

*DRAFT (LOCAL SPONSORING AGENCY'S LETTERHEAD)*

FHWA Comments are printed in this style.

Date: .....

Arizona Department of Transportation  
Traffic Engineering Group, Traffic Safety Section  
1615 W. Jackson St., MD 061R  
Phoenix, AZ 85007-3217

Attn.: Irene J. Higgs, HSIP Local Government Program Manager

Re: Request from the *(Name of City, Town, County)* .....  
to administer the following Local Government Project.

Project Name: .....

Federal I.D. No.: .....

ADOT TRACS\* No.: .....  
*\* Transportation Accounting System*

Dear Ms. Higgs:

We are requesting that the *(Name of City, Town, County)* .....  
be given approval on our federally funded project to administer the activities indicated below.

- pre-engineering (design)
- procurement process (bidding and award of construction contract)
- construction administration

Please approve this request to administer the activities indicated above with the assurance that we will adhere to the following conditions:

1. *These activities will be conducted under the direct supervision of an Arizona registered professional. Additionally, the registrant in accordance with Arizona State Statutes and rules of the Arizona Board of Technical Registration will seal the final versions of documents.*  
**Item 1 – In addition to the requirement for direct supervision by a registered professional, all Federal-aid projects must be under the supervision of a full-time publicly employed person – per 23 CFR 636.105. This requirement often becomes an issue with local agencies attempt to use consultants to administer Federal-aid projects and do not have a publicly employed person actively overseeing the consultants efforts.**
2. *It is understood that the project must be in compliance with current AASHTO roadway/bicycle/pedestrian standards and the Americans With Disabilities Act (ADA).*
3. *It is understood that, at any stage of the project, ADOT approval is required prior to making any changes in the project scope or location, and that such changes need to be fully justified. **Item 3***

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**– Changes in the scope or location of the project may also require FHWA concurrence, including in some cases, a reauthorization of the project.**

4. *It is understood that the project must remain open to the public and maintained for a minimum time period to amortize the public investment. **Item 4 – Projects completed using Federal-aid funds must remain open to the public and be maintained in satisfactory condition until it can be demonstrated to FHWA’s satisfaction (and concurrence) that the facility is no longer needed or no longer serves a useful function. Essentially, this is the maintenance requirement attached to all Federal-aid projects.***
5. *It is understood that, depending on the on the nature of the project and recommendations of ADOT technical staff, the project design may need to be supported by a drainage, geotechnical/ materials pavement design, bridge, and lighting report. The need for these reports will be assessed during project scoping and addressed in the scoping document.*
6. *Regarding project cost estimates, it is understood that the Davis-Bacon predetermined minimum wage must be paid to all covered workers on Federal-aid projects that are physically located within the right-of-way of a Federal-aid highway. (Title 23 defines a Federal-aid highway as any highway other than those classified as Local Roads or Rural Minor Collectors.) **Item 6 – With one exception, Davis-Bacon Wage Rates must be paid on all Federal-aid Projects, regardless of where they are located or how the roadway that they are on is functionally classified. The one exception involves improvements funded with Transportation Enhancement funds where the improvements are outside the right-of-way of a public street or road – such as the renovation of old railroad stations, pathways along canals or old railroad rights-of-ways, transportation-oriented improvements or renovations in parks or museums, etc.***
7. *It is understood that all phases of project scoping document (Stage 1, Design) must be reviewed and approved by ADOT. Additionally, for any project affecting historic properties, all plan phases (Stage 2, 30%; Stage 3, 60%; and Stage 4, 95%) must be submitted to ADOT for transmittal to the State Historic Preservation Office (SHPO) for review and comment.*
8. *State of Arizona procurement procedures will be followed throughout all stages of the project.*
9. *The environmental, utility, and right-of-way processes will follow FHWA/ADOT procedures and will be completed prior to bid advertisement.*
10. *It is understood that if the preliminary engineering phase (design) includes federal funds the project should not proceed past Stage 2 (30%) without having an approved NEPA clearance. Additionally, if the project is designed but not constructed, we agree to reimburse ADOT for the federal aid portion of design costs.*
11. *It is understood that local self-administration of real estate activities is subject to the approval of the ADOT Chief Right-of-Way Agent and must be conducted according to the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970, as amended (Uniform Act).*

