

State Aid Emergency Relief (ER) Procedures

(Revised July 2013)

PURPOSE

The purpose of this document is to provide guidance to Local Agency staff in order to effectively and efficiently administer the ER Program in Minnesota.

BACKGROUND

The ER Program is a special federal program funded by the Highway Trust Fund for the repair or reconstruction of federal-aid highways that have suffered serious damage as a result of natural disaster or catastrophic failures from an external cause. This program supplements the commitment of resources by MnDOT and locals to help pay for unusually heavy expenses resulting from extraordinary conditions.

The applicability of the ER Program to a natural disaster is based on the extent and intensity of the disaster. Damage to highways must be severe, occur over a wide area, and result in unusually high expenses. Applicability of ER to a catastrophic failure due to an external cause is based on the criteria that the failure was not the result of an inherent flaw in the facility but was sudden, caused a disastrous impact on transportation services, and resulted in unusually high expenses.

The ER Programmatic Agreement (Appendix A) allows the use of streamlined procedures and approval delegations to MnDOT. The Federal Highway Administration (FHWA) ER Manual (<http://www.fhwa.dot.gov/reports/erm/>) should be used for additional guidance and clarification.

ER PROGRAM PROCEDURES

In order for a disaster to qualify as an ER event, the following steps must be completed.

1. *Disaster Occurrence*
2. Damaged sites are reported to MnDOT State Aide for Local Transportation (SALT) and MnDOT Emergency Management.
3. MnDOT Emergency Management monitors the dollar amount of damage and reports to the State Emergency Operations Center (SEOC).
4. A Governor's Proclamation or President's Declaration is made.
5. MnDOT Emergency Management sends a Letter of Intent to FHWA Minnesota Division Office.
6. FHWA Minnesota Division Office sends an Acknowledgement Letter to MnDOT.
7. MnDOT Emergency Management coordinates site visits or windshield tours as required.
8. MnDOT Emergency Management requests ER funds and submits Damage Survey Summary Report to FHWA Minnesota Division Office.
9. FHWA Minnesota Division Office reviews MnDOT's request.
10. FHWA Division Administrator concurs in the disaster eligibility and request for FHWA Headquarters fund allocation.

ER PROJECT PROCEDURES

ER project procedures differ depending on the type of repair. For permanent repairs performed concurrently with emergency repairs, follow the emergency repairs procedures (the federal cost share is different for emergency and permanent repairs, even those at the same location).

Emergency Repairs

Emergency repairs are repairs made during and immediately following a disaster to restore essential traffic, to minimize the extent of damage, or to protect the remaining facilities. See Appendix B for more details.

1. The Local Public Agency (LPA) photograph damage at sites and determine appropriate action(s) for each site.
2. The LPA reports location, type of repair (emergency or permanent), and estimated cost to the District State Aid Engineer (DSAE).
3. The LPA selects the contracting method to perform the emergency repairs as best suited to protect the public health and safety and document why the method was chosen.
4. The LPA completes emergency repairs.
5. The LPA must complete the Detailed Damage Inspection Report (DDIR) within twelve weeks of the completion of the emergency repairs. DSAEs approve DDIRs for sites with \$150,000 or less in total estimated damage (combined total of permanent and emergency repairs). For all other sites, DSAEs will contact FHWA to conduct site visits and approve DDIRs.
6. The LPA provides documentation of repair costs incurred as well as date of the costs to the DSAE, including:
 - a. Timesheets,
 - b. Invoices,
 - c. Time and materials records, and
 - d. Anything that documents the expenses of the work submitted for reimbursement.
7. Reimbursement of preliminary engineering (PE) and construction engineering (CE) costs are eligible. SALT must preapprove costs. Costs must also be documented separately from each other and from construction costs.
8. The DSAE places the approved DDIRs in the Electronic Data Management System (EDMS) and updates the ER spreadsheet.
9. The DSAE assigns state project (SP) number(s) to DDIRs.
 - a. SP number is assigned based on CSAH designation rather than emergency program as in the past.
 - b. Different number is needed for emergency work and permanent work even if it is performed concurrently due to differing cost participation.
10. The MnDOT District enters the project into the Program/Project Management System (PPMS). The project does not need to be in Statewide Transportation Improvement Plan (STIP).
11. The DSAE sends the approved DDIRs to SALT.
12. SALT requests federal authorization for the project in FHWA's Fiscal Management Information System (FMIS).
13. SALT requests reimbursement of federal funds to the LPA based on documentation submitted with DDIR (see #6 above).
14. The LPA submits final pay request for reimbursement to SALT.

