

Locally Administered Federal-aid Projects: Stakeholder Partnering

*Georgia Department of Transportation Program Assessment
Summary Meeting Report*



August 17-18, 2017

Atlanta, Georgia



U.S. Department of Transportation
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Day One—August 17 (full day)

Introductions—Meeting Attendees

- Malik Al-Kush, LAP Coordinator, GDOT Office of Program Control
- Kevin Chesnik, Applied Research Associates, Inc.
- Bobby Hilliard, Program Control Administrator, GDOT Office of Program Control
- Neosha Lawhorn, Real Estate/Local Program Coordinator, FHWA Georgia Division
- Kim Lobdell, KL Engineering, Inc.
- Albert Shelby, Director of Program Delivery, GDOT

Georgia Department of Transportation (GDOT) Local Program Overview

- Georgia does not lock down the Statewide Transportation Improvement Program (STIP) and Transportation Improvement Programs (TIPs), and this can cause project priorities to shift over time.
- GDOT's local program is approximately \$300 million per year.
- Malik Al-Kush became the Local Administered Project (LAP) Coordinator in May 2014.
- All local bridges are State assets, and projects are a combination of local and GDOT design and/or construction that GDOT inspects on a regular cycle. GDOT has hired consultants for program management, including for transportation enhancements (TE). These are managed and monitored by the Office of Program Delivery's (OPD's) TE Program consultant.
- Albert Shelby (OPD) explained how GDOT uses consultants to manage local bridges and TE. Locals have expressed interest in more independence.
- Non-metropolitan planning organization (MPO) projects use mostly State money; they feel it provides more flexibility along with a shorter delivery time. Locals must sign the appropriate certifications that they either will follow or have followed all State and Federal rules that apply, and if issues arise later, locals are responsible.
- Georgia hires consultants to manage both local and State projects; anything that is State-let follows the Plan Development Process (PDP).

- Signature responsibilities for environmental, real estate, utility, and construction are with the appropriate office in GDOT.

Summary of LAP Areas of Concern, Growth, and Management

- The Federal Highway Administration (FHWA) conducted a base audit of the GDOT local program in 2014 that revealed deficiencies in the understanding of local governments in how to properly administer Federal projects, leading to non-compliance concerns. GDOT implemented a revised certification process in 2014 and is currently in the process of re-certification of their local agencies. FHWA has given GDOT flexibility in how they manage their local certification program, as long as they meet the Federal requirements.
- A current problem is ensuring that local agencies understand what really needs to be done to administer a Federal project.
- FHWA is very supportive of making changes to the management of the LAP Program in order to achieve better compliance.
- GDOT's LAP Program is centralized. Everything concerning training and certification runs through the LAP Coordinator. OPD's project managers (PMs), of which there are more than 50, are helping local governments with their projects, and they also consult the LAP Coordinator with questions and/or issues on the LAP process on both the programmatic and project level. GDOT is providing training to PMs so they can support and coordinate with the LAP Coordinator better. There is a high turnover in the PM position, which adds challenges to coordinating projects with the LAP Coordinator.
- When FHWA went out to check project files for compliance in the base audit in 2014, local agencies said consultants have the documentation. The files were not always available in the offices of the local agencies. PMs were spending a lot of time on local projects, so GDOT came up with a checklist for plans, specifications, and estimates (PS&E) submittals that has helped the locals significantly. FHWA has an engineer for every district, and they reviewed every PS&E submittal and found many non-compliance concerns. Each issue was addressed. FHWA worked with the GDOT PMs to fix the problems. FHWA will no longer be reviewing every local PS&E package, because things have improved. FHWA will, however, be conducting quarterly reviews of the local PS&E packages.
- GDOT currently routes the local project work through various

departments (i.e., environmental documents, real estate) for review, certification, and approval.

- Progress has been made after assessing the issues in 2014. GDOT came up with a vision and worked hard at getting where they are today. They re-established the Local Administered Project Certification Committee (LAPCC), which is a centralized function, to be more effective. They have representatives from Environmental, Right-of-Way, Procurement, Utilities, Title VI, Construction, Program Delivery, the Materials Lab, and newly added Accounting departments involved in the LAPCC.
- Feedback from locals to GDOT management indicates they would like more independence in delivering their FHWA-funded local projects. The locals would like to spend less time on training, however, stakeholder partnering could help them better understand the requirements of the certification program.
- The Project Framework Agreement (PFA) puts everything required for the project in writing in order to help better execute projects.
- During some of the LAP training sessions conducted prior to 2014, it appeared the audience was not very engaged in the course materials. Now that improvements have been made to the training and testing is required, students are much more engaged and interested in the training course materials.
- GDOT's Office of Program Delivery will be hiring more consultants to help oversee the program, supplementing PMs in OPD. Bobby Hilliard's consultant (currently being solicited in a request for proposal [RFP]) will provide training to these people on the local process.
- Construction oversight is done at the District level for both the local and State system. For local-let projects, GDOT is working to ensure the commitments made in design are followed through to construction. This was identified in the FHWA audit process as a deficiency. Communication needs to be more uniform. Changes by locals need to follow all the commitments made during project development.

