

**SALINE COUNTY, ARKANSAS
REQUEST FOR PROPOSALS (RFP)
Job No. 061718 SOUTHWEST TRAIL (SALINE COUNTY) (S)
RIGHT OF WAY ACQUISITION SERVICES**

Proposals must be submitted to

Angel Koder
Saline County Purchasing Specialist
200 N. Main St., Benton, AR 72015
angel.koder@salinecounty.org

no later than 4:00 p.m.
February 21, 2022

The purpose of this RFP is to secure professional services for the right of way acquisition including permanent right of way, permanent drainage easements, and temporary construction easements, in accordance with Public Law 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act), Federal and State laws and regulations, and ARDOT and Saline County Right of Way policies and procedures. Proposers must have knowledge of Federal and State laws and regulations, Arkansas Department of Transportation (ARDOT) Right of Way policies and procedures, and experience with similar services. Personnel who are proposed to perform appraisal or appraisal reviews must be licensed by the Arkansas Appraiser Licensing and Certification Board.

PREPARING AND SUBMITTING A PROPOSAL

The evaluation and selection of a firm(s) will be based on the information submitted in the Proposer's proposal including references. Proposals must include the following documents.

- A statement of qualifications documenting the relevant qualifications of the firm(s), as well as information summarizing the relevant qualifications of the personnel involved.
- A summary of experience and competence regarding the contractual services anticipated including right of way acquisition.
- A list of clients for whom Right of Way Acquisition Services or similar services have been performed. References shall include a point of contact name, address, and telephone number. Information obtained from reference contacts will be used in determining the successful firm.
- A copy of the firm's EEO policy with the submittal. All parties of a joint venture shall provide the EEO policy, or be disqualified from consideration. A firm's reputation including its responsiveness to EEO and Civil Rights will be a factor in the selection.
- Although no DBE percentage goal is established for this project, certification of DBE status should be provided in order to receive special consideration.

Saline County is not liable for any cost incurred by Proposers in replying to this RFP. The cost of developing and submitting the proposal is entirely the responsibility of the Proposer. This includes costs to determine the nature of this engagement, preparation of proposal, submission of proposal, negotiation for the contract, and all other costs associated with this RFP.

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The general scope for this contract includes, but is not limited to, providing professional services, as needed, for right of way acquisition for one or more of the following areas:

1. ADMINISTRATIVE SERVICES

- 1.1. Provide coordination reports to Saline County, as needed.
- 1.2. Conduct coordination meetings including Saline County, ARDOT, Federal Highway Administration (FHWA). Compile and distribute meeting minutes as required.
- 1.3. Maintain project records including, but not limited to, correspondence and documentation of contacts with property owners.
- 1.4. Prepare invoices for payment utilizing ARDOT's standard invoicing procedures.
- 1.5. Provide right of way certification in accordance with ARDOT's Right of Way Division Operations Manual.

2. TITLE SERVICES

- 2.1. Furnish title work, prepare detailed title certificates, and maintain supporting documents.
- 2.2. Provide title commitments including thirty (30) year title searches in accordance with ARDOT's Right of Way procedures.
- 2.3. Be responsible for furnishing updates or revised information to Saline County when change of ownership occurs subsequent to the certificates obtained during right of way plan preparation.
- 2.4. Prepare proper instruments of conveyance and releases upon determination of title status.
- 2.5. Prior to closing or condemnation filing, provide updated title commitments as necessary to include a certification date not older than 120 days.

3. INITIAL APPRAISAL SERVICES

- 3.1. Review Saline County's right of way and construction plans.
- 3.2. Perform field inspection of the proposed project and collect limited market information in order to determine estimated land and improvement values.
- 3.3. Prepare sales brochure for the Review Appraiser and Saline County's review.
- 3.4. Provide preliminary total estimated cost of acquiring the needed right of way and a tract by tract breakdown.
- 3.5. Prepare and submit for review the scope of work, which is a written document between Saline County and the appraiser describing the appraiser's work and the assignment. This separate document will be retained in the County project files.
- 3.6. Make corrections or revisions to scope of work as direct by Review Appraiser and Saline County.

