
STATE AID
STATE AID
SCENE
2006



[Http://www.dot.state.mn.us/stateaid/SA-Scene.html](http://www.dot.state.mn.us/stateaid/SA-Scene.html)

March, 2006

No. 43

EMPLOYEE NEWS:

Dear City and County Employees:

It is time for me to move on and try new challenges. I have accepted a new position with the office of Maintenance as Maintenance Operations Research Engineer. I started on Monday, March 27. It was a great experience working with all of you in the past three years. I am truly indebted to all of you for your support and kindness. I have learned a lot from each and every one of you. I look forward to working with all of you in my new capacity. As I move on, if you need any help, please contact Paul Stine at: 651-296-9973 or paul.stine@dot.state.mn
Thank you all for your support.

Farideh Amiri, State Aid Project Engineer

Farewell Note to Farideh from SALT:

Thanks for all your work contributions toward making counties, cities and SALT successful!
Best to you in your new job with Maintenance Research!

Rick Kostohryz, Applications Developer for SALT has taken a six month mobility assignment in the Mn/DOT Office of Transit. Anyone needing to contact Rick for SALT services should contact Patti Simmons, State Aid Programs Engineer at 651-296-7679.

PROJECT DEVELOPMENT UPDATES:

Advance Construction (AC) Agreements

Since I have been writing agreements for State Aid (the past 6 years or so), the number and types of Advance Construction or AC agreements has increased.

Originally there was one type of AC agreement. This type of agreement was written when a project was in the STIP for a future year and the local agency wanted to build it sooner and be reimbursed with federal funds in that future year. This agreement was written so that the project was properly authorized and prepared to federal standards so that the costs were eligible in the future year. We call these traditional AC agreements.

Two years ago with the uncertainty of the cash flow from the FHWA due to the delay in passage of the transportation bill and concerns from the Office of Investment Management (OIM) that projects were not being requested for billing in a timely manner the second type of AC agreements were developed. These are called managed or cash flow AC agreements. In FFY 2004 all projects not authorized by approximately March 15 were asked to have an AC agreement. In FFY 2005 all projects with federal funds over \$500,000 were asked to have an AC agreement. This year all projects with federal funds over \$1,000,000 will be required to have this type of AC agreement. In the past there is a risk that the money may not be available exactly when the bills came in, State Aid had a pooled fund that they could draw from so that bills could be paid promptly and the financial risk to the local agencies was minimal.

Because of the way that the HPP funds are structured to be released from Washington, we are in the process of developing a third type of AC agreement. This agreement looks quite a bit like a traditional AC agreement, except that the funds will be released over a number of years through FFY2009. Because the Obligation authority limits for 2006 through 2009 are not known, we have been told to assume that the number is 85%. If you receive one of these types of agreements, the amount of funds to be released each fiscal year, as payment is requested will be listed in the agreement. That number may vary if the obligation limit is increased, but will be assumed to be at least 85% for the remaining years. If you have additional questions you may contact Lynnette Roshell at 651-282-4679.

Quality Base Consultant Selection

Sometime last month, the Minnesota exemption for not using Quality Based Consultant Selection (QBS) was removed by the U.S. Congress. If consultants are being hired to perform work and their bills will be reimbursed with even one penny of any type of federal funds, they must be selected in this way.

I have not been able to gather much information on QBS yet, a main difference is that price cannot be used as a selection criteria. The Office of Contract Management is preparing a sample Request for Proposal (FRP) template for our use. If you currently have an RFP out for bids, you may amend it to QBS if you wish. We are waiting on additional guidance and info

from the FHWA. We will forward it to you all when we have it. If you have additional questions you may contact Lynnette Roshell at 651-282-4679.

Qualified Consultants

If you are the lead agency on a project that will impact a Trunk Highway Bridge, even if there are no Trunk Highway funds involved, you must hire one of the consultants on Mn/DOT Bridge's pre-qualified consultant list to do the design work. Failure to do this most likely will result in a delay in review and approval of your project by the Bridge Office.

The processes and standards used by the Bridge Office are required to be used on all Trunk Highway bridges regardless of who the lead agency for a specific project is. Mn/DOT will ultimately own and maintain the bridge. If you have additional questions you may contact Lynnette Roshell at 651-282-4679.

