

New York City Department of  
Transportation

# Organization Management Plan 2013

Version 3.0





February 13, 2013

To All DOT Project Stakeholders:

It is my pleasure to present the 2013 edition of the Organization Management Plan (OMP) for the New York City Department of Transportation. This document is intended to serve several purposes, including:

- Providing a roadmap to successful management of projects.
- Fulfilling requirements for Federal Transit Administration (FTA) and Federal Highway Administration (FHWA) grants.
- Providing important source material for the development of project management plans, both for projects managed directly by us and for projects managed by grant subrecipients.

The OMP was developed by NYCDOT's Project Management Office (PMO), in close collaboration with key project delivery staff from around the agency.

~~This year's edition of the OMP has been updated to include organizational restructuring within NYCDOT and a newly rewritten chapter on our Civil Rights Program, Chapter 10.~~

As all of you are aware, NYCDOT has many vital, high-profile projects with aggressive timetables in order to ensure that we deliver these projects on time, on budget, and at the highest possible level of quality, it is essential that we have a consistent approach to project management. This OMP is intended to be the cornerstone of that approach, and I urge you to read it carefully and incorporate it into your work.

The most current version of the OMP is available in two formats:

- A Microsoft Word version may be downloaded from NYCDOT's intranet site at: <http://sharepoint/projectmgmt/NYC%20DOT%20Organization%20Management%20Plan/2013%20OMP/OMP%202013.docx>
- For a printed version, please contact the PMO at [sboet-whitaker@dot.nyc.gov](mailto:sboet-whitaker@dot.nyc.gov).

For more information about the OMP, or for assistance in developing project specific management plans, please contact the PMO at (212) 839-4648.

Sincerely,

Joseph H. Jarrin  
Deputy Commissioner

## Revision History

Version	Date	Editor	Comments
1.0	October 2008	L. Dunbar	First iteration of OMP
2.0	December 2009	L. Dunbar	Updates included information about ARRA grants and the Quality Assurance Plan for the Division of Bridges.
3.0	February 2013	S. Boet-Whitaker	Updates included rewriting the chapter on the Civil Rights Program, Chapter 19.
4.0	June 2015	J. Turetsky	
5.0	June 2015	J. Kyon	Updates included replacing outdated links and mission statements

## Table of Contents

REVISION HISTORY	2	
<i>List of Acronyms</i> .....		11
<b>1. INTRODUCTION</b> .....		<b>1</b>
PURPOSE	1	
<b>2. NYCDOT AUTHORITY</b> .....		<b>1</b>
NYCDOT MISSION	2	
<b>3. NYCDOT'S ORGANIZATION</b> .....		<b>5</b>
COMMISSIONER OF TRANSPORTATION	5	
HUMAN RESOURCES AND FACILITIES MANAGEMENT	8	
THIS DIVISION IS RESPONSIBLE FOR ESTABLISHING AGENCY POLICY THROUGH THE CREATION OF AN AGENCY STRATEGIC PLAN AND OTHER MATERIALS, AND FOR OVERSEEING IMPLEMENTATION OF AGENCY POLICY THROUGH CLOSE COORDINATION WITH DOT DIVISIONS AND CITY AGENCIES. THIS DIVISION WORKS ON PRIORITY PROJECTS, STRATEGIC COMMUNICATIONS, AND INITIATIVES. IT OVERSEES SAFETY OUTREACH AND EFFORTS PROMOTING UNIVERSAL ACCESS.	9	
EXTERNAL AFFAIRS	9	
FINANCE, CONTRACTS AND PROGRAM MANAGEMENT	9	
THE FIRST DEPUTY COMMISSIONER	15	
DIVISION OF BRIDGES	17	
DIVISION OF TRAFFIC OPERATIONS	20	
DIVISION OF TRANSPORTATION PLANNING & MANAGEMENT	22	
THE PUBLIC SPACES UNIT RUNS FIVE PROGRAMS: NYC PLAZA PROGRAM, STREET DESIGN MANUAL, CITYBENCH PROGRAM, POPUP CAFÉ PROGRAM, AND WEEKEND WALKS.	25	
DIVISION OF SIDEWALKS AND EMERGENCY RESPONSE	25	
DIVISION OF ROADWAY REPAIR AND MAINTENANCE	25	
DIVISION OF FERRIES	26	
BUREAU OF PERMIT MANAGEMENT AND CONSTRUCTION CONTROL (BPMCC)	27	
AUDITOR GENERAL	28	
TECHNOLOGY SERVICES	29	
<b>4. EXTERNAL PROJECT PARTICIPANTS</b> .....		<b>30</b>
LOCAL GOVERNMENT AND ITS ENTITIES	30	
<i>Mayor</i> .....		30
<i>Offices of the Mayor</i> .....		30
<i>Office of the Comptroller</i> .....		36
<i>City Council</i> .....		36
STATE GOVERNMENT	36	
<i>New York State Department of Transportation (NYSDOT)</i> .....		36
<i>New York State Department of Environmental Conservation (NYSDEC)</i> .....		37
<i>New York Department of State's Division of Coastal Resources and Waterfront Revitalization</i> .....		37
<i>New York State Department of Budget (NYSDOB)</i> .....		38

<i>New York State Thruway Authority</i> .....		38
<i>New York State Comptroller</i> .....		38
<i>New York State Division of Homeland Security and Emergency Services (NYS DHSES)</i> .....		39
REGIONAL TRANSPORTATION AGENCIES	39	
<i>New York Metropolitan Transportation Council (NYMTC)</i> .....		39
<i>Metropolitan Transportation Authority (MTA)</i> .....		40
<i>Port Authority of New York and New Jersey (PANYNJ)</i> .....		40
FEDERAL GOVERNMENT	41	
<i>United States Congress</i> .....		41
<i>United States Department of Transportation (USDOT)</i> .....		41
<i>US Army Corps of Engineers</i> .....		43
<i>United States Department of Housing and Urban Development (HUD)</i> .....		43
<b>5. PROJECT MANAGEMENT OBJECTIVES</b> .....		<b>45</b>
PROJECT DELIVERY	46	
<b>FHWA MAJOR PROJECT DELIVERY PROCESS</b>	46	
<i>Project Planning</i> .....		47
<i>Scope Development</i> .....		47
<i>Resource Planning</i> .....		47
<i>Staffing</i> .....		48
<i>Additional Planning Requirements of USDOT Funded Projects</i> .....		53
<i>Alternatives Analysis (Major Investment Study)</i> .....		53
<i>Environmental Planning</i> .....		56
PRELIMINARY DESIGN INVESTIGATION (PDI)	58	
<i>Bridge Projects</i> .....		58
<i>Street Reconstruction Projects</i> .....		58
PRELIMINARY ENGINEERING (PE) PHASE	59	
FINAL DESIGN (FD) PHASE	60	
<i>Federal Final Design Requirements</i> .....		60
<i>FHWA Final Design Requirements</i> .....		60
CONSTRUCTION PHASE	61	
TESTING/STARTUP PHASE	62	
<i>Substantial Completion</i> .....		62

<i>Occupancy</i> .....		63
CLOSEOUT PHASE	63	
<i>Closeout Management</i> .....		63
<i>Clean-up</i> .....		63
<i>Punch Lists</i> .....		64
<i>Final Financial Settlement</i> .....		66
<i>Lessons Learned Program</i> .....		67
<b>6. PROCUREMENT</b> .....		<b>69</b>
PROCUREMENT PLANNING	69	
<i>New York City Funded Projects</i> .....		70
<i>New York State Funded Projects</i> .....		71
<i>USDOT Funded Projects</i> .....		71
FUNDING PROGRAMS	73	
<i>FTA and FHWA Emergency Relief (ER) Programs</i> .....		73
<i>Federal Highway Administration Emergency Relief Program (FHWA ER)</i> .....		73
<i>National Highway Performance Program (NHPP)</i> .....		74
<i>Transportation Alternatives Program (TAP)</i> .....		76
<i>Surface Transportation Program (STP)</i> .....		76
<i>Congestion Mitigation and Air Quality (CMAQ) Funded Projects</i> .....		77
<i>Discretionary Funded Projects</i> .....		78
<i>Ferry Boat Program (FBP)</i> .....		78
<i>FTA &amp; FHWA Formula Funded Projects</i> .....		79
<i>Job Access and Reverse Commute Program (5307)</i> .....		80
<i>Transportation Income Generating Economic Recovery (TIGER) Discretionary Grants</i> .....		81
<p>A NEW FORMULA GRANT PROGRAM IS ESTABLISHED UNDER SECTION 5339, REPLACING THE PREVIOUS SECTION 5309 DISCRETIONARY BUS AND BUS FACILITIES PROGRAM. THIS CAPITAL PROGRAM PROVIDES FUNDING TO REPLACE, REHABILITATE, AND PURCHASE BUSES AND RELATED EQUIPMENT, AND TO CONSTRUCT BUS-RELATED FACILITIES. AUTHORIZED FUNDING IS \$422 MILLION IN FY 2013 AND \$428 MILLION IN FY 2014. EACH YEAR, \$65.5 MILLION WILL BE ALLOCATED WITH EACH STATE RECEIVING \$1.25 MILLION AND EACH TERRITORY (INCLUDING DC AND PUERTO RICO) RECEIVING \$500,000. THE REMAINING FUNDING WILL BE DISTRIBUTED BY FORMULA BASED ON POPULATION, VEHICLE REVENUE MILES AND PASSENGER MILES. THIS PROGRAM REQUIRES A 20 PERCENT LOCAL MATCH. ....</p>		
<i>Passenger Ferry Grant Program</i> .....		82

TYPES OF CONTRACTS	82	
<i>Professional and Technical Services Contracts</i> .....		82
<i>Construction Contracts</i> .....		83
SOURCE SELECTION	83	
<b>7. SUBRECIPIENTS</b> .....		<b>83</b>
FTA SUBRECIPIENT MANAGEMENT	84	
1. <i>Procurement</i> .....		85
2. <i>Suspension/Debarment</i> .....		85
3. <i>Lobbying</i> .....		85
4. <i>Disadvantaged Business Enterprise (DBE)</i> .....		85
5. <i>Title VI</i> .....		86
8. <i>Maintenance</i> .....		86
9. <i>Satisfactory Continuing Control</i> .....		86
10. <i>Drug and Alcohol Program</i> .....		86
11. <i>Contract Administration/Management</i> .....		86
12. <i>Coordination of funding, accounting, and progress payment procedures</i> .....		87
<b>8. GRANTS MANAGEMENT</b> .....		<b>89</b>
<i>FTA Funded Projects: Project Manager Responsibilities</i> .....		89
<b>9. COST, BUDGET AND SCHEDULE</b> .....		<b>93</b>
FINANCIAL PLAN	93	
<i>Financial Plan Contents</i> .....		93
FINANCIAL PLAN ANNUAL UPDATES	94	
COST ESTIMATES	95	
BUDGET	96	
PROJECT SCHEDULE	97	
<i>Project Milestone Schedule</i> .....		97
<b>10. PROJECT REPORTING AND TRACKING</b> .....		<b>98</b>
MONTHLY PROGRESS REPORTS	98	
<i>Executive Summary</i> .....		98
<i>Project Activities and Deliverables</i> .....		99
<i>Action Items/Outstanding Issues</i> .....		99
<i>Project Schedule</i> .....		99

<i>Project Cost</i> .....	100
<i>Contingency Plan</i> .....	101
<i>Project Quality</i> .....	102
<i>Other Reports</i> .....	102
<i>FTA Project Status Reports (Quarterly Progress Report (QPR) and Financial Status Report (FSR))</i> .....	102
<b>11. INTERNAL AND STAKEHOLDER COMMUNICATIONS</b> .....	<b>104</b>
PUBLIC OUTREACH IN CITY GOVERNMENT	104
STATE AND FEDERAL REQUIREMENTS FOR PUBLIC PARTICIPATION	106
<b>12. PROJECT MANAGEMENT CONTROLS</b> .....	<b>108</b>
RISK MANAGEMENT	108
<i>Risk Identification</i> .....	108
<i>Risk Measurement and Analysis</i> .....	108
<i>Risk Mitigation</i> .....	109
SCOPE MANAGEMENT PLAN	109
<i>Configuration Management</i> .....	109
SCHEDULING SOFTWARE	110
FINANCIAL MANAGEMENT	110
PROJECT METRICS	111
VALUE ENGINEERING	111
CHANGE ORDER AND EXTRA WORK PROCEDURES	112
<i>Change Order Procedures and Forms</i> .....	114
<i>Field Documentation Procedures for Time &amp; Material (T&amp;M) Change Orders</i> .....	115
CLAIMS MANAGEMENT PROCEDURES	116
<i>Dispute Resolution</i> .....	116
<i>Disputes between Agencies</i> .....	117
<i>Design Consultant/Construction Manager/Subconsultant Disputes</i> .....	117
<i>Contractor/Subcontractor Disputes</i> .....	118
<i>Dispute Resolution Process Flowchart</i> .....	119
<i>Disputed Work Record Keeping</i> .....	119
LIQUIDATED DAMAGES	120
<b>13. DESIGN AND CONSTRUCTION QUALITY ASSURANCE/QUALITY CONTROL (QA/QC)</b> .....	<b>121</b>
<b>14. ENVIRONMENTAL MONITORING</b> .....	<b>126</b>
<b>15. RIGHT-OF-WAY (ROW)</b> .....	<b>127</b>



<i>Property Acquisition</i> .....		128
<b>16. SAFETY AND SECURITY</b> .....		<b>130</b>
HEALTH AND SAFETY PLAN (HSP)	132	
SITE SAFETY AND SECURITY PLAN (SSSP)	133	
SAFETY AND SECURITY MANAGEMENT PLAN (SSMP)	133	
EMERGENCY PREPAREDNESS AND INCIDENT MANAGEMENT PLAN (EPIMP)	134	
<b>17. TRAFFIC MANAGEMENT</b> .....		<b>135</b>
<b>18. PROJECT COMMUNICATIONS</b> .....		<b>139</b>
INTERNAL PROJECT COMMUNICATION	139	
EXTERNAL PROJECT COMMUNICATIONS	139	
<b>19. CIVIL RIGHTS PROGRAM</b> .....		<b>141</b>
EQUAL OPPORTUNITY POLICY	141	
DISADVANTAGED BUSINESS ENTERPRISE (DBE)	141	
TITLE VI	142	
<i>FTA Programs</i> .....		142
<i>FHWA Programs</i> .....		143
<b>20. PROJECT DOCUMENTATION AND RECORD MANAGEMENT</b> .....		<b>144</b>
FIELD DIRECTIVES, PROCEDURES AND PLANS	145	
CORRESPONDENCE CONTROL	145	
<i>Field Office Logs and Forms</i> .....		145
<i>Federal, State and City Inspections, Findings, Reports</i> .....		146
<i>Job Progress Meeting and Minutes</i> .....		146
<i>Requests for Information</i> .....		146
<i>CMC's Daily Diary and Monthly Report</i> .....		146
<i>Material/Equipment</i> .....		146
<i>Payroll Time Sheets</i> .....		147
<i>Reports</i> .....		147
<i>Drawings</i> .....		147
<i>Performance Evaluations</i> .....		147
<b>21. PROPERTY MANAGEMENT</b> .....		<b>148</b>
CITY REQUIREMENTS	148	
STATE REQUIREMENTS	148	
FEDERAL REQUIREMENTS	148	
<i>Satisfactory Continuing Control</i> .....		148
<i>Use</i> .....		149

<i>Maintenance</i> .....	149
<i>Real Estate Management Plan</i> .....	150
<i>Recordkeeping</i> .....	150
<i>Property Disposition</i> .....	151
<b>22. APPENDICES</b> .....	<b>152</b>
APPENDIX A	152
APPENDIX B	154
<i>Directive No. 63</i> .....	154
APPENDIX C	162
<i>Joint Directive No. 1</i> .....	162

## List of Acronyms

AA	Alternatives Analysis
ARRA	American Recovery and Reinvestment Act
ACCO	Agency Chief Contracting Officer
BPMCC	Bureau of Permit Management and Construction Control (NYCDOT)
CCPO	City Chief Procurement Officer
CCR	Contract Change Request Form
CEQ(R)	City Environmental Quality Review Procedure
CFR	Code of Federal Regulations
CM	Construction Management
CMAQ	Congestion Mitigation and Air Quality
CMC	Construction Management Consultant
COO	Chief Operating Officer
CP	Certificate to Proceed
CPC	City Planning Commission
CPM	Critical Path Method
CPM	Capital Program Management Unit (NYCDOT)
CSS	Construction Support Services
DC	Deputy Commissioner
DBE	Disadvantaged Business Enterprise
DWR	Daily Work Report
EA	Environmental Assessment
EAB	Engineering Audit Bureau (NYCDOT)
ECM	Engineering Clarification Memoranda
EIS	Environmental Impact Statement
EOT	Extension of Time
FAA	Federal Aviation Administration
FCPM	Division of Finance, Contracting and Program Management
FDNY	New York City Fire Department
FHWA	Federal Highway Administration
FMS	Financial Management System
FMAP	Financial and Management Audit Bureau (FMAP)
FONSI	Finding of No Significant Impact
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
HIQA	Highway Inspection and Quality Assurance Unit (NYCDOT)
HSP	Health and Safety Plan
IFP	Initial Financial Plan
JTTF	Joint Terrorism Task Force
MCS	Master Construction Schedule
MOCS	Mayor's Office of Contract Services
MOO	Mayor's Office of Operations
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MTA	Metropolitan Transportation Authority

MURK	Manual of Uniform Record Keeping (NYS)
NEPA	National Environmental Policy Act
NTI	National Transit Institute
NTP	Notice to Proceed
NYC	New York City
NYCDCP	New York City Department of City Planning
NYCDCAS	New York City Department of Citywide Administrative Services
NYCDDC	New York City Department of Design and Construction
NYCDEP	New York City Department of Environmental Protection
NYCDOB	New York City Department of Buildings
NYCDOT	New York City Department of Transportation
NYCDPR	New York City Department of Parks and Recreation
NYCEDC	New York City Economic Development Corporation
NYCLPC	New York City Landmarks Preservation Commission
NYCOMB	New York City Office of Management and Budget
NYCTCC	New York City Transportation Coordinating Committee
NYCT	New York City Transit
NYMTC	New York Metropolitan Transportation Council
NYSDEC	New York State Department of Environmental Conservation
NYSDOT	New York State Department of Transportation
NYSERDA	New York State Energy Research and Development Authority
O&M	Operation and Maintenance
OCC	Office of Corporation Counsel (i.e., NYC Law Department)
ODC	Office of the Director, Mayor's Office of Construction
OEC	Office of Environmental Coordination
OMP	Organization Management Plan
OSHA	U.S. Occupational Safety and Health Administration
PANYNJ	Port Authority of New York and New Jersey
PDC	Public Design Commission
PDI	Preliminary Design Investigation
PE	Preliminary Engineering
PLAFAP	Procedures for Locally Administered Federal Aid Projects
PM	Project Manager
PMA	Performance Management and Accountability Unit (NYCDOT)
PMOC	Project Management Oversight Contractor
PMP	Project Management Plan
POP	Program of Projects
PPB	Procurement Policy Board
PSR	Pre-Solicitation Report
PTI	NYC Procurement Training Institute
QA	Quality Assurance
QC	Quality Control
RE	Resident Engineer
REI	Resident Engineering Inspection
RFI	(Contractor) Request for Information
RFP	Request for Proposals

SDEIS	State Draft Environmental Impact Study
SEQR	State Environmental Quality Review
SIF	Division of Ferries
STIP	State Transportation Improvement Program
T&M	Time & Materials
TIP	Transportation Improvement Program
TBD	To Be Determined
TEAM	Transportation Electronic Award and Management System
TIFIA	Transportation Infrastructure Financing and Innovation Act
ULURP	Uniform Land Use Review Procedure
USEPA	United States Environmental Protection Administration
US	United States
USDOT	United States Department of Transportation
USCG	United States Coast Guard
USOMB	United States Office of Management and Budget
VECP	Value Engineering Change Proposal

# 1. INTRODUCTION

## Purpose

This Organization Management Plan (OMP) was developed to assist NYCDOT project managers and project team members in successfully managing capital projects. The purpose of this OMP is to document NYCDOT's procedures for successfully planning, executing and completing these projects. In addition, having an OMP is a requirement of the United States Department of Transportation (USDOT) and its agencies, the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA).

NYCDOT defines a successful project as one that is completed

- in a safe manner for both the individuals working on the project and for the traveling public;
- with the highest degree of quality;
- in a manner that provides for ease of future maintenance;
- on time;
- within budget; and
- in a manner in which the public trust, support, and confidence in the project is maintained.

The OMP addresses all phases of a project life cycle and ensures that projects are managed holistically and as a continuum, not incrementally as the project progresses.

The OMP relies on existing written procedures and guidelines, such as Project Management Plans of previous projects, City policies, and federal, state, and City laws, ordinances, and Standard Operating Procedures. Rather than paraphrasing language, and thereby risking changes in meaning, relevant instructions, procedures, and guidelines may be incorporated herein by reference. Many of the rules and regulations are available on the City, state, and federal websites.

# 2. NYCDOT AUTHORITY

The public agency responsible for any major capital project must possess the legal authority to carry out the requirements necessary to effectively plan and implement the improvement or new construction. Statutory authority is required for planning, design, construction and operations, financing, receipt of federal and state grants, procurement, awarding of contracts, and acquisition of real estate.

Project Managers shall be cognizant of basic city requirements, such as those related to public outreach, the environment, landmark, Right of Way, and required permits, among others, when planning projects in order to understand any legal constraints that may affect the implementation of the project. Identifying and addressing statutory requirements in an orderly and timely manner will ensure successful project advancement. Failure to recognize and accommodate legal requirements may jeopardize the entire project and, at the very least, severely impact the subsequent approval process and project schedule. The ability to deal with these potential issues in the planning and design phases may save considerable time and effort during construction.

NYCDOT is the Mayoral agency of the City of New York responsible for the City's transportation policy. Specifically, the Department is charged with planning, constructing, operating, and maintaining key components of the City's transportation infrastructure and selected mass transportation systems and facilities. A Mayoral agency by definition is directed by and responsible to the Mayor, who is the City's Chief Executive and highest elected official. NYCDOT is directed by a Commissioner who is appointed by and serves at the pleasure of the Mayor.

NYCDOT manages approximately 6,000 miles of streets and highways, 12,000 miles of sidewalks, and 789 bridge and tunnel structures, including five tunnels. NYCDOT staff installs and maintains over one million street signs, traffic signals at more than 12,700 signalized intersections, over 315,000 streetlights, 69 million linear feet of markings, and approximately 63,000 parking meters. In its role of promoting sustainable modes of transportation, NYCDOT designs bicycle facilities, bus lanes, and public plazas, and administers a citywide program advancing the use of alternative fuels. NYCDOT operates the Staten Island Ferry (SIF), which serves almost 22 million passengers annually and oversees ferry operations on City-owned piers. NYCDOT educates students and adults about street safety, issues construction permits for work in City streets, and manages the City's Adopt-a-Highway program. The Department also issues parking permits to people with disabilities, not-for-profit agencies and governmental entities, as well as commercial vehicle permits for trucks.

## **NYCDOT Mission**

DOT's mission is to provide for the safe, efficient, and environmentally responsible movement of people and goods in the City of New York and to maintain and enhance the transportation infrastructure crucial to the economic vitality and quality of life of our primary customers, City residents. Our agency's work is guided by Sustainable Streets, the Strategic Plan for the New York City Department of Transportation. We are customer-driven in all our activities. We seek opportunities to create partnerships in the provision of transportation services through appropriate relationships and alliances. To accomplish our mission, the Department works to achieve the following goals:

- Provide safe, efficient, and environmentally responsible movement of pedestrians, goods, and vehicular traffic on the streets, highways, bridges, and waterways of the City's transportation network;
- Improve traffic mobility and reduce congestion throughout the City;
- Rehabilitate and maintain the City's infrastructure, including bridges, tunnels, streets, sidewalks, and highways;
- Encourage the use of mass transit and sustainable modes of transportation; and
- Conduct traffic safety educational programs.

The NYCDOT mission is also guided by the City's Vision Zero Action Plan; a plan to help end traffic deaths and injuries on New York City streets.

The plan to improve street safety will:

- Increase the enforcement of moving violations
- Improve street designs
- Hold public outreach sessions
- Increase penalties for dangerous drivers
- Reduce speed limits
- Increase the use of enforcement cameras

Vision Zero programs discourage dangerous behavior on roads and streets by combining better enforcement and roadway engineering with improved emergency response and public campaigns on safe driving.

The primary objective of NYCDOT is success on every project. This will necessitate the collaboration of different personnel and contractors from phase to phase and may even require the involvement of different lead public agencies and project managers. In order to ensure that Capital projects are completed on schedule and budget, the Mayor's Office has set up a Project Delivery office. NYCDOT has also set up a Project Delivery Office to implement the requirement of Project delivery (see PMA Section for more details).

As a project evolves there is a need for continuity to assure the achievement of the overall objectives. Critical in the structuring of any organization is the flow of authority and



responsibility from the sponsoring agency through the project manager, functional area managers, and contract managers, to each project participant. NYCDOT's organization is described in the next section. While NYCDOT is a large, complex agency, its organization structure clearly delineates the flow of authority which will enable the project manager (PM) to understand the resources available so that a project may be successfully completed.

### **3. NYCDOT'S ORGANIZATION**

NYCDOT is organized into Divisions, each of which is organized around a collection of related functions.

The following subsection explores the role of and the resources available to the Commissioner in executing the Department's mission. It is intended to provide capital project participants with a general overview of the agency's organizational structure.

#### **Commissioner of Transportation**

The Commissioner of Transportation is the head of NYCDOT. The Commissioner's authority broadly covers parking and traffic operations, highway operations (including construction and maintenance of roads, bridges and tunnels), and ferries and related facilities and mass transportation facilities.

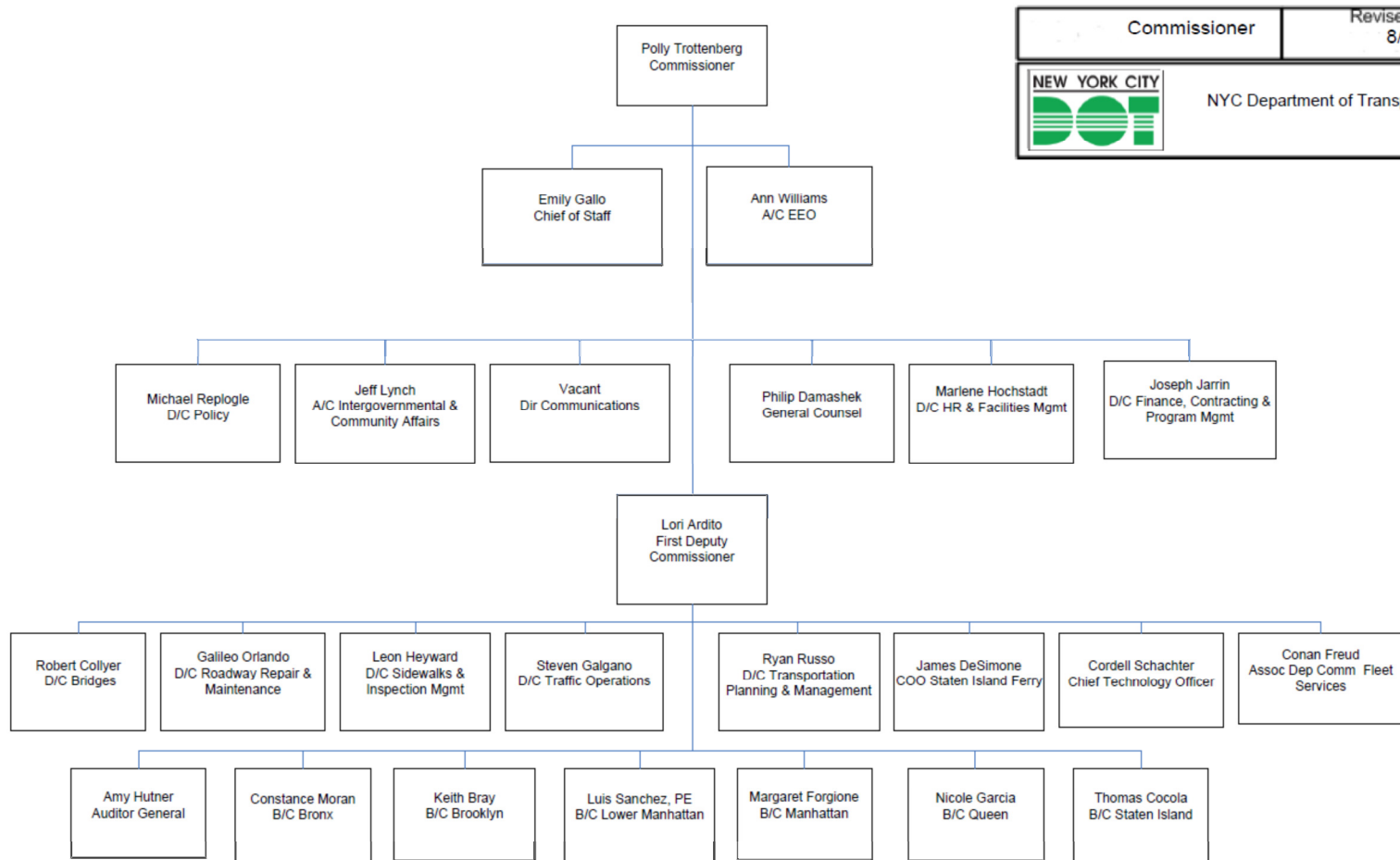
The Commissioner has the right and power to issue agency rules governing the public in the areas under its authority. The Commissioner issues Standard Operating Procedures, a Code of Conduct, and policy memoranda on a variety of matters for observance by NYCDOT employees. The Commissioner is required to prepare Departmental budgets and budget estimates, and regularly conducts meetings regarding day to day operational matters, performance, and policy concerning the work of NYCDOT's various Divisions and provides direction as needed.


The Commissioner appoints a First Deputy Commissioner and Deputy Commissioners to assist in the administration of departmental responsibilities. The Commissioner is empowered to appropriately organize the NYCDOT and to hire necessary staff to perform the Department's duties.

Even though the NYCDOT Commissioner is the head of the agency, authority over day-to-day operations and decision making is delegated throughout the agency's organizational chain.

The organizational chart below shows the current organizational structure.

New York City Department of Transportation - Organizational Structure



Commissioner	Revised: 8/17/2015
	NYC Department of Transportation

Divisions that have broad policy support or interagency coordination functions are headed by Deputy Commissioners who report directly to the Commissioner. These divisions are:

- Human Resources and Facilities Management and Office of Construction Mitigation and Coordination (OCMC) manages the agency's personnel, training, labor relations, and facilities management functions.
- External Affairs oversees the agency's relations with other governmental entities, manages the agency's public communications and outreach efforts, and manages public safety programs that involve significant intra-governmental coordination and cooperation.
- Finance, Contracting, and Program Management (FCPM) manages the agency's finance and budget, capital program management, accounting, grants management, and procurement functions.
- Policy establishes and oversees implementation of the agency policy agenda and coordinates with DOT units and other agencies to implement priority projects, strategic communications, and initiatives. More information about these divisions can be found below.

## **Human Resources and Facilities Management**

This division provides agency-wide services in the areas of personnel and payroll administration, employee relations (including occupational safety and health, employee training, and the drug and alcohol testing program), labor-management relations, employee discipline, equal employment opportunity, and security and facilities management.

## **Permit Management and Construction Control**

This bureau is responsible for overseeing all construction-related permitting. The bureau is comprised of the Office of Permit Management and the Office of Construction Mitigation and Coordination.

The Office of Permit Management (Permit Office) registers permittees, receives all construction-related permit applications, reviews them for accuracy and completeness and applies appropriate fees. There is a central Permit Office in Manhattan and borough Permit Offices in each of the other boroughs.

The Office of Construction Mitigation and Coordination (OCMC) reviews all construction permit applications and develops construction activity stipulations for permits to allow for work to occur with minimal disruption to

businesses, motorists, bicyclists and pedestrians, and avoid conflicts with other construction projects and special events. OCMC also interfaces with project engineers, city agencies, community boards, elected officials and the general public to resolve construction issues related to mobility.

## **Policy**

This division is responsible for establishing agency policy through the creation of an agency strategic plan and other materials, and for overseeing implementation of agency policy through close coordination with DOT divisions and city agencies. This division works on priority projects, [strategic communications](#), and initiatives. It [oversees](#) safety outreach and efforts [promoting universal access](#).

## **External Affairs**

This division is responsible for intergovernmental relations, traffic safety outreach programs, public affairs, policy development, and media relations.

## **Finance, Contracts and Program Management**

This division is responsible for Financial Management and Analysis, Grants Administration, Capital Program Management, Fiscal Affairs, Performance Management and Accountability, and procurement via the Agency Chief Contracting Officer (ACCO).

The Financial Management and Analysis section is the financial support service for the agency. This subdivision manages and tracks funds appropriated within NYCDOT's budget, while focusing on budget analysis and identification of additional needs, initiatives, and program reductions. This subdivision serves as the program funding advocate to oversight entities such as NYC Office of Management and Budget (NYCOMB). Responsibilities include provision of fiscal support and financial guidance to project managers and their staff in understanding and complying with those requirements. In addition, this subdivision provides financial policy advisory support to the Commissioner and executive staff.

Financial Management and Analysis is comprised of the Expense and Capital Budget Units. All work sections utilize the City's Financial Management System (FMS) in their daily duties.

The mission of the Expense Budget Unit is responsible for the preparation and administration of the agency's expense budget. This unit coordinates all budget

activity with the operating divisions and serves as a liaison to the City's oversight agencies.

The mission of the Capital Budget Unit serves to facilitate the use of available funding for projects that are capially eligible. The Unit's mission is to ensure that funds are available for the agency's capital construction and equipment purchase program.

The mission of the Grants Administration Section is to administer the Department's grants program, consisting of grants from Federal Highway Administration (FHWA), Federal Transit Administration (FTA), New York Metropolitan Transportation Council (NYMTC), Subregional/UPWP, Federal Emergency Management Administration (FEMA), Department of Homeland Security (DHS) and State grants, including Multi-Modal Program, serving the Department of Transportation and the entire City of New York. This subdivision serves as the program funding advocate to oversight entities such as NYS Department of Transportation (NYSDOT), New York Metropolitan Transportation Council (NYMTC), FTA, FHWA, and DHS. Responsibilities include provision of financial guidance to project managers and their staff in understanding and complying with the federal and state requirements. Duties also include the submission of grant claims and oversight of outstanding grant claim activity.

The mission of the Federal and State Aid Unit within the Grants Administration section is responsible for all aspects of planning and funding projects eligible for Federal Highway Administration (FHWA) funds and New York State Department of Transportation (NYSDOT) grants, including Marchiselli (state matching), aid to enhance and sustain the transportation infrastructure in the City of New York. The Unit operates in conjunction with NYSDOT Region 11, New York Metropolitan Transportation Council (NYMTC), and New York City Transportation Coordination Committee (NYCTCC) to prepare and administer the region's main financial plan, the Transportation Improvement Program (TIP) document. These grant funds are provided under a number of programs. Each program has its own rules, procedures, and regulations governing their use. These funds flow through the City's capital budget for capially eligible projects or the expense budget for operational expenditures. The FHWA funding managed by this unit includes NHPP, STP, CMAQ, HSIP, TAP, and HPP Earmarks.

The unit clarifies rules, regulations, and procedures governing federal aid to associate potentially eligible projects with expected FHWA funding. The unit also assists in the agency's applications for competitive federal grants. The unit coordinates the flow of allocated federal and state funds through the City's capital budget for capially-eligible projects or through the expense budget for operational expenditures. The unit obtains obligation of federal funds via NYSDOT to authorize the agency to commence these projects. The unit prepares supporting documents to execute or amend local-aid agreements

between NYCDOT and NYSDOT to allow reimbursement of eligible expenditures. This unit assists with reimbursement issues to ensure that federal and state funds can be drawn down in a timely manner.

The Federal and State Aid Unit negotiates the Agency's formula funding allocation with NYSDOT and NYC Transportation Coordinating Committee (NYCTCC) to ensure optimal use. This unit also prepares and administers the Transportation Improvement Program (TIP), the financial planning document required by FHWA and FTA. This unit also reviews scope of work, project schedules and cost estimates for all FHWA funded projects and ensures compliance with Federal aid rules. Additionally, this unit tracks the federal Congestion Mitigation and Air Quality Program (CMAQ), Surface Transportation Enhancement, and federal earmarks programs in an effort to help the City achieve conformity with air quality guidelines.

The Federal and State Aid Unit manages the Multi-Modal (MM) Program which administers a state-funded MM reimbursement program providing funding for authorized rail, port, airport and state and local highway and bridge projects in addition to fixed ferry facilities of municipal and privately owned ferry lines for transportation purposes; to date, MM #1, #2, #3 and #4 were authorized in 1996, 2000, 2002 and 2005, respectively. In addition, the unit coordinates other enhancement funding solicitations and obligations.

The mission of the Federal Transit Administration (FTA) Program Unit, as the City's sole FTA grantee, is to administer, in conjunction with regional transportation agencies and non-profit partnerships, the City's FTA-funded projects. These projects enhance and sustain the transportation infrastructure that is so crucial to economic vitality and the quality of life of New York City residents. The unit obtains FTA grants, provides oversight and guidance, submits claims, and insures compliance in 24 areas of federal compliance.

The mission of the Homeland Security Unit is to administer the Department's federal reimbursement program which funds a wide variety of security-related projects. These projects are designed to assist in mitigating threats against the Department's Staten Island Ferry terminals, ferryboats, East River bridges and the traffic signal infrastructure.

The Emergency Relief Program Unit within the Grants Administration Section is responsible for administering all emergency relief grants received by the Department including, FHWA, FEMA, FTA, and HUD CDBG-DR funds. The unit also coordinates the projects with the NYC Department of Design and Construction, NYC Economic Development Corporation (EDC) and Trust for Governor's Island (TGI) in order to prepare and submit reimbursement requests as well as with NYC Office of Management and Budget on coordinating the



agency's grant management. This unit also is spearheading the agency's Resiliency and other Divisions within the Department.

The Subregional Program Unit manages coordination with the New York Metropolitan Transportation Council (NYMTC) in conjunction with the Policy Unit in the Commissioner's Office, administers the Unified Planning Work Program, Regional Transportation Plan, Conformity, etc., and manages the process of selecting projects for programs with very specific requirements, such as Job Access Reverse Commute and New Freedom.

Capital Program Management (CPM) section is responsible for the City's street and highway capital program. This capital program is planned, funded, and initiated by NYCDOT and executed by New York City Department of Design and Construction (NYCDDC) on NYCDOT's behalf. NYCDDC's role is to perform design work, procure construction services, and manage the construction process. NYCDDC is also responsible for coordinating among all stakeholders performing work in streets where capital projects are active (e.g., utilities, building developers and cable companies), coordinating outreach with communities affected by projects, and managing capital street work funded by different City agencies and coordinating capital programs to minimize conflicts.

As a New York City agency, NYCDDC adheres to the same standards and rules for procurement, accountability, finance, human resources management, and integrity as NYCDOT. In addition, NYCDDC also promulgates rules, standards, and procedures related to its specific missions. A typical highway capital project is a street reconstruction project involving replacement of curbs, sidewalks, pavement, road base and sub-base, refurbishment of water and sewer facilities, mitigation of private utility interferences, alteration of street geometry and alignment for safety or capacity reasons, refurbishment of traffic control devices, and installation of new street features (e.g., bicycle or pedestrian improvements, urban design elements). Capital projects may also include less extensive work (such as resurfacing or interim levels of reconstruction), or construction of completely new streets.

