Chapter 4  Developing Projects Using the Local Agency Guidelines

4.1 General Discussion
The previous three parts of this manual explained how local agencies may qualify to receive Federal-aid funding for their transportation projects. The remainder of the manual explains procedures for developing specific projects.

Once a local agency has qualified to receive Federal-aid funds, as described in Chapter 3, the next action is to apply for authorization of funds to develop specific projects in its transportation program. Depending on their size and complexity, different projects may require different development procedures. The remaining parts of the manual are arranged to reflect these differences.

The next part, “General Project Development,” Chapters 6-13, describe activities required during preliminary engineering on all projects.

The sections entitled “Design” and “Construction and Post Construction,” Chapters 14-18 and 19-21, offer the local agency a choice of procedures, depending on whether the state will administer its construction contracts.

The specific requirements for a project may change as project development progresses and as more information about a project becomes available. Further details of the specific requirements are shown in the Project Development Process Flow Chart and Checklist. Unfamiliar term definitions are found in the Glossary. Once the local agency has identified the steps required on a particular project, only the parts in the manual that deal specifically with those steps need to be referred to.

4.2 Project Development Process Overview
This section describes the project development process by setting forth project phases, documentation requirements, options for construction administration, and required reviews and approvals.

4.2.1 Phases of Authorization
FHWA funds may be authorized for the following project phases:

- Preliminary engineering
- Right-of-way acquisition
- Incidental Construction
- Construction Engineering
- Construction

4.2.2 Documentation Required for Authorization of Funds.
   a. Preliminary Engineering Funds: When applying for preliminary engineering funds only, the following documents are required:
1. Project Proposal (Chapter 6),
2. Local Agency Agreement (Chapter 7)
3. Detailed Cost Estimate, and
4. Typical sections, vicinity map, and evidence of PCC Approval date, TIP/STIP inclusion.

b. Right-of-Way Funds. When applying for right-of-way funds, after preliminary engineering funds have developed right-of-way plans, the following documents are required, if appropriate:

1. Supplement to original Local Agency Agreement (Chapter 7),
2. FHWA and MDT approval of environmental documents and clearances (Chapter 9),
3. Relocation plan, if relocation is required (Chapter 10),
4. Right-of-way plan (Chapter 10),
5. Right-of-way Project Funding Estimate or True-Cost estimate (Chapter 10), and
6. Detailed Cost Estimate
7. Evidence of TIP/STIP inclusion.

c. Incidental Construction

d. Construction Funds: The following documents must be submitted to request construction funds:

1. Supplement to Local Agency Agreement,
2. Right-of-way certification (if required),
3. Final FHWA and MDT approval of environmental documents and clearances (Chapter 9),
4. Evidence of TIP/STIP inclusion, and
5. PS&E.

e. Combined Preliminary Engineering and Construction Funds (no right-of-way acquired); When applying for preliminary engineering and construction funds simultaneously, the following documents are required:

1. Project Proposal,
2. Local Agency Agreement,
3. Detailed Cost Estimate
4. Final FHWA and MDT approval of environmental documents and clearances (Chapter 9), and
5. Typical sections, vicinity map, and evidence of STIP inclusion.

4.2.3 Construction Contract Administration
The local agency has the option of:

a. Administering the contract if it has approved certification acceptance procedures and operates in compliance with Chapter 3.

b. Requesting that MDT administer the contract.

c. Performing contract administration by a consultant (Chapter 12). The local agency still must have a full-time employee in charge.
4.2.4 Reviews and Approvals

The chart below shows required approvals for urban projects using local CA. These actions apply to non-NHS, regardless of project funding source.

