

ALABAMA DEPARTMENT OF TRANSPORTATION

Local Public Agency (LPA) Project Guide



Prepared by the Bureau of Transportation Planning and Modal Programs
Metropolitan Planning Section
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Alabama Department of Transportation

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This document is prepared by the Alabama of Department of Transportation and is intended as guidance for local governments and agencies in the State of Alabama. This LPA Project Guide is supplemental to the *LPA Manual for Federal-Aid Projects in Alabama*. Contents herein do not reflect the official views or policies of the U. S. Department of Transportation.

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Arizona Department of Transportation
 City of Oakland, California
 Florida Department of Transportation
 Minnesota Department of Transportation
 Mississippi Department of Transportation
 Nebraska Department of Roads
 New Hampshire Department of Transportation
 South Carolina Department of Transportation
 Tennessee Department of Transportation

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[Note to the reader: the LPA Project Guide, as is the much larger LPA Manual, is intended for general use by both practitioners and those unfamiliar with the many acronyms and abbreviations common in government. Where possible, we've included definitions within the narrative, but we haven't always succeeded in terms of clarity. With this in mind, ALDOT staff has compiled many of the more common acronyms, abbreviations, and terms under 16.0 Appendices of the Manual (Sections 16.1 Terms and Definitions and 16.2 Commonly Used Acronyms and Abbreviations.)]

Chapter 1.0

Introduction

This document provides guidance and instruction on the Alabama Local Public Agency (LPA) Project Process and includes the following:

- Chapter 1.0 – Introduction
- Chapter 2.0 – LPA Project Process Overview
- Chapter 3.0 – LPA Requirements
- Chapter 4.0 – LPA Compliance
- Chapter 5.0 – Invoicing

The information contained herein is the most current overview material available as of the date of publication. Updates occur as needed. For more detailed information by topic or project type, please refer to the ***LPA Manual for Federal-Aid Projects in Alabama*** and contact the Region Engineer in your area or the Metropolitan Planning Section at the Montgomery Central Office. The ***LPA Manual*** is located on-line at the following website address: [Transportation Planning](#). The entire document, as well as the individual chapters, are available under **LPA Manual**.

1.1 Local Public Agency Program

The Alabama Department of Transportation (ALDOT) is empowered by federal and state legislative authority to contract with local agencies to plan, develop, acquire right-of-way, and construct transportation facilities. ALDOT reimburses local agencies for those services. The name of this program is the Local Public Agency (LPA) Projects Program and there is an updated nationwide list of LPA programs by state on the ALDOT LPA website. Alabama Administrative Code 450-1-1.04, Delegation of Authority, pursuant to Code of Alabama 1975, Section §23-1-1, provides state authority for this program.

1.2 Participants and Roles in the Process

- **ALDOT Region Engineers** (or designees)
Has general oversight of the LPA *project*, conducts business and interacts with the applying LPA on behalf of the Department, interacts with the LPA Responsible Charge/Engineer of Record, processes and makes distribution of project-related paper-flow, may assign a staff person duties as the *Region LPA*

Coordinator to assist with program and project tasks, and works closely the Bureau of Transportation Planning and Modal Programs in the Central Office.

Note: ALDOT has completed consolidation of Division Offices into five Regions. Region Engineers, or designated LPA Coordinators, will assume the responsibility for LPA certifications and project oversight. For our purposes in this document, we will use ‘Region Engineers.’

Note: State Certification of LPAs in Alabama is by letter from the Region Engineer to the LPA Responsible Charge. For funding authorization, all project documentation will be forwarded to the State Office Engineer, Bureau of Office Engineer, who will review for completeness before forwarding to FHWA. Certification must be completed before the Department will request federal authorization of funds.

Note: Sections of the Alabama Immigration Law Act No. 2011-535 are enjoined effective January 1, 2012. The Region Engineer is responsible for ensuring that LPA applicants are in compliance. See Chapter 10, Section 10.4 of the LPA Manual for additional information.

- **Local Public Agency (LPA)** [Project Manager/Engineer/Administrator]
The legally appointed spokesperson for the LPA and the designated person in **Responsible Charge (RC)**. Makes decisions and directs the activities of the project under ALDOT guidance, consultation, and oversight, interacts with the ALDOT Region Engineer and other ALDOT Bureaus as needed. *This role is addressed further in the LPA Manual, Chapter 1.0, Section 1.5.*
- **ALDOT Bureau of Transportation Planning and Modal Prog. – Montgomery**
Two sections of the Bureau play key roles in the LPA process: **Metropolitan Planning Section is the primary contact office** for the ALDOT LPA process; provides information to peer state DOTs, state LPA offices, other Alabama state agencies, Metropolitan Planning Organizations (MPOs) and the general public; maintains the ALDOT LPA website; provides LPA project level support to the Regions; coordinates project agreement preparation and funding activities with the Regions and Bureaus; and inputs CPMS (Comprehensive Project Management System) updates. *Modal Programs Section processes Transportation Alternatives Program (TAP) projects and coordinates with the Regions and other bureaus.*
- **ALDOT Bureaus, Offices, and Sections - Montgomery**
Called on by Regions, the LPA, Metropolitan Planning Section, and Modal Programs Section for project support as required or needed.
- **Federal Highway Administration (FHWA) – Alabama Division**
The agency has overall process and program oversight, approves project funding authorizations, and concurs with ALDOT on PSE packages and project closeouts. May require project-specific, design exception review.

General LPA **project** oversight rests with the Region Engineer, who in turn coordinates with the LPA, ALDOT Metropolitan Planning Section and Modal Programs Section in the Bureau of Transportation Planning and Modal Programs, and other ALDOT

sections and bureaus as determined by project type, to ensure efficient LPA administration and management of projects. The respective ALDOT Region Engineers (or designees) serve as LPA Project Engineers of Record, advise the local agencies, and oversee the projects. *Designation as Engineer of Record may be delegated through the project agreement process.* Region LPA Project Engineers, or assigned Region LPA Coordinators, provide project level direction and oversight in coordination with the Local Agency and other bureaus, offices, and sections at the Central Office.

Note: The **ALDOT LPA website** refers only to the **federally-funded, locally-administered projects of the FHWA LPA Program**. For more information visit the **FHWA LPA site** at [FHWA Local Public Agency](#).

A list of the addresses and phone numbers of the Region Engineer offices and a state map of those locations may be found on the Region listings in the ALDOT Directory. For the ALDOT directory, go to: <http://www.dot.state.al.us/>. The **LPA Projects** site may be accessed from the Transportation Planning main page.

