



U.S. Department
of Transportation
**Federal Highway
Administration**

October 2010

Federal-aid Highway Program

Stewardship/Oversight Agreement

**Between the FHWA – DC Division and the
District Department of Transportation**

Approved:

Gabe Klein
Director
District Department of Transportation

Date:

10/15/2010

Approved:

Joseph C. Lawson
Division Administrator
District of Columbia Division
Federal Highway Administration

Date:

10/15/2010

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GLOSSARY

ARRA – American Reinvestment and Recovery Act

CFR – Code of Federal Regulations

Control Document – Applicable standards, policies, and standard specifications that are acceptable to FHWA for application in the geometric and structural design of highways.

Core Functions – Activities that make up the main elements of the Division’s Federal-aid oversight responsibilities based on regulations and national policies. Core functions in the Division Office are Planning, Environment, Right-of-Way, Design, Construction, Finance, Operations, System Preservation, Safety, and Civil Rights.

Delegated Projects – Projects that do not require FHWA to review and approve actions pertaining to design, plans, specifications, estimates, right-of-way certification statements, contract awards, inspections, and final acceptance of Federal-aid projects on a project by project basis.

DBE – Disadvantage Business Enterprise

DDOT – District Department of Transportation

FAHP – Federal-Aid Highway Program

FIRE – Financial Integrity Review and Evaluation

FMFIA – Federal Managers’ Financial Integrity Act

FMIS – Financial Management Information System

FHWA – Federal Highway Administration

Full Oversight Projects – Projects that require FHWA to review and approve actions pertaining to design, plans, specifications, estimates, right-of-way certification statements, contract awards, inspections, and final acceptance of Federal-aid projects on a project by project basis.

ISTEA – Intermodal Surface Transportation Efficiency Act of 1991.

ITS – Intelligent Transportation Systems is an umbrella term for a range of technologies including processing, control, communication and electronics, that are applied to a transportation system. It also includes an advanced approach to traffic management.

Major Projects – Projects with an estimated total cost greater than \$500 million, or projects approaching \$500 million with a high level of interest by the public, Congress, or the Administration.

NEPA – National Environmental Policy Act

NHS – National Highway System

Oversight – The act of ensuring that the Federal highway program is delivered consistent with laws, regulations and policies.

Performance/Compliance Indicators – These indicators track performance trends, health of the Federal-aid Highway Program, and compliance with Federal requirements.

PS&E – Plans, Specifications, & Estimates

QA/QC – Quality Assurance / Quality Control

Resurfacing/Restoration – Resurfacing and restoration projects typically involve the milling of the pavement surface and the placement of several inches of new bituminous concrete pavement (without widening), repair of localized concrete or aggregate base/sub-base failure, rehabilitation of drainage, and associated landscaping, sidewalks, lighting, curbs, markings, signs, etc.

Risk Management – The systematic identification, assessment, planning, and management of threats and opportunities faced by FHWA projects and programs.

Stewardship – The efficient and effective management of the public funds that have been entrusted to the FHWA.

SAFETEA-LU – Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users of 2005.

TEA-21 – Transportation Equity Act for the 21st Century of 1998.

