1. Utility Agreements

Utility Agreements Modifications (UAMs) authorizing utility construction are to be sent out to Utilities prior to the Final Design Submission, and signed prior to Contract Advertisement. The Project Manager will forward a copy of these documents which include the with the Utility plans to the Regional Construction Office (RCO) no later than two weeks after the Contract is advertised. The RCO will forward the documents to the RE prior to the Preconstruction Conference.

Upon receipt from the Regional Construction Office, the RE will ensure that he has a Utility Agreement for each Utility involved in the project and will review each Utility Agreement to ensure that they are compatible with Subsection 105.07 of the project's Special Provisions.

The RE will provide a copy of each Utility Agreement to the Contractor at the Preconstruction Conference.

Utility work may be performed by any of the following:
- a. The Utility (or a contractor hired by the Utility) performs the work at the Utility's expense betterment). This work should be monitored to ensure construction methods are performed in a satisfactory manner (e.g. proper compaction) and to ensure that the placement of utilities does not conflict with proposed Contract work.
- b. The Utility (or a contractor hired by the Utility) performs the work and is reimbursed by the Department. In this case, the work will have to be monitored to the extent necessary to ensure that it is being performed in accordance with the Utility Agreements, as well as the Contract. This should not normally require constant inspection.
- c. The Contractor, under the terms of the Contract, performs the work (A typical example is bridge conduit). On Federally funded projects, the RE must also review the project agreement between the FHWA and the NJDOT to determine the extent of Federal funding. This Detailed Participation Summary is produced by the Bureau of Capital Program Coordination and is distributed to the RE via the Site Manager coordinator who has access to Trns•port LAS.
All funding information must be entered, by the RE, on the DC-174 Change Order Cost Sharing Distribution form, when the first Change Order is prepared. All work indicated as a betterment is performed at the Utility’s expense and the Department is reimbursed through billing by Accounting. The Utility needs to be advised when utility work performed by the Contractor is completed so the Utility can inspect and approve the work.

2. Utility Notification

Contracts have placed the responsibility to provide the advance notice to the Utility(ies) indicated in the utility schedules on the Contractor. This is to be fully discussed at the Utility Preconstruction Meeting.

The RE is to phone or email the Utility contact representatives listed in the Special Provisions to verify that they are the correct contact and that the mailing address is correct. Inform the Utilities that a Utility Preconstruction Meeting will be scheduled on or about a date.

NOTE Advanced Utility Work: The Project Manager will contact the Field Manager when advanced utility work will be required, the Utility agreements are in place and the funding is secure. When utility work will be performed in advance of construction(executed Contract) or if the advance Utility notice needs to be sent in advance of construction, the Field Manager should contact the Project Manager and coordinate who(Project Manager, Field Manager, or Designer) will be responsible for providing the Utility with notice and when the notice should be sent. In some cases, funding must be secured in order to enable the Utility Agreement to be in place, which would permit sending the notice.

On projects where advance utility work is to be performed, and the Project Manager requests construction inspection, the Field Manager (or if assigned, the RE) will schedule an Advanced Utility Preconstruction Meeting(see Utility Preconstruction Meeting below).

NOTE: UAMs for advanced utility work should address responsibility for layout and traffic control.
3. Utility Preconstruction Meeting  
The RE will schedule a Utility Preconstruction Meeting to be attended by all Utility’s representatives that have utilities on or are being impacted by the Contract, Field Manager, Project Manager and the Contractor. If the Contractor is proposing changes to the sequence of utility work, invite the Utility Coordination Unit, which is part of the Project Management Office (PMO). The meeting should be held within two weeks after the Preconstruction Conference is held. The RE will chair the meeting and will prepare and distribute the meeting’s minutes. The following topics are to be discussed at the meeting:

Coordination  
   a) Advanced Utility notice  
      • Contractor is to provide advanced Utility notice  
      • The Utility’s representative will act as the central contact for all of the Utility’s operations  
      • The need for advanced notice of subsequent stage work (and the need for Contractor guarantees that sites will be prepared for subsequent stage work.)  
   b) The Contractor’s and Utility’s respective roles and responsibilities regarding cooperation and coordination of work as per Specifications Subsection 105.07.  
      • Layout requirements  
      • Site preparation/ vegetation clearing  
      • Who is responsible for supporting poles or protecting utilities?  
      • Coordinating concurrent operations – who gets to work where  
   c) Coordination of utility relocations among Utilities.  
      • Joint utility pole occupancy – notification between Utilities when work can proceed, who is responsible for removing pole  
      • New Jersey One Call  
      • Coordinating concurrent operations – who gets to work where  
   d) Regular utility coordination meetings. (Consider holding these meetings jointly with adjacent project REs to ensure work is properly prioritized).  
   e) Obtain the contact names and phone numbers within the Utility for various features of work. Also, obtain supervisor and manager contact information.  

Schedule  
   a) Discuss the time frames for notice and work durations noted in the Special Provisions with the Utilities and determine if these are still considered feasible by the Utilities.  
   b) Review utility restrictions on service interruptions. (Gas, Water and Electric Utilities typically place seasonal restrictions on service interruptions).  

   c) Ask the Utilities if there are any unique customer service interruption restrictions on the project. Sometimes, because of unique customer needs,
a Utility will restrict when a service outage will be permitted (e.g. nights, weekends, or a season).

d) Review the Contractor’s intended work schedule, and how the Contractor’s schedule affects the Utilities’ work schedule. This can be critical where Contractor site preparation or traffic staging is required for utility work. Typically, the Contractor’s baseline progress schedule is not submitted at this time, and discussions will be of a general nature. Stress to the Contractor that the baseline progress schedule must include the appropriate time frames for advanced Utility notice, and any schedule restrictions.

e) If lane closures are required for utility work, discuss any limits on available working hours. If a Utility Agreement’s available working hours do not match the project’s available working hours (or if this was not included in the Utility Agreement) check with Traffic Operations to determine what restrictions will be required.

f) Review the status of Right-of-Way (ROW) acquisition. Is there sufficient ROW for guy wire. Can relocations be adjusted to eliminate the need for additional ROW?

g) Discuss the need for lead time for acquiring materials and coordination with the various Utilities.

h) Determine when Utilities can begin their work, taking into account preliminary or staging work that has to be performed by the Contractor first. Determine the site needs for the Utility (e.g. layout, clearing site/vegetation clearing, grading and access). Try to obtain a specific starting date for the Utility(ies), which is mutually agreeable with them, and the Contractor.

i) Determine if the utility work is being performed by the Utility’s forces or by a contractor to the Utility.
  - If utility work is being contracted out – determine when that work will be able to be bid on, and when the utility owner’s contractor will be available to start work.
  - If the work is being performed by the Utility’s forces – determine what the expected crew size(s) and work schedule will be (e.g. how many crews, how many days a week, how many shifts). This will be needed to assess work progress and if the Utility has provided adequate resources.

Traffic Control and Safety

a) Will the Utility rely on the Contractor’s traffic control safety set-up? (Even if it is not included in the Contractor’s traffic control requirements, providing safety set-ups through the Contractor is frequently less costly, than the through the Utility.)

b) If the Utility is providing traffic control, it must conform to MUTCD requirements. The RE and the Utility should review the basic traffic control
requirements (signs, taper, traffic control devices, and spacing) to avoid having to remove the Utility from the project site because of inadequate safety.

c) Review how lane closure requests will be coordinated. The Utility must provide the RE with sufficient notice to allow for reporting of closures to Traffic Operations. Lane closures by the Utility owners and the Contractor must be coordinated.

d) RE to check that the allowable hours in the utility agreement match the contract allowable hours. Inform the Utility, that that the allowable lane hours are to be followed.

e) If the utility requires hours outside the plan allowable hours, the RE is to work with the FM as per Section 3, Subsection F to seek a waiver as per reasonable accommodation of the requested utility work hours if they see the need.

