

Sponsor's Guide To Non-Traditional Transportation Project Implementation



Published By:



Read this guide before starting your project.



Wisconsin Department of Transportation

SPONSOR'S GUIDE ACKNOWLEDGEMENT FORM Please complete and return with the Project Application

The Project Agreement will not be processed until this acceptance is returned. As a representative of the Local Project Agency (Sponsor), I have received, read and agree to meet the requirements of the “*Sponsor’s Guide To Non-Traditional Transportation Project Implementation*”.

Topics of Emphasis of the Sponsor’s Guide include:

- Federal and State Laws and Regulations pertaining to Federal Aid Transportation Projects
- The definition of Non-Traditional Transportation Projects
- Consequences of non-compliance with Federal and State Laws and Regulations including denial of Reimbursement or payback of Federal funding
- Prequalification/Certification requirements to be met by the Sponsor to administer Locally Let Projects utilizing Federal Funding
- Project Delivery Procedures and Documentation Requirements
- Financial Record Keeping Requirements and the procedure for Reimbursement

Signature

Date

Name

Title

Address

Phone

Fax

Email

SPONSOR'S GUIDE REVISION OVERVIEW

On May 20, 2010, The Wisconsin Department of Transportation (WisDOT) and the Federal Highway Administration, Wisconsin Division Office (FHWA) amended their Federal-Aid Oversight Agreement to specifically address the stewardship and oversight of Non-Traditional Transportation projects. The amended agreement documents the authority for WisDOT to delegate certain administrative actions to sub-recipients of Federal Funding to provide for a more efficient project delivery. Specifically, this allows Local Public Agencies (LPA) or Sponsors to locally let and administer certain projects provided they follow all Federal and State laws and regulations.

Significant policy changes have been implemented to ensure Sponsors meet all Federal and State requirements. To ensure Sponsors do not jeopardize the benefit of WisDOT using Federal funding for their projects, this Sponsor's Guide has been revised to reflect new policies and procedures required to be performed by the Sponsors on Non-Traditional Projects. Significant Policy Changes include:

- Sponsor Certification/Prequalification
- Requirement of the Sponsor to provide a clear scope in the Project Application. If the scope changes, the Sponsor will need to update the Application.
- Requirement of a two party design contract between the Sponsor and WisDOT if the Sponsor performs the design with their staff and utilizes Federal Funding.
- Elimination of Environmental Checklist, Refer designer to FDM Chapter 21
- Design Study Report Requirements
- Revised Checklists to highlight Federal and State requirements
- Emphasis on Record Keeping and Invoice Supporting Documents
- Local Force Account (LFA) requirements and new procedures

The Guide goes into more detail, referencing the Sponsor to appropriate manuals and checklists to assist them with their administration and documentation. However, there are several points of emphasis that the Sponsor must comprehend before applying for a Federal Aid project. There are severe consequences to not following the Federal Aid procedures, including refusal of reimbursement. These are explained in the Guide and the Sponsor must sign the acceptance sheet indicating they have read and understand them:

- Federal Laws and Regulations of 23 United States Code (USC), codified in 23 CFR pertaining to Federal Transportation funding.
- Non-Traditional Transportation Projects
- Sponsor Certification Requirements
- Programming, MPO TIP and STIP
- Project Agreements
- Federal Authorization
- Consultant Contracting
- Use of Local Staff to Perform Project Tasks
- National Environmental Protection Act (NEPA)
- Project Delivery – Design and Construction
- Real Estate Purchasing
- Utility and Railroad Coordination
- Local Contract Letting and Award
- Construction Contract Administration
- Reimbursement and Record Keeping

TABLE OF CONTENTS

SECTION 1: INTRODUCTION	1
1.1 About the Sponsor’s Guide	1
1.2 Certification Program.....	2
1.3 How should the Guide be used?.....	3
1.4 Non-Traditional Transportation Projects	3
1.5 Useful References, Guides and Manuals	4
SECTION 2: ORGANIZATIONAL STRUCTURE	6
2.1 Federal Highway Administration.....	6
2.2 Wisconsin Department of Transportation.....	6
2.3 Management Consultants.....	7
2.4 Local Public Agency aka Sponsor	7
2.5 Metropolitan Planning Organization (MPO), Regional Planning Organizations	7
SECTION 3: ROLES AND RESPONSIBILITIES	8
SECTION 4: FEDERAL REQUIREMENTS.....	11
4.1 Record Keeping Requirements	11
4.2 National Environmental Policy Act.....	11
4.3 Federal Regulations and Authorization	12
4.4 WisDOT Roles and Responsibilities	12
4.5 Laws, Regulations and Control Standards	13
4.6 FHWA-1273	15
4.7 Labor Compliance – Davis Bacon Act	15
4.8 Americans with Disabilities Act (ADA).....	15
4.9 Disadvantaged Business Enterprise (DBE) Participation – The Civil Rights Act.....	16
4.10 Transportation Alliance for New Solutions (TRANS) Workers	17
4.11 Consultant Selection – The Brooks Act.....	17
SECTION 5: PROGRAMMING	19
5.1 Planning Requirements	19
5.2 Project Solicitation.....	19
5.3 Project Scoping	19
5.4 Project Application	20
5.5 Project Selection	20
5.6 Metropolitan Planning Organizations (MPO) Transportation Improvement Plan (TIP)	20
5.7 State Transportation Improvement Plan	21
5.8 Project Agreement	21
5.9 Public-Private Partnerships and Donations.....	22
5.10 Matching Federal Funds with Other Federal Funds	23

5.11	Federal Authorization	24
	Programming Flowchart	25
SECTION 6: ENVIRONMENTAL PROCESS.....		26
6.1	Action Type	26
6.2	Environmental Documentation Process	26
6.3	Scoping	26
6.4	Native American Notification.....	27
6.5	Screening List	27
6.6	Section 106.....	27
6.7	Air Quality	28
6.8	Agency Coordination	28
6.9	Hazardous Materials	29
6.10	Programmatic Environmental Report Criteria Checklist (pER Checklist).....	29
6.11	Environmental Report (ER) or Environmental Assessment (EA)	29
	Environmental Flowchart.....	31
SECTION 7: RIGHT-OF-WAY.....		32
SECTION 8: PROJECT DESIGN DELIVERY		34
8.1	Preliminary Engineering Checklist.....	34
8.2	Design Performed by Sponsor’s Staff.....	34
8.3	Design Performed by Consultant.....	34
8.4	Facilities Development Process	35
8.5	Local Force Accounts	36
8.6	Railroad Coordination.....	37
8.7	Utility Coordination	37
8.8	Structures	38
8.9	Variance to the Wisconsin Bicycle Facility Design Handbook.....	39
8.10	Preliminary Plans	40
8.11	Design Study Reports (DSR).....	40
8.12	Final Design	40
8.13	Project Proposal Certificate	41
8.14	Construction Bid Letting Checklist	41
8.15	Request to Advertise.....	42
8.16	Plans, Specification & Estimate (PS&E) Submittal	42
8.17	Material and Equipment Purchasing Activities	43
	Project Delivery – Design Flowchart.....	46
SECTION 9: CONTRACT LETTING		48
9.1	Locally Let Contracts (LLC)	48
9.2	Advertisement	48
9.3	Addendum.....	48
9.4	Request to Award.....	49
9.5	Construction Administration.....	49
9.6	Preconstruction Meeting	50

9.7	Construction Project Documentation	51
9.8	Local Force Account.....	52
9.9	Contract Modifications	52
9.10	Claims	53
	Contract Administration Flowchart	54
SECTION 10: REIMBURSEMENT		55
SECTION 11: PROJECT COMPLETION AND CLOSE-OUT		56

LIST OF APPENDICES

Appendix A:	Acronyms & Abbreviations
Appendix B:	Certification Acceptance Agreement
Appendix C:	Checklists/Forms

1. [*Non-Traditional Project Timeline and Milestones*](#)
2. [*Labor Compliance & EEO Field Interview Form*](#)
3. [*Preliminary Engineering Checklist*](#)
4. [*Initial Site Reconnaissance Checklist*](#)
5. [*Parcel Site Checklist*](#)
6. [*Right of Way \(R/W\) & Real Estate \(R/E\) Checklist*](#)
7. [*Local Project Utility Coordination Task List*](#)
8. [*Project Proposal Certificate*](#)
9. [*Construction Bid Letting Checklist*](#)
10. [*Local Let Project Contract Document Checklist*](#)
11. [*Local Let – Request to Advertise*](#)
12. [*Request to Award*](#)
13. [*Bid Summary*](#)
14. [*Commitment to Subcontract to DBE Non-Traditional Projects*](#)
15. [*Reimbursement Request Example*](#)
16. [*Reimbursement Request*](#)
17. [*Project Completion Certification*](#)
18. [*Contract Modification Prior Approval Form*](#)
19. [*Contract Modification*](#)

SECTION 1: INTRODUCTION

1.1 About the Sponsor's Guide

The Sponsor's Guide to Non-Traditional Transportation Project Implementation (Guide) exists to provide information and instructions to Local Public Agencies (Sponsors) in order to help them successfully develop certain Federally funded transportation projects in accordance with Federal and State laws and regulations. This Guide is only intended to address the procedures required for a Sponsor to deliver a project through a Local Letting Process. It should not be used for guidance on projects that are let through the State of Wisconsin Department of Transportation (WisDOT) letting process.

The Sponsor **MUST** become familiar with the Guide so that they understand the responsibilities they are accepting when applying for the benefit of Federal Funding. The Sponsor cannot begin any project activity until written notification from WisDOT confirming Federal Authorization has been received. Failure to meet Federal and State requirements will result in denial of Federal Reimbursement, even if the Sponsor has initially funded the activity.

The Guide has been broken into the following sections to aid in addressing the procedures and requirements for delivering your project:

- **Organizational Structure** contains description of organizations involved in the project.
- **Roles and Responsibilities** contains roles and responsibilities of the above organizations throughout the life of the project.
- **Federal Aid Requirements** contains guidance and requirements when utilizing Federal funding for a transportation project and the basis of their authority.
- **Programming** contains procedures necessary to get a project selected for Federal Authorization, which is the critical step in receiving Federal Aid for any project.
- **Environmental Process** contains guidance for completing the appropriate environmental document for the project's proposed action.
- **Right of Way** contains guidance on real estate acquisition utilizing Federal/State funds.
- **Project Delivery - Design** contains design requirements, including the environmental documentation, various agency coordination and PS&E submittal process. It also addresses the use of consultant services and/or the use of the Sponsor's staff to perform project actions.
- **Contract Letting** contains construction requirements, including the letting procedures, request to advertise and award, and contract administration. It also addresses the use of consultant services and/or the use of the Sponsor's staff to perform project actions.
- **Reimbursement** contains procedures and documentations required to successfully receive Federal reimbursement.
- **Project Completion and Closeout** contains guidance on closing project out along with the Project Completion Certificate.
- **Appendices** contain reference material including list of terms and acronyms used throughout the Guide and required checklists to be utilized during project delivery.

Questions or Comments regarding this Guide should be referred to:

WisDOT Bureau of Project Development, Local Program Contract Specialist 262-548-8649

1.2 Certification Program

Beginning with the 2010 Project Applications, Sponsors will be required to complete a Certification Process in order to administer a WisDOT Locally Let Project with Federal Funding. FHWA allows the WisDOT to delegate project activities on Federal-aid projects to Sponsors, but WisDOT is ultimately responsible and must assure local compliance with all Federal and State laws, regulations and policies. Furthermore WisDOT remains in control of the project. In order to uphold the integrity of WisDOT's Local-let program and as evidence of capability to administer a Local-let construction project, Sponsors must possess a minimum organizational structure, credentialed employees or consultants, and certain processes and experience. These considerations apply to more than just the specific project development disciplines associated with design and construction, but also general aspects of public business, fiscal accountability, and other applicable requirements associated with Federal and State funding. Through the Certification process, WisDOT will determine if a Sponsor possesses qualified staff, experience and management oversight to successfully administer a project from preliminary development through construction.

In order for approval of a Sponsor to participate in the Local-let process, it must meet standardized requirements. General requirements of the Sponsor include:

- The Sponsor must have designated a Person in Responsible Charge or defined Approval Authority to act as authority for all WisDOT delegated responsibilities and project approvals
- The Sponsor shall have sufficient expertise and capability, either in-house or consulted, to perform and supervise the design, environmental, PS&E, advertisement, letting and award and construction administration phases of the project. If the Sponsor utilizes Consultants, they must have a documented plan for consultant selection and management.
- Projects must be administered in accordance with the Sponsor's Guide to Non-Traditional Project Implementation. The Sponsor must successfully complete WisDOT Training and prove their understanding of the Guide.

For 2010, WisDOT will notify Sponsors whose projects are approved to receive the benefit of Federal Funding. For 2009 CMAQ, 2010 TE/BPFP and SRTS, only Sponsors with selected projects will complete the Certification Process. Once notified, the Sponsor begins the Certification process by reviewing the Sponsor's Guide and attending Non-Traditional Project training. Upon successful completion of the training, the Sponsor shall complete the [Certification for Non-Traditional Project Administration and Delivery](#) and submit it to WisDOT. WisDOT will review the Certification and determine if it is acceptable or needs more information. Once the Certification is approved, the Sponsor may then begin the Project Development Process, working with the Management Consultant.

By signing the Sponsor's Guide Acknowledgement Form, the Sponsor acknowledges it understands its roles and responsibilities with respect to carrying out the Federal-aid program requirements in order to receive the benefit of Federal funds.

Upon Project Completion, the Management Consultant may conduct a Review of Project Records to verify compliance with Federal and State Requirements. If the Review discovers deficiencies, the Sponsor shall reconcile their records and make the necessary adjustments. If the Review discovers significant failure to meet Federal and State requirements, the Sponsor's Certification Status will be reevaluated by WisDOT and reimbursement may be withheld.

For Future Program Cycles, WisDOT will evaluate the current procedures and adjust their policies accordingly.

1.3 How should the Guide be used?

For Sponsors that are unfamiliar with Federal-aid procedures, the Guide serves as an overview and introduction to the Federal-aid process. For Sponsors that frequently receive the benefit of Federal Funds for their transportation projects, the Guide also serves as a reference tool to quickly locate more detailed information on a specific topic. The Guide contains checklists and forms that are required by WisDOT to ensure that Federal and State requirements are met.

Throughout the Guide, you will see titles of documents in bold italics and underlined, such as **Preliminary Engineering Checklist**. These documents are included in the Appendix as a tool for your documentation and project implementation.

The Guide is not intended to include all the details of the Federal-aid process. Where appropriate, the Guide references other documents, manuals and websites that provide additional instructions concerning specific actions.

Technical terms and abbreviations used in the Guide are defined in Appendix A.

1.4 Non-Traditional Transportation Projects

For Local Public Agencies (LPA), a reimbursement-type program is available for financing eligible transportation projects. Non-Traditional Transportation Projects are defined as LPA sponsored projects funded by the following programs, controlled by WisDOT and administered through a Local Let Contract (LLC) or completed with Sponsor's staff and equipment through a Local Force Account (LFA) Agreement. These programs provide funding for a wide variety of transportation related projects that go beyond what has traditionally been delivered using highway funds. The following are the funding categories:

- Congestion Mitigation and Air Quality Improvement Program(CMAQ)
- Local Transportation Enhancements Program (TE)
- Bicycle and Pedestrian Facilities Program (BFPF)
- Safe Routes To School Program (SRTS)
- Sheboygan Non-motorized Transportation Pilot Program (NTPP)
- Scenic Byways
- High Priority Projects (HPPs) where LLCs or LFAs may be used
- Federal Appropriation Earmarks where LLCs or LFAs may be used

WisDOT has a webpage titled "Programs for Local Government"

<http://www.dot.wisconsin.gov/localgov/>. Through this page, under the topic Other aid, you can find links for each individual program that explains the criteria that a project must meet to be eligible.

Federal-aid Non-Traditional Transportation Projects are funded as a Reimbursement Program. In other words, WisDOT encumbers the entire project cost in escrow. The Sponsor funds the project work as it is completed and submits a Reimbursement Request to WisDOT. WisDOT then reimburses the Sponsor from the encumbered dollars. The Sponsor must understand this system and have the appropriate funding budgeted prior to submitting a project application. Work with WisDOT Regional Planning Section or your Management Consultant if you have questions regarding the funding mechanism and the Sponsor's responsibility.

This Guide is not intended for implementation of other Local Program projects that are commonly funded through the Local Bridge Program, LRIP, STP Urban or STP Rural or are administered through the WisDOT letting process.

1.5 Useful References, Guides and Manuals

Frequent references are made to other WisDOT Manuals. To view certain WisDOT websites, user will need to register with username and password to gain access, click on the following link <https://on.wisconsin.gov/WAMS/SelfRegController>. The Sponsor should also become familiar with these manuals for use in project delivery:

- This Sponsor's Guide:
<http://www.dot.wisconsin.gov/localgov/docs/sponsors-guide.pdf>
- WisDOT's Highway Construction Contract Information (HCCI):
<http://www.dot.wisconsin.gov/business/engrserv/bid-letting-information.htm>
- Construction & Materials Manual (C&M):
<http://roadwaystandards.dot.wi.gov/standards/cmm/index.htm>
- Facilities Development Manual (FDM):
<http://roadwaystandards.dot.wi.gov/standards/fdm/>
- Right of Way Acquisition Guide for Local Public Agencies (LPA Guide):
https://trust.dot.state.wi.us/extntgtwy/dtid_real_estate/repmlpa/index.htm
- State Procurement Manual (State PM)
<http://www.dot.wisconsin.gov/localgov/docs/procurement.pdf>
- Standard Specifications for Highway and Structure Construction (Spec Book):
<http://roadwaystandards.dot.wi.gov/standards/stnds-spec/index.htm>
- WisDOT's Highway Construction Contract Information (HCCI) site:
<http://roadwaystandards.dot.wi.gov/hcci/>
- Wisconsin Bicycle Facility Design Handbook (HANDBOOK):
<http://www.dot.wisconsin.gov/projects/bike.htm>
- Wisconsin Manual on Uniform Traffic Devices (WMUTCD)
<http://www.dot.wisconsin.gov/business/engrserv/wmutcd.htm>
- WisDOT Pedestrian Guidance
<http://www.dot.wisconsin.gov/projects/ped.htm>

OTHER HELPFUL WEBSITES

- FHWA Contract Administration Manual (includes provisions for all Federal-aid contracts)
<http://www.fhwa.dot.gov/programadmin/contracts/coretoc.cfm>
- FHWA Manual on Uniform Traffic Control Devices (2009 Edition)
http://mutcd.fhwa.dot.gov/pdfs/2009/pdf_index.htm
- Required Contract Provisions (Form FHWA-1273)
<http://www.fhwa.dot.gov/programadmin/contracts/1273.cfm>
- Code of Federal Regulations (23 CFR)
<http://www.fhwa.dot.gov/legsregs/legislat.html>
- Designing Sidewalks and Trails for Access
<http://www.fhwa.dot.gov/environment/sidewalks/>
- FHWA Guidance on Transportation Enhancement (TE) Provisions of TEA-21
<http://www.fhwa.dot.gov/environment/te/index.htm>
- National Transportation Enhancements Clearinghouse (NTEC)
<http://www.enhancements.org/>
- USDOT Congestion Mitigation and Air Quality Program Guidance (Final November 17, 2008 version)
<http://www.fhwa.dot.gov/environment/cmaqpgs/cmaq08gd.pdf>
- Safe Routes to School (SRTS) program:
<http://safety.fhwa.dot.gov/saferoutes/>
<http://www.saferoutesinfo.org>
- General information on a variety of local programs managed by WisDOT can be found at:
<http://www.dot.wisconsin.gov/localgov/index.htm>

2.3 Management Consultants

WisDOT has contracted with private sector Management Consultants (MC) to provide direct oversight on Local Program Projects, including Non-Traditional Projects. Once a project has been approved, MCs will notify the Sponsor when Federal Authority to incur costs has been approved. MCs work directly with the Sponsor and report to the Local Program Project Managers in each WisDOT Region. The MC has a dual role of Enforcement of Federal and State Requirements, as well as assisting Sponsors with project design and construction issues. They have been delegated review and/or approval authority for certain project actions. In this role, they also provide direct guidance to the Sponsors. MCs should be the first contact for a Sponsor to answer questions regarding project delivery. Funding for MC oversight is defined in the State Municipal Agreement and is a component of the overall Federal Funding package.

If you have any questions please consult with your MC – part of your project funding is paying for their services.

2.4 Local Public Agency aka Sponsor

A Local Public Agency (LPA) in this Guide is referred to as the Sponsor. It is a governmental entity with taxing authority including townships, villages, cities, counties, Tribal Nations and may also include other state agencies. The Sponsor is required to have a representative in responsible charge for each project application utilizing Federal Funds.

2.5 Metropolitan Planning Organization (MPO), Regional Planning Organizations

Federal laws require all projects that receive Federal highway funding in a State to come from a transportation planning process. In urbanized areas with a population over 50,000, MPOs develop a Transportation Improvement Plan (TIP). The Sponsor is required to coordinate their project with the MPO TIP. Areas outside of the urbanized area may fall under a Regional Planning Organization or work directly with WisDOT to include their project in the STIP. Contact information can be found at the following website:

<http://www.dot.wisconsin.gov/projects/planorg/index.htm>

SECTION 3: ROLES AND RESPONSIBILITIES

WisDOT is responsible for ensuring that activities delegated to Sponsors are completed in conformance with Federal and State requirements. Where FHWA has not delegated final approval through the Federal-Aid Oversight Agreement, WisDOT monitors Sponsor activities, makes recommendations to FHWA, is actively rendering decisions, and remains in control of the funding and process.

WisDOT currently has a delivery model where direct project oversight on Sponsor's projects is delegated to a WisDOT Management Consultant (MC) who reports to a WisDOT Project Manager. The MC should be the point of contact for a Sponsor.

WisDOT (and/or FHWA) shall retain approval authority for the following¹:

- NEPA documents¹
- Local Design Standards
- Design Exceptions
- Right of Way Certification
- Sole Source Justification Approval
- DBE Goals
- Local Force Account/Cost Effectiveness Finding
- Reject of Bids
- Labor Compliance Enforcement
- Project Cost Eligibility
- Project Final Inspection and Acceptance
- Federal-Aid Payments

¹ *Applicable to programmatic Environmental Reports (pER). Environmental Reports, Environmental Assessments and Environmental Impact Statements require FHWA approval*

With the execution of the April 2, 2008 updated Oversight Agreement, FHWA will be selecting a sample of non-NHS projects to be subject to FHWA Oversight. As such, any of the various types of Non-Traditional projects may be designated with full FHWA oversight. While WisDOT has approval authority of most of the listed actions, some approvals related to projects selected for full FHWA oversight and/or projects on the National Highway System remain with FHWA in accordance with the April 2, 2008 Oversight Agreement

The Oversight agreement can be found at:

<http://roadwaystandards.dot.wi.gov/standards/fdm/05-02-001e001.pdf>

On May 20, 2010, FHWA and WisDOT developed an agreement to allow WisDOT to delegate certain actions to Sponsors in the administration of Federally Funded Non-Traditional transportation projects. The updated requires a formal "Certification Program" that includes the following key elements:

1. A written agreement between WisDOT and The Sponsor regarding roles and responsibilities;
2. A staffing Plan for providing appropriate monitoring of Non-Traditional projects by WisDOT and administration of projects by Sponsor's personnel;
3. A training program to ensure qualified individuals are involved in oversight of Non-Traditional projects;

4. A review and monitoring plan that details required oversight activities that will be performed for each project and Sponsor; and
5. An audit plan to ensure that required project and single audits are conducted.

WisDOT can delegate certain work activities to Sponsors; however the delegation requires the locals to fully comply with all federal laws, regulations and policies. MCs shall provide assistance to the local agencies in interpreting the regulations, manuals and guidelines as they apply to specific project conditions. Environmental issues, ROW concerns, hazardous wastes, labor compliance, equal employment opportunity, Title VI and DBE are among these areas where assistance may be needed. Work activities delegated to Sponsors but not limited to be as follows:

- Scope of Work
- Environmental Documentation in accordance with the NEPA process
- All required Environmental Permits
- Consultant Selection
- Preparation of Design Exception
- Preparation of Preliminary and Final Plans, Specifications, and Estimates (PS&E)
- Right of Way Acquisition
- Utility Relocation
- Construction Schedule
- Construction Advertisement and Award
- Contract Administration and Inspection.

Oversight responsibilities are shown in the following Table 1 Non-Traditional Project Oversight Matrix.

Table 1.
Non-Traditional Project Oversight Matrix¹

Work Activity	Action			
	Sponsor	MC	WisDOT	FHWA
Project Application / Scope of Work	P/S		R/C/A	
Project Agreement	A/S		P/A/S	
Project Authorizations			P/S	R/C/A
Environmental Checklist or Environmental Report ²	P/S	R/C	A	
Design Exceptions	P/S	R/C	A	
Design Study Report (*if required)	P/S	R/C	A	
LFA, Cost Effectiveness Finding	P/S	R/C	A	
Right of Way Certification	P/S	R/C	A	
Utility Certification	PS	R/C/A		
PS&E	P/S	R/C	A	
Construction Advertisement	P/S	R/C	A	
Construction Award	P/S	R/C	A	
Construction Inspection	Responsible Charge ³	R		
Reimbursement Request	P/S	R/C	A	
Project Closeout	P/S	P/R/S	R/C/A	R/C/A

A = Approve	C = Comment	P = Prepare	R = Review	S = Submit
-------------	-------------	-------------	------------	------------

1 While WisDOT has approval authority of most of the listed actions, some approvals related to projects selected for full FHWA oversight and/or projects on the National Highway System remain with FHWA in accordance with the April 2, 2008 Oversight Agreement

2 Applicable to programmatic Environmental Reports (pER). Environmental Reports, Environmental Assessments and Environmental Impact Statements require FHWA approval

3 Unless Construction is performed by LFA Agreement

SECTION 4: FEDERAL AID REQUIREMENTS

Before beginning any project activities for which Federal reimbursement will be requested, read this chapter carefully! This chapter will describe the Federal rules and regulations as well as critical activities and their sequence in the Federal funding process. Failure to comply may result in denial of reimbursement.

