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PART I – GENERAL PROCEDURES

CHAPTER 1 INTRODUCTION

This manual has been developed to assist airport personnel, local governments, and consulting firms in doing business with the Wyoming Department of Transportation's (WYDOT) Aeronautics Division. The manual is available online at the WYDOT web site. The term "Division" when used in this document means the WYDOT Aeronautics Division.

Information in this manual will be updated as the need arises. Updates will be available online. The Division will strive to notify users of updates to this manual; however, it remains the responsibility of funding recipients to be current on policies and procedures. Adherence to this manual by entities receiving funding is required through Wyoming Aeronautics Commission policy. {WAC Policy No. 6}

This manual will make use of the imperative mood. The imperative mood is used when the party issuing an instruction and the party receiving it are understood. In this manual the airport sponsor is recognized as having responsibility to the Aeronautics Division and the FAA by the nature of the issuance of a grant. By extension, the Airport's consultant is understood to act on behalf of the sponsor, at the discretion of the sponsor.

Legal requirements remain the responsibility of the manual user.

Document references are noted where applicable in brackets { } to assist the user in finding specific requirements. These references pertain to the following documents:

WS –Wyoming Statute

<http://legisweb.state.wy.us/titles/statutes.htm>

WYDOT Rules – WYDOT Rules and Regulations

http://www.dot.state.wy.us/home/administration/rules_regs.default.html

WAC Policy – Wyoming Aeronautics Commission Policy

WAPAIM-Wyoming Airports Procedures and Information Manual (this document)

WYDOT OP – Wyoming Department of Transportation Basic and Operating Policy

PRM – Wyoming Priority Rating Model for Project Evaluation

FAA AC – FAA Advisory Circulars

http://www.faa.gov/airports/resources/advisory_circulars/

FAA AIP HB – FAA Airport Improvement Program Handbook Order 5100-38

http://www.faa.gov/airports/aip/aip_handbook/media/AIP-Handbook-Order-5100-38D.pdf

Note: Air Service Enhancement Program procedural guidance is available by contacting the Division's Air Service Development Manager.

CHAPTER 2 ELIGIBILITY AND FUNDING

GENERAL INFORMATION

PROJECT ELIGIBILITY

Wyoming Aeronautics Commission (WAC) Policy and Wyoming Priority Rating Model (PRM) for Project Evaluation provide guidance on eligibility of projects for inclusion in the Wyoming Aviation Capital Improvement Program (WACIP). {WAC Policy No. 2 and PRM}

The Airport Improvement Program Handbook provides national policy on eligibility of projects for inclusion in the federal Airports Capital Improvement Program (ACIP). {FAA Order No. 5100-38 Airport Improvement Program Handbook}

FUNDING

When considering airport improvements, an airport sponsor has a variety of possible funding sources through federal, state, and local resources.

FEDERAL

The federal mechanism for budgeting airport improvement projects is the Airport Capital Improvement Program (ACIP). The Federal Aviation Administration's (FAA) Airport Improvement Program (AIP), is the funding source which provides for the development of National Plan of Integrated Airport Systems (NPIAS) airports by funding planning and development projects. The FAA provides funding to Wyoming airports through three main funding elements of the federal AIP: entitlement, discretionary, and state apportionment.

Entitlements

Entitlement funding is separated into primary and non-primary funding. If the yearly AIP budget exceeds \$3.2 billion, the primary airports receive a minimum of \$1 million in funding, and the non-primary airports receive up to \$150,000 in funding. If the yearly AIP budget is less than \$3.2 billion, the primary airports receive \$650,000 minimum, and the non-primary airports are not eligible to receive entitlement funding that year.

Discretionary Funding

Discretionary funding is a portion of the \$3.2 billion in entitlement funding that the FAA sets aside by region. Individual airports compete for the funding, which is distributed based on the FAA's priority model. For example, Converse County Airport in Douglas may compete against Salt Lake City International Airport for discretionary funding.

State Apportionment

State apportionment is another portion of the \$3.2 billion set aside for general aviation and commercial service airports (non-primary) in each state. These statewide airports then compete with each other for the funding.

Stimulus and Other Economic Recovery Funding

Special funding programs may become available in addition to the funding listed above. These programs may have special reporting requirements.

STATE

The state mechanism for budgeting airport improvement projects is the Wyoming Aviation Capital Improvement Program (WACIP). The purpose of the WACIP is to assist in the development of all state aviation system plan airports in Wyoming by providing funding for planning, improvement, equipment, and maintenance projects. WYDOT's Aeronautics Division develops the WACIP, and the Wyoming Aeronautics Commission is the program's approving authority.

State and local projects are funded at various state funding match levels depending on the type of project. Aeronautics Commission policy provides guidelines for budgeting purposes. {WAC Policy No. 11}

Transportation Funds

The WACIP currently receives \$8.4 million biannually through the Transportation Commission. These funds come from federal mineral royalties and severance taxes.

General Funds

The WACIP receives General Funds on a biennium basis. This funding may fluctuate and is typically used to fund large dollar and priority projects such as pavement rehabilitation, land purchases, weather information equipment, instrument approach improvements, or other high impact projects and initiatives.

LOANS

General Sources

This funding is generated from general revenue funds, sales taxes, and revenue bonds.

Wyoming Aeronautics Commission Loan Program

Wyoming counties, cities and towns, and joint powers boards specifically involved in providing governing authority over public-use airports and empowered pursuant to Wyoming statute, Title 10, are eligible to apply for loans under the Wyoming Aeronautics Commission Loan Program. Loans may be used for construction, development, and improvement of airport facilities generating user fees, except that no loans shall be extended for fuel system or fuel tank removal or for asbestos removal. {WS §§ 10-5-101 through 10-5-204}

Submit loan applications to the Aeronautics Division preferably 20, and a minimum of 15, working days before the next regular meeting of the Aeronautics Commission. The Aeronautics Commission will consider the loan application and vote to recommend approval or disapproval of the loan request to the State Loan and Investment Board (SLIB).

