



Professional Engineering Procurement Services (PEPS) Division
Guidance on Other Direct Expenses (ODE)
for Engineering, Surveying, and Architecture Contracts

The purpose of the contract is to define, not only the legal provisions, but also the scope of work, payment type(s), and the basis for payment that includes the rate schedules. The information below is written primarily in the context of indefinite deliverable (ID) contracts, although most of the information is applicable to both specific deliverable (SD) and ID contract types.

The State (TxDOT) is responsible for developing and negotiating contracts to obtain the needed services at a fair and reasonable cost to ensure the services and products provided are of the quality expected. The contract is the tool for accomplishing this effort and each component is intended to serve as a control for managing the process and enforcing the agreement.

Without necessary controls, however, the risk increases that TxDOT will pay more than necessary for the needed service, or what's worse, for a mediocre or poor quality product. The contract scope (Attachment C) controls the work. The contract fee schedule (Attachment E) must include the schedules of rates to control the direct (labor and non-labor) cost categories, rates, and requirements for reimbursement, in addition to indirect cost (overhead) and profit rates.

These are the primary cost controls. The other attachments control other aspects of the contract, but are not covered in this document. A detailed scope of work and negotiated level of effort are the primary controls at the Work Authorization (WA) stage for ID contracts.

It is essential that all the payment controls be negotiated at the contract level. It is important to understand that a WA is part of, and controlled by, the contract. A WA cannot change or define what is, or should be, in the contract. A cost category or item cannot be included in a WA if the category or item is not specifically addressed in the contract.

Other Direct Expenses (ODEs)

Other direct expenses are non-labor direct expenses associated with a project that are reimbursable according to the requirements and negotiated rates at the contract level. The emphasis being that controls in the form of a fixed cost per unit or a maximum cost per unit must be identified in Attachment E of the contract for items to be reimbursed. The ODEs identified in the contract will be used to negotiate reimbursable expenses in the WA.

There is an increasing trend of contracts being submitted with too many ODE items left unaddressed. Where a fixed cost is not applicable, a maximum cost must be identified for each ODE item (no exceptions). In order to minimize delays, it is recommended all ODE items and associated costs in the WA be reviewed thoroughly for consistency with the ODEs that are part of the contract, and that all applicable ODEs have been included in the level of effort (LOE) negotiated for the particular WA, prior to submittal for execution.

Controlling Other Direct Expenses

Generally, it is the intent to reimburse the ODEs necessary to perform the scope of work. It is commonly questioned why these expenses need to be addressed in the contract if the actual cost is going to be reimbursed. The simple response is to control the provider's consideration of the actual cost before it is incurred. If TxDOT is going to reimburse the actual cost of a plane ticket, there should be some incentive (or disincentive) for the provider when selecting between the \$500 and \$800 round trip, or the \$45 per day rental car and the \$65 per day option.

Another common question is why bother when the percentage of ODEs is so small compared to the overall contract cost. Based on a large sample of SD contracts, and then depending upon the type of project, the percentage of ODEs ranges from a little over one percent to over ten percent per contract.

Although smaller in comparison to the whole, the cost of ODE items is not insignificant. For comparison, it is typical for a one to two percent difference in the profit rate to be very meaningful to the TxDOT negotiator, so the value and control of ODEs should be as significant.

For an agency that spends hundreds of millions per year on consultants, it is simply good contracting practice to incorporate reasonable, but meaningful spending controls when negotiating the contract, and then the WA.

Work Authorization Negotiation

With the appropriate scope of work and rates negotiated and defined in the contract, what is left to be negotiated within a WA is:

- The specific work assignment (detailed scope of work) with deliverables
- Categories of direct labor
- Level of effort by labor category
- Unit Cost (UC) items and quantities of UC items (if applicable)
- Other direct expense items and quantities of the ODE items

In addition to the items above, where a “maximum”, rather than “fixed” rate was set in the contract, a representative rate of what’s expected must be identified in the WA (that does not exceed the contract maximum) for use in developing the total WA cost.

