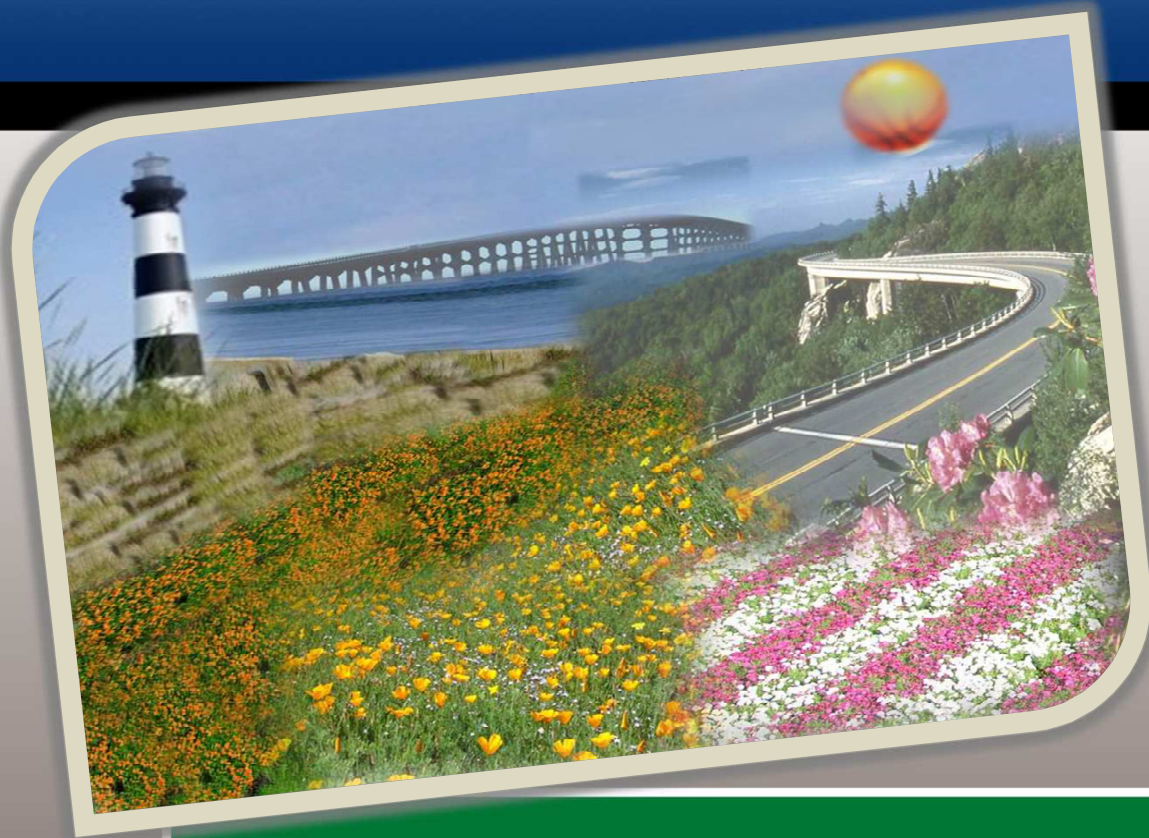


FHWA Oversight Initiatives



2022 NCDOT AGC Workshop





OVERVIEW

Brad Hibbs

- FHWA-NC Division Office
- Stewardship and Oversight
- Risk Based Oversight
- ID/IQ
- ADA

