

*Local Project Administration Manual & Reference Guide*

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**MaineDOT**

*Integrity - Competence - Service*

*2016 Edition (Updated Section)*

# Project Administration

Each year, Maine communities construct sidewalks and trails, rebuild and pave roads, make intersections safer, and improve their waterfronts – all in partnership with MaineDOT through a program known as Local Project Administration. In each case, a staff member with decision-making authority will manage a “locally administered project” in cooperation with MaineDOT, which typically funds the greater part of the work and makes sure the requirements that accompany the money are met.

Municipalities deliver most locally administered projects in Maine, but school districts and quasi-public agencies undertake them occasionally. The people who oversee these projects include municipal public works directors, engineers, planners, town managers, and local agency administrators – all of whom *must* follow this manual.

This section provides an overview of the process and includes:

- A summary of the process (pages 1-1 to 1-5);
- A project flowchart: Figure 1.1 (page 1-6);
- Guidance for setting a schedule (pages 1-7 and 1-8);
- Record-keeping and audit guidance (page 1-9);
- Appendix 1A: Local responsibilities (page 1-10);
- Appendix 1B: *Updated* project checklist (page 1-13);
- Appendix 1C: *Updated* project communications (page 11-24).



Online: [www.maine.gov/mdot/lpa/](http://www.maine.gov/mdot/lpa/)

Locally administered projects consist of a variety of improvements funded through MaineDOT’s competitive programs and Maine’s four metropolitan planning organizations. The cities, towns and other local agencies undertaking these projects most commonly resurface state collector roads, address safety at intersections, build new sidewalks and multi-use paths, and improve public access to their working waterfronts.

Municipalities and other local organizations typically give the following reasons for wanting to undertake locally administered projects:

- A project funded by MaineDOT may be coordinated with other local improvements;
- A municipality or non-profit may have greater control over the development and schedule of a project than it otherwise would if MaineDOT delivered the project; and
- A larger community may be reimbursed for project work performed by its staff engineers.

## 1.1 Approval of Local Project Administration

MaineDOT must ensure that locally administered projects meet state and federal requirements, which is why they require MaineDOT’s approval. MaineDOT managers from disciplines relevant to a proposed project will assess the size and structure of a municipality or other local agency against the complexity of the work to determine the likelihood that a project will succeed if administered locally.

Why is MaineDOT’s approval needed? The Federal Government holds MaineDOT accountable for federal transportation money distributed to Maine, including awards made to municipalities and other local agencies. MaineDOT must verify that organizations are staffed and equipped to carry out projects successfully and to manage waste, fraud and abuse.

Requests for locally administered projects should be sent to the Director of the MaineDOT Bureau of Planning – through its MPO coordinator or bicycle/pedestrian program coordinator – in the format of Communication 1 (page 1-25) with an explanation of:

- Name, title and responsibilities of the full-time employee who will oversee the project;
- Staff experience and qualifications; and
- Ability to manage federal and state funds with proper accounting controls.

After review and discussion, the manager of MaineDOT’s Multimodal Program will determine whether Local Project Administration would be a good fit for a particular project. If so, MaineDOT will draft an agreement with the municipality or other local agency sponsoring the project. If not, MaineDOT will administer the project using its own staff and invoice the host municipality for its share of the cost upon completion of the work.

## 1.2 Certification

MaineDOT grants Local Project Administration certification to individuals, meaning that the person overseeing a federally funded project must be certified. Without a certified person on staff, an organization cannot administer projects funded by the U.S. Department of Transportation.



Certification – **mandatory** for federal-aid projects – has two steps:

- **Tier I** certification – valid for **4 years** – is granted upon successful completion of a training program on the fundamentals of delivering a locally administered project. MaineDOT holds two sessions per year, generally in the spring and fall.
- **Tier II** certification is a project-specific review before work starts. MaineDOT and local staff go over the scope, budget, schedule and requirements. This applies to all projects.

The certification course is recommended for consultants who will assist municipalities with locally administered projects and for local public employees who intend to manage projects with state funding only, such as small harbor improvements.

## 1.3 Roles and Responsibilities

### Local Administrator

A **full-time** local employee with decision-making authority and certification from MaineDOT must oversee a locally administered project. This local project administrator’s job is to ensure that **all project requirements** are met. This person must be in “responsible charge” of a project at all times.

During design, the local administrator either will oversee the engineering work directly or manage a consultant hired to perform that work. As a project is built, the administrator must ensure that there is adequate oversight and documentation to be sure the work complies with the approved plans, specifications and applicable laws.

**Appendix 1A** (page 1-10) offers guidance about “responsible charge.”

**Turnover:** If the certified administrator leaves before project completion, another employee with certification must step in. If no one is certified, MaineDOT may order work suspended.

### MaineDOT

Because MaineDOT is accountable for the federal and state transportation funding provided to Maine, MaineDOT assigns to locally administered projects state staff with the authority to enforce all requirements. Activities include, but are not limited to, the following:

- Authorizing the preliminary engineering, right of way and construction stages;
- Carrying out the National Environmental Policy Act (NEPA) review process;
- Conducting design reviews to be sure a project meets state and federal standards;
- Overseeing the right-of-way process to ensure compliance with federal laws;
- Reviewing and approving the bid documents;
- Monitoring construction oversight efforts and performing quality-assurance testing;
- Reviewing and approving invoices seeking reimbursement; and
- Accepting, closing out and auditing a completed project.

## 1.4 MaineDOT Costs

The level of effort for the tasks above will vary with the complexity of a project, but MaineDOT staff time for services performed on a project typically will range from 5 percent to 10 percent of the budget for a locally administered project. In most cases, this time will be charged to the project, subject to the same cost-sharing ratios as other portions of that project. MaineDOT’s project-related costs will be reconciled upon completion of the work and deducted from the final reimbursement payment to the local agency in charge of the project.

## 1.5 Finances

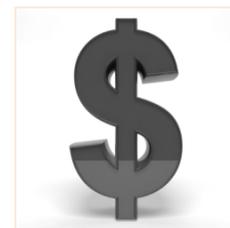
### Reimbursement

Municipalities and other local agencies receive funding awards from MaineDOT through reimbursement, meaning that they must pay bills and invoice MaineDOT for its share of those costs. Reimbursement rates range from 50 percent to 80 percent, depending on the primary source of funding for a project.

**Match:** Local agencies generally must provide cash match from a source other than MaineDOT; in-kind work does not qualify as match unless MaineDOT approves otherwise. In limited cases, an agency may use Community Development Block Grant funds as match with approval in advance from MaineDOT.

#### Costs eligible for reimbursement:

- Development of project plans, specifications and contract documents;
- Environmental review and permitting work;
- Right-of-way verification, appraisal and acquisition;
- Utility coordination;
- Project advertisement;
- Construction; and
- Construction oversight and inspection.



#### Costs not eligible for reimbursement:

- Expenditures made before Notice to Proceed from MaineDOT;
- Local administrative time;
- Costs not approved by MaineDOT or the U.S. Department of Transportation;
- Pre-construction work – if an organization cancels a project before construction; and
- Maintenance work on a completed project.

### Invoices

Project invoices should be submitted to MaineDOT at regular intervals, at least quarterly. They must include the following information:

- Communication 4 (page 1-28) with service dates and the amount requested.
- A progress report that must include:
  - A statement describing work accomplished during the invoice period; and
  - An estimate of the percentage of work completed.
- A completed cost worksheet (page 1-29) with the following, as applicable:
  - Accumulative total by budget line item, showing MaineDOT and local shares;
  - Copies of bills paid for project-related work or copies of checks issued; or
  - A payroll register, if a municipality does the engineering work in-house.

## 1.6 Agreement

Before any work starts, MaineDOT and the local agency overseeing a project must sign a binding agreement governing roles, responsibilities and financial commitments, as follows:

- MaineDOT funds and programs a capital project in its three-year work plan;
- MaineDOT approves local administration of the project;
- MaineDOT and the sponsoring agency hold a project kickoff (Tier II) meeting;
- MaineDOT and the sponsoring agency execute a project agreement;
- MaineDOT issues a Notice to Proceed, starting MaineDOT's financial participation.

