

# Public Interest Findings

Design Manual

Chapter 1

General Information

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Revised: 05-15-14

This section explains the conditions which initiate the need for a Public Interest Finding (PIF). Several Federal rules (see [23 CFR 635.106](#), [23 CFR 635B](#), [23 CFR.635.309](#), [23 CFR 635.407](#), [23 CFR 635.411](#)), along with State policies and procedures, apply to construction contract lettings conducted by the Department. A limited number of these rules, policies, and procedures contain provisions that permit them to be waived under certain circumstances. Exceptions are approved if it is in the public's best interest.

## Purpose

A Public Interest Finding (PIF) is documentation of the justification to allow exceptions to Federal or State rules and/or procedures. Typical conditions that initiate the need for a PIF include, but are not limited to, the following:

1. All of the applicable project clearances will not be obtained by the 1<sup>st</sup> Tuesday, 2 months prior to letting.
2. The contract documents direct the contractor to provide a single proprietary product.
3. The Contracting Authority will directly perform some or all of the construction work using its own labor, materials, or equipment **and** the Contracting Authority will request Federal-aid participation in this work.
4. The contract documents make publicly owned equipment available for use by the contractor.
5. The contract documents for a Federal-aid contract specify that the contractor incorporate into the project materials or products provided by the Contracting Authority.
6. The contract documents for a Federal-aid contract specify a mandatory disposal area for salvaged materials, such as millings retained by the owner. Refer to Section [1G-6](#) for more information regarding salvaged materials.

If the contract documents for a Federal-aid contract specify a mandatory borrow area, treat this as if Contracting Authority provided materials are being incorporated and note the materials are coming from a mandatory borrow area.

## Approvals

Submit Form [517030](#) for approval. For Federal oversight projects, this request is sent to FHWA for approval. For projects with State oversight, the Department handles Federal approval. Submit the written request to the Office Director or ADE responsible for the design.

The Department approves PIFs for local public agency projects. Refer to Office of Local Systems [I.M. 3.760](#).

When the project plans and specifications are turned in to the Office of Contracts, the Administering Office is to include a copy of the PIF request and the Administering Office's written approval. If the need for a PIF is discovered after the plans are turned-in, submit the approved PIF documentation to the Office of Contracts as soon as possible, but no later than the 1<sup>st</sup> Tuesday, 1 month prior to letting. Otherwise, the project letting will be delayed.

**Note:** Once a statewide PIF has been approved, it does not need to be submitted with subsequent projects. The Office of Contracts keeps a list of approved statewide PIFs.

### Quick Tips:

- For Federal oversight projects, PIFs require FHWA approval.
- The Department handles PIF approvals for local public agency projects and projects with State oversight.
- Form [517030](#) is used for submitting approval for a PIF.

## Filling in Form [517030](#)

Form 517030 is a fillable Word document. Click on the condition(s) that applies and supply required information.

- For Statewide PIFs, type in “Statewide” for Project Number.
- Fill in Project Description with the project description found in [PSS](#).
- If a proprietary product is being specified, a catalog cut can be included.
- If a mandatory borrow area is being specified, include this in #5 of the form. Use “other” and note a mandatory borrow area is being used. Provide an explanation of the need for the borrow.

# Chronology of Changes to Design Manual Section:

## 001C-007 Public Interest Findings

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|-----------|---------|--|
| 5/15/2014 | NEW     | Changed title. Eliminated certifications from section. Added Quick Tips and reference to Form 517030, Public Interest Finding Request.<br>Clarified Federal oversight projects require FHWA approval and the Department handles Federal approval for projects with State oversight. For State oversight projects, PIF requests are submitted to the Office Director or ADE responsible for the design. |
| 7/18/2013 | Revised | Provide guidance for submitting a Public Interest Finding or Certification.  |