

**A REQUEST FOR PROPOSAL  
FOR  
PERSONAL SERVICES CONTRACT**

Department of Highways  
Professional Services Procurement Bulletin 2012-08  
Statewide Right of Way Services

This document constitutes a Request for Proposals for Personal Service Contract from qualified individuals and organizations to furnish those services as described herein for the Commonwealth of Kentucky, Department of Highways.

**I. PROJECT DESCRIPTION**

Consultant Services are needed to provide Right of Way acquisition services for proposed highway projects on a statewide/regional basis.

**II. PROJECT INFORMATION**

Project Manager - David Orr, Right of Way Branch Manager

User Division – Division of Right of Way and Utilities

Approximate Fee - Consultants will be selected to provide services in four (4) regions.

Up to three (3) consultants will be selected for each region.

\$1,000,000.00 Upset Limit each contract.

Work will be assigned via Letter of Agreement, not to exceed \$150,000 per Letter of Agreement

Project Funding – State and Federal Funds

**III. PURPOSE AND NEED**

The purpose of this contract is to assist the Kentucky Transportation Cabinet in providing a wide range of Right of Way acquisition activities on a statewide basis for both highway plan and non-highway plan and/or non-highway projects, on an as-needed basis.

**IV. DBE REQUIREMENT**

Consultants should include a DBE participation plan with their response to announcement. An additional page will be allowed with the Project Approach (page 7) in the response to announcement to convey this plan. A maximum of 4 points will be considered in the Evaluation Factors for the DBE Participation Plan.

**V. SCOPE OF WORK**

The selected consultant(s) will be responsible for all or any of the following: title reports; appraisals; appraisal reviews; negotiations; closings; relocation assistance; project management; and other related acquisition services. The selected consultant may be required to provide a field office for property owners to reach its personnel.

- a. The selected consultant agrees that upon request, staff will be available to assist in responding to FHWA or State inquiries or citations.

## 1. Titles & Closings

All title reports will be completed by the attorney or real estate Title Company named in the letter of interest, using the Department's "Title Report" form ([TC11-18](#)) or a similar format. The selected consultant, through its attorney or real estate title company, agrees to make a complete examination of the title for each parcel, extending backward from the present time for a period of not less than thirty-five (35) years, and to make a complete certification as to the status of the title in the present owner as of the date of said examination. The title for each parcel is to be up-dated at the time of closing for a successful acquisition, and within 30 days preceding the date of a submission for condemnation action.

## 2. Appraisals/Appraisal Reviews

### a. Complex BAV (Before and After Value)

In rare instances the complexity of a property and/or appraisal problem may require specialized knowledge or increased documentation. Examples of this type of appraisal may include but not be limited to:

1. An acquisition from a university campus where the contributing value of the improvements must be documented as part of the larger parcel.
2. An acquisition from a golf course that affects one or more fairways and/or green where the appraiser may need to consult an Engineer or course designer to determine the true nature of the affect of the taking on the course

### b. Standard BAV

This category will be used for most KYTC appraisals. The contributing value of all improvements must be documented. Damages may apply in the after situation and may include but not be limited to proximity, changes in topography, severed remainders, changes in highest and best use, loss of parking, etc.

### c. Minor BAV

Used for minor acquisitions in which the amount of just compensation exceeds the maximum amount under which an MAR (Minor Acquisition Review) may be used. Improvements acquired will be minor in nature and will include but not be limited to items of landscaping, fencing and small secondary buildings (i.e. sheds). The principle building is unaffected and its contributing value may be estimated.

### d. BV (Before Value)

Used only when the parcel is considered a total take and only the before value is needed.

## 3. Acquisitions

All Acquisition Parcels are completed following the procedures within the Right of Way Guidance Manual.

