
MPO/UTAH COUNTY JOINT PROJECT MANAGEMENT PROCESS

04/11/2017

For MPO Exchange and County Local Funding Sources

The following policies and procedures apply to all local government projects funded through the Mountainland Metropolitan Planning Organization (MPO) using state transportation funds exchanged for federal funds with the Utah Department of Transportation (UDOT) and Utah County Transportation Sales Tax funds. All project funds awarded to UDOT or the Utah Transit Authority (UTA) will be managed by their respective agencies with an inter-local agreement and a required statement of completion.

Purpose

- 1) **Help jurisdictions develop complete, efficiently delivered, lasting transportation projects.**
- 2) **Remain accountable to the MPO committees (Technical Advisory Committee (TAC) and the Regional Planning Committee (RPC) that awarded the funds.**
 - a) Ensure approved projects are completed in a timely manner.
 - b) Help local jurisdictions overcome unforeseen project funding and or scoping issues.
 - c) Follow proven project delivery processes and standards.

Funding – The MPO has multiple federal, state, and local transportation funds to program for regional transportation projects.

- 1) **MPO Funds** - The MPO has entered into agreement with UDOT to exchange Urban STP federal funds for state funds at an .85-cents to the dollar exchange rate. State funds are more flexible than federal funds when funding the smaller regional projects programmed through the MPO. They also have less regulations, projects typically are less expensive, and are completed in less time, all justifying the discounted exchange rate.

- 2) **Utah County Transportation Sales Tax Funds** - The MPO is also tasked with developing and recommending a list of projects that utilize the two county transportation sales taxes. The county commission has the final approval of these funds, but by state law can only approve or deny the MPO recommended project list.
- 3) **Funding Participation** - Both the MPO state funds and county sales tax funds require local or sponsor participation. The MPO/county will pay 93.23% of the total awarded project cost with the local jurisdiction or project sponsor required to pay 6.77% matching funds for each project.
- 4) **Soft Match** - A soft match that claims work done by the sponsor, Right-of-Way (ROW) acquisition, or other approved related incurred costs may be used toward the 6.77% matching funds if established within the inter-local agreement.
- 5) **Additional Funds**- The local jurisdiction can pledge additional funds above the required cash match to fund different aspects of the project including betterments. These funds add value to the total project, but do not require additional cash match.

Responsible Agency - The Project Management Process for MPO Exchange funds will be managed by the MPO with County sales tax funds managed by Utah County. A local jurisdiction or agency, known as the Project Sponsor, will work directly with the MPO or county, known as the Project Manager, based on which funding source a project is awarded. The Project Manager will manage each project as outlined below from the beginning of the Inter-Local Agreement, to approving and paying invoices, to project completion. Both the MPO and the county will collaboratively share information about the projects they manage to allow accountability to the MPO committees and the county commission on all approved projects.

If a project is within multiple jurisdictions and/or agencies, one jurisdiction or agency will enter in to the interlocal agreement and interface with the Program Manager as the Project Sponsor. Multiple jurisdictions and/or agencies interactions will be outlined within a separate interlocal agreement between said jurisdictions and/or agencies.

Process – The process to start, design, construct and fund a project is as follows:

- 1) **Inter-Local Agreement** - The Project Manager and Project Sponsor will enter into an inter-local agreement confirming the total project funds awarded by the MPO, matching funds, other pledged funds, soft match, project scope and adherence to the project management process herein. No project activities paid for by the Project Sponsor prior to an approved Interlocal Agreement shall be reimbursed by the Project Manager except as allowed for soft match purposes.

- 2) **Project Initiation** - The Project Sponsor will designate a qualified project engineer from its staff or hire a project engineer from the Project Sponsors consultant pool or the prequalified UDOT pool, who will be responsible for project delivery. The designated project engineer will be responsible for the completion of the project.
- 3) **Project Development** - The Project Sponsor and the designated project engineer, will design, acquire the necessary ROW, bid out and manage the construction of the Approved Project.
 - a) *Design Standard: The project design will adhere to American Association of State Highway and Transportation Officials (AASHTO), UDOT, American Public Works Association (APWA), or other applicable local/state/national standards.*
 - i) The local jurisdiction and the project engineer will acquire the appropriate clearances and permits through the design process.
 - b) *Environmental Work: The Project Sponsor will acquire the appropriate clearances and permits through the design process. The Project Sponsor can follow their own adopted environmental process or follow the Recommended Environmental Guidance / Mountainland & Utah County Programmed Projects document (including designating with the Program Manager the type of environmental work to be completed). The Project Sponsor must follow any National Environmental Policy Act (NEPA) requirements required (Endangered Species Act, Clean Water Act, etc.).*
 - c) *Design Work: The Project Sponsor will involve the Program Manager at the following design milestones:*
 - (1) Kickoff Meeting,
 - (2) 30% Scope and Schedule Review,
 - (3) 60% On Site Plan Review,
 - (4) 90% Plans, Specifications and Estimate,
 - d) **Final Design Approval:** Once project design is complete the Project Sponsor will review the final design with the Program Manager. Both parties shall agree that the project is ready for the construction phase.
 - e) *ROW Acquisition:* The Project Sponsor will be responsible to acquire all necessary ROW adhering to state and local laws. The Project Sponsor can follow their own adopted ROW acquisition process or

follow the Recommended Right of Way Acquisition Guidance / Mountainland & Utah County Programmed Projects guidance document.

