



Supplement #1
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Questions and Answers For

REQUEST FOR PROPOSAL #55-4RFPP001

ROW Division
118 East Riverside Drive
Austin, Texas 78704

Proposal Due Date: April 28, 2014 at 12:00 Noon (CST)

The following document contains questions and responses posed to the Right of Way Division (ROW) regarding the March 24, 2014 publication of the Request for Proposal (RFP) 55-2RFPP001 for Statewide Right of Way Acquisition Professional Services (ROWAPS). Each question was submitted in writing and the responses are presented in a logical sequence as they pertain to each Section of the RFP.

This document is published as Supplement #1 to the original RFP published March 24, 2014 and the responses are considered part of the original RFP. The questions are reprinted as close to their original format as possible while maintaining the anonymity of the writer.

SECTION 1 - Table of Contents

No questions were submitted.

SECTION 2 - General Information

No questions were submitted.

SECTION 3 – Proposal Information

Question 3a: Is there a preference for how the proposals are bound (3 ring binder, etc).

Response to 3a: *3-ring binders are preferred.*

Question 3b: Table 3.1 under the column titled “Location in Proposal and Maximum Number of Points”, there is a cell that refers to Section 8-15. Should this refer to Sections 9-15 since no points can be scored for Section 8?

Response to 3b: *While no points can be scored for completed Section 8, it is part of the capacity of the Prime Provider’s company and therefore shown in Table 3.1.*

Question 3c: Table 3.1 under the column titled “Maximum Weighted Points”, the narrative for the formula in the last column for Sections 8-15 shows “45 points” and the actual formula shows “55 points”. Which is correct?

Response to 3c: *55 possible points is correct with each of the 55 points weighted to 0.4727 points.*

SECTION 4 – Statement of Work

Question 4a: Under Relocation (1.6.21) I am unclear as to what this is in reference. Which “Notice” is being referenced and to what proceeding?

Response to 4a: *The “Notice” is the “Notice of Eviction”.*

Question 4b: Under Condemnation Support for Pre-Hearing (1.7.4) what is needed and how many copies. Is it different from the new and recently promulgated E-SubCheck?

Response to 4b: *Two copies. It is not different from the E-SubCheck.*

Question 4c: in compiling ED submittal packages, should we assemble them in accordance with the verbiage shown in the RFP?

Response to 4c: *Laws, rules and policy changes can affect the specific gathering and presentation of documents. If this occurs, the stipulations of the contract prevail. That being said, the task requirements for all services listed in the RFP document are unlikely to change.*

Question 4d: Under Condemnation Support for Pre-Hearing (1.7.16) shouldn't the number of days be 20 days instead of 11 days?

Response to 4d: *You are correct, the 11 days has been changed and the correct reading is 20 days pursuant to Texas Property Code §21.016(b).*

Question 4e: Under Condemnation Support for Post-Hearing (1.8.4 and 1.85) what is necessary to submit a package for payment of award and special commissioner's fees. These sections reference sending a file marked copy (or certified copy) of the Award for payment. The ROW manual seems to indicate a certified copy is necessary. Just want to know if there is a real need for a certified copy instead of a file marked copy.

Response to 4e: *A certified copy is not necessary. A file marked copy with the Judge's signature will suffice.*

Question 4f: In Section 4 under milestone payments for Negotiation (2.6.4) it states that 30% will be paid upon the completed closing of the parcel. If we are continuing with a dual path of Negotiation and Eminent Domain, can the completed closing and thus billing for the last milestone be interpreted as meaning a final closing by deed or obtaining possession via a Special Commissioner's Award?

Response to 4f: *The final payment will be made upon either; (1) closing by deed and issuance of title commitment; or (2) the state's possession of the property by deposit of the award of special commissioners.*

Question 4g: In Section 4 under milestone payments for Relocation Assistance Services the first and last milestone of each relocation category requires among other things, the signature of displacees on various documents. There are many instances in which a displacee refuses to sign forms. As an example, on the first milestone, many times a displacee will not want to sign initially and will wait until almost the end. On the last milestone, once a displacee has vacated the premises, they sometimes won't sign the last form since it is of no real benefit to them. Would it be acceptable to submit a payment for the milestone without all forms being signed if the Provider provides an explanation of attempts made to obtain the signatures and reasons why a displacee won't sign?

