

**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			
	Full Federal Oversight (FFO)	Projects by Non-Certified Local Agency	Projects on State Highway System by Certified Local Agency	Projects Off State System by Certified Local Agency
<b>Phase I Program Development (Planning)</b>				
1. Ensure Project is in STIP	ODOT	ODOT	ODOT	ODOT
2. Verify eligibility for funding category	ODOT	ODOT	ODOT	ODOT
3. Authorization of project prospectus, scope, schedule	ODOT	ODOT	ODOT	ODOT CLA
4. Authorization for federal reimbursement of project	FHWA	FHWA	FHWA	FHWA
<b>Phase II Project Development (NEPA, Permitting &amp; Project Design)</b>				
1. Approve all Class I NEPA Environmental Impact Statement (EIS) Actions	FHWA	FHWA	FHWA	FHWA
2. Approve all Class II NEPA Categorical Exclusion (CE) Actions	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
4. Approve all Class III NEPA Environmental Assessment (EA)	FHWA	FHWA	FHWA	FHWA
5. Approve Deviations from AASHTO Design Standards - that require design exceptions.	FHWA	ODOT	ODOT	CLA
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	CLA
7. Approve Plans, Specifications & Estimate (PS&E)	FHWA	ODOT	ODOT	ODOT
8. Approve use of proprietary products or processes	FHWA	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	CLA
10. Approve changes in geometric design - which affect the operating or safety characteristics of the facility.	FHWA	ODOT	ODOT	CLA
11. Approve changes in the structural design	FHWA	ODOT	ODOT	CLA
12. Approve changes to the typical section(s)	FHWA	ODOT	ODOT	CLA
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	CLA

14. Approve addition of, or revisions to, warranty provisions (if on NHS, must have FHWA approval)	FHWA	ODOT	ODOT	ODOT
15. Any FHWA approval actions required by federal law or regulation (See FHWA's Oversight Matrix: <a href="http://www.fhwa.dot.gov/programadmin/contracts/ta-bover.cfm">http://www.fhwa.dot.gov/programadmin/contracts/ta-bover.cfm</a> )	FHWA	FHWA	FHWA	FHWA
16. Approval of Archelological Assessment	FHWA	FHWA	FHWA	FHWA
17. Waiver of Buy America provisions (23 CFR 635.410)	FHWA	FHWA	FHWA	FHWA
18. 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
19. Approve Experimental Features	FHWA	FHWA	FHWA	FHWA
20. Approve Public Interest Findings for Force Order Work	FHWA	ODOT	ODOT	ODOT
<b>Phase III Right of Way Acquisition</b>				
1. Approve authorization of funding for right of way ac	FHWA	FHWA	FHWA	FHWA
<b>Phase V Advertising, Bid and Award</b>				
1. Construction Fund Authorization	FHWA	FHWA	FHWA	FHWA
2. Approve addenda during advertising period (23 CFR 635.112)	FHWA	ODOT	CLA	CLA
3. Concur in award of contract (23 CFR 635.114)	FHWA	ODOT	CLA	CLA
4. Concur in rejection of all bids (23 CFR 635.114)	FHWA	ODOT	CLA	CLA
<b>Phase VI Construction</b>				
	<b>Full Federal Oversight (FFO)</b>	<b>Projects by Non-Certified Local Agency</b>	<b>Projects on State Highway System by Certified Local Agency</b>	<b>Projects Off State System by Certified Local Agency</b>
1. Approve construction engineering by local agency (23 CFR 635.105)	FHWA	ODOT	CLA	CLA
2. Changes/Extra Work/Nonparticipation (See 2a-2k)				
2a. Changes to contract plans and specifications commonly made - within the scope and intent for the original plans and specifications, or if it on or impacts the state system, the Certified Local Agency must submit the change to ODOT for approval prior to performing work (ODOT does not need to approve the CCO).	FHWA	ODOT	ODOT	CLA
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* (same limitations with concurrence vs approval)

