

PART 2

Project Management

Chapter 12

Project Development

Locally Administered
Projects (LAP) Manual

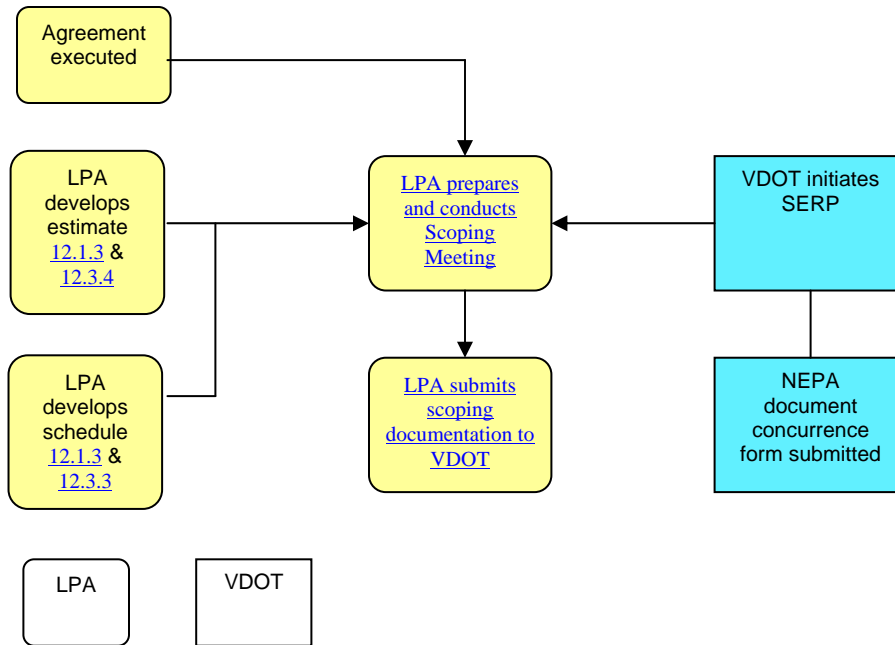
Chapter 12

PROJECT DEVELOPMENT

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12.1 - PROJECT SCOPING



12.1 PROJECT SCOPING

This chapter includes the following topics

12.1.1 [Introduction](#)

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12.1.1 Introduction

This section outlines the processes and responsibilities associated with Project Scoping for federal-aid projects and can be used by the LPA to scope their state-aid projects. During project scoping, the project team, under the leadership of the Locality Project Manager, defines the physical limits and features of the project and establishes the project budget.

12.1.2 Applicability

- Project scoping and the processes outlined in the section are required for all federal-aid projects and projects developed to qualify as federal-aid.

<i>Project Scoping</i>		
<i>Federal-aid</i>	<i>State-aid / VDOT Maintained</i>	<i>State-aid / LPA Maintained</i>
X	*	*

* Formal project scoping and coordination with VDOT is strongly encouraged for all projects.

* All State-aid projects must consider bicycle and pedestrian accommodations.

12.1.3 Scoping Process Requirements

Project scoping is the first major project development phase milestone. During this time the Project purpose is refined and all available data related to the project such as old plans, aerial photos, and any miscellaneous documents are gathered. The project team is also finalized. Each discipline represented on the project team investigates the proposed project from the perspective of their discipline. The State Environmental Review Process (SERP) is completed at this time and those results are used as a basis for additional environmental work that may be necessary.

In accordance with Commonwealth Transportation Board's (CTB) Policy approved on March 18, 2004, all projects shall consider the accommodation of bicycles and pedestrians at the project scoping stage. Resources regarding Bicycle and Pedestrian Facilities can be accessed at <http://www.virginiadot.org/programs/bk-default.asp> (Biking and Walking in Virginia). Determination of bicycle and pedestrian accommodations must be documented in the project file.

If a formal scoping meeting is held, all team members will present their findings during the meeting. Alternatively, the team members will each provide their findings to the PM, who will consolidate them.

For less complex projects, a scoping meeting may not be necessary. Instead, a meeting or phone conversation with the VDOT Project Coordinator may suffice.



By the end of project scoping, the LPA is required to prepare and submit to the Project Coordinator a scoping report which includes the following:

- Define project limits
- Identify project issues that may affect project development, such as environmental issues, right of way, design, utilities, etc.
- Finalize the purpose and need of the project.
- Refine preliminary project estimates to develop the initial construction cost estimate.
- Identify project risks (cost, quality, safety, etc.) and develop risk mitigation strategies.
- Refine the schedule (each team milestone should be clarified with all team members and reviewed to ensure commitment).
- Determine the level of citizen involvement and level of NEPA documentation required.
- Determination of Bicycle – Pedestrian Accommodations in accordance with CTB Policy
- For federal-aid bridge projects, preliminary touch-down points and the most recent bridge inspection report (for bridges maintained by the LPA).

Part A of the [PM-100](#) may be used by the LPA to document project scoping.

VDOT Responsibilities:

- *The Project Coordinator will review the submitted scoping report and ensure that it addresses all scoping needs as identified above.*
- *If the project has not been created in the project pool, the Project Coordinator will create a project at this time and will include appropriate VDOT staff as team members in the iPM Communications and Divisions tab.*
- *All project decision or milestone-related documents, including the scoping report, must be uploaded into the iPM documents tab.*
- *The Project Coordinator will upload the initial scoping estimate into PCES.*
- *Oversight expectations for Project Development and preliminary oversight expectations for Project Delivery will be identified and provided to the LPA.*

12.1.4 Key Submittals / Requirements

Task/Submittal/File Documentation	Locality Responsibility (PM)	VDOT PC Responsibility	Submittal Timing/ Recordkeeping Requirements
Review project and solicit information relative to project to establish project team	Determine what information is needed in coordination w/PC	Assist the PM Document the Project Team in iPM.	N/A
Plans, maps, aerials, and other supporting data to identify project area	Distribute materials to the project team	N/A	Not less than 15 days in advance of the scoping meeting
Scoping Coordination or Meeting	Plan, lead, and facilitate scoping coordination or a meeting, if held	The PC may attend if project complexity warrants	N/A
Determine scope and develop complete schedule, and project budget	Prepare and submit Scoping documentation to the PC and project team	Ensure documentation is uploaded to iPM Documents	LPA should retain through project closeout. For state aid projects, documentation must be kept in LPA project files.
Review and outline all tasks and deliverables necessary for project development	Prepare and submit complete schedule, with durations to the PC	Document tasks and durations in the iPM Schedule. Monitor and update schedule based on locality input.	N/A
Scoping estimate	Provide accurate project scoping estimate in PCES	Ensure project estimate is entered and updated in PCES	N/A

12.1.5 References

VDOT has an established scoping procedure that is used for all VDOT administered projects. This procedure includes helpful information such as checklists and forms that may be beneficial for the project scoping process. The LPA is encouraged to use this as a reference document.

http://www.virginiadot.org/business/resources/Project_Scope_and_Team_Meeting.pdf

12.2 PLAN DESIGN

This chapter includes the following topics

12.2.1 [Introduction](#)

12.2.2 [Applicability](#)

12.2.3 [Design Standards](#)

12.2.4 [Design Exceptions and Waivers](#)

12.2.5 [Design Elements](#)

12.2.5.1 [Surveys](#)

12.2.5.2 [Geotechnical Investigations](#)

12.2.5.3 [Traffic Control Devices / Intelligent Transportation Systems \(ITS\) /
Roadway Lighting](#)

12.2.5.4 [Americans with Disabilities Act \(ADA\)](#)

12.2.5.5 [Hydraulics](#)

12.2.5.6 [Landscaping](#)

12.2.5.7 [Transportation Management Plans \(TMP\)](#)

12.2.5.8 [Noise Barriers](#)

12.2.5.9 [Value Engineering](#)

12.2.5.10 [Constructability Reviews](#)

12.2.5.11 [Utilities](#)

12.2.1 Introduction

Plan Design is considered part of Preliminary Engineering (PE), which includes all work from preparation of feasibility studies, conceptual, preliminary, and final designs up through and including the preparation of bidding documents. This chapter outlines design standards, provides links to relevant VDOT guidelines, and addresses considerations for key design elements.

All final plans and specifications shall be *sealed and signed* by a Professional Engineer, Landscape Architect or Land Surveyor licensed to practice in the Commonwealth of Virginia and in accordance with State [Department of Professional Occupation Regulation](#) requirements.

12.2.2 Applicability

- Processes in here apply to federal-aid projects, projects on the NHS and Primary Routes, and projects to be maintained by VDOT, regardless of funding.
- State-aid projects, off the NHS and maintained by the LPA will be designed in accordance to this manual; however, VDOT oversight of these designs is limited to technical assistance as requested by the LPA.

<i>Plan Design</i>		
<i>Federal-aid</i>	<i>State-aid / VDOT Maintained</i>	<i>State-aid / LPA Maintained</i>
X	X	X*

* Projects are to be designed in accordance to this manual; however, VDOT oversight to these designs is limited to technical assistance as requested by the LPA

12.2.3 Design Standards

VDOT has adopted the AASHTO *A Policy on Geometric Design of Highways and Streets*, commonly referred to as the AASHTO “Green Book,” as minimum design standards. VDOT’s Road Design Manual meets, or exceeds, all AASHTO Green Book design standards.

Federal-aid LPA administered projects to be maintained by VDOT must be designed in accordance with [VDOT’s Road Design Manual](#) or seek a design waiver.

Federal-aid LPA administered projects to be maintained by the LPA must be designed in accordance with AASHTO’s Policy on Geometric Design of Highway and Streets (the “Green Book”) or seek a design exception.

LPAs may develop their own standards and specifications, which meet or exceed VDOT and AASHTO. However, they must be reviewed and approved by VDOT and also by FHWA for projects on the National Highway System.

