

LPA 2-Party Agreement Compensable Utility Process (Actual Cost – State Roads)

- **STEP 1: TxDOT & County execute a ROW Agreement**
 - If County is providing ROW acquisition services, this ROW Agreement states that County is responsible for all ROW Acquisition and coordination of the adjustment of compensable utilities
 - The ROW Agreement states any compensable utility adjustment over \$20k must be “Actual Cost”
- **STEP 2: County initiates coordination efforts with all effected utility companies to determine:**
 - If conflicts are present
 - Compensability (proof of property interest)
- **STEP 3: Utility company submits the “Determination of Upper Limits” to County containing:**
 - Plans of adjustment, specifications, & estimated costs
 - Statement covering contract work
 - Schedule (start & end dates)
 - Proof of property interest
 - Eligibility Ratio
 - Cost Comparison & Betterment Statement(if needed)
 - Quit Claim Deed of property interest, if applicable
 - Joint Use Agreement (JUA), if applicable
- **STEP 4: County submits the “Determination of Upper Limits” to TxDOT for approval**
- **STEP 5: Upon TxDOT approval of the “Determination of Upper Limits”, the 2-Party agreement is executed and the County provides the utility with a Notice To Proceed**
- **STEP 6: Utility performs the agreed upon work required for the adjustment**
 - If said work is within the State ROW
 - Utility must apply for a permit from the State
 - All work will be inspected by the State for compliance with the permit requirements
 - County must obtain as-built plans & a certification from the utility that all work was completed as per the plans & specifications
 - County is responsible for oversight of utility adjustment and maintaining documentation to support required certification that work was completed (TxDOT Form ROW-U-45)
 - If said work is outside of the State ROW
 - County must obtain as-built plans & a certification from the utility that all work was completed as per the plans & specifications
 - County is responsible for oversight of utility adjustment and maintaining documentation to support required certification that work was completed (TxDOT Form ROW-U-45)
- **STEP 7: Upon completion of work the Utility submits final billing to County for processing**
 - Documents must include as-built plans, material invoices, pay rates, overhead, etc...
 - County reviews and verifies billing
- **STEP 8: Before issuing any payment to Utility, County submits final billing to TxDOT for pre-approval**
- **STEP 9: Upon TxDOT pre-approval, County issues payment to Utility**
- **STEP 10: Upon payment to Utility, County requests reimbursement from TxDOT**
 - Reimbursement request contains all docs, including all support documentation and required forms, that were previously submitted for final billing pre-approval
 - County submits form ROW-U-45, which certifies work was completed and reimbursed to utility company

- **STEP 11: TxDOT reimburses the County (based on TxDOT approved EDC rate)**
 - 90% of eligible items cost upon review/approval of complete submittal
 - The remaining 10% of eligible items costs upon successful external audit completion