



WBS CODE

WBS Header

Code: 2.10.7

Status: **Active**

Description: Right-of-Way Acquisition Services

Invoicable: Yes

WBS Information

Objective:

This task includes all time required to perform right-of-way acquisition services.

Statement of Work:

Guidance:

The Department's Right-of-Way Manual
Department Strike-Off Letters
Pennsylvania Eminent Domain Code
Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
Deviation from any of those standards must be approved in writing by the Department.

Scope:

Develop memos of all meetings and/or appropriate conversations, and provide the District with one (1) electronic copy.

Reports concerning the status of all claims will be furnished to the District Office weekly. Monthly status meetings will be held in the District Office.

One (1) set of reproducible drawings of the right-of-way plan will be provided by the Department to the Consultant. Any additional prints will be made by the Consultant, as necessary.

Use of Department approved forms is required in the completion of all tasks under this agreement.

Consultant is responsible for all aspects of Right-of-Way Project Management. This is defined as the task of directly managing all of the services described in WBS Code 2.10.7 with a goal of obtaining a final right-of-way clearance on time and within budget.

Unless otherwise directed, the Consultant will handle all contacts and all correspondence with the claimants from the initial notification through settlement or condemnation, including the preparation of all necessary forms and documents.

Consultant will pay for recording of all necessary claim associated documents (e.g., Deeds, Release of Liens, etc.), and will be reimbursed direct costs for these recordings.

In the event that the Department is notified by the Federal Highway Administration that a deficiency has been noted relating to any tasks (negotiation, appraisal, relocation assistance, property management, etc.) performed by the Consultant, the Department shall notify the Consultant, and the Consultant shall provide such information and take such action necessary to resolve the deficiency.

The appropriate Department representative must sign any correspondence that commits the Department to expend funds, such as offer letters and administrative settlement approvals.

Conduct any negotiations with Railroads in accordance with normal acquisition procedures; the Department will conduct any Public Utility Commission actions related to Railroad property. The Department will acquire any right-of-way required from a public utility or community facility.

Consultant will negotiate any parcels required for substitute right-of-way for utilities as requested in writing by the Department.

All work done by the Consultant shall be performed by qualified personnel experienced in performing their function in accordance with federally funded projects. The District Right-of-Way Administrators reserve the right to approve all Consultant personnel employed to perform work under agreements in their respective Districts.

Coordinate all work through the Department's designated representative. This person shall normally be the District Right-of-Way Administrator or his/her designee.

Right-of-Way Office Access:

Upon request from a District Right-of-Way Administrator or designee, the Consultant may access the Right-of-Way (ROW) Office claim and project database application only for the Right-of-Way project assigned under an executed agreement. The information may be accessed only for the purpose of completing a transaction. Database information may not be published nor disclosed for any purpose.

The Department will not be liable for any damage to the Consultant's database software owned, leased or licensed by the Consultant in the event a computer virus or other malicious, mischievous, or destructive programming is determined to have originated from the Department, its agents, or employees.

The Consultant will furnish and assume the total costs of all software and hardware necessary to connect to ROW Office via internet services. Such software shall include any operating system and any software needed to access ROW Office. The Department reserves the right to approve all software and hardware as may be deemed necessary by the Department.

Consultant will procure and is responsible for all costs associated with data communications lines required to connect to internet services.

The Consultant will implement appropriate security measures to insure that only authorized employees of the Consultant will have access to and provide data into ROW Office and to assign only its current employees user identification codes issued by the Department. Immediately upon the employee's separation and/or dismissal, the Consultant will promptly notify the Department. The Consultant agrees that its employees may not share user identification codes and that it is liable for the data submitted by its assigned users and for the actions or omissions of its employees.

The Consultant will use the ROW Office database application to review the status of claims and maintain and update claim and project information promptly and accurately on behalf of the District Right-of-Way Administrator.

ROW Office is constantly available for on-line access except for system upgrades and scheduled network maintenance (barring unforeseen technical problems). The Department will provide Help Desk support to its users only during normal business hours of the Department.

1. Relocation Assistance Plan/Problem Identification

Conduct personal interviews with all claimants to be relocated, including business and residential, and prepare a Relocation Pre-Acquisition Survey and Report in accordance with the Department's Right-of-Way Manual. Identify specific relocation needs and suggested solutions, including "Housing of Last Resort", if applicable. Maintain an inventory of comparable replacement housing and replacement sites. Each property requiring relocation assistance shall have 2 sets of digital color photos showing the four sides of the subject dwelling or business. The photos may be taken from diagonal views.

