

Certified LPA Approval Authority Matrix

December, 2018

FHWA - Federal Highway Administration

ODOT - Oregon Department of Transportation

CLPA - Certified Local Public Agency

Definition of "Concurrence" - 1) *Agreement in opinion or design*; 2) *Consent*

Definition of "Approve" - *To give formal or official sanction*

Definition of "Recommend Approval" - *To recommend to the approval authority that it give formal or official sanction*

This matrix designates the agency responsible for approval of the various actions listed below for CLPA projects either on the state highway system or on their local facilities⁽¹⁾⁽²⁾⁽⁷⁾.

Approval Action	Agency Responsible		Concurrence or Recommend Approval by ODOT	Guidance or Citation
	Projects on State Highway System by Certified Local Public Agency	Projects Off State Highway System by Certified Local Public Agency		
I. Program Development (Planning)				
1. Project Selection	ODOT / MPO as Applicable		N/A	The method of project selection varies with the type of funding program. For federal-aid projects, visit the State of Oregon Statewide Transportation Improvement Program (STIP) website. For state funded programs, contact ODOT's Statewide Programs Unit.
2. Ensure Project is in STIP	ODOT	ODOT	N/A	LAG for Certified LPA's Section C, Chapter 3
3. Verify eligibility for funding category	ODOT ⁵	ODOT ⁵	N/A	LAG for Certified LPA's Section A and the ODOT/AOC/LOC Agreement
4. Approve alternate procurement or contracting methods (ie; non-experimental, CMGC, design build, cost plus time, additive alternates, incentive/disincentive)	ODOT	ODOT	N/A	FHWA's Special Experimental Project No. 14 (SEP14) and FHWA's Contract Administration Core Curriculum Manual
5. Approve experimental alternate procurement or contracting methods	FHWA	FHWA	Recommend Approval	FHWA's Special Experimental Project No. 14 (SEP14) and FHWA's Contract Administration Core Curriculum Manual
6. Approve emergency determinations for contracts awarded by other than competitive bidding	ODOT	ODOT	N/A	FHWA/ODOT Stewardship and Oversight Agreement (23 CFR 635.104 & 204) and FHWA's Contract Administration Core Curriculum Manual
7. Acceptance of Local Agency Technical Scope Sheet (formerly called the Prospectus)	CLPA	CLPA	Concurrence	LAG for Certified LPA's Section C, Chapter 3

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8. Authorization of federal funding (all phases) for federal reimbursement of project expenditures	FHWA	FHWA	Recommend Approval	LAG for Certified LPA's Section A(3) and the ODOT/FHWA Stewardship and Oversight Agreement
II. Environmental (All Phases)				
1. Approve all Class I NEPA Environmental Impact Statement (EIS) Actions	FHWA	FHWA	Recommend Approval	LAG for Certified LPA's Section C, Chapter 6
2. Approve all Class II NEPA Categorical Exclusion (CE) Actions	FHWA	FHWA	Recommend Approval	LAG for Certified LPA's Section C, Chapter 6
3. Approve all Class II NEPA Categorical Exclusion (CE) Actions that fit within ODOT/FHWA Programmatic Agreement parameters.	ODOT ⁶	ODOT ⁶	N/A	LAG for Certified LPA's Section C, Chapter 6
4. Approve all Class III NEPA Environmental Assessment (EA)	FHWA	FHWA	Recommend Approval	LAG for Certified LPA's Section C, Chapter 6
5. Project changes that affect environmental mitigation or commitments.	FHWA	FHWA	Recommend Approval	LAG for Certified LPA's Section C, Chapter 6
III. Civil Rights (All Phases)				
1. Approval of Disadvantaged Business Enterprise (DBE) Project Contract Goal.	ODOT	ODOT	N/A	Consultant contract goals are pre-assigned (see A&E Requirements Guide for LPA's). Construction contract goals are assigned by ODOT prior to final PS&E. See LAG for Certified LPA's Section C, Chapter 8.
2a. Acceptance of bidder's good faith efforts to meet contract goal. 2b. Acceptance of DBE subcontractor termination for failure to complete its work. 2c. Acceptance of prime contractor's good faith efforts to find another DBE subcontractor.	ODOT	ODOT	N/A	LAG for Certified LPA's Section C, Chapter 8
3. Equal Employment Opportunity (EEO) Contract Compliance Review Approval.	ODOT	ODOT	N/A	LAG for Certified LPA's Section C, Chapter 8
4. Training Special Provision – Approval of Project Goal for training slots or hours.	ODOT	ODOT	N/A	LAG for Certified LPA's Section C, Chapter 8
5. Training Special Provision – Approval of New Project Training Programs.	ODOT	ODOT	N/A	LAG for Certified LPA's Section C, Chapter 8

