

Procedures for Local Public Agency Project Administration

(Revised 6/2012)

OVERVIEW

A Local Public Agency (LPA) is defined as a county, municipal corporation, state or local authority, board, commission, agency, department or political subdivision created under the authority of the state. Local Public Agency Projects are defined as any transportation project funded through the South Carolina Department of Transportation (SCDOT) either by federal or state funds in which an LPA enters into a contractual agreement with SCDOT to manage any phase of the project development process or construction activities.

In accordance with the Code of Federal Regulations, 23CFR 1.11 and 635.105, SCDOT may delegate administration and management of certain Federal-aid projects to a Local Public Agency (LPA); however, this delegation does not relieve SCDOT of its responsibility of administering those funds.

As allowed by the Federal Highway Administration (FHWA) and SCDOT an LPA may request to perform work which is funded by Federal-aid or state transportation funds provided that the following minimum conditions are met:

1. The LPA must be adequately staffed and suitably equipped to undertake and satisfactorily complete the project.
2. The LPA must provide a full-time agency employee to be in responsible charge of the project.
3. All applicable Federal and State requirements shall be completed and documented.
4. The LPA must be approved by the LPAA according to the [LPA Qualifications Evaluation Form](#) (Rev. 2/2010).

These procedures have been developed to assist SCDOT staff and local governments in the LPA project administration and project development processes. Where applicable, links in the web format of this document are provided to available materials and reference materials that may be necessary or of use to deliver the project. These procedures are designed to address the majority of LPA projects. In addition to these procedures it is critical that the project Participation Agreement (PA) be specific and detailed with regard to its intent as well as FHWA and SCDOT policies. To ensure the PA is properly prepared and meets the needs of the LPA, it is imperative that the project be well defined and specific. Project scoping is the fundamental element that will determine the basic outcome of the project. Considerable planning, review and expertise are required at this stage to ensure a successful project that meets the needs of the community while ensuring accountability during administration.

Projects are identified through the project development process, commission action, congressional designation, or local participation whereby a Local Public Agency with the authority to enter into a contractual agreement for federal or state transportation funds is considered to manage day to day operations of a project or phase of project. LPA projects can include but are not limited to Transportation Enhancements, Congestion Mitigation, Congressional Earmarks, State Earmarks, Scenic Byways Projects or any form of project in

which SCDOT federal transportation or state transportation funds may be used to finance or supplement development of a transportation project.

PROCESS PROCEDURES

Local Public Agency Administration Unit

To improve the oversight of all LPA managed projects, SCDOT has established a unit within the Local Program Administration office to manage projects administered by LPAs. This unit will be led by the Local Public Agency Administrator (LPAA). The Local Program Administration office is a part of the Engineering Division allowing authority for the entire spectrum of a project from inclusion into the Statewide Transportation Plan (STIP) through design, environmental permitting, and the completion of construction. The LPAA will be responsible for coordinating the administration and development of all LPA projects.

The responsibilities of the LPAA Unit include but are not limited to determining an LPA's ability to manage a project, leading the development of the LPA participation agreement, managing appropriate SCDOT staff during various phases of an LPA administered project, maintaining official SCDOT project files, verifying qualified invoices, making recommendations for payment, and monitoring the project closure process of a project or phase of project.

The Federal Highway Administration (FHWA) is ultimately responsible for all Federal-aid highway projects. FHWA has the authority to retain full oversight or a high level of oversight on any Federal-aid project in accordance with the SCDOT and FHWA Stewardship and Oversight Plan dated November 2007 and its addendums. On full oversight projects, FHWA personnel will, at a minimum, review and approve project designs, approve any design exceptions, approve Plans, Specifications, and Estimates (PS&E), authorize advertisement, concur in contract award, approve changes in contract (change orders, supplemental agreements, time extensions, claims, etc.), conduct project inspections including a final inspection, and prepare a Final Acceptance Report. For projects involving a high level of oversight, FHWA may elect to perform any or all of the items listed commiserate with the project type.

