



Florida Department of  
**TRANSPORTATION**

**FDOT Update**  
**FACERS Summer Meeting**  
**June 30, 2022**

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Florida Department of  
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# **Local Programs by the Numbers- FY 2022 thru March 2022 (3<sup>rd</sup> quarter)**

## Local Programs Active Project Management FY 2021 and FY 2022 Comparison (July-March)

Programs	Agreements Executed	Total Active Projects	Est. Dollar Value Active Projects
LAP (Federal-Aid)- FY 22	67	337	\$402,192,535
LAP – FY 21	50	384	\$365,360,574
State Funded Grants- FY 22	108	402	\$826,376,279
State Funded Grants- FY 21	43	375	\$769,241,569
<b>All Programs- FY 22</b>	<b>175</b>	<b>739</b>	<b>\$1,228,568,814</b>
<b>All Programs- FY 21</b>	<b>93</b>	<b>859</b>	<b>\$1,134,602,143</b>



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# Legislative Update



# FY 2022-23 General Appropriations Act (Chapter 2022-156, Laws of Florida)

## **\$10.8 billion for the State Transportation Work Program**

- \$349,039,987 of the \$10.8 billion is earmarked by Specific Appropriation 1988A of the GAA for 74 Local Transportation Projects.
- Through the State Fiscal Recovery Fund (what we refer to as ARPA), the Department was provided \$30M for SCOP.
- Through ARPA, the Department was provided \$20M for SCRAP.
- None of the ARPA funds are designated for SCOP-Municipalities program.



FY23 GAA Small County Programs		
Additional Allocation		
<b>ARSC Program SC (SCOP)</b>		
District	Percentage	Allocation
01	17.07%	\$ 5,121,951
02	34.15%	\$ 10,243,902
03	31.71%	\$ 9,512,195
04	4.88%	\$ 1,463,415
05	4.88%	\$ 1,463,415
06	2.44%	\$ 731,707
07	4.88%	\$ 1,463,415
<b>Total</b>	<b>100%</b>	<b>\$ 30,000,000</b>
<b>ARSR Program SR (SCRAP)</b>		
District	Percentage	Allocation
01	18.18%	\$ 3,636,364
02	42.42%	\$ 8,484,848
03	33.33%	\$ 6,666,667
04	0.00%	\$ -
05	6.06%	\$ 1,212,121
06	0.00%	\$ -
07	0.00%	\$ -
<b>Total</b>	<b>100%</b>	<b>\$ 20,000,000</b>



## **Earmark projects of note:**

- SR 31 Bridge replacement, Lee County, \$30mil. FDOT is the recipient.
- Sarasota Bradenton Intl Airport Terminal Expansion, \$21.5 mill, SMAA is the recipient
- Pasco County Research Park Infrastructure, \$106 mil, Moffitt Cancer Center is the recipient
- Multiple road/trail projects on SHS awarded to counties that will need to conform to FDOT standards.
- Alt. recipients include: school board, railroad, economic commission, airports, many small cities who haven't received grants since ARRA.



## **Challenges encountered in FY 2022 and newly identified in FY 2023 earmarks:**

- Funds requested are insufficient to deliver the project and local cannot allocate LF to make the project whole.
- Applications for construction funds only, but the local has no funds to pay for design or right of way.
- Applications for construction in FDOT or another entity rights of way and the project(s) conflicted with projects already programmed in the same corridor or the entity will not allow access.
- Private entities apply for earmarks and list local governments as recipients. Local isn't aware of the project or doesn't support the project and refuses to deliver. Project solely or mostly benefits that private interest.





## **Earmark rules of thumb:**

- Vetoed projects must be removed from the Work Program entirely for the FY, even if funding was secured through alternate sources.
- A fully executed contract agreement that includes a scope of work with verifiable units of deliverables is required to disburse the funding to the designated recipient. Must be executed in FY 23.
- The funds cannot be sub-granted or used for any other purpose and are not available for award by the department. Requires literal interpretation of the application submitted.
- All terms and conditions specified by the Legislature must be met before the funding is disbursed.
- Underfunded projects cannot be placed under agreement to “reserve” funds for future years.



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# **Federal-Aid Highway Program Updates**



## Construction Forces Local Preference Programs Allowed

- BIL changes status from a pilot program to institutionalized.
- Program is limited to allowing local preference programs that encourage or require contractors to source labor from the locality or region in which the project is constructed or based on certain economic conditions of the worker.
- Restrictions on in-state and other local preference in contract procurement remained unchanged. This includes procurement, management, or administration of engineering and design-related contracts.

