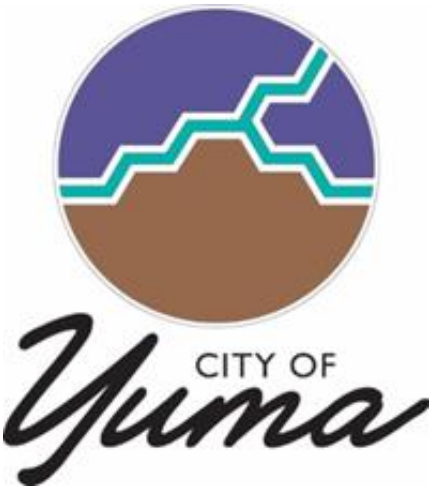

City of Yuma

Engineering Department

Certification Acceptance Program

Federal-Aid Highway Program

Project Delivery Manual

February 2024
(Revised March 2024)

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Acronyms

ADA – Americans with Disabilities Act
ADEQ – Arizona Department of Environmental Quality
ADOT – Arizona Department of Transportation
APWA – American Public Works Association
ARS – Arizona Revised Statute
ASCE – American Society of Civil Engineers
AZPR2X – Federal-aid Authorization Form
BECO – Business Engagement Compliance Office
BOS – Board of Supervisors
CA – Certification Acceptance
CAP – Certification Acceptance Program
CIP – Capital Improvement Program
CM – Construction Manager
CMAR – Construction Manager at Risk
COY – City of Yuma
DB – Design Build
DBB – Design-Bid-Build
DBE – Disadvantaged Business Enterprise
DOT – Department of Transportation
EEO – Equal Employment Opportunity
FAHP – Federal-Aid Highway Program
FIRE – Financial Integrity Review and Evaluation
FHWA – Federal Highway Administration
IGA – Intergovernmental Agreement
LPA – Local Public Agency
LTAP – Local Technical Assistance Program
MAP 21 – Moving Ahead for Progress in the 21st Century Act
MPO – Metropolitan Planning Organization
NEPA – National Environmental Policy Act
NOI – Notice of Intent
NOT – Notice of Termination
OJT – On the Job Training
PDMR – Project Management Design Review
PE – Professional Engineer
PM – Project Manager
PS&E – Plans, Specifications, and Estimates
QCL – Qualified Consultants List
RDM – Roadway Design Manual
RE – Resident Engineer
RMAP – Regional Mobility and Accessibility Plan
ROW – Right of Way

SOP – Standard Operating Procedure
SWPPP – Stormwater Pollution Prevention Plan
TIP – Transportation Improvement Program
TRB – Transportation Research Board
YMPO – Yuma Metropolitan Planning Organization

Introduction

This Federal-Aid Highway Program (FAHP) Project Delivery Manual provides information for City of Yuma personnel on the processes required for the FAHP. This manual is to be used in conjunction with the "ADOT Certification Acceptance Manual".

This manual is only applicable to Projects that have federal funding.

This Project Delivery Manual and the ADOT Certification Acceptance Manual is available online at: Project

Delivery Manual: http://yumaaz.gov/government/design-construction-management

ADOT Certification Acceptance Manual:
https://azdot.gov/sites/default/files/2019/05/certification-acceptance-manual.pdf

Certification Agreement

The Agreement between the State of Arizona and the City of Yuma for the Certification Acceptance Program is recorded in the Agreement #XX, dated X/X/XXXX.

Certification Acceptance Background

See "ADOT Certification Acceptance Manual", Certification Acceptance section for information on the background and development of the Certification Acceptance (CA) Program.

Staffing

The City of Yuma staffing plan:

Position	Individual	Responsibility
Designated Approval Authority	Dave Wostenberg	Official with the authority to formally assume responsibility for the implementation of the project development program
CA Liaison	Steve Wilson	An executive decision maker with working knowledge of the CA Program and main point of contact for ADOT.
Responsible Charge	Sam Palacios & Alex Tipton	• Civil Engineer (PE) providing administrative direction • Controls authority of engineering decisions • Approves the Plans, Specifications and Estimates for federal authorization • Civil Engineer (PE) providing construction engineering services • Approves supplemental agreements

ADA Coordinator	Robert Duffy	Designated individual directly responsible for the Agency's compliance with its ADA Transition Plan.
DBE Liaison	Madeleine Coil	Designated individual directly responsible for implementing and monitoring DBE Program activities and advising the Agency fully and properly of DBE Program Plan issues.
ROW Agent	Consultant	Designated individual directly responsible for the Agency's compliance with federal requirements for ROW activities, administration of appraisal, acquisition, and relocation activities, and preparation of the ROW Plan and ROW Clearance Letter.
Title VI Coordinator	Steve Wilson	Designated individual directly responsible for the management and administration of the Agency's ADOT-approved Title VI Program Plan.

*ADOT will contact FHWA when necessary or when the CA Agency requests FHWA involvement.

The listed individuals are the key personnel to manage the Department's federal project delivery program.

The City of Yuma Organizational Chart.

Any change in the key personnel shall be documented and an updated organizational chart shall be provided to ADOT LPA Section. The ADOT LPA section shall be notified prior to any change when possible.

Communication

Proper communication, updates, and dissemination of information between ADOT and the City of Yuma with FAHP involvement are critical to the success of the program. All communications will be with ADOT. ADOT will arrange any required meetings with the FHWA. However, the FHWA does reserve the right to contact the City of Yuma directly for various reviews and audits.

Any program related correspondence or issues will be coordinated by the City of Yuma Director of Engineering for resolution with the ADOT LPA Section. The City of Yuma Director of Engineering shall monitor the program for consistency in communication and compliance with direction from ADOT.

For correspondence related to a specific project, the City of Yuma Project Manager shall correspond directly with the ADOT Project Manager and others as required. The ADOT Project Manager will be informed of the schedule progress throughout the duration of the project. Should any delays occur in the proposed schedule for procurement, design, construction, or project completion, the ADOT Project Manager will be informed of the delay. The LPA Agency Liaison ensures communications are disseminated throughout City of Yuma.

The following requirements shall apply communications with federal, state, and local coordination of design efforts and activities associated with roadway improvement projects:

Program Specific Issues: ADOT will be notified when an issue arises that needs to be resolved. The City of Yuma will work with the ADOT LPA Section Oversight and Monitoring Manager, who will work with the ADOT LPA Section and appropriate technical teams. If an issue cannot be resolved at the lowest level, then the program-specific issue resolution matrix in the table below shall be followed to resolve the issue.

Program-Specific Issue Resolution Matrix

CA Agency	ADOT	FHWA*
Project Manager	LPA Section Oversight and Monitoring Manager	LPA Coordinator
Project Manager	LPA Section Oversight and Monitoring Manager / LPA Process Manager / Assistant State Engineer	Area Engineer/ Program Specialists/ LPA Coordinator
Director/ Assistant Director	Deputy State Engineer/ Assistant Director	Appropriate Team Leader
Director/ Assistant Director	Deputy Director of Transportation/ State Engineer	Assistant Division Administrator

*ADOT will contact FHWA when necessary or when the CA Agency requests FHWA involvement.

Project specific issues: The City of Yuma shall attempt to resolve project concerns internally and at the lowest level of responsibility. For project-specific issues that cannot be resolved internally, the City of Yuma shall promptly notify LPA Section Oversight and Monitoring Manager and the ADOT Project Manager (PM). If an issue cannot be resolved at the lowest level, then the project-specific issue resolution matrix in the table below shall be used to resolve the issue. Conflict resolution using partnering principles shall be followed.

Project-Specific Issue Resolution Matrix

CA Agency	ADOT	FHWA*
Project Manager / Resident Engineer / Agency LPA Liaison	LPA Section Oversight and Monitoring Manager Project Manager / Resident Engineer	Area Engineer/ Program Specialists
Project Manager / Agency LPA Liaison	LPA Section Oversight and Monitoring Manager / Sr. Project Manager / Resident Engineer	Area Engineer/ Program Specialists
Director/ Assistant Director	District Engineer/ Assistant State Engineer	Appropriate Team Leader
Director	Deputy State Engineer	Assistant Division Administrator

*ADOT will contact FHWA when necessary or when the CA Agency requests FHWA involvement.

City of Yuma will retain received communications for future reference within ProjectMates. Project files will be maintained in ProjectMates after the project is complete in accordance with the City of Yuma, ADOT and FHWA Record Retention Program requirements. Record retention time starts when the FHWA provides a final voucher to ADOT. ADOT will provide the final voucher date to the City of Yuma.

Training

City of Yuma staff involved with the FAHP shall receive appropriate training to ensure that they are current and up to date on all standards so as to be fully compliant with all federal requirements.

1. WHO IS RESPONSIBLE AND WHICH EMPLOYEES NEED FAHP RELATED TRAINING?

Training is considered a necessity among all staff members at all levels of responsibility. The City of Yuma Department Directors, Deputy Directors, and Division Managers within each department are responsible for determining who within their staff requires FAHP related training. Training is as follows:

- Formalized General Staff Training: When training becomes available and is offered through ADOT, FHWA or other federal or state agencies, due to shifts in policy or other reasons, attendance is offered to multiple staff and divisions to maximize participation levels to the highest degree possible.

- Topic specific Webinars and Seminars: COY staff is guided throughout the year to attend topic specific webinars and seminars to keep staff current in FAHP and other related subject matter. In addition, COY managers and staff monitor announcements and opportunities for various learning opportunities offered through the Local Technical Assistance Program (LTAP) and on-line video resources on NEPA processes provided by FHWA. Department staff also attends training opportunities through the professional organizations and conferences as they occur.

- Informal Training: Informal person to person training occurs frequently and serves as the primary method for staff development. This method primarily occurs in the form of On-the-Job Training (OJT) in which staff members are introduced to new and/or additional requirements, processes, mandates and work activities in a slower pace and more controlled environment. There are also a number of forums (monthly project manager updates, monthly project status meetings, regular project review meetings, gate meetings, bi-weekly/monthly staff meetings, etc.) that include attendees from multiple departments and divisions (traffic, finance, procurement, Project Delivery, etc.), and these meetings are used to provide updates, share information and discuss new developments and guidelines. In these situations, the less experienced staff members have the opportunity to directly work with and/or engage with the more experienced team members, as well as managers, to ask questions, and receive guidance as well as clarification.

  Departments and divisions within COY conduct regular training on items as they relate to that particular department and function (examples include Procurement and Environmental). In all training situations and opportunities, representatives returning from the training session then work within the departments to share the information with other staff and team members as appropriate via staff or team meetings.

2. <u>TRAINING TOOLS AND RESOURCES TO BE USED FOR TRAINING SESSIONS:</u>

   These include but are not limited to the following: Manuals, checklists, weblinks, video links, webinars, workshops, conferences, etc. offered by ASCE, FHWA, APWA, ADOT, and TRB. The FHWA Federal Aid Essentials website and videos are a key resource used.

3. <u>TRACKING OF FAHP TRAINING AND ATTENDEES:</u>

   Training within COY is monitored and tracked as it occurs. Supervisors provide training opportunities to staff as they are offered. Staff is also encouraged to request training from

division managers when they learn of training opportunities. Staff that has attended training is then responsible for disseminating the knowledge and skills acquired throughout the organization, so that everyone benefits.

The Assistant Director of Engineering keeps a sign in sheet and agenda of all staff that has attended training.

Reporting

The City of Yuma will follow the reporting procedures described below for information required by the Federal-Aid Highway Program (FAHP).

1. SCHEDULED REPORTING:
    - Upon request, COY will provide status reports to the ADOT LPA Section.
    - Upon request, on approximately a quarterly basis, the COY PM contacts the ADOT PM to review project progress, activities, answer questions and provide status updates. This may also be supplemented with funding and programming inquiries and status updates as well.
    - The COY Procurement Department's DBE Office provides the "Contract Award and DBE Commitment Report" to ADOT BECO on a monthly basis. This report identifies any new FHWA contract awards.
    - The COY Procurement Department provides an annual Federal-aid Highway Construction Contractors Annual EEO Report (Form FHWA-1391) to ADOT BECO by August 15th of each year in accordance with the COY Reporting Procedures.
    - By October 31st of each year, COY will submit the annual CA Agency report to the ADOT LPA Section. The report will include CA program status, CA program accomplishments, and internal assessments of project reviews, audits, and any corrective action plans.
    - On a monthly basis for each federally funded project, COY Project Manager sends a complete summary of all expenses incurred on a project and includes this along with the project monthly reimbursement request.
    - On a monthly basis for each federally funded project the COY Project Manager sends an updated construction schedule for each Federal Aid Highway Program (FAHP) to the ADOT Project Manager.
    - By August 1st of each year, the COY Title VI Coordinator will submit the annual Title VI report to the ADOT Civil Rights Office.
2. AS-REQUESTED REPORTS: The COY is committed to providing any and all project, program and summary reports as requested by ADOT. This may include recurring reports during a phase of a project, or as major milestones and updates are desired.

Planning

Long range transportation planning is conducted by the Yuma Metropolitan Planning Organization (YMPO). YMPO is the region's federally mandated metropolitan planning organization (MPO). YMPO Develops the Long Range Transportation Plan (LRTP) for long range planning and the Transportation Improvement Program (TIP) for short range planning.

Further information on YMPO's planning process is available thru their website at: https://ympo.org/

Project Initiation

The COY will initiate projects with YMPO through inclusion in a TIP before initiating project activities with ADOT. To initiate a project with ADOT, The COY will request a TRACS number and federal-aid number from the assigned ADOT project manager by sending a letter that provides key information about the project, including the following:

- Project name and limits
- Project location, length, and functional classification of the proposed or existing roadway
- Project scope
- Current year of expenditure cost estimate of the project
- Amount of federal funds being requested for development/design, ROW, and construction activities, and which fiscal year the funds will be used
- Anticipated construction bid-advertisement date
- An attachment of an excerpt from the currently adopted TIP of the MPO/COG to which the LPA belongs (this should indicate that the project has been determined eligible for FAHP funding)
- Contact information for the person in responsible charge (see Chapter 3, Self-Administration, for a full definition of this role)
- Submittal of review fee

An IGA between the COY and ADOT will be developed and executed for the project. ADOT will provide the COY with an establishment letter before eligible costs can be incurred. The COY will submit a request for reimbursement within 90 days of authorization to prevent the project from being federally inactive.

ADOT Initiation Request

An initiation request must be sent to the ADOT LPA Section for a federal project number and an ADOT project number before the project process begins. See Appendix A1- Federal Project Initiation Detailed Instructions for a list of items to include in the request.

Delivery Method

This manual is based on the typical Design-Bid-Build (DBB) delivery method. Alternative delivery methods may be used, such as Design Build (DB) or Construction Manager at Risk (CMAR). However, a separate IGA between the City of Yuma and ADOT must be approved by ADOT and FHWA for each specific alternative delivery project.

Contract Administration

Procurement of Consultant

For FAHP projects, the COY may use ADOT's list of prequalified consultants available through ADOT ECS, its own list from an ADOT-approved prequalification process. A pre-qualified firm does not represent or guarantee an award of a contract. A COY's professional service contract procurement and administration process will be an approved qualification-based selection process, requiring the consultant to provide financial information demonstrating the firm's financial viability and compliant accounting system that complies with federal acquisition regulations.

When using federal funds for FAHP projects, the COY will adhere to federal and state laws and regulations, including the Brooks Act (40 U.S.C. §§ 1101 through 1104), 23 U.S.C. § 112, 23 U.S.C. § 117, 2 C.F.R. Part 200, 23 C.F.R. Part 172, 48 C.F.R. Chapter 12, and 49 C.F.R. Part 26 during the selection, negotiation, and management of design contracts.

According to 23 U.S.C. § 112(b)(2)(D) and (E), the COY will ensure the contract and subcontracts are performed and audited according to the cost principles contained in 48 C.F.R. Part 31. The COY will conduct a final/incurred cost audit to determine contract cost allowability, allocability, and reasonableness.

A Request for Qualifications (RFQ) must be issued within 90 days of the FHWA Authorization for design.

The on-call Qualified Consultants List (QCL) Contracts shall not be used for FAHP projects.

Procurement of Materials and/or Install

The procurement of Materials and/or install shall follow the City of Yuma's *Procurement Manual.*

Contact the Procurement Department, Design and Construction Section representative for questions or further information.

Procurement of Contractor

ADOT recommends that the CA Agency use a prequalification process. 7

In accordance with 23 C.F.R. § 635.110 (c), the COY will not require that the contractor obtain a license before submitting a bid.

23 C.F.R. § 635.113 requires that all bids be received, opened, and read without regard to licensing requirements. The reading of bids reveals the apparent lowest responsive, responsible bidder. A successful responsive bidder will have 60 calendar days to obtain the proper contractor's license required by the State. If the lowest responsive bidder cannot obtain the required license, the project may be awarded to the next lowest responsive bidder who has the required license.

In accordance with 23 C.F.R. § 635.113(a), the COY will not negotiate or alter the scope of work, quantities, or pay items with contractors after the opening of bids and before contract award.

In the event of a tie between two or more bidders for the low bid, the COY will provide the ADOT PM and LPA Section written notice immediately after the bid opening. The COY will receive ADOT concurrence before award.

Failure to comply with competitive bidding requirements is a violation of federal and state laws and regulations that will jeopardize federal reimbursement.

Request for Bids (RFB) will be issued within 90 days of the FHWA authorization for construction.

At this time the use of Job-Order Contracts (JOC) is not permitted for FAHP projects.

Contact the Procurement Department, Design and Construction Section representative for questions or

further information.

Contract Provisions

Federal laws and regulations require that specific contract provisions be included in federal-aid construction contracts. The CA Agency must ensure the bid package and awarded construction contract are complete. The package includes the most current version of the following contract clauses:

- Appendix A & E of the Title VI Assurances
- ONLINE Bidders' List and email confirmation
- Breach of Contract Language
- Buy America Provisions
- Cargo Preference Act Language
- Contract Notice to Proceed, Commencement, and Completion of Work dates
- Changes and extra work and contract time and contract time extensions per 23 CFR § 635.120 and §635.121
- DBE Assurance Form 3102C
- DBE Intended Participation Affidavit (DBE Intended Participation Affidavit Individual for Subconsultant Form 3105C and DBE Intended Participation Affidavit Summary for Prime Form 3106C)
- DBE Special Provisions (EPRISE)
- Energy Efficiency Language

- Equal Employment Opportunity (EEO) Clauses:
  - Executive Order 11246 (revised 5-12)
  - EEO Compliance Reports (October 20, 2015)
  - Certification, Contracts, or Subcontracts Subject to EEO Clause (April, 1969)
  - Executive Order 2009-09
- Form FHWA-1273
- Non-collusion Provision
- On the Job Training (OJT) Special Provisions (if applicable)
- Prompt Pay and Payment Reporting Provisions
- Recovered Materials Language
- Environmental Commitments
- Termination of a Contract Language
- Wage Determination Decision
- Standard Change Condition Clause
- List of Required Job Site Posters
  http://www.fhwa.dot.gov/programadmin/contracts/poster.cfm

The COY will ensure that the contractor and subcontractors comply with federal, state, and local immigration laws and regulations, as set forth in *Arizona Executive Order 2005-30*.

Addenda

An addendum may affect the obligation of federal-aid funds. Issuing an addendum during advertisement

could have a profound impact on bid prices and the basis for bid comparisons. For any addendum, the CA Agency must notify the ADOT PM and provide justification before its release to the prospective bidders. If several changes are made through addendum, the CA Agency or ADOT may need to consider a bid extension to allow ample time for bidders to respond. All bidders will bid the project on the same basis, so that no particular advantage or disadvantage occurs to any potential bidder or the CA Agency.

The ADOT PM shall be notified of the bid advertisement and any bid addendum prior to the posting of the advertisement or addendum. This is just a notification not a request for review or authorization.

Bid Analysis

The procedures described below apply to contracts for construction services that are Federal-Aid Highway Program funded, which are solicited and administered by the City of Yuma's Procurement Division in accordance with ADOT's Local Public Agency Section (ADOT LPA) approved procedures.

