



Project Development Manual for Local Public Agencies



Mississippi Department of Transportation
Local Public Agency Division

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PROJECT DEVELOPMENT MANUAL FOR LOCAL PUBLIC AGENCIES

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FOREWORD

This Project Development Manual (PDM) for Local Public Agencies (**LPA**) establishes the basic requirements for the planning, design, and construction of **LPA** projects that utilize federal funds appropriated by the Federal Highway Administration (FHWA) or the Federal Transit Administration (FTA) and are under the oversight of the Mississippi Department of Transportation (**MDOT**). It is now a requirement that all LPAs and consultant's wishing to work on LPA Projects go through a PDM certification training session. Each attendee will be issued a certificate that is good for 2 years. A copy of this certificate will required to be presented by the LPA in the activation packet for the project or at the time of the LPA contracting with their consultant.

The OFFICIAL version of this PDM may be found online on the LPA website. Check for revisions often at the following URL. <https://mdot.ms.gov/portal/LPA>

The Local Projects programmed with State, and Local funds, and under the oversight of the Office of State Aid Road Construction **do not** follow PDM procedures. In order to

be readable and useful the contents have been kept to a minimum. However, the PDM along with other documents referenced in the PDM should provide sufficient information for developing most of the commonly encountered projects under this program. **Please note that all "example" documents accessed through links in this manual must be used as shown. The only acceptable revisions to these form are to make them project specific.** Architectural manuals may be required for roadway projects.

The procedures contained herein will be used unless a specific requirement is changed in writing by **MDOT**. Adherence to the requirements of the PDM are of utmost importance because Federal contracts entered into without requisite authority or contrary to statute are illegal and are void as a matter of law. Accordingly, **MDOT** reserves the right to develop and construct **LPA** projects totally in-house, depending on size, complexity, or amount of Federal-Aid funds involved.

Authorized representatives of the **MDOT** may, at all reasonable times, review and inspect the services of the **LPA** and any work assignments thereunder or amendments thereto. Authorized representatives of FHWA may also review and inspect the services provided by the **LPA** or the **LPA** authorized representative, should funds of the United States of America be utilized in payment for said services. All reports, drawings, studies and computations prepared by the **LPA** or authorized representatives of the **LPA** shall be made available to authorized representatives of **MDOT** for inspection and review at reasonable times in the Offices of **MDOT**. Authorized representatives of the FHWA may also inspect said reports, drawings and computations should funds of the United States of America be utilized. Acceptance by **MDOT** shall not relieve the **LPA** of its obligation to correct, at their expense, any errors in the work.

The processes described are applicable to all federally funded LPA projects administered by **MDOT**. The PDM and its appendices are explanatory and instructional while the PDM links shown in blue provide examples, procedures, regulations, forms, and criteria needed to advance a project from planning to completion. A list of the PDM links is included in the back of the PDM. The PDM and included links will be updated as needed to reflect changes in policy and procedures.

In order to expedite a project, it is essential that the LPA commit sufficient staff and other resources to ensure that all applicable State and Federal requirements are met. While the **LPA** is responsible for development of the project, it will be **MDOT** who assumes the ultimate responsibility for ensuring compliance with applicable State and Federal requirements. **Every step of the project process, from initiation, through environmental, design, right of way, advertisement, construction, and close out shall be performed and coordinated through an MDOT District LPA Engineer. Therefore, it is essential that all correspondence (except where noted) go through the MDOT LPA District Engineer.**

MDOT has the responsibility for project oversight and, as part of that responsibility, must provide periodic inspections to verify to the FHWA that work was accomplished in accordance with federal-aid procedures. Failure of an **LPA** to accomplish work according to the [Memorandum of Agreement \(MOA\)](#) and in accordance with the instructions enclosed herein could result in the loss of federal funds from the **LPA** project and could jeopardize the availability of future **LPA** federal funds.

As required by Federal regulations, all **LPA** project files must be retained by the **LPA** and its consultants for inspection by **MDOT** and Federal officials for a minimum of three years after final payment has been made.

CHAPTER 1: PROGRAM OVERVIEW

1.1 GENERAL:

The projects addressed in the PDM relate to **LPA** funds authorized by any Federal Transportation Act. Funds from Federal Transportation acts are appropriated to the States by congressional action. **MDOT** is the State agency responsible for administering these funds while the Federal agency has the responsibility of having the program oversight responsibility. The appropriate **MDOT** District, with various Central Office Divisions, will provide complete oversight of the **LPA** at various stages of a project's development.

MDOT prepares a four year transportation improvement project list in advance of project development, which is updated approximately every two (2) years. This project list is the Statewide Transportation Improvement Program (STIP). No federally funded **LPA** project may be activated unless it is included in the approved STIP. **The LPA shall be responsible for insuring that any project the LPA proposes be included in the STIP for the needed year.** If the **LPA** project is not included in the STIP or if the Federal amount of the project changes, the **LPA** must complete a [STIP Amendment Form](#) and submit to the **MDOT** District LPA Engineer.

MDOT will have oversight of all approved projects using the procedures outlined in the PDM. The PDM provides guidance for the development of the following **LPA** project types administered by **MDOT**:

1. **Surface Transportation Program (STP) Street Projects:** Federal STP funds may be used on any street or highway on the Federal-aid System. Federal-aid highways are determined by the functional classification of the route. The Federal-aid System consists of the functionally classified routes included in the following link: [Functional Classification Maps](#). These maps are maintained on-line by the **MDOT** Planning Division and do not include Rural Minor Collectors or Local Roads. STP Funds are separated into two categories: Urban Funds and Non-Urban Funds. Population is the factor that determines which type of STP funds used. Below is the breakdown for the two categories of STP Funds
 - a. **Urban STP Funds:** These are STP funds used for areas that have a population from 5,000 to less than 200,000. Inside the Non-Urban category are two subcategories and each are described below:
 - i. **Urban/Non-MPO Areas:** These are areas that have a population from 5,000 to less than 50,000. The STIP submittal procedure for this subcategory is to request to the **MDOT** District LPA Engineer to place an STP project in the STIP. This request must include a brief description of the project and an accurate cost estimate for the project that must be within available **LPA** Federal and local funds. The request shall be in the form of a letter from the **Chief Elected Official** of the **LPA** (Mayor or President of the County Board of Supervisors).
 - ii. **Urban/MPO Areas:** These are areas that have a population from 50,000 to less than 200,000. The STIP submittal procedure for this subcategory is to coordinate STP project selection through their MPO. The MPO selects STP projects through a Comprehensive Planning Process resulting in a four year Transportation Improvement Program (TIP) including all STP projects within the urbanized area. The TIP must be fiscally constrained within available Federal and local funds. The MPO will submit their approved TIP directly to **MDOT** Planning Division for inclusion in the STIP. STP funds may be utilized

on all levels of project development (PE, ROW, CON) for projects within an MPO.

- b. **Transportation Management Area (TMA) STP Funds:** These are STP funds used by metropolitan areas with a total population of 200,000 or greater. Their STIP submittal procedure must coordinate STP project selection through their MPO. The MPO selects STP projects through a Comprehensive Planning Process resulting in a four year Transportation Improvement Program (TIP) including all STP projects within the urbanized area. The TIP must be fiscally constrained within available Federal and local funds. The MPO will submit their approved TIP directly to **MDOT** Planning Division for inclusion in the STIP. STP funds may be utilized on all levels of project development (PE, ROW, CON) for projects within an MPO.

STP funds have a normal share ratio of 80% Federal and 20% local.¹

2. **Transportation Alternatives (TA) Projects:** TA projects are special non-typical transportation activities. **MDOT** periodically invites all **LPA's** (City Government, County Government, State Agency, or Rails to Trails District) to apply for funding that may reimburse up to 80% of the cost of approved TA projects. When funds become available, **MDOT** mails all eligible applicants a [TA Project Application Package](#) requesting new projects. Eligible activities are specified in the Federal Transportation Acts and will be detailed in the TA Project Application Package mailed to eligible jurisdictions and can also be found on the LPA Division website at www.mdot.ms.gov. The TA Project Application Package contains the following:

- Federal and State guidelines for TA projects.
- Application procedures for proposed TA projects.
- Forms and typical contractual agreements required to establish a TA project.

MDOT awards TA funds to **LPA's** on a competitive basis. **MDOT** Local Public Agency Division coordinates the project selection process and includes all selected TA projects in the STIP. If the selected **LPA** is within a MPO area, however, the MPO must include the project in their TIP.

3. **.Safe Routes to School Program (SRTS) Projects:** SRTS projects are now included in the TA program. Please check our TA information online at www.mdot.ms.gov.
4. **LPA Earmarks or other Federal-Aid Funds administered by MDOT:** Earmarks or other Federal-aid funds have been periodically awarded by the U.S. Congress for specific **LPA** projects. Federal funds reimbursement rates may vary for such projects.
5. **Emergency Relief projects:** The Emergency Relief Program as defined in CFR 23 USC 125 (a) is "Repair or reconstruction of highways, roads, and trails that have suffered serious damage as a result of (1) natural disaster over a wide area or (2) catastrophic failures from any external cause." The Natural Disasters mentioned are unusual natural occurrences (i.e. tornadoes, hurricanes, earthquakes, etc.) which cause serious damage over a wide area. While Catastrophic Failures are the sudden failure of a major element or segment of a federal road, which is not primarily attributable to gradual and progressive deterioration or lack of proper maintenance i.e. barge hitting a bridge. Each year the Federal Government sets aside approximately \$100 million in federal funds for nationwide coverage. However, to trigger release of these funds for a particular event the State must incur a minimum of \$700,000 in damage.

¹ There are special project categories where the FHWA allows up to 100% Federal funds with no local share, e.g. intersection signal projects, some safety projects, etc.

1.2 PROJECT FUNDING:

MDOT has the responsibility for monitoring the status and availability of federal funds. **LPA's** located within Urbanized Areas receive STP funds only through selection of their project through the MPO procedures.¹

Federal-aid funds are not eligible for any cost that is not incurred in conformity with applicable State and Federal laws, regulations, policies and procedures. **In addition, any cost incurred prior to FHWA authorization shall not be eligible for federal participation.** The **LPA** assumes responsibility for ensuring compliance with applicable State and Federal requirements and, as a result, assumes responsibility for any costs considered to be non-participating.

Federal-aid funds apportioned to **MDOT** have an expiration date at which time the funds will lapse and no longer be available to **MDOT** or an **LPA**. **MDOT will consider funds to be obligated when the final PS&E Assembly has been approved by MDOT and authorized by FHWA.**

Risk Assessment

The MDOT is regarded as the pass-through entity of the federal funds that are received by the LPA. The LPA is recognized to be a sub-recipient of the federal funds. As the pass-through entity, the MDOT has the responsibility to oversee and monitor its sub-recipients in accordance with the Office of Management and Budget's (OMB) circular "Uniform Administrative Requirements, Cost Principles and Audit Requirements" codified under 2 C.F.R. Part 200 .

2 CFR Section 200.205 requires federal awarding agencies to "design and execute a merit review process for applications, with the objective of selecting recipients most likely to be successful in delivering results based on the program objectives".

As part of the adopted merit review process, MDOT performs a pre-award risk assessment that may consider the following items:

1. Financial Stability
2. Quality of management systems
3. History of performance
4. Results of audit reports or financial information
5. Applicants ability to implement statutory, regulatory or other requirements

The requirement for the type of audit report or financial information will vary based on the size and complexity of the entities. MDOT will require the most recent fiscal year's audit report or financial information for review. For the purposes of determining what the most recent reporting is, MDOT will consider all of the following reports "due" nine months after the end of the entity's fiscal year. The type of audit report or financial information applicable to the entities' are determined as follows:

Single Audit Report – 2 CFR Section 200.501 requires entities who expend \$750,000 or more of federal funding during their most recent fiscal year to have a single audit performed and accepted by the Federal Audit Clearinghouse (FAC) within 30 days of receipt of the audit report or 9 months after the end of the fiscal year, whichever is earlier.

¹ Urbanized Areas are defined by the approved Urban Area Boundary. This boundary is established to include the area defined by the US Census Bureau as urbanized plus any additional growth area estimated to be within the urban area within the horizon year of the Long Range Transportation Plan. Urbanized Area STP funds are apportioned to the MPO rather than to individual jurisdictions within these areas. Projects within the MPO area must be selected in conformance with the MPO planning process.

Full Scope GAAP Audit – Entities with total revenues or expenditures, whichever is greater, equal to or greater than \$10,000,000 will be required to have a full scope GAAP audit performed in accordance with GASB #34. The report is optional for all other entities.

Full Scope OCBOA Audit – Entities with total revenues or expenditures, whichever is greater, equal to or greater than \$1,000,000 but less than \$10,000,000 will be required to have a full scope OCBOA audit performed in accordance with GASB #34.

Compilation – Entities with total revenues or expenditures, whichever is greater, less than \$1,000,000 will be required to have a compilation performed in accordance with GASB #34.

Financial Statements – Entities with total revenues or expenditures, whichever is greater, less than \$100,000 may submit the following items in lieu of an audit or compilation report.

- a. Municipalities must request exemption from the Office of the State Auditor. The exemption request must be postmarked within 90 days of the end of the fiscal year and indicate that the municipality had less than \$100,000 in revenues or expenditures for the fiscal year under review. The exemption form can be found on the OSA website in the “Resources” section for local governments.
- b. full set of financial statements for the most recent fiscal year ended

Not-For-Profits – Non-profit entities should follow the same requirements as above.

Entities, other than those meeting the single audit reporting requirement, must complete the [audit verification](#), indicating the type of reporting they qualify for, their ability to properly administer federal funds and that they are exempt from single audit reporting.

Single Audit Certification

2 CFR Section 200.332 requires the MDOT, as the pass-through entity, to monitor sub-recipient activities. To meet this requirement, LPA’s must designate an individual to register with an MDOT e-forms system account. The LPA designee will be notified to complete and submit a Single Audit Certification and Exemption Form by June 30 of each year.

Completion of this form will be required each fiscal year in which the LPA is a sub-recipient of FHWA awarded funds, beginning with project concurrence and until project close-out.

Audit Suspension

MDOT reserves the right to request any additional information as necessary due to conditions that may arise or additional guidance received from FHWA or the State Auditors’ office. 2 CFR Section 200.339 allows for remedies in the case of noncompliance. Noncompliance may result in a high risk assessment determination, the delay of project activation for awarded projects, the temporary withholding of cash payments or other actions as deemed appropriate by the MDOT and allowed under law.

In addition to the audit requirements for project application, the **MDOT** is responsible for the assurance that **LPA**’s expending \$750,000 or more in federal awards during its fiscal year has met the 2 C.F.R. Part 200 Subpart F Audit Requirements. The **LPA** is subject to such monitoring and as a result will be required to complete and submit the Single Audit Certification and Exemption Form. This form is to be submitted every fiscal year for which the **LPA** is a subrecipient of FHWA awarded funds, beginning with project concurrence and until project close-out. Should submission of this form not be completed in a timely manner each year future **LPA** projects could be delayed. Based on the information provided in the completed form and, if applicable, the **MDOT** will review the certification form attachments.

If the **LPA** fails to respond to the submission request for the audit report, the **MDOT** will consider the **LPA** to be in audit suspension with the reporting requirements of the uniform guidance. Extensions of time to submit the requested audit report will not be granted. The granting of a time extension would be in conflict with the principles of transparency and accountability. As a result of the audit suspension, the

MDOT will suspend payments to the **LPA** for the reimbursement of project costs and will not consider future projects with the **LPA**. Upon acceptance of the audit report by the **MDOT** Audit Division, the **LPA** will be removed from audit suspension.

Under the uniform guidance as a pass-through entity, the MDOT is required to review the LPA single audit reports, issue management decisions on audit findings that affect the FHWA federal-aid programs, follow-up and ensure the LPAs take timely and appropriate actions on such findings, consider whether the results of the single audits disclosed conditions that would require the MDOT to adjust its own records or monitoring activities, and consider taking enforcement in response to the noncompliance as described in Subpart D.

1.3 SPECIAL MATCH CREDIT PROGRAM (FLEXIBLE MATCH):

The Special Match Credit Program is available for all funding types of LPA projects and is to be requested only by those **LPA's** who advance fund those projects at their own cost. If requested in the Project Initiation Process (See Section 2.1), the **LPA** may qualify to use actual incurred costs for Preliminary Engineering (PE), Right-of-Way (ROW), and other eligible costs as part, or all, of the required share for the construction project by obtaining Special Match Credit. Examples of how Special Match Credit can work on a project are found [here](#). In-kind Match, **work performed using LPA forces and equipment, is not eligible to be used on LPA Projects.** The eligible amount of Special Match Credit will be determined by **MDOT** based upon documentation provided by the **LPA** in the [Statement of Expenditures for Special Match Credit](#). This documentation must be submitted with the PS&E Assembly. All supporting documentation must be submitted with any PE Cost, Right-of-way Cost, or Other eligible cost that the **LPA** requests for Special Match Credit. The **LPA** will be notified of the allowable Special Match Credit once the PS&E Assembly has been authorized. The **LPA** will not be eligible for any Special Match Credit that is not submitted with the PS&E Assembly. No Special Match Credit will be allowed after the project has been authorized by FHWA. A Preliminary Engineering Special Match Credit checklist can be found [here](#) detailing required items for approval.

To be eligible for Special Match Credit, the following conditions must be met:

- The **LPA** must submit all documentation and follow all procedures as required by **MDOT** in [LPA Consultant Operating Procedures for Professional Services](#). **MDOT** must concur with the **LPA's** consultant selection procedures for Preliminary Engineering to be eligible for Special Match Credit.
- The **LPA** must obtain all real properties (ROW) and easements in accordance with procedures required by Federal and State laws and regulations; and,
- The **LPA** must meet all **MDOT** and Federal Highway Administration (FHWA) requirements for environmental studies and permits (environmental documents must be approved prior to any design or ROW activities); and,
- **By submitting the PS&E Assembly, the LPA agrees to be responsible for all matching funds above the Special Match Credit.** Special Match Credit in excess of the **LPA's** required construction share will not be allowed (e.g., if the PE, ROW and Other cost exceeds the 20% local share for construction of an STP project, no funds above the 20% share will be reimbursed to the **LPA**).

1.4 PUBLIC INVOLVEMENT:

The **LPA** must initiate Public Involvement early in the project initiation process in order to assure the opportunity for maximum participation on the part of the public in the selection and development of projects. The National Environmental Policy Act (NEPA) provides guidelines for locally developed public involvement processes and procedures. The FHWA publication entitled ["Public Involvement Techniques for Transportation Decision-making"](#) offers a variety of public involvement techniques available to the **LPA**.

1.5 VALUE ENGINEERING:

Federal policy requires that a Value Engineering (VE) study be performed for all projects on the National Highway System with an estimated total cost (includes design, right-of-way and construction costs) of \$50 million or more or a bridge project on the National Highway System of \$40 million or more. VE Studies will include the project as defined by the approved NEPA document and will be the responsibility of the **LPA**. The Federal Highway Administration publication "[FHWA VE Policy](#)" provides guidance on the application of Value Engineering. For additional information on VE Studies, please contact **MDOT's** LPA Division.

1.6 SYSTEMS ENGINEERING AND ARCHITECTURE REQUIREMENTS:

Systems Engineering and Architecture Requirements must be met for **LPA** projects that are determined to include ITS elements regardless of the funding category. No new projects determined to include ITS elements can advance without demonstrating compliance with the Regional ITS Architecture which defines system components, key functions, organizations involved in developing the architecture and the type of information to be shared between organizations and between parts of the system.

All projects determined to include ITS elements must be developed using Systems Engineering Analysis. Systems Engineering Analysis is an approach to designing projects that employs an iterative process in the design, testing and evaluation of the implementation. Systems Engineering requires the project team to consider all phases of a system's lifecycle from the moment of the system's conception to its retirement from use. This means taking into consideration the stages of planning, design, procurement, deployment, operations, maintenance, expansion and retirement of the system or subsystem. This approach also requires the team to:

- Identify alternatives at each step of building the system.
- Evaluate each alternative based on costs, technical considerations and customer needs.
- Consider what risks exist throughout the process and plan for their management.

For assistance in determining Systems Engineering and Architecture requirements, contact the **MDOT** District LPA Engineer. The State ITS Manual can be found [here](#).

1.7 PROJECT DEVELOPMENT CHECKLIST:

The [Project Development Flowchart](#) is provided as a quick reference to where you are in the development of the project. It is intended as an aid to the **LPA**, the **LPA** Project Manager, their consultant(s), etc. to insure correct and timely accomplishment of State and Federal requirements in project development and management. The Guide shows the points at which approvals are required and the nature of the approvals.

CHAPTER 2: PROJECT ACTIVATION AND OVERSIGHT

2.1 PROJECT ACTIVATION:

Activation of a *LPA* project included in the approved STIP is a two-step process.