If any questions arise in carrying out the work under a Participation Agreement, the LPA shall contact the LPAA Unit directly to ensure the questions are answered by the appropriate SCDOT staff.

A. PROGRAMING PHASE

1. LPA Request to Manage Project

If an LPA desires to administer a project, the LPA must make a written request to the LPAA to administer and manage an identified project or phases of a project. An LPA's approval to administer federal or state funded projects will be reviewed on an annual basis. The annual review will include, but is not limited to, an update of the LPA's financial audits, revisions to approved procurement procedures, etc. The LPA will not be required to qualify for administration of subsequent projects of similar or lesser scope within the calendar year. However, the LPA will be required to submit an abridged *LPA Qualifications Evaluation Form* providing project specific information in order to

initiate and program each subsequent project once funding is received. An LPA's approval to administer a specific project is valid throughout the completion of the project unless circumstances warrant reconsideration by SCDOT.

If an LPA has been approved to administer projects of a specific scope and magnitude, the LPA is expected to administer subsequent projects of similar or lesser scope and magnitude unless extenuating circumstances prohibit the LPA's administration of those projects. Should circumstances with the local government prohibit its administration of the project, the LPA may request SCDOT to administer the project. The cost associated with administering the project shall be included in the project budget.

An LPA may request to administer a project or portions of a project on behalf of another LPA or non-profit organization that would otherwise not be eligible to administer a project. The request must include at a minimum the completed [LPA Qualifications Evaluation Form](#), attached to these procedures and:

- a. a cover letter with a detailed SCOPE and budget for the work that is being requested to administer
- b. the name of the agency or organization for which the LPA is requesting to administer the project, if applicable, and
- c. if matching funds are to be provided by an agency or organization other than the requesting LPA, financial statements should be provided for both the LPA and the agency/organization as indicated in question III.B.I of the qualification application.

If no request is received, SCDOT would manage the project provided staff time is available and the project is programmed. The project would be developed through the [Project Development Process](#) or applicable standards and published guidelines or processes.

2. Evaluation of LPA Qualifications

SCDOT's LPAA office will evaluate the [LPA Qualifications Evaluation Form](#) submitted by the LPA to determine if the applicant is qualified and adequately staffed to administer the specific project or phase of a project. The LPAA may utilize SCDOT staff from both the engineering and administration departments as appropriate to assist in evaluating the various components of the request. If it is determined that the LPA has the ability to administer and manage the project or portions of a project, the LPA will be notified and the project will proceed as an LPA project and will be managed in accordance with these Procedures for Local Public Agency Project Administration. The LPAA office will notify the appropriate Headquarters (HQ) Director and or Director of Construction as to the determination and request the name of the Preconstruction Project Manager (PPM) and/or District Engineering Administrator's designee (DEA) that will be assigned to the identified project. The DEA's designee must be able to act in the capacity and with the authority of a Resident Construction Engineer (RCE) according to [SCDOT's Construction Manual](#). The responsibilities and expectations of the PPM and DEA during the development of the PA will be clearly outlined in this request.

If an LPA is determined "Not Qualified," to administer the project, the LPA will be notified and SCDOT would manage the project provided staff time is available and the

project is programmed. The project would be developed through the [Project Development Process](#) or applicable standards and published guidelines or processes. The LPAA will notify the appropriate HQ Director and the Director of Construction of the identified project.

If SCDOT has determined that the LPA is “Qualified” to administer portions of a project the LPA will be notified and those portions will be managed in accordance with this directive. The LPAA will notify the appropriate HQ Director and or Director of Construction as to the portions that will be administered by SCDOT and request the name of the Preconstruction Project Manager (PPM) and or District Engineering Administrator’s designee (DEA) that will be assigned to the identified project. The DEA’s designee must be able to act in the capacity and with the authority of a Resident Construction Engineer (RCE) according to [SCDOT’s Construction Manual](#). The responsibilities and expectations of the PPM and DEA during the development of the PA will be clearly outlined in this request.

