



FHWA Emergency Relief (ER) Program

PRESENTED BY:

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Disclaimer

Except for any statutes or regulations cited, the contents of this presentation do not have the force and effect of law and are not meant to bind the public in any way. This presentation is intended only to provide information to the public regarding existing requirements under the law or agency policies.

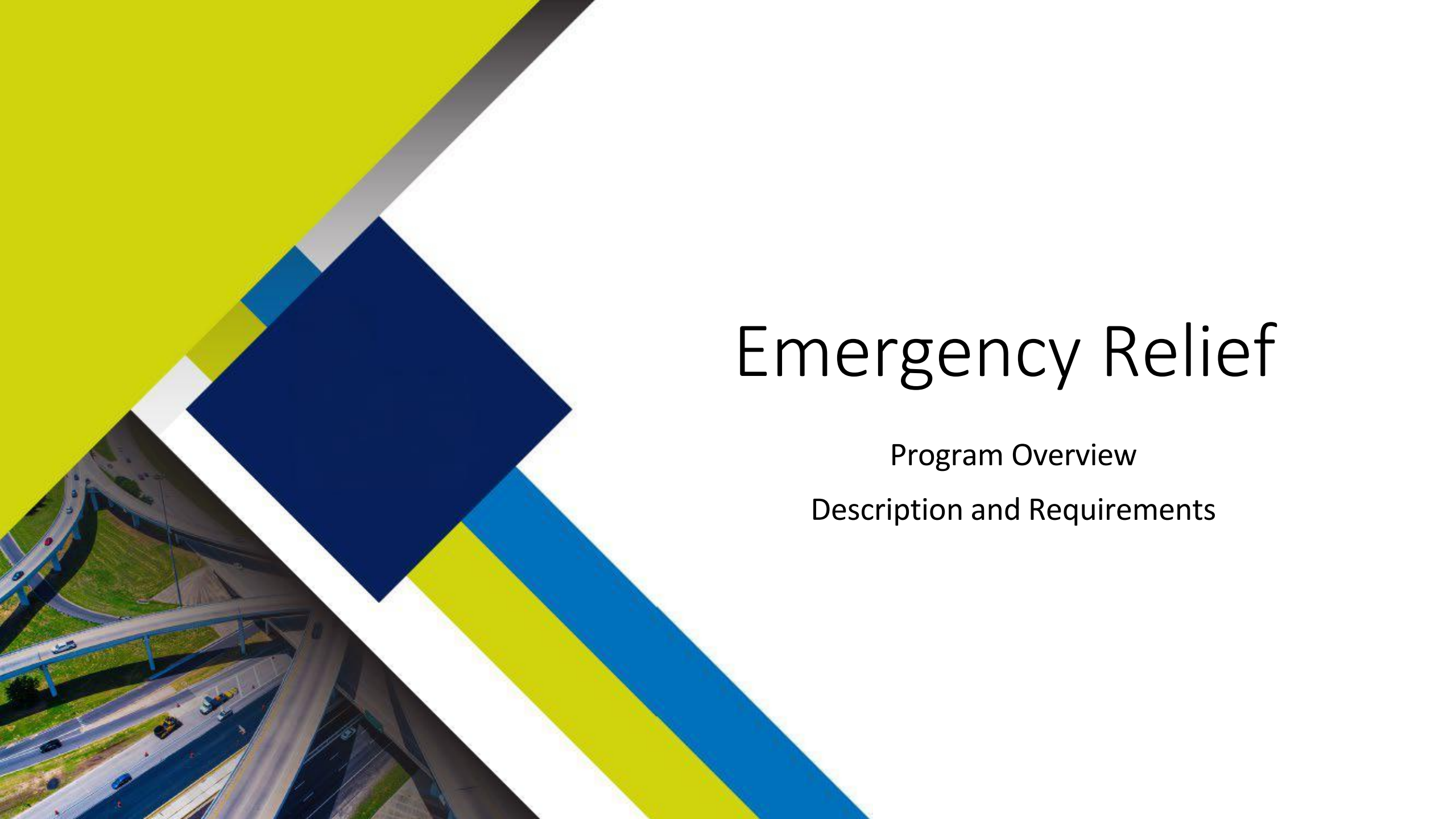
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Training Agenda

- Program Overview
 - Application Process
 - Emergency Repair vs. Permanent Repairs
 - Detailed Damage Inspection Reports (DDIR)
 - Debris Removal
 - Betterments and Resiliency Improvements
 - Contract Requirements
 - LAP Program
- 



Emergency Relief

Program Overview

Description and Requirements



Federal Disaster Programs

- The slides discuss two separate Federal disaster programs:
 - FEMA – Robert T. Stafford Disaster Relief and Emergency Assistance Act
 - FHWA – Emergency Relief Program
- 



Definition

- What is the Emergency Relief Program?
 - **23 U.S.C. 125(a):** Repair or reconstruction of highways, roads, and trails that have suffered serious damage as a result of (1) natural disaster over a wide area, such as by a flood, hurricane, tidal wave, earthquake, severe storm, wildfire, or landslide; or (2) catastrophic failures from any external cause.
- 



Purpose of the ER Program

Purpose and intent of the Emergency Relief program:

- The ER program is intended to aid States in repairing road facilities which have suffered widespread serious damage resulting from a natural disaster over a wide area or serious damage from a catastrophic failure 23 CFR 668.105(a).
- Supplemental \$\$
 - State program
 - Local program
- Restoration to pre-disaster conditions (exceptions might apply)

Natural Disaster

- **23 CFR 668.103:** Unusual natural occurrence that causes serious damage.



Source: Getty Images/Roberto Machado Noa

Catastrophic Failure

- **23 CFR 668.103:** The sudden failure of a major element or segment of the highway system due to an external cause. The failure must not be primarily attributable to gradual and progressive deterioration or lack of proper maintenance.



Source: Getty Images/toos

Not Intended for ...

- Relieving maintenance responsibilities of Federal-aid recipients
 - Heavy maintenance
- Non-Federal-aid highways
- Work performed prior to the event date



Source: FHWA Florida Division



Funding the Program

- \$100 million set aside from the Highway Trust Fund for nationwide coverage in any single year.
 - Minimum \$700,000 (Federal share) threshold per event.
 - If less than \$700,000, additional justification must be provided for why it is beyond the scope of heavy maintenance or routine emergency repair.
- 



Roadway Eligibility

- Federal-aid highways as defined in 23 U.S.C. Section 101:
 - NO local roads
 - NO rural minor collectors
 - Use Functional Classification maps
- 



Important Deadlines

For emergency repairs only.

- Any cost incurred within 270 days from the day of the event is reimbursable 100%
- Any costs after the 270 days is reimbursable at the regular pro rata share.

Construction Obligation

- Initial Authorization for all emergency and permanent relief projects within two fiscal years from the fiscal year of the event.