- Pursuant to Title 23 CFR 635.114, FHWA construction contracts are awarded based on the lowest responsive and responsible bid submitted by a bidder. Bid analysis will be used to justify the contract award or to reject bids. All documents analyzing the bid and documentation for justification of the award or rejection of one or more bids shall be maintained in the procurement file. Award shall be within the time established by the State DOT and subject to the prior concurrence of the Division Administrator.

- For bids that indicate reasonable prices or show good competition, not all the factors need to be analyzed. However, when the low bid differs from the engineer's estimate by an unreasonable amount defined as when the low bid is either more than 110% or less than 85% of the engineer's estimate, a thorough analysis of all bids will be undertaken to justify award of a contract, and a justification memo will be prepared for approval documenting the bid analysis.

- Bid Analysis may include the following factors:
  - Comparison of bid prices for the project under review versus bid prices for similar projects.
  - Number of bids submitted;
  - Distribution or range of bids;
  - Unbalancing of bids;
  - Geographic location of the bidders;
  - Urgency of the project;
  - Current market conditions;
  - Potential savings if re-advertised;
  - Addenda issued during advertisement that may affect bid prices and the basis for bid comparison.
- Engineer's Estimate
  - An independent cost estimate for the project or procurement will be received by the Procurement Officer before a solicitation is issued.
  - Engineer's estimates will be prepared by the engineer of record on the project.
    1. The engineer estimate will contain the bid schedule line items, quantities, estimated unit prices, extended amount, and total price in order to allow for a critical review and comparison of the bids received.

2. The engineer's estimate will not be divulged during the procurement process. Projects may include a range for the estimated project cost in the solicitation document.
3. The engineer's estimate will be retained in the procurement file and will serve as the basis for bid analysis.

4. Unit Prices and Bid Amounts
    - Contractors must have the appropriate license issued by the State of Arizona Registrar of Contractors by the end of the sixtieth (60th) calendar day after bid opening. Failure to obtain this license within 60 days may result in rejection of the bid without further recourse and award of the contract to the next low responsive, responsible bidder.
    - All construction bids under this process will be bid utilizing a bid schedule consisting of line items, quantities, unit prices, extended amounts, and a total bid amount.
    - Unit prices are to include the furnishing of all materials, plant, equipment, tools, all applicable taxes, bonds, and the performance of all labor and services necessary or proper for the completion of the work, unless otherwise expressly provided in these bid documents.
    - In the event of an extension error in calculating the extended amount, the unit price bid will govern.
    - After bid opening, and before bid award, a bidder may be permitted to withdraw their bid without penalty if the bidder submits evidence, which clearly and convincingly demonstrates that a mistake was made, provided that a bid mistake is evident on the face of the bid, but the intended bid is not obvious.
    - After bid opening, and before bid award, the bid may not be withdrawn and shall be corrected to the intended bid if a bid mistake is evident on the face of the bid and the intended bid is obvious.
    - Mistakes shall not be corrected after award of the contract except where the Procurement Manager, with the written agreement of the City Administrator, makes a written determination that it would be unconscionable not to allow the mistake to be corrected.
    - If correction or withdrawal of a bid after bid opening is permitted or denied under paragraphs (v), (vi), or (vii) above, the Procurement Manager shall prepare a written determination showing that the relief was permitted or denied under these provisions.
    - Each bid will be compared to all the contractors bid unit prices received and to the engineer's estimate.
    - The City reserves the right to reject a bid as non-responsive if the prices bid are materially unbalanced between line items. A bid is materially unbalanced when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly overstated or understated and there is a reasonable doubt that the bid will result in the lowest overall cost to City, even though it may be the low evaluated bid. In the event unit bid prices are materially unbalanced, the unit bid prices will be evaluated.

Disadvantaged Business Enterprise (DBE) & On the Job Training (OJT)

The City of Yuma Procurement Department and ADOT BECO will determine the DBE goal and OJT goal for each Contract. The DBE determination will be in accordance with the City of Yuma Procurement Department *DBE Goal Setting/Monitoring/Compliance Procedures for FAHP*. The PM shall provide COY Procurement the cost estimate or appropriate cost information in the format requested by procurement for determination of the DBE & OJT goals.

The COY Procurement Department shall inform ADOT BECO in writing prior to any replacement or termination of a DBE Subcontractor.

Claims

The ADOT PM must be informed of any Contract Claim or dispute and kept informed throughout the negotiation and resolution. All claims must be settled before final acceptance.

Contract

See Appendix A2 – Contract Provisions Checklist for a list of all items that need to be included in the Contract.

Supplemental Agreements

The ADOT PM shall be notified of any changes to either consultant or contractor contracts through amendment or Change Orders. Any change to the construction contracts the "ADOT Change Order Approval Process for Local Public Agency Project" must be followed.

https://www.azdot.gov/docs/default-source/local-public-agency/adot-ca-change-order-process

Contract Termination

Should a contract need to be terminated for any reason, the ADOT PM must provide concurrence before any contract termination is executed. If a DBE contractor is terminated COY Procurement shall inform ADOT BECO in writing prior to the termination.

Project Development

Design Authorization

A written request for federal authorization for design must be sent to the ADOT PM. The request shall include the project end date for design. It should be noted that the end date determines the date after which no further costs are eligible for reimbursement. Therefore, the end date should be set two years beyond the anticipated design completion. Additionally, the FHWA signed Federal-Aid Project Agreement (Report: TBD) received and all three FHWA electronic signatures complete prior to starting any work associated with project tasks that are eligible for federal reimbursement. This is to verify the FHWA authorized start date. FHWA will not reimburse any costs incurred before the date of the Federal Authorization.

Scoping Document

The COY must determine and prepare the proper scoping document (i.e., scoping letter, project assessment [PA], or design concept report [DCR]) commensurate with the level of effort for each project. The scoping document refines the scope and further evaluates the total project cost, schedule, and potential design and construction alternatives, including an assessment of the clearance and permit needs identified during pre-planning. In conjunction with the preliminary scoping document, supporting technical reports (i.e., geotechnical, drainage, traffic analysis, etc.) may be required when appropriate.

Typically, the scoping document and supporting technical reports provide detailed information on the

following topics:

- Construction cost estimates
- Construction feasibility issues
- Current site characteristics
- Environmental considerations
- Geotechnical considerations
- Hydrologic and drainage conditions
- ROW Information/Land ownership
- Major project components
- Material source and supply
- Potential design alternatives
- Potential project footprint
- Traffic analysis
- Utility and railroad coordination
- Purpose of project
- Background
- Project Scope of Work
- Development Considerations
- Involvement Matrix
- Construction Schedule/Duration

The COY will submit the scoping document, supporting technical reports, and the accompanying design plans to the ADOT PM and Environmental Planning for review. The COY will approve the final scoping document and ensure a professional engineer or landscape architect registered in the State of Arizona signs and seals the final scoping document.

If the scope of work for the project changes at any time during project development, the COY may need to prepare an amendment to the MPO TIP and STIP. If an amendment is needed, the COY must notify the ADOT PM and ADOT LPA Section and contact the MPO representative for instructions on how to submit amendments to the MPO TIP and STIP.

Design

The COY will ensure a professional engineer or landscape architect registered in the State of Arizona signs and seals the final PS&E.

The plans and specifications describe the location and design features and construction requirements in enough detail to facilitate the advertising, bidding, awarding, contract control, construction, and estimation of construction costs of the project. The estimate shows the expected project cost in enough detail to provide an initial prediction of the financial obligations to be incurred by the COY, ADOT, and FHWA and allow an effective review and comparison of the bids received.

The COY will ensure NEPA approval, Right-of-Way (ROW), utility, and railroad clearances have been obtained (or necessary arrangements have been made) so as not to delay the construction contractor.

The COY will submit the final PS&E to the ADOT PM for federal authorization for construction. The federal authorization packet is required to be bid-ready. The following includes a list of items that the COY is

required to have in it.

All bid advertisement documents (PS&E, special provisions including the DBE Special Provisions (EPRISE), bid/contract) and all required federal contract provisions as found under Construction Administration, subsection Contract Provisions: ADOT Certification Acceptance Manual 28 June 2019

- The COY will submit a letter that includes a railroad, design exception, and proprietary products statements as well as specified contract time
- Clearances
    - ROW (Signed and approved by ADOT)
    - Utility and Railroad (required even when no railroad is involved in the FAHP project and can be included as a statement in the utility clearance)
- Current MPO TIP and STIP pages (showing the project name, funding year, and funding source)
- DBE Goal Assessment Notice (electronic notice sent back to the contractor)
- Financial recapitulation sheet, including a clear cost breakdown of local funds that are federally eligible and those that are not federally eligible
- Materials Quality Assurance project plan approval letter (signed and approved by ADOT)
- NEPA approval that has been validated prior to the PS&E submittal
- Period of performance, including the estimated construction schedule, and project start and end dates
- Project location/vicinity map
- Certification, PIF, or Experimental Product approval, if applicable
- Design exception approval, if applicable
- Executed IGA, if applicable
- Subprogram eligibility letter, if applicable
- Systems engineering checklist, if applicable

Design Development

The project development process is segmented into stages that follow a standardized design progression. The COY defines a phased program for completing FAHP projects as follows:
Stage I (15% Design Plans and Estimate)

Stage II (30% Design Plans and Estimate)

Stage III (60% Plans, Specifications and Estimates)

Stave IV (95% Plans, Specifications and Estimates)

Stage V (100% Plans, Specifications and Estimates)

The development/design process also includes scoping and other preliminary engineering activities, environmental documents and clearances, ROW clearances, utility and railroad clearances, and materials report clearances. These activities are needed to achieve construction-ready PS&Es

Plans, Specifications, and Estimates (PS&E)

The CA Agency must prepare and ensure a professional engineer or landscape architect registered in the State of Arizona signs and seals the final PS&E.

The plans and specifications describe the location and design features and construction requirements in enough detail to facilitate the advertising, bidding, awarding, contract control, construction, and estimation of construction costs of the project. The estimate shows the expected project cost in enough detail to provide an initial prediction of the financial obligations to be incurred by the CA Agency, ADOT, and FHWA and allow an effective review and comparison of the bids received.

The CA Agency must ensure NEPA approval, Right-of-Way (ROW), utility, and railroad clearances have been obtained (or necessary arrangements have been made) so as not to delay the construction contractor.

The CA Agency must submit the final PS&E to the ADOT PM for federal authorization for construction. The federal authorization packet is required to be bid-ready. The following includes a list of items that the CA Agency is required to have in it:

- All bid advertisement documents (PS&E, special provisions including the DBE Special Provisions (EPRISE), bid/contract), that include the following federal contract provisions:
    - o Record Retention Language
    - o Federal Immigration and Nationality Act Language
    - o Cargo Preference Act Provision in accordance with 46 C.F.R. § 381.7 (a)-(b)
    - o Certification, Contracts, or Subcontracts subject to EEO clause (April 1969)
    - o Notice of Requirement for Affirmative Action to Ensure EEO (Executive Order 11246), Rev. 4/15/1981
    - o FHWA Form 1273 (Rev. 5-12)
    - o EEO Compliance Reports (October 20, 2015)
    - o Wage Determination Decisions
    - o Title VI Assurances

- CA Agency request letter that includes a railroad, design exception, and proprietary products statements as well as specified contract time
- Clearances
    - o ROW (Signed and approved by ADOT)
    - o Utility and Railroad (required even when no railroad is involved in the FAHP project and can be included as a statement in the utility clearance)
- Current MPO TIP and STIP pages (showing the project name, funding year, and funding source)
- DBE Goal Assessment Notice (electronic notice sent back to the contractor)
- Financial recapitulation sheet, including a clear cost breakdown of local funds that are federally eligible and those that are not federally eligible
- Pavement Design Memo
- Materials Quality Assurance project plan approval letter (signed and approved by ADOT)
- NEPA approval
- Period of performance, including the construction schedule and project start and end dates
- Project location/vicinity map
- Certification, PIF, or Experimental Product approval, if applicable

- Design exception approval, if applicable
- Executed IGA, if applicable
- Subprogram eligibility letter, if applicable
- Systems engineering checklist, if applicable

Design Guidelines

AASHTO *A Policy on Geometric Design of Highways and Streets (1)* serves as the basis for design of roadways and streets in the City of Yuma and should be referenced for material not covered in this guideline. Public improvements are to adhere to the latest edition of the MAG *Uniform Standard Specifications and Details for Public Works Construction (3)* and City of Yuma *Supplement to MAG Uniform Standard Specifications and Details for Public Works Construction (4)*.

For roadways located within ADOT's jurisdiction and roadways on the NHS, the design will be based on the guidelines used by the Arizona Department of Transportation in their publication entitled *Roadway Design Guidelines (2).*

ROADWAY CLASSIFICATIONS

Classification is the process by which roadways and developments are grouped into classes according to function and character and can play an important part in transportation performance-based management. Classifications can be used to describe and track roadway system performance; set benchmarks and targets; measure outcomes for preservation, mobility, access, and safety; and identify design criteria as to how a roadway is expected to be designed (e.g., lane widths, curbing, sidewalks, right-of-way width). This chapter describes roadway and development classifications. For more detailed information on roadway classifications, refer to FHWA Federal Functional Classification Guidelines *(1)* and *Streets, Federal Highway Code (2)*.

Two distinctive characteristics between roadway classifications are mobility and access control. Arterials provide mobility for large traffic volumes with limited and spaced-out access to reduce interference. Collectors normally offer a balanced combination of mobility and access and act as the go between with arterials and local roads. Local roads emphasize access but handle low traffic volumes with direct property access.

Arterials

Arterials provide the highest level of mobility for long uninterrupted travel and generally have the higher design standards with multiple lanes. Given the level of mobility that they provide in terms of volumes (1,500 to 27,000 AADT) and speed, direct access to adjacent property is limited.

Collectors

Collectors provide a lower degree of mobility than arterials. They are designed for travel at lower speeds and for shorter distances. Unlike arterials, collector roads (150 to 6,300 AADT) may penetrate residential and commercial/industrial areas distributing traffic from the arterials to the ultimate destination for many motorists.

Local Street

Local streets are low volume (less than 700 AADT), low speed undivided roadways with no lane designation. They provide direct access to abutting properties and are not intended for use in long distance travel.

Design Exceptions

Design exceptions within the City of Yuma's jurisdiction, will follow the *AASHTO Review Guide (2)* and will be approved by the City of Yuma Director of Engineering.

For roadways located within ADOT's jurisdiction and roadways on the NHS, the design of the roadway will be based on the procedures and methodology used by the Arizona Department of Transportation publication entitled *Roadway Design Guidelines (3).* Design exceptions shall be processed in accordance with the ADOT *Guide for Review of the AASHTO Controlling Design Criteria on Existing ADOT Roadways* (2). The following 10 criteria are considered controlling for the design of projects on the NHS: Design Speed, Lane Width, Shoulder Width, Horizontal Curve Radius, Superelevation Rate, Stopping Sight Distance, Maximum Grade, Cross Slope, Vertical Clearance, and Design Loading Structural Capacity. Stopping sight distance (SSD) applies to horizontal alignments and vertical alignments except for sag vertical curves. Of the 10 controlling criteria, only design loading structural capacity and design speed apply to all NHS facility types. The remaining eight criteria are applicable only to "high-speed" NHS roadways, defined as Interstate highways, other freeways, and roadways with a design speed greater than or equal to 50 mph.

Processing a Design Exception

When a design exception is necessary, the information justifying the exception will need to be Evaluated and documented.

For design exceptions, the evaluation shall consist of the following:

- Evaluation of performance: How does the exception affect the current and planned performance of the particular feature, element and system overall? The analysis must also incorporate the risks associated with the specific variables and parameters if they differ from those projected and/or anticipated.
- Evaluation of cost: How does the exception affect the cost of the particular feature, element and overall estimate?
- Evaluation of impacts: How does the exception affect the impacts associated with the particular feature, element and overall estimate? Impact evaluation shall include but not be limited to; environmental, property and socio-economic categories.

It is important to note that for projects located on the National Highway System (NHS), any design exceptions will require notification of Arizona Department of Transportation (ADOT), followed by review and approval by Federal Highway Administration (FHWA). In addition, this federal action will subsequently require compliance with National Environmental Policy Act (NEPA) requirements and approvals, as well as other federal requirements identified.

For process deviations, these may require approval by other parties such as the City council, or City Administrator, or other departments and/or agencies. The project team shall verify appropriate approval authorities prior to finalizing any requests for process deviations.

Prior to incorporating any design exceptions or process deviations into a project, the project team shall obtain concurrence from the Transportation Department, with formal approval being obtained at the time the DCR is signed by the City of Yuma Director of Engineering.

Environmental

In accordance with NEPA (42 U.S.C. § 4321 et seq.) and other relevant environmental laws and regulations, the COY will prepare a Categorical Exclusion (CE), Environmental Assessment (EA), or Environmental Impact Statement (EIS) that includes engineering technical reports, environmental technical studies, agency coordination, and public involvement for all FAHP projects. The COY will prepare the NEPA documentation and analysis for ADOT and/or FHWA approval.

NEPA approval is FHWA's responsibility that cannot be delegated to the COY under the CA Agreement. Pursuant to Section 1318(b) of MAP-21 and 23 C.F.R. § 771.117(g), FHWA has entered into a programmatic agreement with ADOT, known as The Programmatic Agreement Between the Federal 19 Highway Administration Arizona Division and Arizona Department of Transportation regarding the Determination and Approval of Categorical Exclusion Actions for Federal-aid Highway Projects, that delegates the authority of determining and approving most CEs to ADOT. The non-delegated technical areas are Section 4(f), Section 106, air quality, and biology. All decisions, consultations, and approval related to these processes must be completed by FHWA.

Initiation

During the pre-planning of project design, the COY will conduct early coordination with ADOT Environmental Planning for a preliminary determination of the proper NEPA class of action and level of NEPA documentation needed.

For CE-level projects, the environmental review process may start during the pre-planning and continue into design. When the scoping documents (scoping letter or PA) are completed, the COY will submit the scoping documents to the ADOT PM and Environmental Planning for review of pertinent environmental information. ADOT Environmental Planning will confirm the preliminary NEPA document determination made during the pre-planning or design contract phase and provide guidance to the COY on environmental analysis.

Typically, DCRs are prepared for EA-level projects and require the development of project alternatives that will need to be analyzed during the NEPA review process. For projects requiring an EIS, ADOT and FHWA will determine jointly who will prepare the EIS.

The level of public involvement will be commensurate with the proposed action and conducted in compliance with NEPA requirements and the COY's public involvement guidelines.

NEPA Review Process

The COY will prepare the NEPA documentation. The COY will provide this documentation to ADOT Environmental Planning for approval.

For projects requiring a CE, the COY will obtain NEPA approval before proceeding beyond the 60 percent design plans. If the COY proceeds beyond the 60 percent design plans before obtaining NEPA approval, the COY must provide the ADOT PM written notice by email. Without prior approval by ADOT and FHWA, those design activities are considered "at risk" and may not be reimbursed if redesign is required.

For projects requiring an EA or EIS, the COY will obtain NEPA approval before proceeding beyond the 30 percent design plans.

After NEPA approval, ADOT Environmental Planning will send a copy of the document to the CA Agency. When the COY receives a copy of the NEPA approval, the COY may begin final design. If any part of the scope of work changes after NEPA approval, the COY will contact ADOT Environmental Planning for reevaluation.

The COY will submit subsequent design plans to FHWA through ADOT upon request of the State Historic Preservation Office (SHPO) for projects with a "no adverse effects" determination. As part of an ADOT environmental communication protocol, all parties involved in the environmental process should be included in project communications including but not limited to the Environmental Planner, ADOT Project Manager, applicable Certification Acceptance (CA) staff, ADOT technical team members, respective project consultants and/or subconsultants and any applicable internal or external stakeholders involved with the project. All environmental staff should keep their team(s) actively engaged with project status announcements. This will prevent situations from escalating due to non or miscommunication.

Environmental Commitments

Before the ADOT PM requests authorization for construction from FHWA, the COY will verify that the environmental commitments are included in the final design plans or specifications.

