

From Bruce Kadzban, Local Agency Program Section Administrator

Local Agency Provided Materials

Direct questions and inquiries regarding this Advisory to:

MDOT
Development Services Division
Local Agency Program
www.michigan.gov/mdotlap

Ryan Doyle, PE
MDOT Local Agency Program
Cell 989-220-9447
DoyleR3@Michigan.gov

Due to increases in material lead times, MDOT Local Agency Programs (LAP) has received numerous questions about ways agencies can order materials (i.e. watermain, guardrail, poles, ITS equipment, etc.) in advance and provide them for a project.

Unfortunately, the FHWA does not allow this for any participating cost or pay items on federally funded projects. This includes force account purchases, as well as agency provided materials for participating pay items.

The only method for local agency provided materials on federally funded projects is if they are non-participating items, along with the following requirements:

1. The Local Agency must submit a Public Interest Finding supporting the request, and it must be approved by MDOT.
2. There is no Federal participation for the cost of the material or any related costs to the project. This would include, but is not limited to, costs related to delays, extensions of time, or claims related to the use of the material.
3. Local Agency provided materials must meet and comply with the Special Provision for Buy America. It is highly recommended that the local agency have the materials on hand, along with all paperwork/certifications prior to obligation of the project.

LAP recommends avoiding local agency provided materials due to the inherent risks.

Therefore, it is even more important to plan early and get projects in as soon as possible. Please consider all potential delays when developing the progress clause for your project. A list of material lead times can be found in the MDOT Construction Manual at the following link:

https://mdotwiki.state.mi.us/construction/index.php/102.02_Content_of_Proposal_-_Progress_Clause

Please contact Ryan Doyle (DoyleR3@Michigan.gov) with questions or for more information.