

Illinois Department of Transportation
Bureau of Railroads

CREATE* Program
Rail Projects

Phase III Manual

April 2014

*Chicago Region Environmental And Transportation Efficiency



CREATE Program Rail Projects
Phase III Manual

Prepared by Illinois Department of Transportation

April 2014

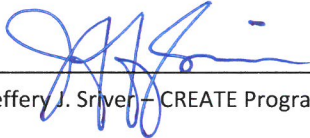
By signing below, you acknowledge receipt of this document.

IDOT Bureau of Railroads Approval:
Accepted

 4/22/14

Samuel Tuck III – Bureau Chief CREATE & Freight Rail Date

Chicago Department of Transportation
Accepted

 4/22/14

Jeffery J. Sriven – CREATE Program Manager Date

Association of American Railroads
Accepted

 4/22/14

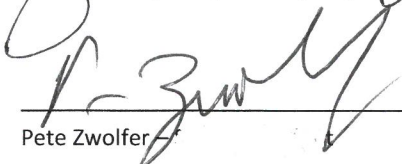
William C. Thompson – CREATE Program Manager Date

Federal Highway Administration
Accepted

 4/22/14

Yamilee Volcy – Engineering Project Manager Date

Metra
Accepted

 06-16-14

Pete Zwolfer
Deputy Executive Director, Operations Date

THIS PAGE INTENTIONALLY BLANK

Table of Contents

Section 1 - Purpose Statement

Section 2 - Scope

- 2.1 Scope
- 2.2. SharePoint (Web-based data collection system)
- 2.3 Phase III Flow Chart

Section 3 - Acronyms

Section 4 - Reporting Requirements

Section 5 - Contract Requirements

- 5.1 Freight Railroad Lead - Bid/Force Account
 - 5.1.1 Contracting for Professional Services (CM)
 - 5.1.2 Contracting Phase III work with the Lowest Qualified Bidder
 - 5.1.3 Disadvantaged Business Enterprise Policy and Special Provision
 - 5.1.4 Change Order Procedures
 - 5.1.5 Phase III Requirements
 - 5.1.6 FHWA Advance Design Authority and Advance Construction Authority

- 5.2 Illinois Department of Transportation Lead (IDOT) – District 1
 - 5.2.1 Consultants Professional Transportation Bulletin
 - 5.2.2 Construction Contract
 - 5.2.3 Disadvantaged Business Enterprise Policy and Monitoring
 - 5.2.4 Change Order Procedures
 - 5.2.5 Phase III Requirements
 - 5.2.6 FHWA Advance Design Authority and Advance Construction Authority

- 5.3 Local Agency Lead
 - 5.3.1 Consultant Procurement Selection
 - 5.3.2 Construction Contract
 - 5.3.3 Disadvantaged Business Enterprise Policy and Monitoring
 - 5.3.4 Change Order Procedures
 - 5.3.5 Phase III Requirements
 - 5.3.6 Intergovernmental Agreement (IGA)

- 5.4 Chicago Department of Transportation Lead (CDOT)
 - 5.4.1 Professional Service Bulletin
 - 5.4.2 Construction Contract
 - 5.4.3 Disadvantaged Business Enterprise Policy and Monitoring
 - 5.4.4 Change Order Procedures

- 5.4.5 Phase III Requirements
- 5.4.6 Intergovernmental Agreement (IGA)

5.5 Metra Lead

- 5.5.1 Professional Service Bulletin
- 5.5.2 Construction Contract
 - a. Advertising – Metra & Business / Purchasing;
 - b. Low Bidder
- 5.5.3 Disadvantaged Business Enterprise Policy and Monitoring
- 5.5.4 Change Order Procedures and Contract Modification Procedures
- 5.5.5 Phase III Requirements
- 5.5.6 Intergovernmental Agreement (IGA)

Section 6 - Master Utility State Rail Agreement (MUSRA) Contract

Section 7 - Illinois Department of Transportation Over-site

Section 1 - Purpose Statement

The purpose of the Phase III manual is to outline the required documentation procedures that were approved collectively by the CREATE Stakeholders as a means for approval of payment and acceptance by the State of Illinois and Federal Highway Administration.

The procedures in this manual have been prepared in accordance with the CREATE Phase III Flow process. Necessary steps herein are established to provide clarity for the CREATE railroad and government agency partners in progressing throughout the construction phase (Phase III).

