

State of Good Repair Local Paving Q & A

GENERAL:

1. **Q.** Can VDOT provide the amount of available State of Good Repair (SGR) funds for the FY2021 bridge and paving programs?
A. The budget projections for the FY2021 SGR programs are not yet available.
2. **Q.** Why is the primary extension/SGR paving program being federalized?
A. When the primary extension program began in FY2015 it was funded with CTB formula set aside funds which were state allocations. In FY2017 State of Good Repair funds became available earlier than expected and these were anticipated to be federal funds. However, Commissioner of Highways granted an exception for the SGR paving program to the federal process through the FY2020 program to allow localities time to prepare for federal requirements. Note: The SGR bridge has already been federalized beginning with the FY2018 program.
3. **Q.** Will VDOT increase the amount of total allocations a locality can request in a given year for the SGR paving program applications?
A. Yes, the Commonwealth Transportation Board (CTB) has increased the total allocations being requested from \$1M to \$1.5M.
4. **Q.** Will VDOT increase the amount of time a locality has to advertise the selected projects now that they are federalized for the SGR paving program?
A. Yes, the Commonwealth Transportation Board (CTB) has increased the time a locality has to advertise a project for the SGR paving program from the time the funding becomes available increases from 6 months to 12 months to advertise.
5. **Q.** Now that the SGR paving program is federalized what is the VDOT oversight cost?
A. We anticipate there will be an increase in VDOT oversight costs due to the additional steps required for federalizing the SGR paving program. We request that you reach out to your VDOT Local Liaison to determine what these costs are so that you can include in your application requests.
6. **Q.** Would contract administration for this program have additional costs?
A. Yes, there may be an increased cost for localities to prepare/ administer a federal-aid contract. Those costs should be included in the localities application for funding. To help in offset these costs, the Commonwealth Transportation Board (CTB) increased the total allocations being requested from \$1M to \$1.5M.
7. **Q.** Will there be a comparison between pre-federalization and post-federalization to determine if the number of improved pavement drops (i.e. number of lane miles paved)?
A. Yes – VDOT tracks mileage already and this can be easily compared between fiscal years.
8. **Q.** Will VDOT provide checklists for what is required for federal-aid paving projects?

11/25/2019

- A. Yes. VDOT will provide a comprehensive checklist for localities for requirements in all areas to include contract items, safety items and environmental items.

NOTE: Environmental activities/clearances will be completed by VDOT District environmental staff utilizing VDOT's streamlined process. If a locality elects to complete the environmental work themselves, the streamlined process is not available and the standard project requirements as outlined in the LAP manual are required. The estimated VDOT environmental charges for VDOT to complete the streamlined process will be approximately the same as the charges for VDOT environmental to review the submission package completed by the locality. In many instances, it will likely be cheaper for VDOT to obtain the clearances under its streamlined procedures than it will be for VDOT to review the work done by others. If activities are added to the contract beyond the SGR paving activities, the streamlined process is not available and the locality will need to complete all the environmental clearances in accordance with the LAP Manual.

9. Q. Can the Request to Administer (RTA) forms be waived similar to TAP projects?
A. Local Assistance Division is looking to provide a certification checklist that will replace the need for an RTA for these paving projects. The RTA is required for all bridge projects.
Note: Local Assistance Division will be providing additional information on this shortly.
10. Q. Does a locality need to submit the Roadway Safety Analysis?
A. Using federal funds for the SGR Paving Program, a Roadway Safety Analysis will need to be performed by the locality. However, the locality will need to certify that this analysis has been conducted and will certify that any deficiencies that have been identified are planned to be corrected as outlined in VDOT's Safety Analysis Guidelines.
Note: Prior to advertisement authorization, the locality will need to submit VDOT a SGR Paving Projects Certification Form to certify a roadway safety analysis has been completed. Additional information can be found at the following link:
http://www.virginiadot.org/business/local_assistance_division_funding_programs.asp#good
11. Q. If there are surplus CTB formula funds available will those funds be applied to projects in FY2021? If so, will those funds be federal since they were state in the past?
A. If there are surplus CTB formula funds, they are anticipated to be applied to the FY2021 projects however they will be assumed to be federal funds.
12. Q. Can UCI localities continue to use the available streamline opportunities afforded to them to administer these projects?
A. Yes, any efficiencies offered in the Locally Administered Projects (LAP) Manual to UCI localities would continue.
13. Q. Is the public involvement process required for paving projects since the program is now federalized?
A. No, per Section 4.00 of VDOT's [Public Involvement Manual](#) actions taken to preserve assets in current condition or restore them to original functionality are exempt from the public involvement process. This includes the removal and replacement up through the base of a pavement structure.

