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

Transportation Training Academy

2013 Workshops

Each year, we offer a wide range of training workshops throughout Virginia. Below is a list of VDOT Transportation Training Academy-sponsored workshops offered through June 30, 2013. For general registration information, click here. Please note, however, that dates and times are subject to change. For a comprehensive listing of training visits their site.

Note: If you need the Adobe Acrobat viewer, you can access it here.
Questions/Comments/Discussion