

STATE AID E-SCENE

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ALTERNATE BID UPDATE

Mel Odens, District 8 State Aid Engineer

The Minnesota Department of Transportation (MnDOT) has made a decision to develop alternate bid pavement plans for rehabilitation projects that fall within certain thresholds. Guidance found in the July, 2012 Design Scene at the following link offer good tips and suggestions from lessons learned by projects that have been let using the alternate bid method. This link also directs you to a September 1, 2011 letter from the Office of Materials and Road Research for further guidance.

<http://www.dot.state.mn.us/pre-letting/scene/download/july-2012.pdf>

COOPERATIVE CONSTRUCTION PROJECTS

The following article regarding Cooperative Construction Projects is from the [July 2012 Mn/DOT Design Scene](#)

LOCAL FEDERAL AID ON MnDOT LET PROJECTS

By Maryanne Kelly-Sonnek-MnDOT Municipal Agreements Engineer

When a construction project is identified in the STIP for Federal Funding, Mn/DOT encourages local agencies to obtain Federal Dollars to help fund their share of eligible cooperative construction project costs through the ATP (Area Transportation Partnership) process. Information on the ATP process can be found in the STIP (State Transportation Improvement Program) Guidance at the following link:

<http://www.dot.state.mn.us/planning/program/atps.html>

The ATP solicits for projects that are eligible for federal funding. The resulting project lists are reviewed and integrated into the Area Transportation Improvement Program which is then sent to MnDOT's Office Capital Programs and Performance Measures to be included in the STIP.

The final STIP is forwarded to the Federal Highway Administration/Federal Transit Administration for approval.

The federal aid dollars that have been approved for local use through the ATP process must be included in the STIP as a separate line item listing both the federal aid and local funds to be used on the project.

For cooperative construction projects, an agreement and “Schedule I” will be prepared to identify the total local liability, which includes both the federal aid funds and the local funds. The local agency will be invoiced for the local share of the project and Mn/DOT will collect the federal share from the federal government on behalf of the local unit of government.

In the unlikely event that federal aid became unavailable for the local portion of the cooperative construction project; the local unit of government would be responsible for the total local cost liability.

If the State makes changes in the contract construction which affects the local cost portion of construction, the State will inform the local officials of any proposed addenda, change orders and supplemental agreements to the construction contract and any associated local cost changes. If the local unit of government requests additional work or changes to the work and the State determines that the requested additional work or plan changes are necessary or desirable, the State perform the additional work or plan changes and bill the locals for the additional costs associated with the change.

At completion of the contract and with the determination of final costs, the State will prepare a Final “Schedule I” which will identify the total final local obligation, which includes the local and local federal aid cost shares.

DE-MYSTIFYING DEBARMENT

Recent discussions of bidder eligibility have caused us to examine the debarment list/s in an effort to clarify which debarment list applies to which contracts. This is complicated when a contractor that has multiple business names is debarred but not all of the company names are included in all of the lists. In an attempt to inform you on who may or may not bid your project, the following guidance has been developed. Please be aware that there are up to three (3) debarment lists that may apply to contracts in Minnesota.

Here are some scenarios on how to apply the lists on a local agency contract:

- 1) City or County non-federal aid contract - apply MnDOT Debarment list (page 1 of 2 of the list on the Electronic proposal and MnDOT website)
 - 2) City or County federal aid contract – apply MnDOT debarment list and the Federal Excluded Parties list (located at: <https://www.epls.gov>)
 - 3) DNR Project with federal funds passing through MnDOT – (DNR is signatory on contract) – all three lists
 - 4) City or County non-federal aid Cooperative Construction Agreement project - apply MnDOT Debarment list
 - 5) City or County federal aid Cooperative Construction Agreement project - apply MnDOT debarment list and the Federal Excluded Parties list (located at: <https://www.epls.gov>)
- In using the federal site, you may determine if your prospective bidders are eligible to bid on your federal projects by selecting “

MULTIPLE NAMES

From the “Search - Current Exclusions” menu on the left side of the screen, then type in the EXACT name of the prospective bidder and hit the Search key, if the name is on the list it will come up and they are not allowed to bid on your federally funded project.

Please contact Merry Daher at 612-366-3821 or by email at merry.daher@state.mn.us if you have any questions about this.



ELECTRONIC SUBMISSION OF THE DCP 08

State Aid (CO) is now accepting the electronic submission of the DCP 08 and accompanying documents. The form DCP 08 is sent to the State Aid Office so that your project funding can be set up in the State Aid Finance SAAS system for payment distribution. If you choose to send in the DCP 08 electronically, please send it in PDF format with the low bid information in Excel format. In most cases, our email system is able to receive emails as large as 25 Mb, but your system may not be able to send files that large, so sending in a CD or DVD is another option.