Section 2 - Scope

2.1 Scope

The manual will outline the construction contract requirements for receiving federal and state funds as agreed to in the State Rail Agreement (SRA). Required documentation for professional services, Disadvantaged Business Enterprise (DBE) compliance, lowest qualified bidder and change orders are detailed within the designated sections.

SharePoint (Web-based data collection system)

2.2 The CREATE Program Website will be utilized as the primary document depository. Training can be provided if requested. If the lead agency is not able to upload documents directly to SharePoint, they may provide the electronic documents to IDOT for uploading. Document sharing information will be managed by IDOT.

Phase III Flow Chart

2.3 IDOT's flowchart illustrating the Phase III activities can be found on the CREATE Program Website:
http://www.createprogram.org/linked_files/phase2and3_flowcharts.pdf

FINAL DRAFT

Section 3 - Acronyms

BC	Bureau of Construction
CCE	Consultant Construction Engineer
CDOT	Chicago Department of Transportation
CREATE	Chicago Regional Environmental & Transportation Efficiency (Program)
CTCO	Chicago Transportation Coordination Office
DBE	Disadvantaged Business Enterprise
FHWA	Federal Highway Administration
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
IDOT	Illinois Department of Transportation
IGA	Intergovernmental Agreement
MUSRA	Master Utility State Rail Agreement
PMP	Project Management Plan
PS&E	Plans, Specifications & Estimates
RFP	Request for Proposal
SRA	State Rail Agreement
TIGER	Transportation Investment Generating Economic Recovery

Section 4 - Reporting Requirements

Reporting requirements specified in the TIGER or other federal grant award or agreement must be complied with unless otherwise directed by the appropriate agency.

Federal Railroad Administration (FRA) Metra projects will follow Metra construction management procedures as approved by the Federal Transit Administration (FTA). A Project Management Plan (PMP) is a federal requirement for any project that exceeds \$100M in total cost.

Section 5 - Contract Requirements

5.1 Freight Railroad Lead - Bid/Force Account (does not include Metra)

5.1.1 Contracting for Professional Services (CM)

If required the Railroad will provide a consulting firm selected per IDOT/FHWA requirements for procurement in Construction Inspection for construction management procedures, monitoring, and documentation for the construction contract.

As previously instructed in the CREATE Phase II Manual (http://www.createprogram.org/linked_files/phase2_manual.pdf) when a railroad intends to contract with an outside company for professional services for a CREATE project, specific procedures shall be followed. The procedures are outlined in the CREATE Phase II and Phase III Flow process detailed in the following link:

http://www.createprogram.org/linked_files/phase2and3_flowcharts.pdf

IDOT will provide to the railroads all FHWA and IDOT language that must be included in the SRA. IDOT will provide guidance for language that should be included in RFP advertisements or RFP documents. IDOT will provide any updates to this language as it is revised. This is in addition to railroad contract requirements and language.

5.1.2 Contracting Phase III work with the Lowest Qualified Bidder

CREATE procedures for contracting Phase III Work with the Lowest Qualified Bidder are covered in the CREATE Phase II Manual and are outlined in the CREATE Phase II and Phase III Flow process detailed in the following links.

The Phase II Manual link can be found at:

http://www.createprogram.org/linked_files/phase2_manual.pdf

The Phase II and Phase III Flow process link can be found at:

http://www.createprogram.org/linked_files/phase2and3_flowcharts.pdf

The primary responsible railroad advertises the project and availability of the bid package for a minimum of three weeks prior to bid opening. Additional requirements regarding where the advertisement is placed and who it needs to be sent to, as well as what needs to be included are covered in the Phase II Manual.

The current language that is to be included in these documents will be provided by IDOT on request.

5.1.3 Disadvantaged Business Enterprise Policy and Special Provision

IDOT will determine the DBE requirements for each project. This information and required reporting information will be included in the SRA.

5.1.4 Change Order Procedures

The authorization of contract change order procedures were developed by IDOT and approved by FHWA are included as requirements for the Phase III manual. Listed below are the details and instructions for the railroad lead change order procedures. The CREATE Change Order form (see page 10) must be submitted with every change order requested.

