LAP CERTIFICATION QUALIFICATION TOOL

Per the Stewardship and Oversight Agreement, in enacting ***23 United States Code (USC) 106(c)*** Congress recognized the need to give states more authority to carry out Federal-Aid Highway Program project responsibilities traditionally handled by the Federal Highway Administration (FHWA). Under this assignation of responsibilities, the Florida Department of Transportation (FDOT) may permit local agencies to carry out the FDOT's assumed responsibilities on locally administered projects. The FDOT is responsible for Local Agency compliance with all applicable Federal laws and requirements.

Congress recognized the importance of a risk-based approach to oversight of the Federal-Aid Highway Program (FAHP) and established requirements in ***23 U.S.C. 106(g)***. The processes of Certification and recertification record local agency staff capability and proficiency in executing Local Agency Progam (LAP) projects. Local agencies may be certified in up to five phases in the transportation project life cycle and each phase carries its own requirements and commitments. The keys to compliance and reducing state and federal risk factors related to compliance in the most simplest of terms are Local Agency staff experience and cooperation and state sponsored training of local agency staff.

Certification and recertification is a commitment by the local agency to perform all associated activities of the Federal-Aid Highway Program including but not limited to Title VI compliance, ADA compliance, grant management and fiscal accountability, procurement of professional service and construction administration in adherence to all federal and state requirements. The Certification Qualification Tool is a risk-based assessment of your Local Agency and measures performance based risk of your participation in LAP.

Answer all questions in this Tool to the best of your ability. Your District LAP Team is there to provide assistance and support as required while you complete the re/certification process.

1. INITIAL SCREENING

Based on the initial screening is eligible for

Please Choose One

Title VI Sub-recipient Compliance Assessment approval date by Central Office:

Financial Risk Assessment approval date by Central Office:

Number of projects programmed in the current 5 Year Adopted Work Program:

2. RESPONSIBLE CHARGE

The responsible charge for your agency is: This person must be a full time employee of the agency. This person (or people) will be the designated point of contact in LAPIT. This person (or people) should be available upon request to attend all coordination meetings with the FDOT.

Which project phases does your agency plan to implement LAP projects?

Check all that apply:

☐ Planning ☐ Design ☐ Construction ☐ Construction Administration

☐ All of the Above

Environmental and Right of Way phases are not eligible for delegation to local agencies without additional authority. Contact your District Local Program Administrator for information.

3. LAPIT

Adding a new agency in LAPIT requires the agency to submit their State and Florida Vendor Identification number and their Dun & Bradstreet (D-U-N-S) number. Vendor identification provided here should be the primary ID for the agency with the correct mailing address for payments from the FDOT to your agency. DUNS numbers are required for reporting federal grants under the Federal Funding Accountability and Transparency Act (FFATA) and may be obtained free of charge at the following link: http://fedgov.dnb.com/webform

Vendor ID #

DUNS #

Please provide your Agency's LAPIT Administrator name and contact information. This person is responsible for maintaining your agency's information in LAPIT and granting access to other agency users. All LAPIT users are assigned a role that limits access to project information as needed. The Local Agency is responsible for determining the appropriate level of access for each user.

4. TRAINING

Training requirements identified in Section 2.4 of the LAP Manual must be completed by each agency designated employee (as instructed by the District LAP Administrator) prior to Initial Certification (unless indicated otherwise by the District LAP Administrator) and/or within 12 months of LAP Recertification approval letter date. **Failure to complete all required training courses as indicated will effectively terminate your agency's LAP Certification and may affect future program participation and reimbursement of project funds.** The list of training courses required is maintained in the LAP Manual Chapter 2.

Is your agency able to send one or more staff members to each course listed in Lap Manual Chapter 2 and also send additional staff at the request of the Department to maintain Certification in the LAP program?

The agency may use multiple staff members to satisfy the LAP Certification training requirement.

Please Choose One

5. AGENCY STAFFING

Your agency must have adequate staff to provide oversight for all phases of Federal-Aid Highway Projects as listed below, or may supplement staff with consultant support as needed to demonstrate adequate oversight staff.

a) Does your agency have adequate staff to manage multiple projects at one time?

