

## GLOSSARY

**ADDENDUM** – written change to a published advertisement and issued during the advertisement period. (Ch. 14, 15)

**ADMINISTRATIVE SETTLEMENT** - Agreement to pay an amount in excess of the approved compensation for right of way that is closed prior to finalizing an Order of Taking by a court deposit for the affected parcel and must be justified in writing by the Department. (Ch. 19)

**ADVERTISEMENT** – also known as “Solicitation” – The public announcement in a uniform and consistent manner, as required by law, inviting bids or proposals for work to be performed or materials to be furnished. (Ch. 10, 14, 15, 16, 20)

**AWARD DATE** – The cut-off date used by Federal enforcement agencies for “notice of award” is defined as the “date the contracting local public agency formally notifies the bidder or proposer”. (Ch. 10, 11, 14, 15)

**ALLOWABLE COSTS** – Costs or prices based on estimated costs for contracts shall be eligible for Federal-aid reimbursement only to the extent that costs incurred or cost estimates included in negotiated prices are allowable in accordance with the Federal cost principles and Florida DFS. (Ch. 5, 6, 14, 21)

**ALTERNATIVE CONTRACTING METHODS** – operational methods that are tested and approved by FHWA or the Department for use on locally delivered construction projects. See also Innovative Contracting Methods. (Ch. 15, 16)

**AMERICANS WITH DISABILITIES ACT (ADA) OF 1990** – provide that no person shall on the grounds of disability be excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity, whether or not the program or activity receives Federal financial assistance.

**APPROVAL** – In this Manual, refers to oversight and monitoring of project activities that require Department or FHWA approval for the LA to move on in the project delivery. Approvals are established by policy or by laws and rules. See also Stewardship and Oversight Agreement.

**AS-BUILTS** – Contract Plans (roadway) after construction is completed, all revisions including those occurring during construction, have been included and with the title on the key sheet changed to Final Plans. The As-Built Structure Documents Package contains select bridge records that the District Structures Maintenance Office (DSMO) is required

to store for the life of the bridge (MBE Section 2). For FDOT projects, follow the CPAM. For other projects, the package is a ZIP archive containing one bridge; PDF contents are either direct-to-pdf or scanned at 300dpi+ and 75%+ quality compression. The package contains; 1. Foundation records; pile driving records, shaft tip elevations, and boring logs. 2. Structure plans; shop drawings, and As-Built plans (alternatively sealed design plans, with a summary of construction changes). 3. For bridges traversing water, a sealed Hydraulic analysis plan sheet. Sealed As-Built load rating. (Ch. 13 & 21)

**APPROVED PRODUCT LIST** - A listing of certified products that the Department has reviewed and found compliant with specifications and authorized for use on the streets and highways of Florida. The published information concerning the certified product consists of the following: (a) product specification to which conformity has been certified (first three digits in certification number), (b) product type, (c) product description/model number, (d) certification number, (e) last date of approval, (f) product photo(s) and/or schematics, (g) supplier name/address/web site address/phone number, and (h) supplier contact name(s)/e-mail address(es)/phone number(s).

**BENEFIT-COST ANALYSIS** - An analysis that compares the potential benefits of a project with the estimated costs of the project. If the potential benefits outweigh the expected costs, the analysis suggests that the project will benefit society in general. (Ch. 22)

**BIDDER** - An individual, firm, or corporation submitting a proposal for the proposed work. A responsive bidder is one that meets all the requirements of the advertisement. A responsible bidder is one that has the financial wherewithal and is physically organized and equipped to undertake and complete the contract. (Ch. 15)

**BID OPPORTUNITY** – firm attempting to participate in FHWA-assisted contracts. To ensure the DBE program is narrowly tailored in compliance with 49 CFR26.45, the Department maintains a list of all firms in EOC and reports the data to FHWA annually. (Ch. 11, 14, 15)

**BID PROPOSAL** - The offer of a bidder, on the prescribed form, to perform the work and to furnish the labor and materials at the prices quoted. (Ch. 15)

**BRIDGE** - **23 CFR Part 650, Subpart C**, the National Bridge Inspection Standards, defines a bridge as a structure including supports erected over a depression or an obstruction, such as water, highway or railway, and having a track or passageway for carrying traffic or other moving loads, and having an opening measured along the center of the roadway of more than 20 feet between the undercopings of abutments or spring lines of arches, or extreme ends of openings for multiple boxes; which may include multiple pipes, where the clear distance between openings is less than half the smaller

contiguous opening.

**S. 334.03(2), F.S.** defines a bridge as: A structure, including supports, erected over a depression or an obstruction, such as water, a highway, or railway, and having a track or passageway for carrying traffic as defined in **Ch. 316, F.S.**, or other moving loads." (Ch. 12, 13, 16, 17, 20, 21, 24)

BUY AMERICA – FWHA policy that provides for domestic manufacturing process for any steel or iron products that are permanently incorporated in any project funded under Title 23, alternate bid provisions, minimal usage criteria for non-domestic products, and a waiver process based on public interest or the availability of domestic products.