The Fiscal Affairs Section is comprised of two separate units: Fiscal Affairs and Support Services. Fiscal Affairs consists of the following sub-units: Fiscal Affairs Administration, Contract Payments, Accounts Payable, and Revenue and Accounts Receivable. All units ensure compliance with Directives issued by the Office of the Comptroller, NYDCAS and the Office of the Mayor.

Fiscal Affairs Administration oversees the overall operation of the section, including administrative functions, including the budget, staffing, time and leave, training of personnel, the FCPM Division's E-Z Pass account, performance evaluations, creating and updating Standard Operating Procedures, and ensuring compliance with agency and Mayoral directives. In addition, Fiscal Affairs oversees the Travel

Unit, which processes reimbursements for all travel expenses and ensures agency compliance with the New York City Comptroller's Office [Directive 6](#).

The Contract Payments Unit uses the City's Financial Management System (FMS) to process and approve vouchers for agency contracts, capital purchase orders and annuity payments to 220 Labor Law titles. This unit maintains electronic ledgers, pre-audits payments before they are forwarded to the Engineering Audit Bureau (EAB) for final audit and approval, processes accruals, and prepares journal entries.

The Accounts Payable Unit examines Purchase Orders, analyzes invoices, verifies Receiving and Inspection Reports, processes accruals, prepares journal entries, and initiates Payment Vouchers using Voucher Payment System (VPS) for NYCDOT payments for all OTPS (Other-Than-Personal-Services) expenses, and pre-audits and approves payment vouchers. The Imprest Fund is a sub-unit of Accounts Payable that oversees Petty Cash purchases of less than \$250 and ensures agency compliance with the DOT Procurement Card (P-Card) program.

The Revenue and Accounts Receivable Unit receives and reconciles all revenue collected throughout the Department to ensure proper coding and in the instances of checks received, ensures deposits are processed timely. Revenue and Accounts Receivable also performs bookkeeping functions, such as billing and collecting revenue from the public for permits issued and work performed. The Grants area of the Revenue Unit records receivable revenue claims for reimbursements submitted to the State and Federal governments from grant funding and maintains oversight in ensuring their receipt.

The Support Services Unit oversees the DOT P-Card (Procurement Card) Program by serving as primary liaison between the users, the card issuer, and the Mayor's Office. The director of this section issues P-Cards, adjusts purchasing limits, monitors purchases for compliance with City rules and regulations, and ensures the overall integrity of the program. The Director also coordinates staff training and development and is exploring the feasibility of implementing centralized purchasing in specific purchasing areas.

The Agency Chief Contracting Officer (ACCO) section is responsible for oversight of all agency procurement efforts and for managing procurements that require contracts. In accordance with the New York City Charter and Procurement Policy Board Rules, the ACCO is responsible for the solicitation and selection of vendors, change orders, time extensions, dispute determinations, and contractual compliance with labor law, local, federal, and state procurement requirements.

The ACCO's office consists of the following units:

- The Procurement Unit manages the contracting and contract administration needs for operating units such as Staten Island Ferry, Bridges, Traffic, and Executive (Administration) divisions.
- The Purchasing Unit manages all the procurement needs considered small purchasing (under \$100,000), all intergovernmental procurements (using NYS Office of General Services and Federal General Services Agreements), and all DCAS Direct Online Ordering for purchasing off a DCAS requirements contract. In addition, Purchasing also procures using DoITT contracts for our IT&T division.
- Office of Vendor Integrity (OVI), comprised of two (2) units, Vendor Responsibility & Contract Compliance, is committed to implementing, monitoring and enforcing federal, state, and city rules and regulations. OVI determines Vendor Responsibility on agency's formal contracts, issues VENDEX clearance on small purchase procurements, promotes equality of economic opportunities for Disadvantaged and Minority Women Business Enterprises (D/MWBE) and eliminates barriers to their participation in DOT contracts. OVI ensures that DOT contractors comply with the laws and regulations, reviews certified payrolls, ensures that contractors and their subcontractors are complying with apprenticeship requirements, investigates contract complaints, violations, discrepancies, fraud, or inefficiencies uncovered or reported. The Vendor Responsibility and Contract Compliance Units evaluates the prospective vendors who will be awarded a contract for vendor integrity and ensures compliance with all subcontracting requirements outlined in the contract.
- The Contract Management Unit (CMU) assembles the contract bid book, advertises the procurements and posts documents in City Record Online, receives bids and proposals, produces a Notice of Award, and prepares the contract for submission to the Comptroller's Office. CMU also processes Change Orders in the Automated Procurement System (APT).

### **Performance Management and Accountability**

The Performance Management and Accountability section (PMA) is responsible for compiling and disseminating metrics of agency performance and developing information strategies to support this role. The Unit also serves as the division's Project Management Office (PMO). In this role, the Unit oversees the division's enterprise-wide project planning and tracking system, implements project management standards, and provides project management training and support. This unit also performs a variety of analytic, process improvement, and strategic management tasks.

In this role, PMO has a Geographic Information Services (GIS) team responsible for the coordination, creation and support services for Mapping Resources (ArcGIS, RCPGIS, etc). Under the supervision of the GIS and Data Management Coordinator, this team goes beyond simple map creation and devotes its' time to finding new ways to develop, maintain, and implement map products and services. This includes high-quality mapping products for users that are unfamiliar with GIS; data-driven map books; automation of workflows for repetitive tasks using ArcGIS Modelbuilder or the ArcPy site package for scripting with the Python programming language;

the creation of metadata, data dictionaries, and Standard Operation Procedures; spatial data quality assurance and control; support for end-user requests of assistance with in-house software; developing an understanding of current business processes in order to identify problems, determine root causes, and make recommendations for improvements using GIS; report generation; and related duties such as SQL queries.

Some examples of products and services include the production of map books of DOT's 10 year Capital Plan for the City Council Hearing; the creation of an ArcGIS-based program for the detection of conflicts between Capital Projects and In-House Resurfacing; and a model for the spatial analysis of Means of Travel to Work using US Census data from the American Community Survey to support PMA's Benefit Cost Analysis team.

In this role, PMO created a Cost Benefit Analysis Unit which is in the process of developing Cost Benefit Ratios (CBRs) for all of DOT's major capital expenditures. These ratios will help determine whether a given project is a wise investment of scarce capital dollars by analyzing the cost of the project versus its social, environmental, and economic benefits over the course of the asset's life. While these CBR's are not decisive, they will help inform the important capital funding decisions being made within FCPM. Currently, the CBA Unit is performing an analysis on the unfunded bridge projects and on steps streets.

## **The First Deputy Commissioner**

The First Deputy Commissioner, reporting directly to the Commissioner, has overall responsibility for agency functions that are operational in nature. These seven divisions are:

- Bridges, responsible for maintenance, operation, and construction of City-owned bridge and tunnel infrastructure.
- Transportation Planning & Management (TPM), responsible for the safe, efficient and environmentally responsible movement of people and goods on the City's streets. The Division's core functions operational responsibilities for

street infrastructure that regulates traffic flow, parking and commercial deliveries and ensure the safety of motor vehicle occupants, pedestrians, and bike riders, and for developing and implementing a wide range of projects that further safety, efficiency and sustainability goals.

- Traffic Operations, responsible for ensuring the most efficient use of the City's parking assets. Also responsible for evaluating intersections to determine what controls are warranted to provide for the safe and efficient movement for all users and for the design, operation, construction, and maintenance of electrical traffic control devices in New York City.
- Roadway Repair and Maintenance, responsible for maintenance of the City's pavement infrastructure and maintenance of the agency-wide automotive equipment fleet.
- Sidewalks and Emergency Response, responsible for overseeing the City's sidewalks, curb, and curb access programs, as well as a number of street infrastructure inspection programs. Also responsible for emergency response and special events coordination.
- Staten Island Ferry, which operates the Staten Island Ferry and ferry terminals and oversees privately operated ferry services.
- Technology Office, which manages the agency's information and telecommunications technology and develops and maintains information systems.

Also reporting to the First Deputy Commissioner is the Auditor General, who provides centralized and independent professional audit services for the Department and serves as the Agency Audit Coordinator when the Department is audited by external audit organizations such as the federal agencies, State and City Comptrollers and oversight agencies.

The offices of six Borough Commissioners also report to the First Deputy Commissioner. Borough Commissioners are responsible for planning, liaison, customer service, and limited operational functions within their borough. With the exception of DDC managed projects, the Borough Commissioner provide coordination between NYCDOT and EDC and other City agencies. These six borough offices are:

- Bronx
- Brooklyn
- Manhattan (North of Canal Street)
- Lower Manhattan (South of Canal Street)

- Queens
- Staten Island

## **Division of Bridges**

The Division of Bridges is responsible for the construction, rehabilitation, inspection, safety, maintenance, repair and management of the City's bridge inventory. The Division maintains the City's 789 city-owned bridges and tunnels. In 1999, a Memorandum of Understanding between NYCDOT and the New York City Department of Environmental Protection (NYCDEP) added 67 culverts (since reduced to 61) in Staten Island to the Division's inventory. While the Division is responsible for the capital rehabilitation of these additional structures, maintenance and inspection responsibilities remain with NYCDEP.

To achieve its mission, the Division of Bridges employs engineering and inspection staff and a staff of trade workers. The Division also contracts with engineering and construction companies that perform design and construction functions. In the delivery of its mission, the Division of Bridges works closely with the FHWA, NYSDOT, and those transit agencies utilizing rights of way on or under City-owned structures. Often Bridge projects have a rail transit component and may therefore receive additional funding via the rail owner/operator, usually a unit of the Metropolitan Transportation Authority. In certain cases in which the project has a mass transit component, Bridges may receive FTA funding.

The Division of Bridges is responsible for planning and administering all aspects of design, construction and maintenance of the City's bridge inventory. The Division is also responsible for investigating new materials and methods to improve existing bridge conditions.

To execute its mission, the Division of Bridges is divided into five bureaus: Bridge Capital Design and Construction; Specialty Engineering and Construction; Bridge Maintenance, Inspection and Operations; Engineering Review and Support; and Management and Support Services.

### **Bridge Capital Design and Construction Bureau**

The Bureau of Bridge Capital Design and Construction is made up of six major sections:

#### **East River and Movable Bridges**

The East River and Movable Bridges Section is responsible for all design and construction activities for all rehabilitation/reconstruction work on the four East River Bridges, as well as all City-owned movable bridges and tunnels. This involves

oversight and supervision of design consultants who prepare plans and specifications for bridge rehabilitation/reconstruction projects on the four East River Bridges and all Movable Bridges, as well as oversight and supervision of contractors, Resident Engineers and Inspection Consultants, and Construction Support Services Consultants.

### **Roadway Bridges**

The Roadway Bridges Section is responsible for both design and construction activities for all rehabilitation/reconstruction work on all other City-owned non-movable bridges. This bureau is organized in two geographic areas: Brooklyn and Manhattan Bridges and Bronx, Queens, and Staten Island Bridges. In each geographic area, the workload is divided by Community Board.

### **Component Rehabilitation**

The Component Rehabilitation Section is responsible for the replacement of damaged, worn or defective bridge components. This work is performed on those structures that are not classified as being deficient overall, but which contain specific components that have low condition ratings. By rehabilitating these components, the Division of Bridges can ensure that these bridges remain in “good” condition usually extending the bridge’s useful service life by up to 10 years.

### **Design/Build and Emergency Contracts**

The Design/Build and Emergency Contracts Section provides expertise related to the following areas: preparing Emergency Declarations for unsafe conditions that require immediate remediation; assisting the Chief Bridge Officer in the contractor selection process for declared emergencies; providing technical expertise related to the development, procurement and administration of Design/Build contracts; preparing and administering Design/Build agreements; and supervising Design/Build project design, construction and inspection services.

### **Bridge Maintenance, Inspection and Operations Bureau**

The Maintenance, Inspection, and Operations Bureau is responsible for the maintenance, repair and inspection of the City’s bridge inventory and the operation of the City’s movable bridges and tunnels.

The **Flag Engineering Section** is an engineering group that reviews and tracks hazardous or potentially hazardous safety and structural conditions (“flags”) in or on the City’s bridges and tunnels.

The **Inspections and Bridge Management Section** performs various essential functions: routine and emergency inspections; monitoring of bridge conditions with a

high hazard potential; generation of flag and inspection reports; maintenance of the database of the City's bridge inventory, condition ratings, and inspection information; and investigation of new materials and methods to improve existing bridge conditions.

The **Bridge Repair Section** performs structural repair work, as well as the lubrication of mechanical components of the movable bridges and the cables of the East River bridges.

The **Preventive Maintenance Section** is responsible for debris removal, mechanical sweeping, bridge deck repair, fence and guiderail repair, pointing of masonry brick and block, emergency response to oil or cargo spills and overpass hits, anti-icing operations on the East River bridges, and snow removal at priority locations citywide. The Bridge and Tunnel Operations Section operates the City's 25 moveable bridges that span waterways.

The **Bridge Painting Section** maintains the protective coatings of the City owned bridges. The Section is composed of two units, the in-house (expense) program and the capital program. The capital program oversees paint removal and repainting performed by contractors.

The **When and Where Section** supervises contractor repairs of deficient (flagged) structural and safety conditions under general repair and marine contracts. The Section also responds to bridge emergencies.

### **Engineering Review and Support Bureau**

The **Engineering Support Section** is responsible for providing division-wide engineering services including preparation of contract documents for bridge rehabilitation, replacement, or urgent division projects by the In-House Design Section, Surveying, Monitoring of bridges, Reviewing and preparing the specification documents for bridge projects, and Record management for all contract plans, as-built plans, shop drawings, and bid books by Engineering Support Section.

The **Quality Assurance Section** ensures that basic, manufactured, and fabricated construction materials procured by the contractor conform to their respective material requirements and are incorporated into the contract work in strict accordance with plans, specifications, and good construction practice. This section also ensures proper handling of hazardous and regulated waste and management of surface runoff from construction sites to protect groundwater, wetlands, waterways, and public health and safety.



The **In-House Design Section** prepares plans and specifications for bridge rehabilitation/replacement project as well as special repair projects for Maintenance, Inspections and Operations.

### **Management and Support Services**

The Bureau of Management and Support Services is made up of four Sections which provide essential administrative and analytic services to each of the operational bureaus within the Division of Bridges including administration, human resource management and finance, capital procurement, coordination, and truck permits.

### **Administration and Finance Section**

This section oversees and administers all human resource, analytic, vehicle and finance functions including expense and IFA related issues.

### **Capital Procurement Section**

This section serves as a liaison between the Division and ACCO, other Divisions, railroads, and consulting firms and are involved in the consultant procurement, change order and Railroad Force Account Agreement processes.

Railroad Force Account Agreements are a vital component in the rehabilitation/reconstruction program since train traffic affects 326 (41%) of City-owned bridges. The Railroad Coordinator provides a single point of contact for all railroad issues. This coordination includes the use of railroad personnel for track safety, approval of reconstruction design drawings, track shutdowns and reductions in train service for bridge construction work.

### **Capital Coordination Section**

This Section is responsible for preparing, coordinating and updating the capital budget and capital program initiatives within the Division of Bridges. In addition, this section coordinates the submission of Initial Financial Plans and Annual Financial Plan updates prepared by project managers.

The Truck Section issues Annual Overweight Load (renewals and transfers only), Annual Self-Propelled Crane, Bulk Milk and Daily Oversize/Over dimensional/Supersize Truck Permits.

## **Division of Traffic Operations**

The Division of Traffic Operations works to foster safer and greener streets that function as both transportation facilities and vibrant public spaces, and facilitates attractive, sustainable and healthy transportation options. To accomplish these goals,

the Division draws on a broad toolbox of street treatments and regulatory approaches and combines in-depth research, expert planning and rich public engagement. By combining productive intra- and inter-agency collaboration and smart deployment of innovative technologies, the Division of Traffic and Planning plays a key leadership role within the agency and as a world-class model.

The Division of Traffic Operations is responsible for:

- Maintaining and collecting revenue from on-street parking spaces
- Municipal parking fields and garages
- Installing new traffic signals and street lights
- Maintaining an existing plant of traffic signals numbering more than 12,400 traffic signals and 315,000 street lights
- Maintaining a traffic sign plant of nearly 1.3 million signs (manufacturing and installing more than 100,000 signs each year)

The Division of Traffic Operations consists of three major subdivisions: Signals and Street Lighting and Parking.

## **Signals and Street Lighting**

### *Signal Engineering*

The Signal Engineering Office is responsible for evaluating intersections to determine what controls are warranted to provide for the safe and efficient movement for all users and for the design, operation, construction, and maintenance of electrical traffic control devices in New York City. This includes intersection control signals and other power-operated devices such as warning units, ramp signals, lane control signals and variable message signs. Its staff ensures that signals are properly designed, installed, maintained, and operate as per specifications.

### *Street Lighting*

This Office is responsible for providing outdoor lighting in the five boroughs by means of removals, conversion and/or installations and for the maintenance of street lighting equipment on roads in parks and other public places. It supervises contracts for the installation of new street light equipment through annual construction, decorative lighting or multi-modal contracts. It also administers the annual energy bill.

### *Systems Engineering*

Systems Engineering oversees the Red Light and Bus Lane Cameras programs, the Traffic Management Center, the Vehicular Traffic Control System, adaptive control

applications and is also responsible for obtaining federal funding for all intelligent transportation systems efforts.

## **Parking**

The Bureau of Parking is charged with ensuring the most efficient use of the City's parking assets. It oversees the installation, maintenance and collections of parking meters in the City, operates and maintains 46 off-street parking facilities for a total in excess of 90,000 regulated parking spaces and issues over 50,000 permits annually for persons with disabilities, special use, City owned vehicles and others.

The Bureau is organized into 7 operational areas:

- Administration
- Authorized Parking and Permits
- Engineering
- Internal Security
- Meter Collections
- Meter Maintenance
- Research & Development

## **Division of Transportation Planning & Management**

The Division of Transportation Planning & Management is responsible for the safe, efficient and environmentally responsible movement of people and goods on the City's streets, supporting the larger goals of economic and social vitality for people living, working and doing business in New York City. The Division's core functions operational responsibilities for street infrastructure that regulates traffic flow, parking and commercial deliveries and ensure the safety of motor vehicle occupants, pedestrians, and bike riders, and for developing and implementing a wide range of projects that further safety, efficiency and sustainability goals. The Division operates and maintains one million signs and two hundred million linear feet of pavement parking.

The Division of Traffic Planning & Management is responsible for:

- Innovative traffic planning and neighborhood studies
- Transit improvements
- Freight movement
- Parking and curb management strategies
- Public space design and management

- Development of state-of-the-art modeling and data tools for traffic and transportation-related analyses
- Regulating traffic flow
- Maintaining 80 million linear feet of pavement markings
- Other initiatives that build on the goals of PlaNYC and the agency's strategic plan.

## **Traffic Management**

The Traffic Management subdivision is responsible for traffic operations on City streets, with primary attention given to vehicular and pedestrian safety, including school and senior citizen safety. It provides major support for advancing the Mayor's [\*PlaNYC\*](#) and the [\*Sustainable Streets Strategic Plan for the New York City Department of Transportation, 2008 and Beyond\*](#).

The responsibilities of the Traffic Management Office include the design and installation of signs, roadway markings, and geometric improvements that provide appropriate control and safety of traffic operations, as well as the development of improved pedestrian and bicycle facilities that enhance safety and the promote sustainable modes of travel. Emphasis areas with lead responsibility include bicycles, pedestrians, buses (non-BRT), and taxis. The Office is also responsible for conducting traffic engineering and planning projects and developing plans, programs, strategies and policies to improve safety, mobility and quality of life. The Office reviews and analyzes transportation, air quality, land use, and other impacts of development proposals and capital projects. It performs studies, analyzes the operation of priority projects and City/Departmental initiatives, coordinates implementation of study recommendations, conducts follow-up analysis to assess program effectiveness and examines safety issues and recommends safety improvements and coordinates their implementation with other units. It also reviews and coordinates environmental assessments for DOT projects and projects for other agencies.

This office is directly responsible for maintaining the official records of signs and markings on City streets and highways, and installs and maintains approximately 1.3 million signs and 80 million feet of roadway markings. Parking control signs are generally replaced every 10 years and markings refurbished on a three-year cycle. Plans are being developed to replace intersection control signs also on a ten-year cycle.

## **Project Development**

The Office of Project Development comprises three units:

- Transit Development
- Freight Mobility
- Community Initiatives

The primary focus of the Office is to deliver projects and policies that advance the goals and principles of PlaNYC and the agency's strategic plan. Important themes that run through all our work are:

- Planning comprehensively for all modes of travel, with an emphasis on sustainable outcomes
- Achieving stakeholder buy-in through good outreach practices
- Data-driven evaluation of projects using traditional and innovative analysis tools
- Achieving buy-in on innovative design approaches from other DOT operating groups, in order to make new approaches replicable and scalable

### *Community Initiatives*

The Community Initiatives unit is responsible for:

- Applying peak-rate parking principles and complementary curb management strategies to areas of high parking demand and congestion.
- Executing planning projects with a focus on stakeholder buy-in and testing new policy and technology approaches.
- Advancing the Safe Routes to Transit program. Design and coordinate construction of Bus Stops Under Elms and Sidewalks to Buses citywide.
- Evaluating applications for Commuter Van Authorities and liaising with TLC on paratransit policy issues.

### **Public Spaces**

The Public Spaces Unit seeks to improve the quality of public life on New York City's streets. To achieve this end, the Unit

- Creates or enhances public spaces on NYCDOT property
- Works to improve the design, operation, and management of these public spaces, working with local partners to ensure community involvement and social and economic sustainability of each project
- Manages the Street Design Manual, a set of guidelines to improve safety and to support the City's environmental and economic goals.

The Public Spaces Unit runs five programs: NYC Plaza Program, Street Design Manual, CityBench Program, PopUp Café Program, and Weekend Walks.

## **Division of Sidewalks and Emergency Response**

This division is responsible for sidewalk repairs, pedestrian ramp installations, and City-wide concrete programs. This division also includes the Highway Inspection and Quality Assurance (HIQA) Unit, which enforces the rules that govern the way utilities, plumbers, contractors, homeowners and other governmental agencies work on the City's streets and highways. HIQA enforces these rules to ensure that contractors restore and maintain the roadway in good condition. The NYCDOT Office of Special Events is also part of the Division of Sidewalks and Emergency Response.

## **Division of Roadway Repair and Maintenance**

The primary mission of the Division of Roadway Repair and Maintenance is to maintain the pavement of the City's streets and arterial (limited-access) highways and to maintain landscapes and safety structures of the arterial highways. This division also manages the Adopt-A-Highway program, operates an asphalt plant, and maintains the Department's fleet of light and heavy duty equipment, a function that includes purchasing, maintenance and repair of vehicles and equipment. The Division of Roadway Repair and Maintenance is organized into the following units:

### **Street Maintenance**

The Street Maintenance Unit is responsible for maintaining the pavement of streets in New York City. Its primary activities are street resurfacing and pothole repair. The resurfacing program includes selecting locations to be resurfaced (based on annual condition assessment surveys), milling existing deficient asphalt pavement and restoring it with new asphalt pavement.

### **Technical Services**

The Technical Services Unit is responsible for operating the Division's asphalt plant and for managing its vendor asphalt supply program. This unit is also responsible for quality assurance functions for the resurfacing and asphalt programs and for the research and development and engineering support functions for the Division.

### **Arterial Maintenance**

The Arterial Maintenance Unit is responsible for maintaining limited-access highway rights of way within New York City, including those owned by New York State. Responsibilities include roadway sweeping, installing and repairing safety structures such as guide rails, fences, and impact attenuators, repairing potholes, and cleaning

and maintaining landscapes. These activities are funded by a combination of City and State funds. This unit also administers the City's adopt-a-highway program, under which private sponsors pay for maintenance contractors and are acknowledged with roadway signage for their contributions.

### **Fleet Services**

The Fleet Services Unit is responsible for maintenance and repair of the Department's automotive equipment fleet and for specifying and procuring vehicles and equipment.

### **Support Services**

This unit is responsible for personnel, training, budget, procurement, and other administrative and support functions for the Division.

### **Division of Ferries**

The Division of Ferries' mission is to operate the City's municipal ferry service and provide safe, efficient, effective, accessible, and environmentally sound waterborne public transportation within the scope of its jurisdiction and in accordance with the Charter of the City of New York. Division of Ferries provides waterborne transportation through direct ownership and operation of the Staten Island Ferry and, in addition, issues landing slot licenses, promulgates policy and plans for and oversees the development, maintenance and use of certain land-side docking facilities for use by private ferry transportation services throughout the City of New York.

### **Staten Island Ferry**

The Staten Island Ferry provides safe and convenient transportation between Lower Manhattan and Staten Island to almost 22 million passengers each year, 365 days of the year 24 hours per day. Staten Island Ferry is the largest passenger only ferry service in the nation and a major part of the City's mass transit system. It serves as the link between the rail and bus transit lines serving each terminal in the two boroughs and relies heavily on FTA capital funding in the construction of new ferryboats, reconstruction of terminal facilities, and major maintenance and upgrades to its existing ferryboat fleet.

### **Private Ferry**

Division of Ferries issues landings slot licenses to firms terminating service in New York City, promulgates policy and plans, and oversees the development, maintenance and use of certain land-side docking facilities used by privately owned ferry services between Manhattan and Brooklyn, Manhattan and New Jersey,

Manhattan and Queens, and special event transportation services. The Division of Ferries also coordinates schedules, intermodal services and community access at ferry terminals. In this role, the Division of Ferries also works to interest prospective service providers in starting up business in New York City.

The private ferry capital plan is planned, initiated and executed by New York City Economic Development Corporation (NYCEDC) with NYCDOT approval. NYCEDC's role is to perform design work, procure construction services and manage the construction process. NYCEDC is also responsible for coordinating among all stakeholders involved in developing ferry landing capital projects, coordinating outreach with communities affected by projects, and managing capital ferry landing work funded by different City agencies and coordinating these different capital programs to minimize conflicts.

### **Bureau of Permit Management and Construction Control (BPMCC)**

The Bureau of Permit Management and Construction Control is responsible for the coordination of construction activity and issuance of permits in order to facilitate construction while minimizing the impact on pedestrians and motorists. BPMCC is comprised of four units:

#### **Permit Office**

The Permit Office issues permits to all utilities, government agencies, plumbers, contractors and home owners whenever work is required on the streets or sidewalks.

#### **Office of Construction Mitigation and Coordination-Streets (OCMC-Streets)**

The Office of Construction Mitigation and Coordination-Streets (OCMC-Streets) reviews all roadway and building construction activities on City streets to ensure that work progresses in a way that minimizes the impact on pedestrians and the riding public. OCMC-Streets issues traffic stipulations which are made part of the permits issued by the Permit Management Office. OCMC-Streets interfaces with resident engineers, City agencies, community boards, elected officials and the general public to resolve construction issues or problems related to traffic and works closely with the major utilities to ensure scheduled work is completed expediently and with the least impact upon the public. This office also issues construction embargoes for all significant special events such as the NYC Marathon, parades, street fairs, and the holiday season, as well as weekly and weekend traffic advisories.

#### **Office of Construction Mitigation and Coordination-Highways (OCMC-Highways)**



The Office of Construction Mitigation and Coordination-Highways (OCMC-Highways) reviews all roadway construction activities on City highways or toll bridges to ensure that work progresses in a way that minimizes the impact on the traveling public. This office meets regularly with NYSDOT, the Port Authority and the MTA to ensure the smooth progress of projects.

### **Maintenance and Protection of Traffic Implementation Group (MPTIG)**

Maintenance and Protection of Traffic Implementation Group (MPTIG) consists of inspectors who drive the streets and highways to monitor the progression of projects. They may also suggest further modifications to the traffic stipulations to OCMC-Streets and OCMC-Highways.

### **Auditor General**

The Office of the Auditor General is comprised of engineering and audit professionals organized into two bureaus:

#### **Engineering Audit Bureau (EAB)**

EAB is responsible for the pre-audit of payment vouchers on construction, equipment, and consultant services contracts; the inspection of supplies and services purchased under open market purchase orders; and the review of change orders. The functions of EAB are mandated by the City Charter and carried out in accordance with the City Comptroller's Directive 7, Mayor's Office of Contract Services' guidelines and Procurement Policy Board Rules. EAB ensures that NYCDOT receives appropriate value for its money and that work is performed in accordance with contract specifications. EAB is headed by a licensed civil engineer with a staff of licensed civil and mechanical engineers and accountants.

#### **Financial and Management Audit Bureau (FMAB)**

The FMAB is responsible for conducting variable scope audits (financial, compliance, and/or performance) in accordance with an Annual Audit Plan prepared based upon an agency-wide risk assessment, mandates, and senior staff requests. The FMAB also conducts multiplier audits of consultant firms as well as post-audits invoices and payments made on Time and Material contracts and change orders to ascertain the accuracy, validity and eligibility of the billed charges. The audits are conducted in accordance with generally accepted government auditing standards and invariably include an assessment of the adequacy of internal controls in maximizing the effectiveness and integrity of agency operations and reducing the agency's vulnerability to fraud, waste, abuse and other irregularities.

## **Technology Services**

Technology Services installs and maintains the agency's physical information and telecommunications (IT) technology infrastructure, develops and maintains systems, and supports the agency's data and GIS needs. Technology Services also promulgates and monitors compliance with computer usage policies.

## **4. EXTERNAL PROJECT PARTICIPANTS**

NYCDOT must execute its mission in conjunction with external governmental entities who are similarly charged, in whole or in part, with meeting the transportation needs of the City of New York. On the City level, key organizational functions, including strategic planning, policy formulation, capital reconstruction of streets, human resources and staffing, major security, and finance are handled by City Officials, Boards, or Departments that are outside of and may work largely independently of NYCDOT. On the regional level, NYCDOT must coordinate its provision of services with other public transportation authorities governing commuter rail and bus service and with those charged with regional transportation planning. On the state level, legislation frequently targets and is intended to specifically affect the workings of New York City government and its entities. On the federal level, NYCDOT must comply with federal regulations regarding the provision of transportation services.

It is critical that project managers (PMs) understand the mission of NYCDOT as it relates to the external influences that define and/or constrain their mission. This section briefly explores some of the key entities with which NYCDOT interfaces. The entities discussed are not exhaustive, as the players in any given project may change according to the project's nature, size, and scope. Similarly, the nature of NYCDOT's relationship to a given external governmental entity changes according to the characteristics of a given project. Here, the goal is to illustrate, in general terms, how NYCDOT typically interfaces with each entity discussed.

### **Local Government and its Entities**

New York City government is under the direction of the Mayor, an elected chief executive, and the New York City Council, a legislature of 51 elected representatives and an elected Council President. Other elected officials with executive authority include the Comptroller, Public Advocate, and District Attorneys. In addition, the Borough Presidents (who are elected) and Community Boards (whose members are appointed by Borough Presidents) influence policy, but have much less statutory authority than the aforementioned elected officials.

#### **Mayor**

The mayor's primary responsibility is to administer local laws passed by the City Council. The mayor delegates many of these responsibilities to departments, such as NYCDOT, each charged with the administration of some portion of the local laws.

#### **Offices of the Mayor**

Under the purview of the Mayor's Office there are a number of key policy making units and officials. Those that exercise policy formulation with regard to NYCDOT's capital program and projects are described below.

### *Public Design Commission*

Established in 1898 as the Art Commission, New York City's design review agency was renamed the [Public Design Commission](#) in July 2008 to better reflect its mission. The Public Design Commission reviews permanent works of art, architecture and landscape architecture proposed on or over City-owned property, including bridges. Projects include construction, renovation or restoration of buildings and structures, such as museums and libraries; creation or rehabilitation of parks and playgrounds; installation of lighting and other streetscape elements; and design, installation and conservation of artwork.

The Public Design Commission is composed of 11 members, who serve pro bono, and includes an architect, landscape architect, painter and sculptor as well as representatives of the Brooklyn Museum, the Metropolitan Museum of Art and the New York Public Library. The Commission holds monthly public hearings in its offices on the third floor of City Hall, where it has resided since 1914. (As of October 4, 2010 the Public Design Commission offices will be temporarily relocated to 253 Broadway, Fifth Floor, New York, NY 10007.)

The Commission also acts as caretaker and curator of the City's public art collection and maintains an extensive archive documenting the history of New York City's public works.

A portion of capital program funds may be used for art, which is under the jurisdiction of the Department of Cultural Affairs, but which the Commission often times approves. Unless the project falls within the jurisdiction of NYC Landmarks Preservation Commission, PMs should expect to present design plans to the Public Design Commission for approval when a project is not a "replacement in kind" or contains changes to road alignment and/or materials.

### *The Mayor's Office of Contract Services (MOCS)*

The Mayor's Office of Contract Services (MOCS) is the City's compliance and oversight agency for procurement. The City's procurement system spans an enormous range of subject areas, but three overarching goals guide our efforts: first, we aim to achieve the best *value* for the taxpayers' dollar: high quality goods and services, with timely delivery, at fair and reasonable prices; second, and of equal importance, we seek *responsible* business partners, i.e., vendors whose records of integrity, financial capacity and successful performance justify the use of tax dollars, and; third, so that we can continue to obtain best value from responsible partners, we must ensure that our contracting process delivers *fair treatment* to all vendors.

MOCS accomplishes its mission by:

- Working with and overseeing the activities of each [Agency Chief Contracting Officer](#) (ACCO) in the development and approval of their procurement actions
- Ensuring that the vendors the City does business with are responsible
- Maintaining a comprehensive vendor information system known as [VENDEX](#)
- Disseminating information on new Local Law and Executive Orders when they are passed. (MOCS advises the ACCOs on how these new laws affect the procurement process and enforcement.)
- Supporting continued outreach to the vendor community, and maintaining the [Public Access Center](#) where the general public can access public contract information
- Conducting public hearings prior to the awarding of contracts.
- In conjunction with the Financial Information Services Agency (FISA) and most Mayoral agencies, maintaining centralized, Citywide bidder lists, which agencies use to solicit vendors

#### *Office of Intergovernmental Affairs*

The [Office of Intergovernmental Affairs](#) coordinates the City's interaction with the City, State and Federal Legislative Affairs Offices, as well as the offices of the City Comptroller, Public Advocate and Borough Presidents. The office keeps the Mayor and the Deputy Mayor for Operations informed about intergovernmental issues and is the liaison between the City and other governments, seeking to foster a constructive relationship between the Administration and these entities. The Office of Intergovernmental Affairs coordinates the activities of the City, State, and Federal legislative affairs offices and is the liaison between the City and other governmental agencies. Although NYCDOT maintains its own intergovernmental staff, they work in close collaboration with the Mayor's Office of Intergovernmental Affairs.

#### *Office of Management and Budget (NYCOMB)*

The [Office of Management and Budget](#) is responsible for preparing the Mayor's Preliminary and Executive Budgets and for advising the Mayor on issues affecting the City's fiscal health and the efficiency of City services and programs. This includes tracking all revenues and expenditures, developing tax policies and assessing City programs.

The NYCOMB is, in effect, the City government's chief financial office. It examines each aspect of government by looking for ways to improve existing services, making sure that services already being offered are needed and appropriately used and looking ahead to see how current trends could affect the City and the economy.

#### *Office of Operations (MOO)*

The [Mayor's Office of Operations](#) undertakes projects that make government more customer-focused, innovative, and efficient. The Office of Operations works to make a government of over 40 agencies and 300,000 employees more cost effective and

coordinated in carrying out its day-to-day business, and more accessible to the 8 million residents the City serves. The Office of Operations also monitors the performance of all City agencies, holding each agency accountable for providing high quality services and making data about the City's performance readily available to the public.

#### *City Planning Commission (CPC)*

The [City Planning Commission](#) is responsible for the conduct of planning relating to the orderly growth and development of the City, including adequate and appropriate resources for the housing, business, industry, transportation, distribution, recreation, culture, comfort, convenience, health and welfare of its population. The Commission meets regularly to hold hearings and vote on applications, as described above, concerning the use, development and improvement of real property subject to City regulation. Its consideration of these applications includes an assessment of their environmental impacts where required by law. The Chair of the Commission also serves as the Director of the Department of City Planning, the Commission's operational and administrative arm, discussed below.

#### *Department of City Planning (NYCDPC)*

[The Department of City Planning](#) promotes housing production and affordability, fosters economic development and coordinated investments in infrastructure and services, and supports resilient, sustainable communities across the five boroughs for a more equitable New York City. DCP's contributions toward development of the 10-year Capital Strategy will ensure investments in New York City's neighborhoods align strategic planning priorities with community needs. DCP plays a key role in land use decisions involving capital projects. All capital projects involving construction of a facility that are not in compliance with existing zoning requirements must undergo both a City Environmental Quality Review procedure (CEQR) followed by the Uniform Land Use Review Procedure (ULURP). For waterfront construction projects, the federally mandated state land use consistency determination (i.e., State Environmental Quality Review Procedure (CEQR) is delegated by the State to the NYCDPC for all projects within City limits. The findings of land use and environmental procedures are undertaken by the NYCDPC and presented to the Commission for approval. In addition, DCP supports the City Planning Commission in its annual review of approximately 450 land use applications for a variety of discretionary approvals. The Department also assists both government agencies and the public by advising on strategic and capital planning and providing policy analysis, technical assistance and data relating to housing, transportation, community facilities, demography, zoning, urban design, waterfront areas and public open space.

#### Mayor's Office of Environmental Coordination (MOEC)

The Mayor's Coordination assists City agencies in carrying out their environmental review responsibilities. In addition to being the repository for all City Environmental Quality Review (CEQR) documents, MOEC serves as the City's liaison to state and federal agencies on environmental matters and advises the Mayor on matters of environmental policy. Executive Order 149 of 2011 further defines OEC's responsibilities to include implementation of the City's green building law, including authorizing the Director to exercise the powers and duties of the Mayor granted by the law. OEC's mission is to be a resource for city agencies and private applicants by providing information and assistance in completing the environmental review process and to help the city to lead by example in applying state-of-the-art green building requirements.

#### New York City Department of Environmental Protection (NYCDEP)

The [New York City Department of Environmental Protection](#) (DEP) protects public health and the environment by supplying clean drinking water, collecting and treating wastewater, and reducing air, noise, and hazardous materials pollution.

DEP is a New York City agency of nearly 6,000 employees that manages and conserves the City's water supply; *distributes more than 1 billion gallons of clean drinking water each day to 9 million New Yorkers* and collects wastewater through a vast underground network of pipes, regulators, and pumping stations; and treats the 1.3 billion gallons of wastewater that New Yorkers produce each day in a way that protects the quality of New York Harbor. To achieve these mandates, DEP oversees one of the largest capital construction programs in the region. As the City agency responsible for New York City's environment, DEP also regulates air quality, hazardous waste, and critical quality of life issues, including noise. *New York City Department of Design and Construction (NYCDDC)*

As the City's primary capital construction project manager, the [New York City Department of Design and Construction](#) provides communities with new or renovated facilities and streets, including, firehouses, libraries, police precincts, courthouses and senior centers. To successfully manage this portfolio, NYCDDC frequently partners with other City agencies. NYCDOT, NYCDEP and NYCDDC collaborate to build roadway, sewer and water main construction projects in all five boroughs. NYCDDC also manages all projects for NYC Department of Cultural Affairs and its cultural entities such as Brooklyn Children's Museum either directly or through pass through agreements.

