

EARMARK PROJECTS MANUAL

Maryland Department of
Transportation

State Highway Administration
2007



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LIST OF ACRONYMS & ABBREVIATIONS

ADA	Americans with Disabilities Act and Guidelines
CAC	Critical Area Commission
CE	Categorical Exclusion
CIA	Concurrence in Award
DBE	Disadvantaged Business Enterprise
DNR	Maryland Department of Natural Resources
EA	Environmental Assessment
FHWA	Federal Highway Administration
HPP	High Priority Projects
MBE	Minority Business Enterprise
MDE	Maryland Department of the Environment
MDOT	Maryland Department of Transportation
MHT	Maryland Historical Trust
MOU	Memorandum of Understanding
NEPA	National Environment Policy Act
NPS	National Park Service
NTP	Notice to Proceed
OA	Obligational Authority
OBD	Office of Bridge Development
ORE	Office of Real Estate
PCE	Programmatic Categorical Exclusion
PS&E	Plans, Specifications, and Estimates
RFP	Requests for Proposals
ROW	Right of Way/ Properties
RTE	Rare, Threatened, or Endangered
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SHA	State Highway Administration
SHPO	State Historic Preservation Office
STP	Surface Transportation Programs
SWPCE	Statewide Programmatic Categorical Exclusion
TS&L	Type, Size, and Location
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service

EXECUTIVE SUMMARY

EARMARKS

Projects that have received funds earmarked by Congress in the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), or in annual appropriations bills, are referred to as “earmarks.” These earmarks are not grants but are reimbursable awards subject to appropriate federal and state laws and regulations. Some of these laws and regulations include Title 23 United States Code, Title 23 Code of Federal Regulations, the National Environmental Policy Act (NEPA), the National Historic Preservation Act, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and the Americans with Disabilities Act and Guidelines (ADA). Statewide and metropolitan planning rules and regulations such as the Disadvantaged Business Enterprise (DBE) and Minority Business Enterprise (MBE) requirements, as well as all applicable Maryland policies and procurement laws (COMAR) and regulations also apply.

PROJECT SPONSOR

Each project must have a project sponsor that is solely responsible for the project. They are generally the state agency, municipal or county government that initially sought the project’s inclusion in the legislation. If the project sponsor is a non-governmental agency, such as a private organization, community group, non-profit organization, or an individual, they must arrange for a government agency to act as a co-sponsor. This is usually a county or municipal government.

STATE HIGHWAY ADMINISTRATION’S ROLE

The Maryland State Highway Administration (SHA) administers earmark funds and oversees these projects in Maryland. SHA is responsible for ensuring that the construction of any project using federal-aid funds follows all appropriate federal and state policies, laws, and regulations, provides a safe, structurally sound facility, and serves the desired public function. SHA will provide reasonable administrative assistance for these projects, but the project sponsor will be responsible for the design, implementation, and management of the project. State work efforts required beyond general administrative tasks will result in a charge to the project sponsor.

ROLES AND RESPONSIBILITIES

Project Sponsor

- Project planning
- Coordination with SHA
- Project design
- Matching funds
- Timing of cash expenditures
- Project schedule
- Securing right-of-way
- Environmental clearance
- Advertising
- Contract award
- Construction
- Invoicing
- Completion of the project
- Maintenance of the project

State Highway Administration

- Preparing the MOU
- Preparing a Statewide Programmatic Categorical Exclusion (SWPCE) for project design and ROW
- Providing a right-of-way certification letter
- Reviewing complete bid packages
- Providing approval to advertise
- Providing Concurrence in Award (CIA)
- Processing requests for reimbursement

EARMARK FUNDING

- The enacting legislation contains the project descriptions, the amount of money earmarked, and the required non-federal matching contribution for all earmark projects. Funding is only available for eligible activities that fall within the scope and the physical limits of the project as defined in the project description, even if the description in the legislation is different from the original request to a U.S. Senator or Member of Congress (See Section 4 of the manual for a complete discussion of funding).
- All earmarked projects are subject to funding availability and reductions, as determined by Congress. Annual Obligational Authority (OA) limits and/or rescissions may result in the actual amount of earmark funds available for reimbursement being less than the amount originally listed in the legislation. Congress sets a limit on the amount of federal funds expended from that year's appropriation by imposing OA. The president or Congress may propose

rescissions at any time as a means to withhold appropriated funds needed for other national priorities. (See page 9 of the Manual for an Earmark funding example)

- Although some earmark projects may not have a matching requirement, most require the project sponsor to provide non-federal, matching funds towards the project. The minimum match requirement is usually 20 percent, or an amount equal to no less than 20 percent of the reimbursable project costs. Project sponsors or co-sponsors must include the match and the earmark funds in their budgets and/or capital improvement program.
- SAFETEA-LU earmark funds are made available at 20% per year over five years.
- Funds for earmarks funded through appropriation bills are available in the year appropriated.
- Some projects may be required to be obligated within a limited timeframe. Projects that do not use funding within an individually specified period stand the chance of losing access to the earmarked funds.

The project sponsor is responsible for any cost differences between the amount earmarked and the amount available for reimbursement, as well as the difference between the final amount required and the amount available for reimbursement.

EARMARK PROJECT BASIC INFORMATION

- Project sponsors must adhere to the applicable state and federal regulations for using federal funding. Before undertaking any eligible activities for any phase of a project that involves the use of earmark funds, written FHWA and SHA approval is required. Completed NEPA documentation and an executed MOU are two activities required in order for an activity to be eligible for reimbursement. (See sections 5.2 and 5.3 for more information about the MOU and NEPA)
- Only project activities completed in accordance with the regulations that govern a federally funded project are reimbursable. This is particularly important for projects that plan to use earmark funds for design costs (See Sections 5.3.1 and 5.5.1 of the manual for specific information about using earmark funds for design costs).
- Project descriptions that list recipients, not projects, require that the recipients utilize the funds for projects that are eligible for Federal-aid funding.

In order for project activities to be eligible as match, they must occur after the completion of NEPA, execution of a Memorandum of Understanding and receipt of written approval to incur reimbursable expenses from SHA.

- All earmark projects must be located on publicly owned right-of-way or on freely held, private right-of-way encumbered with a permanent easement held by a state agency or the government agency sponsoring or co-sponsoring the project. (See Section 5.4)
- It is important for project sponsors to recognize and make provisions for the additional cost and time involved in meeting federal requirements.
- The project must be in or added to the appropriate Metropolitan Transportation Improvement Program, if applicable.

PROCESS FLOW CHARTS - See Appendix I of the Manual

1. EARMARK PROJECTS OVERVIEW

This manual is for projects that have received funds earmarked by Congress in Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), an annual appropriations bill, or other federal Surface Transportation Program (STP) legislation. SAFETEA-LU authorizes the STP until 2009 and provides funding for highways, highway safety, and public transportation. These projects are referred to as “earmarks” throughout this document.

Funding for all federally earmarked projects under the STP, including High Priority Projects (HPPs), is a reimbursable funding award and is subject to appropriate federal and state laws and regulations. **It is not a grant.** The projects must conform to all applicable requirements including, Title 23 United States Code, Title 23 Code of Federal Regulations, the National Environmental Policy Act (NEPA), the National Historic Preservation Act, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and the Americans with Disabilities Act and Guidelines (ADA). Statewide and metropolitan planning rules and Disadvantaged Business Enterprise (DBE) and Minority Business Enterprise (MBE) requirements, as well as all applicable Maryland policies and procurement laws (COMAR) and regulations apply.

This manual provides general information on the federal process as it relates to earmark projects, including funding, design, and construction. SHA will coordinate with project sponsors on individual project details.

1.1 Maryland State Highway Administration’s (SHA) Role

The Maryland State Highway Administration (SHA), a modal administration of the Maryland Department of Transportation (MDOT), administers the earmark and oversees earmark projects in Maryland. As mandated by FHWA, SHA is responsible for ensuring that the construction of any project using federal funds follows all appropriate federal and state policies, laws, and regulations and provides a safe, structurally sound facility. SHA is also interested in seeing that the projects proceed as expeditiously as possible and serve the desired public function. SHA will provide reasonable administrative assistance for these projects, but the **project sponsor** will be responsible for the design, implementation, and management of the project.

Please note that –

- Project sponsors are responsible for adhering to all program requirements.
- If a section is unclear or there is an activity not covered, the project sponsor should contact SHA for clarification or additional information before proceeding with the activity. SHA will address questions and comments as quickly as possible.
- SHA’s earmark project assistance is limited to the awarded project and its scope.
- SHA may update or modify this document as needed to provide additional information, to clarify information, or to include updated guidance from FHWA.

1.2 Project Sponsors Responsibilities

Each project must have a project sponsor that is solely responsible for the project. They are generally the state agency, municipal or county government that lobbied for the project’s inclusion in the legislation. Specific responsibilities include the following:

- Project planning
- Coordination with SHA
- Project design
- Matching funds
- Timing of cash expenditures against federal funds available
- Project schedule
- Securing right-of-way
- Environmental clearance
- Advertising
- Contract award
- Construction
- Invoicing
- Completion of the project
- Maintenance of the completed project

If the project sponsor is a non-government agency, such as a private organization, community group, non-profit organization, or an individual, they must arrange for a government agency to act as a co-sponsor. Transportation funds

may not go directly to a non-governmental agency due to Maryland procurement regulations; therefore, SHA holds the government agency accountable for all aspects of the project, even if the non-government agency will be executing the majority of the project sponsor's responsibilities. In these cases, the co-sponsor and the project sponsor must execute a separate agreement between them that will govern their relationship, plus the arrangements for invoicing and the receipt of funds from SHA.

Project sponsors must adhere to the applicable state and federal regulations for using federal funding. These regulations may be more stringent and more complex than local regulations, and ensure the protection of the rights of individual citizens, the consideration of the public interest, and the construction of safe, high quality projects. It is particularly important to note that before undertaking any phase of a project that involves the use of earmark funds, written FHWA and SHA approval is required.

A Memorandum of Understanding (MOU) between the government agency that is sponsoring or co-sponsoring the project and SHA outlines the project sponsor's responsibilities. Generally, the project sponsor's responsibilities include, but are not limited to the following:

- Submitting a complete Project Information Form to SHA;
- Keeping documentation of all actual project costs;
- Providing project management;
- Ensuring funding is available to complete the project;
- Obtaining public support;
- Acquiring right-of-way/property, if needed;
- Completing engineering design, if appropriate;
- Obtaining environmental surveys, including wetland delineations, hazardous materials survey, and archeological surveys, if required;
- Completing all necessary NEPA documentation;
- Obtaining necessary permits;
- Advertising for construction or other services;
- Constructing, developing, and/or implementing the project;
- Assuming the responsibility for maintenance of the project before, during, and after construction,
- Submitting requests for reimbursement in a timely manner, and

- Coordinating any project-related public events or media announcements associated with the project with SHA.

2. General Earmark Project Information

General project descriptions for all earmark projects, including HPPs, are in the governing legislation. Funding is only available for the activities within the scope and the physical limits of the project as defined in the project description, even if the description in the legislation is different from the original request to a U.S. Senator or Member of Congress.

