



REQUEST FOR QUALIFICATIONS

**REAL ESTATE RIGHT-OF-WAY ACQUISITION
AND RELOCATION SERVICES
FOR TIP # U-5112/W-5502
WBS # 42374.2.FD1**

**LOCALLY ADMINISTERED PROJECT - FEDERAL
POTTER ROAD FROM AZTECA DRIVE TO OLD MONROE ROAD AND PLEASANT
PLAINS ROAD FROM EAST OF AURORA BOULEVARD TO WEST OF LAKEWOOD
DRIVE**

RFQ# 2016 U-5112/W-5502

Date Issued: February 22, 2016

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1 Request for Qualification (RFQ) Instructions and Project Overview

1.1 Public Notice

The Town of Stallings (Town) intends to contract with one or more right-of-way (ROW) firms to provide real estate acquisition and relocation services for a locally administered project that utilizes federal funding sources. Services include acquiring all the property rights required for the project consisting of fee whole parcels, fee partial parcels, various permanent easements and temporary construction easements. In addition, the selected firm(s) will participate in the necessary relocations as required. The relocations may consist of residential relocations, business relocations and the relocation of various items such as outdoor advertising signs, business signs, etc. The Town is seeking firms whose combination of experience and personnel will provide timely, cost-effective and quality professional services to support this project.

For questions related to this solicitation contact:

Christopher J. Easterly, PE
Town Engineer
Town of Stallings
315 Stallings Road
Stallings, NC 28104
Direct: 704.821.0309 Fax: 704.821.6841
Main: 704.821.8557
Email: ceasterly@admin.stallingsnc.org

1.2 Project Overview

The Town intends to enter into contracts with the firm(s) selected under this Request for Qualifications (RFQ) for acquisition and relocation services as required. The Town reserves the right to select additional firms, if needed, as determined by the Town.

The Scope of Services for FHWA-funded projects is detailed in **Exhibit 1 – Real Estate ROW Acquisition and Relocation Services for FHWA Projects.**

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1.3 RFQ Schedule of Events

Advertisement of RFQ:	February 22, 2016
Due Date for Questions:	March 7, 2016
Due Date for Statement of Qualifications:	March 14, 2016 at 5:00 PM
Technical Evaluation Meeting:	March 16, 2016
Selection Notification:	March 18, 2016 (anticipated)

1.4 Evaluation Criteria

Each Statement of Qualifications (SOQ) will be evaluated based on the ROW firm's responses to the requirements of this RFQ as demonstrated in the SOQ. Evaluations will focus on strengths, weaknesses, deficiencies and risks associated with the ROW firm's SOQ. The Town reserves the right to select the firm(s) providing the best overall value and benefit to the Town.

Evaluation criteria include, but are not limited to, the following, with greater consideration placed on the first three:

- Qualifications, certifications, and abilities of key individuals identified in the Qualifications Package. Minimum required qualifications are:
 - Real Estate Broker's License for key staff
 - Firm Real Estate License
 - Specific right-of-way training of principals and agents
- Past experience and demonstrated success on similar Federally-funded municipal acquisition and relocation projects, including providing services for eminent domain projects. Examples include, but are not limited to, water, sewer, road, sidewalk, storm water and utility related acquisition activities;
- Approach to the right-of-way acquisition and relocation process, including availability and ability to meet established schedules;
- Proposed utilization of firms certified by the State of North Carolina either as Disadvantaged Business Enterprises (DBE) or as Small Professional Services Firms (SPSF) for FHWA projects, **OR** documentation of good faith efforts; and
- SOQ appearance and presentation.

Firms that do not have the required licenses and certifications listed above will not be considered for this work.

1.5 Evaluation Process

The Town will conduct a fair and impartial evaluation of all SOQs that are received in accordance with the provisions of this RFQ. The Town will appoint a committee to perform technical

evaluations, rank submittals, and make selection recommendations based on consensus. Personal interviews are not anticipated.

The Town reserves the right to obtain clarifications and/or additional information from any firm regarding its SOQ. All firms that submit SOQs will be notified of the final selection decision. Final recommendation of any selected firm is subject to the action of the Town Council or appropriate Town officials prior to award of a contract.

1.6 Statement of Qualifications (SOQ) Format

The ROW firm's SOQs should consist of responses to the items listed in Section 1.7 below, and should include the applicable forms and optional materials in the format stipulated herein. ROW firm must submit **9** original, bound SOQs, including all required forms, and 1 CD containing one consolidated digital copy of the complete SOQ in .pdf format.

Due to demands on the time of the Evaluation Committee members, all responses are limited to a maximum total of **15 pages**, numbered and printed single-sided. SOQs should be printed on 8 ½" x 11" paper, although organizational charts, matrices, or diagrams may be printed on larger sheets. Type size should be no smaller than 11 points for narrative sections, but may be reduced for captions, footnotes, etc. as required, while still maintaining legibility. Required forms, resumes, sub-tabs and dividers do not count toward the page limit. Non-conforming submissions may be removed from consideration. Please submit packages comprised of materials that are easily recyclable or reusable at the conclusion of the evaluation process.

1.7 Statement of Qualifications (SOQ) Content

SOQs should provide forms and respond to questions in the following order:

1.7.1 Cover Letter

Completed and signed [Form A – Qualification Package Cover Sheet](#). Please do **not** include a separate cover letter.

1.7.2 SOQ Responses

1.7.2.1 Identify the legal entity that would enter into a contract with the Town and include the location of company headquarters, local office street address, type of business (sole proprietorship, partnership, corporation, etc.), state of incorporation or organization (e.g., NC), current size (financial and staffing), and the name, title, email address and telephone number of the person authorized to enter into an agreement. In addition, provide the name of each proposed subconsultant firm, the office street address, contact name and telephone number, and the services to be provided. Indicate if any member of your team is certified as a DBE or SPSF. Joint ventures will not be considered.

1.7.2.2 Provide an organizational chart and identify key members of the team, including subconsultants, who would be assigned to this project. The chart should clearly delineate roles and responsibilities of the various team members. Please indicate the geographical location of any team member whose office is outside the Stallings metro area.

