## STATUS VERIFICATION SYSTEM – AFFIDAVIT 1

## The Consultant agrees to:

1. Carry out the tasks in accordance with any special instructions which may be furnished by the DEPARTMENT.
2. Represent the DEPARTMENT’s Utility Branch on the aforementioned project(s) implementing the requirement outlined in the Department’s Utilities Branch Policies and Procedures (rev. 11/1/20) The CONSULTANT will be responsible for preparing written correspondence, conduct field meetings and/or conversations with the utility owners/representatives that are within the limits of the project. The CONSULTANT’s decisions regarding utility relocations/rearrangements must be in accordance with the current Department Utilities Branch Policies and Procedures, State Statutes and Federal Statutes. The CONSULTANT is expected to use sound judgment in determining the most acceptable method (for both the DEPARTMENT and the Utility Owner) of relocation or rearrangement of affected utilities, using due care regarding the DEPARTMENT’s betterment and/or reimbursement policy.
3. Maintain a log of all CONSULTANT’s activities pertaining to this assignment in the form of a Monthly Progress Report. The CONSULTANT will furnish the DEPARTMENT with copies of the report on a monthly basis, due on the last day of each month until contract completion. The Monthly Progress Reports should be kept in a daily format containing all activities performed each day involving the project. Each log entry is to contain the date, place, and description of the activity, names of other parties involved, and the time taken for the activity. See Attachment 5, Monthly Status Report, for a sample format.
4. To furnish the DEPARTMENT with copies of all correspondence handled by the CONSULTANT on this project in accordance with Section 6, Ownership of Data. Correspondence includes Plan-in-Hand Reports, Utility Relocation Cost Estimates, Notification of Utility Owners/Representatives of Meeting Schedules, Field Meeting Reports, Proposal/Drawings and Reviews, Approval Deferred Letters, Work Orders, Low Bid Concurrence Letters, and Clearance Letter Questionnaire/Utility Information Sheets.

**NOTE**: Templates for all reports and memos shall be provided to the CONSULTANT by the DEPARTMENT. All templates, memos and form letters are subject to change.

**The CONSULTANT agrees to complete the following tasks:**

# Task 1 - Preliminary Plan-In-Hand

## Drive-out and Inspection of the Project

* 1. Receives a notification from Utilities Branch for attending a Plan-in-Hand Field Meeting. The notification will include scheduled date(s) and time for proposed Preliminary Field Review Meeting.
	2. Receives 30% plans (Preliminary Field Review Meeting) or a combination of 30% & 60% plans (Preliminary Field Review and R/W & Utility Meeting) provided by the DEPARTMENT.
	3. Ascertains the impacted utilities and necessary R/W (either by permanent R/W or Utility Easement) required for all utility relocations. If available, the DEPARTMENT will provide a portion of the Survey Work Order known as the “SD-7” which includes all existing utilities located within the limits of project surveyed by the DEPARTMENT or their Surveyor CONSULTANT.
	4. Drive-out project prior to the scheduled meeting in order to identify existing utility facilities within the proposed project limits.

## Meeting Attendance

* 1. Meet at the designated location with other Department participants for field inspection. Represent the DEPARTMENT as acting in behalf of the DEPARTMENT’S Utilities Branch in meeting all the requirements set forth in the Utilities Branch Procedures including preparation, attendance and plan-in-hand report writing/distribution.
	2. Particular attention shall be paid to the amount of permanent R/W and/ or Utility Easements required in accordance with the Utility Relocation Offset Standards. Sufficient amounts of permanent R/W and/or Utility Easements shall be incorporated into the highway construction plans to accommodate all utilities requiring relocation and/or rearrangement. If insufficient, will request additional R/W and/or Utility Easements necessary in the meeting and noted within the report.

## Writing and Submitting Plan-In-Hand Report

* 1. Prepares a comprehensive report of conclusions from the 30% (Preliminary Field Review Meeting) or 30% and 60% (Preliminary Field Review & R/W and Utility Meeting) using the DEPARTMENT’S standard format. Submits report to the Manager, Utilities Branch within two weeks after completion of the meeting.

