



*Veterans Memorial Bridge, Daytona*

# LAP Manual/ Agreement Updates for Construction

DCE Meeting 1/25/21

### 9.2.3 Design-Build

Design-Build assigns the design and construction of a project to one firm (or team), allowing construction to begin before plans are complete. This contracting method provides a single point of contact for quality, cost and schedule from design through completion of construction, thus generally reducing contract time, change orders, and claims due to errors and omissions. A Local Agency LA that is certified to design projects and administer construction may also be certified in the LAP program to perform design-build projects.

To accelerate certain major construction projects, the Florida Legislature allows the use of Design-Build contracts to accelerate the project completion schedule under **Section 337.11(7), F.S.** Design-Build minor contracts are allowed under **Section 337.025, F.S.** The two categories of design-build contracts, major and minor, do not apply for LAP projects. LAP projects are simply considered as Design-Build projects. Federal requirements for design-build contracting are described in **23 CFR 636**.

For LAP Classification A, B, and C projects, the Local Agency LA must use **FDOT Procedure No. 625-020-010, Design-Build Procurement and Administration** for selecting a Design-Build team. LAP project concept designs must be reviewed and approved by the Department's Structures Office before procurement. The Department may at its sole discretion, reject designs which do not meet Department standards. The Department may also, in its sole discretion, allocate Department-managed resources, including structures engineers and/or project managers to projects involving complex design structures. The Department may also, in its sole discretion, assign a project manager and/or structures engineer to projects involving complex design structures. In addition, the Department provides standard contract language to be used for LAP Classification A, B, and C projects at:

<https://www.fdot.gov/programmanagement/Implemented/LAP/Default.shtm>.

# Chapter 9

## 19.1 OVERVIEW

Various FDOT publications contain information on procedures, criteria, and standards for guiding and controlling preconstruction activities. These activities include project development, preliminary engineering analyses, environmental impact documentation, location surveys, right of way mapping, roadway and bridge/structures designs and the development of plans, specifications and estimates (PS&E). The Offices of Planning, Environmental Management, Right of Way, Design, and Program Management develop and control these manuals, guidelines, and standards. Local Agencies (LA) must work with these offices through the District LAP Administrator for current criteria, procedures, and standards that may apply to the design of a project. For transportation projects on, under, or over Department-owned right-of-way, Florida law, **Section 334.175 (2), F.S.**, requires the Department to review the project's design plans for compliance with Department design standards. In its sole discretion, the Department may reject designs which do not meet Department standards. The Department may also, in its sole discretion, allocate Department-managed resources, including structures engineers and/or project managers to projects involving complex design structures and other design structures not commonly used by the Department. In addition, all complex bridges and bridge types not commonly used by the Department constructed via the LAP delivery method will be monitored and inspected by Department personnel.

# Chapter 19

## 19.6 SOLE SOURCE OR PROPRIETARY PRODUCTS

The use of patented and/or proprietary products may only be used with approval from the Department. Specifications should be formulated to allow full opportunity for competition among equivalent materials, equipment, and methods. References in specifications and on plans to single trade name materials, sole-source processes, or if a project calls for a proprietary product, the Department's FDOT Design Manual (FDM) 110.4.1 must be followed. The District's Design Project Manager will coordinate approvals and Project Suite Enterprise Edition (PSEE) tracking per the FDM process.  
The LA shall follow the Department's *Proprietary Products Review and Certification*

# Chapter 19

## 20.1 OVERVIEW

The final engineering design process produces contract plans, specifications, and cost estimates (PS&E). These documents contain all the construction details, contract provisions, permits, agreements, and certifications required to advertise, award, and administer a construction contract. A Florida Licensed Professional must prepare, sign, and seal the final Plans, Specifications, and Estimates according to *Florida Statutes and Rules*, including but not limited to, **Chapter 471, F.S.**, **Chapter 481 Part II, F.S.**, and **Rules 61G10 and 61G15, Florida Administrative Code** (F.A.C.).

