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## **Local Capital Project Delivery (LCPD) Program**

### **Guidance Manual and Administrative Procedures**

#### **Local Concept Development Phase**

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# 1 **PROGRAM OVERVIEW**

As the Metropolitan Planning Organization (MPO) for northern New Jersey, the North Jersey Transportation Planning Authority (NJTPA) is responsible for the development of regional transportation plans and programs. The NJTPA assists member subregions in carrying out specific transportation planning activities that help advance the goals, objectives, principles, policies, plans and projects as set forth in the region's Long-range Transportation Plan (LRTP) for northern New Jersey. The LRTP identifies principles that govern NJTPA's approach to regional transportation planning, which includes giving the highest funding priority to maintaining and repairing existing infrastructure. As stated in the RTP, the NJTPA goals are to:

- Protect and improve natural ecosystems, the built environment and quality of life;
- Provide affordable, accessible and dynamic transportation systems responsive to all current and future travelers;
- Retain and increase economic activity and competitiveness;
- Enhance system coordination, efficiency, overall safety and connectivity for people and goods across all modes of travel;
- Maintain a safe, secure, and reliable transportation system in a state of good repair;
- Create great places through select transportation investments that support the coordination of land use with transportation systems; and
- Improve overall system safety, reducing serious injuries and fatalities for all travelers on all modes.

The **Local Capital Project Delivery (LCPD) Program** ensures that these goals are met when proposed projects or programs are studied and prepared for eventual funding in the Transportation Improvement Program (TIP). The program begins with a project intake process during which the NJTPA screens problem statements submitted by potential project sponsors. These problem statements describe transportation issues and deficiencies that may warrant further investigation through the LCPD Program.

The LCPD Program is consistent with the NJDOT Project Delivery Process approved by the Federal Highway Administration (FHWA). This makes for a streamlined process and provides a common framework for projects at the local, regional, and state levels in New Jersey. This process is outlined in Subpart 1.a, will be followed in the development of future local projects and programs sponsored by NJTPA.

The NJTPA's "**Local Capital Project Delivery Program Guidance Manual and Administrative Procedures**" contained herein, is intended to serve as a guide to primary coordinating participants in initiating the LCPD Program.

**The NJTPA reserves the right to revise these guidelines as deemed appropriate. All agency partners will be notified at the time revisions are made.**

## 1. a. **Project Delivery Process**

The Local Capital Project Delivery Program consists of four phases: Local Concept Development phase, Preliminary Engineering phase, Final Design/Right of Way phase, and Construction phase. The Local Capital Project Delivery Program's Local Project Delivery Guide (LPDG) has been created to assist the Subregions and consultants through the project development process. This guide is consistent with all phases of the NJDOT's Capital Delivery Process. (See **Appendix A** for the Local Project Delivery Guide Flowchart)

## **1 Local Concept Development (LCD) Phase**

The LCD Phase involves drafting a well-defined and well-justified Purpose and Need Statement focusing on the primary transportation need to be addressed. The LCD Phase elements include, but are not limited to the following tasks: data collection, community, agency and stakeholder coordination, development of a reasonable number of prudent and feasible conceptual alternatives and investigation of all aspects of a project: Environmental, Right-of-Way (ROW) impact analysis, Access, Utilities, Design, Community Involvement, Constructability, etc. at a "Planning level of effort", and if required address requirements of the NJTPA Congestion Management Process (CMP).

During the LCD Phase, the project team (i.e., Subregion, NJTPA, and the Consultant) initiates coordination with both internal and external stakeholders with technical expertise or local knowledge of the project area/problem statement. This collaboration enables further analysis and interpretation of the collected data that can either support the project or lead to its termination.

A primary task of the project team is to develop "conceptual alternatives" in line with these requirements/guidelines and ranking criteria, identify possible fatal flaws and select the "Preliminary" Preferred Alternative (PPA) based on the Purpose and Need Statement. These alternatives and the PPA are analyzed in "planning level detail" based on the impacts to right-of-way, the environment, utilities, the community, etc. As part of addressing the CMP, alternatives to highway capacity expansion must be considered first, and complementary travel demand and operational management strategies must be packaged with any final project that includes capacity expansion.

