

13.1 General Discussion

The Federal Highway Administration (FHWA) through a Stewardship Agreement, delegates authority to the Washington State Department of Transportation (WSDOT) for approving project development and construction administration. WSDOT has the option of delegating some or all of this authority to qualified local agencies, state or federal agencies, or Tribal governments. This procedure permits an agency to retain more of the approval authority at the local level when developing FHWA assisted transportation projects. WSDOT delegates this authority through a Certification Acceptance (CA) program. The CA program does not eliminate any project development procedures. Benefits of CA to a local agency include savings in time and money since the agency has the authority to develop, advertise, award, and manage its own projects.

CA requires local agencies to commit sufficient staff and other resources to project administration to ensure that all applicable state and federal requirements are met, and that the work can be accomplished efficiently. Once an agency has been certified, the certification agreement remains in effect indefinitely unless rescinded due to lack of performance or modified by one of the parties.

A CA agency has the option of requesting that WSDOT or another CA agency administer any given project.

By agreeing to accept federal aid funds, the local agency understands its roles and responsibilities with respect to carrying out the federal aid program. WSDOT is permitted to delegate certain activities, under its supervision, to local agencies (cities, counties, private organizations, or other state agencies) under federal regulation [23 CFR 1.11](#) and [635.105](#); however, WSDOT accepts responsibility for delegated activities.

FHWA is required by federal legislation to conduct verification activities to assure that WSDOT and the local agencies' implementation of the federal highway programs conform with laws, regulations and policies. Similarly per FHWA's delegation, WSDOT is also required to conduct verification activities to assure that local agency federal aid projects are implemented in conformance with federal aid requirements.

Certification Acceptance requirements for the right of way program are addressed in [Chapter 25](#). **Note:** Local agencies are not delegated the authority to certify right of way.

13.2 CA Features

A certified agency is the approving authority for administering FHWA funded projects in the following project items:

1. Design.
2. Utility agreements.
3. Railroad agreements.

4. Standard consulting engineering agreements.
5. Public hearings, findings, and orders.
6. Plans, specifications, and estimates.
7. Advertisement, award, and execution of construction contracts.
8. Construction administration.
9. Construction material testing and testing personnel.
10. Concurrence in Award of delegated projects.

All of the above functions should be administered per the responsibilities outlined in the Agency's approved CA Agreement.

WSDOT and FHWA retain approval authority for the following:

WSDOT

1. Design Deviations
2. Plans, Specification, and Estimate approval.
3. *Standard Specifications* Division 1 changes.
4. Public Interest Findings (local force work, agency supplied materials, proprietary items, etc.).
5. NEPA Categorical Exclusions per MOU, Section 106 Consultation.
6. Implementation of the Civil Rights Program Requirements (DBE, Title VI, ADA, and EEO/OJT).
7. Tied Bids approval (see [Appendix 44.82](#)).
8. Agency Certification Acceptance (CA) approval.
9. Project Final Acceptance.
10. Revisions to Agreements, when applicable.
11. Documentation/Project Management Reviews.
12. Concurrence in Award of DBE non-FHWA oversight projects.

FHWA

1. Authorization of FHWA funds.
2. Approval of National Environmental Protection Act (NEPA) and Endangered Species Act (ESA) environmental documents.
3. Right of way certification approval.
4. Approval of WSDOT's Civil Rights Programs (DBE, Title VI, EEO, ADA).
5. Buy America waiver approval.
6. Approval for Advertisement Period less than three weeks.
7. Approval of the *Local Agency Guidelines*.
8. Full oversight project approvals per Stewardship and Oversight Agreement. (Concurrence in Award, PS&E, Change Orders over \$200,000, etc.)

13.3 CA Requirements

1. Projects must be administered in accordance with the *Local Agency Guidelines*.
2. Projects must be administered utilizing a Professional Civil Engineer registered in the state of Washington who is either on staff as a public employee or is a contract employee designated as the agency's Engineer.
3. The agency shall have sufficient expertise and capability to perform and supervise the design, environmental, PS&E, and construction-administration phases of the project.
4. The agency must have designated an official approving authority for all WSDOT-delegated project approvals. This authority (e.g., agency executive or policy body) must officially approve each project step for which it is the approving authority, as identified in the agreement.

