



TDOT Local Programs: Local Government Guidelines Training





THE LOCAL GOVERNMENT GUIDELINES MANUAL





- <http://www.tdot.state.tn.us>
- Click on “For Local Government”
- Click on “Documents and Forms” tab
- Click on Local Government Guidelines
Manual, Adobe PDF



The Manual provides “hot links” to other forms and documents you may need for administration of your project. Just click on the form referenced in blue.



WHO WILL GUIDE YOUR PROJECT THROUGH THE
PROCESS?



Your Local Program Planner

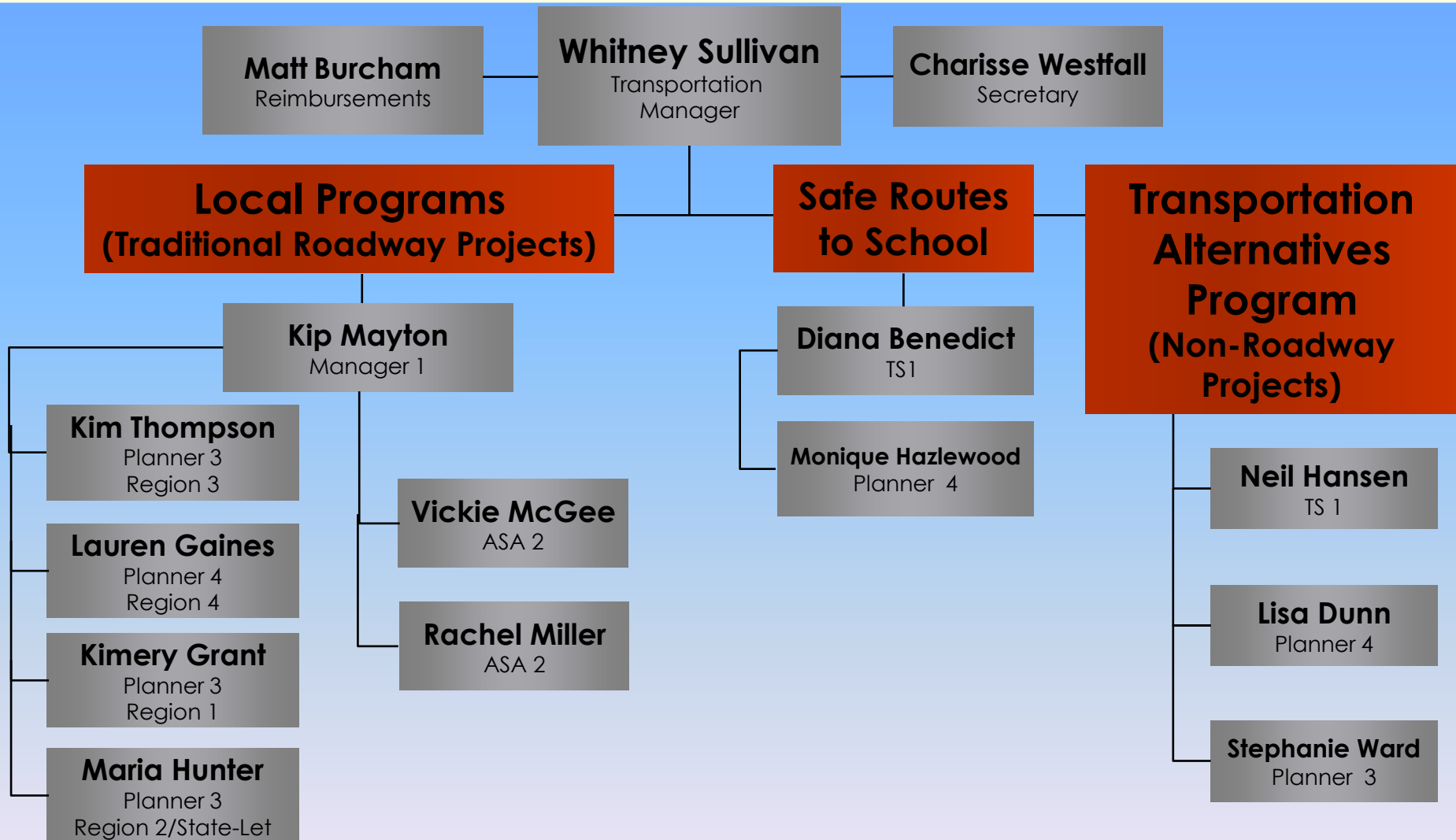


TDOT LOCAL PROGRAMS IS YOUR MAIN POINT OF CONTACT



- ◎ **Local Programs Section** **Kip Mayton**
- ◎ **Transportation Alternatives Coordinator** **Neil Hansen**
- ◎ **Safe Routes to School** **Diana Benedict**
- ◎ **Region 1 – Locally Managed Projects** **Kimery Grant**
- ◎ **Region 2 – Locally Managed Projects/
TDOT Managed Projects** **Maria Hunter**
- ◎ **Region 3 – Locally Managed Projects** **Kim Thompson**
- ◎ **Region 4 – Locally Managed Projects** **Lauren Gaines**
- ◎ **Invoicing** **Matt Burcham**

LOCAL PROGRAMS ORGANIZATIONAL CHART



WHEN CONTACTING US, PLEASE PROVIDE...



- ◎ **Project Title**
- ◎ **Project Location (City and County)**
- ◎ **Project Identification Number (PIN), an eight digit number (Example: 016055.00) assigned to each specific project**
- ◎ **PIN must also be referenced on all correspondence and reimbursement requests**



- All the steps, regulations and procedures are in place to ensure that nobody misuses taxpayer funds.
- Assume every project you do will be **audited.**



1. Eligibility Determination ✓
2. NEPA Phase ✓
3. Design Phase ✓
4. Right of Way Acquisition Phase ✓
5. Construction Phase ✓
6. Project Closeout ✓



- ◎ **Local governments (cities and counties)**

Who Is NOT Eligible?

- ◎ **Civic groups, non-profits, neighborhood groups and other interested parties**



- ◎ Match – 80% federal/20% state
 - Safety items are 100% federally eligible
- ◎ Eligible projects types– resurfacing, roadway widening, sidewalks, intersection improvements
 - Eligible STP Items (pg 212)
- ◎ How to apply – funds are programmed through TIP/STIP



◎ Match – 80% federal/20% state

- Can use State Aid to offset this cost

◎ Eligible project types– off-system bridges

◎ How to apply – bridges are identified by TDOT as needing repairs and offered to LGs as projects



- ◎ **Match – 80% federal/20% state**
 - Some projects were identified as being 100% federally eligible
- ◎ **Eligible project types– exact project description and location as written in earmark**
- ◎ **How to apply – Legislators set aside various amounts of federal funds for specific projects**



◎ Match – varies

- 80% federal/20% local, 90% federal/10% local, 100% federal

◎ Eligible project types– anything safety related (i.e. guardrail, signage, turn lanes, flashing lights, etc.)

