



Safety Projects, LAP, and Utilization of Force Accounts

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“Driving Down Fatalities Through Knowledge Sharing”



Today's Focus

- D7 seeking to reduce off-system severe injury/fatal crash statistics through the Highway Safety Improvement Program (HSIP)
- Significant infrastructure improvements likely implemented through LAP
- Implementing local agency must be LAP Certified
- LAP Force Account utilization is an option



LAP Overview

- Law 102-240 - the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)
- State DOT's can delegate authority to qualified local agencies
- Florida's Local Agency Program (patterned after Washington State's)
- D7 certified its first agency in 1997



The Evolution of LAP

- LAP considered an FHWA area of high risk
- No longer a “Just Give ‘Em the Money” program
- Increased level of District Oversight
- Increased level of Central Office Review
- Increased level of FHWA Review/Involvement
- Projects of Divisional Interest (PODI)



The Evolution of LAP

- LAP Checklist for Federally Funded Professional Services Contracts
- LAP Checklist for Construction Contracts
- District Review of Local Agency Draft Bid Documents
- Continual Review/Update of the LAP Manual
- Improved/increased review of LAP projects



Safety/LAP Contact & Coordination

- Coordination, cooperation and communication (the three “C’s”) between D7 LAP and local agency staff
- D7 Safety added to mix if Safety Funded
- Safety Funding availability must mesh with agreed upon local delivery Schedule
- Delivery schedule must include all project phases, deliverables and milestone dates



D7 Safety/LAP Project Types

- Signal Projects
- Intersection Improvements
- Lighting Projects
- Lane Departure remedies
- Paved Shoulders, Safety Edge, AVPM's
- Median Modifications
- Pedestrian safety improvements
- Complete Streets



Essential LAP Elements

- Local Agency ability to deliver
- Public Awareness/Public Involvement
- Constructability/Field Review
- Right of Way
- Production Readiness
- Work Program/Project Scheduling



LAP Methods of Construction

- **Decision on how construction will be accomplished is needed during the design process or earlier and must occur prior to requesting federal authorization**
- Competitive Bidding is the norm
 - Can be waived for cost effective reasons
- Negotiated Contracts (very rare)
 - In emergencies/natural disasters
- **Local Agency Force Account**



Transition to Force Account

- Must be approved/funded as a LAP project first
- Essential LAP elements still required
- Three “C’s” even more essential
- Possibility of additional FHWA scrutiny and/or monitoring (Possible PODI)



Force Account Overview

- Authorized under CFR Title 23, 635.201
- Defined as federally funded work accomplished by local agency without the use of a private contractor
- Must be cost effective and approved in advance by the Department/FHWA
- Cost effective defined as efficient use of labor, equipment, materials and supplies to assure the lowest overall cost.



Force Account Requirements

- Full compliance with “responsible charge” language (CFR 635.105)
- Local agency must be adequately staffed and suitably equipped
- Local Agency required to submit a Finding of Cost Effectiveness (FOCE)
- District to review and approve Force Account requests for compliance with appropriate CFR



Local Force Accounts

- Accepted by FHWA *under certain conditions*
- Must be low cost – large dollar projects to be competitively bid
- Local agency must have sufficient staff and resources
- Must submit Finding of Cost Effectiveness
- Davis-Bacon Wage Rates do not apply
- Appropriate staff salaries are reimbursed



Force Account Process

- Local Agency decides to *pursue* project Force Account utilization
- Local Agency requests District *permission* – approval must be sought **early** – do not delay until construction is eminent
- District coordinates and reviews requirements with local agency



FHWA Force Account Directive 5060.1

- Effective March 12, 2012
- Clarifies Force Account per 23 CFR 635.204
- Defines pertinent terms
- Answers frequently asked questions



Using Force Account

- Local Agency must still submit PS&E Package
- Plans must still be approved in ERC
- Spec Package must still be approved
- Updated estimate must still be submitted and approved at each phase submittal
- Most basic LAP Requirements remain in effect except contracting requirements



Using Force Account The Local Estimate



- Detailed project cost analysis
- Standalone statement no longer acceptable
- Supporting documentation required
- Detailed cost estimate (actual or unit) – owner force cost versus average contractor cost
- Local cost estimate to include *all* local costs (MOT, mobilization, etc.)



Using Force Account Detail for Cost Analysis

- Local cost to include estimated quantities and costs for labor, equipment, and material
- Local cost also to include MOT, mobilization, equipment rental/usage – need **total** local cost
- Full review/analysis of competitively bid contractor costs on previous similar projects
- Analysis submitted to district for review must show significant savings to continue process



Using Force Account District Review



- District to conduct thorough review of submitted owner costs versus contractor cost
- District will contact local agency for clarification of issues, questions, etc.
- District will respond favorably, recommend corrections/request additional info, deny



D7 Force Account Success Stories

- **City of St. Petersburg**
 - Walter Fuller Park Trail Project (TA)
 - 112th Avenue North Intersection Improvement (HSIP)
- **Hillsborough County**
 - Alexander Street Sidewalks (SRTS)
- **City of Tampa**
 - Sheehy Elementary Sidewalks (SRTS)



Force Account Pros

- Bid package preparation/process avoided
- Governing body contract approval avoided
- More immediate construction start
- No sub-contractor involvement
- Generally reduced mobilization cost



Force Account Pros

- Generally reduced MOT cost
- No contractor unit price mark-up
- Less change order opportunities
- Softened community impact
- Enhanced utility coordination



Force Account Cons

- Significant local agency data collection and analysis
- Thorough D7 analysis of FOCE
- Additional D7/FHWA review and involvement
- More time and involvement required of agency engineer
- Typically requires additional local agency construction inspector effort



Force Account Cons

- Cost reduction should be in the 20% range
- Requires considerable local agency staff and resources not possessed by many local agencies
- Local emergencies may require change in priorities resulting in delays
- Traffic control and planning around events (schools, communities, etc. – also a pro)



In Summary

- Projects must be low cost and less complex
- Finding of Cost Effectiveness is required
- Close Local and District Communication, Cooperation, and Coordination (3 C's) are essential
- Significant local agency staff numbers, abilities, and equipment resources required
- Most LAP contracting related requirements are not applicable – (Plans, Specs and Estimate required)



Questions / Answers

- *All inquiries are fair game!!!*



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