



New Hope Trail Bridge, Razorback Regional Greenway, Rogers, Arkansas

Local Public Agency Project Manual



March 2021

NOTE: For the most up-to-date version of this document, please go to <https://www.ardot.gov/LPA> and download a new copy.

If additional information or corrections are needed, please contact Daniel Siskowski at Daniel.Siskowski@ardot.gov.

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ACRONYMS AND ABBREVIATIONS

AAS Guidelines - Arkansas Archeological Survey Guidelines

AASHTO - American Association of State Highway and Transportation Officials

ADA - Americans with Disabilities Act

ADAAG - ADA Accessibility Guideline

ADEQ – Arkansas Department of Environmental Quality

ARDOT - Arkansas Department of Transportation

AOU - Agreement of Understanding

CATEX - Categorical Exclusion

CCRR - Construction Certification and Reimbursement Request Form

CFR - Code of Federal Regulations

DBE - Disadvantaged Business Enterprise

EA - Environmental Assessment

EIS - Environmental Impact Statement

FEMA - Federal Emergency Management Agency

FHWA - Federal Highway Administration

FONSI - Finding of No Significant Impact

FPPA - Farmland Protection Policy Act

FWS - U.S. Fish and Wildlife Service

LOI - Letter of Interest

LPA - Local Public Agency

LPA Manual - Local Public Agency Project Manual

LPA Section - ARDOT's Local Project Administration Office

LWCF - Land and Water Conservation Fund

MPO - Metropolitan Planning Organization

MUTCD - Manual on Uniform Traffic Control Devices

NAC - Noise Abatement Criteria

NEPA - National Environmental Policy Act
NFIP - National Flood Insurance Program
NHPA - National Historic Preservation Act of 1966
NPDES – National Pollutant Discharge Elimination System
NRCS - Natural Resources Conservation Service
NRHP - National Register of Historic Places
NTP - Notice to Proceed
NWP - Nationwide Permit
PM - Project Manager
PROWAG - Public Rights of Way Accessibility Guidelines
PS&E - Plans, Specifications and Estimates
RC – Employee in Responsible Charge
RE - Resident Engineer
RFP - Request for Proposal
ROD - Record of Decision
ROW - Right of Way
RTA - Request for Technical Assistance
RTP - Recreational Trails Program
SFHA - Special Flood Hazard Area
SHPO - State Historic Preservation Officer
STAA - Short Term Activity Authorization
STBG - Surface Transportation Block Grant Program
STBGP > 200K - Surface Transportation Block Grant Program for areas greater than 200,000 population
STIP – Statewide Transportation Improvement Program
STP - Surface Transportation Program
SWPPP - Stormwater Pollution Prevention Plan
T&E Species - Threatened and Endangered Species
TAP - Transportation Alternatives Program
TIP – Transportation Improvement Program

TMA - Transportation Management Area

TMP – Transportation Management Plan

TNM - Traffic Noise Model

Uniform Act - Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

USACE - U.S. Army Corps of Engineers

U.S.C. - United States Code

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1. INTRODUCTION

Congress authorizes Federal-aid highway funds as financial assistance for the planning, design, construction, maintenance, and operation of transportation facilities. The Arkansas Department of Transportation (ARDOT) is tasked by the Federal Highway Administration (FHWA) to administer projects that use federal funds to verify that state, local, and federal regulations are met and to ensure projects are designed and constructed accordingly.

A portion of the Federal-aid highway funds that ARDOT receives are used on projects administered by local public agencies (LPAs), including cities, counties, metropolitan planning organizations (MPOs), and eligible not-for-profit organizations.

1.1 Purpose

The Local Public Agency Project Manual (LPA Manual or Manual) is a guide for cities, counties, planning organizations, and eligible not-for-profit organizations that utilize federal funds for locally administered transportation projects. The procedures outlined in this Manual address both state and federal requirements. Requirements for aviation, waterways, or public transit projects are not addressed.

The LPA Manual is a guide and each project will have its own unique characteristics. An LPA and its project partners, specifically consulting engineering firms or other ARDOT-approved outside resources hired by the LPA to assist with the development of a project, shall become familiar with the Manual and actively communicate with ARDOT staff on specific project issues, questions, and requirements.

Federal-aid highway funds allocated to ARDOT may also be used on projects sponsored by state and federal agencies. ARDOT's role is to oversee and administer projects developed using Federal-aid highway funds and applies to all project sponsors.

1.2 Applicability

Congress has authorized numerous Federal-aid programs, and with each new transportation authorization bill the list of applicable authorized programs may change. Currently, the authorized programs covered in this Manual are:

- Surface Transportation Block Grant Program for areas greater than 200,000 population (STBGP > 200K)
- Transportation Alternatives Program (TAP)
- Transportation Alternatives Program for areas greater than 200,000 population (TAP-Attributable)
- Recreational Trails Program (RTP)

Each of these are competitive funding programs that utilize an application process to request and award Federal-aid funds. Other projects that include state and/or Federal-aid funding should follow guidelines contained within this Manual, unless otherwise directed by ARDOT. If an LPA is developing a transportation project funded through a different state or Federal-aid program, it should consult with ARDOT to determine which sections of this Manual may apply.

Project-related topics covered in this Manual include, but are not limited to: project selection and approval, plans, specifications, estimates, surveys, design, environmental processes, right of way (ROW) processes, contract award, inspection, construction, final project inspection, and maintenance and

project close out. Special procedures must be followed for all local projects on the National Highway System; see *Section 10: Plans, Specifications, and Estimates (PS&E)* in this Manual.

1.3 ARDOT's Authority and Responsibility

When an LPA assumes the project administration for Federal and/or State-aid construction projects, ARDOT must have assurances that the LPAs are complying with the requirements of federal and state laws and regulations. This is accomplished by limited reviews of plans and specifications and a series of summary documents covering the various project development phases. Project responsibilities associated with obligation of funds, environmental classification determinations, and the processing of National Environmental Policy Act (NEPA) documents remain with ARDOT and FHWA. ARDOT will administer the LPA program in accordance with the FHWA-approved Procedures for Local Public Agency Project Administration.

ARDOT will maintain and administer the LPA Manual to:

- Determine whether an LPA is reasonably staffed and suitably equipped to perform work satisfactorily and cost-effectively, and adequate staffing and supervision exists to manage the federal project(s) as outlined in *Section 1.4: LPA Responsibilities*.
- Determine whether LPA projects receive adequate inspection to make sure they conform to approved plans, specifications, and estimates.
- Verify, if applicable, that an LPA-administered Federal-aid project is constructed in accordance with the current edition of ARDOT's Standard Specifications.
- Verify that even when LPAs elect to use consultants for engineering or other services, that the LPA has a full-time agency employee in charge of the project as outlined in *Section 1.4: LPA Responsibilities*. This may be referred to as the Employee in Responsible Charge (RC) or LPA Project Manager.
- Verify that LPA reporting is done in accordance with the Federal Funding Accountability and Transparency Act of 2006 and is documented by the following actions, programs, and processes:
 - ARDOT will maintain a project filing system that will include documentation of all required FHWA actions and ARDOT's assumed project approvals. ARDOT will provide FHWA access to the project files when requested.

1.3.1 Role of ARDOT's Local Program Office

ARDOT's Local Project Administration Section (LPA Section) is part of the Program Management Division. The LPA Section in Little Rock provides guidance to LPAs along with other ARDOT Division and District offices that support the administration of local transportation projects. Information about the LPA Section, including contact information, is available online at:

<https://www.ardot.gov/divisions/program-management/local-project-administration-lpa/>.

ARDOT Division and District offices work with the LPA Section to provide technical support and in-the-field activities, including:

- Attending pre-construction meetings.
- Performing detailed inspections at first and final reimbursement requests.
- Performing oversight inspections with each reimbursement request.
- Reviewing and approving all change orders.

ARDOT's LPA Section has the responsibility for making sure that federal funds are properly used throughout project development and delivery. The LPA Section provides stewardship and oversight of the LPAs to ensure Federal-aid projects are delivered effectively.

The LPA Section's primary stewardship and oversight responsibilities include:

- Project programming and verifying funding/agreement.
- Phase approvals (project development, ROW, and construction) - LPA shall request approval prior to beginning a new phase. The LPA Section will assign a Project Manager (PM) from ARDOT who will obtain authorization from FHWA and will notify the LPA that they may proceed either by letter or email, depending on the phase of work.
- Coordination with the LPA on NEPA studies and approvals that may include guidance from ARDOT on performing studies and obtaining necessary approvals.
- Overseeing consultant procurement (Request for Proposal (RFP), etc.), as necessary.
- Design review at key milestones (30%, 60%, and 90%).
- Approval of design exceptions.
- ROW certification after the LPA has acquired the ROW per federal and state requirements.
- Approval of plans, specifications, and estimates (PS&E), including bid package review, concurrence in award, or rejection.
- Disadvantaged Business Enterprise (DBE) goal setting.
- Construction administration reviews to ensure the sponsoring entity or its consultant is properly documenting the construction of the project.
- Project acceptance/financial closeout.

1.4 LPA Responsibilities

The LPA shall provide a full-time employee of its organization that will be the RC of the project. This person is not required to be an engineer. The specific duties may be delegated to a number of public agency employees, but one individual must be assigned as the LPA's Project Management Representative and is expected to be a public employee who is accountable for the project.

The LPA shall:

- Maintain administrative records of project development and delivery activities that sufficiently demonstrate compliance with federal requirements. These documents must be maintained and available for review by FHWA or ARDOT for a minimum of three years after final financial closeout of the project.
 - Records include, but are not limited to: quantities of materials delivered, used, and rejected; justification of pay quantities; test certification for quality of material used on the project; compliance with the Americans with Disabilities Act (ADA); staffing and inspector qualifications; inspection records, Buy America documentation, and other applicable verification records.
- Develop adequate project documentation to accurately define the project.
- Prepare NEPA documents (depending on the program; ARDOT may perform this for some projects).

- Perform public involvement and comply with Title VI, Limited English Proficiency, Environmental Justice, and ADA requirements during the NEPA process as well as other phases of the project, as appropriate.
- Prepare project design (in part or whole depending on the program).
- Implement design quality control/quality assurance (in part or whole depending on the program).
- Obtain permits (typical environmental permits would include USACE Section 404, Arkansas Department of Environmental Quality (ADEQ) Section 401, STAA, and National Pollutant Discharge Elimination System (NPDES), floodplain, U.S. Coast Guard, and others) which may require fees and/or mitigation at the LPA's expense.
- Perform ROW acquisition.
- Prepare and execute utility agreements.
- Prepare bid documents (in part or whole depending on the program).
- Perform construction management (depending on the program).
- Perform project acceptance (depending on the program).
- Implement financial controls/invoicing (depending on the program).
- Provide information showing compliance with mitigation and/or environmental commitments and permitting.

LPA-sponsored projects must maintain compliance with all applicable federal and state requirements. Non-compliance can result in the withdrawal of federal funds from the project, requiring the LPA to pay the funds back. Specific responsibilities will be detailed during the initiation of the project and the development of an Agreement of Understanding (AOU) between the LPA and ARDOT, which is covered in *Section 4: Project Initiation*. While applicable federal and state requirements are discussed in this Manual, due to the evolving nature of such requirements, it is important for LPAs to maintain ongoing communication with ARDOT.

1.4.1 Expectations of LPA Project Management Representative

The LPA's Project Management Representative (employee in Responsible Charge) is responsible for ensuring that the project is built in compliance with applicable federal and state laws, regulations, and policies. The LPA's Project Management Representative must have the responsibility, authority, and resources to effectively manage the project and will serve as the LPA contact for all issues. The representative must be actively engaged and familiar with project progress and make final decisions on project development and delivery. The representative must be a full-time employee of the LPA, not a consultant hired by the LPA. Generally, the LPA's Project Management Representative is responsible for:

- Acting as the primary point of contact.
- Overseeing project activities, including those dealing with cost, time, adherence to contract requirements, construction quality, and scope of Federal-aid projects.
 - Confirmation of funding availability/authorization of different phases of the project.
 - Managing consultant contract administration.
 - Assurance of timely submittals to ARDOT.
 - Assurance of LPA project progress and flow.
 - Assurance of adequate construction inspection.
 - Managing reimbursement requests/documentation.

- Maintaining familiarity of day-to-day project operations, including project safety issues.
- Making or participating in decisions about changes in conditions or scope that require change orders and/or supplemental agreements.
 - Requesting approval from ARDOT for change orders.
 - Providing local approval of change orders (depending on the program).
- Visiting and reviewing the project during construction, every day if necessary.
- Reviewing financial processes, transactions, and documentation to make sure that safeguards are in place to minimize fraud, waste, and abuse.
- Directing LPA or consultant project staff to carry out project administration and contract oversight, including proper documentation (i.e. daily work report).
 - Coordination of AOU review/signature.
 - Coordination of NEPA documents.
 - Acquiring ROW per state and federal requirements.
 - Coordinating utility agreements.
- Being aware of the qualifications, assignments, and on-the-job performance of the LPA and consultant staff at all stages of the project.

1.5 LPA Resources

In addition to this Manual and other guidance from ARDOT, online resources are available to assist LPAs in learning and understanding the requirements for federally-funded projects administered by FHWA. Both FHWA and the National Highway Institute through FHWA, offer a wide range of publications and courses, most of which are available at no cost. For more information, visit:

- <http://www.fhwa.dot.gov/Federal-aidessentials/indexofvideos.cfm>
- http://www.nhi.fhwa.dot.gov/training/course_search.aspx
- https://www.fhwa.dot.gov/real_estate/local_public_agencies/lpa_guide

2. PROGRAMS

This Manual covers four Federal-aid funded programs that are available to LPAs. Each of the programs are outlined below.

2.1 Surface Transportation Block Grant (STBGP) Program

STBG funds are made available each federal fiscal year, which begins October 1. Any LPA project funded in whole or in part by STBG funds must be developed following processes and procedures outlined in this Manual.

STBG funding may be used for intersection improvements and off-system bridges (bridges located on routes that are functionally classified as minor collectors or below). An LPA should consult its local metropolitan planning organization (MPO) or ARDOT to determine if a project is eligible for Federal-aid. MPO contact information is listed in Appendix E – Arkansas MPO Contacts. Projects funded through this program generally require a 20% match of local or state funds, with federal funds covering 80% of the cost.

Funds from this program can be used on eligible project expenses related to preliminary engineering, environmental, ROW, utility relocation/rehabilitation, construction, and construction engineering.

Federal guidance for the STBG program is located online at:

<http://www.fhwa.dot.gov/specialfunding/stp/160307.cfm>

2.1.1 Surface Transportation Block Grant Program Funds for Areas Greater than 200,000 Population (STBGP > 200K)

Formerly known as Surface Transportation Program-Attributable (STP-A), STBGP > 200K funding is available to LPAs within the boundary of a Transportation Management Area (TMA), as established by federal law. A TMA is defined as an urbanized area with a population of over 200,000. In Arkansas TMAs are located in Central Arkansas, Northwest Arkansas, and Crittenden County, which includes a portion of the Memphis TMA. STBGP > 200K funds may only be used within the TMA. The TMA, through a competitive process, selects projects in consultation with ARDOT from proposed projects submitted by eligible entities.

Following is a one-page fact sheet that provides an overview of the STBGP > 200K program in Arkansas.

Surface Transportation Block Grant Program funds for areas greater than 200,000 population (STBGP > 200K)



Description	Funding that may be used for any STBG eligible project within the Transportation Management Area (TMA).
Who is Eligible	TMA's are urbanized areas with populations greater than 200,000. TMA's receive a sub-allocation of STBGP funds through their respective MPO's. LPA's within these regions may apply to use these funds through the MPO. Typically, funding is provided for one or more of the following specific stages of a project: planning or studies, environmental and design, ROW and utilities, or construction. See the eligibility requirements online at: https://www.fhwa.dot.gov/fastact/factsheets/stbgfs.cfm
How to Apply	Each MPO has established its own procedures and schedule for project selection. Contact your local MPO for information. A list of the Arkansas MPO's is available online at: https://www.ardot.gov/divisions/transportation-planning-policy/multimodal-planning/metropolitan-planning-office-mpo/
Match	80% federal / 20% local Local match must be cash and cannot include in-kind donations of labor or material. Cash may include payment from the LPA or other non-federal sources.
Likelihood of Funding	Funding amount and availability is determined annually.
Project Timeline	Project timelines vary based on the MPO's project selection procedures and the nature, size, and complexity of the project. A graphic showing the project development process is provided for better understanding of the process in Section 3: Project Development Process.
Consultant Selection	If Federal funds are used to pay for consultant services, consultants must be selected through a qualification-based selection process that follows all state and federal requirements. Specific procedures and sample documents are discussed in Section 5: Consultant Selection and are available online at: https://www.ardot.gov/divisions/consultant-services/consultant-services/
Checklists	Checklists for submittals to ARDOT can be found on ARDOT's LPA website: https://www.ardot.gov/LPA .
Sample Documents	Sample documents for submittals to ARDOT can be found on ARDOT's LPA website: https://www.ardot.gov/LPA .
Program Contact	Daniel Siskowski, P.E. Program Management Division Staff Program Management Engineer 501-569-2481 Daniel.Siskowski@ARDOT.gov

2.2 Transportation Alternatives Program (TAP)

TAP provides funding for programs and projects defined as transportation alternatives. Typically these projects include sidewalks, trails, pedestrian crossings, pedestrian lighting, streetscaping, and historic bridge rehabilitation.

TAP funds are made available through an application process. Any LPA project funded in whole or in part by TAP funds must be developed following established procedures outlined in this Manual.

ARDOT typically only allows TAP funds to be used for construction of infrastructure projects, but TAP funds can also be utilized for non-infrastructure projects that are eligible under the FHWA guidance. Projects funded through this program require a 20% match of non-federal funds, with federal funds covering 80% of the cost.

ARDOT may approve project development funding for large infrastructure projects of regional significance.

Federal guidance for the TAP is located online at:

[http://www.fhwa.dot.gov/environment/transportation_alternatives/guidance/.](http://www.fhwa.dot.gov/environment/transportation_alternatives/guidance/)

Information regarding ARDOT's TAP program, including application cycles and deadlines, is located online at: <https://www.ardot.gov/tap>.

Eligible Activities for TAP funds include:

- Construction of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, lighting and other safety-related infrastructure
- Construction of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs
- Conversion and use of abandoned railroad corridors for trails for pedestrians, bicyclists, or other non-motorized transportation users
- Construction of turnouts, overlooks, and viewing areas
- Community improvement activities, including:
 - inventory, control, or removal of outdoor advertising
 - historic preservation and rehabilitation of historic transportation facilities
 - vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control
 - archaeological activities relating to impacts from implementation of an eligible transportation project
- Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to:
 - address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff
 - reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats
- Construction of boulevards and other roadways largely in the right-of-way of former Interstate System routes or other divided highways
- Recreational Trails Program eligible activities (*Recreational Trails Program (RTP)*)

- Safe Routes to School eligible activities

Eligible sponsor for TAP funds include:

- Local governments, including city and county governments
- Regional transportation authorities (regional transportation planning organizations)
- Transit agencies
- Natural resource or public land agencies
- School districts, local education agencies, or schools
- Tribal governments
- Any other local or regional governmental entity with responsibility for oversight of transportation or recreational trails

Nonprofits are **not** eligible as direct grant recipients of TAP funds. Nonprofits may partner with any eligible entity on an eligible TAP project. Nonprofit organizations that qualify through one of the previous eligible sponsor categories can be direct grant recipients.

State Departments of Transportation (such as ARDOT) and Metropolitan Planning Organizations (MPOs) are not eligible sponsors.

Administrative Fees

Because the Federal Highway Administration does not provide funding to ARDOT for administration of this program, a 1% administrative fee will be applied to every project that progresses to construction.

This fee is 100% LPA funded and does not count towards the required 20% non-federal match.

This amount is based on the low bid for construction of the project once it has been bid. The maximum amount for the 1% administrative fee is based on the TAP funds awarded to the project plus the required non-federal match.

For example, if an LPA is awarded a \$200,000 TAP grant, the required local match would be \$50,000 for a combined total of \$250,000. The maximum amount of the 1% administrative fee on this project would be \$2,500 (1% of \$250,000). However, if the low bid received for the project was less than \$250,000, the administrative fee would be reduced accordingly (e.g. \$2,000 for a \$200,000 low bid, \$1,000 for a \$100,000 low bid, etc.)

Following is a one-page fact sheet that provides an overview of the TAP program in Arkansas.

Transportation Alternatives Program (TAP)



Description	Funding that may be used by LPAs for programs and projects defined as transportation alternatives including on- and off-road pedestrian and bicycle facilities, improving non-driver access to public transportation, community improvement activities, and environmental mitigation. Federal guidance is available online at: http://www.fhwa.dot.gov/environment/transportation_alternatives/guidance/ .
Key Points	TAP funds are available to LPAs for construction activities only, except for select large-scale projects. When ARDOT issues a competitive call for projects, requests can be made for \$20,000 to \$500,000. Applications are reviewed by an advisory committee. Specific program information is available online at: https://www.ardot.gov/tap .
How to Apply	Applications are available on ARDOT website at https://www.ardot.gov/tap . Applications are linked under the “Applications” tab in the top center of the page.
Match	80% federal / 20% local Local match must be cash and cannot include in-kind donations of labor or material. Cash may include payment from the LPA or other non-federal sources.
Likelihood of Funding	Funding amount and availability is determined annually. Funding is allocated on a competitive basis.
Project Timeline	Project timelines vary based on the nature, size, and complexity of the project. A graphic showing the project development process is provided for better understanding of the process in Section 3: Project Development Process.
Consultant Selection	LPAs may typically use their own process for selecting a consultant. However, on the rare occasion that TAP funds are granted for project development, consultants must be selected through a qualification-based selection process that follows all state and federal requirements. Specific procedures and sample documents are discussed in Section 5: Consultant Selection and are available online at: https://www.ardot.gov/divisions/consultant-services/consultant-services/
Checklists	Checklists for submittals to ARDOT can be found on ARDOT’s LPA website: https://www.ardot.gov/LPA .
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Program Contact	Daniel Siskowski, P.E. Program Management Division Staff Program Management Engineer 501-569-2481 Daniel.Siskowski@ARDOT.gov

2.2.1 TAP – Attributable

TAP Attributable funding is available within a TMA as set by federal law and funds may only be used within the TMA. For each TMA, the MPO, through a competitive process, selects the TAP projects in consultation with ARDOT from proposed projects submitted by eligible entities. TAP Attributable funding used on projects is also split 80%/20% with the LPA providing the 20% match.

