
LANE COUNCIL OF GOVERNMENTS, LOCAL AGENCY CERTIFICATION QUALITY PROGRAM PLAN

– ODOT Local Agency Certification, FHWA Funded Consultant Contracting

1. Introduction and Background

This is the Lane Council of Government's (LCOG's) Quality Control Plan, prepared as part of the ODOT Local Agency Certification Program. The purpose of this Quality Control Plan is to provide the guidance needed to help ensure that LCOG successfully completes the delivery of the Federal Highway Administration (FHWA) funded projects in compliance with applicable federal and state laws and Certification Program requirements. Additionally, this document is designed to:

1. Record LCOG's procedures for ensuring quality and mitigating risks on FHWA funded projects
2. Document how the delegated authorities for federal-aid project delivery described in the Local Agency Certification Program Agreement are met; and
3. Demonstrate how each FHWA funded project will be systematically reviewed and confirmed for delivery by the appropriate LCOG approval authority.

LCOG is the designated Metropolitan Planning Organization (MPO) for the Eugene-Springfield-Coburg urban area. The Central Lane MPO (CLMPO) is a federally recognized MPO and receives FHWA funding to carry-out regional transportation planning requirements.

In December 2019, the Lane Council of Governments applied for certification from ODOT in the planning and consultant contracting functional area. In August 2019, ODOT authorized LCOG's use of an already released Request for Proposals for consultant services to update CLMPO's Regional Transportation Plan, Congestion Management Process, Intelligent Transportation System Plans as its demonstration project. Given the mid-RFP introduction to the Locally Certified Agency Program, LCOG submitted application materials after the demonstration project started and is required to do another demonstration project as part of certification.

2. Agency Organizational Structure

CLMPO is organized within LCOG's Governments Services division (See Figure 1) which is overseen by the Government Services Division Director. Procurement and contract management is managed in coordination with the Fiscal Unit which is overseen by the Fiscal Unit Manager. All divisions are overseen by LCOG's Executive Director. This structure is integral to LCOG's federal-aid project delivery efforts.

The Executive Director is ultimately responsible for the Government Services and Fiscal divisions and their project delivery functions and supports LCOG’s involvement in the Local Agency Certification Program.

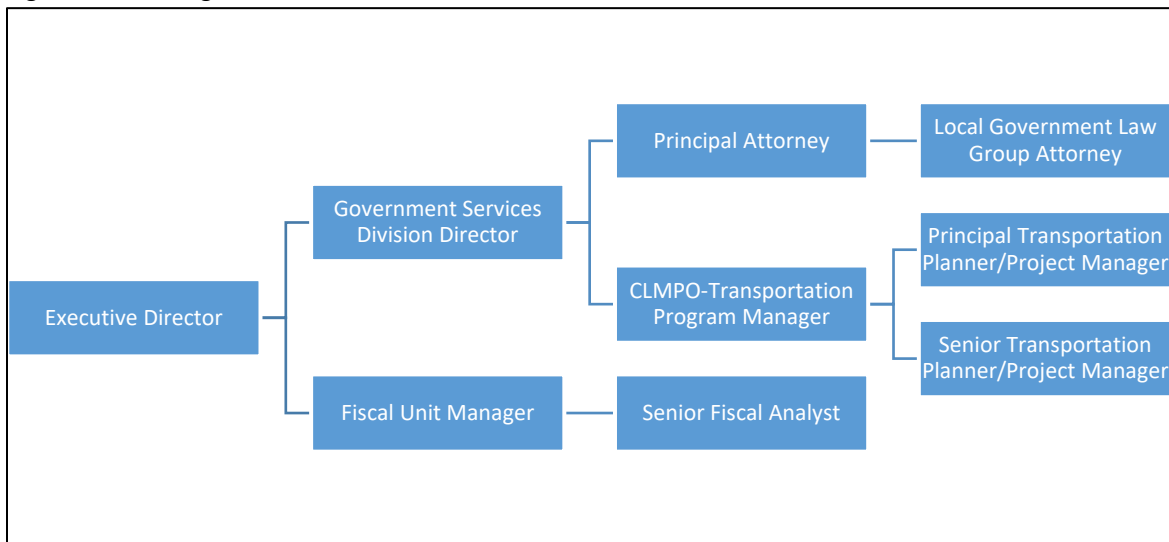
The Executive Director supervises the Government Services Division Director and Fiscal Unit Manager. The Fiscal Unit Manager supervises Fiscal staff. The Government Services Division Director supervises the CLMPO-Transportation Program Manager and Principal Attorney. The CLMPO-Transportation Program Manger supervises Transportation Planning Staff. Transportation Planning staff manage projects as Project Managers and provide project content expertise. Additionally, LCOG has a public contracts lawyer on contract for legal advice.