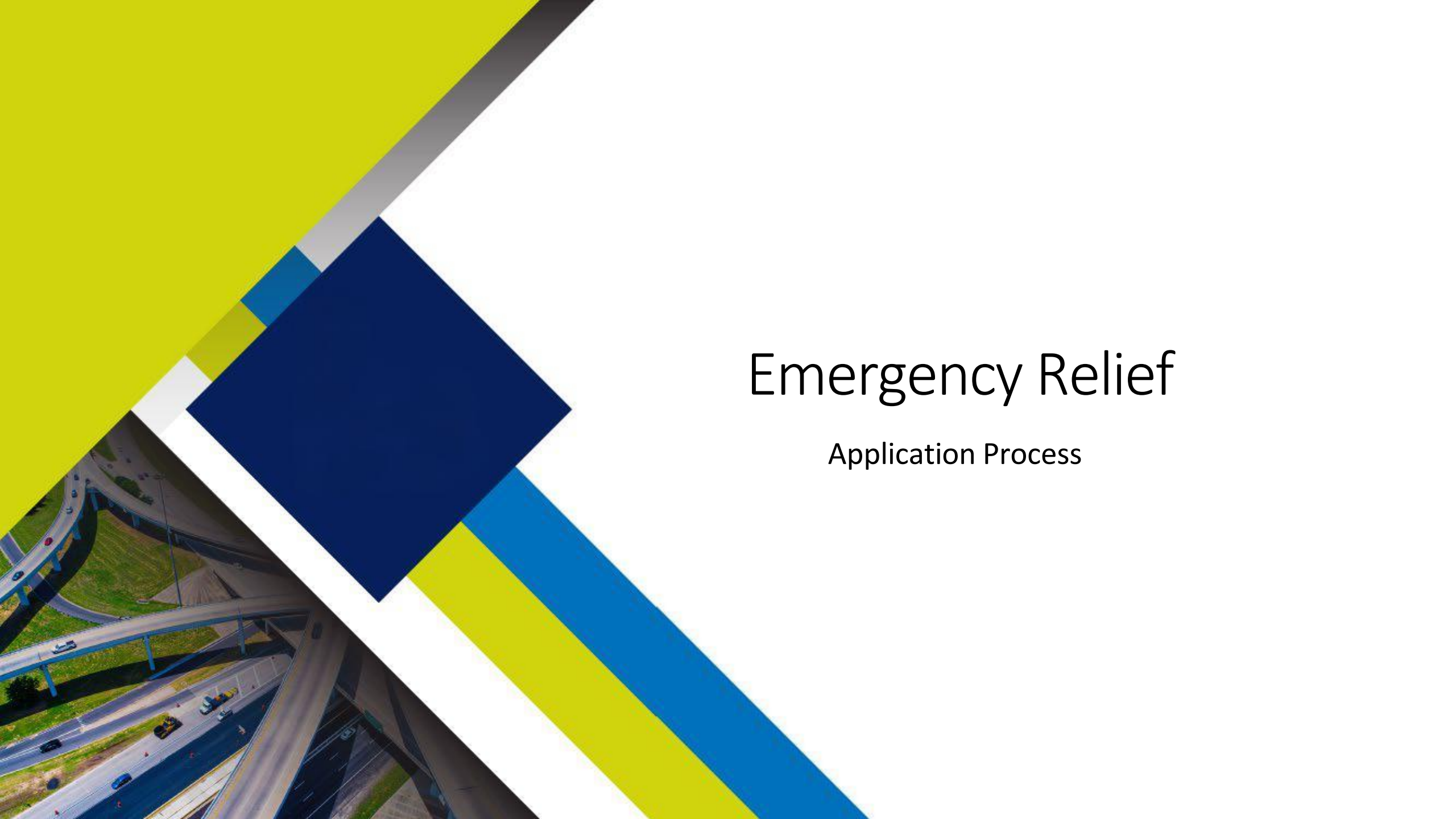
Detailed Damaged Inspection Reports

- All DDIRS must be submitted within two years of the day of the event.
- 



Eligibility Limits

- The site should have suffered \$5,000 in *damages* to be eligible for ER funds.
 - If less than \$5,000 in damages, additional justification is required.
- Sites *cannot* be combined to meet the \$5,000 minimum damage threshold, with the following exception:
 - Generally, a site is an individual location where damage has occurred. However, a site could include several adjoining locations where similar damage, related to the same cause, has occurred.
- Grouping damages to form a site based solely on a political subdivision (i.e., county or city boundaries) should not be accepted.



Emergency Relief

Application Process



Application Process

- Governor's Proclamation or President's Declaration
 - Listing of Counties
 - Governor's Proclamation must be signed by the governor
- Letter of Intent by State Department of Transportation (DOT)
- FHWA Acknowledgment
- Submission of ER application
- Event Eligibility Determination



Emergency Relief

Emergency Repairs

vs.

Permanent Repairs



Emergency Repairs

23 CFR 668.103

- Minimize extent of damage.
 - Protect remaining facilities.
 - Restore essential traffic.
 - Example: If a bridge washes out and there is a detour available, the detour and Maintenance of Traffic (MOT) is considered the Emergency Repair.
 - If there is no viable detour, then installing a temporary bridge could be considered an Emergency Repair.
- 