Projects utilizing these funds, while similar in process to STBGP > 200K projects, are only eligible for the same types of projects as the statewide TAP projects shown in *Transportation Alternatives Program (TAP)*.

Following is a one-page fact sheet that provides an overview of the TAP-Attributable program in Arkansas.

TAP – Attributable Program



Description	Funding that may be used for any TAP-Attributable eligible project within the Transportation Management Area (TMA).
Who is Eligible	TMAs, which are urbanized areas with populations greater than 200,000. TMAs receive a sub-allocation of TAP-Attributable funds through their respective MPOs. LPAs within these regions may apply to use these funds through the MPO. Typically, funding is provided for one or more of the following specific stages of a project: planning or studies, environmental and design, ROW and utilities, or construction. See the eligibility requirements online at: https://www.fhwa.dot.gov/fastact/factsheets/transportationalternativesfs.cfm
How to Apply	Each MPO has established its own procedures and schedule for project selection. Contact your local MPO for information. A list of the Arkansas MPOs is available online at: https://www.ardot.gov/divisions/transportation-planning-policy/multimodal-planning/metropolitan-planning-office-mpo/
Match	80% federal / 20% local Local match must be cash and cannot include in-kind donations of labor or material. Cash may include payment from the LPA or other non-federal sources.
Likelihood of Funding	Funding amount and availability is determined annually.
Project Timeline	Project timelines vary based on the MPO’s project selection procedures and the nature, size, and complexity of the project. A graphic showing the project development process is provided for better understanding of the process in Section 3: Project Development Process.
Consultant Selection	If Federal funds are used to pay for consultant services, consultants must be selected through a qualification-based selection process that follows all state and federal requirements. Specific procedures and sample documents are discussed in Section 5: Consultant Selection and are available online at: https://www.ardot.gov/divisions/consultant-services/consultant-services/
Checklists	Checklists for submittals to ARDOT can be found on ARDOT’s LPA website: https://www.ardot.gov/LPA .
Sample Documents	Sample documents for submittals to ARDOT can be found on ARDOT’s LPA website: https://www.ardot.gov/LPA .
Program Contact	Daniel Siskowski, P.E. Program Management Division Staff Program Management Engineer 501-569-2481 Daniel.Siskowski@ARDOT.gov

2.3 Recreational Trails Program (RTP)

RTP provides funds to states to develop and maintain recreational trails and trail-related facilities for both non-motorized and motorized recreational trail uses. Examples of trail uses include hiking, bicycling, in-line skating, equestrian use, off-road motorcycling, all-terrain vehicle riding, or using other off-road motorized vehicles.

The RTP in Arkansas is administered through ARDOT. Projects funded through this program require a 20% match of local or state funds, with federal funds covering 80% of the cost.

Federal guidance for the RTP is located online at:

http://www.fhwa.dot.gov/environment/recreational_trails/guidance/rtp9908_toc.cfm.

Information regarding ARDOT's RTP, including application cycles and deadlines, can be found online at:

https://www.ardot.gov/recreational_trails/.

Eligible Activities for RTP funds include:

- Construction of new recreational trails
- Maintenance and restoration of existing trails
- Educational programs to promote safety and environmental protection as related to the use of recreational trails
- Development and rehabilitation of trailside, trailhead and trail linkages

Eligible sponsor for RTP funds include, but are not necessarily limited to, the following (23 U.S.C. 206(d)(4)(A)):

- Private not-for-profit organizations
 - Private 501(c)(3) organizations
 - Trail clubs
 - Conservation organizations
 - Private schools, colleges or universities
- Municipal agencies
 - City or county governments
 - School districts
 - Public utilities
- State agencies
 - State parks agencies
 - Game & fish agencies
 - State schools, colleges or universities
- Federal agencies
 - U.S. Forest Service
 - U.S. Army Corps of Engineers
 - National Park Service
- Other governmental entities
 - River authorities
 - Planning districts
 - Tribal governments

Administration Fee

Unlike the TAP, the Federal Highway Administration allows a portion of RTP funding to be utilized for administration of the program. There is no 1% administration fee associated with projects funded under this program.

In-Kind Donations as Non-Federal Match

Sponsors may choose to utilize donations of labor or materials towards construction of an RTP project as part of the required non-federal match. No donations that occur prior to ARDOT issuing a notice to proceed with construction or authority to advertise the project may be counted towards the required match. Proof of donated labor (signed timecards for example) and proof of donated material (receipts for material purchased or donated for the project) will be required to count as in-kind match.

Volunteer general construction labor will be valued at the current Arkansas minimum wage. If a volunteer is providing services that have a rate valued on the Davis Bacon Wage Rates for the County in which the project is located, the sponsor may use the current Davis Bacon rate for those hours.

Force Account

Some sponsors for RTP projects may choose to perform some or all of the construction utilizing their own forces. This is an option under the RTP. If a sponsor elects to utilize this option, justification must be submitted to ARDOT LPA Section for review and approval. FHWA approved guidelines and examples for force account justification can be found here:

<https://www.fhwa.dot.gov/legsregs/directives/orders/50601.cfm>.

Approval of force account work will be issued on a case by case basis.

Following is a one-page fact sheet that provides an overview of the RTP in Arkansas.

Recreational Trails Program (RTP)



Description	Funding that may be used by LPAs for programs and projects defined as recreational trails include motorized and non-motorized trails and support facilities. 30% of the funds are available for motorized trails, 30% for non-motorized trails, and the remaining 40% for diversified applications. Additional federal guidance is available online at: http://www.fhwa.dot.gov/environment/recreational_trails/guidance/rtp9908_toc.cfm
Key Points	ARDOT issues a competitive call for projects annually. Projects are selected by the Arkansas Recreational Trail Advisory Committee. Specific program information, including project types, is available online at: https://www.ardot.gov/recreational_trails/ .
How to Apply	Applications are available on ARDOT website at: https://www.ardot.gov/recreational_trails/ . Applications are linked under the “Applications” section on the bottom of the webpage.
Match	80% federal / 20% local Local match sources include cash and in-kind donations of labor or material. Cash may include payment from the LPA or other non-federal sources
Likelihood of Funding	Funding amount and availability is determined annually. Funding is allocated on a competitive basis.
Project Timeline	Project timelines vary based on the nature, size, and complexity of the project. A graphic showing the project development process is provided for better understanding of the process in Section 3: Project Development Process.
Consultant Selection	If Federal funds are used to pay for consultant services, consultants must be selected through a qualification-based selection process that follows all State and Federal requirements. Specific procedures and sample documents are discussed in Section 5: Consultant Selection and are available on ARDOT website: https://www.ardot.gov/divisions/consultant-services/consultant-services/ .
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Program Contact	Daniel Siskowski, P.E. Program Management Division Staff Program Management Engineer 501-569-2481 Daniel.Siskowski@ARDOT.gov

3. PROJECT DEVELOPMENT PROCESS

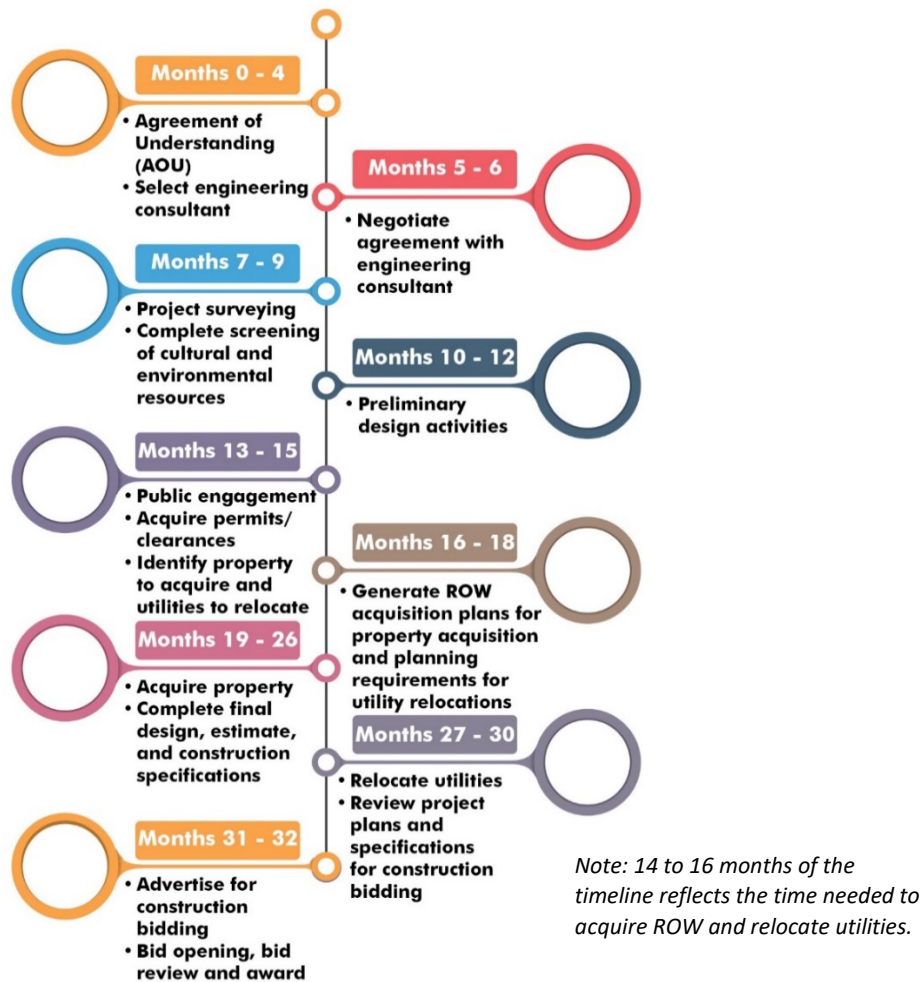
While there will be unique situations and timelines for each LPA-administered project, this section of the Manual outlines ARDOT’s project development process and general guidance on schedules when federal funds are being used.

When federal funds are used for any of the phases of the project (planning, design, construction, etc.), the environmental and right of way requirements included in this Manual apply to the project. There are actions that an LPA can take prior to the AOU that may prevent federal funds from being used for all or a portion of the project. More detailed overviews for individual processes are included in their specific sections in this Manual (i.e. consultant contracts, ROW processes, PS&E, etc.).

3.1 General Project Timeline

Each project administered by an LPA will have its own unique requirements and processes. Figure 1 represents the common steps and anticipated timeline for a typical federally-funded project from project initiation through construction award.

Figure 1 - General Project Timeline



Each LPA should work closely with ARDOT to understand the requirements that should be met to have funds obligated before any respective deadlines set by ARDOT or an MPO.

3.2 Federal Funding Authorization Requirements

The use of federal funds for project development activities requires the LPA, as the project sponsor, to receive Notice to Proceed (NTP) from ARDOT *prior* to beginning work that will be billed for reimbursement. An NTP for use of federal funds is required for each individual project phase which means that an LPA shall verify with ARDOT prior to starting work on each phase. Phases commonly include planning or studies, environmental and design, right of way and utilities, or construction. Failure to confirm receipt of NTP may jeopardize project funding. Project reimbursements must also be sustained once a NTP has been issued to keep the projects from becoming inactive with FHWA. Reimbursements should be submitted to ARDOT at least quarterly.

Figure 2 illustrates the requirements for obligation of funds based on different states of project development.

Figure 2 - Requirements for Obligation of Funds



3.3 Project Development Process and Milestones

Figure 3 illustrates the project development process, identifying key milestones and steps where LPAs are required to coordinate with ARDOT before proceeding.

Figure 3 - Project Development Process and Milestones



4. PROJECT INITIATION

LPAs must contact ARDOT to organize a project initiation meeting upon notice of a STBGP > 200K or TAP-Attributable project being selected for Federal-aid funding. Depending on project scope, size, and complexity, the project initiation meeting may take place in person or via teleconference.

The project initiation meeting will address a variety of topics and the LPA should be prepared to discuss the following:

- 1) Who will be the RC for the LPA?
- 2) General project information including anticipated work, ROW needs, and utility adjustments.
- 3) Will the LPA utilize a consultant engineer for project development services?
- 4) Anticipated environmental constraints.
- 5) Any time constraints for the project.

ARDOT and the LPA will review the topics discussed, address potential project issues, and confirm the LPA's understanding of the federal requirements for the project.

TAP and RTP project initiation meetings are more general in nature and will be held in groups based on new annual project awards. These meetings are typically scheduled prior to new project awards and the date and time will be included in the project award letter.

4.1 Project Agreements

An Agreement of Understanding (AOU) is the first step that must be completed once a project is selected for federal funding. The agreement is executed between ARDOT, the LPA, and any other necessary parties. These AOU's are initiated by ARDOT after the LPA has submitted proof of a local resolution to perform the project. The AOU must be executed before projects are programmed. An example AOU is provided in the LPA Resources found on ARDOT LPA website at <https://www.ardot.gov/LPA>. The terms and conditions of the AOU will vary depending on the federal funding category.

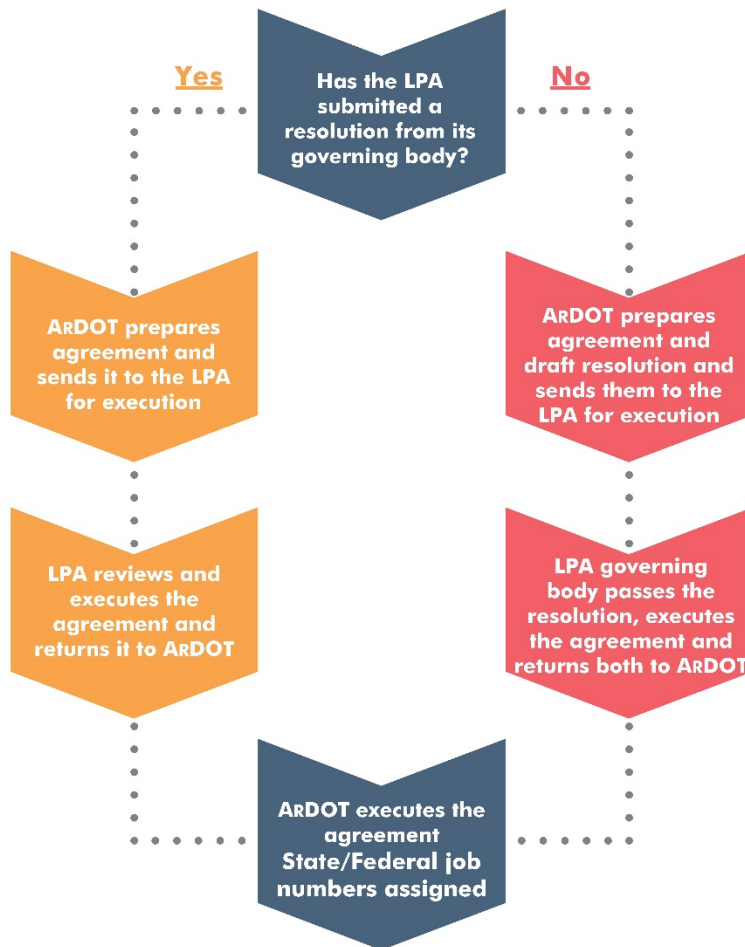
ARDOT's LPA Section will work with the LPA to determine who will be responsible for each phase of the project and outline the information in the AOU. The type of federal funds being used for the project; the federal, state, and local matching shares; and the responsibilities of all parties are also outlined in the AOU.

In addition, as covered in *ARDOT's Authority and Responsibility*, before an AOU can be finalized, ARDOT must determine whether an LPA has adequate project delivery systems for locally administered projects and sufficient accounting controls to properly manage Federal-aid funds. ARDOT will also determine whether an LPA is suitably staffed and reasonably equipped to perform work satisfactorily and cost-effectively.

Once the AOU is prepared, a hard copy of the document will be sent to the LPA for signature. Once signed, the AOU should be returned to ARDOT where it will be signed by the Director and executed. A copy of the executed AOU will be sent to the LPA. During this process, state and federal job numbers will be assigned to the project.

Figure 4 illustrates the process for the execution of an AOU.

Figure 4 - Agreement of Understanding Process



4.1.1 Local Authorization Resolution

ARDOT requires a resolution from the LPA’s governing body (city council, quorum court, etc.) to accompany each AOU. The resolution states that the LPA is willing to work with ARDOT to complete the project, outlines the breakdown of funding type and participation ratios (federal/state/local), gives the mayor/county judge authority to enter into the necessary agreements to complete the project, and gives ARDOT authorization to initiate action to implement the project. An example resolution is provided in the LPA Resources found on ARDOT LPA website at <https://www.ardot.gov/LPA>.

4.1.2 Revision to the Agreement of Understanding (AOU)

If revisions are needed after the AOU is executed, ARDOT will prepare a supplemental agreement. The most common reasons to develop a supplement for a project agreement include a change in funding, a time extension for completion, and a change in the project scope. Supplemental agreements will be initiated by ARDOT and sent to the LPA for approval by its governing body.

4.2 Invoicing and Reimbursements

Federal-aid funding administered by ARDOT on behalf of FHWA is issued on a reimbursable basis. LPAs are required to pay those providing the work, such as consulting engineers and contractors, then request reimbursement through ARDOT. Invoices from LPAs to ARDOT must include a request for reimbursement.

If federal funds are being used for preliminary engineering services provided by a consultant, the LPA is required to provide the following to ARDOT project manager:

- Invoices from the consultant using contract-appropriate reimbursement format.
- Documentation of all hours worked by the consultant and approved salary rates.
- Documentation of all direct costs including printing, plotting, mileage, and other allowable direct expenses.
- Copies of canceled checks to the consultant (front and back) for payment verification.
- Documentation of all subconsultant costs including payment requests, hours worked, and direct costs.

If federal funds are being used for ROW services provided by a consultant, the LPA is required to provide the following to ARDOT ROW Coordinator:

- Invoices from the consultant using a unit price reimbursement format.
- Documentation of all tracts and unit price activities billed.
- Copies of canceled checks to the consultant (front and back) for payment verification.

If federal funds are being used for land, relocation assistance payments, property management payments, or other incidental expenses incurred during the acquisition of ROW, the LPA is required to provide the following to ARDOT ROW Coordinator:

- Documentation of recorded deeds, relocation payment forms, vendor invoices and agreements.
- Copies of canceled checks to the owner or vendor (front and back) for payment verification.

Unlike the reimbursement process for other types of construction, all billing for utility relocations being paid with federal funds are processed through ARDOT's Utilities Section. To ensure continued federal funding eligibility, the LPA must not pay the utility contractor directly, not even its local match. Payment must be prepared in accordance with *Payments to Contractors* and Section 14 of the ARDOT Utility Accommodation Policy. If the LPA will not be requesting federal reimbursement for utility relocations, the LPA may pay the utility company or contractors.

If federal funds are being used for construction activities, the Construction Certification and Reimbursement Request (CCRR) Form should be used to submit a payment request. The form is provided in the LPA Resources found on ARDOT LPA website at <https://www.ardot.gov/LPA>. To support the reimbursement request, the LPA must submit the following to ARDOT Resident Engineer (RE) assigned to the project to document construction progress and support reimbursement requests.

- Daily work reports.
- A daily summation of the project conditions, location, description of work performed, and special instructions.
- Invoices from contractors (copies are accepted).

- Copies of cancelled checks to the contractor (front and back) for payment verification.
- CCRR Form.
- A spreadsheet that shows calculations of the amount due to the LPA and an itemized description of value of work and materials including percentages completed.

ARDOT's RE must then provide the following to ARDOT's Construction, Payments and Audits office.

- All submittals from the LPA.
- Interim or final inspection report (from RE).
- Statement that the RE has visually inspected and verified the work was completed.

LPAs may invoice ARDOT for reimbursement of federal funds at least every three months, and no more than once a month. During the preconstruction meeting, the LPA should confirm the invoicing and requisition request backup requirements with the RE.

4.3 Record Retention

Records should be retained in accordance with 2 Code of Federal Regulations (CFR) Part 200. This code will be an attachment to the AOU between the LPA and ARDOT. The requirement is generally that LPAs retain records for a period of three years. The various types of project documents have unique start dates for the retention period. LPAs are advised to retain all records at least three years from the date that the final close-out is completed by ARDOT. LPAs should review this part of the AOU to ensure full compliance.

