

# **FHWA/MoDOT Partnering Agreement**

## **Construction and Materials Program**

### **Roles and Responsibilities of FHWA and MoDOT:**

The following activities require coordination between FHWA and MoDOT in order to attain reviews/approvals within the agreed timeframes. In this agreement, all reference to days denotes business days. FHWA and MoDOT agree to work as true partners to ensure the success of the Construction and Materials Program.

The following table identifies the various approval/review activities.

<b>Activities</b>		<b>MoDOT/FHWA Responsibilities</b>		
<b>Approval/Action</b>	<b>Reference Document</b>	<b>Description of Actions and Responsibilities</b>	<b>Expected Timeframe (MoDOT)</b>	<b>Expected Timeframe (FHWA)</b>
Meetings		MoDOT will keep FHWA posted throughout the construction phase of the PoDIs and invite the FHWA Program Implementation Team Leader (PITL) and/or FHWA TE's to all regularly scheduled construction update meetings, including industry, technical team, pre-construction and/or pre-activities meetings.	Will schedule the meetings and provide dates/times to FHWA.	Will be available on an as-needed basis.  Will actively participate in industry and technical team meetings to provide input on Specification development and information on FHWA program activities and initiatives relative to those industries.
Change Orders and Extra Work	23 CFR 635.120  EPG 109.12.1.1 Change Order Approval Level Criteria	MoDOT will provide complete and well-documented change orders	Will submit 5 business days prior to expected approval date if change order approval is identified as a PoDI approval action.	Will review and approve change orders identified as a PoDI activity on PoDI projects within 5 business days of receiving them.

<b>Activities</b>		<b>MoDOT/FHWA Responsibilities</b>		
<b>Approval/Action</b>	<b>Reference Document</b>	<b>Description of Actions and Responsibilities</b>	<b>Expected Timeframe (MoDOT)</b>	<b>Expected Timeframe (FHWA)</b>
Project / Site Visits	Inspection report form	<p>FHWA will conduct project site visits /inspections.</p> <p>MoDOT Resident Engineer (RE) or district staff will provide FHWA TE's documentation that supports follow-up action items that may result from project observation findings.</p>	Will submit within the timeframe identified in the inspection report.	<p>Will provide a minimum of 7 business days in notice of project inspections to appropriate MoDOT RE, MoDOT Construction &amp; Materials Liaison Engineer, and Assistant State Construction and Materials Engineer.</p> <p>FHWA reserves the right to visit any federal-aid construction project at any time.</p>
Resolution of Project/ Site Visit Inspection Findings	Inspection report form	<p>FHWA shall provide MoDOT RE, MoDOT Construction &amp; Materials Liaison Engineer, and District Construction &amp; Materials Engineer an email with any significant project observations that require timely actions to address the observation.</p> <p>MoDOT RE or district staff will provide FHWA TE's documentation that supports follow-up action items that may</p>	Will submit within the timeframe identified in the inspection report.	Will send an email within 2 business days.

<b>Activities</b>		<b>MoDOT/FHWA Responsibilities</b>		
<b>Approval/Action</b>	<b>Reference Document</b>	<b>Description of Actions and Responsibilities</b>	<b>Expected Timeframe (MoDOT)</b>	<b>Expected Timeframe (FHWA)</b>
		result from project observation findings.		
Claim/ Dispute resolution	<p>23 CFR 635.124 Participation in contract claim awards and settlements.</p> <p>EPG 105.16.1 Procedures for Handling Contractor Claims</p> <p>23 CFR 637</p> <p>EPG 105.16.2 Dispute Resolution</p>	MoDOT will send invitation to FHWA PITL and/or FHWA TE's for claim/dispute resolution meetings and provide FHWA with copy of all information on the claim as it becomes available.	Will submit minimum of 7 business days in advance of the meeting.	Will actively participate in contract claim awards and settlement meetings and discussions.
Engineering Policy Guide (EPG) Approval Process	EPG	MoDOT will involve FHWA in the development of proposed level 2 or above revisions to construction and materials Standard Specifications, Standard Plans, and engineering policies prior to requesting approval in accordance with the Engineering Policy Guide (EPG) Approval Process.	Will provide documentation with a minimum of 10 business days prior to expected approval.	Will provide concurrence of acceptability or comments within 10 business days of receipt.

<b>Activities</b>		<b>MoDOT/FHWA Responsibilities</b>		
<b>Approval/Action</b>	<b>Reference Document</b>	<b>Description of Actions and Responsibilities</b>	<b>Expected Timeframe (MoDOT)</b>	<b>Expected Timeframe (FHWA)</b>
Job Special Provisions (JSP)	EPG 237.5	MoDOT will involve FHWA early in the development of proposed level 2 or above construction and materials Job Special Provisions (JSP) prior to submittal for FHWA approval.	Will provide documentation with a minimum of 10 business days prior to expected approval.	Will provide concurrence of acceptability or comments within 10 business days of receipt.
Final Acceptance		FHWA will provide final acceptance if identified as a PoDI activity.	Will provide documentation with a minimum of 10 business days prior to expected approval.	Will provide concurrence of acceptability or comments within 15 business days of receiving all required documentation from MoDOT so that final payment can occur in a timely manner.
Independent Assurance and Materials Certification	23 CFR 637	MoDOT will provide FHWA with annual summary reports for Independent Assurance and Materials Certification	Will provide annual report in January of each calendar year.	Will provide comments as needed.
Federal Statements and Policy Changes		FHWA will provide detailed information on federal position statements and policy changes that effect MoDOT's operating procedures/policies will be discussed through a meeting of appropriate staff.	Will provide comments and schedule a meeting as needed.	Will submit within 5 business days of receiving information from FHWA Headquarters and schedule a meeting as needed.

This agreement will be reviewed and updated, as needed, on an annual basis.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the date last written below.

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