

Procedures for Local Public Agency Project Administration

(Revised 5/2014)

OVERVIEW

A Local Public Agency (LPA) is defined as a county, municipal corporation, state or local authority, board, commission, agency, department or political subdivision created under the authority of the state. LPA Projects are defined as any transportation project funded through the South Carolina Department of Transportation (SCDOT) using federal, state, or local funding. The LPA would manage any phase of the project development process or construction activities through a contractual agreement with SCDOT in accordance with these procedures.

In accordance with the Code of Federal Regulations, 23CFR 1.11 and 635.105, SCDOT may delegate the management of certain Federal-aid projects to a Local Public Agency (LPA); however, this delegation does not relieve SCDOT of its responsibility of administering those funds.

As allowed by the Federal Highway Administration (FHWA) and SCDOT an LPA may request to perform work which is funded by Federal-aid or state transportation funds provided that the following minimum conditions are met:

1. The LPA must be adequately staffed and suitably equipped to undertake and satisfactorily complete the project.
2. The LPA must provide a full-time agency employee to be in responsible charge of the project.
3. All applicable Federal and State requirements shall be completed and documented.
4. The LPA must be approved by the Local Public Agency Administrator (LPAA) according to the [LPA Qualifications Evaluation Form \(Rev. 12/2013\)](#).

These procedures have been developed to assist SCDOT staff and local governments in the LPA project administration and project development processes. Where applicable, links in the web format of this document are provided to available materials and reference materials that may be necessary or of use to deliver the project. These procedures are designed to address the majority of LPA projects. In addition to these procedures it is critical that the project Participation Agreement (PA) be specific and detailed with regard to its intent as well as FHWA and SCDOT policies. To ensure the PA is properly prepared and meets the needs of the LPA, it is imperative that the project be well defined and specific. Project scoping is the fundamental element that will determine the basic outcome of the project. Considerable planning, review and expertise are required at this stage to ensure a successful project that meets the needs of the community while ensuring accountability.

Projects are identified through the project development process, commission action, congressional designation, or local participation whereby a Local Public Agency with the authority to enter into a contractual agreement for federal or state transportation funds is considered to manage day to day operations of a project or phase of project. LPA projects can include but are not limited to Transportation Enhancements, Congestion Mitigation, Congressional Earmarks, State Earmarks, Scenic Byways Projects or any form of project in

which SCDOT federal transportation or state transportation funds may be used to finance or supplement development of a transportation project.

The Federal Highway Administration (FHWA) is ultimately responsible for all Federal-aid highway projects. FHWA has the authority to retain various levels of oversight based on the determined level of risk on any Federal-aid project in accordance with the SCDOT and FHWA Stewardship and Oversight Plan dated November 2007 and its addenda. If an LPA project is selected as one of FHWA's Projects of Division Interest (PoDI), the level of FHWA involvement will be defined in a project specific oversight plan. Additional information concerning the stewardship plan can be found at <http://www.scdot.org/doing/stewardship.aspx>.

DEFINITIONS AND ACRONYMS

AASHTO	American Association of State Highway and Transportation Officials
DBE	Disadvantage Business Enterprises
CFR	Code of Federal Regulations
DEA	South Carolina Department of Transportation District Engineering Administrator
EPPS	Encroachment Permit Processing System
FHWA	Federal Highway Administration
FMIS	Federal Highway Administration Financial Management Information System
HQ	South Carolina Department of Transportation Headquarters
LPA	Local Public Agency
LPAA	Local Public Agency Administrator
NEPA	National Environmental Policy Act
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
NTP	Notice to Proceed
OBD	Office of Business Development and Special Programs
OJT	On the Job Training
OMB	Office of Management and Budget, a division of the United States Government
P2S	South Carolina Department of Transportation Project Programming System
PA	Participation Agreement
PoDI	Projects of Division Interest
PPM	South Carolina Department of Transportation Preconstruction Project Manager
PPR	Local Public Agency Project Planning Report
PS&E	Plans, Specification, and Estimates
Project ID	Project Identification Number
RCE	South Carolina Department of Transportation Resident Construction Engineer
RME	South Carolina Department of Transportation Resident Maintenance Engineer
RW	Right of Way
SCDOT	South Carolina Department of Transportation
STIP	Statewide Transportation Improvement Program
The Uniform Act	Uniform Relocation Assistance and Real Property Acquisition Act

LOCAL PUBLIC AGENCY ADMINISTRATION UNIT

To improve the oversight of all LPA managed projects, SCDOT has established a unit within the Local Program Administration office to administer projects managed by LPAs. This unit will be led by the Local Public Agency Administrator (LPAA). The Local Program Administration office is a part of the Engineering Division allowing authority for the entire spectrum of a project from inclusion into the Statewide Transportation Improvement Program (STIP) through design, environmental permitting, and the completion of construction. The LPAA will be responsible for coordinating the administration and development of all LPA projects.