USC – U.S. Code

WASA – DC Water and Sewer Authority

FEDERAL-AID HIGHWAY PROGRAM STEWARDSHIP/OVERSIGHT AGREEMENT

I. INTRODUCTION AND BACKGROUND

Section 106 of Title 23, United States Code, requires the Federal Highway Administration (FHWA) and the District Department of Transportation (DDOT) to enter into an agreement that documents the delegation of responsibilities. The FHWA Stewardship/Oversight Agreement Guidance issued May 8, 2006, encouraged all division offices to implement a comprehensive approach in developing their Stewardship and Oversight Agreement. The Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005 further defined the requirements of stewardship and oversight responsibilities including increased efforts pertaining to major projects. SAFETEA-LU builds on the foundation of two laws that brought surface transportation into the 21st century – the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the Transportation Equity Act for the 21st Century (TEA-21) of 1998. SAFETEA-LU promotes more efficient and effective federal surface transportation programs by focusing on transportation issues of national significance while giving state and local transportation decision makers the ability to enhance transportation systems and implement innovative solutions to transportation challenges. The FHWA is charged with administering the Federal-Aid Highway Program (FAHP) under Title 23 of the Code of Federal Regulations (CFR) and associated laws. SAFETEA-LU and the two preceding transportation laws allow the DDOT to accept certain delegated responsibilities for the FHWA including approvals related to the design, award, and construction of Federal-aid projects. This Agreement outlines the framework by which the FHWA and the DDOT will administer the FAHP efficiently and effectively to maintain a national highway network, improve operation, improve safety, and provide for national security while protecting and improving the environment. This Agreement addresses the comprehensive approach in administering the FAHP through stewardship and delegated roles and responsibilities to the DDOT. This document incorporates the concept of mutual service standards/performance measures (Attachment B) that include agreed upon formats, procedures and targeted timeframes for DDOT and FHWA actions, including submissions, comments and approvals.

II. PURPOSE

The purpose of this Stewardship/Oversight Agreement is to develop an approach where the FHWA and the DDOT agree on how the FAHP will be administered in the District, with specific actions to be taken by one or both parties. This Agreement provides delegation of certain project actions to the DDOT. Notwithstanding the Agreement, FHWA retains overall responsibility for all aspects of Federal-aid programs and an Agreement does not preclude FHWA's access to and review of a Federal-aid project at any time and does not replace the provisions of *Title 23*, USC.

On the broader program level, FHWA will continue to provide stewardship and oversight of the FAHP through a rigorous risk management process and through general actions and concurrences in its day-to-day activities, including improvements to program procedures, training, technical assistance, and development and deployment of new technologies, as well as routine program/project approval. Each of these activities contributes to the intent that the FAHP operates with integrity and for the public's maximum benefit.

The FHWA, and, by extension, the DDOT, are responsible for the effective and efficient use of Federal funds. This Agreement supersedes the October 2008 Stewardship/Oversight Agreement. FHWA will continue to have oversight of all existing projects that currently have FHWA oversight.

III. STATE AND DIVISION ROLES AND RESPONSIBILITIES

Under Title 23, FHWA is ultimately accountable for all Federal-aid highway programs, however, the State may assume responsibility for project-level activities associated with 23 USC on certain National Highway System (NHS) projects and all non-NHS projects. Section VII. "Delegated Program And Project Responsibilities" of this agreement documents the roles and responsibilities of the DDOT and the FHWA.

IV. METHODS OF OVERSIGHT

The FHWA and the DDOT will jointly administer the FAHP through methods of oversight that include Program Assessments, Program Reviews, and Program Management. The following is a description of each technique used in providing stewardship and oversight of the FAHP:

Program Assessments – Program assessments provide another avenue to determine the performance of the FAHP. Assessments include joint assessments (Risk Management Framework), self-assessments, the Program Delivery Improvement Tool (PDIT), and others. These tools are based on the common concepts of identifying strengths, areas of concern, opportunities, and sharing "best" practices to continually improve the programs. Program assessments may be triggered by national requirements/initiatives or the desire to strive for continual improvement.

Program Reviews – The FHWA and the DDOT will manage the program through analysis of program components and processes. Individuals or teams from the FHWA and/or the DDOT and/or other stakeholder groups or organizations can conduct reviews. The reviews will:

- a) Ensure compliance with Federal requirements
- b) Identify opportunities for greater efficiencies and improvements to the program
- c) Identify exemplary practices
- d) Identify areas that need attention and make recommendations for improvement

These reviews may be referred to as program improvement reviews, process reviews, program/product evaluations, or continuous process improvement initiatives. Program reviews are often triggered by risk assessments or performance indicators/measures that suggest a need for improvement or further clarification. This must be done in a reasonable time period. Performance indicators/measures may also be developed as a part of program reviews to help highlight and quantify successes and problem areas.

