

[INSTRUCTIONS]:

- Yellow highlighted areas include instructions that should be deleted prior to release.
- Blue highlighted areas indicate text or fields that need information provided or revised.
- Delete any items marked as “[Optional]” if they are not used for your solicitation/WOC.

Delete instructions throughout the document before executing Contract/WOC or amendment as follows:

- From the “Edit” menu select “Replace”;
- With cursor in the “Find what” field, click “More” button, then “Format” then “Font” , then in the font field select “Arial” text ;
- Leave the “Replace with” field blank;
- Click “Replace All”. This will delete all yellow highlighted text.

Not all subtasks are needed for each project. If a subtask is not needed, add the word RESERVED behind the subtask title. Delete all subtask narrative.]

[Agency should reference the Right of Way services agreement between ODOT and Agency prior to identification of consultant tasks. The reference to Consultant, Agency/LPA and ODOT throughout scope and process will need revision on a case by case basis.]

TASK 14 RIGHT OF WAY (ROW)

Consultant shall conduct the ROW activities for all properties in accordance with the most current version of the following:

- Right of Way Services Agreement specific to the Project
- “*ODOT Right of Way Manual*”
- “*ODOT Guide to Appraising Real Property*”
- “*ODOT Right of Way & Rail/Utility Coordination Contractor Services Guide*”
- ORS 35, with reference to the “*Uniform Appraisal Standards for Federal Land Acquisitions*”

Consultant shall utilize all forms, spreadsheets, brochures and pamphlets referenced in the “*ODOT Right of Way Manual*”. These forms, spreadsheets, brochures and pamphlets shall not be altered. They may be obtained through the Region Right of Way Manager or Designee or on-line at:

<http://www.oregon.gov/ODOT/HWY/ROW>

Consultant shall track status for all parcel files to be acquired for ROW purposes in the format provided by Agency. Consultant should coordinate the details of this process with the Region Right of Way Manager or Designee at the project kickoff meeting.

For estimating purposes, up to # files are anticipated for this project.

14.1 Obtain Right-of-Entry Agreements

Consultant shall prepare, negotiate, and obtain property owner signatures for temporary right-of-entry documents for the purposes of environmental and geotechnical studies for up to # parcels. Consultant shall use template provided by Agency.

14.1 Consultant Deliverables and Schedule

Consultant shall provide:

- Right-of-entry documents for signature to LAPM within # weeks of NTP for this WOC.
- Signed right-of-entry documents to APM and LAPM prior to onsite work occurring.

[The following subtask can also be alternatively included in Task 2 Survey and Mapping. Include only once.]

14.2 Title Reports and Document Requests

Consultant shall prepare and assemble all title documents, including vesting deeds, necessary to accomplish acquisition of ROW for each impacted property.

Consultant shall obtain preliminary title reports for each impacted property. Consultant shall obtain all title reports from one Title Company (so long as Project is located within one county).

14.2 Consultant Deliverables and Schedule

Consultant shall provide:

- Preliminary Title Reports and Title Documents per the schedule developed in Task 1 Project Management.
- Clearance Documents from Lenders and/or Lessees per the schedule developed in Task 1 Project Management.

[The following subtask can also be alternatively included in Task 2 Survey and Mapping. Include only once.]

14.3 Right of Way Engineering, Maps & Descriptions

Consultant shall perform ROW data research as necessary to prepare for and support all Project activities; and to produce Project maps and reports as called for in subsequent tasks. Consultant shall complete a thorough search for all recorded survey monuments and features pertaining to the establishment of property lines and ROW boundaries and shall perform a survey to locate, identify, measure and document all such monuments and features that are found. Consultant shall collect and review general Project background documentation, recorded surveys and conveyance documents, and shall follow all statutes.

For each file, Consultant shall prepare ROW Maps and Descriptions according to the guidelines shown in the “*ODOT Right of Way Manual*”.

14.3 Consultant Deliverables and Schedule

Consultant shall provide:

- ROW Map(s) in PDF format to APM and LAPM per the schedule developed in Task 1 Project Management.
- ROW real property description(s) in PDF format to APM and LAPM per the schedule developed in Task 1 Project Management.
- A copy of the vesting documents for each property owner and ROW file in PDF format to APM and LAPM per the schedule developed in Task 1 Project Management.