◎ How to apply –

- Spot Safety – contact the TDOT Regional Traffic Engineer for consideration
- HSIP – email the TDOT Safety Office to request a study at a particular location



◎ Interchange Lighting Program

- Match – 50% state/50% local
- Project type – lighting of an interchange
- How to apply – send request letter to Commissioner

◎ State Industrial Access Road Program (SIA)

- Match – ROW-50% state/50% local, construction-100%
- Project type – Needing access to a new or expanding industry
- How to apply – contact Danielle Hagewood (615-253-2521)

◎ Local Interstate Connector Program (LIC)

- Match - 50% state/50% local
- Project type – connecting an interstate to an interstate-like facility
- How to apply – fill out application



◎ Congestion Mitigation and Air Quality (CMAQ)

- Match – 80% federal/20% local or 100% federal
- Eligible project types – traffic flow improvement, transit, ridesharing, intermodal freight, education and outreach (must be in nonattainment or maintenance area)
- Contact – Alan Jones (615-741-6832)

◎ Safe Routes to School (SRTS)

- Match – 100% federal
- Eligible project types – traffic diversion improvements, sidewalks, on-street bicycle facilities
- Contact - Diana Benedict (615-253-2421)





© Multimodal Access Grant

- Match – 95% state/5% local
- Eligible project types - sidewalks, bicycle lanes, road diets, separated bicycle facilities
- Contact – Jessica Wilson (615-741-5025)

© Transportation Alternatives Program (TAP)

- Match – construction only, 80% federal/20% local
- Eligible project types – pedestrian facilities, scenic overlooks, historic preservation, safe routes for non-drivers
- Contact – Neil Hansen (615-741-4850)



- ◎ **End of federal fiscal year and MAP-21
September 30, 2014**
- ◎ **Extension through May 2015**
- ◎ **Almost \$11 billion added to the Highway
Trust Fund**



- ◎ **Projects being considered must be included in the Transportation Improvement Program (TIP) in the case of urban areas over 50,000 population, or**
- ◎ **Must be included in the State Transportation Improvement Program (STIP) with Rural Planning Organization (RPO) notification in regard to projects in rural areas**

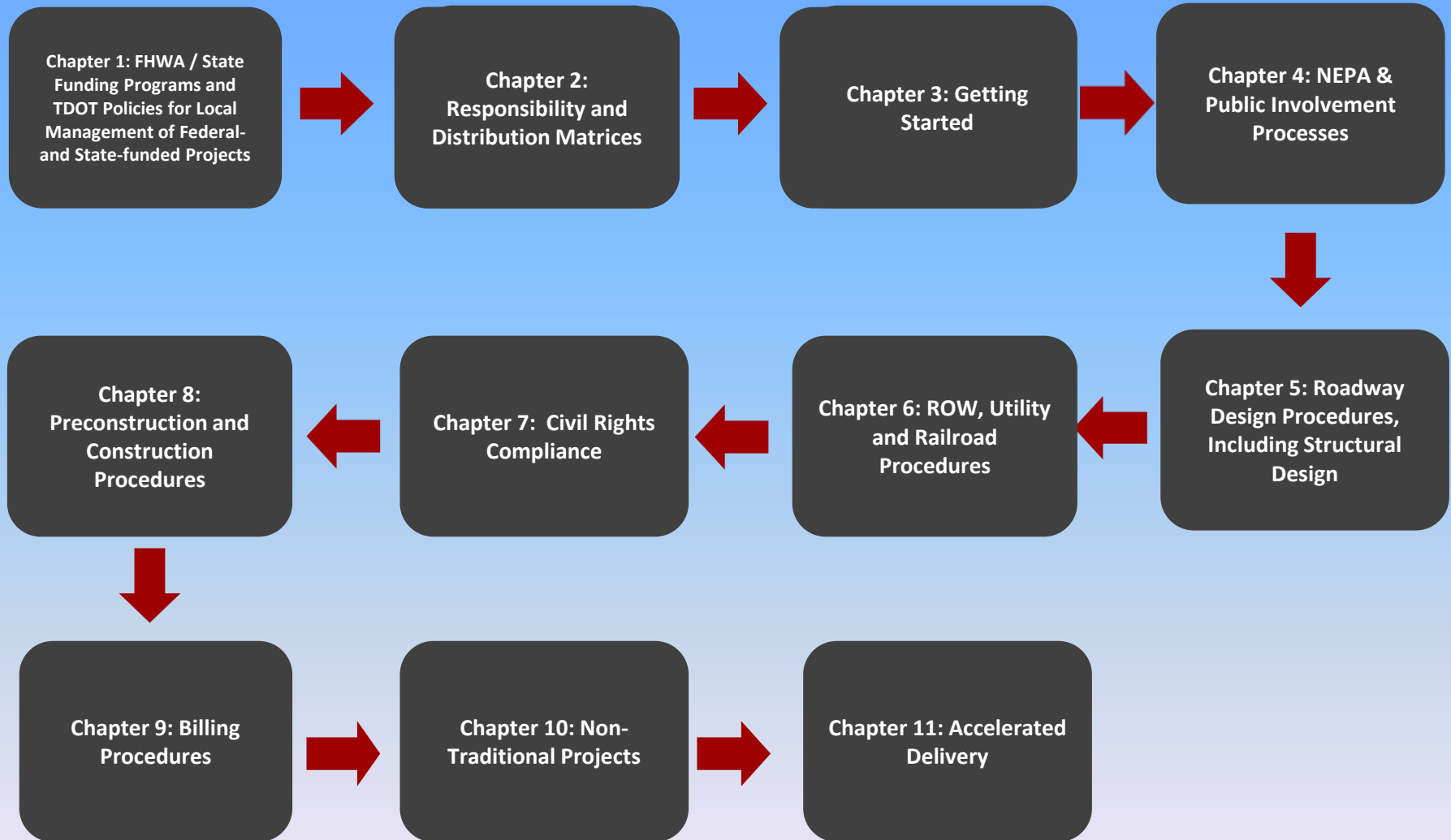


- ◎ Projects must be on a road functionally classified greater than a local street or a rural minor collector
- ◎ Local Governments must be staffed and equipped to manage and construct the project
- ◎ Local governments shall use TDOT standards, specifications and item numbers



- ◎ **Local Programs is the single point of contact for:**
 - **Project Correspondence**
 - **Submittals**
 - **Project Coordination**
- ◎ **Checklists are provided for each review point**
- ◎ **If guidelines are not followed, withdrawal of all federal and/or state funding may occur**
- ◎ **Local governments shall use TDOT pre-qualified consultants for every phase**

FLOW CHART AND RESPONSIBILITY MATRIX





- ◎ **Contact TDOT Local Programs Office Regional Planner**
- ◎ **Submit Form 3-1: Project Initiation Form and Checklist**
- ◎ **The local government must be staffed and equipped to manage the project**
- ◎ **Copy of LGGM Training, ROW Training and CEI Training Certificates**



- ◎ Written statement of qualifications followed by an interview with Local Programs
- ◎ If certification was previously obtained, the local government must verify that all prior information provided to TDOT has not changed

PROJECT INITIATION FORM AND CHECKLIST



Local Government Managed Project Initiation Checklist and Form

Below you will find a checklist that will aid you in the process of establishing a federally or state-funded project that your agency wishes to manage and let to construction. Please check off the items in the checklist below to be sure that you have all of the necessary information that is required for the process of beginning a new project. A detailed description of each item is located on the following pages and in the Local Government Guidelines.