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- 3.7. Upon completion of the field inspection, cost estimate, and scope of work, notify Saline County of any recommended changes to the type of appraisal outlined for each tract. Authorization to proceed with the recommended changes must be received prior to proceeding. Failure to perform services in accordance with the standard of practice of the ARDOT's Right of Way policies and procedures could result in nonpayment.
- 3.8. Follow the Uniform Act for contacting property owners and conducting property owner's inspection. This includes inviting the property owners preferably in writing to accompany the appraiser during the appraiser's inspection of the property, and maintain record of contact in file.
- 3.9. Notify property owners as soon as feasible of Saline County's interest in acquiring the real property, including Saline County's obligation to secure an appraisal.
- 3.10. When applicable, the appraiser and the relocation coordinator will meet with the property owner and determine items that are appraised as real estate and which items will be handled as personal property. This realty/personal property list will become a part of the appraisal. Legal counsel may be required if there is a question on any item.
- 3.11. Submit proposed changes in right of way or construction design features arising through appraisal to Saline County utilizing the "Request for Plan Change" form.
- 3.12. Prepare compensation estimates or appraisals in accordance with Federal regulations and ARDOT's Right of Way Operations Manual.
- 3.13. Determine for on-premise signs if cost to cure would be less than purchase and prepare compensation estimate or appraisal accordingly.
- 3.14. Prepare appraisal for off-premise signs utilizing forms provided by Saline County in accordance with Federal regulations and ARDOT's Right of Way Operations Manual.
- 3.15. Determine need for specialty report and advise Saline County of recommendation. Saline County will determine extent of report needed and most efficient and cost-effective method of preparation.
- 3.16. Obtain a listing of contaminated sites (petroleum, solid/hazardous waste) from the Arkansas Department of Environmental Quality (ADEQ).
- 3.17. Prepare written notification to Saline County of any environmental concerns associated with the acquisition that could require environmental remediation.
- 3.18. Make corrections or revisions to appraisal as directed by Review Appraiser.
- 3.19. Assist on any appraisal problems or plan-in-hand inspections, right of way estimates and cost comparisons for public hearings, environmental programs, or other analyses as directed by Saline County.
- 3.20. Appear and testify as an Expert Witness in eminent domain proceedings and be available for pre-hearing or pre-trial meetings as directed by Saline County.

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3.21. The Appraiser and Review Appraiser, if applicable, cannot be employed by, or otherwise associated with, the same appraisal company or firm.

4. INITIAL APPRAISAL REVIEW SERVICES

- 4.1. Review sales brochure and scope of work. Recommend any necessary revisions.
- 4.2. Review appraisal reports for each tract to determine consistency of values and compliance with Saline County and ARDOT policies and procedures and the Uniform Act, approve the fair market value, and recommend just compensation to Saline County.
- 4.3. Request any corrections or revisions from the appraiser, make minor corrections, make comments, and provide additional supporting data as necessary to the appraisal report.
- 4.4. Provide a signed and dated certification of the appraisal review.
- 4.5. Review appraisals submitted by the property owners and comment by memorandum on the findings.
- 4.6. Appear and testify as an Expert Witness in eminent domain proceedings and be available for pre-hearing or pre-trial meetings as directed by Saline County.
- 4.7. The Appraiser and Review Appraiser, if applicable, cannot be employed by, or otherwise associated with, the same appraisal company or firm.

5. NEGOTIATION SERVICES

- 5.1. Prior to the initiation of the negotiation process, perform a review of the project and appraisal reports with the negotiator, review appraiser, Saline County personnel, and ARDOT personnel.
- 5.2. Prepare the appropriate acquisition documents and assemble tract packets in accordance with ARDOT's Right of Way Operations Manual.
- 5.3. Prepare an offer letter for signature by the appropriate Saline County official stating the summary of the basis for the total amount offered.
- 5.4. Present offer letter to the property owner, discuss the offer amount and rationale for compensation, and address any concerns. Advise the property owner of their full rights under the laws of eminent domain if no agreement can be reached and condemnation action is necessary.
- 5.5. Maintain a project log indicating, at a minimum, the dates of the following: compensation estimate or appraisal approved, initiation of negotiations, contract signed, and recommendations for condemnation.
- 5.6. On acquisitions involving relocatees, coordinate property owner meetings with personnel administering relocation assistance.
- 5.7. Maintain detailed records of all information pertinent to the job: ownership addresses, encumbrances, dated and signed negotiator notes, offer letters, and contracts. Negotiator notes

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should include a record of each contact, explanation of the plans, offers and counteroffers, property owner requests, opinions, proposed solutions and recommendations for condemnation.

