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## **CHAPTER 7 LOCAL AGENCY PROGRAM CERTIFICATION AND PERFORMANCE MANAGEMENT**

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## 7.1 OVERVIEW

Per the [Stewardship and Oversight Agreement \(FDOT Topic No. 700-000-005\)](#), in enacting **23 USC 106(c)** Congress recognized the need to give states more authority to carry out FAHP project responsibilities traditionally handled by the FHWA. Under this assignment of responsibilities, the Department may permit LAs to carry out the Department's assumed responsibilities on locally administered projects. The Department is responsible for LA compliance with all applicable Federal and State laws and requirements.

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*LAs are certified to perform one or more phases of work in a transportation life cycle. LAP certification goes hand in hand with program compliance. The keys to ensuring compliance and reducing risk in the delivery of each phase of work are identified in **Figure 1**.*

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**Figure 1: Keys to Compliance**



A LA is defined as a unit of government with less than statewide jurisdiction or any officially designated public agency or authority of such a unit of government that has the responsibility for planning, construction, operation or maintenance of, or jurisdiction over a transportation facility. **Table 1** on the next page provides examples of LAs that are eligible for LAP certification and lists examples of entities that are not recognized as eligible entities for LAP certification.

Locally administered projects may be funded by the Department and programmed under phases of work that include Federal-aid eligible activities. Maintenance (phase 7) activities are not eligible under the FAHP and related projects would not be delivered via LAP. Most common eligible phases are listed in [Part III, Chapter 17: LAP](#) of the **Work Program Instructions**. Phase identifiers and definitions are in "Appendix D" of the **Work Program Instructions**.

TABLE 1: LAP Certification Eligibility	
ELIGIBLE FOR LAP CERTIFICATION	NOT ELIGIBLE FOR LAP CERTIFICATION
County	Private corporations (e.g. consultant engineering firms, contractors)
City	Individuals or private citizens
Expressway or transportation authority	Non-profit organizations
Special road or bridge district	Subunit, department, or individual staff within a LA
Regional governmental unit	

### 7.1.1 Why Does the FDOT Certify Local Agencies?

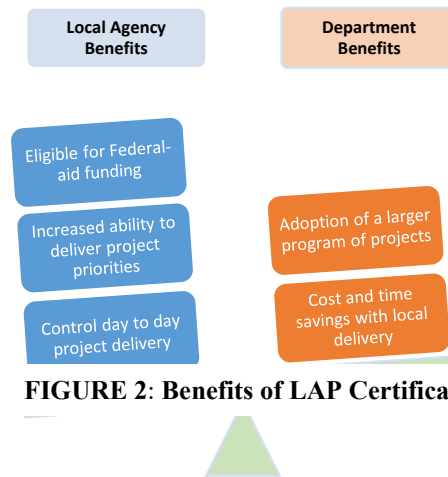
Congress recognizes the importance of a risk-based approach to oversight of the FAHP, establishing requirements in **23 USC 106(g)**. Certification and recertification of LAs participating in LAP documents capability and proficiency in delivering transportation projects under the program. LAP is the preferred project delivery mechanism for Federal-aid projects administered by LAs because the Department has established oversight policies and monitoring procedures in LAP that ensure the required Federal provisions and related Federal requirements are met throughout project delivery.

The Department uses the LAP certification process to determine whether LAs are qualified to administer most FAHP projects. The Department is **not** relieved of oversight and monitoring responsibilities by certifying a LA. The Department serves as the prime recipient of FAHP transportation funds and in accordance with [23 CFR Chapter I](#), acts as the supervising agency. The Department ensures LAP projects receive adequate supervision and inspection and are developed according to approved plans and specifications. The Department final inspects and accepts all LAP projects. The Department is subject to review, monitoring, and oversight by the FHWA. The LAP certification process is reviewed and approved by the FHWA per the **Stewardship and Oversight Agreement**.

Each District LP Office is responsible for LA certification, recertification and certification removal with the support of Central Office, LP.

## 7.1.2 What Are the Benefits of Certification?

Figure 2: Benefits of LAP Certification



## 7.1.3 When Is Certification Not Applicable?

- Federal and State agencies are generally exempt from the certification requirements of this section. Federal and State agencies undergo extensive annual auditing protocols by other Federal and State entities which are available for Department review as needed. However, a District may request a Federal or State agency obtain certification or recertification as needed.
- A LA, such as MPO or Regional Planning Council (RPC), whose expenditure of Federal-aid funds is limited to planning studies and activities that will not lead to construction, per **23 USC 101(a)(4)**, does not need to be LAP certified. The State LP Administrator, in conjunction with the Office of Policy Planning, may consider LAP certification for these entities for any project delivery phase beyond planning on a case-by-case basis.
- In certain cases, emergency repairs may be completed by a LA that is not LAP certified. See **Chapter 13** for additional information and specific requirements of the FHWA ER Program.
- Certification may not be required when a LA is reimbursed by the Department for (or receives from the Department) equipment purchased with Federal-aid funds to be installed on a transportation project. Scopes are limited to operational expenditures intended to replace existing components (new model/version of old component) that do not require additional design for installation. The equipment

shall not be an upgrade or enhancement to the existing system that requires new design services to implement the upgrade or enhancement. The installation of the equipment shall be completed by the LA's in-house forces and the LA is not receiving reimbursement for the installation work. The requirements of Force Account work performed by a LA as detailed in **Chapter 22** apply in all cases. A decision matrix is provided in **Chapter 2** to assist the grant manager in determining whether the LAP delivery method is required.