<table>
<thead>
<tr>
<th>Action</th>
<th>Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. PE Fund Auth. and Modification.</td>
<td>FHWA</td>
</tr>
<tr>
<td>b. Exceptions to Design Standards</td>
<td>State/ FHWA</td>
</tr>
<tr>
<td>c. Preliminary Design Approval</td>
<td>Local Agency/State (Preliminary Field Review, Scope of Work)</td>
</tr>
<tr>
<td>d. Experimental Work Plans</td>
<td>FHWA</td>
</tr>
<tr>
<td>e. PS&amp;E Approval</td>
<td>FHWA/State</td>
</tr>
<tr>
<td>f. Proprietary item, sole source</td>
<td>FHWA/State (public interest finding, certification)</td>
</tr>
<tr>
<td>g. Concurrence in Award</td>
<td>State</td>
</tr>
<tr>
<td>h. State Forces Work</td>
<td>Local Agency /State</td>
</tr>
</tbody>
</table>

When the local agency is the approving authority for any phase of work, it must operate within the *Local Agency Guidelines* and all applicable federal, state, and local laws and regulations. As outlined in Chapter 3, MDT will monitor the agency’s procedure. MDT is the approval authority when the local agency is not certified.

4.3 Standards

Standards are addressed in Chapter 14.

4.4 Project Development Process Flow Chart and Checklist

The flow chart (see Appendix 4.6.1) and checklist (see Appendix 4.6.2) depict the sequence of major activities necessary to develop transportation projects using FHWA funds.

It is recommended that a copy of the checklist be inserted in the project file and used to initiate and document the activities necessary to complete a project.

4.5 Tools

Link to FHWA training videos on Project Development:

http://www.fhwa.dot.gov/federal-aidessentials/catmod.cfm?id=66

4.6 Appendices

4.6.1 Project Development Process Flow Chart

4.6.2 Project Development Checklist
Appendix 4.6.1  Project Development Flow Chart

Phase I
Proposal Development and Project Approval

Phase II
PSA Development and Execution

Phase III
Preliminary Engineering
(9102 Account)

Phase IV
Incidental Construction, Right Of Way Acquisition, Construction, Construction Engineering, Other

Phase V
Project Closeout
Appendix 4.6.2  Project Development Checklist

Project Title: ________________________________________________________________

Project Location: ____________________________________________________________

Road or Street Number: ____________________  FA Program: ____________________________

Project Initiation
(Chapter 2)

<table>
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<tr>
<th>initials</th>
<th>date</th>
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Project in STIP

Federal aid program form (Sheet 1 of Proposal) to:

Metropolitan planning organization

Or MDT CTEP Office

Program of projects approved by appropriate agency

Project Proposal
(Chapters 6, 10, 14, and 16)

Sheet 1

Project information, local agency project number
Description of proposed work and existing facility
Cost estimate of all phases
Proposed obligation date
Environmental determination (Cat Ex, EIS, EA)
Request species listing from USFWS and MNHP
Signature block

Sheet 2

Geometric design data
Accident data
Environmental considerations
Performance of work

Sheet 3

Right-of-way relocation
Utility relocations
FAA Involvement
Signature
Resurfacing and Rehabilitation safety checklist, typical roadway, vicinity map

Project application checklist
Chapter 4  Developing Projects Using the Local Agency Guidelines

Local Agency Agreement
(Chapters 7 and 8)

<table>
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<tr>
<th>Initials</th>
<th>Date or N/A</th>
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Billing address

_____ Description of work matches proposal
_____ Check math on agreement
_____ Federal aid matching percentage
_____ Method of financing
_____ Agreement signed by approving authority

Request Preliminary Engineering Funds
(Chapter 4)

_____       _____

Project programmed

_____       _____
Project application package to LAG Certification Liaison

_____       _____
Project proposal with attachments

_____       _____
Local Agency Agreement

_____       _____
Project application checklist completed

_____       _____
PE funds authorized by LAG Certification Liaison

Consultant Selection Process
(Chapter 13)

_____       _____
Independent estimate for consultant services and recommendation (request) to approving authority

_____       _____
Receive approval to advertise for consultant services

_____       _____
Advertise for consultant services

_____       _____
Develop consultant evaluation selection criteria

_____       _____
Select minimum of three best-qualified firms

_____       _____
Submit request for approval of selected firm to approving authority

_____       _____
Conduct pre-award audit (if necessary) before negotiations

_____       _____
Approving authority approves selection, negotiation begins

_____       _____
Negotiation completed submit final draft of agreement, etc., to the approving authority

_____       _____
Receive approval from approving authority

_____       _____
Agreement signed by consultant

_____       _____
Agreement executed by approving authority (consultant may now begin work)

_____       _____
Notice to proceed sent to the consultant

_____       _____
Send copy of agreement to LAG Certification Liaison.

Consultant Administration
(Chapter 13)

_____       _____
Oversee the consultant’s work and billings to ensure compliance with the agreement

_____       _____
Prepare diary to record discussions and visitation with the consultant

_____       _____
Check consultant billings regarding employee classification, wage rate, actual invoices for direct non salary costs, etc.

