

Acronyms

A&E	Architectural and Engineering
ACL	Area Consultant Liaison
CSO	Contract Services Office – consists of Administrative Contracts and Consultant Services
DES	Department of Enterprise Services
FHWA	Federal Highway Administration
GEC	General Engineering Consultant
IRIS	Integrated Realty Information System (RES's information system)
OFM	Washington State Office of Financial Management (a division of the Washington State Department of Enterprise Services)
OFR	Oversight Feedback Review
PM	Project Management
RES	Real Estate Services
RESM	Region Real Estate Services Managers
RESPA	Real Estate Services Program Administrator
R/W	Right of way
URA	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended
WSDOT	Washington State Department of Transportation

Purpose

WSDOT uses this chapter for selection, guidance, management, and oversight of right of way consultants. This chapter explains the requirements and conditions to ensure compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), Revised Code of Washington (RCW), and the *Right of Way Manual M 26-01*.

Authority

[RCW 39.26](#) *Procurement of Goods and Services*

16-1 Non-A&E Professional Services Contracting by WSDOT Real Estate Services

16-1.1 *General*

The WSDOT Real Estate Services Office may require the services of consultants to accomplish real estate services tasks where WSDOT has insufficient staff availability or expertise. In such instances, professional service contracts are initiated for RES tasks.

16-1.2 *Types of Services*

Different types of professional services contracts may be used, depending upon the scope of services needed and specific criteria related to the project (e.g., geographic location, special knowledge and qualifications, and timeframe). The Contract Services Office (CSO) can provide specifics on the professional service contracting process.

The types of project-level real estate services that might be required include:

- Title
- Appraisal
- Appraisal Review
- Cost-to-cure/specialist estimates used in the appraisal process
- Acquisition
- Relocation assistance
- Property management
- RES project management
- Expert Witness Services

16-1.3 *FHWA Compliance*

When acquiring consultant services, WSDOT must comply with the requirements of the Federal Highway Administration (FHWA), including ensuring adequate oversight of consultant services for real estate activities as required by 23 CFR 710.201(h) on projects where right of way activities are being performed by consultants.

16-1.4 *WSDOT Consultant Selection Process*

- A. Professional services contracts related to Real Estate Services are developed, processed, executed, and administered by the CSO. The policies and procedures for procuring and managing professional services contracts are located in the [Consultant Services Manual](#) M 27-50). These procedures are governed by [RCW 39.26](#) under guidance and instruction from the Department of Enterprise Services (DES). These procedures do not apply to contracts between WSDOT and other public agencies.

- B. In general, if a new agreement or a supplement to an existing agreement is needed, the requestor submits an appropriate, completed Request Memo form to the Contract Services Office. The CSO will manage the solicitation process, work with the requestor to develop and execute the agreement, and ensure that DES filing requirements are met. The Request Memo forms can be located on the Consultant Services Web page at wwwi.wsdot.wa.gov/consulting.
- C. Each Region has an Area Consultant Liaison (ACL). They serve as a source of information and support on contracting procedures and contracts that are managed in the region. They will be the regional conduit for processing real estate agreements or contracts through to the CSO and will collaborate with the RESM as needed.
- D. Prior to soliciting for a consultant service contract or Task Order for an existing agreement, the Program Administrator or RESM sends out an email requesting resource sharing to all regions with a copy to the appropriate Headquarters RES Program Manager. The email shall include a discussion of the scope of work, expertise needed, request for availability of WSDOT staff, and a reasonable deadline for response from the regions. If it is determined that there are no staff available, the region requests the contract or task order from the CSO.
- E. The Program Administrator or RESM is responsible for agreement initiation and management for project specific and sole source agreements. These agreements will be processed through the CSO, who will facilitate the solicitation, scoring, selection, contract execution, and DES filing.
- F. All supplements (including time extensions, increased funding, etc.) will be requested from and processed by the CSO. The CSO will also administer agreement closure, will maintain official contract files, and participate in audits as required.
- G. The advertising and solicitation process will be based on direction from the Program Administrator or RESM and will be facilitated by the CSO. Contracts shall be executed by the CSO.
- H. When a consultant contract is awarded, the Program Administrator or RESM shall notify the appropriate HQ RES Program Manager of the firm hired. This shall include the company name, individual(s) working on the contract, and their roles and responsibilities.