## 7.2 CERTIFICATION OPTIONS

**Project specific certification** is reserved for those agencies:

- With limited to no experience administering Federal-aid projects.
- With new staff who have limited to no experience administering Federal-aid projects.
- Who will not administer a consistent number of LAP projects to build experience and maintain consistent knowledge of the program.
- Who were fully certified in the past, but have unsatisfactory performance evaluations on prior Federal-aid project administration and their certification is changed from full to project-specific.

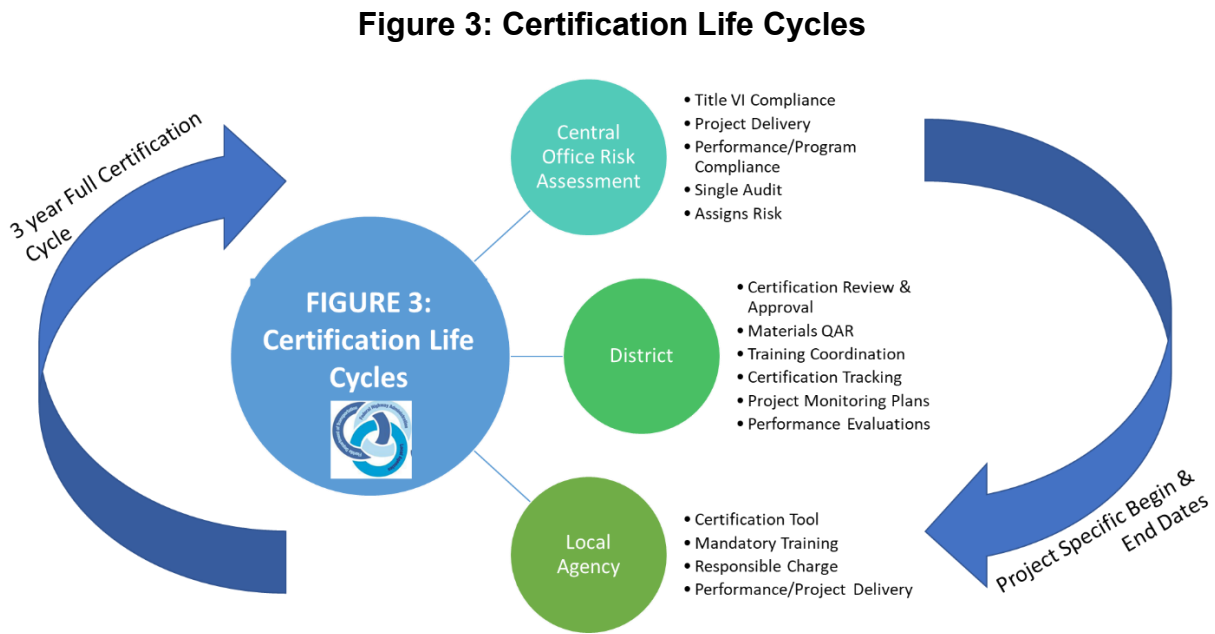
The Districts continue step by step project based oversight of the LAs to mitigate risk. **Project specific certification is limited to off-system roadways**, unless approval is provided by the District Program Management Administrator.

**Full certification** is reserved for LAs whose staff demonstrate the qualifications, capability and achievement of performance expectations between certification cycles, as evidenced by satisfactory or above performance evaluations. It is expected that over time the Districts would be able to reduce the level of project oversight required to ensure compliance, while not increasing risk within the program. District staff considers how many projects the LA plans to or has the capacity to implement within the three-year certification cycle, based on the Department's AWP, local CIPs, and project priorities pending funding in the three-year period. If the expiration date of the certification occurs during the course of a project, the certification will be considered to remain in effect until the project has been final accepted by the Department. **Table 2** on the next page provides a summary comparison of the two certification types.

TABLE 2: Certification Comparison	
PROJECT-SPECIFIC CERTIFICATION	FULL CERTIFICATION
Infrequent project delivery	Consistent annual or bi-annual project delivery
Project specific mandatory training	Agency-wide mandatory training
Maximum level of project monitoring and oversight by the Department	Risk-based project monitoring and oversight
Requires certification on a project by project basis	Allows for recertification once every 3 years
Requires full certification review for each project	Allows for performance based recertification

### 7.2.1 Certification Life Cycle

**Figure 3: Certification Life Cycle** demonstrates how the components of the LAP certification process occur concurrently across State and local partners.