The responsibilities of the LPAA Unit include but are not limited to determining an LPA's ability to manage a project, leading the development of the LPA participation agreement, coordinating with appropriate SCDOT staff during various phases of an LPA managed project, maintaining official SCDOT project files, verifying qualified invoices, making recommendations for payment, and monitoring the project closure process of a project or phase of project.

The LPAA will serve as the primary point of contact for the project. The LPAA unit will coordinate all project reviews, requests, and other submittals from the LPA with the appropriate SCDOT staff. The LPAA office will also notify the appropriate Headquarters (HQ) Director and or Director of Construction to request the name of the Preconstruction Project Manager (PPM) and/or District Engineering Administrator's (DEA) designees that will be assigned to the identified project. The DEA will assign two designees to the project. The DEA's designees must be able to act in the capacity and with the authority of a Resident Maintenance Engineer (RME) and a Resident Construction Engineer (RCE) according to SCDOT's policies and procedures. The responsibilities and expectations of the PPM and DEA during the development of the PA will be clearly outlined in this request.

If any questions arise in carrying out the work under a Participation Agreement, the LPA shall contact the LPAA Unit directly to ensure the questions are answered by the appropriate SCDOT staff.

PROCESS PROCEDURES

A. PROGRAMING PHASE

1. LPA Request to Manage Project

If an LPA desires to manage a project, the LPA must make a written request to the LPAA to manage an identified project or phases of a project. An LPA's approval to manage federal or state funded projects will be effective for three years. During this period, an LPA is responsible for providing any changes to processes that were used to qualify them initially as an LPA. Furthermore, the LPA will be required to provide financial audits on an annual basis in accordance with the Single Audit Act (OMB Circular A-133: Audits of States, Local Government, and Non-Profit Organizations). The LPA will not be required to reapply for management of subsequent projects of similar or lesser scope within the three year certification period. However, the LPA will be required to submit an abridged *LPA Qualifications Evaluation Form* providing project specific information in order to initiate and program each subsequent project once funding is received. An LPA's approval to manage a specific project is valid throughout the completion of the project unless circumstances warrant reconsideration by SCDOT.

If an LPA has been approved to manage projects of a specific scope and magnitude, the LPA is expected to manage subsequent projects of similar or lesser scope and magnitude unless extenuating circumstances prohibit the LPA's management of those projects. Should circumstances with the local government prohibit its management of a project, the LPA may request SCDOT to assume those responsibilities. The cost associated with administering and manage the project shall be included in the project budget.

An LPA may request to manage a project or portions of a project on behalf of another LPA or non-profit organization that would otherwise not be eligible to manage a project. The request must include at a minimum the completed *LPA Qualifications Evaluation Form*, attached to these procedures and:

- a. a cover letter with a detailed SCOPE and budget for the work that is being requested to manage
- b. the name of the agency or organization for which the LPA is requesting to manage the project, if applicable, and
- c. if matching funds are to be provided by an agency or organization other than the requesting LPA, financial statements should be provided for both the LPA and the agency/organization as indicated in question III.B.I of the qualification application.

If no request is received, SCDOT may manage the project provided staff time is available and the project is programmed. The project would be developed through the *Project Development Process* or applicable standards and published guidelines or processes.

2. Evaluation of LPA Qualifications

SCDOT's LPAA office will evaluate the *LPA Qualifications Evaluation Form* submitted by the LPA to determine if the applicant is qualified and adequately staffed to manage the specific project or phase of a project. The LPAA may utilize SCDOT staff from both the engineering and administration departments as appropriate to assist in evaluating the various components of the request. If it is determined that the LPA has the ability to manage the project or portions of a project, the LPA will be notified and the project will proceed as an LPA project and will be managed in accordance with these Procedures for Local Public Agency Project Administration. A PPM, RCE, and RME will be assigned to assist with the development of the project. Other SCDOT staff may be assigned to the project to assist with various phases of the project as appropriate to ensure successful completion of the project.