FHWA funds may be used to pay project costs for general transportation planning, preliminary engineering and oversight, right-of-way acquisition, construction and audit. FHWA funds may only be expended after authorization by FHWA through control and payment by WisDOT.

4.1 Record Keeping Requirements

It is the Sponsor's responsibility to assemble and retain a complete project file that verifies all project expenditures. Project records include any documentation pertaining to:

- All WisDOT submittals and approvals
- Correspondence and other pertinent documents that support project procurement, development, and implementation
- Costs and other accounting data including copies of checks and invoices
- Real Estate documents
- Copies of Advertisements
- Copies of letting documents
- Construction documentation
- Materials Certifications
- All items required by **49 CFR 18**.

This file must be retained for a **minimum of three years** from the date Sponsor requests final project reimbursement, or after the conclusion of any audit, negotiation, or litigation--whichever is later. Sponsor must keep all project records and have them available for inspection by FHWA and WisDOT or furnish copies of these documents if requested. For historical projects, the property deed must have a clause to maintain the historical integrity of the public investment.

4.2 National Environmental Policy Act

The National Environmental Policy Act (NEPA) is our basic national charter and the Wisconsin Environmental Policy Act (WEPA) is the basic state charter for protection of the environment. They establish policy sets goals and provides means for carrying out the policy. They contain "action-forcing" provisions to make sure that agencies act according to the letter and spirit of the acts. The regulations that implement these laws tell federal or Wisconsin agencies what they must do to comply with the procedures and achieve the goals of the acts. The President and the Governor of Wisconsin, the federal and state agencies, and the courts share responsibility for enforcing the act so as to achieve the substantive requirements of the spirit and intent of these seminal environmental laws.

NEPA and WEPA procedures must insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken. The information must be of high quality. Accurate scientific analysis, expert agency comments, and public scrutiny are essential to implementing NEPA or WEPA. Most importantly, NEPA or WEPA documents must concentrate on the issues that are truly significant to the action in question, rather than amassing needless detail.

Ultimately it is not better documents but better decisions that count. The purpose of NEPA and WEPA is not to generate paperwork--even excellent paperwork--but to foster excellent action. The NEPA and WEPA processes are mirror images of each other and they are intended to help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment. These implementing regulations of these laws are also mirror images of each other and provide the direction to achieve the purpose of the laws.

FHWA, in 23 CFR 771 (and FTA in 49 CFR 662), promulgated regulations (consistent with CEQ regulations) to implement the Federal –Aid projects.

The FHWA’s project development process is a balanced approach to transportation decision-making that takes into account the potential impacts on the human and natural resources and the public’s need for safe and efficient transportation improvements. FHWA’s approach is to use the NEPA process as an umbrella to cover all environmental laws.

There are certain decisions that need to be made when moving into the NEPA process. The decisions are:

1. Federal Action – Determine whether or not a Federal Action will occur – the use of Federal funds is considered a Federal action.
2. FHWA and WisDOT Oversight – For Federal-Aid work, NEPA is a FHWA responsibility; however WisDOT handles much of the environmental process through its traditional relationship with FHWA.
3. Purpose and Need –The purpose–and–need section is in many ways the most important element of an environmental document it establishes why expenditure of taxpayers’ money is proposed. The purpose and need should be as comprehensive and specific as possible. Information on factors such as safety, system linkage, social demands, economic development, and modal interrelationships, etc., that the proposed project will attempt to address, should be described as fully as possible.
4. Preliminary Design – Preliminary design is necessary to determine impacts, and the decision has to be made as to how much design needs to be done in the NEPA process.

4.3 Federal Regulations and Authorization

Under existing statutes and regulations, WisDOT is responsible for ensuring that all Federal-aid projects are carried out in accordance with Federal laws and regulations. This responsibility was specifically clarified in 23 U.S.C. 106, as amended by Section 1904(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59).

4.4 WisDOT Roles and Responsibilities

1. Per 23 United States Code (USC) 23 Sect 302, WisDOT will retain control, adequate powers, and be suitably equipped and organized to meet the requirements of Title 23 in effectively administering the Federal-aid program,
2. Per 23 CFR Sect 630.112(a), WisDOT will ensure all Federal requirements are met on Federal-aid projects,

3. Per 23 USC Sect 106(c), WisDOT will provide and document appropriate project approvals, on behalf of FHWA, as described in Section VI of this agreement. WisDOT cannot further delegate this responsibility without formalized agreement by FHWA.

4.5 Laws, Regulations and Control Standards

Federal rules and requirements are applicable to any project which is funded with Federal dollars, even if only certain phases, segments or contracts are Federally-funded. The applicability of Federal requirements for any project (or any phase, segment, or contract) are based upon

1. The use of Federal funds,
2. Whether the project is located on the NHS,
3. Whether the requirements are outside of Title 23 USC or based on a law founded outside of Title 23 USC.

For all delegated programs, WisDOT shall ensure programs fully comply with Title 23 and certain non-Title 23, USC Federal-aid program requirements relating to but not limited to:

- Metropolitan and statewide planning,
- Environment,
- Procurement of engineering and design related service contracts,
- Title VI of the Civil Rights Act,
- Participation by disadvantaged business enterprises,
- Prevailing wage rates,
- Acquisition of right-of-way

Take a moment to review Laws and Regulations applicable to Federally Funded Projects.

FEDERAL-AID PROJECT CLASSIFICATION	ALL FEDERAL LAWS & REGS (1)	ALL FEDERAL NON-TITLE 23 LAWS & REGS (2)	SELECTED FEDERAL NON-TITLE 23 LAWS & REGS (3)	STATE STATUTES & ADMIN. RULES (4)
All NHS projects regardless of work type	X	X	X	X
All non-NHS projects regardless of work type		X	X	X
All State or locally-funded project phases, segments, or construction contracts that are part of a project that has other phases, segments or construction contracts that are Federally-funded			X	X

Footnotes:

- (1) All Federal laws and regulations include those in Title 23 USC and 23 CFR, as well as applicable laws and regulations referenced within Title 23 USC and 23 CFR, and applicable laws and regulations in Title 49 USC and 49 CFR.
- (2) All Federal non-Title 23 laws and regulations include those that are established within other titles, as well Title 23 requirements that are based on laws founded outside of Title 23. Specific examples include:
- Non-Title 23 USC requirements:
- The Clean Air Act Amendments of 1990,
 - The National Environmental Policy Act (NEPA), and other environmental laws and requirements,
 - The Statewide and Metropolitan planning provisions of Title 49,
 - The Uniform Acquisition and Relocation Assistance Act,
 - The Civil Rights Act of 1964 and other Civil Rights laws and requirements including the DBE Program,
 - The Davis Bacon Act and other labor laws/requirements,
 - The Common Rule (49 CFR 18) with respect to procurement
 - The Brooks Act (Consultant contracts)
 - Required Federal contract provisions (FHWA 1273)
- Title 23 requirements based on laws founded outside of Title 23:
- Competitive bidding
 - Buy America
 - Statewide and Metropolitan planning (USC 134 & 135),
 - Manual on Uniform Traffic Control Devices (MUTCD)
 - Proprietary products
 - Outdoor Advertising Control
 - Federal Land Transfers
 - Sale of Excess Land
 - Publicly furnished materials
- (3) Selected Federal non-Title 23 laws and regulations are those that must be applied to all phases, segments or contracts of a Federal-aid project, regardless of funding source, in order to meet the full intent and extent of the law or regulation. Specific examples include:
- The Clean Air Act Amendments of 1990,
 - The National Environmental Policy Act (NEPA), and other environmental laws and requirements,
 - The Statewide and Metropolitan planning provisions of Title 49,
 - The Uniform Acquisition and Relocation Assistance Act,
 - The Civil Rights Act of 1964 and other Civil Rights laws and requirements including the DBE Program
- (4) State statutes and administrative rules apply to the extent that they do not conflict with Federal laws and regulations.

**Exhibit 4.1: Table 1 Laws and Regulations Applicable to Federally-Funded Projects
(Source FDM 5-5-15 Attachment 1 Federal-Aid Oversight Agreement)**

4.6 FHWA-1273

<http://www.fhwa.dot.gov/programadmin/contracts/1273.cfm>

Required federal contract provisions are contained in FHWA-1273. This provision must be included in every Federally-Aid Construction Contract including locally let contracts. The Sponsor must be familiar with the contents of FHWA-1273 to understand the oversight requirements.

4.7 Labor Compliance – Davis Bacon Act

The monitoring and the application of the labor compliance functions in the local let process and through the completion of construction are the responsibility of the sponsor. The sponsor should comprehend the labor compliance regulations governing the local let project that are: WI State Statue 103.50, The Davis Bacon Act and the Copeland Anti-Kickback Act. More information regarding these regulations is included in the contract documents titled FHWA 1273 and the WisDOT Supplemental Contract Provisions. The local let projects require State wage rates and, if on a Federal-aid highway, Federal wage rates which must be incorporated into the local let contracts. Subcontractors are required to submit Weekly Certified Payrolls to the Prime Contractor, who in turn, forwards them to the sponsor. The sponsor should review the Weekly Certified Payrolls for compliance with the regulations and the prevailing wage rates included in the contract. The Sponsor should also conduct periodic interviews with contractor's employees and document it with the ***Labor Compliance & EEO Field Interview Form***. If non-compliance is determined, the sponsor should inform the contractor and follow through with the issue until compliance is achieved. For, SRTS and Sheboygan NTPP projects, all projects are treated as if on a Federal-aid highway regardless of location. Therefore, Davis-Bacon and all other federal requirements are in effect regardless of actual project location.

Information on Federal (Davis-Bacon Act) and State wage rates:

<http://roadwaystandards.dot.wi.gov/hcci/labor-wages-eeo/index.shtm>

4.8 Americans with Disabilities Act (ADA)

Pedestrian facility design must comply with accessibility standards in the Rehabilitation Act of 1973 (Section 504) and the Americans with Disabilities Act (ADA) of 1990. These requirements apply to **all** projects involving new or altered pedestrian facilities, not just projects funded by state or federal sources. There are several key ADA-related reference sources to use when designing pedestrian facilities. These are included below. It may be necessary for a project sponsor to refer to more than one listed resource or to use a more recent standard or guide.

Path/trail projects are also considered pedestrian facilities since they serve pedestrians. Path/trail projects must also comply with the WisDOT's *Bicycle Facility Design Handbook* if it serves bicyclists.

The U.S. Access Board has draft standards that act as interim guidance for pedestrian facilities *within* the public right-of-way (See Public Rights-of-Way Accessibility guidelines (PROWAC) at <http://www.access-board.gov/prowac/draft.htm>). Some standards that have already been approved for building sites (curb ramps, accessible routes, ground and floor surfaces, and bus stops and shelters) are already contained in the ADA Accessibility Guidelines (ADAAG) and integrated with PROWAC guidelines. Thus, it is acceptable just to follow PROWAC guidance. For shared use paths contained within their own corridor, such as a former rail grade or greenway, ADA Outdoor Development Areas guidelines may be used in place of PROWAC.

A Professional Engineer is required to incorporate ADA requirements in all designs as a component of their license credential.

The Federal Highway Administration has a role in ensuring compliance of accessibility requirements. That role is clarified in this memo:

http://www.fhwa.dot.gov/civilrights/ada_memo_clarificationa.htm

4.9 Disadvantaged Business Enterprise (DBE) Participation – The Civil Rights Act

Disadvantaged Business Enterprises (DBEs) are contractors, consultants, and other firms owned and controlled by minorities and/or women. DBEs are traditionally smaller firms that have had difficulty getting established in engineering or construction industries. Some of the more prevalent minority groups in Wisconsin include Native Americans and people of African, Mexican, and Hmong descent as well as Women.

WisDOT policy, in accordance with Federal regulations **49 CFR 26**, is to remove barriers to participation, and create a level playing field for the participation of DBEs in WisDOT programs. This includes assisting DBEs throughout the life of their contracts. DBE goal assessments apply to all of WisDOT programs that use Federal funds; all non-traditional projects are considered for DBE participation. As a condition of receiving Federal financial assistance, the Sponsor agrees to abide by WisDOT's DBE Policy Statement dated August 31, 1999 and is obligated to carry out this policy.

Local goals related to employment, minority/women business enterprise programs cannot be incorporated into WisDOT, and Federal Highway Administration funded programs/projects. Intentional or unintentional inclusion of these provisions will cause the project to be ineligible for Federal funding. The net impact of these requirements is that no goals other than those set by WisDOT are permissible on any contract.

If a DBE goal has been assigned to your project, it will be spelled out in the Project Agreement. The DBE policy is a legal obligation; failure to carry out its terms is a violation of the Project Agreement, and can result in withdrawal of Federal financial assistance from the project. The Bureau of Equity and Environmental Services (BEES) will provide technical assistance as needed. Upon notification to the Sponsor of its failure to carry out the approved policy, WisDOT is required to impose sanctions that may include termination of the agreement or other measures that may affect the ability of the Sponsor to obtain future WisDOT financial assistance. DBE goals are typically assigned to the Construction portion of the project. A DBE goal of 20% applies to Design work of \$400,000 or more, but this dollar level would be rare for the types of projects covered by this guide.

The Sponsor must ensure that DBEs have an equitable opportunity to compete for contracts and subcontracts. To accomplish this, the Sponsor shall develop and use affirmative action techniques to facilitate DBE participation in contracting activities. These techniques include:

- Arranging solicitations, time for the presentation of bids, quantities, specifications, and delivery schedules so as to facilitate the participation of DBEs.
- Carrying out information and communication programs on contracting procedures and specific contracting opportunities in a timely manner, with such programs being bilingual where appropriate.

The DBE goal can be achieved by using a DBE prime contractor, or through one or more subcontractors. One of the most common forms of DBE participation is to hire a woman or

minority-owned subcontractor to do trucking, earthwork, landscaping, masonry, or electrical work on the project. If you know of a minority or woman owned contractor that might be interested in bidding on your project, encourage the contractor to contact BEES-Civil Rights and Compliance Section to start the certification process several weeks BEFORE you plan to take bids. WisDOT participates in a Unified Certification Program (UCP). UCP partners are Dane County, Milwaukee County and City of Madison. Depending on location, any of these partners may be contacted for certification applications. DBE credit cannot be applied to the contractor retroactively. Only those firms that have been certified by BEES are eligible to satisfy DBE participation requirements. To obtain a list of certified DBEs, contact BEES at ☎ (608) 266-6961. The list is available at: www.dot.wisconsin.gov/business/engrserv/dbe-firms.htm

- 4.10 Transportation Alliance for New Solutions (TrANS) Workers** is an employment partnership of industry, labor, government, and community based organizations. It is for laborer candidates to prepare for and obtain work on all State or Title 23 Federally funded construction projects. Additional Special Provisions (ASP) 1 provides for a \$5.00 payment per hour as an initiative for contractors to hire TrANS graduates. See the ASP 1 language for more detail. Whenever work is to be performed by industry contractors we encourage that you promote the employment of TrANS workers by the contractor. For more information on the program, please see the website <http://www.dot.wisconsin.gov/business/engrserv/newsletter/qtr1/trans.htm>

Contact information for the TrANS Program providers can be found at <http://www.dot.wisconsin.gov/business/engrserv/newsletter/qtr1/team.htm>

4.11 Consultant Selection – The Brooks Act

State and Federal law specify the process of hiring the consultant based on the qualifications of the consulting firm, **not the prices**. The consultant selection process must be qualifications-based selection (QBS) in conformance with federal regulations published at 23 CFR 172. It is the same process that applies to traditional WisDOT projects such as designing a bridge or a street. QBS requirements apply to design related services including: program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, or architectural related services. Procurement of design related services must be conducted following WisDOT's policies and procedures published in the Chapter 8 of the Facilities Development Manual. A Three-Party Design Engineering Services Contract with the Municipality responsible for payment is required and design services are only reimbursable after this has been executed.

Selections must be advertised and made based on procedures for local selection published in FDM Procedure 8-5-20, Local Design. The MC can provide guidance and will monitor the selection process. Selections must be based on qualifications with no consideration of price in the selection process. Requests for priced proposals or other consideration of price in the selection process will deem any costs incurred for design ineligible for federal participation. The consultant selection process must be open to all qualified consultants. Location of a consultant within political boundaries may not be considered in the selection process. Geographic proximity to a project may only be considered when there is a demonstrated advantage to having a consultant close to the project. Geographic preference may constitute no more than 10% of points awarded in the selection process. WisDOT must approve consultant selection prior to negotiation of a contract with the selected consultant.

If the Sponsor utilizes a consultant to perform any of the programming phase, including developing estimates and completing the application, they must be aware of the WisDOT Conflict of Interest Policy. WisDOT's Conflict of Interest Policy can be found in FDM 8-5-3 <http://roadwaystandards.dot.wi.gov/standards/fdm/08-05.pdf> , as well as the contract boilerplate language. Further guidance regarding Consultants in Management Roles in Local Government is found in FDM 8-5-55.

Your Management Consultant can assist with the selection process to ensure that you follow a Qualification Based Selection process and are in conformance with the Brooks Act.

SECTION 5: PROGRAMMING

For the purpose of this Guide, the Programming and Planning Phase includes the solicitation process, application process, selection process, TIP and STIP inclusion, project agreement and Federal Authorization.

As discussed in the Introduction section of this Guide, Federal-aid Non-Traditional Transportation Projects are funded as a Reimbursement Program. In other words, WisDOT encumbers the entire project cost in escrow. The Sponsor funds the project work as it is completed and submits a Reimbursement Request to WisDOT. WisDOT then reimburses the Sponsor from the encumbered dollars. The Sponsor must understand this system and have the appropriate funding budgeted prior to submitting a project application. Work with your MC if you have questions regarding the funding mechanism and the Sponsor's responsibility.

5.1 Planning Requirements

SAFETEA-LU places considerable emphasis on transportation planning and programming activities at both the regional and state levels. There is a federal requirement for a statewide planning process and a mandate to consult and coordinate with regional planning organizations on these plans.

5.2 Project Solicitation

Non-Traditional Transportation Project Programs are implemented in biennial cycles as Federal funding is available. Typically, CMAQ project applications are accepted in odd numbered years. TE, BFPF and SRTS programs are accepted in even numbered years. WisDOT planning staff will solicit project applications and prioritize the projects to best utilize the available funding.

Project applications are usually due in April. Prior to that, WisDOT, DTIM will announce a solicitation for project applications. WisDOT has a webpage titled "Programs for Local Government". <http://www.dot.wisconsin.gov/localgov/> Through this page, you can find links for each individual program that explains the criteria that a project must meet to be eligible. Appropriate contacts for each program can also be found on the WebPages. .

5.3 Project Scoping

It is very important that the Sponsor defines the scope of a project before applying for federal funding. To justify the expenditures of Federal tax revenue, every project must show a comprehensive purpose and need, it must address an independent utility and it must have a logical terminus. Accurate scoping includes a detailed description of the work, a schedule and an estimate of cost. Elements of the project scope will be documented on the Project Application. Once into the project development phase, changes to the original scope will not be allowed without written authorization, so it is important to develop a well defined scope. The Estimate of Cost is the basis of the funding level.

The project schedule can vary depending on the complexity of the project. Appendix C contains The Non-Traditional Project Timeline and Milestones. The Sponsor must consider these and other requirements when developing a realistic project schedule. Even the simple projects may require a year to design and construct.

5.4 Project Application

Once a Sponsor has identified a project they would like to develop, they should obtain a Project Application. Project applications contain detailed instructions for completion. Be sure to follow the instructions completely, see following website for details <http://www.dot.wisconsin.gov/localgov/>. Failure to follow the instructions or provide the required information could delay or jeopardize the approval of your project. Prior to completing an application, the Sponsor should have the following information:

- Project Name
- Project Location and boundaries
- Project Map
- Name of MPO
- Name of Sponsor
- Priority if submitting more than one project
- Primary Contact
- Category
- Detailed Project Description
- Project Costs
- Project Schedule
- Confirmation of understanding of project requirements
- Supporting information
- Signature of Acceptance
- Application Deadline

Once the Project Application has been completely filled out, the Sponsor must submit it to WisDOT in accordance with the instructions. Applications received after the deadline will most likely not be considered.

The Application will serve as the project scoping document. If changes in scope, including cost occur, the Sponsor will need to request in writing any scope changes for department approval.

5.5 Project Selection

Each program utilizes a separate selection process with input from varying agencies and statewide committees. Programs are competitive and typically well under half the projects are selected, depending on the program. Once the projects have been prioritized, the WisDOT and/or the Governor announce the selected projects by mail.

5.6 Metropolitan Planning Organizations (MPO) Transportation Improvement Plan (TIP)

In urbanized areas with a population over 50,000, the Metropolitan Planning Organization (MPO) is responsible for developing in cooperation with the state, a long-range transportation plan and a Transportation Improvement Program. (TIP) consistent with the Long Range Plan. There are 14 MPO locales in Wisconsin. To be eligible for Federal authorization, projects in these areas must be included in the TIP. Once the Sponsor has been notified of a project selection, the Sponsor must coordinate with the MPO to include the project in the TIP. More information regarding MPOs can be found at the following links:

<http://www.dot.wisconsin.gov/projects/planorg/mpo.htm>

The MPO is responsible for prioritizing projects in the TIP and works closely with the locals to address local transportation improvement needs. Prior to submitting a Project Application, contact the MPO Director to have the project incorporated into the TIP.

5.7 State Transportation Improvement Plan

WisDOT DTIM incorporates the TIPs from the 14 MPOs and develops a State Transportation Improvement Plan. If a Sponsor is located in a rural area, not represented by an MPO, work with Region planning staff to have your project incorporated in the STIP. WisDOT then submits the STIP for FHWA approval. FHWA will not authorize Federal funding unless a project is included in the STIP.

5.8 Project Agreement

The Project Agreement sets out the cost share for the project, terms and conditions, responsibility for maintaining the project and any special maintenance requirements. An example would be that snow removal may be required if a bike/pedestrian trail is a link between major destinations that the community wants open to bicyclists and pedestrians year round. Snow removal is required for all SRTS projects. Once a Sponsor has met the Certification requirements, it is sent to the Sponsor, signed by the Approving Authority and returned to the Region. The project cannot be authorized to incur costs until the signed Project Agreement has been received by the Region and approved by BTLRRH. It will state:

- Scope and location of the project.
- WisDOT assigned project ID number(s).
- Percentage and maximum of project costs covered by Federal funds.
- Percentage of Disadvantaged Business Enterprise (DBE) participation required.
- Accounting and record keeping requirements.
- Sponsor's obligation to maintain the project after construction.

A project phase means a distinctive project activity which may include design, real estate acquisition, railroad work, construction and LFA work. **Each project phase must be authorized for charging separately.** In rare cases the construction itself is split into phases and is done when the work will take more than one year to complete. Each project phase has a separate project ID number, and must be authorized for charging separately. At the start of each project phase, it generally takes 6 to 8 weeks to process an authorization request. Why doesn't WisDOT simply authorize the whole thing at once? Once an activity has been authorized for charging, WisDOT is required by law to put the full amount in escrow, where it cannot be used for any other project. The most expensive work is usually construction and typically does not begin until one year or more after the design starts. WisDOT avoids authorizing the construction for as long as possible, in order to keep as much money as possible available for use on other active project phases.

Federal funding for Non-Traditional Projects are capped at a maximum amount for the total project. Often the capped federal amount is less than the amount needed for the actual construction costs (construction costs are defined as the amount paid to the let contractor). Understanding that the Sponsor is likely to have to fund construction costs in excess of the capped Federal amount, it may be in the Sponsor's best interest that the Project Agreements are structured such that all of the Federal funding awarded to a Non-Traditional project be allocated to the construction cost and that the design and real estate costs be 100% locally funded. Your MC can explain the advantages of locally funding the design and allocating all of the Federal funding to the construction costs

5.9 Public-Private Partnerships and Donations

Since the early 1990s there has been increasing interest in public-private partnerships: a public agency working with a private non-profit or for-profit entity to accomplish a project of mutual benefit. This arrangement allows the implementation of projects that would be too difficult, innovative, or costly for either sector to implement on its own. Non-traditional transportation projects that could be implemented through a public-private partnership include restoration of a railroad depot owned by a public historical society, installation of a compressed natural gas fuel dispenser at a fueling station, or construction of a truck-stop electrification facility that reduces diesel engine idling emissions. While the public-private partnership is a powerful tool, the potential for improper use of Federal funds does exist. Therefore, a number of restrictions and limitations are in place to safeguard the public interest.

