

Advertised: **January 10, 2024**

CITY OF DURHAM

REQUEST for LETTERS of INTEREST (RFLOI)

Right of Way Acquisition Services for Various Sidewalk Projects

TITLE: Right of Way Acquisition Services for Various Sidewalk Projects

ISSUE DATE: January 10, 2024

SUBMITTAL DEADLINE: February 9, 2024

ISSUING AGENCY: City of Durham

SYNOPSIS

SUBCONSULTANTS ARE PERMITTED UNDER THIS CONTRACT.

This contract shall be partially reimbursed with Federal-aid funding through the North Carolina Department of Transportation (hereinafter referred to as the Department). The solicitation, selection, and negotiation of a contract shall be conducted in accordance with all Department requirements and guidelines.

The primary and/or subconsultant firm(s) shall be pre-qualified by the Department to perform ALL of the Discipline Codes listed below for the City of Durham. Discipline Codes required are:

- 192 – Right of Way Appraisals
- 194 – Right of Way Negotiators

WORK CODES for each primary and/or subconsultant firm(s) **SHALL** be listed on the respective RS-2 FORMS (see section ‘SUBMISSION ORGANIZATION AND INFORMATION REQUIREMENTS’).

This RFLOI is to solicit responses (LETTERS of INTEREST, or LOIs) from qualified firms to provide professional consulting services to:

PROPOSED CONTRACT SCOPE SUMMARY

The City of Durham (“the City”) is seeking Statements of Qualifications (SOQ) from Firms to provide Right-of-Way Acquisition Services (“Services”) for Federally Funded Projects. The City of Durham is seeking a firm whose combination of experience and expertise will provide timely, cost-effective services to the City. The selected firm will be directly responsible for oversight of right of way services for the City of Durham.

The City intends to select one (1) qualified firm to perform these services on four (4) new sidewalk projects under one (1) contract. This solicitation does not imply or guarantee a work duration, monetary value, or any work. The contract will have a two-year duration with the

ability to be extended up to one (1) additional year.

The selected firm shall indemnify and save harmless the City for claims and liabilities resulting from negligence, errors, or omissions of the selected firm; including, but not limited to, the selected firm staff.

A Copy of this RFLOI for “Services” and additional project information is available on the following project webpage:

<http://durhamnc.gov/5187>

Electronic LOIs should be submitted in .pdf format using software such as Adobe, CutePDF PDF Writer, Docudesk deskPDF, etc.

LOIs SHALL be received ELECTRONICALLY no later than 4:00PM, Friday, February 9, 2024.

The address for electronic deliveries is: AnaJaramillo@DurhamNC.gov

LOIs received after this deadline will not be considered.

ANY firm wishing to be considered must be properly registered with the Office of the Secretary of State and must possess a Real Estate License. Any firm proposing to use corporate subsidiaries must include a statement that these companies are properly registered with the Office of the Secretary of State and possess a Real Estate License. All key staff responsible for performing the work and in charge of the work must possess a real estate broker’s license in the State of North Carolina and must have a good ethical and professional standing. Some of the services being solicited may not require a license. It is the responsibility of each firm to adhere to all the laws of the State of North Carolina.

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

The firm must have the financial ability to undertake the work and assume the liability. The selected firm(s) will be required to maintain, on a primary basis and at its sole expense, at all times during the life of this Contract the following coverage’s and limits. The requirements contained herein, as well as City’s review or acceptance of insurance maintained by Contractor is not intended to and shall not in any manner limit or qualify the liabilities or obligations assumed by Contractor under this Contract. All insurance companies must be authorized to do business in North Carolina and have no less than an A VIII rating or better.

- 1) **Commercial General Liability** – Combined single limit of no less than \$1,000,000 each occurrence and \$2,000,000 aggregate. Coverage shall not contain any endorsement(s) excluding nor limiting Product/Completed Operations, Contractual Liability or Cross Liability.
- 2) **Automobile Liability** – Limits of no less than \$1,000,000 Combined Single Limit. Coverage shall include liability for Owned, Non-Owned and Hired automobiles. In the event Contractor does not own automobiles, Contractor agrees to maintain coverage for Hired and Non-Owned Auto Liability, which may be satisfied by way of endorsement to the Commercial General Liability policy or separate Auto Liability policy. Automobile coverage is only necessary if vehicles

are used in the provision of services under this Contract and/or are brought on a City of Durham site.