3. Identify Funding

Sources of funding that are proposed to finance and fully support an LPA project through the completion of construction are identified in the initial request by an LPA. Project estimates are necessary to determine the feasibility of proceeding with the project. Upon qualifying to administer a project, the LPA shall contact the PPM and submit documentation of the proposed project funding and project estimates. The PPM assigned to the LPA project is responsible for reviewing the proposed funding and proposed project estimates submitted by the LPA and advise the LPAA if there are sufficient funds to proceed to the development of a PA. If funding is to be provided from sources outside SCDOT, a financial participation agreement may be necessary before further project development activities can begin. Documentation of the funding by any local sponsoring agencies will be provided to the LPAA according to the LPA project request.

4. Field Review & Scope Development

Upon verification of sufficient funding, the PPM will notify the LPA of their responsibility for scheduling the field review and scoping meeting. The LPA must conduct an onsite project field review and complete the [Local Public Agency Project Planning Report](#) (PPR) to include the project(s) description, location, length, purpose, need or goal of project. The LPAs Project Administrator and the Construction Project Engineer (as applicable) as listed in the LPA Qualification Evaluation form, must attend this field review. In scheduling these activities, the LPA shall include, at a minimum, the PPM, and DEA in which the project is located. The LPA shall distribute copies of the PPR among the participants and submit a copy to the LPAA. The PPR will be used to conduct and document the LPA project field review and is intended to also be used as a preliminary determination in establishing roles and responsibilities in developing the PA. The completed PPR must be submitted to the LPAA prior to the development of the PA.

5. Development of Participation Agreement

Subsequent to the receipt of the PPR, the LPAA submits a request to the Contracts Office for a draft Participation Agreement. This request may also be made by the PPM for large

transportation infrastructure projects whereas the PA serves as an amendment to an existing Intergovernmental agreement or participation agreement. In such cases, the PPM will notify the LPAA of the requested action by copy of the request to the Contracts Office. The PPM will coordinate with the LPAA for necessary reviews and concurrences prior to the execution of the PA in accordance to these procedures. The PPM shall provide documentation to the LPAA of the project's federal compliance prior to execution of the agreement. Upon execution, a copy of the executed agreement shall be submitted to the LPAA office.

The standard PA will serve as the framework and will be specifically customized to meet the need and intent of the proposed LPA project. Federal and State requirements applicable to the project should be well defined and applicable to the project. Copies of the completed LPA request (as applicable), PPR and LPA Qualifications Evaluation Form should be submitted for the preparation of the draft. The LPAA will review and distribute the draft agreement for corrections and comments to all SCDOT areas of responsibility identified and required to complete the project. All comments returned to the LPAA are used to finalize the PA with the Contracts Office.

6. Program Project

The PPM is responsible for preparing a *Program Action Request (PAR)* for the project (following established procedures for programming SCDOT projects), to establish the Project Identification Number (PIN) for SCDOT tracking and monitoring. The PPM must indicate that the project will be administered by an LPA by checking the appropriate box on the PAR. Upon submission to the Obligations Management Office, the project will be identified in the financial management systems as an LPA project and coded as an LPA project for all FMIS action requests. The Obligations Management Office will also assign other identifiers as necessary (i.e., Federal-aid Project Number, project charge code, file number, Contract Project Control Number (PCN)). PARs must be phase specific for preliminary design, right of way services, and construction. The PPM must provide a copy of the PAR to the LPAA for the project file. The Obligations Management Office will provide copies of approvals with notices from FHWA to the LPAA and PPM for the project file.

Any work accomplished prior to FHWA authorization of that particular phase of work is not eligible for federal-aid reimbursement.

FHWA's level of project oversight will be in accordance with the most recent Stewardship Oversight Plan between SCDOT and FHWA. The LPAA will be responsible for ensuring the necessary project reviews and approvals are received from FHWA. The PPM shall coordinate all FHWA project reviews and approvals through the LPAA.