Response to 4g: *The standard performance is that a displacee will sign all relocation forms. On exception with departmental approval, the R-96 form has a space where if a displacee is not willing to divulge their ethnicity, the relocation agent can make a comment to that affect and sign*

the form.

Question 4h: Title and Closing Services (1.2.1, 1.2.2 and 1.2.3) These sections refer to the costs for preliminary title commitments, updated commitments and title insurance as being “reimbursed” to the Provider as a direct pass-through cost rather than “paid by the department”. Does this mean the Provider will have to pay these costs to the title company and then seek reimbursement from TxDOT or will the title company be treated by the Provider as a sub-contractor and be eligible for payment upon the Provider’s receipt of payment from TxDOT?

Response to 4h: *To be paid by the Provider and then reimbursed by TxDOT. No profit or management fee is allowed for these costs and the costs do not count against the contract cap.*

Question 4i: Title and Closing Services (1.2.1). If TxDOT selects the Title Company for a project, will the Provider be responsible for paying for the preliminary title commitments and seeking reimbursement as a direct pass-through?

Response to 4i: *If TxDOT has ordered the preliminary title commitments, TxDOT will pay direct to the Title Company.*

Question 4j: Title and Closing Services (1.2.4.1). The RFP states that the cost of curative services must be included in the negotiated fee schedule. A list of what these fees “do not include” is shown in item 1.2.4.2 Is there a more detailed description of what costs need to be included in the negotiated fee schedule?

Response to 4j: *No.*

Question 4k: Appraisal Services (1.3.10). The RFP states that the processing of monthly invoices for appraisal services will not be delayed for the purpose of the completion of the R/W-PD Administrative Review. The milestone for the fee states 100% of the fee is payable on delivery of a complete and acceptable appraisal report. Who determines that the appraisal is complete and acceptable, TxDOT or the Review Appraiser?

Response to 4k: *The fee to the appraiser is eligible for the one and only 100% billing once the appraisal document is delivered to the department. The Review Appraiser concludes as to the appraisal report being adequately supported and in compliance with all appropriate appraisal standards, laws and regulations and recommends the appraisal for use by the department or assigns. If the Review Appraiser determines there to be deficiencies in the appraisal document, corrections and revisions by the appraiser are required, but it doesn’t preclude the billing and payment of the appraisal fee.*

Question 4L: Relocation Services (1.6). The RFP states that TxDOT must approve the timing and content of any notice to a displacee relating to the proceedings prior to the Provider sending the notice. Please expand on the purpose of the requirement and the additional work that will be involved.

Response to 4L: *As posed, the question does not require further clarification for the purposes of responding to the RFP.*

Question 4m: Fee Schedule Milestone Payments (2.0). The RFP states that the 20% payment milestone will be paid upon attending the closing. There are instances where it is not practical for the Provider to attend the closing.

Response to 4m: *Exceptions to the requirement of the Provider attending a closing may be granted by the R/W-PD office, but the final milestone cannot be billed until closing is complete.*

Question 4n: Service Requirements of TxDOT. What does TxDOT consider as “timely” for reviews and approval of submissions? Does TxDOT have a standardized timeline or schedule that is followed for the review and approval of submissions for projects that are awarded to consultants? Should a project be delayed and the Provider unable to meet milestones due to the untimely review of submissions by TxDOT, can the Provider seek additional Project Administration fees as well as extensions to the work authorization? Will TxDOT provide hard copies of the required brochures if requested by the Provider or is the Provider responsible for printing these brochures from the TxDOT website?

Response to 4n: *As posed, the questions do not require further clarification for the purposes of responding to the RFP.*

Question 4o: How is the Provider expected to realize the remaining 40% of the Business Relocation fee when the property owner has up to 18 months to submit the final claim forms?

Response to 4o: *The Work Authorization and Contract can be extended to allow for the additional time, but no further Project Administrative Fees can be charged.*

SECTION 5 - General Terms and Conditions

No questions were submitted.