The Sponsor meets with potential private partners to assess the level of interest in the project, desired characteristics of the project, costs and benefits of the project, and the opportunities and risks of a partnership. The public and private partner negotiate an agreement for sharing of the nonfederal share of the project costs, for maintenance of the improvements, for liability in case of a mishap involving the facility, for the responsibilities of project implementation, and the benefits of the project once it is completed. These agreements are subject to review and approval by WisDOT. Federal regulations require that all public-private partnerships using FHWA funds meet the following general requirements:

- The proposal for funding should be for the good of the general public. Public-private partnerships are allowed only if all or a significant portion of the project will benefit the public sector.
- The improvements funded with FHWA money must be owned, operated or controlled by the public sector. Leaseback arrangements, first right of refusal or restrictive covenants are sometimes used to provide a measure of flexibility in dealing with this requirement. Private donations such as money, property or services are allowed, but such donations do not imply the private donator will manage the project.
- The proposed activity must be one that is normally a public sector responsibility.
- Sponsor retains full responsibility for protecting the public interest and investment inherent in the use of FHWA funds. The Sponsor has the ultimate maintenance responsibility and must insure that the facility receives adequate maintenance throughout its expected useful life. In many cases, this responsibility will be transferred to the private partner often in the role of site manager and guaranteed through covenants, liens, and/or revocable use rights. These agreements should always be structured in a manner providing the public partner with a legally binding way to ensure that the private partner fulfills its obligations.
- Sponsor acquires real estate or permanent easements, necessary for the project, unless the property is already owned by the private entity.

23 USC 323 (see link below) allows donated funds, materials, and services to be used as the matching share on projects administered by the FHWA. We recommend that you contact WisDOT staff prior to considering the use of donated materials and services, sometimes referred to as “in-kind” or “soft match” and receive approval prior to the project agreement being executed. The value of the donations should be considered as part of the total project cost and not just an offset to the local share. For instance, if you have a multi-use trail project that will require \$100,000 in competitively bid construction costs but also anticipate that there will be an additional \$10,000 worth of donated volunteer labor on top of those costs, you have a \$110,000

project that needs to show an 80/20 federal/local share – not a \$100,000 project with half the local share covered by the donated labor. Some general guidelines are as follows:

- Donations may come from an individual, company, association, State or local government agency.
- Donations by the private partner to the project may be used to cover the non-Federal share of project costs, subject to the limitations.
- Donations must be made after the date the project is approved by FHWA and prior to approval of the final voucher.
- Eligible donations may be applied to the matching share of the project on which the donation was made, but cannot be applied to unrelated projects. At no time may the Federal share of costs exceed the total project costs actually incurred by the Sponsors. If donations exceed the Sponsors' share, the excess will be used to reduce the remaining project cost. Credit received by a public partner may not exceed the non-Federal matching share of project costs.
- Donations applied to the matching share must be documented. Records must show how the value placed on in-kind materials and services was derived. To the extent feasible, volunteer services should be supported by the same methods that the organization uses to support the allocation of regular personnel costs, i.e., time sheets, time cards, etc.
- Donated materials and services may include labor, equipment, and costs related to providing the service and will be valued at their market value at the time of the donation. Donations cannot be credited at more than fair market value or reasonable use rates.
- Donated labor will be valued at rates consistent with those ordinarily paid for similar work in the donor's organization. If the donor does not have employees performing similar work, the rates must be consistent with those ordinarily paid by other employers for similar work in that location.
- Federal Guidance can be found on the links below

<http://www.fhwa.dot.gov/environment/te/1999guidance.htm>

<http://www.fhwa.dot.gov/environment/te/1999guidance.htm#donations>

5.10 Matching Federal Funds with Other Federal Funds

TEA-21 continued the legacy of increasing State and local governments' ability to leverage Federal resources through increased program flexibility and new financing tools. **23 USC 120** allows funds appropriated to any Federal land management agency to be used to pay the non-Federal share of the cost of any FHWA funded project in **23 USC 104** (i.e., IM, NHS, STP, CMAQ, or Recreational Trails funds). **23 USC 162** allows funds appropriated to any Federal land management agency to pay the non-Federal share of the cost of a project that is along a public road that provides access to or within Federal or Indian land. However, the land management agency must have enabling legislation giving the opportunity to use its funds as match against another Federal agency's funds.

As stated in the Federal Lands portion of the FHWA Delegations of Authority manual, the definition of a Federal land management agency is having management control of Federal lands. The following list is not all-inclusive for determining the Federal agencies that can potentially contribute toward the cost of a FHWA project. Each potential opportunity to match FHWA funding with other Federal agency funding should be reviewed for eligibility.

Department of

US Navy

US Forest Service: Bureau of Indian

Agriculture		Affairs
Department of the Interior	Pentagon	US Forest Service: Bureau of Land Management
US Army Corps of Engineers	US Air Force	Department of Defense: Bureau of Reclamation
US Fish and Wildlife Service	National Park Service	Military Traffic Management Command

23 USC 133(e) (5) (C) (ii) (I) allows funds from other Federal agencies (not restricted to the Federal land management agencies) to be credited toward the non-Federal share of the cost of a project to carry out a Transportation Enhancement activity. The non-Federal share for such a project may be calculated on a project, multiple-project, or program basis; and the Federal share of the cost of an individual project may be up to 100 percent. However, the non-Federal share of the total cost of TE activities in a State for a fiscal year must not be less than the non-Federal share authorized for the State under **23 USC 120**, usually 20 percent. WisDOT policy is to require a 20% non-federal share per TE project.

In a few cases, Federal funds with specific legislative authority may be used to match other Federal funds. The following Federal funds may be used to match FHWA funds:

- State and Local Assistance Act **PL 92-512**
- HUD Community Development Block Grants **PL 93-383**
- Public Works Employment Act of 1976 **PL 94-369**
- Delaware & Lehigh Navigation Canal National Heritage Corridor Act of 1988 **PL 100-692**

5.11 Federal Authorization

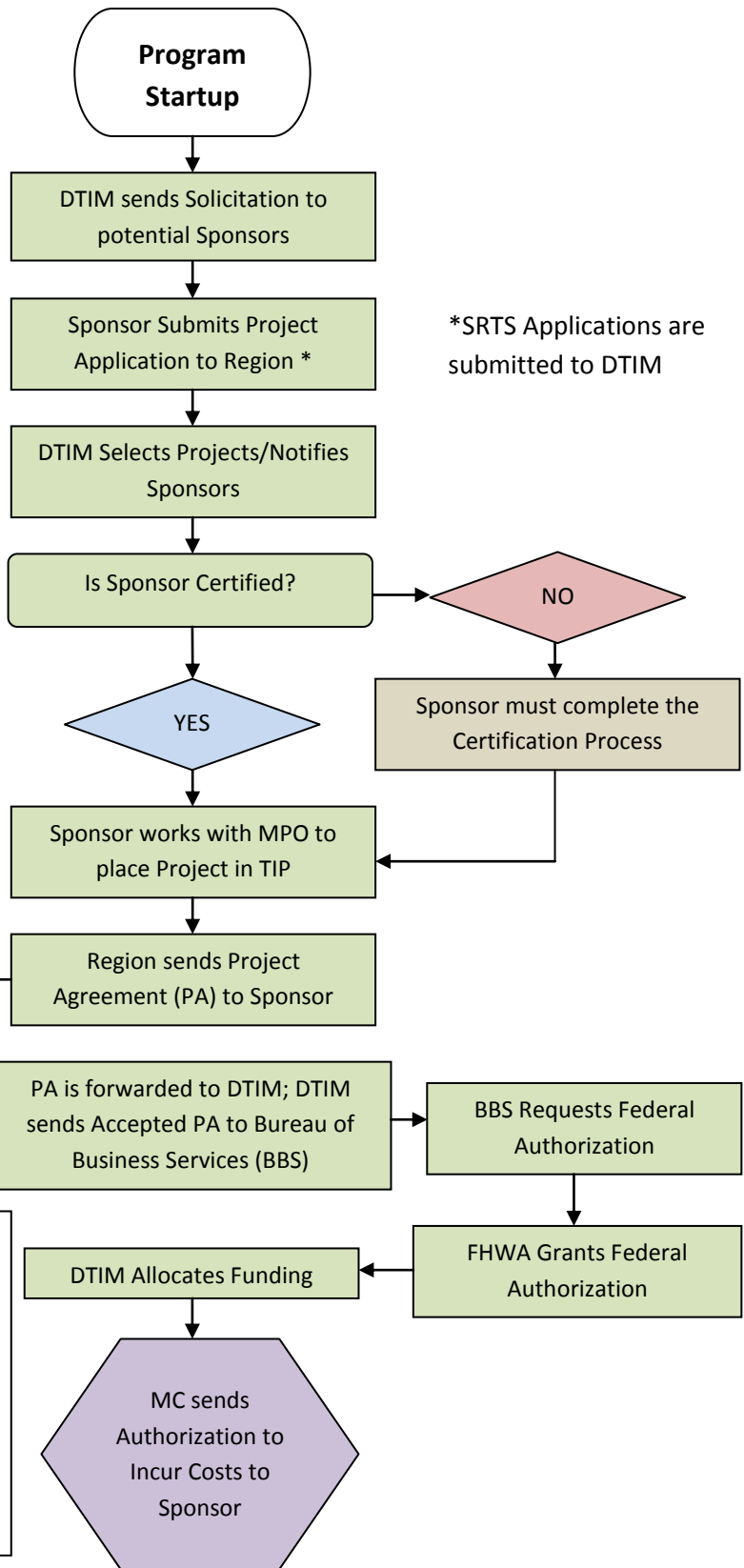
Federal Authorization is the most critical step in the development of a Federally funded project. No work may proceed on a project until Federal Authorization has been granted. The MC will notify the Sponsor in writing when a project has been authorized to begin work. **Work completed prior to a notification in writing confirming Federal Authorization will not be reimbursed.** Federal authorization is required for each separate phase of the project.

Once a project has been selected and authorized for Federal funding, the Management Consultant will take over responsibility for the oversight of the project delivery. Work with the MC to take the project into the Preliminary Design phase.

PROGRAMMING

*** For detailed Programming information refer to the Guide

Maintain all documentation in the project file.



Abbreviations	
DOT	- Wisconsin Department of Transportation
DTIM	- Division of Transportation Investment Management
FHWA	- Federal Highway Administration
LPA	- Local Public Agency (Sponsor)
MPO	- Metropolitan Planning Organization
Region	- DOT local office

SECTION 6: ENVIRONMENTAL PROCESS

The environmental process is a critical decision making element of the Preliminary Design Phase. Preliminary design is necessary to determine impacts, and the decision has to be made as to how much design needs to be done in the NEPA process. To emphasize its importance, this section was pulled out of Section 8: Project Delivery - Design. You may need to refer to Section 8 in conjunction with this section to complete the documentation required of the Environmental Process.

6.1 Action Type

When a submitted project develops into an approved project, it should be assigned an Environmental Action. **FDM 21-5-1**, <http://roadwaystandards.dot.wi.gov/standards/fdm/21-05.pdf> discusses Environmental Action Types. If you have questions regarding which action type fits your project, contact your MC.

The majority of Non-Traditional Transportation Projects will have minimal impact to the environment and can be documented with an Environmental Report (ER) or Programmatic Environmental Report (pER). This Guide will walk Sponsors through the process to complete an ER and pER.

If your project warrants an EA or an EIS, the Sponsor's designer must be qualified to complete the environmental process. Some projects may require the professional services of an environmental and/or cultural resource (archeological/historic architectural) consultant. Such a qualified consultant should be familiar with NEPA, WEPA, Section 106 and the FDM.

6.2 Environmental Documentation Process

Following the determination of the appropriate action type, the development of the subsequent environmental document follows a review and approval process prescribed by the federal and state environmental regulations.

6.3 Scoping

The purpose of Scoping is to identify significant issues and the range of alternatives to be addressed during environmental analysis very early in the process. Scoping and the public involvement process provide a good means of meeting the documentation and concurrence requirements of ER actions. During the scoping process, related environmental requirements, such as Section 404 permits, Section 4(f) evaluations, Section 6(f) determinations, hazardous materials investigation, noise study reports, Section 106 Documentation for Consultation and Section 7 Endangered Species Consultation shall be identified so that required analysis and studies can be integrated into the Environmental document. Environmental Justice concerns may also be identified during this process. The designer must also investigate the requirements for the applicable Wisconsin DNR Permits and process the necessary applications.

It is important to identify potential stakeholders. Examples of potential stakeholders include but are not limited to:

- Federal, state and local agencies including Native American Tribes
- Other local interest groups such as organizations related to environmental, bicycling, conservation, sportsman, business, schools, etc.
- Minority and low-income populations

6.4 Native American Notification

The historic preservation person for the Native American Tribes should be contacted regarding WisDOT administered and supervised projects. A letter notifying the tribes of a project administered by WisDOT must be sent using the **DOT letterhead** and will be sent by the MC. Refer to FDM 5-15-10 <http://roadwaystandards.dot.wi.gov/standards/fdm/05-15.pdf> for guidance in preparing and notifying applicable tribes. ****Note**** EIS project types requiring additional tribal notification(s), please refer to FDM 5-15-10 for more information.

6.5 Screening List

One field of The Section 106 Review sheet asks if the project is on the Screening List. This pertains to the WisDOT BEES screening list for WisDOT administered and supervised let projects. It is a list of projects that have been determined to pose no significant impact to the cultural resources and will not require further investigation. Non-Traditional projects are not eligible to use the WisDOT archaeological and historical screening process unless the project meets criteria under FDM 26-5-1. The Designer should consult **FDM Chapter 26** <http://roadwaystandards.dot.wi.gov/standards/fdm/26-01.pdf> for guidance in completing the Section 106 process. The MC will assist with placing the project on the Screening List.

Locally let projects are not subject to the WisDOT/WisDNR Cooperative Agreement; therefore WisDNR permitting is often required. In reviewing permit applications, the WisDNR conducts Archaeological and Historical Resource screening. *Please note, WisDNR screening for archaeology or history does not constitute WisDOT/FHWA approval.*

6.6 Section 106

Section 106 of the National Historic Preservation Act of 1966 (NHPA) and its implementing regulations (36CFR 800) requires that the Sponsor proposing an action must “take into account” the effect of a project on cultural resources and it must “afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment”. Cultural Resources can be historical or archaeological in nature. Chapter 66 Wis. Statutes require the Local Municipality to determine if the proposed project will have an effect on the cultural resource and notify the State Historic Preservation Officer (SHPO) of any proposed action it determines would affect any resource. WisDOT form DT 1635, Section 106 Review provides a format for documentation and is linked in FDM 25-10-5.1.

<http://roadwaystandards.dot.wi.gov/standards/fdm/26-10.pdf>

The first step is to determine if there is a historic archeological resource or property within the Area of Potential Effect (APE) in the project limits. If the project does not meet the criteria to be placed on the Screening List, a qualified historian and/or archaeologist is required to determine if historic properties exist in the Area of Potential Effect (APE) and any effects the project may have on the resources. If any resources are identified, further investigation by the historian and/or archaeologist is required. The Section 106 clearance is then documented in the Environmental Report.

Burial Site(s)/Cemetery (ies)

Wis. Stat. 157.70 Burial Sites Preservation: Under Wisconsin's Burial Sites law, no burial site/cemetery may be disturbed without a permit/authorization from the director of the Wisconsin Historical Society. If you are not able to avoid the burial(s) go to FDM 26-25 for guidance.

If your project is near a burial site or cemetery, immediately contact your MC before conducting any investigation.

6.7 Air Quality

If the project is in an air quality non-attainment area for ozone or particulate matter a conformity analysis may be required. If the area is under the jurisdiction of a MPO, the MPO will perform the analysis. If the area is not under the jurisdiction of a MPO, the project Sponsor will be responsible for the conformity analysis. Assuming that the project meets the air quality criteria, it is added to the annual TIP, which is reviewed and approved by the MPO Policy Board per FHWA.

6.8 Agency Coordination

Federally funded Non-Traditional projects require the project designer to notify appropriate Federal, Tribal, State and Local Agencies of the project activities and solicit their concerns and comments. For guidance, Attachment 1 of FDM 5-1-1 lists most agencies and the areas of interest of each. The attachment is not all-inclusive, but it does represent the agencies contacted most often and their involvement. The coordination letter should clearly describe the scope and timeframe of the project and provide contact information for reply. The letter should provide as much detail about the project impacts as known. Agencies routinely request further information to complete their concurrence letters. The project schedule should incorporate adequate response time for the agencies and the coordination should be implemented as early in the design process as is feasible. The MC will send letters for Tribal Notification.

<http://roadwaystandards.dot.wi.gov/standards/fdm/05-00toc.pdf>

Non-Traditional Projects that are Locally Let are not eligible for WisDNR concurrence through the WisDOT/WisDNR Cooperative agreement and are subject to WisDNR Permitting. Please refer to the WisDNR website <http://dnr.wi.gov/org/caer/cs/licenses.htm> to determine if you need a DNR Permit. Obtain any required permits and keep in project file, submit permits with Project Proposal Certification. Permits typically require 90 days for WisDNR review. Typical Permits that are often required are NR216 – grading, NR103 – Wetlands, Chapter 30 – Grading near waterways and Endangered Species Screening.

Non-Traditional Projects that are Locally Let are not eligible for DATCP concurrence through the WisDOT/DATCP Cooperative Agreement. Local Let projects that are located entirely within the boundaries of a city or village are exempted from Agricultural Impact Statement requirements. See:

http://www.datcp.state.wi.us/arm/agriculture/land-water/ag-impact-stmts/pdf/ais_notification.pdf.

Attach the permit to the Environmental Document when submitting.

The County in which the project is located may also require permitting or notification.

6.9 Hazardous Materials

Various State and Federal laws restrict using State or Federal funds to knowingly acquire real estate that contains hazardous waste. These laws and regulations require the cleanup or mitigation of hazardous materials prior to construction of a transportation facility. To determine whether there is the potential for hazardous waste encountered on the project, complete the *Initial Site Reconnaissance Checklist* for the project and the *Parcel Site Checklist* for each parcel to be purchased for the project. These checklists are in Appendix C of the Sponsor's Guide.

If the project requires excavation depths of two feet or greater or if the *Initial Site Reconnaissance Checklist or Parcel Site Checklist* show potential for Hazardous Materials, a Phase 1 Hazardous Materials Assessment must be completed. See FDM 21-35. <http://roadwaystandards.dot.wi.gov/standards/fdm/21-35.pdf>

6.10 Programmatic Environmental Report Criteria Checklist (pER Checklist)

Certain project types have been approved to meet the requirements of a Programmatic Environmental Report (pER). The Designer must consult **FDM 21-15-15** <http://roadwaystandards.dot.wi.gov/standards/fdm/21-15.pdf> for guidance on ER and pER documentation. The pER Checklist has been revised to also apply to Non-Traditional Projects. Your MC can provide the current version of the workable pER.

On the pER Checklist, the Designer must articulate the project Purpose and Need clearly. The Purpose and Need should be as comprehensive and specific as possible. Information on factors such as safety, system linkage, social demands, economic development and modal interrelationships, etc., that the proposed project will attempt to address should be described as fully as possible. There must be a comprehensive Description of Proposed Action. The pER Checklist is a series of questions intended to identify if the project meets the criteria for a pER or if further investigation is required.

Typically, the WisDNR permits are not obtained until the project is in final design phase, which occurs after the approval of the environmental document. However, initial correspondence with the DNR should occur and their initial correspondence letters should be submitted with the pER.

If the answer to every question fits the **meets criterion** field, the environmental analysis is complete. Attach all Section 106 documentation, Preliminary Plans (see section 8.11 for contents), DNR screening, Agency Coordination, Permits and the *Initial Site Reconnaissance Checklist and Parcel Site Checklist* and submit to the MC for review. If the MC recommends approval, they will forward to the Regional Local Program Manager for WisDOT approval. If the review uncovers issues, they will return it to the Designer for revisions.

Do not proceed with Final Design until you receive written approval of the pER.

6.11 Environmental Report (ER) or Environmental Assessment (EA)

If any answer on the pER Checklist fits the Criterion Not Met field, the project may be complex enough to warrant an ER or an EA. The ER must be approved by FHWA. The EA must also be approved by FHWA, and will lead to either a Finding of No Significant Impact (FONSI) or the determination that an EIS must be prepared for the project.

The Designer must consult **FDM 21-15-15** for more information about ERs and **FDM 21-15-05** for more information about EAs <http://roadwaystandards.dot.wi.gov/standards/fdm/21-15.pdf> . If your project requires an ER or an EA, the Designer should be experienced with environmental documentation and the guidance in the FDM. These documents will require additional documentation (completion of Basic Sheets of the Environmental Evaluation of Facilities Development Actions) along with agency coordination as shown by any criterion not met within the pER. Potential examples of required documentation may include but are not limited to a Section 106 Review, Section 4(f) Evaluation, or Noise Analysis.

Section 4(f) evaluation is required when the project uses a public park, recreational area, historic site, or wildlife refuge areas. **FDM 21-25-1** <http://roadwaystandards.dot.wi.gov/standards/fdm/21-25.pdf> covers the Section 4(f) Evaluation process. However Section 4(f) is not required when a trail is located through a park. In such instances, the designer should reference the “Negative Declaration/Section 4(f) statement for Independent Bikeway or Walkway Construction Projects” (FHWA)

Work with the MC to obtain the Basic Sheets. (*WisDOT is currently revising the worksheets and the new form is not available online*) Submit the completed basic sheets along with all attachments to the MC for review and processing.

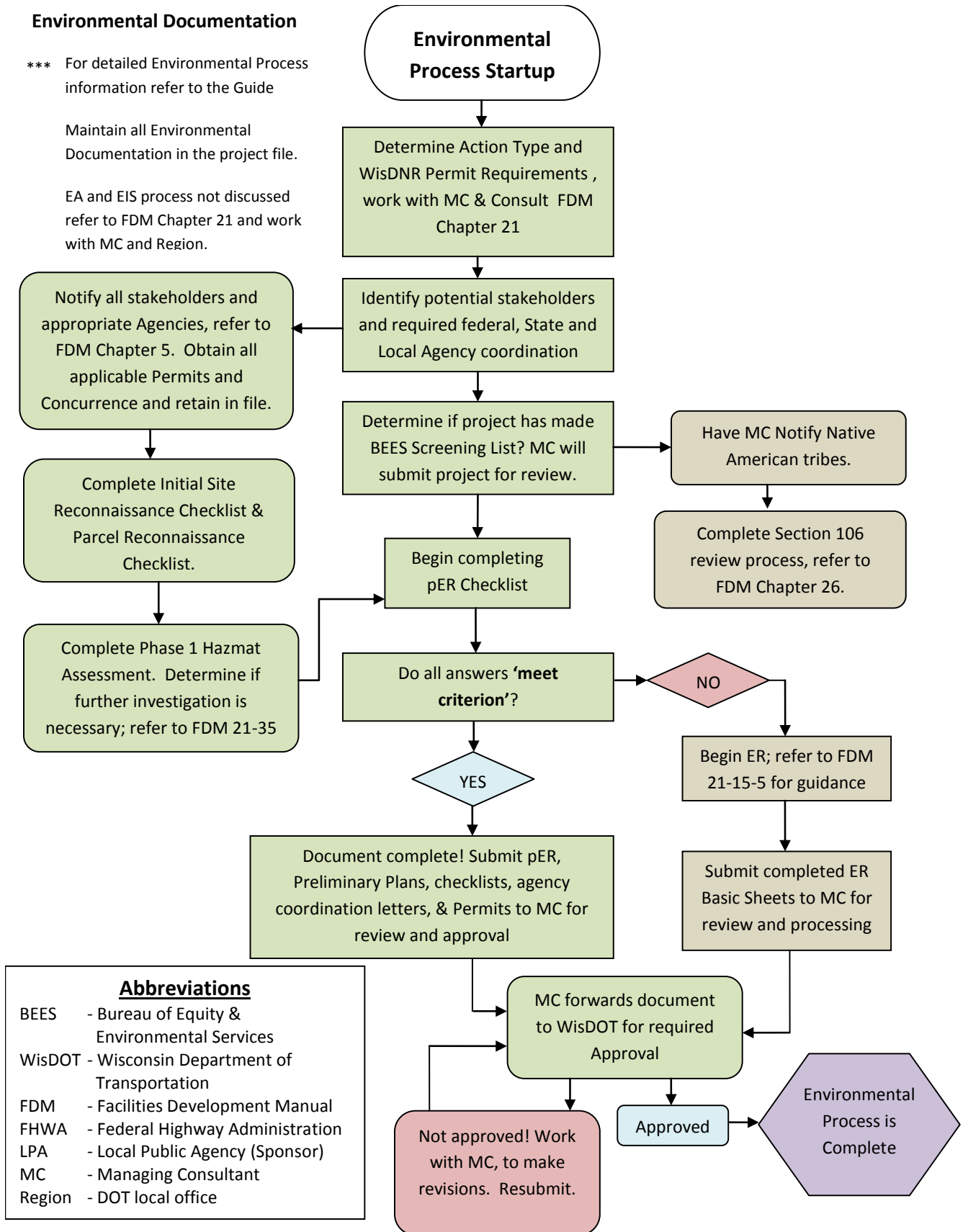
Do not continue with Final Design until you receive written approval of the ER, the FONSI, or the Record of Decision (ROD) indicating the EIS process has been completed. Maintain all Environmental Documentation in the project file.

Environmental Documentation

*** For detailed Environmental Process information refer to the Guide

Maintain all Environmental Documentation in the project file.

EA and EIS process not discussed refer to FDM Chapter 21 and work with MC and Region.



