

**Chapter Thirty-seven**  
**AGREEMENTS FOR LOCAL PROJECTS**  
**(Safety Projects)**

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## **Chapter Thirty-seven**

# **AGREEMENTS FOR LOCAL PROJECTS**

## **(Safety Projects)**

### **37.1 INTRODUCTION**

In some cases, proposed safety projects have a very small scope of work, and the Department judges that it is more cost effective to perform the construction work with local government forces than to administer the project through the Department's normal contracting procedures. These projects may include sign installations, pavement markings, delineation installations, etc., and they typically involve little or no roadway work. The decision to use local government forces for a safety project is made on a case-by-case basis; however, these will usually be on a non-State maintained highway facility. The Traffic and Safety Engineer will sign the agreement for projects less than \$25,000. For projects greater than \$25,000, the Preconstruction Engineer will sign the agreement. The Preconstruction Engineer will also be consulted for any project under \$25,000 that has a unique or controversial circumstance.

For these locally administered safety projects, the Department must execute an agreement with the local government to define the terms of the work and maintenance responsibilities; see [Section 37.2](#).



### 37.2 WORK AT AGREED PRICE (WAAP)

An agreement based on the work-at-agreed-price (WAAP) method establishes specific unit prices for each item of work (e.g., install sign, post and hardware). These unit prices have been determined by the Department's Safety Management Section and accepted by FHWA. For this type of agreement, the following procedure is applicable:

1. The Safety Design Unit prepares a memorandum to the District Administrator and the Traffic and Safety Engineer requesting concurrence in the proposal to use a WAAP. See [Figure 37.2A](#) for a sample transmittal memorandum.
2. The Traffic Project Engineer schedules a Preliminary Field Review and includes the local government in the review. The Traffic Project Engineer then distributes a combined Preliminary Field Review/Scope of Work (PFR/SOW) Report. The local government is included in the distribution.
3. The Traffic Project Engineer transmits preliminary plans to the county road foreman or to a designated person. The local jurisdiction will review and comment prior to signing the agreement.
4. The Traffic Project Engineer prepares the agreement, which is reviewed by the Legal Services Unit. Then three originals are submitted to the local government requesting local government concurrence. See [Figure 37.2B](#) for a sample letter. The end of [Section 37.2](#) provides a sample WAAP Agreement that may be used as a pattern for other proposed projects.
5. Once signed, the local jurisdiction returns three signed copies to the Traffic Project Engineer.
6. The Traffic Project Engineer prepares a transmittal memorandum from the Traffic and Safety Engineer to the District Administrator requesting that the agreement be executed. [Figure 37.2C](#) presents a sample transmittal memorandum.
7. Once executed, the Traffic Project Engineer retains one original of the agreement for its records and submits the other one to the local government. See [Figure 37.2D](#) for a sample letter.
8. The Safety Design Unit must submit three sets of plans (two to the District and one to the local government).

Montana Department of Transportation  
Helena, Montana 59620

Memorandum

To: Traffic and Safety Engineer

Thru: District Administrator — Missoula

From: Traffic Project Engineer

Date: *(date)*

Subject: STPHS 373-1(2) 2  
Safety Improvement — Corvallis  
Control No. 2957

This project is located on State Secondary Route 373 between reference points 1.6 and 2.8 near Corvallis in Ravalli County.

The scope of work is to install chevrons and flexible delineation. The initial estimated cost is \$4,744. The benefit-cost ratio is 7.79.

After the signing of the agreement between the Ravalli County Commission and the Department, the work will be completed by Ravalli County forces on a "Work at Agreed Price" basis. Ravalli County forces will complete the work based on MDT plans and specifications. The final work will be inspected and approved by the Missoula District.

Concurrence — "Work at Agreed Price"

This type of very minor, localized, safety improvement work is not likely to attract competitive bidding and should be accomplished as quickly as possible to reduce the crash rate at the site. Therefore, we request your concurrence that the work necessary to complete this safety project is more cost effective to have Ravalli County forces complete this minor work on a "Work at Agreed Price" basis.