Budget and Invoicing

a) The Utility and RE need to agree on how the Utility will notify the RE of when they are working. This is particularly critical if the work is reimbursable to the Utility owner by the Department so that DOT construction inspection personnel can keep accurate records. Remind the Utility that starting work without notifying the RE may affect their payment.

b) Review the billing procedure requirements. Utilities must cooperate with the RE. The Utility’s billing must be able to identify material charges including salvage credits to the RE’s satisfaction. If betterments are being performed in conjunction with reimbursable work, resolve how the costs are to be separated.

c) Discuss with the Utility if the Utility Agreement budget is still considered reasonable by the Utility.

d) Request that the Utility periodically review the cost budget as the work progresses and inform the RE if the work is reasonably within budget projections or if an increase is necessary.

e) Discuss Utility invoicing of Preliminary Engineering (PE) and Construction Engineering (CE) costs. Direct Utility to send PE invoices to Project Manager and CE costs to RCE. The Utility construction invoices must show the ceiling in regards to CE costs only. The invoiceable CE Costs only apply to CE ceiling not the overall Agreement ceiling.

Immediately after holding the Utility Preconstruction Meeting, the RE and the Utility’s representatives, should conduct a project site walk through meeting to review the existing utility locations and the proposed utility locations. This review may reveal conditions or problems that were not addressed by the Plans or. Minor relocations may sometimes resolve these issues.

4. Utility Progress/Coordination Meetings
Depending upon the magnitude and complexity of a project’s utility work, the RE should hold periodic utility coordination meetings. Where there is more than one project in an area that strains a Utility’s resources, joint project coordination meetings should be considered with both REs present.

On projects with significant utility work, Utility Progress/Coordination Meetings should be held monthly. However, when utility work is particularly critical, and coordination between parties is a factor, the RE should hold these meetings at least every two weeks. The RE will chair the meeting and will prepare and distribute the meeting minutes. The following topics should be discussed at the meeting:

**Schedule**

a) Review the Contractor’s progress schedule and any impacts on utility relocation work
   - Is the Contractor’s site preparation on schedule (e.g. layout, clearing site/vegetation clearing, grading and access)?
   - Are there changes in the Contractor’s schedule that affect the Utility’s ability to meet previously estimated activity start or finish dates?
   - When does the Contractor need an area of utility work to be completed?
   - Has a Change-of-Plan affected the Utility’s schedule?
   - Has the Contractor initiated changes, are there delays that affect Utility’s progress and must be documented in detail, as these may be used not only to refute Contractor claims, but also to hold the Contractor liable for increased utility work costs. Prior to approving Value Engineering proposals or requests for traffic control staging changes, the RE should discuss potential impacts on utility work.

b) Review the Utility’s progress
   - What is the status of the Utility’s contractor procurement?
   - What is the status of material procurement?
   - When does the Utility expect to start work?
   - When is an area of utility work expected to be completed?
   - Is the Utility deploying adequate resources? Can the Utility work overtime (longer hours and weekends), additional shifts, increase the number of crews, or apply additional resources to improve progress?

**Coordination**

a) Coordinate when following Utility forces start work. These may be other units within a Utility or other Utilities. (e.g. coordination between underground and aerial crews, conduit crews and splicing crews, copper cable and fiber optic, electric utility lines and telecommunication utility lines.
   - Who will notify the following Utility that the site is ready?
   - Can the following Utility begin work before the initial Utility has completed an area?
   - Is any additional site preparation work by the Contractor needed?
   - Is the NJ One Call markout current (markout expires in 45 business days)?
Some Utilities will not order cable until they can asbuilt the quantity of material needed. Are the facilities in place to permit an asbuilt measurement? (This can often be done before the initial Utility completes its work).

Traffic Control
   a) Discuss required traffic control to perform the utility work
      • Have there been any safety issues.
      • Have the allowable lane hours been followed or are modifications to the hours required?

Changes
   a) Discuss any utility field changes (See Field Changes for more discussion)
      • Have any utility conflicts been encountered?
      • What is the status of any additional design?
      • Is a utility change order needed? If so, what documentation will be needed?
      • What is the status of a utility change order's approval?
      • How does this affect the project’s progress schedule?
      • Does a utility field change affect the work of other Utilities?

