

South Carolina Division  
Project of Division Interest  
Stewardship & Oversight Plan

Federal Project Number: SCSU (002)

State Number: 3B - 136B

Estimated Cost: \$ 80+ M

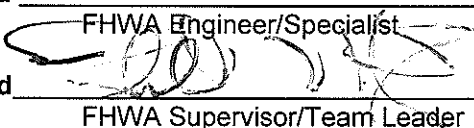
**Project Description**

DESIGN AND CONSTRUCT THE SOUTH CAROLINA STATE UNIVERSITY TRANSPORTATION RESEARCH CENTER.

Phase/activities	Selected for Involvement	Scope of Oversight (Inspection, Program Review, CAP Review, etc.)
<b>Preconstruction (Design)</b>		
Design Standards (i.e. non-STA)	X	REVIEW IN CONSULTATION W/ STATE ENGINEERS OFFICE
Design Exceptions		
Bridge/Structures design		
Consultant Management and Use of Consultants	X	REVIEW / APPROVE SCOPE; MONITOR SOLICITATION; REVIEW PAYOUTS
Context Sensitive Solutions (CSS)		
Environmental Mitigation and Commitments		
ITS Project development -Standards & Systems Engineering		
Interstate Access Requests/Interstate Justification Report		
Pavement design		
Reviews:		
• Constructability		
• Design		
○ Initial Field		
○ Intermediate		
○ Semi-final		
○ Final	X	REVIEW IN CONCERT W/ STATE ENGINEERS OFFICE
Road Safety Audits		

Phase/activities	Selected for Involvement	Scope of Oversight (Inspection, Program Review, CAP Review, etc.)
Roadside Hardware		
Traffic Analysis	X	REVIEW / ACCEPT AS NEEDED
Traffic Control Plan / Work Zone Traffic Mgt		
Value Engineering (VE)		
Financial plans	X	REVIEW UPDATES, APPROVE PAYMENTS
ROW encroachments		
Experimental Features		
<b>Preconstruction (PS&amp;E Approval, Advertising, &amp; Award)</b>		
Plans, Specifications, and Estimates (PS&E)		
Plans	X	} REVIEW AND APPROVE
Specifications	X	
Standard Specifications	X	
Supplemental Specifications	X	
Special Provisions	X	
Contract Provisions (FHWA1273, Buy America(n), Changed conditions clauses, Incentive/Disincentives, Partnering, Warranties)	X	
Engineers Estimate	X	REVIEW & ACCEPT
Project Authorization and Project Agreements		
ROW Clearances	X	REVIEW CERT. & ACCEPT
Pre-qualification		
Authorize advertising for bids, addenda	X	APPROVE ADVERTISING & ALL ADDENDA
Conditional approvals		
Pre-bid meetings		
Bid analysis and concurrence in award	X	REVIEW BID TABS & CONCUR IN AWARD / REJECT DECISION
Innovative contracting		
State contracting procedures	X	SEE APRIL 17 2008 LTR (ATTACHED)
Utility agreements	X	REVIEW & APPROVE FOR ELIGIBILITY
Railroad agreements		

Phase/activities	Selected for Involvement	Scope of Oversight (Inspection, Program Review, CAP Review, etc.)
<b>Project Construction &amp; Contract Administration</b>		
Preconstruction Meeting / Partnering workshop	X	ATTEND AS NECESSARY
Inspections		
• Initial		
• Intermediate (frequency: _____)	X	INSPECTION REPORT; PROGRESS REVIEW, RECORDS REVIEW
• In-Depth		
• Final	X	INSPECTION REPORT; ASSESS CONFORMANCE W/ PLANS & SPEC.
• Special Reports		
• Process Reviews		
• Work Zone Review		
Project Meetings	X	ATTEND AS NECESSARY; DOCUMENT MINUTES.
Materials testing / certifications	X	REVIEW FILES; ACCEPT FINAL CERT
Change orders	X	REVIEW & APPROVE
Contractor claims	X	REVIEW & APPROVE
Pay Estimate Reviews	X	REVIEW FOR ELIGIBILITY
Time extensions	X	REVIEW & APPROVE
Value Engineering change proposals	X	REVIEW & APPROVE
Liquidated damages	X	REVIEW & ACCEPT
DBE	X	MONITOR - REVIEW FILE
OJT	X	MONITOR - REVIEW FILE
Final Acceptance	X	PREPARE REPORT
Other:		
FHWA 4/17/08 LTR	X	ALL ACTIONS OUTLINED IN LTR.

