



# FHWA Update Urban Construction Initiative

Gilberto De León

Field Operations Team Leader

FHWA VA Division



# FHWA Updates

- 2 CFR 200 Executive Overview
- Every Day Counts (EDC) Initiative Update
- Compliance Assessment Program (CAP) reviews
  - Recent Compliance Findings



## 2 CFR 200 Executive Overview

- The “Supercircular” combined 8 OMB circulars
- Consolidates and eliminates duplicative guidance
- The supercircular was adopted Dec 26<sup>th</sup> 2014
- Cancels 49 CFR Parts 18 and 19
  - Uniform Administrative Requirements



# What are the significant changes?

- Period of performance
  - Project Start and End date in FMIS
  - No additional Charges can occur past the End date
  - 90 days after End date to submit invoices
    - Project close-out no later than 1 year later



## For additional information

- 2CFR200 URL
  - [http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200\\_main\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl)
- Council on Financial Assistance Reform (COFAR)
  - <https://cfo.gov/cofar/>
- FHWA Policy and Guidance Center
  - <http://www.fhwa.dot.gov/pgc/>
- 2 CFR 200 Implementation Guidance



# What is EDC?

Every Day Counts (EDC) is a state-based model to identify and rapidly deploy proven but underutilized innovations to **shorten** the project delivery process, **enhance** roadway safety, **reduce** congestion and **improve** environmental sustainability



## Some EDC 3 innovations

- 3D Engineered Models (Combines Design and Construction)
- e-Construction (paperless construction admin)
- e-NEPA (web-based interagency tool)
- Road Diets (safety-focused alternative to a four lane, undivided roadway)(TWLTL)



# EDC Example



*Road Before*



*Road After*

Road Diet using TWLTL

Becky Crowe  
FHWA Virginia Division  
(804) 775-3381  
[rebecca.crowe@dot.gov](mailto:rebecca.crowe@dot.gov)





## For more EDC information

- Internet search FHWA EDC
  - Find an innovation
  - Apply for a grant
  - Get engaged

<http://www.fhwa.dot.gov/everydaycounts/>



# Compliance Assessment Program

- Uses a statistical approach to establish minimum compliance with requirements for FA construction projects at the
  - National level
  - Local level



# MAP-21 Risk Based Stewardship and Oversight

- MAP-21 (Moving Ahead for Progress in the 21<sup>st</sup> Century)
- Introduced the “Risk Based” concept of Oversight
- PODI (Projects of Division Interest)
  - Formerly Considered “Full Oversight”
- State Delegated
  - Formerly Considered “Non-Full Oversight”
- CAP (Compliance Assessment Program)
  - HQ Driven on a Random sample of projects

Division  
lead



# CAP Basics

- HQ randomly selects projects based on the States' program size
- HQ develops the checklist questions (10 questions for 2014 and 2015 on the Core Checklist)
- CAP projects are reviewed by the Division offices
  - Results submitted to HQ via SharePoint
- PMIT audits the Divisions on review results



# CAP Checklist

## 2014 CAP Checklist

- 10 Core Questions
- 1) STIP Included
- 2) NEPA Completed
- 3) ROW Certified
- 4) 1273 in Contract
- 5) TMP included
- 6) Value Engineering
- 7) Responsible Charge
- 8) DBE Compliance
- 9) Estimate vs Authorization
- 10) Work Order

## 2015 CAP Checklist

- 10 Core Questions
- 1) STIP Included
- 2) NEPA Completed
- 3) ROW Certified
- 4) 1273 in Contract
- 5) TMP included
- 6) Engineer Estimate Compliance
- 7) Responsible Charge
- 8) DBE Compliance
- 9) Estimate vs Authorization
- 10) Work Order



# CAP Potential Answers

- Yes, the requirement was met
  - N/A, the requirement does not apply
- } In Compliance
- Don't know, there is no way to verify
  - No, the requirement was not met
- } Not In Compliance



# How do I know if my project is in Compliance???

- Make sure you have the “Source Documentation”
- Ensure that the documentation meets the requirement



# Review Example

- CAP Work Order Question
  - Based on a minimum review of one contract change order or extra work order, was a cost analysis performed and adequately documented for each negotiated change or extra work order? (23 CFR 635.120)
  - Legal reference: (e) The STD shall perform and adequately document a cost analysis of each negotiated contract change or negotiated extra work order. The method and degree of the cost analysis shall be subject to the approval of the Division Administrator.





# Review Example Continued...

COMMONWEALTH OF VIRGINIA  
DEPARTMENT OF TRANSPORTATION  
**CONSTRUCTION DIRECTIVE MEMORANDUM**

**GENERAL SUBJECT:** Contract Change Management      **NUMBER:** CD-2006-2  
**SPECIFIC SUBJECT:** Work Orders, Force Accounts,  
Contract Expenditures      **DATE:** October 19, 2006  
**SUPERSEDES:** CD-2003-2

Original with signature on file in the office  
of the Scheduling and Contract Division  
**Scheduling & Contract Engineer**

On federal oversight projects, the concept must be approved by FHWA prior to proceeding.

Decisions made, and the reasoning behind the decisions, need to be fully documented in writing for accurate project control.



# CAP Summary

## 2014 CAP results

- 60 Projects reviewed
- 3 findings
  - 2 Responsible Charge
  - 1 Estimate

## 2015 CAP results

- 59 Projects Reviewed (not final)
- 41 potential findings
  - 22 STIP
  - 1 ROW
  - 9 Responsible Charge
  - 9 Work Order



# 2016 CAP preview

- Sample size is 38 projects
- The checklist includes three disciplines
  - 10 Core Questions
  - 7 Finance Questions
  - 11 Contract Administration questions



# Questions?



U.S. Department of Transportation  
Federal Highway Administration  
Virginia Division

**Gilberto De León P.E.**  
Field Operations Team Leader

Richmond Federal Office Bldg.  
400 8<sup>th</sup> North Street, Room 750  
Richmond, VA 23219

Office: (804) 775-3362  
Fax: (804) 775-3356  
[gilberto.deleon@dot.gov](mailto:gilberto.deleon@dot.gov)