In accordance with 23 C.F.R. § 635.309(j), the COY will incorporate the environmental commitments into the PS&E exactly as approved in the project NEPA approval. The environmental commitments include project-specific mitigation measures, any required permits, and any required species handling guidelines. The COY will adhere to and cannot change the approved environmental commitments without prior written consent from ADOT Environmental Planning. The COY will ensure that the environmental commitments assigned to the COY and contractor are successfully implemented and documented in the project file.

After receipt of the NEPA approval, the COY will contact ADOT Environmental Planning for an assessment of any design changes as changes could trigger additional environmental analysis under NEPA. This applies to pre- and post-bid activities. After NEPA approval, design changes may require reevaluation in accordance with 23 C.F.R. § 771.129.

Environmental Compliance

The COY is responsible for preparing the environmental documentation and meeting all NEPA and other federal, state, and local environmental requirements for their projects in accordance with the same processes and procedures used for ADOT-administered projects.

Federally funded projects must comply with various federal environmental regulations including but not limited to:

- NEPA
- Council on Environmental Quality (CEQ) Regulations for Implementing NEPA
- FHWA/FTA Environmental Impact and Related Procedures
- Clean Water Act (CWA)
- Clean Air Act (CAA)

- Endangered Species Act
- Migratory Bird Treaty Act
- Section 106 of the National Historic Preservation Act (NHPA)
- Section 4(f) of the U.S. Department of Transportation Act Procedures for Abatement of Highway Traffic Noise and Construction Noise
- Resource Conservation and Recovery Act
- Title VI of the 1964 Civil Rights Act

Coordination between federal agencies applicable to a project's environmental clearance process will need to occur early in the project development process in order to define each agency's NEPA responsibilities. Thus, it is recommended that the LPA identify and notify known and potential federal agencies during the scoping phase of the project development process. Federal agencies other than FHWA could include FAA, FTA, the U.S. Environmental Protection Agency (EPA), BLM, BIA, the U.S. Bureau of Reclamation, the Corps, USFWS, and USFS.

The COY is responsible for preparing the environmental documentation and meeting all NEPA and other federal, state, and local environmental requirements for their projects in accordance with the same processes and procedures used for ADOT-administered projects.

NEPA addresses three levels of environmental impact evaluation and documentation, depending on the type of action and severity of potential environmental impacts. These include CEs, EAs, and EISs. The criteria for each level of NEPA documentation is outlined in 23 CFR 771.115 and summarized as follows:

- CEs are completed for projects that cause lesser or mitigated social, economic, or environmental impacts.
- EAs are completed for larger-scale projects that do not meet the requirements for a CE, projects that can have environmental impacts reduced through mitigation, and projects in which the significance of the environmental impact is not clearly established.
- EISs are completed for actions that significantly impact the quality of the human and natural environment.

Programmatic and Nonprogrammatic Categorical Exclusions

On June 26, 2008, FHWA and ADOT signed an Arizona Programmatic Categorical Exclusion Approval agreement, which outlines how approval authority for CEs is delegated between ADOT and FHWA. This agreement classifies CEs into two main categories: programmatic and nonprogrammatic. Programmatic actions can generally be reviewed and approved by ADOT without further approval by FHWA. Nonprogrammatic actions must be reviewed and approved by FHWA following ADOT review and approval, and may require some level of involvement by FHWA as the project is reviewed. Projects are programmatic if they meet the qualifications for a CE, and none of the conditions for nonprogrammatic status listed in the June 2008 Arizona Programmatic Categorical Exclusion Approval agreement apply. Examples of nonprogrammatic actions include but are not limited to actions that involve tribal land, actions that require

new ROW on federal land, or actions that involve "use" of properties protected by Section 4(f) of the U.S. Department of Transportation Act of 1966.

Group 1 and Group 2 Categorical Exclusions

Project types and the associated level of documentation required are detailed in two agreements between ADOT and FHWA: the Categorical Exclusion Guidelines (June 2006, or the latest version if updated since 2006) and the 2012 Update to the 2010 Operating Agreement (or the latest version if updated since 2012). For cases in which the Categorical Exclusion Guidelines and the Operating Agreement conflict, the latest version of the Operating Agreement should be used. Projects are qualified as either Group 1 CE projects or Group 2 CE projects according to the definitions and conditions found in the two agreements. ADOT EPG designates projects as either Group 1 or Group 2 according to the extent of ground disturbance. Group 1 CE projects do not involve ground disturbance and are programmatic. Required documentation for Group 1 CEs consists of a clearance memorandum (clearance memo), which is prepared by the LPA or EPG and approved by EPG. FHWA will be notified regarding the clearance memo, but FHWA approval is not required for Group 1 CEs. The clearance memo describes the project limits and scope, summarizes the potential effects of the action, and details all required mitigation measures (if mitigation is required). If the project does not cause ground disturbance but is nonprogrammatic, according to the guidelines in the 2008 Arizona Programmatic Categorical Exclusion Approval agreement, then the project requires a Group 2 CE.

Group 2 CE projects involve ground disturbance and may be either programmatic or nonprogrammatic. Documentation for Group 2 CE projects may consist of either a condensed clearance memo or a CE checklist. Supporting technical resource studies that evaluate impacts on environmental resources are also required. FHWA and ADOT developed the condensed clearance memo to streamline the environmental clearance process for projects that meet Group 2 CE guidelines but that involve only minor ground disturbance. A condensed clearance memo combines the clearance memo with a brief project evaluation of potential effects and mitigation with supporting analyses, as needed. If EPG has determined that a condensed clearance memo is sufficient for environmental clearance, it will provide the LPA with the appropriate condensed clearance memo format. Programmatic Group 2 CEs that involve more than minor ground disturbance and most nonprogrammatic Group 2 CEs require a CE checklist to document the project review. The CE checklist requires a more intensive evaluation of project impacts than the condensed clearance memo. The CE checklist template and the Checklist Completion Guidelines are available in the Categorical Exclusions section of the online EPG Guidance and Documents index. Documentation for programmatic Group 2 CEs is prepared by LPAs and reviewed and approved by ADOT. Nonprogrammatic Group 2 CE documentation is prepared by LPAs for ADOT review and requires FHWA approval. In certain cases, a condensed clearance memo may be used in place of a CE checklist for nonprogrammatic Group 2 CEs; however, the use of a condensed clearance memo will be determined by EPG and FHWA.

Environmental Assessments

An EA should be prepared for a proposed action that does not meet the criteria for a CE and that does not clearly require the preparation of an EIS. An EA may satisfy NEPA compliance or may only assist in determining whether further analysis is needed in the form of an EIS. EAs summarize the environmental scoping process and analyze all reasonable project alternatives, including a no-build alternative. They also include the results of agency coordination outlined in 23 CFR 771.111(d), which requires that agencies with jurisdiction by law or special expertise be requested to become cooperating or partnering agencies. ADOT,

in cooperation with FHWA, will determine whether federal, state, or tribal agencies should be invited to be cooperating agencies, as described under 40 CFR 1501.6.

Draft EAs, including the results of technical resource surveys, must be submitted to the ADOT project manager. ADOT EPG will review and approve the draft EA before sending it to FHWA Arizona Division for review. The draft EA will then be sent to cooperating agencies for review and then back to FHWA for final review and approval for public review. The draft EA must be approved by ADOT and FHWA before it can be circulated for a 30-day public comment period and scheduled for a public hearing. Following the public comment period, the LPA will make appropriate corrections based on any substantive comments and then will submit the final EA to ADOT. ADOT will submit final EA documentation to FHWA for review. The final EA should document compliance with all applicable federal, state, and local environmental laws, executive orders, and regulations or provide reasonable assurance that those requirements can be met.

Finding of No Significant Impact

FHWA will make a final determination of environmental impact following review of the final EA after coordination with cooperating agencies. If the EA concludes that a project will not result in significant impacts, and FHWA concurs with this finding, then FHWA will prepare a separate document called a Finding of No Significant Impact (FONSI). FHWA will provide a copy of the signed FONSI to both ADOT and the LPA. The LPA will then send the FONSI to affected federal, state, and local agencies. If FHWA reviews the EA and determines that the project is likely to cause significant impacts on the environment, the preparation of an EIS document will be required.

Environmental Impact Statements

ADOT and FHWA will determine whether a project is likely to cause significant impacts on the environment, triggering the need for the LPA to prepare an EIS. When ADOT and FHWA decide that an EIS is appropriate, FHWA will publish a Notice of Intent (NOI) in the Federal Register, initiating the EIS process.

If an EIS is required, the LPA will prepare a draft EIS, including technical resource studies, with appropriate guidance and participation by ADOT and FHWA. The draft EIS will evaluate all reasonable alternatives to the action, including the no-build alternative, and discuss why other alternatives that may have been considered were eliminated from detailed study. The draft EIS must be submitted to ADOT for review, who will forward it to FHWA Arizona Division. Following the initial review by FHWA, the draft EIS will be sent to cooperating agencies for review and returned back to FHWA for final review and approval for public review. FHWA will review the draft EIS for compliance with NEPA requirements, including legal sufficiency. Once approved by FHWA, the draft EIS will be circulated for public and agency review and comment by publishing it on the Federal Register.

After circulation of the draft EIS, the public and agency comments will be considered, which may require the LPA to conduct additional studies. The LPA will revise the information in the draft EIS accordingly and prepare a final EIS document. The final EIS will evaluate all reasonable alternatives considered and identify

the recommended alternative. Mitigation measures presented as commitments in the final EIS will be incorporated into the project. The LPA must provide a copy of the final EIS to EPA so that it can be published in the Federal Register and circulated for public and agency review and comment.

FHWA will review the final EIS and make a determination on the preferred alternative through the issuance of a Record of Decision (ROD); however, approval of the final EIS document does not commit FHWA to approve any future federal-aid request to fund the preferred alternative. FHWA will prepare the ROD, which will include the following: the basis for the decision, as specified in 40 CFR 1505.2; a summary of any mitigation measures that will be incorporated in the project; documentation of any required Section 4(f) approval; and any comments received on the final EIS. Before FHWA will sign the ROD, the project described as the preferred alternative must be fully funded in a fiscally constrained, air-conforming plan and program (i.e., funding must be dedicated to the completion of the project). For more information on air conformance policy and guidance, see the FHWA Transportation Conformity websites referenced in the Resources list at the end of this chapter.

Supplemental Environmental Impact Statements

A draft or final EIS may be supplemented at any time before the publication of a ROD. It will be supplemented whenever FHWA determines one of the following:

- Changes to the proposed action would result in relevant environmental impacts that were not evaluated in the draft or final EIS.
- New information or circumstances relevant to environmental concerns and bearings on the proposed action or its impacts would result in significant environmental impacts not evaluated in the draft or final EIS.

Reevaluations of Environmental Documents

A reevaluation is an analysis of changes in a proposed project action, affected environment, anticipated impacts, and mitigation measures at specific times in the project development process. The purpose of a reevaluation is to determine whether an approved environmental document remains valid and to determine whether changes require preparation of a supplemental or new environmental document. Reevaluation of a CE, EA, or EIS is required if any one of the following conditions is identified:

- There are changes in the proposed action that are relevant to the environmental concerns.
- There are new circumstances that are relevant to the proposed action or its impacts.
- There is new information that is relevant to the proposed action or its impacts.
- A significant amount of time has passed since the original clearance or decision document (varies by document type and by project, but may be as little as 6 months).
- A federal law that is relevant to the project is updated or newly implemented.

Scope changes could result in unanticipated monetary and schedule requirements and can occur at any point during the project. If changes to project scope or funding occur, the LPA should contact ADOT EPG as soon as possible to determine whether reevaluation is necessary (see Appendix A for contact information).

Public Involvement

Public involvement, a component of environmental scoping, is a critical activity during the NEPA process. The goal of public involvement is to promote an exchange of information between the public and the project team. The level of public involvement will depend on the nature and complexity of the project. For projects that can be cleared through CEs, public involvement is usually limited; for those requiring clearance through EAs and EISs, public involvement is more in depth. Public involvement activities may be as simple as informal conversations with the affected public, notification letters to property owners, or announcements in local newspapers. Involvement activities may also include direct mailings, posters, door hangers, and public service ads. More complex projects may require multiple public involvement meetings, hearings, or both.

ADOT provides specific direction for coordinating the initial public involvement scoping effort to determine the level of public involvement. Refer to the Guidelines for Scoping Environmental Determination and Categorical Exclusion National Environmental Policy Act Documents, which is available in the Local Government Projects section of the online EPG Guidance and Documents index. These guidelines are intended to promote consistent, positive initial contact with agencies and the public. All public involvement should be tailored to meet the needs of each individual project. Care should be taken to ensure that information presented is consistent and applicable to the project. Good documentation of public involvement activities can be beneficial to the COY if the project is challenged.

Technical Resource Studies

Technical resource studies are the evaluative tools commonly used as the basis of decisions rendered in environmental documents. These resources are usually identified as being sensitive to project impacts and include natural resources, heritage resources (historic and cultural), social resources, recreational resources, and the like. Technical studies generally have established measurable criteria for evaluating potential project impacts. The methodologies, conclusions, and mitigation measures are coordinated with oversight agencies and regulatory bodies—such as the USFWS, which has jurisdiction over endangered species; EPA, which sets and enforces air quality regulations; and the Corps, which enforces CWA requirements. Environmental documents usually include summaries of the technical analyses and reference the technical study. Discussions of typical technical resource studies are presented in the following sections.

Biological Resources

During the analysis phase, the COY will assess a project's potential impacts on natural resources, including threatened and endangered species, state-protected species, and migratory birds. Coordination with the ADOT biologist will help the COY determine what level of biological resource analysis is required. There are three levels of documentation: a biological review, a biological evaluation, and an Urban Biological Evaluation Form. The ADOT EPG website offers detailed instructions on formats and guidance for each report type. The biological resource report must be completed by a qualified biologist (as determined by ADOT); qualification standards are provided in the Biological Resources section of the online EPG Guidance and Documents index.

Projects that partially occur on lands managed by a federal agency, such as USFS or BLM, or on lands under the jurisdiction of a tribal government may need to address impacts on additional sensitive species and to complete further coordination. The COY will coordinate with the applicable agency's biologist to determine whether additional studies or document reviews will be necessary.

The COY is responsible for conducting the analysis and completing the appropriate reporting format. Once the biological report is completed, the findings are approved by the ADOT biologist; "may affect" findings are also approved by FHWA. Consultation with USFWS must occur for "may affect" findings that have been approved by FHWA. FHWA serves as the lead federal agency for Section 7 Endangered Species Act consultation with USFWS, although the COY will be required to supply any additional information that may be needed to complete consultation.

Cultural Resources

The LPA must assess a project's potential impacts on cultural resources. Cultural resources refer to prehistoric and historic archaeological sites, buildings, structures, objects, and districts that are generally 50 years or older. Cultural resources that are determined eligible for listing in the National Register of Historic Places are termed "historic properties." ADOT EPG's Historic Preservation Team (HPT) is responsible for cultural-resource-related agency and tribal coordination and documentation reviews on LPA projects. For federally funded projects, FHWA serves as the lead agency for consultation and FHWA review and approval is also required. It is the responsibility of the LPA to coordinate with HPT to determine the necessary investigation and reporting requirements on a project-by-project basis. For more information on HPT's coordination and documentation requirements, refer to the Cultural Resources section of the online EPG Guidance and Documents index. Section 106 of the NHPA, as amended, requires all federal agencies to consider the effects of their undertakings on historic properties. The regulations implementing the NHPA (36 CFR 800) require consultation with the State Historic Preservation Office (SHPO), the Tribal Historic Preservation Office (THPO), or both, as well as with tribal communities and other interested parties. If a project is on tribal land or land managed by a federal or state agency, the landowner or land manager must be included in consultation. The role of SHPO is defined in both state law (Arizona Historic Preservation Act) and federal law (NHPA). Through its Review and Compliance Program, SHPO assists federal, state, county, and local agencies in meeting their preservation responsibilities as defined by federal and state law.

Class I and Class III Surveys

Every project requires a cultural resources assessment or investigation that usually begins with a records search (typically referred to as a Class I inventory or Class I survey) of the project area. Class I surveys typically occur during the project scoping phase and are used to determine whether all or portions of the project area were previously inventoried, to identify known cultural resources both within the project area and within the vicinity of the project area, and to make recommendations for additional investigations.

Project areas that have not been previously investigated or that are not adequate for consultation will generally require a Class III survey, which typically takes place during a project's design phase. A Class III survey is a systematic pedestrian survey designed to identify all cultural resources, both prehistoric and historic, within the project area. Class I and Class III survey reports typically describe identified cultural

resources, National Register of Historic Places eligibility recommendations, potential impacts on identified resources, and management recommendations for the avoidance or treatment of those resources.

Supplemental architectural inventory involving preparation of State of Arizona Historic Property inventory forms may be necessary for projects that are located adjacent to or within areas that may be designated as historic districts. HPT will determine whether an architectural inventory is needed.

Any cultural survey report generated by the COY will be reviewed by ADOT, and ADOT will make a recommendation for a determination before forwarding the report to FHWA for review. If the submitted survey report with eligibility recommendations is deemed adequate, FHWA will make a determination, based on ADOT's recommendation, regarding the project's potential effect on historic properties. If FHWA makes a project determination of "no historic properties affected" and consultation with SHPO is not necessary, ADOT will provide a Determination of Effect on historic properties and notify the LPA that the project may proceed without FHWA approval. If ADOT determines that the project will have an "effect" on cultural resources, ADOT will draft a consultation letter that includes the Determination of Effect on cultural resources and submit to FHWA for distribution and consultation. The cultural survey report and consultation letter will be distributed by FHWA to SHPO or the applicable THPO, as appropriate, and to the applicable consulting agencies and tribes. FHWA will request consulting parties' concurrence on the adequacy of the report, eligibility, and effect determinations. The consultation period typically takes 30 to 45 days. For projects that result in an "adverse effect" and require mitigation, an agreement document (such as a memorandum of agreement or programmatic agreement) between FHWA, ADOT, and the LPA, as well as any other affected agencies or tribes, may be necessary. LPAs should consult HPT before initiating a memorandum of agreement or programmatic agreement.

Air Quality

Potential project impacts on air quality must be assessed as required by the CAA. During the preliminary design phase of a federally funded project, a qualified air quality specialist must determine the appropriate level of analysis required for the environmental clearance. The type of air quality analysis will depend on the scope of project activities, the current air quality statistics of the project area, and the presence of local receptors.

National Ambient Air Quality Standards

The CAA requires EPA to establish National Ambient Air Quality Standards (NAAQS) to regulate pollutants considered harmful to public health or welfare. Currently, there are NAAQS for six primary, or criteria, pollutants: sulfur dioxide, carbon monoxide, ozone, lead, particulate matter, and nitrogen oxides. Additional details regarding the NAAQS are available on EPA's Office of Air and Radiation website (see the Resources list at the end of this chapter for a link to that website). An area is classified as in "attainment status," in "attainment with a maintenance plan" (also referred to as "maintenance status"), or in "nonattainment status" according to its compliance with the NAAQS. A map of attainment, nonattainment, and maintenance areas in Arizona is available on the Arizona Department of Environmental Quality (ADEQ) website (see the Resources list at the end of this chapter for a link to that website). The COY should consult the map to determine the status of air quality within their project area. If the project is within a designated nonattainment/maintenance area for one or more of the six criteria pollutants, then an analysis may be required to ensure that the project conforms to the overall air quality goals of the area. These air quality goals for nonattainment areas are outlined in the State Implementation Plan, which is an enforceable plan

developed at the state and local level that explains how the area will comply with the NAAQS according to the CAA. A federally funded transportation project must not create new violations of the NAAQS, increase existing violations, or delay the process of reaching attainment status. No additional criteria air pollutant analysis is required for projects within attainment areas. Some projects are exempt from conformity and therefore do not require an air quality analysis (see 40 CFR 93.126 for a list of exempt projects). The COY should coordinate with the ADOT EPG Air and Noise Team to determine the potential for air quality impacts and whether or not air quality analysis is required.