To initiate the federal-aid process, project sponsors must provide the SHA Liaison (see Appendix C for contact information) with a completed Project Information Form (see Appendix A). Upon receipt, SHA will schedule a kick-off meeting for the project. Prior to the kick-off meeting, project sponsors should contact SHA before proceeding with any phase of the project to ensure compliance with all federal requirements. See Chapter 5 for a general outline of these requirements.

The costs of any phase of the project not completed in accordance with the regulations that govern a federally funded project are not reimbursable. This is particularly important for projects that plan to use earmark funds for design costs (See Sections 5.3.1 and 5.7.1 for specific information about using earmark funds for design costs).

All earmark projects must be located on publicly owned right-of-way or on freely held, private right-of-way encumbered with a permanent easement held by a state agency or the government agency sponsoring or co-sponsoring the project.

Projects must comply with the following regulations:

- ADA,
- NEPA,
- Federal Uniform Assistance and Real Property Acquisition Policies Act, as amended, and
- Other applicable state and federal regulations

The project must be in or added to the Transportation Improvement Program and the Statewide Implementation Program, if applicable.

3. SHA ASSISTANCE FOR PROJECT SPONSORS

SHA will provide general administrative assistance to project sponsors in order to meet the requirements associated with earmark projects. Some of SHA's responsibilities include the following:

- Holding a kick-off meeting to orient sponsors to the program
- Preparing the MOU
- Preparing a Statewide Programmatic Categorical Exclusion (SWPCE) for project design and ROW
- Providing a right-of-way certification letter
- Reviewing complete bid packages
- Providing approval to advertise
- Attending bid opening
- Providing Concurrence in Award (CIA)
- Processing requests for reimbursement

SHA bills the project sponsor for other services, which vary by project including,

- Reviewing structural plans and specifications
- Providing right-of-way acquisition assistance
- Reviewing construction plans, specifications, and estimates (PS&E)
- Providing inspections and materials testing upon request and subject to staff availability (a separate agreement with the appropriate SHA District Office is required for this service)

SHA will provide the cost prior to the start of the activity.

4. EARMARK FUNDING OVERVIEW

The respective legislation identifies the amount of funding earmarked for each project. Funding is for all eligible activities, which includes only those directly related to the project's description as listed in the legislation. NEPA documentation and an executed MOU are required in order for an activity to be eligible for reimbursement. In addition, the project sponsor must receive SHA approval before proceeding with eligible activities. Project descriptions that list recipients, not projects, require that the recipients utilize the funds for projects that are eligible for Federal-aid funding.

Projects with engineering or design underway prior to the federal funds being obligated cannot use the earmark funds for design costs. Projects that advertise or begin construction without review and written approval from SHA jeopardize the ability of SHA to reimburse the earmark funds.

Project sponsors also need to understand their matching funding responsibility, the timeframe in which the funds will be available, and that the funds are subject to Obligational Authority (OA) and all applicable rescissions. They must also secure all funds needed to design and construct the project before SHA will give permission to advertise.

4.1 Earmark Matching Requirements

The enacting legislation determines the matching requirements for earmark projects. Although some earmark projects may not have a matching requirement, most require the project sponsor to provide non-federal, matching funds towards the project. The minimum match requirement is usually 20 percent, or an amount equal to no less than 20 percent of the reimbursable project costs. A simple way to determine the minimum amount of match required is to multiply the earmark amount by 0.25.

In order for project activities to be eligible as match, they must occur after the completion of NEPA documentation and the development and execution of a Memorandum of Understanding. In addition, SHA must provide approval to incur reimbursable expenses. SHA will work with project sponsors to ensure they are able to utilize the maximum amount of appropriate match. The following table is not exclusive, but provides general guidance on eligible and ineligible match activities.

Eligible Match Activities	Ineligible Match Activities
Activities directly related to the project description and are included in the project budget	Property held for over two years
Funding from local and state agencies	Costs of adjacent, past, or future project activities
Private, in-kind donations <ul style="list-style-type: none"> • Donated services are valued at a rate equivalent to the rate ordinarily paid for the type of work • Donated right-of-way or property is valued at the fair market value at the time donated (transfer must take place as a part of the execution of the project) 	Costs from a similar project Costs of another phase of the project

4.2 Congressional Reductions

All earmarked projects are subject to availability and reductions, as determined by Congress. Obligational Authority (OA) and/or rescissions may result in the actual amount of earmark funds available for reimbursement being less than the amount listed in the legislation. Congress imposes OA, which sets a limit on the amount of federal funds expended from that year’s appropriation. The annual OA for a given year generally ranges from 80 percent to 90 percent, but could be more or less. This means that the available earmark funds are reduced by approximately 10 to 20 percent.

The President or Congress may propose rescissions at any time as a means to withhold permanently appropriated funds needed for other national priorities. The earmark amount as reduced by OA and/or rescissions, if any, is the only amount that can be reimbursed to the project sponsor. The project sponsor is responsible for any cost differences between the earmarked amount and the amount available for reimbursement after congressional reductions. They are also responsible for the difference between the amount available for reimbursement after congressional reductions and the actual project costs.

4.3 Budgeting Earmark Funding and Match

Project sponsors or co-sponsors must include the match and the earmark funds in their budgets and/or capital improvement program. It is also important for project sponsors to recognize and provide for the additional cost, as well as the time, involved in meeting federal requirements.

For HPP projects, project sponsors must also budget their projects' expenditures accordingly as SAFETEA-LU specifies that funding for earmarked projects occurs over the life of the act. Specifically, SAFETEA-LU allocates 20 percent of the earmark's total funding annually from 2005 through 2009 and is available until expended. The total funding for each HPP will not be available until Congress enacts the 2009 appropriations legislation. Each year, the funding is subject to the OA for that year. FHWA provides the corresponding percentage to SHA each year as it becomes available.

Earmark funds for projects funded through appropriation bills are available in the year appropriated. Some projects may be required to be obligated within a limited timeframe. Projects that do not use funding within the individually specified period stand the chance of losing access to the earmarked funds.

Table 1 shows an example of the annual funding allocations, OA, and rescissions for an HPP project earmarked in SAFETEA-LU. SHA will provide exact numbers to project sponsors as they become available.

TABLE 1 - GENERAL EXAMPLE OF HPP FUNDING SUMMARY	
Total Project Cost - 2,000,000	
Earmark Amount - \$1,600,000	
Minimum Cash Match - \$400,000	
2005 Allocation	\$320,000
Rescissions Reduction - 0% (Actual)	\$0
2005 OA Allowed - 85.5% (Actual)	\$273,600
2005 Funding Available for Reimbursement	\$273,600
2006 Allocation	\$320,000
Rescissions Reduction - 1% (Actual)	\$3,200
2006 OA Allowed - 87% (Actual)	\$316,800
2006 Funding Available for Reimbursement	\$275,616
2007 Allocation	\$320,000
Rescissions Reduction - 0% (Actual)	\$0
2007 OA Allowed - 90.5% (Actual)	\$289,600
2007 Funding Available for Reimbursement	\$289,600
2008 Allocation	\$320,000
Rescissions Reduction - 1% (Estimate)	\$3,200
2008 OA Allowed - 87% (Estimate)	\$316,800
2008 Funding Available for Reimbursement	\$275,616
2009 Allocation	\$320,000
Rescissions Reduction - 0% (Estimate)	\$0
2009 OA Allowed - 86% (Estimate)	\$275,200
2009 Funding Available for Reimbursement	\$275,200
Total Amount Available for Reimbursement (Fiscal Year 2005 - Fiscal Year 2009)	\$1,375,232

4.4 Reimbursement

The project sponsor must pay for project costs as they occur. They may submit invoices for reimbursement to SHA as set forth in the governing legislation and the MOU. SHA will reimburse the project sponsor or governmental co-sponsor for all eligible costs up to the earmark amount, less OA and rescissions. The project sponsor should make periodic requests for reimbursement; at least quarterly for large projects.

4.5 Difference between Earmark Amount and Actual Project Costs

The project sponsor is responsible for project expenditures and over-runs to complete the earmark projects. SHA cannot increase or supplement the amount of funding available for an earmark project. The funding amount is reduced, if necessary, if the project costs are lower than the earmark amount to ensure that the project sponsor provides a match of at least 20 percent. The project sponsor cannot use any excess project funds for other projects.

4.6 Important Considerations

Congress approves each earmark project with a target cap of federal funds. This manual describes, in general, the activities for which these funds are eligible. Project sponsors need to be aware that while construction costs will continue to rise during the life of their project, **the federal cap will remain the same as reduced by rescissions and OA**. Therefore, decisions at the sponsor level will have to take into consideration what is the optimum use of federal funds.

Utilization of the federal funds for Preliminary Engineering (P.E.) and Right-of-Way/property purchase (ROW) could affect the availability of federal funds for the construction phase. A contractor's low bid for construction activities, plus any unforeseen extra costs that arise during construction, may be ten to fifteen percent more than the final approved engineer's estimate. Unless considered in advance, this could result in the project sponsor not having adequate funds to cover the full actual cost of construction.

As part of SHA's processing of the project sponsor's request for Concurrence in Award (CIA) to SHA, and prior to SHA issuing a Notice to Proceed for construction activities to the project sponsor, SHA's Office of Finance - Federal Aid Programming Section will prepare a document that includes the following language:

"This project has a cap on the Federal Funds at \$0,000,000. The balance of the project, plus all cost overruns, will be paid by the (project sponsor) utilizing other funding sources."

More information on this process is in section 5.7.

Not all projects or project sponsors will have issues with having adequate funds available to pay for construction activities, but project sponsors may want to consider utilizing their own funds to cover costs for P.E. and ROW. This could help prevent a potential situation where the amount of federal funds already used for these activities is needed to fund construction.

5. EARMARK AND HIGH PRIORITY PROJECT PROCESS

This section outlines the applicable federal and state requirements for each phase of a typical construction earmark project. While each project and phase has different requirements, **all projects must have an executed MOU and obtain NEPA clearance prior to the first use of federal funds or expenditure of matching costs.** Project sponsors should read the information provided for **all** project phases prior to proceeding with their project. Relevant information may not be repeated in each section.

5.1 Kick-off Meeting

Upon receipt of the Project Information Form (See Appendix A), SHA will schedule a kick-off meeting with the project sponsor for newly earmarked projects, in order to ensure they do not jeopardize their project's eligibility to be reimbursed.

The kick-off meeting is a working meeting. SHA will ask the project sponsor to review the project's scope in detail and update SHA staff on any project developments. The project sponsor, the project manager and others expected to play a major role in the project, including the project engineer, must attend the kick-off meeting, as it is essential for them to understand the requirements of the earmark process. Elected officials typically do not attend.

SHA staff will familiarize the project sponsor with the funding and technical requirements for the specific project. Topics of discussion may include:

- Project scope and activities
- Appropriate environmental approvals
- MOU process
- Project schedule
- Cost estimate
- Right-of-way acquisition process for federally funded projects
- General design requirements
- SHA review process
- Determination of the required permits
- Reimbursement process

5.2 Memorandum of Understanding (MOU) Process

SHA will prepare a draft MOU for each earmark project following the kick-off meeting. The MOU is a formal agreement between the sponsoring agency and SHA (on the behalf of MDOT). The MOU will reflect the project activities discussed in the meeting and will outline the following:

- Project description,
- Mutual commitments of both SHA and the project sponsor,
- Reimbursement process,
- Associated costs, including the match and earmark amounts.

