

Supplemental Information for the 2021 Stewardship and Oversight Agreement on Project Assumption and Program Oversight By and Between FHWA and NCDOT

PROJECT ACTION RESPONSIBILITY MATRIX

ACTION	AGENCY RESPONSIBLE		RESPONSIBLE PARTY IN NCDOT DIVISION	NOTES	Guidance/Procedure LINKS	Reference LINKS	Reference LINKS	Reference LINKS	Contact
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS							
GENERAL NOTES									
FHWA Delegation of Authority				Section 106 of Title 23, United States Code, requires the FHWA and NCDOT to enter into an agreement documenting the extent to which the NCDOT assumes the responsibilities of the FHWA under Title 23		23 U.S.C. 106(h)	Federal Stewardship and Oversight		
Stewardship and Oversight Agreement				2017 FHWA/NCDOT Stewardship and Oversight Agreement		Stewardship and Oversight Agreement between FHWA and NC			
Federal-aid Guidance				The Federal-aid Essentials for Local Public Agencies contains over 100 videos that answer questions for both state and local federal transportation funding		Federal-aid Essentials for Local Public Agencies			
PROGRAMMING (All phases)									
Ensure projects in Statewide Transportation Improvement Program (STIP)/Transportation Improvement Program (TIP)	STATE	STATE	Division of Planning and Programming	STIP is documentation that fulfills this requirement	STIP	STIP Planning - Project List			Ray McIntyre
Identify proposed funding category	STATE(1)	STATE(1)	Division of Planning and Programming	For questions on eligibility and specific Federal-aid Programs, see "A Guide to Federal-Aid Programs and Projects"	STIP	A Guide To Federal-Aid			Ray McIntyre
FINANCIAL MANAGMENT (All phases)									
Obligate funds/approve Federal-aid project agreement, modifications, and project closures (project authorizations) (Note: this action cannot be assumed by State)	FHWA	FHWA	Division of Planning and Programming	The "Funding Federal-Aid Highways" manual is a key source of information about federal funding terms and requirements		Funding Federal-aid Highways			Ray McIntyre
Authorize current bill (Note: this action cannot be assumed by State)	FHWA	FHWA	Division of Planning and Programming	The "Funding Federal-Aid Highways" manual is a key source of information about federal funding terms and requirements		Funding Federal-aid Highways			Ray McIntyre
Review and Accept Financial Plan and Annual Updates for Federal Major Projects over \$500 million [23 U.S.C. 106(h)] (Note: this action cannot be assumed by State)	FHWA	FHWA	Project Managers	Major project requirements	Project Management Guide	23 U.S.C. 106(h)			Matt Clarke/Virginia Mabry
Review Cost Estimates for Federal Major Projects over \$500 million [23 U.S.C. 106(h)] (Note: this action cannot be assumed by State)	FHWA	FHWA	Project Managers	Major project requirements	Project Management Guide	23 U.S.C. 106(h)	Major Project Program Cost Estimating Guidance		Matt Clarke/Virginia Mabry
Develop Financial Plan for Federal Projects between \$100 million and \$500 million. [23 U.S.C. 106(i)]	STATE	STATE	STIP	No formal approval by FHWA, STIP Unit documents to file; however, report must be produced for the FHWA during review.	STIP	23 U.S.C. 106(h)			Ray McIntyre

ACTION	AGENCY RESPONSIBLE		RESPONSIBLE PARTY IN NCDOT DIVISION	NOTES	Guidance/Procedure LINKS	Reference LINKS	Reference LINKS	Reference LINKS	Contact
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS							
ENVIRONMENT (All phases)									
All EA/FONSI, EIS/ROD, 4(f), 106, 6(f) and other approval actions required by Federal environmental laws and regulations. (Note: this action cannot be assumed by STATE except under 23 U.S.C. 327)	FHWA (2)	FHWA (2)	EPU	The National Environmental Policy Act (NEPA) requires federal agencies to consider the potential environmental consequences of their proposals, document the analysis, and make this information available to the public for comment prior to implementation.	NEPA/SEPA Guidance	Environmental Review Toolkit			John Jamison