Abbreviations

- BEES - Bureau of Equity & Environmental Services
- WisDOT - Wisconsin Department of Transportation
- FDM - Facilities Development Manual
- FHWA - Federal Highway Administration
- LPA - Local Public Agency (Sponsor)
- MC - Managing Consultant
- Region - DOT local office

SECTION 7: RIGHT-OF-WAY

If real estate is needed for a project and Federal/State funds are used in any phase, or the property was purchased in anticipation of the project, the Uniform Relocation Act must be followed. Purchasing real estate with Federal/State funds is complicated and time consuming. State Real Estate laws regarding the purchase of property for highways and non-traditional projects are in compliance with Federal Real Estate requirements. A file will need to be maintained to show how the property was acquired regardless of the funding. A useful website on the subject of federal real estate requirements is:

<http://www.fhwa.dot.gov/realestate/ua/index.htm>

Specific procedures must be followed whenever Federal/State funds are used for the acquisition of real estate. The same procedures apply to all projects, traditional (highway and bridge construction) and non-traditional (bicycle lanes, park & ride lots, purchasing a historic depot, etc.). This section provides a very brief overview of these procedures. WisDOT Real Estate staff developed the Right of Way Acquisition Guide for Local Public Agencies; it was revised in June 2008. This link requires your extranet login id.

https://trust.dot.state.wi.us/extntgtwy/dtid_real_estate/repm/lpa/index.htm

It provides detailed information and forms for the real estate acquisition process. You can obtain a copy from the LPA Coordinator in the Region or it is available on the WisDOT Extranet website. The minimum real estate procedures are based on the following laws and regulations:

- Sections 32.05, 32.09, 32.19, and 32.195, Wisconsin Statutes.
- The Department of Commerce, Administrative Rule COMM 202.
- Federal Uniform Relocation Assistance Real Property Acquisition Policies Act of 1970 as amended (Uniform Act).
- **49 Code of Federal Regulations Part 24** for implementation of the Uniform Act.

On Federally funded real estate projects, do not begin work or incur any costs until the Region LPA Coordinator has notified you in writing that the project is authorized to incur costs. Costs incurred prior to authorization for expenditure are never reimbursable.

Real Estate that has been purchased with federal funds cannot be sold without prior approval from the WisDOT and concurrence from FHWA. All properties acquired with federal funds require a reimbursement at the same pro-rata share as the original purchase. Real estate that is purchased for historical projects will require language in the deed of purchase to include a condition for maintenance of the historical investment. For anticipated disposal of property acquired with State or Federal funds, contact your WisDOT Region LPA coordinator.

Because of the effort required to administer federal funds for real estate; TE/BPFP and CMAQ projects require that a minimum of \$100,000 for real estate be included in the projects or the local Sponsors should plan on covering all real estate separately with local funds. This still requires compliance with federal and state real estate procedures per the Uniform Relocation Act (URA), but the paperwork and Region approval process will be somewhat streamlined as a result.

For SRTS projects on private land, there must be a written legal easement or other written legally binding agreement that ensures public access to the project. There must be an easement filed of record, which specifies the minimum length of time for the agreement to maximize the public investment in the project. The project agreement should clearly state in writing:

- The purpose of the project.

- The minimum timeframe for the easement or lease.
- The duties and responsibilities of the parties involved.
- How the property will be used and maintained in the future.

The project must remain open for general public access for the use for which the funds were intended for the timeframe specified in the easement or lease. The public access should be comparable to the nature and magnitude of the investment of public funds.

Reversionary clauses may be appropriate in some instances. These clauses would assure that if the property is no longer needed for the purpose for which it was acquired, it would revert to the original owner."

The **Right-of-way (R/W) and Real Estate (R/E) Checklist**, see Appendix C, is current and reflects changes in the **Right of Way Acquisition Guide for Local Public Agencies** last updated June of 2008 https://trust.dot.state.wi.us/extntgtwy/dtid_real_estate/repm/lpa/index.htm. The most current version of the LPA guide will be the basis for real estate requirements.

The **Right-of-way Certification** is required for all projects regardless if real estate is purchased or not and maintained in project file.

SECTION 8: PROJECT DESIGN DELIVERY

This section of the Guide will focus on project delivery and the Sponsor's responsibilities along with the MC and WisDOT's role throughout the process.

8.1 Preliminary Engineering Checklist

The first task for the Sponsor in the Project Delivery Phase is to complete the *Preliminary Engineering Checklist*, see Appendix C. The questions in the checklist are designed to identify components of the project where the Sponsor may need to coordinate with outside agencies, as well as identify certain forms that are required to be completed. Each question also identifies the pertinent reference to the Facilities Development Manual, The Right of Way Acquisition Guide for Local Public Agencies, Standard Specifications and other WisDOT manuals.

The Sponsor should answer each question based on the understanding of the project to date. The Sponsor should submit a copy of the checklist to the MC. The MC will review and coordinate with the Sponsor if further documentation is required. The Sponsor should keep a copy of the *Preliminary Engineering Checklist* in the Project File.

8.2 Design Performed by Sponsor's Staff

It may be in the public interest for a Sponsor to use its own staff for preliminary engineering, marketing or other services. The Sponsor must have a well-qualified and suitably equipped engineering organization and must be under the supervision of the State Highway Agency. For typical design work, this generally means having a Professional Engineer on staff. Sponsor's In-House Designers must have access to all WisDOT manuals and forms. For projects such as historic preservation or complex landscaping projects, it may require having a suitably certified professional in those fields. Sponsors wishing to undertake design or preliminary engineering work using their own staff should contact their MC who will consult with WisDOT to make a determination on whether this will be authorized.

A two-party contract between the Sponsor and WisDOT is required. The contract defines the Scope of Services and the basis of payment, including the estimated level of effort in hours by classification and rate. A two-party contract consists of the signature pages, the two-party contract boilerplate, and special provisions. Supporting documents used to estimate the basis of pay are also attached. The MC will assist in drafting the contract

Costs charged to the project for work done by local staff will be limited to those costs eligible for reimbursement under Office of Management and Budget Circular A-87 (OMB A-87).

Under OMB A-87, both direct costs and indirect costs are eligible for reimbursement. However, a Sponsor must submit a cost allocation plan for approval by its cognizant agency in order to be reimbursed for indirect costs. For Sponsors that do not have a cognizant agency, the cost allocation plan should be discussed with the MC and will be coordinated with WisDOT's Chief of Audit in the Bureau of State Highway Programs. Cost allocation plans do not need to be submitted if the only indirect costs to be recovered are fringe benefit costs.

8.3 Design Performed by Consultant

The Sponsor may decide to hire a Consulting Engineering Firm to perform their project design. When utilizing Federal funding to compensate a consultant, the Sponsor must follow Federal Regulations. The Brooks Act requires that consultant selection must be made on a Qualification

Based Selection (QBS) process. The QBS process prohibits selection criteria based on cost, i.e. you cannot ask for price quotes to select a low bid. The Consultant is selected on their qualifications and approach to the project, then a contract is negotiated at a fair price based on the Scope of Work. If the Sponsor and consultant selected cannot agree on price, the Sponsor can go to the next choice. FDM 8-5-20 <http://roadwaystandards.dot.wi.gov/standards/fdm/08-05.pdf> discusses the selection process for the Local Program. The FDM contains a Consultant Interview Rating Sheet, Local Design Selection Approval Checklist and sample notification letters to use to document the process. The MC will also monitor the selection process to ensure Federal requirements are met and can assist the Sponsor with the process. However, the selection for a three-party design contract is the sole responsibility of the Sponsor so the MC will not participate in the selection.

There is a Small Purchase Procedure that may be utilized for contracts under \$75,000. Discuss this option with the MC if it is applicable.

WisDOT maintains a Roster of Eligible Consultants. To be eligible to perform highway design services, a firm must be on that roster. Several types of Non-traditional projects may require the use of a consultant from the Roster, while several types may not. Consult your MC to determine if the consultant must be on the Roster to be selected.

There may be scenarios where a consultant performing duties for a Sponsor, may be ineligible to contract for Federally Funded project work. If a Sponsor utilizes a consulting engineering firm, they must understand and abide by the WisDOT Conflict of Interest Policy when selecting consulting firms. WisDOT's Conflict of Interest Policy can be found in FDM 8-5-3 as well as the contract boilerplate language. Further guidance regarding Consultants in Management Roles in Local Government is found in FDM 8-5-55, <http://roadwaystandards.dot.wi.gov/standards/fdm/08-05.pdf>

When Federal funding is used to pay for consultant services on a Non-Traditional project, a three-party design contract is required between WisDOT, the Sponsor and the Consultant. The contract defines the scope of services and the basis of payment. The Sponsor must be familiar with the entire contents of Chapter 8 of the FDM. The Basis of Payment contract language shall be structured such that the Sponsor is responsible for payment to the consultant. The Sponsor will seek reimbursement from the Department as defined in the Project Agreement. The MC will assist with drafting of the contract and the negotiation process.

If the consultant design services will be 100% locally funded, a two party contract between the Sponsor and the Consultant is required. The Sponsor will be responsible for the consultant selection and contract administration. The MC will still perform oversight for the Department; their Federal funding will be documented in the Project Agreement.

8.4 Facilities Development Process

The WisDOT Facilities Development Process defines the procedures approved by FHWA for complete project delivery. A qualified designer should be familiar with the FDM

<http://roadwaystandards.dot.wi.gov/standards/fdm>

and apply the standards and procedures outlined in it in designing transportation projects.

Throughout this Guide, references and links direct the Sponsor to the pertinent section of the FDM. The FDM is updated on a regular basis, the user must be sure to be using the most recently updated version. This is best assured by using the electronic version on the WisDOT website.

Chapter 3 of the FDM explains the Facilities Development Process and Chapter 11 discusses the

design standards and the process of obtaining an Exception to Standards. Chapter 19 discusses Plans, Specifications and Estimates (PS&Es) and Chapter 21 provides guidance on Environmental Documentation, including the Programmatic Environmental Report (pER).

For certain projects, particularly Historical Preservations, the FDM may not be applicable and the Sponsor will need to consult with qualified professionals for the conforming project development.

8.5 Local Force Accounts

Competitive bidding is the principal means to award Federal-aid contracts. However, there may be situations that support the use of a contracting method other than competitive bidding. Local Force Account (LFA) agreements may be approved if using local forces is proven to be more cost effective. The consideration of using a local force account agreement requires a cost effectiveness determination as well as an evaluation and prequalification that the Sponsor is “adequately staffed and suitably equipped”. WisDOT procedures now require a Sponsor to be prequalified to perform the work. In order for a local public agency to be “adequately staffed and suitably equipped”, they must be able to essentially complete the work with their own forces and their own equipment.

FHWA is continually ensuring that work performed via local force account agreements complies with Federal requirements. Some of the recent policy changes for LFA agreements include: Sponsor can only perform work on their own system, they must complete the work with their own forces and equipment (limited rental of very specialized equipment may be allowed), and they must document that they are adequately staffed and suitably equipped by submitting a prequalification form (DT2300) for review and approval. If a municipality is not equipped to undertake a certain type of work (e.g., miscellaneous concrete work, paint striping, etc.), that work could be competitively bid with local forces doing the remaining work. The bid will need to make this clear and ensure the work is coordinated. The competitively bid work would not be part of the LFA.

No longer will these agreements for CMAQ and TE be differentiated from the typical Local Force Account (LFA) agreements used for many highway construction and maintenance activities. *Once it is decided that the Sponsor intends to construct a project via LFA, the policies set forth in the FDM will be followed. These policies are documented in FDM Chapters 3-1-3, 3-20-11, 3-20-12, and 19-25-5. The Sponsor is responsible for submitting all of the necessary forms for LFA work per the FDM.* Additional Guidance on LFA policy can be found at <http://www.dot.wisconsin.gov/localgov/localforce/index.htm>.

Because the CMAQ, TE/BPFP and SRTS programs have statutory grant authority, the Governor’s signature executing the agreement is not required. The signature of the DT2056 Contract for Construction, Local Force Account by the Director of the Bureau of Project Development acts as the execution of the agreement.

Following the Facilities Development Manual for developing Local Force Account Agreements takes care of the following issues:

- Determination if the Sponsor is “adequately staffed and suitably equipped” through the prequalification process. (FDM 3-20-11 Attachment 1)
- Because Federal and State law requires competitive bidding of most road construction projects administered by WisDOT, it is necessary to determine if it is cost effective to make an exception and allow public employees build the project.
- Projects that cost less than \$25,000 are covered by a Programmatic Cost Effectiveness

Finding (FDM 3-20-12).

- If the project cost will exceed \$25,000 for any reason, a Cost Effectiveness Finding (CEF) will need to be completed and approved. (FDM 3-20-12)
- Once the PS&E is approved, WisDOT will request authorization to incur costs from FHWA. That authorization normally takes 4 to 6 weeks to process. Once FHWA authorizes the project to incur costs, the DT2056 can be executed by the Director of the Bureau of Project Development. Construction phase of the project must be authorized for charges and the DT2056 needs to be executed before any costs can be incurred. Do not begin work until you receive the signed DT2056 and Authorization to Incur Costs for the construction phase.

8.6 Railroad Coordination

If the project crosses or is within 1,000 feet of a railroad, contact the MC early in the project development process. The MC will begin the coordination with the Regional Railroad Coordinator (RRC). The RRC handles railroad coordination through the Railroads & Harbors Section (RHS) at the Wisconsin DOT central office. When federal or state funds are used, RHS must negotiate the necessary arrangements with railroad companies for stipulations, agreements and land rights that would be needed to construct grade separations or install crossings and crossing warning devices. RHS will also provide guidance to the MC to assist with acquisition of necessary railroad land rights using Sponsor funds.

Corridors preserved under the Federal Trails Act are not considered to be abandoned and must be preserved for the future resumption of railroad service.

The Office of The Commissioner of Railroads (OCR) has jurisdiction over at-grade and separated highway-railroad crossings. On projects involving the creation of new or the alteration, including closure of existing highway / recreational trail-railroad crossings, OCR approval is required. RHS will make the necessary arrangements when state or federal funds are used. Chapter 17 of the FDM <http://roadwaystandards.dot.wi.gov/standards/fdm/17-00toc.pdf> provides details for the railroad coordination process, specifically 17-20-5 which details the estimated lead times for coordination which are long.

8.7 Utility Coordination

Some utilities are visible on the surface of the ground or in the pavement, but there may be more located beneath the surface. Accurate identification of all affected utilities during the design phase helps avoid construction delays, worker injuries, unscheduled utility outages, cost overruns, and litigation. It is imperative that the location of these facilities be accurately determined to define the areas of conflict with your project's proposed improvements. Most utilities are members of the Diggers Hot-Line and will locate their facilities with one call. Some municipal facilities and individually owned utilities may not be associated with Diggers Hot-Line and may require extra effort to locate the owners to have the facilities marked.

Many Enhancements and CMAQ projects will not involve work on a STH. In these cases, the Local Project Utility Coordination Task List, see Appendix C, will provide guidelines on handling Utility work on these projects. In cases where your project is in State Trunk Highway (STH) right-of-way and involves Utility work, different procedures may apply. If in doubt, please contact your MC for guidance.

The responsibility for the preparation of the Utility Special Provisions should be addressed in the early stages of the project and the process should be addressed in detail. Urban projects may typically require one or more utility coordination meetings in addition to the Utility Work Plan to ensure that the language in the special provisions properly portrays the situation the contractor will encounter when work starts.

When a utility has a land interest or easement within the area being acquired for a project, the relocation or adjustment of facilities within this area is considered to be eligible for reimbursement of relocation cost. Such costs are eligible for reimbursement as part of the project and they do count against the maximum dollar limit for the project if it is capped. The acquisition of Utility Parcels is the responsibility of the local unit of government.

The preferred way to fund compensable utility relocations on TE and CMAQ projects is for local units of government to fund 100% of the utility portion of the project. This includes utility facilities owned by municipalities, cooperatives, private individuals or companies. Although acquisition of utility parcels is technically eligible for participation, it is **not** the preferred method for funding compensable utility relocations on these projects.

In order to reduce administrative costs, only large compensable utility relocations (in excess of \$50,000 **per utility**) are eligible for Federal/State funding. Smaller compensable utility relocations will continue to be funded entirely by the local unit of government.

Approval must be obtained from the Utility and Access Unit within the Bureau of Technical Services before State or Federal funds are to be used to pay the cost for utility relocation on TE, CMAQ or similar projects covered by this document.

8.8 Structures

When your project involves a structure (bridges, boardwalks, culverts & retaining walls) a preliminary and final plan submittal to the WisDOT Bureau of Structures (BOS) is required. Boardwalks are not considered “bridges” when their clear spans are less than or equal to 20 feet, and their height above ground and/or water is less than 10 feet. Boardwalks falling under these constraints do not need to be Electronically Submitted (ESubmit) and are not required to follow the design requirements in the WisDOT Bridge Manual, but do need to follow the standards established in the Wisconsin Bicycle Facility Design Handbook. The preliminary structure design, or TS&L (type, size, & location), must be approved by WisDOT Bureau of Structures prior to preparation of final plans and submittal of your PS&E/Request to Advertise. Six to eight weeks should be allotted for the preliminary plan review. All submittals are first sent to the MC. Once the MC approves the document for completeness, the project Sponsor should then ESubmit the document to BOS for preliminary review. Once the project Sponsor receives preliminary review comments, they are responsible for making the necessary changes, re-submitting to the MC for a completeness check and then finally ESubmitting the final plans to BOS for review. **The final submittal must be sent to BOS a minimum of one (1) month before PS&E/Request to Advertise. Once approved by BOS, the designer shall insert the plans into the LLC package.** *Please note that this is a separate review than the Chapter 30 Permit necessary for the bridge and the foundations if the bridge is impacting a waterway.*

WisDOT is currently finalizing considerations for Non-Traditional project submittals. Please contact your MC for specifics.

The submittals for preliminary and final plans are to be ESubmittals. In order to ESubmit, the designer will need to register and obtain a user ID and password. ESubmit information can be found in FDM 15-5-10 and 19-10-1.

The WisDOT Bureau of Structures LRFD manual and other applicable information is located at: https://trust.dot.state.wi.us/extntgtwy/dtid_bos/extranet/structures/LRFD/index.htm

The checklist and Structure Survey Reports are located at: http://on.dot.wi.gov/dtid_bos/extranet/structures/reports-checklists.htm

8.9 Variance to the Wisconsin Bicycle Facility Design Handbook

Request for exception to standards from the Wisconsin Bicycle Facility Design Handbook (HANDBOOK), FDM or other relevant source may be required when deviating from current design standards. The traditional exceptions-to-standards (ESR) process does not apply to bicycle facilities since they are not included in the 13 controlling criteria used for traditional highway projects as detailed in FDM chapters 3-15-25, 11-1-2 and 11-1-4. Also, Design Study Reports (which could spell out significant deviations) are not required for almost all local bicycle and pedestrian projects funded with state or federal funds.

However, when there is significant deviations from the guidelines set forth by the HANDBOOK an exception to standards to the HANDBOOK may be required. Examples of significant deviations include narrow bike lanes for an entire project, significant departures from the running grade guidance for paths, significant departures from the minimum curve radii guidance (often necessary for overpasses), narrowing of paths for sustained lengths or for an entire projects, railing heights below minimums, etc.

Minor variances from the HANDBOOK are understandable and can be discussed and approved by the appropriate MC without going through traditional exceptions-to-standards process. Minor variances need to be documented in the project file.

The following questions need to be answered if requesting a significant deviation from the HANDBOOK:

- Present your request and state specific standard (and source) not being met.
- Present the justification for this request
- Indicate Probable Impacts on Users
- Present Cost Savings, if any and why the savings offset any negative impacts. Present the cost savings in relation to total Project Costs.
- Discuss any measures to neutralize the negative impacts

Please refer to FDM 11-1-2 for general guidance and more information regarding request content.

The Designer should initiate the Variance process by contacting the MC. Designers must allow ample time for request consideration and response as the ESR review process involves a number of WisDOT branches. Requests may require meetings to complete exceptions request process. Designers should not assume that requests for exceptions will be automatically approved by the Department.

Do not begin final design until Variances have been approved

8.10 Preliminary Plans

A preliminary plan should accompany the Environmental Document submittal. Preliminary plans should include enough information so that the plans can be evaluated to confirm that design standards are met and site specific challenges are identified and addressed. Examples of information that should be included are the following:

- Existing and proposed typical sections
- Curve Radii
- Running Slopes
- Clear Width
- Delineation of environmentally sensitive areas (wetlands, rivers, lakes, etc...)
- Project limits
- Slope intercept for grading activities
- General site information (adjacent road names, major properties (e.g. parks, etc...))
- Proposed structures
- Property lines
- Proposed R/W acquisition
- Utilities

8.11 Design Study Reports (DSR)

A Design Study Report (DSR) is required for projects in the transportation improvement program. If the project is a building restoration or is less than \$500,000 in cost, a DSR is not usually required. The final determination of DSR requirement will be made by the department. The MC will review and recommend the DSR for approval, with final approval by the Region. For projects on NHS routes concurrence from the Bureau of Project Development Section is required. It must be approved before Final Design and before Real Estate acquisition can begin. The DSR document and process are detailed in FDM 3-15-25. <http://roadwaystandards.dot.wi.gov/standards/fdm/03-15.pdf> Often, the Abbreviated DSR template is sufficient, see the FDM.

8.12 Final Design

Final design is the development of final plans, specifications, special provisions, contract letting documents and a final construction estimate. A registered Professional Engineer (PE), Architect or Landscape Architect must sign and seal the plans. Plans and specifications do not need to be in the WisDOT state-let template, but do need to include appropriate detail and information so that contractors can prepare their bids. Plans should be developed and submitted in the 11"x17" format. WisDOT Standard Specifications are encouraged to be referenced, at a minimum Part 1 should be incorporated via reference. Special Provisions should include any environmental commitments, utility information, proprietary products and any unique information that will allow contractors to make the most complete bid. Construction Estimates should not include contingencies, they must consist of bid items and unit prices and should be calculated to the penny. Estimates of quantities should be broken out into participating and non-participating group codes. Review a sample of WisDOT *Contract Bond Perform and Payment* form. See the back of WisDOT Form EC420 692. The Sponsor can either use the form or modify it. The Plans Specifications and Estimate are referred to as PS&E and will be submitted as a package with other WisDOT checklists to the MC for review.

8.13 Project Proposal Certificate

The Project Proposal Certificate, see Appendix C, purpose is to ensure that the required program requirements have been addressed and included in the bid package that is ready for advertising. It is a series of questions and a checklist of items to ensure the contract requirements are met. The designer should complete the Project Proposal Certificate and include it with the PS&E submittal.

8.14 Construction Bid Letting Checklist

The Construction Bid Letting Checklist and the Local Let Project Contract Document Checklist..., see Appendix C, are tools to ensure that all federally required provisions are included in the Locally Let Contract. Each question cites appropriate contacts and provides specific reference to the State or Federal statutes where applicable. The Sponsor should work with the MC to ensure that the appropriate Additional Special Provisions (ASP) are included. The designer must complete the checklists and include them with the PS&E Submittal.

The Sponsor is prohibited from establishing any procedures or requirements for qualification or licensing of contractors, which prevents the submission of bids or prohibits consideration of bids submitted by any responsible contractor. The prequalification of prospective bidders is the responsibility of the Sponsor. The Sponsor may at its option use the WisDOT prequalification procedure specified in the Standard Specifications for Highway and Bridge Construction, Section 102

<http://roadwaystandards.dot.wi.gov/standards/stndspec/Sect102.pdf>

Qualification must, as a minimum, consist of bonding capability as required by state law and compliance with licensing requirements of state law. When the DBE participation goal is included in the contract provisions, meeting the goal is part of the bidding requirements. For all Federally funded projects, bidding opportunities, on a nondiscriminatory basis shall be afforded to all qualified bidders regardless of state boundaries, race, sex, color or national origin.

Question 2 of the checklist provides a listing and brief summary of applicable Federal laws which apply to all Federal aid projects. While this list has been designed to cover the key Federal laws, it is not intended to replace the need for a more thorough understanding of the requirements. In order to ensure that these Federal requirements are incorporated, FHWA-1273 must be incorporated in every contract.

Federal wage rates apply if the project, regardless of function, is located within an existing right-of-way of a Federal-aid highway, or if the project is linked to a Federal-aid highway based on proximity or impact (i.e. without the Federal-aid highway, the project would not exist). Note that SRTS and Sheboygan NTPP program projects must follow Federal wage rates regardless of location. If the project is not linked to a Federal-aid highway and is based solely on function, (i.e. a transportation facility such as an independent bike path) then the “white sheet” rates of Federal wage rates do not apply. Wisconsin Department of Workforce Development wage rates still apply to projects. These rates vary by county and the higher rate applies if the project overlaps more than one county.

8.15 Request to Advertise

The **Request to Advertise**, see Appendix C, is the document that WisDOT must approve before the Sponsor can place the advertisement for a Local Let. WisDOT uses this document to trigger Federal Authorization. The Sponsor must sign it certifying that the advertisement and acceptance of bids and proposals will be conducted in accordance with the applicable State and Federal rules, regulations and laws. This document is also submitted with the PS&E Submittal.

Do not advertise the Local Let until the Request to Advertise is returned signed by WisDOT. If the Sponsor proceeds before obtaining the appropriate authorization, the project will no longer be eligible for Federal Reimbursement.

8.16 Plans, Specifications and Estimate (PS&E) Submittal

The PS&E package consists of the plans, the specifications (special provisions), the estimate and other necessary exhibits to develop bidding documents. History has shown that PS&E submittals often contain errors and need revisions, therefore it is strongly recommended that the designer submit a draft PS&E package prior to the deadline for final submittal so that the final review can be expedited.

The final PS&E package must be submitted a minimum of six weeks prior to the desired advertisement placement date. The MC will review and recommend approval to WisDOT.

