

Local Project Administration Manual & Resource Guide

Final PS&E Package



MaineDOT

Integrity - Competence - Service

Chapter 7 - Updated Spring 2023

Final PS&E Package

Before a project may be put out to bid, the local agency managing the work must provide the final plans, specifications and estimate (PS&E) to MaineDOT for review, along with a request for construction authorization. At this point, the construction plans and specifications must be fully developed, all permits must be in hand, and all rights-of-way must be acquired.

Chapter 7 of this Manual is set up to explain the documentation requirements at the milestone of final PS&E, just before a project is advertised for construction. It contains the following:

- Checklist for the final PS&E package (page 7-2);
- Federal and state wage requirements – *revised* (page 7-3);
- Appendix 7A: Submittals to MaineDOT (page 7-4); and
- Appendix 7B: Bid package checklist – *revised* (page 7-9).



7.1 Summary of PS&E Requirements

When a project reaches the final PS&E milestone, right-of-way and environmental work must be completed. If there is federal money, the U.S. Department of Transportation must have issued the appropriate document under the National Environmental Policy Act (NEPA) – in most cases what is known as a Categorical Exclusion (CE).

The certifications listed below must be submitted to MaineDOT with the PS&E package for a project. Templates are on the LPA Documents web page in the Letters to MaineDOT section: www.mainedot.gov/lpa/lpadocuments/

- ☐ Environmental certification modeled after Letter 12, found on page 7-5;
- ☐ Utility certification modeled after Letter 13, found on page 7-6; and
- ☐ Right-of-way certification modeled after Letter 14, found on page 7-7.
 - *A local agency prepares Letter 14 only if it carried out the right-of-way process. Otherwise, MaineDOT takes care of the right-of-way certification.*

Remember: A local agency cannot advertise for construction bids without written authorization. MaineDOT typically issues an authorization after the following steps are completed:

- ☐ MaineDOT has reviewed and signed off on the final PS&E package as complete; and
- ☐ The local agency administering the project has requested construction authorization from MaineDOT, using Letter 15 (found on page 7-8 of this chapter); and
- ☐ U.S. Department of Transportation has obligated construction funding (*federal projects*).

7.2 Checklist: Final Plans, Specifications & Estimate

*Below is a summary of the steps needed for a construction project to be ready to go out to bid. A list of standard items in a bid package is found in **Appendix 7B**, starting on page 7-9.*

- ☐ **Final design plans (contract plans) must have the following, as applicable:**
 - ☐ Title sheet stamped by the engineer of record;
 - ☐ Plan views;
 - ☐ Profiles;
 - ☐ Cross-sections;
 - ☐ Typical sections; and
 - ☐ Documentation of approved design exceptions (if applicable).
- ☐ **Engineer's estimate finalized**, as follows:
 - ☐ Engineer's estimate uses MaineDOT item numbers;
 - ☐ Each item in estimate is shown on the plans; and
 - ☐ Estimate and Schedule of Items match.
- ☐ **Bid book contains the following standard items (www.maine.gov/lpa/lpadocuments):**
 - ☐ Notice to Contractors;
 - ☐ Contract Agreement, Offer and Award (2 copies);
 - ☐ Schedule of Items, with MaineDOT item numbers;
 - ☐ Davis-Bacon wage determination - *federally funded projects*;
 - State wage rates – *state-only construction contracts* **≥\$50,000**;
 - ☐ Special provision 104 (Utilities), if the work will require coordination with utilities;
 - ☐ Special provision 104.3.8 (Electronic Payroll) - *federally funded projects*;
 - ☐ Special provision 105.11 (Build America, Buy America) - *federally funded projects*;
 - ☐ Special provisions 401 and 403 (Hot Mix Asphalt), if there is any paving work;
 - ☐ Form FHWA-1273 - *federally funded projects*;
 - ☐ Signed Title VI Assurances - *federally funded projects*; and
 - ☐ Environmental Summary Sheet from MaineDOT - *federally funded projects*.
- ☐ **PS&E package approved by MaineDOT project manager:**
 - ☐ Environmental certification (**Letter 12**);
 - ☐ Utility certification (**Letter 13**);
 - ☐ Right-of-Way certification (**Letter 14**);
 - *Local agencies must complete this certification if rights-of-way are acquired locally.*
 - ☐ Traffic Analysis and Movement Evaluation (TAME) certification from MaineDOT.
- ☐ **Construction authorization request sent to MaineDOT (**Letter 15**).**
- ☐ **Construction authorization received in writing from the MaineDOT project manager.**
Note: If you bid a project before getting approval, you risk losing the funding for the project.