It is the project sponsor's responsibility to ensure that the scope and costs outlined in this agreement are as accurate as possible. **Failure to adhere to the requirements set forth in the MOU can make part or all of the entire project ineligible for reimbursement.**

The project sponsor will have an opportunity to comment on the draft MOU. Once SHA and the project sponsors approve the provisions, SHA will sign the MOU and send the originals to the project sponsor for signature. Execution of the MOU is complete upon signing. If arranged in advance, the project sponsor should return an executed original to SHA and keep one (or more) executed copy(ies).

If the project sponsor plans to use the earmark funding for design costs, they must execute the MOU prior to advertising for a design consultant. If not, they must execute the MOU prior to authorization from SHA to advertise for the construction of the project.

5.3 National Environmental Policy Act (NEPA) and Environmental Requirements

All projects that receive federal funding must conform to the requirements of NEPA, as well as The National Historic Preservation Act - Section 106, The Endangered Species Act - Section 7, The United States Department of Transportation Act - Section 4(f), The Clean Water Act - Section 404, and The Chesapeake Bay Critical Area Act. Depending on the specific project activities, other federal and state laws and regulations may be pertinent. **It is the project sponsor's responsibility to adhere to all applicable environmental regulations and processes for their project.**

Project sponsors should begin the NEPA documentation process immediately following the kick-off meeting.

NEPA requires that project sponsors comply with each of the applicable environmental regulations listed in Table 2. The corresponding environmental resources and regulatory agency is also included for reference.

TABLE 2 – ENVIRONMENTAL IMPACTS AND REGULATIONS

Environmental Resource	Environmental Regulation	Regulatory Agency
Agricultural lands	NEPA	Maryland Department of Agriculture
Recreational, Parklands, or Wildlife and Waterfowl Refuges	Section 4(f); NEPA	Local Governments or National Park Service
Historic sites – archeological areas or standing structures	Section 106; NEPA	MHT
Wetlands or Waters of the US	Section 404; NEPA	MDE; USACE
Floodplains	Section 404; NEPA	MDE; USACE
Forests	NEPA	Local Governments or NPS
Critical Areas/Coastal Zones	Chesapeake Bay Critical Area Act; NEPA	CAC
Rare, Threatened and Endangered species	Section 7; NEPA	DNR; USFWS
Hazardous Waste Sites/ Hazardous Materials	NEPA	EPA
Consistency with Local Development Plans	NEPA	Local Agencies
Community Cohesion/ Quality of life/Displacements	NEPA	Local Agencies
Air quality	NEPA	EPA; MDE
Noise	NEPA	EPA
Economic	NEPA	Local Agencies

NOTE: other state and/or local regulations may apply.

The *Environmental Documentation for Local Government Projects (2006)* publication guides the design process for earmark projects. It is located in Appendix D – Environmental Documentation for Local Government Projects. Sample letters to the environmental regulatory agencies are also available. Contact the SHA NEPA Liaison for answers to specific questions (See Appendix C for contact information).

5.3.1 Projects using Earmark Funds for both Design and Construction Costs

Projects using any of the earmarked funding for design and construction costs require a 2-step NEPA process. First, SHA will approve a Statewide Programmatic Categorical Exclusion (SWPCE) before design can begin. The SHA NEPA Liaison uses the information from the Project Information Form to complete the SWPCE. Project sponsors must report any changes to the project description and scope of work to prevent delays in NEPA compliance. Upon approval of the SWPCE and execution of the MOU, the project sponsor may advertise for a design consultant. When the design reaches approximately 30 percent, the project sponsor may begin the second portion of the NEPA process as described below.

5.3.2 Projects Using Earmark Funds for Construction Costs Only

Project sponsors using any of the earmarked funding for construction costs should begin sending coordination letters to the appropriate agencies when the design for a project is approximately 30 percent complete. The project sponsor must summarize all NEPA coordination efforts, environmental impacts, and evidence of public involvement in an environmental document that SHA will submit to FHWA. The NEPA legislation specifies the criteria for these documents. Generally, an Environmental Assessment (EA) or Categorical Exclusion (CE) letter will be appropriate for most earmark projects. NEPA documentation and approval generally takes four to six months to complete. FHWA provides EPA clearance or environmental compliance approval to SHA.

5.3.3 Design-Build Projects

Project sponsors can use a Design-Build approach to construct their project. The Design-Build method is different from the more typical Design-Bid-Build method in that it shifts the responsibility of completing the final design and construction to a Design Build Team. The project sponsor should complete the advertised design plans for a Design Build project to about the 30 percent stage to establish bidding, product, and construction requirements. For more information on an approach to Design Build projects, please contact SHA's Design Build Coordinator; see Appendix C -Program Contact Information.

The project sponsor should carefully evaluate this approach as it may not meet the needs of the project and will require extensive project sponsor participation as the design and construction progresses.

The project sponsor must obtain NEPA approval before advertising the project for design or construction and before negotiations can begin for right-of-way acquisitions.

5.4 Right-of-Way/Property Acquisition Process¹

All project activities for federally funded projects must be on publicly owned right-of-way or private right-of-way encumbered only with a **perpetual** easement held by a public agency. Therefore, the project sponsor must acquire any right-of-way not meeting those criteria, for example, land used for water drainage, land entered upon to adjust terrain slopes, and land for stormwater management outfalls by fee-simple ownership. A temporary easement will be required for projects that may need temporary access to a property in order to complete the project, for example, land needed for construction staging, etc.

Because earmarked projects receive FHWA funding, the sponsoring agency **must** follow the Federal Uniform Assistance and Real Property Acquisition Policies Act, as amended, and other applicable FHWA reimbursement regulations and requirements when negotiating for right-of-way. The project will be ineligible to receive earmark funding if the project sponsor fails to follow federal right-of-way acquisition procedures.

If the project sponsor of a proposed earmark project elects to use earmark funding for any right-of-way activity, all right-of-way activities for that project must be put on hold until the President signs the related appropriations legislation. Federal approval to negotiate for right-of-way and NEPA clearance **is required** before right-of-way acquisition activities can begin or resume. Project sponsors may have contact with property owners between application submission and federal approval; however, they may not make offers or engage in other forms of negotiation. If the project sponsor elects not to use earmark funds for right-of-way activities, they have the option to continue right-of-way activities without interruption.

The project sponsor must supply a right-of-way acquisition cost estimate to the SHA Right-of-Way Liaison in the Office of Real Estate (ORE) in order to begin the acquisition process for privately owned right-of-way. ORE will use the information to prepare the documents requesting FHWA approval. Once the project sponsor receives FHWA approval, they have the option to take primary responsibility for completing the process, or they may hire a private contractor to take primary responsibility. SHA's ORE may be available to act as a private contractor for this purpose. SHA will notify the project sponsor of the fee for services if this method is chosen. Regardless of who takes primary responsibility, the general process is the same as described on the following pages.

¹ Throughout the manual, all references to "Right of Way" also apply to the acquisition of property either by purchase in fee simple or by easement.

- **A certified appraiser must appraise the property.**
 - The project sponsors or appraiser must offer the property owners the option to accompany the appraiser during the property inspection.
- **A second qualified appraiser or appraisal reviewer must review and accept the property appraisal.**
- **Following the appraisal review, the negotiator can begin making offers to property owners to acquire necessary right-of-way.**
 - The negotiator must give each property owner a written letter of offer that details the components of each offer along with a plan or drawing of the property and a copy of the deed or agreement needed to transfer the property rights.
 - The offer can be made in person or by mail.
 - After the first offer, the negotiator must stay in contact with the property owner and attempt to resolve any concerns or issues the property owner may have in order to reach an amicable settlement with the property owner.
 - The public agency can request that the property owners donate the right-of-way required to complete the project. However, the negotiator **MUST** inform the property owner that they **have the right to be compensated for any use of their property**, and that by donating their property they are waiving their right to compensation.
- **Upon completion of successful negotiations, both parties will sign a deed, option contract, or easement agreement to transfer the property rights.**
 - A deed is a legal document transferring certain property or property rights to the sponsoring agency. Recording the document in the land records of the local jurisdiction completes the execution.
 - An option contract is a legally binding contract that generally stipulates that the public agency has the option to acquire the right-of-way for the agreed upon amount within a specified duration of time, as well as any other agreed upon provisions.
 - An easement agreement is a legal document that conveys the legal right for the public agency to use the right-of-way for a specific purpose. The easement must include that the public agency is responsible for the continued maintenance of the property and must be recorded in the land records of the local jurisdiction in most cases.
 - The negotiator must sign a negotiator's certificate.

- **ORE must review the sponsoring agency’s acquisition activities and records to ensure compliance with the federal procedures.**
 - Records should include appraisal information, the negotiation certificate, and a comprehensive summary of negotiations, including evidence of when and how the project sponsor obtained the right-of-way or easement.
- **If the right-of-way acquisition process complies with all federal regulations, ORE staff will prepare a Right-of-Way Certification letter and send it to the project sponsor and FHWA. At this point, the right-of-way acquisition process is complete and the right-of-way is “cleared.”**

Generally, the project sponsor should complete all right-of-way acquisitions before advertising the project for construction bids. It is possible, but not preferred or advisable, to advertise a project before all right-of-way is acquired provided the sponsoring agency has made offers to acquire all properties. ORE will review the acquisition process up to that point and then issue a Limited Certification Letter, allowing the project sponsor to advertise for bids. The sponsoring agency must complete the right-of-way process before awarding the winning bid. ORE will then review the completed right-of-way acquisition process and issue a Letter of Certification stating that the right-of-way is cleared.

5.4.1 Publicly-Owned Right-of-Way

If an agency, or an individual, other than the sponsoring public agency owns the required right-of-way, there is not a standard approach. In many cases, the property owner is supportive of the project and willingly gives permission to the sponsoring agency. In these cases, a Letter of Permission may be sufficient documentation of right-of-way requirements. In other cases, a more detailed acquisition process may be required. Project sponsors should discuss non-publicly owned right-of-way issues with SHA’s Right-of-Way Liaison representatives early in the project.

5.5 Design

Project sponsors must follow the federal advertisement, selection, and award processes to obtain a design consultant for projects using earmark funds. The project sponsor may not use earmark funds for design if it is underway prior to the award of the earmark, or if an unapproved process was used to select the design consultant. Reimbursement for the expenditure of funds for Preliminary Engineering will take place from the effective date of the FHWA approved Project Agreement. There will be no retroactive payment for work completed before the effective date.

