</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Archaeological and Historical Impacts

**Cultural/Archaeological/Historic Impacts** (Contact WYDOT for a determination of effect or if additional cultural or Historical Studies need to be completed.  

*Insert WYDOT's response below and the SHPO concurrence letter in the appendix.*

Insert WYDOT response here
### Section 4(f)
(Section 4(f) of the DOT Act establishes the requirement for consideration of park and recreational lands, wildlife and waterfowl refuges and historic sites in transportation project development.)

- Will your project involve work on any of the following types of properties: fairgrounds, public open spaces, public parks, state game lands, or other recreation facilities fully open to the public?

* If Yes, Contact WYDOT Environmental Services before submitting the final CE

<table>
<thead>
<tr>
<th>Natural Resources</th>
</tr>
</thead>
</table>

#### Wetlands and other Waters of the U.S. *(Potential impacts to open water, wetlands, creeks, dry channels, irrigation canals, etc.)*

- Are there any impacts to Waters of the U.S. including wetlands, creeks, streams or rivers?
- Did the U.S. Army Corps of Engineers (USACE) indicate the project would impact Waters of the U.S.

*Send scoping letter to the U.S. Army Corps of Engineers (USACE), attach scoping letter and USACE response in appendix.*

| Water Quality *(Potential impacts to existing impaired waters or sediment run off from the project.)* |
|-----------------*|

- Are there any Wyoming Department of Environmental Quality (WYDEQ) Class I, Class II or impaired waters in the project limits?
- Does the project require compliance or a permit with the Wyoming Pollutant Discharge Elimination System (WPDES)?

| Wild and Scenic Rivers *(Wild and Scenic Rivers Act was created to preserve certain rivers with outstanding natural, cultural and recreational values in a free-flowing condition for the enjoyment of present and future generations.)* |
|-----------------*|

- Are there any designated or proposed Wild and Scenic Rivers in or adjacent to the project area?

*If Yes, contact WYDOT Environmental Services.*
<table>
<thead>
<tr>
<th>My Notes:</th>
</tr>
</thead>
</table>
| **Floodplains** *(Floodplains are identified by the National Flood Insurance Program (NFIP) and the Federal Emergency Management Agency (FEMA).)*  
  - Is the project within an identified floodplain or will it encroach on a regulatory floodplain?  
  *If Yes, contact the local Floodplain coordinator and include their response in the appendix.*  
  |  
| **Farmlands** *(The Farmland Protection Policy Act is intended to minimize the impact on the conversion of farmland to nonagricultural uses.)*  
  - Are you impacting any prime or unique farmland as defined by the Natural Resource Conservation Service?  
  |  
| **Wildlife and Habitat** *(Potential impacts to state managed wildlife or wildlife habitat, Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.)*  
  - Are there any raptor nests within one mile of the project area?  
  - Is the project located in Sage-Grouse Core Management Areas?  
  |  
| **Threatened and Endangered Species** *(Potential impacts to federal Species Of Concern or Threatened and Endangered species.)*  
  - Did the U.S. Fish and Wildlife Service scoping letter indicate any concerns?  
  *Include scoping letter to the USFWS and their response in the appendix.*  
<p>|<br />
| <strong>If Yes, describe impacts here</strong> |</p>
<table>
<thead>
<tr>
<th>Vegetation (Potential impacts to special status plant species and preventing the spread of noxious and invasive species.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Will the project impact any special status plant species?</td>
</tr>
<tr>
<td><em>Projects must have all disturbed (bare ground) areas seeded with commercially available native species at the end of construction to help control the spread of noxious and invasive species. Explain below if this will not happen.</em></td>
</tr>
<tr>
<td>If Yes, describe impacts here</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Ecosystem (Potential impacts when considering all the various natural resource impacts to determine if combined they cause impacts to the regional ecosystem.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Is the project expected to cause permanent regional ecosystem impacts?</td>
</tr>
<tr>
<td>If Yes, describe impacts here</td>
</tr>
</tbody>
</table>

**Physical Impacts**

<table>
<thead>
<tr>
<th>Noise (Potential impacts caused by traffic noise increase to noise sensitive areas, including parks, amphitheaters, churches, schools, residential, businesses, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>- After construction will the project increase noise at any noise sensitive areas within or adjacent to the project area?</td>
</tr>
<tr>
<td>If Yes, describe impacts here</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Air Quality (Potential impacts to air quality from particulate matter and gas emissions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Is the project in a WYDEQ non-attainment area?</td>
</tr>
<tr>
<td>- Will there be any adverse long-term impacts to air quality from the project?</td>
</tr>
<tr>
<td>If Yes, describe impacts here</td>
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</tbody>
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<tr>
<th>Hazardous Waste Sites &amp; Contamination (Potential for the project to release or expose contamination from previous fueling stations, lube shops, dry cleaners, mechanic shops, industrial operations, refineries, etc.)</th>
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<tbody>
<tr>
<td>- Will the project impact any locations that could contain hazardous waste or is adjacent to facilities that may have been previously contaminated?</td>
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<td>If Yes, describe impacts here</td>
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<thead>
<tr>
<th>Visual (Potential impacts to areas that are known for their scenic views including National Scenic Byway, National Scenic Area, Wild and Scenic River, National Trails System, National Monument, cultural resources, etc.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Will the project be seen by any areas known for their scenic views or will it block any areas known for scenic views?</td>
</tr>
<tr>
<td>If Yes, describe impacts here</td>
</tr>
</tbody>
</table>
Plant Sites, Material Sources, Haul Roads (All disturbances related to the project including batch plants, hot plants, material sources, borrow sites and haul roads accessing these places need to be covered by this document.)

- Will the project use borrow sources, waste areas and plant sites other than contractor furnished or commercially available sources?  
- Are there any other areas outside the project limits that will have work combined with this project that have not been discussed above?

If Yes, describe impacts here

Temporary Impacts (Describe any other temporary impacts that have not been covered.)

- Will the project have any other additional temporary impacts that have not been addressed above?

If Yes, describe impacts here

PUBLIC PARTICIPATION

Describe any opportunities that the public has had to provide comments on the project, including dates and a generalized public response. Can include council meetings and direct landowner contact.

ENVIRONMENTAL COMMITMENTS

The contractor will become familiar with and adhere to all laws relevant to avoiding and/or minimizing damaging impacts to the environment.

All property acquisitions used in this project are in full compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

All disturbed areas (even if previously bare ground) will be seeded with commercially available native species at the end of construction to help control the spread of noxious and invasive species.

If any impacts, not discussed in this document, are discovered during construction, work should immediately stop until WYDOT Environmental Services has been notified and has evaluated the impact(s) to determine the proper measures to be taken to prevent further impact and provide guidance on how to mitigate any impacts that require mitigation.
• Include reports that are used to support your CE, which can include Aquatic Resources Inventory Report (Wetland Delineation) if you identify wetlands on the project or biological reports.
• Leave out Cultural Reports in the CE (they contain confidential information).
• Be sure the CE matches cultural and historical language in the letter from SHPO.
• Wait until after the CE has been approved to complete the Final Design Plans.
• Be sure to use the most recent CE template on the website.
• Attach all agency letters – both to and from outside agencies.
• Include all figures that accurately describe your project.
• Include at least grading or 35% plans for review with the CE.
• Be consistent and forthright in your CE.
• Include a clear and concise project description.
• Be sure that CE and agency response letters match.
• Make sure you send your CE to WYDOT and NOT FHWA.
FHWA Updates and TAP Lessons Learned
Dustin Woods, P.E.
LPA Program Manager
FHWA, Wyoming Division Office

Infrastructure Investment and Jobs Act
- Also known as the Bipartisan Infrastructure Law or BIL
- Increase in overall funding
- Change in Transportation Alternatives Set Aside funding categories
- Large increase in number of Discretionary Grants

Funding Increases
- Total FY22 funding $339,391,760
  - 25% increase from FY20 and FY21
- TAP FY22 $4,665,818
  - Nearly Double FY21
- CMAQ generally the same
- Increase in Off System Bridges (BROS)
Funding Category Changes

**Pre-BIL Population Categories**
- TA for any area
- Areas < 5k
- 5k ≤ Areas ≤ 200k
- Areas > 200k

**Post BIL Population Categories**
- TA for any area ($1,912,985)
- Areas < 5k ($1,056,373)
- 5k ≤ Areas < 50k ($1,021,783)
- 50k ≤ Areas ≤ 200k ($674,677)
- Areas > 200k ($0)