7.3 Federal Davis-Bacon Wages

The Davis-Bacon Act, a 1930s-era labor law, requires construction workers on federally funded projects to be paid at least the prevailing regional wage rates established by the U.S. Department of Labor. If a project has no federal money, Davis-Bacon rates don't apply.

The contract book for a federally funded project must include a Davis-Bacon wage determination by county and type of work – highway, heavy or building. This General Decision lists worker classifications and wage rates that the prime contractor and all subcontractors must follow.

Note: The Federal Government typically updates wage rates in January. If a project is advertised for bid – and new Davis-Bacon rates are issued 10 days or more before the bid opening – the revised rates will apply.

Davis-Bacon wage rates are online: <https://sam.gov/content/wage-determinations>

7.4 State of Maine Wages

State law requires prevailing wage rates issued by the Maine Department of Labor (DOL) to be paid to construction workers on state-funded contracts of \$50,000 or more. Wage rates by county and type of work – building, highway/earthwork, and heavy/bridge – must be in the bid book for an eligible project in compliance with Title 26 MRSA, Chapter 15.

The law most commonly applies to state-funded projects delivered by cities and towns, such as those awarded through the Small Harbor Improvement Program (SHIP), the Heads Up! Pedestrian Safety Initiative, and the Municipal Partnership Initiative (MPI).

The DOL typically updates state wage rates in January. Project-specific rates are based on a contract's execution date; the applicable rates are those for the year in which a contract is signed. If new wage rates for a given year are delayed, a local agency must use the previous rates as a placeholder until the new rates are issued, at which point the agency must apply those rates.

Note: If a project has both state and federal funds, only the federal Davis-Bacon rates must be included in the contract book.

State wage rates are available from the Maine Department of Labor:
www.maine.gov/labor/labor_stats/publications/wagerateconst/prevailingwage/index.shtml

Questions about state wage-rate requirements should be directed as follows:

Richard W. Stephens, Prevailing Wage Examiner
Maine Department of Labor
Wage and Hour Division

Phone: (207) 623-7906

Email: Richard.W.Stephens@maine.gov

Appendix 7A:

Submittals to MaineDOT

- ❑ Electronic templates are kept in the Letters to MaineDOT section of MaineDOT's LPA Documents web page: www.mainedot.gov/lpa/lpadocuments/



Instructions: This must be submitted on letterhead to MaineDOT with the final PS&E package.

[DATE]

[NAME], Project Manager
Maine Department of Transportation
Bureau of Project Development, Multimodal Program
16 State House Station
Augusta, ME 04333-0016

Subject: Environmental Certification
MaineDOT WIN [NUMBER]

Dear [NAME]:

If permits were required, use this paragraph:

The Municipality of [NAME] hereby certifies that it has obtained all environmental permits and approvals for the subject project, satisfying one of the pre-construction requirements in the executed project agreement with MaineDOT. Attached are copies of the permits, which are required for MaineDOT to complete the Environmental Summary Sheet for the contract package.

If NO permits were required, use this paragraph:

The Municipality of [NAME] hereby certifies that no environmental permits were needed for the subject project. This certification satisfies one of the pre-construction requirements in the executed project agreement with MaineDOT.

Sincerely,

[NAME], Municipal Project Administrator

Cc: MaineDOT Environmental Office

***NOTE:** Please attach approved permits, if applicable*

(Revised January 2020)

INSTRUCTIONS: This must be submitted on letterhead to MaineDOT with the final PS&E package.

[Date]

[NAME], Project Manager
Maine Department of Transportation
Bureau of Project Development, Multimodal Program
16 Sate House Station
Augusta, ME 04333-0016

Subject: Utility Certification, Federal Project
MaineDOT WIN [NUMBER]

Dear [NAME]:

The Municipality of [NAME] hereby certifies that all utility and railroad work necessitated by the subject project has been identified and coordinated with the respective parties. All arrangements have been made for utility work to be undertaken and completed as required for proper coordination with the construction schedule, in accordance with Title 23 in the Code of Federal Regulations, Part 645, "Utilities," subparts A and B.