5.5.1 Design Consultant

The project sponsor must execute the MOU and have an approved SWPCE for design prior to advertising for a design consultant. The governmental agency sponsoring or co-sponsoring the project must advertise for the design consultant using the process outlined below:

- **Project sponsors should complete a Form 25c and send it to the SHA Community Design Liaison (See Appendix C for contact information).**
 - SHA will provide Form 25c electronically; a copy is located in Appendix E - Standard Forms and Documents.
- **SHA will provide project sponsors with a Federal Aid Project Number and a SHA Project Number, which must be on all contract documents and design plans..**
- **The project sponsor should use the *Architectural/Engineering (A/E) Consultant Selection Guidelines for Federal Aid Projects* as a guide when advertising for a design consultant.**
 - Project sponsors may use SHA's guidelines and procedures when preparing the Request for Proposals (RFP) to procure a consultant to perform A/E services. (See Appendix H)
 - The project sponsor must advertise the RFP on emarylandmarketplace.com. SHA recommends additional advertising in regional, local, and DBE/MBE-designated newspapers.
- **Once the project sponsor receives all proposals, they should develop a Reduced Candidate List, determine the top ranked design consultant, and prepare a contract agreement.**
 - Project sponsors should have SHA's Office of Equal Opportunity review the DBE/MBE information for the top ranked design consultant's proposal.
- **Project sponsors must request the Administration's concurrence of the A/E Contract Award in writing.**
 - A package that includes the following information, in order, must accompany the written request.
 - 1) SHA summary page (see Appendix E - Standard Forms and Documents)
 - 2) Sponsoring agency's certification regarding process and publication
 - 3) Advertisement material
 - 4) Reduced candidate list
 - 5) Technical reviews of proposals
 - 6) DBE/MBE information with SHA review

- 7) Draft contract
- 8) Pre-contract audit
- Project sponsors should send complete packages to the SHA Community Design Liaison and allow two (2) weeks for SHA review for each package.
- **SHA will provide the project sponsor with written concurrence of the A/E Contract Award if the package is complete and the federal process followed. If not, SHA will ask the project sponsor to respond to comments and/or request more information.**
 - SHA concurrence will authorize the use of earmark funding for a project's design. An upset amount will be specified in consultation.
 - After SHA concurrence, the project sponsor may award the A/E Contract to the selected design consultant.
 - If SHA requests more information, project sponsors must resubmit the request for A/E Contract Award concurrence.

5.5.2 Design Requirements

The *Bridge Replacement and Rehabilitation Program Guidelines for Local Governments* should guide the project design process. A copy of these guidelines is available at each county's department of public works. Additional policies and publications that provide design guidance include:

- American Association of State Highway Transportation Officials (AASHTO) *Guide for Development of New Bicycle Facilities*,
- The *Secretary of Interior's Standards and Guidelines for Archeology and Historic Preservation*,
- The *ADA Accessibility Guidelines for Buildings and Facilities*,
- SHA's *Accessibility Policy & Guidelines for Pedestrian Facilities along State Highways*,
- SHA's *Standards for Highways, Incidental Structures and Traffic Control Applications by and for the Maryland State Highway Administration*,
- MDOT's *Standard Specifications for Construction and Materials*,
- The *Maryland Stormwater Design Manual*,
- The *Manual on Uniform Traffic Control Devices*, and
- The International Code Council publications, including the *International Building Code*.

The Maryland stormwater management and the erosion and sediment control regulations apply to all construction projects. The project sponsor is responsible for determining and meeting any additional regulations relating to the design of project, such as local zoning ordinances.

All earmark projects are required to comply with the Americans with Disabilities Act and Guidelines, which prohibits discrimination based on disability. Some earmark project sponsors can use the *ADA Accessibility Guidelines for Buildings and Facilities* (ADAAG) as the basis for complying with ADA. If the project links to or includes a transportation facility, such as a trail, walkway, driveway, or access path, or it is located along or intersects with a state roadway, SHA's *Accessibility Policy & Guidelines for Pedestrian Facilities along State Highways* must be followed. In some cases, this policy is more restrictive than the ADA guidelines.

The project could be declared ineligible to receive earmark funding if it fails to meet ADA guidelines and other required design standards. If any established design guidelines (FHWA, local, etc.) or Act/Law (ADA, etc.) cannot be met after due diligence, the project sponsor may request a design exception. This requires SHA's concurrence or approval.

5.5.3 Permits

Project sponsors are responsible for obtaining all permits required by federal, state, or local authorities, including but not limited to the following:

- Erosion and Sediment Control,
- Stormwater Management,
- Critical Areas,
- Joint Permit Application,
- Tree Permit,
- Building Permits,
- Access Permits, and
- Utility Permits.

5.5.4 Bridge or Structure Review

SHA's Office of Bridge Development (OBD) must review and concur with any project that includes the construction or alteration of any existing bridges, retaining walls, boardwalks, large culverts, or foundations of structures or that proposes an improvement that may affect an existing SHA structure. The project sponsor should submit a complete set of design plans, specifications, and estimates to OBD when they are approximately 50 percent and 95 percent complete. OBD will review the 50-percent plans for Type, Size, and Location (TS&L) of structures, soil boring reports, and foundation design. Project sponsors must address OBD's comments and receive their concurrence before the 95 percent submittal. OBD will review the Final and Structural

designs during the second submittal. OBD may request separate, independent submittals of necessary design components if the project's complexity warrants. (See Appendix C for OBD's contact information)

Project sponsors must submit a Scour Analysis Report with the TS&L plans for projects with structures located within the 100-year floodplain. The project sponsor is required to follow SHA's scour studies protocol, including use of the HEC-RAS model for the hydraulics analysis. This data is used to complete the scour analysis program – ABSCOUR. The scour report needs to contain the hydrology computations, the hydraulics model, the field survey info, floodplain maps, scour computation, and the scour cross section plot. The project sponsor should refer to Chapter 11 of the OBD *Hydrology and Hydraulics Design Manual* for a description of the process. (See Appendix B – Online References to Guidelines, Policies, and Manuals).

OBD's review and concurrence of the structural design is required prior to requesting SHA approval to advertise.

5.5.5 State Historic Preservation Office (SHPO) Review

Projects that involve any historic sites or structures require a design review by the SHPO, Maryland Historical Trust (MHT), which is in addition to any NEPA requirements.

The project sponsor should submit the design plans to MHT when they are approximately 30 percent complete or at least show the location and size of all proposed improvements. The project sponsor should submit the plans early enough in the process to allow for any requested design changes and invite MHT to the Final Review meeting with SHA. For contact information, see Appendix C.

5.5.6 Utility Relocations

Project sponsors are responsible for coordinating all necessary utility relocations with the appropriate public or private agency, business, or owner. They should address utility relocation early in the design phase, as it could affect costs and schedules. Project sponsors should prepare a utilities statement that documents the utility relocation process for concurrence from the SHA District Office in which the project is located before project sponsors can request permission to advertise. For more information, contact the Utility Engineer in the appropriate SHA District Office (See Appendix C – Contacts Information).

5.5.7 Traffic Control Plan

Project sponsors are responsible for preparing a traffic control plan for all projects that effect vehicular or pedestrian movement during construction. SHA District Office must concur with the traffic control plan before project sponsors can request permission to advertise (See Appendix C for contact information).

5.5.8 Specifications Book

Project sponsors are responsible for preparing the project's specifications book, invitation for bids, or project manual that includes the following:

- All required permits, approval letters, and specifications required for the construction of the project,
- General provisions;
- Terms and conditions;
- Technical requirements for construction and materials;
- A bid proposal form; and
- Any other associated project information that may be needed to comply with COMAR, SHA, FHWA, state and other applicable regulations.

Specification books are legal documents. SHA recommends that project sponsors use the general SHA format as outlined in the *Standard Specifications for Construction and Materials* when preparing the specifications book (see Appendix B – Online References to Guidelines, Policies, and Manuals). The specifications book, together with the design plans, is the primary source for potential contractors to determine bids for construction and comprise the advertisement documents, or contract.

5.5.9 Final Review

Earmark projects must have a Final Review meeting for all project stakeholders, including key persons on the project sponsor's team, SHA staff with insight on any of the project design, and all other project stakeholders or interested parties, whose participation would not affect the contractor's bidding process. The meeting is a peer review of the proposed design and provides the last opportunity for SHA and other stakeholders to make comments or edits prior to the submission of a request for approval to advertise.

Since attendees will review each page of each document during the meeting, the project sponsor must submit 15 copies of 90-95 percent complete design plans, specifications book, and engineer's estimate to the SHA Community Design Liaison who represents the proposed advertised document (see Appendix C for contact information). Project sponsors are responsible for soliciting reviews of the Final Review package from all non-SHA project stakeholders. Allow a minimum of 4-5 weeks for Final Review participants to complete their review. All stakeholders should be prepared to discuss project details and offer comments during the Final Review meeting. General topics of discussion include the following:

- Design,
- Engineer's estimate,
- Constructability,
- Project goals and/or restrictions,
- Contract,
- Advertisement,
- Construction, and
- Future maintenance of the project.

After the Final Review meeting, it is the project sponsor's responsibility to develop and provide a Final Review Report. The report must include a summary of all comments, recommendations, and edits presented at the final review meeting, and indicate how the project sponsor addressed/resolved them following the meeting.

5.6 Advertisement

5.6.1 Approval to Advertise and Bid Package

Project sponsors are required to submit a written request for SHA's approval to advertise, i.e., to solicit vendors for bids to provide materials or services needed for a project. For projects involving construction, a ready to advertise Plans, Specifications & Estimates (PS&E), or "Bid Packet," must accompany the request for approval to advertise. This packet must include the following:

- **100% Complete Design Plans and Specifications Book** that provide all details necessary to bid on and construct the proposed project;
- **Engineer's Estimate itemizing all construction items, bid cost, and associated funding source;**
- **Environmental Permit Form** indicating the status of all required permits on this project (see Appendix E - Standard Forms and Documents);
- **Public Awareness letter/documentation** describing how the public was informed of the proposed construction and the majority position on the project;

- **Final Review Report** reflecting edits and comments presented at the final review meeting;
- **Executed Memorandum Of Understanding;**
- **Traffic Control Plan and SHA District Office concurrence**, if applicable;
- **Utilities Statement or plan and SHA District Office concurrence**, if applicable;
- **FHWA approved PCE, CE, EA, or Environmental Impact Statement;**
- **Right-of-Way Certification Letter;**
- **Design Exception approvals**, if applicable; and
- **Other project specific approvals and concurrences, for example, SHA OBD and MHT concurrence.**

The Plans, Specifications, and Estimates Packet Checklist included in Appendix F is provided to ensure that the packet is complete and should accompany the packet. Incomplete PS&E packages will result in delaying approval to advertise. The project sponsor should send **two identical** packets to the SHA Community Design Liaison (see Appendix C – Contact Information). It takes approximately 4-6 weeks for SHA and FHWA to review completed packets and provide approval to advertise.

SHA will issue written approval to advertise after the project sponsor meets all requirements. If the project sponsor advertises prior to this approval, they will have to cancel the advertisement, or reject bids and re-advertise in order to maintain eligibility for reimbursement of federal funds. Any modifications to the contract after the project has received SHA and FHWA approval to advertise must be approved by SHA prior to issuing the modification or addendum. The project sponsor must provide approved addendums to all purchasers of bid documents and include them as part of the contract document.