LCOG has selected the Senior Fiscal Analyst to lead CLMPO’s federal-aid project delivery efforts and to act as the Certification Liaison with ODOT. This position reports directly to the Fiscal Unit Manager on matters related to the ODOT Certification process.

The Executive Director is the contracts signatory upon review and approval by the Senior Fiscal Analyst as well as each of the Managers and Division Directors.

Key Qualified Staff members are currently taking FHWA’s “Federal Aid Essentials” training, are engaging in on-going federal-aid project delivery training in order to maintain proficiency and are familiar with FHWA’s Contract Administration Core Curriculum Manual. Key Qualified Staff are also working towards becoming certified by the Oregon Public Procurement Certification program offered through the Department of Administrative Services.

Figure 1: LCOG Organizational Chart



3. Financial Accounting Controls

LCOG’s Fiscal Unit ensures compliance with federal Single Audit Act (2 CFR part 200, subpart F). An external auditor is also hired to provide single audits as required by the Single Audit Act.

At the beginning of each project, the Project Manager informs the Fiscal Unit of the project name, description, scope, funding source and budget amount, partner(s) and invoicing information. The Fiscal Unit adds the project to the LCOG accounting system to ensure accurate tracking.

Upon preparedness of contracts and other agreements, Project Managers route the contract/agreement through the reviewers described in the Agency Organizational Structure section above. The Project Manager prepares a tracking worksheet that is included with the contract/agreement. The tracking worksheet includes project information including the project name, who the contract/agreement is with, funding source, budget amount and invoicing information. Upon contract execution, the Fiscal Unit begins tracking the budget, match, expenditures, etc.

As required by 2 CFR 200.400, LCOG's accounting system is capable of allocating expenditures to the appropriate federal program fund category on multi-funded projects. The accounting system also properly allocates payroll, travel and other expenditures to the project.

4. Title VI Compliance

CLMPO has adopted nondiscrimination policy and procedures, also referred to as the [Title VI Plan](#), which addresses how the MPO is integrating nondiscriminatory practices in its transportation planning, public participation, and decision making.

Title VI of the Civil Rights Act of 1964 and other federal nondiscrimination statutes prohibit discrimination based on race, color, national origin, disability, age, gender, or income status in the provisions of benefits and services of programs and activities receiving federal funding. One of the key purposes of Title VI is to ensure that public funds are not spent in a way that encourages, subsidizes, or results in discrimination.

CLMPO maintains a data portal with a [Socio-Economic page](#) to utilize interactive visualizations of data related to Title VI requirements of:

- A proactive approach to eliminating discrimination
- The execution of Title VI Assurances as a condition of federal money, which commits the local agency to complying with all Title VI provisions
- An identified Title VI liaison within the agency
- A complaint procedure accessible to all parties involved in a project

The intent is to eliminate barriers and conditions that prevent groups and persons from receiving access, participation and benefits from federally assisted programs, services and activities as a result of their age, color, disability, gender, income status, national origin or race.

Environmental Justice is the fair treatment and meaningful involvement of all people - regardless of race, ethnicity, income or education level - in environmental decision making, including for transportation issues. Further, environmental justice ensures that no population is forced to shoulder a disproportionate burden of the negative human health and environmental impacts of pollution or other environmental hazards.

The CLMPO is committed to preventing discrimination and to fostering a just and equitable society and recognizes the key role that transportation services provide to the community. The CLMPO establishes the following basic principles to serve as overall objectives in implementing its Title VI program:

- Make transportation decisions that strive to meet the needs of all people.
- Enhance the public-involvement process to reach all segments of the population and ensure that all groups have a voice in the transportation planning process, regardless of age, color, disability, gender, income status, national origin or race.
- Provide the community with opportunities to learn about and improve the quality and usefulness of transportation in their lives.
- Improve data collection, monitoring, and analysis tools that assess the needs of, and analyze the potential impacts of transportation plans and programs on Title VI protected populations.
- Avoid disproportionately high and adverse impacts on Title VI protected populations.
- Comply with the requirements of Title VI and accompanying rules and orders.

The Central Lane MPO assures that no person shall on the grounds of race, color, national origin, disability, age, gender, or income status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. The MPO further assures every effort will be made to ensure nondiscrimination in all of its programs activities, whether those programs and activities are federally funded or not.