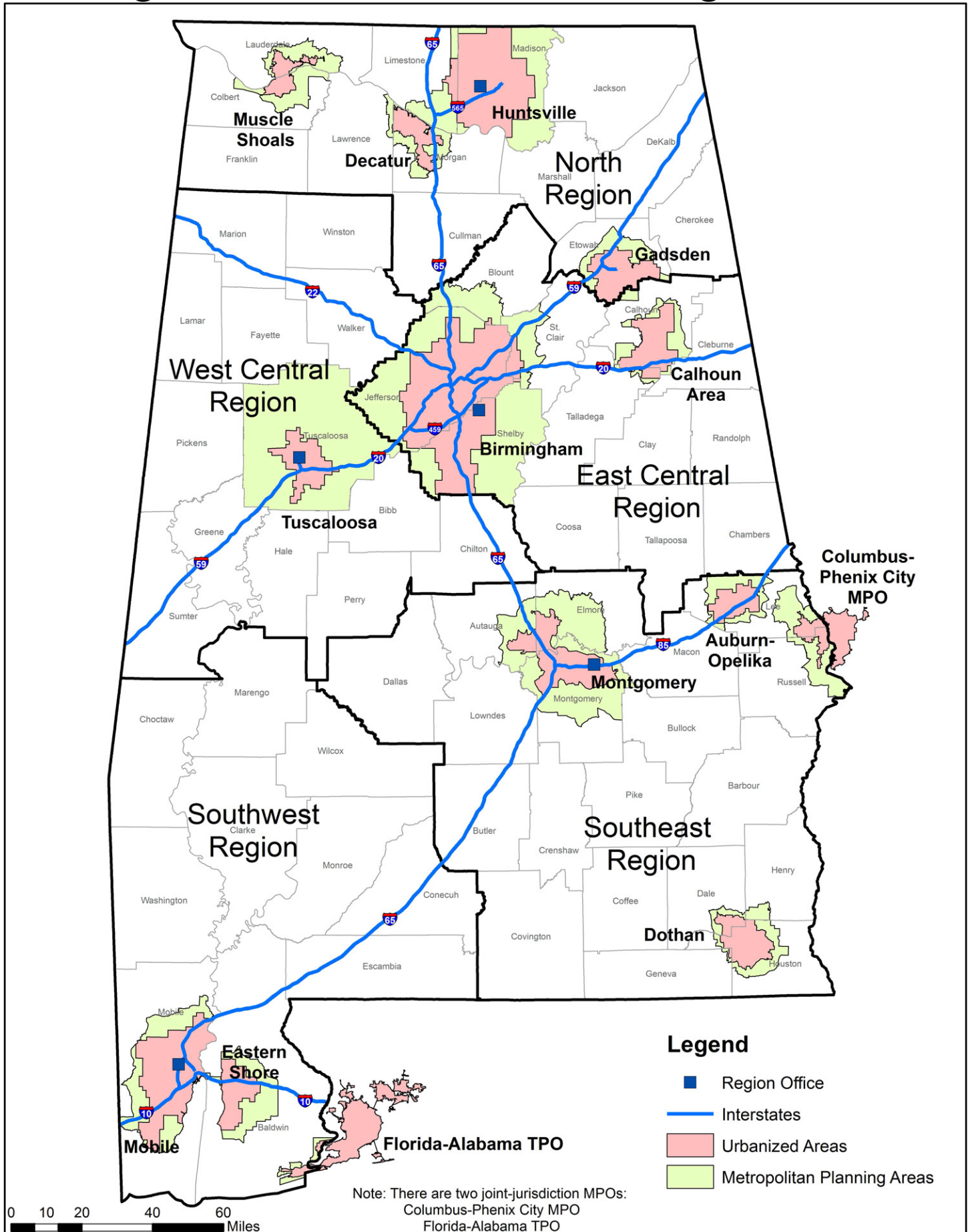
Region Office Locations

1. **North Region**
1525 Perimeter Parkway, Ste 400
Huntsville, Alabama 35806
Phone: (256) 505-4956
2. **West Central Region**
204 Marina Drive
Tuscaloosa, Alabama 35406
Phone: (205) 562-3100
3. **East Central Region**
100 Corporate Parkway, Ste 450
Hoover, Alabama 35242
Phone: (205)327-4962
4. **Southwest Region**
1701 I-65 West Service Road N
Mobile, Alabama 36618
Phone: (251) 470-8200
5. **Southeast Region**
100 Capitol Commerce Blvd.
Suite 210, Bldg. B
Montgomery, Alabama 36117
Phone: (334) 353-6851

Region Engineer

- Curtis W. Vincent, PE**
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Region Office Locations - August 2015



Source: ALDOT Metropolitan Planning Section - 8/27/2015

Figure 1 - Regional Boundaries

Based on 2010 U.S. Census Data

Chapter 2.0

LPA Project Process Overview

The LPA Process consists of ten (10) steps:

- 1) LPA contact with Region Engineer or designated LPA Coordinator
- 2) LPA Application, Financial History, Programming Request, and Interview
- 3) Region Certification of LPA and selected project
- 4) Plans, Specifications, Estimates Concurrence
- 5) Project Agreement finalized
- 6) Federal Authorization for Preliminary Design (includes environmental document development and 60% design sheets)

Note: For environmental documentation purposes, the Region Engineer may declare a project a Programmatic Categorical Exclusion (PCE), if applicable, during certification, and the project will be processed accordingly.
- 7) Federal Authorization for Final Design and Construction
- 8) Local Agency Advertisement and Award
- 9) Project Management and Development
- 10) Project Closeout (Final Inspection and Acceptance)

Although not listed, the above steps contain a number of sub-steps, and these are described in more detail beginning with Section 2.1 below. The majority of funds used for LPA projects are spent during the construction phase; however, Federal LPA funds may be spent for any work in the following phases:

- Preliminary Engineering (PE)
- Design – PD&E [Project Development and Environmental]
- Utilities (UT)
- Right-of-Way (ROW) Acquisition
- Construction (CN)
- Construction Engineering and Inspection (CEI)

2.1 Region - LPA Contact and Interview

An LPA (Local Public Agency, or simply Local Agency) interested in managing and administering a project *must initiate contact with the Region Engineer in the area where the project is located, providing a statement of intentions and receiving guidance on required documentation and next steps.* The Region Engineer (or designee) will direct the LPA to visit the ALDOT LPA website, download the required documents, and submit, along with the letter of intent, an LPA Application, Financial History, and a Project Programming Request. The Region will then schedule an interview with the LPA Responsible Charge (RC).

Before a project can be accepted by the Region Engineer for consideration, supporting documentation must include the following:

- **Purpose and Need Statement.** The statement must be clearly worded and unambiguous and be consistent with FHWA guidance in Technical Advisory T-6640.8A and 40 CFR 1502.13. The statement “...shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives, including the proposed action.” This applies to *all* projects, regardless of project type or activity.
- **Termini Description.** If the project is a *roadway improvement*, a complete project description will include 1) Route Number, 2) *From - To* statement in the approved ALDOT convention, and 3) a secondary description to include specific improvements, such as safety elements and bicycle/pedestrian upgrades. A sample termini description would be: *Bicycle/Pedestrian Improvements 19th Street West in Jasper, from SR-69 to 3rd Avenue; add sidewalks north side of street with crosswalks and signage at 5th Avenue South.*

2.2 Local Agency Application and Project Selection

A Local Agency interested in participating in the LPA program must make application by submitting a Letter of Intent, completing the LPA Application and Financial History, the LPA Project Programming Request, (under *LPA Application* on the LPA website), submitting additional information as may be required by the Region, and be interviewed by the Region Engineer or designee. For agency qualifying purposes, a Local Public Agency is a unit of government with less than statewide jurisdiction or any officially designated public agency or authority of such a unit of government that has the responsibility for planning, construction, operation or maintenance of, or jurisdiction over, transportation facilities. The term includes, but is not limited to: a township, a city, a county, an incorporated municipality, an expressway or transportation authority, a road and bridge division of any of the preceding, a special road and bridge division, or other regional governmental unit. If qualified, as determined through the application process, the Region Engineer will provide a **Certification Letter** and the Local Agency will receive one of the following certification types:

- Full administration of all available project types [except for Environmental Class of Action determination and Right-of-Way Certification activities]
- Project Specific (limited to project type or specific project phase)
- Risk-based (determined on project-by-project basis)

Note: The Region Engineer has considerable latitude in defining the extent of project certification and LPA allowable activities. At the discretion of the Region Engineer, an LPA may request to develop a project to the point of letting, and then relinquish the project back to ALDOT for the actual letting process. This arrangement must be thoroughly discussed during the initial interview and in the development of the project agreement.

Note: For review and application purposes, the Alabama Department of Transportation will consider LPA project eligibility subject to the following provisions:

- 1) Capacity projects (adding travel lanes), interchanges, or on-system bridge projects will not be considered without the written approval of the Chief Engineer.
- 2) Any project exceeding an initial cost estimate of \$2,000,000.00 (current dollars) is subject to review and written approval by the Chief Engineer.