If the Aeronautics Commission recommends a request, the loan application package is forwarded to the Office of State Lands and Investments for review of credit worthiness. If the applicant is found to be credit worthy, the SLIB will consider the application at its next regularly scheduled meeting. {WS § 9-12-703 and SLIB Rules and Regulations, Ch. 36}

When land acquisition for an airport is programmed in the federal capital improvement program and federal funds are not yet available, consider a loan for purchasing land. The urgency of acquiring land is often dictated by escalating land value. The airport sponsor, Aeronautics Division, and FAA will need to evaluate the cost of purchasing the land in advance with the sponsor paying interest, versus waiting for federal money to become available when land prices will be higher. Eligible costs related to the purchase of the land are reimbursable by the FAA and Aeronautics Division; however, the interest is reimbursable only by Aeronautics through a state grant. The federal land acquisition process must still be followed. See Part II for information regarding eligible costs. {WAPAIM Part II, Ch. 3}

Transportation Enterprise Fund Grant and Loan Program

Grants and loans are awarded to enhance transportation in Wyoming. Applications are due by September 15 for consideration by the Wyoming State Loan and Investment Board. There is also a provision for emergency situations. Obtain applications and further information from the Wyoming Office of State Lands and Investments, Grant and Loan Coordinator, and State Loan and Investment Board. {WS § 11-34-131}

CHAPTER 3 PROJECT PROGRAMMING

CAPITAL IMPROVEMENT PROGRAM

The Division and the FAA work together to develop a comprehensive improvement program for Wyoming airports. The federal plan is termed the Airport Capital Improvement Program (ACIP) and the WYDOT plan is termed the Wyoming Aviation Capital Improvement Program (WACIP). The WACIP incorporates federal, state, and local funded projects, while the ACIP includes only federal projects. The ACIP is considered an internal document and is not disclosed. {FAA Order No. 5100-39}

WYDOT WACIP

The Division sends the statewide WACIP budget to all airports after its annual approval by the Aeronautics Commission, usually in March prior to the fiscal year approved. WYDOT's fiscal year matches the federal fiscal year, which runs from October 1 to September 30. The timing of the issuance is to facilitate local governments in budgeting for their fiscal years which begin July 1, three months prior to the start of the federal/WYDOT fiscal year.

Previously proposed and approved projects will be in the WACIP report sent out by the Division. Use this listing to provide an update as detailed below. Provide the final list of projects in order of priority and requested fiscal years. Include all projects in the airport update, including those projects funded at the local level only.

The Aeronautics Commission considers the WACIP for approval with the next fiscal year's budget (beginning October 1) and the next five-year's plan annually at the 2nd quarter (January or February) Commission meeting. The WACIP and budget are updated monthly, as approved by the Aeronautics Commission.

FAA ACIP/NPIAS

The FAA reviews projects for which airports are requesting federal funding and, if eligible, the projects will be included in the Airport Capital Improvement Program (ACIP) or will be placed in the National Plan of Integrated Airport Systems (NPIAS). Projects in the ACIP are programmed for funding while projects in the NPIAS are not programmed. The FAA, with input from the Division, determines which projects will be moved from the NPIAS to the ACIP.

UPDATING THE AIRPORT'S CAPITAL IMPROVEMENT PLAN

Formulate and maintain the airport's capital improvement program (CIP) at least annually. Updates to the airport CIP are requested annually during July or August jointly by the FAA and

the Division. Include all projects whether or not federal and/or state funding is requested. The Division accepts project requests and changes to the airport's CIP at any time during the preceding year for inclusion in the WACIP; however, it is best to submit requests during the annual update. Projects not previously approved in the yearly budget will not be funded unless a justifiably urgent or emergency situation arises.

A comprehensive airport CIP incorporates information from many and various sources including the airport layout plan, the airport master plan, joint planning conferences, the state system plan, the airport pavement management plan, design standards surveys, Part 139 inspections, 5010 Safety inspections, wind studies, and compliance inspections. Division staff will provide assistance in utilizing the information.

Marketing, Aviation Encouragement, and Non-Federal NAVAID maintenance projects are grant projects, however, they are not submitted through the WACIP process. Participation in the group crack seal project is also not submitted through the WACIP and is not a grant.

PROJECT REQUESTS

PREAPPLICATION

Submit a project pre-application to the Division programmer if submitted as part of the airport's annual WACIP update for every project for which funding is being requested within the next five fiscal years. The federal/WYDOT Fiscal year is October 1-September 30. The project pre-application form is available online.

Project requests must include:

- General description of project (name)
- Specific description of project (scope)
- Phase if part of a larger project
- Fiscal year requested
- Project justification
- Priority for airport
- Layout sketch indicating where work is to take place and dimensional limits of work (when applicable). Ensure the sketch is clear and at a correct scale to show the area of work.
- Cost estimate. Ensure estimates are as accurate as possible based on the information available at the time. Include planning, design, and inspection fees in the estimate.

Special Pre-application Instructions for out-of-cycle project requests

If requesting a project outside the annual WACIP update process, submit the pre-application to the applicable Division project manager. Urgent and emergency projects are examples of projects that would be requested outside of the regular process.

SHOVEL READY PROJECTS

Shovel Ready (SR) projects are defined as those projects that can be prepared in advance to be funded and accomplished earlier than programmed. This is especially useful for programming and obligating state funds that may become available, but should also be helpful when unanticipated federal funds become available.

The statewide airport system can benefit when the sponsors are prepared to react and match unanticipated funds. By designating projects as shovel ready, airport sponsors are prepared to accept funding that would otherwise go to another airport or potentially be reverted. In the case of federal funds, the funding could go out of state to an airport that is ready to accept the funds.

The criteria for a good shovel ready project are as follows. Some or all may apply:

- The project was requested by the airport for a fiscal year earlier than it was programmed (review the WACIP) or it was not programmed within 6 years.
- There is a benefit to moving the project up (urgency, impact to the statewide system moving the project improves timing of funding available for other projects, etc).
- An environmental assessment is not needed, is complete or can be completed quickly.
- A 75% design has already been accomplished or a design can be programmed for a prior fiscal year and be 75% completed.
- Acceptable risk if the project does not get bid/granted as anticipated for shovel ready. Two years is reasonable risk in most cases.
- The airport sponsor is able to make the commitment to the project for when the state/federal funding becomes available. This means that on short notice both of these conditions must be met:
 - The sponsor is able to provide the local match.
 - The sponsor's consultant is able to accommodate the additional work. Consider also the consultant selection timeline for the potential and resulting impact of different firms being involved in the project from design through completion.

WACIP process for potential shovel ready projects:

Submit the project pre-application indicating both the requested program year(s) and the request for the shovel ready (SR) designation along with SR fiscal year(s). The requested program year(s) may be the same as the shovel ready year(s) requested, depending on the project.