Categorical Exclusion approval actions (Note this action cannot be assumed by the State except through an assignment under 23 U.S.C. 326 or 327, or through a programmatic agreement pursuant to Section 1318(d) of MAP-21 and 23 CFR 771.117(g))	FHWA (2)	FHWA (2)	EPU	The FHWA-NC Division has an established programmatic agreement with the NCDOT for Categorical Exclusions	NEPA/SEPA Guidance	CE Agreement			John Jamison
PRELIMINARY DESIGN (Design Phase)									
Consultant Contract Selection	STATE (3)	STATE (3)	PSMU	Congress requires engineering and design related services to be acquired through an equitable qualification-based selection procurement process.	PSMU	23 CFR 172	2 CFR 200.318		Robert Stroup
Sole Source Consultant Contract Selection	STATE (3)	STATE (3)	PSMU	Noncompetitive procurement (as specified in 23 CFR 172.7(a)(3)) involves the procurement of engineering and design related services when it is not feasible to award the contract using competitive negotiation or small purchase procurement methods. Noncompetitive procurement may only be used under limited circumstances and should be addressed within the State's written policies and procedures as specified in 23 CFR 172.5(c)(7) and approved by FHWA.	PSMU	23 CFR 172			Robert Stroup
Approve hiring of consultant to serve in a "management" role (Note: this action cannot be assumed by State) [23 CFR 172.9]	FHWA	FHWA	PSMU	When FAHP funds participate in a consultant services contract, the contracting agency shall receive approval from FHWA, or the recipient as appropriate, before utilizing a consultant to act in a management support role for the contracting agency; unless an alternate approval procedure has been approved.	PSMU	23 CFR 172.7(b)(5)			Robert Stroup
Approve consultant agreements and agreement revisions (Federal non-Major Projects) [23 CFR 172.9]	STATE	STATE	PSMU	Contract modifications are required for any amendments to the terms of the existing contract that change the cost of the contract; significantly change the character, scope, complexity, or duration of the work; or significantly change the conditions under which the work is required to be performed.	PSMU	23 CFR 172			Robert Stroup
Approve consultant agreements and agreement revisions on Federal Major Projects [23 CFR 172.9] (Note: this action cannot be assumed by State)	FHWA	FHWA	PSMU	Contract modifications are required for any amendments to the terms of the existing contract that change the cost of the contract; significantly change the character, scope, complexity, or duration of the work; or	PSMU	23 CFR 172			Robert Stroup

ACTION	AGENCY RESPONSIBLE		RESPONSIBLE PARTY IN NCDOT DIVISION	NOTES	Guidance/Procedure LINKS	Reference LINKS	Reference LINKS	Reference LINKS	Contact	
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS								
PRELIMINARY DESIGN (Design Phase) Continued										
Approve exceptions to design standards [23 CFR 625.3(f)]	STATE	STATE (5)	Roadway Design Unit Head manages (TS Director and Division Engineers approve)	NCDOT may assume FHWA's approval to issue design exceptions on the National Highway System & Interstate System for designs which do not conform to the minimum criteria as set forth in the standards, policies, and standard specifications for: (i) Experimental features on projects; and (ii) Projects where conditions warrant that exceptions be made. NCDOT must document its due consideration given to all project conditions such as maximum service and safety benefits for the dollar invested, compatibility with adjacent sections for roadway and the probable time before reconstruction of the section due to increased traffic or changed conditions. NCDOT must provide the document upon request of FHWA.	Roadway Design Manual	23 CFR 625.3(f)	Project Management Guide			Matt Clarke/Virginia Mabry Bobby Walston
Interstate System Access Change [23 USC 111] (Note: this action cannot be assumed by State)	FHWA	N/A	TMSD	FHWA is required to approve all new access or changes in access points pursuant to 23 U.S.C. 111	Project Management Guide	23 USC 111	INTERSTATE SYSTEM ACCESS INFORMATIONAL GUIDE			Kevin Lacy
Interstate System Access Justification Report [23 USC 111] (Note: action may be assumed by State pursuant to 23 USC 111(e))	FHWA	N/A	TMSD	State will not add any point of access w/o approval of the Secretary of USDOT	Project Management Guide	23 USC 111	INTERSTATE SYSTEM ACCESS INFORMATIONAL GUIDE			Kevin Lacy
