# Exhibit 11-H Emergency Relief (ER)

# Request for Authorization to Proceed with Construction

*[Place this form on Local Agency Letterhead]*

To: *[DLAE Name]*

 District Local Assistance Engineer

 Caltrans, Office of Local Assistance

 *[District Address]*

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Federal Aid No.: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Project Location: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Request for: [ ] EO-CON [ ] PR-CON

Dear *[DLAE Name]*:

In order to advertise, award and administer the construction contract for the above-referenced project, we request you secure Federal “Authorization to Proceed” (E-76) and Obligation of funds for the construction phase of work on this project. We understand any work on Permanent Repair (PR) construction (CON) shall not begin until Authorization to Proceed approval has been received.

You will find the below documents, required to authorize this phase of work, attached:

## Damage Assessment Form (DAF)

[ ] Latest FHWA approved DAF submittal

[ ] First DAF submittal signature page with name and signature of full-time local agency employee in responsible charge (this is used to show DAF submittal deadline was met)

## Request for Authorization Package

[ ] Completed *Exhibit 11-F Request for Authorization to Proceed with Right of Way*

[ ] Completed *Exhibit 11-I Emergency Relief Data Sheet*

[ ] Completed *Exhibit 11-J Emergency Relief Project Finance Letter*

[ ] Copy of *Executed Cooperative Agreement* (only for projects on State Highway System)

## Agreement End Date (AED)

The project AED must be identified on *Exhibit 11-J Emergency Relief Project Finance Letter*. Check which of the following applies:

[ ] The AED will be established with this submittal. Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] No revision to the AED is requested with this submittal.

[ ] A revised AED is requested with this submittal. Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Environmental Document(s) (NEPA)

Projects with both Emergency Opening (EO) and Permanent Repairs (PR) work require two (2) NEPA documents, one for the EO work and one for the PR work. If a project is limited to only EO or only PR work, only one environmental NEPA document will be required. The PR NEPA document is required prior to beginning ER eligible, federally funded RW and CON work.

### EO PR

[ ] [ ] Type of NEPA Document. Approval Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ] [ ] Categorical Exclusion (CE)

[ ] [ ] Findings of No Significant Impact (FONSI)

[ ] [ ] Record of Decision (ROD)

[ ] [ ] Revalidation Approval Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Form FHWA-1273

The unmodified FHWA-1273 Form must be physically incorporated into all executed federal-aid project contract, subcontract, subsequent lower-tier subcontract, and on-call as detailed in Chapter 12 of the LAPM. This includes Permanent Repair contracts, as well as on-call and other Emergency Opening type contracts.

[ ] All contracts, for both EO and PR work, include an unmodified, physical copy of the FHWA-1273 form in the contract.

[ ] All work on this project is to be performed by the local agency (e.g. Force Account).

## Disadvantaged Business Enterprise (DBE) Contract Goal Methodology Form (Exh. 9-D)

Calculation of a DBE Goal is required for PR contract work; however, a DBE Goal does not have to be calculated and is not required for EO contract work. Although EO contract work does not require a DBE goal, all EO contracts must still include the DBE contract language and DBE forms as part of the contract. DBE reporting is required for PR contract work, as well as EO contract work, including on-call contracts and contracts utilizing task orders.

### DBE for Emergency Opening Work

[ ] DBE Contract Goal is not required for Emergency Opening contract work and was not calculated (e.g. DBE Goal is 0%). However, the DBE contract language and DBE forms are included as part of the contract; and DBE reporting is still required.

[ ] DBE is not applicable because work is to be performed by the local agency.

### DBE for Permanent Repair Work

[ ] Completed Exhibit 9-D and the DBE goal is \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

[ ] *Exhibit 9-D DBE Contract Goal Methodology* is not required as the A&E consultant contract was executed prior to October 1, 2014, and the A&E consultant contract has a DBE contract goal, which is a percentage of the entire A&E consultant contract.

[ ] The DBE goal is 0% because there are no sub consulting opportunities for DBE participation. Documentation verifying this determination is attached to this Exhibit, on file with the local agency and has been approved by the DLAE.

[ ] DBE is not applicable because work is to be performed by the local agency. An *Exhibit 12-F Cost-Effectiveness Determination/Public Interest Finding* is attached.

## Right of Way (RW) Certification (Exhibit 13-A or 13-B)

### Emergency Opening (EO) RW Certification

The EO Right of Way Certification #\_\_\_\_\_, which was approved on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is:

[ ] Attached.

[ ] Previously submitted.

[ ] EO RW Certification does not apply because this project does not have EO work

[ ] EO RW cert is not required because:

[ ] This project does not include EO work

[ ] All EO CON work is within the local agency RW and does not involve any utility work

[ ] This request is not for EO CON authorization, which will be requested later

### Permanent Repairs (PR) RW Certification

The PR Right of Way Certification #\_\_\_\_\_, which was approved on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ is:

[ ] Attached.

[ ] Previously submitted.

[ ] EO RW Certification does not apply because this project does not have EO work

[ ] EO RW cert is not required because:

[ ] This project does not include EO work

[ ] All EO CON work is within the local agency RW and does not involve any utility work

[ ] This request is not for EO CON authorization, which will be requested later

## Utility Relocation

[ ] Not applicable (e.g. N/A).

