



Federal Aid Technical Bulletin

Bulletin No. 11-03

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Subjects: - Required programming for In-house phases on Local Agency (LAP) projects
- Email notifications for inactive LAP projects

Required programming for In-house phases on Local Agency (LAP) projects

Please be advised that, effective immediately, in-house phases are required on all LAP projects. The guidance shown below has also been codified in Part III, Chapter 17 of the Work Program Instructions.

Programming Guidelines

In-house phases are required on all LAP projects. If an hour or more of in-house staff time is devoted to activities directly related to the project, then this time should be charged to the project on the employee's timesheet.

Phasing – The in-house phase should relate to the **phase of work to be authorized with FHWA and described in the LAP Checklist.**

Although In-house P,S&E Reviews may normally be charged to a Phase 31, in the case of the LAP Program these are usually done in support of fulfilling the prerequisites to obtaining a federal authorization for a Phase 58 construction phase.

Similarly, while Right of Way Certifications may normally be charged to a Phase 41, in the case of the LAP Program the ROW Certification is usually done in support of fulfilling the federal prerequisites to obtaining a federal authorization for a Phase 58 construction phase.

Examples follow:

- Phase 58 Construction – Program Phase 61 for all direct in-house activities relating to preparing the LAP checklist, ensuring federal prerequisites are met to obtain federal authorization approval, and for on-going activities during the life of the project.
 - Prior to advertisement and contract execution these activities include, but are not limited to, the following:
 - Plans, Specifications and Estimates Reviews

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- Right of Way Certifications
- Other Federal Compliance Issues
- Preparation of LAP Agreement and LAP Checklist
- Subsequent to contract execution these activities include, but are not limited to, the following:
 - Project level reviews of the CEI field effort
 - Meeting with local government staff
 - Invoice reviews and other billing issues
 - Scope/location issues
 - Other federal compliance issues
 - Preparation of final estimate and final acceptance documents
- Phase 48 Right of Way Acquisition – Program Phase 41 for all direct in-house activities relating to assisting the local government with any right of way acquisition activities the local government is certified to administer. This instruction assumes the phase for which the federal authorization will be requested is the phase 48. If ROW activities are being performed to obtain an approved federal authorization for a Phase 58, then these activities should be charged to a Phase 61 instead of a Phase 41.
- Phase 38 Preliminary Engineering – If applicable, program Phase 31. This instruction assumes the phase for which the federal authorization will be requested is the phase 38. If PE activities are being performed to obtain an approved federal authorization for a Phase 58, then these activities should be charged to a Phase 61 instead of a Phase 31.
- Phase 28 Project Development and Environmental (P,D&E) – If applicable, program Phase 21
- Phase 18 Planning – If applicable, program Phase 11

Federal Authorization – The initial federal authorization will request approval for only the in-house phase of work. It should be requested immediately prior to any in-house work being charged to employee timesheets.

All direct in-house activities should be charged to the project and not to an administrative overhead item-segment. To do otherwise will risk the project going financially inactive before costs can be billed for the contractual phase of work.

After the LAP Checklist is complete the federal authorization will be modified to add the contractual phase 58.

- The Local Agency must submit final plans to the District LAP Administrator prior to the Department requesting the federal authorization modification to add the phase 58 to the authorization.
- The District LAP Administrator must provide a Notice to Proceed (NTP) to Advertise to the Local Agency within 7 days of the approval of the federal authorization modification.



- The Local Agency must advertise the project (put the contract out for bid) as soon as possible, but no later than 30 days following receipt of any required Board approval and Notice to Proceed to Advertise from the Department.

Estimating In-house Costs – Cost estimates should be programmed in amounts which are conservatively derived. Over-estimating the in-house costs will result in federal funds being programmed on the project which will never be expended. If the initial estimate is not sufficient it can be increased later in the life of the project via modification to the federal authorization.

Funding – The strong preference is to use federal funds for in-house phases on all LAP projects. Use of state funds is discouraged but, if necessary due to lack of federal funds, they may only be used on LAP projects which are on the State Highway System. Be reminded that state funded in-house phases are not billed to FHWA for reimbursement and, therefore, cannot contribute to continuing financial activity on the federal books for the project.

The federal fund for the in-house phase will generally be the same federal fund as on the contractual phase (Phase 58 in most cases), although any eligible federal fund may be used.

Email notifications for inactive LAP projects

The Local Agency Program Information Tool (LAPIT) now sends notification reports on expenditure activity to help prevent LAP projects from becoming financially inactive. Three notification reports are generated:

- A weekly '9-month' reminder of Projects Missing Expenditures is sent to the district LAP administrators and Local Agency Primary Points of Contact. This report shows financial projects that have not had expenditures in the past 9 months or longer.
- A monthly '3, 6, and 9 month' report of Projects Missing Expenditures is sent to the district LAP Administrators and Local Agency Primary Points of Contact. This report shows financial projects that have not had expenditures in the past 3, 6, or 9 months or longer.
- A weekly Escalation Report of Projects Missing Expenditures is sent to the Federal Aid Office, and forwarded to the District Directors upon request. This report shows financial projects that have not had expenditures in 9 months or more. The district federal aid coordinators may be added to this report if requested.



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Please contact Roosevelt Petithomme, State Local Agency Program Administrator, if you wish to receive this report.

If you have any questions regarding the subjects contained in this bulletin, please do not hesitate to contact us.

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