Airport highway clearance coordination and respective public interest finding (if required) [23 CFR 620.104]	STATE	STATE	Project Manager and Aviation Division	A finding of public interest by FHWA will be based on compliance with airway-highway clearances which conform to FAA standards for aeronautical safety.	Project Management Guide	23 CFR 620.104	Vertical Clearances - Highway Development and Coordination with Other Agencies			Matt Clarke/Virginia Mabry Bobby Walston
Approve Project Management Plan for Federal Major Projects over \$500 million [23 USC 106(h)] (Note: this action cannot be assumed by State)	FHWA	FHWA	Project Managers	As described in 23 U.S.C. 106(h), the recipient of Federal financial assistance for a title 23 project with a minimum estimated total cost of \$500 million or a project that has been otherwise identified by the Secretary as a major project, must submit a project management plan to the Secretary. The purpose of the project management plan is to document the project management team roles and responsibilities; and the processes and procedures used to ensure the project will be delivered consistent with the scope, budget, schedule and requirements for a quality product.	Project Management Guide	23 U.S.C. 106(h)	Project Management Plan Guidance for Major Projects			Matt Clarke/Virginia Mabry
Approve innovative and Public-Private Partnership projects in accordance with SEP-14 and SEP-15 (Note: this action cannot be assumed by State)	FHWA	FHWA	Chief Engineer	Oversight Agreement for P3 Projects requires FHWA approval for Special Experimental Projects SEP-15 Applications and Early Development Agreements (EDA).	Project Management Guide	23 USC 502(a)	FHWA - SPECIAL EXPERIMENTAL PROJECT 14 IMPLEMENTATION PROCEDURE	FHWA - SPECIAL EXPERIMENTAL PROJECT 15 IMPLEMENTATION PROCEDURE		Ronnie Keeter

ACTION	AGENCY RESPONSIBLE		RESPONSIBLE PARTY IN NCDOT DIVISION	NOTES	Guidance/Procedure LINKS	Reference LINKS	Reference LINKS	Reference LINKS	Contact
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS							
PRELIMINARY DESIGN (Design Phase) Continued									
Provide pre-approval for preventive maintenance project (until FHWA concurs with STATE procedures) (Note: this action cannot be assumed by State)	FHWA	FHWA	Chief Engineer	The purpose of this approval is to ensure that preventive maintenance projects are developed consistent with an asset management program to extend the service life of a highway.		23 U.S.C. 106			Lamar Sylvester, Robert Barrier, Boyd Tharrington
DETAILED / FINAL DESIGN (Design Phase)									
Provide approval of preliminary plans for unusual/complex bridges or structures on the Interstate. [23 USC 109(a) and FHWA Policy]	FHWA (4)	N/A	Structures Management	No documented policy or procedure within NCDOT right now. Needs to be defined with decentralization. Use 3 step process in guidance link. Prefer NCDOT commit to Structures Management Unit reviewing plans and calculations for any project meeting criteria in 1998 memo.	Roadway Design Manual	23 U.S.C. 109(a)	FHWA Risk-based Project Involvement Guidance (September, 2020)	Project Management Guide	Tatia White/Roger Kluckman Brian Hanks/Kevin Fisher
Provide approval of preliminary plans for unusual/complex bridges or structures (non-Interstate). [23 USC 109(a) and FHWA Policy]	STATE (4)	STATE	Structures Management	No documented policy or procedure within NCDOT right now. Needs to be defined with decentralization. Use 3 step process in guidance link. Prefer NCDOT commit to Structures Management Unit reviewing plans and calculations for any project meeting criteria in 1998 memo.	Roadway Design Manual	23 U.S.C. 109(a)	FHWA Risk-based Project Involvement Guidance (September, 2020)	Project Management Guide	Tatia White/Roger Kluckman Brian Hanks/Kevin Fisher
REALTY (Design and Operational Phases)									
Make feasibility/practicability determination for allowing authorization of construction prior to completion of Right-of-Way clearance, utility and railroad work. [23 CFR 635.309(b)]	STATE	STATE	ROW	The NCDOT may initiate acquisition of real property at any time it has the legal authority to do so based on program or project considerations.	ROW Field Certification	23 CFR 635.309	Right-of-way Clearance, Utility, and Railroad Coordination	Division Let Guidance	Heather Fulghum