The project will be programmed, as funds permit, within the six year program or will be placed in the outer years if no funds are available. If the Division is not able to program the project in the fiscal year requested, and if the project is determined to be a good shovel ready candidate, the project will be shown with a shovel ready fiscal year in the WACIP.

If unanticipated funds do not become available for the SR designation project, the project will be kept for funding as previously programmed.

If funds do become available for the project in the SR year or any year prior to the year previously programmed, the project will be re-programmed and the sponsor will be contacted regarding the new program year. At this time, the project is no longer considered shovel ready; it is programmed and presented to the Wyoming Aeronautics Commission for approval of the obligation.

Once the request for SR designation is made, it is important that the sponsor uphold the commitment. Both the Division and the FAA consider these projects for unanticipated funding if it becomes available. If the sponsor becomes unable to meet the shovel ready commitment, notify the Division immediately so that the project is removed from the SR consideration.

Prioritization of the selected shovel ready projects is based on PRM number and compatibility of funding to estimated cost. Other factors may be considered by the Division when evident.

PROJECT EVALUATION

Division staff evaluates all projects for which airports request state or federal funding. If the projects are determined to be eligible, feasible, and reasonable, they are included in the Wyoming Aviation Capital Improvement Program (WACIP) for consideration by the Aeronautics Commission.

Prior to inclusion in the WACIP, the Division evaluates the project for priority rating points, completeness of information, necessity, and conformance with airport layout plan, master plan, and system planning information.

INITIAL REVIEW: SCREENING

The Division reviews each airport WACIP update and corresponding project pre-applications for completeness, eligibility based on Commission policies, grant assurances, regulations, and precedence.

STATE EVALUATION

Division staff evaluates projects and provide information specific to their area of knowledge and make recommendations regarding their opinion of the project. Staff members apply their judgment and expertise in making recommendations.

- Professional judgment
 - Validity of documentation submitted
 - Airport's master plan and airport layout plan
 - Site Inspections
 - Other pertinent information
- Optimal timing and utilization of funds
 - State funding effectiveness
 - Federal funding circumstances
 - Pending expiration of entitlement funding, transfer agreement, etc.
- Overall impact to State Aviation System (State System Plan)
 - Wyoming Statewide Airport System Plan
 - Design Standards Inventory
 - Statewide Pavement Management Program
 - Instrument Approach Analysis
 - Wyoming Statewide Airport Economic Impact Study

PRIORITY RATING MODEL AND INCORPORATION INTO WACIP

After the evaluation process, Division staff enters projects into the WACIP. As part of this process, the points for each project are calculated based on the specific matrix criteria provided in the Priority Rating Model (PRM). This PRM number provides the basis for prioritizing projects to be presented to the Commission.

COMMISSION APPROVAL

FINAL REVIEW PRIOR TO PRESENTATION TO COMMISSION

The Division program managers review and revise as necessary the preliminary proposed WACIP. Projects are moved from one fiscal year to another as needed to meet the budget. Projects with a lower PRM are generally moved first, however, the managers strive to accommodate as many projects as possible by looking at overall needs requested.

The Commission reserves approximately \$300,000 in state funds at the beginning of the fiscal year to meet needs as emergency projects arise and projects are bid. Near the midterm of the fiscal year, the reserve is allowed to decrease and by the end of the fiscal year projects are moved ahead in the WACIP as necessary to ensure all available state funds are granted.

The Division presents the proposed WACIP to the Commission for approval as a draft in November (typically) of each year. The WACIP is then presented for approval of the next fiscal year budget and the 5 year plan in March (typically) of each year. Updates are presented for approval monthly, as needed.

CHAPTER 4 STATE GRANT PROCESS

DOCUMENTS

STATE GRANT APPLICATION

Upon the Commission's approval of the fiscal year budget, Division staff will begin the project approval notification process, during February or March. The Division's grant specialist will notify the airport sponsor, by email that the WACIP has been approved by the Commission and a copy of the airport's WACIP will be included. A cover letter will include details on submitting the grant application.

After notice is received from the Division, submit one copy of the grant application as soon as other funding sources are secured along with an up-to-date cost estimate. The Division will keep the grant application on file.

AGENCY AGREEMENT

By Wyoming statute, the county, city, town or joint powers board may enter into an agreement with the Division describing the terms and conditions of the agency in accordance with federal laws, rules and regulations and applicable laws of this state. The agency agreement between WYDOT and the airport sponsor designates the Division as the airport sponsor's agent for airports receiving federal funds through the state. {WS §10-3-101(f)}

The Division grants specialist will prepare and send the agency agreement. Sign and return the agency agreement promptly upon receipt of the agreement from WYDOT.

GRANT CERTIFICATE

The Division will issue the state grant certificate when the following conditions are met for the associated project types or as determined on a case by case basis for unique situations. Upon receiving the grant certificate, sign the certificate and return it to the Division's grant specialist. The Aeronautics administrator will sign the originals and the Division will return one signed original to the sponsor.

Projects receiving a federal grant

The state grant will be issued upon receipt of the signed FAA grant in most instances. Submit one copy of the Application for Federal Assistance to the Division's grant specialist.

Projects not receiving a federal grant

Planning and Engineering services and non-federal NAVAID maintenance services

- Receipt of a fee estimate (when applicable), unsigned copy of contract, independent fee estimate, or letter of recommendation from the sponsor stating intent to hire a firm. The project manager from the Aeronautics Engineering or Planning staffs will provide written concurrence to the sponsor. In the case of non-federal NAVAID repairs or parts replacement, a Request for State Airport Aid form and verification of the repair.

Construction contracts and equipment purchases using formal advertising process

- Receipt of bid tabs and recommendation of award letter. The recommendation of award must be approved by the Division before the grant is issued. Engineering staff will provide a written award concurrence to the sponsor.

Equipment purchases not through a formal advertising process

- A copy of all quotes received and letter of recommendation from the sponsor stating which bidder is being selected. Engineering staff will provide a concurrence letter

Marketing/Promotions and Aviation Encouragement

- Division's receipt of Request for State Airport Aid form, along with a list of expected expenditure items and their cost estimates.

Group seal coat/markings or other maintenance projects when not administered by WYDOT

- Division's receipt of bid tabs and concurrence from airport in the contract award.

