## Application: This template is used when the Certified LPA owns the contract on a federal funded project.

**Version Date**: **07/27/2020**

**Revision History:**

7/27/20 – Revised as needed for CLPA use.

6/26/20: Deleted ODOT’s Transmittal Request Form found under 5.5.1 per email from Tammy Saldivar, ODOT Utility Liaison.

3/22/19: Delete contingency task 5.4.2 (Utility Constraints Notice) per email from Tammy Saldivar, ODOT Utility Liaison.

1/17/19 - Per email from Damon Eliuk, update references and hyperlinks to manuals and forms.

**[INSTRUCTIONS]:**

* Yellow highlighted areas include instructions that should be deleted prior to release.
* Blue highlighted areas indicate text or fields that need information provided or revised.
* Delete any items marked as “[Optional]” if they are not applicable to the Project.
* **If an entire subtask is not needed, leave the subtask number, add “RESERVED” after the subtask title, and delete all subtask text.**
* “Agency” means the Certified LPA as defined in the CLPA Contract.
* The template language must be revised if needed for specifics applicable to the current project (including deletion of requirements that don’t apply).

#### TASK 5 - UTILITIES

Consultant shall perform the coordination of all utility facilities within the Project limits in accordance withthe Oregon Utility Relocation Manual (available at: <https://www.oregon.gov/ODOT/ROW/Pages/Utilities.aspx> under “Policies and Guidance”)*.* [If Local Agency is going to coordinate with any utility facilities instead of the Consultant, reword this sentence.]

If any utility is nonresponsive or uncooperative, Consultant shall notify Agency, and Agency will communicate with the utility to affect a solution.

## 5.1 Utility Location and Coordination

Consultant shall perform utility coordination and liaison activities with utility owners/operators for the Project. Consultant shall comply with the current version of the utility coordination policy requirements as described in the Oregon Utility Relocation Manual. This work includes reviewing utilities that may be in conflict with the Project work and utility relocation coordination with the utility owners to resolve those potential conflicts. Additionally, Consultant shall obtain system mapping from utilities located within the Project limits. Delete the following if not applicable: Consultant shall use this information to confirm the survey map as developed under Task 2, Surveying. Where potential conflicts exist, Consultant shall work with the utility owner to acquire their “pothole” information for verification of utility size and depth.

**5.1 Consultant Deliverables and Schedule**

Consultant shall provide:

* Existing utility information gathered in Task 5.1 to be included in the survey map / base map
* Record of communications with each utility within the Project limits. Copies of communication record must be provided to APM within 3 days of request.

## 5.2 Utility Report

Consultant shall prepare a draft and final “Utility Report” for those utilities located within the Project limits. The “Utility Report” must include as many of the following items that are known and applicable:

* Description of utilities located within the Project limits
* Utility facility’s structure dimension
* Probable buried depth of cover or aerial lowest height of wire
* General description of utility facility structure material
* Reliance upon other utilities in the vicinity (joint use facility)
* Description of the means used to verify facility location and limits of conflict (test hole data a.k.a. “pothole” verification)
* Proposed project construction requirements
* Potential utility conflicts
* Probable conflict resolution (relocation, adjustment concept, or protect in place)

**5.2 Consultant Deliverables and Schedule**

Consultant shall provide:

* Draft Utility Report to be submitted with DAP Package under Task 13

###### Final Utility Report to be submitted to APM within 10 business-days receipt of comments on draft document.

## 5.3 Utility Coordination Meetings

To facilitate the development of each utility relocation plan, Consultant shall organize, conduct, prepare for and attend the following utility coordination meetings with utilities within the Project limits:

* Utility kickoff meeting to begin utility coordination. The meeting must address known facilities, potential for impact, design alternatives to address conflicts, timing requirements for potential relocations, and initial information on reimbursable requirements
* Up to 2 individual meetings with potentially affected utilities.
* 1 on-site group utility meeting, to coordinate relocation plan, construction constraints, means and methods, work sequence and schedule limitations.

Consultant shall prepare a meeting agenda, and meeting minutes summarizing the discussions at the group meeting.

