

# A REQUEST FOR PROPOSAL FOR PERSONAL SERVICES CONTRACT

## Department of Highways Professional Services Procurement Bulletin 2015-05 BOONE / KY 237 / 06-8001.21

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**

County - BOONE  
Route - KY 237  
Item No. - 06-8001.21  
Project Description - RECONSTRUCT AND WIDEN KY 237 FROM VALLEY VIEW DRIVE TO ROGERS LANE.

### **II. PROJECT INFORMATION**

Project Manager - Tim Flynn, Right-of-Way Unit Leader  
User Division - Right-of-Way  
Approximate Fee - \$518,000 (Estimated/Unit Price Contract)  
Project Funding - Federal Funds - 12F0 FD52 008 6979203R; STP 8200 015  
Project Length - Approximately 3.119 miles

### **III. PURPOSE AND NEED**

The purpose of this project is to assist the Kentucky Transportation Cabinet in providing Right of Way acquisition and relocation services on the above project in Boone County. The subject project is for reconstruction and widening of KY 237 from Valley View Drive to Rogers Lane.

### **IV. DBE REQUIREMENT**

None

### **V. SCOPE OF WORK**

The contract will require appraisal, acquisition, and relocation services. The project has 133 parcels. There are an estimated 32 appraisals. There are an estimated 10 relocations with 7 residential, 1 farm operation and 2 miscellaneous move parcels.

The selected consultant(s) will be responsible for all or any of the following: appraisals, appraisal reviews, acquisition, negotiations; and 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.
- b. Right of Way contract scoping meeting requirements and general guidelines shall follow the Division of Right-of-Way [Form](#).
- c. Project Report - It will be the responsibility of the respondent to compile and complete the project report prior to the scoping meeting. The report shall summarize in detail all relocations, i.e. residential, non-residential, miscellaneous moves, & outdoor advertising. (Project Report shall be written by a qualified person(s). Note: The Cost of the project report shall be part of the fee proposal.

## **1. Titles & Closings**

All titles, closings and other legal services shall be performed by an attorney assigned by KYTC Office of Legal Services. Payment for these services shall be the responsibility of KYTC.

## **2.0 Negotiation Services**

- 2.1** Analyze preliminary title report to determine potential title problems, propose and inform the KYTC ROW Project Manager of methods to cure title deficiencies.
- 2.2** Analyze appraisal and appraisal review reports and confirm the KYTC's approved value prior to making offer for each parcel.
- 2.3** Prepare the initial offer letter, memorandum of understanding, instruments of conveyance, and any other documents required or requested by KYTC on applicable Department forms.
- 2.4** The written offer, approved appraisal report and required brochures must be given to each property owner or the property owner's designated representative. Shall maintain a record of contacts and secure the necessary instruments upon acceptance of the offer for the closing.
- 2.5** Respond to property owners inquiries verbally and in writing within three (3) business days.
- 2.6** Shall have a minimum of three (3) contacts with each property owner or the property owner's designated representative and maintain a precise record of contacts for each parcel on applicable Department forms. (Note: Three (3) contacts may be waived for special circumstances)
- 2.7** Advise property owner of the Administrative Settlement process. Transmit to the KYTC ROW Project Manager any written counter offer from property owners including supporting documentation, and Provider recommendation with regard to Administrative Settlements in accordance with Department policy and procedures.
- 2.8** Issue Property Owner's Survey to the property owner.
- 2.9** All Acquisition Parcels are completed following the procedures within the Right of Way Guidance Manual.

### **2.10 Negotiation using and MAR:**

**2.10.1-** 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.) MAR's which exceeds \$10,000 and up to \$25,000 shall be subject to an appraisal if requested by the property owner(s).
- Creating the MAR by the collection of comparable sales data either independently or from the approved comparable sales book for the project. A minimum of three (3) comparable sales shall be used 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.

**2.11** 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.

### **3.0 Relocation Assistance Services for Residential, Non-Residential, Miscellaneous Moves, and Outdoor Advertising**

**3.1** 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.

**3.2** All I 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.

**3.3** The Relocation Assistance Specialist should provide advance notice of the date and time of their initial meeting with the Displacee with (if applicable and practical) the Appraiser's inspection of the subject property in order to coordinate the appraiser's inspection with (if applicable and practical) the initial interview with the Displacee by the Relocation Assistance Specialist

**3.4** Notify all Displacees and potential Displacees of eligibility for relocation assistance. At the time of initial contact, provide Displacees with a Relocation Assistance Brochure [*Your Benefits as a Highway Displacee*]

**3.5** Provide on-going relocation assistance and advisory services to Displacees affected by acquisition of right of way.

- 3.6** Locate, evaluate, and maintain files on comparable available housing.
- 3.7** Compute and submit the request for relocation housing/rental supplement to the KYTC ROW Project Manager using KYTC approved forms.
- 3.8** Provide 90-day notice to vacate simultaneous with the delivery of relocation benefits package. The 90-day notice may not be delivered prior to a personal interview with the Displacee to determine the type, needs and eligibilities.
- 3.9** Notify the KYTC ROW Project Manager immediately if the Displacee does not move after the 30-day notice.
- 3.10** Perform a decent, safe, and sanitary inspection of the replacement housing in accordance with Department policy.
- 3.11** Coordinate and monitor with displaced homeowners, business owners, tenants, and with moving companies in accordance with Department procedures.
- 3.12** Maintain relocation record of contacts journaling all attempted and completed contacts with all parties. This includes descriptions of the reasons and outcome for each contact.
- 3.13** Attend closings on replacement property if requested by any party involved, and assure supplemental payment is properly distributed.
- 3.14** Relocation agent will be available for any appeals and hearings.
- 3.15** Issue Relocation Surveys to all Displacees.
- 3.16** 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 ROW Project Manager