1. ☐ Description of the Project
 - ☐ Location Map (attachment)
 - ☐ Description of Project Limits
 - ☐ Length of Project
 - ☐ Functional Classification
 - ☐ Railroad Information (if applicable)
 - ☐ Anticipated Project Budget
2. ☐ List of Consultants Involved in Project (If not seeking reimbursement)
3. ☐ Local Government's Experience
4. ☐ Resumes/Qualifications for Local Government staff (attachment)
5. ☐ Responsible Charge Form
6. ☐ List of Civil Rights Coordinator(s), Title VI, DBE Liaison
7. ☐ Copy of any Agreements / Contracts / MOU Or Certification of Compliance Regarding Third Party Contracts (attachment)
8. ☐ Proprietary Items
9. ☐ Method of Bidding Statement (attachment)
10. ☐ Copy of TDOT Right-of-Way Training Certificate (attachment)
11. ☐ Copy of Local Government Guidelines Manual Certificate (attachment)
12. ☐ Most Recent Audit (attachment)
13. ☐ Reimbursement Signatures
14. ☐ Purpose and Need Statement (attachment)
15. ☐ Donated Services or Land (Federally Funded Only) (attachment)
16. ☐ Copy of the TIP Page (attachment)
17. ☐ Copy of Traffic Study Warrant for New Signal (attachment)

Date

County

Local Government Official /
Project Supervisor

The information included in the checklist must be submitted to the Department (Local Program Development Office, Suite 600, James K. Polk State Office Building, 505 Deaderick Street, Nashville, TN 37243-0341 or Local.Programs@tn.gov)



◎ Common mistakes:

- Not including a map
- All applicable phases not in the TIP
- Road not functionally classified
- Not including a breakdown of the budget
- Not using the most updated version of Form 3-1:
Project Initiation Form and Checklist

SMALL PROJECTS, SUCH AS...



- ◎ **Transportation Alternatives (TA)**
- ◎ **Intersection improvements without significant ROW (under one acre of disturbance)**
- ◎ **Safe Route to Schools**
- ◎ **Resurfacing, striping, signing**
- ◎ **Guardrail installation**
- ◎ **Signalization**
- ◎ **Some bridge replacement projects (under one acre of disturbance)**
- ◎ **Non-construction/service contracts (as listed in Chapter 10)**
- ◎ **Low risk and exempt ITS**



- ◎ Full-time employee of agency with experience in managing similar projects
 - ◎ Must hire design and construction engineering and inspection (CEI) consultants from TDOT's pre-approved list
- NOTE: No need for consultant CEI if local forces are qualified, experienced and pre-approved by TDOT

MID-RANGE PROJECTS, SUCH AS...



- ⦿ Roadway widening
- ⦿ Realignment of existing roadway
- ⦿ Signalization projects with the addition of turn lanes
- ⦿ Intersection improvements with significant ROW (over one acre of disturbance)
- ⦿ Bridge replacement projects requiring significant land acquisition (over one acre of disturbance)
- ⦿ Projects with environmental requirements greater than a categorical exclusion but lesser than an EIS
- ⦿ High risk ITS



- ◎ Professional registered engineer on staff
- ◎ Must hire design and construction engineering and inspection (CEI) consultants from TDOT's pre-approved list
- ◎ The selected CEI consultant shall not be associated with any other aspect of the project

LARGE PROJECTS, SUCH AS...



- ◎ **Construction of new facilities**
- ◎ **Widening of existing roadways**
- ◎ **Realignment of existing roadways that require significant land acquisition (over 10 acres)**
- ◎ **Environmental clearances that require an EIS**



- ◎ Professional registered engineer on staff with extensive experience working with federal and state agencies
- ◎ Experience in managing federally-funded transportation projects
- ◎ Must hire design and construction engineering and inspection (CEI) consultants from TDOT's pre-approved list
- ◎ The selected CEI consultant shall not be associated with any other aspect of the project



The Department may manage your project for you if one of the following circumstances is applicable:

- If your project is within State Right of Way
- or**
- If your local government is not adequately staffed and equipped for the level of project you wish to pursue

The local agency may request TDOT Management or it may be determined by the Department.

Plans must meet Design Guidelines

All required documents for letting must be turned in on specified turn-in date



1. Agency determines project scope and submits application/initiation form (3-1)

- ⦿ Choose a road that is functionally classified for federal aid
- ⦿ Make sure the project is in the STIP or TIP, whichever is applicable
- ⦿ Gather submittal information (Map, Scope, Description, and Budget)
- ⦿ Submit application/form to LPDO
- ⦿ LPDO makes staffed and equipped determination

ALLOW AT LEAST 4 WEEKS



2. Local Programs Development Office Activities

- ⦿ Verifies eligibility
- ⦿ Coordinates with TDOT Program Operations
- ⦿ Generates contract

ALLOW AT LEAST 2 WEEKS



3. Contract to Local Agency for Signatures

- ◎ Review terms and responsibilities
- ◎ Contact LPDO if any changes are needed
- ◎ Obtain governing authority and signatures

ALLOW AT LEAST 4 WEEKS



4. Contract to Local Programs for Execution

- Contract sent to TDOT Legal Division for signature
- Request obligation of NEPA funds from FHWA
- Contract sent to Commissioner for execution
- Contract returned from Commissioner to LPDO
- Copy of fully-executed contract sent to local agency
- Receive obligation of NEPA funds
- Issue PE-NEPA NTP

ALLOW AT LEAST 3 WEEKS



**Preliminary Engineering for Environmental Clearance
and Hiring of the Design Consultant**



Preliminary Engineering for Final Design



**Right-of-Way (sent to TDOT Regional Right-of-Way Office
only)**



Construction

SAMPLE NOTICE TO PROCEED

NOTICE TO PROCEED WITH THE **CONSTRUCTION PHASE** OF PROJECT DEVELOPMENT

PIN:
FEDERAL PROJECT NUMBER:
STATE PROJECT NUMBER:
ROUTE (STREET NAME):
FROM:
TO:
CITY:
COUNTY:
REGION:

Effective Date:
Date of Transmittal:

This letter serves as your official **Notice to Proceed** with the above referenced phase of work for the subject project. The Local Government shall perform this phase of project development in accordance with the Local Government Guidelines provided on the Local Program Development Office website at <http://www.tdot.state.tn.us/local/>. ***Any work performed ahead of a Notice to Proceed's Effective Date will not be reimbursed.***

You may procure, in accordance with law, a consulting engineering firm to do all phases of construction at this time. Please refer to Section 1.6 of the Local Government Guidelines for guidance on consultant selection, if needed. Please provide a copy of the executed contract with the consultant and a copy of the notice sent to the consultant indicating the date work was authorized on the phase of the project mentioned above. These documents should be addressed to Manager, Local Program Development Office and sent by email to Local.Programs@tn.gov.