In the submittal to the MC include (2 sets of everything, with one set having all original signatures):

- Project Manual: Cover, Special provisions, Contract front end, Part 1 of WisDOT Standard Specifications, WisDOT DBE & Labor Compliance Additional Special Provisions (noted on Local Let Project Contract Document Checklist), Supplemental Information (as required—e.g. permits, soil borings, etc.)
- Project Plans (signed & sealed – typically 11 x17 format)
- WisDOT forms/Checklists (all forms with original signatures)
 - Preliminary Engineering Checklist
 - Approved Environmental Document
 - Certificate of Right of Way (even if no Real estate is acquired)
 - Construction Bid Letting Checklist
 - Approved Initial Site Reconnaissance, if applicable
 - Approved Parcel Reconnaissance, if applicable
 - Local Let Project Contract Document Checklist
 - Project Proposal Certificate
 - Engineer's Estimate
 - Request to Advertise (with Proposed Advertisement attached)

The MC will review and WisDOT will approve the submittal package relying primarily on engineer's certifications for compliance with Federal regulations. If approval to advertise cannot be granted by the date requested, the Sponsor will be notified and a mutually agreeable advertisement date will be determined.

Do NOT advertise the project until you receive Region notification the Request to Advertise package has been approved, that the construction phase is authorized for charging, and you have received a Notice to Proceed letter.

8.17 Material and Equipment Purchasing Activities

Many non-traditional projects involve the purchase of equipment or supplies. They range from relatively inexpensive items such as stationery to big-ticket items such as vehicles, computer systems, and entire fueling stations. The specific procedures depend on the estimated total cost of the order. The Sponsor should work with the Region to ensure proper procedural compliance for purchases.

Competitive procurement procedures must be followed when project funds are used to purchase items, regardless of whether the purchase is being made by the Sponsor or by the private partner. Examples of private partners that are required to follow these procedures include: a local historical society that is buying building materials for a railroad depot renovation project, a fuel retailer that is purchasing items to establish a compressed natural gas fueling station, or a local bicycle club that is purchasing printing of a bike map. Failure to comply with competitive bidding requirements is a violation of Federal and State law and will jeopardize reimbursement. Only consultants and contractors are exempt from these requirements. Consultant means a firm that has been hired through a QBS process. Contractor means a firm that has been selected through a competitive bidding process using the Local Letting process or through the WisDOT letting process. Purchasers must follow the basic practices in the State Procurement Manual unless local governments have their own documented purchasing processes that meet Federal requirements.

Buy America, 23 CFR 635.410 and STAA Section 165 require all iron and steel materials that are permanently incorporated into your project to be “Made in USA.” This includes both the products themselves and all value-added coating processes such as epoxy coating, galvanizing and painting. One Chinese pipe elbow is not the end of the world: small amounts of foreign iron and steel materials can be incorporated to the project, provided that their total cost does not exceed 0.1% of the total contract cost or \$2,500, whichever is greater. These costs are based on the value of products as delivered to the work site. Buy America provisions do not affect iron and steel materials that are used only temporarily for the project (such as forms for concrete), nor do they affect products made out of materials other than iron or steel.

THE EQUIPMENT PURCHASING PROCESS

1. If sole procurement is involved, then the Sponsor needs to submit to the MC a “Request for Waiver” of the bidding process. This should be done prior to the “Purchase Request Package”.
2. Regardless of the size of project, the Sponsor must submit to the MC a “Purchase Request Package” which will consist of:
 - a. Request to Advertise form (some questions will be NA)
 - b. Spec/cut sheets & vendors to send to
 - c. If sole procurement, Request for Waiver approval must be included
 - d. Advertising shall be in accordance with Sponsor’s Guide & state bidding law (dependent on project size)
 - * The MC will process, forwards to Central, Central to FHWA, and then the Construction ID gets authorized to incur expenses. **Once fully approved, Sponsor can advertise.**
3. Regardless of the size of project, the Sponsor must submit to the MC a “Request to Award Package”. This will consist of:
 - a. Request to Award Form (some questions will be NA)
 - b. Purchase Order Requisition or “contract” with selected vendor
 - c. Listing of different quotes received

- d. WisDOT approved DBE Commitment
- e. Copy of Notarized Advertisements
 - * Once Award is approved, funds are encumbered & **Sponsor can purchase materials.**

Each “phase” of the construction ID must have a separate Request to Advertise/Award package (separate construction phases, one construction with an equipment purchases, etc)

***** If these steps are not followed, your equipment purchases will not be eligible for reimbursement*****

PURCHASES OF \$25,000 OR LESS: SIMPLIFIED BIDDING

Bidding takes place when three or more qualified suppliers are solicited to submit bids on a procurement on which they normally would be expected to bid. However, “three or more” is a minimum. In all cases, the maximum realistic number of bidders, governed by the cost and definition of the procurement, are to be solicited. The definition of “three or more bidders” is not to be used to restrict competition or to prevent qualified bidders from bidding on procurements.

Purchases of \$5,000 or less:

- Sponsor may award to the vendor judged best able to supply. This does not apply to purchases of printing.
- In choosing a vendor, the following should be considered: location of delivery point, quality of articles to be supplied, price of articles, conformity with specifications, and purpose for which articles are required, and date of delivery.
- The Sponsor will make a special effort to award to small businesses, veteran-owned businesses, and minority businesses, and work centers.

Purchases over \$5,000 through \$25,000:

- Sponsor must compare bids from at least three bidders, whenever possible, from: price lists, quotes on file, phone or verbal quotes (confirmed in writing by the successful vendor), or written bids. Receipt of an invoice may serve as confirmation.
- Sponsor will check the invoice against the purchase order to assure proper pricing.

PURCHASES OF MORE THAN \$25,000

Official Sealed Bidding process is used for soliciting bids by advertising to all bidders subscribed in the applicable commodity/service area at <http://vendornet.state.wi.us/vendornet/default.asp> . Any vendor who believes they can provide the commodity/service may request a bid. It is used when the item to be purchased can be tied to a fairly rigid specification. For example, the project may require the purchase of some bus shelters; in this case, the specifications would spell out the type, size, material, and color of the bus shelters, and perhaps even how they are to be fabricated, as well as the estimated or exact quantity you intend to purchase.

Competitive Negotiation - Request for Proposal (RFP) process is used for soliciting proposals where an award cannot be made strictly on specifications or price and several firms are qualified to furnish the product or service. For example, RFPs can be used for non-engineering and architectural professional services such as developing a marketing campaign or training program. However, price is always a consideration. This process has greater flexibility to consider different combinations of price, quality, and service. An evaluation committee is established prior to sending out the RFP. Proposals are reviewed by the evaluation committee and scored against stated criteria.

Perhaps you are restoring the interior of a train station and need to replace some vandalized marble panels. Every piece of marble is different; you want a vendor that can give you the best possible match for the existing marble—as long as the price and lead-time is not increased. Using this process, you could encourage vendors to submit samples of their products, along with their price per panel. Some vendors may even want to submit more than one proposal. For instance, they may offer the same stone with different surface finishes at different prices.

Noncompetitive Negotiation - Waiver of Bidding Process (Sole Source Procurement) is the least used and most difficult option. This process is generally avoided because it is often nearly impossible to be sure your agency is getting a fair price. If you can buy the item from more than one vendor, it is probably not a sole source procurement. For example, only General Motors makes Chevrolet S-10 pick-up trucks, but there are dozens of competing dealers that sell them. Since the dealer mark-up is a big factor in the final price, as long as you get bids from at least three dealers this purchase is not considered a sole source procurement.

One or more of the following circumstances, with adequate justification, may serve as the basis for requesting a waiver of the bidding process:

- **Uniqueness:** When a product or service can be established as one-of-a kind, not available from more than one supplier. The purchase of used equipment, which offers a significant discount.
- **Patent or Proprietary:** The features of a product or service that cannot be obtained from others. The features are available from only one source and not merchandised through competitive outlets.
- **Intrinsic Value:** When product procurement is determined by its historic, artistic, or educational value. When viable specifications or standards cannot be determined in the procurement of a professional or technical service.
- **Emergency:** When the risk of human suffering or substantial damage to real or personal property exists that requires immediate action.
- **Bidding is Not Possible:** When award cannot be made strictly on specifications or price.
- **Substantial Time Pressure:** When substantial time pressure exists beyond the agency's control. This does not include administrative delays or confusions in processing the necessary paperwork for purchasing approval.

*** * * A Proprietary Product Justification (PPJ) as detailed in FDM 19-1-5 must be submitted as part of the waiver request* * ***

When equipment is valued at \$25,000 or more, or because of the nature of the items being purchased, a contract between the purchaser and the supplier should be developed. Usually this contract will be nothing more than a simple purchase order issued by the Sponsor, approved by the Region and forwarded to the supplier. For the purchases of motor vehicles or specialized equipment, it may be desirable to draw up a formal contract specifying delivery dates, warranty terms, etc. A contract is also appropriate when the purchase requires a substantial amount of labor or technical assistance to get the equipment set up.

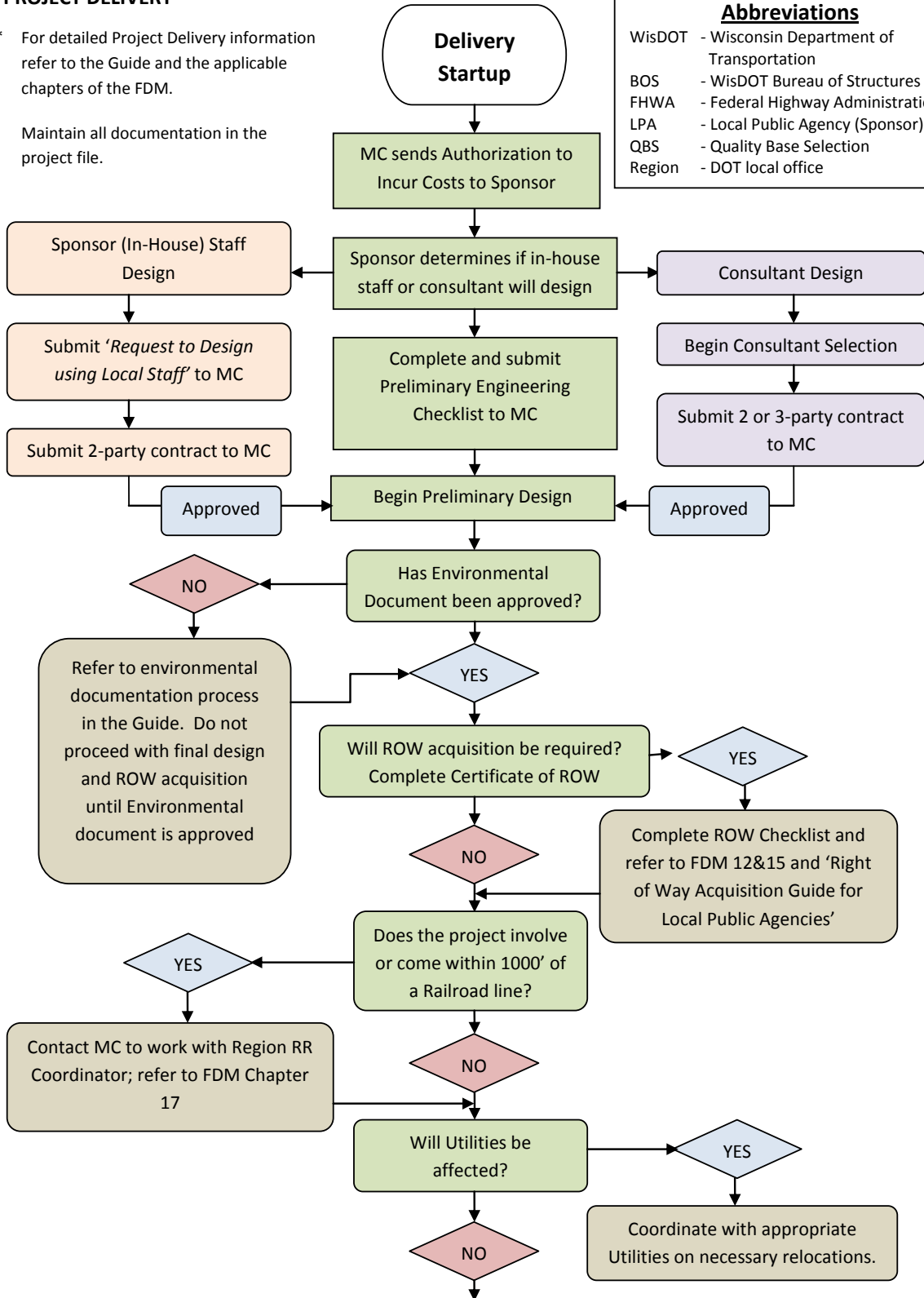
The Sponsor is responsible for administering a contract and for determining the adequacy of contractor compliance. The name of the individual responsible for administering the contract should appear on the purchasing request. That person should also participate in preparation of the specifications and in the evaluation process. The purchasing request package, sent to the MC prior to the contract, should include performance criteria that can be used to determine the adequacy of the contractor's performance of delivering goods or services.

PROJECT DELIVERY

*** For detailed Project Delivery information refer to the Guide and the applicable chapters of the FDM.

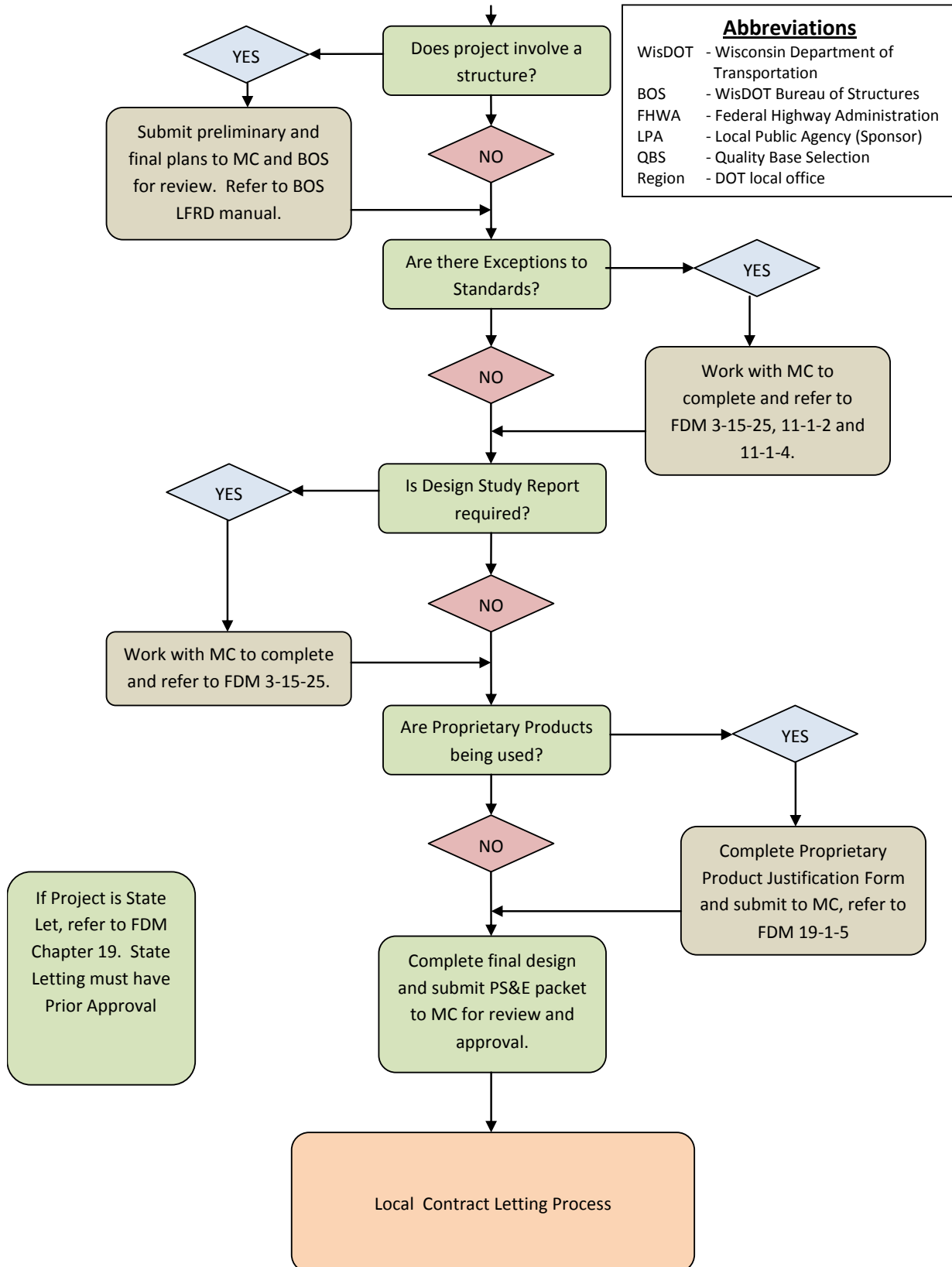
Maintain all documentation in the project file.

Abbreviations	
WisDOT	- Wisconsin Department of Transportation
BOS	- WisDOT Bureau of Structures
FHWA	- Federal Highway Administration
LPA	- Local Public Agency (Sponsor)
QBS	- Quality Base Selection
Region	- DOT local office



(Continued on next page)

(Continued from previous page)



SECTION 9: CONTRACT LETTING

9.1 Locally Let Contracts (LLC)

The Sponsor may let contracts for their projects that receive the benefit of federal funding provided that the following conditions are met.

- The Project Agreement for the Construction Phase between the Sponsor and WisDOT is in effect setting forth the conditions under which the project will be constructed
- The Sponsor is participating in the cost of the project or has other special interests in it
- The Sponsor is certified for contract administration through the Certification Program discussed in Section 5 of this Guide
- The bidding and award of the contract complies with Section 102 of the Standard Specifications for Highway and Bridge Construction, and as detailed below.
- The Sponsor uses the advertising and award procedures outlined this Guide and the *Construction Bid Letting Checklist* to advertise for bids, select the lowest responsible bidder and award the contract.
- The *Request to Advertise* has been approved by WisDOT and returned to the Sponsor.

9.2 Advertisement

The project must be federally authorized prior to it being advertised. The Sponsor will be notified to proceed with advertising when the MC returns to them an approved copy of *Request to Advertise*.

Advertisements for Local Lets must conform with the requirements of Wisconsin State Statutes. Non-Traditional projects must be advertised for a minimum three-week period prior to opening of bids. The contract advertisement period shall be as follows: Projects shall be advertised in the Sponsor's official legal publication at least twice; 20 calendar days prior to the last date upon which the bids will be received. To provide the widest possible coverage, the Sponsor is encouraged to advertise in additional media such as the State of Wisconsin's legal newspaper, Trade Journals, WisDOT Bid Letting Website, the Daily Reporter etc. The Sponsor must keep affidavits of publication in the project file and submit a copy of the ad with the Request to Award.

9.3 Addendum

After the advertisement is placed, if there is a significant change or error discovered that will impact the opportunity for contractors to submit fair and complete bids, an Addendum must be issued notifying the contractors of the issue. It is important to notify the MC immediately if an addendum is required, the MC must approve significant changes in the proposal before addenda are issued. Significant is defined as changes in quantities or work that would affect the engineer's estimate for the project, changes in starting or completion dates or any other change connected with the permit, approval or mitigation measures associated with the project.

9.4 Request to Award

All bids received in accordance with the terms of the advertisement shall be publicly opened and announced, either by item or total amount. If any bid received is not read, the name of the bidder and the reason for not reading the bid shall be publicly announced at the bid opening. Adequate justification for rejecting any bids must be documented by the Sponsor.

The Sponsor will certify selection process after advertising, bid opening, and determination of the lowest responsive and responsible bidder. The Sponsor should tabulate the bids on the **Bid Summary** document in Appendix C and return to the MC. The Sponsor should evaluate the bids in accordance with Section 103 of the Standard Specifications.

The low bid contractor must submit the **COMMITMENT TO SUBCONTRACT TO DBE NON-TRADITIONAL PROJECTS** (Form and instructions in Appendix C) listing the DBE Contractors to the WisDOT DBE Office. This must be accompanied by a separate **Attachment A** for each Subcontractor.

Send **Request to Award**, Copy of Notarized Advertisement, WisDOT approved DBE Commitments and Affidavit of Publication to the MC allowing at least two weeks for review. The following warrant special notice:

- MC must receive copies of all addenda issued to the proposal.
- Sponsors must document the reason for rejecting any bids.
- If less than three bids were received for the project, justification must be provided as to why it is in the public interest to proceed with the award.
- If the bid was more than 10% over the engineer's estimate, justification must be provided as to why it is in the public interest to award this contract.
- Complete a bid review and determine that the bids were not irregular. A percent variance of the bid from the engineer's estimate must be computed.
- Send **Bid Summary**; see Appendix C, listing unit prices for three low bidders and total bids of all bidders.

MC will review and WisDOT will approve Sponsor contract selection based on information in the **Request to Award**. In making the determination to allow the Sponsor to proceed, the following will be considered:

- Documentation for rejected bids based on established grounds.
- Justification to proceed with less than three bidders if required considering low bid, good contractor, proper advertisement, specialty work, completion date, geographic area and size of the contract.
- Low bid unit prices - compared to engineer's estimate.
- Local bid review, as appropriate.
- Justification to proceed with a "high" bid.
- Bid tabulations for future reference.

WisDOT will not approve the **Request to Award** until the DBE commitments are fulfilled. MC will notify Sponsor to proceed by returning signed **Request to Award** with copies to BTLR.

9.5 Contract Administration

Locally Let Contracts result in a contract between the contractor and the Sponsor for the construction project. The Sponsor is responsible for the construction administration and must utilize experienced, competent staff or qualified consultants knowledgeable in WisDOT

construction procedures. Responsibilities include inspection, materials acceptance, recordkeeping, measurement of quantities, enforcement of plans and specifications, contractor payments, monitoring of DBE utilization, Labor Compliance and finals documentation. Particular attention should be paid to erosion control and the requirements of any environmental permits. The project leader responsible for the construction administration must be familiar with the plans, specifications and special provisions and be experienced in construction management. The project leader also must be familiar with the WisDOT Construction and Materials Manual (C&MM) <http://roadwaystandards.dot.wi.gov/standards/cmm/index.htm> and Standard Specifications for Highway and Bridge Construction <http://roadwaystandards.dot.wi.gov/standards/cmm/index.htm>

In most cases, it is recommended that Federal funding is applied to the let contract and the Construction Engineering Oversight is locally funded. If the Sponsor wishes to use Federal Funding for their construction administration effort using their own staff, a two-party construction administration contract between WisDOT and the Sponsor is required. If Federal funding is utilized for construction oversight and the Sponsor utilizes a consultant for construction administration, a two-party contract between the Sponsor and the Consultant is required. The consultant selection and contracting must follow Federal requirements detailed in FDM Chapter 8 <http://roadwaystandards.dot.wi.gov/standards/fdm/08-00toc.pdf> If the sponsor uses a consultant under a two-party contract, the selection process must follow the QBS procedures, similar to selecting a Design Consultant. WisDOT maintains a Roster of Eligible Consultants who performs these services on State-let projects. Your MC can assist with the selection process to ensure it meets QBS guidelines.

Whether or not Federal funding is used for construction administration, the MC will provide oversight of the project to ensure Federal and State requirements are met.

9.6 Pre-Construction Meeting

The Sponsor shall invite the MC and conduct a pre-construction meeting with the successful bidder to clarify the detail of the project. The C&M Manual Chapter 2.26 <http://roadwaystandards.dot.wi.gov/standards/cmm/226.pdf> provides an outline and guidance on items that should be covered at this meeting and information on contract administration requirements including documentation that the Construction Engineer should complete. Some projects will not require the use of all of these procedures. It is suggested that the Construction Engineer become familiar with the requirements of this chapter prior to commencing of construction activities.

The contractor is required to post a project board with required Federal Posters and company policies. The required posters can be obtained from this website <http://www.fhwa.dot.gov/programadmin/contracts/poster.cfm> or from the MC. The contractor must ensure that the posters are posted on the job site at all times during construction. Chapter 2.24 of the C&M Manual also provides information regarding Labor Compliance <http://roadwaystandards.dot.wi.gov/standards/cmm/224.pdf> or your MC can refer questions to the Regional Labor Compliance Specialist.

9.7 Construction Project Documentation

The C&M Manual is written to provide guidance for contract administration on state let contracts. WisDOT utilizes Fieldmanager, Materials Information Tracking (MIT) and Field Information Tracking (FIT) for electronic records. For an LLC, although the construction engineer likely will not use these programs, they will be required to maintain the same records. Typically required information includes:

- * Contract Proposal
- * As-Built Plans
- * Project Diaries (project engineer's daily diary and inspector's diaries)
- * Source Documents (delivery tickets, receipts, survey notes, measurements, computations)
- * Borrow Pit Releases
- * Material Records (test results certifications)
- * Pictures and Videos
- * Correspondence Files
- * All Other Documentation for Project
- * Item History to Date Report
- * Standard Pantry Forms
- * Contractor Pay Estimates
- * Justifications for Non-Conforming Work or Materials
- * Labor Compliance

The Sponsor is responsible to enforce the Labor Compliance provisions of the contract including Equal Employment Opportunity and Payment of Prevailing Wages. The contractor should submit weekly payrolls to the Sponsor for review. The Sponsor should also conduct periodic interviews with contractor and subcontractor employees on the project utilizing the **ERO Field Interview Form** (located in Appendix C) and compare with submitted payrolls. All payrolls and interview forms should be kept in the project files.