Step 1: The *LPA* shall submit a written request to the appropriate *MDOT* District LPA Engineer. This request must be **signed by the Chief Official of the LPA** (Mayor, President of the Board of Supervisors, or Agency Head). This request must include the following attachments:

- **Notification on LPA letterhead signed by the Chief LPA Official naming LPA Personnel and their contact information**
 - **Chief LPA Official – work phone number – active email address**
 - **LPA Project Director – office and cell phone number – active email address**
- **A Vicinity Map indicating the approximate location of the projectsite**
- **A copy of the STIP page where the project is listed or a STIP Amendment Form or the Award Letter if it's a TA Project.**
- **A copy of the minutes of the Board or Council meeting authorizing the LPA Chief Official to request activation of the project.**
- **The latest annual audit of the LPA on file with the State of Mississippi Office of the State Auditor.**
- **A copy of the LPAs certificate from the LPA Process Training and Certification (Training on the PDM) that is not older than 2 years. Certificates are required for all LPA Directors and Managers. It is recommended that all LPA Chief Officials also attend.**
- **If the project is within an urbanized area, the information must first be submitted through the appropriate MPO for its approval and identification of funding type (TMA or urban funds).**

Upon approval of the request, *MDOT* will assign a project number for the proposed work and notify the *LPA* in writing (letter or email) that it may proceed to Step 2 of the activation process. **MDOT's assignment of the project number to the LPA does not constitute MDOT approval to continue with full project development.** It only gives the *LPA* authority to proceed to Step 2 of the activation process as described below and to obtain the services of a Professional Consultant (if needed) to develop the form(s) necessary for completion of Step 2. In the event the *LPA* intends to utilize the services of a Professional Consultant, the Professional Consultant must be licensed in the State of Mississippi, have a certificate from the LPA Process Training and Certification (Training on the PDM) that is not older than 2 years, and selected in compliance with the [LPA Consultant Operating Procedures for Professional Services](#). For more information on consultant procurement please also see Section 2.4, Professional Services (page 14).

The *MDOT* District LPA Engineer will at this time begin development of a [Memorandum of Agreement \(MOA\)](#) for Local Public Agency Projects between the *LPA* and *MDOT*. **The LPA must administer the project in accordance with the conditions within the executed agreement.**

Step 2: Upon receipt of the following:

- Assigned project number
- An executed MOU
- **MDOT's** approval of the proposed Professional Consultant(s) (if applicable)

The LPA shall provide the MDOT District LPA Engineer:

1. A Federal Aid (FA) route map with the FA number and map (found at the following link [functional classification map](#)), if not provided during activation.
2. A completed [LPA-100](#). This will include a brief description of the proposed improvements, estimated preliminary engineering costs, right-of-way costs and other costs to be paid by the **LPA**. Construction engineering costs, testing costs and contingency costs shall each be calculated as 5% of the construction cost for a total of 15% of the construction cost. The **LPA's** Estimated Project Costs are for **informational purposes only**.

Preliminary Engineering and Design Costs, Right-of-Way Costs and Other Costs paid by the **LPA** are eligible for consideration in the Special Match Credit Program. If eligible for the Special Match Credit Program, the **LPA must indicate** such intent in the [LPA-100](#) that is provided to **MDOT** and follow proper procedures in the selection of consultants.

3. Form LPA-700 must be submitted using the e-form in the link below **when the LPA-100 is submitted**. The project, as described in the LPA-700, should be considered as conceptual only with a preferred design to be determined during the development of the environmental studies.

LPA-700 – LPA Roadway Design Related Data

The [LPA-700](#) form is required for any project that includes roadway, bicyclist, or pedestrian designs. This form is completed online by the engineering consultant, reviewed and approved by MDOT, and upon approval, a notification is sent to both the engineering consultant and District LPA Engineer.

The project design values for all basic design criteria must be met. If any of the design values cannot be met during the design process, a design variance/exception request shall be submitted by the LPA for consideration. MDOT may or may not approve the design variance/exception request. See Section 5.1 for more information regarding design variance/exception requests.

To expedite the approval of the LPA 700, typical sections showing both existing facilities and proposed improvements shall be presented as clearly as possible and attached to the form submittal. A vicinity map must also be attached but is recommended to be created within the form using the map feature. Design requirements vary, depending on the type of work (i.e. new construction, 3-R (Resurfacing, Restoration or Rehabilitation, 1R (preventive maintenance resurfacing) etc.) however, the form will auto-populate design criteria based on the questions answered by the user. The form contains links to resources that aid in obtaining correct answers to the questions asked (i.e. functional classification, NHS maps, and airport vicinity) as well as a help document to help navigate the form, if needed.

Design geometrics for projects shall conform to criteria established by AASHTO and other design criteria adopted and approved by MDOT and FHWA for use by a LPA. Major reference publications for roadway projects are listed within Chapter 5: Preparation of Plans, Specifications & Estimate (PS&E) Assembly.

Traffic Control Devices

If traffic control devices (i.e. three-way stops, four-way stops, and/or traffic signals) are anticipated, sufficient support data must be included for proper evaluation. (This data will usually be submitted after the environmental process.) Typical support data includes the basic intersection type, roadway

functional classification, intersection channelization schemes, intersection design elements, traffic turning movement counts³ and **MUTCD warrant analysis**. Supporting data for the installation of traffic control devices will be approved through the **District LPA Engineers** and MDOT Traffic Engineering prior to inclusion in the project.

The **LPA** shall then submit the information discussed in Step 2 to the **MDOT** District LPA Engineer. Upon approval by **MDOT**, the provided information shall be returned to the **LPA** by the **MDOT** District LPA Engineer along with notification that the **LPA** may proceed with project development. **The Approved LPA 700/800 will be required to be submitted with the field review package.**

At this time the **MDOT** District LPA Engineer will schedule a “kick-off” meeting to discuss preliminary plans, the Environmental Process and the Right-of-Way Process.

MDOT approval will be confirmed only upon receipt of the required information from the **LPA**. Step 2 approval by **MDOT** does not commit any funds nor does it imply approval of specific project plans yet to be developed. The approval simply declares that the proposed project is eligible for Federal-aid funding. In addition, Step 2 approval by **MDOT** does not prevent the lapse of the allocated funds (See Section 1.2).

2.2 DESCRIPTION OF PROJECT PHASES:

The **MDOT** has defined a minimum of three (3) phases for projects:

1. Preliminary Engineering (PE)

Preliminary Engineering includes: (a) the development of the environmental documents, which can be a separate phase by itself depending on the Class of environmental action needed; and (b) the process of preparing all necessary plans for construction, including the preparation of maps and deeds and right-of-way plans if additional right-of-way will be required. The **LPA** may use a full time employee of the **LPA** or hire a consultant to accomplish preliminary engineering. The Preliminary Engineering phase also includes providing the PS&E package. If there is a Congressional Earmark available or if the project is inside a MPO that allows for Federal reimbursement for this phase of work then **the LPA must request, in writing, to the MDOT District LPA Engineer** that they desire to utilize earmarked funds for this phase of work. The District LPA Engineer will provide necessary information to MDOT’s Local Public Agency Division in order to gain Project Authorization from FHWA via, Federal Highway’s Fiscal Management Information System. No reimbursable work may begin until this ‘authorization’ has been granted.

2. Right-of-Way (ROW)

Right-of-Way is the process of the acquiring of all real properties and easements required for the construction, maintenance, and operation of a project, and relocation of utilities that conflict with the planned construction. If additional ROW (property acquired by any means; purchase, donation, etc.) or utility work is required, the **LPA** must notify the **MDOT** District LPA Engineer as soon as they become aware of the issue. The **LPA** may select a full time employee of the **LPA** or hire a consultant to perform right-of-way related activities. Any required right-of-way acquisitions by **LPA** or its consultant must be accomplished in accordance with Federal and State laws and regulations. In the event the **LPA** intends to utilize the services of a consultant, the consultant shall be acquainted with **49 CFR Part 24 (Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs)**, the **MDOT Right-of-Way Operations Manual (ROM)**, and selected in compliance with the state laws that are applicable to the selection of firms or individuals that provide professional services to the local agency. Additionally, appraisers and review appraisers must be licensed by the State of

³ Traffic Turning Movement counts relate to movements of vehicles at an intersection of two or more roads or streets. This special traffic count must be accomplished during certain specific hours. Contact **MDOT** Planning Division for information on procedures for accomplishing these special traffic counts.

Mississippi (licenses are not currently required by the State of Mississippi for acquisition or relocation services). Failure to follow the procedures, regulations, laws and policies as set forth herein and above may result in the withdrawal of all or part of the federal funds allocated. The procurement of these services shall comply with state law and local regulations. If there is a Congressional Earmark available or if the project is inside a MPO that allows for Federal reimbursement for this phase of work then the LPA must request, in writing, to the MDOT District LPA Engineer that they desire to utilize Federal funds for this phase of work. The Local Public Agency Division will provide necessary information to MDOT's Programming Division in order to gain Project Authorization from FHWA via, Federal Highway's Fiscal Management Information System. No reimbursable work may begin until this 'authorization' has been granted.

3. **Construction (CON) and Construction Engineering & Inspection (CE&I)**

Construction is the process of constructing the project by a contractor. Construction engineering and inspection involves the required oversight and inspection of the construction by the **LPA**. Construction engineering costs are eligible for Federal funding participation as part of the project construction cost. To qualify for reimbursement, the construction engineering and inspection cost shall follow the Risk Based Inspection guidelines for calculating the inspectors time. The methodology for calculating the inspector's hours can be found in the Risk Based Inspection Guide.

The **LPA** may use a full time **professional** employee of the **LPA** or hire a consultant to accomplish construction engineering & inspection. Any firm, engineer, and/or architect chosen by the LPA shall be licensed by the appropriate board in the State of Mississippi. Construction engineering & inspection includes (but is not limited to) the following:

- supervision and inspection of the contractor doing the work,
- collection of all material samples for testing,
- compliance with designs and standards,
- measurement and documentation of pay-item quantities,
- preparation, submission, and approval of all construction payment request, and preparation and retention of daily project diaries.

2.3 **PROJECT OVERSIGHT:**

The **LPA** and their **CONSULTANT/ARCHITECT** shall submit a [Monthly Progress Report](#) by the 7th of each month through the life of the development of the project until Ad Authority has been given. This report allows for accurate information for the management of the project and keeps all parties involved informed. **MDOT** requires all projects to have plans, specifications, and estimates prepared and administered by a **professional** that is licensed in Mississippi. If a project involves roadway or structural design, the **professional** must be a Registered Professional Engineer (PE). If a project involves acquisition of rights-of-way, easements or parcels for conveyance purposes, whose descriptions are based on a survey, the descriptions must be prepared under the supervision of a Professional Surveyor (PS). If a project involves building construction and restoration, landscaping, etc., the **professional** must be a licensed Mississippi Architect or Landscape Architect. Registration and licenses must have been issued and regulated by:

- **Engineers and Surveyors:** the Mississippi Board of Licensure for Professional Engineers and Surveyors, Jackson, Mississippi.
- **Architects and Landscape Architects:** Mississippi State Board of Architecture and Landscape Architecture Advisory Committee, Jackson, Mississippi.

The requirement for the **LPA's** professional oversight shall apply to **all** phases of **all** projects funded through **MDOT**. Even though some non-roadway projects may qualify for the licensed Architect or Landscape Architect provision, a licensed Engineer shall be required if structural design is involved. A licensed Professional Surveyor shall be required if right-of-way descriptions from surveys are involved. Within the PDM, the term **professional** shall mean an engineer, surveyor, architect, or landscape architect, duly licensed by the State of Mississippi.

2.4 KICKOFF MEETING:

The kickoff meeting shall be scheduled by the **MDOT** District LPA Engineer and should take place AFTER the **LPA** has selected a consultant but BEFORE the consultant's contract has been finalized. This meeting will help define the necessary tasks for environmental, right of way, and engineering services that may impact or be defined in the Preliminary Engineering scope of work and help ensure the project is developed in accordance with all appropriate procedures and regulations. The kickoff meeting is not mandatory, but a suggested task to ensure the consultant has properly scoped the project and to avoid unnecessary delay with supplemental agreements and unforeseen cost increases.

2.5 PROFESSIONAL SERVICES PROCUREMENT:

The **LPA** must utilize a **professional** for preliminary engineering including project design, description of rights-of-way, preparation of maps and deeds, and construction engineering & inspection utilizing one of the following methods:

1. A registered **professional** who is a full time employee of the **LPA**,
2. A contract with a consultant who will perform the duties of the **professional** and is a full time employee of the consulting firm, or
3. An agreement with another government agency that will provide the professional services.

If the **LPA** elects to use a consultant for preliminary engineering, acquisition of right-of-way, and/or construction engineering & inspection and plans to request federal participation for such costs, the consultant must be licensed in the State of Mississippi and selected in compliance with the **MDOT** [LPA Consultant Operating Procedures for Professional Services](#) and/or **MDOT** ROW Division procedures.

If the **LPA** retains a professional consultant, the professional consultant will be responsible to the **LPA** for all professional services and activities specified in the respective contract. Such activities shall be under the direct control of the **LPA** employee assigned by the **LPA**. Retaining a professional consultant for said purpose does not relieve the **LPA** of the responsibility for any specified activities. **For purposes of this manual the assignment of the Professional Consultant as the responsible professional consultant for any activities, shall be interpreted to mean responsible to the LPA.**

The **Chief Official** of the **LPA** (Mayor, President of the Board of Supervisors or Agency Head) must submit the consultant selection concurrence package in accordance with **MDOT** [LPA Consultant Operating Procedures for Professional Services](#) to the **MDOT** District LPA Engineer. Should the **LPA** not conform to these selection procedures, federal participation in the work performed by the consultant will not be allowed. An **MDOT** approved Agreement must be executed between the **LPA** and the consultant prior to the accomplishment of any work in accordance with the contract. **If an Agreement is executed after any work included in the Agreement is accomplished, federal participation in the work performed by the consultant will not be allowed.**

Neither Preliminary Engineering Services nor Right-of-Way services shall be executed on the same contract as Construction Engineering and Inspection (CE&I). The **LPA** may elect to advertise for a consultant for each phase of a project separately or any combination of phases. The **LPA** may also utilize the **MDOT** Master Contract List for consultant services. In all cases, the selection must comply with the rules of the appropriate regulating board and must be in compliance with the **MDOT**

[LPA Consultant Operating Procedures for Professional Services.](#) The LPA should contact the MDOT District LPA Engineer prior to selecting or advertising for selection of a consultant.

The **LPA** shall provide the **MDOT** District LPA Engineer with the name, title, and position of each of the following individuals designated by the Chief **LPA** Official as responsible for **LPA** oversight of the project. The Project Director or Project Manager, whichever is the responsible for the day to day management of the project, shall have certification from the Project Development Manual (PDM) that is current. The project development is subject to being frozen until valid certification has been obtained:

1. **Project Director** - This may be the **LPA's** Public Works Director, City/County Engineer, or other official with overall responsibility to supervise the Project Manager/Assistant Project Manager. The **LPA's** Project Director *must be a full time employee of the LPA* and not a consultant or contract employee. The Project Director and Project Manager may be the same person if so designated by the Chief **LPA** Official and the designated person is a full time **LPA** employee. The Project Director shall be the individual with 'Responsible Charge' for the project. 'Responsible Charge' means the Project Director is: (a) aware of the day-to-day operations on the project; (b) aware of and involved in decisions about changed conditions which require change orders or supplemental agreements; (c) aware of the qualifications, assignments, on-the-job performance, etc. of the consultant staff at all stages of the project; and (d) visiting the project on a frequency that is commensurate with the magnitude and complexity of the project.
2. **Project Manager** - The Project Manager may be either a **LPA's** employee or an engineer hired by contract, provided the contractual employee is hired using **MDOT [LPA Consultant Operating Procedures for Professional Services](#)**. The Project Manager and Project Director shall not be the same person if the Project Manager is a contractual employee rather than a full time **LPA** employee. The Project Manager is in direct control of the work of any consultant selected by the **LPA**; therefore, if the Project Manager is also a consultant, they must be independent of the professional services contract they will oversee, in accordance with the Rules and Regulations of the Mississippi Board of Licensure for Professional Engineers and Surveyors. The Project Manager, if a full time **LPA** employee, shall sign estimates submitted by the **LPA** to **MDOT**. Otherwise, the Project Director shall sign estimates.
3. **Project Engineer/Architect** - The **LPA** Project Engineer/Architect is a qualified **professional** as described earlier who shall have direct control of project supervision during one or more phases of the project. The **LPA** Project Engineer/Architect may be a full time **LPA** employee or consultant hired in compliance with **MDOT [LPA Consultant Operating Procedures for Professional Services](#)**. For the purposes of this manual, the term **professional** is used for the PE and ROW phases, and the term **project engineer/architect** is used for the construction phase.
4. **Traffic Control Supervisor (TCS)** (Required during CE&I phase) - The **LPA** TCS oversees work zone traffic control for the project on behalf of the **LPA**. The **LPA** TCS must be certified as having completed an **MDOT** approved work zone traffic control course (must provide certificate from course). The TCS should reference the requirements for certification & recertification frequency set forth in section 618.01.2 of the Mississippi Standards for Road and Bridge Construction. The TCS may be a full time **LPA** employee or consultant hired using **MDOT [LPA Consultant Operating Procedures for Professional Services](#)**. Generally, a TCS will not be required for projects which do not have work zone traffic control issues. However, the **LPA** should first consult with the **MDOT** District LPA Engineer for requirements.
5. **Certified Stormwater Inspector** (Required during CE&I phase) – The Stormwater Inspector must hold valid Stormwater Inspector Certification acceptable to the **MDOT** (must provide certificate upon request). The Stormwater Inspector for the project will ensure compliance with the approved erosion control plan and all applicable regulations.

The **Project Director** shall be designated by the **LPA** before any work or project development begins. Both the Project Director and the Project Manager and/or Engineer must have a valid certificate from the LPA Process Training and Certification (Training on the PDM) that is not older than 2 years. If any designated employee or consultant changes during the development and construction of a project, the **LPA** will immediately notify the **MDOT** District LPA Engineer of the name, title, and position of the replacement for approval.

CHAPTER 3: ENVIRONMENTAL DOCUMENTATION

The environmental analysis undertaken for a project is the instrument for making decisions about project location and design concepts. The environmental process provides the **LPA** with the means to evaluate factors that should be considered during project development and in determining the best solution to meet transportation needs. This process is designed to be conducted in partnership with the communities and federal and state agencies affected by the proposed project. Letters of Solicitation of Views (SOV) should be coordinated with **MDOT** Environmental Division prior to the **LPA** sending out any letters. **MDOT** Environmental Division should be copied on all correspondence. Resource Agency Scoping Meetings should be coordinated with **MDOT** Environmental Division prior to contacting the various agencies. Environmental Studies such as Cultural Resource Surveys, Wetland Assessments, etc., should be prepared by the **LPA** or their consultant and submitted to **MDOT** District LPA Engineer who will forward to the **MDOT** Environmental Division to obtain Resource Agency's concurrence unless otherwise advised by the **MDOT** District LPA Engineer/Environmental Division Engineer/Administrator.

The **LPA** must use a **professional** to accomplish required environmental documentation. Guidance on the environmental process is found in the following sources:

- **MDOT** Environmental Division Standard Operating Procedures (S.O.P.) - A copy of each S.O.P. can be obtained from the **MDOT** Environmental Division. An **LPA** shall contact the **MDOT** District LPA Engineer to verify that they have the current S.O.P. prior to beginning procedures within the S.O.P.:
- ENV-02-01-00-000, *Project Development/Environmental Documentation*,
- ENV-02-01-01-160, *Environmental Class of Action Determination*,
- ENV-02-02-02-160, *Guidelines for Completing Form ENV-160*,
- [Form ENV-160-LPA](#), *Environmental Class of Action Determination (LPA)*, and
- [Rule No. 37.I.8701.02000](#), *Public Involvement/Public Hearings*, and;
- FHWA Publication No. FHWA-PD-96-031, [Public Involvement Techniques for Transportation Decision-making](#);
- FHWA's Technical Advisory [T6640.8A](#), *Guidance for Preparing and Processing Environmental and Section 4(F) Documents*;
- 23 CFR [Part 771](#), *Environmental Impact and Related Procedures*; [Part 772](#), *Procedures for Abatement of Highway Traffic Noise and Construction Noise (TNM Lookup Tables may no longer be used in performing a noise analysis for Federal or Federal-aid Highway projects)*; and [Part 777](#), *Mitigation of Environmental Impacts to Privately Owned Wetlands*;
- Executive Orders on [Environmental Justice](#), [Native American Coordination](#), and [Environmental Stewardship](#); and
- Information on the full range of [FHWA Environmental Programs](#).

A kickoff meeting should be scheduled for all projects and should be held immediately following project activation. One goal of this meeting is to engage **MDOT's** Environmental Division so a preliminary project assessment can be made in order to help identify any significant potential impacts to the human & natural environment. Information from this meeting can be used by the **LPA** and their **professionals** to help determine the preliminary engineering scope of work.