**BIL Grant Opportunities**

<table>
<thead>
<tr>
<th>Program Name</th>
<th>Amount</th>
<th>Additional Info</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safe Streets for All</td>
<td>$6 Billion</td>
<td>Provides funding directly to local and tribal govs to support advancement of “Vision Zero”</td>
</tr>
<tr>
<td>Rebuilding America Infrastructure with Sustainability and Equity (RAISE)</td>
<td>$15 Billion</td>
<td>Surface transportation projects of local and/or regional significance</td>
</tr>
<tr>
<td>Infrastructure or Rebuilding America (INFRRA)</td>
<td>$14 Billion</td>
<td>Offers needed aid to freight infrastructure for projects of regional or national significance</td>
</tr>
<tr>
<td>Federal Transit Administration (FTA) Low and No Emission Bus Programs</td>
<td>$5.6 Billion</td>
<td>Expands program for state and local govs to purchase or lease zero or low emission buses and build supporting facilities</td>
</tr>
<tr>
<td>FTA Buses + Facilities Competitive Program</td>
<td>$2 Billion</td>
<td>Replace, rehabilitate, and purchase buses and related equipment and/or construct bus-related facilities</td>
</tr>
</tbody>
</table>

**Program Name**
- Capital Investment Grants (CIG) $23 Billion
- Federal Aviation Administration (FAA) Terminal Program $5 Billion
- MEGA Projects $15 Billion
- Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) $8.7 Billion
- SDOT Ferry Program $500 Million
- Rural Ferry Program $2 Billion

**MEGA Projects**
- National infrastructure Project Assistance grant program projects of national or regional significance

**Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT)**
- Increase resilience of transportation systems: evacuation routes, coastal resilience, moving infrastructure continuously impacted by extreme weather and natural disasters

**SDOT Ferry Program**
- Transition passenger ferries to low or zero-emission

**Rural Ferry Program**
- Funds essential ferry service in rural areas
## BIL Grant Opportunities

<table>
<thead>
<tr>
<th>Program Name</th>
<th>Amount</th>
<th>Additional Info</th>
</tr>
</thead>
<tbody>
<tr>
<td>FHWA Competitive grants for nationally significant and other bridges</td>
<td>$15.77 Billion</td>
<td>Rehabilitate or replace bridges/culverts. Large projects and bundling of smaller bridges are eligible.</td>
</tr>
<tr>
<td>FTA All Station Accessibility Program</td>
<td>$1.75 Billion</td>
<td>Funding for legacy transit and commuter rail to upgrade existing station to ADA standards.</td>
</tr>
<tr>
<td>Charging and fueling infrastructure</td>
<td>$2.5 Billion</td>
<td>Charging infrastructure where people live, work, and shop.</td>
</tr>
<tr>
<td>Reconnecting Communities Pilot Program</td>
<td>$1 Billion</td>
<td>Planning, design, demolition, and reconstruction or street grids, parks, or other infrastructure.</td>
</tr>
<tr>
<td>FHWA Nationally Significant Federal Lands and Tribal Projects</td>
<td>$1.78 Billion</td>
<td>Construction, reconstruction, and rehabilitation of nationally-significant projects within, adjacent to, or accessing federal and tribal lands.</td>
</tr>
</tbody>
</table>

## BIL Grant Opportunities

<table>
<thead>
<tr>
<th>Program Name</th>
<th>Amount</th>
<th>Additional Info</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strengthening Mobility and Revolutionizing Transportation (SMART)</td>
<td>$1 Billion</td>
<td>State, local, and tribal governments for projects that improve transportation safety and efficiency.</td>
</tr>
<tr>
<td>Rural Surface Transportation Grant Program</td>
<td>$2 Billion</td>
<td>Improve and expand infrastructure in rural areas increasing connectivity, improving safety, and reliability of moving people and freight, and generate regional economic growth.</td>
</tr>
</tbody>
</table>


BIL Grant Opportunities

- Mega, INFRA, and Rural are open now
- Notice of Funding Opportunities (NOFO) forthcoming for others
- NOFO announcements typically include informational and/or training webinars
- Visit the site below to get additional info [https://www.transportation.gov/grants/m pdg‐announcement](https://www.transportation.gov/grants/mpdg‐announcement)
BIL Grant Opportunities

A few application tips
• A consultant is not needed to write a good application
• Address every criteria
• Focus on going above and beyond for each criteria
• Get the broadest range of stakeholders possible
• Private funding goes along way
• Planning grants are scored based on the proposed benefit of your entire wish list
• Construction grants are held to the items listed in your application

TAP Projects Lessons Learned

• Communication
  • Most issues stem from poor or mis...
• Application
  • Has to be competitive
  • Project needs to remain in scope
  • More than one project is okay
• Project Development
  • Moving forward without concurrence

TAP Projects Lessons Learned

• Construction
  • Paying the Contractor without supporting documentation
• Project Closeout
  • Timeliness for re-obligation
• Schedule
  • Projects are taking too long
  • Money is only available for 4 years
Federal-Aid Essentials

- Federal-Aid Program Overview
- Finance
- Right-of-Way
- Environment
- Civil Rights
- Project Development
- Project Construction and Contract Administration
- Other
  - CMAQ
  - Safety
  - Consultant Services

Resources

- Federal-Aid Essentials
  - https://www.fhwa.dot.gov/federalaidessentials/
- Consultant Selection
  - 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)
- ADA Standards
  - https://www.ada.gov/2010ADAstandards_index.htm

Questions?

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LPA Civil Rights Requirements

MAINTAINING A HIGH STANDARD OF EQUALITY THROUGH ADVOCACY, EDUCATION, AND DIVERSITY AWARENESS.

Policy Reviews

Labor Compliance

Title VI

Prevailing Wage/Davis Bacon

Disadvantaged Business Enterprise

ADA

Title VI—non-discrimination regarding access to programs and services

non-discrimination regarding access to programs and services
What are the Title VI Assurances?

- The written commitment to comply with Title VI of the Civil Rights Act of 1964, 49 CFR, part 2, and all related regulations and directives. The LPA assures that no person shall on the grounds of race, color, national origin, gender, age or disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, activity or service.

- 1052.A FHWA Title VI Assurances

Why is Title VI Required?

- To receive federal financial assistance, any federal dollars that are assigned to the LPA to support any program and activity, by way of grant, loan or contract, other than a contract of insurance or guaranty, assurances must be in place prohibiting discrimination.

- All public entities (counties, cities etc.) are required to have a Title VI plan.

Good News:

- At a minimum the form 1052.A must be signed and attached to the contract.

- We have created a Title VI template that is approved by FHWA for fulfillment of the regulations.

- Template is very user friendly and assures that the correct information is being identified.
EEO Officer Identification

- Every local agency must identify an EEO Officer.
- The EEO officer is responsible for dealing with Title VI (discriminatory) issues that may arise within the agency receiving the funds.

LEP and EJ-Limited English Proficiency and Environmental Justice

- Limited English Proficiency (LEP), and Environmental Justice (EJ).
  - LEP is required if and when information is requested.
  - Environmental Justice is a requirement of executive order 12898. Meaningful involvement of all people regardless of race, color, national origin, or income with respect to development within a community.
Davis Bacon-Prevailing Wage

Prevailing wage determinations are attached to each contract.

Payrolls must be submitted weekly. (No two week pay periods)

Overtime is calculated as 1.5 base rate and fringe benefits are added back into calculation (No OT on fringe)

Prevailing Wage Requirements

- Employees must be paid the prevailing wage listed in the contract.
- Wages are Updated Annually
- Strongly encourage firms to take part in survey
Employee Job Site Interviews
- Interviews should be conducted on 100% of workforce
- If issues are discovered, the contractor should be notified promptly
- LEP Wage determination and interview questions

Americans with Disabilities Act (ADA)

The Wyoming Department of Transportation has adopted the Public Rights-of-Way Accessibility Guidance (PROWAG) as its standard for implementing the Americans with Disabilities Act on the State Highway system within Wyoming.

What authority requires public agencies to make public right-of-way accessible for all pedestrians with disabilities?