CALENDAR DAY - Every day shown on the calendar, ending or beginning at midnight. (Ch. 21)

CAPITAL IMPROVEMENTS PLAN (CIP) – annual infrastructure improvements work plan approved by a local agency’s board. Department funded grant projects must be included and fully funded in the subrecipient’s CIP since they are reimbursement programs. (Ch 5)

CERTIFICATION – document created by a direct- or sub- recipient that demonstrates the need to waive a FWHA requirement. See also Cost-Effectiveness Finding and Public Interest Finding.

CHANGE ORDER – also referred to as a “contract change”, “extra work order”, “supplemental agreement”, or “contract amendment”. Document issued to amend or change the contract days and/or items/work granted under the original contract, or subsequent amendments, for construction activities. There is not a limit to the number of change orders that may occur on a project, but funding participation by the Department in contract changes is not guaranteed. (Ch. 7, 16, & 22)

CLAIM (or ADMINISTRATIVE) SETTLEMENT COST - The claim settlement costs are those costs disputed by the Department or LA but paid solely to avoid the risk of additional costs associated with resolving the claim by dispute review board, arbitration or litigation. Claim settlement costs are the sum calculated by subtracting from the Claim Supplemental Agreement amount paid, that amount justified by the Engineer's Estimate and Entitlement Analysis percentages. Specifically, that amount justified by the Engineer's Estimate and Entitlement Analysis is the summation, for all claim issues, of the most recently amended Entitlement Analysis percentage for each claim issue, multiplied by the most recently amended Engineer's Estimate of cost impact for that issue. The Statement of Claim Settlement Costs is simply a page signed and dated by the engineer preparing it that lists the claim issues, shows the calculation described above and includes the following the relevant amounts for each issue, the total amount justified,

the total amount paid and the resulting claim settlement cost. Even though a contract adjustment may settle several disputed issues for amounts greater than justified in the Entitlement Analysis and Engineers Estimate, the contract adjustment will have only one Claim Settlement Cost which is the sum of all such costs for the issues settled in the contract adjustment. (Ch. 5, 6, & 21)

**CODE OF FEDERAL REGULATION** - The Code of Federal Regulations (CFR) annual edition is the codification of the general and permanent rules published in the Federal Register by the departments and agencies of the Federal Government.

**COGNIZANT AGENCY** – FDOT is the cognizant agency for FAHP projects and its consultant prequalification program must be adhered to in establishing indirect cost rates for all projects. FDOT performed an audit in accordance with generally accepted government auditing standards to test compliance with the requirements of the Federal cost principles and issued an audit report of the consultant’s indirect cost rate, or any described agency that has conducted a review of an audit report and replated workpapers prepared by a certified public accountant and issued a letter of concurrence with the audited indirect cost rate(s). A cognizant agency may be any of the following:

- 1) A Federal agency
- 2) A State transportation agency of the State where the consultant’s accounting and financial records are located; or
- 3) A State transportation agency to which cognizance for the particular indirect cost rate(s) of a consulting firm has been delegated or transferred by the State transportation agency identified in paragraph (2) of this definition.

**COMMITMENT (ENVIRONMENTAL COMMITMENT)** – Environmental documents and permits that record commitments made by the lead agency. These commitments must be completed both during and after construction.

**COMMITMENT FILE** – File containing a summary of Local Agency commitments made to other agencies or groups during project development that will be incorporated into the design, construction, and maintenance of a project. (Ch. 20)

**COMMUNITY** – 1) Major subdivision of a municipality composed of neighborhoods, considered as a unit for planning purposes; 2) A physical or cultural grouping of stakeholder with common interests created by shared proximity or use. Can also be defined at various levels within a larger context (e.g., neighborhood or city or metropolitan area or region). (Ch. 8 & 22)

**COMPETITIVE NEGOTIATION** – also known as qualifications-based selection; procurement procedures for award of a professional service or consultant service contract complying with 40 USC 1101-1104, commonly known as the “Brooks Act” and Chapter

287 Florida Statutes, commonly known as “Consultant Competitive Negotiation Act”. (Ch. 14)

**CONCURRENCE** – In this Manual, refers to oversight and monitoring of project activities that require Department review and acknowledgement the action is in compliance with policy and procedure for the LA to move on in the project delivery. Concurrence reviews are tied to risk in the project delivery process and required by Department policy or grant requirements. See also Approvals and Stewardship and Oversight Agreement.

**CONFLICT OF INTEREST** – employees of the Department or LA may not have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity or accept any obligation of any kind which is in conflict with the proper conduct of their duties in the public interest. (Ch. 14)

**CONSTRUCTION ADMINISTRATION** – includes construction project inspection, project administration and recordkeeping, materials acceptance and verification, and when applicable Federal contract compliance reviews. (Ch. 21)

**CONSULTANT** – The Professional Engineer or Engineering Firm, or the Architect or Architectural Firm, licensed in the State of Florida and under contract to the Department or Local Agency to perform professional services. The consultant may be the Engineer or Architect of Record or may provide services through and be subcontracted to the Engineer or Architect of Record. (Ch. 7, 14, 21)

**CONSULTANT AUDIT** – formal examination, in accordance with professional standards, of a consultant’s accounting systems, incurred cost records, and other cost presentations to test the reasonableness, allowability, and allocability of costs in accordance with the Federal cost principles (as specified in 48 CFR part 31).