Program Management – Program management refers to the FHWA’s daily stewardship of the FAHP including project and program oversight, and program assistance. Program management ensures Federal program requirements are met while proactively seeking opportunities to add value by:

- a) Promoting new initiatives and concepts
- b) Continually assessing the program through routine involvement in program and project level activities including inspections
- c) Conducting routine program and project approval actions
- d) Participating on joint task forces, joint committees, and joint quality improvement teams
- e) Assisting transportation stakeholders by answering questions related to program and project issues

V. CONTROL STANDARDS

Control documents include standards, policies, and specifications that are acceptable to the FHWA and the DDOT for application in Federal-aid projects. In assuming certain program/project-level responsibilities under 23 USC 106, SAFETEA-LU – Sections 1904, 6001, 6003, and 6004, the DDOT agrees to comply with FHWA-approved standards in accordance with 23 CFR 625.4, 655.603 and related federal regulations and policies. DDOT will seek FHWA division office approval for all DDOT policies or standards that expand on, amplify, or amend these standards.

Approval Process: DDOT will submit a cover letter, accompanied by one hard copy and one electronic copy of the DDOT policy/standard/manual seeking approval. FHWA will acknowledge via email or letter, the receipt of the DDOT letter and attachments. FHWA will review, and if necessary, provide comments/feedback on the document(s). Once the document(s) are finalized, FHWA will compose an official letter approving the policy/standard/manual.

DDOT Manuals & Guidelines

Construction Manual

Consultant Selection Process

Context Sensitive Design Guidelines

DC Federal Project Billing Module (for FHWA bills)

DC Highway Safety Improvement Program

DC PASS Manual (procurement)

DC PeopleSoft Manual (human resources and payroll)

DC SOAR Manual (general ledger)

DC Streetlight Policy and Design Guidelines
DDOT Budget Team Business Processes Manual (includes FMIS obligation process)
DDOT V8 CAD Standards Manual
Design & Engineering Manual
Disadvantaged Business Enterprise (DBE) Plan
Environmental Process Manual
Guideline for Independence Assurance Program
Pedestrian Safety and Work Zone Standards
Policy for New or Revised Access to the District of Columbia Interstate and Freeway System
Quality Assurance Manual
Right of Way Manual
Standard Drawings for Highways & Structures
Standard Specifications for Highways & Structures
Streetscape Manual
Supplemental Specifications
Temporary Traffic Control Manual
Title VI Plan
Work Zone Safety and Mobility Policy

VI. PERFORMANCE/COMPLIANCE INDICATORS

With this agreement, FHWA has full oversight of all projects, except for projects as depicted in Table 1: Oversight Responsibilities. It is the intent that this agreement will be updated to incorporate additional performance indicators/measures that will be developed by FHWA and DDOT. The indicators/measures help assess performance in administering FAHP requirements and help determine whether funds are being effectively utilized to improve the effective and efficient operation of the transportation system. The indicators/measures serve as a tool in conducting annual risk assessments. FHWA will schedule a formal meeting with DDOT to develop the additional performance indicators/measures.

VII. DELEGATED PROGRAM AND PROJECT RESPONSIBILITIES

Under Title 23, FHWA is ultimately accountable for all Federal-aid highway programs, however, the State may assume responsibility for project-level activities associated with 23 USC as noted in Table 1.

TABLE 1: OVERSIGHT RESPONSIBILITY

The following table defines oversight responsibility for Federal-Aid projects in the District.

