



# Federal Funding Requirements

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How many people in the room have a current federal-aid project or have in the last 5 years?



# Discretionary Grant Opportunities

Planning Phase Only

Technical Assistance

Full Construction

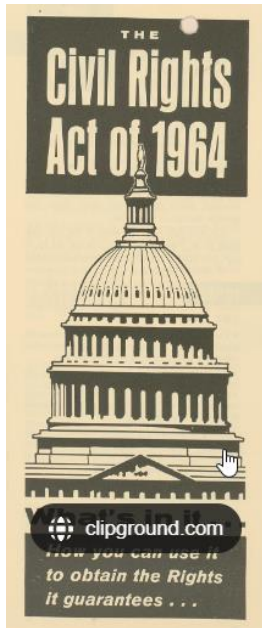
# Phases of a Federal-aid Project

- 1) Programming the Project and Project Management
- 2) Preliminary Engineering and Environmental Clearance (NEPA)
- 3) Right-of-Way
- 4) Final Design, PS&E Review and Project Letting
- 5) Construction & Construction Engineering/Inspection



# Programming the Project and Project Management

- Project must be programmed in the MPO's Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP) to receive FHWA project authority
- Responsible Charge – 23 CFR 635.105(a) requires LPAs to provide a full-time employee to be in responsible charge of Federal-aid construction projects.
  - \*In most instances, NDOT will act as Responsible Charge for LPA projects
- Title VI of the of the Civil Rights Act of 1964
  - Ensure entity has Title VI Assurances and ADA Policies



# Preliminary Engineering and Environment Clearance

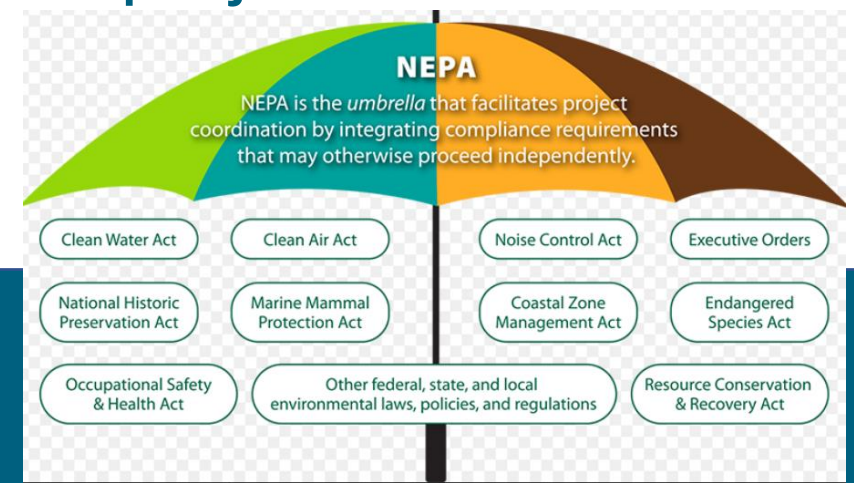
- Procurement of Professional Service – Consultant Selection – must follow written procurement policies and procedures in accordance with 23 CFR 172.9.
- Competitive negotiation – typically “Qualification Based Selection” QBS
  - Request for Proposals – RFP
  - Selection
  - Negotiations
  - Contract Administration
- CFR 200 – Uniform Administrative Requirement, Cost Principles and Audit Requirement for Federal Awards
- Conflict of Interest
- Obligation and Approval





# Preliminary Engineering and Environment Clearance

- The National Environmental Policy Act (**NEPA**) and its associated Federal regulations require that certain procedures be followed in developing a Federal-aid project. The purpose is to provide consideration of a wide variety of social and environmental impacts that may result from the project.



# Right-of-Way

- All ROW acquired must conform to the rules and regulation under Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended the **Uniform Act**.

**\*\*Uniform Act must be followed even if there is NO federal funding in the ROW phase.**

[Right-of-Way Manual \(nebraska.gov\)](#)

[Uniform Act - Real Estate - FHWA \(dot.gov\)](#)

- Obligation Approval

# Final Design, PS&E Review and Project Letting

- FHWA 1273 – collection of federal regulations
- Buy America (23 CFR 635.410)
- DBE
- Regulatory Permits
- Engineers Estimate
- PS&E Certifications
- Competitive Bidding Process
- Prevailing Wages
- Obligation Approval

# Construction and Construction Engineering/Inspection

- Procurement of Profession Service – Consultant Selection – must follow written procurement policies and procedures in accordance with 23 CFR 172.9.
- Change Orders
- Construction Materials Quality Control/Quality Assurance
- Subcontractor Agreements
- Progress Payments



# Items to keep in mind:

- Follow a QBS process when hiring a consultant
  - Follow the Uniform Act always



- NDOT and FHWA is here to help!

[Federal-aid Essentials for Local Public Agencies \(dot.gov\)](#)

[LPA Guidelines Manual](#)