Full Certification of LAs occurs as needed and is completed as a cooperative effort between Central Office, the District Offices, and the LAs. Full certification expires three years from the initial certification date. Certification is based on a risk assessment of the LA, a certification review by the District, and fulfillment of program requirements by the LA. Recertification is dependent upon the performance management process described in **Section 7.6** and may lessen the level of review a LA must undergo based on past

performance. If a LA does not produce a project in that three-year certification period for any reason, recertification will not be applicable.

Project-specific certifications expire once the project close-out is complete. LAs with project-specific certification status are also subject to performance management as described in **Section 7.6**. District staff will conduct a LA performance evaluation at the close of the project, which will be maintained on file with the District for consideration during future project-specific certifications or if the LA pursues full certification status.

LA staff turnover is a critical risk factor in achieving successful compliance with FAHP and LAP requirements. At any such time that a LA loses key personnel, especially the responsible charge (see **Section 7.3**), the LA's project oversight capability must be reviewed to determine if a change in certification status is warranted or a change to the level of District oversight is required. In the event the LA's certification is rescinded or removed, the LA may pursue LAP certification in the future.

## 7.2.2 Local Agency Programmatic Risk Assessments

Risk assessments and monitoring plans are required by Federal and State rules, regulations, and requirements. Risk must be assessed prior to each grant award. **Chapter 5** details risk and associated project level monitoring. Central Office, LP provides each District grant manager with a programmatic risk assessment of the LA, which may be used to inform current or future LAP certifications. If the LA's risk assessment indicates current non-compliance with Federal or State laws, rules, and regulations the LA will not be eligible for LAP certification until such time that corrective actions are completed.

*Note: Denial of certification does not mean the LA cannot receive a Federal-aid project. The Department may produce the project on behalf of the LA or another LAP certified agency may produce the project on behalf of the LA. Contact your District LP Administrator with questions regarding your LA's certification status.*

## 7.3 CERTIFICATION REQUIREMENTS

The three primary areas of certification available to LAs are identified in **Table 3** on the next page. The minimum qualifications must be met, whether the services will be performed by the LA's own forces or by a consultant or contractor. LAs who are seeking to qualify staff in these certification areas demonstrate their level of knowledge, skill, ability, and project experience on the [LAP Certification Tool](#). A LA may be approved for full certification limited to a specific project phase at the discretion of the District LP Administrator.

**TABLE 3: Certification Areas and Requirements**

CERTIFICATION AREA	MINIMUM QUALIFICATIONS
Planning	Responsible staff with knowledge of the Federal and State requirements for transportation planning processes, including transportation planning organizations; experience with transportation planning studies; and transportation projects of a nature similar to those the agency intends to develop. Refer to <a href="#">Chapter 14-75, F.A.C.</a> for minimum professional services qualifications required for LAP Classification A, B, and C projects (refer to <b>Chapter 20</b> for definitions of project classifications).
Design	Responsible staff with experience in design with various types of infrastructure projects, particularly projects similar in scope to those the LA intends to design with Federal funds. A Florida Licensed Professional must prepare, sign, and seal the final Plans, Specifications, and Estimates according to <b>F.S. and Rules</b> , including but not limited to, <b>Chapter 471, F.S., Chapter 481 Part II, F.S.</b> , and <a href="#">Rules 61G10</a> and <a href="#">61G15, F.A.C.</a> . A LA who intends to design a project with its own forces must have a Florida Licensed Professional on staff. Training and knowledge of the Americans with Disabilities Act (ADA) requirements <b>49 CFR 27, 49 CFR 37</b> , and per the <a href="#">Departments of Justice and Transportation Joint Technical Assistance Memo on Title II of the Americans with Disabilities Act Requirements</a> . Refer to <b>Chapter 14-75 of the F.A.C.</b> for minimum professional services qualifications required for LAP Classification A, B, and C projects.
Construction/ Construction Administration	<p>Responsible staff with experience in providing construction oversight of transportation projects (preferably federally funded), including but not limited to managing contract time, change orders/contract changes, and construction invoicing. The LA must have an established materials quality assurance process. The LA must have an established process for contract compliance; including but not limited to: Equal Opportunity, Disadvantage Business Enterprise (DBE) tracking, and compliance with minimum wage rate decisions and payroll verification. Refer to <a href="#">Chapter 14-75, F.A.C.</a> for minimum professional services qualifications required for LAP Classification A, B, and C projects.</p> <p>A design-build procedure is required if the LA will administer a design-build project. For LAP Classification D projects, the LA must develop a procedure per <b>s. 287.055(9) F.S.</b> For LAP Classification A, B, and C projects, the LA is required to follow <b>FDOT Procedure 625-020-010</b> (refer to <b>Chapter 16</b> for detailed information on design-build).</p>

### 7.3.1 Environmental and Right of Way Certifications

The Department does not delegate the **NEPA** class of action determination, environmental certification, or right of way certification to LAs. Consequently, NEPA class of action determination, environmental, and right of way phases are specifically excluded from the general certification discussion as these areas are addressed on a project-by-

project basis. The Director of Transportation Development, in consultation with the District Environmental Administrator and/or the District Right of Way Manager will determine the method of delivering these phases and the LA's level of involvement. District staff considers the minimum qualifications provided in **Section 7.9** to determine the LA's involvement.