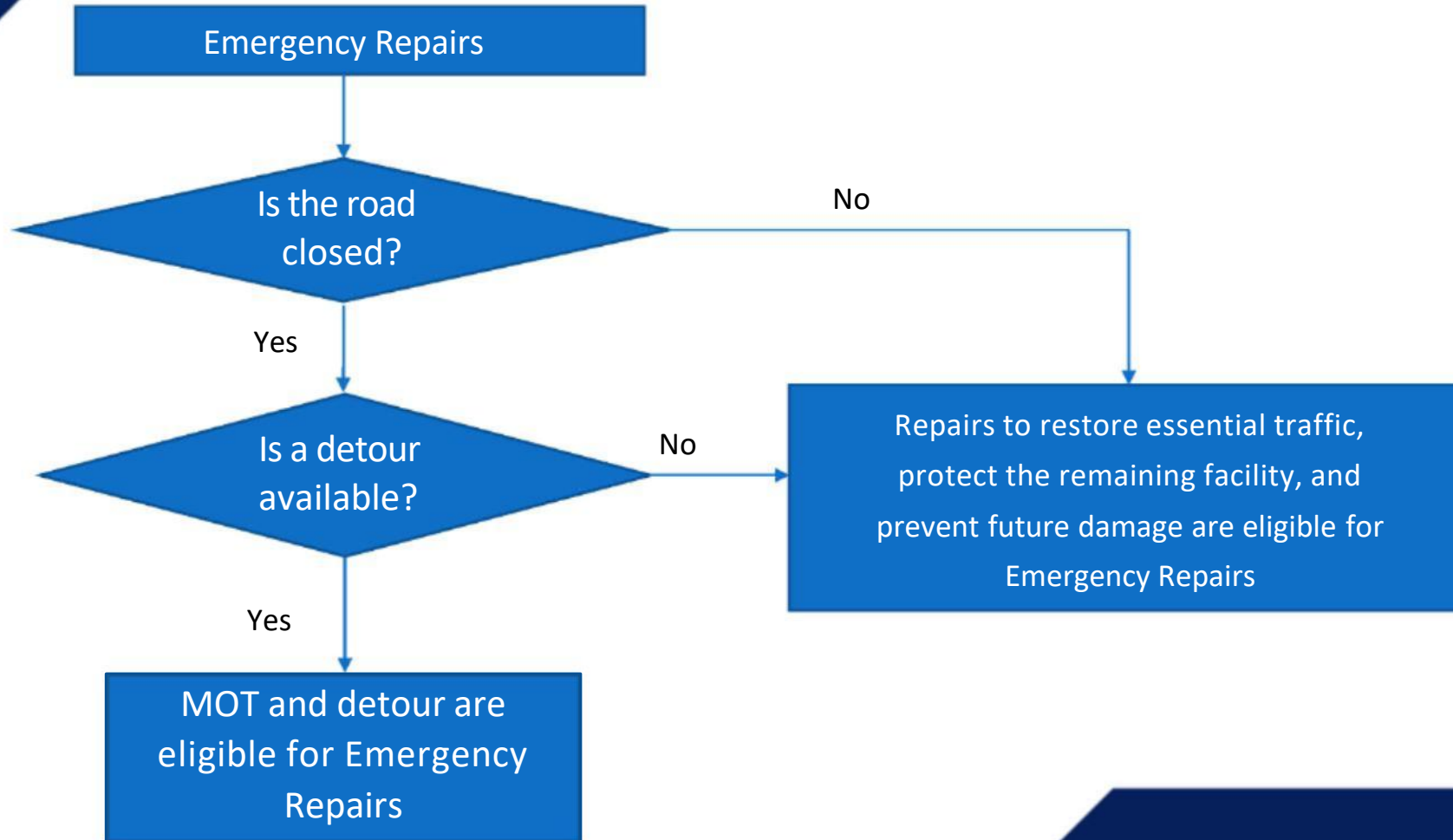
Emergency Repairs

- Emergency Repairs may begin *without* FHWA prior authorization.
- For Emergency Repairs, all costs incurred within 270 days receive 100% funding.
- Normal pro-rata share for work performed after 270 days.

Source: Infrastructure Investment and Jobs Act (IIJA), Section 11107 Amended, 23 U.S.C. 120(e)(1), effective October 1, 2021; 23 CFR 668.109(a)(1)



Emergency Repairs – Determination Process



Emergency Repairs

Example:



Source: Florida DOT



Permanent Repairs

23 CFR 668.109(b)(1)

- Requires prior FHWA approval and authorization. (23 CFR 420.115)
 - Restoring highway to pre-disaster condition.
 - Pro-rata share:
 - 90% for Interstate
 - 80% for non-Interstate
 - Cost-effectiveness finding *required* for Force Account work for permanent repairs. (23 CFR.205)
- 



Emergency Relief

Detailed Damage Inspection Report (DDIR)



DDIR Example

Page 1:

- Emergency Repairs
- Event Information
- Important Notes

Updated 03/2022

U.S. Department of Transportation Federal Highway Administration					DETAILED DAMAGE INSPECTION REPORT (DDIR) Title 23 Emergency Relief Program		FHWA Disaster Number	
Site Location (Name of road, milepost, coordinates, distance from nearest intersection, etc.)							Disaster Date	
							Report Number	
Description of Damage (Provide specific details - Bituminous shoulder undermined, slope failure, washed out culvert, etc.)							Inspection Date	
							Federal-aid Route Number	
							State/County/City	
							Congressional District	
Verify the following for DDIR approval consideration.								
☐ Map of damaged site (if adjoining locations are combined to one site, all locations must be shown).								
☐ Photos of the damaged site.								
☐ Damaged site is on an eligible federal-aid highway. (not functionally classified as a local or rural minor collector).								
*NEPA is required for all emergency and permanent repair projects.								
*All construction projects shall comply with federal requirements (FHWA 1273, Davis Bacon, etc.).								
*Permanent repair projects require prior FHWA Authorization.								
*Each site must have suffered \$5,000 in actual damage to be eligible. If less than \$5,000 addition justification is required.								
SECTION 1: EMERGENCY REPAIR COST ESTIMATE								
Emergency Repairs	Work Items	Unit	Unit Price	Quantity	Cost			
Contracting Method					Preliminary Engineering (PE)			
☐ Force Account ☐ Standard Competitively Bid Contract					Construction Engineering (CE)			
☐ Negotiated Contract ☐ Other (state type of contracting method)					Right-of-Way			
Was a detour used as the emergency repairs?					Emergency Repair Total			
☐ Yes ☐ No (Justification required)					0			
Contracting Agency								
☐ FDOT ☐ LAP ☐ Tribe								

DDIR Example

Page 2:

- Permanent Repairs
- Additional Notes
- Signatures

 DETAILED DAMAGE INSPECTION REPORT (DDIR)					Report Number
FHWA Department of Transportation Federal Highway Administration					
Title 23 Emergency Relief Program					
SECTION 2: PERMANENT REPAIR COST ESTIMATE					
Permanent Repairs	Work Items	Unit	Unit Price	Quantity	Cost
	Contracting Method (Tentative)			Preliminary Engineering (PE)	
☐ Standard Competitively Bid Contract ☐ Other (Prior FHWA approval is required)			Construction Engineering (CE)		
			Right-of-Way		
Contracting Agency			Permanent Repair Total		
☐ FDOT ☐ LAP ☐ Tribe			0		
Estimated Total Repair Cost					0
Additional Notes:					
Signature for Local Agency Recommendation		Date	Signature for State DOT Recommendation		Date
DDIR approval does not constitute a funding authorization. An ER application must be approved by the FHWA Division Administrator before funds can be authorized (23 CFR § 668.111(c)).					
FOR FHWA ONLY			Site Eligible ☐ Yes ☐ No		
Signature for DDIR Approval		Date	Comments		



Detailed Damage Inspection Report

- What it IS:
 - In most cases, one is written per site.
 - It is a preliminary cost ESTIMATE.
 - It is a determination of eligibility.
 - It is a brief description of the scope of work.
 - It is used to support a request to headquarters for Emergency Relief funding.
- 



Detailed Damage Inspection Report

- What it is NOT:
 - It is not a contracting mechanism.
 - Is never to be used to indicate actual scope, quantities, or prices to the contractor.
 - It is not a NEPA determination or approval.
 - It is not authorization to begin Permanent Repair work.
- 



Revised DDIRs

- A Scope/Cost Change
 - >20% of original DDIR estimate
 - ALL revised DDIRs require FHWA approval
 - DDIRs above \$25M must be sent to FHWA HQ office (HISM-10)
- 



