

10 Right of Way Consultants

10.1 General

The Right of Way General Office and Right of Way District Offices work with the Office of Procurement in securing Right of Way consultant services. The requested services supplement in house staffing to meet project delivery requirements.

10.2 Administrative Requirements

Occasionally, the project workload may warrant additional staffing to meet various deadlines and a timely let date. Consultants are utilized when additional staffing is required. Right of Way Consultants are firms or individuals meeting the criteria and standards established by the Georgia Department of Transportation's Prequalification process.

The Prequalification Process is described in Addendum 10.2A and adheres to [O.C.G.A. 32-2-61\(d\) \(1\) \(D\)](#), [O.C.G.A 32-2-65](#) and Federal Regulations [23 CFR 710.201 \(g\)](#), and, [\(h\)](#).

10.3 Policy

The Right of Way Manager works with the Office of Procurement to secure Right of Way consultant services. These services are solicited by the Office of Procurement on behalf of the Right of Way Office.

A. Right of Way Consultant Pre-qualifications & Qualifications (Effective December 1, 2009)

1. As of December 1, 2009, the Office of Procurement solicits and hires Right of Way Consultants on behalf of the Right of Way Office. Consultants are chosen from a list of prequalified service providers. This list is known as the "Prequalification List" and is exclusive to the Department. Interested firms or individuals may be added to this list by completing the "Prequalification Application" distributed by the Office of Procurement on behalf of the Right of Way Office. The completed application package is returned to the Procurement Office and reviewed for general content and supporting documentation. An active Georgia Real Estate Sales License, an active Georgia Real Estate Broker's License, or an active Certified General Real Property Appraisal License may be required for certain types of Right of Way Consultant activities. The application package is then forwarded to the appropriate Office of Right of Way Unit Manager for a more thorough review.
2. The review process is as follows:

- a) The Administrative Ops Coordinator (or Support Assistant, Secretary, etc.) as assigned will be the point of contact for the Office of Right of Way that will receive consultant application packages directly from the Office of Procurement. The Administrative Ops Coordinator (or Support Assistant, Secretary, etc.) assigned will distribute the consultant application packages to the appropriate Unit Managers. The Unit Manager receiving the consultant application package will be responsible for prescreening their respective applicants to assure they meet the minimum established pre-qualification requirements, before further interview and processing actions occur. If the consultant applicant meets the minimum established pre-qualifications, the Unit Manager will then proceed with setting up timely interviews and with the appropriate staff. Consultant applicant interviews are to be conducted and held every quarter, at a minimum.
- b) The Qualifications Committee will meet quarterly and within (10) ten calendar days of the last day of the final day of consultant interviews to review each consultant applicant and documentation provided from the appropriate Unit Manager before making any approval or denial recommendations back to the Unit Manager. An applicant may be called to appear before the Qualifications Committee. The appropriate Unit Manager will transmit an Interdepartmental Letter to the Office of Procurement and CC the Right of Way Administrator and Assistant Right of Way Administrators of the Qualification Committee recommendations.
- c) The Office of Procurement will send out written proper notification to the consultant applicants upon receipt of the Office of Right of Way recommendations from the appropriate Unit Manager. The Office of Procurement will send out Certificates good for (3) three years to those successful candidate applicants providing they stay in good standing with the Department and if licensed in the State of Georgia. The Office of Procurement will update the Master list of pre-qualified and approved consultants.

*The Unit Managers are: State Right of Way Acquisition Manager, State Right of Way Acquisition Support Manager, State Right of Way Relocation Manager, State Right of Way Appraisal & Review Manager, and State Right of Way Property Manager.

B. Consultant Applicant Appeal Processes

1. Office of Right of Way Qualifications Committee

If an applicant is dissatisfied with the Consultant Qualifications Committee recommendations, the consultant may file an Appeal with the Office of Right of Way within thirty (30) days after receiving a notice of denial from the Procurement Office. Within ten (10) days of the date of which the appeal is received by the Department, the appropriate Unit Manager shall coordinate the time and place for an Appeal Review Committee Hearing. The Appeal

Review Committee conducts the hearing and the appropriate Unit Manager gives reasonable notice to the consultant applicant.

2. Office of Right of Way Review Committee

The Appeal Review Committee consisting of no less than three (3) members (preferably the State Right of Way Administrator, the appropriate Assistant State Right of Way Administrator, and the appropriate Unit Manager) shall conduct and attend the appeal hearing. Within ten (10) days of the conclusion of the hearing, the Appeal Review Committee shall issue its written decision to the appropriate Unit Manager. The Unit Manager sends written notice to the consultant applicant by certified mail, return receipt requested, and to the consultant's last known address.