#### *New York City Economic Development Corporation (NYCEDC)*

New York City Economic Development Corporation is a non-profit corporation operating under a Master Contract with the City through the New York City Department of Small Business Service (NYCSBS). [The New York City Economic Development Corporation's](#) mission is to realize New York City as the global model

for inclusive innovation and economic growth, fueled by the diversity of its people and businesses, by strengthening the City's competitive position and facilitating investments that grow quality jobs and cultivate dynamic, resilient, livable communities throughout the first boroughs. NYCEDC often acts as a subrecipient of NYCDOT's capital projects, especially in the area of waterfront development and construction, serving as the post-planning project supervisor for many capital programs.

*New York City Department of Parks and Recreation (NYCDPR)*

[The New York City Department of Parks and Recreation](#) is responsible for maintenance of more than 1,700 parks, playgrounds and recreation facilities within the City. NYCDOT often interfaces with NYCDPR when a capital project has both a transportation and recreational component, such as in the building of a waterfront landing that borders a park. Where such dual-use facilities exist, NYCDPR frequently acts as a subrecipient of NYCDOT to manage the capital projects on NYCDPR properties. In addition, New York State law requires that if construction necessitates acquiring property that is currently parkland, that alienation procedures be followed. See Appendix A for alienation procedures.

*New York City Landmarks Preservation Commission (NYCLPC)*

The [New York City Landmarks Preservation Commission](#) is responsible for protecting New York City's architecturally, historically, and culturally significant buildings and sites by granting them landmark or historic district status, and regulating them once they're designated. When NYCDOT projects involve modifications to an existing landmark or to a property in which the Commission holds an interest, NYCDOT must obtain the Commission's approval for the project.

*New York City Department of Citywide Administrative Services (NYCDCAS)*

The mission of the [New York City Department of Citywide Administrative Services](#) is to enable the City to achieve its goals through the deployment of human resources, the administration of civil service, and the management and/or acquisition of property assets in an intelligent and responsive manner. It is DCAS' primary responsibility to ensure that City agencies have the critical resources and support needed to provide the best possible services to the public.

To assist other City agencies, NYCDCAS:

- Supports City agencies' workforce needs in recruiting, hiring and training City employees
- Provides overall facilities management for 50 public buildings
- Purchases, sells and leases real property



- Purchases, inspects and distributes supplies and equipment
- Establishes, audits and pays utility accounts that serve more than 4,000 buildings
- Implements energy conservation programs throughout City facilities

#### *Mayor's Office for People with Disabilities (MOPD)*

The [Mayor's Office for People with Disabilities](#) works with other City agencies to assure that the voice of the disabled community is represented and that City programs and policies address the needs of people with disabilities.

MOPD has developed a number of informative brochures and directories that detail programs, services, activities, and other resources that are accessible to people with disabilities. They also arrange activities and events that aim to bring about dialog that leads to meaningful outcomes for people with disabilities.

#### **Office of the Comptroller**

The [New York City Comptroller](#), an independently elected official, is the Chief Financial Officer of the City of New York. The mission of the office is to ensure the financial health of New York City by advising the Mayor, the City Council, and the public of the City's financial condition. The Comptroller also makes recommendations on City programs and operations, fiscal policies, and financial transactions. In addition, the Comptroller manages assets of the five New York City Pension Funds, performs budgetary analysis, audits city agencies, registers proposed contracts, oversees budget authorization, determines credit needs, terms and conditions, prepares warrants for payment and issues and sells City obligations.

#### **City Council**

The [City Council](#) is the law-making body of the City of New York. It is comprised of 51 members from 51 different Council Districts throughout the five boroughs. The Council monitors the operation and performance of city agencies, makes land use decisions and has sole responsibility for approving the city's budget. It also legislates on a wide range of other subjects. The Council is an equal partner with the Mayor in the governing of New York City. The Council has oversight of all Mayoral Departments through its budget hearings, approves all ULURP actions and frequently requests testimony from the Commissioner of Transportation.

#### **State Government**

##### **New York State Department of Transportation (NYSDOT)**

[The New York State Department of Transportation](#) is a key player in statewide transportation policy development. NYSDOT is responsible for coordination of policy making, planning and development of transportation facilities and services statewide. NYSDOT prepares transportation studies in support of state policy making and planning and may design and construct transportation projects. NYSDOT formulates and implements policies to mitigate traffic congestion, reduce air pollution, and reduce fuel consumption. NYSDOT is also responsible for formulation and periodic revision of the long range comprehensive State Transportation Improvement Program (STIP), the statewide master plan for transportation. The STIP is developed in conjunction with plans produced by New York Metropolitan Transportation Council (NYMTC). NYSDOT provides financial assistance to NYCDOT by providing 10% matching funds to NYCDOT on all FTA funded capital projects. NYSDOT oversees all FHWA funded programs, including Congestion Mitigation Air Quality (CMAQ) grants and directly manages all FHWA grants.

### **New York State Department of Environmental Conservation (NYSDEC)**

The [New York State Department of Environmental Conservation](#)'s role is to conserve, improve, and protect the State's natural resources and environment. Major responsibilities include: enforcement of the NYS Environmental Conservation Law, maintenance of air and water quality, hazardous, toxic and solid waste management, mined land reclamation, wetland protection, environmental impact analysis, pesticide use regulation, fish and wildlife management, stream protection and forestry.

Regulations and enforcement actions of NYSDEC may affect NYCDOT's capital projects. This is particularly true of ferry facility-related projects because they may affect wetlands, water quality, fish habitat, and those projects sited at locations that are subject to hazardous waste. In order to undertake construction of fixed structures in or immediately adjacent to the waterfront, an appropriate permit from NYSDEC is required. Such permits often include stipulations concerning what is to be built and the means and methods of construction. Appropriate project permits from NYSDEC are a prerequisite in obtaining Federal project permits from the U.S. Army Corps of Engineers.

### **New York State Energy Research and Development Authority (NYSERDA)**

[New York State Energy Research and Development Authority](#) conducts research, development and demonstration projects to develop and implement new energy and environmental products and process technologies. NYSERDA assists municipalities implement energy efficiency measures and guide energy decisions.

### **New York Department of State's Division of Coastal Resources and Waterfront Revitalization**

The Department of State's Division of Coastal Resources and Waterfront Revitalization jointly plays a role with NYSDEC and the NYCDOP in the permitting of certain waterfront facilities constructed as part of NYCDOT's capital program. Specifically, the Department of State provides the U.S. Army Corps of Engineers with the State's determination in accordance with the state mandated State Environmental Quality Review (SEQR) process.

### **New York State Department of Budget (NYSDOB)**

The [New York State Division of the Budget](#) assists the governor in preparing his Executive Budget proposal, offers fiscal policy advice to the governor's office, and also administers and monitors expenditures authorized by the final Enacted Budget. Many of the programs funded by NYSDOT such as MM and SDF have to go through DOB before NYCDOT can access the funds in implementing the project.

### **New York State Thruway Authority**

The [New York State Thruway Authority](#) is responsible for the NYS Thruway system, including issuing bonds for various purposes. Some of NYCDOT's MM funds come from the NYS Thruway Authority.

### **New York State Comptroller**

The [Office of the State Comptroller](#) establishes regulations, issues publications, conducts training and proposes legislation to improve government operations at all levels. Headquartered in Albany, OSC employs a staff of more than 2600 people and maintains offices in New York City, as well as eight regional offices which audit and provide technical assistance to local governments throughout the State. A fundamental orientation unites all the diverse activities of the Office: the State Comptroller is responsible for ensuring that the taxpayers' money is being used effectively and efficiently to promote the common good. The State Comptroller is New York State's Chief Fiscal Officer. Over the years, the duties of the State Comptroller have steadily expanded, and the Office of the State Comptroller has a scope of responsibility that is unparalleled in other state governments. All federal funds such as FHWA funds that flow through the state and state funds such as SDF and mass transit matching funds have to be registered by the State Comptroller before NYCDOT can seek reimbursement of the funds.

Responsibilities of the Comptroller are:

- Administering the New York State and Local Retirement System for public employees, with more than one million members, retirees and beneficiaries and more than 3,000 employers;
- Acting as sole trustee of the \$146.9 billion Common Retirement Fund, one of the largest institutional investors in the world;
- Maintaining the State's accounting system and administering the State's \$15.3 billion payroll;
- Issuing reports on [State finances](#);
- Managing the State's assets and issuing debt;
- Reviewing State contracts and payments before they are issued;
- Conducting [audits](#) of State agencies and public benefit corporations;
- Overseeing the fiscal affairs of [local governments](#), including [New York City](#);
- Overseeing the Justice Court Fund and the Oil Spill Fund
- Acting as custodian of more than \$9 billion in abandoned property and restoring [unclaimed funds](#) to their rightful owners;

### **New York State Division of Homeland Security and Emergency Services (NYS DHSES)**

The [New York State Division of Homeland Security and Emergency Services](#) created in 2010, with four offices - Counter Terrorism, Emergency Management, Fire Prevention and Control, and Interoperable and Emergency Communications -- provide leadership, coordination and support for efforts to prevent, protect against, prepare for, respond to, and recover from terrorism and other man-made and natural disasters, threats, fires and other emergencies.

From terrorist threats to natural weather disasters, the demands for public health and safety continue to increase as they simultaneously become more complex. NYCDOT works with NYCOMB to obtain emergency recovery funds from US DHS/FEMA through NYS DHSES.

### **Regional Transportation Agencies**

#### **New York Metropolitan Transportation Council (NYMTC)**

The [New York Metropolitan Transportation Council](#) is a regional council of governments that is the metropolitan planning organization designated by the Governor for New York City, Long Island and the lower Hudson Valley. NYMTC provides a collaborative planning forum to address transportation-related issues, develops regional plans, undertakes studies for transportation improvements; forecasts future conditions and needs; pools the resources and expertise of its member agencies to plan for transportation and development in the region; and makes decisions on the use of Federal transportation. Its mission is "to serve as the

region's collaborative forum which addresses transportation related issues from a regional perspective; to facilitate sound decision-making within the council by providing sound technical analyses; and to focus the collective planning activities of all Council members to achieve a shared regional vision."

Together with an interested and active community, NYMTC works to keep the region moving in the right direction in order to improve air quality, increase mobility, reduce congestion and preserve our high quality of life. Finding better ways to interact and converse with the people in the NYMTC region results in gaining valuable knowledge about problems and needs in diverse communities. To that end, and within Federal requirements, NYMTC's members adopted a Public Involvement Plan in May 2007.

To respond to local needs, NYMTC is comprised of three Transportation Coordinating Committees (TCC): New York City TCC, Mid-Hudson South TCC and Nassau/Suffolk TCC. These committees recommend sub-regional transportation priorities and provide opportunities for the private sector, general public, local government and interested stakeholders to become involved in the planning process on a more local level.

The Regional Transportation Plan outlines the region's transportation needs and desires over a minimum of a twenty year period.

Since NYMTC's region does not attain National Air Quality Standards under the Clean Air Act Amendments of 1990, NYMTC must regularly demonstrate that its plan conforms to the New York State Implementation Plan for Air Quality, or "SIP."

### **Metropolitan Transportation Authority (MTA)**

The [Metropolitan Transit Authority](#) is a New York State agency providing public transportation for New York City and the seven surrounding counties of New York State. The MTA provides subway and rail service, and local, express, and select bus service, and is the sole public transportation provider for the New York City area. The MTA also operates several toll bridges and tunnels in New York City. The MTA agencies consist of New York City Transit, Long Island Rail Road, Metro-North Railroad, Bridges and Tunnels, MTA Bus, and Capital Construction. MTA is also one of the largest FTA grantees in the country. NYCDOT and MTA collaborate on several fronts such as mass transit, Select Bus Service/BRT, Bridges and Overpasses, pedestrian improvements (safe routes to transit) and access to subways and buses.

### **Port Authority of New York and New Jersey (PANYNJ)**

The mission of the [Port Authority of New York and New Jersey](#) is "to identify and meet the critical transportation infrastructure needs of the bi-state region's

businesses, residents, and visitors providing the highest quality, most efficient transportation and port commerce facilities and services that move people and goods within the region, provide access to the rest of the nation and to the world, and strengthen the economic competitiveness of the New York-New Jersey metropolitan region". PANYNJ is one of the NYMTC and NYCTCC members and as such coordinate the work with other transportation entities in the region such as NYSDOT, MTA and NYCDOT.

## **Federal Government**

### **United States Congress**

The United States Congress authorizes and appropriates funds for NYCDOT transit capital projects having a Federal funding share. Particularly with regard to capital projects, it is Congress' position that "significant mass transportation improvements are necessary to achieve national goals for improved air quality, energy conservation, international competitiveness, and mobility for elderly individuals, individuals with disabilities, and economically disadvantaged individuals in urban areas."

### **United States Department of Transportation (USDOT)**

The United develops "transportation policies and programs that contribute to providing fast, safe, efficient, and convenient transportation at the lowest possible cost consistent with...national objectives." The agencies of the USDOT are: Federal Railroad Administration (FRA), Federal Highway Administration (FHWA), National Highway Traffic Safety Administration, Federal Aviation Administration (FAA), Federal Transit Administration (FTA), Maritime Administration, St. Lawrence Seaway Development Corporation, Surface Transportation Board, Federal Motor Carrier Safety Administration, Pipeline and Hazardous Materials Safety Administration, and Research and Innovative Technology Administration.

### **Federal Transit Administration (FTA)**

The [Federal Transit Administration](http://fta.dot.gov/about/13057.html) provides financial assistance to develop new transit systems and improve, maintain, and operate existing systems. FTA oversees thousands of grants to hundreds of state and local transit providers, primarily through its regional and metropolitan offices. These grantees are responsible for managing their programs in accordance with Federal requirements, and FTA is responsible for ensuring that grantees follow Federal mandates along with statutory and administrative requirements. For more information about FTA grants, see: <http://fta.dot.gov/about/13057.html>

## **Federal Highway Administration (FHWA)**

[The Federal Highway Administration's](#) mission is to “improve mobility on our nation’s highways through national leadership, innovation and program delivery.” FHWA is charged with the broad responsibility of ensuring that America’s roads and highways continue to be the safest and most technologically up-to-date. Although State, local, and tribal governments own most of the nation’s highways, FHWA provides financial and technical support for constructing, improving, and preserving America’s highway system.

The Federal-Aid Highway Program provides federal financial resources and technical assistance to state and local governments for constructing, preserving, and improving the National Highway System, a 160,000-mile network that carries 40 percent of the nation’s highway traffic.

## **United States Department of Homeland Security (US DHS)**

[United States Department of Homeland Security's](#) mission is to keep America safe. The vision of homeland security is to ensure a homeland that is safe, secure, and resilient against terrorism and other hazards. Three key concepts form the foundation of our national homeland security strategy designed to achieve this vision:

- Security,
- Resilience, and
- Customs and Exchange.

In turn, these key concepts drive broad areas of activity defines as homeland security missions. These missions are enterprise-wide, and not limited to the Department of Homeland Security. These missions and their associated goals and objectives provide in detail what it means to prevent, to protect, to respond, and to recover, as well as to build in security, to ensure resilience, and to facilitate customs and exchange. Hundreds of thousands of people from across the federal government, state, local, tribal, and territorial governments, the private sector, and other nongovernmental organizations are responsible for executing these missions. These are the people who regularly interact with the public, who are responsible for public safety and security, who own and operate our nation’s critical infrastructures and services, who perform research and develop technology, and who keep watch, prepare for, and respond to emerging threats and disasters. In order to implement its mission, DHS works through its Department components, two of which are relevant to NYCDOT.

## **United States Coast Guard (USCG)**

The United States Coast Guard is one of the five armed forces of the United States and the only military organization within the Department of Homeland Security. The

Coast Guard protects the maritime economy and the environment, defends our maritime borders, and saves those in peril.

USCG “safeguard(s) our Nation’s maritime interests in the heartland, in the ports, at sea, and around the globe.” The shipping industry, including ferries, is a highly regulated industry and is regulated directly by the Federal government. Regulatory duties fall directly upon the USCG. The USCG regulates all aspects of ferry systems, whether operated directly through ownership or operated through permit, license, or contract. USCG oversight includes design and construction of ferry vessels, standards and qualifications of crews and passenger accommodations, ferry vessel maintenance repair and inspection, operational rules for navigation, accident documentation and investigation, maritime security, and water pollution control. In addition, the USCG has regulatory jurisdiction over ferry shore facilities, and movement of ships, including ferries, in New York harbor. Based upon the USCG’s broad influence, its regulations influence the conduct and configuration of many NYCDOT ferry-related capital projects. The USCG may also have regulatory authority over bridge matters.

The Marine Environmental Protection program develops and enforces regulations to avert the introduction of invasive species into the maritime environment, stop unauthorized ocean dumping, and prevent oil and chemical spills. This program is complemented by the Marine Safety program’s pollution prevention activities.

### **Federal Emergency Management Agency (FEMA)**

The Federal Emergency Management Agency supports our citizens and first responders to ensure that as a nation we work together to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards. NYCDOT receives federal disaster assistance through FEMA’s Public Assistance (PA) Program operating through NYSDHSES.

### **US Army Corps of Engineers**

The physical control of all navigable waters in the United States is under the jurisdiction of the [US Army Corps of Engineers](#). The US Army Corps of Engineers regulates construction and issues construction permits for all waterfront capital projects undertaken by NYCDOT, including ferry facility projects. The US Army Corps of Engineers can only approve permits after it receives a consistency determination for a project from the New York Department of State. The US Army Corps of Engineers has regulations for the permitting process, such as required public hearings, and the US Army Corps of Engineers permits may include stipulations concerning the conduct or configuration of projects.

### **United States Department of Housing and Urban Development (HUD)**



The [United States Department of Housing and Urban Development](#) was established as a Cabinet-level agency through the Department of Housing and Urban Development Act of 1965, HUD's mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. HUD strengthens the housing market to bolster the economy and protect consumers; meets the need for quality affordable rental homes; utilizes housing as a platform for improving quality of life; builds inclusive and sustainable communities free from discrimination, and transforms the way HUD does business. HUD aims to both create and maintain affordable rental and ownership housing options and assistance for low- and moderate-income Americans, and ensure that individuals have recourse against discrimination in the housing marketplace through the Fair Housing Act. HUD administers a diverse range of mortgage, grant, assistance, and regulatory programs, including Community Development Block Grants (CDBG) and the CDBG-Disaster Recovery (DR) for Hurricane Sandy Disaster Recovery. NYCDOT through the New York State Governor's Office and NYCOMB will be receiving CDBG-DR funds.

## 5. PROJECT MANAGEMENT OBJECTIVES

Major capital improvement projects are complex and require a formal management approach in order to achieve success. To better understand the processes involved in management, it is worthwhile to review some definitions. A 'project' can be considered to be any series of activities and tasks carrying a specific objective that must be accomplished within certain specifications; having defined start and end dates; having funding limits; and consuming resources such as money, labor and materials. 'Project management' involves project planning and project monitoring. 'Project planning' encompasses the definition of work requirements, quantity of work and resource requirements. 'Project monitoring' involves a tracking process, comparing actual to forecasted, analyzing impacts and making adjustments. Successful project management is defined as having achieved the project objectives within budget and schedule and at the desired performance level, while using resources effectively and efficiently.

NYCDOT's management approach and objectives for any project are as follows:

- Establish a well-organized Project Management Team and structure.
- Complete the project within budget and on time.
- Minimize change orders.
- Complete/construct a project of the highest quality and in the safest manner within the project resource constraints.

This approach applies to all phases of a project life cycle: concept, plan, design, construction, testing, commissioning, closeout, move-in, operations, and actions at the end of a project's useful life.

As the size of a project increases, the number of persons, organizations, and activities associated with the project increases. Success is dependent upon appropriate direction and communication among overall project management and the various persons and organizations involved and upon the interrelationship of activities and a coordinated approach to them.

The intent of this OMP is to give those directly and indirectly participating in the project a clear understanding of how the project is organized, including, the way decisions are made, and how the project is being controlled and documented. What is important is who, what, when, where, and how a particular methodology is used on a project.

All capital construction projects with final project costs of \$100 million or more, "Small Starts" and "Very Small Starts" projects that are funded by the FTA shall have an individual written Project Management Plan (PMP). FHWA projects over \$500M are

considered Major projects and require Financial Plans. All USDOT funded projects must conform to this Organization Management Plan (OMP). This OMP serves as the agency's master PMP. When a project requires an individual PMP, this OMP serves as the basis of that PMP. The individual PMP is comprised of the OMP plus a supplemental document which lays out the specifics of the particular project requiring the individual PMP.

All FHWA funded projects that flow through NYSDOT must conform to NYSDOT's [Procedures for Locally Administered Federal Aid Projects \(PLAFAP\)](#), the [Project Development Manual](#) and the [Bridge Manual, where applicable](#).

## **Project Delivery**

### **FHWA Major Project Delivery Process**

In order for Federal funding to be authorized for the financing of Major Projects, the Project Owner must demonstrate to the FHWA that the project has been carefully planned out, i.e. costs have been estimated as accurately and meticulously as possible; risks have been carefully considered and mitigated; financing requirements and strategies have been clearly defined; and the implementation of the project delivery has been carefully planned.

Through the different phases of project delivery, Project Owners are required to submit financial and management plans and are subject to undergo various FHWA review processes before Federal funding can be released for the project. The FHWA Major Project requirements include:

- Cost Estimating
- Financial Plan
- Project Management Plan

The timeline shown below identifies the major requirements and milestones for the three required processes, together with their relationship and other milestones in the overall program delivery process as it extends from planning to final design and right-of-way to construction. For further guidance, see below:

[http://www.fhwa.dot.gov/ipd/project\\_delivery/defined/fhwa\\_delivery\\_process.aspx](http://www.fhwa.dot.gov/ipd/project_delivery/defined/fhwa_delivery_process.aspx)

### **Planning Phase**

The earliest phase in project development is the Planning Phase. It is during this phase that the project scope is initially defined. It is also at this phase that a broad range of issues are considered including service parameters, community needs, Right of Way (ROW) requirements, and environmental impacts. Following is a

description of the various activities that define capital project concepts as early as the Planning Phase, even though they may be refined in subsequent phases.

### **Project Planning**

Program planning is completed through development of the initial Project Management Plan (PMP). The purpose of program planning within NYCDOT is to obtain and utilize available resources to satisfy the mission and policy objectives outlined for the agency and to achieve these objectives in the most efficient and effective way possible.

Within each operating division, a project is assigned to a Project Manager (PM). PMs for capital projects typically have a planning, engineering, or architectural background and in most cases work in the NYCDOT division or unit that will operate and/or maintain the facility that is the subject of the capital project. The PM is the primary person who will manage the planning, control and administration of a project. In some NYCDOT units a project may have multiple PMs as it moves from planning to design to construction with a different PM for each phase. Other units may assign a single PM to manage a single project through all its phases.

### **Scope Development**

The work scope is the description of a capital project included in NYCOMB's Certificate to Proceed, which must contain specific issues covering the project's design and implementation:

- Purpose and public to be served
- Programs to be conducted in the facility
- Gross and net amounts of space and bulk for any building or structure and areas for different functions and activities
- Identification of required architectural, engineering or other consultants and estimated fees for such consultants
- Identification of any need for railroad force accounts and/or traffic agents required during construction
- Estimated completion dates for work scope (i.e. preliminary engineering, design, and construction)
- Total estimated project costs including costs for site acquisition, preparation, tenant relocation, design, construction, and equipment
- Estimated expenditures for the project for each fiscal year until its completion
- Estimated annual costs to operate programs within the facility and to maintain the facility when fully staffed

### **Resource Planning**

Resources within NYCDOT at the agency level make up a few discrete categories. These include real estate, labor (both in-house and contracted), and capital (including financial and tangible assets). At the project level the list becomes longer and more detailed.

At the agency level, resources are often shared among divisions to accommodate specific project needs. Common examples include real estate and tangible assets, and to a lesser extent, the expertise of in-house labor units, or assignment of contracted services. These allocations are made among Deputy Commissioners and may be brokered or requested by the Commissioner. The NYCDOT Division of Finance, Contracting and Program Management (FCPM), as part of a regular budgeting process, manage allocation of long-term human resources and financial resources among divisions. Allocation of real estate (buildings, offices, land, etc.) to provide for normal operations of any division in NYCDOT is made through the agency's Division of Human Resources and Facilities Management, while real estate issues for individual capital projects are primarily the PM's responsibility.

Within the NYCDOT Divisions, resources are allocated by the respective Deputy Commissioners and their management staffs in consultation with individual PMs, based upon need and management priorities. When a project involves more than one division, the PM coordinates the project with other PM's in other divisions to ensure that the project objectives are met.

At the project level, resource planning within allocated resources is the responsibility of the PM and at later stages of the project may include consultants and contractors. The process for permanent acquisition of real estate for individual project site selection is outlined in various sections of the NYC Charter and is a high level decision of City government. The PM is responsible for the implementation of the Uniform Land Use Review Procedure (ULURP) along with the City Environmental Quality Review (CEQR) pursuant to the State Environmental Quality Review (SEQRA) for project site selection and for obtaining written approval from NYCPC, City Council and the Mayor. The initial stages of the process also go through the Community Boards and Borough Presidents. The PM's goal is to meet the necessary schedule, as detailed in NYCDOT's capital program, within the constraints of available resources, and to coordinate with dependent or linked projects of NYCDOT and other agencies. The PM shall coordinate the project by holding coordination meetings which are documented.

## **Staffing**

Adequate staffing in quantity and quality is critical to the successful performance of a capital construction project. Staff chosen for project positions should have appropriate prior experience to prepare them for the duties they must undertake. A basic decision on staffing, which must be made at an early point in a project, is whether to rely primarily on in-house project staff or to employ consultants.

Constraints of the City's personnel system, imposed by law, make adjustment of staffing to address project demands difficult and relatively slow. As a result, for projects that are not of a repetitive nature, utilization of consultants is often the more attractive option. Careful consideration is made as to the specialties of consultants required so that capabilities of the consultants can be well matched to the work. In some instances, NYCDOT arranges for other City agencies to perform projects, as in the case of the subrecipient agencies discussed elsewhere herein. Generally, those City Departments or offices which must interface with particular NYCDOT projects or project sponsoring units (for example, NYCOMB, NYCDCP, NYCEDC) usually have staff which specialize in particular NYCDOT areas, so that the staff assigned to monitor or support a particular NYCDOT project can be consistent throughout the life of a project.

In planning project staffing there are several considerations. New York State Education Law requires design and construction on nearly all City public works projects to be supervised by a New York State Registered Architect, Professional Engineer, or Land Surveyor. Beyond these specific requirements, there are general requirements that apply to all project staff. Staff must:

- Understand the importance of assigned responsibilities to ensure successful outcome of the project.
- Have the necessary technical knowledge, tact, and good judgment to effectively perform project duties.
- Fully understand the extent of assigned responsibilities and of delegated authority.
- Understand the project management's priorities.
- Be able to understand and prepare proper documentation of activities, decisions, and instructions.

The duties and responsibilities of the NYCDOT PM for a capital construction project are as follows:

- Review design drawings for compliance with project program requirements and the consultant's contract requirements.
- Assure that the necessary approvals of all parties with jurisdiction are obtained.
- Oversee the activities of the construction management consultant (CMC), contractors, and other City personnel on the job based on the CMC's contract and the construction contract.
- Provide direction on City procedures and oversee construction if CMC duties are to be performed by in-house staff in lieu of a consultant.
- Obtain subcontractor, sub-consultant approval from ACCO's Vendor Responsibility Unit by ensuring that proposed subcontractor, fabricator,

- supplier or consultant (vendor) is identified early and referred to ACCO's Office for integrity/compliance review and approval before engaging the vendor(s) in work.
- Ensure conformance with federal DBE, state MBE/WBE, and city M/WBE requirements by:
    - Ensure that City funded bids/proposals deemed responsive contain Schedule B - Subcontractor Utilization Plans
    - To avoid delays in awarding contracts, if ACCO CCU asks for assistance, facilitate their receipt of FHWA's DBE Utilization Plans (additional DBE form for completion by the prime) from the contractor within 7 calendar days after the bid or proposal opening. (See "Schedule H" in the FHWA contract boilerplates.)
    - To avoid delays in awarding contracts, if ACCO CCU asks for assistance, facilitate their receipt of the FTA's DBE Utilization Plans within 7 calendar days after the bid or proposal opening. (See DBE Utilization forms in the FTA contract boilerplates.) (see additional FTA form to be completed by the prime)
    - To avoid delays in awarding contracts, if ACCO CCU asks for assistance, facilitate their timely receipt of State MBE and WBE Utilization Plans from the contractor within 7 calendar days after bid or proposal opening. (See the MBE/WBE Utilization form located in the State contract boilerplates).
    - Ensure that invoices for all subcontractors and other vendors are included in all partial payment requests submitted by the Prime Contractor/Consultant, in order to ensure DBE (M/WBE) participation.
  - Prepare verbal and written reports and correspondence on project status.
  - Represent the agency at the highest levels of government and work to ensure that City interests are protected.
  - Manage the project from start to finish by staying on top of project issues and keeping channels of communication open.
  - Evaluate and recommend approval of deliverables, requests for payment, change orders, time extensions.

The PM has several roles, including but not limited to financial and budget manager, contract administrator, community liaison, human resources coordinator, and labor relations coordinator. On a project using in-house design and/or in-house construction, the PM may act as project engineer. The NYCDOT PM must be knowledgeable in city processes and the project requirements in order to successfully direct the CMC. The roles and responsibilities of the PM are articulated in the *NYCDOT Project Manager FCPM Sourcebook*.

It should be noted that in the Division of Bridges, work described below and in other sections as being performed by the CMC is performed by two separate consultants –

the Resident Engineering Inspection (REI) consultant, whose function in general consists of assuring compliance with the terms of the contract, and the Construction Support Services (CSS) consultant, whose function in general consists of performing design and design reviews that are required during construction.

The PM should understand and learn the strengths, weaknesses, and interests of the project staff and employ or assign staff members to make the best use of their strengths as conditions permit.

The PM shall analyze the project context and recommends to the line manager and the Deputy Commissioner in charge of the Division whether consultant or in-house staff would be most appropriate for the project.

When a CMC is hired by NYCDOT to be the main site support, Resident Engineer's (RE) duties and responsibilities of the CMC firm are as follows:

- Report directly to the NYCDOT's PM (in the Division of Bridges, the term Engineer in Charge, or EIC, is used instead of PM).
- Facilitate the coordination between all prime contractors during the project's construction.
- Organize and direct the CMC staff (technical office and field personnel) required to manage the construction process and ensure Quality Control is enforced by performing Quality Assurance.

Resident Engineering services are hired to inspect the activity resulting from the construction contracts. They maintain project records as specified in NYS Manual of Uniform Record Keeping (MURK) for FHWA funded projects. Resident Engineering services must have knowledge of principles and practices of civil engineering as applied to the construction of Bridges, Ferry terminals, etc. statewide (depending on the contract); interpretation of agency standards, policies and procedures; and ability to manage multiple tasks concurrently. They should also have skills in managing and directing the resources of multi-disciplined teams, effective oral and written communications, analytical and interpretive skills, negotiating, project management and conflict resolution. They must have ability to communicate clearly and concisely to a wide variety of agency, public, and firm representatives; represent the agency in a positive manner and manage sensitive issues with diplomacy.

Tasks to be performed by the RE and staff are categorized under the following major groups:

- Construction start and mobilization
- Inspection and administration of construction
- Act as point of contact between the City and the construction firms



- Construction process including Material Submittal, Shop Drawing Assistance and Field Testing & Inspections
- Change orders and disputed work
- Partial payments
- Monitor contractors' compliance with minority subcontracting and EEO requirements when processing payroll registers. (The requirements can be found in Schedule "H" for FHWA funded projects and Third Party Contracting Requirements for FTA Funded projects).
- Final completion and project close-out

Some of the duties and responsibilities of the Assistant Resident Engineer (ARE) of the CMC include but are not limited to:

- Providing general support to the RE
- Functioning as the RE in the absence of the RE
- Performing as the alternate site safety manager

Design consultant or construction support service duties include but are not limited to:

- Interpreting contract documents (plans, specifications, all geotechnical, soils, and traffic reports) for NYCDOT in response to bidders' questions
- Preparing addenda, drawings/sketches and issue clarifications
- Attending meetings held by NYCDOT with prospective low bidders
- Reviewing lump sum bids, alternates, and unit prices
- Attending and participate in the pre-bid conference with contractors
- Reviewing and approving contractor submissions including shop drawings, catalog cuts, material samples, technical data sheets, installation and maintenance instructions, and certificates of compliance
- Assisting NYCDOT in the evaluation of contractor's requests for changes and change orders
- Providing timely responses to contractor/CMC requests for clarification or interpretation of contract documents
- Attending field job-related meetings
- Responding to Request for Information (RFIs) or Engineering Clarification Memoranda (ECMs) from the contractors and the CMC

The overall authority to approve final construction bid documents, which include the engineering drawings, technical specifications, and cost estimate, resides with the Commissioner through the line managers and the PM. However, City agencies such as the NYCDEP, New York City Department of Buildings (NYCDOB) and Fire Department of New York (FDNY) and utility companies are responsible for approving design work under their jurisdiction.

If the decision is to use consultants, the PM shall begin the procurement process in compliance with the appropriate Federal, State, and City rules and regulations. The procurement process is discussed in the procurement section of this document.

### **Additional Planning Requirements of USDOT Funded Projects**

Every urban area in the United States of more than 50,000 persons must have a designated Metropolitan Planning Organization (MPO) in order to qualify for Federal highway and transit funding. The planning boundary of New York Metropolitan Transportation Council (NYMTC) includes the five counties of New York City (Bronx, Manhattan, Queens, Kings, and Richmond), Westchester, Rockland, Putnam, Nassau, and Suffolk counties.

NYMTC, in cooperation with the state and public transit operators, is required to develop transportation plans and programs for its urbanized areas within the state. Both the FTA and the FHWA provide funds to states that are in turn provided to NYMTC to carry out the transportation planning process. The FTA and FHWA, to achieve consistency in their planning requirements, have also issued joint regulations regarding transportation planning.

New York State and NYMTC are required to develop and periodically update a long-range transportation plan, known as Regional Transportation Plan (RTP) covering a forecast period of at least 20 years. These long-range transportation plans must address FHWA's National Strategic Plan and all other major facilities projects, including those earmarked in Federal authorizing legislation. The projects are listed in the vision or the constraint element in the RTP along with project narrative.

One output of the metropolitan transportation planning process is the Transportation Improvement Project (TIP). The projects go through conformity review to ensure compliance with the state implementation plan prior to incorporating the project in the TIP. The interagency consultancy group consisting of state, federal and city agencies review the projects as a part of the conformity process to see if the project is exempt or non-exempt. Exempt projects are automatically placed in the TIP and the non-exempt projects have to go through the emissions analysis for conformity which takes about six months. The TIPs for the various metropolitan areas in the state then become part of the State Transportation Improvement Project (STIP). The STIP has to be approved by FTA and FHWA in order for it to become final. The TIP is a list of all transportation projects proposed for funding over the next four years. The TIP must be financially constrained by year, and thus represents a prioritized listing of the area's transportation investments.

### **Alternatives Analysis (Major Investment Study)**

For FTA funded projects an Alternatives Analysis (AA) is required. The AA develops information on the benefits, costs, and impacts of alternative strategies. Evaluation of

projects or project alternatives is undertaken primarily with the oversight of the NYCDOT PM who will implement or operate a proposed project and by NYCOMB. Factors considered in the AA must include mobility improvements; social, economic, and environmental effects; safety; operating efficiencies; land use and economic development; financing; and energy consumption. The cost estimates may be for first cost, operating cost, or total life cycle cost. Emphasis on which type of cost estimate is completed is relevant to decision making and varies from project to project as a result of the City's financial constraints.

Projects or alternatives are compared in a spreadsheet format, although for very high value projects a more sophisticated report or one or more Preliminary Design Investigation studies may be prepared. NYCDOT may engage a specialized consultant to perform a Preliminary Design Investigation study.

For large projects NYCOMB performs one or more formal value engineering workshops. These are usually performed at the conclusion of preliminary design, and may again be performed on a very large project at about 60% completion of project design. Each workshop is presided over by a professional moderator who is furnished by a consulting firm and certified by the Society of American Value Engineers. The workshops are staffed by outside technical experts with relevant skills. The experts staffing the panel are selected and agreed upon jointly by the operating Division of NYCDOT affected by the project and by NYCOMB. NYCOMB's value engineering workshops include a familiarization phase, a conceptual phase, a study phase, and a presentation phase. Such workshops typically last one week and may be preceded by field visits for the panelists and implementation meetings following receipt of the panel's report.

During evaluation proposed projects or alternatives are examined for environmental and land use impacts in accordance with the CEQR, SEQRA and National Environmental Policy Act (NEPA).

As part of the evaluation phase it is useful to evaluate the regulatory procedures or approvals for proposed projects and various alternative designs under consideration. The likelihood of insurmountable roadblocks to a project should be identified early, before considerable effort and funds are expended on a project or design with little or no possibility of approval. Also, features of a project that are potential causes of regulatory trouble or delay should be identified during the evaluation phase, and if possible, mitigated. If not, a strategy has to be developed to obtain approval so that the project may be advanced.

Evaluation by the NYCDOT Division responsible for a project continues through design development and through the early stages of construction, albeit at different levels of the project component hierarchy depending upon the time period in the project's life cycle.

The conclusion of the AA process is marked by the formal adoption of a Locally Preferred Alternative (LPA), which must be one of the alternatives analyzed in the process, and its inclusion in the NYMTC's long-range regional transportation plan.

While the work conducted in an AA is performed by NYCDOT, public review and participation is an important part of an AA. Results of the evaluation process may be that proposed projects are categorized as worthy of further effort, temporarily backlogged in deference to more attractive or necessary projects or in response to fiscal constraints; urgent; or, having some merit and deserving further study. Such a screening process is necessary because the City's resources are finite, and because many parties have input into the question of whether a project should proceed and what its scope or configuration should be.

The roles and responsibilities of other agencies and consultants must be clearly established. Participating local and state agencies are responsible for ensuring that the study is conducted in a technically sound manner.

### **Project Risk Analysis and Procurement Planning**

As early as the Planning Phase, alternative project delivery methods should be considered within the context of project risk analysis and procurement planning. Given the nature of the project to be implemented, the project delivery and a contracting approach should be selected that minimizes project risks and provides the greatest likelihood of implementation success. Success can be measured in terms of minimizing costs (and cost overruns) and schedule (and schedule slippages). The general philosophy is that risks should be assigned to the party best able to manage them. There are also tools available to manage project risk factors in terms of contract provisions that can provide a variety of incentives and disincentives. Project delivery and contracting approaches include, but are not limited to, the following:

- Design-Bid-Build (D/B/B): In this type of procurement there are separate contracts and procurement processes for design and construction often with numerous prime contractors that require coordination for the operation of the resulting system.
- Design-Build (D/B): In this procurement option a single contractor is given responsibility for both design and construction, thus eliminating an intermediate procurement step with possible time saving, and more effective coordination and opportunities for cost savings. A preliminary design is developed by the owner or another third party contractor.
- Build-Transfer-Operate (BTO) or Build-Operate-Transfer (BOT): As an alternative to a public agency owning a transportation project, a private entity could be responsible for building (and possibly designing) and operating a project, and either transfer ownership to the public agency prior to assuming

- operating responsibility (BTO) or after performing operations for a period of time, e.g., 20 years (BOT). Because of liability risks, ownership is usually transferred to the public agency prior to starting operations. Maintenance facilities or parking garages may be good candidates for this approach.
- Turnkey/Super Turnkey: This type of procurement is a further expansion of D/B or DBOM in which the contractor assumes project financing responsibilities, possibly including the implementation of joint development.
  - Fast Track: This involves overlap and coordination of design, procurement, construction, and other project development activities in D/B/B contracts to expedite project implementation. This is an inherent capability controlled by the contractor in a D/B contract.
  - Construction Manager/General Contractor (CMC/GC): In this scenario the contractor is selected during the design process by a qualifications-based process, and provides value engineering and constructability reviews. The contractor assumes responsibility for the entire construction package with a dual role as the construction manager for all project work, and the general contractor. Subcontracted work is competitively obtained, primarily as low bid. The construction price is negotiated once final design is complete. The contractor and NYCDOT could agree on a Guaranteed Maximum Price (GMP) for the contract package, or the CMC/GC could manage the contract for a fee, controlling general conditions and holding the construction contracts that would be a direct reimbursement from NYCDOT.