Based on 23 CFR 635.309(b), the Municipality further certifies either that all railroad work has been completed or that all arrangements have been made for such work to be undertaken and completed as required for proper coordination with the construction schedule, in accordance with 23 CFR 140 Subpart I and 23 CFR 646 Subpart B.

Listed below are utilities/railroads having facilities within the project limits:

Utility/Railroad

Impacted facilities? (yes/no)

All of the entities listed above were first informed of the project on [DATE], were involved as necessary throughout design, and received the latest plans on [DATE]. Furthermore, the above entities have been informed of the proposed advertising date: [DATE]. There are no direct payments anticipated to utilities/railroads as a part of this project.

The primary utility/railroad contacts involved in the coordination of this project are as follows:

Utility/Railroad

Contact Name

Telephone #

Sincerely,

[NAME], Municipal Project Administrator

INSTRUCTIONS: If a local agency acquired rights or otherwise carried out the right-of-way process, this letter must be signed by the agency's highest-ranking administrative officer and submitted to MaineDOT with the final PS&E package.

[Date]

[NAME], Project Manager
Maine Department of Transportation
Bureau of Project Development, Multimodal Program
16 State House Station
Augusta, ME 04333-0016

Subject: Right-of-Way Certification, Federal Project
MaineDOT WIN [NUMBER]

Dear [NAME]:

If right-of-way was acquired, use this statement:

The Municipality of [NAME] hereby certifies that:

1. The Municipality has acquired all rights-of-way necessary for construction and maintenance of [DESCRIPTION AND LOCATION], and the Municipality has legal and physical possession of those rights;
2. The acquisition was performed in accordance with Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, "Uniform Real Property Acquisition Policy"; and
3. No acquisition required compliance with Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, "Uniform Relocation Assistance."

If NO right of way was required, delete the text above and use this statement:

The Municipality of [NAME] hereby certifies that no right-of-way acquisition was necessary for construction and maintenance of the subject project. All work will occur within the right-of-way, as documented in the final design plans stamped by the Engineer of Record.

All information about the right-of-way process can be made available upon request. If you need additional information, please let me know.

Sincerely,

Highest-ranking administrative officer

(Revised February 2020)

INSTRUCTIONS: This must be submitted on letterhead with the final PS&E package.

[Date]

[NAME], Project Manager
Maine Department of Transportation
Bureau of Project Development, Multimodal Program
16 State House Station
Augusta, ME 04333-0016

Subject: Construction Authorization Request, Federal Project
MaineDOT WIN [NUMBER]

Dear [NAME]:

Attached for your review, comment and approval are the final plans, specifications and estimate (PS&E) for [insert project scope] in the Municipality of [NAME].

Also attached are the following certifications:

- Letter 12 (environment);
- Letter 13 (utilities); and
- Letter 14 (right of way, if applicable).

The Municipality hopes to advertise for construction services on [insert date], but we understand that we cannot put the project out to bid without MaineDOT's written approval.

We further acknowledge that construction authorization will be contingent upon:

1. The Municipality addressing to MaineDOT's satisfaction any final comments on the PS&E package; and
2. MaineDOT obtaining authorization for the construction stage of the project from the Federal Highway Administration.

Sincerely,

[NAME], Municipal Project Administrator

Enclosure: Draft PS&E package

Appendix 7B:

Bid Package Checklist

Updated in 2023



FINAL PLANS & BID DOCUMENTS

***Note:** This checklist contains the standard items, most of which may be downloaded from the LPA Documents web page. Project-specific technical specifications either must be prepared by the engineer of record for a project or obtained from the MaineDOT project manager.*

Final Design Plans

1. Title page is signed and stamped by the Engineer of Record.
2. Schedule of items matches the final engineer's estimate.
3. All pay items on the plans also are on the schedule of items and engineer's estimate.