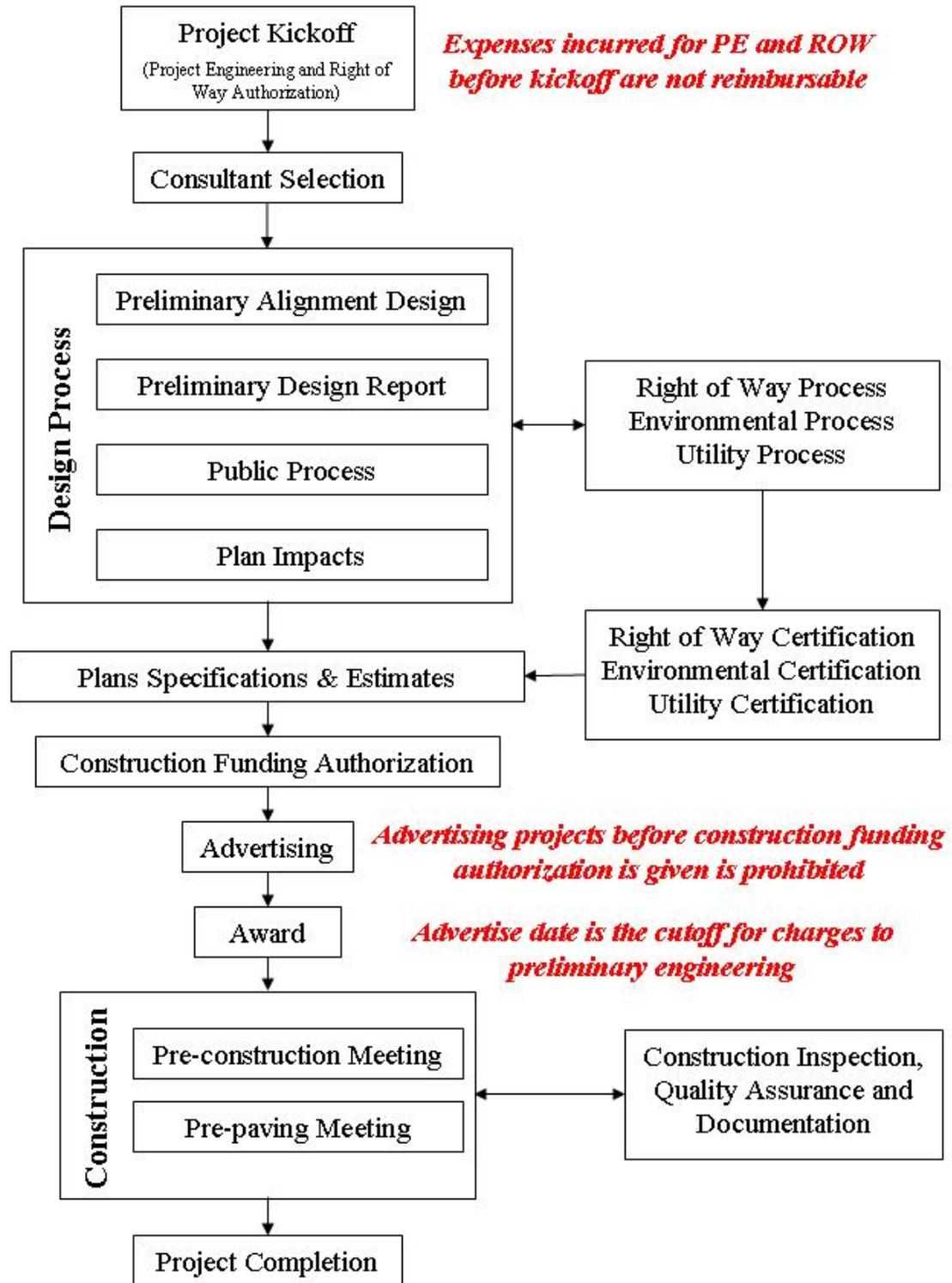
**Remember:** All expenditures made before an agreement is executed and MaineDOT issues Notice to Proceed to an organization cannot be reimbursed.

## 1.7 Project Requirements

Projects funded through MaineDOT must meet a variety of requirements, which are covered during certification training and in the state/local agreement for a project. (Refer to Section 1.2.) Major requirements for federal projects include, but are not limited to, the following:

- Selection of engineering consultants based on their qualifications, and **not lowest price**.  
⇒ See Section 2, “Consultant Selection,” and primary regulation 23 CFR Part 172.
- Compliance with environmental laws.  
⇒ See Section 4, “Environmental Review,” and primary regulation 23 CFR Part 771.
- Proper acquisition of right of way, following federal and state requirements.  
⇒ See Section 5, “Right of Way,” as well as 23 CFR Part 710 and 49 CFR Part 24.
- Adherence to all applicable engineering design requirements.  
⇒ See Section 3, “Project Design,” and Section 7, “Final PS&E Package,” as well as MaineDOT’s Highway Design Guide and Engineering Instructions
- Compliance with a variety of anti-discrimination and worker-protection requirements.  
⇒ See Section 10, “Civil Rights,” and Title VI of the Civil Rights Act of 1964.
- Compliance with oversight, documentation and materials testing requirements.  
⇒ See Section 11, “Construction Administration,” and Section 12, “Documentation,” as well as primary regulation 23 CFR Part 637.
- Requirement for a single or program-specific audit if a local government or non-profit agency spends more than \$750,000 a year in federal awards.

## Locally Administered Project – Process Flowchart



## 1.8 Project Stages

As the flowchart on page 1-8 illustrates, projects funded by MaineDOT have a series of steps, each of which requires MaineDOT's approval. Below are the major milestones:

- Preliminary engineering** covers design and permitting. This stage includes development of construction plans and specifications, survey work, public participation, environmental reviews and utility coordination. Key activities are:

- Developing project design plans for construction;
- Holding a public participation process;
- Coordinating the work with affected utility companies and any railroad;
- Reviewing a project for potential impacts to natural and cultural resources; and
- Preparing the final plans, project specifications and engineer's estimate (PS&E).



- Right-of-way** covers identification and acquisition of property, easements or other legal rights necessary to build and maintain a project, as explained in Section 5 of this manual. The right-of-way stage covers the following:

- Preparing right-of-way plans;
- Researching titles at a county registry of deeds;
- Developing and reviewing property appraisals;
- Negotiating with property owners (after the NEPA process is completed); and
- Purchasing real estate and acquiring easements (permanent and temporary.)



- Advertise and Award** covers the process of soliciting for bids and hiring a construction contractor, as explained in depth in Section 9 of this manual. This stage commonly covers the following activities:

- A three-week solicitation of bids;
- Bid opening;
- Review of all bids; and
- Contract award to the lowest responsive and responsible bidder.



- Construction** covers the work done by a contractor, as explained in depth in Section 11 and Section 12 of this manual. This stage also covers what is known as construction engineering, which is any engineering done after construction starts, such as:

- Documenting and inspecting construction activities to be sure the work is done properly and meets the contract and project specifications; and
- Testing of construction materials, such as gravel, hot-mix asphalt and concrete.



STEPS IN PROJECT DELIVERY

TASK	DESCRIPTION	TIMEFRAME
<b>Project Award</b>	Municipality is awarded funding for project.	Award is made 6 to 9 months after an application is received.
<b>Kickoff</b>	Municipality and MaineDOT review budget, schedule and requirements.	Parties hold kickoff once project is in MaineDOT Work Plan
<b>Agreement</b>	Municipality and MaineDOT sign agreement.	Agreement typically is signed after project kickoff meeting.
<b>Consultant Selection</b>	Municipality hires consultant to design project – if a consultant will be used.	It takes at least 2 to 3 months to solicit proposals, score firms and negotiate contract.
<b>Preliminary Engineering</b>	<ul style="list-style-type: none"> <li>• Engineering design and survey work</li> <li>• Public involvement</li> <li>• Coordination with utilities</li> </ul>	PE may take 9 months or as many as 18 to 24 months, depending on nature of project.
<b>Environmental Review</b>	Consists of reviews for possible adverse impacts to natural and cultural resources, as mandated by the National Environmental Policy Act (NEPA)	NEPA may take from 3 months to 9 months from Plan Impacts Complete, depending on complexity of the project.
<b>Right of Way</b>	Consists of mapping property impacts, researching titles, performing appraisals, negotiating, and acquiring rights.	Typically, 6 to 9 months from Plan Impacts Complete. Negotiations cannot begin until NEPA is completed.
<b>Final PS&amp;E</b>	Municipality submits final plans, specifications and estimate (PS&E) to MaineDOT for review/comment/acceptance.	Projects reach this stage in as few as 12 months or as many as 24 months. MaineDOT review may take 2-4 weeks.
<b>Advertise</b>	After receiving MaineDOT’s authorization, a municipality solicits for construction bids.	A minimum 3-week bidding period is required.
<b>Contract Award</b>	Municipality awards a contract to the lowest responsive and responsible bidder.	Municipality has 30 days after bid opening to award a contract.
<b>Construction</b>	This stage consists of construction, inspection of the work, and materials testing.	The duration will vary, depending on the complexity of a project.
<b>Completion</b>	MaineDOT, Municipality and contractor hold a final inspection near completion of work. They develop a “punch list” of items that the contractor must address.	Inspection should take place before contractor completes work. MaineDOT requires notice of at least 2 weeks.
<b>Closeout</b>	Municipality and MaineDOT reconcile costs, including MaineDOT’s internal charges - if applicable. Municipality submits final invoice.	Project records must be kept for at least 3 years after payment of final invoice.

## 1.9 Project Evaluation

Upon approval of the final invoice for a project, MaineDOT's project manager completes an evaluation of the local administrator assessing which tasks were handled well and which ones could be improved. The local project administrator is given two weeks to offer comments and sign the form; if the deadline passes without a response, the evaluation is finalized unsigned.

The evaluation form is online: [www.maine.gov/mdot/lpa/lpadocuments/](http://www.maine.gov/mdot/lpa/lpadocuments/)

## 1.10 Record-Keeping and Audit

Organizations managing locally administered projects must track reimbursements from MaineDOT, in accordance with Title 2 of the Code of Federal Regulations (CFR), Part 200.501, "Audit Requirements." They also must establish accounting controls sufficient to show that the money associated with those projects was spent within the laws, regulations and specific conditions of each financial award.