2. Appraisal Planning/Services

Note: Any individual performing appraisal tasks as identified in Pub 378 "The Right-of-Way Manual" Section 2.04 or preparing Facts & Data Books must be qualified and competent to perform such tasks. The qualifications for various appraisal tasks and specifications for such tasks are outlined in Pub 378, Sections 2.09, 2.11, 2.12, and 2.14; the individual is also bound by the competency rule of the Uniform Standards of Professional Appraisal Practice "USPAP".

Individuals performing appraisal tasks must be pre-qualified on PennDOT's current Invitation to Qualify "ITQ" Contract for Appraisal Services in Category 2.

Conflict of Interest No individual or firm will place themselves in a conflict of interest situation. Since some individuals are qualified under multiple Department Right-of-Way contracts, they will not appraise properties on a project where they are working as an acquisition consultant and vice versa. Any prior or subsequent involvement on a PennDOT project where they represent the property owner must be immediately disclosed, in writing, to the District Right-of-Way Administrator as per Pub 378, Section 2.09 F.

Review the project site and right-of-way plan with the District Chief Appraiser and the Central Office Review Appraiser to identify the valuation problems, determine the number and type of appraisal reports needed on each parcel, identify items pertinent to the valuation of each parcel and note any specific or unusual appraisal problems.

Obtain copies of all leases pertaining to the affected parcels.

Prepare and deliver to the District a complete appraisal problem analysis, Form RW-275 series, for each parcel or group of parcels to be on a particular appraisal contract. This analysis must be approved by the Department prior to soliciting bids from fee appraisers.

All fee appraisal contracts will be executed by the Department and not by the Consultant. All appraisals will be done by qualified, Department approved, certified appraisers. Appraisals are to be completed on Department forms in accordance with the Department's Right-of-Way Manual.

Depending upon plan availability, similarity of parcels and types of takings, and the time required to complete the appraisals, propose groupings of parcels to be included in individual fee appraiser contracts.

Prior to issuing a Notice to Proceed to appraiser(s), Consultant will prepare a Facts and Data Book and periodically update the book with current applicable sales information. The book and updates will be complete with digital color photos and three (3) copies with photos will be delivered to the District Right-of-Way Unit when solicitation of bids from fee appraisers begins.

The Facts and Data Book should have an adequate number of recent sales for each type of property to be appraised, i.e. vacant and improved residential, commercial, industrial, and agricultural sites, etc. Each sales sheet will provide all pertinent information pertaining to that sale, including but not limited to information contained in market data sales sheets found in the appraisal report, Form RW-270A.

The sales search should first concentrate in the vicinity of the project and be expanded into comparable neighborhoods or areas in the county and/or surrounding counties if an adequate number of sales cannot be found in the vicinity of the project. Attempt to obtain comparable sales within the past two (2) years, if possible.

All appraisals will be reviewed and approved by the Department of Transportation, or its agent, not by the Consultant.

Obtain mailing addresses and prepare and mail Form RW-299, by certified mail, to all claimants prior to the appraiser contacting them for a property inspection.

3. Negotiation

Negotiate claims in accordance with the Department's Right-of-Way Manual, the Uniform Act, and "good faith negotiation" procedures. Recommend, in writing, Administrative Settlements to the District Right-of-Way Administrator or designee, and include justification to support the settlement.

When negotiations result in an amicable settlement or administrative settlement, prepare the documents necessary and secure signatures for processing a claim for payment to the property owner. Subject documents will be submitted to the District for review.

When negotiations result in condemnation, prepare documents necessary to request the declaration of taking, provide follow-up negotiations and prepare necessary documents and secure signatures for payment of Estimated Just Compensation, or prepare necessary documents for Deposit of Estimated Just Compensation into Court. Prepare the documents necessary and secure signatures to process claims for reimbursement of attorney, engineering and appraisal fees in accordance with the Department's Right-of-Way Manual.

Provide follow-up negotiations and litigation support as requested by the Department on a case-by-case basis. This includes any right-of-way service necessary to support litigation that may result during or after construction.

4. Title and Settlement Services

Obtain title searches prior to settlement or condemnation as required by the Department's Right-of-Way Manual. Assure satisfaction or release of all liens and other title encumbrances to the extent required by the Department.

