

# Local Administered Project (LAP) Manual



3/31/2025  
Revision 3.5  
Atlanta, GA 30308

This document was developed as part of the continuing effort to provide guidance within the Georgia Department of Transportation in fulfilling its mission to provide a safe, efficient, and sustainable transportation system through dedicated teamwork and responsible leadership supporting economic development, environmental sensitivity and improved quality of life. This document is not intended to establish policy within the Department, but to provide guidance in adhering to the policies of the Department.

Your comments, suggestions, and ideas for improvements are welcomed.

Please send comments to:

[LAPPDPinfo@dot.ga.gov](mailto:LAPPDPinfo@dot.ga.gov)

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### **DISCLAIMER**

The Georgia Department of Transportation maintains this printable document and is solely responsible for ensuring that it is equivalent to the approved Department guidelines.

## Revision Summary

| Revision Number | Revision Date | Revision Summary   |
|-----------------|---------------|--|
| <b>Original</b> | 2009          | N/A  |
| <b>1.0.09</b>   | 10/31/11      | Section 3.4 & 3.10<br>Appendix E – Construction Engineering oversight (added)<br>Appendix G – Materials Testing (update)<br>Appendix I – Invoice procedures for PM's (added)   |
| <b>2.1</b>      | 5/20/15       | N/A  |
| <b>2.2</b>      | 6/8/15        | Updated hyperlinks and fixed other template issues   |
| <b>2.3</b>      | 10/13/16      | Purpose – Updated purpose<br>Definitions – Updated definitions<br>Chapter 10 and 11 – Updated entire section<br>Appendix E, F G and I – Updated entire section   |
| <b>2.4</b>      | 8/20/18       | Updated GDOT logo throughout   |
| <b>3.0</b>      | 9/24/20       | Updated all sections and fixed broken hyperlinks<br>Chapter 14 references – Removed section<br>Appendix A, B, C, D, E, G, H, J and K – Removed sections<br>Appendix A – GDOT Local LET Construction Contract & Commercially Useful Function (previously Appendix F)<br>Appendix B – GDOT Local Let Procedure and Example Letters (previously Appendix I)   |
| <b>3.1</b>      | 10/7/21       | Definitions - Minor updates to definitions and acronyms<br>All Chapters - Updated DPPC to DPPL throughout<br>Chapter 1 - Updated links and format<br>Chapter 2 - Added alternate responsible charge public employee<br>Chapter 3 - Added new links to LAP website for NDA, LAP Compliance, TAP webpage<br>Section 3.4 – Removed Limited LPA Administration<br>Section 3.5 – Removed PE license requirement and updated Training class and consultant expectations. |

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|-----|---------|--|
|     |         | <p>Section 3.9 – Added LAP compliance requirements</p> <p>Chapter 4 through Chapter 12 - Updated hyperlinks and minor changes to text and format</p>   |
| 3.2 | 4/12/22 | Chapter 1 – Updated TE projects verbiage   |
| 3.3 | 6/30/23 | <p>Updated GDOT logo in manual</p> <p>Chapter 1 – Added engineering credentials and updated hyperlinks</p> <p>Chapter 2 – Revised Local Government Certification Acceptance</p> <p>Chapter 3 – Updated hyperlinks. Added LG requirements for certification. Added TAP program for project requirements</p> <p>Chapter 4 - 5, 7 - 8,10 - 12 – Updated hyperlinks</p> <p>Chapter 5 – Updated hyperlinks</p> <p>Chapter 6 – Removed LG Qualification Certification Agreement</p> <p>Chapter 9 – Revised minor info</p> <p>Chapter 13 – Revised minor info</p>   |
| 3.4 | 8/27/24 | <p>Chapter 1 – Revised GDOT and Local Government Project Agreements</p> <p>Chapter 2 – Removed Section 2.4 Local Government Certifications Acceptance. Revised Section GDOT Reimbursement for Direct Project Costs</p> <p>Chapter 3 – Removed sections 3.2, 3.4, and 3.7. Removed Recertification references. Added Project Framework and Qualification Certification for Local Governments content. Combined QA Review to Maintaining Certification Acceptance.</p> <p>Chapter 4 – Added LAB webpage hyperlink</p> <p>Chapter 5 – Updated Section 5.2. Added Evaluation references to section 5.3</p> <p>Chapter 8 – Renamed Section 8.2 to GDOT Right of Way Policies and Procedures Manual: Chapter 8 Local Government. Removed on and off system references and replaced with right of way references. Replaced Acquisition Guide references with Right of Way Policies and Procedures Manual.</p> <p>Chapter 9 – Replaced State Railroad Liaison Manager with Utilities Railroad Liaison Manager. Added Build and Buy American references. Added GDOT Let projects references.</p> <p>Chapter 10 – Updated Bid Document Checklist</p> |

|            |                |   |
|------------|----------------|---|
|            |                | <p>hyperlink</p> <p>Chapter 11 – Updated minor info</p> <p>Chapter 12 – Removed Standard Specification General Provisions. Revised Final Audit checklist</p> <p>Appendix A – Replaced verbiage with hyperlinks</p> <p>Appendix B – Replaced verbiage on page 1</p>  |
| <p>3.5</p> | <p>3/31/25</p> | <p>Definitions – Changed Certification Acceptance from three to five. Added LAP certification five-year policy</p> <p>Chapter 3 - Changed Certification Acceptance from three to five. Added LAP certification five-year policy. Added Procurement Statement to LAP certification application requirements</p> <p>Chapter 9 – Updated SUE responsibilities. Updated railroad coordination at grade crossings. Updated LG and Railroad agreements.</p> <p>Chapter 11 – Removed OMAT-LAP form list specifications. Replaced contractor notifying the Office of Materials about testing with government notifying the TMOS. Updated Independent Assurance evaluation. Added that verification testing should also be submitted to the AASHTOWare Project</p> |

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## Purpose

According to Federal Highway Administration (FHWA), Locally Administered Projects (LAP) by cities and counties in 45 States across the nation are estimated to involve \$6-8 billion in Federal-aid contracts. Annually, nearly 20% of the national Federal-aid program is now administered by local public agencies and in Georgia's Statewide Transportation Improvement Program 20.86% is currently shown as locally administered projects.

The purpose of the Local Administered Project Manual is to establish uniform practices for authorizing qualified Local Public Agencies (LPA) to manage certain core activities for Federal-aid funded projects. Under Title 23 U.S.C. the State Transportation Agencies are responsible for the administration of Federal-aid transportation projects. Title 23 U.S.C. does not recognize local entities as direct recipients of Federal-aid funds. Georgia Department of Transportation (GDOT) assumes the responsibilities of the Secretary of Transportation for all Federal-aid projects. GDOT stewardship includes the responsibility to assure local projects meet or exceed all applicable Federal and State laws, standards and requirements.

The roles and responsibilities of the Federal Highway Administration-Georgia Division (FHWA), GDOT and Local Governments are defined in this LAP Manual.

GDOT has created the GDOT Project Manager role that is the responsible organizational point of contact for defining Local Government qualifications, LAP certification and Local Government Let Project coordination.

The GDOT Local Administered Project Manual will be in a state of review and revision as evolving Federal-aid project requirements come about. This LAP Manual will be placed on the GDOT Local Government webpage where the application, applicable forms and manuals, and other LAP related resources can be found. Questions, comments and recommendations are appreciated and encouraged.

Please visit the GDOT webpage at

<http://www.dot.ga.gov/PS/Local/LAP>

To submit questions or comments specific to the GDOT Local Administered Project Manual send to [LAPPDPinfo@dot.ga.gov](mailto:LAPPDPinfo@dot.ga.gov) or

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## List of Effective Chapters

| Document   | Revision Number | Revision Date |
|--|-----------------|---------------|
| Purpose  | 3.1             | 6/30/23       |
| List of Effective Chapters   | 3.5             | 3/31/25       |
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## Acronyms and Definitions

### Definitions

Acceptance Testing – Sampling and testing performed to evaluate acceptability of the product (i.e. soils and aggregate classification, density testing, asphalt mixture testing, concrete air, slump, cylinders, etc.). See [Sampling, Testing & Inspection \(STI\) Quick Guide](#).

Authorization of a Project - The process by which funds are approved for various stages of a project's development, such as design, right-of-way purchase, or construction.

American Association of State Highway and Transportation Officials (AASHTO) – An organization made up of state's Department of Transportation including Puerto Rico and the District of Columbia.

CA (Certification Acceptance) – Certification Acceptance is a program in which the GDOT, through a stewardship agreement with the FHWA, delegates some or all authority to qualified local agencies for approving project development and construction administration. This procedure permits an agency to retain more of the approval authority at the local level when developing FHWA assisted transportation projects. GDOT delegates this authority through a Certification Acceptance (CA) program that does not eliminate any project development procedures. Benefits of CA to a local agency include savings in time and money since the agency has the authority to develop, advertise, award, and manage its own projects. CA requires local agencies to commit sufficient staff and other resources to project administration to ensure that all applicable state and federal requirements are met, and that the work can be accomplished efficiently. Once an agency has been certified, the certification agreement remains in effect for a period of five (5) years unless rescinded due to lack of performance or modified by one of the parties. Beginning January 2025, LAP certification will last for five (5) years. Please note this is a change from the previous three (3)- year certification period. This new five-year policy only applies to LPAs seeking new certification or recertification in 2025 and beyond. Existing certification and recertification applications are not grandfathered into this new policy until expiration. A CA agency has the option of requesting that GDOT or another CA agency administer any given project. By agreeing to accept federal aid funds, the local agency understands its roles and responsibilities with respect to carrying out the federal aid program. GDOT is permitted to delegate certain activities, under its supervision, to local agencies under federal regulation 23 CFR 1.11 and 635.105; however, GDOT accepts responsibility for delegated activities.

Concept – A consensus beginning recommendation, idea, or starting point of a transportation solution to an identified transportation need.

Conceptual Stage - The objective of the concept stage is to develop a concept report that will describe and recommend project footprint, including logical termini.

Concrete Certification – Field Concrete technician as certified by GDOT

Construction Work Program - A listing of State and Federally funded projects approved by the Transportation Board with one or more elements, Scoping, Preliminary Engineering, Right-of-Way Acquisition, or Construction, scheduled in the current and next nine (9) fiscal years.

Controlling Criteria – Those controlling design guidelines, as defined by AASHTO and accepted by the FHWA, that a project should be designed to meet using good engineering judgment. A design

exception or variance will be obtained when one or more of these controlling criteria cannot be met. See Chapter 8 of the Plan Development Process (PDP) for a listing of the controlling criteria.

Context Sensitive Design - Context Sensitive Design is a collaborative approach to design that weaves together design principles, environmental concerns and community quality of life into one complete package. It's balancing the concerns and desires of the community for their environment and way of life with the sound engineering practices endorsed by AASHTO. It is also firmly involves the public in the decision making process to encourage ownership and responsibility for the final product.

Cooperating Agency - As defined in the Council on Environmental Quality's (CEQ) Regulations for Implementing the Procedural Provisions of the NEPA, "any organization other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in ...[a] major Federal action significantly affecting the quality of the human environment." The CEQ emphasizes that agency cooperation should begin early in the National Environmental Policy Act (NEPA) process.

Environmental Justice – The fair treatment and meaningful involvement of all people regardless of race, color, or economic status with respect to the development, implementation and enforcement of environmental laws, regulations and policies. Fair treatment means that no group of people shall bear a disproportionate share of the negative environmental impacts that result from a particular project or program and shall share in the benefits derived from such projects and programs.

Exempt Projects – A Federal aid project that is not subject to FHWA oversight. Exempt projects as used in this document, unless otherwise noted, do not refer to Air Quality Exempt. However, the FHWA retains approval authority for the environmental document. For further information concerning [Exempt Projects, see Policies and Procedures 2410-1](#).

Federal Emergency Management Agency (FEMA) – The Federal agency charged with the enforcement of Executive Order (EO) 11988. The primary function of the agency is to avoid long and short term adverse impacts associated with the occupancy and modification of floodplains and to restore and preserve the natural and beneficial values served by floodplains. The agency assesses floodplain hazards in all construction of Federal and Federally Aided buildings, structures, roads, or facilities, which encroach upon or affect the base floodplain.

Federal Highway Administration (FHWA) - The Federal Highway Administration (FHWA) is an agency of the U.S. Department of Transportation and is headquartered in Washington, D.C., with field offices across the United States. The FHWA administers the Federal-Aid Highway Program.

Federal Transit Administration (FTA) – The Federal Transit Administration is the federal agency that helps cities and communities nationwide provide mobility to their citizens. Through its grant programs, FTA provides financial & planning assistance to help plan, build, and operate rail, bus & para-transit systems. <http://www.fta.dot.gov/>

FTA ITS Regulation – The FTA companion regulation to FHWA's ITS Rule 940, which is functionally exactly the same as the FHWA rule, but it applies to federally funded transit projects.

Final Field Plan Review (FFPR) – A review of final plans and specifications, special provisions, permits, and right-of-way agreements. The Final Field Plan Review (FFPR) shall be held a minimum of 24 weeks prior to letting.

Fiscal Year – The State of Georgia fiscal year is July 1 to June 30. All budgets and state programs, including transportation plans, adhere to this fiscal year. The Federal fiscal year is October 1 to September 30.

Functional Classification - A grouping of roads, streets, and highways into an integrated system, within which, each roadway facility is ranked by its relative importance and function in providing access and mobility within the integrated system. Based on guidelines issued by FHWA, the Department ranks roadways as local roads, major or minor collectors, and minor or principal arterials. Functional Classification Systems are developed, in cooperation with local officials, for each county and city and submitted to the FHWA for approval.

Georgia Environmental Policy Act of 1991 (GEPA) – This act (Senate Bill 97) passed during the 1991 session of the Georgia Legislature, requires the evaluation and disclosure of environmental effects of proposed state (funded) actions. In general, a proposed action by a government agency must be assessed by the responsible official (the Commissioner is the responsible GDOT official) of that agency to determine and document whether or not the proposed action may significantly affect the quality of the environment. In the event of a determination of a significant adverse effect, the act requires an evaluation of the pros and cons of alternatives that would avoid the adverse impact as well as measures to minimize harm.

Georgia Erosion and Sedimentation Act of 1975 – A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity. Reference official Code of Georgia Annotated Volume 10 Title 12.

Geographic Transportation Reporting and Query System (GeoTRAQS) – An online mapping tool that connects to the following GDOT databases: Transportation Projects (TPro), Bridge Inventory Maintenance and Management Systems (BIMMS), FleetAnywhere Traffic Interruptions Reports (TIR), Roadway Characteristics (RCFILE), Geographic Information System (GIS), and Design Store. These databases contain maps, reports, photos, and plans all accessible through GeoTRAQS. All of the information shown in GeoTRAQS is directly from queries to the databases in real-time.

Independent Assurance (IA) Testing – Unbiased and independent assessment of all sampling and testing procedures as further described in AASHTO Specification R-44. Standard Practice for Independent Assurance Programs.

Intelligent Transportation Systems (ITS) – Improves transportation safety and mobility and enhances American productivity through integration of advanced communications technologies into the transportation infrastructure and in vehicles. Intelligent Transportation Systems encompass a broad range of wireless and wire line communications-based information and electronics technologies.

Interchange Justification Report (IJR) - An analysis, prepared in accordance with FHWA guidelines, for any proposed new interchange on the Interstate System. The IJR is typically an Office of Planning activity prepared with the assistance of the Division of Engineering. Due to its nature, the IJR provides planning level information for a tentative location with the concept displayed on aerial photography. The Office of Planning submits the IJR to FHWA for consideration.

Interchange Modification Report (IMR) - An operational analysis, prepared in accordance with FHWA guidelines, for the addition or modification of access points to an existing Interstate

interchange. The IMR addresses Interstate access point changes that are needed to improve operations and safety of an existing interchange. The IMR is a project specific activity, prepared with the assistance of the Office of Planning. Due to its nature, the IMR is engineering oriented, providing detailed analyses and preliminary design plans. The Office of Planning submits the IMR to FHWA for consideration.

Let Date - The advertised date that construction bid proposals will be opened for GDOT projects. The Let Date is generally the end of the Plan Development Process. Also see Management Directed Let Date.

Local Government (LG)/Local Public Agencies (LPA) - A county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under state law), regional or interstate government entity, or agency or instrumentality of a local government; an Indian tribe or authorized tribal organization, or Alaska Native village or organization; and a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a state or political subdivision of a state.

Local Match – The portion of a project cost paid for with local agency funds.

Location and Design Approval (L&D) - Federal Aid projects: Location and design approval is granted by the FHWA with their approval of the project’s environmental document acknowledging that the Department has selected an appropriate location and has committed to a specific design of the proposed project.

Location and Design Approval (L&D) - State Funded projects: Location and design approval is granted by the Chief Engineer with the certification that the Department has completed the required public involvement process, the GEPA documentation, has selected an appropriate location, and has committed to a specific design of the proposed project.

Logical Termini - A term used to describe the beginning and ending points of a proposed transportation improvement and whether the selection of these points has a rational basis when viewed in light of the project need and purpose. Federal regulations [23 CFR 771.111(f)] require that projects connect logical termini and be of sufficient length to address environmental matters on a broad scope; have independent utility- that is , be usable and be a reasonable expenditure even if no additional improvements are made in the area; we cannot consider adjoining projects if they are not included in the environmental document and we cannot create the need for other projects; and not restrict consideration of alternatives for reasonably foreseeable transportation improvements. The Department often includes several projects in one environmental document to satisfy the requirement for logical termini.

Major Project – A project that significantly changes the function of the facility being improved, or requires the acquisition of significant amounts of right-of-way, or has a significant impact on abutting property, or has significant changes in travel patterns, or has significant social, economic, or environmental effects. A Major Project will not follow “Time Saving Procedures.” A Major Project will require a public hearing or the opportunity for a public hearing and Location and Design Approval.

Management Directed Let Date – The proposed let date assigned based on when the project will be ready to let. Also see Let Date.

Matching Funds – Projects that are partially funded with federal/state and local dollars. For example, a given funding source may consist of a mixture of 80% federal/state contributions and a 20% local match.

Metropolitan Planning Organization (MPO) – A local government agency charged with the responsibility for the proper transportation planning of a metropolitan area. The MPO performs its mission through a series of committees composed of local professional planning staffs, GDOT planning and design staffs (in cases where the MPO crosses state lines, the DOT staffs of the affected states), local elected officials (both city and county), citizens, and public input.

Minor Project – A project that does not require a significant amount of right-of-way and whose environmental analysis can be accomplished with a “Categorical Exclusion.” Examples of projects that are generally considered minor are Bike/Pedestrian projects, TEA and Ride Sharing projects, Transit enhancements, Transportation studies using capital funds, Turn lane, Intersection improvements, Signal projects, Bridge rehabilitation, Bridge replacements, Signage, Lighting, Landscaping, Traffic barriers, Guardrail projects, Greenway projects, Recreational trail projects, and Maintenance resurfacing projects less than \$1million.

National Environmental Policy Act of 1969 (NEPA) – A Federal law requiring compliance with a variety of Federal environmental laws to ensure that information on environmental impacts of any Federally funded action is available to public officials and citizens before decisions are made and before actions are taken.

National Highway System (NHS) – The NHS is an interconnected system of principal arterial routes which serve major population centers, international border crossings, ports, airports, public transportation facilities, intermodal transportation facilities, major travel destinations, national defense requirements and interstate and interregional travel. Post MAP-21 NHS mileages for 2105 contained 223,668 miles of highways, including all Interstate routes, a large percentage of urban and rural principal arterials, the defense strategic highway network, and major highway connectors. Non-NHS Principal Arterial System (PAS) contained 59, 926 miles of this total mileage as taken from 2011 Highway Performance Monitoring System (HPMS) source data.

Overhead/Subsurface Utility Engineering (SUE) Investigations – The engineering processes that involve managing certain risks associated with accurately and comprehensively identifying, characterizing, and mapping overhead and underground utility facilities. The major activities include utility records research, mapping, designating, utility impact analysis, locating, and data management. Other activities associated with this work are utility relocation design, coordination, and training. These activities, when coordinated with utility owners, Department personnel, and surveyors, provide high quality utility information for use during project development, design, and construction. These activities should conform to current standards and guidelines as described in FHWA and ASCE Subsurface Utility Engineering publications in conjunction with the Department’s current standards, guidelines, processes, and SUE scope of services.

