

Exhibit 12-E: PS&E Checklist Instructions

The PS&E Checklist is to be completed by the Local Public Agency (LPA) in accordance with the following instructions.

I. Highway System and Functional Classification

A. National Highway System

Some PS&E requirements depend on whether the project is on or off the National Highway System (NHS). For FHWA approved NHS maps, see:

http://www.fhwa.dot.gov/planning/national_highway_system/nhs_maps/

B. Functional Classification

Federal-aid eligibility, design guidance as well as some PS&E requirements depend on the functional classification of the route the project is on. For more guidance see FHWA's Guidance for the Functional Classification of Highways Website at: <http://www.fhwa.dot.gov/policy/ohpi/hpms/fchguidance.cfm>.

To find the functional classification of the project, please refer to Caltrans CRS maps at <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=026e830c914c495797c969a3e5668538>.

II. Project Scope of Work

Scope of work in the PS&E must be consistent with what is identified in the original scoping document or application. Otherwise, appropriate approvals must have been obtained.

III. Type of Construction

Design Guidance as well as some oversight responsibilities depend on the type of construction. If the project includes bridges and other structures only, check the box for 'Bridges and Other Structures Only'.

IV. Method of Construction

A. Contracting Method

Unless justified by a Public Interest Finding (PIF), all federal-aid construction contracts must be awarded to the lowest responsible bidder of a competitive bid process. A PIF justification is not required when using Design-Build, CMGC, or ID/IQ contracting methods. See Section 12.4: Method of Construction of the LAPM for additional information.

B. Force Account (Day Labor)

A Public Interest Finding (See Section 12.4: Method of Construction of the LAPM and Exhibit 12-F: Request for Approval of Cost-Effectiveness/Public Interest Finding) must justify any force account construction work performed by the LPA. Check the appropriate boxes and process the PIF as required.

V. Environmental Analysis

The preparation of PS&E must reflect findings of the environmental analysis performed for the project. By checking the box, the LPA certifies that the necessary actions called for by the environmental documents have been responded to in the PS&E and the Environmental Commitment Record (ECR) equivalent addressing all the environmental mitigations have been included in the PS&E package. Failure to check the box will result in denial of the Request for Authorization. See Section 12.3: Environmental Procedures of the LAPM for additional guidance.

VI. Value Engineering Analysis (VA)

A value engineering analysis is required for:

1) all federal-aid highway projects on the NHS with a total estimated project cost of \$50 million or more; (2) all federal-aid bridge projects with an estimated total cost of \$40 million or more; (3) any major project (as defined in 23 U.S.C.106(h)), located on or off of the NHS, that utilizes federal-aid highway funding in any

contract or phase comprising the major project; (4) any project where a VA has not been conducted and a change is made to the project's scope or design between the final design and the construction letting which results in an increase in the project's total cost exceeding the thresholds identified in (1), (2) or (3) of this section; and (4) any other project FHWA determines to be appropriate that utilizes federal-aid highway program funding. In addition to the federal requirements, local HBP projects entail a VA for both NHS and non-NHS bridge projects with an estimated total cost of \$40 million or more. Design/Build projects are excluded. See Section 12.5: Value Engineering Analysis of the LAPM for additional guidance.

VII. Geometric Design Standards

If the project does not change existing geometrics, this section does not apply and the LPA is not required to check any boxes.

Geometric Design Guidance Used

New and reconstruction projects on the NHS must be designed in accordance with Standards as defined in the current edition of "A Policy on Geometric Design of Highways and Streets," published by the American Association of State Highway and Transportation Officials (AASHTO). The minimum standards for geometric design of local federal-aid resurfacing, restoration, and rehabilitation (3R) projects on the NHS are shown in Exhibit 11-A: Geometric Design Standards for Local 3R Projects. Local geometric design guidance that has been developed for use on locally funded new and reconstruction, or 3R projects off the NHS, may be used subject to the conditions listed in Chapter 11: Design Guidance. Check appropriate box only if this section applies.

VIII. Bridge Design Procedures

All bridges must be designed in accordance with the current edition of the Caltrans Bridge Design Specifications Manual and the latest California amendments to the AASHTO LRFD Bridge Design Specifications. Check if requirements met, or if the project does not include any bridge construction indicate requirements does not apply.

IX. Standard Plans

For projects off the State Highway System, the LPA may use current Caltrans Standard Plans, current Standard Plans for Public Works Construction, or current Local Approved Standard Plans subject to the conditions described in Chapter 11: Design Guidance and Section 12.6: Plans of the LAPM. To ensure the current Standard Plans are utilized, please specify the year/version.