Prior to the **LPA** starting the environmental process, the **LPA** shall contact the **MDOT** District LPA Engineer and provide a [Purpose & Need Statement](#) (click [here](#) for FHWA guidance). The [MDOT Form ENV-160-LPA](#) shall be used as a guideline to help determine potential effects/impacts of the proposed project.

Using the information provided by the **LPA**, the **MDOT** District LPA Engineer will be responsible for collaborating with the **MDOT** Environmental Division and FHWA to make a determination as to the **Class of Environmental Action** needed for the project. Once the **Class of Environmental Action** has been determined, the **MDOT** District LPA Engineer will advise the **LPA** accordingly and the **LPA** will be responsible for preparation of all environmental documentation. Listed below is a brief description of the three Classes of Environmental Action for reference.

Three Classes of Environmental Action:

- **Class I** - The Environmental Policy Act (NEPA) Class I Action requires an Environmental Impact Statement (EIS) and applies to projects that significantly affect the environment. **Projects with significant impacts will require an EIS and the LPA must contact the MDOT District LPA Engineer to set up a Project Development Initiation Meeting with the MDOT Environmental Division Engineer and FHWA before starting any environmental work to ensure compliance with the latest environmental regulations (See S.O.P. ENV-02-01-00-000). FHWA/MDOT shall be the joint-lead agency for any Environmental Impact Statement under Class I Action.**

MDOT and the **LPA** shall follow the listed guidelines for NEPA and submit the appropriate environmental documentation as outlined in the Project Development Initiation Meeting to the **MDOT** Environmental Division Engineer/Administrator for review and for concurrence; the **MDOT** will coordinate with FHWA and request appropriate approvals. Once the Draft Environmental Impact Statement (DEIS) has been approved by FHWA for presentation at a public hearing, the public hearing is to be advertised by **MDOT** as outlined in [MDOT Rule No. 37.1.8701.02000](#), *Public Involvement/Public Hearings*, and FHWA Technical Advisory [T6640.8A](#). After satisfying the public involvement requirements, **MDOT** shall prepare and submit the Final EIS, addressing comments resulting from agency and public input. Once **MDOT** and FHWA approve the Final EIS, **MDOT** will distribute the Final EIS accordingly and FHWA will issue a Record of Decision (ROD) to finalize the study.

A written Environmental **Re-evaluation will be required if more than three years elapse between the FHWA's issuance of the Record of Decision (ROD) and next federal action or if minor modifications to the planned alignment or anticipated impacts are necessary.** Additional studies may be warranted; therefore, the **LPA** must coordinate with the **MDOT** District LPA Engineer accordingly. **If significant changes occur, the LPA must contact the MDOT District LPA Engineer immediately to determine if a Supplemental EIS will be required.**

- **Class II** - The Environmental Policy Act (NEPA) Class II Action requires a Categorical Exclusion (CE) and applies only to projects that do not significantly affect the human and natural environment. Road overlay, bridge replacement, traffic signals, and enhancement projects typically fall into this class. A list of the type of projects that are categorically excluded can be found in [23 CFR Part 771](#). **For projects that require a Categorical Exclusion, the LPA must complete the MDOT Form ENV-160-LPA and provide appropriate environmental studies such as, but not limited to, a cultural resource survey, a wetlands/streams assessment, a relocation assistance study, a hazardous materials assessment, and a threatened & endangered species assessment. Depending on the type of project, some public involvement may be needed.** This package shall be submitted to the **MDOT** District LPA Engineer to obtain environmental approval as it serves as the approval document for Categorical Exclusion determinations (See S.O.P. ENV-02-01-00-000)

Once the CE is approved, **no additional environmental documentation is required unless more than three years elapse between the FHWA's approval of the ENV-160-LPA and the next federal action or if changes of any significance occur.** In these cases, a written Environmental Re-evaluation will be required. Additional studies may be

warranted; therefore, the **LPA** must coordinate with the **MDOT** District LPA Engineer accordingly.

- **Class III** - If the project is neither a Class I nor Class II action, it is considered a Class III action. The Environmental Policy Act (NEPA) Class III Action requires an Environmental Assessment (EA) to determine if there is a significant impact to the human and/or natural environment. **For projects that require an EA, the LPA must contact the MDOT District LPA Engineer to set up a Project Development Initiation Meeting with the MDOT Environmental Division Engineer/Administrator and FHWA before starting any environmental work to ensure compliance with the latest environmental regulations (See S.O.P. ENV-02-01-00-000).**

The **LPA** shall follow the listed guidelines for NEPA and submit the appropriate environmental documentation as outlined in the Project Development Initiation Meeting to the **MDOT** District LPA Engineer. The **MDOT** District LPA Engineer will forward acceptable environmental documentation to the **MDOT** Environmental Division Engineer/Administrator for review and for concurrence; the **MDOT** will coordinate with FHWA and request appropriate approvals. Once the Draft Environmental Assessment (Draft EA) has been approved by FHWA for presentation at a public hearing, the public hearing is to be advertised by the **LPA** as outlined in **MDOT Rule No. 37.1.8701.02000**, *Public Involvement/Public Hearings*, and FHWA Technical Advisory **T6640.8A**. After satisfying the public involvement requirements, the **LPA** shall prepare and submit the Final EA addressing comments resulting from agency and public input to the **MDOT** District LPA Engineer for processing. Once **MDOT** reviews the Final EA and determines there are no significant impacts that would warrant an EIS, **MDOT** will request a "Finding of No Significant Impact" (FONSI) from FHWA.

A written Environmental Re-evaluation will be required if more than three years elapse between the FHWA's issuance of the FONSI and the next federal action or if changes of any significance are proposed for the EA/FONSI. Additional studies may be warranted; therefore, the **LPA** must coordinate with the **MDOT** District LPA Engineer accordingly.

At the conclusion of the Environmental Decision-making Process utilizing the above guidance, the Preferred Alternative Solution must be officially identified by the LPA through a resolution and submitted to the MDOT District LPA Engineer.

The environmental process may be lengthy and involved, depending on the complexity of the proposed project. Relocation assistance studies, noise studies, cultural resource surveys, Section 4(f)/6(f) documents, Section 106 consultation documentation, wetland findings, mitigation plans, site assessment for hazardous materials, public meetings, etc., may all be required to reach decisions. If the **LPA** has any questions or needs additional information, he/she should contact the **MDOT** District LPA Engineer immediately.

Any federally-funded project requiring easements or additional right-of-way (property acquired through any means; purchased or donated) must receive MDOT and FHWA approval of the environmental document prior to beginning the right of way acquisition process. Donated property does not predetermine the location of a project. Consult the MDOT District LPA Engineer for clarification.

The DDIR will serve as the Environmental Document for Emergency Relief projects where R.O.W. is not Required.

CHAPTER 4: RIGHT-OF-WAY PROCEDURES

4.1 INTRODUCTION

The Local Public Agency (*LPA*) shall acquire right-of-way in accordance with [49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs](#), and [23 CFR – Highways – Part 710](#), as well as applicable State Law covered under [Title 43 Chapter 37 of the Mississippi Code](#) and [Title 43 Chapter 39 of the Mississippi Code](#). The [MDOT Right of Way Operations Manual \(ROM\)](#) is a helpful resource in providing guidance to the *LPA* when acquiring right-of-way. The [Citizen's Guide to Property Acquisitions by Local Public Agencies in Mississippi](#) and the [Citizen's Guide to Relocation Assistance From Local Public Agencies in Mississippi](#) are also helpful resources. The *LPA* is responsible for complying with all applicable state and federal laws and regulations in administering the *LPA* project.

4.2 PROJECT ACTIVATION / OVERSIGHT

The *MDOT* Right of Way Division employs a *MDOT* ROW *LPA* Coordinator. The *MDOT District LPA Engineer* will serve as the primary contact for the *LPA* on project related issues and will work closely with the *MDOT ROW LPA Coordinator* to provide assistance and/or advice as needed. The *MDOT ROW LPA Coordinator* will work with the *LPA* to provide advice and assistance on right of way related issues.

MDOT ROW LPA Coordinator will have right-of-way oversight responsibility over the *LPA* projects statewide. This oversight includes, but is not limited to, review and technical assistance during the Real Estate Consultant selection process, assistance during the right of way acquisition process, and Uniform Act ([49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs](#)) compliance review.

The *LPA* must maintain records on each right-of-way parcel to document that Federal and State procedures were followed for a period of at least three (3) years following the transfer of property. The records in each parcel file may be reviewed by the *MDOT ROW LPA Coordinator* at any time as part of the oversight duties and **there shall be a separate file for each parcel acquired to include all applicable documentation ([Parcel Review File Checklist](#))**. If the *MDOT ROW LPA Coordinator* determines that right-of-way was purchased without following the proper procedures it could result in the loss of federal funds.

4.3 SELECTION OF SURVEY, MAP AND DEEDS CONSULTANT

The selection of a survey, maps and deeds consultant may be part of the preliminary design phase of the project. Upon receipt of the contract for survey, maps and deeds from the *MDOT* Consultant Services Unit, the contract will be reviewed by the *MDOT Roadway Design Division and Consultant Services Unit*.

4.4 PRELIMINARY ENGINEERING (PE)PHASE

Right of Way Plan Development

After the Field Review phase of project/plan development as described in Section 5.8 and it is determined that acquisition of property for Right-of-Way is required, the **LPA** and its professional land surveyor shall develop a property map depicting the final ROW limits and affected properties.

Development and Preparation of Survey, Maps and Deeds

The **MDOT District LPA Engineer** will direct, in writing, that the **LPA** may begin development of the maps and deeds, also known as a ROW Acquisition Maps, for the subsequent Right-of Way Acquisition phase of the project. Title abstracting shall begin in coordination with the development of maps and deeds.

4.5 COST ESTIMATING AND FUNDING AUTHORIZATION

If there is a Congressional Earmark available or if the project is inside a Metropolitan Planning Organization (MPO) that allows for Federal reimbursement for this phase of work then the **LPA** must request, in writing, to the **MDOT District LPA Engineer** that they desire to utilize Federal funds for this phase of work. The **Local Public Agency Division** will provide necessary information to MDOT's Programming Division in order to gain Project Authorization from the Federal Highway Administration (FHWA) via, Federal Highway's Fiscal Management Information System. **No reimbursable work may begin until this 'authorization' has been granted.** The **LPA** must contact the **MDOT ROW LPA Coordinator** for more information regarding this subject and to provide guidance and access to the [LPA ROW Cost Estimate and Funding Authorization Request](#) form.

4.6 SPECIAL MATCH CREDIT

Using the [Statement of Expenditures for Special Match Credit \(SMC\)](#), an **LPA** may apply to the **MDOT LPA Division** for credit of expenditures for ROW costs incurred by the **LPA** on the project. The **MDOT LPA Division** will transmit a request to the **MDOT Right of Way Assistant Division Administrator** for review and concurrence of the expenditure amount for special match credit. The **MDOT ROW LPA Coordinator** will review the documentation provided from the **LPA** project files. Based on this review, the **MDOT Right of Way Assistant Division Administrator** will make a written determination in accordance with the requirements of 23 CFR 710.507 of the amount eligible for special match credit. This written determination will be sent to the **State LPA Engineer** who shall notify the **LPA** of the determination.

4.7 SELECTION OF A REAL ESTATE SERVICE CONSULTANT

The **LPA** may select a full time employee of the **LPA** or hire a consultant to perform right-of-way real estate services. Any required right-of-way acquisitions by **LPA** or its consultant must be accomplished in accordance with Federal and State laws and regulations.

In the event the **LPA** intends to utilize the services of a consultant, the consultant shall be acquainted with **49 CFR Part 24 (Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs)**, the **MDOT** Right-of-Way Operations Manual (ROM), and selected in compliance with the state laws that are applicable to the selection of firms or individuals that provide professional services to the local agency. Additionally, appraisers and review appraisers must be licensed by the State of Mississippi (licenses are not currently required by the State of Mississippi for acquisition or relocation services). **Failure to follow the procedures, regulations, laws and policies as set forth hereinabove may result in the withdrawal of all or part of the federal funds allocated.** The procurement of these services shall comply with state law and local regulations.

Scope of work and fees associated with right of way services shall be subject to review and approval by the **MDOT ROW LPA Coordinator**. Therefore, prior to the request for proposals for real estate services, The **MDOT ROW LPA Coordinator** should be contacted by the **LPA** for technical assistance during the development of the real estate services scope of work for the project. The MDOT Right of Way Division provides real estate services scopes of work ([Real Estate Services Scopes of Work for LPA Projects](#)), that is recommended for describing the scopes of work that may be required of a real estate services consultant on a project. ([Real Estate Services Scopes of Work for LPA Projects](#)) can be found using this link or by going to GoMDOT.com, Right of Way Division home page)

The **LPA** must be able to provide adequate evidence that any consultant to be hired for right-of-way duties is proficient in the knowledge and implementation of [49 CFR Part 24, Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs](#), and shall be concurred with by the **MDOT ROW LPA Coordinator** prior to execution of the [Real Estate Service Contract](#).

The **LPA** may not proceed with the selection of a right of way real estate services consultant until the **LPA** has submitted the real estate services contract for review and concurrence to the **MDOT ROW LPA Coordinator** and has received written concurrence from the **MDOT Right of Way Assistant Division Administrator**.

All Supplemental Agreements must receive concurrence from MDOT ROW prior to execution.

4.8 RIGHT OF WAY ACQUISITION PHASE

Right-of-Way is the process of the acquiring of all real properties and easements required for the construction, maintenance, and operation of a project and relocation of utilities that conflict with the planned construction. If additional ROW (property acquired by any means; purchase, donation, etc.) or utility work is required, the **LPA** must notify the **MDOT District LPA Engineer** as soon as they become aware of the issue.

Once Maps and Deeds have been completed, the environmental document has been completed, and, if applicable, right of way funding has been authorized in writing by MDOT and FHWA, the *MDOT LPA ROW Coordinator* will authorize, in writing, for the *LPA* to begin the ROW Acquisition phase of the project, which may include project management, appraisal, appraisal review, acquisition, relocation, title update and closing, and property management activities. If the *LPA* begins the ROW Acquisition phase without written approval from the *MDOT District LPA Coordinator*, it may result in the loss of federal funds.

Appraisal and Appraisal Review Requirements

Appraisal and Appraisal Review shall comply with all applicable federal and state laws and regulations. Federal regulations of the **Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs, “Uniform Act” regulations, Subpart B, of 49 CFR 24.103 and 24.104** shall apply. Section 24.103(a) Appraisal Requirements “sets forth the requirements for real property acquisition appraisals for federal and federally-assisted programs. Appraisals are to be prepared according to these requirements, which are intended to be consistent with the Uniform Standards of Professional Appraisal Practice (USPAP). The *LPA* may have appraisal requirements that supplement these requirements, including to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA).”

Acquisition Requirements, Donations, and Waiver Valuations

One of the conditions that must be met to obtain a right of way certification is that the *LPA* must ensure that all rights-of-way and legal rights of entry have been acquired. All acquisition of real property must comply with all applicable federal and state laws and regulations to include Subpart B, 49 CFR 24.101 and 24.102 of the Uniform Act. These requirements address the applicability of the requirements and the basic acquisition policies of the Uniform Act regulations.

The acquisition of a parcel is not complete until all property interests, including the releases of all encumbrances associated with the parcel, have been acquired by deed, donation or by right of entry. The standard practice will be to acquire fee simple interest by a warranty deed. Other conveyance instruments may be used to acquire less than fee simple interest, such as permanent easement, temporary easement and quitclaim deeds. All deeds of conveyance must be recorded. Deed templates are available for use by the *LPA* from the Survey, Maps and Deeds Section of the MDOT Roadway Design Division.

Upon obtaining all signed conveyance instruments, the *LPA* must review the acquisition package (Fair Market Value Offer, contract record, deed, etc.) to ensure that clear title has been obtained. Upon review and acceptance of the acquisition package by the *LPA*, the *LPA* must make payment to the grantor(s) and record all conveyance instruments.

The acquisition of real property by donation must comply with 49 CFR 24.108, Subpart B of the Uniform Act regulations. The owner whose real property is being acquired may, after being fully informed by the *LPA* of the right to receive just compensation (in writing) for such property, donate such property or any part thereof, any interest therein, or any compensation paid therefore, to the *LPA* as such owner shall determine. The *LPA* is responsible for ensuring that an appraisal of the real property is obtained unless the owner releases the *LPA* (in writing) of such obligation, except as provided in 24.102,(c)(2).

The term waiver valuation means the valuation process used and the product produced when the *LPA* determines that an appraisal is not required, pursuant to 49 CFR 24.102(c)(2). An appraisal is not required, if the owner is donating the property and releases the *LPA* from its obligation to appraise the

property, or, the **LPA** has determined that an appraisal is unnecessary because the valuation problem is uncomplicated and the anticipated value of the proposed acquisition is estimated to be at \$10,000 or less, based on a review of the available data. The person performing the waiver valuation must have sufficient understanding of the local real estate market to be qualified to make the waiver valuation.

Establishment of an Amount Believed to be Just Compensation and Administrative Settlements

Before the initiation of negotiations, the **LPA** shall **establish an amount which it believes is just compensation for the real property**. The amount shall not be less than the approved appraisal of the market value of the property, taking in to account the value of allowable damages to any remaining property. The **LPA** must establish the amount believed to be just compensation.

The Uniform Act (49 CFR 24.102(i)) states: “the purchase price for the property may exceed the amount offered as just compensation when reasonable efforts to negotiate an agreement at that amount have failed and an authorized Agency official approves such **administrative settlement** as being reasonable, prudent, and in the public interest. When Federal funds pay for or participate in acquisition costs, a written justification shall be prepared, which states what available information, including trial risks, supports such a settlement.”

MDOT Right of Way shall review all administrative settlement offers, prior to the offer being made, when the LPA is eligible for reimbursement or will be requesting Special Match Credit for right of way expenditures. Therefore, the LPA must make a request to the MDOT ROW LPA Coordinator that each administrative settlement offer be considered for review, prior to the offer being made. Failure to obtain a response to a request for written review may result in payments being determined ineligible for reimbursement or Special Match Credit.

Relocation Assistance

Ensuring that all relocations have been completed and right-of-way cleared and that there are no encroachments are some of the conditions that must be met to receive a right of way certification. The relocation assistance to displaced persons due to the project must comply with state and federal law and regulations. The relocation activities must comply with the **Uniform Act regulations, Subpart C, 49 CFR 24.201**. Also the **MDOT Right of Way Operations Manual (ROM)** may be used as a guide to the **LPA** in performing relocation assistance activities. The **MDOT ROW LPA Coordinator** is also available to offer technical assistance and the MDOT Right of Way Operations Manual (ROM) may be used as a guide in implementing relocation activities.

Property Management

The **LPA** must ensure that there are no potentially contaminated sites and that there are no asbestos contaminated buildings that need to be removed on the project before a right of way certification can be issued. Depending on the nature of the project the **LPA** may elect to provide property management services or decide to use a consultant to provide these services to include part or all of the following: property management inventory, asbestos abatement and demolition, environmental services, to include but not be limited identification and remediation of hazardous sites, and removal of underground storage tanks, and water well decommissioning. The **MDOT ROW LPA Coordinator** is available to provide technical assistance in these areas. Also, the **MDOT Right of Way Operations Manual (ROM)** may be used as a guide.

4.9 UTILITY RELOCATION

One of the conditions to be met in order for a right of way certificate to be issued for the LPA project is that the LPA shall ensure there are no known utilities in conflict with the project. A delay in utility relocations may postpone the LPA project; therefore, it is important that the LPA coordinate with the **MDOT District LPA Engineer** regarding utility relocations.

4.10 EMINENT DOMAIN AND CONDEMNATION

If a parcel must be condemned due to failure to negotiate a successful acquisition, state law must be followed. The **LPA** should seek the advice of the **LPA** attorney regarding the eminent domain process.

4.11 RIGHT OF WAY CERTIFICATION

Based on review and approval of the **LPA's** records, certifications and project site inspection, the **MDOT** will issue a **Right of Way Certification** for the **LPA** project in accordance with the **MDOT Right of Way Operations Manual (ROM)**.

The **MDOT** Right of Way Division has a Right of Way LPA Coordinator who has right-of-way oversight over all **LPA** projects statewide. This oversight includes, but is not limited to the following:

- 1) Ensuring all rights-of-way and legal rights of entry have been acquired and all relocations have been completed and right-of-way cleared;
- 2) Ensuring there are no encroachments within the right-of-way limits that constitute a safety hazard or are in conflict with construction;
- 3) Ensuring there are no improvements that remain within the project right-of-way limits;
- 4) Ensuring there are no potentially contaminated sites;
- 5) Ensuring there are no asbestos contaminated buildings that need to be removed;
- 6) Ensuring there are no known utilities in conflict with the project – with the assistance of the District Utility Coordinator; and
- 7) Ensuring there are no railroads in conflict with the project or if a railroad is affected by the project that the proper railroad agreement has been secured.