- 5.8. Notify Saline County if a property owner requests an appraisal in lieu of the waiver valuation presented.
- 5.9. Collect supporting documents from the property owner necessary to complete the transaction including but not limited to trusts, corporate resolutions, partnership agreements, et al.
- 5.10. As negotiations are completed, review tract packets for completeness, prepare acceptance letters for Saline County's execution, and distribute tract packets for further handling.
- 5.11. Submit proposed changes in right of way or construction design features arising through negotiations to Saline County utilizing the "Request for Plan Change" form.
- 5.12. Submit counteroffers from the property owners to Saline County with recommendations for acceptance or rejection.
- 5.13. Recommend tracts for condemnation to Saline County when negotiations prove to no longer be beneficial or when the property owner states they wish to discontinue negotiations.
- 5.14. Execute Rights of Entry Agreements with property owners as directed by the Marion.

6. CLOSING SERVICES:

- 6.1. Obtain title opinion identifying legal ownership and necessary parties for execution of conveyance and releases required to obtain clear title.
- 6.2. Obtain required partial releases of mortgages and other encumbrances.
- 6.3. Deliver warrants on negotiated settlements after obtaining proper execution of instruments of conveyance and satisfaction of liens.
- 6.4. Collect performance bonds and rent at closing from property owners in accordance with the ARDOT's Right of Way Operations Manual.
- 6.5. Record conveyance documents in appropriate county offices.
- 6.6. Provide right of way certification in accordance with the ARDOT's Right of Way Division Operations Manual.

7. RELOCATION ASSISTANCE SERVICES

- 7.1. Provide preliminary total estimated cost of relocations for the project and a tract by tract breakdown when requested by Saline County or ARDOT.
- 7.2. Prior to negotiations, contact property owners to discuss relocation program and benefits, deliver the relocation brochure, and complete the Displacee Needs Questionnaire (RAS I5), Relocation Coordinator's Report (RAS 5), and Decent, Safe and Sanitary Report (RAS I6).
- 7.3. Prepare relocation studies and determine replacement housing payments as appropriate.

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- 7.4. Coordinate property owner meetings with negotiators.
- 7.5. Advise eligible owner-displacees of their monetary payments and how they were determined showing the comparable housing used and provide a ninety (90) day written notice.
- 7.6. Contact the eligible tenant displacees in writing within seven (7) business days of the initiation of negotiations and present comparable housing and relocation payment calculations.
- 7.7. Provide displacees (residential tenants, businesses, etc.), a ninety (90) day written notice within seven (7) business days of initiation of negotiations.
- 7.8. Provide displacee a thirty (30) day written notice specifying the exact date by which the property must be vacated and/or personal property removed as needed.
- 7.9. Notify Saline County immediately if displacee does not move after the thirty (30) day written notice expires.
- 7.10. Offer advisory services to and conduct personal interviews of nonresidential and residential displacements. Determine the relocation needs and preferences of each business (farm and non-profit organization) or person to be displaced, and explain the relocation payments and other assistance for which the business/person may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance.
- 7.11. Provide, for nonresidential relocatees, current and continuing information on the availability, purchase prices, and rental costs of suitable commercial and farm properties and locations. Assist any person displaced from a business or farm operation in obtaining and establishing a suitable replacement location.
- 7.12. Minimize hardships to persons in adjusting to relocation by providing counseling, advice regarding other sources of assistance that may be available, and such other help as may be appropriate.
- 7.13. Supply persons to be displaced with appropriate information concerning Federal and State housing programs, disaster loan and other programs administered by the Small Business Administration, and other Federal and State programs offering assistance to displaced persons, and technical help to persons applying for such assistance.
- 7.14. Maintain relocation contact logs.
- 7.15. Prepare any necessary bid documents, forms, and claims for displacees' moving and related expenses.
- 7.16. Determine the eligibility of and amount of replacement housing payments for owner occupants.
- 7.17. Compute increased interest payments, rental subsidy payments, and down payment assistance payments as needed.
- 7.18. Determine the eligibility of mobile homes for replacement housing payment.

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- 7.19. Deliver relocation payments.
- 7.20. Handle any property owner request for appeal hearing and appear as needed.
- 7.21. Appear and testify as an Expert Witness in eminent domain proceedings and be available for pre-hearing or pre-trial meetings as directed by Saline County.
- 7.22. Provide right of way certification in accordance with the ARDOT's Right of Way Division Operations Manual.