3) **Workers' Compensation & Employers Liability** – Contractor agrees to maintain Worker's Compensation Insurance in accordance with North Carolina General Statute Chapter 97 and with limits of no less than \$1,000,000 each accident, each employee and policy limit.

4) **Umbrella or Excess Liability** – Contractor may satisfy the minimum liability limits required above under an Umbrella or Excess Liability policy. There is no minimum Per Occurrence limit of liability under the Umbrella or Excess Liability, however, the Annual Aggregate limits shall not be less than the highest 'Each Occurrence' limit for required policies. Contractor agrees to endorse City of Durham as an 'Additional Insured' on the Umbrella or Excess Liability, unless the Certificate of Insurance states the Umbrella or Excess Liability provides coverage on a 'Follow-Form' basis.

5) **Additional Insured** – Contractor agrees to endorse the City as an Additional Insured on the Commercial General Liability. The Additional Insured shall read 'City of Durham as its interest may appear'.

6) **Certificate of Insurance** – Contractor agrees to provide City of Durham a Certificate of Insurance evidencing that all coverage's, limits and endorsements required herein are maintained and in full force and effect, and Certificates of Insurance shall provide a minimum thirty (30) day endeavor to notify, when available, by Contractor's insurer. If Contractor receives a non-renewal or cancellation notice from an insurance carrier affording coverage required herein, or receives notice that coverage no longer complies with the insurance requirements herein, Contractor agrees to notify the City within five (5) business days with a copy of the non-renewal or cancellation notice, or written specifics as to which coverage is no longer in compliance. The Certificate Holder address should read:

City of Durham
Public Works/Contract Management
101 City Hall Plaza, Suite 3100
Durham, NC 27701

SCOPE OF WORK

The **City of Durham** is soliciting proposals for the services of a firm/team for the following contract scope of work:

The City of Durham has four (4) federally funded and locally administered projects that require Right-Of-Way acquisitions: SW-51 NC 54 (EB-5708), SW-52 LaSalle Street (EB-5703), SW-53 Raynor Street (EB-5704), and SW-45 Cornwallis Road (U-4724). Those projects will be obligated to follow Federal, State, and City requirements (as applicable). The selected Real Estate and Right of Way services firm will be required to fully ensure that all work is performed in accordance with the City, Federal, State, and County agencies as well as all applicable Department and Federal Highway Administration (FHWA) contract requirements.

Acquisition Services: Consultant will contact property owners to explain project effects and benefits. They will also fully advise how the project is affecting their property and be advised of their legal rights and alternatives if necessary.

Submittals: Consultant will provide documents that are fully described in the NCDOT Right of Way Manual. This includes but is not limited to the following: Right of way tracking reports and quality control plan, current title certificate for each parcel as of the date of closing or the date of filing of condemnation, unless required otherwise in the NCDOT August 2023 Right of Way Manual. Consultant will prepare final condemnation report, maps, and exhibits for litigation purposes. They may prepare red-line adjustments for parcels that are not condemned. Consultant shall prepare, execute, and record template documents conveying title to acquired properties to the local agency with the register of deeds. They will provide deed/easement templates for use in securing rights of way and easements. Consultant will provide legal descriptions and deliver all executed and recorded deeds and easements to the local agency. They shall prepare appraisals for all right of way, control of access, and easement acquisitions. Claim reports (appraisal waiver) will be allowed but must be submitted to NCDOT for review/approval. Consultant shall be expected to perform other duties required by NCDOT Right of Way Manual that may not have been described above as well.

Appraisals: The work includes making detailed inspections of assigned properties; conforming to recognized appraisal principles and practices of the appraisal professions in estimating the value of the properties; preparing, furnishing, and delivering appraisals on all assigned properties in accordance with the requirements set forth in City of Durham Standards and the Department's Right of Way Manual and the Code of Federal Regulations Title 49 Part 24. The Professional must be, at a minimum, a NC General Certified Real Estate Appraiser and must be on the Department Approved Appraiser List.