5.6.2 Advertising

The project sponsor has to notify the SHA Community Design Liaison of the advertisement date prior to that date and must advertise all construction projects for a minimum of 21 calendar days. The advertisement should include the project title; SHA and FHWA project numbers, and the project sponsor’s contact information. It is required to appear on the Maryland Department of General Services website, www.emarylandmarketplace.com.

Project sponsors are encouraged, but not required, to conduct pre-bid meeting(s) with potential contractors. Attendance at any pre-bid meeting cannot be mandatory,

but is strongly recommended. The project sponsor must share records of all pre-bid meetings with all plan purchasers and include them in the project document.

Project sponsors may also request qualifications from contractors in order to qualify them prior to opening their price bid when highly specialized work is required. If the project sponsor requests qualifications, they must follow a two-stage sealed bid opening. Sponsors open the qualifications of the contractor, which must be in a separate envelope, prior to the bids.

5.6.3 Bid Opening

Once the advertisement period is over, the project sponsor must conduct a public opening of the sealed bid proposals. Project sponsors should invite the SHA Community Design Liaison to the bid opening (see Appendix C for contact information). After all bids are open, the project sponsor must award the contract to construct the project to the bidder with the lowest responsible, responsive bid. The sponsor may not award the contract based on a weighted system such as, preference to geographic location of contractor. It is the project sponsor's responsibility to review and evaluate all bid documents to determine the lowest responsive, responsible bid, which is the lowest bid submitted in response to an advertisement that conforms to the requirements contained in the Specifications Book and design plans.

If the project sponsor rejects all bids, the project must be re-advertised. Prior to re-advertisement, project sponsors must submit a written request for SHA's approval. An updated PS&E package must accompany the written request, as well as copies of rejection letters and justification for rejection. The project sponsor should modify the PS&E package to address the reasons for the rejection of all bids and improve competitive bidding. Project sponsors should review the entire PS&E package before resubmitting, because some changes may affect multiple documents.

5.7 Concurrence in Award (CIA) and Notice to Proceed (NTP)

Concurrence in Award (CIA) is SHA's written concurrence with the contractor selection and the corresponding bid proposal. Project sponsors must request CIA after opening and evaluating bids and prior to awarding the contract and issuing the contractor NTP. The written request for CIA must include the following information for SHA review, which requires a minimum of 4 weeks.

- **MBE forms 00C44 and 00C45 (originals)**, which outline the plans to meet or surpass the contract DBE/MBE percentage, which is determined by SHA Office of Construction prior to advertisement. If the bid does not meet the **DBE/MBE**

percentage, a **DBE/MBE Good Faith Effort** from the contractor must be included. SHA must approve the Good Faith Effort for the project to proceed.

- **Copy of advertisement**, as posted;
- **Copy of contractor-signed bid proposal**;
- **Certified bid tabulation** that shows the bids, by unit price, of all contractors, including the one with the low bid; the bid tabulation shall be signed, verified, and certified true and correct by the sponsor;
- **Certified bid analysis** that compares the unit prices of the lowest responsive, responsible bidder with the unit price from the approved engineer's estimate; the bid analysis shall be signed, verified, and certified true and correct by the sponsor;
- **Non-collusion affidavit from bid proposal**;
- **Notarized SHA Experience and Equipment Form** (see Appendix E – Standard Forms and Documents);
- **A Bid justification is required** if the contractor's low bid is over 10 percent above or 15 percent below the final approved engineer's estimate;
- **Request for an exception to contract requirements**, if applicable;
- **Clean ROW Certification**

(See Appendix G – Concurrence in Award Sample Documents)

Project sponsors may issue NTP to the contractor following SHA's written approval of CIA.

5.8 Construction

Prior to commencing construction, project sponsors must contact the SHA District Office with jurisdiction over the earmark project's location. The District Office will assign a project engineer to each project to provide oversight during construction to assure that the project is adhering to its scope and responsibilities, as well as ensure it addresses SHA's interests. The frequency and depth of the District Office's oversight will vary depending on the scope of the project. If necessary, the project sponsor can contact the project engineer to answer questions regarding the type of work that requires a certified inspection or materials that have to be sampled or tested.

During construction, project sponsors are encouraged to use the *SHA Office of Construction; Construction Manual*, which reflects the SHA Standards Specifications and current construction practices and techniques. (See Appendix B – Online References to Guidelines, Policies, and Manuals)

5.8.1 Preconstruction and Construction Meetings

The project sponsor is responsible for hosting a preconstruction meeting with the contractor. They should also invite the SHA District Office that corresponds with the project's location, as well as other persons and agencies with a stake in the project. SHA districts and contact information are included in Appendix C - Program Contact Information. The meeting should focus on the details of construction, including the schedule. The project sponsor should send the minutes of any subsequent construction progress meetings to the District Office.

5.8.2 Construction Management, Inspection and Materials Testing

Project sponsors are responsible for the management, construction inspection, and materials testing of all construction projects. The construction manager should oversee the project construction, and have the capacity to approve minor modifications to the original design in order to facilitate construction. It is the project sponsor's responsibility to ensure that construction inspectors are SHA certified with experience in the type of inspection that they are required to oversee and that materials tests be conducted in an SHA certified lab or in the field by a certified inspector. The SHA District Office may be available for hire for inspection services.

5.8.3 Change Order

Change orders are required for moderate to significant deviations from the contract. SHA must approve all change orders or extra work orders during construction. The project sponsor must send written change orders to the District Office for concurrence prior to issuing approval or to the SHA Office of Construction if the project is in Baltimore City. SHA will notify the project sponsor of approval or rejection of change orders in writing. The District Office project engineer may approve emergency change orders by telephone; however, the project sponsor must submit the supporting written change order within 14 days.

SHA may approve change orders for amounts that exceed the original amount of the contract awarded to the contractor; however, such approvals will not increase the amount of the earmark. If the project sponsor proceeds with significant changes without prior approval, the project sponsor cannot be reimbursed for the increase.

6. REIMBURSEMENT

SHA will reimburse project sponsors for all approved project costs up to the earmark amount specified in the legislation less OA and rescissions. Activities not eligible for reimbursement are solely the responsibility of the project sponsor.

The earmark amount will not increase, even if the actual project costs exceed the estimated project costs. If the project sponsor cannot meet the match requirement, SHA may reduce the award amount proportionally.

If the project includes in-kind services, the project sponsor must confirm in writing that they provided, performed, or donated the in-kind services, and shall certify the reasonable monetary value. **Please note that these in-kind services are only eligible if occurring after NEPA approval.** The costs of services performed by SHA (e.g., design reviews, right-of-way acquisitions, construction inspection, materials testing, etc.), will be deducted from the earmark amount in an amount equal to the monetary value of the services.

6.1 Invoicing

Project sponsors should pay their contractor's invoices in a timely manner and may begin requesting funding reimbursement from SHA after making the initial payment to the contractor using the Reimbursement Request Invoice found in Appendix E – Standard Forms and Documents. They should not wait until the end of the project to request a reimbursement. At a minimum, project sponsors should send invoices to SHA for reimbursement on a quarterly basis. Project sponsors should submit invoices to the SHA District Office project engineer or, in the case of Baltimore City projects, to the Administration's Office of Construction. Each invoice must include the following:

- Documentation of all work completed and proof of payment to all contractors, preferably copies of the contractor's bill to the project sponsor and the project sponsor's cancelled checks or official accounting records that show payment amounts and recipients.
- Documentation of project costs used as match.

For most projects, at least 20 percent of the project's costs are not reimbursable and are the responsibility of the project sponsor. In this case, project sponsors should request reimbursement for up to 80 percent of the project costs to date, which will ensure that the project sponsors are going to meet the match requirement of 20 percent or more (See Table 3 – Funding Reimbursement Example). If all match requirements

have been satisfied, project sponsors may request up to the full earmark amount available. Project sponsors of projects with atypical matching requirements should alter their reimbursement requests accordingly.

Table 3 shows the costs documented in each invoice and amount requested for reimbursement per invoice for a \$4,000,000 earmark project.

TABLE 3 - Funding Reimbursement Example

Project Name: <u>Typical Earmark Project</u>					Totals
Earmark Award :					\$4,000,000
Amount Available for Reimbursement (Award less OA and Rescissions):					\$3,360,000
Minimum Matching Requirement:					\$ 672,000
Minimum Eligible Project Costs					\$4,032,000
Invoice	Date	Total Invoice Amount	Reimbursement Request	Total Match	
1	1/01/2006	422,400	352,000	70,400	
2	4/01/2006	518,400	432,000	86,400	
3	7/01/2006	931,200	776,000	155,200	
4	10/01/2006	456,000	380,000	76,000	
5	12/01/2006	1,046,400	872,000	174,400	
Final	3/07/2007	657,600	548,000	109,600	
Totals	--	\$4,032,000	\$3,360,000	\$672,000	

6.2 Reimbursement Invoice Payment

SHA will send payment to the project sponsor within 30 days following receipt of each invoice, provided that:

- The invoice contains all necessary information for processing,
- No charges are disputed by SHA,
- The invoice does not cause the award amount to exceed 80 percent of the project cost to date, and
- The payment of the invoice does not exceed the earmark amount.

6.3 Project Completion

SHA expects project sponsors to complete the project as delineated in the application and the MOU. Failure to do so may result in the loss of the funding earmarked for the project.

6.4 Public Relations and Media Policy

All project-related promotional materials including press releases, public event materials, and informational signage, must include funding credit for MDOT and FHWA. Additionally, project sponsors must notify SHA at least six weeks prior to scheduling any public event. Failure to do so may jeopardize future funding considerations.

6.5 Audit

The project activities covered by the MOU are subject to audit. Therefore, the ADMINISTRATION and PROJECT SPONSOR shall retain all documents and records subject to audit for a minimum of three (3) years after the Final Acceptance of the PROJECT by the ADMINISTRATION.

APPENDIX A

Project Information Form

**MARYLAND STATE HIGHWAY ADMINISTRATION
HIGH PRIORITY PROJECTS AND OTHER EARMARKS
PROJECT INFORMATION FORM**

Project Sponsor:

Please fill out as much information on the attached project information form as you have available for the project for which Federal Highway Administration (FHWA) funding has been set aside. This information will be the basis for determining what guidance will be needed from the Maryland State Highway Administration (SHA) and, especially in the case of projects only in the concept stage, should serve as a resource for project information.

More guidance and information on utilizing FHWA funding will be provided at a project initiation meeting and will be geared to the type of project and its needs.

Thank you for your assistance. SHA looks forward to working with you.