## **Environmental Planning**

Environmental planning is an integral part of the overall transportation planning process. All City funded projects have to go through CEQR pursuant to SEQRA. All State funded projects have to go through SEQRA process. All federally funded projects must meet the requirements of the relevant National Environmental Policy Act (NEPA) regulations, conformity regulations related to air quality, and requirements for historical preservation and protection of public lands. No project funds, including those from DHS can be expended without express approval of NEPA from the federal agencies. The process for complying with NEPA is defined in the joint FHWA/FTA regulation, Environmental Impact and Related Procedures (23 CFR 771). In addition, in non-attainment areas (NAA) or in maintenance areas, transportation plans must contain enough detail to allow conformity findings as defined by the U.S. EPA conformity regulation.

As per the Council on Environmental Quality's (CEQ's) "Establishing, Applying, and Revising Categorical Exclusions under the National Environmental Policy Act" guidance (Dec. 2010), the CEs in 23 CFR section 771.118 are presented as general categories that include limitations, as appropriate, and provide an informative (but not exhaustive) list of examples. CEs added to section 771.118 pursuant to the Moving

Ahead for Progress in the 21st Century Act (MAP-21) do not follow the same format because they were created pursuant to specific statutory criteria.

Section 771.118 is reserved exclusively for FTA actions; section 771.117 is reserved exclusively for Federal Highway Administration (FHWA) actions, and CEs listed in 23 CFR section 771.117 should no longer be used for FTA's actions on projects.

The contents of section 771.118 follow a similar format as FHWA section 771.117 by having a c-list (found at 23 CFR section 771.118(c)) and a d-list (found at 23 CFR section 771.118(d)) that include categorically excluded routine actions and those actions that require limited documentation, respectively. Section 771.118 is organized as follows: paragraph (a) describes and defines CE actions; paragraph (b) explains "unusual circumstances"; paragraph (c) contains FTA categorically excluded actions; paragraph (d) contains examples of actions that may be categorically excluded under section 771.118(d); and, paragraph (e) addresses the addition of new CEs in the future. The Design Approval Document (DAD) process at NYSDOT for FHWA funded projects incorporates the NEPA process. Generally, the project cannot move into the Final Design Phase without NEPA approval.

Three types of environmental actions have been defined, each with separate requirements to guide planning to address their potential impacts.

Class 1 actions normally have a significant impact on the environment and thus require an Environmental Impact Statement (EIS). A Record of Decision (ROD) is issued by the lead agency at the conclusion of the EIS process.

Class 2 actions normally do not entail a significant impact on the environment, and therefore do not require an EIS or an Environmental Assessment (EA). These projects are known as Categorical Exclusions (CE) and typically include rail or bus modernization projects constructed within the bounds of the existing ROW, or new bus facilities constructed in industrially zoned areas without major impacts on traffic, or rehabilitation of existing bridges.

Class 3 actions are those in which the significance of the impacts on the environment are not clearly established and for which an EA is prepared to determine the probable impacts. If significant impacts are uncovered, an EIS is then required; otherwise a "Finding of No Significant Impact" (FONSI) determination concludes the NEPA process.

Within the NEPA process, other applicable environmental laws and regulations are complied with, including those related to historic preservation and protection of public lands. Early in the planning process, it should be determined if there are any environmental issues. Coordination with FTA planning and environmental specialists to develop and carry out the scoping process, outlined in Section 1501.7 of the

Council on Environmental Quality (CEQ) Regulations, before the NEPA process formally begins, ensures that all significant environmental issues are addressed.

There are two options for developing an EIS or EA. In the first option, an AA provides sufficient environmental information and investment analyses to support the selection of a preferred alternative. In this case the AA provides input into subsequent NEPA documents. In the second option, a Draft Environmental Impact Statement (DEIS) or draft EA is part of the analysis contained in the AA. The DEIS or EA then becomes the decision document that must be approved by FTA before it is circulated for public comment. The Final Environmental Impact Statement (FEIS) or final EA then is developed during Preliminary Engineering.

## **Preliminary Design Investigation (PDI)**

### **Bridge Projects**

For bridge rehabilitation/reconstruction contracts, PDI begins with in-depth inspection, after selection of a design consultant. Based on the inspection report, a Bridge Reconstruction Preliminary Report (BRPR) is prepared. Various options for rehabilitation are identified, from doing nothing to total replacement options. In addition Sub-Standard Features of the structure are identified, Scope of Work is defined, Seismic Retrofitting options are discussed, Environmental Impact Statement (EIS) reviewed (Class 1 actions only), and Life Cycle Cost Analysis is conducted for each of the options. A Feasibility Report is prepared along with alternative analyses. Alternatives are ranked and Final Choice Determination is made. For federally funded projects, approvals are obtained from NYSDOT and FHWA or FTA.

### **Street Reconstruction Projects**

For street reconstruction projects, PDI takes the project from the conceptual planning state to a level of design that defines all significant elements and allows for the development of an accurate estimate of project costs. The resulting technical and cost information forms a basis for subsequent funding and implementation decisions. These investigations require in-depth analysis of all components, their interrelationships, and their costs.

Typically, the PDI phase includes the completion of a traffic study and traffic study report. This phase also allows for the development of a schematic geometric design that has been informed by the traffic study. A topographic and utility survey is also typically performed during this phase. During the PDI phase, proposed changes may be made to existing surface facilities or geometry recommended in the conceptual design. Preliminary environmental review requirements are also completed during the PDI phase.

The PDI phase culminates in a PDI report that describes the existing conditions of each surface element, lists any proposed remediation and recommends what action should be taken in the Final Design. It includes an investigation of the technical, historical and recommended inputs from all the affected stakeholders (typically above ground only, although given the nature of the project, it may also address those other issues or concerns). The PDI report notes the existence and plots the approximate location of underground facilities but does not typically address questions of relocation, remediation, upgrade, or removal of any of these facilities. The street's title status and right of way boundaries are delineated and acquisition limits, if any, are defined.

While NYCDOT is responsible for the conceptual design of street reconstruction projects, NYC Department of Design and Construction (DDC) is responsible for preliminary and final design. Based on the Preliminary Design Investigation and reviews of traffic, environmental, urban design elements and planning studies, a schematic geometric design is prepared by DDC and then distributed to NYCDOT's Capital Project Engineering unit (CPE) for review and approval.

The CPE unit circulates the schematic geometric design to the following DOT division/units: OCMC/Permits, Traffic Planning/CEQR, Bicycle/Pedestrian/School Safety, Borough Commissioner, Planning & Sustainability, CPI, Highway Design and Sidewalk Management. This is DOT's primary opportunity to review and comment on the schematic geometric design because there is limited ability to make changes to the geometric design during the final design phase.

CPE compiles all the comments and provides DDC with one coordinated response to the schematic geometric design within the timeframe designated by DDC.

## **Preliminary Engineering (PE) Phase**

PE can take the project from the conceptual planning state to a level of design that defines all significant elements and provides a better basis to develop a more accurate estimate of project costs and impacts. The resulting technical and financial information forms a basis for subsequent funding and implementation decisions. A major objective of PE is to investigate the merits of all sound configurations and designs. These investigations require in-depth analysis of all components, their interrelationships, and their costs. In addition, environmental review requirements are completed during this phase.

The PE portion of the total design effort, when properly conducted, permits the project to move rapidly through Final Design with a minimum of design changes, disruptions, or delays. A major aspect, and significant step in assuring the success of the project development process, is the continued refinement of the PMP.



## **Final Design (FD) Phase**

The purpose of the FD Phase is to prepare final drawings, technical specifications, and contract documents required to obtain construction contract bids. This includes clear statements of testing requirements and acceptance criteria for the safety and functionality of all subsystems. Typically, this phase also includes preparation of the engineer's estimate and construction schedule, analysis of the construction bids, and recommendation for award and real estate acquisition.

### **Federal Final Design Requirements**

Final Design is the last phase of project development prior to construction. FTA and FHWA policy dictate that final design cannot begin prior to completion of the NEPA process and a determination as denoted by an FTA/FHWA Record of Decision (ROD), FONSI, or CE determination. Issuance of a NEPA determination represents approval of the project's location and provides permission to progress to final design.

### **FHWA Final Design Requirements**

On FHWA funded projects, final design cannot begin prior to addressing review comments on the preliminary design from all the relevant stakeholders. Subsequently, the project cannot be bid until all review comments of the final design from stakeholders is addressed and a letter from FHWA/NYS DOT-Region 11 is obtained that states that all requirements have been met and the project is ready to be advertised for bid.

The FHWA also requires a Construction Management Plan (CMP) for all FHWA-funded projects, which must be approved by NYSDOT before the contract is awarded. Further details on CMP requirements can be found in PLAFAP, Chapter 12.

For street reconstruction projects, Final Design is the phase during which all identified conflicts are resolved, land acquisitions and utility work is finalized, and approvals are received from other agencies (i.e., Landmarks Preservation Commission, Public Design Commission, Parks, etc.). If the project is federally funded, DDC prepares a Final Design report which is circulated to CPE for review. The Final Design report incorporates all the information, comments, suggestions and requests gathered during the PDI phase.

Based on the approved schematic geometric design and PDI, designs are prepared. To ensure that all comments were addressed accurately, DDC forwards 40% and 75% designs to CPE and the following stakeholders for review:

- Community Boards
- Elected Officials

- Fire Department
- Police Department
- Department of Environmental Protection
- Department of Parks and Recreation
- MTA/NYCT – Subway
- MTA/NYCT - Surface Transit
- Department of Sanitation
- Public Design Commission
- Office of Management and Budget (amenities only)
- Mayor’s Office for People with Disabilities (MOPD)

Note: Because the City owns the streets, the utilities are required to move their facilities when necessary. However, they have not been given the privilege to review and approve plans.

Upon completion of final design, specifications and bid documents are developed and construction procurement begins.

For design/build projects, final design can extend well into the Construction Phase in that portions can be designed while other portions are being built and/or operated.

## **Construction Phase**

The Construction Phase includes the physical building of all structures of the transportation improvement project, fabrication or manufacture of components and subsystems which will be installed with the fixed facilities to form the system, and the testing of all subsystems. Construction bid packages are prepared during final design and are bid upon by contractors for various aspects of work. Construction management is performed either directly by NYCDOT or its consultant and involves oversight of the work in progress, both contractor and force account; cost and schedule control; subsystem inspection and testing; quality assurance; and documentation of as-built configurations, QC inspection records, and deficiency lists. Prior to the award of each construction contract, all real estate necessary to the contract work should be acquired. During the Construction Phase, revisions of the design or even redesign may be necessary to accommodate unanticipated site conditions, accepted contractor-initiated value engineering proposals, final manufacturer’s drawings, errors, and other factors.

The Engineering Review and Support Bureau of the Division of Bridges include the Quality Assurance Section. The QA Section ensures that materials incorporated for the Bridge Rehabilitation Program meet contractual requirements and are incorporated in strict compliance with plans and specifications.

QA staff review shop drawings, inspect the fabrication at the fabrication shop through independently hired inspectors reporting to QA. QA staff also approves the material used in the construction; tests are performed on materials incorporated in the project (concrete, reinforcing bars, bearings, cables, steel) identified as requiring testing.

Chapter 15 of PLAFAP gives more details on the requirements for the construction phase of FHWA-funded projects. NYSDOT often conducts a technical review of NYCDOT's designs for proposed capital projects and may independently conduct materials tests and inspections during progress of work.

## **Testing/Startup Phase**

The Testing Phase culminates with the acceptance of an improvement in accordance with predetermined criteria, based on the satisfactory completion of the construction of fixed facilities, the installation and test of all subsystems and components, and their integration into a system. Tests include plant and on-site performance testing of major systems, and integration testing of the entire system in its operating environment. Acceptance of the system by NYCDOT implies that all design requirements and specifications related to both safety and functionality have been met.

NYCDOT is required to obtain and hold confirmed as-built drawings for all facility, vehicle, and equipment projects funded by the FTA and FHWA. NYCDOT is also expected to obtain all operation and maintenance manuals and to provide them to the facility or equipment operators. NYCDOT is expected to have operational staff adequately trained in proper procedures during project start-up. During project start-up NYCDOT is required to procure or obtain all services needed to keep a new facility or system in operation. NYCDOT is required to have means to track warranty liabilities and to recover warranty claims from suppliers, manufacturers, etc.

All required training based on the new project's operation and equipment shall be identified by the CMC and design consultant. The client agency shall develop a training program for their employees. The Operations & Maintenance (O&M) manuals shall be used as the main source of information. In all cases training sessions shall be documented and attendance or sign-in sheets must be submitted to the NYCDOT PM. Training is conducted prior to project close-out so that the CMC and prime contractors are available to assist if necessary.

A written preventive maintenance plan for all FTA funded assets is required.

## **Substantial Completion**

In accordance with Article 14 of the City of New York Standard Construction Contract, the project is deemed to be substantially complete when the NYCDOT PM has inspected the work and has made a written determination that it is substantially

complete and upon approval of the final punch list and date for Final Acceptance. Following inspection of the work, the NYCDOT PM shall furnish the contractor with a final punch list, specifying all items of work to be completed.

The work is accepted as final and complete as of the date of the NYCDOT's PM inspection if, upon such inspection, the NYCDOT PM finds that all items on the final approved punch list are complete and no further work remains to be done. The Commissioner then issues a written determination of Final Acceptance. NYCDOT may occupy and use construction work prior to final acceptance. The terms of NYCDOT occupancy are detailed in Article 16 of the City of New York Standard Construction Contract.

### **Occupancy**

The NYCDOT PM shall plan for the occupancy of any completed project. The operating division who finally occupies this newly built project shall be responsible for the proper operation and maintenance in accordance with City, state and federal rules and regulations.

### **Closeout Phase**

#### **Closeout Management**

The PM shall develop a detailed schedule regarding substantial completion, beneficial use/building occupancy, and final project closeout of all accounts (all prime contractors, subcontractors, material men, CMC, design consultant, and in-house NYCDOT staff). The NYCDOT PM must obtain concurrence with the CMC, design consultant and all prime contractors on the closeout plan at least two months prior to the estimated substantial completion date.

Upon substantial completion, the NYCDOT PM sends a written request to the Contract Compliance Unit (CCU) Director for a DBE Compliance Authorization Letter for Final Payment. The CCU Director reviews the current AAP19 Schedule of Utilization Plan and the final AAP 21 LL Contractor Report of Payments to DBEs to determine the General Contractor's DBE compliance. If the contractor has met all the DBE requirements, an Authorization Letter for Final Payment is prepared and sent to the NYCDOT PM allowing the PM to complete the close out of the contract. A copy of this letter is kept on the file at the CCU.

[Chapter 17 of PLAFAP](#) provides more details on the requirements for project close-out.

#### **Clean-up**

The PM shall ensure that the sites are clean as per the City of New York Standard Construction Contract.

- Rubbish removal - Each contractor is responsible for placing debris in containers.
- Surplus materials removal - Each contractor is responsible for surplus material removal.
- Cleaning - Each contractor is responsible for cleaning all installed equipment and materials.
- Final clean up - The general contractor is responsible for final clean-up of the project site.
- Continuous clean up - Each prime contractor is responsible for keeping their work area clean on a daily basis.

The prime contractor for general construction work shall provide and be responsible for the removal of all debris containers from the site, and the CMC is responsible for inventorying, identifying, and turning in all furniture, equipment, and supplies that are the property of NYCDOT.

### **Workforce Schedule**

The NYCDOT PM, in consultation with the CMC and design PM, shall determine the downsizing of staffs. This workforce schedule is shown in each of their respective contracts with the City.

### **Punch Lists**

The punch list specifies contract work items to be completed by the contractor after substantial contract completion and the required dates to complete the work items. The NYCDOT PM or resident engineer promulgates this list.

The NYCDOT PM shall make the final determination of items to be included on the punch list.

The punch list must include information on the defect, defect location, contractor responsible for repair, and owner changes or modifications. General statements such as "touch up paint where required," "replace cracked glazing," "adjust doors and windows," etc., are not acceptable. Certain items, such as damaged floor tile, may be marked with indelible ink.

### **Maintenance Manuals**

The PM shall initiate steps to ensure that maintenance manuals are completed for the operating units.

The Operation and Maintenance (O&M) Manuals shall include Field Maintenance Instructions (FMI) and Field Maintenance (FM) check lists which shall consist of complete maintenance and operation instructions for the purpose of providing a

clear, concise, step-by-step procedure easily followed by operating or maintenance personnel. Approved Operations and Maintenance Manuals must be submitted prior to the resumption of operations by NYCDOT personnel.

O&M manuals shall be an integral part of an "operational rehearsal" procedure of each piece of equipment conducted by the contractor. It is intended that the manuals be incorporated into the instruction books described below. These manuals should include drawings with exploded views for further clarification. Each prime contractor is required to submit draft copies of the manuals to the NYCDOT PM for approval prior to submission of final copies of these manuals.

Instruction books shall include the manufacturer's complete installation, operation and maintenance instructions for all major equipment. In addition, a complete renewal parts catalog in book form, with drawings showing the location of the parts, a minimum quantity of each renewal part that is recommended for stock and any other details, as required by the NYCDOT PM, shall be included.

The required manuals are listed under the list of record drawings as the manuals are identified as drawing numbers. The Field Maintenance Instruction (FMI) and Field Operations Instructions (FOI) are provided by the contractor.

All guarantees, warranties, and certifications shall be filed properly by the CMC and turned over to the operating agency for their future use and reference at the completion of the final punch list.

### **Final Payment**

The PM shall initiate Final Payment procedures for all the contractors as per policy and procedures of the City of New York Standard Construction Contract. Conditions for proceeding are as follows:

- Completion of work
- Approval, if required, of contractor's request for Extension of Time (EOT)
- Satisfaction of liens, assignments, and claims
- Submission of required certificates
- Deduction for credits, assessments and penalties

Final payment must be certified and vouchered 60 days after invoice acceptance (the date NYCDOT PM certifies on the payment requisition that the work has been accepted), provided EOT request has been approved. Contractor should request EOT at least one month ahead of Final Payment Requisition. All final invoices shall have substantial supporting documentation. Any withholdings shall be approved by the NYCDOT PM and the CMC based on the status of the punch list items and final quality of work.

Final payments for FHWA-funded projects may be withheld if major issues are found upon their review of the project. More information on FHWA project closeout can be found in [Chapter 17](#) of PLAFAP.

### **Financial Audits**

Each prime contractor and the CMC is required to permit authorized representatives of the NYC Comptroller, as well as other officers and employees of the City as City Comptroller may determine, to inspect and review all work, materials, payroll, records of personnel, invoices of materials and other relevant construction, equipment, data and records, and to audit books, records pertaining to the project or contract, and accounts of the agency pertaining to the development of the project contract.

Periodic audits may be performed by the NYCDOT's Audit General for all accounts relating to payment that are maintained by the PM. The purpose of this audit/inspection is to identify any irregularities or non-compliance with the established rules and regulations.

### **Final Estimate**

The CMC shall prepare a final breakdown of all costs by each contract and submit to the NYCDOT PM.

### **Final Performance Evaluations**

The CMC is responsible for preparing and submitting to the NYCDOT PM the Final Contractor's Performance Evaluation. The NYCDOT PM is responsible for preparing the CMC's and design consultant's final performance evaluations.

### **Grant Close-Out Procedures**

The NYCDOT PM is responsible for all budget and grant close-outs. Final reports shall be submitted to the FTA and NYSDOT.

### **FTA Close-out Requirements**

Close-out is the process by which FTA determines that all responsibilities and work by NYCDOT are completed and the associated financial records are closed. Close-out begins immediately after all work activities under the grant are completed. All close-out documentation must be submitted to the FTA within the following 90 days.

### **Final Financial Settlement**

The NYCDOT PM must initiate close-out of a grant when all approved activities are completed and applicable Federal funds expended. This requires a letter notifying

FTA that the grant is ready for close-out. In order to expedite grant close-out the following should be submitted electronically:

- A final Financial Status Report (SF-269A)
- A final budget revision reflecting actual project costs by scope and activity
- A final narrative milestone/progress report including a discussion of each activity line item contained in the final budget and list of equipment purchased under the grant
- A request to deobligate any unexpended balance of Federal funds
- Any other reports required as part of the terms and conditions of the grant

### **Lessons Learned Program**

As a requirement of receiving FTA funds, NYCDOT is mandated to have a lessons learned program which captures lessons learned from all projects to ensure that NYCDOT meets its goals for all future projects. Each PM prepares an annual project-specific lessons learned report using the “management by exception principle.” This means that PMs provide data and discussions concerning any significant deviations from forecast, budget, plan or schedule, as well as unforeseen field conditions that result in changes to planned or previously accepted processes or construction, and how the project team resolved such deviations. Any significant innovative process or solution is included in the project-specific lessons learned report. Solutions used and their effectiveness in recovery and work completion shall be discussed. Solutions appropriate for the project-specific lessons learned report may be managerial, commercial, or technical in nature. This task shall be completed for each active federally funded project.

The purpose of a Lessons Learned Program is to increase the effectiveness of federal capital expenditures through a sharing of experience and associated lessons learned on major capital transit projects. The NYCDOT program functions to identify lessons learned from the experience of all parties involved in transit projects including owners, consultants, contractors, and construction management project teams in order to avoid repeating mistakes.

Results to date of the Lessons Learned Program are published in the latest revision of the NYCDOT Lessons Learned Program Report. Lessons learned are distributed to all PMs and construction management staff and are discussed among different NYCDOT project staff at monthly FTA coordination meetings. The NYCDOT Grants Manager shall assemble the reports into the latest revised annual Lessons Learned Program Report. The Lessons Learned Program Report is submitted to the FTA for information via NYCDOT’s FCPM Division.

### **FHWA Close-out Requirements**



Within 90 days after the expiration or termination of the grant, NYCDOT must submit all financial, performance, and other reports required as a condition of the grant. These may include but are not limited to:

- Final performance or progress report
- Financial Status Report (SF 269) or Outlay Report and Request for Reimbursement for Construction Programs (SF-271) (as applicable)
- Final request for payment (SF-270) (if applicable)
- Invention disclosure (if applicable)
- Federally-owned property report

NYCDOT must submit an inventory of all federally owned property (as distinct from property acquired with grant funds) for which it is accountable and request disposition instructions from FHWA of property no longer needed.

More details on FHWA close-out requirements can be found in PLAFAP, [Chapter 15](#).

## 6. PROCUREMENT

### Procurement Planning

Procurement for a capital project has to be undertaken to ensure that the appropriate services and products are available at the right time, in the necessary quantity and quality, and at a fair price. Moreover, all of the applicable mandates on public contracting must be taken into account and observed. These mandates include applicable rules and laws of the City of New York, Executive Orders, NYC Comptroller Guidelines, and other official direction, and also include New York law, such as General Municipal Law, as well as Federal law and rules where projects are federally funded. These mandates primarily relate to methods of source selection and the content and format of specifications. Some affect project design, such as a NYC Procurement Policy Board requirement for specifications "to be generic in nature." The impact of all mandates on cost and delivery schedule must be recognized by the PM and accounted for in the project schedule. Where multiple mandate scenarios are possible, those with prohibitive schedule or financial impacts must be recognized and ruled out through appropriate project configuration or organization early on in the preliminary design phase.

Minimum standards for the procurement of any work funded by the FTA are provided in Circular 4220.1F entitled "Third Party Contracting Requirements." FTA's ["Best Practices Procurement Manual"](#) provides additional guidance on the FTA procurement standards. The manual contains procurement guidance and "best practices" that NYCDOT may choose to follow in performing their procurement functions. FTA provides procurement training and technical assistance by offering various instructional courses, by conducting regional technical assistance conferences, by providing assistance by a contractor on an as-needed basis, and by updating and revising the FTA "Best Practices Procurement Manual."

The FTA Master Agreement, issued annually, lists many but not all FTA and other crosscutting Federal requirements applicable to NYCDOT as a grantee, including procurement. For FHWA funded projects, NYCDOT procurements must comply with the [Procedures for Locally Administered Federal Aid Projects \(PLAFAP\) issued by NYSDOT](#).

### Pre-Solicitation Review

All procurements must be approved by NYCDOT's Agency Chief Contracting Officer (ACCO). The ACCO is the best source for information regarding the procurement process and should be consulted for assistance. The ACCO through a pre-solicitation review (PSR) approves the final procurement method. The PSR is prepared by the PM. In some procurements, such as those by competitive sealed

proposal and negotiated acquisition methods, the PSR is subsequently approved by the City Chief Procurement Officer.

Pre-solicitation review is the process by which NYCDOT, after determining the necessity of the procurement, defines the existing market for the goods, services, or construction required, estimates the expected cost, and determines the most appropriate method of procurement. The PSR includes a description of what is to be procured, a statement of the need for the procurement, a statement of the date or time period required for delivery or completion, a statement of the basis for contracting out as opposed to the use of in-house resources, a statement addressing the anticipated level of competition, an estimate of the cost of the proposed contract(s) and a certification that sufficient funds are available or anticipated to be available when necessary, a statement of the method of source selection planned together with all determinations and findings required pursuant to the rules governing that method of source selection and the results of a life cycle costing, and value analysis or other economic calculation comparing alternatives to the proposed solicitation.

Upon receipt of a PSR, ACCO gathers historical documents (addenda, agreement, amendments, dispute documentation, change orders) of similar projects and then schedules a kick-off meeting that includes the project manager, ACCO, Legal and EAO. At the meeting the ACCO will determine the best procurement delivery system while Legal will determine the appropriate boilerplate. Offering guidance before the project manager invests time preparing specifications that may not be the most appropriate for a particular procurement will save time and effort. It will be Legal's responsibility for maintaining agency boilerplates on SharePoint where every project manager will have access to the documents.

The procurement process is dependent upon funding source and the type of contract requiring procurement. There are four main types of funding sources: New York City, FTA, FHWA and New York State Department of Transportation. The funding source determines the parameters of procurement. There are two main types of contracts: Competitive Sealed Bids and Competitive Sealed Proposals.

### **New York City Funded Projects**

Procurement policy for New York City is set forth by the Procurement Policy Board (PPB). PPB publishes the PPB Rules which describe the procurement process, methods of source selection and contract administration requirements. PPB rules may be found at [http://www.nyc.gov/html/mocs/ppb/downloads/pdf/PPB\\_Final\\_Updated\\_5\\_12\\_14%20\(3\).pdf](http://www.nyc.gov/html/mocs/ppb/downloads/pdf/PPB_Final_Updated_5_12_14%20(3).pdf). The PPB rules have detailed procedures governing:

- The methods for soliciting bids or proposals and awarding contracts

- The manner in which Mayoral agencies shall administer contracts and oversee the performance of contracts and contractors
- Standards and procedures to be used in determining whether bidders are responsible
- The circumstances under which procurement may be used for the provision of technical, consultant or personal services
- The form and content of the files which Mayoral agencies are required to maintain and such other contract records as the PPB deems necessary and appropriate
- The time schedules within which City officials shall be required to take the actions required by the NYC Charter or by any rules issued pursuant thereto
- Procedures for the fair and equitable resolution of contract disputes

### **New York State Funded Projects**

NYCDOT capital projects financed in part through FTA and FHWA funds are concurrently financed in part through NYSDOT funds. Accordingly, NYSDOT has “flow-down” requirements that NYCDOT must include in state financed capital contracts. All funding received by or through New York State is subject to a Local Aid Agreement. In addition, FWHA funded projects must adhere to NYSDOT’s [Procedures for Locally Administered Federal Aid Projects \(PLAFAP\)](#).

NYSDOT contracting requirements include:

- New York State Comptroller’s approval
- Mandatory worker’s compensation benefits
- Non-Discrimination requirements
- Wage and hours provisions
- Non-Collusive bidding requirements
- International Boycott Prohibition
- State set-off rights
- DBE Utilization forms
- Recordkeeping
- Equal Employment Opportunity

These requirements are addressed in more detail in [Chapter 12 of PLAFAP](#).

### **USDOT Funded Projects**

#### FTA Funded Projects

In addition to the PPB policies and procedures, there are additional procurement requirements for FTA funded contracts that must be followed to ensure compliance

to federal rules and eligibility for reimbursement. [This is a quick-reference guide](#) for FTA third-party procurement rules. For detailed guidance on all the FTA procurement rules, refer to the [Third Party Contracting Guidance FTA Circular 4220.1F](#).

The [FTA's Best Practices Manual](#) is a set of essential guidelines for successful FTA procurements. The manual consists of suggested procedures, methods, and examples which FTA encourages. It is important to note that these Federal rules apply to all subrecipients, contractors, consultants and vendors. The appropriate clauses must be included in each third party contract stating the third party contractor's responsibilities under Federal law, regulation, or directive, including any necessary provisions requiring the third party contractor to extend applicable requirements to its subcontractors to the lowest tier necessary. The FTA allows NYCDOT to utilize the procedures as delineated in the NYC PPB rules, unless Federal law expressly forbids it.

For more information about FTA grants, please see: <http://www.fta.dot.gov/grants.html>.

Additionally, there is a set of special rules enacted by the City for FTA funded projects:

1. NYCDOT policy prohibits the use of prequalified lists of any kind for any FTA funded project. This policy extends to all subrecipients.
2. The FTA micro purchasing threshold is \$3,000. All FTA funded procurements of \$3,000 and above shall be competitively bid.
3. NYCDOT policy prohibits the use of cost plus percentage of cost contracts for any FTA funded project. This policy extends to all subrecipients.
4. All recipients of FTA funds shall perform independent cost estimates prior to receiving bids, proposals and prior to negotiating task orders or change orders. A cost analysis or price analysis in connection with every procurement action, including task/change orders shall be performed in order to demonstrate a fair and reasonable determination. The method and degree of analysis depends on the facts and circumstances surrounding each procurement. Recipients of FTA funds shall document cost estimates which demonstrate that they were independent and completed prior to receipt of a bid, proposal or change order. All negotiations must be documented and at a minimum include the following details:
  - a. NYCDOT Initial statement of work/scope of services
  - b. Independent Cost Estimate
  - c. Cost pricing data
  - d. Determination that the cost is fair and reasonable

5. NYCDOT policy prohibits advance payments. This policy extends to all subrecipients.

## **Funding Programs**

### **FTA and FHWA Emergency Relief (ER) Programs**

#### **Federal Transit Administration Emergency Relief (FTA ER)**

FTA's Emergency Relief program was established under MAP-21, and enables FTA to provide assistance to public transit operators in the aftermath of an emergency or major disaster.

This program helps States and public transportation systems pay for protecting, repairing, and/or replacing equipment and facilities that may suffer or have suffered serious damage as a result of an emergency, including natural disasters such as floods, hurricanes, and tornadoes. The program can fund capital projects to protect, repair, or replace facilities or equipment that are in danger of suffering serious damage, or have suffered serious damage as a result of an emergency. The program can also fund the operating costs of evacuation, rescue operations, temporary public transportation service, or reestablishing, expanding, or relocating service before, during or after an emergency.

Hurricane Sandy Disaster Aid: The Disaster Relief Appropriations Act of 2013 provided \$10.9 billion for FTA's Emergency Relief Program for recovery and relief efforts in areas affected by Hurricane Sandy. After mandatory deductions, including sequestration, approximately \$10.4 billion is available to FTA for allocation to States and transit operators affected by Hurricane Sandy.

#### **Federal Highway Administration Emergency Relief Program (FHWA ER)**

Congress authorized in Title 23, United States Code, Section 125, a special program from the Highway Trust Fund for the repair or reconstruction of Federal-aid highways and roads on Federal lands which have suffered serious damage as a result of (1) natural disasters or (2) catastrophic failures from an external cause. This program, commonly referred to as the emergency relief or ER program, supplements the commitment of resources by States, their political subdivisions, or other Federal agencies to help pay for unusually heavy expenses resulting from extraordinary conditions.

The applicability of the ER program to a natural disaster is based on the extent and intensity of the disaster. Damage to highways must be severe, occur over a wide area, and result in unusually high expenses to the highway agency. Applicability of

ER to a catastrophic failure due to an external cause is based on the criteria that the failure was not the result of an inherent flaw in the facility but was sudden, caused a disastrous impact on transportation services, and resulted in unusually high expenses to the highway agency.

\$100 million is authorized annually for the ER Program under 23 U.S.C. 125. Congress has periodically provided additional funds for the ER program through supplemental appropriations. MAP-21 eliminated the \$100 million per State event cap. The total ER obligations for U.S. Territories (American Samoa, Commonwealth of Northern Mariana Islands, Guam, and Virgin Islands) are limited to \$20 million in any fiscal year.

Approved ER funds are available at the pro-rata share that would normally apply to the Federal-aid facility damaged. For Interstate highways, the Federal share is 90 percent. For all other highways, the Federal share is 80 percent. The Federal share for permanent ER repairs may amount to 90 percent if the combined eligible ER expenses incurred by the State in a Federal fiscal year exceeds the annual apportionment of the State under 23 U.S.C. section 104 for the fiscal year in which the disasters or failures occurred.

Emergency repair work to restore essential travel, minimize the extent of damage, or protect the remaining facilities, accomplished in the first 180 days after the disaster occurs, may be reimbursed at 100 percent Federal share. The 180 day time period for 100 percent eligibility of emergency repairs may be extended if a State cannot access a site to evaluate damages and the cost of repair.

It is the responsibility of individual States to request ER funds for assistance in the cost of necessary repair of Federal-aid highways damaged by natural disasters or catastrophic failures. A notice of intent to request ER funds filed by the State Department of Transportation with the FHWA Division Office located in the State will initiate the ER application process. States are required to submit an application for ER funding to FHWA within two calendar years of the date of the disaster. The application must include a comprehensive list of all eligible project sites and repair costs.

State would be eligible to receive up to \$500 million in supplemental funds under the Hurricane Sandy Appropriations Act. Although the amount that may be used from this Act is capped at \$500 million, there is no per State cap that applies to Hurricane Sandy, since it occurred after October 1, 2012.

### **[National Highway Performance Program \(NHPP\)](#)**

The NHPP provides support for the condition and performance of the National Highway System (NHS), for the construction of new facilities on the NHS, and to ensure that investments of Federal-aid funds in highway construction are directed to support progress toward the achievement of performance targets established in a State's asset management plan for the NHS.

MAP-21 has a new approach to core formula program funding, authorizing a lump sum total instead of individual authorizations for each program. Once each State's share of the total is calculated, it is divided up by program within the State. (See "Apportionment" fact sheet for more detail).

### *Eligible activities*

NHPP projects must be on an eligible facility and support progress toward achievement of national performance goals for improving infrastructure condition, safety, mobility, or freight movement on the NHS, and be consistent with Metropolitan and Statewide planning requirements. Eligible activities include:

- Construction, reconstruction, resurfacing, restoration, rehabilitation, preservation, or operational improvements of NHS segments.
- Construction, replacement (including replacement with fill material), rehabilitation, preservation, and protection (including scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) of NHS bridges and tunnels.
- Bridge and tunnel inspection and evaluation on the NHS and inspection and evaluation of other NHS highway infrastructure assets.
- Training of bridge and tunnel inspectors.
- Construction, rehabilitation, or replacement of existing ferry boats and facilities, including approaches that connect road segments of the NHS.
- Construction, reconstruction, resurfacing, restoration, rehabilitation, and preservation of, and operational improvements for, a Federal-aid highway not on the NHS, and construction of a transit project eligible for assistance under chapter 53 of title 49, if the project is in the same corridor and in proximity to a fully access-controlled NHS route, if the improvement is more cost-effective (as determined by a benefit-cost analysis) than an NHS improvement, and will reduce delays or produce travel time savings on the NHS route and improve regional traffic flow.
- Bicycle transportation and pedestrian walkways.
- Highway safety improvements on the NHS.
- Capital and operating costs for traffic and traveler information, monitoring, management, and control facilities and programs.



- Development and implementation of a State Asset Management Plan for the NHS including data collection, maintenance and integration, software costs, and equipment costs.
- Infrastructure-based ITS capital improvements.
- Environmental restoration and pollution abatement.
- Control of noxious weeds and establishment of native species.
- Environmental mitigation related to NHPP projects.
- Construction of publicly owned intracity or intercity bus terminals servicing the NHS.
- Workforce development, training, and education activities are also an eligible use of NHPP funds.

### **Transportation Alternatives Program (TAP)**

TAP is one of the FHWA programs administered by NYSDOT. It was authorized under Section 1122 of Moving Ahead for Progress in the 21st Century Act (MAP-21) and is codified at 23 U.S.C. sections 213(b), and 101(a) (29). Section 1122 provides for the reservation of funds apportioned to a State under section 104(b) of title 23 to carry out the TAP. The national total reserved for the TAP is equal to 2 percent of the total amount authorized from the Highway Account of the Highway Trust Fund for Federal-aid highways each fiscal year. (23 U.S.C. 213(a))

The TAP provides funding for programs and projects defined as transportation alternatives, including on- and off-road pedestrian and bicycle facilities, infrastructure projects for improving non-driver access to public transportation and enhanced mobility, community improvement activities, and environmental mitigation; recreational trail program projects; safe routes to school projects; and projects for planning, designing, or constructing boulevards and other roadways largely in the

Additionally, the project must have a transportation relationship with the surface transportation system and must be available for public access and use. Transportation enhancements are funded by the FHWA through NYSDOT. Therefore, procurement methods must adhere to FHWA rules and [NYSDOT's Procedures for Locally Administered Federal Aid Projects \(PLAFAP\)](#).

### **Surface Transportation Program (STP)**

[STP funds](#) may be used for projects on any roads which are on or off the National Highway System including those roads the FHWA classifies as rural minor collectors and local access. The eligible roads are collectively referred to as Federal-aid routes. Projects or programs eligible for Federal reimbursement include the following:

- Construction, reconstruction, rehabilitation, resurfacing, and restoration of highways and bridges
- Operational improvements

- Capital costs for transit projects including vehicles and facilities, whether publicly or privately owned that are used to provide intercity passenger bus service
- Highway and transit safety improvements including hazard elimination and highway-railway grade crossings as eligible safety improvements (eligible on public roads of all classifications)
- Surface transportation planning
- Capital and operating costs for traffic management and control
- Fringe and corridor parking facilities
- Car pool and van pool projects
- Transportation control measures in the Clean Air Act
- Transportation enhancements
- Wetland mitigation and wetland banking
- Bicycle and pedestrian facilities
- Infrastructure-based intelligent transportation system (ITS) capital improvements
- Environmental restoration and pollution abatement projects

STP is funded solely by the FHWA. Therefore, procurement methods must adhere to [FHWA procurement requirements](#) and NYSDOT's [Procedures for Locally Administered Federal Aid Projects \(PLAFAP\)](#).