Concur: \_\_\_\_\_ Date: \_\_\_\_\_  
Traffic and Safety Engineer

Concur: \_\_\_\_\_ Date: \_\_\_\_\_  
District Administrator

cc: District Administrator, Missoula  
Traffic and Safety Engineer  
Traffic Engineer  
Project File

**SAMPLE TRANSMITTAL MEMORANDUM  
(Concurrence for WAAP)**

**Figure 37.2A**

Montana Department  
of Transportation

2701 Prospect Avenue  
P. O. Box 201001  
Helena, MT 59620-1001

(date)

Board of County Commissioners  
Ravalli County Courthouse  
205 Bedford  
Hamilton, MT 59840

Subject: STPHS 373-1(2)2  
Safety Improvements — Corvallis  
Control No. 2957  
Work at Agreed Price

Enclosed are three (3) agreements and two (2) sets of drawings of proposed Federal-Aid Project No. STPHS 373-1(2)2.

Your review and concurrence of this agreement are necessary to implement the project for safety improvements detailed on the enclosed drawing(s). The proposed safety improvements are intended to aid in the reduction of crashes occurring on State Secondary Route 373 between reference points 1.6± and 2.8±.

The Montana Department of Transportation monitors recorded crashes occurring on the Federal-Aid road systems within the State. Road sections experiencing a higher than normal crashes history are investigated for possible safety improvements. These sections are placed on a prioritized listing by benefit-cost ratio. The sections with the highest benefit-cost ratio and a ratio above 1.0 are programmed for implementation dependent on the funding available.

The proposed project under the maintenance jurisdiction of Ravalli County is included in this category.

Federal and State funding have been authorized for all labor, material and equipment costs necessary to complete the project.

It would be more cost effective to accomplish this minor project utilizing county forces on a "Work at Agreed Price" basis using STPHS funding.

After your review, concurrence and signing of all supplied copies of this agreement, please return all the signed documents to:

**SAMPLE LETTER TO LOCAL GOVERNMENT  
(Concurrence in Agreement)**

**Figure 37.2B**

Board of County Commissioners  
Page 2  
(date)

Traffic and Safety Bureau  
Attn: Traffic Engineer  
Department of Transportation  
2701 Prospect Avenue  
P. O. Box 201001  
Helena, MT 59620-1001

Once the agreement has been fully executed, a copy will be returned to you with authorization to proceed with the installation of the safety improvements.

Traffic and Safety Engineer

Enclosures

cc: Chief Engineer, Highways and Engineering Division  
Preconstruction Engineer  
District Administrator, Missoula  
Administrator, Rail, Transit and Planning Division  
Traffic and Safety Engineer  
Traffic Engineer  
County Road Supervisor/Foreman  
Project File

**SAMPLE LETTER TO LOCAL GOVERNMENT  
(Concurrence in Agreement)**

**Figure 37.2B  
(Continued)**

Montana Department of Transportation  
Helena, Montana 59620

Memorandum

To: District Administrator — Missoula

From: Traffic Project Engineer

Date: *(date)*

Subject: STPHS 373-1(2) 2  
Safety Improvement — Corvallis  
Control No. 2957  
Work at Agreed Price

Attached are three copies of the signed State-County Agreement and three copies of the plans for a minor safety project on State Secondary 373 in Ravalli County on a county-maintained road. The agreement indicates the state will fund the project and the work will be performed on a "Work at Agreed Price" basis by Ravalli County.

The scope of work involves flexible delineation and chevron signs between reference points 1.6± and 2.8±. The maximum expenditure is \$4,974. Quantities are attached to the plans.

Please deliver one copy of the plans and a quantity estimate to Ravalli County and authorize them to purchase the necessary materials and proceed with the work in accordance with the provisions of the agreement.