2.3 LPA Agreement

During the interview and startup discussions with the LPA, the Region Engineer will confirm who will be letting the project: ALDOT or the LPA. This, in turn, will determine project funding, language for an agreement, and delivery method. An LPA Agreement can be developed by the Bureau of Transportation Planning and Modal Programs or County Transportation Bureau for various types of projects, and distribution is made to all parties for execution. The purpose of the LPA Agreement is to ensure that all parties understand the overall scope of LPA authority, the correct assignment of federal funds, and the extent of fiduciary responsibility according to all relevant State and Federal laws and regulations.

**Transportation Alternatives Program (TAP) projects.*

As noted in Section 2.2, the Region Engineer has flexibility in determining the extent of ALDOT and LPA project involvement. This must be carefully defined in preliminary discussions as well as the agreement.

2.4 Federal Authorization

The various federal-aid highway programs are reimbursement programs. The LPA is reimbursed by the federal government at the agreed upon pro-rata share for properly documented, eligible, and authorized project costs. The federal government/LPA pro-rata shares for most of the federal-aid highway programs are split 80/20. An LPA would invoice ALDOT for the 80% share, with the 20% LPA match going directly to the consultant or contractor. As previously noted, project costs to be reimbursed with federal-aid funds must be authorized by FHWA.

Note: An agreement will be executed prior to a request for authorization. This authorization must occur before any work may begin. *Reimbursement from federal-aid funds will not be provided if the LPA does not have written confirmation from ALDOT that authorization has been secured for that work.*

A much simplified description of the federal-aid authorization process is included below. The actual authorization process is dependent on the type of project and description of work.

1. During initial contact with the LPA, the Region Engineer will ask for specific documentation from the LPA. One of those documents required for initiating a project, in addition to a signed agreement, is a request for FHWA authorization to begin and manage a specific type of project work using federal-aid.
2. The Region Engineer will review the LPA request and determine if the required scoping and field reviews have been completed and if needed permits and clearances are either underway or have been completed. Comprehensive Project Management System (CPMS) entries may be made providing project ID and description information.
3. The Region Engineer will request the Bureau of Office Engineer obtain authorization for preliminary design, if applicable, for the project from FHWA–Alabama Division. Metropolitan Planning Section or Modal Programs Section verifies the availability of federal funds, updates the CPMS database, and prepares the agreement document.

Note: if the project being requested is a Transportation Alternatives Program (TAP) project, the Region works with Modal Programs Section staff during processing.

4. The Bureau of Office Engineer forwards the request for authorization to FHWA for review and approval.
5. FHWA reviews the request and, if acceptable, signs and returns it to Bureau of Office Engineer. If the request is not acceptable, FHWA and ALDOT personnel must resolve any questions or issues prior to approval.
6. After FHWA has signed the document, Office Engineer advises the Region Engineer by letter of approval, who in turn notifies the LPA that FHWA authorization has been obtained and the LPA may now begin the requested work. **Any work occurring prior to the effective date of FHWA authorization is not eligible for federal-aid reimbursement.**

2.5 Plans, Specifications, and Estimates Concurrence

Final design must not proceed until the NEPA process has been completed and final design has been authorized by FHWA. (Unless the Region Engineer has declared the project a *Programmatic Categorical Exclusion (PCE)* during certification, in which case the project can proceed on that basis with Region Engineer signature.) The final engineering design process produces contract Plans, Specifications, and Estimates (PS&E). These documents contain construction details, contract provisions, permits, agreements, and certifications required to advertise, award, and administer a construction contract. **Approval of the PS&E Package is an FHWA concurrence point within the LPA Process in Alabama.**

2.6 Local Agency Advertisement and Award

The Local Agency advertises the project for competitive bidding and awards the contract to the lowest responsible bidder, subject to the following limitations:

- ALDOT has an operational as well as administrative responsibility to require that plans and specifications used in bid letting and construction of LPA projects be sufficient for doing so in accordance with the provisions of the various federal and state funding acts, legislation, programs, and agreements that are applicable to the respective project types and funding sources. To that end, ALDOT Region personnel will review and comment on bid packages (including all plans and specifications) before notifying the LPA that they may proceed with bid advertisement. Bid package reviews will vary in scope and detail, depending on project type and funding sources. ALDOT staff will comment on possible problems, potential conflicts, or inconsistencies during the review process, but this will not relieve the LPA of full responsibility for the adequacy, accuracy, and completeness of the plans and specifications prepared by or for them.
- If applicable, all pre-project invoicing requirements established in the executed ALDOT/LPA Project Agreement must be satisfied prior to advertisement of the project.
- If a consultant is to perform work for an LPA, the consultant must be on the current ALDOT approved consultant listing. *There are no exceptions to this requirement.* Contractors must be licensed to work in Alabama to be awarded an LPA contract.

Note: If a *Notice to Contractors* advertisement is published which states that contractor prequalification is required to bid on the project, the contract will be awarded only to a bidder who has qualified with the Alabama Department of Transportation (ALDOT) and has a valid certification of qualification. If the *Notice to Contractors* advertisement states that contractor prequalification is not required to bid on the project, the award of the contract will not be made to any bidder who, at the time of the award, is considered by the Alabama Department of Transportation (ALDOT) to be disqualified from bidding, nor to any bidder who has a corporate officer, director, or principal owner who has been similarly disqualified.

Note: The Region Engineer has full discretion in the approval of consultants hired by Cities, Counties, or MPOs, per letter from the Director dated June 4, 2013, and which supersedes all previous guidance. This authority is extended to review and approval of man-day and fee proposals.

2.7 Project Management and Development

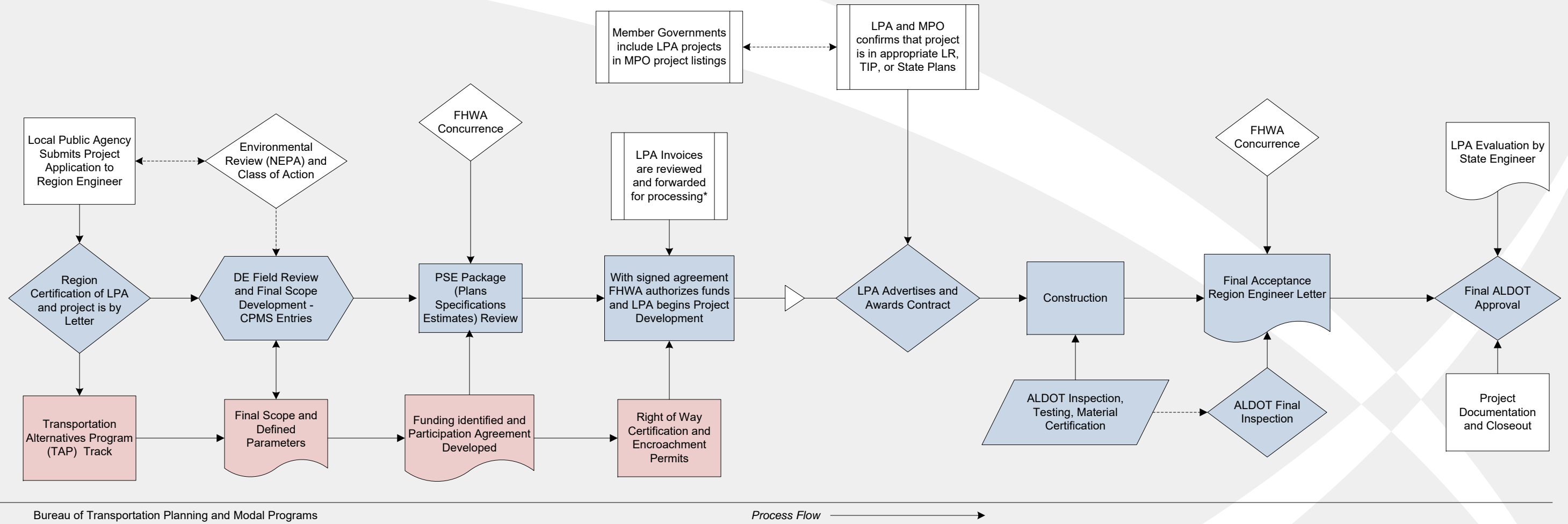
Once administrative control of a project has been turned over to the LPA, the Region Engineer will provide project oversight, consult with LPA management, and offer assistance as needed. The Region will coordinate with all active ALDOT bureaus and sections to ensure efficient project management. The objective is to deliver the best possible project in accordance with all applicable state and federal requirements.

