

***Oregon Department of Transportation***

**Local Agency Project  
Delivery Options:  
*Funding Impacts & Scoping  
Considerations***

August 3, 2022 Bend MPO TAC Meeting  
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# Overview:

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- Introductions
- ODOT Policies on Local Agency Projects
- Disconnect between Program Development & Project Delivery
- Local Agency Certification Program Overview & Resources
- Non-Certified Local Projects Program Overview & Resources



# ODOT Policy: 3 Options for Delivery of Federally Funded Local Projects

## Exchange Funds

Local agency delivers through an approved fund exchange program

## Federal Funds

Certified local agency delivers (for itself or on behalf of a noncertified agency)

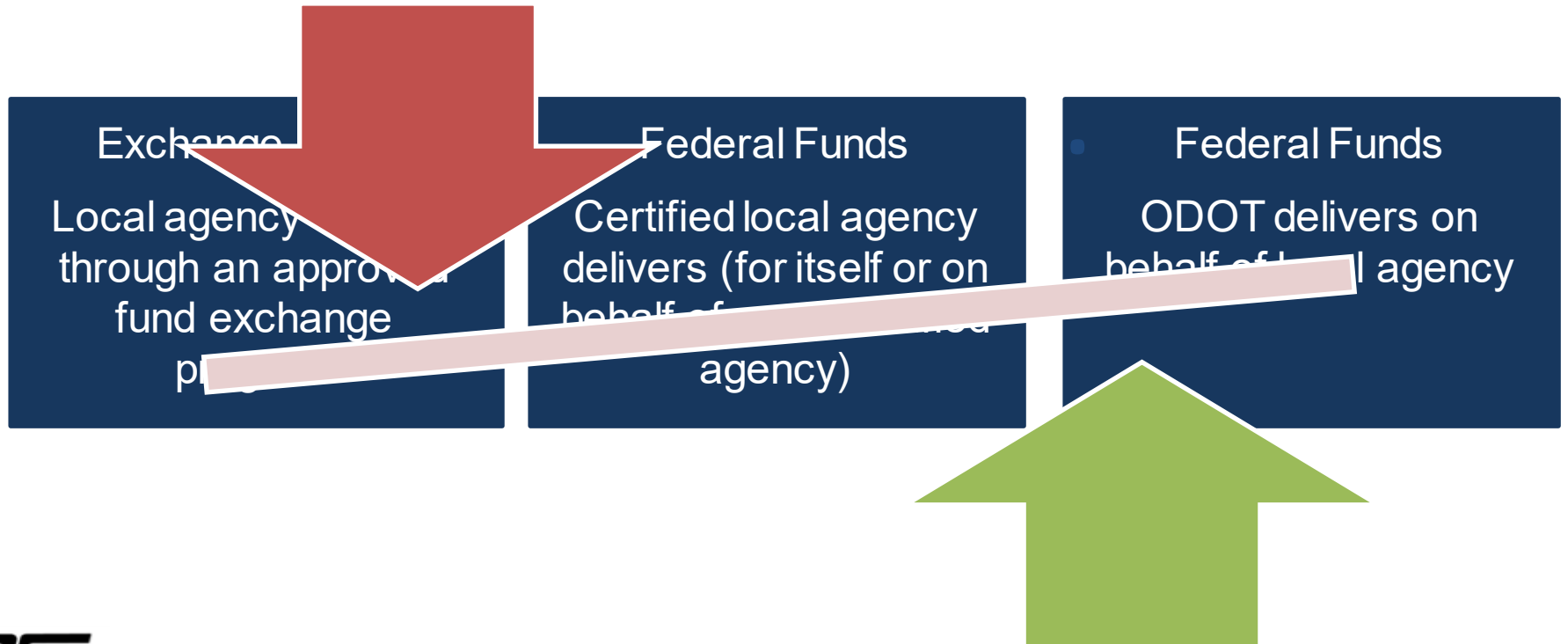
## Federal Funds

ODOT delivers on behalf of local agency





# ODOT Policy: 3 Options for Delivery of Federally Funded Local Projects





# ODOT Policy & Operational Notice 2022-01: Local Agency Delivered Projects

## Objectives:

- Enable local agency ownership, control, and accountability for local projects to the maximum extent possible while meeting stewardship and oversight obligations.
- Maximize efficiency while minimizing duplicative administrative processes through a risk-based approach to project delivery, oversight, and grant administration.
- Conserve ODOT project delivery resources to allow Department staff to focus on its responsibility of delivering State transportation projects.





