

Request for Proposals

On Call Right-of-Way and Easement Acquisition and Related Services

Requested by:
Charter Township of Shelby
Department of Public Works
6333 23 Mile Road
Shelby Township, MI 48316

Background

The Charter Township of Shelby Department of Public Works is requesting proposals from qualified professionals to provide on-call right-of-way / easement acquisition and related services including, but not limited to, title services, appraisal services, negotiation, closing services, and condemnation support. These services will be on an intermittent basis. The right of way and easement acquisitions include acquisitions of property for utility and sidewalk easements and temporary grading and construction easements with no federal funding related requirements.

Award may be given to more than one proposer. Assignments will be on an as- needed basis. The type of acquisition services may vary in scope from simple to more complicated.

These services will be conducted under agreement the Charter Township of Shelby, hereinafter referred to as "the Township." The consultant entity is hereinafter referred to as "the Consultant." The agreement will be regulated according to the provisions of all Federal, State and local laws and ordinances that are applicable.

Project Description

The Consultant shall provide all necessary right-of-way and easement acquisition and appraisal services to the Township. The selected firm(s) will provide on-call right-of-way and easement acquisition services that include but are not limited to those listed under "Scope of Work." The Township will assign work to any of the firms as is deemed necessary and appropriate by the Township. No subcontractors shall be utilized without prior authorization by Township. The work will be on an on-call/as needed basis in support of current capital improvement, sidewalk and economic development projects.

The Township currently has the following 2016/2017 Capital Improvement Projects, for which acquisition is necessary:

- Sanitary Sewer Special Assessment project SAD-34-S, with acquisition of approximately 60 permanent and temporary construction easements
- Water Main construction projects for 4000 l.f. of water main with acquisition of approximately 10-12 permanent easements
- Sidewalk gap projects with acquisition of 20-40 permanent easements
- Iron Belle Trail projects with right of way acquisition

Proposed Schedule:

Issue Request for Proposal	September 22, 2016
Proposal due	October 13, 2016
Consultant selection / Recommendation to Board	October 21, 2016
Township Board approves recommendation	November 1, 2016
Kick-off meeting	

Scope of Work

This scope of work is to provide on-call right-of-way and easement acquisition and appraisal services to the Department of Public Works in accordance with all provisions within this RFP. These services will be on an intermittent basis. The scope of work includes

- Title Services
- Preliminary Interviews of property owners
- Appraisal services
- Negotiations / Acquisition
- Condemnation Support

All activities are to be performed in their entirety.

The DPW will provide the following for use on the project:

- Right of way plans and Revisions
- Identification Letter
- Legal Descriptions / Sketches / Exhibits
- Any preliminary interviews which have been completed

Title Services:

1. Secure preliminary title commitment of preliminary title search from the title company that will be providing title insurance.
2. Provide title insurance for all parcels acquired, insuring clear title.

Preliminary Interviews of Property Owners

Preliminary interviews shall be typed and prepared on all parcels prior to assignment for appraisals. The information obtained shall include owner interview information. All occupants and resident owners shall be personally contacted. The interviewer shall provide pertinent information to occupants and owners as to proposed appraisal, acquisition and construction schedules. An explanation of the appraisal, acquisition and property management procedures shall be given to all occupants and owners.

Appraisal Services:

Analysis:

A Project Review shall be provided as follows:

1. Examine the right of way plans and determine the extent of the acquisition.
2. Perform an on-site inspection of each parcel requiring right of way / easement acquisition.
3. Determine the type of appraisal needed for each parcel and report to be utilized.
4. Identify need for special studies.
5. Transmit a proposal and fee estimate to DPW for review and approval prior to the initiation of any appraisal activity.
6. If approved by DPW, prepare a market study for the purpose of acquiring property / easement under a waiver of appraisal process.