# Task 2 - Reviewing Plans and Checking Compliance

## Reviewing of 60% Plans for Compliance

* 1. Upon the receipt of the R/W Submission Construction Plans by the Department, the CONSULTANT shall check that all request made in the plan-in-hand report have been implemented. If all of the requests from the CONSULTANT have been implemented, the CONSULTANT shall compose a Plan-in-Hand Compliance Memo (attached). If the requests of the Plan-in-Hand report have not been implemented, the CONSULTANT shall compose a Plan-in-Hand Non-Compliance Memo. The DEPARTMENT shall provide a template for all Plan-in-hand memos in both hard- copy and electronic format. This format must be utilized in its entirety.

## Preparing and Submitting Compliance and or Noncompliance Memo

* 1. Review subsequent plan submissions until full compliance is achieved. If all of the requests from the CONSULTANT have been implemented, the CONSULTANT shall compose a Plan-in-Hand Compliance Memo to be submitted to the DEPARTMENT for distribution. If the requests of the Plan-in-Hand report have not been implemented, the CONSULTANT shall compose an additional Plan-in-Hand Non-Compliance Memo.
	2. The CONSULTANT shall confirm, in writing, that sufficient R/W and/ or Utility Easement has been implemented into the highway construction plans to accommodate any and all utility relocations.

# Task 3 - Preparation of Cost Estimate & Matrix

## Reviewing of 60% Plans for Estimate

* 1. Upon the receipt of the R/W Submission Construction Plans by the DEPARTMENT, the CONSULTANT shall implement the DEPARTMENT standards in generating a programming cost estimate, including all utilities in conflict with construction of the highway project.
	2. The CONSULTANT shall determine first if any portion of the proposed project is in the limits of a city or town which may incur underwriter or direct cost obligations for certain utility relocations. The underwriter obligation flow chart should be used to determine what cost responsibilities the city or town will have.

## Preparing & Submitting Programming Cost Estimate (In Town / Rural)

* 1. Utilizing the cost estimate format sheet provided by the DEPARTMENT, the CONSULTANT lists each utility conflicting with construction, the station extents of the conflict, whether facility is within existing or proposed R/W, the line-item number provided in the Utilities Branch itemized cost list and whether there are any City “underwriter” costs involved with the relocations. Close attention shall be utilized when any city or town is involved in partial or total cost involvement of a utility relocation.
	2. Generates a total utility programming cost estimate depicting a breakdown of each utility using the Microsoft Excel spreadsheet program provided by the DEPARTMENT.
	3. Completes the standard programming estimate cover letter using the calculated costs from the spreadsheet and submits all estimate documentation to the DEPARTMENT by the assigned due date for the estimate.

# Task 4 - Field Meetings and Securing Proposals

## Scheduling and Preparation for Field Meetings

* 1. Upon receipt of R/W submission plans, and electronic files, the CONSULTANT shall determine each company owner's name, address, current phone numbers, representative, that representative’s title, and a verified e-mail address of the contact representative.
	2. Determines a date or dates for the Field Meetings giving a minimum three week notice from the date of official notification. Contacts the proper Utility Owner’s representative, Department’s Field Division and Resident Engineer Manager’s representative and the Utilities Branch Coordinator (FACILITATOR), scheduling the meeting. Meetings should be scheduled so that each invitee is afforded ample opportunity to review construction plans and attend.
	3. Prepare and Send the standard notification/invitation letter to each utility company owner, stating the date, time and location of the meeting, providing copies of full size (24” x 36”) and half size (11” x 17”) construction plans with cross sections along with the DEPARTMENT’S standard 17 point check list and instructions for the forthcoming Field Meetings. Sends copies of the construction plans and invitation letters to the appropriate Division Engineer and Resident Engineer/Manager, and a copy of each invitation letter to the Manager, Utilities Branch.
	4. Receive acceptance or changes to the date and place of the Field Meetings, making any necessary changes and sending revised invitations to all parties.

