



CONTRACT ADMINISTRATION AND CONSULTANT QUALIFICATIONS FOR RIGHT OF WAY

North Carolina Department of Transportation
Right of Way Unit

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AUTHORITY

Code of Federal Regulations

2 CFR 180

23 CFR 710

41 CFR 60

48 CFR 1-31 subpart 31.2

49 CFR 26

49 CFR 18.36

49 CFR Part 24

North Carolina Statutes

N.C.G.S. § 121-5

N.C.G.S. § 132-1

N.C.G.S. § 133-1

N.C.G.S. § 133-2

N.C.G.S. § 133-5 through 133-18

N.C.G.S. 136-28.1

N.C.G.S. § 143-49 (9)

North Carolina Administrative Code

Department Policies

Uniform Relocation and Real Property Acquisition Policies Act of 1970

NCDOT Right of Way Manual

Title VI of the Civil Rights Act of 1964

NCDOT Real Estate Appraisal Standards and Legal Principles and the Code of Regulation

1. INTRODUCTION AND PURPOSE

This document is provided as Consultant Qualification and Contract Standards (QCS) for the Right of Way Unit. The QCS will explain the responsibilities and roles based on the contract categories which are Standard Selection and On-Call Contracts. The Consultant will perform the services as set forth within the contract categories.

Any references in this document as ‘the Department’ represents the North Carolina Department of Transportation (NCDOT) Right of Way (ROW) Unit.

All Right of Way activities and services must be performed in accordance with applicable [North Carolina Statutes](#), [North Carolina Administrative Code](#), [Department Policies](#), [Uniform Relocation and Real Property Acquisition Policies Act of 1970](#), and the [NCDOT Right of Way Manual](#), NCDOT's Consultant Qualification and Contract Standards, the Code of Federal Regulations (CFR) [23 CFR 710](#), [49 CFR 18.36](#), and [49 CFR Part 24](#), [N.C.G.S. 136-28.1](#), as amended, and in accordance with the requirements set forth in [N.C.G.S. § 133-5 through 133-18](#), hereby incorporated by reference.

Qualifications-Based Selection (QBS) is a competitive selection process where NCDOT evaluates firms' qualifications to perform the work based on criteria directly related to the work being requested. The method requires the selection of these services based on demonstrated competence and qualifications for the type of professional services required.

2. DEFINITIONS

- a) **Agreement:** A generic term for any number of document types referred to herein, i.e. Limited Services Contract, Limited Services Agreement, Project-Specific Contract, etc.
- b) **Amendment:** When the terms of the original contract document are revised, this affords NCDOT the opportunity to expand or reduce the work and add funding to the contract.
- c) **Area Appraiser:** The NCDOT staff member responsible for providing technical supervision and guidance to the Consultant in the areas of real estate appraisal and/or appraisal review.
- d) **Board of Transportation:** A 20 member governing body of the NCDOT responsible for overseeing transportation policy and making decisions for the State's transportation system.
- e) **Consultant:** The consulting firm or individual retained by the Department to perform the Right of Way tasks as described in the scope of services.

- f) **Consultant Selection Committee:** The team established to review, analyze, interview, and select a consultant based on selection criteria.
- g) **Department:** The North Carolina Department of Transportation (NCDOT) Right of Way Unit.
- h) **External Audit Unit:** The Unit responsible for performing independent audits and reviews of external entities that receive funds from or do business with the NCDOT.
- i) **Firm:** Also referred to as “Consultant”, “Subconsultant”. A private agency, corporation, organization, business, or individual offering qualified professional or specialized services.
- j) **Limited Services Contract (LSC) – On-Call:** An “as-needed basis” contract established for a maximum dollar amount for professional or specialized services to be performed during a specified contract period, generally not to exceed an initial two-year term, but may have time provisions to extend the contract to a lifespan of up to five years. As needed, during the contract period, a scope of services, schedule, and total compensation are negotiated with the Firm for the performance of an individual assignment (or task order) of professional or specialized services as defined by the Agreement.
- k) **Method of Compensation:** The agreed cost and method of compensation per the task order.
- l) **Notice to Proceed (NTP):** A notification given by NCDOT to the prequalified firm to inform it of the work start date of a specific task according to the contract scope of services.
- m) **Overhead:** A firm’s indirect costs, stated as a percentage of direct labor, including general administrative expenses plus employee fringe benefits. Fringe benefits may include employer’s portion of FICA, comprehensive health insurance, group life insurance, unemployment contributions to the state, vacation, sick leave, holidays, workers’ compensation, and other such benefits.
- n) **Prequalified Firm:** A firm that has demonstrated its ability and expertise to perform the work specified on NCDOT Right of Way contracts.
- o) **Professional or Specialized Services:** Services such as, but not limited to, project management, feasibility studies, project analysis, complex negotiations, complex relocation, environmental justice, planning and environmental (human and natural) surveys and studies preliminary to engineering design.
- p) **Project Utilization Table:** A table designed to depict work capacity of the current and ongoing consultant project assignments.
- q) **Purchase Order (PO):** An agreement that represents a Task Order or Work Order assignment given to a Firm, under a Limited Services Contract. Generally, a PO is

- a Notice to Proceed to perform services related to projects(s), scope(s) of services, and a period of time, to be completed for the NCDOT ROW Unit or Division and can be paid under any of the terms listed in the section Payment Methods.
- r) **Proposal:** A submittal from the consultant which specifies the staff who will accomplish the specific work or services as defined in the request for fee proposal.
 - s) **Request for Letter of Interest (RFLOI):** An expression of interest by a Firm in performing specific services as advertised by NCDOT.
 - t) **Request for Fee Proposal (RFP):** The request for a document used to announce a project and describes a project and invites qualified firms to submit a proposal. The request shall contain information describing the location of the project(s); the types and scopes of services that reflect a clear, accurate, and detailed description of the requirements for the services to be rendered.
 - u) **Right of Way Consultant Coordinator (RWCC):** The individual who is assigned the responsibility of ensuring contract documents are provided to all Right of Way Consultants and the person with authority over all consulting and contracting matters with the Right of Way Unit.
 - v) **Right of Way Project Manager:** The Right of Way staff member with overall responsibility to manage the Right of Way tasks of the consultant.
 - w) **Right of Way Unit Manager:** The NCDOT senior staff person accountable for the administration, management, and coordination on all aspects of the Right of Way program.
 - x) **Scope of Services:** All services, actions, and physical work required by the Department to achieve the purpose and objectives defined in the NTP. Such services may include the furnishing of all required labor, equipment, supplies, and materials except as specifically stated.
 - y) **Specific Rate(s) of Compensation:** A method of compensation based on an agreed cost per hour or work including labor, overhead, and fee (profit margin). Non-salary direct costs are charged and reimbursed separately.
 - z) **Standard Contract:** The contract method is based upon a specific period and schedule with a parcel count exceeding 75 acquisition parcels and 50 relocation parcels. The contract can be extended on an as needed basis.
 - aa) **State Acquisition Manager:** The NCDOT staff member with overall responsibility and authority to manage the acquisition tasks on projects.
 - bb) **State Appraiser:** The NCDOT staff member with overall responsibility and authority to manage the appraisal tasks and Right of Way cost estimate tasks on projects.