LAP Structure/Coordination

- How can GDOT better administer the LAP program? There is a need to evaluate the internal structure that GDOT is currently using.

LAP Program Communication

- The communication process is an issue. The LAP Coordinator will be more of a contract administrator—globally or programmatically focused; OPD is more project focused.
- How does GDOT keep locals informed of the process and requirements? GDOT may need an external stakeholder partnering group.
- GDOT may consider the possibility of setting criteria on the size of projects that use Federal funds.
- Education is ongoing via FAQs (related to Code of Federal Regulations) that Albert is working on. Albert's FAQs deal with issues at the project level; there is a need for some groups to have FAQs that are at the programmatic level.
- OPD is setting policy and determining how it is rolled out. This is also in Malik's area and either is not happening or is being duplicated. This is similar to the situation that was observed in Oregon.
- OPD has many committees, including an OPD LAP committee that Malik was recently included on.

LAP Compliance

- Compliance—making sure local municipalities are certified and that project activities adhere to Federal and State guidelines, policies, and procedures.

LAP Program Database/Tracking

- Currently using Excel and Access—GDOT wants a customized system that can integrate with GDOT data. Some possible uses include identifying gaps in training or upcoming needs and being proactive.
- Reporting and tracking data for certifications, expirations, training, letters, metrics, reports, and trends would be useful.

LAP Program Training/Webinars

- GDOT is working on providing this to local agencies.

LAP Program Auditing

- The audit process educates on risks and issues.

- GDOT needs to complete internal audits to identify gaps and concerns for corrective measures that may reduce the number of issues found in Federal audits.
- GDOT put in their FHWA LAP stewardship agreement that they will audit 1/3 of projects annually to see whether they meet Federal compliance. GDOT wants to be proactive and identify things coming down the road to give guidance and avoid non-compliance issues on both a project and a programmatic level.

LAPCC Contractual Services RFP

- Trina Williams, GDOT Procurement Development Liaison, and Provita Mungin, GDOT Training and Development Manager, joined via telephone to discuss the proposed RFP.
- Scope: GDOT is looking for a consultant who can assist the LAP Coordinator in day-to-day activities, be proactive, and implement new ideas to increase compliance and improve training.
- Teaming is anticipated. The prime consultant will probably be skilled in teaching and presentations, with subject matter experts (SMEs) providing material for substance. GDOT will provide content material. FHWA would like GDOT and FHWA employees to be presenters.

Day Two—August 18 (10 a.m. to 12 noon)

Meeting Attendees

- Malik Al-Kush, LAP Coordinator, GDOT Office of Program Control
- Kevin Chesnik, Applied Research Associates, Inc.
- William Farr, Assistant Division Administrator, FHWA Georgia Division
- Alvin Gutierrez, Project Delivery Team Leader, FHWA Georgia Division
- Bobby Hilliard, Program Control Administrator, GDOT Office of Program Control
- Michael Lankford, Assistant State Construction Engineer, GDOT
- Neosha Lawhorn, FHWA Georgia Division
- Kim Lobdell, KL Engineering, Inc.
- Meg Pirkle, Chief Engineer, GDOT
- Merishia Robinson, OPD Program Manager, GDOT

Feedback to Management

- The LAP certification program at GDOT could be under OPD. Consideration should be given to a possible reorganization in GDOT to combine the training and certification program with the project development staff in OPD as mentioned above.
- Feedback to GDOT Management
 - Learning about how GDOT program operates.
 - Evaluating existing resources.
 - GDOT has an organizational structure in place. All projects, whether State or local, are assigned to OPD PMs.
 - GDOT uses a local certification program for all local aid projects using Federal funds except for TE, Safe Routes to School (SRTS), Congestion Mitigation and Air Quality (CMAQ), and Scenic Byways.
 - The delivery documents are reviewed by GDOT Departments such as Real Estate, Environmental, and Utilities. This process helps alleviate concerns that GDOT has to maintain strict oversight of local projects developed through the certification program.
 - Most of these local FHWA-funded projects are locally let.
 - The FHWA audit identified some enhancement projects that are older and not yet cleared for acceptance. GDOT may find some of

those are not in compliance.

