
100.00 GENERAL ADMINISTRATION

100.10 CERTIFICATION ACCEPTANCE

The Federal-aid Highway Program (FAHP) is a federally-assisted program of state-selected transportation projects on the Federal-aid System. The following legislation provides the Federal Highway Administration (FHWA) flexibility in delegating certain FAHP and project-level responsibilities to the State:

- Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)
- Transportation Equity Act for the 21st Century (TEA-21)
- Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)
- Moving Ahead for Progress in the 21st Century Act (MAP-21)
- Fixing America's Surface Transportation Act (FAST Act)

Title 23, United States Code (U.S.C.), Section 103 describes the Federal-aid System as the National Highway System (NHS), which is a network of approximately 160,000 miles (256,000 kilometers) of highways that are important to the nation's economy, defense, and mobility. The NHS includes the Interstate System, principal arterials serving major travel destinations, highways that provide an important function for national defense, and highways that provide connections to other intermodal transportation facilities, such as airports and seaports.

According to 23 U.S.C. § 106(c), States can assume the responsibility of the Secretary of Transportation. 23 U.S.C. § 106(c)(1) and (2) state that:

- Non-interstate NHS projects – For projects under this title that are on the National Highway System but not on the Interstate System, the State may assume the responsibilities of the Secretary under this title for design, plans, specification, estimates, contract awards, and inspections of projects unless the State or the Secretary determines that such assumption is not appropriate.
- Non-NHS projects – For projects under this title that are not on the National Highway System, the State shall assume the responsibilities of the Secretary under this title for design, plans, specifications, estimates, contract awards, and inspection of projects unless the State determines that such assumption is not appropriate.

23 U.S.C. § 106(c)(3) requires that the Arizona Department of Transportation (ADOT) and FHWA enter into an agreement outlining the responsibilities ADOT assumes from the Secretary. *The FHWA and ADOT Stewardship and Oversight Agreement for Arizona* includes information on project approvals and related responsibilities and FHWA's oversight of the FAHP, as required by 23 U.S.C. § 106(g). ADOT and FHWA work collaboratively to manage the FAHP and review, monitor, and approve activities as necessary in the designated areas of responsibility to comply with applicable laws, regulations, directives, and standards.

In accordance with Title 23, Code of Federal Regulations (C.F.R.), Sections 1.11 and 635.105, ADOT may delegate certain activities, under supervision, to local public agencies (LPAs) for FAHP projects under 23 U.S.C. § 117, Certification Acceptance (CA). As the supervising agency, ADOT may impose requirements that are more stringent than federal requirements.

Because 23 C.F.R. § 1.11 and § 635.105 do not recognize LPAs as direct recipients of federal-aid funds, ADOT, as the supervising agency, retains responsibilities of the Secretary when LPAs construct FAHP projects. ADOT provides oversight to ensure the LPAs comply with federal-aid requirements on FAHP projects and complete the projects in conformance with approved plans, specifications, and estimates (PS&E). FHWA works in partnership with ADOT to ensure LPAs comply with federal-aid requirements on FAHP projects.

FHWA delegates certain responsibilities to ADOT through a formal stewardship and oversight agreement. In turn, ADOT delegates certain responsibilities to the LPAs using a fully executed CA Agreement. The CA Agreement requires the CA Agency to adhere to the most current version of the CA Manual for delivering the FAHP in compliance with federal and state laws and regulations and managing federal-aid funds effectively and efficiently.

The Federal-Aid Highway Program supports State highway systems by providing financial assistance for the construction, maintenance and operations of the Nation's 3.9 million-mile highway network, including the interstate Highway System, primary highways and secondary local roads. The Federal Highway Administration (FHWA) is tasked with implementing the Federal-aid Highway Program in cooperation with the State and local government.

Intent and Purpose of the Certification Acceptance Manual

The intent and purpose of the CA Manual is to document the roles and responsibilities of the CA Agency, ADOT, and FHWA and provide procedural guidance with respect to delivery, oversight, and stewardship of the FAHP.

Scope of the Certification Acceptance Manual

The CA Manual applies to the following projects that fall within the CA Agency's jurisdiction:

- NHS projects off the Interstate System
- NHS projects off the State Highway System unless a designated major or principal arterial
- Non-NHS projects

The CA Manual covers the typical project delivery methods for Design-Bid-Build. The CA Agency may use alternative delivery methods, such as Design Build or Construction Manager at Risk (CMAR) as long as the CA Agency obtains prior ADOT concurrence and FHWA approval on specific projects.

Project Development and Delivery Program

To demonstrate that the CA Agency has a compliant project development and delivery program, accounting controls, and a project inspection and internal program evaluation process for FAHP projects on and off the NHS, the CA Agency must have the following written procedures:

- Procurement (Consultant and Materials and/or Install)
- Roadway Design (Pavement Design Manual, Design Exceptions, Design Guidelines)
- Materials (Quality Assurance [QA])
- Right-of-Way (ROW)
- Civil Rights (Title VI, Americans with Disabilities Act [ADA])
- Disadvantaged Business Enterprise [DBE]
- Project Delivery Manual
- Internal Operations (Staffing, Communication, Training)
- Bid Analysis and Award
- Subcontractor Approval
- Performance Measures (Finance, Audit, Oversight, Reporting)

The ADOT LPA Section will keep a copy of the CA Agency's written procedures for the record.

The CA Agency must have a process for updating the written procedures in compliance with federal and state laws and regulations. The CA Agency must review the written procedures annually and update accordingly. ADOT will review any revisions to the CA Agency's written procedures. In accordance with 23 C.F.R. § 172.9, ADOT will approve any revisions to the CA Agency's procurement procedures. The CA Agency must provide the ADOT LPA Section with an updated copy of its written procedures for the record.

ADOT will continually assess whether the CA Agency has an adequate project development and delivery program, accounting controls, and quality control process to manage projects and deliver the FAHP.

Designated Personnel

In accordance with 23 C.F.R. § 635.105(c)(3), the CA Agency must be adequately staffed and equipped to perform necessary work efficiently and cost effectively, including the supervision and training of staff. The CA Agency must identify the following designated qualified personnel:

- Designated Approval Authority
- CA Liaison
- Responsible Charge
- ADA Coordinator
- DBE Liaison
- ROW Agent
- Title VI Coordinator

The CA Agency must ensure the duties associated with the designated qualified personnel are maintained at all times. In the event of a change in personnel, the CA Agency must reassign those duties immediately, so no lapse occurs. The CA Agency must notify the ADOT LPA Section in writing of the CA Agency's plan to reassign the duties to existing staff or fill the vacated position.

Communication Protocol

The CA Agency must send agency communication to ADOT. ADOT will manage all communications with FHWA. The CA Agency must refrain from contacting FHWA directly. If the CA Agency needs to meet with FHWA, ADOT will arrange a meeting.

Program Issue Resolution

For program-specific issues, the CA Liaison or CA Agency designee must work with the ADOT LPA Section Process Manager or designee, who will work with the appropriate technical team. If an issue cannot be resolved at the lowest level, then the parties need to use the CA Agency's program-specific issue resolution matrix to resolve the issue promptly.

Project Issue Resolution

For project-specific issues, the designated CA Agency personnel must work with the ADOT Project Manager (PM). If an issue cannot be resolved at the lowest level, then the parties need to use the CA Agency's project-specific issue resolution matrix to resolve the issue promptly.