14.4 Right of Way Programming Estimate

Consultant shall prepare a ROW programming estimate for use by the Right of Way Section to program funds for property acquisition. Consultant shall obtain the most current version of the Programming Estimate form to be used on all State and Federally funded projects from the Region Right of Way Manager or designee. The programming estimate shall include the Project name and county in which the Project is located and all Project ROW costs, including separate Consultant and ODOT ROW costs as outlined in the Right of Way Services agreement with the Local Public Agency. The ROW programming estimate shall include dollar amounts for the following items: Land & Improvements; Damages/Cost to Cure; Relocation; Demolition; Personnel & Administration; Legal & Contingencies and totals for all Items. The programming estimate shall be submitted to the appropriate Region Right of Way Manager or Designee for review.

Consultant shall revise and re-submit programming estimate, incorporating comments received from Agency.

14.4 Consultant Deliverables and Schedule

Consultant shall provide:

- 1 draft Programming Estimate for delivery electronically to ODOT Region Right of Way Manager or Designee, APM and LAPM per the schedule developed in Task 1 Project Management.
- 1 final Programming Estimate for delivery electronically to ODOT Region Right of Way Manager or Designee, APM and LAPM per the schedule developed in Task 1 Project Management.

PLEASE NOTE: Consultant shall not perform any services described in Tasks 14.5 through 14.10 below until Agency issues NTP for the ROW phase of the Project.

[Based on a review of the Right of Way Services agreement between ODOT and LPA, determine which agency is responsible for securing and paying for title reports, creating conveyance documents, county recording of executed documents and payment to property owners.]

14.5 Preliminary Activities/Donation Requests

Upon receipt of authorization to proceed with ROW Acquisition, Consultant shall set up ROW parcel files and deliver a General Information Notice (GIN), acquisition and relocation brochures, and a copy of the applicable portion of the ROW Acquisition map (marked Preliminary and showing the parcel(s) to be purchased) to all owners and occupants of affected properties. Consultant shall send GIN via certified mail with proof of delivery kept in the parcel file.

Consultant shall arrange pre-negotiation contacts with property owners and identify property and Project issues by providing the following services for each file:

- Contact property owners to provide general information about the Project and attempt to obtain donation of property rights to construct public improvement Project. If property owners are considering a donation, then Consultant shall inform them in writing of their right to just compensation; such property owners may elect to donate by signing a waiver of their rights.
- Provide written Donation Report or outcome of property owner meetings, if property owner is unwilling to donate.

For each property that is donated, Consultant shall prepare a closing packet to include the executed Donation Request Acknowledgement and Conveyance Document, original recorded documents and title insurance policy.

Consultant shall prepare and maintain a Report of Personal Interview for each file. The Report of Personal Interview must include proof of delivery of the GIN, date and place of contact, parties of interest contacted, a statement that brochures were delivered and explained, and record of other activities conducted during the Personal Interview.

14.5 Consultant Deliverables and Schedule

Consultant shall provide:

- GINs, 1 hard copy to each property owner and 1 electronic copy each to Agency and LPA within 20 business days following NTP for the ROW acquisition phase.

- Written Donation Report or outcome of initial contact with property owner, 1 electronic copy each to Agency and LPA within 12 weeks of NTP for the ROW acquisition phase.
- Closing Packet (Executed Donation Request Acknowledgment and Conveyance Documents), Original Recorded Documents and title insurance policy for any permanent ROW acquired through donation, 1 hard copy to Agency and LPA no later than 14 weeks prior to bid date.

[Appraisals maybe required for all Right of Way acquisitions including Fee, Permanent Easement, Temporary Easements, and donations for all project purposes including construction. Coordinate with Region ROW Liaison for needs. Appraisal Review is a separate function required on all State and federally funded projects. Please refer to the Right of Way Services agreement to determine whether the Review function will be performed by ODOT, LPA or Approved Consultant Fee Appraiser. ODOT has the most up to date Qualified Appraiser's list. On files with a high market value or involving complex or controversial issues, more than one appraisal may be secured. Coordinate with the Region Right of Way Manager or Designee to determine if any additional appraisals will be required.]