### a. Negotiation using a MAR:

Acquisition Agent will be responsible for the following:

- Determine if in fact a MAR should be used, (MAR's are used when value of the acquisition is less than \$10,000 and non-complex.)
- Creating the MAR by the collection of comparable sales data found in a completed Comparable Sales Book and finding (3) comparable sales to determine the value for the "Offer to Purchase" letter.
- Once the MAR is completed, the agent may then proceed with contacting the property owner and arrange for a meeting to make the MAR offer
- MAR offer is given to the property owner both verbally and in writing
- Owner has about 30 days to sign, or submit a counter offer to be reviewed
- Once the acquisition agent has completed the file, the file is sent to Central Office for processing, either for payment or condemnation.

- If a file is submitted for condemnation, the file is reviewed and forwarded on to the Office of Legal Services, and they assign an attorney to the file.
- b. Negotiation using an Appraisal (Before and After Method)  
Acquisition Agent will be responsible for the following:  
NOTE: The same steps are followed as above; with the exception of the appraisal value amount has no limit, and the fair market value compensation is based on comparable sales of surrounding locations.

#### **4. Relocations**

When relocation assistance is required as part of a contract the selected Consultant shall complete an Acquisition Stage Relocation Report (ASRR) for any and all relocations being assigned.

All relocations will be done in accordance to 49 CFR, Part 23, Uniform Relocation Assistance and Real Property Regulations for Federal and Federally Assisted Programs and 600 KAR 3:010 Relocation Assistance Payments of the Transportation Cabinet and the Kentucky Transportation Cabinet Relocation Assistance Guidance Manual, revised February 2011.

a. Residential Relocation

Relocation Agent will be responsible for the following:

1. Explaining Relocation Assistance Program and possible benefits available to displaced persons
2. Determining eligibility for Relocation Assistance benefits
3. Determining need for Last Resort Housing
4. Justifying need for Last Resort Housing
5. Offering advisory services
6. Updating worksheet
7. Calculating rent and/or purchase supplement computations and all revisions
8. Determining personal property located within the acquisition
9. Issuance of 90 day and 30 day notices
10. Performing Decent, Safe and Sanitary Inspections of replacement property
11. Determining eligible incidental expenses for reimbursement
12. Determining Mortgage Interest Differential payment eligibility
13. Securing required documentation necessary for filing claims
14. Filing all claims on proper forms in a timely manner
15. Attending closings of replacement property
16. Ensuring requirements of program benefits are met
17. Filing required reports in a timely manner
18. Inspecting that personal property is removed from acquired area
19. Secure key(s) to acquire improvements
20. Turning key(s) over to District property management
21. Assisting displaced person(s) with the Appeals
22. Being available for deposition and/or testimony at 13B Appeal Hearing
23. Making themselves and contact information available to displaced person(s)
24. Willingly work through assigned district and its Right of Way personnel
25. Close each parcel with completed TC 62-210 and updated record of contacts
26. Close project with completed TC 62-97
27. Turn completed files over to assigned district

b. Nonresidential Relocation

Relocation Agent will be responsible for the following:

1. Explaining Relocation Assistance Program and possible benefits available to displaced
2. Determining eligibility for Relocation Assistance benefits