**CONSULTANT AUDIT PACKAGE** – in this manual, the cost information provided by a consultant during contract negotiations to establish rates presented are audited and/or established in accordance with Federal cost principles. See indirect cost rates. Consultant audit packages contain confidential cost data and must be protected in compliance with **23 USC 112(b)(2)(E)** and **23 CFR 172.11(d)**. (Ch. 14)

**CONSULTANT QUALIFICATION** – also known as “Prequalification” or “Prequalified Consultants” – Rule 14-75 Florida Administrative Code (F.A.C.) establishes minimum qualification standards by type of work for consultants, the consultant competitive selection process, and the work performance evaluation system for professional consultants who seek to provide professional services to the Department. LA’s may also apply local prequalification programs established by LA procedure. See Type of Work and Consultant Audit. (Ch. 14, 17)

**CONTINUING CONTRACT** – also known as “on-call or indefinite delivery/indefinite quantity (IDIQ)” contracts; contracts for continuing consultant services where performance is defined by the scope of services for an undefined number of projects. Florida laws limit use of continuing services contracts under s. 287.055(2)(g) F.S. Task work orders for a detailed project specific scope of services are issued as needed for an established contract period. (Ch. 14)

**CONTRACT CHANGES** – plan changes or revisions, specification changes, changes in cost, changes in time to an executed construction or consultant contract. Includes changes in scope or project limits and also supplemental agreements, time extensions, and extra work orders. All contract changes are approved by the Department grant manager in Local Programs. (Ch. 6, 21)

**CONTRACT CLAIMS** – a written demand by the contractor for a specific sum resulting from a dispute which cannot be resolved by the contracting agency’s normal contract change procedures. Disputes may be due to conflicts in interpretations of the contract requirements or impacts of encountered changed conditions or owner-caused delays.

**CONTRACT COMPLIANCE MANUAL (CCM)** – the Department’s procedure for how to administer Federal contract compliance and EEO requirements on FAHP projects. Definitions related to construction contract compliance are found in the **CCM, Chapter 1**: [https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/equalopportunity/contract-compliance/introduction.pdf?sfvrsn=59860b09\\_4](https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/equalopportunity/contract-compliance/introduction.pdf?sfvrsn=59860b09_4).

**CONTRACT NUMBER (NO.)** – The number that the LA assigns to its contract with the contractor or consultant. (Ch. 11, 14, 15)

**CONTRACTOR QUALIFICATION** – also known as “Prequalification” or “Prequalified Contractors” – In accordance with Rule 14-22 F.A.C., the minimum requirements to be certified by the Department as qualified to bid for the performance of road, bridge, or public transportation contracts in excess of \$250,000. LA’s may also apply local prequalification programs established by LA procedure. (Ch. 15)

**CORRECTIVE ACTIONS** – required actions to correct instances of noncompliance with Federal, State or Local rules or requirements throughout the project life-cycle. Department grant agreements require Department contract managers to set forth corrective actions and implement financial consequences for noncompliance up to and including termination of the grant agreement. (Ch. 5, 6, 7, 23)

**COST EFFECTIVENESS FINDING** – document created by a direct- or sub-recipient of FAHP funds that demonstrates a proposed deviation from a requirement is more cost-

effective than meeting the requirement. (Ch 22) See also Certification and Public Interest Finding.

**COST SAVINGS INITIATIVE (CSI) PROPOSAL** – allows contractors to request changes to the contract that may improve the project’s performance, value and quality, shorten time delivery, or lower construction costs, while considering impacts on the project’s overall life-cycle cost and other applicable factors. FDOT Standard Specifications, Section 4 include this provision.

**DAVIS BACON and RELATED ACTS** – apply to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair of public buildings or public works; requires contractors and subcontractors to pay laborers under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. Locally prevailing wage rates are determined by the US Department of Labor. (Ch. 10, 15, 21)

**DEPARTMENT or FDOT** – Florida Department of Transportation

**DEPARTMENT FUNDED AGREEMENTS (DFA)** - Any two-party written agreement for the purchase of goods or services on behalf of the Department. Some examples include; maintenance and construction contracts, contractual and professional services agreements, grants and joint participation agreements. (Ch. 5)

**DESIGN EXCEPTIONS OR VARIATIONS** - A documented decision to design a highway element or a segment of highway to design criteria that do not meet minimum values or ranges established for that highway or project. (Ch. 7, 17, 21, 22)

**DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM** – USDOT program intended to remedy past discrimination and remove barriers to competition among disadvantaged businesses in Federal-aid contracting. The only approved program for FHWA-assisted contracts in Florida is the FDOT DBE Program. (Ch. 10 & 11)

**DBE COMMITMENTS** – actual payments made to DBE firms on a FHWA-assisted contract. Data on Department funded contracts is reported annually to FHWA.