### **Congestion Mitigation and Air Quality (CMAQ) Funded Projects**

The primary goal of [CMAQ projects](#) is to reduce ozone and carbon monoxide emissions by reducing vehicle use or improving traffic flow. Projects must have an air quality benefit. Programs and projects eligible for CMAQ funds include:

- Transportation control measures
- Bicycle and pedestrian facilities and programs
- Traffic monitoring, management and control operations
- Emission inspection/maintenance programs
- Public transit projects
- Highway and transit maintenance and reconstruction projects
- Planning and air quality monitoring projects
- Public/private initiatives

CMAQ projects are funded by FHWA. However, when the project is transit eligible, CMAQ funds are 'flexed' to FTA for obligation of funds. The procurement method is based on which agency obligates the funds. When the FTA obligates the funds, FTA procurement rules apply, when FHWA obligates the funds, FHWA rules and NYSDOT's [Procedures for Locally Administered Federal Aid Projects \(PLAFAP\)](#) apply.

## **Discretionary Funded Projects**

The FHWA administers the discretionary programs through its various offices. These discretionary programs represent special funding categories where FHWA solicits candidates and selects projects for funding based on applications received. Each program has its own eligibility and selection criteria that are established by law, by regulation, or administratively. The following is a list of the discretionary programs:

- Discretionary Bridge Projects
- Corridor Planning and Development and Border Infrastructure (Corridors and Borders)
- Ferry Boats
- Innovative Bridge Research and Construction
- National Historic Covered Bridge Program
- ITS Deployment
- Interstate Maintenance
- Public Lands Highways
- Scenic Byways
- Transportation and Community and System Preservation Pilot Program
- Transportation Infrastructure Finance and Innovation Act (TIFIA)
- Value Pricing Program

## **Ferry Boat Program (FBP)**

Under MAP-21, the Ferry Boat Program funds are distributed to eligible entities based on the number of passengers carried (20 percent), vehicles carried (45 percent), and total route miles (35 percent). Eligible entities are determined in accordance with 23 U.S.C. 129(c).

The FBP is subject to the provisions on Redistribution of Certain Authorized Funds in Section 1102(f) of MAP-21. This "lop-off" provision requires that not later than 30 days after the date of distribution of the obligation authority, the amount of allocated funds exceeding the amount of obligation authority available for the program is deducted from the program and distributed to the States and made available for purposes under the Surface Transportation Program (STP). Therefore, amounts authorized for the FBP will be subject to lop-off, based on the obligation limitation available for the program.

MAP-21 replaced the ferry boat discretionary program with a formula program. Discretionary program funds remain available to awarded projects and will be released as those projects are completed or a determination is made to cancel the award.

## **FTA & FHWA Formula Funded Projects**

Formula funded grants such as State Transportation Improvement Programs can be funded either by the FTA or FHWA. Prior to grant obligation, the proposed project has to be included in the long range plan for the region as outlined in the Regional Transportation Plan (RTP) issued by NYMTC and the TIP/STIP. The TIP process is managed by NYC Transportation Coordinating Committee (NYCTCC). Prior to project inclusion in the TIP, an air quality conformity determination is required. If the Interagency Consultancy Group (ICG) makes a determination that the project is not exempt from an air quality conformity point of view, then the project has to go through a conformity run by NYMTC which takes approximately eight months. Conformity determinations are required because this New York region is not in compliance with National Ambient Air Quality Standards (NAAQS). Once the project is included in the TIP, it is sent to the State for inclusion in the STIP. STIP requires the approval of the FTA and FHWA.

The STIP is a fiscally constrained list of all projects in New York State for which Federal funding is proposed to be used, which are also scheduled to begin within a designated time frame of five Federal fiscal years. This time frame is mandated by the federal law known as the [Moving Ahead for Progress in the 21st Century \(MAP-21\) Act](#). A reauthorization of this Law is still pending in Congress; presently we are in 'Continuing Resolution' mode. The most recent STIP for New York State is formally approved by the federal agencies FTA and FHWA before the start of each federal fiscal year which begins on October 1 each year.

The STIP begins as a compilation of regional Transportation Improvement Programs that are adopted every two years by NYMTC and evolves into a comprehensive list of all highway and transit projects that propose to use Federal funds.

Again, the procurement method is determined by the funding source.

## **Enhanced Mobility of Seniors and Individuals with Disabilities (5310) (Formally New Freedom Program)**

This program provides formula funding to increase the mobility of seniors and persons with disabilities. Funds are apportioned based on each State's share of the targeted populations and are now apportioned to both States (for all areas under 200,000) and large urbanized areas (over 200,000). The former New Freedom program (5317) is folded into this program. The New Freedom program provided grants for services for individuals with disabilities that went above and beyond the requirements of the Americans with Disabilities Act (ADA). Activities eligible under New Freedom are now eligible under the Enhanced Mobility of Seniors and Individuals with Disabilities program.

Projects selected for funding must be included in a locally developed, coordinated public transit-human services transportation plan; and the competitive selection process, which was required under the former New Freedom program, is now optional. At least 55 percent of program funds must be spent on the types of capital projects eligible under the former section 5310 -- public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable. The remaining 45 percent may be used for: public transportation projects that exceed the requirements of the ADA; public transportation projects that improve access to fixed-route service and decrease reliance by individuals with disabilities on complementary paratransit; or, alternatives to public transportation that assist seniors and individuals with disabilities. Using these funds for operating expenses requires a 50 percent local match while using these funds for capital expenses (including acquisition of public transportation services) requires a 20 percent local match.

### **Job Access and Reverse Commute Program (5307)**

[The Job Access and Reverse Commute \(JARC\) program](#) was established to address the unique transportation challenges faced by welfare recipients and low-income persons seeking to obtain and maintain employment. Many new entry-level jobs are located in suburban areas, and low-income individuals have difficulty accessing these jobs from their inner city, urban, or rural neighborhoods. In addition, many entry level-jobs require working late at night or on weekends when conventional transit services are either reduced or non-existent. Finally, many employment related-trips are complex and involve multiple destinations including reaching childcare facilities or other services.

States and public bodies are eligible designated recipients of these grants. Eligible subrecipients are private non-profit organizations, State or local governments, and operators of public transportation services including private operators of public transportation services.

JARC funds may be used to finance capital, planning and operating expenses. The Federal share of eligible capital and planning costs may not exceed 80 percent of the net cost of the activity. The Federal share of the eligible operating costs may not exceed 50 percent of the net operating costs of the activity. Recipients may use up to 10 percent of their apportionment to support program administrative costs including administration, planning, and technical assistance, which may be funded at 100 percent Federal share. The local share of eligible capital and planning costs shall be no less than 20 percent of the net cost of the activity, and the local share for eligible operating costs shall be no less than 50 percent of the net operating costs.

Job access and reverse commute activities now eligible Activities eligible under the former Job Access and Reverse Commute (JARC) program, which focused on providing services to low-income individuals to access jobs, are now eligible under the Urbanized Area Formula program. This includes operating assistance with a 50 percent local match for job access and reverse commute activities. In addition, the urbanized area formula for distributing funds now includes the number of low-income individuals as a factor. There is no floor or ceiling on the amount of funds that can be spent on job access and reverse commute activities.

Expanded eligibility for operating expenses for systems with 100 or fewer buses MAP-21 expands eligibility for using Urbanized Area Formula funds for operating expenses. Previously, only urbanized areas with populations below 200,000 were eligible to use Federal transit funding for of funding for operating expenses. Systems operating 75 or fewer buses in fixed route service during peak service hours may use up to 75 percent of their “attributable share” of funding for operating expenses. This expanded eligibility for operating assistance under the Urbanized Area Formula program excludes rail systems.

### **Transportation Income Generating Economic Recovery (TIGER) Discretionary Grants**

The Transportation Investment Generating Economic Recovery, or TIGER Discretionary Grant program, provides a unique opportunity for the U.S. Department of Transportation to invest in road, rail, transit and port projects that promise to achieve critical national objectives. The TIGER program enables DOT to use a rigorous process to select projects with exceptional benefits, explore ways to deliver projects faster and save on construction costs, and make investments in our Nation's infrastructure that make communities more livable and sustainable.

Subsequent iterations of the TIGER grant program have been named TIGER II and TIGER III.

Please see the USDOT's TIGER website for more information about these competitive discretionary grants: <http://www.transportation.gov/tiger>

### **Fixed Guideway Capital Investment Grants (5309)**

Also known as “New Starts/Small Starts,” this program awards grants on a competitive basis for major investments in new and expanded rail, bus rapid transit (BRT), and ferry systems.

The fixed guideway modernization and bus and bus facilities programs, which were previously funded under Section 5309, have now been restructured and moved to a new Section 5337 State of Good Repair Program and a new Section 5339 Bus and Bus Facilities Program.

## **State of Good Repair (SOGR)**

A new formula-based State of Good Repair program is FTA's first stand-alone initiative written into law that is dedicated to repairing and upgrading the nation's rail transit systems along with high-intensity motor bus systems that use high-occupancy vehicle lanes, including bus rapid transit (BRT). These funds reflect a commitment to ensuring that public transit operates safely, efficiently, reliably, and sustainably so that communities can offer balanced transportation choices that help to improve mobility, reduce congestion, and encourage economic development.

## **Bus and Bus Facilities Program (5339)**

A new formula grant program is established under Section 5339, replacing the previous Section 5309 discretionary Bus and Bus Facilities program. This capital program provides funding to replace, rehabilitate, and purchase buses and related equipment, and to construct bus-related facilities. Authorized funding is \$422 million in FY 2013 and \$428 million in FY 2014. Each year, \$65.5 million will be allocated with each State receiving \$1.25 million and each territory (including DC and Puerto Rico) receiving \$500,000. The remaining funding will be distributed by formula based on population, vehicle revenue miles and passenger miles. This program requires a 20 percent local match.

## **Passenger Ferry Grant Program**

Under MAP-21, FTA's Passenger Ferry Grant Program was authorized for the first time to provide competitive funding to public ferry systems in urbanized areas. Funds are awarded based on factors such as the age and condition of existing ferry boats, terminals and related infrastructure; benefits to riders, such as increased reliability; project readiness; and connectivity to other modes of transportation.

## **Types of Contracts**

### **Professional and Technical Services Contracts**

Professional and technical services contracts are for consultant services that require planning, engineering or architectural expertise.

The standard method of selection is Competitive Sealed Proposal. However, the provisions of the Brooks Act (40 USC 11) require award of federally funded (both FTA and FHWA) engineering and design contracts on the basis of fair and open competitive negotiations, demonstrated competence and professional qualifications. Cost may not be used as a basis for selecting architectural and/or engineering

consultants. Contracts with such consultants must be negotiated in order of the most highly qualified consultant at prices determined to be fair and reasonable.

### **Construction Contracts**

Construction contracts are for construction-related services. NYCDOT lets construction contracts for bridge rehabilitations and repairs, ferry boat, dock, and terminal rehabilitations, and traffic sign/signal installations.

The standard method of procurement for construction contracts is Competitive Sealed Bid. Contract durations greater than one year are considered multi-term contracts and are subject to additional review by the ACCO. .

### **Source Selection**

The PPB rules permit several methods of source selection. Competitive sealed bidding is the preferred method of source selection, however exceptions include:

- Small purchases
- Emergency procurements
- Competitive sealed proposals
- Bids and proposals from pre-qualified vendors
- Negotiated acquisition
- Sole Source procurement
- Demonstration projects for innovative procedures, approaches, or technologies
- Innovative procurement methods
- Intergovernmental purchases
- Government-to-Government purchases

The PPB rules establish detailed procedures for each of the methods of source selection. The initial determination of the appropriate source selection method is made by the PM and approved by the ACCO. The method of source selection process is fully documented on standard forms which are prepared and approved early in the life of a project.

## **7. SUBRECIPIENTS**

A subrecipient is any entity that receives Federal assistance through a FTA or FHWA recipient, rather than by the FTA or FHWA directly. The term "subrecipient" also includes the term "subgrantee," but does not include "third party contractor" or "third party subcontractor."



NYCDOT is the sole FTA recipient for the City of New York. Subrecipients may be other City agencies, cultural institutions and other nongovernmental organizations that receive funds to undertake transportation related capital projects. Past subrecipients have included NYCEDC, Wildlife Conservation Society, Lincoln Center, and the Greater Jamaica Development Corporation. In the case of FHWA, NYSDOT is the recipient and NYCDOT is the subrecipient.

A written agreement is required between NYCDOT and a subrecipient to establish the roles and responsibilities of the participants and the conditions for managing the project and grants. Most importantly, the agreement shall state that the subrecipient shall be responsible for complying with all rules, regulations, laws, and directives imposed by the FTA and/or FHWA in administering, executing and implementing the grant. Subrecipients may, at times, be responsible for all PM and CM/REI duties.

Subrecipients are responsible for compliance with all FTA requirements specified in the FTA boilerplates added to city contracts.

The FTA requires that all recipients (including subrecipients) notify the FTA of protests. Project managers are required to submit all protests to NYCDOT's Grant Administration office within five business days of the protest. The following information shall accompany the protest notification:

- A brief description of the protest
- The basis of disagreement
- If open, how far the protest has proceeded
- If resolved, the agreement or decision reached
- Whether an appeal has been taken or is likely to be taken

NYCDOT, as the subrecipient of FHWA grants, is responsible for ensuring that the most current FHWA and SDOT contract boilerplate is included in every FHWA funded contract. Specifically, every October of the new federal fiscal year Grants Administration is responsible for providing the most updated boilerplate to NYCDOT Legal. Then it's Legal's responsibility to make sure that the most recent boilerplate is included in the contract.

Then it's the ACCO's responsibility to ensure that federally funded contracts have federal boilerplate included and that the required DBE and certifications are received as part of the bid regarding:

## **FTA Subrecipient Management**

NYCDOT conducts compliance and good practices reviews of subrecipients to ensure that subrecipients comply with the FTA requirements, promotes good

management practices among public transportation providers, and identifies training and technical assistance needs.

NYCDOT conducts reviews as follows:

1. NYCDOT reviews the subrecipient's documents and reports on file in its office and completes several sections of the Subrecipient Workbook. NYCDOT notes findings, agreed upon corrective actions, and recommendations from the last review. NYCDOT then emails the partially completed workbook to the subrecipient.
2. The subrecipient reviews the information entered by NYCDOT, provides updates to the material listed, and answers as many questions as possible. After completing the workbook, the subrecipient emails it to NYCDOT.
3. NYCDOT reviews the subrecipient's responses and follows up on the responses during the site visit, which will last no more than one day. The site visit presents an opportunity for NYCDOT to observe subrecipient service and operations first hand and provides the subrecipient with an opportunity to have any remaining questions answered. During the site visit, NYCDOT will follow up on corrective actions taken for findings from the last review.

The following are the requirements of USDOT funded projects.

### **1. Procurement**

Subrecipients must comply with the relevant sections of the [FTA Circular C 4220.1F](#), regarding Third Party Contracting. Subrecipients must obtain prior City approval for purchases of equipment and transportation service contracts.

### **2. Suspension/Debarment**

Subrecipients are prohibited from contracting for goods and services from individuals or organizations that have been suspended or debarred from receiving federally assisted contracts.

### **3. Lobbying**

Recipients of grants and contracts exceeding \$100,000 must certify that they have not and will not use federal funds to pay for lobbying. Subrecipients submit a signed certification to NYCDOT. Contractors submit a signed certification to the subrecipient.

### **4. Disadvantaged Business Enterprise (DBE)**

Subrecipients must provide disadvantaged business enterprises (DBEs) the maximum opportunity to compete for and perform contracts and subcontracts financed in whole or in part with federal funds. Subrecipients that expend more than \$250,000 in FTA funds on third-party contracts must meet additional DB requirements as determined by NYCDOT in consultation with FTA.

## **5. Title VI**

Subrecipients and their contractors must be in compliance with Title VI of the Civil Rights Act of 1964, ensuring that no person is excluded from participation in, denied the benefits of, or subject to discrimination in the receipt of its services on the basis of race, color, creed, national origin, or sex. Subrecipients and their contractors must follow all Title VI reporting requirements.

## **6. Americans with Disabilities Act**

Subrecipients must also be in compliance with Titles II and III of the Americans with Disabilities Act of 1990 (ADA), which provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service.

## **7. Equal Employment Opportunity**

Subrecipients must ensure that no person in the United States shall on the grounds of race, color, religion, national origin, sex, age, or disability be excluded from participating in, or denied the benefits of, or be subject to discrimination in employment under any project, program, or activity receiving Federal financial assistance under the Federal transit laws.

## **8. Maintenance**

Subrecipients must maintain FTA-funded equipment and facilities throughout the beneficial life of the equipment or facility. Subrecipients must have a written maintenance plan and must maintain project equipment and facilities at a high level of cleanliness, safety, and mechanical soundness. Subrecipients must maintain all accessibility features and equipment in operating condition. Subrecipients must have procedures to track when preventive maintenance inspections are due and to schedule preventive maintenance inspections in a timely manner.

## **9. Satisfactory Continuing Control**

Subrecipients must maintain control of FTA-funded equipment and facilities and use them for the purposes as designated.

## **10. Drug and Alcohol Program**

Subrecipients and their contractors must have a drug and alcohol-testing program in place for all safety-sensitive employees.

## **11. Contract Administration/Management**

Contract administration is the post-award management of the contract to ensure compliance with the terms of the contract by both the contractor and NYCDOT.

Contract management and administration is the responsibility of the NYCDOT PM assigned to the project. The NYCDOT PM is responsible for the following:

- Administration and enforcement of all contracts issued by NYCDOT including REI, design, and the four or more prime construction contracts for projects that fall under the requirement of Wick's law, NYS General Municipal Law, Section 106-b. (For more information about Wick's Law, see the [Procedures for Locally Administered Federal Aid Projects \(PLAFAP\), section 12.5.5.](#))
- Negotiation of contract change orders (CCO) and contract modifications; execution of contract change orders and field work orders
- Approval and management of all contract change orders and modifications
- Recommend, with proper supporting documentation, terminations and/or default of contractors
- Ensurance of contractor compliance to the contract
- Maintenance of the project work schedule agreed to by FTA and/or FHWA and NYCDOT and monitoring project activities sufficiently to ensure that schedules are met and other performance goals are being achieved
- Tracking expenditures to ensure that expenditures do not exceed the approved project budget.
- Ensure REI properly conducts all required testing and inspections as per contract specifications by reviewing all test and inspection reports

## **12. Coordination of funding, accounting, and progress payment procedures**

- Review REI and contractor invoices and schedules for content and accuracy
- Ensure submission of a copy of certified payroll report and employees' original sign in/sign out logs to Contract Compliance Unit within 30 days after issuance of its first payroll report and every 30 days thereafter in order to verify DBE and M/WBE compliance.
- Ensure that the certified payroll reports are completed accurately and reflect payment of prevailing wage and benefits of respective trades.
- Dispute resolution
- Contract closeout

NYCDOT may delegate the authority for certain contract management duties to the construction management consultant (CMC) or resident engineering and inspection consultant (REI). Responsibilities may include:

- Providing contract management assistance to NYCDOT
- Providing resident construction inspection; engineering inspection and verification services to control project documentation and to verify that the construction work complies with contract requirements
- Identifying design and field changes to the design consultant through the NYCDOT PM

- Preparing cost and schedule estimates and implementing changes
- Preparing technical evaluations of contractor change order packages and making recommendations for approval
- Preparing field work orders for approval by NYCDOT
- Assisting NYCDOT in contract change order negotiations
- Maintaining contract change order and field work order logs
- Performing claims analysis and making recommendations to NYCDOT
- Maintaining status of construction contract deliverable/submittals
- Reviewing As-Built drawings prepared by the contractor and preparing As-Built drawings for work done by utilities/others
- Ensuring timely submissions and reviews of shop drawings, catalog cuts, manufacturer's literature and specifications, samples, coordinated ductwork shop drawings, etc.

Design consultant (CSS consultant on Division of Bridge projects) responsibilities include:

- Providing design for all design changes except in special cases where utilities are involved or where the CMC is performing limited design tasks
- Preparing the technical portions and cost estimates for contract change orders
- Updating drawings and/or specifications to reflect changes to design during construction
- Issuing updated drawings (sometimes referred to as field change sheets) and/or specifications to the NYCDOT PM/CMC RE for distribution to other parties
- Assisting NYCDOT in claims evaluation and resolution
- Approval of As-Built drawings
- Providing responses to Requests for Information or Engineering Clarification. Shop drawing and document review and approval
- Providing limited design modifications to the original design such as electrical service connections, emergency generator, air compressors, HV units, and ADA requirements

Critical to successful contract management is proper documentation. Contract administration file documentation is the documentation contained in the contract file maintained by, or on behalf of the NYCDOT PM. It reflects the actions taken by the contracting parties in accordance with the requirements of the contract and documents the decisions made, and the rationale therefore, of matters which may result (or have resulted) in controversy or dispute.

## 8. GRANTS MANAGEMENT

As the sole FTA grantee for the City of New York, the FCPM's FTA Program Unit manages all FTA funds provided to the City and any other entity in the five boroughs of New York City with the exception of the Metropolitan Transportation Authority (MTA). The Unit is responsible for the oversight of all projects that are funded by FTA. Tasks performed by the unit include: coordination with capital budget, grant project management, grant policies and procedures development, project and contract management oversight, and grant related planning.

Federal grants are administered in compliance with all applicable rules, regulations and guidelines. The FTA provides a number of circulars and guidance. Following are a number of key FTA publications:

[C5010.1D, "Federal Transit Administration Grant Management Requirements."](#)

[C9300.1B, "Capital Investment Program Guidance and Application Instructions."](#)

In managing the project, the NYCDOT PM is responsible for ensuring compliance with the federal requirements that are included in the contract, detailed below. In some cases the PM delegates the implementation and enforcement of these responsibilities to the construction management consultant (CMC) or REI.

### **FTA Funded Projects: Project Manager Responsibilities**

Since the FTA Unit is the single point of contact between the FTA and NYCDOT, all NYCDOT/FTA grant related correspondence shall be between NYCDOT's FCPM Division and the Federal Transit Administration, Eastern Area, Region II Administration.

- [FTA's Buy America requirements](#)
  - Ensure that the Buy America requirement is included in the bid documents for all FTA funded projects and alert the REI that this requirement exists.
  - The Project Manager (or REI) shall keep all receipts and documentation for materials and notify the FTA Unit if Buy America non-compliant materials are delivered or used.
  - For more information on FTA's Buy America program, see their guidance [here](#) and [here](#), as well as [Section 4.3.3.2.2 of the FTA Best Practices Procurement Manual](#). Additional requirements apply for ["rolling stock" \(including ferryboats\)](#) purchases.
- [FTA Disadvantaged Business Enterprises \(DBE\) requirements](#)

- Work with the FTA Unit to calculate the DBE goals (minimum participation rate) for the project.
  - Ensure that the ACCO's Office includes this requirement in the bid documents.
  - Once the DBE goal is included in the bid documents, inform the REI of the requirement.
  - Check invoices to ensure that the DBE goal is met.
- Title VI requirements
    - As detailed in the Planning Phase, General Responsibilities section, the Project Manager is responsible for ensuring that the project will not (intentionally or inadvertently) provide service which discriminates on the grounds of race, color, national origin, sex, age, or disability/handicap and income status.
    - If a Title VI complaint is received for the project, the Project Manager is responsible for 1) attempting to resolve the complaint, 2) reporting the complaint within three days of receipt to the Agency Title VI Specialist, and 3) following up with regular reports, as directed in the [NYCDOT SOP for Title VI complaints](#).
  - Ask FTA Unit if a Project Management Plan and any other sub plans (Risk Management, QA/QC, Safety and Security, Fleet Management Plan) are required for the project. If they are required, prepare the documents.
  - Retention and access requirements for records: documents (as-builts, designs, specifications, shop drawings, contract, etc.) must be retained as long as the asset is in beneficial use.
  - Reporting requirements:
    - Anticipated cash flow for the project. (Frequency depends on the implementation schedule and the project size: monthly or quarterly.) A sample cash flow can be found [here](#).
    - Quarterly Progress Reports (QPRs), including both narrative and schedule updates.
    - Provide information for Federal Financial Report (FFR) quarterly, to FTA Unit.
  - Attendance and support at meetings such as audit, progress, or Project Management Oversight Contractor (PMOC) meetings, etc., as requested. This may include writing reports, presenting on project progress.
  - Ensure that the consultant submits a payroll register with every invoice.

## **FHWA Funded Projects: Project Manager Responsibilities**

- Ensure that the final design consultant structures the construction bid documents to ensure that potential construction bidders can comply with the following:
  - FHWA's [Buy America requirements](#) ([For complete guidance see here.](#))
    - Ensure that the Buy America requirement is included in the bid documents for this project and alert the REI that this requirement exists.
    - The Project Manager (or REI) should keep all receipts and documentation for materials and notify Grants Administration if Buy America non-compliant materials are delivered or used.
  - FHWA's DBE requirements
    - Work with Grants Administration to calculate the DBE goals (minimum participation rate) for the project.
    - Ensure that the ACCO's Office includes this requirement in the bid documents.
    - Once the DBE goal is included in the bid documents, inform the REI of the requirement.
    - Check invoices to ensure that the DBE goal is met.
  - Title VI requirements
    - The Project Manager is responsible for ensuring that the project will not (intentionally or inadvertently) provide service which discriminates on the grounds of race, color, national origin, sex, age, or disability/handicap and income status.
    - If a Title VI complaint is received for the project, the Project Manager is responsible for 1) attempting to resolve the complaint, 2) reporting the complaint within three days of receipt to the Agency Title VI Specialist, and 3) following up with regular reports, as directed in the [NYCDOT SOP for Title VI complaints](#).
- Prepare Design Approval Document (DAD), which includes NEPA documentation, and submit to Grants Administration for review and approval. Once Grants Administration has approved the documents, submit to NYSDOT, copying Grants Administration.
- Before awarding the contract, obtain "Concurrence in Award" by submitting contract documentation package to NYSDOT.



- Ensure that the consultant submits a payroll register with every invoice.
- Reporting requirements:
  - Respond to questions from Grants Administration/FHWA in preparation for quarterly meetings with the FHWA, and attend meetings if necessary (attendance is required if the project is behind schedule).
  - Provide quarterly reports on project status, responding to requests from the Federal and State Aid unit in Grants Administration, to provide information as necessary. The required information will vary by funding source.
- Grant Time Extensions: If either the Schedule A or form 1240 is in danger of expiration before the project is complete, submit a grant time extension request to Grants Administration. This request must be submitted at least three months before the grant expiration date.

Information about grant closeout procedures can be found in Chapter 5: Project Management Objectives, in the Closeout phase.

## **9. COST, BUDGET AND SCHEDULE**

### **Financial Plan**

FHWA and FTA require submission of a project Financial Plan. A Financial Plan is a comprehensive document that reflects the project's cost estimate and revenue structure and provides a reasonable assurance that there will be sufficient financial resources available to implement and complete the project as planned. A Financial Plan provides a description of how a project will be implemented over time by identifying project costs and the financial resources to be utilized in meeting those costs. The plan should clearly explain the assumptions about both cost and revenue upon which the plan is based. In addition, the annual updates to the plan enable decision makers to track the financial progress of the project over time by highlighting significant deviations from the Initial Financial Plan and the subsequent annual updates and explaining the mitigating actions taken to adjust for those deviations.

In the case of major projects funded jointly by FHWA and FTA it is expected that NYSDOT will submit a single Financial Plan meeting the requirements of both federal agencies to the FHWA Division Office for review and approval.

The Initial Financial Plan (IFP) should be prepared as early in the project development process as practical. As the cost estimate to determine if a project meets the major project cost threshold of \$500 million or more occurs at the completion of the environmental phase, a Financial Plan could be submitted to the FHWA Division Office at the issuance of the Record of Decision if all other elements of the Financial Plan have been completed. The Initial Financial Plan for a major project could also be submitted and approved by FHWA prior to right-of-way acquisition, but in all cases, the Initial Financial Plan should be submitted and approved by FHWA before authorization of Federal-aid funding for mainline project construction. On a design-build project the Initial Financial Plan should be approved prior to FHWA concurrence in the award of the design-build contract.

### **Financial Plan Contents**

The initial plan consists of five main sections:

- The Cost Estimate, in which the total cost and cost-to-complete for major project elements are presented in year of expenditure dollars.
- The Implementation Plan, in which the project schedule is presented and the cost-to-complete is presented in annual increments in year of expenditure dollars.
- Financing and Revenues, in which the annual amounts available for project obligations are presented by funding source.

- Cash Flow, an annualized presentation of cash income and outgo to illustrate how periodic bills will be paid.
- Risk identification and mitigation factors.

The Financial Plan should include a narrative describing the assumptions used to develop the project cost estimates. All assumptions for the revenue forecasts and cash flow should also be included. The narrative descriptions should include the sources of information for the forecasts and the methodology used for developing the forecasts and for identifying whether there has been any independent validation of the forecasts or sensitivity testing.

Any documentation that provides the basis for projected costs/revenues (e.g. revenue studies, feasibility studies, economic forecasts) should be included as attachments to the Financial Plan. They should also be included in the Annual Updates if they represent material changes from the attachments in the IFP.

## **Financial Plan Annual Updates**

Financial plans must be updated annually by the NYCDOT project manager. The scheduled timing of the updates should be shown in the Initial Financial Plan by indication of the annual reporting date of the plan. The Annual Update shall be submitted at the end of every June (the end of the City's fiscal year). These updates must reflect changes in total and remaining project cost and/or available funding. The annual update is to be submitted to FHWA for approval no more than 90 days after the effective date established in the Initial Financial Plan.

The scope of the annual update should be sufficient to identify and resolve any cost and/or funding (including cash flow) changes which have occurred since the previous submission. This would include any changes in project scope that impact the cost estimate and/or completion schedule of the project. In the instance of major cost or funding changes the update may need to revise the cost and funding figures for future years in addition to those for the current year.

Annual updates to the Initial Financial Plan should include revisions to the five main sections mentioned above and should also include data covering: the cost history (initial estimate versus actual expenditures) of the project, a presentation and analysis of cost and revenue trends that may result in additional funding needs or cost reductions, a discussion of additional funding increases or cost reductions necessary in the coming year to meet funding shortfalls which have become known since the last submission, including a discussion of their cash flow implications (this discussion should include a projection of any potential funding shortfalls in future years, including those based on the cost trends identified in the previous section), a discussion of any significant reductions in cost during the past year and the potential for such reductions in future years, and an identification of significant increases in

project costs of \$10 million or more as compared to the original estimated costs both in the past year and projected for the future. The cost changes reported may be for any reason including changes in project scope, design, right of way, construction, and/or changes to financing estimates.

Each annual update of the Financial Plan should be presented both in total cost (actual cost to date) and cost-to-complete estimates (shown in year of expenditure dollars). These updates should use the same project elements or segment breakpoints to present the cost and revenues as used in the initial Financial Plan estimate. Any significant change in the total project cost or revenue since the last estimate should be clearly presented and the major reasons for these significant changes should be provided.

Each of the five main sections should be updated to reflect any changes that have occurred since the approval of the Initial Financial Plan.

## **Cost Estimates**

The cost estimate consists of the following elements:

- Design
- Construction management
- Construction and property acquisition
- Administration
- Contingency
- Training

Projects begin at NYCDOT with conceptual estimates which are prepared by the PM. The purpose of the conceptual estimate is to advise City authorities whether projects are economically feasible. Approved conceptual estimates of projects are included in the City's Capital Budget. A similar submission, including the Engineer's Estimate and approval is required for the final design. Upon NYCOMB's approval of a Certificate to Proceed (CP), NYCDOT is authorized to award construction contracts and complete the project. Upon contract registration with the NYC Comptroller, NYCDOT is authorized to give a Notice to Proceed to the contractor to begin the contract work and allow the contractor to submit an invoice to the PM for approval and authorization for payment. The cost estimates for each of the above categories are prepared by the PM. The CMC, if applicable, may later revise cost estimates. The CMC also prepares cost estimates at various stages of design and construction. The stakeholders are also provided estimates at various design stages.

In most cases, the final approved project budget includes a 10% contingency to cover unanticipated extra work due to field conditions, design or program errors, and non-material scope changes.

## Budget

Individual capital project budgets that have been approved by the Commissioner are assembled into an annual Departmental Capital Budget, subsequently approved by NYCOMB as part of the City's Capital Commitment Plan. The Capital Commitment Plan includes project descriptions and cost estimates. Prior to commencement of any design effort on any capital project the preliminary scope and estimate must be submitted to the NYCOMB. Further advancement of design cannot occur without the written approval of NYCOMB and receipt of a Certificate to Proceed (CP). A CP may be issued either for the design of a project or the entire project depending on how far the process has progressed. Upon inclusion in the capital budget, NYCDOT is authorized by the NYCOMB to prepare a preliminary scope and estimate. This scope must describe proposed funding sources, anticipated sources for design and construction services, technology, location, schedule, and shall also include a preliminary budget for all project costs. The Department's Capital Budget is updated three times a year as part of the City's Capital Commitment Plan, as approved by the NYCOMB: a preliminary plan in January, a final plan in April, and a revised plan in September.

The capital budget consists of:

- A financial plan covering estimates of capital expenditures for the four ensuing fiscal years
- Departmental estimates for capital projects together with cash flow requirements and proposed sources of funding for each project
- A capital program status report
- A summary description of the purpose of each capital project, its schedule, its period of probable usefulness and an appropriate maintenance schedule

Through the City's budget process, which includes review by the public, the Borough Presidents, and the NYC Council, the preliminary capital budget approved by NYCOMB in January becomes NYC's adopted capital budget, as agreed to by the NYC Council and the Mayor in June.

The total available budget for each capital project includes City capital funds, which are raised through debt obligations issued by the City. In addition, the budget includes funds from NY State and Federal funds, including FTA or FHWA administered grant funds. On multiyear capital projects the total available budget, as approved by the NYCOMB, specifies an amount for each fiscal year until the project's completion.

## **Project Schedule**

To enable the project to be performed in an orderly and expeditious manner, within fifteen days after the Notice to Proceed (NTP), the contractor is generally required to submit a proposed progress schedule in the form of a bar graph and monthly cash flow requirements to the NYCDOT PM, showing:

- the anticipated time of commencement and completion of each of the various operations to be performed;
- the sequence and interrelation of each of these operations with the others;
- the estimated time required for fabrication or delivery, or both, of all materials and equipment required for the project; and
- the estimated amount in dollars the contractor will claim on a monthly basis.

The proposed schedule shall be revised as directed by the NYCDOT PM. If the contractor fails to adhere to the approved progress schedule, they shall make up for the time lost and ensure completion in accordance with the approved progress schedule.

## **Project Milestone Schedule**

The construction contract bid documents provide a start and end date for the contract. The PM must document the original schedule as stated either in the FTA grant at the time of the obligation or in the Mayor's Executive Budget, if no grant is applicable, through current schedules of each Activity Milestone. Based on this requirement, construction contractors are required to submit a CPM schedule prior to start of work. As indicated in the City Standard Construction Contract, this schedule must be submitted to the City within fifteen days of the Notice to Proceed. Contractors shall use standard industry practice software such as Primavera when developing schedules. The contractor is required to submit an initial 90-day schedule while a master CPM schedule is being finalized. The CMC on the project is required to review and approve the CPM schedule.

Schedules should be updated quarterly at a minimum and whenever project delays necessitate preparation of recovery schedules to make up for lost time.

## 10. PROJECT REPORTING AND TRACKING

To assist in monitoring projects, monthly written reports are required. The monthly report should identify all significant issues affecting progress and completion.

For FHWA funded projects, one of the NYCDOT's responsibilities is to verify that reports have been submitted. To view the list of required reports is [here on the FHWA website](#).

### Monthly Progress Reports

For FHWA funded projects, minutes of monthly progress meetings are submitted to NYSDOT. NYSDOT uses the minutes of the monthly progress meeting to prepare quarterly progress reports, which they then forward to the FHWA. Projects that are funded by the FTA require monthly cost, schedule and status reports. These monthly reports are presented at monthly progress meetings where the NYCDOT PM apprises the project management team of current project status. The monthly status reports may include the topics listed below.

#### Executive Summary

The executive summary should be a clear and concise summary of the current status of the project, including any major issues that have an impact on the project's scope, budget, schedule, quality, or safety. It may be done in a bulleted format for ease of briefing. The following summary information includes items that should be reported on a monthly basis:

- Current total project cost (forecast) vs. latest approved budget vs. baseline budget
- Reasons for any deviations from the approved budget
- Current overall project completion percentage vs. latest approved plan percentage
- Any delays or exposures to milestone and final completion dates. Reasons for the delays and exposures
- Any Federal obligations and/or TIFIA disbursements occurring during the month versus planned obligations or disbursements
- Any significant contracts advertised, awarded, or completed
- Any significant scope of work changes
- Any significant items identified as having deficient quality
- Any significant safety issues
- Any significant Federal issues such as environmental compliance, Buy America, DBE, Title VI, affirmative action requirements, etc.

## **Project Activities and Deliverables**

The purpose of this section is to highlight the project activities and deliverables occurring during the previous month (reporting period), and define the activities and deliverables planned for the next two reporting periods. Activities and deliverables to be reported on should include meetings, audits and other reviews, design packages submitted advertisements, awards, construction submittals, construction completion milestones, financial plan submittals, media or Congressional inquiries, value engineering/constructability reviews, and other items of significance. The two-month "look ahead" schedule enables FHWA, FTA and NYSDOT personnel to better schedule their workloads to accommodate any activities requiring input or assistance.

## **Action Items/Outstanding Issues**

This section should highlight and track the progress of highly significant or sensitive issues requiring action and direction in order to resolve them. In general, issues and administrative requirements that could have a significant or adverse impact to the project's scope, budget, schedule, quality, safety, and/or compliance with Federal requirements should be included. Status, responsible person(s), and due dates should be included for each action item/outstanding issue. Action items requiring action or direction that month should be included in the monthly status meeting agenda.

## **Project Schedule**

An updated Gantt chart reflecting the current status of the program activities should be included in this section. It is imperative that the master program schedule be integrated, i.e., the individual contract milestones tied to each other, such that any delays occurring in one activity is reflected throughout the entire program schedule, so that a realistic completion date is reported.

Narratives, tables, and/or graphs should accompany the updated master program schedule, detailing the current schedule status, delays and risks, and recovery efforts. The following information is required:

- Current overall project completion percentage vs. latest approved plan percentage.
- Completion percentages vs. latest approved plan percentages for major activities such as right-of-way, major or critical design contracts, major or critical construction contracts, and significant force accounts or task orders. A schedule status description should also be included for each of these major or critical elements.
- Any delays or risks to milestone and final completion dates. The delays and risks should be quantified and overall schedule impacts assessed. The reasons for



the delays and exposures should be explained, and initiatives being analyzed or implemented in order to recover the schedule should be detailed.

The PM sets estimated completion dates for scope (e.g., preliminary engineering, design, and construction), as applicable. The PM must prepare the schedule in such a way that there is at least one milestone in every quarter. This concept provides for proper monitoring of the project. The schedule should begin from the planning and concept stage all the way through to the end of the project when the project becomes operational. The initial schedule is incorporated into NYC's Financial Management System (FMS) by the NYCDOT FCPM Division.

If the project is funded by an FTA grant, the PM must document the original schedule as stated in the FTA grant at the time of the obligation. The schedules should be updated quarterly at minimum or whenever the project delays necessitate preparation of recovery schedules to make up for lost time. As the project progresses to design, the PM refines the schedule and maintains separate schedules for each contract (design contract schedule, construction management contract schedule, construction schedule).