7. Execute Participation Agreement / Notice to Proceed

The Participation Agreement is sent to the LPA by the LPAA for signatures. After it is signed and returned, the agreement will be recommended by the LPAA and executed by the Deputy Secretary for Engineering. The executed agreement will serve as the approving document for the LPA.

SCDOT'S LPAA office will provide copies of the participation agreement to all anticipated stakeholders. The LPA will be given a Notice to Proceed (for each project phase) from SCDOT upon successful completion of the previous project phase and the LPAA's receipt of notification from the Obligations Management Office that the work has been authorized. The LPA shall not proceed with any given phase of work prior to receiving notification by SCDOT.

8. Invoices and Payments

All requests for reimbursement for locally administered projects must be submitted to SCDOT's LPAA office. The request for reimbursement must include documentation to support compliance with federal and state requirements and must be done in a manner that supports a determination that contract requirements were met and the work was completed in reasonable conformance with the contract documents. Invoices for qualified work and/or materials will be forwarded to the appropriate PPM or DEA for verification of documents and recommendation of payment. The invoice is then returned to the LPAA along with any additional support documentation, as deemed necessary. Upon satisfactory concurrence, the invoice will be recommended by the LPAA for processing by the Accounting Office.

9. Use of Consultants

The LPA may procure consultant firms to assist in carrying out engineering and design related services needed in either the project development and/or construction phases. In general, the procurement process used by the LPA must meet all State and Federal requirements necessary to support a qualification based selection process. The procurement process is to be submitted to SCDOT for review and approval prior to initiating the selection process. The LPA is required to maintain adequate documentation to substantiate each phase of the selection process has been carried out in conformance with the approved procurement process.

The LPA is to develop its own independent cost estimate to serve as the basis for negotiations of a fair and reasonable cost with the most qualified consultant. The LPA is to maintain adequate documentation of its review of all consultant invoices to support compliance with State and Federal cost principles, terms of the contract, and progress of the work completed.

B. PROJECT DEVELOPMENT PHASE

1. Plan Development

The LPA will be responsible for preparing all necessary plan drawings, special provisions, utility coordination or documents needed to execute and deliver the project as outlined in the PA.

The LPA may utilize the services of a project consultant to perform any of the necessary services as described in paragraph A.9, above. The consultant must be procured according to the procurement procedures submitted in the [LPA Qualifications Evaluation Form](#) as approved by SCDOT. Prior to the execution of a consultant contract, the LPA must submit an [LPA Consultant Concurrence Request Form](#) to the LPAA for review and concurrence of consultant selection. The LPAA may utilize SCDOT staff from both the engineering and administration departments as appropriate to assist in evaluating the various components of the request.

The LPA must receive written concurrence of the consultant selection from the LPAA prior to the execution of any contract with a consulting firm. **Failure to receive this written concurrence will be sufficient cause to terminate the Participation Agreement.**

Plans developed under LPA agreements must be submitted to the PPM at various stages during development as outlined in the PA. The PPM will forward plan submittals to the appropriate staff for coordination of plan review. The PPM will assemble comments, prepare a response to the LPA, and forward a copy to the LPAA unit for the project files. **Failure to submit plans or address comments resulting from review prior to proceeding with the next phase of design will be sufficient cause to terminate the Participation Agreement.**

The LPA must receive approval from SCDOT for any design exceptions on state owned facilities prior to incorporating into the project. Requests for design exceptions must be submitted to the PPM for review coordination and approval. Copies of the request and SCDOT's response (approval or denial) are to be provided to the LPAA for the project file.