The Rehabilitation Act of 1973 – Section 504 (Section 504) (29 U.S.C. §794)

Entities should have ADA Transition Plans in place

- Required of government entities with greater than 50 employees (combined full and part-time)
- Less than 50 employees, public entities still need to evaluate programs for discrimination... but no Transition Plan

IDENTIFICATION OF AN ADA COORDINATOR

- Identify the official responsible for the implementation of the transition plan (28 CFR 35.150(d)(3)(iv))

INVENTORY OF BARRIERS

- An inventory of barriers (i.e., identification of physical obstacles) (28 CFR 35.150(d)(3)(i) & 28 CFR 35.150(a))

COMPLIANT PROCESS

- A description of the methods that will be used to make facilities accessible (28 CFR 35.150(d)(3)(ii))

A SCHEDULE TO GET THE WORK COMPLETED

- A prioritized schedule of when barriers will be eliminated and deficiencies corrected (28 CFR 35.150(d)(3)(ii) & 28 CFR 25.150(d)(3)(iii))

The Transition Plan

ADA PROJECT REVIEWS

We will choose Projects within the WYDOT rights-of-way once complete for inspection. We will look at running cross and counter slopes, widths, turning space, clear space, curb ramps, detectable warnings and grade breaks among other things for ADA compliance.
DOT tracks completion of ADA Projects

Disadvantaged Business Enterprise (DBE)
Disadvantaged Business Enterprise

- The DBE program is intended to ensure nondiscrimination in the award and administration of DOT-assisted contracts.

- Program objectives include:
  - Create a level playing field
  - Remove barriers
  - Provide promotion, development and opportunities

DBE Requirements

- DBEs must be solicited for all subcontracting opportunities.
  - Documented solicitation (E-91-LPA)
  - Firm availability/directory

  [view a link to a directory at: http://www.dot.state.wy.us/home/business_with_wydot/contractors/Disadvantaged_Business_Enterprise.html]

- DBE firms cannot be removed from a project after award for pro-forma reason.
  - Notification/Intent to Subcontract

DBE Requirements

- Commercially useful function (CUF) verification
- Prompt payment
- Final attainment
- Annual Goal - 5.29%
Civil Rights Program Reviews

Policy Reviews

The Civil Rights Office will conduct compliance reviews annually.

Ensuring non-discrimination throughout organization policies and procedures.

Example of compliant policy statement:
LPA is ensuring that no person shall on the grounds of race, color, national origin, sex, age or disability as provided by the Civil Rights act of 1964 and the Civil Rights Restoration Act of 1987, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. WYDOT further assures every effort will be made to ensure nondiscrimination in all of it's programs and activities, whether those programs and activities are federally funded or not.

Collaborative Effort:
BACKGROUND INFORMATION

FLOW OF FEDERAL FUNDS

Federal Awarding Agency (FHWA, FTA, NHTSA)

LPA (Recipient)

Contractor

LPA (Subrecipient)

WYDOT (Recipient)
WYDOT FY 2021 PASS-THROUGH FUNDING

<table>
<thead>
<tr>
<th>CFDA #</th>
<th>Program Title</th>
<th>Amount Provided To Subrecipients</th>
</tr>
</thead>
<tbody>
<tr>
<td>20.106</td>
<td>Airport Improvement Program</td>
<td>45,013,269</td>
</tr>
<tr>
<td>20.205</td>
<td>Highway Planning and Construction</td>
<td>6,379,032</td>
</tr>
<tr>
<td>20.500</td>
<td>Federal Transit Capital Investment Grants</td>
<td>0</td>
</tr>
<tr>
<td>20.505</td>
<td>Metropolitan Transportation Planning</td>
<td>62,313</td>
</tr>
<tr>
<td>20.506</td>
<td>Formula Grant for Rural Areas</td>
<td>9,617,000</td>
</tr>
<tr>
<td>20.513</td>
<td>Enhance Mobility of Seniors &amp; Individuals with Disabilities</td>
<td>187,236</td>
</tr>
<tr>
<td>20.516</td>
<td>Job Access &amp; Reverse Commute Program</td>
<td>0</td>
</tr>
<tr>
<td>20.524</td>
<td>Bus &amp; Bus Facility Formula Program</td>
<td>5,906,096</td>
</tr>
<tr>
<td>20.600</td>
<td>State and Community Highway Safety</td>
<td>502,687</td>
</tr>
<tr>
<td>20.602</td>
<td>Occupant Protection Incentive Grants</td>
<td>0</td>
</tr>
<tr>
<td>20.607</td>
<td>Alcohol Open Container Requirements</td>
<td>388,676</td>
</tr>
<tr>
<td>20.616</td>
<td>National Priority Safety Programs</td>
<td>315,437</td>
</tr>
<tr>
<td>20.933</td>
<td>National Infrastructure Investments</td>
<td>0</td>
</tr>
<tr>
<td>Total Federal funds pass-through WYDOT to subrecipients</td>
<td>68,022,745</td>
<td></td>
</tr>
</tbody>
</table>

HIERARCHY OF LAW

Federal Law

State Law

Local Law

2 CFR 200 UNIFORM REQUIREMENTS

- 2 CFR 200 consists of the following:
  - Subpart A: Acronyms & Definitions
  - Subpart B: General Provisions
  - Subpart C: Pre-award Requirements
  - Subpart D: Post Award Requirements
  - Subpart E: Cost Principles
  - Subpart F: Audit Requirements
  - Appendix I – VIII

www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2 CFR200_main_02.tpl
2 CFR 200
DEFINITIONS

- Period of Performance
  - The total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions, or budget periods.
  - This is the time period during which the sponsor expects the awardee to complete all award activities and incur and expend funds.

- Budget Period
  - The time interval from the start date of a funded portion on an award to the end date of that funded portion during which recipients are authorized to expend the funds awarded, including any funds carried forward or other revisions pursuant to 2 CFR 200.308.
  - These are specific time intervals for authorized spending (typically 12 months but may be longer or shorter).

2 CFR 200
GENERAL PROVISIONS

- 2 CFR 200.112 Conflicts of interest
  - Subrecipients must disclose in writing any potential conflict of interest to WYDOT.

- 2 CFR 200.113 Mandatory disclosures
  - Subrecipient must disclose, in a timely manner, in writing to WYDOT all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal awards.

2 CFR 200
PRE-AWARD REQUIREMENTS

- 2 CFR 200.214 Suspension and Debarment
  - Restricts awards, subawards, and contracts with certain parties that are suspended or debarred from participation in Federal assistance programs or activities.
  - www.sam.gov is the website that you can use to determine suspension and debarment.
  - It is a good idea to print out a copy of the search that shows the entity that will be used is not suspended or debarred to keep for your records.
2 CFR 200
PRE-AWARD REQUIREMENTS

- 2 CFR 200.216 Prohibition on certain telecommunications and video surveillance services or equipment
  - Applies to recipients and subrecipients
  - Cannot procure, obtain, extend, renew or enter into a contract to obtain telecommunications equipment or services from the following specific manufacturers.
    - List of manufacturers changes so if purchasing this type of equipment verify entities are not on this list.
    - If you need help determining if an entity is on this list reach out to your grant administrator or Internal Review and we can help.