- For other (non-labor) direct expenses, this applies to all payment types where only maximum costs were identified.
- Depending on the item and the scope of work, the maximum, or a cost less than the maximum, should be used to calculate the WA total.

With the primary cost controls defined in the contract, as well as numerous other significant controls, it is important that anyone involved with the development and management of WAs, or review and processing of invoices have a copy of the contract, in addition to the WA.

Any category and cost referenced in a WA or invoice should correspond directly to, and be verified against, a matching category in the contract.

PEPS Rate Schedule Format Improvements

A separate table of ODEs for each payment type is not needed. Options for consolidating ODEs for multiple team members - or - payment types is described below.

Format of Negotiated Costs

For clarity, the example format below is part of the Rate Schedule Template shells.

Example of Other Direct Expenses in a Contract

Type	Unit	Fixed Cost	Maximum Cost
Lodging (taxes/fees not included)	Day/Person		Current State Rate
Meals (overnight stay required)	Day/Person		Current State Rate
Mileage	Mile	Current State Rate	
Car Rental	Day		\$10.00
Air Travel - In State	Rd Trip/Person		Coach
11"x17" copies	Sheet	\$10.00	
Overnight Mail – Letter Size	Each		\$10.00

Profit not allowed on Other Direct Expenses.

For Cost Plus Fixed Fee, Specified Rate, and Unit Cost - Fixed cost items to be billed at the fixed cost rate. Documentation, such as a usage log, must be maintained for audit purposes, and may be required to be submitted as a basis for reimbursement. For items with a maximum cost, actual cost to be billed not to exceed the maximum shown. Expenses shown at a Current State Rate are billed at the rates that are in effect at the time that the expense is incurred. Itemized receipts must be maintained for audit purposes, and may be required to be submitted as a basis for reimbursement. **For Lump Sum** - Documentation is not required. Invoicing is paid according to the Table of Deliverables, and it includes labor and other direct expenses.

***NOTE: For Cost Plus Fixed Fee, Specified Rate, and Unit Cost** - Miscellaneous other direct expenses up to \$150 per unit will be reimbursed at cost if approved and documented in advance by the State's Project Manager. Miscellaneous other direct expenses greater than \$150 per unit will not be reimbursed unless a supplemental agreement to the contract and work authorization (if WAs are used) has been executed in advance, authorizing the miscellaneous other direct expenses. No more than \$5000 in miscellaneous other direct expenses may be approved by the State's Project Manager over the life of this contract including prime provider and subproviders. **For Lump Sum** - This statement does not apply.

***Reference the notes in the ODE table for your specific contract.**

For each type of expense, a unit must be identified in addition to either a fixed cost to be reimbursed per unit, or a maximum cost not to be exceeded per reimbursable unit, with actual rates billed. The note at the bottom of the table is worded to be included “as is”, with no modifications necessary, regardless of the one or more payment types selected. The words “at cost” or “actual cost” should never show up in the table for any payment type.

Without this minimum information, it is not clear to the provider what the controls are for cost reimbursement which can result in reimbursable rates being exceeded and costs being invoiced incorrectly.

At the same time, without this minimum information, it is not clear what the controls are for cost reimbursement for the state person reviewing and processing invoices. This can result in confusion, incorrect payment, and unnecessary delay in processing invoices.

Consolidation of Other Direct Expenses

The average engineering contract team will consist of a prime provider and three to four subproviders. For ODEs, it is not uncommon to see many of the same categories for each team member with either identical or different rates.

From a practical standpoint, except for items and rates that are unique to a particular firm or the services they provide, it does not make sense to see multiple rates for the same item within the same contract. It does not make sense to see a rental car rate of \$65 per day for the prime and \$55 per day for a subprovider, or a maximum overnight delivery rate of \$12 per package for the prime and \$14 per package for the subprovider without any clarification for the differences. That is why PEPS has combined the ODEs for the prime provider and all subproviders into one rate table.