Any person who feels that he or she has been excluded from participation in, denied benefits of, or been subjected to discrimination in any of Central Lane MPO's programs, services, or activities, on the basis of race, color, national origin, disability, age, gender, or income status has the right to file a complaint.

Complaints shall be directed to:

Paul Thompson
pthompson@lcog.org
Program Manager, Central Lane Metropolitan Planning Organization
859 Willamette, Suite 500
Eugene, OR 97401
Ph: 541-682-4405

CLMPO provides an annual report of its Title VI plan every August/September. The process includes reviewing and documenting trainings, complaints, changes in the Policy Board make up and demographics. [CLMPO's Annual Accomplishments Report](#) is posted and available on our website. The most recent Annual Accomplishments Report was adopted by the Policy Board September 2019.

5. ADA Compliance

The CLMPO assures that no person shall on the grounds of race, color, national origin, disability, age, gender, or income status be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity. CLMPO further assures every

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In accordance with the requirements of the Americans with Disabilities Act of 1990, the Central Lane MPO will not discriminate against individuals with disabilities on the basis of disability in its services, programs, or activities. The Central Lane MPO does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA.

The Central Lane MPO will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all its programs, services, and activities. The Central Lane MPO will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the Central Lane MPO's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

To help ensure equal access to all residents, the MPO will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities.

Complaints that an MPO program, service, or activity is not accessible to persons with disabilities should be directed to the Transportation Program Manager for the Central Lane MPO and/or filed through the [Complaint Form](#) within 60 business days after the alleged violation.

6. Environmental Coordination

ODOT retains authorization over the National Environmental Protection Act (NEPA) process in coordination with state and federal resource agencies and FHWA. NEPA applies to the federal project development and construction phases. The Planning/Consultant functional area to which CLMPO is applying does not include project development and construction phases.

7. Publications and Standards

LCOG has the following manuals and guidance available for use in the development and delivery of federal-aid projects:

- Local Agency Guidelines for Certified Local Public Agencies
- ODOT LPA A&E Requirements Guide
- ODOT LPA Non-A&E Requirements Guide
- ODOT Statement of Work Writing Guide
- 23 CFR Part 172 and related federal laws and regulations

LCOG will utilize the written procedures and Formal/Informal Consultant Selection Templates developed by ODOT.

8. Project Management: Design, Procurement, and Contract Administration

a. Communications Plan

Once a Supplemental Project Agreement has been executed and Notice to Proceed has been received from ODOT, the Project Manager (PM) manages all aspects of the project from development to close-out. This person is the primary point of contact for all project related communication.

The PM is responsible for managing and facilitating communication with all project stakeholders including:

- LCOG's internal team: Executive Director, Directors, Managers, Fiscal Staff and Attorney
- External stakeholders including but not limited to: local citizens, ODOT, FHWA, partner agencies (Eugene, Springfield, Coburg, Lane Transit District, Lane County), MPOs throughout the state and other public agencies.

The PM also communicates with ODOT's Local Agency Liaison (LAL) about project progress. Other key staff members may communicate with ODOT subject matter resources directly, however these communications are shared with the PM and LAL.

As the communication hub, the PM is also responsible to:

- Schedule regular project coordination meetings.
- Ensure that meeting minutes are provided after each meeting.
- Provide list of assignments after each meeting.
- Document and communicate all project decisions and project changes.
- Document and communicate all expectations and directions received.
- Communicate regularly with internal and external stakeholders.
- Keep all promises and respond promptly to all requests.

b. Project Funding Agreements.

The PM prepares funding agreements. The PM facilitates communication with internal Key Staff regarding content and agreement execution as well as with external agency staff throughout funding

agreement preparation. Upon approval from internal key staff and external agency staff, the PM facilitates agreement signatures internally as described in the Agency Organizational Structure section above. The PM then coordinates with external agency staff for final signatures and agreement execution.

c. Project Development Design

The PM facilitates communication with internal staff and external partners with the intent of establishing project expectations including purpose, goals, schedule, tasks deliverables and budget. The PM drafts the project scope of work and works with internal staff and external partners to finalize.

d. Quality Control / Quality Assurance (*Describe Agency's processes for managing project risk, scope, schedule, budget, and ensuring quality outcomes.*)

The PM facilitates communication with internal staff and external partners with the intent of establishing management of project risk, scope, schedule and budget as well as expected quality outcomes. The PM drafts the project scope of work and works with internal staff and external partners to finalize.

e. Consultant Selection (Procurement)