- cc) **State Relocation Director:** The NCDOT staff member with overall responsibility and authority to manage the relocation tasks of the consultant.
- dd) **Supplement:** Any additional amount of funds required to complete the task assigned for a specific accepted proposal.

3. PREQUALIFICATION OF CONSULTANT FIRMS

The Contract Management Section develops the criteria for prequalification for Right of Way consultants. Firms may be considered for prequalification at any time. The prequalification process will require the consultant to develop the submittal to reflect the specific discipline for which they wish to be considered through the [NCDOT-Prequalification Unit](#). The discipline codes required for consultants are: 00168 – Project Management; 00170 – Property Management; 00185 – Relocation Review; 00186 – Relocation Assistance; 00194 – Right of Way Negotiator.

4. AGREEMENT OF CONTRACTING PARTIES

An agreement will be executed between the Department and the Consultant with the provision for a specific date of service. The agreement will outline the compensation and consideration to be provided during the agreement period.

4.1. TYPES OF CONTRACTS

4.1.1. [STANDARD SELECTION CONTRACT](#)

This contract category provides the ability to secure consultant services for specific projects. The contract period is based on the project schedule with the ability to extend the contract on an as-needed basis. The procurement method will involve the Request for Fee Proposal (RFP) process, project advertisement, consultant grading, and oral panel selection with individual grading. The consultant grading process will be based on specific criteria. Within the firm, person(s) acting as negotiation/acquisition agents must be a NC Real Estate Broker in good standing and the firm must have a NC Real Estate Commission “Firm” license in good standing.

[Selection of Firms for Standard Selection Contract](#)

The Right of Way Consultant Selection Committee may be comprised of the State Appraiser, State Acquisition Manager, State Relocation Director, Right of Way Consultant Coordinator, Division ROW Agent for the appropriate division, and any other person(s) designated by the ROW Manager.

The Right of Way Consultant Selection Committee shall review all responses received to the request for proposals and shall shortlist at least three firms from those that respond

(except when there are fewer than three responses). When several projects are under consideration at the same time, a firm shall be selected for each project and two alternates may be selected from the entire group, at the discretion of the Selection Committee. These firms shall be ranked in order of preference based on the Selection Committee's evaluation and analysis of all responses. The Committee may elect to interview all or part of the firms responding to the request for proposal prior to establishing the order of preference. The Selection Committee's file shall be documented as to the reasons for the selection of a firm.

In the evaluation of the firms submitting specific project proposals, the following factors shall be considered:

1. The monetary amount of the competitive proposal.
2. The firm personnel who are currently available to perform Right of Way acquisition and relocation services on the specific project and their qualification.
3. The ability of the firm to complete the work according to the Department's schedule.

A firm selected to perform Right of Way services for the Department may be required to establish an office in proximity to the project. This office shall be the location for maintaining all project records subject to review by appropriate Department personnel.

After the approval is given by the Right of Way Manager, the RWCC shall notify the chosen firm.

[Negotiation of Standard Selection Contract](#)

If considered necessary, a meeting with the selected firm will be scheduled to discuss the scope of the project work. The discussions will vary depending upon the firm's familiarity with the Department's methods, policies, standards, etc. The meeting will include a discussion of the following:

1. Department policies
2. A copy of a contract in draft form
3. Methods of compensation
4. Procedure for invoicing
5. Standard forms to be used
6. Fiscal requirements
7. Delivery schedule and complex parcels

A representative of the firm shall keep the minutes of the meeting and prepare a summary to be maintained in the contract file. The minutes shall be reviewed for completeness, accuracy, and confirmation of mutual understanding of the scope of work.

The firm's competitive cost proposal shall be supported by a breakdown of the manhours required to perform each of the services contained in the contract task and the fixed billable rate for each of the classifications of personnel to be utilized. The fixed fee must be specifically broken out on the firm's specific project cost proposal. The firm's cost proposal must also include a breakdown of all non-salary direct costs and any sub-contract or fee services. The final negotiations shall conclude with all factors discussed and the concurrence of all parties.

Upon receipt of the selected firm's cost proposal a comparison review will be made. The review shall include similar projects, contract services, and competitive rates. The review is intended to determine both the reasonableness of the proposal and areas of substantial differences which may require further discussion and negotiation. When further negotiations are required, they shall be the responsibility of the RWCC and Project Manager.

The final negotiations shall satisfactorily conclude all remaining points of difference and shall consider any comments submitted by the External Audit Unit. The RWCC with the concurrence of the Right of Way Manager shall approve the final fee.

If an acceptable contract cannot be negotiated, negotiations shall be terminated, the firm shall be notified in writing and the next listed firm shall be contacted to initiate negotiations for the work.

4.1.2. LIMITED SERVICES CONTRACT(LSC) – ON-CALL

The On-Call Limited Service Contract (LSC) is an "as-needed basis" contract established for a maximum dollar amount for professional or specialized services to be performed during a specified contract period. As needed during the contract period, a scope of services, a schedule and total compensation are negotiated with the firm for the performance of an individual assignment of professional or specialized services, as defined by the agreement. The scope of services, schedule, and compensation for each individual assignment are documented in a Notice to Proceed (NTP).

The contract affords the ability to issue multiple task assignments based upon specific requirement. Consultants awarded this contract type may receive several task assignments during the contract period. Supplements to this contract are subject to approval by the Board of Transportation.

Selection of Firms for Limited Services Contract

The Right of Way Consultant Selection Committee may be comprised of the State Appraiser, State Acquisition Manager, State Relocation Director, Right of Way Consultant Coordinator, and any other person(s) designated by the Right of Way Manager.

The Right of Way Consultant Selection Committee shall review all responses received and submitted to the Request for Letter of Interest (RFLOI). Consultant firms that utilize a Right

of Way Department must have a minimum of 40% of their Right of Way personnel meet the required experience and qualifications. Within the firm, person(s) acting as negotiation/acquisition agents must be a NC Real Estate Broker in good standing and the firm must have a NC Real Estate Commission "Firm" license in good standing. These firms will be identified on the NCDOT Right of Way Limited Services (On-Call) list and utilized for Right of Way services. The Selection Committee's file shall document the reason for the non-selection of a firm.

A firm selected to perform Right of Way services for the Department may be required to establish an office in proximity to the project. This office shall be the location for maintaining all project records subject to review by appropriate Department personnel.