<p><b>2c. Settlement of a contractor's claim - for any amount over \$125,000.</b>  <b>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 Regional Local Agency Liaison.</b></p>	<p>FHWA- concurrence of decision for federal dollars reimbursement, but have no authority to settle claims</p>	<p>ODOT- concurrence of decision for federal dollars reimbursement, but have no authority to settle claims</p>	<p>ODOT- concurrence of decision for federal dollars reimbursement, but have no authority to settle claims</p>	<p>ODOT - concurrence of decision for federal dollars reimbursement, but have no authority to settle claims</p>
<p><b>2d. When the cost reduction proposal causes a change order - except as described above in 2b.</b></p>	<p>FHWA</p>	<p>ODOT</p>	<p>CLA</p>	<p>CLA</p>
<p><b>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 Regional Local Agency Liaison of such changes. The Liaison will also work with the Construction Contract Administration Engineer as necessary.</b></p>	<p>FHWA</p>	<p>ODOT</p>	<p>CLA</p>	<p>CLA</p>
<p><b>2f. When using public forces - to perform added work normally bid, Public interest finding, per 23 CFR 635.106(a), 635.204, 635.205, 635.407(a) and 636.411(c), are critical, since a justification is needed for work by public forces. The local agency must submit the Public Interest Findings to the Regional Local Agency Liaison.</b>  <b>Note: If a public interest finding has not been approved prior to bid, then the local agency must first 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.</b></p>	<p>FHWA</p>	<p>ODOT</p>	<p>ODOT</p>	<p>ODOT</p>
<p><b>2g. Any changes affecting environmental mitigation, classification, 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.</b></p>	<p>FHWA</p>	<p>ODOT FHWA</p>	<p>ODOT FHWA</p>	<p>ODOT FHWA</p>
<p><b>2h. Proposed waivers for Buy America provision - sha</b></p>	<p>FHWA</p>	<p>FHWA</p>	<p>FHWA</p>	<p>FHWA</p>
<p><b>2i. Right of Way access control provisions - access cc</b></p>	<p>FHWA</p>	<p>ODOT</p>	<p>ODOT</p>	<p>CLA ODOT</p>
<p><b>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 Regional Local Agency Liaison. 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.</b></p>	<p>FHWA</p>	<p>ODOT FHWA</p>	<p>ODOT FHWA *</p>	<p>ODOT FHWA * (ODOT concurs and releases funds)</p>

<b>2k. Any change to a project that would make a change to - the committed Disadvantaged Business Enterprise (DBE), Equal Employment Opportunity (EEO), On the Job Training (OJT)/Apprenticeship participation requires ODOT approval of the change. The local agency shall contact the Regional Local Agency Liaison and such changes must involve ODOT's Office of Civil Rights. ODOT OCR does not sign the CCO.</b>	FHWA	ODOT	ODOT	ODOT
<b>3. Concur in termination of contracts (23 CFR 635.125)</b>	FHWA	ODOT	ODOT	ODOT
<b>4. Pre-construction Conference</b>	FHWA	ODOT	CLA	CLA
<b>5. Claims under \$125,000</b>	FHWA	ODOT	CLA	CLA
<b>6. Project Inspections</b>	FHWA	ODOT	ODOT	CLA
<b>7. Materials Testing and Quality</b>	FHWA	ODOT	CLA	CLA
<b>8. Quantity and Quality Documentation</b>	FHWA	ODOT	CLA	CLA
<b>9. Contractor Payments</b>	FHWA	ODOT	CLA	CLA
<b>10. Final Inspection</b>	FHWA	ODOT	CLA ODOT	CLA ODOT
<b>11. Final Acceptance</b>	FHWA	ODOT	CLA ODOT	CLA ODOT
<b>12. Periodic Review/Program Evaluation</b>	FHWA	ODOT FHWA	ODOT FHWA	ODOT FHWA

\* As defined in ODOT's Stewardship Agreement with FHWA

**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 for concurrence by ODOT if necessary.

2. Title 23 USC and 23 CFR provisions apply to all NHS federal-aid. Except for federal requirements pertaining to contract bid

*Updated June 2012*