If an LPA is determined "Not Qualified," to manage the project, the LPA will be notified and SCDOT may manage the project provided staff time is available and the project is programmed. The project would be developed through the *Project Development Process* or applicable standards and published guidelines or processes. The LPAA will notify the appropriate HQ Director and the Director of Construction of the identified project.

If SCDOT has determined that the LPA is "Qualified" to manage portions of a project the LPA will be notified and those portions will be managed in accordance with these procedures.

3. Identify Funding

Sources of funding that are proposed to finance and fully support an LPA project through the completion of construction are identified in the initial request by an LPA. Project estimates are necessary to determine the feasibility of proceeding with the project. Upon qualifying to manage a project, the LPA shall contact the LPAA and submit documentation of the proposed project funding and project estimates. The LPAA, in consultation with the PPM, is responsible for coordinating the review of the proposed funding and proposed project estimates submitted by the LPA to determine if sufficient funds are available to proceed to the development of a Participation Agreement (PA). If a portion of the project's funding is being provided by other federal agencies, the process of requesting FHWA to serve as the basic agency and the transfer of funds to FHWA should be completed at this time. If funding is to be provided from sources outside SCDOT, a financial participation agreement may be necessary before further project development activities can begin. Documentation of the funding by any local sponsoring agencies will be provided to the LPAA according to the LPA project request. If federal-aid highway funds are used for any phase of the project, all phases covered within the project NEPA document, regardless of funding, must comply with the Buy America provisions.

4. Field Review & Scope Development

Upon verification of sufficient funding, the LPAA will notify the LPA of their responsibility for scheduling the field review and scoping meeting. The LPA must conduct an onsite project field review and complete the *Local Public Agency Project*

Planning Report (PPR) to include the project(s) description, location, length, purpose, need or goal of project. The LPAs Project Administrator and the Construction Project Engineer (as applicable) as listed in the LPA Qualification Evaluation form, must attend this field review. In scheduling these activities, the LPA shall include, at a minimum, the LPAA, PPM, and DEA's designees (as defined on page 2) assigned to the project. The LPA shall distribute copies of the PPR among the participants during the scoping meeting and submit a completed copy to the LPAA incorporating all information and comments resulting from the scoping meeting. The PPR will be used to conduct and document the LPA project field review and is intended to also be used as a preliminary determination in establishing roles and responsibilities in developing the PA. The completed PPR must be submitted to the LPAA prior to the development of the PA.

5. Development of Participation Agreement

Subsequent to the receipt of the PPR, the LPAA will submit a request to the SCDOT Professional Services Contracting Office for a draft participation agreement. This request may also be made by the PPM for large transportation infrastructure projects whereas the PA serves as an amendment to an existing Intergovernmental agreement or participation agreement. In such cases, the PPM will notify the LPAA of the requested action by copy of the request to the Contracting Office. The PPM will coordinate with the LPAA for necessary reviews and concurrences prior to the execution of the PA in accordance to these procedures. The PPM shall provide documentation to the LPAA of the project's federal compliance prior to execution of the agreement. Upon execution, a copy of the executed agreement shall be submitted to the LPAA office.

The standard PA will serve as the framework and will be specifically customized to meet the need and intent of the proposed LPA project. Federal and State requirements applicable to the project should be well defined and applicable to the project. Copies of the completed LPA request (as applicable), PPR and LPA Qualifications Evaluation Form should be submitted for the preparation of the draft. The LPAA will review and distribute the draft agreement for corrections and comments to all SCDOT areas of responsibility identified and required to complete the project. All comments returned to the LPAA are used to finalize the PA with the Contracting Office.

6. Program Project

The PPM is responsible for programming the project (following established procedures for programming SCDOT projects), to establish the Project Identification Number (Project ID) for SCDOT tracking and monitoring. The PPM must indicate that the project will be managed by an LPA by selecting the appropriate option when entering the project identifiers in the P2S system. Based on the proposed obligation date, notification is automatically made to the Obligations Management Office to request authorization of the project funds through the FMIS system. Programming of funds must be phase specific for preliminary design, right of way services, and construction. The PPM must provide notification to the LPAA upon programming a project. The Obligations Management Office will provide copies of approvals with notices from FHWA to the LPAA and PPM for the project file.