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6. Any change to a contract that would make a change to: the committed Disadvantaged Business Enterprise (DBE); Equal Employment Opportunity (EEO); On the Job Training (OJT); and Apprenticeship participation.	ODOT	ODOT	N/A	LAG for Certified LPA's Section C, Chapter 8
IV. Preliminary Design (Design Phase)				
1. Consultant Contract Selection (Subject to DBE procurement and contract administration requirements).	CLPA	CLPA	^Concurrence (SOW Review)	1] Small Purchase (Direct Appoint) (\$100K max) 2] Informal (\$150K max) 3] Formal (\$150K and above unless the LPA's procuremet rules have a lower dollar threshold). See LAG for Certified LPA's Section C, Chapter 12 and ODOT's A&E Requirements Guide for LPA's. ^ Only applies to work on or along the state highway system.
2. Approve hiring of consultant to serve in a "management" role.	FHWA	FHWA	Recommend Approval	Examples include: 1. When a LPA hires an owner's representative for a more complex project. 2. Use of alternative contracting/procurement methods such as on-call or indefinite delivery/indefinite quantity (IDIQ) and multiphase contracts. See 23 CFR 172.9
4. Approve consultant agreements and agreement revisions (Federal non-Major Projects)	CLPA	CLPA	N/A	ODOT's A&E Requirements Guide for LPA's
5. Approve deviations from applicable design standards that require design exceptions (does not include ADA).	ODOT	CLPA ODOT (bridge)	N/A	LAG for Certified LPA's Section C, Chapters 9 and 11
6. Approval of Design Acceptance Package (Design Approval -30% Design).	CLPA	CLPA	^Concurrence	^ Only applies to work on or along the state highway system and to bridge projects on the National Bridge Inventory list. LAG for Certified LPA's Section C, Chapter 10

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7. Approve ADA design exceptions	ODOT	CLPA ODOT*	N/A	* ODOT approval is required if the CLPA does not have an approved ADA design exception and inspection process in place. LAG for Certified LPA's Section C, Chapters 9 and 11.
8. Provide approval of preliminary plans for unusual/complex bridges or structures (non-Interstate)	ODOT FHWA ⁽⁴⁾⁽⁸⁾ ***	ODOT FHWA ⁽⁴⁾⁽⁸⁾ ***	Recommend Approval if on the NHS	*** FHWA retains approval authority for unusual/complex bridges on the NHS. See LAG for Certified LPA's Section C, Chapter 10.
9. Airport highway clearance coordination and respective public interest finding (if required)	CLPA FHWA ⁴ ***	CLPA FHWA ⁴ ***	^Concurrence - Recommend Approval if on the NHS	*** FHWA retains approval authority for airport highway clearance coordination on the NHS (23 CFR 620.104). ^ Only applies to work on or along the state highway system.
V. Detailed / Final Design (Design Phase)				
1. Approve PS&E submittal package	ODOT	ODOT	N/A	LAG for Certified LPA's Section C, Chapter 11
2. Approve Special Provisions that change the LPA's ODOT approved General Conditions	ODOT	ODOT	N/A	LAG for Certified LPA's Section C, Chapter 11
3. Approve use of proprietary products or processes	ODOT	ODOT	N/A	LAG for Certified LPA's Section C, Chapter 11
4. Approval of Traffic Control Change (e.g. signals, crosswalks, flashing lights, speed zones, and posted speeds).	ODOT	CLPA	N/A	LAG for Certified LPA's Section C, Chapter 11
5. Approve changes in geometric design which affect the operating or safety characteristics of the facility.	ODOT	CLPA	N/A	LAG for Certified LPA's Section C, Chapter 11
6. Approve changes in the structural design.	ODOT FHWA ⁴ ***	CLPA ODOT (Bridge) FHWA ⁴ ***	Recommend Approval if unusual/complex bridge on the NHS	*** FHWA retains approval authority for changes in structural design for unusual/complex bridges on the NHS. LAG for Certified LPA's Section C, Chapters 10 and 14.
7. Approve changes to the typical section(s)	ODOT	CLPA	N/A	LAG for Certified LPA's Section C, Chapter 10
8. Approve changes to staging - or the traffic control plan other than those necessary to implement the intent of the original plans and specifications.	ODOT	CLPA	N/A	LAG for Certified LPA's Section C, Chapter 9

