

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. Labor Resources Request

A District Right of Way Acquisition Manager or an Office of Right of Way Unit Manager, seeking additional labor resources, should discuss each request with the appropriate State Right of Way Acquisition Manager or Assistant State Right of Way Administrator, respectively. If approved, the Manager will then coordinate the request with the Office of Procurement. The Procurement Office secures Right of Way consultants and notifies qualified consultants for opportunities to bid, secures bids, and makes awards for purchase orders or contracts as per state statutes and guidelines regarding the professional service.

B. Procurement of Services

1. As of December 1, 2009, the Right of Way Office is required to request all consultant services through the Office of Procurement. All consultant services are requested by using Procurement Requisition Form (PRF).
2. The following must accompany the Procurement Requisition Form:
 - a. Appraisal and Specialty Valuation Services - Attachment A detailing parcel information and a cover letter detailing the scope of service and the date, time and location of scoping meeting.
 - b. Right of Way Project Manager; Pre-Acquisition; Acquisition; Negotiation – Closing; Relocation; etc. - cover letter detailing the scope of service, total number of parcels affected and the date, time and location of scoping meeting.
 - c. Ancillary Right of Way Services (Property Management, Relocation, Court Coordinator and others) - cover letter detailing the scope of service, total number of parcels affected and the date, time and location of scoping meeting.
 - d. Once the PRF is received The Procurement Office will send a solicitation notice to all consultants approved for that particular scope of work. Solicitations are sent only to consultants who have been prequalified through the Georgia Department of Transportation's Prequalification Process and placed on the Georgia Department of Transportation's Prequalification Approval List.

C. Scoping Meetings, Bid Submittals, Consultant Notices to Proceed, and Consultant Notices of Assignment Letter

1. The Scoping Meeting is held on the date and location as prescribed in the initial PRF and the Solicitation Notice. Project requirements are discussed. Scope of Service documents, Right of Way plans and any documentation applicable to the work are distributed. Unit Managers emphasize timely delivery of work to meet the project schedule. Timely delivery of a sealed bid to the procurement office is also emphasized and identified.
2. All consultants interested in attending the scoping meeting must RSVP by the date noted on the solicitation or will be denied admittance to the scoping meeting.
3. All attendees are invited to attend the Bid Opening Meeting (also noted on the Solicitation Notice).
4. Sealed Bids must be addressed to the Procurement Office or Issuing Officer noted on the Solicitation Notice. The words "SEALED BID – DO NOT OPEN" should also be written on the envelope.
5. Sealed Bids must be placed on the Issuing Officers desk by the deadline noted in the Solicitation Notice.
6. All sealed bids will be opened precisely at the time and location noted on the Solicitation Notice.
7. Bids that are received after the specified time or not properly submitted, as per solicitation instructions, will not be accepted by the Department.
8. The successful bid notification will be emailed to all consultants attending the scoping meeting.
9. The successful bidder will be contracted by the Procurement Office through the use of a Purchase Order. The Purchase Order also serves as the Notice to Proceed. The timeline for those services effectively begins the moment the Purchase Order is emailed to the successful bidder. Acquisition Managers or service requestor will send a follow up "Notice of Assignment Letter" establishing official contact with the consultant as well as detailing applicable due dates and required services.
10. Only attendees approved for the specific discipline need to attend the scoping meeting.

D. Invoicing

Completed packages, reports and invoicing should be submitted to the identified person noted on the Purchase Order and Scope of Service document.

E. Reviewing submittals

1. Submitted work must be thoroughly reviewed before invoicing is processed.
2. Invoices for appraisal reports and/or specialty reports are to be processed immediately upon receipt by the Acquisition Manager. The Department no longer requires approval by the Review Appraiser prior to processing the invoice for service.
3. The “Bill To” individual note on the Purchase Order is responsible for invoice processing.
4. Invoice processing is as follows:
 - a. Consultant must submit a copy of Purchase Order with the Invoice. Consultants name and address MUST match the name and address on the Purchase Order. (If name and address does not match, Accounts Payable Office will promptly reject the invoice). Contact the consultant immediately to correct any name or address discrepancy and resubmit the corrected invoice.
 - b. Invoice amount must match partial or total amounts shown on the Purchase Order. Contact the consultant immediately to discuss discrepancies and resubmit the corrected invoice.
 - c. “Partial/Full Pay” stamp and “Payment Authorization” stamp are placed on the invoice. Payment Authorization stamp must be signed by the person accepting the invoice and by a Person authorized by Accounts Payable to authorize payment. There must be two different signatures. The same person cannot sign both lines.
 - d. Properly stamped Invoices and the Purchase Order with original blue signatures are sent to Accounts Payable with the appropriate Partial Pay or Full Pay cover letter.
5. Receipt in PeopleSoft as follows:
 - a. Go to Receipts

- b. Click on “Add/Update Receipts”
- c. Click on “Add”
- d. Enter the last 6 digits of the Purchase Order number in the “ID:” box
- e. Click “Search”
- f. At the bottom under “Retrieved Rows” – dark blue line, click on the “Sel” box and click OK
- g. Enter the Price you need to receipt or the Receipt Qty. - this will depend on how the Purchase Order is set up
- h. Click SAVE - Your Purchase Order number will be at the top by “Receipt ID:”

F. 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.

Policies and Procedures of the Department in this chapter may be waived, altered, or modified at any time and at the full discretion of the Department and FHWA as necessary to accomplish the overall goals and objectives of the Department and FHWA, and as long as any waivers, alterations, and modifications of said policies and procedures are not in direct violation or contradiction with state and federal codes, of which will rule over any recommended waivers, alterations, or modifications.