The work includes reviewing appraisals of each parcel to be acquired for ROW purposes for conformance with Uniform Standards of Professional Appraisal Practice (USPAP) and Chapter 5 of the NCDOT Right of Way Manual to determine if the appraisal is credible and its value conclusions are reasonable; making inspections of assigned properties; ensuring that all appraisals received conform to recognized appraisal principles and practices of the appraisal profession; preparing, furnishing, and delivering appraisal reviews on all assigned properties in accordance with the requirements set forth in the NCDOT Right of Way Manual, USPAP and the code of Federal Regulations Title 49 Part 24.

Right of Way Negotiations: Right of Way Negotiations, when required, shall include, but not be limited to research of old records and projects for existing rights of way, construction features, relocations records, and property management records. The work also includes requesting or providing appraisals containing the necessary and required information regarding the property and the effects of the acquisition on the property; requesting or providing Preliminary Certificates of Title regarding the property and its ownership; performing negotiations for the acquisition of real property in accordance with the requirements set forth in the NCDOT Right of Way Manual and the Code of Federal Regulations Title 49 Part 24; submitting final reports and the required documentation, on each property claim preparing and providing all documentation necessary for condemnation of all unsettled claims; preparing and providing all documentation necessary for the closing of all settled claims. All right of way agents assigned to negotiate parcels must have an active NC Real Estate Broker License. The consultant shall perform the services as set forth herein and as described within the specific project authorization and furnish and deliver to the City of Durham appropriate reports and other documents relative to the completion of the project.

PROPOSED CONTRACT TIME: The contract will have a two-year duration with the ability to be extended up to one (1) additional year at the City of Durham's sole discretion.

PROPOSED CONTRACT PAYMENT TYPE: The contract payment type will be Lump Sum. Progress payments will be made monthly. The compensation amount will be negotiated with the first firm selected for the project as described in the Section of the RFLOI entitled Selection Criteria. If the compensation amount cannot be successfully negotiated with the first firm, then the City will begin compensation negotiations with the next firm in line, and so on.

SUBMITTAL REQUIREMENTS

All LOIs are limited to **TEN (10) pages** pages (RS-2 forms are not included in the page count) inclusive of the cover sheet, and shall be typed on 8-1/2" x 11" sheets, single-spaced, one-sided.

Fold out pages are not allowed. In order to reduce costs and to facilitate recycling, binders, dividers, tabs, etc. are prohibited. One staple in the upper left-hand corner is preferred.

LOIs containing more than **ten (10)** pages will not be considered.

One (1) digital version in PDF copy of the LOI should be submitted.

Firms submitting LOIs are encouraged to carefully check them for conformance to the requirements stated above. If LOIs do not meet ALL of these requirements they will be disqualified. No exception will be granted.

SELECTION PROCESS

Following is a general description of the selection process:

- The LGA's Selection Committee will review all qualifying LOI submittals.
- For Limited Services Contracts (On-Call type contracts), the LGA's Selection Committee MAY, at the LGA's discretion, choose any number of firms to provide the services being solicited.
- For Project-Specific Contracts (non On-Call type contracts), the LGA's Selection Committee MAY, at the LGA's discretion, shortlist a minimum of three (3) firms to be interviewed. IF APPLICABLE, dates of shortlisting and dates for interviews are shown in the section SUBMISSION SCHEDULE AND KEY DATES at the end of this RFLOI.
- In order to be considered for selection, consultants must submit a complete response to this RFLOI prior to the specified deadlines. Failure to submit all information in a timely manner will result in disqualification.

TITLE VI NONDISCRIMINATION NOTIFICATION

The LGA in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all RESPONDENTS that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit LETTERS of INTEREST (LOIs) in response to this ADVERTISEMENT and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.

SMALL PROFESSIONAL SERVICE FIRM (SPSF) PARTICIPATION

The Department encourages the use of Small Professional Services Firms (SPSF). Small businesses determined to be eligible for participation in the SPSF program are those meeting size standards defined by 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 Firm, at the time the Letter of Interest 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 the Department's Subconsultant Form RS-2. RS-2 forms may be accessed on the Department's website at [NCDOT Connect Guidelines & Forms](#).

The SPSF must be qualified with the Department to perform the work for which they are listed.