2.8 Project Close-out (Final Inspection and Acceptance)

The Region Engineer will work with the Local Agency Project Manager, the project contractors/consultants, and the State Office Engineer to ensure that all Final Inspection and Acceptance documentation is complete and signed. The Region also determines that applicable invoices are correct and have been accurately processed to support the closeout of the project.

Alabama Local Public Agency (LPA) Project Process

Projects can originate in a variety of ways, but introduction into the ALDOT system is through the office of the Region Engineer.



Bureau of Transportation Planning and Modal Programs

Process Flow

Transportation Alternative Program (TAP) projects will continue to process through the Special Programs Office of Modal Programs in the Bureau of Transportation Planning and Modal Programs (red). All other projects will process through Division Offices (blue.) **TAP** projects may be processed at Region level with coordination through Special Programs.

County Transportation Bureau - County projects that are being let through County Transportation Bureau will continue to be processed in that manner. However, if a County chooses to apply for a project using LPA federal funding, and then administer the project, the project will be processed using the normal LPA track. (blue)

Local Public Agency (LPA) Process

Primary agencies, bureaus, and groups:

- Local Public Agencies (Provisional)
- Region Offices, ALDOT (Provisional)
- Bureau of Transportation Planning and Modal Programs
 - Metropolitan Planning Section (Central Office)
 - Special Programs (Central Office) – TE projects only
- Design Bureau
 - Environmental Technical Section (ETS)(Central Office)
- Metropolitan Planning Organizations (MPO) (Provisional)
- Regional Commissions (Provisional)

Other Bureaus and Offices Active in the Process

- Pre-construction
- Bridge
- Design
- Right of Way
- Office Engineer
- Finance
- Computer Services
- Training
- County Transportation

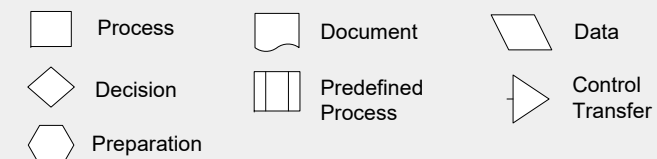


Figure 2
Metropolitan Planning Section – Updated Sept 2015
Visio File: LPA Revision Sept 2015

Chapter 3.0

LPA Requirements

This chapter lists the requirements for the LPA Project Managers or Administrators, ALDOT Region Engineers, the active sections of the Bureau of Transportation Planning and Modal Programs, and other Bureaus, Sections, and Offices.

3.1 Local Agency Certification

3.1.1 Local Agency Responsibility

Submit the following to the Region Engineer:

- Letter of Intent signed by LPA Responsible Charge.
- Two copies of the Local Public Agency Application and Financial History or Local Agency Certification Qualification Agreement (application).
- Two copies of the LPA Project Programming Request.
- Local Agency Organizational Chart.
- Narrative addressing LPA capabilities, staff, and experience in the specific areas where certification is requested, focusing on previous *federal experience* (i.e., Community Development Block Grants, managing federal grants.)
- Complete copy of the most recent Audit or Summary Report.
- Completed Administrative Checklist.

3.1.2 Region Engineer Responsibility

- Review submittals by the LPA.
- Interview the Local Public Agency Responsible Charge (RC) to determine eligibility and overall capabilities of the LPA and staff to administer a federal-aid project.
- If the LPA is approved to administer or manage a project in Alabama, the Region Engineer prepares and provides an **LPA Certification Letter** addressed to the LPA RC.
- If the LPA requests to undertake some level of project development and then turn over the project for ALDOT letting, determine the feasibility of the request and if approve, so state in the LPA Certification Letter.
- A project agreement is executed conjointly with the LPA RC and a complete file of all project documentation is forwarded to the State Office Engineer, Bureau of Office Engineer, requesting review for completeness and forwarding to FHWA for authorization of Federal funds.
- Region staff assign a project ID in CPMS with full description. If road project, complete route and termini description is provided.

3.1.3 General Guidelines

A Local Agency *certified* by ALDOT to administer federal-aid projects and given *Notice to Proceed*, may develop, and accomplish the following:

- Establish project location and do Preliminary Engineering and Design.
- Prepare utility agreements.
- Prepare railroad agreements.
- Prepare Standard Consulting Engineering Agreements.
- Hold bid reviews.
- Advertise and award construction contracts.
- Carry out construction administrative activities.
- Do construction material testing and hire testing personnel.

Local Public Agency certification must have the Region Engineer's signature to allow administration of a federal-aid project to proceed, depending to some extent on the project type and/or complexity. LPA agreement and endorsement is by local administrative authority or chief executive, usually identified as the Responsible Charge (RC) – mayor, commissioner, alderman, or city manager. ALDOT and/or FHWA retain approval authority or oversight responsibility for the following:

- Planning Requirements (ALDOT).
- Funds Authorization (FHWA).
- Environmental Class of Action Determination and Pre-NEPA/NEPA documentation (ALDOT/FHWA).
- Right-of-Way (ALDOT Certification).
- Plans, Specifications, and Estimates (PS&E) - (ALDOT/FHWA Concurrence).
- Final Inspection (ALDOT/FHWA Concurrence).
- Equal Employment Opportunity (EEO) Program - (ALDOT).
- Disadvantaged Business Enterprise (DBE) - (ALDOT).
- Americans with Disabilities Act (ADA) – (ALDOT).
- Rehabilitation Act of 1973, Section 504 (ALDOT).

3.2 LPA Project Selection *(subject to restrictions in Sections 2.1, 2.2, and 2.3)*

3.2.1 Local Public Agency Responsibility

Local Agencies identify candidates for the project process, carry out required application activities, and submit documentation to the Region Engineer. All LPA projects must appear in *applicable* state and local planning documents, including MPO Long Range or Regional Plans (LRTP/RTPs), Transportation Improvement Programs (TIPs), and State Transportation Improvement Programs (STIPs).

3.2.2 *Region Engineer Responsibility*

After interviewing the LPA and reviewing the project application, background information, and financial history, the Region Engineer makes a decision to accept or not accept and prepares the appropriate response. If accepted, a Certification Letter is forwarded to the LPA Responsible Charge and negotiation of a project agreement commences.

3.3 LPA Agreement

3.3.1 *Local Agency Responsibility*

- Negotiate and execute a project agreement with the Region.
- Submit the federal-aid funding request.
- Once funding is identified and approved, execute the required number of copies of the LPA Agreement and return the executed copies to the Region Engineer with an original signed or notarized copy of the local government formal Resolution (if applicable) adopting the project.
- Agreements, contracts, and Resolutions must be signed by the ranking executive of the agency or a governing body. Typical signatories to such agreements are:
 - √ Mayors, Aldermen
 - √ City Clerks or City Managers
 - √ City or County Commissioners or Commission Chairmen

Note: Documents are not legally binding unless fully executed and returned. ALDOT recognizes date of last signature as earliest possible effective date of the document.

- In the event the Local Agency becomes aware that costs are going to overrun the contracted amount, or that a project scope change is required, the Local Agency must immediately **contact the Region Engineer**. If additional funds are awarded for a cost overrun, a Supplemental LPA Agreement must be recommended by the Region Engineer and approved by the ALDOT Chief Engineer. *As a Supplemental preparation is a time-consuming and costly process, the Department recommends making every effort to avoid doing so.*
- To request a time extension, the local agency must submit a revised project schedule and an explanation of the necessity for the time extension to the Region Engineer.