15. The DSAE completes a Final Inspection Report within twelve weeks of the completion of the emergency repairs.

Permanent Repairs

Permanent repairs are repairs undertaken to restore the highway to its preexisting condition. Permanent repairs shall be performed only by the Delegated Contract Process (DCP) unless the LPA adequately demonstrates that some other method is more cost effective. See Appendix B for more details.

1. The LPA photographs damage at sites and determine appropriate action(s) for each site.
2. The LPA reports location, type of repair (emergency or permanent), and estimated cost to SALT and MnDOT Emergency Management.
3. Permanent repairs shall be performed only by the Delegated Contract Process (DCP) unless the LPA adequately demonstrates that some other method is more cost effective. This determination must be justified on page two of the DDIR (see Appendix D).
4. The LPAs must complete the DDIR before the project is contracted and constructed. DSAEs may approve DDIRs for sites with \$150,000 or less in total estimated damage (combined total of permanent and emergency repairs). For all other sites, DSAEs will contact FHWA to conduct site visits and approve DDIRs.
5. The DSAE assigns SP(s) to DDIRs.
 - a. SP number is assigned based on CSAH designation rather than emergency program as in the past.
 - b. Different number needed for emergency work and permanent work
6. The DSAE places the approved DDIRs in EDMS and updates the ER spreadsheet.
7. The DSAE sends the approved DDIRs to SALT.
8. National Environment Policy Act (NEPA) approval must be obtained. Use ER-SA-1 form.
 - a. Project does not need to be in STIP.
 - b. Project must be in PPMS.
9. All necessary permits must be obtained.
10. SALT requests federal authorization for the project in FMIS*.
11. Project is let via normal DCP process.
12. Permanent repairs are completed. Payment is made by normal DCP means.
13. The DSAE completes the Final Inspection Report and other DCP finaling processing.

*Permanent repairs that are not performed concurrently with emergency repairs are not eligible for federal ER funding if they are performed prior to authorization by the FHWA. The above listed steps (1-7) must be followed prior to SALT requesting authorization.

CONTROLS

MnDOT Emergency Management is the owner of the ER spreadsheet. MnDOT Emergency Management monitors the progress of each ER site and ensures that MnDOT Districts/LPAs are aware that ER sites must progress towards completion of the ER process or they will not receive federal ER funding. Approximately six months after each ER event, a meeting will be held with FHWA to discuss the progress, eligibility, and cost share of all ER sites in the ER spreadsheet.

APPENDICES

APPENDIX A – ER Programmatic Agreement

APPENDIX B –Emergency Repairs vs. Permanent Repairs

APPENDIX C – Contracting Methods

APPENDIX D – Detailed Damage Inspection Report

APPENDIX A

EMERGENCY RELIEF PROGRAMMATIC AGREEMENT BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION, MINNESOTA DIVISION, AND THE MINNESOTA DEPARTMENT of TRANSPORTATION

WHEREAS, the Federal Highway Administration (FHWA), Minnesota Division, is the federal agency with statutory responsibilities for administering the Emergency Relief (ER) program under Title 23 U.S.C.— 125 Highways,

WHEREAS, 23 CFR 668.10S(c) requires the expenditure of ER funds for emergency repairs to be promptly constructed in a manner so as to reduce, to the greatest extent feasible, the cost of permanent restoration work,

WHEREAS, the FHWA ER Manual permits permanent repairs to be performed concurrently with emergency repairs in situations where immediate completion of the permanent work is determined to be more economical or practical,

WHEREAS, the signatories to this agreement desire to streamline work processes and expedite the project delivery of emergency and permanent repairs including performing permanent repairs concurrently with emergency repairs,

NOW, THEREFORE, the FHWA Minnesota Division, and the Minnesota Department of Transportation (MnDOT), pursuant to 23 CFR 668, agree that the ER program for federal-aid highways, these being public highways other than those functionally classified as local roads or rural minor collectors, shall be implemented in accordance with the following stipulations.