13.4 Application for CA

An agency applying to administer contracts under Certification Acceptance procedures must submit two copies of the Certification Acceptance Qualification Agreement and their Table of Organization to the Region Local Programs Engineer. A "Certification Acceptance Qualification Agreement" form is located at the end of this chapter and is also available through the WSDOT Region Local Programs Engineer.

After receiving the CA Qualification Agreement, the WSDOT Local Program's Project Development Engineer will conduct an interview with the local agency administrators to determine whether the agency is capable of administering an FHWA-funded project. Areas of consideration will be a determination of past performance, current staffing, overall capability, and knowledge of FHWA and state requirements.

Based on the interview, the Director, Local Programs will allow the agency to administer a project under a trial/mentoring status. Immediately following the completion of the project, a Project Management Review (PMR) will be performed to evaluate how the agency performs. A favorable PMR will result in the agency achieving CA status.

13.5 CA Compliance

The WSDOT Region Local Programs Engineer will consult and advise the CA agency concerning the project-management procedures to be followed. The level of this assistance will depend on the nature of each project and the demonstrated capabilities of the agency. In order to be reasonably certain that local agencies are administering FHWA funds in accordance with the *Local Agency Guidelines*, WSDOT will perform procedural reviews on selected local agency ad-and-award projects.

These reviews will be:

- Project Management Reviews (PMR) performed by Local Programs (see [Appendix 53.51](#) for review questions for PMR's and Documentation Reviews).
- Documentation Reviews performed by the Region Local Programs Engineer.

The agency may lose CA status, have its delegation of authority reduced to a project or phase of a project, or be placed on probationary CA. This may be the result of:

- A PMR or Documentation Review.

- An audit by the State Auditor.
- Final project inspection.
- The qualifications and experience of the agency staff are altered.
- A determination from any FHWA oversight activity.

If a vacancy occurs in the positions described in the CA Agreement as “Approving Authority,” the Region Local Programs Engineer shall be notified and may schedule an interview of the replacement person.

The loss of CA status and reinstatement conditions will be outlined in a letter from Local Programs.

13.6 Non-CA Status

Responsible Charge

When Local Agencies elect to use consultants for engineering services, the local agency, as provided under [23 CFR 635.105\(b\)](#), shall provide a full-time employee of the agency to be in responsible charge of the project.

If an agency does not have CA status, the following two options are available for administration of a FHWA funded project

Option 1

- CA Agency Administering a Project for a Non-CA Agency

A non-CA agency enters into an Agreement with a CA agency to administer all aspects of the project. This requires approval by the Region Local Programs Engineer.

Option 2

The Region Local Programs Engineer acts as the CA for the agency and approves an agency to perform specific aspects of a project. An approved plan for the administration of the project is executed between the Region Local Program Engineer and the agency. This category allows projects of smaller sizes to be performed in part by the agency. The project plan shall address such issues as:

- Financing approvals – accounting/billing capabilities.
- Consultant involvement and monitoring. The agency must obtain the approval of the Region Local Programs Engineer prior to selection of a consultant.
- Development of design and design documentation.
- Development of plans, specifications, and estimates.
- Approval of contract documents.
- Advertising, award, execution of a contract.
- Contract oversight and documentation.
- Change order approval.
- Material approval.

13.7 Appendices

- [13.71](#) Certification Acceptance Qualification Agreement
- [13.72](#) Certification Acceptance Interview Form

Agency: [Click here to enter text.](#)

Agency Number: [Click here to enter text.](#)

The agency agrees to comply with the following requirements when developing all Federal Highway Administration (FHWA) projects under [Click here to enter text.](#) CA status.

