

Section 5.7

FEDERAL-AID PROJECT REQUIREMENTS

5.7.1 Purpose

The purpose of this section is to provide a uniform process for compliance with Federal-Aid project requirements.

5.7.2 Authority

Sections 20.23(3)(a) and 334.048(3), Florida Statutes

5.7.3 Reference

Part 23, Section 635, Code of Federal Regulations (CFR), and Section 6, Standard Specifications for Road and Bridge Construction

5.7.4 Correspondence

On Federal-Aid Projects, all correspondence shall include the Federal-Aid Project Number, as well as, the Financial Project Identification Number. All other appropriate project reference information shall be included in the subject heading, and the designation of FHWA Project of Division Involvement (PODI) shall be shown.

5.7.6 Federal-Aid Participating/Non-participating

Certain work included in a Federal-Aid Project may be designated as Federal-Aid Participating or Federal-Aid Non-participating during the design phase, the Plans Specifications & Estimates Review phase, or when contract modifications are necessary during construction. The designer will document the appropriate breakdown in the plans. Examples of such work can be found in Section 7.3.10 of this Manual.

All project financial documents, such as **Supplemental Agreements**, **Monthly Progress Estimates**, monthly billing to the FHWA, **Final Estimates** and final billing to FHWA should accurately reflect all costs which have been determined to be Federal-Aid

Participating and Federal-Aid Non-participating. In accordance with this requirement, plan preparation procedures and the integrated contract system have been modified to allow designation of those pay items which are Federal-Aid Non-participating and to split pay quantities for those items with partial Federal-Aid Participation.

The Project Administrator shall properly separate Federal-Aid Non-participating items and/or quantities from Federal-Aid Participating items and/or quantities when preparing a **Supplemental Agreement, Unilateral Payment, or Work Order**. Guidelines for determining Federal-Aid Participation of cost and time increases or decreases are contained in **Section 7.3.10** of this **Manual**.

On FHWA PODI projects, it is essential that the Resident Engineer on In-house Construction Engineering and Inspection administered projects and the Consultant Project Manager on Consultant Construction Engineering and Inspection administered projects make every effort to obtain from the FHWA Transportation Engineer a determination as to Federal-Aid Participating or Federal-Aid Non-participating for contract modifications, in accordance with **Section 7.3.10.2** of this **Manual**. On FHWA Delegated projects, the determination as to Federal-Aid Participating or Federal-Aid Non-participating shall be obtained from the District Construction Engineer in accordance with **Section 7.3.10.3** of this **Manual**.

5.7.7 Revised Plan Sheets

Resident Level Responsibilities

The Project Administrator shall furnish to the FHWA a copy, for written approval, of all plan revisions initiated during construction on Federal-Aid PODI projects. For major plan revisions, FHWA approval shall be obtained prior to issuing the **Notice to Proceed** to the contractor for work associated with the proposed plan revision. Copies of all revised plan sheets will be furnished to the FHWA along with a copy of the executed **Supplemental Agreement, Form No. 700-010-45, Unilateral Payment, Form No. 700-010-05 or Work Order, Form No. 700-010-80** used for the purpose of incorporating the revised plan sheets into the contract.

5.7.8 Construction Zone Accident Reports

Engineer's Maintenance of Traffic Evaluation at Crash Site, Form No. 700-010-64, will be completed by the Project Administrator for each accident occurring within the limits of the Federal-Aid Project. Refer to the **Maintenance of Traffic** chapter of this **Manual** for further instructions.

5.7.9 Buy America

Buy America Requirements, (Part 23, Section 635.410, CFR, as amended) and Specifications Section 6-5.2, require the Contractor to use structural steel and iron manufactured in the United States. These requirements pertain to all steel and iron materials incorporated into the finished work and do not pertain to items the Contractor uses but does not incorporate into the finished work. Miscellaneous components are also included under the Buy America provisions including subcomponents and hardware necessary to encase, assemble, and construct the finished work. The **Specifications** require a **Certification of Compliance** from the manufacturer that states all manufacturing processes, including application of a coating, for these materials occurred in the United States. Certifications attesting to this must be submitted to the PA prior to incorporating the material into the project. Certification of Compliance shall include a State or Federal project number.

In accordance with Federal requirements (23 CFR 635.410) and Department policy, all foreign steel or iron that is permanently incorporated into any FDOT project that will utilize Federal Funding in any phase of the project is required to be tracked in AASHTOWare Project Construction (PrC) with the **Buy America Tracking Report**. **Please contact the co-systemssection@dot.state.fl.us for assistance with Buy America Tracking.**

5.7.9.1 Product Certification

Resident Level Responsibilities

Certification per product, per project will be required as shown in the **Section 5, Materials Manual, Topic No. 675-000-000**. The Project Administrator shall be responsible for obtaining the certification prior to permitting the incorporation of any products into the project.

5.7.9.2 Change of Source

Resident Level Responsibilities

If there is any indication or reason to believe that the producer may have switched sources of steel or iron during the life of the project, the Project Administrator will require an updated **Certification of Compliance** from the producer.

5.7.10 Retention of Salvageable Materials or Equipment Produced from a Federal-Aid Project and Retained by the Department

Consistent with *Office of Management and Budget (OMB) "Super Circular" 2 CFR Part 200*, the Florida Department of Transportation shall not require a credit or reimbursement to the project for the value of any salvageable materials or equipment removed from the project per the contract documents resulting from a Federal Aid project. Exempt from this requirement is all railroad work performed pursuant to **49 CFR 266 and 23 CFR 140**. If, on railroad projects, recovery, or reimbursement to the project of salvageable materials provides a net benefit, then the Department shall pursue. If there is no net benefit, the railroad will dispose of the material."

5.7.11 FHWA Final Inspection

Final inspection of a FHWA PODI project shall, whenever possible, include the FHWA Transportation Engineer for inspection conducted at the Department's semifinal inspection. It is imperative that sufficient notice of the date, time, etc., be given for this inspection to accommodate scheduling. By following this procedure, a determination can be made as to what corrective action or additional work is required by FHWA to be accomplished as a condition of accepting the project prior to the Department's acceptance from the Contractor. Refer to the *Project Closeout* chapters of this *Manual* for instructions on project acceptance.

5.7.12 Notice to FHWA prior to payment of Incentive, No Excuse Bonus, Lane Rental or Liquidated Savings Monies

On FHWA PODI projects containing Incentive/Disincentive, No Excuse Bonus, Lane Rental or Liquidated Savings Special Provisions, FHWA approval must be obtained prior to issuing payments to the contractor for any portion of or the full Incentive, No Excuse Bonus, Lane Rental or Liquidated Savings amount.