STIPULATIONS

The FHWA shall ensure that the following stipulations are carried out:

I. Emergency Repairs

a. Eligibility

The eligibility of all work is contingent upon approval by the FHWA Division Administrator of an application for ER and inclusion of the work in an approved ER program of projects (23 CFR 668.109(a)). A detailed explanation of emergency repairs is found in Section D(1) of Chapter II of the FHWA ER Manual (<http://www.fhwa.dot.gov/reports/erm/>). The Detailed Damage Inspection Report (DDIR) is the document the FHWA uses to determine eligibility. DDIRs for emergency repair projects are normally approved/completed after the work is completed.

MnDOT will complete and/or approve all DDIRs for emergency repair projects within twelve weeks of the completion of the emergency repair work.

b. Contracting Method

Emergency repair work may be accomplished by Emergency Contract, Negotiated Contract, the Standard Competitively Bid Contract, local public agency (LPA) or MnDOT force account methods as determined by the LPA or MnDOT as best suited to protect the public health and safety (23 CFR 668.105(i)) and as allowed by Minnesota Statute. All applicable federal requirements, including form FHWA-1273

(<http://www.fhwa.dot.gov/programadmin/contracts/1273.pdf>), must be physically incorporated into all contracts as well as appropriate subcontracts. This includes, but is not limited to: the Davis-Bacon Act, Buy America, Disadvantaged Business Enterprise (DBE), Americans with Disabilities Act (ADA), Equal Employment Opportunity (EEO), Convict Labor, and Use of Suspended or Debarred Contractors. Davis-Bacon requirements do not apply to state or local government agency employees who perform emergency repairs or construction work on a force account basis. Davis-Bacon requirements also do not apply where emergency contract work is only for the removal of debris and related clean up.

Obtaining MnDOT Emergency Contracting Authority is a step in the State process. It does not satisfy all federal regulatory requirements and therefore does not guarantee federal eligibility or funding.

c. Federal Share

The federal share payable for emergency repairs to minimize damage, protect facilities, or restore essential traffic accomplished within 180 days after the initial day of the actual occurrence of the natural disaster or catastrophic failure may amount to 100 percent of the costs thereof (23 CFR 68.107(a)). The initial day of the actual occurrence of the natural disaster or catastrophic failure serves as the beginning date of ER eligibility unless a different date is approved by FHWA.

For costs of all repairs incurred after the first 180 days, the federal share is based on the type of federal-aid highway that is being repaired. For Indian Reservations Roads, the federal share is 100 percent. For Interstate highways, the federal share is 90 percent. For all other federal-aid highways, the maximum federal share is 80 percent.

d. DDIR Approval

MnDOT may approve DDIRs for sites with \$150,000* or less in total estimated damage (combined total of permanent and emergency repairs). FHWA will approve DDIRs for all other sites. All MnDOT-approved DDIRs shall be made available to the FHWA Division Office. MnDOT will provide FHWA with an updated list of MnDOT employees who have authority to approve DDIRs. FHWA will provide regular training to these employees.

e. Prior FHWA Approval

Prior DDIR approval and Fiscal Management Information System (FMIS) authorization is not required for emergency repairs and preliminary engineering (23 CFR 668.109(a)(I)). FMIS

authorization and reimbursement will be completed in accordance with the FHWA-approved MnDOT ER process.

*\$150,000 is based on the Federal Acquisition Regulation, Simplified Acquisition Threshold and Minnesota threshold on Negotiated Contracts.

II. Permanent Repairs Performed Concurrently with Emergency Repairs

a. Eligibility

The eligibility of all work is contingent upon approval by the FHWA Division Administrator of an application for ER and inclusion of the work in an approved ER program of projects (23 CFR 668.109(a)). A detailed explanation of emergency repairs is found in Section D(1) of Chapter II of the FHWA ER Manual. The DDIR is the document the FHWA uses to determine eligibility. DDIRs for permanent repair performed concurrently with emergency repair projects are normally completed/approved after the work is completed. MnDOT will complete and/or approve all DDIRs for permanent repairs performed concurrently with emergency repair projects within twelve weeks of the completion of the emergency repair work.