## Conduct Field Meetings

* 1. Follows Utilities Branch Policy and Procedure in communicating with each utility owner the DEPARTMENT’S determination of utility conflicts, while discussing additional conflicts and determining an assigned location within present or proposed rights-of-way and/or utility easements for each utility facility in conflict.
	2. Obtains the completed 17 point checklist from each utility owner and determines the service life, type, size, and location (depth and/ or height) of each existing utility facility.
	3. Determines whether there is anticipated betterment to the existing facility, expired service life credit, or a percentage of reimbursement due by the DEPARTMENT to the utility company.
	4. Determines whether each utility company is adequately staffed to perform necessary engineering and construction labor, and informs each of the required documentation they must submit to the CONSULTANT and the DEPARTMENT if the company requests reimbursement for the proposed relocation. The CONSULTANT must provide a copy of the CD of electronic plans if requested, and either provides the necessary official R/W forms, or explains where they can be found on the DEPARTMENT’S website.
	5. Agrees with each company on a date which they will submit their proposal, and a number of construction days they require to complete the relocation upon receipt of a Work Order/Notice to Proceed from the DEPARTMENT.

## Generate and Submit Field Meeting Reports

* 1. Compiles all information discussed at the field meetings into the standard report form for each company, describing in full detail the existing disposition of each facility (as detailed on the 17 point check list) in accordance with Utilities Branch Policies and Procedures. If certain details regarding the existing facilities are not given at the Field Meeting, the CONSULTANT shall obtain this information prior to writing the report.
	2. Reports the proposed rearrangements for each facility location separately giving specific “Station to Station” locations along with either offset from C/L survey (for power poles) or proposed number of feet either inside or outside of present or proposed rights-of-way/easements (for all parallel underground facilities).
	3. Determines and reports the percentages (calculated to the nearest hundredth) of financial responsibilities for each facility based on the linear feet of the conflicting existing facility (for all parallel underground facilities) or the number of poles (electric) either inside or outside of present right-of-way, factoring in claims of prior rights, expired service life, and betterment in accordance with Utilities Branch Policies and Procedures.
	4. Records all related information in the General Notes with emphasis on Contract Engineering, Labor, Dates for proposal submission, and the required number of days for construction.
	5. Mails copies of Field Meeting reports to all parties involved, for acknowledgment (signature by company representative) and approval, or changes. Follow up with any changes to the Field Meeting reports and send out revisions as necessary.

## Generate and Submit Preliminary Utility Relocation Plans and Relocation Schedule

* 1. Upon determining all utilities affected by the project construction and the amount of days agreed upon to relocate their entire facility, will complete and submit a Utility Relocation Schedule Memo addressed to Manager, Project Management Branch from the Manager, Utilities Branch in the DEPARTMENT approved format. This memo shall include the companies involved, due date for Proposal/ Drawings to be submitted to the DEPARTMENT, number of days agreed upon to relocate, and longest number of days for all utility relocations to be completed by.
	2. The Utility Relocation Schedule must be delivered to the Manager, Utilities Branch together with the Field Meeting Reports and Preliminary As-Planned Plans.
	3. The CONSULTANT shall use the following guide lines in submitting Preliminary Utility Relocation Plans:
		1. Uses the Mircrostation CADD files from the latest revisions of the Construction Plans depicting proposed Right-of-Way or Easements.
		2. Plots each utility owner’s proposed relocations as described in the Field Meeting Reports on the plans in the approved manner as directed by the DEPARTMENT, using APWA Uniform Color Codes.
		3. Submits electronic files of Preliminary Utility Relocation Plans (in color and appropriate scale) to the Manager, Utilities Branch for distribution and review by the Resident Engineer/ Manager

## Distribution of Revisions

* 1. Upon receipt of revisions from the DEPARTMENT (full sized, half sized, and electronic files on CD) the CONSULTANT determines if the revisions affect the proposed relocation of any of the utility facilities, and distributes said revisions to each company affected.
	2. Updates and includes the electronic revision for use in the Final Utility Relocation Plans.