Pavement Type Selection – See GDOT Asphalt Pavement Section Guidelines in the [GDOT Pavement Type Selection Manual](#).

Phase Leader – Functional office that provides a specialized task.

Plans, Specifications, and Estimates (PS&E) – A plan, specification, and estimate review performed on all Projects of Divisional Interest (PoDI), formally known as Full Oversight, projects by the

FHWA. The Local Government (LG) will prepare the PS&E package with input from the Project Manager.

Plan Presentation Guide (PPG) – A guide that sets forth the criteria for the appearance of construction plans. These criteria establish, define, and clarify procedures and standards for plans to be used by the Department. These criteria are not intended to establish design processes; rather, they are guidelines to assure that all drawings have a uniform appearance and include all pertinent information, avoid unnecessary information, and reflect high quality workmanship.

See [Plan Presentation Guide Web Site](#).

Preliminary Field Plan Review (PFPR) – A field review of the preliminary plans and draft special provisions conducted by or for the Office of Engineering Services prior to the development and approval of right-of-way plans. This review occurs after the approval of the environmental document. The emphasis of this review should be the coordination of right-of-way, utilities, bridges and walls, constructability, signs and signals, drainage, and appropriate environmental (including erosion control). For Major Projects, the approval of the Preliminary Field Plan Review (PFPR) Report defines the beginning of Final Design and the completion of the right-of-way plans.

Project Framework Agreement (PFA) - A binding legal agreement between the Department and the Local Government which contains straight forward project phase participation commitments.

Project of Division Interest (PoDI) Project - These are projects administered by the FHWA, for which the FHWA has full responsibility for review, approval and authorization; formally referred to as Full Oversight Projects. Link to Georgia Federal-Aid Stewardship and Oversight Agreement – <https://www.fhwa.dot.gov/federalaid/stewardship/agreements/ga.pdf>

Project Justification – An explanation of the alternatives that were evaluated during the planning process, an explanation of logical termini, and a statement of why the project is needed.

Project Justification Statement – A brief statement provided by either the Office of Planning, Office of Bridge Design, or the Office of Traffic Operations, identifying and explaining the major issue(s) that the project is intended to address. The Project Justification should include any designated Program(s) that the project is included, how the project originated, brief summary of the major issue(s) to be addressed by the project, explanation of the proposed project limits, and performance goal(s).

Project Manager – The person, in responsible charge of a project who makes the day-to-day scope, schedule and budget decisions and is responsible for steering, coordinating, and managing a project through the Plan Development Process and through the construction phase. The Project Manager must possess and maintain excellent communications and strong organizational skills to ensure projects are ready-to-let on time and constructed on time.

Project Schedule – The project schedule includes the planned start and finish dates, based on confirmed assignments and required resources, for each detail activity necessary for the completion of the Plan Development Process. The approved project schedule, called the schedule baseline, provides the basis for measuring and reporting schedule performance.

Project Team – The Preconstruction Project Team is composed of individuals assigned to the Project Manager that possess the various skills necessary to complete the development of a project from concept through final contract documents delivery.

Property Information Form (PIF) – A document submitted to the Historic Preservation Division (HPD) and the Federal Highway Administration (FHWA) which discusses the qualities and characteristics of a historic property and is used to determine whether a property not already listed in the National Register of Historic Places would qualify for listing. This document serves as the “Request for Determination of Eligibility” for historic properties.

Protective Buying – To purchase right of way in advance to protect the proposed roadway corridor of a programmed project against new development, thereby reducing future right of way and project costs.

Regional Transportation Plan (RTP) – A long range, multi-modal plan for defined geographic regions in the state. The RTP addresses the region’s transportation needs over a twenty (20) year period and is developed in cooperation with local, state and Federal planning partners and the general public. Federal regulations require regional transportation plans to ensure a transportation system that serves economic, mobility and accessibility needs, and in non-attainment areas to conform to federal air standards. A RTP must include a financial plan demonstrating the consistency of proposed transportation investments with existing and projected sources of revenue. The RTP must be updated at least every three years.

Request for Determination of Eligibility (DOE) – Refers to a document submitted to the Historic Preservation Division (HPD) of the Georgia Department of Natural Resources and the FHWA. It discusses the qualities and characteristics of a historic property or site and is used to determine whether a site not already listed in the National Register of Historic Places would qualify for listing and thus require protection under Section 4(f) and consideration under Section 106. For historic properties, a Property Information Form (PIF) satisfies the requirement for a DOE.

Responsible Person in Charge (Local Public Agency Representative) – A designated full-time LG staff employee that will serve as the point of contact for the administration and oversight of the day to day activities. This agency representative must ensure that the LAP Manual and PDP are adhered to with proper management to fulfill all obligations as agreed upon for all projects with Federal-Aid. In addition, the agency representative must ensure that the LPA has resource capacity and ability to manage, administer and execute the policies and procedures for Federal and State compliance in order to receive federal funding participation. See more details on responsible charge in Chapter 1.

Roadway Testing Technician (RTT) Certification – Certification for density testing for soils and asphalt, as certified by GDOT.

R.O.A.D.S. (Repository for Online Access to Documentation and Standards) – Refers to the centrally located, online access to GDOT design-related documents, standards, and applications. Included on the new web page: NEW GDOT Design Policy and Procedure Manuals, Electronic Data Guidelines, Plan Presentation Guide, Environmental Procedures Manual, Software specific files and documentation, etc.

Section 404 Permit – Authorization required by provisions of the Clean Water Act of 1977 before fill can be placed or dredging can take place in waters of the United States (includes wetlands, streams and open waters).

Section 404 (b)(1) Guidelines – Guidelines used to evaluate proposed discharges of dredged or fill material in waters of the United States as required by provisions of Section 404 of the Clean Water Act of 1977.

Section 4(f) – A provision of the USDOT Act of 1966 which requires that before land from a significant publicly owned park, recreation area, national wildlife refuge or any eligible historic site can be converted to a transportation use, it must be demonstrated that there is no feasible and prudent alternative to this use and that the project includes all possible planning to minimize harm.

Section 6(f) – A provision of the Land and Water Conservation Fund Act which requires that before land from a site which was purchased or improved with funds administered under this act can be converted to another use, the Secretary of the Interior must approve the conversion and replacement land must be provided.

Section 7 – A provision of the Endangered Species Act that requires the consideration of project impacts on federally threatened and endangered species and their designated critical habitat.

Section 106 – Refers to that section of the National Historic Preservation Act of 1966 which requires that with all Federal undertakings, consideration be given to the effects and the minimization of harm to historic resources (architectural and archaeological) that are listed in or eligible for listing in the National Register of Historic Places.

Specific Activity Agreement (SAA) - A binding legal agreement between the Department and the Local Government that contains current phase cost estimates and project activity deliverable schedules and may superseded PFA commitments due to real site condition changes or STIP commitment/schedule changes.

State Implementation Plan (SIP) – The SIP is prepared by the state designated agency (Environmental Protection Division [EPD] of the Department of Natural Resources) containing procedures to monitor, control, maintain and enforce compliance with National Ambient Air Quality Standards (NAAQS). Transportation plans must be in conformity with air quality goals established in the SIP. Conformity with the SIP is a condition of Federal funding of transportation capacity projects in non-attainment areas.

State Transportation Improvement Program (STIP) – The State Transportation Improvement Program includes a list of federally funded and state funded priority transportation project elements (Preliminary Engineering, Right-of-Way, or Construction) proposed to be carried out in the current and next three years (a 4 year plan). It is financially constrained (dollar value of projects programmed is equal to the anticipated revenues per program year), and includes projects consistent with the Statewide Transportation Plan. The STIP is approved by the FHWA and Federal Transit Administration (FTA) and includes all TIP projects as adopted by the Metropolitan Planning Organizations (MPO) and approved by the Governor.

Subject Matter Expert (SME) - The individual who exhibits the highest level of expertise in performing a specialized job, task, or skill within the organization; anyone with in-depth knowledge of the subject.

Time Saving Procedures – Procedures by which a project is advanced to the right-of-way authorization stage, eliminating the public hearing requirements and the approval of a location and design report. Time Saving Procedures are appropriate for those projects for which the right-of-way

requirements are not significant and a “Categorical Exclusion” is the appropriate level of environmental analysis. A statement of the appropriateness of time saving procedures will be addressed in the project Concept Report.

TPro – The project management, reporting, and scheduling system portion of the Transportation Information System (TIS) used by GDOT to effectively utilize personnel, fiscal and material resources. TPro is sometimes referred to as the “Project Management System.”

Traffic Engineering Report - A document based on a detailed evaluation and study of an ‘at-grade’ intersection based on current traffic volumes, existing lane configurations, identification of problems associated with traffic control, road geometry (turn lanes), sight distance issues, and accident data evaluation. The report will include a signal warrants analysis and concept signal design (if warranted). Existing condition sketches and figures for any proposed modifications will also be included.

Transportation Improvement Program (TIP) – The Transportation Improvement Program is a short term document covering at least 3 years. The current year plus the next 2 years in the urbanized areas of the State. It is financially constrained, conforming to the State Implementation Plan (SIP) in air quality non-attainment areas and updated at least every 2 years. The TIP includes the list of priority project elements (Preliminary Engineering [PE], Right-of-Way [R/W], and Construction) to be carried out in each program year. Projects included in the TIP must be consistent with the Transportation Plan adopted by the Metropolitan Planning Organization (MPO). The Governor approves each TIP.

Utility - All privately, publicly, or cooperatively owned water distribution and sanitary sewer facilities, and systems for producing, transmitting or distributing communication, cable television, power, electricity, light, heat, gas, oil, crude products, steam, waste and storm water not connected with highway drainage, including river gauges, fire and police signals, traffic control devices (including Intelligent Transportation Systems), and street lighting systems, which directly or indirectly serve the public or any part thereof. The term "utility" may also be used to refer to the owner of any above described utility or utility facility. Please note that a utility owner may include an individual owning property on both sides of a particular roadway with a water service, irrigation line or communication cable crossing the road. They may not be known to the Utilities Protection Center or utility office. Therefore, the Project Manager, right-of way appraiser and others attending the field reviews should look for this situation because the individual lines are often overlooked leading to delays on construction. Information should be forwarded to the District Utilities Engineer for coordination.

Value Engineering (VE) – Value Engineering is the systematic application of recognized techniques by an independent multi-disciplined team to identify the function of a product or service, establish a worth for that function, generate alternatives through the use of creative thinking, and provide the needed functions to accomplish the original purpose of the project, reliably, and at the lowest life-cycle cost without sacrificing safety, necessary quality, and environmental attributes of the project.”

Verification Testing – Sampling and testing performed to verify the contractors test results (i.e. asphalt mixture testing).

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## Acronyms

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**AADT** – Average Annual Daily Traffic

**AAWT** – Average Annual Weekly Traffic

**AASHTO** – American Association of State Highway and Transportation Officials  
(<http://www.transportation.org>)

**ADA** – Americans with Disabilities Act

**ADT** – Average Daily Traffic

**AHI** – Adjusted Hazard Index

**ATR** – Automated Traffic Recorder

**AWT** – Average Weekly Traffic

**C-D** – Collector-Distributor

**CDR** – Collector Distributor Road

**CFR** – Code of Federal Regulations

**CORSIM** – Corridor Simulation Software

**CWP** – (GDOT) Construction Work Program

**DBA** – Decibels, A-Scale

**DHV** – Design Hour Volume

**DPPL** – District Planning & Programming Liaison

**DTM** – Digital Terrain Model

**FAA** – Federal Aviation Administration (<http://www.faa.gov>)

**FAHP** – Federal Aid Highway Program

**FDR** – Freeway Distributor Road

**FFPR** – (GDOT) Final Field Plan Review

**FHWA** – Federal Highway Administration (<http://www.fhwa.dot.gov>)

**FRA** – Federal Railroad Administration (<http://www.fra.dot.gov/>)

**GDOT** – Georgia Department of Transportation (<http://www.dot.ga.gov>)

**GLA** – Gross Leasable Area

**GRIP** – Governor’s Road Improvement Program  
([www.dot.ga.gov/GDOT/Pages/GRIP.aspx](http://www.dot.ga.gov/GDOT/Pages/GRIP.aspx))

**GRTA** – Georgia Regional Transportation Authority (<http://www.grta.org/>)

**HCM** – Highway Capacity Manual (see **References** for additional information)

**HCS** – Highway Capacity Software

**HOV** – High Occupancy Vehicle

**IA** – Independent Assurance

**ISTEA** - Intermodal Surface Transportation Equity Act

**ITE** – Institute of Transportation Engineers (<http://www.ite.org/>)

**L/A** – Limited Access

**LPA** – Local Public Agency

**LARP** – Local Assistance Road Program

**MPO** – Metropolitan Planning Organization

**MUTCD** – Manual on Uniform Traffic Control Devices (FHWA)

**NHS** – National Highway System

**OCGA** – Official Code of Georgia (<http://www.lexisnexis.com/hottopics/gacode/default.asp>)

**OES** – (GDOT) Office of Environmental Services

**OMAT** – GDOT’s Office of Materials and Testing

**PDP** – (GDOT) Plan Development Process

**PE** – Preliminary Engineering

**PFPR** – Preliminary Field Plan Review

**PHV** – Peak Hour Volume

**PM** – Preventive Maintenance

**PNRC** – Project Nomination Review Committee

**QPL** – (GDOT) Qualified Products List

**RCInfo** – Roadway Characteristics Information

**RDG** – (AASHTO) Roadside Design Guide

([https://bookstore.transportation.org/collection\\_detail.aspx?ID=105](https://bookstore.transportation.org/collection_detail.aspx?ID=105))

**ROW** – Right-of-Way

**RTT** – Roadway Testing Technician as certified by GDOT

**RTV** – Right Turn Volume

**SME** - Subject Matter Expert

**SPUI** – Single Point Urban Interchange

**SRTA** – State Road and Tollway Authority

**STI** – GDOT Sampling, Testing and Inspection Manual which is located on the GDOT website under “The Source”.

**STIP** – State Transportation Improvement Plan

**SUE** – Overhead/Subsurface Utility Engineering

**SWTP** – Statewide Transportation Plan (<https://www.dot.ga.gov/GDOT/pages/SSTP.aspx>)

**TAP** – Transportation Alternative Program

**TIP** – Transportation Improvement Program

**POLICY AND PROCEDURE** – [Transportation Online Policy and Procedure System](#)

**UAM** – (GDOT) Utility Accommodation Policy and Standards Manual.

[http://www.dot.ga.gov/PartnerSmart/utilities/Documents/2016\\_UAM.pdf](http://www.dot.ga.gov/PartnerSmart/utilities/Documents/2016_UAM.pdf)

**VT** – Verification Testing



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## Chapter 1. Overview of Local Administered Projects

### 1.1 FHWA-GDOT Role for a Local Government Administered Project

The Georgia Department of Transportation (GDOT) assumes the responsibilities of the U.S. Secretary of Transportation for all projects not on the National Highway System for design, plans, specifications, estimates, contract awards, and inspection of projects. Title 23 U.S.C. does not recognize local entities as direct recipients of Federal funds and GDOT is not relieved of these responsibilities by authorizing performance of work by a Local Government (LG). A LG, viewed in Federal regulations as a sub-recipient of Federal funds, must be determined by GDOT to have adequate delivery systems for the project and sufficient accounting controls to properly manage Federal funds. If the LG elects to use a consultant to meet its Federal-aid project responsibilities, the LG will still be responsible to provide a full-time public employee to be in responsible charge. The LG shall also provide an alternate full-time responsible charge. The LG staff employee will serve as the point of contact for the administration and oversight of the day-to-day activities.

The regulation is silent about engineering credentials. Thus, the person in "responsible charge" of LPA administered projects need not be an engineer. This requirement applies even when consultants are providing construction engineering services. Regardless of whether the project is administered by the State Transportation Agency (STA) or another agency, the person designated as being in "responsible charge" is expected to be a public employee who is accountable for a project.

The responsible charge shall be expected to be able to perform the following duties and functions:

- Administers inherently governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
- Maintains familiarity of day-to-day project operations, including project safety issues;
- Makes or participates in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visits and reviews the project on a frequency that is adequate with the magnitude and complexity of the project;
- Reviews financial processes, transactions and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse; and
- Directs project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation.
- Is aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

The regulations do not restrict an agency's organizational authority over the person designated in "responsible charge," and the regulations do not preclude sharing of these duties and functions among a number of public agency employees. The regulations also do not preclude one employee from having responsible charge of several projects and directing project managers assigned to specific projects.

**Note: In general, this GDOT Local Administered Project Manual applies to all Federal-aid projects, however, projects funded by Transportation Enhancement, Scenic Byways,**

**Congestion Mitigation and Air Quality Improvement Program and Safe Route to Schools Programs do not require the LG to be LAP Certified.** These projects are administered in accordance with the GDOT requirements and are exempt with its own manuals and other guidance for federal compliance.

The GDOT Offices should be contacted early regarding Federal requirements related to the projects listed below.

| Program Owner                                  | GDOT Contact                      |
|--|-----------------------------------|
| Transportation Enhancements (TE Projects)      | Office of Program Delivery        |
| Scenic Byways                                  | Office of Planning                |
| Safe Routes to School (SRTS)                   | Office of Traffic Operations      |
| Congestion Mitigation and Air Quality (CMAQ)   | Office of Planning                |
| Off-System Lump Sum Safety Projects            | Office of Local Grants            |
| High Risk Rural Roads Lump Sum Safety Projects | Office of Traffic Operations      |
| Railroad projects (Force Accounts)             | Office of Utilities               |
| Lighting Projects                              | Office of Design Policy & Support |

Note: TE projects and SRTS have been phased out. All federal funds require a LAP certification. HB 170 and state funds do not require a local to be LAP certified.

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## 1.2 Project Initiation

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A project is identified through planning studies conducted by the GDOT Office of Planning for rural areas and the Metropolitan Planning Organizations (MPO) for the urban areas of the state. Population greater than 50,000 must be managed through MPOs which there are currently sixteen (16) MPOs in the state of Georgia. The Office of Planning or MPO manages the development of planning studies for new capital projects and the public information process. Planning studies can range from development of need and purpose statements to specific project implementation plans. All of these project planning activities rely on input from citizens and their elected officials and must be in agreement with the goals and objectives of municipal, county and regional governments. The Office of Planning manages the State Transportation Improvement Program (STIP). The STIP is a multi-year capital improvement program which contains information on all programmed projects, including projects located outside MPO boundaries, receiving Federal funds in the state of Georgia. Project schedules for plan development, funds authorization, and lettings must conform to the phase, estimates and program funding as included in the federally approved STIP. MPOs develop their own Transportation Improvement Program (TIP), approved by the governor, which is included into the STIP.

More information on the STIP and a list of current fiscally constrained projects can be found on the <https://www.dot.ga.gov/GDOT/Pages/STIP.aspx>.

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### 1.3 Local Government Prequalification

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In order to administer a project, GDOT requires certified LGs to possess adequate organizational structure, experienced employees, and processes for project development that promotes on time project delivery. These considerations apply to more than just the specific disciplines associated with design and construction, but also general aspects of stewardship related to public business practices, right of way, fiscal accountability, and other applicable responsibilities associated with State and Federal funding.

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### 1.4 GDOT and Local Government Project Agreements

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There are several agreements that the LG will receive and need to execute during project development and construction. If not currently certified by GDOT, the LG must first complete the requirements for GDOT LAP Certification. For each project added to the Program, the LG may receive the following:

1. Letter of Notification Agreement from Office of Planning
2. Project Framework Agreement (PFA) will only be needed when Preliminary Engineering (PE) costs will be reimbursed due to federal funds being assigned to the PE phase. The PFA will be submitted to the LG for execution prior to the start of major plan development activities. A LG, which has not been LAP certified to administer federal-aid projects, is ineligible to enter into a PFA with GDOT.
3. In-Lieu of Letter is provided when local sponsor is paying 100% of Preliminary Engineering costs
4. Memorandum of Understanding (MOU) is provided when project management oversight funds are required
5. Specific Activity Agreement (SAA) which addresses project specific activities such as:
  - a. Right-of-way
  - b. Utility
  - c. Construction
  - d. Lighting
  - e. Landscaping
  - f. Maintenance/Operations

These agreements detail the LG commitment to more accurate cost and phase delivery schedules. Other special requirements are included, and the responsibilities of each affected office are identified in this policy. These agreements allow projects to be managed and tracked more effectively while maximizing LG oversight and keeping project deliverables on schedule. Early in project development, it is the LG responsibility to coordinate with the GDOT Project Manager on which agreements and/or forms are required.

