

Accomplishment of and Payment for Utility Relocations Required in Connection with Highway Work (Including Railroad Relocation)

UDOT 08B-29

Effective: June 20, 1977

Revised: July 16, 2013

Purpose

To establish a policy for the Utah Department of Transportation (Department) for the preparation and administration of Agreements with utility and railroad companies for the relocation, reconstruction, or protection of their facilities in connection with highway work and the reimbursement of their costs, exclusive of betterment and salvage credits.

Policy

The Department will prepare agreements for relocation of utility facilities and the protection or reconstruction of railroad facilities required in connection with highway work. Reimbursement of their costs, exclusive of betterment and salvage credits, will be made as required by State Law and Federal regulations.

Definitions

Utility

The word "Utility" is synonymous with railroad companies in all cases where the word "utility" is used in this policy and procedure.

Procedures

Accomplishment of and Payment for Utility Relocations Required in Connection with Highway Work

UDOT 08B-29.1

Responsibility: Region Utility and Railroad Coordinator

Actions

1. Determine the need for relocation, reconstruction, or protection of utility facilities in coordination with the Project Design Engineer.
2. Negotiate, prepare and execute necessary agreements, including descriptions, estimates of cost, and drawings for the completion and reimbursement of costs associated with the required work.
3. .Submit Form R-709, through Program Finance, for Federal Highway Administration (FHWA) approval for expenditure of funds necessary to accomplish utility relocation.
4. Distribute proposed utility agreements to Program Finance, Comptroller's Office, and Central Construction. Forward three copies to Utility Company and Region Director for signatures.
5. Send the signed utility agreements to the Comptroller for execution.
6. Retain a copy of executed agreement from Comptrollers for reference and audit purposes.
7. Distribute executed copies to Project Manager (PM), Resident Engineer (RE), Central Construction and ProjectWise.

Responsibility: Contracts, Compliance and Certification Manager (Is responsible for monitoring administration of work under utility agreements.)

8. Monitor administration of work under utility agreements.
9. Enter Executed Agreement/Invoice information into PDBS.
10. Receive and review billing, partial and final, from utility company for work accomplished.
11. Forward to appropriate Resident Engineer for verification of work performed and approval to pay.

12. Upon completion of work, obtain a complete copy of the Utility Fiscal Review Report (Form C193) and Salvage Credit Report for Utilities and Railroads, (Form C193A) for all utility agreements from the Resident Engineer where payment is to be made to the utility under the terms of an actual cost agreement upon closing.

Responsibility: Resident Engineer

13. Complete and maintain the file for each utility agreement with daily force account records.
14. Accomplish a physical inspection for all work accomplished by utility company forces.
15. Record salvage value of material removed and not incorporated into the new work.
16. Obtain FHWA approval of salvage value.
17. Verify the completion of work being billed, based on the daily records, and with original agreement upon receipt of billing reflecting a partial payment of the work required.
18. Return verified billing to the Contracts, Compliance and Certification Manager.
19. Prepare a Supplemental Agreement or Utility Change Order to obtain approval from FHWA for the additional items of work in those instances where additional work not covered by the original agreement is found necessary to complete the relocation as planned.
20. Prepare Utility Contract Overrun Funding Need (UCOFN, Form C-118U) for additional utility work or overrun of planned work.
21. Complete Form C-193 and C-193A on actual cost agreements upon receipt of billing reflecting final payment.
22. Verify all documentation to support the payment is complete.
23. Forward the complete package, including Daily Force Account Records (C-104), C-193, C-193A, Utility Change Orders, and pertinent notes to the Region Contracts Specialist.

Responsibility: Region Contracts Specialist

24. Complete review of the final billing against the original agreement.

25. Verify adequacy of documentation to support the final payment requested.
26. Obtain District Engineer signature of approval on Form C-193 and C-193A.
27. Forward the complete package to the Contracts, Compliance and Certification Manager.

Responsibility: Contracts, Compliance and Certification Manager.

28. Process billing for payment as follows:
 - a. Partial billings
 - 1) Determine that all work is verified as billed upon receipt of verified and approved partial billing from the Resident Engineer.
 - 2) Forward to the Comptroller for payment.
 - b. Final Billing
 - 1) Review Form C193 and C193A and related documentation against the billing.
 - 2) Verify documentation will meet FHWA requirements for federal participation, when applicable
 - 3) Meet the Construction Manual of Instruction requirements.
 - c. Forward the final billing and related documentation to the Internal Auditor with a letter of transmittal setting out those differences that cannot be reconciled where differences between the billing and the documentation appear to exist, other than costs that were incurred off the site of the work, such as engineering overhead, that cannot be corrected by the Resident Engineer or verified by the utility.
 - d. Request that the Internal Auditor review the utility company's documents that support the billing.
 - e. Forward the billing to Comptroller for payment where the Resident Engineer's documentation supports the billing.

- f. Forward a copy of billing and related documentation at the same time as step 28e above to the Internal Auditor requesting an audit of the utility company records to support the final payment.

NOTE: Route final billings and related documentation through the Internal Auditor prior to payment in those instances where the agreement between the Department and the utility company does not provide for the return of overpayment disclosed as a result of an audit.

- g. Forward the final billings approved by the Resident Engineer directly to the Contracts, Compliance and Certification Manager for payment for those agreements where the amount to be paid to the utility is a lump sum amount set forth in the executed agreement. A request for audit will not be required.

NOTE: The audit package sent to the Internal Auditor by the Contracts, Compliance and Certification Manager will contain the following items: Copies of the approved billing, the completed Forms C-104, Form C-193 and C-193A, copy of the executed Agreement, copy of the Authorization to Proceed, signed copies of any Utility Change Orders or Supplemental Agreements including all exhibits and any pertinent correspondence. FHWA approval will be reflected on all applicable Agreements and Utility Change Orders.

Responsibility: Internal Auditor

29. Review the final billing as necessary to verify the Certificate of Audit where a final billing has previously been paid.
30. Review the utility company records to support charges listed on billing when necessary.
31. Request the review be made by an auditing agency of the State where the records are located when review of an out-of-state company records is required.
32. Recommend action be taken by the Comptroller to adjust the final payment amount where advance payment has resulted in either an overpayment or underpayment.
33. Review the final billing as necessary to issue Certificate of Audit where the final payment has not yet been made.
34. Forward to the Comptroller for payment.

Responsibility: Comptroller

35. Process the billing to FHWA for Federal reimbursement when applicable where the Certificate of Audit supports amounts previously paid and no added payment is necessary.
36. Prepare Road Cost Distribution to effect payment to the utility company when the Certificate of Audit indicates additional payment is due the utility.
37. Process billing the FHWA for federal reimbursement when applicable.
38. Bill the utility for the amount of the overpayment and maintain follow-up until the amount of the overpayment is received when the Certificate of Audit indicates the advance payment made to the utility resulted in an overpayment.