Of course, you still have the option of sending your DCP 08 as a hard copy. Eventually, the paper transmittals will be eliminated. Remember that, whichever form you choose to send the DCP 08, all of the documentation that is required to be sent along with the DCP 08 remains the same. The required documentation includes:

- 1) 1 copy of the **COMPLETE** Bid Proposal Booklet with prices & signatures of the low bidder.
- 2) 1 copy of the detailed bid estimate (summary of low bid only, in engineer's estimate format, in Excel with at least 12pt font, showing the breakdown of federal participating and non-participating for each category/group).
- 3) 1 Copy of the award letter.
- 4) 1 signed NPDES application and declaration.
- 5) Copies of Affidavits of Publication from all advertising sources. If you advertised using the SALT website (EAdvert), please include a copy of your ad.

Email your DCP 08 to: mark.channer@state.mn.us or mail your CD/DVD or hard copy to:

Mark Channer
Minnesota Department of Transportation
Mail Stop 500
395 John Ireland Boulevard
St. Paul, MN 55155

If you have questions, call Mark at 651-366-3828



EMERGENCY RELIEF

Emergency Relief is the emergency funding from FHWA when a disaster of greater than \$700,000 damages roadways. Last year Lynnette Roshell attended a Kaizen event to look at improvements to the process to make the paperwork and money flow easier. This process is being put to the test in the recent rain events in thirteen counties, including St. Louis, Carleton, and Dakota Counties. A team went out in late May and did training on the process in Districts 2 and 4 and did training in August for the southern districts. Plans are for additional trainings this fall for the Metro counties and District 3 as well as a debriefing session in District 1.

Office people in Central Office are in the process of closing out old events and requesting paperwork for the events that occurred between 2009 and 2011. The current 2012 event is estimated to have \$70,000,000 in damage between MnDOT and the local agencies. \$3,000,000 in quick release funds was given to Minnesota and those funds have all been assigned to damaged locations. We are working with the FHWA Division Office on release of \$5,000,000 more before October 1. For those of you that have been through an emergency, you know that there are extraordinary demands placed on you at them in time of the event. Thanks to the Cities of Duluth and Hermantown as well as Crow Wing, Aitkin, St. Louis, Pine, Lake, Carlton, and Sibley for getting much of their initial paperwork in quickly.

INACTIVE PROJECTS

Over the past two months, you may have been contacted by someone from State Aid or MnDOT Finance asking you about an inactive project. The FHWA defines inactive projects as a project that has not had any financial activity for more than 12 months. Financial activity would be authorization, pay request, modification, or close out. There are billions of dollars nationwide that are authorized, but have not been actually spent. In Minnesota, our balance is in the millions of dollars. FHWA has been pushed from Washington to clean up these projects and they in turn are pushing MnDOT. At one point there were one hundred thirty one projects on the list and the desire was to get the list down to nineteen projects. If the projects are truly inactive then release the funds so they can be spent somewhere else or if they are active projects make a payment. We know that most of these projects are not “inactive” but are progressing along and the local agencies have just not requested reimbursement for a while. This initiative seems to be a new priority for the FHWA. We are asking that if you have a federal project that you request reimbursement as the project occurs and not wait until the end, especially if it is an expensive project. By the same token, it takes a lot of staff time to process reimbursements every month for small amounts of money. We need a balance between timing of requests and amounts requested.

If you have questions on Emergency Relief and Inactive projects please contact your DSAE or Lynnette Roshell at 651-366-3822 or by email at Lynnette.roshell@state.mn.us



FLASH FLOODS OF JUNE 2012

By Walter Leu-DSAE District 1

Everyone by now has heard of the June 2012 Duluth flood. What you may not know, is how this “perfect storm” came about. Like most of Minnesota, we had a dry winter. Most of our area did not get a lot of snow melt, but what we lacked in snowfall, we gained in May and early June rains that totaled over 8 inches. We actually had one flash flood event in the weeks prior to the flood, but no one expected what was to come. Starting late evening of June 19th, a very concentrated cell of heavy rain dropped over 10 inches of rain during the next 12 hours. Lakes and streams already full, created a violent flash flood event, the perfect storm. The steep grades of Duluth became Whitewater Rivers that ripped sheets of pavement from the streets. At one point there were over 400 road closures, and you could not travel south of Cloquet. No travel was advised in all of Carlton County. The previous 100 year record flow for the St. Louis River was 35,000 cubic feet per second. This flood exceeded 70,000 cubic feet per second, greater than the estimated 500 year event. Yet, with all this violence, there were no serious injuries. Even little Kenny, the young boy visiting from Tennessee, survived a 3,000 foot wild ride through Proctor’s storm system, to the great relief of all those searching. There is always a silver lining in even the darkest storm cloud. We will repair the estimated \$108 million in damage, and we will always remember, in our hearts, all those that helped us through this “perfect storm”.