An organization spending more than \$750,000 in federal money in a year must have a single audit conducted, in accordance with federal regulation 2 CFR, Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards," also known as the "Uniform Guidance." Specific requirements may be found in 2 CFR, Part 200.514, and "Scope of audit."

A single audit requires a Schedule of Expenditures of Federal Awards (SEFA), which:

- Summarizes all federal grants received and the expenditures associated with each one, including the Catalogue of Domestic Assistance (CFDA) number for each award; and
- Shows the expenditures for each federal grant received, regardless of size – including reimbursement payments from MaineDOT for work on federal-aid projects.

Additionally, an organization must keep records sufficient to demonstrate compliance with federal and state requirements. Such documentation would include, for example:

- The process used to select an engineering consultant;
- Written approvals from MaineDOT at important milestones, including but not limited to final PS&E; Project Advertise; and Project Award.
- The procedures an organization used to procure right-of-way for the project;
- Copies of required certifications for utilities, environment, and right-of-way;
- Documentation of bidding process, including determination of the lowest responsive and responsible bidder; and
- Records of activities used to oversee and track construction activities in the field.

The Federal Government requires records to be kept for **3 years** after payment of the final invoice for a project, but organizations should consider retaining them for at least 5 years since an audit may take place long after the work is completed.

# **Appendix 1A: “Responsible Charge”**





# Memorandum

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Subject: **INFORMATION**: “Responsible Charge”

Date: August 4, 2011

*David A. Nicol*

From: David A. Nicol  
Director, Office of Program Administration

In Reply Refer To: HIPA-10

The issue of “responsible charge” of Federal-aid construction projects has been raised on several occasions, most recently as it relates to Federal-aid projects that are administered by local public agencies. The following attachment provides guidance on the requirements and duties of the person designated to be in “responsible charge.”

## Defining “Responsible Charge”

### **Regulation:**

The key regulatory provision, 23 CFR 635.105 – *Supervising Agency*, provides that the State Transportation Agency (the State) is responsible for construction of Federal-aid projects, whether the State or a local public agency (LPA) performs the work. The regulation provides that the State and LPA must provide a full-time employee to be in “responsible charge” of the project.

### **Requirements of Position:**

For projects administered by the State, the regulation requires that the person in “responsible charge” be a full-time employed state engineer. This requirement applies even when consultants are providing construction engineering services.

For **locally administered projects**, the person in “responsible charge” shall be a full time employee of the Local Public Agency (LPA). The regulation is silent about engineering credentials. Thus, the person in “responsible charge” of LPA administered projects need not be an engineer. This requirement applies even when consultants are providing construction engineering services.

**Duties:**

Regardless of whether the project is administered by the State or another agency, the person designated as being in "responsible charge" is expected to be a public employee who is accountable for a project. This person should be expected to be able to perform the following duties and functions:

- Administers inherently governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects;
- Maintains familiarity of day-to-day project operations, including project safety issues;
- Makes or participates in decisions about changed conditions or scope changes that require change orders or supplemental agreements;
- Visits and reviews the project on a frequency that is commensurate with the magnitude and complexity of the project;
- Reviews financial processes, transactions and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse; and
- Directs project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation.
- Is aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project.

The regulations do not restrict an agency's organizational authority over the person designated in "responsible charge," and the regulations do not preclude sharing of these duties and functions among a number of public agency employees. The regulations also do not preclude one employee from having responsible charge of several projects and directing project managers assigned to specific projects.

**Effect on Laws Regulating Licensure:**

The term "responsible charge" is used here in the context intended by the above regulation. It may or may not correspond to its usage in state laws regulating licensure of professional engineers.

# Appendix 1B: Project Checklist

**Note: The following update was made for the October 2016 Printing:**

- Page 1-19: The checklist covering Final Plans, Specifications and Estimate (PS&E) was revised to eliminate the requirement for submittal of a public process certification with the PS&E package. That submittal is now made as part of the environmental process.



# Checklist: Locally Administered Project

Municipality: \_\_\_\_\_ Project Location: \_\_\_\_\_

MaineDOT WIN: \_\_\_\_\_ Local Administrator: \_\_\_\_\_

Total Funding: \_\_\_\_\_ Federal Share: \_\_\_\_\_ Local Match: \_\_\_\_\_

## PROJECT ADMINISTRATION

- Local Project Administration approved (Communication 1)**
- Kickoff meeting held with MaineDOT (Communication 2)**
- Project agreement signed by municipality**
  - Signed agreement mailed to MaineDOT (Communication 3)
  - “Notice to Proceed” and executed Agreement received from MaineDOT
- Billing system created, as follows:**
  - Invoices submitted to MaineDOT project manager on municipal letterhead (Communication 4)
  - Progress report submitted with each invoice
  - Invoices contain accumulative total of all costs per category
  - Invoices identify both MaineDOT and municipal cost share, if any

## CONSULTANT SELECTION

- Services valued at less than \$25,000:**
  - Obtain MaineDOT project manager’s approval for simplified acquisition (Communication 5)
  - Develop a scope of work and independent cost estimate
  - Send scope/estimate to MaineDOT project manager for review/approval
  - Request/receive proposal from consultant
  - Negotiate scope, schedule & cost with consultant, based on independent estimate
  - Receive completed Disadvantaged Business Enterprise (DBE) use form from consultant
  - Verify and document that a selected consultant is not debarred
  - Send proposal and draft contract to MaineDOT for approval (Communication 7)
  - Once contract is approved, execute document and send consultant notice to proceed
  - Provide copy of signed contract to MaineDOT project manager
- Services valued at \$25,000 to \$150,000**
  - Develop a scope of work and an independent estimate
  - Submit draft RFP to MaineDOT project manager for approval (Communication 6)
  - Send RFP to 3-5 pre-qualified firms, seeking technical and sealed cost proposals
  - Develop selection criteria and percentages for scoring
  - Review and rank technical proposals, from highest to lowest
  - Open the sealed price proposal from the best-qualified (No. 1) consultant and negotiate
  - If negotiations with No. 1 are successful, draft a contract for MaineDOT review
  - If negotiations with No. 1 are unsuccessful, request a “Best and Final Offer.”
  - If terms cannot be reached, begin negotiations with to No. 2 consultant
  - Upon reaching terms, obtain completed Disadvantaged Business Enterprise form from consultant

- Verify and document that selected consultant is not debarred
- Send unsigned contract and price to MaineDOT for approval (***Communication 7***)
- Once MaineDOT approves contract, execute document and send consultant notice to proceed
- Provide MaineDOT project manager a copy of signed contract
- Sent regret letters and unopened cost proposals to unsuccessful proposers
- Services valued at greater than \$150,000**
  - Develop a scope of work and an independent estimate
  - Submit draft RFP to MaineDOT project manager for approval (***Communication 6***)
  - Advertise the RFP, requesting technical proposal and sealed cost proposal
  - Develop consultant selection criteria and percentages for scoring
  - Review and rank technical proposals, from highest to lowest
  - Invite the top three firms for interviews
  - Send written notification to firms not chosen for interviews and return sealed price proposals
  - Select the best-qualified (No. 1) consultant and open its sealed price proposal
  - Negotiate the scope, schedule and cost with the No. 1 consultant
  - If negotiations with No. 1 are successful, draft a contract for MaineDOT review
  - If negotiations with No. 1 are unsuccessful, request a “Best and Final Offer.”
  - If terms still cannot be reached, end negotiations and move on to No. 2 consultant
  - Obtain completed Disadvantaged Business Enterprise utilization form from successful consultant
  - Verify and document that selected consultant is not debarred
  - Send unsigned contract and price to MaineDOT for approval (***Communication 7***)
  - Once MaineDOT approves contract, execute document and send consultant notice to proceed
  - Send copy of signed contract to MaineDOT project manager
  - Sent regret letters and unopened cost proposals to unsuccessful proposers
- Consultant Administration**
  - Oversee consultant’s work and billings to ensure contract compliance
  - Obtain MaineDOT project manager’s approval of contract modifications **before** they are signed
  - Final DBE certification of sub-consultant payments made, if applicable
  - Evaluate consultant upon completion of contract, and share evaluation with MaineDOT

## PROJECT DESIGN

- Preliminary Design Report (PDR) Completed – 50% plans, typically**
  - Quality-control design checks completed by municipality or contracted consultant
  - PDR submitted to MaineDOT project manager (***Communication 8***)
  - MaineDOT comments addressed, if any
  - PDR accepted and filed by MaineDOT project manager
  - Request for Traffic Analysis and Movement Evaluation (TAME) sent to State Traffic Engineer
- Design Plan Impacts Completed (75-80% plans, typically)**
  - Quality-control design checks completed by municipality or contracted consultant
  - Plan impacts submitted to MaineDOT project manager (***Communication 9***)
  - MaineDOT comments addressed, if any
  - Plan impacts accepted as complete by MaineDOT project manager

**Public Process Completed (Communication 10)**

- General public notified of meeting
- Abutters and potentially affected businesses notified by registered mail
- Meeting minutes provided to MaineDOT

**ENVIRONMENTAL REVIEW** **National Environmental Policy Act (federal funds)**

- Provide MaineDOT with the completed NEPA Documentation Checklist (Communication 11) and public process certification (Communication 10)