- a. The railroads have approval to use their own forms if the document requests changes to the original contract as required by both state and federal regulations; the original project estimate amount; previous change order(s); this change order; and the revised project estimate amount have to be documented on the form.
- b. The form will be required for both contingency use (set percentage of original estimate to cover unforeseen costs) and management reserve use (set percentage for additional cost incurred by the lead railroad for necessary scope changes; requires management committee approval).
- c. All changed orders are required to be submitted in advance of the work being performed. In the event of emergency work, a verbal request or e-mail followed by the formal written notification change order request sent via e-mail to IDOT prior to being reviewed by the CREATE partners. For emergency work situations, a change order request is expected promptly. The railroad can receive a verbal approval and follow-up with written concurrence.
- d. A change in "quantity" request can be shown as an attachment to the change order form.
- e. Clearly show the reason for the change request. (i.e. scope, non-scope, schedule).
- f. The use of this form is required for any changes from the original quantities on a bid contract or from force account work and/or changes in scope of work, site differing conditions, any new work not included on the original Plans, Specifications & Estimates (PS&E).
- g. The value of the change either based on actual unit bid process or other reason including typical local costs if not a bid item must be explained in the back-up documents. The same applies to cost reductions.
- h. Change orders for all projects will not be processed unless approved by IDOT, CDOT and FHWA at the regular Implementation Team Meetings or in a special conference call.

Typical change order review process:

Railroad identifies need for extra work or adjustment of contract quantities:

- 1) Change order is prepared and approved by the Railroads.
- 2) Change order with justification is submitted to Bureau Chief for CREATE for review.
 - a. If the change order is accepted, the Bureau Chief for CREATE, the lead agency, or the Railroad will present to the CREATE Implementation Team for review and approval. Note: the actual review process generally has a more detailed check of the change order to ensure environmental commitments are not compromised.
 - b. If the change order is rejected, the Bureau Chief for CREATE will transmit back to the lead railroad and CTCO with reasons for rejection.
 - c. If the change order is ultimately rejected, the railroads will be responsible for 100% of the cost.

Illinois Department of Transportation Bureau of Railroads

CREATE Program Contract Change Form

Project Name:

Contract Number:

Authorization Number:

FHWA Approval required: Yes No

Awarded Contract Amount:

Previous Change order: Yes

This change Order No.:

Contingencies Funds needed (\$):

Project Management Reserve Funds needed (\$):

New Funds needed (increase SRA) (\$):

Total Contract Change (\$):

Determination:

The undersigned determines that this change is germane to the original contract as signed, because:

- Provision for this work is included in the original contract.
- Work of this type was included in the original contract, and the additional efforts of this work are within the intent of the contract.
- This change represents an adjustment required by the contract, based on unpredictable developments in the work. (e. g. Site different conditions).
- This change in design is necessary to fulfill the original intent of the contract.
- Other. Explain:

Location and description of work:

Date Railroad representative

Date CTCO General Manager/
Implementation Committee

Date Bureau Chief, CREATE and
Freight Rail
Bureau of Railroads

FHWA

Acceptable to proceed: Yes No

Approved for Federal Participation: Yes No

FHWA CREATE Program Manager Date

5.1.5 Phase III Requirements – Railroad Lead (Metra see Section 5.5)

Refer to Phase II and Phase III flow chart

http://www.createprogram.org/linked_files/phase2and3_flowcharts.pdf

5.1.6 FHWA Advance Design Authority and Advance Construction Authority

All railroad led projects that do not have a federal funding component will be submitted by IDOT to FHWA for Advance Authority prior to start of design or construction. This includes design and construction SRA's that do not include federal funding. Because of this all FHWA requirements and procedures must be followed through the end of construction.

5.2 Illinois Department of Transportation Lead (IDOT) – District 1

5.2.1 Consultant Professional Transportation Bulletin

Information for the lead agency's requirements in the solicitation and selection of professional services, consultant bulletin schedule, the guidelines for submitting statement of interests, forms can be found at the following link:
<https://webapps.dot.illinois.gov/WCTB/Lbhome>

5.2.2 Construction Contract

Advertising and awarding construction contracts will follow the guidelines of [IDOT's Bureau of Local Roads & Streets manual](#).

The instructions and postings of bid documents for the construction contracts are located at the following link:

<https://idot.illinois.gov/doing-business/procurements/construction-services/construction-bulletins/contractors-bulletin/index>

Verification of suspension and debarment for contractors and subcontractors will be obtained as outlined in IDOT's contract documents and subcontracting reporting guidelines

<http://www.idot.illinois.gov/doing-business/procurements/construction-services/index#Bulletins>

5.2.3 Disadvantaged Business Enterprise Policy and Monitoring

The lead agency's requirements for small business enterprise; DBE firm bulletin registration guidance, goal documents and resource centers.