[Contract Execution for On-Call Contract](#)

The following is the process of executing contracts for on-call contracts.

- The RWCC shall prepare the Limited Services On-Call Contract and deliver the contract to the consultant firm.
- The consultant reviews the draft contract, consents, and submits a signed copy.
- The RWCC submits the original copy to the Right of Way Manager.
- The Right of Way Manager approves and submits the contract to the Chief Engineer's office.
- The Chief Engineer's office reviews and approves the contract.
- The RWCC places the contract on the Board of Transportation's agenda. The contract is approved by the Board of Transportation.
- The Right of Way Manager returns the contract to the RWCC for execution.

[Division Options for Selection](#)

Professional Engineering Firm (PEF): This selection type provides the method by which the PEF can select a Right of Way consultant to accomplish the Right of Way services. The PEF is to issue a task assignment(s) based upon the specific need for a project. Approved and prequalified consultants will receive a contract award from the Division Office.

Division Selection: This selection type provides the ability for the Division Agent to select a particular consultant to perform and issue a task assignment(s) based upon the specific needs of the project. Approved and prequalified consultants will receive a contract award specifically from the Division Agent.

The RWCC may provide consultant recommendations to the Division Offices for selection. These recommendations will be based upon the following:

1. Capacity threshold to complete the task

2. Consultant staff's ability to perform the task
3. Consultant qualifications

On-call contracts are subject to final review and approval by the RWCC prior to task authorization. That office will maintain documentation regarding contracts and task awards.

This contract provides the ability to secure consultant services for specific projects. These are non-competitive by which the Right of Way Unit offers a task assignment related to the consultant's experience and expertise for a specific service. Sole source assignments are used when it is in the best interest of the public and when economically advantageous to the Department.

The contract period is based on the project schedule with the ability to extend the contract on an as-needed basis. This consultant contract category may be issued for a task for nominal Right of Way services for fifty-thousand dollars not to exceed two million dollars per task.

The Right of Way Unit considers the experience and quality of work along with the knowledge of the consultant when issuing a sole source assignment.

4.2. REQUEST FOR ROW PROPOSALS

The prequalification process will require the consultant to develop the submittal to reflect the specific discipline for which they wish to be considered.

The request for fee proposal (RFP) or the request for letters of interest (RFLOI) will be submitted electronically and will contain plans and information describing the location of the project, types and scope of work required, and the time schedule for accomplishing the work.

4.2.1. PROPOSAL RECOMMENDATIONS

List work experience performed (with or for the Department, Local Public Agency, or Federal Agency is highly recommended). The list should include a description of work performed.

5. TERMS OF AGREEMENT

5.1. NOTICE TO PROCEED (NTP)

After the fee proposal is approved by the RWCC, authorization (NTP) for the consultant to commence work on the project will be issued by the Division Right of Way Agent (or his/her designee). The notice to proceed with the Central Office projects will be issued by the RWCC.

A kick-off meeting may be held with attendance by the consultant either in person or virtually.

Task assignments may be provided to the consultant as single or multiple assignments. The assignments will be completed according to the written schedule provided by the Department or other directions given by the Department.

5.2. METHOD OF COMPENSATION

Compensation for Right of Way services will be outlined in the contract and a maximum fee will be established. The fee amount for the services covered shall be established based on the complexity, schedule, and specific project needs. For services performed in accordance with the provisions of the agreement, the Department agrees to pay the consultant lump sum amounts or cost-plus compensation negotiated for each assignment. The scope of work or tasks assigned will dictate the methods of compensation which are listed here:

1. **Lump Sum:** This type of contract is suitable when the amount and character of required services can be defined and clearly understood by both NCDOT and the contracting firm. This can be a single lump sum fee negotiated initially or a lump sum contract consisting of task orders as the scope evolves by task assignments.
2. **Cost-Plus-Overhead-Plus-Profit:** This type of contract is suitable where the general magnitude of services is known but the scope of services or period of performance cannot be defined clearly and NCDOT needs more flexibility in expediting the work without excessive amendments to the contract.
3. **Cost Per Unit of Work:** This type of contract is suitable where the magnitude of services is uncertain, but the character of services is known and the cost per unit can be determined accurately.
4. **Specific Rate(s) of Compensation:** This type of contract is suitable where the magnitude of services is uncertain, but the character of services is known and the cost per hour can be determined.

5.2.1. BILLING MILESTONES

The following billing matrix is to be utilized by consultants when providing proposals for milestone billing. The consultant fee proposal will include mobilization, initial contact, offer, condemnation or final report, and closing. The cost attributed to mobilization is billable prior to the initial contact milestone. The relocation mobilization is only applicable if the project consists of only relocation.

Table 5-1: Billing Matrix Milestones

Negotiations	Task Percentage	Relocation	Final Decision
Mobilization – 1A	10%	Mobilization – 1A	10%
Initial Contact – 1B	30%	Initial Contact – 1B	30%
Offer	30%	90-Day Letter	30%
Final Report	20%	30-Day Letter	20%
Closing	10%	Closing	10%

Consideration for invoicing includes the following:

- All expenses incurred for individual contract or task assignments should be estimated and included in the fee proposal.
- Rates will be established for each task assignment and submitted as part of the task proposal. The rates will be utilized when issuing contracts and task assignments. The lump sum amount for each specific project proposal will represent full compensation for all direct salary costs, overhead, non-salary direct costs, and fee (profit).
- If additional compensation is necessary to complete the assignment such compensation will be added to the contract or task assignment. If additional compensation is necessary, the consultant will prepare a supplement. The supplement will include the additional compensation and justification required to complete the task.

5.2.2. PROJECT MOBILIZATION

The Project Mobilization Plan provides for the consultant to invoice for recognized project costs which occur prior to the project’s initial contact phase. The mobilization allowance must not exceed 10% of the overall project fee proposal. The table below describes tasks involved with establishing a project prior to initial contact with property owners/displacees.

Table 5-2: Mobilization Project Costs Table

Mobilization Negotiated Project Costs	Detailed Tasks
Administrative Management:	Representation of review of project initiation team including invoicing process, vendor selection, records/ document control process, QA/QC process, staffing support, SharePoint development and oversight, evaluation of parcel complexity, agent assignments, perform analysis of CADD drawings, prepare and coordinate plan changes on impacted parcels, survey coordination, review municipality permitting process, and initialize title services.
Project Support:	Representation of time for document/ data base. All documents are set up and stored in a hard and digital system for all project parcels, research and confirm information relative to the ownership reviewing Tax Card, GIS, Deed, and Plat data. Preparation and mailing of initial contact property owner parcel letters. Electronic files are set up in NCDOT Smart Sheet and/or the NCDOT system, or software program. Preparation of the appraisal request form and submittal.
Inspections/ Assessment:	Representation of the physical inspection of each parcel on the project to determine acquisition/relocation issues. Project team extracts and color codes the applicable plan sheet to be provided to the property owner delineating the parcel right of way impact and confirmation of survey staking. Respond to inquiries from property owners or parties. Coordinate with appraisal team for site inspections. Assess septic issues.
Relocation Project Analysis:	Representation of the time allocation to conduct and develop the relocation project analysis report with the focus on the relocation project impact, displacee needs and social and economic resources, parcel inspections and descriptions. This analysis report is typically developed during the appraisal phase with the appraiser often accompanying the analysis agent. This report is prepared in compliance with the URA and requires site visit and a determination of relocation impacts for personal property, residential displacements, and business displacements. The report is developed as an information resource for the project team and division agent.
Project Office:	The project office is typically recommended based upon the scale of the relocation displacees and determined by the need for relocation advisory services. Project offices can be suggested as part of a proposal.