VDOT publishes a series of [Instructional & Information Memoranda](#) as well as other [Manuals and Guides](#), which provide additional guidance and clarification regarding design standards. Local governments are encouraged to use these as additional resources when considering the design features of their projects to ensure consistent state-wide design.



For federal-aid projects to be maintained by VDOT, once the project design has been completed and approved to advertise, the LPA Project Manager shall provide the VDOT Project Coordinator the complete electronic plan assembly in PDF format to be filed in the VDOT Plan File Library.

12.2.4 Design Exceptions and Waivers

Design Waivers

Designs for projects maintained by VDOT that do not meet VDOT's "minimum" design standards, but exceed AASHTO's design standards require a written Design Waiver. The LPA or its consultant shall prepare and submit the [Design Waiver Form](#) (LD-448) and any accompanying documentation to the VDOT Project Coordinator as soon as it becomes apparent that a waiver is required. The design waiver review process should take approximately two (2) weeks from the time of receipt of a complete submittal. The VDOT Project Coordinator will forward the design waiver to the District Location and Design Engineer for review and action (approval or denial). Once the review has been completed and action taken, the Design Waiver request will be sent back to the VDOT Project Coordinator for coordination with the Locality Project Manager. **Design waivers are not required on projects that will be maintained by the locality.**

The Design Waiver Form LD-448 can be accessed at

<http://vdotforms.vdot.virginia.gov/SearchResults.aspx?filename=LD-448.doc>

For more information on the Design Waiver process for road projects, refer to LD-IIM-227, which can be accessed at

<http://www.extranet.vdot.state.va.us/locdes/electronic%20pubs/iim/IIM227.pdf>

VDOT Responsibilities:

- *Design Waivers are processed at the District Location and Design Office.*
- *The VDOT Project Coordinator will forward the Design Waiver request to the District Location and Design Engineer for review and action (approval or denial).*
- *The VDOT Project Coordinator will notify the LPA of the decision.*
- *All documents relating to the Waiver and the approval notification must be uploaded into iPM.*

Design Exceptions

Designs that do not meet the minimum design standards contained in the AASHTO “Green Book” require a written Design Exception. The locality or its consultant shall prepare and submit the Design Exception Form ([LD-440](#)) and any accompanying documentation to the VDOT Project Coordinator as soon as it becomes apparent that an exception is required. The design exception review process should take approximately two weeks from the time of receipt of a complete submittal.

VDOT Responsibilities:

- *The VDOT Project Coordinator will forward the Design Exception request through the District L&D Section, to the State Location and Design Engineer for review and action (approval or denial). Once the review has been completed and action taken the Design Exception request will be sent back to the VDOT Project Coordinator for coordination with the Locality Project Manager.*
- *All documents relating to the Exception and the approval notification must be uploaded into iPM.*

The Design Exception Form LD-440 can be accessed at

<http://vdotforms.vdot.virginia.gov/SearchResults.aspx?filename=42200952LD-440.doc>

For more information on the design exception process for road and bridge projects, refer to LD-IIM-227, which can be accessed at

<http://www.extranet.vdot.state.va.us/locdes/electronic%20pubs/iim/IIM227.pdf>

12.2.5 Design Elements

The following is a list of design elements that are typically required in a set of roadway and bridge plans:

12.2.5.1 Surveys

The first step in physical project development is identifying the project site. In some cases the land may be owned by the State or local government. In other cases, it may be necessary to purchase land for the project. In the case where the land is already owned by state or local government, it will be necessary to conduct project design surveys to specify where the new construction will take place.

Survey Procedures

[Section 33.1-94](#) of the Code of Virginia requires that advance notice be provided to property owners prior to entering their property to ascertain its suitability for highway purposes. VDOT's Survey Manual, which can be accessed at <http://www.virginiadot.org/business/locdes/manual-survey-index.asp>, is a resource for local governments and outlines VDOT's business practices regarding survey. A copy of VDOT's form letters is available from the Right of Way and Utilities Management System (RUMS) forms repository.

Project design surveys – The purpose of a project design survey is to identify the project site sufficiently to allow the development of detailed engineering plans, specifications, and cost and material quantity estimates. Project design surveying must be performed under the supervision of a Land Surveyor licensed to practice in the Commonwealth of Virginia by the Virginia Department of Occupational Regulation (DPOR). Project design surveys often involve aerial mapping and Global Positioning Survey (GPS) techniques, as well as placement of physical markers. In addition to the project design survey, boundary surveys will be needed for the purposes of legal title transfer.

If the project is on state property, right of entry will be allowed under the project administration agreement. Before a LPA can begin work (including surveying) on a roadway that is part of the interstate, primary, or secondary system of highways, it must secure a land use permit from VDOT. This permit is issued through the VDOT Residency and usually will be issued at no cost.

Survey for land acquisition and title transfer - If the LPA is purchasing land for the transfer to state ownership (underlying fee ownership) or for a federal aid project, it must follow VDOT's survey manual. If the LPA is purchasing land for the locally maintained system without federal funds, the LPA can follow its own survey and title requirements.

12.2.5.2 Geotechnical Investigations

VDOT's Material Division Manual is VDOT's standard and is recommended for local governments performing geotechnical investigations. The Materials manuals can be accessed at <http://www.virginiadot.org/business/materials-default.asp>

12.2.5.3 Traffic Control Devices/Intelligent Transportation Systems (ITS) / Roadway Lighting

VDOT's Traffic Engineering Design Manual, which can be accessed at <http://www.virginiadot.org/business/locdes/traffic-engineering-manual.asp>, is VDOT's standard and recommended for design elements related to traffic control devices, ITS and Roadway lighting.

12.2.5.4 Americans with Disabilities Act (ADA)

The Americans with Disabilities Act of 1990 (ADA) is legislation intended to provide adequate accessibility to all persons. Title II of ADA applies to State and Local Governments and its requirements affect design, construction and maintenance of **all** transportation projects, regardless of the funding source.

The ADA requires that **all** new construction, reconstruction and alterations to existing pedestrian facilities be constructed in accordance with federal accessibility standards. Pedestrian facilities include sidewalks, shared use paths, or other public walkways. Where such facilities intersect a street, the portion of the street used by pedestrians, whether marked as a crosswalk or not, is also considered part of the pedestrian facility.

Project activities are considered an “alteration” if they involve changes to the structure, grade, function or use of the street or sidewalk. Examples include full depth pavement replacements, widening, resurfacing, signal installation, pedestrian signal installation and other work of similar scale and effect.

When the scope of a transportation project includes alterations to existing pedestrian facilities, those facilities must be brought up to current accessibility standards. For example, if a street resurfacing project alters the sidewalk, curbs or street surface in the crosswalk area, curb ramps must be installed as part of the project. If curb ramps already exist, but do not meet the current accessibility standards, those ramps must be either reconstructed or retrofitted to meet the current accessibility standards.

For more information on ADA requirements related to transportation facilities, refer to LD-IIM-55, which can be accessed at

<http://www.extranet.vdot.state.va.us/locdes/electronic%20pubs/iim/IIM55.pdf>

12.2.5.5 Hydraulics

VDOT's Drainage Manual, which can be accessed at <http://www.virginiadot.org/business/locdes/hydra-drainage-manual.asp>, is available as a resource for local governments. In addition, VDOT maintains a compilation of Hydraulic Design Advisories, which supplements the Manual.

12.2.5.6 Landscaping

It is recommended that all Landscape Plans, which will be maintained by the Department, be designed in accordance with VDOT's Guidelines for Planting Along Virginia Roadways, which can be accessed at http://www.extranet.vdot.state.va.us/locdes/files/Planting_Guidelines.pdf.

A copy of the guidelines can be obtained through the VDOT Project Coordinator.

12.2.5.7 Transportation Management Plans (TMP)

[23 CFR 630 Subpart J](#), also referred to as the Work Zone Safety and Mobility Final Rule, applies to all State and local projects that receive Federal-aid highway funding and provides a decision-making framework known as Transportation Management Plans that considers broader safety and mobility impacts of work zones across project development stages, and the adoption of additional strategies that help manage these impacts during project implementation. The TMP is not a separate document, but is used in the development of traffic control in construction plans. A TMP is a set of strategies which working together, should improve the safety and functionality of temporary traffic control during construction. These strategies are divided into three broad groups which are captioned as: 1) Temporary Traffic Control, 2) Public Information; and 3) Transportation Operations. The degree of a project's TMP requirements is based on the project's level of complexity. VDOT's guidelines categorize a project into one of three types of transportation management. The Guidelines are available at:

<http://www.extranet.vdot.state.va.us/locdes/electronic%20pubs/iim/IIM241.pdf>

12.2.5.8 Noise Barriers

When warranted based on noise analysis, noise wall profiles should be included in the plans. Most noise barriers are designed by the contractor with local review and approval on the locally maintained system. VDOT concurrence is required on roads that will be maintained by the Department.

12.2.5.9 Value Engineering

Federal regulations outline requirements for value engineering (VE) studies and the Code of Virginia requires a VE study on all projects exceeding \$5 million in construction cost. The locality will complete the VE process and, all recommendations must be submitted to VDOT. The final decision as to which recommendations are incorporated into the final plans is made by the Chief Engineer.

Additional information regarding value engineering studies can be found on the VDOT [Value Engineering Web site](#).

12.2.5.10 Constructability Reviews

The purpose of a constructability review is to determine if a project can be constructed as designed with the information provided on the drawings, specifications, and copied notes.

Constructability reviews should be conducted by the LPA for all projects to be maintained by VDOT and for federal aid projects. Constructability reviews are recommended for any other projects on the locally maintained system.

Additional information on performing constructability quality reviews can be found in [VDOT's Road Design Manual](#), in [Chapter 2G](#).