Please refer to the LPA-PDM Section 5.11 PS&E Assembly for proper templates and transmittal letter to be utilized in submitting required status reports.

CHAPTER 5: PREPARATION OF THE PLANS, SPECIFICATIONS AND ESTIMATE (PS&E) ASSEMBLY

5.1 DESIGN CRITERIA:

Design geometrics used by the LPA are to conform to criteria established by not only MDOT but FHWA, AASHTO, and the following who have adopted and approved design criteria:

MDOT:

- [Roadway Design Manual](#)
- [Roadway Design Standard Drawings](#)
- [Design Memos](#)
- [Special Design Drawings](#)
- [Landscaping Policy](#)
- [Plan Title Sheet Template for LPA](#)

FHWA:

- [Manual on Uniform Traffic Control Devices](#)
- [NCHRP Report 672](#)

AASHTO:

- **Roadside Design Guide**
- **Policy on Geometric Design of Highways and Streets (The Green Book)**
- **Guide for the Planning, Design, and Operation of Pedestrian Facilities**
- **Guide for the Development of Bicycle Facilities**

ACCESS BOARD:

- [Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way \(PROWAG\)](#)
- [Accessibility Guidelines for Buildings and Facilities](#)

As a minimum, the design criteria shown on the LPA-700, which is a reflection of the corresponding geometric design table from the MDOT Roadway Design Manual, should be met. For those instances in which the design criteria or other listed standards cannot be met, approval of either a design exception or variance is required from MDOT. Either can be applied for using the [template](#) provided and following the directions within. Given the nature of LPA projects, most requests will be considered a design variance; however, requests that warrant a design exception can be found in the template. Supplemental information will be needed to aid in clarifying the request such as, but not limited to, typical sections, plan views of the proposed work, or pictures and should be referenced and attached to the template when submitted.

It is highly recommended to submit a *draft* of the design variance/exception request to the LPA Coordinator after the field review. Submitting a draft allows for the request to be reviewed and modified, if needed, before submitting for final approval.

5.2 STRUCTURE AND HYDRAULIC DESIGN CRITERIA:

FHWA and **MDOT** require that the design of all highway structures and appurtenances conform to the criteria established by AASHTO and FHWA. Major reference publications (Latest Editions and Interim Revisions) for highway structures and appurtenances are as follows:

1. AASHTO *LRFD Bridge Design Specifications*

2. AASHTO *Guide Specifications for LRFD Seismic Bridge Design*
3. AASHTO *Standard Specifications for Structural Supports for Highway Signs, Luminaries and Traffic Signals*
4. AASHTO/AWS D1.5M/D1.5 *Bridge Welding Code*
5. AASHTO *Manual on Subsurface Investigations*
6. AREMA *Manual for Railway Engineering (and as directed by Railway Owner)*
7. FHWA Publication, [HEC-11](#), *Design of Riprap Revetment*
8. FHWA Publication, [HEC-18](#), *Evaluating Scour at Bridges* [Errata](#)
9. FHWA Publication, [HEC-21](#), *Design of Bridge Deck Drainage*
10. FHWA Publication, [HEC-23](#), *Bridge Scour and Stream Instability Countermeasures* [Errata](#)
11. FHWA Publication, [HDS-1](#), *Hydraulics of Bridge Waterways*
12. FHWA Publication, [HDS-5](#), *Hydraulic Design of Highway Culverts*

The **LPA** must insure that the **professional** preparing the plans provides a project design that conforms to approved design criteria. A list of approved design reference material is listed above.

All calculations, plans and reports in the areas of structural design, hydraulic design and geotechnical engineering shall be prepared under the supervision of and stamped by a professional engineer licensed to practice in the State of Mississippi and practicing only in the disciplines in which the engineer is qualified by education and/or experience.

Hydraulic design and analysis is required for all structures that span over waterways and shall be in conformance with [MDOT's Roadway Design Manual](#), current federal laws and regulations, the Floodplain Management Regulations for the State of Mississippi (Chapter 5, General laws of 1979, 1st Extraordinary session of the State, as amended) and Federal Emergency Management Agency (FEMA) regulations and any other applicable laws.

Geotechnical Design Criteria for structures (bridges and/or retaining walls) shall be determined from subsurface investigation and laboratory testing. Geotechnical borings and testing shall be completed and a Geotechnical Investigation Report shall be prepared by a Geotechnical Engineer and contain Generalized Soil Profiles and the recommendations for the following as well as supporting data used for design:

1. Settlement of Bridge Approach Embankments
2. Determination of AASHTO LRFD Soil Site Class and Seismic Zone
3. Liquefaction Assessment for LRFD Seismic Zone 3 & 4 as applicable
4. Differential Settlements of Retaining Wall Structures
5. Stability of Bridge End and Side Slopes
6. Stability of Side or Back Slopes in Areas of Excessive Fill of Cut Sections
7. Foundations for Bridge and/or Retaining Wall Structures

Structural plans shall include but not be limited to:

1. Layout sheet(s) including plan and elevation, centerline soil profile, substructure details, superstructure details, miscellaneous details, pile details, notes, and all other details necessary to show: (a) complete geometric controls, (b) grades, (c) vertical and horizontal clearances, (d) topographic features (original and final), (e) design data, (f) quantities, (g) special notes, (h) pile notes and bearing requirements, (i) existing natural ground elevations at each bent/pier, (j) scour elevations at each bent/pier for both the 100 and 500 year flood events (k) shoring requirements for foundation construction (when applicable), (l) all other pertinent details of the bridge site, and (m) special construction requirements.

2. Detail sheets for substructure and superstructure shall show all details necessary for their construction and shall include, but not be limited to: (a) all dimensions convenient to construction, (b) sufficient cross section details, (c) beam sizes, types and spacing, (d) elevations, (e) crown details, (f) reinforcing details, (g) minimum normal pile bearing resistance for LRFD Strength load combinations, pile types and sizes, (h) pre-stressing data where required, (i) notes, and (j) proper cross referencing.

Final structural plan submittal will include:

1. Contract plans
2. Erosion Control Plan
3. Structural design computations
4. Hydraulic design/analysis computations, supporting data and reports
5. NCHRP Report 350 Test Level Criteria for the barrier railing used on the structure
6. Quantity estimate computations
7. Special provisions
8. For bridges, bridge inventory and operating rating with computations
9. Geotechnical Investigation Report

Final structural plan submittal shall be accompanied by a written certification from the professional engineer that a detailed check of all items required in the submittal has been made prior to submission.

5.3 PREVENTIVE MAINTENANCE RESURFACING (1R) PROJECTS

Preventive maintenance restoration projects (1R) are intended to prolong the useful life of the pavement structure. 1R projects must meet [Federal Aid Eligibility Requirements for Preventive Maintenance](#).

The [MDOT Pavement Design Procedure/Policy](#) provides additional information and guidance for pavement design.

Plans are not necessary for pavement maintenance restoration project (1R) and can be “proposal-driven” projects which shall meet all the requirements in the [Proposal Checklist](#) as well as the following requirements within the Notice to Bidders for Scope of Work (SOW):

1. Body of the Scope of Work should be a narrative to describe the work required under the contract in full including work zone station limits, general description of the work, specific direction on specialized operations, and general notes pertaining to the overall project. Advisement for these criteria can be provided by the MDOT District LPA Engineer as well as the Construction Division Area Engineer.
2. Vicinity Map – this map should show the BOP and EOP of the project as well as sounding streets.
3. Typical Sections – typical sections of the pavement restoration and/or any other project specific modification to the roadway should be shown in cross section.
4. Recapitulation (Recap) Sheets – these should chart form tabulations with stationing information provided for pay items that have specific work zone locations including, but not limited to, driveway replacements, failed area repairs, localized milling, guard rail, signs, etc.
5. Additional Standard Drawings and Special Design Sheets⁴ should be provided that are not included in the Notice to Bidders for Standard Drawings.
6. Details and/or drawings depicting project specific work should also be provided as necessary.

5.4 PLANS:

Project plan sheets shall be arranged in the following order:

	Field Review	Office Review	PS&E Assembly
Title Sheet	X	X	X
Typical Sections Sheets	X	X	X
Pay Items (Blank SOQ Sheets)	X		
Summary of Quantities Sheets		X	X
Estimated Quantities Sheets		X	X
Plan Profile Sheets (show ROW and construction limits)	X	X	X
Special Design Sheets ⁴	X	X	X
Standard Drawing Sheets		X	X
Bridge Drawing Sheets		X	X
Cross Section Sheets		X	X
Cost Estimate (Not part of actual plans, but must be submitted along with plans)		X	X

The above plan format and standard plan symbols are contained in Chapter 15 of [MDOT Roadway Design Manual](#). Plan format may vary from the above only for non-roadway projects involving architectural work or ITS projects involving new transportation technologies. The plan assembly for such projects shall be in accordance with accepted **MDOT** practice.

The [23 CFR Part 650 Subpart A](#) entitled *Location and Hydraulic Design of Encroachments on Flood Plains* and its non-regulatory supplement prescribes policies for hydraulic designs that impact floodplains.

Provisions of the Americans with Disabilities Act (ADA) shall be met on all projects. [ADA Accessibility Guidelines for Buildings and Facilities](#) and [Draft Guidelines for Accessible Right of Way](#) provide required provisions for projects.

As the Contracting Agency for any project, the **LPA** is responsible for all ADA provisions and upgrades:

1. New Construction - For any new roadway project, sidewalks and curb ramps must meet full ADA Standards.
2. For Improvements to an Existing Facility – For improvements to any existing roadway, full ADA upgrades must be made at the time of construction to the existing sidewalks and curb ramps. (i.e. Simple hot bituminous overlays require full ADA upgrades to any existing sidewalks and curb ramps (or addition of curb ramps if none exist).

⁴ Special Design Sheets typically include Traffic Control Plan Sheets, Temporary Striping Plan Sheets, Permanent Pavement Marking Plan Sheets, Geotechnical Designs, Retaining Walls, and Erosion Control Plan Sheets. The **MDOT** District LPA Coordinator will provide guidance on which sheets will be required during the various stages of plan development.

3. Buildings must be modified or constructed to accommodate the disabled. Cost is not a reason to exclude ADA access and upgrades from projects. Special curb ramps must be provided for wheelchairs on any new sidewalks or existing sidewalks.

Provisions shall be made in the plans and specifications to include all mitigation measures proposed within the approved environmental document.

The **LPA** shall also be responsible for requesting and/or developing permits, such as stormwater, Corps of Engineers, or air space permits (also see Section 5.7), and for developing agreements with railroads or airports when these facilities are impacted by the project. The **MDOT** District LPA Engineer shall be contacted for specific instructions when these type situations are involved.

The title sheet for the project plans must adhere to the [MDOT Template for LPA Plan Title Sheets](#) which should be used as a guide and include all the information included in the template unless otherwise advised by the **MDOT** District LPA Engineer. **The Chief LPA Official MUST sign the Title Sheet.**

The Summary of Quantities Sheets (SQS) shall be generated using MDOT's SQS Generator unless written approval is given from the **MDOT** District LPA Engineer. The SQS Generator is a program that will allow the **LPA's** consultant to generate their Summary of Quantities Sheets for plans directly from the pay item database therefore cutting down on common pay item input errors. The instructions for using the SQS Generator as well as the links to the program can be found [here](#).

Special Design Sheets

Vegetative Schedule: The vegetative schedule design sheets can be found [here](#).

5.5 Railroad Diagnostics:

Projects which include a Railroad Crossing and/or any encroachment onto Railroad Right-of-Way will require a Diagnostic Survey (must be indicated on form LPA-100). An on-site meeting with the **MDOT** District LPA Engineer, the **LPA** and its **professional**, the Railroad FHWA representative, and others, as deemed necessary by the MDOT LPA Division. At this meeting the **LPA** must provide the supporting information for completion of the Diagnostic Survey. Following the meeting the **MDOT** will provide the approved [Diagnostic Survey](#) to the Railroad and the **MDOT** District LPA Engineer for distribution to the **LPA**.

Once the Diagnostic Survey is complete, **MDOT** will coordinate with the Railroad and the FHWA Rails Representative to determine if an upgrade to the crossing is necessary. When an upgrade is required the **MDOT** will provide a cost estimate which the **LPA** must include in the overall project estimate.

A separate engineering services agreement will be required between the **LPA** and the Railroad for the purpose of Preliminary Engineering work associated with the crossing upgrade. The **LPA** will be responsible for the design cost incurred by the Railroad. The **MDOT** will process all payments to the Railroad on behalf of the **LPA** under a Master Agreement between the **MDOT** and the Railroad for the actual construction costs of the upgrade.

This section is under review and is subject to change in its entirety.

5.6 SPECIFICATIONS:

I. Standard Specifications:

The **LPA** shall use the current edition of [MDOT Mississippi Standard Specifications for Road and Bridge Construction](#) for roadway projects. Contracts which include unit price bidding must use the [MDOT SiteManager Redbook English Pay Items \(2017\)](#). If a required pay item is not available in this listing,

the non-listed pay item shall be submitted for approval by **MDOT** through the **MDOT** District LPA Engineer.

The contract proposal document shall be composed of the following in the order listed:

1. MDOT Template for LPA [Proposal Cover Sheet](#)
2. [Bidders Checklist](#)
3. A Table of Contents
4. [Section 901 - Advertisement for Bids](#)
5. Section 904 - Notice to Bidders (to include any project specific requirements, especially for any environmental commitments made within the approved environmental documents)
6. Section 906 - Required Federal Contract Provisions **(Wage Rates must be verified 10-days prior to opening the bids. Wage Rates can be found at <http://beta.sam.gov>)**
7. Section 907 - Special Provisions
8. Section 905 - Proposal
 - a. [Proposal \(Section 905 Sheets\)](#)
 - b. [Bid Sheets](#) (Note: Lump Sum items should "XXXX" out the unit price and represent the plan quantity as "1" vs. "100%" on the bid sheets. The Summary of Quantities on the plan sheet should show these items as "100%" vs. "1")
 - c. Federal Certification - Certificate of Performance
 - d. [Non-Collusion Affidavit](#) (2 copies) **Cannot be printed front and back**
9. Section 902 – Local Public Agency Contract
10. Section 903 – Local Public Agency Contract Bonds (Any Section 902 Contract form must be pre-approved by **MDOT** Local Public Agency Division prior to the advertisement.)
11. Form OCR-481-LPA (3 copies, single sided) and OCR-485-LPA (3 copies, single sided)

The [2017 Proposal Checklist](#) has been developed to aid in the selection of appropriate **MDOT** Notice to Bidders, Special Provisions, and Supplemental Specifications. Any Notice to Bidders, of Special Provisions not listed in the above referenced checklist may be requested from the **MDOT** District LPA Engineer. The checklist will be updated either on the 1st or 15th of the each month if changes are warranted.

II. Non-MDOT Specifications:

Proposal documents for non-roadway projects involving architectural features, etc. will be prepared in accordance with industry standards. The use of architectural standards or any other standard not specifically included in the PDM must have prior approval of the **MDOT** District LPA Engineer.

Specifications not covered within **MDOT's** Notice to Bidders, Special Provisions, or Standard Specifications must be specifically written for the project. Any such specification must be in the form of a "Local" Notice to Bidders or a "Local" Special Provision, as applicable. Such specifications must also be correctly titled and in the same format as **MDOT** project specifications. Any specification that replaces or supersedes the standard specification should state the specific standard specification or portion thereof that should be replaced or deleted. The subject heading should include the Agency name (or an abbreviation of the Agency name) to identify the specification. Specifications must have the prior approval of the **MDOT** District LPA Engineer after conferring with the **MDOT** Construction Engineer. Examples of ["Local" Notice to Bidders and "Local" Special Provisions](#) are included in the PDM links.

The use of trade names in specifications and on plans should be avoided. Instead, specifications should be formulated to assure full opportunity for competition among equivalent materials, equipment, and methods. **MDOT** prior approval is required before the use of proprietary items will be allowed. Specifying patented or proprietary materials, products, or processes is allowed for federal-aid projects only under one of the following conditions:

- At least three (3) names of acceptable materials or products are listed, together with a list of the required features and specifications, that will be considered equal in the listed items;
- The **LPA** is requiring a specific material or product, and a written Public Interest Finding (PIF) document has been prepared and approved (see [23 CFR 635.411](#) for more information); or
- The material or product has been approved through FHWA as an experimental feature.

The **LPA** may specify a specific material or product when there are other acceptable materials and products, when such specific choice has been approved by FHWA as being in the public interest. An example of this would be the synchronization of existing facilities such as traffic signal control equipment. The written PIF must clearly show that the best interest of the public and agency will be achieved. This is accomplished by describing any cost effectiveness and efficiency to be realized. A cost/benefit analysis should be completed to support the PIF. The supporting documentation and the decision of FHWA must be maintained in the project file. A PIF is not required when the item is considered non-participating and is not reimbursable with federal monies. If a PIF has not been obtained, then the item will automatically be considered non-participating for federal-aid purposes.

III. Add Option Bidding:

The LPA may specify certain pay item groups or areas of work to be Add Option items. Add Option items should be set up in a separate section of the proposal bid sheets after the base bid with an individual tabulation for each Add Option group and shall not exceed 25% of the base bid of the project without special permission from the State Engineer for Local Projects. Each Add Option group should also have a separate Summary of Quantity section as well as a separate plan profile sheet, where applicable. The Add Option bid evaluation method determines the low bidder using a full tabulation of the base bid plus all Add Options. The [Notice to Bidders for Add Options](#) should be used in the 904 Section of the contract documents and language summarizing the evaluation method should be included in the advertisement. A [summary of quantities add option example](#) sheet is included as a PDM Link.

The Notice of Award letter will communicate which, if any, of the add options will be included in the construction project.

5.7 MATERIAL TESTING REQUEST TO MDOT:

The **LPA** may request by letter to the **MDOT** District LPA Engineer that **MDOT** perform **specified** materials testing. The request must include a listing of the tests requested to be performed by **MDOT**. Performance of such materials testing will be at the discretion of the **MDOT** District Materials Engineer based upon their evaluation of current workloads. Any material testing performed by **MDOT** will be charged to the project. An example of an [LPA letter of request](#) is included as a PDM Link.

5.8 PLAN REVIEWS:

The **LPA**, with its **professional**, if necessary, is required to hold a field review and an office review of the plans and specifications. All submittals for reviews shall include **hard copies and a pdf**. The total number of hard copies shall be discussed and decided by the **MDOT** District LPA Engineer

I. Field Review

A field review is defined as a meeting with the **LPA** and its **professional**, the **MDOT** District LPA Engineer, and the necessary **MDOT** division(s), that is held on the project location when the plans are approximately thirty to fifty percent (30-50%) complete. At the onset of plan development, the **MDOT** District LPA Engineer and the **LPA** shall agree on the required percentage of plan development necessary in order to schedule a field review. The percent required will be dependent on the complexity

of the project. All field review plans should include ROW and construction limits on plans unless otherwise approved by the MDOT District LPA Engineer.

Before the **LPA** holds a plans-in-hand field review, they shall contact the **MDOT** District LPA Engineer for the required number of half scale copies of the field review plans. The **MDOT** District LPA Engineer, will distribute to the appropriate **MDOT** division(s). **MDOT** divisions receiving field review plans shall submit comments to the **MDOT** District LPA Engineer prior to the field review meeting if the division representative cannot attend the review. Field Review Plans shall include Preliminary Bridge Plans **with hydraulic design/analysis computations**, supporting data, and reports, if applicable. Plans shall be provided at least three (3) weeks prior to the field review. These plans must be marked in RED as “FIELD REVIEW”.

Just prior to the Field Review, all bridge abutments and bent locations shall be staked in the field, if applicable. Additionally, all utilities shall be clearly marked in the field for the Field Review.

The **LPA** will coordinate the scheduling of the field review with the **MDOT** District LPA Engineer. **The LPA is required to make notes of comments made during the field review.**

After the field review is complete, the **MDOT** District LPA Engineer shall be provided a copy of the field review report within **14 calendar days** detailing the minutes of the meeting and the suggested revisions for concurrence. Prior to the Office Review, the **LPA** shall also furnish a memo describing the corrective action taken on each suggested revision from the field review report. On the **MDOT** District LPA Engineer’s approval of the above memo, the **LPA** may continue with preparation of the construction plans.

If Right-of-Way acquisition is required for the project, the **MDOT** District LPA Engineer will also at this time direct, in writing, that the **LPA** may begin development of the maps and deeds for the subsequent Right-of-Way phase of the project.