4.4 Quarterly Reporting Requirement

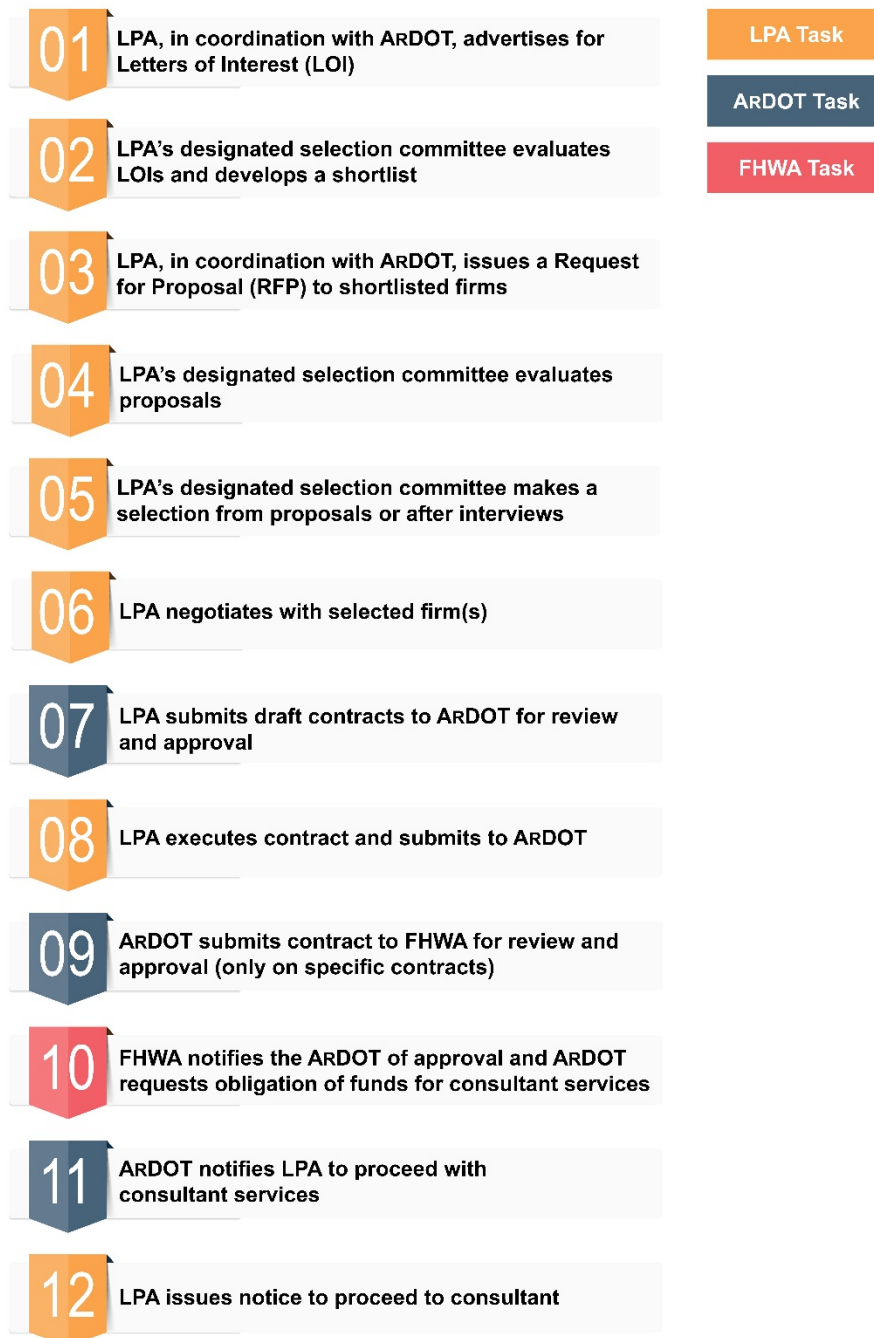
To help ensure federal eligibility for LPA projects, ARDOT will require that LPAs submit a report on a quarterly basis noting the current status of the project. The reporting form will be sent to the LPA by the LPA Section every three months, but the document can also be found on the ARDOT LPA website at <https://www.ardot.gov/LPA>. The form can be filled out by anyone knowledgeable of the project, such as the RC or a consultant hired by the LPA to develop the project.

5. CONSULTANT SELECTION

LPAs may employ a consultant firm when a need exists and it is in the best interest of the LPA to employ such a firm. This could include, but is not limited to, services in surveying, planning, engineering, environmental, right of way, and construction engineering services. Figure 5 provides an overview of the consultant selection and contract process. Note that ARDOT Consultant Contracts staff must review and approve at the LOI and RFP steps. This review may take a significant amount of time.

Figure 5 - Consultant Selection and Contract Process

If the LPA **is requesting** reimbursement for engineering (or other professional) expenses, the following competitive negotiation and contracting process must be used, with cooperation from ARDOT. LPAs not requesting reimbursement for engineering (or other professional) expenses can use their own consultant selection process.



5.1 Federal and State Laws Governing Procurement

The federal laws and regulations that govern the procurement of engineering and design services with Federal-aid highway funds are:

- 23 United States Code (U.S.C.) 106 "Project approval and oversight"
- 23 U.S.C. 112 "Letting of Contracts"
- 23 U.S.C. 114(a) "Construction Work In General"
- 23 U.S.C. 302 "State transportation department"
- 23 U.S.C. 315 "Rules, regulations, and recommendations"
- 23 U.S.C. 402 "Highway safety programs"
- 40 U.S.C. Chapter 11 – Selection of Architects and Engineers, §§1101 *et seq.*, commonly called the "Brooks Act"
- 23 CFR 172 "Procurement, Management, and Administration of Engineering and Design Related Services"
- 2 CFR 200 "Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards"
- 48 CFR Part 31 "Contract Cost Principles and Procedures"
- 49 CFR Part 1.48(b) "The Federal Highway Administrator is delegated authority to administer the following provisions of title 23, Highways, U.S.C."

ARDOT has approved the procedures outlined in this section for use by LPAs for the "competitive negotiation" method of procurement as defined in 23 CFR 172.7, Procurement Methods and Procedures (available online at <https://www.ardot.gov/divisions/consultant-services/consultant-services/>). LPAs are required to use these procedures for Federal-aid contracts and may elect to use them for non-Federal-aid contracts. If consultant services are not to be reimbursed with Federal-aid funds, the LPA does not need to follow these procedures, however the LPA is encouraged to send a copy of the executed consultant contract to ARDOT. Also, these procedures do not apply to design-build contracts.

5.2 Advertising for Services

At a minimum, the LPA must advertise in a statewide newspaper and on ARDOT's and the LPA's websites (if available), advising that consultant services are being sought. The LPA may elect to advertise in national trade magazines or websites if a specialized service is anticipated to be needed. The minimum advertising period is three weeks from the date of the first newspaper advertisement.

Interested firms must furnish a Letter of Interest (LOI) with primary contact information and Architect-Engineer Qualifications Standard Form 330 Parts I and II (available online at: <https://www.gsa.gov/portal/forms/download/116486>). The advertisement can be for either a specific project, a group of projects, or for an indefinite delivery of projects for an established contract period (not to exceed 5 years), to be determined at a later date with specific task orders issued for each project.

Advertisements for a specific project should describe the general nature of the project so that firms may evaluate their interest in performing the desired services.

Advertisements for a group of projects should include a general description of work to be furnished. Firms should be asked to identify the specific projects of interest. Once a specific project is ready to proceed, firms that have expressed interest in that project may be considered for selection.

Advertisements for an indefinite delivery of projects (otherwise known as “on-call” agreements) with later specified task orders should include a general description of work and anticipated project tasks.

ARDOT’s Staff Consultant Contracts Engineer will coordinate with the LPA for proper procedures to follow when advertising to procure a consultant for a project.

Current and past ARDOT and LPA advertisements for LOIs or RFPs can be found at:

<https://www.ardot.gov/divisions/consultant-services/consultant-services/>.

Templates for advertisements are provided in the LPA Resources found on ARDOT LPA website at

<https://www.ardot.gov/LPA>.

5.3 Evaluation of Letters of Interest (LOIs)

The LPAs shall designate a selection committee to evaluate and analyze the LOIs and proposals. The selection committee should evaluate each consultant firm based on the following:

Evaluation Factors for Letters of Interest (LOIs)	Maximum Points Possible
Professional staff, including the education, experience, number of personnel available, and any partnerships with subconsultants	10
General and professional reputation, including responsiveness to civil rights and equal employment opportunity requirements and opportunities	10
Past work performance or evaluations from other clients will be considered when the firm has not worked for the LPA previously	10
Experience with projects of a similar nature as those advertised	10
Total points for LOI	40

The selection committee will review and evaluate all LOIs received and prepare a shortlist of engineering firms. A minimum of three firms should be shortlisted. If fewer than three firms respond, the LPA and Consultant Contracts staff need to evaluate if proper notification during the advertisement period was made before proceeding. The committee will make a recommendation to the LPA and request that firms identified on the shortlist submit detailed proposals for further evaluation.

5.4 Request for Proposals (RFPs)

The LPA will prepare a scope of work statement and request proposals from the engineering firms on the shortlist prepared during the evaluation of the LOIs. For projects using federal funds, the LPA must submit the scope of work statement to ARDOT. Approval from ARDOT is required before the LPA can solicit RFPs from the shortlisted firms. The scope of work typically consists of the following information:

- 1) A detailed description of the work.
- 2) Services to be provided by the LPA.

- 3) Services expected of the consultant.
- 4) General conditions of the work.
- 5) Special conditions of the work.
- 6) Assurance of participation of DBE in Federal-aid projects. The LPA may establish a DBE goal of a certain percentage of the work. When a DBE goal is specified, the LPA will make sure that a certified DBE(s) performs the identified work and that the payments to the DBE(s) verify that the goal was reached. The establishment of a DBE goal does not preclude a DBE from being the prime consultant for the project. Setting a DBE goal on a project will be handled on a case-by case basis by ARDOT's LPA Section. More information about ARDOT's DBE program is available online at: <https://www.ardot.gov/divisions/equal-employment-opportunity-disadvantaged-business-enterprise/dbe/>.

The shortlisted firms should submit proposals containing the following:

- 1) A cover letter with primary contact information.
- 2) A detailed work plan identifying the major tasks of work.
- 3) A list of major concerns associated with completing the work.
- 4) A detailed work schedule for specific projects, as requested.
- 5) A manpower estimate for specific projects, as requested.
- 6) Updated Standard Form 330 Parts I and II if necessary (available online at: <https://www.gsa.gov/portal/forms/download/116486>).

An LPA can get a template for a scope of work similar in nature to its project from ARDOT's Office of Program Management.

The selection committee will review the proposals with attention to the following evaluation factors. The evaluation factors and their relative importance will be included in the RFP. The evaluation factors, with weighting of the factors, will be listed in the RFP and will follow the factors listed below unless otherwise indicated in the RFP.

Evaluation Factors for Proposals	Maximum Points Possible
Obvious indication that the scope of work is clearly understood	20
Comprehensive, coherent, and detailed work plan (may include innovative concepts or alternatives, quality control procedures)	20
Realistic work schedule when applicable when applicable (work load capacity)	10
Proposed working office location, need for a local office, and any local representative*	5
Identification of subconsultants and responsiveness to DBE goals and opportunities	5
Total Points for LOI	40
Total Points for Proposals	100

**Locality preference shall not be based on political or jurisdictional boundaries and may be applied on a project-by-project basis for contracts where a need has been established for a consultant to provide a local presence, a local presence will add value to the quality and efficiency of the project, and application of this criteria leaves an appropriate number of qualified consultants, given the nature and size of the project. (Consultants indicating that it will satisfy this factor in some manner, such as establishing a local project office, shall be considered to have satisfied this factor.) The locality preference cannot exceed 5% of the overall score.*

Based on the evaluation of the proposals, the selection committee will rank the firms in order of preference and submit the list to the LPA who will either:

- 1) Select one firm to enter into negotiations with; or
- 2) Select either:
 - a. Multiple firms for an indefinite delivery contract; or
 - b. Three or more firms to interview (a firm may present additional information concerning their proposal at the interview). After the interviews, the selection committee will re-evaluate the firms based on the interview and the same evaluation factors as noted previously. The ranked list will be submitted to the LPA for review and final selection.

The project file must contain records of the rankings and supporting data; however, the rankings will not be public information. Copies of the LOI advertisement, the rankings, and supporting data must be submitted to ARDOT’s Consultant Contracts staff for the project file as well as maintained in the LPA’s contract file. The LPA is responsible for notification to all responding consultants of the final selection of the most qualified consultant, including the ranking of the top three consultants on projects where only one consultant is selected.

5.5 Negotiations and Contract Preparation

The LPA will select one firm and enter into negotiations for a specific job or a group of projects. The firm will prepare a draft contract including scope of work and fee estimate for the project. The other firms on the shortlist will be advised of the firm selected, subject to successful negotiations.

More than one firm may be selected for an indefinite delivery contract. The contract will establish a maximum cost for the contract as well as an expiration date. As individual task orders are issued, individual task order cost estimates will be negotiated.

The selected firm will prepare a draft contract based on a sample contract furnished by ARDOT (available online at: <https://www.ardot.gov/divisions/consultant-services/consultant-services/>). The fee estimate must be prepared in accordance with the principles of 23 CFR 172, and include an overhead rate approved by ARDOT. The overhead rate shall be verified by an audit conducted by a certified public accountant on behalf of the consultant if the contract exceeds \$250,000. If the contract is less than \$250,000, the overhead rate shall also be verified by an audit conducted by a certified public accountant on behalf of the consultant if at least one of the following conditions applies:

- 1) There is insufficient knowledge of the consultant's accounting system;
- 2) There is previous unfavorable experience regarding the reliability of the consultant's accounting system; or
- 3) The contract involves procurement of new equipment or supplies for which cost experience is lacking.

ARDOT will notify the LPA if an audit by a certified public accountant for the selected firm is necessary. The certified audit must be provided by the selected firm prior to the submission of the final draft contract. More information on overhead rate audits is available online at: <https://www.ardot.gov/divisions/consultant-services/consultant-services/>.

The LPA will review the draft contract proposal and either approve it as submitted or enter into negotiations with the selected firm to establish a contract, scope, and fee amount that the LPA deems fair and reasonable. If a satisfactory contract cannot be negotiated with the selected firm, negotiations will be formally terminated. The LPA will then enter into negotiations with the second ranked firm. If negotiations with that firm fail, the LPA will formally terminate those negotiations and begin to negotiate with the third ranked firm, and so on. (Note that this process is not applicable indefinite delivery contracts. For these, the LPA may negotiate master agreements with multiple consultants at the same time). In all occurrences, once negotiations are formally terminated with a firm, the LPA may not reenter negotiations with that firm under the current RFP. If the LPA is unable to negotiate a satisfactory contract with any of the firms on the shortlist, the LPA shall either:

- 1) Request proposals from additional firms who submitted LOIs and are considered competent and qualified; evaluate and rank the firms based on the criteria described in *Section 5.4: Request for Proposals (RFPs)*; and continue the negotiation process, or
- 2) Terminate all negotiations and begin the selection process again.

Once the LPA and consultant agree on a negotiated contract, the consultant will prepare a final draft and submit it to the LPA and ARDOT for review. After review and a determination that it is acceptable, the consultant will sign the contract. The LPA will then execute the contract. The contract will then be

submitted to ARDOT for final review and approval. Copies of the signed contract will be distributed to the LPA, consultant, and ARDOT.

Should the LPA use an indefinite delivery contract, it must assign specific projects by task order for the duration of the contract period. The consultant will prepare each task order based on the scope of work furnished by the LPA. The task order will include a manpower estimate and fee estimate. The LPA will review the task order and approve it as submitted or negotiate with the consultant to establish a task order and fee amount deemed fair and reasonable by the LPA. The consultant will review the task order and if acceptable, execute by signature. The LPA will execute the task order, submit to ARDOT for final review and approval. Copies of the approved and signed task order will be distributed to the LPA and consultant. Projects with FHWA oversight will require ARDOT to forward the initial and final drafts of the task order to FHWA for review and comment. FHWA will approve the final executed task order electronically.

ARDOT's Consultant Contracts staff will assist the LPA in writing and negotiating a contract with the consulting firm.

5.6 Contract Monitoring

The LPA shall identify staff members to serve as key liaisons for specific projects or for technical matters during the administration of the contract period.

The LPA will:

- 1) Maintain the contract files.
- 2) Arrange and attend periodic progress meetings.
- 3) Coordinate reviews and approval actions with other agencies when necessary.
- 4) Review progress payments.
- 5) Coordinate questions from the consultant.
- 6) Negotiate any change or amendment to the contract and submit to ARDOT for review and approval. When submitting amendments to the contract to ARDOT for review, the LPA must indicate whether additional federal funds will be utilized or if the LPA will be providing all additional funding needed.
- 7) Prepare an evaluation of the consultant's performance after completion of the contract. A copy of the evaluation shall be submitted to ARDOT.

5.7 Consultant Liability

The LPA will include in its contract a requirement that the consultant warrant all services and work products provided as part of the contract as free from defects in workmanship at the time of acceptance and the work conforms to the requirements of the contract. The warrant is effective regardless of the degree of inspection and acceptance by the LPA or others.

The consultant shall be required to correct or re-perform any work or services when the performance of services does not meet the standard of care or does not comply with the requirements of the agreement between the LPA and consultant. Re-work will be performed at no cost to the LPA, and any work or services corrected by the consultant shall also be warranted that it is free from defects in

workmanship to the extent such defects are outside of the standard of care for such work. If the consultant fails or refuses to correct or re-perform, the LPA may, by contract or otherwise, correct or replace the deficient items or services with similar work or services, and charge the cost to the consultant or make an equitable adjustment in the consultant's reimbursement, if such allowance is made in the agreement between the LPA and consultant.

6. ENVIRONMENTAL

ARDOT has a well-established process for complying with the required environmental laws and regulations that was developed in coordination and cooperation with FHWA. Adherence to ARDOT's best practices provides consistency with ARDOT's internal and ARDOT/FHWA's jointly developed processes. ARDOT processes address both ARDOT-administered projects and LPA projects utilizing federal funds.

This Manual provides a brief overview of how ARDOT meets the NEPA requirements applicable to transportation improvement projects utilizing federal funds, outlines the requirements for environmental documentation, and offers guidance on required project permits. This Manual is intended to provide general guidance and outline the primary environmental reviews required when utilizing federal funds for LPA projects. Each project will have its own unique attributes that must be discussed with ARDOT Environmental Division prior to commencement of a project. Appendix B provides a point of contact for ARDOT's Environmental Division.

LPAs shall verify with ARDOT that specific compliance requirements for environmental reviews have been completed before starting work on a new project phase. Failure to confirm that specific compliance requirements have been completed will jeopardize project funding. Any correspondence with resource and/or regulatory agencies should accompany submittal of the NEPA document.

The FHWA Environmental Toolkit website provides helpful guidance and an overview addressing project permitting and coordination with other federal agencies. The toolkit is available online at: <http://environment.fhwa.dot.gov/index.asp>.

6.1 NEPA Process for LPA Projects

The LPA shall work with ARDOT to determine the appropriate NEPA document type for each project. The NEPA process requires an evaluation of potential environmental effects. The potential impacts determine the type of environmental documentation required. There are three different levels of environmental documentation the LPA may be required to complete:

- 1) Preparation of a Categorical Exclusion (CATEX).
- 2) Preparation of an Environmental Assessment (EA) and Finding of No Significant Impact (FONSI).
- 3) Preparation of an Environmental Impact Statement (EIS) and a Record of Decision (ROD).

ARDOT's Environmental Division, or a consultant hired by the LPA, will perform or arrange for the necessary review to fulfill the NEPA requirements. ARDOT's Environmental Division may be able to provide the required environmental documentation for the project. An LPA should contact its ARDOT PM at the beginning of the project for coordination.

The majority of local projects fall in the CATEX category for environmental documentation. ARDOT Environmental Division will review the project scope and details to confirm that the CATEX NEPA class is appropriate. Projects may involve a higher level of investigation if they have uncertain or significant cultural, environmental or social impacts; have a likelihood of generating controversy; and/or possible economic impacts.

For TAP and RTP projects, ARDOT handles the routine environmental documentation. Additional work may be required by the LPA but will be evaluated on a case-by-case basis between ARDOT and the LPA.

If an LPA is preparing the NEPA document, ARDOT will have review and oversight responsibilities of the process.

If the LPA has any questions regarding the NEPA process or document during the project development phase, ARDOT Environmental Division should be notified as soon as possible. ARDOT Environmental Division staff is trained to identify project site conditions that may require a higher level of investigation.

6.2 Compliance with Other Federal and State Laws and Regulations

6.2.1 Cultural Resources (Section 106)

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires FHWA to consider the effects of federally-funded and permitted projects on historic properties, to coordinate these efforts with the State Historic Preservation Officer (SHPO), and to avoid, minimize, or mitigate any adverse effects on historic properties. Historic properties, as defined by Section 106, are any buildings, structures, objects, districts, archeological sites, or traditional cultural properties listed in, or eligible for listing in, the National Register of Historic Places (NRHP). The regulations implementing Section 106 of NHPA are in 36 CFR 800.

Coordination with ARDOT and the AOU will outline the actual level of work required by the LPA to comply with Section 106.

If responsible for implementing the Section 106 process, the LPA should consult with the SHPO and submit information on the project location, type, and construction activity planned.

If required, a qualified historian shall initiate a reconnaissance survey and prepare a Request for Technical Assistance (RTA). The preparation of the RTA shall include, but is not limited to, conducting field surveys; conducting research and preparing historic context narratives; evaluating all historic-age structures within the area of potential effects for NRHP eligibility; and assessing the effects to those structures that are recommended as NRHP-eligible. The RTA shall be submitted for ARDOT /SHPO review and concurrence.

If required, a qualified archeologist shall conduct a field investigation (pedestrian survey) according to the Arkansas Archeological Survey's *Guidelines for Cultural Resources Fieldwork & Report Writing in Arkansas* (AAS Guidelines). The *AAS Guidelines and other forms* can be found online at: <http://archeology.uark.edu/state-archeologist/>.

