



CITY OF KYLE

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ADDENDUM NO. 1

Request for Proposal for Procurement of Right of Way Acquisition Services for City Wide Projects “K22-23.4”

February 7, 2023

1.0 Addenda Purpose

The purpose of this addendum is to modify/clarify sections of the issued RFP or answer questions received from prospective responders.

2.0 Clarifications and Answers

Attachment A upper table for Parcels 3 and 4 cut off information on a following row.

Attachment A has been revised to clarify the information being requested and included in this documentation:

3.0 Questions and Answers

Question #1. Will there be a separate RFP for Legal Services for Condemnation Services?

Response #1. The City is not planning, at this time to advertise and request for proposals for Legal Services for Condemnation Services.

Question # 2. As a Condemnation/Eminent Domain Law Firm, are we permitted to submit as a sub-contractor for an Acquisition Firm?

Response #2. Yes. The City recommends not more than 45% of the work be subcontracted, however the City can waive this requirement depending upon the project.

Question #3. How do I complete Task 1 through 10, bottom table on Attachment A.

Response #3. Each of the 10 parcels listed will have an estimated cost by task. Please see revised Attachment A tables. Fees can be based on respondents' project work history or other information available to respondent. The totals on Table 2 have been separated for finer representation of cost.

Question #4. Will a review appraisal be required on each appraisal report prepared?

Response #4. We believe it will not be, but for the purpose of this Request for Proposal it is. Costs need to be shown for this service by parcel on revised Attachment A.

Question #5. What reimbursement cost are allowed?

Response #5. Standard practice for City has been to reimburse for required unexpected additional mileage (mileage beyond the required customary travel for appraisal, landowner communication, closing, etc.), roll plots, outside of scope copies, courier service, postage, certified mail cost, filing and recording fees.

Question #6. Under 1. General Requirements, Item 2 – will the City provide templates of all conveyance documents necessary for acquisition, negotiation, or condemnation?

Response #6. Under anticipated Scope of Services respondents will perform parcel coordination and development of conveyance instruments. Respondents can present previous templates used with other clients, municipalities, TxDOT, and standards/templates can be developed for usual circumstances. The City of Kyle's attorney will assist as necessary with review of respondents' templates.

Question #7. Does the City anticipate the need for relocation services?

Response #7. It has not been determined. The projects are in preliminary stages where alignments can change and alter the work/services needed.

Question #8. Will the City be using outside council to draft condemnation petitions?

Response #8. The City's attorney would assist with these services and or possibly depending on respondents' team composition the services could be acquired from the prime consultant team or sub-provider.

Question #9. Under 1. General Requirements, Item 5 – Does the City have a preferred title company?

Response #9. No. Several companies have been used on previous parcel acquisitions.

Question #10. Regarding Item 3: Project Experience – Are the verifiable project examples required to be complete?

Response #10. No, the example projects may be on going.

Question #11. Regarding Item 3: Project Experience – Can we include new employees' experiences gained while employed with a previous firm?

Response #11. Yes.

Question #12. Is the VYBE Trails project in need of parcel acquisition?

Response #12. The Vybe is comprised of 80 miles of trails, some areas are in need of parcel acquisition.

Question #13. Has the City identified other projects in need of parcel acquisition?

Response #13. Yes.

Question #14. Are we to use the sample Fee Schedule (Attachment A) in providing our fees or are we to submit a separate schedule to match the seven items identified under Section 7?

Response #14. All respondents are to use revised Attachment A representing 10 parcels being acquired for 1 project in providing your fees for uniformity of information. An 11 x 17 page can be used for the fee schedule, if respondent has additional information, any special conditions or terms with cost submitted those also need to be noted on the Fee Schedule. The front and back of this page can be utilized by respondents to advise of fees.

Question #15. Does the City require TREC licensure for acquisition agents and IRWA certifications for all services provided (i.e., Negotiation, Relocation, and Condemnation)?

Response #15. The City does not require TREC licensure and IRWA certifications. Qualifications and Experience of proposed staff per the RFP are considered by the City in the selection of providers.

Question #16. Regarding Attachment "A" – Rows 3, 4, and possibly 9 and 10 (Interest Acquired Column) appear to be truncated. Can this be verified?

Response #16. Attachment A table has been revised and included in this Addendum 1.

Question #17. Would the City like a separate statement of availability and commitment outside the Cover Letter? Or does the Cover Letter suffice for most of Item 1's requests?

Response #17. Either way is acceptable to the City.

Question #18. What is the allowable pages permitted by the respondents?

Response #18. A total of six (6) pages, 12 sides. It is acceptable to have five standard letter size (8.5x11) sheets (10 sides), and 1 ledger size (11x17) sheet (2 sides), for a total of 12 sides excluding resumes, table of contents, dividers, title page, cover letter, and forms. Minimum font size shall be 11-point font.

Question #19. What is licensure in Item #2 mean, license numbers on the org chart, or do you need copies of actual licenses?

Response #19. Note license numbers on the organization chart.

Question #20. Will the projects be locally or federally funded or a mix of both?

Response #20. Currently the potential projects are locally funded. The City has several active applications for projects to other entities where this could possibly change.