16-2 Approved Consultant List for WSDOT ROW Services

- A. Because eminent domain tasks are unique, it is practical to maintain a list of approved consultants that can be utilized when existing RES staff are unavailable to provide these services.
- B. All individuals who are consultants or staff of consultant firms who carry out Real Estate Services on federally funded projects or on projects that may be later submitted for federal funding eligibility must meet the minimum qualifications established by WSDOT. The individual's name must appear on the Approved Consultant List for WSDOT Right of Way Services.
- C. The Program Administrator, RESM, or designee must confirm that each individual consultant assigned to a file, parcel, or task is on the Approved Consultant List for WSDOT Right of Way Services.
- D. WSDOT acknowledges that some individual consultants may not be on the Approved Consultant List; however, these consultants may work on a file, parcel, or task but shall have an individual consultant on the approved consultant list oversee, approve in writing, and be accountable for the work of the unlisted consultant. Prior to the unapproved consultant beginning work on any portion of the project, WSDOT shall review a request to use a consultant not on the list and require the responsible approved consultant to be named.
- E. It will be the responsibility of each individual on the approved list to keep current with required minimum qualifications and reapply as necessary.
- F. The approved list will be administered and maintained by HQ RES and will be available on the WSDOT RES web page.

16-2.1 Performance Reviews

The appropriate Project Administrator, RESM, or designee must complete the discipline specific individual consultant's evaluations. The Project Administrator or RESM will establish procedures that ensure qualified personnel complete performance reviews. The Individual Consultant Performance Review (Form RES-606) shall be finalized prior to completion and acceptance of the contracted work. If the contract is expected to last longer than one year, a performance review shall be completed annually. Evaluations shall be sent to:

- A. Headquarters Real Estate Service Office. The appropriate HQ Program Manager will use the review to manage the discipline specific list(s).
- B. Region Project Manager to incorporate into their required Performance Evaluation per Appendix F of the *Consultant Services Manual*.
- C. The individual consultant.

16-2.2 Disqualification from the Approved List - Reserved

16-3 Management of Real Estate Services Provided by Consultant(s), including those contracted as part of a GEC Contract

- A. In order to ensure compliance with both Federal and State statutes, regulations, policies, and procedures, the oversight of contracted RES activities will be performed by the Program Administrator, RESM, or designee and shall include the following:
- Approval of RES individual consultants.
 - Oversight of RES consultant contract.
 - Management of deliverables (PFEs, title services, relocation plans, administrative settlement justifications, review and processing of payment requests, R/W certifications, and property management functions).
 - Review and approval of actions and decisions recommended by the consultant.
 - Prior to the commencement of any RES activities on the project, the Project or GEC contractor and their RES sub-consultants will meet with the Program Administrator, RESM, or designee and may include the appropriate HQ RES Program Manager or designee. This meeting will include a discussion of expectations and requirements for successful completion of RES activities. This meeting will also be used to establish processes and protocols for such work, including reviews, payment procedures, IRIS entries, and proposed schedules.
 - Project Status Meetings. The Program Administrator, RESM, or designee shall meet with consultants periodically throughout the project to ensure that Federal laws, State laws and WSDOT policies are being met, including addressing any corrective actions in the Oversight Feedback Reviews completed by HQ-RES (See [Chapter 6](#)).
- B. A review shall be completed by HQ RES prior to the final certification of the project to a Certificate 1 as defined in [Chapter 17](#).
- C. Project contract close-out meeting. At the conclusion of RES activities and certification of R/W, the consultant and Project Management team will meet with the Project Administrator or RESM, as appropriate, to go over the findings from the HQ RES reviews and to ensure that any corrective actions identified in the OFR process have been completed or that all necessary steps are in place for the consultant and Project Management team to complete such actions.

16-4 Real Estate Services Provided as Part of a Design Build Contract

As stated in the Design-Build Manual (M3126):

“In the majority of design-build projects, WSDOT acquires the Right of Way (ROW) necessary to construct the project.”

If WSDOT does not acquire the right of way prior to issuing the Request for Proposals or the Design-Builder requires the acquisition of additional rights of Way, then the procedures set forth in 16-3 above shall be followed.

16-5 Payments and Data Entry

Unless otherwise determined by the RESM or designee, all payment claims for acquisition settlements, relocation assistance payments, and sale of WSDOT surplus property shall be processed by WSDOT staff, as applicable. In the case of condemnation costs (including court deposits), payments shall be made by HQ RES. In advance of the notice to proceed with RES activities, the Program Administrator or the RESM and the Project Manager shall determine what data will be entered into IRIS by the consultant and what will be entered by region staff.