 **Environmental Permits**

- Contact appropriate state and federal agencies for permitting requirements and approval
  - Maine Department of Environmental Protection: [www.maine.gov/dep/blwq/stand.htm](http://www.maine.gov/dep/blwq/stand.htm)
    - Augusta (Central Maine): 207-287-3901; 800-452-1942
    - Bangor (Eastern Maine): 207-941-4570; 888-769-1137
    - Portland (Southern Maine): 207-822-6300; 888-769-1036
    - Presque Isle (Northern Maine): 207-764-0477; 888-769-1053
  - U.S. Army Corp of Engineers: (207) 623-8367: <http://www.naeusacearmymil/>
- Contact appropriate state agencies for their comments and concerns about the project:
  - Maine Department of Inland Fisheries and Wildlife, contact
    - Fisheries Division: (207) 287-8000
    - Wildlife Division: (207) 287-8000
  - Maine Department of Marine Resources, Wetlands and Permit Section
    - Sea-run fisheries, coastal resources and fish passage issues: <http://www.maine.gov/dmr/crd/hmo/Wetlands0.htm>
  - Maine Atlantic Salmon Commission
    - Timing approval, salmon habitat and fish passage issues: <http://www.maine.gov/dmr/searunfish/salmonframework.shtml>

 **Complete appropriate state and federal permit applications** **Send environmental certification (Communication 12) and copies of permits to MaineDOT****UTILITY COORDINATION** **Utilities Identified**

- Determine utility contacts for utilities on the project
- Obtain existing right-of-way information
- Review existing site conditions to assess potential conflicts
- Send survey plan to utilities and railroads (if involved) for review

 **Prelim Utility Comments, Conflicts, and Relocation Strategy Completed**

- Develop preliminary utility relocation strategy
- Discuss right-of-way needs with utilities
- Distribute alignment plans to utilities and railroads (if involved) for review
- Determine the need for agreements with utilities or railroads

- Specific Underground Facility Locations Identified**
  - Review general plan and proposed drainage for potential underground utility conflicts
  - Arrange for test pits to determine specific location of existing utilities
- Final Facility Impacts, Relocation Strategy and Agreements Completed**
  - Distribute PDR plans to utilities & railroads for review and comment
  - Hold utility pre-coordination meeting to finalize necessary relocations or other work
  - Distribute written minutes from the pre-coordination meeting
  - Distribute draft railroad and utility Special Provisions
  - Prepare utility agreements and Protection of Railroad Traffic and Structures, if applicable
  - Initiate agreement approval process
- Utility Specification and Certification Completed (*Communication 13*)**
  - Complete final utility & railroad specification for contract documents
  - Determine if any utility work is to be bid with the contract, if applicable
  - If so, determine whether such work will be part of the Basis of Award or bid as “opt-out”
  - Document legal location of any relocated utilities

## RIGHT OF WAY

- Limits of existing public right of way confirmed:**
  - Survey data
  - County layout records
  - Municipal “road book”
  - Plans from previously completed MaineDOT projects
- Property Owner Reports completed**
- Design plan impacts completed**
  - Plans show all impacts to abutting properties, outside the existing right of way
  - Plan impacts reviewed and accepted by MaineDOT
- Parcel summary completed, including:**
  - Listing of owners impacted
  - Description of type of rights to be acquired from each owner
  - Donations, if any
- Title examinations conducted** (*See MaineDOT R/W Manual §8-201*)
- Right of Way mapping complete** (*See MaineDOT R/W Manual §8-202*)
  - Listing of abutters by name and address
  - Existing right-of-way limits shown
  - Property pins listed
  - Abutting ownerships shown, from title abstracts
  - New rights to be acquired shown, with area calculated (MaineDOT Standards)
  - Plan title block included, with MaineDOT file number if applicable
  - Right-of-way maps reviewed by MaineDOT Property Office (if state highway)
  - Maps approved by MaineDOT Property Office (if state highway)

- Notice of Intent to Acquire sent to the owner of each impacted parcel**
- Determination of Just Compensation made** (*See MaineDOT R/W Manual §8-2.03*)
  - Necessary information provided to appraiser
  - Property owner provided an opportunity to accompany the appraiser
  - Appraisal format eligibility determined parcel by parcel
  - Appraisals reviewed where required
  - Written statement of Just Compensation prepared

**→ Federal NEPA process must be completed before negotiations begin**

- Negotiations initiated with owners – after NEPA process completed**
  - Offers presented; impacts discussed with all owners
  - Each owner given reasonable period to consider offer (MaineDOT provides 28 days)
  - Negotiations Completed / Negotiations at Impasse
- Property Donations**, if applicable (*See MaineDOT R/W Manual §8-2.07*)
  - Owner informed of right to have appraisal done and to receive just compensation
  - Owner signs form acknowledging rights and releasing municipality from obligation.
- Title and Rights Perfected**
  - Title Acquired by Negotiations
  - Title Acquired by Eminent Domain (*See MaineDOT R/W Manual §8-2.08*)
- Right of Way Certified (Communication 14)** [*See MaineDOT R/W Manual §2-2.02(b)*]
  - All Right of Way Acquired
  - Rights to Occupy All Right of Way Acquired (*if applicable*)
- Parcel and Project Files**
  - Parcel Files Complete (*See MaineDOT R/W Manual §8-4.01*)
  - Project Summary Records (*See MaineDOT R/W Manual §8-4.02*)
- Title and Rights Acquired by State of Maine (state or state-aid road)**
- Title and Rights Acquired by Municipality (local road or off-system trail)**

THIS SPACE INTENTIONALLY BLANK

## FINAL PLANS, SPECIFICATIONS AND ESTIMATE – Updated

- PS&E package completed**, as follows:
  - Engineer’s estimate of construction cost is completed, using MaineDOT item numbers
  - Each item in engineer’s estimate is shown on the plans
  - Estimate of quantities matches Schedule of Items in contract book
  - All work is covered by a pay item or a general note
  - Approval of design exceptions is documented
  - Quality-control design checks are documented
  - Design plans have the following, as applicable:**
    - Title sheet
    - Profiles
    - Cross-sections
    - Typical sections
    - Earthwork summary (*if applicable*)
    - General notes
    - All supplemental sheets (drainage, geometric, grading, striping, etc.)
  - Plans stamped by engineer of record, as warranted and required by law
  - Bid book includes the following:**
    - Notice to Contractors
    - Contract Agreement, Offer and Award form
    - Contract bonds
    - Davis-Bacon wage rates (*federally funded projects*)
    - Electronic payroll special provision (*federally funded projects*)
    - Buy America special provision (*federally funded projects*)
    - 105 special provision – Limitation of Operations (*if applicable*)
    - 403 special provision (Hot Mix Asphalt) prepared by MaineDOT (*if applicable*)
    - 652 special provision – Traffic control
    - Form FHWA-1273 (*federally funded projects*)
    - Signed Title VI Assurances (*federally funded projects*)
- PS&E package approved by MaineDOT project manager**

*The numbering on the letters below has changed from previous editions of this manual.*

- Environmental Certification attached (*Communication 12*)
- Utilities Certification attached (*Communication 13*)
- Right-of-Way Certification attached (*Communication 14*)
- Traffic Analysis and Movement Evaluation (TAME) Certification attached
  - MaineDOT will prepare TAME certification*
- Construction authorization requested from MaineDOT (*Communication 15*)**
- Construction authorization given in writing by the MaineDOT project manager**
- Minimum materials testing requirements obtained from MaineDOT project manager:**
  - PM sends plans, specifications and estimated quantities to technician Jean Tukey: 624-3543

*If you advertise a federally funded project before receiving authorization to do so from MaineDOT, you shall forfeit **ALL** of the money from MaineDOT for the project.*

## ADVERTISE AND AWARD

- **Receive authorization to advertise from MaineDOT project manager**
- **Advertise the Notice to Contractors** (3 week minimum advertise period)
  - Advertising in regional or statewide newspaper is traditional practice
  - Notice can be posted to municipal website and MaineDOT contractors website
  - Notice must have date and location of the opening of sealed bids
  - Basis of Award must be clearly defined, so low bidder is apparent after bids are opened
- **If a bidder submits a question:**
  - Distribute the same answer to all bidders in writing, with the question repeated
- **Determine contractor qualifications:**
  - For contracts of \$300,000 or more, low bidder must be pre-qualified by MaineDOT
  - For contracts of less than \$300,000, low bidder must demonstrate “successful completion of projects with a similar size and scope”
- **Issue addendum, if documents are modified or if answering a Request for Information**
  - If there is not enough time for bidders to make changes, then delay the opening
- **Open and publicly read aloud all bids at the designated time**
  - Prepare bid tabulation sheet
  - Check submitted bids for tabulation errors
  - Complete bid and bidders’ tabulation sheet
  - Determine the lowest responsive bid
- **Review all bids for bid defects**
  - Go by the curable/non-curable language in MaineDOT Standard Specification 102.11
  - If a defect is not specifically listed as non-curable in the bid documents, it is curable
  - Verify that contractors are licensed as legally required by the State of Maine
- **Determine the apparent successful bidder**
  - Return bid securities to everyone except for the two lowest bidders
  - Notify the second bidder that securities will be held until contract execution
- **Send award recommendation to MaineDOT project manager (Communication 16)**
  - Tabulation of bids
  - Engineer’s estimate
  - Completed Contractor DBE Utilization Form (*federally funded projects*)
- **Receive MaineDOT approval in writing of recommended award**
- **Award contract**, in accordance with Section 103 of MaineDOT’s Standard Specifications:
  - Send Notice of Intent to Award to apparent successful bidder
    - If contract cost exceeds \$125,000, bidder has 14 days in which to deliver required payment bond and performance bond
    - Bidder also must provide certificate of insurance, which applies to all projects
  - Sign contract
  - Notify all unsuccessful bidders
- **Send copy of signed contract to MaineDOT project manager**
  - Return bid securities to the first and second bidders