Any work accomplished prior to FHWA authorization of that particular phase of work is not eligible for federal-aid reimbursement.

Upon receipt of funding authorization, the LPAA shall issue a notice to proceed for the applicable phase of work. The LPA shall not proceed with any given phase of work prior to receiving notification by SCDOT.

7. Execute Participation Agreement / Notice to Proceed

The Participation Agreement is sent to the LPA for review and concurrence. After it is signed and returned, the agreement will be recommended by the LPAA, reviewed and upon his/her concurrence, executed by the SCDOT Deputy Secretary for Engineering. The executed agreement will serve as the approving document for the LPA.

SCDOT'S LPAA office will provide copies of the participation agreement to all anticipated stakeholders. The LPA will be given a Notice to Proceed (for each project phase) from SCDOT upon successful completion of the previous project phase and the LPAA's receipt of notification from the Obligations Management Office that the work has been authorized. The LPA shall not proceed with any given phase of work prior to receiving notification by SCDOT.

8. Invoices and Payments

All requests for reimbursement for locally managed projects must be submitted to SCDOT's LPAA office. The request for reimbursement must include documentation to support compliance with federal and state requirements and must be done in a manner that supports a determination that contract requirements were met and the work was completed in reasonable conformance with the contract documents. Invoices for qualified work and/or materials will be forwarded to the appropriate PPM or DEA for verification of documents and recommendation of payment. The invoice is then returned to the LPAA along with any additional support documentation, as deemed necessary. Upon satisfactory concurrence, the invoice will be recommended by the LPAA for processing by the Accounting Office.

9. Use of Consultants

The LPA may procure consultant firms to assist in carrying out engineering and design related services needed in either the project development and/or construction phases. In general, the procurement process used by the LPA must meet all State and Federal requirements necessary to support a qualification based selection process. The procurement process is to be submitted to SCDOT for review and approval prior to initiating the selection process. The LPA is required to maintain adequate documentation to substantiate that each phase of the selection process has been carried out in conformance with the approved procurement process.

For Transportation Alternatives Projects, an LPA, at the discretion of SCDOT, may be allowed to utilize SCDOT's On-call consultant contract to complete design related services. If desired, the LPA is to submit a request to the LPAA office.

The LPA is to develop its own independent cost estimate to serve as the basis for negotiations of a fair and reasonable cost with the most qualified consultant. The LPA is to maintain adequate documentation of its review of all consultant invoices to support compliance with State and Federal cost principles, terms of the contract, and progress of the work completed.

B. PROJECT DEVELOPMENT PHASE

1. Plan Development

The LPA will be responsible for preparing all necessary plan drawings, special provisions, utility coordination or documents needed to execute and deliver the project as outlined in the PA.

The LPA may utilize the services of a project consultant to perform any of the necessary services as described in paragraph A.9, above. The consultant must be procured according to the procurement procedures submitted in the *LPA Qualifications Evaluation Form* as approved by SCDOT. Prior to the execution of a consultant contract, the LPA must submit an *LPA Consultant Concurrence Request Form* to the LPAA for review and concurrence of consultant selection. The LPAA may utilize SCDOT staff from both the engineering and administration departments as appropriate to assist in evaluating the various components of the request.

The LPA must receive written concurrence of the consultant selection from the LPAA prior to the execution of any contract with a consulting firm.

Failure to receive this written concurrence will be sufficient cause to terminate the Participation Agreement.

Plans developed under LPA agreements shall be submitted to the LPAA at a frequency commensurate with the complexity of the project or at a stage or frequency indicated in the PA. The LPAA unit will coordinate all project reviews, requests, and other submittals with the PPM, RCE, RME, and other appropriate SCDOT staff assigned to the project. The RME shall review the plans and provide comments as a part of the encroachment review process (See Section B.5). The LPAA will assemble comments and forward to the LPA. See Section B.4.a. for additional information pertaining to final plan review.

Failure to submit plans or address comments resulting from review prior to proceeding with the next phase of design will be sufficient cause to terminate the Participation Agreement.