Utility Coordination on Local Projects

In a 2000 legislative study report, utility owners identified the need for improved communication, scheduling and coordination, clarification of roles, consistency of procedures and early identification of utilities

During the 2004 session, legislators modified Minnesota Statutes Sections 216D affecting Plan preparation and utility coordination on projects that have excavation. Projects that have excavation include any activity that moves, removes, or otherwise disturbs the soil by use of a motor, engine, hydraulic tool or pneumatically-powered equipment of any kind, by hand digging of any kind, or by explosives. Types of project work include installation of signs, lights, signals, guardrail, foundations or bases, culverts or culvert extensions, landscaping, turn lanes, trenching activities, and any other activity that disturbs the existing soil. Bridge deck removals and mill and overlay projects, which change pavement surface elevation, that may affect existing utilities within the roadway are also considered to be excavation.

Mn/DOT's Utility Agreements and Permits Unit have revised their procedures to accommodate the revised statute. They have developed in depth training and a comprehensive manual located on their website located at: <http://www.dot.state.mn.us/tecsup/utility/index.html>

The website offers tools such as a brochure entitled "Successful Relocations" that outlines coordination/relocation timeframes for various types of utilities. It also contains checklists to assist in project development and construction and also has a complete list of Utility Companies and contact information including names, phone numbers and e-mail addresses.

The new Utility coordination requirements in the revised statute are found in:

Section 216D.04, subdivision 1a:

(c) A person required by this section to show existing underground facilities on its drawings shall conduct one or more preliminary design meetings during the design phase to communicate the project design and coordinate utility relocation.

Affected facility operators shall attend these meetings or make other arrangements to provide information.

(d) A person required by this section to show existing underground facilities on its drawings shall conduct one or more preconstruction meetings to communicate the project design and coordinate utility relocation. Affected facility operators and contractors shall attend these meetings or make other arrangements to provide information.

According to Section 216D.04, subdivision 1a, all plans for projects with excavation must depict the utility quality level of the utility information.

Quality Level Descriptions are summarized as:

Quality Level D—Information derived from existing records or oral recollections.

Quality Level C—Information obtained by surveying and plotting visible above-ground Utility features and by using professional judgment in correlating this information to quality level D information.

Quality Level B—Information obtained through the application of appropriate surface geophysical methods to determine the existence and approximate horizontal position of subsurface utilities.

Quality level B data should be reproducible by surface geophysics at any point of their depiction. This information is surveyed to applicable tolerances defined by the project and reduced onto plan documents.

Quality Level A—Precise horizontal and vertical location of utilities obtained by the actual exposure (or verification of previously exposed surveyed utilities) and subsequent measurement of surface utilities, usually at a specific point. Minimally intrusive excavation equipment is typically used to minimize the potential for utility damage. Precise horizontal and vertical locations, as well as other utility attributes, are shown on plan documents. Accuracy is typically set to 15-mm vertical and to applicable horizontal survey and mapping accuracy as defined or expected by the project owner.

When a local agency administers a project on the Trunk Highway system, they are required to follow the procedures described in the Mn/DOT Utilities Manual. The Mn/DOT Utility Agreements and Permits Unit is available to assist in the utility coordination. The Utility Unit function is to provide assistance to designers and utility companies as it relates to the issues identified within the Utilities Manual. The unit also assists with design aspects concerning utilities and acts as liaison between utility companies and designers. If at any time questions arise during a design of a project, an individual is encouraged to contact the District Agreement Writer identified in the table below.

Mike McKane	Agreement Writer East Metro District Contact	(651) 296-3056 Mcka2Mic@dot.state.mn.us
Rick VanWagner	Agreement Writer Districts 1, 6, and 7's Main Contact	(651) 296-3052 VanW1Ric@dot.state.mn.us
Stan Haugen	Agreement Writer Districts 2, 3, 4, and 8's Main Contact	(651) 297-3348 Haug1Sta@dot.state.mn.us
Anjani (Minnie) Milkert	Assistant Utilities Engineer Agreement Writer West Metro District Contact	(651) 282-5256 Milk1Anj@dot.state.mn.us
Mollie Zauner	Unit Support	(651) 296-0798 Zaun1Mol@dot.state.mn.us