12.2.5.11 Utilities

Private utility companies may be reimbursed for moving utilities in conflict with the project, at project expense, when they have been located on easement or have prior rights in the existing location. It is also recognized that some localities have franchise agreements with utility companies that require the company to move its utility because of a project, at the company's expense. In that case, the locality shall enforce the terms of its agreements in order to save project funds. Utility relocations have to be viewed as regional efforts, since all utility relocations within a region compete for a utility's time and resources. Early coordination with utility owners is highly recommended.

In order to pay for utility adjustments at project expense, a detailed utility plan and cost estimate needs to be prepared. Eligible project expenses for utilities basically result in the in-kind replacement of any utilities that are in conflict with the project. Any county without an existing utility franchise agreement when administering a VDOT sanctioned project under a land use permit or transportation project agreement shall have the same authority as the Department pertaining to the relocation of utilities. In accordance with the above, it is recognized that in some instances the locality's utility facility owner may want to provide upgraded utilities or to put in new utilities while the highway is being disturbed for construction purposes. This is known as "betterment," and is generally not an eligible project cost. It makes sense to do this betterment work at the same time the project is being constructed, so the contractor may perform the work during construction, with the utility facility owner being responsible for the cost of the betterment portion from a different funding source.

12.3 PROJECT BUDGET, SCHEDULE, AND ESTIMATES

This chapter contains the following topics:

12.3.1 [Introduction](#)

12.3.2 [Applicability](#)

12.3.3 [Project Schedules](#)

12.3.4 [Project Budgets and Estimates](#)

12.3.5 [Tasks / Submittals / File Documentation](#)

12.3.6 [References](#)

12.3.1 Introduction

This chapter outlines the actions required to develop, update and monitor project development schedules, estimates and budget. The LPA's project manager is responsible for the development and management of the schedule, estimates and budget for Preliminary Engineering, Right of Way, and Construction throughout the entire project life cycle. It is critical that both schedules and estimates be updated regularly within VDOT's systems (iPM Schedule, PCES), because they are utilized for developing our annual federal strategy for obligation of funds.

Project scheduling is essential in monitoring and managing project development. At project scoping a schedule must be established reflecting key milestones in project development. As these milestones are met, or when the timeframe must be changed, the schedule must be updated and documented in the iPM Schedule by the VDOT Project Coordinator.

Estimates must be current and maintained in VDOT's Project Cost Estimating System (PCES). The purpose of PCES is to collect data for a specific project and, based on the data entered; determine a budget for that project. Project budgets should be reviewed and must be updated every 90 days or at every project milestone, whichever is less. Project budgets will be affected by significant changes in the project scope and or schedule and should be updated accordingly.

12.3.2 Applicability

- Accurate schedules and estimates should be established and updated regularly for all project categories by the locality, in coordination with their VDOT Project Coordinator.

Project Budget, Schedule, & Estimates		
<i>Federal-aid</i>	<i>State-aid / VDOT Maintained</i>	<i>State-aid / LPA Maintained</i>
<i>X</i>	<i>X</i>	<i>X</i>

12.3.3 Project Schedules

Every project requires a schedule and the LPA Project Manager is responsible for overall development and management of the project schedule with collaboration and support from project team members. Scheduling encompasses a combination of required tasks and project information to relate unique project characteristics with available resources and time requirements. A complete project schedule should be developed through the Scoping process with input from the team members. The number of tasks required in the schedule will depend on the complexity of the project.

VDOT Responsibilities:

The Project Coordinator will monitor the following key milestones in the iPM Schedule module at the beginning of the project:

- *Scoping (22)*
- *SERP (18)*
- *NEPA Complete (33) (when applicable)*

The Project Coordinator will schedule the following key milestones as soon as a scheduled date is available, but generally not later than 18 months prior to the anticipated date:

- *R/W Authorization (52)*
- *Construction Authorization (79) (must be entered no later than 90 days prior to proposed Advertisement Date)*
- *Target Advertisement Date (80)*

The Project Coordinator or VDOT Construction Project Monitor, as applicable, will input the following dates for tracking purposes within 10 business days of completion of the activity:

- *Award Date*
- *Construction Completion date (project status changed to 'Construction Complete' and dates entered in the Project Pool)*

12.3.4 Project Budgets and Estimates

12.3.4.1 Project Budgets

The LPA is fully responsible for monitoring the project budget. When estimates (see below) project a budget shortfall, the LPA PM must identify available funding sources. If additional state or federal funding is necessary, the VDOT PC must be notified so that the Project Administration Agreement can be modified and any impacts to the SYIP or SSYP can be addressed.

The federal obligation strategy is based on schedules and estimates provided by LPAs for the LPA administered projects. LPAs are expected to meet the schedule to ensure that federal obligations are not lost. The VDOT Project Coordinator has the responsibility, after consultation with the LPA Project Manager, to delay scheduled activities, if in the Project Coordinator's judgment; the schedule is unrealistic and will have an adverse impact on the federal obligation strategy or the funding program.

VDOT Responsibilities:

- *Schedules and estimates for locally administered projects must not be changed without the locality's concurrence. However, when the schedule is unrealistic and may create funding problems, the Project Coordinator may request that the schedule be modified. Any modifications must first be discussed with the LPA Project Manager and coordinated through the District PE Manager and Central Office Programming Division.*
- *Authorization to begin activities in each phase will not be issued*

until the phase is fully funded or funds to complete the phase have been identified.

- *When projects are “limited funding,” that is the project will not receive additional federal or state-aid, the LPA is responsible for securing additional funding necessary to complete the phase/project.*

12.3.4.2 Project Estimates

The LPA is required to provide a revised project estimate every 90 days. The LPA may use VDOT’s estimating system (PCES) or their own; however, all estimates must be included in PCES. For LPAs which use their own estimating systems, their estimate can be manually uploaded into PCES.

The LPA Project Manager is responsible for preparing and uploading the project estimate in PCES. In doing so, the locality must select the current milestone stage using drop-down selection and recommended estimate in PCES at least once every 90 days. If the estimate or milestone stage do not change, it is still necessary to refresh the estimate at least once every 90 days

The system will automatically generate a budget adjustment revision request if the updated project estimate results in a 10% increase or decrease or a difference of \$50,000.

12.3.4.3 Quantity Summaries / Engineer’s Estimates (Prior to Advertisement)

Quantity summaries should be computed and developed utilizing quantity take-offs from the plans. An accurate summary of quantities is critical to prospective contractors interested in submitting a bid on the project. This information leads directly to the Engineer’s Estimate, which combines the computed quantities of work and the estimated unit bid prices. The Engineer’s Estimate should be updated, as necessary, up until the bids are opened.

12.3.5 Key Submittals / Requirements

Task/Submittal/File Documentation	Locality Responsibility	VDOT Project Coordinator Responsibility	Submittal Timing/ Recordkeeping Requirements
Establish project schedule	Develop and provide a project schedule to include all tasks needed to complete the project to the VDOT Project Coordinator.	Verify appropriate milestones dates are entered in the iPM Schedule.	After completed scoping process
Maintain project schedule	Provide the VDOT Project Coordinator with schedule changes in a timely manner. Provide the VDOT Project Coordinator dates scheduled tasks are completed in a timely manner.	Monitor and update the project schedule in iPM, as appropriate based on input from the Locality Project Manager.	N/A
Provide timely and accurate estimates in PCES	Enter the project estimate in PCES and update	Review estimates and provide technical assistance	Every 90 days or each project milestone, whichever is less

12.3.6 References

[23 CFR 630.106 \(a\) 4](#) – Project Cost Estimates

- Project Development Schedules -
http://www.virginia-dot.org/business/resources/Project_Development_Schedules.pdf
- Project Development Budget and Estimates -
http://www.virginia-dot.org/business/resources/Project_Development_Budget_and_Estimates.pdf
- PCES Users Guide
<http://isyp/scoping/docs/PCES.pdf>

12.4 PUBLIC INVOLVEMENT

This chapter includes the following topics:

- 12.4.1 [Introduction](#)
- 12.4.2 [Applicability](#)
- 12.4.3 [Purpose of Public Participation](#)
- 12.4.4 [Types of Public Involvement](#)
- 12.4.5 [Public Participation Requirements](#)
- 12.4.6 [Public Participation Procedures](#)
- 12.4.7 [Transcript of Public Hearing](#)
- 12.4.8 [Location and/or design approval for projects on which a hearing or hearings are held](#)
- 12.4.9 [Location and/or design approval for projects on which a posting of notice of willingness to hold a hearing](#)
- 12.4.10 [Tasks / Submittals / File Documentation](#)
- 12.4.11 [Regulatory References](#)
- 12.4.12 [Miscellaneous References](#)

12.4.1 Introduction

This section discusses the processes and responsibilities associated with Public Information and Participation for federal-aid projects. The final outcome of this process should be that all projects are developed in a manner to provide the general public with a well-publicized opportunity to both review and discuss proposed plans for the project.

During the development of transportation projects it is essential that public participation be considered. LPA's have a responsibility to provide residents of their community and other interested parties with an opportunity to participate, by expressing their viewpoints and concerns, in the development of the project. It is incumbent upon the LPA to include public participation opportunities before the project has reached a point where it becomes impractical to make extensive modifications. LPA's across the Commonwealth have robust public participation processes in place for their land planning and zoning programs and broadening the scope of those existing processes to include transportation projects is encouraged.

Public participation may range from individual meetings with affected residents to informal community or area wide project development workshops to formal Public Hearings on a project. In many cases, locally administered transportation projects receive a Programmatic Categorical Exclusion (PCE) or Categorical Exclusion (CE) as a result of the NEPA review process based on the scope and nature of the project. PCE's and CE's do not have a public hearing requirement attached to their issuance, however LPA's undertaking transportation projects, whether the project is state funded or federally funded, are encouraged to have a procedure in place where at least an opportunity to hold a public hearing is offered when considering a transportation project.

