

PACTS Complex Projects Task Force

Wednesday, August 31, 2022

11:00 AM – 12:00 PM

Meeting Agenda

Webinar Link: <https://us02web.zoom.us/j/89488170013>

Phone: 646-558-8656—Webinar ID: 894 8817 0013

This meeting is being recorded and will be made available at gpcog.org/AgendaCenter.

1. Public Comment 5 minutes

Members of the public are welcome to provide up to three minutes of public comment on items not on this agenda. (For items on this agenda, additional opportunity for public comment will be provided after the item's staff report, before task force discussion begins.)

2. Policy Board Meeting Comments (Attachment A) 45 minutes

At the direction of the PACTS Policy Board, discuss the comments received at the July 28, 2022 Policy Board meeting and recommend potential alternatives as appropriate.

3. Recommendations 10 minutes

Finalize any revisions to the Task Force's recommendations.

Upcoming Meetings

- PACTS Regional Transportation Advisory Committee—Tuesday, September 6, 9:00–11:00 AM
- PACTS Policy Board—Thursday, September 22, 11:00 AM–1:00 PM
- PACTS Regional Transportation Advisory Committee—Tuesday, October 4, 9:00–11:00 AM
- PACTS Policy Board—Thursday, October 27, 11:00 AM–1:00 PM

Board and committee members, the public, and other stakeholders are encouraged to subscribe to the PACTS calendar at gpcog.org/Calendar.

Attachment A

Comments Received at the July 28, 2022 PACTS Policy Board Meeting

1. Policy Board Comments:

Disagree with the higher minimum local match requirement of 50% for cost overruns. / Suggest keeping the higher minimum local match requirement of 50% for cost overruns but eliminate the hard cap of 20% of construction costs. / Suggest keeping the higher minimum local match requirement of 50% for cost overruns but increase the cap from 20% to 40%.

Staff Response:

Because funding is limited, and funding for overruns is granted on a first-come, first-served basis due to the nature of the construction bid process, a higher local match allows the limited funding to go farther. It allows more municipalities to have a chance at receiving overrun funding.

It is also worth noting that there is no guarantee of any amount of PACTS funding for cost overruns. Per the three-party agreement that the municipality, MaineDOT, and PACTS must all sign before project development begins, "Cost overruns, regardless of cause, are entirely the responsibility of the municipality."

2. Policy Board Comment:

Because PACTS prioritizes the projects already funded for PDR, it feels like municipalities that put more skin in the game and fund PDR locally are at a disadvantage.

Staff Response:

PACTS does not prioritize projects funded for PDR & Construction over projects funded only for Construction. Projects are selected for funding regardless of whether they are applying for PDR & Construction or just Construction. If a project applies for PDR & Construction and is selected, that funding is allocated in two separate phases (PDR first and Construction later).

Prior to MaineDOT's two-phase funding policy (PDR first, then Construction when PDR is completed), when a project was selected for funding, the funding for both PDR and Construction was allocated right away, and the construction funding sat unused for years, waiting until the project was ready to begin construction. Now the funding is allocated in two separate phases to maximize money in the economy.

Projects are prioritized in the order they were selected for funding. Any projects that were selected for funding later (whether for PDR & Construction or just Construction) are lower on the priority list than any projects that were selected for funding earlier (whether for PDR & Construction or just Construction). This year, due limited funding and existing funding commitments, PACTS did not issue a call for new projects. Therefore, any municipalities that were hoping to apply this year (whether for PDR & Construction or just Construction) must wait a year to apply.

Due to requirements to repay federal funds if a project does not get constructed, the Complex Projects Task Force decided not to remove the PACTS commitment to fund construction of a project it funds for PDR.

The Complex Projects Task Force also discussed the possibilities of (1) requiring municipalities to fund their own PDRs, and (2) of awarding bonus points to municipalities that fund their own PDRs, but ultimately decided these options would put smaller municipalities at too much of a disadvantage. Instead, the Task Force decided, among other things, to require that all applicants, beginning with the Fall 2023 call for projects, complete preliminary Horizontal/Vertical Alignment Compete (HVAC) before applying for PACTS funding.

For Reference:

- [July 28, 2022 Policy Board Agenda](#) (Item 11, pp. 50-74)
- [July 28, 2022 Policy Board Video Recording](#) (Staff presentation begins at 42:34, Board discussion begins at 59:07)