

Section 8.12

JOINT PARTICIPATION AGREEMENTS (JPA)/UTILITY WORK BY HIGHWAY CONTRACTOR'S AGREEMENT (UWHCA)

8.12.1 PURPOSE

This procedure outlines the District Final Estimates Office (DFEO) personnel's responsibility with the different entities known as the Utility Agency Owners (UAOs) that do business with the Department. To avoid duplication of text, this procedure will refer you to the necessary websites for the appropriate information on paid off status, refunds, review and approval of a Tentative Acceptance Agreement (TAA), etc. between these UAOs and the Department.

8.12.2 AUTHORITY

[Section 339.135\(6\) \(a\), Florida Statutes \(F.S.\)](#)

8.12.3 DEFINITIONS

Tentative Acceptance Agreement (TAA): An agreement to partially refund a Utility Agency Owner for an over estimated deposit on a utility project.

Non PTO: Non Public Transportation Office.

Boilerplate Language: Standard pre-approved financial provision language.

8.12.4 REFERENCES

[ProcedureNo.350-020-300, Locally Funded Agreements \(LFA\) \(Non PTO\) Financial Provisions and Processing-](#) Office of Comptroller.

[Procedure No. 350-020-301, Financial Provisions For Joint Participation Agreements \(Non PTO\)](#) Office of Comptroller.

[Procedure No. 350-020-305, Partial Utility Refund/ Tentative Acceptance Agreement \(TAA\),](#) Office of Comptroller.

[Local Funded Agreements Handbook](#) – Office of Comptroller.

[Procedure No. 700-050-005, Review & Administration Manual](#)

8.12.4 SCOPE

This procedure will be used by Construction, Final Estimates, Office of Comptroller, General Accounting Office (OOC-GAO), and UAO personnel who are charged with the responsibility of documenting and verifying tentative final pay quantities related to the utility project and processing appropriate documentation to determine if a refund from any excess funds on deposit from the UAO is warranted.

8.12.5 BACKGROUND

In order to expedite construction projects, the Department may let utility projects with the Construction Contractor's Contract. By [Florida Statute \(Section 339.135 \(6\) \(a\) F.S.\)](#), UAO's are required to deposit their share of the cost of doing the utility work prior to awarding the Contract. Historically, refunds of any excess deposit (deposited amount less recorded costs of the utility work including allowances) to the UAO did not usually occur until completion of the entire Construction Contract (longer in duration than the time required for the utility work). This procedure will refer you to the proper links to establish the necessary steps to follow, and to allow the refund of the utility participant's portion of any excess deposit before completion of the entire Construction Contract.

8.12.6 GENERAL INFORMATION

Prior to 2001, all utility agreements were labeled Joint Participation Agreements (JPA).

Today, JPA's are stand-alone Contracts between the Department and another entity. Pursuant to these JPA's, the Department will reimburse the participant for the work the participant performed. TAA's will not be submitted for the completion of a JPA. Use the standard financial provisions to reimburse the participant for the work the participant performs. JPA's are to be processed in accordance to the [Contract Funds Management Approval Manual](#) and the [Disbursement Handbook](#). Any reimbursement agreement drafted without the standards financial provisions from Office of Comptroller - [Procedure No. 350-020-301 – Financial Provisions for Joint Participation Agreements \(Non PTO\)](#) shall be considered a modified agreement. All modified agreements must be submitted to the Department's Comptroller or designee for approval.

See [Procedure No. 350-020-301 Financial Provisions for Joint Participation Agreements \(Non PTO\)](#) for modifications to standard financial provisions, submittals, etc.

There are many types of JPA's that are available: An LFA is a type of a JPA. (If the Department receives an estimated amount of money from the participant prior to work, it is an LFA. If money is not received from the participant, it is not considered an LFA.) The OOC-GAO LFA Section only processes LFAs.

8.12.6.1 Locally Funded Agreement (LFA)

On LFA's, local funds are deposited with the Department in order to fund the project specified in the agreement, and because LFA projects are essential to the production of the Department's Work Program; financial provisions in the agreement establish criteria (boilerplate language) for the deposit and maintenance of the funds to be used for the project.

TAA's are used only when the UAO contacts the District, and asks to be partially refunded. After receipt of all the necessary documentation, a review will be performed by the District Final Estimates Manager (DFEM) in accordance with the Review & Administration Manual (R & AM). The Department's DFEM should then sign the TAA and forward the agreement and a copy of the latest progress estimate to the Department's District Utility Office (DUO). After the DUO's review, the original TAA with a cover letter and the copy of the progress estimate is then sent to the Office of Comptroller – GAO LFA Section. For further information, see [Procedure No. 350-020-305 - Partial Utility Refund/TAA](#).

[See Procedure No. 350-020-300 - Locally Funded Agreements \(Non PTO\) Financial Provisions and Processing](#) for guidance on how to process an LFA.

Note: It is also recommended that you refer to the *LFA Handbook*. This handbook goes into detail explanations on LFAs, it provides you with the necessary contact persons for questions, and provides the necessary forms needed, and more.

The Districts are advised to contact their District JPA-LFA Coordinator for any information before they contact the DOT Office of Comptroller.