Appraisal

1. The Contractor shall retain an experienced and independent real property appraiser to prepare an appraisal of the fair market value of the property. Each appraiser shall be licensed as a real estate appraiser under the laws of the State of Michigan and be on the approved Michigan Department of Transportation list.
2. Payment for the appraisal will be based on hourly rates shown in the Contractor's proposal and will be subject to not to exceed provision. Payment for the appraiser's litigation support, if necessary, will be based on hourly rates shown in the Contractor's proposal and will be subject to not to exceed provision in the contract.
3. Each appraiser shall give the owner of each parcel to be appraised the opportunity to accompany the appraiser during the inspection of the parcel.
4. The appraisals shall be sufficiently documented in accordance with the Uniform Standards of Professional Appraisal Practice as formulated by the Appraisal Standards Board of the Appraisal Foundation and the Michigan Department of Transportation, as applicable. Each appraiser shall follow accepted principles and techniques in evaluation of real property in accordance with Sate laws. Any appraisal that does not meet such requirements shall be further documented or re-appraised as the case may be without additional compensation.
5. When only part of a property is to be acquired, the estimate of fair market value shall be that amount arrived at in accordance with the laws governing just compensation, including those laws governing compensable and non-compensable items and the treatment of general and special benefits. For either whole of partial acquisitions, the appraisal report shall show what, in the appraiser's judgement, is a reasonable allocation of the estimated compensation to the various land, buildings, other improvements and damage allocation.
6. In estimating fair market value for the acquisition of real property, appraisal reports shall, to the greatest extent practicable under state laws, disregard any decrease or increase in the fair market value of the real property prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner.
7. Appraisals shall be typewritten, dated and signed by the appraiser making the appraisal prior to being submitted to a review appraiser.
8. Each appraisal shall contain the appraiser's certification. A new certificate shall be prepared where there is a change in appraisal, which affects the estimate of just compensation or changes the date of the valuation.
9. The consultant agrees to update appraisals at the request of the Township representative and/or makes its appraiser(s) available to testify in court on behalf of the Township on any of the parcels.

Negotiations / Acquisition

Acquisition Procedure

The consultant shall perform the acquisition services in compliance with State requirements. In addition the consultant shall comply with the following requirements:

1. Make all reasonable efforts to personally contact each owner or the owner's designated representative and explain the acquisition. A minimum of three (3) calls shall be made on each principal party of interest and one call on all other interest before a parcel may be unsecured. If personal contact is impossible, the property owner may be contacted by certified or registered first class mail or other means appropriate to the situation.

- a. At the time of first call, the consultant shall show the owner(s) the appraisal and review it with the owner(s). If the owner(s) request a copy of the appraisal, a copy will be provided.
 - b. The owner(s) shall be offered the amount of the reviewed appraisal, and given copies of appraisal and other documents as purchase agreement, etc. shall be left with the owner(s). The contractor shall obtain completed W-9 forms.
 - c. On improved parcels, the owner(s) shall be advised that the owner(s) may retain the improvements for the amount of the salvage value. The owner(s) shall be informed of the salvage value procedure whereby the salvage value is deducted from the approved offer. In addition, the owner(s) shall be advised of the site clearance requirements and specifications.
 - d. Closing of the sale transaction by the escrow agent and the transfer tax ad proration of taxes, if applicable, shall be explained to the owner(s). The anticipate time frame for closing shall also be explained.
2. If the consultant is advised of any changes in title by the owner, the Township or any other source, the consultant shall provide documentation to prove any changes or additional parties of interest.
3. A revised written good faith offer and valuation statement shall be given to the owners, if the extent of the taking is revised or the approved estimate of just compensation is revised.
4. The consultant shall maintain adequate records of memorandum of negotiations, including a report for each parcel containing, but not limited to, the following:
 - a. Date and place of each contact
 - b. Parties of interest contacted
 - c. Offer(s) made, including forms
 - d. Counteroffer and reasons counteroffer was accepted or not accepted
 - e. Memos of negotiation shall be signed and dated by the consultant
5. When attempts to acquire an easement are unsuccessful, the consultant shall record the consultant's recommendation for action and submit it to the DPW. The recommendation shall consider and discuss administrative settlement, including amount of settlement and reasons for the recommendation. Otherwise, a condemnation report shall be filled out and submitted to the DPW.
6. If any legal issues exist during the course of the appraisal assignment, the appraiser shall request legal opinion. All legal opinions shall be rendered by the Township Attorney.
7. Preparation and review of all necessary legal documents for property acquisition.
8. Prepare notices of public hearing for individual property owners regarding resolutions of necessity.
9. Assist the Township staff in preparing staff report for resolution hearing.
10. Resolution of Necessity preparation and assistance with supporting evidence and related documents to establish the Township's right to take the property necessary for the project (includes attending resolution hearing).
11. Provide assistance to legal counsel in preparation and filing of all legal documents necessary to commence an eminent domain action(s) for the required parcel(s).
12. Provide assistance to legal counsel in obtaining court order(s) for prejudgment possession to allow project-related construction activities to commence (within thirty (30) to ninety (90) days after commencement of the action).
13. Provide assistance to legal counsel in defending all challenges to Township's right to take and/or claims for project blight, severance damage or other legal issues.
14. Provide assistance to legal counsel necessary to litigate individual cases to settlement, final judgment and appeal, if necessary.