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### 1.5 Consultants

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The LG may engage a consultant to perform architectural, engineering, environmental, right-of-way, and related services needed to develop and deliver a Federal-aid project if the LG provides a full time responsible charge, who will serve among various duties as the liaison between the consultant and the GDOT Project Manager. Every LG selected consultant must be pre-qualified by GDOT.

If there is Federal-Aid Highway Program (FAHP) funding participating in an engineering and design related services contract, then the Federal competitive negotiation/qualifications-based selection (Brooks Act) procurement procedures is applicable and must be conducted in accordance with the guidelines established in 23 C.F.R. Part 172 as agreed upon in Attachment “G” found in the PFA.

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## 1.6 Plan Development Process

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The Plan Development Process (PDP) commences with the authorization of Preliminary Engineering Funds, continues through Right of Way Acquisition (if applicable) and ends when the construction funds are authorized.

The first phase is to develop the concept and conduct the special studies to identify environmental resources, especially the location of protected waters and species, cemeteries, and determine the National Register eligibility of historic resources and archeological sites. The objective of the concept studies is to determine an alignment that meets the need and purpose identified in the planning studies; minimize adverse impacts to environmental resources; minimize the costs for the project; identify the stakeholders and the scope of public involvement, and produce a Concept Report. All environmental work shall be done in accordance with the GDOT Environmental Procedures Manual which is located at:

<https://www.dot.ga.gov/GDOT/pages/EnvironmentalProcedures.aspx>

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## 1.7 Preliminary Design

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Preliminary Plans development begins after the approval of the Concept Report and continues up to the point of beginning the final right-of-way plans. Coordination with state and Federal environmental resource agencies continue so that commitments and mitigation to protect the significant environmental resources become known. The appropriate environmental studies and documents are developed and approved. The proposed design is developed and will address all of the elements of the project area such as the existing transportation facilities, developed property, utilities, and drainage. The objectives of this phase are to determine the fullest extent of the right of way to be needed and to gain approval of the environmental reports and documents prior to beginning any right of way phase or final design activities. A preliminary field plan review (PFPR) determines the constructability of the project within the right-of-way and easements established for the project cleared through the environmental document. Upon approval of all environmental documents by GDOT and FHWA, the project is cleared for the GDOT Project Manager to request right of way Federal funding to be authorized and upon FHWA right of way phase authorization all right of way phase activities may begin by the LG.

*Note: Violation of any of the requirements may jeopardize all or part of the project's eligibility for Federal funding. In addition, no project will be advertised for bids, nor will any project right of way or construction work be undertaken, and no materials will be purchased on any Federal-aid project prior to Federal-aid funding authorization approval from GDOT and FHWA. Violation of this requirement will result in the project being ineligible for Federal funding and the LG liable for the total cost of accrued project expenditures to that point.*

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## 1.8 Final Design

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Chapter 7 of the PDP manual details the Final Design activities. LG final design cannot proceed prior to environmental approval by GDOT and FHWA. **Note that, if any changes are made to the project footprint during the final design phase, the environmental impacts must be reevaluated immediately at the time of the change.** Approval of the construction funding and the letting will be delayed until such time the environmental reevaluation is approved by GDOT and FHWA. Environmental permits and associated mitigation also must be obtained prior to let.

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## 1.9 Local Government Right of Way Acquisition

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If Federal funds are involved in any phase of a project, compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is required. The GDOT Acquisition Guide for Local Public Agencies and Sponsors manual provides the right of way acquisition process. A right of way certification letter of compliance is required from the LG with the plans, specifications, and estimates (PS&E) submittal package to the GDOT Project Manager.

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## 1.10 Utilities & Railroads

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The LG must perform utility relocation activities in compliance with 23 CFR Part 645; Title 32, Official Code of Georgia Annotated; and, the GDOT Utility Accommodation Policy and Standards Manual, current edition. The LG provides certification that all utility facilities have been appropriately relocated or conflicts resolved so as not to interfere with construction activities. A reimbursable cost utility agreement with each utility owner that is reimbursable for their relocation work is required. If utility relocations are reimbursable, a GDOT Utilities Certification Letter and a copy of the reimbursement agreement, which will include Buy America Language, must be submitted to the appropriate GDOT District Utility Office.

Early railroad coordination is essential for any railroad inside or within 500 feet of the project limits. Involvement requires the LG to submit preliminary and final plans to the railroad for their approval and to obtain a railroad agreement that includes the Buy America Language, if applicable, with each owner. After railroad coordination is completed by the LG, a copy of the final plan approval letter from the railroad will be sent to the State Utility Office Railroad Liaison Engineer at the GDOT General Office location.

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## 1.11 Construction and Letting by GDOT

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The LG shall submit all plans and information to the Department following the PDP, Chapter 8 for letting of the project. GDOT has the policies, administrative programs, personnel, and equipment in place to administer construction of the Federal-Aid Highway Program and LET all Federal-Aid projects except those noted specifically below.

Projects which may be LET by Local Governments include:

- Transportation Enhancements
- Off-System Lump Sum Safety projects
- High Risk Rural Roads Lump Sum Safety Projects
- Lighting projects

Any projects that do not meet these criteria shall require prior approval by the Department's Director of Construction and Chief Engineer to be let by the LG. This approval must be requested from the Project Manager. The Local Government must also be LAP Certified before requesting approval to let any projects not noted in the list above.

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### **1.12 Lettings, Bid Review and Awards By Local Governments**

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Project types which are noted in Section 1.11 or other projects specifically approved by the Director of Construction and the Chief Engineer may be let by the LG. Lettings by the LG require prior authorization of Federal construction funds. Construction funding authorization requires the LG to provide the Project Manager with all the information listed in Section 10.2. All utility and/or railroad agreements must be executed or resolved before proceeding with request for construction authorization.

The LG will provide the GDOT Project Manager with a copy of its contract proposal and provisions for review and approval. Once FHWA has authorized the construction funds the Project Manager will issue a Notice to Proceed (NTP) to the LG to advertise the project for bid.

The LG must comply with local, state, and Federal laws and regulations during this phase of the project administration. Key references that the LG should use to assure compliance with Letting, Bid Review, and Award procedures can be found on the LAP web page.

Any LG that proceeds ahead with any task or procedure without first securing GDOT and FHWA construction phase authorization may result in the loss of eligibility for Federal funds. Upon the determination of Federal funding ineligibility by FHWA, the LG is liable for repayment of all accrued Federal share project cost.

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### **1.13 Construction**

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During construction of a Local Let project, the LG must ensure that adequate inspections are made to determine that the construction is in accordance with the contract plans and specifications, that materials meet the project specifications and that personnel that are performing the testing are certified by GDOT, that Federally required records are maintained and retained to support the eligibility for and the reimbursement of Federal funds, and that progress reports are accurate for all construction activities. The LG will be subject to a GDOT Construction/Engineering Audit prior to or shortly after the Notice to Proceed. The GDOT Project Manager shall make notification and arrangements for the preliminary review. All project construction actions are subject to audit reviews by GDOT and FHWA staff in order to verify all commitments and mitigation requirements identified in the approved environmental documents were carried out, as well, as compliance with other Federal and state laws such as Disadvantaged Business Enterprise (DBE) and Equal Employment Opportunity (EEO).

GDOT staff must approve Supplemental Agreements, also known as Contract Modifications, and Time Extensions even if there are no State or Federal funds needed in the Contract Modifications.

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## 1.14 Project Completion and Maintenance

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Activities associated with the closure of a project include (more information can be found in Chapters 11 and 12):

- Closing Conference to be conducted 60 days prior to completion date
- A notice of completion by the contractor
- Final inspection is conducted when all pay items are complete
- A review of the eligibility of project costs for Federal reimbursement,
- Making a determination of Final Acceptance from the LG,
- Maintaining the project after completion and meeting required retention of project records. The LG is required to maintain the project according to Section 116 Title 23 U.S.C.



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## Chapter 2. FHWA and GDOT Responsibilities

### 2.1 FHWA - Title 23 of the United States Code (USC)

The Federal Highway Administration's (FHWA's) responsibility for administering the Federal-aid Highway Program, under Title 23, USC, is outlined in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 with several other legislative transportation acts that all cumulate in the Bipartisan Infrastructure Law (BIL), signed November 15, 2021. These laws establish the respective roles and responsibilities of the GDOT and the FHWA in providing stewardship of Federal-aid Highway Program activities under Title 23 and other associated laws. FHWA retains overall responsibility for all aspects of their Federal-aid programs and this understanding does not preclude FHWA's access to and review of Federal-aid projects at any time and does not replace any provisions of Title 23, USC.

### 2.2 FHWA Role in the LG Administered Project Process

The FHWA Georgia Division oversight of local administered projects will be conducted by the FHWA Georgia Division's Transportation Engineer for each District. The FHWA Georgia Division will also have an individual with local administered project responsibilities to oversee the program aspects.

### 2.3 The Georgia Code of Public Transportation and GDOT

The Georgia Code of Public Transportation, Official Code of Georgia, Title 32, created the GDOT and defines its powers and responsibilities. Paragraph 32-2-2 (a) (7) more specifically describes GDOT's authority to accept Federal Aid.

Procedures to meet the Title 23 Policies and Objectives are addressed in the State Code, directives or manuals.

When a Local Government (LG) notifies GDOT of its intent to become the implementing agency of a construction project in which GDOT participates through oversight of Federal funds, the GDOT, on behalf of FHWA, will determine a LG's qualifications for compliance with all requirements of Federal and State laws and regulations before proceeding with obligating Federal funds. Title 23 U.S.C. does not recognize local entities as direct recipients of Federal funds therefore GDOT is not relieved of any Federal oversight responsibilities by granting work to be completed by a LG. GDOT must determine sub-recipients to have adequate program delivery and sufficient accounting controls to properly manage Federal funds.

### 2.4 GDOT Retains Approval Authority for Specific Project Activities

The GDOT retains approval authority for the following LG administered project activities.

1. NEPA documents
2. Environmental technical studies
3. Design standards and design exceptions
4. Environmental Certification
5. Engineering plans
6. Right of Way Certification

7. Utility Certification
8. Sole Source Justification Approval coordinated with FHWA
9. DBE Goals
10. Owner Force Account work
11. Rejection of bids
12. Labor compliance enforcement
13. Project cost eligibility
14. Contract modifications
15. Federal-aid accrued progress payments and final payment
16. Materials Certificate
17. Project final inspection and final acceptance

FHWA may retain approval authority of certain items in accordance with the Stewardship and Oversight Agreement.

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## **2.5 GDOT Reimbursement for Direct Project Costs**

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The LG administered projects are a significant annual portion of the Federal-aid program for which FHWA and GDOT are responsible. GDOT must assure that each sub-recipient will meet the requirement for delivering the project and have an accounting control process capable to manage Federal funds. GDOT Project Manager and other GDOT staff will incur considerable cost related to local administered projects. For PE oversight funding, please coordinate with your GDOT Project Manager and refer to the Project Framework Agreement (PFA) and/or Memorandum of Agreement (MOA) established for the project. For each Federal-aid project, the LG will be responsible for providing all local (non-Federal) matching funds. As part of all Federal-aid projects, the GDOT staff directly bills their payroll and other eligible expenses to Federal-aid participation. It is the responsibility of the LG to provide local matching funds to GDOT for authorizing the usual and customary engineering funds for GDOT direct project engineering and supervisory activities. These funds are required for direct project GDOT engineering or supervisory cost seeking Federal reimbursements, since property and other services containing non-monetary matching values may not be used. Preliminary engineering, construction engineering and construction supervision activities by GDOT staff generally cost between 5% and 10% of the total project cost. This local matching fund participation for GDOT engineering service is required regardless if other phase activities on the same project are to use a non-monetary match value.

## Chapter 3. Local Government Certification - Contents

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## Chapter 3. Local Government Certification

### 3.1 Overview

The Georgia Department of Transportation (GDOT) receives a delegated authority to approve certain types of projects for development and construction administration from the FHWA. The Local Administered Project (LAP) process allows GDOT to delegate authority to qualified Local Public Agencies (LPA). The LAP manual only provides guidance to help LGs administer federal-aid projects. For additional information and guidance regarding the LAP program, visit the [GDOT LAP external webpage](#). A LG must submit a LAP Certification or Re-Certification Application for review and approval by GDOT in order to receive delegated authority for project oversight. Within the LAP Certification Application, the LG is responsible for citing the qualifications and capabilities it possesses.

Although the certified LG can be pre-qualified to conduct local environmental and right-of-way activities, Federal regulations specifically require GDOT to retain approval for environmental documents, utility, and right-of-way certifications. Additionally, GDOT and FHWA retain the approval authority or oversight responsibility for planning requirements, funding authorization, NEPA determination and documentation, Plans, Specifications, and Estimates (PS&E), final inspection, final acceptance, EEO and DBE requirements.

### 3.2 Local Administered Project (LAP) Certification for Local Governments

LAP Certification is beneficial for the LG to obtain in order to administer a project successfully. The certification allows the LG the authority to develop, advertise, award and manage the project. This certification does not diminish the LG's responsibility to provide professional engineering and other resources necessary to ensure all State and Federal requirements are followed. The LG will be certified for a period of five (5) years or until either party modifies or rescinds the agreement. Please note this change from the previous three (3)-year certification period. This new five-year policy only applies to LPAs seeking new certification or Re-certification in 2025 and beyond. Existing certification and Re-certification application are not grandfathered into this new policy until expiration. If the LG wishes to renew their LAP certification, then the LG will have to submit a Re-Certification application prior to expiration. By agreeing to accept Federal-aid funds, the LG assumes the stewardship roles and responsibilities with respect to properly carrying out the Federal-aid project process.

The LG that is certified to administer federal-aid projects may develop and accomplish the following:

- A. Location and Design
- B. Utility Agreements
- C. Railroad Agreements
- D. Consultant Engineering Agreements
- E. Environmental Documentation
- F. Bid Reviews
- G. Advertisement and Award of Construction contracts
- H. Construction Administration
- I. Construction Material Testing

The LG will designate a full-time responsible charge public employee to have approving authority for all GDOT delegated project approvals. The responsible charge is responsible for the approval of each project phase for which it is the approving authority, and the name and position must be identified in the LAP Certification Application. As stated previously, an alternate full-time responsible charge is required to be provided by the LG.

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### **3.3 Training for Local Government Staff and Consultants**

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The following courses will be required every 5 years for LAP certification:

- Project Development Process (PDP) Training
- Local Administered Projects (LAP) Training
- Right-of-Way Acquisition for Local Public Agencies (LPAs) Training
- Title VI/ADA Training
- Engineering and Design Procurement Training

Please refer to LAP training schedule for upcoming classes and information.

Beginning January 2025, LAP certification will last for five (5) years. Please note this is a change from the previous three (3)- year certification period. This new five-year policy only applies to LPAs seeking new certification or recertification in 2025 and beyond. Existing certification and recertification applications are not grandfathered into this new policy until expiration.

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### **3.4 LAP Certification Review Committee**

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#### **District Planning & Programming Liaisons (DPPL)**

The District Planning & Programming Liaisons assist the LG early in the certification process and are also responsible for the LAP Compliance Audits. A detailed example of this audit and contact information can be found on the LAP web page. LG's are encouraged to reach out to their respective DPPL's regarding any questions on the LAP process.

#### **LAP Certification Committee (LAPCC)**

The LAP Certification Committee is composed of several GDOT subject matter experts from various GDOT units that will review, confirm and approve or disapprove the LG to develop the federal projects for which its certification applies using the GDOT LAP Manual procedures. This committee coordinates with the LAP Program Manager to ensure that all appropriate documentation is provided as required by the LAP Certification application.

#### **LAP Program Manager**

LAP Program Manager will review final recommendation from the LAPCC and DPPL and provide the approval or denial. A letter from the LAP Program Manager will be sent to the LG if the LAP Certification Application is approved. A LG denied certification will be provided in writing outlining the reasons for that action from the Program Control Administrator. A LG may reapply for certification after addressing deficiencies stated in the denial letter. The LAP Program Manager

and/or DPPL will periodically conduct audits of the certified LPA to confirm qualifications have not changed.

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### 3.5 Submitting LAP Certification Applications

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The DPPL will coordinate with the LG to set up an interview/meeting to review the LG's LAP Certification Application. All five (5) training courses and other documentation must be completed before an interview can be conducted with the DPPL.

The DPPL will review and evaluate the LAP Certification application and make a recommendation to the LAPCC. The LG should coordinate with their DPPL on the appropriate documentation required for the application. The required documentation, to include but not limited to, is the following:

1. A letter addressing the LG capabilities, staff and experience in the specific areas where certification is requested in design, right-of-way, estimates, construction, bid and award, environmental, consultant selection, and ability to match federal funds.
2. Current Organizational Chart
  - The organization chart shall identify by name and title/position non-consultant staff that will participate in the LAP Certification process. **Note: Consultants are not LAP certified, only the LG can be LAP certified. When supporting the LG's LAP Program, consultants are encouraged to take the training classes.**
  - Multiple LG employees can complete the current required training classes, but at a minimum the LG full-time responsible charge and the alternate full-time responsible charge each must complete and pass the LAP and PDP training classes.
  - Employees of one LPA that move to a job at another LPA may receive a new certificate if expiration date has not passed. Otherwise, the employees must attend training class and a new certificate will be issued.
3. Copy of the training certificates for the five required training courses
4. Current Title VI Assurances and [Non-Discrimination Agreement \(NDA\)](#) if census population is less than 100,000 or Title VI Plan if census population is greater than 100,000
5. Procurement – Current written policies and procedures which will be used to procure engineering and design related services using federal-aid funds, which are in accordance with § 23 C.F.R. Part 172.5(b)(1) and the Brooks Act. The LG also has the option to adopt GDOT's Procurement Policy by signing the [Template Letter of Agreement](#).
6. Procurement Statement

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### 3.6 Application Review Process

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After the interview process, the DPPL will submit the LG evaluation of the LAP Certification Application to the LAP Program Manager and LAPCC with a recommendation for:

- A. Certification Acceptance

B. Deny the LAP Certification with deficiencies noted

The LAP Program Manager and the LAPCC will review the evaluation and recommendation from the DPPL and note any deficiencies for amendment by the LG. Upon final review by the LAPCC, the LAP Program Manager will either approve or deny the local agency's LAP Certification Application.

For LG's recertifying, all history of project delivery and performance by the LG will be considered; both current and expected staffing expertise; experience with Federal and State requirements; and overall capability will be considered in recommending the Certification Acceptance.

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### **3.7 Notification of LAP Certification Approval or Disapproval**

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The LAP Program Manager will notify the LG if the LAP Certification Application is approved or disapproved with deficiencies. A LG may reopen the application process by providing written notice of the corrections of the deficiencies as provided in its email and/or letter of denial. The GDOT DPPL will follow the same process as in the original application and will focus on those deficient areas as noted by the LAPCC that the LG has completed all corrective actions.

LG's who fail to meet LAP certification will not be allowed to let or administer federally funded projects.

Found on the GDOT LAP webpage, is a list of the current [Certified Local Public Agencies](#). This list is updated periodically when changes are needed.

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### **3.8 Maintaining Certification Acceptance (CA) and LAP Quality Assurance Review**

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The GDOT Project Manager will consult and advise the LAP Certified LG concerning the PDP procedures to be followed. The level of this assistance will depend on the nature of each project and the demonstrated capabilities of the LG. GDOT will perform reviews and/or audits on LAP projects to ensure that local agencies are administering FHWA funds in accordance with the LAP Manual.

These audits include but are not limited to:

- GDOT LAP Audits conducted by the Office of Program Control and DPPLs to review LAP Certification Requirements, Preconstruction and Construction phases
- GDOT Federal Compliance Checklist at various milestones conducted by the Office of Program Delivery's Project Managers: Concept Report Approval, Preliminary Field Plan Review, Final Field Plan Review and Construction Award.