SECTION 6 - Professional Qualifications, Experience, Performance and Capacity of the Company

Question 6a: Section 6, Item 1.2.1 calls for “Executed copies of a written intention to work as a sub-provider” for each sub consultant. Can this be in the form of a letter from the sub-consultant stating their commitment to work (a letter of commitment) or do you need a fully executed sub-agreement from each sub-provider?

Response to 6a: *A letter is sufficient at the time the RFP is submitted. If you are awarded a contract, before the contract is executed by the department, a fully executed sub-agreement with each sub-provider will be required.*

Question 6b: In regards to Section 6, Table 6.3, how many projects must be listed to get the maximum amount of points?

Response to 6b: *The number of “Projects” is not specified. It is the number of “Parcels” that the RFP requires. To receive the maximum number of points for Section 6, you must have provided ROWAPS style services totaling more than 50 parcels in R/W Projects subject to Eminent Domain from April 2009 through April 2014.*

Question 6c: In Section 6 there are two paragraphs shown with the same numbers (1.2.1). I assume this is a typo?

Response to 6c: *Yes this is a typo.*

Question 6c: In Section 6 (1.2.1) Written intention to work as a sub-provider; are these required from each firm listed to perform work or each individual?

Response to 6c: *Referring to Question 6c above, it appears you are referencing the second paragraph shown as 1.2.1 which states; “Executed copies of a written intention to work as Sub-Provider for every Sub-Provider listed in this RFP must be included at the end of Section 6 of the completed RFP.*

For the purposes of this RFP, the sub-contractors shown as both your “Primary Subject Matter Experts” and as “Additional Capacity Subject Matter Experts” should be individuals and not the company that they work for. So, the written intention to work as a sub-provider is required from each individual listed in the RFP.

SECTION 7 – Meeting Scheduling Demands

Question 7a: Does the submitted Work Breakdown Schedule (WBS) need to include every service called for within the RFP? For instance, if you use one from a previous project, can you use it only if the project included all 8 of the identified services?

Response to 7a: *No, you do not have to include all 8 of the identified services.*

Question 7b: Must the schedule and WBS in Section 7 be TxDOT specific.

Response to 7b: *No, not specifically for TxDOT, but it must show the life cycle of work activity required to bring a single parcel into possession of the state for a transportation project. The WBS and Gantt Chart are a “sample”; i.e., the project does not actually have to occur.*

SECTION 8 – Qualifications and Experience (Q&E) for the individual Service Disciplines

Question 8a: In regards to Section 8, Table 8.3, do the additional capacity subject matter experts (SME) have to meet the same qualifications as the persons listed in Table 8.2 as Primary Subject Matter Experts?

Response to 8a: *Please refer to the Note for Table 8.3 which is shown directly after Table 8.3 in the RFP that states; “Individuals shown as Additional Capacity Subject Matter Experts must complete the Qualifications and Experience Certification Sheets exactly the same as a Primary Subject Matter Expert”.*

That being said, the persons listed on the “Additional Capacity” list don’t have to meet the same qualifications as the Primary SME’s, but they must report to the Primary SME listed on the specific Work Authorization. Please read paragraph 4.1 through 4.4 under Section 8 of the RFP.

Question 8b: Based on the scoring matrix, it appears that no weight/scores will be given to

Response to 8b: *As clearly stated at the bottom of Page 33 in the RFP, “No points can be scored for Section 8”. “Additional Capacity” is part of Section 8.*

Question 8c: Will the logs for the qualifications and experience of the persons listed as “Additional Capacity” be placed behind the section for each individual discipline?

Response to 8c: *Yes.*

Question 8d: Are copies of the licenses, certifications, designations or degrees to be included behind each “Subject Matter Experts” log for Qualifications and Experience?

Response to 8d: *Yes.*

Question 8e: Are scanned copies of the logs for qualifications and experience and the intent letters sufficient for the inclusion in the response?

Response to 8e: *To respond to the RFP, one original RFP response document and two copies are required. Only the original RFP response document requires original signatures.*

All signatures in the original RFP response document (including appraisers) must be original.