3.3.2 *Region Engineer Responsibility*

- If approving the LPA to conduct business, issue a Certification letter.
- Execute the LPA Agreement conjointly with the Local Agency RC.
- LPA Agreements and contracts are typically signed by:
 - √ Region Engineer

- √ Department Legal Counsel
- √ Bureau Chief, either Transportation Planning and Modal Programs or County Transportation
- √ Chief Engineer
- √ Transportation Director
- √ Governor
- The Region Engineer requests the State Office Engineer, Bureau of Office Engineer, to begin the federal authorization process and requests a federal-aid Number (FN).
- Ensures all prerequisite criteria are met and supporting materials and information are available; i.e., Purpose and Need Statement, full project termini description (if road improvement), NEPA clearance (or Certification Letter with declaration of Programmatic Categorical Exclusion), Right-of-Way Certification, Railroad Certification, Utility Certification, Bid Documents, and all checklists.
- If a Supplemental LPA Agreement is required due to cost overruns or other reasons, the Region Engineer contacts the LPA (as project sponsor) and advises the need for a Supplemental Agreement, and forwards request for approval to the responsible bureau(s) and the Chief Engineer.

3.3.3 *General Guidelines*

Prior to federal-aid authorization for an LPA project that is partially or fully funded with federal funds, fulfillment of specific criteria is required before work can commence on the project.

- The project or project phase(s) must be included in the ALDOT Adopted Four-Year Work Program.
- If the project and/or phase(s) are located in an area represented by an MPO, either a Metropolitan Planning Area (MPA) or Transportation Management Area (TMA), the project must be in the Long Range or Regional Plan, the project and/or phase(s) must be included in the current MPO Transportation Improvement Program (TIP), and also the Statewide Transportation Improvement Program (STIP).
- State budget authority must be available for the project and funding encumbrance prior to the LPA Agreement execution date.
- Assignment of an FN number (federal-aid ID) to the project or project phase is required in each **Federal Authorization Request (FAR)**.
- The Bureau of Office Engineer prepares the FAR in CPMS and electronically submits to the Federal Highway Administration-Alabama Division (FHWA) for approval with all required supporting documents.
- Federal Authorization by FAR is required before any work begins or any costs accrue to the project. The only exception to this requirement is planning and emergency repair phases performed immediately after a declared disaster to maintain and keep roads and bridges open to traffic.

See federal-aid instructions for further details on FHWA Emergency Relief Programs.

3.4 Project Management

3.4.1 Local Agency Responsibility

The Local Agency submits progress reports and invoices to the Region Engineer and also schedules regular and periodic project meetings with the contractor and/or consultant and the Region Engineer to discuss project status and related issues.

3.4.2 Region Engineer Responsibility

- Signs the project agreement conjointly with LPA officials and forwards copies to the appropriate bureau(s) for processing and execution by ALDOT senior staff and the Governor.
- Authorizes Notice-to-Proceed (NTP) letter once agreement is fully executed and checklists are completed. The original goes to the LPA and copies are forwarded to the Bureau of Finance and Audits, Bureau of Office Engineer, and other bureaus and sections as needed.
- Schedules regular and periodic project meetings with the LPA Project Manager or Engineer to discuss project status and issues.
- If the Agreement has a Right-of-Way or Construction phase, copies of the NTP and Agreement are forwarded to Right-of-Way Bureau.
- If the Agreement contains *In Lieu of Permit* language within the document or attachments, copies of the NTP and Agreement are forwarded to Design Bureau - Environmental Technical Section (ETS) and Maintenance Bureau.

3.5 Plans, Specifications, and Estimates

The Local Agency must use the design standards and criteria specified in the ALDOT Guidelines for Operations and all other specification and design requirements posted to the Construction Bureau, Design Bureau, and Consultant Management websites. Go to the ALDOT Main page at <http://www.dot.state.al.us/> and navigate to the appropriate site. Changes to construction and design specifications are periodically posted to the website under *Notice to Contractors*. The Local Agency may request to use other specifications, but this variance approval must be **approved by the Chief Engineer of ALDOT in writing** and maintained in the project permanent files.

Note: All specifications, manuals, bureau website links, and notices are also available on the LPA website. On the site main page, go to the right side panel and click on the appropriate item for a document listing.

The number of submittals and phase reviews will be determined on a project-by-project basis and defined in the project scope. (This is in addition to prescribed FHWA

concurrence points for the NEPA Class of Action Determination, **PS&E Package approval**, and Project Final Acceptance. **The Table 1 example following this section summarizes the plans sheet status for each design phase submittal.** No design phase is complete until all review comments are resolved and documented.

3.5.1 Local Agency Responsibility

The LPA meets with the Region Engineer to review the project scope as well as to discuss any possible right-of-way or environmental concerns and overall project feasibility. Such a meeting will typically follow one or more *field reviews*, particularly if the project is a roadway or existing transportation facility improvement, in which LPA and ALDOT Region staff actually drive the project, or make an actual site visit in order to catalog and review project points of interest. This begins the development of the project scope document. The advance scoping and site inspection can enhance pre-NEPA and NEPA environmental document development, if required beyond the Categorical Exclusion level, and greatly improves the prospects of a successful project.

- Begin consultation with the Region LPA Coordinator and ALDOT Environmental Technical Section (ETS) on initial coordination with state and federal resource agencies.

Note: Design Bureau ETS has sole jurisdiction over this process.

- If the project is considered feasible, submit draft project scope, schedule, and cost estimates to the Region Engineer.
- Submit preliminary design, and if available, Phase I-25% plans.
- Track any commitments resulting from the environmental review process.
- Prepare construction bid document.
- Submit Construction Checklist and construction bid documents to the Region Engineer for review and signature. (See Table 1: Sample Summary Design Phase Submittals)

3.5.2 Region Engineer Responsibility

- Meet with the local agency to review the project draft scope as well as to discuss any possible right-of-way and/or environmental concerns and overall project feasibility.
- Review each process submittal and provide comments.
- Review the Construction Checklist and construction bid documents. Sign and forward the Construction Checklist to the Bureau of Office Engineer and other sections and bureaus as needed.

Table 1: Sample Summary Design Phase Submittals

Note: This is only a sample for illustrative purposes. The LPA must consult with the Region Engineer or designee and ensure items conform to ALDOT Design Phase and Submittal requirements.

Item	Design Phase I	Design Phase II	Design Phase III	Design Phase IV
Key Sheet	P	P	C	F
Summary of Pay Items		P	C	F
Drainage Map	P	P	C	F
Interchange Drainage Map	P	P	C	F
Typical Section	P	P	C	F
Summary of Quantities			C	F
Summary of Drainage Structures			C	F
Optional Materials Tabulation		P	C	F
Project Layout	P	C	C	F
Roadway Plan and Profile	P	P	C	F
Special Profile	P	P	C	F
Back of Sidewalk Profile	P	C	C	F
Interchange Layout	P	C	C	F
Ramp Terminal Details		P	C	F
Intersection Layout and Details	P	C	C	F
Drainage Structures		P	C	F
Lateral Ditch Plan and Profile		P	C	F
Lateral Ditch Cross-section		P	C	F
Retention/Detention Ponds		P	C	F
Cross-section pattern	P	P	C	F
Roadway Soil Survey		P	C	F
Cross-sections	P	P	C	F

Stormwater Pollution Prevention Plan		P	C	F
Traffic Control Plans		P	C	F
Utility Adjustment		P	C	F
Selective Clearing and Grubbing		P	C	F
Mitigation Plans		P	C	F
Miscellaneous Structures Plans		P	C	F
Signing and Pavement Marking Plans		P	C	F
Intelligent Transportation System (ITS) Plans		P	C	F
Lighting Plans		P	C	F
Landscape Plans	P	P	C	F
Utility Joint Participation Agreement (JPA)			C	F
Computation Book			C	F
Contract Time			C	F
Three-sided/Box Culvert Details		P	C	F

Table Key – Design Phase Submittals

P = Preliminary

C = Complete, but subject to change.