Mobile Source Air Toxics

In addition to regulating criteria pollutants, EPA regulates air toxics called mobile source air toxics (MSATs). One of four levels of documentation and analysis is required for MSATs:

1. No MSAT documentation required for projects exempt from conformity determinations
2. Level 1 MSAT Documentation for projects with no potential for meaningful MSAT effects
3. Level 2 Qualitative MSAT Analysis for projects with low potential MSAT effects
4. Level 3 Quantitative MSAT Analysis for projects with high potential MSAT effects

The COY will coordinate with the EPG Air and Noise Team to determine the level of required MSAT analysis on any particular project. The COY will refer to FHWA's Interim Guidance on Air Toxic Analysis in NEPA Documents and the joint April 8, 2010, EPG/FHWA memorandum that summarizes guidance for evaluating MSATs. Refer to the Air Quality section of the online EPG Guidance and Documents index for detailed MSAT guidance. Construction activities may result in temporary and short-term increases in emissions of criteria pollutants and MSATs. Mitigation measures during construction may be required. ADOT has developed commonly used mitigation measures that address construction impacts on air quality.

Noise

During the preliminary design phase of a project, the COY will review proposed alterations in roadway, traffic capacity, and distance to sensitive noise receivers in coordination with the EPG Air and Noise Team to determine whether a qualitative or quantitative noise analysis is required (see Appendix A for contact information). According to 23 CFR 772, a noise analysis is required for Type 1 federally funded highway projects. A Type 1 project is one that involves either the construction of a highway on a new location, an increase in the capacity of an existing roadway, or an alteration in the vertical or horizontal alignment of an existing transportation facility. A noise analysis documents both the existing and future noise environments, and it predicts traffic noise impacts by comparing the predicted future build noise levels at each activity area to both the noise impacts threshold for that type of receiver and the existing noise levels at that location. If the noise levels exceed levels determined by the ADOT Noise Abatement Policy, then mitigation measures should be considered to reduce or eliminate the noise impact. These mitigation measures can take the form of noise barriers, traffic-control measures, or other approved methods of reducing the impact of traffic noise, and they must meet the criteria for feasibility and reasonableness listed in the ADOT Noise Abatement Policy. Refer to the Noise section of the online EPG Guidance and Documents index for additional guidance.

Sections 4(f) and 6(f)

Federal transportation policy supports the preservation and integrity of publicly owned parks and recreation areas; wildlife and waterfowl refuges of national, state, or local significance; and historic sites of national, state, and local significance—collectively known as Section 4(f) properties. Section 4(f) of the U.S. Department of Transportation Act of 1966 (49 USC 303) prohibits FHWA and all state transportation agencies from approving a transportation program or project requiring the use of any Section 4(f) property unless a determination is made that:

- The use will have no more than a de minimis impact on the area
- There is no feasible and prudent alternative to using the property
- The program or project includes all possible planning to minimize harm to the property resulting from the use

A "use" of a Section 4(f) resource, as defined in 23 CFR 774.17, occurs "(1) when land is permanently incorporated into a transportation facility; (2) when there is a temporary occupancy of land that is adverse in terms of the statute's preservation purpose as determined by the criteria in 23 CFR 774.13(d); or (3) when there is a constructive use of a Section 4(f) property as determined by the criteria in 23 CFR 774.15." As defined in 23 CFR 774.15(a), a "constructive use" of a Section 4(f) resource occurs "when the transportation project does not incorporate land from a Section 4(f) property, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify the property for protection under Section 4(f) are substantially impaired." The following are examples of a constructive use (23 CFR 774.15[e][1–3]):

- The projected noise level increase attributable to the project substantially interferes with the use and enjoyment of a noise-sensitive facility of a property protected by Section 4(f).
- The proximity of the proposed project substantially impairs esthetic features or attributes of a property protected by Section 4(f), where such features or attributes are considered important contributing elements to the value of the property.
- The project results in a restriction on access, which substantially diminishes the utility of a significant publicly owned park, recreation area, or historic site.

Section 6(f) of the LWCF Act is indirectly related to Section 4(f) policy direction. This federal regulation, administered by the National Park Service (NPS), pertains to transportation projects that propose to convert outdoor recreation property that was acquired or developed with LWCF grant money. Section 6(f) requires NPS approval before any property acquired or developed through the LWCF can be converted to a nonrecreational purpose. NPS is not authorized to approve a Section 6(f) land conversion for a federal-aid highway project unless replacement land of equal value, location, and usefulness is provided as a condition (mitigation) of the conversion.

Section 4(f) and Section 6(f) are typically discussed in the same context of a proposed federal-aid transportation project because it is common for potentially affected Section 4(f) and 6(f) resources to have received funding through the LWCF.

The COY is responsible for completing and documenting all relevant background research and investigation information pertaining to Section 4(f) and 6(f) resources and determinations. FHWA and ADOT EPG will provide the LPA assistance with determining the required information necessary to document any Section 4(f) and Section 6(f) resources. The online EPG Guidance and Documents index provides Section 4(f) policy guidance and a Section 4(f) negative declaration for independent bikeway and pedestrian walkway projects requiring the use of recreation and park areas. The latter is intended to reduce processing time and delays for 4(f) evaluations.

Water Resources

Water resources include surface waters, groundwater, floodplains, impaired waterbodies, and waterbodies regulated by the CWA. The presence or absence of these resources should be assessed so that a project's anticipated impact on water resources can be evaluated by ADOT during the NEPA process. The NEPA document should identify the locations, quantities, and sizes of water resources and provide an initial recommendation on the severity of project impacts on these resources.

While specific permits or authorizations may be required to impact or alter water resources, approvals from various federal, state, and local agencies are not considered a prerequisite for the issuance of environmental clearance by FHWA and ADOT. Securing CWA permits and authorizations can be very time consuming, typically taking 3 to 9 months to acquire. Therefore, COY will begin coordination with applicable agencies as soon as a project's extent of interaction with any water resource is known, and should obtain the necessary permits or approvals before construction. Requirements for COY projects may include any or all of the following: a CWA Section 401 water quality certification, a CWA Section 402 Arizona Pollutant Discharge Elimination System (AZPDES) permit, a CWA Section 404 permit for dredge and fill material, a Rivers and Harbors Act Section 10 permit, or a county floodplain permit. The necessity of these certifications, permits, and clearances depends on the project site and specific project details.

Compliance with the CWA will be required for projects that involve the presence of water resources. The goal of the CWA is to restore and maintain the chemical, physical, and biological integrity of the nation's waterways. It prescribes the policies, practices, and procedures to be used in determining the extent of EPA and Corps jurisdiction over the waterbodies on a given project site. Waterbodies under EPA and Corps jurisdiction are known as waters of the United States (Waters), which are defined under 33 CFR 328.3. Projects that result in the discharge of any material, including stormwater, within Waters are subject to CWA regulations and may require the LPA to obtain permits or certification before construction. Sections 401, 402, and 404 of the CWA are commonly applicable to construction and maintenance projects, and action by the LPA may be required during the early stages of project planning. Authority to oversee Section 401 certifications and Section 402 permits is delegated by EPA to ADEQ; Section 404 permits are managed by the Corps with oversight from EPA.

Complying with the CWA, including obtaining the necessary approvals and certifications from the Corps, EPA, ADEQ, and tribes is the responsibility of the LPA. It is recommended that the applicability of the various CWA requirements for a given project be reviewed early in the project life cycle (i.e., during scoping) and frequently monitored during the design process to determine the appropriate CWA requirements so that sufficient time is allotted to obtain the necessary approvals and certifications.

Clean Water Act Section 404

Section 404 requires Corps authorization for all discharges of dredged or fill material in Waters, including jurisdictional wetlands. Transportation-related activities such as road and bridge improvements, multiuse-path construction, and drainage maintenance, may be subject to regulation under Section 404. The Arizona Branch of the Corps Los Angeles District Regulatory Division is responsible for issuing CWA Section 404 guidance for Arizona.

Technical information on the Corps' Section 404 permit process, including Corps guidance manuals and resource publications that assist in determining a project's permitting requirements, are maintained by the Corps and are available on the Corps Headquarters Regulatory Program and Permits website (see the Resources list at the end of this chapter). Also available are document templates, submittal instructions, and graphic standards that COY will use when preparing Section 404 reports and applications. Although the ADOT EPG Section 404 guidance and submittal requirements do not apply to LPA projects, the EPG Section 404 Procedures website is an excellent resource for obtaining general, relevant information on the Corps' Section 404 program, including applicable policies, regulations, and permits common to transportation projects. The Resources list at the end of this chapter provides links to the Corps and EPG Section 404 Procedures websites, which include the reference materials that are further discussed in this Water Resources section. Figure 9-4 shows an overview of the Section 404 analysis and approval process.

Jurisdictional Determinations

The COY's initial step in the CWA process is to determine the presence of Waters on a given project site by conducting a jurisdictional delineation (JD) of the project area. This information is needed before determining the project's requirements for CWA Section 404 permitting. JDs evaluate the potential for the existence of Waters by assessing the presence or absence of an ordinary high-water mark and other specific physical characteristics associated with Waters according to Corps guidance. Typical Waters affected by COY projects include lakes, rivers, creeks, ephemeral washes, and wetlands. Swales and erosional features are generally not considered Waters, as they typically lack the physical characteristics of a jurisdictional waterbody. Currently, the Corps offers the following reference manuals for conducting JDs:

- Guidelines for Jurisdictional Determinations for Waters of the United States in the Arid Southwest, June 2001
- A Field Guide to the Identification of the Ordinary High Water Mark in the Arid West Region of the Western United States, August 2008
- Jurisdictional Determination Form Instructional Guidebook, May 2007
- Regulatory Guidance Letter No. 08-02, June 26, 2008
- Corps of Engineers Wetland Delineation Manual, January 1987
- Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region (Version 2.0), September 2008
- Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western

Mountains, Valleys, and Coast Region, April 2008

According to the Corps Regulatory Guidance Letter 08-02, there are two JD options: preliminary and approved. A preliminary Jurisdictional Delineation (PJD) is a quicker process and therefore is the most commonly used option; it is also preferred by FHWA, according to its May 6, 2009, guidance memo regarding PJDs and approved JDs. A PJD assumes that all potential Waters identified are hydrologically connected to navigable Waters and are therefore jurisdictional. An approved JD is only required for a determination that the waterbodies on the project site are not jurisdictional because they are not hydrologically connected to navigable Waters, or for when a legally defensible statement regarding the jurisdictional status of the Waters on the site is desired. Currently, the Corps does not have the authority to issue approved JDs, so the Corps forwards approved JD reports to EPA for review and approval, which can add significant time to the approval process.

Projects receiving federal-aid funding are subject to the FHWA policy requirements for utility relocations, adjustments, and reimbursements defined in 23 CFR 645.

If federal funding is requested for utility relocation with prior rights, all requests for authorization of federal-aid funds for utility preliminary engineering and relocation costs should be submitted to URR, as well as to the ADOT project manager. Included with the request is the cost for the utility preliminary engineering and relocation work, the federal-aid pro rata share, and the local matching share of the project cost. ADOT will request authorization of federal-aid funds on the COY's behalf and, if granted, will transmit a copy of FHWA authorization to the COY. Costs incurred before FHWA authorization are not eligible for federal aid reimbursement.

Nationwide Permits

Certain activities involving the discharge of dredged or fill material into Waters are authorized under the Corps 2012 Nationwide Permit (NWP) Program (Federal Register Notice Vol. 77, No. 34, 10184-10290, effective until March 18, 2017). NWPs authorize discharges to Waters that occur due to a variety of specific activities, provided that the project meets the conditions for the applicable NWP, including the NWP General Conditions and the Regional Conditions for Arizona. Depending on the conditions for a given NWP and interaction with surrounding resources (e.g., cultural and biological resources), the LPA may be required to notify the Corps of the project specifications. NWPs common to transportation-related projects include NWP No. 3 (Maintenance), No. 6 (Survey Activities), No. 12 (Utility Line Activities), No. 14 (Linear Transportation Projects), and No. 33 (Temporary Construction, Access, and Dewatering).

Projects that involve impacts on Waters but that do not require notification based on the conditions of the applicable NWP (referred to as "non-notifying"), are authorized to proceed under the conditions of that applicable NWP with no application required. If notification is required due to project design and the conditions of the applicable NWP, the LPA must complete a Pre-Construction Notification application and submit it to the Corps for review and approval before construction. A full listing of current NWPs and submittal requirements are available on the Corps Headquarters' website.

Individual Permits

For projects with impacts on Waters that do not meet the conditions of any NWP or that exceed the threshold of the applicable NWP, the LPA must prepare an individual permit (IP). An IP necessitates greater input on project purpose and need as compared to an NWP and must identify a least environmentally damaging practicable alternative through the completion of a decision document that constitutes the Corps' Environmental Assessment, 404(b)(1) Guidelines Evaluation, Public Interest Review, and Statement of

Findings. Ips also carry mandatory mitigation requirements and a 30-day comment period intended to provide an opportunity for agency and public input on the project. More details on required IP documentation are available on the Permit Process and Technical Information page of the Corps website

Clean Water Act Section 401

CWA Section 401 requires the State to certify that proposed discharges associated with a project are in compliance with applicable effluent limits, Arizona's water quality standards, and any other appropriate requirements of state law. EPA has delegated authority to ADEQ to grant, deny, or waive Section 401 water quality certification for both Ips and NWPs. The Corps cannot issue a permit for a project if ADEQ has not approved or waived certification or has denied Section 401 certification for that project. Certain activities have been precertified by ADEQ if they meet the Section 401 certification requirements of the applicable NWP, so the requirements should be reviewed to determine whether individual certification is necessary. If individual certification is required, the Application for Coverage under the CWA Section 401 Certification Form must be completed and submitted to ADEQ. To obtain a Letter of Certification from ADEQ, the COY will demonstrate that the proposed project will not cause or contribute to the violation of state water quality standards or conditions established by the Water Quality Control Council.

Clean Water Act Section 402

The National Pollutant Discharge Elimination System (NPDES) Program is authorized under Section 402 of the CWA and provides the statutory basis and structure for regulating the discharge of pollutants from any point sources into Waters. However, in 2002, ADEQ was delegated the authority to implement the AZPDES Program, under the primacy of the NPDES Program, on the state level for nontribal lands. If the project will cause any discharge of pollutants off-site or into Waters on nontribal lands, including sediments from construction projects, an AZPDES permit is required.

There are two types of AZPDES permits: general and individual. General AZPDES permits allow for coverage under one permit for similar activities within a specific category, industry, or area. For example, the AZPDES Construction General Permit (CGP) (Permit No. AZG2008-001) covers all construction sites that disturb 1 acre or more, and the AZPDES Phase II MS4 stormwater permit covers small municipal separate storm sewer systems (MS4s). If the project meets the requirements for an available general permit, the project must obtain coverage under and comply with the conditions of that permit in order to be covered under CWA Section 402. If the project does not fall within the coverage of a general permit, an individual AZPDES permit with specialized conditions will be required.

ADOT has an individual AZPDES permit – the Statewide Stormwater Discharge Permit – which provides coverage for the agency on all ADOT-administered state and local projects on nontribal land. ADOT's Statewide Stormwater Discharge Permit only covers ADOT, not the LPA; therefore, the LPA must obtain separate coverage under AZPDES (e.g., through the AZPDES CGP). For additional information on AZPDES/NPDES permitting, forms, best management practices, and example stormwater pollution prevention plans (SWPPPs), refer to the ADEQ and EPA websites listed in the Resources list at the end of this chapter.

Stormwater Pollution Prevention Plans

The AZPDES CGP, which is commonly used for COY construction projects, requires the preparation of a SWPPP as a condition of the permit and the submittal of a Notice of Intent (NOI) with applicable fee payment before beginning ground disturbance activities. A SWPPP is a detailed document that describes how a contractor will address, control, and maintain structural implements and nonstructural practices designed to reduce pollution and restore conditions of natural surroundings before, during, and after

construction phases. The SWPPP is a living document that must be updated frequently with dated records of construction activity, inspections, monitoring, maintenance of best management practices, and stabilization activities. Commonly, a contractor is hired to prepare the SWPPP.

The SWPPP must be prepared before filing an NOI with ADEQ. For ADOT-administered projects, the SWPPP must be reviewed and approved by the ADOT resident engineer before submittal of the NOI. For approved self administration projects and Certification Acceptance projects, the NOI can be submitted upon COY approval of the SWPPP.

Following submittal of the NOI with the applicable fee payment, ADEQ has a 7-day review period for most projects. If the project is located within ¼ mile of an ADEQ-defined Unique or Impaired Waterbody or if the project involves an area determined to contain suitable habitat for threatened and endangered species, the review period may be up to 32 days and the SWPPP must be submitted to ADEQ for review. The review period begins following ADEQ receipt of the NOI and the applicable fee payment, which ranges from $250 to $750 depending on the extent of ground disturbance; SWPPP review, if required, has an additional $1,000 fee. Coverage is granted once ADEQ issues an authorization certificate, which may occur in as little as a few days. Expedited authorization of the NOI is available through the use of the ADEQ Smart NOI electronic signature system (see the Resources list at the end of this chapter for a link to that website). The NOI should be submitted early enough to allow ADEQ ample time to review the NOI and provide authorization before the expected initial construction date.

Once construction disturbance activities are complete, the AZPDES CGP requires that ground surfaces disturbed by construction be stabilized before submittal of a Notice of Termination. The stabilization requirements can be difficult to achieve during the active construction period, particularly when stabilization relies on vegetative growth (i.e., turf seeding, native seeding) to satisfy permit criteria. LPAs whose activities trigger coverage under the AZPDES CGP cannot close out a project until approved to do so by the ADOT resident engineer and the Notice of Termination has been accepted by ADEQ.

Rivers and Harbors Act

Under Section 10 of the Rivers and Harbors Act of 1899, a Corps permit is required to do work within, over, or under “navigable waters” (33 CFR 329.4). Waters that have been previously determined by the Corps to be navigable waters are designated as “traditional navigable waters” (TNWs). Currently the Colorado River reaches the Santa Cruz River and Gila River and is considered TNWs. LPAs must apply for a Section 10 permit to work within the jurisdictional limits of these waterbodies. The LPA should consult the Jurisdictional Determinations page of the Corps Regulatory Division website for a list of TNW decisions, which includes information on the locations of the Corps-designated TNW reaches of the Santa Cruz River and Gila River (see the Resources list at the end of this chapter for a link to that website). The permit application required for Section 10 approval is the same application used for NWP or IP notification.

Floodplains

Protection of floodplains and floodways is required under the following: FHWA’s Federal-Aid Policy Guide, Location and Hydraulic Design of Encroachments on Flood Plains (23 CFR 650A); FEMA Executive Order 11988, Floodplain Management; and U.S. Department of Transportation Order 5650.2, Floodplain Management and Protection.

COY is responsible for assessing and avoiding or minimizing project impacts on base floodplains and regulatory floodways. A preliminary assessment is necessary to determine whether a project alternative will encroach on any base floodplain or regulatory floodway, and the results should be incorporated into the NEPA document. The Flood Insurance Rate Maps page of the FEMA website provides a delineation of special hazard areas and the risk premium zones applicable to a project area (see the Resources list at the end of this chapter for a link to that website).

The COY will procure the necessary federal and county floodplain permits before construction. Any work in a floodplain must be based on accepted hydrologic and engineering studies. In association with the previously mentioned federal orders, the LPA should consult the following ADOT guidelines and manuals for further information related to hydrologic and engineering design within floodplains (see the Resources list at the end of this chapter for links to these documents):

- ADOT Highway Drainage Design Manual: Hydraulics
- ADOT Bridge Hydraulics Guidelines

As of July 2011, Yuma County administers countywide programs designed to provide comprehensive flood-control protection. During the scoping phase, the COY will contact the applicable county floodplain administrator to determine the local policies and design standards that may also apply.

Hazardous Materials

During the environmental clearance process, COY will identify any hazardous materials which may be present in potential project areas. Hazardous materials assessments are conducted early in the project development process to minimize the risk of unexpected project costs and risks to health and safety. The COY will have a qualified hazardous materials specialist review the project area to assess the potential for hazardous materials. A complete list of required professional and educational qualifications is available in the Hazardous Materials section of the online EPG Guidance and Documents index.