Identifying Other Direct Expenses in the Work Authorization

The types of ODEs to be incurred by the provider and reimbursed by TxDOT depend on the type of work to be issued under the contract. For PS&E work, the list of ODE items expected can be fairly small. For advance planning and other projects that can involve a more significant variety and range of tasks, the types of ODE items required can be fairly extensive.

It is important that the TxDOT PM work with the prime provider to ensure, within reason, that the list of potential ODE items be as comprehensive as possible. In addition, the provider should be encouraged to coordinate thoroughly with their subproviders to ensure that potential items are adequately addressed.

Thoroughness at the contract stage will minimize the time needed to add a necessary, but overlooked, item later when negotiating the WA, and will minimize the potential for the provider to incur a necessary cost without the ability to be properly reimbursed.

Other Direct Expenses versus Unit Costs

With ODEs, the emphasis is on “non-labor” direct expenses. Negotiated rates for items associated with Unit Cost (UC) payment method should not be confused with ODEs.

Lab tests, typically found in the geotechnical engineering contracts, are UC items because the one rate includes all direct (labor and non-labor) costs, indirect costs and profit. The UCs, by definition, includes these components and therefore should not be grouped with ODEs. They should be listed and labeled as UCs with the appropriate supporting notes found in the UC rate table template that is part of Attachment E.

Other Direct Expenses Related to Travel

The primary categories related to travel are:

- ✓ hotel/lodging
- ✓ meals (per diem)
- ✓ mileage
- ✓ vehicle usage
- ✓ air travel
- ✓ taxes and fees
- ✓ miscellaneous other direct expenses

Reimbursement rates for hotels/lodging, meals (per diem) and mileage are set by legislature, and are subject to change. The best practice for controlling expenses for hotels/lodging, meals, and mileage is to limit these according to the “Current State Rate” as indicated in the example table shown above under the section **Format of Negotiated Costs**. Referencing “Current State Rate” in the contract, rather than a specific number eliminates the need for a supplemental agreement (SA) when there is a change in the rates.

For lodging and meals, the 81st Texas Legislature set the State Per Diem rate to the Federal Per Diem rate, which can be found on the US General Services Administration (GSA) website at: [GSA Per Diem Rates](#)

The rates for hotels/lodging and meals are identified as maximums because the intent is to reimburse the actual cost “not to exceed” the identified rate for the specific city of travel, as listed on the GSA webpage at the link shown above.

- **Hotel/Lodging**

- **Conventional Hotel/Lodging**

- It is common for hotels/lodging in any city to offer government rates. Some hotels/lodging requires proof of government business, but most do not. If needed, the provider may request that the TxDOT PM provide a letter indicating the provider’s responsibility on a particular contract or project. This letter can be used for justification. (Note: State and local taxes are not exempt for state travel.)

- Click on the GSA link shown above to search for the maximum allowable rate for the specific city of travel. The maximum rate shall be used for calculations in the WA. TxDOT will reimburse the actual amount paid, up to the allowable rate shown.

- **Shared Hotel/Lodging**

- The amount invoiced for each person shall include sufficient detail and documentation to support the request for reimbursement. If more than one person shares a room, the reimbursement amount for each individual is limited to one-half of the allowable double occupancy rate shown for the city of travel. The daily amount for each person shall not exceed the current state rate.

- **Long Term Lodging Rentals**

- For long term projects and where conventional lodging is not available or is not an economic option, long term housing such as an apartment, house, or other lodging suitable for long-term use may be used.

- The provider must obtain approval from the TxDOT PM for the use of lodging on a long-term basis (e.g., weekly or monthly). The daily lodging rate is computed by dividing the total lodging cost by the number of days of occupancy for which the

traveler is entitled to per diem, provided the cost does not exceed the daily rate of conventional lodging. Otherwise the daily lodging cost is computed by dividing the total lodging cost by the number of days in the rental period. Reimbursement may not exceed the maximum daily per diem rate for the city of travel (project location).