The LPA must receive approval from SCDOT for any design exceptions on state owned facilities prior to incorporating into the project. Requests for design exceptions must be submitted to the LPAA for review coordination and approval.

2. Environmental Review

All Federal-aid projects must comply with and adhere to the National Environmental Policy Act (NEPA). The LPA is responsible for conducting any public involvement activities. The LPA is also responsible for the preparation of all required documents, reports and other necessary supporting material to satisfy the NEPA process. The [South Carolina Department of Transportation Environmental Guidance Manual](#) must be consulted in developing the proper environmental documentation. Once prepared, this information shall be submitted to the LPAA. The LPAA will forward the submitted documentation to the Environmental Office for a NEPA decision. The LPAA will assemble comments or provide the NEPA determination to the LPA.

A NEPA determination must be made by SCDOT and/or FHWA prior to any acquisition of necessary rights of way, development of final design plans, and/or prior to the project advertisement for a construction contract.

Written approval of NEPA compliance must be received by the LPA. Failure to receive this written approval will be sufficient cause to terminate the Participation Agreement.

3. Right of Way / Utilities

The LPA shall submit a written determination of the need for any rights of way to the LPAA following the plan development and environmental review phase. The LPAA will forward the submitted documentation to the Director of Rights of Way to ensure that the SCDOT Rights of Way Office will conduct appropriate coordination with the LPA. The Director of Rights of Way will assign appropriate rights of way personnel to an identified project to coordinate needed rights of way activities with the LPA.

The LPA shall provide a [Rights of Way Certification Letter \(Certification for Present Rights of Way\)](#) to the LPAA prior to advertisement for a construction contract if no new additional Rights of Way is required. The LPAA will forward the submitted certification letter to the SCDOT Rights of Way Office to determine acceptance. The LPAA will assemble comments or once approved, provide certification acceptance to the LPA.

Should it be necessary to obtain permanent or temporary rights of way to deliver the project, all rights of way activities shall be performed in accordance with the requirements of the [Uniform Relocation Assistance and Real Property Acquisition Act \(The Uniform Act\)](#). The LPA shall provide the LPAA with a [Rights of Way Certification Letter \(Certification for Acquisition\)](#) at the time rights of way acquisitions are complete and prior to advertisement for a construction contract. The LPAA will forward the submitted certification letter to the SCDOT Rights of Way Office to determine acceptance. The LPAA will assemble comments or once approved, provide certification acceptance to the LPA.

An accepted Rights of Way Certification Letter must be received from SCDOT by the LPA prior to advertisement of a construction contract. Failure to receive this written acceptance will be sufficient cause to terminate the Participation Agreement.

An LPA is required to document in the project records that they have verified that all necessary utility relocation work have been completed as required. This verification shall be in the form of a certification letter and provided to SCDOT prior to advertisement of the associated construction project.

For those utility relocations that are not practicable in advance of the construction project, the certification letter shall state that all necessary arrangements have been made for it to be undertaken and completed as required for proper coordination with the contractor and incorporated into the physical construction schedule. The LPA shall ensure that the bid proposal includes an appropriate notification describing the extent of utility work that is to be underway concurrently with the construction project.

For federally reimbursable utility relocations, the utility agreement (between the utility company and SCDOT or LPA) shall be supported by relocation plans, itemized cost estimates, and prior rights documentation. The LPA must maintain sufficient source documentation to verify a utility relocation invoice is accurate and reasonable. Field records (i.e., daily diaries) need to be maintained to verify that utility relocation work was actually performed as required and determined to be acceptable.

For any agreements for projects having any phase of work funded with federal-aid dollars, entered into after January 1, 2014 the LPA must ensure the utility company meets the Buy America requirements specified in 23 USC 313. The company shall provide a definitive statement (mill test certification) pertaining to the origin of all products which are permanently incorporated into the project covered under Buy America requirements. The LPA shall require documentation showing the mill certification report and how it ties to the components being purchased. Non-compliance with the Buy America Provisions may jeopardize federal aid eligibility of the entire project.