### 7.3.2 Materials Testing Procedure Review

For projects off the SHS and NHS, the District Materials Offices will review the LA materials quality assurance programs in conjunction with a LA's LAP Certification. The Materials Office review focuses on the process the LA uses to certify materials on LAP projects and may include a limited review of project data to inform the certification review. A sample **Materials Testing and Acceptance Quality Assurance Review form** is located on the LAP Forms webpage.

For projects on the SHS or on the NHS the LA's will use the [Samples Testing and Reporting Guide](#) and the **FDOT Materials Manual**.

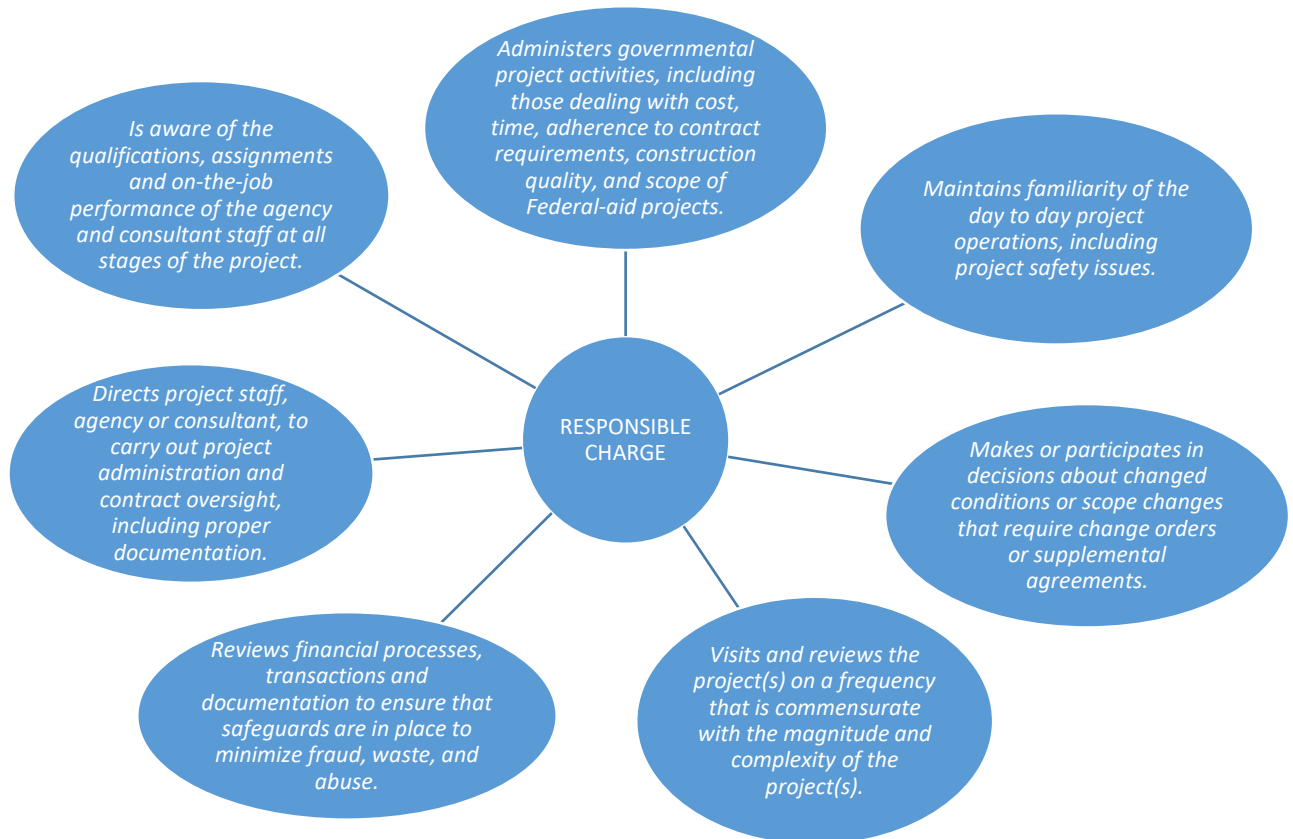
## 7.4 RESPONSIBLE CHARGE

FHWA issued a [Memorandum](#) on August 4, 2011 to more clearly define "responsible charge" of Federal-aid projects. The FHWA requirement is located in [23 CFR 635.105-Supervising Agency](#), but the Memorandum further defines the requirements of the position and the duties as applicable to LA.

