

Local Agency Program & Florida Highway Administration Certification & Recertification Computer Based Training

Module 2 – Federal Funding

LAP is a designated program within FHWA; however, LAP does not have a designated program source fund.

FHWA financial policies for LAP projects must be an eligible activity and consistent with the type of program funding on the project, whether discretionary, congressional earmark, apportioned or allocated federal funds, etc.

LAP Funding is categorized by the type of work being performed or program type. This includes work programs such as: Interstate Maintenance, National Highway System, Surface Transportation Program, Bridge, Congestion Mitigation & Air Quality, Recreation Trails, Metropolitan Planning, Highway Safety Improvement, Rail-Highway Crossings, Safe Routes to School, Equity Bonus, Revenue Aligned Budget Authority, Appalachian Development Highway System and Border Infrastructure Program.

There are several sources for Federal Funding. They include:

- Motor Fuel Tax, which is a primary source of funding for both highway and transit
- Other Miscellaneous Sources such as from tires, new tractor/trailer purchases, etc.
- Deposits into the Federal Highway Trust Fund
- Allocated funds using complex funding formulas in the Federal Transportation Act - Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users or SAFETEA-LU
- SAFETEA-LU consumes all Federal Highway Trust Fund receipts to 2009 – Congress is currently addressing funding to simply continue operating at current levels.

There are different levels of financial accountability at the local government level. They include:

- Submitting billings in a timely manner,
- Ensuring that billings are accurately and adequately supported,
- Ensuring that reimbursement requests are for allowable expenses ONLY, and
- Ensuring full compliance with Chapter 10 of FDOT's LAP manual.

Some financial considerations include:

- Was the LAP Agreement executed after federal funding approval by FHWA?
- Was the work completed after full execution of the LAP Agreement?
- Was a Notice to Proceed received prior to commencement of work?

For LAP, there are Invoice Requirements which include:

- Ensuring the Dates of Service are correct on invoices
- Ensuring financial project numbers are included on invoices
- Ensuring invoices provide adequate details and sufficient documentation to support incurred costs
- Ensuring the description of the items, number of units, and unit costs are listed on the invoice
- And, ensuring the amount requested is in agreement with source documents.

All Local Agency invoices to the Department must include:

- An Invoice from Contractor or Consultant to Local Agency,
- An Invoice from Subcontractor to Contractor or Sub consultant to the Consultant, and
- Copies of CLEARED checks or its equivalent. from Local Agency to Contractor or Consultant

Each construction phase invoice must include the following forms:

- Certification of Compliance with EEO Requirements (Form No. 700-011-13) Contractor's certification that they and all subcontractor's are in compliance with FHWA 1273, Sections II and III or certain subcontractors are in noncompliance as indicated on the form.
- Certification Disbursement of Previous Periodic Payment to Subcontractors (Form No. 700-010-38) Contractor's certification that all subcontractors, except those as listed, have received their pro rata share of all previous periodic payments made to date by the Department for all work, materials, and equipment furnished under the contract.
- Construction Compliance with Specifications and Plans (Form No. 700-020-02) Contractor's certified statement that he has built the project (in the last month) in compliance with the plans and specs. Any non-conforming item will be indicated on the form and continue to be listed on every compliance form for the remainder of the project.

In summary, everyone has to do their part to ensure taxpayer dollars are accounted for and used appropriately! Help FHWA help you!

Review Questions

When should a LAP certified Local Agency enter into a LAP Agreement instead of a Joint Participation Agreement (JPA) instead of a LAP Agreement?

- A) For construction work or any related phase of work required to bring a project to construction, such as PD&E, design and/or right of way acquisition.
- B) When leasing of equipment or services such as ferry boat or water taxi.
- C) When contracting for research or studies by a University

The answer is A.

What type of payment method is established in the LAP Agreement?

- A) Advance Payment
- B) Reimbursement
- C) Hit and Miss

The answer is B.

Can a Local Agency seek reimbursement for work that it performed prior to receiving a written Notice To Proceed from FDOT?

- A) Yes
- B) No
- C) Sometimes, if it is discussed with the District LAP Administrator.

The answer is B.

LINKS

LAP Website

<http://www.dot.state.fl.us/projectmanagementoffice/LAP/default.shtm>

Florida Statutes

<http://www.leg.state.fl.us/statutes/>

Wage Tables and related info

<http://www.dot.state.fl.us/construction/wage.htm>

Federal Statutes and Regulations

<http://www.fhwa.dot.gov/programadmin/contracts/core02.cfm#s2A02>

Environmental Process Acronyms

<http://www.fhwa.dot.gov/programadmin/contracts/coregloss.cfm>

FHWA 1273

<http://ecfr.gpoaccess.gov/cgi/t/text/textidx?c=ecfr&rgn=div6&view=text&node=23:1.0.1.7.22.1&idno=23>

Civil Rights Act of 1964

http://www.fhwa.dot.gov/environment/title_vi.htm

Section II.1 EEO

<http://www.fhwa.dot.gov/programadmin/contracts/core02.cfm#s2A02>

Davis Bacon Act

<http://www.gpo.gov/davisbacon/>

Federal aid policy guide 6011.10 has additional information:

<http://www.access.gpo.gov/nara/cfr/cfr-table-search.html#page1>

“Guidelines on Preparing Engineer's Estimate, Bid Reviews and Evaluation”

<http://www.fhwa.dot.gov/programadmin/contracts/ta508046.cfm>