Another resource is the Minnesota Local Road Research Board (LRRB) Report: 2002-33, "Utility Relocation: A Communication and Coordination Process for Local Governments." This report summarizes a review of efforts to facilitate the process of utility relocation as part of roadway construction for local governments; identifies coordination resources; presents the findings of surveys administered to county and city engineers, utility companies, and construction contractors; and provides recommendations and materials to make the process of utility relocation at the county and city level in Minnesota more efficient and effective. A key recommendation is that the local agency host an annual utility relocation coordination meeting and a meeting outline and responsibilities along with meeting templates to present project information is provided are available electronically at: <http://www.lrrb.gen.mn.us/PDF/200233.pdf>

Another Statute change to MS216D was presented at the annual City Engineer's Conference in January. It regards marking underground facilities. After Dec. 31, 2005, an owner (city or utility) shall maintain a map, a diagram, a drawing or geospatial information regarding the location of its underground facilities within a public right-of-way and shall install (on new or disturbed utilities) a locating wire or other equally effective means of marking the location of each nonconductive underground facility within a public right-of-way. For sewer or water service laterals installed before Jan. 1, 2006, cities need to locate or provide information to the excavator as shown on maps, drawings, diagrams or other records on the location. If no information is available, they must notify the excavator that no information exists. For water service laterals installed after Jan. 1, 2006, cities are required to maintain maps, diagrams, drawings or geospatial information showing underground facility locations within public right-of-way as well as install locating wire or equally effective means of marking each nonconductive underground facility within the public right-of-way. They are also required to locate the service laterals within the public right-of-way. If you have any questions on these requirements, you may contact Paul Perez at (651)324-5585.

Wage Rates Requirements

"The following is guidance from the Mn/DOT Labor Compliance Unit regarding State and Federal wage rates and when addenda should be processed for revised rates on your projects."

PROPOSAL WAGE DETERMINATION REQUIREMENTS

PURPOSE

To provide the Contracting Agency with guidelines regarding the incorporation of state and federal wage determinations into Contracts that are funded in whole or in part with state and/or federal funds.

II. DEFINITIONS ¹

Addendum: A supplement to the Proposal form as originally issued or printed, covering additions, corrections, or changes in the bidding conditions for the advertised work, that is issued by the Contracting Authority to prospective Bidders prior to the date set for opening of Proposals.

Administrator: The Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, or authorized representative. ²

Advertisement For Bids: The public announcement, as required by law, inviting bids for the work to be performed or materials to be furnished.

Award: The acceptance by the Contracting Authority of a bid, subject to execution and approval of the Contract.

Bidder: An individual, firm, or corporation submitting a Proposal for the advertised work.

Contract: The written agreement between the Contracting Authority and the Contractor setting forth their obligations, including, but not limited to, the performance of the work, the furnishing of labor and materials, the basis of payment, and other requirements contained in the Contract documents.

Contracting Authority: The political subdivision, governmental body, board, Department, commission, or officer making the Award and execution of Contract as the party of the first part.

¹ Mn/DOT Standard Specifications for Construction, Section 1103

² 29 CFR Part 1.2(c)

Contractor: The individual, firm, or corporation contracting for and undertaking prosecution of the prescribed work; the party of the second part to the Contract, acting directly or through a duly authorized representative.

Department: The Department of Transportation of the State of Minnesota, or the political subdivision, governmental body, board, commission, office, department, division, or agency constituted for administration of the Contract work within its jurisdiction.

Proposal: The offer of a Bidder on the prescribed Proposal form to perform the work and furnish the labor and materials at the prices quoted.

Revised or Modification: To prepare a newly edited version of a document. For the purposes of this document the terms “revised” and “modification” have the same meaning.³

III. STATE WAGE DETERMINATION REQUIREMENTS

The appropriate, up-to-date wage determination(s) shall be incorporated into bid Proposals prior to the Advertisement for Bids. *It's recommended that the Contracting Authority obtain and incorporate into the bid Proposal the wage decision that is in effect on the date of advertisement. Refer to **Subpart D** of this section for a link to the current state wage determinations.*

If a wage determination is revised between the Proposals advertised date and up to one day prior to the opening of bids, the Contracting Authority shall incorporate the revised determination into the bid Proposal by Addendum.

