

Force Account on Locally Administered Federal-aid Projects



Michael F. Praul, P.E.
Engineering Team Leader
FHWA—Maine Division



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Purpose and Authority

- To allow necessary work to be completed when private sector bidding is non-existent, limited, or results in pricing not in the public interest.
- 23 CFR 635, Subpart B
- New Order issued March 12, 2012
 - Effective immediately
 - Key changes



Applicability

- “Construction” physically located within public highway ROW
- Does NOT apply to:
 - TE projects outside the ROW (e.g. landscaping or scenic beautification, recreational trails, restoration of historic railroad stations)
 - Operations improvements within the ROW that are not “construction” (e.g. highway advisory systems, 911/511 systems, computer aided dispatch systems)

What is Needed to a Justify Force Account Project

- Agency capability
- Cost Comparison
- Assurance to satisfy Federal requirements
- FA will not hinder DBE attainment goals



Agency Capability

- Agency must own (or currently lease) most equipment needed
- Agency must have most of the personnel needed
- Ability to comply with design, construction, and material quality standards
- Ability to document compliance with quality assurance requirements (23 CFR 637)

Cost Comparison

- Agency cost may be Actual Cost or Unit Prices
- All items of work must be included, regardless of Federal participation
- Include agency overhead for labor costs
 - Developed per Federal accounting rules
 - “One size fits all” for Maine
- Threshold?



Cost Comparison

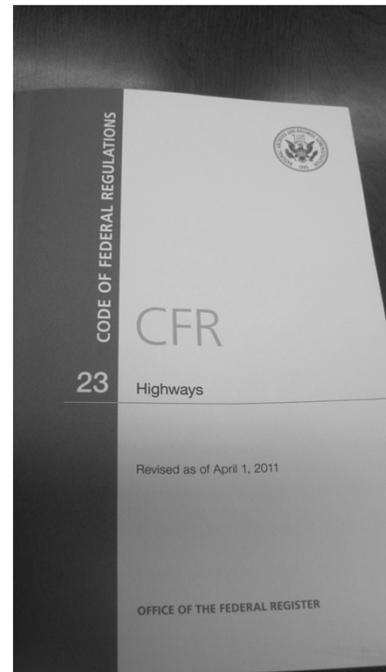
- Agency costs NOT reduced by:
 - Savings from reduced plans, bidding, etc.
 - Savings from reduced QA during construction
 - Savings from reduced construction management and documentation



Assurance to Satisfy Federal Requirements

- No reduced expectations
- ROW
- FHWA Form 1273
- Project Quality
- Jobsite posters

- Attainment of DBE goals



Other Guidance

- Davis-Bacon wage rates do NOT apply to agency personnel
- Agency may perform a portion of a project by FA and competitively bid the remainder
 - Same rules/expectations apply
 - FA work must be an “integral part of a functional project” when complete (utility adjustments?)

Moving Forward

- New guidance is currently in effect
- FHWA and MaineDOT developing standard process and forms
- Locals will submit requests to MaineDOT
- Possible additional FHWA presence