Where a locally administered project requires the preparation of an EA or EIS, the LPA is required to either hold a public hearing or post a willingness to hold a public hearing on the project, in accordance with the requirements of this chapter.

12.4.2 Applicability

- Federal-aid Highway Projects must follow the processes defined in this chapter.
- State-aid Highway Projects must follow processes defined in [§15.2-2204](#), [§15.2-2239](#), § [15.2-1800](#), and any other sections of the Code of Virginia applicable to a LPA’s capital improvement program. The LPA will certify adherence to those processes as noted in [chapter 5](#) (state funded projects) of this manual.

Public Involvement		
<i>Federal-aid</i>	<i>State-aid / VDOT Maintained</i>	<i>State-aid / LPA Maintained</i>
X	---	---

12.4.3 Purpose of Public Participation

Public Hearings and Public Information Sessions provide the general public with a well-publicized opportunity to both review and discuss proposed plans for a highway project. Project information should be provided in sufficient detail to allow property owners along a project corridor to identify specific features or property that may be impacted by the proposal, discuss those with a member of the project team and if then necessary, and provide a mechanism for the expression of concerns or views related to the project are documented.

12.4.4 Types of Public Involvement

- **Willingness to hold a public hearing** - If there is reason to believe that the project is noncontroversial and that it is unlikely that a hearing will be requested, a willingness to hold a public hearing may be used rather than scheduling a public hearing.
- **Individual (one-on-one)** – When an interested party has requested that a public hearing be held, often a separate meeting with that interested party can

be held to address concerns. If the interested party's concerns are adequately addressed, a separate public hearing is not required.

- **Formal Public Hearing** – The formal public hearing process is conducted as a structured meeting between the project team and public audience. The project team explains the project to the audience and then the audience, one at a time, responds with comments and questions. All activities are recorded and entered into a hearing record. The record is held open for at least 10 days after the hearing for additional comments. Prior to the formal process individuals may discuss the proposed project with team members for a one-on-one explanation and discussion about their specific concerns and questions. Individuals have the opportunity to have their comments and questions recorded verbally, in writing, or delivered directly to the project team as a part of the formal hearing activities.
- **Open Forum Public Hearing** – The open forum public hearing is conducted in an open meeting format. Individuals may arrive at various times, be given a brief orientation and directed to project teams members for one- on-one explanations and discussions about their specific concerns and questions. Individuals have the opportunity to have their comments and questions recorded verbally or in writing for the hearing record.

12.4.5 Public Participation Requirements

Public Participation and Public Hearings for federal-aid projects are triggered by either the preparation of an Environmental Assessment (EA) or the preparation of a draft Environmental Impact Statement (EIS). Details regarding environmental requirements can be found in [Chapter 15](#) of this manual. Under the federal-aid system, projects which are processed as a Categorical Exclusion (CE) or a Programmatic Categorical Exclusion (PCE) and have no NEPA document requirements have been determined not to have any significant social, economic or environmental effects. These projects do not require a public participation or public hearing process; however, VDOT takes a more conservative approach in their project administration by including all projects in the public participation process resulting in a greater opportunity for the public to participate and offer its views in the

development of highway projects. The majority of LPA projects receive CE's or PCE's; therefore, LPA's are encouraged **but are not required** to use their public participation process for projects processed as a CE or PCE.

For Projects requiring an EA or EIS, Public Participation and Public Hearing requirements are met through by holding a location public hearing, a design public hearing, a combined location/design public hearing, or by providing a public notice of "willingness to hold a public hearing." The following guidelines may be used for determining when public hearings are to be held, or when a "willingness to hold a public hearing" is sufficient. They are:

- Projects on roadway corridors, which are completely on new location, require a location public hearing followed by a design public hearing.
- Projects within the existing roadway corridor with a predominant portion of the work on new location require a combined location and design public hearing.
- Projects within the existing roadway corridor that have a significant social, economic or environmental impact require a design public hearing.
- Projects within the existing highway corridor where minor social or environmental impacts, or both, are anticipated require publication of a notice of willingness to hold a design public hearing. The locality will hold a design public hearing if a request for such a hearing is made, and the issues raised in relation to the request cannot be resolved through any other means.

When a significant period of time has passed since an initial public hearing or willingness notification, the potential impacts of the project and the concerns of affected citizens may change significantly. Accordingly, there may be a need for additional public participation. If significant changes in land use, population or impact to the environment have taken place within the project area, a public hearing may be necessary.

When three or more years have passed since the completion of environmental document for the project, the LPA shall request that VDOT re-evaluate the adequacy of the previously prepared documents.

VDOT Responsibilities:

- *Review determination of public involvement requirements at scoping.*

12.4.6 Public Involvement Procedures

- **Public Notification** – Public notices are published as a means to inform the public of various proposals and invite public participation. Methods of public notification for a public hearing or a willingness to hold a public hearing include:
 - Paid public notice must be made in a local newspaper – at least twice – the first notice must appear 30 days before the hearing date and the second notice between seven days to fifteen days before the hearing.
 - News releases
 - Letters to adjacent property owners
 - Posting of notice in local businesses and public facilities
 - Notifications of special interest groups and affected governmental agencies
 - Signs on termini of project.
- Notification must include:
 - Date, time, place and type of meeting
 - Description of project
 - Tentative Project schedule
 - Right of way relocation and assistance information
 - Statement of opportunity for written and oral comments
 - Procedure for submitting written statements
 - Availability of project materials (plans, brochure, and environmental documentation)
 - Non- discrimination clause (found in [Chapter 17](#))
- **General** - Because of the unique nature of highway projects, particularly the use of many visual aids, plans and charts, it is recommended that public

participation activities are undertaken at a facility that can accommodate public review of these items.

- To encourage input from all interested parties, public hearings must include the following:
 - All facilities must be ADA compliant
 - Accommodation for the hearing impaired*
 - Accommodation for the visually impaired

- In addition, VDOT also suggests the following:
 - Public Hearings be preceded by a workshop period where the public can review project documents
 - Provide for the recording of and / or transcription of verbal comments
 - Public hearings are to remain open for an additional 10 calendar days after adjournment in order to receive written comments

VDOT Responsibilities:

- *Review notice of public hearing or notice of willingness to hold public hearing for federally funded projects.*
- *Review Project Information Sheet and coordinate reviews by District Preliminary Engineer and Public Affairs.*

12.4.7 Transcript of Public Hearing

Whenever a public hearing is held, a record of the hearing must be prepared to provide documentation of the proceeding. The Transcript must include:

- A title page including project information
- table of contents,
- Hearing details (date, time, location)
- Sign in sheet
- Oral comments
- Written comments
- Any other documents submitted for the record

- Copy of public notice and documentation of public notification
- Brochure
- Reproductions of any other displays from the hearing

Copies of the transcript must be forwarded to the VDOT Project Coordinator and for review and transmittal to FHWA and the Commonwealth Transportation Board as appropriate.

VDOT Responsibilities:

- *Review transcript and provide to Location & Design Division for review/processing (as appropriate).*

12.4.8 Location and/or design approval for projects on which a hearing or hearings are held

After study of the comments received from the public, environmental considerations, costs, design standards, and the evaluations of any studies completed as a result of the public involvement procedures, the transcript will be compiled. The transcript will be summarized and issues addressed by the LPA PM to develop a recommendation to be forwarded by the VDOT Project Coordinator to the Public Involvement Manager for distribution to the appropriate approving authority.

The Public Involvement Manager will distribute the transcript and recommendations to the Assistant State Location and Design Engineer. The Public Involvement Manager will compile the information and recommendations for review by the State Location and Design Engineer.

- For location approval the State Location and Design Engineer will forward his recommendation to the Chief Engineer and, in turn, the Chief Engineer will forward his recommendation to the Commonwealth Transportation Board (CTB) for action.

- For design approval the State Location and Design Engineer will forward his recommendation to the Chief Engineer for approval of the major design features.

Final location approval is obtained when FHWA approves the Draft Environmental Document or Categorical Exclusion and when the FHWA Division Administrator has received and accepted the public hearing transcripts, reports, and certifications required by Federal Codes.

Once the recommendation is approved by the CTB/Chief Engineer and FHWA, the LPA is encouraged to advise those who spoke or corresponded as part of the public hearing transcript. This response should notes any changes in the proposal as presented at the public hearing stage and respond directly to the individual comments or questions.

12.4.9 Location and/or design approval for projects for projects with posting of notice of willingness to hold hearing:

For projects on which Notice of Willingness to hold a public hearing procedures have been sufficient to satisfy the public involvement requirements, Location approval is obtained when FHWA approves the final environmental document, Environmental Assessment-Finding of No Significant Impact, or in the case of a Categorical Exclusion, which is approved prior to a Notice of Willingness and the FHWA Division Administrator has received and accepted the certifications required by Federal Codes.

Once the recommendations are approved by the CTB/Chief Engineer and FHWA, the locality is encouraged to advise those who spoke or corresponded as part of the public hearing transcript. This response should note any changes in the proposal as presented at the public hearing and respond directly to the individual comments or questions.