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9. Approve addition of, or revisions to, warranty provisions	ODOT FHWA ⁴ (if on the NHS)	ODOT FHWA ⁴ (if on the NHS)	Recommend Approval if on the NHS	LAG for Certified LPA's Section C, Chapter 11
10. Waiver of Buy America provisions (23 CFR 635.410)	FHWA	FHWA	Recommend Approval	LAG for Certified LPA's Section C, Chapter 11
11. Utility Certification	CLPA ODOT	CLPA ODOT	N/A	ODOT's State Utility Liaison must co-sign the certification. LAG for Certified LPA's Section C, Chapter 13
12. Approve Utility and Railroad Agreements	CLPA	CLPA	^Concurrence	^ Only applies to work on or along the state highway system. LAG for Certified LPA's Section C, Chapter 13
13. Approve utility or railroad force account work	CLPA	CLPA	^Concurrence	^ Only applies to work on or along the state highway system. LAG for Certified LPA's Section C, Chapter 13.
14. Approve Experimental Features	FHWA	FHWA	Recommend Approval	LAG for Certified LPA's Section A(3) and FHWA's SEP-14 and SEP-15
15. Approve Public Interest Findings for Force Order Work	ODOT	ODOT	N/A	See Letters of Public Interest Finding Guidance on the ODOT Office of Project Letting website. See also LAG for Certified LPA's Section C, Chapter 11 and Section C, Chapter 16 (23 CFR 635.104 & 204)
16. Approve use of publicly owned equipment	ODOT	ODOT	N/A	See Letters of Public Interest Finding Guidance on the ODOT Office of Project Letting website. See also LAG for Certified LPA's Section C, Chapter 11 (23 CFR 635.106)
17. Approve use of publicly furnished materials	ODOT	ODOT	N/A	See Letters of Public Interest Finding Guidance on the ODOT Office of Project Letting website. See also LAG for Certified LPA's Section C, Chapter 11 (23 CFR 635.407)

