

Request for Proposals

Acquisition/Negotiation Services

JULY 2019

A. REQUEST FOR PROPOSAL

1. The Nebraska Department of Transportation (NDOT) will receive proposals for acquisition/negotiation services for Project: 3805(5), CN: 22233, Location: 156th Street in Bennington. We anticipate a starting date of 7/8/19 with a suggested completion date of 12/12/19.
2. Consultant shall complete the following items:
 - a. Review the scope of services set out in Exhibit "A".
 - b. Review Worker's Compensation insurance requirements, if applicable.
 - c. Review Right of Way plans, Tract listing, and template agreement located at:
<https://dot.nebraska.gov/business-center/business-opp/consult-service-opp>
 - d. Submit responses to this Request for Proposal in the manner and format listed in Section B. below, identifying each response by its respective tab numeral.
 - e. If applicable, complete Section C. below concerning citizenship.

B. ACQUISITION/NEGOTIATION CONSULTANT SELECTION PROCESS

1. Qualifications
 - a. The Chief Negotiator shall establish and maintain a list of Approved Fee Acquisition/Negotiations Consultants on NDOT's webpage located at:
<https://dot.nebraska.gov/media/5334/acquisit-cons-list.pdf>
 - b. Fee negotiators shall meet the following qualifications:
 - 1) Must be properly licensed as a Real Estate Broker (or licensed as a Real Estate Agent affiliated with a licensed broker) in Nebraska by the Nebraska Real Estate Commission
 - 2) Must demonstrate that they have a history of successful performance in this field
 - 3) Must demonstrate knowledge in Nebraska eminent domain procedures so the proper acquisition/negotiations processes are utilized in completing the assignment
 - 4) Must have knowledge in the appropriate federal laws and procedures as set forth in our ROW manual
 - 5) Must be able to explain engineering plans, field questions about the project and answer questions related to the acquisition and negotiations process.

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2. Contracting for Acquisition/Negotiations Services
 - a. A Request for Proposal will be sent to all Acquisition/Negotiations contractors on the Approved Acquisition/Negotiations Contractors list who indicate they would work in the county in which the project is located. This assures an open competitive process for selecting recipients for these contracted services.
 - b. The Request for Proposal is intended to provide information for the Fee Consultant to submit a detailed proposal. This information should include, but not be limited to, a clear scope of work, plans and/or strip maps, names of the property owners, estimated start and finish dates of the project assignment, number of tracts, the time and date of the proposed opening of proposals.
 - c. The consultants are instructed to submit their responses to the Requests for Proposals in the manner and format listed below, identifying each response by its respective tab numeral.

TAB	ITEM
TAB 1	Proposal. Describe, in detail, how the service will be provided. Include statements specifically addressing how the tasks outlined in these specifications will be completed. The consultant shall propose a time line for the project. Time is of the essence; therefore, proposed time lines will be considered during evaluation.
TAB 2	Firm's capacity. The consultant shall state the size of the firm, the size of the firm's acquisition staff, the location of the office from which this service is to be performed and the number and nature of the professional staff to be employed in the performance of this service on a full-time basis and the number and nature of the staff to be so employed on a part-time basis.
TAB 3	Personnel. Attach resumes of all those who will be involved in the delivery of the service, from principals to field technicians, that include their experience in this area of service delivery. Indicate the level of involvement by principals of the firm in the day-to-day operation of the contract.
TAB 4	Present workload with the Department. Indicate the Project Number(s) and the number of tracts not yet completed that are under contract with the Department at the time the proposal is submitted.
TAB 5	Cost. Indicate the cost per tract for providing the service as noted in these specifications for each ownership, with a total for project. Indicate the date you expect to start and complete the requested services. The Project Fee Proposal document must be signed and dated. See example, attached as Exhibit "B".
TAB 6	References. Give at least three references for contracts of similar size and scope, including at least two references for current contracts or those awarded during the past three years. Include the name of the organization, the length of the contract, a brief summary of the work, and the name and telephone number of a responsible contact person.