Budget
   a) Compare the total cost expended with the percent of utility work completed, and review if the Utility Agreement budget is reasonable. If the Utility identifies that a cost adjustment is necessary, have the Utility submit a DC-150U explaining the cost adjustment. This should be done for decreases as well as increases.
   b) Are utility invoices being submitted in a timely manner?
   c) If work is at or near completion, request the Utility to submit a final invoice.

Note: If the Utility fails to start work, fails to meet the work duration schedules, or is otherwise not adequately responsive, the RE should inform the Field Manager, the Project Manager, and the Bureau of Construction Management’s Utilities Liaison.
5. Layout

The Contractor is responsible for providing survey controls for Utilities during the project. If advance utility work is performed, utility layout is performed by the Design Consultant (or by the Department’s Regional Design Survey unit for in-house designed projects). The Contractor should ensure that relocated utility facilities do not conflict with proposed construction including any High Voltage Proximity Act conflicts.

6. Field inspection of Utility Work

For all utility work, construction inspection personnel should document the labor (classification and hours) used on a daily basis on the SITE MANAGER Daily Work Report in sufficient detail to verify the Utility invoices. Additionally, construction inspection personnel should confer with the Utility representative and document approximate quantities of materials used. Reports should note conditions affecting the work of the Utilities such as weather, plan changes, or if the Contractor is delaying the progress of utility work. Information relative to the disposition of materials taken out of service (i.e., abandoned, salvaged or disposed) should also be noted.

Representatives from both the NJDOT and the Utility should mutually agree on how the work is going to be monitored, i.e., labor, materials (either incorporated into the work or taken out of service) at the end of each work day (Utilities sending daily time sheets to the RE can be adequate). This is particularly important where betterment utility work is performed. The RE and the Utility must be able to separate costs for betterment work. On projects where betterment costs cannot be separated (typically because a percentage improvement has been negotiated) the RE should contact the Project Manager to determine the cost basis for betterment work.

Before permitting utility installation, the locations should be checked for present and future utility conflicts as well as other constructability concerns through review of the layout by the RE.

7. Field Changes

All changes in utility work and all adjustments to the Utility Agreement budget must be approved by the Department before making the change or exceeding the budget. When a change is identified, the Utility requests a change through the RE and submits a signed Form DC-150U, Authorization for Utility Field Changes, documenting the reasons for the change and providing a detailed cost estimate.

Changes may be the result of field conditions, or a change in design preference. Typically, changes will be in one of three categories:
Minor Change
Minor changes are defined to be changes in details of the relocation work as opposed to changes in the scheme of relocation. The addition or subtraction of a few feet of conduit or pipe, as required by field conditions; the resetting of manhole covers and extension of manhole necks; the alteration in pipe/conduit cover; etc., normally fall into the minor change category.

Major Change
Major changes are defined as changes in the scheme of relocation. This may include relocation of additional facilities because of existing field conditions or resulting from a Department initiated Change-of-Plan or a Contractor initiated change.

Budget Adjustment Changes
A budget adjustment change is defined as a request for additional funding without a change in the utility work. Typically, this is required when a Utility has failed to adequately estimate the costs for the agreed work.

The RE will review the request and verify the reasons for the change. The RE is not expected to be able to discern the reasonableness of the associated costs; however, the RE should require sufficient documentation to determine how the cost was developed. This is especially important when a request is submitted for multiple changes. The RE’s review should consider the following:

General
- Is the change required to complete the project?
- How does the change affect the Utility schedule for the project’s utility work? Revised work durations should be requested.
- How does the change expected to affect the Contractor’s progress schedule?

Cost Participation:
- Does the change include costs for a betterment (a non-reimbursable improvement)? The RE should discuss this with the Project Manager. In some cases there is a shared benefit, for which a participation basis may be negotiated.
- If changes are the result of Contractor initiated changes or actions, increased costs may be recoverable from the Contractor. The RE should request a detailed explanation from the Utility, documenting the cost increase attributed to the Contractor’s actions. The RE should discuss the issue with the Field Manager and the Project Manager to determine if it is appropriate to seek reimbursement from the Contractor.

