

**STP DIRECT ATTRIBUTABLE  
INDEPENDENT PROJECT GUIDELINES  
Draft January 15, 2003**

1. The MPO TAC takes formal action to program an independent project with Direct Attributable (DA) funding available. The MPO TAC action must state the funding committed based upon the estimated cost of the proposal per preliminary engineering (PE), right of way (ROW), and construction phase of the project as well as the schedule to accomplish each phase of the project. The project must comply with Title 23 Code of Federal Regulations, state and/or local standards and regulations. DOT programs/seeks authorization of federal funds for the project(s) based upon the information submitted with Board of Transportation concurrence. With concurrence, DOT assigns a Transportation Improvement Program (TIP) Project Number (X-XXXX). The MPO may request that DOT authorize a planning project for all independent project preliminary planning activities and feasibility studies with DA funding.
2. The program is a cost reimbursement program with reimbursement on a quarterly basis. The programmed funding amount is the maximum amount allowed for reimbursement for eligible project cost unless the MPO TAC takes formal action to amend the allocation. The estimated cost of the project should exceed \$125,000 and the DA funds programmed should equal \$100,000 or more (80% of the programmed cost of the project funding). A governmental entity must be responsible for providing at least the 20% project matching funds to the DA funds authorized and all costs greater than the programmed DA funding. The governmental entity is also responsible for all costs not reimbursed by Federal Highway Administration (FHWA) due to non-compliance with federal regulations or ineligibility. Any unobligated DA funds shall revert back to the MPO for reprogramming, subject to available obligation authority.
3. An agreement between DOT and local sponsor is required prior to initiation of any right of way acquisition activities. This agreement will define the project's location and whether the proposal is on a state or locally owned facility. If the project is not on the state maintained roadway system, the agreement specifications allow for local design standards to be applied. The implementing agency will certify to the Department that local governing standards and generally accepted engineering practices have been adhered to and a professional engineer has sealed the plans. The agreement will also specify the maintenance and liability responsibilities for the completed project.
4. The governmental entity project manager (hereafter referred to as PM) will oversee project implementation once a project agreement is prepared. The PM ensures the terms of the agreement are adhered to for reimbursement. The agreement must be executed and any required planning documents approved prior to DOT authorizing project specific right of way or construction funding.
5. For projects on the state maintained roadway system, a draft planning environmental document should be submitted for review and approval by DOT for projects requiring a document more comprehensive than a Type I Categorical Exclusion. A file copy of the approved planning environmental document should be forwarded to DOT prior to or with the request for ROW authorization for all projects.
6. The PM obtains any required permits for the project and verifies to DOT that all such required permits have been obtained and have not expired prior to project construction.
7. DOT may authorize ROW funding upon completion of the environmental document and receipt of a request for ROW funding in the listed \$ amount per the attached preliminary plans. The PM is responsible for the acquisition of ROW or easements and such acquisition must be certified in accordance with the Federal Aid Policy Guide, Part 710 ([www.fhwa.dot.gov/legsregs/directives/fapg/cfr0710a](http://www.fhwa.dot.gov/legsregs/directives/fapg/cfr0710a)). Certification of existing municipally-owned ROW shall be in accordance with procedures governing the acquisition of ROW. ROW costs or utility relocation costs incurred prior to federal authorization of ROW funding will not be reimbursed.

8. It is recommended that the PM contact the Division ROW Agent prior to initiating any ROW acquisition to review the preliminary right of way plans and the required negotiation and relocation processes that must be followed by the PM and to determine if an encroachment agreement is necessary.
9. The PM shall accomplish or cause to be accomplished the relocation and/or adjustment of any and all publicly or privately owned utilities in conflict with the project. A plan showing utility conflicts shall be included with the final plans.
10. The PM is responsible for consultant selection or in-house planning efforts. The PM shall select a proposed consultant in accordance with Federal and State Guidelines for procurement as stated in "Rules and Regulations for Major Professional or Specialized Services Contracts" that conforms to NCGS 143-64, and Title 23 of the Code of Federal Regulations. For engineering contracts exceeding \$250,000, the consultant, the scope of work and its cost proposal must be pre-approved by DOT prior to execution of a consultant contract. The consultant selected to perform engineering services on a state maintained roadway must be pre-approved by the Department.
11. Invoices may be submitted by the PM for engineering costs incurred as specified in the agreement. Please note that the project number and whether the invoice is a partial or final invoice should be included on each invoice. Proof of payment and supporting documentation is not necessary if the governmental entity is reporting under the Single Audit Act.
12. For projects on the state maintained roadway system, preliminary design plans will be submitted by the PM for review and approval by DOT. Preliminary design plans are to show design, profiles, typical section, construction limits, drainage, and proposed ROW and /or easements. The project shall be designed in accordance with federal and state regulations as well as AASHTO standards.
13. Prior to the PM advertising for construction bids, the PM shall submit final plans, specifications, and contractor's estimates (PS&E package) for construction funding federal authorization. For projects on the state maintained roadway system, the PS&E package should include 3 sets of final plans/2 copies of contract proposals for DOT for review and approval prior to advertisement of the construction project.
14. The PM shall follow FHWA regulations as contained in the Federal-Aid Policy Guide. Letting of contracts for construction and purchases shall be in accordance with NCGS 143-129 and NCGS 136-28.1.
15. A bid tabulation with DBE goals stated (along with 2 copies of the construction contract for projects on the state maintained system) shall be submitted to DOT prior to award of the construction contract by the PM. The DOT will notify the PM of FHWA and Departmental concurrence, thereby authorizing PM to proceed with the awarding of the construction contract.
16. The PM will oversee and inspect the project construction. All construction invoices should be submitted to DOT for review and reimbursement *subject to all conditions* as contained within the project Agreement. The PM must adhere to Cost Principles as contained in OMB Circular A-87, Administrative Requirements as contained in 49 CFR 18, and shall arrange for an independent audit in compliance with NCGS 159-34 and in accordance with OMB Circular A-128.
17. In the event that funding is withdrawn or adjusted by FHWA, the DOT shall have no further obligation to the governmental entity or liability for the project.