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DISTRICT 5 LOCAL AGENCY PROGRAM (LAP) GUIDELINES

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It is the policy of the Florida Department of Transportation (FDOT)/Department to contract with Local Agencies to construct transportation facilities. The Department provides project management and oversight through various Offices, including but not limited to, Planning, Environmental Management, Design, Procurement, Program Management, Right of Way, and Construction.

This publication provides District Five (hereafter referenced as "District") specific guidelines applicable to LAP. The Department's programs, procedures and policies promote collaboration with Local Agencies to efficiently and expeditiously implement and manage the programs, and execute projects applicable under LAP.

The objective of the following Guidelines is for the District to effectively plan, implement, and program projects while balancing transportation needs, funding requirements and development and stability of the Five-Year Work Program.

This document outlines the expectations, responsibilities and accountabilities of the District and Local Agency(ies) seeking to solicit and contract consultant/contractor services for design, construction and Construction Engineering and Inspection (CEI) services using federal funds.

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Part 1 Local Agency Program Certification and Performance Management

(Supplemental to LAP Manual Chapter 2)

- Full certification consideration is reserved for agencies within the District that have demonstrated appropriate staff qualifications and capability having met performance expectations required for LAP for the three (3)-year Certification cycle.
- Project-specific certification will be considered for an Agency(s) that has “limited experience” defined by the District as:
 - Successful administration of three (3) or less federal aid projects within three (3)-year period; or
 - Will not produce a consistent number of LAP projects (three (3) or more projects within three (3)-year period).
- To be certified, an Agency must demonstrate that they meet staff qualifications. Agency(ies) with past LAP projects must have met the performance expectations required for LAP project administration as identified within District Five's LAP Guidelines and the LAP Manual.
- Refer to Part 3 Compliance for Performance expectations.

Part 2 Training

(Supplemental to LAP Manual Chapter 2)

To ensure agencies maintain proper Certification, the District will focus on continuous training and provide educational materials to the Agencies ensuring quality assurance of Project Management is taking place. District training mechanisms include, but are not limited to:

- GoToMeetings/Online Meetings
- Webinars/Online Forums
- Lunch and Learn sessions
- Computer Based Training Modules

Any training offered by the District is supplemental to, not in replacement of, mandatory training as outlined in the LAP Manual.

Part 3 Compliance

(Supplemental to LAP Manual Chapter 2)

Local Agency commitment and participation is crucial for successful delivery of LAP projects as set forth in the LAP Manual and District Five's LAP Guidelines.

The Agency shall:

- Maintain the staff commitments identified at the onset of each project.
- Inform the District of any staff changes immediately when change(s) has occurred.
- Provide a point of contact and redundancy of project management/coverage, as well as succession planning, in order to ensure continuity of LAP administration.

A Task Team shall be established with representation from the District and participating Agency, as identified for each project. Regular (quarterly) meetings will be held between District and Agency staff with the intent of maintaining continuity with projects (management and technical) and promoting partnership between Agency and District staff.

Agency attendance/commitment/representation shall be required and maintained throughout project phase(s) in order to fulfill successful LAP performance expectations.

Agency performance expectations include the following items:

- Agency commitment/representation
- Establishing and maintaining Lockdown commitment(s); (See Appendix 5: Establishing Lockdown)
- Complete and maintained project schedule(s)
- Adhering to set milestones/due dates/lockdown commitments
- Production development

Agency(ies) will be evaluated by the District to ensure compliance with set forth performance expectations.

Part 4 Programming

(Supplemental to LAP Manual Chapter 5, 10, 18, 19, and 21)

- Agency(ies) may utilize District's Continuing Services Contracts (Design and CEI to facilitate LAP certification and project administration.
 - Use of the contract(s) shall be discussed with District's Local Agency Program Administrator prior to programming of the project(s).
 - Use of the contract(s) only relieves the Agency(ies) of procurement requirements/responsibilities.

- An Agency may submit for District consideration a request for reimbursement of direct costs (defined by 2 Code of Federal Regulations (CFR) 200) incurred in the administration of LAP project(s) delivered on behalf of another agency. The Agency shall provide staff-hours estimates representing project oversight efforts for these services prior to programming.

- Prior to programming project(s), the following items, at a minimum, must be completed and accepted by the District:
 - Complete and thorough Project Application
 - Anticipated Project Schedule Plan for all phases
 - Cost estimates for all phases to be programmed
 - Identification of project on Metropolitan Planning Organization (MPO)/Transportation Planning Organization (TPO)/Flagler County Priority List
 - Project updated status

The Agency shall have a plan that outlines the anticipated funding option(s) and/or commitments to complete all phases of the project. This outline will be the basis for coordination on funding needs and availability for which a project will be programmed. (See Appendix 10: Sample Project Finance Plan.)