14.6 Appraisal and Appraisal Review

Consultant shall use appraisers who are licensed or certified in the State of Oregon, competent in eminent domain appraising, and on ODOT's Qualified Appraisers List.

Consultant shall provide one real estate appraisal for each property *or properties which constitute the "larger parcel" as described in the ODOT Right of Way Manual* from which an interest is to be acquired. If identification of the larger parcel is problematic, Consultant shall resolve the issue in consultation with the Region Right of Way Manager or designee.

All real estate appraisals provided by the Consultant shall be prepared using forms or formats of, or approved by, the Agency's ROW Section. The types of appraisal reports shall fall into the following categories:

- Abbreviated or short form appraisals for simple takings.
- Detailed (before/after) appraisals for complex takings.

Consultant shall prepare all reports and estimates necessary to value specialty items to be acquired or to support cost-to-cure estimates.

Consultant shall provide not fewer than 15 days written notice to owners of the planned appraisal inspections. The property owner and designated representative, if any, shall be invited to accompany the appraiser on any inspection of the property for appraisal purposes. Consultant shall send this notice via certified mail with proof of delivery and kept in the parcel file.

Special Benefits, if any, must be quantified by the appraiser whether or not there are any compensable damages to the property.

[Use this Option if Consultant performing appraisal review services:]

Consultant shall perform independent reviews of appraisals. Consultant shall ensure that the same firm does not perform both the appraisals and the appraisal reviews. Consultant shall forward both appraisal and review to Agency and LPA for final approval.

LPA will establish just compensation for each property owner and will notify the Consultant.

[OR - Use this Option if Agency performing appraisal review services, next two paragraphs:]

Consultant shall provide all appraisals (including any appraisal specifications) to the Region Right of Way Manager or Designee for review. Consultant shall include a Report of Personal Interview indicating activities conducted through the appraisal phase of the file.

Agency's ROW Section will prepare the appraisal reviews, which will be used to establish the amount of just compensation to be offered to property owners. Reviews are anticipated to be completed within 21 calendar days after receipt of the appraisal report from the Consultant. A copy of the appraisal review will be provided to Consultant, although the appraisal review will not be provided to the owner, contract purchaser, or any other interest holder in the property. Consultant shall provide clarification or additional documentation upon request by the Agency's ROW Section in order to establish just compensation. The 21 calendar day completion time will stop if the appraisal is not reviewable, and the entire 21 calendar day appraisal review time will begin again only upon receipt of additional information and/or materials needed for a reviewable appraisal product. In the event of extremely complex appraisals, additional time may be required by the Agency's ROW Section. Consultant will be notified through Region Right of Way Manager or Designee when additional data is needed or complex issues require additional review time, which will extend the 21 calendar day appraisal review timeline.

Consultant shall continue documentation in the Report of Personal Interview for each file. The Report of Personal Interview must include proof of delivery of the written notice of appraisal inspection, date and place of contact, parties of interest contacted, a statement that brochures were delivered and explained, and record of other activities conducted during the appraisal.

14.6 Consultant Deliverables and Schedule

Consultant shall provide:

- 15 Day Notice of Appraisal Inspection to each property owner and electronic copy to Region ROW Liaison and LAPM per the schedule developed in Task 1 Project Management.
- Report of Personal Interview to Region ROW Liaison and LAPM within 3 business days of request.

[If Agency performs appraisal review.]

- 2 paper copies and 1 electronic file of the Real Estate Appraisal of each of the properties in Agency approved format.

[If Consultant performing appraisal review services:]

- Appraisal and Appraisal Review in electronic format for each file to Region ROW Liaison and LAPM as per Project Design Schedule developed under Task 1, as follows:
 - Value Finding/ Taking and Damages Appraisal (for simple takings), OR
 - Detailed Before & After Appraisal (for complex takings)
 - Specialty reports, if necessary, prior to incorporation in appraisal reports

14.7 Acquisition Services

All right of way shall be acquired in the name of LPA. Consultant shall conduct negotiations, on behalf of the LPA, in good faith and in compliance with all federal and state laws and regulations. Consultant shall conduct negotiations for acquisition of real property based on Appraisal Review.