3. Georgia Department of Transportation Agency Review Committee

- a. Should an applicant be dissatisfied with the Appeal Review Committee recommendations, an appeal may be filed with the Office of Right of Way within thirty (30) days after receiving a notice of denial. Within ten (10) days of the date of receipt of appeal, the Office of Right of Way will coordinate the time and place for the Agency Appeal Review Hearing. The Agency Appeal Review Committee conducts the hearing and the Office of Right of Way gives reasonable notice to the applicant.
- b. An Agency Appeal Review Committee consisting of no less than three (3) members (preferably the State Right of Way Administrator, the Division Director, and a designated Manager under the supervision of the Division Director). Within ten (10) days of the conclusion of the hearing, the Agency Appeal Review Committee shall issue its written decision to the State Right of Way Administrator.
- c. The State Right of Way Administrator sends written notice to the consultant applicant by certified mail, return receipt requested, and to the consultant's last known address. There will be no further appeals beyond the Agency Appeal Review Committee level.

C. Maintaining Eligibility

1. Performance Ratings

- Consultant must maintain favorable performance ratings which reflect an average or above average performance.

2. Training

- Consultant must attend all mandatory training sessions provided by the Georgia Department of Transportation.

3. Renewal

- Consultant must re-apply for each discipline every three (3) years.
- If a consultant has received good ratings and has attended all training classes required by GDOT – No interview will be necessary and a new certificate will be issued.
- If a consultant has received poor ratings and/or has not attended all training classes required by GDOT – An interview will be required before a new certificate can be issued.

D. Disciplinary Action

1. Verbal Warning - State Right of Way Unit Manager will call consultant and discuss recommendations to improve performance if any of the following occur:

- GDOT is in receipt of a performance rating with a below average score along with supporting documentation detailing the reasons for rating.
- GDOT has received multiple written complaints regarding consultant performance.

2. Written Warning - State Right of Way Unit Manager to send a written warning to consultant outlining insufficiencies and a recommended plan for correction if any of the following occur:

- GDOT is in receipt of two (2) or more below average ratings along with supporting documentation detailing the reasons for rating; and, GDOT has received multiple written complaints regarding consultant performance.
- Consultant has not corrected insufficiencies discussed in a previous “verbal warning.”

3. Suspension – State Right of Way Unit Manager will send a written notice to the Consultant and the Office of Procurement revoking all Certificates related to right of way activities if any of the following occur:

- GDOT is in receipt of three (3) or more below average ratings along with supporting documentation detailing the reasons for rating.
- Consultant has not corrected insufficiencies discussed in a previous “verbal warning” and/or “written warning.”
- Consultant will be suspended from performing any right of way activities on GDOT related projects for a minimum of one (1) year.

E. Re-instatement

1. Application – Consultant may re-apply for re-instatement after a minimum of one (1) year from date of suspension.

- Submit application to procurement (must re-apply for all disciplines regardless of the problematic discipline).
- Schedule and attend an interview with the State Right of Way Acquisition Manager.

2. Review – The Consultant Review Committee will be comprised of no less than five (5) right of way subject matter experts.

- Review Committee will review re-instatement application and final scores from interview.
- Review Committee will provide final recommendation of reinstatement status.

3. Probation Period - If a consultant is approved for re-instatement following a suspension, the consultant will be on a six (6) month probation period.

- Probation will commence after receipt of first assignment.
- If consultant is performing at or above average after 6 months (or completion of assignment), a new certificate will be issued for each approved discipline.
- If performance is not at or above average after 6 months (or completion of assignment), consultant will be permanently removed from GDOT Right of Way Consultant list.

10.4 Procedures

A. Consultant Oversight

1. The District Right of Way Acquisition Manager will manage the Right of Way Project Manager, Pre-acquisition, Acquisition, Negotiation – Closing, Appraisal, Specialty Report, Relocation, and any other consultants working on their assigned projects. The District Right of Way Acquisition Manager will address their questions and concerns.
2. The District Right of Way Acquisition Manager may rely on the assigned Review Appraiser or others for certain consultant questions and concerns outside the Acquisition Manager’s area of expertise.
3. The Office of Right of Way Unit Managers will manage their consultants and address any questions and concerns from the consultants working within the Unit Manager’s service area.

10.5 Turnkey Projects/Design-Build Projects/Private-Public Partnership Projects

A. Resources

1. For the above-referenced projects, responsibility for right of way activities and proper scopes of service for right of way staff will be specified in the DBF Agreement.
2. An Office of Right of Way Consultant Coordinator or District Right of Way Acquisition Manager may be assigned to address right of way acquisition concerns and questions related to protocol for these projects, and as a subject matter expert for Right of Way processes and procedures.

10.6 Quality Assurance Quality Control

In securing the services of Consultants to perform any or all associated Right of Way acquisition activities, all activities concerning the acquisition of right of way must adhere to the policies and regulations of the Uniform Relocation Assistance, and Real Property Acquisition Policies Act of 1970, as amended ([Reference 49 CFR 24](#)) and all policies and procedures of this Right of Way Manual. The checks and balances for these procedures can be found in Chapter Five of the Right of Way Manual, under Quality Assurance, Quality Control.