2. Environmental Review

All Federal-aid projects must comply with and adhere to the National Environmental Policy Act (NEPA). The LPA is responsible for conducting any public involvement activities. The LPA is also responsible for the preparation of all required documents, reports and other necessary supporting material to satisfy the NEPA process. Once prepared, this information shall be submitted to the PPM. The PPM will forward the submitted documentation to the Environmental Office for a NEPA decision. The PPM will assemble comments or provide the NEPA determination to the LPA, and forward a copy to the LPAA unit for the project file. The [South Carolina Department of Transportation Environmental Guidance Manual](#) must be consulted in developing the proper environmental documentation. **A NEPA determination must be made by SCDOT prior to any acquisition of necessary rights of way, development of final design plans, and/or prior to the project advertisement for a construction contract.**

Written approval of NEPA compliance must be received from SCDOT by the LPA. **Failure to receive this written approval will be sufficient cause to terminate the Participation Agreement. A copy of this approval is to be forwarded to the LPAA for the project file.**

3. Right of Way / Utilities

The LPA shall submit a written determination of the need for any rights of way to the PPM following the plan development and environmental review phase. The PPM will forward the submitted documentation to the LPAA and the Director of Right of Way to ensure that the SCDOT Right of Way Office will conduct appropriate coordination with the LPA. The Director of Right of Way will assign a Right of Way Field Agent (RW Agent) to the identified project.

The LPA shall provide a *Right of Way Certification Letter (Certification for Present Rights of Way)* to the PPM prior to advertisement for a construction contract if no new additional Right of Way is required. The PPM will forward the submitted certification letter to the SCDOT Right of Way Office to determine acceptance. The PPM will assemble comments or once approved, provide certification acceptance to the LPA and forward a copy to the LPAA for the project file.

Should it be necessary to obtain permanent or temporary rights of way to deliver the project, all right of way activities shall be performed in accordance with the requirements of the *Uniform Relocation Assistance and Real Property Acquisition Act (The Uniform Act)*. The LPA shall provide the PPM with a *Right of Way Certification Letter (Certification for Acquisition)* at the time rights of way acquisitions are complete and prior to advertisement for a construction contract. The PPM will forward the submitted certification letter to the SCDOT Right of Way Office to determine acceptance. The PPM will assemble comments or once approved, provide certification acceptance to the LPA and forward a copy to the LPAA for the project file.

An accepted Right of Way Certification Letter must be received from SCDOT by the LPA prior to advertisement of a construction contract. **Failure to receive this written acceptance will be sufficient cause to terminate the Participation Agreement.**

An LPA is required to document in the project records that they have verified that all necessary utility relocation work have been completed as required. **This verification shall be in the form of a certification and provided to SCDOT prior to advertisement of the associated construction project.**

For those utility relocations that are not practicable in advance of the construction project, the certification shall state that all necessary arrangements have been made for it to be undertaken and completed as required for proper coordination with the physical construction schedule. The LPA shall ensure that the bid proposal includes an appropriate notification describing the extent of utility work that is to be underway concurrently with the construction project.

For federally reimbursable utility relocations, the utility agreement (between the utility company and SCDOT or LPA) shall be supported by plans, specifications, and itemized cost estimates. The LPA must maintain sufficient source documentation to verify a utility relocation invoice is accurate and reasonable. Field records (i.e., daily diaries) need to be maintained to verify that utility relocation work was actually performed as required and determined to be acceptable.

4. Plan Review and Plans, Specifications & Estimate (PS&E) Package Approval

a. Plan Reviews

The LPA shall submit plans to the PPM for review prior to submittal of the PS&E package. The plans shall be submitted at 30%, 65%, and 90 to 100% complete or at a stage or frequency indicated in the PA. The PPM will assemble comments and provide a response to the LPA. Upon incorporation of comments, corrections, or resolution of concerns, the LPA must submit the corrected plans for final plan approval.