Emergency Relief

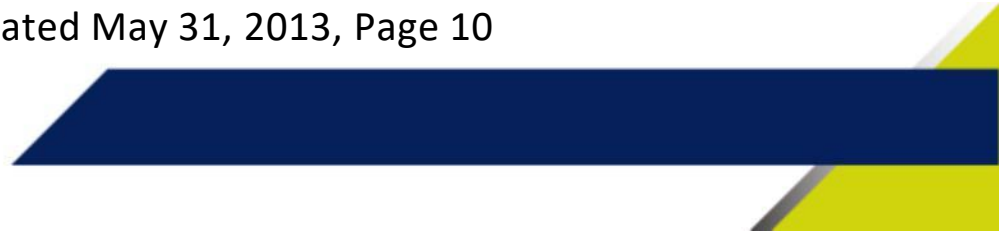
Debris Removal



Map-21 Changes – Debris Removal

- Presidential Declaration – Stafford Act (debris category activated):
 - FEMA handles most debris removal
 - Do not include in ER DDIR
- Governor's Proclamation (non-Stafford Act):
 - FHWA handles debris on Federal-aid highways
 - Only debris deposited by disaster
- Counties not included in the Stafford Act but included in the Governor's Proclamation are eligible under the FHWA ER program.

Source: Emergency Relief Manual, Federal-aid Highways, Updated May 31, 2013, Page 10





Map-21 Changes – Debris Removal

Some debris removal is eligible for FEMA funding in lieu of FHWA-ER funding.

- Eligible sites on Federal-aid highways ...
 - Governor's Declaration/No Presidential Declaration
 - ER eligible
 - Presidential Declaration/Debris eligible under Stafford Act
 - Not ER eligible
 - Presidential Declaration/Debris not eligible under Stafford Act
 - ER eligible

Source: Emergency Relief Manual, Federal-aid Highways, Updated May 31, 2013, Page 10





Debris Removal Activities

Debris Removal reimbursement for:

- Debris pickup
- Hauling
 - Hauling costs to locations outside the general proximity of the damaged highway are not eligible.

Source: Emergency Relief Manual, Federal-aid Highways, Updated May 31, 2013, Page 10





Debris Removal Activities

Debris Removal

- Load tickets – date, quantity, and location
 - Summary sheet of all load ticket data
 - Invoices – monitoring, disposal, etc.
 - Keep FHWA eligible debris and associated costs separate from FEMA debris
 - **Photos of debris operation – before and during debris removal**
 - If by Force Account document labor, equipment, and materials
- 



Emergency Relief

Betterments and Resiliency Improvements



Betterments Funded with ER

- FHWA prior approval is *required*.
- Requires approval of an economic justification for added cost.
- Economic justification must weigh the cost of the betterment against the risk of eligible recurring damage and the cost of future repair.
 - Note that for the justification, only costs to the FHWA ER program are included. Other costs, such as traveler delay or reduced economic activity, are not included.

Source: Emergency Relief Manual, Page 24 and 2019 Memo: Integration of Resilient Infrastructure in the Emergency Relief Program.





Other Betterments Considerations

- Provide justification for betterment and how it will provide a cost saving to the ER program in the long run.
- Provide cost breakout of replace-in-kind and betterment options.
- If betterment is not approved for ER funds ...
 - May be funded with State, local, or Federal funds.

Source: Emergency Relief Manual, Federal-aid Highways, Updated May 31, 2013, Page 24





Resilient Infrastructure

- Resilience: Ability of transportation agencies to adapt infrastructure to accommodate changing conditions.
- State DOTs and Metropolitan Planning Organizations (MPOs) are required to consider incorporating resiliency in projects as part of the planning process.
- Resiliency improvements under the ER program require an economic justification.
- Resilient features could be eligible for regular Federal funds (non-ER program funds).

Source: FHWA "Integration of Resilient Infrastructure in the Emergency Relief Program," October 11, 2019, Memo





Resilient Infrastructure in ER Program

- Basic intent of ER is to replace in kind and restore to pre-disaster condition.
 - Repaired facility rebuilt to current design standards.
 - Eligible for ER funds
 - Does not require additional justification
- 



Emergency Relief

Contract Requirements



Contract Requirements

- All Federal-aid rules apply to contracts (Emergency and Permanent Repairs)
 - FHWA Form 1273
 - Davis-Bacon Labor Rates
 - Disadvantaged Business Enterprises (DBE)
 - Americans with Disabilities Act (ADA)
 - Buy America
 - No Convict Labor
 - Design Standards
 - Environmental NEPA Issues/Process
- 



FHWA NEPA Process

- Emergency Relief program must comply with NEPA.
- Emergency Repair: Categorical Exclusion.
 - With coordination, as applicable
- Permanent Repairs:
 - Typically Categorical Exclusion, with exceptions
 - Betterments
 - Any impacts to environmental resources
- Emergency and Permanent Repair projects must follow NEPA procedures.

Source: Emergency Relief Manual, Federal-aid Highways, Updated May 31, 2013, Page 12, and 23 CFR 771





Exceptions: Davis-Bacon Act

- Davis-Bacon and Related Acts (DBRA):
 - Provisions do not apply to work performed by State/local forces.
 - Provisions do not apply to debris removal-only contracts.
 - Provisions DO apply if debris removal is performed in conjunction with any construction, alteration, or repair work.

Source: Emergency Relief Manual, Federal-aid Highways, Updated May 31, 2013, Page 56, and 23 U.S.C. 113





Required Certifications

- Emergency Repairs and Permanent Repairs require the following certifications:
 - Utility certification
 - Right of Way certification
 - Railroad certification
- For Emergency Repairs: Certification can be completed during project construction.
- For Permanent Repairs: Certifications are required prior to project authorization in Financial Management Information Systems (FMIS).

Source: 23 CFR 635.307(a) and 23 CFR 635.309



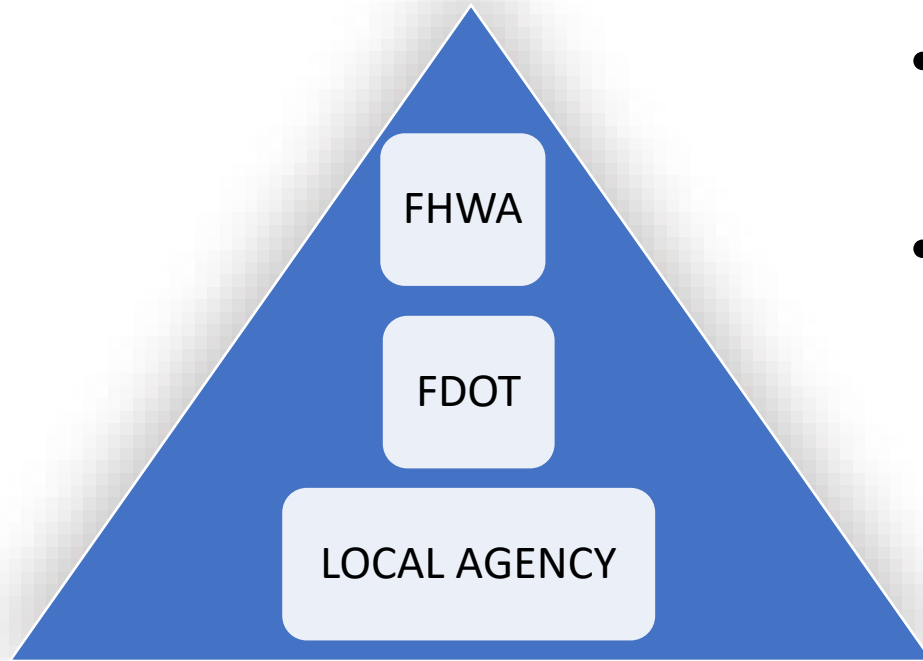


FHWA Emergency Relief and Local Agency Program (LAP) Delivery

PRESENTED BY: **Mya Gray**
Local Program Administrator
(954) 777-4608
mya.williams@dot.state.fl.us



