



**Request for Qualifications and Proposals
To Provide Right-of-Way Services
Lincoln Boulevard Sideway Project**

January 11, 2013

Issued by:
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1.0. PROGRAM OVERVIEW

1.1. Firm Admonishment

Firms are reminded that it is their responsibility to:

- Read carefully all of the contents of this entire document and address all requirements and follow all procedures of this Request for Qualifications (RFQ) and Request for Proposals (RFP).
- Ask for clarification before submission due dates.
- Immediately inform the County of any problems with this Solicitation.
- Submit all responses by the required dates and times.

1.2. Background and Purpose

The Butte County Department of Public Works anticipates an on-going need for the services of a firm specializing in the Appraisal and Acquisition of right of way for its road and bridge projects. The Department intends to use this Request for Qualifications and Proposal to select a firm to provide said services for a period of time not to exceed three years and envisions negotiating an agreement that allows for “tasks” to be ordered under the terms of the agreement. Each “task” will be a separate project. As these projects can be funded from a variety of sources, including federal, state and or local funds, the selected firm must be able to provide services such that all project and funding requirements are met.

The first “task” shall be the Lincoln Boulevard Sidewalk Project, hereinafter “Project”, which the Department anticipates completing the right of way phase in the summer or fall of 2013. The project is also identified as Federal Programing Project Number HSIPL-5912(087) and County Project Number 18491-2010-1. This project shall be used by Firms as the basis for completing this Request for Qualifications and Proposal.

In general the project involves constructing urban curb, gutter, sidewalk, driveways, tie-in pavement along the east side of Lincoln Blvd, along with crosswalks, access ramps, signage (including driver feedback signs and crosswalk warning signs integrated with pedestrian activated flashing beacons at three midblock crossings), and Class 2 bike lanes with signs and markings from 150 feet north of Elgin St (MP 0.0 –Oroville City Limits) to 100 feet south of Arnold Ave. (MP 1.0). Also included are improvements to reconfigure the intersections at both Myers Street and the south end of Virginia Street, and necessary drainage improvements to pick up storm flows from the new curb and gutter and replace inadequate existing storm drains displaced by the new sidewalk improvements. Additional right of way, public utility easements, and temporary construction easements are also to be acquired along the east side of Lincoln Boulevard to accommodate the proposed curb, gutter, and sidewalk improvements.

Working with the Butte County Public Works Department, the Butte County General Service Department typically processes the Appraisal and Acquisition efforts surrounding Butte County Transportation Projects. However, the volume of negotiations for this Project exceeds the capacity of General Services and the County requires the services of experts able to complete the necessary acquisitions and any supported appraisal work with strict adherence to separation of duties.

1.3. Overview of Scope of Work

In the event a contract is awarded, the successful Firm shall be qualified to complete any and all appraisals, including review appraisal, and all negotiations through close of escrow. The selected Firm shall also be qualified to attend and assist in providing information on right of way issues at Public Community Meetings related to the Project.

The County will provide preliminary title reports and any necessary updates and anticipates using the services of a local Title and Escrow Office.

It is not anticipated that the selected Firm will be required to provide any Relocation services, Condemnation related legal services or Property Management functions.

2. PROCESS PLAN OVERVIEW

The County solicitation process shall include a full evaluation by the County selection panel of qualifications and proposed plan to complete work the County requires. The overall process may include the following components:

- **Qualifications and Proposals Due**
Qualifications and Proposals are due to the County no later than February 1, 2013, at 10:30 am. The format of the response, outlined in detail in Section Four (4), below shall include both unsealed and sealed components.
- **Evaluation**
The selection panel will rank each Firm based on the unsealed response provided by each Firm in terms of qualifications and project proposal. The selection panel may invite the Firms ranked highest in the Initial Evaluation to present more details to the selection panel that may be used to make a final evaluation.
- **Contract Negotiations**
In the event the County intends to contract, the County will begin negotiations with the Firm deemed to be most qualified. At that time, the sealed component of the response will be opened. If the County and Firm are not able to negotiate terms of a contract successfully, the County may terminate negotiations and begin negotiations with another Firm.

Time Line Summary

Event	Date
Solicitation Publication	Jan. 11, 2013
Last Date to Submit Questions	Jan. 25, 2013
Submittals Due to County	Feb. 1, 2013

3. Scope of Work

3.0. Project Scope Volume Detail

The project consists of transactions on 52 parcels, some involving the acquisition of multiple rights, including:

- 40 Right of Way (fee) Acquisitions – R/W
- 29 Public Utility Easements – PUE
- 33 Temporary Construction Easements – TCE

The Project is also more clearly defined on Appraisal Maps 1 through 5 as listed in Section 7 Reference Documents.