Condemnation Support

1. Provide the necessary documents for filing condemnation proceedings.
2. File condemnation paperwork in the proper court.
3. Assist in all hearings.
4. Coordinate hearing date among all interested parties
5. Locate property owners and other interested holders and provide service of Notice of Hearing to all defendants within the time limitations.
6. Appear as expert witness when requested.

The Contractor shall provide litigation support if condemnation of the property is necessary. Payment for acquisition services will be based on hourly rates shown in the Contractor's proposal and will be subject to not to exceed provision in the contract. Payment for the Contractor's litigation support, if necessary, will be based on hourly rates shown in the Contractor's proposal and will be not be subject to not to exceed provision in the contract.

General Notes:

The Contractor must submit separate cost proposals for each task. The Township at its sole discretion may award one (1) or more tasks to the Contractor. The Contractor shall meet the timelines identified on the progress schedule of the Contractor's proposal. The Township will provide the Contractor with final right-of-way map, preliminary title reports and property descriptions. The Contractor shall work with the Township's legal counsel.

The Contractor shall timely submit to the Township copies of all correspondence, contracts, appraisal and all other reports prepared in connection with the Project.

The appraisal report must comply with standards established by the Appraisal Institute and the Uniform Standards of Professional Appraisal Practice.

Some project services and deliverables must adhere to current MDOT requirements for project development of improvements on facility included on the State railway system. For projects not on the State railway system, deliverables shall be prepared in accordance with applicable local and regional standards, policies and procedures. These requirements include adherence to design standards, regulations, policies and procedures for all work within State right-of-way at the time of project advertisement.

General Requirements

Each firm shall meet the following requirements:

1. The firm must have minimum of five (5) years of experience providing right-of-way / easement acquisition to municipalities of similar size and complexity with individual consultants having minimum of three (3) years of relevant experience. Specifically, experience should include, but not be limited to pre-condemnation planning, instructions to appraisers, preparation of offers to purchase land interests and real property acquisition agreements, escrow instructions and deeds for parcels acquired by negotiation, etc.

Proposal Content and Information

Proposals should be organized and concise yet comprehensive. Include a table of contents with identification of material by section and page number.

1. Cover Letter

- Any qualifying statements or comments regarding the Consultant's proposal or the information provided in the RFP.
- The Consultant is representing itself as qualified professional in right-of-way acquisition and appraisal services for government municipalities. Therefore, it is acceptable to submit recommendations and comments for consideration on format, process, schedule and additional content of this project. The Township will consider comments and recommendations, however is not required to select any of the recommendations or comments.

2. Completed Questionnaire

3. Statement of Qualifications and Experience

- Identify the qualifications and resumes of all individuals who will be associated with this service. Include professional registrations and affiliations.
- Summarize specific experience and qualifications for similar projects. Describe the services you performed such as studies, reports, etc. List at least three (3) references with telephone numbers, listing of proposed project personnel, including personal experiences and resumes for prime and sub-consultants. Include description of the professional capability, project experience, education, training and present office location. Provide specific examples of appropriate experience that qualify engineer/appraiser in the State of Michigan.
- Provide list of specific examples of appropriate experience, including the size and scope of work completed and any relevant past or on going work. Include the names, addresses and telephone numbers of your past and current clients who have contracted with your firm for similar services during the last five (5) years.