### **3.16.1 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 ROW Project Manager

### **3.16.2 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 ROW Project Manager

**4.0 Subproviders:** Sub-Providers providing service under the work authorization shall meet the same requirements and level of experience as required of the respondent. No subcontract under the letter agreement shall relieve the primary respondent of responsibility for the service. If the respondent uses a Sub-Provider for any or all of the work required, the following conditions shall apply under the listed circumstances:

- 4.1 Respondents planning to subcontract all or a portion of the work shall identify the proposed Sub-Providers.
- 4.2 Subcontracting shall be at the respondent's expense.
- 4.3 KYTC retains the right to check Sub-Provider's background and make a determination to approve or reject the use of submitted Sub-Providers.
- 4.4 The respondent shall be the only contact for the Department and Sub-Providers and shall list a designated point of contact for all Department and Sub-Provider inquiries.

**5.0 Project Management-Services shall include, but are not limited to the following activities:**

#### **5.1 Communication**

- 5.1.1 Maintain a project right of way status report including a separate project status reports for relocations in accordance with the KYTC ROW Project Manager on Department approved forms.
- 5.1.2 The KYTC ROW Project manager shall be the only point of contact for the respondent Project Manager unless otherwise approved by the ROW Project Manager.
- 5.2 Maintain all working files at the respondent principal office or regional office within the State. To make all working files available for review by the KYTC ROW Personnel.

- 5.3 Provide invoices utilizing Department standard payment submissions forms supporting documentation. Supporting documentation requirements are determined by KYTC ROW.
- 5.4 Maintain records of all correspondence and contacts with property owners.
- 5.5 Responsible for monitoring all right of way activities associated with a highway project.
- 5.6 Attend monthly status meeting with appropriate ROW Project Staff. Date, time, and location are determined by the KYTC ROW Project Manager.
- 5.7 The respondent project manager shall deliver all project files, correspondence, and other project related materials within 30 days of completion of the project to the KYTC ROW Project Manager.

## **VI. SPECIAL INSTRUCTIONS**

Instructions for Response to Announcement can be found at:

<http://transportation.ky.gov/Professional-Services/Pages/Respond-to-an-Announcement.aspx>

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) days 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.

A 12 month time frame should be allowed for acquisition and relocation of businesses and individuals on this project.

## **VII. AVAILABLE STUDIES**

Project Report – It will be the responsibility of the selected firm to compile and complete the project report prior to the scoping meeting. The project report shall summarize in detail all relocations i.e. business, residential, miscellaneous moves, & outdoor advertising. (Project Report shall be written by a pre-qualified person(s) such as a Review Appraiser or Appraiser)

- [8001-21\\_ROW Submittal 11x17.pdf.pdf](#)
- [8001-21\\_ROW Submittal Full Size.pdf](#)
- [KY237\\_Sec2\\_XS.pdf](#)

## **VIII. PREQUALIFICATION REQUIREMENTS**

To respond to this project, the consultant project team must be prequalified in the following areas by the response due date of this advertisement:

#### RIGHT OF WAY SERVICES

- Right of Way Acquisition
- Right of Way Relocation

#### **IX. PROCUREMENT SCHEDULE**

- Advertisement Date – Monday, November 10, 2014
- **Response Due - Wednesday, November 26, 2014 4:30 pm (Frankfort Time)**
- First Selection - Tuesday, December 2, 2014
- Final Selection - Tuesday, December 9, 2014
- Pre-Design Conference - Tuesday, December 16, 2014
- Fee Proposal Due - Tuesday, December 30, 2014
- Contract Negotiations - Tuesday, January 13, 2015
- Notice to Proceed - Wednesday, February 18, 2015

#### **X. PROJECT SCHEDULE**

COMPLETION OF ALL SERVICES • June 15, 2017

#### **XI. EVALUATION FACTORS**

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

1. **Project Manager – (50 Points)** 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 Manger shall provide documentation to be evaluated.
2. **Staff Experience – (60 Points)** Score is based on the experience of the assigned Appraiser(s), Negotiator(s), and Relocation Assistance Agent(s) on their experience with KYTC, experience with other agencies, professional training, as well as, experience on past projects. Staff Members shall provide documentation to be evaluated.
3. **Quality of Work – (50 Points)** Score is based on the assigned Appraiser(s), Reviewing Appraiser(s), Negotiator(s), and Relocation Assistance Agent(s) on their experience with KTYC, with other agencies, professional training, quality of work, professionalism and ratings from previous assignments. Must provide documentation to be evaluated.
4. **Cooperation of Past Assignments – (40 Points)** Score is based on how well the firm has responded to requests from those responsible for oversight on any past contracts.
5. **Timeliness on Past Assignments – (40 Points)** 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.
6. **Consultant's offices where work is to be performed – (10 Points)** 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.

## **XII. SELECTION COMMITTEE MEMBERS**

1. Jason Rankin, User Division
2. Mary Beth Johnson, User Division
3. Wheeler Nevels, PE, Secretary's Pool
4. Ron Matar, PE, Secretary's Pool
5. Gregory Walker, Governor's Pool

### XIII. PROJECT MAP