Group crack seal or other maintenance projects administered by WYDOT

- These projects are direct billed to the airport sponsor for their financial portion of the project. Cooperative agreements rather than grants are utilized for these projects.

AMENDMENTS TO STATE GRANTS

Changes in scope or cost increases beyond the grant amount for a project utilizing state funds will require advance approval of the Commission. Submit one copy of the "Request for Amendment to An Existing Grant" Form to the Division grant specialist. Notification of approval will be provided by the project manager. Planning grants cannot be amended.

CHAPTER 5 PROJECT REQUIREMENTS

DOCUMENTS

Include the following information on all plans, specifications, correspondence, contracts, etc.

- Airport Name
- Project Title or General Description (such as Runway Relocation)
- Phase Number and Specific Description (such as Grading)
- Schedule Numbers and Work Description of each schedule, if applicable
- Document Name (such as Appraisal Report or Review Plans, etc.)
- WYDOT Project Number
- FAA AIP Grant Number, if applicable

Submit electronic pdf format for all documents unless otherwise indicated by the Division or these procedures.

PROFESSIONAL SERVICES

Guidance on selection and engagement of architectural, engineering, and planning consultants is located in Chapter 7.

Submit a copy of solicitations for consultant services to the Aeronautics Division.

Submit one copy each of the general 5 year contract to the Aeronautics Division and FAA for their records. Submit contract amendments/task orders for individual projects to the Aeronautics Division and the FAA project managers for concurrence of scope and fees before they are signed by the airport sponsor.

PROFESSIONAL REGISTRATION

Engineering

Wyoming statute requires a qualified Wyoming registered professional engineer within the category involved to prepare or personally direct drawings, plans, specifications, and reports for public works projects in Wyoming, and he or she must directly supervise the execution of the construction of the work. In addition, plans, specifications, plats, or reports prepared by a Wyoming registered professional engineer, or his or her bona fide employee, must be issued under his or her seal and signature. {WS §§ 33-29-129, 135}

Equipment and planning projects do not require an engineering seal.

Surveying

Surveys or maps required in connection with land surveying must be made by or under the personal direction of a qualified Wyoming registered land surveyor. {WS § 33-29}.

EQUAL EMPLOYMENT OPPORTUNITY

The FAA has requirements for federally funded projects. Among these is the Disadvantaged Business Enterprise (DBE) plan. Contact the FAA, Airports District Office for their requirements.

The WYDOT Civil Rights Office maintains a list of Wyoming registered DBE businesses https://www.dot.state.wy.us/home/business_with_wydot/contractors/Disadvantaged_Business_Enterprise.html

WAGE RATES

Obtain the current Federal/State Wage Determination Decision from either the Division or WYDOT Civil Rights Office websites. It is the responsibility of the sponsor to ensure that a current wage determination has been provided in the contract documents. Wage rates obtained from the Davis-Bacon web site may not be current for Wyoming, regardless of the date indicated on the web site. Wage determinations for Wyoming are unique in that this state is one of the few states that perform its own survey for obtaining the federal rates. The rates provided by WYDOT on the web site are approved by the U.S. Department of Labor for use on federal projects within Wyoming. Use the federal wage determination for projects with federal funds. Use the state wage determination for projects funded by the state. Use the state building wage determination on building projects.

Wage dispute procedures are in place for FAA and WYDOT. Generally, the consultant, on behalf of the sponsor, will be charged with pursuing all wage disputes and will be required to satisfy both FAA and WYDOT requirements.

STATE FIRE MARSHAL

When work on a structure is planned, submit plans for review to the State Fire Marshal's office. {WS § 35-9-130}

AUDITING REQUIREMENTS

As a condition of the receipt of funding, state and federal grant assurances provide for the audit of any airport sponsor and/or project receiving funding. A list of required documents for state

funding is available from the Division. Expenses incurred to provide information requested in a state or federal audit are reimbursable for eligible projects.

CHAPTER 6 PROCUREMENT

GENERAL INFORMATION

The following is intended to be a guide to aid airport sponsors in procurement. It is the sponsor's responsibility to ensure that all legal requirements are met pertaining to the local government entity. In addition, by accepting grant monies from the Wyoming Aeronautics Commission, the airport sponsor agrees to follow WYDOT procurement rules, as well as Aeronautics Division policy and procedures as provided by Grant Assurances. {WYDOT Rules and Regulations, Ch. 1}

Federal procurement rules apply for federally funded projects, in accordance with Code of Federal Regulations, Section 49. {CFR 49}

Follow the most stringent rules when procurement rules conflict.

Advertising will be performed in the same manner as described below for materials and services unless the monetary limit set by statute is not exceeded.

For advertising for consultant selection, please see section for Consultant Selection. {Ch. 7}

PROJECT ADVERTISEMENT

The Division encourages the utilization of plan sites and direct distribution, as applicable. Submit airport projects ready for letting to the Aeronautics Division project manager for inclusion on the WYDOT website for additional coverage.

The Division requires that the advertisement appears once a week for three (3) consecutive weeks with a period of one (1) week between the last advertisement and the bid opening.

The Division also requires that an invitation to bid is normally published in one newspaper with general, statewide circulation. At the sponsor's discretion, the invitation to bid may be made in a more effective publication, such as a national trade publication, however, prior approval by the Division is required in order for costs associated with this type of advertisement to be eligible for state reimbursement. In some cases, the statutory minimum advertising in the local newspaper with community wide circulation may be considered satisfactory. These instances require Division project manager approval.

When applicable, follow the requirements in Wyoming statute for emergency contracting. {WS § 24-2-108}

Small projects are generally defined by the Division as those under \$100,000. At the Division's discretion, a two-week advertisement period may be used for small, relatively simple projects or

when there is clear urgency to place the project under contract. The sponsor should be aware that a longer advertising time frame may result in lower project costs; however, the minimum advertisement period for bidding per state statute requires the advertisement be published on two (2) different occasions, at least seven (7) days apart, in a newspaper having general circulation in the city or town. {WS §15-1-113(a)(b)}

Advertise for bids on all contracts for any type of public improvement (excluding contracts for professional services) if the costs exceeds \$7,500.00; however, a contract for the purchase of a new automobile or truck must be advertised even if the cost is less than \$7,500.00.