_____       _____
Enter consultant payment on ledger system

_____       _____
Conduct consultant employee interviews
Environmental Processes
   (Chapter 10)

Categorical Exclusion
   For Categorical exclusion to be approved by FHWA complete the Endangered Species Act (ESA) Biological Assessment (BA) process and Section 106 process
   - Submit species listings requests
   - Submit determination of APE to MDT Cultural Resource Staff
   - Complete the Environmental Classification Summary (ECS) using the listings
   - Submit completed draft biological resource report (BRR) to LAG Certification Liaison
   - Programs for review
   - Submit completed Section 106 documentation to LAG Certification Liaison
   - Revise and re-submit BRR to MDT
   - Get concurrence from MDT and/or USFWS
   - Get concurrence as necessary for affects greater than “no affect” from MDT and/or USFWS
   - Submit concurrence letters for BRR and Section 106 requirements, final BRR, final Section 106 documentation, and final ECS to MDT CTEP Office for FHWA approval

Environmental Assessment
   Prepare MEPA/NEPA checklist for local environmental assessment
   - Submit draft environmental assessment to LAG Certification Liaison
   - Revise draft environmental assessment
   - Approve draft environmental assessment
   - Publish environmental assessment notice
   - Publish opportunity for public hearing
   - Submit revised environmental assessment and legal notice to LAG Certification Liaison
   - Finding of no significant impact by FHWA
   - Establish requirement for Environmental Impact Statement
   
Environmental Impact Statement
   (Chapter 10)

   Publish notice of intent
   - Submit interdisciplinary team recommendations to project manager
   - Develop public involvement plan
   - Develop data inventory and evaluation from interdisciplinary team
   - Project manager reviews preliminary discipline reports
   - Submit preliminary Draft Environmental Impact Statement to LAG Certification Liaison
   - Receive Montana Department of Transportation comments on above
   - Submit camera-ready Draft Environmental Impact Statement LAG Certification Liaison for signature
   - Receive approval to print Draft Environmental Impact Statement
   - Submit circulation copies to LAG Certification Liaison
   - Publish in Federal Register (minimum 45 days comment period)
   - For state route, obtain Montana Department of Transportation approval before advertising for public hearing
   - Advertise opportunity for public hearing
   - Submit preliminary Final Environmental Impact Statement and draft record of decision to MDT
   - Receive comments from LAG Certification Liaison
   - Receive approval to print Final Environmental Impact Statement
   - Submit final Environmental impact Statement to LAG Certification Liaison

Date
Chapter 4  Developing Projects Using the Local Agency Guidelines

Initials  or N/A
_________   _________  Receive FHWA approval
_________   _________  Circulate final Environmental Impact Statement
_________   _________  Final record of decision approved by FHWA

**Location and Design Approval**
(Chapter 16)

_________   _________  Submit project proposal
_________   _________  Submit design report
_________   _________  Submit pavement design criteria
_________   _________  Meet public hearing requirements
_________   _________  Meet environmental requirements
_________   _________  Concur with BA effect determinations
_________   _________  ECS approval by FHWA
_________   _________  For major bridge project, submit type, size, and location study to LAG Certification Liaison
_________   _________  Obtain FHWA approval of the type, size, and location study
_________   _________  For traffic signal projects, submit warrants for signalization to LAG Certification Liaison
_________   _________  Obtain location and design approval
_________   _________  Publish design approval notice

**Right-of-Way Funding and Acquisition**
(Funding) (Chapter 4)

_________   _________  Project in STIP
_________   _________  Complete design hearing requirements
_________   _________  Approve right-of-way plan
_________   _________  Submit right-of-way relocation plan (if required) to LAG Certification Liaison
_________   _________  Submit right-of-way acquisition plan, right-of-way project funding estimate or true cost estimate, supplement to Local Agency Agreement and FHWA approval of environmental documents, to LAG Certification Liaison with request for right-of-way funds
_________   _________  Receive authorization to acquire ROW from LAG Certification Liaison