# Local Agency Delivered Projects: Roles & Responsibilities



## MPOs

- Select and award projects with MPO controlled funding allocations to local agencies within their jurisdiction;
- Evaluate whether projects are delivery-ready (i.e., adequately scoped); and
- Ensure on time obligation of funding allocations.



## Local Agencies

- Identify project needs
- Apply for project funding through the MPO, ODOT, or other federal programs.
- Develop and deliver the project scope, schedule, and budget according to program requirements.



## ODOT

- For ODOT managed programs, program managers establish policy, administrative procedures, and criteria to ensure compliance with state and federal funding requirements.
- Regions provide project delivery support consistent with program policies and procedures; raise awareness of funding opportunities; and help local agencies navigate ODOT's resources.
- Depending on the program, regions may support program awards by performing site visits and participating in scoping efforts; track project scope, schedule, budget, and deliverables; but local agencies are ultimately responsible for on time, on budget delivery of projects.





# Planning & Program Development

- Phases: Planning, PE, ROW, Utility, Other, Construction
- Must meet Federal requirements
- Federal aid- Receives federal funding (FHWA) through various funding, selection, and award processes
- Project must be scoped for a feasible scope, schedule, and budget
- Prior to federal authorization a project phase must be fully funded. As project costs and schedules are refined, the STIP (and, if applicable, MTIP) must be updated.
- It is important to monitor and plan in advance for needed STIP and/or MTIP amendment approvals, as amendment timelines may impact project delivery schedules.





# Planning & Program Development

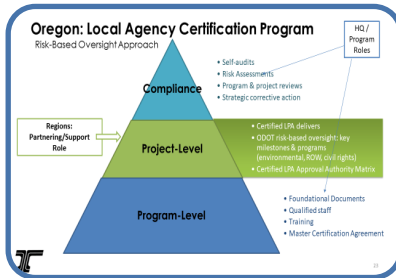
## Considerations for both Certified & Non-Certified Projects:

- Become familiar with STIP development and applicable amendment processes/timelines for STIP (and/or MTIP) changes
- Monitor project costs and timelines against the current STIP project details
- Facilitate communication between LPAs and STIP Coordinators (and MPO contacts, if needed) to help ensure all needed phases are programmed and fully funded
- Expectations:
  - Each project to be fully scoped, SCOPE/SCHEDULE/BUDGET for the entire project, not just those parts that may be federally funded
  - Project has \$1 federal funded, it's a federal aid project through all phases
  - Spending federal money on a project may have conditions, even if all federal funding is repaid
  - Federal and state law must be met, regardless if local standards are lesser than or in conflict with
  - Projects must conform to State, Regional, local transportation plans.





# What is the Local Agency Certification Program?



## Program

- FHWA approved, state administered, started early 2000s
- **Enables local agencies to deliver federal-aid transportation projects**
- Risk-based oversight by ODOT (key milestones & programs: environmental, ROW, civil rights)



## Objectives

- Delegate project delivery authority and **contracting responsibility** to the lowest practical level
- Provide accountability and assistance to ensure compliance
- Streamline administrative costs while maintaining quality