Proposed \_\_\_\_\_  
 FHWA Engineer/Specialist  
 Approved   
 FHWA Supervisor/Team Leader

Date \_\_\_\_\_  
 Date 9/18/13

FHWA Risk-Based Oversight

South Carolina Division

PoDI Identification Criteria

Federal Project Number: SCSU (002)

State Number: 38.136B

Estimated Cost: \$ 80+M

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DESIGN AND CONSTRUCT THE SOUTH CAROLINA STATE UNIVERSITY TRANSPORTATION RESEARCH CENTER

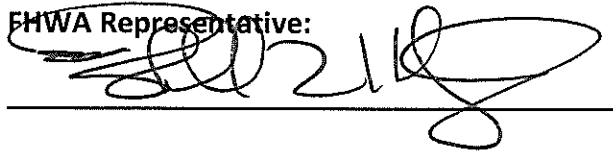
Project Selection Criteria	Potential for Risk-Based Activity
Use criteria to determine potential risk-based involvement Note: Check mark the areas of potential risk-based activity for informing your decision for risk-based project involvement.	
Significant Project : <ul style="list-style-type: none"> <li>• Identified as a PoCI.....</li> <li>• Project size (relative to typical State/Division projects).....</li> <li>• Project on the NHS.....</li> <li>• High Volume / High Freight.....</li> <li>• Regional importance.....</li> <li>• Directly supports one or more USDOT/FHWA Initiatives (e.g. TIGER).....</li> <li>• Multimodal.....</li> <li>• Unique safety features or implications.....</li> </ul>	✓       ✓
Complex Project: <ul style="list-style-type: none"> <li>• New design features.....</li> <li>• Access Control Issues.....</li> <li>• ROW impacts (major relocations).....</li> <li>• Innovative Construction methods.....</li> <li>• Innovative Contracting Techniques.....</li> <li>• Traffic impacts.....</li> <li>• Difficult location (constructability issues).....</li> <li>• State Capacity.....</li> </ul>	

<b>Complex Tunnel or Bridge Project:</b> <ul style="list-style-type: none"> <li>• New design features.....</li> <li>• Difficult locations for construction (over water ways, urban setting, etc.).....</li> <li>• Traffic impacts.....</li> <li>• State experience in design or construction of bridge type.....</li> <li>• State experience in design or construction of tunnels.....</li> </ul>	
<b>Environmental/Legal Considerations</b> <ul style="list-style-type: none"> <li>• Class (EIS/EA/CE).....</li> <li>• Natural Resources.....</li> <li>• Cultural Resources.....</li> <li>• Human impacts.....</li> <li>• Public Controversy.....</li> <li>• Law suits (pending or anticipated).....</li> </ul>	✓
<b>LPA Administered Projects</b> <ul style="list-style-type: none"> <li>• LPA capacity to manage project.....</li> <li>• LPA capacity to design project.....</li> <li>• LPA capacity to construct project.....</li> <li>• LPA experience with Federal-aid projects.....</li> <li>• State role/history of oversight of LPA projects.....</li> </ul>	✓ ✓ ✓ ✓ ✓
<b>Political/Public Interest</b> <ul style="list-style-type: none"> <li>• State (Governor, DOT, other stake holders).....</li> <li>• Congressional delegation.....</li> <li>• Other Federal agencies.....</li> <li>• Local governments/MPOs.....</li> <li>• Other stake holders.....</li> </ul>	✓ ✓

**Notes**

FUNDING FOR THIS PROJECT IS THRU CONGRESSIONAL EARMARKS ; SCSU IS ADMINISTERING THE PROJECT AND IS CONSIDERED A HIGH RISK GRANTEE ; CONCERNS WITH LPA PROJECT ADMINISTRATION ABILITIES

FHWA Representative:



Date: 8/23/2013



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

1835 Assembly St., Suite 1270  
Columbia, SC 29201

HAMILTON MD

17 April 2008

In Reply Refer  
HDA-SC

Mr. Alfred A. Lindsay  
Associate Director of Planning & Construction  
South Carolina State University  
300 College Street, NE  
Orangeburg, South Carolina 29117-0001

Dear Mr. Lindsay:

We have reviewed your April 4, 2008 approval request and corresponding attachments outlining South Carolina State University's (SCSU) procedures for procuring professional and construction services associated with Federal Projects SCSU(004) and (005). Attached to your letter were the applicable procurement chapters from the Office of the State Engineer's (OSE) Manual for Planning and Execution of State Permanent Improvements. Through earlier discussions with you as well as Mr. Carter from the State Engineer's Office, we realize that these chapters are used as guidance in complying with the South Carolina Consolidated Procurement Code. We understand that under State law, SCSU is to procure services in accordance with the South Carolina Consolidated Procurement Code. To complete our review, a copy of this code was downloaded off of OSE's website.

"Non-highway projects" funded through Title 23 USC, must comply with the "Common Rule - 49 CFR 18." These regulations allow State agencies (receiving Federal assistance) to follow the policies and procedures it uses for procurements from its non-Federal funds. As indicated above, SCSU policies and procedures are set forth in the South Carolina Consolidated Procurement Code. Therefore, since the Transportation Center project is considered a "non-highway project", FHWA approves the use the South Carolina Consolidated Procurement Code in procuring both professional and construction services needed to carry out existing Federal projects SCSU(004), (005), and all subsequent Federal projects associated with the design and construction of the Transportation Center. Section 11-35-40 (3) of the State procurement code requires State agencies who receive Federal assistance to comply with Federal regulations that are not

reflected in the code. We have reviewed the code and as a result, the following areas need to be understood:

1. Compensation for professional services with Federal funds can not be based on a percentage of construction cost. Acceptable compensation methods include lump sum and cost plus fixed fee.
2. For professional service solicitations that result in two firms being ranked equally as the highest and one being a South Carolina resident, we ask that the evaluation committee utilize a more equitable tie-breaking procedure in lieu of state preference.
3. The above also applies to instances of tied bids for construction services. In the unlikely event this happens, we request that an alternate method be used in lieu of state preference (i.e., flip of the coin).
4. Federal regulations prohibit negotiations with the low bidder for construction services prior to award of a contract. This is an important clarification as it is more restrictive and contrary to what is allowed in section 11-35-1540.

In addition to the above and to ensure that Federal funding is not jeopardized, we want to clarify those milestones during project development that require Federal approval. Those milestones are as follows:

- FHWA will need to approve advertisement packages for professional services including the scope of work. Also, FHWA needs to approve the consultant agreement, and any necessary contract modifications. While not a requirement, we would appreciate serving as a non-voting advisor on any selection committees.
- During design development, FHWA should receive at least preliminary and final design submittals for review. FHWA must approve the final plans, specifications, and engineer's estimate prior to the advertisement of construction services as well as any addenda issued during construction advertisement.
- FHWA must concur in the award of each construction contract. If SCSU determines it is necessary to reject all bids for a particular solicitation, FHWA must concur in that action as well. Any change orders/change directives require FHWA approval prior to the work being performed. FHWA is required to perform a final inspection and complete a final acceptance report for completed construction projects.

Finally, as we have discussed in earlier meetings, professional service and construction contracts will need to include certain Federal provisions. The initial construction contract for site preparation did include the necessary provisions. As you know, we are currently reviewing the existing professional service contracts to determine if there are any issues that need to be addressed. If necessary, we will assist SCSU in developing an article that provides the appropriate Federal provisions which then can be attached to the standard professional service agreement.

In summary, as this project begins to enter the first major phase of vertical construction, we are providing this information to help our agencies work together in a successful

partnership. We look forward to continuing our positive relationship while working on this unique and exciting project.

If you have any questions, please do not hesitate to call Mr. Thaddeus Kitowicz at 803-253-3882.

Sincerely yours,

**/s/ Thaddeus W. Kitowicz**



Robert L. Lee  
Division Administrator

cc:  
Mr. Allen Carter, Office of State Engineer