Upon completion of the pedestrian survey, a Cultural Resources Survey Report shall be produced following the AAS Guidelines.

The Cultural Resources Survey Report shall be submitted for ARDOT and SHPO review and concurrence.

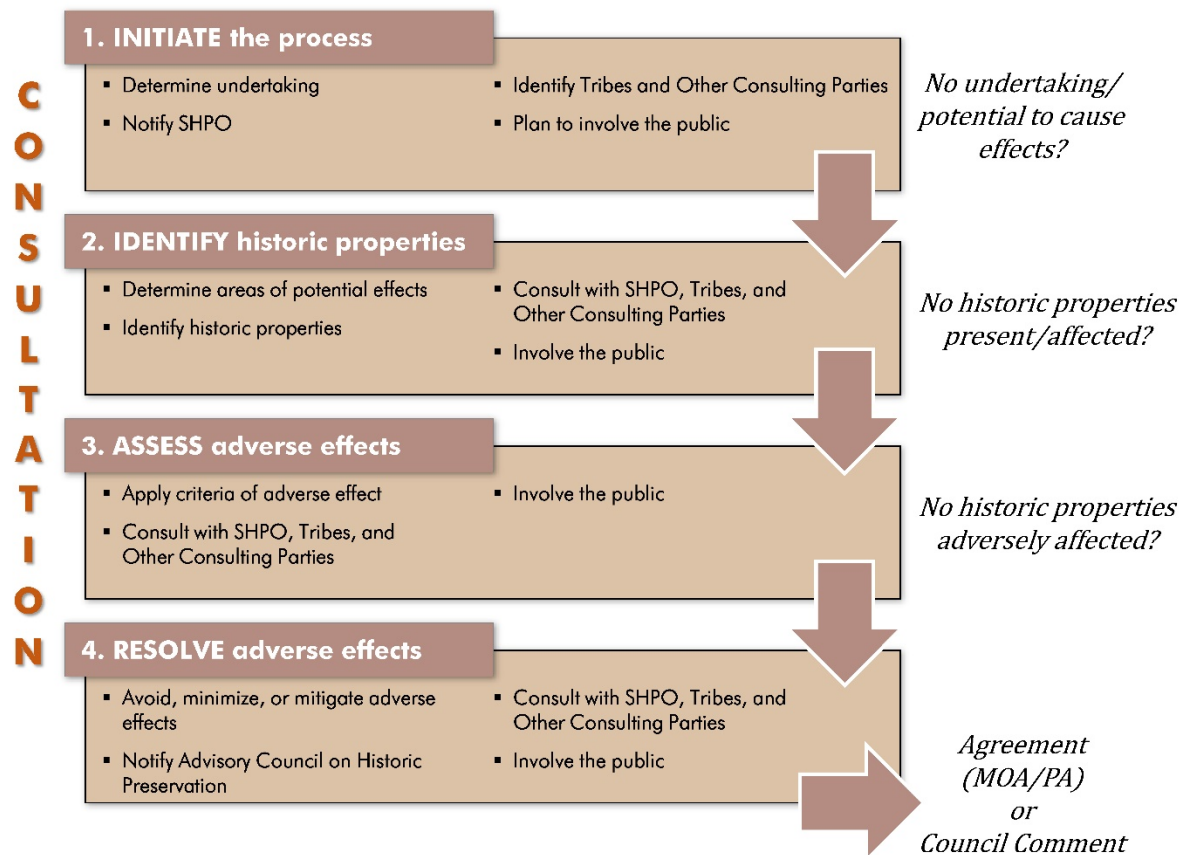
Upon receipt of the survey recommendations, the SHPO will make a determination of NRHP eligibility for each of the identified resources. If the pedestrian survey identified archeological resources determined to be potentially eligible for the NRHP but did not reveal enough information to make a determination of NRHP eligibility or effects, the SHPO may require additional archeological testing to collect further data for use in an NRHP eligibility determination.

If a resource is determined eligible for the NRHP and an adverse effect is identified for the project that cannot be avoided, data recovery of the site or removal of archeological deposits/artifacts through excavation may be required to mitigate the adverse effect. If a historic-age structure is determined

eligible for the NRHP and an adverse effect is identified for the project that cannot be avoided, mitigation may be required. A determination of adverse effect could also trigger a Section 4(f) evaluation if proposed ROW is required from the historic property. This primarily applies to historic-age structures and districts. The extent of the documentation to show consideration of alternatives to minimize harm shall depend upon the amount of the taking or use of historic properties. See *Section 6.2.3: Historic and Park Properties (Section 4(f))* for more information on the Section 4(f) process.

Figure 6 provides an overview of the Section 106 process.

Figure 6 - The Section 106 Process



6.2.2 Tribal Coordination

LPAs should never initiate outreach to Tribes. This process is only conducted through FHWA. If determined that tribal consultation is needed, the LPA should prepare a project location map and a letter to initiate tribal consultation per the templates provided by ARDOT. ARDOT will review and submit the information to FHWA or the appropriate agency for signature.

6.2.3 Historic and Park Properties (Section 4(f))

Section 4(f) of the U.S. Department of Transportation Act of 1966 requires that special consideration be given to publicly owned lands, or those held under a long-term lease, that are intended for use as public parks, recreation areas, or wildlife and waterfowl refuges as well as to publicly and privately owned historic sites listed or eligible for listing on the National Register of Historic Places. Section 4(f) applies to all projects using federal funds or having other federal actions.

It is the LPA's responsibility, in consultation with ARDOT, to determine whether the project will require the use of or impact any Section 4(f) resources. The LPA will evaluate possible impacts to Section 4(f) resources early in the development of a project, when various alternatives for the proposed project are being considered.

Upon identification of a Section 4(f) property within the project area, the LPA shall identify officials with jurisdiction over the identified resource, and develop coordination letters for resource officials for review by ARDOT. An evaluation of whether the Section 4(f) resource will be impacted will then be completed by the LPA.

The applicability of the Section 4(f) process will differ depending on the type of the project. Following is FHWA guidance regarding recreational trails and transportation enhancement projects.

Trails

Trails that are part of the local transportation system and function primarily for transportation purposes are not subject to Section 4(f). Trails that occupy part of a transportation facility ROW but are not limited to a specific location within that ROW are not subject to Section 4(f) so long as the continuity of the trail is maintained. Trail-related projects funded under the RTP are exempt from Section 4(f).

Transportation Enhancement Type Projects and Mitigation Activities

Many of the properties that are subject to transportation enhancement type projects (TAP or RTP projects) or mitigation activities are protected by Section 4(f).

If a transportation enhancement activity or mitigation involving construction on Section 4(f) property is solely for the purpose of preserving or enhancing that property, then a Section 4(f) use does not occur. The official(s) with jurisdiction over the property must concur in writing with this assessment. For a Section 4(f) use to occur in conjunction with these activities, there would have to be a conversion of land from an existing Section 4(f) property to a transportation use. In other words, the LPA must acquire land from a Section 4(f) property and convert its function from park, recreation, refuge, or historic purposes to a transportation purpose.

Ultimately, FHWA makes all decisions regarding Section 4(f) applicability and compliance for highway projects. FHWA will determine if a project can be classified as *de minimis* (impacts are generally minor in nature) or a Section 4(f) evaluation must be completed.

If a *de minimis* use is identified, the LPA will prepare a *de minimis* letter for ARDOT to review and subsequently forward to FHWA for review and coordination with the jurisdictional officials. The LPA shall include this determination and supporting documentation in the environmental documentation. If the use of the Section 4(f) property is for recreational purposes, the LPA shall either solicit the public for comments or hold a public meeting, address comments as appropriate, and submit responses to ARDOT. ARDOT shall then obtain approval from the officials with jurisdiction based on the addressed comments. The *de minimis* Section 4(f) finding shall be submitted to FHWA by ARDOT for approval and included in the environmental documentation.

If the use of the Section 4(f) property is not *de minimis*, the LPA shall develop avoidance alternatives in accordance with the Section 4(f) regulations. If a feasible and prudent alternative for avoidance cannot be found regarding use of the Section 4(f) property, the LPA shall determine if one of the FHWA Programmatic Section 4(f) Agreements applies. If applicable, the LPA shall prepare a Programmatic

Section 4(f) Evaluation for inclusion in the environmental documentation. The evaluation shall be provided to ARDOT for review, who shall submit to FHWA for review and approval.

If a Programmatic Section 4(f) Agreement is not applicable, the LPA shall prepare a Draft Individual Section 4(f) Evaluation and submit to ARDOT for review. Upon acceptance of the draft, ARDOT will forward it to FHWA. The LPA shall prepare copies of the draft Individual Section 4(f) Evaluation and provide to ARDOT, who will coordinate with the officials with jurisdiction for comment. Upon receiving FHWA and local officials' comments, the LPA shall revise the draft Individual Section 4(f) Evaluation and submit to ARDOT for review. Upon acceptance of the draft Individual Section 4(f) Evaluation, ARDOT will submit the evaluation to FHWA for legal sufficiency review. The LPA shall make final revisions based on the legal sufficiency review.

More information on Section 4(f) is available online at:

<https://www.environment.fhwa.dot.gov/4f/4fpolicy.asp>.

6.2.4 Land and Water Conservation Properties (Section 6(f))

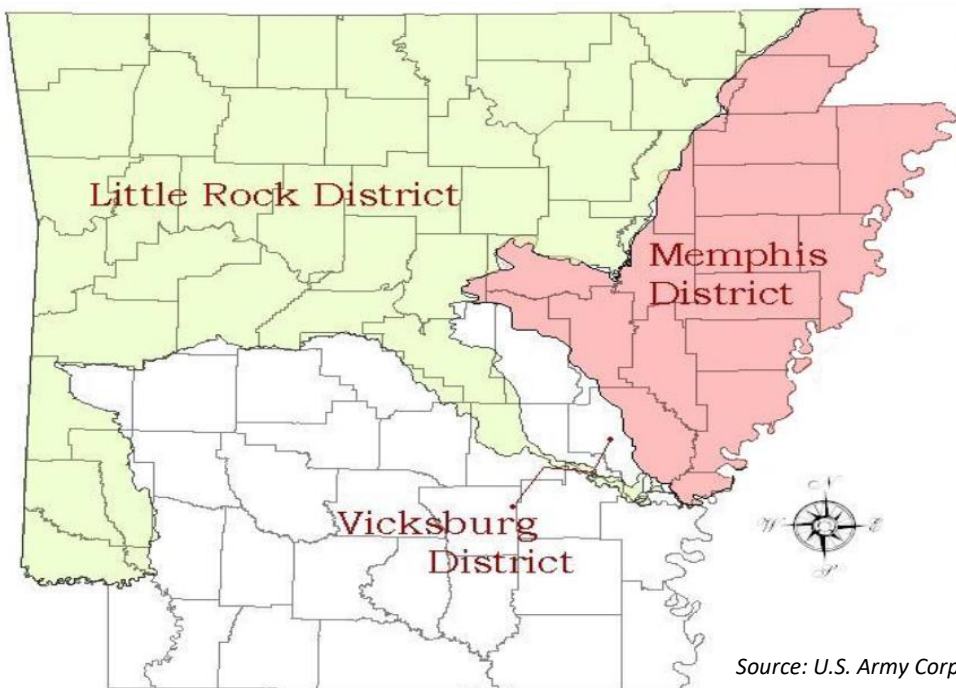
The Land and Water Conservation Fund (LWCF) Act provides funds for the purchase and development of public outdoor recreation facilities. These could include parks, trails, fairgrounds, conservation areas, boat ramps, shooting ranges, etc. Funding provided under Section 6(f) of the LWCF Act places restrictions on public recreation facilities, requiring them to be maintained for outdoor recreation in perpetuity. LPAs must determine if any facilities acquired through the use of LWCF funds will be impacted by project activities. The Arkansas Department of Parks and Tourism – Outdoor Recreation Grants Program also keeps records pertaining to these funds.

Projects that propose the use of land from a property or site purchased or improved with funds under the LWCF Act, the Federal Aid in Sport Fish Restoration Act (Dingell-Johnson Act), the Federal Aid in Wildlife Restoration Act (Pittman-Robertson Act), or other similar law, or lands otherwise encumbered with a federal interest will require the LPA to coordinate with ARDOT and the appropriate federal agency regarding the agency's position on the land conversion or transfer. Conversions of land funded by any of the grant programs are tightly restricted by terms of the grant agreement and generally require lengthy coordination to meet the requirements for conversion.

6.2.5 Waters of the United States and Wetlands

Projects that involve impacts to wetlands and/or streams under the jurisdiction of the U.S. Army Corps of Engineers (USACE) require a Section 404 permit or written confirmation that impacts will not trigger submittal of a Section 404 permit application. A Section 404 permit may be required for fill in any water body - lakes, ponds, streams, rivers, and wetlands. The USACE will make a final determination as to the extent of its jurisdiction and the appropriate permit(s) for all regulated activities. Figure 7 below shows the jurisdictional boundaries for different USACE districts.

Figure 7 – U.S. Army Corps of Engineers District Boundaries in Arkansas



It is the responsibility of the LPA, or its consultant, to minimize the impacts to stream and/or wetlands during the design process. Any mitigation measures identified by the USACE will be the responsibility of the LPA to fulfill.

Projects requiring a Section 404 permit and any other project requiring work within a waterbody also need a Section 401 Water Quality Certification from ADEQ. Most nationwide Section 404 permits (NWP) will not require the LPA to request a Section 401 Water Quality Certification, because ADEQ has granted blanket certification for the most commonly used NWP. The LPA must follow the conditions within ADEQ's Section 401 certifications that are specific to the appropriate NWP by including them in the construction contract.

The LPA must be aware that if the project will impact any Extraordinary Resource Waters, Ecologically Sensitive Waters, any Natural and Scenic Waters as identified in the Arkansas Pollution Control and Ecology Commission's Regulation No. 2 (found here: www.adeg.state.ar.us/water/planning/reg2), and/or their tributaries within one mile of the project location, the LPA must request and obtain an individual Section 401 Water Quality Certification from the ADEQ. Additionally, a Section 404 Nationwide Permit 14 requires individual Section 401 certification for waterbodies listed on the 303(d) list or having a Total Maximum Daily Load (TMDL) for turbidity/siltation and/or their tributaries within one mile. In these cases, the LPA shall coordinate with the ADEQ for issuance of individual Water Quality Certification at the same time that it submits a Section 404 permit application to the USACE.

If the USACE issues a Standard (individual) Section 404 permit for project activities, the USACE will request a Section 401 Water Quality Certification as a part of its procedure during the public notice process.

If a project does not require a Section 404 permit, water quality standards shall be met through the requirements contained in the National Pollutant Discharge Elimination System (NPDES) Permit, best

management practices selection, and Storm Water Pollution Prevention Plan (SWPPP) implementation. Projects requiring a Section 404 permit and any other project requiring work within a waterbody will also need a Short Term Activity Authorization (STAA) from ADEQ.

6.2.6 Threatened and Endangered (T&E) Species

T&E species considerations for federally-funded projects include: potential impacts to rare plants, animals, critical habitat, and natural communities (e.g., caves, prairies, and karst). To comply with federal laws, LPAs are required to thoroughly address any impacts its projects might have on federally listed T&E species.

The Endangered Species Act of 1973 requires FHWA to consult with the U.S. Fish and Wildlife Service (FWS) regarding its projects and measures that can be implemented to minimize or eliminate project impacts to federally-protected species and critical habitats. LPAs should obtain an official species list from the FWS Conway Field Office either by letter request or through the FWS Information for Planning and Conservation website, <https://ecos.fws.gov/ipac/>. Once an official list is obtained by the LPA, an effects determination must be made and submitted to the FWS for concurrence. A copy of the FWS correspondence must be included in the NEPA documentation. If an action will impact a T&E species or critical habitat, FHWA and ARDOT must consult with FWS to determine how to eliminate or minimize those impacts.

6.2.7 Floodway and Floodplain Development

FHWA policies and procedures and other federal floodplain management guidelines direct agencies to evaluate floodplain impacts for proposed projects.

Floodplains can be described by the frequency of flooding that occurs. Currently, the standard, or the base, used by all federal agencies is a 1% annual chance for flooding. The base flood is the flood that has a 1% chance of being equaled or exceeded each year. Thus, the base flood can occur more than once in a relatively short period of time. The base flood is commonly labeled the “1% flood” and has historically been referred to as the “100-year” flood. Larger floods may, and often have, occurred but the 1% flood is the generally accepted regulatory standard.

The National Flood Insurance Program (NFIP) uses the base flood as the standard for floodplain management and to determine the need for flood insurance. When available, NFIP flood hazard boundary maps and flood insurance studies for the project area are used to determine the limits of the base (1%) floodplain and the extent of encroachment (an action within the limits of the base floodplain). The base floodplain is the area of 1% flood hazard within a county or community—that is, the area in which the flood has a 1% chance of being equaled or exceeded in any given year.

The regulatory floodway is the area of a stream or river channel plus any adjacent floodplain areas that must be kept open to convey floodwaters from the base flood without increasing the height of the flood more than a certain amount. Federal Emergency Management Agency (FEMA) restrictions do not allow projects to cause any rise in the regulatory floodway and no more than a one-foot cumulative rise may result from all projects in the base (1%) floodplain. Local ordinances, if more strict, will still apply.

The LPA must provide information regarding the community’s participation in the NFIP and whether the project is in a Special Flood Hazard Area (SFHA). The SFHA is the land area covered by the floodwaters of the base flood on NFIP maps and where the NFIP’s floodplain management regulations must be enforced. A current list of communities for which FEMA Flood Insurance Studies have been performed is

available in the National Flood Insurance Program Community Status Book, available online at: <https://www.fema.gov/national-flood-insurance-program-community-status-book>. Information in the book includes both national as well as Arkansas-only data. If the project is in a community or county that has not been mapped, the LPA must note this on the Environmental Review form. If the community has been mapped, the LPA must identify whether the project is in the 100-year floodplain and/or regulatory floodway.

The Hydraulics Section of the Roadway Division of ARDOT reviews projects for compliance with these regulations. LPAs should consult with the Hydraulics Section during the project scoping phase to understand how these regulations will apply to their project. ARDOT's consultation and reviews do not, however, alleviate the LPA from its responsibility as the Local Floodplain Administrator under the National Flood Insurance Program. LPAs that participate in the NFIP must ensure that floodplain developments meet the NFIP regulations identified in Title 44, Code of Federal Regulations, Parts 59 through 78. (Parts 59 and 60 contain the most applicable information for a typical project.) The LPA, through its local floodplain administrator, is responsible for ensuring that FEMA NFIP requirements are met. The LPA is also responsible for obtaining all required certifications before construction begins. Compliance should involve conducting the necessary hydrologic and hydraulic analyses to determine the effects of the proposed project. Concurrence with the project by FEMA may be required through a Conditional Letter of Map Revision (CLOMR) if a no-rise situation cannot be achieved. At completion of the project, a Letter of Map Revision may also be required if any of the regulatory conditions have changed (base flood elevation, floodplain/floodway boundaries, etc.).

For the convenience of LPAs and engineers, FEMA Flood Insurance Studies and flood maps pertaining to a project site can be viewed by selecting "Flood Insurance, Flood Maps, and/or All Flood Information," on the FEMA National Flood Insurance Program website at: <https://www.fema.gov/national-flood-insurance-program>. Hardcopies of the FEMA Flood Insurance Studies and Flood Maps can also be ordered through the same site.

6.2.8 Hazardous Waste

A number of federal and state regulations deal with hazardous waste, including underground and aboveground storage tanks. Properties containing hazardous wastes and non-hazardous wastes are frequently encountered when new ROW is acquired. Some properties with extensive contamination and legal liabilities could warrant avoidance. For most sites, early identification and planning allow selection of feasible alternatives. In addressing hazardous and solid wastes, the goals are to avoid the site(s) and to minimize eventual cleanup costs and legal liability. If the waste is impacted, intentionally or unintentionally, federal and state laws and regulations must be complied with regarding cleanup.

The most common type of hazardous waste site encountered is petroleum releases from underground or aboveground storage tank facilities. Information about regulated storage tanks can be found online at: <https://www.adeg.state.ar.us/rst/>.

Another common hazardous material is asbestos containing materials found in/on buildings that could be impacted by the project. An asbestos inspection of the property must be performed before demolition of the property. ADEQ requires notification of the intended demolition. Asbestos regulations are online at: <https://www.adeg.state.ar.us/air/program/>.

LPAs should evaluate proposed corridors for hazardous materials, solid waste sites, illegal dumps, and contamination by conducting database research and field checks of the project area, including any

buildings acquired. ADEQ lists known hazardous waste locations online at: <https://www.adeg.state.ar.us/hazwaste/programs/rcra/>.

Coordination with ADEQ, and if necessary, the Environmental Protection Agency can aid in determining locations of sites, liability, associated regulatory requirements, and potential cleanup costs. LPAs should keep in mind that there is always the potential for encountering unknown waste sites not identified through database and/or site reviews. Any unknown wastes and/or contaminated sites that are found during project construction should be handled in accordance with federal and state laws and regulations.

Any correspondence with resource agencies should accompany submittal of the NEPA document.

6.2.9 Farmland Conversion Impact Rating

The Farmland Protection Policy Act (FPPA) mandates that agencies identify and consider the adverse effects of federal projects on farmland. The act requires all federally-funded projects to be assessed for the potential conversion of farmland to non-farming purposes. An LPA must assess the impact of its projects in cooperation with the local Natural Resources Conservation Service (NRCS) office.