3.1. Tasks

3.1.1. Real Property Appraiser

The appraisal process, through report delivery, shall be completed in accordance with professional real estate standards, the Uniform Standards of Professional Appraisal Practice (USPAP), the Caltrans Right-of-Way Manual, and all applicable laws and regulations.

The Real Property Appraiser responsibilities include:

- All communications with property owners shall be documented in a diary.
- Property owners shall receive advance notice of site inspection.
- Property owners or their designee must be given an opportunity to attend the site inspection and provide input regarding the appraisal process.
- The Appraiser shall prepare a Summary Appraisal Report to determine the fair market value of the rights to be acquired from each subject property and each subject property appraisal shall be separately bound and presented in a “stand-alone” format suitable for furnishing to the associated property owners per Caltrans’ requirements. The comparable sales analysis shall be in chart format with accompanying analysis in narrative form. Comparable data shall be verified with parties to the transaction.
- Site inspections and final reports shall be completed by an Appraiser with an appropriate Appraisal license as defined by USPAP and with a minimum Appraisal license level of AL issued by the California State Department Real Estate Appraisers.

- If an Appraiser with an Appraisal License of AT is utilized, the final report shall be signed by an Appraiser with an Appraisal license of AR or AG issued by the California State Department Real Estate Appraisers.

3.1.2. Real Property Review Appraiser

The appraisal review process shall be completed in accordance with professional real estate standards, the Uniform Standards of Professional Appraisal Practice (USPAP), the Caltrans Right-of-Way Manual, and all applicable laws and regulations.

The Real Property Review Appraiser responsibilities include:

- Separation of duty; The Review Appraiser must not be the same person as the Appraiser developing the original Appraisal Report.
- The preparation of an independent and objective written review of each Summary Appraisal Report.
- Certification, using the Caltrans Right-Of-Way Review Appraiser Certificate – Exhibit 7-EX-24D of the Caltrans Right-Of-Way Manual for finalizing negotiations and settlement.
- Review Appraisals must be completed by an Appraiser with an Appraisal license of AR or AG issued by the California State Department Real Estate Appraisers.

3.1.3. Acquisition Specialist

The acquisition process is to follow professional real estate standards, the Caltrans Right-of-Way Manual, and all applicable laws and regulations.

The Acquisition Specialist responsibilities include:

- Attendance at two Public Community Meetings regarding the Project.
- Negotiations with property owners “in good faith” based on valuations provided by the review of summary appraisal reports.
- Draft correspondence and purchase agreements for County approval prior to delivery.
- Coordination with the Escrow/Title Company selected by the County through close of escrow.
- Complete file maintenance including acquisition diary logs for each parcel.
- Confirmation of delivery of property owner information packages, including Title VI information, and all other correspondence.
- Presenting, in person whenever possible, First Written Offers.
- Settling payment prior to possession unless date of possession clause issued in contract.
- Working as a licensed Real Estate Broker, or as a Real Estate Salesperson under the direct supervision of a Real Estate Broker as issued by the California Department of Real Estate. All Right-Of-Way contracts must be approved for content and signed by the Real Estate Broker.

3.1.4. County Responsibilities

County will be responsible for payment of all incidental expenses including title, escrow, surveys and other costs necessary in closing escrows.

County will prepare all legal descriptions.

4. Submission Requirements

4.0. Open Response

A portion, as defined below, of the submittals shall be unsealed and available for immediate review by the County selection panel. The unsealed components of the submittal shall include:

4.0.1. Qualifications Components

- Past Experience (5 pages max)
Describe your Firm's demonstrated experience and competence in preparing and reviewing Appraisal Summary Reports and negotiating through close of escrow Right-of-Way transactions for similar public transportation projects.
- References
Provide a complete and comprehensive list of recent (last 5 years) clients with contact information and brief summary of work completed.
- Project Planning (5 pages max)
Describe the methodology used by your Firm to manage and communicate long range plans. Include specific information regarding critical path decisions, management of interrelated events and how the results of plan changes are evaluated and communicated.
- Key Personnel (5 pages max exclusive of resumes, licenses)
Describe your Firm's organizational structure and key decision making roles and how proper separation of duties between appraisal and negotiations is maintained. If your Firm is comprised of more than one location, define the location identified with the support team assigned to the County.

For Appraisers and Review Appraisers that would be assigned to this project, provide:

- ✓ Copies of Appraisal Licenses.
- ✓ Resume
- ✓ List of experience and education in completion of part take acquisitions for Right-Of-Way transactions and other appraisal duties necessary to complete the Project.