Content

At a minimum, ensure that these legal requirements are met in the advertisement:

- A project description.
- The location of where bids will be received and the date and time when bids will be opened and read aloud.
- When and where project plans and specifications will be available to bidders, along with cost.
- List schedules of work in the project with a description of each.
- Requirement of the bidder to bid on all schedules.
- Statement of date and time that all bidders may examine the project site and have any questions answered by the sponsor's consultant.
- Statement describing the requirement for the bidder to submit, with the bid, a cashier's check for not less than 5 percent of total bid made payable to the sponsor or by bid bond for a like amount.
- Statement of when work is to be performed.
- Name, address, and phone number of the sponsor, the sponsor's consultant, and a contact person to whom any questions should be addressed.

The Division does not review or approve advertisements.

OPENING OF BIDS

At the appointed time and date described in the advertisement for bids, open and read aloud all bids received. After the apparent low bidder has been determined, check all bid forms for accuracy. Verify all Disadvantaged Business Enterprise (DBE) percentages on federally funded projects with the FAA concerning the fulfillment of goals.

On projects utilizing only state or local funds, and before awarding the contract to the low bidder, verify with sponsor's legal counsel that the requirements of Title 16, Chapter 6 have been

met. By statute, Wyoming contractors will be provided with a five (5) percent preference for non-federal projects with state and local funding. {WS §§ 16-6-102, 107}

Provide the complete bid tabulation in Excel and pdf digital formats. Include a summary in pdf format showing the range of all bids received and how they compare to the consultant's estimate to the Division project manager along with a recommendation of award. Bid tabulations will be uploaded and incorporated into the Division database. The project manager will provide a written response via email indicating concurrence/non-concurrence with the recommendation. Concurrence is necessary for the project to remain eligible for state funding.

If a re-bid is necessary, follow the same advertisement requirements for the re-bid.

CHAPTER 7 PROFESSIONAL SERVICES

GENERAL INFORMATION

The procurement of architectural, engineering, planning and special study consultant services for work under WYDOT Aeronautics Commission airport grant programs must be conducted in a manner whereby the selection is based strictly on project-relevant qualifications, experience and workload. It is important to ensure maximum open and free competition and avoid any suggestion of unfair or unethical conduct. Subsequent to initial selection, successful negotiation of a fair and reasonable fee must be achieved. {WYDOT Operating Policy 40-1, Consultant Services Agreements}

Depending on the contracting circumstances, consultant selection may be conducted for a single or multiple projects using a single procurement action. However, selection for aviation planning services and/or environmental services must be conducted in a separate procurement action from architectural/engineering services.

In addition to the state requirements outlined here, compliance with local and federal (if federal funds are involved) rules, policies and procedures must also occur. {FAA Advisory Circular 150/5100-14E, Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects}

Maintain and make available to the Division upon request a record of the procurement process used. This record should include at a minimum a description of the procurement method used and why it was selected, selection criteria, and cost analysis.

Alternate Project Delivery Methods

Wyoming statute allows alternate project delivery methods in some cases. Contact the Division project manager as soon as possible when considering the use of an alternate project delivery method. Obtain both Division and FAA approval well in advance of the project start when state and/or federal funds are involved. The Division will monitor the selection process and will require advance approval of selection criteria. {WS § 16-6-701}

Role of Aeronautics Division

Division staff will not be an active participant in the consultant services selection and negotiation process. The Division's role is to monitor and:

- Ensure state procurement guidelines are followed;
- Ensure contracted services have a reasonable likelihood of producing the desired project outcome;
- Make a judgment on the reasonableness of negotiated services and compensation;
- and

- Serve as advisors throughout the process.

LOCAL PUBLIC AGENCY CONSULTANT SERVICES PROCUREMENT POLICY

Submit the local public agency consultant services procurement policy to the Division's project manager for approval. If no policy currently exists, develop a written policy identifying procedures for each method used to procure consultant services. A template policy is available on the Division's web page, in the procedural section. The Division may provide guidance if needed.

If an original policy is developed or the template policy modified, the new policy must contain procedures regarding all of the following items:

- Preparing a scope of services, evaluation factors, and cost estimate
- Soliciting proposals
- Evaluating and ranking proposals, and a documented basis for selection
- Negotiating the amount to be paid
- Monitoring the consultant's work and preparing a performance evaluation when the work is completed
- Determining the extent to which the consultant who is responsible for the professional quality, technical accuracy, and coordination of services may be reasonably liable for costs resulting from errors or deficiencies in design furnished under its contract

Informal Procurement Procedure

In the event that consultant services will not exceed \$50,000 in the aggregate, procurement of those services may follow informal purchase procedures. Typically, informal purchase procedures dictate that at least three (3) prospective firms are contacted to discuss qualifications to perform the work. Fee negotiations are then conducted with the most qualified firm to arrive at the best price for the desired services.

Consult with the Division project manager before using informal procurement procedures to assure the circumstances justify their use. When using this procedure, submit a statement to the Division explaining the basis for the selection and method used to determine reasonableness of the fee. This may include:

- Sponsor-prepared fee estimate
- Comparison with previous contracts of a similar nature
- Previous business experience

The Division may authorize non-competitive negotiation for professional services if the cost of the contract is not expected to exceed \$7,500 and the professional services are incidental to the grant project. When this procedure is used, submit a statement to the Division explaining the basis used to determine reasonableness of cost.

Informal or non-competitive procurement procedures may only be used for single-project contracts.

STEPS TO CONSULTANT SERVICES PROCUREMENT

The following is guidance to assist you in conducting a proper selection process. Refer to the Professional Services Checklist on the Division web page for a quick reference of these steps.

Note that steps seven (7) through nine (9) may not apply when the selection is conducted for more than one project.

1. PRELIMINARY SCOPE OF SERVICES

The essential first step in a smooth running project is establishing a clear and complete understanding of the scope of services to be acquired.

If the procurement includes more than one project, define the specific work items to be reasonably completed during the five-year Capital Improvement Plan (CIP) and grant funds available. Advise all prospective consultants that the projects will likely be accomplished using multiple grants and that some of the services may not be required. Separate selection actions are required for any projects not included in the original scope of services.

Regardless of whether the selection is for a single or multiple projects, thoroughly discuss the scope and funds available with the Division so that the requirements of the projects are mutually understood. The scope of services needs to be sufficiently detailed so that all parties understand the range of expertise required. Obtain Division approval of the scope prior to proceeding with the selection process.