4. Final Plan Review and Plans, Specifications & Estimate (PS&E) Package Approval

a. Final Plan Reviews

The LPA shall submit final plans to the LPAA for review prior to submittal of the PS&E package. The LPAA unit will coordinate the final review with the PPM, RCE, RME, and other appropriate SCDOT staff assigned to the project. At this time, the RME shall complete the review of the plans in advance of the final encroachment permit submittal (See Section B.5). The LPAA will assemble comments or provide final plan approval to the LPA.

Written approval of the plans must be received from SCDOT by the LPA prior to submittal of the Plans, Specification, & Estimates Package.

b. PS&E Package Approval

Upon approval of the project plans, the LPA may submit the PS&E package for approval. The LPA must submit the PS&E Package to the LPAA for review and approval prior to construction advertisement as outlined in the PA. The LPAA unit

will coordinate the PS&E review with the PPM, RCE, RME, and the Office of Business Development and Special Programs (OBD). The package shall include a completed *“Calculations of DBE/OJT Goals for LPA Projects”* Worksheet. SCDOT will review the worksheet for concurrence with the recommended goal to assure that LPA project goals are appropriate in meeting SCDOT’s overall program goal. The PPM shall complete the *PS&E Review Checklist* and forward the submitted documentation to the appropriate preliminary engineering staff for review. The LPAA will assemble comments or recommend approval of the submitted package.

The PS&E package shall contain all necessary information and items to advertise the project for construction bids to include but not limited to a Proposal Document, *Cost Estimate (sample)*, and approved project plans. The Proposal Document shall include the following **required** Federal Aid and SCDOT Contract Provisions:

- *Required Contract Provisions Federal Aid Construction Contracts*
- *Specific Equal Employment Opportunity Responsibilities Training special Provisions*
- *Standard Federal Equal Employment Opportunity Construction Contract Specifications*
- *Application of Davis-Bacon and related Acts to Independent Truck Drivers and Miscellaneous Construction Activities*
- *Requirements for Federal Aid Contracts which Affect Subcontractors, DBE Haulers, Material Suppliers and Venders*
- *Buy America Provisions*
- *Disadvantaged Business Enterprises (DBE) – Federal Projects*
- *Late Discovery of Archaeological/Historical Remains on federal Aid Projects and approval of Designated Borrow Pits*
- *SCDOT Required Contract Provisions*

The LPA must receive written approval of the PS&E package from the LPAA. Failure to receive this written approval will be sufficient cause to terminate the participation agreement.

5. **Encroachment Permit**

For any project managed by an LPA that may involve work or activities on rights of way of SCDOT, an Encroachment Permit must be submitted by the LPA through the Encroachment Permit Processing System (EPPS) and approved by SCDOT. The Encroachment Permit application must be submitted to the appropriate RME for review and approval and include a cover letter indicating that the project is an LPA project. The LPA shall coordinate with the RME to identify items that will be maintained by the LPA and include these items in the application. After approval, the LPA will provide a copy of the encroachment permit to the LPAA Office prior to advertising the project for construction.

If any changes to the project occur during further project development/construction that alters the maintenance items listed in the Encroachment Permit, the LPA, at the completion of the project shall request a revision to the permit reflecting these changes.

The approved Encroachment Permit must be submitted to the LPAA office with the final closeout materials. Final reimbursement will not be made until this documentation is received by the LPA.

6. Advertisement and Award of Construction Contracts

Upon approval of the PS&E package and approval of the encroachment permit, SCDOT will submit a request to FHWA for obligation of funds and approval of construction authorization. Upon receipt of FHWA approval, the LPAA shall notify the LPA that they may proceed with the advertisement of the construction contract.

If an addendum to the advertised construction contract is necessary, the LPA shall submit it to the LPAA office for review and approval prior to making it available to the bidders. Addenda must be available to bidders no less than 10 days prior to bid opening. Under extenuating circumstances, SCDOT may allow addenda to be released closer to the bid opening.

The advertisement and bid evaluation must be conducted according to the procurement procedures submitted in the [LPA Qualifications Evaluation Form](#) as approved by the LPAA. The LPAA will copy the DEA and the PPM with this notification.

The LPA shall review the bid proposals for responsiveness to the proposal requirements, competitiveness, and for reasonable comparison to the engineering estimate. The LPA is to document this review taking into consideration the evaluation factors outlined in [FHWA's Bid Evaluation Guidelines](#).