8. PROPERTY MANAGEMENT SERVICES

- 8.1. Establish the amount of bond required in the event improvements are retained by the owner for appraised salvage value.
- 8.2. Maintain records of improvements by completing the "Improvement Checklist" form prior to the transfer of packets to the negotiator for acquisition.
- 8.3. After the tract is negotiated, review the tract packet to ascertain the decision of the property owner regarding retention of the improvements.
- 8.4. Perform initial inspection of the project site including taking photographs of all improvements within the right of way. Search for underground storage tanks (UST's), tank pumping systems, and other hazardous materials. Verify that items of realty included in the appraisal remain on the premises.
- 8.5. As directed by Saline County, make subsequent inspections to determine the progress of the removal of improvements that have been retained by the property owners and to formulate the method of disposal of improvements not retained.
- 8.6. Compile a Removal and Disposal list of structures to be removed, including buildings, slabs, footings, foundations, wells, septic systems, storm cellars and any other man-made object within the acquisition area. Provide this list to Saline County to be incorporated into the construction plans and removed by the road contractor.
- 8.7. Provide "Improvement Checklist" and supporting documentation to Saline County.
- 8.8. Complete an asbestos inspection, collect samples for asbestos testing and, when necessary, hire an asbestos testing lab and/or asbestos abatement contractor to handle asbestos abatement in accordance with the ARDOT's Right of Way Division Operations Manual.
- 8.9. For improvements to be demolished prior to road construction, prepare necessary estimates and bid documents, solicit for bids, and recommend bid awards from demolition contracts.
- 8.10. Prepare demolition contracts for Saline County's execution.
- 8.11. Perform site inspection upon completion of demolition. Document inspection, prepare invoice, and submit to Saline County for payment.
- 8.12. Provide right of way certification in accordance with the ARDOT's Right of Way Division Operations Manual.

9. APPRAISAL UPDATES

- 9.1. Revise, update, or obtain new compensation estimates or appraisals as needed in accordance with responsibilities listed in Section 3.

10. APPRAISAL REVIEW UPDATES

- 10.1. Review appraisal reports for each tract to determine consistency of values and compliance with Saline County and ARDOT policies and procedures and the Uniform Act, approve the fair market value, and recommend just compensation to Saline County in accordance with responsibilities listed in Section 4.

11. WAIVER VALUATION

- 11.1. Saline County may determine when an appraisal is unnecessary because the valuation problem is uncomplicated and the anticipated value of the proposed acquisition is estimated to be \$10,000 or less based on a review of available data. An appraisal review is not required.
- 11.2. It is not necessary for an appraiser to complete the waiver valuations. A state certified or licensed appraiser preparing a waiver valuation must not include appraisal license information, Uniform Standards of Professional Appraisal Practice (USPAP) requirements, or any other information within the valuation document that gives the appearance of an appraisal.
- 11.3. The waiver valuation is referred to in the ARDOT Right of Way Division Operations Manual as a “Compensation Estimate” in Section 5. To prepare a waiver valuation, the Consultant will:
- 11.4. Make a sufficient valuation analysis to determine if the impact of the proposed right of way acquisition is minor.
- 11.5. Provide vacant land sales for waiver valuations in order to validate the compensation estimate.
- 11.6. Provide waiver valuation reports to Saline County for administrative review and approval.
- 11.7. Revise waiver valuation reports as recommended by Saline County.
- 11.8. The waiver valuation will be deemed complete when an acceptable report has been submitted by the Consultant and approved by Saline County and ARDOT.

12. WAIVER VALUATION REVIEW

- 12.1. If requested, waiver valuations should be checked by the Reviewing Appraiser to ensure consistency with other waiver valuations and appraisals done for the project.

13. WAIVER VALUATION UPDATES

- 13.1. Provide right of way certification in accordance with ARDOT’s Right of Way Division Operations Manual

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Saline County agrees to administer professional services for the right of way acquisition of properties as follows:

- Upon completion of right of way plans and environmental handling, prepare a request for authority to appraise and acquire for submission to ARDOT and FHWA.
- Provide right of way and construction plans.
- Provide legal descriptions of the property to be acquired and current ownership title certificates.
- Provide any applicable conceptual stage relocation statement and plan.
- Provide timely reviews and approval of submissions.
- Provide examples of standard forms and brochures to be used in the acquisition process.
- Process and issue all warrants for payments.
- Provide final approval for all payments including, but not limited to, compensation estimates or appraisals and relocation assistance.
- Conduct surveys of property owners and displacees to determine quality of performance by the Consultant.
- Initiate, coordinate, and administer environmental investigation surveys.
- Process condemnation actions including legal document preparation, filing, settlement or trial actions.
- Prepare exhibits used in court cases on condemned tracts as needed.
- Provide legal opinions or recommendations that arise during the acquisition process, as needed. Consultant must notify Saline County if legal advice is needed.
- Forward right of way certifications to ARDOT and FHWA for review and approval.