To monitor the progress of its DBE program the Sponsor must keep records that identify and assess DBE contract awards, prime contractors' progress in achieving DBE subcontract goals, affirmative action efforts and report results. These records must be available upon the request of an authorized WisDOT employee and must be submitted to BEES Civil Rights and Compliance Section on a **quarterly** basis. Specifically, the Sponsor is required to maintain records showing:

- Adopted procedures that comply with the requirements of DBE commitment.
- Awards to DBEs will be measured against projected DBE awards and/or DBE goals. To assist in this effort, the Sponsor shall obtain regular reports from prime contractors on their progress in meeting contractual DBE obligations.
- List specific efforts used to identify and award contracts to BEES.
- Reports shall include and conform to appropriate information in the **Commitment to Subcontract**, contained in the Insert Package.
- Sponsor must ensure that the prime contractor forwards the completed **Commitment to Subcontract**, showing compliance with the DBE participation requirements, to BEES for review and approval. Contractor must submit paper work for DBE office for approval whether a DBE goal is included or not.
- WisDOT will not approve the **Request to Award** until the contract DBE commitment is fulfilled or a good faith waiver has been granted.
- If DBE goals are not met, the contractor must submit a good faith waiver request.
- If BEES does not approve waiver, Sponsor must reject the bid and re-let the contract.
- To award a contract to a bidder who has failed to meet DBE contract goals, the Sponsor

must determine that the competitor's efforts were those that, given all relevant circumstances, a competitor actively and aggressively seeking to meet the goals would make.

- Sponsor is encouraged to contact BEES Civil Rights and Compliance Section for assistance in making the determination of good faith efforts or for more information.
- Actual payments made to DBEs by prime contractors.

The Construction Engineer shall submit to the MC monthly progress reports noting (at a minimum) percentage completion of major items and change order work completed.

The Sponsor is responsible for making payments to the contractor as work is completed. Typically, WisDOT requires contractor payments at least every two weeks. The Sponsor must maintain all documentation regarding payments including justification and records of work completed and copies of all checks.

Refer to the C&M Manual for guidance. The C&M Manual can be found at <http://roadwaystandards.dot.wi.gov/standards/cmm/index.htm>.

Pantry Software has been developed for construction administration. It consists of customized forms or spreadsheets to use for computations, tracking or miscellaneous record keeping. Your MC can assist you in obtaining Pantry Software.

Every spring, each Region holds a Construction Conference or Training. This is an opportunity to review construction issues and address new items. Construction engineer on Federally funded projects will be invited to the conference by their local MC.

9.8 Local Force Accounts

Local Force Accounts (LFA) requires the same level of record keeping as let contracts. Sponsors who perform LFA work cannot also perform the construction administration and oversight of that work, WisDOT must remain in responsible charge and will do so by hiring a consultant contractor to perform construction oversight with the costs charged back to the project as detailed in the Project Agreement.

9.9 Contract Modifications

Often times in construction, the construction engineer will encounter field conditions (without a change in project scope) that warrant extra work and require a contract modification for additional payment to the contractor. Federal aid construction costs for Non-Traditional projects are capped at the limits of the Project Agreement for the construction phase. Regardless of the size of the contract modification, the project cap is still in place and no additional Federal funds will be awarded to the project, i.e. the cost of any contract modifications exceeding the cap is 100% Local responsibility.

Contract Modifications require approval by WisDOT prior to work being initiated. The following process is required to approve Contract Modifications.

The Sponsor or Construction Engineer must complete the **Contract Modification Prior Approval Justification** and submit to the MC. The MC will review with WisDOT to recommend approval or meet with the Sponsor to discuss alternatives. The MC will return the signed Justification, and

the Sponsor may solicit actual costs of the work from the Contractor. The Sponsor completes and signs the **Contract Modification**, has the contractor sign and returns it to the MC. The MC will obtain WisDOT approval and instruct the Sponsor to proceed with the Extra Work.

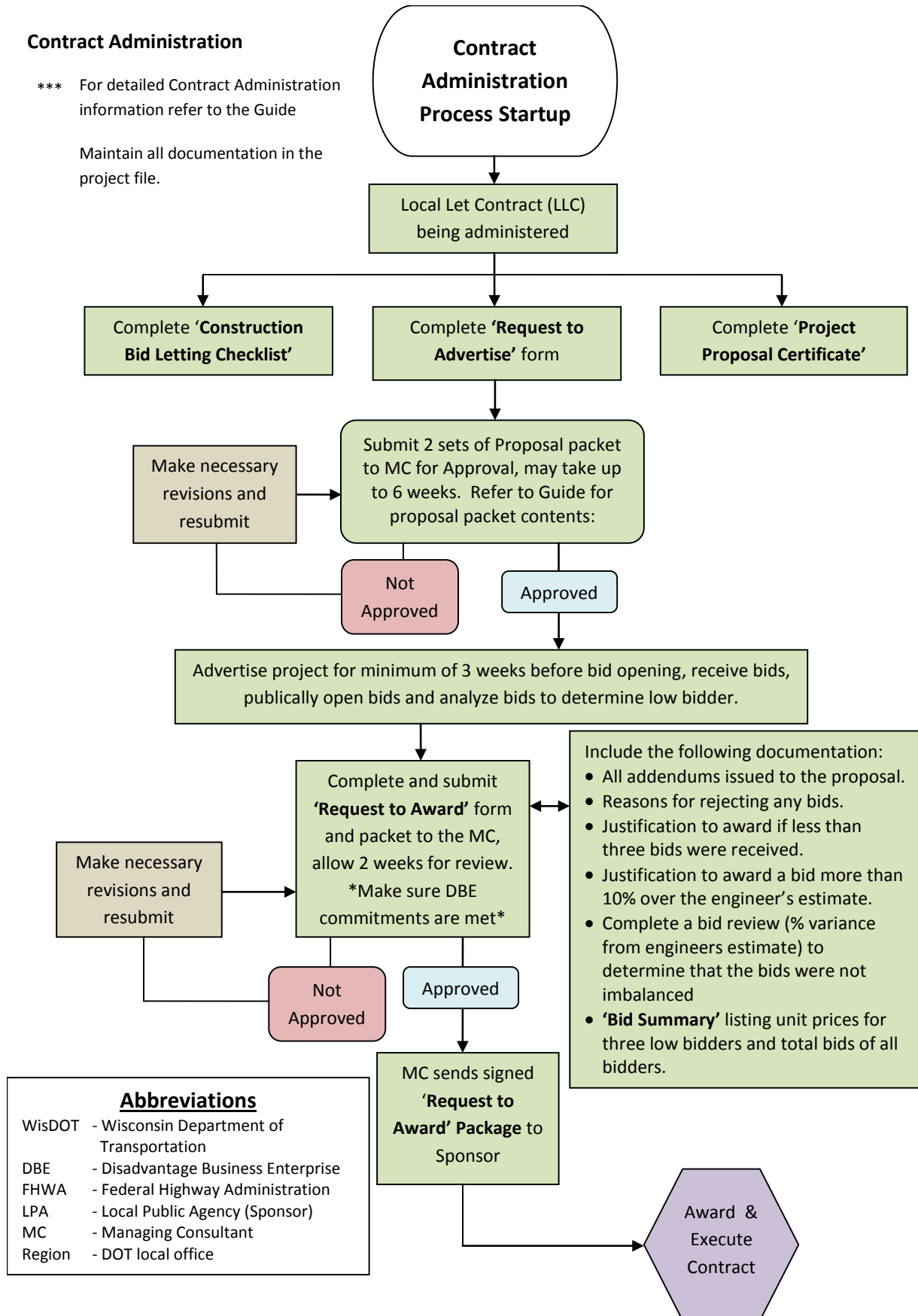
9.10 Claims

There will be no Federal participation in any contractor claims or work not necessary to completing the intent of the approved plans. A special provision may be necessary to address resolution of contractor claims, disputes, and extra work claims at the local level. If there is a dispute during the construction phase, the Sponsor should consult the MC to ensure it is resolved in a manner acceptable to WisDOT.

Contract Administration

*** For detailed Contract Administration information refer to the Guide

Maintain all documentation in the project file.



Abbreviations	
WisDOT	- Wisconsin Department of Transportation
DBE	- Disadvantage Business Enterprise
FHWA	- Federal Highway Administration
LPA	- Local Public Agency (Sponsor)
MC	- Managing Consultant
Region	- DOT local office

SECTION 10: REIMBURSEMENT

The Sponsor pays the cost of the project, and then may submit requests for reimbursement of payments made for work completed. Requests can be more frequent during major construction periods; generally three to four times a year is reasonable. Requests should only be submitted for a reasonable amount (>\$1,000) because there is a cost to process each request. For construction activities, the request should be accompanied by a Construction Estimate showing the items completed multiplied by the unit cost along with other supporting documentation, as necessary per guidance in the C&M Manual. Requests should be made with form DT 1713, ***Reimbursement Request***, see Appendix C for an example. The request must include copies of bills, evidence of payment (copy of cancelled check – front and back) and the date of payment. Clearly indicate any amounts that are not eligible for State/Federal cost participation. For non-construction activities, a similar but separate form shall be used under the ID# for Design, etc.

The MC will review the request and recommends approval to the Region.

The MC may periodically visit the project site to verify that the reimbursement requested is consistent with the work done. The MC may also check the project records to ensure that all federal and state reporting requirements are current. As the project nears completion, coordinate a final site visit with the MC to expedite completion of Punch List items.

Prior to submittal of the project's final Reimbursement Request, all required project records should be on file including DBE Certifications, Labor Compliance and supporting payrolls, Materials Certification, and any other construction administration records. The final bill can be submitted once the project is complete—the Sponsor is satisfied with the work performed by all of the contractors and subcontractors. For small projects, many communities prefer to submit only one bill at the end of the project. As noted above, be sure to include all supporting documentation and to mark your invoice **FINAL**.

The Management Consultant may review the project records for completeness. If any deficiencies are discovered in completing the review, the Sponsor will be required to correct or provide a justification. Upon successful completion of the review, the final payment will be made to the Sponsor.

SECTION 11: PROJECT COMPLETION AND CLOSE-OUT

WisDOT asks for your cooperation in closing out the project as soon as it is practical to do so. This is important because left over funds cannot be taken out of escrow until the project is officially closed. The project cannot be closed out until all contracts issued under the project have been completed and all claims have been resolved. Sponsor includes the **Project Completion Certification** as a part of the request for final reimbursement. The MC will make a visual inspection of the project site to assess whether the project has been completed in substantial conformance with the plans, specifications and intended scope of the project, as amended by approved contract change orders. For construction activities, a review of the appropriate construction documentation and adjustment of quantities, if necessary, will be conducted at this time. Upon completion of the inspection and final acceptance of the project, The MC will approve the **Project Completion Certification**, see Appendix C, and process the reimbursement request.

Project sponsors are encouraged to contact the MC for a final walk-through prior to final payment of the Contractor in order to assure that all punch list items are completed.

A Project Completion Certificate must be submitted at the completion of both design and construction of a project.

APPENDIX A:

Acronyms & Abbreviations

ABBREVIATIONS & ACRONYMS

Some of WisDOT abbreviations and acronyms are listed below:

AASHTO	American Association of State Highway and Transportation Officials
ADA /AG	Americans with Disabilities Act / Accessibility Guidelines
BBS	Bureau of Business Services-formerly Bureau of Financial Services (BFS)
BEES	Bureau of Equity and Environmental Services
BTLRRH	Bureau of Transit, Local Roads, Rails and Harbors, formerly just BTLR
BPFD	Bicycle and Pedestrian Facilities Program
C&M	Construction and Materials Manual
CFR	Code of Federal Regulations (Common Rule)
CMAQ	Congestion Mitigation/Air Quality program. (Pronounced “See Mack”)
COMM	Department of Commerce
DATCP	Department of Agriculture, Trade and Consumer Protection
DBE	Disadvantaged Business Enterprise
DNR	Department of Natural Resources
DOA	Department of Administration
DTIM	Division of Transportation Investment Management
DWD	Department of Workforce Development
EA	Environmental Assessment
ECIP	Erosion Control Implementation Plan
EIS	Environmental Impact Statement
ER	Environmental Report
FDM	Facilities Development Manual
FHWA	Federal Highway Administration
FIIPS	Financial Integrated Improvement Program System
FTA	Federal Transit Administration
ISTEA	Inter-modal Surface Transportation Efficiency Act, 1991 (Pronounced “Ice Tea”)
LFA	Local Force Account-formerly Agreed Unit Price (AUP) and Service & Supply (S&S)
LPA	Local Public Agency (Sponsor)
MC	Management Consultant
MPO	Metropolitan Planning Organization
NEPA	National Environmental Policy Act
pER	Programmatic Environmental Report
PL	Public Law
PS&E	(Construction) Plans, Specifications & Estimates.
R/E	Real Estate
RFP	Request For Proposals
R/W	Right of Way
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act-a Legacy for Users
SHPO	State Historical Preservation Office of Wisconsin
SRTS	Safe Routes to School
State PM	State Procurement Manual
STIP	Statewide Transportation Improvement Program
TE	Transportation Enhancements (different from Transportation Economic Assistance or TEA program)
TEA-21	Transportation Equity Act for the 21 st Century, 1998
TIP	Transportation Improvement Program (listing of projects published by MPO)
TrANS	Transportation Alliance for New Solutions
USC	United States Code
WEPA	Wisconsin Environmental Policy Act

APPENDIX C:

Checklists/Forms

1. [Non-Traditional Project Timeline and Milestones](#)
2. [Labor Compliance & EEO Field Interview Form](#)
3. [Preliminary Engineering Checklist](#)
4. [Initial Site Reconnaissance Checklist](#)
5. [Parcel Site Checklist](#)
6. [Right of Way \(R/W\) & Real Estate \(R/E\) Checklist](#)
7. [Local Project Utility Coordination Task List](#)
8. [Project Proposal Certificate](#)
9. [Construction Bid Letting Checklist](#)
10. [Local Let Project Contract Document Checklist](#)
11. [Local Let – Request to Advertise](#)
12. [Request to Award](#)
13. [Bid Summary](#)
14. [Commitment To Subcontract to DBE Non-Traditional Projects](#)
15. [Reimbursement Request Example](#)
16. [Reimbursement Request](#)
17. [Project Completion Certification](#)
18. [Contract Modification Prior Approval Form](#)
19. [Contract Modification](#)

WisDOT Project ID Number		Date Checklist Completed
Project Title	Hwy #/Ltr	County
Project Limits		Municipality/Local Sponsor
Project Description		Name of Person Who Prepared This Form

Non-Traditional Transportation Project Development Timeline and Milestones

Enter Date Completed

___/___/_____ **Project initialization: (From Project Agreement sent to Sponsor to design authorization): 3 months***

** 3 months is based on the project sponsor getting their approval within a month or two of receiving the project agreement*

Check when completed

Includes:

- ___ Project agreement sent to Sponsor
- ___ Sponsor approval by governing body (Common council, county Board, etc)
- ___ WisDOT processing and execution of project agreement

After receiving an approved Project Agreement, design is authorized to incur costs (although you still need to follow design protocol below)

___/___/_____ **Design contract executed—WisDOT reimbursable (2-party or three-party): Varies: 3-9 months***

** Dependent on familiarity with WisDOT contracting, scope of project, need for negotiation, timing of sponsor internal approvals and type of contract*

Includes:

For 3-party contract (Sponsor, DC, WisDOT)

- ___ Creation of RFP
- ___ Solicitation via QBS
- ___ Consultant approval by WisDOT
- ___ Scoping of the contract
- ___ Creation, negotiation and review of 3-party
- ___ Execution by DC & Sponsor
- ___ WisDOT processing & execution

For 2-party contract (Sponsor & WisDOT)

- ___ Scoping of the contract
- ___ Creation and review of contract
- ___ Execution by Sponsor
- ___ WisDOT processing & execution

After receiving Notice to Proceed, you can start design

___/___/_____ **Design: Varies: 6 months to 3 years***

*Dependent on familiarity of designer with process, if design amendments are needed, & complexity of project.

Items that add to complexity include the following:

- ___ - Railroad
- ___ - Structures
- ___ - Real estate
- ___ - Utility coordination
- ___ - WisDNR/ACOE permitting
- ___ - Multiple phases of construction
- ___ - Section 106 challenges (historic or archeological)

* Once authorized, you can submit Request to Advertise*

___/___/_____ **Request to Advertise Approval/ Construction funds authorization: 1-1.5 months**

Includes WisDOT and FHWA review, approval, processing and authorization

After receiving an approved Request to Advertise, you can advertise the project

___/___/_____ **Request to Award Approval/ Construction contract can be executed: 2-3 months**

Includes:

- ___ Advertisement of project
- ___ Opening of bids
- ___ Submittal & Approval of Request to Award

After receiving an approved Request to Award, you can execute your construction contract

___/___/_____ **Construction: Varies: 3 months to 2 years***

**Varies based on complexity, construction oversight and enforcement of project schedule, phasing, time of year when project began*

Includes:

- ___ Pre-construction meeting
- ___ Construction
- ___ Processing of contract modifications (if applicable)
- ___ Final walk-through/punch listing

____/____/____ **Reimbursement Requests (RR) & Project Completion: Varies:3 months to 2 years***

** Varies based on when RRs began & how quickly the project sponsor submits RRs and project completion cert.*

Includes:

- ____ Submission of RRs and applicable back-up
- ____ Field reviews based on the RRs & any necessary fixes in the field
- ____ Approval of Reimbursement Requests & receipt of reimbursements
- ____ Submission and approval of Project completion Certificate

When completed, project is closed. Note that this is applicable for all IDs (design, real estate, construction, etc). The sooner you complete this, the better!

From project inception to project close-out: 2 years to potentially 8 years, 4.5 months



WisDOT Local Program Labor Compliance & EEO Field Interview

Date _____

Prime Contractor _____

Sub-Contractor _____

Name _____

Race _____ Male Female

Trade or Occupation _____ If an Operator, what type _____

Type of work you do/job duties _____

Truck Driver? Yes No *If Yes*, who owns the truck? _____

Date you started on this project? _____ How much are you paid per hour on this project? _____

What is your hourly base rate of pay (exclusive of fringe benefits)? _____

Is the company you work for a union contractor? Yes No

If Yes, union name _____ Local # _____

If No, what benefits does the company provide? _____

Do you know where job postings are located? Yes No

Are you paid overtime after 10 hours per day? Yes No

Are you paid overtime after 40 hours per week? Yes No

Are you paid time and a half for work Saturdays, Sundays, and certain holidays? Yes No

Have you witnessed any discrimination on this project? Yes No *If Yes, explain* _____

Does your employer take any unauthorized deductions from your pay (company tools, clothing, damage to company property, etc.)?

Yes No *If Yes, explain* _____

Do you make out your own time card? Yes No Are you paid at least once a week? Yes No

Do you have any complaints concerning your job? Yes No *If Yes, explain* _____

Other comments _____

Interviewed by _____

Project Field Staff

Reviewed by _____

Sponsoring Agency

Questions, please contact Local Program Managing Consultant

Project Information or Label

PROJECT MANAGERS: Do at least **2** field interviews **per contractor**. Place completed forms in project file.

PRELIMINARY ENGINEERING CHECKLIST

WisDOT Project ID Number		Date Checklist Completed
Project Title	Hwy #/Ltr	County
Project Limits		Municipality/Local Sponsor
Project Description		Name of Person Who Prepared This Form

The project Sponsor should complete this checklist and review with the Management Consultant and the designer at the beginning of the project. This checklist will help make sure the Plans, Specifications, and Estimates (PS&E) and other contract documents are developed in accordance with the program guidelines. **Send copy to the Management Consultant.**

1. **Does the proposed project involve construction activities (e.g. grading, paving, painting, structural improvements, landscaping, etc.)?**
 - NO**
 - YES** Plans, Specifications and Estimate must be completed and signed and sealed by a Professional Engineer or Architect. Designs must comply with all applicable Federal, State and local standards and codes. Bicycle projects should conform to American Association of State Highway & Transportation Officials (AASHTO), Guide For Development of Bicycle Facilities and must conform to the WisDOT Facilities Development Manual (FDM).

2. **Will consultant engineering or architectural services be utilized for project design or construction?**
 - NO**
 - YES** Selection process for contractual construction engineering or architectural services (as defined in *23 CFR 172*) on all three-party contracts will be in accordance with the "Brooks Bill" (*Public Law 92-582, 86 Stat. 1278* (1972), *40 USC 541*). FDM 8 provides a discussion and a sample short form for Federally funded contracts that can be used by the Sponsor and modified as necessary to fit the project.

3. **Does the proposed project involve the acquisition of Real Estate (e.g. land, easements, structures, etc.)? Reference:** FDM 12 & 15 and Right of Way Acquisition Guide for Local Public Agencies.
 - NO** Complete the Certificate of Right-of-Way. Note that regardless of land acquisition, the certificate must be submitted for each project.
 - YES** Complete the Right-of-Way Checklist and appropriate documentation provided in the references above. The checklist is found in the Part V: Land Acquisition. \

4. **Does the proposed project require adjustments to existing utilities? Reference:** FDM 18
 - NO**
 - YES** Coordination must be made with the affected utility companies and development of appropriate documentation is required.

5. **Does the proposed project affect or come within 1,000' of an abandoned or existing railroad right-of-way? Reference:** FDM 17
 - NO**
 - YES** Immediately contact the Management Consultant. Coordination must be made with the affected railroad company to obtain their concurrence, acceptance of construction proposals and their cooperation in changing or adjusting railroad facilities in a timely manner to accommodate the proposed project.

6. **Will the proposed project be constructed in accordance with the WisDOT Standard Specifications for Road and Bridge Construction and/or WisDOT Standard Special Provisions? Reference:** WisDOT Standard Specifications for Road And Bridge Construction

- NO** Non-WisDOT specifications may be used for non-highway related work by incorporating them into the contract documents by reference as a special provision, provided they are national, State or industry recognized standard specifications and do not conflict with Federal laws or regulations. Part I of WisDOT Standard Specifications For Roads and Bridges is to be specified in all contract language.
- YES**

7. Will the proposed project specify proprietary products?

- NO**
- YES** Propose a Proprietary Product Justification to the Management Consultant stating why the proprietary product is necessary, or incorporate language (generally list of 2 alternatives) allowing the use of approved equal materials into the contract specifications.

8. Will the proposed project include the use of warranties in the contract? Ref.: FDM 19-15-3

- NO**
- YES** Sponsor must work with the Management Consultant to contact the Office of Construction to determine compliance with industry standards.

9. Will the proposed project involve work on State Trunk Highway (STH) right-of-way (R/W)?

- NO**
- YES** Contact Region Maintenance Section to obtain a permit to conduct work on STH R/W.

10. The Uniform Purchasing Procedure was followed for the purchase of the property for the project?

- NO** What year was the land purchased?
- YES** It was purchased in what year? _____
- N/A** (If land was purchased more than 10 years before the grant application was submitted)

11. Will the proposed project involve any structures? (retaining walls, boardwalks, bridges)

- NO**
- YES** Refer to STRUCTURES section, Section 9.8 of the Guide for guidance.

12. Does the proposed project involve any equipment purchasing?

- NO**
- YES** Refer to the EQUIPMENT PURCHASING POLICY section, Section 9.13 of the Sponsor's Guide for guidance.

13. Does the proposed project still meet the project description in the Project Agreement?

- NO** Contact the Management Consultant for approval of the change and updating the Project Agreement
- YES**

By signing below, I hereby certify that the above information is true and correct to the best of my knowledge.		
Signature of Sponsor's Representative	Title	Date

INITIAL SITE RECONNAISSANCE

Wisconsin Department of Transportation

WisDOT Project ID Number		Date of Form Prepared
Project Title	Hwy N°/Letter	County
Project Limits		Municipality/Local Sponsor
Project Description		Name of Person Who Prepared This Form

Part 1. Land Use “Red Flags” That Indicate Potential for Hazardous Materials. Several land uses currently or formerly involved operations, processes, or activities that have the potential to generate hazardous wastes. Also of concern are land uses that have on-site chemical or fuel storage facilities. **Place a check mark next to any of the following activities that have been undertaken on or near the project site currently or at any time in the past:**

<input type="checkbox"/> Gas stations	<input type="checkbox"/> Chemical manufacture, formulation, or processing.
<input type="checkbox"/> Repair and maintenance of motor vehicles (automobiles, aircraft, trucks, construction equipment, RVs, etc.).	<input type="checkbox"/> Chemical & petroleum product storage facilities (including above- and under-ground tanks and flammable storage rooms.)
<input type="checkbox"/> Operation or repair of printing and reproduction equipment.	<input type="checkbox"/> Electroplating and other metal manufacturing and fabricating operations.
<input type="checkbox"/> Photographic processing or printing.	<input type="checkbox"/> Analytical laboratory operations.
<input type="checkbox"/> Provision of home, industrial, or commercial pest control.	<input type="checkbox"/> Dry-cleaning and laundry services.
<input type="checkbox"/> Warehouse operations.	<input type="checkbox"/> Cosmetic manufacturing or processing.
<input type="checkbox"/> Home, garden, pool, or agricultural supply manufacturing.	<input type="checkbox"/> Textile mfg. (including fabric dyeing and finishing).
<input type="checkbox"/> Manufacture, refinishing, or stripping of furniture or wood products.	<input type="checkbox"/> Manufacture, formulation, or processing of pesticides or agricultural products or chemicals.
<input type="checkbox"/> Chemical treatment of lawns, gardens, yards, or provision of other landscape and tree services.	<input type="checkbox"/> Metal finishing, refinishing, and etching (auto body, printed circuit board manufacturing, jewelry fabrication).
<input type="checkbox"/> Building and repair of boats.	<input type="checkbox"/> Production and repair of shoes.
<input type="checkbox"/> Paint formulation and mixing.	<input type="checkbox"/> Metal galvanizing.
<input type="checkbox"/> Drum, barrel, and tank reconditioning.	<input type="checkbox"/> Battery manufacturing, rebuilding, or recycling.
<input type="checkbox"/> Solvent recycling.	<input type="checkbox"/> Scrap metal and junk yard operations.
<input type="checkbox"/> Pressure treating or preserving of wood products.	<input type="checkbox"/> Landfills.
<input type="checkbox"/> Facilities that receive bulk deliveries of raw or processed materials	<input type="checkbox"/> Schools, auditoriums and other facilities with large heating requirements.
<input type="checkbox"/> Nursery and greenhouse operations.	<input type="checkbox"/> Waste or spent production incineration.
<input type="checkbox"/> Recycling facilities.	<input type="checkbox"/> Foundries.