5.3. TERMINATION

The Department reserves the right to terminate the contract, in whole or part, at any time upon fifteen (15) days advance written notice to the consultant. At the end of this period the consultant shall, unless the notice directs otherwise, discontinue all work and services.

Upon termination, the consultant shall be paid for the work and services performed up to the date of the written termination notice. The consultant will be compensated for complete or partially completed tasks when all documentation is in the possession of the

Department. The Department will request a status report and all records at the date of termination.

5.4. AUTHORIZATIONS

The contract (being intended to secure the personal services of the individuals constituting the firm which is a party to the contract and referred to collectively as ("the Consultant") **shall not be assigned, sublet, or transferred without the written consent of the Department**). The contract shall ensure the benefit of and shall be binding upon the personal representatives and legal successors of the respective parties hereto.

Nothing contained in the contract is intended or shall be construed to ensure the benefit of any person other than the parties hereto and their legal successors. By the execution of the contract, the consultant certifies that it has fully complied with all requirements authorizing it to do business in North Carolina.

6. CONTRACT PROGRAM SERVICES

6.1. GENERAL

At the time of contract award, task assignments will be determined by the Division or the Central Office of the Right of Way Unit. Task assignments will be issued based on Right of Way schedules and project needs. As services are identified, the Division or the Central Office Right of Way Unit will issue assignments to the consultant to perform the requested services. Any extension of services may be necessary as agreed upon by the consultant and the Right of Way Manager.

The contract will include the following provisions:

- Records
- Compliance with [Title VI of the Civil Rights Act of 1964](#)
- Conflict of interest
- Subcontracting of work
- Compliance with laws and regulations
- Staffing by consultant
- Confidentiality
- Equal Employment Opportunity
- Disadvantaged Business Enterprise
- People with disabilities

- Gift and favors: By [N.C.G.S. § 133-32](#), it is unlawful for any vendor or contractor (i.e., architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any officer or employee of a governmental agency.

6.2. PERFORMANCE

The work to be performed by the consultant is applicable to any assigned parcel and includes but is not limited to:

- a. Any person employed by the consultant for work on this project in any capacity shall be available to testify in any eminent domain proceeding, relocation appeal hearing, or any other court matters relating to this project, as deemed necessary by the NCDOT Project Manager.
- b. The consultant shall utilize the invoice process provided by the Department such that all amounts billed to the Department can be related to the appropriate activity and/or parcel.
- c. The consultant project manager shall attend meetings and public hearings and consult with local officials as requested by the Department. The consultant may be required to assist in the coordination and presentation of public meetings within the geographic limits of the project. The purpose of the meetings will be to ensure public knowledge of the project and to introduce staff and project personnel.
- d. The consultant project manager shall be available for project decisions. A qualified negotiation/relocation specialist shall be present during all business hours. Staffing must be appropriate for delivery of the relocation program.
- e. The consultant shall prepare a response to the NCDOT project manager for all audits and/or quality assurance reviews.
- f. The consultant shall be responsible for all relevant data entry and records management. The consultant will be required to transmit records monthly. The consultant and the NCDOT project manager will collectively determine the timeframe for record transmittal.
- g. Be available to answer inquiries from NCDOT personnel displacees and property owners within 48 hours.

6.2.1. [DELAYS AND AMENDMENTS](#)

Should the work provided for under each project proposal be delayed due to factors or conditions beyond the control of the consultant and through no fault or negligence on its part, the consultant may apply in writing for an extension of time and/or an adjustment in compensation. This request shall be accompanied by substantiating data to justify any extension of time and/or adjustment in compensation.

Should a task amendment (proposal supplement) be necessary, it will be at the discretion of the Division Agent and approved by the RWCC. The amendment (supplement) will afford the Department the opportunity to add additional tasks or modify the existing scope at any time. The task supplement shall clearly outline the changes made which may entail significant changes to the task scope.

6.2.2. REPORTS

It is understood and agreed by and between the parties hereto that all documentation shall become and remain the sole property of the Department upon termination or completion of the work, and the Department shall have the right to use the same for any public purpose without compensation to the consultant. This includes rights to all data, patent rights, and proprietary rights.

The consultant will provide reports as necessary and may participate in project status meetings.

6.2.3. SCHEDULES

Upon execution of the contract, the consultant may be authorized to begin work assignments immediately after receipt of the Notice to Proceed (NTP). Schedules for work tasks may vary based upon a mutually agreed timeframe.

6.3. APPRAISALS

Appraisals will be conducted conforming to approved principles and practices of the appraisal profession. The valuation of right-of-way parcels must be in accordance with accepted appraisal methodology for the state of North Carolina. Appraisals are conducted in accordance with the most recent version of the [Uniform Standards of Professional Appraisal Practice \(USPAP\)](#), the [NCDOT ROW Manual](#), and [NCDOT Real Estate Appraisal Standards and Legal Principles and the Code of Regulation](#).

USPAP is the recognized ethical and performance standards for the appraisal profession in the United States. USPAP was adopted by Congress in 1989, and contains standards for all types of appraisal services, including real estate, personal property, business, and mass appraisal. Compliance is required for state-licensed and state-certified appraisers involved in federally related real estate transactions.

6.4. ACQUISITION

The acquisition of real estate will be based upon the approved appraisal document or the approved claim report. The acquisition of real estate will be in compliance with the [NCDOT ROW Manual](#) and [49CFR](#).

The consultant will make all efforts to negotiate in good faith. Those efforts include the following:

- Establishing rapport with owners.
- Personal contact with owners is required when the property owner is in-state.
- Advising and providing the owner with project information and the effect the project will have upon their property.
- An explanation and delivery of the Department's Acquisition brochure to the owner.
- The verification of property and improvement information shown on the plans.
- Research ownership of property and verify for appraisal and title purposes.