- 1.7.2.3 If the submittal is from a team, please note if the team members have worked together before. Generally describe any such collaborations, the responsibility of each team member, and the project outcome. Discuss the successes of the team collaboration, any problems encountered and methods used to mitigate issues and resolve potential conflicts.
- 1.7.2.4 List a maximum of ten (10) Federally-funded projects, currently in process or performed in the **past 5 years**, containing work comparable to the work anticipated as a result of this this RFQ, in the following order:
- List only projects involving current staff of the proposed prime ROW firm and any proposed subconsultants;
 - List projects in date order with newest projects listed first;
 - List primarily transit and relocation projects, followed by a variety of other project types (water/sewer, road, sidewalk, storm water, utility relocations, etc.).
- For each project listed in Section 1.7.2.4, include a brief description, the date the services were performed, the name, address and phone number of the client representative having knowledge of the firm's work, the Federal agency funding the project, the dollar amount, the total time period involved, and if the project was completed on schedule.
- 1.7.2.5 Discuss the methods, approach, and controls used on similar projects. Describe how the work was completed in an effective, timely, economical and professional manner.
- 1.7.2.6 Describe the firm's experience and capability in these areas, as applicable:
- Establishing excellent working relationships;
 - Successfully negotiating right-of-way acquisitions and relocations; and
 - Any other applicable skills.
- 1.7.2.7 Describe the firm's procedures and processes for managing performance based on past experience in the following:
- Project management techniques for timely, responsive, and clear communications and collaboration with clients to identify and resolve conflicts;
 - Backup and support personnel, specialty experts, and other resources and their locations;
 - Specialized services;
 - Meeting schedules and budgets; and
 - Quality control.
- 1.7.2.8 Describe your most difficult right-of-way acquisition and/or relocation transaction and how the matter was ultimately resolved. Did this meet your client's needs? Did it provide any useful lessons for future acquisitions and/or relocations?
- 1.7.2.9 What is your firm's typical approach to an acquisition and/or relocation? Describe the negotiation strategy typically utilized by your firm.
- 1.7.2.10 Does your firm foresee any special challenges for these projects? If so, please describe.

What unique skills does your firm possess that will enable you to address these challenges?

1.7.2.11 Discuss any support the ROW firm will need from the Town staff.

1.7.3 **Forms – Please note that forms do not count toward the 15-page limit**

Complete and include **ALL** of the forms listed below:

1.7.3.1 **Required forms for all projects:**

Form B – Key Team Member Matrix. Using Form B, list the projects identified in Section 1.7.2.4 above, and include each key team member’s experience (number of years or depth of experience) for each of the areas listed on the matrix. Add sheets as needed in order to list all key team members.

An electronic version of **Form B** will be available for your use at the following web address:
<http://epmcontracts.charmeck.org>

Form C - Commercial Non-Discrimination Certification

Form E – Federal Certifications - Lobbying

Form F – Federal Certifications - Consultant Debarment & Suspension

Form G – Federal Certifications - Subconsultant Debarment & Suspension

Form H – Conflict of Interest

1.7.3.2 **Additional required forms for FHWA-funded projects:**

Form D-1 – Small Professional Service Firm Certification (Prime Consultant)

Form D-2 – Small Professional Service Firm Certification (Subconsultant)

1.7.4 **Resumes – Please note that resumes do not count toward the 15-page limit**
Provide resumes for all key team members.

1.8 Due Date for SOQs

SOQs must be received no later than **5:00 PM on March 14, 2016** at the place designated for delivery in Section 1.9 below.

Submittals received after the Proposal Due Date and time will be returned unopened.

1.9 Delivery of SOQ

Each firm is solely responsible for the timely delivery of its SOQ. SOQs sent by facsimile or email will not be accepted.

Submit/Deliver to:
Christopher J. Easterly, PE
Town Engineer
Town of Stallings
315 Stallings Road
Stallings, NC 28104
Direct: 704.821.0309 Fax: 704.821.6841
Main: 704.821.8557
Email: ceasterly@admin.stallingsnc.org

Submittals may be withdrawn by written notice received at the address above at any time prior to the Due Date for SOQs.

2 Representations, Conditions, and Town Requirements

2.1 Communications

With the exception of discussions contemplated during the Evaluation Process described in Section 1.5, all communication of any nature regarding all or any portion of this RFQ shall be addressed to the Contracts Administrator identified in Section 1.1 of this RFQ. Except as noted above, all communications with elected Town officials, Town staff and any evaluation committee member regarding this RFQ or SOQ from the time the RFQ is released until the selection results are publicly announced are strictly prohibited. These prohibitions include “thank you” letters, phone calls, emails, and/or any contact that results in the direct or indirect discussion of this RFQ and/or the SOQ submitted or to be submitted by the firm/team. Violation of this provision may lead to the disqualification of the ROW firm’s SOQ.

2.2 Addenda

In order to clarify or modify any part of this RFQ, addenda may be issued and posted at the Town’s official website listed in Section 1.1. ROW firms must submit questions or requests for clarification or information in writing to the Town Engineer by the “Due Date for Questions” stated in Section 1.3 – RFQ Schedule of Events.

2.3 Duties and Obligations of Firms in the RFQ Process

Interested firms are expected to fully inform themselves as to all conditions, requirements and specifications of this RFQ before submitting a SOQ. Firms must perform their own evaluation and due diligence verification of all information and data provided by the Town. The Town makes no representations or warranties regarding any information or data provided by the Town. Firms are expected to promptly notify the Town in writing to report any ambiguity, inconsistency or error in this RFQ. Failure to notify will constitute a waiver of claim of ambiguity, inconsistency or error.

2.4 No Collusion, Bribery or Conflict of Interest

By responding to this RFQ, the ROW firm shall be deemed to have represented and warranted that its SOQ submittal is not made in connection with any competing firm submitting a separate response to this RFQ, and is in all respects fair and without collusion or fraud. Furthermore, the

firm certifies that neither it, any of its affiliates or subconsultants, nor any employees of any of the foregoing has bribed, or attempted to bribe, an officer or employee of the Town, or other government official at the state or Federal level, in connection with this RFQ.

2.5 Public Records

Upon receipt by the Town, each SOQ becomes the property of the Town and is considered a public record except for material that qualifies as “Trade Secret” information under North Carolina General Statute 66-152 et seq. SOQs will be reviewed by the Town’s evaluation committee, as well as other Town staff and members of the general public who submit public record requests after a selection result has been announced to the public. To properly designate material as a trade secret under these circumstances, each firm must take the following precautions: (a) any trade secrets submitted by the firm should be submitted in a separate, sealed envelope marked “Trade Secret – Confidential and Proprietary Information – Do Not Disclose Except for the Purpose of Evaluating this Qualification package,” and (b) the same trade secret/confidentiality designation should be stamped on each page of the trade secret materials contained in the envelope.

In providing a SOQ, each firm agrees that the Town may reveal any trade secret materials contained in such response to all Town staff and Town officials involved in the evaluation process and to any outside consultant or other third parties who serve on the evaluation committee or who are hired by the Town to assist in the selection process. Furthermore, each firm agrees to indemnify and hold harmless the Town and each of its officers, employees and agents from all costs, damages and expenses incurred in connection with refusing to disclose any material that the firm has designated as a trade secret. *Any firm that designates its entire proposal as a trade secret may be disqualified from consideration.*

2.6 Cost of SOQ Preparation

The Town accepts no liability for the costs and expenses incurred by ROW firms responding to this RFQ, in preparing responses for clarification, participating in contract development sessions, or in attending meetings and presentations required for the contract approval process. Each ROW firm that enters into the procurement process shall prepare the required materials and submittals at its own expense and with the express understanding that the ROW firm cannot make any claims whatsoever for reimbursement from the Town for the costs and expenses associated with the procurement process. The RFQ does not commit the Town to pay for any costs incurred prior to the execution of a final contract.

2.7 Town’s Reserved Rights and Options

The Town expects to select one or more ROW firm, but reserves the right to request substitutions of any key team member, including staff and subconsultants. The Town reserves the right to contact any ROW firm if such is deemed desirable by the Town to obtain any additional information including but not limited to experience, qualifications, abilities, equipment, facilities, and financial standing. The Town reserves the right to conduct investigations with respect to the qualifications and experience of any ROW firm.

