



October 23, 2023

Town of Clayton

RFLOI for On-Call ROW Services
700-ENG-2024-08

Addendum No. 1

The purpose of this Addendum is to make changes and clarifications to the RFLOI documents dated October 12, 2023, for solicitation referenced above. Firms shall review the Addendum work and requirements in detail and incorporate any effects the Addendum may have in their letter of interest.

The Town of Clayton will not be held liable if a particular Firm doesn't receive this addendum. All requirements of the RFLOI remain unchanged except as cited herein.

1. **Question:** Can portions of our 10-page Letter of Interest be submitted in a Landscape layout instead of Portrait layout?

Answer: The Town has no preference to the page layout of the LOI.

2. **Question:** Is the Consultant responsible for providing Appraisal Reviews, or NCDOT?

Answer: NCDOT must review appraisals

3. **Question:** Will the Consultant be responsible for closings, or will the Town Attorney perform closings?

Answer: The Town Attorney will be responsible for closings.

4. **Questions:** Will the Consultant be responsible for surveys and preparing exhibits needed for acquisition, or will the Town provide these services?

Answer: The PE is responsible for surveys and preparing exhibits needed for acquisition

5. **Questions:** When listing the Anticipated Usage of a sub-consultant on the RS-2 form, should the percentage be a portion of the total contract for the team (x% of 100%), or a percentage of the service they will provide (i.e., if only one sub-consultant is performing appraisals, the percentage would 100%)?

Answer: The percentage should be the portion of the total contract. Prime and all subs should add up to 100%.

This addendum must be acknowledged and signed by an authorized representative of the firm and must be included in the LOI. Does not count towards page count.

Failure to do so will cause your Letter of Interest to be rejected:

By: _____
(Signature)

Name: _____
(Printed)

Title: _____

Date _____

Advertised: **October 12, 2023**



Town of Clayton

REQUEST for LETTERS of INTEREST (RFLOI)

On-Call Right of Way Acquisition Services

TITLE: On-Call Right-of-Way Acquisition Services

ISSUE DATE: October 12, 2023

SUBMITTAL DEADLINE: October 31, 2023

ISSUING AGENCY: Town of Clayton

SYNOPSIS

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 firm(s) shall be pre-qualified by the Department to perform ALL of the Discipline Codes listed below for the Town of Clayton. Discipline Codes required are:

- **168 – Project Management**
- **170 – Property Management**
- **185 – Relocation Review**
- **186 – Relocation Assistance**
- **192 – Right of Way Appraisals**
- **194 – Right of Way Negotiators**

*Note: Certain additional ROW services may be required which are not expressly included in the work codes set forth above.

WORK CODES for each primary 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 Town of Clayton is seeking Statement of Qualifications (SOQ) from Firms to provide Right-of-Way Acquisition Services (“Services”) for Federally Funded Projects. The Town of Clayton is seeking firms whose combination of experience and expertise will provide timely, cost-effective services to the Town. The selected firms will be directly responsible for oversight of right of way services for the Town.

The Town intends to select no more than two (2) qualified firms to perform these services on multiple various projects under an on-call contract. This solicitation does not imply or guarantee a work duration, monetary value, or any work. The on-call contract will have a two-year duration with the ability to be extended up to one (1) additional year.

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

LOIs SHALL be received BY MAIL, OR HAND-DELIVERY no later than 4:00 pm October 31, 2023. Emailed LOIs will not be accepted .

The address for mailings is:

**Town of Clayton
Attention: Shannon Poole
111 East Second Street
Clayton, NC 27520**

The address for hand-deliveries is:

**Town of Clayton
Attention: Shannon Poole
111 East Second Street
Clayton, NC 27520**

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 the financial ability to undertake the work and assume the liability. The selected firm(s) will be required to furnish proof of Professional Liability insurance coverage in the minimum amount of \$1,000,000.00. The firm(s) must have an adequate accounting system to identify costs chargeable to the project.

SCOPE OF WORK

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

The Town of Clayton frequently applies for Federal, State, and County funding to support transportation initiatives and infrastructure improvements related thereto. Many of the on-call projects will be obligated to follow Federal, State, and Town 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 Town, 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 Town 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 task authorization and furnish and deliver to the Town appropriate reports and other documents relative to the completion of the task.

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

PROPOSED CONTRACT PAYMENT TYPE: The contract payment type will be Lump Sum.

SUBMITTAL REQUIREMENTS

All LOIs are limited to **TEN (10) 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) signed original (marked as original) and four (4) copies of the LOI should be submitted along with a digital version in PDF format on a thumb drive.

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 Towns Selection Committee MAY, at the Town's discretion, choose any number of firms to provide the services being solicited.
- 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 Town 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 prequalification's 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:

Criteria	Criteria Description	Weight
1. Firm(s) Qualifications	Firm/team's experience, knowledge, familiarity, and past performance with federally funded municipal/public improvement projects.	25%
2. Key Personnel/Qualifications/Team Experience	Key proposed personnel qualifications, experience, knowledge, familiarity and past performance with the desired services, Similar on-call contract experiences with local government.	30%
3. Relevant Current & Recent Projects	Quantity and relevance of listed projects within the last five (5) years with involvement of the proposed staff, preferably with multiple key members working together.	30%
4. Project Approach	Project approach that demonstrates ability to deliver high quality results on projects; use techniques that improve speed of total project delivery and provide reduced total cost.	15%

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

SUBMISSION ORGANIZATION AND INFORMATION REQUIREMENTS

The LOI should be addressed to **Shannon Poole, Engineering Technician** and must include the name, address, telephone number, and e-mail address of the prime consultant's contact person for this RFLOI.

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 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 projects funded through the Locally Administered Projects Program (LAPP). 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 encounters personnel changes, or any other changes of significance dealing with the company, the Town 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;

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>

[Prime Consultant Form RS-2](#)

All submissions, correspondence, and questions concerning this RFLOI should be directed to **Shannon Poole** at **spoole@townofclaytonnc.org**.

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 **October 20, 2023**. No questions or requests for clarifications will be accepted after this time. One addendum will be issued on **October 24, 2023**, addressing all questions received. The issuance of such written responses is the only official method by which interpretation, clarification or additional information will be given by the Town.

SUBMISSION SCHEDULE AND KEY DATES

RFLOI Release – **October 12, 2023**

Deadline for Questions – **October 20, 2023**

Issue Final Addendum – **October 24, 2023**

Deadline for LOI Submission – **October 31, 2023**

Firm Selection and Notification ** - **No later than December 2023**

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