II. Office Review

An office review is defined as a meeting with the **LPA** and its **professional**, the **MDOT** District LPA Engineer, and the necessary **MDOT** division(s) at which time plans are at least ninety percent (90%) complete. The office review plans shall have all of the pay items listed with the correct pay item numbers, descriptions, and applicable quantity. A preliminary construction cost estimate shall be prepared including each of the pay items listed within the plans. Pay items must be separated and identified as Federal-aid participating and non-participating. The estimate is for pay items only and shall not include any adjustments such as contingencies, testing, or construction engineering cost. Any questions concerning the determination of participating or non-participating pay items should be directed to the **MDOT** District LPA Engineer. An [Example of a Typical Estimate](#) for a roadway project is included in the PDM links. Estimates for non-roadway projects shall be in a similar format.

Before the **LPA** holds the office review, up to ten (10) (Contact **MDOT** District LPA Engineer for exact number) sets of half-scale copies of the draft office review plans and up to four (4), copies of the specifications shall be furnished as well as the status of right-of-way acquisitions, and the status of all required utility relocations shall be furnished to the **MDOT** District LPA Engineer, who will distribute to the appropriate **MDOT** division(s). These plans must be marked in RED as “OFFICE REVIEW”. **MDOT** divisions receiving office review plans shall submit their comments to the **MDOT** District LPA Engineer prior to the office review meeting if the division representative cannot attend the review. Three (3) copies of the calculations and [construction progress schedule](#) outline used for computing contract time should be provided with the office review PS&E to be distributed to the **MDOT** Construction Area Engineer for review and comments/concurrence as well as to **MDOT** LPA Division and a copy kept by the **MDOT** District LPA Engineer. **MDOT** [production parameters](#) for pay items are provided for reference and may be modified, if justified, based on each individual project’s circumstances. If there is an extended amount of time between the Office review and the Advertisement, the Consultant shall revise the Progress Schedule for review prior to advertisement.

The **LPA** shall allow a minimum of three (3) calendar weeks in their schedule for **MDOT** review prior to the office review being held. During this time, **MDOT** will determine the Disadvantaged Business

Enterprise (DBE) goal for the project. The **LPA** shall coordinate with the **MDOT** District LPA Engineer of the time, date and location of the office review. It is anticipated that the DBE goal will be provided to the **LPA** at the office review, for subsequent inclusion into the PS&E assembly.

During the office review the LPA is required to make notes of comments made during the review and submit a copy to the MDOT District LPA Engineer.

After the office review is complete, the **MDOT** District LPA Engineer shall be provided a copy of the office review report, and the **LPA** shall also furnish a memo describing the corrective action taken by the **LPA**.

The **LPA** is responsible for ensuring that the plans meet required design criteria and standards. **The review of the plans by MDOT shall not relieve the LPA, or its professional, of their professional obligation to correct, at their expense, any errors in the plans .**

5.9 PERMITS

The **LPA** is responsible for complying with the requirements of the Clean Water Act and the Mississippi Department of Environmental Quality (MDEQ) National Pollutant Discharge Elimination System (NPDES) Permit for all projects, regardless of size. The **LPA** is responsible for obtaining a NPDES permit, better known as the stormwater permit, for all projects that disturb an area of one (1) acre or more.

- Projects that disturb more than one (1) and less than five (5) acres the construction activities will be covered by a MSR-15 permit. (This should be submitted to Environmental Division at the time of the PS&E Submittal)
- Projects that disturb five (5) acres or more will require an individual MSR-10 permit.

In order to obtain NPDES permit coverage, the **LPA** will be required to have a Storm Water Pollution Prevention Plan (SWPPP). Permit coverage is a requirement of the PS&E submittal package. The **MDOT** District LPA Engineer can be contacted for additional information. In addition:

- *Wetlands* - Any filling, clearing, or draining of wetlands requires a written permit from the US Army Corps of Engineers (COE).
- *Waters* – Any filling of 0.1-acres or more of waters will require a written permit from the COE.

The LPA will be responsible for the preparation of the Wetlands/Waters Permit Application. Once the application is completed, the LPA will submit the Application Package to the MDOT District LPA Engineer. The MDOT District LPA Engineer will review the application and transmit it to the MDOT Environmental Division to obtain the issuance of the Corps of Engineers Permit. Once the permit has been granted, the LPA will be responsible for all Mitigation Requirements and Special Conditions of the Permit.

Provisions addressing these requirements, similar to **MDOT** Notice to Bidders, must be included in the project proposal document, if applicable.

5.10 CE&I CONSULTANT SELECTION AND CONTRACT

A detailed description of this process can be found on the gomdot.com web site under [Consulting Operating Procedures for Professional Services](#). All options to select a Consultant are presented under Chapter 2 LPA Consultant Selection Processes of the referenced document. Upon the completion of the Office Review and after the approval of the Construction Schedule and S&T Proposal, the LPA shall submit an electronic version (word, excel, or pdf) of the CE&I Consultant Contract, CE&I Fee Proposal based on [RBI guidelines](#) and the CE&I Construction Progress Schedule according to MDOT production parameters to the MDOT District LPA Engineer for initial processing.

The Contract for review shall include the approved Construction Schedule with the inspection personnel shown for each phase at the bottom. Upon the approval of the electronic versions of the Contract and Fee Proposal, the **LPA** shall submit 3 original unexecuted copies of the CE&I Consultant Contracts, Fee Proposal, and Construction Schedule, signed by the Consultant only, with the PS&E Assembly for official concurrence by **MDOT**. The **LPA** will not be given Authority to Advertise until the CE&I Consultant Contract, Fee Proposal and Construction Schedule has official concurrence by **MDOT**.

5.11 PS&E ASSEMBLY:

Submittal and authorization of the PS&E Assembly is the final stage of project development. The **LPA** must obtain authorization of the PS&E Assembly prior to advertising the project.

The **LPA** shall, along with and as part of the PS&E assembly, submit the **APPROVED** [LPA Sampling and Testing Proposal](#) to the **MDOT** District LPA Engineer (see Section 7.7).

The **LPA** is responsible for ensuring that the PS&E Assembly meets required design criteria and standards. Each document of the PS&E Assembly must have identical information relative to the following:

- pay item numbers,
- pay item descriptions, and
- quantities for each pay item.

These documents include the plans, proposal bid sheets, specifications, and the **LPA professional's** construction estimate.

STEP 1: A minimum of fourteen (14) days prior to the submittal of the PS&E Assembly, the LPA shall submit the [LPA-ROW-EZ Form](#) Right of Way Certification Report to the MDOT District LPA Engineer in a transmittal letter. If any status check boxes are checked "No", the LPA must attach the corresponding status report(s) from the seven (7) listed below:

1. A detailed [Right of Way Status Report](#) that identifies the current status of each acquisition and/or relocation parcel. The ROW report shall state that all acquisitions have been obtained in accordance with Federal and State regulations. The report shall include [Table 1 Right of Way Status Report](#) identifying the parcel, begin stationing location, dates of possession either by acquisition or eminent domain, as well as the acquisition costs and relocation costs and relocation completion. The Right of Way Status Report shall be signed by the **LPA's Project Director**.
2. A detailed [Encroachment Status Report](#) that states that based on a site inspection that the project ROW is clear of encroachments or has existing encroachments. If an encroachment is identified, a [Table 2 List of Encroachments within ROW](#) shall be included showing the type and location (station number, offset, etc.). Steps planned for the removal of the encroachment shall also be described along with a timeline of when its removal will be complete. The Encroachment Status Report shall be signed by the LPA's Project Director.
3. A detailed [Improvements Status Report](#) that lists any improvements that may be within the project right of way limits. The Improvements Status Report shall state the improvement type and location, together with the removal and demolition plan including proposed timelines of any remaining structures. The Improvements Status Report shall be signed by the **LPA's Project Director**.

4. A detailed [Potentially Contaminated Sites Status Report](#) that identifies any potentially contaminated sites within the proposed right of way. The report shall identify the sites and remediation plans with associated timelines. If no potentially contaminated sites are present, then the report shall state that none are present, based on a physical inspection. The Potentially Contaminated Sites Report shall be signed by the **LPA's Project Director**.
5. A detailed [Asbestos Abatement Status Report](#) that identifies in detail each structure needing abatement, and describing in detail the asbestos abatement and demolition plan of each structure. The Asbestos Abatement Status Report shall be signed by the **LPA's Project Director**.
6. A detailed [Utility Status Report](#) that lists each utility owner and describes the status of each utility on the ROW and its impact on the project, together with plans and timelines for utility adjustment or relocation. The Utility Status Report shall be signed by the LPA's Project Director and the MDOT District Utility Coordinator. Relocated utilities must be shown on plan sheets and be submitted with this report.
7. A detailed [Railroad Facilities Status Report](#) that identifies any railroad facilities within the project limits. If no railroad facilities are present, then the report shall state that none are present based on a physical inspection. If a railroad facilities is present inside the project limits, then confirmation that the permit, agreement, and/or necessary easement has been acquired should be documented. The Railroad Facilities Status Report shall be signed by the **LPA's Project Director**.

In addition to submitting the LPA-ROW-EZ Form, together with all corresponding status report(s) and transmittal letter, the LPA shall request in writing that the Right of Way Certification be issued by MDOT from the MDOT District LPA Engineer for inclusion in the PS&E Assembly by the LPA. If MDOT's review and inspection reveals that any of the corresponding status report(s) or the LPA-ROW-EZ Form are inaccurate, then the Right of Way Certification will not be issued until such time as the necessary actions are complete. This will delay the project for the LPA. It is, therefore, imperative that the LPA-ROW-EZ Form and corresponding status report(s) are accurate upon submission to MDOT. The LPA-ROW-EZ Form must be submitted on all projects with LPA Division oversight.

Along with the submission of the LPA-ROW-EZ Form and corresponding status report(s), a minimum of fourteen (14) days prior to submission of the PS&E Assembly, the LPA shall also submit three (3) original unexecuted CE&I services contract, should one be utilized, to the MDOT District LPA Engineer. The CE&I contract must have MDOT concurrence prior to MDOT granting Authority to Advertise the project.

STEP 2: Three (3) sets of the PS&E Assembly shall be submitted to the MDOT District LPA Engineer for review and approval. Once the PS&E Assembly has been received, the **MDOT** District LPA Engineer will make a review of the submission. **If there were corrections made or changes recommended by MDOT at the office review, but not included in the submitted PS&E package, the entire PS&E package will be returned without further action.** If all changes have been made, the MDOT District LPA Engineer will retain one (1) and forward one (1) set each to **MDOT** Local Public Agency Division and Construction Division for final approval and authorization to advertise for bids. **The MDOT District LPA Engineer may request an electronic version for review prior to this official submission.** Each PS&E Assembly set will include as a minimum the listed items on the following pages:

PS&E Assembly Checklist

Each PS&E Assembly set will include the following with initials showing each item was done:

1. _____ This checklist (signed by the LPA Project Director or *Chief Official* and Professional).
2. _____ One (1) copy of the letter of transmittal signed by the *Chief Official* of the LPA (Mayor, President of the Board of Supervisors, or Agency Head). The PS&E Assembly transmittal letter must include the following: A template for this letter can be found [here](#).
 - a) A request by the **LPA** for authorization of the construction phase of the project and authority to advertise for bids.
 - b) The name and contact information of the **LPA Project Director**, designated by the Chief **LPA** Official.
 - c) The name and contact information of the **LPA Project Manager**, designated by the Chief **LPA** Official.
 - d) The name and the contact information of the **CE&I Project Engineer/Architect** designated by the Chief **LPA** Official. **The name here must match the Exhibit 3 in the CE&I contract.**
3. _____ One (1) copy of the **MDOT** approved project funding worksheet (LPA-100), LPA-700, and/or LPA-800.
4. _____ One (1) set of half scale project plans. **All project specific plan sheets Bridge and Roadway must be signed and stamped by the LPA's professional.** The MDOT Project Number and County in which the project will be constructed will be printed on every sheet of the plans.
5. _____ One (1) copy of Specification/proposal document, coil or comb bound **(NOT 3 RING BINDERS), with one cover sheet signed and stamped by the LPA's professional.** Preparation of the specifications/proposal document is discussed in Section 5.6.
6. _____ One (1) copy of the **LPA professional's Design Statement** stating that the project plans conform to the appropriate design criteria and specifications.
7. _____ One (1) **stamped copy** of the **LPA's** construction cost estimate, including an estimate of the construction engineering and inspection costs, testing costs, and construction contingencies (these must be approximated at 5% each if unknown at this time). This estimate shall be prepared within the last three (3) months of the date of the PS&E Assembly transmittal letter.
8. _____ If the **LPA** plans to utilize Special Match Credit for the project (TE projects only), one (1) copy of the completed [Statement of Expenditure for Special Match Credit](#), signed by the Chief **LPA** Official, is required. Costs will be actual. A Special Match Credit request must accompany the PS&E package along with all supporting backup documentation for **MDOT** review. **A Preliminary Engineering Special Match Credit checklist can be found [here](#) detailing required items for approval.** If allowed, Special Match Credit will be authorized at the same time as project authorization by FHWA. Special Match Credit cannot be requested after a project has been authorized. Costs of the **professional's** services during the receiving, checking, and certifying of bids cannot be included.
9. _____ If any part of the project or construction activity will encroach on MDOT right-of-way, one (1) Copy of the approved [MDOT Right-of-Way Encroachment Permit](#) for those activities, including advanced work zone traffic control devices, which will encroach on MDOT right-of- way.
10. _____ One (1) copy of a [Termite Certification](#) for any building involved in a restoration project. This is required only for the building(s) involved in the restoration.
11. _____ One copy of the **APPROVED [sampling and testing proposal](#)**.

12. _____ One (1) copy of the **MDOT** certification of the testing lab and technicians selected for sampling/testing of materials on the project.
13. _____ If **MDOT** sampling/testing during construction is required (pretesting, mix design review, asphalt QA testing, etc.), the **LPA** shall include a letter with the following statement: "The (**LPA** City/County/Agency) of _____ is requesting **MDOT** sampling/testing of the project. The charges for **MDOT** sampling/testing shall be billed directly against the project, and the **LPA** shall be responsible for matching funds or the full amount, if Federal funds are not available." If the LPA requested testing from the District Materials Lab, then the **LPA** shall also include one (1) copy of the **MDOT** District Materials Engineer's letter agreeing to perform the testing.
14. _____ One (1) copy of the FHWA-approved environmental document if less than three years have elapsed since approval of the environmental document by the FHWA and no significant environmental changes have occurred.

Or

One (1) copy of the original FHWA-approved environmental document and one (1) copy of the environmental re-evaluation if more than three years have elapsed between FHWA approval of the original environmental document and the next federal action.

15. **All projects shall submit a letter stating they understand they are responsible for all project and inspection cost over and above the federal funds. Funding will not be obligated without this letter.**
16. _____ If the project lies within an Urbanized Area (UZA) and will utilize funds apportioned to the MPO, one (1) copy of a letter from the MPO confirming that MPO federal funds have been allocated to cover both the LPA's Cost Estimate for construction and construction engineering & inspection cost must be included with the PS&E Assembly.
17. _____ One (1) copy of any applicable permits. (Ex.: Stormwater, 404, FAA, etc.)
18. _____ (3) original unexecuted copies of the CE&I Contract that has received official concurrence by MDOT as discussed in 5.10.
19. _____ One (1) signed and dated copy of Executive Compensation Form.
20. _____ An electronic version of the PS&E emailed to the MDOT District LPA Engineer, or placed into Projectwise.
21. _____ If you are seeking Special Match Credit (SMC) for Preliminary Engineering, submit the SMC Checklist and all associated documentation. The checklist can be found on page 25 of the [LPA Consultant Operating Procedures for Professional Services](#).
22. _____ Verification that the wage rates contained within the PS&E are the latest version available. (Wage Rates are to be verified by the PE Consultant 10-days prior to accepting bids. Wage Rates can be found at <http://beta.sam.gov>)
23. _____ Estimated Bid Letting Date _____

LPA Official

Project Engineer

Once the PS&E Assembly has been received, the MDOT District LPA Engineer will make a review of the submission. If there were corrections made or changes recommended by MDOT at the OFFICE REVIEW, but not included the submitted PS&E package, the entire PS&E package will be returned without further action.

MDOT may recommend changes to the PS&E package, as necessary, and discuss relevant items with the LPA, if necessary. The MDOT District LPA Engineer will send a copy of any recommended changes to the LPA, with comments, and will determine the anticipated dates of advertisement and bid opening. It is the responsibility of the LPA to notify the MDOT District LPA Engineer if they have any reservations concerning MDOT recommendations.

The LPA will discuss any MDOT comments or questions with the MDOT District LPA Engineer to resolve any issues. After resolution of all issues, the LPA will send a letter to the MDOT District LPA Engineer attesting that the corresponding changes have been made. This letter should specifically list all changed items individually. A copy of the changed plan sheets, proposal, and/or estimate shall be submitted with the letter. **If the LPA letter states that a change has been made to the plans and specifications and a final MDOT review reveals that the change was not made, the related item and any affected items may be classified as non-participating.** (Classification to non-participation will be subject to appeal by the LPA in writing with appropriate justification.)

The LPA is responsible for ensuring that the PS&E Assembly meets required design criteria and standards. The review of the PS&E by MDOT shall not relieve the LPA or its professional of their obligation to correct, at their expense, any errors in the final work.

After reconciling any differences with the LPA, the MDOT District LPA Engineer will send 3 sets of the Final PS&E Assembly (marked by the LPA or consultant as "Final") to MDOT Local Public Agency Division, which will obtain FHWA authorization to advertise for bids. Changes to the PS&E Assembly will not be allowed after the packet has been submitted to FHWA for authorization, except for the establishment of advertisement dates and the bid opening date. These dates do not require FHWA approval. The MDOT District LPA Engineer must work with the LPA to establish these dates. Once authorized by FHWA, MDOT Local Public Agency Division will issue the authority to advertise for bids. The notification will be by letter from the MDOT Local Public Agency Division Engineer and will include further instructions for required bid procedures, including scheduling of advertisement and bid opening.

CHAPTER 6: MDOT AUTHORIZATION AND LPA SELECTION OF A CONTRACTOR

Once advertised, three (3) copies of the “for sale” version of the proposal and plans, which includes the advertisement dates and bid opening date, shall be submitted to the MDOT District LPA Engineer, marked as “Street Ready”. The MDOT District LPA Engineer will keep one (1) copy for review/reference and forward one (1) copy to Local Public Agency Division and one (1) copy to the Civil Rights Division.

Once advertisement authority is granted and Proposal and Plans have been sold, all necessary changes to the bid documents and/or plans shall be completed by an addendum only. All addenda made to the “Street Ready” version of the Proposal and Plans, shall be submitted by the LPA **to the MDOT District LPA Engineer for concurrence by the MDOT State Engineer for Local Public Agencies** prior to being issued to any proposal holders. Upon approval by the State Engineer for LPAs, the approved addenda changes shall be issued by the LPA. No addendum to bid specifications may be issued within two (2) business days of the time established for the receipt of bids unless such addendum also amends the bid opening to a date not less than five (5) business days after the date of the addendum. Any changes or addenda not approved by **MDOT** may result in the loss of Federal participation.

An [addenda checklist](#) is included as a PDM Link.

MDOT must authorize any and all amendments to the Contract.

Once necessary bid procedures are accomplished and the bid proposals are opened, the **LPA** shall examine the bid proposals to determine that all necessary documents are included, completed and properly signed. Paper Bid proposals not submitted in their entirety (Stripped Bids) shall not be accepted nor opened. Electronic bid submittals will be allowed to follow document submittal guidelines of MDOT projects. **Within 30 calendar days of the bid opening** the **LPA** shall approve bids and request through a submission to the **MDOT** District LPA Engineer for **MDOT** authorization to award the contract. The **LPA** recommendations shall be based upon the lowest responsive bid. **MDOT** concurrence will be based on review of the documents provided by the **LPA** and their **professional**, for which the **LPA** assumes full responsibility. The checklists on the following two pages shall be used for concurrence by **MDOT** to either **Reject All Bids** or to **Award the Project to the Lowest Bidder**. Whether the LPA chooses to reject or award, the appropriate items and checklist shall be sent to the **MDOT** District LPA Engineer who will review the package submitted for completeness and forward it to the **MDOT** Local Public Agency Division.

Upon **MDOT** concurrence to reject all bids and re-advertise, the **LPA** must restart the project development process from the Office Review stage.

Checklist for rejection of all bids and re-advertisement

If the LPA recommendation is to reject all bids and re-advertise, the following initialed items must be submitted to the MDOT District LPA Engineer.

1. ____ This checklist (signed by the LPA Official and Engineer).
2. ____ A detailed evaluation of the bids and a justification for rejecting and re-advertising. The

LPA and its **professional** must sign this document.

3. ____ One certified copy of the bid tabulation for all bidders, including the engineer's estimate.
4. ____ One copy of the Sworn Proof of Publication.
5. ____ A copy of the Minutes of the **LPA** meeting rejecting the bids.