The Town reserves the right to modify any part of this RFQ by issuing one or more addenda during the RFQ response period. The Town reserves the right to reject any or all responses to the RFQ, to advertise for new RFQ responses, or to accept any RFQ response, in whole or part, deemed to

be in the best interest of the Town. The Town reserves the right to waive technicalities and informalities.

This RFQ does not constitute an offer by the Town. A response to this RFQ shall not be construed as a contract, nor indicate a commitment of any kind. No binding contract, obligation to negotiate, or any other obligation shall be created on the part of the Town unless the Town and the ROW firm execute a contract. The Town may engage select ROW firms for further discussions. The commencement of such discussions, however, does not signify a commitment by the Town to execute a contract or to continue discussions. The Town can terminate discussions at any time and for any reason. No recommendations or conclusions from this RFQ process concerning the ROW firm shall constitute a right (property or otherwise) under the Constitution of the United States or under the Constitution, case law, or statutory law of North Carolina.

2.8 E-Verify Registration with Town of Stallings

All successful firms and their subconsultants and suppliers must be provide a completed E-Verify form to the Town in order to receive payment for services and/or supplies provided under any Town contract.

2.9 Financial Capacity; Insurance Requirements

Selected firms must have the financial capacity to undertake the work and assume associated liability. The selected firm will be required to furnish proof of professional liability insurance coverage in the minimum amount of \$1,000,000. The firms will also be required to provide certificates of insurance evidencing coverage for automobile liability in the minimum amount of \$1,000,000, commercial general liability in the minimum amount of \$1,000,000, and workers' compensation insurance as required by North Carolina statutes.

2.10 Registration and Licensing

Any ROW firm wishing to be considered to provide the services must be properly registered and licensed in the State of North Carolina.

2.11 Confidentiality Agreement

Any firm(s) selected as a result of this solicitation may be required to sign a Confidentiality Agreement with the Town.

2.12 State and Federal Provisions

All contracts, subcontracts and purchase orders resulting from this RFQ shall contain all state and Federal contract provisions required by law. The Town reserves the right to modify the contract that results from this RFQ to comply with applicable state and Federal law at the time of contract execution. Note that the source of funding (FHWA or others) will have an impact on which Federal provisions will apply to the particular contract. The Town reserves the right to make any necessary changes to the contract in order to make the contract compliant with the source of funding requirements.

2.13 Staffing by ROW Firm

The ROW firm's staff will consist of competent right of way specialists, adequate in number and experience to perform the described work in the prescribed time, who shall be assigned to the work at all times.

The name, title, and experience record of each staff member assigned to the project shall be listed in the SOQ. Subsequent staff changes must be approved in writing by the Real Estate Division Manager or his/her designee.

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3 North Carolina Department of Transportation and FHWA Requirements

The work to be performed under this RFQ will be financed in whole or in part with Federal funding administered by the North Carolina Department of Transportation (NCDOT). As such, state and Federal laws, regulations, policies, and related administrative practices apply to this RFQ and any resulting contract. The most recent of such Federal requirements, including any amendments made after the release of this RFQ shall govern this RFQ, unless the Federal government determines otherwise. This Section identifies the state and Federal requirements that may be applicable to this RFQ and any resulting contract. The successful firm awarded the contract is responsible for complying with all applicable provisions.

3.1 Government-Wide Debarment and Suspension (Non-Procurement)

The ROW firm is required to verify that neither it, nor its principals (as defined at 49 CFR 29.995) or affiliates (as defined at 49 CFR 29.905) is excluded or disqualified as defined at 49 CFR 29.940 and 29.945.

The ROW firm is required to comply with 49 CFR 29, Subpart C and must include the requirement to comply with 49 CFR 29, Subpart C in any lower tier covered transaction in which it enters. By signing and submitting its SOQ, the ROW firm certifies as follows:

The certification in this clause is a material representation of fact relied upon by the Town. If it is later determined that the bidder or proposer knowingly rendered an erroneous certification, in addition to remedies available to the Town, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder or proposer agrees to comply with the requirements of 49 CFR 29, Subpart C while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder or proposer further agrees to include a provision requiring such compliance in its lower tier covered transactions.

3.2 No Lobbying

The ROW firm certifies that it has not and will not pay any person or organization to influence or attempt to influence an officer or employee of the Town, the State of North Carolina, any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining a contract under this RFQ. In addition, in the event that a single contract awarded under this RFQ exceeds \$100,000, the ROW firm must fully comply with the requirements of Title 40 CFR Part 34, New Restrictions on Lobbying, and submit required certification and disclosure forms accordingly.

3.3 Compliance with Anti-Discrimination and Equal Opportunity Laws and Regulations

ROW firm must comply with all applicable anti-discrimination and equal opportunity statutes, regulations, and Executive Orders.

3.4 NCDOT Prequalification Requirements

The primary and subconsultant firms(s) shall be pre-qualified, as applicable, by NCDOT to perform the required services. Information about the prequalification process can be accessed at <http://www.ncdot.org/business/ocs/pef/>.

3.5 Small Professional Service Firms

NCDOT encourages the use of Small Professional Service Firms (SPSF). Small businesses determined to be eligible for participation in the SPSF program are those meeting size standards defined by the Small Business Administration (SBA) regulations, 13 CFR Part 121 in Sector 54 under the North American Industrial Classification System (NAICS). The SPSF program is a race, ethnicity, and gender neutral program designed to increase the availability of contracting opportunities for small businesses on Federal, state, or locally funded contracts. SPSF participation is not contingent upon the funding source.

The ROW firm, at the time the qualification package is submitted, shall submit a listing of all known SPSF firms that will participate in the performance of the identified work. The participation shall be submitted on Form D-1 (Prime Consultant – SPSF) and Form D-2 (Subconsultant – SPSF). The SPSF must be qualified with NCDOT to perform the work for which they are listed.

Real-time information about firms doing business with NCDOT and firms that are SPSF certified through the Contractual Services Unit is available in the Directory of Transportation Firms. The directory can be accessed at the link on the NCDOT homepage or by entering <https://apps.dot.state.nc.us/vendor/directory/> in the address bar of your web browser. The listing of an individual firm in the NCDOT's directory shall not be construed as an endorsement of the firm.

3.6 Accounting System; Invoicing

The ROW firm must have an adequate accounting system to identify costs chargeable to the Project.

3.7 Method of Payment

The Town intends to award a unit price contract to the selected firm(s) to perform all or a portion of the Services listed herein.

3.8 Federal Acquisition Regulations (FAR) and Federal Highway Administration (FHWA) Requirements

Any contract resulting from this solicitation will incorporate all applicable FAR and FHWA clauses. Specifically, the ROW firm will agree to comply with all applicable FAR and FHWA requirements and guidelines, regardless of whether or not they are specifically called forth in the contract.

