

Federal Participation Guidelines

Contact your DSAE 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)