1. Adherence to the *Local Agency Guidelines* and all policies and procedures promulgated by the Washington State Department of Transportation (WSDOT) which accomplish the policies and objectives set forth in Title 23, U.S. Code, Highways, and the regulations issued pursuant thereto.
2. The overall approval authorities and conditions will be as follows:
 - a. The project prospectus will be reviewed and approved by the following official.
[Click here to enter text.](#) (Position Title Only)
 - b. The local agency agreement will be reviewed and approved by the following official or officials.
[Click here to enter text.](#) (Position Title Only)
 - c. The designs and environmental documents will be reviewed and approved by the following state of Washington registered Professional Civil Engineer.
[Click here to enter text.](#) (Position Title Only)
 - d. The hearing's findings (if required) will be reviewed and approved by the following official or officials.
[Click here to enter text.](#) (Position Title or Titles Only)
 - e. The contract plans, specifications and estimate of cost will be reviewed and approved by the following state of Washington registered Professional Engineer.
[Click here to enter text.](#) (Position Title or Titles Only)
 - f. Agreements will be signed by the following responsible local official:
 - i. Railroad [Click here to enter text.](#) (Position Title Only)
 - ii. Utility [Click here to enter text.](#) (Position Title Only)
 - iii. Consultant [Click here to enter text.](#) (Position Title Only)
 - iv. Technical Services [Click here to enter text.](#) (Position Title Only)
 - g. The award of contract will be signed by the following responsible local official.
[Click here to enter text.](#) (Position Title Only)
 - h. All projects will be constructed in conformance with the Washington State Department of Transportation/American Public Works Association (WSDOT/APWA) current *Standard Specifications for Road, Bridge, and Municipal Construction* M 41-10 and such specifications that modify these specifications as appropriate. Multimodal enhancement projects shall be constructed in conformance with applicable state and local codes.
 - i. The contract administration will be supervised by the following state of Washington registered Professional Civil Engineer. [Click here to enter text.](#) (Position Title Only)
 - j. Construction administration and material sampling and testing will be accomplished in accordance with *Construction Manual* M 41-01 and the Local Agency Guidelines.

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3. The agency agrees that they have the means to provide adequate expertise and will have support staff available to perform the functions being subdelegated. The support staff may include consultant or state services.
4. The agency agrees that the signature on each project prospectus and local agency agreement will be consistent with section 2 above.
5. All projects under Certification Acceptance shall be available for review by the FHWA and the state at any time and all project documents shall be retained and available for inspection during the plan development and construction stages and for a three year period following acceptance of the project by WSDOT.
6. Approval of the local agency certification by the Director, Local Programs may be rescinded at any time upon local agency request or if, in the opinion of the Director, Local Programs, it is necessary to do so. The rescission may be applied to all or part of the programs or projects approved in the local agency certification.

Mayor or Chairman

Date

Washington State Department of Transportation

Approved By:

Director, Local Programs

Date

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Certification Acceptance Interview Form

Agency: Click here to enter text.

Date: Click here to enter text.

Interview Conducted By: Click here to enter text.

Agency Representatives: Click here to enter text.

Table of Organization

Get copy from agency and review duties, requirements, and personnel currently filling.

Position Responsible for the Following Functions

Functions	Position Responsible
Six-Year Transportation Improvement Program	Click here to enter text.
Location/Design Approval	Click here to enter text.
PS&E Approval	Click here to enter text.
Approval of Materials Sources	Click here to enter text.
Construction Inspection	Click here to enter text.
Independent Assurance Sampling/Test	Click here to enter text.
Project Files	Click here to enter text.
Training Goal Attainment	Click here to enter text.
ADA Compliance/Monitoring	Click here to enter text.
Title VI	Click here to enter text.
Selection of Annual Program	Click here to enter text.
Environmental Documents	Click here to enter text.
Tied Bids	Click here to enter text.
Construction Administration	Click here to enter text.
Acceptance Sampling/Test	Click here to enter text.
Change Orders	Click here to enter text.
EEO Interviews/Monitoring	Click here to enter text.
DBE Compliance/Monitoring	Click here to enter text.
Consultant Services	Click here to enter text.

Consultants

For what areas does the agency expect to use consultants?