Title services may be subcontracted on a fixed fee per parcel basis (as a non-professional service) to Title Companies or local attorneys. Consultant must comply with subcontracting requirements as referenced in Paragraph II-10 of the ITQ for Right-of-Way Services, Contract 359001 or any renewals thereof.

Coordinate the settlement on replacement dwellings, as necessary, with claimants and/or claimant's attorney or representative. Deliver Replacement Housing Supplemental check(s) to settlement.

5. Relocation Assistance and Payments

Provide relocation assistance and payment services in accordance with the Department's Right-of-Way Manual including any amendments. On a case-by-case basis, evaluate entitlements for all types of relocation assistance payments, including replacement housing supplemental payments, down payment and/or rent supplemental payments, moving payments, last resort housing plans, business relocation benefits, business reestablishment evaluations, and loss of tangible personal property evaluations.

Provide relocation advisory assistance services as appropriate. Prepare applications for relocation claim payments, review relocation payment claims, and submit claimant requests for appeals of eligibility or amount of relocation assistance payment to District for forwarding to the Chief of the Acquisition Unit, Central Office Utilities and Right-of-Way Section. Prepare the papers necessary and secure signatures for processing of all payments of relocation claims. Perform decent, safe, and sanitary inspections of replacement properties.

The Consultant will comply with the Department's Right-of-Way Manual and any future policy revisions, by letter or otherwise, on right-of-way claims involving the acquisition of businesses. This includes the preparation of a video of every business claim.

Secure business or off-premise Outdoor Advertising Device (OAD) moving cost estimates from reputable companies regularly engaged in moving that type of property or off-premise OAD. This includes the payment, by the Consultant, of any estimating fee as may be required by moving companies. Consultant will be reimbursed the direct costs for obtaining these moving cost estimates.

6. Property Management

Prior to the acquisition of any building, prepare an inventory of improvements. Inspect properties after they have been vacated to verify that the improvements listed on the inventory remain in place and notify the Department of any missing items.

If directed by the District, upon vacation of any acquired building, verify that the utility services have all been discontinued and that the meters have been removed.

If necessary, coordinate the disposal of any marketable goods remaining in vacated properties with the concurrence of the District Right-of-Way Administrator and in compliance with the Department's Right-of-Way Manual provide all necessary coordination to conduct these activities.

Prior to the acquisition of any buildings, prepare the necessary estimates and bidding documents for boarding and sealing contracts in compliance with procedures outlined in Department's Right-of-Way Manual. If necessary, initiate all advertising and solicitation for the boarding and sealing contract. Conduct the Bid Opening and provide all necessary documentation. (The Department will execute the boarding and sealing contract). The Consultant must follow all requirements of the Commonwealth Procurement Code (62 Pa. C.S. §101 et seq) when performing bidding functions on behalf of the Department. Upon vacation of any acquired building, notify the boarding and sealing contractor of the need to board and seal the building within the number of specified days within the contract. At the request of the Department, initiate and prepare all necessary documents for contracting property maintenance post-acquisition, such as lawn care, shrub trimming, litter cleanup, and snow removal. At the request of the Department, initiate and prepare all necessary documents for contracting the demolition or removal of structures.

Inspect acquired buildings weekly for any unauthorized entry, unsafe exterior conditions, or needed maintenance. When requested, provide the necessary coordination to obtain needed services. (Any required services will be placed under contract with the Department.)

7. Other Services

Maintain a project site office within the project limits. If a suitable site office cannot be found within the project limits, the site will have to be approved by the Department. The site office must meet Americans With Disabilities Act requirements for accessibility. In addition to normal daily weekday working hours, the Consultant's staff must be available a minimum of two (2) nights per week and on Saturday. Suggested hours would be 5:00 p.m. until 8:00 p.m. week nights and 10:00 a.m. until 2:00 p.m. on Saturday. It is anticipated that the site office will be operational within thirty (30) days of the Notice to Proceed, or at a later date as directed by the Department. The Consultant shall be responsible for all expenses associated with maintaining an office, including but not limited to rent, utilities, and necessary equipment. The site office must be equipped with a telephone and answering machine and the phone number and hours must be displayed on an exterior view and communicated to claimants.

Provide any other right-of-way services as determined necessary by the Department and identified in the scope of work for services.