Consultant selection will be performed by the PM in accordance with ODOT's LPA A&E Requirements Guide located on ODOT's website at: <https://www.oregon.gov/odot/Business/Procurement/Pages/LPA.aspx>. The website includes many resources for the consultant selection process but the following is a brief description of this process:

LCOG's PM develops a Statement of Work in accordance with ODOT's guidelines and Statement of Work library located on ODOT's website. Also, the PM develops a contract for Consultant Services and Request for Proposals (RFP) document based on ODOT's latest contract template and Solicitation/RFP template located on ODOT's Consultant Selection resources website. Once the contract and Solicitation/RFP templates are updated, the documents are sent to LCOG's fiscal staff for review. Fiscal staff will manage the consultant selection process through the proposal selection phase, including sending out an email to the review team with Declaration of No Conflict form, a score spreadsheet, and proposal review instructions. Once all of the consultants are notified of the scoring, negotiations can begin on the Statement of Work and Breakdown of Costs with the selected consultant. The scoring, negotiations and selection shall be in accordance with the Brooks Act for Qualifications-Based Selection.

The PM is required to develop a separate independent fee estimate for the project. In addition to the selection checklist the PM keeps a log of the negotiations using ODOT's Record of Negotiations spreadsheet.

The ODOT Office of Civil Rights is required to establish DBE Goals and administer the DBE Program for projects with federal-aid funding. Standard goals for consultant-provided services are documented in Section 3.4 of the LPA A&E Requirements Guide. The goals are:

- No goal - if any of the following applies:
 - Under \$100,000 (including any anticipated amendments)
 - Single discipline contracts, regardless of dollar amount
 - Emergency Repair (ER) contracts that are necessary to immediately restore essential travel, minimize the extent of damage, or protect the remaining facilities.
- 3% goal - \$100,000 or more AND includes 2-4 disciplines
- 8.5% goal - \$100,000 or more AND includes 5 or more disciplines

f. Consultant Contract Administration

Consultants submit invoices via email to Accounts Payable. Accounts Payable email includes the Fiscal Unit Manager and Senior Fiscal Analyst; both of whom are Key Qualified Staff for LCOG's Certified Agency Program. Senior Fiscal Analyst performs an initial review of the invoice for consistency with the contract documents and budget and for completeness of required documentation, including subcontractor paid summary reports, DBE payment and goal tracking. LCOG will refer to ODOT's Invoice Requirements Guide for complete invoice requirements. Senior Fiscal Analyst forwards the complete invoice and documentation to the Project Manager and CLMPO-Transportation Program Manager for review and evaluation of consistency with contract requirements as well as progress. Upon approval by the PM and CLMPO-Transportation Program Manager, Senior Fiscal Analyst forwards to Government Services Division Director and then Fiscal Unit Manager for review and approval. Upon approval by Government Services Division Director and Fiscal Unit Manager, Senior Fiscal Analyst processes payment.

LCOG will follow procedures detailed in ODOT LPA A&E Requirements Guide for project closure. The Project Manager ensures that final project documentation is completed in a timely manner (120 days from Second Notification to Final Payment). The PM completes contract closeout documentation to certify: acceptance of all required tasks and deliverables, all invoices have been received and paid, prime has paid all subs, an accounting of expenditures under the contract has been completed, consultant performance evaluation has been completed, and all required procurement and contract administration documentation has been completed and placed in the applicable files. ODOT's Certified LPA Contract Closeout Form is utilized where ODOT has oversight.

LCOG makes every effort to avoid dispute situations. As a general rule, LCOG is proactive in resolving issues so that claim situations may be avoided. In the event an issue does arise, the Government Services Director and then Executive Director review and attempt resolution. If all efforts to resolve the matter fail, the final step is ultimately litigation.

9. *Records Management and Retention*

LCOG maintains records sufficient to detail the significant history of procurement (per Oregon law). The documentation is directly related to the dollar value, importance and complexity of the contract or amendment. The documentation includes appropriate internal estimates, cost analysis, negotiation, SOW detail, documentation detail, etc.

The Certification Liaison and MPO Program Manager are responsible for ensuring that all records required by state and federal law are retained for the timeframe required. Electronic files are stored on LCOG's network. At minimum, project records are retained in accordance with the retention schedule in ORS 166-150-0005, Administrative Records. In general, this schedule calls for retention of records for a minimum of 10 years. In no case is retention less than six years, which is the minimum FHWA requirement for federally funded projects. LCOG acknowledges the right for ODOT and FHWA to audit records.