LPA Official

LPA Engineer

Checklist to award project to the lowest bidder

If the LPA recommendation is to award the project to the lowest bidder, the following initialed items must be submitted to the MDOT District LPA Engineer.

1. ____ One (1) original of Non-Collusion Affidavit for the recommended bidder.
 - a. **This cannot be printed on the front and back**
2. ____ One (1) original [Bidding Statement](#) from the **LPA** stating that the bidding procedures were performed in accordance with State law.
3. ____ Two (2) original signed certified Bid Tabulations for all bidders, including the **LPA's** construction estimate.
4. ____ A detailed evaluation of bids and recommendation to award the bids subject to authorization by **MDOT**. The **LPA** and its **professional** must sign this document. An example can be found [here](#).
5. ____ One (1) copy of the **entire** Section 905 Proposal bid sheets for the recommended bidder including the DBE commitment.
6. ____ One (1) legible copy of the [OCR-481-LPA\(s\)](#) to be completed by the successful bidder according to the instructions on the form. This form must be approved, signed and dated by the **LPA** and included in the data packet submission to **MDOT**. An Example of the supporting documentation can be found [here](#). **The form shall be stamped or dated to verify it was received within the required 3 days.**
7. ____ One (1) copy of the completed original [OCR-485-LPA\(s\)](#) from all bidders on the project.
8. ____ One (1) copy of the Sworn Proof of Publication.
9. ____ A copy of the executed contract between the LPA and the **LPA's CE&I Engineer/Architect**.
10. ____ The name of the **Traffic Control Supervisor** (if required by the **MDOT** District LPA Engineer) assigned to the project. A copy of the certification(s) must be included. Training must meet the requirements, and training frequency set forth in **section 618.01.2 (Contractors and Consultants are both required to meet these requirements)**.
11. ____ The name of the Certified Stormwater Inspector. A copy of the Certification by a **MDOT** approved certifying agency must be included.
12. ____ The names and signatures of three (3) publicly employed persons authorized to sign estimates for the **LPA**. One of these must be the assigned **Project Director** or **Project Manager**.
13. ____ A copy of the official Minutes of the **LPA ACCEPTING THE BID OF THE RECOMMENDED BIDDER AND GIVING THE CHIEF LPA OFFICIAL APPROVAL TO EXECUTE THE CONTRACT**. These Minutes do not have to be APPROVED prior to submission.
14. ____ A copy of the completed contractor's DUNS form.

Chief LPA Official

LPA Professional

For those projects recommended for concurrence to award and upon receipt of all required items by the **MDOT** District LPA Engineer, the **MDOT** Local Public Agency Engineer will notify the **LPA** by the Concurrence Letter of MDOT's approval to award the project. This letter will also contain instructions to gather and submit to **MDOT** additional information required under the contract as well as provide forms for the **LPA** to use during the life of the contract. Upon receipt of the Concurrence Letter from MDOT, the LPA is authorized to do the following:

1. Award the Contract in the [Notice of Award Letter](#). Example forms discussed in the contract documents have been placed [here](#) for your convenience. The LPA should meet with their attorney and may edit and use these forms as appropriate. All final forms should be included with the Notice of Award Letter so that the needed documents will be returned by the contractor. **At this time, the LPA will communicate to the contractor which, if any, of the add options will be included in the construction project.** The **contractor will have 10 days** upon receipt of Notice of Award Letter to execute the contract documents and return them to the LPA.
2. **The LPA will have 15 days** upon receipt of executed contract documents by the contractor to complete their execution of the contract documents and issue the [Notice of Execution Letter](#) for the construction contract. Failure to meet these deadlines for submission of the executed proposals may subject the project to a loss of federal funding. Ten (10) copies of the complete proposal with executed contract documents and plans should be sent to the **MDOT** Local Public Agency Division. The below checklist should be reviewed and all items included and completed prior to sending the **bound** executed documents:

****Make sure all addenda are in the front of the proposals, not the back.**

- 1) Project Name, Project Number, and LPA on the cover
- 2) True and correct copy has the statement and signatures of both the Consultant and Chief LPA Official
- 3) Seal on the cover with Consultant's signature
- 4) Section 901 Advertisement matches bid opening /contract let date
- 5) Signed NTB with DUNS requirement is filled out
- 6) DBE % is correct on 905
- 7) 905 total cost is < or = 903 amount
- 8) 902 is signed the same date or after concurrence by Executive Director
- 9) Date on the 903 is the same as or before the 902 date
- 10) OCR-481 is approved by MDOT Office of Civil Rights
- 11) Award authorization date on the 902 is the same as or after the bid opening date
- 12) Everything that was previously addressed at Field Review, Office Review, PS&E, Concurrence, and Street Ready should be included in the Proposal and Plans.

One (1) of these copies must be stamped on the front cover as shown below by the LPA Official as a true and correct copy of the original bid proposal.

I certify that this is a true and correct copy of the original proposal and contract documents on file, located in the City of _____, this _____ day of _____, 20 .

LPA Official

Project Engineer

3. Send the notice to proceed date in the [Notice to Proceed Letter](#).

The **MDOT** Local Public Agency Engineer will prepare a project cost estimate based on the contract bid prices reflecting the cost for construction, contingency, materials testing, and construction engineering (if applicable). This cost estimate will be used to support a "Project Agreement" with the FHWA and a

copy will be furnished to the **LPA**. The Project Agreement sets the maximum amount of Federal Aid funds committed to the project. The **LPA** is obligated to provide any matching funds in excess of Federal funds available to complete the project by signing the contract with the Contractor and/or Professional Engineering/Architectural firm. If at any time it appears that the Project Agreement cost estimate amount will be exceeded, due to overruns in estimated quantities or other authorized project cost, the Agreement and estimate may be “modified” if properly supported. For projects located within an Urbanized Area (UZA), any increase in a Project Agreement cost estimate, which exceeds previously approved Project Agreement cost estimates, must be concurred in by the MPO and a copy of the project cost estimate shall be furnished to the MPO.

A preconstruction conference must be held after the award of the contract and prior to beginning construction, yet should not be held until the contract is executed. The preconstruction conference shall be attended by all parties to the contract, the **Project Engineer/Architect**, subcontractors, conflicting utility companies, and the **MDOT** District LPA Engineer. The contractor is responsible for the coordination of the preconstruction conference and will be notified of such in the Notice of Award letter. As the owner of the project, the **LPA** should confirm that the contractor understands this responsibility. The Preconstruction Conference shall include any coordination necessary with utility owners and direct the contractor's attention to important contract provisions that shall include, but not be limited to, labor, EEO and DBE requirements, safety meetings, sub-contracting, contract time, MDEQ requirements, and any unusual construction requirements. Also, procedures for preparing and submitting monthly estimates, establishing engineering control, and materials testing should be discussed at that time. [Suggested Preconstruction Conference Discussion Items](#) are included as a PDM link. Minutes of the preconstruction conference shall be prepared and distributed by the **LPA** to conference attendees and shall be incorporated into the **Project Engineer/Architect** Project Diary.

On the date of the Preconstruction Conference, the **MDOT** District LPA Engineer will hold a similar meeting with the **LPA and their CE&I Project Engineer/Architect** to discuss construction inspection issues and items for special attention.

CHAPTER 7: CONSTRUCTION ADMINISTRATION

Upon receiving the **MDOT** Local Public Agency Engineer's Concurrence Letter granting authority to the **LPA** to execute the contract and issue the construction Notice of Execution Letter, the **LPA** shall notify its **CE&I Engineer/Architect** that preparation for and actual construction administration shall be initiated. Basic duties are outlined in this chapter, but more are detailed in both the [Critical Inspection Guide for LPA Projects](#), and the [MDOT Construction Manual](#)

The **Project Director** is the "Responsible Charge" for the project and shall stay in constant contact with the Project Engineer/Architect for the **CE&I Engineer/Architect** and be aware of the day to day activities and be able to ensure that the Project Engineer has managed all construction activities and completed the project in accordance with the plans and specifications. The **Project Director** via the **LPA's CE&I Engineer/Architect** shall prepare a sign inventory to keep up with any damage to or moving of existing signs on the project. Videos of project clearly showing locations of each sign are acceptable. Copies of the sign inventory shall be provided to the Contractor, **LPA** and **MDOT** District LPA Engineer.

The **Project Director** shall manage the **LPA's CE&I Engineer/Architect's** Project Engineer/Architect to ensure that all Federal regulations governing the contract are strictly enforced (i.e. EEO, Minimum Wage Rates (Davis-Bacon) when applicable, Disadvantaged Business Enterprise goals and the National Environmental Policy Act).

The **Project Engineer/Architect** for the project means the following:

- Aware of the day-to-day operations on the project and reviews and approves the project diaries.
- Aware of and involved in decisions about changed conditions which require change orders or supplemental agreements which the **CE&I Engineer/Architect** shall prepare, sign, and recommend approval to **MDOT**.
- Aware of the qualifications, assignments, on-the-job performance, etc. of the consulting staff at all stages of the project.
- Visiting the project on a frequency that is commensurate with the magnitude and complexity of the project. Each project's visit frequency will be discussed at the time of Cost fee proposal development with CSU, the District LPA Engineer and LPA Division. Such visits shall be documented in the project diary. Any deficiencies noted shall be documented and corrective action initiated.

The **CE&I Engineer/Architect** must be thoroughly familiar with the whole status of the contract by means of his own observations, and information supplied by his personnel. Furthermore the **CE&I Engineer/Architect** shall keep the **MDOT LPA Engineer** fully informed as to the technical and contractual status of the project particularly regarding contract funds and project schedule.

Questions concerning construction should be directed to the **MDOT** District LPA Engineer, who may consult with the **MDOT** Construction Division, the **MDOT** Materials Division, or other **MDOT** Divisions as applicable.

In order to standardize the filing system for LPA projects, a file indexing plan similar to those located in the [appendices](#) is to be utilized on all LPA projects.

7.1 SUBCONTRACTS AND RENTAL AGREEMENTS:

Construction subcontracts should be drafted using Forms [RPS-1](#), [NRAA-1](#) and [SCC-1](#) for LPA projects and an executed copy of these forms shall be submitted to the **MDOT LPA Engineer**. An [example RPS-1](#) is here for reference. The total amount of subcontracts on a given project shall be no more than 60 percent of the value of the remaining work after subtracting the contract value of the specialty items from the value of the original contract as set forth in Section 108.01.1 of the standard specifications. **Copies of FHWA-1273, Supplement to form FHWA-1273(included in the contract documents and found here), should be attached to each subcontract prior to submittal.**

Some work may be eligible to be done by equipment rental agreement in accordance to [Section 108.01.2 of the Mississippi Standard Specifications for Road and Bridge Construction](#). If work is to be done by equipment rental agreement then the form [LPA-160 Rental](#) must be completed and approved prior to starting the work.

7.2 Project Diary (required for all projects):

The CE&I Engineer/Architect must maintain an official Project Diary as a historical record of the project and shall be maintained using the [SiteManager program](#). The Project Diary is one of the most important records kept on a project and must reflect project progress beginning with the onset of contract time or activity on the project whichever occurs first. **The Project Diary must cover each day for the life of the project and continue until the contractor is released from maintenance by the LPA.** As a minimum, the Project Diary shall include a daily record of all contractor's personnel, equipment, and activities, CE&I Engineer/Architect's activity, all DBE activities, weather and soil conditions and how they affect the contractor's operation, and daily contract time charges. Also, any important project communication should be noted in the Project Diary. The Project Diary must be approved in Site Manager daily by the CE&I Engineer/Architect. The completed Project Diary must clearly show the date contract time began, the date contract time ended, the date work started, the date work was completed, and the date of the final inspection upon completion of the project with a list of primary members of the final inspection team and the agency they represent. An example of an acceptable [Project Diary](#) is included as a PDM link.

7.3 MDOT oversight:

In the manner that the CE&I Engineer/Architect is responsible to the LPA, and the LPA is responsible to MDOT, MDOT has the responsibility to ensure that the Federal-aid funds are being wisely administered. Accordingly, MDOT and/or FHWA personnel will conduct periodic construction inspections. The frequency of these inspections will be commensurate with the project size and/or complexity. At a minimum, these inspections will occur:

- a) initially during the early stages of work;
- b) monthly during major phases of work; and
- c) at a final inspection.

If a major or critical deficiency is found by MDOT during a monthly Construction Stormwater Inspection, then a follow-up inspection will be conducted by MDOT within 10 business days. If the deficiency noted in the monthly report still remains at the time of the follow-up inspection then the LPA will be given a warning letter by MDOT and another follow-up inspection will be scheduled within 10 business days. If the deficiency still remains at that location after the second follow-up inspection, then federal reimbursement will be withheld until the location in question has been made acceptable.

Findings from these inspections will be forwarded to the LPA by the MDOT District LPA Engineer. The LPA is responsible for addressing any MDOT inspection findings of major, critical or recurring deficiencies by completing the required [Corrective Action Report \(CAR\)](#). The information in this report should be submitted to the MDOT LPA District Engineer within five (5) business days from the date of the inspection. If the LPA fails to address an MDOT finding, then Federal-Aid funding may be

withdrawn for any or all portions of the project, as outlined herein and in the Memorandum of Agreement.

7.4 PROJECT MONTHLY ESTIMATES:

Estimates shall be generated using the [MDOT LPA SiteManager](#) and signed by the CE&I Engineer/Architect and the person authorized by the LPA (one of the three named in the concurrence request package). Signed estimates should be sent digitally to lpainvoice@mdot.ms.gov as a single PDF. The following items are required for monthly estimates ([Invoicing Checklist](#))

Please make sure that the **CSD-765 is created PRIOR** to running the monthly estimate.

- Originally signed LPA-001 and LPA-002
- [Monthly Progress Estimate Statement](#)
- [Form OCR-484-LPA](#)
- Form CSD-765-LPA from Site Manager
- [Original Signed Liquidated Damages Statement \(CAD-724\)](#) for any estimate if the % elapsed time shown on LPA-001 is above 100%

All pay item documentation shall be collected at the time of installation in preparation for final documentation as stated in the [Guide to the Preparation and Submission of Final Computations and Other Related Data](#).

In compliance with State Law and the MOA, the LPA shall pay all payments owed to Contractors and Consultants according to the terms of the contract, and in all instances payments shall be made within forty-five days from the day they were due and payable. The reimbursement of fully completed estimates (those estimates that contain all necessary signatures, forms, etc.) will be reimbursed once received by the LPA Division according to the following schedule:

- Received the 7th of the month will be approved on the 4th Tuesday of the same month
- Received the 21st of the month will be approved on the 2nd Tuesday in the following month

All reimbursements should go out the day after they have been approved by the Transportation Commission if the LPA is signed up for direct deposit. Progress estimates shall be submitted each month during the life of the contract unless the completed work for that pay period in less than \$1,000. **No retainage will be withheld on construction contracts.**

MDOT reimbursement for progress estimates to the **LPA** is made in order to repay the **LPA** the appropriate share for any applicable Federal monies involved. The **MDOT** reserves the right to request proof of payment to contractor prior to reimbursement.

A separate progress estimate for construction engineering shall be submitted only if federal-aid participation was approved for construction engineering. The [CE&I Invoice Package](#) with original signatures of the **CE&I Engineer/Architect** and the person authorized by the **LPA** to sign the estimate, shall be digitally sent to lpainvoice@mdot.ms.gov as a single PDF.

7.5 SUPPLEMENTAL AGREEMENTS:

Any changes to the original contract will require the execution of a Supplemental Agreement (S/A) between the contractor and the **LPA**. When a S/A is anticipated, the **LPA** shall notify the **MDOT** District LPA Engineer of the need and purpose for a S/A, including when the changes involve non-participating items. The [Supplemental Agreement Format](#) required for use by an **LPA** is included as a PDM link.

The Supplemental Agreement must include complete documentation of the necessity for the change and/or benefit to be derived from it, the contractual basis for the change, and all documentation justifying the time and/or money involved. A Quantity/Cost Adjustment must be developed for every Supplemental Agreement where expenditure of additional funds is involved.

The Supplemental Agreement process will follow these steps:

1. The **LPA** shall submit to the MDOT District LPA Engineer a draft S/A along with an independent estimate done by the LPA for the work to be added. If acceptable, the **MDOT** District LPA Engineer will send a copy to the **MDOT** Construction Division for review. The **MDOT** District LPA Engineer should verify the availability of project funds by contacting the **MDOT** Local Public Agency Division.
2. The **MDOT** District LPA Engineer will return the draft S/A to the **LPA** with comments after the MDOT Construction Division Area Engineer has verified satisfactory prices for new pay items.
3. After revision to incorporate comments, the **LPA's CE&I Engineer/Architect**, Contractor, and Surety sign the revised S/A and return it to the **MDOT** District LPA Engineer for approval.
4. For S/A's less than or equal to \$100,000, the **MDOT** District LPA Engineer will review the signed S/A and forward it to the **MDOT** District Engineer for approval and signature.

For S/A's greater than \$100,000, or for S/A's that consist of no-cost time extensions, the **MDOT** District LPA Engineer will review the signed S/A and forward it to the **MDOT** District Engineer for approval and signature. It will then be forwarded to the **MDOT** State Construction Engineer for approval and signature. The **MDOT** State Construction Engineer then must obtain Mississippi Transportation Commission (**MTC**) authorization to execute. (The **MTC** must authorize the execution of S/A's greater than \$100,000 or for no-cost time extensions.) Upon **MTC** approval, the **MDOT** State Construction Engineer will forward the S/A to FHWA for concurrence (PODI). The **MDOT** approved S/A is returned to the **MDOT** District LPA Engineer.

5. The **MDOT** District LPA Engineer will return the **MDOT** approved S/A to the **LPA** for execution by the **LPA Official**. The executed S/A will remain in the **LPA** files.
6. The **LPA** or the **LPA's CE&I Engineer/Architect** will send **three (3) copies** of the executed S/A to the **MDOT** District LPA Engineer for distribution.
7. When the sum total of all supplemental agreements not requiring the approval by the Mississippi Transportation Commission exceeds \$100,000 then they must be ratified by the Mississippi Transportation Commission before additional supplemental agreements of this type are executed.

The documents can be executed in any of the three ways below:

1. Signing the paper copies and distributing them by hand mail
2. Emailing the scanned documents, signing the paper copies, scanning them again and emailing them to the next person for approval (final scanned document must be good quality and legible)
3. Electronically signing the emailed document and sending it to the next person for approval

A Supplemental Agreement must be executed in accordance with the preceding described process by the **LPA** and the Contractor prior to the accomplishment of any work or the extension of contract time included within the Supplemental Agreement. If a Supplemental Agreement is executed after the work is accomplished, the work shall be "non-participating". **If a Supplemental Agreement is executed between the Contractor and the LPA before obtaining MDOT approval, any work or extension of contract time may also be determined to be "non-participating"**. The **LPA** and/or the MPO shall be responsible for any funds that exceed the approved federal funds, or for liquidated damages that

may accrue due to failure to obtain an approved time extension in accordance with the above described process.

MDOT authorization for the **LPA** to execute a Supplemental Agreement shall not relieve the **LPA** of its obligation to correct, at its expense, any errors, construction defects, and/or omissions in the work.

7.6 QUANTITY/COST ADJUSTMENTS (QCA):

A Quantity/Cost Adjustment must be submitted with every Supplemental Agreement that has related cost involved.

If the project lies within the boundaries of an Urbanized Area (UZA) and involves an increase in cost over the previously approved project agreement cost, the increased cost must have funding approval from the MPO. The MPO must also be furnished a copy of the QCA. Any QCA for non-exempt projects must be reviewed by FHWA.

Procedures for submitting a Supplemental Agreement and a QCA

A QCA is required to be submitted by the **LPA**:

- a) With a Supplemental Agreement for construction work.
- b) When an accumulation of minor changes in original plan quantities results in a total project cost exceeding the Project Agreement cost estimate (This includes increase in construction engineering and other authorized cost).
- c) When a Combination of a) and b) occurs.
 1. The **LPA** will prepare a QCA using the [QCA Form](#).
 2. If the QCA involves an increase in cost over the previously approved project agreement cost, the **LPA** will first contact the **MDOT** District LPA Engineer in writing to determine if funds are available. The **MDOT** District LPA Engineer will forward the request to **MDOT** Local Public Agency Division to determine availability of funds from Planning Division. If funds are available, a copy of the **MDOT** letter stating that funds are available will be attached to the QCA.
 3. The **LPA** representative and the **CE&I Engineer/Architect** shall sign the QCA. The original and three (3) copies of the QCA should be forwarded by the **LPA** to the **MDOT** District LPA Engineer. The **MDOT** District LPA Engineer will retain one (1) copy and forward one (1) copy to the **MDOT** Local Public Agency Division and one (1) copy to the **MDOT** Construction Division. If the QCA supports a Supplemental Agreement, the QCA shall be submitted with the Supplemental Agreement.

