

the **SIGPOST**

a local agency
programs' information
bulletin to local agencies

Michigan Department of Transportation

February 2002

LOCAL AGENCY PROGRAMS MOVE UPDATE

Local Agency Programs continues to be located at 808 Southland Drive in Lansing. Mail is still to be sent to P.O. Box 30050. The second floor of the Van Wagoner (Transportation) Building is still undergoing renovations. These renovations are expected to be completed this spring and it is anticipated we will be moving back during early summer. At the time of this newsletter our current move-back date is June 7, 2002.

LOCAL AGENCY PROGRAMS STAFF MEMBERS

Local Agency Programs has changed over the last several months. We continue to fill our vacant positions. In October 2001, we welcomed Rudy Cadena as our new Local Agency Programs Engineer. Rudy was formerly the Supervising Engineer of the Consultants Unit of the Design Division. He brings with him a vast knowledge of consultant issues. In our Rural section we welcome B.D. Agrawal, Adam Penzenstadler and Ron McKee. Since both Adam and Ron are in our Engineer Training Program, they only will be with Local Agency Programs temporarily before moving to another unit within the Design Division. In our Urban

section we welcome Mark Harbison and Amy Zokvic. In our Bridge section we welcome Mark Harrison. An organizational chart is attached which includes the project type each staff member is generally involved with, their telephone number and e-mail address.

NEW E-MAIL ADDRESSES

As part of the governor's e-Michigan Project, individual e-mail addresses have changed for state employees. Addresses have changed from UserID@mdot.state.mi.us to UserID@michigan.gov.

Web site addresses are unchanged at this time.

LOCATION DESCRIPTION ISSUES

We have had several questions regarding the location of projects that are not located within a village or city limits. Therefore, we have requested that these descriptions include the township name if the project is not located within a village or city.

NON-COMPETITIVE BID PROJECTS

Some significant changes will be in effect for the Negotiated (soon to be called the Agreed To Unit Price) and the force account process. For approximately 12 months, we have been operating under interim guidelines. A focus group was assembled to finalize the interim process and modify the guidelines as necessary. The focus group members are: Ron Krauss (MDOT Rural Programs Engineer), Tom Fudaly (FHWA Division Administrator), Larry Strzalka (MDOT Urban Programs Engineer), John Niemala (CRAM Director), Rudy Cadena (MDOT Local Agency Programs Engineer), Ron Brenke (MBA Director) and Don Stypula (MML Manager of Environmental Affairs). Because Don Stypula could not attend the first focus group meeting, he asked John Niemala to represent him.

The objective of this focus group is to develop a final document pertaining to the criteria and process for non-competitive projects. Negotiated projects are currently being processed under the interim guidelines dated February 20, 2001. The draft criteria meets current federal and state statutes. One of the points of focus was to incorporate force account projects into the process and set a new threshold describing the maximum amount of non-competitive bid work a local agency is allowed to perform each year. A three-year list of non-competitive bid projects (FY 1999, FY 2000 and FY 2001) was compiled and sent to the attendees prior to the meeting. Using this data as a guide, MDOT and FHWA suggested the following changes to the process be adopted in the final written guidelines:

- The term Negotiated project will be changed to “Agreed To Unit Price” or ATUP.
- The amount of non-competitive bid

work performed by each Local Agency is limited to \$500,000 of federal transportation funds per year. The amount of federal funds used in conjunction with Emergency Relief projects will be exempt from this limitation. Also, special projects such as Intelligent Transportation Systems (ITS) or Traffic Signal Modernizations, may be exempt from this limitation if the local agency can provide justification to the department of the needs to do the work with their own forces.

- MDOT reserves the right to add additional procedural changes in the future if the dollar amount or percentage of work increases dramatically.

Currently, the amount of work award by Non-Competitive methods is averaging \$10 million/year or approximately 3% of the Local Agency Program (using an estimated \$300 million/year average for the last three years).

It was noted that all non-competitive bid projects with estimated costs exceeding \$100,000 must be sent for a 90-day review. This includes force account work associated with a bid construction contract.

MDOT’s reporting format will be the same as presented in the three-year listing of projects, given to the focus group, with the following modifications:

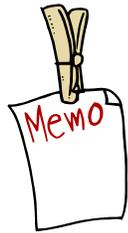
- MDOT will modify its report to designate whether the Non-Competitive Bid work was part of a larger bid contract (e.g. Force Account work associated with a Competitively Bid project such as grading work associated with a Competitively Bid paving project) or an independent project.
- For non-competitive bid work, associated with a competitive bid project, the description of work will

describe the work performed by the local agency and not include the work description for the competitive bid work (e.g. Traffic Signals, Municipal Utilities, Culvert Installations, etc.).

If you have any questions regarding these changes, please contact Ron Krauss (kraussr@michigan.gov) for Agreed To Unit Price contracts and Larry Strzalka (strzalkal@michigan.gov) for Force Account.

ROW PROCESS

In order to improve our process and better assure that we are meeting the federal guidelines, we would like to make some clarifications of the procedures.



Attachment A

When we receive Attachment A, we send it to Ron Paulson, Real Estate Division, for a review. The local agency will get a copy of the cover letter acknowledging our receipt of their form and informing them of the date it was sent to Real Estate for review.