Make public interest finding on whether State may proceed with bid advertisement even though Right-of-Way acquisition/relocation activities are not complete for some parcels [23 CFR 635.309(c)(3)]	FHWA for Interstate STATE for Non-Interstate	STATE	ROW	The NCDOT may undertake early acquisition for corridor preservation, access management, or other purposes. Acquisition costs incurred by the NCDOT prior to executing a project agreement with the FHWA are not eligible for Federal-aid reimbursement. However, such costs may become eligible for use as a credit towards the NCDOT share of a Federal-aid project.	ROW Field Certification	23 CFR 635.309	Project Management Guide	Division Let Guidance	Heather Fulghum
Ensure compliant Right-of-Way certificate is in place [23 CFR 635.309(c)]	STATE	STATE	ROW w/coordination from Contract Standards	The intent of the ROW Certification is to ensure the acquisition of right-of-way is coordinated with the physical construction so that no unnecessary delay or cost will occur during the construction of the project. FHWA may not participate in delay claims caused by not having available right-of-way.	ROW Manual	23 CFR 635.309	Project Management Guide	Division Let Guidance	Heather Fulghum / Ron Davenport
Approve Hardship and Protective Buying [23 CFR 710.503] (If a Federal-aid project) (Note: this action cannot be assumed by State)	FHWA	FHWA	ROW	The NCDOT must accept and concur in a request for a hardship acquisition based on a property owner's written submission that 1) provides justification; 2) documents the inability to sell the property because of the impending project	ROW Manual	23 CFR 710.503			Heather Fulghum

ACTION	AGENCY RESPONSIBLE		RESPONSIBLE PARTY IN NCDOT DIVISION	NOTES	Guidance/Procedure LINKS	Reference LINKS	Reference LINKS	Reference LINKS	Contact
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS							
REALTY (Design and Operational Phases) Continued									
Approve Interstate Real Property Interest Use Agreements [23 CFR 710.405] (Note: this action cannot be assumed by State)	FHWA	N/A	ROW	This approval is to ensure that temporary or permanent use of real property acquired for the Interstate system will not impair the Interstate or interfere with the free and safe flow of traffic.		23 CFR 710.405			Heather Fulghum
Approve non-highway use and occupancy [23 CFR 1.23(c)]	FHWA for Interstate STATE for Non-Interstate (3)	STATE (3)	ROW	This approval is to ensure that temporary or permanent use of real property will not impair the highway or interfere with the free and safe flow of traffic. Covers the use of airspace, subsurface use, art work on bridges or within the ROW, parking under bridges, etc.	Division Let Guidance	23 CFR 1.23	Project Management Guide		Heather Fulghum
Approve disposal at less than fair market value of federally funded real property, including disposals of access control [23 U.S.C. 156] (Note: this action cannot be assumed by State)	FHWA	FHWA	ROW	See the ROW Disposal and Access Control Committee bylaws for additional procedures and guidance	NCDOT ROW Disposal and Control of Access Committee bylaws and procedures	23 U.S.C. 156			Heather Fulghum
Approve disposal at fair market value of federally funded real property, including disposals of access control [23 CFR 710.409] (Note: 23 CFR 710.201 authorizes FHWA and STATE to agree to scope of property-related oversight and approvals for all actions except those on the Interstate System)	FHWA for Interstate STATE for Non-Interstate (3)	STATE (3)	ROW	Handled via the ROW Surplus and Control Disposal Committee	Insert links to guidance as created.	23 CFR 710	Project Management Guide		Heather Fulghum
Requests for credits toward the non-Federal share of construction costs for early acquisitions, donations or other contributions applied to a project (note: this action cannot be assumed by State)	FHWA	FHWA	ROW			23 CFR 710			Heather Fulghum