**Acquisition** (Chapter 11)

_________   _________  Acquisition procedures approved by LAG Certification Liaison
_________   _________  Set up documentation file for each parcel
_________   _________  Set up commitment file
  **Appraisal:**
_________   _________  Appraiser meets MDT criteria
_________   _________  Give landowner opportunity to accompany appraiser
_________   _________  Signed appraiser certification in file
  **Appraisal Review:**
_________   _________  Appraisal reviewer meets MDT criteria
_________   _________  Date of value determination precedes commencement of negotiations
_________   _________  Just compensation set by agency
_________   _________  Signed review appraiser certification in file

**Negotiations:**
_________   _________  Ensure that private firms negotiators are licensed and have a licensed broker
_________   _________  Prepare diary of all owner contacts
_________   _________  Make appointment with property owner
_________   _________  Give owner written statement of just compensation
_________   _________  Ensure that settlement contains construction clauses
_________   _________  Obtain evidence of clear title
_________   _________  Specify salvage

Initials  or N/A
_________   _________  Obtain evidence of clear title
_________   _________  Specify salvage
Relocation Plan:

- Approved by MDT
- Furnished plan to person scheduled to be displaced
- Send written notice to vacate
- Pay last resort housing costs
- Check for filed appeal against local agency offer
- Complete relocation
- Complete acquisition
- Complete administrative settlement documentation
- Place a copy of deeds in file
- Send:
  - Letter of certification
  - LPA coordinator conducts certification review
  - MDT's certification by LAG Certification Liaison

Plans, Specifications, and Estimates
(Chapters 10, 12, and 17)

- Review commitment and correspondence file
- When applicable, secure the following permits or interagency coordination:
  - Airport roadway clearance from FAA
  - Coastal zone management compliance from DOE
  - For cultural, archeological, or historic sites SHPO contacted
  - Obtain concurrence letters for environmental determination
  - Request updated ESA species lists every six months
  - When waters modified or controlled, USFWS and State Department of Fisheries and Wildlife contacted
  - When stream is affected, permit from DOE
  - For timber supporting land, permit from DNR
  - When construction might reduce water quality, contact DOE
  - For quarries of 2 acres (0.81 ha) and 10,000 tons (9,091 metric tons) or more -- DNR contacted
  - Waters/wetlands -- Army Corps of Engineers contacted
  - For navigable waterways, permit from Coast Guard obtained
  - If wetlands are affected, U.S. Fish and Wildlife Service or National Marine Fisheries Services contacted
  - Utility agreement obtained
  - Railway agreement(s) obtained

- PS&E completed:
  - Vicinity map
  - Summary of quantities
  - Pit, quarry, stockpile, and waste sites
  - Reclamation plans
  - Roadway sections
  - Plans/profiles
  - Utility
  - Structure notes
  - Signing
  - Illumination
  - Bridge plans
  - Traffic control
  - Standard plans
  - Sheets numbered and dated
  - Each sheet signed and stamped by Professional Engineer

Form FHWA-1273 and latest amendment included
Log of test borings
Training requirements

Design calculations, and soil report to LAG Certification Liaison (State Ad and Award only)
Chapter 4  Developing Projects Using the Local Agency Guidelines

- EEO requirement clauses
- For steel. Included Buy America requirement
- Traffic control special provisions
- Specialty items
- General special provisions and amendments arranged in order and indexed
- Project proposal
- Federal Aid Proposal Notices (2 pages)
- Noncollusion Declaration
- Contract
- Certification for Federal Aid Contracts (Lobbying)
- DBE Utilization Certification
- Engineer’s estimate complete
- Documentation for each item in engineer’s estimated
- Justification for nonparticipating items
- Detailed documentation for lump sum items available in project files
- Estimate to LAG Certification Liaison
- Training goal set by LAG Certification Liaison
- Sources approved by approving authority
- Approval of stockpiling by LAG Certification Liaison
  (when payment is requested for material when stockpiling aggregates, etc., for use on a future federal aid project)
- Distribution of preliminary plans as determined by local agency

