

CONSTRUCTION PROCEDURES HANDBOOK

SECTION VII	SUBSECTION K	DATE
CONSTRUCTION OPERATIONS	FHWA ACCEPTANCE (FEDERAL PARTICIPATING CONTRACT AGREEMENT CLOSEOUT)	12/19/2022

1. Purpose

The Department must provide the Federal Highway Administration (FHWA) necessary documents as part of the close out of the federal project agreement. There are two parts to this closeout process. The first is FHWA's acceptance (which is different from the Department's Acceptance after the Completion of the project), and second is the Financial Management Information System (FMIS) final voucher. The Regional Construction Engineer is responsible for submitting the request for FHWA's acceptance through the submission of the Federal Close-out Package (FCP). The FCP documents are different depending on the category of Federal Oversight of the project. The FHWA's approval of the FCP moves the project to Step-7a in FMIS. The Bureau of Accounting is responsible for submitting the FMIS final voucher to FHWA, and its approval moves the project to step- 9 in FMIS. The project's step-9 in FMIS is considered the formal close-out of the federal project agreement.

Refer to (Attachment "C") for an overview of the Construction Contract Closeout Process.

The FHWA's acceptance process for a federal project is dependent upon it following two different FHWA oversight categories:

- Non-Project of Division Interest (Non-PODI) category (Delegated)
- Project of Division Interest (PODI) Federal Oversight and Project of Division Interest (PODI) State Oversight categories

2. Non-PODI (Delegated) category

Upon receiving the Final Estimate Certificate from Accounting, the Regional Closeout Engineer (RCOE) will prepare the FCP and submit it via e-mail to the PM with a copy to the to the Director of Construction Services and Materials. The FCP includes the following documents:

- 1) Federal Close-out Package (FCP) cover memo (Attachment "A")
- 2) Completed [Form DC-21](#) Federal Highway Administration Closeout Checklist along with following documents:
 - i) Copy of the Final Estimate Certificate (for a Site Manager project include first 3 pages.
 - ii) An original signature copy of Materials Certification (form LB-96) along with any exceptions and justifications for any non-certified items related to Buy-America. (Not required for non-NHS projects).

- iii) DC-123
- iv) Final Estimate
- v) Final Invoice
- vi) AD-12 (Department Acceptance and Final Payment)
- vii) CR-268
- viii) AD-12 (Consultant Agreements)
- ix) Final Invoice (Consultant Agreements)

3. Project of Division Interest (PODI) category (Federal and State Oversight)

Upon receiving the Final Estimate Certificate from Accounting, the RCOE will prepare the FCP and submit it via e-mail to the PM with a copy to the Director of Construction Services and Materials. The PM will review the FCP and forward it to the FHWA Area Engineer, electronically, for pre-approval. The FHWA Area Engineer will provide a response noting the FHWA Area Engineer's pre-approval or if rejecting the request, a response noting the deficiencies or concerns that must be addressed. If there are deficiencies or concerns, the RCOE will address and the process will repeat until pre approval is received. Once preapproval is received, the RCOE will forward, via e-mail, the FCP to the PM for further processing, and copy the Director of Construction & Materials. The PM will forward The FCP to the Office of Capitol Programming who will enter the 7A request in FMIS. The FHWA will provide electronic approval in FMIS. The FCP includes the following documents:

- 1) Federal Close-out Package (FCP) cover memo (Attachment "A")
- 2) RCE's certification to FHWA (Attachment "B")
- 3) Completed [Form DC-21](#) Federal Highway Administration Closeout Checklist along with following documents:
 - i) Copy of the Final Estimate Certificate (for a Site Manager project include first 3 pages.
 - ii) An original signature copy of Materials Certification (form LB-96) along with any exceptions and justifications for any non-certified items related to Buy-America. (Not required for non-NHS projects).
 - iii) A Department Action (Form AD-12 & Final Invoice), for Department's Acceptance.
 - iv) An original signature copy of the Contractor's Final Certificate of Compliance, ([form DC-123](#)).
 - v) A written confirmation by the RE to FHWA that all deficiencies noted by FHWA as part of their inspections have been corrected (See [DC-155 Workbook C63D](#))
 - vi) A copy of Final payment voucher ([Form PV\(C\)](#)) signed by the Contractor with Final Release/Conditional Release as applicable below:
 - (1) If the Contractor has released all claims against the Contract and the final estimate certificate has been issued, a copy of the Contractor's release. **OR**
 - (2) If the contractor has failed to respond within the 30 days, a copy of RCE's notice to the Contractor that their failure to respond has acted as a waiver of all claims. **OR**
 - (3) If the Contractor has responded to the proposed final certificate, and the Contractor's response reserves claims against the Department (and thus a

conditional final certificate is issued), the closeout package must contain a copy of that letter and a summary of those claims which the Contractor still has against the Department.

- vii) A memorandum from the PM verifying that all of the Department's environmental commitments for the project have been completed or a status update of outstanding environmental commitments.
- viii) The final DBE Report ([form CR-268](#)). If the ESBE/DBE goal was not met, include good faith effort documentation as specified on the form.

- ix) A summary of non-participating costs (as provided with the Final Change Order using Appendix D of the Change Order Guide-2010 as a model).
- x) A summary of Contract Time, detailing the contract time used, extensions/reductions of time, liquidated damages (Interim Completion, Substantial Completion and Completion), incentive/disincentive time payment adjustments and Lane Occupancy Charges (as provided in the Final Completion and Acceptance, Final Payment Memorandum as part of Department's Acceptance Package) ([see Sample B](#)).
- xi) For contracts with ITS elements, a memo from Mobility Systems Engineering indicating that all ITS testing forms are on their file for records. OR a memo from Mobility Systems Engineering indicating that the project has no ITS involvement.

4. Submission of FCP:

The RCOE will send the FCP via e-mail to the PM with a copy to the Director of Construction & Materials.

Attachment A

NEW JERSEY DEPARTMENT OF TRANSPORTATION

MEMORANDUM

TO: PM
Division of Project Management

FROM: Snehal Patel, P.E., PMP
Regional Construction Engineer
Region Central Construction

PHONE: (732) 625-4207

DATE: September 15, 2015

SUBJECT: Route 57 Superstructure Replacements
Contract No: 013083140
Federal Project No: BR-0044(109)
FEDERAL CLOSEOUT PACKAGE (FCP)
Non-PODI (Delegated) or PODI Federal Oversight or PODI
State Oversight (select one)

Please find the Federal Closeout Package (FCP) for the subject project. Appropriate Closeout documents are included as shown in attached DC-21.

Please process this Package further to seek the Closeout of the Federal Agreement.

C: Region Central File

Attachment B



State of New Jersey

DEPARTMENT OF TRANSPORTATION
P.O. Box 600
Trenton, New Jersey 08625-0600

CHRIS CHRISTIE
Governor

JAMIE FOX
Commissioner

KIM GUADAGNO
Lt. Governor

September 8, 2015

Division Administrator
U.S. Department of Transportation
Federal Highway Administration
840 Bear Tavern Road, Suite 310
West Trenton, New Jersey 08528-2595

**RE: Route 287 Vicinity of Main Street to South of I-78
Federal Project No: IM-287-3(082)
Federal Closeout Package (FCP)**

This is to certify that the above referenced project was completed in compliance with Federal requirements for a Project of Division Interest (PODI).

CERTIFIED:

Joe Engineer, P.E
Regional Construction Engineer
Region Central Construction

The attached DC-21 provides a list of documents which are attached and are on file with the Department's Federal Aid Coordination Section:

C: Eric Powers, Manager, Capital Program Coordination

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