The FHWA permits permanent repairs to be-performed concurrently with emergency repairs within 180 days after the actual occurrence of the natural disaster or catastrophic failure in accordance with Section D(2)(a) of the FHWA ER Manual. The initial day of the actual occurrence of the natural disaster or catastrophic failure serves as the beginning date of ER eligibility unless a different date is approved by FHWA. All work performed after the first 180 days shall be considered as a permanent repair. A detailed explanation of permanent repairs is found in Section D(2) of Chapter II of the FHWA ER Manual.

b. Contracting Method

The FHWA permits permanent repairs performed concurrently with emergency repairs to use the same contracting methods as emergency repairs. The work may be accomplished by Emergency Contract, Negotiated Contract, the Standard Competitively Bid Contract, or LPA or MnDOT force account methods as determined by the LPA or MnDOT as best suited to protect the public health and safety (23 CFR 668.105(i)) and as allowed by Minnesota Statute. All applicable federal requirements, including form FHWA-1273, must be physically incorporated into all contracts as well as appropriate subcontracts. This includes, but is not limited to: the Davis-Bacon Act, Buy America, DBE, ADA, EEO, Convict Labor, and Use of Suspended or Debarred Contractors. Davis-Bacon requirements do not apply to state or local government agency employees who perform emergency repairs or construction work on a force account basis. Davis-Bacon requirements also do not apply where emergency contract work is only for the removal of debris and related clean up.

Permanent repairs and emergency repairs performed concurrently must have a total site cost of not more than \$150,000 (full value of total contract work). Any of the identified contracting

methods listed above best suited to protect the public health or safety is deemed cost effective. LPAs and MnDOT will limit their use of non-competitively bid contracting methods (Emergency Contract and Force Account). Permanent repairs valued at greater than \$150,000 are to be accomplished by the Standard Competitively Bid Contract method. Any contract expenditure exceeding the \$150,000 limit will be the responsibility of the contracting agency unless approved by FHWA. Exceptions to the requirement to utilize the Standard Competitively Bid Contract, for permanent repairs performed concurrently with emergency repairs over \$150,000, shall be approved in advance by the FHWA Division Administrator on a project-by-project basis.

Obtaining MnDOT Emergency Contracting Authority is a step in the State process. It does not satisfy all federal regulatory requirements and therefore does not guarantee federal eligibility or funding.

c. Federal Share

The federal share for the permanent work is based on the type of federal-aid highway that is being repaired. For Indian Reservations Roads, the federal share is 100 percent. For Interstate highways, the federal share is 90 percent. For all other federal-aid highways, the maximum federal share is 80 percent.

d. DDIR Approval

MnDOT may approve DDIRs for sites with \$150,000 or less in total estimated damage (combined total of permanent and emergency repairs). FHWA will approve DDIRs for all other sites. All MnDOT-approved DDIRs shall be made available to the FHWA Division Office. MnDOT will provide FHWA with an updated list of MnDOT employees who have authority to approve DDIRs. FHWA will provide regular training to these employees.

e. Prior FHWA Approval

Prior DDIR approval and FMIS authorization is not required for permanent repairs performed concurrently with emergency repairs (23 CFR 668.109(a)(2)). FMIS authorization and reimbursement will be completed in accordance with the FHWA-approved MnDOT ER process.

III. Permanent Repairs Not Performed Concurrently with Emergency Repairs

a. Eligibility

The eligibility of all work is contingent upon approval by the FHWA Division Administrator of an application for ER and inclusion of the work in an approved ER program of projects (23 CFR 668.109(a)). A detailed explanation of permanent repairs can be found in Section D(2) of Chapter II of the FHWA ER Manual. The DDIR is the document the FHWA uses to determine eligibility. DDIRs for permanent repair projects must be approved by MnDOT or FHWA before the projects are authorized. FHWA authorization is required prior to project advertisement.

DDIRs must be completed and approved prior to the work and within 180 days of the initial day of the actual occurrence of the natural disaster or catastrophic failure.

b. Contracting Method

Permanent repairs shall be performed only by the Standard Competitively Bid Contract unless the MnDOT (or LPA with MnDOT State Aid concurrence) adequately demonstrates that some other method is more cost effective (23 CFR 668.105(i)). Exceptions to the Standard Competitively Bid Contract method for permanent repairs, not addressed in Section II of this programmatic agreement, shall be approved by the FHWA Division Administrator on a project-by-project basis. All applicable federal requirements, including form FHWA-1273, must be physically incorporated into all contracts as well as appropriate subcontracts. This includes, but is not limited to: the Davis-Bacon Act, Buy America, DBE, ADA, EEO, Convict Labor, and Use of Suspended or Debarred Contractors.