# Scope of Certification:

**Certified LPAs are required to be certified in all disciplines needed to delivery the agency's projects, generally:**

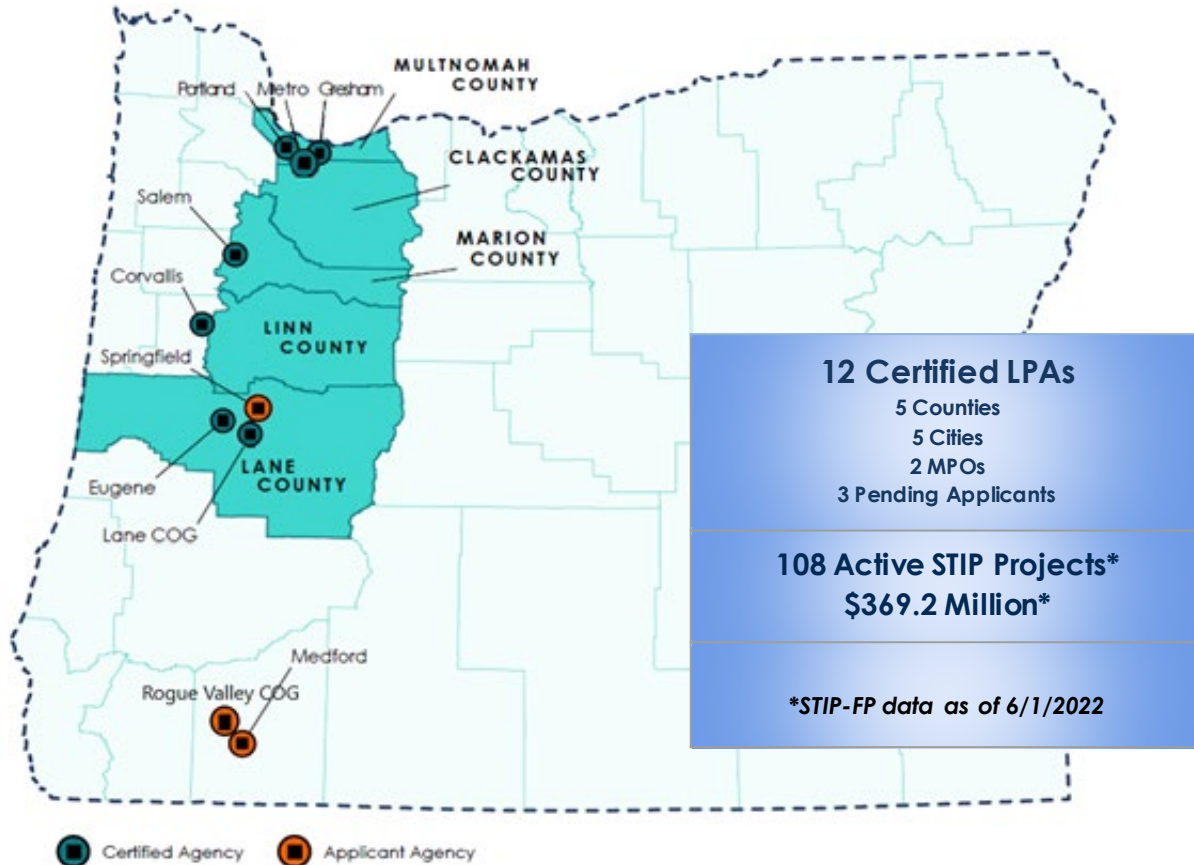
- Consultant Selection and Contract Administration
- Roadway Design (Bridge Design, optional)
- Construction Ad/Bid/Award Procedures
- Construction Contract Administration

Single-discipline certification is no longer available. However, participating MPOs receive limited certification in Consultant Selection/Contract Administration only.



# Which agencies are currently certified?

## Local Agency Certification Program Snapshot



**12 Certified LPAs**  
5 Counties  
5 Cities  
2 MPOs  
3 Pending Applicants

**108 Active STIP Projects\***  
**\$369.2 Million\***

*\*STIP-FP data as of 6/1/2022*





# Local Agency Certification:

## Foundational Documents

- Title VI Program and Plan
- ADA Title II Transition Plan
- Consultant Contracting Templates
- Construction Contracting Templates
- Quality Program Plan