The DPPL and LAP Program Manager will conduct LAP Audit Compliance reviews quarterly to ensure Quality Assurance (QA) for a select number of projects in each district. This LAP Audit Compliance will evaluate project performance and compliance to document and report project audit findings. A LG may lose its certification status based upon the LAP Audit Compliance findings or during other GDOT and FHWA inspections, audits or project close out review.

If it is determined that the LG did not comply with State or Federal requirements, then the LG will be notified of their federal-aid ineligibility. **FAILURE TO COMPLY** may require repayment for all or a portion of Federal funds.

- Non-compliant in any phase or aspect of LAP certification process
- Failure to correct deficiencies on audit reports
- The qualifications and experience of the LG staff are altered. If any change occurs in the positions described in the CA Agreement as “Approving Authority” the LAP Program Manager and the GDOT Project Manager shall be notified within 30 days with a LAP Compliance Plan. **Failure to do so may jeopardize existing certification status.** The [compliance plan](#) includes providing updated organization chart, training plan, updated training certificates and any pertinent information to remain in compliance. The loss of CA status and reinstatement conditions will be outlined in an email and/or letter from the Program Control Administrator to the local government.

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### 3.9 LAP Certification – Exceptions and Non-Exceptions

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#### Exceptions

Projects such as Transportation Enhancement (TE), Scenic Byways, Congestion Mitigation and Air Quality Improvement (CMAQ) and Safe Routes to School (SRTS) programs are exempt and do not require LAP Certification. These types of projects have established policies and procedures that meet the terms and conditions needed to administer projects in accordance with other requirements, guidance and manuals for federal compliance. (Chapter 1.1)

**Note: TE Projects will be phased out.**

#### Non-Exceptions

For the Transportation Alternatives Program (TAP), Georgia DOT partners with the FHWA in facilitating and providing an opportunity for local governments to pursue non-traditional transportation related activities such as pedestrian facilities, bicycle facilities, and pedestrian streetscaping projects. TAP builds upon the legacy of the TE program by expanding travel choices, strengthening the local economy, improving the quality of life, and protecting the environment. The most recent Transportation Funding Act, Fixing America’s Surface Transportation (FAST) Act, continues funding TAP through 2020. TAP projects will require LAP Certification to participate in administering federal-aid for non-traditional transportation related activities.

For further details on the TAP Program, visit the [TAP webpage](#) for the most recent call for projects and requirements.

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## Chapter 4. Civil Rights

### 4.1 Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 and other Federal Nondiscrimination statutes prohibit discrimination based on race, color, national origin and sex (gender) in the provision of benefits and services in programs and activities receiving Federal funds. The U.S. Department of Transportation's (USDOT) implementing regulations are contained in 49 CFR Part 21 and 23 CFR 200. These regulations require: Recipients to execute Title VI Assurances as a condition of Federal aid. These Federal regulations require GDOT to ensure that all local agencies receiving USDOT funds administered by GDOT are in compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12250, Executive Order 12898, Executive Order 13166, 49 CFR Part 21, 23 CFR Part 200.

The Federal Highway Administration requires each Local Government that receives Federal funds through GDOT to establish a Title VI Program to prevent discrimination in the provision of benefits and services on federally funded transportation programs and activities. This Title VI Program is a system of policies and procedures designed to monitor agency (and sub-recipient agency) compliance, address complaints, and eliminate discrimination when found to exist.

A LG serving a population of 100,000 or more is required to have a Title VI Plan (as provided by the Civil Rights Act of 1964). A local government serving a population less than 100,000 may use an abbreviated Title VI Plan, a Nondiscrimination Agreement. The Civil Rights Restoration Act of 1987 broadened the scope of Title VI coverage by expanding the definition of the terms "programs and activities" to include all programs and activities of Federal aid recipients, sub-recipients, and contractors, whether such programs and activities are federally funded or not.

The policies and procedures to address nondiscrimination must be included in the LG Title VI Plan. LG plan for implementing Title VI must be presented to the GDOT Equal Employment Opportunity (EEO) for review and approval. A copy of the GDOT Nondiscrimination Agreement with assurances are available on the [LAP webpage](#). Contact information for the GDOT EEO Office and District Offices is found at the GDOT EEO webpage.

### 4.2 Title VI Plan Development

A Title VI Plan is a legal document that imposes individual legal liabilities to the signatory agency that are nontransferable. Each LG must develop a Title VI compliance document that reflects its individual Federal-aid transportation program structure. The GDOT EEO will provide each LG the technical support it needs to develop a Title VI Plan or a Title VI Nondiscrimination Agreement for agencies with populations of less than 100,000. It is the LG responsibility to coordinate with the EEO for content and format of the Title VI Plan. The Title VI Plan will describe how recipients of Federal financial assistance will implement their Title VI Program.

### 4.3 Title VI Standard Assurances

The DOT Order 1050.2 and 23 CFR 200.9(b) (3) requires Standard Title VI Assurances to be included by reference in every contract, grant or property regardless of its funding source. The

agency's CEO signs these assurances. GDOT EEO will provide the local agency with Title VI reporting requirements to GDOT.

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#### **4.4 Annual Title VI Update and Accomplishment Report**

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All agencies with approved Title VI Plans or Nondiscrimination Agreements are to annually prepare a report of their Title VI Program implementation compliance activities. This report is due one year from the date of approval of the Title VI plan and then annually on that same date. This is to describe the accomplishments that occurred during the year. This Annual Title VI Update and Accomplishment Report will be completed by the local agency and forwarded to the District Title VI Liaison, who will forward it to the Title VI Coordinator, at GDOT EEO for review and approval. Each report will attach a completed questionnaire that addresses its Federal-aid transportation program. A copy of the questionnaire will be provided to local agency with GDOT EEO Title VI Plan or Nondiscrimination Agreement approval.

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#### **4.5 Revisions to the Local Agency Title VI Plan or Nondiscrimination Agreement**

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The Plan will always contain current information on names of staff and any other needed revisions. Substantial revisions are to be submitted to the Title VI Coordinator immediately for review and approval by the GDOT EEO. Substantial revisions are to be submitted to the District Title VI Liaison immediately for review and approval by the Title VI Coordinator at GDOT EEO. Local agencies only need to submit a revised Title VI document when program changes such as the ones described above take place.

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#### **4.6 Title VI Complaint Investigations**

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All complaints shall be forwarded to the Title VI Coordinator at GDOT EEO Office. The Title VI Coordinator will immediately forward the complaint to the FHWA Headquarters Civil Rights Office (HCR) to determine who is to investigate the complaint. Only qualified, well-trained investigators should conduct these investigations. No agency is allowed to investigate a complaint against itself. All findings from state or local investigations are preliminary and subject to the concurrence of FHWA HCR. FHWA HCR will render final decisions on all cases. There are no administrative appeal forums in Title VI complaints. Once FHWA HCR issues its final agency decision (FAD), a complainant in disagreement with such determination may file an appeal with the appropriate U.S. District Court.

An annual log of complaints must be maintained by the local agency. The log of complaints must contain the following information for each complaint filed:

- Name and address of the person filing the complaint
- Date of complaint
- Basis of complaint
- Disposition of complaint
- Status of complaint

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#### 4.7 Title VI Compliance Reviews

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GDOT/FHWA will conduct periodic reviews of compliance with Federal Title VI regulations. Compliance review is initiated by the GDOT Title VI Coordinator by notifying the District Title VI Liaison to make arrangements to conduct periodic compliance reviews of local agencies with approved Title VI Plans. The compliance review will focus on how effectively the local agency has implemented its approved Title VI Plan. Documentation is gathered and individuals with Title VI responsibilities are interviewed as part of the review process. The local agency will be notified in writing of the scheduled date and the documents that will be required for the on-site review.

A Local Government is found to be in compliance if no deficiencies are found during the on-site review. The LG will be told at the conclusion of the review and be notified in writing that it is in compliance.

A Local Government will be found in non-compliance if deficiencies are identified during the review. The LG will be notified in writing of the deficiencies and will have 90 days to correct them. After an agency corrects deficiencies, it will be notified in writing that it is in compliance. If a local agency does not correct Title VI Program deficiencies identified by GDOT or FHWA, it may be subject to sanctions including the suspension of FHWA funding.

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#### 4.8 Other Nondiscrimination Statutes Related to Title VI

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Limited English Proficiency – LEP (Executive Order 13166) is one of the bases covered under Title VI is national origin. One type of national origin discrimination is discrimination based on a person's inability to speak, read, write, or understand English. The Federal government and those receiving Federal financial assistance (recipients, sub-recipients, contractors) must take reasonable steps to ensure that LEP persons have meaningful access to the programs, services, and information those entities provide. This may require providing written and/or oral communications in a language other than English. More information regarding LEP responsibilities can be found at: [Federal Agency LEP Guidance and Language Access Plans](#).

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#### 4.9 Environmental Justice (Executive Order 12898)

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Procedures for addressing Environmental Justice can be provided by the Title VI Coordinator at GDOT EEO Office or in the [Environmental Analysts Guidebook: Social Environmental – Communities](#).

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#### 4.10 Construction Contracts EEO Requirements

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To effectively assure Equal Employment Opportunity, it is the policy of the Federal Highway Administration to require that all Federal-aid highway construction contracts include specific requirements related to 23 CFR Part 200, 23 CFR Part 230, 23 USC Section 140, 23 CFR 230 Subpart A and Subchapter A 1.36, as well as, other requirements to implement the Title VI Program, related civil rights laws, and regulations. These specific requirements apply to contractors and all their subcontractors (not including material suppliers) holding subcontracts of \$10,000 or more. To be eligible for Federal aid funds, the local agency must comply with the civil rights requirements.

Local agencies and their contractors must each designate an EEO officer to ensure compliance with the EEO, Title VI, Section 504, and training policy. The GDOT Equal Employment Opportunity Office will monitor both the local agency and its contractors for compliance as part of the normal project management reviews and through contract compliance reviews of selected contracts.

The local agency, by signature to the Local Agency Agreement, agrees to the following:

- a. To assist and cooperate actively with the state in obtaining contractor and subcontractor compliance with the equal opportunity clause and rules, regulations, and relevant orders of the FHWA and/or Secretary of Labor.
- b. To furnish the state such information as it may require for the supervision of such compliance and otherwise assist the state in the discharge of its primary responsibility for securing compliance.

The local agency must consult the *Specifications*, the *General Provisions*, the *Special Provisions*, and the *GDOT Construction Manual* <https://www.dot.ga.gov/GDOT/Pages/TheSource.aspx> to administer the EEO and training programs.

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#### 4.11 EEO Contract Administrations

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The local agency has the responsibility to:

- a. Ensure all federal regulations are inserted into the prime contract and subsequent subcontracts as applicable. Including but not limited to FHWA 1273, Prompt Payment, DBE Special provision – Criteria for Acceptability, Executive Order 11246, etc. Copies of federal provisions are available through the GDOT Project Manager.
- b. Conduct preconstruction conferences during which EEO and training Special Provisions for Federal aid contracts are discussed with the contractor.
- c. Ensure that the contractor posts and maintains notices and posters setting forth the contractor's EEO policy. A supply of Office of Federal Contract Compliance Programs (OFCCP) Poster No. 1420, Equal Employment Opportunity are available online.
- d. Monitor on-site compliance with the EEO and training Special Provisions of Federal aid contracts.
- e. Ensure that their contractors locate, qualify, and increase the skills of minority groups, women employees, and applicants for employment as specified in the training provisions.
- f. Prepare and/or ensure the preparation of the required EEO and training reports.
- g. Perform labor interviews and payroll inspections to verify compliance with the Davis Bacon Act.
- h. Perform Commercial Useful Function (CUF) inspections on all participating DBEs. Refer to LAP Program webpage for CUF Inspection form for Construction projects and instructions.

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#### **4.12 Construction Contractor and Subcontractors EEO Reports**

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The contractor and subcontractors must submit the *Monthly Employment Utilization Report* for all the employees in the work force including an ethnic breakdown and the classification for each employee in each trade on their Federal aid highway construction projects under construction during each month. The report is a summation of employees on their monthly payroll period. The local agency retains this form in its project files. The local agency then summarizes these reports received from all contractors and subcontractors that were working on Federally-assisted projects. This report is prepared by the local agency and sent to the GDOT Project Manager.

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#### **4.13 Civil Rights Monitoring During Construction**

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During the project construction, the local agency must monitor the contractor's performance to ensure compliance with its Title VI, Section 504 and EEO. The local agency's designated EEO Officer will conduct reviews with the contractor, maintain records, reports, and required Title VI statistical data concerning the contractor's performance, and ensure that the local agency itself is in compliance with its EEO policy.

The contractor will submit certified detailed invoices showing the related weekly payroll number, name of the trainee, total hours trained under the program, previously paid hours, hours due, and the dollar amount due this estimate. These invoices must be kept with the project records and will become part of the temporary final records to be retained for three years after acceptance of the project by GDOT and FHWA. Refer to the GDOT Construction Manual and procedures for reviewing contractor payrolls.

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#### **4.14 Contractor Compliance Review**

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A 23 CFR 230 Contractor Compliance review may be performed by the GDOT EEO Office anytime during the life of the project. Upon notification, the local agency's designated EEO Officer shall assist in compliance review process.

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#### **4.15 Contractor Provided Training**

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The Contractor shall provide training according to the approved training program and the contract provisions. Approved training programs are contained in the Georgia On-The-Job Training Program Manual available online. The Contractor training plan and individual trainees must be forwarded to the GDOT EEO Office for concurrence prior to local agency approval being granted to the contractor.

When training hours are assigned to the project, the local agency must verify that the trainee is on the project by periodically conducting interviews to determine if training is beneficial and in accordance with the approved program. The "Trainee Questionnaire" form or similar forms should be used by the LG to document the employee interviews and the contractor's compliance with the training requirement. For examples of the form the GDOT Project Manager should be contacted.

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#### **4.16 Overview - Disadvantaged Business Enterprises (DBE)**

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Requirements of the DBE Program, as prescribed in 49 CFR Part 26, apply to all recipients (and Sub-recipients) of highway, transit, and airport funds. GDOT establishes an annual goal submitted to FHWA August 1, every year for acceptance. The annual goal is reached through an approved methodology. A local agency, when participating in programs funded in whole or in part with funds made available by the GDOT, must either adopt GDOT DBE Plan, or develop an equivalent plan for approval by USDOT.

While GDOT EEO has the overall responsibility for administration and implementation of GDOT DBE Program, local agencies (as sub-recipients) also have responsibility to ensure that their Federally-assisted contracts are administered in accordance with the State's approved DBE Program Plan, which is available on the GDOT web site.

GDOT EEO Officer may conduct compliance reviews of the local agency's administration of the DBE Plan. A local agency that is found to be in noncompliance may be subject to formal enforcement action (suspense or loss of Federal funds and/or CA status).

Each Federally-assisted contract/subcontract must include the following assurance:

The contractor, sub-recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract.

The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

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#### **4.17 Local Government DBE Compliance Procedures**

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The GDOT establishes an annual aggregate DBE goal for all Federal-aid highway projects. To achieve this aggregate goal, the GDOT sets an individual goal for each federally assisted highway project as described in GDOT Policy and Procedure 8201-1.

The local agency is responsible for ensuring program compliance and monitoring its contractor's DBE activities. To obtain a DBE Goal, the local agency must send a cost estimate for the proposed services in electronic format to the GDOT Project Manager. The GDOT EEO Office will propose a goal to a GDOT DBE Committee for approval. The specific DBE Goal is included in the Project Agreement and the bid documents. The local agency is responsible for insuring that the contractor proposes to use qualified DBE firms to meet the goal for their projects. The monitoring of DBE participation will be tracked using the amounts paid DBE participants. See DBE Special Provision: Criteria for Acceptability.

GDOT will maintain and make available to interested persons a directory identifying all firms eligible to participate as a DBE in its program. The DBE directory/Unified Certification Program (UCP) Directory is available online.

<https://gdotbiext.dot.ga.gov/ext-bi/saw.dll?dashboard>

Georgia Department of Transportation  
Equal Opportunity Division  
Equal Opportunity Director  
One Georgia Center  
600 West Peachtree Street, N.W. 7<sup>th</sup> Floor  
Atlanta, GA 30308  
(404) 631-1972

Bidders failing to meet the DBE goal requirement must show that they made good faith efforts to meet the goal, in order to be awarded the contract. After opening bids, the local agency must submit to the GDOT Project Manager the successful bidder's certified DBE subcontractors, also known as the DBE commitment list.

The local agency is responsible for the enforcement of the DBE regulations and policies during the construction projects. The local agency shall comply with these policies and regulations by assuming the duties and responsibilities of the Acquisition Division, Bidding Administration, the District Office, and the Area Engineer. The local agency will submit the required reports to the Area Engineer and the information will be submitted to GA EEO Office and FHWA as needed. The local agency must demonstrate good faith efforts in monitoring DBE participation. In the event of a goal shortfall, the local agency shall assess the contractor's good faith efforts and forward a copy of the letter (including letterhead) with their decision to the Area Engineer.

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#### **4.18 Americans with Disabilities Act (ADA)**

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The LG will ensure compliance with the Americans with Disabilities Act as found in the Title II ADA and Section 504 of the Rehabilitation Act.

The Title II regulation covers "public entities". "Public entities" include any State or local government and any of its departments, agencies, or other instrumentalities.

If a LG project includes pedestrian facilities, the facility must provide pedestrian access for persons with disabilities in compliance with ADA Title II. Federal, State and local governments must provide pedestrian access for persons with disabilities whenever a pedestrian facility exists in compliance with Section 504 standards. Information regarding the design of transportation facilities and compliance may be found at ROADS-Repository for Online Access to Documentation and Standards (<https://www.dot.ga.gov/GDOT/pages/designmanualssoftware.aspx>).

All activities, services, and programs of public entities are covered and must ensure that individuals with disabilities are not excluded from services, programs and activities because buildings are inaccessible. State and local governments must ensure effective communication with individuals with disabilities. Where necessary to ensure that communications with individuals with hearing, vision, or speech impairments are as effective as communications with others, the public entity must provide appropriate auxiliary aids.

Unlike Section 504 of the Rehabilitation Act of 1973, which only covers programs receiving Federal financial assistance, Title II extends to all the activities of State and local governments whether or not they receive Federal funds.

## Complaints

Any individual who believes that he or she is a victim of discrimination prohibited by the regulation may file a complaint. Complaints on behalf of classes of individuals are also permitted.

Complaints should be in writing, signed by the complainant or an authorized representative, and should contain the complainant's name and address and describe the public entity's alleged discriminatory action.

Complaints may be sent to:

Disability Rights Section  
Civil Rights Division  
U.S. Department of Justice  
P.O. Box 66738  
Washington, DC 20035-6738

Complaints may also be sent to agencies designated to process complaints under the regulation, or to agencies that provide Federal financial assistance to the program in question.

Visit the following FHWA web page for additional information relating to ADA requirements:  
<http://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=107>.

## Chapter 5. Local Government Consultants - Contents

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## Chapter 5. Local Government Consultants

### 5.1 Local Government Consultants

To be eligible for reimbursement of FHWA funds for payments to a consultant, the Brooks Act and the below mentioned federal and state code must be followed. It is the policy of the GDOT that LG will procure all consultant professional services from firms pre-qualified by the GDOT. If a LG elects to retain the consultant at its own cost, state law must be followed.

This chapter covers agreements for architects, landscape architects, land surveying, and professional engineering services. These services fall within the scope of the following practices:

- (A) Architecture, as defined in paragraph (6) of [Georgia Code Section 43-4-1](#);
- (B) Registered interior design, as defined in [Georgia Code Section 43-4-30](#);
- (C) Professional engineering, as defined in paragraph (11) of [Georgia Code Section 43-15-2](#);
- (D) Land surveying, as defined in paragraph (6) of [Georgia Code Section 43-15-2](#); or
- (E) Landscape architecture, as defined in paragraph (3) of [Georgia Code Section 43-23-1](#).

These will be referred to as engineering and design related services, or consultant engineering services. Agreements for other services may be entered into for services such as long-range planning, economic analyses, real estate negotiations, and environmental assessments. These will be referred to as consultant personal services (not engineering). Throughout this discussion the term “project” means the work to be undertaken by the consultant. An engineering and design related services project may include construction engineering but will not include the contracted construction work.