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18. Approve use of mandatory borrow/disposal sites	ODOT	ODOT	N/A	See Letters of Public Interest Finding Guidance on the ODOT Office of Project Letting website. See also LAG for Certified LPA's Section C, Chapter 11. (23 CFR 635.407)
VI. Right of Way Acquisition (Design Phase)				
1. Approval of right of way strip map (if needed), property legal descriptions/exhibit map and programming estimate	ODOT	CLPA	^^Concurrence	^^ Applies to all work off the state highway system. LAG for Certified LPA's Section C, Chapter 7 and ODOT's Right of Way Manual
2. Approve retaining right-of-way encroachments	ODOT	CLPA	N/A	LAG for Certified LPA's Section C, Chapter 7 and ODOT's Right of Way Manual
3. Make feasibility/practicability determination for allowing authorization of construction prior to completion of right of way clearance, utility and railroad work	FHWA (Interstate) ODOT (Non-Interstate)	CLPA	Concurrence	ODOT's Right of Way Manual and 23 CFR 635.309(b)
4. Make public interest finding on proceeding with bid advertisement even though right of way acquisition/relocation activities are not complete for some parcels. (Note: FHWA approval required for work on the NHS)	FHWA ⁹ ODOT	ODOT	Recommend Approval ⁹	ODOT's Right of Way Manual and 23 CFR 635.309(c)(3)
5. Approve disposal at less than fair market value of federally funded right-of-way, including disposals of access control	FHWA	FHWA	Recommend Approval	ODOT's Right of Way Manual and 23 U.S.C. 156
6. Approve disposal at fair market value of federally funded right-of-way, including disposals of access control	FHWA (Interstate) ODOT (Non-Interstate)	ODOT	N/A	ODOT's Right of Way Manual and 23 CFR 710.409
7. Approve hardship and/or protective right of way acquisition or any early acquisition of right of way prior to NEPA approval	FHWA	FHWA	Recommend Approval	ODOT's Right of Way Manual and 23 CFR 710.503
8. Requests for credits toward the non-Federal share of construction costs for early acquisitions, donations or other contributions applied to a project	FHWA	FHWA	Recommend Approval	ODOT's Right of Way Manual and FHWA/ODOT Stewardship and Oversight Agreement

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9. Ensure compliant right of way certification is in place	ODOT CLPA	ODOT CLPA	N/A	ODOT's Region Right of Way Manager must co-sign the certification. LAG for Certified LPA's Section C, Chapter 7
VII. Advertisement, Bid and Award (Design Phase)				
1. Approve a bid advertisement period of less than three weeks.	ODOT	ODOT	N/A	FHWA/ODOT Stewardship and Oversight Agreement and FHWA's Contract Administration Core Curriculum Manual (23 CFR 635.112)
2. Approve addenda during advertising period	CLPA	CLPA	N/A	LAG for Certified LPA's Section C, Chapter 15
3. Approve bid analysis for unbalanced bids	CLPA	CLPA	N/A	LAG for Certified LPA's Section C, Chapter 15
4. Approve award of construction contract	CLPA	CLPA	N/A	LAG for Certified LPA's Section C, Chapter 15
5. Approve rejection of all bids	CLPA	CLPA	Concurrence	LAG for Certified LPA's Section C, Chapter 15
VIII. Construction (Construction Phase)				
1. Approve construction engineering by local agency.	CLPA	CLPA	N/A	FHWA/ODOT Stewardship and Oversight Agreement (23 CFR 635.105)
2. Changes/Extra Work/Nonparticipation (See 2a-2i)	See Below and Note 3			
2a. Changes to contract plans and specifications commonly made - within the scope and intent for the original plans and specifications.	ODOT	CLPA	N/A	LAG for Certified LPA's Section C, Chapter 16
2b. Changes to contract plans and specifications other than those commonly made - within the scope and intent for the original plans and specifications.	ODOT	CLPA	N/A	LAG for Certified LPA's Section C, Chapter 16
2c. When a cost reduction proposal causes a change order - except as described above in 2b.	CLPA	CLPA	N/A	LPA's approved General Conditions, Section 00140.70
2d. Single changes affecting contract completion by more than 30 days, or cumulative changes - affecting contract completion by more than 60 days.	CLPA	CLPA	^Concurrence	^ Only applies to work on or along the state highway system. LPA's approved General Conditions, Section 00180.50 and 00180.80. Also ODOT's Construction Manual, Chapters 3 and 13
2e. Performing added work using public forces that would normally be bid (Public interest finding may be required)	ODOT	ODOT	N/A	LAG for Certified LPA's Section C, Chapter 16