If the project requires no additional ROW, farmland assessment is not necessary. When additional ROW is needed, if it is located within city limits and the affected land is entirely developed for uses other than agriculture, the LPA may document this in its files and no further action is required. If the ROW needed is outside of established city limits, the LPA must complete a Form AD-1006 Farmland Conversion Impact Rating, available online at:

http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/16/stelprdb1045394.pdf (or for corridor type projects Form SCS-CPA-106, available online at:

<http://forms.sc.egov.usda.gov/efcommon/eFileServices/eForms/NRCS-CPA-106NRCS-CPA-106.PDF>) and forward it along with the preliminary ROW layouts to the NRCS Local Service Center for review. Local service centers can be found at <https://offices.sc.egov.usda.gov/locator/app>.

On the forms, the LPA completes Parts I and III, showing the acreage of new ROW and submits three copies to NRCS. The submittal should request that NRCS fill out Parts II, IV, and V on the form. NRCS assistance in filling out Part VI can also be requested, if desired. The LPA should also ask NRCS to advise whether any land considered to be farmland is subject to any state or local government policy or programs to protect farmland.

The LPA must complete the form after NRCS returns it. If the total rating exceeds 160 points, the FPPA mandates further consideration of protection. Using the bottom portion of Form AD-1006 labeled "Reason for Selection," the LPA will document why this site was selected over the other alternative sites and submit one copy of the form along with the preliminary layout to the NRCS. This completes the process. By considering the impact of converting any farmland to non-agricultural use and submitting the completed form, the LPA will have satisfied its requirements. If the project is classified as an EA or EIS, the completed form must be included in the NEPA document.

6.2.10 Stormwater and Erosion Control

Provisions of the federal Clean Water Act and related state rules and regulations require stormwater permits for construction activities that will require the disturbance of one acre or more of soil. Regardless of this requirement, ARDOT's policy is to install appropriate erosion and sediment control devices for all construction activities as needed without regard to area of disturbed land. All LPA projects

that require stormwater permit coverage are required to have a SWPPP. Stormwater quality shall be monitored according to provisions identified in a SWPPP, ADEQ Construction General Permit ARR150000, ADEQ Municipal Separate Storm Water System (MS4) permit ARRO40000, and the latest version of ARDOT's Erosion Control and Sediment Control Design and Construction Manual.

LPA shall determine the size of the areas of land disturbance and then develop a SWPPP. The LPA shall select erosion control and sediment control best management practices to most appropriately address storm water runoff/run-on. Erosion and sediment control measures should be selected based on, but not limited to, physical location and topography, quantity of storm water expected to pass through the area, acreage of disturbance draining to a common point, soil types, impaired waters, existing drainage structure placement, and areas of highly erodible soils.

Refer to the ADEQ web page (<https://www.adeq.state.ar.us/water/permits/npdes/stormwater/>) and ARDOT's "*Erosion and Sediment Control Design and Construction Manual*" (latest), (<https://www.ardot.gov/publications/manuals/>) for additional information.

6.2.11 Off-Site Areas

Borrow/spoil sites, staging areas, haul roads, and/or burn pits may be located outside the project footprint and therefore were not previously addressed by the NEPA document or other environmental approvals for the project. The LPA is responsible for making sure that the contractor obtains all necessary environmental clearances for borrow sites and other land disturbance areas—including off-site locations used to deposit excess material or for haul roads. Off-site areas may require separate permitting which is the responsibility of the LPA.

6.2.12 Community Impact Assessment

Title VI of the Civil Rights Act of 1964 and Executive Order 12898 on Environmental Justice apply to all programs and activities of Federal-aid recipients, subrecipients, and contractors whether the programs and activities are federally funded or not. Environmental Justice should be considered in all project development decisions, regardless of the NEPA classification.

LPA must fully identify social, economic, and environmental effects related to project activities. LPA must consider alternatives, coordinate with state and federal agencies, and involve the public when determining a desired project solution. Potential impacts to the human environment should drive the transportation decision-making process as much as potential impacts to the natural environment and comparable consideration is to be given to both kinds of impacts. The final decisions on any proposed project on any Federal-aid system are to be made in the best overall public interest, taking into consideration the need for safe and efficient transportation, public services, and the costs of eliminating or minimizing possible adverse economic, social, and environmental effects. Compliance with EO 13166 on Limited English Proficiency populations should also be considered.

6.2.13 Noise Standards and Abatement

All noise studies shall follow FHWA guidelines under 23 CFR 772 for conducting noise studies, and ARDOT's Policy on Highway Traffic Noise Abatement, and use the latest FHWA approved version of the Traffic Noise Model (TNM) noise modeling software. ARDOT's Policy is available online at <https://www.ardot.gov/divisions/environmental/assessments/noise-quality/>. The LPA shall consult with ARDOT and determine if a noise analysis is warranted based on whether the project involves a new location, substantial realignment, or added capacity.

For projects requiring a noise analysis, the LPA shall begin by collecting traffic and design data, determining sensitive receptor locations, and collecting field measurements. The LPA shall use the approved 30% plan set for TNM modeling of existing and predicted noise levels. The LPA shall then determine if impacts to sensitive noise receptors meet or exceed the FHWA Noise Abatement Criteria (NAC) or if there is a significant (>10 dB) increase over the existing noise levels. If noise impacts are not present, the consultant shall prepare a technical memorandum to be included in the environmental documentation. If impacts are found, the LPA shall evaluate noise abatement measures determine if any structures would impede noise barrier installation, and conduct a noise barrier analysis.

The LPA shall determine if the noise abatement measures are both reasonable and feasible as defined by the FHWA NAC guidance documents and ARDOT's Policy on Highway Traffic Noise Abatement. If noise abatement is found to be reasonable and feasible, the LPA shall then conduct a public involvement meeting and seek public opinion. The LPA shall determine if noise abatement is considered desirable to the public being affected by traffic noise. If not desirable, the LPA will consider alternatives and re-evaluate the noise abatement process. If noise abatement is desirable, the LPA shall design and install the noise abatement.

6.2.14 Air Quality Requirements

The Clean Air Act defines requirements for transportation project air quality analysis. In Arkansas, requirements are met through conformity demonstrations with established emission budgets contained in the State Implementation Plan. This process involves projects meeting the definition of "regionally significant" as described in 23 CFR 450.104. Generally, LPA projects will not meet the definition of "regionally significant." In the event a local project is determined to be regionally significant, conformity will be demonstrated through an established process for inclusion in a metropolitan Transportation Improvement Program. FHWA's interim guidance on Air Toxic Analysis can be found at: https://www.fhwa.dot.gov/environment/air_quality/air_toxics/policy_and_guidance/msat/index.cfm

6.3 Re-Evaluations

Whenever the project scope, location, or impacts change the LPA must submit to ARDOT PM a description of the proposed modifications. Based on that information, the project will be reexamined to determine whether the proposed changes require a reevaluation. If a reevaluation is needed, the LPA prepares the reevaluation documentation. Documentation for reevaluations is based on the original NEPA document type. If the original NEPA document was an EA or EIS, the LPA prepares a document for the reevaluation and submits it to ARDOT for FHWA's review and approval. Some projects with original NEPA classifications as CATEX may also require reevaluations in the form of a letter.

6.4 Public Involvement

The LPA is responsible for conducting public involvement activities, which will vary based upon the scope and complexity of the proposed project. Public involvement activities may include, but are not limited to, public meetings and public hearings, website announcements, landowner notifications, and agency solicitation of views.

The LPA shall follow ARDOT's *Public Involvement Handbook* when preparing materials, advertisements, and addressing other logistical requirements for conducting public meetings and public hearings. The handbook is available in the LPA Resources found on ARDOT LPA website at <https://www.ardot.gov/LPA>. Discussions about land acquisition can only happen at certain points in the project development process. LPA's should contact ARDOT's ROW Coordinator for guidance prior to any public meetings being held:

David Steward
ROW Coordinator
Arkansas Department of Transportation
P.O. Box 2261, Little Rock, AR 72203-2261
10324 Interstate 30, Little Rock, AR 72209
Phone: (501) 569-2584 Fax: (501) 569-2018
David.Steward@ARDOT.gov

7. PROJECT DEVELOPMENT

This section of the Manual is intended to provide the LPA and the designer with general information that is important to consider during project development, beginning with project planning and programming through the preliminary engineering phase.

It is important for the LPA to work with ARDOT to determine whether its project will be treated as a typical ARDOT project that is led by the LPA, or a simplified LPA project. This determination influences the level to which the LPA and its consultants must fully follow ARDOT's internal plan development processes. Projects that would normally require full adherence to ARDOT's Plan Development Guidelines would involve one or more of the following:

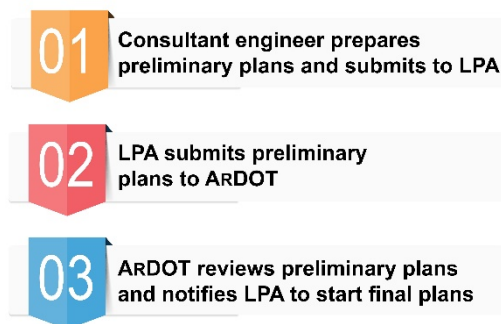
- Roadway or bridge construction on, over, or adjacent to ARDOT ROW (but not necessarily sidewalks, as would be the case with the STBG or RTP programs).
- ARDOT agrees to administer the construction contract and perform inspection through its RE offices.

For more simplified projects that do not involve work on ARDOT ROW and the construction will be administered directly by the LPA, there is a simplified 13-point cursory review. More information on that process follows in *Section 7.3: Design Requirements*.

7.1 Preliminary Plan Process

Figure 8 outlines the process used for submitting preliminary plans to ARDOT. The figure represents the general workflow between the consultant engineer, ARDOT, and the LPA. See *Section 10: Plans, Specifications, and Estimates (PS&E)* for more specific guidance on the development of plans.

Figure 8 - Preliminary Plan Process



7.2 Chain of Communication

The LPA or ARDOT will often hire a consultant to assist them through the planning, design, and construction phases of the project. It is important that the chain of communication be maintained throughout the project to ensure smooth project delivery. The chain of communication should align with the contractual arrangement. If the consultant is contracted directly with the LPA, their reports, plans, invoices, etc. should be submitted to the LPA who will then submit to ARDOT. The only times the consultants should make formal submittals directly to ARDOT is with the LPA and ARDOT's consent or when contracted directly with ARDOT.

7.3 Design Requirements

Projects that are performed on or connect to ROW owned and maintained by ARDOT will require full compliance with ARDOT policy and practice. In this case the design shall be in accordance with accepted engineering practices and all applicable state, American Association of State Highway and Transportation Officials (AASHTO), and federal criteria. These criteria include, but are not limited to, the following references:

- 1) "A Policy on Geometric Design of Highways and Streets", AASHTO, current edition (Green Book). (https://bookstore.transportation.org/collection_detail.aspx?ID=110)
- 2) "Roadside Design Guide", AASHTO, current edition. (https://bookstore.transportation.org/collection_detail.aspx?ID=105)
- 3) "Roadway Design Plan Development Guidelines", ARDOT, current edition. (<https://www.ardot.gov/divisions/roadway-design/guidelines-manuals/>)
- 4) "Roadway Design Drainage Manual", ARDOT, current edition. (<https://www.ardot.gov/divisions/roadway-design/guidelines-manuals/>)
- 5) "Bridge Division Policies and Practices Memos", ARDOT, current edition. (<https://www.ardot.gov/divisions/bridge/guidelines-and-additional-resources/>)
- 6) "LRFD Bridge Design Specifications", AASHTO, current edition. (https://bookstore.transportation.org/item_details.aspx?ID=2211)
- 7) "LRFD Guide Specifications for Design of Pedestrian Bridges", AASHTO, current edition. (https://bookstore.transportation.org/item_details.aspx?ID=1552)
- 8) "Survey Manual", ARDOT, current edition. (<https://www.ardot.gov/divisions/surveys/manuals/>)
- 9) "Guide for the Development of Bicycle Facilities", AASHTO, current edition. (https://bookstore.transportation.org/collection_detail.aspx?ID=116)
- 10) "Guide for the Planning, Design and Operation of Pedestrian Facilities", AASHTO, current edition. (https://bookstore.transportation.org/item_details.aspx?id=119)
- 11) "Guide for the Planning, Design and Operation of Bicycle Facilities", AASHTO, current edition. (https://bookstore.transportation.org/item_details.aspx?ID=1943)
- 12) "Manual on Uniform Traffic Control Devices", (MUTCD), FHWA, current edition. (<https://mutcd.fhwa.dot.gov/>)
- 13) ADA guidelines and standards, various publications including PROWAG and ADAAG, United States Access Board, current edition. (<https://www.access-board.gov/>)
- 14) "Highway Capacity Manual", (HCM), TRB, current edition. (<https://www.mytrb.org/MyTRB/Store/Product.aspx?ID=8313>)
- 15) "Statewide Storm Water Management Plan", ARDOT, latest version. (<https://www.ardot.gov/publications/manuals/>)

- 16) “Standard Specifications for Highway Construction”, (including “Special Provisions to the Standard Specifications”), ARDOT, current edition.
(<https://www.ardot.gov/divisions/construction/standard-specifications/>)
- 17) ARDOT Standard Roadway Drawings, latest version.
(<https://www.ardot.gov/divisions/roadway-design/standard-roadway-drawings/>)
- 18) “ARDOT Standard Bridge Drawings, latest version.
(<https://www.ardot.gov/divisions/bridge/list-of-standard-drawings/>)
- 19) “Utility Accommodation Policy”, ARDOT, latest version.
(<https://www.ardot.gov/foi-freedom-of-information/>)
- 20) “Procedures for New or Revised Freeway Access in Arkansas”, ARDOT, latest version.
(<https://www.ardot.gov/publications/manuals/>)
- 21) “A Guide for Accommodating Utilities Within Highway Right of Way”, AASHTO, current edition.
(https://bookstore.transportation.org/item_details.aspx?ID=1362)
- 22) ARDOT's Policy on Highway Traffic Noise Abatement, latest version
(<https://www.ardot.gov/divisions/environmental/assessments/noise-quality/>)
- 23) “Erosion and Sediment Control Design and Construction Manual”, ARDOT, latest version.
(<https://www.ardot.gov/publications/manuals/>)
- 24) “Guide for Design of Pavement Structures”, AASHTO, current edition.
(https://bookstore.transportation.org/collection_detail.aspx?ID=87)
- 25) “Guidance on Traffic Control Devices at Highway-Rail Grade Crossings”, FHWA, November 2002.
(https://safety.fhwa.dot.gov/intersection/other_topics/fhwasa09027/resources/Guidance%20On%20Traffic%20Control%20at%20Highway%20Rail%20Grade.pdf)
- 26) “Achieving Multimodal Networks”, FHWA, August 2016
https://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/multimodal_networks/fhwahep16055.pdf
- 27) All current applicable ARDOT memos.

When projects are “off-system” entirely, meaning that they are not on or connect to the highway system, a simplified 13-point cursory review will be conducted by ARDOT. It is still required that the AASHTO Green Book and other AASHTO publications be followed in the design and development of the plans. These projects still require that the environmental, ROW, utility coordination, and construction phase requirements discussed in the Manual are adhered to. The 13-point review will confirm that the following criteria of the Green Book are met:

- 1) Design speed
- 2) Lane width
- 3) Shoulder width
- 4) Bridge width
- 5) Structural capacity
- 6) Horizontal alignment
- 7) Vertical alignment
- 8) Grade
- 9) Stopping sight distance
- 10) Cross slope
- 11) Superelevation
- 12) Vertical clearance
- 13) Horizontal clearance

When the 13-point review is being applied to a project, the LPA is free to develop the plans using the format and software of its choosing.

7.3.1 Design Exception/Allowance

If, during the development of plans for a proposed project, the LPA determines that there are circumstances that may make it impracticable to meet the applicable design guidelines, the LPA should make a written request to ARDOT for a “design exception”. All supporting documentation should be included with the submittal as attachments.

The need for a design exception/allowance should be determined no later than the 30% submittal stage of project development. A request for a design exception may be made at any time in the design process when sufficient information is available to adequately evaluate the alternative solutions. All design exceptions are subject to approval by ARDOT’s Deputy Director and Chief Engineer. The request may involve one or more of the 13 points of the design review. Justification for the request must be included along with cost estimates for reasonable alternates.

ARDOT will respond by letter to the LPA approving or denying the design exception/allowance request. Approved exceptions will be reflected in the Design Summary Document.

The FHWA published [*Mitigation Strategies for Design Exceptions*](#) which provides valuable guidance about the impact design exceptions may have on the safety and operational performance of roadways, and potential mitigation strategies when the 13 controlling criteria are not met. However, it is a guide, and does not constitute a standard, nor does it set forth new policy regarding when design exceptions are required. Where this document conflicts with the adopted AASHTO policies, the AASHTO policies adopted through FHWA regulations govern. If you have any questions or need assistance, please contact your field office or FHWA HQ staff: <https://www.fhwa.dot.gov/ardiv/org.cfm>.

7.3.2 AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400)

On roadways that are ineligible for STP funding, AASHTO's Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400) may be used to establish criteria for projects that meet the very low-volume definition. The LPA, or the designer, should notify ARDOT of the intent to use these guidelines in the design criteria document.

AASHTO's Guidelines for Geometric Design of Very Low-Volume Local Roads (ADT ≤ 400) is available at: https://bookstore.transportation.org/item_details.aspx?id=1209.

7.3.3 AASHTO Guide for the Development of Bicycle Facilities

The AASHTO Guide for the Development of Bicycle Facilities shall be used to develop projects that provide on-road bike lanes or other off-roadway facilities such as shared use paths or side paths (shared use paths adjacent to the roadway) that are used for multiple modes of non-vehicular transportation. A facility used by bicycles must be designed for the expected speeds, including considerations of horizontal and vertical alignment, path width, clear zone, intersection conflicts, and other design considerations like what would be considered in the design of a vehicular roadway. Many bicycle and shared-use facilities serve both transportation and recreational users. The design requirements of the multi-purpose facilities are different than purely recreational trail facilities.

AASHTO's Guide for the Development of Bicycle Facilities is available at: https://bookstore.transportation.org/collection_detail.aspx?ID=116.

7.3.4 United State Access Board ADA Guidelines

The U.S. Department of Transportation has adopted the 2004 ADA Accessibility guidelines which provide consistent usability for buildings and onsite facilities, but do not address the public ROW pedestrian environment.

The Public Rights of Way Accessibility Guidelines (PROWAG) were developed to specifically address designing new or altered public sidewalks, street crossings, and related pedestrian facilities. The PROWAG are not standards until the rule making process is complete but are the recommended best practices for areas not fully addressed by the present ADA Accessibility Guideline (ADAAG) standards. The PROWAG are consistent with the ADA's requirement that all new facilities (and altered facilities to the maximum extent feasible) be designed and constructed to be accessible to and useable by people with disabilities. ARDOT recognizes the PROWAG as an equivalent facilitation and is the recommended approach for providing consistent usability within public ROW.

Consistency with ADA in the public ROW can be achieved by:

- Following the PROWAG.
- Following the ADAAG standards, and supplement with PROWAG only where ADAAG is silent.
- Following the ADAAG but must have reasonable and consistent policies for accessibility for persons with disabilities where ADAAG is silent.

Additional guidance provided by the Department of Justice (DOJ) clearly defines alterations and action that must be taken due to alterations.

It is important to note that these guidelines extend to temporary work zone conditions. The temporary traffic control plans must consider the ability of pedestrians, both able and disabled, to travel safely through or around the construction site. The temporary traffic control plans within the design plans shall include the designer's plan for handling multi-modal traffic during construction, including detour routes and road/sidewalk closings, if necessary, and installation of alternate or temporary pedestrian accessible paths to pedestrian facilities in the public rights of way. The temporary traffic control plan, including the accessibility aspects, must be in conformance with the latest version of the Manual on Uniform Traffic Control Devices (MUTCD).

More information is available at: <https://www.access-board.gov/>.

7.3.4.1 ADA Requirements for Curb Ramps

Specific to curb ramps, ADA requires that states and LPAs provide curb ramps whenever streets, roadways or highways are altered. Alterations include activities such as reconstruction, rehabilitation, resurfacing, widening, and projects of similar scale and effect. <https://www.ada.gov/doj-fhwa-ta.htm> - ^{ftn4} Maintenance activities on streets, roads, or highways, such as filling potholes, are not alterations.

Curb ramps must be provided wherever a sidewalk or other pedestrian walkway crosses a curb. They must be located so that a person can travel from a sidewalk on one side of the street, over or through any curbs or traffic islands to the other side of the street. Curb ramps are not required if no pedestrian walkway exists or if there is no elevation or other barrier between the street and the walkway.

More information is available online at: <https://www.ada.gov/doj-fhwa-ta.htm>.

7.3.5 ARDOT Design Manuals

The most current editions of manuals, guidelines, and policies published by ARDOT should be used during project development and design. Project development should also be consistent with the most current and applicable ARDOT policy and informational memos. These manuals can be found online at: <https://www.ardot.gov/divisions/roadway-design/guidelines-manuals/>.

7.3.6 Design Criteria

The LPA should have its consultant prepare a design criteria document for each project that, at a minimum, acknowledges the design references that will be used and provides specific guidelines for the 13 points of design identified in Section 7.3 Design Requirements: *Design Requirements*. This is not typically required for TAP or RTP projects, but may be required if requested by ARDOT.

7.4 Preliminary Scoping/Site Review

For projects with very short development schedules, or those that have unique aspects, it may be prudent to conduct a preliminary project scoping site review. Some preliminary engineering work should be performed to arrive at a concept with or without alternatives. The LPA should coordinate (or have its consultant coordinate) an onsite meeting with ARDOT. The meeting will include a discussion of project scope and limits and should include design alternatives that have been considered. The intent of the meeting is to select the best alternative for which to develop plans.

