*Attachment E—Sample Supplemental Work Justification Letter to FHWA*

STATE OF CALIFORNIA------- BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

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| DEPARTMENT OF TRANSPORTATIONDistrict \_\_ (or \_\_\_\_\_\_ Region)Street AddressMailing Address, M.S.\_\_City, CA ZIPPHONE: \_\_\_\_\_\_\_\_\_\_FAX: \_\_\_\_\_\_\_\_\_\_\_\_TTY: \_\_\_\_\_\_\_\_\_\_\_\_ |  *The Great Seal of the State of California* *Flex your power!**Be energy efficient!* |

Dist.-Co.-Rte

PM or KP limits

Dist.-EA

Job Description

Date

*Name of FHWA Transportation Engineer*

Senior Transportation Engineer

Federal Highway Administration—California Division

600 Capitol Mall, Suite 4-100

Sacramento, CA 95814

Subject: Supplemental Work and State-Furnished Materials and Expenses

Justification Approval Request

Dear \_\_\_\_\_\_\_\_\_\_:

Your approval is requested for the following supplemental work justifications and state furnished materials and expense justifications.

# FHWA Pre-Approved Supplemental Work Items

# (Only Cost Justification of Item Required)

The cost justification for the following pre-approved supplemental work items are hereby submitted for your review and approval.

## **066015 Federal Trainee Program**

Cost is for the training expenses as part of the Contractor’s equal employment opportunity affirmative action program according to the Code of Federal Regulations (CFR). The Contractor is to provide on-the-job training to develop full journeymen in the types of trades or job classification involved in the contract. The Caltrans Ready to List (RTL) Guide Section 7.14 “Federal Trainee Program” provides criteria for determining cost justification based on the number of trainees determined based on the engineer’s estimated total project cost. The cost justification for federal trainees based on the RTL Guide and contract estimated cost of $\_\_\_\_\_\_\_\_\_ used to determine the number of federal trainees to be \_\_\_\_\_\_\_ and the cost per trainee of $800 for total estimated cost of $\_\_\_\_\_\_\_\_.

## **066070 Maintain Traffic**

Cost is to cover the 50 percent State share of flagging and 100 percent of other traffic-handling equipment and devices used in carrying out provisions in Sections 7-1.08 and 7-1.09 of the Standard Specifications and the special provisions or as ordered by the Engineer. These supplemental funds cover traffic-related items that are not quantifiable, mainly because of public traffic. Some of these funds would typically cover replacing crash cushions damaged by public traffic or additional signing required to direct public traffic through the construction site. The project consists of replacing Metal Beam Guard Rail with concrete barrier and replacing crash cushions in very congested areas. Because of the uncertain nature of this work, it is not a bid item. It must be covered as needed by change order with supplemental funds. Our best estimate for the amount of money is $ \_\_\_\_\_/day X \_\_\_\_\_ days estimated for maintaining traffic = $ \_\_\_\_\_\_\_\_.

## **066094 Value Analysis**

This is value analysis effort after the award of the contract. The purpose of the workshop is to identify value enhancing opportunities and to consider modifications to the plans and specifications that will reduce either the total cost, time of construction or traffic congestion, without impairing, in any manner, the essential functions or characteristics of the project. The Caltrans Ready to List (RTL) Guide Section 7.18 “Value Analysis” provides criteria for determining cost justification based on including $10,000 in the engineers estimate for projects over 5 million estimated project total costs. The cost justification for value analysis based on the RTL Guide and contract estimated total cost of $\_\_\_\_\_\_\_\_\_ is $10,000.

## **066595 Water Pollution Control Maintenance Sharing**

Cost is to cover the 50 percent State share for maintaining the temporary water pollution control items identified on the approved Water Pollution Control Cost Breakdown. The $\_\_\_\_\_\_\_ amount is based on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

## **066596 Additional Water Pollution Control**

This item covers overruns on bid items in the event of heavier-than-normal rainfall during the life of this project or other change orders regarding water pollution impacts that may occur during the project’s construction. The cost of $\_\_\_\_\_\_\_ is given to the project engineer by the District National Pollutant Discharge Elimination System (NDPES) unit and is determined by the Stormwater Data Report specifically prepared for the project.

## **066597 Stormwater Sampling and Analysis**

These funds compensate the contractor for performing storm water sampling. These costs can vary widely because of the frequency of storm activity during the life of the project. This is because of the sampling frequency required. Samples for the applicable non-visible pollutants and a sufficiently large uncontaminated background sample are collected during the first two hours of a rain event that results in a sufficient discharge for sample collection. Because of the uncertain frequency of testing required, this work is included in supplemental funds. The cost justification was determined with input from the District National Pollutant Discharge Elimination System (NDPES) unit. Sampling runs about $\_\_\_\_\_\_\_ per event. The number of potential sampling events is assumed to be \_\_\_\_\_\_ events for a total cost of $\_\_\_\_\_\_\_\_.

## **066666 Compensation Adjustments for Price Index Fluctuations of Paving Asphalt**

This item is for an adjustment of compensation required by special provision for asphalt price adjustments. The cost is to compensate the Contractor for market fluctuations that may occur during performance of the contract, in the price of the paving asphalt. The first 5 percent escalation in the unit cost for paving asphalt is included in the bid prices for the various items using paving asphalt. An estimated 15 percent cost increase beyond that amount is calculated as follows:

0.15 x Total Paving Asphalt Tonnage (Qa) x California Paving Asphalt Price Index (Ib).

For this project the total paving asphalt planned for use in the (list items that use paving asphalt) (Qa) is \_\_\_ tons, and the California Paving Asphalt Price Index for (Month, Year) is \_\_\_\_\_ (Ib). Supplemental funds required for Compensation Adjustments for Price Index Fluctuations of Paving Asphalt equals 0.15 x \_\_\_\_ x \_\_\_\_ = $\_\_\_\_\_, rounded to $\_\_\_\_\_\_.

