

08/09



RIGHT OF WAY AND UTILITIES DIVISION



PROCEDURES FOR THE PROCUREMENT OF RIGHT OF WAY ACQUISITION CONSULTANTS



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According to the Virginia Public Procurement Act, the acquisition of right of way is considered to be a nonprofessional service. In accordance with the Virginia Public Procurement Act, the Virginia Department of Transportation (VDOT) has developed the following procedures to be used in the competitive procurement of these services.

PREQUALIFICATION OF CONSULTANTS

On a biennial basis, the Right of Way and Utilities Division will advertise in commonly utilized publications a notice that it intends to let contracts for the acquisition for right of way within the next two years. The notice will indicate that firms interested in performing these services should obtain a prequalification questionnaire from VDOT and submit their request for prequalification within the specified period of time.

The prequalification questionnaire will outline the minimum qualifications VDOT has determined a consultant firm must possess in order to perform the appraisal, negotiation, and relocation aspects of right of way acquisition. The questionnaire also will indicate the information that must be submitted in order for a consultant to be evaluated and, if appropriate, determined to be qualified to respond to actual contract requests.

PREQUALIFICATION REVIEW COMMITTEE

The State Right of Way Director will establish a Prequalification Review Committee to evaluate submittals received as a result of the biennial notice as well as any other submittals received. This committee shall determine if a consulting firm and its employees meet the guidelines established for right of way acquisition consultants and would be qualified to perform these services for VDOT.

The Prequalification Review Committee's evaluation may include any interview with prime consulting firms, their proposed subconsultants, and key personnel indicated in the submittal.

The Prequalification Review Committee shall make its recommendations to the State Right of Way Director within 90 days from receipt of the information outlined in the prequalification questionnaire for firms determined to be qualified and those the committee determines are not qualified. The State Right of Way Director is responsible for approving or disapproving the committee's recommendations.

PREQUALIFICATION SUBMITTAL OUTSIDE BIENNIAL ADVERTISEMENT

During any time frame outside the biennial notice, VDOT will accept requests and submittals from consultants interested in becoming prequalified for right of way acquisition contracts. These submittals will also be reviewed by the Prequalification Review Committee. The response time, which includes the review of the submittal and prequalification, may take up to 90 days from receipt of the information outlined in the prequalification questionnaire. Until prequalified, a consultant shall not be allowed to submit proposals on any contract request solicited by VDOT.

PRE-AWARD FINANCIAL AUDIT

Once a consultant has been determined to be qualified and approved to perform right of way acquisition services for VDOT, the consultants will be requested to provide financial information in order for the External and Construction Audit Division to conduct a pre-award audit evaluation. Upon receipt of this data, the External and Construction Audit Division will determine and verify the consultant's overhead rates, salaries, and the acceptability of their accounting system.

Once the External and Construction Audit Division has approved a consulting firm from a pre-award audit standpoint, that firm shall be added to the list of consultant firms eligible to respond to specific right of way acquisition contract requests.

The consulting firm will also be required to submit a Title VI to be reviewed and approved by the Civil Rights Division.

REGISTRATION

The firm shall be registered with the following boards and be in good standing:

- 1). Eva: www.eva.state.va.us
- 2). State Corporation Commission: www.scc.virginia.gov
- 3). Department of Professional Organizations: www.dpor.virginia.gov

Documentation of current registrations should be provided with the prequalification package.

ADVERTISEMENT OF RIGHT OF WAY ACQUISITION CONTRACTS

The State Right of Way Director shall be responsible for determining when an outside consultant firm is needed to acquire right of way on a project. This determination shall be made after an evaluation of the current staffing ability to handle the work within the project development time frame.

Upon determining the need for outside services, a Request For Proposal (RFP) shall be prepared and posted on VDOT'S external website and can be accessed at <http://www.virginiadot.org/business/rfps.asp#right>. An email advising of this posting and specific instructions will be sent to all consulting firms that are, at that time, on VDOT's list of consultant firms prequalified for right of way acquisition work. The RFP will outline the specific scope of work required on the project or group of projects to be included in the proposed contract. The consultant's proposal will include the cost to perform the various elements of the work as shown in the RFP.

A pre-proposal conference will be held when VDOT determines it to be appropriate. Should a pre-proposal conference not be held, inquiries regarding the RFP will be accepted within an established time frame. All prequalified offerors attending this conference will be provided with plans for the project or projects. Consultants not interested in responding to a specific RFP may indicate that information to VDOT in writing.

EVALUATION AND AWARD OF CONTRACT

The State Right of Way Director shall appoint a Selection Committee consisting of at least two members appointed by him and an additional member to be determined by the requesting State Right of Way Director. The Selection Committee shall review and evaluate all proposals received within the specified time frame to determine the most qualified offeror. The committee's evaluation shall include criteria previously established, along with the consideration of those employees of the consultant firm that will be involved with the specific project and the consultant's cost proposal.

The Selection Committee shall rank the firms in order from most qualified to least qualified and provide their recommendation to the State Right of Way Director. The State Right of Way Director shall then make his recommendation to the Chief Engineer, who shall approve or disapprove the selection.

CONTRACTUAL ARRANGEMENT

The contractual terms and conditions under which the consultant will perform the specified right of way acquisition services shall be included as a part of the RFP for each contract advertised. In addition, the RFP will contain a specific format, which the consultant will be expected to utilize in indicating its proposed direct and nondirect costs for the services specified.

In accordance with the above, the consultant firm will execute at the time the proposal is submitted a contractual sheet on behalf of the consultant firm. This contractual sheet will incorporate the RFP terms and conditions therein, and the consultants fee proposal all as a part of the contract.

Once a selection has been made, the contract will be processed for execution on behalf of VDOT in accordance with Departmental Policy. Once the agreement is fully executed, in accordance with the authority granted by DPM 6-3, the contract shall be distributed and a notice to proceed shall be issued.

ADMINISTRATION OF CONTRACT

After the consultant contract has been fully executed and the notice to proceed given, VDOT will designate and advise the consultant of his VDOT contract representative for that project. All aspects of the actual contract will be administered and coordinated through a right of way and utilities office. All requests for payments made by the consultant will be processed through the designated office for their review and recommendations for payment.

In the event it is necessary that the contract be changed as a result of a change in the scope of work, all information regarding the change shall be submitted to the State Right of Way Director for review and approval. Any necessary modifications to the contract will be prepared and processed by the central office.

CONTRACT COMPLETION AND FINAL EVALUATION

Once the consultant has completed the right of way acquisition and turned all necessary documentation over to VDOT's representative, a notice of contract completion is to be provided to the State Right of Way Director. At that same time, the consultant is to be requested to prepare and submit their final billing on that contract.

Within sixty days of the notice of contract completion, the contract representative shall perform an evaluation of the consultant's performance prepared by the various disciplines involved in the contract (i.e., Appraisal Section, Negotiation Section, and possibly Relocation Section) and forward to the consultant for signature. These evaluations are to be submitted to the State Right of Way Director and copies will be provided to the Selection Committee for their use in determining the consultant's qualifications to continue providing these types of services and to be considered in the award of future contracts.