The Local Agency and the District are responsible for the completeness of the contract plans package and the Contract File Index of documentation [**23 CFR 635.309(a)**]. If the project is a Project of Division Interest (PODI) or another category of FHWA oversight, FHWA may review and approve the PS&E before authorizing federal funds (per the project-specific oversight plan). For transportation projects on, under, or over Department-owned right-of-way, Florida law, **Section 334.175 (2), F.S.** requires the Department to review the project's design plans for compliance with Department design standards. In its sole discretion, the Department may reject designs which do not meet Department standards. The Department may also, in its sole discretion, allocate Department-managed resources, including structures engineers and/or project managers to projects involving complex design structures.

# Chapter 20

### 23.2.3 Construction Permits and Lane Closures

The LAP Agreement serves as the LA's permit to construction on the Department's right of way; therefore, the LA and its contractor may, but are not required to, obtain a *General Use Permit* from FDOT to perform any LAP project on Department rights of way. LAs must coordinate with the District Permit Engineer and Traffic Operations Office to obtain required lane closure plans regardless of whether a General Use Permit is issued. In the event modifications or changes are required for any Department issued permit or lane closure plan, the LA must timely notify the District's Traffic Operations Office at the earliest opportunity. The LA shall also ensure compliance with the CPAM, Section 9.1.8 regarding actions for maintenance of traffic and safety concerns. The LA shall require their contractors and CEI(s) to take emergency steps to close any public road whenever there is a risk to life, health and safety of the travelling public. The safety of the travelling public is the Department's first priority for the LA. If lane or road closures are required by the LA to ensure the life, health, and safety of the travelling public, the LA must notify the

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525-010-300  
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January 2007  
Revised: ~~September~~ October 2019

Department project manager/District Construction Engineer and District Traffic Operations Engineer immediately once the travelling public are not at imminent risk. The Department expects professional engineering judgment be applied in all aspects of locally delivered projects. Defect management and supervision of LAP project structures components must be proactively managed, monitored, and inspected by department prequalified structures engineer(s). The Department project manager/District Construction Engineer must be notified immediately of defect monitoring that occurs in LAP project construction, whether or not the defects are considered an imminent risk to life, health, or safety of the travelling public.

# Chapter 23

When defects, including but not limited to, structural cracks, are initially detected during bridge construction, the engineer of record, construction engineering inspector, design-build firm, or local agency that owns or is responsible for the bridge construction has the authority to immediately close the bridge to construction personnel and close the road underneath.

# Chapter 23

- d. The Recipient shall require its consultants and contractors to take emergency steps to close any public road whenever there is a risk to life, health and safety of the travelling public. The safety of the travelling public is the Department's first priority for the Recipient. If lane or road closures are required by the LA to ensure the life, health, and safety of the travelling public, the LA must notify the District Construction Engineer and District Traffic Operations Engineer immediately once the travelling public are not at imminent risk. The Department expects professional engineering judgment be applied in all aspects of locally delivered projects. Defect management and supervision of LAP project structures components must be proactively managed, monitored, and inspected by department prequalified structures engineer(s). The District Construction Engineer must be notified immediately of defect monitoring that occurs in LAP project construction, whether or not the defects are considered an imminent risk to life, health, or safety of the travelling public. When defects, including but not limited to, structural cracks, are initially detected during bridge construction, the engineer of record, construction engineering inspector, design-build firm, or local agency that owns or is responsible for the bridge construction has the authority to immediately close the

bridge to construction personnel and close the road underneath. The LA shall also ensure compliance with the CPAM, Section 9.1.8 regarding actions for maintenance of traffic and safety concerns.

# LAP Agreement



**Table 1: FDOT Minimum Construction Inspection Frequency**

Project Type	Inspection Frequency
LAP Class A, B, C	Initial Inspection (less than 10% complete) Quarterly interim inspections Final Inspection
LAP Class D with construction value < \$500,000	Final Inspection
LAP Class D with construction value > \$500,000	Initial Inspection (less than 25% complete) Final Inspection
LAP Class D within travel way with construction value > \$500,000	Initial Inspection (less than 25% complete) One interim inspection near midpoint Final Inspection

A consultant providing CEI support does not preclude the agency from performing jobsite inspections nor does it alleviate the LA from monitoring the contractor and the consultants hired to deliver the LAP project. The LA must have a fulltime employee in responsible charge of the project at all times.

# Discussion