Obtaining MnDOT Emergency Contracting Authority is a step in the State process. It does not satisfy all federal regulatory requirements and therefore does not guarantee federal eligibility or funding.

c. Federal Share

The federal share is based on the type of federal-aid highway that is being repaired. For Indian Reservations Roads, the federal share is 100 percent. For Interstate highways, the federal share is 90 percent. For all other federal-aid highways, the maximum federal share is 80 percent.

d. DDIR Approval

MnDOT may approve DDIRs for sites with \$150,000 or less in total estimated damage (combined total of permanent and emergency repairs). FHWA will approve DDIRs for all other sites. All MnDOT-approved DDIRs shall be made available to the FHWA Division Office. MnDOT will provide FHWA with an updated list of MnDOT employees who have authority to approve DDIRs. FHWA will provide regular training to these employees.

e. Prior FHWA Approval

Prior DDIR approval, National Environmental Policy Act (NEPA) approval, and FMIS authorization is required for permanent repairs not performed concurrently with emergency repairs (23 CFR 668.109(a)(2)). FMIS authorization and reimbursement will be completed in accordance with the FHWA-approved MnDOT ER process.

IV. Contracting Methods

Emergency Contract

Under the Emergency Contract method, an LPA or MnDOT may select one contractor without competitively bidding the contract. The LPA or MnDOT will provide the contractor a scope of work/plan and issue the notice to proceed.

The Emergency Contract method shall only be used when the condition of federal-aid roads necessitates immediate work in order to keep such roadways open for travel or to implement a detour for a closed roadway. LPAs and MnDOT should use every means possible to use either the Competitively Bid Contract or a Negotiated Contracting method.

Negotiated Contract

A Negotiated Contract may be used when the total contract cost does not exceed \$150,000. The standard requirement of competitive bidding and three-week advertisement for bids is waived. A Negotiated Contract involves preparation of a bid package/proposal, receipt of publicly available bids, issue of a contract, and procurement of bonds. While these projects need not be advertised, at least three contractors must be invited to submit a quote.

Standard Competitively Bid Contract

This method has a required three week (minimum) advertisement period for a project. The project must be in the STIP. A Plans, Specifications, and Estimates (PS&E) package must be developed and approved. Shorter advertisement periods may be approved by the FHWA Division Administrator in special cases when justified and pursuant to State and local laws.

Force Account

The term Force Account means the direct performance of highway construction work by an LPA or MnDOT by use of labor, equipment, materials, and supplies furnished directly by the owner and used under their direct control. Due to the emergency character of the work, a considerable portion of the emergency repairs may be performed by 1) MnDOT's own forces, 2) an LPAs own forces, or 3) by an existing or negotiated material and/or equipment rental contract.

Although 23 CFR 635.204(b) states that a formal finding for Force Account work for emergency repairs is not required, LPAs and MnDOT should use every means possible to use either the Standard Competitively Bid Contract or a Negotiated Contracting method.

EXECUTION of this Programmatic Agreement shall constitute conclusive evidence that the FHWA, and MNDOT agree to be bound by the foregoing conditions and to perform the obligations herein set forth.

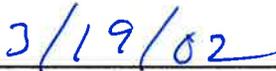
Any agency to this Programmatic Agreement may terminate their participation by providing thirty (30) days written notice to the other agency provided that the agencies will consult during the period before termination to seek agreement on amendments or other action that would avoid termination.

This document was prepared and reviewed by the MnDOT State Aid Division, the MnDOT Operations Division, the MnDOT Engineering Services Division, the MnDOT Modal Planning and Programs Management Division, and the FHWA Minnesota Division Office.

Signed by:



MnDOT Commissioner



Date



FHWA Minnesota Division Administrator



Date

APPENDIX B – EMERGENCY REPAIRS VS. PERMANENT REPAIRS

Both emergency repairs and permanent repairs are eligible for ER funds. It is important to distinguish between emergency and permanent repairs because emergency repairs accomplished during the first 180 days after the occurrence of the disaster are funded at a higher federal share.

Emergency Repairs

Emergency repairs are repairs made during and immediately following a disaster to:

- 1) Restore essential traffic,
- 2) Minimize the extent of damage, or
- 3) Protect the remaining facilities [see 23 U.S.C. 120(e)].