Bid Documents

Standard inserts are found under "Bid Package Documents" on the following web page:
www.mainedot.gov/lpa/lpadocuments/

1. Bidding Instructions.
 - *Current inserts, labeled either Federal or State, must be at the front of the bid book.*
2. Notice to Contractors, includes:
 - Bid opening date and time (*pay attention to holidays*).
 - Project WIN, description, location, and outline of work.
 - Basis of award.
 - Disadvantaged Business Enterprise requirements (*federal funds*).
 - Bid bond amount (*5% of bid, typically*).
 - Reference to MaineDOT Standard Specifications, March 2020 Edition.
 - Cost of copies of bid documents and plan sets.
 - Contracts of less than \$125,000 require no performance or payment bonds. Bonds, however, are required for projects exceeding \$125,000.
3. Special Provision 102.7.3, Acknowledgement of Bid Amendments.
4. Schedule of Items, using MaineDOT item numbers.
5. Contract Agreement, Offer and Award form: two copies
 - Make sure the document cites the Standard Specifications, March 2020.
 - Review section A, The Work, for correct WIN, location and scope of work.
 - Review section B, Time, to be sure completion date matches Special Provision 107.
 - Check section F, Offer, for references to DBE requirements (*federal funds*).

6. Forms labeled “Sample” – one copy each:
 - Contract Performance Bond
 - Contract Payment Bond
7. Davis-Bacon prevailing wage rates (*federal funds*).
 - Go to SAM.Gov for latest rates: <https://sam.gov/content/wage-determinations>
8. State prevailing wage rates issued by the Maine Department of Labor.
 - maine.gov/labor/labor_stats/publications/wagerateconst/prevailingwage/index.shtml
 - *State rates apply to state-only construction contracts of \$50,000 or more.*
Note: If a project has state and federal funds, only the federal rates apply.
9. Special Provision (SP) Section 101, Contract Interpretation.
10. SP Section 104, Utilities.
 - *Must be completed if a construction project requires coordination with utilities.*
11. SP Section 104.3.8, Electronic Payroll Submission (*federal funds*).
 - *Must be part of the bid documents for a project having Davis-Bacon wage rates.*
12. SP Section 105.11, Build America, Buy America (*federal funds*) – **NEW** (Nov. 10, 2022).
13. SP Section 105, General Scope of Work: Limitations of Operations.
 - *Applies to limits on work hours and lane closures. Typically prepared by MaineDOT.*
14. SP Section 105, Over Limit Movement Permits (*if applicable, based on nature of work*)
15. SP Section 107, Prosecution and Progress: Scheduling of Work
 - *Ensure that completion date matches the date in Contract Agreement, Offer & Award.*
16. SP Section 108, Asphalt Escalator (*use if estimate calls for more than 500 tons of HMA*)
 - *Applies to large highway projects. Obtain from MaineDOT’s project manager.*
17. SP Section 401, Hot Mix Asphalt Pavement
18. SP Section 403, Hot Mix Asphalt Pavement
 - *Obtain from MaineDOT’s project manager, if there is paving work.*
19. SP Section 502, Structural Concrete (*if there is concrete work*)
 - *Should be prepared by the administering agency and sent to MaineDOT for review.*
20. SP Section 609, Structural Concrete: Concrete Slipform Curb (*if applicable*)
 - Available online: <https://www.mainedot.gov/lpa/lpadocuments/>
21. SP Section 634/643, Quality Control Checklist for highway lighting / traffic signals
 - Available online: <https://www.mainedot.gov/lpa/lpadocuments/>

22. SP Section 652, Maintenance of Traffic.
 - *Standard special provision for a project requiring traffic control.*
 23. SP Section 656, Temporary Soil Erosion and Water Pollution Control.
 - *MaineDOT's Environmental Office will prepare this document, if necessary.*
 24. Supplemental Specifications: Corrections, Additions & Revisions.
 - Available online: <https://www.mainedot.gov/contractors/publications/>
 25. MaineDOT Standard Detail updates.
 - Available online: <https://www.mainedot.gov/contractors/publications/>
 26. Special Provision, Projects Funded by the Transportation Alternatives Program (TAP).
 - *Applies to bicycle/pedestrian projects with federal TAP funding.*
 27. Appendix A to Division 100: Section 1 – Bidding Provisions (*federally funded projects*).
 - *FHWA-1273 must be inserted into bid books for federal-aid projects.*
 28. Signed Title VI Assurances from local sponsor of project (*federally funded projects*).
 - *Must be signed by highest-ranking administrative officer for a local agency.*
 29. Environmental Summary Sheet
 - *The MaineDOT Environmental Office prepares this document on federal projects.*
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END OF CHAPTER 7