ADOT EPG requires a preliminary initial site assessment (PISA) for hazardous materials clearance on most projects. The PISA involves a records check to review EPA and ADEQ records of known hazardous materials sites or incidents (leaking underground storage tanks, landfills, spills, etc.) within a given area within or near the project site. The PISA summarizes the results of the records check, as well as observations made during field verification. Data for the records check is available from online EPA and ADEQ databases and from commercial sources. If the PISA identifies hazardous materials at a project site, Phase I, Phase II, and Phase III environmental site assessments may be required.

For projects involving renovation or demolition activities of a load-bearing structure, asbestos testing and National Emission Standards for Hazardous Air Pollutants notification is required for compliance with 40 CFR 61. Abatement may also be required if asbestos or air pollutants are identified. If paint will be obliterated as part of a project, lead-based-paint testing will also be required. The COY will contact the ADOT Hazardous Materials Team to confirm the need for asbestos and lead-based paint testing. These hazardous materials investigations must be current at the time the NEPA determination is made, with mitigation measures in place in the event that conditions change before bid and award.

Socioeconomics Considerations

According to 23 USC 109(h) of the Federal-Aid Highway Act of 1970, federally funded projects should make final decisions that consider adverse economic, social, and environmental effects, including:

- Air, noise, and water pollution
- Destruction or disruption of human-made and natural resources
- Aesthetic values, community cohesion, and the availability of public facilities and services
- Adverse employment effects and tax and property value losses
- Injurious displacement of people, businesses, and farms
- Disruption of desirable community and regional growth

Where there are foreseeable impacts on a community or group of people, the LPA should analyze and document the level of impacts, including:

- Changes in the neighborhoods or community cohesion for various social groups
- Changes in travel patterns and accessibility to vehicular traffic, bicycles, or pedestrians
- Direct impacts on school districts, churches, police, and fire protection
- Impacts on overall public safety
- Specific impacts on general social groups, such as the elderly, people with disabilities, transit-dependent people, and minority/ethnic groups

Documentation prepared during the NEPA process should address the severity of possible impacts and identify the mitigation measures necessary to avoid or minimize any adverse effects.

Relocation Impacts

If relocations are required, the LPA should provide relocation information for all proposed alternatives to adequately explain the relocation situation, including anticipated problems and proposed solutions. Typical factors to consider include the number of potentially displaced households or businesses, the number of comparable available replacement dwellings or sites, and the LPA's policy on relocation and displacement. For additional details, see the Relocation Process and Uniform Act sections of Chapter 10, Right-of-Way Clearances.

Environmental Justice and Title VI

Title VI of the Civil Rights Act of 1964 and related statutes are intended to prevent individuals from being excluded in, denied the benefit of, or subjected to discrimination on the basis of race, color, national origin, age, sex, and disability. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, directs that federal programs, policies, and activities not have a disproportionately high and adverse human health and environmental effect on minority and low-income populations. ADOT's Title VI and environmental justice overview is provided in the Environmental Justice section of the online EPG Guidance and Documents index.

All LPAs that receive federal-aid funding for transportation projects and programs are required to comply with Title VI. Additionally, Executive Order 12898 requires federal agencies to include environmental justice as part of their missions. Because ADOT receives federal financial assistance, it is responsible for meeting federal environmental justice regulations.

The COY will identify and evaluate environmental justice for NEPA compliance and appropriately document whether a project will have temporary, adverse, or permanent effects on any businesses, residents, or landowners when preparing environmental documents.

Visual Resources

Visual resources must be analyzed as an integral part of the NEPA process for transportation projects. A visual resource analysis is an explanation of the existing visual character of the subject landscape, with a discussion regarding the impacts that a proposed project would have on the existing visual character. The analysis then discloses whether or not the proposed project would be in compliance with existing visual management objectives, if any. The COY will refer to the Visual Impact Assessment for Highway Projects (Publication No. FHWA-HI-888-054) for guidance on highway planning and assessment.

USFS and BLM have established specific resource management plans for the lands they manage that require the analysis of visual resources. Visual analysis performed on USFS land should be consistent with the Visual Management System manual (Agricultural Handbook No. 462) or the Landscape Aesthetics manual (Agricultural Handbook No. 701). Visual analysis performed on BLM land should be consistent with the Visual Resource Contrast Rating manual (BLM Handbook 8431-1). The COY will contact ADOT EPG to coordinate with USFS and BLM in order to determine the full scope of visual analysis that would be required for a particular project (see Appendix A for contact information).

Materials Source Clearances

NEPA analysis completed for an COY project must include the evaluation of potential materials sources only if the source is predesignated during the planning/programming phase or before construction. However, if a potential materials source is not predesignated, the COY's contractor will be responsible for obtaining environmental clearance from the ADOT Materials Group, independent of the project's overall NEPA clearance.

Contractor-Furnished Materials

Sources Material from a non-ADOT-licensed materials source cannot be used on a federally funded project until the source has successfully completed the EPG environmental analysis process. To initiate the EPG environmental analysis process, the LPA must have the materials source owner or operator complete the Material Source Environmental Analysis Application form and submit it to EPG (refer to the Contractor-Furnished Material Sources section of the online EPG Guidance and Documents index for the form). This form, which includes a cultural survey and report, allows EPG to adequately evaluate the listed material source for compliance with NEPA and ADOT standards. Once EPG has received a completed application, it will initiate a cultural consultation process, if necessary. Following completion of consultation, the materials source will receive a tracking number and will be included on EPG's list of contractor-furnished materials sources.

To use a materials source from the list of contractor-furnished materials sources, the COY will submit the Material Source Environmental Analysis Update form to EPG. Through this form, the contractor agrees to the compliance measures, including any and all mitigation measures stipulated in the accepted environmental analysis application. The update form must also be submitted for any subsequent use of the materials source for other projects, but the Material Source Environmental Analysis Application form does not need to be submitted again for that source.

EPG's list of contractor-furnished materials sources that have previously completed an environmental analysis is available on the Contractor-Furnished Material Sources section of the online EPG Guidance and

Documents index. Inclusion on the list does not guarantee that the materials source will be available for all projects. The COY will consult with the assigned ADOT resident engineer for approval of any listed materials source.

Geotechnical Investigation Clearances

For federally funded projects that require geotechnical investigation, ADOT EPG's geotechnical clearance process should be followed to obtain environmental clearance and to establish any necessary mitigation measures. LPAs should coordinate with their designated EPG liaison to obtain clearance for the investigation plan and any associated temporary features (e.g. access roads, staging areas) before initiating on-site activities.

To obtain geotechnical clearance, the COY will evaluate site-specific environmental issues by completing the Geotech Compliance Form. EPG has identified hazardous materials, biological resources, and cultural resources as technical specialties that require critical evaluation on the form before issuing geotechnical clearance. Following receipt of a completed Geotech Compliance Form, EPG will issue geotechnical clearance, which permits the geotechnical investigation plan to proceed.

Refer to the online EPG Guidance and Documents index for the required checklists and forms applicable to each resource. The COY will coordinate with the EPG NEPA planner upon the initiation of the geotechnical clearance process.

Mitigation Measures

Mitigation measures are commitments made during the environmental evaluation and study process that serve to moderate or lessen negative impacts of the project on the human and natural environment. The Categorical Exclusions section of the online EPG Guidance and Documents index has a downloadable list of commonly used mitigation measures for ADOT highway and LPA projects. These standard measures are to be used as appropriate during preparation of environmental documents, and they cannot be modified. Proposed mitigation measures that are not included on the list must be reviewed and approved by EPG (if applicable); the ADOT district engineer; the ADOT project manager, and the COY (as appropriate) to ensure that they are constructible. Approved mitigation measures must be adhered to and cannot be changed. All mitigation measures that are identified and agreed upon appear in the environmental clearance document and the associated clearance memo. FHWA will not authorize federal-aid funds for construction without verification that mitigation measures are included in the PS&Es and bid documents (23 CFR 635). Mitigation measures identified for a contractor must be included in the contract specifications. Failure to implement the mitigation measures could result in the revocation of permits, funding, or FHWA environmental approval—thus resulting in the inability of the COY to complete the project.

The COY is solely responsible for ensuring that the mitigation measures in the environmental clearance document are successfully implemented. LPAs are financially responsible for their local portion of the mitigation implementation, unless determined otherwise in an IGA or other contract document.

Utility and Railroad Clearance

During the utility/railroad coordination process, the COY is responsible for coordinating with the utility companies to ensure avoidance or to plan for relocation of conflicting utilities, including the preparation of the utility report, utility agreement (if necessary), the utility special provisions, and the utility clearance certification letter. If the COY requests utility relocation that is covered by prior rights, then the COY must

submit its requests for federal-aid funding through URR, as well as through the ADOT project manager. In this instance, the COY must coordinate with URR and submit the clearance documentation and utility or railroad agreement before the execution of those documents. The COY will also coordinate with the railroad companies to obtain the railroad agreement, if necessary. FHWA will only review and provide comments on the draft utility clearance letter on FHWA full-oversight projects (For more information on FHWA and ADOT oversight roles, see Chapter 2, ADOT Administration, and the FHWA and ADOT Stewardship and Oversight Agreement for Arizona.

Materials Memorandum

ADOT currently does not participate in materials clearances for self-administered or Certification Acceptance projects. Self-administering and certified LPAs follow their own materials clearance process, but must provide materials clearance compliance documentation to ADOT and FHWA during the final acceptance process. The COY will contact the Materials Group during the scoping process, as needed, regarding questions about and recommendations for geotechnical analysis, materials and design standards, and materials-testing procedures. Self-administering and certified LPAs must comply with all applicable state and federal laws, regulations, and requirements regarding materials use on federally funded projects.

Geotechnical investigation plans should be provided to the Materials Group for approval before initiating geotechnical operations. This coordination typically occurs during 15% design plans (Stage I design).

The ADOT Materials Group provide detailed information about submittal requirements, design standards, sampling and testing requirements, and policies and procedures that should be adhered to when planning and designing structures and selecting materials to be used for a project. These manuals outline COY's responsibilities and provide descriptions of the tasks to be performed.

The ADOT Materials Testing Manual provides standardized materials sampling and testing procedures for laboratories to evaluate materials for conformance with ADOT specifications. This manual also outlines the certification process and applicable compliance guidelines for materials to be incorporated into projects. Procedures outlined in the manual are separated into four categories:

- Procedures that follow established standards
- Procedures that follow established standards but that have been modified
- Procedures that are modifications of testing procedures used by other state transportation departments
- Procedures originated by ADOT, referred to as the "Arizona Method"

Series 900 of the ADOT Materials Testing Manual details ADOT's Materials Quality Assurance Program, which has been established in accordance with the revised requirements of 23 CFR637B, Quality Assurance Procedures for Construction. Series 900 of the manual details ADOT's policies, procedures, and guidelines for contractor testing, materials acceptance and certification, and independent assurance sampling and testing. ADOT's Quality Assurance Program is intended to ensure that all materials incorporated into ADOT projects satisfy specification requirements and provide the highest degree of confidence in the reliability of tests performed by laboratories. For assistance locating approved materials-testing laboratories and certified technicians, refer to the Materials Group Quality Assurance Section website.

Series 1000 of the ADOT Materials Testing Manual provides certification procedures and documentation requirements. As described in Section 106.05 of the ADOT Standard Specifications for Road and Bridge Construction, a Certificate of Compliance or a Certificate of Analysis must be furnished for certain materials or manufactured assemblies before their use. A listing of materials that require either a Certificate of Compliance or a Certificate of Analysis is also provided in Series 1000.

It is the responsibility of the COY or its contractor to ensure that only materials certified in accordance with ADOT QA procedures are incorporated into a project. The intent of the Materials Testing Manual is to provide detailed procedures so that a competent laboratory operator who is unfamiliar with the method can obtain accurate results when a procedure is correctly followed.

Pavement Section Selection

Flexible and rigid pavement design are based on the procedures and methodology used by the Arizona Department of Transportation in their publication entitled *Pavement Design Manual (2)* as amended herein. In addition, the designer is referred to MAG *Uniform Standard Specifications and Details for Public Works Construction (3)* and City of Yuma *Supplement to MAG Uniform Standard Specifications and Details for Public Works Construction (4)* for material requirements and specifications and the City of Yuma Construction Standard Detail Drawings for construction details (5).

For roadways located within ADOT's jurisdiction and roadways on the NHS, the pavement design will be based on the procedures and methodology used by the Arizona Department of Transportation in their publication entitled *Pavement Design Manual (2).*

For all other roadways located in the City of Yuma, the pavement design will be based on the procedures and methodology identified in the City of Yuma *Supplement to MAG Uniform Standard Specifications and Details for Public Works Construction (4)* and City of Yuma *Construction Standard Detail Drawings* (5).

In choosing the optimal design for the pavement structure, the following should be considered:

1. *Continuity of Pavement Type* – To maintain uniform driving conditions for the motoring public, consideration should be given to continuing the same type of existing pavements. This is especially important for relatively short projects.

2. *Local Conditions and Subgrade Material* – Typically there are multiple pavement structural sections that will meet the requirements of the design equation. Local conditions, such as shallow underground utilities, very heavy slow-moving truck traffic, poor drainage, etc., may make one pavement alternative preferable over the others. A significant change in quality of subgrade material along the length of a roadway may justify more than one pavement structural section. Feasibility of using a geogrid, removing, or treating of poor subgrade material, or importing of good material should be considered in the selection of a final pavement section. Refer to Section 1.7 and 2.1.5.2 of ADOT Pavement Design Manual *(2)* for additional information.

3. *Conservation of Natural Resources* – Conservation of natural resources should be considered in the evaluation of the pavement design alternatives, particularly in areas where aggregates or

other materials are scarce.

4. *Anticipated Construction Problems* – Consideration should be given to the feasibility of the proposed design in regard to standard construction methods.

5. *Cost* – A life cycle cost analysis (LCCA) should be performed to determine the most cost-effective structural design. RealCost software *(6)* developed by the Federal Highway Administration, or a similar method, should be used for the LCCA. Unless specified otherwise, pavement service life shall be 20 years.

Normally, the pavement design that satisfies the structural requirements and represents the least cost would be selected. However, there may be times when the least cos design would not necessarily be the most appropriate design. Alternative designs for further review may be appropriate in a situation where no one design seems capable of satisfying all of the constraints. For additional information on design considerations, refer to the latest edition of AASHTO Guide for Design of Pavement Structures

PAVEMENT REPORT

The data, procedures, and design recommendations are to be documented in a pavement design report which contains the following sections:

Introduction

Describe the location and limits of the project, and the proposed improvements with emphasis on the pavement design aspects.

Geotechnical Data

Summarize the general geotechnical characteristics of the soils on which the roadway will be constructed. Provide in tabular form the geotechnical data used in designing the pavement structure including the subgrade acceptance chart. The seasonal variation factor should be identified along with figures and equations used in the calculations. Limits of unsuitable subgrade material including soils susceptible to collapse or swelling are to be identified.

Traffic Data

State the traffic data used in developing the pavement structure such as current and design year traffic volumes, percentage of vehicle types, percentage of total traffic in the design lane, and reliability factors. Include the projected annual average daily traffic (AADT) and number of 18-kip equivalent single axle loads (ESAL).

Pavement Structure Design

Discuss the results of the pavement structure design. Provide in tabular or other appropriate form the calculations used to determine the structural number for the
various portions of the project.

Provide pavement section design(s) based on the required structural number(s). Present the data and calculations in a manner that is straight forward and easily repeated for checking.

Recommendations

Discuss the recommended structural sections, including sub-base and subgrade treatment, and any

alternatives that were considered. Include life-cycle cost analysis, construction, and other factors taken into account in developing the recommendations.

Bridge Design Guidelines

The City of Yuma has adopted AASHTO *LRFD Bridge Design Specifications 8th Edition, 2017 (1)* and the Arizona Department of Transportation (ADOT) *Bridge Design Guidelines*, current edition (2) as the basis for bridge design.

The AASHTO *LRFD Bridge Design Specifications* and the ADOT *Bridge Design Guidelines* shall be used for both local and non-local NHS bridges as well as any projects within ADOT right-of-way.

Right-Of-Way

Authorization

If the ROW is being funded by the FAHP, then a separate federal authorization request for ROW is required. See Appendix A3 – Federal Authorization Request for ROW Checklist for a list of items to include. COY regularly funds ROW purchase with local funds, in which case no authorization request is necessary. The ROW funding source will be determined individually for each project.

Process

For an FAHP project the same ROW process is used regardless of how the ROW acquisition is being funded. Any property procured for Right-of -Way shall be procured in accordance with the ADOT ROW Manual, Code of Federal Regulations and Revised Statutes, and the Uniform Act and the ADOT Certification Acceptance Manual.

1. Project Manager will initiate the acquisition with assistance from the ROW Consultant. The design consultant will prepare appraisal maps and legal descriptions of the takes and remainders that clearly show the property owner's name and parcel number.
2. The City Attorney's Office would maintain records of Real Property Interest. The City would follow the ADOT ROW manual about keeping records including leases, agreements, and transactions for acquisition and disposal. The City Attorney's office would not be directly involved with negotiations with property owners. The Real Property Agent completes and signs the ROW Certification Form.
3. The COY Project Manager would be responsible for obtaining ADOT ROW Groups' ROW clearance per 23 CFR Part 635.309.
4. The City would request property donations following the requirements Title 23. The property owner would be notified of their right to receive just compensation, and the right to an appraisal or waiver valuation of the real property.
5. Administrative settlements for compensation above the appraised valuation would require an adequate justification acceptable to ADOT ROW Management Group. Double payments for donated properties will be avoided.
6. The City would avoid contact with property owners until after NEPA clearance is received. The ROW plans and legal descriptions can be developed prior to the NEPA clearance.

7. A Memo of Just Compensation would be prepared the appraiser. The appraisal would be based on fair market value analysis. The City PM would review and sign-off prior to submitting to ADOT for review and approval.
8. The City's ROW consultant would be responsible maintaining a log/diary of each and every contact with the property owners in accordance with federal guidelines. The ROW consultant, acceptable to ADOT ROW Group, will be required to maintain a detailed log/diary to confirm that the acquisition/relocation was accomplished in accordance with federal guidelines.
9. After acquisition is complete the COY PM will forward the ROW Certification Packet (ROW Clearance Letter and ROW Certification Form) to the ADOT ROW Group for verification and concurrence.
10. Once verified and concurred by the ADOT ROW Group, the documentation will be provided to the Project Manager.
11. All Real Property documentation shall be maintained in the ProjectMates.

All ROW must be acquired, and ROW Clearance verified and concurred with by ADOT ROW Group prior to sending a request for authorization for construction, unless a conditional ROW clearance has been approved by the ADOT ROW Group, with FHWA concurrence.

Construction

Construction Authorization

The PM shall submit the request for federal authorization for construction through the ADOT PM. See Appendix A4 – Federal Authorization Request for Construction Checklist. The project is required to be bid-ready when the authorization for construction is requested.

The federal authorization packet will be reviewed by the Title VI coordinator and the CA Liaison or designee prior to submission to the ADOT PM. It is highly recommended that the PM initiate discussion with the CA Liaison or designee approximately 4 weeks in advance of finalizing the PS&E package.

The Title VI coordinator is required to verify and document that the current Title VI assurances are included in the contract.

The CA Liaison will provide a quality review of the ADOT requirements for the entire authorization request packet.

Construction Administration

Construction Administration will be completed by the COY Engineering Department. Construction will be administered in accordance with the COY Construction Standards Detail Drawings and the MAG Standard Specifications and Details for Public Improvements and the Contract Special Provisions, as well as all requirements put forth from ADOT and FHWA.

Pre-Construction Meetings and Submittals

When the COY has awarded a project to the contractor, the COY must administer and oversee the preconstruction meeting and preconstruction submittals. The COY must notify the ADOT PM and FHWA

Area Engineer of upcoming preconstruction meetings. The COY must conduct the preconstruction meeting, prepare meeting materials, notes, and documentation of engineering decisions, and discuss the following items if applicable:

- Contractor's submittals
- Railroad or utility adjustments
- Public relations and interests of abutting property owners
- Contractor's work plan and schedule of operations
- Specific contract requirements, including EEO, DBE, and OJT
- Safety and traffic control plans
- Environmental commitments
- Erosion control/Stormwater Pollution Prevention Plan (SWPPP)
- ROW available for use by the contractor
- Time limits and performance of operations, including materials delivery considerations
- Construction time and cost control
- Emergency response to incidents
- Escalation process
- Authorized signature form
- Quality assurance for materials
- Buy America contract provisions

A checklist is available in Appendix A-5.