6.4.1. NEGOTIATIONS

The consultant shall perform, consult, and engage in negotiation activities to include, but not limited to, the following:

1. Review title searches, Right of Way maps, and Right of Way sketches.
2. Notify all fee owners and business owners of their rights.
3. The consultant may participate in a project analysis which entails gathering information for each parcel.
4. The consultant may prepare a claim report estimate which can be used for non-complex appraisal valuations in accordance with the [NCDOT ROW Manual](#). All claim report estimates must be approved by the Right of Way Division office.
5. Initiate negotiations by presenting an acquisition offer based on the approved appraisal or claim report estimate.
6. Issue all applicable notices in accordance with state and federal policies and procedures.
7. The consultant will coordinate with the Division Agent regarding the disposition or retention of Right of Way or improvements.
8. Conduct negotiations for the acquisition of each parcel in accordance with all Right of Way policies and procedures.
9. Assist in coordination with any organization, whether public or private, when requested by the Department, for the purposes of identifying, investigating, and/or remediating any environmentally unsafe condition on any parcel.
10. Compile all necessary documents for tax proration and submit tax proration request in a timely manner.

6.4.2. SETTLEMENT CONFERENCE

As directed by Department authorized personnel, the consultant may participate in a settlement conference.

The consultant may make an oral presentation at the settlement conference pertaining to the parent tract, area of acquisition, and all other related issues impeding settlement. The consultant shall prepare a written summary of the outstanding issue(s) including, but not limited to, real estate, improvements, cost to cure, fixtures, and relocation that may be preventing settlement of the parcel(s).

6.4.3. MEDIATION

The consultant may be requested to participate in the non-binding pre-litigation mediation process and shall be required to participate at the request of the Department or the Attorney General's Office.

6.4.4. SETTLEMENTS AND CLOSINGS

The consultant may perform the following:

1. Receive counter offers from property owners, business owners or their representatives for consideration by the Department.
2. When appropriate, prepare justifications and recommendations for administrative settlements and submit such recommendations to authorized personnel for further handling.
3. Conduct all necessary closings and all related activities.

The real estate closing will require that the consultant submit the documents of conveyance and confirm the closing with their closing attorney.

6.5. RELOCATION

Relocation services will be administered in accordance with [49 CFR Part 24](#), the [NCDOT ROW Manual](#), [Uniform Relocation and Real Property Acquisition Policies Act of 1970](#), and [N.C.G.S. § 133](#) from [N.C.G.S. § 133-5 through 133-18](#). Right of Way consultants may perform the following duties:

A "Task Authorization" under this contract may include but is not limited to the following:

- Completion of Conceptual Stage Relocation Plan
- Relocation Advisory Services
- Staff Mentorship
- Relocation Cost Estimating
- Computation of Replacement Housing Benefits
- Developing Move Cost Specifications and Scope of Services
- Documentation of Relocation Claims

- Project Analysis or Relocation Assessment Plan

6.6. PROPERTY MANAGEMENT

The consultant may coordinate with the Division Agent or designee to ensure property is vacated and cleared according to the certification schedule.

Property management services will be performed by Inspection, Abatement, Demolition (IAD) Contractors on the approved limited-service contract (LSC) list. Properties will be managed in accordance with the provisions of federal aid contracts and the provisions established by the [NCDOT ROW Manual](#). The consultant management tasks may include but are not limited to:

- Inspection/Abatement/Demolition (IAD)
 - The consultant's LSC I/A/D subcontractor should secure any necessary permits from local agencies and submit notifications to the Health Hazards Control Branch, as required.
 - The consultant will inspect the parcel and verify the structures listed in the approved appraisal.
 - The consultant will complete the necessary Estimate Forms and have them approved by the State Property Manager (SPM) and send them to the contractor to start the I/A/D process.
- Asbestos inspection
- Lead paint inspection
- Mold inspection
 - Asbestos/Lead/Mold Abatement
- Demolition/Clearing
- Well abandonment
- Septic system abandonment

The consultant will visit the parcel and verify the clearing has been completed in compliance with NCDOT Right of Way standards. All estimates and invoices should be sent to the Division Agent for review and forwarded to the State Property Manager (SPM) for approval.

7. CONFLICT OF INTEREST

During the contract period, the consultant will not enter into any agreement with or hire a third party for direct or indirect financial gain.

Pursuant to [N.C.G.S. § 133-1](#), the consultant will not knowingly specify building materials, equipment, or other items that are manufactured, sold, or distributed by any firm or corporation in which the consultant has a financial interest. Pursuant to [N.C.G.S. § 133-32](#), the consultant will not employ or allow manufacturers or their representatives or agents to write, plan, draw, or make specifications for such public works.

The consultant must certify that it does not have any potential conflict of interest with any entity involved with the project. Any potential conflict of interest shall be disclosed immediately to the Department.

8. ANCILLARY SERVICES

The Department will furnish the consultant with plans, forms, maps, photographs, and documents to ensure proper processing of all reports in accordance with the terms of the contract agreement.

The consultant will be responsible for identifying plan changes which result from data obtained during the acquisition process. This data is to be submitted to the Department, who will revise said plans and return the revised plans to the consultant.

The Department will be responsible for the request for staking of the Right of Way and/or the centerline, as requested by the consultant, as needed for the performance of the work outlined herein. On Design-Build projects, the Design-Build team project manager will be responsible for requesting the staking.

9. CONSULTANT GUIDELINES

The consultant shall be responsible for all Right of Way functions as defined in the scope of services. The consultant shall provide technical personnel meeting the requirements set forth in the scope of services. All Right of Way tasks shall be performed in accordance with the guides, standards, procedures, and directives that are a part of the consultant agreement.

Right of Way Contract Services are performed by consultants in specific work disciplines who are deemed qualified to work on NCDOT projects based upon experience, knowledge, and training specific to the Right of Way profession.

9.1. PERSONNEL

The consultant shall provide a sufficient number of qualified personnel at the appropriate level to effectively carry out their responsibilities under the contract. The consultant shall utilize only competent personnel who are qualified by experience, education, and who are acceptable to the RWCC.

Should it become necessary that the consultant replace a staff person, the person proposed as a replacement must have qualifications equal to or exceeding those of the person(s) being replaced, including adequate skillset, experience, and time commitment to carry out the proposed task responsibilities of the project. The consultant must request written approval for the proposed replacement from the RWCC. The consultant must provide written notification to the RWCC prior to departure of any consultant personnel assigned to the contract. The consultant must furnish resumes of all personnel proposed to be assigned to a given project (including all subcontractors for acquisition, appraisal, relocation, and property management).

The consultant must propose personnel by category of: Consultant Project Manager, Consultant Acquisition Agent, Consultant Relocation Agent, Appraiser Consultant, Property Management Consultant, and Consultant ROW Trainee.

9.2. SUBCONSULTANT SERVICES

The responsibility for procuring a subconsultant and assuring the acceptable performance of the work lies with the Prime Consultant. The Prime Consultant shall submit the proper supporting documentation to the RWCC for all the work that is proposed to be sublet.