Federal land transfers [23 CFR 710, Subpart F] (Note: this action cannot be assumed by State)	FHWA	FHWA	ROW		Manual for Federal Land Transfers for Federal-Aid Projects	23 CFR 710, Subpart F			Heather Fulghum
Functional replacement of property [23 CFR 710.509] (Note: this action cannot be assumed by State)	FHWA	FHWA		Not Allowed under North Carolina Statute					
SYSTEM OPERATIONS AND PRESERVATION (Design Phase)									
Accept Transportation Management Plans (23 CFR 630.1012(b))	STATE	STATE	TMSD - Traffic Management Unit - Work Zone Traffic Control Section	WZTC at NCDOT review and approve TMPs	Implementation Guidelines	23 CFR 630.1012	WZTC Policy		Kevin Lacy
Approval of System Engineering Analysis (for ITS) [23 CFR 940.11]	STATE	STATE	TMSD -Transportation Systems Management & Operations Unit (TSMO)	No procedure. Was determined that many aspects of a Systems Engineering Analysis occurs organically in the normal course of NCDOT's project development process.	WZTC Policy	23 CFR 940.11			Kevin Lacy

ACTION	AGENCY RESPONSIBLE		RESPONSIBLE PARTY IN NCDOT DIVISION	NOTES	Guidance/Procedure LINKS	Reference LINKS	Reference LINKS	Reference LINKS	Contact
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS							
PS&E AND ADVERTISING (Design Phase)									
Approve PS&E [23 CFR 630.201]	STATE	STATE	Contract Standards / Division	Plans and specifications must describe the location and design features and the construction requirements in sufficient detail to allow for accurate bids, to facilitate the construction, and to enable the NCDOT to control the contract.	Division Let Guidance	23 CFR 630.201	CSDU POLICY AND PROCEDURES		Ron Davenport
Authorize advance construction and conversions [23 CFR 630.703 & 709] (Note: this action cannot be assumed by State)	FHWA	FHWA	FHWA-NC Division Financial Manager	Advance construction (AC) allows states to begin a project even in the absence of sufficient Federal-aid obligation authority to cover the Federal share of project costs. An AC project application may only be approved if it is included in a state's transportation improvement program (23 U.S.C. 115(c)).	Advance Construction and Partial Conversion of Advance Construction	23 CFR 630.703			Ray McIntyre
Approve utility or railroad force account work [23 CFR 645.113 & 646.216]	STATE	STATE	Utilities and Rail Division	FHWA Order 5060.1: FHWA Policy on Force Account Use		FHWA Policy on Agency Force Account Use			Byron Sanders James Bridges/Jason Orthner
Approve utility and railroad agreements [23 CFR 645.113 & 646.216]	STATE	STATE	Utilities, Divisions, PMO	Per Rail, they process invoices and request for approval by Kevin Fischer or the RE. Not all RR agreements are through Rail. It is up to Rail to decide on the consultant to be used.					Byron Sanders James Bridges/Jason Orthner
Approve use of consultants by utility and railroad companies [23 CFR 645.109(b) & 646.216(b)]	STATE	STATE	Utilities and Rail Division	Utility and railroad facilities, unlike most other fixed objects that may be present within the highway environment, are not owned nor are their operations directly controlled by State or local highway agencies. Because of this, highway authorities have developed policies and practices which govern when and how utilities may use public highway right-of-way, and under what conditions public funds may be used to relocate utility facilities to accommodate highway construction.					Byron Sanders James Bridges/Jason Orthner
Approve exceptions to maximum railroad protective insurance limits [23 CFR 646.111]	STATE	STATE	Rail Division	This regulation is intended to prevent the NCDOT from being overcharged by a railroad for this insurance					James Bridges/Jason Orthner
Authorize (approve) advertising for bids. [23 CFR 635.112, 309]	STATE	STATE	Contract Standards / Division	The FHWA's policies for advertising for construction bids provide for authorization by the FHWA Division Administrator prior to advertisement, minimum advertising periods, prior approval of major addenda, and required use of non-collusion provisions and other requirements to ensure fair, open competition.	Division Let Guidance	23 CFR 635	Construction Program Guide - Advertising for Bids	CSDU POLICY AND PROCEDURES	Ron Davenport