2 CFR 200
SUBPART D
ADMINISTRATIVE REQUIREMENTS

2 CFR 200.302
FINANCIAL MANAGEMENT

- Financial management system must be sufficient to:
  - Permit the preparation of required reports; and
  - Trace funds to a level of expenditures adequate to establish that such funds have been used appropriately

- Financial management system must provide the following:
  - Identification, in its accounts, of all federal awards received & expended;
  - Accurate, current, and complete disclosure of financial results;
  - Records that adequately identify source & application of funds;
  - Effective control over, and accountability for, all funds, property, & other assets;
  - Comparison of expenditures with budget amounts; and
  - Written procedures for determining the allowability of costs
2 CFR 200.303
INTERNAL CONTROLS

- Subrecipients must:
  - Establish & maintain effective internal control over subaward
  - Comply with Federal statutes, regulations, and the terms & conditions of subaward
  - Evaluate & monitor compliance
  - Take prompt action when instances of noncompliance are identified
  - Take reasonable measures to safeguard protected personally identifiable information (PPII) & other information designated as sensitive

2 CFR 200.305
PAYMENT

- WYDOT pays on a reimbursement basis which means the following:
  - Subrecipients must pay all employees, contractors, consultants, etc. prior to requesting reimbursement from WYDOT
  - WYDOT must make payment to subrecipient within 30 calendar days after receipt of the reimbursement request, unless request is determined to be improper

2 CFR 200.306
COST SHARING OR MATCHING

- Any shared costs or matching funds and all contributions must meet the following criteria:
  - Are verifiable from records;
  - Are not included as contributions for any other award;
  - Are necessary and reasonable;
  - Are allowable;
  - Are not paid by the Federal government under another Federal award;
  - Conform to other provisions of 2 CFR 200.306
2 CFR 200.317-.327
PROCUREMENT

● Highlights
  • The non-Federal entity must have and use **documented** procurement procedures that conform to 2 CFR 200.317-327
  • Procurement transactions must be conducted in a manner providing full and open competition (200.319)
  • Methods of procurement (200.320)
    ○ Informal
      - Micro-Purchase (under $10,000)
    ○ Small Purchase (under $250,000)
    ○ Formal
      - Sealed Bid (over $250,000)
      - Competitive Bid (over $250,000)
    ○ Noncompetitive
    ○ Sole Source

Highlights Cont.
• The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible (200.321)
• The non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products) (200.322)

Regardless of the size of the purchase:
• The purchase must comply with the non-Federal entity’s documented procurement procedures
• The purchase must be necessary to carry out the Federal award
• The purchase must be made with open competition to the extent required
• The organization is in compliance with their conflict of interest policy
• Subrecipients MUST
  • Incorporate a clear & accurate description of the technical requirements for the material, product or service to be procured; and
  • Identify all requirements which the offerors must fulfill & all other factors to be used in the decision
2 CFR 2 CFR 200.317-.327
PROCUREMENT

Entity must maintain records sufficient to detail the history of procurement.

This includes but is not limited to:

- Rationale for the method of procurement
- Selection of contract type
- Contractor selection or rejection
- Basis for contract price

Entity must have a written procurement policy that includes the requirements of 2 CFR 200.317-327

2 CFR 200.332
REQUIREMENTS FOR WYDOT

- As the pass-through entity, WYDOT must:
  - Clearly identify the subaward in the documentation and include:
    - Federal award identification information
    - Requirements imposed by pass-through entity
    - If requested, negotiate indirect cost rate
  - Evaluate each subrecipient’s risk of noncompliance
  - Impose specific subaward conditions, if necessary
  - Monitor the activities of the subaward
  - Consider results of subrecipient audits, on-site reviews or other monitoring
  - Consider taking enforcement action for noncompliance

2 CFR 200.334
RETENTION REQUIREMENTS FOR RECORDS

Financial records, supporting documents, statistical records & all other records pertinent to subawards must be retained for 3 years from the date of the submission of the final expenditure report
2 CFR 200.337
ACCESS TO RECORDS

Federal awarding agency, Inspector General, the Comptroller General of the United States, and WYDOT must have the right of access to any documents, papers, or other records which are pertinent to the subaward.

The right also includes timely & reasonable access to personnel for interviews & discussion related to documents.

2 CFR 200.339
REMEDIES FOR NONCOMPLIANCE

If WYDOT determines that noncompliance cannot be remedied by imposing additional conditions, WYDOT may take on or more of the following actions:

- Temporarily withhold payment pending correction of deficiency
- Disallow all or part of the cost of the activity not in compliance
- Wholly or partially suspend or terminate the subaward
- Initiate suspension or debarment proceedings
- Withhold further subawards
- Take other remedies that may be legally available
2 CFR 200.402
COMPOSITION OF COSTS

Direct Costs
+ Indirect Costs
- Applicable Credits
Total Cost of Federal Award

2 CFR 200.403
FACTORS AFFECTING ALLOWABILITY OF COSTS

- Cost must meet the following criteria to be allowable:
  - Necessary
  - Reasonable
  - Allocable
  - Legal
  - Consistent treatment
  - In accordance with GAAP
  - Not duplicated
  - Net of applicable credits
  - Adequately documented

2 CFR 200.404
REASONABLE COSTS

- What is a reasonable cost?
  - Ordinary/necessary
  - Restraints and requirements
  - Comparable prices
  - Prudent acts
  - Established practices
2 CFR 200.405
ALLOCABLE COSTS

What is an allocable cost?
- Incurred specifically for the Federal award
- Cost benefit relationship
- Is necessary
- Appropriate amount
- Cost shifting
- Cost allocation plan

2 CFR 200.406
APPLICABLE CREDITS

What are applicable credits?
- They refer to those receipts or reduction of an expenditure that offsets or reduces the expense.
  - Discounts and rebates
  - Recoveries of losses
  - Refunds
  - Corrections of overpayments or errors
  - Federal receipts or finance activities
- To the extent that such credits relate to allowable costs, they must be credited to the federal award as a cost reduction or refund.

2 CFR 200.407
PRIOR WRITTEN APPROVAL

Prior Approval may be sought in advance of incurring costs:
- Reasonableness and allocability are difficult to determine
  - Avoid disallowance or dispute by getting advance approval from WYDOT
2 CFR 200.414
INDIRECT COSTS

Options for charging indirect cost rates to subawards:

1. Develop and submit an indirect cost rate proposal and cost allocation plan.

2. Use the 10% de minimis Indirect Cost Rate

Note: If you choose to charge an indirect cost rate, the amount of your subaward does not change!

APPLICATION OF INDIRECT COSTS

$100,00 total award with 80/20 match

<table>
<thead>
<tr>
<th></th>
<th>With 10% Indirect Cost Rate</th>
<th>Without 10% Indirect Cost Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Share</td>
<td>80,000</td>
<td>80,000</td>
</tr>
<tr>
<td>Available for Construction</td>
<td>72,000</td>
<td>80,000</td>
</tr>
<tr>
<td>Indirect Cost Paid</td>
<td>8,000</td>
<td>0</td>
</tr>
<tr>
<td>Local Share</td>
<td>20,000</td>
<td>20,000</td>
</tr>
<tr>
<td>Total Award</td>
<td>$100,000</td>
<td>$100,000</td>
</tr>
</tbody>
</table>
2 CFR 200.414
INDIRECT COSTS

- Benefits to claiming indirect costs
  - Flexibility with local funds
  - Cash management tool

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- List of selected items of cost is not all inclusive
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AUDIT REQUIREMENTS

If subrecipient expends $750,000 or more in combined Federal dollars during their fiscal year they are required to hire a qualified CPA to conduct Single Audit.
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AUDITEE RESPONSIBILITIES

- The auditee must:
  - Procure for the audit
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- Factors to be considered in evaluating a CPA firm when reviewing proposals:
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- Auditee must prepare:
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  - Schedule of Expenditures of Federal Awards (SEFA) at a minimum must include:
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    - The name of the pass-through entity & indentifying number assigned by the pass-through, if applicable
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**2 CFR 200.512**

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- Audit must be completed and the data collection form & reporting package must be submitted to the Federal Audit Clearinghouse (FAC) within the earlier of:
  - 30 calendar days after receipt of the auditor's report(s), or
  - 9 months after the end of the audit period.
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**2 CFR 200.521**

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- Management Decision issued by Internal Review:
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- Prepare necessary reports
- Communicate
- Permit WYDOT access to records

FINAL THOUGHTS

- Read and understand the terms and conditions of subaward agreement & revisit frequently
- Read & understand 2 CFR 200
- Familiarize all staff with provisions, regulations and program policies and procedures
- Maintain active status on sams.gov
- Ensure supporting documentation is present
  - If it isn't documented, it didn't happen!
- Attend WYDOT training when available
CONTACT INFORMATION

- Kirsten Rigg
  Internal Review
  307-777-4252
  kirsten.rigg@wyo.gov

- IR website
  www.dot.state.wy.us/home/administration/internal_review.default.html

- 2 CFR 200
  www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cf00_main_02.tpl
BACKGROUND INFORMATION

FLOW OF FEDERAL FUNDS

Federal Awarding Agency (FHWA, FTA, NHTSA)

LPA (Recipient)

Contractor

WYDOT (Recipient)