**Bipartisan Infrastructure Law Section 25019(a) Local Hiring Preference for Construction Jobs, Questions and Answers** (Q&As), dated June 8, 2022, have been posted on FHWA's website. The Q&As (<https://www.fhwa.dot.gov/construction/hiringpreferences/qanda060822/>) are accessible via the [FHWA Bipartisan Infrastructure Law Website](#) and FHWA's [Hiring Preferences](#) website.



## Cost Escalations on FA funded contracts

- Per HQ guidance, based on Federal appropriations law, FHWA cannot participate in any retroactive price adjustments if the original contract did not contain a commodity price escalation clause. Memo in effect: <https://www.fhwa.dot.gov/construction/contracts/040408.cfm>
- States can add a retroactive commodity price escalation clause to a contract, but it must be state-funded. States can also develop price adjustment clauses in future contracts. (<http://www.fhwa.dot.gov/programadmin/contracts/ta50803.cfm>)
- CPAM includes the following under 7.3.10, as an example of non-participating items:
  - (S) *Material cost escalations due to tariffs or supply shortages not identified in the original contract.*



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# Project Bundling Efforts



## Two-Prong Approach

- 1. Encourage and support locals bundling together on their own in multi-county/city partnerships**
  - *Realize economies of scale*
  - *Projects more competitive for new BIL programs that encourage bundling*
  - *Partner with the Safety Office to achieve BCRs needed for HSIP through bundling local safety projects*
  - *Learn firsthand from peers via invitation to join FHWA Peer Exchange- tentative date October 2022*
- 2. Include Local Roads in FDOT ID/IQ/push button contracts for safety improvements**
  - *Current request by Office of Design for push button contract for AVTs (sinusoidal ground in)*
  - *Explore other types of contracts in the future that may help address safety scopes or less competitive types of work*



## **Authorizing Authorities**

*FDOT does not have the authority to approve or disapprove use of an FDOT contract as an alternate contract source by a municipality or other political subdivision. Any issues regarding the municipality or other political subdivision's use of the FDOT contract would be between municipality or other political subdivision and the contractor. Municipalities or other political subdivisions interested in using an FDOT contract are encouraged to consult their legal counsel regarding use of the contract. FDOT contracts and their associated supporting documentation are posted on the Department of Financial Services Florida Accountability Contract Tracking System (FACTS) website if the municipality or other political subdivision's legal counsel wishes to review them to determine if it is an appropriate alternate contract source. Any contracting arrangements would be between municipality or other political subdivision and the contractor and would not involve FDOT.*



## Authorizing Authorities

- *On November 16, 2020, FHWA published the [ID/IQ Contracts for Federal-aid Construction Interim Final Rule](#). With that, states were allowed to use IDIQ on a permanent basis. The \$2 million cost limits were removed but the five-year limit is still valid.*
- *Chapter 337 F.S.*
- *FDOT-FHWA Stewardship and Oversight Agreement- projects administered as PODIs*
- *FDOT Procedure 375-000-001 Road and Bridge Contract Procurement, Section 15*
- *CPAM 6.2.4.8 (C)*





## **FHWA Definitions:**

### **1. Indefinite Quantity/Indefinite Delivery (ID/IQ)**

- *Single award task or work order contract awarded to lowest responsive bidder*
- *Provides for the issuance of tasks or delivery of supplies or services during the contract term*
- *Does not specify quantity of supplies or services, other than a minimum or maximum*
- *Projects must be categorical exclusions under NEPA*

### **2. Job Order Contracts (JOC)**

- *Type of ID/IQ contract that utilizes a construction task catalog with pre-priced work item descriptions*
- *Contractors bid adjustment factors and contracts are awarded to the lowest responsive bidder determined by their mark-up rate.*



## **Limitations on FA ID/IQ and JOC contracts:**

- Contract scopes must be defined at time of advertisement.
- NEPA actions limited to categorical exclusions, no significant environmental impacts.
- Right of way certifications required for all sites, prior to Federal authorization.
- Federal terms and conditions must be included in the original contract, including FHWA 1273.



## Examples of contract scopes:

- Bridge repairs/replacements
- ITS installation
- Safety Improvements (i.e. guardrail, rumble strips)
- Traffic signal installation
- Striping, pavement markings
- Traffic control device installation (i.e. signs)
- Resurfacing, including preventative maintenance programs
  - FHWA Memorandum “[Guidance on Highway Preservation And Maintenance](#)” dated February 25, 2016. Also, refer to the [FHWA Bridge Preservation Guide \(Spring 2018\)](#).
- Construction of pedestrian facilities (ADA improvements)

# EVERY BICYCLIST & PEDESTRIAN IS IMPORTANT TO SOMEONE.

We're all responsible for keeping each other safe on our roads. Be alert, maintain eye contact with drivers, and cross safely - it could make all the difference. As a driver, remember to pay attention, stay focused, and watch for bicyclists and pedestrians.

Safety is a two-way street.





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Questions?