Since the design, construction management and construction phases of a project generally begin at different times, the initial project schedule for each of these project phases reflect their own proposed schedule and contract durations at that point in time. However the Master Critical Path Method (CPM) Construction Schedule, prepared by the contractor and reviewed by the CMC is the official project schedule for all project participants. Original copies of the 90-day Initial and Master CPM Construction Schedule for the project shall be available at the CMC Field Office. Updates and recovery schedules are prepared on a periodic basis by the contractor and reviewed by the CMC.

### **Project Cost**

An updated cost spreadsheet reflecting the current forecasted cost versus the latest approved budget versus the baseline budget should be included in this section. One way to track project cost is to show: (1) Baseline Budget, (2) Latest Approved Budget, (3) Current Forecasted Cost Estimate, (4) Expenditures or Commitments to Date, and (5) Variance between Current Forecasted Cost and Latest Approved Budget. Line items should include all significant cost centers, such as prior costs, right-of-way, preliminary engineering, environmental mitigation, general engineering consultant, section design contracts, construction administration, utilities, construction packages, force accounts/task orders, wrap-up insurance, construction contingencies, management contingencies, and other contingencies. The line items can be broken-up in enough detail such that specific areas of cost change can be sufficiently tracked and future improvements made to the overall cost estimating methodology.

Narratives, tables, and/or graphs should accompany the updated cost spreadsheet, detailing the current cost status, reasons for cost deviations, impacts of cost overruns, and efforts to mitigate cost overruns. The following information should be addressed:

- Reasons for each line item deviation from the approved budget, impacts resulting from the deviations, and initiatives being analyzed or implemented in order to recover any cost overruns
- Transfer of costs to and from contingency line items, and reasons supporting the transfers
- Speculative cost changes that potentially may develop in the future, a quantified dollar range for each potential cost change, and the current status of the speculative change. Also, a comparison analysis to the available contingency amounts should be included, showing that reasonable and sufficient amounts of contingency remain to keep the project within the latest approved budget
- Detailed cost breakdown of the general engineering consultant (GEC) services, including such line items as contract amounts, task orders issued (amounts), balance remaining for tasks, and accrued (billable) costs
- Federal obligations and/or TIFIA disbursements for the project, compared to planned obligations and disbursements.

A vigorous process should be implemented to enhance the monthly project reporting and tracking. Non-integrated cost and schedule reporting normally just compares the actual expenditures (contractor payments, invoices, right-of-way expenditures, etc.) to the planned expenditures. Non-integrated reporting does not take schedule slippage into account; therefore, if the project is behind schedule, the actual expenditures will naturally be less than the planned expenditures and the comparison could provide a misleading status as to whether or not the project is within budget.

One example of a project management methodology that integrates the cost and schedule progress reporting is Earned Value Management. Earned Value Management reporting, takes the schedule slippage into account when comparing actual versus planned expenditures, and provides an early and more accurate indication of whether or not the project will be completed within budget. If the Earned Value reporting indicates that the project is trending to be over-budget, early action can be taken to reverse the trend, plan for contingency use, and/or dedicate additional resources to the project.

## **Contingency Plan**

PMs are encouraged to develop a Contingency Management Plan for all projects. The FTA and FHWA can require submissions of Contingency Management Plans for any project.

### **Project Quality**

The purpose of this section is to summarize the QA/QC activities during the previous month (reporting period), and highlight any significant items identified as being deficient in quality. Deficient items noted should be accompanied by reasons and specifics concerning the deficiencies, and corrective actions taken or planned. In addition, the agency or firm responsible for the corrective action should be documented. Planned corrective actions should then be included as Action Items/Outstanding Issues.

### **Other Reports**

The NYC Charter requires NYCDOT to formally report to the Mayor three times per year on the progress of all of its capital projects. The NYC Council, the NYCDCP, the Community Boards, and the Borough Presidents each receive a copy of this report. In addition, the "Mayor's Management Report" is prepared annually and submitted to the City Council. This report includes a summary of the status of all NYCDOT procurement actions undertaken in the previous year.

### **FTA Project Status Reports (Quarterly Progress Report (QPR) and Financial Status Report (FSR))**

The requirement to provide a quarterly FTA Project Status Report is addressed in the instructions in executing any Federal grant. These instructions are provided by FTA as an attachment to the Notification of Grant Approval letter to the NYCDOT Commissioner. The guidelines for the Project Status Reports (Quarterly Progress Report (QPR) and Financial Status Report (FSR)) shall be utilized for preparation and issue of the quarterly project status reports to FTA. The NYCDOT PM shall be responsible for the development of this report and submittal to the NYCDOT's FCPM Division for review and approval and transmittal to the FTA.

The NYCDOT PM shall prepare a Project Status Report in conjunction with FTA, the Project Management Oversight Contractor (PMOC) and the CM consultant if the FTA has assigned a PMOC to the project. This Project Status Report is updated monthly and called the "Monthly Project Status Report" in the same format as the "Quarterly," which shall be submitted to the FTA by the 7th of every month. A copy of the report is sent to NYSDOT as well.

The Project Status Report is updated quarterly and will be entitled, "the Quarterly Progress Report (QPR)" and will be submitted to the FTA at the end of every month

following the end of every quarter along with the Financial Status Report (FSR) from NYCDOT's FCPM Division to the FTA.

Both the "Monthly Project Status Report" and the QPR are prepared by the PM or by the CMC for approval by the NYCDOT PM prior to transmittal to the FTA and NYSDOT.

The PM or CMC shall also attach an updated copy of the first page of the Monthly Project Status Report to the weekly job meeting minutes prior to its submission to the FTA.

Reports should include tables designed to show the Federal grant funding breakdown for the construction, construction management, and NYCDOT in-house project management (excluding design) budget for each project.

## **11. INTERNAL AND STAKEHOLDER COMMUNICATIONS**

NYCDOT's Deputy Commissioner for External Affairs reports directly to the Commissioner and is responsible for intergovernmental relations, public affairs, and the NYCDOT Web site. The office along with the Department's borough offices are the interface between NYCDOT and all other public stakeholders.

NYCDOT works to ensure that its staff working in the field and in its various offices is kept informed and aware of current important announcements or information that needs to be shared. These internal communications include regular staff meetings (which vary according to division), a staff newsletter distributed with pay stubs, an intranet and agency-wide emails.

Communication with stakeholders and public participation is integral to NYCDOT's activities and to serving the public successfully. Public participation is achieved through public outreach programs which are necessary for NYCDOT to learn the public's desires and concerns, to gauge public reaction to and maximize acceptance or understanding of NYCDOT proposals, to disseminate information, and to resolve problems. Public outreach programs tend to increase the success of projects by increasing public satisfaction with them.

Recognizing the importance of public participation, all levels of government prescribe public outreach activities and duties that NYCDOT must undertake in order to accomplish its capital program and projects. These activities are highlighted below and together constitute an extensive program.

### **Public Outreach in City Government**

The City of New York has an official website, [www.NYC.gov](http://www.NYC.gov), whose mission is to provide the public with quick and easy access to information about New York City agencies, programs, and services with different pages for residents and businesses. The website provides detailed information on public hearings, street closures and how to do business with the City along with a plethora of other useful information. NYCDOT has its own website (<http://www.nyc.gov/html/dot/html/home/home.shtml>) that covers information specifically related to the agency, including its strategic plan, ongoing projects, and information for or about NYCDOT related topics including streets, bridges, pedestrians, cyclists, street signs and ferries.

New York City also has a central call center, [311](tel:311), where citizens can call to register complaints or find out information similar to that which can be obtained from NYC.gov.

NYCDOT does extensive public outreach and takes input from the public into account on its projects. Outreach is done for many types of projects, particularly capital programs and projects.

NYCDOT employs a Borough Commissioner in each of the five boroughs, plus a sixth for lower Manhattan, as the agency's liaison to the community. The Borough Commissioners work with and meet regularly with elected officials, community boards, business improvement districts, advocacy groups, and individuals. Borough Commissioners monitor and expedite service and information requests directed to the department by working with the operating units, including Planning, Parking, Signals, Street Lights, Safety, Bridges, Street Maintenance, and Capital Reconstruction.

In addition to these efforts, NYCDOT often undertakes project specific outreach efforts which may include pre-announced public meetings, placement of notices, advertisements, flyers, and information sheets and public opinion surveys. These outreach efforts are targeted towards a variety of stakeholders including community groups, advocacy groups, residents, businesses, civic organizations, etc.

The City publishes a daily newspaper, the City Record, which includes all advertising of notices and public hearings related to the activities of City government. In addition, all hearings of the City Council and its committees and the NYCPC are required to be broadcast and appear on cable television franchises.

NYCPC, working with the local Community Boards, must conduct extensive, formalized, public outreach programs in order to act on program or project proposals and must conduct hearings on proposed projects.

[Uniform Land Use Review Procedure \(ULURP\)](#) must be undertaken for all NYCDOT capital projects that involve changes to the City Map, acquisition or disposition (including by sale or lease) of land or new sites, or changes to the zoning resolution. In addition, the NYCPC must conduct public hearings on any ULURP action being considered. During ULURP review the affected Community Boards or Borough President may comment on the scope of capital projects. All ULURP hearings must be advertised and ULURP actions are subject to NYC Council review.

The City must annually publish a "statement of needs" regarding adding to, increasing the size or capacity of, changing the use of, or reducing City facilities or real property. This statement must be publicly distributed and available. Each Community Board must hold public hearings on the annual statement of needs.

Community Boards formal public participation in capital program development is managed by the City's 59 Community Boards which represent neighborhood districts. City services are generally administered on a Community District by

Community District basis. The composition of each board is representative of all segments of the community.

A primary function of the Community Boards is to assist NYC agencies, including NYCDOT to communicate and transmit information to the people of the Community Districts. Community Boards are required to conduct substantial public outreach, and must conduct at least one public hearing each month (July and August excepted). Community Boards may request attendance of NYCDOT representatives at meetings to inform them on capital projects.

The Community Boards act upon NYCDOT's capital programs and projects in a formal way primarily through the statement of needs and ULURP review processes. The Community Boards are required to consult with relevant NYC agencies and the public on the capital needs of their Community Districts. All records of proceedings, by laws, etc., of the Community Boards [are available for public inspection](#).

NYCDOT consults with the Community Board for the Community District in which the capital project is to be located. The proposed scope of a project is submitted to the Mayor, to the respective council committee, Borough President and Community Board.

### **Other Actions**

Supplemental to the public participation processes outlined above, other actions of NYCDOT are required to include public outreach. For example, many construction permits required for capital projects mandate public participation.

Detailed in Chapter 19, of this document, NYCDOT also has extensive outreach for our Limited English Proficiency (LEP) customers through the Customer Service Liaison.

### **State and Federal Requirements for Public Participation**

In addition to the public participation requirements outlined above, state and federal requirements for public participation are mandated when NYCDOT utilizes FTA/FHWA grants to fund capital projects. These requirements are not entirely separate, but overlap by virtue of the interlocking federal/state metropolitan planning process.

There are two separate public participation requirements. Federal planning regulations require that the metropolitan transportation planning process include a proactive public involvement process that provides complete information, timely public notice, reasonable public access to key decisions, and supports early and continuing involvement of the public in developing plans and State Transportation

Improvement Programs (STIPs). (NYCDOT's projects must be programmed in the STIP to be eligible for FTA/FHWA funding.) Such procedures must include opportunities for interested parties, (citizens, affected public agencies, representatives of transportation agency employees, and private providers of transportation) to be involved in the early stages of the plan development/update process. Federal requirements include a provision that representatives of users of public transportation be provided a reasonable opportunity to comment on proposed plans and programs. In addition, there is a requirement for the periodic review of the effectiveness of the public involvement process.

The FTA also has specific requirements for public participation related to its Program of Projects (POP). POPs are developed in consultation with interested parties and stakeholders.

NYCDOT publishes an announcement informing the public of the amount of funds available and all the proposed projects that will be using FTA grant money. The public announcement also indicates where citizens can examine the proposed program and budget in detail and how comments on the proposed program may be submitted. Citizens can also request that a public hearing be held. The notice is published in a general circulation newspaper in NYCDOT's service area. NYCDOT is required to consider comments from the public in preparing the final POP. In addition to the proposed POP, NYCDOT makes the final POP available to the public.



## **12. PROJECT MANAGEMENT CONTROLS**

### **Risk Management**

Risk analysis is essential before any project implementation begins. Once the risk is analyzed, mitigation measures are developed and incorporated into design and construction processes. Risk management is the formal process whereby risk factors are systematically identified, assessed and provided for. Risks may be associated with the external or the internal environment. A comprehensive approach to risk management involves risk identification, risk measurement and analysis, and risk mitigation plans. Because the City of New York has managed a plethora of large, complex capital projects, the City has gained a great deal of experience in managing risk. As a result, the City has incorporated its risk management policies into the City of New York Standard Construction Contract. Specific risk mitigation provisions are discussed in the Risk Mitigation section of this section. PMs are encouraged to develop a Risk Management Plan for all projects. The FTA and FHWA can require submissions of Risk Management Plans for any project.

### **Risk Identification**

Risk is defined in terms of an event (what may occur to the detriment of the project), its probability (how likely is the event to occur), and the amount involved (in terms of dollars of maximum possible loss or number of losses that could occur). Project risks can be divided into two main categories: design/construction risks and financial risks. Design/construction risks include weather conditions, contractors' inability to perform the work, unforeseen site conditions, permitting delays, etc. Financial risks include revenue shortfalls, changes in the project cash demands, etc. These risks are related, since funding shortfalls can delay the project and project delays can increase costs.

Identifying action items, outstanding issues, proposed changes, and other issues in the monthly progress reports and ensuring timely resolution is critical to avoiding adverse impact to the project.

### **Risk Measurement and Analysis**

The risk management program should provide for the analysis and assessment of risks to determine the maximum protection and funding required. Attention should be given to activities on or near the project's critical path through an assessment of risks of delay and alternatives available to mitigate the consequences. Potential losses should be evaluated and available contingencies identified. As a matter of routine, the City includes a 10% contingency when budgeting capital projects in order to avoid funding shortfalls.

## **Risk Mitigation**

Based upon the depth and breadth of experience in managing capital projects, New York City has included risk mitigation requirements in the City of New York Standard Construction Contract. For example, Article 7 of the City of New York Standard Construction Contract contains provisions for protection of work, persons and property. Article 11 requires contractors to notify the PM of conditions that may cause a project delay; Article 15 contains provisions for liquidated damages for failure to complete work on time; Article 20 requires performance and payment bonds, Article 22 contains provisions for insurance requirements: Commercial General Liability, Workers Compensation/Disability, Employer's Liability Insurance, U.S. Longshoremen and Harbor Workers or Jones Act Insurance, Builder's Risk Insurance, Pollution/Environmental Liability and Marine Insurance; and Article 48 provides the City with the right to default contractors.

## **Scope Management Plan**

The project definition should remain constant through all phases of the project cycle to minimize cost and delay. Physical and technical descriptions of the project should be documented through each phase of design development. The PM shall keep the Division's Deputy Commissioner (DC) informed of the changes, if any, taking place in the project scope. The PM shall also obtain the written approval of scope changes from FTA, FHWA or NYSDOT and all other stakeholders of the project.

The budget process, change order process, and the change order registration process ensure that applicable parties duly approve scope changes. These processes are discussed in the relevant section of this chapter.

## **Configuration Management**

Configuration management is an activity undertaken to identify and control the functional and physical design characteristics of a project. Its purpose is to assist NYCDOT management in evaluating and controlling technological changes. Configuration management is formalized through the NYC Charter-mandated capital project scoping, initiation and budget procedures described earlier in this OMP, as well as the PPB Rule-mandated change order process also described herein. During the preconstruction period the project functional baseline is established and documented by NYCDOT and approved by NYCOMB. Full configuration identification is required at this stage. Frequently, in conjunction with this approval, formal Preliminary Design Investigations (PDIs) are undertaken and Preliminary Design Reports (PDRs) are prepared. The PDRs are public documents that are disseminated by NYCDOT to government officials and are made available to, and often disseminated to the community. Immediately prior to commencement of bid, a second submission must be made to NYCOMB. Upon approval, this establishes the allocated baseline. The PMs and NYCDOT EAB's design and change order reviews

during construction assure that the completed project conforms to the allocated baseline.

## **Scheduling Software**

To enable work to be performed in an orderly and expeditious manner, the contractor shall submit a proposed progress schedule in the form of a bar graph or in such other form (as specified by the NYCDOT PM) and monthly cash flow requirements to the NYCDOT PM, showing:

- the anticipated time of commencement and completion of each of the various operations to be performed under the contract;
- the sequence and interrelation of each of these operations with the others and with those of other related contracts;
- the estimated time required for fabrication or delivery, or both, of all materials and equipment required for the work; and
- the estimated amount in dollars the contractor will invoice on a monthly basis.

The proposed schedule shall be revised as directed by the NYCDOT PM, until approved by the NYCDOT PM.

If the contractor fails to adhere to the approved progress schedule, the contractor shall promptly adopt other or additional Means and Methods of Construction in order to make up for the time lost and assure completion in accordance with the approved progress schedule. The approval by the City of a progress schedule which is shorter than the time allotted under the contract shall not create any liability for the City if the approved progress schedule is not met.

The contractor shall not receive any payments on any item until the proposed progress schedule is submitted for the project.

## **Financial Management**

Financial management of each individual project is the responsibility of the NYCDOT PM. Oversight is provided at several levels, including by the PM's direct line supervisor, the NYCDOT's FCPM Division, the NYCDOT Engineering Audit Bureau and the NYC Comptroller's Office. NYC utilizes a standardized project financial management system for all contracts, known as the Financial Management System (FMS).

Within fifteen days after the commencement date specified in the Notice to Proceed the contractor shall submit to the NYCDOT PM a breakdown of its bid price, or of lump sums bid for items of the contract, showing the various operations to be performed under the contract, as directed in the progress schedule, and the value of

each of such operations, the total of such items to equal the lump sum price bid. This breakdown must be approved in writing by the NYCDOT PM.

No partial payment shall be approved until the contractor submits a bid breakdown for that item that is acceptable to the NYCDOT PM.

The agreed upon payment breakdown is the roadmap for measurement of progress and approval of progress payments. Contractors may submit progress payment requisitions as often as once per month. In order for an invoice to be paid, it must be approved by the PM, NYCDOT FCPM Division, NYCDOT EAB and the NYC Comptroller. Inspections to verify progress are the NYCDOT PM's responsibility, although engineers from the EAB often conduct spot checks.

The PM is permitted to make or approve minor changes to the work or changes that result in no net change in value to the City or the contractor. For all other changes NYCDOT has an established change order process. The process involves full, documented scoping and development of an Engineer's Estimate by the PM, solicitation of a price from the construction contractor, negotiation, and documentation. All changes are reviewed and approved by the NYCDOT EAB, the ACCO and registered by the NYC Comptroller. The NYC Comptroller also has an Engineering Bureau, staffed by engineers that become involved in matters where contract disputes arise. Policy regarding contract changes is outlined in the Procurement Policy Board Rules.

## **Project Metrics**

Metrics should be developed such that appropriate analyses can be conducted to identify trends and forecast project performance. The metrics should be used to identify and proactively address challenges to eliminate surprises. Metrics for cost, schedule, and public opinion should be considered. Reports on project metrics should be incorporated into the project reporting and tracking procedures.

## **Value Engineering**

NYCOMB, in conjunction with an independent private consultant hired by the City shall conduct Value Engineering (VE) sessions at the initial design stage for contracts in excess of \$25 million. Changes may be made to the design concept based on an analysis of capital and operating expenses and other factors. NYCDOT recognizes that design elements or issues, unknown or not discussed at the VE implementation stage during the design of the project, may appear later during construction and should be afforded an opportunity to be critiqued.

The contracts provide that the contractor may submit cost reduction proposals as long as these proposals are in compliance with the intent of the contract. In order to

encourage this, the contract provides that if such proposals are accepted by NYCDOT at its sole discretion, the savings are shared. Such proposals are identified as contractor-initiated Value Engineering Change Proposals (VECP) and each one shall be sequentially numbered. For a proposal to be accepted by NYCDOT, each VECP must:

- be identified as a VECP by the contractor at the time of submission to the NYCDOT PM as submitted per this procedure section;
- require a change to the contract and decrease the contract price;
- maintain the item's required/specified functions, such as service life, reliability, economy of operation, ease of maintenance, and necessary standardized features and appearance, (configuration management) and not require an unacceptable extension of contract time.

Any VECP the contractor submits shall be of sufficient detail to clearly define the proposed change, including:

- a description of the difference between the existing and the proposed contract requirements and the comparative advantages and disadvantages of each;
- contract requirements recommended to be changed if the proposal is accepted;
- a detailed estimate of the amount of the net savings that will result from acceptance of the proposal;
- a prediction of any effects the proposed change may have on the costs of maintenance operation;
- a statement of the time by which the proposal shall be accepted in order to obtain the maximum price reduction noting any effect upon the contract completion time.

VECPs are handled in a manner similar to changes in the work. A case file will be established for the proposed change. The CMC consultant shall review the contractor's proposal for technical feasibility and operational review and prepare a cost and schedule analysis. The cost analysis takes into account not only the change in the contract price but also the impact on long term costs.

The design consultant or the CMC shall submit the analysis with a recommendation to the NYCDOT PM. The PM shall review the recommendation based on operational feasibility, cost, etc. and proceed with a Contract Change Order or reject the proposal.

## **Change Order and Extra Work Procedures**

Change orders are governed by PPB rules. Changes are permitted only for work necessary to complete the work included in the original scope of contract and for

non-material changes to the scope of the contract. Changes are not permitted for material alterations in the scope of work or for insertion of renewal clauses to the contract.

Contract change management at NYCDOT governs four activities:

- Preparation of a change request: This step requires that a formal change request be prepared and evaluated. The initiation of a change can be internal (NYCDOT project team) or external (the contractor or other parts of NYCDOT). The change request specifies the reason for the modification and advises management of the increases in cost, change in schedule, changes in quality, contractual arrangements, and system performance.

- Evaluation of a change request: Changes are evaluated by the PM, with or without the aid of consultants, the PM's line supervisor, the Engineering Audit Bureau (EAB), ACCO and under certain conditions, NYCOMB and MOCS. Changes are evaluated based on their effect on the scope of the project, schedule, and cost. Change orders must be registered by the NYC Comptroller.

- Management and implementation of approved changes: Implementation is overseen by the PM and is accomplished by distribution of approved change order forms to all relevant parties. Working with the contractors, the PM must devise an appropriate progress payment system for each approved change order and must ensure that the change order work proceeds smoothly as planned and that the change order work does not have adverse impact on any aspect of the project.

**Documentation** - This includes the preparation and use of potential change logs and approved change order logs and project budget to complete calculations, as well as documentation of the changes in approved project configuration and original configuration. Documentation oversight is provided by the PM.

In order to expedite the issuance of construction and consultant contract change orders the Mayor's Office of Contract Services (MOCS) has written a change order procedure. For details refer to Directive No. 63. (See Appendix B.)

When a contract modification is requested by a contracted party, the NYCDOT PM and CMC shall be responsible for:

- Reviewing the contract modifications to determine if it is within the intended scope of the contract and federal grant
- Determining whether or not the contract modification is required
- Validating the engineering design need and estimated cost for the contract modification

- Determining if funds that may be required to support the contract modification are available within the limits of authorization
- Initiating a purchase requisition and securing all necessary Departmental and budget authorizations, forwarding the same to procurement
- Monitoring and maintaining an updated Change Order Log to track the status of each change order as per the contract

### **Change Order Procedures and Forms**

Amendments and negotiations regarding any contractual provision shall be approved by the NYCDOT PM. Negotiations shall be conducted by the CMC in a professional manner and documented as written minutes by the CMC. Federal rules require that the engineer's estimate for the change order be prepared prior to receipt of the cost proposal from the contractor. The CMC shall log in all change order requests by construction contract and track the approval status of each one.

Procedures for preparing change order forms are outlined in MOCS ODC Directive No. 63, as amended. (See Appendix B.) For all change orders, the Contract Change Request Form (CCR) must be filled out. Once the change order has been reviewed and approved the change order is submitted to NYCDOT's Division of FCPM for funds authorization. Details about the CO process can be found on [the Sharepoint page](#) for the Construction and Consultant Programs Unit. (This link is viewable only internally by NYCDOT.)

Additionally, the contractor's cost estimate must be typed on the contractor's stationery. No marks other than date received stamp are permitted on contractor's estimate, letterhead, or any other change order document submitted by contractor. Invoices, rental rates, quotations, price sheets, etc., shall be legible and preferably on supplier's stationery.

The CMC shall conduct negotiations at the CMC field office or over the telephone. An agreement shall be required for all of the following items:

- Number of estimated line items
- Quantities
- Wage rates
- Material prices
- Equipment prices

A complete, logical, and clearly understood rationale shall be required for each negotiated price. Unexplained reductions in contractor's estimate total (bottom line cuts) are not acceptable. "Splitting the Difference" is not acceptable unless CMC and contractor are less than 5% apart. If negotiations include a change description (CD)

and the CD is incomplete or needs clarification, attach typed amendatory CD. Inked changes to original CD are not acceptable.

Upon reaching an agreement, the contractor may make minor ink changes on the estimate; otherwise the estimate must be retyped. Do not wait for the retyped estimate. Write on the route slip "Retyped Contractor's estimate will follow."

Should negotiations fail, additional meetings should be arranged with the NYCDOT PM to resolve the problem.

The resident engineer or CMC prepares the change order package for the NYCDOT PMs review and approval. This package shall include the following items:

- Change Order route slip
- Bulletin (request to submit change order price)
- Drawings/sketches, as applicable
- NYCDOT PM or CMC estimate
- Revised NYCDOT PM or CMC estimate, if required
- Contractor's original estimate
- Contractor's revised estimate, if required
- Photocopy of plan from contract drawing showing work location(s)
- Invoices, quotations, rental rates, price lists, etc.
- Photographs, if necessary
- Relevant letters, memos, messages, etc.
- Pertinent CMC-calculated wage rates
- List which identifies each enclosure with change order package

### **Field Documentation Procedures for Time & Material (T&M) Change Orders**

T&M records shall be kept in conformance with the requirements of the [NYS DOT Manual for Uniform Record Keeping \(MURK\)](#). Appendix C includes Joint Directive No. 1 which provides instructions for reimbursement of equipment costs under T&M change orders. T&M change orders require an additional separate daily work report (DWR) for each category.

Before starting each day, the contractor's supervisor shall advise the CMC that T&M is scheduled, giving names of journeymen, apprentices, trainees, work location, etc. The CMC monitors the work, if not continuously, at least 4 times each day. At the day's end, the contractor's supervisor submits two signed copies of T&M to CMC for review, correction (if required), and countersignature. CMC shall return one copy to contractor and faxes another copy to PM on the same day, and ensures that names are legibly printed with accompanying signatures. At day's end, CMC marks work completed with spray paint, ink marker, chalk, pencil, etc., as appropriate. Tradesmen may move from this work to contract work on the same day without



advance CMC permission. Completion of the work must be indicated on the last DWR. The CMC summarizes the total time expended and faxes copy to NYCDOT PM on the same day as DWR. CMC is required to monitor equipment on the job site that is used on Change Order work. Payment of equipment is governed by Joint Directive 1 (See Appendix C.). Payment for small tools is included in overhead. CMC is also required to monitor material used on the job site and keep a daily log of material used for T&M work.

### **Contract Allowances**

There are contract allowances listed in both the CMC and construction contracts. Covered allowances govern additional contract work which does not require a change order. Covered allowances shall cover the CMC and contractors' costs of labor, materials, and equipment delivered at the site and all applicable taxes (unless tax exempt), less applicable trade discounts.

Whenever costs are more or less than the allowance, the contract sum shall be adjusted accordingly by a change order. The amount of the change order shall reflect the difference between actual costs and the allowances. A final cost under the allocated allowance dollar amount is processed as Credit Change Order to the City. A final cost over the dollar amount limit is processed as a No Cost Change Order if money can be transferred from another allowance which has not reached its dollar limit. If money is not available in the allowance portion of the contract, then a regular change order requesting additional funds needs to be processed.

### **Budget Revisions**

All contract change orders/modifications require revisions to the budget, with the exception of No Cost Change Orders. The NYCDOT PM shall be responsible for ensuring that all budget revisions are properly recorded and implemented by coordinating with the NYCDOT FCPM Division.

### **Claims Management Procedures**

#### **Dispute Resolution**

A dispute is defined as a disagreement between the contractor and the NYCDOT PM about the scope of work delineated by the contract, the interpretation of contract documents, the amount to be paid for extra work or disputed work performed in connection with the contract, the conformity of the contractor's work to the contract, and the acceptability and quality of the contractor's work.

NYCDOT's contract dispute resolution procedure is detailed in the NYC Procurement Policy Board Rules. The dispute resolution procedure applies to all disputes between NYCDOT and a supplier that arise by virtue of a contract between them. Dispute

resolution procedures are also included in the City of New York Standard Construction Contract. It is a goal of NYCDOT to expeditiously and equitably resolve disputes at the lowest possible level, i.e., NYCDOT PM vs. contractor and to avoid, where possible, invoking the formal dispute resolution procedure.

Once disputes have been mediated, the resolutions shall be documented in accordance with the procedures instituted as part of the design and construction phases.

### **Disputes between Agencies**

Disputes between agencies generally pertain to the development of plans and specifications that are required to conform to the regulations, codes and restrictions mandated by such agencies. The NYCDOT PM and the CMC, with assistance provided by the design consultant, shall ensure compliance with such agency regulations to avoid any disputes and to seek written waivers from the issuing agency when deviating from such regulations is necessary.

To mitigate potential disputes, it shall be the responsibility of the NYCDOT PM to ensure that the design consultant incorporates required standards mandated by participating agencies into plans and specifications to produce an end product meeting the participating agency standards, while at the same time achieving the desired operational objectives. The NYCDOT PM shall ensure that redesigns through the development and implementation of punch lists shall not occur. Punch lists shall contain only unfinished items as specified in the project plans and specifications.

All agreements reached with any participating agencies shall be documented in writing between NYCDOT and the other agency. In lieu of formal correspondence pertaining to disputes small in magnitude, such agencies shall indicate their acceptance of the resolution through the approval of the plans, specifications and other contract documents.

### **Design Consultant/Construction Manager/Subconsultant Disputes**

The lack of a clearly defined work scope may create an atmosphere for disputes to arise between the contracting parties. The occurrence of disputes may be minimized when:

- NYCDOT PM ensures that work scopes are not vague, inexact, unintelligible or ambiguous.
- Consultant (design or CMC) provides services in conformance with the scope of work, as set forth in their contracts with the City utilizing a high standard-of-care to avoid errors and omissions in the plans and specifications.

- Disputes arising from the interpretation and intent shall be mediated jointly between the PM or the CMC's RE and Principal and resolved expeditiously.
- Disputes which arise concerning the consultant's performance which are not resolved by mutual agreement of the parties shall be decided as follows:
  - Dispute resolution procedures shall be governed by the General Provisions for Professional Services Agreements entitled, "Resolution of Disputes" in each contract and the PPB rules.
  - There shall be no cessation of work during the period within which the dispute is being addressed, unless directed otherwise by the ACCO.
  - The consultant shall maintain the right to appeal any decision made by NYCDOT to the extent provided under PPB rules.

### **Contractor/Subcontractor Disputes**

In the performance of the work, disputes may arise due to any of the following factors:

- Changed site conditions
- Performance, quality, and timeliness of work (non-conformance) (Non-conforming work is addressed in the City of New York Standard Construction Contract. Contractors must promptly repair, replace, restore or rebuild defective work.)
- Design errors and omissions
- Inconsistencies between the plans and specifications, etc.

When disputes occur the following procedures shall be followed:

- Within three work days the contractor shall notify the CMC of any dispute. The CMC shall use due diligence in resolving the matter.
- If the CMC is unable to resolve the dispute, the CMC shall notify the NYCDOT PM for resolution.

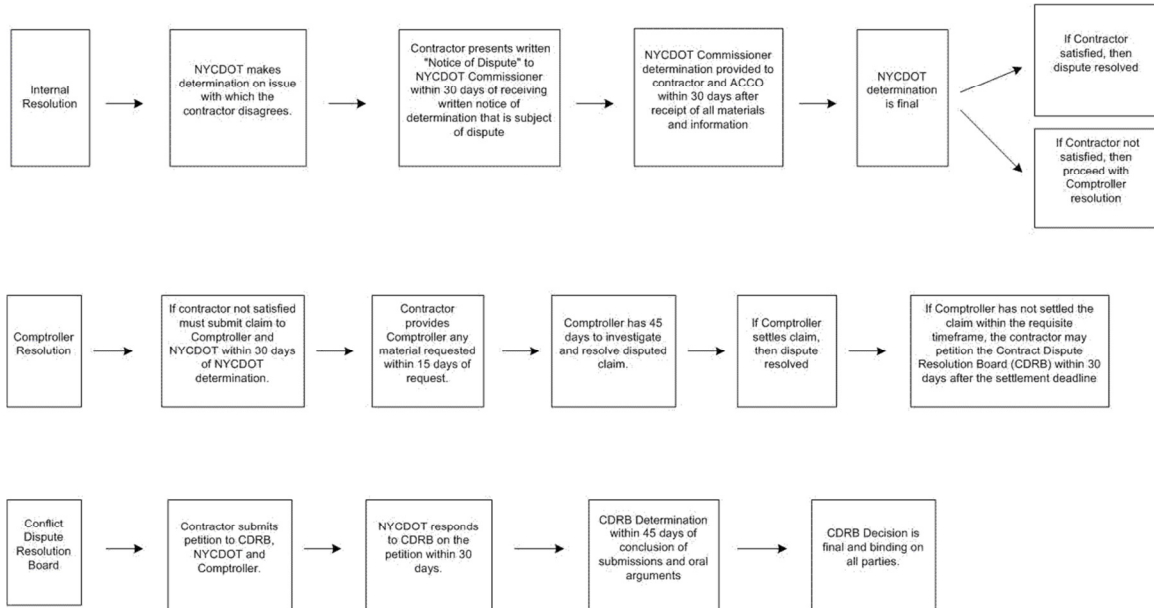
Parties shall work towards dispute resolution in an expedient manner so as to not delay the project's construction schedule or the work of others.

Disputes which arise and are not resolved by mutual agreement of the parties shall be decided in accordance with the dispute resolution procedures as mandated in the NYC Procurement Policy Board Rules. There shall be no cessation of work during the period within which the dispute is being addressed, unless otherwise directed by the ACCO.

## Dispute Resolution Process Flowchart

Below is a flow chart which briefly describes NYC's PPB rules concerning the dispute resolution steps that apply to all disputes between the City and a contractor.

### DISPUTE RESOLUTION PROCESS



## Disputed Work Record Keeping

In accordance with Article 28 of the City of New York Standard Construction Contract, the Disputed Work documentation sequence is as follows:

1. After consultation with design consultant, the CMC issues a decision to the prime contractor whereby resolving discrepancies or inconsistencies in the contract.
2. If the contractor disputes the CMC's decision, the contractor must appeal decision to NYCDOT PM within 3 days requesting final determination.
3. The NYCDOT PM replies to the prime contractor either reaffirming or rescinding the CMC's decision.
4. The contractor notifies Commissioner within 3 days of the PM's decision that work will be done under protest.
5. CMC informs contractor about disputed work field documentation procedure.
6. Contractor performs disputed work.
7. Contractor submits cost of disputed work within 5 days of field work.

CMC must notify contractor separately about each and every failure to follow procedure.

## **Liquidated Damages**

City construction contracts include contractor payment of liquidated damages should the contract work not be completed in the time required by the contract. Liquidated damages provisions provide a rate of assessment that is representative of the harm that is reasonably expected to be suffered by the City if the contractor fails to perform on schedule. Federal rules require that liquidated damages be assessed if they are included in the contract. Federal rules do not allow the waiver of liquidated damages.

### **13. DESIGN AND CONSTRUCTION QUALITY ASSURANCE/QUALITY CONTROL (QA/QC)**

Quality management involves traditional quality assurance measures employed to control and verify design, construction, material, and product quality. It also encompasses broader topics of continuous quality improvement such as optimization of decision-making processes, innovative contracting practices for enhancing quality, performance feedback mechanisms, and specification improvements and design refinements.

Quality is critical to a successful design and construction program. Completed projects represent tangible products by which the public measures the success of NYCDOT in delivering its program objectives. The public ultimately defines the success of projects based on the level of delivered quality, which may include a variety of issues such as safety characteristics, operational efficiency during and after construction, materials quality and long-term durability, and financial value. The proper use and knowledge of effective quality management applications, at the program and the project level, can provide the FTA and FHWA with confidence that completed federally funded construction work meets the above objectives for success.

Quality assurance (QA) is the set of systematic processes necessary to ensure that the quality of a product is what it should be. Quality assurance is an all-encompassing term that includes quality control, acceptance, independent assurance, dispute resolution, and the use of qualified laboratories and qualified personnel.

In order to ensure the safety and quality of construction projects and their conformance to regulations, specifications, plans and referenced standards, NYCDOT adheres to the Quality Assurance and Construction Safety Bureau. The goal of the bureau is accomplished by monitoring construction activities from material testing and fabrication review stage to project substantial completion. Various scheduled safety and quality inspections and audits are performed during construction activities to ensure that work complies with the applicable regulations. The quality of materials is verified by performing inspections of fabrication plants during production and performing materials testing inspections in the field. Lists of qualified private laboratory technicians, construction inspectors, and approved vendors are maintained.

For Bridge projects, NYCDOT adheres to NYSDOT's Quality Assurance Program.

For Street projects, NYCDOT adheres to [DDC's Quality Assurance Plan](#).

As described in the [FTA's Quality Assurance and Quality Control Guidelines](#), there are fifteen different elements to a good quality program. These elements are presented briefly below.

## **1. Management responsibility**

The grantee should define and document a quality policy, and should communicate, implement, and maintain that policy at all levels of its organization. Management designates a representative who shall have defined authority and responsibility for ensuring that the quality policy is implemented and maintained. Management also identifies those persons responsible for the quality assurance function and should define in writing the responsibility, authority, and interrelation of those persons. PMs are encouraged to develop a Quality Assurance/Quality Control Plan for all projects. The FTA and FHWA may require submissions of QA/QC Plans from design consultants, contractors and REIs.

## **2. Documented quality system**

The grantee should establish and maintain a documented quality system to ensure project quality objectives are satisfied. The quality system requirements should extend to the grantee's suppliers and contractors as appropriate.

## **3. Design control**

The designer should establish and maintain procedures to control and verify the design of the transit systems in order to ensure that the design criteria, other specified requirements, and requirements of the relevant regulatory agencies are met. Design control includes ensuring that the design requirements are understood, planning the design interfaces and design verification activities, executing the design verification activities, and controlling design changes through project completion.

## **4. Document control**

Procedures for control of project documents and data should be established and maintained. The document control measures should ensure that all relevant documents are current and available to all users who require them. It also helps ensure that any future procurement of replacement equipment or components will meet the original product requirements.

## **5. Purchasing**

The purchaser should ensure that the purchased service or product conforms to the purchaser's specified requirements. The purchaser should require supplier quality programs appropriate to the work being performed.

## **6. Product identification and traceability**

Measures should be established and maintained for identifying and controlling items of production (batch, materials, parts, and components) to prevent the use of incorrect or defective items and to ensure that only correct and acceptable items are used or installed.

## **7. Process control**

Suppliers and contractors should identify and plan the production and installation processes which directly affect quality and should ensure these processes are performed under controlled conditions. Special processes, the results of which cannot be verified by subsequent inspection and testing of the product, should be continuously monitored.