X. Project Plans and specifications

Project plans and specifications must be signed and stamped on behalf of the LPA by the person in responsible charge and who is a registered professional engineer licensed to practice in the State of California (see Section 12.6: Plans of the LAPM).

A temporary traffic control (TTC) plan must be included in the PS&E for all federal-aid highway construction projects. If the TTC plan is not included, reference to Signs/Striping Plans pertaining to the project in Standard Plan must be indicated in the specification.

Check the first two boxes to indicate requirements are met. **Failure to check both boxes will result in denial of the Request for Authorization.**

Erosion control plans may be required, see Section 12.6: Plans in the LAPM. If required, check box.

Whenever applicable, project plans and specifications will need to comply with the Federal Americans with Disabilities Act (ADA) requirements 28 CFR, Part 35 or Part 36, and the California and Local Building Codes within the project limits. In accordance with 28 CFR Sec. 35.151, curbs ramps must meet current ADA standards if the project includes streets that are to be newly constructed or altered (includes repaving). For ADA requirements, see Chapter 11: Design Guidance, and Section 12.6: Plans of the LAPM. If ADA requirements apply and will be complied with, check box.

XI. Standard Specifications

For projects off the State Highway System, the LPA may use current Caltrans Standard Specifications and Standard Special Provision, the current Standard Specifications for Public Works Construction, or current Local Approved Standard Plans subject to the conditions described in Chapter 11: Design Guidance. To ensure the current Standard Plans are utilized, please specify the year/version.

XII. Federal Requirements

Federal-aid projects are classified based on whether they are located on the National Highway System including interstate, primary state highways and secondary local roads. However, some projects are treated as federal-aid projects regardless of their locations.

- A. Required Federal Contract Provisions** - Ensure Exhibit 12-G: Required Federal-aid Contract Language or equivalent provisions are in the contract. Inserting unmodified Exhibit 12-G with appropriate information filled, into the project's contract is strongly recommended. Provide page numbers if using equivalent provisions.

Form FHWA-1273 must be physically inserted unmodified into the executed contract.

Provisions for liquidated damages shall be included in all Federal-aid contracts on the NHS (see Chapter 12: Plans, Specifications & Estimate of the LAPM for requirements).

Current Buy America regulations are discussed in Section 12.8, Federal Contract Requirements of the LAPM. Buy America requirements do not apply to minimal use of the material such that the cost, delivered to the project site, is less than \$2,500 or one-tenth-of-one-percent of the contract amount, whichever is greater. Buy America applies if federal dollars are used on any phase of the project.

Section 12.8: Federal Contract Requirements of the LAPM includes information for On-the-Job Training.

Please note that among all the federal requirements, the most frequent deficiencies (or missing requirements) are observed from '6. Changed Conditions', '12. Female and Minority Goals', and '14. Federal Trainee Program'. Inserting unmodified Exhibit 12-G into the contract is suggested as the best way to mitigate such deficiencies.

B. DBE Goal

Individual DBE contract goals will be established. Complete evaluation documentation is required and shall be retained for each contract (see LAPM Chapter 9: Civil Rights and Disadvantage Enterprise).

In some cases, the contract DBE goal may be zero due to the extremely limited subcontracting opportunities for DBEs, the lack of certified DBEs willing to work in the geographic area in which work is to be performed, or other reasons. Documentation is required verifying that the LPA has determined that a zero percent DBE goal is appropriate. Documentation must be based on the DBE contract goal methodology with the specific project-related work codes and DBEs highlighted. In some cases, there may be no contract goal (which is different than zero percent goal) if, for example, the contract is sole-source or non-profit.

C. Certification/Disclosures

The certification and disclosure forms listed in Exhibit 12-H: Sample Bid must be included in all federal-aid projects. Except for the Disclosure of Lobbying form and instructions, equivalent provisions may be used. See Section 12.8: Federal Contract Requirements of the LAPM for more information.

D. Other Required Forms

Two forms, or their equivalents, relating to subcontractors must be included as part of the bid package. Exhibit 15-G: Local Agency Bidder DBE Commitment (Construction Contracts), and Exhibit 12-B: Bidder's List of Subcontractors (DBE and Non-DBE). Exhibit 15-H: DBE Information - Good Faith Efforts must also be part of the bid package if the DBE goal was not met.

E. Federal Wage Rates

If payment of federal predetermined wages is required per instructions in Subparagraph B.2.a “Section IV. Payment of Predetermined Wages,” they must be physically incorporated into the final contract documents and in all related subcontracts signed by the local agency and the contractor.

Check appropriate box (i.e., Federal Wage Rates are included in the contract advertising package, referenced by the Internet Web site address, or not required) and indicate page number if applicable.