If the LPA desires to hire a consultant to assist with the preliminary scoping and grant application process, it should first consult with ARDOT PM. These actions could have implications for both the LPA

and consultant on the future phases of work depending on how the consultant is selected, what services it provides, and how the consultant is paid for its services.

7.5 Project Coordination

Projects will require coordination with various stakeholders including regulatory agencies, utility companies, adjacent landowners, and the public. When federal funding is utilized on any portion of a project, these coordination activities must be guided by certain laws and policies. Coordination with regulatory agencies will be conducted as part of the Environmental Clearance process, as will coordination with the public. Coordination with utility companies that may be affected by the project is handled during the design phase with guidance from ARDOT Utilities Section of the Right of Way Division. The Right of Way Division can also guide LPAs in the proper procedures to interact with adjacent landowners who own property from which right of way or easements will be needed. There are specific regulations that must be followed in each of these situations. Those regulations and procedures are discussed in detail in each respective section of the Manual.

LPAs should maintain a record of all correspondence and coordination activities undertaken for the project.

7.6 Railroad Coordination

For projects that affect railroad ROW, the LPA should take proactive steps to engage with the railroad company early in the project. Coordination should begin during the scoping phase of the project. ARDOT Railroad Crossing Coordinator can advise and assist LPAs in these coordination efforts. The coordination should address issues such as what work will be allowed on the railroad ROW, who will be responsible for how such work is designed, and who will be responsible for how that work is constructed and paid for. Since most railroad companies have specific contractors and materials that can be used on their facilities, these elements of a project require special treatment.

The coordination activities should include the following:

- Consultant during the project scoping.
- Submittal of plans to the railroad company for review and comment at the 30%, 60%, and 90% phases of the project.
- Execution of an agreement between the railroad and LPA (examples of these agreements can be obtained from ARDOT Railroad Crossing Coordinator).
- Coordination of Special Provisions to the Construction Specifications (examples of these Specials Provisions can be obtained from ARDOT Railroad Crossing Coordinator).

LPAs are encouraged to contact ARDOT's Railroad Crossing Coordinator for any necessary assistance:

Paulette Rice
Railroad Crossing Coordinator
Arkansas Department of Transportation
P.O. Box 2261, Little Rock, AR 72203-2261
Phone: (501) 569-2557
Paulette.Rice@ardot.gov

7.7 General Plan Requirements

Plans are received and reviewed for general compliance to design guidelines and bid letting requirements by ARDOT. Detailed review of the plans to ensure that all applicable criteria are met and that the plans have been developed in accordance with ARDOT procedures is the responsibility of the

project design engineer, whether designed by the LPA or its consultant. Plans marked for revision are returned to the LPA or its consultant for necessary revisions and continuation of the project development process. If the plan review process reveals that the plans are not complete due to errors or omissions, the plans will be returned to the designer with a notification that a subsequent submittal will be required. The designer will need to address the comments made on the plans and perform additional quality control checks to make sure that the plans have met the project requirements and addressed previous comments prior to the next submittal. It is important that these checks be performed prior to making a submittal to avoid unnecessary project delays.

7.8 ARDOT Bid Items & Non-Standard ARDOT Bid Items

All bid items for pay included in the project plans should be standard ARDOT bid items whenever possible. This is much more important for STBGP > 200K and TAP-Attributable projects. TAP and RTP projects typically will not have this requirement as they are typically smaller in nature. If an LPA intends to request ARDOT bid out a project or perform construction inspection, the bid items must all be standard ARDOT bid items.

Three classes of specifications are used in the development of an ARDOT project. These specification classes are:

- **Standard Specifications:** The standard specifications are the current edition of ARDOT's "Standard Specifications for Highway Construction."
- **Supplemental Specifications:** These are approved supplementary provisions, additions or revisions to the Standard Specifications. Essentially these are interim updates to the Standard Specifications and are prepared by ARDOT.
- **Special Provisions:** These are approved supplementary provisions, additions or revisions to the Standard Specifications that address conditions specific to an individual project. There may be multiple revisions of a Special Provision active at any given time. Typically, the newest version will be included in the project when the contract proposal documents are assembled by ARDOT PM. The proposal documents will identify the specific revision used for the project. The older versions of the Special Provision will be kept active until construction is complete on all projects that have used the older version.

If an item is required to be part of the project and cannot be covered by a standard ARDOT bid item, the designer shall be responsible for preparing the special provision. Proposed special provisions should be submitted to ARDOT as soon as possible to enable adequate time for review, approval, and the assignment of a special provision number. Special provisions shall be submitted no later than the PS&E stage of project development.

In determining the need for a special provision, the following approach should be considered:

- 1) Check existing specification. Verify that the standard specifications do not adequately cover the information needed.
- 2) When possible, use notes on plans rather than creating a special provision.
- 3) If a new bid item is needed, there must be a special provision to cover it.

7.9 Intersection Control Warrants

An engineering study may be required to demonstrate warrants are satisfied for modification of existing

intersection to determine the proper form of intersection control. New traffic signals (including pedestrian-hybrid beacons) must meet warrants to be included in the project. Warrants should be submitted to ARDOT as early as possible in the plan development process. Work proposed for traffic signals that do not satisfy warrants will not be eligible for inclusion in the project. Information on traffic signal warrants can be found online at: <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf>.

7.10 Operational Analysis

An operational analysis may be required when a proposed project modifies an existing condition on or adjacent to a state or federal highway. An operational analysis may also be required to validate preferred design alternatives and/or justify expenditure of federal or state funds on the local system. A copy of the operational analysis should be submitted as early as possible in the plan development process to ARDOT for review.

7.11 FHWA Competitive Bidding Requirements

FHWA programs (as well as ARDOT programs) are based on the concept of open and fair competitive construction bidding as the best method of providing economical projects to the public. This concept is the basis for the following criteria for plans production. Information on FHWA's Buy America policies, requiring that all steel or iron products that are permanently used in Federal-aid construction projects are produced in the United States, is available in *Section 11.4: Buy America*.

7.11.1 Proprietary/Sole Source Items

Historically, the use of proprietary or sole source items were not allowable on Federal-aid projects without specific approval for (1) synchronization, (2) through a public interest finding, or (3) for experimental purposes.

On September 27, 2019, FHWA issued a final rule in the Federal Register rescinding the long-standing regulatory provisions for patented or proprietary products in 23 CFR 635.411(a)-(e) (<https://www.govinfo.gov/content/pkg/FR-2019-09-27/pdf/2019-20933.pdf>). This rule provides greater flexibility and encourages innovation in the selection of proprietary or patented materials.

As a result, State Departments of Transportation will no longer be required to provide certifications, make public interest findings, or develop research or experimental work plans to use patented or proprietary products in Federal-aid projects. Federal funds participation will no longer be restricted when State DOTs specify a trade name for approval in Federal-aid contracts. In addition, Federal-aid participation will no longer be restricted when a State DOT or LPA specifies patented or proprietary materials in design-build Request-for-Proposal documents.

8. RIGHT OF WAY (ROW)

Establishing the ROW for a project is an essential step in project development and must be identified in the early phases of a transportation project. *When federal funds are used in any phase of a project*, all ROW functions must be accomplished following the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (Uniform Act).

Whenever ROW acquisition is the responsibility of an LPA, ARDOT ROW Division will assist by coordinating ROW inspections and supplying the LPA with the materials necessary to complete ROW activities.

ARDOT ROW Division will verify that ROW acquisition has been handled in compliance with all appropriate provisions of the Uniform Act, pertinent federal regulations, ARDOT ROW Operations Manual, and the Stewardship and Oversight Agreement by and between FHWA - Arkansas Division and ARDOT.

The majority of the rules and procedures are outlined in ARDOT ROW Division Operations Manual, available online at: <https://www.ardot.gov/divisions/right-of-way/policies-and-procedures/>. Refer to Section 7 of the ROW Division Operations Manual for an overview of LPAs and ROW activities.

It's important to note that discussions about land acquisition can only happen at certain points in the project development process. ARDOT is willing to assist an LPA in the process to help it stay compliant with the Uniform Act. LPAs are encouraged to contact ARDOT's ROW Coordinator for assistance:

David Steward
ROW Coordinator
Arkansas Department of Transportation
P.O. Box 2261, Little Rock, AR 72203-2261
10324 Interstate 30, Little Rock, AR 72209
Phone: (501) 569-2584 Fax: (501) 569-2018
David.Steward@ARDOT.gov

In addition to traditional ROW or easement acquisition efforts, LPAs should coordinate with ARDOT's ROW Division if permanent construction will take place within any highway ROW, as well as determine if an airspace permit may be required.

8.1 Right of Way Process

Figure 9 outlines the ROW process that LPAs must follow when federal funding is used on any phase of the project regardless of whether the land is acquired using federal funds or is donated.

Figure 9 - ROW Process



8.2 Right of Way Plan Development

ROW plans, legal descriptions and title certifications shall be prepared for property necessary for the construction and maintenance of the proposed LPA project. Appropriate detail is provided in the plans to facilitate an accurate assessment of the value of property being acquired to assist the LPA in the explanation to property owners of the proposed impacts to the affected properties.

Reference is made to 23 CFR 710.305 (b) “*Adequacy of real property interest*. The real property interests acquired for any project funded under title 23 must be adequate to fulfill the purpose of the project. Except in the case of an Early Acquisition Project, this means adequate for the construction, operation, and maintenance of the resulting facility, and for the protection of both the facility and the traveling public.”

In accordance with these federal regulations, permanent ROW and/or permanent easements for roadway facilities (typically projects funded through STBG Program or TAP-Attributable) shall be established to protect permanent features including but not limited to pavement, sidewalks, drainage structures, ditches, fill slopes, cut slopes, etc. Permanent ROW and/or permanent easements for non-roadway facilities (typically projects funded through TAP or RTP) shall be established to permanent features including the facilities’ surfacing and drainage structures.

The requirements of ROW plans and documents vary whether on or off the highway system. Each of these is discussed in greater detail in the sections that follow.

8.2.1 On-System Requirements

On-system projects will require that the plans be developed just as if the LPA’s consultant were working directly for ARDOT. Currently, this requires the use of Bentley Microstation as the CAD platform and Inroads as the ROW plan and modeling software. The plans should be developed to look and feel the same as ARDOT-produced plans and abide by the ROW plan development guidelines in Section 4 of the ROW Operations Manual (<https://www.ardot.gov/divisions/right-of-way/policies-and-procedures/>).

Upon review and approval of the consultant’s work, the LPA shall submit ROW plans to the ROW Coordinator in accordance with “*Stage Submittal of On-System Plans for Right of Way Certification*” in the LPA Resources found on ARDOT LPA website at <https://www.ardot.gov/LPA>.

8.2.2 Off-System Requirements

Off-system projects can more generally follow the typical requirements that an LPA would use on its own projects. Local standards can be used, provided that all features necessary for the construction and proper maintenance of the transportation facilities are within permanent ROW. The development of the plans, however, can usually be done utilizing the LPA’s preferred software. Additionally, the look and feel of plans can follow those desired by the LPA or its consultant. There are, however, certain activities ARDOT will require in order to fulfill its oversight obligations.

Upon review and approval of the consultant’s work, the LPA shall submit ROW plans to the ROW Coordinator in accordance with “*Stage Submittal of Off-System Plans for Right of Way Certification*” in the LPA Resources found on ARDOT LPA website at <https://www.ardot.gov/LPA>.

8.3 Right of Way Acquisition Process

Figure 10 provides an overview of the ROW acquisition process. More information on each activity is available in ARDOT ROW Division Operations Manual, available online at: <https://www.ardot.gov/divisions/right-of-way/policies-and-procedures/>. The related section of the ROW Operations Manual is shown for each activity.

The figure below is intended to provide initial guidance. Each section of the ROW Operations Manual should be reviewed in its entirety for a complete description of the ROW acquisition process.

Figure 10 - ROW Acquisition Process



8.4 Displaced Persons

When a person will be required to move or move their personal property, they are considered a displaced person and eligible for relocation assistance under The Uniform Act. The LPA must plan projects in such a way that the problems associated with the displacement of persons is recognized, and provide relocation assistance to displaced persons in accordance with The Uniform Act, 49 CFR 24, and Section 9 of the ROW Operations Manual (<https://www.ardot.gov/divisions/right-of-way/policies-and-procedures/>).

8.5 Airspace Permit

When improvements are proposed that will not be maintained by ARDOT but will be located within highway ROW, an airspace permit might be required. These airspace permits have specific criteria that normally require survey documents prepared by an ARDOT certified surveyor. They also require specific action by the Arkansas Highway Commission and FHWA instead of being granted at the district level like other permits. It is important to contact ARDOT's ROW Division early in the project if an airspace permit might be required in order to avoid delays. Like ROW or easements, construction will not be able to start until the airspace permit is granted, if one is required. Additional information can be found in Section 8.14. of the ROW Operations Manual (<https://www.ardot.gov/divisions/right-of-way/policies-and-procedures/>).

8.6 Right of Way Certification

The LPA must submit a letter certifying that all ROW and/or easements have been acquired for the project before ARDOT will provide an authorization to advertise, allowing the LPA to proceed with advertising a project for construction. Projects where no ROW is acquired also require a certification letter stating as such.

The ROW Certification letter must ensure that required ROW, relocation and property management activities have been completed in accordance with 49 CFR Part 24. It must acknowledge railroad involvement and include the status of utility relocation activities.

Example ROW certification letters can be obtained from ARDOT ROW Coordinator.

Additional information can be found in:

- Section 2.13. of the ROW Operations Manual (<https://www.ardot.gov/divisions/right-of-way/policies-and-procedures/>)
- Section 1.29 of the Utilities: Internal Policies and Procedures Manual (<https://www.ardot.gov/divisions/right-of-way/sections/utilities-section/>).

9. UTILITIES

It may be necessary to relocate utilities that are located within project construction limits. Utilities include publicly, privately, and cooperatively-owned facilities used in connection with the production, manufacture, storage, transmission, and distribution of electric power, natural or manufactured gas, petroleum products, water, steam, sewerage, communications systems, and cable television. Utility coordination and relocation activities are guided by ARDOT's *Utility Accommodation Policy* and its *Utilities: Internal Policies and Procedures Manual* (available online at <https://www.ardot.gov/divisions/right-of-way/sections/utilities-section/>). ARDOT's Utilities Section is available to help LPAs in this process and contact information can be found online at: <https://www.ardot.gov/divisions/right-of-way/sections/utilities-section/>.

9.1 Using Federal or Local Funds for Utility Relocation

It is important for an LPA to decide whether it wants to utilize Federal-aid funds on utility relocations for STBGP > 200K projects. In many cases, it may be advantageous to the LPA to use its federal funds on other parts of the project in order to expedite utility relocations. ARDOT's Utilities Section can help LPAs make this determination.

Utility relocation expenses are determined to be eligible if the utility being relocated is not located within the existing state ROW. For projects that occur within city- or county-owned ROW, the local franchise agreements and/or local policies would apply in determining reimbursement eligibility. Regardless of the funding source, federal, state, or local (unless the utility moves at its own expense), utilities must comply with Buy America requirements. Failure to comply with Buy America could jeopardize federal funding eligibility for the entire project. More information on Buy America is covered in *Section 11.4: Buy America*.

If an LPA chooses to use federal funds for utility relocations, it must wait for authorization from FHWA before using the funds. In order for ARDOT's Utilities Section to request authorization from FHWA, the LPA must provide an itemized cost estimate for the work that will be funded. ARDOT will advise the LPA when funds have been approved and work can proceed.

9.2 Utility Relocation Plan Development

The LPA should conduct an early utility coordination meeting with all potentially affected utilities. This is a good time to make sure that the design survey has captured all utilities in the project area and to make the utility owners aware of the project scope and schedule. This meeting is beneficial to both the LPA and the utility companies.

Following the utility coordination meeting, the LPA should remain in contact with the utilities as it first seeks to avoid utility conflicts with the design. Once the design has advanced to the 50% or 60% stage, plans should be provided to the utility owners requesting a proposal. The proposals from utility companies should include relocation plans, an itemized cost estimate, and a breakdown of what portions of the work are eligible for reimbursement.

9.3 Reimbursement Agreement

If federal funds are being used for utility relocation expenses, the proposals from utility owners should be forwarded to ARDOT's Utilities Section for review. The Utilities Section will prepare a reimbursement agreement between the LPA and the utility based on the information presented. This agreement will contain the reimbursement amount, a reimbursement factor, and the local match. The reimbursement

factor will be determined based on the percentage of the work that is eligible for reimbursement. The local match will be determined by the type of funding being used for the project.

Once the reimbursement agreement is prepared by ARDOT, it should be approved and executed according to the policies and practices of the LPA and the utility. Once fully executed, it should be returned to the Utilities Section that will then either approve the LPA to issue an authorization to bid or work order to the utility.

9.4 Preliminary Engineering Costs

If a utility wants to request federal funds to cover the design costs associated with the utility relocation, federal funds can be requested. To do this, the LPA must submit a request to ARDOT's Utilities Section that includes the preliminary engineering scope and cost for approval. The Utilities Section will prepare a preliminary engineering agreement between the LPA and the utility. The LPA cannot authorize any preliminary engineering work prior to that agreement being executed.

In some cases, the LPA may own and maintain utility infrastructure that is affected by the project. In these cases, the LPA may want to hire a consultant to design the utility relocations. The same process described above will apply.

9.5 Bidding and Construction

Once the reimbursement agreement is in place between the LPA and a utility, the LPA may authorize the utility to bid its work. Upon receipt of the bids, the utility should submit the following bid information to the LPA, which should then be forwarded to ARDOT's Utilities Section for review and concurrence:

- Bid tabulation certified by utility or consultant who received the bids.
- Acknowledgement of the lowest qualified bidder.
- Signed bid documents, if requested.

Upon review of the bid documents and tabulation, ARDOT will authorize the utility to award the contract to the lowest qualified bidder. Once all contract documents are executed and in order, ARDOT will issue a work order to the utility, or in the case of LPA-owned utilities, to the LPA.

Any changes during construction that would affect the utility contractor's scope of work must be addressed with a change order. ARDOT's local RE has oversight responsibility of change orders so these changes should be coordinated with the RE.

9.6 Payments to Contractors

Unlike the reimbursement process for other types of construction, all billing for utility relocations being paid with federal funds are processed through ARDOT's Utilities Section. The LPA must not pay the utility contractor directly, not even its local match.

When the LPA receives the utility contractor pay request, it should review it and forward it to ARDOT's Utilities Section with approval for payment. If the LPA finds the pay request to be incomplete or not consistent with the work completed, it should have the utility contractor correct and resubmit the pay request prior to forwarding it to ARDOT's Utilities Section. ARDOT's Utilities Section will conduct its own review of the application in cooperation with the RE and then issue payment directly to the utility. At that time, ARDOT will request the local match from the LPA.

9.7 Utility Certifications

A ROW Certification must be prepared by the LPA before ARDOT will provide an authorization to advertise, allowing the LPA to proceed with advertising a project for construction. The status of utility relocation activities must be included in the ROW Certification to ensure the contractor will have sufficient areas to work on the project upon award of the construction contract. The utility certification shall include the names of utility owners involved on the project, location, types of facilities, status, and estimated completion date.

Upon completion of all utility relocations for the project, the Final Utility Certification shall be prepared showing that all utility owners have completed their relocation activities.

Additional information can be found in Section 1.29 of the *Utilities: Internal Policies and Procedures Manual* (<https://www.ardot.gov/divisions/right-of-way/sections/utilities-section/>).

10. PLANS, SPECIFICATIONS, AND ESTIMATES (PS&E)

The development of PS&E will follow one of two processes:

- 1) ARDOT Administration: For roadway or bridge projects that are on, over, or adjacent to the highway system and/or construction thereof will generally be administered by ARDOT. Preparation of PS&E will follow all ARDOT’s policies and procedures. ARDOT may place requirements on certain components of the work such as pre-qualified consultants and requirements for the software used to develop the plans.

- 2) LPA Administration: For other projects that are not a part of the highway system, the PS&E will follow a process that might be more like a typical local project that does not involve Federal-aid. These projects may not be required to fully adhere to ARDOT Plan Development Guidelines and other ARDOT practices.

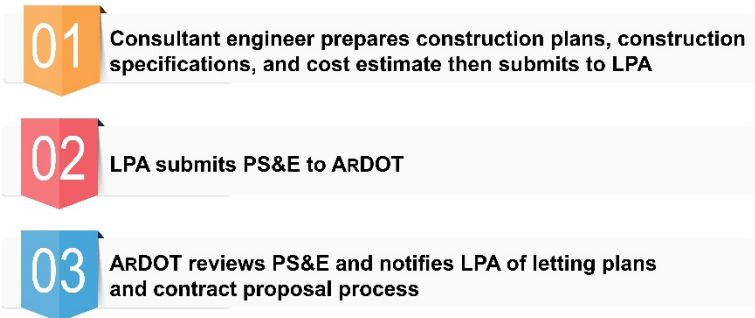
These processes are discussed in greater detail in the sections that follow.

10.1 Plans, Specifications, and Estimates Communication Process

The general process for PS&E submittals should include review by the LPA for compliance with this Manual, the design criteria, and other project requirements prior to submission to ARDOT for review. Figure 11 outlines the communication during the process.

Plan submissions from ARDOT on-call consultants should be routed through Mike Fugett, Assistant Chief Engineer – Design. Other projects should submit plans to ARDOT PM.

Figure 11 - PS&E Communication Process



10.2 On-System Plans, Specifications, and Estimates Development

The development of PS&E for on-system projects will generally follow this sequence of work:

- 1) LPA or its consultant develop design criteria and submit to ARDOT for approval.