If you have questions or concerns regarding this matter please direct them to Teresa Estes at 615.741.5314 in the Local Program Development Office. You may contact us by email at: Local.Programs@tn.gov.

cc: Paul Degges
Jim Moore
Ronnie Porter
Brian Egan
Sherree Hall Crowder
Kip Mayton
Jason McCoy
Design Division Local Programs Coordinator (Headquarters)
Regional Director
Regional Design
Regional Traffic
Regional Construction
Regional Materials and Test
File



- ◎ **A United States federal law passed in 1972 that requires that the U.S. Federal Government select engineering and architecture firms based upon their competency, qualifications and experience rather than by price**

- ◎ **Procurement of services over \$150,000**
 - Must advertise to get Request for Qualifications (RFQs) from qualified firms
 - Establish a consultant evaluation committee
 - Do not negotiate price until selection made

- ◎ **Procurement of services under \$150,000**
 - May contact adequate number (3) of firms for RFQs
 - Establish a consultant evaluation committee
 - Do not negotiate price until selection made



Drew Gaskins
Tennessee Department of Transportation
James K. Polk Building, Suite 900
Environmental Documentation Office
505 Deaderick Street
Nashville, Tennessee 37243-7120
Direct – 615-253-2475
drew.gaskins@tn.gov



Environmental Document

- ◎ Must be prepared in accordance with the TDOT Environmental Procedures Manual
- ◎ TDOT will submit the environmental document to FHWA for review and approval
 - Once document approved, only valid for 3 years
 - Must be re-evaluated if there is a scope change
- ◎ Review 'Guidelines for Locally Managed Projects'
 - NEPA Documentation for Programmatic and C-List Categorical Exclusions



- ◎ Local government determines the proper level of public involvement
- ◎ Local government is responsible for holding all public hearings/meetings
- ◎ Local government shall certify the level of public involvement with dates and times of meetings
- ◎ Records and comments shall be kept for all public meetings and provided to TDOT
- ◎ Disposition of comments shall be collected and included in the NEPA document
- ◎ <http://www.tdot.state.tn.us/documents/pip.pdf>



5. NEPA Phase

- ◎ LPDO receives funds obligation; issues NTP
- ◎ Length of NEPA Phase dependent on project complexity
- ◎ Some design activities must occur in the NEPA Phase
- ◎ Ends with approved environmental document

ALLOW AT LEAST 12 WEEKS



5. NEPA Phase

- ◎ **Week 5 of NEPA Phase, consultant should invoice agency**
- ◎ **Agency pays consultant invoice**
- ◎ **Agency's bank statement reflects canceled check (Week 9)**
- ◎ **Agency sends first invoice to LPDO (Week 9)**
- ◎ **Agency receives reimbursement 4 to 6 weeks after submittal**



©Common mistakes:

- Not sending executed consultant contract to planner
- Not billing as invoices and canceled checks become available
- Requesting reimbursement for ad expenses paid before receiving the NTP
- Not getting a re-evaluation done when necessary



Margaret Zeman Mahler, CADAC
ADA Compliance
Chief Engineer's Office
Tennessee Dept. of Transportation
615- 741-4984
V/TTY 615-253-8311
fax 615-532-5995



- ◎ [ADA.gov homepage](http://www.ada.gov)
- ◎ [About the ADA Standards - United States Access Board](http://www.access-board.gov) <http://www.access-board.gov>
- ◎ [ADA/Section 504 - Civil Rights | Federal Highway Administration](http://www.fhwa.dot.gov/ada/) [http://](http://www.fhwa.dot.gov/ada/) [Public Rights-Of-Way Accessibility Guidelines \(PROWAG\)](http://www.fhwa.dot.gov/ada/) · July 26, 2011
- ◎ [2010 ADA standards for Accessible Design](http://www.fhwa.dot.gov/ada/)



- ◎TDOT Standard Drawings
- ◎TDOT web site, Design Division
- ◎Design Standards



- ◎ Design plans for locally managed projects should be developed according to TDOT standards
- ◎ Design Plans are generally submitted 3 times:
 - Preliminary design
 - Right-of-way
 - Final construction
- ◎ Each phase has different submittal requirements
 - [TDOT Design Guidelines Checklist](#)



- ◎ **Contact your Regional Right-of-Way Office for submittal standards**
- ◎ **Design Plans must include:**
 - ◎ **All present and proposed right-of-way, whether it is being acquired or not**
 - ◎ **Detailed engineer's cost estimate**
 - ◎ **Permits**
- ◎ **Design plans and supporting documents must be submitted electronically**



© Structures Plans – Grade Crossings, submit:

- Preliminary Bridge Layout, including minimum clearances
 - All Structures plans must be stamped and signed by a Professional Engineer licensed in the State of Tennessee
 - Local Program Development Office will transmit submittals to TDOT Structures Division
 - Local Agency will also submit all final bridge plans for Structures Division approval prior to letting
 - Bridges = Overpasses!!!



◎ Retaining walls, submit:

- Preliminary design plans must include geotechnical data
- Final structural design must be reviewed and approved prior to letting

◎ Enhancement (TA) projects – detail project location in relation to nearest TDOT structure if said structure may be impacted



◎ Common mistakes:

- Proprietary items are approved by LP Office
- Cover sheets
 - Re-label the plans to reference each submittal (Preliminary, Right-of-Way, Construction)
 - Construction Plans Stamped
- ADA requirements
- Design Exception Request and Justification Form (5-1)
- Design Procedures Checklist (Form 5-4)
- Missing design plan sheets



6. LPDO Design Phase Activities

- ◎ Receives approved NEPA document
- ◎ Receives obligation of design funds from FHWA
- ◎ Issues NTP for Design Phase to agency

ALLOW AT LEAST 2 WEEKS



6. Design Phase - Preliminary Design Plans

- ◎ Design time depends on complexity of project
- ◎ When “footprint” is determined, utility coordination may begin, non-billable activities
- ◎ Design plans submitted to TDOT for review

ALLOW AT LEAST 6 WEEKS



6. Design Phase

- ◎ About 4 weeks into Design Phase, consultant will invoice agency
- ◎ Agency could be receiving NEPA and design invoices simultaneously



6. Design Phase – ROW Plans

- ◎ Produce ROW plans and submit to LPDO
- ◎ Design plans reviewed by TDOT Design Division
- ◎ Obtain ROW plans comments from LPDO
- ◎ Corrections made, if applicable
- ◎ Possible shortcuts for resurfacing and other smaller projects

ALLOW AT LEAST 3 WEEKS



7. Design Phase – Final Construction Plans

- ◎ Produce construction plans and submit to LPDO
- ◎ Design plans reviewed by TDOT Design Division
- ◎ Obtain construction plan comments from LPDO
- ◎ Corrections made, if applicable