Selection for aviation planning services and/or environmental services must be conducted in a separate procurement action from architectural/engineering services. This approach acknowledges the fact that not all potential consulting firms will provide both planning and engineering services. Separating these two disciplines opens up the selection opportunity to the widest number of firms available.

2. SELECTION COMMITTEE

In most cases, the consultant selection is accomplished by a selection committee or board. Selection committees are usually comprised of at least three persons designated by the Sponsor to set evaluation criteria, review qualifications, interview, rank candidates, and make a recommendation of award. At least one member of the committee should have professional knowledge of the services to be required of the consultant, possibly an engineer or planner.

It is a good idea to maintain a written code of standards of conduct governing the performance of those engaged in the award and administration of contracts. Each member of the selection committee must certify that no possible conflict of interest exists that may influence the selection process. If such a conflict of interest exists, or could exist, that member shall be excused from the committee.

3. CRITERIA AND EVALUATION

In order to insure a fair and open selection process that is based solely on qualifications and experience possessed by the consultants, it is highly recommended that the selection committee develop criteria on which the various candidates are to be evaluated and a system that will assign a rating to those criteria.

Examples of evaluation criteria could include the following:

- Experience of the firm in the work needed
- Qualifications of the firm's personnel
- Previous performance by the firm
- Knowledge of the project
- Special product delivery requirements (such as computer hardware or software)
- Workload with other clients (if known)
- Location
 - For federally funded projects, proximity to the project is an allowable factor.
 - For state/local funded projects, Wyoming preference is a required factor by statute.

A minimum of three (3) firms must be evaluated unless fewer than three (3) firms submit. If less than three (3) firms submit, consult the Division to discuss possible alternatives including rejecting all submittals and re-advertising.

The use of a matrix which assigns a numerical rating to each candidate for each evaluation element may be effective in this process. Examples of such a matrix are provided on the Division web page in the forms section.

4. ADVERTISEMENT FOR REQUEST FOR QUALIFICATION (RFQ)

In order to insure the broadest publicity and best response, public Request for Qualification (RFQ) announcements are placed in newspapers of statewide distribution, trade journals, magazines, and through electronic media. The RFQ should contain a description of the project(s), location, a description of the services to be procured, and an estimated cost. If proposals are solicited at the time of advertisement, the announcement must indicate where the selection criteria can be obtained.

The public announcement should allow sufficient time for submission of the Statement of Qualifications (SOQ). The advertisement should appear at least three (3) times over a period of at least three (3) weeks.

In addition to the public advertisement, mail the public announcement to all firms registered for the applicable type of work in the WYDOT Engineering Services Consultant Registry. The list is available upon request through the Division for either Aviation Planning or Aviation Engineering category firms.

See the Division web page under forms for examples.

5. REVIEW QUALIFICATIONS AND RANK PROSPECTIVE FIRMS

After the SOQ's are received, the selection committee should narrow the field and prepare a pre-selection short list of the best-qualified consultants for further consideration. In order for the following steps to be more manageable, it is recommended that the pre-selection short list consist of three to five consulting firms. At this point, firms that express interest in the project but were not successful should be notified.

Request for Proposals (Optional)

If desired, the selection committee may then request project proposals from the firms on the pre-selection short list by issuing a Request for Proposals (RFP). The RFP should contain a detailed project description, the proposed scope of services required, and the selection criteria including each criterion's relative importance.

The RFP does not include a request for any type of cost information, including total cost, cost per hour, work hours, or other pricing data. Discussion of cost or pricing information prior to identification of the best-qualified firm and scope of services negotiation is not allowed.

The RFP should call for project and experience information such as:

- Team members, other key personnel, previous experience, and the role they will fill on the project
- Current workload
- Proposed project schedule, including major tasks and target completion dates
- Technical approach – a brief discussion of the tasks or steps that the consultant will undertake to accomplish the work described in the scope of services
- Value Engineering – when a value engineering study is included in the selection criteria, a brief discussion of the consultant's capability, training, and experience to carry out such a study is evaluated

Interviews (Optional)

After reviewing the proposals the selection committee may choose to conduct interviews. A telephone interview may be sufficient for some projects.

Ranking

After interviews are completed the committee members should review the experience and qualifications, the project proposal, and interview results. The committee uses the evaluation criteria and the matrix to rank the firms in order of preference.

6. CONTACT HIGHEST RANKED FIRM

After the selection committee identifies the highest ranked firm, that firm should be contacted and a meeting scheduled to develop the scope of services for which fees will be negotiated.

It is appropriate once the selection committee has established the rankings to notify the other firms on the pre-selection short list that negotiations have been initiated with the top-ranked firm.

7. DETAILED SCOPE OF SERVICES

The general or preliminary scope of services developed for the advertisement and interview process is too broad to establish fees. Meet with the highest ranked firm to develop a detailed scope and submit it to the Division for review and approval. If possible, the independent estimator should be present at the meeting to ensure that the scope of service is clearly understood by all parties.

It is acceptable and reasonable for the selected firm, in consultation with the sponsor, to develop the detailed scope. The cost for this task is considered minor and is covered by the firm's overhead. It is not eligible for specific reimbursement. If development of the detailed scope is a major cost, the sponsor should consider a separate project and small contract for development of the scope; however, this may not be eligible for state funding.

The scope of services needs to be sufficiently detailed so that the consultant and the independent estimator can make a reasonable cost estimate. Refer to the Professional Services Checklist on the Division web page for a list of typical items to be considered.

8. OBTAIN AND EVALUATE COST PROPOSAL

The cost proposal and the analysis need to be presented in a format that will allow easy comparison of the hours and costs for major work items. It is beneficial to use a previously agreed upon format for breaking down costs. An example format for the cost breakdown can be found in the Forms section on the Aeronautics web page.

Cost Proposal from Highest Ranked Firm

Once the detailed scope of services has been negotiated, request a cost proposal be submitted by the highest ranked firm.

Cost Estimate Analysis or Independent Fee Estimate

A price or cost analysis, also known as an Independent Fee Estimate (IFE), must be performed for each proposed contract for consultant services. If the anticipated total costs of services are expected to be less than \$100,000, a simple comparison of the proposed contract with previous similar contracts is sufficient. Give the detailed scope of services and the same cost estimate format to the independent estimator for preparation of the IFE.