- 2) Development of 30% PS&E.

- 3) Preliminary bridge layout drawings: Preliminary bridge layouts shall not be submitted for review until after the 30% PS&E roadway drawings have been reviewed and approved. Further development of PS&E bridge drawings shall not begin until written layout approval is received from ARDOT.

- 4) Perform geotechnical investigation and submit report for review.
- 5) Design pavement section and submit pavement design memo.
- 6) Development of 60% PS&E and drainage report.
- 7) Conduct first field inspection with ARDOT staff.
- 8) Development of 90% PS&E and hydraulic certification.
- 9) Conduct second field inspection with ARDOT staff.
- 10) Development of 100% PS&E.

10.2.1 On-System Requirements

On-system projects may require that the plans be developed just as if the LPA's consultant were working directly for ARDOT. Currently, this requires the use of Bentley Microstation as the CAD platform and InRoads as the roadway design and modeling software. The plans should be developed to look and feel the same as ARDOT-produced plans and abide by the roadway plan development guidelines and applicable Bridge Division policy guidelines. To facilitate the smoothest delivery of this work, it is suggested that LPAs choose consultants who have experience preparing plans for ARDOT projects.

The specific requirements for each submittal can be found in the Roadway Plan Development Guidelines available online at:

<https://www.ardot.gov/divisions/roadway-design/guidelines-manuals/>.

10.3 Off-System Plans, Specifications, and Estimates Development

The development of PS&E for off-system projects will generally follow this sequence of work:

- 1) LPA or its consultant develop design criteria and submit to ARDOT for approval.
- 2) Development of 30% PS&E.
- 3) Preliminary Bridge Layout Drawings: Preliminary bridge layouts shall not be submitted for review until after the 30% PS&E roadway drawings have been reviewed and approved. Further development of PS&E bridge drawings shall not begin until written layout approval is received from ARDOT.
- 4) Perform geotechnical investigation and submit report for review.
- 5) Design pavement section and submit pavement design memo.
- 6) Development of 50% PS&E and drainage report.
- 7) Conduct first field inspection with ARDOT staff.
- 8) Development of 90% PS&E and hydraulic certification.
- 9) Conduct second field inspection with ARDOT staff.
- 10) Development of 100% PS&E.

10.3.1 Off-System Requirements

Off-system projects can more generally follow the typical requirements that an LPA would use on its own projects. Local design standards can be used, if they do not conflict with the design references listed in *Section 7.3: Design Requirements*. The development of the plans, however, can usually be done utilizing the LPA's preferred software. Additionally, the look and feel of plans can follow those desired by the LPA or its consultant. There are, however, certain activities ARDOT will require to fulfill its oversight obligations.

10.4 Conceptual Design (30%)

Conceptual design plans (30% submittal) should address the geometric design of the project, specifically the horizontal and vertical alignments and typical cross sections. The submittal must include:

- Title sheet
- Typical section sheets
- Plan and profile sheets
- At least two bridge-type alternatives, if applicable

10.5 Preliminary Design (50/60%)

The preliminary roadway plans (50/60% submittal) shall show, at a minimum:

- Title sheet: Should generally conform to ARDOT standard title sheet.
- Typical sections: Notes pertaining to slopes, tolerances, leveling, and other items. The typical sections will contain information depicting the width of the subgrade, all lanes, shoulders, and clear zones. The side slopes (run/rise) and finished grade cross slopes (ft./ft.) will also be shown. The point of profile will be defined and the location of pipe underdrains if needed will be illustrated. The location and shape for all ditches will be also be depicted if applicable.
- Pavement design memo: Based on traffic data and geotechnical investigations, pavement design recommendations will be delivered to the LPA and ARDOT for its review and approval. Pertinent data and design calculations will be provided as well as the actual pavement section recommendations. The approved pavement designs will be incorporated into the typical sections.
- Special details: Project-specific details required to properly construct elements of the job that are not covered in the standard drawings or other plan drawings.
- Survey control sheets: Control detail sheets of the survey baseline and design centerline with control point data in accordance with the standard used by ARDOT's Roadway Design Division, if required (required only if land acquisition is necessary).
- Roadway plan & profile sheets:
 - Plan view: Proposed centerline and travel lanes, existing topography, existing utilities, horizontal geometry (curve data, PIs, bearings), north arrow, lane and shoulder dimensions, taper dimensions, proposed driveways and side streets, proposed cross drains and related construction notes, guardrail locations, turning radii, limits of existing and proposed ROW and control of access (including fence), permanent and temporary construction easements, construction limits, location of ROW points and benchmarks, floodplain limits, and other data as required.

- Profile View: Proposed vertical geometry (including VPIs, grades, and ditch grades), superelevation station limits, benchmarks, existing ground profile, and drainage information.
- Maintenance of traffic plans (50%): The maintenance of traffic signing details will suggest a sequence of construction to complete major phases of the project. It will clearly identify barricades to be placed, striping to be removed, striping to be placed prior to diversion of traffic, and possible detour routes and the stages required to maintain traffic during construction. These details will supplement ARDOT's standard drawings TC-1, TC-2, TC-3, TC-4, and TC-5.
- Signing and pavement marking plans: All signing, striping and delineation will be in accordance with the latest edition of the MUTCD.
- Erosion control plans: Erosion control measures should be presented for each stage of construction to both prevent erosion of exposed soils and ensure sedimentation of solids prior to runoff leaving the project site. All erosion control measures should be contained within the limits of the project ROW or temporary construction easements.
- Bridge layout sheets (if applicable):
 - Topography
 - Hydraulic data: The 100-year (design) and 500-year flood events as well as the overtopping flood shall be included. When the overtopping flood is less than the design flood, the effects of future roadway embankments must be included.
 - Bridge length, width, and span lengths and types.
 - Design, construction, and material specifications.
 - Bridge foundation type, including, as applicable, estimated number and sizes of columns, pile sizes and lengths, etc.
 - Schematic cross-section sketches of superstructure, showing deck thickness, girder type, size, spacing, stage construction sequence, etc.

After the 50% plan review, ARDOT will schedule a field inspection meeting with the LPA and its consultant. The purpose of this meeting will be to discuss the review comments. Concurrent with this meeting, a Transportation Management Plan (TMP) meeting may also be conducted. Sample TMPs that meet FHWA requirements can be found here:

<ftp://ftp.arkansashighways.com/Outgoing/Roadway/Special%20Provisions-Commonly%20Used-Latest/Transp.%20Mgmt.%20Plan/>.

10.6 Final Design (90/100%)

The 90% plans should address all comments received in previous reviews and be considered a complete plan set ready to be issued for construction. In addition to the information submitted with the 50% submittal, the following information shall be included at with the 90% submittal:

- Quantity sheets: Quantities will be calculated and tabulated using the current Standard Specifications for Highway Construction and the appropriate supplemental and job-specific special provisions and ARDOT's Roadway Design Plan Development Guidelines and Roadway Design Training Guide. The quantity sheets will display the tabulated quantities in typical ARDOT format. A summary of quantities sheet will be provided that tabulates all quantity items by pay item number, description, unit, and quantity. The quantity sheets and summary of quantities will be inserted into the plans between the permanent pavement marking details and the survey control sheets.
- Cross section sheets: Cross sections for all roadways will be shown at a 1:1 scale and include the items required in the Roadway Design Plan Development Guidelines. In addition, any matchlines will be labeled and sections will be provided at begin/end tapers, nose points, begin/end auxiliary lanes, and any pipes/culverts perpendicular to centerline construction. Inlet and outlet sections will be shown for pipes/culverts on skews.
- Final bridge plans: Include all layout information previously submitted with bridge detail drawings to include end bents, intermediate bents, piles, bearings, superstructure, expansion joints, parapets, retaining walls, approach slabs, approach gutters, and bridge quantity sheets. Each detail drawings should be fully checked and signed by a checking engineer.
- Special provisions: Any special provisions for work or materials not covered by ARDOT Standard Specifications for Highway Construction must be developed and submitted for review. ARDOT maintains a directory of many commonly used special provisions here:
<ftp://ftp.arkansashighways.com/Outgoing/Roadway/Special%20Provisions-Commonly%20Used-Latest/>
- Final TMP
- Construction cost estimate

After the 90% plan review, a final field inspection and TMP meeting will be conducted by ARDOT.

Once the 90% review comments have been addressed, the final submittal should include stamped and signed plans and special provisions.

10.7 Plan Review

The LPA and/or its consultant shall be responsible for the completeness and accuracy of the plans. Plans that are not considered to be adequately complete or accurate at the time of submittal may be returned to the LPA and/or its consultant for additional development or revision. ARDOT's review of plans will be for general compliance with the prevailing state, AASHTO, and federal criteria for purposes of maintaining federal funding eligibility and ensuring sufficient information is available for a contractor to develop a fair and reasonable bid. This review is not a thorough design review and does not relieve the LPA and/or its consultant of the duty to provide a design that is well conceived and plans that are complete and accurate.

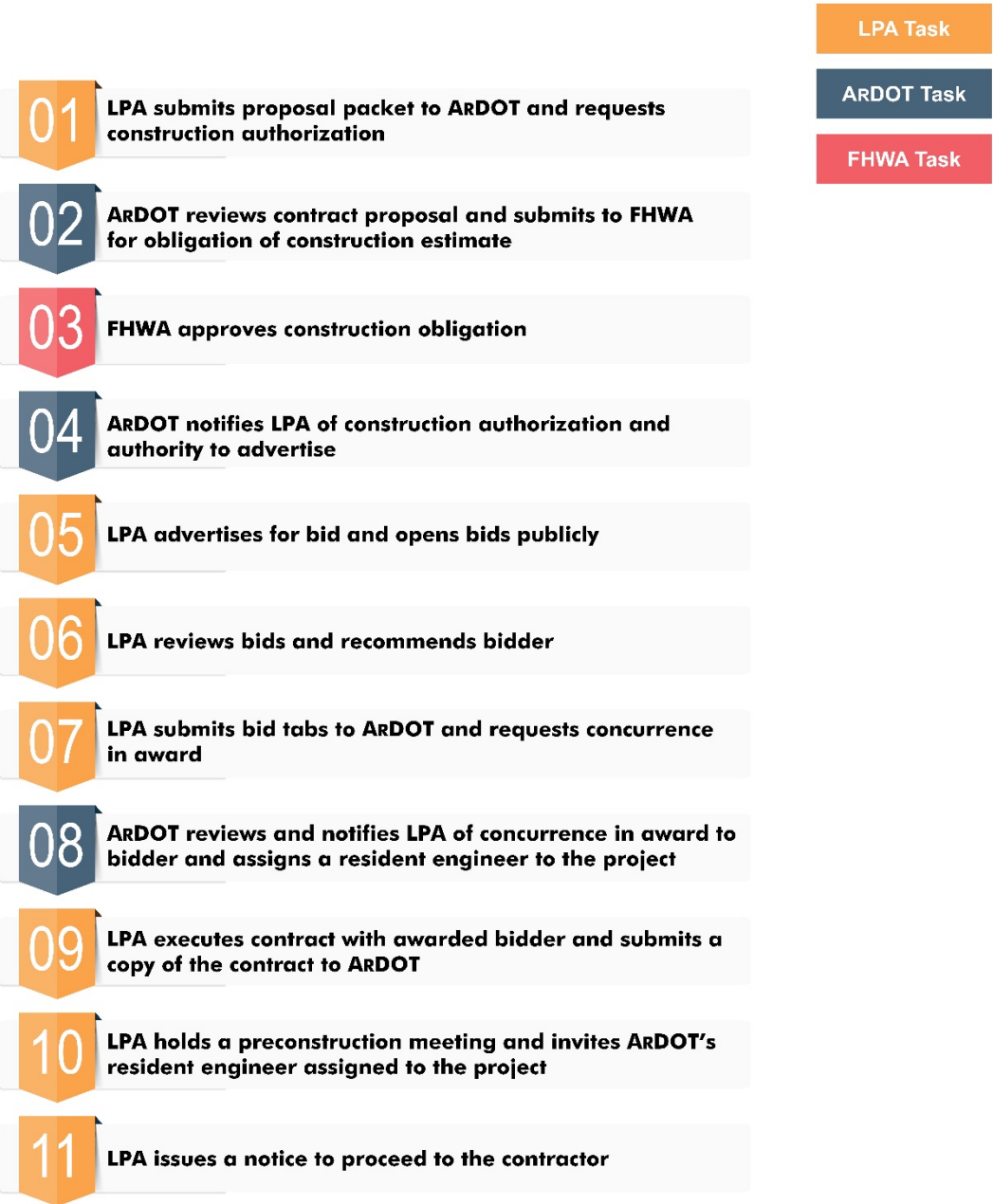
11. LETTING AND AWARD

Once the PS&E process is complete, final plans have been submitted to ARDOT, and all utility, railroad, and ROW certifications have been made, the LPA will request authority and receive approval from ARDOT prior to advertising the project for letting. On-system projects will normally be let by ARDOT and ARDOT will hold the construction contract. Off-system projects will be let by the LPA and the LPA will hold the contract. Off-system construction projects that utilize Federal-aid must still follow certain requirements so that ARDOT can uphold its oversight responsibility.

11.1 Letting and Award Process

Figure 12 outlines the letting and award process for LPAs.

Figure 12 - Letting and Award Process



11.2 LPA-Let Projects

When an LPA lets a project, it will be responsible for all portions of the bidding and construction phase of the project. These responsibilities include:

- Preparing the construction advertisement.
- Publishing the construction advertisement.
- Receiving and answering contractor requests for information during the bidding phase.
- Receiving, evaluating, and tabulating bids.
- Awarding the construction contract.
- Administering the construction contract.
- Performing construction inspection, materials testing, and construction engineering.
- Processing contractor pay requests.
- Conducting project close-out.
- Managing claims, dispute resolution and liquidated damages.

Most LPAs in Arkansas will hire a consulting firm to assist with these services. In many cases, the engineering firm that prepared the project design will also provide these services. In this case, the engineer's services will be divided into what is referred to as Title I services and Title II services. Title I services include all services leading up to and including the letting of the project. Title I services conclude at the award of the construction contract. Title II services are those services performed after the award of the construction contract.

If the LPA wants to select a separate consultant to provide Title II services and it intends to be reimbursed with federal funds for those costs, the procedures outlined in *Section 5: Consultant Selection* must be followed.

Guidance on managing claims, dispute resolution and liquidated damages is provided in FHWA's "Contract Administration Core Curriculum Manual" available at:

<https://www.fhwa.dot.gov/programadmin/contracts/coretoc.cfm>.

11.2.1 Project Advertisement for Bids

Once plans are complete, the LPA must submit a letter to ARDOT requesting approval to proceed with advertisement for bids on the project. The following information must be included with this request.

- One reproducible set of plans and specifications.
- One copy of the engineer's estimate of cost.
- One copy of the construction contract documents.

The LPA will also submit a proposal book to ARDOT's Program Management for review and approval. The following information should be included in the proposal book.

- State and federal job numbers and official ARDOT project name.
- Deadline and submittal location for bids.
- Location and time for public reading of bids.
- Contact information for person in charge of bids.
- Project information.
- Bid forms including itemized bid tables.

- DBE goal, if applicable.
- Applicable specifications for the project.
- FHWA 1273 forms (provided by ARDOT).
- Example construction contract.
- Davis Bacon Wage Rates, if applicable.

ARDOT's Program Management Division will review the proposal documentation and work with the LPA to make sure it is compliant with federal and state regulations. When all documentation is compliant, ARDOT will send a letter to the LPA giving it authority to advertise the project for construction.

11.3 Advertisement and Letting

Upon receipt of written authorization from ARDOT, the project may be advertised for bids. The following minimum guidelines for advertising must be met:

- The project must be advertised for a **minimum of three weeks**.
- In addition to meeting the State requirements for advertising for construction projects, the project must be advertised a **minimum of two times in a statewide newspaper**. The advertisement period starts on the first newspaper appearance and the second appearance should be at least one week prior to the bid opening. These advertisements are most commonly run on Sundays.
- The notice must contain: (1) the time, date, and place that sealed bids are to be accepted, opened, and publicly read; (2) a brief description of the kind or type of work contemplated; and (3) the place at which prospective bidders may obtain plans and specifications.
- The LPA will include the following language in the solicitation for bids: **"The LPA hereby notifies all bidders that this contract is subject to applicable labor laws, non-discrimination provisions, wage rate laws and other federal laws including the Fair Labor Standards Acts of 1938. The Work Hours Act of 1962 and Title VI of the Civil Rights Act of 1964 also apply."**
- Any addendums will be sent to plan-holders and when bids are submitted, bidders must include a signed acknowledgement that they received the addendums.
- All bids received in accordance with the terms of the advertisement shall be publicly opened and at a minimum, the total amount bid must be read (the LPA may choose to read the bids item by item).
- If any bid received is not read aloud, the name of the bidder and the reason for not reading the bid aloud shall be publicly announced at the letting.
- The LPA should review all bids to ensure no mathematical errors were made in preparing the bid. Once reviewed, and any corrections are made, the bid tab can be distributed to all bidders with a notification of the lowest apparent bidder.
- In accordance with federal guidelines, any procedures and requirements for qualifying and licensing contractors must be approved by FHWA.
- Negotiation with contractors during the period following the opening of bids and before the award of the contract is **not permitted**.

A sample project advertisement is provided in the LPA Resources found on ARDOT LPA website at <https://www.ardot.gov/LPA>.

Contractors are not required to be licensed in Arkansas before bidding on Federal-aid projects,

11.3.1 Request for Concurrence in Award

Once the bids have been opened, the LPA will send a letter to ARDOT requesting concurrence in award of the project. An example of this letter is provided in the LPA Resources found on ARDOT LPA website at <https://www.ardot.gov/LPA>. The following information should be included with the letter requesting concurrence in award:

- One set of bid tabulations.
- Justification of award (if low bid amount is greater than 10% over the estimate).
- Language that the LPA “examined the unit bid prices of the apparent low bid for reasonable conformance with the engineer’s estimated prices, including a thorough evaluation of an obvious unbalancing of unit prices or bid with extreme variations from the engineer’s estimate.”
- A deposit check to cover ARDOT’s involvement in construction activities (STBGP > 200K projects).
- A check for 1% of the low-bid construction award to ARDOT administrative costs (TAP and TAP-Attributable projects). Further detail on the 1% amount can be found in *Section 2.2 Transportation Alternatives Program (TAP)*.

Once the request is received, the bid tabulations will be reviewed and ARDOT will send a letter to the LPA either concurring in the award of the project or not concurring and explaining the reasoning behind this decision.

An ARDOT Resident Engineer (RE) will be assigned to all LPA projects at this stage. The name and contact information for the RE will be provided to the LPA in the concurrence letter from ARDOT.

11.3.2 Award of Contract

Once the LPA has received the letter from ARDOT concurring in the award of the project, it is free to sign the construction contract with the contractor.

A copy of the executed construction contract should be sent electronically to ARDOT’s Program Management Division for the project file.

11.4 Buy America

FHWA’s Buy America policies require that all steel or iron products that are permanently used in Federal-aid construction projects are produced in the United States. The Secretary of Transportation may waive the requirement if the Secretary finds that: (1) It would be inconsistent with the public interest; (2) Such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) Inclusion of domestic material will increase the cost of the overall project contract by more than 25%. Additionally, FHWA’s regulations permit a minimal use of foreign steel and iron in the amount of \$2,500 or one-tenth of one percent of the contract amount, whichever is greater, to be used in a Federal-aid project.

Failure to adhere to Buy America policies can jeopardize funding for the entire project.

More information is available online at: <https://www.fhwa.dot.gov/construction/cqit/buyam.cfm>.

Note that Buy America is not the same as Buy American.

12. CONSTRUCTION AND OVERSIGHT RESPONSIBILITIES

After an LPA project is let to contract, most control for construction oversight is shifted from ARDOT's Program Management Division to ARDOT RE assigned to the project. This section provides guidance for some contract and design issues that may be encountered.

12.1 Contract

All Federal-aid construction project contracts and subcontracts must include Form FHWA-1273. A copy of the contract should be provided to the RE. More information, including a link to the form is available online at: <https://www.fhwa.dot.gov/construction/cqit/form1273.cfm>.

In accordance with State law, the contract bid form on any project that involves any trench or excavation five feet or longer in depth must include a separate pay item for trench or evacuation safety systems in the base bid.

Per ARDOT specifications, the amount bid for mobilization cannot exceed five percent of the total contract amount.

12.2 Preconstruction Meeting

Before the LPA issues NTP to the contractor, a pre-construction meeting shall be held and the following parties shall be invited.

- LPA's responsible charge designee (see *Section 1.4.1 Expectations of LPA Project Management Representative*)
- ARDOT RE assigned to the project
- Contractor
- Construction engineering consultant

Normally this meeting is led by the LPA or its construction engineering consultant. The RE will explain the construction reimbursement procedures, including the required supporting information, and communicate the RE's responsibilities as outlined in the following section.

12.3 ARDOT's Resident Engineer

ARDOT's RE will be the LPA's primary point of contact for matters needing ARDOT action or decision during the construction of the project. The RE will be responsible for performing the following activities to fulfil their oversight role. It is important that the LPA make sure it is scheduling for and correspondence concerning these activities includes the RE, otherwise use of federal funding can be jeopardized:

- Attend pre-construction meeting.
- Perform detailed inspections at first and final reimbursement requests.
- Performed oversight inspections with each subsequent reimbursement request.
- Review and concur in all change orders.
- Perform final inspection.

12.4 Reimbursement Requests

LPAs should make monthly reimbursement requests to ARDOT for both construction engineering costs and for construction costs. The request for reimbursement for construction costs should be submitted

on the CCRR Form. The CCRR form is provided in the LPA Resources found on ARDOT LPA website at <https://www.ardot.gov/LPA>. The request for reimbursement for construction engineering costs follows the same process as reimbursement of other consultant costs and are described.