12.4.10 Tasks/ Submittals / File Documentation

Task/Submittal / File Documentation	Locality Responsibility	VDOT PC Responsibility	Submittal Timing / Recordkeeping Requirements
<ul style="list-style-type: none"> Determination of public participation requirements 	Prepare and submit to PC	Assist Locality / concur in determination	@ Scoping
<ul style="list-style-type: none"> Notice of Public Hearing in newspaper (2x) and posting 	Post and send notice to PC	N/A	Not less than 30 days prior to PH approximately one week prior to PH
<ul style="list-style-type: none"> Notice of Willingness to Hold a Public Hearing in newspaper (2x) and other appropriate notifications 	Post and send notice to PC	PC reviews for completeness	Not less than 15 days prior to the expiration of willingness period <u>and</u> approximately one week prior to expiration date of willingness.
<ul style="list-style-type: none"> Draft of Project Information Sheet(s) <i>Section 3.03 and Appendix A-1 of the Public Information Manual includes a listing of the suggested documents for Public Information session / Public Hearing.</i> 	Prepare and submit to PC	PC reviews for completeness	30 days prior to hearing
<ul style="list-style-type: none"> Draft Project Information Sheet(s) 	N/A	N/A	10 business days
<ul style="list-style-type: none"> Final Project Information Sheet(s) 	Prepare for public hearing	N/A	5 days prior to hearing
<ul style="list-style-type: none"> <i>Conduct the Public Hearing - Section 3.05 and Appendix A-3 of the Public Information Manual provides guidance on holding a Public Hearing</i> 	N/A	N/A	N/A
<ul style="list-style-type: none"> PH Transcript <i>Appendix A-5 (Transcript Submission) of the Public Information Manual outlines the preparation of the Transcript</i> 	Prepare and submit to PC	Forward to Location & Design Division if Location Approval is required	Prepared and submitted to VDOT PC 15 days after close of written comment period; final comments provided to LPA within 15 days of their submittal
<ul style="list-style-type: none"> Location and/or design approval 	N/A	CTB for location, Chief engineer for design	45 days for CTB approval, 30 days for design approval

12.4.11 Regulatory References

- [23 CFR 771.111 \(h\)](#)
- [23 USC 128](#)
- [40 CFR 1500 - 1508](#)
- [§33.1-18 of the Code of Virginia](#)
- [§51.5-40 of the Code of Virginia](#)
- [§33.1-70.1 of the Code of Virginia](#)

- [Executive Order 12898 - Environmental Justice](#)
- [§33.1-70.2 of the Code of Virginia](#)
- [24 VAC 30-380 \(Virginia Administrative Code\)](#)

12.4.12 Miscellaneous References

VDOT Policy Manual for Public Participation in Transportation Projects

VDOT's Public Involvement Manual defines how VDOT undertakes the public participation process. Specific federal requirements for public participation are defined in the manual. This manual also includes helpful information such as templates for hearing notices and project information brochures and checklists for hearing activities. The LPA is encouraged to use this manual as a reference.

<http://www.extranet.vdot.state.va.us/locdes/electronic%20pubs/Public%20Involvement%20Manual/Public-Involvement-Manual.pdf>

12.5 PLAN SUBMITTALS

This chapter contains the following topics:

- 12.5.1 [Introduction](#)
- 12.5.2 [Applicability](#)
- 12.5.3 [Sealing and Signing Requirements / Title Sheet Signatures](#)
- 12.5.4 [Plan Reviews](#)
- 12.5.5 [Right of Way Plan Approval](#)
- 12.5.6 [Advertisement Plan Approval Process](#)
- 12.5.7 [Tasks / Submittals / File Documentation](#)
- 12.5.8 [References](#)
- 12.5.9 [Regulatory References](#)

12.5.1 Introduction

This chapter outlines the actions required for plan review, submittal, and approval. The purpose of these reviews is to ensure that the plans have been developed in accordance with the **Plan Design** section of this Guide and meet applicable federal and state design guidelines. **VDOT's reviews will focus only on the completeness, comprehensiveness, constructability, and biddability of the plans and must not be considered a quality control review.** The LPA and its responsible charge engineer are fully responsible and liable for the adequacy and accuracy of the project design.

Generally, plans should be reviewed by VDOT prior to the Public Hearing, prior to Right of Way Acquisition, and prior to Advertisement, or at, approximately, the 30%, 60%, and 90% plan development stages. The scope and complexity of the project will determine VDOT's oversight activities (see [Chapter 13](#)) and the actual number of reviews and milestone meetings will vary. Three is the typical number of plan reviews; however, there may be fewer, or more, as project complexity and project risk necessitates. The LPA Project Manager and the VDOT Project Coordinator will, together, make the final determination regarding the number of reviews and milestone meetings during project scoping.

12.5.2 Applicability

- Applicable on all projects utilizing federal funds, projects developed to qualify for federal aid, and state funded projects on the VDOT maintained system.

<i>Plan Submittals</i>		
<i>Federal-aid</i>	<i>State-aid / VDOT Maintained</i>	<i>State-aid / LPA Maintained</i>
X	X	N/A

12.5.3 Sealing and Signing Requirements / Title Sheet Signatures

LPA's are required to meet DPOR requirements for the sealing and signing of plans by a Professional Engineer, Landscape Architect or Land Surveyor licensed to practice in the Commonwealth of Virginia.

When submitting for final approvals of federal phase authorizations, the mylar title sheet must also be signed by the appropriate responsible officials, in accordance with local government procedures. However, at a minimum, the Director of Public Works or other locality department director with the most direct supervision over the project must sign the title sheet. The local government signatures certify that the plans are complete, constructible, and biddable (ready for contract advertisement), that the necessary right-of-way has been addressed and accounted for, and that adequate funding has been identified to complete the project. The LPA is also certifying, by the signatures, that the plans were prepared by staff or consultants that exercised the appropriate standard of care and followed accepted standards, procedures, policies, methods of practice, etc., that are consistent with the engineering and design of plans for such work.

VDOT has internal process documents which outline the requirement for title sheet signature for VDOT administered projects. Local Governments may utilize these as a reference.

<http://www.extranet.vdot.state.va.us/locdes/electronic%20pubs/iim/IIM204.pdf>

12.5.4 Plan Reviews

At the project milestones requiring reviews by VDOT, the LPA Project Manager will submit a copy of the roadway and bridge plans in PDF format to the VDOT Project Coordinator.

12.5.5 Right of Way Plan Approval

Prior to Right of Way acquisition, the LPA Project Manager will submit a right of way plan package, which includes the latest estimate (not more than 90 days old) to the VDOT Project Coordinator to be processed for approval. The submittal will include the original Project Title Sheet for Right of Way Authorization signed by the person of responsible charge from the locality. By signature, the LPA is certifying that the plans are complete and accurate for the acquisition of right of way and the relocation of utilities.

The LPA Project Manager will also submit the Right of Way Checklist RW-301 to the VDOT Project Coordinator with the submittal. A copy of the Form RW-301 can be accessed at

<http://vdotforms.vdot.virginia.gov/SearchResults.aspx?filename=RW301-EQ121%20Form.doc>

Detailed discussion of the Right of Way Plan approval and authorization process can be found in [Chapter 16](#).

It is imperative that the LPA NOT incur any land acquisition or utility relocation expenses until federal authorization is approved, as cost incurred prior to federal authorization SHALL NOT be reimbursed and will be the responsibility of the locality. Please note, if the locality incurs any such expenses prior to federal authorization, they risk loss of federal participation on the project.

VDOT has internal process documents which outline the submission and review process for Right of Way Plans for VDOT administered projects. LPAs may utilize these as a reference.

<http://www.extranet.vdot.state.va.us/locdes/electronic%20pubs/iim/IIM234.pdf>

VDOT Project Coordinator Responsibilities:

- *The VDOT Project Coordinator will coordinate the submission and provide environmental certifications to the District Environmental Manager for coordination with the FHWA.*
- *Additional discussion on the Environmental approval process is*

contained in [Chapter 15](#)

- *Normally it takes 30 business days, from receipt of a complete package, to obtain federal authorization to proceed with Right of Way. When this authorization is received from FHWA, the locality will be notified by the VDOT Project Coordinator. This authorization will usually occur within the 60-90 day window for VDOT review of the complete package.*

12.5.6 Advertisement Plan Approval Process

When plans are ready for advertisement for construction, the LPA Project Manager will provide a PS&E submittal package to the VDOT Project Coordinator for construction authorization.

The submittal will include the original Title Sheet for Authorization to Advertise signed by the person of responsible charge from the LPA and the Responsible Charge Engineer. By signature, the locality is certifying that the plans were prepared by staff or consultants that exercised the appropriate standard of care and followed accepted standards, policies, procedures, methods of practice, etc., that are consistent with the engineering and design of plans for such work and all plan review comments have been addressed.

Once the project design has been completed and approved to advertise, the LPA Project Manager shall provide the VDOT Project Coordinator with a CD of the complete plan assembly in PDF format to be stored in the VDOT Plan File Library.

The LPA must receive an Advertisement Authorization prior to advertisement or the project may become ineligible for reimbursement. A separate Authorization to Award the contract and begin construction is also required and will be provided after bids are received, tabulated and submitted to VDOT as addressed under the Authorization and Award section of this Guide.