LPA (Subrecipient)
**WYDOT FY 2021 Pass-Through Funding**

<table>
<thead>
<tr>
<th>CFDA #</th>
<th>Program Title</th>
<th>Amount Provided To Subrecipients</th>
</tr>
</thead>
<tbody>
<tr>
<td>20.106</td>
<td>Airport Improvement Program</td>
<td>40,813,289</td>
</tr>
<tr>
<td>20.205</td>
<td>Highway Planning and Construction</td>
<td>6,879,021</td>
</tr>
<tr>
<td>20.500</td>
<td>Federal Transit Capital Investment Grants</td>
<td>0</td>
</tr>
<tr>
<td>20.505</td>
<td>Metropolitan Transportation Planning</td>
<td>62,313</td>
</tr>
<tr>
<td>20.509</td>
<td>Formula Grant for Rural Areas</td>
<td>6,487,562</td>
</tr>
<tr>
<td>20.511</td>
<td>Enhance Mobility of Seniors &amp; Individuals with Disabilities</td>
<td>387,336</td>
</tr>
<tr>
<td>20.516</td>
<td>Job Access &amp; Reverse Commute Program</td>
<td>0</td>
</tr>
<tr>
<td>20.526</td>
<td>Bus &amp; Bus Facilities Formula Program</td>
<td>5,906,096</td>
</tr>
<tr>
<td>20.600</td>
<td>State and Community Highway Safety</td>
<td>501,667</td>
</tr>
<tr>
<td>20.602</td>
<td>Occupant Protection Incentive Grants</td>
<td>0</td>
</tr>
<tr>
<td>20.607</td>
<td>Alcohol Open Container Requirements</td>
<td>388,676</td>
</tr>
<tr>
<td>20.616</td>
<td>National Priority Safety Programs</td>
<td>315,437</td>
</tr>
<tr>
<td>20.933</td>
<td>National Infrastructure Investments</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td><strong>Total Federal funds pass-through WYDOT to subrecipients</strong></td>
<td><strong>$69,830,745</strong></td>
</tr>
</tbody>
</table>

**Hierarchy of Law**

- Federal Law
- State Law
- Local Law

**2 CFR 200 Uniform Requirements**

- 2 CFR 200 consists of the following:
  - Subpart A: Acronyms & Definitions
  - Subpart B: General Provisions
  - Subpart C: Pre-award Requirements
  - Subpart D: Post Award Requirements
  - Subpart E: Cost Principles
  - Subpart F: Audit Requirements
  - Appendix I – VIII

www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl
2 CFR 200
DEFINITIONS

- Period of Performance
  - The total estimated time interval between the start of an initial Federal award and the planned end date, which may include one or more funded portions, or budget periods.
  - This is the time period during which the sponsor expects the awardee to complete all award activities and incur and expend funds.

- Budget Period
  - The time interval from the start date of a funded portion on an award to the end date of that funded portion during which recipients are authorized to expend the funds awarded, including any funds carried forward or other revisions pursuant to 2 CFR 200.308.
  - These are specific time intervals for authorized spending (typically 12 months but may be longer or shorter).

2 CFR 200
GENERAL PROVISIONS

- 2 CFR 200.112 Conflicts of interest
  - Subrecipients must disclose in writing any potential conflict of interest to WYDOT.

- 2 CFR 200.113 Mandatory disclosures
  - Subrecipient must disclose, in a timely manner, in writing to WYDOT all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal awards.

2 CFR 200
PRE-AWARD REQUIREMENTS

- 2 CFR 200.214 Suspension and Debarment
  - Restricts awards, subawards, and contracts with certain parties that are suspended or debarred from participation in Federal assistance programs or activities.
  - www.sam.gov is the website that you can use to determine suspension and debarment.
  - It is a good idea to print out a copy of the search that shows the entity that will be used is not suspended or debarred to keep for your records.
2 CFR 200
PRE-AWARD REQUIREMENTS

- 2 CFR 200.216 Prohibition on certain telecommunications and video surveillance services or equipment
  - Applies to recipients and subrecipients
  - Cannot procure, obtain, extend, renew or enter into a contract to obtain telecommunication equipment or services from the following specific manufacturers.
  - List of manufacturers changes so if purchasing this type of equipment verify entities are not on this list.
  - If you need help determining if an entity is on this list reach out to your grant administrator or Internal Review and we can help.

2 CFR 200
SUBPART D
ADMINISTRATIVE REQUIREMENTS

2 CFR 200.302
FINANCIAL MANAGEMENT

- Financial management system must be sufficient to:
  - Permit the preparation of required reports; and
  - Trace funds to a level of expenditures adequate to establish that such funds have been used appropriately

- Financial management system must provide the following:
  - Identification, in its accounts, of all federal awards received & expended;
  - Accurate, current, and complete disclosure of financial results;
  - Records that adequately identify source & application of funds;
  - Effective control over, and accountability for, all funds, property, & other assets;
  - Comparison of expenditures with budget amounts; and
  - Written procedures for determining the allowability of costs
2 CFR 200.303
INTERNAL CONTROLS

- Subrecipients must:
  - Establish & maintain effective internal control over subaward
  - Comply with Federal statutes, regulations, and the terms & conditions of subaward
  - Evaluate & monitor compliance
  - Take prompt action when instances of noncompliance are identified
  - Take reasonable measures to safeguard protected personally identifiable information (PPII) & other information designated as sensitive

2 CFR 200.305
PAYMENT

- WYDOT pays on a reimbursement basis which means the following:
  - Subrecipients must pay all employees, contractors, consultants, etc. prior to requesting reimbursement from WYDOT
  - WYDOT must make payment to subrecipient within 30 calendar days after receipt of the reimbursement request, unless request is determined to be improper

2 CFR 200.306
COST SHARING OR MATCHING

- Any shared costs or matching funds and all contributions must meet the following criteria:
  - Are verifiable from records;
  - Are not included as contributions for any other award;
  - Are necessary and reasonable;
  - Are allowable;
  - Are not paid by the Federal government under another Federal award;
  - Conform to other provisions of 2 CFR 200.306
2 CFR 200.317-.327
PROCUREMENT

- **Highlights**
  - The non-Federal entity must have and use documented procurement procedures that conform to 2 CFR 200.317-327
  - Procurement transactions must be conducted in a manner providing full and open competition (200.319)
  - Methods of procurement (200.320)
    - Informal
      - Micro-Purchase (under $10,000)
      - Small Purchase (under $250,000)
    - Formal
      - Sealed Bid (over $250,000)
      - Competitive Bid (over $250,000)
    - Noncompetitive
      - Sole-Source

- **Highlights Cont.**
  - The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible (200.321)
  - The non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products) (200.322)

- Regardless of the size of the purchase:
  - The purchase must comply with the non-Federal entity’s documented procurement procedures
  - The purchase must be necessary to carry out the Federal award
  - The purchase must be made with open competition to the extent required
  - The organization is in compliance with their conflict of interest policy

- **Subrecipients MUST**
  - Incorporate a clear & accurate description of the technical requirements for the material, product or service to be procured; and
  - Identify all requirements which the offerors must fulfill & all other factors to be used in the decision
**2 CFR 2 CFR 200.317-.327**

**PROCUREMENT**

Entity must maintain records sufficient to detail the history of procurement.

This includes but is not limited to:
- Rationale for the method of procurement
- Selection of contract type
- Contractor selection or rejection
- Basis for contract price

*Entity must have a written procurement policy that includes the requirements of 2 CFR 200.317-327*

---

**2 CFR 200.332**

**REQUIREMENTS FOR WYDOT**

- As the pass-through entity, WYDOT must:
  - Clearly identify the subaward in the documentation and include:
    - Federal award identification information
    - Requirements imposed by pass-through entity
    - If requested, negotiate indirect cost rate
  - Evaluate each subrecipient’s risk of noncompliance
  - Impose specific subaward conditions, if necessary
  - Monitor the activities of the subaward
  - Consider results of subrecipient audits, on-site reviews or other monitoring
  - Consider taking enforcement action for noncompliance

---

**2 CFR 200.334**

**RETENTION REQUIREMENTS FOR RECORDS**

Financial records, supporting documents, statistical records & all other records pertinent to subawards must be retained for 3 years from the date of the submission of the final expenditure report

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2 CFR 200.337
ACCESS TO RECORDS

Federal awarding agency, Inspectors General, the Comptroller General of the United States, and WYDOT must have the right of access to any documents, papers, or other records which are pertinent to the subaward.

The right also includes timely & reasonable access to personnel for interviews & discussion related to documents.