Question 8f: On the experience log for the appraisers, it asks for the “Appraisal Assignment”. Can you give an example of what information TxDOT is requiring for this section other than “non-residential”; i.e., would commercial-office building be an acceptable response?

Response to 8f: Yes.

Question 8g: Why are appraisers allowed to be on various proposals yet acquisition staff is not?

Response to 8g: As posed, the question does not require further clarification for the purposes of responding to the RFP.

Question 8h: Can the qualifications table be expanded to include multiple services provided by individuals, similar to Table 6.3?

Response to 8h: No. Each person’s individual experience log relates to subject matter expertise for each specific work category.

Question 8i: Will each person have to provide back-up docs to verify designation, certifications or will the Self-certification of this data meet the requirement?

Response to 8i: For the purposes of responding to this RFP, an individual’s reporting of professional experience is self-certified by the individual and further documentation (i.e.; a copy of the support documents) is not required. Of course, TxDOT can always require support from any Prime Provider or Sub-Provider if the situation is deemed necessary.

Question 8j: On the experience logs for the column labeled “Month” is that referring to a range of months or the completion month?

Response to 8j: The Year and Month your work was completed. A range is not necessary, but is acceptable.

Question 8k: Do the qualifications and experience forms need to be marked as either “primary subject matter expert” or “additional capacity subject matter expert” or is it sufficient to put the primary’s PQ&E at the beginning of the respective section in the response?

Response to 8k: The qualification and experience (Q&E) forms for each individual should be placed behind the related Section; i.e., Q&E forms for the Project Managers should all go at the end of Section 8 of the completed RFP.

SECTION 9 - Q&E for Project Managers

Question 9a: Is there a typo on the Experience Log for Qualifications (Table 9.3 in the RFP)? The date ranges in columns 1 and 2 read Mo/Yr (column 1) and Month (column2).

Response to 9a: Yes, it is a typo. Column 1 should read “Year” and Column 2 should read “Month”.

Question 9b: When counting the number of parcels for the Project Manager experience, can the experience be from an acquisition/relocation project such as the acquisition and relocation of a multi-family property which may reside on one parcel but have 10 relocations? Would this

example count as one parcel or 10 parcels for experience?

Response to 9b: In the example of a single parcel improved with an apartment complex such as the example you gave above, the experience would be one parcel and not ten parcels.

Question 9c: Can electronic signatures be used to complete the Self-Certification?

Response to 9c: To respond to the RFP, one original RFP response document and two copies are required. Only the original RFP response document requires original signatures. All signatures in the original RFP response document (including appraisers) must be original.

SECTION 10 - Q&E for Title and Closing Specialist

Question 10a: Is there a typo on the Experience Log for Qualifications (Table 10.3 in the RFP)? The date ranges in columns 1 and 2 read Mo/Yr (column 1) and Month (column2).

Response to 10a: Yes, it is a typo. Column 1 should read "Year" and Column 2 should read "Month".

Question 10b: Does the Title and Closing Specialist have to have a designation or certification?

Response to 10b: No.

SECTION 11 – Q&E for Real Estate Appraisers

Question 11a: Is there a typo on the Experience Log for Qualifications (Table 11.3 in the RFP)? The date ranges in columns 1 and 2 read Mo/Yr (column 1) and Month (column2).

Response to 11a: Yes, it is a typo. Column 1 should read "Year" and Column 2 should read "Month".

Question 11b: The RFP requires 5 individual appraisers. Assuming the appraisers are working as sub-contractors for the Primer Provider, are they restricted from working as sub-contractors for other Prime Providers responding to this RFP?

Response to 11b: Section 8 "Professional Qualifications and Experience for the Individual Disciplines" requires a minimum of 11 individuals all of which must be different persons. Further, paragraph 2.0 under Section 8 of the RFP clearly states that none of these 11 individuals can be employees of another company that is responding to the RFP. In other words, unless the appraiser is an employee of a Prime Provider that is responding to the RFP, the appraiser may be listed as a sub-contractor for other Prime Providers as well.

Question 11c: At the pre-proposal meeting, I thought I understood that only the original signature is required for Section 17? So, can the signatures on the experience log for the appraisers be copies or electronic?