- If changes are the result of a design error or omission, they may be
recoverable from the Design Consultant. This may include unexpected conflicts that should have been discovered through proper performance of Subsurface Utility Engineering. The RE should request a detailed explanation from the Utility documenting the cost increase resulting from the error. (Additional costs incurred by the Contractor and paid by the Department may also be recoverable). The RE should discuss the issue with the Field Manager and the Project Manager to determine if it is appropriate to seek reimbursement from the Design Consultant.

If the RE concurs with the need for the change, the RE will sign the DC-150U and forward it to the Project Manager. The RE should receive a copy of the executed utility change order, and should follow up with the Project Manager (a copy of the DC-150U should be sent to the FM and to the Regional Utility Coordinator or maybe the RCE). If the RE has not received a copy of the utility change order within 30 days from when it was submitted to the Project Manager, the RE will again contact the Project Manager to determine the Change Order’s status.

The RE must notify the Field Manager and the Project Manager if a utility conflict is encountered during construction with a Utility for which we do not have a utility agreement. The Department may have a Master Agreement with the Utility from which it can issue a Change Order, otherwise a new Utility Agreement must be arranged by the Project Manager. The RE is to provide the Project Manager with a DC-150U providing documentation of the new work and estimated utility costs from the new Utility.

8. Billing Procedure

Utility invoices are to be submitted and processed in accordance with the Department’s “Procedures Governing Estimation of Costs, Requirements During Construction, and Billing the New Jersey Department of Transportation for Public Utility Work” dated 2013. Detailed requirements for utility invoices can be found in that document. To provide general guidance, some important considerations are provided here.

Form and Documentation

The Utility is required to submit two copies of all invoices to the Regional Construction office. Invoices must be submitted on the Department’s Payment Voucher (Vendor
Invoice) Form PV(C) (unless an alternate form has been approved by the Department). Form PV(C) is required to contain the following statement:
"I CERTIFY THAT THE WITHIN PAYMENT VOUCHER IS CORRECT IN ALL ITS PARTICULARS, THAT THE DESCRIBED GOODS OR SERVICES HAVE BEEN FURNISHED OR RENDERED & THAT NO BONUS HAS BEEN GIVEN OR RECEIVED ON ACCOUNT OF SAID DOCUMENT."
This statement permits the approval of the voucher by the RE should the voucher not precisely follow the sample voucher provided in the Procedures Governing Estimation of Costs, Requirements During Construction, and Billing the New Jersey Department of Transportation for Public Utility Work dated 2013. This statement allows approval of the voucher should a “certified” payroll not be provided as part of the voucher.

All supporting documents must be attached showing the necessary itemization and breakdown for labor, material, subcontractor costs, overhead, etc. (e.g. time sheets, certified time reports, material receipts, etc.) Refer to the Procedures Governing Estimation of Costs, Requirements During Construction, and Billing the New Jersey Department of Transportation for Public Utility Work” dated 2012 for requirements.

The RE will review the Invoice to verify that it is in accordance with the current Agreement budget, and that it has been filled out correctly. Check the following entries:(letters below correspond to attached sample invoice –Form PV(C) ATTACHMENT A):

a. Project Description
b. Agreement number, Modification and/or each Change Order number, Department Utility job number, and Federal Project number (if appropriate). Master Agreement Projects will include the Master Agreement number in this location.
c. Payee Reference Number and sequential numbering system.
d. Contract ID and Start Date The Regional Construction office must ensure that the funding action has been entered into FMIS CP05/10 before sending it to accounting. The Start Date is the date the initial UECA (design) agreement is executed.
e. Authorized ceiling amount for the Agreement, Modification and/or each Change Order. Each Agreement, Modification, and Change Order will identify a ceiling amount established CONSTRUCTION. Projects covered by Master Agreement Change Orders will only have authorized construction ceiling amounts established by one or more Change Orders.

f. Amount being billed on the invoice submitted. A summary page showing how the amount was established based on the billing categories appropriate to the Agreement. The summary will clearly show how the Department’s share of the total cost was computed. Invoices that exceed the authorized budget ceiling cannot be processed. A Change Order to raise the ceiling must
first be approved.
g. Total amount previously billed prior to the current invoice.