2 CFR 200.339
REMEDIES FOR NONCOMPLIANCE

If WYDOT determines that noncompliance cannot be remedied by imposing additional conditions, WYDOT may take one or more of the following actions:

- Temporarily withhold payment pending correction of deficiency
- Disallow all or part of the cost of the activity not in compliance
- Wholly or partially suspend or terminate the subaward
- Initiate suspension or debarment proceedings
- Withhold further subawards
- Take other remedies that may be legally available

2 CFR 200
SUBPART E
COST PRINCIPLES
2 CFR 200.402
COMPOSITION OF COSTS

Direct Costs + Indirect Costs - Applicable Credits
Total Cost of Federal Award

2 CFR 200.403
FACTORS AFFECTING ALLOWABILITY OF COSTS

Cost must meet the following criteria to be allowable:
- Necessary
- Reasonable
- Allocable
- Legal
- Consistent treatment
- In accordance with GAAP
- Not duplicated
- Net of applicable credits
- Adequately documented

2 CFR 200.404
REASONABLE COSTS

What is a reasonable cost?
- Ordinary/necessary
- Restraints and requirements
- Comparable prices
- Prudent acts
- Established practices
2 CFR 200.405
ALLOCABLE COSTS

What is an allocable cost?
- Incurred specifically for the Federal award
- Cost benefit relationship
- Is necessary
- Appropriate amount
- Cost shifting
- Cost allocation plan

2 CFR 200.406
APPLICABLE CREDITS

What are applicable credits?
- They refer to those receipts or reduction of an expenditure that offsets or reduces the expense.
  - Discounts and rebates
  - Recoveries of losses
  - Refunds
  - Corrections of overpayments or errors
  - Federal receipts or finance activities
- To the extent that such credits relate to allowable costs, they must be credited to the federal award as a cost reduction or refund.

2 CFR 200.407
PRIOR WRITTEN APPROVAL

Prior Approval may be sought in advance of incurring costs:
- Reasonableness and allocability are difficult to determine
- Avoid disallowance or dispute by getting advance approval from WYDOT
2 CFR 200.414
INDIRECT COSTS

- Options for charging indirect cost rates to subawards:

1. Develop and submit an indirect cost rate proposal and cost allocation plan.
2. Use the 10% de minimis Indirect Cost Rate

**Note:** If you choose to charge an indirect cost rate, the amount of your subaward does not change!

**APPLICATION OF INDIRECT COSTS**

<table>
<thead>
<tr>
<th></th>
<th>With 10% Indirect Cost Rate</th>
<th>Without 10% Indirect Cost Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Share</td>
<td>80,000</td>
<td>80,000</td>
</tr>
<tr>
<td>Available for Construction</td>
<td>72,000</td>
<td>80,000</td>
</tr>
<tr>
<td>Indirect Cost Paid</td>
<td>8,000</td>
<td>0</td>
</tr>
<tr>
<td>Local Share</td>
<td>20,000</td>
<td>20,000</td>
</tr>
<tr>
<td>Total Award</td>
<td>$100,000</td>
<td>$100,000</td>
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$100,000 total award with 80/20 match
2 CFR 200.414
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- Benefits to claiming indirect costs
  - Flexibility with local funds
  - Cash management tool

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**Project Delivery Systems and Internal Control Questionnaire**

*Purpose:* The purpose of this form is to assist WYDOT in determining that the sub-recipient of Federal funds is able to design project delivery systems that control and manage Federal-aid funds. This is a Federal requirement under 23 CFR, 3902(s)(3)(i).
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- 2 CFR 200
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Background Information

Why Am I Here

• To provide a basic understanding for local public agencies and others who receive Federal-aid Highway funds for projects involving the acquisition of real property.

  • The Federal Highway Administration (FHWA) provides funds to State DOT’s for highway projects. These funds are used for activities related to building, improving and maintaining designated public roads.

  • The DOT’s pass on those federal funds to local governments. Eligibility to receive those funds depend upon compliance with Federal and State laws, regulations and policies.

Federal & State Laws, Regulations And Policies

• The 5th Amendment of the U.S. Constitution states “Not person shall . . be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.”

• The 14th Amendment extends to the States the requirement of following due process when the acquire privately owned property.

• Article 1 of the Wyoming Constitution also states “Private property shall not be taken or damaged for public or private use without just compensation.”

• The State Dot’s (WYDOT), as a steward of the funding, and the Federal Government (FHWA) must ensure that:
  • That due process and just compensation are met when property owners are affected by Federal Aid Projects.
  • That the property is acquired without delaying the project for which it is needed.
  • That the Federal tax dollars used to fund public improvement projects are spent in an appropriate fashion.
**Federal & State Laws, Regulations And Policies**

- Real Estate Acquisition and Valuation Statutes and Regulations include:
  - The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Commonly called the Uniform Act. This is the primary law for acquisition and relocation activities on Federal or federally assisted projects and programs.
  - United States Code – Title 23 Highways
  - United States Code – Title 49 Transportation
  - Code of Federal Regulations – 23 Part 710
  - Code of Federal Regulations – 49 Part 24
  - Wyoming Eminent Domain Act - W.S. 1-26-501 through 1-26-817

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**Right Of Way Process**

**Identify Right Of Way Needs**
- What is the need and purpose of project
- What is your justification of the needed property for the project
- Right Of Way for the needed project must be clearly identified
- Can be done with:
  - Survey
  - Plat
  - Legal Description
  - Engineering Plan Set
- This is something that should be completed by an engineer or land surveyor to ensure accuracy
Right Of Way Process

Identify Right Of Way Needs

- 49 CFR 24.102 (b) Notice to Owner - As soon as feasible, the Agency shall notify the owner in writing of the Agency's interest in acquiring the real property and the basic protections provided to the owner by law and this part.
- Wyoming State Statute 1-26-504(c) - When a public entity determines that there is a reasonable probability of locating a particular public project on specifically identifiable private property and that the project is expected to be completed within two (2) years of that determination, the public entity shall provide written notice of the intention to consider the location and construction of the project to the owner as shown on the records of the county assessor. The notice shall include a description of the public interest and necessity of the proposed project. The public entity shall provide an opportunity for the private property owners to consult and confer with representatives of the public entity regarding the project.

Right Of Way Process

Appraisal & Appraisal Review

- 49 CFR 24.102(c) Appraisal, waiver thereof, and invitation to owner - Before the initiation of negotiations the real property to be acquired shall be appraised, except as provided in 24.102 (c)(2), and the owner or owner’s designated representative shall be given an opportunity to accompany the appraiser during the appraiser’s inspection of the property.
- 49 CFR 24.102 (c)(2) An appraisal is not required if:
  - The owner is donating the property and releases the Agency from its obligation to appraise the property - OR -
  - The Agency determines that an appraisal is unnecessary because the valuation problem is uncomplicated and the anticipated value of the proposed acquisition is estimated at $10,000 or less, based on a review of available data (Waiver Valuation).

Right Of Way Process

Landowner Donation

- When a private party wishes to donate all or a portion of his or her property, he or she MUST be fully informed of the right to receive just compensation for the property.
- You MUST provide the owner an explanation of the acquisition process. The explanation should be given in a manner that is non-technical and easily understood.
- You MUST inform them of their right to an appraisal. The property owner may waive the right to an appraisal.
- Having an appraisal done is advantageous for both parties
  - Agency / Value used as a credit against their matching share of project cost
  - Landowner / Tax Purposes, IRS requires appraisal done if claiming on tax return
- Donation Forms
  - Appraisal Waived
  - Standard Donation
Right Of Way Process
Appraisal & Appraisal Review

• If a waiver valuation becomes a viable option for you – Please contact my office for further guidance. I recommend that for the type of projects that you are doing go ahead and have an appraisal done.
• What is an appraisal ??? The 1987 amendments to the Uniform Act provided a definition of an appraisal
  – The term “appraisal” means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.
• 49 CFR 24.103 contains the requirements for appraisals for federally assisted programs.
• Make sure that your appraiser is qualified to do the assignment.

Right Of Way Process
Appraisal & Appraisal Review

• If you get an appraisal, you must have that appraisal reviewed. The Uniform Act requires that the estimate of just compensation be not less than the agency’s estimate of fair market value for the recommended appraisal. An appraisal becomes “recommended” through an appraisal review.
• 49 CFR 24.104 contains the requirements for appraisal review. The regulations require that acquiring agencies have an appraisal review process.