The following expenses may be considered part of the lodging cost:

- The rental cost for a furnished dwelling; if unfurnished, the rental cost of the dwelling and the rental cost of appropriate and necessary furniture and appliances (e.g., stove, refrigerator, chairs, tables, bed, sofa, television, or vacuum cleaner); and
- Cost of connecting/disconnecting and using utilities.

When negotiating long term lodging (e.g., apartment, house) the cost will be negotiated as a maximum cost, not a fixed cost.

On long term projects where an employee is lodging near the project site, TxDOT will reimburse meals and lodging expenses over non-workdays such as holidays or weekends, so long as the employee is required to work at the project after the non-work days. In determining whether an employee should stay at the project site or travel home during the non-work days, will depend on which is the most cost effective, so long as there is no impact to work on the project.

Lodging with friend(s) or relative(s). Reimbursement will not be provided.

Personally-owned residence. Reimbursement will not be provided.

Recreational Vehicle (RV) (i.e.: trailer/camper). TxDOT will not reimburse any expenses associated with the purchase, sale, or payment of a personal or company owned recreational vehicle or camper.

The TxDOT PM may approve reimbursement for expenses associated with the use of an RV in lieu of other types of lodging. Reference the **Long Term Rental** section for more information, if applicable.

The following expense may be considered part of the lodging costs when RVs are used:

- The cost for parking the RV (i.e.: parking in an RV park),
- Costs for connection, use, and disconnection of utilities (i.e.: electricity, gas, water and sewage, bath or shower fees, and dumping fees).

Additional detail on hotel/lodging reimbursement can be found at:

<https://www.gsa.gov/portal/content/104621>

Hotel/Lodging Taxes

Taxes and fees for hotel/lodging are reimbursed as a separate line item from the actual room rate in the invoice. (For more information, see **Taxes and Fees** section of this document.)

- **Meals (Per Diem)**

Search the GSA webpage for the maximum allowable rate for the specific city of travel. The meal rates are shown under the column heading **M&IE** on the rate schedule shown for the city of travel.

When an individual or several individuals are utilizing long term housing, they may wish to seek reimbursement for food purchased at a grocery store. This is acceptable; however it will be in lieu of a daily rate for meals. The amount negotiated cannot exceed 75% of the daily per diem rate for the period of use (e.g. one week). The request for reimbursement must identify the individuals, the time period of use (e.g. one week), and the food receipts.

Incidental Expenses (IEs)

The federal per diem rates include \$5.00 in IEs. The \$5.00 shall be deducted from the GSA total rate shown for the city of travel. These IEs may include parking, taxi service, and tolls that should be included in the ODE rate schedule under separate line items to be reimbursed.

TxDOT does not reimburse tips, alcoholic beverages or other IEs other than actual costs incurred for allowable meals. Per federal guidelines the per diem rates are reimbursed at 75% of the maximum allowable rate shown for the city of travel for the first and the last day of travel.

GSA Breakdown on Meals and IEs

[GSA Meals and Incidental Expenses Breakdown](#)

Click on the following link to calculate the allowable rates by city of travel:

[GSA Per Diem Rates](#)

Use the following tool to calculate the allowable Hotel/Lodging maximum rate for the city of travel, and the allowable Meal rates. The meal rates with this tool will automatically calculate the meals at 75% for the first and the last day of travel since those days are not a 24 hour stay. (Note: You must deduct the incidental expense amount of \$5 per day for the meal allowance, even for those days that are reimbursed at 75%.