A Certificate of Completion with the date of completion, after final inspection by the district, must be submitted by *(date)* to the Construction Administrative Services Bureau and to the Safety Management Engineer.

Attachments

cc: Chief Engineer, Highways and Engineering Division  
Preconstruction Engineer  
Construction Engineer (with attachment)  
Traffic and Safety Engineer  
Traffic Engineer  
Supervisor, Fiscal Programming Bureau  
Administrator, Rail, Transit and Planning Division (with attachment)  
Manager, Engineering Information Management Section  
Chief, Accounting Bureau (with attachment)  
County Road Supervisor/Foreman  
FHWA (with attachment)  
Project File

**SAMPLE TRANSMITTAL MEMORANDUM  
(Execute Agreement)**

**Figure 37.2C**

Montana Department  
of Transportation

2701 Prospect Avenue  
P. O. Box 201001  
Helena, MT 59620-1001

(date)

Board of County Commissioners  
Ravalli County Courthouse  
205 Bedford  
Hamilton, MT 59840

Enclosed for your records is an original completed agreement between the Montana Department of Transportation and Ravalli County.

This agreement is for the following project on a "Work at Agreed Price" basis:

STPHS 373-1(2)2  
Safety Improvements — Corvallis  
Control No. 2957

Authorization for you to proceed with the safety improvements will be made by the District Administrator in Missoula.

If you have any questions, please contact me at 444-6242.

Traffic Project Engineer

Enclosure

cc: Traffic and Safety Engineer  
Traffic Engineer  
District Administrator, Missoula  
County Road Supervisor/Foreman  
Project File

**SAMPLE LETTER TO LOCAL GOVERNMENT  
(Original Agreement)**

**Figure 37.2D**

AGREEMENT BETWEEN MONTANA DEPARTMENT  
OF TRANSPORTATION & RAVALLI COUNTY  
PROJECT NO. STPHS 373-1(2)2

The Montana Department of Transportation and the Ravalli County Commission agree as follows:

1) That the purpose of this agreement is to finance and install safety improvements intended to aid in the reduction of crashes on State Secondary Route 373 between reference points 1.6± and 2.8±, east and west of Corvallis in Ravalli County.

2) That the County approves the plans, specifications and cost estimate, which are incorporated into this agreement by reference, and will complete the work by December 31, 1995 with its own forces.

3) That the County will accept as full payment, for all costs associated with the work, the following unit prices multiplied by the number of such items in the project:

SIGNS INSTALLED -

1)	1 SF to 6 SF (Sign Only)	\$ 90.00 EA
2)	1 SF to 6 SF (Sign, Post, Hardware)	\$ 160.00 EA
3)	6.1 SF to 10 SF (Sign, Post, and Hardware)	\$ 220.00 EA
4)	10.1 SF to 20 SF (Sign, Post, and Hardware)	\$ 375.00 EA

DELINEATORS INSTALLED -

1)	Design A-J (Flexible post - 5.5 ft to 6.6 ft (1.7 m to 2.0 m))	\$ 47.00 EA
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4) That the County will advise the Department of Transportation Safety Management Section Supervisor in Helena at 444-6113 when the work is started and when completed.

5) That the County will advise the Department of Transportation District Engineer at Missoula when the work is completed.

6) That the District Administrator will arrange an inspection to accept the project as soon after completion as practicable.

7) That upon acceptance of the project, a Certificate of Completion will be forwarded by the District to the Construction Administrative Services Bureau to initiate payment.

8) That the Department estimates the cost of the project to be \$ 4,974.00.

9) That the County will maintain the project following its completion or until the maintenance is taken over by another agency.

Approved by Ravalli County Commissioners

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Member

ATTEST \_\_\_\_\_  
Date

\_\_\_\_\_  
Member

Executed for the Montana Department of Transportation at Helena, Montana this  
\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Chief Engineer, Highways and Engineering Division

Reviewed for legal sufficiency:

\_\_\_\_\_  
Chief Legal Counsel

\_\_\_\_\_  
Date