## **8. Inspection and testing**

Inspection and testing procedures should be planned and executed as necessary to verify quality. Procedures should be specified, implemented, and the results documented for receiving incoming product, for work in process, and for final inspection and testing. Materials testing policies and procedures criteria and procedures to be used for testing the operational system or its major components are to be identified and documented.

## **9. Inspection, measuring, and test equipment**

Equipment required for inspection and testing should be identified, controlled, calibrated, and maintained in order to demonstrate the conformance of work to the specified requirements. Provisions should be made for recalibration of such equipment in a timely manner.

## **10. Inspection and test status**

A means should be provided for identifying the inspection and test status of work during production and installation. The purpose of this is to ensure that only work which has passed the required inspections and tests is accepted.

## **11. Nonconformance**

Procedures should be established and maintained to control nonconforming work in order to ensure that such work is not inadvertently used or installed.



## **12. Corrective action**

Corrective action procedures should be established, documented, and maintained. These include procedures for investigation of the cause of nonconforming work and the corrective action needed to prevent recurrence, and procedures for analysis to detect and eliminate potential causes of nonconforming work. This element also includes implementing and recording changes in procedures resulting from corrective action.

## **13. Quality records**

Procedures should be established and maintained for quality records. These procedures should identify which records should be kept, responsibility for production and collection, and responsibility for indexing, filing, storage, maintenance, and disposition of quality records.

## **14. Quality audits**

An internal audit should be established to ensure that the elements of the quality system are functioning as intended.

## **15. Training**

The grantee should establish and maintain procedures for identifying the training needs and provide for the training of all personnel performing activities affecting quality.

One objective of a good QA program is to prevent errors from occurring or to find errors quickly after they have occurred. This becomes more important when a product is expensive, complex, or has a long lead time. In such cases, it is especially important to have an inspection and testing program for work in progress.

Inspections and tests should ensure that contractor workmanship complies with requirements and conforms to industry standards, the configuration of the item conforms to the latest approved documents and/or that deviations are identified, the item conforms to functional requirements, and the contractor's documentation verifying acceptability is complete and adequate. To ensure that all work performed complies with requirements, hold points for owner inspection and authority to proceed should be established throughout the process of procurement, manufacture, and test. Resident or nonresident inspectors should be assigned to conduct inspections or witness tests, and a system of documentation should be employed to record data relative to the inspections and the findings.

The requirements should be defined by the specifications, contract drawings, approved contractor drawings, referenced standards, and related owner-approved

documentation. Workmanship should be assessed in terms of the specifications and referenced standards, or, if allowed in contract documents, approved contractor's work quality standards.

A thorough review of the contractor's inspection and test records for the work being inspected is a key element in the inspection. The records should demonstrate the contractor's QA verification of the acceptability of the equipment or work presented and the satisfactory completion of all appropriate prerequisites. The owner can reduce the need to conduct detailed inspections of the contractor's work by rigid enforcement of the requirement for the contractor to have an effective QA program.

The FTA requires pre-award and post-delivery audits for ferry boats, buses and rail vehicles. Such items clearly deserve work-in-process inspections because they are expensive, complex, and have long lead times.

## **14. ENVIRONMENTAL MONITORING**

All capital construction projects must adhere to local, State and Federal laws, rules and regulations concerning the environment.

The Division of Bridges' Environmental Engineering Unit reviews bridge designs for potential environmental issues/problems and appropriate revisions are made to address these issues. For example if the project requires excavation for bridge pier footings in a rail yard but there is no provision for the potential existence of contaminated soil that may be impacted during excavation then such requirements are noted and revisions to the design are made.

Environmental permits such as NYSDEC permits are prepared by the appropriate project management staff or consultant for that project. The Environmental Engineering Unit reviews the documentation prior to submittal to the appropriate oversight agency.

Quality Assurance (QA) meetings are scheduled prior to the commencement of any bridge construction kick-off meetings. The environmental issues associated with the project are discussed at these QA meetings. These issues are specific to each project and typically may consist of storm water management, discharge requirements, hazardous waste management, soil excavation, lead paint removal, etc. Documents summarizing environmental requirements may be provided to the contractor and resident engineer at these meetings if environmental concerns exist for the project. These are one or two page summaries. Separate meetings are then scheduled to discuss specific environmental concerns. Project submittals are reviewed by both the Environmental Engineering Unit and the resident engineer for compliance with environmental regulations. These project submittals are prepared by the contractor and are specific to the project task. The contractor may be required to prepare Health & Safety Plans, Dewatering Plans, Hazardous Management Plans or Contaminated Soil Handling Plans.

During the construction phase for a bridge project, the Environmental Engineering Unit performs periodic site inspections by in-house staff and through the use of a NYCDOT environmental consultant. If there are environmental issues on the project (e.g., lead paint removal, UST removal, dewatering) then the resident engineer may employ environmental personnel to oversee these aspects of the project. The Environmental Engineering Unit oversees the contractor as well as the resident engineer personnel in order to ensure compliance with environmental regulations. Some projects may have minimal environmental issues. In these circumstances the resident engineer does not have inspection staff dedicated to environmental oversight. This oversight is then the responsibility of the Environmental Engineering Unit.

## 15. RIGHT-OF-WAY (ROW)

NYCDOT's Land Use Review Unit, part of DOT Legal Affairs, is responsible for ascertaining Right-of-Way during the initial planning phase of a capital project. The following procedures, described in more detail in Appendix E of this document, shall be followed for both FTA and FHWA funded projects.

Once the area requiring construction is identified, the legal status of the Right-of-Way must be determined. In order for a street, bridge or facility to be eligible for capital funding the Right-of-Way must be mapped on the City planning maps or owned by the City (i.e. title vested). In some cases, when the City does not have the title vested, but has a Corporate Counsel Opinion (CCO) of dedication as-in-use, and the scope of the capital project does not call for widening the roadway beyond the existing pavement, the City may spend capital funding on the project.

In cases in which, within the parameters of a project, ROWs are mapped but not open for public use and the City does not have title, the City has to acquire the ROW through the acquisition process under the Eminent Domain Procedure Law (EDPL). Depending on the size and complexity of the capital project, the EDPL can take 18-24 months. EDPL includes the following steps:

- Preparation of damage & acquisition maps and obtaining the approval from NYC Corporation Counsel
- Environmental Assessment
- Public Hearings
- Publication of Determinations and Findings
- Request for Mayor's Certificate from NYCOMB which authorizes the City to purchase the private properties (The Mayor's Certificate is signed by the Deputy Mayor for Administration.)
- Appraisal and Title Search
- Court hearing and Title vesting
- Homeowner's notifications and financial compensation

In cases where the ROW is not mapped on the City maps or the scope of work requires widening of the streets beyond the mapped ROW, NYCDOT files on behalf of NYCDOT a [Uniform Land Use Review Procedure \(ULURP\) application](#) to be reviewed by the NYCDOT. The ULURP process takes approximately 18 months to 24 months (depending on the size and complexity of the project) to complete. ULURP action is required for City map changes which include the mapping of unmapped streets and/or the demapping of the existing ROW or remapping the new proposed ROW. ULURP includes the following steps:

- The pre-application phase, which consists of application review and sign off by NYCDOT.

- The application filing with NYCDTCP.
- NYCDTCP issues a notice of receipt.
- NYCDTCP conducts an interagency conference or prepares polling letter.
- NYCDTCP issues a Pre-Certification Report.
- NYCDTCP receives CEQR sign off from the applicant.
- NYCDTCP receives signed alteration map from the Borough President's Topographic Unit.
- The application is certified by NYC Planning Commission (NYCPC).
- Review of the certified application by the relevant Community Board.
- Review of certified application by the Borough President's Office.
- Public hearing and adoption by the NYCPC.
- City Council's resolution and adoption of the City map change.
- The Mayor's approval of the City map change.
- Certification and filing an Alteration Map by NYCPC.

Where the ULURP application is filed by a private applicant or jointly with a City agency, it is necessary to have a mapping agreement acceptable to NYCPC before certifying and filing the alteration map.

Because NYCDDC is the managing agency for the design and construction of NYCDOT's capital projects, NYCDDC is responsible for completing the EDPL and ULURP on behalf of NYCDOT from inception until completion.

FHWA-funded projects shall adhere to the acquisition guidelines laid out in Appendix E of this document. Note that specific language must be put into all deeds as required under the agency's "Standard DOT Title VI Assurances."

### **Property Acquisition**

In using FTA assistance to acquire real property, NYCDOT must comply with the [Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended](#). The intent of this requirement is to protect the rights of tenants and property sellers. Requirements include payment of just compensation to property owners and direction to comparable replacement housing for displaced residents. To ensure just compensation there must be appraisals as prescribed. All real property purchased in this fashion must have a non-discrimination covenant inserted into the title by NYCDOT.

FTA must review and concur in appraisals and review appraisals for acquisitions over \$500,000 or in-kind contributions of any value before Federal funds are expended, or the value is used as a local match.

In the event brown fields are purchased, NYCDOT can only receive FTA grants for remediation of contamination identified prior to purchase. To encourage the complete assessment of contamination prior to project decisionmaking, FTA

generally will not participate in the remediation of contamination discovered during construction.

## 16. SAFETY AND SECURITY

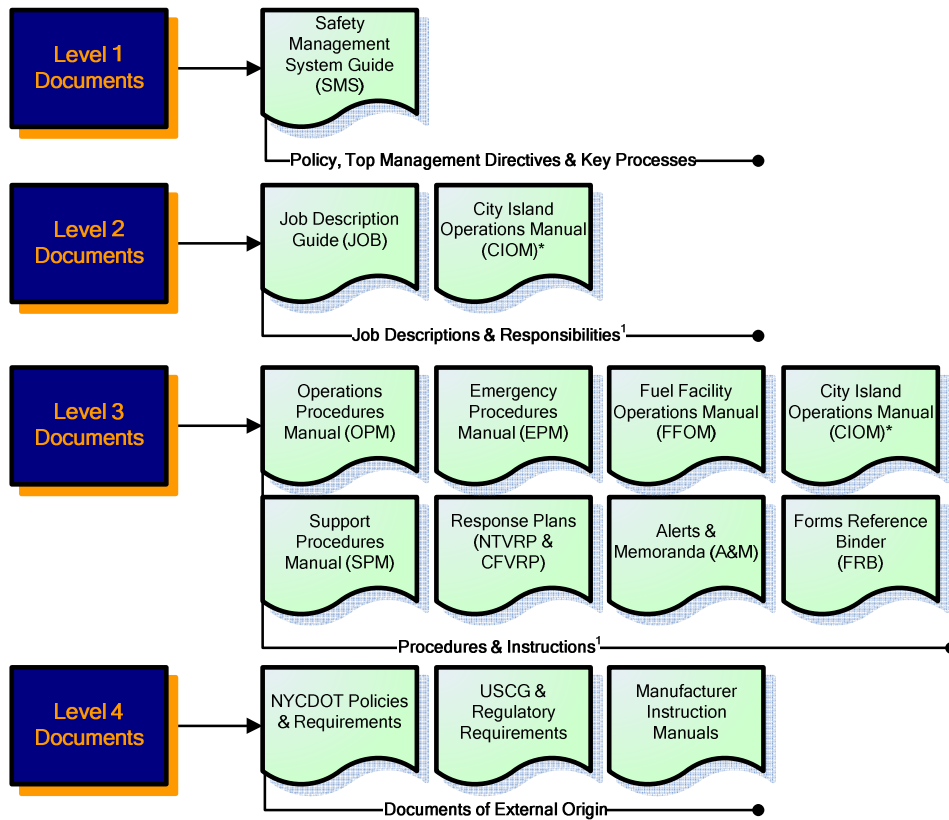
All capital projects require a health, safety, and security program. This program requires the development of a Health and Safety Plan (HSP), a Site Safety and Security Plan (SSSP), Emergency Preparedness and Incident Management Plan (EPIMP). The purpose of the program is accident prevention. Accident prevention is the primary concern of all project participants and the responsibility of all levels of management and supervision. Accidents cause suffering to those involved, and result in project delay and additional expense for the project. The plans should incorporate preventive measures, training, mitigation measures and contingency actions to respond to and remedy the effects of an accident. The [FTA's Safety and Security Guide \(C5800.1\)](#) is a good reference for devising complete safety and security plans for construction projects. Where applicable, NYC Building code requires that a site safety manager be provided by a contractor if the construction is for buildings and the total cost is above a specified threshold.

The Staten Island Ferry's Safety Management System (SMS) has been developed in accordance with the [International Safety Management \(ISM\) Code](#). Compliance with the ISM Code requires the implementation of an SMS that incorporates functional requirements or controls including:

- Safety and environmental protection policy
- Instructions and procedures to ensure safe operation of ferries and protection of the environment in compliance with relevant international and USCG legislation
- Defined levels of authority and lines of communication between, and amongst, personnel ashore and onboard ferries
- Procedures for reporting accidents, incidents and non-conformities
- Procedures to prepare for and respond to emergency situations
- Procedures for internal audits and management reviews

Processes have been mapped within SMS documentation to illustrate the flow and interrelation of actions that lead to planned results. These process overviews provide reference to specific controls (e.g. procedures and instructions) detailed within supporting SMS documentation.

Plans included in the Safety Management System are:



<sup>1</sup> The City Island Operations Manual (COIM) provides level 2 & 3 documentation.



## Health and Safety Plan (HSP)

The purpose of HSP is to identify worker exposure risks due to potential hazardous materials and recommend actions to minimize those risks during construction. The HSP must include a list of procedures, rules and other mandatory regulations that are required by FTA, FHWA, OSHA, New York State and New York City, the type of work and any relevant codes, standards and specifications. All contractors must have a safety director and an approved safety manual for all employees. At a minimum, the HSP shall include the following:

- Specific responsibilities
- Reporting and record keeping requirements
- Special safety and health rules and codes
- Safety and medical Department and facility requirements
- Safety orientation and training
- Enforcement procedures
- On-site safety meetings and inspections

While the contractor prepares an extensive HSP on capital construction contracts, the NYCDOT PM is responsible for HSP plan review and approval. The contractor provides overall safety and surveillance to ensure compliance with established safety and health policies and procedures.

NYCDOT also has Standard Operating Procedures (SOPs) governing health and safety issues. Because NYCDOT is a large agency responsible for a wide variety of projects, the NYCDOT PM must be knowledgeable about its Division's particular SOPs. For example, the Division of Bridges has the following health and safety related SOPs:

2004 BR009 Hot Work

2006-BR001 Spills on Roadways

2006-BR002 Spill Response Procedures

2006-BR004 Accidents on Contractor Construction Sites

2006-BR005 Accidents Involving DOT Employees

2007-BR001 Work Over Water

2007 BR002 Handling Animal Carcasses

2008-BR001 Environmental Engineering Unit

2008-BR003 Hazardous Waste Procedures

2008-BR004 Universal Waste Procedures

2008-BR005 Spill Response Procedures

2009-BR001 Work Zone Enhancements

The Division of Ferries provides their contractors with a "Safety Information for Contractors and Vendors" pamphlet. The pamphlet addresses work related procedures that are applicable to the job they are performing.

## **Site Safety and Security Plan (SSSP)**

The purpose of the SSSP is to protect the site from destruction due to weather, vandalism and terrorism. The SSSP should address construction staging, fencing, signage, excavation, material handling and security procedures for the job site. The SSSP must include a list of procedures, rules and other mandatory regulations that are required by FTA, FHWA, JTTF, OEM, New York State and New York City, the type of work and any relevant codes, standards and specifications. All contractors must have an approved security manual for all employees. At a minimum, the SSSP shall include the following:

- Specific responsibilities
- Reporting and record keeping requirements
- Special safety rules and codes
- Safety orientation and training
- Enforcement procedures
- Housekeeping and clean-up procedures
- Procedures for coordinating with local law enforcement
- Employee identification system

The contractor should provide overall security and surveillance to ensure compliance with established security policies and procedures. For instance, SIF has its own unique identification system for its employees and a separate one for its vendors and consultants.

The Staten Island Ferry operates pursuant to the Marine Transportation Security Act of 2002 (MTSA), as amended, the Security and Accountability For Every Port Act of 2006 (SAFE Port Act), as amended, and a United States Coast Guard (USCG) approved Combined Facility and Vessel Security Plan (CSP). The plan includes closed circuit television (CCTV) installation with full time monitoring centers at each terminal, anti-climb fencing with intrusion detection, vehicle barriers, and the establishment of secure and restricted areas. Further, an on-site New York Police Department (NYPD) dedicated ferry detail is in place. SIF has partnered with area operators and regulatory bodies including NYPD, Fire Department of New York (FDNY) and USCG personnel, to conduct annual drills and exercises.

## **Safety and Security Management Plan (SSMP)**

The SSMP, largely based on the SSSP and the PMP, guides the overall approach to management of safety and security throughout the project process, and into occupancy and use. The SSMP describes the integration of safety and security into project development, the assignment of safety and security responsibilities, and the system for tracking safety and security activities throughout the project's

development, implementation, and use. The SSMP also describes any coordination with Homeland Security or Federal Railroad Administration.

### **Emergency Preparedness and Incident Management Plan (EPIMP)**

An EPIMP establishes procedures for reporting emergencies and addressing security on the job site. Coordination with all the emergency service agencies (NYPD, FDNY, etc.) is critical.

Additionally, the safety procedures found in the [Emergency Procedures Manual](#) address responsibilities with respect to rendering first aid and emergency response.

## **17. TRAFFIC MANAGEMENT**

The NYCDOT's Permit Management and Construction Control (BPMCC) is responsible for the coordination of all street construction activity and issuance of permits in order to facilitate construction while minimizing the impact on pedestrians and motorists. BPMCC is comprised of the Office of Construction Mitigation and Coordination-Streets (OCMC-Streets), the Office of Construction Mitigation and Coordination-Highways (OCMC-Highways), the Permit Management Office, the Reconciliation Unit, the Maintenance and Protection of Traffic Implementation Group (MPTIG) and the Technology Office.

OCMC-Streets reviews all roadway and building construction activities on City streets to ensure that work progresses in a way that minimizes the impact on pedestrians and the riding public. OCMC-Streets issues traffic stipulations included on the permits issued by the Permit Management Office. Traffic stipulations include the terms of when work can occur, how much of the street and sidewalk can be occupied during construction, parking regulations during construction, posting of notices and deployment of Traffic Enforcement Agents.

OCMC-Streets interfaces with resident engineers, City agencies, community boards, elected officials, and the general public to resolve construction issues or problems related to traffic. OCMC-Streets also works closely with the major utilities to ensure their scheduled work is completed expediently with the least impact upon the public.

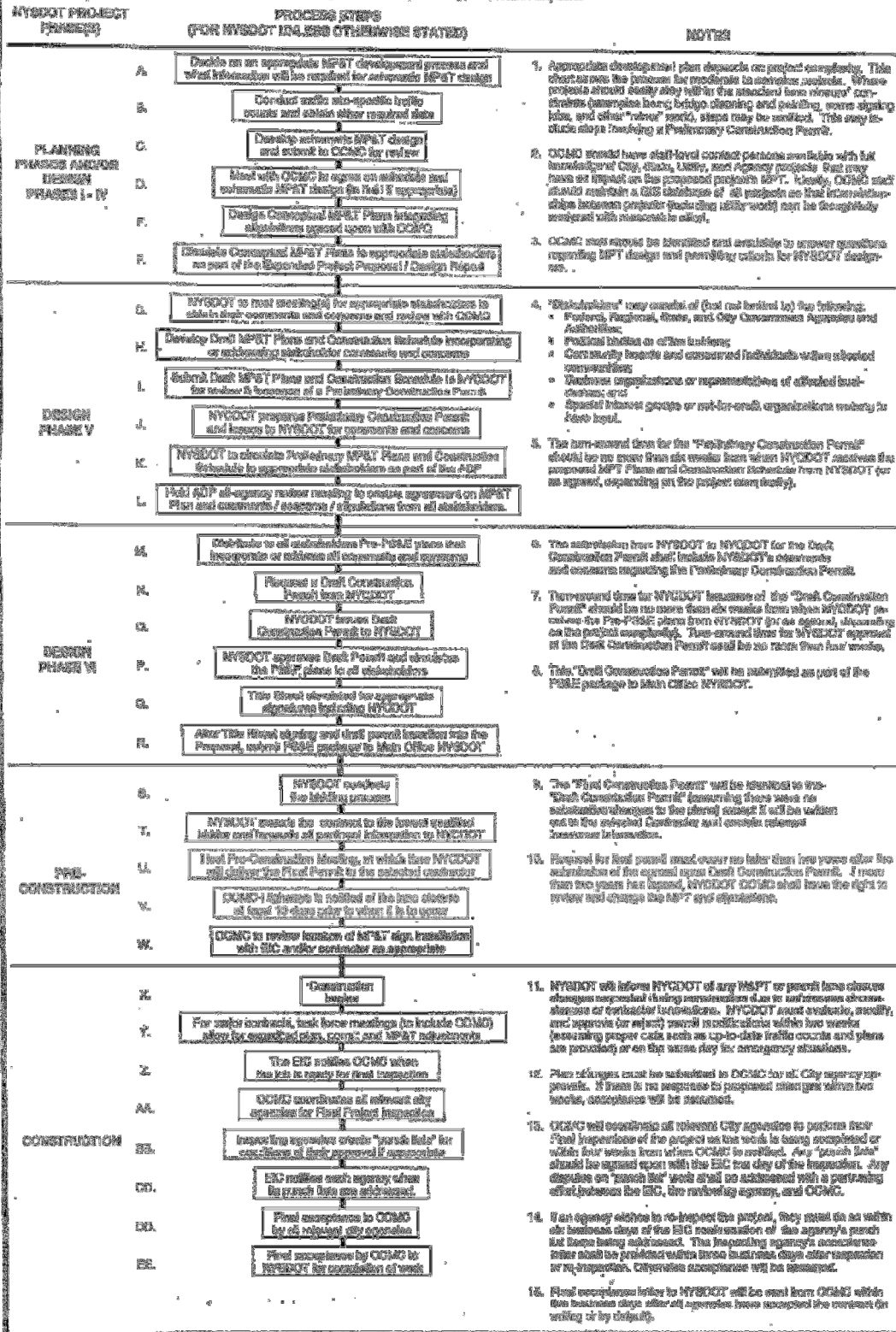
OCMC-Streets issues construction embargoes for all significant special events such as the NYC Marathon, parades, street fairs and the holiday season, as well as Weekly and Weekend Traffic Advisories which are disseminated to the public by the Division of External Affairs. OCMC-Streets works closely with NYCDOT's Special Events Unit, the NYPD and the NYCDOT's Traffic Management Center to minimize adverse traffic impacts.

OCMC-Highways reviews all roadway construction activities on City highways and toll bridges to ensure that work progresses in a way that minimizes the impact on the riding public. This office prepares letter work permits during design and amendments during construction for these large scale projects. OCMC-Highways staff issues the Maintenance and Protection of Traffic requirements which include how many lanes may be used and at what times. OCMC-Highways reviews and establishes detour routes, placement of Variable Message Signs and other signs, analyzes traffic count data during design and construction and decides where Traffic Enforcement Agents are to be posted. OCMC-Highways meet regularly with NYSDOT, the PANYNJ and the MTA to ensure the smooth progress of projects and adequate outreach to the public. OCMC-Highways and NYSDOT have created an interagency partnership for

developing the maintenance and protection of traffic plans for major projects. The following chart shows these relationships.

# INTERAGENCY PARTNERING BETWEEN NYCDOT AND NYS DOT PROJECT DEVELOPMENT, PERMITTING PROCESS, AND ACCEPTANCE FOR HIGHWAYS

Updated on Wednesday, November 08, 2006



The Permit Management Office issues permits to all utilities, governmental agencies, plumbers, contractors and homeowners enabling them to work on the City's streets and sidewalks.

The Reconciliation Unit collects fees for the permits, deposits the checks and reconciles the payments.

The MPTIG consists of inspectors who drive the streets and highways to monitor the progress of projects. Where projects cause interference with pedestrians and motorists, inspectors may suggest modifications to the traffic stipulations to OCMC-Streets and OCMC-Highways.

The Technology Office provides technical support to all the other sections of the Bureau including providing maps and statistics.

## **18. PROJECT COMMUNICATIONS**

The complexity of any capital project demands the development of a strong communication network, both internally to the project and to the public. A strong internal communications network ensures that the lines of communication between all project functions be open. Strong communication and coordination internally through standardized reporting requirements and a central reporting office enables simple external information flows that are necessary for public participation.

### **Internal Project Communication**

The PM must establish the major interfaces that are critical to a project's performance. These interfaces include those that exist between NYCDOT and the contractor, designer, functional units, project locations, project phases, the community and other agencies.

Communication procedures for the interfaces within NYCDOT include authorizations, reports, meetings and reviews. All communications are supported by records management.

When NYCDOT delegates the authority for contract management duties to the construction management consultant (CMC), all project communications are funneled through the CMC. The prime construction contractor(s) and the design consultant(s) communicate through the CMC. However, all prime contractors may communicate directly with NYCDOT on dispute resolution issues when the CMC's decisions are not satisfactory to the prime contractor(s). Although the prime contractor(s) shall keep the CMC informed on such matters, the design consultant communicates directly with NYCDOT PM on payments.

### **External Project Communications**

Community Boards have significant input during the planning phase of a capital project. Subsequently, the PM and CMC shall maintain regular contact with the local Community Board(s) through the Borough Commissioner's Office to keep them informed throughout the life of the project. The PM and/or CMC may be required to attend community board meetings to address any issues or concerns they may have during the project.

The PM and CMC shall pay special attention to the needs and concerns of the community. All construction activity considers the impacts to the quality of life in the community. Any utility shutdowns or street/sidewalk closures required for maintenance of pedestrian and vehicular traffic must be clearly communicated to



those affected. Special notices/brochures are distributed to the community as needed. All complaints are logged and tracked.

The PM coordinates with all participating agencies. Federally funded projects require proper signage on the jobsite which display the funding of the project. The FTA's Project Management Oversight Consultant (PMOC) and NYSDOT inspectors shall attend regular meetings and the PM must respond to requests from participating agencies for site visits, progress meetings, etc.

## 19. CIVIL RIGHTS PROGRAM

The FTA, FHWA, NYSDOT and NYCDOT all have statutory and regulatory requirements concerning civil rights. These requirements apply to aspects of project management throughout the agency at every level. Three of the most notable avenues through which this commitment to civil rights functions are the Equal Opportunity Policy (EEO), the Disadvantaged Business Enterprise (DBE) policies, and through adherence to the requirements of Title VI of the Civil Rights Act of 1964 and its allied statutes and regulations ("Title VI"). Broadly speaking, EEO policy concerns employees of the City and the employees of its contractors and grantees, DBE concerns the agency's contracting policies and performance, and Title VI governs the relationship between the agency and both the public and its contractors and grantees – including DBE and the tracking and resolution of discrimination complaints.

### Equal Opportunity Policy

The [Equal Employment Opportunity \(EEO\)](#) policy of the City of New York prohibits discriminatory employment actions against and treatment of City employees and applicants for employment based on actual or perceived race, color, national origin, alienage or citizenship status, religion or creed, gender (including "gender identity" -- which refers to a person's actual or perceived sex, and includes self-image, appearance, behavior or expression, whether or not different from that traditionally associated with the legal sex assigned to the person at birth), disability, age (18 and over), military status, prior record of arrest or conviction, marital status, genetic predisposition or carrier status, sexual orientation, or status as a victim of domestic violence, a sex offense or stalking. This policy applies to anyone who works directly for the City or anyone who works in behalf of the City (i.e., subrecipients, contractors, subcontractors).

### Disadvantaged Business Enterprise (DBE)

Within the Agency Chief Contracting Office, there is an Office of Contract Compliance, who with the assistance of NYCDOT's Grants Administration Unit, sets [NYCDOT's Disadvantaged Business Enterprise](#) annual goal for FTA funded procurements. This is accomplished by measuring the actual relative availability of DBEs to perform the types of FTA-funded contracts (both prime and sub) that NYCDOT intends to let. NYCDOT reviews past DBE participation on similar projects and conducts outreach events with minority – and women-based business groups for input on the difficulties member firms experience in competing for work. FTA Grants Administration Unit and the Office of Contracts Compliance work with the operating Divisions to maximize DBE participation. In addition the Office of Contracts

Compliance assists the New York City Department of Small Business Services to maximize outreach efforts.

The Office of Contract Compliance also monitors and enforces the applicable DBE regulations (49 CFR 26), and contractual requirements concerning DBE participation. The Office of Contract Compliance is responsible for reviewing Contractors' DBE Utilization Plans and payments to ensure compliance. Site visits are also conducted by the Office of Contract Compliance to monitor DBEs compliance pursuant to the prime contractor's Utilization Plan.

## **Title VI**

NYCDOT is committed to ensuring that no person is excluded from participation in, or denied the benefits of, or subject to discrimination in the receipt of its services on the basis of race, color, or national origin as protected by Title VI of the Civil Rights Act of 1964 and its allied statutes and regulations. Title VI applies to all federal funding. Most of NYCDOT's federal funding originates from either the Federal Transit Administration (FTA) or the Federal Highway Administration (FHWA), and each administration has measures in place to assure that their recipients and subrecipients (e.g. NYCDOT) comply with requirements of Title VI. Although FTA and FHWA are both subdivisions of the United States Department of Transportation, they each have their own procedures, and in practice administer their Title VI compliance oversight in somewhat different ways. NYCDOT is subject to review by both entities and is committed to compliance with their requirements.

### **FTA Programs**

The Federal Transit Administration (FTA) requires that NYCDOT report on Title VI every three years. As part of that report, the FTA Grants Unit submits a Title VI program for the agency in accordance with Title VI of Civil Rights Act of 1964; FTA Circular 4702.1A; Title VI Program Guidelines for Federal Transit Administration Recipients, dated May 26, 1988; and Title 49, Chapter 53, Section 5332 of the Code of Federal Regulations.

In accordance with FTA interpretation, NYCDOT extends the coverage of Title VI to low-income people and people with Limited English Proficiency (LEP). The agency's Language Assistance Program is used to translate documents and provide interpreters for community meetings as needed. The city's contract with a language hotline provides interpreter service over the phone for individual members of the public who require it.

The FTA requires fixed route transit service to be monitored for compliance with Title VI requirements. The only fixed route service provided by NYCDOT is the Staten Island Ferry. To monitor the ferry's Title VI compliance, the FTA Grants Unit conducts a survey of passengers every three years.

Signs in six languages are posted in on ferry boats and in ferry terminals letting the public know their protection from discrimination under Title VI, and how to file a complaint should they feel they are receiving discriminatory treatment. The agency has a complaint procedure that covers recording, investigation, resolution and reporting of each complaint.

### **FHWA Programs**

The Federal Highway Administration (FHWA) requires that NYCDOT execute a signed "[Standard DOT Title VI Assurances](#)" document, committing to a number of non-discrimination measures as a condition of receiving FHWA funds. Among these conditions is a requirement that NYCDOT include specific language in FHWA-funded solicitations for bids or proposals for work or materials, FHWA-funded contracts, and for certain deeds, leases, permits, licenses and other instruments with respect to FHWA-funded property and improvements.

NYCDOT is required to submit a Title VI Program Accomplishment Report and a Title VI Work Plan each year to the FHWA. The Accomplishment Report reviews the agency's performance during the preceding year, including a reporting of complaints received. The Work Plan highlights the planned activities for the upcoming program year. The FHWA also requires that measures be in place to assure the provision of services to persons with Limited English Proficiency (LEP). The agency has a complaint procedure that covers the recording, investigation, resolution and reporting of each Title VI complaint.

FHWA-funded procurements are required to follow NYSDOT's DBE Program. These requirements are laid out in the Schedule H appendix included in all city construction contracts.

## **20. PROJECT DOCUMENTATION AND RECORD MANAGEMENT**

Any contract involving the expenditure of public funds is subject to review or audit during and after performance to ensure that, at the very broadest level, the government got what it paid for. This concept means that at the contract administration level, the PM wants the file (standing alone and without need of interpretation or augmentation of the PM or any other staff element) to demonstrate that the contracting officer and the contractor have complied with the terms of the contract (e.g., bonds have been submitted, contractual issues requiring the approval of the contracting officer have been submitted and approved, requests for payment have been submitted, reviewed, approved, and processed, etc.) and that contractual and administrative issues in dispute have been addressed and settled in accordance with good administrative practice and sound business judgment.

Administration of capital projects requires thorough documentation. Proper documentation facilitates projects, assists in efficient project management, reduces the possibility of errors and claims, and assists in maintenance, operation, repair and replacement of the completed facility, or in a “lessons learned” program. Documentation also facilitates configuration control. At NYCDOT the PM is responsible for project documentation, filing, maintenance and control.

Project records include but are not limited to preliminary estimates, scopes and studies, budget and scope approval requests and receipts, study reports, models, instructions to designers, consultant contracts with documentation of consultant selection process, design deliverables, consultant invoices, and payment records, construction contract plans and specifications, contractor selection documentation including bid evaluation, notice to proceed, change orders, progress payment requisitions and reports, periodic project progress reports, punch lists and letters of acceptance, field orders, contract logs and status reports, requests for information and replies, test and inspection reports, supplemental plans and specifications, shop drawings and submissions, schedules, correspondence, meeting minutes, daily job site reports, weather reports, accident reports, purchase orders and delivery tickets, diaries, progress photographs, and telephone and meeting logs. The PM is responsible for monitoring all records, storing them in a recoverable manner and ensuring timely answers to all items received which require response.

The PM is responsible for directing the project team on managing project documentation and record keeping. Record archival is the responsibility of NYCDOT’s Office of Record Management.

## **Field Directives, Procedures and Plans**

Copies of all pertinent field directives, procedures and plans shall be located in the CMC/REI Field Office, including:

- A copy of this Organization Management Plan
- Health and Safety Plan (HSP)
- Site Specific Safety Plan (SSSP)
- Safety and Security Management Plan (SSMP)
- Emergency Preparedness and Incident Management Plan (EPIMP)
- Mobilization and Work Plan
- Quality Assurance/Control Plan
- Occupational Safety and Health Admin. Standards (OSHA)

The CMC/REI Office shall also obtain all applicable local NYC and National Engineering Codes.

## **Correspondence Control**

Correspondence control is a very important aspect of any project. Prior to the start of any project the CMC and the NYCDOT PM shall establish guidelines and procedures for maintaining, tracking and responding to all correspondence (both written and oral). However, NYCDOT requires that all correspondence be in writing.

### **Incoming Correspondence**

A "suspense" system is established for each project where all incoming written correspondence is properly logged in and routed to the correct individual responsible (NYCDOT PM, CMC, etc.) for preparing a response. A realistic suspend date (response time) is assigned to the correspondence and tracked. All oral correspondence (telephone conversations or meetings) must also be properly documented with confirmation letters and meeting minutes. The PM and the CMC establish an appropriate filing plan.

### **Outgoing Correspondence**

A system of handling all types of outgoing correspondence (including field letters) shall be established.

### **Field Office Logs and Forms**

All office logs shall be maintained on a daily basis. Copies of current and blank forms for processing different activities shall also be on file. A partial list of logs and forms to be maintained include, but are not limited to:

- Submission log and forms
- Material storage log
- Change Order log and forms
- Temporary and permanent permit log
- Community complaint log
- Request for Information log
- Site safety log
- Insurance log and control
- Project photograph or special conditions photo log
- Warranty and guarantees register

### **Federal, State and City Inspections, Findings, Reports**

All governmental agency inspections and reports shall be properly documented and filed by the CMC. All written responses to inspections conducted by Federal, State, or City agencies, as well as inspections and written reports received regarding job safety, security, building and fire inspections, shall be properly prepared, mailed, and filed by the CMC and NYCDOT PM. All written responses to inspections conducted by either the NYCDOB and NYCFD or any other agency shall be properly prepared, mailed and filed within 30 days of receipt of the written report by the NYCDOT PM.

### **Job Progress Meeting and Minutes**

The PM shall keep minutes of all the meetings, including weekly job meetings, safety and security meetings, monthly scheduling meetings, contractor/public and private utility coordination/special meetings, and any other meetings held for the project. Each prime contractor's daily progress report shall be collected by the CMC, reviewed, and filed.

### **Requests for Information**

The contractor must submit any requests in writing to the CMC. The CMC shall track all Requests for Information (RFI).

### **CMC's Daily Diary and Monthly Report**

The CMC shall prepare a daily report/diary of each day's activities. This report shall be filed by the CMC. In addition to the daily report, the CMC shall also prepare monthly and quarterly reports of the major issues concerning the project.

### **Material/Equipment**

The CMC shall track the delivery and storage of materials and equipment with support from each prime contractor. A "Request for Approval" form must be submitted by the prime contractor and approved by the CMC prior to payment. The CMC shall maintain a stored material log.

Control, testing, and inspection of material and equipment are the responsibility of either the prime contractor or CMC (specified in the contract). Depending on the contract requirements either the design consultant or the CMC shall approve all material submittals. The CMC shall perform quality assurance to enforce the contractor's quality control of the materials and workmanship. All approvals and rejections shall be properly documented by the CMC.

### **Payroll Time Sheets**

Bi-weekly time sheets for the CMC staff shall be properly documented and filed as part of the monthly contract payment invoice by the CMC and submitted to the NYCDOT PM. The NYCDOT PM shall review these sheets for accuracy and then process the invoice for payment. Bi-weekly time sheets for all prime contractors and subcontractors shall be properly documented by each prime contractor and submitted to the CMC for review and approval. Time sheets will be filed at the CMC field office. The NYCDOT PM, the Engineering Audit Bureau (EAB), or any other oversight agency may review this information during or after the monthly contract payment invoice processing.

### **Reports**

All reports and responses shall be properly documented and filed in accordance with the established procedures.

### **Drawings**

As specified in the construction and CMC contracts, each prime contractor is responsible for providing project drawings and specifications which reflect the most current changes and revisions. The CMC shall maintain an office working copy to reflect change orders. Upon construction completion, an approved and finalized set of As-built drawings (both blueline and microfilm) shall be submitted to the NYCDOT PM.

### **Performance Evaluations**

Each prime contractor's performance evaluation shall be completed by the CMC and submitted to the NYCDOT PM as specified in the construction contract. These evaluations shall be properly distributed and filed. The CMC's performance evaluation shall be completed by the NYCDOT PM as specified in the CMC contract.



## **21. PROPERTY MANAGEMENT**

NYCDOT is responsible for maintaining the City's streets and arterial highways, bridges, and ferry terminals, among other property and facilities in accordance to City, State, and Federal laws.

### **City Requirements**

Under the NYC Charter, the City has the authority to acquire real property for public purposes. Certain City properties such as waterfront, ferries, wharves, bridges, land under water, public landings, wharf property, docks, streets, avenues, highways, parks, waters, waterways, and all other public places are inalienable, meaning that they cannot be sold, leased, or otherwise surrendered without action of the NYS Legislature. Leases by the City of land under water, wharf property, wharves, docks, and piers are expressly permitted, however, and grants of franchises, permits, and licenses by the City are permitted for other types of inalienable property. Disposal of other City real property is regulated by the NYC Charter: disposal must be authorized by the Mayor and is subject to ULURP and NYC Council review.

### **State Requirements**

State requirements are enumerated in the [General Municipal Law](#) and the [General City Law](#). Please consult those sources for further information.

### **Federal Requirements**

#### **Satisfactory Continuing Control**

Title to all property (both real and personal) purchased by NYCDOT with FTA provided funds vests in NYCDOT. FTA retains an interest in all property purchased with NYCDOT funds. The FTA requires NYCDOT to annually certify that it "has or will have satisfactory continuing control over the use of the equipment and facilities . . ." through operation, lease, or otherwise.