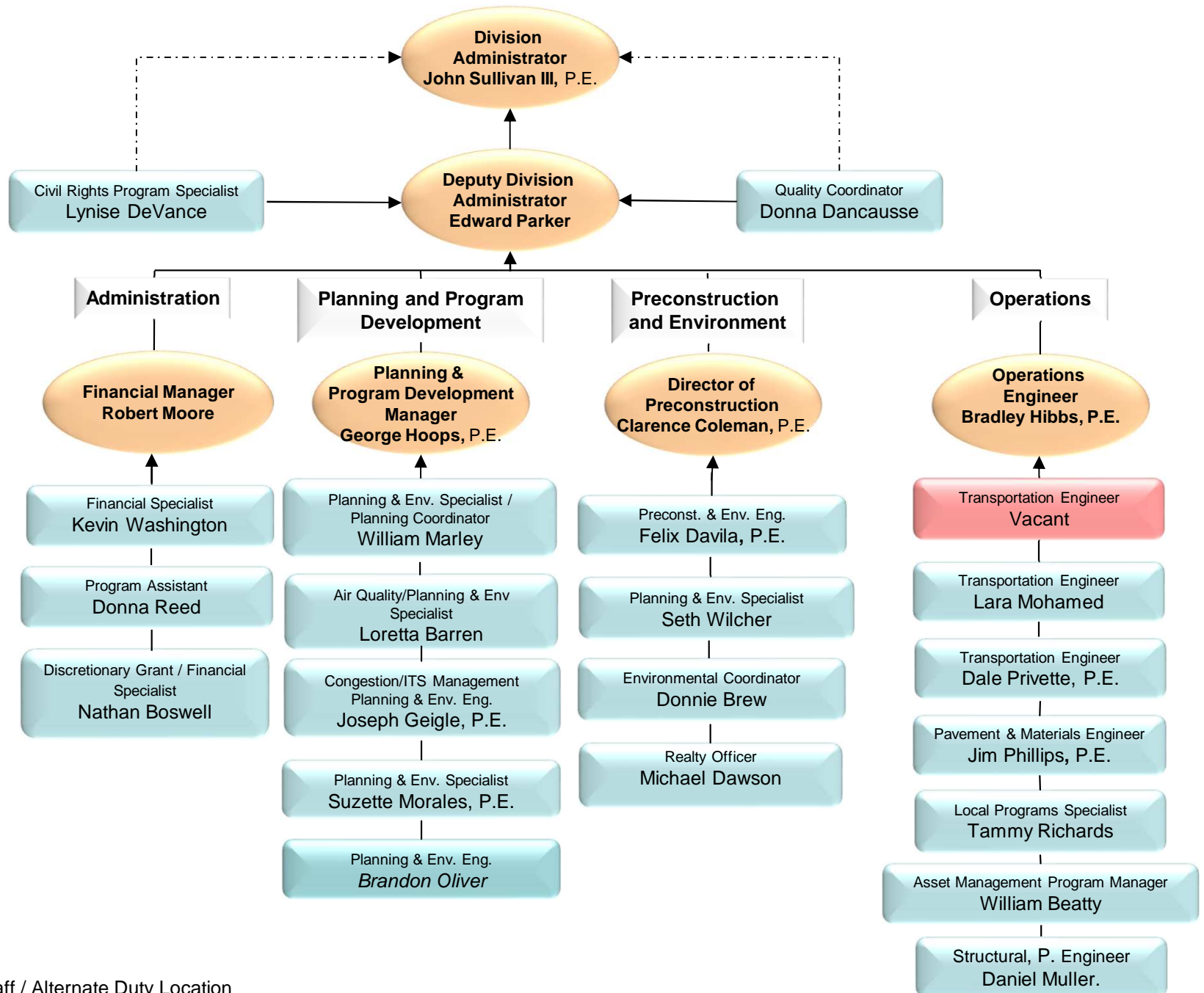
Tammy Richards

- Local Project Oversight



FHWA North Carolina Division Organization Chart

March 2022



*** - USDOT HQs Staff / Alternate Duty Location Employees.

Knowledge Check on Delegation

Oversight of a delegated federal-aid project means that I...

