

8820.2800 CONSTRUCTION REQUIREMENTS.

Subpart 1. **Engineer's duties.** Surveys, preparation of plans and estimates, and construction inspection for state-aid projects must be performed by or under the supervision of the county highway or city engineer in accordance with standards for form and arrangement prescribed by the commissioner.

Subp. 2. **Eligibility for funding.** A project is eligible for funding under the following conditions, as applicable:

A. Plans and estimates for each state-aid construction project must be submitted for review. Each plan must show the subsequent stages required for the completion of the improvement, portions of which may be covered by later contracts or agreements. Only those projects for which final plans are approved by the state-aid engineer before opening bids are eligible for state-aid construction funds, except as provided in subpart 8.

B. Force account work is eligible for state-aid funding once a force account agreement is signed by the state-aid engineer, including costs that occur before force account agreement approval.

C. Design-build projects are eligible for funding if, prior to the opening of design-build proposals, the state-aid engineer approves required project information. Among the information required must be project location, project termini, types of work to be performed, and standards to be used.

Subp. 3. **Project identification numbers.** Projects must be assigned state-aid project numbers and must be so identified in records of the Minnesota Department of Transportation and the local governmental unit.

Subp. 4. **Contract information.** Upon award of a state-aid contract by a county or urban municipality, the county highway engineer or city engineer shall furnish the commissioner with an abstract of bids and a certification as to the specific contract and bond executed for the approved construction work.

Subp. 5. **Force account.** A county or urban municipality desiring to use funds credited to it on a force account basis must have its engineer file a request with the commissioner for each construction project to be built by the county or urban municipality at agreed unit prices. The unit prices must be based upon estimated prices for contract work, less a reasonable percentage to compensate for move-in, move-out, and contractor's profit. These requests must contain a complete list of pay items and the unit prices at which it proposes to do the work. Before approval by the commissioner, the district state-aid engineer shall file recommendations with the commissioner concerning the request and the cost estimate. Items of work other than those listed as a pay item or approved by supplemental agreements must be considered incidental work not eligible for state-aid payment.

Subp. 6. **Project reports.** Prior to final acceptance of each construction project by the commissioner, the county highway engineer or the city engineer shall submit to the commissioner final project records as the commissioner may deem necessary or desirable.

Subp. 7. **Project payments.** On state-aid construction projects payments will be made in accordance with part 8820.1500, subparts 2 to 5.

Subp. 8. **Certified acceptance.** The commissioner may establish a certified acceptance program and establish qualifications for counties and urban municipalities to be eligible for participation in the program. Judgment of qualifications must be based upon factors such as the existence of a peer review program, the volume of state-aid contracts, availability of staff, and completion of appropriate training or demonstration of sufficient competency, or other similar factors. Certification may be granted in any or all of the following functional areas: road design, bridge design, traffic signal design, storm sewer design, right-of-way acquisition, or construction inspection and contract administration.

Counties and urban municipalities who request and are qualified may enter into an agreement with the state-aid engineer certifying that they will comply with all laws and state-aid rules and administrative policies in those functional areas for which they are qualified. Projects certified in accordance with the terms of the agreement are considered approved for purposes of subpart 2 and, when applicable, parts 8820.1500, subparts 2 (final inspection) and 12 (construction plans); 8820.3000, subpart 3 (bridges); and 8820.3100, subpart 8 (hydraulics).

The certified acceptance agreement must authorize the state-aid engineer to audit the work performed under the agreement and must contain provisions for cancellation of the agreement by the commissioner and for reimbursement of state-aid funds for cases of repeated noncompliance by the county or urban municipality.

Statutory Authority: *MS s 161.082; 161.083; 162.02; 162.09; 162.155; L 1983 c 17*

History: *8 SR 2146; 15 SR 2596; 20 SR 1041; 23 SR 1455; 29 SR 449*

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