## CONSTRUCTION ADMINISTRATION

- Electronic Payroll (*Federally funded projects only*)
  - Send information to MaineDOT for the Elation payroll system**
    - Sonya Everett: 624-3519 or [Sonya.Everett@maine.gov](mailto:Sonya.Everett@maine.gov)
  - MaineDOT will require the following information**
    - Work Identification Number (WIN);
    - Project resident's name and email address (person approving payrolls);
    - Prime Contractor;
    - Award amount;
    - Subcontractors, with item numbers and subcontract amounts;
    - Dates for project advertise, bid opening, and contract award;
    - Construction start date and completion date stipulated in the contract;
    - County in which the work will take place; and
    - Wage rate General Decision number and dates of any modifications.
- Pre-Construction / Pre-Utility / Pre-Pave Meeting
  - Send notice of meeting and agenda (Communication 17) to the following:**
    - Contractor
    - Affected utilities
    - Public safety agencies (if lane closures or detours involved)
    - Project resident
    - MaineDOT project manager and construction manager, who will invite others as appropriate
  - Receive Quality Control (QC) Plan and Mix Designs from Contractor**
    - Contractor must submit them at least 30 days before the work is scheduled to begin
    - Review and approve/reject the contractor's QC Plan and mix designs
    - Submit to MaineDOT construction manager for review and approval
  - Provide meeting minutes to project file, and:**
    - Contractor, subcontractors, attendees and groups invited but not represented
  - Contractor Traffic Control Plan:**
    - Reviewed by project resident
    - Submitted to MaineDOT Traffic Section for review/approval (Dana Hanks)
    - Approved by MaineDOT Traffic Section
  - Soil Erosion Water Pollution Control Plan approved by project resident**
  - Spill Prevention Plan approved by project resident**
  - Contractor Schedule of Work received**
- Construction Testing & Documentation
  - Minimum Materials Testing Requirements determined**
  - Testing File created for:**
    - Concrete
    - Pavement
    - Aggregate
    - Other required documents for minimum testing

- **Project Diary created**
  - Pages set up by date and note weather, crew & equipment, hours worked, and activity
  - Field measurements
  - Drainage work measurements and computations by stationing, from outlet to inlet
  - Details of grade checks done (subgrade and/or fine-grading)
    - Stationing of the day’s completed grading would be entered with a statement, “*Graded according to plans and within allowable tolerances.*”
  - Record significant events (accidents, discussions with owners, debates with contractor)
  - Person making entries in the Project Diary should initial them daily
- **Final Quantity Book created**
  - Book set up by item numbers
  - Pages set up for original measurements (or computations from plan dimensions)
  - Pages set up with a total-to-date column (makes estimates easy to compute)
  - Entries and computations initialed and dated
  - After item completed, compute final quantity
- **Pit Authorizations completed**
- **Waste area agreements completed**
- **Contractor’s Bulletin Board erected:** [www.maine.gov/mdot/civilrights/posters.htm](http://www.maine.gov/mdot/civilrights/posters.htm)
- **Federal Projects: “Commercially Useful Function Form” sent to MaineDOT**, if applicable
- **Project signage monitored** (*condition must be noted weekly in a project diary*)
- **Quality Assurance (QA):**
  - Municipality may hire consultant or use MaineDOT testing labs.
    - If Municipality will use MaineDOT labs, local contact information should be shared with MaineDOT independent assurance supervisor in the Bangor office: 941-4545
  - Sampling and testing are done and documented by certified technicians, with sampling by Municipality and possible testing by MaineDOT. (Check with project manager.)
  - MaineDOT contacted to see if Hot Mix Asphalt / Portland Cement Concrete plant has been inspected recently or needs to be inspected: [Kevin.cummings@maine.gov](mailto:Kevin.cummings@maine.gov)
  - MaineDOT notified of pavement and concrete placement schedules to ensure that plant QC operations are monitored and scales checked at least twice in five days of production
- **Federal projects: Weekly certified payrolls received electronically from all contractors**
  - Certified payroll checked in “Elation” system for compliance with minimum wage rates
- **Federal projects: Employees interviewed to verify Davis-Bacon wage rate compliance**
  - Voluntary interviews with 2 covered workers from each contractor every 90 days
  - Worker must be on site 5 days or more during each 90-day period to be covered
- **Subcontractor Approvals:** [www.maine.gov/mdot/contractors/publications/](http://www.maine.gov/mdot/contractors/publications/)
  - Municipality must approve subcontracts before any subcontractor can start work
  - Send copy of approved package to the MaineDOT project manager
    - *For federal projects, project manager will forward the information to MaineDOT’s Civil Rights Office and arrange for the subcontractor to be added to the Elation system*
- **Federal Projects: “Buy America” (Special Provision 105)**
  - “Buy America” certifications must be received before payment can be made

- Monthly progress payments:**
  - Prepare estimate and review with contractor; or receive and check estimate from contractor
  - Once approved, process estimate and send payment to contractor
  - Once payment is made, Municipality sends invoice for reimbursement to MaineDOT, with backup information to verify quantities
- Contract Modifications
  - Modifications to the construction contract are handled as follows:**
    - Identify needed change, with estimated quantities and associated additional cost
    - Prepare an independent cost estimate of the additional work
    - Note the time associated with the change. (If no change, then note 0 additional days.)
    - Prepare a formal contract modification
    - Send draft modification to MaineDOT construction manager for review (*Communication 18*)
  - Obtain MaineDOT’s concurrence with contract modification**
  - Send the modification to the contractor for signature
  - When contractor has signed, local project administrator signs and dates the modification
  - Send copy of the executed modification to the contractor, with a copy to MaineDOT
  - Place original modification in Project Records
- Project Completion
  - Final inspection by Municipality, MaineDOT and contractor (*Communication 19*)**
    - Final “punch list” developed
    - Final “punch list” of items completed
  - Notice of completion sent to contractor with notification of any liquidated damages**
    - Copies sent to MaineDOT project manager and construction manager
  - As-built plans completed and sent to MaineDOT project manager (*if applicable*)**
  - Quality Assurance (QA) Certification completed**
    - Testing file provided to municipality’s project administrator for project files.
  - Final quantity book completed by project resident**
  - Federal projects: DBE Form completed by the contractor, signed by each DBE**
    - MaineDOT project manager will forward to MaineDOT’s Civil Rights Office
  - Final estimate paid and retainage released**
  - Final billing sent to MaineDOT project manager (*Communication 20*)**
  - MaineDOT project manager completes a project evaluation**
    - Local administrator reviews, signs and returns to project manager
    - Project manager files the completed evaluation in Tedocs electronic filing system

***Note: By regulation, records must be retained for 3 years from completion for federal projects. MaineDOT recommends keeping records for at least 5 years in case of an audit.***

# Appendix 1C: Communications

**Note: The following update was made for the October 2016 Printing:**

- Page 1-48: Communication 20 (Final Invoice) was revised to require a signed certification that all work was completed, all quantities were reconciled, and the contractor was paid in full.



**Communication 1: Request for Local Project Administration**

*NOTE: THIS MAY BE SENT AS AN E-MAIL*

Date

\_\_\_\_\_, Director of Planning  
Maine Department of Transportation  
Bureau of Project Development, Multimodal Program  
16 State House Station  
Augusta, ME 04333-0016

**Subject: Local Project Administration Request**  
MaineDOT WIN \_\_\_\_\_

Dear \_\_\_\_\_:

The Municipality of \_\_\_\_\_ is interested in the local administration of **[project scope, WIN]**. If the project is eligible, please contact me as soon as possible so that we can discuss the details of the project and the municipal administration thereof.

I have enclosed backup information about the Municipality's qualifications to administer this project locally, including our experience with projects of similar size and scope, and our ability to manage and track federal/state funds for this project.

Sincerely,

\_\_\_\_\_, City/Town Manager  
Municipality of \_\_\_\_\_

**Communication 2: Project Kickoff**

*NOTE: THIS MAY BE SENT AS AN E-MAIL*

Date

\_\_\_\_\_, Project Manager  
Maine Department of Transportation  
Bureau of Project Development, Multimodal Program  
16 State House Station  
Augusta, ME 04333-0016

**Subject: Project Kickoff**  
MaineDOT WIN\_\_\_\_\_

Dear \_\_\_\_\_:

The Municipality of \_\_\_\_\_ requests your attendance at the kickoff meeting for the above-referenced project at [Date, Time and Location].

Attached is the proposed scope of work, budget and schedule. If you need additional information, please let me know.

We understand that we cannot start work eligible for reimbursement until we take these steps:

1. Hold the kickoff meeting;
2. Execute a Locally Administered Project Agreement with MaineDOT; and
3. Receive notice to proceed from MaineDOT.

