

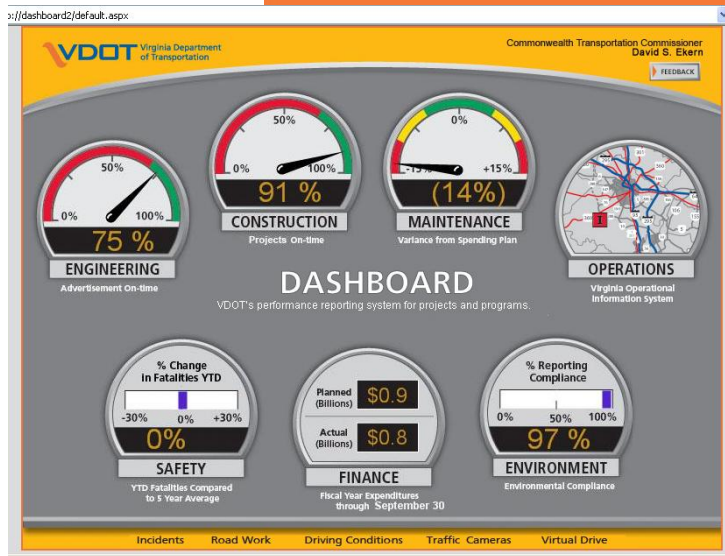


# Compliance Assessments – an Update

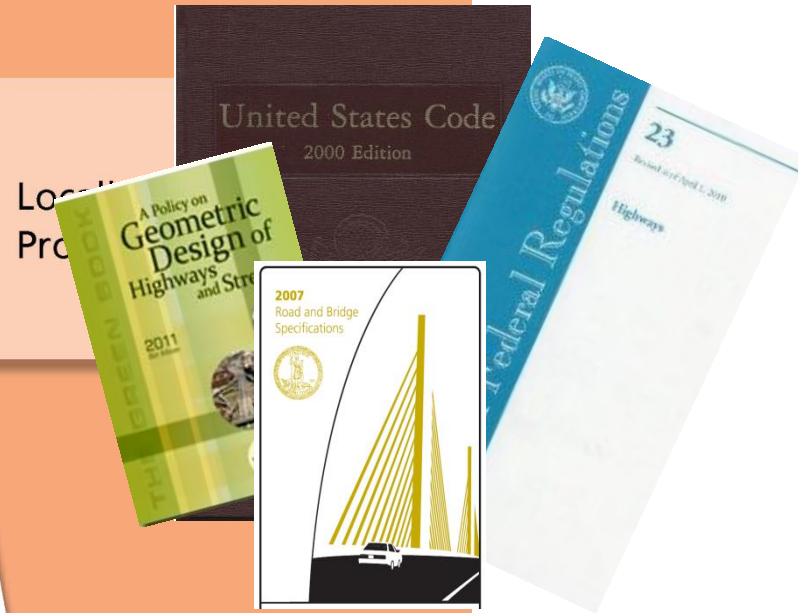
Russ Dudley  
Assistant Division Administrator  
Local Assistance Division