The LCD Phase includes the following activities for all projects:

- Data Collection
- Development of Alternatives
- Community Outreach
- Selection of the PPA
- NEPA Classification
- Development of a Concept Development Report (CDR)

Title VI and Environmental Justice must be addressed as appropriate in each activity. NJTPA is required to comply with Title VI of the 1964 Civil Rights Act, Executive Order 12898 related to Environmental Justice, and additional nondiscrimination statutes and regulations. Therefore, this program, the project team and the projects should identify and assesses the transportation needs of low-income, minority, Limited English Proficiency, and persons with disabilities, and act to improve public involvement processes to eliminate participation barriers for these communities. A variety of resources, including the NJTPA Title VI Plan, an Equity Assessment Guide and Diversity Profiles for NJTPA subregions, are available on the [NJTPA Title VI – Civil Rights web page: https://www.njtpa.org/TitleVI.aspx](https://www.njtpa.org/TitleVI.aspx).

Early coordination during community outreach task will assist the project team to obtain input from the local community throughout the LCD Phase. The primary objective of public outreach is to provide clear and consistent information about the project and the LCD process; provide an effective mechanism for input and feedback from the general public; and obtain resolutions of support for a preliminary preferred alternative from the local municipalities. The number of stakeholder and public outreach meetings are determined in the beginning and are different for each project.

Community outreach efforts will provide the public and local stakeholders with a variety of opportunities for participation. The public is defined as residents, elected officials, state officials, permitting agencies (resource agencies), interested citizens and public interest groups. Engaging the local community will enable problems and solutions to be assessed and developed with community input and buy-in. Outreach early-on in the data collection phase will provide an opportunity for the Subregion to obtain input on project needs and deficiencies and begin laying the groundwork for alternatives that will be well received by the local community.

Community Outreach under CD will include, but not be limited to, developing a database of known stakeholders, determining the number of anticipated meetings with local officials, citizens groups, outside public and private agencies impacted by the proposed project with community profile overlay. The PIAP should outline all anticipated outreach efforts from CD through Construction and be memorialized in a memorandum. It should be noted that the PIAP is a living document and should be amended as the project advances through construction.

It is important to use clear and accessible forms of communication styles as well as a variety of media to reach all segments of the community, including low income and minority groups. This can include innovative methods to communicate to the public as well as use of subregional or municipal social media channels; mobile friendly project web pages; WhatsApp; notices in foreign language newspapers; availability of interpreters at in person or virtual Public Information Centers, etc.)

A project is considered to have successfully completed the LCD Phase once the Concept Development Report has been completed and the NEPA classification has been determined. (See **Appendix F** for the LCD Deliverables Matrix)

The project is then presented by the Subregion and the Consultant to the Interagency Review Committee (IRC). The IRC is comprised of representatives from the NJTPA, NJDOT Local Aid (LA), NJDOT Bureau of Environmental Program Resources (BEPR), Federal Highway Administration (FHWA), and other Subject Matter Experts (SMEs) to review and determine whether or not the project's purpose and need has been fully justified and documented. If so, the IRC will recommend the project advance to the Local Preliminary Engineering Phase (LPE) utilizing federal funds.

At this time, the project's baseline budget and schedule for the Preliminary Engineering, Final Design, Right of Way Acquisition and Construction Phases, can be prepared and the funding needed for each of these phases secured in the TIP.

## 2 PROJECT INTAKE PROCESS

The Local Capital Project Delivery (LCPD) Program is a competitive program, where each subregional sponsor can submit one (1) application during the program's bi-annual solicitation (See **Appendix B** for the Application). An electronic copy of the application is also available online at the Project Development webpage on the NJTPA website. All applications will be reviewed by the program's Technical Review Committee (TRC) before they are assessed by central staff. The TRC is comprised of NJTPA, NJDOT-LA and NJDOT-BEPR. Projects for the LCPD Program will then be short listed and selected through the Project Prioritization Criteria and Scoring: Local Highway & Bridge Criteria combination of **Environmental Screening** and **Criteria Rating** (See **Appendix C** for project selection rating). Once the applications are reviewed and assessed by the TRC, the preliminary application rating will be forwarded to the subregions for their review. Finally, the shortlisted projects will be recommended to the Project Prioritization Committee (PPC) for endorsement and Board approval. Please note that due to the program's funding constraints, not all projects will be accepted into the program.