Joint development projects are FTA funded real estate projects undertaken by NYCDOT and a third party combining transit and economic development. FTA funds may be used for joint development projects if they provide an economic return to transit and meet other considerations. The third party is the source of income and may be the developer or a lessee. Such third parties may be private for-profit or not-for-profit entities. Joint development proposals are subject to FTA review and approval on a case-by-case basis.

Transfer of project property by NYCDOT must be in accordance with FTA rules and regulations. NYCDOT must have a loss control system and must maintain control of

equipment leased to contractors or operated by them. NYCDOT must have a material control system for all equipment purchased with FTA funds.

## **Use**

NYCDOT shall use property purchased with FTA funds for appropriate project purposes, as described in NYCDOT's grant application, throughout the life of the property. NYCDOT must restore misused or damaged property funded by the FTA or must refund the FTA interest in such property to the FTA.

NYCDOT is encouraged to undertake incidental uses of FTA funded properties in order to provide additional revenues for transit or to enhance ridership. Incidental uses must not compromise mass transit activity. If NYCDOT makes incidental use of transit property acquired with FTA funds then it must obtain FTA authorization for this. If NYCDOT has excess real property acquired with FTA funds then it must prepare an "excess real property utilization plan" and submit it to the FTA. NYCDOT is required to notify the FTA when property is removed from the intended service described in the grant that was used to purchase the property.

NYCDOT is required to maintain control over federally funded property, ensure that it is used in transit service, and dispose of it in accordance with Federal requirements. If NYCDOT leases federally funded property to another party, the lease must provide NYCDOT satisfactory continuing control over the use of that property. Control over FTA-funded facilities and equipment is determined in two areas: real property (land) and facilities, and personal property (equipment and rolling stock, both revenue and non-revenue). FTA requirements for adequate property control must conform to FTA procedures described in the grants management circular ([FTA C 5010.1D](#)) including regulations for disposing of property; and for safeguards against loss, theft, or damage.

## **Maintenance**

NYCDOT is required to annually certify that, pursuant to [49 U.S.C. Section 5307\(d\) \(1\) \(C\)](#), it will maintain federally funded facilities and equipment. As such, a written preventive maintenance plan is required for all federally funded assets.

Equipment and facilities acquired with Federal assistance must be maintained in good operating order. This includes maintenance of rolling stock (revenue and non-revenue), ferry boats, machinery and equipment, and facilities. FTA requires NYCDOT to prepare a maintenance plan. The maintenance plan should identify the goals and objectives of a maintenance program, which may include, for example, vehicle life, frequency of road calls, and maintenance costs compared to total operating costs. The maintenance program, therefore, should establish the means by which such goals and objectives will be obtained.

## **Real Estate Management Plan**

Real property, equipment and supplies, rolling stock, ferry boats and facilities purchased or constructed for project purposes must be managed, used, and disposed of in accordance with applicable laws and regulations. For more information or guidance on the management, use, and disposition of Federal Transit Administration (FTA) funded real property, equipment, supplies, rolling stock, and facilities please refer to FTA circular 5010.1D chapter 4, section 2 ([http://www.fta.dot.gov/documents/C 5010 1D Grant Management Requirements 2012 Page Changes 8-27-2012.pdf](http://www.fta.dot.gov/documents/C_5010_1D_Grant_Management_Requirements_2012_Page_Changes_8-27-2012.pdf)). Also note that PMs may be required to submit a real estate management plan as required.

A Real Estate Acquisition Management Plan (RAMP) is required for all major capital projects as a part of the Project Management Plan (PMP) under [49 CFR 633.25](#) and in accordance with [49 CFR part 24](#). A full RAMP is not required for other capital projects with real estate acquisition; however, all capital projects must be in compliance with 49 CFR part 24, if real estate acquisition or relocation assistance is involved. The RAMP is a planning document for the acquiring agency and is a control document for FTA that includes real estate goals and methodology from the perspective of timing, staffing, statutory, and policy issues. The RAMP should be periodically reviewed for needed changes. More information can be found in [FTA Circular 5010.1D chapter 4](#).

## **Recordkeeping**

NYCDOT must keep adequate records regarding the use of all project property purchased with FTA assistance. NYCDOT must record the Federal interest in any real property in the title to the property as directed by the FTA. NYCDOT must certify annually that it will maintain federally funded facilities and equipment in accordance with 49 USC §5307 (D) (1) (J). For equipment purchased with FTA funds, NYCDOT's written records must include the following data: description, identification number, acquisition date, cost, Federal percentage of interest, FTA grant number used for purchase, location, use, condition, disposition action, and vested title. NYCDOT is required to conduct a physical inventory of equipment biennially, and to reconcile the results with its equipment records.

If NYCDOT leases equipment purchased with FTA funds to third parties there must be a contract. The contract must state that equipment is to be operated in the best interest of NYCDOT and the public and must be properly maintained. Leases must be related to service agreements. NYCDOT is required to keep an inventory of its equipment purchases.

NYCDOT must prepare and keep an excess property utilization plan for all property purchased with FTA funds that are no longer needed for transit. The excess property utilization plan is subject to inspection during FTA triennial review.

## **Property Disposition**

NYCDOT must dispose of all FTA funded property in accordance with FTA Circular 5010.1D.

## **22. APPENDICES**

### **Appendix A**

#### Parkland Alienation Process

Below are the steps that must be completed in order to alienate parkland in any given State Legislative session. Timing for each step varies, but steps 1 through 11 must be completed by May, since sessions only run from January until mid-June.

Once it is determined that alienation legislation is needed, an agreement must be reached with the NYC Department of Parks and Recreation (NYCDPR) concerning replacement of parkland and other mitigation measures. Note that NYCDPR has made it clear that they will not sign off on any alienation bill unless replacement parkland is identified and its metes and bounds are inserted into the alienation legislation. The State Assembly has held this position as well.

Once an agreement on replacement parkland is reached with NYCDPR, the FINAL metes and bounds of both the land to be alienated and the replacement parkland must be transmitted as a Word document attachment to an email sent to NYCDOT's Division of External Affairs along with six copies of the metes and bounds maps. Lastly, any photos, aerial shots, and/or PowerPoint presentations (such as those given to a community board) and any other helpful backup materials should be sent via email to be used as briefing materials in Albany.

Once NYCDOT has received the final metes and bounds, the Division of External Affairs drafts the legislation and accompanying support memo and first send it around internally for review and then forward it to the Corporation Counsel and NYCDPR for their review.

The bill generally includes five sections:

Section 1. Authorization to discontinue the parkland

Section 2. Replacement parkland requirement and fair market value language

Section 3. Metes and bounds description of parkland to be discontinued

Section 4. Metes and bounds description of replacement parkland

Section 5. Effective Date

The accompanying support memo shall detail the need for the alienation, highlight the benefits of the project (i.e. safety, environmental, economic), and describe the

replacement parkland and other mitigation measures, as well as list other agencies, community boards, groups, and elected officials supporting the project.

Once Corporation Counsel reviews the legislation and the metes and bounds, a final version of the bill and support memo is approved by NYCDOT and NYCDPR.

Once sign off is given by NYCDOT and NYCDPR, Corporation Counsel formally transmits the bill and support memo to the Mayor's State Legislative Office.

The Mayor's Office briefs the proposed sponsors of the bill in both the Senate and Assembly. NYCDOT must answer any questions and resolve any of their issues with the project before they agree to sponsor the bill.

The Senate and Assembly program staff and counsel (who handle all alienation bills) must sign off on the bill language.

Pending Senate and Assembly sign off of the bill and any negotiations that may need to take place, Corporation Counsel may need to redraft the bill, and then NYCDOT and NYCDPR must sign off on it again.

Once we have an "agreed to" bill with the sponsors and Senate and Assembly staff, the bill and support memo are officially introduced into both houses and then forwarded to the Mayor's City Legislative Office for a Home Rule Message. The bills cannot move in Albany without a Home Rule Message.

Next the bill is officially introduced into the City Council at one of their Stated Meetings and referred to the State and Federal Legislation Committee. This Committee then schedules a Home Rule hearing whereby NYCDOT (and possibly NYCDPR) must attend and testify in support of the bill.

The Committee, followed by the full Council, then votes on the Home Rule Message. Once the Message is obtained, it is forwarded and filed with the Home Rule Counsels in both the Senate and Assembly. Once the Message is filed, the bills are ready to be passed which typically occurs during the last week of session in mid-June.

Once the bills are passed, NYCDOT and NYCDPR fill out a questionnaire provided by the NYS Department of Parks that details the need for the alienation.

Pending NYS Department of Parks sign off, the Governor signs the bill into law sometime between the time it passes both Houses in June and December 31st.

## **Appendix B**

### **Directive No. 63**

DIRECTIVE NO. 63

TO: ALL CONSTRUCTION AGENCIES

FROM: RUDOLPH J.RINALDI

DATE: NOVEMBER 18, 1991

RE: NEW CHANGE ORDER PROCEDURES FOR CONSTRUCTION  
CONTRACTS AND CONSULTANT CONTRACTS

In order to expedite the issuance of change orders to construction and consultant contracts, a new agency change order procedure shall be instituted, effective immediately. This new process is only for issuing change orders and does not apply to material alterations in the scope of the contract. All new construction and consultant contracts, and existing contracts as defined below, must follow these procedures. All change orders must conform to the Procurement Policy Board Rules: Chapter 4, Section 4-01; .Chapter 6, Section 6-01; and Chapter Nine, Section 9-01. Significantly, the new change order process limits the number of required signatures on the change orders to one signature.

#### **CONSTRUCTION CONTRACTS**

##### **I. CHANGES TO BE MADE IN CONTRACT LANGUAGE**

The following language shall be inserted into all new construction contracts before their execution. The Agency also must change the language in all existing construction contracts that have not been substantially completed. In order to implement the new procedure for existing contracts, a change must be issued because the language in the existing contracts expressly forbids the Resident Engineers ("RE's") and Engineer/Architects ("E/A's") from issuing change orders.

1. The language of Article 25 referring to the Commissioner, which now reads, "and shall be valid only if issued in writing and signed by the Commissioner" shall be changed to, or added, if the above sentence has been deleted previously, "No change order shall be valid unless signed by the Contractor and by the Resident Engineer or Engineer/Architect on behalf of the City or as otherwise provided in Article 26."

2. The language of Article 30 referring to the RE, which now reads, "The Resident Engineer shall be the representative of the Commissioner at the site, and subject to review by the Commissioner, shall have the power, in the first instance, to inspect, supervise and control the performance of the work. The Resident Engineer shall not, however, have the power to issue an extra work order, except as specifically designated in writing by the Commissioner." shall be changed to, "The Resident Engineer shall be the representative of the Commissioner at the site, and subject to review by the Commissioner, shall have the power, in the first instance, to inspect, supervise and control the performance of the work, and issue change orders for extra work as designated in writing by the Commissioner."

3. The language of Article 31, subparagraph 4, referring to the E/A, which now reads, "To make minor changes in the work as he deems necessary, provided such changes do not result in a net change in the cost to the City or to the Contractor of the work to be done under the Contract. " shall be changed to, "To make changes in the work as the Engineer/Architect deems necessary, including the issuing of change orders for extra work, as designated in writing by the Commissioner".

4. The following sentence in Article 31 shall be deleted, "The Engineer or Architect shall not, however, have the power to issue an extra work order, except as specifically designated in writing by the Commissioner."

## II. DESIGNATION OF THE CONSTRUCTION PERSON TO SIGN THE CHANGE ORDER

### A. MONETARY LIMITS

For each contract, the Commissioner (or the ACCO) shall designate two agency employees to authorize the extra work.

1. For all change orders under \$5,000:

All change orders under the amount of five thousand dollars (\$5,000) shall be signed by the responsible RE; except that the RE may not sign a change order where the total amount of the change orders signed by the RE on any one construction contract cumulatively exceeds two and one half percent (2 1/2%) of the contract award amount.

2. For all change orders for \$5,000 or over:

All change orders exceeding this amount shall be signed by the responsible E/A; however the approval of the Mayor's Office of the Director of Construction ("ODC") must be obtained before the E/A signs a change order where the amount exceeds the greater of fifty thousand dollars (\$50,000) or a cumulative ten percent (10%) of the contract award amount. While the Agency Chief Contracting Officer ("ACCO")



shall be responsible for justifying the change increase in writing and for obtaining ODC approval of the change order, the E/A shall be the only agency representative to actually sign the contract change form. The ACCO shall be responsible for notifying the E/A that oversight approval has been obtained so that the E/A can execute the contract change order.

## B. DESIGNATION OF THE SIGNOR

At the commencement of each contract, or whenever a personnel change occurs, a letter from the Commissioner or the ACCO shall be sent to the Contractor stating the following:

### 1. The Resident Engineer

"In accordance with Article 2 of the Agreement, I hereby designate NAME/TITLE, as my site representative under contract number \_\_\_\_\_ and advise you that this person is authorized to approve change orders (other than material scope changes) up to five thousand dollars (\$5,000) in each instance but not to exceed cumulatively two and one-half percent (2 1/2%) of the contract award amount, whichever is greater."

### 2. Engineer/Architect

In accordance with Article 2 of the Agreement, I hereby designate Name/Title --the Engineer/Architect under contract number \_\_\_\_\_ and advise you that this person is authorized to approve change orders (other than material scope changes) which do not cumulatively exceed the greater of fifty thousand dollars (\$50,000.00) or ten percent (10%) of the contract award amount. For changes exceeding these limits, this person is authorized to execute the change orders only after receipt of written approval from the Mayor's Office of the Director of Construction."

## III. PREPARING THE REQUIRED FORMS

### A. Preparation of the Contract Change Request Form and Contract Change Form

For all change orders, both the CONTRACT CHANGE REQUEST FORM ("CCR") and the CONTRACT CHANGE FORM ("CC") must be filled out. The forms attached here to shall be used by all agencies for all change orders. The following procedures shall be followed:

1. The RE within the RE's monetary authority, or the E/A for all other changes, shall prepare both the CCR and the CC header information.

2. The RE or E/A shall forward the CC and the CCR to the EAO, the Contractor, the Agency Estimating Unit, the Agency Design Unit and/or other agency units as established by agency procedures.
3. The Contractor shall fill out the Contractor's proposal in the appropriate column on the CC, sign the document in the " Contractor's Approval" column and return the document to the RE or E/A within seven (7) days.
4. The EAO shall review the CCR before receipt of the Contractor's proposal, sign in the EAO's review box, check whether it "is" or "is not" contract work and return the CCR within seven days to the RE or E/A.
5. The Agency Estimating Unit, the Agency Design Unit and the other involved agency units shall review the CCR, estimate the costs of the change order and advise as to the appropriateness of the proposed CCR. They shall return the CCR with their comments within seven (7) days to the RE or E/A.
6. For all disagreements as to the appropriateness of a change order:
  - a. When disagreements between the RE and the EAO involve sums totaling less than \$5,000, the RE shall present such disagreement to the E/A. If the E/A agrees with the EAO, the E/A may settle the dispute. If the E/A disagrees with the EAO, the E/A may bring the disagreement to the Commissioner, or the designated representative, within three (3) days, who shall respond with a decision within seven (7) days. The Commissioner's decision shall be in writing and is final.
  - b. When disagreements involve sums of \$5,000 or more, if the E/A disagrees with the EAO, the E/A shall bring the dispute to the Commissioner within (3) days and the Commissioner or a designated representative shall decide the dispute within seven (7) days. The Commissioner's decision shall be in writing and is final.

#### B. Establishing the Change Order Cost

Once the need for a Contract Change is established, the preparation of the CC cost shall occur.

1. The RE, or the E/A when appropriate, shall review the CC submitted by the Contractor and shall negotiate a price with the Contractor to establish the "Negotiated Price."
2. If an agreement is reached on a Negotiated Price, the RE or E/A shall complete and submit the CCR to the EAO for review. The EAO shall sign the CCR a second time indicating that the "Negotiated Cost" "is" or "is not" reasonable.

3. When the RE writes the change order, if the EAO disagrees that the "Negotiated Cost" is reasonable, the E/A shall review the "Negotiated Price" and shall either confirm or change the decision of the RE.

4. If the E/A and the EAO disagree that the "Negotiated Cost" is "reasonable", the E/A shall present the disagreement to the Commissioner, or a designated representative, within three (3) days who shall decide the dispute within seven (7) days. The Commissioner's decision shall be in writing and is final.

5. Once there is a decision and the ACCO has justified in writing that the Negotiated Cost is reasonable, the Negotiated Cost shall be inserted on the Authorized Cost column of the CC form and the CC form shall be signed by both the Contractor to signify its acceptance of the Negotiated Cost and by the agency authorized person indicating the "Department's Approval". The same number of CC's shall be executed as there are executed original contracts. The CC's shall be processed within fifteen (15) days and submitted for registration immediately. One fully executed original CC shall be given to the Contractor. Another fully executed original CC shall be retained by the Comptroller. The remainder of the full executed CC's shall be retained by the Agency.

## CONSULTANT CONTRACTS

To issue a change order to a consultant contract, the same procedure shall be followed as in the construction contract change order process; except that the CONTRACT CHANGE REQUEST (CONSULTANT) FORM and the CONTRACT CHANGE (CONSULTANT) FORM attached hereto shall be used instead of the CCR and CC.

### I. CHANGES TO BE MADE I N CONTRACT LANGUAGE

The following language shall be added to the contract changes section of all new consultant contracts and in all existing consultant contracts that have not been substantially completed: "No change order shall be valid unless signed by the Consultant and by the person designated in writing by the Agency's Commissioner to make such changes ("authorized person")."

### II. DESIGNATION OF THE PERSON TO SIGN THE CONSULTANT CHANGE ORDER

#### A. Designation of the Signor

At the commencement of each consultant contract, or whenever a personnel change occurs, the Commissioner (or the ACCO) shall designate in writing for each contract a person who shall be authorized to sign change orders on behalf of the Agency. A letter shall be sent from the Commissioner (or the ACCO) to the Contractor stating

the following: "In accordance with Article \_\_\_\_ of the Agreement, I hereby designate NAME/TITLE as my representative under contract number \_\_\_\_\_ and advise you that this person is authorized to approve change orders (other than material scope changes)."

## B. Definitions

The titles "Resident Engineer" and "Engineer/Architect" shall have the same meaning as presently used in the standard City contract documents. The signing individual shall be designated and authorized by the Commissioner or the ACCO on a contract by contract basis.

## III. PREPARING THE REQUIRED FORMS

### A. Preparation of the Consultant Contract Change Request Form and Consultant Contract Change Form

For all change orders, both the CONTRACT CHANGE REQUEST FORM (CONSULTANT) ("CCR") and the CONTRACT CHANGE FORM (CONSULTANT) ("CC") must be filled out. The forms attached hereto shall be used by all agencies for all consultant change orders. The following procedures shall be followed:

1. The authorized person shall prepare both the CCR and the CC header.
2. The authorized person shall forward the CC and the CCR to the Consultant and the EAO, as well as to any other agency units as established by agency procedures.
3. The Consultant shall fill out the Consultant's proposal in the appropriate column on the CC, sign the document in the "Consultant's Approval" column and return the document to the authorized person within seven (7) days.
4. The EAO shall review the CCR before receipt of the Consultant's proposal, sign in the EAO's review box, check whether it "is" or "is not" contract work and return the CCR within seven days to the authorized person.
5. The appropriate agency units shall review the CCR, and advise on-its appropriateness. They shall return the CCR within seven (7) days to the authorized person.
6. If the authorized person disagrees with the EAO, the authorized person may bring the disagreement to the Commissioner or a designated representative within three (3) days, who shall respond with a decision within seven (7) days. The Commissioner's decision shall be in writing and is final.

### B. Establishing the Consultant Change Order Cost

Once the need for a Contract Change is established, the preparation of the CC cost shall occur.

1. The authorized person shall review the CC submitted by the Consultant and shall negotiate a price with the Consultant to establish the "Negotiated Price."

2. If an agreement is reached on a Negotiated Price, the authorized person shall complete and submit the CCR to the EAO for review. The EAO shall sign the CCR a second time indicating that the "Negotiated Cost" "is" or "is not" reasonable. The EAO must agree that the proposed work is not contract work and that the negotiated costs are reasonable. For any changes to contracts for any construction related professional services that cumulatively exceed the greater of 10% or \$50,000, the ACCO must issue a written opinion that such changes are justified and ODC must approve the change in writing.

3. If the authorized person and the EAO disagree that the "Negotiated Cost" is "reasonable", the authorized person shall present the disagreement to the Commissioner, or a designated representative, within three (3) days, who shall decide the dispute within seven (7) days. The Commissioner's decision shall be in writing and is final.

4. Once there is a decision that the Negotiated Cost is reasonable, the Negotiated Cost shall be inserted on the Authorized Cost column of the CC form and the CC form shall be signed by both the Consultant to signify its acceptance of the Negotiated Cost and by the agency authorized person indicating the "Department's Approval". The same number of CC's shall be executed as there are executed original contracts. The CC's shall be processed within fifteen (15) days and submitted for registration immediately. One fully executed original CC shall be given to the Consultant. Another fully executed original CC shall be retained by the Comptroller. The remainder of the fully executed CC's shall be retained by the Agency.

## AUDIT

All Contractors and Consultants must be advised by the Agency issuing a change order that where the cost of the change order has been negotiated in the absence of established cost history, the costs are subject to verification by post-audit. The following language must be written on the CC form where applicable. If the post audit reveals that the Contractor's costs for the change order work were inaccurately stated during negotiations, the agency shall recoup the amount by which the costs were inaccurately stated by proportionately reducing the price of the change order.

The EAO shall audit vouchers before payment for both the construction and consultant contracts but such audit cannot change the agreed to "Negotiated Cost" of the change orders unless the contract change was the result of fraud, error or

mistake. In such a case the authorized person must concur with appeals made as set forth in the above contract change.

# Appendix C

## Joint Directive No. 1




THE CITY OF NEW YORK


Joint Directive No. 1, Amendment 1

Date: March 1, 1999

To: All Construction Agencies

From: Gary Geiersbach 

Director, Mayor's Office of Construction

  
Michael P. Rennard, P.E.

Comptroller's Chief Engineer

Re: Cost Allowance for Contractor-Owned Equipment

\*\*\*\*\*

This Joint Directive is issued pursuant to the powers granted to the Mayor's Office of Construction and the Comptroller's Office as found in the NY City Charter and the Procurement Policy Board Rules. Equipment costs under Time and Material (T&M) contracts and change orders for which no equipment rates are otherwise specified will be paid as prescribed in this Directive.

## Equipment

**A.** Time and Material contracts shall provide reimbursement for contractor owned equipment at 75% of the monthly rates provided by the appropriate edition of "AED Green Book, Rental Rates and Specifications for Construction Equipment" ("Green Book") published by PRIMEDIA Information Inc., prorated daily for the number of days actually used (subject to the restriction of Paragraph E below). Reasonable costs for move in and move out may be allowed if the utilization period is one week or less.

**B.** Change Orders shall provide reimbursement for contractor owned on-site equipment at 75% of the monthly rates provided by the appropriate edition of the "Green Book" prorated hourly for the actual hours used (subject to the restriction of Paragraph E below).

**C.** Change Orders shall provide reimbursement for contractor owned equipment brought to the site for the performance of extra work at 75% of the monthly "Green Book" rates prorated daily for the number of days actually used (subject to the restrictions of Paragraph E below). Reasonable costs of move in and move out may be allowed if the utilization period is one week or less.

**D.** Time and Material contracts and change orders shall provide reimbursement for contractor owned standby equipment at 33 1/3 of the "Green Book" monthly rates, prorated daily. Reasonable costs for move in and move out may be allowed if the utilization period is one week or less.

**E.** For multiple shift utilization, reimbursement shall be calculated as follows:

First shift - .75 of "Green Book" rental rates

Second shift - .60 x first shift rate

Third shift - .40 x first shift rate

The maximum reimbursement for any twenty-four (24) hour period shall be calculated at twice (2X) the daily rate as calculated in Paragraph 4 B, or C above, whichever is appropriate.



**F.** The aforementioned reimbursement schedules shall be applicable only to serviceable equipment that shall be capable of efficiently performing its intended on-site function in accordance with the work requirements.

**G.** The cost of equipment characterized as "small tools" is deemed to be included in the contractor's overhead factor and shall not be eligible for separate reimbursement whether contractor-owned or leased separately. This type of equipment generally encompasses items that are ordinarily required for the performance of the worker's job function, and includes but is not limited to equipment which ordinarily has no licensing, insurance or substantive storage costs associated with it; such as circular and chain saws, impact drills, threaders, benders, wrenches, socket tools, etc.

**H.** If a particular piece of equipment is not listed in the "Green Book", the "Blue Book", (Rental Rate Blue Book for Construction Equipment by PRIMEDIA Information Inc.), rental rates may be substituted, subject to the restrictions of the above paragraphs, i.e. 75% of the stated rates, etc. (Blue Book operating costs are not allowable).

**I.** Time and Material contracts and change orders providing reimbursement for contractor owned equipment shall limit the amount reimbursed to the purchase price of a machine of equal or comparable capacity.

**J.** Fuel costs will be reimbursed based on actual costs. In the absence of auditable figures, the following formula shall be applied:

Fuel cost per operating hour = .035 x HP rating x Fuel cost/gal.

**K.** Fuel costs for pickup trucks will be \$6.00 per shift per pickup truck.

## **MATERIAL**

- A.** In establishing rental payments for materials (e.g. scaffolding, plating or sheeting), consideration may be given to the actual or the estimated life cycle of the material for use on other projects or rental rates may be established on the basis of purchases or salvage value whichever is less.



Appendix D: Property Acquisition  
Department of Transportation

JANETTE SADIK-KHAN, Commissioner

MEMORANDUM

To: Federal Highway Administration  
New York State Department of Transportation

From: Joseph H. Jarrin  
Deputy Commissioner  
Finance, Contracting and Program Management

Re: New York City Department of Transportation Procedures for Compliance with the  
Uniform Relocation and Real Property Acquisition Policies Act of 1970

Date: July 15, 2011

As requested by the Federal Highway Administration ("FHWA") and the New York State  
Real Property Acquisition Policies Act of 1970 ("Uniform Act"), with respect to projects for  
which NYCDOT receives federal funds from the FHWA pursuant to local aid agreements  
between NYCDOT and NYSDOT.

CITY CONTACT PERSONS

NYCDOT has appointed Ristina Nessel, a City Planner for the Division of Bridges'  
Division of Finance, Contracting and Program Management' to supervise all other projects  
managed by NYCDOT that are covered by the Uniform Act as well those managed on  
NYCDOT's behalf by the New York City Economic Development Corporation ("EDC") or the  
New York City Department of Design and Construction ("DDC"). Ms. Nessel and Mr. Gurung  
will be the contact persons for FHWA and NYSDOT personnel monitoring NYCDOT's  
compliance with the Uniform Act. Contacts for EDC, New York City Department of Citywide  
Administrative Services ("DCAS"), New York City Department of Housing, Preservation and  
Development ("HPD") and DDC are provided in an attachment to this memorandum.

Ms. Nessel can be reached at:

Ms. Christina Nessel  
New York City Department of Transportation  
55 Water Street, 5<sup>th</sup> Floor  
New York, NY 10041  
(212) 839-6372  
[RNessel@dot.nyc.gov](mailto:RNessel@dot.nyc.gov)

Mr. Gurung can be reached at:

Mr. Tika Gurung  
New York City Department of Transportation  
55 Water Street, 6<sup>th</sup> Floor  
New York, NY 10041  
(212) 839-6989  
[TGurung@dot.nyc.gov](mailto:TGurung@dot.nyc.gov)

Both Mr. Gurung and Ms. Nessel are fully conversant with the Uniform Act requirements and those Uniform Act related procedures set forth in the NYSDOT's publication titled "The Procedures for Locally Administered Federal-Aid Projects" (the "State Guide") (a copy which is annexed hereto) and will work closely with NYSDOT and PHWA to facilitate compliance at all major stages of a project subject to the Uniform Act. All correspondence from NYCDOT and its managing agencies involving Uniform Act procedures and activities will be copied to either individual and kept in their files. Both Mr. Gurung and Ms. Nessel shall also create a central file for the retention of all project related documents.

A copy of this memo will be forwarded by NYCDOT's contact person to the NYCDOT project managers on the commencement of Uniform Act covered projects and will be included on NYCDOT's internal website that will be accessible to all relevant NYCDOT personnel.

It is understood by all City agencies that are referenced below that are the recipients of Federal aid in connection with any phase of a project involving the acquisition of real property requires full compliance with the requirements of the Uniform Act as well as those procedures set forth in Chapter 11 of the State Guide.

It is further understood by all City agencies referenced below that prior to property acquisition the names of all persons or entities performing tasks listed under Section 11.3.4.2 of the State Guide, including but not limited to real estate appraisers, relocation consultants and title searchers, will be submitted by the relevant City agency or EDC to NYSDOT for prequalification approval. NYCDOT will undertake to train, in

concert with NYSDOT and FHWA, City personnel involved with the implementation of Uniform Act requirements. Title searches shall be undertaken by either, NYCDOT, DDC or EDC by qualified title companies that have been approved by NYSDOT and shall be certified by an attorney retained by the title company in accordance with the requirements of NYSDOT.

## **AGENCY RESPONSIBILITIES FOR REAL ESTATE ACQUISITION AND DISPLACEMENT REQUIREMENTS UNDER THE UNIFORM ACT**

### **A. NYCDOT MANAGED PROJECTS**

For NYCDOT managed projects, NYCDOT shall be responsible for obtaining authorization under the City's Uniform Land Use Review Procedure ("ULURP"), as required by Section 197-C of the New York City Charter, to acquire the real estate at issue. To commence the ULURP process, a Certification of Completeness must be obtained from the New York City Department of City Planning ("DCP"), which reviews all ULURP applications to ensure that: (1) all required plans and drawings for the project have been submitted; (2) any review required under the City Environmental Quality Review process ("CEQR") has progressed to a Type II determination, a negative declaration or conditional negative declaration, or acceptance of a Draft Environmental Impact Statement; (3) all governmental authorizations required for ULURP certification have been obtained; and (4) other conditions of Title 62 of the Rules of the City of New York, Paragraph 2-02(a)(5) have been met. Following receipt of the ULURP Certification of Completeness, the project undergoes a public review process, including hearings as applicable, by the relevant community board(s) and, as needed, borough board; the borough president; the City Planning Commission, and if required the New York City Council.

Around the time that it submits an application for DCP certification, DOT shall procure and retain a consultant, which it shall work with in consultation with HPD, to perform pre-acquisition relocation planning services, where applicable, including but not limited to the Notice of Relocation Eligibility shortly after the initiation of negotiations by DCAS as described below, that are required by the Uniform Act.

After having completed the City's environmental review process and receiving final approval in accordance with ULURP to move forward with property acquisition, NYCDOT will coordinate with NYSDOT to commence any review required under the National Environmental Policy Act ("NEPA"). Upon having received certification from NYSDOT that NEPA has been completed, NYCDOT shall submit to NYSDOT, in preparation for property acquisition approval, all documentation required for the Right of Way Incidental Phase as indicated in Chapter 11 of the State Guide and outlined in the attached flowchart that accompanies the State Guide (see attached).

With respect to appraisal procedures required by the Uniform Act, once NYCDOT has obtained ULURP approval to acquire property needed for a Uniform Act covered project, NYCDOT's contact persons will notify DCAS of the need for acquisition of the real estate in question in accordance with the requirements of the Uniform Act and, in particular, compliance with the Uniform Act's acquisition regulations set forth at 49 CFR 24.101 - 24.108.

Upon receipt of funding from NYCDOT, DCAS' Division of Real Estate Services will undertake a self-conducted appraisal and a review appraisal on behalf of NYCDOT, as he requested in accordance with the requirements of the Uniform Act and conduct negotiations with the property owner.

DCAS' Division of Real Estate Services shall undertake, on behalf of NYCDOT, all requisite notices (except for the Notification of Interest, which will be handled by NYCDOT), appraisals (both full and review) and negotiations with the property owner once NYSDOT has approved the requirements and program. DCAS will also be working closely with the New York City Law Department to all in facilitating the fulfillment of all requirements under the New York State Eminent Domain Procedure Law ("EDPL") are followed.

DCAS will not be involved in the aforesaid process if the project is for street widening work that is being undertaken by DDC, in which case, DDC, in consultation with all relevant City agencies, will manage the acquisition requirements covered by the Uniform Act, the EDPL and all other applicable state and federal regulations. In accordance with the Uniform Act the following standards and procedures will be followed with respect to the appraisal prepared by either DCAS or DDC for each property that needs to be acquired for a particular project:

1. Qualifications of the appraiser:

- a) DCAS or DDC will establish criteria for determining the minimum qualifications of appraisers, consistent with the level of difficulty of the appraisal assignment and based on experience, education, training and other appropriate criteria. At a minimum these qualifications shall meet NYSDOT standards;
- b) If the appraisal assignment requires the preparation of a detailed appraisal and the DCAS or DDC uses a contract (fee) appraiser to perform the appraisal, such appraiser shall be certified in accordance with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) (12 U.S.C. 3331 et seq.); and
- c) As a condition of being considered for an appraisal assignment, no appraiser or review appraiser shall have any interest, direct or indirect, in the property being appraised, nor will said appraiser participate in any negotiation for the acquisition of the property being appraised.

2. DCAS or DDC will have an appraisal review process containing not less than the following:

- a) A qualified reviewing appraiser shall examine all appraisals to assure they meet applicable appraisal requirements and shall, prior to acceptance, seek necessary corrections or revisions;

- b) If the reviewing appraiser is unable to approve or recommend approval of an appraisal as an adequate basis for establishing value, and it is not practical to obtain an additional appraisal, the reviewing appraiser, as part of the review, present and analyze market information in conformance with the Uniform Act requirements, the EDPL and the Uniform Act requirements of Recommended Appraisal Values to support his appraisal of recommended value and.
- c) The review appraiser's certification of the recommended or approved value of the property shall be set forth in a signed statement which identifies the appraised reports reviewed and explains the basis for such recommendation or approval. Any damages or benefits to any remaining property shall also be identified in the statement.

HPD will enter into an MOU with DOT after the completion of DCAS's negotiations with the property owner have concluded and prior to the initiation of EDPL proceedings if they are required, and undertake, for commercial properties, all post-acquisition relocation services required under the Uniform Act, including but not limited to the distribution of all required relocation notifications, the handling of all claims for allowable relocation expenses made by those individuals and/or entities that are eligible under the Uniform Act to make such claims, and the provision of property management services as determined by the MOU referenced above. With respect to residential properties, HPD shall handle the distribution of all post-acquisition notices required by the Uniform Act and relocation claims and NYCDOT's consultant, in consultation with HPD, may be responsible for other post acquisition Uniform Act requirements.

Both DCAS and HPD are conversant with those requirements that are applicable to their work under the Uniform Act as described above and will follow the procedures contained in the State Guide.

## **B. DDC AND EDC MANAGED PROJECTS**

### **1. DDC MANAGED PROJECTS**

DDC will be responsible for the ULURP process when required. A significant number of DDC managed projects are covered by EDCs, many of which were previously authorized by resolution of the former Board of Estimate.

When approval under ULURP is required, DDC will work closely with NYCDOT. If negotiations between DDC and the property owner do not result in acquisition of the property and condemnation is required, DDC will work closely with the NYC Law Department to ensure that all steps under the EDPL are correctly conducted.

On DDC managed projects, DDC, in consultation with NYCDOT and the NYC Law Department, will also be responsible for compliance with all Uniform Act acquisition regulations, including all appraisal work, as set forth in the Code of Federal Regulations as described above, the EDPL and all other applicable state and federal regulations. All project managers assigned by DDC to Uniform Act covered projects will be fully conversant with the

requirements of the Uniform Act and the State Guide and all DDC personnel involved with work required by the Uniform Act will be instructed to follow the procedures contained in this memo. Prior to the acquisition of any private property for projects covered by the Uniform Act, DDC will submit to NYSDOT for review and approval all required environmental reviews, project plans and title searches required by the State Guide.

DDC managed street acquisitions undertaken by DDC for NYCDOT rarely result in the need to relocate property owners. However, if relocation is required, DDC will work with NYCDOT and HPD in compliance with the applicable regulations, as described above.

## 2. EDC MANAGED PROJECTS

For EDC managed projects, EDC is responsible for obtaining ULURP approval for projects involving property acquisition and for the completion of all environmental reviews, project plans, title searches and all other reviews required by the Uniform Act in full compliance with the EDPL, in conjunction with NYCDOT, and all other applicable state and federal regulations. EDC will ensure that attorneys and project managers are conversant with the requirements of the Uniform Act and the State Guide. Specifically, a reference to the requirements of the Uniform Act will be included in the Project Manager's Comprehensive Reference Guide, and all projects involving federal funding will be channeled through a central Grants Administrator at EDC, who can ensure that attorneys and project managers are directed to the relevant regulations.

EDC shall also around the time that it submits an application for DCP certification procure and retain a consultant, which shall work with in consultation with HPD, to perform pre-acquisition relocation planning services, where applicable, including but not limited to the Notice of Relocation Eligibility shortly after the initiation of negotiations by DCAS as described below, that are required by the Uniform Act.

Once ULURP approval is obtained, EDC will contract out for the provision of appraisal services required under the Uniform Act from a consultant who is fully familiar with the requirements of the Uniform Act and the State Guide. The consultant will be responsible for the provision of all required appraisals in connection with acquisitions as required by the Uniform Act. Once both the full appraisal and the review appraisal has been obtained, they will be forwarded to DCAS for review and approval.

Once these appraisals have been approved DCAS will undertake negotiations with the property owner(s) in conformance with the requirements of the Uniform Act after NYSDOT authorization for property acquisition has been obtained. If displacement is required by the project, whether the acquisitions will occur by negotiation or condemnation, EDC will notify the relevant NYCDOT contact person, who in turn will notify HPD.

HPD will enter into an MOU with EDC and DOT after the completion of DCAS's negotiations with the property owner have concluded and prior to the initiation of EDPL

proceedings if they are required, and undertake, for commercial properties, all post-acquisition responsibilities required under the Uniform Act, including but not limited to the distribution of all required relocation notifications, the handling of all claims for allowable relocation expenses made by those individuals and/or entities that are eligible under the Uniform Act to make such claims, and the provision of property management services as determined by the MOU referenced above. With respect to residential owners, HPD shall handle the distribution of all post-acquisition notices required by the Uniform Act and relocation claims, while EDC's consultant, with respect to residential properties, may be responsible for, in consultation with HPD, all other post-acquisition administrative requirements.

If negotiations fail to result in acquisition of the property and condemnation is required, EDC will work closely with the New York City Law Department and NYCDOT to aid in the fulfillment of that all procedures required by the EDPL and the Uniform Act are followed.

### C. RIGHT OF WAY CLEARANCE CERTIFICATE

For NYCDOT and EDC managed projects, upon notification of the relevant NYCDOT contact person by the relevant City agency and/or EDC that all property required for the project has been acquired and that all displaced persons have been relocated, NYCDOT's Responsible Local Official will be responsible for signing the Right of Way Clearance Certificate and submitting the document to NYSDOT for countersignature. On DDC managed projects, DDC will be responsible for signing the Right of Way Clearance Certificate and submitting the document to NYSDOT for countersignature.

c: S. Mortman, M. Garaufis - DCAS, H. Weinberg, D. Mansfield - HPD, L. Litera - DDC  
J. Favara, J. Rosen, J. Finkelman - EDC  
D/C M. Peraino, Assoc. D/C J. Thomas, D. Finkiel, L. Bailey, T. Chung, R. Nussel,  
U. Dattaraj - NYCDOT