PREQUALIFICATION

The Department maintains on file the qualifications and key personnel for each approved discipline, as well as any required samples of work. Each year on the anniversary date of the company, the firm shall renew their prequalified disciplines. If your firm has not renewed its application as required by your anniversary date or if your firm is not currently prequalified, please submit an application to the Department **prior to submittal of your LOI**. An application may be accessed on the Department's website at [Prequalifying Private Consulting Firms](#) -- Learn how to become Prequalified as a Private Consulting Firm with NCDOT. Having this data on file with the Department eliminates the need to resubmit this data with each letter of interest.

Professional Services Contracts are race and gender neutral and do not contain goals. However, the Respondent is encouraged to give every opportunity to allow Disadvantaged, Minority-Owned and Women-Owned Business Enterprises (DBE/MBE/WBE) subconsultant utilization on all LOIs, contracts and supplemental agreements. The Firm, subconsultant and subfirm shall not discriminate on the basis of race, religion, color, national origin, age, disability or sex in the performance of this contract.

DIRECTORY OF FIRMS AND DEPARTMENT ENDORSEMENT

Real-time information about firms doing business with the Department, and information regarding their prequalifications and certifications, is available in the Directory of Transportation Firms. The Directory can be accessed on the Department's website at [Directory of Firms](#) -- Complete listing of certified and prequalified firms.

The listing of an individual firm in the Department's directory shall not be construed as an endorsement of the firm.

SELECTION CRITERIA

All prequalified firms who submit responsive letters of interest will be considered.

In selecting a firm/team, the selection committee will take into consideration qualification information including such factors as:

1. **Understanding of the Project – 25%**

- a. How well has the candidate demonstrated a thorough understanding of the purpose and scope of the project?
- b. How well has the candidate identified issues and potential problems related to the project?
- c. How well has the candidate demonstrated that it understands the deliverables the City expects it to provide?
- d. How well has the candidate demonstrated that it understands the City's schedule and can meet it?
- e. Adherence to the City's UBE program.

2. **Methodology Used for the Project – 25%**

- a. How well does the methodology depict a logical approach to fulfilling the requirements of the RFLOI?
- b. How well does the methodology match and contribute to achieving the objectives set out in the RFLOI?
- c. How well does the methodology interface with the schedule in the RFLOI?

3. **Management Plan for the Project – 25%**

- a. How well does the management plan support all of the project requirements and logically lead to the deliverables required in the RFLOI?
- b. How well is accountability completely and clearly defined?
- c. Is the organization of the project team clear?
- d. How well does the management plan illustrate the lines of authority and communication?
- e. To what extent does the candidate already have the hardware, equipment, and licenses necessary to perform the contract?
- f. Does it appear that the candidate can meet the schedule set out in the RFLOI?
- g. Has the candidate offered alternate deliverables and gone beyond the minimum tasks necessary to meet the objectives of the RFLOI?
- h. How well have potential problems been identified?
- i. Is the LOI responsive to all material requirements in the RFLOI?

4. **Experience and Qualifications -25%**

Questions regarding the personnel.

- a. Do the individuals assigned to the project have experience on similar projects?
- b. Are resumes complete and do they demonstrate backgrounds that are desirable for individuals engaged in the work the project requires?
- c. How extensive are the applicable education and experience of the personnel designated to work on the project?
- d. How knowledgeable are the candidate's personnel of the local area and how many individuals have worked in the area previously?

Questions regarding the candidate:

- e. How well has the candidate demonstrated experience in completing similar projects on time and within budget?
- f. How successful is the general history of the candidate regarding timely and successful completion of projects?
- g. Has the candidate provided letters of reference from clients?
- h. If subcontractors will perform work on the contract, how well do they measure up to the evaluation used for the candidate?

After reviewing qualifications, if firms are equal on the evaluation review, then those qualified firms with proposed SPSF (Small Professional Services Firm) participation will be given priority consideration.

SUBMISSION ORGANIZATION AND INFORMATION REQUIREMENTS

The LOI should be addressed to:

City of Durham
Attn: Ana Jaramillo, PE Project Manager
Department of Public Works, Engineering Services Division
101 City Hall Plaza, Suite 3100
Durham, NC 27701-3329

The LOI must include the name, address, telephone number, and e-mail address of the prime consultant's contact person for this RFLOI.