Project schedule and phase estimates must be provided and accepted by the District prior to programming. In addition to the cost estimate(s), a brief explanation on how the estimate was developed is required; this can include back up information, level of estimating used, similar-type project comparison, percentage (%) of construction cost, detailed units and costs break down.

After receipt and initial review of the Project Application(s), a Project Intake Meeting with the Agency(ies) will be held to address requests and any outstanding information. All requested/outstanding information must be received and accepted by the District by the applicable deadline prior to programming taking place.

A. Preliminary Engineering and Project Development & Environment (PD&E) (Phase 18 and/or 28): At their own expense, Agency(ies) shall perform Planning, preliminary engineering activities, PD&E and other miscellaneous studies in accordance with National Environmental Policy Act (NEPA) requirements for any future federal funding. The District will provide technical assistance as needed when requested and agreed to.

B. Design (Phase 38): Minimum threshold programming is \$250,000 for Design (Phase 38).

C. Right of Way (Phase 48): Minimum threshold programming is \$250,000 for Right-of-Way (Phase 48).

D. Construction (Phase 58): Minimum threshold programming, exclusive of CEI, is \$250,000 for Construction (Phase 58).

E. Construction Engineering Inspection (CEI – Phase 68): There is no minimum threshold for CEI (Phase 68) programming as long as the minimum threshold for Construction programming is met.

Initial CEI (Phase 68) programming will be based on the current CEI estimate, if available. If a current CEI estimate is not available, the following table from the FDOT Work Program Instructions, will be utilized to determine the CEI programming amount:

Construction Estimate (thousands)	Percent for CEI	Construction Estimate (thousands)	Percent for CEI
1 to 99	21.90%	2,500 to 4,999	10.32%
100 to 249	17.73%	5,000 to 9,999	9.63%
250 to 499	15.48%	10,000 to 14,999	9.15%
500 to 999	13.10%	15,000 to 24,999	8.80%
1,000 to 2,499	11.35%	25,000 and up	8.11%

Bold indicates CEI estimate based on threshold requirements.

- To meet programming thresholds, project bundling is encouraged:
 - Projects might be bundled by project type (i.e. multiple individual sidewalks), geographic location (i.e. intersections within the same general location), across agencies, or any other logical combinations to meet the individual phase thresholds.
 - Projects bundled to meet one phase threshold are not required to remain bundled for the next phase if they meet the minimum threshold for that phase.
 - Projects that are not bundled for one phase could be bundled for a future phase.
 - Projects bundled in one way for one phase (i.e. multiple sidewalks) could be bundled differently for a subsequent phase.
 - Consideration of project production requirements (ie. permitting, environmental clearances, etc.) shall be addressed when reviewing bundling option(s).

- Initial programming for construction will be assigned in the later years of District's Five-Year Plan (Years 2-5). In general, the following year targets will apply depending on when Design (Phase 38) begins and as design development progresses:

Design Status (appxt. %)	Programming Year
0 - minimal	4 or 5
30%	3 or after
60% (+all right-of-way identified)	2 or after
90% (+all right-of-way acquired)	1 or after

- Once programmed, and in order to remain on a production path, a project's design status must progress to the completion level shown above (i.e. 30% Design (Phase 38) completed at the end of Year 3, 60% Design (Phase 38) by the end of Year 2 and 90% Design (Phase 38) by the end of Year 1) including Plans Update(s) (when needed), or, must follow successful progression of plans development as dictated by the project schedule.

- Projects programmed in Years 1 – 3 will require yearly estimate updates.
- During District's annual Work Program Development cycle, if a project design has not reached the appropriate Design (Phase 38) status as noted previously, Construction (Phase 58) will be deferred to the last year of the Five-Year Plan/Year 5.
- Current year programming, or First Year construction advancement, will be considered by the District once the following have been completed and accepted by the District;
 - Approved Plans Specifications & Estimate (PS&E) package
 - Certifications and Clearance Memorandums
 - Bid package documents
 - See Appendix 9: Production Checklist Requirements for Production-ready and preceding-phase completed activities.

Part 5 Exceptions

- Exceptions to provisions set forth within these Guidelines shall be submitted to the District for review and consideration. Submission of an exception request does not guarantee approval.
- Exceptions requests shall include, at a minimum, the following information:
 - What exception is being requested?
 - Who is requesting the exception?
 - Why is the exception being requested?
 - How will the project proceed if the exception is not granted?
- Approvals will be considered by the District Secretary prior to programming during development of the Five-Year Work Program.

Part 6 Guidelines Revisions

This LAP Guidelines will be updated on an annual basis by the District. Updates may be required based on LAP Manual changes, process improvements, and/or recommendations/coordination with our Local Agency partners and interest groups.

Accompanying appendices are subject to change at any time.

Should you have any comments or suggestions for this document, please contact the District's Local Agency Program Administrator.