Part 2. Specific physical features that may be indicators of potential contamination.

Carefully examine the site and place a check mark in the appropriate square if any of the following is observed:

<input type="checkbox"/> Unnatural, sunken or depressed areas as well as raised areas.	<input type="checkbox"/> Tanks, pits, lagoons, or ditches/
<input type="checkbox"/> Surface water plumes or sheens.	<input type="checkbox"/> Waste material piles.
<input type="checkbox"/> Raw material storage piles.	<input type="checkbox"/> Barrels or other storage containers.
<input type="checkbox"/> Security fencing and protected areas.	<input type="checkbox"/> Landfills and areas used for burning.
<input type="checkbox"/> Loading ramps and railroad staging areas.	<input type="checkbox"/> Filled areas.
<input type="checkbox"/> Pumping manifolds.	<input type="checkbox"/> Fill pipes or other pipes projecting out of the ground.

Part 3. Land surface characteristics that may indicate problems.

Carefully examine the site and place a check mark in the appropriate square if any of the following is observed:

<input type="checkbox"/> Color variations indicating differences in soils or stained soils.	<input type="checkbox"/> Barren soil areas.
<input type="checkbox"/> Exposed and graded soils.	<input type="checkbox"/> Obvious changes in vegetation density.
<input type="checkbox"/> Drainage patterns bringing drainage from off-site.	<input type="checkbox"/> Dead trees and shrubs.
	<input type="checkbox"/> Barren vegetation adjacent to live vegetation.

Part 4. Building features and equipment that may indicate problems. Carefully examine all existing buildings on the site and place a check mark in the appropriate square if any of the following is observed:

<input type="checkbox"/> Asbestos-containing materials, such as pipe insulation, ceiling or floor tile, transit board, sprayed-on fireproofing, etc.	<input type="checkbox"/> Electrical transformers.
	<input type="checkbox"/> Floor drains.
	<input type="checkbox"/> Hydraulic equipment.

By signing below, I hereby certify that the above information is true and correct to the best of my knowledge.

Signature of Sponsor’s Professional Engineer or Architect (or Designated representative if Non-Construction Project)	Title	Date
--	-------	------

PARCEL RECONNAISSANCE CHECKLIST

Wisconsin Department of Transportation

WisDOT Project ID Number		Date of Form Prepared
Project Title	Hwy N ^o /Letter	County
Project Limits		Municipality/Local Sponsor
Project Description		Name of Person Who Prepared This Form
Property Address		Owner Address (If Different)
Will This Parcel Be Purchased? <input type="checkbox"/> YES <input type="checkbox"/> NO		Current Land Use
Will Excavation Be Done On This Parcel? <input type="checkbox"/> YES <input type="checkbox"/> NO		Previous Land Use
Will Utilities On this Parcel Be Relocated? <input type="checkbox"/> YES <input type="checkbox"/> NO		Adjacent Land Use
Will Easements Be Obtained for This Parcel? <input type="checkbox"/> TEMPORARY <input type="checkbox"/> PERMANENT <input type="checkbox"/> NONE		Comments
Are there any Underground Storage Tanks on this Parcel? <input type="checkbox"/> YES <input type="checkbox"/> NO		Is there evidence of contamination? <input type="checkbox"/> YES <input type="checkbox"/> NO
Are there any Above Ground Storage Tanks on this Parcel? <input type="checkbox"/> YES <input type="checkbox"/> NO		Is the ground surface disturbed or unnatural? <input type="checkbox"/> YES <input type="checkbox"/> NO
Are there disposal pipes, drums, etc.? <input type="checkbox"/> YES <input type="checkbox"/> NO		Are there unusual surface drainage patterns or impoundments? <input type="checkbox"/> YES <input type="checkbox"/> NO
Are there ponds, basins, sumps, etc.? <input type="checkbox"/> YES <input type="checkbox"/> NO		Is there stressed vegetation? <input type="checkbox"/> YES <input type="checkbox"/> NO
Comments:		
Is there evidence of asbestos on this parcel? <input type="checkbox"/> YES <input type="checkbox"/> NO Location: Type: Source of Evidence:		Is there evidence of migration of contaminants on this parcel? Toward the existing right-of-way: <input type="checkbox"/> YES <input type="checkbox"/> NO Toward the proposed right-of-way: <input type="checkbox"/> YES <input type="checkbox"/> NO To/From adjacent property: <input type="checkbox"/> YES <input type="checkbox"/> NO
RECORDS SEARCH RESULTS		
County Assessor <input type="checkbox"/> OK <input type="checkbox"/> Possible Problem <input type="checkbox"/> Not Investigated		DWD Underground Storage Tank Records <input type="checkbox"/> OK <input type="checkbox"/> Possible Problem <input type="checkbox"/> Not Investigated
Fire Department <input type="checkbox"/> OK <input type="checkbox"/> Possible Problem <input type="checkbox"/> Not Investigated		Department of Natural Resources <input type="checkbox"/> OK <input type="checkbox"/> Possible Problem <input type="checkbox"/> Not Investigated
Plat Books <input type="checkbox"/> OK <input type="checkbox"/> Possible Problem <input type="checkbox"/> Not Investigated		Department of Transportation <input type="checkbox"/> OK <input type="checkbox"/> Possible Problem <input type="checkbox"/> Not Investigated
County Highway Department <input type="checkbox"/> OK <input type="checkbox"/> Possible Problem <input type="checkbox"/> Not Investigated		US EPA Underground Storage Tank Records <input type="checkbox"/> OK <input type="checkbox"/> Possible Problem <input type="checkbox"/> Not Investigated
Register of Deeds <input type="checkbox"/> OK <input type="checkbox"/> Possible Problem <input type="checkbox"/> Not Investigated		USGS Maps <input type="checkbox"/> OK <input type="checkbox"/> Possible Problem <input type="checkbox"/> Not Investigated
City/Village/Town Records <input type="checkbox"/> OK <input type="checkbox"/> Possible Problem <input type="checkbox"/> Not Investigated		Business Directories <input type="checkbox"/> OK <input type="checkbox"/> Possible Problem <input type="checkbox"/> Not Investigated
Aerial Photographs <input type="checkbox"/> OK <input type="checkbox"/> Possible Problem <input type="checkbox"/> Not Investigated		CERCLIS <input type="checkbox"/> OK <input type="checkbox"/> Possible Problem <input type="checkbox"/> Not Investigated
ATTACHMENTS		
<input type="checkbox"/> AERIAL / SITE MAP <input type="checkbox"/> UST REGISTRATION <input type="checkbox"/> CERCLIS LIST <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> SPILLS REPORT <input type="checkbox"/> OTHER (List)		
Name of Preparer		Design Supervisor/Project Manager
Name of Firm		Based on the above information, I recommend: <input type="checkbox"/> NO FURTHER ACTION <input type="checkbox"/> FURTHER ACTION
Signature		Signature
Date		Date

RETURN TO Management Consultant

RIGHT-OF-WAY (R/W) AND REAL ESTATE (R/E) CHECKLIST

WisDOT Project ID Number		Date of Form Prepared
Project Title	Hwy No/Letter	County
Project Limits		Municipality/Local Sponsor
Project Description		Name of Person Who Prepared This Form

NOTE: All Real Estate acquisition must be completed prior to Request to Advertise

1. *Preliminary*

- If persons or businesses are to be displaced, complete an acquisition stage relocation plan. Use of a relocation consultant is recommended. Completed plan to be submitted to Department of Commerce (COMM) for approval. If fed/state funds are in R/E then submit to WisDOT for review prior to being submitted to COMM.
- Submit parcel cost estimate (R/W Parcel Cost Estimate Form) to WisDOT for use in R/E funding authorization. Do not incur costs until you have authorization. Any R/E costs incurred prior to authorization will NOT be reimbursed. R/E funding authorization is not the same as a signed project agreement.
- Read Rights of the Landowner Under Wisconsin Eminent Domain, available upon request at Department of Commerce website <http://commerce.wi.gov/CDdocs/CD-bcf-cdbg-rpr-Landowners3205.pdf>
- Complete title search.
- Draft and approve R/W Plat and Relocation Order and file with County Clerk within 20 days. Submit copies to WisDOT LPA Coordinator.
- Draft Descriptions/Deeds.
- Notify utilities.
- Identify and remove/permit encroachments.
- Obtain WisDOT approval of consultant fee appraisers, relocation assistance agent and negotiators by means of an acquisition capability statement.
- Use of DOT contracts and forms are required.

2. *Notify Owners*

- Prepare a parcel folder for each parcel acquisition.
- Send introduction letter with the brochure: Rights of the Landowner Under Wisconsin Eminent Domain to each property owner.

3. *Appraisal*

- Contract with appraiser. Contract must be approved by WisDOT LPA Coordinator when fed/state \$ in R/E.
- Furnish appraiser with:
 - R/W Plat
 - Appraisal requirement
 - Construction Plan, Profiles and Cross Sections
 - Legal Description
 - Title information for each parcel
 - List of property owners names, addresses and phone numbers
 - Appraisal Objective Review Form

4. *Waiver of Appraisal Procedure:* The Agency may attempt to negotiate without formal appraisal those parcels valued at \$10,000.00 or less. If fed/state funds in R/E, the WisDOT LPA Coordinator must approve nominal offering prices and any subsequent increases. The following steps must still be followed:

- Prepare sales study.
- Tabulate on Waiver of Appraisal form a conclusion of damages (based on the sales study) for each parcel.
- Fill out the Waiver of Appraisal Recommendation and Approval form (LPA 3041) for each nominal parcel. WisDOT must approve if fed/state \$ in R/E.
- Advise owner of his/her rights as outlined in COMM brochure.
- Owner willingly signs the Waiver of Appraisal Recommendation and Approval form, the deed easement and other necessary documents. Note: No one can condemn a nominal parcel without first going through the appraisal process.

5. *Appraisal Review.* If fed/state funds are used in R/E, WisDOT must review appraisals and approve offering prices. Submit completed Offering Price Report and Submittal form (RE 2001) and the completed Appraisal Objective Review form along with the appraisal.

- Review/approval of all appraisals is completed by qualified appraisal reviewer. Nominal payment parcels have been approved. Values concluded are uniform, consistent and complete throughout project, have been approved prior to the initiation of negotiations.

6. *Negotiation*

- Review Title Search for parties of interest and any encumbrances against the property (i.e., tax liens, judgments, etc.). These must be satisfied or cleared before payment to the owner.
- Contact owner(s) and provide to them:
 - A copy of the appraisal or Waiver
 - Offering Price Letter
 - Appraisal if over \$10,000 or Waiver not signed
 - Closing Statement
 - W-9 if appropriate
 - Statement to Construction Engineer
 - Copy of Deed and/or Easement and legal description.
 - COMM Brochure (if not given before negotiations)
 - Owner Appraisal Guidelines, if necessary
 - A copy of the plat and the Schedule of Interests form to all affected property owners
 - Tax Proration, if appropriate
- Negotiation Diary Complete
- Wait for owners to secure their own appraisal, if appropriate, explained in COMM brochure-they have 60 days from receipt of Agency appraisal. Owners should be given the Owner Appraisal Guidelines at initial negotiation call.
- Arrange for reimbursement of the owner's appraisal fee if their appraisal met the requirements outlined under Billing Instructions in the Owner Appraisal Guidelines.
- Obtain any necessary Partial Releases of Mortgage.
- Obtain a Purchase Agreement from owner if any special conditions or commitments are agreed to. Any commitments are to be reviewed and approved by the consulting Engineer and Agency. If fed/state funds in R/E, WisDOT must approve any changes in offering prices. If the acquisition changes, start entire process over.
- If the original approved offer is revised during negotiations, notify owner in writing.

7. *Closing*

- List commitments (if any) to owner.
- Secure executed deed or easement.
- Make payment to the owner.
- Record documents with the Register of Deeds including TLEs.

8. *Condemnation Procedures:* In accordance with State Statute 32.05 when an agreement cannot be reached and condemnation is necessary coordinate closely with Region LPA Coordinator. It is strongly suggested, the Agency's attorney prior to service review all condemnation documents prior to service.

- Serve a Jurisdictional Offer (J.O.) to all parties of interest. But NOT before the end of the owner's 60-day period to obtain his/her own appraisal.
- File Notice of Lis Pendens with attached copy of J.O. in the office of the Register of Deeds within 14 days of the service of the J.O.
- If the owner(s) rejects or ignores the J.O. within the 20 days provided by Statute, then prepare, approve and serve Award of Damage along with payment.
- Attempts to negotiate will continue through the J.O. period.
- Record the award with Register of Deeds after payment made to owner or to Clerk of Court.
- Do not amend an award of damages or continue to negotiate after the award is recorded.

9. *Certification*

- Forward the Local Public Agency Certificate of Right of Way Acquisition form LPA 3028 along with the WisDOT Certificate of Right-of-Way form DT 1899 to your WisDOT Region LPA Coordinator.

10. *Reimbursement:* If fed/state funds used in R/E, send completed reimbursement request with all documentation to WisDOT Region LPA Coordinator as soon as practical. NOTE: In order to receive reimbursement for property owner appraiser fees, a form "Criteria for FHWA Reimbursement of LPA Property Owner Appraisal Fees" is required as part of the reimbursement package.

11. If your project involves the relocation of a residence or business, contact your WisDOT Region LPA Coordinator.

12. If you have any questions concerning the real estate process, refer to the "Local Public Agency Right of Way Acquisition Guide" or contact your Region LPA Coordinator.

LOCAL PROJECT UTILITY COORDINATION TASK LIST

WisDOT Project ID Number		Date of Form Prepared
Project Title	Hwy N°/Letter	County
Project Limits		Municipality/Local Sponsor
Project Description		Name of Person / Firm Who Prepared This Form

These procedures are recommended on projects that do NOT involve a STH.

- Identify utility companies with facilities within the project area.
- Send project notification letter and exhibits to all utility companies with a potential for facilities in the project area. Ask them to verify that they have facilities in the area and also request utility system maps for the project area.
- Field locate utility facilities in project area. ***DO NOT DEPEND ON SYSTEM MAPS FOR LOCATIONS!!!*** Facilities must be field located.
 - DO NOT remove manhole covers to determine flow line elevations and pipe sizes.
 - Expose existing utility facilities and obtain elevations (pothole) at the following locations____. **Note: This will have to be coordinated with the utility.**
- Show existing utility facilities on plat, plans, and cross sections. (Horizontal location only, unless a survey crew has obtained elevations.)
- Identify potential utility conflicts and report them to the utility. The utility is ultimately responsible for determining conflicts but the highway designer is more familiar with the project and is best suited for determining the initial list of potential conflicts.
- Invite utilities to Operational Planning Meeting.
- Invite utilities to all Public Information Meetings.
- Hold ____ utility coordination meetings on the project. These meetings will be held at the ____ and ____ stage of the project.
- Draft utility release of rights documents. (Conveyance of Rights in Land, Quitclaim Deed, or Temporary Highway Easement forms)
- Consultant or local unit of government (select one) will obtain and record signed conveyance documents.
- Send a copy of the plans that are sufficiently complete to allow for the relocation or adjustment design of utility facilities along with a cover letter explaining the project and notifying the utility of any sensitive areas in the project area.
- Consultant or local unit of government (select one) will send notice of reimbursable work to the utilities.
- Review utility relocation / adjustment plans, approve plans or return with recommendations for corrective actions if required.
- Send Plan Approval and/or Start Work Notices to utility companies for their relocations or adjustments.
- Write “utility” section of the special provisions and revise as needed based upon information provided by the utilities.
- Prepare the Utility Status Report (Form DT1080) as part of the PS&E submittal package. (DOT let projects)
- Provide R/W staking for utilities as needed. R/W staking need only is done in the areas requested by the utility, not the entire project. Assume this will be done ____ times.
- Consultant or local unit of government (select one) will negotiate reimbursable work utility contracts.
- Provide ____ size plans and plats, ____ size cross sections, in paper or electronic format (.dgn files) to all utilities. Assume ____ utilities will need copies.
- Provide utilities with revised plan sheets with any changes from previous plans indicated, as required.

- Review utility permits for compatibility with highway project design and recommend corrective action if necessary.
- Send a final (reduced size) plan set and copy of the “Utility” portion of the Special Provisions to each utility with facilities in the project area just prior to, or soon after, the final PS&E submittal.
- Follow-up on status of utility relocations between PS&E submittal and the Pre-construction meeting.
- Conduct Pre-Bid Utility Meeting for potential bidders to discuss utility relocations and utility coordination during construction.
- Attend pre-construction meeting to discuss current status of utility relocations.

PROJECT PROPOSAL CERTIFICATE

WisDOT Project ID Number		Date of Form Prepared
Project Title	Hwy N ^o /Letter	County
Project Limits		Municipality/Local Sponsor
Project Description		Name of Person / Firm Who Prepared This Form

The Engineer's Estimate (without contingencies) for this project is: _____

The contractor pre-qualification for this project is: _____

The Unit prices are based on: _____

The proposal Guaranty for this project is: _____

The DBE goal assigned to this project is: _____

Starting date _____ Completion Date _____

In addition to the owner of the facility, the Sponsor and WisDOT, additional insurance is provided for: _____

The proposal includes the following work that is non-Federal participating:

The plans for this project have been developed in accordance with the following references listed in the checklist. List the guidelines that were used.

The Engineer for the project has developed the following special provisions. (Maintenance of Traffic, etc.) Please list.

List any Exception/Variation to the Wisconsin Bicycle Facility Design Handbook that were required and the date approved.

List any project changes from the project application and the date approved.

The project is in the TIP/STIP or is an amendment to TIP/STIP (circle the appropriate case). See website: <http://www.dot.wisconsin.gov/localgov/highways/stip.htm>

Answer the following by checking either "YES", "NO" or "N/A" as appropriate.

- | YES | NO | N/A | |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The project incorporates current WisDOT Standard Specifications for Road & Bridge Construction except as modified by special provision or supplemental specification. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The project limits are free of railroads that require work. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | All necessary arrangements have been made with the railroad company (ies) to accommodate this project. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Environmental Document has been completed for this project and approved by Region. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | In terms of the environmental review, if an EIS or EA was required (only upon notification from Region), the appropriate documentation has been completed and approved. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If required by the Environmental Document process, the State Historical Preservation Officer (SHPO) has reviewed the project. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | All required DNR and Corps of Engineers Permits have been secured and are provided with this form. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If required for construction, a WisDOT permit to perform construction on STH right-of-way has been secured. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | If applicable, any mitigation measures required in the permit or review process has been accommodated in the plans. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The right-of-way certification for this project has been completed, signed and submitted. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | WisDOT insert package of Federally required special provisions in form FHWA-1273 have been included in the contract proposal. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | DBE requirements are in the bid proposal. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | This project has no effect on any utilities. |

If applicable, the following utilities are affected by this project and provisions have been made in the plans to relocate them:

If applicable, the following utilities are affected by this project and necessary coordination has been completed to have them relocated prior to construction:

Based on the above criteria and a general review of the contract documents, this project complies with applicable Federal and State requirements.

Sponsor's Professional Engineer's Signature

Title/Seal

Date

Name (clearly printed)

WisDOT Signature

Title

Date

RETURN TO Management Consultant

CONSTRUCTION BID LETTING CHECKLIST

WisDOT Project ID Number		Date of Form Prepared
Project Title	Hwy N ^o /Letter	County
Project Limits		Municipality/Local Sponsor
Project Description		Name of Person / Firm Who Prepared This Form

1) Will the proposed project use Local Forces to complete the construction activity?

NO

YES Sponsor see <http://www.dot.wisconsin.gov/localgov/localforce/index/htm> for all requirements. **Reference:** FDM 3-20-12 and 19-25-1 & 3

2) Will the proposed project be executed by a contract based on competitive bids?

NO

YES Then competitive bidding must be in accordance with both Federal and WisDOT specifications. The following Federal and State laws apply:

- **23 USC 112 (a) & (b)** and **23 CFR 635.104** requires that the actual construction work shall be performed by a contract awarded as a result of competitive bidding. Exemptions may be granted if another method can be shown to be more cost effective. (See Question 1 above), **Wisconsin S.S. 84.06(2) and/or 66.29.**
- **23 USC 112** and **23 CFR 635.112(f)** requires that the bidder submit a sworn affidavit that he/she has examined and carefully prepared the bid and that the bidder has not participated in any collusive activity or restraint of trade in connection with the bid preparation. **Wisconsin SS 66.29 (7).**

Prevailing Wages and Labor Selection: The Engineer has the responsibility of ensuring that the proper prevailing wages are included in each proposal with the higher of the wage rates paid. The proper wage rates for highway construction related activities are available from the Region. The proper wage rates for non-highway related activities are available by contacting DWD, Construction Wage Office (608) 266-3193 or their website at the following address:

http://dwd.wisconsin.gov/er/prevailing_wage_rate/rate_determinations.htm and USDOL. If the project requires the use of classes of labor for which no current determination is available, the Engineer must request a determination for the classes from both DWD and USDOL. Sufficient time must be allowed for this activity.

Determination may take as long as 60 to 90 days to be completed. Contact MC for assistance.

- **23 USC 113** and **23 CFR 635.309** requires that all laborers and mechanics employed by contractors or subcontractors shall be paid the prevailing wage as determined by the Secretary of Labor, or the prevailing wage as determined by the Wisconsin Department of Workforce Development (DWD) **Wisconsin S.S. 103.49 and 103.50.**
- **23 USC 114(b)** and **23 CFR 635.117(a)** require that no construction work on Federally aided projects may be performed by convict labor unless it is labor performed by convicts on parole, supervised release, or probation.
- **23 USC 117(e).** Addresses obligations under the Civil Rights Act of 1964 and 1968. These Acts discuss discrimination in hiring practices. The recipient of Federal funds is responsible for assuring that the provisions of these laws are met.
- **23 USC 140** and **23 CFR 635.117** requires that the selection of labor shall be without regard to race, color, religion, sex, national origin, age or handicap. Notification of non-discrimination requirements shall be included in any solicitation for bids.
- **42 USC 12101** et seq., **28 CFR 35** and **29 CFR 1630** addresses obligations under the American Disabilities Act of 1990. Requires reasonable accommodations to qualified persons with disabilities.

STAA. Section 165 and 23 CFR 635.410 requires that all steel and iron material permanently incorporated in a project shall be domestic products and all manufacturing and coating processes for these materials must have occurred within the United States. Coating includes epoxy coating, galvanizing, painting and any other coating that protects or enhances the value of a material subject to the requirements of Buy America. The exemption of this requirement is the minimal use of foreign materials if the total cost of such material permanently incorporated in the product does not exceed one-tenth of one percent (1/10 of 1%) of the total contract cost or \$2,500, whichever is greater. The cost is that of the value of the subject products as they are delivered to the project.

23 CFR 635.112 requires that on all Federal-Aid projects the advertisement and plans be available to the prospective bidders a **minimum of three (3) weeks** prior to the opening of the bids to ensure adequate review time and encourage competition. Bids shall be solicited through advertisement in statewide and local newspapers and, if appropriate, Trade Journals or pertinent internet postings.

The Sponsor shall develop the advertisement for the proposed project and include at a **minimum** the following information:

- **Federal Funding:** Information that the project is funded with federal funds shall be prominently displayed.
- **Proposal Acceptance:** Information on the date, time and location where sealed proposals will be received.
- **Proposal Guaranty:** Information on proposal guaranty requirements.
- **Plans:** Location where specifications are available and how to obtain a set of plans.
- **DBE goals** of the project.
- **Proposals:** Description of proposal request procedures.
- **Affirmative Action:** A statement on Affirmative Action requirements for the project. See FHWA form 1273 under 2.I.b.
- **Affidavit of Non-Collusion:** A statement requiring an affidavit to be filed stating that the bidder has not engaged in any collusion related to the bidding of the project. “This certifies that the undersigned bidder, duly sworn, is an authorized representative of the firm named above; that the bidder has examined and carefully prepared the bid from the plans and specifications and has checked the same in detail before submitting this proposal or bid; and that the bidder or agents, officer, or employees have not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this proposal bid.”
- **Qualifications of Bidders:** A description of the qualification requirements of prospective bidders. *WisDOT Standard Specifications for Road and Bridge Construction* Section 102.1 discusses the requirements for establishing the Competency of Bidders. Pre-qualification requirements may be waived in certain cases. Contact Region for approval to waive pre-qualification on a project.
- **General Construction:** Proposed project description including location, type of work, project ID, required guaranty, plan remittance, estimate of principal bid items, pre-qualification requirements, and contact name for further project information.

A contract insert package containing applicable Federal requirements **MUST** be incorporated into each contract and subcontract (FHWA form 1273) by the Engineer.

3) Does the proposed project agreement contain Disadvantaged Business Enterprise goals?

NO

YES Sponsor must incorporate language into the contract proposal to ensure that the DBE Program requirements are fulfilled. **Contact:** DBE Programs (608) 266-7804.