These reimbursement procedures DO NOT apply to utility relocations being paid for by federal funds. The procedure for paying for utility work differs and is described in *Section 9: Utilities*.

12.4.1 Supporting Information

The first request for reimbursement must be accompanied with a letter confirming that Davis-Bacon rules are being followed (most RTP projects are excluded from this requirement). To prepare this certification, the LPA will need to conduct the appropriate number of labor compliance interviews. This information will be provided to the LPA by ARDOT for inclusion into the construction contract. The RE office will also be able to provide guidance as will ARDOT's Compliance Officer.

All reimbursement requests need to be accompanied by the following documents:

- Detailed breakdown of the work performed: Page 2 of the CCRR is an example format that may be used, but the LPA is not required to use that exact form. The information contained must be provided however and should include the item of work, contract value for the work, work completed in previous requests and the current request, percent complete, and balance to finish.
- Copy of payment made to the contractor.
- Daily work reports for the period of time covered by the pay request.

12.5 LPA Report of Daily Work Performed

For every day that the contractor is working on the project, the LPA's full-time employee in charge of the project or its construction engineering consultant should fill out an LPA Report of Daily Work Performed. The report should be completed in ink. A sample of this report can be found in the LPA Resources found on ARDOT LPA website at <https://www.ardot.gov/LPA>. As indicated above, these reports must accompany each reimbursement request submitted by the LPA.

12.6 Change Orders

Whether through error in the planning process or through changed conditions in the field, situations arise when the scope and/or quantities indicated in the plans differ from those provided for in the contract. The LPA or its construction engineering consultant should check the applicable specification for the contract item to determine whether changes in contract quantities are handled in any special way. If no special condition exists for the item in question, Division 100 "Alterations of Plans or Character of Work" of ARDOT Standard Specifications will apply.

All changes in unit prices and additional items of work must be made valid through a change order to the contract prior to performing any of the additional work. For change orders including new items, an LPA must document that it performed and adequately documented a cost analysis for each change or extra work order.

When potential change orders are discovered, the LPA should contact the RE to review the circumstance. If the RE deems the change order is valid, the LPA or its construction engineering consultant should prepare the change order and submit it to the RE for formal approval. The RE will send the change order to ARDOT Program Management Division and the Program Management Division

will give the LPA the approval to initiate any changes in scope or quantities.

If there are remaining federal funds for the project, for example, the contract was awarded for less than the obligated amount, change orders can be covered with federal funds subject to the standard project cost-share.

12.7 Revised Plans

ARDOT Construction Division and/or RE will determine when revised plans are necessary. The contractor, RE, program manager and the LPA should be involved in all plan changes. Revised sheets shall be submitted electronically by the designer to the RE.

12.8 Time Extensions

If a time extension is needed to complete the project, the LPA must contact the RE and provide proof that the extension is fully justified and include adequate documentation. A request for time extension should be submitted as an official change order to the RE.

12.9 Project Acceptance and Closeout

For off-system projects, the LPA should conduct a pre-final inspection when the contractor believes their work is complete. If the LPA finds the project in good order, the RE should be asked to perform a final inspection alongside the LPA. This allows for a single punch-list to be prepared and provided to the contractor to be resolved prior to the LPA issuing final payment. Once the LPA has found the work to be satisfactory and issued final payment to the contractor, it should submit its Final CCRR to the RE. With this Final CCRR, the LPA should certify that the work has been completed in accordance with the plans and specification. This process should be communicated to the contractor at the preconstruction meeting.

The LPA must maintain accounting records to adequately support reimbursement with Federal-aid funds and be responsible for the inspection, measurement and documentation of pay items, and certification of all work in accordance with the plans and specifications for the project and for monitoring the contractor and subcontractor(s) for compliance with the provisions of FHWA-1273, Required Contract Provisions, Federal-aid Construction Contracts, and Supplements. LPAs are required to retain these records for three years after final acceptance of the project.

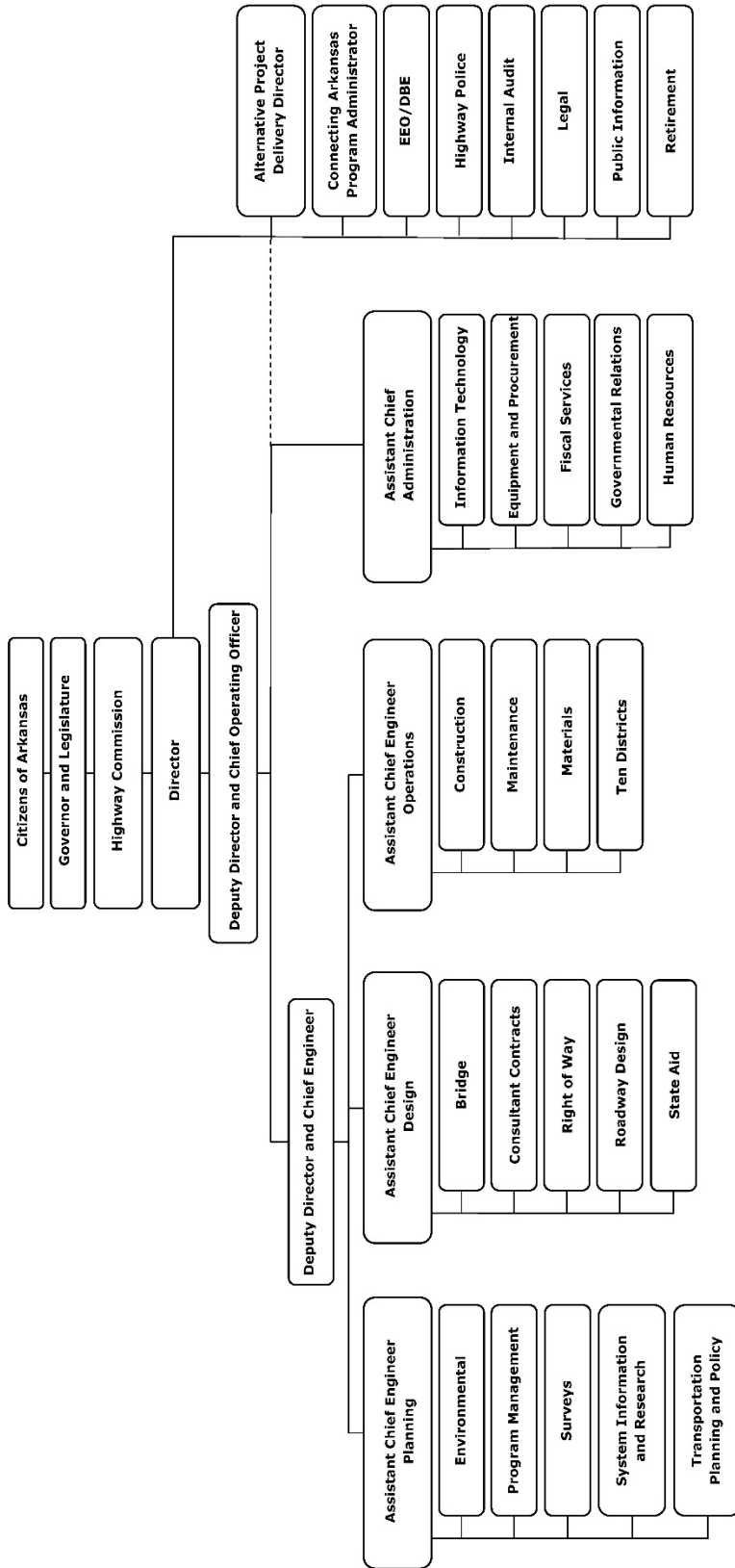
12.10 Warranties

FHWA allows warranty provisions to be included for specific highway construction products or features in Federal-aid contracts. A warranty can only cover items eligible for Federal-aid, which may include preventative maintenance, a specific construction project, or feature under the contractor's control. Routine maintenance is not eligible and general warranties for an entire project are only allowed when the project is delivered by a design-builder. More information on warranties is available online at: <https://www.fhwa.dot.gov/construction/cqit/warranty.cfm>.

These warranties differ from the practice that many LPAs follow of requiring a Maintenance Bond for a specified period of time, typically one year, after acceptance of the work by the LPA. These Maintenance Bonds are sometimes considered incidental to the work and at other times, LPAs may choose to provide a specific bid item for it.

APPENDIX A - ARDOT ORGANIZATION CHART

ARKANSAS DEPARTMENT OF TRANSPORTATION ORGANIZATION CHART



APPENDIX B – ARDOT CONTACTS

The following personnel can be helpful to contact with regards to LPA projects. A regularly-updated version of these contacts can be found at <https://www.ardot.gov/LPA>.

Program Management Division

Daniel Siskowski
Staff Program Management Engineer
(501) 569-2481
Daniel.Siskowski@ARDOT.gov

Ashley Smith
Advanced Engineer
(501) 569-2286
Ashley.Smith@ARDOT.gov

Carlos Meredith
Advanced Engineer
(501) 569-2562
Carlos.Meredith@ARDOT.gov

Transp. Planning and Policy Division

Inderpreet “Sunny” Farmahan
Senior Transportation Planner
(501) 569-4996
Sunny.Farmahan@ardot.gov

Paulette Rice
Railroad Crossing Coordinator
(501) 569-2557
Paulette.Rice@ArDOT.gov

Kimberly Sanders
Bicycle & Pedestrian Coordinator
(501) 569-2020
Kim.Sanders@ARDOT.gov

Environmental Division

Don Nichols
Section Head – Assessments
(501) 569-2521
Don.Nichols@ARDOT.gov

Right of Way Division

David Steward
Right of Way Coordinator
(501) 569-2584
David.Steward@ARDOT.gov

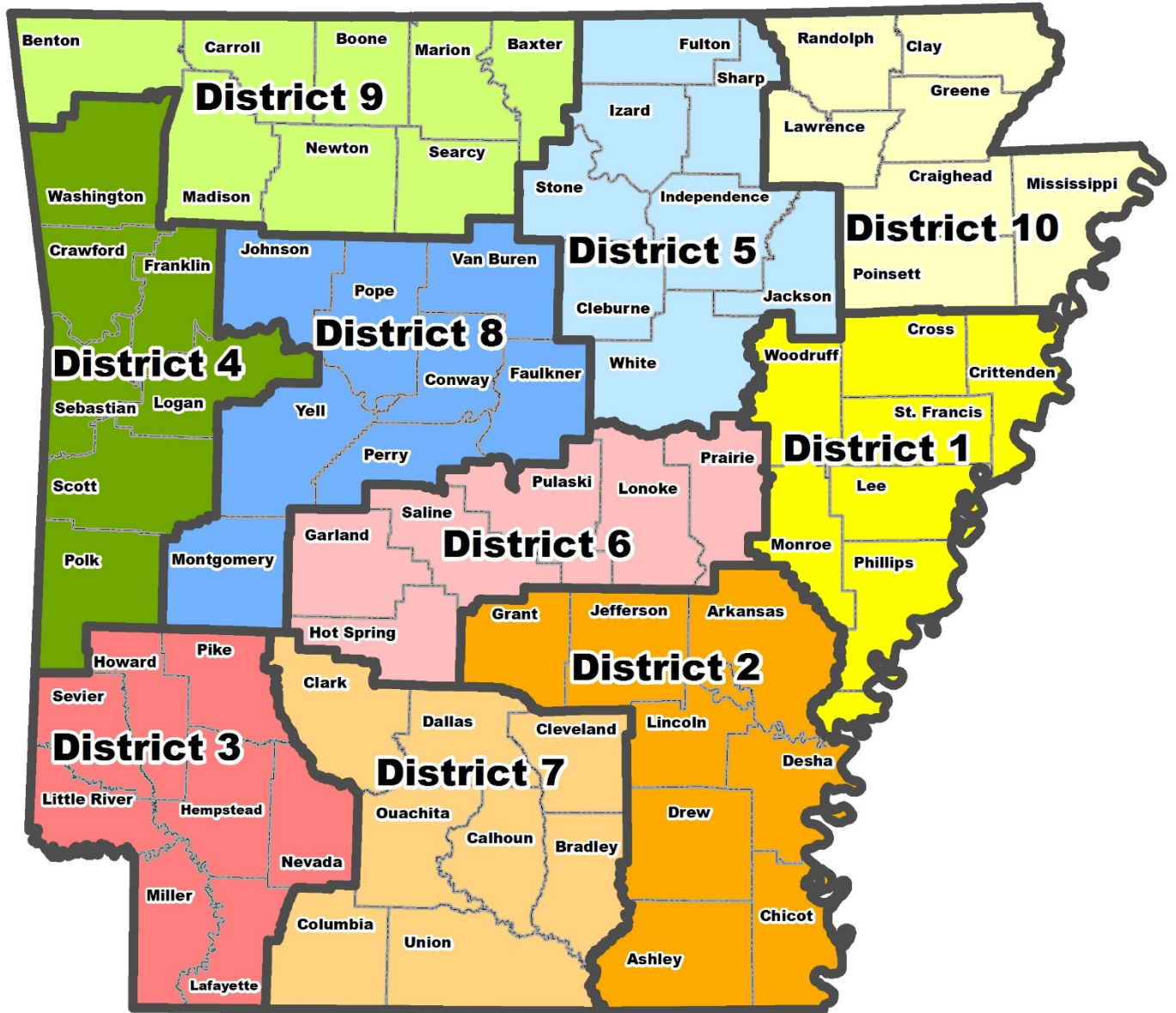
Blaine Gartrell
Section Head – Utilities
(501) 569-2146
Blaine.Gartrell@ArDOT.gov

Consultant Contracts

Jessica Jackson
Consultant Coordinator
(501) 569-2218
Jessica.Jackson@ArDOT.gov

APPENDIX C – ARDOT DISTRICTS

For contact information for ARDOT Districts, visit: <https://www.ardot.gov/districts/>



APPENDIX D – ARDOT RESIDENT ENGINEER (RE) OFFICES

District	RE #	City	Phone	Address
1	11	West Helena	(870) 572-6026	533 N Sebastian, West Helena, AR 72390
1	13	Wynne	(870) 238-3738	2320 W Union Ave., Wynne, AR 72396
1	14	West Memphis	(870) 735-2466	151 N Frontage Rd., West Memphis, AR 72301
2	21	Monticello	(870) 367-5095	1932 Highway 425 N, Monticello, AR 71657
2	23	Pine Bluff	(870) 536-1831	4900 Highway 65 S, Pine Bluff, AR 71601
2	24	McGehee	(870) 222-5104	8926 Highway 65 N, McGehee, AR 71654
3	31	Nashville	(870) 845-1469	2269 Highway 371 W, Nashville, AR 71852
3	32	Hope	(870) 777-6763	2911 Highway 29 N, Hope, AR 71801
3	34	Texarkana	(870) 779-1957	5025 Blackman Ferry Rd., Texarkana, AR 71854
4	41	Waldron	(479) 637-2366	1832 South Main St., Waldron, AR 72958
4	42	Barling	(479) 452-1301	808 Frontier Rd., Barling, AR 72923
4	43	Fayetteville	(479) 251-9266	3526 N Highway 112, Fayetteville, AR 72704
5	52	Batesville	(870) 251-1850	1673 Batesville Blvd., Batesville, AR 72501
5	53	Batesville	(870) 251-3408	1673 Batesville Blvd., Batesville, AR 72501
5	55	Searcy	(501) 268-3772	2015 East Line Rd., Searcy, AR 72143
6	61	North Little Rock	(501) 945-9514	803 Eureka Garden Rd., North Little Rock, AR 72117
6	62	Little Rock	(501) 490-1545	411 Shamburger Ln., Little Rock, AR 72206
6	64	Hot Springs	(501) 623-1104	3602 Albert Pike, Hot Springs, AR 71901
6	65	Little Rock	(501) 569-2912	8900 Mabelvale Pike, Little Rock, AR 72209
7	73	Camden	(870) 836-5332	2190 California Ave., Camden, AR 71711
7	74	Camden	(870) 836-6885	2245 California Ave., Camden, AR 71711
7	76	El Dorado	(870) 862-4501	231 Commerce Dr., El Dorado, AR 71730
8	82	Clarksville	(479) 754-3973	2702 W Main, Clarksville, AR 72830
8	84	Conway	(501) 327-4861	336 Highway 64 E, Conway, AR 72032
8	86	Russellville	(479) 968-1257	370 E Aspen Ln., Russellville, AR 72802
9	92	Harrison	(870) 743-5847	4590 Highway 65 S, Harrison, AR 72601
9	94	Bentonville	(479) 273-7634	3700 Highway 112, Bentonville, AR 72712
9	95	Yellville	(870) 449-6831	1981 Highway 62 E, Yellville, AR 72687
10	04	Paragould	(870) 236-6307	2510 Highway 412 W, Paragould, AR 72451
10	05	Osceola	(870) 563-3463	1169 S Highway 119, Osceola, AR 72370
10	06	Jonesboro	(870) 935-6471	3202 B Commerce Dr., Jonesboro, AR 72401

For a regularly-updated ARDOT RE list, visit: <https://www.ardot.gov/divisions/construction/>.

APPENDIX E – ARKANSAS MPO CONTACTS

Central Arkansas Regional Transportation Study (CARTS) Metroplan

501 W Markham St, Suite B; Little Rock, AR 72201
Phone: 501-372-3300
Email: Ccovington@Metroplan.org
www.metroplan.org
ARDOT Districts: 6 & 8

Texarkana Urban Transportation Study (TUTS) Texarkana MPO

220 Texas Blvd; Texarkana, TX 75504
Phone: 903-798-3927
Email: ReaDonna.Jones@txkusa.org
www.texarkanampo.org
ARDOT District: 3

Hot Springs Area Transportation Study (HSATS) Tri-Lakes MPO

1000 Central Ave; Hot Springs, AR 71901
Phone: 501-302-5028
Email: trilakesmpo@wcapdd.org
www.wcapdd.org/tri-lakes-mpo
ARDOT District: 6

Pine Bluff Area Transportation Study (PBATS) Southwest Arkansas Regional Planning Commission

1300 Ohio St; Pine Bluff, AR 71601
Phone: 870-534-4247
Email: larryreynolds@cablelynx.com
www.searpc.com
ARDOT District: 2

Northwest Arkansas Regional Transportation Study (NARTS) Northwest Arkansas Regional Planning Commission

1311 Clayton Street; Springdale, AR 72762
Phone: 479-751-7125
Email: tconklin@nwarpc.org
www.nwarpc.org
ARDOT Districts: 4 & 9

Frontier Transportation Study (FRONTIER) Frontier MPO

1109 S. 16th Street; Fort Smith, AR 72902
Phone: 479-785-2651
Email: rbrewer@wapdd.org
www.frontiermpo.org
ARDOT District: 4

Jonesboro Area Transportation Study (JATS) Northeast Arkansas Regional Transp. Planning Commission

300 South Church St; Jonesboro, AR 72401
Phone: 870-933-4623
Email: c Cochran@jonesboro.org
www.jonesboro.org/191/Metropolitan-Planning-Organization
ARDOT District: 10

West Memphis- Marion Area Transportation Study (WMATS) City of West Memphis

796 West Broadway; West Memphis, AR 72301
Phone: 870-735-8148
Email: ahicks@westmemphisar.gov
www.wmats.org/index.html
ARDOT District: 1

APPENDIX F – REVISIONS

As revisions to the manual are published, the dates and changes will be noted in this appendix.

Date:	Modification(s):
09/16/2019	Added a note to Page viii indicating that the most up-to-date version of this document will be located at https://www.ardot.gov/LPA and that any changes or additions should be sent to Daniel Siskowski at Daniel.Siskowski@ardot.gov .
10/16/2019	Removed Gene Kuettel from <i>Appendix B – ARDOT Contacts</i> and replaced him with Barry Cruz.
01/06/2020	Changed Barry Cruz’s title from Asst. Section Head to Section Head.
01/09/2020	Added information regarding volunteer labor rates as part of In-Kind Donations for Recreational Trails Program projects in <i>Section 2.3 Recreational Trails Program (RTP)</i> .
04/24/2020	Changed Railroad Crossing Coordinator from John “Tyler” Post to Paulette Rice in <i>Section 7.6 Railroad Coordination</i> and <i>Appendix B – ARDOT Contacts</i> and updated the contact phone number. The name of ARDOT’s Local Federal-aid Project Administration Office (LFPA Office) changed to Local Project Administration Section (LPA Section). This change has been reflected in the entire document.
10/13/2020	Adjusted the contact email addresses for the Hot Springs Area Transportation Study and West Memphis – Marion Area Transportation Study in <i>Appendix E – Arkansas MPO Contacts</i> to reflect staff changes.
03/04/2021	ARDOT’s new website went live. All internal ARDOT web addresses linked within this document were updated accordingly.
03/09/2021	Changed the content of <i>Section 7.11.1 Proprietary/Sole Source Items</i> to reflect that proprietary and sole source items are now allowed on Federal-aid projects. Removed Barry Cruz from <i>Appendix B – ARDOT Contacts</i> and replaced him with Blaine Gartrell. Removed Nancy Gambill from <i>Appendix B – ARDOT Contacts</i> , as Jessica Jackson will be handling local projects moving forward.
03/11/2021	Updated the CFR referenced in <i>Section 4.3 Record Retention</i> .
03/12/2021	Added <i>Section 4.4 Quarterly Reporting Requirement</i> regarding the new requirement of quarterly reports on all LPA projects.
05/21/2021	Moved Kim Sanders from the Program Management Division to the Transportation Planning and Policy Division in <i>Appendix B – ARDOT Contacts</i> .