The person delegated as the "responsible charge" **shall be a full time employee of the LA**. A LA's responsible charge does not need to be an engineer, but is expected to perform the duties identified in **Figure 5** on the next page per the **Memorandum**.

There is no restriction on sharing the duties above or delegating project activities as needed. Training requirements specific to the responsible charge will be applicable to each person identified, if duties are shared. The District LP Administrator communicates modifications to the training requirements in **Section 7.5.4** on a case-by-case basis. The Department expects the LA to maintain a responsible charge as the primary point of contact for the LA. The primary point of contact information must be entered into **GAP (Section 7.8)** and the Department must be notified as soon as possible if and when the designated responsible charge changes. The LA's responsible charge is expected to complete LAP training sessions, attend project and coordination meetings, and be responsive to requests for project information from the Department or other government agencies.

Figure 5: Responsible Charge



### 7.4.1 Consultant Staff Support For Local Agencies

The LA's certification package may identify consultant staff used to augment LA forces; however, this does not relieve the LA of its responsible charge obligations. Services of a consultant in this capacity are not eligible for Federal reimbursement, unless the consultant contract meets the definition of a consultant service in management support role per **23 CFR 172.7(b)(5)**, and FHWA prior approval has been granted. All consultants executing project tasks on behalf of a LA must adhere to **LPM Chapter 14.3: Conflict of Interest**.

## 7.5 LOCAL AGENCY PROGRAM CERTIFICATION TOOL

District staff must first direct the LA to complete the SCAT Tool in GAP: once a SCAT rating of green or yellow is received the district staff will request a risk assessment from

CO LP unit by emailing [co-localprograms@dot.state.fl.us](mailto:co-localprograms@dot.state.fl.us). Once the programmatic risk assessment of the LA is completed by CO (**Section 7.2**), LA staff completes the [Local Agency Program Certification Tool](#). This tool is a more detailed risk assessment of the LA's LAP participation as it relates to project delivery. The tool identifies categories of responsibility associated with different phases of transportation projects funded under the FAHP. The tool also identifies training and documentation requirements associated with each category of responsibility.

After the LA uploads the **LAP Certification Tool** to GAP, the District LP Administrator and the necessary Department technical experts will review the application and interview the LA to determine the LA's level of certification. The tool shall be signed by both the District LP Administrator and the responsible charge at the conclusion of the interview. The District will not approve certification if any information is missing from the application, additional details are needed, or the information contained within the tool demonstrates the LA requires corrective actions to mitigate risks to the management of FAHP grant sub-awards.

The tool must be updated when there is a change to the LA's designated responsible charge(s). The District LP staff also reserves the right to request an updated Tool as needed. For example, when the LA experiences multiple staff turnovers mid-certification cycle or when the LA changes a fundamental business practice that may conflict with LAP processes, the District may deem it essential to update the LA's certification file.

### 7.5.1 Full Certification

All items identified in the **LAP Certification Tool** are required of the LA to achieve (and maintain) full certification status. Additionally, the LA may be required to submit specifications, procurement procedures, or other process documents upon request of the District. All training requirements identified in **Section 7.5.4** shall be met and maintained. LAs with full certification shall resubmit the **LAP Certification Tool** at a minimum once every three years to maintain program eligibility.

### 7.5.2 Project Specific Certification

A LA seeking project specific certification must submit the Tool, but the LA is not required to provide information in sections of the form that are not applicable to the project. All training requirements identified in **Section 7.5.4** shall be met and maintained, unless the District LP Administrator notifies the LA of changes to mandatory training course requirements based on limited phases of project delivery. LAs with a project specific certification will complete the **LAP Certification Tool** each time they request a new certification.

### 7.5.3 Certification Approval

Upon completion of the District’s assessment and the LA’s interview, the District LP Administrator will notify the LA of the certification decision in writing. If the LA is eligible for certification, the **LAP Certification Tool** includes the certification type and any special conditions or exceptions identified in *Section T* of the **Tool (Figure 6)**.

**Figure 6: LAP Certification Tool**

**T. CERTIFICATION STATUS**

Effective [Click here to enter text.](#) qualifies for the following Certification/Recertification: Choose an item.

The following exceptions are applicable to this Certification/Recertification:  
(Check all that apply)

AGENCY MAY NOT PERFORM IN-HOUSE DESIGN ON LAP CLASSIFICATION A, B, OR C PROJECTS

The dropdown menu shows the following options: Full Certification, Full Certification with Exceptions, Project Specific Certification, Project Specific Certification with Exceptions, and Certification Denied at this time.

Certification effectively delegates project delivery to a LA and may be restricted based on LA qualifications. If certification is denied, the District will discuss the reasons for denial and the steps the LA may pursue to reapply. A notice of LAP certification letter shall be signed by the District Secretary.

**Appropriate GAP screens** must be updated by the District LP staff to reflect the current LAP certification, Title VI Assurance and the Risk Assessment status/dates resulting from LAP certification.