10/1/2019

ENVIRONMENTAL:

14. **Q.** Can environmental studies be streamlined? Can VDOT complete the NEPA studies for these projects (similar to how TAP projects are done)?
- A.** VDOT has streamlined environmental process for paving projects. That streamlined process is not available to local government. VDOT Environmental will complete the necessary NEPA and threatened and endangered species environmental clearances for all SGR local paving projects utilizing the streamlined process upon request similar to what VDOT does for the TAP program. Depending on the project location and clearances received the locality will be required to include special provisions in the contract documents. Template special provision language will be provided by VDOT when required.

CONSTRUCTION:

15. **Q.** Will VDOT administer these paving construction contracts on behalf of the localities?
- A.** VDOT is offering to pilot administering SGR local paving projects upon request for the FY2021 SGR paving program. VDOT may bundle local SGR paving segment or add segments to VDOT contracts.

NOTE: Localities should submit a **SGR Paving Projects Administration Request Form** along with their application in VDOT's Smart Portal. This form can be found at the following link: http://www.virginiadot.org/business/local_assistance_division_funding_programs.asp#good

16. **Q.** How can localities federalize an existing contract and include primary extension segments if the contract is not federal?
- A.** The contract would have to be federal from the beginning. Non-federal contracts cannot be used to meet federal requirements. Adding federal provisions to the contract after it is executed is not permissible.
17. **Q.** For application purposes can localities use VDOT contract line item rates?
- A.** VDOT rates are available online however we do not recommend localities use VDOT rates because VDOT includes items that are not required and are based on large quantities.
18. **Q.** Can a locality continue to use the IDIQ process for these SGR contracts?
- A.** If the contract was procured as a federal aid/eligible contract then it could be utilized for these contracts, however prior to adding the SGR routes to the contract the locations would need to have federal authorization in place.
19. **Q.** Does VDOT have existing contracts that the locality can utilize as a task order?
- A.** No. The VDOT contracts are between VDOT and the contractor. Therefore, the locality would be a third party to the contract and would be unable to direct or change work contractually.

20. **Q.** Are ADA curb ramps and upgrades included as in the past?

11/25/2019

A. Yes, ADA compliance is required for state and federally funded projects. ADA curb ramps and pavement striping should be upgraded to existing standards. An example of non-qualifying item is widening an existing 3ft sidewalk to 5ft or to install a segment of sidewalk that is missing and never existed. These items should be funded outside the paving program.

21. **Q.** Can deficiencies with guardrails (or other items found in the Roadway Safety Analysis) be included for reimbursement of SGR funds?

A. Because of utilizing the federal funds, the localities should perform and certify that a Roadway Safety Analysis review has been conducted in accordance with the Category 1 or 2 requirements as outlined in VDOT's Safety Analysis Guidelines per the following link:
<https://insidevdot.cov.virginia.gov/div/te/TAA/SitePages/Project%20Development%20Policy%20and%20Guidance.aspx>

However, any required improvements/ repairs to guardrails, etc... are not an allowable expenditure for SGR paving funding.

Note: Prior to advertisement authorization, the locality will need to submit to VDOT a SGR Paving Projects Certification Form to certify a roadway safety analysis has been completed. Additional information can be found at the following link:

http://www.virginiadot.org/business/local_assistance_division_funding_programs.asp#good

22. **Q.** Can VDOT purchase Buy America items for the localities to ensure these regulations are met?

A. No, this would present a number of logistical issues, including but not limited, to additional Federal approval, different bidding approach (install only, rather than furnish and install), additional costs for VDOT to procure those items separately as well as timing and delivery of said items. Currently, in order to satisfy the Buy America requirement localities must utilize the Buy America Special Provision and have the contractor submit a Certificate of Compliance for Steel and Iron Items.

23. **Q.** Can a locality be reimbursed for work that is done prior to an executed Program Administration Agreement?

A. No, in accordance with [Chapter 10](#) of the Locally Administered Projects Manual, work conducted prior to execution of a Project Administration Agreement and, when federal aid is involved, receipt of federal authorization, may not be eligible for reimbursement.

10/1/2019