PROJECT CONDITIONS OF THE WORK

The Consultant agrees to administer professional services for the right of way acquisition of properties as follows:

Professional services shall be provided in accordance with the current edition of the ARDOT's Right of Way Division Operations Manual.

All right of way functions will comply with the Uniform Act, 23 CFR, 49 CFR and pertinent Federal regulations.

Consistent with this policy, all programs and activities administered by Saline County shall comply with Title VI of the Civil Rights Act of 1964 and related statutes and regulations to include the Civil Rights Restoration Act of 1987 and the Americans with Disabilities Act of 1990.

All compensation estimates and appraisals shall conform to the Uniform Act and appropriate Federal regulations, State law and ARDOT and Saline County Right of Way policies and procedures. Detailed appraisals shall reflect nationally recognized appraisal standards, including, to the extent appropriate, the Uniform Appraisal Standards for Federal Land Acquisition and requirements found in 49 CFR Part 24.

The relocation assistance advisory program shall satisfy the requirements of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063 and 49 CFR Part 24.

No appraiser or review appraiser shall have any interest, direct or indirect, in the real property being appraised and must sign a certificate to that effect.

No person preparing or approving waiver valuations shall have any interest, direct or indirect, in the real property being valued and must sign a certificate to that effect.

No appraiser or review appraiser shall act as a negotiator for real property, which that person has appraised or reviewed.

EVALUATION

Proposals will be evaluated on the following criteria.

Evaluation Criteria	120 Total
Qualifications, Experience and Competence of Firm(s)	45
Personnel Qualifications and Availability	45
Responsiveness to DBE Opportunities	10
Reasonableness of Costs	20

COST PROPOSAL (Unit Price per Tract)

	Fee
Administrative Services	

Title Services	
Title Commitment - 30 Year Title Search	

Initial Appraisal Services	\$ / Tract
Compensation Estimate (\$10,000.00 or Less)	
Detailed Appraisal – Vacant Residential Land	
Detailed Appraisal – Vacant Agricultural Land	
Detailed Appraisal – Vacant Commercial Land	
Detailed Appraisal - Residential Single Family	
Detailed Appraisal - Residential Multi-Family	
Detailed Appraisal - Small Commercial Property	
Detailed Appraisal - Large Commercial Property	
Detailed Appraisal - Improved Agricultural Property	
Billboard Valuation	

Appraisal Services - Updates	\$ / Tract
Compensation Estimate (\$10,000.00 or Less)	
Detailed Appraisal – Vacant Residential Land	
Detailed Appraisal – Vacant Agricultural Land	
Detailed Appraisal – Vacant Commercial Land	
Detailed Appraisal - Residential Single Family	
Detailed Appraisal - Residential Multi-Family	
Detailed Appraisal - Small Commercial Property	
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Initial Appraisal Review Services	\$ / Tract
Compensation Estimate (\$10,000.00 or Less)	
Detailed Appraisal – Vacant Residential Land	
Detailed Appraisal – Vacant Agricultural Land	
Detailed Appraisal – Vacant Commercial Land	
Detailed Appraisal - Residential Single Family	
Detailed Appraisal - Residential Multi-Family	
Detailed Appraisal - Small Commercial Property	
Detailed Appraisal - Large Commercial Property	
Detailed Appraisal - Improved Agricultural Property	
Billboard Valuation	

Appraisal Review Services - Updates	\$ / Tract
Compensation Estimate (\$10,000.00 or Less)	
Detailed Appraisal – Vacant Residential Land	
Detailed Appraisal – Vacant Agricultural Land	
Detailed Appraisal – Vacant Commercial Land	
Detailed Appraisal - Residential Single Family	
Detailed Appraisal - Residential Multi-Family	
Detailed Appraisal - Small Commercial Property	
Detailed Appraisal - Large Commercial Property	
Detailed Appraisal - Improved Agricultural Property	
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Negotiation Services	\$ / Tract

Closing Services	\$ / Tract

Relocation Assistance Services	\$ / Tract
Business Relocation	
Residential Relocation	
Personal Property Relocation	

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Property Management Services	\$ / Tract

Eminent Domain/Relocation Proceedings	
Pre-trial Conference (1/2 Day)	
Pre-trial Conference (Full Day)	
Expert Witness at Trial/Hearing (1/2 Day)	
Expert Witness at Trial/Hearing (Full Day)	