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	Projects on State Highway System by Certified Local Public Agency	Projects Off State Highway System by Certified Local Public Agency		
2f. Any changes affecting environmental mitigation, classification or commitments.	FHWA	FHWA	Recommend Approval	LAG for Certified LPA's Section C, Chapter 6
2g. Proposed waivers for Buy America provision.	FHWA	FHWA	Recommend Approval	LAG for Certified LPA's Section C, Chapter 16 and FHWA/ODOT Stewardship and Oversight Agreement (23 CFR 635.410)
2h. Right of Way access control provisions.	ODOT	CLPA	N/A	For access control information, see ODOT's Policies & Guides and click on "PDLT Notice 03."
2i. Changes in the scope of work or extension of the contract limits as shown in the approved project documents.	FHWA	FHWA	Recommend Approval	LAG for Certified LPA's Section C, Chapter 16
3. Approve termination of contracts	CLPA	CLPA	Concurrence	LAG for Certified LPA's Section C, Chapter 16 (23 CFR 635.125)
4. Approval of pre-construction conference agenda and meeting minutes	CLPA	CLPA	N/A	LAG for Certified LPA's Section C, Chapter 16
5. Approve settlement of a Contractor Claim for an amount of \$125,000 or under.	CLPA ³	CLPA ³	N/A	ODOT receives copy of claim, but otherwise has no authority to settle claim. See LPA's approved General Conditions, Section 00199 and LAG for Certified LPA's Section C, Chapter 16.
6. Approve settlement of a Contractor Claim for any amount over \$125,000. If the claim exceeds \$125,000 or is greater than 15% of the project authorization, the claim must be forwarded to ODOT.	CLPA ³	CLPA ³	Concurrence	For consultation with FHWA and decision on federal dollar reimbursement. Otherwise, ODOT has no authority to settle claim. See LAG for Certified LPA's Section C, Chapter 16. Also refer to LPA's approved General Conditions, Section 00199.
7. Conduct and approve project Inspections	CLPA ODOT †	CLPA	N/A	† Traffic signal installations on the state highway system require additional ODOT inspections. LPA's approved Quality Program Plan and LAG for Certified LPA's Section C, Chapter 16.

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8. Approve materials testing and quality	CLPA ODOT**	CLPA	N/A	** ODOT must approve contractor-provided mix designs for structural concrete and asphalt pavement. LPA's approved Quality Program Plan and LAG for Certified LPA's Section C, Chapter 16.
9. Approve quantity and quality documentation	CLPA ODOT (Risk-Based RAS Reviews)	CLPA ODOT (Risk-Based RAS Reviews)	N/A	LPA's approved Quality Program Plan and LAG for Certified LPA's Section C, Chapter 16.
10. Approve contractor payments	CLPA	CLPA	N/A	LAG Manual Section C, Chapter 16
11. Conduct and approve final inspection	CLPA ODOT	CLPA ODOT	N/A	LAG for Certified LPA's Section C, Chapter 16.
12. Approve final acceptance	CLPA ODOT	CLPA ODOT	N/A	LAG for Certified LPA's Section C, Chapter 16.
13. Periodic Review/Program Evaluation	ODOT FHWA	ODOT FHWA	N/A	LAG for Certified LPA's Section C, Chapter 18.

NOTES:

1. For any other FHWA approval actions required by federal law or regulation (See FHWA's Oversight Matrix: <http://www.fhwa.dot.gov/programadmin/contracts/tabover.cfm>)
2. Reference FHWA's "Summary of Federal Requirements for NHS, Non-NHS and Service Contracts" for a list of federal requirements including Buy America and DBE;
3. The certified local public agency SHALL inform ODOT, through the Regional Local Agency Liaison, of any project change orders or claims authorized by the certified local
4. Title 23 USC and 23 CFR provisions, including "Buy America" requirements, apply to all NHS federal-aid. Except for federal requirements pertaining to contract bid proposal
5. ODOT is responsible for ensuring that all individual elements of the project are eligible. FHWA will check that the scope of the project as described in submitted project
6. If there is a 23 U.S.C. 326 or 325 assignment or Programmatic Categorical Exclusion (PCE) agreement, decisions are handled in accordance with those assignments or
7. ODOT's process and modifications to, or variation in process, require FHWA approval.
8. Unusual/Complex bridges and structures are those that the Division determines to have unique foundation problems, new or complex designs, exceptionally long spans,
9. FHWA retains approval authority for all projects on the NHS and all Projects of Division Interest (PODI) whether on or off the NHS.

FHWA approved November 8, 2018