



Florida Department of Transportation

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LAP MEMORANDUM: 03-11

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To: District Construction Engineers (DCE), District Local Agency Program (LAP) Administrators, District Contract Compliance Administrators (DCCM)

From: Brian Blanchard, P.E., Assistant Secretary for Engineering and Operations

Copies: David Sadler, Duane Brautigam, Bob Crim, Art Wright, Alan Autry, Cheri Sylvester, Roosevelt Petithomme

Subject: Local Agency Program (LAP) Construction Oversight and Project Review

LAP Construction Oversight and Project Review

Local Agencies certified to participate in the Local Agency Program (LAP) are responsible for the day-to-day administration and oversight of LAP projects. The Local Agency may review and inspect the projects through the use of its own forces or through the use of a consultant or contractor. In accordance with **23 Code of Federal Regulation Part 635**, the work administered by the Local Agency must meet all applicable Federal requirements. The Local Agency must be adequately staffed and suitably equipped to undertake and satisfactorily complete the work. The Local Agency shall provide a public employee that is in responsible charge of the project.

The Florida Department of Transportation (FDOT) serves as the prime recipient of federal transportation funds and is the supervising agency in accordance with **23 Code of Federal Regulation Part 635.105**. As such, the FDOT has responsibility for the construction of all Federal-aid projects, and is not relieved of such responsibility by authorizing performance of the work by a Local Agency. The FDOT is responsible for ensuring that LAP projects receive adequate supervision and inspection from the Local Agency so that projects are completed in conformance with approved plans and specifications. In order to achieve its oversight responsibilities, the FDOT does the following:

- Certifies Local Agencies to participate in LAP for a work phase type such as design or construction.
- Conducts Quality Assurance Reviews (QARs).
- Inspects and accepts all LAP projects.
- Reviews LAP projects for conformance with approved plans and specifications.

Periodic Project Reviews and Documentation

During the active construction phase, interim reviews of the project progress and documentation is to be completed. Reviews are to be completed in coordination with the Local Agency, District LAP Administrator, and the designated District construction office personnel. The major work classifications as defined in the LAP Agreement, project advertisement, and contract are to be reviewed. The review is to be completed in accordance with the procedures outlined in the *FDOT Construction Projects Administration Manual (CPAM) Topic No. 700-000-000, Section 5.9)*

The review is to include a program level review of the LAP Agency's Equal Employment Opportunity (EEO), Disadvantage Business Enterprise (DBE), and prevailing wage documentation which is monitored by the LAP Agency Resident Compliance Specialist or consultant designee. This includes certified payrolls, wage rate interviews, comparison of interviews with certified payrolls with appropriate follow up as needed and project site display of required posters and wage rate information. The review of the Local Agency's processes should be conducted as early in the active portion of the project as practical to ensure proper documentation throughout the remainder of the project. This portion of the review is to ensure the Local Agency is in compliance with the procedures outlined in the *FDOT Contract Compliance Workbook*. The District Contract Compliance Managers (DCCM) will conduct this portion of the review in accordance with the requirements of the Construction Contract Compliance Administration (CCCA) Field Office Review as indicated in the *FDOT Equal Opportunity Contract Compliance Procedure Topic No.:275-020-002-g*.

It is very important that any findings are documented and transmitted to the Local Agency. The reviews will be scanned and stored in the Local Agency Program Information Tool (LAPIT) electronic document management system. The Local Agency is responsible for addressing any findings in a timely manner. The Local Agency will notify the FDOT District LAP Administrator once all findings have been addressed. If the Local Agency fails to address a finding, Federal-Aid funding may be withdrawn for any or all portions of the project or reimbursement withheld until the findings are addressed. Section 5.5 (Inspection) of the LAP Agreement outlines the requirements for the Local Agency to permit the FDOT's authorized representatives and authorized agents of the Federal Highway Administration to inspect all work, workmanship, materials, payrolls, and records and to audit the books, records, and accounts pertaining to the financing and development of the project.

Project Complexity and Frequency of Reviews

The frequency of these reviews will be commensurate with the project size and/or complexity. At a minimum, the FDOT will conduct a final inspection and accept all LAP projects. For those projects designated as full oversight projects, FWHA will final inspect and accept the project as well. If the project is complex in scope the District LAP Administrator will consult with

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District Construction staff and coordinate with the Local Agency to establish a schedule of initial and interim inspections.

Simple projects are defined as:

- Projects with a well-defined scope for all parties (Design and Construction).
- Projects with low risk of unforeseen conditions (i.e., projects that do not involve such things as significant underground utilities, earthwork variations, underground drainage pipes, bricks under pavement in urban areas, etc.).
- Projects with low possibility for change during construction.

Examples of typical simple projects include:

- Fencing.
- Guardrail.
- Intersection improvements (with known utilities).
- Landscaping.
- Mill/Resurface (including Interstate).
- Minor road widening.
- Sidewalks.
- Signing.

FDOT Minimum Construction Inspection Frequency

- Simple projects with a construction value less than \$500,000: Final Inspection
- Simple projects with a construction value more than \$500,000: Initial Inspection (less than 25% of work complete) and Final Inspection
- Projects within the travel way with a construction value more than \$500,000: Initial Inspection (less than 25% of work complete), at least one interim inspection near midpoint of the construction and Final Inspection
- Critical projects (as defined in Section 23.1.3 of LAP Manual): Initial Inspection (less than 10% of work complete), quarterly interim inspections during the construction and a Final Inspection

Review Guide List

Project Location			
Applicable Requirements	NHS/SHS	Off System Critical Project	Off System
	CPAM Section 5.9	CPAM Section 5.9	LAP Big Four: Concrete, Earth work, Asphalt, and Landscape
	FDOT Specifications	FDOT Specifications	Approved Local Agency Specification
	Critical Requirements Guide List	Critical Requirements Guide List	LAP Construction Checklist
	LAP Construction Checklist	LAP Construction Checklist	

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LAP off system critical projects are defined as, LAP bridge projects, box culverts that meet the criteria of a bridge or projects with a construction value of \$10 million or more including road widening. The Local Agency will submit a monthly progress report to the District LAP Administrator to document the progress of the project and update the FDOT on any issues that have occurred during the reporting period.

Should you have any questions, please contact Alan Autry at 850-414-4195 or Roosevelt Petithomme at 850-414-4383.