The COY will provide a written copy of the preconstruction meeting notes to the ADOT PM.

The COY must be fully acquainted with the contractor's plan of operations, planned progress schedule, shop drawings, and other submittals. Before construction begins, the COY must have a traffic control plan, contractor's safety plan, and SWPPP, if applicable.

In accordance with 23 C.F.R. §§ 630.1010 and 630.1012 (b) and (c), the COY must include in the PS&E either a Transportation Management Plan (TMP) or provisions for contractors to develop a TMP. The COY must approve a contractor-developed TMP before implementation. A TMP consists of a Temporary Traffic Control (TTC) plan and addresses both Transportation Operations (TO) and Public Information (PI) components. For projects that the COY determines to have less than significant work zone impacts, the TMP may consist only of a TTC plan. The COY must consider TO and PI issues for all projects.

The COY must review the contractor's safety plan. The safety plan is specific to the project and specifies the procedures the contractor will implement to satisfy Occupational Safety and Health Administration (OSHA) and state occupational safety guidelines for workers and the public during construction.

The COY must require the contractor to submit the Erosion Control Coordinator's certificate and experience to the COY for approval. For projects with one or more acres of disturbed area, the COY must review and approve the SWPPP. When the SWPPP is approved, the COY must file a Notice of Intent (NOI) for coverage under the Arizona Department of Environmental Quality's (ADEQ's) Arizona Pollutant Discharge Elimination System General Permit for Stormwater Discharges Associated with Construction Activity to Waters of the United States. The COY must ensure the contractor does not conduct earth-disturbing activities before the SWPPP is approved, the contractor's NOI is filed, and the authorization letter is received from ADEQ. The COY must monitor the control measures established in the SWPPP to ensure the contractor is following and updating the SWPPP accordingly.

If the contractor needs a staking plan, the COY must review the plan before staking begins. The COY must discuss the staking plan with the contractor throughout the project to ensure the contractor follows the plan.

Submittals

The Contractor must provide the following submittals for review and approval by COY Project Delivery prior to work commencing on the project.

- Temporary Traffic Control Plan
- Contractor's Safety Plan
- Storm Water Pollution Prevention Plan (SWPPP)
- Transportation Management Plan if contractor developed
- Staking plan

Subcontractor Approval

Subcontractors shall be approved in accordance with the following:

- After award of the contract, the Contractor shall submit through ProjectMates, a signed and dated "Subcontractor Request Form" (attached) to the COY Project Manager for each lower tier subcontractor.

- The COY Subcontractor Request Form shall be signed and dated by an authorized representative of the prime contractor and the subcontractor.

- Included with the request form shall be a copy of the subcontractor contract.

- The COY Project Manager shall verify that the information on the Subcontractor Request Form matches the information in the subcontract including the bid items and dollar amount.

- The COY Project Manager shall review the subcontract for inclusion of all required FAHP elements and other flow down requirements from the prime contract.

- Subcontract for DBE contractors shall be reviewed to verify the subcontract amount is equal to or greater than the DBE committed amount.

- Once verified, the COY Subcontractor Request Form will be signed by the Procurement Manager and returned to the contractor as approved.

- If the subcontract is missing any of the required items, the COY Subcontractor Request Form shall be returned as not approved and the Prime contract shall resubmit the COY Subcontractor Request Form and subcontract with any required changes.

- The COY Subcontractor Request Form and subcontract will be maintained in the ProjectMates.

- Once approved, the Prime contractor shall submit to COY a copy of the signed subcontract. The COY Project Manager will verify the signed subcontracts list the correct General Contractor, Subcontractor and includes the execution date.

- Liquidated Damages per ADOT Standard Specification 108.01 Subletting the Contract shall apply to work that begins prior to submitting the required documentation.
- If the subcontract is missing any of the required items, the COY Subcontractor Request Form shall be returned as not approved and the Prime contract shall resubmit the COY Subcontractor Request Form and subcontract with any required changes.

- The COY Subcontractor Request Form and subcontract will be maintained in the Project files.

- Once approved, the Prime contractor shall submit to COY a copy of the signed subcontract. COY Project Delivery will verify the signed subcontracts list the correct General Contractor, Subcontractor and includes the execution date.

Inspections

The duties of the Inspector are as stated in MAG Specification, Section 105.9.

Inspection duties include:

- Observing and measuring the Contractor's workmanship, materials, and methods for compliance with the plans and specifications;
- Communicating to the Contractor's field staff the contract requirements for work under construction or about to be constructed;
- Assisting the Contractor with reading and interpreting the plans and specifications,
- Determining the intent of the specifications when necessary;
- Documenting inspection observations and measurements including summaries of labor equipment and material usage;
- Measuring work for payment; and

- Observing construction operations for general compliance with safety regulations, traffic control requirements, and construction-related government regulations (air quality, noise levels, erosion control, equipment licensing, federal aid requirements, etc.)

Daily Diaries

The COY must ensure the inspectors' daily reports, progress charts, and other data are compiled in the field to facilitate job control and ensure that the project is completed safely and in reasonably close conformity with final PS&E, including supplemental agreements. The COY must verify that discussions and decisions with the contractor are documented. The project documentation must be complete, concise, accurate, factual, and in sufficient detail to document the completion of project work. The COY must ensure that the diaries are signed and dated by an inspector and reviewed by the COY's Responsible Charge or designee. For construction management review, the COY must have complete documentation for work conducted, measured, and paid to include quantities.

Bulletin Boards

The Contractor's on-site bulletin Board must contain, at a minimum, the information listed at: http://www.fhwa.dot.gov/programadmin/contracts/poster.cfm

The bulletin board shall be inspected at the beginning of the construction work and every six months until final acceptance of the construction work.

Davis-Bacon Wages

City of Yuma staff the process for obtaining certified payroll and spot-checking diaries to verify compliance with Davis-Bacon Acts and Related Acts. The City of Yuma Engineering Department is responsible for the following duties:

1. INSPECTOR DUTIES:
    - Construction inspectors shall ensure that daily diaries note and document the following:
    - Contractor and/or any subcontractors working on site, including but not limited to; dates and times of work being performed, nature of work being performed, name of subcontractor, etc.

2. CONTRACT ADMINISTRATOR DUTIES
    - The Engineering Department Contract Administrator shall perform the following:
    - Obtain copies of all certified payroll records for Contractor and all subcontractors.
    - Compare Contractor and subcontractor employee interviews against certified payroll records.
    - Verify Contractor/Subcontractor certified payroll reports against wage determination for that particular job.
    - On a weekly basis, perform spot checks to compare Contractor and subcontractor employee interviews, against certified payroll, as well as inspector daily diaries to ensure compliance with wage requirements.

Materials Quality Assurance

The Quality Assurance requirements for projects using Federal funds shall be in accordance with the Arizona Department of Transportation (ADOT) Local Public Agency (LPA) Certification Acceptance (CA)

Quality Assurance (Q/A) requirements. Additionally, the QA requirements include:

1. Visual inspection and documentation in the daily diaries of the Build America Buy America certifications are required when materials are delivered to the project site.

2. Check that QA/Testing subs are on the ADOT approved list.

3. QA Plans will be submitted to ADOT prior to construction.

Build America Buy America

For all projects using federal funds, the project team shall include all necessary specifications and special provisions (latest version) relating to Build America Buy America. Additionally, the Build America Buy America requirements include the following:

1. Build America Buy America will be applied to the entire FAHP project.
2. Verification of Build America Buy America certifications accompany each material shipment including steel or iron products.

3. A visual inspection and documentation in the daily diaries of the Build America Buy America certifications are required when materials are delivered to the project site.

Storm Water Pollution Prevention Plan

The Storm Water Pollution Prevention Plan (SWPPP) monitoring and documentation shall be in accordance with MAG Specifications.

Financial Acceptance

Final Walk-Through and Inspection

When project construction is near completion, the COY will provide the ADOT PM and FHWA Area Engineer written notice 10 calendar days before conducting the final walk-through and inspection. ADOT has the right to attend the final walk-through and inspection. The COY will ensure that any issues identified during the inspection are resolved before the CA Agency completes final acceptance.

Final Acceptance Request

Before final acceptance, the COY will ensure completion of the COY's punch list, contractor's affidavit of final payment, consent of surety for final payment, bonding lien release waiver, subcontractor's waiver, and release on final payment. If a contractor disputes final payment, the COY must provide the ADOT PM and LPA Section written notice immediately and include an estimated timeframe for resolution.

Upon final acceptance of the project, the COY will ensure that the contractor files a Notice of Termination (NOT) with ADEQ for projects with a NOI. Upon final stabilization of the project, the COY must file a NOT

with ADEQ for projects with a NOI.

The CA Agency must submit final acceptance documentation to the ADOT PM within 90 calendar days after construction is completed. The COY's final acceptance documentation includes the:

- Final reconciliation statement
- Statement of verified and closed certified payrolls
- Contractor's affidavit about the settlement of claims
- Copy of the CA Agency's final acceptance to the contractor
- Final pay request
- DBE Goal Assessment Notice
- Record drawings (as-built plans) if construction
- Project location and vicinity map
- List of items installed and locations if procurement
- Final acceptance letter attesting to project completion
- Certificate of Final Payment to DBE firms

Final Acceptance Letter

The COY's final acceptance letter to ADOT will be on COY letterhead. The final acceptance letter includes:

- Federal and ADOT project numbers
- A statement that the project is complete
- A statement that the COY accepts and will maintain the project or there is an IGA showing another agency's acceptance and maintenance responsibility
- Confirmation of receipt of final payment or final pay request
- A statement that the results of the tests used in the Materials Quality Assurance Project Plan indicate materials incorporated in the construction work and construction operations controlled by sampling and testing were in conformity with the approved contract
- A list of documents included

A project will not be accepted until the CA Agency verifies that it is acceptable, including certifications. All physical work shall be completed before the final acceptance letter date.

The COY will submit the final payment request and final acceptance letter to the ADOT PM. When the ADOT PM has verified that the COY has received final reimbursement, the ADOT internal project closeout process begins. Upon FHWA approval, the project will be closed and no additional federal reimbursement of project costs can be made.

The COY will use FHWA Form 1446B (attached) for Final Acceptance Report.

Record Drawings

The COY will ensure redlines are drawn accurately and to scale with necessary explanation and references noted. Redlines include all changes from the as-bid documents, permit work, subcontract work, supplemental agreements, addendums, field adjustments, requests for information, and discovered, relocated, or abandoned irrigation systems and utilities.

Maintenance

Post-construction operation and maintenance activities, including repairs such as filling potholes, do not qualify for federal funding, with the exception of preventive maintenance costs allowed under 23 U.S.C. § 116(d). The CA Agency must maintain FAHP projects and commit financial resources and adequate personnel for on-going maintenance operations in compliance with 23 C.F.R. § 633.208. These maintenance activities cannot be transferred to another party except through an IGA or annexation.

Project Close Out

Project Closeout will be in conformance with the ADOT Certification Acceptance Manual, Final Acceptance and Project Closeout, and the City of Yuma Project Management and Gate Process Manual, Phase V Close Out.

Closing out of a project involves verifying that all applicable paperwork is complete and that the project was conducted in accordance with the approved contract documents and federal-aid requirements. The closeout submission out will consist of the following items:

- Final Acceptance Letter
- Final Construction package (with attached cover sheet)
- Final Voucher package stating that the project has been completed and accepted by the LPA to the ADOT District Engineer, Field Reports Section, and ADOT project manager as needed (addressed to ADOT)
- Total Project Cost Summary (see attached checklist)

ADOT Closeout

When the project is complete, the PM shall submit the final acceptance documentation to the ADOT PM within 90 days. The final acceptance documentation required is listed in Appendix A6 – Final Acceptance Documentation Checklist.

City of Yuma Closeout

Once the ADOT closeout documentation has been sent the project will be closed out within the city systems per the City of Yuma Project Management and Gate Process.

Records

Project files will be maintained after the Project is complete in accordance with the City of Yuma, ADOT and FHWA Record Retention Program requirements. Record retention time period starts when FHWA provides the final voucher to ADOT. ADOT will provide the final voucher date to COY. Note: It has taken up to two years after COY has provided the closeout documents to ADOT for ADOT to receive the final voucher from FHWA.

The COY's person in responsible charge will retain records on Certification Acceptance projects. During the final acceptance process, all applicable project closeout documentation will be verified for accuracy and completeness by the COY, and then submitted to ADOT LPA Section in the final construction package. The COY will undertake the following steps to prepare a project for final acceptance and project closeout by ADOT. The COY will be responsible for the following:

- Maintain records of all construction phase contractor's practices of construction compliance.
- Provide funding to execute construction contracts and maintain project prior to final acceptance.
- Have the contractor document project activities/ information and retain project documentation.
- Certify materials for compliance to PS&E documents.
- Submit documentation of compliance with Build America Buy America requirements.
- Create and maintain as-built plans and submit them to ADOT.
- Document compliance with AZPDES permit regulations.
- Prepare a Final Construction Package and submit to the ADOT LPA Section.
- Create a final voucher report.
- Compile final cost data and submit to ADOT for funding reimbursement.
- Create a Summary Report (by scope of work) that includes federal and non-federal reimbursable expenses.

The COY will complete the closeout activities above and as shown in Table 14-2 of the ADOT LPA Manual.

CIVIL RIGHTS

Americans with Disabilities Act

Section 504 of the Rehabilitation Act of 1973 (49 C.F.R. Part 27) prohibits discrimination based on disability in programs, activities, and services that receive federal financial assistance. Title II of the American with Disabilities Act of 1990 (28 C.F.R. Part 35) prohibits discrimination based on disability in state and local government services regardless of whether the public entity receives federal financial assistance.

In accordance with 49 C.F.R Part 27 and 28 C.F.R. Part 35, a CA Agency that receives federal financial assistance from FHWA must comply with the following:

- Notify the public of ADA obligations
- Designate an ADA Coordinator

- Adopt and implement complaint/grievance procedure for ADA complaints received by the CA Agency
- Conduct a self-evaluation of programs and services for accessibility
- Develop and implement a transition plan to make structural modifications to facilities in order to achieve program accessibility. For FHWA recipients and public entities with responsibilities over roads, highways and pedestrian facilities, the transition plan must include a curb ramp installation schedule
- Provide assurances to ADOT and FHWA when receiving federal financial assistance that the CA Agency does not discriminate based on disability in any of its programs, services, and activities 31
- Conduct programs, services, and activities in accessible facilities or provide alternative means of accessibility
- Make new and altered buildings and facilities accessible in accordance with accessibility guidelines
- Provide effective communications using auxiliary aids (sign language interpreters, large print, or Braille text) so that individuals with hearing, visual, sensory, or cognitive impairments have access to programs, services, and activities

The CA Agency must submit an ADA Action Plan report to the ADOT Civil Rights Office (CRO) for review and acceptance, by January 30th. The CA's annual ADA Action Plan must include:

1. Identify staff and/or consultant to review each facility for compliance. The ADA/504 Coordinator should be the lead staff member in the development and implementation of the transition plan so that efforts to achieve and maintain accessibility can be effectively coordinated throughout the entity and so that there is balance in the transition plan between entity programs and services, buildings and facilities, as well as pedestrian right or way facilities.
2. Establish the public involvement process by which the disability community and others will participate.
3. Identify facilities used by each of the recipients/public entities programs and services. Which includes an inventory and/or maps of streets, sidewalk, intersections, that would need to be made accessible.
4. Map out the usage.
5. Survey tool or list of standards.
6. Incorporate capital improvement plan;
7. Identify funding and timelines.

Title VI Non Discrimination

In accordance with Title VI of the Civil Rights Act of 1964 (49 C.F.R. Part 21) and related statutes and regulations, the COY will comply and further ensure that:

> "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.

In accordance with 23 C.F.R. Part 200, the COY will submit a Title VI program plan to the ADOT Civil Rights Office (CRO) for review and acceptance, and an Annual Goals and Accomplishment report by August 1. The Title VI Implementation program plan must include:

- Signed Policy Statement
- Signed Title VI Assurances
- Organization and Staffing/Designated Title VI Program Coordinator
- Program Review Procedures
- Special Emphasis Program Areas
- Sub-Recipient Review Procedures
- Data Collection/Reporting/Analysis
- Title VI Training
- Complaint Procedures
- Dissemination of Title VI Information/Public Participation Plan
- Limited English Proficiency
- Environmental Justice
- Compliance and Enforcement Procedure
- Review of CA Agency Directives 32

In accordance with US DOT 1050.2A, the COY will insert the following notification in all solicitations for bids, requests for proposals for work, or material subject to the Acts and regulations made in connection with all FAHP and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

> "The COY, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252.42 U.S.C. §§ 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color national origin in consideration for an award."

In accordance with US DOT Order 1050.2A, the COY will insert the clauses of Appendix A and E of the Title VI Assurances in every contract, subcontract, or agreement. When applicable, the COY will insert Appendix B, C, or D of the Title VI Assurances in contracts and subcontracts.

The COY will forward Title VI complaints filed against the COY on a federal-aid program or project to ADOT CRO for investigation.

Equal Employment Opportunity

In accordance with 23 C.F.R. Part 230, Subpart A, ADOT BECO will conduct periodic EEO compliance reviews on CA-administered FAHP projects. The COY will coordinate with ADOT BECO at every stage of the review process to ensure the contractor complies with 23 C.F.R. Part 230. In accordance with 23 U.S.C. § 140(a) and 23 C.F.R. Part 230, Subpart A, the COY will submit a Federal-Aid Highway Construction Contractors Annual EEO Report (Form FHWA-1391) for each active contractor or subcontractor, regardless of tier level, with a contract or subcontract of $10,000 or more. The COY will submit the report to ADOT BECO every year by August 15.

Disadvantaged Business Enterprise

49 C.F.R. Part 26 removes barriers to participation and creates a level playing field for the participation of DBEs. The COY will adhere to the ADOT FHWA DBE Program Plan to be eligible for federal reimbursement. Before project advertisement, the COY will submit the DBE Goal Setting Worksheet to ADOT BECO to obtain a DBE contract goal. The COY will ensure the advertisement and contract contain the required DBE goal percentage and DBE contract language for engineering and design-related services or the ADOT DBE Special Provisions (EPRISE) for construction projects as mandated by the ADOT FHWA DBE Program Plan. Only BECO can set the DBE goal for a FAHP project. Inclusion of a local goal will cause the project to be ineligible for federal reimbursement.

In accordance with the ADOT FHWA DBE Program Plan, when there is a DBE contract goal, BECO will determine whether a bidder/offeror has met the DBE goal or has documented sufficient good faith effort to be considered responsive. The COY will provide the ADOT PM and BECO written notice immediately following bid opening if the apparent low bidder indicates on the DBE Assurance Form that it cannot meet the DBE goal.

Following bid opening, the COY will submit to BECO the DBE Assurance Form and DBE intended participation affidavits from the apparent low bidder, bidders' list from all offerors, and if applicable, good faith effort documentation or any other documents required by the ADOT FHWA DBE Program Plan. The COY will must not award a contract until BECO has concurred.

For contracts with a DBE goal, the contractor's DBE commitment made at the time of bid is a condition of contract award. The COY will notify BECO as soon as the COY is aware of any potential issues that may affect DBE commitments made at award. If the contractor and/or DBE is unable or unwilling to fulfill the commitment in compliance with 49 C.F.R. Part 26 for the duration of the contract, the COY will provide BECO written notice before a committed-DBE's termination, substitution, or reduction of work. The CA

Agency must obtain written approval from BECO before replacing or reducing committed DBE participation.

Failure to carry out the DBE Program requirements can result in withdrawal of federal funding from the FAHP project. When ADOT notifies the COY of its failure to carry out the DBE Plan, ADOT will impose sanctions, which may include measures that affect CA status and the COY ability to receive federal funding.