Based on past practice, a revision to a wage determination that is published the day bids are opened does not have to be incorporated into the bid Proposal. However, the Contracting Authority shall have discretion to include or not include the revised wage determination into the bid Proposal.

Based on past practice, revisions to a wage determination after the bid opening shall not apply to the Contract.

State wage determinations can be obtained at: http://www.doli.state.mn.us/pw_rates.html

³ The American Heritage College Dictionary, Third Edition

IV. FEDERAL WAGE DETERMINATION REQUIREMENTS

The appropriate, up-to-date wage determination(s) shall be incorporated into bid Proposals ⁴ prior to the Advertisement For Bids. *It's recommended that the Contracting Authority obtain and incorporate into the bid Proposal the wage decision that is in effect on the date of advertisement. Refer to **Subpart E** of this section for a link to the current federal wage determinations.*

If a wage determination is modified between the Proposals advertised date and the day bids are opened, the Contracting Authority shall incorporate the modified wage determination into the bid Proposal by Addendum. ⁵

1. Modifications to a wage determination that are published within 10 days prior to the opening of bids shall be incorporated into the bid Proposal unless the Contracting Authority has determined that not enough time exists to notify all Bidders of the change; a report stating this fact shall be incorporated into the project file and made available to the Administrator or Department upon request. No such report shall be required if a modification to the wage determination is published after the bid opening. ⁶

If the Contract is not awarded within 90 days after the bid opening, Modifications to a wage determination shall be incorporated into the Contract up to the Award, unless the Contracting Authority requests and obtains an extension of the 90 day period from the Administrator. ⁷ Modifications to a wage determination after the Award shall not apply to the Contract. ⁸

Federal wage determinations can be obtained at: <http://www.wdol.gov/>

Questions or clarification, please contact Labor Compliance at:
(651) 296-6503 or visit our website at: <http://www.dot.state.mn.us/const/labor/>

⁴ 29 CFR Part 1.6(b)

⁵ 29 CFR Part 1.6(c)(3)

⁶ 29 CFR Part 1.6(c)(3)(i)

⁷ 29 CFR Part 1.6(c)(3)(iv)

⁸ 29 CFR Part 1.6(c)(3)(vi)

CONTRACT ADMINISTRATION AND CONSTRUCTION:

The following reminders are from findings of the 2005 Audit:

Bituminous QC/QA:

- be sure the production test results are in close conformance with mix design (within 5% at the start of production and 10% during production).
- be sure the individual test results reports are obtained.
- review all test results for conformance to specifications and assess the individual and moving average results reduced payment for non-conforming test results.
- remember to retest if the QC/QA test result differences fall outside of tolerance.
- remember to complete Test Summary Sheets.
- be sure all bituminous tickets include the mix designation and mixture design report number.

Grading and Base Materials Control

- remember to obtain certification and test results for grading and base items.
- Preliminary and Final Grading and Base Reports need to be completed and submitted to the Office of Materials.
- a passing percent crushing test or visual inspection and completion of an Inspection Report 2415 are the two options for accepting 100% crushed rock aggregate.

Environmental Requirements Compliance:

- be sure that there is compliance with environmental requirements described by the contract special provisions as well as State and Federal regulations. Some specifics to pay attention to are:
 1. obtain NPDES Permit Inspection Logs every 2 weeks as required.
 2. make sure weekly inspections are performed as NPDES Permits require.
 3. for building demolitions make sure a Notice of Intent to Perform a Demolition is submitted to the MPCA. Also, make sure the buildings have been inspected for asbestos.

Diaries and Contract Time:

- remember to complete Weekly Construction Diaries and daily diaries for plant and street inspection.

Control of Quantities:

- When writing Change Orders/Supplemental Agreements eliminating work and adding work remember to include “credit” for the work eliminated and “added cost” for the added work in the document. This will help ensure proper payments. Also, make sure all quantities (additions or deletions) are accurately recorded in field documentation and IRA entries.
- erodible acres withholding should be done as a backsheet adjustment rather than an “underpayment” for grading quantities.

Unacceptable Work:

- reduced payment for unacceptable work should be done as a backsheet adjustment for the pay item not as a reduced quantity.