It is the policy of the GDOT that the LG will procure all consultant professional services using the Qualification Based Selection (QBS) process as required by the Brooks Act. This means that procurement of these services will be based on open competitive negotiations and the firm(s)'s demonstrated competence and qualification for the type of professional services required at a fair and reasonable price.

The Federal laws and regulations that govern the procurement of design-related services with Federal-aid highway funds are:

- [Title 23 United States Code, Section 112 \(23 U.S.C. 112\)](#), "Letting of Contracts,"
- [Title 23 Code of Federal Regulations, Part 172 \(23 CFR 172\)](#) "Administration of Engineering and Design-Related Service Contracts,"
- Federal Register: Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments or what is commonly called the “Common Rule,”
- Title 40 United States Code, [Chapter 11, Sections 1101-1104](#) commonly called the "Brooks Act."
- Title 48 [Code of Federal Regulations](#), Part 31 (CFR 31) “Contract Cost Principles and Procedures.”

The GDOT policies and procedures govern the acquisition of professional services provided by consultants for engineering and design related services work that is financed in part or fully with Federal-aid highway or State funds. The details of these policies and procedures are found in [GDOT Transportation Services Procurement \(TSP\) Manual](#) and the LG must comply with these Federal and State laws and regulations to qualify for reimbursement with Federal funds.

Public Law 101-121 Section 319 prohibits the use of Federal funds by consultants or sub-consultants who receive a Federal contract, grant, loan, or cooperative agreement pay, to any person for influencing or attempting to influence a Federal LG or Congress in connection with awarding any of the above.

The basic steps to procure consultant service are:

1. Determine the need for services.
2. Pre-Qualification
3. Development
4. Advertisement
5. Evaluation
6. Negotiation
7. Award
8. Contract Administration

Engineering and Design Related Services include the following:

1. Professional or technical expertise to accomplish a specific study, project, task, or other work statement.
2. Any phase of project development, as well as special studies or other assignments within any phase.
3. Periodic examination and consultation or full-time technical inspection during the construction phase.
4. Consultant design and preparation of plans, specifications, and estimates is common when a LG staff is small or when a LG needs additional expertise. Consultant services do not include purchased services provided by a vendor to accomplish routine, continuing, and necessary services.

Before a Local Government advertises for engineering and design related services, it must have a clear definition of the tasks to be accomplished. This includes identification of:

1. The nature and scope of effort required,
2. The technical requirements and qualifications of the consultant services needed,
3. The level of funding resources available,
4. The time frame for performing the work, and
5. The expected results and services to be received.

If assistance is needed in describing the desired scope of work, the LG should seek information from the GDOT Project Manager. Because selection of the most qualified consultant firm is based on evaluations by the LG, it must develop clear selection guidelines (refer to [GDOT Transportation Services Procurement \(TSP\) Manual](#) and the GDOT's [Consultant Prequalification Manual](#)). The selection criteria should enable the LG to identify and select the consultant best qualified to meet the LG needs and ensure that the selected consultant understands and provides services for the LG needs in the most cost-effective manner.

The basic agreement types are lump sum, cost plus fixed fee, provisional hourly rates, negotiated hourly rates, and cost per unit of work. The LG should determine the type of agreement to be developed with the consultant (though this may be modified during negotiations with the selected consultant). Consultant selection shall provide for maximum open and free competition and should provide opportunities for small and disadvantaged business enterprises to obtain an equitable share of the work, consistent with the project scope and capabilities of available small and disadvantaged owned firms.

Engineering and Design related services consultants may be solicited for:

1. A specific project
2. A specific stage of a project (i.e., Design Report)
3. General engineering services (i.e., supporting services of a LG staff in studies, design, etc.)
4. For more than one project (i.e., several small bridge design projects)
5. Multiple phases of a single project
6. For a combination of the above.

In the case of projects covering two or more distinct phases, when the cost for the second phase depends on decisions reached during the first phase, the agreement should cover only the first phase. The agreement for preliminary engineering should state that the consultant may be considered for subsequent phases provided this option was identified in the advertised solicitation. The consultant's engagement to complete subsequent phases depends upon the consultant's satisfactory performance on prior work and upon negotiation of an agreement for the subsequent phase(s). The LG is not obligated to use the same consultant firm for all phases. Separate consultant agreements may be considered for each phase (e.g., one for preliminary engineering and another for construction engineering).

While an engineering management consultant may assist a LG in fulfilling its responsibilities, the LG cannot delegate these responsibilities to a consultant or to another LG. A consultant serving in a management role for a LG, and then managing consultant agreements with its own firm, is a conflict of interest.

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## 5.2 Advertising Professional Services

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Georgia State Law, Code Section 50-22-3 requires the advertising of all licensed and unlicensed professional engineering and design related services through the State of [Georgia Procurement Registry](#) administered by the Department of Administrative Services (DOAS) for a period of no less than thirty (30) days, or if a waiver for the 30-day duration has been granted by the Commissioner

or her designee. For detailed procedures, refer to the [GDOT Transportation Services Procurement \(TSP\) Manual](#).

The advertisement should contain the following information:

1. A project title, estimated project cost, and estimated start and end dates.
2. The general scope and nature of the project or work for which services are required and the contact information of a representative of the LG who can provide further details.
3. Solicitations of qualification statements, referred to as Requests for Qualifications (RFQ) from consultants, must incorporate a clear and accurate description of the technical requirements for the service to be procured, including any special conditions or certifications required.
4. Solicitations must clearly set forth sufficient detail on how applicant qualifications will be evaluated. These may include but are not limited to key personnel, firm experience, ability to meet schedule, past performance, in-house expertise, familiarity with GDOT/ FHWA standards, and DBE approach and commitment.
5. Non-engineering service applicants should be asked to provide estimates for the man-hours and classifications needed to complete the project.
6. In the event that a project covers multiple phases, the LG is not obligated to utilize the original consultant for subsequent phases. If the LG desires this option, the advertisement must state the possibility of a multi-phase agreement at the discretion of the contracting LG.
7. All prospective consultants must be advised that compliance with Federal EEO requirements is required for all Federal funded projects.
8. Consultants will also be held to ADA and Civil Rights language for the employing LG.
9. Response Due Date.
10. Publication dates.
11. Specific project cost estimates shall not be requested until a consultant has been selected. If the LPA has adopted GDOT Engineering and Design Procurement Policies and procedures they should refer to the GDOT Transportation Services Procurement (TSP) Manual.

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### **5.3 Engineering and Design Consultant Evaluation and Selection Process**

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The LG shall establish guidelines for technical evaluation of the qualifications received, determination of finalists for the purpose of written or oral discussions, and selection for agreement award. Consultants will be pre-qualified by GDOT and will be selected based upon the qualifications they present. For engineering and design related services, fees for services cannot be considered during the selection process. Connect with this website <https://www.dot.ga.gov/GDOT/pages/prequalification.aspx> for more information about GDOT Prequalification Procedures.

Evaluations

O.C.G.A. 50-22-4(b) requires a two-phase evaluation. GDOT's approach to meeting FHWA and Georgia laws necessitate a two-phase solicitation evaluation. Phase I of the evaluation usually requires review and scoring of experience, qualifications, resources, and workload capacity. Phase II of the evaluation usually requires review and scoring of the technical approach and past performance. Refer to the GDOT Transportation Services Procurement (TSP) Manual for more information.

The following are sometimes utilized as part of the consultant selection process:

1. "Live" Interviews and Presentation of the Statement of Qualifications (SOQ) by Consultant Individuals or Teams. This approach provides for interaction with the LG and showcases the consultant's presentation skills. This approach is best for larger, more complex projects, but does increase travel time and costs to the applicant. Video presentation or teleconferencing may be considered as an alternative to reduce travel costs.
2. Telephone Interviews provides for interaction but eliminates travel time and cost. This approach is useful for smaller projects.

Non-competitive negotiations may be used when it is not feasible to award by competitive negotiations and are limited to the following:

1. After the solicitation of a number of sources, competition is determined to be inadequate. LG must receive approval before using this method of contracting when utilizing federal funds.
2. Emergency - To address a set of unforeseen circumstances beyond the LG control which present a real, immediate threat to the proper performance of essential functions, or may result in the material loss or damage to property, bodily injury, or loss of life if immediate action is not taken. (See [Consultant Prequalification Manual](#))
3. Sole Source - Sole source agreements may be requested from the GDOT Project Manager when the consultant provides professional or technical expertise of such a unique nature that the consultant is clearly and justifiably the only practicable source to provide the service. The LG must provide the GDOT Project Manager written justification for requesting this option based upon:
  - a. The unique nature of the services and/or the unique qualifications, abilities, or expertise of the consultant to meet the LG needs. (e.g., are they highly specialized or one-of-a-kind? What are their past performance, their cost effectiveness [learning curve], and/or the follow-up nature of the required services?).
  - b. Other special circumstances that may be relevant such as confidential investigations, copyright restrictions, or time constraints.
  - c. Availability of consultants in the location required. GDOT Project Manager must approve all consultant procedures that are exceptions to the competitive process.
4. Documentation of Selection. Following consultant selection, the LG shall retain the following documentation in the project file:

- a. The names of a minimum of three consultants considered for the work, (excluding exceptions detailed above), and
- b. Consultant selected and reasons why this consultant was chosen over the others.

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#### **5.4 Oversight of the Agreement and Project Closure**

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The Local Agency shall assign a full-time responsible charge to work with the consultants to ensure that the work delivered under the contract is complete, accurate, and consistent with the terms, conditions, and specifications of the contract. The responsible charge responsibilities are to:

1. Prepare supplements to existing agreements for services beyond the scope of the original agreement and include the Agency's independent estimate of the costs for the work involved.
2. Ensure that no work is done or costs incurred until the agreements and supplements are approved by the approving authority and executed by the proper parties.
3. Conduct regular meetings with the consultant to track progress and identify potential concerns.
4. Act as a liaison between the Agency and the consultant to assure compliance with the terms of the agreement, including EEO provisions and the use of mandatory forms.
5. Monitor the consultant's progress reports to ensure that problem areas are reported and corrective action taken.
6. Make sure that all work is within the agreement's scope of work.
7. Establish controls to monitor the time for completion of the agreement to ensure that the specified time limitations are not exceeded.
8. Ensure the accuracy of bills presented by the consultant and their consistency with the work performed.
9. Maintain cumulative cost records to assure that costs are allowable, allocable, and reasonable.
10. Track bills to ensure compliance with agreement and fixed fees.
11. Establish controls to prevent overpayment of the agreement and fixed fees.
12. Ensure that all terms and conditions of the agreement have been met prior to final release of the consultant.

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#### **5.5 Contract Close-Out**

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When final contract deliverables have been submitted by the consultant and determined to be satisfactory by the GDOT, the Project Manager shall initiate the contract closeout process by issuing a Stop Work Notice to the local government.

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## 5.6 Performance Evaluations of Consultants

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For Local Governments choosing to use consultants, consultant evaluation form must be completed annually while the work is being performed and/or at the completion of the work being performed. All consultants must be pre-qualified in the area in which they are performing work. In order for GDOT to have a record of each consultant's and sub-consultant's performance, the LG should complete the evaluation form for each consultant and sub-consultant involved with the project and submit to the GDOT Project Manager. The evaluation form can be found the GDOT LAP Webpage.

For further information contact:

Georgia Department of Transportation  
Office of Transportation Services  
Prequalification

One Georgia Center  
600 West Peachtree Street, NW, 19<sup>th</sup> Floor  
Atlanta, GA 30308  
Telephone (404) 631-1930

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## Chapter 6. Billing/Eligibility/Records - Contents

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## Chapter 6. Billing/Eligibility/Records

### 6.1 Progress Billing

All progress billings shall be submitted to the Georgia Department of Transportation Project Manager by the LG in accordance with the terms of the Project Framework Agreement between the LG and GDOT. When right of way acquisition is applicable to a LG Let project, it is the responsibility of the LG to follow the *Acquisition Guide for Local Public Agencies and Sponsors* manual. The *Acquisition Guide for Local Public Agencies and Sponsors* manual provides the requirements for LG invoice for right of way.

**NOTE: All accrued cost incurred prior to FHWA Federal-aid approval and authorization is ineligible for Federal aid and become the liability of the LG.**

All FHWA Federal-aid eligible cost start after the FHWA Georgia Division signs and executes authorization then notifies GDOT. FHWA authorization will remain in effect but is subject to withdrawal for all or any part of a LG Administered Project found not to be in compliance with the Federal-aid laws, procedures or regulations.

GDOT assigns a contract number for all Federal-aid projects. This contract number correlates the project to the Federal Project Number; STIP Project Number and PEOPLE SOFT Accounting numbers. The LG will include the GDOT contract number on all correspondence, invoices or other transmittals in addition to the STIP Federal-aid project number.

### 6.2 Invoicing Procedures

After GDOT has fully executed all applicable agreements with the LG, work may begin on the project. Any work that is performed before the FHWA official authorization date does not qualify for reimbursement.

Progress invoices are submitted as follows:

1. The LG begins work on the first phase of the project.
2. The LG pays for services rendered.
3. Using GDOT form 1680, the LG will request reimbursement of the accrued cost paid for services rendered. The LG will indicate on each request the total accrued cost paid and the amount of accrued cost paid as the LG non-Federal share match. GDOT form 1680 can be found at the following link:

<https://www.dot.ga.gov/PartnerSmart/DesignManuals/Program%20DeliveryLAP/FORM%20-%20DOT1680%20-%20Local%20PE%20Reimbursement%20Request.zip>

4. The LG will submit the completed form 1680 along with proof of payment of rendered services at an interval of no more than once per month to the GDOT project manager.
5. Reimbursement requests are processed by GDOT using standard procedures. The LG will be paid the Federal-aid share of accrued cost invoiced.

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### 6.3 Invoice Numbering and Timing of Submittal

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Progress billings will be numbered sequentially and submitted not more than once per month.

If the billing is prepared properly, payment should normally be received within 30 calendar days from the date the invoice is received in GDOT contracts payable office. This is in accordance with the Federal Acquisition Regulation (FAR) 32.9 Prompt Payment.

If payment is not received within this time, the LG should contact GDOT.

---

### 6.4 Identification of Participating and Non-participating on Invoice

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After FHWA project funding authorization is approved costs are eligible for FHWA participation if claimed in accordance and compliance with Title 23 United States Code (USC), 23 Code of Federal Regulations (CFR) and Office of Management and Budget (OMB) Circular A-87.

The costs must be applied directly for the benefit of the project being charged, i.e., labor and materials are charge directly to the project.

#### **Participating Functions:**

**Preliminary Engineering:** FHWA preliminary engineering funding approval authorization date begins Federal PE eligibility. PE work of locating and designing, conducting environmental activities, making surveys and maps, sinking test holes, making foundation investigations, preparing plans, specifications and estimates, centerline, right-of-way plan preparation and other related preliminary work and incidental construction staking, to the extent such staking is necessary to review construction plans, and related general engineering preparatory to the letting of a contract for construction. The work may include traffic counts, studies undertaken to determine traffic demands, holding of public meetings and public hearings, mitigation, and permitting costs as well.

These engineering costs are generally incurred prior to the date of construction, PS&E approval or the date construction plan changes are completed prior to the beginning of construction. The date of contract award is the cutoff for charging to preliminary engineering.

**Acquisition of Rights-of-Way:** The preparation of right-of-way plans; appraisal for parcels acquisition; review of appraisals; preparation for and trial of condemnation cases; management of properties acquired; furnishings of relocation advisory assistance; and other related labor expenses. No right-of-way acquisition activities will begin by the LG prior to both FHWA approval of NEPA document and FHWA right-of-way phase authorization. *NOTE: Violation of any of the requirements may jeopardize all or part of the project's eligibility for Federal funding. Violation of this requirement will result in the project being ineligible for Federal funding and the LG liable to reimburse the FHWA for all applicable ineligible accrued payments received for the project.*

**Construction Engineering:** The work of supervising construction activities, the inspection of construction and related mechanical aspects, e.g., staking necessary to review construction plans together with those staking activities necessary for the LG to control construction operations, testing materials incorporated into construction, checking shop draws, and measurements for and preparations of progress and final estimates. Construction engineering costs are generally incurred only after the approval of the PS&E, a contract number is issued, and also incurred prior to:

- A. The date of completion of the final contract pay estimates and its submission to the contractor;
- B. The final date of charges for required material testing; or
- C. The date of completion of the separation of contract cost by code type, location, etc., whichever is applicable to that portion of the construction engineering phase involved.

**Administrative Settlement Costs – Contract Claims:** Services related to the review and defense of claims against Federal aid projects.

**Miscellaneous Functions:** Costs incurred for other activities which are properly attributable to, and for the benefit of, Federal aid projects but are not assignable to any of the previously defined functions.

**Construction Costs Other Than Contractor Payments:**

- A. Royalty expenses for material furnished by the LPA that are used by the contractor.
- B. Temporary signs, traffic control labor, traffic control devices, and temporary illumination furnished by the LPA. The initial basic cost of traffic control devices purchased for use on the projects in an authorized participating cost.
- C. Work performed by local forces pertaining to the Federal aid project.

*Note: Violation of any of the requirements may jeopardize all or part of the project's eligibility for Federal funding. In addition, no project will be advertised for bids, nor will any project work be undertaken, and no materials will be purchased on any Federal-aid project prior to Construction Phase authorization from FHWA and GDOT. Violation of this requirement will result in the project being ineligible for Federal funding.*

**Nonparticipating Functions:** Classifications of work ineligible for Federal participation:

**General Administration:** General Administration, supervision, and other unallowable overhead costs of the LG are those functions considered necessary for the management, supervision, and administrative control of a suitably equipped, staffed, and operational agency but are not expended directly to labor or materials within the termini of the project. Examples of such unallowable costs may include, but not limited to, the following types of personnel, related payroll benefit costs, and other administrative support services:

- A. Directors, Department Heads, Legal, Accounting, Budgeting, Personnel, and Procurement Units.
- B. Related clerical, secretarial, and other support services for officials and personnel listed immediately above.
- C. Management, supervision, and administration overhead costs incurred by other units of government of state, county, or city governmental organizations.

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## 6.5 Standards for Selected Items of Costs

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The following are standards for determining the allowable selected items of costs. In general, costs must be reasonable, necessary, and allocable to the specific project. The allowable selected items of cost are subject to the general policies and principles stated above.

**a. Salaries and Wages:**

1. Subject to appropriate authorization requirements, Federal funds may participate in the cost of salaries, wages, and related payroll expenses incurred for periods of time public employees are actively engaged, either directly or indirectly, in project related activities.
2. Salaries, wages, and related payroll expenses of a LG for maintenance, general administration, supervision and other overhead are not eligible for reimbursement.

**b. Travel and Transportation:**

1. Federal funds may participate in the cost of commercial transportation, privately owned automobiles, and per diem or subsistence essential to the completion of the project and is performed in accordance with prescribed procedures.
2. Reimbursement may be made for use of privately owned automobiles and per diem or subsistence incurred in conformance with the established reimbursement policy of the local agency.

**c. Employee Leave and Holidays:**

1. A LPA may claim reimbursement for the costs of leave e.g., annual, sick, military, jury, etc., that is earned, accounted for, and used in accordance with established procedures. The cost of such leave must be a liability of the LPA, must be equitably distributed to all activities, and the pro rata costs distributed to a Federal aid project must be representative of the amount that is earned and accrued while working on the project.
2. Compensatory leave granted by a LPA in lieu of payment of overtime to eligible employees may be claimed for reimbursement if accrued and granted under established policies on a uniform basis. Such leave costs must meet the criteria discussed in paragraph (a) of this section.
3. Costs for other leave of a similar nature which may be peculiar to a specific LPA may also be reimbursed provided it meets the criteria set forth in paragraph (a) of this section.

**d. Social Security, Retirement, and Other Payroll Benefits:**

1. Federal funds may participate in allocable costs incurred for social security, retirement, group insurance premiums, and similar items applicable to salaries and wages of public employees engaged in work on Federal aid projects.
2. The costs for such benefits must be a liability of the LPA and must meet the criteria set forth in paragraph 1 of c above.