**DISTRICT LOCAL PROGRAMS (LP) ADMINISTRATOR** – The District staff member designated by the District Secretary responsible for coordinating between the District offices and sections and with the LAs to develop and deliver projects under the District Local Programs sections. The District LP Administrator works closely with planning, project development, environmental, design, right of way acquisition, and construction staff in the District to obtain all approvals, assurances, and certifications required for those respective areas. Specific responsibilities are included throughout the **LPM**.

**DISTRICT SECRETARY** – Administrator-in-charge of one of the seven highway districts in the State.

**EMERGENCY RELIEF (ER)** - FHWA program activated when a Governor’s Proclamation of a State of Emergency or a Presidential Declaration of a State of Emergency is issued. (Ch. 5, 7, 13, 22)

**EMERGENCY REPAIR** – work performed during and immediately following a disaster for the purpose of restoring essential traffic (emergency and debris crews); minimizing the extent of the damage; and/or protecting remaining facilities. (Ch. 17)

**ENGINEER OF RECORD (EOR)** – also known as “designer” Licensed Professional Engineer in the State of Florida pursuant to the provisions of **Ch. 471, F.S.** who is in responsible charge for the preparation, signing, dating, sealing, and issuing of any engineering document(s) for any engineering service or creative work.

**ENVIRONMENTAL DETERMINATION** - Document used to determine the Class of Action in compliance with NEPA. The electronic checklist form is used for all actions not categorically exempt or not clearly requiring an EIS. (Ch. 18)

**ENVIRONMENTAL JUSTICE** - The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies (U.S. EPA)

**EQUAL EMPLOYMENT OPPORTUNITY (EEO)** - The absence of partiality or distinction in employment treatment so that the right of all persons to work and advance on the basis of merit, ability, and potential is maintained. (Ch. 8, 9, 10, 14, 15, 21)

**EQUAL OPPORTUNITY COMPLIANCE (EOC) SYSTEM** – Department database application required for use to report DBE information related to each consultant and construction contract awarded by a LA in the delivery of LAP projects.

**FEDERAL-AID HIGHWAY PROGRAM (FAHP)** – FHWA administered program that supports State Highway Systems by providing financial assistance for the construction, maintenance, and operations of the Nation’s 3.9 million-mile highway network, including the Interstate Highway System, primary highways and secondary local roads.

**FEDERAL-AID ROADS** – those on the National Highway System (NHS) or functionally classified as Urban Collector, Rural Major Collector, or higher that are eligible for Federal-aid funding from the FHWA. FDOT maintains the data for all Federal-aid eligible roadways

in Florida on its website.

**FEDERAL AUTHORIZATION** – FHWA approval to provide funding for specific FAHP transportation projects that represents FHWA’s agreement to reimburse FDOT a proportionate share of eligible project costs incurred subsequent to the date of approval. See FDOT Procedure 350-050-005.

**FEDERAL COST PRINCIPLES** – cost principles contained in 48 CFR part 31 of the Federal Acquisition Regulation for determination of allowable costs of commercial, for-profit entities. (Ch. 14)

**FEDERAL HIGHWAY ADMINISTRATION (FHWA)** – a modal agency within the USDOT whose primary responsibility is to assist STAs in carrying out the FAHP within each State while ensuring Federal requirements are met for the program and individual projects. FHWA has offices in 50 states, Washington D.C., Puerto Rico, and the US Virgin Islands and a National Technical Resource Center staffed by offices in 4 states. Resource centers provide technical expertise in various fields such as contract administration, quality assurance, innovative financing, and safety.

**FHWA 1273** – Federal-aid construction and design-build contract provisions that must be physically incorporated in each construction contract, subcontract, and lower tier subcontract funded under Title 23 and incorporated by reference for work done under any purchase order, rental agreement, or agreement for other services.

**FHWA DISTRICT TRANSPORTATION ENGINEER (DTE)** – FHWA, Florida Division staff who is appointed to each FDOT District. The DTE provides oversight and monitoring of FAHP projects, including PODIs and ER projects, for the entire FDOT District.

**FEDERAL PROJECT** – any transportation phase, or combination of related phases of work, that is fully or partially funded with Federal funds.

**FINAL ACCEPTANCE** – project engineer’s written notice to a contractor that all work has been performed, all materials have been furnished, and the construction contemplated by the contract has been satisfactorily completed. (Ch. 21)

**FINANCIAL PROJECT** – the item-segment-phase-sequence number combination used to uniquely identify each project in the Department’s Financial Management system.

**FISCAL YEAR (FY)** – State Fiscal Year July 1 to June 30; Federal Fiscal Year October 1 to September 30

**FIXED FEE** – a sum expressed in U.S. dollars established to cover the consultant’s profit

and other business expenses not allowable or otherwise included as a direct or indirect cost. Fixed fee is limited to a threshold of 15% or less; unless authorization is provided by FHWA to exceed the threshold. See also “Operating Margin” (Ch. 14)

**FLORIDA GREENBOOK** – also known as the Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Topic No. 625-000-015) and is the required design criteria and standards for local roadways in the State of Florida.