EXHIBIT 1**Real Estate ROW Acquisition and Relocation Services for FHWA Projects.**

The Right-of-Way (ROW) firm(s) shall perform all acquisition and relocation services necessary within the specified time limits. All acquisition and relocation service assignments shall be performed and prepared in conformance with the North Carolina DOT Right of Way Manual, the current Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs Act of 1970 (the Uniform Act), as amended and as regulated by 49 CFR Part 24, State of North Carolina Code, State of North Carolina Condemnation Case Law, and any additional requirements set forth by the Town's Real Estate Division. The ROW firm may obtain a copy of said regulations from the appropriate organizations. These standards are updated periodically and it is the ROW firm's responsibility to use the "latest edition."

ACQUISITION SERVICES:

ROW firm will be responsible for acquiring all the property rights required for the project(s). The acquisitions may consist of Fee Whole Parcels, Fee Partial Parcels, Various Permanent Easements and Temporary Construction Easements. In addition, the ROW firm will perform the necessary relocations required for the assigned project(s). The relocations may consist of Residential Relocations, Business Relocations and the relocations of various items such as Outdoor Advertising Signs, Business Signs, etc.

The Town will acquire all properties that are necessary for the implementation of the project(s). If applicable, acquisition may not be undertaken until the Town's Planning Department has reviewed under the Mandatory Referral Process the proposed parcels for the project(s) and when the Town has received the Notice to Proceed with acquisition activities.

Every reasonable effort will be made to promptly acquire real property by donation, minimum offer amount, as established by the Town, or negotiated purchase for the full amount of the approved Just Compensation. The Town will not take any action that is coercive in nature in order to compel agreement on price. When negotiations are initiated, the owner will be provided with a written statement that sets forth the amount established and the basis of the determination.

If fixtures considered as realty are being acquired separately, and the owner of the land involved disclaims all interest in improvements of a tenant, a separate written offer will be provided to the tenant for the improvements.

The approved Just Compensation will be available to the property owner prior to the Town taking physical possession of the property or requiring that the property be vacated by the property owner. If the acquisition of only part of a property would leave the owner with an uneconomic remnant, the Town will offer to acquire that remnant, if the owner desires.

Voluntary and Involuntary Projects may be included in this solicitation. For Involuntary Projects, condemnation of real property interest by the Town will be pursued only after all reasonable efforts to obtain the required property by negotiation have been exhausted. Property acquired by the Town may be

accomplished either by donations, negotiations, administrative settlements, condemnation or inter-governmental transfer.

The following sections outline the basic procedures the Town will utilize under each option:

Negotiations

In most cases, the Town will issue notification of the Project to the affected parties. Upon parcel assignment, the assigned Acquisition Agent will verify ownership, review the acquisition plat and plans, and visit the property site prior to contacting the property owner. In some instances, the Acquisition Agent may request a donation for the areas needed, adhering to 49 CFR 24.108. Upon receipt of the appraisal containing the approved fair market value, the Acquisition Agent will review the appraisal report, prior to delivery of the written offer to acquire the property. All necessary documents relative to the written offer will be prepared and reviewed prior to delivery to the property owner.

The Town will make every reasonable effort to acquire real property by negotiated purchase. No action will be taken which is coercive in nature in order to compel agreement on a price. The Town will proceed to negotiate with the property owner in the following manner:

An Acquisition Agent (and a Relocation Agent if applicable) will personally contact each property owner to explain the effect of the acquisition and to initiate negotiations by making a written offer to purchase and, if appropriate, a written explanation of relocation benefits.

The written offer will be signed, dated and contain a written summary statement of the basis for the amount established as Just Compensation. The statement of Just Compensation will include the following information:

- A general statement of the public use for which the property is to be acquired.
- Identification of the property and the interest to be acquired.
- Identification of buildings, structures and other improvements, including fixtures and removable building equipment, which are considered to be part of the property for which the offer is made.
- A recital of the amount of the offer and a statement that the amount:
 - Is the full amount believed by the Town as "Just Compensation" for the property taken;
 - Is not less than the approved appraisal of the property, and,
 - Disregards any decrease or increase in the fair market value of the property to be acquired prior to the date of valuation caused by the Project, other than that due to physical deterioration within the reasonable control of the owner.
 - Does not reflect any consideration of, or allowance for, any relocation assistance payment or other benefits to which the owner is entitled from the Town.
- A statement that the determination of Just Compensation is based on inspection of the property and consideration of appraisals prepared and reviewed by competent professional appraisers qualified to perform appraisal services in the State of North Carolina.
- The definition of "Just Compensation" or "Fair Market Value" as recognized by the North Carolina general statutes and as used by the Town and its appraisers in making the determination of value.
- If only a portion of a property is to be acquired, the Just Compensation for the partial taking, and the amount for severance damages to the remainder or benefits to the remainder, will be shown separately.

- If there are separately held interests in the real property to be acquired, the statement will include an apportionment to each separately held interest to be acquired.
- In the case of commercial, industrial or institutional property, the statement will include an attachment containing a property analysis that shall identify the owner of each item of the inventory that is not owned by the owner of the land.

Whenever the offer is revised, a personal contact will likewise be made to present the revised written offer and summary statement.

The acquisition agent will conduct negotiations for the acquisition of each parcel in accordance with State and Federal policies and procedures.

- When the settlement exceeds the offer by a significant amount, a litigation attorney must provide a written assessment of proposed settlement risks over the risks of proceeding in court.
- Thoroughly document all contacts in writing with the property owner and/or their representative.
- Establish and maintain an accurate and complete working file for each parcel.

Administrative Settlement and Closings

Administrative Settlements

The Town, in an attempt to reach an agreement, may authorize an administrative settlement. The administrative settlement is a settlement made in excess of the approved Just Compensation, prior to filing for condemnation. This method will not be used to avoid litigation but only when it is determined to be in the public interest. The determination to make an administrative settlement will be based upon full consideration of:

- The appraiser's opinion of value;
- Approved amount of Just Compensation;
- Recent court awards for similar types of property;
- The negotiators recorded information;
- The estimate of trial cost; and,
- The approved amount of an administrative settlement will be established prior to an agreement with the property owner.

Real Estate Closings

The ROW firm will attend closings, as needed. Property inventory shall be made during final walk-through or, if in condemnation, within three (3) days of physical possession.

Condemnation

Condemnation is the process by which a public entity exercises its right to acquire private property for public use (the right of eminent domain). Condemnation of property interest by the Town will be sought only after all reasonable efforts to obtain the required property by negotiations have been exhausted and sufficient time has elapsed for the property owner to make a decision. The threat of condemnation will not be used to reach a settlement, but will be exercised in order to avoid costly delays in the construction program.

Condemnation may also be required when the following conditions exist:

-
- Title defects which preclude acquisition by voluntary conveyance;
 - Multiple ownership and lack of unanimity among the owners; and
 - Location of property owner is unknown.

When it has been determined that a negotiated settlement cannot be reached, the Stallings Town Council will be requested to authorize condemnation actions. In order to comply with legal requirements, the Council will adopt a Resolution of Condemnation, which will contain all of the following:

- A general statement of the public use for which the property is to be acquired and a reference to the North Carolina General Statutes Article 9 Chapter 136 that authorizes the Town to acquire the property by eminent domain;
- A description of the general location and extent of the property to be taken with sufficient detail for reasonable identification; and,
- A declaration that the Council has found and determined each of the following:
 - The public interest and necessity require the proposed Project;
 - The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; and,
 - The property described in the Resolution of Condemnation is necessary for the proposed Project.

