

Federal Participation Guidelines

Contact your FHWA Area Engineer to ascertain whether an item is eligible for Federal Participation.

In most cases the following items are not eligible for Federal Participation:

- 1) Acceleration.
- 2) Incentives, not originally included in contract.
- 3) Changes due to consultant design errors.
- 4) Surplus materials paid for and delivered to Maintenance or other parties for use on non-federal roads.
- 5) Price Escalation not provided for in original bid documents, e.g. steel, fuel, asphalt cement.
- 6) Work outside the highway right-of-way without permits, etc.
- 7) Work outside the limits of the project (unless necessary to implement project; traffic control, etc.)
Work performed outside the NEPA limits of the project may jeopardize federal funding for the project.
- 8) Adjustment of private facilities (signs, fences, lawn sprinklers, etc., unless covered as a part of a right-of-way agreement or permit.)
- 9) Storm and sanitary sewer work and other drainage or utility work that is not a result or purpose of the road or bridge work. Example: replacing sewer leads that are not a result of the construction activity proposed.
- 10) Specifying use of proprietary items, (i.e., specific brand name or single manufacturer items such as Eagle controllers, 3M sign sheeting, Caterpillar diesel, Hewlett Packard computer) unless:
 - a) Suitable numbers of other proprietary items or generic items are allowed.
 - b) MnDOT certifies proprietary item is essential for synchronization with existing highway facilities or that no equally suitable alternate exists.
 - c) Proprietary item is used for experimental purposes.
 - d) FHWA finds it is in the public interest to use a proprietary item.
- 11) Excessively expensive treatments that do not appear to be in the public interest. This could include expediting the project for a questionable purpose, or proposing the use of very extravagant roadway treatments or street side appurtenances.
- 12) Significant hauling or transportation charges of salvaged items to MnDOT or agency garages or storage sites for future use on non-federal projects. Hauling for less than 5 miles from the project site has been used by some Area Engineers as a reasonable distance to haul material.
- 13) Non-conforming work such as substandard details, designs determined undesirable or discontinued because of poor performance. Example: 3" sidewalk, A588 guardrail, salt susceptible roadside plantings.
- 14) Payment for items that are the responsibility of others. Such as relocation of utilities located within the right-of-way, relocation of public facilities outside their corporate limits, accident damage that is the responsibility of others (driver, owner, insurance company, etc.)
- 15) Payment for work done by an unapproved subcontractor.
- 16) MnDOT or Local agency force account work that is not approved as cost effective. (This means force account work performed not by a Contractor, but by the agency.)

- 17) Payment for betterments that are not currently part of the project. Example: payment for excess sizing of sanitary sewer adjustment for future development. The additional cost over replacement-in-kind should be borne by the owner of the facility being adjusted.
- 18) Payment for items that should typically be considered maintenance work by the owner agency. Examples: snow plowing, trash removal, and mowing roadsides.
- 19) Compensable delays in accordance with 1806.2B(4)