VDOT Responsibilities:

- *The VDOT Project Coordinator will coordinate the submission and provide environmental certifications to the District Environmental Manager for coordination with the FHWA. The VDOT Project Coordinator will also coordinate review of the bid documents as outlined in the Advertisement and Award Chapter.*
- *Additional discussion on the Environmental approval process is contained in [Chapter 15](#).*
- *Normally it takes 30 business days, from receipt of a complete package, to obtain federal authorization to advertise a project. When this authorization is received from FHWA, the locality will be notified by the VDOT Project Coordinator. This authorization will usually occur within the 60-90 day window for VDOT review of the complete package.*

12.5.7 Key Submittals / Requirements

Task/Submittal / File Documentation	Locality Responsibility	VDOT PC Responsibility	Submittal Timing / Recordkeeping Requirements
Plan Reviews	Submit plans for review	Coordinate VDOT Reviews of plans – focused on constructability and bidability	based on the schedule agreed upon by the Local PM & VDOT PC
Right of Way Plan Approval	Submit RW plans for approval/authorization package to the VDOT PM	Process VDOT reviews and approvals of plans and secure RW authorization	60-90 days before initiation of RW phase
Construction Plan Approval	Submit CN plans for approval/authorization package to the VDOT PM	Process VDOT reviews and approvals of plans and secure CN authorization	60-90 days prior to advertisement

12.5.8 References

- Location & Design Instructional & Information Memoranda
<http://www.virginiadot.org/business/locdes/rd-ii-memoranda-index.asp>
- Location & Design Forms
<http://www.extranet.vdot.state.va.us/forms/>
- Environmental Forms
<http://www.extranet.vdot.state.va.us/forms/>
- Right of Way Forms
<http://www.extranet.vdot.state.va.us/forms/>

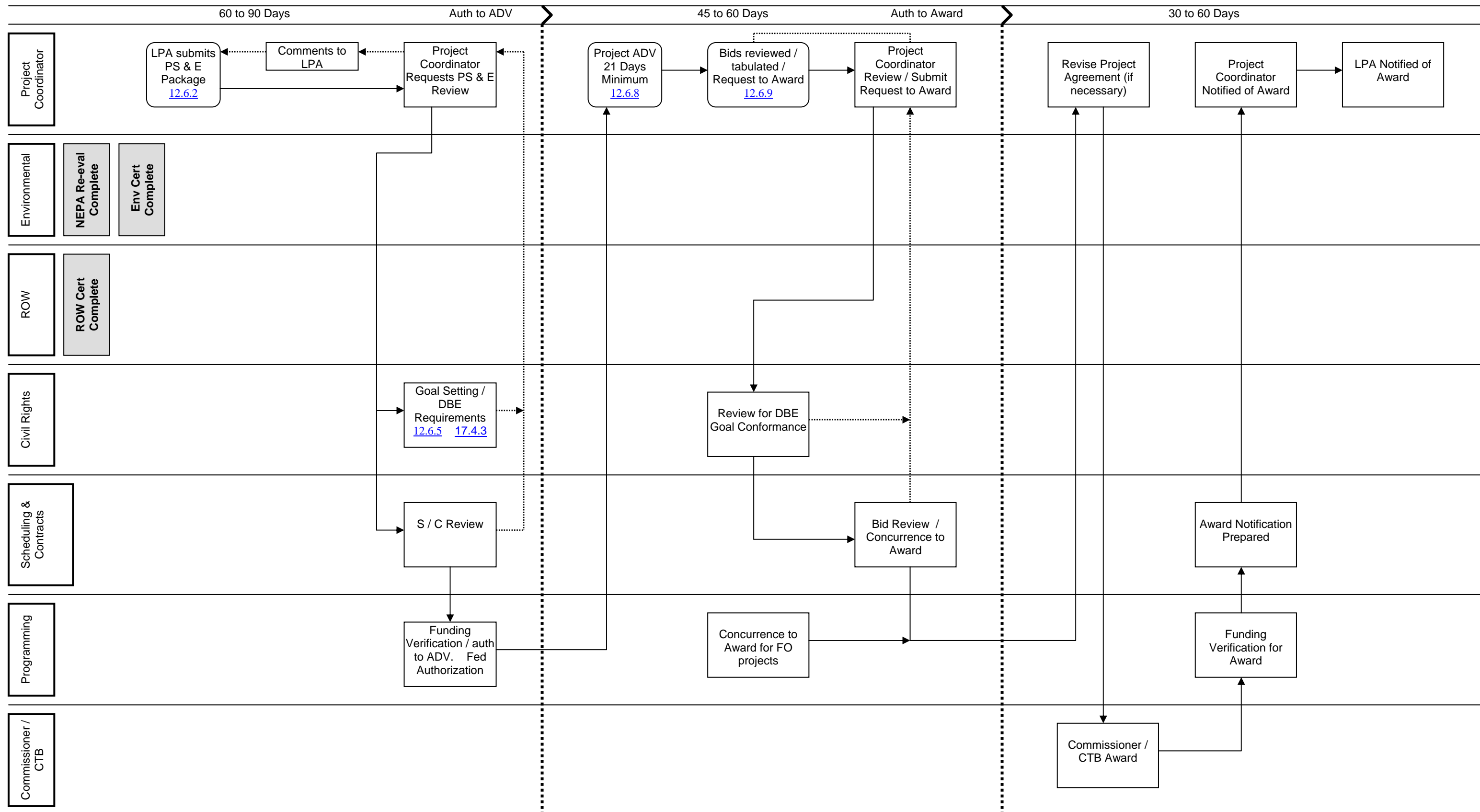
12.5.9 Regulatory References

- [Efficiencies Agreement between VDOT and FHWA](#)
- [23 CFR 635](#) Construction and Maintenance
- [23 CFR 771](#) Environmental Impact and Related Procedures
- [23 CFR 771.129 \(c\)](#) Environmental Re-evaluation at Right of Way Authorization
- [23 CFR 645.115](#) Utility Relocations, Adjustments, and Reimbursement
- [DPOR §54.1-402.1](#) State and local government employees; license exemptions

for persons employed prior to March 8, 1992

- [DPOR §54.1-400](#) (Sealing & Signing of Plans)

12.6 ADVERTISEMENT AND AWARD



CHAPTER 12.6 - ADVERTISEMENT AND AWARD

- 12.6.1 [Introduction](#)
- 12.6.2 [Applicability](#)
- 12.6.3 [Development of the IFB](#)
- 12.6.4 [Bid Proposal and Contract Requirements](#)
- 12.6.5 [Mandatory Federal Aid Provisions](#)
- 12.6.6 [Other Federal aid requirements](#)
- 12.6.7 [Plans Specifications and Estimates Submittal Package](#)
 - VDOT Project Coordinator Responsibilities
- 12.6.8 [Advertisement](#)
- 12.6.9 Project Award
 - 12.6.9.1 [Bid opening and Analysis](#)
 - 12.6.9.2 [Submittal of the Award Package](#)
 - 12.6.9.3 [VDOT Concurrence to Award](#)
- 12.6.10 [Dashboard](#)
- 12.6.11 [Local Force Construction](#)

APPENDICES

Appendix 12.6-A – Advertisement and Award Submittals Checklist

Appendix 12.6-B – Federal Criteria for Construction Authorization Certification

12.6.1 Introduction

This chapter outlines the requirements associated with advertisement and award of federal-aid projects. State-aid projects, included in the SYIP or the SSYP, must receive concurrence to award and submit a Project Award Submittal Package to the Project Coordinator prior to contract letting.

12.6.2 Applicability

- All federal-aid projects and projects developed to qualify for federal-aid.
- *State-aid projects funded with formula allocations must receive concurrence to award by either the Commissioner or CTB. A Project Award submittal package must be submitted to the VDOT Project Coordinator.

<i>Advertisement & Award</i>		
<i>Federal-aid</i>	<i>State-aid / VDOT Maintained</i>	<i>State-aid / LPA Maintained</i>
X	*	*

12.6.3 Development of Invitation for Bid / Contract Documents

The LPA is responsible for preparing the bid package which contains the plans, addenda, special provisions, supplemental specifications, and the bid proposal. When using federal-aid, LPAs must comply with [23 CFR Section 635](#) which describes federal regulations governing construction contracts. Exceptions to these requirements are provided for some off-right of way projects (see [Chapter 5](#) for additional discussion).

12.6.4 Bid Proposal and Contract Requirements:

The bid proposal and contract must contain the following elements:

- Instructions to Bidders
- General Contract Provisions
- Proposal / Agreement forms / Terms of the Contract
- Schedule of Bid Items, Fuel Adjustment, Steel Adjustments, etc.
- Reference to VDOT specifications; note specific modifications
- Addenda Sheet(s)
- Subcontractor Solicitations
- Permits and Permit Requirements

12.6.5 Mandatory Federal-aid Provisions:

Mandatory federal-aid provisions are listed and can be obtained from VDOT's Web site at <http://www.virginiadot.org/business/const/spec-default.asp> . The FHWA Form 1273 must be placed in the contract verbatim. No modifications are allowed. A detailed discussion of all mandatory federal-aid contract provisions can also be found in the [FHWA Contract Administration Core Curriculum Participants Manual and Reference Guide](#).


In addition to those mandatory federal-aid provisions, the LPA must include the following in their construction contracts:

- Language to address any conflict between state or local contract language and federal rules. When conflicts arise the federal-aid or most conservative approach must be taken. For off-system (off right of way) projects, State procurement laws and regulations may apply ([49 CFR18](#)) (See [Chapter 5](#) for further details).
- Language to address or a reference to a contractor claims process.
- DBE language is also required in all federal-aid contracts. VDOT will review and potentially establish a DBE goal, on all federal-aid projects valued over \$100,000.

The goal will be determined based on available DBEs in the project area and on contract items amenable to the work performed by those DBEs. **NOTE: a SWAM vendor may not necessarily also be a DBE contractor or meet the requirements as a DBE contractor.**

- [Chapter 17](#) contains mandatory Civil Rights forms and language that must be included in each federal-aid contract. These include:
 - [C-104](#) Bidder Statement
 - [C-105](#) Bidder Certification
 - [C-111](#) (Minimum DBE Requirements)
 - [C-112](#) (Certification of Binding Agreement)
 - [C-48](#) (DBE- Good Faith Efforts Documentation)

12.6.6 Other federal-aid requirements

- **For traditional highway construction federal-aid projects, local governments must use VDOT Pre-qualified contractors.** 
- Vendors who are, at the time of the bid opening, debarred from federal-aid work, are not eligible for federal-aid projects.
- LPAs may be required to accommodate an OJT program for project. This will be determined by the VDOT Civil Rights Division during DBE goal-setting review.