ALLOW AT LEAST 3 WEEKS



- ⇒ Land acquisition procedures are mandated by federal law and policies
- ⇒ If land acquisition procedures are found to be flawed, all state and federal funding for the project may be withdrawn for every phase
- ⇒ Withdrawal may be effective even if other phases were done in accordance with federal law, regulations and procedures



- ⇒ **Utility Certifications must be obtained from each applicable utility whether affected or not**
- ⇒ **Utility companies have 120 days to respond**
- ⇒ **If project is within 200-feet of railroad you must obtain certification from the railroad**
 - ⇒ **Upgrades may be required to the rail-highway grade crossing**
- ⇒ **All certification letters must be forwarded to the appropriate TDOT Regional Utility office for processing**



- ⇒ ROW documents are submitted to Regional LPA Coordinator
- ⇒ Utility documents are submitted to Regional Utility Coordinator
- ⇒ Railroad coordination documents are submitted to Railroad Coordinator
- ⇒ Can be done concurrently

SHANKLIN RULING INVOLVEMENT: RAILROAD CROSSING PHOTOS



For each at-grade railroad crossing within 200-feet of any federally funded project limits, local agencies are required to take photos that clearly depict each of the following items:

- 1. Crossing Identification Number**
- 2. Entire Crossing as a Whole (one photo per approach)**
- 3. Railroad Pavement Markings**
- 4. All Grade Crossing Warning Signs and Plaques**
- 5. All Grade Crossing Regulatory Signs and Plaques**
- 6. Side Roads Parallel to tracks within 100' of Crossing**
- 7. Speed Limit of Road and Side Roads within 100'**
- 8. Any sight Distance Issues and/or Sight Obstructions**

NOTE: Please label photos appropriately, especially when there are side roads and/or more than one crossing involved.



7. Upon approval of final ROW plans

- ◎ LPDO will request obligation of ROW funds OR
- ◎ If no ROW is to be acquired, LPDO will request certification of ROW and utilities from the TDOT Regional ROW Office
- ◎ NTP for ROW issued to Regional ROW LPA Coordinator
- ◎ Pre-construction activities are performed during ROW Phase

ALLOW 3 WEEKS (1 WEEK IF NO ROW ON PROJECT)



7. Right-of-Way Phase will depend on...

- ⦿ Complexity of ROW acquisition
- ⦿ Number of tracts to acquire
- ⦿ Whether property owners support project
- ⦿ If utilities are to be relocated

ALLOW AT LEAST 6 WEEKS IF NO ROW TO ACQUIRE



7. Right-of-Way Phase

- ◎ Railroad clearance, if applicable
- ◎ Utility clearance
- ◎ ROW and utility certifications
- ◎ Submittal and review of construction plans
- ◎ Construction estimate submittal and review



7. Right-of-Way Phase

- ◎ DBE goal setting
- ◎ Title VI certification (can be done prior to this phase)
- ◎ Bid advertisement submittal and review
- ◎ Bid book submittal and review
- ◎ Obtain concurrence from TDOT Permit Office



7. After All ROW Phase LPDO Activities

- ◎ Request obligation of construction funds from FHWA
- ◎ Receive confirmation of obligation from FHWA
- ◎ Issue NTP for Construction Phase to agency

ALLOW AT LEAST 3 WEEKS

PRE-CONSTRUCTION & CONSTRUCTION PROCEDURES

- ◎ All projects must be competitively bid
- ◎ Detailed cost estimate must be reviewed and approved by TDOT
- ◎ Bid package must be reviewed and approved by TDOT
- ◎ Permit certification must be reviewed and approved by TDOT (contact John.Hewitt@tn.gov)
- ◎ Notice to Proceed for Construction must be obtained prior to advertisement
- ◎ No alternates or deductions shall be included in bid proposal



◎ **Form 8-1: Contract Proposal Template (Sample Bid Book)**
must be used or bid books will be returned or bid rejected

◎ **Common mistakes:**

- Not using standard template
- Using incorrect bid bond form
- Contradictory language



Who Can Bid?

- ◎ All contractors must be on TDOT's pre-qualified list
- ◎ Contractors must use and only use the name as shown on pre-qualification records
- ◎ All sub-contractors must be on TDOT's pre-qualified list before beginning any work
- ◎ Bid book and bid form must be marked VOID if sold to non-prequalified contractors or those pending qualification

Licensing of Prime Contractors



Please be aware that TDOT now **requires all PRIME contractors (except mowing and litter removal contractors)** to be licensed with the Tennessee Department of Commerce and Insurance, Board for Licensing Contractors.

Contractors will not be required to have a license to bid. However, prior to recommending award of the Contract, TDOT will confirm that the lowest responsible bidder is licensed. The Contractor will be considered for award for twenty-one (21) days after the letting date (bid submittal). If the contractor does not have a license, on or before the 21 days, the contractor will be considered non-responsive, and the next lowest responsible bidder will be considered for award.

It is recommended that all PRIME Contractors who are not currently licensed and intend to bid on future projects begin the process to obtain their contractor's license.

For more information on obtaining a Contractor's License please visit the Board for Licensing Contractors website at the following:

<http://www.tn.gov/regboards/contractors/contractor.shtml>

****NOTICE: Title 48 of Tenn. Code Ann.****



Title 48 of Tenn. Code Ann. **requires all contractors and subcontractors that are domestic or foreign Corporations, Limited Liability Companies, Limited Partnerships, or Limited Liability Partnerships to be in good standing with the Secretary of State.** This includes being duly incorporated, authorized to transact business, and/or in compliance with other requirements as detailed by the Secretary of State. Please contact the Secretary of State should you have any questions at (615) 741-2286 or visit http://www.tn.gov/sos/bus_svc/index.htm .

Effective immediately, TDOT will not execute any contracts or approve subcontracts with contractors that are domestic or foreign Corporations, Limited Liability Companies, Limited Partnerships, or Limited Liability Partnerships, who are not in good standing with the Secretary of State (i.e. have a valid Certificate of Existence/Authorization).



Advertising & Bid Opening Procedures

- ⦿ **Must advertise once in the grand division newspaper, local paper and minority paper**
- ⦿ **Must open bids three weeks after the date of the last insertion**
 - **Must read each responsive bid out loud and in public**
 - **Must select the lowest responsive bidder pending TDOT concurrence**
 - **Do not open bids by non-prequalified contractor**
- ⦿ **Local Agency is responsible for checking all bid proposals to ensure that the contractors are prequalified prior to opening bid proposal**



Award of Contract

- ◎ Must submit estimate and bid tabulations to TDOT via email
- ◎ Must email request for concurrence on local government letterhead to TDOT prior to award to lowest bidder
- ◎ TDOT will review bids for concurrence or denial within approximately two weeks
- ◎ If TDOT cannot concur, project must be re-bid following the aforementioned procedures