### 7.5.4 Training Requirements

Knowledge of current Federal and State requirements is critical to successfully administering and completing a LAP project. Training courses are offered by the Florida Local Technical Assistance Program (LTAP), FHWA and the Department. It is the responsibility of the attendee to track their training and keep certificates. Certificates may be loaded to GAP.

Training must be completed by each LA designated employee (or employees) prior to initial certification and/or within twelve (12) months of the LAP certification effective date unless a course is not offered within that 12-month period. Failure to complete all required training courses as indicated will effectively terminate your LA’s LAP certification and may

affect future program participation and reimbursement of project funds. Mandatory course attendance requirements are identified in **Table 4** on the next page.

Face-to-face training courses will be offered in each district annually, biennially, or triennially as indicated in the **Table 4** “completion timeframes”, or an equivalent training course will be offered. Consult the [Florida LTAP Training Calendar](#) for course listings, dates offered, and additional course information. The LA may satisfy attendance at the face-to-face courses with a minimum of one employee, unless otherwise instructed by the District LP Administrator.

[Recorded webinars](#) or web or Computer Based Training (CBT) courses may be applicable to multiple employees depending on the program area. Electronically available courses listed in **Table 4** are free and available 24 hours a day; therefore, the LA must meet the completion requirements for these courses in full to maintain certification status.

The Department reserves the right to update, add, or delete training courses required for certification as needed. The District LP Administrator may require additional attendees from a LA at their discretion. Courses that must be taken prior to certification are denoted as such in **Table 4**. All other courses in **Table 4** must be taken within 12 months of the initial certification date, or as soon as offered after the certification date, and will then be repeated by the LA staff on a one to three-year cycle as denoted.

TABLE 4: Local Agency Program Minimum Training Requirements			
COURSE NAME / DESCRIPTION	COURSE IDENTIFICATION NO.	REQUIRED MINIMUM ATTENDEES	COMPLETION TIMEFRAME
<a href="#">FDOT LAP Certification</a>	CBT	Each employee identified on the Certification Tool	One time prior to Certification approval and as new staff enter program
FDOT LAP Workshop	BT-05-0151 (8 hours)	RC and all delegates in each program area- <i>LA may satisfy this course with a minimum of one attendee from the list provided.</i>	Once every three years- recording is available
<a href="#">FDOT LAP Professional Services Checklist Training</a>	BT-05-0152 (8 hours)	RC, project managers, and procurement staff who develop RFPs, scopes and negotiate contracts- <i>LA may satisfy this course with a minimum of one attendee from the list provided.</i>	Once every two years- recording is available

**TABLE 4: Local Agency Program Minimum Training Requirements**

COURSE NAME / DESCRIPTION	COURSE IDENTIFICATION NO.	REQUIRED MINIMUM ATTENDEES	COMPLETION TIMEFRAME
<a href="#">LAP Title VI Subrecipient Compliance Tools (SCAT)</a>  <i>*May be offered with BT-05-0062 as an 8hr course</i>	BT-05-0153 (4 hours)	RC, Title VI Coordinator, ADA Coordinator- <i>LA may satisfy this course with a minimum of one attendee from the list provided.</i>	Once every three years- recording is available
<a href="#">FDOT LAP Construction Checklist, Specifications and Greenbook Training</a>	BT-05-0197 (8 hours)	RC, project managers, engineering and procurement staff who develop construction bid packages - <i>LA may satisfy this course with a minimum of one attendee from the list provided.</i>	Once every two years- recording is available
<a href="#">ADA for Design and Construction- General</a>  <i>*May be offered with BT-05-0153 as an 8hr course</i>	BT-05-0062 (3 hours)	RC, ADA Coordinator, Project Managers- <i>LA may satisfy this course with a minimum of one attendee from the list provided.</i>	Once every three years- recording is available  (may fulfill with alternate ADA Training courses for transportation facilities as offered by FHWA)
<a href="#">LAP Professional Services CBT</a>	CBT	RC, project managers, procurement staff	One time prior to Certification approval and as new staff enter program. <i>Not required if staff attends course BT-05-0152.</i>
<a href="#">Resident Compliance Specialist CBT</a>	CBT	Resident Compliance Specialists and Contract Compliance Oversight staff.  Recommended for construction project managers	One time prior to Certification approval and as new staff enter program. <i>Not required if staff attends District Contract Compliance Training.</i>
<a href="#">Equal Opportunity Compliance CBT</a>	CBT	Resident Compliance Specialists and Contract Compliance Oversight staff	One time prior to Certification approval and as new staff enter program

TABLE 4: Local Agency Program Minimum Training Requirements			
COURSE NAME / DESCRIPTION	COURSE IDENTIFICATION NO.	REQUIRED MINIMUM ATTENDEES	COMPLETION TIMEFRAME
<a href="#">ERC Application User Guide</a>	CBT	Design project managers	One time prior to Certification approval and as new staff enter program
*WBT = Web Based Training    BT = Face to Face Training    CBT = Computer Based Training			

Additional recommended or substitute training courses are provided in **Section 7.9** of this **Chapter**.