Consultant shall be responsible for clearing title encumbrances identified on the Preliminary Title Report or making the offer subject to clearing title encumbrances. Consultant shall present any requests for taking title subject to one or more outstanding interests to Agency and LPA for approval. Fee owners' and contract purchasers' ownership interests must be cleared. When impacted by the taking, lessees' interests must also be cleared.

Consultants shall prepare and present to LPA the draft Offer Packets. All offers will be made on LPA letterhead, will include LPA contact information, and will be signed by LPA. These Offer Packets shall include, but are not limited to, acquisition and relocation brochures, offer-benefit letter, acquisition and relocation summary statements, Terms of LPA's Offer signed by LPA, copy of appraisal, map of acquisition, instruments of conveyance and W-9 form (if money is exchanged).

If possible, Consultant shall make offers in person, especially where the acquisition involves either a major impact to the property or the displacement of persons occupying the property. If this is deemed not possible, Consultant shall send via certified mail. Proof of delivery must be documented in the Report of Personal Interview and file.

Consultant shall make every reasonable effort to acquire the ROW expeditiously by negotiation. Consultant shall give property owners reasonable opportunity to consider the offer (statutorily 40 calendar days) and to present material the owner believes is relevant to determining the value of the property. Consultant shall attempt to negotiate an approved administrative settlement, but shall not advance the time of condemnation, or defer negotiations or condemnation or the deposit of funds with the court, or take any other coercive action in order to induce an agreement on the price to be paid for the property (49 CFR 24.102(h)).

- IF the OFFER is ACCEPTED, Consultant shall present a Final Report Packet covering the acquisition of ROW to Agency and LPA for final approval, payment, conveyance of title and recording.
- IF a COUNTER OFFER is received, Consultant shall submit the proposed COUNTER OFFER (exceeding the estimate of just compensation) with a justification letter and owner supplied supporting documentation to Agency and LPA for approval. If accepted see above.
- IF an acceptable agreement is not reached, Consultant shall prepare and submit a Recommendation for Condemnation.

Consultant shall continue documenting the Report of Personal Interview for each file. The Report of Personal Interview must include contact with property owners, owner's attorneys and occupants; efforts to achieve amicable settlements; owners' suggestions for changes in plans; responses to owners' counterproposals etc.

14.7 Consultant Deliverables and Schedule:

Consultant shall provide the following per the Project Design Schedule developed under Task 1:

- Draft Offer Packet for review for each file to Region ROW Liaison and LAPM.

- Final Offer Packet for review and signature to LAPM.
- Final Offer Packet sent certified mail or delivered in person for each file.
- Final Report Packet (see Appendix A, Contractor Services Guide) for each file for payment, conveyance of title and recording to Region ROW Liaison and LAPM.
- If applicable, proposed counter offers with justification information to Region ROW Liaison and LAPM.
- If applicable, Recommendation for Condemnation to Region ROW Liaison and LAPM.
- Report of Personal Interview to Region ROW Liaison and LAPM with 3 business days of request.

[Relocation is a required task if there are people, businesses or personal property within the acquisition area.]

14.8 Relocation

Consultant shall use the forms, formats and brochures in relocation advisory assistance and the preparation of relocation studies, reports and claims.

Consultant shall ensure that relocations take place in accordance with regulatory notification time frames and terms. Consultant shall inform Agency and LPA as soon as schedule issues are known, if applicable.

