**Statement Covering Utility Construction Contract Work – In the State’s**

**Highway Construction Contract**

**(As Referenced in Form ROW-U-48, Option E)**

**Work Responsibilities**

1. The **Utility**shall provide the following services under this contract:
   1. Responsible for engaging the services of a Texas Registered Professional Engineer to prepare drawings and technical specifications for relocations and adjustments along      .
   2. Provide the plans and specifications to the State to include in the current planning specifications and estimate package being prepared by representatives of the Texas Department of Transportation’s       Area Office.
   3. Secure all necessary permitting as may be required for the installation of the       line.
   4. Arrange and coordinate with the contractor, through the State, materials and equipment testing, rejection of all work not conforming to minimum requirements of the construction contract documents, maintenance of the proposed       during construction, and the relocation of       and connection of services to customers.
   5. Advise the State of work that Utility determines should be corrected or rejected.
   6. Arrange, observe, and inspect all acceptance testing and notify the State of the results of these activities.
   7. Provide inspection services for the construction, notify the State of defects and deficiencies in the work, and observe actions of the contractor to correct such defects and deficiencies.
   8. Assume all responsibility for the maintenance of the existing       during and upon completion of the construction contract.
   9. Ensure all Texas Commission on Environmental Quality and all other regulatory rules, regulations and laws are strictly adhered to.
   10. Prepare and submit both a certificate of substantial completion and a list of observed items requiring completion or correction for the relocations and adjustments to the Project Engineer for concurrence.
   11. Coordinate all construction activities performed by Utility’s staff for the relocations and adjustments through the Project Engineer.
2. The **State** shall provide the following services under this contract:
   1. Combine the       relocation and adjustment plans with the plans being prepared for the Project.
   2. Review and approve the final construction plans prior to any construction-related activities. In order to ensure federal and/or state funding eligibility, projects must be authorized by the State prior to advertising for construction.
   3. Advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project.
   4. Negotiate and administer all field changes and change orders required for the Project. All change orders increasing construction costs for Utility’s Project shall be submitted to Utility for review and approval together with an evaluation. Utility agrees to review and either approve or disapprove all change orders within five (5) business days after receipt of such order unless Utility Board’s approval is necessary in which case Utility shall bring the item to Utility Board as soon as reasonably possible.
   5. Provide overall project management to supervise the day-to-day activities of the construction and monitor the activities of the contractor to promote the timely and efficient completion of the Project in accordance with the approved Plans and Specifications and construction schedule.
   6. Conduct field observations and coordinate with Utility’s inspectors and the contractor to cure defects and deficiencies in the construction prior to final acceptance.
   7. Make timely payment to the contractor for work performed in connection with the Project.
   8. Ensure access and permit Utility’s inspectors and other authorized representatives to inspect the waterline construction at all times.
   9. Conduct and coordinate final inspection of the Project in the presence of Utility’s Engineer and Inspector, transmit final list of items to be completed or repaired and observe contractor correction of same.
   10. Maintain job file.