Please Choose One

Describe delegation of duties or organizational structure for contract administration.

b) Does your agency plan to use consultant support to supplement oversight and administrative personnel?

Please Choose One

c) Will consultant support be limited to specific project phases or required for all project phases? *For example, your agency does not have a professional engineer on staff and will use a consultant P.E. for managing all design phase projects.*

Please Choose One

If yes, what services will consultants perform on behalf of your agency? *For example project applications, cost estimates, scoping, administration, project management, etc.*

d) If a consultant firm(s) will provide oversight and administration of design phases, what is the name and firm name of your agency's designated Professional Engineer?

e) Which consulting firm(s) will perform the services listed in 5(c)? ****Note all agencies are required to adhere to the LAP Conflict of Interest Procedure as defined in the LAP Manual Chapter 18.***

6. PROJECT DEVELOPMENT

a) Does your agency prioritize projects through the Metropolitan Planning Organization (MPO) process?

Please Choose One

If yes, which MPO?

Is your agency located in a designated Rural Area of Opportunity per 288.0656 F.S.? *If unsure, please visit the Florida Department of Economic Opportunity's website at: http://www.floridajobs.org/REDI/RAOMap.pdf*

Please Choose One

b) Which department and/or staff will be responsible for project development including; preparing and submitting transportation project applications for agency eligible local programs? *Provide point of contact information (or multiple points of contact if each respective office participates in project development).*

c) Has project development staff completed the ADA Design Accessibility Training Course or a similar training course? ***Note all FAHP projects must comply with ADA. Required ADA upgrades within proposed project limits should be identified during the project application stage and included in the agency cost estimate(s) submitted to the Department.***

Please Choose One

If yes, list staff name(s), name of course, and date of training here:

If no, is your agency able to send project development staff to ADA Accessibility Training within the next 12 months?

Please Choose One

7. PROCUREMENT

Your agency's ability to maintain reimbursement eligibility is dependant on the following federal procurement regulations.

a) Identify agency staff with federal procurement experience and the primary point(s) of contact for LAP project procurement:

b) Is your agency able to send a minimum of one procurement staff member to the training courses identified in LAP Manual Chapter 2 to maintain familiarity with federal and state requirements throughout the Certification period? Note: Your agency may be responsible for both construction and professional services contract procurement as participants in LAP.

Please Choose One

c) How does your agency monitor bid opportunity reporting by both contractors and consultants on federal contracts?

d) Identify those employees with oversight responsibility and access to the Department's Equal Opportunity Compliance database.

e) Does your agency approve all sub-contracts?

Please Choose One

How will your agency monitor all sub-contracts for incorporation of required federal terms and provisions, including FHWA 1273 and Appendix I: Terms for Federal-Aid Contracts?

f) Does your agency have local preference, location, minority, disadvantaged, or other required programs incorporated into your procurement procedures?

Please Choose One

Check all that apply:

☐ Local Preference ☐ Location ☐ Minority ☐ Disadvantaged

☐ Other:

g) Is your agency able to remove all preference programs, except those approved by the Federal government, from federally funded contracts?

Please Choose One

h) Does your agency incorporate contract language for termination for cause, convenience, and default in contracts and subcontracts greater than $10,000?

Please Choose One

i) Does your agency develop expected project durations and incorporate beginning and end dates in each contract?

Please Choose One

j) What is the average duration of your professional services and construction procurement processes from advertisement to contract award?

Professional Services:

Construction:

7a. Continuing Services Contracts

Does your agency have a continuing services contract it would like to utilize for professional services phases of LAP projects?

Please Choose One

If yes, is it a federalized contract procured in compliance with the Brooks Act and CCNA and with all the federal contract language incorporated? ***The contract cannot be for more than one category or phase of work, cannot exceed 5 years in duration, and cannot exceed $1.5 million to be eligible for reimbursement of services.***

Please Choose One

7b. Professional Services Procurement

a) Has your agency procured federally funded professional services contracts in the previous 3 years?

Please Choose One

Identify all locations your agency advertises contracts and the duration of advertisement(s).

b) Does your agency have a qualifications or grading program for consultants?

Please Choose One

If no, does your agency use FDOT pre-qualified consultants for Department funded contracts?