Local Agency Program (LAP)

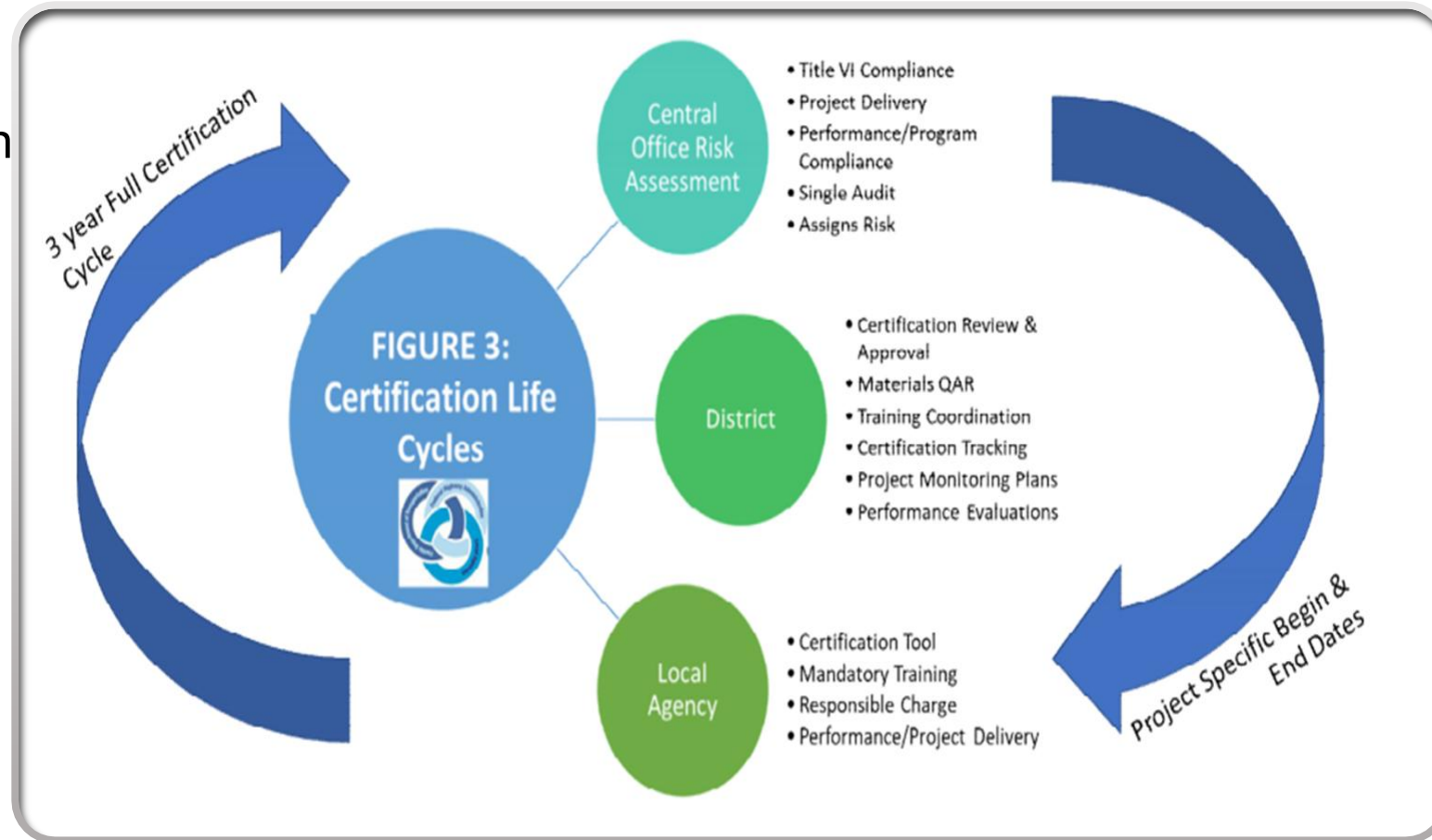


- Federalized Reimbursement Program
- FHWA & FDOT Oversight of Project administration
- LAP Certification
 - Local Agencies
 - Not eligible (Private Corporation, Non-profits, Individuals or subunits of government)



- **Full Certification**
 - Renewed Every 3 years
 - Performance based recertification
- **Project Specific Certification**
 - Renewed Every Project
 - Project monitoring and oversight by Department
- **Functional Areas of Certification**
 - Design
 - Construction and Construction Administration
 - Procurement of Professional Services and Construction Contracts

LAP Certification Life Cycle





District 4 Certified Agencies

***In Progress**

Broward

- **Broward County**
- City Of Dania Beach
- City Of Deerfield Beach
- City Of Hollywood
- City Of Miramar
- City Of Oakland Park
- City Of Pompano Beach
- City Of Fort Lauderdale
- Town Of Davie
- City of Hallandale Beach
- City of Lauderhill
- City of Lauderdale Lakes
- City of Sunrise
- City of Coral Springs
- City of Pembroke Pines
- City of Pembroke Park

Palm Beach

- **Palm Beach County**
- City of Boca Raton
- City of Boynton Beach
- City of Delray
- City of Lake Worth Beach
- City of Palm Beach Gardens
- City of West Palm Beach
- Village of Royal Palm Beach
- Village of Wellington

Treasure Coast

- **St. Lucie County**
- **Martin County**
- **Indian River County**
- City of Fellsmere
- City of Fort Pierce
- City of Port St. Lucie
- City of Stuart