Response to 11c: To respond to the RFP, one original RFP response document and two copies are required. Only the original RFP response document requires original signatures. All signatures in the original RFP response document (including appraisers) must be original.

Question 11d: is the AC designation from the IRWA still considered a professional designation for real estate appraisers?

Response to 11d: Yes.

Question 11e: Will each appraiser be tied to the fees they submitted?

Response to 11e: Yes.

Question 11f: Table 11.3 - Log for Qualifications and Experience for Appraiser: The second column is titled as "Month"; however it appears since this column requires a total at the bottom of the table, it is intended for displaying the number of acceptable "Principle Reports" or "Review Reports" to be documented during the specified "Month/Year" as shown in the first column. Should the title of the second column be "Number"?

Response to 11f: Yes, the solo cell at the bottom of the table is the total number of appraisal reports.

SECTION 12 – Q&E for Negotiation Agents

Question 12a: Is there a typo on the Experience Log for Qualifications (Table 12.3 in the RFP)? The date ranges in columns 1 and 2 read Mo/Yr (column 1) and Month (column2).

Response to 12a: Yes, it is a typo. Column 1 should read "Year" and Column 2 should read "Month".

Question 12b: Table 12.3 - Log for Qualifications and Experience for a Negotiation Agent: The notes in the table direct the reader to "See 7.6, 7.7, 7.8, and 7.9." Are these typos that instead should direct the reader to the Notes below the table?

Response to 12b: Yes, it is a typo. Columns 1 & 2 should read (See Note 1), Column 3 should read (See note 2), Column 4 should read (See note 3) and, Column 5 should read (see Note 4).

Question 12c: Will TxDOT provide hard copies of the required brochures if requested by the provider or is the provider responsible for printing these brochures from the TxDOT website?

Response to 12c: The brochures will be made available to the Provider at each Work Authorization Kick-Off Meeting.

SECTION 13 – Q&E for Relocation Agents

Question 13a: Is there a typo on the Experience Log for Qualifications (Table 13.3 in the RFP)? The date ranges in columns 1 and 2 read Mo/Yr (column 1) and Month (column2).

Response to 13a: Yes, it is a typo. Column 1 should read "Year" and Column 2 should read "Month".

SECTION 14 – Q&E for Condemnation Support Specialists

Question 14a: Is there a typo on the Experience Log for Qualifications (Table 14.3 in the RFP)? The date ranges in columns 1 and 2 read Mo/Yr (column 1) and Month (column2).

Response to 14a: Yes, it is a typo. Column 1 should read "Year" and Column 2 should read "Month".

Question 14b: Notes 1, 2 and 3 for the Qualifications and Experience of the Condemnation

Support Specialists reference “Relocation Agents”. Is this a typo?

Response to 14b: Yes, it is a typo. For each of the three notes, the reference to “Relocation Agents” should be replaced with “Condemnation Support Specialists”.

Question 14c: My company has hired a retired TxDOT employee that has been retired for less than one year. We understand that the referenced retiree may not work on a project that they were previously working on while employed by the state until a year has passed, but we want to confirm that we may qualify and score points due to the person’s experience with the understanding that they would not be able to work on a project on which they were involved unless one year has passed.

Response to 14c: The qualifications and experience of any individual listed in the RFP is as of the date of the submittal of the RFP document; i.e., April 28, 2014. If the individual is not eligible to work on that date, he would not be able to be awarded experience points for this RFP.

As a sidebar, your interpretation of the Revolving Door prohibitions is not completely accurate. It is important that you and the TxDOT retiree read the associated statutes and rules. The statutes are set forth in the Texas Transportation Code sec. 572.054, and in TxDOT’s rules, at 43 Texas Administrative Code sec. 10.6.

Following good business practices and full transparency, the TxDOT retiree can contact the TxDOT Office of General Counsel (OGC) with written questions (phone calls on the matter are not acceptable). The OGC can be reached at TxDOT, Office of General Counsel, PO Box 5075, Austin, TX 78763-5075.

SECTION 15 – Q&E for Disposal of Property Specialists

Question 15a: Is there a typo on the Experience Log for Qualifications (Table 15.3 in the RFP)? The date ranges in columns 1 and 2 read Mo/Yr (column 1) and Month (column2).