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- d. The selection committee will have only the response to this solicitation to review for selection of finalists. Our award could be made on the basis of the initial proposal, without discussion. It is therefore important that respondents emphasize specific information pertinent to the work. However, in the event of insufficient details or of very similar proposals, the selection committee will identify the firms that will be invited to submit more detailed proposals, make oral presentations, or both.
- e. The selection committee will consist of the ROW Manager, Chief Negotiator, and two Negotiations Project Managers. Three of these four individuals, as a minimum, must be present to review and score the proposals.
- f. Proposals received shall be held until the prescribed time of opening. At which time and in the presence of the selection committee, the proposals shall be opened, copies made and distributed to the selection committee and scored by the selection committee.
- g. The individual scores of the members of the selection committee will be added together for a composite score. The selection committee will then determine which proposal is most advantageous to the NDOT's program. The selected proposal may or may not be the proposal that has the highest composite score. After this decision, an appraisal contract is prepared and presented to the Fee Appraiser for acceptance. When the agreement bearing the Fee Appraiser's signature is received, it is executed by the Right of Way Manager, and forwarded to the Agreements Engineer & Controller.
- h. A memo will be made summarizing the decision reached by the committee. This memo, the composite scoring, the individual scoring and all the proposals received will be placed in the project file.
- i. The administrative details concerning the start, progress, completion, payment, etc. of the services to be performed as per the contract are the responsibility of the Chief Negotiator. The technical details as outlined by the specifications made a part of the contract are to be handled by the Chief Negotiator or an assigned Project Manager.
- j. There may be cases where there are revisions to the project that were not addressed in the contract with the fee negotiator. Upon reaching an equitable fee for the change in work assignment, both the contracted fee negotiator and the Chief Negotiator will sign a supplement contract. All other conditions and specifications contained in the original agreement shall be applicable to this supplement.
- k. The Project Manager and the Chief Negotiator together will evaluate the Acquisition/Negotiation Consultant's work product and performance. If the performance is unsatisfactory, and with the concurrence of the Chief Negotiator, the fee negotiator will be required to take a partial acquisition course and resubmit examples of their work product to be re-approved as a qualified acquisition/negotiation consultant. This data will be filed for use as future reference for selecting Consultants.

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C. LAWFUL PRESENCE OR CITIZENSHIP

1. In compliance with Neb. Rev. Stat §§ 4-108 through 4-114, you are required as a Consultant to make assurances that you are either a citizen of the United States or a qualified alien under the Federal Immigration and Nationality Act. This requirement also applies to your employees and your subcontractors contributing to this assignment.
2. If you are an individual or sole proprietorship, the following applies:
 - a. The United States Citizenship Attestation form (Exhibit “C”) shall be completed and submitted with the completed Fee Proposal. Attestation forms shall become part of the agreement.
 - b. If you indicate on such Attestation form that you are a qualified alien, you agree to provide the US Citizenship and Immigration Services documentation required to verify lawful presence in the United States using the Systematic Alien Verification for Entitlements (SAVE) Program.

Template: T-SOS-W4 (rev 12-10-18))

NDOT Right of Way (ROW) Division
Real Property Negotiations and Acquisition Services

PROJECT NO.: 3805(5)
CONTROL NO.: 22233
LOCATION: 156th St. in Bennington

A. Overview

State of Nebraska (on behalf of the city of Bennington, NE) is in the process of developing a project for the construction of a highway, road, street, or other State, City, County or Federal-aid transportation project ("Project"). New property rights will be acquired to build the Project. State will use the services of a consultant service provider ("Consultant") to complete the amiable negotiations with property owners for the purpose of acquisition of the real property rights required. The services ("Services") will include:

1. Conduct amiable negotiations with owners or tenants affected by the Project and log all interactions with property owners on behalf of State,
2. Present all necessary signed and completed documents for the acquisition of the appropriate real property rights,
3. If necessary, prepare all the accompanying paperwork required to convey to the Attorney General's office for further action in filing eminent domain proceedings and act as an adviser for those actions,
4. Complete on-going regular updates to the State on the progress and completion of Services throughout the negotiation process. The State will determine the frequency and methodology of transmittal of progress reports.

The real property negotiation and acquisition is a series of discoveries and all circumstances and eventualities cannot be known prior to the beginning of the process. In some instances, the Consultant may be directed by the State to take specific steps to complete the work. The Consultant will make their best efforts to complete the tasks as expediently as reasonably possible. Time is of the essence because the project cannot be let to contract until the right of way has been acquired. Consultant will not be paid until they have properly completed the work in a manner acceptable to State.