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## 6.6 Utility Relocations, Adjustments, and Reimbursement

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### A. Eligibility:

1. When requested by the LPA, Federal funds may participate, at the pro rata share applicable, in an amount actually paid by the LPA for the costs of utility relocations. Federal participation is subject to the provisions of Chapter 645.103 of 23 CFR and may be under one of the following conditions:
  - a. The LPA certifies that the utility has the right of occupancy in its existing location because it holds the fee, an easement, or other real property interest, the damaging or taking of which is compensable in eminent domain;
  - b. The utility occupies privately or publicly owned land, including public road or street right of way, and the local authorizing such payment in conformance with the provisions of 23 U.S.C. 123; and/or
  - c. The utility occupies publicly owned land, including public road and street right-of-way, and is owned by a public agency of political subdivision of the state, and is not required by law or agreement to move at its own expense, and the LPA certifies that it has the legal authority or obligation to make such payments.
  - d. The LPA shall be advised by law that any local let project that will reimburse any utility/railroad company within the project limits will have the Buy America clause in the Contract between the locals and the Utility/Railroad Company. This is the case, even if the locals state they would use their own money for the relocation work. Not adhering to this Law will jeopardize the local's ability to receive federal-aid funds for the entire project. Before GDOT can certify any new project, this clause will have to be included in their contract if any reimbursable utility work occurs. GDOT will require a copy before certification can take place. Refer to GDOT Utility webpage for additional information.
2. On projects where the LPA has the authority to participate in project costs, Federal funds may not participate in payments made by a political subdivision for relocation of utility facilities when state law prohibits the LPA from making payment for relocation of utility facilities. 23 CFR 645.107.
3. On projects where the LPA has the authority to participate in project costs, Federal funds may participate in payments made by a political subdivision for relocation of utility facilities when the LPA has certified that such payment is based upon the provisions of this part and does not violate the terms of a use and occupancy agreement, or legal contract, between the utility and the LPA.
4. Federal funds are not eligible to participate in any costs when the utility contributes or repays the LPA except for utilities owned by the political subdivision on projects that qualify under the provisions of 23 CFR 645.107, in which case the costs of the utility are considered to be the cost of the LPA.

5. The FHWA may deny Federal fund participation on any payments made by the LPA for the relocation of utility facilities when such payments do not constitute a suitable basis for Federal fund participation under the provisions of Title 23, U.S.C.
6. The rights of any public agency of political subdivision of a state under contract, franchise, or other instrument or agreement with the utility, pertaining to the utility's use and occupancy of publicly owned land, including public road and street right-of-way, shall be considered the rights of the LPA in the absence of state law to the contrary.
7. In lieu of the individual certifications required by paragraph (1) and (3), the LPA may file a statement with the FHWA setting forth the conditions under which the LPA will make payments for the relocation of utility facilities. The FHWA may approve Federal fund participation in utility relocations proposed by the LPA under the conditions of the statement when the FHWA has made an affirmative finding that such statement and conditions form a suitable basis for Federal fund participation under the provisions of 23 U.S.C. 123.
8. Federal funds may not participate in the cost of relocations of utility facilities made solely for the benefit or convenience of a utility, its contractor, or a highway contractor.
9. When the advance installation of new utility facilities crossing or otherwise occupying the proposed right-of-way of planned highway project is underway, or scheduled to be underway, prior to the time such right-of-way is purchased by or under control of the LPA, arrangements should be made for such facilities to be installed in a manner that will meet the requirements of the planned highway project. Federal funds are eligible to participate in the additional cost incurred by the utility that are attributable to, and in accommodation of the highway project provided such costs are incurred subsequent to authorization of the work by the FHWA. Subject to the other provisions of this regulation, Federal participation may be approved under the foregoing circumstances when it is demonstrated that the action taken is necessary to protect the public interest and the adjustment of the facility is necessary by reason of the actual construction of the highway project.
10. Federal funds are eligible to participate in the costs of preliminary engineering and allied services for utilities, the acquisition of replacement right-of-way for utilities, and the physical construction work associated with utility relocations. Such costs must be incurred by, or on behalf of, a utility after the FHWA has authorized the LPA to proceed in accordance with 23 CFR 630, subpart A, Federal-Aid Programs Approval, and Project Authorization.

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## **6.7 Reimbursement of Railroad Work**

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Costs must be incurred in accordance with 23 CFR part 646 B and will be reimbursed in accordance with 23 CFR Part 140, subpart I, Reimbursement of Railroad Work.

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## 6.8 Audit Expense

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The costs of financial audits are allowable provided that the audits were performed in accordance with the Single Audit Act, as implemented by Circular A-133 Audits of State, Local Governments and Non-profit organizations.

The LPA may use other state, local agencies, and Federal audit organizations as well as licensed or certified public accounting firms to augment its audit force. Audits of third party contract costs, and other audits providing assurance that a recipient has complied with FHWA regulations are all considered project related audits. These financial type audits are different from the Construction/Engineering Compliance Audits noted in Section 11.4.

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## 6.9 Other Allowable Costs Subject to FHWA Approval

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Although some category of expenditures are not mentioned specifically in 23 CFR Part 140, "Reimbursement", as eligible for Federal participation, should the LPA wish to seek Federal participation, it is allowed to request approval from the FHWA prior to billing. The expenditures should relate to the Federal aid project and be well identified through proper documentation.

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## 6.10 Other Unallowable Costs

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Other unallowable costs include those costs identified in OMB Circular A-87.

- **Contributions and Donations:** Contributions and donations, including cash, property, and services, by governmental units to others, regardless of the recipient, are unallowable.
- **Entertainment:** Costs of entertainment, including amusement, diversion, and social activities and any costs directly associated with such costs (such as ticket to shows or sports events, meals, lodging, rentals, transportation, and gratuities) are unallowable.
- **Fine and Penalties:** Costs resulting from violations of or failure to comply with Federal, state, and local laws and regulations are unallowable.
- **Fund raising and investment management costs:** Costs of organized fund raising, including financial campaigns, solicitation of gifts and bequest are unallowable, regardless of purpose for which the funds are used.
- **Governor's Expenses:** The salaries and expenses of the office of the governor of a state or the chief executive of a political subdivision are unallowable.
- **Legislative Expenses:** Salaries and other expenses of the state legislative or similar LG bodies, such as county supervisors, city councils, school boards, etc., whether incurred for purposes of legislation or executive direction, are unallowable.
- **Bad Debt:** Any losses arising from uncollectible accounts and other claims, and related costs, are unallowable unless provided for in Federal program award regulations.
- **Under-recovery of Costs under Grant Agreements:** Any excess of cost over the Federal contribution under one grant agreement is unallowable under other grant agreements.

- **Contingencies:** Contributions to a contingency reserve or any similar provision made for events the occurrence of which cannot be foretold with certainty as to time, or intensity, or with an assurance of their happening, are unallowable.

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### 6.11 Final Records

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The Local Government must document the work performed on the contract. Documentation consists of field books, inspector's record of field tests, LPA engineer's and inspector's diaries, all invoices, weigh bills, truck measurements, quantity tickets, receiving reports, field office ledgers, mass diagrams, cross-sections, computer listing, work profiles, etc. All records will be subject to GDOT Compliance reviews and audits. Findings and exceptions must be addressed within 30 days.

Final records shall be retained in accordance with applicable State and Federal laws discussed in Chapter 11.

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### 6.12 Access to Records

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In accordance with 49 CFR Subtitle A 18.43 (e), the awarding agency and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of grantees and sub-grantees which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts.

## Chapter 7. Plan Development Process (PDP) - Contents

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## Chapter 7. Plan Development Process (PDP)

### 7.1 Overview

The GDOT Project Manager is the primary contact point for the LG related to the Plan Development Process. All submittals from the LG to the GDOT will be through the GDOT Project Manager. The GDOT Project Manager is responsible for reviews, recommendations, coordinating and approvals through the GDOT District, Divisions and Offices. (See Chapter 2.5 for specific project activities GDOT retains approval authority).

The GDOT PDP provides detailed LG Administered Project guidance for planning, programming, scheduling, concept development, preliminary design, final design, design guideline variances, construction, and project management system. Observing these procedural steps should avoid project delays related to project development. Reference the [LAP webpage](#) for the Plan Development Process Manual.

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## Chapter 8. Local Government Right of Way Acquisition

### 8.1 Overview of Local Government Right of Way Acquisition Responsibilities

The Right of Way Office primary responsibility is to provide guidance to local public agencies and their sponsors in determining appropriate right of way procedures to be followed as a condition of obtaining funds through various transportation programs administered by the Department. The Right of Way Office will assist the Local Government with monitoring the acquisition process to ensure compliance with Federal and state laws, attends public hearings, property owner meetings, and field plan reviews.

The Right of Way Office guide and assist in implementing federal & state procedures; prepares acquisition contracts, approved right of way plans, review and approve appraisal reports, issues notice to proceed and advise on the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended.

It is the responsibility of the Local Government to hire qualified appraisers, acquire property according the Federal and state regulations, and have all appraisals reviewed by qualified review appraisers. Prior to bid activities the Local Government will obtain all utility/railroad agreement approvals and construction easements. The Local Government will send the right of way certification document to the District Right-of Way LG Coordinator who will forward the certification document to the G.O. State LG Right-of-Way Coordinator. Note that the certification of right of way will be based on information provided to the GDOT Office of Right of Way by the Local Government for their Local project letting. It is the Local Government's responsibility to follow Federal and State requirements (See 8.3 Right of Way References).

### 8.2 GDOT Right of Way Policies and Procedures Manual: Chapter 8 Local Government

The purpose of *GDOT Right of Way Policies and Procedures Manual: Chapter 8 Local Government* is to provide the Local Governments and their sponsors with guidance in determining appropriate right of way procedures to be followed as a condition of obtaining funds through various transportation programs administered by the GDOT. This chapter provides the process for on-system and off-system right of way acquisition, identifies the different types of projects and right of way agreements.

The *GDOT Right of Way Policies and Procedures Manual: Chapter 8 Local Government* provides information on how to get started with pre-acquisition activities, and property acquisition procedures. Chapter 8 will also provide direction regarding appropriate right of way requirements for projects on the State Highway System that are not in the Department's work program but are funded and constructed by entities other than the Department. This chapter will identify the different types of projects, applicable forms and procedures necessary for compliance with all program types.

*GDOT Right of Way Policies and Procedures Manual: Chapter 8 Local Government* also serves as a reference guide and help ensure in accordance with 23 CFR 710.201(c) as well as ensures compliance with FHWA, Georgia State Statutes and current GDOT procedures. The guide is updated to include any changes in policy and procedures and responsible to ensure compliance

with federal regulations. It provides guidance to Local Governments to help schedule adequate time to complete right of way activities in order to meet the target date for construction.

The *GDOT Right of Way Policies and Procedures Manual: Chapter 8 Local Government* provides guidance on when the Local Governments can begin to purchase right of way for a federal-aid right of way projects and ***if federal funds will be utilized in any portion of the project (not just right of way), all requirements of the Uniform Act apply.*** It helps the Local Government to determine what and when real property is needed to include fee simple, permanent easements and temporary easements. Additionally, it will address billing procedures in order to receive appropriate payments.

The GDOT Right of Way Policies and Procedures Manual: Chapter 8 Local Government provides information on Local Government ROW Certifications. The Local Government Agency will certify to the Department that the required right of way was acquired in compliance with 49 CFR – Part 24, the Relocation Act of 1972(as amended), and all other appropriate federal regulations and guidelines governing the acquisition of right of way for roadway purposes. Title and possession have been obtained to all rights of way. Where appropriate, relocation and property management has been completed before the ROW certification is submitted to the District Local Government Coordinator.

The Local Government Agency must certify that:

- a. The ROW is 100% clear of obstructions PRIOR TO certifying the project.
- b. All residential occupants have been relocated to decent, safe and sanitary housing.
- c. Relocation assistance and payment rules were followed, if required all right of way has been acquired according to FHWA guidelines.
- d. Compliance with all State laws, the Uniform Act and implementing regulations

Local Governments can avoid project delays and assure Federal-Aid eligibility by contacting the GDOT Right of Way Office and observing the right of way procedures outlined in the *GDOT Right of Way Policies and Procedures Manual: Chapter 8 Local Government*.

#### New Preliminary Estimate Guidelines

On Local projects with State and/or Federal participation, GDOT will require the use of GDOT approved contractors to perform Preliminary ROW Cost Estimates. After January 1, 2021, any Preliminary ROW Cost Estimates received that do not meet this policy will not be accepted.

**Note:** If a Local Government starts property acquisition discussions with owners before NEPA document approval or appraisal completion a violation of Federal-aid regulations will occur resulting in Federal-aid eligibility termination. Termination of Federal-aid eligibility will occur at any time by the FHWA when a LG violates requirements of 49 CFR 24, 23 CFR 710 or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

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### 8.3 Right of Way References

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- Federal Highway Administration Real Estate Division: The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act)

[https://www.fhwa.dot.gov/real\\_estate/uniform\\_act/](https://www.fhwa.dot.gov/real_estate/uniform_act/)

- GDOT Right of Way Policies and Procedures Manual Chapter 8: Local Government

<https://www.dot.ga.gov/GDOT/Pages/rightofway.aspx>

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## Chapter 9. Utility and Railroad Responsibilities - Contents

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## Chapter 9. Utility and Railroad Responsibilities

### 9.1 Overview of Local Government (LG) Utility and Railroad Responsibilities

The GDOT District Utilities Manager is the primary point of contact for the LG for all activities related to utilities. The GDOT railroad point of contact for the LG is the GDOT State Railroad Liaison Manager in the State Office of Utilities. The LG is responsible for all arrangements with the owners of affected facilities for their protection, relocation, or removal. The LG must accomplish this in accordance with GDOT policy and procedure for those facilities located within the limits of work. The LG will meet the requirements of the current edition of the GDOT Utilities Accommodation Policy and Standards Manual (UAM), to ensure encroachments are permitted and meet all conditions of existing agreements. The LG will follow the Federal Code of Regulations 23 CFR 645 & 646 and provide the GDOT with Certification of Compliance prior to its request for FHWA construction fund authorization. For LG projects with GDOT letting assignment, the Department will be responsible for the utility coordination. The LG must follow the PDP (See Chapter 5).

Any rail crossings involved or impacted by the project must be evaluated for adequate crossing protection. Crossing protections are to be coordinated with State Railroad Crossing Engineer in the State Office of Utilities, regardless of whether the railroad is located on system or off-system. Permission to work on railroad right of way must be obtained and coordinated with the Railroads which may extend project delivery for two years or more. Any utilities owned by the railroad will be covered in the Railroad Agreement. When a Railroad Agreement is required, the LG will provide details of work by each party, Buy America language and Build America, Buy America (BABA) language, method of payment, maintenance responsibilities and Insurance.

Any utilities not owned by a Railroad will be processed as a utility relocation by the LG. District Utilities Manager will assist the LGs to ensure compliance with federal and state laws, but it is solely the LG responsibility to obtain specific authorization, including GDOT certification to relocate utilities and obtain approval of all utility agreements before proceeding with advertising for bids. It is also the LG's responsibility to ensure all Utility and Railroad activities initiate and end with the GDOT District Utilities Office.

**NOTE:** Advertising any local administered project for bid prior to the FHWA construction authorized approval can result in the loss of all federal funding.

### 9.2 Local Government Overhead/Subsurface Utility Engineering (SUE) Responsibilities

The LG must decide as early as possible, but no later than the concept stage, whether to obtain a first submission directly from the affected utility owners (traditional method) or to obtain Subsurface Utility Engineering (SUE) services. The LG must consider using SUE services on any project where inaccurate underground utility information would negatively impact the project in a significant way. If the LG decides to obtain SUE services, then it will be their responsibility to notify the State Office of Utilities of their decision to ensure that SUE services were not already performed under a separate project. SUE services must be completed prior to 1st submission/ SUE verification to the Utility Owners.

The LG will refer to the UAM for details regarding the different Quality Levels of SUE and their uses or contact the State Subsurface Utilities Engineer in the State Utilities Office for guidance. The selected SUE consultant/sub-consultant must be prequalified in area class 5.08. The Department's SUE Scope of Services and other pertinent information can be found on the GDOT Office of Utilities Webpage.

The LG will be responsible for ensuring that the SUE information complies with the Department's Electronic Data Guidelines (EDG) and the Plan Presentation Guide (PPG). Also, when applicable, the LG must coordinate with the project's surveyor to ensure that there is no overlap in scope and to ensure that the SUE consultant/sub-consultant uses the proper survey controls.

The milestones set in the PDP must be adhered to by the LG to avoid delaying the project's schedule. The proper implementation of SUE in relation to the project's development is critical to maximizing its usefulness in utility conflict avoidance. Second submission to the Utility Owners follows the process detailed in Section 9.3 below regardless of whether the LG decides on obtaining First Submission to the Utility Owners or obtaining SUE services.

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### **9.3 Local Government Utility Coordination**

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#### **Existing Utility Identification**

After the project mapping database is completed and concurrent with the field surveys, the LG will prepare utility plan sheets of the database, the concept alignment, and an outline of the agreed upon proposed limit(s) of survey. The utility sheets will include all mapping features provided to date including (but not required) existing right of way and any identified environmental resources. The designer should note the approximate project limits for both the mainline and the side roads. The project limits should, in general, be the same limits provided to the environmental resource team for their surveys. Utility plan sets along with the proper electronic files will be provided to the Utility Owner for their use as the first (1st) submission of utility plans to "mark-up" the location of existing utilities within the project limits. In addition, the LG should request information about the condition (type, age, recent maintenance issues, etc.) of the facility, prior rights to R/W or easements and whether the utility company has any plans for replacement or upgrade. Upon return from the utility companies the LG should verify the information provided for completeness and accuracy. The District Utilities Office shall be copied on all correspondence.

#### **Preliminary Utility Relocation Design**

As preliminary design plans are developed, an interim submission for preliminary utility relocations may be requested from the utility companies in the same manner as the 1st submission. Once existing utility locations have been determined and confirmed within the project limits, the preliminary relocation design should provide enough information to make fundamental determinations of how the proposed utilities will impact environmental resources, bridges, stage construction and ROW acquisition. This submission should occur at a minimum ninety (90) days prior to the PFPR, prompting discussion of the impacts to ROW and environmental at the PFPR. Additionally, the ROW Acquisition and Utility Teams should conduct a Utility/ROW Coordination meeting after the PFPR. Discussion shall include, but not limited to:

- Review of Prior Rights

- Verification of Preliminary Relocation Design
- Adequate ROW/Easements to Accommodate Utilities

This information will need to be incorporated into the project plan set prior to a request for 2nd submission plans.

The plans shall include preliminary design elements including but not limited to; preliminary roadway and cross street plans, profiles, cross sections, preliminary staging plans, and all identified environmental resources. The interim submission will also include a request for updated relocation cost or a preliminary request to retain facilities in place.

Upon receipt of the markups, the LG should review to ensure the preliminary relocation design is consistent with the GDOT UAM and incorporated into the project plan set. This request is intended to provide preliminary relocation plans prior to PFPR. The District Utilities Office shall be copied on all correspondence.

### **Utility Relocation Plans**

The request for utility relocation plans, permits, and utility adjustment schedules, second submission for utility plans, must go to the respective utility owners for the verification of any changes since the 1<sup>st</sup> utility submission and incorporation of the final utility relocation information. The LG will send updated base plan sheets and/or electronic files to the Utility Owner as soon as the existing utility information has been plotted and the project's footprint is verified. This updated information will contain current construction plans with the plotted existing utility information, preliminary relocation, design, if applicable, drainage plans (including longitudinal drainage and drainage profiles) and erosion control plans, stage construction plans, approved bridge layouts with bent locations and footing sizes, wall locations with footing locations, ROW and easement lines, strain poles, overhead signs, and signal pole locations, cross sections, roadway profiles, and construction limits as set following the PFPR. The District Utilities Office shall be copied on all correspondence.

The final utility plans will be furnished to the District Utilities Manager no later than three months before the Final Field Plan Review (FFPR). The District Utility Office shall be copied on all correspondence.