Reference the **GSA Meals and Incidental Expenses Breakdown** link shown above for a breakdown on meals - breakfast/lunch/dinner),

To calculate travel rates, use the per diem calculation tool found at:

[GSA Travel Resources - Per Diem and Lodging Calculation Tool](#)

- **Mileage**

The mileage rate is identified as a fixed rate because the state rate per mile will be used to calculate the reimbursable amount for the actual number of documented miles driven for the project as indicated in the WA.

Mileage will be reimbursed at the **current state rate at the time that the expense was incurred**. The mileage rate shown in the WA is a basis of calculations to arrive at the maximum amount payable for the WA.

The fluctuation in mileage rates will not be a cause to increase the overall amount for the WA. The mileage rate calculated for Lump Sum WAs will not be adjusted if the current state rate changes during the life of the WA.

Travel from Point to Point

Company or personal vehicles: Reimbursement for mileage will be paid at the current state rate at the time that the expense was incurred. Distance will be calculated from departure point to destination point. Should a provider have more than one office within the state that provides the same services, the

departure point will be considered from the provider's closest office providing the services to the project site or destination.

When overnight travel is involved, miscellaneous mileage such as to and from the lodging facility to the project site is an allowable expense. Mileage for construction inspection and materials engineering (i.e.: to collect samples) within the project limits is allowed with documentation such as usage logs as indicated below. If mileage is charged, fuel charges will not be allowed.

When mileage is charged, a mileage usage log must be maintained to support the charge, which includes at a minimum travel dates, times, locations, and mileage traveled. Travel from a personal residence to the final destination will not be reimbursed if it exceeds the distance from the provider's closest office to the final destination.

Additional Information on allowable mileage rates can be found at:
[GSA - Privately Owned Vehicle \(POV\) Mileage Reimbursement Rates](#)

- **Vehicle Usage**

Construction or Equipment Truck: Reimbursement will be made on a daily or monthly basis. The reimbursement rate includes all costs of operating the construction or equipment truck. When using this rate, mileage cannot be charged. If the truck is used on more than one project, then the cost must be shared across the projects.

Provider owned vehicles that are included and listed as part of the inventory for calculation of the overhead (or indirect cost) rates will not be reimbursed as a direct cost.

Personal Vehicles: Reimbursement must be approved by the TxDOT PM prior to the use of personal vehicles on the project. Reimbursement will not be made for anything other than mileage. (Reference the detail under **Mileage** section above for mileage usage log requirements.)

Car/Vehicle Rentals: For car/vehicle rental, there can be two to three rental agencies under contract, each with different rates for each type of car/vehicle. There is no one rate by type.

As a result, there is no one state rate to reference that is applicable to a provider when negotiating a rate for car/vehicle rentals. The provider should research a range of vendors to determine what maximum rate is reasonable when negotiating with TxDOT.

Taxes and fees for car/vehicle rentals are calculated and included in the “Maximum Amount” not to exceed on the ODE rate schedules.

Fuel reimbursement will be reimbursed for the actual cost incurred, up to the maximum amount negotiated. A mileage log from the provider, along with the fuel receipt may be requested to support the reimbursable amount of fuel used for a vehicle rental. Reimbursement for mileage does not apply.

Additional information on rental car federal rules can be found at:
<https://www.gsa.gov/portal/content/186371>

Background Material can be found at:
[GSA Rental Car FTR](#) [PPTX - 835.78 KB]

- **Air Travel**

Air travel is similar in that there can be multiple airlines under contract to provide negotiated rates by origin/destination for state employee travel. These rates are not applicable to a provider.

For provider’s air travel, there are several different ways to identify a control. The most flexible option is to indicate “Coach” as the maximum cost with no identification of origin and destination. If the provider does not obtain a coach (lowest-price class) class ticket, documentation of the coach rate, at the time of travel, must be provided to be eligible for reimbursement.

If the origin and destination is known at the time that the contract is negotiated, then a maximum dollar limit for coach class should be identified in the description. This would normally apply to a SD contract, and would ensure the understanding that the rate is limited to coach class not to exceed the dollar limit indicated. Categories can also be shown for both normal and short notice, if appropriate.