Candidates should submit their LOIs in a sealed envelope. The envelope should be addressed for delivery to the Project Manager at the address shown above. Write the following prominently on the outside of the envelope: **Request for Letters of Intent for Right of Way Acquisition Services for Various Sidewalk Projects**

The LOI must also include the information outlined below:

Chapter 1 - Introduction

The Introduction should demonstrate the consultant's overall qualifications to fulfill the requirements of the scope of work and should contain the following elements of information:

- Expression of firm's interest in the work;
- Statement of whether firm is on register;
- Date of most recent private engineering firm qualification;
- Statement regarding firm's(') possible conflict of interest for the work; and
- Summation of information contained in the letter of interest.

Chapter 2 - Team Qualifications

This chapter should elaborate on the general information presented in the introduction, to establish the credentials and experience of the consultant to undertake this type of effort. The following must be included:

1. Identify recent, similar projects the firm, acting as the prime contractor, has conducted which demonstrates its ability to conduct and manage the project. Provide a synopsis of each project and include the date completed, and contact person.

2. If subconsultants are involved, provide corresponding information describing their qualifications as requested in bullet number 1 above.

Chapter 3 - Team Experience

This chapter must provide the names, classifications, and location of the firm's North Carolina employees and resources to be assigned to the advertised work; and the professional credentials and experience of the persons assigned to the project, along with any unique qualifications of key personnel. Although standard personnel resumes may be included, identify pertinent team experience to be applied to this project. Specifically, the Department is interested in the experience, expertise, and total quality of the consultant's proposed team. If principals of the firm will not be actively involved in the study/contract/project, do not list them. The submittal shall clearly indicate the Consultant's Project Manager, other key Team Members and his/her qualifications for the proposed work. Also, include the team's organization chart for the Project / Plan. A Capacity Chart / Graph (available work force) should also be included. Any other pertinent information should also be listed in this section.

Note: If a project team or subconsultant encounters personnel changes, or any other changes of significance dealing with the company, NCDOT should be notified immediately.

Chapter 4 - Technical Approach

The consultant shall provide information on its understanding of, and approach to accomplish right of way acquisition services for LAPP projects, including their envisioned scope for the work and any innovative ideas/approaches to manage time and cost of right of way acquisitions and related work.

APPENDICES-

CONSULTANT CERTIFICATION Form RS-2

Completed Form RS-2 forms SHALL be submitted with the firm's letter of interest. This section is limited to the number of pages required to provide the requested information.

Submit Form RS-2 forms for the following:

- **Prime Consultant firm**
 - Prime Consultant Form RS-2 Rev 1/14/08; and
- **ANY/ALL Subconsultant firms** (*If Subconsultants are allowed under this RFLO*) to be, or anticipated to be, utilized by your firm.
 - Subconsultant Form RS-2 Rev 1/15/08.
 - In the event the firm has no subconsultant, it is required that this be indicated on the Subconsultant Form RS-2 by entering the word "None" or the number "ZERO" and signing the form.

Complete and sign each Form RS-2 (instructions are listed on the form).

The required forms are available on the Department's website at:
<https://connect.ncdot.gov/business/consultants/Pages/Guidelines-Forms.aspx>

All submissions, correspondence, and questions concerning this RFLOI should be directed to **Ana Jaramillo** via email at **Ana.Jaramillo@DurhamNC.gov**.

IF APPLICABLE, questions may be submitted electronically only, to the contact above. Responses will be issued in the form of an addendum available to all interested parties. Interested parties should also send a request, by email only, to the person listed above to be placed on a public correspondence list to ensure future updates regarding the RFLOI or other project information can be conveyed. Questions must be submitted to the person listed above no later than **January 25, 2024**. The last addendum will be issued no later than **February 1, 2024**.

SUBMISSION SCHEDULE AND KEY DATES

RFLOI Release – **January 10, 2024**

Pre-Proposal Meeting – January 18, 2024

Deadline for Questions – **January 25, 2024**

Issue Final Addendum – **February 1, 2024**

Deadline for LOI Submission – **February 9, 2024**

Firm Selection and Notification ** – **No later than March, 2024**

** Notification will **ONLY** be sent to selected firm.