We look forward to seeing you at the meeting.

Sincerely,

\_\_\_\_\_, Local Project Administrator  
Municipality of \_\_\_\_\_

Enclosures: Project scope, budget and schedule

**Communication 3: Agreement Execution**

*NOTE: THIS MAY BE SENT AS AN E-MAIL*

Date

\_\_\_\_\_, Local Projects Coordinator  
Maine Department of Transportation  
Bureau of Project Development, Multimodal Program  
16 State House Station  
Augusta, ME 04333-0016

**Subject: Local Project Agreement Execution Request**  
MaineDOT WIN\_\_\_\_\_

Dear \_\_\_\_\_:

Enclosed are two signed and dated copies of the Locally Administered Project Agreement for **[project scope, WIN]** by the Municipality of \_\_\_\_\_.

We understand that MaineDOT cannot reimburse us for project design or right-of-way costs until MaineDOT executes this Agreement and issues us a “Notice to Proceed.”

Please arrange for the agreement to be executed as soon as possible.

Sincerely,

\_\_\_\_\_, Local Project Administrator  
Municipality of \_\_\_\_\_

Enclosure: Signed project agreement

**Communication 4: Invoice Submittal**

**INSTRUCTIONS:** This must be submitted to MaineDOT on letterhead with all requested backup documentation

Date

\_\_\_\_\_, Project Manager  
Maine Department of Transportation  
Bureau of Project Development, Multimodal Program  
16 State House Station  
Augusta, ME 04333-0016

**Subject: Request for Reimbursement**  
MaineDOT WIN \_\_\_\_\_

Dear \_\_\_\_\_:

Attached is the project costs worksheet for [Insert work phase] for [project scope] in the Municipality of \_\_\_\_\_ for the service period of [Dates Covered]. Total project-related costs for the period are \$ \_\_\_\_\_, and reimbursement is requested for the federal/state share of \$ \_\_\_\_\_. Project costs during the period also include a local share of \$ \_\_\_\_\_ .

I have also enclosed a required progress report, covering:

- A summary of work accomplished during the service period; and
- An estimate of the percentage of work completed.

*By signing this request for reimbursement, I certify to the best of my knowledge and belief that the information contained herein is true, complete, and accurate, and the expenditures, disbursements, and cash receipts are for the purposes and objectives set forth in the terms and conditions of the Federal award. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812.)*

Sincerely,

Local Project Administrator  
Municipality of

**Enclosures:**

1. Project costs worksheet
2. Progress report

## LAP Project Costs Worksheet

Town/City: \_\_\_\_\_  
 PROJECT PIN: \_\_\_\_\_  
 Agreement No: \_\_\_\_\_  
 Invoice Period: From \_\_\_\_\_ => To \_\_\_\_\_

PE Auth. Date: \_\_\_\_\_  
 Construction Auth. Date: \_\_\_\_\_  
 Agreement Exp. Date: \_\_\_\_\_  
 Local Share: \_\_\_\_\_ %

Summary of Project Costs This Period						Total Project Costs This Period	Total Project Costs To Date	Total Project Budget	Project Balance
Direct Salary	Salary Benefits	Employee Travel	Supplies & Materials	Equipment Rental	Contracted Services				
<b>PRELIMINARY ENGINEERING</b> <i>(expenses incurred for PE&amp;ROW are prohibited prior to PE Authorization Date)</i>									
<b>RIGHT OF WAY ACTIVITIES</b>									
<b>CONSTRUCTION ENGINEERING</b> <i>(expenses for PE are prohibited after const contract award or const.auth. date (force account))</i>									
<b>CONSTRUCTION</b>									
<b>PROJECT TOTALS</b>									

**BILLING CERTIFICATION** =>

**I hereby certify that these amounts are correct, due and unpaid and that the work performed is in accordance with provisions and specifications of all project agreements and contracts.**

**Signed:** \_\_\_\_\_

*Name*

\_\_\_\_\_

*Title*

\_\_\_\_\_

*Date*

**Communication 5: Request for Simplified Acquisition**

*NOTE: THIS MAY BE SENT AS AN E-MAIL*

Date

\_\_\_\_\_, Project Manager  
Maine Department of Transportation  
Bureau of Project Development, Multimodal Program  
16 state House Station  
Augusta, ME 04333-0016

**Subject: Simplified Acquisition Request**  
MaineDOT WIN\_\_\_\_\_

Dear \_\_\_\_\_:

The Municipality of \_\_\_\_\_ is requesting your approval to seek a proposal for services for [scope of services] for [project scope] with [insert company name].

Since the consultant costs are estimated to be less than \$25,000 – based on our independent agency estimate (enclosed) – our understanding is that we may use a simplified acquisition allowing us to solicit a technical proposal and a price proposal from a single pre-qualified consultant.

We understand that MaineDOT cannot participate financially in any contract costs exceeding \$24,999 since a non-competitive process was used to select this consultant.

Please review the submitted materials and let us know if we are approved to solicit a proposal and subsequently to negotiate a contract with this firm. We understand that we cannot award a contract without approval.

Sincerely,

Local Project Administrator  
Municipality of

Enclosures:

1. Technical proposal
2. Price proposal
3. Independent Agency Estimate

**Communication 6: RFP Review**

*NOTE: THIS MAY BE SENT AS AN E-MAIL*

Date

\_\_\_\_\_, Project Manager  
Maine Department of Transportation  
Bureau of Project Development, Multimodal Program  
16 state House Station  
Augusta, ME 04333-0016

**Subject: RFP Review Request**  
MaineDOT WIN\_\_\_\_\_

Dear \_\_\_\_\_:

The Municipality intends to solicit for engineering services for **[scope of services]** for **[project scope, WIN]** in the Municipality of \_\_\_\_\_. Attached is the Request for Proposals that we intend to use for this solicitation.

***If estimated cost is \$25,000 to \$149,000, use the following language:***

Based on our independent estimate of the price of the proposed services (enclosed), we understand that we may select potential consultants from a pool of 3 to 5 pre-qualified firms. We intend to send the RFP to the following consultants listed on MaineDOT pre-qualification listing for [insert type of service]:

***If estimated cost is \$150,000 or greater, use the following language:***

Based on our independent estimate of the price of the proposed services (enclosed), we understand that we must use a publicly advertised solicitation in accordance with the federal Brooks Act. We intend to advertise the RFP on **[date]** as follows:

Please review the draft RFP as soon as possible and inform me as to its adequacy.

Sincerely,

Local Project Administrator  
Municipality of

Enclosure: Draft RFP

**Communication 7: Request for Approval of Consultant Selection**

*NOTE: THIS MAY BE SENT AS AN E-MAIL*

Date

\_\_\_\_\_, Project Manager  
Maine Department of Transportation  
Bureau of Project Development, Multimodal Program  
16 state House Station  
Augusta, ME 04333-0016

**Subject: Consultant Selection Approval Request**  
MaineDOT WIN\_\_\_\_\_

Dear \_\_\_\_\_:

The Municipality of \_\_\_\_\_ has selected [**name of consultant firm**] for [**scope of services**] for [**project scope, WIN**]. Attached is the negotiated contract, price proposal and our independent estimate. We understand that we cannot award this contract without your approval.

We have verified that our selected consultant is not debarred or otherwise prohibited from working on federally funded contracts. We have attached documentation verifying this, in the form of a screen shot from the federal SAM database: [www.sam.gov](http://www.sam.gov).

Please review these documents as soon as possible and inform me of your decision so that we may execute a contract with this firm. We understand that no work eligible for reimbursement may begin until we execute the contract upon MaineDOT's approval and give our selected consultant notice to proceed.

Sincerely,

Local Project Administrator  
Municipality of

Enclosures:

1. Draft contract
2. Independent agency estimate

**Communication 8: Submittal of Preliminary Design Report**

**NOTE: THIS MAY BE SENT AS AN E-MAIL**

Date

\_\_\_\_\_, Project Manager  
Maine Department of Transportation  
Bureau of Project Development, Multimodal Program  
16 State House Station  
Augusta, ME 04333-0016

**Subject: Preliminary Design Report (PDR) Submittal**  
MaineDOT WIN\_\_\_\_\_

Dear \_\_\_\_\_:

Attached for your review and comment is the draft preliminary design report for *[insert project scope, WIN]* in the Municipality of \_\_\_\_\_. Quality-control design checks were performed by\_\_\_\_\_.

The design was developed in accordance with appropriate sections of MaineDOT's Engineering Instructions, Highway Design Guide and Standard Details. The following publications also were used: *[list any additional publications; otherwise, delete this sentence.]*

***If design exceptions:***

The following design exceptions were approved by MaineDOT on *[Date]* and are noted on the plans:

***If no design exceptions:***

This project will not require exceptions to controlling standards for project design.

If you would like to visit the project site, please notify me and I will make the arrangements. Please let me know if you need additional information.