TYPE OF PROJECT	OVERSIGHT RESPONSIBILITY
All Interstate projects (except Resurfacing/Restoration)	FHWA
NHS (non-interstate) projects (except Resurfacing/Restoration)	FHWA
All projects that utilize American Reinvestment and Recovery Act (ARRA) funding	FHWA
Resurfacing/Restoration Projects. All routes.	DDOT
Non-NHS Projects that are not otherwise covered by this table	DDOT
Bridge Projects on non-NHS routes with an Estimated Cost < \$5 million	DDOT
Bridge Projects (All Interstate and NHS routes, plus non-NHS routes with an Estimated Cost > \$5 million) <i>Also special case bridges:</i> Fracture critical Structures (rehab and new construction); Advanced material (Fiberglass Reinforced Plastic, Ultra High Performance Concrete, A490 bolts, High Performance Steel); Complex structures (Movable, suspension, cable stayed, and other bridges with unusual characteristics); Complex construction operations (Launching, Self Propelled Modular Transporter); False work supporting superstructure during construction for longer spans > 200 ft; Large drilled shafts (10 ft in diameter and greater); Post tensioning.	FHWA
All actions involving Environmental Assessments or Environmental Impact Statements, documented Categorical Exclusions, Section 4(f) Evaluations, or Section 106 consultation not covered by programmatic agreement	FHWA
All actions with Right of Way acquisition or relocation	FHWA
All Intelligent Transportation Systems Projects	FHWA
All Non-Location Oriented Projects (Crash Record Project, Sign Management Project, Workzone Policy Project, etc.)	FHWA
All Indefinite Delivery / Indefinite Quantity (ID/IQ) Contracts/Projects	FHWA

Note: NHS-projects are defined by system, irrespective of Federal funding source.

Exceptions:

1. State Administered projects (delegated) may be selected for Full Oversight by mutual agreement between FHWA & DDOT. The selection will be agreed upon by the FHWA Project Delivery Team Leader and the DDOT Chief Engineer. Examples of projects which may be selected:
 - Complex and first-time Projects
 - Emergency Relief Projects
2. A Full Oversight project may be delegated to DDOT by mutual agreement between FHWA & DDOT. The selection will be agreed upon by the FHWA Project Delivery Team Leader and the DDOT Chief Engineer. Examples of projects likely to be selected:
 - Sidewalk Replacement Projects
 - Citywide Streetlight Construction
 - Traffic Signalization (i.e. signaling an intersection)

Quarterly List of Delegated Projects

A determination of oversight responsibility will be made by the FHWA Division office. DDOT and FHWA will meet on the first Wednesday of each Quarter and will work together to generate a list of all active and pending Federal-aid design and construction projects detailing oversight responsibility.

DDOT's Responsibilities:

1. Resurfacing/Restoration, Non-NHS and Delegated Projects: DDOT will administer design and construction projects within the District of Columbia as depicted in the Table 1 "Oversight Responsibility", unless circumstances dictate FHWA review of a specific project. DDOT responsibilities include all reviews and approvals associated with the design, construction, award and final inspection. Under this agreement, the FHWA DC Division office is not involved in the review, plans, specification authorization, inspection, monitoring or approval of these projects. Reference Attachment A for the detailed process.
2. Compliance with Federal Requirements: Certain Title 23 requirements dealing with transportation planning, procurement of professional services, disadvantaged business enterprise, wage rates, advertising and award of bids, convict produced materials, and Buy America provisions and all non-Title 23 requirements apply to all Federal-aid projects.

3. Specific DDOT responsibilities: DDOT staff will continue to be responsible for ensuring compliance with the following Title 23 US Code, 23 CFR and 49 CFR policies and requirements:
 - Projects shall be eligible for Federal-aid funding as defined in Title 23 and/or 23 CFR.
 - For design projects, DDOT will develop and approve the scope of work, and approve the consultant selection and cost.
 - Projects shall have NEPA environmental clearance signed off by FHWA *before* being obligated for construction.
 - Projects shall be included in the current TIP (Transportation Improvement Program).
 - Projects shall be located wholly within the existing right-of-way. Roadways shall not be widened beyond what is necessary to meet current AASHTO standards.
 - Utility relocations shall be accomplished either prior to obligation or accommodated during construction.
 - Project design elements shall comply with the latest edition of the AASHTO Green Book design elements, or DDOT standards. If design exceptions are needed, they shall be processed and documented by DDOT.
 - Project traffic control devices, both temporary and permanent, shall comply with the latest edition of MUTCD.
 - Projects shall include 49 CFR Part 26 DBE requirements.
 - Projects shall include Form FHWA-1273 Required Contract Provisions.
 - Projects shall include applicable wage rate decisions regarding payment of predetermined minimum wage (Davis-Bacon).
 - Projects are competitively bid and awarded to the lowest responsible bidder.
 - Single bids are reviewed to ensure that prices are competitive with current market price trends.
 - Material sampling and testing in compliance with latest approved FHWA QA/QC program.