ACTION	AGENCY RESPONSIBLE			NOTES	Guidance/Procedure LINKS	Reference LINKS	Reference LINKS	Reference LINKS	Contact
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS	RESPONSIBLE PARTY IN NCDOT DIVISION						
CONTRACT ADVERTISEMENT AND AWARD (Design Phase) All contracts to be done by competitive bidding unless otherwise authorized by law									
Approve cost-effectiveness determinations for construction work performed by force account or by contract awarded by other than competitive bidding [23 CFR 635.104 &.204]	STATE	STATE	Contract Standards / Divisions	1. CSD handles Competitive Bidding 2. For non competitive bidding (i.e. emergencies) this is approved via the Chief Engineer and executed traditionally at the Division Level. Approval by the FHWA Division Administrator for construction by a method other than competitive bidding shall be requested by the State in accordance with subpart B of part 635 of this chapter. Before such finding is made, the DOT shall determine that the organization to undertake the work is so staffed and equipped as to perform such work satisfactorily and cost effectively.	Division Let Guidance	23 CFR 635.104	CSDU POLICY AND PROCEDURES		Ron Davenport Lamar Sylvester, Robert Barrier, Boyd Tharrington
Approve use of local force account agreements [23 CFR 635.104 & 204]	STATE	STATE	Divisions	If necessary due to an emergency or the state desires the use of Force Account as agreed in 11/7/12 memo from Chief Engineer.	Construction by State Forces on Federal Aid Projects.pdf (ncdot.gov)	23 CFR 635.204b and 204c			Lamar Sylvester, Robert Barrier, Boyd Tharrington
Approve use of publicly owned equipment [23 CFR 635.411]	STATE	STATE	No longer needed.	State Departments of Transportation (State DOTs) shall have the autonomy to determine culvert and storm sewer material types to be included in the construction of a project on a Federal-aid highway.	No longer needed.	23 CFR 635.411			
Approve the use of proprietary products, processes [23 CFR 635.411]	STATE	STATE	No longer needed.	State Law - Value Management Office	No longer needed.	23 CFR 635.411			Alison Tammer
Concur in use of publicly furnished materials [23 CFR 635.407]	STATE	STATE	Contract Standards / Divisions	When the State transportation department or another public agency owns or has control over the source of a local natural material...Such cases should be fully documented and receive advance approval by the FHWA Division Administrator.	Division Let Guidance	23 CFR 635.407			Ron Davenport
Approve emergency determinations for contracts awarded by other than competitive bidding [23 CFR 635.104 &.204]	STATE	STATE	Chief Engineer	Approval by the Division Administrator for construction by a method other than competitive bidding shall be requested by the State in accordance with subpart B of part 635 of this chapter.		23 CFR 635.104(b)	GS 136.28.1(e)		Ronnie Keeter
Approve construction engineering by local agency [23 CFR 635.105]	STATE	STATE	Construction Unit	The State must approve	Construction Manual	23 CFR 635.105c			Lamar Sylvester, Robert Barrier, Boyd Tharrington
Approve advertising period less than 3 weeks [23 CFR 635.112]	FHWA	FHWA	Contract Standards / Divisions	The advertisement and approved plans and specifications shall be available to bidders a minimum of 3 weeks prior to opening of bids except that shorter periods may be approved by the Division Administrator in special cases when justified.	Division Let Guidance	23 CFR 635.112(b)	CSDU POLICY AND PROCEDURES		Ron Davenport
Approve addenda during advertising period [23 CFR 635.112]	STATE	STATE	Contract Standards / Divisions	The State has authority per the stewardship and oversight agreement to issue any addenda to the approved plans or specifications during the advertising period.	Division Let Guidance	23 CFR 635.112c	CSDU POLICY AND PROCEDURES		Ron Davenport
CONTRACT ADVERTISEMENT AND AWARD (Design Phase) All contracts to be done by competitive bidding unless otherwise authorized by law Continued									
Concur in award of contract [23 CFR 635.114]	STATE	STATE	Contract Standards / Divisions	The State has authority per the stewardship and oversight agreement.	Division Let Guidance	23 CFR 635.114(b)	CSDU POLICY AND PROCEDURES		Ron Davenport, Lamar Sylvester, Robert Barrier, Boyd Tharrington