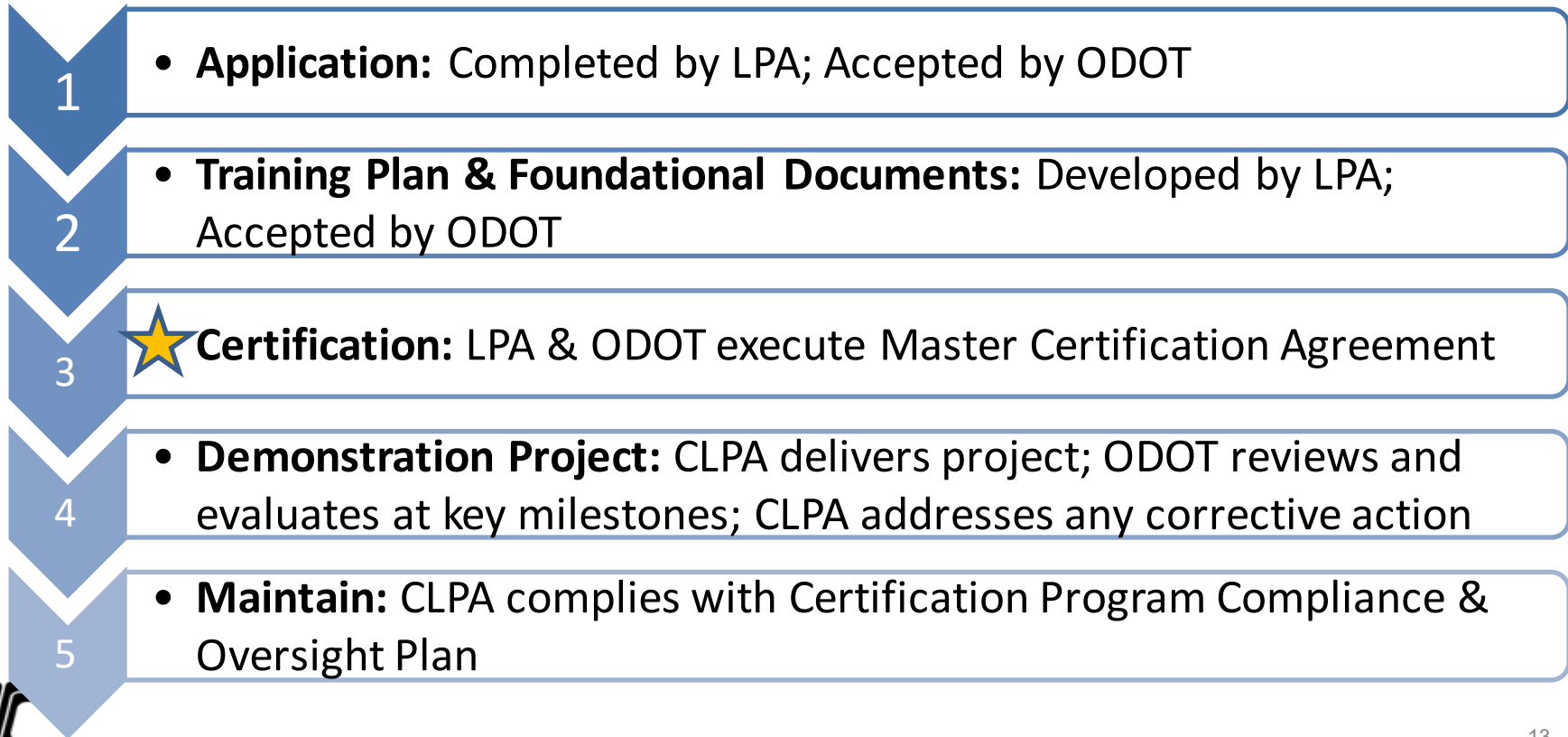
### What is the LAL's role?

- Be aware of the Certified LPA's FD status; track any impacts to project delivery approvals.
- Become familiar with your Certified LPA's QPP; review as requested.





# Local Agency Certification Process:





# Local Agency Certification:

## Demonstration Project(s)

- Upon execution of the required agreements, the Certified LPA will administer a demonstration project in accordance with federal and Program requirements.
- During the project(s), the LPA will present their processes to the CPO for review at or shortly after the following milestones as applicable:
  - Consultant Selection
  - PS&E document submittal
  - Award of construction contract
  - Completion of construction

LALs support Certified LPAs & CPO throughout the Demo Project.



# Non-Certified LPA (Local public agency) Program - Basics

- Local Agency applies for federal funding, is selected and awarded the funding, ODOT delivers on behalf of the local agency
- ODOT carries all the contracts, and administers those contracts for both A&E as well as construction (contracting mechanism)
- ODOT does not reimburse the local agency, ODOT and ODOT's consultant complete the work on behalf of the local agency (not hybrid, not a sub-recipient relationship)
- Intergovernmental agreement between ODOT and local agency

# Federally Funded

- In the STIP, must follow STIP rules
- Must meet federal requirements (ODOT Oversight):
  - Environmental (NEPA), ROW, Utility, Buy America, .....
- Standards
  - Minimum AASHTO (standards for design)
  - MUTCD with Oregon Supplement (sign, signal, traffic control etc. design standards)
  - Other depending on the funding program



# Roles & Responsibilities

- Communication/Coordination
- Keep track of funding, invoicing, and estimates
  - Recommendation for payment of invoicing and review
- Administer A&E contracts
- Manage schedule
- Manage scope
- Manage budget



# General sequence of a project

- Planning
- Scoping
- Application, selection and award
- Project entered into the STIP
- Design (beginning with consultant RFP, selection, award, execution and NTP)
- ROW and Utility
- Construction

# Resources:

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## Links:

- [ODOT Local Government Page](#)
- [SIMS Policy & Op. Notice 2022-01 - Local Agency Delivered Projects](#)
- [Local Public Agency Federal Aid Project Scoping Checklist](#)
- [Local Agency Guidelines \(LAG\) Manual](#)
- [Certification User Group Page](#)
- [ODOTCertification@odot.oregon.gov](mailto:ODOTCertification@odot.oregon.gov)
- [Metro Project Readiness & Risk Management](#)
- [Metro Project Readiness & Risk Management Cover Memo](#)





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