The Environmental Screening is based on an infield assessment of the proposed project location in the application. The assessment will identify potential environmental impacts of any action within the project location. Each application could receive a **High, Medium, or Low** rating; where **High** means that the project is likely to have *minimum environmental impacts*, and **Low** means that the project is likely to cause *major environmental impacts*.

The Criteria Rating is derived from the NJTPA Board approved TIP criteria. Scores will not be applied to the problems identified in the applications; rather the criteria will be used to assess how well the project satisfies the NJTPA's LRTP goals, traffic congestion, land use, roadway rating, bridge sufficiency, truck traffic volume, brownfields and other emphasis areas. The applications can receive a **High, Medium or Low** Criteria Rating. The range for High Medium and Low Criteria Ratings will be determined each year once all the projects have been assessed and the highest and lowest ratings are known. A High Criteria rating means that the application meets most of the programmatic goals and Low Criteria rating means that it has not met the goals.

The combination of the screening and the rating will provide the final ranking. The final ranking for the project will consist of one of the following: High/High, High/Medium, High/Low, Medium/High, Medium/Medium, Medium/Low, Low/High, Low/Medium or Low/Low.

### 2. a Eligibility Requirements

Eligibility requirements will include the following:

- ◆ Projects must be located within the NJTPA's region;
- ◆ Projects sponsors are limited to: the Counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren; and the Cities of Jersey City and Newark;
- ◆ The project must be transportation related and meet the goals of the LRTP;

- ◆ The project is **NOT ELIGIBLE** if the roadway has a functional roadway classification as rural minor collector, rural local collector or urban local (see the functional classification map), except for bridges on these roadways;
- ◆ Bridges that are not included in the most recent National Bridge Inventory, Highway Bridge Replacement and/or Rehabilitation list are **NOT ELIGIBLE**;
- ◆ Construction Cost must be greater than \$5,000,000;
- ◆ The project need/problem statement must have been established from one of the following sources: a prior planning study; one of the management systems; a need identified in the Long Range Transportation Plan or Strategy Evaluation; local prioritization plan; Subregion's master plan; capital program; or Subregional Technical Studies;
- ◆ The project must have a resolution of support from the governing body;
- ◆ The project must have independent utility from a larger project which is receiving non-federal funds;
- ◆ Transit and railroad bridge projects are **NOT ELIGIBLE** for this program;
- ◆ Removing At-Grade crossings are **NOT ELIGIBLE** for this program;
- ◆ Resurfacing, Restoration, Rehabilitation (RRR) type roadway projects are **NOT ELIGIBLE**;
- ◆ Projects on State Highways, Intersections, and Bridges are **NOT ELIGIBLE** for this program;
- ◆ If applying for an orphan bridge, then the subregion shall accept ownership of the structure once it is constructed;
- ◆ Movable bridges over navigable waterways are currently **NOT ELIGIBLE** for this program. NJTPA will revisit this eligibility requirement with each solicitation.
- ◆ Projects must be 100% within urbanized areas to receive federal funds. See below link for urbanized areas.

<https://njdot.maps.arcgis.com/apps/webappviewer/index.html?id=703752469dc4464cb2c7126751920b6e>

### **3 LCD PHASE CONSULTANT SERVICES**



The NJTPA will administer the consultant contracts for professional services in the LCD phase. The consultants' work will be co-managed by both the NJTPA and the Subregion. The NJTPA will take the administrative lead in managing the consultant effort and the Subregion will retain the technical lead.

The NJTPA's currently established procedures for procurement of professional services will be followed for the LCPD program. Highlights of these procedures as they pertain to the LCD phase are provided below; further details of the consultant solicitation process, eligibility and selection can be found on the NJTPA's website at <http://www.njtpa.org/Get-Involved/RFPs.aspx>.