REASONS FOR NOT AWARDING A BID



- 1.** Failure to sign the bid (proposal form, proposal certification, proposal bond, Power of Attorney)
- 2.** Failure to furnish the required bid bond and Power of Attorney, with the same dates
- 3.** Omissions, alterations of form, additions, or conditions not called for
- 4.** Unauthorized bids or irregularities
- 5.** Failure to include a unit bid price for each item (must be an amount of zero or greater)
- 6.** Units prices are mathematically unbalanced
- 7.** Failure to submit a non-collusion affidavit
- 8.** Failure to utilize the required forms approved by TDOT (Form 8-1)
- 9.** Failure to submit a bid within the original bound bid book
- 10.** Failure of bidder to acknowledge all addenda
- 11.** Failure of bidder who not prequalified and not in good standing the day of the letting



Construction Engineering Inspection (CEI) Procedures

- ◎ **Local government must designate a qualified full-time staff member who will be responsible for project administration; including:**
 - **Supervision of the hired CEI**
 - **Authority to request TDOT approval of change orders**
 - **Accountability for contract compliance**
 - **All local points of contact with TDOT**
 - **Maintaining a complete project file**

CEI Procedures

- ◎ **Local government must hire a pre-qualified consultant to oversee construction in the field**
- ◎ **CEI consultant must be on TDOT's pre-approved list**
- ◎ **CEI consultant must have completed LPDO CEI Training and show proof of attendance**
- ◎ **Local government's CEI will conduct all acceptance testing for materials**



- ◎ **The Office of Local Programs has a training course specifically for local agency to better understand what is required**
- ◎ **Mandatory for CEIs and city employees actively managing projects (valid for 5 years)**
- ◎ **Level 1 (one day) is for local agencies (project supervisors)**
- ◎ **Level 2 (two day) is for consultants and local agencies wishing to perform CEI services on their own projects (prior approval required)**



TDOT Performed Oversight During Construction

- ◎ TDOT will assign an inspector to the job
- ◎ TDOT's inspector and a representative of the Regional Materials and Tests Division must attend the mandatory pre-construction meeting
- ◎ Do not conduct a pre construction meeting without TDOT representation in person or via conference call; reschedule meeting



The TDOT inspector will:

- ◎ **Attend regularly scheduled progress meetings**
- ◎ **Make monthly visits to the project site**



- ◎ **The Local Agency provides the final approval of change orders, as it is your project**
- ◎ **Your planner needs to be aware of each change order, as the project funds are bound by the amount in the TIP**
- ◎ **For changes over 10% of construction contract amount or over \$100,000.00, whichever is smaller, prior approval is required by Local Programs Development Office to check for funding availability**



Materials Testing

- ◎ Local government's CEI will conduct all acceptance testing
- ◎ TDOT will perform verification and independent assurance testing
- ◎ Local Agency must submit 14 days prior to Pre-construction meeting plans, specifications and estimate to Regional TDOT Materials and Tests
- ◎ Mix designs are submitted to Headquarters Materials and Tests



Final Inspection and Acceptance

- ◎ **TDOT must attend the final inspection**
- ◎ **TDOT must provide the final acceptance of the project**

Project Close-Out

- ⦿ Explanations of overruns/underruns
- ⦿ Retention of project records
- ⦿ Determination of time, based on quantity increase
- ⦿ Certificate completed & signed by Project Manager
- ⦿ CC-3(s), certification of Disadvantaged Business Enterprise (DBE) payments
- ⦿ Material certification letter
- ⦿ Advertisement of contract for claims



- ⦿ Engineer & CEI must be on TDOT's pre-qualified list
- ⦿ All Sub-contracts must have FHWA 1273 included
- ⦿ Change Orders must be processed in a timely manner and approved by TDOT
- ⦿ Material acceptance test documentation
- ⦿ TDOT assurance testing performed when testing is done
- ⦿ DBE participation must be met
- ⦿ CUF interviews must be performed
- ⦿ OJT must be completed by contractor and on file



- ⦿ **Daily diary of work activity must be kept by CEI**
- ⦿ **CEI must be on site at times of inspections as required by 23 CFR635.105**
- ⦿ **If original low bid is rejected, local agency must have TDOT concurrence to reject and justification from local agency as to why**
- ⦿ **Buy America certifications on file; no exceptions**
 - Any phase(s) could be subject to penalties if Buy America requirements are not met



- 1. Environmental Commitments**
- 2. ADA**
- 3. DBE**
- 4. Buy America**
- 5. Source Documents for Payment**
 - **Inspector's Daily Reports**
 - **Material Certifications**
 - **Invoice / Bill of Laden**



8. Construction Phase

- ◎ DBE form (CC-3) is sent back to TDOT Civil Rights
- ◎ Agency will advertise for bids
- ◎ Agency receives and tabulates bids
- ◎ Agency submits bids to LPDO for concurrence to award
- ◎ Upon getting concurrence, agency awards project
- ◎ Pre-construction conference held
- ◎ Contracts are signed by all parties

ALLOW AT LEAST 10 WEEKS



Remember

- ⦿ **Change Orders – approved by Local Agency, after TDOT concurrence**
- ⦿ **Invoices submitted monthly**
- ⦿ **Input required information into Local Programs NIC reporting system**
- ⦿ **After last invoice is submitted, the agency will send in an End of Job certificate**

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT OF 2009 (FFATA)



- ⊙ **Dun and Bradstreet (DUNS) Number**
- ⊙ **Physical address of local agency receiving the funding (this would be entity listed in contract) with the nine (9) digit zip code**
- ⊙ **Physical address of where project is being constructed with the nine (9) digit zip code**
- ⊙ **Total Compensation and Names of top 5 executives if:**
 - **More than 80% of annual gross revenues are from the Federal Government, and those revenues are greater than \$25,000,000 annually; and**
 - **Compensation information is not already available through reporting to the U.S. Securities and Exchange Commission (SEC)**



- ◎ All federally-funded projects should be assessed for inclusion of DBEs
- ◎ Local governments should establish an appropriate DBE goal and obtain concurrence from TDOT
- ◎ All established DBE goals must be met or exceeded
- ◎ DBEs must perform a Commercially Useful Function (CUF), to be confirmed by CEI



Common Contractor Mistakes:

- ⦿ **Swapping out DBE work with non-DBE contractors**
- ⦿ **No CUF's performed**
- ⦿ **Elimination of DBE work and did not find replacement work**



If the Contractor fails to comply with this Special Provision 1247, the Department may take one or a combination of the following steps:

- 1) Require the Contractor to have its entire management staff attend DBE training arranged by the Department and paid by the Contractor.
- 2) The next bid when Contractor is the low bidder on a DBE goal project, require that Contractor shall achieve a DBE participation that is twice the stated goals.
- 3) For the Contractor's failure to find another DBE subcontractor to substitute for a DBE that is terminated or fails to complete its work on the contract for any reason or to provide the CRO - SBDP documentation clearly evidencing good faith efforts, as detailed in D.1. above, then **the Department may withhold from the Contractor an amount not to exceed the amount of money originally committed to the non-complying DBE subcontractor, not as a penalty but as liquidated damages.**
- 4) Suspend the Contractor from participation in Department bid lettings pursuant to rules promulgated by the Department.
- 5) For repeated failures to comply, debar the Contractor pursuant to rules promulgated by the Department.
- 6) Invoke other remedies available by law and/or in the contract.
- 7) Invoke remedy agreed upon by the Commissioner and Contractor in writing.