If the LPA's bid review determines that all bids should be rejected, the LPA is to submit a request to SCDOT for concurrence in the rejection of all bids. SCDOT shall review and approve any revisions, if necessary, to the PS&E prior to authorizing re—advertisement.

When the LPA's bid review identifies a **reasonable and responsive bidder (or bidders)**, the LPA shall submit to the LPAA a request to concur in the award of the project to the lowest responsive bidder according to the [LPA Concurrence Request Form](#). Upon review and written concurrence from LPAA, the LPA shall provide a formal [Award Letter \(sample\)](#).

Failure to receive this written concurrence prior to award will be sufficient cause to terminate the participation agreement.

The LPA shall not procure sole source construction services or engage in self performing construction work without prior approval of SCDOT through the LPAA Unit.

Upon approval of construction concurrence, the LPA shall submit the following construction documentation to the LPAA for the project file:

- a. LPA Construction Contract Information Form with requested documentation
- b. Copy of Executed Construction Contract

NOTE: LPAs shall submit DBE Quarterly Reports beginning on the calendar quarter when construction work begins on the project.

C. CONSTRUCTION PHASE

1. Construction

The LPA is responsible for ensuring all project construction is in accordance with the PA and contract documents. The DEA or designee (RCE) should understand the contents of the participation agreement, the Contract, Plans, and the Project Specifications. A Preconstruction Conference will be held prior to starting each LPA construction project. The LPA shall contact the RCE assigned to the project and establish a mutually agreeable date for a Preconstruction Conference. It is mandatory that the RCE attend the Preconstruction Conference. The RCE shall fully explain the role of SCDOT on the project to all parties involved in the project.

Prior to a pre-construction conference, the RCE should discuss with the LPA, SCDOT's expectations for project inspection, sampling, and testing, review the Quality Management Team's Checklist to ensure the LPA is aware of all project requirements, and assist the LPA in completing an RCE Pre-Construction Checklist. The LPA will identify their full time representative/governmental employee managing the construction project. Furthermore, there shall be a clear explanation and understanding of the various Federal provisions (if federally funded) that the LPA will need to monitor including, but not limited to prevailing wage and payroll requirements, DBE program requirements, and Buy America requirements. Other documents that should be discussed are SCDOT's Standard Specifications, Standard Drawings, SCDOT's Construction Manual, RCE NPDES Environmental Guidelines and any other pertinent documents applicable to the project.

The RCE will ensure that the LPA has the appropriate Environmental approvals in place prior to commencement of each construction activity (permits, NOI, etc.). The LPA is responsible for recording and maintaining all documentation, to include all relevant Construction Forms, and is responsible for providing the Material Certification at project closeout. The LPA is required to maintain the official project files. The RCE shall make available, upon request, copies of commonly used Construction forms to the LPA for their use, which are applicable to the project.

The RCE will be available to the LPA to discuss issues and provide guidance; however, SCDOT's active role in resolving everyday issues should be limited. The number of RCE visits shall depend upon the scope and complexity of the work, number of active contractors, work activities being performed, etc. All visits to the project by SCDOT personnel are to be documented and submitted to the LPAA and made a part of the project files. The RCE is responsible for identifying and informing the LPA's Project Manager of any project, contractor, material, and construction deficiencies, as well as document those deficiencies and the corrective action taken. Follow-ups on the deficiencies will be required to ensure corrective action has been taken. The RCE will inform the LPA, in writing, when deficiencies are not corrected in a timely manner. The LPA will notify the RCE in writing when corrective action has been completed. The

RCE will review project paperwork on a routine basis, to include workzone traffic control inspections and erosion control inspections. The RCE will be given access by the LPA to all project documentation. The RCE will attend, with the LPA's representative, utility and/or progress meetings in order to be informed of upcoming work.

The LPA Project Manager must submit simultaneously to the LPAA and RCE for review and approval of any change orders or contract time adjustments in accordance with SCDOT policies. Modifications to scope may require coordination with the LPAA, PPM, FHWA, and others, depending on the project and when required by the Project Agreement. The LPA must conduct an independent cost analysis for each negotiated contract change. This analysis must be documented and of detail to sufficiently support the reasonableness of the negotiated price. The analysis should also address the impact of the change on the critical path and the need for a contract time extension. The RCE should ensure methods are in place for accurately computing quantities, and should concur in payment requests.