FHWA Responsibilities:

1. FHWA Oversight Projects: The FHWA will be responsible for the oversight of all Title 23 and non-Title 23 aspects of projects as depicted in Table 1 (Oversight Responsibility), including location and design, right-of-way and construction phases. FHWA DC Division office personnel will review and approve project designs; approve Plans, Specifications and Estimates; concur in award, approve changes in contract (change orders, supplemental agreements, time extensions, claims, etc.) and conduct project inspections.
2. Fiscal authorization of Resurfacing/Restoration Projects, Non-NHS and Other Delegated Projects: Fiscal authorization of projects with DDOT oversight as depicted in Table 1 (Oversight Responsibility) shall continue to be authorized by FHWA in FMIS before DDOT proceeds with the project. The FHWA Project Delivery Team Leader and

Financial Manager will perform the FMIS recommendation and authorization, and subsequent fiscal modifications authorizations as necessary.

3. ARRA Projects: The FHWA will be responsible for the oversight of all American Reinvestment and Recovery Act projects. FHWA DC Division office personnel will review and approve project designs; approve Plans, Specifications and Estimates; concur in award, approve changes in contract (change orders, supplemental agreements, time extensions, claims, etc.) and conduct project inspections. For Resurfacing/Restoration Projects, the Division will perform initial and final acceptance inspections.
4. Other Project Involvement: The FHWA DC Division Office, in consultation with DDOT, may become actively involved with any Federal-aid transportation project, including those for which DDOT has assumed FHWA's responsibilities, when unique circumstances arise or when program or process reviews are being conducted.
5. Technical Assistance: The FHWA DC Division Office is prepared to provide technical assistance to DDOT on any aspect of an eligible Title 23 project, including intermodal transportation projects. Technical assistance activities will be decided on a case-by-case basis in consultation with DDOT, other partners and the division office. The FHWA DC Division Office, in cooperation with DDOT, will continue efforts to improve the processes and procedures.
6. Non-Title 23 Responsibility: FHWA will continue to assume responsibility for Federal Actions required under laws outside of Title 23, such as:
 - Activities for compliance with Section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 (42 USC 4321 et. seq.) and 23 CFR 771.
 - Activities for compliance with Section 4(f) of the Department of Transportation Act of 1966, P.L. 89-665, 49 USC 303.
 - Civil Rights Act of 1964, 42 USC 2000(d) et. seq. and 23 CF 200 (Title VI), and 23 CFR 230 (EEO).
 - Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970, 42 USC 4601, et. seq. 23 CFR Parts 710-740 and 49 CFR Part 24.

ATTACHMENT A

ATTACHMENT A. DDOT Processes Applied to DDOT Oversight Projects

See Table 1 (Oversight Responsibility) for projects with DDOT oversight

PROJECT SELECTION:

This is an interface between planning and project management. Candidate projects are generated from the Department's Pavement Management System based on the Pavement Condition Index (PCI). The objective to using this asset management system is to keep the roads rated 'good' in good condition while addressing and including some roads in very poor condition. The System assigns appropriate rehabilitation to each project based on the dominant distress type and extent. Corresponding construction costs estimates are calculated for each project. The list is prioritized based on PCI and organized by ward and rehabilitation type. It is then distributed to the Team Leaders and Transportation Ward Planners for their review and comment. Based on their feedback, the list is adjusted and reprioritized as necessary. All other projects within the impacted area are also identified and coordinated. A final list that incorporates the input is produced and re-distributed. As a last and final step, all the parties involved meet and develop the Department's short and long-range rehabilitation program.

PROJECT MANAGEMENT:

In general, project management is a two-step process and involves design and construction activities. The management process for these activities is as follows.

DESIGN - This process starts after projects are defined with complete scopes of work and environmental review, where required. Key features include: project obligation, A-E consultant selection where applicable (e.g. for projects decided not to be completed in-house), finalization of contract, pre-design kick-off meeting, survey completion, reviews at 30 and 65 percent, and final certification.