- ⦿ **Applies only to securing a contract with the contractor**
- ⦿ **When contract is executed, DBE goals will be met**
- ⦿ **If DBE goal is not met, Local Agency will be subject to repayment of work performed that would have been performed by DBE**
- ⦿ **Federal audit will catch this**



The local government must be committed to a policy of Equal Employment Opportunity and will administer its personnel policies and conduct its employment practices in a manner which treats each employee, applicant for employment and contractor/consultant employee on the basis of merit, experience and other work related criteria without regard to race, color, religion, national origin, sex, age, disability or any other protected class.



Local Government must have a civil rights coordinator on staff that has completed the Title VI training, which is available online. Designate appropriate person(s) responsible for ensuring compliance with Title VI, EEO and DBE requirements. (Title VI Coordinator, EEO Officer, DBE Liaison). This person should have a responsible position in the local government and have easy access to the head of the local government.



- ◎ **Every government receiving federal-aid must have a comprehensive and pro-active Title VI enforcement program to eliminate and prevent discrimination**
- ◎ **Title VI certification must be obtained prior to the issuance of a Notice to Proceed for Construction**
- ◎ **Title VI compliance must be from TDOT on TDOT letterhead**



- ⦿ **Required per 23 CFR 230, Subpt. A**
- ⦿ **TDOT Civil Rights Office sends letters to all prime contractors working on locally managed projects in the month of July**
- ⦿ **Contractors respond with required information by August 15th of each year**
- ⦿ **Placed in End of Job File**

LOCAL REPORTING REQUIREMENTS:



- ◎ Construction Award Date
- ◎ Award Amount
- ◎ Start Date/Anticipated Start Date
- ◎ Contract Completion Date
- ◎ Actual Completion Date
- ◎ DBE Goal
- ◎ DBE Commitment
- ◎ Contractors
- ◎ ID-DUNS
- ◎ Company Name, Location Address, Billing Address
- ◎ Sub-consultants
- ◎ ETC.

Requirements: **Local agency responsible to report; not the contractor**
Required to report upon issuance of work order to contractor



Local Programs

Tennessee Department of Transportation - Local Programs

Users

Welcome back.

[Go to Log In](#)

What You Can Do

- Revise Project and Contractor information
- Add and Edit Subcontractor information

What You Will Need

- Contractor and Subcontractor information including their ID - Duns, Contact Name/Address, Contract Numbers and more

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Local Programs

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Local Programs

Dashboard

<u>Modified Date</u>	<u>Program PIN</u>	<u>Description</u>
05/02/2012	12345.67.89	Bonbon marzipan tootsie roll marzipan chocolate cake gingerbread halvah biscuit.
04/12/2012	12345.67.24	Donut bear claw chocolate muffin donut jelly pie donut jelly.
04/07/2012	12345.67.34	Macaroon sweet roll jelly beans pie. Sweet jelly-o sweet cotton candy marzipan.
04/02/2012	12345.67.12	Jelly soufflé cupcake fruitcake chocolate bar soufflé gummies.

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Local Programs

Edit Program

Project Information

Region	Region Name
PIN	1234.567.89
FED #	123456789
Contract Agency Name	Agency Name
Contact #1 Name	John Smith
Contact #1 Primary Phone	(615)555-5555
Contact #1 Alternative Phone	N/A
Contact #1 Email	john.smith@tn.gov
City	<input type="text"/>
County	Davidson ▾
Route	<input type="text"/>
Termini/Description	<div><div></div></div>
Type of Work	<input type="text"/>
Construction Award Date	<input type="text"/>
Contract Award Amount	\$ <input type="text"/>
Start Date/Anticipated Start Date	<input type="text"/>
Contract Completion Date	<input type="text"/>
DBE Goal	<input type="text"/> %
DBE Commitment	<input type="text"/> %

Actual Completion Date

Contractor Information

Contract Name



Local Programs

Confirmation

Thank you for submitting your Program information.

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- Reimbursement requests must be sent by email as an attachment to lpd.invoices@tn.gov in PDF form
- Includes all reimbursement requests for Local Programs, Enhancement/TA, and Safe Routes to School Projects
- TDOT Local Government invoice cover sheet from <http://www.tdot.state.tn.us/local/> must accompany all reimbursement requests
- All reimbursement requests without the correct TDOT invoice cover sheet will be returned

SAMPLE:

TDOT CONSTRUCTION INVOICE

COVER SHEET

(NAME OF LOCAL GOVERNMENT)

Local Government Guidelines Form 9-8

October 26, 2011



LOCAL GOVERNMENT CONSTRUCTION COSTS INVOICE

INVOICE DATE _____ FINAL INVOICE FOR THIS PHASE? ☐ YES ☐ NO

LOCAL GOVERNMENT AGENCY: _____

REMIT TO ADDRESS: _____

COUNTY: _____

INVOICE # _____

PIN # _____

STATE PROJECT # _____

FED PROJECT # _____

CONTRACT # _____

PROJECT DESCRIPTION _____

Type project description here.

COSTS PER ENGINEER'S ESTIMATE OR
LOCAL FORCES INVOICE

CONSTRUCTION ENGINEERING COSTS

SUBTOTAL

LESS: LOCAL GOVERNMENT SHARE 0%

BALANCE

LESS: AMOUNTS PREVIOUSLY INVOICED

AMOUNT DUE THIS INVOICE

CURRENT COSTS		COST SHOWN ON PRIOR INVOICES		TOTAL COSTS
	+		=	\$0.00
	+		=	\$0.00
			-	\$0.00
				\$0.00
			-	\$0.00
				\$0.00

I CERTIFY UNDER PENALTY OF LAW THAT THIS CERTIFICATION/ESTIMATE AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHERED AND EVALUATED INFORMATION PRESENTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING THE INFORMATION, I HEREBY CERTIFY THAT THIS SUBMITTAL IS ACCURATE AND CORRECT. I AM AWARE THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION, INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS. I FURTHER ACKNOWLEDGE THAT FAILURE TO FOLLOW FEDERAL DIRECTIVES, GUIDELINES, AND REGULATIONS WILL RESULT IN THE LOSS OF FEDERAL FUNDING.

(PROJECT SUPERVISOR)

(LOCAL GOVERNMENT OFFICIAL)

DIVISION ID # 403633004C

FOR TDOT USE ONLY

INVOICE RECEIVED _____

I HEREBY ACKNOWLEDGE RECEIPT OF THE APPROPRIATE DOCUMENTATION FOR PAYMENT OF THIS ESTIMATE/INVOICE WHICH INCLUDES CERTIFICATION SIGNED BY THE LOCAL GOVERNMENT ENTITY. BASED ON THE ATTACHED DOCUMENTATION AND IN ACCORDANCE WITH THE LOCAL PROGRAM GUIDELINES THIS INVOICE IS SUBMITTED FOR PAYMENT.

