

2012 LAP Compliance Assessment Summary

The purpose of the compliance program is to assess local government and VDOT compliance with federal and state laws and regulations and other requirements as outlined in the Locally Administered Projects Manual. In February 2012, the Local Assistance Division (LAD) initiated the first full Project Level Assessments under this program.

Five projects were selected from a query of federally funded, advertised projects with various fund sources, complexity, geographical location, project type, and with CN underway or completed within the previous three years.

UPC# 73249 – Bridge Replacement over Jackson River
BROS funds – Total estimate \$3,506,596

UPC# 93169 – Sidewalks & Bike Lanes along Bonner Middle School
SRTS funds – Total estimate \$94,944

UPC# 92959 – Reconstruct & Widen Stone Spring Road to 5 lanes
STP funds – Total estimate \$14,114,207

UPC# 86559 – Traffic Signal Modernization
HSIP funds – Total estimate \$253,586

UPC# 63556 – Construction of Sidewalks and Crosswalks
STP/EN funds – Total estimate \$395,395

Documentation requested from the local government included:

- Consultant procurement documents for design and/or construction services
- Memorandum of Agreement or Consultant Contract
- Final Invitation for Bids documentation
- Questionnaire to be completed providing information on the localities
 - ↳ management and oversight of project delivery
 - ↳ right of way acquisition
 - ↳ labor compliance review training
 - ↳ environmental documentation, commitments and implementation

An “in-office desk review” of the above listed project documentation was performed for functional areas such as Procurement, External Audit, Right of Way, Construction, Environmental and Civil Rights.

Findings:

- Contractors are not allowed to conduct Labor Compliance Reviews on their own work, therefore was not in compliance with guidelines.
 - *Recommendation/Action* - To place within policies and procedures a plan for Labor Compliance Reviews and to implement the process on future federally funded locally administered projects.
- Lack of training for personnel conducting Labor Compliance Reviews.
 - *Recommendation/Action* - Labor Compliance Review training from either VDOT District or Central Office Civil Rights Division.
- Failure to coordinate with the Department of Historic Resources (DHR) when construction activities went beyond the original project footprint in a potentially historic area.
 - *Recommendation/Action* - To coordinate with the Department of Historic Resources for the modification made to the original footprint and to provide LAD with documentation stating DHR decision.
- The Cities of Harrisonburg and Danville were identified as having Good Management Practices in Labor Compliance Reviews and Training.
 - *Good Management Practice Identified* - Personnel who conducted Labor Compliance Reviews attended several training sessions, worked closely with district Civil Rights staff and have extensive knowledge on federal regulations in regard to Labor Compliance.

Next Steps:

The 2013 LAP Compliance Assessments will be coordinated with the FHWA Virginia Division Office who will be performing Process Reviews on randomly selected federally funded locally administered projects statewide. FHWA Process Reviews will focus on three specific areas: Contract Administration, Quality Assurance and Right of Way. In conjunction with the process reviews, LAD will select 8 – 10 of these projects to simultaneously conduct a project level assessment “desk review” of preliminary engineering phase project documentation.