At the initial phase of design, the Chief Transportation Engineer assigns projects to the appropriate team. If work is to be done by a consultant, a firm from the pre-qualified A-E list will be asked to submit a technical proposal including expected team members to work on the project and a schedule. Based on the acceptability of the consultant's proposal, a fee will be negotiated and the contract finalized. The project manager then communicates the schedule for the various design phase completions to all stakeholders emphasizing when the 65 percent plans will be complete and ready for comment. At 65 percent design phase, procurement will decide on the best value vehicle for construction bid. Stakeholders will review the design and provide comments within two weeks. After the 65 percent design phase, a verbal and consultant performance review should be provided. After the final review, stakeholders will have their last chance to review and confirm, that leads to the occurrence of final design, development of construction cost estimate, and certification of permits.

The involvement of a contract specialist from the start facilitates the simultaneous development of a procurement package that promptly enables the finance representative to process the budget approval process. Due to the fact that all stakeholders including IPMA (Chief Engineer, Team Leader, Assistant Program Manager, Design Engineer, Construction Engineer), Contract Specialist, Finance, A-E Consultant, Transportation Ward Planner, Traffic Engineer, ANC and NSC, Utilities, Portfolio Council, Office of Planning, are all involved from inception to the final

ATTACHMENT A

design, any significant concerns will be addressed and resolved. In addition to making the implementation much faster and smoother, changes during construction are expected to be very minimal, taking into account weather, natural disasters, etc.

CONCURRENCE IN AWARD

The Contracting Officer shall ensure compliance with all Federal Highway Administration standards for contract award. Prior to award of each contract, the Contract Specialist shall review each file to ensure that all of the conditions outlined in 23 CFR 635.114 "Award of Contract and Concurrence in Award" are met before forwarding the contract to the Contracting Officer for signature.

The concurrence-in-award is the responsibility of a number of offices within the Department. The affected program office and the budget office shall cooperate fully in submitting concurrence in award documentation to the Contracting Officer. The concurrence-in-award checklist currently utilized by the FHWA shall be used to ensure full compliance with these requirements.

CONSTRUCTION - Key features include identifying staff, communicating and coordinating with the contract officer, developing a well-designed contract, coordination with DDOT Administrations as-well-as utility companies. The goal is to build the best project at the lowest price with the least amount of impact.

The construction management process includes: pre construction meeting, notice to proceed, construction, change order (if required), quality control, and payment. A key step in this process is the pre-construction meeting before executing the contract. This will occur after the issuance of intent to award contract. Following contract execution, tasks that must occur include: identification of staff to manage project, contract document set up, plan and quantity review, submittal to the QA/QC (material testing and approval) and WASA, and Notice to Proceed. The construction step includes verifying material approval by QA/QC, conducting field inspection, preparing daily reports, working on grade adjustments, and coordinating with pre-paving utility installation. Monitoring of construction progress and inspection/quality control are key integral phases of the whole construction process. Monthly partial payment requests are prepared by the contractor and submitted to the project manager/engineer for his review and approval. If approved, the payment request is forwarded to the Chief Financial Officer where it gets authorized and payment made to the contractor.

CHANGE ORDERS:

Typically, a change order may modify the specifications or alter the work to be performed within the original scope of the project. It may result in a change in contract completion time and/or total price. Changes in project scope will not be considered because they change the conditions included in the project procurement and can bypass competitive bidding procedures. Review of the change order is required by: DDOT's COTR, Program Managers, Chief Engineer and the Chief Financial Officer before approval by the Chief Contracting Officer. This may involve minor modification of the original plans and specifications. During the term of the Agreement, where the proposed change(s) is substantial, i.e. the change results in a 10% or greater increase in the original project cost, or in the original cost of a task order of the contract, FHWA written

ATTACHMENT A

prior concurrence is also required, which is equivalent to the existing process. A contract revision form similar to FHWA's Form-1365 will be used to document the change order.