Right Of Way Process
Acquisition

• Acquisition is where the Uniform Act and Wyoming Statute differ …
• 49 CFR 24.102 Basic Acquisition Policies
  – The Agency shall make every reasonable effort to acquire the real property expeditiously by negotiations
  – Personally contact, if feasible, each real property owner or the owner’s designated representative, if feasible in order to explain the acquisition process
  – Provide the owner a written offer of the approved estimate of just compensation for the real property to be acquired and a summary statement of the basis for the offer
  – Give the property owner a reasonable opportunity to consider the offer and present material which the owner believes is relevant to determining the value of the property and to suggest modification in the proposed terms and conditions of the purchase
Right Of Way Process

Acquisition

- W.S. 1-26-509 (c)(iii) An initial written settlement offer that shall include:
  - A description of the general location and extent of the property sought, with sufficient detail for reasonable identification;
  - An offer that, at the condemnee’s request, a representative of the condemnor will tour the property sought with the condemnee or the condemnee’s representative at a mutually agreeable time prior to the deadline for the condemnee’s response to the initial written offer to discuss issues related to the property sought and the initial offer;
  - An estimate of the fair market value of the property sought and the general basis for such estimate;
  - A discussion of the reclamation planned by the condemnor for the property disturbed by the condemnor’s project;

An offer to acquire the property sought, allowing the condemnee up to sixty-five (65) days from the date the initial written offer was sent via certified mail to respond or make a counter-offer in writing; and

A written notice that the condemnee is under no obligation to accept the initial written offer but if the condemnee fails to respond to the initial written offer the right to object to the good faith of the condemnor may be waived under W.S. 1-26-510(a), that the condemnor and the condemnee are obligated to negotiate in good faith for the purchase of the property sought, that formal legal proceedings may be initiated if negotiations fail and that the condemnee has a right to seek advice from an attorney, real estate appraiser, or any other person of his choice during the negotiations and any subsequent legal proceedings.

A written response from the condemnor to any counter-offer made in writing by the condemnee to the initial written offer pursuant to subparagraph (iii)(E) of this subsection.

The written notice required under subsection (c) of this section shall be given to the condemnee of record as shown on the records in the county assessor’s office at the time, no less than ninety (90) days prior to commencement of a condemnation action.

The condemnor shall send by certified mail, return receipt requested, a notice of final offer at least fifteen (15) days prior to commencing a condemnation action.
Right Of Way Process

Right Of Way And Utility Certificate

• Required by 23 CFR 635.309 (b)(c)(g) & (h)

• Included as a tab in your Project Forms document from LGC contact

• If Right-of-Way was already owned, can skip straight to this step
  – If ANY right-of-way was purchased with the intent of using it for the project – even if it was several years ago – ALL steps must be followed

• MUST be submitted to LGC prior to advertisement of the project for construction

QUESTIONS
**All items must be included in the bid documents. Indicate page number in Column "B".**

<table>
<thead>
<tr>
<th>Verified by LGC</th>
<th>Page Number</th>
<th>Clause/ Certification</th>
<th>LGC Review Comments</th>
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<tbody>
<tr>
<td></td>
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<td>Guidance Only</td>
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<td>The following are to serve as guidance only for the required clause - they should not be inserted into your bid documents.</td>
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<td><strong>Engineer's Estimate</strong></td>
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<td><strong>Invitation to Bid</strong></td>
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<td><strong>Method of Measurement and Basis of Payment</strong></td>
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<td><strong>Patented/Proprietary Materials and Products</strong></td>
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<td><strong>Extra Work and Change Orders</strong></td>
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<td><strong>Mandatory Verbatim Clauses</strong></td>
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<td>The following are required to be included in their entirety. Please ensure any standard clauses similar in intent have been removed to avoid conflicting language.</td>
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<td><strong>FHWA 1273 (This must be incorporated in bid documents in its entirety)</strong></td>
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<td><strong>Supplemental Information to FHWA 1273</strong></td>
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<td><strong>Disadvantaged Business Enterprise (DBE)</strong></td>
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<td><strong>Disadvantaged Business Enterprise (DBE) Certification</strong></td>
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<td><strong>Changed Conditions Clause</strong></td>
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<td><strong>Bidder Preference</strong></td>
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<td><strong>Federal Wage Rate Determination</strong></td>
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<td><strong>Title VI/EEO Requirements</strong></td>
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<td><strong>Contractor's Required Participation (Subcontracting)</strong></td>
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<td><strong>Template Clauses</strong></td>
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<td>The following clauses are required, however they do not need to be verbatim and a standard clause can be used in their place.</td>
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<td><strong>Acceptance of Contract Work Materials</strong></td>
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<td><strong>Competitive Bidding Reserved to Private Contractors</strong></td>
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<td><strong>Contractor Provided Labor, Materials and Equipment</strong></td>
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<td><strong>Job Site Posters</strong></td>
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<td><strong>Buy America</strong></td>
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<td><strong>Specific Equal Employment Opportunity Responsibility</strong></td>
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<td><strong>Non-collusion Statement</strong></td>
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<td><strong>Lobbying Certification</strong></td>
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<td><strong>Suspension and Debarment Certification</strong></td>
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<td><strong>Prompt Payment for Satisfactory Performance of Work and Retainage</strong></td>
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<td><strong>If any of the boxes are filled with red, action is required. Once the page number has been entered, the box will turn white indicating resolution.</strong></td>
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<tr>
<td>Once this form is completed, notify your WYDOT LGC Contact. An electronic copy of the Plans, Specifications and Bid Documents must be provided as well.</td>
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</tr>
</tbody>
</table>
Requirements for Federal Aid Contracts
Putting the pieces together

[Image of text content]

[Image of table]

[Image of graph]
Advertisement & Award

- Proof of Advertisement
- DBE Certification Information
- Verification of non-suspension/debarment
- Open and Read at a Public Meeting

Contract Administration

- Have someone who knows Contract Administration
- NEPA Stipulations addressed
- Contract Language
- Review / Get to Know the Plans & Contractor
- Special Provisions / Specifications
- Details / specific notes on plan sheets
- Relationship with the Contractor
Local Programs “How To”

Sara B. Janes-Ellis
Local Government Coordinator
Sara.Ellis@wyo.gov

Dave Herdt
Local Programs Coordinator
David.Herdt@wyo.gov

Kelley Shepp
Local Government Specialist
Kelley.Shepp@wyo.gov

Tarryn DeMers
Local Government Specialist
Tarryn.DeMers1@wyo.gov

Leanna Humble
Transit Program Coordinator
Leanna.Humble@wyo.gov

Kenny Sisson
Local Government Specialist
Kenneth.Sisson@wyo.gov

Joni Kithas-Harlan
Transit Fiscal Consultant
JKH@rtconnect.net
LGC’s Methods

- STREAMLINED
- Project Specific
- Google Sheets
- Electronic Office
- 1 Point of Contact
- Google Drive
- Google Docs
# Project Forms Sample

## Early Project Planning

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Time Frame</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Approval Letter sent to Sponsor</td>
<td><strong>Sent by November 1</strong></td>
<td></td>
</tr>
<tr>
<td>Lobbying Certification received by LGC</td>
<td>* Sponsor’s Responsibility</td>
<td></td>
</tr>
<tr>
<td>Right-of-Way form received by LGC</td>
<td>* Sponsor’s Responsibility</td>
<td></td>
</tr>
<tr>
<td>Unexecuted Agreement sent to Sponsor (if all pre-requisites are met)</td>
<td><strong>Sent by December 1</strong></td>
<td></td>
</tr>
<tr>
<td>Sponsor Signed Agreements received by LGC</td>
<td>* Sponsor’s Responsibility</td>
<td></td>
</tr>
<tr>
<td>Anticipated Project Start Date and Timeline Established</td>
<td>* Sponsor’s Responsibility</td>
<td></td>
</tr>
<tr>
<td>10% Authority For Expanditure (AFE) for PS&amp;E Requested by LGC</td>
<td><strong>Allow 45 business days</strong></td>
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<tr>
<td>10% AFE Received by LGC</td>
<td></td>
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<tr>
<td>FAA Agreement Update letter and Executed Agreement sent to Sponsor</td>
<td><strong>Allow 15 business days</strong></td>
<td></td>
</tr>
<tr>
<td>LPA Cost Reimbursement Form Activated by LGC (Hyperlinked when active)</td>
<td><strong>Available after issuance of 10% Notice to Proceed</strong></td>
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</tr>
<tr>
<td><strong>Evidence of Qualifications Based Consultant Selection received by LGC (if applicable)</strong></td>
<td>* Sponsor’s Responsibility</td>
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<tr>
<td><strong>Consultant Information Form Received by LGC (if applicable)</strong></td>
<td>* Sponsor’s Responsibility</td>
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<tr>
<td><strong>Consultant Information Form processed by LGC (if applicable)</strong></td>
<td><strong>Allow 15 business days</strong></td>
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<tr>
<td>Notice to Proceed: PS&amp;E and Environmental sent to Sponsor</td>
<td><strong>Allow 15 business days</strong></td>
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</table>

