

Engineering and Related Service

User Right of Way & Utilities

Division

(502-564-3210)

Right of Way Acquisition Services and Relocation Services

The Division Right of Way and Utilities has established the following consultant prequalification criteria for Right of Way Acquisition Services and Relocation Services.

Right of Way Consultants - In order to respond to advertised projects, a firm must submit their request to Professional Services and become pre-qualified by the Division Of Right of Way prior to the response due date. Criteria for being placed on the Cabinets pre-qualified list of Right of Way Acquisition consultants are as follows:

Firm: A firm shall have a Project Manager, a Level III Relocation Agent, and at least two buyers who are on staff or committed to working exclusively for the firm. One of these buyers must meet the minimum requirements of a Level III Agent. The second buyer may be a Level I, or Trainee.

Project Manager: A firm shall have a Project Manager who is either on staff or committed to working exclusively for that firm. To qualify as Project Manager, the individual must have a minimum of **eight** years' experience in managing complex Right of Way acquisition, relocation, and a general knowledge and understanding of appraising under the laws of eminent domain, with demonstrated management skills. The project manager must also possess a clear understanding of current KYTC Right of Way Policies and Procedures and Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act). The Acquisition Branch Manager and Relocation Branch Manager will review all requests for Project Manager Status and a prequalification questionnaire must be completed before approval is given. In addition, 3 hours of Continuing Education on a Right of Way related topic must be completed prior to start of the questionnaire. The completion certificate of Continuing Education must be presented prior to taking the exam. A firm may have more than one prequalified Project Manager on staff, but they shall not perform dual roles on an assigned project; therefore, he/she cannot appraise, acquire, or relocate Right of Way parcels on the same project in which they are managing. The status of a Project Manager will be effective for a two (2) year period. After the two (2) year period, a Project Manager must requalify to have active status

Project Manager Trainee: is an individual who has eight years' experience in complex Acquisitions, Relocation and a general knowledge and understanding of appraisals but has no experience in managing complex Right of Way projects. The project manager trainee shall not perform dual roles on an assigned project; therefore, they cannot appraise, acquire, or relocate right of way parcels on the same project in which they are managing as a trainee. A Project Manager Trainee must work directly under an approved KYTC Project Manager and successfully manage multiple complex projects to be considered for Project Manager status. The consultant project manager shall maintain the overall responsibility for the project manager trainee and project. The individual will be given a designation as a project manager trainee but all request for the project manager trainee to manage a project shall be requested on a project-by-project basis.

Once it has been determined by the Division that the project manager trainee has successfully managed multiple complex projects, the Acquisition Branch Manager, Relocation Branch Manager and Appraisal Branch Manager will review all requests for Project Manager Status and make a recommendation to the Director of Right of Way & Utilities and/or designee. A prequalification questionnaire must be completed and passed before final approval is given.

Level III Acquisition Agent: is an individual with a minimum of six years of recent experience in buying under the laws of eminent domain and capable of handling multiple complex acquisition issues.

Level II Acquisition Agent: is an individual with a minimum of **four** years of recent experience in buying under the laws of eminent domain and capable of handling complex acquisition issues.

Level I Acquisition Agent is an individual with a minimum of **two** year of experience in buying under the laws of eminent domain and capable of handling minor acquisitions and non-complex issues.

Acquisition Agent Trainee: is an individual who meets the minimum qualifications but has no experience in acquiring right of way under the laws of eminent domain. To be considered as a trainee, an individual must be a graduate of a college or university with a bachelor's degree. Experience in writing real estate appraisals, Right of Way negotiations, or relocation assistance, all of which must have been under the laws of eminent domain and work directly under a Project Manager and/ or a Level III Buyer for a period of three years, will substitute for the required education on year-for-year basis.

Level III Relocation Agent: is an individual with a minimum of **six** years of recent experience in Relocation Assistance under the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970, as amended, and capable of handling multiple complex residential and non-residential relocation issues. This includes project management and review of projects where these complex residential and non-residential relocation issues existed.

Level II Relocation Agent: is an individual with a minimum of **four** years of recent experience in Relocation Assistance under the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970, as amended, and capable of handling complex relocation issues.

Level I Relocation Agent: is an individual with a minimum of **two** year of experience as a Relocation Agent Trainee under the laws of eminent domain and capable of handling minor relocation files and noncomplex issues.

Relocation Agent Trainee: is an individual who has no experience in relocation under the laws of eminent domain and meets the requirements of a Level I Acquisition Agent. To be considered as a trainee, an individual must be a graduate of a college or university with a bachelor's degree. Experience in Right of Way acquisitions, all of which must have been under the laws of eminent domain and work directly under a Project Manager and/ or a Level III Relocation Agent for a period of three years will substitute for the required education on year for year basis.

*When submitting prequalification applications or renewals, provide a detailed resume that satisfies the requirements needed for the position being applied for (Education, years of experience, number of parcels acquired/relocated, type/complexity of parcels acquired/relocated, name and item number of project along with time frame).

Example:

John/Jane Doe

*1-1234.00 - approximate start and end date of
project 225 total project parcels*

John/Jane Doe acquired 87 parcels including 47 Appraisals, and 40 Mars'

John/Jane Doe relocated 23 parcels including 15 commercial, 5 residential, 3 misc. moves

All Independent Fee Acquisition Buyers or Relocation Assistance Persons must be associated with only one qualified firm in order to be considered for pre-qualification. A Fee Acquisition and/or Relocation Assistance Person may work as a Sub Consultant for another prequalified firm on a project-by-project basis upon receiving prior approval from Central Office Right of Way by request from the Consulting Firm who was awarded the project.

For any individual or firm proposed to perform work in any of the above disciplines who is not a direct salaried employee or a subsidiary, there must be a signed letter of intent included in the submission.

If there is any change in staff, the Consultant is to notify KYTC Central Office Right of Way immediately.

INSURANCE: Vendors must have Workers' Compensation and Liability Insurance as required by the Division of Professional Services. (For more information, contact Professional Services).

Continuing Education Requirement

All Consultant Project Managers, Acquisition Agents and Relocation Agents shall complete 3 hours of Continuing Education on a Right of Way related topic each year. Completion Certificates shall be submitted to the appropriate Branch Manager by December 31 of each year.

Prequalification Renewal

A firm's renewal of prequalification status will be based on satisfactory performance on past and current projects and an affirmation by an officer of the firm that the qualified personnel identified in previous submittals for prequalification remain in that function. Any changes must be submitted as part of the annual request for renewal

Reasons for Removal of Prequalification

A firm's performance and retention of qualifying personnel will be the basis for continued prequalification. Removal of prequalification can be based on a firm's failure to perform in a professional and capable manner. If a firm loses its prequalification status, removal of prequalification will generally be for one year from the date of notification from the Cabinet. In addition to the criteria listed above, the deliberate misrepresentation of the firm's qualification and/or the failure to notify the cabinet of changes in the qualified staffing of a firm may result in the loss of the prequalification status for a period of at least one year.

Any firms currently prequalified for any of these Right of Way services with the Division of Right of Way will remain prequalified through their firms current prequalification renewal date with the Division of professional Services.