Consultant shall at a minimum, conduct the following relocation activities:

- Conduct occupant interviews to determine relocation eligibility and needs including: names, number of occupants, and certification of legal residency in the United States. If the relocation involves a tenant, the displacee's income may need to be considered. Occupant interview documentation shall include but is not limited to any contacts, discussions, e-mails, letters & phone calls with the relocatee or anyone regarding the relocation file.
- Provide relocation advisory assistance and information regarding available benefits, available replacement housing and non-residential benefits.
- Establish initial determination of relocation benefits.
- Advise displaced persons of procedures for applying for benefits.
- Provide Move Plan to Agency Relocation Reviewer for approval.
- Complete Move Agreement in conjunction with displaced persons and submit to Relocation Reviewer for approval prior to obtaining signatures from displaced persons.
- Compute replacement-housing payments for owners and tenants and submit them to the Region Right of Way Manager or Designee for review. Agency will submit to the Relocation Reviewer for approval before presenting the benefits to the displaced persons.
- Determine type and amount of move payments according to current procedures.
- Obtain move estimates, as needed, and advise displaced persons in choosing the most appropriate moving method. Any moving estimates need to be approved by the Agency Right of Way Section prior to offers being made.
- Offer transportation, as needed, to all displaced persons to inspect potential replacement housing.
- Monitor move of personal property as required.
- Inspect and certify that all replacement dwellings meet Decent, Safe and Sanitary criteria.
- Verify displaced persons have relocated to replacement dwelling prior to submittal of any tenants housing payment claims.

Consultant shall assemble Relocation Closing report to include appropriate claim forms and documentation, obtain signatures and submit all relocation claims to the Region Right of Way
Mini-RFP Template (3/24/15)

Manager or Designee for review, approval and payment. The Relocation Reviewer will review all relocation studies and approve all relocation claims. Agency will submit forms and documentation to the Relocation Reviewer, as appropriate.

If necessary, Consultant shall assist in the relocation appeals process as follows:

- Submit a chronological history of relocation meetings with displaced persons, an outline of disputed issues, appropriate sections of [Relocation Chapter 6](#) supporting the Agency's position (and CFRs/non-regulatory supplements, if applicable), and options presented to resolve the issues.
- Attend a pre-hearing appeal and/or appeal conference with the individual requesting the appeal and representatives of the Right of Way Section's Project Administration Unit.

14.8 Consultant Deliverables and Schedule:

Consultant shall provide the following deliverables to the APM and LAPM per the schedule developed in Task 1:

- Project Relocation Plan
- Relocation Move Plan and Move Agreement for individual displacees
- Occupant Interview Documentation
- Relocation Studies, Reports and Claims
- Replacement Housing Study and Calculation
- Type and amount of Move Claims including Move Estimates
- Income Verification
- Mortgage Interest Differential calculation
- Move Monitor Report
- Inventory of Personal Property to be moved
- Replacement Dwelling Decent, Safe and Sanitary inspection report
- Relocation Appeals Documentation

[Resolution to Condemn must be obtained]

14.9 Condemnation Process Assistance – CONTINGENCY TASK

After good faith effort has been made to acquire ROW at the LPA's determination of just compensation, if settlement with the property owner(s) is NOT reached, Consultant shall:

- With Agency and LPA authorization, send Final Offer letter to the property owner in accordance with the ROW Manual.
- Provide information and clarification to Agency and LPA in support of mediation and condemnation proceedings, and assist property owner with any relocation according to the Consultant Services Guide.

Note: LPA will initiate Condemnation proceedings.

14.9 Consultant Deliverables and Schedule:

Consultant shall provide:

- Final Offer letter to property owner (s), with a copy to Agency and LPA as stated in the NTP for this contingency task.

[Certification is required on all State and federally funded projects.]

14.10 ROW Certification

Consultant shall certify to the Agency on the approved Certification form that;

- The LPA has legal and physical possession of needed right of way;
- Relocation assistance has been completed for all displaced persons and businesses and that all displaced residential occupants have relocated and have been offered decent, safe and sanitary housing;
- All acquisition of right of way and relocation activities have been completed in full compliance with the Uniform Relocation and Real Property Acquisition Policies Act of 1970 as currently amended as well as Oregon state laws, civil rights laws, and other applicable federal and state regulations and policies.

Consultant, in cooperation with the LPA, shall submit the ROW Certification form to Agency for further processing.

14.10 Consultant Deliverables and Schedule:

Consultant shall provide:

- ROW Certification form, 1 electronic copy (email acceptable) to Region ROW Manager or Designee no later than 12 weeks prior to Project bid date.