Please Choose One

c) Does your agency formally evaluate consultants' performance during the contract period?

Please Choose One

If no, is your agency able to establish a performance evaluation method for use on federally funded contracts? ***Performance evaluations are required for all federally funded professional services contracts per 23 CFR 172.***

Please Choose One

Who will perform the consultant evaluations for your agency?

d) Does your agency publish all selection criteria in the advertisement?

Please Choose One

e) Does your agency request qualifications and then proposals from consultant firms, or combine these into one step?

Please Choose One

f) Does your agency routinely prepare independent man hour estimates prior to negotiating with consultants?

Please Choose One

Identify staff members (or consultant) with experience developing independent man hour estimates for engineering related consultant services?

g) Does your agency foresee issues incorporating the Terms for Federal-Aid Contracts into all contracts and subcontracts or executing all required forms (as identified in LAP Manual Ch 18 and on the LAP Checklist of Professional Services Contracts Form # 525-010-49) for each project?

Please Choose One

7c. Construction Procurement

a) Has your agency procured federally funded construction contracts in the previous 3 years?

Please Choose One

b) What methods of bidding does your agency employ for infrastructure projects? ***Alternative contracting procedures require district review and approval prior to advertisement per Chapter 9 of the LAP Manual.***

c) Identify all locations your agency advertises contracts and the duration of advertisement.

d) Does your agency foresee any issues physically incorporating the FHWA 1273 Form into all contracts and subcontracts or executing all required forms (as identified in LAP Manual Ch 23 and on the LAP Checklist for Construction Contracts Form #525-010-44) for each project?

Please Choose One

e) Does your agency incorporate materials purchasing preferences in contracts?

Please Choose One

f) Does your agency incorporate warranty provisions or maintenance bonds in contracts?

Please Choose One

8. PLANNING

Refer to Florida Administrative Code Chapter 14-75 for minimum planning qualifications required for any project performed on the State Highway System or National Highway System.

a) Does your agency have a planning department with at least one planner on staff full or part time?

Please Choose One

b) Does your agency planning department have a designated transportation planner on staff?

Please Choose One

c) Does your agency expect to perform transportation planning studies with in-house staff or consultant staff or both?

Please Choose One

d) Has your agency planning staff performed and completed transportation planning studies?

Please Choose One

If yes, how many studies has staff performed in the last 5 years?

e) How many transportation planning studies have been performed by consultants on behalf of your agency over the last 5 years?

9. PLANS, SPECIFICATIONS AND ESTIMATES (PS&E)

The Florida Professional Engineer on staff with your agency is:

This person has years of transportation design experience.

Florida License #

a) Does your agency plan on designing projects with in-house design staff?

Please Choose One Number of engineers on staff:

b) Does your agency design transportation projects in accordance with the Department's Plans Preparation Manual or the Florida Greenbook, as applicable?

Please Choose One

c) The FDOT must review project design plans prior to approving the PS&E Package. The FHWA Florida Division Office will also review design plans at its discretion. What is your agency's typical plans review schedule?

d) Please identify agency staff responsible for submitting or monitoring consultant submittal of design plans to the FDOT's Electronic Review Comments (ERC) application.

e) Has project design staff completed the ADA Design Accessibility Training Course or a similar training course? ***All FAHP projects must comply with ADA. Required ADA upgrades within proposed project limits shall be incorporated during the design phase.*** *Please Choose One*

If yes, list staff name(s), name of course, and date of training here:

f) Does your agency regularly use preferred or proprietary products on improvement projects (i.e. street lights, benches, trash cans, patterned pavement)?

Please Choose One

g) Who on staff is responsible for certifying right of way activities for all projects are in compliance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970?

h) Who on staff is responsible for certifying that all utilities are either cleared or coordinated for each project in compliance with 23 CFR 635.309?

i) Who on staff is responsible for certifying that all railroad work is either cleared or coordinated for each project in compliance with 23 CFR 635.309?

j) Who on staff is responsible for identifying all environmental or cultural resources (Section 4f) within project limits and certifying NEPA compliance?

k) Who on staff is responsible for certifying environmental clearance or all permits and/or exemptions have been obtained?

l) Identify any staff that have completed the Department's PD&E Training and received a certificate of completion:

m) Does your agency have specifications for roadway construction you would like to use on off-system LAP projects?

