

MARITIME INFRASTRUCTURE PROGRAM (MIP)

2023 Program Guidelines

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Table of Contents

| | |
|--|----------|
| 1. Maritime Infrastructure Program (MIP) Guidelines | 1 |
| <i>1.1 Eligibility</i> | <i>1</i> |
| 2. Post Application Process | 2 |
| <i>2.1 Project Selection</i> | <i>2</i> |
| <i>2.2 Project Initiation</i> | <i>2</i> |
| <i>2.3 Project Construction</i> | <i>3</i> |
| <i>2.4 Project Closeout</i> | <i>3</i> |
| 3. Project Scoring Criteria..... | 5 |
| 4. TxDOT Division Contacts | 6 |
| <i>4.1 Maritime Division</i> | <i>6</i> |
| 5. Definitions & Terminology..... | 7 |

1. Maritime Infrastructure Program (MIP) Guidelines

The 88th Legislature, Regular Session, reestablished the Port Access Account Fund (Fund), created during the 77th Legislative Session, for maritime port security, transportation, or facility projects and transferred general revenue funds to the Fund.

More information on the Maritime Infrastructure Program can be found on the Texas Department of Transportation (TxDOT) website: <https://www.txdot.gov/business/grants-and-funding/maritime-infrastructure-program.html>.

1.1 Eligibility

1) Eligible projects for funding include:

a) Port security, transportation, or facility projects;

i) Construction or improvement of transportation facilities within the jurisdiction of a maritime port;

ii) Dredging or deepening of channels, turning basins, or harbors;

iii) Construction or improvement of wharves, docks, structures, jetties, piers, storage facilities, cruise terminals, or any facilities necessary or useful in connection with maritime port transportation or economic development;

iv) Construction or improvement of facilities necessary or useful in providing maritime port security;

v) Acquisition of container cranes or other mechanized equipment used in the movement of cargo or passengers in international commerce;

vi) Acquisition of land to be used for maritime port purposes;

vii) Acquisition, improvement, enlargement, or extension of existing maritime port facilities; and

viii) Environmental protection projects that:

(a) Are required as a condition of a state, federal, or local environmental permit or other form of approval;

(b) Are necessary for the acquisition of spoil disposal sites and improvements to existing and future spoil sites; or

(c) Result from the undertaking of eligible projects.

b) Maritime port studies

2. Post Application Process

2.1 Project Selection

- 1) Projects will be scored, vetted, and ranked in collaboration with the PAAC. The PAAC will develop a project list to submit to the Texas Transportation Commission for consideration for funding.
- 2) MRD will notify the ports of the approval projects.

2.2 Project Initiation

- 1) The MRD Project Manager (PM) coordinates the Project Selection meeting with the project sponsor to discuss the following:
 - a) Description of the project and program.
 - b) Responsible organizations.
 - c) Responsible parties.
 - d) Funding sources.
 - e) Project oversight.
 - f) AFA.
- 2) Project sponsors must designate a "Responsible Person in Charge" (RPIC), a "Project Manager" (PM), and a "Qualified" person under TxDOT's Local Government Project Program (LGPP).
 - a) The LGPP Qualification Program (LGP101) is a 12-hour course to train and qualify individuals working on state projects. It will be designated as the project sponsor's "Qualified" person. The training must be completed every three years.
<https://www.txdot.gov/business/resources/lgp/training-and-qualification.html>
 - b) It is recommended that the project sponsor's "Qualified" person complete the LGPP training as soon after project selection as possible, as there is usually a *waitlist* for the course. <https://www.txdot.gov/business/resources/training/training-catalog.html#?view=list¤tPage=1&courseId=LGP101&searchCourseTitle=lgp101&searchCourseCode=&sessionFilter=all>
- 3) Project sponsors managing elements of a project with state funds must work with the MRD PM to complete an Oversight Level Special Approval (SPA) Part A and Part B.
<https://ftp.txdot.gov/pub/txdot/lgp/funding/oversight-special-approval.pdf>
- 4) Advance Funding Agreements will be distributed through the MRD PM.
 - a) Items required to execute the AFA:
 - i) Project Information Form (PIF)

- ii) Oversight Level Special Approval Part A and Part B completed
- iii) Resolution
- iv) Clearly labeled map showing the project location