TDOT OFFICIAL

DATE

STAMP

APPROVED PAY	_____	FED SPEED CHART	_____	\$	_____	PO LINES
LOCAL MATCH \$	_____	ST SPEED CHART	_____	\$	_____	1
VENDOR NAME	_____	LOC SPEED CHART	_____	\$	_____	2
VENDOR ID	_____	SPLIT SPEED CHART	_____	\$	_____	3
LOCATION	_____	RECEIPT #	_____		_____	4
EDISON CONTRACT ID	_____	VOUCHER #	_____		_____	5
PURCHASE ORDER ID	_____	PAYMENT REF ID #	_____		_____	6

COMMENTS: _____

MATERIALS AND TESTS BILLING

**TN. Dept. of Transportation - Finance Division****INVOICE #1007**

505 Deaderick St, Suite 800, Nashville, TN 37243

Phone 615-350-4100 Fax 615-350-4128 TDOT.MaterialsTests@tn.gov

Customer

Bedford County Dept. of Finance

200 Dover St., Suite 102

Shelbyville, TN 37160

Invoice Date 5/2/2014

Sales Person Materials & Tests Division

P.O. #

Phone 931-685-2024

Fax 931-680-1029

Job	Payment Due	Payment Terms
02953-3502-94 PIN 030645.01	6/2/2014	Net 30

Product	Quantity	Unit Price	Line Total
Concrete Cylinder Strength Testing	2	\$26.19	\$52.38

Services Total	\$0.00
Products Total	\$52.38
Taxes	\$0.00
Invoice Total	\$52.38

Thank you for your business

TN. Dept. of Transportation - Finance Division 505 Deaderick St, Suite 800, Nashville, TN 37243

Phone 615-350-4100 Fax 615-350-4128 TDOT.MaterialsTests@tn.gov

SAMPLE: AUTHORIZED SIGNATURE FORM



DUNS Number and Authorized Signature Form

DUNS Number	
DUNS Number [Redacted]	Address (must include 9-digit zip code) [Redacted]
Physical Address of Project (must include 9-digit zip code) [Redacted]	
Authorized Signatures	
A minimum of two (2) signatures must be shown to permit flexibility in making requests for reimbursement.	
Typed Name and Title [Redacted]	Signature
Typed Name and Title [Redacted]	Signature
Typed Name and Title [Redacted]	Signature
Typed Name and Title [Redacted]	Signature
I certify that the signatures of the above individuals are only those persons authorized to sign for the reimbursements requests.	
Signature of Highest Elected Official	Date

A new form must be submitted whenever authorized signers change



Invoices may be submitted no more often than monthly

C.4 Payment Methodology:

In the event that the Agency shall receive federal and/or state funds for any portion of the herein described Project, this provision shall apply.

- a) The Agency shall submit invoices, in a form outlined in the Local Government Guidelines with all necessary supporting documentation, prior to any reimbursement of allowable costs. Such invoices **shall be submitted no more often than monthly but at least quarterly** and indicate, at a minimum, the amount charged by allowable cost line-item for the period invoiced, the amount charged by line-item to date, the total amounts charged for the period invoiced, and the total amount charged under this agreement to date. Each invoice shall be accompanied by proof of payment in the form of a canceled check or other means acceptable to the Department.

Will not issue Notice to Proceed without billing of prior phase of project



- ◎ Invoices will be returned for correction of errors
- ◎ Each reimbursement request must include:
 - copies of paid invoices
 - copies of canceled checks, or
 - other acceptable proof of payment
 - approved submittal signature
- ◎ Invoice must be signed by the Project Supervisor with the local agency



◎ Non-Highway Construction

- Preservation and Rehabilitation of Historic Transportation Facilities
- Building Projects

◎ Non-Construction/Service Contract

- Safety and Educational Activities for Pedestrians and Bicycles
- Inventory, Control, and/or Removal of Outdoor Advertising
- Archeological Activities Related to Impacts from Transportation Projects
- Workforce Development, Training, and Education Activities
- Diesel Emission Reduction Projects (diesel retrofits, idle reduction technology)
- Acquisition of Alternative Fuel Vehicles



- **Transit Investments (Non-Construction/Service Contract Activities)**
- **Carpool, Vanpool, Rideshare Projects, Transportation Demand Management, and Education/Outreach**
- **Software Projects**
- **Purchase of Integrated, Interoperable Emergency Communications Equipment**
- **Establishment or Operation of a Traffic Monitoring, Management, or Control Facility**
- **Electric Recharging, Biofuel Refueling, and Truck Stop Electrification Facilities**

LOCALLY MANAGED PROJECT TIMELINE RE-CAP



Project Inception to Fully Executed Contract - 13 Weeks

NEPA Phase - 14 Weeks

Design Phase - 10 Weeks

ROW Phase - 9 Weeks

Construction NTP to Construction Beginning - 10 Weeks



**IF EVERYTHING GOES ACCORDING TO PLAN, THE
MINIMUM TIME FROM PROJECT INCEPTION TO
CONSTRUCTION WILL BE 56 WEEKS PLUS THE LENGTH
OF TIME IT TAKES TO CONSTRUCT THE PROJECT.**

BE DILIGENT AND PATIENT. GOOD LUCK!

ACCELERATED DELIVERY (AD) PROCESS



- ◎ An option that allows local governments to deliver transportation projects with limited TDOT oversight during project development
- ◎ Cannot be on the State or National Highway System or funded by a competitive grant
- ◎ The local government will pay for all project work following the NEPA Phase USING THEIR OWN FUNDS
- ◎ Upon completion of the project, the LG will notify the TDOT LPDO and request a project review
- ◎ Letters of interest can be submitted to me
- ◎ Additional information: [AD Process Webpage](#)



Whitney Sullivan

Transportation Manager

TDOT Local Programs

615.253.1387

whitney.sullivan@tn.gov



Driving in TN

For the Public

For Contractors
and Consultants

For Local Government

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Amendments



Local Programs Development Office

Local Programs Development Office (LPDO)



GateWay Trail



Alcoa Pedestrian Bridge



Ashland City Streetscape

◀ PREVIOUS

NEXT ▶

The Mission of the Local Programs Development Office is to provide a professional knowledgeable team ready to assist local agencies in the development and implementation of transportation improvements within their community.

The Local Programs Development Office (LPDO) administers those federal and state funding programs that are available to local governments to improve their transportation systems.

This site includes information regarding Surface Transportation, Enhancement, Safe Routes to School, Congestion Mitigation and Air Quality Improvement, Spot Safety, Local Interstate Connector, State Industrial Access Road, Interchange Lighting and Bridge Replacement.

The site also has procedural information, such as how to advertise a federally-funded project and how to request reimbursement for eligible local expenditures.

Explore LPDO Resources

- › [Training](#)
- › [Funding Guidance](#)
- › [Enhancement Grants](#)
- › [Safe Routes to School](#)
- › [Accelerated Delivery Program](#)
- › [Documents and Forms](#)
- › [Reimbursement Guidance](#)
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