Written approval of the plans must be received from SCDOT by the LPA prior to submittal of the Plans, Specification, & Estimates Package.

b. PS&E Package Approval

Upon approval of the project plans, the LPA may submit the PS&E package for approval. The LPA must submit the PS&E Package to the PPM for review and approval prior to construction advertisement as outlined in the PA. The package shall include a completed "Calculations of DBE Goals for LPA Projects" Worksheet. SCDOT will review the worksheet for concurrence with the recommended goal to assure that LPA project goals are appropriate in meeting SCDOT's overall program goal. The PPM shall complete the *PS&E Review Checklist* and forward the submitted documentation to the appropriate preliminary engineering staff and the Office of Business Development and Special Programs (OBD) for review. The PPM will assemble comments or recommend approval of the submitted package. Upon approval of the PS&E Package, a final copy is sent by the PPM to the LPAA and Obligations Management Office requesting authorization from FHWA. Upon authorization, the LPAA will notify the LPA of the approval of the PS&E package and approval to advertise the project. The PS&E package shall contain all necessary information and items to advertise the project for construction bids to include but not limited to a Proposal Document, *Cost Estimate (sample)*, and approved project plans. The Proposal Document shall include the following **required** Federal Aid and SCDOT Contract Provisions:

- *Required Contract Provisions Federal Aid Construction Contracts*
- *Specific Equal Employment Opportunity Responsibilities Training special Provisions*
- *Standard Federal Equal Employment Opportunity Construction Contract Specifications*
- *Application of Davis-Bacon and related Acts to Independent Truck Drivers and Miscellaneous Construction Activities*
- *Requirements for Federal Aid Contracts which Affect Subcontractors, DBE Haulers, Material Suppliers and Vendors*
- *Buy America Provisions*
- *Disadvantaged Business Enterprises (DBE) – Federal Projects*
- *Late Discovery of Archaeological/Historical Remains on federal Aid Projects and approval of Designated Borrow Pits*

- ***SCDOT Required Contract Provisions***

The LPA must receive written approval of the PS&E package from the LPAA. **Failure to receive this written approval will be sufficient cause to terminate the participation agreement.**

5. Encroachment Permit

For any project managed by an LPA that may involve work or activities on rights of way of SCDOT, an ***Encroachment Permit*** must be submitted by the LPA and approved by SCDOT. The Encroachment Permit application must include a cover letter indicating that the project is an LPA project. The LPA must submit the Encroachment Permit application to the appropriate Resident Maintenance Engineer (RME) for review and approval prior to the advertisement of a construction contract. Upon receipt of an approved encroachment permit by the LPA, the LPA will provide a copy of the encroachment permit to the LPAA.

6. Advertisement and Award of Construction Contracts

Upon approval of the PS&E package, approval of construction authorization by FHWA and receipt of an approved encroachment permit, the LPAA shall notify the LPA that they may proceed with the advertisement of the construction contract. The advertisement and bid evaluation must be conducted according to the procurement procedures submitted in the ***LPA Qualifications Evaluation Form*** as approved by the LPAA. The LPAA will copy the DEA and the PPM with this notification.

*The LPA shall review the bid proposals for responsiveness to the proposal requirements, competitiveness, and for reasonable comparison to the engineering estimate. The LPA is to document this review taking into consideration the evaluation factors outlined in ***FHWA's Bid Evaluation Guidelines***.*

If the LPA's bid review determines that all bids should be rejected, the LPA is to submit a request to SCDOT for concurrence in the rejection of all bids. SCDOT shall review and approve any revisions, if necessary, to the PS&E prior to authorizing re—advertisement.

*When the LPA's bid review identifies a reasonable and responsive bidder (or bidders), the LPA shall submit to the LPAA a request to concur in the award of the project to the lowest responsive bidder according to the ***LPA Concurrence Request Form***. Upon review and written concurrence from LPAA, the LPA shall provide a formal ***Award Letter (sample)***.*

The LPA shall not procure sole source construction services or engage in self performing construction work without prior approval of SCDOT through the LPAA Unit.

Upon approval of construction concurrence, the LPA shall submit the following construction documentation to the LPAA for the project file:

- a. LPA Construction Contract Information Form with requested documentation

- b. Copy of Executed Construction Contract
- c. AS-LET plans (approved PS&E plans as let to construction contract): The LPA is responsible for providing as-let plans, when available, to the LPAA office. The plans must include the date that the plans are authorized to be constructed. The LPAA office will forward the plans to the Plans Storage Office for archiving.