**FORCE ACCOUNT** – Per 23 CFR 635B “the direct performance of a highway construction work by a State highway agency, a county (LA), a railroad, or a public utility company by use of labor, equipment, materials, and supplies furnished by them and under their direct control”. Per Chapter 255.20 F.S., local government performance of a project using its own services, employees, and equipment. (Ch. 13, 22)

**FUNCTIONAL CLASSIFICATION** – The two-digit Functional Classification (FUNCLASS) code is used in Federal reports. FUNCLASS is the assignment of roadways into systems according to the character of service they provide in relation to the total roadway network (e.g., principal arterial, minor arterial, collector). Florida uses the Federal Functional Classification System, which is common to all states. The SHS is determined by mutual agreement and not by functional classification. FUNCLASS determines whether a roadway is STP or FA None, which determines funding categories. FEMA provides emergency funds for roadways that are not on the Federal Highway System. (Ch. 17)

**GRANT** - An award of financial assistance in the form of money, or property in lieu of money, by the Federal or State government to an eligible recipient or subrecipient. Used interchangeably with “grant agreement.”

**GRANT APPLICATION PROCESS (GAP)** – Department grant management database that is required for use by subrecipients to both apply for and manage grant projects and by Department grant managers to perform functional monitoring and oversight of grant-funded projects.

**GRANT DISBURSEMENT AGREEMENT (GD)** - An agreement to provide state or federal financial assistance to a recipient or sub recipient. The recipient or sub recipient is subject to programmatic requirements provided in the Catalog for State Financial Assistance (CSFA) or the Catalog for Federal Domestic Assistance (CFDA); for example, Aviation Development Grants and Local Agency Program agreements. (Ch. 5)

**INDEPENDENT STAFF HOUR ESTIMATE** – also known as “man hour estimate” – a detailed estimate prepared by LA staff with an appropriate breakdown of the work or labor hours, types of classifications of labor required, direct and indirect costs, and consultant’s

fixed fee for the defined scope of work; it shall serve as the basis for negotiation.

**INDIRECT COST RATES** – the percentage or dollar factor that expresses the ratio of indirect expense incurred in a given period to direct labor cost, manufacturing cost, or another appropriate base for the same period (48 CFR part 31). Rates are established on an annual basis by a certified public accountant or other cognizant agency and included in the consultant’s audit package. Rates include: overhead rate, direct expense rate, facilities capital cost of money rate, and fixed fee or operating margin as defined in the **LAP Negotiations Quick Reference Guide**. (Ch. 14 & 22)

**INFRASTRUCTURE** - A term connoting the physical underpinnings of society at large, including, but not limited to, roads, bridges, transit, waste system, public housing, sidewalks, utility installations, parks, public buildings, and communications networks.

**INNOVATIVE CONTRACTING METHODS** – Experimental contracting methods that require Department and/right or FHWA approvals for use on Federal or State funded projects. See also Alternative Contracting Methods. (Ch. 16)

**JOINT PARTICIPATION AGREEMENT (JPA)** - An agreement, typically between the Department and a local agency, where the local agency provides goods or services on behalf of the Department; for example, utility agreements, lighting and signal maintenance. (Ch. 5)

**LEGAL SETTLEMENT** – Any settlement effectuated by final judgment. (Ch. 21)

**LETTING** – The date the LA publicly opened the construction bids. (Ch. 10, 13, & 15)

**LIQUIDATED DAMAGES (LDs)** – Liquidated damages contract provision provides a mechanism of the contracting agency to recover its costs associated with a contract time overrun by the contractor or contractor failure to complete all the contract work within the number of contract days allowed or by the completion date specified in the final construction contract. Liquidated damages are established on a per day rate set forth in the original construction contract. Calculated rates include the cost to the contracting agency for the administration of the contract, including engineering, inspection (CEI), supervision, road user costs, and costs to the public. (Ch. 20, 21, & 23)

**LOCAL AGENCY (LA)** – a unit of government 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. For the purposes of administering this procedure common subrecipient LAs are municipalities, counties, transportation authorities, community development districts,

water management districts, other state agencies, etc.

**LOCAL AGENCY PROGRAM (LAP)** – Federal-aid subrecipient project delivery program and procedure established by the Department in the FDOT/FHWA Stewardship and Oversight Agreement. LAP is administered by the State and District LP Administrators.

**LAP BIG 3 SPECIFICATIONS** – modified versions of the concrete, asphalt, and earthwork sections of the FDOT Standard Specifications for use on locally delivered projects. FHWA reviews and approves the LAP Big 3 for use on FAHP projects, but the Specifications may be used on any locally delivered transportation project. (Ch. 19, 20)

**LAP CERTIFICATION** – process by which the Department reviews LA qualifications, organizational capacity, financial controls, and staffing to administer and deliver FAHP projects.