Sincerely,

Local Project Administrator  
Municipality of \_\_\_\_\_

Enclosure: Draft Preliminary Design Report

**Communication 9: Submittal of Design Plan Impacts**

**NOTE: THIS MAY BE SENT AS AN E-MAIL**

Date

\_\_\_\_\_, Project Manager  
Maine Department of Transportation  
Bureau of Project Development, Multimodal Program  
16 State House Station  
Augusta, ME 04333-0016

**Subject: Plan Impacts**  
MaineDOT WIN\_\_\_\_\_

Dear \_\_\_\_\_:

Attached for your review and comment are the draft design plan impacts for *[insert project scope, WIN]* in the Municipality of \_\_\_\_\_. Quality-control design checks were performed by \_\_\_\_\_.

The plans show all impacts to utilities and abutting properties, as well as cross-sections with proposed limits of slopes and new construction. These plans meet standards specified in the MaineDOT Right of Way Manual (December 2015), specifically Table 2-3, “Design Plan Impacts Complete,” found on page 2-6(6).

If you would like to visit the project site, please notify me and I will make the arrangements. Please let me know if you need additional information.

Sincerely,

Local Project Administrator  
Municipality of

Enclosure: Plan Impacts

**Communication 10: Public Process Certification**

*INSTRUCTIONS: This must be submitted on letterhead to MaineDOT with Communication 11 and the NEPA Documentation Checklist, found on the next two pages.*

Date

\_\_\_\_\_, Project Manager  
Maine Department of Transportation  
Bureau of Project Development, Multimodal Program  
16 State House Station  
Augusta, ME 04333-0016

**Subject: Public Process Certification**  
MaineDOT WIN\_\_\_\_\_

Dear \_\_\_\_\_:

This letter is the official certification that the public process required for **[project scope, WIN]** in the Municipality of \_\_\_\_\_ was done in accordance with requirements identified in the executed Project Agreement with MaineDOT dated **[execution date]**.

DESCRIBE ANY PUBLIC OPPOSITION HERE, IF APPLICABLE.

I have attached for your information the notification that was sent to abutters by registered mail, the public notice, the meeting minutes and sign-in sheet. If you need any additional information, please let me know.

Sincerely,

Local Project Administrator  
Municipality of

Enclosure: Meeting minutes

**Communication 11: Submittal of NEPA Documentation**

*INSTRUCTIONS: This letter and the checklist on the next page should be provided to MaineDOT with the Preliminary Design Report, if possible. At the very latest, it must be submitted with the Design Plan Impacts for a project.*

Date

\_\_\_\_\_, Project Manager  
Maine Department of Transportation  
Bureau of Project Development, Multimodal Program  
16 State House Station  
Augusta, ME 04333-0016

**Subject: NEPA Checklist Submission**  
MaineDOT WIN \_\_\_\_\_

Dear \_\_\_\_\_:

Attached is the completed National Environmental Policy Act (NEPA) checklist for **[project scope, WIN]** in the Municipality of \_\_\_\_\_. We understand that this information is necessary for MaineDOT to complete the NEPA process.

Also attached is Communication 10, certifying that the Municipality conducted the required public participation process in accordance with requirements identified in the executed Project Agreement with MaineDOT dated **[execution date]**.

If you need additional information, please let me know.

Sincerely,

Local Project Administrator  
Municipality of

Enclosures:

- NEPA documentation checklist
- Public process certification (Communication 10)

**Note: This checklist must be submitted with Communication 11**

**NEPA DOCUMENTATION  
For the Maine Department of Transportation, Federally Funded Projects**

Project Title & Location: \_\_\_\_\_

Federal Project #: \_\_\_\_\_ MaineDOT WIN: \_\_\_\_\_

Description of Work: \_\_\_\_\_

MaineDOT Project Manager: \_\_\_\_\_

-----  
**Answer the following questions and attach supporting documentation as requested. If there is a “yes” response, explain on a separate sheet or contact your MaineDOT Project Manager for guidance.**

**1.) Public Involvement:** Is there substantial public opposition to proposed action?  Yes  No  
*The answer should become apparent at a public meeting approving the project.*

**Documentation:** Approved capital plan; meeting records; letters from the public; board meeting minutes; or Communication 10 (Public Process).

**2.) Right-of-Way:** Does action include a residential or commercial displacement,  Yes  No  
or acquisition of property rights that will result in substantial abutter impacts?  
*For help with “substantial,” contact your Project Manager at MaineDOT.*

**Documentation:** Plan Impacts Complete for the project (Communication 9)

**3.) Endangered Species & Essential Fish Habitat:**

a. Has a qualified person surveyed the project area for streams, rivers,  Yes  No  
coastal waters, wetlands, and vernal pools?

b. Were any streams, rivers, coastal waters / wetlands, freshwater wetlands,  Yes  No  
or vernal pools identified?

c. Is any work proposed in or adjacent to a stream, river or coastal waters?  Yes  No

**Documentation:** Resource delineation and plans with location of resource and work planned. If in-water work is proposed, project will be screened by the MaineDOT Environmental Office for intersection with habitat for endangered species and critical fish. Additional coordination with the Environmental Office will be required if the project is located in one of these areas and includes in-water work.

**4.) Section 4(f) or 6(f):**

a. Does project area include or abut resources protected by Section 4(f) of the  Yes  No  
Department of Transportation Act: publicly owned land, parks, recreation areas,  
wildlife and waterfowl refuges, or historic sites?

b. Will project require temporary or permanent rights on any protected 4(f) resource  Yes  No  
listed above?

**Documentation:** Existing and proposed right-of-way plan, and a description of how impacts to these properties were avoided and minimized.

Signed by: \_\_\_\_\_  
[Name, Local Project Administrator]

Date: \_\_\_\_\_

**Communication 12: Environmental Certification**

*INSTRUCTIONS: This must be submitted on letterhead with the PS&E package for a project.*

Date

\_\_\_\_\_, Project Manager  
Maine Department of Transportation  
Bureau of Project Development, Multimodal Program  
16 State House Station  
Augusta, ME 04333-0016

**Subject: Environmental Certification**  
MaineDOT WIN\_\_\_\_\_

Dear \_\_\_\_\_:

This document serves as official certification that all environmental permits required for [**project scope, WIN**] in the Municipality of \_\_\_\_\_ were obtained and approved in accordance with requirements identified in the executed Project Agreement with MaineDOT dated [**execution date**].

Attached are all of the approved permits. If you need additional information, please let me know.

Sincerely,

Local Project Administrator  
Municipality of

Enclosures: Environmental permits  
Cc: MaineDOT Environmental Office

***NOTE:*** Please attach all of the approved permits. If no permits are required, please supply a narrative as to why no permits were needed.

**Communication 13: Utility/Railroad Certification – Federal Project**

**INSTRUCTIONS:** This must be submitted on letterhead with the PS&E package for a federally funded project. A template in Word is online: [www.maine.gov/mdot/utilities/coordpage.htm](http://www.maine.gov/mdot/utilities/coordpage.htm)

Date \_\_\_\_\_

\_\_\_\_\_, Project Manager  
Maine Department of Transportation  
Bureau of Project Development, Multimodal Program  
16 Sate House Station  
Augusta, ME 04333-0016

**Subject:** Utility Certification, MaineDOT WIN \_\_\_\_\_

Dear \_\_\_\_\_:

I certify that all utility and railroad work necessitated by the subject project has been identified and coordinated with the respective utilities and railroads. All necessary arrangements have been made for utility work to be undertaken and completed as necessary for proper coordination with physical construction schedules in accordance with Federal Aid Policy Guide, Title 23, Code of Federal Regulation, Chapter 1, Subchapter G, Part 645, Subpart A, Subpart B, or both.

Based on 23 CFR 635.309(b), all railroad work has been completed and/or all necessary arrangements have been made (23 CFR 140 Subpart I/23 CFR 646 Subpart B) for it to be undertaken and completed as required for proper coordination with the physical construction schedule. The following utilities and or railroads have been identified as having facilities within the project limits:

<b><u>Utility/Railroad</u></b>	<b><u>Impacted facilities? (yes/no)</u></b>
--------------------------------	---

All of the above entities were first informed of the project on **{Date}**, were involved as necessary throughout design, and received the most current plans on **{Date}**. Furthermore, the above entities have been informed of the proposed advertising date - **{Date}**. There are no direct payments anticipated to utilities/railroads as a part of this project (**except as otherwise provided through the following agreements**):

<b><u>Utility/Railroad</u></b>	<b><u>Date of Agreement</u></b>
--------------------------------	---------------------------------

The primary utility/railroad contacts involved in the coordination of this project are as follows:

<b><u>Utility/Railroad</u></b>	<b><u>Contact Name</u></b>	<b><u>Telephone #</u></b>
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Sincerely,

Local Project Administrator

**Communication 14: Right-of-Way Certification**

*INSTRUCTIONS: This must be submitted on letterhead with the attached right-of-way certificate with the PS&E package for a federally funded project.*

Date

\_\_\_\_\_, Project Manager  
Maine Department of Transportation  
Bureau of Project Development, Multimodal Program  
16 State House Station  
Augusta, ME 04333-0016

**Subject: Right-of-Way Certification**  
MaineDOT WIN\_\_\_\_\_

Dear \_\_\_\_\_:

Attached is the official certification that all right-of-way necessary for construction and maintenance of [**project scope, WIN**] in the Municipality of \_\_\_\_\_ was obtained in accordance with federal and state requirements identified in the executed Project Agreement with MaineDOT dated [**execution date**].

All information about the right-of-way process can be made available to you at your request. If you need additional information, please let me know.