The most common mistake we see at this stage is that grading permits are not counted as a ROW acquisition. Securing Grading Permits is considered ROW acquisition and must follow the same procedure that is used for easements or acquisitions in fee.

If the scope of the ROW acquisition (that is number and type of acquisition) has changes

after Attachment A was originally submitted, they must be reflected in Attachment B.

Attachment B

Attachment B is due a month ahead of the advertising day according to the planning guide, provided by Local Agency Programs. A copy of the planning guide is attached. We would like, however, to receive them as soon as the ROW is acquired. You can send them directly to the staff engineer with a copy to our consultant if the project is assigned to one.

Permits from government agencies

When the project uses property owned by a government agency, such as the Department of Natural Resources (DNR), or MDOT, the permit issued by that agency is considered a ROW acquisition. However, if the permit is a DEQ permit for work within a waterway, or an MDOT permit for using a state trunkline as part of a detour, that is not considered a ROW acquisition, since it is the function of the agency.

Local Agency request for review

A Local Agency may request a review of their ROW acquisition for a project. The request should be made through the staff engineer.

For further information on this subject, contact Mike Largo (largom@michigan.gov).

ENGINEER'S CRASH ANALYSIS (3R) MUST ACCOMPANY PROGRAM APPLICATION

All road and safety projects using 3R guidelines require an analysis of the MALI crash data, indicating if there is a need to address any associated geometric or fixed object concerns. If so, describe how these concerns are being addressed relative to the proposed project improvements. If not, substantiate there are no items requiring improvements. For further

information on this subject, contact Ron Krauss at kraussr@michigan.gov.

THIRD PARTY CONTRACTS

Just a reminder regarding Third Party Contracts: If the local agency has a project using federal funds for Preliminary Engineering, Right of Way, Testing or Construction Engineering using a consultant, then the selection of the consultant must follow the *Brooks Act*. The *Brooks Act* states the selected consultant will be determined by criteria related to the complexity and conditions of the project. The criteria should include the experience of the firm and the personnel assigned to perform the specific project functions (quality-based, not low bid). Also, any modifications and/or changes in scope of the project must be reflected in a contract amendment between the local agency and the consultant. MDOT must be given an opportunity to review the original agreement and any amendments. A copy of each must be provided for our files. Please contact your Local Agency Programs Project Manager or Larry Strzalka strzalkal@michigan.gov for further information on this subject.

LOCAL AGENCY COMPLIANCE WITH THE NATIONAL BRIDGE INSPECTION STANDARDS (NBIS)

The Bridge Operations Unit, in the Construction and Technology Division, has now assumed full responsibility for collecting bridge inspection data from the local agency bridge owners. Effective immediately, please use the following address for all bridge inspection data submittals:

Paper Forms: Structure Inventory and Appraisal (SI&A) Forms (1717A) marked in red may be sent to:

Craig Russell, Bridge Inventory Specialist
Construction and Technology Division
Michigan Department of Transportation
8885 Ricks Road, P.O. Box 30049
Lansing, Michigan 48909

The Local Agency Programs (LAP) Unit will use the Bridge Management System software to continue to monitor compliance on a monthly basis. Questions regarding the transfer can be e-mailed to bukoskig@michigan.gov.

GEOMETRIC DESIGN GUIDELINES FOR FEDERAL/STATE-FUNDED LOCAL AGENCY PROJECTS

In order to clarify which Geometric Guide is appropriate, please place a note on the title sheet as to the designation for the type of project. Indicate whether it is Section B, C or D. Choose only one section appropriate to the plans. The proposed improvements covered by these plans are in accordance with Section B (Reconstruction), or Section C (3R), or Section D (Preventive Maintenance) of "Geometric Design Guidelines for Federal/State-Funded Local Agency Projects", December 1, 1999 (Metric) or May 1, 2001 (English).

APPROVAL OF THE CRITICAL BRIDGE LIST

The Design Division met with the Bureau of Planning to finalize the FY 2003 critical bridge list which was forwarded to the director's office. The final critical bridge selection was sent to local agencies in mid-February.

MISCELLANEOUS ITEMS

The Michigan Department of Transportation's Interim 2003 Standard Specification for Construction book can be obtained from the Michigan Road Builders Association (MRBA). The book can be purchased for \$20.00. MRBA can be contacted by telephone at 1-888-229-MRBA, or by e-mail at www.mrba.com.

The current Design Exception form is dated 3/01. If you need a design exception, please obtain the form from your staff engineer.

NEW LOOK FOR THE SIGNPOST

The SignPost has a new look, but still contains informational articles you need. If there is a topic you would like to see in a future SignPost, we want to hear from you. Don't hesitate to contact any staff member of Local Agency Programs with your requests and ideas.

Q & A SECTION

Do you have questions? Do you think you are the only one with a particular question? You might be surprised at how many others may have the same question. Submit your questions to conklinmi@michigan.gov, or any other Local Agency Programs staff member, and we will promptly provide an answer. If we receive several questions regarding the same subject, the question and answer also will be placed in a subsequent SignPost issue.

JUST A REMINDER WE ARE ON THE WEB



[www.mdot
s/design](http://www.mdot.s/design)

.state.mi.u

If you have questions or comments concerning this newsletter, please contact us.

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