F = Final

Note: Local Agencies with projects that have a structural component are required to submit the latest set of structural plans with the Phase II roadway submittal.

3.6 Project Advertisement and Award

3.6.1 Local Agency Responsibility

- Prequalify all prospective primary contracting bidders
- If a Disadvantaged Business Enterprise (DBE) participation goal is included in the contract provisions, meeting the goal becomes part of the bidding requirement.
- Provide bid forms.
- Accept or reject bids.
- At a minimum, include the following items in the project proposal:
 - √ Bid Proposal
 - √ Bid Solicitation Notice
 - √ Non-collusion Certification
 - √ Bid Bond
 - √ Debarment Certification
 - √ DBE Participation Statement (Professional Service)
 - √ LPA Anticipated DBE Participation Statement (Construction Phase)
 - √ Form FHWA 1273, Required Contract Provisions Federal-Aid Construction Contracts
 - √ Davis-Bacon Wage Rates (if the project is linked to a Federal-Aid Highway)
- Advertise the project for at least three weeks in the official legal publication of the local agency and the local newspaper.
- Comply with USDOT Title VI by including the following language in the bid solicitation: “_____ (the local agency) _____ hereby notifies all bidders that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, Disadvantaged Business Enterprises (DBEs) will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, gender, religion, age, disability, marital status or national origin in consideration for an award.”
- Publicly announce all bids by total amount.
- Verify that all bidders have properly submitted and executed all required bid documents.
- Complete a bid analysis.
- Certify bid tabulations are correct.
- Review all surety bonds for authenticity.
- Advise the Region Engineer in writing that the local agency supports award of the contract to the lowest qualified bidder.
- Post intent to award the contract on the agency and/or MPO websites.
- Resolve and document any protests filed against the project.

- Notify the contractor of the award by letter. The letter must include ALDOT LPA Project ID Number, FPN (Financial Program Number)/FN (Federal-Aid Approval ID Number), and the project County.
- Submit a copy of the executed contract to the Region Engineer.

3.6.2 *Region Engineer Responsibility*

- Review the local agency bid tabulations and bid analysis for accuracy and concurrence.
 - √ In the event of a bid rejection, forward a copy of the LPA's rejection justification letter to the Bureau of Office Engineer (State Office Engineer) for dispute resolution or concurrence.
- Issue a concurrence award letter to the local agency.
- File a copy of the official award letter sent to the contract recipient, in the LPA project file.

3.7 **Project Kick-off Meeting**

3.7.1 *Local Agency Responsibility*

- For construction projects, the local agency Project Manager or Project Engineer will host a project kick-off meeting or teleconference. The Local Agency will consult with ALDOT and agree on the time and venue and determine that the parties have had sufficient time to review all executed contracts, plans, and other documents prior to start-up.
 - √ **Submit DBE Utilization Plan.**

3.7.2 *Region Engineer Responsibility*

- The Region Engineer (or designee) will attend the project kick-off meeting or teleconference.

3.8 **Pre-Construction Conference**

3.8.1 *Local Agency Responsibility*

- For construction projects, the Local Public Agency Project Manager/Engineer will organize a pre-construction conference with the Contractor and do the following:
 - √ Notify the Region Engineer, Region LPA Coordinator, Contractor and Subcontractors, Utilities, and any other interested parties of the time and location of the conference. Coordination will allow sufficient time for all parties to secure executed contracts, plans, and other required documents.
 - √ Discuss the project and its details.
 - √ Provide a copy of the meeting notes to the Region Engineer and all interested parties.

- √ *Submit Anticipated DBE Participation Statement.*

3.8.2 *Region Engineer Responsibility*

- For construction projects, the Region Engineer (or designee) participates in the Pre-Construction Conference.
 - √ **Collect Anticipated DBE Participation Statement.**
- Include copies of meeting notes in the LPA Project File.
- Ensure that the Local Agency and consultants/contractors hired by the LPA have the needed posters for their job sites.

3.8.3 *Subcontractor Responsibility*

Subcontractors do not have to be pre-qualified under the provisions of Article 102.02 of the Standard Specifications. However, a subcontractor must have the following data on file with the Local Agency or submitted with the sublet request before consideration will be given by the Local Agency in allowing a firm to do subcontracting work.

- A letter indicating the firm's name, legal address, and a list of its officers, including the chairman of the board of directors for a corporation. Any changes should be reported immediately.
- A valid Certificate of Insurance on file with the Local Agency or attached to the sublet request. Certificate of Insurance coverage shall be in accordance with the requirements of Article 107.15 of the Alabama Department of Transportation (ALDOT) Standard Specifications as amended. The certificate shall be on an acceptable form that provides all of the information required and should be signed by a local (Alabama) resident agent and provide the agent's address.
- Contractor's license: The definition of a "General Contractor" includes subcontractors performing work in the amount of \$50,000 or more for a general contractor on a project. Accordingly, sublet requests must include proof of contractor licensing (i.e. license number) for the prime contractor and all subcontractors who propose to engage in the business of general contracting for the Local Agency when/if the proposed work/cost of work to be performed qualifies the subcontractor to fit the following definition of "General Contractor":

"A 'General Contractor' is defined to be one who, for a fixed price, commission, fee, or wage undertakes to construct or superintend or engage in the construction, alteration, maintenance, repair, rehabilitation, remediation, reclamation, or demolition of any building, highway, sewer structure, site work, grading, paving or project or any improvement in the State of Alabama where the cost

of the undertaking is fifty thousand dollars (\$50,000) or more, shall be deemed and held to have engaged in the business of general contracting in the State of Alabama" (Code of Alabama, §34-8-1 (a))

All sublet requests should be submitted in duplicate and directed to the Local Agency. **You are reminded that all sublet requests must be approved by the Local Agency before a subcontractor will be allowed to work on a project.**

The following items should be checked on each submittal. If any of these items are incomplete the Prime Contractor will be advised by the Local Agency in the most expedient manner (telephone, letter, etc.).

- Sublet requests (See Form OE-7 LPA and Instructions on the ALDOT website noted below.) must be executed by the Prime Contractor, Subcontractor and Surety. Where a second subcontractor proposes to sublet work from the first subcontractor, the request must be executed by the Prime Contractor, both Subcontractors and Surety.
- The Equal Employment Opportunity and Affirmative Action Statements must be executed by the Subcontractor and attached to the sublet request on Federal-aid projects. Please note that the Equal Employment Opportunity Form must be provided on all federal-aid project sublet requests. The Affirmative Action form is only required when the subcontractor contract is greater than \$10,000. (See EEO and Affirmative Action Forms on the ALDOT website noted below.). Neither of these forms is required if the project is 100% non-federally funded.
- On items to be subcontracted, show item numbers corresponding to those in the contract. Also, show the item description, quantity, item unit, unit price, extended amount, and total amount to be sublet.
- The unit price on requests must be the unit price in the contract where all of the work, by item description, is subcontracted. If the item to be subcontracted is partial, such as only utilizing labor, materials, or equipment, and the unit price is less than that in the contract, an explanation shall be provided to this effect, and the amount shown.
- A copy of the actual signed subcontract between the Prime and Subcontractor or, in case of a Subcontractor and a lower tier Subcontractor, a copy of their subcontract must be attached to the request. The Prime Contractor may use his own contract documents. The license numbers of all persons, firms or corporations (prime, subcontractor, or lower tier subcontractor) that are parties to the subcontract must be shown on the subcontract document. State and Federal laws, rules and regulations require that subcontracts include all

appropriate provisions and requirements of the Prime (project) contract.