NOTE: LPAs shall submit DBE Quarterly Reports beginning on the calendar quarter when construction work begins on the project.

Failure to receive this written concurrence prior to award will be sufficient cause to terminate the participation agreement.

C. CONSTRUCTION PHASE

1. Construction

The LPA is responsible for ensuring all project construction is in accordance with the PA and contract documents. The DEA or designee (RCE) should fully understand the contents of the participation agreement, the Contract, Plans, and the Project Specifications. A Preconstruction Conference will be held prior to starting each LPA construction project. After receipt of the concurrence of the notice of award of the construction contractor from SCDOT and before the beginning of construction, the LPA shall contact the RCE assigned to the project and establish a mutually agreeable date for a Preconstruction Conference. It is mandatory that the RCE attend the Preconstruction Conference and assist the LPA in completing an RCE Pre-Construction Checklist. The role of SCDOT on the project is to be explained to all parties involved in the project. The LPA will identify their full time representative/governmental employee managing the construction project. Prior to a pre-construction conference, the RCE should discuss with the LPA, SCDOT's expectations for project inspection, sampling, and testing, and review the Quality Management Team's Checklist to ensure the LPA is aware of all project requirements. Furthermore, there shall be a clear explanation and understanding of the various Federal provisions (if federally funded) that the LPA will need to monitor including, but not limited to prevailing wage and payroll requirements, DBE program requirements, and Buy America requirements. Other documents that should be discussed are SCDOT's Standard Specifications, Standard Drawings, SCDOT's Construction Manual, RCE NPDES Environmental Guidelines and any other pertinent documents applicable to the project.

The RCE will ensure that the LPA has the appropriate Environmental approvals in place prior to commencement of each construction activity (permits, NOI, etc.). The LPA is responsible for recording and maintaining all documentation, to include all relevant Construction Forms, and is responsible for providing the Material Certification at project closeout. The LPA is required to maintain the official project files. The RCE shall provide copies of commonly used Construction forms to the LPA for their use, which are applicable to the project.

The RCE will be available to the LPA to discuss issues and provide guidance; however, SCDOT's active role in resolving everyday issues should be limited. The RCE should

generally visit the project routinely. The number of visits shall depend upon the scope and complexity of the work, number of active contractors, work activities being performed, etc. All visits to the project by SCDOT personnel are expected to be documented and submitted to the LPAA and made a part of the project files. The RCE is responsible for identifying and informing the LPA's Project Manager of any project, contractor, material, and construction deficiencies, as well as document those deficiencies and the corrective action taken. Follow-ups on the deficiencies will be required to ensure corrective action has been taken. The RCE will inform the LPA, in writing, when deficiencies are not corrected in a timely manner. The LPA will notify the RCE in writing when corrective action has been completed. The RCE will review project paperwork on a routine basis, to include workzone traffic control inspections and erosion control inspections. The RCE will be given access by the LPA to all project documentation. The RCE will attend, with the LPA's representative, utility and/or progress meetings in order to be informed of upcoming work.

The LPA Project Manager must submit to the LPAA and RCE for review and approval of any change orders or contract time adjustments. Modifications to scope may require coordination with the LPAA, PPM, FHWA, and others, depending on the project and when required by the Project Agreement. The LPA must conduct an independent cost analysis for each negotiated contract change. This analysis must be documented and of detail to sufficiently support the reasonableness of the negotiated price. The analysis should also address the impact of the change on the critical path and the need for a contract time extension. The RCE should ensure methods are in place for accurately computing quantities, and should concur in payment requests.

2. Inspection, Testing and Material Certification

The LPA is responsible for ensuring all project materials meet or exceed federal, state, and industry standards and proper documentation must be maintained as the materials are delivered and applied to the project for certification and final inspection. The LPA (with assistance from the RCE) should prepare a *Minimum Sampling Requirements Checklist* in accordance with SCDOT Office of Materials and Research and *SCDOT's Construction Manual*. Inspection and acceptance testing by the LPA should be performed at the frequency, and with the methods, specified in the Construction Manual or as recommended by the manufacturer. All testing should be performed by an AASHTO accredited laboratory and the disposition of non-conforming materials should be documented by the LPA and approved by the DEA or designee. Independent Assurance testing will be performed by SCDOT.