B. Qualifications, Knowledge and Experience

The Services must be completed by a licensed real estate agent or broker who is qualified and in good standing in Nebraska. Consultant must be knowledgeable and have substantial experience completing Services of this type.

C. Software and Equipment Requirements

Consultant will be responsible for providing all necessary equipment, supplies, materials and software to complete the Services. Consultant shall prepare all written materials in Microsoft® Word format. The deliverables shall be submitted in paper and electronic form acceptable to State.

D. Schedule

The Services shall be completed in accordance with the following schedule:

Services may begin upon receipt of a written notice to proceed from State.

Services will be completed when all amiable negotiations have been properly accomplished or it has been determined eminent domain proceedings should be initiated, appropriate paperwork received by the State, and the State agrees that Consultant's Services have been completed in a satisfactory manner.

E. Information and Services Provided by State

State is expected to provide, when applicable, the following to Consultant for each parcel to be acquired:

1. Name and tract number of each property owner or tenant State believes owns or leases real property which will be affected by the Project, and
2. Relevant ownership information contained in State's files including the Certificate of Title
3. Right of Way Plan Sheets
4. Reviewed appraisal or valuation report stating the just compensation
5. Applicable brochures and documents that explain the State's acquisition process
6. Prepared and unsigned contracts, deeds, forms as appropriate for the negotiation and acquisition process per tract owner or tenants
7. Checklists (e.g. initial offer mail-out packet, payment package, condemnation)
8. Construction plans (if requested electronically)
9. Available maps, plats, photographs or other electronic depictions of the acquisition of the project (if requested electronically)
10. Staking of the acquisition of the tract (if requested electronically)

F. Requirements and Guidance for the Services

Consultant shall complete the Services in compliance with the following:

1. The Uniform Relocation and Acquisition Act of 1970 (Public Law 91-646, aka Uniform Act or URA) and 49 CFR, Section 24
2. The Relocation Assistance Act, Neb.Rev.Stat. §§ 76-1214 to 76-1242
3. 410 NAC Chapter 5, Relocation Assistance
4. Chapter 5 of the Nebraska Department of Transportation's Right of Way Manual, which is located at: <http://www.transportation.nebraska.gov/media/5012/row-manual.pdf>

G. Tasks

Chapter 5 of the Right of Way Manual provides the details of the process to be used by Consultant and the rules governing the State's negotiation and acquisition process. Consultant must strictly adhere to the State's process and rules.

Pre-Negotiation Meeting—

Consultant will meet with State to review plans and discuss the scope of work prior to commencement of negotiation and acquisition activities. Consultant will make every effort to understand the project's purpose and need, the valuation documents, the real property rights to be acquired, and the project's impacts on each property before meeting with individual property owners.

Initial Offer—

The initial good faith offer will be made by mail and include all the documents itemized for the mail-out packet. The initial mailing shall include the following documents:

Owner-retained documents (front to back order):

1. Mail-out (Initial Offer) Letter to Tract Owner, Lessee, O.C., Interested Party, etc.
2. Agent Business Card (Generally attached to HP&YP brochure or letter)
3. Title VI Brochure
4. Highway Progress & Your Property brochure
5. Eminent Domain Brochure
6. Acquisition Contract (for owner's records copy-stamped "Owner's Copy")
7. ROW Negotiation Plans, color coded:
 - Green: Temporary Easement
 - Orange: Permanent Easement
 - Red: Fee Simple Purchase
 - Blue: Control of Access Line
8. Reviewed Appraisal or Compensation Estimate with "Owners Copy" stamped.
9. Copy of Appraisal Project Report (or slip with link to ftp. site with APR as pdf.)

Owner-executed documents to be returned (front to back order):

1. Request for Tenant/Lessee/Renter information. (if applicable)
2. Acquisition Contract (two clean copies)
3. Deed Document (if applicable)
4. Affidavit (or Corporation Resolution with Organization Articles)
5. W-9, with ACH Form (if applicable)
6. Allocation of Gross Proceeds
7. Voucher
8. Civil Rights Survey
9. Self-addressed pre-paid envelope (for return of signed documents).