Section 1 –PROJECT SPONSOR INFORMATION

Sponsoring Agency: _____
Address: _____
City: _____ State: _____ Zip: _____
Contact Person: _____ Title: _____
Phone: _____ E-mail: _____

Project Governmental Sponsor: _____
Address: _____
City: _____ State: _____ Zip: _____
Contact Person: _____ Title: _____
Phone: _____ E-mail: _____

Senator or Member of Congress that Submitted the Project: _____

Section 2 – GENERAL PROJECT INFORMATION

Project Title: _____
Project Description as Listed in the Legislation: _____

Legislation Section (i.e. 1302, 1934, or 1702): _____
Legislation Project Number: _____
Amount Earmarked in the Legislation: _____
Project Location:
County: _____ City: _____
Metropolitan Planning Organization: _____
MD Legislative Districts: _____ Project Length/Area: _____
Project Limits: _____

Section 3 – DETAILED PROJECT DESCRIPTION

DESCRIBE THE FULL SCOPE OF WORK FOR THE PROJECT. ADDRESS EACH OF THE ITEMS LISTED BELOW.

a) **Detailed project location** _____

b) **Detailed description of the project** _____

c) **Current use of the project site** _____

d) **Discussion of intended uses of the project site** _____

e) **Project activities already underway or completed** _____

f) **Construction activities proposed (include the types and dimensions of all proposed structures)** _____

g) **Description of how the Americans with Disabilities Act requirements will be met.** _____

h) **Other pertinent project information that will assist SHA in understanding the intent and the long and short range goals of the project.** _____

i) Will the overall project be completed as one project using the funds allocated, or will it be completed in phases? _____

Section 4 – PROJECT EFFECTS

COMPLETE THE ENVIRONMENTAL REVIEW CHECKLIST BELOW. BRIEFLY DESCRIBE HOW THE PROPOSED PROJECT WOULD IMPACT ANY APPLICABLE ENVIRONMENTAL RESOURCES. THE INFORMATION WILL HELP DETERMINE WHICH TYPE AND WHAT LEVEL OF ENVIRONMENT DOCUMENTATION THAT MAY BE REQUIRED.

Impact		Environmental Resource	Description of Impact
Yes	No		
<input type="checkbox"/>	<input type="checkbox"/>	Agricultural lands	
<input type="checkbox"/>	<input type="checkbox"/>	Recreational or Parklands	
<input type="checkbox"/>	<input type="checkbox"/>	Historic sites - archeological areas or standing structures	
<input type="checkbox"/>	<input type="checkbox"/>	Wetlands or Waters of the US	
<input type="checkbox"/>	<input type="checkbox"/>	Floodplains	
<input type="checkbox"/>	<input type="checkbox"/>	Forests	
<input type="checkbox"/>	<input type="checkbox"/>	Coastal Zones	
<input type="checkbox"/>	<input type="checkbox"/>	Critical Area	
<input type="checkbox"/>	<input type="checkbox"/>	Endangered Species	
<input type="checkbox"/>	<input type="checkbox"/>	Hazardous Waste Sites/ Hazardous Materials	
<input type="checkbox"/>	<input type="checkbox"/>	Inconsistency with Local Development Plans	
<input type="checkbox"/>	<input type="checkbox"/>	Disruption of communities	
<input type="checkbox"/>	<input type="checkbox"/>	Air quality	
<input type="checkbox"/>	<input type="checkbox"/>	Noise	
<input type="checkbox"/>	<input type="checkbox"/>	Displacements	
<input type="checkbox"/>	<input type="checkbox"/>	Economic	
<input type="checkbox"/>	<input type="checkbox"/>	Other	

Would the proposed project impact any utilities? If so, what utility and what would be the impacts. _____

Would drainage patterns be altered as a result of this project? If so, please describe impacts and discuss how will it be addressed _____

Section 5 – PROJECT DESIGN STATUS

Has the project design been initiated? _____

What agency is responsible for designing the project? _____

Please provide the name and contact information of the design consultant _____

Was the design consultant obtained using the state/federal process?

No

Yes

Unknown

Fill in the table to indicate the types of project design required for the project.

Yes	No	N/A	Design Type	Status of Design	Projected Completion Date
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Project development/ Preliminary design		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Foundation design		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Highway/roadway design		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Bridge design		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Structural design		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Landscape design		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Maintenance of traffic		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Signal design		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other		

Has the project been advertised? _____

NOTE: If advertised, please contact SHA immediately.

Section 6 – PROJECT RIGHT-OF-WAY STATUS

Is the project right-of-way entirely owned by the project sponsor or its governmental co-sponsor? _____

If not, please list all property owner names.

Does the project require the acquisition of any right-of-way or permission to use public property, including easements or rights-of-entry? _____

NOTE: If right-of-way needs to be acquired, federal guidelines must be followed beginning at the time the request for funding is made.

Has a title search started? What is the status? _____

Was the required right-of-way appraised? _____

What is the status of acquiring required right-of-way or obtaining easements? Were there any negotiations with property owners about purchase price? _____

Section 7 – PROJECT SCHEDULE

THE FOLLOWING TABLE CONTAINS MILESTONES NECESSARY FOR ALL CONSTRUCTION PROJECTS OR STUDIES. USE THE MILESTONES AS A GUIDE TO DEVELOPING A REALISTIC PROJECT SCHEDULE. INCLUDE AS MUCH DETAIL AS POSSIBLE IN YOUR SCHEDULE. THIS FORMAT CAN BE USED TO TRACK A PROJECT’S PROGRESS. INSERT DATES IN A MONTH-DAY-YEAR FORMAT.

Milestone	Anticipated Time Frame	Comment/ Recommendation	Date Started	Date Completed
Project initiation meeting	Up to 2 months after submission of this form	n/a		
Design	Varies by project	n/a		
Memorandum of Understanding (MOU) Process	Approximately 4 months after Project Initiation Meeting	Can be done concurrently with Design		
Environmental Documentation (NEPA clearance, Section 106, & the Endangered Species Act)	4 months (minimum), but varies by project	Can be done concurrently with Design		
Right-of-way acquisition	Varies by project	Can be done concurrently with Design		
Scour Analysis review	4-5 weeks for review	Only required for structures within the 100-yr floodplain		
TS&L, Foundation Design review	4-5 weeks for review	Must follow Scour Analysis		
Structural and Final Design review	4-5 weeks for review	Must follow Foundation Design review		
Final review (95% plans, specifications, & estimates) & final review meeting	4 weeks for review prior to meeting	Can be done concurrently with Structural and Final Design review		

Milestone	Anticipated Time Frame	Comment/ Recommendation	Date Started	Date Completed
Obtaining permits	Varies by project	Can be done concurrently with Design		
Request to Advertise & 100% Plans, Specifications, and Estimates (PS&E) submittal to SHA	5 weeks for review; additional time may be required for incomplete submittals	Must follow completed MOU, Right-of-Way acquisitions, Design, Permitting, and Final Review		
Advertisement for construction	Following PS&E review;	n/a		
Bid Opening	3 weeks (minimum) after advertisement date	4 weeks after advertisement is preferred to allow for pre-bid meeting and possible addendum		
Concurrence in Award package submission	Submitted 1 month after Bid Opening; 3 weeks for review	Additional time may be required for incomplete submittals		
Notice to Proceed for construction	Varies by project	A reasonable estimate is required		
Expected duration of construction	Varies by project	A reasonable estimate is required		
Project Closeout	Varies by project	A reasonable estimate is required		

Section 8 – PROJECT COSTS

PLEASE INCLUDE BUDGET INFORMATION FOR THIS PROJECT USING THE FOLLOWING TABLE FORMAT.

ACTIVITIES/ITEMS	TOTAL COSTS	EARMARK FUNDING	MATCH FUNDING
NON-CONSTRUCTION ACTIVITIES			
Project Planning Activities			
Right-of-Way Acquisitions			
Design Activities & Environmental Studies			
Equipment/Other Soft Costs			
Permits			

ACTIVITIES/ITEMS	TOTAL COSTS	EARMARK FUNDING	MATCH FUNDING
Subtotal Non-Construction Items			
CONSTRUCTION RELATED ACTIVITIES			
Mobilization Project Management Construction Activities			
Subtotal Construction Related Costs			
Contingency Inspections Materials Testing Construction Management			
Total Contingency, Inspection, Materials Testing, & Management			
TOTAL PROJECT COSTS			

Section 9 – ATTACHMENTS/APPENDICES

PLEASE PROVIDE ANY SUPPLEMENTAL INFORMATION AVAILABLE AND APPLICABLE. YOU MAY INCLUDE:

- Project location maps and photographs
- Project plan sheets (on a separate roll)
- Engineers estimates
- Structural evaluations and/or reports
- Environmental evaluations and/or reports completed
- Historical documentation, evaluations, and/or reports
- Drainage area mapping
- Project renderings or concept drawings
- Financial commitments from sponsor, co-sponsor, or other sources
- Evidence of public/community involvement

PLEASE ADDRESS ANY QUESTIONS TO:

Ms. Mary Keller
410.545.5653 (phone)
410.209.5025 (fax)
mkeller@sha.state.md.us

ADDITIONAL SHA CONTACTS WILL BE PROVIDED AT A PROJECT INITIATION MEETING.

APPENDIX B

Online References to Guidelines, Policies, and Manuals

GUIDANCE, POLICY, or MANUAL	ONLINE REFERENCE
Accessibility Policy & Guidelines for Pedestrian Facilities Along State Highways	http://www.sha.state.md.us/businessWithSHA/bizStdsSpecs/ohd/ada/adafinal.pdf
American Association of State Highway and Transportation Officials' Guide for Development of New Bicycle Facilities	https://bookstore.transportation.org/item_detail.s.aspx?ID=104 – available for a fee
Americans with Disabilities Act	http://www.usdoj.gov/crt/ada/
Americans with Disabilities Act Accessibility Guidelines	http://www.access-board.gov/adaag/html/adaag.htm
Chesapeake Bay Critical Area Act	http://www.dnr.state.md.us/criticalarea/
Clean Water Act – Section 404	http://www.epa.gov/owow/wetlands/regs/sec404.html http://www.wetlands.com/regs/sec404fc.htm
Hydrology and Hydraulics Design Manual	http://www.gishydro.umd.edu/sha_soft.htm
International Building Code	http://www.iccsafe.org/e/category.html - available for a fee
Manual on Uniform Traffic Control Devices	http://mutcd.fhwa.dot.gov/index.htm
Maryland Stormwater Design Manual	http://www.mde.state.md.us/Programs/WaterPr ograms/SedimentandStormwater/stormwater_de sign/index.asp
National Environmental Policy Act	http://environment.fhwa.dot.gov/projdev/pd2i mplement.asp
National Historic Preservation Act – Section 106	http://www.achp.gov/work106.html
Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation	http://www.cr.nps.gov/hps/tps/tax/rhb/stand. htm
Section 7 of the Endangered Species Act	http://www.fws.gov/endangered/consultations/s7hndbk/s7hndbk.htm
SHA Office of Construction; Construction Manual	http://www.sha.state.md.us/businessWithSHA/bizStdsSpecs/ooc/CONMANFNL.PDF

GUIDANCE, POLICY, or MANUAL	ONLINE REFERENCE
SHA Utility Policy	http://www.sha.state.md.us/businesswithsha/biz/StdSpecs/desManualStdPub/hardcopyPubInfo/Ordering/ooc/UtilityPolicy.pdf
Standard Specifications for Construction and Materials	http://www.sha.state.md.us/businesswithsha/biz/StdSpecs/desManualStdPub/publicationsonline/ohd/specifications.asp
Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970	http://www.fhwa.dot.gov/realestate/act.htm
United States Department of Transportation Act – Section 4(f)	http://environment.fhwa.dot.gov/projdev/pd5sec4f.asp