2.3 Project Construction

- 1) The project sponsor must coordinate a pre-construction meeting with all parties (including TxDOT MRD) before construction can begin.
- 2) Change order work may not begin until TxDOT provides written approval.
- 3) Project reporting is due to MRD by the 15th of each month
- 4) Monthly reimbursement request
 - a) Submitted to TexasMIP@txdot.gov, which includes:
 - i) Cover Sheet from the program recipient detailing:
 - (1) Reimbursement request number
 - (2) Proof of payment to the contractor
 - (3) Requested reimbursement amount
 - (4) Remaining MIP funds
 - (5) Service period
 - ii) Photocopy of the check (front & back) or ACH detail used to pay the contractor
 - iii) An invoice from the contractor to the port with the following information included on the document:
 - (1) Brief project scope.
 - (2) Project number.
 - (3) Service period.
 - (4) Pay Estimate number.
 - (5) Invoiced amount.
 - iv) An itemized account of the original contract amount that reflects the work performed during the current service period.
 - v) Updated schedule noting days left on the contract.
 - vi) A report showing the historic Budget and Actual Expenditures.
- 5) TxDOT will not issue a reimbursement until the program recipient has paid their contractor invoices.
- 6) TxDOT has 30 days to issue reimbursement once MRD receives a complete reimbursement request package.

2.4 Project Closeout

- 1) Upon completion of the project, the project sponsor shall issue and sign a Notification of Completion acknowledging the Project's completion. The Notice of Completion shall

certify that the Project has been completed and all necessary inspections have been conducted. TxDOT is responsible for the inspection and final acceptance of all MIP projects selected by the Commission. If the project sponsor does not complete the project as originally approved by the Commission, the department may seek reimbursement of the expended state funds from the recipient.

- 2) All paperwork for the project is retained by the ports and made available upon request by TxDOT.

3. **Project Scoring Criteria**

MIP projects will be scored using a matrix developed to evaluate:

- Enhance Connectivity
 - The project will enhance connectivity to the state's multimodal transportation system.
 - The project will mitigate a connectivity issue identified by the port.
- Economic impacts
 - The project supports retention and/or expansion of business.
 - The project supports job creation and/or retention in the community.
- Operational impact
 - The project demonstrates a significant operational benefit in terms of cargo movement, reduction in vehicle wait times, improved access, or other efficiency factors.
- Safety & Security
 - To what extent does the project address safety and security for customers, employees, and the traveling public
 - Will the project lead to increased port resiliency
 - Reporting, coordination, and communication on previously selected projects.
- Other(Secondary)
 - The project provides secondary benefits in terms of environmental sustainability, air quality, quality of life, or other significant factors.
 - The project is located in an economically disadvantaged county
 - The project was included in the Port Connectivity Report, or the applicant provided a reason for lack of inclusion.

4. TxDOT Division Contacts

4.1 Maritime Division

| Title | Name | Phone | Email |
|---------------------------|---------------------|----------------|--|
| Division Director | Geir-Eilif Kalhagen | (512) 486-5134 | GeirEilif.Kalhagen@txdot.gov |
| Planning Section Director | Travis Milner | (713) 594-2489 | Travis.Milner@txdot.gov |
| Program Coordinator | Kris Knoll | (737) 263-8980 | Kris.Knoll@txdot.gov |
| Program Coordinator | Heather Scott | (737) 203-7165 | Heather.Scott@txdot.gov |

5. Definitions & Terminology

AFA – Advance Funding Agreement

Commission - Texas Transportation Commission - A five-member panel that governs the Texas Department of Transportation. The Governor of the State of Texas, with the advice and consent of the Texas Senate, appoints commission members who serve overlapping six-year terms. This panel approves Minute Orders. <https://www.txdot.gov/about/leadership/texas-transportation-commission.html>

Department – Texas Department of Transportation (TxDOT)

Local Match – A cash match or a combination of cash and in-kind contributions provided by or through the project sponsor.

Minute Order (MO) - A document requesting action by the Texas Transportation Commission. This document is used to request approval of a new, changed, or deleted highway.

MIP- Maritime Infrastructure Program

MRD - Maritime Division, TxDOT <https://www.txdot.gov/about/divisions/maritime-division.html>

PAAC - Port Authority Advisory Committee <https://www.txdot.gov/about/advisory-committees/port-authority-advisory-committee.html>

PMP - Port Mission Plan <https://www.txdot.gov/projects/planning/maritime-port-planning.html>

Project – An undertaking to implement or construct an eligible activity at a specific location or location, or, if the context so implies, the particular activity so implemented or constructed.

Project sponsor – An eligible entity that nominates a particular project for consideration, exercises jurisdiction over the project's geographic area and commits to the project's development, implementation, construction, maintenance, management, and finance.

PS&E - Plans, Specifications, and Estimates

State – The State of Texas or any of its political subdivisions

TxDOT – Texas Department of Transportation <https://www.txdot.gov/>

UTP - Unified Transportation Plan - <https://www.txdot.gov/projects/planning/utp.html>