

LOCAL GOVERNMENT NEWS

From the Local Government Projects Office



February 2015

2014 Specifications on local government projects

Many questions have been asked about the requirement to switch local government (LG) projects to the new 2014 TxDOT specifications.

TxDOT started letting construction projects using the 2014 Specifications in January 2015 and their use is required on all TxDOT construction projects let after March 31. (It's possible a few TxDOT projects let after March 31 may use the 2004 Specifications.) It is desired that LG-designed and let projects with Advanced Funding Agreements (AFAs) adhere to the same schedule as state-let projects. For these projects:

1. TxDOT will require the use of the 2014 Specifications.
2. TxDOT district personnel, as currently authorized in the Local Government Project Procedures manual, may approve the use of alternate specifications (even after March 31), including the 2004 Specifications.
 - a. If the AFA specifies the use of the 2004 Specifications, the district can initiate execution of an amendment to replace the current required specification with the 2014 Specifications.
 - b. If the design has progressed where switching to the 2014 Specifications will significantly increase project costs or directly cause an unacceptable postponement of the scheduled letting date, the district may (upon written request from the LG) approve in writing the continued use of the 2004 Specification on the specific project.

Please contact your TxDOT district contact with any questions or for guidance on how to handle a specific situation.

What is a local government project?

For projects to be considered a local government (LG) project, certain criteria must be met.

1. At least one phase of project development (environmental, design, right of way, utility relocation or construction) or the program must be managed by a LG agency for which it is being reimbursed with federal (Federal Highway Administration) and/or state (TxDOT) funding, or
2. A locally-funded project is managed by a LG on the State Highway System.

If it's considered a LG project, there will be an Advance Funding Agreement requiring the Local Government Project Procedures (LGPP) to be followed. LGs include municipalities, counties, county and regional toll authorities, regional mobility authorities, metropolitan planning organizations, and, in certain instances, private entities.

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County Transportation Infrastructure Fund (CTIF) grant projects and Border Colonias Infrastructure Projects (BCAP) have different types of agreements and are not required to follow the LGPP.

Guidance and procedures to be followed on CTIF projects are available at <http://www.txdot.gov/government/funding/county-fund.html>. Each district with active BCAP projects has developed and is implementing appropriate procedures for completion of the few remaining projects. For questions about what rules and procedures must be followed on a project, please contact your TxDOT district contact for guidance and assistance.

Child support requirements

In accordance with Texas Family Code §231.006, a contractor's bid must include the name and Social Security number of the individual or sole proprietor and each partner, shareholder or owner with an ownership interest of at least 25 percent of the business entity submitting the bid. Also, a child support statement must be included verbatim in bid documents.

In reviewing the plans, specifications and estimates for approval, TxDOT district personnel should verify this information is included in the bid documents. In order for a bid to be considered responsive (TxDOT Specification 2.7 or LG alternate), each bidder must submit the ownership form. If no individual owns 25 percent or more of the firm, the bidder must include "none" on the form, sign it and include it in the bid. If TxDOT Specification 2.7 is used instead of the local government alternate, the specification must be modified to include the child support requirement.

The forms section of the Summary of Best Practices includes a Child Support Statement and a Sample Child Support Business Ownership Form. The Summary of Best Practices can be found on the LGP web page at <http://www.txdot.gov/inside-txdot/office/local-government-projects.html>.