For Acquisition Specialists that would be assigned to this project, provide:

- ✓ Copy of the Broker License for the Broker of Record and Resume.
- ✓ Copy of any Salesperson Licenses and Resumes.
- ✓ List of experience and education in negotiation of Right-Of-Way transactions necessary to complete the Project.

- Financial Capacity

Describe the financial stability of your Firm and key corporate financial goals planned for the next five years.

If a public corporation, provide your most recent audited finance statements. If a privately held Firm, provide a copy of your balance sheet and Profit and Loss statement for the past three years*.

*If unable to or unwilling to comply, you must notice the County in advance of this fact as there may be alternative options that your Firm can provide to satisfy this requirement. Failure to notify County in advance and not including financial statements in your response could disqualify your submission.

- Document Control System

Describe your Firm's document control process and methodology used to avoid errors in data collection, including the Caltrans ROW Manual, and publication of findings.

- Safety Policy

Provide a copy of your Firm's safety policy for staff providing services outside of the Firm's facility.

4.0.2. Proposal Components

- Project Plan

In narrative format, describe the overall approach your Firm would take in completing the tasks outlined in this solicitation. In addition, provide:

- ✓ Levels of staffing that would be assigned to each position.
- ✓ How Public Community Meetings will be used to improve negotiations.
- ✓ How your Firm handles correspondence that lacks response from property owners.
- ✓ The process used to evaluate defects in title and to make recommendations to County on how best to handle such defects.
- ✓ The logistics, both in terms of purchase agreement format and property owner compensation, used by your Firm when working with a property owner that owns multiple properties within the Project with multiple different rights being acquired.

- Project Time Line

Provide a project timeline that includes an estimated time to complete Certification to level 2 and the milestones in completing the Project.

4.0.3. Appendices

The solicitation response may contain an appendix including:

- Experience presenting findings to other associations.
- Letters of recommendation.
- Samples of work.
- Other items your Firm believes are pertinent that may be of interest to the County.

4.1. Sealed Response

A portion, as defined below, of the submittals shall be sealed when submitted. The sealed components of the submittal shall include Not to Exceed Costs for:

4.1.1. Completing Summary Appraisal Reports

4.1.2. The review of the Summary Appraisal Reports

4.1.3. Attendance at two Public Community Meetings to discuss the Project

4.1.4. Development and presentation of the First Offers

4.1.5. Closing the escrows

4.1.6. Chart of Costs

- Hourly charge rate for key personnel the County may require in addition to negotiated base services.
- Service charges for other services your Firm offers that are not included in this solicitation.

4.2. Response Format

The documentation required for submission will allow the County, at its sole discretion, to determine the ability of the Firms to provide the County with the necessary services. The County shall receive all Submissions no later than February 1, 2013 at 10:30 am.

Unsealed Response:

- Submissions shall be hard copy printed material on 8-1/2" X 11" paper.
- Submissions shall contain four (4) copies.
- Submissions shall include a cover letter and table of contents.

- Submissions shall be in the order noted above.
- Submissions may also include an electronic version, color and fold out charts and graphs.

Sealed Response:

- Submissions shall be hard copy printed material on 8-1/2" X 11" paper.
- Submissions shall contain four (4) copies all in one single sealed envelope.
- The single sealed envelope may be submitted in the same shipping container that contains the Unsealed Response.

5. Evaluation

All components of the Submission are important. However, clearly demonstrating the ability to comprehend diverse needs and develop and implement appropriate programs to meet the complex needs of other similar agencies in the recent past is critical.

Overall criteria used to evaluate responses to include:

Criteria	Weight
Overall Assessment of Response Panel will judge the Firm's ability to follow instructions and to be thorough and complete in response.	15%
Experience Panel will judge based on the Firm's breadth of pertinent experience in completing Appraisal, Appraisal Review and Acquisition work for similar agencies and the qualifications of assigned staff members.	25%
Caliber of Qualifications Panel will judge based on the Firm's technical expertise portrayed and verified by references.	30%
Firms Organization and Process Panel will judge on the ability of the Firm to define plans to accomplish a project accurately as well as the methodology used to develop and track the project plan.	20%
Financial Stability Panel will judge on the Firm's ability to complete this project financially.	10%
Total	100%

6. RULES OF PROCUREMENT

6.0. Contact Information

Any and all communication, including Submissions, regarding this solicitation shall be in writing, preferably email, and directed to:

RFQualifications and Proposals: Lincoln Blvd Sidewalk Project

Shawn O'Brien
Assistant Director – Public Works
County of Butte, California
7 County Center Drive
Oroville, CA 95965
(530) 538-7681
sobrien@buttecounty.net

6.1. General

- 6.1.1. Any questions related to this solicitation are to be directed to the County contact person identified above. Do not contact other County personnel regarding this project or the selection procedures.
- 6.1.2. Any and all costs including travel, if required, associated with the development and delivery of a response to the County is the full responsibility of the Firm with no reimbursement due by the County.
- 6.1.3. All work performed for the County, including all documents associated with the project, shall become the exclusive property of the County.
- 6.1.4. All information and materials submitted to the County in response to this RFQQualifications may be reproduced by the County for the purpose of providing copies to authorized County personnel involved in the evaluation of the Proposals, but shall be exempt from public inspection under the California Public Records Act until such time as a Contract is awarded. Contract awards are a matter of public record. In the event a contract is executed relative to this RFQ, all responses and submissions are subject to public disclosure as required by law. Your submission of a response is considered your consent to the County's disclosure of the submitted information. The County shall not be liable for disclosure of information or records related to this Solicitation.
- 6.1.5. The selected Firm shall remain an independent contractor, working under his/her own supervision and direction and is not a representative or employee of the County. The Firm agrees to file tax returns and pay all applicable taxes on amounts paid pursuant to this Contract.
- 6.1.6. The Firm shall indemnify and hold harmless the County , its officers, volunteers and employees from liability of any nature or kind due to the use of any copyrighted or un-copyrighted composition, trade secret, patented or unpatented invention, article, service or appliance furnished or used as a result of this solicitation and any potential subsequent purchase order or contract.

- 6.1.7. The opening of proposals in response to this solicitation is not subject to attendance by the general public. This restriction is necessitated by the fact that the contract award is subject to negotiations, and it would be unfair for competing companies to know the prices quoted by one another.
- 6.1.8. The successful Firm must be prepared to begin work promptly following execution of a contract and is expected to complete the project in its entirety.

6.2. County Reserved Rights

- 6.2.1. Issuance of this solicitation in no way constitutes a commitment by the County to award a contract. If the County determines it is in its best interest to do so, no Firm may be selected and no contract may be executed.
- 6.2.2. Upon acceptable pricing negotiations and contract award, the Firm shall be required to execute the standard County Contract and comply with County Insurance Requirements. The County may modify the contractual requirements of the contract prior to execution of a contract for services.
- 6.2.3. The County reserves the right to request additional information from Firms that have submitted a response to this solicitation and to enter into negotiations with more than one Firm should a contract be awarded or to award a purchase order or contract to the Firm with the most favorable quotation without conducting negotiations.
- 6.2.4. The County reserves the right to reject any or all submittals received if the County determines that it is in its best interest to do so. Further, the County may cancel or amend this solicitation at any time and may submit similar solicitations in the future.
- 6.2.5. The County may reject any submittal that does not meet all of the mandatory requirements of this solicitation, is conditional or is incomplete.
- 6.2.6. The County may request clarification of any submitted information and may request additional information on any or all responses provided and may waive minor inconsistencies deemed to be irrelevant.

6.3. Withdrawal, Errors and Protests

The withdrawal of any Proposal must be made in writing prior to the required submission date and time, and must be signed by an authorized representative of the Firm. An error in the Proposal Submission may cause the rejection of that Proposal. However, the Firm may submit a new or modified Proposal prior to the Proposal submission date and time.

Firms that submitted a Proposal but were unsuccessful in the attempt to obtain a contract may request, in writing, a debriefing from the County of Butte, Department of Public Works. Firms that have received a debriefing, but continue to feel aggrieved in connection with the solicitation or award of a contract may submit a protest to the County of Butte, Chief Administrative Officer, 25 County Center Drive, Oroville, CA 95965-3413. All protests must be made in writing, signed by an individual authorized to sign the submitted proposal and must contain a statement of the reason(s) for the protest citing the law, rule, regulation or procedure on which the protest is based. Potential Firm capabilities, proposal characteristics and / or pricing features that were not included in the Firm's Proposal shall not be introduced during the protest process. To be considered, the protest must be submitted within seven (7) working days following when the Firm had knowledge or should have known of the grievance. The Chief Administrative Officer shall make a final determination under the terms of this solicitation.

7. REFERENCE DOCUMENTS

- Sample Contract including Insurance Requirements.
- Appraisal Map 1
- Appraisal Map 2
- Appraisal Map 3
- Appraisal Map 4
- Appraisal Map 5