3. Offering advisory services
  4. Updating worksheet
  5. Determining personal property located within the acquisition
  6. Identifying any hazardous wastes or substances
  7. Issuance of 90 day and 30 day notices
  8. Determining which nonresidential benefits are best for displacee
  9. Determining compensation for moving personal property
  10. Securing bids for moving personal property (if necessary)
  11. Determining if displaced is eligible for reestablishment benefits
  12. Determining which expenses are eligible for reestablishment
  13. Obtaining CO approval prior to the reestablishment
  14. Obtaining before and after pictures of reestablishment
  15. Determining if displaced is eligible for in lieu of move benefits
  16. Obtaining required tax documentations for in lieu of move benefits
  17. Determining in lieu of move benefit
  18. Obtaining required documentation necessary for filing claims
  19. Filing all claims on proper forms in a timely manner
  20. Ensuring requirements of program benefits are met
  21. Filing required reports in a timely manner
  22. Inspecting that personal property is removed from acquired area
  23. Assisting displaced person(s) with the Appeals
  24. Being available for deposition and/or testimony at 13B Appeal Hearing
  25. Making themselves and contact information available to displaced person(s)
  26. Willingly work through assigned district and its Right of Way personnel
  27. Close each parcel with completed TC 62-210 and updated record of contacts
  28. Close project with completed TC 62-97
  29. Turn completed files over to assigned district
- c. Miscellaneous Move Relocation
- Relocation Agent will be responsible for the following:
1. Explaining Relocation Assistance Program and possible benefits available to displaced persons
  2. Determining eligibility for Relocation Assistance benefits
  3. Offering advisory services
  4. Updating worksheet
  5. Determining personal property located within the acquisition
  6. Issuance of 90 day and 30 day notices
  7. Determining compensation for moving personal property
  8. Securing bids for moving personal property (if necessary)
  9. Obtaining required documentation necessary for filing claims
  10. Filing all claims on proper forms in a timely manner
  11. Ensuring requirements of program benefits are met
  12. Filing required reports in a timely manner
  13. Inspecting that personal property is removed from acquired area
  14. Assisting displaced person(s) with the Appeals
  15. Being available for deposition and/or testimony at 13B Appeal Hearing
  16. Making themselves and contact information available to displaced person(s)
  17. Willingly work through assigned district and its Right of Way personnel
  18. Close each parcel with completed TC 62-210 and updated record of contacts
  19. Close project with completed TC 62-97
  20. Turn completed files over to assigned district

## VI. SPECIAL INSTRUCTIONS

Instructions for Response to Announcement can be found at:

<http://transportation.ky.gov/Professional-Services/Pages/Prequalification-Application-and-Instructions.aspx>

KYTC will allow the following modifications to the standard response format for response to the Statewide Right of Way Services advertisement only.

Page 4 (A-E) Resumes, may be expanded, not to exceed 10 pages total (A-J).

Page 5 (A-B) Workload / commitments, may be expanded, not to exceed 4 pages total (A-D).

Page 6 (A-E) Project Experience, may be expanded, not to exceed 10 pages total (A-J).

Page 7 (A-C) Project Approach, may be expanded, not to exceed 5 pages total (A-E).

Consultants will be selected to provide services in four (4) regions. Up to three (3) consultants will be selected for each region. Consultant firms will be selected to provide these services for a period for two years. Letters of Agreement may be executed with the Division of Right of Way and Utilities. Each of the contracts will have an upset limit of \$1,000,000.00. Once the upset limit is reached or the two year term has expired, services will be re-advertised and no additional work assignments will be made under the contract. Contracts will not be modified to increase the upset limit or extended for time to assign new work.

Selected consultants will be awarded based upon four (4) geographical regions in the state. Region 1 is comprised of Highway Districts 1, 2, and 3. Region 2 is comprised of Highway Districts 4, 5, and 8. Region 3 is comprised of Highway Districts 6, 7, and 9. Region 4 is comprised of Highway Districts 10, 11, and 12. Consultants must identify which regions they wished to be considered for in their response to announcement. The Consultant Selection Committee may make multiple selections per region; up to three consultants per region, if deemed necessary.

For regions with multiple consultants, the Selection Committee will randomly draw from the pool of selected consultants and list them in consecutive order to determine the initial order in which projects will be assigned. Projects for each region will be assigned on a rotational basis. A firm will not be offered an additional project until the remaining firms on the list for that region have been offered a project. If a firm declines to accept a project, that firm will not be eligible to accept another project from that region until the remaining firms on the list have been offered a project from that region. If a firm declines a project or does not respond to an invitation to perform services for a project within fourteen (14) days, documentation shall be provided in the project files and the next firm on the rotating list shall be offered the project.

The selected Consultant will be required to maintain continuing Professional Liability Insurance of an amount not less than \$500,000 during the life of this contract.