RETURN TO Management Consultant

LOCAL LET PROJECT CONTRACT DOCUMENT CHECKLIST FOR EQUAL EMPLOYMENT OPPORTUNITY, DISADVANTAGED BUSINESS ENTERPRISE AND LABOR COMPLIANCE ADDITIONAL SPECIAL PROVISIONS

This checklist was developed to assist the Local Sponsors or their Consultants assemble contracts for Non-Traditional projects

WisDOT Project ID Number		Date of Form Prepared
Project Title	Hwy N°/Letter	County
Project Limits		Municipality/Local Sponsor
Project Description		Name of Person / Firm Who Prepared This Form

CONTRACT ITEMS TO INCLUDE IN THE CONTRACT:

✓	DOCUMENT DESCRIPTION
<input type="checkbox"/>	Prominently identify the contract as a Federally funded project on a cover sheet or title page.
<input type="checkbox"/>	FHWA 1273 (form dated 3/10/94). This Federal document contains Equal Employment Opportunity, Certified Payroll language etc. and must be included if the contract has Federal funding. <i>Titled "Required Fed Provisions" on WisDOT's web site *</i>
<input type="checkbox"/>	Attachment A. Located at the end of the FHWA 1273 (applicable on contracts funded by the Appalachian Regional Development Act of 1965. Appalachian Contract Employment Preference language). <i>Titled "Required Fed Provisions" on WisDOT's web site *</i>
<input type="checkbox"/>	Notice of Required Affirmative Action (form dated 9/2002). <i>Titled "Affirmative Action" on WisDOT's web site *</i>
<input type="checkbox"/>	Required Buy American Provisions (form dated 9/2002). <i>Titled "Required Fed Provisions" on WisDOT's web site *</i>
<input type="checkbox"/>	ASP 1 On-the-Job Training (form dated 12/29/05) A pay item; usually used for projects \$500,000+ with significant labor activity. If ASP 1 is used, item numbers need to be assigned. <i>See below.</i> Insert ASP 1 or ASP 2 but NOT both! <i>Titled "ASP-1" on WisDOT's web site *</i>
<input type="checkbox"/>	Items numbers for OJT payment: Item ASP.1TOG for hours accumulated by TrANS graduates who became apprentices (\$5.00 per hour) and Item ASP.1TOA for TrANS graduate hours (\$5.00 per hour). The quantity of hours is a goal for the number of hours predicted would be appropriate to train TrANS graduates. Hours accumulated are usually paid out after project completion and for the exact amount of hours worked on the project.
<input type="checkbox"/>	Number of Trans Graduates/Apprentices filled in the ASP 1 form. The quantity predicted that would be trained.
<input type="checkbox"/>	ASP 2 On-the-Job Training (form dated 2/06) is not a pay item so there isn't a need to assign item numbers. Insert ASP 1 or ASP 2 but NOT both! <i>Titled "ASP-2" on WisDOT's web site *</i>
<input type="checkbox"/>	ASP 3 Disadvantaged Business Enterprise (DBE) (form dated 4/05). This document contains the Disadvantaged Business Enterprise program information pursuant to CFR 49 part 26. Any additional DBE language or forms placed in the contract must be consistent with CFR 49 part 26 or it must be removed or edited. <i>Titled "ASP-3" on WisDOT's web site *</i>
<input type="checkbox"/>	DBE Percentage prominently identified on the cover of the contract. This percentage is an agreed upon percentage between the municipality and WisDOT or determined by the DBE Programs Office.
<input type="checkbox"/>	DBE Commitment Form for Non-Traditional Projects (form DT1880 dated 1/07). This form is used to report the DBE firms that the Prime Contractor is subcontracting on the contract. The contractor is making a commitment regarding the DBE firms that they intend to use. This percentage of use will be included in the WisDOT statewide DBE goal. All DBE firms must be certified with WisDOT or recognized by the Unified Certification Program. The form must be submitted to WisDOT ten days after contract award. <i>Titled "DBE Commitment Form for Non-Traditional Projects" on WisDOT's web site *</i>
<input type="checkbox"/>	Attachment A. This form contains the DBE firm's confirmation of their participation in the contract. One form for each DBE firm must be submitted along with the DBE Commitment form. <i>Titled "DBE Commitment Form for Non-Traditional Projects" on WisDOT's web site *</i>
<input type="checkbox"/>	ASP 4 Prompt Payment (form dated 7/03). Applies to all projects let after March 2001. <i>Titled "ASP-4" on WisDOT's web site *</i>
<input type="checkbox"/>	ASP 5 Fuel Cost Adjustment (form dated 1/08). See WisDOT Facilities Development Manual to determine applicability. <i>Titled "ASP-5" on WisDOT's web site *</i>
<input type="checkbox"/>	WisDOT Supplemental Contract Provisions (form dated 9/04). This State document contains Prevailing Wage Rate, Certified Payroll language etc. and must be included in the contract. <i>Titled "Supplemental Required Contract Provisions" on WisDOT's web site *</i>
<input type="checkbox"/>	State Wage Rates. An application must be filled out and submitted to the Department of Workforce Development for the State Wage rates. The web site for the application is: http://dwd.wisconsin.gov/dwd/forms/erd/erd_5719_e.htm (form dated 2/07). Apply 30 days in advance for processing! Some municipalities can use their own rates if already approved by DWD.
<input type="checkbox"/>	Federal Wage Rates. These wage rates are only included in the contract if the project contains Federal funding and if the project, regardless of function, is located within an existing right-of-way of a Federal-aid highway, and/or if the project is linked to a Federal-aid highway based on proximity or impact. When it comes to wage rates, a Federal-aid highway does not include 1) local roads, 2) rural minor collectors and 3) facilities not on a highway system. The Federal wage rates are located on the following web site: http://roadwaystandards.dot.wi.gov/hcci/labor-wages-eeo/current-wage-sheets-federal/current-wage-sheets-fed.shtm . If the municipality is matching the Federal funds with other Federal funds, the federal wage rates may be required regardless of location of the project. Please contact the WisDOT Regional Office if matching Federal funds is an issue on the contract.
<input type="checkbox"/>	Notice To Bidders (form dated 2/99). This document is only placed in the contract IF both State and Federal wage rates are included. <i>Titled "Notice to Bidders" on WisDOT's web site *</i>
<input type="checkbox"/>	List of Subcontractors (form dated 2/99) or consistent local language. <i>Titled "List of Subcontractors" on WisDOT's web site *</i>
<input type="checkbox"/>	Proposal Requirements and Conditions (form dated 11/07) or consistent local language. <i>Titled "Proposal Requirements" on WisDOT's web site *</i>

<input type="checkbox"/>	Certification Regarding Debarment etc. (form dated 12/00) or consistent local language. Titled "Disbar Certification" on WisDOT's web site *
--------------------------	---

* Documents available on the WisDOT website: <http://roadwaystandards.dot.wi.gov/hcci/bid-letting/index.shtm>.

ADDITIONAL CONTRACT ITEMS INCLUDED IN THE CONTRACT: Review the contract for municipal contract documents that pertain to Equal Employment Opportunity, Disadvantaged Business Enterprise programs, local contractor payroll requirements, local wage requirements and local hiring preferences. Contact the WisDOT District Office to ensure that the local programs or requirements do not conflict with State or Federal laws. Only locals programs and requirements that are consistent with State and Federal laws can be inserted in the contracts for Non-Traditional projects.

Reviewed by: _____ Date: _____

REQUEST TO ADVERTISE - Local Let Project - Wisconsin Department of Transportation

WisDOT Project ID Number		Date of Form Prepared
Project Title	Hwy N°/Letter	County
Project Limits		Municipality/Local Sponsor
Project Description		Name of Person / Firm Who Prepared This Form

- This solicitation is:
 - A **Request for Bids** in accordance with procedures specified in the WisDOT *Standard Specifications for Road and Bridge Construction*.
 - A **Request for Proposals** in accordance with procedures specified in the Wisconsin Department of Administration *State Procurement Manual*.
- The plans and proposal for this project are those that were certified in the Project Proposal Certificate form by _____ (name) on _____ (date).
- The proposed solicitation opening will be held:
at _____ (location) at _____ (date and time).
- The proposed advertising dates are: _____
 - Please attach a copy of the proposed advertisement.
- Bids for the project will be solicited in the following ways:
 - Advertisement on Website: _____
 - Advertisement in **Daily Reporter**
 - Advertisement in _____ (name of local newspaper)
 - Advertisement in _____ (name of publication)
 - Advertisement in _____ (name of publication)
 - Courtesy copies of plans & proposal will be sent to _____ of local contractors (number)
 - Other (please describe) _____
- Any significant changes to the plans & proposal made by addendum must first be submitted to MC before being issued.
 - Acknowledged.
- Copies of all addenda issued for this project will be provided to MC.
 - Acknowledged.
- This project must not be advertised until notification to proceed is received from the MC.
 - Acknowledged.

By signing below, the Sponsor's representative certifies the advertisement and acceptance of bids/proposals will be conducted in accordance with the applicable State and Federal rules, regulations and laws.

Signature of Sponsor's Professional Engineer or Architect (or representative if Request for Proposals)	Title and/or Seal	Date
--	-------------------	------

MC attach FIIPS printout showing project is authorized.

Region Approvals

Approved By Management Consultant	Title	Date
SPO Signature Confirming Project Authorized for Charging	Title	Date

- Both approval blocks must be completed before project is advertised. Return to MC. *If the Sponsor proceeds before obtaining the appropriate authorization, the project will no longer be eligible for Federal reimbursement.***

COMMITMENT TO SUBCONTRACT TO DBE NON-TRADITIONAL PROJECTS

Wisconsin Department of Transportation

DT1880 4/2010 s.84.06(2) Wis. Stats.

Project(s): _____

Prime Contractor: _____
County: _____

Letting Date: _____
Total \$ Value of: _____
Prime Contract: _____
DBE Contract Goal: _____ %

This contract requires that a specified percentage of the work be subcontracted to a disadvantaged business enterprise and that this information be submitted within **10 business days** after the notification of contract award. Completion of the following information indicates your intent in the fulfillment of these contract requirements.

This form must be completed and returned for THIS contract. See reverse side for instructions.

A	V	NAME OF DBE SUBCONTRACTOR	TYPE OF WORK		SUBCONTRACT \$ VALUE	Government Use Only Adjusted Amounts
		SUBTOTAL DBE \$ VALUE	A (\$)		TOTAL %	
			V (\$)		TOTAL %	

A	V	NAME OF DBE SUPPLIER AND/OR MANUFACTURER (see #3 on Instructions)	TYPE OF MATERIAL		SUBCONTRACT \$ VALUE	Government Use Only Adjusted Amounts
		SUBTOTAL DBE \$ VALUE	A (\$)		TOTAL %	
			V (\$)		TOTAL %	

A	V	NAME OF DBE TRUCKING FIRM	MATERIAL HAULED	EST. # OF TON/C.Y.	EST. # OF TRUCKS REQ'D	\$ VALUE	Government Use Only Adjusted Amounts
					O= L=		
					O= L=		
					O= L=		
					O= L=		
					O= L=		
		SUBTOTAL DBE \$ VALUE	A (\$)		TOTAL %		
			V (\$)		TOTAL %		
		GRAND TOTAL DBE \$ VALUE	A (\$)		TOTAL %		
			V (\$)		TOTAL %		
			T =		TOTAL %		

I certify that arrangements have been made for the foregoing work with the listed DBE Contractors. I further understand that any willful falsification, fraudulent statement or misrepresentation will result in appropriate sanctions, which may include debarment and/or prosecution under applicable State (Trans 504) and Federal laws.

O = Owned Trucks Used on Project L = Leased Trucks Used on Project A = Assigned (DBE Conscious) V = Voluntary (DBE Neutral)	Government Use Only Approved Amounts		X (Authorized Agent) (Date) Mail to: Wisconsin Department of Transportation DBE Programs Office, Rm. 451 PO Box 7965 Madison, WI 53707-7965
	A = \$	%	
	V = \$	%	
Total = \$		%	
Signature: _____			
Date: _____			
Good faith waiver granted: Yes <input type="checkbox"/> No <input type="checkbox"/>			

Proposal Number _____

Instructions For Completing Commitment To Subcontract To DBE Form:

1. In accordance with the DBE Regulations (49 CFR part 26), WisDOT is tracking Assigned Goals for DBE's (DBE Conscious) and Voluntary Usage of DBE Firms (DBE Neutral). DBE participation reported on this form will be used to periodically adjust (DBE Conscious and DBE Neutral) components of WisDOT's overall annual DBE goal.
2. For each DBE firm listed on this form, place an "x" in the appropriate column to indicate whether it will be used to meet the Assigned Goal (A) and/or whether it is used on a Voluntary basis (V). Any achievement above assigned goals should be reported as a voluntary achievement. If you indicate that a firm will be used to meet both assigned and voluntary goals, indicate the dollar amount attributable to assigned goals and the amount attributable to the voluntary goal. Our objective is to capture all DBE achievement you generate. The following is an example:
 - a. The total contract amount is \$100,000 and the DBE goal is 10% or \$10,000 in DBE participation
 - b. If \$10,000 is the subcontract dollar value to ADBE Landscaping Co. then \$10,000 would be Assigned (DBE Conscious) and you would place an "x" in the "A" column
 - c. If \$15,000 is the subcontract dollar value to ADBE Landscaping Co. then \$10,000 would be Assigned (DBE Conscious) and you would place an "x" in the "A" column and ADBE Landscaping Co. would be listed **on the next line** for \$5,000 which would be Voluntary (DBE Neutral) and an "x" would be placed in the "V" column
3. The department will give full credit toward the DBE goal if the DBE is a manufacturer of their materials or supplies. The department will give 60 percent credit or brokerage fee set by industry's standard toward the DBE goal if the DBE is merely a supplier of these materials or supplies. It is the Prime Contractor's responsibility to [use the Bidder's List or UCP Directory](#) to find out if the DBE is considered a supplier or a manufacturer before listing them on Commitment to Subcontract to DBE form. WisDOT will apply the appropriate credit when approving the form.
4. After completing the form, if it does not indicate that the DBE goal has been met or exceeded, please complete and supply the necessary documentation on the Certificate of Good Faith Efforts form (DT1202 6/2007.)

Instructions For Completing Attachment A Form:

5. Section 26.53 (49 CFR part 26) requires written confirmation of participation from each DBE firm to be used on the contract. Please submit one copy of a completed Attachment A, Confirmation of Participation form, for each DBE firm to be used on this contract. Each form must be signed by the Prime Contractor, the hiring contractor (if applicable) and the DBE Firm specified on the form.
6. DBE crediting for the trucking industry is achieved in the following manner:
 - a. A minimum of one truck owned by the DBE must be used on the contract.
 - b. Full DBE credit is given for owned trucks and trucks leased from another DBE.
 - c. For one truck owned by the DBE firm, they can receive DBE credit for a truck leased from a non-DBE firm (one DBE truck owned = one non-DBE truck leased).
 - d. Trucks leased from non-DBE firms above the one-for-one ratio described in letter c, will be given DBE credit only for the brokerage fee charged by the DBE.
 - e. All trucks used for credit must be listed and approved on the DBE firm's Schedule of Owned/Leased Vehicles for DBE Credit and/or a WisDOT approved trucking utilization plan.

It is the Prime Contractor's and the DBE firm's responsibility to ensure that utilization of trucks and the DBE credit earned is in accordance with the above and will yield the subcontract dollar value listed on the Commitment to Subcontract to DBE form.

[If you have questions about filling out these forms, please contact the Civil Rights and Compliance Office at \(608\) 266-6961.](#)

**COMMITMENT TO SUBCONTRACT TO DBE
ATTACHMENT A**

CONFIRMATION OF PARTICIPATION

Project I.D.:	Proposal Number:
Letting Date:	Total \$ Value of Prime Contract:

Name of DBE Firm Participating in this Contract:
Name of the Prime/Subcontractor who hired the DBE Firm: <i>(list all names of tiers if more than one)</i>
Type of Work or Type of Material Supplied:
Total Subcontract Value:

<p>FOR PRIME CONTRACTORS ONLY: I certify that I made arrangements with the participating DBE firm to perform the type of work listed or supply the material indicated above for the subcontract value listed above.</p>	Prime Contractor Representative's Signature
	Prime Contractor Representative's Name (Print Name)
	Prime Contractor (Print Company Name)
	Date

<p>FOR PARTICIPATING DBE FIRMS ONLY: I certify that I made arrangements with the Prime Contractor or the Hiring Contractor to perform the type of work or supply the material indicated above for the subcontract value listed above.</p> <p>FOR DBE TRUCKING FIRMS ONLY: I certify that I will utilize, for DBE credit, only trucks listed on my WisDOT approved Schedule of Owned/Leased Vehicles for DBE Credit form and I will be utilizing the number of trucks and material hauled as listed below.</p>	Participating DBE Firm Representative's Signature
	Participating DBE Firm Representative's Name (Print Name)
	Participating DBE Firm (Print Company Name)
	Date

# Owned Trucks	# Leased Trucks	# Estimated Tons/C.Y.	Material(s) Hauled

REIMBURSEMENT REQUEST (Example)

Wisconsin Department of Transportation

DT1713 2000

WisDOT Project ID Number <i>0000-00-00</i>		Date Form Prepared <i>October 5, 1998</i>		
Project Title <i>Hinny Depot</i>	Hwy No/Letter <i>NON HWY</i>	County <i>Olingo</i>		
Project Limits <i>Corner Main Street & Olingo Rd</i>		Municipality/Sponsor <i>Village of Hinny</i>		
Project Description <i>Downtown Hinny on Rail North</i>		Name of Person Who Prepared This Form <i>Rick Rivers</i>		
Name of Contractor or Consultant <i>Amy's Heavy Construction, Ltd.</i>		How Many Previous Reimbursement Requests Have Been Made for This Project? <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> _____	Mark Here If This Is The Final Request <input checked="" type="checkbox"/>	
Quantity	Unit	Item Description	Unit Price	Amount
<i>68</i>	<i>Sheets</i>	<i>3/4" CDX Plywood for Roof,</i>	<i>25.80</i>	<i>\$1,754.</i>
<i>2100</i>	<i>Sq Ft</i>	<i>Slate Roofing, Installed</i>	<i>64.50</i>	<i>135,450</i>
<i>855</i>	<i>Lin Ft</i>	<i>Roof Gutters, Custom Color,</i>	<i>6.80</i>	<i>5,814.0</i>
<i>154</i>	<i>Lin Ft</i>	<i>Downspouts, Custom Color,</i>	<i>5.45</i>	<i>839.30</i>
<i>1</i>	<i>LS</i>	<i>Tuck pointing Masonry</i>	<i>2100.00</i>	<i>2,100.0</i>
<i>1</i>	<i>LS</i>	<i>Major Overhaul of Plumbing</i>	<i>5600.00</i>	<i>5,600.0</i>
1	Total Amount of This Request			<i>\$151,557.7</i>
2	Subtract Any Non-Participating Items Gutters at Village Hall, 229 LF @ \$6.80			<i>-</i>
3	Total Cost of Participating Items			<i>150,000.50</i>
4	Multiply By Maximum Participation (Usually 80%)			<i>x 80%</i>
5	Participating Share of This Request			<i>120,000.40</i>
6	Total Participating Amount Previously Requested			<i>110,001.60</i>
7	Add Lines 5 and 6			<i>230,002.00</i>
8	Maximum Dollar Amount of Participation on This Project (From Project Agreement)			<i>225,000.00</i>
9	If Line 7 exceeds Line 8, subtract Line 7 from Line 8 and enter amount here. If Line 7 is less than line 8, enter zero.			<i>-</i>
10	Subtract Line 9 from Line 5 and enter the amount here; this amount is owed to your agency.			<i>\$114,998.4</i>
* Participating Costs are costs eligible for State or Federal cost sharing and approved for inclusion in this project.				
WisDOT PAYMENT APPROVAL				
Date Received		Date Approved		
Indicate Type of Payment <input type="checkbox"/> Partial <input type="checkbox"/> Final		Amount Approved \$		
Signature of Region Representative		Signature of Bureau of Financial Services Representative		

Attach supporting documents and RETURN TO MC for review.

REIMBURSEMENT REQUEST

DT1713 7/2003

Wisconsin Department of Transportation

WisDOT Project ID Number		Date Form Prepared		
Project Title		Hwy N ^o /Letter	County	
Project Limits		Municipality/Local Sponsor		
Project Description		Name of Person Who Prepared This Form		
Name of Contractor or Consultant		How Many Previous Reimbursement Requests Have Been Made for This Project? <input type="checkbox"/> 0 <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> _____		Mark Here If This Is The Final Request <input type="checkbox"/>
Quantity	Unit	Item Description	Unit Price	Amount
1		Total Amount of This Request		
2		Subtract Any Non-Participating* Items		-
3		Total Cost of Participating* Items		
4		Multiply By Maximum Participation (Usually 80%)	x	%
5		Participating Share of This Request		
6		Total Participating Amount Previously Requested		
7		Add Lines 5 and 6		
8		Maximum Dollar Amount of Participation on This Project (From Project Agreement)		
9		If Line 7 exceeds Line 8, subtract Line 7 from Line 8 and enter amount here. If Line 7 is less than line 8, enter zero.		-
10		Subtract Line 9 from Line 5 and enter the amount here. This amount is owed to your agency.		
* Participating Costs are costs eligible for State or Federal cost sharing and approved for inclusion in this project.				
WIDOT PAYMENT APPROVAL				
Date Received		Date Approved		
Indicate Type of Payment <input type="checkbox"/> Partial <input type="checkbox"/> Final		Amount Approved \$		
Signature of District Representative		Signature of Bureau of Financial Services Representative		

Attach supporting documents and return this form to the appropriate Management Consultant.

PROJECT COMPLETION CERTIFICATE

Wisconsin Department of Transportation

WisDOT Project ID Number		Date of Form Prepared
Project Title	Hwy N°/Letter	County
Project Limits		Municipality/Sponsor
Project Description		Name of Person Who Prepared This Form
Name of Contractor		Date of Project Completion

Sponsor Certification

I hereby certify:

1. That the project identified above has been completed in a manner consistent with its description in the executed Project Agreement and the approved Project Proposal Certificate.
2. That all consultants, contractors, subcontractors, and local Sponsor employees have substantially fulfilled their contractual obligations to this project.
3. That if the project was a construction project, it was completed substantially in accordance with the approved plans and specifications, as may have been amended by approved contract change order(s).
4. That any and all construction-related claims known to exist as of this date, including "third-party" claims, have been resolved.
5. That the final reimbursement request has been submitted and that upon payment of this reimbursement request the project may be permanently closed to all charges.

Signature of Sponsor's Representative	Title and/or Seal	Date
---------------------------------------	-------------------	------

WisDOT Acceptance

I hereby certify that I have inspected the project listed above and determined that it has been completed in substantial conformance with the Project Agreement and the approved plans and specifications, as may have been amended by approved contract change order(s).

Signature of Region Representative	Title and/or Seal	Date
------------------------------------	-------------------	------

**Wisconsin Department of Transportation
Non-Traditional Transportation Project Implementation
CONTRACT MODIFICATION PRIOR APPROVAL JUSTIFICATION**

CONTRACT ID:	CONTRACT MODIFICATION NO:
PROJECT ID:	FEDERAL ID:
PROJECT DESCRIPTION:	COUNTY:
MANAGING OFFICE:	SPONSOR:

1. Description & need for change:
2. Consequences if this Contract Modification is not approved:
3. Alternatives considered:
4. Estimated cost:
5. Justification of price:
6. Does this change affect the contract time? <input type="checkbox"/> Yes <input type="checkbox"/> No Explanation for consideration of time: Additional Number of days: New completion date: To be determined:
7. Does this require Exceptions to the Standards? <input type="checkbox"/> Yes <input type="checkbox"/> No Explanation for consideration to the standards:

Prepared By _____
Project Sponsor Representative Date

Approved _____
Local Program Construction Management Consultant Date

Approved _____
WisDOT Local Program Project Manager Date



**NON-TRADITIONAL TRANSPORTATION PROJECT
IMPLEMENTATION PROGRAM
CONTRACT MODIFICATION**

WISCONSIN DEPARTMENT OF TRANSPORTATION

Date: 11/29/2010

Contract Modification # 1

Project ID:
Project Description:
Region:

Sponsor:
Contractor:
Region Representative:

Description of Changes:

Bid Item Increases/Decreases:

Item Number	Unit	Original Quantity	Revised Quantity	Unit Price	Total Cost Increase/Decrease	Participating Yes/No
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
Subtotal					\$0.00	

New Items:

Item Number	Unit	Original Quantity	Revised Quantity	Unit Price	Total Cost Increase/Decrease	Participating Yes/No
					\$0.00	
					\$0.00	
					\$0.00	
					\$0.00	
Subtotal					0.00	

Total Contract Increase/Decrease 0.00

Original Contract Amount: _____ \$0.00
Let amount from Bid Letting

Revised Contract Amount _____ \$0.00

Total Non-Participating Cost _____ \$0.00
Non-Participating Costs are funded by the Sponsor and are not eligible for reimbursement.

Total Participating Cost _____ \$0.00
(Subtract Non-Participating Cost from Revised Cost)
Participating Costs are costs eligible for State or Federal cost sharing and approved for inclusion in this project.

Multiply by Maximum Participating Percentage _____ 80%
(See Project Agreement; usually 80%)

Revised Participating Cost _____ \$0.00

Maximum Participating Cost _____ \$0.00
(See Project Agreement)

Recommended By:		Accepted By:
Signature of Engineer		Signature of Contractor
Approved By:		Approved By:
Signature of Sponsor		Signature of Region