Approved DDIR



Provided by D4 Maintenance Office

DDIR Form

Updated 03/2022

U.S. Department of Transportation Federal Highway Administration		DETAILED DAMAGE INSPECTION REPORT (DDIR) Title 23 Emergency Relief Program				FHWA Disaster Number	
Site Location (Name of road, milepost, coordinates, distance from nearest intersection, etc.)		Description of Damage (Provide specific details - Bituminous shoulder undermined, slope failure, washed out culvert, etc.)				Disaster Date	
						Report Number	
						Inspection Date	
						Federal-aid Route Number	
						State/County/City	
						Congressional District	
Verify the following for DDIR approval consideration.							
☐ Map of damaged site (if adjoining locations are combined to one site, all locations must be shown).							
☐ Photos of the damaged site.							
☐ Damaged site is on an eligible federal-aid highway. (not functionally classified as a local or rural minor collector).							
*NEPA is required for all emergency and permanent repair projects.							
*All construction projects shall comply with federal requirements (FHWA 1273, Davis Bacon, etc.).							
*Permanent repair projects require prior FHWA Authorization.							
*Each site must have suffered \$5,000 in actual damage to be eligible.							
*Sites within ¼ of a mile may be grouped together to form a site.							
SECTION 1: EMERGENCY REPAIR COST ESTIMATE							
Emergency Repairs	Work Items	Unit	Unit Price	Quantity	Cost		
Contracting Method			Preliminary Engineering (PE)				
☐ Force Account ☐ Standard Competitively Bid Contract			Construction Engineering (CE)				
☐ Negotiated Contract ☐ Other (state type of contracting method)			Right-of-Way				
Was a detour used as the emergency repairs?			Emergency Repair Total			0	
☐ Yes ☐ No (Justification required)							
Contracting Agency							
☐ FDOT ☐ LAP ☐ Tribe							

- Approved by FHWA and State Engineer/ Signed by Local Agency
- Local Agency Cost estimate = FDOT Programmed ER Project (Work Program)
- DDIR to include the following:
 - LAP Administered Phases – Professional Services Reimbursement (Optional)
 - FDOT D4 LAP Administered fixed cost for in-house Support & CEI Oversight Cost
 - In-house Design (phase 31 @ \$5,000.00)
 - In-house Construction (Phase 61 @ \$5,000.00)
 - CEI Oversight (Phase 62 @ 3% of Construction cost)
 - Required per **339.28201 F.S** - Local Agency Construction Contingency at **0.5%** or **\$10,000.00** Whichever Greater



LAP and ERP

Local Program Manual
Chapter 13 - FHWA Emergency Relief
Program

FHWA ER

Permanent
Repair

Emergency
Repair

Form No. 350-000-15

Must be LAP
Certified

LAP Project
Constructed

Not required to
be LAP Certified



Emergency Repair – Key Requirements

Key Points:

- LAP certification is **not required** for emergency repairs.
- Emergency repairs can begin immediately — NEPA may run concurrently.
- Work performed within **270 days** of the declared event may be reimbursed up to **100%** federal share.
- After 270 days, FHWA reimburses at the normal federal pro-rata rate.

Documentation Requirements:

- Utilities, railroad, ROW, and permit certifications must be addressed per **23 CFR 635.309(a)**.
- Must execute the **Local Agency Emergency Repair Agreement (Form 350-000-15)**.

Project/Agreement Close-out:

Local Agency Program Final Inspection and Acceptance of the Federal-Aid Project” form (Form No. 525-010-42)



**LOCAL AGENCY
EMERGENCY REPAIR AGREEMENT**

Program Management
GUC - 8/2/23
Page 1 of 23

Contract No.: _____ Financial Project No.: _____
Federal Project No. _____
(FAIN): _____ Federal Award Date: _____
Recipient Unique Entity _____
ID(UEI) No.: _____ Recipient Vendor No: _____

Assistance Listing Number (ALN) No. 20.205 Highway Planning and Construction

This Local Agency Emergency Repair Agreement ("Agreement") is entered into on _____, by and between the State of Florida, Department of Transportation, (date to be input by Department) _____, ("Department"), and _____, ("Recipient"). The Department and the Recipient are sometimes referred to in this Agreement as a "Party" and collectively as the "Parties."

NOW, THEREFORE, in consideration of the mutual benefits to be derived from joint participation on the Project, the Parties agree to the following:

- 1. Emergency Relief.** The Federal Highway Administration ("FHWA") has established an Emergency Relief Program codified at 23 USC §125. FHWA has, as a result of the Executive Order(s) _____, dated _____ for Emergency Event(s) _____, authorized funding to be provided to the Department for relief from the damage inflicted by said event(s).
- 2. Purpose of Agreement.** The purpose of this Agreement is to state the terms and conditions upon which reimbursement will be provided to the Recipient for emergency repair work ("Project") and to set forth the manner in which the Project will be undertaken and completed. Recipient's costs and expenses incurred as a direct result of the Emergency Event(s) and the scope of work and services authorized by FHWA are further described in Exhibit "A", Detailed Damage Inspection Report(s) ("DDIR"), attached and incorporated into this Agreement. To receive the reimbursement amounts stated within this Agreement, all Project work must be completed within 180 days of the occurrence of the Emergency Event necessitating such work.
- 3. Authority.** The Recipient, by Resolution or other form of official authorization, a copy of which is attached as Exhibit "D", Recipient Resolution and made a part of this Agreement, has authorized its officers to execute this Agreement on its behalf. The Department has the authority pursuant to Sections 334.044(7), (24), and 339.12 Florida Statutes, to enter into this Agreement.
- 4. Exhibits.** The following Exhibits are attached and incorporated into this Agreement:
 - ☒ Exhibit A: Detailed Damage Inspection Report(s)
 - ☒ Exhibit B: Schedule of Financial Assistance
 - ☒ Exhibit C: Title VI Assurances
 - ☒ Exhibit D: Recipient Resolution
 - ☒ Exhibit E: Federal Financial Assistance (Single Audit Act)
 - ☒ Exhibit F: Contract Payment Requirements
 - ☒ Exhibit G: FHWA Form 1273
 - ☒ Exhibit O: Terms and Conditions of Construction in Department Right of Way
 - ☐ *Additional Exhibit(s): _____

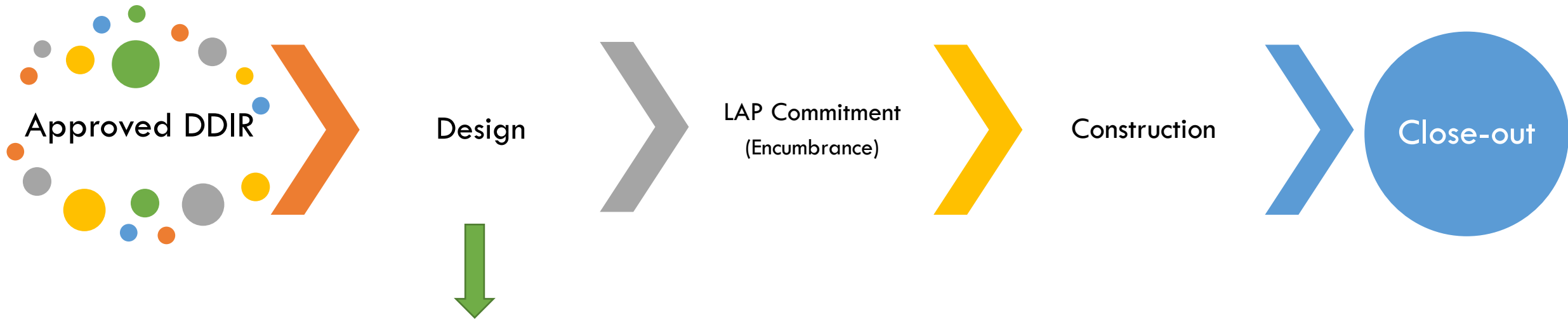
*Indicates that the Exhibit is only attached and incorporated if applicable box is selected.

