

# Guide and / or I.M. Revision Notice

**To:** Cities, Counties, and Consultants

**Date:** February 29, 2016

**From:** Office of Local Systems

**Revision Notice Number:** 2016-01

The Federal-aid Project Development Guide (Guide) and / or Instructional Memorandums to Local Public Agencies (I.M.s) have been revised as indicated below. This revision notice identifies all new or revised documents and includes a summary of the significant changes. Where appropriate, it also references the existing Project Development Information Packet (Packet) or County Engineers I.M. documents that have been replaced or superseded.

The Iowa DOT does not provide paper copies of the Guide or I.M.s. Since these documents are updated frequently, we recommend using the on-line version of the [Guide and I.M.s](#) for reference.

If you have any questions concerning these revisions, please contact Donna Buchwald [Donna.Buchwald@dot.iowa.gov](mailto:Donna.Buchwald@dot.iowa.gov) or 515-239-1051.

**\*\*\* PLEASE NOTIFY ALL AFFECTED PERSONNEL OF THIS CHANGE \*\*\***

Document Title or I.M Number	Summary of Significant Revision(s)
<a href="#">Federal-aid Project Development Guide</a> February 29, 2016	<p>The Guide has been updated. Substantive changes from the previous version include the following:</p> <ul style="list-style-type: none"> <li>• All references to the now expired Transportation Enhancement, Safe Routes to School and National Scenic Byways programs have been removed and / or replaced with the Transportation Alternatives Program.</li> <li>• Section 1.2.1 – An explanation of certain activities and certain projects that require specific reviews and approvals by FHWA was added.</li> <li>• Section 2.4 – Revised the guidance regarding inactive obligations to recommend reimbursements every 6 months to help be more proactive in preventing a project obligation from becoming inactive.</li> <li>• Section 2.6 – Added a new section detailing the requirements for the LPA Person in Responsible Charge.</li> <li>• Section 5.2.1 – Added a referenced to the proposed new I.M. 3.303, Consultant Evaluations.</li> <li>• Section 10.2 – Removed references to out-of-date OMB Circulars and revised the dollar threshold for when a Single Audit is required from \$500,000 to \$750,000, as required by the current regulations in <a href="#">2 CFR 200 Subpart F</a>.</li> <li>• Appendix A, p. 2 – added a referenced to the proposed new I.M. 3.303, Consultant Evaluations.</li> </ul>
<a href="#">I.M. Table of Contents</a> February 29, 2016	<p>The I.M. Table of Contents has been revised to reflect new or revised I.M.s, as indicated below.</p>
<a href="#">I.M. 3.140 Storm Water Permits</a> February 29, 2016	<p>This I.M. has been updated. Substantive changes from the previous version include the following:</p> <ul style="list-style-type: none"> <li>• Page 1, Which Permit is Required? – A reference and link was added to the Outstanding Iowa Waters (OIW) watershed map. Projects in OIW will require an individual NDPES permit.</li> <li>• Page 2, Section A – Revised to indicate an electronic copy of the permit is required with the Check or Final Plans. Also added instructions to address how the Co-Permittee Statement (Form 830215) should be used for projects not let by the Iowa DOT.</li> <li>• Page 2, Section 1.B – Modified the third bullet to specify that the Pollution Prevention Plan (PPP) must be signed by a public agency official. Local agency officials may</li> </ul>