The documents can be executed in any of the three ways below:

1. Signing the paper copies and distributing them by hand mail
2. Emailing the scanned documents, signing the paper copies, scanning them again and emailing them to the next person for approval (final scanned document must be good quality and legible)
3. Electronically signing the emailed document and sending it to the next person for approval

The **LPA** and/or MPO shall be responsible for any project funding which exceeds the approved Federal funds.

7.7 TESTING & MATERIALS:

All acceptance testing on roadway projects must be performed by laboratories and technicians certified by **MDOT**. Certification may be obtained in accordance with **MDOT's** Rule for [certification of laboratory technicians](#) (Paragraph 3 of Rule No. 941-7201-05000, *Laboratory Operations Branch of Materials Division, Principal Roles and Responsibilities*).

All materials used on a project, whether a direct pay item or not, must meet the requirements of the contract and **MDOT** specifications. On **LPA** projects, the **Project Engineer/Architect** is responsible to see that **daily acceptance** sampling and testing of project materials is performed. The frequency for acceptance sampling and testing for a project is outlined with the [MDOT 2020 LPA project sampling and testing requirements](#) (which replaces MDOT S.O.P. TMD-20-04-00-000), and MDOT S.O.P. TMD-20-05-00-000, *Sampling and Testing of Small Quantities of Miscellaneous Materials*. TMD-20-05-00-000 can be found within the [MDOT Inspector's Handbook](#). The **CE&I Engineer/Architect** shall contact the **MDOT** District LPA Engineer to verify that they have the current LPA Project Sampling and Testing Requirements prior to work being performed on the project.

In order to ensure that these requirements are met, the **Project Engineer/Architect** must submit to the **MDOT** District LPA Engineer a [LPA Sampling and Testing Proposal](#), with a copy sent to the **MDOT** District Materials Engineer. **The proposal shall be approved and submitted as a part of the PS&E package (see Ch. 5.10)** and shall outline the sampling and testing for the materials incorporated in the project along with the associated testing frequencies. **MDOT** will review the **LPA** Sampling and Testing Proposal and provide comments to the **CE&I Engineer/Architect**. Once acceptable to the **MDOT** District Materials Engineer, the **MDOT** District LPA Engineer will provide written approval of the proposal, providing a copy to the **MDOT** State Materials Engineer and **MDOT** Local Public Agency Division. The approved **LPA** Sampling and Testing Proposal must be followed throughout construction of the entire project. Changes to the contract through Supplemental Agreement or quantity/cost adjustments will usually require adjustment of the **LPA** Sampling and Testing Proposal. These adjustments shall be documented and shall be included with any Supplemental Agreement or Quantity/Cost Adjustment submitted for approval, and shall also be included with the documentation at the close of the project.

Sampling and testing of materials on projects not using standard **MDOT** pay items must be performed in accordance with applicable approved industry standards.

If a project requires materials from **MDOT** pre-tested stock (concrete pipe, reinforcing steel, etc.), the **LPA** should send a completed [Materials Division Pre-Tested Materials Shipment Report Request Form](#) to the **MDOT** Materials Division, with a copy to the **MDOT** District LPA Engineer. Upon receipt, **MDOT** Materials Division will generate a shipping report (with any applicable test reports) for the pre-tested items. Charges for **MDOT** inspection shall be billed directly against the **LPA** project.

The **CE&I Engineer/Architect** is to obtain all required testing documentation (including mix designs, if necessary) prior to allowing materials to be incorporated into the work. If any material is incorporated into the work prior to receipt of the required testing documentation, payment for such work will be withheld until the required testing documentation is received by **MDOT**.

Hot/Warm Mix Asphalt is tested for acceptance under **MDOT's** quality Control/Quality Assurance (QC/QA) specifications. The Contractor will be responsible for the Quality Control (QC) testing and **MDOT** will be responsible for the Quality Assurance (QA) testing. The **CE&I Engineer/Architect** is responsible for seeing that all daily testing by either the Contractor or **MDOT** is being performed at the prescribed sampling and testing frequencies. This applies to asphalt specified by Section 403 of the Standard Specifications. For projects which utilize **MDOT's** QC/QA specifications for Hot/Warm Mix Asphalt, the sampling and testing procedures specified in the MDOT Hot Mix Asphalt Field Manual shall be followed. The **CE&I Engineer/Architect** is responsible for assuring that component materials such as asphalt binder, hydrated lime, and tack coat are sampled from the producer's facility and/or the job

site and submitted to the MDOT Central Lab for testing in accordance with the MDOT Inspector's Handbook.

Some projects may require Structural Concrete to be tested under MDOT's Quality Control/Quality Assurance (QC/QA) specifications. When this is required, the contractor will be responsible for the Quality Control testing and the CE&I Engineer/Architect will be responsible for the Quality Assurance testing. The **CE&I Engineer/Architect** is also responsible for seeing that all daily testing is being performed by the Contractor at the prescribed sampling and testing frequencies. For projects which utilize MDOT's QC/QA specifications for Structural Concrete, the sampling and testing procedures specified in the MDOT Concrete Field Manual shall be followed. The **CE&I Engineer/Architect** is responsible for assuring that component materials such as aggregate, cement, and fly ash are sampled from the producer's facility and submitted to the MDOT Central Laboratory for testing in accordance with the MDOT Inspector's Handbook.

Job Control Acceptance sampling and testing of all other materials will be the responsibility of the **LPA** and the **CE&I Engineer/Architect** and should be completed by laboratories and technicians certified by **MDOT**. This includes any non-structural concrete not covered by Section 804 of the Standard Specifications.

The **CE&I Engineer/Architect** shall provide written documentation to the **MDOT** District LPA Engineer within fourteen (14) days upon receiving failing test results for any material concerning the resolution of any work which has incorporated materials which fail testing or specification requirements, for approval. The **MDOT** District LPA Engineer shall make a determination as to whether the work and/or resolution of the failed materials are satisfactory and provide the appropriate response to the **LPA**.

Upon completion of the project, the **CE&I Engineer/Architect** must submit a letter to the **MDOT** State Materials Engineer, with a copy to the **MDOT** District LPA Engineer, attesting that all materials utilized on the project were sampled and tested as detailed in the approved **LPA** Sampling and Testing Proposal, and that all materials incorporated into the work were placed in accordance with the contract requirements and **MDOT** specifications. An example of a [Statement of Materials and Tests](#) is included as a PDM link. The letter must include supporting documentation and a copy of the approved **LPA** Sampling and Testing Proposal, with an indicator as to the completion status of all of the testing for each pay item and material. If there are variations from the standard sampling and testing frequencies, the letter should include explanation regarding the variations and a recommendation from the **CE&I Engineer/Architect** to the disposition of the in-place material. For materials which were incorporated into the work, and were either untested at the prescribed frequency or failed specification requirements, the affected pay items for that portion of the work will be considered as non-participating and payment for such will be the responsibility of the **LPA**.

The letter and documentation will be reviewed by the **MDOT** State Materials Engineer for completeness. If the information is found to be incomplete, the **MDOT** State Materials Engineer will notify the **CE&I Engineer/Architect** in writing of any items needed for clarification. Once these items, if any, are satisfied, the **MDOT** State Materials Engineer will notify the **MDOT** District LPA Engineer and the **MDOT** Local Public Agency Division in writing that the materials and supporting documentation are acceptable.

7.8 OTHER FEDERAL REQUIREMENTS:

The **CE&I Engineer/Architect** must be familiar with the requirements of Section 906 of the Contract - Federal Provisions ([Form FHWA 1273 and Attachments](#)), since the **LPA** is held responsible for fulfillment of its provisions. Following is a listing of Form FHWA - 1273 and other Federal-Aid related requirements for project construction administration:

1. The **CE&I Engineer/Architect** is responsible for ensuring that letters are received from the contractor assigning their project superintendent, safety officer, EEO Officer, etc. in accordance with contract requirements.

2. The **CE&I Engineer/Architect** is responsible for ensuring that the ["bulletin board requirements"](#) are met and maintained during the life of the project.
3. The contractor must hold an EEO and Safety meeting prior to beginning construction and every six months during the life of the contract. The **Project Engineer/Architect** is responsible for ensuring that EEO and Safety meetings are held and a record of each meeting is maintained.
4. The **CE&I Engineer/Architect** must ensure that one (1) copy of certified payrolls, with **MDOT** Forms [LPA 880](#) and [LPA 881](#), are received weekly from the prime contractor and each subcontractor. The hourly wages being paid must be checked against the minimum wage rate schedule, as applicable, to verify employees are being paid properly. Overtime pay must also be checked. The employees listed on the payrolls shall also be reviewed to ensure that the required minority and female participation is being provided.
5. Each two weeks the **CE&I Engineer/Architect** must complete a [labor questionnaire](#) for one laborer on the project as applicable, selecting a different person each time from either the prime contractor or a subcontractor. A file of these questionnaires shall be maintained.
6. Each July during the life of the contract, the **MDOT** Office of Civil Rights will furnish a blank [Form FHWA 1391](#) to the contractor and all subcontractors, and obtain a completed copy of Form FHWA 1391 from the prime contractor and each subcontractor. The completed form(s) shall be submitted to the **MDOT** Office of Civil Rights. Any questions regarding this form shall be directed to the **MDOT** Office of Civil Rights.
7. The **CE&I Engineer/Architect** must review project traffic control on roadway projects a minimum of each two weeks to determine if there are any deficiencies, have the Contractor correct any deficiencies, and have the Contractor prepare a [Traffic Control Plan Report \(Form CSD-762\)](#). This document should be completed in accordance with Section 618.01.2 of the Standard Specifications. The CE&I Engineer/Architect should complete a [Traffic Control Plan Report \(Form CSD-761\)](#) during their traffic control inspections.
8. **The CE&I Engineer/Architect must review siltation and erosion control measures weekly with the contractor's representative and prepare a letter to confirm the inspection and instruct the contractor on corrective measures to be taken. For projects requiring a storm water permit, the contractor shall abide by the requirements of that permit.**
9. The **CE&I Engineer/Architect** is responsible for monitoring the prime contractor's use of DBE firms throughout the life of the construction project. During the course of the project, at about 50% completion of each DBE's work, the **CE&I Engineer/Architect** shall complete and submit Form [OCR-483-LPA](#) to the **MDOT** Office of Civil Rights. The DBE-3 shall be used at any time during the life of the project to report contractor or subcontractor activities that may not be in compliance with the DBE Program
10. As a monthly progress estimate is drafted, the **CE&I Engineer/Architect** will analyze the "percent complete" vs. the "percentage of elapsed time". When the "percent complete" lags more than twenty (20) percent behind the "percentage of elapsed time", the **CE&I Engineer/Architect** shall request an immediate submission by the Contractor a written statement and revised progress schedule, should one be required, indicating any additional equipment, labor materials, etc. to be assigned to the work to ensure completion within the specified contract time. When the "percent complete" lags more than forty (40) percent behind the "percentage of elapsed time", the contract may be terminated. Copies of these letters should be sent to the contractors bonding surety.

7.9 FINAL PROJECT INSPECTION, RELEASE OF MAINTENANCE, FINAL ACCEPTANCE AND FINAL PAYMENT:

Once all work has been completed by the Contractor to the satisfaction of the **CE&I Engineer/Architect**, a final inspection shall be requested through the **MDOT** District LPA Engineer. The **MDOT** District LPA

Engineer will contact the **MDOT** Construction Division and Local Public Agency Division to set up the final inspection. The final inspection may result in punch list items to be corrected, and an additional final inspection may be necessary depending on the nature of the punch list as determined by **MDOT**.

Once satisfactory completion of the project has been verified by the **CE&I Engineer/Architect**, the LPA will request, in written form, for **MDOT** to issue authority to release the contractor of maintenance, either full or partial depending on the state of growth and coverage and the nature of the project. When requesting the release of maintenance, **the following information will be required** to be submitted along with the request for the release of maintenance:

- Last Day of Pay Item Work
- List of attendees of final inspection
- Date the Punch List was completed
- Effective Date of the Release of Maintenance

Upon receiving authority from MDOT, the **LPA will, in turn, issue a similarly worded release of maintenance to the contractor within seven days**. The **LPA** must distribute a copy of their maintenance release letter to the same parties as listed in the example letter provided in the PDM links. Under no circumstances should the **LPA** issue a release of maintenance to a contractor prior to receiving the **MDOT** authority to release. Examples of the [LPA maintenance release letters](#) are included as a PDM link.

The LPA will submit the following two binders to MDOT LPA Division as final documentation needed for the project:

Final Quantity Data Binder

1. One (1) Original Signed CSD-200-LPA Form (Overrun/Underrun Statement): This form is generated using SiteManager.
2. All pay item [recap sheets](#) have been signed by the Project Engineer. Include quantity sheets for all items including lump sum, dependent items, and zero quantity items. Supporting data for all quantities recorded on the CSD-200 is included in the same order the items appear on the CSD-200. Check to make sure final quantity data matches the totals on the CSD-200. Documentation should follow the guidelines shown in Chapter 9 of the [MDOT Construction Manual](#).
3. Submit Final Ticket Printout for each Pay Item in which tickets are required. Check tickets against Final Ticket Printout to assure correct entry into ticket program. Each Final Ticket printout must be signed by the person entering the quantities, the person checking the quantities and the project engineer. Truck Measurements are needed for pay items using LVM measurement.
4. All final data material is neatly and clearly identified by project number, and county; where appropriate.
5. A computer disk with all electronically computed quantity files has been submitted. A reference (file name) to the electronic file is placed in binder under each pay item when quantities are submitted electronically.
6. A computer disk containing the final asbuilt plans

Materials Binder

1. One (1) Original Signed CSD-200-LPA Form (Overrun/Underrun Statement): This form is generated using SiteManager.

2. A copy of the approved *LPA* Sampling and Testing Proposal.
3. Sampling and testing documentation and manufacturer's certifications as applicable for all materials used in the project. See [MDOT Inspector's Handbook](#), for guidance.

Once the Final Quantity Data Binder has been received by MDOT and it is determined to be acceptable, a Final Estimate Package will be prepared by the CE&I Engineer/Architect and sent to MDOT LPA Division. The final estimate package will include the following items:

Final Estimate Package (Checklist can be found [here](#))

1. Final Construction Estimate LPA-001 and LPA-002: Four (4) copies with the original signature.
2. Four (4) [Original Signed Liquidated Damages Statement \(CAD-724\)](#)
3. [MDOT Maintenance Release Letter to the LPA](#): One (1) copy of the letter is required. Before the LPA can write a Maintenance Release letter to the contractor, they must first receive a maintenance release letter signed by the MDOT Executive Director.
4. [LPA Maintenance Release Letter to the Contractor](#): One (1) copy of the letter is required. The letter must be dated after the date of the MDOT Maintenance Release Letter.
5. [Consent of Surety to Final Payment](#): Four (4) copies with the original signature Bonding Company. A surety release authorizes the LPA to release any and all monies to the Prime Contractor.
6. [Consent of Contractor to Final Payment](#): Four (4) copies with the original signature contractor.
7. Four (4) Original Signed & Notarized [Project Engineer/Architect's Affidavit](#)
8. State of Materials & Test (1) copy
9. [OCR-482-LPA](#) Form.
10. Project Engineer/Architect's Project Diaries (CD of all diaries from SiteManager)
11. Copy of all Supplemental Agreements and Quantity Adjustments
12. Final Construction Engineering Invoice (with supporting data)

Once all final documentation has been received by MDOT and it is determined to be acceptable, a final acceptance will be forwarded by the MDOT Construction Division to the LPA which will in turn issue a similar letter of final acceptance to the contractor. An example of the [LPA letter of final acceptance](#) is included as a PDM link.

It is imperative that the **LPA** follows through with all the necessary final documentation in order to gain final acceptance of a project. Support documentation required for final acceptance and payment for a project must be completed and furnished to the **MDOT** Local Public Agency Division as early as possible. Delays in the final payment by the **LPA** and the **CE&I Engineer/Architect** may result in additional interest payment due the contractor which will be borne by the **LPA**. Items that cannot be properly supported with adequate documentation may not be eligible for Federal-aid participation.

MDOT final acceptance of a completed **LPA** project must be obtained **within ninety-five (95) days after the FINAL INSPECTION**. If final acceptance is not completed within 95 days of the final inspection, the **LPA** will be placed in Non-Compliance and **MDOT** will withhold approval of any further **LPA** project requests until all such previously completed **LPA** projects have been accepted by **MDOT**. Below is the expected time line for Documentation to be submitted.

- *Twenty (20) calendar days following the Final Inspection the Partial/Full Maintenance Release should be issued/requested by the LPA.*
- *Fifty (50) Calendar days following the date of the Final Inspection **all final documentation necessary to close out a project shall be submitted**. If a Partial Maintenance Release is issued and additional pay quantities are incorporated before the Full Maintenance Release is issued, the additional documentation necessary shall be resubmitted the day after the Final Release of Maintenance has been issued.*
- *Forty-Five (45) days from the submission of all final documentation have been set aside for LPAD & Materials divisions to perform a review of all submitted data, and work through any comments.*

If the total cost of the project submitted with the final estimate will exceed the approved project agreement, the final estimate will not be approved by the **MDOT** Local Public Agency Division until it has been determined that the required additional federal funds, if any, are available to the **LPA**. An increase to the total amount of the project estimate based on contract prices requires a modification of the Project Agreement between the **MDOT** and FHWA; therefore, the **MDOT** District LPA Engineer must be notified of the required increase at the earliest date to minimize delays and prevent possible loss of Federal-aid funding for the increase. One of the following procedures will be utilized depending upon whether the project is within an Urbanized Area (UZA):

1. If the project is within an UZA, the **LPA** must obtain MPO concurrence that the required additional federal funds are available. Once MPO concurrence has been obtained by the **LPA**, a copy of the MPO concurrence shall be forwarded to the **MDOT** District LPA Engineer and subsequently to the **MDOT** Local Public Agency Division for processing of the final estimate. **If MPO concurrence cannot be obtained, the LPA shall assume responsibility for any additional cost above the approved project agreement.**
2. If the project is not within an UZA, the **LPA** shall request approval of the availability of additional federal funds. The **MDOT** District LPA Engineer will contact the **MDOT** Planning Division about the availability of these funds. If the requested additional federal funds are available, the **MDOT** District LPA Engineer will notify the **LPA** by letter with a copy to the **MDOT** Local Public Agency Division, which will approve the final estimate for processing. If the requested additional federal funds are not available, the **LPA** shall assume responsibility for any additional cost above the approved project estimate.

State Law requires that full and final payment on construction projects be made within forty-five (45) calendar days after issuance of the **LPA** Maintenance Release to the contractor. This shall include completion of all forms as listed above. Failure to do so obligates the **LPA** to pay interest in the amount of one percent (1%) per month from the date of the beginning of the forty-five (45) calendar day period until fully paid. Interest payments are an obligation of the **LPA** which is non-participating and independent of reimbursement by **MDOT** to the **LPA** for final payment by the **LPA** to the contractor.