On the Job Training

ADOT BECO will assess an OJT goal at the time of the DBE goal assessment in accordance with the ADOT OJT Program requirements. The COY will include the OJT Special Provisions provided by ADOT BECO in contracts with OJT goals and monitor those contracts to ensure contractor compliance with OJT provisions.

Financial

General

The COY project management and administrative functions will ensure activities submitted for federal-aid reimbursement meet the eligibility requirements from the FHWA as specified by Title 23 CFR and by Title 2 CFR 225. Functions include the following:

General:

- Federal Authorization shall be received prior to acceptance of any costs that are eligible for reimbursement.
- All payments are processed through "New World ERP" software.
- All individuals processing payment applications will be trained by the COY on the financial system prior to access.
- Various financial reports are available through "ProjectMates" and "New World ERP" software.
- Contractor payments are subject to ARS 34-221, Arizona Prompt Payment Act.

Allowable project costs must be reasonable, necessary, and directly related to the specific project and follow the guidelines in Chapter 17 of the ADOT LPA Manual.

Consultant Pay Applications

- The Project Manager shall receive, and review all Pay Applications prior to approval for payment.
- The Pay Application shall be reviewed for conformance to the Contract.
- Pay Applications shall include sufficient documentation to justify the costs being requested.
- Project Manager shall verify the hours, quantities and fees are appropriate for the work that has been completed.
- Project Manager shall verify no work has been duplicated from previous applications.
- Project Manager shall receive the Pay Application in the financial system and input the data into ProjectMates, route for department approval and the Administrative Support Supervisor will process the transaction into New World ERP, route it for COY payment approval and COY finance will process the payment.

- The Project Manager will track the any delays in the schedule using ProjectMates and communicate any delays with the ADOT Project Manager.
- If a Project End Date for planning or engineering is extended, the Project Manager will make changes in ProjectMates software and communicate any changes with the ADOT Project Manager.

Contractor Pay Applications

- Field Inspector and Contractor review the monthly quantities prior to pay application submission.
- Contractor submits the Pay Application, signed by an authorized representative of the Contractor, to COY Field Engineering.
- Pay Application is reviewed by the Field Inspection for conformance to the actual status of field work.
- Pay application is reviewed against previous pay applications and for conformance with the Contract and required additional documentation.
- Pay Applications will document the local matching funds as shown on the attached example Pay Request sheet.
- Pay Application is approved or denied by the Field Engineering Manager or designee within 7 calendar days of receipt.
- If denied, Pay Application is returned to Contractor for corrections.
- If approved, Pay Application is received in "ProjectMates and New World ERP". Payment to Contractor is completed within 14 calendar days.
- Pay Applications will be submitted quarterly (even if the request is $0)
- Project End Dates are tracked using schedules in ProjectMates software.
- If a Project End Date for construction is extended, the Project Manager will make changes in ProjectMates software and communicate any changes with the ADOT Project Manager.

Subcontractor Payments

- The ADOT LPA DBE System will be monitored to ensure contractor and subcontractor verifications of payments are being completed.

Labor Compliance

The COY PM shall perform the following review of a pay application:

- Obtain copies of all certified payroll records for Contractor and all subcontractors.
- Compare Contractor and Subcontractor employee interviews against certified payroll records.
- Verify Contractor/Subcontractor certified payroll reports against wage determination for that particular job.
- On a weekly basis, perform spot checks to compare Contractor and Subcontractor employee interviews, against certified payroll, as well as inspector daily diaries to ensure compliance with wage requirements.

Federal Reimbursement

- The City of Yuma Finance Department will manage the grant and request grant reimbursements in accordance with Finance Procedure FN-GMD-15, Monthly Grant Reconciliation and Finance Procedure FN-GMD-16, CIP Grant Process.

Inactive Projects

Projects with no billing activities for 90 calendar days are placed on the ADOT inactive list. Impacts and additional inactive project timeframes are listed in the ADOT Certification Manual, Financial Administration, Inactive Projects.

Audit and Oversight

The procedures described below for auditing and oversight of Federal Aid Highway Projects (FAHP). The City of Yuma Finance Department and Department of Engineering are responsible for components of the procedures.

1. COMPONENTS:

    4. Construction Inspection Reviews
        - Independent construction inspection reviews are performed by the City of Yuma Department of Engineering.
        - Reviews are conducted on each FAHP Project.
        - Reviews are conducted at least three times during the project.
        - The request for review is initiated by the Construction Manager.

    5. Annual Single Audit
        - An annual single audit is required when the COY expends $750,000 or more during the non-Federal entity's fiscal year in Federal awards. The single or program-specific audit will be conducted for that year in accordance with the provisions of 2 CFR 200.501.

        - The audit must be completed and the data collection form described in paragraph (b) of 2 CFR 200.512 and reporting package described in paragraph (c) of section 2 CFR 200.512 must be submitted within the earlier of 30 calendar days after receipt of the auditor's report(s), or nine months after the end of the audit period. The audit will be submitted electronically to the Federal Audit Clearinghouse (FAC) no later than nine months after the COY's fiscal year end as required by 2 CFR 200.512.

        - Project will be periodically reviewed by the CA Liason for conformance to the Certification Acceptance Manual.

    6. Record Keeping
        - All review and audit records, including any findings and corrective actions shall be maintained in ProjectMates.

        - The COY must keep one copy of the data collection form described in paragraph (b) of 2 CFR 200.512 and one copy of the reporting package described in paragraph (c) of 2 CFR 2900.512 on file for three years from the date of submission to the FAC.

2. ACCESS TO DOCUMENTS AND PROJECT SITE:

- ADOT and FHWA may, at their sole discretion, inspect the Department, contractor or subcontractor project documentation and visit the construction site at any time.
- The Department will provide any documentation requested by ADOT or FHWA within a reasonable time.

Title VI Program

The Title VI Program shall conform to the City of Yuma Transportation Title VI Implementation Plan 2019.

ADA Transition Plan

The ADA Transition Plan shall conform to the COY Transition Plan Update Final Report, Phase 1 and 2, June 2012.

APPENDIX

A1 - Federal Project Initiation Detailed Instructions

The ADOT LPA has standardized the project initiation process. The same process and form are used for all LPA projects. As such some items will not be applicable to Certified Agency projects.

Use the "Local Public Agency Project Initiation Sample Letter" as the template for the initiation letter. The letter can be found at: https://azdot.gov/business/programs-and-partnerships/local-public-agency/project-initiation

Follow the instruction on the sample letter. Note the following:

a. For the scoping letter item on the sample letter note to see the ADOT Project Data Sheet. For City of Yuma the project scoping documents are provided during design. This item is for non-CA projects.
b. For supporting documents include if applicable. CA project may not have additional supporting documents.
c. The Self-Administration approval memo is no applicable to City of Yuma projects.

Also, complete the ADOT LPA Project Data Sheet located at:

https://www.azdot.gov/business/programs-and-partnerships/local-public-agency/one-stop-shop/project-initiation

Follow the instructions on the data sheet. The estimated schedule does not need every line completed. Complete what information is available. The total Development hours is for ADOT use only, do not fill in.

A2 - Contract Provisions Checklist

Include the most current version of the following:

- ☐ Breach of Contract Language
- ☐ Buy America Provisions
- ☐ Cargo Preference Act Language
- ☐ Changes and extra work and contract time and contract time extensions per 23 CFR § 635.120 and §635.121
- ☐ Contract Notice to Proceed, Commencement, and completion of Work Dates
- ☐ Disadvantaged Business Enterprise (DBE):
    - DBE Special Provisions (DBE EPRISE)
    - DBE Assurance Form 3102C
    - DBE Intended Participation Affidavit
        - DBE Intended participation Affidavit Individual for Subconsultant Form 3105C
        - DBE Intended Participation Affidavit Summary for Prime Form 3106C
    - Online Bidders / Proposers List Requirements
    - DBE Good Faith Efforts 103C
    - DBE Form 3108C DBE Termination Substitution Reduction Request
    - DBE Certification of Final Payment Form 3110C
    - DBE Joint Check Agreement Request Form 3109C
    - DBE Joint Check Agreement Form 3114C
- ☐ Energy Efficiency Language
- ☐ Environmental Commitments
- ☐ Equal Employment Opportunity (EEO):
    - Equal Employment Opportunity Clauses
    - Executive Order 11246 (revised 5-12)
    - EEO Compliance Reports (October 20, 2015)
    - Certification, Contracts, or Subcontracts Subject to EEO Clause (April, 1969)
    - Executive Order 2009-09
    - Specific Federal Immigration and Nationality Act Language, excluding sanctions
- ☐ FHWA 1273 (Rev. 5-12)
- ☐ Job Site Posters Required List: https://www.fhwa.dot.gov/programadmin/contracts/poster.cfm
- ☐ Non-Collusion Provision
- ☐ On the Job Training Provision (If Applicable)
- ☐ Prompt Pay Provision and Payment Reporting Provision
- ☐ Record Retention Language
- ☐ Recovered Materials Language
- ☐ Standard Change Condition Clause
- ☐ Termination of Contract Language
- ☐ Title VI Assurances and Title VI Appendix A & E
- ☐ Wage Determination Decision - Project Specific

A3 - Federal Authorization Request for ROW Checklist

- ☐ CA Agency authorization request letter
- ☐ Current MPO TIP and STIP pages (showing the project name, funding year, and funding source)
- ☐ NEPA approval
- ☐ Project location/vicinity map
- ☐ ROW plan
- ☐ Title report (parcel and ownership information)

A4 - Federal Authorization Request for Construction Checklist

- ☐ Cover Letter with construction start and end dates. These dates will be used for allowable reimbursements. Ensure the end date is two years after the anticipated construction completion to allow for closeout activities.
- ☐ All bid advertisement documents (PS&E, special provisions including the DBE Special Provisions (EPRISE), bid/contract) that includes the following federal contract provisions:
  - ☐ Record Retention Language
  - ☐ Federal Immigration and Nationality Act Language
  - ☐ Cargo Preference Act Provision
  - ☐ Certification, Contracts or Subcontracts subject to EEO Clause, April 1969
  - ☐ Notice of Requirement for Affirmative Action to Ensure EEO (Executive Order 11246), Rev. 4/15/1981
  - ☐ FHWA Form 1273 (Rev. 5-12)
  - ☐ EEO Compliance Reports, March/October 2015
  - ☐ Wage Determination Decision
  - ☐ Title VI Assurances
- ☐ Request Letter that includes a railroad, design exceptions and proprietary products statements
- ☐ Clearances
  - ☐ ROW
  - ☐ Utility
  - ☐ Railroad (required even when no railroad is involved in the FAHP project and can be a statement in the Utility Clearance)
- ☐ Current MPO TIP and DTIP pages (showing the project name, funding year and funding source)
- ☐ DBE goal assessment letter
- ☐ Cost Estimate
- ☐ Financial recapitulation sheet, including the construction schedule and project start and end dates
- ☐ Materials Memo
- ☐ Materials QA Project plan approval letter
- ☐ NEPA approval
- ☐ Period of performance, including the construction schedule and project start and end dates
- ☐ Project location/vicinity map
- ☐ Certification, PIF, or Experimental Product approval, if applicable
- ☐ Design exception approval, if applicable
- ☐ Executed IGA, if applicable
- ☐ Subprogram eligibility letter, if applicable
- ☐ System engineering checklist, if applicable

A5 – Pre-Construction Meeting Checklist

The following items are to be included in the preconstruction meeting agenda, if applicable.

- ☐ Contractor's submittals
- ☐ Railroad or utility adjustments
- ☐ Public relations and interests of abutting property owners
- ☐ Contractor's work plan and schedule of operations
- ☐ Specific contract requirements, including EEO, DBE, and OJT
- ☐ Safety and traffic control plans
- ☐ Environmental commitments
- ☐ Erosion control/Stormwater Pollution Prevention Plan (SWPPP)
- ☐ ROW available for use by the contractor
- ☐ Time limits and performance of operations, including materials delivery considerations
- ☐ Construction time and cost control
- ☐ Emergency response to incidents
- ☐ Escalation process
- ☐ Authorized signature form
- ☐ Employee Interviews
- ☐ Materials - Certificates of Compliance and Analysis Checklist – Review documentation requirements
- ☐ Quality assurance for materials

A6 - Final Acceptance Documentation Checklist

Contractor Final Acceptance

- ☐ Completed Punchlist
- ☐ Contractor's affidavit of final payment
- ☐ Consent of Surety for final Payment
- ☐ Bond lien release waiver
- ☐ Subcontractor's waiver and release on Final Payment

Other Items

- ☐ Contractor Notice of Termination (NOT) with ADEQ for projects with a NOI
- ☐ City of Yuma Notice of Termination (NOT) with ADEQ for projects with a NOI

ADOT Final Acceptance (Closeout)

The following items are to be included in the Final Documentation submittal to ADOT.

- ☐ Final Acceptance letter attesting to project completion – The final acceptance letter shall include the following:
  - ☐ Federal and ADOT project numbers
  - ☐ A statement that the City of Yuma accepts and will maintain the project or there is an IGA showing another agency's acceptance and maintenance responsibilities.
  - ☐ Confirmation of receipt of Final Payment or final payment request
  - ☐ A statement that the results of the tests used in the Materials QA Project Plan indicate materials incorporated in the construction work and construction operations controlled by sampling and testing were in conformity with the approved contract
  - ☐ A list of documents included.
- ☐ Final reconciliation statement
- ☐ Statement of certified and closed certified payrolls
- ☐ Contractor's affidavit about the settlement of claims
- ☐ Copy of COY final acceptance notification sent to Contractor.
- ☐ Final Pay Request
- ☐ Certification Acceptance (CA) Agency Record Drawing Documentation Form: https://www.azdot.gov/business/ManagementServices/ProjectResourceOffice/record-drawing-guidelines, under additional resources
- ☐ Project location and vicinity map
- ☐ List of items installed and locations if procurement

A7 – Forms

A-8 FAHP Project Delivery Manual Updates

A-9 DBE Goal Setting/Monitoring/Compliance for FAHP

Disadvantaged Business Enterprise Goal Setting/Monitoring/Compliance for FHWA Federally-Funded Projects

I. PURPOSE

The purpose of this document is to define City of Yuma ("City") Procurement Department's procedure for establishing Disadvantaged Business Enterprise (DBE) goals and contract compliance of Federal-Aid projects in accordance with regulations of the U.S. Department of Transportation (DOT) 49 CFR Part 26, and City of Yuma Finance Department Procurement Division Policies and Procedures Manual. By execution of the Certification Acceptance (CA) Agreement with the Arizona Department of Transportation (ADOT), City of Yuma (Local Public Agency) has agreed to adhere to the responsibilities and requirements set forth by the Federal Highway Administration (FHWA) as a Subrecipient/Subgrantee receiving financial assistance for the design and construction of federal-aid construction projects.

II. DEFINITIONS

A. **Disadvantaged Business Enterprise (DBE):** Disadvantaged Business Enterprise (DBE): A small business owned and controlled by socially and economically disadvantaged individuals that received a DBE certification from the relevant state generally through the state Uniform Certification Program (UCP). To be regarded as economically disadvantaged, an individual must have a personal net worth that does not exceed $850,000 (13 CFR 124.104 (c)(2)), income (AGI) (13CFR 124.104 (c)(3)) must be less than $400,000, and Total Assets (13 CFR 124.104 (c)(4)) less than $6.5 million.

B. **DBE Liaison Officer (DBELO):** An individual designated for administration of the DBE Program in accordance with the ADOT DBE Program Plan. The City's selected DBE Liaison collaborates, monitors and provides guidance with contractor's DBE Liaison regarding DBE matters.

C. **Eligible Project:** Any Construction, Design or Professional Services project undertaken by the City that is funded in whole or part by a federal grant.

D. **Prime:** The Contractor or Consultant that has entered into a contract with City for construction, design or professional services and has the full responsibility for the management of its Subcontractors/Subconsultants for the completion of the project.

E. **Qualified DBE:** A certified DBE listed on AZ UTRACS or current, authorized City DBE Business Certification Directory maintained by the City of Yuma that is ready, willing and able to perform work.

III. DBE GOAL SETTING PROCEDURE

City of Yuma Procurement Division established a DBE Program to comply with federal-aid requirements and will follow the current ADOT FHWA DBE Plan using DBE EPRISE Language. Following is a step-by-step guide to establish a DBE goal for Eligible Projects.

A. DBE Goal Set

The Procurement Division- receives a requisition from the Department to publicly solicit design, construction or professional services. The PO contacts the City DBE Liaison Officer (DBELO) a minimum of 14 days prior to the desired publication date to submit the goal set request to the ADOT Business Engagement & Compliance Office (BECO) for DBE goal assessment through the ADOT Goal Set Application at: https://dbegoals.azdot.gov with the following information:

- TRACS number and Federal ID for Project being submitted for DBE Goal Assessment;
- Engineers Estimate, detailed Scope of Work, and ADOT Funding Authorization;
- City of Yuma Project Number / Procurement Method;
- Number of days Project is projected to require for completion;
- Name, email, phone number, fax number of contact person assigned to manage the project.

BECO requires ten (10) business days to complete and return a goal assessment. The goal will be valid for **120 calendar days**. If the contract is not advertised within 120 calendar days from receipt of the DBE goal memo, a new DBE Goal Request must be submitted.

B. DBE Goal Waiver

Good Faith Efforts (GFE) – In the event that the Prime is unable to meet the DBE Goal and has documented sufficient good faith efforts to be considered responsive, the DBELO is required to contact BECO immediately in writing and follow the GFE guidelines: https://azdot.gov/docs/defaultsource/beco-library/103c-adot-gfe-guide.pdf.

After BECO notification, DBELO emails the PM with instructions provided by BECO on GFE. DBELO obtains necessary forms and assists Prime to ensure all efforts have been made and all resources exhausted to obtain a DBE for the project. DBELO will follow up as needed with the PM to remain compliant with updates on all requirements. DBELO will document, copy and file all information obtained.

IV. SOLICITATION – CONSTRUCTION PROJECT WITH GOAL

A. Solicitation Review – The DBELO reviews the solicitation documents prior to advertisement to ensure that the following is included:

- Project Goal;
- LPA EPRISE with Goal;
- LPA Prompt Pay and Payment Reporting Provisions;
- FHWA 1273;
- DBE Goal Assurance (Form 3102C);
- Equal Opportunity Statement (Compliance Report);
- Title VI Assurance;
- Advertisement in the Yuma Sun and City of Yuma Procurement Portal.

B. Project Bid

All bidders must submit the following with bid to be deemed responsive:

- DBE Assurance Form 3102C;
- On-Line Bidder's List Confirmation Email;
- Primes and subcontractors, including DBEs, must be registered in the Arizona Unified

Transportation Registration and Certification System (AZ UTRACS).

C. Evaluation

1. DBELO verifies submission of required information by Prime Apparent Low Bidder (ALB) to ensure it is timely, accurate and complete as follows:

   - Prime has met or exceeded the DBE goal assigned to the project;
   - DBE utilized is certified as a DBE as well as certified to perform the work;
   - Contractor/Bidder Project DBE Assurance Form 3102C;
   - On-Line Bidder's List Confirmation Email;
   - DBE Intended Participation Affidavit – Individual Form 3105C;
   - DBE Intended Participation Affidavit Summary for Prime Form 3106C;
   - DBELO reviews ALB's Bidders List Notice and Affidavits after 4:00 pm on the 5th calendar day following bid opening. If ALB is non-responsive, DBELO reviews the subsequent low bidder's submittal and continues down the list of bidders until a responsive bidder is identified. If no responsive bidder is identified, DBELO will consider rejection of all bids and readvertising the project with BECO concurrence.

2. Within seven (7) business days of review, DBELO submits to BECO the Bidder's List confirmation email, DBE Assurance Form and Affidavits to LPAContractorCompliance@azdot.gov . BECO will review and provide email concurrence with Bid Verification letter within five (5) calendar days from receipt. DBELO provides the DBE Bid Verification letter to the PO and City Project Manager (PM) authorizing commencement of the project.