# Compliance Assessments – an Update

## Project Delivery

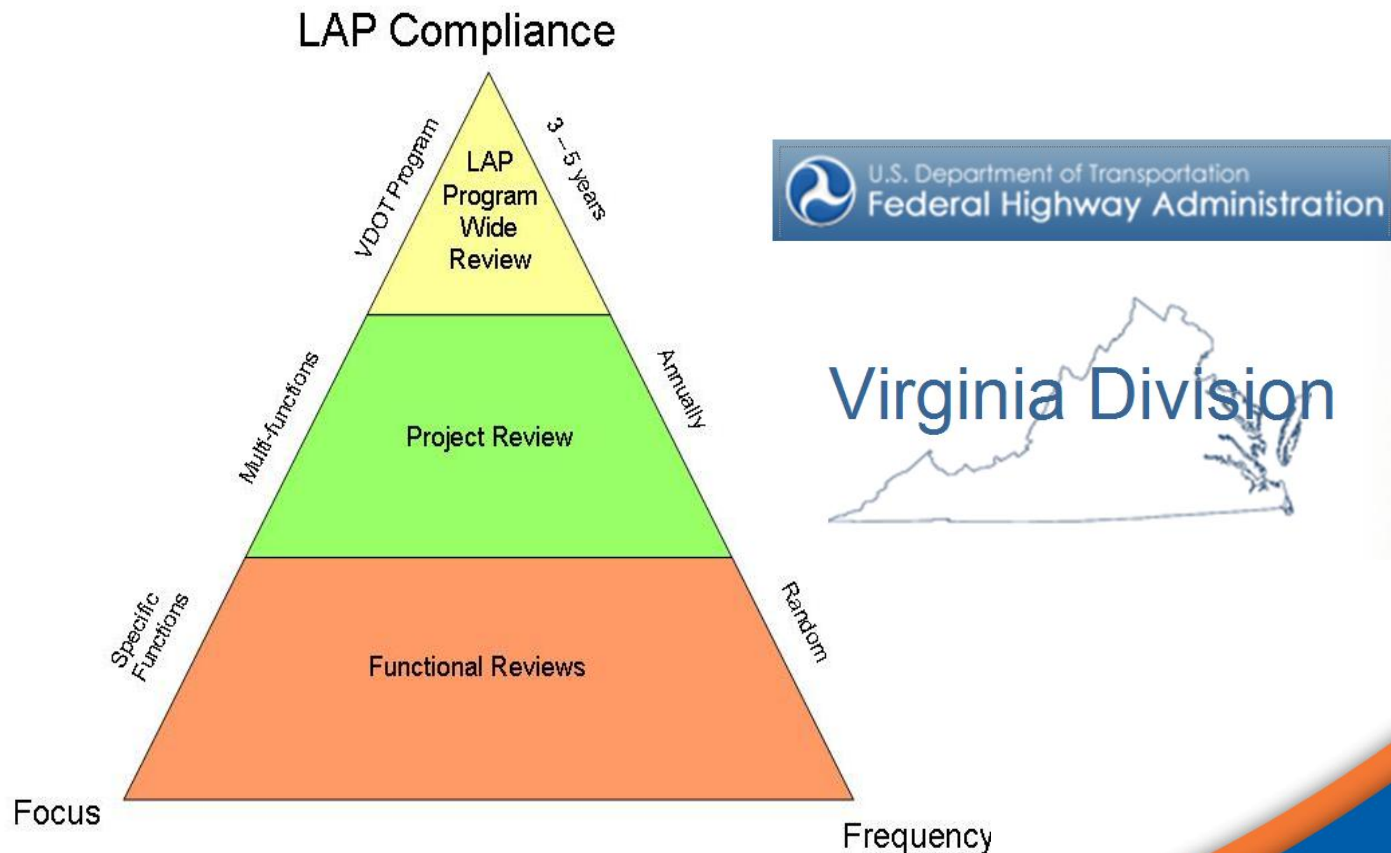


## Compliance



# Compliance Assessments – an Update

## VDOT's Compliance Assessment Program



# Compliance Assessments – an Update

## Three Project-level Reviews/Assessments to Date:

- **Pilot Program (Complete)**
- **2012 (Complete/Wrapping up final report)**
- **2013 with FHWA Process Reviews (Underway)**

# Compliance Assessments – an Update

## Pilot Program (June – December 2010)

- 3 Projects Reviewed
- Revenue Sharing, HSIP, Urban Funding
- Bridge Replacement, Signalization, Crosswalks/Pedestrian Improvements
- \$114,663 - \$4,666,000 in CN value
- Did not review CN Administration

## Significant Findings

- Negotiation Clauses in CN IFB (2 out of three projects)

# Compliance Assessments – an Update

## 2012 (March – December 2012)

- 5 Projects Reviewed
- SRTS, HSIP, EN, Urban, Secondary funding
- Bridge replacement, signalizations, widening, sidewalks
- \$94,944 - \$3,506,596 CN Value

## Significant Findings

- CN Work outside original NEPA Approval without re-evaluation

# Compliance Assessments – an Update

## 2013 – Including FHWA Process Reviews (underway)

- 15 Projects
- CMAQ, SRTS, RSTP, Fed DEMO, Urban
- 4 Lane Widening, Bike Path, Turn Lane Addition, Sidewalks/Crossings, Bridge Rehab, Widening/improve horizontal alignment, etc.
- \$186,417 - \$83,601,820 CN Value

**Process Reviews looking specifically at Right of Way, Contract Management, & Construction Management**

# Compliance Assessments – an Update

## 2013 Findings (Underway)

- **RW**
  - Appraisal Approvals missing
  - Donations: property owner must be notified in writing that they have right to compensation
  - Documentation of negotiations with landowners missing (generally missing the detail necessary)
- **CN**
  - Most records are kept; lack of detail is problem
  - Daily Diaries; Materials Quantities; etc
  - Occasionally no field acceptance testing at all
  - Proper Materials Manufacturer Certifications Missing
  - Buy America!



# Compliance Common Issues



|   |   |
|---|---|
| <p><b>Change orders &amp; claims – (<i>failure to independently price or validate the proposal</i>)</b></p>               | <p><b>Project bidding, contractor selection, unbalanced bid analysis (<i>negotiation clauses in IFBs</i>)</b></p> |
| <p><b>Compliance with R/W requirements - Uniform Act (<i>unsubstantiated payments, lack of fair negotiations</i>)</b></p> | <p><b>Consultant selection &amp; billing (<i>pricing in RfPs</i>)</b></p>   |
| <p><b>CN pay items / progress payments (<i>lack of supporting documentation</i>)</b></p>                                  | <p><b>Project Reporting / Tracking / Recordkeeping (<i>failure to keep daily diaries</i>)</b></p>                 |
| <p><b>QA procedures – Mat’ls (<i>failure to perform qualify assurance</i>)</b></p>  | <p><b>Unsupported Costs (<i>lack of supporting documentation</i>)</b></p>   |
| <p><b>Materials Certifications (<i>Buy America steel certifications and other materials certifications</i>)</b></p>       |   |

# Compliance Assessments – an Update

## Action Plan

### Awareness

- Ensure that localities are aware of the identified high risk areas and their responsibility to address them.

### Provide Training /Additional Tools –

- Partnering with others TTA/FHWA – bring in more NHI;
- Partner with VDOT to bring VDOT-specific Training
- Reassess how information is presented in LAP Manual

### Assessments –

- Continue our assessments but include more robust CN
- Work with our CEs to help them better determine their oversight responsibilities

# Compliance Assessments – an Update



NATIONAL HIGHWAY INSTITUTE

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## Training

SECTIONS

Transportation Training Academy

### 2013 Workshops

Each year, we offer a wide range of training workshops throughout Virginia. Below is a list of U.Va. Transportation Training Academy-sponsored workshops offered through June 30, 2013. For general registration information click [here](#). Please note, however, that the list is subject to change. For a comprehensive listing of category click [here](#).

Note: If you need the Adobe Acrobat viewer, you

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- Workshops
- Events
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**Questions/Comments/Discussion**