## 7.6 PERFORMANCE MANAGEMENT

Performance management reinforces the risk-based oversight and monitoring for each LA participating in LAP. Performance management is used to assess risk, track performance, and measure performance. When the Department certifies a LA, and enters into a [LAP Agreement \(FDOT Form No. 525-010-40\)](#), a commitment is made to deliver the LAP project in compliance with Federal and State program requirements. The Department monitors the progress made by the LA towards this commitment to project delivery. Consequently, LAs are evaluated on activities related to professional services procurement, design, construction, and construction administration including but not limited to:

- Technical skills and abilities of LA project management staff
- Communication and cooperation with the Department's project management team(s)
- Invoicing frequency and accuracy
- Compliance with the **LPM** and other Federal and State requirements, laws rules, and regulations

The District LP Administrator and District Program Management Administrator in consultation with the LA will agree to which project delivery processes may be further delegated due to above satisfactory performance and decreased risk to the Federal funds. Department monitoring of the LA's delegated functions will continue via the project monitoring plan and quality assurance reviews. Delegated functions are subject to Department discretion and the LA maintaining satisfactory performance. LA responsibility for delegated functions may be revoked by the Department as warranted.

## 7.6.1 Local Agency Performance Evaluations

As described in **Section 7.2**, LAP certification may in part be based on the LA's performance evaluations conducted by the Department's LP Administrator at the close of each project phase administered by the LA. The Department assesses what aspects of the LA's efforts are compliant, where compliance is less than satisfactory, and whether the LAP certification type needs to change or be removed based on risk to the Department or the program. The evaluations inform project risk assessments and LA monitoring plans, the LA's programmatic risk assessment, and the certification review process.

Performance evaluations are completed using the [LAP Performance Evaluation Form No. 525-010-50](#). The District LP Administrator completes the evaluation based on input from the Department's project managers. Once the District LP Administrator completes the evaluation, the evaluation is reviewed and signed by the LA's responsible charge and the District LP Administrator. The Department provides the evaluation to the LA as soon as practicable and no more than 30 days after final acceptance and/or the processing of the final project close out package by the Department (see **LAP Agreement, Section 13**). The Department or the LA may request a meeting to discuss the results. The performance evaluation cannot be completed in full until a final invoice for the project has been accepted and processed by the Department.

Each performance evaluation will result in one of three ratings:

- **Unsatisfactory Performance (1)** means the LA failed to develop the project in accordance with applicable Federal and State regulations, criteria, standards, and procedures, required excessive Department involvement/oversight, or required corrective actions by the Department to complete the project.
- **Satisfactory Performance (2)** means the LA developed the project in accordance with applicable Federal and State regulations, criteria, standards, and procedures, with minimal Department involvement/oversight.
- **Above Satisfactory Performance (3)** means the LA developed the project in accordance with applicable Federal and State regulations, criteria, standards and procedures, and the Department did not have to exceed the minimum oversight and monitoring requirements identified for the project.

The Districts provide technical assistance to LAs with unsatisfactory performance evaluations to improve their performance to a satisfactory level. If the District LP Administrator, provides the necessary technical assistance, but the LA continues to earn unsatisfactory results, the District shall amend the LA's certification type as applicable or initiate certification removal (**Section 7.7**). It is recommended the LA review and discuss the scores with its LAP project management team to identify ways to improve performance on future projects. All completed evaluations and supporting documentation

resulting from evaluation findings must be uploaded into GAP.

## 7.6.2 Quality Assurance Reviews of LAP Projects

Performance management is also conducted by the Department through the program level quality assurance review (QAR) process for LAP projects. Project delivery processes are established within the *LPM* and other formal guidance issued by the Department. Compliance with program requirements by a LA may be reviewed at any time by the Department (or other government agency). Findings resulting from a LA QAR informs the certification review process, project performance evaluations, and the development of corrective action plans for non-compliance.

## 7.7 CERTIFICATION REMOVAL

A LA's certification may be removed for failure to comply with Federal and State regulations, the requirements of the *LPM*, the *LAP Agreement*, and/or not meeting the minimum training requirements identified in **Section 7.5.4**. Certification removal may also occur if the LA receives an unsatisfactory performance evaluation, which includes, but is not limited to: failure to deliver projects and failure to meet the commitments of the LAP.

The District LP Administrator and District Program Management Administrator will recommend certification removal to the District Secretary. The recommendation will include performance reports and documentation of any factors relevant to the decision. A LA will be notified in writing of the certification removal and the reason(s) for removal. A LA may appeal the certification removal through the District Secretary.

Violation of Federal or State requirements may cause certification to be terminated mid-project(s) and may affect the LA's reimbursement eligibility. If a LA's certification is terminated mid-project, per the terms of the *LAP Agreement*, the LA shall not be reimbursed for non-compliant work and may be required to pay back the Department for any projects found to be non-compliant.