After the Resolution of Condemnation has been recorded in the Office of the Town Clerk, suit preparation can begin and the ROW firm will provide ROW Acquisition Project personnel to assist the attorney including, but not limited to, providing testimony and responding to interrogatories and requests for production.

The Just Compensation amount, as supported by appraisal data, will be deposited with the Clerk of Court. Upon deposit, ownership will transfer to the Town. The final compensation amount will be determined later by applicable laws and legal procedures. Right-of-way negotiations will continue with the owner/owner's attorney until condemnation suit filing. In an effort to reach a settlement the Town Attorney's office may continue to negotiate.

RELOCATION SERVICES:

RELOCATION POLICIES AND PROCEDURES

The Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the Uniform Act) provides for certain relocation payments in addition to the amount a person receives as just and adequate compensation for their property. The Uniform Act also establishes a uniform policy for the fair and equal treatment of persons who are required to move from their homes, apartments, or businesses as a result of governmental action.

The Town relocation assistance policies will assure the public of its commitment to implement a fair and just relocation program and to provide all of the payments and assistance guaranteed by the Uniform Act.

Relocation Policies

The Town may use its own facilities, personnel and services, or may contract these services to a ROW firm, to implement its relocation assistance programs. To ensure that the public has adequate knowledge of the relocation program, the Town will present information and provide opportunity for discussion of relocation services and payments at public hearings, distribute relocation brochures and provide adequate notice of the relocation assistance program. A Relocation Advisory Program will be established in order to provide the maximum assistance possible to all persons required to relocate because of the Project.

Each displaced person will be provided written and verbal information that fully explains the relocation services and eligibility requirements for payments of replacement housing and moving expenses. Each displaced business will also be provided applicable information. No persons eligible for relocation payments and lawfully occupying real property will be required to move their personal property from the proposed right -of-way without at least thirty (30) days written notice of the intended vacate date after the Town takes title to the real property.

Any applicant for a relocation payment, who is aggrieved by the Town's determination as to eligibility for payment, or the amount of the relocation payment, may appeal that determination. The Town will assure itself that, within a reasonable time prior to issuance of a Notice to Vacate, there will be available to displaced domiciled persons decent, safe and sanitary replacement dwellings.

Relocation Assistance

The Town recognizes that the public's acceptance of the Project can be greatly enhanced by the proper administration of this program during the implementation of its acquisition and relocation process. A people-oriented relocation service will be provided by the Town/ROW firm and adequate personnel will be employed to work with the person and businesses affected by the Project on an individual basis. The ROW Firm's personnel must be familiar with Relocation Assistance procedures to the extent that Federal-Aid participation by the Federal Highway Administration will in no way be jeopardized.

Relocation Personnel and Offices

The Town/ROW firm will maintain the necessary personnel and office locations to ensure prompt and equitable consideration and treatment as prescribed in the Uniform Act.

Information to be Maintained

The Town/ROW firm will maintain the following information to assist in the relocation of people and personal property:

- Lists of replacement dwellings available, without regard to race, color, religion or national origin, drawn from various sources, suitable in price, size and condition for individuals and families;
- Current and continuing lists of suitable commercial properties and locations for displaced businesses;
- Current information as to security deposits, rents, closing costs, typical down payments, interest rates, and terms for residential real property in the area;
- Maps showing the location of schools, parks, playgrounds, shopping centers, and public transportation routes in the area;
- Schedules and costs of public transportation;

-
- Information explaining the relocation program, local ordinances pertaining to housing, building codes, open housing, consumer education literature on housing, shelter costs, and family budgeting; and,
 - Subscriptions to apartment directory services, and neighborhood and metropolitan newspapers.

This information will be amended, reused, deleted, or added to from time to time as conditions change. In this way, the Town/ROW firm will remain able to offer current and useable information as part of its relocation assistance program.

Coordination with other Agencies:

Relocation personnel will contact and exchange information with other public and private agencies providing services that may be useful to persons being relocated. Such agencies will include (if applicable):

- Local Housing Authority;
- Town and County Social Service Agencies;
- Department of Housing and Urban Development;
- Veterans Administration;
- Small Business Administration;
- Other Town, county, and state agencies providing services appropriate to the displaced; and,
- Private agencies.

Contact will also be maintained with the local real estate community, including real estate brokers, real estate boards, property managers, apartment owners and managers, and home building contractors.

Public Information

To ensure public awareness of the relocation assistance program, The Town/ROW firm will provide an opportunity for presentation of information and discussion of the relocation program through public hearings, relocation brochures and the issuance of public announcements.

Public Hearings

Public hearings will be held in appropriate facilities located in areas where acquisition and relocation activities will take place. At these meetings, the information presented will include (if applicable):

- Identification of parcels to be acquired;
- Eligibility requirements, potential payment procedures and limitations for replacement housing payments;
- A description of the expenses incidental to transfer of property that will be paid;
- Eligibility requirements and options for move cost reimbursements;
- Appeal procedures;
- A description of how relocation assistance and services will be provided;
- The address and telephone number of the Project Relocation Office;
- An estimated number of dwelling units presently available to meet the replacement housing needs; and,
- An estimate of the time necessary for relocation and the number of comparable replacement dwellings that will be available during that period.

Time will be allowed for questions from those present in order to assure a clear understanding of the relocation services and benefits.

Relocation Brochure:

Relocation brochures will be utilized to describe the relocation services and payments available. A brochure will discuss benefits for residential and business relocatees. The brochure will include such information as:

- General description of the types of relocation payments and assistance available.
- Discussion of the eligibility requirements for relocation payments.
- Assurance that no one will be required to relocate before they have been given opportunity and assistance in obtaining a suitable business or comparable residential replacement site.
- The address, telephone number and hours of the Project relocation office.

The brochures will be distributed, free of charge, at all public hearings and given to any prospective displaced person.

Relocation Advisory Program

The Town/ROW firm will establish a Relocation Advisory Program in order to provide the maximum assistance possible to persons directly affected by the Project(s). These services will be directed toward assisting persons displaced in locating decent, safe and sanitary housing that meet their needs. [The services will be provided by personal contact, when reasonably possible.]

The advisory program will be administered so that the relocation process will not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status or any other arbitrary circumstances.

Displaced persons may choose to relocate without the Town's aid and advisory services, without losing their eligibility for relocation payments. To remain eligible, however, a displaced person must relocate to a decent, safe and sanitary dwelling and make application for payments within the allowable time limits.

Notice of Displacement and Eligibility

The Town/ROW firm will provide to each displaced person a written notice stating that they will be, in fact, displaced by the Project. This notice will explain, based upon the type of displacement, the following:

- The relocation services for which they are eligible;
- The eligibility requirements to receive the appropriate replacement housing payments and moving expense reimbursements if a residential occupant; and
- The optional types of move cost payments available to businesses and owners of personal property.