For budgeting purposes it is assumed that up to 2 Consultant staff shall attend each \_#\_ hour meeting, including travel time.

**5.3 Consultant Deliverables and Schedule**

For each meeting Consultant shall provide to APM:

* Meeting Agenda and Meeting Minutes for each meeting; agenda due within 2 business days prior to meeting; meeting minutes due within 5 business days after meeting

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## 5.4 Utility Relocations

Consultant shall coordinate the efforts of the utility agencies in developing and executing a plan for relocating utilities to resolve conflicts with the Project design. As part of that effort, Consultant shall complete the following subtasks:

**5.4.1 Utility Notices**

For those utilities where no conflict is anticipated, Consultant shall provide a Project Notification [first notice per Oregon Administrative Rule (“OAR”) 734‑055‑045]. Consultant shall use the Project Notification letter template located at: <https://www.oregon.gov/ODOT/ROW/Pages/Utility-Forms.aspx> (under “Local Public Agency Resources” heading). The Project Notification letter must include plan sheets indicating location of existing utilities in relationship to proposed project.

For those Utilities where a conflict is anticipated, Consultant shall provide a Conflict Notice (first notice per OAR 734‑055‑045). Consultant shall use the Conflict Notice letter located at: <https://www.oregon.gov/ODOT/ROW/Pages/Utility-Forms.aspx> (under “Local Public Agency Resources” heading).

Consultant's coordination schedule must allow each utility a 30-day period to respond with a proposal from date of the notice. If additional facility conflicts become apparent, Consultant shall create and deliver multiple notices or revised notices to utility owner, and the utility owner's response time may be shortened to 7 calendar days.

**5.4.1 Consultant Deliverables and Schedule**

Consultant shall provide:

* Project Notification letter(s) and Conflict Notice(s) with enclosures to Utilities; due within 10 business days after submittal of DAP plans to Agency.
* 1 \*.pdf of Project Notification/ Utility Conflict letters with enclosures to APM and, State Utility Liaison (SUL).

## 5.4.2 [RESERVED]

## 5.4.3 Review Utility Relocation Plans and Relocation Time Requirement Letters

Consultant shall examine all received utility relocation plans for completeness and accuracy. If relocation plans do not resolve utility conflict, Consultant shall provide comments to utility for correction and re-submittal.

For those utilities that propose to attach to structures, Consultant shall provide guidance (e-mail acceptable) to the utility regarding Agency bridge accommodation policies and request protocol for bridge accommodation

Consultant shall obtain acceptance or rejection of the utilities request for bridge accommodation from APM.

Consultant shall negotiate with each utility a utility construction work schedule that conforms to the project construction schedule. Consultant shall deliver a Time Requirement Letter (second notice) to each utility owner accepting or modifying the required utility facility construction time.

**5.4.3 Consultant Deliverables and Schedule**

Consultant shall provide:

* The final utility relocation plan(s) submitted to the Agency within 10 days after acceptance.
* Time Requirement Letter(s) submitted to each utility, APM and SUL within 20 business days after submittal of Advance Plans to Agency.

## 5.5 Utility Reimbursement

Consultant shall follow reimbursement process, review bills, and recommend payments as set forth in the Oregon Utility Relocation Manual, Sections 3-2, 3-7, and Section 5.

**5.5.1 Reimbursement Review and Package**

Consultant shall review up to 10 reimbursable utility relocation documentation and supporting information submittals for completeness, accuracy, relevance, and reasonableness. Consultant shall submit all accepted reimbursement material to SUL.

Consultant shall base prior rights determinations on Title 23 of the Code of Federal of Regulations, OAR 734-055 and ORS 366.321 and 373.020 and other applicable requirements.

For incomplete, inaccurate, non-relevant or unreasonable information Consultant shall prepare and deliver a written justification for rejection to the utility within 10 business days following receipt of unacceptable materials.