Therefore, to assure the Local Agency that this requirement is met, the following certification must be included in the signed subcontract:

"This subcontract includes the appropriate provisions of the contract between (Prime Contractor) and the (Local Agency) dated_____"

Note: All Supplemental Specifications and Special Provisions, while they are a part of the contract records, need not be submitted. The subcontracts submitted to the Local Agency will be used to assure that an actual subcontract exists and that the proper documents are a part thereof.

30% Requirement: It is required that a Prime Contractor perform at least 30% of the total original contract amount with its own forces. Work added by supplemental agreement or force account (see ALDOT Standard Specifications 109.04 for Force Account Work) is not included in this calculation. It is based strictly on the original bid amount.

Items that are designated in the item description in the original contract as "specialty items" may be performed by subcontract, and the cost of these items may be deducted from the total original contract amount before the calculation is done. If the prime is doing the specialty items with its own forces, the amount can be added back to the total.

A sublet approval still has to be done for specialty items and supplemental work, but they do not count against the 30% requirement. Force account work does not require a sublet approval at all.

The Local Agency must determine if the total of all sublet request approved exceeds the 70% allowable subcontract amount (See the Sublet Sheet Approval Template on the ALDOT website noted below. This program will aid in performing the calculation.). If the total, including the request being reviewed, exceeds the 70%, the sublet request cannot be approved.

The forms, calculation program, and other general information can be found on the ALDOT website at <http://www.dot.state.al.us/ltweb/planning/LPALinksFormsDownloads.html> under "Subcontracting ". We hope this information will be of benefit to you in processing your sublet requests. Please feel free to call the Bureau of Office Engineer at (334)242-6457 if you should have any questions pertaining to this information.

3.9 Contract Closeout (Final Inspection and Acceptance)

3.9.1 Local Agency Responsibility

- Local Public Agency Project Engineer/Manager will make a semifinal inspection with ALDOT Region staff reasonably soon after receiving notice of completion of the entire project from the contractor.
 - √ If the Project Engineer finds all contracted construction completed to his/her satisfaction, this inspection will be the FINAL inspection.
 - √ If the Project Engineer finds any work to be wholly or partially unsatisfactory at any semifinal inspection, he/she will give the contractor the necessary instructions to replace the material and perform, re-perform, or rebuild any work necessary and prerequisite to final completion and acceptance.
- Provide the contractor with a written Notice of Final Acceptance.
- Submit a letter of completion with the final invoice to the Region Engineer for review and payment. (Label the invoice package **FINAL**.)

3.9.2 Region Engineer Responsibility

In addition to Section 2.8 requirements, the Region Engineer will:

- Perform semi-final project inspection with the LPA Project Engineer or Project Manager after being advised by the LPA that the project has been completed.
- Notify all appropriate staff the project is complete.
- Conduct Final on-site visit.
- Submit the **Final Inspection and Acceptance letter** to the Local Public Agency Engineer/Manager with copies to the Bureau of Office Engineer.
- Ensure the Final Invoice is paid and advise all sections and bureaus affected.
- Advise the Bureau of Office Engineer of any remaining funds and to close the project.
- Advise the Bureau of Finance and Audits of completion of the project and that all invoices have been paid.

3.10 Quality Control/Quality Assurance (QC/QA)

LPA participants are committed to developing transportation projects in a cost-effective and efficient manner. Therefore, implementation of quality assurance/quality control (hereafter QC) measures is present throughout the LPA process. Additionally, LPA participants conduct documented periodic Quality Control Reviews (QCRs) to measure adherence to the established quality assurance procedures.

3.10.1 Local Agency Responsibility

- The Local Agency has all pertinent documentation ready for the scheduled QCR.

- In the event that a QCR determines a need for improvement, the Local Agency provides, within 60 days following the review, a written corrective action plan to address project deficiencies.
- If, during the QCR, it is determined that the Local Agency received reimbursement for work not eligible for federal participation, the Local Agency will reimburse ALDOT.

3.10.2 Region Engineer Responsibility

- Local agencies **actively performing projects** must be recertified every three years. The Region Engineer will review active agencies and in consultation with the bureaus, offices, and sections in the Central Office, make a determination on whether to recertify. This process is subject to external audit if so requested by the Region Engineer.
- In the event that a QCR determines a need for improvement, the Region Engineer directs corrective action and assesses the result. Failure by the Local Agency to follow corrective instruction may result in disqualification of consultants/contractors and/or the Local Agency.

Chapter 4.0

LPA Compliance

Each contractor/consultant will ensure all contracts and sub-contracts have the following **verbatim** provisions:

Each construction contract shall include the following assurance:

The contractor, sub-recipient, subcontractor, or sub-consultant, henceforth *Contractor*, shall not discriminate based upon race, color, national origin, or sex in the performance of this contract. The Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT assisted contracts. Failure by the Contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate. Remedies may include, but are not limited to:

- Withholding monthly progress payments,
- Assessing sanctions, and /or
- Disqualifying the contractor from future bidding as non-responsive

Each professional services contract shall include the following assurance:

The contractor, sub-recipient, subcontractor, or sub-consultant, henceforth *Contractor*, shall not discriminate based upon race, color, national origin, or sex in the performance of this contract. The Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of USDOT assisted contracts. Failure by the Contractor to carry out these

requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate. Remedies may include, but are not limited to:

- Withholding monthly progress payments,
- Assessing sanctions, and /or
- Disqualifying the consultant from future work

4.1 Disadvantaged Business Enterprise (DBE)

<http://www.fhwa.dot.gov/civilrights/programs/dbess.htm>

4.1.1 Local Agency Responsibility

- Comply with the ALDOT DBE Program.
- Comply with all state and federal statutes and USDOT, FHWA, and FTA regulations for DBE.
- Comply with applicable provisions of the Federal Transit Administration Circular FTA C 4702.1B with regard to *Limited English Proficient Persons (LEP)*.
- Review each project to determine if work elements are conducive to DBE participation and establish a DBE availability goal percentage. In the establishment of a goal, the following criteria are considered:
 - √ Dollar amount of the contract to ensure that it is large enough to permit efficient subcontracting.
 - √ Work content of the project that is favorable or appropriate for subcontracting.
 - √ Availability of DBE firms in the project area having the potential to do the required work.
- Ensure the Anticipated DBE Participation Statement is submitted to ALDOT at the pre-construction conference for processing.
- Report data is submitted on actual payments, minority status, and the type of work of all subcontractors, sub-consultants, and major suppliers.
- Report is submitted on actual payments to all DBE subcontractors, sub-consultants, and suppliers.
- Local Agencies report payments to all non-DBE subcontractors and sub-consultants either monthly or at the end of the project. This information is submitted to the Region for processing.

4.1.2 Consultant/Contractor Responsibility

- Completes and submits the anticipated DBE Participation Statement at the pre-construction conference.
- Verifies DBE certification of a firm for the work to be performed by reviewing the Business Directory published by the ALDOT DBE Office on the Internet at: [DBE Program](#). If the Internet is not available, contact the Equal Opportunity Office at (850) 242-6306 for verification. Go to the

- ALDOT Bureau of Compliance and Business Opportunities website at [Compliance](#) for additional information or call 334-244-6261.
- Comply with all state and federal statutes and USDOT, FHWA, and FTA regulations with regard to DBE.
- Comply with applicable provisions of Federal Transit Administration Circular FTA C 4702.1B with regard to *Limited English Proficient Persons (LEP)*.
- Submit data on actual payments, minority, status, and type of work of all subcontractors, sub-consultants, and major suppliers to the Local Agency.
 - √ Submit actual payments to all DBE subcontractors, sub-consultants, and suppliers monthly.
 - √ Submit payments to all non-DBE subcontractors, sub-consultants, and suppliers on a monthly basis or at the end of the project.