Review and Processing

The RE should review the invoice for substantial conformity with the RE’s records. The field inspection records are intended to provide a basis to substantiate labor hours charged, and the general scope of materials constructed. Because constant monitoring is cost prohibitive, intermittent monitoring is acceptable. Consequently, it is understood that minor discrepancies are likely. Generally, records should be able to document 90% of the labor hours, but this can vary depending upon the degree of monitoring performed.

If costs for a Utility’s contractor are included, the RE may request backup information documenting the contract. Where such contracts are negotiated on a confidential basis, the Utility must document why the information cannot be provided. The invoice must include a certification that “The prices shown on the bills from (name of contractor) are in accordance with the contract covering a period (from and to date) and are the same prices that the contractor would charge for similar work performed at (name of Utility)'s expense.”

The RE’s review is not a review for the rates (e.g. overhead, material or labor rates) applied, and the RE’s certification of services performed is understood to be limited to the responsibilities outlined in this procedure.

Approval for off-site work and engineering can be approved provided the Utility submits certified time sheets or a payroll certification for the charges.

The Project Manager processes invoices for Preliminary Engineering (PE). However, design work that occurs after the Utility Agreement Modification is executed, is considered Construction Engineering and should be charged on the CONSTRUCTION invoice. Since oversight is not performed on costs for Construction Engineering, the RE should confer with the Design Consultant to determine if the number of hours is considered excessive. This may not be the case for General Utility Agreements for large construction programs that may involve several construction contracts that occur overtime. In these cases, PE costs for the subsequent projects will still be addressed by the Project Manager. The RE is to check invoices to ensure work is directly for his project on these programs.

The Utility must submit CONSTRUCTION invoices to the appropriate Regional Construction Engineer, for approval and processing. The Regional Construction office will be responsible for stamping the date received, recording the appropriate information, and forwarding the payment invoice to the RE, so that it is received within 5 days of the date it was initially received by the Regional office. The Regional
Construction office will maintain a log noting the status of all submitted Utility invoices.

The RE will have 30 days from the date the Regional Construction office initially received the invoice, to review and return the invoice to the Regional Construction office. The RE will maintain a Utility Invoice Log Form DC-187. The RE must keep a copy of all invoices for the project. This file should also contain copies of correspondence relative to Utility invoices.

After the invoice has been reviewed, and if it is in agreement with project records for labor and materials, the initial reviewer (can be the RE or a designate) signs and prints his/her name on the backup documents regarding the invoice and on Form AC-1641 in area 11 Services Performed (see Attachment B). The initial reviewer also fills out the proper contact person’s name, title and telephone number in area (9) (see Attachment B).

The Field Manager fills out and signs for Recommended For Approval in area (12) on Form AC-1641 (see Attachment B).

The RE will sign, print his/her title, and date the payment voucher for approval on Form PV(C) (see ATTACHMENT A) in the ‘Certification by Receiving Agency’ block.

The entire package (Invoice (Form PV(C), Backup, and Form AC-1641) is forwarded to the Regional Construction office. The Regional Construction office will forward invoices to Accounts Payable for processing.

If an invoice is not in agreement with project’s records, the RE is to notify the Utility of the problem. If the problem cannot be rectified without a revised invoice or has not been taken care of within the 30 days, the RE will send the invoice back to the Regional Construction Engineer with a memorandum explaining why the invoice cannot be approved.

If a minor portion of the invoice is in dispute, the RE may adjust the invoice to remove the disputed cost and process a reduced invoice for the amount that is not in dispute. The disputed charge and the invoice totals should be “red-lined” and appropriately adjusted. The RE must also inform the Utility (an e-mail will suffice), and the Regional Construction office why the reduction was made. The Utility must re-invoice, for the disputed charge if it can later provide supporting documentation.

If an invoice dispute cannot be reconciled between the RE and the Utility, the issue should be referred to the Field Manager, and if necessary to the Regional Construction Engineer for resolution.