Field review of PS&E (State Ad and Award only)
For tied bids, letter from approving authority
For State Ad and Award, financial responsibility letter with PS&E documents sent to LAG Certification Liaison
PS&E approved by approving authority
Plans, contract specifications and estimate stamped, signed, and dated, and on file in the local agency office
State and federal wage rates added to ad plans
PS&E sent to LAG Certification Liaison

Request Construction Funds
(Chapter 4)

Project in STIP
Send letter with the following attachments to LAG Certification Liaison requesting construction funds:
Supplement to Local Agency Agreement, if project includes other phases
Letter of right-of-way certification
Final FHWA approval of environmental documents

Local Advertisement and Award
(if administered by local government)
Advertise for Bids (Chapter 18)

Get Highways and Local Programs Contract Number ____ from LAG Certification Liaison
Approve ad period of less than 21 calendar days
Publish notice of bid opening
Date of publication for sealed bids
## Bid Opening (Chapter 18)

<table>
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Issued addendum (if within one week of bid opening, bid opening should be delayed)

Opened Bids

Prepared bid tabulation sheet

Checked submitted bids for tabulation errors

Completed bid and bidders tabulation sheet

Determine responsive bid

Determine contractor qualifications

Contractor registered by Montana Department of Labor and Industries

Contractor licensed as required by the laws of the state of Montana

Award recommendation sent to approving authority

When low bid is over engineer’s estimate, submit justification and letter of award recommendation to approving authority

Submit supplement to Local Agency Agreement

Supplement approved by Assistant Secretary for Highways and Local Programs

## Award of Contract (Chapter 18)

<table>
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<th>Initials</th>
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Establish contract award date ______________, __________

Sent ‘Award Letter” to successful low bidder

Notify all unsuccessful bidders

Return bid bonds (except for first three)

Notify second and third bidders of holding bid bonds until execution

Sent to LAG Certification Liaison:

- Tabulation of bids
- Engineer’s estimate
- Actual versus estimated costs shown in Local Agency Agreement
- Award letter
- DBE utilization certification
- Estimated date of contract completion

DATE OF AWARD IS CUTOFF FOR CHARGING TO PRELIMINARY ENGINEERING

## Construction Administration

### Execution of Contract (Chapter 18)

<table>
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Sent contract and contract bond papers to contractor for signature

“Certificate of Insurance” received from contractor

Approving authority executed contract documents

Notified the contractor by phone of the execution of the contract

Executed a copy of the contract to contractor

Sent notice to proceed to contractor, with cc to LAG Certification Liaison

Returned bid bonds to second and third bidders

## Preconstruction Conference (Chapter 19)

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Notice of preconstruction conference to:

- Contractor
- LAG Certification Liaison
- Affected utility companies
- Police department
- Fire department
- Hospital
- Ambulance service
- Post Office
Chapter 4 Developing Projects Using the Local Agency Guidelines

_________   _________ Preconstruction conference agenda prepared
_________   _________ Preconstruction conference held
_________   _________ Minutes of meeting to:
_________   _________ Contractor
_________   _________ Subcontractors
_________   _________ LAG Certification Liaison
_________   _________ Other attending persons
_________   _________ Invited but not represented agencies
_________   _________ Project file
_________   _________ “Training Program”:
_________   _________ Received from contractor
_________   _________ Approved by agency
_________   _________ “Apprentice/Trainee”:
_________   _________ Approval request from contractor
_________   _________ Approved by agency

Construction Documentation (Chapter 20)

_________   _________ Contractor provides copies of permits obtained from other agencies and/or property owners:
_________   _________ Montana State Dept. of Wildlife/Fisheries-Hydraulic Permit
_________   _________ Montana State Dept. of Ecology
_________   _________ Irrigation Regional
_________   _________ Burlington Northern Railroad
_________   _________ Union Pacific Railroad
_________   _________ Air Pollution Control Authority
_________   _________ Temporary water pollution control plan approved
_________   _________ Agency requests updated ESA species listing every six months
_________   _________ Approved contractor’s progress schedule
_________   _________ Received railroad insurance from contractor
_________   _________ Construction diary started
_________   _________ Inspector’s Daily Work Report started
_________   _________ “Certification of Materials Origin” received from contractor
_________   _________ Material source approval received Plans for falsework and forms:
_________   _________ Received from contractor
_________   _________ Approved by agency