2. Inspection, Testing and Material Certification

The LPA is responsible for ensuring all project materials meet or exceed federal, state, and industry standards and material certifications must be obtained prior to incorporation into the project. The LPA (with assistance from the RCE) should prepare a *Minimum Sampling Requirements Checklist* in accordance with SCDOT Office of Materials and Research and *SCDOT's Construction Manual*. Inspection and acceptance testing by the LPA should be performed at the frequency, and with the methods, specified in the Construction Manual or as recommended by the manufacturer. All testing should be performed by an AASHTO accredited laboratory and the disposition of non-conforming materials should be documented by the LPA and approved by the DEA or designee. Independent Assurance testing will be performed by SCDOT.

The LPA may utilize the services of a project consultant to perform inspection and or construction oversight services as described in paragraph A.9. The consultant must be procured according to the procurement procedures submitted in the *LPA Qualifications Evaluation Form* as approved by SCDOT. Prior to the award of a consultant contract, the LPA must submit an *LPA Consultant Concurrence Request Form* to the LPAA for review and concurrence of consultant selection. The LPAA may utilize SCDOT staff from both the engineering and administration departments as appropriate to assist in evaluating the various components of the request.

The LPA must receive written concurrence of the consultant selection from the LPAA prior to the execution of any contract with a consulting firm.

Failure to receive this written concurrence will be sufficient cause to terminate the Participation Agreement.

The Resident Construction Engineer shall ensure that the LPA is providing adequate inspection services and the appropriate sampling and testing is provided, as required by the work activities taking place. The LPA inspection services shall be performed by personnel certified as required by SCDOT in accordance with the SCDOT's Construction

Manual – *Section 101.2.4.3*. All items of work will be inspected by an SCDOT certified inspector.

3. Final Inspection

Upon completion of the project and prior to final payment, the LPA shall coordinate a final inspection according to the PA with the RCE. SCDOT will review the project to ensure the project has been completed in conformity with the PA, approved plans, permits, and construction contract documents in addition to meeting the scope and intent of the project. The LPA shall prepare a summary report of the final inspection in conjunction with the RCE. The Final Inspection Summary Report must be submitted to the DEA. In addition, the LPA shall document resolution of all items found during the final inspection in a letter to the DEA. The DEA or designee shall verify that the items have been resolved and provide a copy of the Final Inspection Summary Report and the LPA response letter to the LPAA.

4. Final Material Certification

The LPA is responsible for providing the RCE with certification that all materials sampling and testing was performed in accordance with SCDOT specifications and contract documents. The certification, once accepted by the DEA, should be sent to the LPAA for inclusion in the project file.

5. As-Built Plans

Upon completion of the project, the LPA shall submit copies of the as-built plans to the RCE. The RCE will forward the as-built plans to the As-built Plans Office and notify the LPAA of the submittal. The As-built Plans Office will review the plans and forward to the Plans Storage Office for archiving. All plans will be placed in the Plans Library for electronic access in accordance with SCDOT policy.

6. Final Acceptance

Upon receipt of the Final Inspection Summary Report, the LPA response, and an acceptable material certification, Final Acceptance according to [2007 STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION – Section 105.15.2](#) is issued by the DEA or designee to the LPA. The DEA shall provide a copy of the Final Acceptance Report to the LPAA.

D. PROJECT CLOSEOUT PHASE

1. LPA Project Evaluation

An *LPA Project Evaluation* form is completed by the appropriate PPM and DEA or designee and submitted to the LPAA office documenting the LPA's project management and delivery performance for each phase of the project. Unsatisfactory or negligent performance in the management of a Local Public Agency project can be considered in future project requests by the LPA.

2. Project Documentation and Closure

Upon successful completion of the LPA managed project, the LPAA monitors the SCDOT Closure Process to ensure the project is closed and all project documentation is accounted for and included in the project file within the LPAA office.

Upon receipt of the Final Inspection Letter and or the Final Acceptance Report from the Director of Construction, the LPAA shall notify the SCDOT Deputy Secretary of Finance and Administration that the project is complete and subject to a final voucher review. The Deputy Secretary of Finance and Administration will conduct final voucher reviews on a representative sample (randomly selected) of LPA managed projects each year.

Project files may now be forwarded to Central File Storage for storage and retention.