5. Time. Unless specified otherwise, all references to "days" within this Agreement refer to calendar days.



Permanent Repair

Local Program Oversight



Kick-off Meeting w/ Local Agency

PRELIMINARY PHASE
(Concept Plans & Cost Estimate)

INITIAL PHASE
(30% Plans & Cost Estimate)

CONSTRUCTABILITY PHASE
(90% Plans & Cost Estimate)

PRODUCTION PHASE
(100% Plans & Cost Estimate)

Right of Way (Comply w/ the Uniform Act)

- **All work for this project will be completed within and from the existing right of way.”**
 - No ROW Acquisition
 - No temporary construction easement(TCE); No permanent easement
 - No donation from a property owner
 - No Lease Agreements

Environmental

- COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
 - Cultural Resource Assessment and Survey
 - Contamination Certification
 - Type 1 Categorical Exclusion (Environmental Certification)



LAP Procurement Resources

Pre-Event

- Executed **prior to a disaster event** to ensure rapid mobilization
- Must follow **Federal-Aid procurement rules** and FHWA requirements
 - Including competitive low bid advertisements
 - Provides **federally compliant contracts in place early** for emergency response
- Consistent with the **FHWA & State -approved boilerplate language** – may be obtained by FDOT
- District Assistance available upon request at least 1 year prior to Hurricane Season
- 2024 FHWA Emergency Relief FAQ available on the FDOT Local Programs webpage

District Continuing Svs. Contracts

- FDOT-procured consultant contract available to support Local Agencies
- Ideal for agencies new to LAP or unfamiliar with federal procurement
- Task Work Order issued by FDOT for design and/or CEI services
 - Consultant performs services on behalf of the Local Agency under FHWA rules
 - Local Agency must concur with consultant progress and deliverables
 - FDOT pays the consultant after Local Agency concurrence
- Tool supports LAP compliance, reduces risk, and accelerates project delivery

LAP Delivery - Procurement Checklists

- LAP Checklist for Federally Funded Professional Services Contracts (form 525-010-49)
- LAP Checklist for Construction Contracts (form 525-010-44)
- Ensures Federal-Aid Compliance
- Protects Eligibility for Reimbursement
- Standardized required documentation along w/ Supports FDOT Oversight and Review
- Confirms use of proper federal Specs and clauses
- All bid documents must include FHWA-1273, federal wage requirements, ADA compliance, and excluded practices (no convict labor, etc.).

Permanent Repair – Emergency Relief

- Approved DDIR
- **Requirements Include:**
 - LAP Certification (full or project specific)
 - Federal procurement rules using LAP checklists
 - Completed NEPA: Type I CE, contamination screening, cultural resource reviews
 - Full ROW certification confirming all work occurs within existing ROW
 - FDOT approved plans, specifications, and bid documents
 - Compliance with FHWA 1273, ADA, Davis Bacon, BABA, human trafficking compliance

FPN: _____	FPN: _____	FPN: _____
Federal No (FAIN): _____	Federal No (FAIN): _____	Federal No (FAIN): _____
Federal Award Date: _____	Federal Award Date: _____	Federal Award Date: _____
Fund: _____	Fund: _____	Fund: _____
Org Code: _____	Org Code: _____	Org Code: _____
FLAIR Approp: _____	FLAIR Approp: _____	FLAIR Approp: _____
FLAIR Obj: _____	FLAIR Obj: _____	FLAIR Obj: _____
County No: _____	Contract No: _____	
Recipient Vendor No: _____	Recipient DUNS No: _____	
Catalog of Federal Domestic Assistance (CFDA): 20.205 Highway Planning and Construction		

THIS LOCAL AGENCY PROGRAM AGREEMENT ("Agreement"), is entered into _____, by and between the State of Florida Department of Transportation, an agency of the State of Florida ("Department"), and _____ ("Recipient").

(This date to be entered by DOT only)

NOW, THEREFORE, in consideration of the mutual benefits to be derived from joint participation on the Project, the Department and Recipient agree to the following:

1. **Authority:** The Department is authorized to enter into this Agreement pursuant to Section 339.12, Statutes. The Recipient by Resolution or other form of official authorization, a copy of which is attached as **Exhibit "D"** and made a part of this Agreement, has authorized its officers to execute this Agreement on its behalf.
2. **Purpose of Agreement:** The purpose of this Agreement is to provide for the Department's participation in the Project, as further described in **Exhibit "A"**, Project Description and Responsibilities attached and incorporated in this Agreement ("Project"), to provide Department financial assistance to the Recipient on the terms and conditions upon which Department funds will be provided; and to set forth the manner in which the Project will be undertaken and completed.
3. **Term of Agreement:** The Recipient agrees to complete the Project on or before _____. If the Recipient does not complete the Project within this time period, this Agreement will expire on the last day of the scheduled completion as provided in this paragraph unless an extension of the time period is requested by the Recipient and granted in writing by the Department prior to the expiration of this Agreement. Expiration of this Agreement will be considered termination of the Project. The cost of any work performed after the term of this Agreement will not be reimbursed by the Department.
4. **Project Cost:**
 - a. The estimated cost of the Project is \$ _____. This amount is based upon the Schedule of Financial Assistance in **Exhibit "B"**, attached to and incorporated in this Agreement. **Exhibit "B"** may be modified by mutual execution of an amendment as provided for in paragraph 5.i.
 - b. The Department agrees to participate in the Project cost up to the maximum amount of \$ _____, as more fully described in **Exhibit "B"**. This amount includes Federal-aid funds which are limited to the amount of Federal-aid participation. The Department's participation may be increased or reduced by determination of the actual bid amounts of the Project by the mutual execution of an amendment. Recipient agrees to bear all expenses in excess of the total cost of the Project and any deficits incurred in connection with the completion of the Project.
 - c. Project costs eligible for Department participation will be allowed only from the date of this Agreement. It is understood that Department participation in eligible Project costs is subject to:
 - i. Legislative approval of the Department's appropriation request in the work program year that the Project is scheduled to be committed;

Execution of LAP AGREEMENT

➤ Contractual Agreement between LAP Certified Local Agency and FDOT

- Boilerplate Agreement approved by FDOT and FHWA

- LAP Agreements executed for the following

- Design
- Construction/CEI

➤ Approved Plans, Specifications, and Estimate (PS&E) package

- Including FDOT approved Draft Bid Documents

➤ Issuance of FDOT Notice to Proceed(NTP) to Local Agency

- Advertisement of Local Agency construction contract (within 30 days of FDOT NTP)
- Award to the lowest responsive responsible bidder and issue NTP to the Contractor within 90 days of FDOT NTP

➤ Local Agency Invoicing and Federal Reimbursement

- Reimbursement **limited to 80%** of approved DDIR (minus oversight allocations).
- Timely reimbursements (at a min. Quarterly)

➤ Local Agency responsible for the Operation and Maintenance

No Work is eligible for reimbursement prior to federal authorization of emergency relief funding and the execution of the FDOT LAP Agreement!!!!