For each utility that is eligible for reimbursement, Consultant shall provide a “Reimbursement Package” to the SUL, which must include, but not be limited to:

* Preliminary Engineering reimbursement:
  + Land deeds, easements, recorded surveys, X-permits, affidavits of prescription or estoppel rights, and service agreements
  + Property Rights Disposition declaration form
  + Reimbursement Information Form
  + Detailed cost estimate for Preliminary Engineering
  + Utility’s consultant agreements
* Construction reimbursement:
  + Detailed cost estimate for Construction Engineering and construction costs
  + Utility’s construction PS&E contract bid documents
  + Evidence of the utility’s construction bid advertisement and tabulation of responsive bids, and
  + Approved utility relocation plan that clearly shows and defines reimbursable and non-reimbursable work
  + Reimbursement Certification form
  + Written request to include utility work into the Construction contract, if requested by the utility

Consultant shall deliver a Reimbursement Package to SUL and e-copy to APM, requesting formal action, such as:

* Notice to Proceed with utility preliminary engineering
* Notice to Proceed with utility contract bid advertisement
* Notice to Proceed with utility purchase of materials
* Notice to Proceed with utility construction

**5.5.1 Consultant Deliverables and Schedule**

Consultant shall provide:

* Written Justification document; due within 10 business-days following receipt of unacceptable materials
* 1 hard copy or \*.pdf of the utility reimbursement package to SUL and APM within 10 business days following receipt of materials. The package can be sent directly to the Utility and Rail Inbox via email at: [UtilityandRailProgra@odot.state.or.us](mailto:UtilityandRailProgra@odot.state.or.us) .

**5.5.2 Utility Billing Review, Approval, and Payment Recommendation**

Consultant shall affix a date-of-receipt stamp on all utility bill materials received.

Consultant shall check for mathematical accuracy and verify correctness of all utility bills for reimbursable work. Consultant shall, if appropriate, accept all invoices that include actual cost documentation.

Consultant shall reject utility invoices that are lacking sufficient supporting documentation Consultant shall return within 3 business days written correspondence (email acceptable) to the utility, which outlines the insufficient or incorrect billing data. Consultant shall request an amended invoice to reflect the correction of billing errors. Consultant shall copy SUL on all correspondence involving reimbursement issues.

Consultant shall transmit the billing package under Agency’s inter-office memo (<http://www.oregon.gov/ODOT/ROW/Docs_UtilityForms/utility_billing_memo.doc>) with signature recommending payment, to the SUL for payment processing. All billing correspondence must be attached to the bill when forwarding for payment.

**5.5.2 Consultant Deliverables and Schedule**

Consultant shall provide:

* Accepted Utility Billing Package and Payment Recommendation inter-office memo; due within 10 business days of receiving utility invoicing and documentation.

## 5.6 Utility Certification

Consultant shall complete and sign the Utility Certification (Form 734-5162) verifying that all utility work has been completed or that all necessary arrangements have been made for it to be undertaken and completed as required for proper coordination with the physical construction schedule.

If an exception is required, Consultant shall prepare, for the APM’s signature, a Public Interest Finding as part of the Utility Certification including facts regarding the cause for the exception, an action plan and time table in securing a utility agreement (a.k.a. Time Requirements letter).

**5.6 Consultant Deliverables and Schedule**

Consultant shall provide:

* 1 .pdf copy of the Utility Certification sent to SUL for co-signature due 10 business days prior to PS&E.
* 1 .pdf copy of signed Utility Certification form to be incorporated into PS&E package.

## 5.7 Subsurface Utility Pothole Investigation

Consultant shall identify key locations, which have a high potential for significant grade conflicts between existing underground utilities and proposed construction.  Pothole investigation will be performed at these locations and tied to project horizontal and vertical control.  Consultant shall assume an allowance of 15 explorations.  Pothole investigation will include the following tasks:

* Review proposed potholing areas and contact utility companies for locates;
* Prepare and submit traffic control plans to Agency;
* Pot-hole utilities within exploration area using a jet/vacuum excavation system,
* Tie horizontal location and measure depth to top and bottom of utility, using previously set control;
* Backfill excavations and restore surfacing materials per Agency requirements;
* Prepare Test Hole Report for each utility.  Reports to include utility type, material, station and offset, elevation, and photographs.

**5.7 Consultant Deliverables and Schedule:**

Consultant shall provide:

* Potholing Map and Test Hole Reports to be submitted to the APM in accordance with the Project schedule prepared in Task 1.