ABBREVIATIONS AND DEFINITIONS

Abbreviation	Definition
AADT	Average Annual Daily Traffic is the total annual vehicle traffic passing a point on a road or street divided by 365 to obtain the daily average.
AASHTO	American Association of State Highway and Transportation Officials, is the standards and criteria organization of all states and territories. This organization sets standards for all road and street construction.
Acceptance of the Project	Formal notice by MDOT to the LPA and then the LPA to the contractor that all work required under a contract has been satisfactorily completed and said work is officially accepted. This acceptance terminates the contract and releases the contractor of any further obligation under the contract.
ASTM	American Society for Testing and Materials, a national standards organization.
Authorized	A term meaning the project has been approved by all necessary agencies. After authorization a project may be advanced to advertising for a contractor or for a "force-account" contract between the MDOT and the LPA .
BCT	Beginning of Contract Time
CAD	MDOT Contract Administration Division
CE	Environmental Categorical Exclusion
CFR	Code of Federal Regulations
Chief LPA Official	A term referring to the LPA Mayor, President Board of Supervisors or Agency Head.
Construction Engineering and Inspection	All specified engineering/architectural and inspection services performed by a professional.
CSD	MDOT Construction Division
DBE	Disadvantaged Business Enterprise
DOT	Department of Transportation, United States Government (USDOT)
E&C	Construction Engineering & Contingency
EA	Environmental Assessment
EEO	Equal Employment Opportunity
EIS	Environmental Impact Statement
Encroachment	Pertains to right of way encroachment and includes any privately owned facility (e.g. buildings, signs, fences, walls, landscaping, un-permitted driveways and utilities, etc.) installed on, under or over publicly owned property or right of way.
ENV	MDOT Environmental Division
EPA	Environmental Protection Agency, United States Government
FAPG	Federal-Aid Policy Guide
FHWA	Federal Highway Administration, USDOT
FONSI	Finding of No Significant Impact, Environmental Process
FTA	Federal Transit Administration, USDOT
ICIP	National Highway System Intermodal Connector Improvement Program, a portion of the National Highway System funds set aside by MDOT for use by LPA's on designated NHS Intermodal Connectors.
ISA	Initial Site Assessment, Environmental Process
ITS	Intelligent Transportation System
LPA	Local Public Agency refers to any local governmental entity eligible to participate in the federal transportation program. Usually this is a City or County government, "Rails-to-Trails District," or Transit property.
MDEQ	Mississippi Department of Environmental Quality
MDOT	Mississippi Department of Transportation

Abbreviation	Definition
MDA	Mississippi Development Authority (previously the Mississippi Department of Community and Economic Development)
MPO	Metropolitan Planning Organization, representing the transportation planning process in urbanized areas (metropolitan areas with a population of 50,000 or greater).
MUTCD	Manual on Uniform Traffic Control Devices
NEPA	National Environmental Policy Act, United States Law
NHS	National Highway System is a funding category of the ISTEA and TEA-21.
NTP	Notice to Proceed
Obligated Federal Funds	Federal funds are considered obligated on the date that the MDOT notifies the LPA that it is authorized to advertise the project. Prior to that date, federal funds are subject to lapsing.
OMB	Office of Management & Budget, United State Government
PD	MDOT Planning Division
PE	Registered Professional Engineer in the State of Mississippi
PS	Registered Professional Land Surveyor in the State of Mississippi
Preliminary Engineering	Preliminary Engineering includes the development of the environmental documents and the processes of preparing all plans, specifications, documentation and estimates necessary to advance a project to construction performed by the professional .
Professional, Professional Consultant or Consultant	<p>A non-bid professional who provides contractual services such as engineering, architectural, management, construction inspection, surveying or other services as specified herein. <u>All Professional Consultants must be licensed in the State of Mississippi and selected in compliance with the LPA Consultant Operating Procedures for Professional Services.</u></p> <p>If the LPA retains a professional consultant, the professional consultant will be responsible to the LPA for all professional services and activities specified in the respective contract. Such activities shall be under the direct control of the LPA's Project Director. Retaining a professional consultant for said purpose does not relieve the LPA of the responsibility for any specified activities. <u>For purposes of this manual the assignment of the Professional Consultant as the sole responsible professional consultant for any activities, shall be interpreted to mean solely responsible to the LPA.</u></p>
Project Director	The LPA Project Director, designated by the Chief LPA Official, may be the LPA's Public Works Director, City/County Engineer or other LPA Official. The Project Director has overall responsibility for the supervision of the LPA Project Manager and <u>must</u> be a full time employee of the LPA and <u>not</u> a consultant or contract employee. The Project Director and Project Manager maybe the same person if so designated by the Chief LPA Official and the designated person is a full time LPA employee.
Project Engineer/Architect	The LPA Project Engineer/Architect is a qualified professional as described in Chapter 2, Section 2-4, who will be in responsible charge and direct control of project supervision during the construction phase of the project. The LPA Project Engineer/Architect may be a full time LPA employee or consultant hired using the LPA Consultant Operating Procedures for Professional Services .

Abbreviation	Definition
Project Manager	The LPA Project Manager, designated by the Chief LPA Official, may be either a full time LPA employee or an engineer/architect hired by contract, provided the contractual employee is hired using the LPA Consultant Operating Procedures for Professional Services . The Project Manager is in direct control of the work of the consultant selected by the LPA ; therefore, if the Project Manager is a consultant, they must be independent of any professional services contract they will oversee. The Project Manager and Project Director shall not be the same person if the Project Manager is a contractual employee rather than a full time LPA employee.
PS&E	Plans, Specifications & Estimate for road / street construction projects.
QCA	Quantity/Cost Adjustment
RFP	Request for Proposals
Right-of-Way (ROW)	Right-of-Way is the process of the acquisition of all real properties and easements required for the construction of a project.
ROD	Record of Decision
ROM	Release of Maintenance
ROW	MDOT Right-of-Way Division
RWD	MDOT Roadway Design Division
S.O.P.	MDOT Standard Operating Procedures
S/A	Supplemental Agreement
SCD	Scheduled Completion Date
STIP	Statewide Transportation Improvement Program, four (4) year project list for federally funded transportation projects in the state of Mississippi.
STP	Surface Transportation Program.
TE	Transportation Enhancement.
TIP	Transportation Improvement Program is the four (4) year project list for federally funded transportation projects in an urbanized area.
TMA	Transportation Management Area is an Urbanized Area (UZA) with a population of 200,000 or more as determined by the latest US Decennial Census. The FHWA has issued special project planning requirements for TMAs.
TMD	MDOT Materials Division.
Urbanized Area (UZA)	An Urbanized Area is an urban place whose population equals or exceeds 50,000 as determined by the latest US Decennial Census. The US Census Bureau includes contiguous census districts whose population density exceeds 1,000 persons per square mile.

Project File Index Example 1

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1. Contract & Proposal	20. Concrete Mix Design
2. Sub-Contract & Rental Agreements	32. Concrete Pipe
3A. Change Order & Supplemental Agreement (Approved)	33. Grassing (Agriculture Limestone, Certifications, Etc.)
3B. Change Order & Supplemental Agreement (Unapproved)	34. Rip Rap (100#)
4A. MDOT Correspondence (Outgoing)	35. Temporary Paint (Stripe)
4B. MDOT Correspondence (Incoming)	36. Thermoplastic (Stripe)
5A. Contractor Correspondence (Outgoing)	37. Cold Plastic (Stripe)
5B. Contractor Correspondence (Incoming)	38. Miscellaneous Test Reports
6. City Correspondence	39. Record Samples
7. FHWA Correspondence	40. Bridge Items
8. Miscellaneous Correspondence	41. Guardrail Certifications
9. Final	42. Striping Certifications
10. Accidents & Complaints	43. Permanent Signing Certifications
11. Construction Reports	44. Miscellaneous Certifications
12A. Estimates (File)	45. Traffic Control Devices
12B. Estimates (Approved)	46. Sample Cards (Copies)
12C. Estimates (Inspector Reports, Notes ,Etc.)	47. Lighting Items
13. Monthly Certification of Payments to Subcontractors (CAD-484)	48. Grades (From Contractor)
14. Labor Questionnaires	49. Electrical
15. Right-Of-Way (Deeds, Disputes, Etc.)	50. Roadway Calculations
16. Survey Notes (BM, Etc.)	51. Geotextile Fabric
17. Traffic Control Plan Reports (CSD-761)	52. Survey Notes
18. Siltation Reports	53. Cold Milling
19. Soil Profile (Original & Design Soils)	54. Punchouts
21. Concrete QC/QA	55. Fence Items
22 A. Asphalt Mix Design	56. Clearing and Grubbing
22B. Asphalt Plant Inspection Reports	57. Miscellaneous
22C. Asphalt Roadway Inspection Reports	
22D. Asphalt Density Reports	
23. Excess Excavation	
24. Bar Lists (Minor Structures, Bridge End Pavement, Etc.)	
25. Unclassified Excavation	
26. Borrow Excavation (B15)	
27. Granular Material (Class 5 Group C)	
28. Crushed Stone ¾ and Down	
29. Asphalt Cement (A.C.)	
30. Concrete Items	
31. Reinforcing Steel	

Project File Index Example 2

FILE CONTENTS LIST

1. Miscellaneous Construction Correspondence
2. Bridges
3. Contractor's Correspondence and Payrolls.
 - A. Labor Interviews (where applicable)
 - B. Weekly Reports - Trainees (where applicable)
4. Right of Way
5. Utilities
6. Soils and Materials
7. Progress Reports
8. Test Reports
9. Quantity Adjustments and Supplemental Agreements
10. Estimates
11. Final Data
12. Sub-contracts and Rental Agreements
13. Contract Documents
14. Record Samples.

MDOT DISTRICTS/DIVISIONS PHONE NUMBER, FAX AND ADDRESSES

MDOT District/Division	Mail Code	Mailing and Physical Address	Phone Number	FAX
Audit	68-01	Mailing: P. O. Box 1850, Jackson, MS 39215-1850 Physical: 401 North West Street, Jackson, MS	(601)359-7500	(601)359-7053
Bridge	82-01	Mailing: P. O. Box 1850, Jackson, MS 39215-1850 Physical: 401 North West Street, Jackson, MS	(601)359-7200	(601)359-7070
Civil Rights	62-03	Mailing: P. O. Box 1850, Jackson, MS 39215-1850 Physical: 401 North West Street, Jackson, MS	(601)359-7466	(601)576-4504
Construction	73-01	Mailing: P. O. Box 1850, Jackson MS 39215-1850 Physical: 401 North West Street, Jackson MS	(601)359-7301	(601)359-7333
Consultant Services	81-20	Mailing: P. O. Box 1850, Jackson MS 39215-1850 Physical: 401 North West Street, Jackson MS	(601)359-7242	(601)359-7063
Contract Administration	74-01	Mailing: P. O. Box 1850, Jackson MS 39215-1850 Physical: 401 North West Street, Jackson MS	(601)359-7700	(601)359-7732
District 1	21-01	Mailing: P. O. Box 2060, Tupelo, MS 38803-2060 Physical: 1909 N. Gloster Street, Tupelo, MS	(662)842-1122	(662)844-5731
District 2	22-01	Mailing: P. O. Box 660, Batesville, MS 38606-0660 Physical: 150 Highway 51N, Batesville, MS	(662)563-4541	(662)563-0138
District 3	23-01	Mailing: P. O. Box 630, Yazoo City, MS 39194-0630 Physical: 1240 Highway 49 West, Yazoo City, MS	(662)746-2513	(662)746-9344
District 5	25-01	Mailing: P. O. Box 90, Newton, MS 39345-0090 Physical: 7759 Highway 80W, Newton, MS	(601)683-3341	(601)683-7030
District 6	26-01	Mailing: P. O. Box 551, Hattiesburg, MS 39403-0055 Physical: 6356 Highway 49N, Hattiesburg, MS	(601)544-6511	(601)544-0227
District 7	27-01	Mailing: P. O. Box 627, McComb, MS 39648-0627 Physical: Highway 51 North, McComb, MS	(601)684-2111	(601)684-7358
LPA Division	77-01	Mailing: P. O. Box 1850, Jackson, MS 39215-1850 Physical: 401 North West Street, Jackson, MS	(601)359-7277	(601)359-7220
State LPA Engineer Lee Frederick, P.E.	77-01	Mailing: P. O. Box 1850, Jackson, MS 39215-1850 Physical: 401 North West Street, Jackson MS	(601)359-7031	(601)359-7220
Asst. St. LPA Engineer Mitchell Young, P.E.	77-01	Mailing: P. O. Box 1850, Jackson, MS 39215-1850 Physical: 401 North West Street, Jackson MS	(601)359-9837	(601)359-7220
Project Officer Donna Ellis	77-01	Mailing: P. O. Box 1850, Jackson, MS 39215-1850 Physical: 401 North West Street, Jackson MS	(601)359-7217	(601)359-7220
Office Manager Nikki Baker	77-01	Mailing: P. O. Box 1850, Jackson, MS 39215-1850 Physical: 401 North West Street, Jackson MS	(601)359-7702	(601)359-7220
TA Coordinator Paula Morgan	77-01	Mailing: P. O. Box 1850, Jackson, MS 39215-1850 Physical: 401 North West Street, Jackson MS	(601)359-7277	(601)359-7220
District 1 LPA Engineer Travis Wampler	21-01	Mailing: P. O. Box 2060, Tupelo, MS 38803-2060 Physical: 1909 N. Gloster Street, Tupelo, MS	(662)842-1122	(662)840-0953
District 2 LPA Engineer Brian Copeland	12-01	Mailing: P. O. Box 660, Batesville, MS 38606-0660 Physical: 150 Highway 51N, Batesville, MS	(662)563-4541	(662)563-0138
District 3 LPA Engineer Eric Morgan	23-01	Mailing: P. O. Box 630, Yazoo City, MS 39194-0630 Physical: 1240 Highway 49 West, Yazoo City, MS	(662)746-2513	(662)746-9344
District 5 LPA Engineer Robby Pierce	15-01	Mailing: P. O. Box 90, Newton, MS 39345-0090 Physical: 7759 Highway 80W, Newton, MS	(601)683-3341	(601)683-7030
District 6 LPA Engineer David Seyfarth	16-10	Mailing: 16499 B Highway 49, Saucier, MS 39574 Physical: 16499 B Hwy 49, Saucier, MS 39574	(228)832-0682	(228)832-0681

District 7 LPA Engineer Randy Dickerson	27-01	Mailing: P. O. Box 627, McComb, MS 39648-0627 Physical: Highway 51 North, McComb, MS	(601)684-2111	(601)684-7358
Environmental	87-01	Mailing: P. O. Box 1850, Jackson MS 39215-1850 Physical: 401North West Street, Jackson MS	(601)359-7920	(601)359-7355
Materials	72-01	Mailing: P. O. Box 1850, Jackson MS 39215-1850 Physical: 412 E Woodrow Wilson, Jackson, MS	(601)359-1666	(601)359-1716
Planning	85-01	Mailing: P. O. Box 1850, Jackson MS 39215-1850 Physical: 401North West Street, Jackson MS	(601)359-7685	(601)359-7652
Public Affairs	67-01	Mailing: P. O. Box 1850, Jackson MS 39215-1850 Headquarters: 401North West Street, JacksonMS	(601)359-7074	(601)359-7834
Right-Of-Way	84-01	Mailing: P. O. Box 1850, Jackson MS 39215-1850 Physical: 401North West Street, Jackson MS	(601)359-7550	(601)359-7525
ROW LPA Coordinator Sharen Willis	27-01	Mailing: P. O. Box 1850, Jackson, MS 39215-1850	(601) 334-3830	(601) 359-7525
Roadway Design	83-01	Mailing: P. O. Box 1850, Jackson MS 39215-1850 Physical: 401North West Street, Jackson MS	(601)359-7257	(601)359-7063
Traffic Engineering	76-01	Mailing: P. O. Box 1850, Jackson MS 39215-1850 Physical: 2567 North West Street, Jackson MS	(601)359-1454	(601)359-5918
Safe Routes To School Coord. Cookie Leffler	76-01	Mailing: P. O. Box 1850, Jackson MS 39215-1850 Physical: 2567 North West Street, Jackson MS	(601)359-1454	(601)359-5918
Materials Testing/MDOT Pretested Program Inspection Branch Director – Carl Craig	72-30	Mailing: P. O. Box 1850, Jackson MS 39215-1850 Physical: 412 E Woodrow Wilson, Jackson, MS	(601)359-1784	(601)359-1772
Independent Assurance Sampling (IAS) Branch Director John Byrd	72-04	Mailing: P. O. Box 1850, Jackson MS 39215-1850 Physical: 412 E Woodrow Wilson, Jackson, MS	(601)416-0902	(601)359-1759
District 1 (IA) Sampler NT Clayton	72-04	Mailing: P. O. Box 1850, Jackson MS 39215-1850 Physical: 412 E Woodrow Wilson, Jackson, MS	(662)871-8517	(601)359-1716
District 2 (IA) Sampler Kevin Harmon	72-04	Mailing: P. O. Box 1850, Jackson MS 39215-1850 Physical: 412 E Woodrow Wilson, Jackson, MS	(601)946-6120	(601)359-1716
District 3 (IA) Sampler Dexter Strange	72-01	Mailing: P. O. Box 49, Hazlehurst, MS 39083-0049 Physical: 119 West Whitworth Street, Hazlehurst, MS 39083	(769)226-6583	601-894-2554
District 5 (IA) Sampler Mike Thompson	72-04	Mailing: P. O. Box 1850, Jackson MS 39215-1850 Physical: 412 E Woodrow Wilson, Jackson, MS	(601)946-6129	(601)359-1716
District 6 (IA) Sampler Larry Daughdrill	72-04	Mailing: P. O. Box 1850, Jackson MS 39215-1850 Physical: 412 E Woodrow Wilson, Jackson, MS	(601)543-7034	(601)359-1716
District 7 (IA) Sampler Gary Pittman	72-04	Mailing: P. O. Box 1850, Jackson MS 39215-1850 Physical: 412 E Woodrow Wilson, Jackson, MS	(601)946-6126	(601)359-1716
Assist. To the Exec. Dir. Jeff Altman, P.E.	62-01	Mailing: P. O. Box 1850, Jackson MS 39215-1850 Physical: 401North West Street, Jackson MS	(601)359-7675	(601)359-7050

REVISIONS (July 2016)

- Chapter 7.9 was changed to eliminate the Statement of Materials & Tests form since this certification of materials is also on the Project Engineer/Architect's Affidavit.
- Chapter 7.9 was changed to have the Final Estimate Package submitted as soon as the Final Quantity Data Binder is approved.

REVISIONS (August 2016)

- Chapter 5.11 the PS&E Checklist was changed to have the LPA submit the name of the CE&I Project Engineer/Architect.
- Chapter 7.1 an equipment rental agreement form was added.

REVISIONS (March 2017)

- Chapter 2.5-Added language requiring a valid PDM certification for the Project Director or Project Manager
- Chapter 4.7-Added language clarifying that all SAs must be approved by ROW Division.
- Chapter 4.8-language clarifying the maps and deeds section concerning environmental and project management
- Clarifying language concerning administrative adjustments.
- Chapter 4.11-language referring to ROW Certification templates
- Chapter 5.8-Changes to the number of plans and specs that need to be submitted for field and office reviews.
- Added Special Match Checklist link in item 8 of PS&E checklist
- Deleted some language concerning MPO reviews for the PS&E Checklist, item 16.
- Changed original to copy for the OCR-481 and also added language requiring the LPA to stamp or date when they receive the form to document the 3 day requirement was met.
- Chapter 7.9-Added a computer disk with e-files of asbuilt plans in final closeout submittal

REVISIONS (May 2017)

- Changed link names on page 29 and 30 to accommodate 2004 and 2017 pay items and checklists.

- **REVISIONS (June 2017)**

- Change to item 15 on the PS&E checklist in regards to the letter to be submitted concerning project costs over the federal funds.

- Itemized list of information required to be submitted by the LPA's CE&I Engineer/Architect for MDOT to issue the authority to release maintenance.
- Changed the time when the 90 days begins for reaching final acceptance from final maintenance release to the final inspection.

• **REVISIONS (February 2018)**

- Removed the link for the 2004 pay items checklist.
- Edits to Value Engineering statement.
- Added language concerning the SQS generator with directions and links, end of 5.4, page 29
- Added language that review submittals shall include pdf versions of plans at the top of 5.8, page 31

• **REVISIONS (June 2018)**

- Added field review plans are to include ROW and construction limits, page 32
- Added Parcel Review Checklist hyperlink on page 19
- Added to the PS&E Checklist-electronic submittal to the District LPA Engineers
- Added Special Design Sheets section on page 30
- Add Options are to be included in construction, if any, will be communicated via the Notice of Award Letter (page 32 and 43)
- Added new executed proposals checklist
- Added Special Match checklist to the PS&E checklist.

• **REVISIONS (October 2018)**

- Added a note that the exhibit 3 in the CE&I contract should match the name listed under #2 in the PS&E checklist.
- DUNS form is now located inside of NTB 977 for ease of completion and submittal with the concurrence package. There is also a link at the bottom of the checklist.
- Added a template transmittal letter in item #2 in the PS&E checklist
- Relocated Street Ready and Addenda section to the top of Chapter 6.

• **REVISIONS (April 2019)**

- Changed the language surrounding the LPA 700 and deleted the language for the LPA 800 due to combining the form.
- 5.1 completely re-written
- Changed #13 on PS&E checklist dealing with S&T

• **REVISIONS (July 2019)**

- Updated the State LPA Map/Contacts list
- Revised the Addenda checklist/example
- Added a template/example for the bid evaluation letter
- Updated the 2017 Checklist
- Added template/example for OCR-481LPA support documents

- Updated Subcontract forms (SCC-1, RPS-1, NRAA-1)
- Updated Requirements for Traffic Control Supervisor
 - **REVISIONS (September 2019)**
- Updated Close out Information
- Revised section 5.11 to incorporate the LPA-ROW-EZ form
 - **REVISIONS (June 2020)**
- Added Information regarding Audit Requirements
 - **REVISIONS (October 2020)**
- Added Information regarding Emergency Relief projects
- Added information regarding Stormwater permit submittals
- Noted that All LPAD projects must have an approved LPA-ROW-EZ form.
- Updated the District LPA Engineer Map
 - **REVISIONS (November 2020)**
- Added Information regarding information for Risk Based Inspection & Sampling and Testing
- Added information regarding signature requirements for Project specific plans.
 - **REVISIONS (December 2020)**
- Added Information regarding information for Risk Based Inspection & Sampling and Testing
 - **REVISIONS (January 2021)**
- Added Information regarding wage rates, updated the Award Checklist
 - **REVISIONS (April 2020)**
- Added Information regarding information for LPA Audit Requirements
- Added information regarding updated ROW Documents.
- Updated the PS&E Checklist



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