12.6.7 PLANS, SPECIFICATIONS, AND ESTIMATES SUBMITTAL PACKAGE

Prior to the locality's request for federal authorization to advertise, the following items must be completed:

- Right of Way Certification as outlined in [Chapter 16](#) of this Manual is required for federal-aid projects. Local governments certify their compliance with other right of way acquisition requirements for non federal-aid projects.
- Environmental Re-evaluation at PS&E, for federal-aid projects (see [Chapter 15.4](#))

- Environmental Certification, for federal-aid projects. For non federal-aid projects, LPAs will certify their compliance with applicable environmental laws and regulations. (see [Chapter 5](#)).

When a federal or state-aid project (see Chapter 5 for exceptions) is ready to be advertised for construction, the project must first receive an advertisement authorization. **Failure to obtain federal authorization to advertise for construction will jeopardize federal funding to the project. It is important for LPA's to ensure that this authorization has been obtained prior to advertisement. Proceeding with advertisement without federal authorization will jeopardize reimbursement of federal aid.**



To obtain this authorization, the locality must submit a PS&E Submittal Package to VDOT's Project Coordinator. This submittal package will include the following items:

- (1) A cover letter. This cover letter will state that items #2 through #8, below are being submitted (create a form letter) and must be signed by the local official responsible for the project.
- (2) A current (within 90 days) engineer's estimate;
- (3) Final Invitation for Bid and Contract Documents – 2 sets
- (4) Complete sets of plans
- (5) Signed Mylar Title Sheet
- (6) Federal Criteria for Award Certification ([Appendix 12.6-B](#))
- (7) If additional funds are needed from those shown in the SYIP or SSYP, a source needs to be identified. If the additional funding source is from VDOT allocations, the Project Administration Agreement must be modified.
- (8) Evidence that a willingness to hold a public hearing was posted or evidence of having held a public hearing.

VDOT Responsibilities:

- *The VDOT Project Coordinator will review the locality's PS&E Package submittal for completeness and request any additional information from the LPA prior to forwarding to the S&C Division.*
- *Update, complete, and have VDOT Preliminary Engineering Manager sign ([LD-406](#) or equivalent); for items which do not apply to LAPs should be noted with an "N/A."*
- *Submit the completed [LD-406](#) and signed mylar title sheet to the S&C Plan Coordination section with a request to obtain appropriate signatures.*
- *Submit one copy of the IFB and full set of plans to the federal submissions officer (S&C Division).*
- *Submit one copy to the District Civil Rights Manager who will review and forward to the Central Office Civil Rights office.*
- *Scheduling and Contracts Division will prepare a criteria sheet and cost summary and forward to Programming Division to obtain federal authorization to award.*
- *Comments on the bid documents and the DBE goal will be provided to the Project Coordinator who will forward to the Locality Project Manager to include in the final advertisement documents.*
- *Project Coordinator will notify the LPA Project Manager when Federal Authorization has been obtained and State funding verification is complete. A copy of the federal agreement will be provided to the local government.*
- *Where practical, the Project Coordinator to ensure all documents necessary for advertisement approval are in files and uploaded into iPM, in the Project Documents section.*

Authorization to Advertise

Normally it takes 30 business days to obtain federal advertisement authorization after submittal of a complete PS&E Package. The VDOT Project Coordinator will notify the LPA, in writing, after receiving the federal authorization.

Prior to advertisement the locality must incorporate comments provided by the VDOT federal submissions officer (advisory comments, excluded) and must incorporate the DBE Goals provided by the VDOT Civil Rights Division. Should subsequent reviews or audit reveal that required provisions were not included, VDOT may pursue reimbursement of expended funds.

Special State-aid Projects

Projects funded strictly through special funding programs, such as access or revenue sharing funds have previously received CTB authorization and do not require additional Commissioner or CTB authorization to advertise or award. Right of Way Certification is not necessary and the PS&E package is reviewed and approved at the District level.

The LPA must notify the Project Coordinator when the project is advertised, when it is awarded, and the final award amount.

VDOT Responsibilities:

- *The Project Coordinator will enter the advertisement and award dates into the project pool schedule and will update the project estimate.*

12.6.8 ADVERTISEMENT

Federal-aid contracts must be advertised for a minimum of three weeks (21 days). State-aid projects may be allowed a shorter time-frame in accordance with the VPPA.

LPA's must provide notice to the Project Coordinator that the contract is being advertised and where the public notice and bid documents can be obtained.

12.6.9 PROJECT AWARD

12.6.9.1 Bid Opening and Analysis

Bid opening must be made in a public forum and read aloud. The LPA must record the actual time and date of the bid openings and record any attendees.

The LPA will perform a preliminary evaluation of the bids for responsiveness and errors and determine the apparent low bidder prior to submittal to VDOT for award concurrence. Any determination that a bid is non-responsive must be documented and kept in the project file for a minimum of three years after the financial close-out of the project. The following lists some, but not all, reasons a bid may be deemed unresponsive:

- (1) Failure to sign the bid or the bid is signed by an unauthorized individual;
- (2) Failure to furnish or sign a required bid bond;
- (3) Failure to commit to DBE goals or demonstrate a good faith effort to do so, if required in the IFB;
- (4) Failure to be prequalified, if required in the IFB;
- (5) The apparent low-bid is excessively over/under the engineer's estimate.

For federal-aid contracts, the LPA must consult with the VDOT Project Coordinator and obtain concurrence from VDOT when making a determination that an apparent low-bidder is non-responsive. **Determination of good faith efforts for DBE MUST be made in coordination with VDOT's Civil Rights Division.** If the LPA determines that it will not award the contract to the lowest, responsive bidder, it must contact the VDOT

Project Coordinator and provide written justification for the decision. The VDOT Scheduling and Contract Division must concur in the rejection of these bids. If VDOT cannot concur with the locality's justification, the locality will not be given authority to award the contract to another bidder on the same contract at the same letting.

12.6.9.2 Project Award Submittal Package



After the LPA makes the preliminary determination of the apparent low-bidder, the LPA shall submit to the VDOT Project Coordinator a request for concurrence in the award, which includes the following:

1. Narrative description (containing the project number and location) of the project purpose. One paragraph in layperson's language
2. Recommendation for award and a detailed explanation if recommending a bid for award if over 10% of the Engineer's Estimate
3. A list of significant (25%) deviations in low bid unit prices from the engineer's estimate.
4. Number of bidders on the project
5. Tabulation of all bidding contractor's prices with Engineer's Estimate
6. Recommended low bidders Name, Mailing Address & Low Bid Amount
7. Cost Summary based on the Contractor's Bid
8. Who (with title) opened the bids, where & when
9. Required completed DBE Forms ([C111](#), [C112](#), [C48](#), & [C49](#))
10. Proof of required bonds

For any bid proposal and contract that received significant comments during the PS&E Package review, VDOT may request that the LPA submit the final bid proposal and contract for review, to ensure that all mandatory items were included in the contract. VDOT will only review the final bid proposal and contract for those items required to be included.

VDOT will make an independent evaluation of the bid, examining the unit bid prices for reasonable conformance with the engineer's estimated prices.

VDOT will also review the bidder's conformance with the DBE goals or, if necessary, their documentation of good faith efforts to meet the DBE goal.

12.6.9.3 VDOT Concurrence to Award

After VDOT determines that the recommendation by the LPA is acceptable, project funding is verified through the VDOT Programming Division. After funding verification, S&C Division schedules the project for CTB concurrence or forwards to the VDOT Commissioner for concurrence or prepares for CTB concurrence.

The VDOT Commissioner will concur with any Six Year Improvement Program or Secondary Six Year Plan project valued at or under \$2 million. The CTB will provide contract award concurrence of any Six Year Improvement Program or Secondary Six Year Plan project over \$2 million. Contract award concurrence will be provided by the CTB at its monthly meeting; generally the third Thursday of each month, with the exception of August, when no CTB Meeting is held.

Prior to final award the Project Administration Agreement must be amended to adjust for funding expended during the preliminary and right of way phases, for the estimated construction costs and (separation) of funding sources (See Chapter 10 of this Manual).

VDOT Responsibilities:

- *Accept the Project Award Submission Package and forward the entire package to S&C Division for Review;*
- *A copy of the IFB and engineer's estimate is accepted and forwarded to the DCRM, who will review and forward to Central Office Civil Rights Division;*
- *S&C and Civil Rights Divisions will notify the Project Coordinator of*

their concurrence or request additional information as necessary. The Project Coordinator will forward this to the LPA and coordinate obtaining additional information as necessary;

- *After resolution of any outstanding items, the S&C Division will verify funding through the Programming Division and forward notification to the project to the Commissioner for concurrence to award (projects <\$2million) or place on CTB agenda for Concurrence to Award to (project >\$2 million);*
- *After concurrence of with the CTB or the Commissioner, the Project Coordinator will notify the LPA, in writing of such concurrence.*

12.6.9 Construction Dashboard

After the project is awarded, LPAs administering VDOT projects in the Six Year Improvement Program, Secondary Six Year Improvement Program, or Urban Program are required to report project progress utilizing VDOT's Dashboard LAP web based tracking module. Information on this program is available on the Local Assistance Division [website](#).

12.6.10 Local Force Construction

Section [33.1-190](#) of the Code of Virginia provides that state and or locality employees may be used for construction of projects estimated at \$600,000 or less. In addition the CTB may enter into an agreement with a locality to construct or maintain any roads in the system of state highways provided the locality has obtained a cost estimate of not more than \$1 Million and the locality has received fewer than two bids from private entities to perform such work.



A “Finding of Cost Effectiveness” shall be submitted to VDOT’s Project Coordinator and subsequently approved by FHWA. The locality must not begin construction work utilizing its own forces until such time as it has received concurrence to do so from the Project Coordinator.