This information notice will be provided:

- To the fee owner of the parcel at the time of initiation of negotiations;
- To business tenants and/or owners of personal property within fourteen (14) days after the initiation of negotiations with the parcel fee owner; and,
- To residential tenants within fourteen (14) days after the initiation of negotiation with the parcel fee owner.

Notice of Entitlement

The amount of the replacement housing payment and the applicable eligibility requirements will be furnished to residential tenants and owner-occupants in writing. The amount of the replacement housing payment will be based on the reasonable cost of a comparable replacement dwelling unit. The Town/ROW firm will examine the probable selling price of at least one (and as many as three) comparable replacement dwelling(s) which is available on the market in determining the amount that the displaced person is entitled to receive.

The displaced person will be informed of the amount of the maximum replacement housing payment to which they may be entitled. This information will:

- Be in writing at the Initiation of Negotiations (IN) for domiciled residential owner-occupants, and provided not more than thirty (30) days after IN for domiciled tenant-occupants;
- Include housing units that are currently available to the displaced person in need of a replacement dwelling; and,
- Include the maximum amount to which they are entitled and the assurance that they will have at least ninety (90) days before they are required to vacate.

Ninety (90) Day Letter of Assurance

Each person required to relocate their personal property from the proposed right-of-way will be given written assurance that they will not have to vacate the proposed right-of-way for at least ninety (90) days from receipt of the written notice.

Thirty (30) Day Notice to Vacate

This notice will be given to all persons occupying the new right-of-way after the Town takes title to the real property and at a minimum 60 days after the Ninety Day Letter of Assurance is issued. The notice will give a specific date by which the property must be vacated which will be at least thirty (30) days from receipt of the notice.

Notice of Right to Appeal

All eligible displaced persons will be furnished a written notice of the right to appeal the determination of eligibility to receive relocation payment amounts. This notification will be provided in the relocation brochure.

Relocation Payments

The Uniform Act provides for certain relocation payments in addition to the amount a fee owner receives as just and adequate compensation for their real property. The Town/ROW firm will provide a relocation program that will insure that any person required to move from the acquired real property, who meets the eligibility requirements, will be provided relocation payments based on their respective eligibility. These payments may consist of the following:

Relocation Needs Assessment Plan

Before the Town proceeds to acquire any real property, it will comply with the requirements of the Uniform Act to make certain preliminary investigations regarding the impact of its relocation activities. Information from the conceptual stage plan preliminary investigations and Environmental Assessment Report will be used to determine:

-
- The estimated number of individuals, families, businesses, and non-profit organizations that are to be relocated;
 - The probable availability of decent, safe and sanitary replacement housing within the financial means of the individuals and families affected;
 - The probable availability of replacement sites for businesses and non-profit organizations;
 - A description of the actions proposed to insure that the necessary dwellings will be available in advance of any displacement; and,
 - A statement of the relocation issues involved at each identifiable relocation along with possible solutions.

Prior to proceeding with any negotiations that involve the relocation of any person, the Town will prepare and submit to the Agency for approval a relocation plan. The initial plan will present an analysis of the overall relocation work program. The work program will be subsequently updated and defined on an annual basis for each phase of the Project.

The relocation plan will include an inventory of the characteristics and needs of persons to be displaced. The inventory will be determined by a sampling survey. The inventory will endeavor to obtain the following information:

- Number of people and families to be displaced;
- Size of families, age of children;
- Number of elderly and handicapped;
- Area of preferred location;
- Type of unit preferred; and,
- Need for schools, social, and public services.
- An estimated inventory of currently available comparable replacement dwellings. This inventory will set forth for each dwelling the type of house or building, state of repair, number of rooms, type of neighborhood, proximity of public transportation, schools, and commercial shopping areas and distance to community and religious facilities.
- A discussion of relocation issues and possible solutions.
- A discussion of the impact on the human environment in which the Project will be located including racial, ethnic, age and income considerations.
- An estimate of the business operations to be displaced and the effect of their displacement on the economy of the area.
- An analysis of Federal, State, and community programs currently in operation in the project area which will affect the availability of housing.
- Detailed information on concurrent displacement and relocation by other governmental agencies or private concerns.
- Explanation of the lead time necessary to carry out a timely, orderly and humane relocation program.

Last Resort Housing

If a preliminary housing survey indicates that a sufficient number of comparable decent, safe and sanitary dwellings are not available for replacement purposes for those persons displaced by the Project, the Town may consider the feasibility of “a last resort housing” project to make housing available through purchase and/or construction. This alternative may also be considered if comparable decent, safe and sanitary dwellings become unavailable during the acquisition and relocation phase of the

Project. Concurrence and approval from FTA would be required before the Town proceeds to consider this alternative to providing replacement housing.

Records and Reports

In connection with the Project, the Town/ROW firm will maintain complete and comprehensive records of all acquisition/relocation activities including names and addresses of displaced persons, and moving and replacement housing payment records. In addition, a cumulative negotiator's diary on each property owner/parcel will be maintained. Thoroughly document all contacts with parcel owners in the Town's Real Estate system.

The acquisition/relocation records will be available at reasonable hours for inspection by representatives of the Agency. Reports on the relocation program will be submitted in the form required to any other deemed by the Town to have an interest or responsibility for such records.

Completion of Acquisition and Relocation services:

In connection with the Project, the ROW firm will maintain a set of Acquisition and Relocation Files. At the completion of the project, the ROW firm will turn over to the Town Real Estate Department one hard copy and one digital copy of each file. The Town Real Estate Manager and/or his/her designated representative will develop a filing system with the ROW firm to ensure consistency.

All agents performing services for the Town are expected to be thoroughly competent and strive for the highest standards of professionalism in carrying out the work. Agents will work in good faith with property owners to complete the acquisitions assigned by the Town. Sincere attempts will be made to close each transaction as expeditiously as possible in a fair and ethical manner. Agents will be cordial and professional in all their interactions with property owners, citizens, and Town staff.

GENERAL SERVICES:

Work shall include, but is not necessarily limited to, the following:

- Obtaining title/ownership information. Minimum "court house" time will be required to identify current property owners, as in-depth title reports will be furnished by the Town Attorney's Office in the event of condemnation and as needed to support the acquisition process.
- Reviewing right-of-way plats, property lines and easement areas against the project plans and providing thorough explanations to the property owners.
- Preparing acquisition estimates of damages and submitting to the Real Estate Project Manager, for review and recommendation. Obtaining appraisals when requested by the property owner, as necessary due to project impact, and as required under the Federal Guidelines.
- Completing acquisition documents, including but not limited to: owner's name, deed reference, tax code, easement description per acquisition plat and special provisions as may be added during negotiations.
- Conducting negotiations with a minimum of four (4) in-person calls on each parcel prior to submitting to the Town Engineer or designee for consideration of

condemnation. All negotiations will be conducted in good faith and in accordance with the highest standards of professional and ethical conduct. Diligent efforts will be made to reach a settlement with each property owner. The Real Estate Division Manager or designee will determine the sufficiency of negotiations before acceptance for condemnation.