FDOT Oversight & Local Agency Commitment

Success of the Local Agency Program depends on the Local Agency ability to commit and adhere to:

- State and Federal Requirements as set forth in the Local Program Manual, Grant Agreement, and FHWA 1273
- Approved/Awarded Project Scope
- Project Schedule & funding
- Communication & Coordination
- Performance Management





•Image source: Pixabay/Peggy Marco



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- Online Resources

- FHWA Emergency Relief Program Website

- <https://www.fhwa.dot.gov/programadmin/erelief.cfm>

- FHWA ER Manual

- <http://www.fhwa.dot.gov/reports/erm/er.pdf>

- Federal-aid Essentials for Local Public Agencies -Videos

- <http://www.fhwa.dot.gov/federal-aidessentials/>

- Benefit-Cost Analysis (example)

- <https://www.fema.gov/grants/tools/benefit-cost-analysis>

- Florida Federal Aid Systems

- <https://www.fdot.gov/statistics/fedaids/default.shtm>



Local Programs Resources

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LAP Certification webpage:

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

Computer Based Trainings:

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

LAP Forms & Documents:

<https://www.fdot.gov/programmanagement/LAP/Forms/LapForms.shtm>

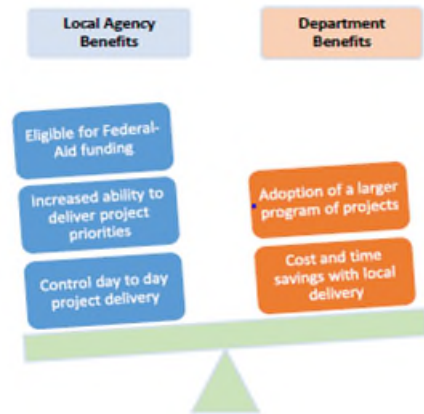
LP Manual:

<https://www.fdot.gov/programmanagement/LAP/LAP-TOC.shtm>

D4 LOCAL AGENCY PROGRAM (LAP) CERTIFICATION PROCESS

Nationwide, approximately 75% of the total miles of roadway are owned and operated by local public agencies. The LAP provides local agencies the ability to develop, design, and/or construct transportation facilities with federal funds.

Why?



The Department uses the LAP Certification process to determine whether Local Agencies are qualified to administer Federal Aid projects. The Department will still serve as the prime recipient of Federal Funds and will provide oversight on the projects from Programming to Project Close-Out.

Who needs to be Certified?

Any governmental entity, other than the Department of Transportation, who intends to administer any Federal Aid project. Local agencies are certified to perform one or more phases of work in a transportation life cycle.

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	

See *Local Program Manual*, Chapter 7, Table 1 and Section 7.1 for additional information on LAP Certification eligibility.

What?

The functional areas of LAP Certification available to Local Agencies are Design, Construction, Construction Administration, and Procurement of the Professional Services & Construction Contracts. Each functional area and/or Grant program may have a different reimbursement eligibility determination. Minimum qualification requirements must be met for each applicable area. See *Local Program Manual*, Chapter 7.3 Table 3 for details on qualification requirements.

Areas not available for delegation:

- NEPA class action determination
- Environmental
- Right of Way

See *Local Program Manual*, Chapter 7.9

Which?

There are two LAP certification types available. Local Agencies should contact the LAP administrator to discuss which LAP certification option will be the best fit.

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

See *Local Program Manual*, Chapter 7.2 and Table 2 for additional details on Certification options.

When?



Local agencies interested or seeking certification for the first time should coordinate with the Department prior to the application cycle (approximately 6 months) to learn about the Local Agency Program requirements.

Project-Specific LAP Certification is only issued after Project funding Award and the adoption of a new project within the Departments Work Program.

How?

Step 1. Initial Document Requirements

The following documents must be completed and uploaded to GAP to satisfy the initial certification requirements:

- Sub-Recipient Compliance Assessment Tool (aka SCAT tool)
- LAP Certification Tool
- Title VI Nondiscrimination Assurance form
- Title VI Policy and Plan (includes Compliance procedures and ADA and LEP Plans)

Step 2. Programmatic Risk Assessment

The Local Agency is evaluated by the Department to determine an overall risk level. Central Office will review the provided SCAT tool and identify risk level based on review of:

- Local Agency's Single Audit,
- Invoicing history,
- Responsible Charge and his/her past performance,
- Past performance evaluations for LAP projects,
- Compliance with mandatory trainings,
- Title VI and other non-discriminatory services as detailed in the SCAT tool.

Step 3. Project Delivery Risk Assessment

Once Step 2 is completed by Central Office. District LAP Administrator and required technical experts will review the provided LAP Certification Tool, which shall include:

- Responsibilities associated with different phases of transportation projects funded with Federal funds.
- Training documentation requirements based on each category of responsibility. Combination of Face-to-Face and Computer based trainings must be completed. See *Local Program Manual*, Chapter 7 Section 7.5.4, Table 4 for specific training requirements and completion timeframes.

An interview will be scheduled with the Local Agency (responsible charge, Project manager, and any others as deemed needed) to review and discuss the Certification Tool and determine the Level of Certification required.

Step 4. Certification Decision

Upon completion of previous steps, the Local Agency will be notified in writing of the eligibility decision for Certification. Approval of LAP Certification effectively delegates project delivery to Local Agency.

D4 LAP CERTIFICATION FLOW CHART



Resources:

- LAP Certification webpage:
<https://www.fdot.gov/programmanagement/LAP/BecomingCertified.shtm>
- Computer Based Trainings:
<https://www.fdot.gov/programmanagement/LAP/LAPTraining.shtm>
- LAP Forms & Documents:
<https://www.fdot.gov/programmanagement/LAP/Forms/LAPForms.shtm>
- LAP Manual:
<https://www.fdot.gov/programmanagement/LAP/LAP-TOC.shtm>

Important note: LAP Forms and Documents are frequently updated by the Statewide Local Program Office, please visit the LAP Forms regularly to retrieve the latest version of the certification documents.



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Florida Department of TRANSPORTATION



DISTRICT 4 (D4) LOCAL AGENCY PROGRAM (LAP) CERTIFICATION BROCHURE

The intent of this brochure is to provide a quick overview of the D4 Local Agency Program Certification process, including eligibility requirements, available areas, and types of certifications. Information included is not intended to replace and/or supersede any of official information posted on the available resources listed on the back of this brochure.

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