***Refer to section 4.1.C.1 of the UAM, current edition***

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## **9.4 Utility Agreements**

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Utility Agreements are required on projects that involve a utility easement, utility right-of-way, or conflict with a utility that provide documentation showing "Prior Rights". The need for a utility agreement must be anticipated to avoid delaying the project. The LG Project Manager should check with the GDOT District Utilities Manager early in the preliminary design stage to ascertain the required information needed to furnish the utility owner in order that utility agreements can be negotiated. All utility agreements must be approved and signed before a project can be certified for letting. Utility Certification is required eleven (11) weeks at a minimum before a letting for all projects. The District Utilities Office shall receive an executed copy of all reimbursable agreement between the LG and the Utility Owner, as part of the Certification Package.

*Refer to section 4.2.F in the UAM, current edition.*

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## 9.5 Railroads

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The railroad coordination and the processing of railroad agreements can take several years. A permit, a railroad special provision and/or an agreement will be required with the Railroad if there is an encroachment of any kind on Railroad property. It is imperative that the crossing of any railroad or railroad ROW, and/or parallel encroachments be identified early to ensure adequate coordination. Railroad coordination may also be required for at grade crossings within 500 feet of the project limits or bridge projects over waterways where the railroad property is located downstream within a quarter mile of the project. As early as the Concept Development Phase, the PM or the LG will notify the State Railroad Liaison Manager upon the recognition of any such railroad involvement. Any railroad coordination with the railroad is the responsibility of the LG and will be handled by the LG. The LG will provide the State Railroad Liaison Manager a copy of all executed agreement between the LG and the Railroad.

All agreements between the LG and the Railroad must be approved and signed before a project can be certified for letting. Certification is required a minimum of eleven (11) weeks prior to letting for all projects.

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## 9.6 Utility and Railroad Certifications

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The LG shall submit on municipal or county letterhead to the GDOT District Utilities Office the Utilities/Railroad Certification package. This information shall be submitted to the District Utilities Office no less than twenty-two (22) weeks prior to the letting. The required information is outlined below. The District Utilities Office will review the certification package for approval, and upon approval, make recommendation for Utility/Railroad Certification to the GDOT State Utilities Office at a minimum of fifteen (15) weeks prior to the letting. The GDOT State Utilities Office will submit the certification request to the Office of Engineering Services no later than eleven (11) weeks prior to letting.

**The Utility/Railroad Certification Package shall include:**

**Local Let Utility/Railroad Certification Requirements FOR STATE ROUTES**

- Utility/Railroad Certification Request Letter to GDOT DUM addressing “Status” for each Utility and Railroad Owner
- Existing and proposed Utilities shown on project plans for each utility facility within the project limits
- “No Facilities”, “No Cost”, or “No Contact” letter from each Utility Owner on their letterhead (if applicable)
- Permit Requirements (submitted thru **Georgia Utilities Permit System**)
  - Permits Data/Form 8413
  - Utility Adjustment Schedule (UAS)
  - NPDES Compliance Form
  - Cost Arrangement Letter

- Project Plans
  - Any Joint Use Agreements for traffic signal or ATMS work
  - Executed Agreement(s) for utility/railroad reimbursement (Include “Buy America and BABA” clauses)
  - Executed Agreement(s) concerning pre-empted traffic signals due to railroads
  - Approved Design Variance/Exception (if applicable)
  - Executed Lighting Agreement

### **Local Let Utility/Railroad Certification Requirements FOR OFF-SYSTEM ROUTES**

- Utility Certification Request Letter to GDOT DUM addressing “Status” for each Utility/Railroad owner
- Existing and proposed Utilities/Railroads shown on project plans for each utility facility within the project limits
- “No Facilities”, “No Cost”, or “No Conflict” letter from each Utility Owner on their letterhead (if applicable)
- Utility Adjustment Schedule (UAS) for each utility owner if applicable
- Executed Agreement(s) for utility/railroad reimbursement (Include “Buy America and BABA” clauses)
- Executed Agreement(s) concerning pre-empted traffic signals due to railroads

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## **9.7 Utility and Railroad Reimbursement**

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In accordance with Titles 32-6-170 and 32-6-173, of the O.C.G.A., the Department will participate in the reimbursement of eligible costs of removing, adjusting, and relocating those facilities which are physically in place and in conflict with proposed construction and, where replacement is necessary, to the costs of replacement in-kind. That proportion of the costs representing improvement or betterment in a facility shall be excluded from the costs eligible for payment or participation by the Department. Provisions for reimbursement are detailed in Section 4.2 of the UAM.

The LG is responsible for submitting a detailed cost estimate to the District Utility Manager for review and approval. The estimate will indicate the case of which the project is eligible for reimbursement, the reimbursement terms, whether Lump Sum or Actual Cost, as well as the reimbursement percentage for each responsible party. The State Utilities Office (SUO) will draw up the agreement based upon the estimate and required utility work for GDOT Let projects. The Agreements for Local Let projects will be prepared and signed by the LG, and the Utility Owner.

The LG and the Utility Owner will receive a written letter of authorization from the SUO prior to beginning any reimbursable relocation work for GDOT Let projects. The letter of authorization for the Agreement describes the procedures for notifying the Department's representative prior to

beginning relocation work so the work may be properly documented for payment and audit. GDOT is not responsible for any cost generated prior to authorization on construction agreements.

Costs of direct labor, materials, supplies, and equipment required to complete the adjustment or relocation, less salvage credit for any materials removed from the project and credits for any betterment not required by the highway project, are reimbursable. Eligible cost can be reviewed in 4.2.C. of the UAM.

The LG will be responsible for submitting invoices against the Preliminary Engineering or Construction Engineering executed GDOT Agreements to the SUO for cost associated with the relocation, removal or adjustment of the LGs facilities on GDOT Let projects. Invoices must be submitted within a year after work has been completed. The Department is not held liable for reimbursement of any invoices submitted a year after the relocation has been completed. Upon completion of a project, the LG must submit a final invoice, mirroring the cost estimate along with detailed supportive documentation (Actual Cost only); a breakdown of cost incurred which includes timesheets, receipts for equipment, materials etc. The Area Engineer with the District Utilities Office will confirm if work has been performed satisfactorily. Upon confirmation from the District Utilities Office, invoices will be processed for payment.

Reimbursements cannot be made for items that are not in the original Agreement or detailed estimate unless approved by the SUO. Any amendments to the scope that would cause changes in an approved estimate, must have the approval by SUO before moving forward with the work. If approval is given, the SUO will provide the LG with an Approval Allotment Request and Approval of Agreement Modification Letter.

## Chapter 10. Construction Bidding Administration - Contents

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## Chapter 10. Construction Bidding Administration

### 10.1 Letting Responsibility

Projects will be let by GDOT and the submittal of all plans and information to the Department shall follow the PDP Chapter 7. Chapters 10, 11, 12 and 13 of the LAP Manual are only related to projects that are to be let by the Local Government as noted in Section 1.11 and 1.12. See the links below for guidance at a minimum on contract information, documents and provisions located on the LAP Manual webpage:

Local Letting Approval Form (LLAF)

<https://www.dot.ga.gov/PartnerSmart/Local/Documents/LAPManual/LocalLetApprovalForm.pdf>

A Standard Federal-Aid Contract for Locally Administered or Locally Let Projects

<http://www.dot.ga.gov/PartnerSmart/Local/Documents/StandardFederalAidContractPackage.pdf>

### 10.2 Construction Authorization by FHWA Is Always Required First

With the LG's completion of the Plan Development Process (PDP) as discussed in Chapter 7 found at <https://www.dot.ga.gov/GDOT/Pages/designmanualsguides.aspx>, the Project Manager will request the PS&E package from the LG. The following documents will be requested as part of the final PS&E package:

1. PS&E Package Checklist
  - a. Environmental Certification from the Office of Environmental Services
  - b. Right of Way Certification from the Office of Right of Way
  - c. Utilities/Railroad Certification from the State Utilities Office
  - d. ADA Compliance letter from City/County
  - e. Final Plans (one half-size set) with Quality Assurance (QA) letter from City/County
  - f. Final Designers Cost Estimate (2 copies) dated MM/DD/YYYY
  - g. Special Provision 108.08 and Special Provision 150.11 approved by the District Construction Office
  - h. Traffic Management Plan (if applicable)
  - i. Project Bid Proposal (include all Special Provisions in proposal) - See the Appendix B for the Bid Document Checklist for Local Let Projects
2. **Bid Document Checklist which can be found on R.O.A.D.S in the *Program Delivery: LAP Category* using the following link:**  
<https://www.dot.ga.gov/GDOT/pages/DesignResources.aspx>

The final PS&E package shall be received and reviewed no later than 18 weeks prior to the letting.

At no later than 11 weeks prior to the letting, the Project Manager will submit the construction authorization request package to FHWA, which includes the PS&E package received from the LG. Upon approval of the request send to FHWA, the Project Manager will submit form 1625 to request construction fund authorization for the amount programmed in the STIP/TIP.

The GDOT Project Manager will forward all documents to the GDOT State Project Review Engineer for oversight compliance of Federal-aid procedures upon approval of the environmental, utility and right-of-way certifications.

1. The GDOT State Project Review Engineer confirms all certifications and executed utility agreements were received.
2. A FHWA Work Authorization Request for construction funding will then be prepared by the Office of Engineering Services.
3. FHWA reviews the PS&E package for compliance and provides final approval of the Federal construction fund authorization.

**Note:** The loss of Federal funding will result if the LG advertises their project prior to FHWA Construction Phase Authorization; or the project is not in the approved Statewide Transportation Improvement Program, or NEPA approvals did not follow Federal regulations or right-of-way activities were initiated before FHWA right-of-way authorization.

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### 10.3 The Local Government Bidding, Letting and Award Process

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The GDOT link “The Source” at <https://www.dot.ga.gov/GDOT/pages/TheSource.aspx> provides the LG with guidelines as the LG accepts its role representing the Department and FHWA as stewards of the Federal-aid process. In “The Source” General Provisions, Construction and Bridge Manual details are defined for the LG is to follow. The LG is required to follow the GDOT Letting schedule located at <https://www.dot.ga.gov/GDOT/pages/contractors.aspx> up to submission of all certifications.

#### General Provisions

Please refer to

<https://www.dot.ga.gov/PartnerSmart/Business/Source/specs/2021StandardSpecifications.pdf> for the specifications below.

- 101–Definition of Terms
- 102–Bidding Requirements and Conditions
- 103–Award and Execution of Contract
- 104–Scope of Work
- 105–Control of Work
- 106–Control of Materials
- 107–Legal Regulations and Responsibility to the Public
- 108–Prosecution and Progress
- 109–Measurement and Payment
- 148–Pilot Vehicles
- 149–Construction Layout
- 150–Traffic Control

The LG is responsible for complying with 23 CFR 633, 23 CFR 635.113, 23 CFR 635.114, and OCGA 32 before proceeding with the advertising, bidding, acceptance of sealed bids, public opening of the bids, review and award process. Bids not read must be identified and the reason for not reading the bid is required. All bidding contractors must be pre-qualified by GDOT.

“The Source” in Section 103 defines the award and execution of a contract. LGs must receive bonded document with contractor bids. The LG will submit all bids to the GDOT Project Manager for concurrence of an acceptable low bidder. The Project Manager will review the submittal to determine if bids are acceptable in accordance with 23 CFR 635.114 and OCGA 32. Once the low bid has been deemed acceptable the Project Manager will generate the Local Let Construction Agreement.

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#### 10.4 Local Administered Project Construction Agreement

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The Project Manager will prepare and coordinate the Local Let Construction Agreement using the selected low bid. The Local Let Construction Agreement template is located in Appendix A. **All contracts shall be unit price contracts unless special permission is granted to use lump sum contracts in writing by GDOT. For special items, the locals can use extra work pay items 004-0003 through 004-0098 which allows for description and measure of payment entries.** Once the Local Let Construction Agreement is fully executed, the Project Manager will forward to the Office of Financial Management (OFM), the contractor’s name, actual let date, and the bid award amount. The State Construction Office will create a Contract ID number and provide to the Project Manager.

After the Local Let Construction Agreement has been executed, the District Construction Office will issue to the LG a written “Notice to Proceed” to Construction that will include the GDOT Contract ID number for the project. It is the LG’s responsibility to obtain the National Pollutant Discharge Elimination System (NPDES) permit from the Georgia Environmental Protection Division (EPD) prior to beginning construction. The LG will provide a copy of the final plans and the executed construction contract between the LG and the contractor to the District Construction Office and the Project Manager.

When the LG accepts predetermined GDOT level of supervisory responsibility to administer a Federal funded project, the LG becomes the Contract Administrator. The LG accepts the duties and responsibilities for Federal-aid stewardship as required in the FHWA Contracts Administration Core Manual at <http://www.fhwa.dot.gov/programadmin/contracts/cacc.pdf> where FHWA Form 1273, “Required Contract Provisions Federal-aid Construction Contracts” is also found.

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#### 10.5 Formal Notification to the District Construction Office

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After the project has been advertised for construction and before bids are taken, the Project Manager will confer with the District Construction Engineer to provide formal notification to the district offices of LPA’s project approval and determine if a transition conference should be held.

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## Chapter 11. Construction Administration - Contents

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## Chapter 11. Construction Administration

### 11.1 Preconstruction Conference

It is the responsibility of the LG to follow the guidelines in the Utility Accommodation Policy & Standards Manual (UAM), Construction Manual, Bridge Manual, and Sampling, Testing & Inspection Manual (STI) posted on the various GDOT websites. LG's have the responsibility to conduct a preconstruction conference after the Local Let project is awarded and before construction begins. The conference shall be led by the Project Manager as prescribed in the LG certification. A checklist for conducting a "Preconstruction Conference" is available from the GDOT Area Manager. The LG Full Time Employee in charge or LG Project Manager will provide the time and place for the preconstruction conference with the Contractor, Subcontractors, GDOT Project Manager, and invite Representatives from utility and railroads, OMAT Testing Management Operations Supervisor, and other interested parties to the conference.

Items to be discussed at the Preconstruction Conference will be:

- the construction plans
- all environmental commitments
- right-of-way issues, utility issues
- any other special concerns
- Federal and state construction requirements
- EEO
- DBE
- contractor training requirements
- project construction schedule
- construction checklist
- materials documentation and certification
- Quality Assurance (QA) and QA agreement
- labor and source reporting requirements
- public safety requirements
- maintenance

All attending the Preconstruction Conference and any interested party will be provided copies of the minutes of the conference by the LG employee responsible for conducting the conference.

The GDOT Standard Specifications for Construction and Construction Manual are provided at:

<https://www.dot.ga.gov/GDOT/Pages/TheSource.aspx>

### 11.2 Quality Assurance

It is the LG's responsibility to assure all materials, standards and contract specifications are in compliance with the provisions of the contract awarded. An experienced GDOT Laboratory Supervisor and GDOT Construction Manager will assist the LG with understanding their material source approval responsibilities, rejection of materials procedures, batch material delivery ticket acceptance and retention procedures, materials sample and tests assurance procedures, and independent assurance testing procedures.

The LG must inform the Contractor that they must use suppliers on the Qualified Products List (QPL) and the Contractor must notify the QPL suppliers that they are supplying material for a GDOT project and provide a GDOT project number.

Requirements for LG employees or LG consultant to perform construction quality assurance testing:

- Quality Assurance must be done in accordance with 23 CFR 637 and GDOT's Sampling, Testing and Inspection Manual. An OMAT-LAP form (latest version) is required to be submitted and approved for every project.
- The following completed test forms/reports, but not limited, must be kept in the LG project files, if applicable to the project:
  1. OMAT-LAP form (Materials Testing & Quality Assurance)
  2. OMR-TM-150 form (Asphaltic Concrete Compaction Report)
  3. OMR-TM-151 form (Calibration of Nuclear Gauge to Asphalt Cores)
  4. OMR-TM-158 form (Nuclear Gauge Calibration to Graded Aggregate Base)
  5. DOT-319 form (Concrete Test Report)
  6. DOT-553 form (Roadway Compaction Report)
- If LG performs the QA: LG lab must be accredited by the AASHTO Accreditation Program and individual employees performing testing must be certified by GDOT.
- Consultants must be prequalified on a project-by-project basis as follows:
  - Acceptance testing:
    - Consultants performing lab work must be prequalified in Area Class 604a and must be accredited by the AASHTO Accreditation Program in the appropriate lab tests.
    - Consultants performing field sampling and roadway testing must be qualified in Area Class 604b and GDOT certified in the appropriate field tests (RTT and/or Concrete Certification).
    - Consultants performing both roadway and laboratory testing must be prequalified in both Area Class 604a and 604b and meet all requirements above.
- GDOT specifications require the Contractor to perform mixture Acceptance testing at the asphalt plant and verification testing for compaction results from the roadway. Verification testing (VT) will be performed by GDOT at the asphalt plants.
  - The local Government is responsible for notifying GDOT's Testing Management Operations Supervisor (TMOS) at least one week prior to start of work. The VT will be done for the project as part of GDOT regular plant reviews. Refer to the GDOT Construction Manual for materials acceptance.
- Independent Assurance (IA) will be performed by GDOT. LG Project Managers will ensure that all materials testing personnel that performed acceptance testing the previous year have been evaluated by Independent Assurance. Personnel that has not completed an IA evaluation should be Communicated immediately to OMAT for review and approval .

- Submit all test data electronically at least weekly to GDOT using GDOT's Site Manager or AASHTOWare Project
- A quarterly (January, April, July, and October) materials checklist is required to be completed along with **all** attachments and sent to GDOT for every project. A final materials checklist is required to be completed and sent to GDOT at the completion of the project. See GDOT Construction Manual for more details. The LG must cooperate with GDOT by providing any necessary documentation for the completion of the Materials Certificate. The LG Project Manager will ensure that all material deficiencies are noted on the Materials Checklist. A written explanation of these deficiencies on the form will include mitigating, correcting and punitive measures taken.

Control of materials is an oversight responsibility for the LG. Specific requirements are detailed in GDOT's "The Source" STI tab.

<https://www.dot.ga.gov/GDOT/pages/TheSourceSamplingTestingInspection.aspx>

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### 11.3 Measurements and Payments

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The LG will be responsible for progress payments in accordance with Section 109 of the Standard Specifications. <https://www.dot.ga.gov/GDOT/pages/TheSource.aspx>

The LG is responsible for submitting any contract modifications to the GDOT Area Manager prior to execution for review and approval. Contract modifications can include but not limited to zero (0) cost modifications, time extensions, allotment request, and/or specification changes. All contract modifications require GDOT approval, whether the costs are to be paid for by Federal-Aid, State, or Local funds. At a minimum, contract modifications involving cost changes require a fair detailed estimate to be completed prior to receiving the contractor's estimate for additional work.

**Note:** Holding retainage is not permitted and is in direct violation of the Prompt Payment Policy outlined in the DBE guidelines of the FHWA/GDOT Oversight agreement. For additional information, please reference 49 CFR 26.26 and GDOT specification 109.07H.

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### 11.4 Reviews and Audits for Construction Manual Compliance

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The LG will be responsible for administering the project in accordance with the GDOT Construction Manual. The GDOT Construction Manual discusses DBE requirements, diaries, document control logs, project record reviews, engineering auditing, payrolls, project records, utility, railroad, utility and railroad agreements, billing, source-supporting-materials documents and other applicable items.

The Engineering Audit Review shall confirm compliance with contract requirements, including but not limited to federal and state reporting obligations, individual item measurements and payment calculations, and material certification sources. An audit report must be conducted and compiled after each review and resolved within 30 days by the GDOT Area Manager.

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## 11.5 Other Control of Work and Construction Legal Regulations

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The LG assumes the responsibilities for the construction of the project in accordance with the Standard Specifications.

<https://www.dot.ga.gov/GDOT/pages/TheSource.aspx>

### Standard Specifications: General Provisions

Please refer to

<https://www.dot.ga.gov/PartnerSmart/Business/Source/specs/2021StandardSpecifications.pdf> for the specifications below.

- 101–Definition of Terms
- 102–Bidding Requirements and Conditions
- 103–Award and Execution of Contract
- 104–Scope of Work
- 105–Control of Work
- 106–Control of Materials
- 107–Legal Regulations and Responsibility to the Public
- 108–Prosecution and Progress
- 109–Measurement and Payment
- 148–Pilot Vehicles
- 149–Construction Layout
- 150–Traffic Control

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## Chapter 12. Construction Complete

### 12.1 Contractor's Notice of Project Nearing Completion

The contractor is to notify the LG when the project is 90 to 120 days from completion. The LG staff in responsible charge and the GDOT Construction Manager will conduct a semi-final field inspection to confirm that status.