The Department reserves the right to terminate this agreement at any time upon a thirty (30) day written notice to the selected consultant. In the event termination is a result of a cancellation of a project, no deed will be taken for property once notice is received, unless specifically authorized in writing by the Director of the Division of Right of Way. In the event of termination, the selected Consultant will be compensated for work performed through the date of said termination. Work completed, in whole or in part, will become the property of the Department. Any dispute in connection with work not disposed of by this agreement will be

referred to the Secretary of the Transportation Cabinet, or duly authorized representative, whose decision will be final.

## **VII. PREQUALIFICATION REQUIREMENTS**

To respond to this project, the proposed consultant must be currently prequalified for Right of Way Services by the Division of Right of Way and Utilities. The selected consultants must maintain prequalification as set out in the ROW Guidance Manual through out the term of the contract.

A list of firms prequalified by KYTC Division of Right of Way and Utilities for these services is available on the Division of Right of Way and Utilities webpage at:

[http://transportation.ky.gov/Right-of-Way-and-Utilities/Documents/2012 Pre-Qualified Right of Way Consulting Firms.pdf](http://transportation.ky.gov/Right-of-Way-and-Utilities/Documents/2012%20Pre-Qualified%20Right%20of%20Way%20Consulting%20Firms.pdf)

## **VIII. PROCUREMENT SCHEDULE**

Dates other than Response Date are tentative and provided for information only.

RESPONSE DATE • March 14, 2012 4:30 p.m. E.S.T. (Frankfort time)

FIRST SELECTION COMMITTEE • March 19, 2012

SECOND SELECTION COMMITTEE • April 2, 2012

CONTRACT SCOPING CONFERENCE • April 11, 2012

NOTICE TO PROCEED • July 1, 2012

## **IX. PROJECT SCHEDULE**

Individual project schedules will be by letter agreement on a project by project basis.

COMPLETION OF ALL SERVICES • June 30, 2014

## **X. EVALUATION FACTORS**

Consultants will be evaluated by the selection committee based on the following, weighted factors:

**1. Project Manager – 50 pts** (Score is based on the Project Manager's experience with KYTC or any other projects, as a Project Manager, from previous assignments, and any professional training. Project Manager shall provide documentation to be evaluated.)

**2. Staff Experience – 60 pts** (Score is based on the experience of the assigned Appraiser(s), Review Appraiser(s), Negotiator(s), and Relocation Assistance Agent(s) in their experience with KYTC, experience with other agencies, any professional training, as well as, experience on past projects. Staff Members shall provide documentation to be evaluated.)

**3. Title Attorney – 10 pts** (Score is based on the experience of the Title Attorney with KYTC projects, proximity to the project, accuracy of past title reports, timeliness of title completions and closings, ratings from all previous assignments. Title Attorney shall provide documentation to be evaluated.)

**4. Quality of Work – 50 pts** (Score is based on the assigned Appraiser(s), Reviewing Appraiser(s), Negotiator(s), and Relocation Assistance Agent(s) on their experience with KYTC, experience with other agencies, professional training, quality of work, professionalism and ratings from previous assignments. Must provide documentation to be evaluated.)

**5. Cooperation on Past Assignments – 40 pts** (Score is based on how well the firm has responded to requests from those responsible for oversight on any past contracts).

**6. Timeliness on Past Assignments – 40 pts** (Score is based on how well the firm has performed in completing any prior assignments in a timely manner; taking into account those events beyond the control of the selected Consultant which may have caused delays).

**7. Disadvantaged Business Enterprise - 10 pts** (Should present a plan within the project approach section to address how the consultant plans to utilize firm(s) or person(s) who is registered as a DBE with the Commonwealth of Kentucky)

**8. Consultant's offices where work is to be performed - 10 pts** (For state-funded projects, if a Selection Committee vote results in a tie between two (2) firms, one (1) of which will perform more of the work tasks in Kentucky than the other, then the former firm shall be ranked one (1) place ahead of the latter. )

## **XI. SELECTION COMMITTEE MEMBERS**

1. David Orr, User Division
2. ~~Keith McDonald~~ **Bruce Napier**, PE User Division
3. Brian Meade, PE, Secretary's Pool
4. Deanna Miller, PE, Secretary's Pool
5. TBD, Governor's Pool