A Mail-Out Documents Checklist will be signed and dated by the Agent upon completion and posting of the initial offer packet. Tenants, lessees, and renters will be referred to as

“lessees” for legal documents including the “Relinquishment of Leasehold interest” contract & vouchers.

Negotiations—

Follow-up contact will include no fewer than three points of documented personal interaction (by telephone or personal visit) as deemed appropriate by the Consultant and State. Whenever possible, the State favors personal contact. However, on occasion this is not possible. In those instances, the State may approve electronic methods of communication or verified mailings. Each instance of personal interaction should be documented with a separate call report. A call report should at minimum include: Date and approximate time of interaction, persons involved in the interaction, method of interaction, location of interaction, and a detailed and complete summary of the elements of the interaction (see NDOR ROW Manual §5.02C7).

Preparation for Condemnation—

In the event of an impasse in negotiations, State will determine with Consultant if a ten-day or final notice letter is appropriate. If the owner determines they wish to continue discussions, Consultant will pursue further amiable negotiations. Upon State’s determination that negotiations are no longer effective or at an impasse, Consultant will provide the appropriate documents for State to deliver to the Attorney General for filing of eminent domain proceedings. Consultant shall remain available for discussion and to provide advice on the disposition of the tract.

H. Deliverables

Consultant shall provide contact information for all their agents in the field during the negotiations phase of the project. Weekly, the Consultant shall submit electronically a written report describing the status of negotiations, including all Call Reports, for the previous week. Email correspondence shall place in the subject line the project number, project name, and control number.

At the end of the negotiation period, the Consultant will provide to the State either a signed Payment Packet or a Condemnation Packet for each tract.

Payment Packet—

Consultant will submit the properly executed right of way documents for each tract upon completion of amiable negotiations and acquisition of each tract.

The Payment Packet documents are:

1. Acquisition contracts (one, signed and notarized)
2. Deeds (as necessary and appropriate)
3. Relinquishment of Leasehold interest (if appropriate)
4. Administrative Settlement Worksheet (if applicable)
5. Basic Information Sheet (contact information)
6. W-9 form & ACH Enrollment Form
7. Allocation of Proceeds Statement
8. Voucher, signed by owner(s) or tenant(s)

9. Affidavit of Authorization of Signature (to be completed by corporations, Limited Liability Corporations, municipal governments, other government entities, etc.) attesting to the signatory's authority to execute documents on behalf of that organization.
10. Call Reports Inventory, with reports for each interaction/action regarding the property owner or tenant
11. Certificate of Right of Way Agent
12. Civil Rights Survey (if voluntarily completed by owner or lessee)
13. Mail-Out Documents Checklist

Upon mutual determination of filing of eminent domain proceedings, the Consultant will submit to State, the following Eminent Domain Condemnation Packet:

1. Brief (single page) Summary of Issues Statement, with offers and counter-offers and bullet points including background information and special circumstances or considerations (State has a sample template)
2. All versions of unsigned contracts or documents used in negotiations
3. Basic Information Sheet (all contact information obtained)
4. Call Report inventory, with reports for each interaction/action regarding the property owner or tenant
5. Certificate of Right of Way Agent
6. Mail-Out Documents Checklist
7. Condemnation Checklist

Exhibit "B"

ABC Acquisitions, Inc.

ABC, Inc.
1111 A Street
City, State, Zip

March 17, 2019

RE: ABC Acquisitions, Inc. Proposal for Acquisition Services
NDOT Project # ENH-79(42) / Scottsbluff Valley Pathway North / Control # 51512

Consulting Company:

ABC Acquisitions, Inc.
Principal's Name
1111 A Street
City, State, Zip
Phone

Project Interpretation:

Narrative detailing your company's interpretation of the project's Scope of Services, deliverables, etc.

ABC Acquisitions, Inc. Consultants and Representatives:

Listing of the staff your company will employ on this project, their qualifications and experience on similar projects, as outlined in the Request for Proposals.

Payment for Services and Expenses:

A breakdown showing your company's proposed rates, fees, expenses, etc., concluding with the total cost for the proposal.

Additional Information:

Any additional information you would like NDOT to know about your company that you feel will add to your standing in the review process.

Signature of the Company Principal