

Section A
Chapter 2-Appendix

Introduction
Approval Authority Matrix

Approval Authority Matrix

FHWA - Federal Highway Administration
ODOT - Oregon Department of Transportation
CLA - Certified Local Agency

NOTE: Reference FHWA's "Summary of Federal Requirements for NHS, Non-NHS and Service Contracts" for a list of federal requirements, including Buy America, DBE, <http://www.fhwa.dot.gov/programadmin/contracts/tabover.cfm>

Approval Action	Agency Responsible				
	*NHS Projects PS&E Approval by FHWA	*NHS Projects PS&E Approval by ODOT	Non-NHS Projects by Non-Certified Local Agency	Projects on State Highway System by Certified Local Agency	Non-NHS Projects Off State System by Certified Local Agency
Phase I Program Development (Planning)					
1. Ensure Project is in STIP	ODOT	ODOT	ODOT	ODOT	ODOT
2. Verify eligibility for funding category	ODOT	ODOT	ODOT	ODOT	ODOT
3. Authorization of project prospectus, scope, schedule and budget	ODOT	ODOT	ODOT	ODOT	ODOT CLA
4. Authorization for federal reimbursement of project expenditures	FHWA	FHWA	FHWA	FHWA	FHWA
Phase II Project Development (NEPA, Permitting & Project Design)					
1. Approve all Class I NEPA Environmental Impact Statement (EIS) Actions	FHWA	FHWA	FHWA	FHWA	FHWA
2. Approve all Class II NEPA Categorical Exclusion (CE) Actions	FHWA	FHWA	FHWA	FHWA	FHWA
3. Approve all Class II NEPA Categorical Exclusion (CE) Actions - that fit within ODOT/FHWA Programmatic Agreement parameters.	ODOT	ODOT	ODOT	ODOT	ODOT
4. Approve all Class III NEPA Environmental Assessment (EA)	FHWA	FHWA	FHWA	FHWA	FHWA
5. Approve Deviations from AASHTO Design Standards that require design exceptions.	FHWA	ODOT	ODOT	ODOT	ODOT
6. Approval of Design Acceptance Package (Design Approval ~30% Design). Note: right of way work may only begin after NEPA work is completed.**	FHWA	ODOT	ODOT	ODOT	CLA
7. Approve Plans, Specifications & Estimate (PS&E)	FHWA	ODOT	ODOT	ODOT	CLA
8. Approve use of proprietary products or processes	FHWA	ODOT	ODOT	ODOT	CLA
9. Approval of Traffic Control Change (e.g. signals, crosswalks on State Highway System, flashing lights, speed zones, and posted speeds).	FHWA	ODOT	ODOT	ODOT	CLA
10. Approve changes in geometric design - which affect the operating or safety characteristics of the facility.	FHWA	ODOT	ODOT	ODOT	CLA
11. Approve changes in the structural design	FHWA	ODOT	ODOT	ODOT	CLA
12. Approve changes to the typical section(s)	FHWA	ODOT	ODOT	ODOT	CLA

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13. Approve changes to staging - or the traffic control plan other than those necessary to implement the intent of the original plans and specifications.	FHWA	ODOT	ODOT	ODOT	CLA
14. Approve addition of, or revisions to, warranty provisions	FHWA	FHWA	ODOT	ODOT	ODOT
15. Any FHWA approval actions required by federal law or regulation (See FHWA's Oversight Matrix: http://www.fhwa.dot.gov/programadmin/contracts/tabover.cfm)	FHWA	FHWA	FHWA	FHWA	FHWA
16. Waiver of Buy America provisions (23 CFR 635.410)	FHWA	FHWA	FHWA	FHWA	FHWA
17. Project changes which affect environmental mitigation or commitments - shall be promptly communicated by the local agency to the Regional Local Agency Liaison, since resource agencies may need to be contacted and time may be critical. The Liaison will also work with ODOT's Geo-environmental staff regarding such changes.	FHWA	ODOT FHWA	ODOT FHWA	ODOT FHWA	ODOT FHWA
18. Approve Experimental Features	FHWA	FHWA	FHWA	FHWA	FHWA
19. Approve Public Interest Findings for Force Order Work	FHWA	ODOT	ODOT	ODOT	CLA
Phase III Right of Way Acquisition					
1. Approve authorization of funding for right of way acquisition and activities.	FHWA	FHWA	FHWA	FHWA	FHWA
Phase V Advertising, Bid and Award					
1. Construction Fund Authorization	FHWA	FHWA	FHWA	FHWA	FHWA
2. Approve addenda during advertising period (23 CFR 635.112)	FHWA	ODOT	ODOT	CLA	CLA
3. Concur in award of contract (23 CFR 635.114)	FHWA	ODOT	ODOT	CLA	CLA
4. Concur in rejection of all bids (23 CFR 635.114)	FHWA	ODOT	ODOT	CLA	CLA
Phase VI Construction					
1. Approve construction engineering by local agency (23 CFR 635.105)	FHWA	ODOT	ODOT	CLA	CLA
2. Changes/Extra Work/Nonparticipation (See approvals shown in 2a-2k)					
2a. Changes to contract plans and specifications commonly made - within the scope and intent for the original plans and specifications.	FHWA	ODOT	ODOT	ODOT	CLA