Concur in rejection of all bids [23 CFR 635.114]	STATE	STATE	Contract Standards / Divisions	The State has authority per the stewardship and oversight agreement.	Division Let Guidance	23 CFR 635.114(h)	CSDU POLICY AND PROCEDURES		Ron Davenport, Lamar Sylvester, Robert Barrier, Boyd Tharrington

ACTION	AGENCY RESPONSIBLE		RESPONSIBLE PARTY IN NCDOT DIVISION	NOTES	Guidance/Procedure LINKS	Reference LINKS	Reference LINKS	Reference LINKS	Contact
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS							
Approval of Design-Build Requests-for-Proposals and Addenda [23 CFR 635.112]	STATE	STATE	Design Build	In the case of a design-build project, the following requirements apply: (1) When a Request for Proposals document is issued after the NEPA process is complete, the FHWA Division Administrator's approval of the Request for Proposals document will constitute the FHWA's project authorization and the FHWA's approval of the STD's request to release the document.	Design Build Guidance	23 CFR 635.112(i)(1)			Teresa Bruton
CONSTRUCTION (Construction Phase)									
Approve changes and extra work [23 CFR 635.120]	STATE	STATE	Construction Unit / Divisions	The State will approve changes and extra work.	Construction Manual	23 CFR 635.120(a)			Lamar Sylvester, Robert Barrier, Boyd Tharrington
Approve contract time extensions [23 CFR 635.120]	STATE	STATE	Construction Unit / Divisions	The State is responsible for all time extension approvals.	Construction Manual	23 CFR 635.121			Lamar Sylvester, Robert Barrier, Boyd Tharrington
Concur in use of mandatory borrow/disposal sites [23 CFR 635.407]	STATE	STATE	Division	If Department requires the contractor to utilize specified site for waste or borrow, approval must be obtained from State Construction Engineer.	Construction Manual	23 CFR 635.407			Lamar Sylvester, Robert Barrier, Boyd Tharrington
Accept materials certification [23 CFR 637.207]	STATE	N/A	Materials and Tests Unit	The State must document materials certification	Minimum Sampling Guide	23 CFR 637.207			Lamar Sylvester, Robert Barrier, Boyd Tharrington
Concur in settlement of contract claims [23 CFR 635.124]	STATE	STATE	Divisions/Construction Unit	The State must review and approve justification for claims	Construction Manual	23 CFR 635.124			Lamar Sylvester, Robert Barrier, Boyd Tharrington
Concur in termination of construction contracts [23 CFR 635.125]	STATE	STATE	Chief Engineer	The State must determine the eligible cost to reimburse the contractor for lost opportunity	Construction Manual	23 CFR 635.125			Lamar Sylvester, Robert Barrier, Boyd Tharrington
Waive Buy America provisions [23 CFR 635.410] (Note: this action cannot be assumed by State)	FHWA	FHWA	Divisions/Materials and Tests Unit	The waiver process occurs at the FHWA-HQ level, is time consuming, and may be denied		23 CFR 635.410	Construction Program Guide: Buy America		Lamar Sylvester, Robert Barrier, Boyd Tharrington
Final inspection/acceptance of completed work [23 USC 114(a)]	STATE	STATE	Divisions/Construction Unit	Resurfacing handled by Divisions Final Acceptance for a federal-aid project requires a specific form and check list items.	Construction Manual	23 U.S.C. 114(a)			Lamar Sylvester, Robert Barrier, Boyd Tharrington

ACTION	AGENCY RESPONSIBLE		RESPONSIBLE PARTY IN NCDOT DIVISION	NOTES	Guidance/Procedure LINKS	Reference LINKS	Reference LINKS	Reference LINKS	Contact
	PROJECTS ON THE NHS	PROJECTS OFF THE NHS							
CIVIL RIGHTS (All phases)									
Approval of Disadvantaged Business Enterprise (DBE) Project Contract Goal set by the State DOT under 49 CFR 26.51(d). [49 CFR 26.51(e)(3)]	STATE	STATE	Contract Standards & Development Unit and Divisions	The DBE goals are set by the prospective Goal Setting Committee for centrally let and division let projects in accordance with our approved Goal Compliance Committee procedures.	Division Let Guidance	Office of Civil Rights	49 CFR 26.51	CSDU POLICY AND PROCEDURES	Benny Sloan, Pamela Shaw, Lisa Wilson