## **066610 Partnering**

The State promotes the formation of a partnering relationship with the Contractor in order to effectively complete the contract to the benefit of both parties. The State will pay the cost for the "Training in Partnering Concepts" trainer and training site, and the State and Contractor will share equally the cost of the "Partnering Workshop" facilitator and workshop site. The Caltrans Ready to List (RTL) Guide Section 7.15 “Partnering” provides criteria for determining cost justification based on the number of working days for the contract and engineer’s estimated total project cost. The cost justification for partnering is based on the RTL Guide criteria using the engineer’s estimated contract cost of $\_\_\_\_\_\_\_\_\_ and number of working days of \_\_\_\_\_\_\_\_\_ to determine an estimated cost of $\_\_\_\_\_\_\_\_.

## **066920 Disputes Review Board**

A Disputes Review Board assists in the resolution of disputes or potential claims arising out of the work of the contract. It is established by the Engineer and Contractor cooperatively upon approval of the contract. The cost is equally paid for by the State and the Contractor. The Caltrans Ready to List (RTL) Guide Section 7.16 “Dispute Resolution Board” provides criteria for determining cost justification based on the number of working days for the contract. The cost justification for partnering is based on the RTL Guide criteria using the engineer’s estimated number of working days of \_\_\_\_\_\_\_\_\_ to determine an estimated cost of $\_\_\_\_\_\_\_\_.

# Supplemental Work Not on FHWA’s List of Pre-Approved Supplemental Work Items

# (Both Need and Cost Justification of Item Required)

The need and cost justification for the following supplemental work items that are not on FHWA’s pre-approved supplemental work item list are hereby submitted for your review and approval.

## **Additional Non-Destructive Testing $\_\_\_\_\_\_\_\_**

This item is required by special provision S8-W04 paragraph 10, additional NDT as determined by the engineer will be paid as extra work. Per METS the amount of supplemental funds for this item should be 1 percent of the furnished steel items not to exceed $10,000. The justification of costs for additional non-destructive testing is based on the engineer’s cost estimate for structural steel of $\_\_\_\_\_\_\_\_ multiplied by 1 percent to determine an estimated cost of $\_\_\_\_\_\_\_\_.

## **SUPPLEMENTAL WORK COST LIMITATION**

FHWA concurrence is required for supplemental work when the total cost of expected non-excluded supplemental work items exceeds 10 percent and is greater than $200,000.

For this project the total cost of expected non-excluded supplemental work items exceeds 10 percent and is greater than $200,000.

[ ]  Yes [ ]  No

FHWA Concurrence:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ­­­­­­\_\_\_\_\_\_\_\_\_\_**

(*Name*) *(Date)*

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*(Title)*

## **STATE FURNISHED MATERIALS AND EXPENSES**

Per section 7.8, “State-Furnished Materials and Expenses,” of the *Ready To List and Construction Contract Award Guide (RTL Guide)*, dated February 2008, FHWA has approved the following materials as being in the public interest for Caltrans to furnish to the contractor as State-furnished materials. Consequently, a Public Interest Finding is not required for these items. However, justification for the cost of these items is required and is provided below.

### **State Furnished Expenses**

## **066062A COZEEP Expenses**

To increase the safety of motorists and construction workers in State highway project construction zones, Caltrans and the California Highway Patrol jointly operate the Construction Zone Enhanced Enforcement Program (COZEEP). COZEEP is used to increase traffic enforcement above normal levels during the various construction stages when lane closures and diversions increase the potential for traffic accidents within the highway construction project zone. The $\_\_\_\_\_\_\_ amount is estimated for \_\_\_\_\_ days (shifts) the CHP will be needed at $\_\_\_\_\_/day (/shift).

## **066063 Traffic Management Plan**

Traffic management plans are required on all capital construction projects on the State highway system to minimize motorist delays. Traffic management plans incorporate traffic mitigation strategies with innovative public and motorists information techniques and tools to plan for and manage the traffic impacts. The $\_\_\_\_\_\_\_ amount is based on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

## **066105 Resident Engineers Office**

Resident engineer and staff need to have an office close to the jobsite for administration of the contract. In this case, the cost of the office would be distributed proportionally among the projects according to their anticipated use of the office. This is estimated to be $\_\_\_\_\_\_\_\_\_\_ based on an office size of approximately \_\_\_\_\_\_\_sq. ft. at $\_\_\_\_/sq. ft. per month for \_\_\_\_\_ months. This cost may be shared among up to \_\_\_\_ other projects which we anticipate can be administered out of the same office concurrently with this project.

## **066871 Electrical Service Connection**

For expenses necessary to provide power supply to temporary facilities needed to complete the contract and for the power company to install meter and service conductors to the service cabinet on the jobsite. This work is for the connection work done by public utility companies and not work done by the contractor. The estimated cost for the work is $\_\_\_\_\_\_\_\_\_ based on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

### **State Furnished Materials**

## **066840 Traffic Signal Controller Assembly**

To avoid project delays from fabrication, delivery, testing, operational unit programming, modifications, and retesting requirements, the $\_\_\_\_\_\_\_\_\_ amount is based on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

If you have questions, please feel free to contact me at [\_\_\_\_Phone Number\_\_\_].

Sincerely,

Name

Project Engineer

Supplemental Work and State-Furnished Materials and Expenses for contract *(insert contract number)*.

Approved by FHWA:

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ­­­­­­\_\_\_\_\_\_\_\_\_\_**

(*Name*) *(Date)*

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

*(Title)*

FHWA Comments:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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