### **3.a Request for Proposals (RFP) / Scope of Work (SOW)**

The NJTPA and Subregion will work together to develop a detailed scope of work for the project (see **Appendix D** for Sample Scope of Work), along with the specific consultant qualifications and proposed evaluation requirements to be included in the Request for Proposals (RFP). The RFP will then be reviewed by NJDOT LA and NJDOT BEPR for completeness. The RFP will be advertised by the NJTPA. The scope of work will indicate what project elements are to be performed by the Subregion and what elements will be performed by the Consultant(s). Work products to be prepared and delivered will be indicated as well as suggested methods to be employed to complete such products. A preliminary project schedule and cost estimate will also be prepared by the Subregion in coordination with the NJTPA.

Prior to finalizing the RFP, a Consultant Selection Committee (CSC) of at least three members will be formed with at least one representative of each of the following: The Subregion and the NJTPA.

The NJTPA will forward the RFP with the proposed scope of work and the consultant evaluation criteria to the CSC for review and comment. NJDOT-BEPR will conduct a preliminary environmental screening, and the SOW will be modified if necessary. NJTPA Central Staff will notify the Subregion of any requested changes and acceptance, prior to publicly advertising and distributing solicitation notices to firms with relevant experience who are pre-qualified by NJDOT.

### **3.b Consultant Selection and Contract Negotiation**

The selection process is a qualification-based selection process in accordance with the federal Brooks Act. Award of the contract will be made to the most responsible and responsive proposal from a consultant firm. The NJTPA will look for the proposal which meets the eligibility specifications set forth in the RFP.

The tasks included in the RFP may be considered a starting point for configuring tasks, but respondents are encouraged to design proposals they consider to be the most

appropriate to effectively and efficiently accomplish the stated goals of the project and produce quality deliverables. Understanding of the scope and technical approach to the project, including the application and degree of innovation and creativity of proposed concepts to meet the project's objectives will be factors in evaluating each consultant proposal. Consultant selection will be based on the committee's evaluations and ranking of each firm's technical proposal and their oral presentations, in accordance with the criteria outlined in the RFP.

Contract negotiations will begin with the highest technically ranked firm. Failing agreement on price with the highest ranked firm, negotiations with the next best qualified consultant will be conducted until a contract has been negotiated with a qualified consultant whose price is fair and reasonable. The contract award will be made to the most qualified firm whose cost proposal is fair and reasonable and meets all the mandatory eligibility requirements.

## **4 LCD PHASE ADMINISTRATIVE REQUIREMENTS**

### **4.a Local Capital Project Delivery Program: Local Concept Development Phase Roles and Responsibilities**

The general roles and responsibilities of the primary coordinating participants with the LCD program are as follows and are further detailed in **Appendix E**:

#### **1 North Jersey Transportation Planning Authority**

The NJTPA will administer the consultant service contract and co-manage the consultant work with the respective subregion in the LCD phase of project development. The Subregion and the Subregional Project Manager are the lead technical agency as owners of the facility. As a planning agency NJTPA does not own or have responsibility for roadways, bridges, or any associated transportation use so when the project is presented to the local official, stakeholders, or members of the public the project is owned by the sponsor. NJTPA is the local funding agency.

The NJTPA's responsibility is also to ensure quality reports that comply with the appropriate NJDOT and FHWA requirements including Title VI and Environmental Justice requirements are submitted to the appropriate regulatory agencies for review, comment, and approval. NJTPA is also responsible for tracking documents under review with regulatory agencies. Additionally, it is the NJTPA's responsibility to ensure that all additional information, revisions, or modifications required by the NJDOT for approval of a document, is submitted by the Subregion within a reasonable timeframe. The NJTPA is also responsible for programming adequate funding for each project, preparing and processing quarterly performance and expenditure reports for the NJDOT and federal sponsors, scheduling all meetings with state and federal regulatory agencies, Program Compliance Review (PCR) meeting and coordinating

the IRC meeting. NJTPA will also participate on the consultant selection committee (CSC), PCR and Interagency Review Committee (IRC).