Upon receipt from the RE, the Regional Construction office will, within 35 working days of the date initially received and stamped, record the appropriate information and forward the invoice to Accounting for payment, or respond back to the appropriate Utility as to why the invoice cannot be approved.
The entire processing time from the receipt of the invoice in the Regional Construction office to the time it is forwarded to Accounting or returned to the Utility will be 35 days or less.

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9. Buy America Compliance

Utilities are required by the utility agreement to comply with the federal Buy America requirements irrespective of the agreement’s funding source. This is because the requirements of the Moving Ahead for Progress in the 21st Century Act (P.L. 112-141) – MAP-21, requires that utility relocation agreements, regardless of funding source, comply with Buy America, if any part of the project (design, construction, successive or previous projects) used federal funds. If this requirement is not met, the entire cost of the project may be made non-participating. To ensure that utility companies comply with these requirements, the Department has decided to have a single, uniform policy that Utilities must comply with Buy America on all relocations.

With a Utility final invoice for a project, the Utility must submit a form DC-17U Buy America Certificate of Compliance (Utility). The Utility should submit both the final invoice and the Buy America certification to the Region. The Region will be responsible for ensuring that a Buy America Certificate is received for all utility agreements.

If the Utility has not submitted the Buy America Certificate with the Final Invoice, the Region will not process the invoice. If the Utility has not submitted the Buy America Certificate within the 60 days of the Final Notice Letter (see below), the Region will inform the Project Manager, who will be responsible for notifying the Utility that they must submit the certificate. As per the terms of the Agreement, the Department may demand reimbursement for all costs previously paid to the Utility under the Agreement if it fails to
comply with the Buy America requirements.

After receiving the Buy America Certificate, the Region will retain the document with the project records, and e-mail a copy of the certification to the Section Chief for the Utility Management Unit, and copy the Project Manager.

10. Substantial Completion Notice and Final Invoice Limit

At Substantial Completion, the RE will notify the PM by memorandum that all utility work has been completed or if the utility work is not completed, the RE will notify the PM what utility work remains to be completed with an estimated timeframe for utility work completion.

The PM will send to the Utilities a FINAL ACCEPTANCE LETTER (available at http://njdotintranet.dot.state.nj.us/forms/utility.shtm) via certified mail return receipt requesting the Utility submit a final invoice within 60 days, and submit the Buy America Certificate of Compliance. The PM will copy the Regional Construction Engineer on this notice. If the Region has not received a copy of the notice for all utility agreements for a project, the Region will notify the PM and ensure that it has a copy on file. The Regional Construction Engineer will forward a copy the notice to the RE and Regional Invoice Coordinator. The RE will file the notice in Project’s Utility file.

All final invoices for costs incurred for relocation work are to be submitted to the Region within the time period established in the Utility Agreement. However, exceptions should be made for the following:

- when the Utility has not completed its work or
- when the Utility has provided notice and is awaiting the Department’s processing of a Utility Change Order to submit a final invoice.

If a Utility cannot submit an invoice within the required time frame, because of the exceptions noted above, then the PM must re-notify the Utility when there is no longer an impediment to establish a new date by which the final invoice must be received.

When submitting final invoices, the Utility must clearly indicate the words “Final Invoice” on the face of the invoice.

If the Region receives a final invoice from the Utility, or does not receive the final invoice within the required 60 day specified time frame, the RE will notify the PM that the utility agreement can be closed out. If an invoice was received, the PM must wait to close out the agreement until after it has been processed by the Bureau of Accounting.
ATTACHMENT B
NEW JERSEY DEPARTMENT OF TRANSPORTATION
DIVISION OF ACCOUNTING & AUDITING
EXPENSE DISTRIBUTION

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**CONTACT**

Ruskan, Steve

TELEPHONE: (908) 431-5715

**TOTAL**

$3,807.51

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**Services Performed**

Signature: [Signature]

Date: 5/23/12

**Audited By**

Signature: [Signature]

Date: [Date]

**Recommended For Approval**

Signature: [Signature]

Date: 5/24/12

**Verified By**

Signature: [Signature]

Date: [Date]

GEORGE CARROLL (SUPR ENG)

Print Name/Title

---

**REVIEWER/RE**

Print Name/Title

---

**MANAGER**

Print Name/Title