When a change order is prepared, it should:

- Include the project name and number, contract name and number, Federal project number, change order date and number, and all other appropriate contract information.
- Provide justification for the change, to demonstrate that a reasonable analysis was conducted.
- Include an independent government estimate.
- Include a revised statement of work, invoices or quotations from the prime contractor and all subcontractors. Depending on the value of the change, a review may be conducted. The greater the cost or change in the substance of the contract, the more detailed the review should be. Some changes may require an independent government estimate.
- Include the contractor's signature.
- If DDOT and the contractor negotiate the price of the change, then document, sign and date the negotiated terms/work/price and include as an attachment to the change order.
- Require pre-approval from Office of the Chief Engineer and the project COTR.
- The OCFO will determine funding availability and if approved, will issue funding certification to affect the change order. The OCFO submits all the documentation to the Chief Contracting Officer for final approval.

The Contracting Officer shall sign all Article 3 directives and change orders in accordance with procurement rules and regulations. The Contracting Officer will also be responsible for maintaining custody of the change order file to ensure quality assurance with audit requirements. The change order file shall contain the following:

- Change directive
- PAR
- Modified 106
- FHWA Approval (Form 1365), If Applicable
- Government (Engineer's) Estimate
- Memorandum of Negotiations
- Any documentation relating to the change order
- Contractor's/Consultant's Proposal
- Pricing Certification (Signed by the Contractor/Consultant)

CLOSE-OUT/FINAL WALK-THROUGH:

This section summarizes procedures for streamlining the close-out/final walk-through process required to ensure completion and receipt of all proper documentation and resolution of delays. The following steps will need to be effected for the closeout process to be complete:

- 1) Determination of whether the project is on schedule. If the project is completed on schedule, DDOT sets up a final walk-through with FHWA. Time extensions will be

ATTACHMENT A

based on justified delay. If the consultant fails to meet the revised deadline date, DDOT will assess damages and then conduct the final walk-through with FHWA.

- 2) The final inspection will result in a punch-list being generated, where appropriate.
- 3) All punch-list items will be addressed in a timely fashion and the Project Engineer will sign off on completed punch list items.
- 4) The consultant submits final documents and payment requests for review by the Project Engineer.
- 5) The Project Engineer prepares and sends the final voucher for payment.
- 6) The final payment including retainage should be received by the contractor before final acceptance/closeout of the project.
- 7) In addition to the project closeout, a post project review should be conducted to provide an opportunity for learning and continuous improvement. A “lessons learned” session is a valuable closure mechanism for team members, regardless of the project's success. Such a session provides official closure to a project. It also provides a forum for public recognition and offers an opportunity to discuss ways to improve future processes and procedures.
- 8) DDOT shall complete a Final Acceptance Form FHWA 1446B and transmit it to FHWA to inform them that the project is completed. The form shall include the DDOT Contract Number, the name of the DDOT Project Manager, and the statement ‘This project was administered and managed by DDOT in conformance with the DDOT-FHWA Stewardship Agreement. DDOT was responsible for taking all project actions without FHWA oversight. The project was completed in reasonable conformance with the scope of the project as programmed in FMIS and the plans and specifications. DDOT documented the Materials Certification and compliance with section 1.23 pertaining to encroachments on the right-of-way.’

ATTACHMENT A

State Project Number(s): _____
Federal Aid Project Number(s): _____
Reviewed by: _____
Date: _____

Concurrence in Award
(23 CFR 635.114)

1. Statement of Non-Collusion on file with DDOT or a copy of executed Non-Collusion Certificate: _____
2. Apparent low bidder listed on GSA List of Parties Excluded from Federal Procurement & Non-Procurement Programs (<http://www.arnet.gov/epl/>): _____
3. Low bidder prequalified? _____
4. Low bid _____% below/above Engineer's Estimate.
5. Bid prices in reasonable conformance with estimated prices? _____
6. Right of Way clear? _____
7. If money exceeds amount authorized, funds available determination from Fiscal: _____
8. Federal-aid participation ratio current? _____
9. Bids previously received and rejected? _____
10. Bid opening report checked for irregularities? _____
11. If request is to award to other than the lowest responsible bidder, explain in comments:
12. If the request is to reject all bids, explain in comments:
13. DBE Utilization [Equal Opp. Spec. ()]: _____
14. Low bid exclusive of employee training: \$ _____
15. Employee training: Number of hours _____ Cost \$ _____
16. Inspection Data: Inspection Frequency Goal _____
Goal for Major Phases to be Inspected _____
17. Comments:

ATTACHMENT B

ATTACHMENT B. Mutual Service Standards/Performance Measures

This agreement is designed to enhance the performance of each organization in meeting the transportation needs of the citizens of the District. It may be terminated, amended or supplemented at any time by written notice by either party. This agreement is considered a living document. It is anticipated that these Mutual Service Standards/Performance Measures will be periodically evaluated and updated. Both agencies will identify a lead person to monitor each standard/measure.

This is an effort to establish expectation levels of each agency, to assist in meeting goals, and to deliver our mutual services for the benefit of the public, the FHWA and DDOT. This agreement does not supersede any of the requirements of Title 23 United States Code and implementing regulations.

CONSTRUCTION PROGRAM

Concurrence in Award

DDOT - All projects submitted by DDOT to FHWA will have complete information as depicted by the Concurrence-in-Award checklist (in Attachment A).

Change Orders

DDOT - All change orders will contain appropriate documentation in support of the changes, costs and time extensions.

FHWA – Respond to all requests within 10 calendar days and average less than 7 calendar days.

Project Inspection

FHWA - All inspection reports provided to DDOT within 10 working days after completion of inspection.

DDOT - Respond to, or resolve, items identified in FHWA's inspection report within 20 working days after receiving the inspection report.

SAFETY PROGRAM

HSIP

DDOT will review the process in which locations are determined to be safety projects. DDOT will transmit Highway Safety Improvement Program (HSIP) report by August 31st of the reporting year. The HSIP Report will include required information as specified by FHWA Headquarters.

FHWA will review and comment on the draft report within 15 days. The final report will be forwarded to Headquarters electronically.

Crash Data

DDOT will forward crash data quarterly. Upon the complete installation of the new accident record systems at both DDOT and MPD and the establishment of data transfer protocols and crash data, the cycle will become monthly.

FHWA will update the Unit Performance Plan tracking sheet and report to the Director of Field Services at least once quarterly (by 12/31, 3/31, 6/30, 9/30).

ATTACHMENT B

DESIGN PROGRAM

Design Review

DDOT - All comments responded to or resolved before the next plan submission.

DDOT - All Bridge Type, Size and Location will be included in the 30% design package.

FHWA - Provide written review comments within 14 working days of the design submission.

PLANNING

Statewide Transportation Planning Program

DDOT - Develop draft Statewide Transportation Improvement Program (STIP) for review & approval. The STIP must be consistent with 23 CFR 450.220 and must include the following:

- *Priority transportation projects to be carried in 4 years, listed by each year;*
- *Projects in non attainment areas must conform to MPOs plan and programs;*
- *STIP projects must have funding that is “available and committed” for the first two years of the STIP.*

FHWA/FTA Review draft STIP within 60 days and final draft within 30 days of receiving date.

DDOT - Submit STIP for amendments and must include the following information:

- *Specific justification for changes;*
- *Net dollar change amount for each project.*

FHWA Approve Highway related STIP amendment within 21 days of receiving date.

FINANCE PROGRAM

Financial Operations

DDOT will submit final vouchers for State Administered projects via FMIS with no documentation required by FHWA.

FHWA will randomly review supporting documentation of final vouchers for State Administered projects within 90 days of closing by FHWA.

FIRE

Inactive Projects - Reduce Unexpended Balances on Inactive Projects

DDOT - During the FY, DDOT will reduce by 10% the unexpended balances of projects with no expenditure changes for 1-year, with emphasis on unexpended balances of \$500,000 or more

FHWA will establish a base line each FY, as well as quarterly for inactive projects over \$500,000 or more. FHWA will provide technical assistance and project follow-up activities.

DDOT will identify and inform FHWA of PE projects which are approaching the 10 year limitation by March 31st of each Fiscal Year (ensuring PE projects comply with 23 CFR.630.112 (c) (2)).