



TxDOT/ACEC Workgroups

Fireside Chat

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HELP

#EndTheStreakTX

End the streak of daily deaths on Texas roadways.

TxDOT.gov (Keyword: #EndTheStreakTX)



#EndTheStreakTX Toolkit





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- TxDOT/ACEC Workgroups

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- Future ACEC/TxDOT Joint Work Group Efforts

Current Workgroups



Meal receipt requirements for Invoice and Audits

Environmental Management System (EMS) training requirements

CEI scope improvements

PS&E Scope improvements

Impediments in invoicing

Cyber Security

LOE Tool Development

Errors & Omissions Policy

Meal Receipts for Invoice and Audit



TxDOT modified requirements:

- Meal receipts must be maintained for audit purposes
- Meal receipts do not have to be submitted with an invoice
- PEPS ODE Guidance
<https://ftp.dot.state.tx.us/pub/txdot/ppd/ode-guide.pdf>

Environmental Management System Training Requirements



Environmental Affairs Division clarification:

- The training is to focus on “Each key staff member of the Engineer’s project team...”
- EMS training matrix:
<https://ftp.txdot.gov/pub/txdot-info/env/ems/070-04-fig.pdf>

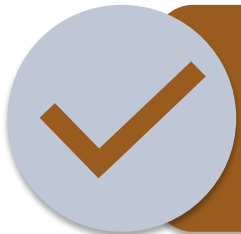
CEI Scope Revisions



Revised scope language that all could agree to use for future CEI work



Addressed concerns identified by General Counsel and Contract Services Divisions

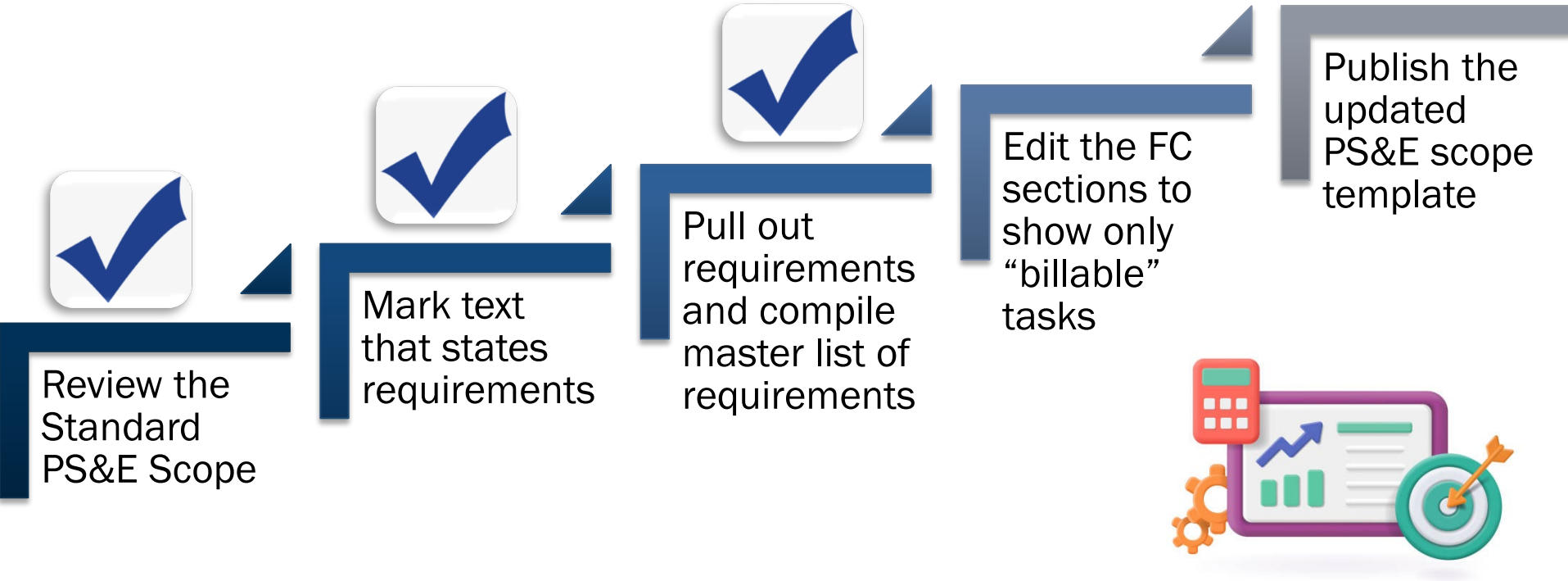


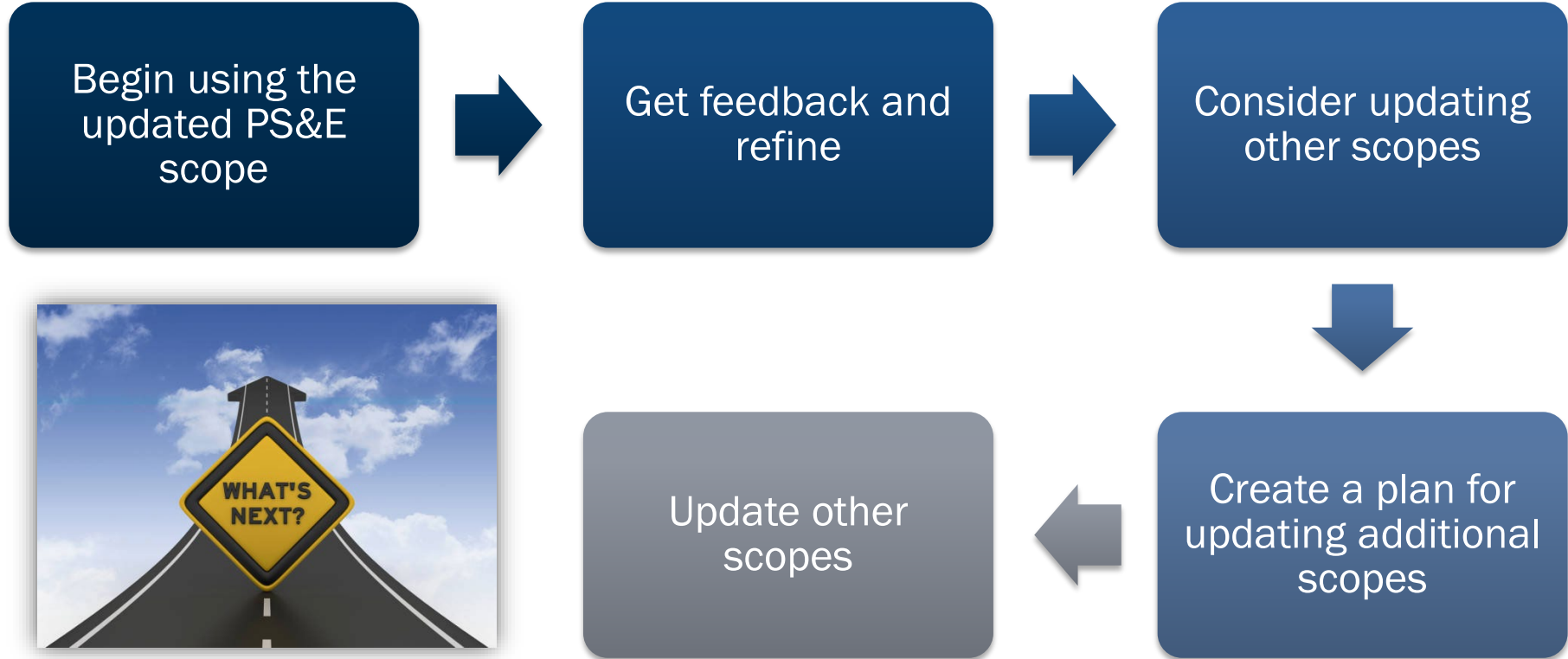
Changes will be piloted during next procurement wave (FY23 Wave 2 - December 2022)

LEGAL RELATIONS & RESPONSIBILITIES

- As a representative of TxDOT, the Engineer shall notify the State and the contractor of the contractor's failure to comply with the construction plans, standard specifications, special specifications, and special provisions.
- The Engineer is obligated to notify the State and contractor of compliance issues.
- The Engineer does not have the authority to direct the contractor's operations.