5.2.4 Change Order Procedures

IDOT Prior Approval Authorization of Contract Change form (BC 2256) will be required for all change order requests. In the event of emergency work, a

verbal request along with the written notification change order request should be sent via e-mail to IDOT for prior approval. Form 2256 can be located at the following link:

<http://www.idot.illinois.gov/Assets/uploads/files/IDOT-Forms/BC/BC%202256.docx>

All CREATE projects must also follow the same process for CREATE partners approval as outlined in the freight railroad procedures section 5.1.4 above.

5.2.5 Phase III Requirements

Refer to the [IDOT Current Construction Manual](#) – For construction management procedures, monitoring and documentation procedures.

5.2.6 FHWA Advance Design Authority and Advance Construction Authority

All IDOT lead projects that do not have a federal funding component will be submitted to FHWA for Advance Authority prior to start of design or construction. This includes design and construction funding by IDOT and jointly with any other agency or railroads that do not include federal funding. Because of this all FHWA requirements and procedures must be followed through the end of construction.

5.3 Local Agency Lead

5.3.1 Consultant Procurement Selection

The local lead agency will procure consultant construction management contracts in-house and administer the recommendation through the Illinois Department of Transportation Bureau of Local Roads and Streets for approval. The lead agency's procurement information can be located through their main web site.

5.3.2 Construction Contract

Advertising information and the instructions and postings of bid documents for the construction contracts will be presented by the lead agency and can be found through their main web site.

5.3.3 Disadvantaged Business Enterprise Policy and Monitoring

The lead agency will determine the requirements for small business enterprise; DBE firm bulletin registration guidance and goal documents. This information can be found through their web site.

5.3.4 Change Order Procedures

The local lead agency will process the review and process the change order requests. The IDOT Prior Approval Authorization of Contract Change form (BC 2256) is required for contracts administered through the Illinois Department of Transportation Bureau of Local Roads and Streets. Form 2256

can be located at the following link:

<http://www.idot.illinois.gov/Assets/uploads/files/IDOT-Forms/BC/BC%202256.docx>

All CREATE projects must also follow the same process for CREATE partners approval as outlined in the freight railroad procedures above.

5.3.5 Phase III Requirements

Refer to the [IDOT Current Construction Manual](#) – For construction management procedures, monitoring and documentation procedures.

5.3.6 Intergovernmental Agreement (IGA)

The local lead agency will develop an intergovernmental agreement with the Illinois Department of Transportation Bureau of Local Roads and Streets. Form 5310 can be located at the following link:

<http://www.idot.illinois.gov/Assets/uploads/files/IDOT-Forms/BLR/BLR%2005310.docx>

5.4 Chicago Department of Transportation Lead (CDOT)

5.4.1 Professional Services Bulletin

The consultant construction management contracts will be solicited and selected by the CDOT. The procurement information can be located through their main web site. <http://www.cityofchicago.org/city/en/depts/dps.html>

5.4.2 Construction Contract

Advertising information for the construction contracts will be presented by the lead agency and found at following links:

http://www.cityofchicago.org/city/en/depts/dps/supp_info/overview_of_the_contractingprocess.htmlhttp://www.cityofchicago.org/city/en/depts/dps/supp_info/procurement_fundamentals2012.html

Instructions and postings of bid opportunities for CDOT construction contracts are located at the following link:

<http://www.cityofchicago.org/city/en/depts/dps/provdrs/contract.html>

Please note that CDOT construction bid documents are not available online. Announcements are posted in the current bid opportunities section of the City's website, but bid documents must be picked up at the Bid and Bond Room, Room 301, City Hall.

The Chief Procurement Officer will verify that contractors and subcontractors are not suspended or debarred and shall solicit offers from, award contracts to, and consent to subcontracts and supply agreements with responsible vendors only, as outlined in the City of Chicago Department of Procurement Services Debarment Rules document (<http://www.cityofchicago.org/content/dam/city/depts/dps/RulesRegulations/3.28.2012DebarmentRules.pdf>).

5.4.3 Disadvantaged Business Enterprise Policy and Monitoring

The required DBE percentage will be established at the time of bid. The construction manager will obtain and monitor the monthly utilization reports from the contractor. Refer to the CCE Procedure Guide (http://www.cdodatabase.com/cce_manual/2013%20CCE%20Manual.pdf) for the reporting documents.