- | | |
|---|--|
| <input type="checkbox"/> Design | <input type="checkbox"/> Right of Way Relocation |
| <input type="checkbox"/> PS&E Preparation | <input type="checkbox"/> Construction Administration |
| <input type="checkbox"/> Right of Way Appraisal | <input type="checkbox"/> Construction Inspection |
| <input type="checkbox"/> Environmental | <input type="checkbox"/> Surveying |
| <input type="checkbox"/> Right of Way Negotiation | <input type="checkbox"/> Sampling and Testing |

Does the local agency utilize WSDOT's *Consultant Services Manual* in its consultant selection processes associated with federal aid projects? Yes No

Does the local agency have written procedures for the selection of consultants? Yes No

Comments: [Click here to enter text.](#)

If consultants are used, how will the agency monitor and control the consultant's work?

[Click here to enter text.](#)

Remind the agency that they will be in control of the consultant's work and that EEO, DBE, and training should be done by the agency.

Title VI

Does the local agency have a Title VI Plan and/or Nondiscrimination Agreement and is it up to date?

- Yes No

Comments: [Click here to enter text.](#)

Right of Way

Does the agency have procedures approved by WSDOT for:

Right of Way Acquisitions: Yes No

Relocation: Yes No

Procedures for Ad, Award, and Execution of Contract

Position responsible for:

Approval to Advertise: [Click here to enter text.](#)

Prequalification of Bidders: [Click here to enter text.](#)

Award of Contract: [Click here to enter text.](#)

Execution of Contract: [Click here to enter text.](#)

Name of Legal Publication: [Click here to enter text.](#)

General Questions About Administration

Who decides on and approves deviations from design prior to submittal to the state for formal approval?:

[Click here to enter text.](#)

Describe ledger system: [Click here to enter text.](#)

Who will check payrolls, etc.?: [Click here to enter text.](#)

Describe the process for approving project special provisions: [Click here to enter text.](#)

Describe change order approval process (including those that affect the work of DBEs):
[Click here to enter text.](#)

Describe materials testing and approval process: [Click here to enter text.](#)

Describe agency requirements for project diary and inspectors daily report keeping:
[Click here to enter text.](#)

Describe agency process for approval of subcontractors: [Click here to enter text.](#)

How will the agency handle administration of more than one contract at the same time?:
[Click here to enter text.](#)

How will the agency handle inspection of several phases of project at same time (e.g., dirt work, electrical, paving, structure)?: [Click here to enter text.](#)

How will the agency respond if project engineer and/or inspector are unable to be on job site due to illness, etc.? Who will handle control of project if needed person cannot be there?:
[Click here to enter text.](#)

How does the agency manage traffic control?: [Click here to enter text.](#)

Are there written procedures for preconstruction conferences?: [Click here to enter text.](#)

Does the Agency Have These Necessary Manuals

- | | | | | |
|--|--------------------------|-----|--------------------------|----|
| WSDOT <i>Local Agency Guidelines</i> (LAG) M 36-63 | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| AASHTO <i>Policy on Geometric Design of Highways and Streets</i> | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| WSDOT <i>Construction Manual</i> | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| WSDOT/APWA <i>Standard Specifications</i> | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| APWA <i>Amendments</i> | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| WSDOT <i>Amendments and Standard Specifications</i> | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| <i>Standard Item Table</i> | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| MUTCD | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| WSDOT <i>Design Manual</i> M 22-01 | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| WSDOT <i>Standard Plans for Road and Bridge Construction</i> M 21-01 | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| WSDOT <i>Utility Manual</i> M 22-87 | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| WSDOT <i>Right of Way Manual</i> M 26-01 | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| SWIBS <i>Manual</i> | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| WSDOT <i>Hydraulics Manual</i> M 23-03 | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| WSDOT <i>DBE Program Plan</i> | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| WSDOT <i>Consultant Services Manual</i> M 27-50 | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |

Upcoming Federal Aid Projects

Project Title	Scheduled to Begin
Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.

Summary

Action to be taken by agency in following areas: Click here to enter text.

Comments From Reviewers

Click here to enter text.

Recommendation of Review

- Full administration by agency of all projects
- Administration by agency on a project-by-project basis
- Administration by agency for projects up to \$ Click here to enter text.
- Deny approval for certification acceptance
- Remove from certification acceptance status

Concurrence by Director, Local Programs

Director, Local Programs

Date