



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

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Tallahassee, FL 32303
850-553-2200

June 11, 2012

In Reply Refer To:
HPO-FL

Mr. Tom Byron
Chief Engineer
Florida Department of Transportation
605 Suwannee Street
Tallahassee, FL 32399

Subject: Emergency Relief Pre-event Contracts

Dear Mr. Byron:

Many important lessons have been learned in the years following the eight hurricanes that impacted Florida in 2004 and 2005. It became vitally clear that the State needed contractors ready to go with disaster recovery as soon as possible following an event. As a result of these experiences, several pre-event scopes of services have been developed by the State Maintenance Office and our office has approved their use by FDOT and local agencies for disaster recovery. This letter clarifies our expectations of the various pre-event contracts when funding is provided from the Federal Highway Administration Emergency Relief program.

FHWA policy letters were issued on September 12, 2006 and July 16, 2008, which should be familiar to all participants in the ER program. The following information does not supercede but rather supplements the previously provided information.

FHWA has reviewed and accepted the standard scopes of services for the following types of pre-event contracts:

Emergency Repairs (State and Local Use)

- Debris removal (3 types) – Cut & Toss, Debris Removal and Debris Removal Monitoring
- Signals & Generators (3 types) – Emergency Signal Repair & Emergency Generator Installation, Emergency Generator Installation, and Emergency Signal Repair

Permanent Restoration (State Use Only)

- Permanent Sign Repair
- Permanent Lighting or Permanent Signal Repair

The approved scopes are listed at <http://www.dot.state.fl.us/statemaintenanceoffice/scopes.shtml>. These pre-event contracts must be competitively bid and must include all required federal aid provisions. Local agencies contracts must include scopes that are consistent with the approved

scopes detailed above. All costs associated with establishing the pre-event contracts are not eligible. After there is a declared eligible ER event the work performed by these contracts will become eligible if reasonable and supported. Further requirements are listed below.

Emergency Repairs

In accordance with 23 CFR 668.109(a)(1), prior FHWA authorization is not necessary for emergency repairs related to an ER event. Therefore, work on these contracts can proceed immediately after the event. FHWA Transportation Engineers will follow up with a site inspection and Detailed Damage Inspection Report (DDIR) as soon as possible following the event. In all cases, it is essential that FDOT and local agencies thoroughly document the damage and recovery efforts. Federal FMIS authorizations must have an approved DDIR number located in the State Remarks section. For eligibility questions, staff should refer to our FAQs at <http://www.fhwa.dot.gov/fldiv/erpfaq.htm>. Emergency repair work done within the first 180 days after the event will be reimbursed at 100%. Debris removal should be accomplished within the first 60 days and only "first push/first pass" debris is eligible. Second and subsequent passes on federal-aid highways are not eligible.

The contracts which contain *Signals Emergency Repair* work are eligible for ER funding if the work restores essential traffic through intersections. The majority of this work will involve replacing or repairing one signal head in each approaching direction (Type I work). There may be some instances that warrant repair of more than one signal head in each direction during the emergency phase (Type II work). This additional work is considered permanent restoration and proper justification must be discussed and approved in advance by FHWA staff. The actual work may be performed prior to Federal FMIS authorization (23 CFR 668.109(a)(2)). This Type II work must remain a small percentage of the overall work and it will be paid at the pro-rata share rather than 100% federal share.

Permanent Restoration

The scope for *Permanent Sign Repair* was approved for statewide use in October 2011. *Permanent Lighting or Permanent Signal Repair* is now also approved for statewide use by FDOT. The intent of these scopes is to procure contractors in advance of ER events for eventual permanent repair work. The main difference between these contracts and emergency repair contracts is that the work performed here is considered permanent restoration (will be reimbursed at the normal pro-rata share) and must be approved by FHWA before any work commences.

Therefore FDOT Districts electing to use these scopes must establish District-wide projects and an advance construction (AC) federal-aid authorization must be approved by FHWA prior to contract advertisement and award. After an eligible ER event, FDOT establishes new federal project numbers for each specific DDIR written and Task Work Orders (TWO) are then executed with the contractor. The DDIR number must be included on all TWOs as well as the State Remarks section of each FMIS request. These new federal projects will be funded with AC if ER funds are not yet available, or with ER funds if they have already been allocated to Florida.

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The corresponding District-wide project will have its AC funds reduced by the same amount requested for each site-specific authorization. Failure to follow these procedures will result in a violation of 23 CFR 1.9(a) and the inability to be reimbursed for otherwise eligible costs. Finally, if an eligible event does not occur, there will be no eligible Federal-aid costs for these contracts.

These permanent restoration contracts will have one year terms with an option to extend the contract one additional year. Any extension beyond that must be related to work for an event that occurred within the contract timeframe. Escalation clauses or price indexes may not be a part of any renewal.

For further information or if you have any questions, please contact Chad Thompson, by e-mail at Chad.Thompson@dot.gov or by phone at (850) 553-2239.

Sincerely,



For: Martin C. Knopp
Division Administrator

cc: James Jobe, FDOT
Chuck Rohling, FDOT
Robin Naitove, FDOT
Greg Wolf, HIPA