## Obtain & Submit Documentation and Approval of Consultant Engineer, etc.

* 1. If it was determined at the Field Meeting that a utility company requesting reimbursement from the DEPARTMENT would require the services of an Engineer, Inspector, or Land Surveyor, the CONSULTANT shall obtain the signed and stamped standard (RW-309) Form, and a detailed engineering cost estimate with a “cost not to exceed” final total.
	2. Reviews and determines that the documents meet DEPARTMENT requirements, and then submits these documents to the DEPARTMENT within 30 days from the Field Meeting.

## Obtain & Submit Resident Engineer/Manager Approved Relocation Proposals/Agreements

* 1. Upon reaching the agreed upon Proposal/Drawings submission date, the CONSULTANT will send reminder notices, make telephone calls, e-mails or personal visits to the Utility Owner to achieve receipt of their Proposal/Drawings to meet the contractual obligation completion date.
	2. Obtains two (2) Utility Relocation Agreement forms containing Original Signatures of utility official(s) having contractual signatory authority if reimbursement is being requested in the relocation Proposal.
	3. Upon receipt of Proposals and/ or Drawings, reviews and compares them to the Field Meeting Report for correctness prior to submitting to the Resident Manager/Engineer for approval; obtaining revisions if necessary to meet the DEPARTMENT’s requirements.
	4. If the Agreement is submitted as a Lump Sum Proposal, the CONSULTANT shall justify this lump sum amount by submitting a Lump Sum Justification Summary Statement attached to the proposal. Lump Sum proposals shall not exceed

$100,000. The Utilities Branch itemized cost list will be used by the CONSULTANT in determining a Lump Sum Justification Summary Statement.

* 1. Upon receipt of a letter of approval from the Resident Manager/ Engineer with the Proposals/Agreements, submits file containing approved proposals and/or drawings to the Manager, Utilities Branch.

## Issue and Submit Approval Deferred Letters

* 1. Upon receiving confirmation of an approved utility proposal by the DEPARTMENT, creates an “Approval Deferred” Letter on behalf of the Manager, Utilities Branch. Letters shall be submitted to the DEPARTMENT on ODOT letterhead in the exact format as directed by the DEPARTMENT.
	2. The CONSULTANT shall obtain the actual date that the proposal was approved by the DEPARTMENT for use as the date on the letter. Upon final signature by the DEPARTMENT, the letter shall be returned to the CONSULTANT for duplication and distribution.

## Prepare and Submit Final Utility Relocation Plans

* 1. Upon receiving confirmation of approval of the last remaining company’s proposal by the DEPARTMENT, the CONSULTANT shall submit Final Utility Relocation Color Drawings to the Manager, Utilities Branch.
	2. The CONSULTANT shall use the following guide lines in submitting the Final Utility Relocation:
		1. Uses the Mircrostation CADD files from the latest revisions of the Construction Plans depicting proposed Right-of-Way or Easements.
		2. Plots each utility owner’s proposed relocations as detailed in the Utility Owner’s “DEPARTMENT approved” drawings on the plans in the approved manner as directed by the DEPARTMENT, using APWA Uniform Color Codes.
		3. Submits Final Utility Relocation Color Plans on 11”x17” sheets (plans must be to scale) to the Manager, Utilities Branch for final approval. Upon approval, several copies may be returned to the CONSULTANT for distribution with Work Order/Notice to Proceed. (If applicable)
	3. Electronic files shall be submitted in Microstation version V8 or later and PDF format, containing all CADD reference files necessary to view the completed plans and print additional copies as needed.
		1. Each electronic file shall be labeled in the approved format with the correct Job Piece Numbers, Project Numbers, County, Highway Number, and current date. (request example from the DEPARTMENT as needed)