The analysis may be performed in-house if staff with the experience in estimating the cost of professional services is available. If staff with the required experience is not available, the services of an independent engineering or planning firm must be retained to prepare an estimate of costs for the negotiated scope of services. The firm selected to prepare the IFE may not be involved in the project in any manner. A candidate firm that was not included in the short list may be retained to provide the estimate. Fees for the preparation of the IFE are eligible for reimbursement (usually \$1,500 to \$3,000 depending on the complexity of the project).

At a minimum, the IFE must address direct labor work hours, labor rates, general and administrative overhead, non-salary expenses and a reasonable profit. The estimate must be prepared without consultation with the top ranked firm.

Methods of Contracting and Allowable Costs

Contracting Method	Compensation	Allowable Cost
Direct Personal Services	<ul style="list-style-type: none"> Per Diem Hourly Rate 	Costs must be allowable, reasonable, and allocable to the project.
Retainer	<ul style="list-style-type: none"> Fixed sum Paid monthly Some other mutually agreeable basis 	
Cost-Plus-a-Fixed-Fee (NTE)	Fixed sum	
Fixed Lump-Sum Payment	Fixed sum	
Cost-Plus-a-Percentage-of-Cost	Prohibited method	Prohibited
Specific Rates of Compensation	Hourly Rate	Costs must be allowable, reasonable, and allocable to the project.
Phasing of Work	May include two or more of the above methods of compensation.	Costs must be allowable, reasonable, and allocable to the project.

Independent Estimate Review

Review the independent estimate and make sure the scope of services is correct and the format for cost breakdown is appropriate to proceed. When satisfied with the independent estimate, the negotiation session should be arranged.

Prior to initiating discussions with the top-ranked firm, sign and date the independent cost estimate and retain a copy for record purposes. If an independent firm has been retained to prepare the IFE, they may be consulted during negotiations in order to clarify problem areas, however, the independent firm may not review the top-ranked consultant's cost proposal or attend the negotiation sessions.

9. NEGOTIATE FEES WITH HIGHEST RANKED FIRM

The top-ranked consultant must submit the cost breakdown in a format that is compatible with the independent estimate. The breakdown should show an estimate of hours and cost for each of the major tasks. In addition to labor costs, the consultant should indicate costs for subcontractors, travel, living expenses, reproduction, and other out-of-pocket expenses.

Identify differences in the work hour estimates and resolve any significant differences. All costs should then be evaluated and any proposed costs above the independent estimate resolved (consult as needed with the firm that prepared the independent estimate for clarification of figures). Generally, if the total fee or any individual task differs by more than 10% from the IFE, it is considered a significant difference.

Provide justification to the Division for acceptance of any proposed fees that exceed those of the independent estimate.

If mutually satisfactory fees cannot be negotiated with the first-ranked consultant, the negotiations must be terminated and the consultant notified. Negotiations should then be initiated with the consulting firm ranked second by the selection committee. The procedure continues in the sequence of ranking until a mutually satisfactory contract has been developed. Once negotiations have been terminated with a firm and begun with another, they cannot be reopened with the former firm.

10. RECORD OF NEGOTIATION AND CERTIFICATION

Prepare a record of negotiations and add it to the contract file. The record shall contain sufficient detail to reflect any changes in the scope of services controlling the establishment of costs and other terms of the contract. Provide an explanation for differences between the independent estimate and the final negotiated cost. Attachments to the report include:

- Negotiated detailed scope of services;
- Draft contract;

- Independent estimate;
- Consultant's fee proposal with revisions; and
- Detailed price/cost analysis.

Submit the record of negotiations and all attachments to the project manager for reasonableness of cost determination, which is necessary prior to the issuance of any grant funding associated through the contract.

A sample record of negotiation can be found in the Forms section on the Aeronautics web page.

11. EXECUTE CONTRACT

Upon completion of successful negotiations, notify all consultants on the short list that the selection has been made. Since the selection process is not complete until the fees have been successfully negotiated, do not commence work on the project before a contractual agreement is in place that defines the complete extent and character of the work to be performed and includes terms and payments for various services.

CONTRACT FORMAT AND PROVISIONS

Many government agencies, business firms, and engineering organizations have developed standardized forms for architectural, engineering and planning contracts. If standardized forms are used, it is generally necessary to modify them to include the specific terms and conditions applicable to a project, as well as the mandatory contract provisions, which are listed below. An example of a standard form of Master Agreement for Professional Services between Sponsor and Engineer-along with a sample Index can be found in the Forms section on the Aeronautics web page.

State and federal laws and regulations mandate that certain provisions be included in state or federally funded contracts. Guidance specific to federal requirements can be found in the FAA Advisory Circular for Architectural, Engineering and Planning Consultant Services for Airport Grant Projects. {FAA AC 150/5100-14E}

All consultant contracts (including sub-consultants) involving airport development projects or airport planning funded with state funds must contain provisions or conditions regarding the following:

- Special provisions addressing all of the following:
 - Conflicts of Interest
 - Kickbacks {WS § 9-2-1032(d)}
 - Monitor Activities

- No Finder's Fees
- Prohibited Payments {WS § 9-2-1032(e)}
- General provisions addressing all of the following:
 - Amendments
 - Applicable Law and Venue
 - Assignment/Contract Not Used as Collateral
 - Audit/Access to Records
 - Availability of Funds
 - Award of Related Contracts
 - Certificate of Good Standing
 - Compliance with Laws
 - Confidentiality of Information
 - Entirety of Contract
 - Ethics {WS § 9-13-101, *et seq.*}
 - Extensions and Renewals
 - Force Majeure
 - Indemnification
 - Independent Contractor
 - Nondiscrimination
 - Notices
 - Notice and Approval of Proposed Sale or Transfer
 - Ownership and Destruction of Documents/Information
 - Patent or Copyright Protection
 - Prior Approval
 - Proof of Insurance
 - Publicity
 - Severability
 - Sovereign Immunity {WS § 1-39-104(a)}
 - Taxes
 - Termination of Contract
 - Third Party Beneficiary Rights
 - Time is of the Essence
 - Titles Not Controlling
 - Waiver
- Except as provided by contract, any agency which purchases or procures goods and services from a non-governmental entity shall pay the amount due within forty-five (45) days after receipt of a correct notice of amount due for the goods or services provided or shall pay interest from the forty-fifth day at the rate of one and one-half percent (1.5 %) per month on the unpaid balance until the account is paid in full, unless a good faith dispute exists as to the agency's obligation to pay all or a portion of the account. {WS §16-6-602}