It must be emphasized that if the website address is used in the advertising package, the final contract package upon signed by the LPA and the contractor, must physically contain the Federal Wage Rates as revised by addendums, if any addendums were issued.

By checking the box, the LPA is indicating that they are aware of the requirement to monitor federal prevailing wage rates up to bid opening; see Chapter 15, Section 15.3: Federal Wage Rate Determinations for further information.

F. Relations with Railroad

Where construction of a federal-aid project requires use of railroad properties or adjustments to railroad facilities, there shall be an agreement in writing between the local agency and the railroad company. The pertinent portions of the agreement applicable to any protective services required during performance of the work shall be included in the project specifications and special provisions.

Check appropriate box (i.e., provisions are included or not required). If provisions are included, indicate page number.

XIII. Restricted Contract Provisions

Unless otherwise noted, see Section 12.9: Restricted Contract Provisions of the LAPM for detailed guidance.

A. Indian Preferences

Generally, LPAs may not use local hiring practices. However, SAFETEA-LU permits an Indian employment preference provision for projects on or near Indian reservations or Indian lands. Check the appropriate box.

B. Bonding and Prequalification

Bonding and prequalification procedures are not required for federal-aid projects. However, any procedures or requirements for bonding, insurance, prequalification, qualification, or licensing of contractors shall not be used which may operate to restrict competition, prevent submission of a bid by or prohibit consideration of a bid submitted by any responsible contractor, whether a resident or nonresident of California. Check appropriate boxes, and if bonding and/or prequalification are used, check the last box to indicate the requirement will be met.

C. Price Adjustment Clauses

Price adjustment clauses may be implemented if certain conditions are met. If these clauses are used, the local agency must provide documentation of the required conditions in the project files. Check the appropriate box.

D. Warranty Clauses

Warranty clauses may be implemented if the conditions described in Section 12.11: Materials and Equipment of the LAPM are met. The LPA must provide documentation of the required conditions in the project files. Check the appropriate box.

E. Project Labor Agreement

If the LPA would like to use a Project Labor Agreement (PLA) on a federal-aid construction contract, the LPA should submit a request for approval to their DLAE that includes the draft PLA and written justification describing why the project advances the interest of the government. The approval of the PLA should be received prior to construction authorization.

XIV. Materials and Equipment

Unless otherwise noted, see Section 12.11: Materials and Equipment of the LAPM for details.

A. Publicly Owned Equipment (for use by Contractor)

The use of publicly owned equipment on a project going to bid must be justified with a Public Interest Finding. The LPA may approve the use provided it meets conditions described in Section 12.11: Materials and Equipment. Check the appropriate box.

B. Contractor Purchases for Local Ownership

The cost of equipment purchased by the local agency or by the contractor with ownership transferred to the local agency for construction engineering is limited. Check the appropriate box.

C. Convict Produced Materials

Materials produced by convict labor may be used on any federal-aid project if they meet certain conditions. Check appropriate box.

D. Local Public Agency Furnished Materials

The use of LPA furnished materials must be supported by a Public Interest Finding justifying the use (see Section 12.12: Estimates of the LAPM). The justification must be approved by the LPA and documented in the project files. If these materials are included, check the appropriate box indicating the method of acquisition.

XV. Preliminary Estimate

An estimate of the contract items of work must be prepared in a format which describes the items of work, unit amount, quantity, unit price, amount, a subtotal, contingencies, and a total (LAPM 3-A: Project Authorization/Adjustment Request or equivalent). The estimate must be broken down into items sufficient in detail to meet the stated requirements. Check boxes if these requirements are met.

If non-participating items of work are included in the project, check box. These items can be found at: <https://dot.ca.gov/-/media/dot-media/programs/construction/documents/contract-administration/change-order-information/fhwa-nonpart-cost-items-a11y.pdf>

If the project is funded with more than one type of federal-aid it must be segregated by fund types (see LAPM Chapter 3: Project Authorization). Check box if this requirement is met.

XVI. Project Management Plans and Financial Plans

LPAs receiving an amount of federal financial assistance for projects with an estimated total cost exceeding \$100 million must have a financial plan and projects exceeding \$500 million must also have a project management plan. For details of the required submittal and approval of these two plans refer to LAPM Chapter 2: Roles and Responsibilities.

XVII. Local Public Agency Signature

The Federal Contract Provisions Checklist must be signed by the person preparing the contract specifications. The checklist must be signed even if prepared by the same person who will sign the PS&E Certification.

XVIII. Caltrans Acceptance

Caltrans will indicate the appropriate acceptance statement based on the type of review, as described in Section 12.13: PS&E Certification of the LAPM and sign the bottom of the form.