5.4.4 Change Order Procedures

The change order will be requested through a line item change or proposed contract modification form. Refer to the CCE Procedure Guide for the reporting documents. The agency's request shall be submitted along with the IDOT Prior Approval Authorization of Contract Change form (BC 2256). Form 2256 can be located at the following link; <http://www.idot.illinois.gov/Assets/uploads/files/IDOT-Forms/BC/BC%202256.docx>

All CREATE projects must also follow same process for CREATE partners approval as outlined in the freight railroad procedures above.

5.4.5 Phase III Requirements

Refer to the current CDOT CCE Procedural Guide. The consultant construction manager will obtain a copy of the guide during the preconstruction meetings as well as access to the CDOT Web CM database.

5.4.6 Intergovernmental Agreement (IGA)

See Attached BLR 5310;

<http://www.idot.illinois.gov/Assets/uploads/files/IDOT-Forms/BLR/BLR%2005310.docx>

5.5 Metra Lead

5.5.1 Professional Services Bulletin

Information for Metra's requirements in the solicitation and selection of professional services, current Requests for Proposals, the guidelines for submitting, Request for Proposal Responses, can be found at the following link:

<https://metrarail.com/about-metra/metra-business>

5.5.2 Construction Contract

The local lead agency will procure consultant construction management contracts in-house and can be located through their main web site

a. Advertising – Metra & Business / Purchasing;
<https://metrarail.com/about-metra/metra-business>

The instructions and postings of bid documents for the construction contracts

are located at the following link:

b. Low Bidder

<https://metrarail.com/about-metra/metra-business/purchasingprocurement>

Metra checks contractors and subcontractors for suspension and debarment. Metra's Affidavits/Certifications for Contractors form and Subcontractor Debarment form requires the potential contractor for a primary contract, or subcontractor to a primary contractor for subcontracts over \$25,000, certify that they are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntary excluded from covered transactions by any federal, state, or local government entity.

5.5.3 Disadvantaged Business Enterprise Policy and Monitoring

Metra will determine the requirements for small business enterprise; DBE firm bulletin registration guidance and goal documents. This information can be found through their web site.

http://metrarail.com/metra/en/home/metra_business/business_diversity.html

5.5.4 Change Order Procedures and Contract Modification Procedures

Metra will follow their internal Contract Modification Procedures and the CREATE Change order procedures.

The construction manager will follow the procedures as outlined in the Construction Management Quality Management Plan. All CREATE projects must also follow same process for CREATE partners approval as outlined in the freight railroad procedures above.

5.5.5 Phase III Requirements

Refer to the current Metra Construction Management Quality Management Plan. Directions for downloading the current Metra Construction Management Quality Management Plan are included as an exhibit attached to the Request for Proposals.

5.5.6 Intergovernmental Agreement (IGA)

BLR 5310, located at: <https://idot.illinois.gov/Assets/uploads/files/IDOT-Forms/BLR/BLR%2005310.docx>

Section 6 – Master Utility State Rail Agreement (MUSRA) Contract

The process flowchart for the Master Utility State Rail Agreement is illustrated in the CREATE Phase II Manual and can be access at the following link:

http://www.createprogram.org/linked_files/phase2_manual.pdf

The MUSRA contract is developed to provide advanced funding for the design and cost for utility relocation that are impacts to the CREATE projects. The Phase III construction management will be responsible for monitoring the utility relocation work to report possible impacts to the Phase III construction schedule.

Section 7 - Illinois Department of Transportation Oversight

The Illinois Department of Transportation will be providing field oversight for all of the CREATE construction projects. The oversight will monitor contract compliance with other laws and regulations. Areas that will be monitored but not limited to are the following:

Environmental Commitments: It is the responsibility of the contractor to ensure that sedimentation from the construction activities is contained on the project. The contractor shall develop and implement an erosion control and sediment plan that can be effectively applied during the construction phase of the project. In addition, IDOT will ensure continuous monitoring of the effectiveness of the implemented sediment control measures through construction.

Buy America: State and Federal requirements under the “Illinois Steel Products Procurement Act” & “Buy America” for all steel products incorporated into the project shall be manufactured or produced in the United States. IDOT will ensure continuous monitoring of the mill certification of all steel products.

DBE Compliance: IDOT will monitor the DBE firms each month for contractual percentages against the DBE Utilization plan as submitted at the time of bid.

Plans Compliance: IDOT will ensure the projects are built in compliance to the contract plans and specifications.