The State and local transportation agencies are empowered to begin emergency repairs immediately without prior FHWA authorization. Properly documented costs will later be reimbursed once the FHWA Division Administrator makes a finding that the disaster is eligible for ER funding. Typical examples of emergency repairs are:

- Erection and removal of barricades and detour signs
- Flagging and pilot cars during the emergency period
- Construction of temporary roadway connections (detours)
- Erection of temporary detour bridges
- Temporary substitute highway traffic service, including ferry or transit service
- Removal of debris
- Removal of slides
- Dynamiting and other removal of drift piling up on bridges
- Placing riprap around piers and bridge abutments to relieve severe on-going scour action
- Placing riprap on the downstream slopes of approach fills to prevent scour from overtopping
- Replacement of washed out embankments and approach fills
- Regrading of roadway surfaces, roadway fills, and embankments
- Placement of final roadway surfaces when needed to restore essential traffic

Any such work may subsequently be included in an ER program of projects, which, when submitted for approval, should include both emergency repairs and any permanent restoration work performed coincidentally with the emergency repairs.

Permanent Repairs

Permanent repairs are repairs undertaken, normally after emergency repairs have been completed, to restore the highway to its pre-disaster condition. Permanent repairs should be administered using normal Federal-aid contracting procedures although use of streamlined procedures is encouraged (e.g., A + B bidding, reduced advertising period, etc.).

APPENDIX C – CONTRACTING METHODS

Emergency Repairs

Under 23 CFR 668.105(i), emergency repair work may be accomplished by the contract, negotiated contract, or transportation agency force account method as determined by the transportation agency as best suited to protect the public health and safety.

States shall advertise the work for emergency repairs where feasible. Where time and conditions warrant, State are strongly encouraged to first consider using the competitive bidding method of contracting for emergency repairs.

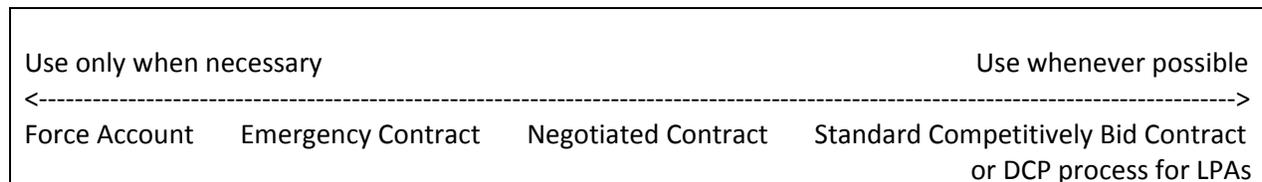
Although 23 CFR 635.204(b) states that a formal finding for Force Account work for emergency repairs is not required, LPAs and MnDOT should use every means possible to use either the Standard Competitively Bid Contract or a Negotiated Contracting method.

Permanent Repairs

Permanent repair and reconstruction work, not accomplished concurrently with emergency repairs, must be done by contract awarded by competitive bidding unless the State demonstrates some other method is cost effective as described in 23 CRF 635.204.

Selection of Contracting Method

The intent of the federal-aid program is to assure an opportunity for free, open, and competitive bidding whenever possible. Below is a diagram that describes the most desirable contracting methods to the FHWA.



Definitions

Force Account

The term Force Account means the direct performance of highway construction work by an LPA or MnDOT by use of labor, equipment, materials, and supplies furnished directly by the owner and used under their direct control. Due to the emergency character of the work, a considerable portion of the emergency repairs may be performed by 1) MnDOT's own forces, 2) an LPAs own forces, or 3) by an existing or negotiated material and/or equipment rental contract.

Emergency Contract

Under the Emergency Contract method, an LPA or MnDOT may select one contractor without competitively bidding the contract. The LPA or MnDOT will provide the contractor a scope of work/plan and issue the notice to proceed.

The Emergency Contract method shall only be used when the condition of federal-aid roads necessitates immediate work in order to keep such roadways open for travel or to implement a detour for a closed roadway. LPAs and MnDOT should use every means possible to use either the Competitively Bid Contract or a Negotiated Contracting method.

