

# ATTACHMENT 1

## FY20-23 TIP Policy: Project Delays Policy

### Policy Concerning Second Year Delays Highlighted

DRCOG has a project tracking program that tracks the initiation of a project phase. A delay occurs when a project phase, as identified during project submittal and contained within the TIP project description, has not been initiated in the identified year. For example, a project that has only one year of DRCOG-selected funding receives a delay if the project did not go to ad (construction projects), did not hold its kick-off meeting (studies), or didn't conduct similar project initiation activities (other types of projects) by the end of the federal fiscal year for which it was programmed. For projects that have more than one year of DRCOG-selected funding, each phase (year) will be reviewed to see if the objectives defined for that phase have been initiated.

DRCOG defines the initiation of a project phase in the following manner as of September 30 for the year with DRCOG-selected funding in the TIP that is being analyzed:

- Design: IGA executed with CDOT AND if consultant – consultant contract executed and Notice To Proceed (NTP) issued; if no consultant – design scoping meeting held with CDOT project staff
- Environmental: IGA executed with CDOT AND if consultant – consultant contract executed and NTP issued; if no consultant – environmental scoping meeting held with CDOT project staff
- ROW: IGA executed with CDOT AND ROW plans turned into CDOT for initial review
- Construction: project publicly advertised
- Study: IGA executed (with CDOT or RTD) AND kick-off meeting has been held
- Bus Service: IGA executed with RTD AND service has begun
- Equipment Purchase (Procurement): IGA executed AND RFP/RFQ/RFB (bids) issued
- Other: IGA executed AND at least one invoice submitted to CDOT/RTD for work completed

On October 1 (beginning of the next fiscal year), DRCOG will review the project phase status with CDOT and RTD to determine if a delay has occurred. If a delay is encountered (project phase being analyzed has not been initiated by September 30), DRCOG, along with CDOT or RTD, will discuss the project and the reasons for its delay with the sponsor. The result will be an action plan enforceable by CDOT/RTD, which will be reported to the DRCOG committees and Board. For a sponsor that has a phase of any of its projects delayed, the sponsor must report the implementation status on all its DRCOG-selected projects.

Sponsors will be requested to appear before the TAC, RTC, and DRCOG Board to explain the reasons for the delay(s) and receive TAC and RTC recommendation, and ultimately DRCOG Board approval to continue. Any conditions established by the DRCOG Board in approving the delay become policy.

On the following July 1, nine months after the project phase(s) was initially delayed, DRCOG staff will review the project status with CDOT or RTD to determine if the phase is still delayed. If it's determined the project sponsor, as identified in the adopted TIP, is the cause of the continued delay (phase not being initiated by July 1), the project's un-reimbursed DRCOG-selected funding for the delayed phase will be returned to DRCOG for reprogramming (federal funding reimbursement requests by the sponsor will not be allowed after July 1).

If it's determined that another agency or an outside factor beyond the control of the project sponsor not reasonably anticipated is the cause of the delay (phase not being initiated by July 1), the future course of action and penalty will be at the discretion of the Board of Directors.

Board action may include, but is not limited to:

- Establishing a deadline for initiating the phase.

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- Cancel the phase or project funding and return to DRCOG for reprogramming.
- Reprogram the project funding to future years to allow other programmed projects to advance.