**LAP DIVISION ONE SPECIFICATIONS** – documents that compile FDOT Standard Specifications that meet contractual requirements for FAHP construction projects. Specifications are from the FDOT Division One Specification and generally align with the LAP Construction Checklist. Two versions of the documents are available- one for Class A, B and C projects and one for Class D projects. (Ch. 15, 17, 20)

**LAP PROJECT CLASSIFICATION** – determines the minimum design criteria and standards, the construction specifications, related materials testing requirements, and the qualifications requirements that are applicable to a project. (Ch. 7, 14, 17, 20, & 21)

**LOCALLY FUNDED AGREEMENT (LFA)** - Legally binding agreements, between the Department and one or more parties, which provide for the Department's rendering of services and/or commodities, involving local funding, and are mutually beneficial to all parties. Refer to Procedure No. 350-020-300, Locally Funded Agreement Financial Provisions and Processing. (Ch. 5)

**MAINTENANCE** – 1) Work directed toward the preservation of an existing roadway and related appurtenances as necessary for safe and efficient operation; 2) Activities undertaken to keep a transportation infrastructure and equipment operating as intended, to eliminate deficiencies, and to extend or achieve the expected life of facilities before reconstruction is needed. These include routine or day-to-day activities and periodic major projects. (Ch. 7, 9, 13, 16, 17, 19, 20, 21 22, & 24)

**MATCHING FUNDS** – Portion of a project's cost paid for with an alternate funding source than the grant program requiring the match. Matching funds can come from Federal, State or local funds depending on the unique grant program requirements. State grant programs usually require a match of local funds. (Ch. 13)

**METROPOLITAN PLANNING ORGANIZATION (MPO)** – as known as Transportation Planning Agency (TPA) or Transportation Planning Organization (TPO) – as outlined in 23 CFR 450.310, federally mandated and federally funded transportation policy-making organizations that serve urbanized areas with populations of 50,000 or more. There are 27 MPOs in Florida, each with its own geographical boundary and board of voting members. MPO boards are made up of representatives from local government and governmental transportation authorities. MPOs can include one county, multiple counties, or urbanized areas that do not encompass an entire county. Not all counties are located within a MPO boundary.

**MULTI-PHASE CONTRACTS** – for project specific services where the detailed scope of work is divided into phases, which may be negotiated and authorized individually as the project progresses. (Ch. 14)

**NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)** – The National Environmental Policy Act of 1969 (NEPA), established a national environmental policy requiring that any project using Federal funding or requiring Federal approval, including transportation projects, examine the effects of proposed and alternative choices on the environment before a Federal decision is made. (Ch. 7, 13, 16, 17, 18, & 22)

**NON-COMPETITIVE** – method of procurement of engineering and design related services when it is not feasible to award the contract using competitive negotiation or small purchase procurement methods. (Ch. 13, 14, & 22)

**NON-METROPOLITAN PLANNING AREAS** – counties with a population of 50,000 or less that are outside of a MPO boundary for transportation planning activities.

**OPERATING MARGIN** – in Department contracts is calculated as a percentage of direct salaries. The percentage is negotiated within a range of 12% to 42%. The resulting dollar amount is the “fixed fee” portion of cost plus fixed fee type contract or becomes part of the total fixed price in a lump sum agreement, or part of the fully loaded billing rate. A conversion tool is required to equate Federal fixed fee to Department Operating Margin. See also “Fixed Fee”. (Ch. 14)

**PERFORMANCE EVALUATION** – review of LA performance required by the FAHP grant agreements for each project completed by the District grant manager. Project evaluations are used to assess LA compliance with Federal and State requirements, inform project monitoring plans, programmatic risk assessments, and LAP certification.

**PERMANENT REPAIR** – repair undertaken after the occurrence of a disaster to restore the roadway to its pre-disaster condition. (Ch. 13)

**PHASE** – that portion of a project describing the major group of tasks being performed.

**PRE-EVENT CONTRACTS** – contracts put in place prior to an emergency event for

FHWA approved activities such as cut and toss, debris removal, traffic signal repair, sign repair, etc.

**PREQUALIFICATION LETTER** – annual letter issued by the Department to establish the approved audited, and indirect, cost rates valid for a one-year period. See Cognizant Agency. (Ch. 14)

**PROFESSIONAL SERVICES** – in accordance with s. 287.055 F.S., those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice. S. 337.107 and 337.1075 F.S. also allow procurement of right of way services and planning services using the professional services procurement process.

Under *23 CFR 172.3 Definitions* engineering and design related services means:

- 1) Program management, construction management, feasibility studies, preliminary engineering, design engineering, surveying, mapping, or architectural related services with respect to a highway construction project subject to 23 USC 112(a) as defined in 23 USC 112(b)(2)(A); and
- 2) Professional services of an architectural or engineering nature, as defined by State law, which are required to or may logically or justifiably be performed or approved by a person licensed, registered, or certified to provide the services with respect to a highway construction project subject to 23 USC 112(a) as defined in 40 USC 1102(2).