Leu has put together a presentation titled "Rain&Flood 2012". The link to the PDF presentation can be found at: <http://www.dot.state.mn.us/stateaid/ProjDeliv/Rain&FloodJune2012.pdf>

STATE AID FINANCE UPDATE



FEDERAL PAYMENT REQUEST REQUIREMENT

All DCP Payment Requests “with par and non-par categories” will require a breakdown of par and non-par costs to be attached with the DCP Payment Request and contract invoice. The breakdown has always been a requirement in the DCP Process, for Final and Partial Payments, but never enforced with the partial payments; however, it is now required to ensure Federal Funds are not overpaid. The breakdown must show bid item, quantity, price and total by item and totals by category. The breakdown should tie out to the categories certified on your DCP Payment Request.

MAXIMIZE, MAXIMIZE, MAXIMIZE YOUR FEDERAL FUNDS

Many DCP Final Payment Requests and State Aid Final Payment Requests need to be revised because Federal funds are not maximized, this delays your payment. There may be some confusion with users on how the Federal County Road and Bridge (FCRB) System works. This is the system your DCP Payment Requests are entered into and processed from. In FCRB your project is set up based on the information received from the awarded contract prices, not on the Federal funding cap.

FCRB System has a “bid cap”. This is not a true cap, but it is where the system “STOPS” paying based on your contract prices for par items. The “project cap”, is the total Federal Funds available if you have sufficient construction costs. To encumber the additional funds, you must submit supporting documentation. This includes any Supplemental Agreement, Change Order, Work Order, Overrun, Incentives or Fuel Escalation costs. These can be sent before you submit your final or with your final.

These caps can be found on the Funding Participation Distribution, the “bid cap” is the total of the Federal funding set-up, and is the total at the bottom of the “Federal Funds” column. (hi-lighted in yellow) The Federal cap is in the header of the “Federal Funds” column. (hi-lighted in green)

**DCP PROJECT SP xxx-xxx-xxx
PARTICIPATION DISTRIBUTION (based on low bid)**

Federal Project #	TEAX xxxxx (xxx)				Let:		
Agreement #	nnnnn				FEDERAL CAP	Low Bidder:	
CATEGORY	BID AMOUNT	% Eligible for Federal Participation	AMOUNT ELIGIBLE FOR PARTICIPATION	PARTICIPATION PERCENTAGE	CAPPED? YES \$246,960.00 FED TEAX FUNDS	ELIGIBLE FOR STATE AID FUNDS	TOTALS
SP xx-xxx-xxx PAR	\$258,388.24	100%	\$258,388.24	Federal 80% SA Funds 20%	\$206,710.59	\$51,677.65	\$258,388.24
	\$258,388.24		\$258,388.24		\$206,710.59	\$51,677.65	\$258,388.24

BID CAP**

When you get your Funding Participation Distribution and your bid cap is less than your project cap be sure to check your actual costs at the time you final the project. If your **actual par costs** are greater than the bid cap FCRB will not automatically increase your Federal funds, you need to request an increase.

If you need to request an increase in Federal funds on your final do NOT use the numbers from the DCP Final Pay Request to complete your State Aid Pay Request. Use the ACTUAL costs to complete the State Aid Pay Request and submit the required supporting documentation listed below.

- ✚ State Aid Pay Request with actual costs
- ✚ DCP Pay Request with calculated costs
- ✚ Supporting documentation for the Federal funding increase
- ✚ Normal documentation for project finals

If you have any questions, when you are ready to prepare your final please feel free to contact **Candy Harding** in State Aid Finance at (651) 366-4891 or your District State Aid Office. If you do not maximize your Federal Funds you will be asked to revise your forms.



SCALPING OF BITUMINOUS MIXES

There is an ongoing discussion on scalping rock in the production of Class 5 and 6 aggregates. Rock is a valuable portion of bituminous aggregate production and there is a tendency to reduce the rock going to aggregate base production. Currently the producer/contractor (Quality Control – QC Test) has a daily requirement of one crushing test per day, while the Agency (Quality Assurance – QA Test) is required to grab 2 samples/source. Percent Crushing is a required portion of the Certification of Aggregates and Granular Materials and is often an audit issue. See [G & B Manual 5-692.203 & 204](#) for crushing procedures and notify your District Materials if you have questions or concerns regarding this issue.