The LPA may utilize the services of a project consultant to perform inspection and or construction oversight services as described in paragraph A.9. The consultant must be procured according to the procurement procedures submitted in the *LPA Qualifications Evaluation Form* as approved by SCDOT. Prior to the award of a consultant contract, the LPA must submit an *LPA Consultant Concurrence Request Form* to the LPAA for review and concurrence of consultant selection. The LPAA may utilize SCDOT staff from both the engineering and administration departments as appropriate to assist in evaluating the various components of the request.

The LPA must receive written concurrence of the consultant selection from the LPAA prior to the execution of any contract with a consulting firm. **Failure to receive this written concurrence will be sufficient cause to terminate the Participation Agreement.**

The Resident Construction Engineer shall ensure that the LPA is providing adequate inspection services and the appropriate sampling and testing is provided, as required by the work activities taking place. The LPA inspection services shall be performed by personnel certified as required by SCDOT in accordance with the SCDOT's Construction Manual – *Section 101.2.4.3*. All items of work will be inspected by an SCDOT certified inspector.

3. Final Inspection

Upon completion of the project and prior to final payment, the LPA shall coordinate a final inspection according to the PA with the RCE. SCDOT will review the project to ensure the project has been completed in conformity with the PA, approved plans, permits, and construction contract documents in addition to meeting the scope and intent of the project. The LPA shall prepare a summary report of the final inspection in conjunction with the RCE. The Final Inspection Summary Report must be submitted to the DEA. In addition, the LPA shall document resolution of all items found during the final inspection in a letter to the DEA. The DEA or designee shall verify that the items have been resolved and provide a copy of the Final Inspection Summary Report and the LPA response letter to the LPAA.

4. Final Material Certification

The LPA is responsible for providing the RCE with certification that all materials sampling and testing was performed in accordance with SCDOT specifications and contract documents. The certification, once accepted by the DEA, should be sent to the LPAA for inclusion in the project file.

5. As-Built Plans

Upon completion of the project, the LPA shall submit copies of the as-built plans to the RCE. The RCE will forward the as-built plans to the As-built Plans Office and notify the LPAA of the submittal. The As-built Plans Office will review the plans and forward to the Plans Storage Office for archiving. All plans will be placed in the Plans Library for electronic access in accordance with SCDOT policy.

6. Final Acceptance

Upon receipt of the Final Inspection Summary Report, the LPA response, and an acceptable material certification for projects on SCDOT owned facilities; Final Acceptance according to [2007 STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION – Section 105.15.2](#) is issued by the DEA or designee to the LPA in place of the contractor. The DEA shall provide a copy of the Final Acceptance Report to the LPAA.

D. **PROJECT CLOSEOUT PHASE**

1. **LPA Project Evaluation**

An *LPA Project Evaluation* form is completed by the appropriate PPM and DEA or designee and submitted to the LPAA office documenting the LPA's project management and delivery performance for each phase of the project. Unsatisfactory or negligent performance in the management of a Local Public Agency project can be considered in future project requests by the LPA.

2. **Project Documentation and Closure**

Upon successful completion of the LPA administered project, the LPAA monitors the SCDOT Closure Process to ensure the project is closed and all project documentation is accounted for and included in the project file within the LPAA office.

Upon receipt of the Final Inspection Letter and or the Final Acceptance Report from the Director of Construction, the LPAA shall notify the Deputy Secretary of Finance and Administration that the project is complete and subject to a final voucher review. The Deputy Secretary of Finance and Administration will conduct final voucher reviews on a representative sample (randomly selected) of LPA administered projects each year.

Project files may now be forwarded to Central File Storage for storage and retention.