

MASTER UTILITY AGREEMENT PROCESS



JENNIFER M. PORTER, ESQ.

CHIESA SHAHINIAN & GIANTOMASI PC

ONE BOLAND DRIVE, WEST ORANGE, NJ 07052

JPORTER@CSGLAW.COM 973.530.2071

STEP BY STEP PROCESS

- Identification of Interests
- Due Diligence & Info. Gathering
- Initial Contact and Meeting
- Development of Agreements
- Title, Survey & Mapping
- Negotiation & Execution
- Progress Meetings & Updates
- Post-Execution Activities

STEP 1: IDENTIFICATION OF INTERESTS

- Identify utilities that are:
 - potentially impacted by the project; or
 - own or have an interest in property, roadways, ROW, utility infrastructure, etc. within the limits of the project ROW



STEP 2: DUE DILIGENCE & FACT GATHERING

- Analyze existing agreements and property interests (licenses, easements, fee interests) held by utilities from available information
 - Prior correspondence between agency/utility
 - Agency records
 - Land records/Title



STEP 3: INITIAL CONTACT & MEETING

- Initiate contact with each utility
 - Discuss the location of utility infrastructure within the project ROW
 - Set up initial meeting
- Meet with each utility
 - Discuss the project and illustrative design. The procurement process with the bidders and the need for creation of a MUA to coordinate the design and construction of the project
- Establish points of contact
 - Technical
 - Legal

STEP 4: DEVELOPMENT OF AGREEMENTS

- Develop MUA template with baseline provisions
 - utility adjustment work, obligations (coordination, design review, construction, inspection); right of entry, responsibility for utility adjustment costs, dispute resolution, insurance, indemnification, etc.
- Provide each utility with design drawings and a template agreement for review/comment



STEP 5: TITLE, SURVEY & MAPPING

- Analyze title, survey, project documents and information provided by the agency/utility to begin individualizing the MUA to specifically identify the utility infrastructure, work specifications, etc.
- Work with the agency, consulting engineers and title/survey consultants to identify/address all known and missing title and survey work required to properly identify all utility and agency interests
- Identify easements, long-term property interests to be acquired (for utilities, identify additional ROW or lease area that may be required in the event of relocation).

STEP 6: NEGOTIATION & EXECUTION

- Negotiate the individual terms of each MUA
- Obtain technical specifications from each utility
- Create timelines for review of submittals, inspections & approvals required
- Address all modifications to the baseline MUA provisions with the agency and consult with other departments as needed
- Verify consistency of modified terms with any project agreements for the prospective bidders/selected developer
- Address comments/changes to the MUAs with utilities, as needed
- Finalize agreements and arrange for execution by utility and agency and for board authorization, to the extent required

STEP 7: PROGRESS MEETINGS & UPDATES

- Conduct weekly progress meetings with the agency and project team to address the status of each MUA and next steps for finalization; timeline considerations
- Provide periodic updates to the agency's procurement department regarding the status of all MUAs and provide agreements to bidders for use in preparing bids, anticipating costs and for addressing other project specific needs

STEP 8: POST-EXECUTION ACTIVITIES

- Post executed MUAs to the collaboration portal for review/consideration by bidders/selected developer and agency
- Identify need for additional agreements post-construction governing long-term maintenance or jurisdiction
- Prepare post-execution binders

QUESTIONS?

Jennifer M. Porter

Member

Chiesa Shahinian & Giantomasi PC

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jporter@csglaw.com