## Preliminary Engineering

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Time Frame</th>
<th>Responsibility</th>
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<tbody>
<tr>
<td>Environmental Documentation received by LGC</td>
<td>* Sponsor’s Responsibility</td>
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<tr>
<td>Environmental Documentation submitted by LGC to Environmental Services</td>
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<tr>
<td>Approved Categorical Exclusion received by LGC</td>
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<tr>
<td><strong>Public Interest Finding Received by LGC (If Force Account work is proposed)</strong></td>
<td>* Sponsor’s Responsibility</td>
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<tr>
<td>Not Document Checklist with PS&amp;E received by LGC</td>
<td>* Sponsor’s Responsibility</td>
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</tbody>
</table>

## Final Engineering

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Time Frame</th>
<th>Responsibility</th>
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</thead>
<tbody>
<tr>
<td>Administrative Info Tab (LGC Use Only)</td>
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<tr>
<td>Project Status</td>
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<tr>
<td>Status Update</td>
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<td>Lobbying</td>
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<td>Right-of-Way</td>
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<tr>
<td>Consultant</td>
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</tbody>
</table>
Call/email your LGC Contact.

**DO NOT DO ANYTHING WITHOUT A NOTICE TO PROCEED!**

If you’re not sure...ask!

Things you’re going to hear a lot
Initial Project Planning

- Highly encouraged
- Can apply for funds to create a planning document
- Should be reviewed and updated every 3-5 years

Ensure Matching Funds

- Do this BEFORE you submit an application

Coordinate w/District Engineering Staff
Preliminary Engineering

- Must be qualifications based
- In-house design can be done; engineer MUST be a full-time employee of the sponsor

Consultant Selection

- Complete this first, so any issues can be addressed in design

Environmental Document

- Submit preliminary project design and draft bid documents to your LGC representative for review and comment

Preliminary Design

DO NOT DO ANYTHING FURTHER UNTIL YOU RECEIVE A NOTICE TO PROCEED
Submit Final Plans/Bid Docs

- Should address any environmental concerns
- Should incorporate any suggestions/changes from LGC review

Notice to Proceed on Bid Advertisement

- Will be issued by LGC contact

DO NOT DO ANYTHING FURTHER UNTIL YOU RECEIVE A NOTICE TO PROCEED
Project Bidding and Award

**Project Advertised**
- Project should be advertised for minimum of 3 weeks (21 days)
- Best practice is to advertise for 4 weeks
- Plans must be available for the 3 week (21 day) period

**Bid Tabulation Received**
- Along with all signed documents
- Send Bid Tabs and attachments via email to LGC contact

**Concurrence and Bid Award**
- LGC will review Bid Tabs and attachments
- Will send a letter awarding concurrence, then you can award the project

**Executed Contract with Contractor**
- Email LGC contact a copy of your signed contractor agreement
- Attach FHWA 1273 to contract
CONSTRUCTION CANNOT BEGIN UNTIL NOTICE TO PROCEED WITH CONSTRUCTION IS RECEIVED FROM LGC CONTACT

**Notice to Proceed on Construction**

**Monitor the Project**
- The engineer will ensure project stays on schedule and is being constructed as designed

**Wage Interviews**
- 100% of workers at least one time during construction must complete a wage interview

**Construction**
Project Final Acceptance

LPA Submits Final Acceptance & Evaluations
- LPA’s responsibility to make sure all requirements were met
- Contract is between LPA and Contractor
- Evaluations completed

WYDOT Issues Final Acceptance
- WYDOT will do a brief inspection of the project and sign off
- Follow-up with LPA, if requested or necessary regarding evaluations.

WYDOT Processes Final Reimbursement
- Final 10% of the total project cost is reimbursed once the LPA and WYDOT have accepted the project
Reimbursements

All programs are reimbursement based
One Reimbursement per quarter

Reimbursement Request Submitted to LGC
- Bills must be paid prior to submission of request

LGC Review
- Verifies that the numbers add up
- Ensures reimbursement items are eligible

Budget Office Reviews

LGC Submits Request to Budget Office

Reimbursement Completed
Copies of cancelled checks and/or EFTs must be provided.
Reimbursement Supporting Documentation

Cost Reimbursement Form
found in a link in Project Status Tab

Reimbursement Requests

Copies of Proof of Payment for the invoices

Copies of Project Invoices received from Contractor or other vendors
## Project Monitoring by LGC

### Administrative Documents

<table>
<thead>
<tr>
<th>Initials</th>
<th>Required Documentation</th>
<th>Date Monitored</th>
<th>Corrective Action Required</th>
<th>Comments</th>
<th>Corrective Action Completed</th>
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<tbody>
<tr>
<td>Project Application</td>
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<td>Signed Resolution</td>
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<td>Completed Title VI/EEO Form</td>
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<td>Updated/Completed Consultant Services Policy</td>
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<td>Internal Review Questionnaire (General File)</td>
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<td>Project Award Letter</td>
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<td>Signed E-113</td>
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<td>Signed Lobbying Certification Form</td>
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<td>Signed Right of Way and Utilities Certification Form</td>
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<td>Fully Executed Agreement</td>
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<td>10% AFE</td>
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<td>100% AFE</td>
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<td>Award Update Letter 1 (after 10% AFE)</td>
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<td>Award Update Letter 2 (after full AFE)</td>
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<td>Certified Payroll</td>
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<td>Consultant Selection Form (if applicable)</td>
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<td>Determination of Consultant Audit (if applicable)</td>
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<td>✔ Completed General Provisions</td>
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<td>✔ Draft Agreement with Consultant</td>
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<td>✔ FAPIS gov Verification</td>
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<td>✔ Executed Consultant Agreement</td>
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### Reimbursements

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<th>Date Monitored</th>
<th>Corrective Action Required</th>
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<tbody>
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<td>Reimbursement Request</td>
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<td>✔ Complete Cost Reimbursement Form</td>
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<td>✔ Detailed Invoices</td>
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<td>✔ Proof of Payment</td>
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<td>✔ Certified Payroll</td>
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</table>
End of Project Evaluations

Consultant Performance Review by LPA

Process Review by LPA

LPA Performance Review by LGC
What NOT to do
What NOT to do

#10
Sending documents to anyone other than your LGC Contact

[Image of a stop sign]

[Image of the LGC logo]

LGC CONTACT

[Image of a smiling face]
#9

Sending Bid Tabs for Concurrence without the DBE Form

What NOT to do

NO DBE FORM
What NOT to do

#8
Not submitting any Reimbursement Requests until the project is complete
#7

Final design without environmental clearance

“What NOT to do

“'The environmental impact should be minimal. In any event, we can work around it.'
#6

Asking for forgiveness instead of permission

What NOT to do
What NOT to do

#5
No contact with us until something goes wrong

YOUR LGC CONTACT TRYING TO FIX THE PROBLEM

THAT IS ALREADY ESCALATED OUT OF THEIR CONTROL
#4
Sending in a request for reimbursement without a copy of the cancelled check or EFT.

SHOW US THE CHECK YOU PAID WITH

What NOT to do
What NOT to do

#3
Advertising on Saturday, Sunday, and the next Sunday and calling it 3 weeks

Your LGC contact should not have to get creative with counting to figure your 3 weeks of advertising.
#2
Do ANYTHING without a Notice to Proceed

What NOT to do
What NOT to do

#1
Constructing the project before completing any other steps

(Actual photo of the Feds taking away money for not following guidelines)

DO NOT PASS GO, DO NOT COLLECT $200
Celebration of Knowledge time!!