APPENDIX C

Earmark Project Contact Information

- SHA Liaison
- SHA Community Design Liaison
- SHA NEPA Liaison
- SHA Right-of-Way Liaison
- State Historic Preservation Office
- State Highway Administration Office of Construction
- United States Fish and Wildlife Service
- Maryland Department of Natural Resources – Wildlife and Heritage Division
- Maryland Department of Natural Resources – Environmental Review Unit
- United States Army Corps of Engineers
- Chesapeake Bay Commission
- Metropolitan Planning Organizations
- State Highway Administration District Offices

State Highway Administration (SHA) Liaison

Ms. Mary Keller
Regional and Intermodal Planning Division
Maryland State Highway Administration
707 N. Calvert Street
Mail Stop C-502
Baltimore, MD 21202
410.545.5674 (phone) 410.209.5025 (fax)
mkeller@sha.state.md.us

SHA Community Design Liaison

Mr. Victor Barreira
Office of Highway Development
Community Design
Maryland State Highway Administration
707 N. Calvert Street
Mail Stop C-102
Baltimore, MD 21202
410.545.8799 (phone) 410.209.5001 (fax)
vbarreira@sha.state.md.us

SHA NEPA Liaison

Ms. Meghan Powell
Regional and Intermodal Planning Division
Maryland State Highway Administration
707 N. Calvert Street
Mail Stop C-502
Baltimore, MD 21202
410.545.8042 (phone) 410.209.5025 (fax)
mpowell1@sha.state.md.us

SHA Right-of-Way Liaison

Mr. Geoff Graff
Office of Real Estate
Property Review and Compliance
Maryland State Highway Administration
211 E. Madison Street
Baltimore, MD 21202
Mail Stop M-302
410.545.0353 (phone) 410.209.5050 (fax)
ggraff@sha.state.md.us

SHA Office of Construction

Mr. Gary M. Counts, MBE Liaison
Office of Construction Contract Awards
211 E. Madison Street
Baltimore, MD 21202
Mail Stop M-LL1
410.545.0392 (phone) 410.209.5021 (fax)
gcounts@sha.state.md.us

SHA Design Build Coordinator

Ms. Lisa Choplin
Office of Highway Development – Innovative Contracting
Maryland State Highway Administration
707 N. Calvert Street
Baltimore, MD 21202
Mail Stop C-102
410.545.8824 (phone) 410.209.5001 (fax)
lchopin@sha.state.md.us

State Historic Preservation Office

Mr. Rodney Little, State Historic Preservation Officer
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032-2023
410.514.7600 (phone)
little@dhch.state.md.us

United States Fish and Wildlife Service

Mr. Devin Ray
U.S. Fish and Wildlife Service
Chesapeake Bay Field Office
177 Admiral Cochrane Drive
Annapolis, MD 21401

Maryland Department of Natural Resources – Wildlife and Heritage Division

Ms. Lori Byrne, Environmental Review Specialist
MD Department of Natural Resources
Tawes State Office Building, E-1
580 Taylor Avenue
Annapolis, MD 21401

Maryland Department of Natural Resources – Environmental Review Unit

Mr. Ray Dintaman, Jr., Director
Environmental Review Unit
Department of Natural Resources

Tawes State Office Building, B-3
580 Taylor Avenue
Annapolis, MD 21401

United States Army Corps of Engineers

Baltimore District
P.O. Box 1715
Baltimore, MD 21203

Maryland Department of the Environment

For permitting due to impacts to non-tidal wetlands:

Ms. Amanda Sigillito
Water Management Administration
Non-Tidal Wetlands and Waterways Division
1800 Washington Boulevard, Suite 430
Baltimore, Maryland 21230-1708
410.537.3766 (phone)

For permitting due to impacts to tidal wetlands:

Mr. Richard J. Ayella
Water Management Administration
Tidal Wetlands Division
1800 Washington Boulevard, Suite 430
Baltimore, Maryland 21230-1708
410.537.3837 (phone)

Chesapeake Bay Commission

For general project questions, site plans, subdivisions, variances, violation, etc.:

Ms. Regina Esslinger
Chief, Project Evaluation Division
1804 West Street, Suite 100
Annapolis, MD 21401
410.260.3479 (phone)
resslinger@dnr.state.md.us

For general questions on the critical area law and criteria, and questions regarding administrative functions of the Commission and procedural issues:

Mr. Ren Serey, Executive Director
410.260.3462
rserey@dnr.state.md.us

For Queen Anne's County, Centreville, Church Hill, Queen Anne, Queenstown, Worcester County, Snow Hill, Ocean City:

Ms. LeeAnne Chandler, Science Advisor
410.260.3477 (phone)
lchandler@dnr.state.md.us

For Calvert County, Charles County, Indian Head, Somerset County, Crisfield, Salisbury, Fruitland, Mardela Springs, Sharptown:

Ms. Kerri Gallo, Natural Resources Planner
410.260.3482 (phone)
kgallo@dnr.state.md.us

For Chesapeake Beach, North Beach, Cecil Count, Charlestown, Chesapeake City, Elkton, North East, Perryville, Port Deposit, MNCPPC:

Ms. Julie LaBranche, Natural Resources Planner
410.260.3475 (phone)
jlabranche@dnr.state.md.us

For Dorchester County, Cambridge, Secretary, St. Mary's County, Leonardtown, St. Mary's City, St. Mary's College, Greenwell St. Park:

Ms. Mary Owens
Chief, Program Implementation Division
410.260.3480 (phone)
mowens@dnr.state.md.us

For General Critical Area Commission Questions
410.260.3460 (phone)

Metropolitan Planning Organizations (MPO)

For Frederick County, Montgomery County, Prince George's County, City of College Park, City of Greenbelt, City of Rockville, and City of Tokoma Park:

Metropolitan Washington Council of Governments

777 North Capitol Street, NE, Suite 300
Washington, DC 20002
202.962.3200 (phone); 202.962.3201 (fax)
www.mwcog.org

For Anne Arundel County, Baltimore City, Baltimore County, Carroll County, Harford County, Howard County, and City and Annapolis:

Baltimore Metropolitan Council

2700 Lighthouse Point East, Suite 310
Baltimore, Maryland 21224-4774
410.732.0500 (phone); 410.732.8248 (fax)
www.baltometro.org

For Allegany County, City of Cumberland, City of Frostburg

Cumberland Metropolitan Planning Organization
301.777.5911

For Washington County and City of Hagerstown:

Hagerstown/Eastern Panhandle Metropolitan Planning Organization
Jill Baker
Washington County Dept. of Planning & Community Development
80 West Baltimore Street
Hagerstown, MD 21740
240.313.2430 (phone)
jbaker@washco-md.net
www.hepmpo.org

For Cecil County:

Wilmington Area Planning Council
850 Library Avenue, Suite 100
Newark, Delaware 19711
302.737.6205 (phone); 888.808.7088 (toll free); 302.737.9584 (fax)
www.wilmapco.org

State Highway Administration District Offices

District	Counties	Address	Phone
1	Dorchester Somerset Wicomico Worcester	P.O. Box 2679 660 West Road Salisbury, MD 21802	410-677-4000
2	Caroline Cecil Kent Queen Anne's Talbot	P.O. Box 299 615 Morgnec Road Chestertown, MD 21620	410-778-3061
3	Montgomery Prince George's	9300 Kenilworth Avenue Greenbelt, MD 20770	301-513-7300
4	Baltimore Harford	2323 W. Joppa Road Lutherville, MD 21093	410-321-2800
5	Anne Arundel Calvert Charles St. Mary's	138 Defense Highway Annapolis, MD 21401	410-841-1000
6	Allegany Garrett Washington	1251 Vocke Road LaVale, MD 21502	301-729-8400
7	Carroll Frederick Howard	5111 Buckeysville Pike Frederick, MD 21704	301-624-8100
--	Baltimore City	SHA Office of Construction 211 East Madison Street Baltimore, MD 21202	410-545-0072

APPENDIX D

Environmental Documentation for Local Government Agencies

Individualized examples will be provided at a kick-off meeting.

APPENDIX E

Standard Forms and Documents

- Form 25C (Will be provided electronically)
- SHA Summary Page
- Environmental Permit Form
- Experience and Equipment Form
- Reimbursement Request Invoice

**MARYLAND STATE HIGHWAY ADMINISTRATION
PS&E CERTIFICATION OF ENVIRONMENTAL PERMITS
FOR TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS**

FAP No. _____ State No. _____ Local No. _____
Project Name: _____

<u>PERMIT</u>	<u>Required Yes/No</u>	<u>Date Applied</u>	<u>Date Expected</u>	<u>Date Approved</u>
Erosion & Sediment Control	_____	_____	_____	_____
Stormwater Management	_____	_____	_____	_____
404 or Nationwide Permit	_____	_____	_____	_____
US Coast Guard Permit	_____	_____	_____	_____
MDE Wetlands License	_____	_____	_____	_____
Waterway Construction Permits	_____	_____	_____	_____
Tree Permit	_____	_____	_____	_____
Other: _____	_____	_____	_____	_____
Other: _____	_____	_____	_____	_____
Other: _____	_____	_____	_____	_____

PROPOSED SCHEDULE

Ad Date: _____ Bid Open: _____ Award: _____ NTP: _____

- Environmental permits are not required.
- All environmental permits have been received as noted above and have been incorporated into the Invitation for Bids.
- All environmental permits are expected to be received prior to the scheduled bid opening. A statement has been inserted into the Invitation for Bids indicating that any missing permits will be incorporated into the Invitation for Bids by an approved addendum.

Certified by: _____
<Title and Organization>
Phone: _____



Congressional Earmark Project

Reimbursement Request

Date:				
Project Name:				
Project Sponsor (Vendor):				
Reimbursement to be made to (include mailing address):				
Federal ID Number:				
State Contract Number:				
Unique Invoice Number:				
Amount Being Requested		\$		
For Period Covering:			through	
Detailed Description of Activities Being Requested for Reimbursement:				
	Total Cost	TEP Award	Minimum Cash Match	Soft Match
Project Totals per MOU				
Actual Project Totals				
Previously Requested				
Requested this Invoice				
Remaining Balances	\$0.00	\$0.00	\$0.00	\$0.00

Send to:
 Maryland State Highway Administration
 707 North Calvert Street Mail Stop C-502 Attention: Mary Keller
 Baltimore, Maryland 21202
 Phone: 410-545-5675 Fax: 410-209-5025

FOR SHA USE ONLY			
FMIS Number:			
BPO Number:			
Invoice Sequence Number:			
Partial or Final Invoice:			
Index Number			
Amount to pay this Invoice			
Approval Signature		Date	
Voucher ID Number:			

APPENDIX F

Plans, Specifications, and Estimates Packet Checklist

Maryland Department of Transportation

PLANS, SPECIFICATION, AND ESTIMATES (PS&E) CHECKLIST

Project sponsor are responsible for providing SHA a complete PS&E packet. This checklist should help to ensure that the PS&E packet is complete, and it must be included in the packet. Incomplete PS&E packet will not be processed, and can delay advertisement.