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	<p>require the engineer who prepared the PPP to also sign.</p> <ul style="list-style-type: none"> <li>• Page 3, Section 1.B – Added a bullet point providing guidance on use of topsoil.</li> <li>• Page 3, Section 1.B – Added a bullet point providing guidance on storm water storage recommendations.</li> <li>• Page 3, Section 2 – Revised the publication requirements from 2 to 1 newspapers.</li> <li>• Page 3, Section 4 – Revised to note that General Permit No. 2 no longer requires inspections after a ½ inch rain event.</li> </ul>
<p><a href="#">I.M. 3.305</a> Federal-aid Participation in Consultant Costs February 29, 2016</p>	<p>This I.M. has been updated. Most of the changes are necessary to comply with the recently revised Federal regulations (<a href="#">23 CFR 172</a>). Substantive changes from the previous version include the following:</p> <p>I.M. 3.305</p> <ul style="list-style-type: none"> <li>• Page 2 - The list of duties for the LPA Person in Responsible Charge have been deleted and moved to Section 2.6 of the Federal-aid Development Guide.</li> <li>• Page 2 – Added guidance on appropriate uses of consultants in a management role.</li> <li>• Page 3 – The requirements for the LPA's cost estimate have been revised. The Federal regulations, 23 CFR 172.7(a)(1)(v)(b), require the contracting agency to prepare a detailed independent estimate for negotiation purposes when the full selection process is used. A simplified estimate, using typical percentages of construction costs, may still be used for planning purposes, and for negotiation purposes when the abbreviated selection process is used.</li> <li>• Pages 4-5 – The requirements for preparing a Request for Proposal (RFP) were expanded and clarified to cover all the requirements of 23 CFR 172.7(a)(1)(ii). Also, the DBE guidance was updated to note documentation requirements for good faith efforts and to raise the threshold above which justification must be provided for not setting a DBE goal, from \$100,000 to \$250,000.</li> <li>• Page 5 – The guidance for non-competitive selections was revised to reflect some differences between the abbreviated process and the full process.</li> <li>• Page 6 – Added guidance noting that approval of non-competitive selections for work involving the National Highway System requires FHWA approval.</li> <li>• Page 6 – The guidance on suspended or debarred firms was revised to require the LPA to check the System for Award Management (SAM) web site, as required by 23 CFR 172.7(b)(3).</li> <li>• Page 6 – Guidance was added specifying the allowable types of contracts (project specific and multi-phase).</li> <li>• Page 10 – A reference was added to a future I.M. 3.303, Consultant Evaluations.</li> </ul> <p><a href="#">Attachment A</a> – Federal-aid Consultant Checklist</p> <ul style="list-style-type: none"> <li>• Step 5 was modified to indicate the LPA's request to begin negotiations under the abbreviated process shall include a statement indicating that the System for Award Management (SAM) web site has been reviewed to ensure the proposed consultant is not suspended or debarred.</li> <li>• Step 6 was added for clarity.</li> <li>• Step 10 was revised to reflect the revised threshold for providing justification for not setting a DBE goal.</li> <li>• Steps 11 was revised to include a request for review of the proposed DBE goal by the Office of Employee Services, Civil Rights Team (OES-CRT).</li> <li>• Step 12 was added for OES-CRT review and approval of the proposed DBE goal.</li> <li>• Step 13 was added for clarity.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Step 23 includes more detailed instructions on what should be included in the LPA's request to begin negotiations under the full selection process, including a statement about verification of suspension or debarment status, and documentation concerning good faith efforts to meet the DBE goal.</li> <li>• Step 24 was revised to indicate the Administering Office shall contact OES-CRT if there are questions about the consultant's faith effort to meet the DBE goal.</li> <li>• Step 31 was revised to note that Steps 35-37 may run concurrently with Steps 32-34.</li> <li>• Step 36 was added for clarity.</li> <li>• Other steps were renumbered as needed to reflect added steps.</li> </ul> <p><a href="#">Attachment B</a> – Requirements for Federal-aid Consultant Contracts</p> <ul style="list-style-type: none"> <li>• Added item 9, which addresses ownership of engineering documents.</li> </ul> <p>Attachment C – Types of Payment Methods</p> <ul style="list-style-type: none"> <li>• No changes.</li> </ul> <p><a href="#">Attachment D</a> – Standard Consultant Contract</p> <ul style="list-style-type: none"> <li>• Article 4.18.2 was added to address DBE prompt payment provisions of 49 CFR 26.29, as required by 23 CFR 172.9(c)(1)(viii).</li> <li>• Article 4.18.3 was modified to include the DBE assurance provisions of 49 CFR 26.13(b), as required by 23 CFR 172.9(c)(1)(vii).</li> </ul> <p>Attachment E – Errors and Omissions</p> <ul style="list-style-type: none"> <li>• No changes.</li> </ul>
<p><a href="#">I.M. 3.605</a> Right-of-Way Acquisition February 29, 2016</p>	<p>This I.M. has been updated. Substantive changes from the previous version include the following:</p> <ul style="list-style-type: none"> <li>• Page 2, Item 3 – This has been revised to clarify that right-of-way acquisition activities may proceed prior to National environmental Policy Act (NEPA) clearance, if no Federal-aid will be used for the right-of-way activities, and the acquisitions do not influence the NEPA decision making process. Prior to MAP-21, right-of-way activities could not proceed until after NEPA clearance, regardless of whether there was Federal-aid participation in the right-of-way or not.</li> <li>• Pages 5 and 6 – A new section was added to describe certain actions which require Federal highway Administration (FHWA) approval. These include disposal of excess right-of-way at less than fair market value, federal land transfers, and federal participation in functional replacement of publicly owned properties or facilities.</li> <li>• No changes were made to the attachments.</li> </ul>
<p><a href="#">I.M. 3.710</a> DBE Guidelines February 29, 2016</p>	<p>This I.M. has been updated. Substantive changes from the previous version include the following:</p> <ul style="list-style-type: none"> <li>• The reference and link to the list of certified Disadvantaged Business Enterprise (DBE) firms has been updated.</li> <li>• The guidelines for DBE goal setting were simplified by eliminating the middle range of contract costs and raising the threshold for which no additional justification is required for not setting a goal to \$250,000.</li> <li>• Additional guidance is added for providing justification when a DBE goal is not proposed.</li> <li>• Notes were added that the Iowa DOT Office of Employee Services, Civil Right Team (OES-CRT) is available to assist local agencies that have questions about setting DBE goals or evaluating good faith efforts to meet DBE goals.</li> <li>• The 80% rule for evaluating good faith effort toward meeting DBE goals was</li> </ul>

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	removed. FHWA no longer allows mathematical methods for determining good faith effort.
<a href="#">I.M. 3.810</a> Federal-aid Construction by Local Agency Forces February 29, 2016	This I.M. has been updated. Substantive changes from the previous version include the following: <ul style="list-style-type: none"> <li>On page 1, a statement was added to clarify that approval for construction by LPA forces does not relieve the LPA of meeting the Iowa DOT Standard Specification requirements.</li> </ul>