The Prime Consultant may hire subconsultant specialists when they are essential to the performance of an assignment. The subconsultant specialist must be included in the original proposal or added by approval. The Prime Consultant will be responsible for the management, scheduling, and administration of all subconsultants.

The Prime Consultant must invoice the Department every 30 days as arranged by the Division in the NTP and must pay subconsultants and all lower tier subconsultants within seven (7) calendar days of receipt of monies from the Department. This seven-day period begins upon knowledgeable receipt by the contracting firm obligated to make subsequent payment.

9.3. QUALIFICATIONS

The approval of senior level and agent positions in Right of Way is based upon the required experience, education, and training which may be attained as substitutions are recognized for specific requirements. Consultants will be qualified based on the qualification criteria established for each position.

9.3.1. CONSULTANT PROJECT MANAGER

This role is responsible for overseeing the scope of services which include, but are not limited to management of acquisition, relocation, etc., for NCDOT in compliance with applicable State and Federal Laws and Regulations, the Uniform Relocation Act, and the NCDOT ROW Procedures manual.

All qualified consultants must have knowledge, experience, and an understanding of all applicable state, federal laws and implementing regulations when acquiring property.

Agency Experience Required

- Consultants must have demonstrated experience in Right of Way gained through NCDOT, Local Public Agency, Federal government, or another state agency for a minimum of 8 years OR:

Minimum Qualifications

- Bachelor's degree from an appropriately accredited institution and 2 years of experience in the general real estate field, OR
- High School diploma and 7 years of experience in the general real estate field, OR
- An equivalent combination of training and experience
- Must be a NC Licensed Notary in good standing

** Disclaimer – NCDOT has the right to evaluate all consultants to ensure that requirements set forth are met and may require skills test or remedial training. The Department has the right to remove a consultant if work expectations are not being met.

Required Knowledge, Skills, and Abilities

- Knowledge and understanding of [49 CFR Part 24](#) (UNIFORM ACT), Relating to Real Property Acquisition and Relocation Assistance
- Principles, practices, and techniques in area of assignment
- Federal, state, and local laws, rules, and regulations related to the area of assignment
- Principles and practices of planning, organization, supervision, and management
- Collaborate effectively with managers, staff, and vendors to deliver projects
- Plan, coordinate, and administer a functional program
- Supervise and evaluate the work of subordinate employees
- Develop work plans, schedules, and budgets
- Allocate and make effective use of available resources
- Assess the relative advantages and disadvantages of alternative courses of action
- Read, interpret, and apply federal, state, and local laws, rules and regulations governing the assignment

- Analyze and evaluate operations and take effective action to correct deficiencies and resolve problems
 - Establish and maintain effective working relationships with elected officials, department heads, associates, subordinates, representatives of other agencies and with the public
 - Lead programs with public groups
 - Communicate effectively, both orally and in writing
 - Prepare a variety of correspondence, reports, and other written materials and documents
 - Understand and explain the appraisal process
 - Experience relocating large-scale business operations and residential properties
 - Experience working on complex relocation and acquisition projects
 - Experience developing cost analysis, project needs analysis, and real estate management plans
 - Knowledge of the Right of Way discipline practices and the relationship of such in the Right of Way process
 - Knowledge of the eminent domain process, mediation, and condemnation
 - Proven leadership skills – ability to successfully lead individual and team performance
 - Knowledge of Right of Way plans and construction plans
- ** Disclaimer – NCDOT has the right to evaluate all consultants to ensure that requirements set forth are met and may require skills test or remedial training. The Department has the right to remove a consultant if work expectations are not being met.

9.3.2 CONSULTANT ACQUISITION AGENT

This category of work includes performing acquisition services for NCDOT in compliance with applicable State and Federal Laws and Regulations, including, but not limited to the Uniform Relocation Act and the NCDOT ROW Procedures manual.

Minimum Qualifications

- Bachelor's degree from an appropriately accredited institution and 2 years of experience in the general real estate field OR
- High School diploma and 7 years of experience in the general real estate field OR
- An equivalent combination of training and experience

- Must be NC Licensed Notary and NC Licensed Real Estate Broker in good standing
- ** Disclaimer – NCDOT has the right to evaluate all consultants to ensure that requirements set forth are met and may require skills test or remedial training. The Department has the right to remove a consultant if work expectations are not being met.

Required Knowledge, Skills, and Abilities

- Knowledge and understanding of [49 CFR Part 24](#) (UNIFORM ACT), Relating to Real Property Acquisition and Relocation Assistance
- Principles, practices, and techniques in the area of assignment
- Federal, state, and local laws, rules, and regulations related to the area of assignment
- Principles and practices of planning, organization, supervision, and management
- Collaborate effectively with managers, staff, and vendors to deliver projects
- Plan, coordinate, and administer a functional program
- Supervise and evaluate the work of subordinate employees
- Develop work plans, schedules, and budgets
- Allocate and make effective use of available resources
- Assess the relative advantages and disadvantages of alternative courses of action
- Read, interpret, and apply federal, state, and local laws, rules and regulations governing the assignment
- Analyze and evaluate operations and take effective action to correct deficiencies and resolve problems
- Establish and maintain effective working relationships with elected officials, department heads, associates, subordinates, representatives of other agencies and with the public
- Lead programs with public groups
- Communicate effectively, both orally and in writing
- Prepare a variety of correspondence, reports, and other written materials and documents
- Understand and explain the appraisal process
- Experience relocating large-scale business operations and residential properties
- Experience developing cost analysis, project needs analysis, and Real Estate Management Plans

- Knowledge of the ROW discipline practices and the relationship of such in the ROW process
- Knowledge of the eminent domain process, mediation, and condemnation
- Proven leadership skills – ability to successfully lead individual and team performance
- Knowledge of Right of Way plans and construction plans

** Disclaimer – NCDOT has the right to evaluate all consultants to ensure that requirements set forth are met and may require skills test or remedial training. The Department has the right to remove a consultant if work expectations are not being met.

9.3.3 CONSULTANT RELOCATION AGENT

The Relocation Agent assigned to the project will possess the required experience and knowledge to accomplish their assigned duties. The Relocation Agent will be assigned parcels based upon his/her expertise and experience in the discipline.

Minimum Qualifications

- Bachelor's degree from an appropriately accredited institution and 2 years of experience in the general real estate field OR
- High School diploma and 7 years of experience in the general real estate field OR
- An equivalent combination of training and experience
- Must be NC Licensed Notary in good standing

** Disclaimer – NCDOT has the right to evaluate all consultants to ensure that requirements set forth are met and may require skills test or remedial training. The Department has the right to remove a consultant if work expectations are not being met.