For questions regarding the scalping of the bituminous mixes, please contact Joe Macpherson at 651-366-3832 or by email at Joseph.Macpherson@state.mn.us

STATE AID WEBSITE UPDATES

As many of you may have noticed, many updates have been made to the State Aid website and associated reference materials. The following are just a few:

- The State Aid Home Page “Hot Topics” and “Important State Aid Information” tool bars have been updated with new information and old information has been removed.
- On the SA Project Delivery page, under the Environmental/Forms link several updates and additions have been made.
- The electronic State Aid Manual (referred to as the [eSAM](#)) was reformatted to pdf this year to make fact finding easier with the addition of a bookmark feature as well as hyperlinks to other sources of information. The pdf format should also make it load quicker for those with slower internet connections or personal mobile internet devices. To make it easier to track changes, we have also added a “Revisions Log” at the back of the manual which describes what was changed in the manual and when.
- The State Aid Construction pages have also undergone facelifts. All of the construction related electronic forms and spreadsheets have been placed in one location ([Forms and Spreadsheets](#)).

Please call the SALT IR HELP LINE: 651-366-3838 if you need help with access or have questions about the changes to the state aid website



SIGN SUPPORT CRASHWORTHINESS

The standard according to the 2011 MN MUTCD for sign support crashworthiness states that “Post-mounted sign and object marker supports shall be crashworthy (breakaway, yielding, or shielded with a longitudinal barrier or crash cushion) if within the clear zone (Section 2A.19, Page 2A-18).” The target compliance date for this standard as established by the FHWA is **January 17th, 2013**.

A sign supports is classified as crashworthy if it has been tested and passes the testing criteria defined in either NCHRP Report 230, NCHRP report 350 or the AASHTO Manual for Assessing Safety Hardware (MASH). Further guidance and information on “Sign Supports” can be found on the SALT Traffic Safety webpage (http://www.dot.state.mn.us/stateaid/sa_traffic_safety.html) or by contacting either Sulmaan Khan (sulmaan.khan@state.mn.us, 651-366-3829) or Mark Vizecky (mark.vizecky@state.mn.us, 651-366-3839).

SIGN RETROREFLECTIVITY

Compliance dates for regulatory, warning and ground-mounted and overhead-mounted guide and street name signs has been removed, but because there is no compliance date by which signs not meeting the minimum retroreflectivity levels must be replaced, replacement of these devices must be prioritized based on your agencies plan and/or policy. It is important to note that signs with retroreflectivity values below the minimum levels (MN MUTCD: Table 2A-3) are considered to have exceeded its service life, as it no longer serves the needs of the nighttime driver. Only warning and regulatory signs are required to meet the minimum levels provided in Table 2A-3 but all traffic signs are required to be retroreflective.

The target compliance date for developing a plan and/or policy to manage an agency’s roadway sign retroreflectivity as established by the FHWA is **June 13th, 2014**. The methods that may be used to manage retroreflectivity are visual nighttime inspection, measured sign retroreflectivity, expected sign life, blanket replacement, control signs, or other methods developed based on engineering studies. One or more of these options should be used and identified in each agency’s plan and/or policy. Sample policies have been developed to serve as a general guide for agencies to use while creating their own policy/plan to comply with sign retroreflectivity requirements and they can be found on the SALT webpage at http://www.dot.state.mn.us/stateaid/sa_SampleTrafficSignPolicies.html.

Further guidance and information on “Sign Retroreflectivity” can be found on the SALT Traffic Safety webpage (http://www.dot.state.mn.us/stateaid/sa_traffic_safety.html) or by contacting either Sulmaan Khan (sulmaan.khan@state.mn.us, 651-366-3829) or Mark Vizecky (mark.vizecky@state.mn.us, 651-366-3839)



UPDATED TECH MEMO

MnDOT has re-issued the Technical Memorandum regarding Utility Coordination on Local Agency Projects (now numbered 12-06-TS-01) and has extended the expiration date. It is available on the website <http://techmemos.dot.state.mn.us/TechMemo.aspx>

Please contact **Ron Dahlquist** at **651-366-3823** or by email at Ron.dahlquist@state.mn.us if you have any questions about the changes to the Tech Memo

NEW RESOURCE FOR CITIES AND COUNTIES

By Merry Daher-State Aid Plans Engineer

SALT would like to introduce Linda Pate – the latest member of MnDOT’s Cultural Resource Unit whose main role is to perform cultural resource reviews for local agency bridge projects that require a Corps of Engineers Permit. The intent is to have consistent and timely reviews statewide for locally funded projects. She can be reached at: [651-366-3333](tel:651-366-3333) and her email address is: Linda.Pate@state.mn.us



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