[ ] This Agency agrees to comply with 23 CFR 645.119 “Alternate Procedure” (as explained in Chapter 13 Right of Way, and Chapter 14 Utility Relocations, of the LAPM). This alternate procedure is provided to simplify the processing of utility relocations or adjustments under the provisions of 23 CFR 645. Under this procedure, the Federal Highway Administration (FHWA) authorized the California Department of Transportation (Caltrans) to act in relative position of the FHWA for review and approval of the arrangements, fees, estimates, plans, utility agreements, and other related matters required by such regulation as prerequisites for authorizing the utility owner to proceed with and complete the work.

It is understood that the scope of the Department’s approval authority under the Alternate Procedure includes all actions necessary to advance and complete all types of utility work under the provisions of such regulation, except Section 645.119 (B)(1) and 645.119 (b)(2). Two of such documents that need the Department’s approval are FHWA Specific Authorization and FHWA Approval of the Utility Agreement (Exhibit 14-C). See Chapter 14 “Utility Relocations”, of the LAPM for more information on the activities necessary for federal participation in utility relocations. The approval authority has been delegated to the Right of Way District Utility Coordinators.

## PS&E Package and PS&E Certification

[ ] Not applicable (e.g. N/A) because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

[ ] Completed PS&E package, including LAPG Exhibit 11-N PS&E Certification, and LAPPM Exhibit 12-D PS&E Checklist, or

[ ] The PS&E package including LAPG Exhibit 11-N PS&E Certification, and LAPM Exhibit 12-D PS&E Checklist submitted and accepted on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

## Local Agency Construction Contract Administration Checklist

[ ] Not applicable (e.g. N/A) because \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

[ ] Exhibit 15-A Local Agency Construction Administration Checklist, or

[ ] The Local Agency Construction Contract Administration Checklist was submitted previously and our procedures have not changed.

## Project Agreement and Liquidation of Funds

Upon issuance of Authorization to Proceed (E-76) by the Federal Highway Administration (FHWA), a Program Supplement Agreement (PSA) and state approved project Finance Letter will be prepared to encumber the federal and/or state funds for the project. This Agency understands that any federal and/or state funds encumbered for the project are available for reimbursement until the applicable fund reversion date(s) shown on the state approved project Finance Letter (unless an extension is granted by the Department of Finance).

Invoice Submittal

This Agency understands that Permanent Repair work only performed after federal “Authorization to Proceed” (E-76) is eligible for reimbursement. Furthermore, this Agency understands reimbursement requirements also include an approved federal “Authorization to Proceed” (E-76) for the phase of work being invoiced and an executed PSA and/or state approved “Finance Letter” for the federal/state funds being encumbered. It is also understood a project invoice must be submitted at least once every six (6) months for each project until all funds are expended.

## Authorization to Proceed

This Agency understands, for the Permanent Repair (PR) Right of Way work and the PR Construction work, only work performed after federal “Authorization to Proceed” (E-76) may be eligible for reimbursement; and that these two PR phases of work follow the regular federal aid process, as outlined in the Local Assistance Procedures Manual. This includes, but is not limited to, the requirement construction contracts for Permanent Repair work, advertised prior to federal authorization are NOT eligible for reimbursement.

This local agency further understands for all phases of Emergency Opening (EO) work (EO-PE, EO-RW, EO-CON) and for only the Permanent Repair Preliminary Engineering work (PR-PE), ER reimbursable work may begin immediately, with federal “Authorization to Proceed” (E-76) being obtained afterward (e.g. after-the-fact).

It is also understood that PR Construction Engineering (CE) cost must be specifically included and authorized in the federal Authorization to Proceed with Construction to be eligible for reimbursement. If PR CE is authorized after construction begins, only those PR CE costs incurred after the date the PR CE is authorized are eligible for reimbursement.

## Advance Construction Funding Policy

If federal funding is not available at time of authorization, I understand this request for funding will be changed to a request to proceed using local Advanced Construction funding. Although this does not guarantee federal funding will become available, Advance Construction funding will give this project priority over regular requests for federal funding from other ER projects resulting from the same disaster event. If federal funding for this disaster event does become available later, ER projects with AC funding from this disaster will be converted to federal funding automatically by Caltrans on a first-come, first-serve basis. If federal funding for this disaster event doesn’t become available the local agency will be responsible for covering the AC costs, in addition to the required local match amount.

## CERTIFICATION

I certify that the facts and statements in this Request for Authorization Package are accurate and correct. This Agency agrees to comply with the applicable terms and conditions set forth in Title 23, U.S. Code, Highways, and the policies and procedures promulgated by the FHWA and California Department of Transportation (Caltrans) relative to the above-designated project.

I understand that this Agency is responsible for all costs in excess of the federal and/or state funds obligated/encumbered as well as for all costs it incurred prior to receiving the FHWA issued “Authorization to Proceed” (E-76). I further understand that all subsequent phases of the project will require a separate “Federal Authorization to Proceed”.

Please advise us as soon as the “Authorization to Proceed” has been issued. You may direct any questions to: (Name of Local Agency Contact) at (Phone Number and E-mail Address).

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Full-time Local Agency Employee in Responsible Charge

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Agency

Distribution: DLAE