Negotiated Contract

A Negotiated Contract may be used when the total contract cost does not exceed \$150,000. The

standard requirement of competitive bidding and three-week advertisement for bids is waived. A Negotiated Contract involves preparation of a bid package/proposal, receipt of publicly available bids, issue of a contract, and procurement of bonds. While these projects need not be advertised, at least three contractors must be invited to submit a quote.

Standard Competitively Bid Contract or DCP Process for LPAs

This method has a required three week (minimum) advertisement period for a project. The project must be in the STIP. A Plans, Specifications, and Estimates (PS&E) package must be developed and approved. Shorter advertisement periods may be approved by the FHWA Division Administrator in special cases when justified and pursuant to State and local laws.

	<h2 style="margin:0;">DETAILED DAMAGE INSPECTION REPORT</h2> <p style="margin:0;">(Title 23, Federal-aid Highways)</p>				FHWA Disaster Number	
					Inspection Date	
Location (Name of road, distance from nearest intersection, milepost, etc.)				Federal-aid Route Number		
Description of Damage (Provide specific details - Bituminous shoulder undermined, inslope failure, washed out culvert, etc.)				County		
				TER Project Number		
				Approximate ADT		
COST ESTIMATE						
Emergency Repair SP: _____	Description of Work to Date (Equipment, Labor, and Materials)	Unit	Unit Price	Quantity	Cost	
					Completed	Remaining
Contracting Method <input type="checkbox"/> Force Account <input type="checkbox"/> Emergency Contract <input type="checkbox"/> Negotiated Contract <input type="checkbox"/> Standard Competitively Bid Contract				Preliminary Engineering (PE) Construction Engineering (CE) Total Emergency Repair		
Permanent Repair SP: _____						
Contracting Method <input type="checkbox"/> Force Account <input type="checkbox"/> Emergency Contract <input type="checkbox"/> Negotiated Contract <input type="checkbox"/> Standard Competitively Bid Contract				Preliminary Engineering (PE) Construction Engineering (CE) Right-of-Way Total Permanent Repair		
National Environmental Policy Act (NEPA) Recommendation <input type="checkbox"/> Programmatic Categorical Exclusion (CE) <input type="checkbox"/> Non-Programmatic CE <input type="checkbox"/> EA <input type="checkbox"/> EIS					Estimated Total Cost	
Recommendation by Local Agency Representative		Date	Recommendation by MnDOT			Date
MnDOT/FHWA Engineer (if estimated total cost is more than \$150,000, approval is made by FHWA)			Date	Eligible? <input type="checkbox"/> YES <input type="checkbox"/> NO	Comments	

The first four questions must all be answered “yes” in order to be approved by MnDOT or FHWA. The last three questions are asking for justification. In order to adequately understand and answer the last three questions, you may need to review the FHWA ER Manual (<http://www.fhwa.dot.gov/reports/erm/>).

YES NO

- 1. Is there a minimum of \$5,000 in estimated total cost for this site (a site can include several adjoining locations where similar damage, related to the same cause, has occurred)?
- 2. Is a map of damaged site included (if adjoining locations are combined to one site, the map must show the locations)?
- 3. Are photos of the damaged site included?
- 4. Is the damaged site on an eligible federal-aid highway not functionally classified as a local or rural minor collector?
- 5. Were permanent repairs performed concurrently with emergency repairs? If yes, please explain how it was determined to be more economical or practical (23 CFR 668.109(a)(2) and Chapter II(D)(1)(b) of the FHWA ER Manual).

YES NO

- 6. Was a contracting method other than competitively bid contract used for *permanent* repairs? If yes, please explain how it was determined that another contracting method was cost effective (23 CFR 635.204 and Chapter VI(M) of the FHWA ER Manual).

YES NO

- 7. Will a betterment be incorporated into the project? *Betterments are defined as added protective features that were not in place prior to the current ER event (such as the rebuilding of roadways at a higher elevation, the lengthening of bridges, armoring slopes or culverts with concrete/asphalt/riprap/sheet piling/interlocking blocks). Prior FHWA approval is required on all betterments.* If yes, please explain how the betterment is economically justified based on an analysis of its cost versus projected savings in costs to the ER program should future ER-eligible disasters occur within the normal design year for the basic repair work, as described in 23 CFR 668.109(b)(6) and Chapter II(D)(2)(f) of the FHWA ER Manual (additional documentation may be necessary).