4.1.3 Region Engineer Responsibility

- As necessary, the ALDOT DBE Office will consult with and provide compliance training to the LPA.
- Region Engineer monitors DBE participation reporting by the Local Agency through the ALDOT DBE Office. If information is insufficient or lacking, the Region Engineer notifies the Local Agency.

4.2 Equal Employment Opportunity (EEO)

4.2.1 Local Agency Responsibility

- Comply with state and federal statutes and USDOT, FHWA, and FTA regulations governing EEO.
- Comply with the civil rights requirements of 26 CFR Chapter 1, Part 230.
- Comply with applicable provisions of Federal Transit Administration Circular FTA C 4702.1B with regard to *Limited English Proficient Persons (LEP)*.
- Incorporate the **Required Contract Provisions for Federal-Aid Construction Contracts**, also known as Form FHWA 1273, into all construction contracts.
- Reference Executive Order 11246 in all construction contracts.
- Conduct pre-construction conferences to discuss with contractors the *Required Contract Provisions for Federal-Aid Construction Contracts*.
- Coordinate with the Region Engineer to arrange for any necessary training and instruction.
- Ensure that the contractor posts and maintains notices and posters setting forth the Contractor's EEO policy. A supply of **Office of Federal Contract Compliance Programs (OFCCP) Poster No. 1420, Equal Employment Opportunity is the Law**, is available to the contractor.
- Monitor on-site compliance with the EEO's **Required Contract Provisions for Federal-Aid Construction Contracts**.

- Ensure that its contractors locate, qualify, and increase the skills of minority groups, women employees, and applicants for employment.
- Prepare and/or ensure the preparation of the required EEO reports.
- Retain Contractor EEO Reports in the project file [primary audit item].
- During the construction of the project, monitor contractor performance to ensure compliance with EEO policy by designating an EEO Officer in accordance with the ***Equal Opportunity Contract Compliance Procedure (275-020-002)***.
- Notify ALDOT if a contractor expressly states an unwillingness to comply.
- Submit an ***EEO Report (Form No. 275-010-12)*** each August, showing the ethnic utilization breakdown on the Federal projects under construction during the month of July.

4.2.2 *Region Engineer Responsibility*

- Monitor the Local Agency and its contractors for compliance as a part of the normal project management reviews and through contract compliance reviews of selected contracts.

4.3 Title VI (Civil Rights Act 1964 – Non-discrimination Clause)

4.3.1 *Local Agency Responsibility*

- Ensure contractor compliance with all state and federal statutes and USDOT, FHWA, and FTA regulations for Title VI.
- Verify the Title VI statement is in all solicitations for bids for work or material is consistent with compliance requirements in the ***LPA Manual, Chapter 15***, and is in every contract.
- Prepare an accomplishment report.
- Comply with applicable provisions of Federal Transit Administration Circular FTA C 4702.1B with regard to *Limited English Proficient Persons (LEP)*.

4.3.2 *Consultant/Contractor Responsibility*

- Comply with all state and federal statutes and USDOT, FHWA, and FTA regulations for Title VI.
- Insert the Title VI statement in all solicitations for bids for work or material in all subcontracts.
- Designate a Title VI Coordinator (reference LPA Manual for details).
- The LPA Title VI Coordinator advises the ALDOT Title VI Coordinator within five calendar days of receipt of any allegations of discrimination or complaints.
- Maintain a log of all complaints received by the contractor (reference LPA Manual).

4.3.3 *Region Engineer Responsibility*

- Arrange for Title VI clarification when requested.
- Assist the Local Agency with forms and/or procedures relating to Title VI.

4.4 **Americans with Disabilities Act (ADA)**

4.4.1 *Local Agency Responsibility*

- Comply with all state and federal statutes and USDOT, FHWA, and FTA regulations for ADA.
- Ensure contractor compliance with all applicable provisions of the **Americans with Disabilities Act (ADA) of 1990** and the **Rehabilitation Act of 1973, Section 504**.
- Ensure compliance with applicable provisions of Federal Transit Administration Circular FTA C 4702.1B with regard to *Limited English Proficient Persons (LEP)*.

4.4.2 *Consultant/Contractor Responsibility*

- Comply with all state and federal statutes and USDOT, FHWA, and FTA regulations for ADA.
- Insert an ADA statement in all solicitations for bids for ADA retrofit or upgrade work or material in all subcontracts.
- Consult with the LPA Responsible Charge and, if referred by the RC, the ALDOT LPA Coordinator on policy issues with regard to ADA 1990 and the Rehabilitation Act 1973, Section 504.
- The LPA RC advises the ALDOT LPA Coordinator of allegations of discrimination or complaints within 5 calendar days of receiving a complaint.
- A record of all complaints is maintained by the consultant and such records are subject to LPA and ALDOT audit.

4.4.3 *Region Engineer Responsibility*

- Arrange for ADA and 504 clarification or training when requested.
- Assist the Local Agency with forms and/or procedures relating to ADA and 504.

Chapter 5.0 *Invoicing*

Chapters 2.0 (Programming the Project) and 4.0 (Consultant Services) of the LPA Manual provides more information on the LPA invoicing procedures and the eligible reimbursement expenses. The Local Agency invoice must be in detail sufficient for proper pre-audit and post-audit review. Local Agencies who may experience problems obtaining timely payments from

ALDOT, should contact their Region LPA Coordinator, who in turn will consult with the Bureau of Finance and Audits for resolution.

Note: The Alabama Department of Transportation requires invoicing in all instances to be accompanied by proof of purchase for goods and services. Cancelled checks (electronic cancellation acceptable), printout summaries from accounting service companies, or copies of individual cancelled checks are accepted for processing. Changes to this policy may occur at the discretion of the Department.

5.1 Professional Services Invoicing – Required Components

5.1.1 Local Agency Responsibility

The Local Agency is required to submit the following:

- Invoices from the Local Agency to the Region Engineer, ALDOT.
- Invoices from consultants/contractors to the Local Agency.
- Invoices from subcontractors/sub-consultants to consultant.
- Copies of cancelled checks or printouts from accounting programs showing cleared checks from Local Agency to consultant to project files. [audit item]
- Submit the applicable contract compliance documents with each invoice. [audit item]
- All Local Agency invoices must be complete and accurate. [audit item]

5.1.2 Region Engineer Responsibility

- Receive and approve invoices from the Local Agency.
- Forward invoices to Bureau of Finance and Audits for processing.
- Monitor and require periodic checks of project files.
- In the event of an audit request, coordinate with External Audit Section of Bureau of Finance and Audits.

5.2 Construction Phase Invoicing - Required Components

5.2.1 Local Agency Responsibility

The Local Agency is required to submit the following:

- Invoices from Local Agency to Region Engineer, ALDOT.
- Invoices from consultants/contractors to Local Agency.
- Timesheets, equipment use, and material use (Force Accounts Only).
- Supplier invoices to Local Agency for materials (Force Accounts Only)
- Copies of cancelled checks or printouts from accounting programs showing cleared checks from Local Agency to contractor.
- Copies of necessary contract compliance documents with each invoice.
- All Local Agency invoices must be complete and accurate. [audit item]

Note: Although the invoicing requirement specifies in some instances *Force Accounts Only*, the LPA should be aware that *all* records, to include contractor and subcontractor, are subject to ALDOT External Audit review, and for that reason the LPA is urged to maintain comprehensive timesheet and supplier invoice records, regardless of who actually performs the work or supplies material and equipment.

5.2.2 Region Engineer Responsibility

- The Region Engineer (or designee) ensures that all Local Agency invoices are complete and accurate. **See invoicing NOTES above.**
- The Region Engineer (or designee) and Local Agency conduct the appropriate inspections of work and services prior to payment of an invoice.
- Processes invoices and forwards copies to Bureau of Finance and Audit.
- Collects all applicable contract compliance documentation with invoices.