For non federal-aid projects, all requirements are the same as above, except that the special federal regulations and a “Finding of Cost Effectiveness” are not required for use of a locality’s forces to construct a project. However, if a locality requests authority to perform construction work utilizing its own forces, the request shall be evaluated in the same manner that VDOT evaluates requests to perform work with state forces, including the requirement that a cost benefit analysis be prepared which indicates that using locality forces results in lower cost and equal or faster project completion than the competitive bid process. The cost benefit analysis and supporting documentation shall be submitted to VDOT’s Project Coordinator. **The LPA should not begin construction work utilizing its own forces until such time as it has received concurrence to do so from the Project Coordinator.**

12.6.11 Key Submittals / Requirements

Task/Submittal/File Documentation	LPA Responsibility	VDOT P.C. Responsibility	Submittal Timing/ Recordkeeping Requirements
PS&E Submittal Package	Ensure a complete quality submittal	Review for completeness, upload pertinent info in iPM, forward to appropriate VDOT staff	LPA to submit at least 30 business days prior to target advertisement date; VDOT to approve & provide advertisement authorization within 20 business days
Project Award Submittal Package	Ensure DBE goals / good faith effort; package is complete;	S&C and CR Divisions to review	LPA to submit at least 20 business days prior to CTB meeting for projects requiring CTB approval
Construction Dashboard Information	Enter into VDOT Construction Dashboard	VDOT Construction Project Monitor will ensure projects are in Dashboard at first billing	Immediately after notice to proceed;

12.6.12 References

- [23 CFR 635](#)
- [VA Public Procurement Act](#); Code of Virginia Title 2.2 Chapter 43
- [FHWA Contract Administration Core Curriculum Participants Manual and Reference Guide](#)
- [VDOT/FHWA 2007 SAFETEA-LU Efficiencies Agreement \(Pages 5 thru 9 Project Authorizations\)](#)

Appendices:

[Appendix A](#) - Advertisement and Award Checklist

[Appendix B](#) - Federal Criteria for Construction Authorization Certification

**Appendix 12.6 –A
Checklist
Advertisement & Award for Construction**

Projects Requiring Concurrence to Advertise & Award

Submittal for Review

The following must be received by VDOT's Project Coordinator 30 business days prior to advertisement.

1. ___ Bid Documents
2. ___ Estimate
3. ___ Complete set of plans

Submission of Finalized Documents for Projects Requesting Concurrence to Advertise

The locality shall ensure that VDOT's Project Coordinator has received the following information in order for it to be submitted to Scheduling and Contract Division **no less than 20 business days** prior to advertisement.

1. ___ Request for authorization to advertise the project
2. ___ Engineer's Estimate with Cost Summary
3. ___ Copy of the proposal
4. ___ Complete set of plans
5. ___ Certification of compliance with the Va. Procurement Code and Code of Federal
6. ___ Regulations
7. ___ FHWA Certification (Complete and Sign Appendix 12.6-B)

Submission of Documents for Projects Requiring Concurrence to Award

After receipt of bids the locality shall ensure that VDOT's Project Coordinator has received the following information in order for it to be submitted to Scheduling and Contracts **no less than 20 business days** prior to CTB Meeting.

1. ___ Narrative description (containing the project number and location) of the project purpose. One paragraph in layperson's language
2. ___ Recommendation for award and a detailed explanation if recommending a bid for award if over 10% of the Engineer's Estimate
3. ___ A list of significant (25%) deviations in low bid unit prices from the engineer's estimate.
4. ___ Number of bidders on the project
5. ___ Tabulation of all bidding contractor's prices with Engineer's Estimate
6. ___ Recommended low bidders Name, Mailing Address & Low Bid Amount

7. ___ Cost Summary based on the Contractor's Bid
8. ___ Who (with title) opened the bids, where & when
9. ___ Required completed DBE Forms ([C111](#), [C112](#), [C48](#), & [C49](#))
10. ___ Proof of required bonds

•**All Federally funded projects require VDOT concurrence to award**

Example of Cost Summary

(Based on EE for advertisement) (Based on Contractor's bid for award)
(CONFIDENTIAL, FOIA EXEMPT - when based on Engineer's Estimate)

City/County:
Route:
Project Number:
UPC Number:
Federal Number:

TYPE CODE	TOTAL COST	FHWA FUNDS	PERCENTAGE
	\$0.00	\$0.00	___ %
	\$0.00	\$0.00	___ %
TOTAL	\$0.00	\$0.00	

Please consult with the Project Coordinator to determine the applicable TYPE CODE

Applicable Type Codes are available on the VDOT Scheduling and Contracting Web site

http://www.virginiadot.org/business/resources/const/FHWA_Improvement_Type_Codes.pdf

Appendix 12.6B
Federal Criteria for Construction Authorization
Certification

WORK TO BE ACCOMPLISHED BY: _____
STATE PROJECT#: _____ UPC: _____
FEDERAL PROJECT #: _____

I certify for the subject project the following critical items have been checked and that we are advertising Federal Aid Projects in accordance with Federal Aid Requirements.

- 1. Project construction estimate included in correct year of STIP/TIP (MPO) YES**
- 2. An approved environmental document and all identified environmental commitments have been included into the plans and proposals. YES**
- 3. All permits have been obtained. YES or NONE (circle one)**
- 4. All design is in accordance with appropriate design criteria. YES**
- 5. All Right of Way is clear. R/W Certificate _____ dated _____**
- 6. All Utility and Railroad relocations and certification have been included appropriately, or satisfactory arrangements have been made. N/A or YES (circle one)**
- 7. The project meets the requirements of VDOT's Public Involvement Manual (approved by FHWA) in regards to the public hearing process. YES**
- 8. All appropriate Federal Aid Project information, including Minimum Wage Rates and EEO provisions have been included. YES**
- 9. Hazardous wastes have been identified when appropriate, and provisions are provided within the proposal for their safe disposal. YES**

SIGNATURE

DATE

Printed Name (LPA Project Manager)

APPENDIX 12-A

Project Delivery Key Requirements Summary Table/Checklist

Chapter 12 – Project Delivery Key Requirements Summary Table/Checklist

F	S-V	S-L	Requirement	Chapter / Section
x	--	--	Chapter 12.1 Project Scoping	
x	--	--	Scoping Report ¹	12.1.3
x	x	x	Preliminary Project Cost Estimate	12.1.3
			Chapter 12.2 Plan Design	
x	x	--	Design meets VDOT Standards	12.2.3
x	x	x	Design meets AASHTO Standards	12.2.3
x	x	x	LD-440 for Design Exception (to AASHTO)	12.2.4
X ²	x	--	LD-448 for Design Waiver (to VDOT Standards)	12.2.4
x	x	x	Value Engineering for Projects over \$5 Million	12.2.5.9
x	x	--	Preparation of TMP	12.2.5.7
			Chapter 12.3 Project Budget, Schedule, & Estimates	
x	x	x	Establish Projected Project Activities Schedule	12.3.3
x	x	x	Provide PCES Estimate (every 90 days)	12.3.4
			Chapter 12.5 Plan Submittals & Approvals	
x	x	--	30/60/90% Plan Submittal ³	12.5.1
x	x	--	R/W Plan Review Approval (see Chapter 16) ⁴	12.5.5/ 16.
			Chapter 12.6 Advertisement & Award	
			<i>PS&E Submittal Package</i> ⁵	12.6.7
x	--	--	<ul style="list-style-type: none"> • Submit IFB/Contract for Review <ul style="list-style-type: none"> - Mandatory Federal-aid Provision included in IFB/Contract 	12.6.5
x	--	--	<ul style="list-style-type: none"> - Civil Rights Language included in IFB/contract 	12.6.5 / 17.3
x	--	--	<ul style="list-style-type: none"> - Review for and inclusion of DBE Goal in IFB/contract 	12.6.5 / 17.4
x	--	--	<ul style="list-style-type: none"> - Restrict bidders to VDOT Pre-qualified contractors 	12.6.6
x	x	--	<ul style="list-style-type: none"> • Engineer's Estimate with cost summary 	12.6.7
x	x	--	<ul style="list-style-type: none"> • Complete set of plans 	12.6.7
x	x	--	<ul style="list-style-type: none"> • Signed Mylar Title Sheet⁶ 	12.6.7
x	--	--	<ul style="list-style-type: none"> • FHWA Certification (Appendix 12-B) 	12.6.7
x	--	--	<ul style="list-style-type: none"> • Evidence of Public Hearing, notice, or Willingness 	12.6.7
x	--	--	Receive Construction Advertisement Authorization from VDOT	12.6.7
x	x	--	Advertise 21 days & maintain supporting documentation ⁷	12.6.8
x	x	--	Publicly read bid-opening & maintain supporting documentation	12.6.9
x	--	--	Ensure selected responsible, low-bid contractor is not de-barred from federal work	12.6.6
x	X ⁸	--	Concurrence to Award Request (Project Award Submittal Package)	12.6.9.2
x	X ⁹	--	Receive Concurrence to Award from VDOT	12.6.9.3
			Create Project Profile	

¹ CTB Policy on Bicycle / Pedestrian Accommodations must be considered and submitted for all state-aid projects; a complete scoping report is required for any federal-aid project.

² Federal-aid projects on locally maintained roads do not require design waiver; AASHTO is minimum standard

³ As determined by Project Complexity / Risk

⁴ R/W Certification Approval is only required for federal-aid projects and when underlying fee ownership of R/W will be transferred to VDOT. Otherwise R/W Plan Review will be performed only ensure that appropriate R/W is acquired to meet future highway maintenance needs

⁵ PS&E Package is reviewed in Central Office for federal-aid projects; state-aid only are reviewed in District

⁶ Mylar must include VDOT signature blocks for federal-aid projects

⁷ State-aid projects may be advertised less that 21 days in accordance with VPPA

⁸ State-aid Formula-funded projects; Concurrence for Revenue Sharing and Access Projects is not required; prior authorization through CTB action to allocate the funding

⁹ For projects 2 million or less, Concurrence provided by VDOT Commissioner; over 2 million the Commonwealth Transportation Board provides concurrence