- Submitting all “special provisions” requested during negotiations by the property owner(s) to the Engineering and Property Management Real Estate Project Manager (REPM) for approval prior to presenting to the property owner(s) for signature.
- Preparing Town Council approval forms on all parcels. For transactions that will not be sent to a closing attorney, check(s) will be issued by Finance and will be delivered by the Acquisition Agent or mailed Certified Return Receipt to the property owner. Obtain property owner signature of receipt for payment received, for file.
- Keeping a cumulative negotiator’s diary on each property owner/parcel. All contact(s) with parcel owners must be thoroughly documented in the Town’s Real Estate system. Each owner/parcel which will be turned over to the Town at the completion of the project will require a separate file folder. ROW firm shall be conversant in current Town Real Estate Management (REM) software and Microsoft Office 2010.
- Reporting to and only accepting direction from the Town’s Real Estate Division Manager or other individual identified in the work order as the single point of contact between the agent and the Real Estate Division. Services performed by the agent at the direction of others will not be compensated.
- Attending meetings with the Real Estate Project Manager (REPM) and/or other Town Real Estate staff as may be required to discuss progress on the services being performed.
- Preparing and maintaining project status report(s) that will be forwarded to the Real Estate Project Manager (REPM) at a minimum monthly and/or upon request.
- Preparing and maintaining project spreadsheet listing the recording information (Deed Book and Page Numbers) for each parcel.
- Preparing a folder containing special provision reports to be turned in at the completion of the project.
- Providing on-call translation/interpretation service provider(s) readily available for language barrier communications as needed to ensure property owners/tenants have complete understanding of the acquisition/relocation process. These services are eligible for reimbursement upon receipt of proper documentation.
- Property Management, task(s) to be assigned as needed.

FORM A – QUALIFICATION PACKAGE COVER SHEET

I. Qualification Package Submitted By:

Company Full Legal Name:	
Contact Person for RFQ Process:	
Street Address:	
Town/State/Zip:	
Telephone Number:	
Fax Number:	
Email Address:	
NC Real Estate License # and expiration date	
Most Recent Date PREQUAL-1 Submitted/Updated with NCDOT	
<p>Submission of a response to this RFQ constitutes certification that the Company and all proposed team members are not currently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this Project by any State or Federal department or agency. Submission is also agreement that the Town will be notified of any change in this status.</p> <p>The information contained in this qualification package, including its forms and other documents, delivered or to be delivered to the Town, is true, accurate, and complete. This qualification package includes all information necessary to ensure that the statements therein do not in whole or in part mislead the Town as to any material facts.</p>	
Represented and Warranted By (Signature):	
Printed Name and Title:	
Date Signed:	

Our firm is interested in providing services for projects funded by:

Federal Highway Administration (FHWA)

FORM B – PROPOSED TEAM MEMBER MATRIX: Real Estate Right-of-Way Acquisition and Relocation Services - RFQ XXX

<i>Projects Listed in Response to RFQ Question 1.7.2.4 – Indicate Role and Level of Staff Involvement (Major/ Minor or None, as applicable)</i>	Project 1	Project 2	Project 3	Project 4	Project 5
PROJECT NAME:					
Team Member 1: _____ <i>Name</i>	Role	Role	Role	Role	Role
	Involvement	Involvement	Involvement	Involvement	Involvement
	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:
Team Member 2: _____ <i>Name</i>	Role	Role	Role	Role	Role
	Involvement	Involvement	Involvement	Involvement	Involvement
	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:
Team Member 3: _____ <i>Name</i>	Role	Role	Role	Role	Role
	Involvement	Involvement	Involvement	Involvement	Involvement
	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:
Team Member 4: _____ <i>Name</i>	Role	Role	Role	Role	Role
	Involvement	Involvement	Involvement	Involvement	Involvement
	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:
Team Member 5: _____ <i>Name</i>	Role	Role	Role	Role	Role
	Involvement	Involvement	Involvement	Involvement	Involvement
	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:
	Role	Role	Role	Role	Role
	Involvement	Involvement	Involvement	Involvement	Involvement
	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:

FORM B – PROPOSED TEAM MEMBER MATRIX: Real Estate Right-of-Way Acquisition and Relocation Services - RFQ XXX

<i>Projects Listed in Response to RFQ Question 1.7.2.4 – Indicate Role and Level of Staff Involvement (Major/ Minor or None, as applicable)</i>	Project 6	Project 7	Project 8	Project 9	Project 10
PROJECT NAME:					
Team Member 1: _____ <i>Name</i>	Role	Role	Role	Role	Role
	Involvement	Involvement	Involvement	Involvement	Involvement
	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:
Team Member 2: _____ <i>Name</i>	Role	Role	Role	Role	Role
	Involvement	Involvement	Involvement	Involvement	Involvement
	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:
Team Member 3: _____ <i>Name</i>	Role	Role	Role	Role	Role
	Involvement	Involvement	Involvement	Involvement	Involvement
	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:
Team Member 4: _____ <i>Name</i>	Role	Role	Role	Role	Role
	Involvement	Involvement	Involvement	Involvement	Involvement
	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:
Team Member 5: _____ <i>Name</i>	Role	Role	Role	Role	Role
	Involvement	Involvement	Involvement	Involvement	Involvement
	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:	No. of Parcels:

FORM C – COMMERCIAL NON-DISCRIMINATION CERTIFICATION

Project:	_____
Project Number:	_____
Proposer:	_____

The undersigned Proposer hereby certifies and agrees that the following information is correct:

1. In preparing its qualification package, the Proposer has considered all proposals submitted from qualified, potential sub-consultants and suppliers and has not engaged in discrimination as defined in Section 2 below.
2. For purposes of this section, *discrimination* means discrimination in the solicitation, selection, or treatment of any sub-consultant, vendor, supplier or commercial customer on the basis of race, ethnicity, gender, age, religion, national origin, disability or other unlawful form of discrimination. Without limiting the foregoing, *discrimination* also includes retaliating against any person or other entity for reporting any incident of discrimination.
3. Without limiting any other remedies that the Town may have for a false certification, it is understood and agreed that, if this certification is false, such false certification will constitute grounds for the Town to reject the qualification package submitted with this certification and terminate any contract awarded based on such qualification package. It shall also constitute a violation of the Town’s Commercial Non-Discrimination Ordinance and shall subject the Proposer to any remedies allowed thereunder, including possible disqualification from participating in Town contracts for up to two years.
4. As a condition of contracting with the Town, the Proposer agrees to promptly provide to the Town all information and documentation that may be requested by the Town from time to time regarding the solicitation and selection of sub-consultants and suppliers. Failure to maintain or failure to provide such information shall constitute grounds for the Town to reject the qualification package and to terminate any contract awarded on such qualification package. It shall also constitute a violation of the Town’s Commercial Non-Discrimination Ordinance and shall subject the Proposer to any remedies that are allowed thereunder.
5. As part of its qualification package, the Proposer shall provide to the Town a list of all instances within the past ten years where a complaint was filed or pending against the Proposer in a legal or administrative proceeding alleging that the Proposer discriminated against its sub-consultants, vendors, suppliers, or commercial customers, and a description of the status or resolution of that complaint, including any remedial action taken.
6. As a condition of submitting a qualification package to the Town, the Proposer agrees to comply with the Town’s Commercial Non-Discrimination Policy as described in Section 2, Article V of the Stallings Town Code, and consents to be bound by the award of any arbitration conducted thereunder.