## **2 Subregion**

Subregional project managers are responsible for co-managing their local projects as well as the consultant's work with the NJTPA. As co-managers, the Subregion will assume the technical lead for the project. The Subregion maintains responsibility for the project especially during public, local officials and stakeholder meetings. NJTPA is the local funding agency. Project management for the subregion includes, but is not limited to, ensuring the consultant's work products are aligned with the appropriate subregional, NJDOT and FHWA requirements which include Title Vi and Environmental Justice requirements; assisting with timely submission of quality technical reports and/or documents prepared in accordance with NJTPA, NJDOT and FHWA standards by completing subregional reviews in a timely manner; ensuring the project adheres to its approved schedule; ensuring project tasks are completed on time; and adhering to all other contractual technical requirements. Subregion will also participate on the consultant selection committee (CSC).

## **3 Consultant**

The consultant is responsible for the quality, professional development of all tasks, products and deliverables as outlined in the contract's scope of work and maintain the project's schedule. The consultant is responsible for the day-to-day management and monthly reporting of the project, including oversight of all sub consultants, throughout LCD. The consultant is also responsible for timely invoicing of their active contracts.

## **4 New Jersey Department of Transportation – Bureau of Local Aid**

The New Jersey Department of Transportation–Local Aid (NJDOT-LA) Office is responsible for reviewing and approving all technical/engineering documents as well as coordinating subject matter expert (SME) reviews as needed. NJDOT–LA will provide technical guidance to the NJTPA and Subregions as projects progress through LCD. During the project solicitation process, NJDOT-LA may comment on all project applications received by the NJTPA. NJDOT-LA will also participate in the Program Compliance Review (PCR) committee and Interagency Review Committee (IRC). NJDOT-LA will also coordinate the participation of any NJDOT subject matter experts (SMEs) as needed for the duration of the project.

## **5 New Jersey Department of Transportation – Bureau of Environmental Program Resources**

The New Jersey Department of Transportation – Bureau of Environmental Resources (NJDOT-BEPR) is responsible for reviewing and approving all environmental related documents such as the Environmental Screening Map, Environmental Screening Report, and Alternative Analysis Report. BEPR will conduct a preliminary environment screening. BEPR will attend meetings and provide project-specific technical guidance on an as needed basis. When necessary, NJDOT-BEPR will coordinate review efforts with the NJDEP's New Jersey Historic Preservation Office, Green Acres Program and Division of Land Use. During the project solicitation process the NJDOT-BEPR may comment on all project applications received by the NJTPA. BEPR will also participate on the Program Compliance Review (PCR) committee and Interagency Review Committee (IRC).

#### **6 Program Compliance Review Committee (PCR)**

The Program Compliance Review Committee is made up of representatives from NJTPA, NJDOT-LA and NJDOT-BEPR. The PCR will be responsible for performing interim reviews throughout the local concept development phase to make sure that the project's development follows the program's requirements. The first review will take place once the project's Purpose and Need is finalized. The second review will take place once the Preliminary Preferred Alternative is finalized but before it is presented to the local officials or the public. The PCR review can be done either as a meeting or via email, which will be decided by the NJTPA project manager.

#### **7 Interagency Review Committee (IRC)**

The Interagency Review Committee will be responsible for reviewing all projects at the end of Local Concept Development phase. The project consultant and project sponsor will present to decision makers from NJTPA, NJDOT and FHWA who make up the IRC. The IRC will determine if a project has completed all the tasks of LCD, if an environmental document can be obtained in a reasonable time frame, and if there are any engineering issues or public involvement concerns. Once the IRC has completed their review, they may recommend the project advance to Local Preliminary Engineering (LPE).

### **4.b NJIT / NJTPA / CONSULTANT AGREEMENT**

As NJTPA's host agency, The New Jersey Institute of Technology (NJIT) has entered into an agreement with NJDOT to provide first instance funding to NJTPA programs. The selected Consultant will enter a contract with NJIT and NJTPA for the reimbursement of allowable federal funds supporting the Local Capital Project Delivery Program – Local Concept Development phase project(s). The consultant agreement contract sets forth

federal and state requirements for allowable costs, monthly progress reports, audits, lobbying restrictions among others.

All Consultant submittals (progress reports, invoices, technical reports, etc.) must be sent to the LCPD project manager at NJTPA.