_________   _________ Required job site posters placed by contractor (reference EEO required bulletin board checklist)

http://www.mdt.mt.gov/publications/forms.shtml#eeo

_________   _________ Daily construction traffic control records started (Checked twice daily and recorded)
_________   _________ Weekly statement of working days charged
_________   _________ Material acceptance sampler appointed
_________   _________ Material independent assurance sampler appointed
_________   _________ Appointed office engineer for progress estimates and final records
_________   _________ Obtain a copy of the scale certifications
_________   _________ Daily scale check
_________   _________ Received FHWA Form 1391 for each July from contractor and subcontractors
_________   _________ FHWA Form 1392 prepared and sent to LAG Certification Liaison
_________   _________ Received “Request to Sublet Work” and “Subcontractor or Agent Certification” from contractor
_________   _________ Approved request to sublet (subject to 60 percent limit) Received “Intent to Pay Prevailing Wages” from contractor, subcontractors, and agents
_________   _________ Checked first certified payroll from contractor and subcontractors to ensure payment of prevailing wages
_________   _________ Conducted random check of each successive payroll
_________   _________ Wage rate interviews conducted
_________   _________ Checked employee interview wage rate against certified payroll and Labor and Industries approved prevailing rate
Chapter 4  Developing Projects Using the Local Agency Guidelines

Assigned Change Order Numbers

(LAG Certification Liaison approval required when change order will alter the termini, character, or scope of work. Approval must be obtained before effective date of change order to be eligible for federal participation.)

Prepare change order that details basis and need for the change

Extension of time approved ____________ days

Change order signed by contractor

Verbal approval obtained from approving authority

Signed by approving authority

Original sent to contractor

Copy of approved change order sent to LAG Certification Liaison

Supplement to Local Agency Agreement approved by LAG Certification Liaison

Generated monthly estimate

Verified and documented that DBE is performing a commercially useful function prior to making a monthly payment

Prepared estimate

Checked estimate

Estimate sent to contractor

Overview of EEO (Chapter 11):

Agency designates an EEO officer

Conduct on-site compliance review

Monitor DOT Form 820-010 each month for each trade

Notify contractor of compliance or non-compliance with the contract provisions

Ensure EEO signs are posted

Project Closure

(Chapter 21)

Initials or N/A  Date

Prefinal inspection by local agency and contractor completed

Final inspection by local construction agency and contractor completed

Resolve deficiencies found during the above field inspection

Report of Non-American Made Material (Stand. Specs. 1-06.5) received from contractor

Notice of completion sent to contractor

Extension of time request with justification received from contractor

Extension of time refused, ____________ days

__________ liquidated damages

Letter sent notifying contractor of assessed liquidated damages

Receipt of Substantial Work Complete Date form from contractor

Copy of completion notice requesting inspection and acceptance by MDT and FHWA sent to LAG Certification Liaison

Contractor submitted claim

No claim submitted

Notice of completion to:

Department of Labor and Industries

Department of Revenue

Received from contractor

Received “Affidavit of Wages Paid” from contractor and subcontractors

Received ESA species listing for the project every six months

Comparison of preliminary and final quantities sent to approving authority

Material certification form sent to approving authority

As built plan completed (to be retained 50 years)

Final documentation completed

Final estimate approved by the approving authority
<table>
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<tr>
<th>Number</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>_______</td>
<td>Receipt of Contractors Request for Acceptance and Certification</td>
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<td>_______</td>
<td>Paid final estimate</td>
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<tr>
<td>________</td>
<td>Completion of Certificate of Completion</td>
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<tr>
<td>_________</td>
<td>Final billing sent to LAG Certification Liaison (within 90 days after completion)</td>
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<tr>
<td>__________</td>
<td>Informed by LAG Certification Liaison of MDT final billing approval</td>
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