By: _____
Signature of Authorized Official

Title: _____

FORM E – FEDERAL CERTIFICATIONS

LOBBYING (31 U.S.C. 1352, 49 CFR Part 19, 49 CFR Part 20)

Byrd Anti-Lobbying Amendment, 31 U.S.C. 1352, as amended by the Lobbying Disclosure Act of 1995, P.L. 104-65 [to be codified at 2 U.S.C. § 1601, *et seq.*] - Contractors who apply or bid for an award of \$100,000 or more shall file the certification required by 49 CFR part 20, "New Restrictions on Lobbying." Each tier certifies to the tier above that it has not and will not use Federally appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier shall also disclose the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. 1352. Such disclosures are forwarded from tier to tier up to the Town.

APPENDIX A, 49 CFR PART 20--CERTIFICATION REGARDING LOBBYING
 Certification for Contracts, Grants, Loans, and Cooperative Agreements
(To be submitted with each bid or offer exceeding \$100,000)

The undersigned [Contractor] certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for making lobbying contacts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form--LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions [as amended by "Government wide Guidance for New Restrictions on Lobbying," 61 Fed. Reg. 1413 (1/19/96). Note: Language in paragraph (2) herein has been modified in accordance with Section 10 of the Lobbying Disclosure Act of 1995 (P.L. 104-65, to be codified at 2 U.S.C. 1601, *et seq.*)]

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31, U.S.C. § 1352 (as amended by the Lobbying Disclosure Act of 1995). Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

[Note: Pursuant to 31 U.S.C. § 1352(c)(1)-(2)(A), any person who makes a prohibited expenditure or fails to file or amend a required certification or disclosure form shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure or failure.]

The Contractor, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the Contractor understands and agrees that the provisions of 31 U.S.C. A 3801, *et seq.*, apply to this certification and disclosure, if any.

_____ Signature of Contractor's Authorized Official

_____ Name and Title of Contractor's Authorized Official

_____ Date

FORM F – FEDERAL CERTIFICATIONS

DEBARMENT & SUSPENSION -CONSULTANT

The Consultant certifies to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three (3) year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or Contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or Local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and
4. Have not within a three (3) year period preceding this application/proposal had one (1) or more public transactions (Federal, State or local) terminated for cause or default.

THE CONSULTANT CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 ET SEQ. ARE APPLICABLE THERETO.

Signature and Title of Authorized Official

Date

FORM G – FEDERAL CERTIFICATIONS

DEBARMENT & SUSPENSION -SUBCONSULTANT

The Lower-Tier Participant (potential sub-Contractor under a major third party Contract), _____, certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(If the Lower-Tier Participant is unable to certify to any of the statements in this certification, such participant shall attach an explanation to this proposal.)

IF LOWER-TIER PARTICIPANT (POTENTIAL CONTRACTOR UNDER A MAJOR THIRD PARTY CONTRACT) _____, CERTIFIES OR AFFIRMS THE TRUTHFULNESS AND ACCURACY OF THE CONTENTS OF THE STATEMENTS SUBMITTED ON OR WITH THIS CERTIFICATION AND UNDERSTANDS THAT THE PROVISIONS OF 31 U.S.C. SECTIONS 3801 ET SEQ. ARE APPLICABLE THERETO.

Signature and Title of Authorized Official

Date

FORM H – CONFLICT OF INTEREST

Except as may be identified and explained below, the undersigned hereby certifies that, no member of the Stallings Town Council, Union Board of County Commissioners, Metropolitan Transit Commission, officer, employee, or former employee of the **Town of Stallings**,

AND

no elected, appointed, or employed official or employee of the State of North Carolina or of a governing body, instrumentality, or political subdivision within the territory comprising Union County,

AND

no relative of persons described above,

AND

no member of or delegate to the Congress of the United States

has an interest whatsoever (regardless of how indirect and how remote that interest may be) in Bidder’s organization and in the proceeds of a Contract and agreement which might be made between Bidder and the **Town of Stallings** as a result of the Bid accompanied by this certification; no person who is or who during the past twelve (12) months has been a member of the Stallings Town Council, Union Board of County Commissioners, Metropolitan Transit Commission, an officer, or employee of the **Town of Stallings** is employed by or on behalf of Bidder’s organization.

The undersigned certifies that he/she is legally authorized by the Bidder to make the above representation, and that the representation is true to the best of his/her knowledge and belief and without deliberate omission of any inquiry which would to the best of his/her belief tend to change the above representation. The undersigned understands that any representation made knowing it to be false may disqualify the Bidder from being awarded this Work and future Work by the **Town of Stallings**.

NOTE: THIS CERTIFICATION MUST BE SIGNED AND SUBMITTED PRIOR TO THE AWARD

Signature _____

Title _____ Date of Signing _____

Firm or Corporate Name _____

Address _____

Telephone Number _____

**FORM D-1
PRIME CONSULTANT
SMALL PROFESSIONAL SERVICE FIRM CERTIFICATION**

Project:		
Consultant Name:		
Service Description:	Anticipated Utilization:	
	Total Utilization: <i>(Dollars or Percent)</i>	
Submitted by Consultant		
<i>Signature</i>	Date	Title
SPSF Status:	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Instructions for Completing Form D-1:

1. Complete Form D-1 for the prime consultant firm; fill in consultant name
2. Enter Service Description – describe work to be performed by the prime firm
3. Enter Anticipated Utilization – Insert dollar value or percent of work to anticipated to be performed by the prime consultant
4. Signature of the prime consultant **is required** on each Form D-1 submitted with the qualification package to be considered for selection
5. Fill in title and date of certification
6. Complete “SPSF Status” section - Check the appropriate box regarding SPSF Status, check Yes if SPSF, or No if not SPSF

**FORM D-2
SUBCONSULTANT
SMALL PROFESSIONAL SERVICE FIRM CERTIFICATION**

Project:		
Consultant Name:		
Subconsultant Name:		
Service Description:	Anticipated Utilization:	
	Total Utilization: <i>(Dollars or Percent)</i>	
Submitted by Subconsultant		
<i>Signature</i>	<i>Date</i>	<i>Title</i>
SPSF Status:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Recommended by Consultant		
<i>Signature</i>	<i>Date</i>	<i>Title</i>

Instructions for completing the Form D-2:

1. Complete Form D-2 for each subconsultant firm; fill in prime consultant and subconsultant name
2. Enter Service Description – describe work to be performed by the subconsultant firm
3. Enter Anticipated Utilization – Insert dollar value or percent of work to anticipated to be performed by the subconsultant
4. Signatures of both the subconsultant and prime consultant **is required** on each Form D-2 submitted with the qualification package to be considered for selection
5. Fill in title and date of certification
6. Complete “SPSF Status” section – Subconsultant shall check the appropriate box regarding SPSF Status, check Yes if SPSF, or No if not SPSF
7. In the event the prime consultant firm has no subconsultant, it is required that this be indicated on Form D-2 form by entering the word “None” or the number “ZERO” and having the prime consultant sign and submit Form D-2