Please Choose One

If yes, submit all specifications to the District Specifications Office for review and approval.

Specifications Approval Date:

If no, does your agency foresee any issues incorporating the LAP Big Four Specifications (off-system) or the Department's Standard Specifications (SHS/NHS) into project PS&E packages?

Please Choose One

10. CONSTRUCTION

a) Does your agency seek to self-perform construction activities? Force account construction requires a Department approved public interest finding. Acceptable justifications for force account construction cannot be based on cost alone.

Please Choose One

If yes, identify agency experience with public works construction projects (i.e. resurfacing, sidewalks, trails, traffic signals, lighting).

b) Does your agency have a timekeeping system that associates employee time to specific projects?

Please Choose One

11. CONSTRUCTION ADMINISTRATION

a) Does your agency hold pre-construction meetings?

Please Choose One

b) Describe your agency's change order approval process.

c) Describe your agency's time extension approval process.

How does your agency count contract time? *Please Choose One*

Does your agency allow work on weekends, holidays, and nights? If yes, oversight staff shall be available during these times. Please check all that apply:

☐ Weekends ☐ Holidays ☐ Nights

d) Describe your agency's materials testing and approval process.

Identify all inspectors on staff with CTQP certification(s):

e) How does your agency track and certify Buy America compliance on federal projects?

f) Identify your agency's schedule of liquidated damages. You may elect to use the Department's schedule.

g) Describe your agency's liquidated damages assessment process.

h) Describe your agency's process for monitoring subcontractors and subletting to ensure compliance with FHWA 1273.

11a. Inspection

a) Does your agency seek to self-perform construction inspection activities?

Please Choose One

If yes, how many inspectors does your agency employ?

b) Do any or all of your agency inspectors maintain certifications per FAC 14-75 in order to perform SHS or NHS projects? *Please Choose One*

c) Describe your agency's process for inspecting construction projects.

d) Describe your agency's process for completing inspectors' daily reports and recordkeeping.

e) How will your agency manage oversight and control of a project when a consultant CEI is performing inspection duties?

11b. Contract Compliance (Wages, Payrolls, DBE)

a) Has your agency administered FAHP construction contracts in the previous 3 years?

Please Choose One

b) Do any staff members have direct experience performing or monitoring Resident Compliance Specialist (RCS) duties on FAHP construction contracts?

Please Choose One

If yes, identify all staff who will self-perform contract compliance on construction contracts per the FDOT Contract Compliance Manual Topic No. 275-020-002. Staff must complete training as offered by the Department or FHWA and demonstrate adequate knowledge of federal contract compliance requirements.

If no, identify staff who will monitor consultant performed RCS services, which includes bid opportunity, DBE payment reporting approvals, subcontractor approvals, etc. Staff must complete training as offered to perform this role.

c) How does your agency monitor DBE payment reporting by contractors and consultants on federal contracts?

d) Identify those employees with oversight responsibility and access to the Department's Equal Opportunity Compliance database.

12. INVOICING

a) Describe how your agency complies with Prompt Payment requirements.

b) Describe how your agency verifies work invoiced by a contractor/consultant compared to work performed.

c) Is there any reason why your agency cannot comply with the LAP quarterly invoicing requirement?

d) Identify staff and/or departments within your agency responsible for preparing and submitting invoices to the Department.

13. CERTIFICATION / RECERTIFICATION STATUS

Effective , qualifies for the following certification/recertification:

Please Choose One

The following exceptions are applicable to this Certification/Recertification:

Check all that apply:

- ☐ AGENCY MAY NOT PERFORM IN-HOUSE DESIGN
- ☐ AGENCY MAY NOT PERFORM FORCE ACCOUNT CONSTRUCTION
- ☐ AGENCY MAY NOT PERFORM IN-HOUSE CEI ON OFF-SYSTEM PROJECTS
- ☐ AGENCY MAY NOT PERFORM IN-HOUSE CEI ON SHS/NHS PROJECTS
- ☐ AGENCY MAY NOT PERFORM IN-HOUSE CONTRACT COMPLIANCE (RSC)

District Local Program Administrator Date

Local Agency Responsible Charge Date