- a) Can treat it just like a state project
- b) Can consider it properly documented if my assistant and I can generally remember what happened during its development
- c) Must act as if I am an agent of the Federal Highway Administration on any delegated decision
- d) Cannot call the FHWA-NC Division Office for assistance if federal regulations are unclear





Delegation to the NCDOT

FHWA-NC NCDOT Stewardship & Oversight Agreement 2021

**§ STEWARDSHIP AND OVERSIGHT AGREEMENT
ON PROJECT ASSUMPTION AND PROGRAM OVERSIGHT
BY AND BETWEEN
FEDERAL HIGHWAY ADMINISTRATION, NORTH CAROLINA DIVISION
AND THE
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
(Supersedes May 12, 2017 Agreement)**

SECTION I. BACKGROUND AND INTRODUCTION

The Federal-aid Highway Program (FAHP) is a federally-assisted program of State-selected projects. The Federal Highway Administration (FHWA) and the State Departments of Transportation have long worked as partners to deliver the FAHP in accordance with Federal requirements. In enacting 23 U.S.C. 106(c), as amended, Congress recognized the need to give the States more authority to carry out project responsibilities traditionally handled by FHWA. Congress also recognized the importance of a risk-based approach to FHWA oversight of the FAHP, establishing requirements in 23 U.S.C. 106(g). This Stewardship and Oversight (S&O) Agreement sets forth the agreement between the FHWA and the North Carolina Department of Transportation (State DOT) on the roles and responsibilities of the FHWA and the State DOT with respect to Title 23 project approvals and related responsibilities, and FAHP oversight activities.

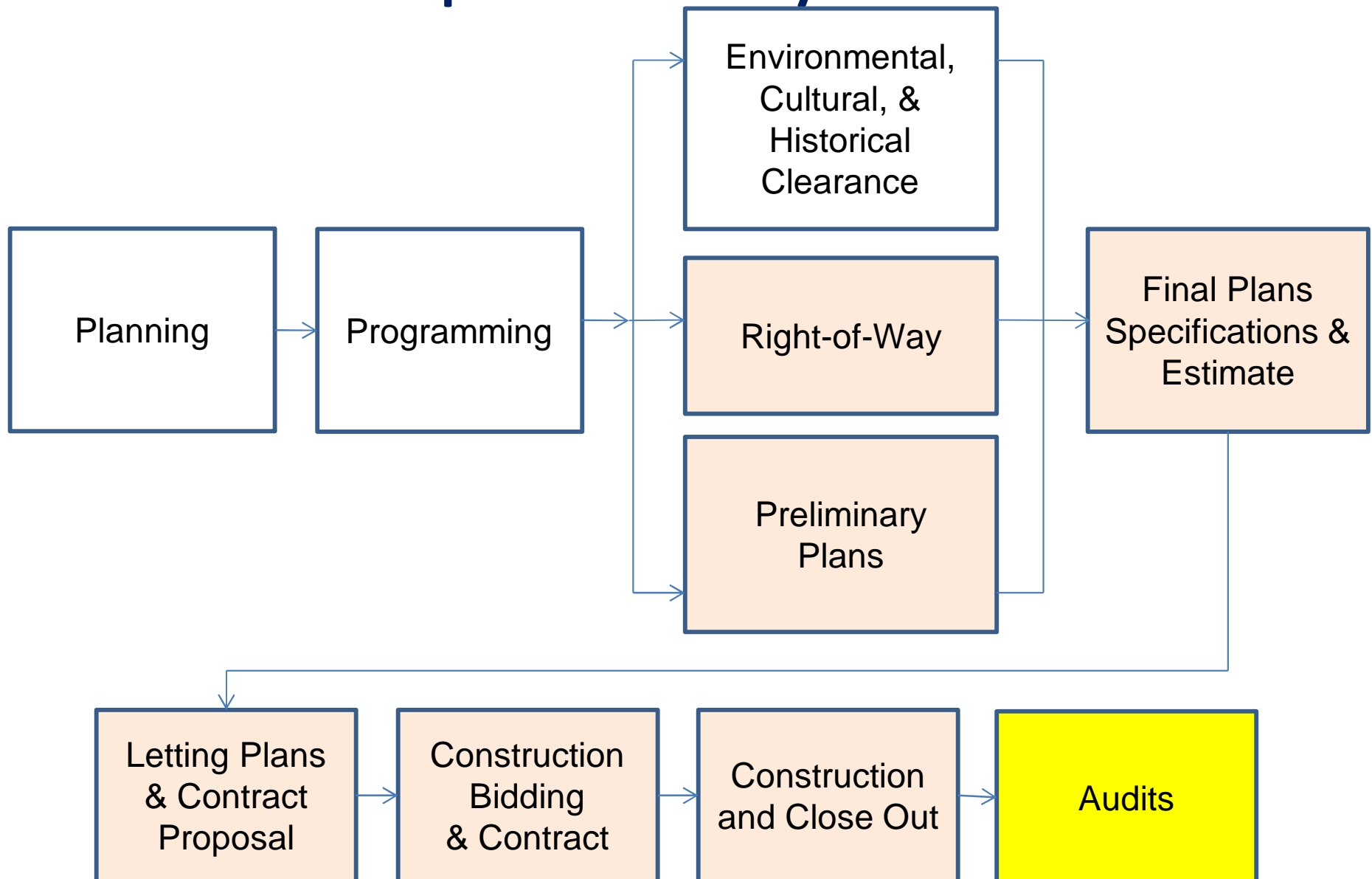
The scope of FHWA responsibilities, and the legal authority for State DOT assumption of FHWA responsibilities, developed over time. The U.S. Secretary of Transportation delegated responsibility to the Administrator of the FHWA for the FAHP under Title 23 of the United States Code, and associated laws. (49 CFR 1.84 and 1.85) The following legislation further outlines FHWA's responsibilities:

- Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991;
- Transportation Equity Act for the 21st Century (TEA-21) of 1998;
- Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) of 2005; and
- Moving Ahead for Progress in the 21st Century Act (MAP-21) of 2012 (P.L. 112-141).

The FHWA may not assign or delegate its decision-making authority to a State Department of Transportation unless authorized by law. Section 106 of Title 23, United States Code (Section 106), authorizes the State to assume specific project approvals. For projects that receive funding under Title 23, U.S.C., and are on the National Highway System (NHS) including projects on the Interstate System, the State may assume the responsibilities of the Secretary of the U.S. Department of Transportation under Title 23 for design, plans, specifications, estimates, contract awards, and inspections with respect to the projects unless the Secretary determines that the assumption is not appropriate. (23 U.S.C. 106(c)(1)) For projects under Title 23, U.S.C. that are not on the NHS, the State shall assume the responsibilities for design, plans, specifications,



Federal-aid Project Delegation: NCDOT Responsibility





Risk Based Project Improvement

- Three Step Process
 1. Screening
 2. Risk-based project assessment
 3. Risk-based project involvement
- Partnership for Quality Improvements
 - CAP Reviews
 - Individual Stewardship and Oversight Project Plans
 - Project and Program Special Reviews





FY 2022 CAP Reviews

- This year there is a reduced number of projects (6) and Questions (7)
- Core Questions
 1. Funding eligibility
 2. Design Criteria
 3. Quality Assurance Testing
 4. Testing Done by Qualified Personnel
 5. FHWA-1273 in Subcontract
 6. Documentation of Supplemental Agreements
 7. DBE Contract Termination Provisions
- CAP Vacation in 2023



Indefinite Delivery Indefinite Quantity



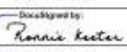
INDEFINITE DELIVERY / INDEFINITE QUANTITY (ID/IQ) POLICY AND PROCEDURE GUIDE



NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

NCDOT Authorization:

Date: 02/18/2022

Signature:  DocuSign by

FOURBRACKENUTDUE
Title: Chief Engineer

FHWA Implementation Approval:

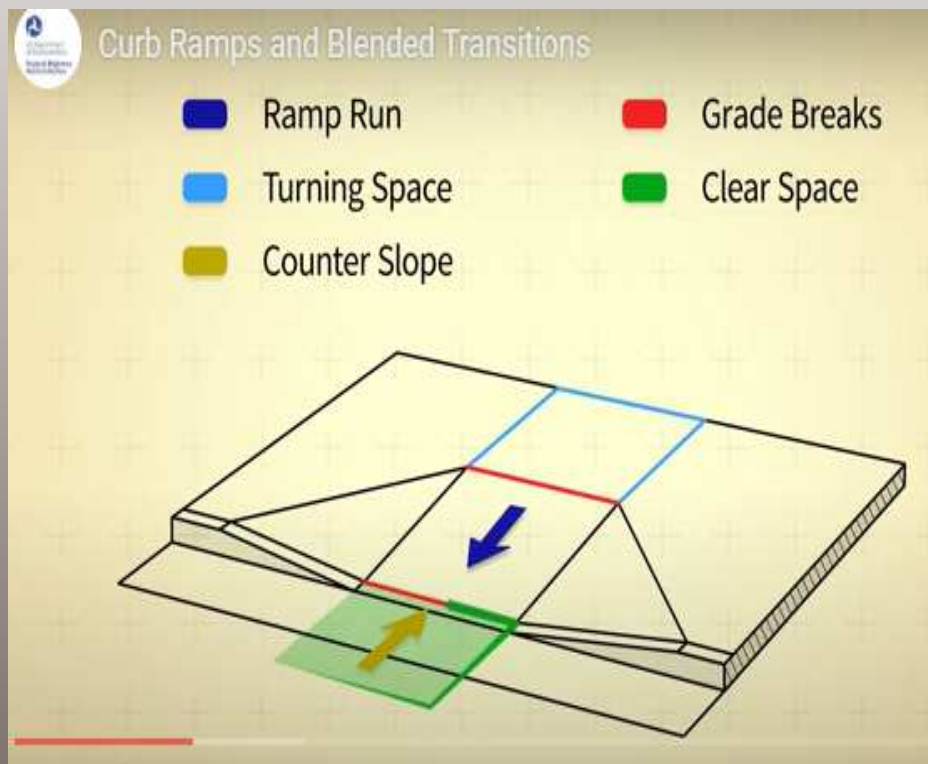
Date: _____

Signature:  2022.02.23 14:24:29 -05'00'

Title: _____



Americans with Disabilities Act Proper Installation of Devices



LPA Focus This Year – Project Closeout

Victor set the theme of the conference this year.
Communication, Working Together & Partnership

Who is in the room today?

- NCDOT?
- Consultants?
- Contractors?

How do I have a role in project closeout? We all have a part to play in the life of our projects





LPA Project Focus This Year – Project Closeout

- We have 526 LPA Projects Statewide
(But timely closeout applies to all projects)
- Many of them are in the final stages of construction
- We move through the process very well until we get to project closeout



Challenges/Benefits of Closing Projects

Challenges:

- NCDOT has no money in project but has full oversight of the projects
- Projects are not in HiCAMS
- Manual closeout process
- Start/End Date – After end date, no more charges
- On average, 300 days for project closeout

Benefits:

- Any funds that are not spent/left on project, goes back “in the pot” to be used on other projects; but waiting too long will cause the funds to lapse
- Less chance of audit



Project Closeout Reminders

Contractors – Get your paperwork (pay apps/materials paperwork/final invoice, etc.) turned in timely

Consultants/CEI Firms – Work with municipalities/contractors/NCDOT to ensure documentation is completed timely

NCDOT – Send in NCDOT-1446B timely, clear all commitments and close PO's in SAP, put project in C50, send in billing worksheet

The Project Completion Date is not the same as the Federal Final Voucher Date.



My Final Completion Date!



Retirement Date: May 31, 2022