Required Knowledge, Skills, and Abilities

- Knowledge and understanding of [49 CFR Part 24](#) (UNIFORM ACT), Relating to Real Property Acquisition and Relocation Assistance
- Principles, practices, and techniques in area of assignment
- Read, interpret and apply federal, state, and local laws, rules, and regulations governing the assignment
- Analyze and evaluate operations and take effective action to correct deficiencies and resolve problems

- Establish and maintain effective working relationships with elected officials, department heads, associates, subordinates, representatives of other agencies and with the public
- Communicate effectively, both orally and in writing
- Prepare a variety of correspondence, reports, and other written materials and documents
- Understand and explain the appraisal process
- Knowledge of Right of Way plans and construction plans
- Note: Relocation as a discipline requires specific documentation/verification and work samples related to the discipline. Work samples may include five of the following but are not limited,
 - Replacement Housing Computation
 - Moving Cost Specification Scope of Services
 - Advisory Services Plan
 - Residential Move Plan
 - Room Count
 - Decent, Safe, and Sanitary (DS&S) Inspection
 - Relocation Study
 - Business Move

** Disclaimer – NCDOT has the right to evaluate all consultants to ensure that requirements set forth are met and may require skills test or remedial training. The Department has the right to remove a consultant if work expectations are not being met.

9.3.4 APPRAISER CONSULTANT VALUATION

This category of work includes individuals capable of performing valuation assignments of both partial and total acquisition of properties. Appraisers in this category must be proficient and knowledgeable of Right of Way appraisal techniques, principles, and be able to demonstrate that they have successfully appraised real estate and real estate interests, providing before and after evaluations. To qualify for this work discipline, the proposal must demonstrate that the appraiser is qualified to author appraisals for acquisition and eminent domain purposes including appraisals of partial acquisitions in compliance with applicable State and Federal Laws and Regulations, including, but not limited to the Uniform Relocation Act and North Carolina Relocation Act and related regulations.

Applicants must be able to submit work in a prescribed format using specific computer programs from remote personal computers. To qualify for this work discipline, qualifications must be demonstrated in each area.

Minimum Qualifications

- Appraisers must hold a Certified General Appraiser License from the North Carolina Appraisal Board.
- All qualified consultants must have knowledge, experience, and an understanding of all applicable state and federal laws and implementing regulations when appraising property.
- Appraisers applying for this service shall demonstrate actual appraisal experience in condemnation appraising and/or partial takings and should have knowledge of the requirements set forth by the Uniform Act, applicable North Carolina laws, the North Carolina Appraisal Board, USPAP, and NCDOT.
- Appraisers must be on the NCDOT Pre-Approved Appraiser List by meet requirements and knowledge set forth by the NCDOT State Appraiser.
- Appraisers should have successfully completed the NCDOT Right of Way Plan Reading Course.

9.3.5 PROPERTY MANAGEMENT CONSULTANT

This category of work includes the services for the inspection, abatement, and demolition of physical structures acquired from the right of way. These services include working with the State Property Manager (SPM) for approvals of estimates and invoices and working with the I/A/D contractors on the Limited Services Contract, physical inspections of the parcels to verify clearings, and an understanding of the process is highly recommended.

Minimum Qualifications:

- Contractors must be prequalified through NCDOT and on the LSC contracts
- NC General Contractors License in good standing
- Abatement Contractors must have an NC DHHS HHCU Asbestos Supervisor License in good standing

9.3.6 CONSULTANT ROW TRAINEE

Consultant trainees will be afforded the opportunity to gain knowledge and experience through the mentorship of a senior Right of Way Agent with whom they are teamed to work and courses provided by the Right of Way training program in effect.

Minimum Qualifications

- Bachelor's degree from an appropriately accredited institution and 2 years of experience in the general real estate field OR
 - High School diploma and 7 years of experience in the general real estate field OR
 - An equivalent combination of training and experience
 - Must be NC Licensed Notary and NC Licensed Real Estate Broker in good standing
- ** Disclaimer – NCDOT has the right to evaluate all consultants to ensure that requirements set forth are met and may require skills test or remedial training. The Department has the right to remove a consultant if work expectations are not being met.

9.3.7 TITLE AND CLOSING

This category of work includes those services performed by an attorney or by legal counsel to verify and confirm title and perform real estate closings. Attorneys working on projects may be required to provide ancillary services relative to Right of Way.

10. TIMEFRAMES FOR ASSIGNMENTS

All assignments, other than requests for attendance at meetings, will be issued in writing to the consultant. The delivery date for each assignment will be determined mutually and the time necessary for completion of an assignment will vary. The project certification date will dictate the schedule for completing the project.

11. ROW UNIT RESPONSIBILITIES

The ROW Unit shall:

- Furnish the consultant the internet address of NCDOT's ROW Procedures Manual in effect at the time of execution of the agreement and provide subsequent revisions thereto issued during the life of the contract.
- Furnish the standard forms required to carry out the technical tasks pursuant to the agreement.
- Review, approve, and execute property lease agreements prepared by the consultant on Department lease forms.
- Approve requests for warrants.
- Prepare and prosecute civil action and/or eviction proceedings against tenants.
- Reserve the right to complete relocation functions on parcels which, due to condemnation proceedings, continue past the expiration of the agreement. The

Right of Way Unit will monitor and evaluate the work performance of the consultant.

The consultant shall rely upon the information that is provided related to the project. The consultant shall call to the Department's attention any errors or deficiencies noted in such information provided by others and assist, to the extent practicable, in the identification and resolution of same. Information referred to above includes, but is not limited to, Right of Way maps, drawings, legal descriptions, sketches, title reports, title information, construction plans, and the like, including all other information to be provided to the consultant by others and necessary for the completion of the consultant's work under the agreement.

11.1. RECORDS MAINTENANCE

The consultant will maintain all files and records and make them accessible and available during business hours for the duration of the contract/task assignment. The consultant shall be responsible for all relevant data entry and records management. The consultant shall be required to transmit records monthly or prior to any payment or approval by the Department at the Department's discretion. The Department must retain all records for Final Reports – 3 years, Consultant LOI – 4 years, Relocation and I/A/D – 5 years, and Appraisals – 7 years.

11.2. PRODUCTION CONTROL

The consultant or the Department will initiate monthly production meetings to monitor and evaluate the progression of the task assignments. The production meetings will provide a status of the overall project schedule, assignments, and parcels. During the production meeting, the specific exceptions or project delays will be discussed.

The NCDOT Project Manager shall prepare written interim and/or final performance evaluations for all task assignments. The report shall include:

- Evaluation of quality of work
- Timely completion of work
- Compliance with established policy

Copies of reports will be available to firm for review and comments immediately following milestones or completion of the project or task assignment. The RWCC will receive all copies with comments from the firm and maintain all reviews. The Division Office shall maintain a copy of the comments and reviews with the project folder.