- Contracts shall contain provisions or conditions which allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms and provide for sanctions and penalties as may be appropriate.
- Contracts shall contain suitable provisions for the termination by the Sponsor, including the manner by which it will be affected and the bias for the settlement. In addition, contracts shall describe conditions under which the contract may be terminated for default, as well as conditions where the contract may be terminated because of circumstances beyond the control of the consultant.
- All negotiated contracts shall include provisions to the effect that Sponsors, the FAA, WYDOT, the Comptroller General of the United States, or any of the duly authorized representatives shall have access to any books, documents, papers, and records of the consultant which are directly pertinent to a specific grant program, for the purpose of making audits, examinations, excerpts, and transcriptions. Sponsors shall require consultants to maintain all required records for 3 years after the Sponsor makes final payment and all other pending matters have closed.

The omission of any of the above provisions and conditions from the executed contract without prior Division approval may render all expenses incurred ineligible for state grant funds.

Division personnel are available to assist and provide guidance on the scope of services to be provided, appropriate type of contract, mandatory contract provisions to be included, and sponsor certification requirements. If deemed necessary by the project manager, submit a draft of the contract for review to ensure that the scope of services is described completely, the fees and reimbursements are reasonable and eligible as shown by a cost/price analysis, the type of contract is appropriate, and the proposed contract terms are acceptable.

CHAPTER 8 REIMBURSEMENT PROCESS

GENERAL INFORMATION

Reimbursements for both state and federal grants are authorized through the Division, except for when an airport chooses to not receive federal funds through the Division. Wyoming statute states the Aeronautics Commission is the authority in the state to apply for, or directly accept, receive, receipt for or disburse any funds granted by the United States government for airport construction or maintenance.

The agency agreement provides the mechanism for the sponsor to receive federal reimbursement funds through WYDOT. As such the State of Wyoming functions as a “flow-through” state for reimbursement of federal funds.

Wyoming statute also states, in part, “any airport sponsor may directly apply for, receive or disburse federal airport funds.” Airports, by choosing to exercise this option, are “opting-out” of the flow through process. This option is not on a project by project basis. {WAPIM Ch. 4} {WS §10-3-201(b)}

REQUEST FOR REIMBURSEMENT (RFR)

Send all reimbursement requests to the attention of the Aeronautics Division’s Grant Specialist. Do not submit reimbursement requests directly to FAA, unless the airport has elected to opt-out of the state flow-through grant program.

Include supporting documentation, receipts, etc., and a summary of the documentation that includes grant numbers, state and federal, vendor/contractor, invoice date, total dollar amount of invoice and brief description of services with each RFR submittal. The maximum amount for reimbursement before substantial completion of the work in the scope of the project is 90 percent of the grant amount. The Division will consider the state grant for closure after 18 months without a drawdown and, in turn, the airport could lose remaining funds.

It is the preference of the Aeronautics Division and it is strongly encouraged that consultant invoices contain detailed documentation. At a minimum show on the invoice, for each phase of the contract, the contract amount, the amounts billed for the current invoice, the amounts previously billed, dates of service/billing period, and the amounts remaining. In addition a breakout for each of the phases of the contract showing hours worked, personnel performing work, billing rate, mileage and mileage rate (IRS rate in most cases), incidentals, expenses, etc. provides supplemental information that assists in determining the proper expenditure of grant funds.

An FAA grant assurance states, in part "For consultant services, the Sponsor agrees to make payment only for work that has been satisfactorily completed. It is understood by and between the parties hereto that the approximate value of the final project documentation is ten percent (10%) of the total value of the engineering services contract, and that amount will not be paid to the Engineer until acceptable final project documentation is provided."

By Commission policy, up to 2.5 percent of the total grant amount may be retained until all approved, final documentation has been received to the project manager's satisfaction. {WAC Policy No. 14}

Submit the two copies of the RFR, as applicable. If the project includes both federal and state funding, submit them together to the Grant Specialist along with one set of documentation.

IN-KIND MATERIALS AND LABOR

The Aeronautics Division allows the use of in-kind materials and labor up to the agreed percentage of local funding. Proper documentation is essential so that in-kind materials and labor can be counted for the match. Documentation of labor includes accounting of time, number of workers, activities, wages (if applicable), etc.

Guidelines

- Percentage of grant match will be held the same regardless of in-kind amount provided by airport
- In-kind maximum amount is equal to the airport match based on original percentage
- In-kind expenses must be pre-approved by the Project Manager
- The state reimbursement to sponsor will not exceed the total cash disbursement (non in-kind) by sponsor.

Eligible Expenses

- Equipment hours – description of equipment, hours, hourly rate (no office equipment)
- Man hours – position name, hours, and wages, etc. Do not include SSN.
- Materials – description and estimate of value (no office supplies)
- Land – legal description, location map, appraisal and review appraisal

Ineligible Expenses

- Normal administrative expenses, such as telephone charges, administrative wages, etc.

ROYALTIES AND FEES

When the sponsor requests to obtain material through a WYDOT material source agreement, WYDOT's Financial Services Program will invoice the sponsor directly for the airport's royalties or

fees for construction material (such as aggregate) when provided through a WYDOT material source. Invoices will be sent monthly or as WYDOT determines. The sponsor submits payment to Financial Services for the entire amount.

Royalty payments or other fees are eligible (federal or state grant) expenses. Submit invoices along with other construction invoices with the request for reimbursement to the Aeronautics Grant Specialist. The royalties or fees will be included in total construction costs to date, with percentages broken out by federal, state, and local resources. No change to the federal reimbursement form is necessary.

CHAPTER 9 PROJECT CLOSE-OUT

GENERAL INFORMATION

The close out of the project and the grant is the process of completing the requirements of the funding agencies.

Project close-out conditions that will need to be met will vary based on the type of work for which the grant was issued; i.e. planning, land acquisition, construction, etc. Refer to Project Specific Procedures.

Final acceptance of the project by the Division includes some or all of the following:

- Punch list work items completed and approved
- Field inspection by Aeronautics project manager or designated representative
- Review and approval of the final construction report, financial documents and record drawings

The project close out procedure requirements for the FAA is covered in the AIP Handbook. {FAA Order, Chapter 13}