PROJECT INFORMATION

Project Name –

Project Sponsor –

State Contract Number –

Federal Contract Number –

<u>PS&E SUBMISSION</u>	Included	Not Included	Not Applicable
100% Design Plans	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Specifications Book, Contract, or Project Manual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Engineer’s Estimate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Environmental Permit Form	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public Awareness Letter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Final Review Report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Executed Memorandum of Understanding			
Traffic Control Plan & SHA District Office Concurrence of Traffic Control Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Utilities Statement or Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Federal Highway Administration Approved NEPA Documentation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Right-of-Way Certification Letter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Design Exception Approvals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Project Specific Approvals, such as Office of Bridge Development concurrence, Maryland Historical Trust concurrence, Office of Traffic and Safety, etc. ▪ ▪	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

Submitted by:

Project Manager

Date

APPENDIX G

Concurrence in Award Documents

- MBE Form 00C44
- MBE Form 00C45
- Bid Tabulation Example
- Bid Analysis Example
- Bid Justification Example
- Experience and Equipment Form

Examples of these documents will be provided prior to advertisement.

APPENDIX H

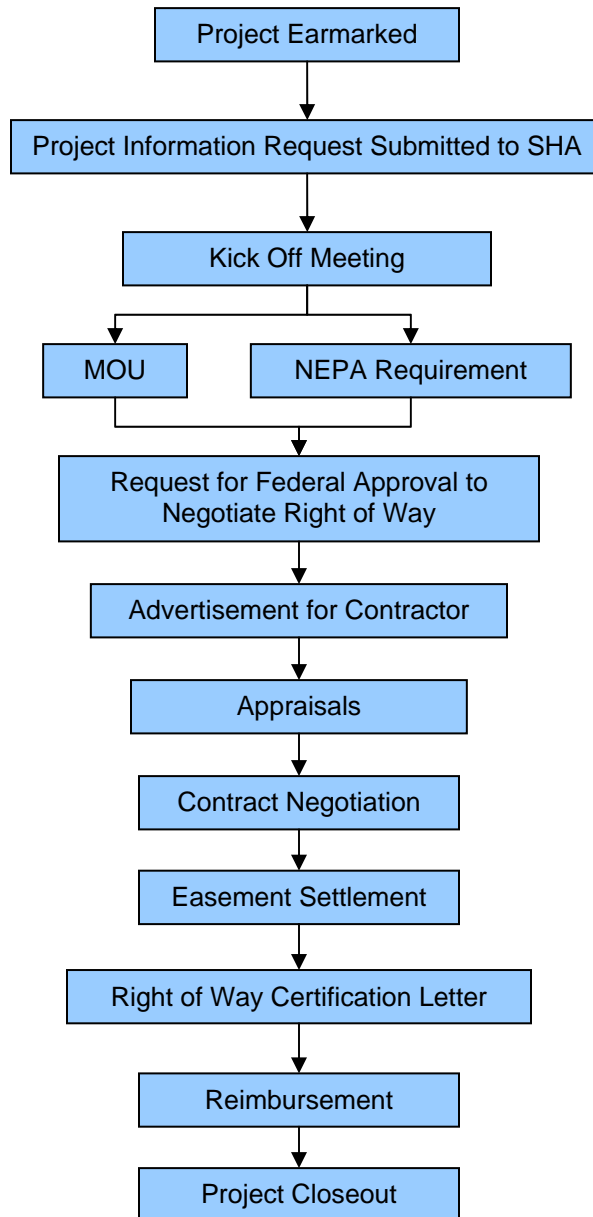
A/E Consultant Selection Guidelines for Federal Aid Projects

APPENDIX I

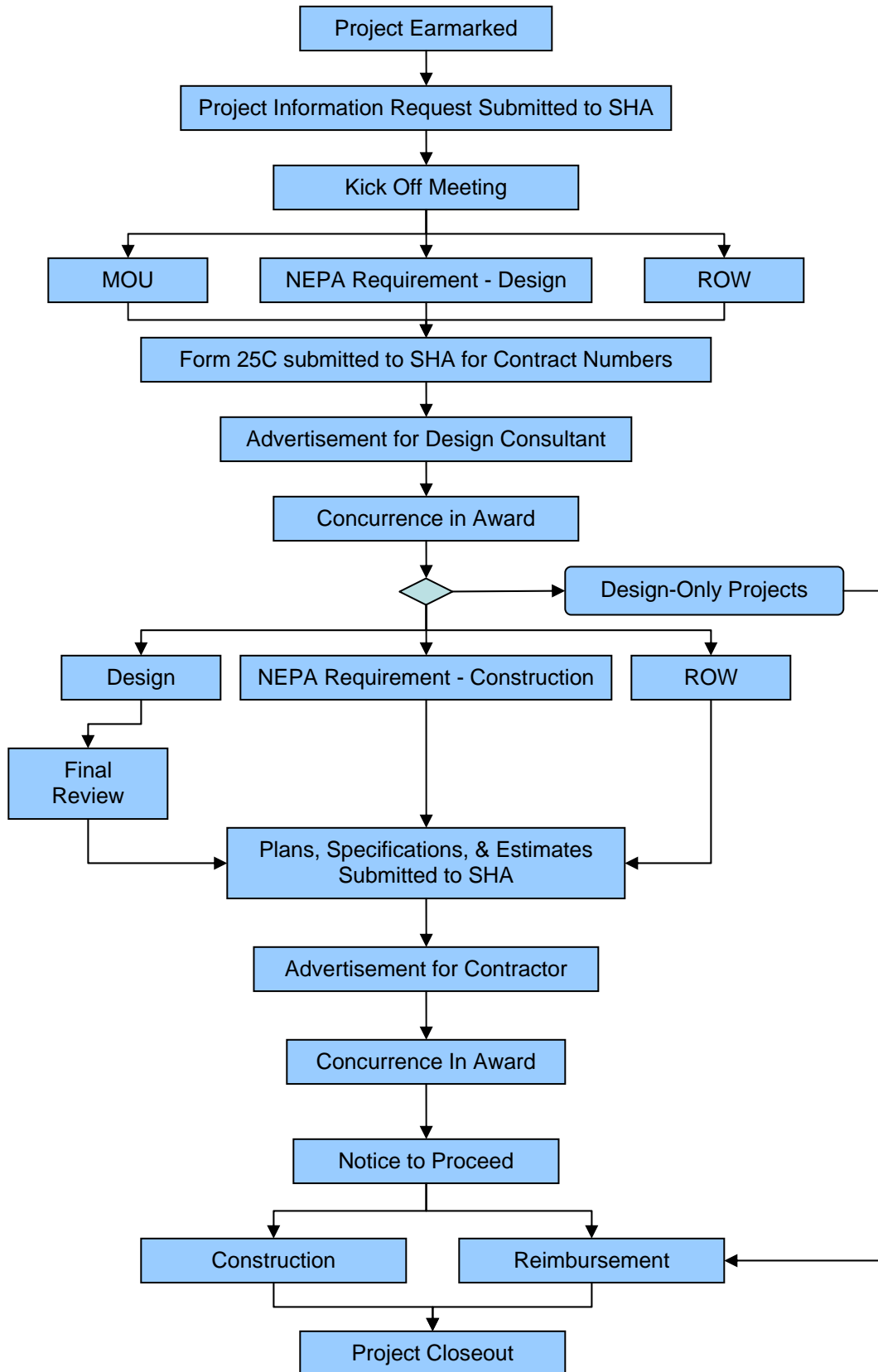
Process Flow Charts

Right of Way or Easement Acquisition
Design and Construction
Construction Only

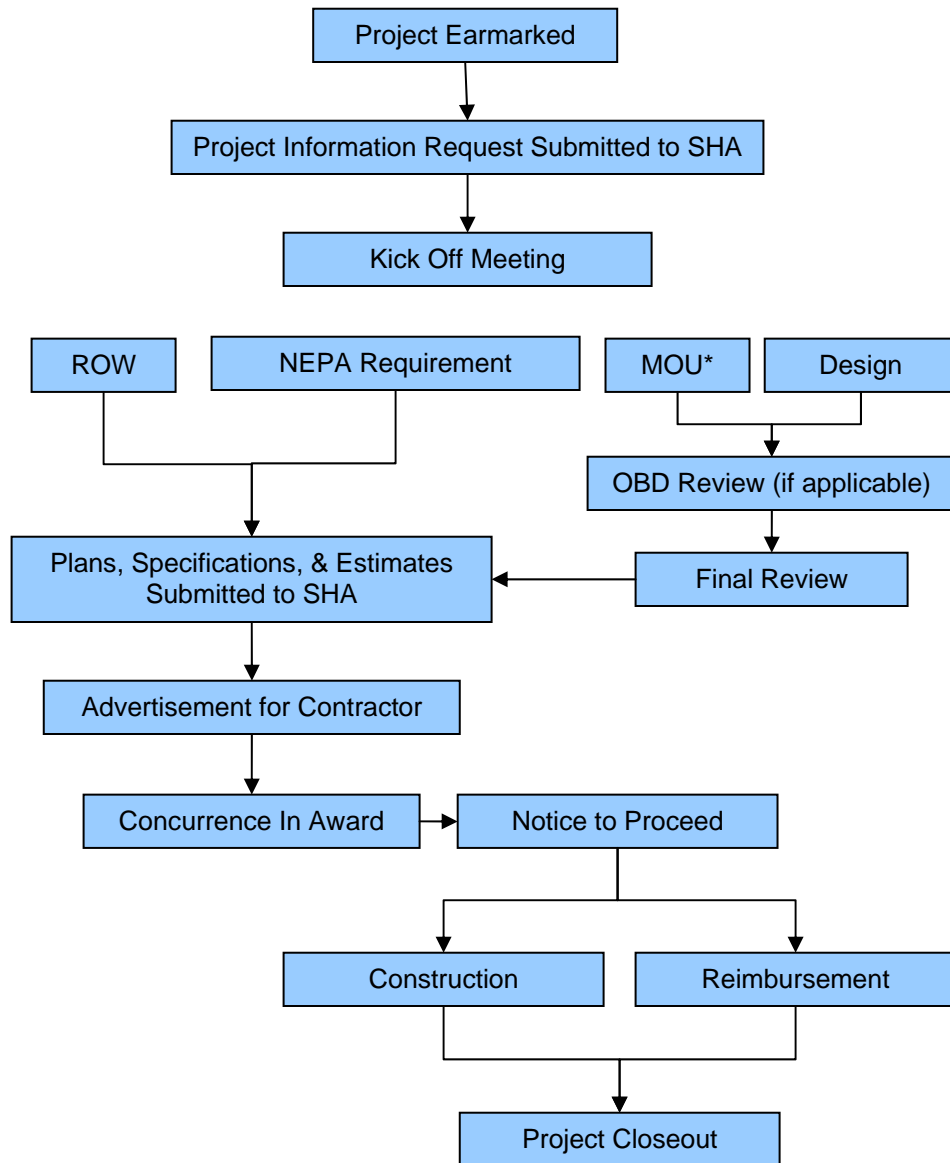
Earmark Process for Right of Way or Easement Purchase



Earmark Process for Design and Construction Projects



Earmark Process for Construction- Only Projects



* Executed MOU is required prior to any SHA technical design review