**PROGRESS ESTIMATE** – Estimate of the contractor's total amount of work completed by the estimate date listed by work item. (Ch. 21)

**PROGRESS PAYMENT** – Payment by a Local Agency to a consultant or construction contractor for work completed on a transportation project during a defined time period. (Ch. 16, 21, & 22)

**PROJECT CLOSE OUT PACKAGE** – documentation required to provide final payment and close out the financial project in FDOT systems and when applicable FHWA systems. (Ch. 6, 14, 21, 23)

**PROJECT ENGINEER** – Person designated by the LA to oversee the development of a project. (Ch. 18, 21, & 22)

**PROJECT MANAGER** – person designated by a Local Agency to oversee the project management of a LP project. Indicates the person responsible for managing all aspects

of the execution of this project. (Ch. 7, 11, 14, 16, 17, 18, 20, & 23)

**PROJECT MONITORING PLAN** – requirement under 2 CFR 200 Subpart D that requires Federal grant managers to determine the appropriate amount of subrecipient monitoring based on an evaluation of risk of noncompliance for each subaward. (Ch. 5) Minimum monitoring requirements for all Federal-aid projects are incorporated into each applicable LPM chapter.

**PROMPT PAYMENT** – Under 49 CFR 26.29 all prime contractors are required to pay all subcontractors within thirty (30) days of satisfactory performance of work. In addition, the *Florida Local Government Prompt Payment Act* requires local governments to pay contractors within a specified time period (20-25 business days) after the request was received or pay an interest penalty per **s. 218.735 F.S.**

**PS&E PACKAGE** – final construction plans, specifications and estimate approved by the Department to advance to the construction phase of the project. Contains construction details, contract provisions, permits, agreements, commitment, and certifications required to advertise, award, and administer a construction contract. Signed and sealed by a Florida Licensed Professional.

**PUBLIC INTEREST FINDING (PIF)** – document created by a direct- or sub-recipient of FAHP funds that demonstrates that a proposed deviation from Federal requirements is more beneficial to the public than meeting the requirement. Cannot be used to waive the requirement for competitive bidding. (Ch. 14) See also Cost-Effectiveness Finding and Certification.

**QUALITY ASSURANCE REVIEW (QAR)** – the process the Department uses to ensure designated processes meet all applicable requirements.

**RECORDS RETENTION** – minimum period required that the project records must be retained Federal or State laws and rules. Project record retention systems must provide for the reconstruction of the chain of events that occurs on a project. (Ch. 5, 6, 14, 21)

**REQUEST FOR PROPOSAL (RFP)** – shall provide all information and requirements necessary for interested consultants to provide a competitive response to an advertisement for consultant services. (Ch. 7 & 14)

**REQUEST FOR QUALIFICATIONS (RFQ)** – per 23 CFR 172.7(a)(1)(i) multiphase process with issuance of a request for statement or letters of interest or qualifications whereby responding consultants are ranked based on qualifications and a RFP is then provided to three or more of the most highly qualified consultants. (Ch. 14)

**REPAIR** – Replacement or rebuilding of a facility that is worn out, destroyed or damaged. (Ch. 7, 13, 14, 15, 21, & 22)

**RESIDENT COMPLIANCE SPECIALIST (RCS)** – person, staff or consultant, who is responsible for the day-to-day administration of the contract compliance program- EEO, DBE, and OJT activities- on Federal-aid projects. See **CCM Chapter 1.2.4**.

**RESPONSIBLE CHARGE** – full-time employee(s) of the LA who is aware of daily operations; decision-making on changed conditions requiring change orders or supplemental agreements; aware of qualifications, task assignments, and performance of the LA and consultant staff; performs periodic (site) reviews of projects; reviews financial processes to safeguard from fraud, waste, and abuse; directs LA and consultant staff to carry out proper project administration and contract oversight.

**RESTORATION** – Work performed on pavement or bridge decks to render them suitable for resurfacing. This may include supplementing the existing roadway by increasing surfacing and paving courses to provide structural capability and widening up to a total of 10 feet. Restoration will generally be performed within the existing right of way. (Ch. 8, 9, & 22)

**RESURFACING** – Addition of a layer or layers of paving material to provide additional structural integrity, improved serviceability, and ride ability. May include milling. (Ch. 16)

**RIGHT OF WAY** – A general term denoting land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes. (Ch. 1, 7, 10, 13, 17, 18, 19, 20, 21, & 22)

**RIGHT OF WAY CERTIFICATION** – Document prepared and executed by the local agency that indicates the status of the transfer of title, relocation of displaces, demolition of improvements, and removal of hazardous materials or remediation of contamination on the right of way required for construction of the project. It also certifies that right of way activities were conducted in accordance with all Federal, State, and local laws, rules, and regulations. (Ch. 7, 19, & 22)

**RISK ASSESSMENT** - requirement under 2 CFR 200 Subpart D that requires Federal grant managers to evaluate the risk of noncompliance by a subrecipient for each subaward granted and determine the appropriate amount of subrecipient monitoring based on risk. (Ch. 5, 7)

**RURAL**– Any land area outside the boundaries of the Federally-designated urban areas shown on the official FDOT urban area maps. (Ch. 10 & 13)

**SCOPE OF WORK** – all services, work activities, and actions required of the consultant by the obligations of the consultant services or professional services contract. (Ch. 13, 14, & 21)

**SINGLE AUDIT ACT** - Single Audit is an organization-wide financial statement and federal awards' audit of a non-federal entity that expends \$750,000 or more in federal funds in one year. It is intended to provide assurance to the Federal Government that a non-federal entity has adequate internal controls in place and is generally in compliance with program requirements. Non-federal entities typically include states, local governments, Indian tribes, universities, and non-profit organizations.