### 12.2 Final Inspection and Final Acceptance

It is the LG's responsibility to schedule a Closing Conference 60 days prior to the projected completion of the project. The GDOT Construction Manager, other interested parties and the LG staff in responsible charge of the project will meet with the contractor. The Closing Conference will discuss all outstanding items of work; final reports needed and provide the contractor with a detailed corrections list, list of information needed for Material Certification, a list of final reports and other paperwork required for acceptance of the project.

It is the contractor's responsibility to notify the LG in writing of substantial completion, including the actions completed on the corrections list. The LG will review the project, verify contractor's statement of completion and notify the GDOT Construction Manager.

When all work is complete, the LG will notify the GDOT Construction Manager that the local administered project is ready for Final Inspection. The LG will notify the GDOT Construction Manager and the contractor when Final Inspection is scheduled so they can attend. GDOT Construction Manager will invite necessary staff from GDOT.

Final Acceptance is the responsibility of the GDOT Construction Manager. FHWA reserves the right to conduct final inspection and final acceptance when the scope of work determines it necessary.

The Specification - Section 105.16 details additional information related to final inspections.

<https://www.dot.ga.gov/PartnerSmart/Business/Source/specs/2021StandardSpecifications.pdf>

### 12.3 Final Audit

The LG will complete the following activities prior to requesting GDOT to conduct a final audit. The following items are not all-inclusive for every local administered project.

1. Verify that all project records are organized per GDOT policies.
2. Check all Project Folders per line item:
  - a. Verify that all inspector reports are accounted for and complete.
  - b. Verify the cumulative total-to-date on the last report matches the Final Construction Report.
  - c. Verify all inspectors reports for contract pay items not used.
3. Check Approved Supplemental Agreements (SA)/Contract Modifications:

- a. Verify that the Approved Supplemental Agreements folder contains a copy of all approved Supplemental Agreements.
  - b. Verify that all Supplemental Agreement items used have inspector reports to cover payment and that file folders are set up for each Item.
  - c. Verify all Supplemental Agreements are paid.
  - d. If Supplemental Agreements were not used:
    - Attach a note to approved copy of SA giving reasons for not using SA.
    - If minor items are not used, the above does not need to be done.
4. Verify that files contain approved documentation on all Subcontractors.
  5. Verify that payrolls have been received covering the period of time that the Contractor and all Subcontractors worked on the project.
  6. Verify that the Final DBE report has been received from the Contractor.
    - a. Check Final DBE report to verify that all subcontractors listed were approved as DBE's for this Contract.
    - b. Sign Final DBE report.
  7. Verify that the Document Control Log and the Correspondence files are up-to-date and organized.
  8. Verify that all diaries are accounted for and up to date. (See "The Source," Construction Manual, General Provisions, Section 3 - Diaries for information that is required in diaries).
  9. Verify that all dates are entered on the Contract Status Time Report and correct.
  10. Verify that all "As-built" plans up to date.
  11. Verify that Earthwork Items have sufficient documentation to support final payment.
  12. Verify that sufficient funds are available for any items that will be paid on the Final Construction Report.
  13. Complete the Final Package Checklist (DOT 733).

If any of the above items have discrepancies, they must be resolved before requesting a Final Audit. Once all the items have been resolved the Auditor will complete the Final Audit.

The Final Audit can be completed without the Materials Certificate being received but will be noted on the Final Audit. The project cannot be closed out until the Materials Certificate is received from GDOT.

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## 12.4 Final Payment

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Procedures for making final payments:

1. Within 4 weeks from the date that the Project has reported Corrective List Complete, the LG will submit the Final Package to the GDOT Construction Manager. This time may be extended for extenuating circumstances.
2. On resurfacing and asphalt widening Projects, the LG will submit the final package to the GDOT Construction Manager within two weeks of completion of the Corrective List.
3. The GDOT Construction Manager will notify, by e-mail, The Office of Construction <https://www.dot.ga.gov/GDOT/pages/contractors.aspx> auditor that the project is ready for Final Audit. This request comes only after the GDOT Construction Manager has thoroughly reviewed the project records using the Project Checklist for Requesting a Final Audit (See the Construction Manual, Project Checklist Prior to Requesting a Final Audit Section 109.08.C in The Source on the GDOT website).
4. Local Government will retain all records, once Final Acceptance and the Final Audit have been completed.
5. Immediately on Final Acceptance, the LG will send final quantities to the Contractor by Registered or Certified mail.
  - a. If the Contractor accepts the Statement or has no questions within 20 days, the LG will forward the Final Package to the GDOT Construction Manager. The GDOT Construction Manager will prepare the package for submittal to the Office of Construction. <https://www.dot.ga.gov/GDOT/pages/contractors.aspx>
  - b. If the Contractor questions the Statement within 20 days, the LG will make any necessary adjustments or refers all disputes through the GDOT Construction Manager to the Chief Engineer for final resolution.
6. The Chief Engineer will sign the Final Statement to certify that it is correct and will submit it to the Treasurer for payment.
7. The Treasurer will send the Contractor the Department's standard release form by Registered or Certified mail.
  - a. If the Contractor signs the release, the Treasurer will make the final payment to the Contractor and its Surety.
  - b. If the Contractor fails to act within 120 days, then:

The Contractor is declared in default and is barred from recovery of claim.

The Surety will sign the release form.

The Treasurer will make final payment to the Surety.
  - c. If the Contractor files a lawsuit within 120 days, then:

The Construction Claims Office will initiate litigation and will begin final adjudication.

When the lawsuit is resolved, the Treasurer will make final payment.

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## Chapter 13. Records Retention and Project Maintenance - Contents

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## Chapter 13. Records Retention and Project Maintenance

### 13.1 Records Retention by the Local Government

For records retention refer to GDOT website “The Source,” Construction Manual, Construction General Information, Section 11.0.

State law requires records for Projects to be retained for 7 years after final payment to the Contractor. GDOT administratively retains certain records an additional 13 years.

The [Federal Highway Administration \(FHWA\)](#) requires the LG to keep Project records on Federal-Aid Projects for 3 years after final reimbursement to GDOT. This regulation includes all Contracts and utility and railroad agreements on a Project.

To meet State Law record retention requirements, the LG will keep records on all contracts, utility and railroad agreements on a Federal-Aid project for a period of 7 years after the LG receives a letter from the GDOT Office of General Accounting stating that they have made final payment of Federal funds to the LG on the final statement submitted for the Project.

When a single Contract is completed, the LG will certify to the GDOT Project Manager that all records, source documents, and the final statement or Construction Report will be properly retained by them and will maintain those records for 7 years.

When the 7-year record retention period expires, the LG will submit diaries (Contract and Inspector) and Inspector’s Pay Item Reports to the Records Management Office in the GDOT General Office (Atlanta). The GDOT General Office will transfer these records to the State Records Center for an additional 13-year retention period. If GDOT General Office determines that these records will not be submitted to the Records Management Office at the end of 7 years, these records may be destroyed.

### 13.2 Maintaining the Federal Investment

The LG, by accepting Federal funds, agrees to maintenance requirements of 23 USC 116 and it shall be included in the Maintenance Agreement. Federal regulations provide:

- (a) *It shall be the duty of the State transportation department to maintain, or cause to be maintained, any project constructed under the provisions of this chapter or constructed under the provisions of prior Acts. The State's obligation to the United States to maintain any such project shall cease when it no longer constitutes a part of a Federal-aid system.*
- (b) *In any State wherein the State transportation department is without legal authority to maintain a project constructed on the Federal-aid secondary system, or within a municipality, such highway (1) department shall enter into a formal agreement for its maintenance with the appropriate officials of the county or municipality in which such project is located.*
- (c) *If at any time the Secretary shall find that any project constructed under the provisions of this chapter, or constructed under the provisions of prior Acts, is not being properly maintained, he shall call such fact to the attention of the State transportation department. If, within ninety days after receipt of such notice, such project has not been put in proper*

*condition of maintenance, the Secretary shall withhold approval of further projects of all types in the State highway district, municipality, county, other political or administrative subdivision of the State, or the entire State in which such project is located, whichever the Secretary deems most appropriate, until such project shall have been put in proper condition of maintenance.*

- (d) *Preventive Maintenance. - A preventive maintenance activity shall be eligible for Federal assistance under this title if the State demonstrates to the satisfaction of the Secretary that the activity is a cost-effective means of extending the useful life of a Federal-aid highway.*

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### **13.3 Periodic Reviews by FHWA**

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The FHWA will conduct periodic reviews of federally funded projects administered by LGs. The GDOT Project Manager will be notified by FHWA when any maintenance related problems are found in their review. The GDOT Project Manager will contact the LG to schedule a meeting to discuss the actions that the LG will take to address the maintenance deficiencies.

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### **13.4 Maintenance and Inspection of Bridges**

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GDOT is responsible for inspection of bridges in the State of Georgia, both on and off the State Highway System. Each LG will be notified by GDOT of all deficient bridges under their jurisdiction. The LG should utilize this deficient bridge list for their local priority of project determinations. It is the responsibility of the jurisdiction to post load limits signs or close bridges based on the GDOT bridge inspection reports and the deficient bridge list.

## Appendix A. GDOT Local LET Construction Contract & Commercially Useful Function Inspections

1. [GDOT Local Let Construction Contract Template \(Category: Program Deliver: LAP\)](#)
2. [Commercially Useful Function Inspection Form Instructions](#)
3. [Commercially Useful Function Inspection Form](#)

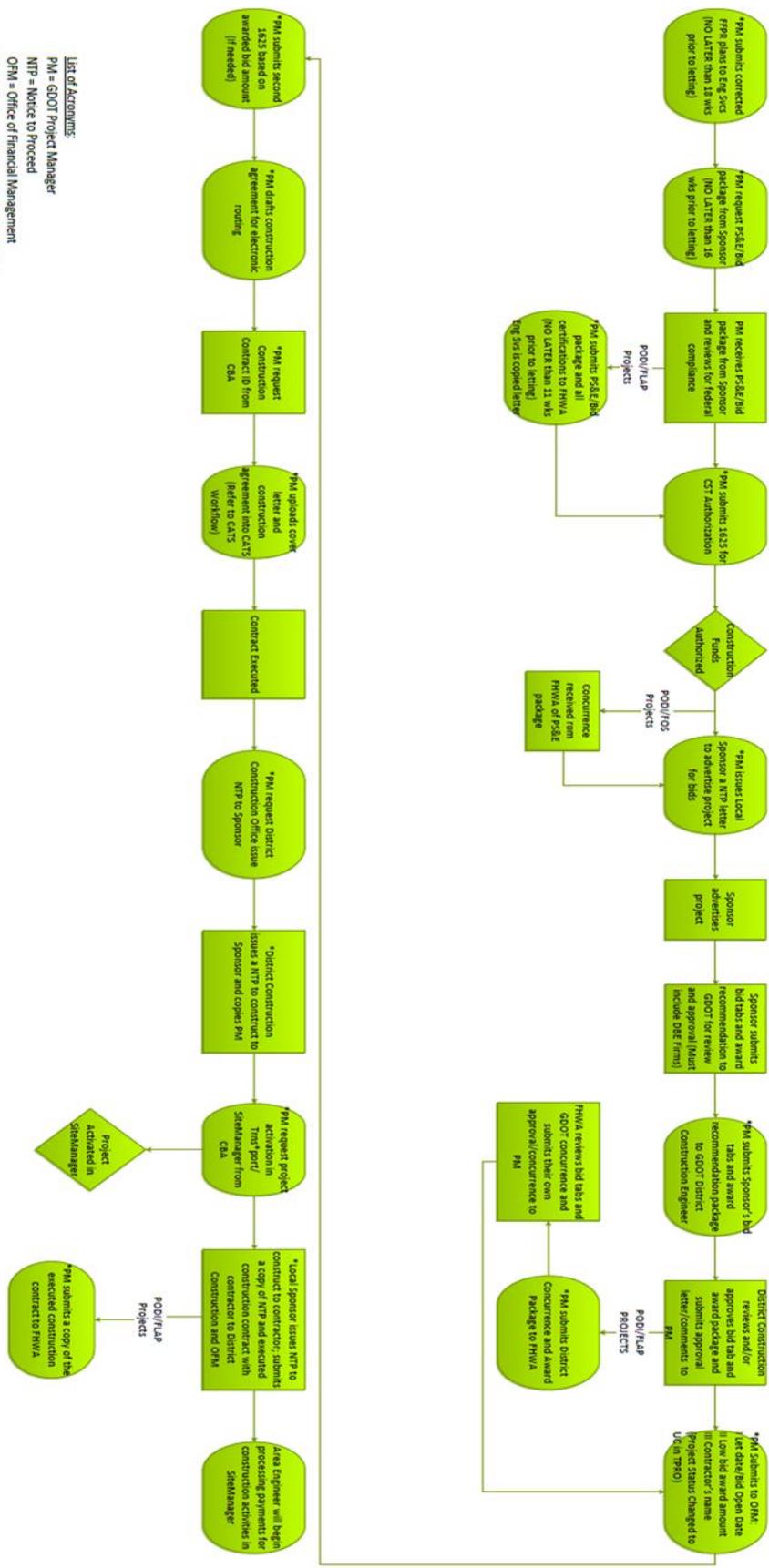
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## Appendix B. GDOT Local Let Procedure and Example Letters

1. Local Let Procedures/Steps for PS&E submittal through Contractor NTP, flowchart and guidance for Project Managers (attached)
2. The following can be found on GDOT webpage under Design Related Resources – Category: Program Delivery: LAP
  - a. [Local Let Procedures/Steps for PM Submit CFFPR through Contractor NTP](#)
  - b. PS&E Package Checklist
  - c. Bid Document Checklist
  - d. PSE Package Request – GDOT Request from LPA
  - e. PS&E Package Approval Request to FHWA
  - f. Notice to Proceed to Bid to Local Government
  - g. Local Let Construction Contract
  - h. Example Letter – Notice to Proceed to Construction to District Construction Office (attached)
3. GDOT Invoicing Procedures for Project Managers (attached)
4. [Buy America Language for Utility Agreements & Certificate of Compliance](#)
5. Local Let Utility/Railroad Certification Request Letter (Example attached)

## Local Let Procedures/Steps for PS&E submittal through Contractor NTP

Monday, March 11, 2014



- List of Acronyms:**  
 PM = GDOT Project Manager  
 NTP = Notice to Proceed  
 OFM = Office of Financial Management  
 PODI = Projects of Division (FHWA) Interest  
 FLAP = Federal Lands Access Program  
 FHWA = Federal Highway Administration  
 CATS = Contract Authorization Tracking System  
 CST = Construction  
 PS&E = Plans Specifications and Estimate  
 FFR = Final Field Plan Review

\* See Guidance

## Example 4 – Notice to Proceed to Construction to District Construction Office

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### Interoffice Memo

**FILE:** P.I. XXXXXXX, XXXXXXX County  
Project Description

**DATE:** Month Day, Year

**FROM:** Kimberly W. Nesbitt, State Program Delivery Administrator

**TO:** XXXXXX, District X Engineer  
Attn: XXXXXX, District X Construction Engineer

**SUBJECT:** Notice to Proceed to Construction

This Office requests that the District Construction Engineer give the City/County the Notice to Proceed (NTP) for the construction of the above referenced project. Attached for your records and to send to the Local Government are copies of the executed construction agreement for the above referenced project. The contract ID number is shown below.

Please inform the Local Government that they should send an award notice to this office and to Angela Robinson, Administrator, Office of Financial Management, when the contract is awarded. The award notification should include the following information:

- Project number: ABC00-1234-00(567)
- Project Identification (P.I.) number: 123456-
- Contract ID#: CSOPD-00-184329
- Name of Contractor:
- Award amount:

If you have any questions or concerns please contact the Project Manager, PM Name, at PM telephone number, of this Office for information.

KWN:AOH:DPM:PM Initials

Attachments

cc: {Area Engineer with copy of Construction Agreement and plans}  
{State Materials Engineer with Construction Agreement copy}  
{Project Programming Manager, OFM – letter only}

## **GDOT INVOICING PROCEDURES FOR PROJECT MANAGERS**

### **Conventional Projects only – Reimbursed PE**

1. The Project Framework Agreement (PFA) (also known as the LGPA – Local Government (LG) Project Agreement and the PMA – Project Management Agreement)
  - a. This document outlines the commitments the Local Government will complete in doing Local PE activities and the funding sources for the PE.
2. If the project has reimbursable PE:
  - a. The LG should invoice the Department monthly with a cover letter from the Local Government outlining the eligible expenses and the agreed upon billing expense (80% federal, 20% local usually).
  - b. The PM should review the invoice for correctness; make sure the contract amount has been allocated, make sure the percent being reimbursed is correct, make sure the contract amount is correct on the invoice, blue stamp or red stamp the invoice (if it's a replacement) then sign and date inside the stamp.
  - c. The PM should fill out DOT form 1678 (Voucher Summary) – located on *Policies and Procedures under Excel Forms – search by DOT1678*.
    - i. Submit LG invoice along with the filled out 1678 to the Office Head for approval.
    - ii. After Office Head approval, make 1 copy of the LG invoice (minus the supportive documentation) and two copies of the signed 1678 form.
    - iii. Make 1 PDF of the LG invoice along with the 1678.
      1. File a PDF in the electronic folder for the project
      2. Send a PDF to the contract specialists in OPD for their files

**THIS SHALL BE PLACED ON LOCAL GOVERNMENT LETTERHEAD**

DATE

District Utilities Engineer  
 ADDRESS  
 City, Georgia Zip Code

RE: **Request for Utility/Railroad Certification**

Project No:

P.I. #

Description:

Dear **District Utilities Engineer**

**Name of Local Government** requests that Utilities/Railroad for the above subject project be certified for funding authorization. I hereby certify that the appropriate research, field investigation, design considerations and coordination with the Utility/Railroad Owners on this project, as identified in the table below, have been performed, and further certify that all known utility related issues have been identified and resolved as conforming to 23 CFR, PART 645, SUBPART A, and all Railroad related issues have been resolved as conforming to 23 CFR, PART 646. All necessary arrangements have been made for resolution to be undertaken and completed as required for proper coordination with the project’s physical construction schedule.

**Status of Utilities/Railroad**

- A.  There are **NO** known utilities within the project limits.
- B.  There are known utilities within the project limits. However, due to the scope of work, no utility coordination is required. **(Comments)**
- C.  There are known utilities within the project limits and each respective status is as follows:

| Utility/Railroad Company | Utility Type | Status 1,2, 3 or 4 | Conditional Restriction and Time |
|--------------------------|--------------|--------------------|----------------------------------|
|                          |              |                    |                                  |
|                          |              |                    |                                  |
|                          |              |                    |                                  |
|                          |              |                    |                                  |

Project Number:

P.I. Number

Date

Page 2

**Status 1:** The Utility/Railroad Owner is in conflict with the project and requires relocation by the Utility/Railroad Owner during construction requiring coordination with the Contractor and the Utility/Railroad Owner. The relocations are non-reimbursable and the Utility Owner will be relocating at no cost to the Local Government or the Department.

**Status 2:** The Utility/Railroad Owner is in conflict with the project and requires relocation by the Utility/Railroad Owner during construction requiring coordination with the contractor and the Utility/Railroad Owner. The reimbursable agreement (which includes Buy America clause) between the Local Government and the Utility/Railroad Owner is attached.

**Status 3:** The Utility/Railroad Owner is located within the project limits but requires no relocation work.

**Status 4:** Utility relocation to be incorporated into the highway construction project contract which requires Buy America clause.

The Georgia Department of Transportation shall bear no cost in the Utility or Railroad relocation reimbursement for this project. Any Utility or Railroad Reimbursement Agreement required for construction of this project shall be between the Name of Local Government and the respective Utility or Railroad Owner. If a previously unknown conflict arises during construction that requires reimbursement, then Name of Local Government shall be responsible for all such costs.

\_\_\_\_\_  
Signature of an Official of the Local Government

\_\_\_\_\_  
Date