Discussions Prior to the Start of Work:

- if you think any part of the contract requirements may be “at risk” for non-compliance please contact Ron Bumann, SALT Construction Specialist (651-470-5438). Ron or others will help with “preemptive” steps to ensure compliance. Examples of tactics SALT or others can take to help in advance are: customized training; pre-construction visits, “just-in-time” project visits, and counsel. (note: currently Mark Vogel, Office of Environmental Services, is conducting statewide training on building and bridge demolition which has been identified as a high risk area for non-compliance).

R/W Temporary Easements:

1099 Form needs to be sent to all property owners paid more than \$600 for a temporary easement.

FIRST CALL FOR SALT HELP WITH PROJECT DEVELOPMENT:

Have you ever wanted to ask a specific question but weren't sure who to call? This is to provide brief descriptions of who you should call first with your questions.

STIP Amendments	Your DSAE
Project Funding alternatives	Jim Koivisto (651)284-3563
Project Numbers –	Diane McCabe (651) 296-9876 or Paul Stine (651) 296-9973

Federal Aid Project Development – i.e. Environmental reviews, Section 4(f), SHPO, Wetlands, other agency requirements (DNR, USF&WS, MPCA), Bike/Pedestrian considerations, Noise analysis, Environmental Justice, etc.

Roads & Bridges Enhancements	Mary Bieringer (651) 296-9874 Lynnette Roshell (651) 282-6479
Roads & Bridges Variances	Paul Stine (651) 296-9973 Paul Stine (651) 296-9973

Bridge Design Preliminary & Final	Dave Conkel (651) 747-2151
-----------------------------------	----------------------------

State Aid Bridge Approval Park Roads SA Plans	Paul Stine (651) 296-9973
---	---------------------------

Right Of Way	Karl Rasmussen (651) 296-3306
--------------	-------------------------------

Out State Projects

Federal Aid Plans (DCP) Proposals, Addenda, Ads, DBE goals, OJT, TERO DCP Process	Merry Daher (651) 296-7067
--	----------------------------

Federal Aid Plans (Trad) Proposals, Addenda, Ads, DBE goals, OJT	Ron Dahlquist (651) 296-3317
--	------------------------------

Federal Aid Payments SA Payments Construction Practices	John Minor (651) 296-9878 Kim DeLaRosa (651) 296-2440 Ron Bumann (218) 723-4960 Ext. 3450
---	---

Metro

Federal Aid Plans SA Plans Payments (Fed. & SA) Construction Practices	Dan Erickson (651) 582-1407 Mike Kowski (651)582-1661 Sharon LeMay (651) 582-1609 Jim Deeney (651)582-1389
---	---

RIGHT OF WAY NEWS UPDATE:

Five right of way project audits have been conducted thus far in 2006. Three more have been scheduled for later in the year.

The 2006 Right of Way Professional Workshop has been scheduled for October 4-6 at the Breezy Point Conference Center. The event will feature the processing of a complex parcel from the public hearing through the beginning of the eminent domain procedure. Call Karl Rasmussen at 651-296-3306 should you have any questions about the workshop. The 2005 workshop received an "Excellence in Right of Way" award from the FHWA.

NOTICES:

Roads and Loads DVD

The long awaited 20 minute DVD from LRRB, entitled "Roads and Loads" will be available soon through the District State Aid Engineers.

EVENTS:

Variance Committee Meeting

The next quarterly meeting of the State Aid Variance Committee will be held on Thursday, June 15, 2006 at the Arden Hills Training Center. Variance requests must be in the form of a resolution adopted by the local government unit requesting the variance, as required under Minnesota Rules 8820.3300, and should be submitted to Julie Skallman, State Aid Engineer by **Tuesday, June 1, 2006** in order to be included on the agenda for the meeting. The District State Aid Engineer should be copied on all request submittals and subsequent information or correspondence regarding the requests. If you have questions or need assistance in regards to the requirements for requesting a variance, contact Paul Stine at 651-296-9973 or your District State Aid Engineer. **You are strongly encouraged to contact your District State Aid Engineer as early as possible in the project feasibility stages for assistance, and advice regarding requesting a variance, or other possible measures that could be taken to negate the need to request a variance.**

HAPPY SPRING!