**SMALL PURCHASES** – also known as “simplified acquisition”; when a project meets the criteria established in **Category Two or Category Five**, as set forth in **Section 287.017, F.S.**, the project can be exempt from formal advertising and selection using the “Small Purchase” process. In the event a contract is procured under the small purchase criteria, the total fee cannot exceed the appropriate limits established in **41 U.S.C. 403(11)**, or the State limit, whichever is lower at the time of the review. (Ch. 13 & 14)

**SOLICITATION** – advertisement or public announcement for project consultant or contractor services. (Ch. 11, 14, & 15)

**SPECIAL PROVISIONS** – Portion of the construction contract specifications covering conditions unique to a specific project. (Ch. 10, 14, 20, & 21)

**STANDARD SPECIFICATIONS** – Sets of typical construction contract provisions that tell the contractor how to build the project.

**STATE LOCAL PROGRAM (LP) ADMINISTRATOR** – The Central Office staff member responsible for establishing policy, developing procedures and guidance, providing project and program oversight, developing and delivering training, and conducting quality assurance reviews in coordination with the Districts, other Department Offices, and other State and Federal agencies as appropriate for all programs placed under Local Programs, Office of Program Management's purview. Specific responsibilities are included throughout the **LPM**.

**STATE TRANSPORTATION AGENCY (STA)** – department or agency maintained in conformity with 23 USC 302 and charged under State law with the responsibility for highway construction (as defined in 23 USC 101); and that is authorized by the laws of the State to make final decisions in all matters relating to, and enter into, all contracts and agreements for projects and activities to fulfill duties imposed by title 23 USC, title 23 CFR, and other applicable Federal laws and regulations. (Ch. 9)

**STATE TRANSPORTATION IMPROVEMENT PROGRAM (STIP)** – SEE TRANSPORTATION IMPROVEMENT PROGRAM (TIP) - Aggregation of all MPO TIPs for a particular year. Federally mandated document that must include a listing of all projects planned with federal participation in the next four federal fiscal years.

**STEWARDSHIP AND OVERSIGHT AGREEMENT** - Section 106 of Title 23, United States Code, requires that the FHWA and the State enter into an agreement documenting the extent to which the State assumes the responsibilities of FHWA under Title 23. The Stewardship/Oversight Agreement formalizes these delegated responsibilities and agreements to address how the FAHP will be administered in the State.

**SUBCONSULTANT or SUBCONTRACTOR** – individual or firm contracted by the consultant/contractor to provide engineering or construction services that are part of the services which the consultant/contractor is under contract to provide to a LA. (Ch. 11 & 14)

**SUBRECIPIENT** – SEE 2 CFR 200.93 (2). (Ch. 14, 16, 18, & 22)

**SUBRECIPIENT COMPLIANCE ASSESSMENT** – review of LA civil rights, ADA and other nondiscrimination authorities program(s) performed by Department staff triennially. (Ch. 7, 8, 9)

**TRANSPORTATION IMPROVEMENT PROGRAM (TIP)** – prioritized listing of transportation projects submitted by the MPO and covering a five-year period that must be consistent with the Long Range Transportation Plan and the Florida Transportation Plan.

**SUPPLEMENTAL AGREEMENT** – agreements that are used to modify Department grant agreements after original execution.

**TYPE OF WORK** – sub-categories of the types of professional services the Department generally requires into standard types of work listed in Rule 14-75.003 F.A.C. These types of work are the basis for prequalifying consultants. Consultants performing a standard type of work on a contract must first be qualified in that work type, regardless of status as a prime or sub consultant. Each advertisement for professional services will indicate both the major and minor (if applicable) types of work to be requested.

**TITLE VI OF THE CIVIL RIGHTS ACT OF 1964** – Federal law stating no person is excluded from participation in, denied the benefits of, or subjected to discrimination on the basis of race, color, or national origin in any program or activity receiving Federal financial assistance. Later clarified to include all programs and activities regardless of funding source. (Ch. 8)

**UNIFORM ACT** – Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. (Ch. 19)

UNIQUE ENTITY IDENTIFIER (UEI) - Effective April 2022, the Federal government is transitioning from using the Data Universal Numbering System or “DUNS” number to the UEI assigned by SAM.gov, known as the Unique Entity ID (SAM), for all Federal award purposes. This number is required by 2 CFR 200.332 for reporting Federal awards per the Federal Funding Transparency and Accountability Act.

USEFUL LIFE – term referring to expected useable period for transportation infrastructure when constructed and maintained properly. LA is to perform normal maintenance operations for the preservation of the entire project for its safe and efficient use. [Life-cycle cost analysis data](#) is available from FHWA and other sources to determine expected life cycle under normal maintenance. (Ch. 24)

VALUE ENGINEERING – a systematic process used by an independent multi-disciplinary team to improve the value of a project, product, or service through the identification of analysis functions. FDOT VE teams strive to optimize the use of allocated funds without reducing safety, quality, or performance. (Ch. 12)

WAGE RATES OR PREVAILING WAGE RATES OR WAGE DECISIONS - See DAVIS BACON ACT