PS&E Scope Revisions





Cyber Security



Areas of concern:

- Smaller firms cannot afford to meet Texas cybersecurity requirements
- TxDOT Security Questionnaire (TSQ) questions are sometimes confusing and are answered “yes” without understanding

Errors & Omissions Policy and Dashboard



Conducted August 23, 2022, with PEPS, CST, and FIN

Rolled out the updates to the E&O process and new E&O tracking module in PS-CAMS

All 1E change orders identified after September 1st are input into the new PS-CAMS E&O module for tracking

PEPS, CST, and FIN are developing E&O reporting dashboard and cross checking with SiteManager to ensure each 1E change order is resolved

Invoice Impediments



Goal

Decrease problems
concerning the
rejection of invoices



Development of a frequently asked question document

TxDOT and Provider training

- Use of labor categories with zero hours
- 30-day provision for invoice submittals
- Escalation in supplemental agreements

Potential policy changes

Improvements to the Lump Sum Table of Deliverables

Improvements to the Invoice Template and process

Frequently Asked Questions and Responses

1. New Deliverables Submitted and Accepted date vs Beginning and Ending Billing Period Dates on templates.
 - a. The deliverable submission and acceptance date specifically applies to Lump Sum payment type only. For Lump Sum payment type, the Project Managers are not tracking when the work began and ended on a deliverable; the costs are considered incurred based on completion and acceptance of the deliverable.
2. 30-day submittal day requirement between invoice submittals and invoice revisions.
 - a. You can resubmit a rejected invoice once it is corrected, which fixes the identified deficiencies. This corrected invoice should be submitted as soon as possible. The resubmission of this invoice will not be counted as a second invoice, even if another invoice is submitted in that same month (30-day period), for a subsequent monthly billing period.

Frequently Asked Questions and Responses

3. Large Consultant Teams on Hourly contracts. All the templates, rates, time periods, backup documents, progress reports need to match. Need flexibility to include a consultant in later invoice or better understanding of criteria to avoid rejections for minor discrepancies
 - a. When a consultant bills for a billing period, it is expected that all costs associated with that period have been submitted. When a consultant submits a subsequent invoice for that same billing period, TxDOT must go back and re-evaluate all costs associated with that billing period to ensure that these costs are not duplicated in the previous invoice. Additionally, TxDOT authority to pay older invoice may be limited depending on when the costs were incurred, based on the legislative appropriate year that the cost occurred. As a reminder, the terms and conditions of the contract state that the Engineer is authorized to submit requests for reimbursement no more frequently than monthly and no later than ninety (90) days after costs are incurred.
4. Invoice Template Issues, CSJ Numbers not provided in Contract or new template changes mid-contract
 - a. The TxDOT Project Manager is to provide the CSJ number, Project ID number, or charge code to the provider so that the costs are charged to the appropriate cost center.

Frequently Asked Questions and Responses

5. Table of Deliverable milestones not met by TxDOT

- a. Services to be provided by TxDOT should not hold up a provider from doing their work within the agreed to work schedule. If TxDOT is delaying the project, a supplemental work authorization may be needed to add additional time, and potentially funds for the delay and potential costs caused by TxDOT.

6. Can only send one invoice per calendar month per project

- a. As indicated in the terms and conditions of the contract, the Engineer is authorized to submit requests for reimbursement no more frequently than monthly and no later than ninety (90) days after costs are incurred. However, this does not include the resubmission of a rejected invoice. A rejected invoice may be resubmitted as soon as the issues are corrected.

Frequently Asked Questions and Responses

7. Rejections for using the wrong district code, PCBU or CSJ
 - a. The invoice center needs to have the proper information in order to bill properly in Peoplesoft. If these numbers are entered incorrectly, billing and payment cannot properly occur. For a simple invoices, these minor errors may be corrected by TxDOT staff, however for more complex invoices these will be return to the provider for correction.
8. Rejections for using a Function Code that is not in the invoice template drop down box but specified by the TxDOT Project Manager
 - a. Function codes that are not within the invoice template drop down need to be requested by the TxDOT Project Manager to be added and the reasoning they are being utilized for the project.
9. Subconsultants late with sending an invoice to the Prime. Would be ideal if invoice could be submitted and late request could be handled as supplemental invoices
 - a. A provider should not knowingly submit an invoice that does not contain all of the costs associated with that specific billing period. Goes back to #3 above

Frequently Asked Questions and Responses

10. TxDOT Project Manager asks Prime to compile multiple months into a single invoice

- a. Under the terms and conditions of the contract, the provider is authorized to submit an invoice at a minimum monthly. The TxDOT Project Manager is not authorized to change those terms stated within the contract.

