

Section 5.7

FEDERAL-AID PROJECT REQUIREMENTS

5.7.1 Purpose

The purpose of this section is to provide a uniform process for compliance with Federal-Aid project requirements.

5.7.2 Authority

Sections 20.23(4)(a) and 334.048(3), Florida Statutes

5.7.3 Reference

Part 23, Section 635, Code of Federal Regulations (CFR), and Section 6, Standard Specifications for Road and Bridge Construction

5.7.4 Correspondence

On Federal-Aid Projects, all correspondence shall include the Federal-Aid Project Number, as well as, the Financial Project Identification Number. All other appropriate project reference information shall be included in the subject heading, and the designation of FHWA Full Oversight or Delegated shall be shown.

5.7.5 Interstate System Projects

Projects on the interstate system funded with Federal-Aid Discretionary Funds shall be under construction within ninety (90) days of the FHWA's authorization to advertise for bids. This is generally earlier than other projects. The contractor's stockpiling of materials or placing of an order for major materials constitutes starting work. This must be properly documented in the *Project Diary*.

5.7.6 Federal-Aid Participating/Non-participating

Certain work included in a Federal-Aid Project may be designated as Federal-Aid Participating or Federal-Aid Non-participating during the design phase, the Plans

Specifications & Estimates Review phase, or when contract modifications are necessary during construction. The designer will document the appropriate breakdown in the plans. Examples of such work are: work being done for and paid for by another agency under the joint project agreement; work on a cross street beyond the limits considered necessary to develop an adequate crossing; salvage value of materials or equipment originally purchased with federal funds which are to be salvaged into a Department warehouse; and work which the FHWA deems to be a periodic maintenance function.

The ***Federal-Aid Policy Guide*** requires that all project financial documents, such as ***Supplemental Agreements***, ***Monthly Progress Estimates***, monthly billing to the FHWA, ***Final Estimates*** and final billing to FHWA, accurately reflect all costs which have been determined to be Federal-Aid Participating and Federal-Aid Non-participating. In accordance with this requirement, plan preparation procedures and the integrated contract system have been modified to allow designation of those pay items which are Federal-Aid Non-participating and to split pay quantities for those items with partial Federal-Aid Participation.

The Project Administrator shall properly separate Federal-Aid Non-participating items and/or quantities from Federal-Aid Participating items and/or quantities when preparing a ***Supplemental Agreement***, ***Unilateral Payment*** or ***Work Order***. Guidelines for determining Federal-Aid Participation of cost and time increases or decreases are contained in ***Section 7.3.11*** of this ***Manual***.

On FHWA Full Oversight projects, it is essential that the Resident Engineer on In-house Construction Engineering and Inspection administered projects and the Consultant Project Manager on Consultant Construction Engineering and Inspection administered projects make every effort to obtain from the FHWA Transportation Engineer a determination as to Federal-Aid Participating or Federal-Aid Non-participating for contract modifications, in accordance with ***Section 7.3.11.2*** of this ***Manual***. On FHWA Delegated projects, the determination as to Federal-Aid Participating or Federal-Aid Non-participating shall be obtained from the District Construction Engineer in accordance with ***Section 7.3.11.3*** of this ***Manual***.

5.7.7 Revised Plan Sheets

Resident Level Responsibilities

The Project Administrator shall furnish to the FHWA a copy, for written approval, of all plan revisions initiated during construction on Federal-Aid oversight projects. For major plan revisions, FHWA approval shall be obtained prior to issuing the ***Notice to Proceed*** to the contractor for work associated with the proposed plan revision. Copies of all

revised plan sheets will be furnished to the FHWA along with a copy of the executed **Supplemental Agreement, Form No. 700-010-45, Unilateral Payment, Form No. 700-010-05** or **Work Order, Form No. 700-010-80** used for the purpose of incorporating the revised plan sheets into the contract.

5.7.8 Construction Zone Accident Reports

Engineer's Maintenance of Traffic Evaluation at Crash Site, Form No. 700-010-64, will be completed by the Project Administrator for each accident occurring within the limits of the Federal-Aid Project. Refer to the **Maintenance of Traffic** chapter of this **Manual** for further instructions.

5.7.9 Buy America

Buy America Requirements, as promulgated by the **FHWA (Part 23, Section 635.410, CFR**, as amended), as they pertain to steel and iron specify the Contractor must use only those materials and products which contain steel and iron, wholly or as a component, manufactured in the United States. The producer must provide certification to this effect. The Exception related to minimal quantities of material produced outside the United States incorporated into the project, as outlined in **Section 6, Standard Specifications for Road and Bridge Construction** and **FHWA (Part 23, Section 635.410, CFR)**, are applicable to this section.

5.7.9.1 Product Certification

Resident Level Responsibilities

Certification per product, per project will be required as shown in the **Section 5, Materials Manual, Topic No. 675-000-000**. The Project Administrator shall be responsible for obtaining the certification prior to permitting the incorporation of any products into the project.

5.7.9.2 Change of Source

Resident Level Responsibilities

If there is any indication or reason to believe that the producer may have switched sources of steel or iron during the life of the project, the Project Administrator will require an updated **Certification of Compliance** from the producer.

5.7.10 Retention of Salvageable Materials or Equipment Produced from a Federal-Aid Project and Retained by the Department

Consistent with *Federal Office of Management and Budget (OMB) Circular A-102* and *Federal DOT Common Regulation 49 CFR, Part 18*, the Florida Department of Transportation shall not require a credit or reimbursement to the project for the value of any salvageable materials or equipment resulting from a Federal Aid project. Exempt from this requirement is all railroad work performed pursuant to **49 CFR 266** and **23 CFR 140**.

5.7.11 FHWA Final Inspection

Final inspection of a Federal Aid oversight project shall, whenever possible, include the FHWA Transportation Engineer for inspection conducted at the Department's semifinal inspection. It is imperative that sufficient notice of the date, time, etc., be given for this inspection to accommodate scheduling. By following this procedure, a determination can be made as to what corrective action or additional work is required by FHWA to be accomplished as a condition of accepting the project prior to the Department's acceptance from the Contractor. Refer to the *Project Closeout* chapters of this *Manual* for instructions on project acceptance.

5.7.12 Notice to FHWA of Final Acceptance of Federal-Aid Project

Refer to the *Project Acceptance* chapter of this *Manual* for discussion and sample of, *Final Inspection and Acceptance of Federal-Aid Project, Form No. 700-010-32*, which is required by *Florida – Exemption Agreement and 23 USC 106 Exception Process*.

5.7.13 Notice to FHWA prior to payment of Incentive, No Excuse Bonus, Lane Rental or Liquidated Savings Monies

On FHWA Full Oversight projects containing Incentive/Disincentive, No Excuse Bonus, Lane Rental or Liquidated Savings Special Provisions, FHWA approval must be obtained prior to issuing payments to the contractor for any portion of or the full Incentive, No Excuse Bonus, Lane Rental or Liquidated Savings amount.