4. Analysis of Effort/Methodology

- Describe the approach for how the work will be performed. The proposal shall indicate any specific techniques or methodology to be utilized.
- The proposal shall include project timeline with specific tasks envisioned for the project.
- Indicate what participation, data and products will be requested from the Township.

5. Fee Schedule

- The completed Hourly Rate form shall be included. Develop costs and fees for the services based on hourly rates. Provide clear breakdown of these costs by phase including staff or by item, by hour. List all professional service expenses anticipated including insurance, printing, communications and travel. Costs and fees are to be submitted in separate sealed envelope. Such hourly rates should be fully burdened or loaded, including full compensation for all overhead and profit. Billing rates shall include provision for normal office costs, including but not limited to office rental, utilities, insurance, equipment, normal supplies and materials, in-house reproduction services and local travel costs.
- Submit itemized hourly fee schedule for additional services beyond the scope of work.

Selection Criteria

1. Responsiveness to RFP. Does the proposal meet all the requirements in this RFP?
2. Competency and experience of consultant staff assigned to manage and to perform the right-of-way acquisition and appraisal services identified herein.
3. Ability to meet the review timeline/schedule identified herein.
4. Completeness of the proposal.
5. Demonstration of recent experience with similar municipalities.

Instructions to Proposers

1. A Vendor questionnaire is enclosed for completion and submittal. Each item must be completed with a response. Proposers not responding to any of the specifications or questions may be classified as unresponsive.
2. Any significant explanation desired by a proposer, regarding the meaning or interpretation of the Request for Proposals must be requested with sufficient time allowed for a reply to reach all prospective proposers before the submission of the proposals. Any information given to a prospective proposer concerning the RFP will be furnished to all prospective proposers as an amendment or an addendum to the RFP, if such information would be of significance to uniformed proposers. The township shall make the sole determination as to the significance to uniformed proposers. Questions regarding the proposal must be made in writing prior to 12:00 noon on October 6, 2016, at which time a response will be prepared and forwarded to all vendors. Questions may be submitted to:

David G. Miller, II
Director, Public Works
millerd@shelbytwp.org

If you should have any further questions you can reach the Public Works Department at (586) 739-6990.

Oral explanations or instructions shall not be considered binding on behalf of the Township.

3. This RFP does not commit the Township to award contract or pay any costs associated with the preparation of proposal. The Township reserves the right to cancel, in part or in its entirety, this solicitation should this be in the best interest of the Township.

Responsibilities of the Township

1. The Township will direct the development of individual project right-of-way acquisition and appraisal services in writing, provide management oversight, coordinate with clients as needed and conduct administrative arrangements.
2. The Township will pay an agreed upon amount normally within thirty (30) days after receipt of an invoice(s). The Township will not retain ten percent (10%) of each invoice due to ongoing nature of work.
3. The Township will not be able to provide dedicated workspace facilities, i.e. office space.
4. The Township reserves the right to perform any portion of the scope of work with Township personnel and/or by other consultants.
5. The Township shall furnish all applicable policies, procedures and reference materials that represent the Township's minimum requirements for right-of-way acquisition and appraisal services.
6. The Township shall furnish the consultant all necessary submittal items for right-of-way acquisition and appraisal services by Consultant with special instructions.

Requested Submittal

An original, and two (2) copies of the proposal must be received prior to 2:00 p.m., October 13, 2016 at the:

Charter Township of Shelby
Clerk's Office
52700 Van Dyke
Shelby Township, MI 48316

The Township will not consider proposals received after the specified time and date. An amendment is considered new proposal and will not be accepted after the specified time and date.

The proposals shall be enclosed in sealed envelope and be plainly marked on the upper left hand corner with the name and address of the bidder and bear the following:

On-Call Right-of-Way and Easement Acquisition Services Proposal

The Township reserves the right to reject any and all proposals submitted and/or request additional information for clarification.