

LPA Design Certification for Non-Highway System Projects

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BACKGROUND

- INDOT required to administer federal transportation funds provided by the US DOT in accordance with all federal and state laws and regulations
- FHWA delegates authority to INDOT through a Stewardship and Oversight Agreement (S & O Agreement)
- S & O Agreement establishes the roles and responsibility of each party with respect to Section 106 of Title 23 of the United States Code (23 USC 106)
- FHWA retains authority for certain activities on federal aid projects on the National Highway System (NHS)
- INDOT assumes all of FHWA's Title 23 responsibilities for design, plans, specifications and estimates, contract awards and inspection

BACKGROUND

- INDOT allocates 25% of federal transportation dollars received by the state to cities, town and county public agencies
- Allocation of the local share is managed through the INDOT/LPA Program
- LPA's are required to develop and manage federal-aid projects in accordance with all federal and state laws and regulations as required by the LPA Guidance Document
- Federal regulations allow INDOT to delegate activities and approvals to LPA's who have demonstrated the capacity and have been certified to manage certain activities for federal-aid projects; however INDOT still remains responsible
- INDOT is required to develop policies and conduct reviews for compliance

PURPOSE

- For non-NHS projects, INDOT will delegate design responsibilities to certified LPAs
- Policy describes requirements of and process to become certified to manage design activities for non-NHS federal-aid projects
- Certification Program is voluntary
- LPA may elect to pursue certification at any time.

ROLES AND RESPONSIBILITIES

FHWA

- Ensures INDOT complies with all federal laws and regulations in the expenditure of federal funds
- Ensures INDOT policies and procedures are in compliance with the applicable engineering requirements

ROLES AND RESPONSIBILITIES

INDOT

- Is accountable to FHWA for compliance of all federal laws and regulations
- Ensures all local projects utilizing federal funds are in compliance with all federal and state regulations

ROLES AND RESPONSIBILITIES

LOCAL PUBLIC AGENCIES (LPA)

Is responsible for managing and delivering their projects in accordance with project schedule, budget and all applicable federal and state laws, regulations and policies

PURPOSE OF THE CERTIFICATION PROGRAM

- For years, LPA's have requested more control over their project design decisions
- LPA's have a better understanding of the needs of their transportation infrastructure and better suited to make design decisions
- Reduce workload on INDOT staff. Additional funding has created a lot more INDOT projects to manage and oversee

PROJECT DESIGN FOR CERTIFIED AGENCIES

- LPAs have options of utilizing local standards and criteria, Indiana Design Manual standards or select their own local or other industry recognized design criteria
- LPA will designate the processes, criteria and standards while retaining all responsibility for design reviews, oversight, and approvals
- LPA will designate a Professional Engineer

PROJECT AGREEMENTS

- INDOT/LPA Contract – Remains unchanged

LPA/Consultant Agreement

- Does INDOT still review it?
- Do LPAs still have to utilize INDOT's standard agreement?
- Is it 80/20 % match?

LPA/Consultant Agreement Amendments

- Does INDOT still require LPAs to wait to enter into amendments?
- Process for amendments to INDOT/LPA Contract for R/W Services

PROJECT AGREEMENTS

- Construction Agreement – Still created by INDOT Contracts Section
- LPA/Consultant Agreement for CE –
 - Does INDOT still review it?
 - Do LPAs still have to utilize INDOTs standard agreement?
 - Is it still 80/20 match

DESIGN REVIEW

- Certified LPAs do not have to submit Stage 1, Stage 2 or Stage 3 project designs to INDOT for review and comments
- LPAs shall prepare all plans and other documentation necessary for a Final Tracings Submission and provide that information to the District ERMS Coordinator prior to transmitting the Final Tracings Submittal to the Contract Administration Office.
- LPA is solely responsible for the quality of the design for their projects

DESIGN REVIEW

- INDOT will remain available for consultation for design questions
- INDOT will review and provide comments but will not issue formal approval, acceptance or denial. General observations will be provided
- LPA and designer will maintain ownership and responsibility of considering and/or addressing comments

DESIGN QUALITY AND OVERSIGHT

- LPAs ensure that all final design plans are signed, sealed and dated by a Professional Engineer
- Professional Engineer shall submit a Final Design Standards Report detailing the design criteria used to develop the plans as well as identifying any deviations from that criteria and the justification for doing so
- Construction time set within contract documents is developed by the LPA

CONSTRUCTION QUALITY AND OVERSIGHT

- Construction time set within contract documents is developed by the LPA, not INDOT
- Construction contract still bid and executed by INDOT
- LPA still selects and chooses the firm of their choice for Construction Inspection Services

DESIGN CERTIFICATION BENEFITS

- Provides LPA more decision making authority and control over managing project design for federal aid, non-NHS projects
- LPAs can select standards they will utilize to design and manage their projects
- Provides greater flexibility to utilize design standards that meets the locals needs
- Allows LPAs to deliver projects with a reduced level of INDOT oversight and more control

DESIGN CERTIFICATION BENEFITS

- Allows INDOT to greatly reduce the level of project design oversight
- Allows LPA to “right-size” projects, choosing the right design for the right facility
- Can reduce the cost of design fees because of the reduced number of formal submittals to INDOT
- Puts LPA in charge of the facilities that they should be in charge of

DESIGN CERTIFICATION EXCEPTIONS/EXCLUSIONS

- Design certification is available to all LPAs
- Environmental Review – NEPA Process will remain consistent with current procedures
- INDOT will continue to review the purchase of right of way in accordance to procedures
- Select Bridges do not qualify for participation in this program
- LPAs are required to utilize INDOT pay items for all federal aid projects

CERTIFICATION PROCESS

- LPA must complete a certification application and return to the INDOT LPA Office. Once review and approved, you will be provided with the certification approval letter. Notification will be within 30 days
- Once approved for federal funding, INDOT and the LPA will enter into an INDOT-LPA Contract that will outline roles and responsibilities of each party

CERTIFICATION REQUIREMENTS

- Each LPA must have at least one full time Employee in Responsible Charge (ERC)
- LPA must designate a primary contact for design. The Design Liaison shall be the individual responsible for oversight on behalf of the LPA of all design activities. The Design Liaison may vary from project to project. ERC may serve as Design Liaison if sufficient expertise exist
- Must document the standards and criteria intended to use for each project design LPA must have documented process for design review, oversight, approval and quality assurance.

MAINTAINING CERTIFICATION

- Certification is contingent upon the LPA meeting certification requirements and maintaining qualified, experienced staff
- LPA must notify INDOT immediately if there is a change in the ERC
- INDOT reserves the right to audit projects at any time
- INDOT will review a sample of projects

QUESTIONS ???