# Task 5 - Work Orders/Notice to Proceed

## Issuing of Work Orders

* 1. The DEPARTMENT shall provide the CONSULTANT with all approved utility relocation proposals. Upon receipt of all approved utility relocation proposals, the CONSULTANT shall hold the proposals until the DEPARTMENT notifies the CONSULTANT to issue Work Orders. Original Work Orders with the approved proposals/ drawings (incorporating the latest revisions) shall be issued to the utility company with 2 copies of Claim Form 324A. Copies of the Work Order and approved proposals/ drawings (incorporating the latest revisions) shall be issued to Division Engineer, Resident Engineer/ Manager, Resident Inspector and Utilities Branch Coordinator. Copies of the Work Order only shall be mailed to the DEPARTMENTS Project Management Division, Utilities Branch Manager, and Utility Owner’s Consultant Engineering Firm preparing plans (if applicable).
	2. The CONSULTANT must check with the FACILITATOR to ensure that the correct approved work order form is used for each appropriate agreement type: (“Actual Cost”, “Lump Sum”, or “No Cost”) Letters shall be submitted to the DEPARTMENT on ODOT letterhead in the exact format as directed by the DEPARTMENT. Upon final signature by the DEPARTMENT, the letter shall be returned to the CONSULTANT for duplication and distribution with above mentioned attachments.

## Obtain and Submit Bid Tabulation and Bid Documentation

* 1. In accordance with the direction in the body of the Actual Cost Work Order/ Notice to Proceed letter, a company requiring contract labor must either solicit a minimum of 3 bids, or use a continuing CONSULTANT and submit the appropriate documentation for DEPARTMENT approval.
	2. Upon issuance of an Actual Cost Work Order, the CONSULTANT shall actively communicate with the Utility Owner or their Consultant Engineering representative to obtain the bid tabulation, the lowest (winning) bid, all other bids, and the bid specifications prior to the hiring of a construction contractor. If the company has a “continuing contractor”, then the necessary documentation as described in the Utilities Branch Policy & Procedures must be obtained.
	3. Once obtained, the CONSULTANT shall review and determine that the documents meet DEPARTMENT requirements, and then submit these documents with the appropriate letter to the DEPARTMENT for final review and approval.
	4. Letters shall be submitted to the DEPARTMENT on ODOT letterhead in the exact format as directed by the DEPARTMENT. Upon final signature by the DEPARTMENT, the letter shall be returned to the CONSULTANT for duplication and distribution.

## Issue and Submit Low Bid Concurrence or Continuing CONSULTANT Approval

* 1. Once the bid or continuing contractor documentation is approved by the DEPARTMENT, the CONSULTANT will issue a standard “Low Bid Concurrence” or “Continuing CONSULTANT Approval” letter to the Utility Owner. A copy of the letter, along with 1 copy of the bid tabulation, and a copy of winning bid should be mailed to the “cc:” list.

# Task 6 - Inspections & Information Sheets

## Weekly Drive-Outs to the Project to Inspect Relocation Progress

* 1. The CONSULTANT shall conduct weekly drive-outs to the project location after the Work Orders are issued to track and report on the Utility Company’s progress. The drive-outs shall be held on a weekly basis until each of the utility relocation/ rearrangements are complete. Implementing the DEPARTMENT standards, the CONSULTANT shall report the progress and estimate a percentage of completion for each utility in their Monthly Progress Report.
	2. The CONSULTANT shall communicate with the Utility Owner and the ODOT Resident Inspector each month to remind them of their agreed completion date as stated in their Work Order/ Notice to Proceed if or when it becomes apparent that the relocation is progressing too slowly.

## Submit Clearance Questionnaire & Utility Relocation Information Sheet

* 1. In the event that the DEPARTMENT receives a Clearance Questionnaire prior to a construction project’s proposed “Let Date”, the CONSULTANT shall be given the questionnaire to report on the relocation status.
	2. If there are utility companies that are not yet complete with their relocations, the DEPARTMENT shall require the CONSULTANT to complete a Utility Relocation Information Sheet listing each remaining utility company, a description of the relocations underway, and the current estimated completion date.
	3. Once completed, the Clearance Questionnaire and Utility Relocation Information Sheet shall be submitted to the DEPARTMENT for signature and distribution.