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2b. Changes to contract plans and specifications other than those commonly made - within the scope and intent for the original plans and specifications. The local agency must contact the Regional Local Agency Liaison and such changes must involve the appropriate ODOT program manager, e.g. the Transportation Enhancement Manager for projects using Transportation Enhancement funds.	FHWA	ODOT	ODOT	ODOT	ODOT
2c. Settlement of a contractor's claim - for any amount over \$125,000. <i>Note: ODOT's Regions have delegated authority to settle claims up to \$125,000. If the claim exceeds that amount or is greater than 15 percent of the project authorization, the claim will be forwarded to ODOT's Construction Contract Administration Engineer with a copy to the <u>Regional Local Agency Liaison</u>.</i>	FHWA	ODOT	ODOT	ODOT	ODOT
2d. When the cost reduction proposal causes a change order - as described above in 2b.	FHWA	ODOT	ODOT	CLA	CLA
2e. Single changes affecting contract completion by more than 30 days, or cumulative changes - affecting contract completion by more than 60 days. The local agency shall notify the <u>Regional Local Agency Liaison</u> of such changes. The Liaison will also work with the Construction Contract Administration Engineer as necessary.	FHWA	ODOT	ODOT	CLA	CLA
2f. When using public forces - to perform added work normally bid, <u>Public interest finding</u> , per <u>23 CFR 635.106(a), 635.204, 635.205, 635.407(a) and 636.411(c)</u> , are critical, since a justification is needed for work by public forces. The local agency must submit the Public Interest Findings to the <u>Regional Local Agency Liaison</u> . <i>Note: If a public interest finding has not been approved prior to bid, then the local agency must <u>first</u> offer added work to the contractor. If the contractor refuses the work, then the local agency may proceed with public forces without performing a Public Interest Finding. In such situation, the local agency must still document and track the quantity and quality of the work and associated costs; all appropriate contract requirements must be met.</i>	FHWA	ODOT	ODOT	ODOT	ODOT

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2g. Any changes affecting environmental mitigation, classification, or commitments - shall be promptly communicated by the local agency to the <u>Regional Local Agency Liaison</u> , since resource agencies may need to be contacted and time may be critical. The Liaison will also work with ODOT's Geo-environmental staff regarding such changes.	FHWA	ODOT FHWA	ODOT FHWA	ODOT FHWA	ODOT FHWA
2h. Proposed waivers for Buy America provision - shall be communicated by the local agency to the <u>Regional Local Agency Liaison</u> . The Liaison will also work with FHWA and ODOT's Construction Contract Administration Engineer as necessary.	FHWA	FHWA	FHWA	FHWA	FHWA
2i. Right of Way access control provisions - access control authority is dependent on the ownership and classification of the system. For access control information, see ODOT's <u>Policies & Guides</u> and click on "PDLT Notice 03."	FHWA	ODOT	ODOT	ODOT	CLA ODOT
2j. Changes in the scope of work or extension of the contract limits - shown in the project document approved by ODOT and FHWA. The local agency shall contact the <u>Regional Local Agency Liaison</u> . The Liaison will also work with FHWA and the Construction Contract Administration Engineer as necessary. Such changes must involve the appropriate ODOT program manager, e.g. the Transportation Enhancement Manager if using Transportation Enhancement funds.	FHWA	FHWA	ODOT FHWA	ODOT FHWA	ODOT FHWA
2k. Any contract change orders that would make a change to - the committed Disadvantaged Business Enterprise (DBE), Equal Employment Opportunity (EEO), On the Job Training (OJT)/Apprenticeship participation. The local agency shall contact the <u>Regional Local Agency Liaison</u> and such changes must involve ODOT's Office of Civil Rights.	FHWA	ODOT	ODOT	ODOT	ODOT
3. Concur in termination of contracts (23 CFR 635.125)	FHWA	ODOT	ODOT	CLA	CLA
4. Pre-construction Conference	FHWA	ODOT	ODOT	CLA	CLA
5. Claims under \$125,000	FHWA	ODOT	ODOT	CLA	CLA
6. Project Inspections	FHWA	ODOT	ODOT	ODOT	CLA
7. Materials Testing and Quality	FHWA	ODOT	ODOT	CLA	CLA
8. Quantity and Quality Documentation	FHWA	ODOT	ODOT	CLA	CLA
9. Contractor Payments	FHWA	ODOT	ODOT	CLA	CLA
10. Final Inspection	FHWA	ODOT	ODOT	CLA ODOT	CLA ODOT
11. Final Acceptance	FHWA	ODOT	ODOT	CLA ODOT	CLA ODOT

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12. Periodic Review/Program Evaluation	FHWA	ODOT FHWA	ODOT FHWA	ODOT FHWA	ODOT FHWA

* As defined in ODOT's Stewardship Agreement with FHWA

** Please Note: FHWA must also approve Archeology assessment, and this will be added officially to the above list at spring '08 revisions.

NOTES:

1. The certified local agency shall inform ODOT, through the Regional Local Agency Liaison, of any project change orders or claims authorized by the certified local agency.

2. Title 23 USC and 23 CFR provisions apply to all NHS federal-aid. Except for federal requirements pertaining to contract bid proposal content (Davis Bacon and DBE) and procurement procedures (competitive bidding and Brooks Act), state legal requirements may be used on non-NHS projects. Refer to Section B, Chapter 15, Advertising, Bid and Award, and Section C, Chapter 15, Advertising, Bid and Award within this *LAG Manual* for additional information.