Acceptance of Bidder's Good Faith Efforts to Meet Contract Goal [49 CFR 26.53] or of Prime Contractor's Good Faith Efforts to Find Another DBE Subcontractor When a DBE Subcontractor is Terminated or Fails to Complete Its Work [49 CFR 26.53(g)] (Note: this action cannot be performed by the FHWA)	STATE	STATE	Contract Standards & Development Unit and Divisions	The acceptance of a bidder's Good Faith Effort is verified by the prospective Good Faith Effort Committee for NCDOT Central and Division let projects in accordance with our approved Goal Compliance Committee procedures.	Division Let Guidance	Office of Civil Rights	49 CFR 26.53	CSDU POLICY AND PROCEDURES	Benny Sloan, Pamela Shaw, Lisa Wilson
Equal Opportunity (EO) Contract Compliance Review [23 CFR Part 230, Subpart D]).	STATE	STATE	Office of Civil Rights	https://www.fhwa.dot.gov/civilrights/programs/db e/	Division Let Guidance	23 CFR 230			Benny Sloan, Pamela Shaw, Lisa Wilson
Training Special Provision – Approval of Project Goal for training slots or hours [23 CFR Part 230, Subpart A]	STATE	STATE	Office of Civil Rights	The FHWA On-the-Job Training (OJT) Program requires State Transportation Agencies (STAs) to establish apprenticeship and training programs targeted to move women, minorities, and disadvantaged individuals into journey-level positions to ensure that a competent workforce is available to meet highway construction hiring needs, and to address the historical under-representation of these groups in highway construction skilled crafts. The primary objectives of OJT/Support Services are to increase the overall effectiveness of each STA's approved OJT program in connection with Federal-aid highway construction projects, and to seek other ways to increase the training opportunities for women, minorities, and disadvantaged individuals. In turn, OJT/Support Services is used to increase the participation of women, minorities, and disadvantaged individuals in skilled and semi-skilled crafts.	EOCCP	23 CFR 230			Benny Sloan, Pamela Shaw, Lisa Wilson
Training Special Provision – Approval of New Project Training Programs (Note: this action cannot be assumed by State) [23 CFR 230.111(d), (e)]	FHWA	FHWA	Office of Civil Rights	The State Transportation Agencies (STAs) are responsible for establishing procedures, subject to the availability of Surface Transportation Program and Highway Bridge Program funds under 23 U.S.C. §140(b) (Nondiscrimination), for the provision of supportive services with respect to training programs approved under 23 CFR 230, Subpart A (Equal Employment Opportunity on Federal and Federal-Aid Construction Contracts – including Supportive Services)		23 CFR 230.111(d)			Benny Sloan, Pamela Shaw, Lisa Wilson
FOOTNOTES									
(1) State is responsible for ensuring that all individual elements of the project are eligible. FHWA will check that the scope of the project as described in submitting project agreement is eligible for the category of funding sought. All final eligibility and participation determinations are retained by FHWA.									
(2) If there is a 23 U.S.C. 326 or 325 assignment of PCE agreement, decisions are handled in accordance with those assignments or agreements.									
(3) State's process and modifications to, or variation in process, require FHWA approval.									
(4) Unusual/Complex bridges and structures are those that the Division determines to have unique foundation problems, new or complex designs, exceptionally long spans, exceptionally large foundations, complex hydrologic (including climate change and extreme weather events) aspects, complex hydraulic elements of scour related elements, or those that are designed with procedures that depart from currently recognized acceptable practices (i.e., cable-stay, suspension, arch segmental concrete, moveable, truss, tunnels, or complex geotechnical walls or ground improvement systems).									
(5) The State will justify and document exceptions to its design standards according to its law, regulation, and directives. FHWA does not have oversight responsibility for this activity because there is no Federal requirement for design exceptions for Federal-aid projects off the NHS. This activity is not considered a Federal action; thus, does not by itself trigger a FHWA environmental analysis under NEPA.									