Sincerely,

Local Project Administrator  
Municipality of

Enclosure: Right-of-way certificate

MUNICIPALITY OF \_\_\_\_\_

### RIGHT OF WAY CERTIFICATE

FEDERAL PROJECT		WIN	
-----------------	--	-----	--

ROUTE		LOCAL NAME	
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RIGHT OF WAY ACQUISITION REQUIRED AS DESCRIBED BELOW:

Property Owners		Fee Simple Parcels		Easement Rights	
-----------------	--	--------------------	--	-----------------	--

Number of Cases

Displacement Summary:

Number Displaced	
Number Relocated	

The Municipality of \_\_\_\_\_ hereby certifies that the right to occupy and use all the rights of way necessary for this project has been acquired by  deed,  condemnation or  permit to work. All right-of-way has been or will be acquired in accordance with the current FHWA directive(s) covering the acquisition of real property and all relocations have been accomplished.

Without Exception

**Legal Possession completed as of**

*All families and individuals relocated from this project have been offered decent, safe and sanitary housing, as defined in 49 CFR Part 24: All parties receiving replacement housing payments have been relocated to DS&S housing. Relocation procedures used on this project conform to the standards established by federal regulation.*

Signed by:

Local Project Administrator	Date

**Communication 15: Construction Authorization Request**

**NOTE: THIS MAY BE SENT AS AN E-MAIL WITH THE PS&E PACKAGE.**

Date

\_\_\_\_\_, Project Manager  
Maine Department of Transportation  
Bureau of Project Development, Multimodal Program  
16 State House Station  
Augusta, ME 04333-0016

**Subject: Construction Authorization Request**  
MaineDOT WIN\_\_\_\_\_

Dear \_\_\_\_\_:

Attached for your review, comment and approval are the final plans, specifications and estimate (PS&E) for [insert project scope, WIN] in the Municipality of \_\_\_\_\_.

Also attached are the following certifications:

- Communication 12 (environment);
- Communication 13 (utilities); and
- Communication 14 (right of way).

The Municipality hopes to advertise for construction services on [insert date], but we understand that we cannot put the project out to bid without MaineDOT's written approval.

We further acknowledge that construction authorization will be contingent upon:

1. The Municipality addressing to MaineDOT's satisfaction any final comments on the PS&E package; and
2. MaineDOT obtaining authorization for the construction stage of the project from the Federal Highway Administration.

Sincerely,

Local Project Administrator  
Municipality of

Enclosure: Draft PS&E package

**Communication 16: Request to Award Contract**

**NOTE: THIS MAY BE SENT AS AN E-MAIL WITH THE BID TABULATIONS**

Date

\_\_\_\_\_, Project Manager  
Maine Department of Transportation  
Bureau of Project Development, Multimodal Program  
16 State House Station  
Augusta, ME 04333-0016

**Subject: Request to Award Construction Contract**  
MaineDOT WIN \_\_\_\_\_

Dear \_\_\_\_\_:

Attached for your review are the bid tabulations and latest engineer's estimate for [**project scope, WIN**] in the Municipality of \_\_\_\_\_. [**name of contractor**] is the apparent successful bidder. We recommend that the project be awarded to that contractor.

In making this request, we acknowledge that we cannot send out the Notice of Intent to Award without your written approval.

If you need additional information, please let me know.

Sincerely,

Local Project Administrator  
Municipality of \_\_\_\_\_

Enclosures:

1. Bid tabulations
2. Cost estimate

**Communication 17: Pre-Construction / Pre-Utility Meeting**

*NOTE: THIS MAY BE SENT AS AN E-MAIL*

Date

\_\_\_\_\_, Project Manager  
Maine Department of Transportation  
Bureau of Project Development, Multimodal Program  
16 State House Station  
Augusta, ME 04333-0016

**Subject: Pre-Construction / Pre-Utility Meeting**  
MaineDOT WIN \_\_\_\_\_

Dear \_\_\_\_\_:

Your attendance is requested at the pre-construction / pre-utility meeting for **[insert project scope, WIN]** in the Municipality of \_\_\_\_\_ on **[insert meeting date/time]**. I have attached an agenda for your convenience.

If you need additional information, please let me know.

Sincerely,

Local Project Administrator  
Municipality of

Cc: [Insert Name], Construction Manager, MaineDOT Multimodal Program

**AGENDA ITEMS FOR PRE-CONSTRUCTION MEETING  
(Federally Funded Project)**

1. Introductions
2. Review Scope of Project
  - a. Acknowledge Amendments
  - b. Completion Date
  - c. Liquidated Damages
3. Permits Obtained (if required)
4. Construction Safety
  - a. Primary consideration during construction
  - b. Emergency contact list including 24 hour contacts
  - c. Contractor safety plan to be provided
  - d. Traffic Control Plan (TCP) must be reviewed and approved by Maine DOT
5. Schedule for the completion of work to be provided
  - a. Are there utility issues?
  - b. Update schedule as required
  - c. Daily construction activities to be recorded
  - d. Town must pay contractor first, then request reimbursement on a monthly basis
6. Labor Requirements
  - a. Davis-Bacon wage rates apply – if project has federal money
  - b. Certified payrolls with classifications to be submitted & reviewed: Elations
  - c. Payroll labor interviews
  - d. DBE participation & CUF form
7. Construction Control
  - a. Minimum Testing Requirements
  - b. Subcontract Approval
  - c. Measurement & documentation of materials used for payment purposes
  - d. Engineering oversight of activities
  - e. Manufacturer's certification for materials
  - f. Soil Erosion and Water Pollution Plan (SEWPCP)
  - g. Quality control plans, mix design submittals, pre-pave meeting
  - h. Buy America: steel/iron product certifications must be received before payment for that item, if a project has federal money
8. Communications
  - a. Requests for Information (RFIs)
  - b. Change Orders require MaineDOT review; must include detailed description of scope change, independent cost estimate & time
  - c. Notification of anticipated issues, claims or disputes

**Communication 18: Contract Modification**

**NOTE: THIS MAY BE SENT AS AN E-MAIL**

Date

\_\_\_\_\_, Project Manager  
Maine Department of Transportation  
Bureau of Project Development, Multimodal Program  
16 State House Station  
Augusta, ME 04333-0016

**Subject: Contract Modification Request**  
MaineDOT WIN\_\_\_\_\_

Dear \_\_\_\_\_:

I am requesting a contract modification for **[insert project scope, WIN]** in the Municipality of \_\_\_\_\_ . The change will consist of **[insert description of contract modification including scope change and/or extra costs]**.

An independent estimate of the cost of the additional work is attached. This modification will add **[number of days]** to the original contract.

*(Note: The amount of time required by the modification must be noted. If there is no change in the schedule, then state "0 days" or indicate that the modification will not change the amount of time associated with the contract.)*

If you need additional information, please let me know.

Sincerely,

Local Project Administrator  
Municipality of

Enclosure: Draft contract modification

Cc: [Insert Name], Construction Manager, MaineDOT Multimodal Program

**Communication 19: Final Inspection**

**NOTE: THIS MAY BE SENT AS AN E-MAIL**

Date

\_\_\_\_\_, Project Manager  
Maine Department of Transportation  
Bureau of Project Development, Multimodal Program  
16 State House Station  
Augusta, ME 04333-0016

**Subject: Final Inspection, MaineDOT WIN\_\_\_\_\_**

Dear \_\_\_\_\_:

Your attendance is requested at the Final Inspection for **[insert project scope, WIN]** in the Municipality of \_\_\_\_\_ on **[insert meeting date/time]**. At the time, we can also make available all documentation and testing results for the project.

If you need additional information, please let me know.

Sincerely,

Local Project Administrator  
Municipality of

Cc: [Insert Name], Construction Manager, MaineDOT Multimodal Program

**Communication 20: Completion of Physical Work and Final Invoice**

**Note: Updated in October 2016**

*INSTRUCTIONS: This must be submitted on letterhead with all requested documentation.*

Date

\_\_\_\_\_, Project Manager  
Maine Department of Transportation  
Bureau of Project Development, Multimodal Program  
16 State House Station  
Augusta, ME 04333-0016

**Subject: Final Invoice and Notification of Completion of Physical Work**  
MaineDOT WIN \_\_\_\_\_; CSN \_\_\_\_\_

I am writing to inform you that all requirements for \_\_\_\_\_ in the Municipality of \_\_\_\_\_ were completed in accordance with the terms of the executed project agreement with MaineDOT dated \_\_\_\_\_.

This letter will serve as the official certification from the Municipality that:

- The contractor has completed all work;
- The work was completed in accordance with the contract and approved modifications;
- The Municipality has accepted the completed work;
- All quantities were measured in accordance with the construction contract;
- Final quantities have been reconciled and agreed to by the contractor;
- There are no outstanding claims or disputes associated with the project; and
- The Municipality has paid the contractor in full.

Attached is the final invoice requesting reimbursement of \$\_\_\_\_\_ as MaineDOT's \_\_\_\_\_% share of expenditures for the service period, \_\_\_\_\_. Included are copies of invoices, supporting documentation for all charges included in the reimbursement request, and copies of subsequent checks issued.

If you need additional information, please let me know.

Sincerely,

Local Project Administrator  
Municipality of

Enclosure: Final billing