Response to 15a: Yes, it is a typo. Column 1 should read “Year” and Column 2 should read “Month”.

Question 15b: What kind of tasks count as experience for a Disposal of Property Specialist?

Response to 15b: The type of tasks associated with experience for a Disposal of Property Specialist is found in the RFP as part of Section 4 “Statement of Work”, paragraph 1.9.1 through 1.9.3.

Question 15c: Does the Disposal of Property Specialist have to have a designation or certification?

Response to 15c: No.

SECTION 16 – Fee Schedule

Question 16a: for Attachment B-F: Are the appraisers restricted to the same rate sheets that are part of their individual contracts with TxDOT?

Response to 16a: No. An appraiser may use a different fee schedule from the fee schedule contained in his individual professional service contract with TxDOT.

Question 16b: for Attachment B-F: Are the appraiser fee schedules to be completed by each appraiser included in the response for both Primary and Additional Capacity Subject Matter Experts?

Response to 16b: *Only include fee schedules for the five Primary Appraisers. If an appraiser listed on the "Additional Capacity" list is used for a Work Authorizations, their fees must be within the range of the five Primary Appraisers or they can refuse the work.*

Question 16c: for Attachment B-F: If "Additional Capacity Appraisers" are included should we continue the sequence of the attachments; i.e., Appraiser number six would be Attachment G?

Response to 16c: *Only include fee schedules for the five Primary Appraisers. If an appraiser listed on the "Additional Capacity" list is used for a Work Authorizations, their fees must be within the range of the five Primary Appraisers or they can refuse the work.*

Question 16d: for Attachment B-F: If a Pre-Certified Appraiser would like to only provide "Appraisal Review" services can they submit fees for just "Appraisal Review"?

Response 16d: *Yes.*

Question 16e: Are the appraisers restricted to the same rate sheets they submitted for the recent 2 year contracts with TxDOT?

Response 16e: *No.*

SECTION 17 – Execution of the Proposal

Question 17a: At the pre-proposal meeting, I thought I understood that only the original signature is required for Section 17? So, can the signatures on the experience log for the appraisers be copies or electronic?

Response to 17a: *To respond to the RFP, one original RFP response document and two copies are required. Only the original RFP response document requires original signatures. All signatures in the original RFP response document (including appraisers) must be original.*

SECTION 18 – Forms

Question 18a: Is it correct to assume that the Lobbying Certification has to be signed only by the Prime Provider and not any of the subs?

Response to 18a: *You are correct, only the Prime Provider is required to sign the Lobbying Certification Form in response to this RFP. That being said, you will note that paragraph three in the Lobbying Certification Form clearly states that the language of the certification must be included in the Prime Provider's contracts with all Sub-Providers and that the Sub-Providers shall certify and disclosure accordingly.*

Question 18b: For Lobbying Certification Disclosure forms, are electronic signatures acceptable?

Response to 18b: *To respond to the RFP, one original RFP response document and two copies are required. Only the original RFP response document requires original signatures. All signatures in the original RFP response document (including appraisers) must be original. Electronic signatures for the original copy are not acceptable.*

Question 18c: *When multiple people for the same subcontract firm are included as additional*

resources, does each individual have to provide the lobby certificate and will each individual have to agree to contract with our firm or will one agreement and certificate from their company cover this requirement?

Response to 18c: You are correct, only the Prime Provider is required to sign the Lobbying Certification Form in response to this RFP. That being said, you will note that paragraph three in the Lobbying Certification Form clearly states that the language of the certification must be included in the Prime Provider's contracts with all Sub-Providers and that the Sub-Providers shall certify and disclosure accordingly.

Question 18d: Is Debarment and Lower Tier Debarment Certifications required?

Response to 18d: These forms are not included in this proposal, if awarded a contract, then there is a certification statement included in the contract, Article 25, that addresses this matter.

Question 18c: Must DBE subs be named in the proposal?

Response to 18c: Yes. They are listed on the DBE Form H-5 titled "Federal Sub-Provider and Supplier Information". The form is found in Section 18 of the RFP.