V. SOLICITATION – DESIGN PROJECT WITH GOAL

A. Solicitation Review – The DBELO reviews the solicitation documents prior to advertisement to ensure that the following is included:

   - Project Goal;
   - LPA PS EPRISE with Goal Project Specific;
   - LPA Prompt Pay and Payment Reporting Provisions;
   - Uniform Terms and Conditions Federal and State Contract Requirements (Project Specific Contract);
   - Title VI Assurance;

- Advertisement in Yuma Sun and City of Yuma website.

B. Project Proposal – All respondents providing design services must be prequalified at the time of submittal with ADOT Engineering Consultants Section (ECS). All respondents must provide a statement verifying prequalification and submit the following to be deemed responsive:

- The required DBE Participation Affidavit Forms with Statement of Qualifications;
- On-Line Bidder's List Confirmation Email;
- The DBE Assurance Form 3212PS;
- Primes and subcontractors, including DBEs, must be registered in the Arizona Unified Transportation Registration and Certification System (AZ UTRACS).

C. Evaluation

1. DBELO reviews submission of required information by the highest qualified respondent to ensure it is timely, accurate and complete as follows:

- Prime has met or exceeded the DBE goal assigned to the project;
- DBE utilized is certified as a DBE as well as certified to perform the work via the Arizona Unified Transportation Registration and Certification System;
- On-Line Bidder's List Confirmation Email;
- DBE Subconsultant Intended Participation Affidavit: Individual (Form 3205PS);
- DBE Consultant Intended Participation Affidavit: Summary (Form 3206PS).

2. Within seven (7) business days of review, DBELO submits to BECO the Bidder's List confirmation email, DBE Assurance Form and Affidavits to LPAContractorCompliance@azdot.gov . BECO will review and provide email concurrence with Bid Verification letter within five (5) calendar days from receipt. DBELO provides the DBE Bid Verification letter to the PO and City Project Manager (PM) authorizing commencement of the project.

VI. CONTRACT COMPLIANCE / PAYMENT REPORTING / SANCTIONS

A. Contract Compliance

1. DBELO contacts the Prime for a copy of the DBE subcontract for review and approval prior to the commencement of work. This may be provided at or before the Pre-Construction or project kickoff meeting. If the subcontract is not provided at the Pre-Construction or project kick-off meeting, the Prime must provide documentation regarding the reason for delay, a company contact person, telephone number, and status on a weekly basis until the Prime provides the DBE subcontract to City. Upon receipt of the DBE subcontract, DBELO reviews and uploads into the ADOT LPA DBE Tracking System.

a. Prime Construction Contract must contain:

- Complete the FHWA 1273 with each page initialed and dated by the DBE;

- LPA DBE Subcontract Compliance Assurances each page initialed and dated;
- LPA Prompt Pay and Payment Reporting Provisions;
- Complete Executed Subcontract Agreement.

DBE Subcontracts must contain:

- LPA Prompt Pay and Payment Reporting Provisions for all LPA federal-aid contracts and subcontracts;
- LPA DBE Subcontract Compliance Assurances each page initialed and dated.

b. Design or Professional Services Contract must contain:

- Professional Services LPA DBE Subcontract Compliance Assurances each page initialed and dated;
- LPA Prompt Pay and Payment Reporting Provisions;
- Complete Executed Subcontract Agreement.

DBE Subcontracts must contain:

- LPA Prompt Pay and Payment Reporting Provisions;
- Professional Services LPA DBE Subcontract Compliance Assurances.

2. Commercially Useful Function (CUF) Review – City Field Office conducts project site visits on all federally funded (FAHP) contracts to confirm that DBEs are performing a CUF on the projects. City must use the BECO CUF checklist to conduct a CUF inspection for each DBE used to meet a project DBE goal on the project. See the CUF checklist (FHWA Tips on Evaluating a CUF) found on the BECO website under "Site Visit" tab. Once the CUF has been conducted, signed, dated, a copy is sent to the DBELO via Email for review. After review, it is uploaded into the ADOT LPA DBE Tracking System under the document tab of the contract.

B. Payment Reporting

1. DBELO enters all contracts with FHWA Funding in the Arizona Local Public Agency Contract Management System to ensure compliance: https://arizonalpa.dbesystem.com . DBELO utilizes ADOT LPA DBE Tracking System to monitor DBE utilization on projects on an ongoing basis and will notify ADOT BECO of a potential issue that may affect DBE commitment made at award.

2. DBELO notifies Prime to add all Subcontractors/Subconsultants, DBEs and non-DBEs to newly created contract into the ADOT LPA DBE Tracking System no later than 15 days after pre-construction meeting.

3. DBELO enters Prime payments on a monthly basis for all City of Yuma Federally funded projects into the ADOT LPA DBE Tracking System. It is a requirement to report Payment/No-Payment for all Federally funded open contracts. After the DBELO enters City of Yuma's payment/no-payment to Prime in the ADOT LPA DBE Tracking System, an automatic notification email is sent to the Prime to log into the ADOT LPA DBE Tracking System to add payment/no-payment for all Subcontractors working on the listed project.

4. The Prime shall report on a monthly basis indicating the amounts actually paid and the dates of each payment under any reportable contract on the project. The Prime shall provide information for payments made on all reportable contracts during the previous month by the last day of the current month. In the event that no payments were made during a given month, the Prime shall identify that by entering a dollar value of zero. If the Prime does not pay the full amount of any invoice from a subcontractor, the Prime shall note that and provide the reasons in the comment section of the Monthly Payment Audit of the ADOT LPA DBE Tracking System. The ADOT LPA DBE Tracking System will generate an email notifying the Subcontractor/Subconsultant to log into the system and acknowledge payment/no-payment.

C. Monitoring

The Prime shall require that all participants in any reportable contract electronically verify receipt of payment on the contract within 15 days of receipt of electronic payment notification and the Prime shall actively monitor the system to ensure that the verifications are entered into the ADOT LPA DBE Tracking System. The Prime shall proactively work to resolve any payment discrepancies in the system between payment amounts it reports, and payment confirmation amounts reported by others.

D. Sanctions

Sanctions shall be applied per LPA Prompt Payment & Payment Reporting Provisions, Section 5.a *Payment Reporting – Sanctions for Inadequate Reporting*, dated 7-24-2023 or current version.

VII. JOINT CHECK REQUEST

BECO must approve the agreement for the use of joint checks in writing before any joint checks are issued. The Prime shall submit a DBE Joint Check Request form with the Joint Check Agreement, to City and BECO via email within seven (7) calendar days from the date the subcontract is executed. After obtaining authorization from BECO for the use of joint checks, the Prime, the DBE, and/or the supplier must retain documentation to allow for efficient monitoring of the agreement by the City.

Joint Check Request - Form 3109C
Joint Check Agreement - Form 3114C

VIII. DBE SUBCONTRACTOR REPLACEMENT / TERMINATION

In the event the DBE Subcontractor is in breach of contract for:

- Reduction in scope
- Non-Performance

Prime must contact DBELO and PM before replacing or terminating the DBE Subcontractor assigned to any City projects with a DBE goal. A Prime may request the substitution of a DBE subcontractor in writing with the DBE Termination Substitution Reduction Request (Form 3108C).

The Prime may not terminate a committed DBE Subcontractor for convenience to perform the work with its own forces or those of an affiliate without DBELO's prior written approval.

The DBELO must contact ADOT BECO in writing to before any replacement or termination of a DBE Subcontractor. (Replacement of DBEs without BECO's prior written approval is a material breach of the contract.) If BECO determines that the Prime has failed to make sufficient reasonable efforts to meet contract DBE goals, or to otherwise carry out the DBE provisions, such failure shall constitute a breach of contract and may result in termination of the contract, or any other such remedy as City deems appropriate. If City determines that such failure is not cause to terminate the contract, an amount equal to the value of the DBE goal that was not obtained will be deducted from the payment due the Prime. However, if the failure is the first by the Prime, and the City determines the failure was an unintentional error or oversight, the amount to be deducted may be reduced up to one-half (1/2) of the value of the unobtained DBE goal as determined by BECO. In addition to any other sanctions, willful failure of the contractor or a DBE to comply with this contract or with the Federal DBE regulations may result in disqualification from further contracting, subcontracting, or other participation in ADOT projects.

IX. COMPLIANCE REQUIREMENTS

DBELO is required to collect data from all Primes (Construction) working on FHWA Projects by the 15th of August each year and compile all data from all open projects to submit to the BECO Office by August 31 (BECO must report to FHWA by September 25 each year.) using the FHWA Construction Contractors Annual EEO Report Form 1391.

ADOT BECO submits a Uniform Report of DBE Commitments/Awards and Payment Reports (semiannual) to FHWA. The City is required to monitor ADOT LPA DBE Tracking System to prepare for the semiannual reporting by ensuring contract payments are up to date in the ADOT LPA DBE Tracking System.

City must report all award/no award FHWA-funded contracts by the 10th day of each month to BECO at LPAContractorCompliance@azdot.gov.

X. CONTRACT TERMINATION

Before terminating a federal-aid contract, the CA Agency must contact the ADOT PM to receive ADOT concurrence. ADOT will notify FHWA when a contract is to be terminated and determine whether contract termination costs, including final settlement, are eligible for federal reimbursement.

XI. CONTRACT CLOSEOUT

The Prime's achievement of the DBE goal is measured by actual payments made to the DBE by the Prime. The Prime shall submit the "Certification of Final DBE Payments" for each DBE firm working on the contract certifying that all DBEs were paid in full for material and/or work performed under the terms of the contract. This form shall be signed by the Prime and the relevant DBE, and submitted to the City no later than thirty (30) days after the DBE completes its work.

- **Contract Closeout Construction:**

Certification of Final LPA DBE Payments (Form 3110C)

- **Contract Closeout Design:**
  Certification of Final LPA DBE Payments (Form 3210PS)

  City and ADOT will use this certification and other information available to determine applicable DBE credit allowed to date by the Prime and the extent to which the DBE firms were fully paid for that work. By the act of filing the forms, the Prime acknowledges that the information is supplied in order to justify the payment of state and federal funds to the Prime.

The Prime will not be released from the obligations of the contract until the “Certification of Final DBE Payments” forms are received and deemed acceptable by the Cit

A-10 Bid Analysis and Award Procedures

COY Bid Analysis and Award Procedures

The procedures described below apply to contracts for construction services that are Federal-Aid Highway Program funded, which are solicited and administered by the City of Yuma's Procurement Division in accordance with ADOT's Local Public Agency Section (ADOT LPA) approved procedures.

- Pursuant to Title 23 CFR 635.114, FHWA construction contracts are awarded based on the lowest responsive and responsible bid submitted by a bidder.. Bid analysis will be used to justify the contract award or to reject bids. All documents analyzing the bid and documentation for justification of the award or rejection of one or more bids shall be maintained in the procurement file. Award shall be within the time established by the State DOT and subject to the prior concurrence of the Division Administrator.

- For bids that indicate reasonable prices or show good competition, not all the factors need to be analyzed. However, when the low bid differs from the engineer's estimate by an unreasonable amount defined as when the low bid is either more than 110% or less than 85% of the engineer's estimate, a thorough analysis of all bids will be undertaken to justify award of a contract, and a justification memo will be prepared for approval documenting the bid analysis.

- Bid Analysis may include the following factors:
  - Comparison of bid prices for the project under review versus bid prices for similar projects;
  - Number of bids submitted;
  - Distribution or range of bids;
  - Unbalancing of bids;
  - Geographic location of the bidders;
  - Urgency of the project;
  - Current market conditions;
  - Potential savings if re-advertised;
  - Addenda issued during advertisement that may affect bid prices and the basis for bid comparison.

- Engineer's Estimate
  - An independent cost estimate for the project or procurement will be received by the Procurement Officer before a solicitation is issued.
  - Engineer's estimates will be prepared by the engineer of record on the project.

  7. The engineer estimate will contain the bid schedule line items, quantities, estimated unit prices, extended amount, and total price in order to allow for a critical review and comparison of the bids received.
  8. The engineer's estimate will not be divulged during the procurement process. Projects may include a range for the estimated project cost in the solicitation document.
  9. The engineer's estimate will be retained in the procurement file and will serve as the basis for bid analysis.

5. Unit Prices and Bid Amounts

- Contractors must have the appropriate license issued by the State of Arizona Registrar of Contractors by the end of the sixtieth (60th) calendar day after bid opening. Failure to obtain this license within 60 days may result in rejection of the bid without further recourse and award of the contract to the next low responsive, responsible bidder.
- All construction bids under this process will be bid utilizing a bid schedule consisting of line items, quantities, unit prices, extended amounts, and a total bid amount.
- Unit prices are to include the furnishing of all materials, plant, equipment, tools, all applicable taxes, bonds, and the performance of all labor and services necessary or proper for the completion of the work, unless otherwise expressly provided in these bid documents.
- In the event of an extension error in calculating the extended amount, the unit price bid will govern.
- After bid opening, and before bid award, a bidder may be permitted to withdraw their bid without penalty if the bidder submits evidence, which clearly and convincingly demonstrates that a mistake was made, provided that a bid mistake is evident on the face of the bid, but the intended bid is not obvious.
- After bid opening, and before bid award, the bid may not be withdrawn and shall be corrected to the intended bid if a bid mistake is evident on the face of the bid and the intended bid is obvious.
- Mistakes shall not be corrected after award of the contract except where the Procurement Manager, with the written agreement of the City Administrator, makes a written determination that it would be unconscionable not to allow the mistake to be corrected.
- If correction or withdrawal of a bid after bid opening is permitted or denied under paragraphs (v), (vi), or (vii) above, the Procurement Manager shall prepare a written determination showing that the relief was permitted or denied under these provisions.
- Each bid will be compared to all the contractors bid unit prices received and to the engineer's estimate.
- The City reserves the right to reject a bid as non-responsive if the prices bid are materially unbalanced between line items. A bid is materially unbalanced when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly overstated or understated and there is a reasonable doubt that the bid will result in the lowest overall cost to City, even though it may be the low evaluated bid. In the event unit bid prices are materially unbalanced, the unit bid prices will be evaluated.

NAME: Construction

PIMA COUNTY - TRANSPORTATION DEPARTMENT

Pay Request #1

Reporting Period:	
Project Title:	
PC Program Numbers:	
Federal / State Project Numbers:	
Eligible Phase(s):	
Total Federal Award Amount:	
Reimbursement Rate:	
Local Match:	

PAY REQUEST APPROVAL

I certify that to the best of my knowledge and belief, the data presented herein represents expenditures in accordance with grant requirements.

_____ Date: _____

SUMMARY OF MONTHLY EXPENSES

PAY REQUEST	PHASE	OBJECT CODE	CATEGORY	VENDOR / CONTRACTOR	VENDOR / CONTRACTOR INVOICES	INTERNAL LABOR	CONTRACTOR CHARGES	OTHER CHARGES	GRAND TOTAL OF CHARGES	TOTAL ELIGIBLE FEDERAL REIMBURSEMENT REQUESTED (94.3%)	LOCAL CONTRIBUTION MATCH (5.7%)	INELIGIBLE
			TOTAL OCTOBER						$ -	$ -	$ -	
			TOTAL NOVEMBER						$ -	$ -	$ -	
			TOTAL BILLING #1						$ -	$ -	$ -	

PROJECT SUMMARY: BILLINGS TO DATE

BILLING REQUEST	TOTAL ELIGIBLE FEDERAL REIMBURSEMENT REQUESTED	Federal Award Balance Remaining	Local Match Required to meet 5.7%	REVENUE TRACKING		NOTES / COMMENTS:
		$800,000.00	$45,600.00	CR Number	CR Amount	
1	$0.00	$800,000.00	$45,600.00			FEDERAL PARTICIPATION: $ 848,356.00 FEDERAL FUNDS: $ 800,000.00 FEDERAL AID PARTICIPATION DOES NOT INCLUDE A LOCAL CONTRIBUTION OF $ 51,644, SHOWN AS OVER MATCH BY PIMA COUNTY . ADOT IS NOT AWARE OF ANY INELIGIBLE ITEMS THESE FUNDS ARE ATTRIBUTED TOWARDS.
	$0.00		$45,600.00		$ -	

11.00 x 8.50 in

U.S. Department of Transportation
Federal Highway Administration

FINAL ACCEPTANCE REPORT

DIVISION	REPORT NO.	DATE OF FINAL INSPECTION REPORT	PROJECT NO.

DATE CONTRACT STARTED	DATE WORK COMPLETED	ACCEPTANCE BY CONTRACT AGENCY	TIME ELAPSED %

LOCATION

SCOPE OF PROJECT

NOTE: FHWA-47 ☐ Submitted ☐ Not Required

Materials Certification ☐ Submitted ☐ Not Required
There is compliance with section 1.23 of the Regulations pertaining to encroachments on the right-of-way.

REMARKS: ☐ SHA procedures and controls were sufficient to assure that this project completed in reasonable close conformance with the approved plans
and specifications including authorized changes and extra work.

ACCEPTANCE OF PROJECT IS RECOMMENDED		ACCEPTED BY FEDERAL HIGHWAY ADMINISTRATION	
Signature		Signature	
Title	Date	Title	Date

Form FHWA 1446B (Rev. 3-90) This form was electronically produced by Elite Federal Forms, Inc.

ATTACHMENT 14-1
FINALS COVER SHEET

FINALS COVER SHEET

CONTRACTOR:_____ ORG _____
PROJECT NUMBER:_____ TRACS NUMBER:_____
FINAL:$_____

TIME: CONTRACT_____ EXTENDED_____USED_____
PH II: CONTRACT _____USED_____
DBE:_____ ENDING MILE POST: _____ OPEN TO TRAFFIC: _____
ACCEPTANCE LETTER:_____ PAYROLL STATUS: _____
RED LINES:_____
AS-BUILTS:_____ MATERIALS CLOSEOUT: _____

REMINDER:

- [ ] Take ownership of project back (If turned over to Org for corrections)
- [ ] Verify that all L.Sum Structures are paid to 100% per Stand. Spec. 109.10
  Note: except, driven piles, caissons, and drilled shafts, which will be paid for under their respective contract items
- [ ] Verify in Contract Card that all Subcontracts have been received
- [ ] Verify that 203 (Borrow, Drainage Ex, Roadway Ex) are pd. @ 100%
- [ ] Verify that all Lump Sum items are pd @ 100%
  Note: except, line item Force Accounts, and MPT
- [ ] Verify that 4040116 Apply Tack Coat was pd. only for Tack Coat and not Fog Coat
- [ ] Verify the total length of all 607 Breakaway, and Perforated Sign Posts of the same size / type are rounded to the nearest Ft.
- [ ] Verify that the total of each 608 Sign Panel is rounded to the nearest Sq. Ft.
- [ ] Verify that items with a unit of EA are whole numbers (no decimals)
- [ ] Verify there were no MPT pymnts. for construction past Subst. Compl. per Stand. Spec. 701-4.03(F)
- [ ] Verify that there are no Partial Payments Left in inventory
- [ ] Verify that there are no Duplicate Payments (CPE, Reports, Duplicate Payment Check)
- [ ] Verify that the previous amount on the final estimate is the same as accumulated amount on previous monthly estimate
- [ ] Verify that contract time was charged for the 45 calendar day seeding establishment period per the Spec. Prov. 805
- [ ] Verify that OJT Trainee Hours are at a minimum of 90% if applicable
- [ ] Do the number of OJT hours paid in CPE match the number of OJT hours in LCP Tracker (Coord. w/Payroll Person)

ORDER OF DOCUMENTATION:

- [ ] Contract Card
- [ ] DBE Cert. (Also required if DBE(s) performs work on Project regardless of DBE goal requirement)
- [ ] Bit. Price Adjustment
- [ ] Diesel Fuel Price Adjustment
- [ ] SAT's Log
- [ ] Estimates
- [ ] Final Balance
- [ ] Supplemental Agreements
- [ ] Time Packet (Time / Liquidated Damage Ltr., Start & Compl. Status, Time Rpt, & WTR's)
- [ ] Final Acceptance Letter
- [ ] Award Letter
- [ ] Agreement Estimate
- [ ] Special Provisions
- [ ] Copy pages from Final Estimate with 109 Items
- [ ] Copy pages from Final Balance with 700 Items

G:\ITD\FIELD REPORTS\F_RPTS\Final Cover Sheet Pink 12/2/11