- FHWA has completed an audit and identified concerns. Improvements have been made in the process.
- Several issues were identified; there appears to be a communication process overlap. Two different GDOT groups are talking to locals. OPD-assigned staff communicate with local agencies on their assigned local Federal-aid projects. Also, the Office of Program Control communicates with local agencies on a programmatic basis in their oversight of the certification program. There is a gap between these two groups. This could lead to a gap in compliance. This overlap is partially related to a resource gap in Malik's area. This is an opportunity that could be addressed by implementing FHWA EDC-3 stakeholder partnering concepts. Look at Oregon, Florida, and Ohio case studies to evaluate options for structuring this group.
- GDOT District staff meet with every city and county during the development of the STIP process.
- If GDOT is going to be holistic and cover all the stages of project development, perhaps LAP should be organized under OPD. This would provide some type of backup to Malik, as well as combining a coordinated response from GDOT to the local agencies in the certification program.
- FHWA agrees that more resources are needed for the Local Program, either additional staff or consultant support.
- GDOT does embed consultant staff into their offices, and they could possibly consider this to provide additional resources for Malik.
- FHWA sees issues with one person handling all the training and certification process as well as the administration of the LAP process. This is addressed in the RFP with the LAP Coordinator.
- An issue identified within the RFP is the IT/database task. It may need to be separated from the other RFP scope of work. The first phase of data entry is into GDOT's Access program, the second phase is to customize a program with a new database that integrates the two. Different skillsets from the rest of the RFP are needed. It may be important to get thoughts from industry before putting the RFP on the street.
- GDOT should set performance measures up front for certification

and audit processes. They will need to discuss with FHWA what the requirements are.

OPD Presentation on Compliance Checklist —Merishia Robinson, OPD Program Manager, GDOT

- There is a need to create a certain level of education so that local agencies are required to know what they are responsible for. Many agencies have little experience, and the GDOT PMs are continually re-educating them. PMs are spending more time on local projects than State projects. The PM becomes the first point of contact with GDOT. When GDOT has an issue, they go to the locals, not the consultant, because they do not have three-party contracts with local agencies and consultants. There is a need for more project-level training to help the PMs and reduce the amount of support PMs provide the local agencies on FHWA-funded local projects.
- GDOT does not complete evaluations on local-sponsored project consultant firms because they are not party to the contract. This (three-party contracts) could be added to the compliance process.

Construction Presentation—Michael Lankford, Assistant State Construction Engineer, GDOT

- The locals oversee their own contractor. GDOT issues the notice to proceed. The GDOT area engineer does periodic visits and provides QA/QC. Because of audit findings, they are spending more time on local agency projects. GDOT handles payment requests, change orders, etc.
- Issues found in construction include the lack of file management. Local agencies did not collect payrolls, did not do labor compliance interviews, and there was not enough good documentation for payment requests or enough time to close projects.

Wrap-up and Closing

- Kevin Chesnik of ARA will submit a draft report documenting the findings of the technical assistance to GDOT and FHWA for review. ARA will address comments received and will prepare a final report for distribution.
- All parties appreciated the frank and open discussion. ARA is not here to tell you how to do your business, but rather to provide a different

perspective and some potential solutions.

- GDOT wants to move from a reactive state to a proactive state and address issues with education and training to catch problems early before they become problematic.

Recommendations

On day two of the meeting, from 8 to 10 a.m., Kevin Chesnik and Kim Lobdell worked on providing input to the RFP and reviewed the information available. They also discussed a summary of what was accomplished during the meeting on day one in order to provide verbal feedback to GDOT management. Several recommendations were identified, as follows:

1. GDOT should consider combining the LAP Coordinator's programmatic and training functions in one office with OPD. This is recommended since the SME trainers for local agencies are generally staff from OPD, and Malik also trains staff from OPD in the basics of the LAP program during the same local training sessions.
2. Communication with local agencies could be improved. Currently, there seems to be a level of confusion since all projects are assigned a project manager in GDOT, however local agencies are responsible for knowing the certification program requirements, and these are provided by Malik and Bobby through their programmatic-level training and support efforts.
3. GDOT could consider working with local agencies using stakeholder partnering concepts. Webinar support from the FHWA EDC-3 contract is still available through April 2018 if travel by local agencies is a problem.
4. It may be possible to streamline some of the Office of Program Control's review of local aid projects delivered through the certification program once the local agencies are trained and supported with the requirements of the program.
5. Provide additional resources for GDOT to leverage their certification program further. This is the intent of the new RFP being developed.

EDC-3 Locally Administered Federal-aid Projects: Stakeholder Partnering

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