11. Table of Deliverables too complex when wanting to bill monthly with multiple CSJs

- a. The Table of Deliverables is a negotiated element of the contract. It should be developed with the intent to allow invoicing at least on a monthly basis. Billing frequency and the type of deliverables and interim deliverables should be discussed during the negotiation phase of contract or work authorization development.

12. Requires significant time to assemble invoices but TxDOT will not reimburse this time

- a. For most providers, the costs associated with the accounting functions, including invoicing is typically included in the indirect cost rate. So the cost for invoicing is included as an indirect costs, through the application of the Indirect Cost Rate.

Frequently Asked Questions and Responses

13. TxDOT Districts collapsing Exhibit D if no hours estimated in a Job Classification

- a. While it is not appropriate to include every possible labor category in a work authorization, it is appropriate to include labor categories that may be needed, but to include no hours for them. Should the need arise, the more appropriate labor category can be substituted in using hours that are dedicated to that task but assigned to another category.

14. Unable to bill job classifications on Specified Rate jobs unless the category is in Exhibit D

- a. See the response to #13

Frequently Asked Questions and Responses

15. Unable to move unused ODE budgets to cover overage on FC budgets:

- a. The level of effort estimate on a work authorization is divided into various tasks under broad categories of work called function codes. While the maximum not to exceed on the work authorization is a hard number, not to be exceeded, the estimates at the function codes are considered estimates, which when performed the costs may vary above or below the estimate. Small variations should not be of concern, however when they vary significantly questions should be asked by the project manager to determine the cause of the variance, which may require a supplement.

16. Unable to move budgets between FC for same firm without a supplemental

- a. See the response to #15.

17. Unable to move budgets between subconsultants without a supplemental

- a. See the response to #15.

Frequently Asked Questions and Responses

18. Adding escalation by supplemental but only applies to new work authorizations

- a. A provider is allowed to begin using a higher rate on an existing work authorization, once the higher rate becomes effective in the contract. However, there will not be an adjustment to the maximum amount not to exceed identified on the work authorization.

19. District Project Managers need an automated report to allow them to check district wide budget status, WA status, and contract status.

- a. Information on the status of the work authorizations and contracts can be found in PSCAMS as well as on the Contract & Work Authorization Utilization Tableau Dashboard. The District should have a status of their own consultant budget utilization status.

Frequently Asked Questions and Responses

20. District issues appear to be on the front end of the invoice process in getting the invoice prepared, submitted, and then processed for Project Manager signature.
- a. The preparation and submittal of the invoice is the responsibility of the provider. The TxDOT Project Manager should know the interval in which the provider will be submitting invoices and should have time set aside to review the invoice when it is expected to be submitted.
21. District Project Managers are resistant to changing the Table of Deliverables through to supplemental agreement
- a. Any agreement changes need to be done through a supplemental agreement or supplemental work authorization to protect both TxDOT and the provider. TxDOT cannot pay for something that is not within the contract or WA.
22. It would be helpful to better understand the background of the 30-day invoicing rule
- a. See the response to #6



Development of a frequently asked question document

To be posted on our PEPS Internal and External Web Pages



TxDOT and Provider training

PEPS will be updating CST Training as well as holding joint training sessions with ACEC



Potential policy changes

Evaluating opportunity to use a percent based, schedule driven system in place of TOD



Pilot projects in AUS District to replace the Table of Deliverables

Mid-year Improvements to the Invoice and process and Template

Future Workgroup Efforts

What's on the Horizon?

Preclusion timing for
Prime and Sub
Consultants

Preclusion of Prime and
Sub Consultants for working
with Developers and TxDOT
within the same corridor

Escalation of Rates for
Inflation

Application of Escalated
Rates when added as a
supplemental work
authorization

Questions





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