Use the air fare finder tool on the **GSA Airline City Pairs** (link shown below) as a basis of estimating the air travel expense for air travel estimate in an SD contract, or a Work Authorization. Reference the **Govt YCA Fare** for unrestricted “coach” rates for the city of travel. All fares are listed one-way and valid in either direction.

Domestic fares include all existing federal, state, and local taxes, as well as airport maintenance fees and other administrative fees. Domestic fares do not include fees such as passenger facility charges, segment fees, and passenger security service fees. (Note: The rates shown do not include additional fees for baggage. Click on the airfare rate to calculate baggage fees, and calculate as a separate line item for Other Direct Expenses.)

The airfare estimate tool can be found at:

[GSA Airline City Pairs - Airfare Estimate Tool](#)

- **Taxes and Fees**

Hotel/Lodging:

Taxes and fees for hotel/lodging are reimbursed as a separate line item from the actual room rate in the invoice.

Lodging taxes paid are limited to the taxes on reimbursable lodging costs. For example, if the current State rate is \$50 per night, and the provider elects to stay at a hotel that costs \$100 per night, the provider can only claim the amount of taxes on \$50, which is the maximum authorized lodging amount.

Car/Vehicle Rental:

Taxes and fees for car/vehicle rentals are included in the “Maximum Amount” not to exceed on the ODE rate schedules, and will not be reimbursed as a separate line item in the invoice.

For additional information on Hotel/Lodging, Per Diem, and Mileage, references the GSA website on Allowable Travel Expenses at:

Travel Resources: <https://www.gsa.gov/portal/category/26429>

Federal Travel Regulations: <https://www.gsa.gov/portal/category/21222>

- **Miscellaneous Other Direct Expenses**

As mentioned above, the contract should include adequate controls, such as a well-scope of work and reasonable fixed or maximum rates per direct labor category and ODE items. An item identified in the development of a WA cannot be included if it is not identified in the contract.

If, however, during the course of a WA, an unexpected miscellaneous item is needed, it is possible for the TxDOT PM to authorize the provider to incur the expense for reimbursement.

There are three controls that limit this authority:

1. TxDOT authorization must be **in advance** of incurring the cost.
2. The cost **per unit** is limited to ***\$150 or less**.
3. The total that can be approved in **one contract** is limited to ***\$5000**.

*Reference the notes in the ODE table for your specific contract.

Recurring expenses that are not part of the contract or WA should be added to the contract by supplemental agreement (SA), and then to the WA by supplemental work authorization (SWA), as applicable.

The limited authority emphasizes the need and importance of a thorough approach to scoping the work and anticipating potential costs at the time of negotiations. TxDOT will track, in one place, approvals for miscellaneous other direct expenses, and the total amount of these expenses that are approved for the contract.

Keep in mind that approval to incur the cost does not increase the maximum amount payable for the WA. The provider can invoice the expense for reimbursement, but the amount comes from the existing WA total. Depending on the amount, the provider may request that the unexpected item(s) be added to the contract by SA, so that the maximum amount payable can be increased by the anticipated cost.

For lump sum (LS) agreements, payment is based upon the receipt and approval of the deliverable, rather than an invoice with itemized expenditures and corresponding backup documentation. For LS, approval of an unexpected miscellaneous ODE is not necessary because reimbursement of the specific expense will not be requested as with other payment types. A provider that is not willing to incur and absorb the unexpected expense, that is a mutually agreed upon need, may request an SA to increase the LS total.

Questions

Please submit any questions that you may have on this guidance to the PEPS Service Center (SC) that is the contract administrator for the particular contract. The PEPS SC contact will be associated with the district where the contract is being utilized. Reference PEPS SC's support at: <http://ftp.dot.state.tx.us/pub/txdot/ppd/service-centers-map.pdf>