

# EMERGENCY ROAD & BRIDGE REPAIR FUND PROGRAM



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## ERBRF Program Memorandum of Agreement (MOA) Information Sheet

The MOA for funded projects will include, but not be limited to, the following:

### Project Funding

- Funding for selected projects shall be transferred from the ERBRF Program up to the amount contained in the Grant Award Letter.
  - Initial funding to the governmental entity who owns the public road or bridge (the “recipient”) will be a percentage of the total grant and is to be used for preconstruction activities.
  - The remaining balance, up to the amount needed to complete the project, shall be transferred at the time of award of the construction contract. The recipient shall provide board minutes for award of the construction bid in the request for funds to MDOT.
  - ERBRF Program Funds shall be directly administered for the project by the applicant. Funding shall not be transferred back to the State or any other fund associated with the State Treasury unless directed by MDOT in writing.
  - ERBRF Program funds shall be deposited into a standalone account set up by the recipient.
- All funding associated with the selected ERBRF awarded project shall be secured and not dependent on any future awards. All funding necessary to complete the project outside of the grant funds is the sole responsibility of the grant recipient.
- A recipient who is not in good standing with the State Auditor’s Office may have alternate reporting requirements and funding distribution.
- The recipient agrees and certifies that they are in full compliance with all findings from NBI inspections.

### Expenditure of Funds

- The recipient agrees to make every effort to expend all funds within 36 months of award. Should deviation from this schedule arise, the recipient agrees to notify MDOT in writing, with a copy of any required approvals (i.e., board, commission), of the specific details of delay and request an extension.
- The recipient agrees to use the funds solely for the costs of the project as set forth in the Grant Award Letter and upon the terms and provisions of the MOA. Failure of the recipient to adhere to any provision within the MOA may result in immediate withdrawal of funding and reimbursement of all expended funds.
- There shall be no reimbursement for expenditures occurring prior to the grant award date.

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## Expenditure of Funds (*Continued*)

- The recipient agrees that if any funds are available at the completion of the Project, it will notify MDOT, in writing with a copy of any required approvals (i.e., board, commission), of the amount of funds remaining and do one of the following:
  - Request an amendment to the approved scope of work in the Grant Award Letter in accordance with the ERBRF Program; or
  - Notify MDOT that the funds are not needed and request to transfer funds back to the ERBRF Program.
- The recipient agrees that all expenditures of funds deposited from the ERBRF Program will be spent solely on costs directly associated with the project. The recipient agrees to maintain accurate project documentation and invoices for all expenditures associated with the Project for not less than 3 years from final release to maintenance.
- Funds cannot be used on the recipient's operating expenditures (salaries, equipment, commodities, etc.) with the exception of work performed by the engineer of record and his staff in an amount that is reasonable and supported by historical data.

## Reporting Requirements

- The recipient agrees to provide quarterly reports on a form prescribed by MDOT that summarize all work and expenditures on the project since the last report. The quarterly report shall also provide an updated project schedule that has estimated dates for the project milestones. The first quarterly report shall be provided within 90 days of the effective date of the MOA and thereafter within 30 days of each calendar quarter. Failure to provide required reports may result in reduction of the grant award and/or the withdrawal of project funding, whereby funds would return to the ERBRF.

## Project Requirements

- The recipient must follow all applicable state and federal laws for procurement of professionals and letting of construction projects. Failure to follow applicable state and federal laws may cause withdrawal of grant funds.
- There shall be no changes to the scope of work as approved in the Grant Award Letter without detailed documentation as to the reason for the request of change of scope. Requests for scope changes shall be submitted to MDOT in writing with a copy of any required approvals (i.e., board, commission). Scope changes shall not be made without written approval by MDOT.
- Design plans shall be stamped by the Engineer of Record.
- At the end of the project, plans and all project documentation shall be owned by MDOT and grantee shall provide an electronic copy to MDOT.

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## Project Engineer of Record Requirements:

***The recipient agrees to submit a letter signed and stamped by the Professional Engineer of Record on MDOT's template that states the PE shall:***

- Be registered with the MS Board of Licensure for Professional Engineers and Surveyors in compliance with Miss. Code Ann. §73-13-1 et seq., as amended and be knowledgeable in the field of road design or bridge design, as applicable.
- Design the project in accordance with current OSARC Design Standards or MDOT Design Standards. The project shall comply with all environmental permitting requirements as specified by all required parties including, but not limited to, MDEQ, US Corps of Engineers, and MDAH.
- Design new bridges to be load rated in accordance with AASHTO LRFD Bridge Design Specifications, current edition, including seismic conditions where appropriate. Bridge design and load rating for bridge widening or rehabilitation shall be in accordance with the AASHTO Standard Specifications for Highway Bridges, 17th Edition.
- Construct the project in accordance with the design plans and best management practices as specified in the latest version of the MDOT or the OSARC Construction Manuals and in accordance with latest version of the Mississippi Standard Specifications for State Aid Road & Bridge Construction or Mississippi Standard Specifications for Road & Bridge Construction (MDOT), current editions, including all addenda, whichever is appropriate.
- Confirm the testing of construction materials are in accordance with the most current testing procedures as specified by OSARC.
- Maintain all files associated with all phases of the project and include, but not limited to those items listed in Exhibit A as well as pile driving records and all documentation showing bridge repair and construction will meet NBIS inspection standards.
- Submit an electronic copy of the completed and stamped as-built plans.

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## EXHIBIT A

The entity shall maintain on file, the following items in relation to Project:

- Proof of Advertisement (i.e. copy of the advertisement, MPTAP and/or procurement portal posting, etc.) for any RFQ, RFP or IFB
- A copy of the Program of Work for project
- A copy of the Construction Documents and Invitation for Bid Documents and any other Invitations for Bid, Request for Qualifications, Request for Proposals Documents including resultant Contracts for which funds will be expended
- A list of bidders/respondents, including the Bid Tabulation Form/Register of Proposals. For construction awards, include recommendation of the Professional for the award of contract
- A copy of Contract award for construction of project
- A copy of all contractor pay requests and Professional pay requests and approval of payments for said services