## 7.9 OPTIONAL TRAINING AND CERTIFICATION INFORMATION

**Table 6: Certification Requirements for Environmental and Right of Way Activities** provides supplementary information required when a LA decides to pursue delivery of environmental or right of way activities under LAP (reference **Ch. 14-75, F.A.C.** for additional details.)

<b>TABLE 6: Certification Requirements for Environmental and Right of Way Activities</b>	
<b>ACTIVITY</b>	<b>MINIMUM QUALIFICATIONS</b>
Environmental	<p>Requires a professional engineer, a natural scientist, and a social scientist. The professional engineer must be registered with the Florida State Board of Professional Engineers, must have managed, and completed at least one Project Development and Environment (PD&amp;E) study or similar study, including roadway design and environmental engineering. This experience must include conducting environmental studies for transportation projects involving highway projects and public involvement issues.</p> <p>The natural scientist must have a four-year college degree and experience in a natural science such as ecology, biology, environmental science, or wildlife management and have completed at least one PD&amp;E study or similar study in a natural science area such as defined above.</p> <p>The social scientist must have a four-year college degree and experience in a social science such as psychology, sociology, statistics, political science, geography, urban planning demographics, archeology, or economics and have completed at least one PD&amp;E study or similar study in a social science area such as defined above.</p> <p>A member of the LA oversight and/or project staff must complete the Department PD&amp;E process training.</p>
Right of Way	<p><b>Acquisition, Negotiation, Closing, and Order of Taking Qualification Requirements:</b> Consultants employed by a LA are required to be registered with the Florida Real Estate Commission and, at a minimum, have one real estate broker and one real estate salesperson licensed by the State of Florida, Department of Business and Professional Regulation. These employees each must have at least three years of demonstrated experience in transportation acquisition projects. Although employees of a LA are statutorily exempt from the registration requirement with the Florida Real Estate Commission, similar qualifications should be considered when evaluating the expertise and capabilities of the LA's Right of Way program.</p> <p><b>Relocation Assistance Qualification Requirements:</b> Consultants performing this type of work requires a minimum of one full time employee with a minimum of three years of demonstrated current experience in administering and providing relocation assistance for transportation projects under the provisions of the <b><i>Uniform Relocation Assistance and Real Property Acquisition Policies Act and 49 C.F.R., Part 24</i></b>. LA employees performing similar right of way activities should possess comparable qualifications.</p>

The training courses provided in **Table 7** are not mandatory but may be recommended or required for LA certification by the District LP Administrator. Additionally, any LA staff that has an interest may complete the training courses listed below.

<b>TABLE 7: Local Agency Program Recommended Training Requirements</b>			
<b>COURSE NAME / DESCRIPTION</b>	<b>COURSE IDENTIFICATION NO.</b>	<b>RECOMMENDED ATTENDEES</b>	<b>RECOMMENDED COMPLETION TIMEFRAMES</b>
<a href="#">Consultant Performance Evaluations</a>	CBT	RC and consultant evaluators	N/A
<a href="#">NHI ADA Pedestrian Facility Design</a>	NHI-142045 (1.5 days)	Design project managers	Alternate course to LAP ADA Training
<a href="#">FHWA ER Program Overview</a>	WBT	RC, project managers, procurement staff	Recommended if ER reimbursement is required- recording is available
FHWA Pedestrian Road Safety Audit Workshop	BT	RC, project managers, design staff	Recommended as a substitute for ADA Pedestrian Facility Design course
<a href="#">Professional Services Negotiation Handbook</a>	CBT	Negotiations committee members for consultant contracts	One time prior to certification and as new staff enter program
<a href="#">ITS Systems Engineering CBT</a>	CBT	LA staff managing ITS/ATMS projects.	Prior to beginning the ITS/ATMS project.
<b>*WBT = Web Based Training    BT = Face to Face Training    CBT = Computer Based Training</b>			

## 7.10 RESOURCES

[Topic No. 700-000-05 FHWA-FDOT Stewardship and Oversight Agreement](#)

[23 CFR Chapter I](#)

[2 CFR 200](#)

[23 CFR 635.105- Supervising Agency](#)

[Auditor General's Financial Audit Reports Index for Florida Counties](#)

[Auditor General's Financial Audit Reports Index for Florida Municipalities](#)

[Local Agency Program Certification Tool](#)

[525-010-50 LAP Performance Evaluation](#)

[GAP SCAT User Guide for Local Agency Users](#)

[GAP SCAT User Guide for State Employee Users](#)

[525-010-40](#) LAP Agreement

[Chapter 14-75, F.A.C.](#)

The Florida Local Technical Assistance Program (LTAP) Center provides training and technical assistance to LAs. Previously recorded webinars including professional development opportunities may be found on the following webpage:

<https://floridaltap.org/training-and-events/ltap-recorded-webinars/>