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12. *We understand that the ADOT Joint Project Agreement Section will require our cooperation in the development of an Intergovernmental Agreement pertinent to the project's development, funding and maintenance and that the JPA will need to be executed prior to bid advertisement.*
13. *Sole sourcing of items will be avoided. It is understood that the need to utilize brand name items will be only as approved by ADOT. **Item 13 – Sole sourcing and/or the specifying of specific brand names require a “Finding in the Public Interest”, approved by ADOT (acting as FHWA’s agent).***
14. *It is understood that the utilization of in-house forces for construction of any portion of the project will require an approved “Finding in the Public Interest” in advance of submitting a request for project and funding authorization. **Item 14 – A “Finding in the Public Interest” is also required for materials supplied to the project by the local public agency.***
15. *At the Stage 3 (60%), plans and details (construction contract documents), special provisions (also referred to as front-end documents and technical specifications or bid manual), cost estimates, calculations, and supporting engineering reports will be submitted to ADOT for staff review to validate that Federal Aid requirements are being met.*
16. *It is understood that the project cannot be advertised for construction or design and construction costs incurred until FHWA authorization is received. **Item 16 – Any work (preliminary engineering, right-of-way, or construction) accomplished prior to FHWA authorization to proceed with the work is not eligible for reimbursement with Federal-aid funds. FHWA authorization is required for all work accomplished – prior to its being accomplished.***
17. *It is understood that the request for project authorization and funding is to include 2-copies of near bid-ready contract documents with half-size plans along with copies of the clearance memos for Right-of-Way and Utility clearance from the ADOT Right-of-Way Section and Utility & Railroad Section, engineers estimate showing the federal pro-rata share, local matching funds and local additional funds.*
18. *The ADOT PM and district construction supervisor will be copied on monthly construction progress reports, which are to address major construction issues. ADOT and FHWA staff will be invited on pre-final inspections for acceptance, and dedication ceremonies if held.*
19. *Reimbursement requests will be submitted monthly as costs are incurred in accordance with ADOT and TE Program requirements.*
20. *Only design-bid-build will be allowed as the contract delivery method for projects approved for self-administration. Alternate delivery methods such as Job Order Contracting, Design-Build , Construction Manager at Risk and others will not be allowed.*

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We understand that FHWA’s approval to self-administering these activities does not constitute authorization of funds, whether the funds are for construction or purchase of right-of-way. When the project is near bid-ready, we will send a letter of request, along with the required documents listed in item 17 above, to the ADOT Project Manager for authorization and obligation of the federal funds for ADOT to submit to FHWA prior to advertisement for construction of this project and property acquisition. **Last page, first paragraph – As previously noted in Number 7 (Item 16) above, prior authorization by FHWA applies to preliminary engineering work, as well as right-of-way and construction work.**

We further understand that changing the scope or intent of the project could result in loss of funding and that ADOT and FHWA have the right to monitor construction of the project and will be notified of the date and time for the final construction inspection for project acceptance.

Thank you for your assistance in this matter. Please review the request and sign and date the concurrence.

Local Agency Authorized Signature: ..... Date: .....

Name (*Print*): .....

Title: .....

ADOT HSIP Local Government Program Manager: ..... Date: .....

Date of ADOT District Engineer’s Concurrence:..... Date:.....

ADOT Chief Right-of-Way Agent:..... Date: .....

FHWA Area Engineer’s Concurrence:..... Date: .....

copy: .....*Layne.Patton*....., FHWA

....., ADOT District Engineer

....., ADOT Project Manager