12. COOPERATION AND PERFORMANCE OF CONSULTANT – MONITORING AND EVALUATION OF WORK

During any contract period, the Right of Way Unit Manager or delegate and/or the Federal Highway Administration (FHWA) representative may conduct reviews of the various phases of the consultant's operations. The consultant shall cooperate with and assist the ROW Unit Manager or his/her designee in the conduct of the reviews.

When deficiencies are indicated in a review, remedial action shall be immediately implemented by the consultant in conformance with the Right of Way Unit's instructions. Remedial action shall be required commensurate with the degree and nature of the deficiencies cited. The Department may implement a corrective action plan to address underperformance by the consultant firm or any individual working on their behalf. The Department has the right to remove a consultant if work expectations are not being met.

12.1. TRAINING OF NCDOT STAFF

A consultant may assist in the development and conducting of training programs, when requested to do so. All training services' fee proposals and training curriculum must be reviewed and approved in writing by the Right of Way Unit Manager.

The consultants may participate and attend courses offered by the Department's Right of Way training program free of charge to further their knowledge of the Right of Way processes. External training programs such as, but not limited to, IRWA courses, NC Real Estate licensure requirements, and NC Appraisal Board licensure requirements will not be compensated by the Department.

Appraisers requesting to be on the NCDOT Pre-Approved Appraiser List must meet requirements and knowledge set forth by the NCDOT State Appraiser.

12.2. WORK STOPPAGE

On those parcels where a work stoppage has been deemed necessary by the Department including, but not limited to, project cancellation, parcel voids, work units that do not progress through each milestone; for work completed prior to the work stoppage, the Department shall pay for each completed milestone and partial milestone therein. The consultant shall produce all billing documents for partial milestone payments. All partial milestone payments for a work stoppage will be reviewed and approved by the Division Office or the RWCC. If work is reinstated on a project or a parcel, the consultant shall be compensated for any work necessary to re-start the parcel or project. All payments for work re-started on a parcel or project work stoppage shall be approved by the RWCC.

Compensation of partially completed items before notification of work stoppage, the Department will reimburse for the verified actual cost of the partially completed work not to exceed the payment that would have been made at the contract unit or lump sum price for the completed work. No payment will be made for loss of profit, and no other allowances will be made for eliminated items except as listed.

Plan changes are not considered work stoppages.

12.3. CODE OF FEDERAL REGULATIONS

[49 CFR 18.36](#): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

[23 CFR 710](#): Right of Way and Real Estate

[49 CFR Part 24](#): Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs

12.4. CIVIL RIGHTS ACT

[Title VI of the Civil Rights Act of 1964](#)

12.5. NORTH CAROLINA GENERAL STATUTE

[N.C.G.S. § 133-1](#): Employment of architects, etc., on public works when interested in use of materials prohibited. It shall be unlawful for any architect, engineer, or other individual, firm, or corporation providing design services for any city, county or State work supported wholly or in part with public funds, knowingly to specify any building materials, equipment or other items which are manufactured, sold or distributed by any firm or corporation in which such designer or specifier has a financial interest by reason of being a partner, officer, employee, agent or substantial stockholder. (1933, c. 66, s. 1; 1977, c. 730.)

[N.C.G.S. § 133-2](#): Drawing of plans by material furnisher prohibited. It shall be unlawful for any architect, engineer, designer or draftsman, employed on county, State, or city works, to employ or allow any manufacturer, his representatives or agents, to write, plan, draw, or make specifications for such works or any part thereof. (1933, c. 66, s. 2.)

[N.C. G.S. § 133-32](#): Gifts and favors regulated. (a) It shall be unlawful for any contractor, subcontractor, or supplier who: (1) Has a contract with a governmental agency; or (2) Has performed under such a contract within the past year; or (3) Anticipates bidding on such a contract in the future to make gifts or to give favors to any officer or employee of a governmental agency who is charged with the duty of: (1) Preparing plans, specifications, or estimates for public contract; or (2) Awarding or administering public contracts; or (3) Inspecting or supervising construction. It shall also be unlawful for any officer or employee of a governmental agency who is charged with the duty of: (1) Preparing plans, specifications, or estimates for public contracts; or (2) Awarding or administering public

contracts; or (3) Inspecting or supervising construction willfully to receive or accept any such gift or favor. (b) A violation of subsection (a) shall be a Class 1 misdemeanor. (c) Gifts or favors made unlawfully by this section shall not be allowed as a deduction for North Carolina tax purposes by any contractor, subcontractor or supplier or officers or employees thereof. (d) This section is not intended to prevent a gift a public servant would be permitted to accept under G.S. 138A-32, or the gift and receipt of honorariums for participating in meetings, advertising items or souvenirs of nominal value, or meals furnished at banquets. This section is not intended to prevent any contractor, subcontractor, or supplier from making donations to professional organizations to defray meeting expenses where governmental employees are members of such professional organizations, nor is it intended to prevent governmental employees who are members of professional organizations from participation in all scheduled meeting functions available to all members of the professional organization attending the meeting. This section is also not intended to prohibit customary gifts or favors between employees or officers and their friends and relatives or the friends and relatives of their spouses, minor children, or members of their household where it is clear that it is that relationship rather than the business of the individual concerned which is the motivating factor for the gift or favor. However, all such gifts knowingly made or received are required to be reported by the donee to the agency head if the gifts are made by a contractor, subcontractor, or supplier doing business directly or indirectly with the governmental agency employing the recipient of such a gift. (1981, c. 764, s. 1; 1987, c. 399, s. 1; 1993, c. 539, s. 970; 1994, Ex. Sess., c. 24, s. 14(c); 2007-348, s. 18.)

[N.C.G.S. § 133](#) from [N.C.G.S. § 133-5 through 133-18](#): See link.

[N.C. G.S. § 136-28.1](#) part f: (f) Notwithstanding any other provision of law, the Department of Transportation may solicit proposals under rules and regulations adopted by the Department of Transportation for all contracts for professional engineering services and other kinds of professional or specialized services necessary in connection with the planning, operations, design, maintenance, repair, and construction of transportation infrastructure. In order to promote engineering and design quality and ensure maximum competition by professional firms of all sizes, the Department may establish fiscal guidelines and limitations necessary to promote cost-efficiencies in overhead, salary, and expense reimbursement rates. The right to reject any and all proposals is reserved to the Board of Transportation.

12.6. NCDOT

[Department policies](#)

[NCDOT Right of Way Manual](#)

[NCDOT Real Estate Appraisal Standards and Legal Principles and the Code of Regulation](#)

12.7. USPAP

For additional information regarding uniform standards of appraisal practice, or purchasing the USPAP Manual, please visit:

https://www.appraisalfoundation.org/imis/TAF/Standards/Appraisal_Standards/Uniform_Standards_of_Professional_Appraisal_Practice/TAF/USPAP.aspx?hkey=a6420a67-dbf4-41b3-9878-fac35923d2af