- f) *Procurement: Advertising of the Approved Project will follow the Project Sponsors established procurement policies. All construction bids will include a 10% construction contingency. The Project Sponsor will provide a copy of the notice of award to the Program Manager.*

4) **Project Signage/Contact Info** - It is recommended that the Project Sponsor install signage informing the public of the following:

- a) Project name.
- b) Project description.
- c) Start and completion dates (general).
- d) Contact name, phone number, website address, email.
- e) Use the sentence "This project funded with Mountainland Transportation Funding".
- f) List project sponsors and their logos (Project Sponsor, Mountainland, Utah County).
- g) Generally, one sign at each access point to the project shall be installed.
- h) Signs should be at least 4' x 6', or large enough for passing motorists to read.
- i) Signs should be installed prior to construction and stay in place through construction.

5) **Construction Process** - The Project Sponsor will manage the construction process. The Program Manager will be notified by the Project Sponsor of any changes that affect the scope of the project or costs that exceed the construction contingency.

6) **Project Completion** - Program Manager staff will be notified and allowed to attend the final inspection of the completed project.

7) **Project Hold** - The Program Manager has the authority to place a project on hold during the Project Development process or withhold reimbursement of invoices during the Construction Process if the Program Manager deems that the project is not within the Approved Project scope or budget. The Program Manager shall notify the Project Sponsor of the hold in writing and will work with the Project Sponsor to rectify the issues promptly. If the Project Sponsor and Program Manager cannot bring the

Approved Project back into scope or if additional funding is needed above what the Program Manager or the Project Sponsor can provide, the issues will be brought to the Mountainland MPO committees for their review, recommendations, and approvals.

- 8) **Total Project Cost** - Both the Program Manager and Project Sponsor acknowledge that the Approved Project has been authorized by the Mountainland MPO Regional Planning Committee (Utah County Commission must also approve if county funds are used) to be funded at an amount not to exceed \$(enter Total Project Cost amount) (Total Project Cost) for the direct costs of the Approved Project.
- a) **Matching Funds:** The Project Sponsor is required to pay a match or portion of the Total Project Cost. This amount is 6.77% of the Total Project Cost. The use of Project Sponsor equipment and/or Project Sponsor employee time for the project shall not be reimbursable, but can be claimed by the Project Sponsor as a soft match toward the required 6.77% matching funds required from the Project Sponsor. The Project Sponsor is required to pay the difference between the required match and the value of the soft match, if any.
 - b) **Reimbursement:** The Project Sponsor, if desiring reimbursement for the direct costs of the Approved Project, will provide the Program Manager with one monthly itemized invoice detailing actual costs for the ROW acquisition, design, utility relocation, construction, or other approved elements of the project. Appropriate backup materials shall also be supplied. The Program Manager agrees to reimburse the Project Sponsor within 30 days of receiving acceptable itemized invoices establishing the validity of the direct costs of the Approved Project. The maximum amount of reimbursement from the Program Manager to the Project Sponsor shall not exceed the Total Project Cost less the matching funds. Any costs which exceed the Total Project Cost less the matching funds shall be the sole responsibility of the Project Sponsor. The Program Manager will review and approve monthly each itemized invoice and will reimburse the total invoice amount less the required matching funds.
 - c) **Cost Overruns:** The Program Manager maintains an account for cost overruns. The Project Sponsor may request additional funds above the approved Total Project Cost with supporting documentation demonstrating the need for additional funds. The Program Manager may approve up to 10% of the Total Project Cost up to a maximum of \$500,000. The MPO Regional Planning Committee can approve higher amounts (Utah County Commission must also approve if county funds are used). The addition of these contingency funds would require a modification to this agreement. If no additional funds are awarded or the project still requires additional funds, the Project Sponsor will be responsible to fund the overrun.
 - d) **Surplus Funds:** Any surplus funds remaining after the completion of the Approved Project will be returned to the Mountainland or Utah County fund balance to be reallocated to other projects selected through the MPO project selection process. Note that Mountainland and Utah County selects and funds projects, not sponsors. Surplus funds cannot be moved to a new project not

already approved through the MPO project selection process. Any surplus funds paid by the Project Sponsor shall be returned to the Project Sponsor.

- 9) **Ownership and Maintenance of Approved Project:** The Project Sponsor shall own and be responsible for maintenance, repair and replacement of the completed project.
- 10) **Inspection of Approved Project:** The Program Manager and its designees, upon reasonable notice, reserve the right to enter upon the Approved Project to inspect the same to verify compliance with this Agreement.
- 11) **Other Expenses:** Except as otherwise expressly stated herein, all expenses not identified as a part of the Approved Project or executed prior to the Agreement shall be the sole responsibility of the Project Sponsor.
- 12) **Amendments:** The interlocal agreement may not be amended, changed, modified or altered except by an instrument in writing which shall be one of the following: (a) approved by Resolution of the governing body of each of the parties, (b) executed by a duly authorized official of each of the parties, and (c) filed in the official records of each party.
- 13) **Change Orders:** Changes can occur throughout a project. Changes that are outside the approved scope outlined in the interlocal agreement must be amended. Minor changes and adjustments that fall within the original project scope can be addressed with a change order. A change order is defined as that additional effort necessary by reason of changed conditions which are radical, unforeseen, and completely beyond the control of the Project Sponsor. The Project Sponsor shall create the change order and keep records of them. Any additional costs incurred can be covered by the construction contingency or by added local funding and should be addressed in the change order. If additional costs are more than the construction contingency and available local funds, the Project Sponsor shall contact the Program Manager to review funding options.