Question #21. In reference to Attachment A: The top chart request pricing for Residential, Commercial and Farmland for Appraisals, Review Appraisals and Negotiator. The bottom Chart request Appraisal fees per parcel for 10 parcels, Review Appraisal fees per parcel for 10

parcels and Negotiation fees per parcel for 10 parcels. Should we use the average costs in the top chart of all Appraisal Fees, Appraisal Review Fees and Negotiator Fees to determine the fee used in the bottom chart for Appraisals, Review Appraisals and Negotiations?

Response #21. Attachment A has been revised. Table 1 fees were intended to be used for outsourced work, most commonly seen by the City. The fees used in the Tables need to be the fees the provider, if selected, would propose to charge the City for performing the work necessary to acquire the type of parcel described.

Question #22. In reference to Attachment A: In the bottom chart on Attachments A, please define what is included in the Materials and Reimbursements.

Response #22. Standard practice for City has been to reimburse for required unexpected additional mileage (mileage beyond the required customary travel for appraisal, landowner communication, closing, etc.), roll plots, outside of scope copies, courier service, postage, certified mail cost, filing and recording fees.

Question #23. In reference to Attachment A: Is the Administration Fee on the top Chart item "A" in the general scope of work on page 4 intended to be paid per parcel or per month?

Response #23. Please see revised Attachment A. Administration Fee (s) associated with the ten parcel acquisition is intended to be paid out by the parcel. Ultimately payment could be paid out as a % of the one, two, etc. parcel(s) worked on during a month. Usually the provider will invoice the City on a monthly basis and partial payments are made as work is performed.

Question #24. In reference to Attachment A: The bottom Chart should we combine the fees for Pre and Post Condemnation services?

Response #24. Yes, parcels 9 and 10 having Pre and Post Condemnation fees.

Question #25. In reference to Attachment A: The bottom Chart should we assume 10 condemnation parcels?

Response #25. No, parcels 9 and 10 are being condemned. The remaining eight parcels are being acquired through communication and negotiation with property owners.

Question #26. Anticipated Scope of Services number 6 Negotiation Services item 'k' states "Appear and provide Expert Witness testimony as required". This will add labor hours and fees to the negotiation tasks. Do you want this fee to be included in all parcels to be negotiated whether required or not?

Response #26. Please see revised Attachment A. The tables have been revised. Parcels that have a higher chance of needing an expert witness costs can be increased without affecting the cost of other parcel acquisitions. Respondents can also provide additional information for parcel cost as needed on Attachment A.

Question #27. Are the material and reimbursement costs a direct pass through cost paid by the city or will we need to budget a fee for recording and filing fees on a per parcel or per project basis?

Response #27. The material and reimbursement costs need to be estimated per parcel and summed to become the Total on Table 2, Attachment A, for the purposes of this RFP. For an actual project assignment in the future, an estimated amount will be submitted and with proper eligible documentation the actual amount reimbursed.

Question #28. Will a template be available for the estimate of property costs as referenced in number 3b of the Scope of services – Real Estate Appraisal Services.

Response #28. An excel spreadsheet template can be provided for preliminary property acquisition costs utilized for establishing CIP budget needed for the project(s). The appraiser will need to present their estimated cost in the report in a fashion they are used to using for determining the 'fair market value' of the parcel.

Question #29. On page 10, we are requested to submit a fee proposal which outlines 10 different parcels for acquisition. Is there a preferred format (Word, Excel) for illustrating the costs to acquire each parcel?

Response #29. The preferred format for fee proposal is excel, but either is acceptable.

Question #30. Does the Fee Proposal count as part of the 6 double-sided pages?

Response #30. Yes, it does count. Please see Question #18 above for additional information.

Leon Barba, P.E.
City Engineer

City of Kyle - K - 22-23.3- Item 5 Fee Schedule

Table 1 - Description of Parcels & Sub-Provider fees

Parcel #	Owner's Name	HCADTax ID#	Type of Property	Appraisal Fee	Review Appraisal Fee	Negotiator	Interest Acquired
1	John Doe 1		Residential				Water & Wastewater Easement
2	John Doe 2		Commercial				Water & Wastewater Easement
3	John Doe 3		Farmland				Water & Wastewater Easement
4	John Doe 4		Farmland				Water & Wastewater Easement
5	John Doe 5		Residential				Fee simple street
6	John Doe 6		Residential				Fee simple street
7	John Doe 7		Commercial				Fee simple street
8	John Doe 8		Commercial				Fee simple street
9	John Doe 9		Condemnation Farmland				Water & Waste Water
10	John Doe 10		Condemnation commercial				Street Infrastructure
	Administrative Fee						
	Sub-Total of Provider Fees			\$0.00		0.00	

Table 2

Task	For 10 Parcel Acquisition	Parcel 1 Fees	Parcel 2 Fees	Parcel 3 Fees	Parcel 4 Fees	Parcel 5 Fees	Parcel 6 Fees	Parcel 7 Fees	Parcel 8 Fees	Parcel 9 Fees	Parcel 10 Fees	Total Parcels 1-8	Total Parcels 9-10	Per Parcel Avg. 1 -8	Per Parcel Avg. 9 -10	Comments
1	Communication											0	0			
2	File Management											0	0			
3	Survey Review											0	0			
4	Title											0	0			
5	Appraisal											0	0			
6	Appraisal Review											0	0			
7	Negotiation											0	0			
8	Materials and Reim											0	0			
9	Condemnation											0	0			
10	Administration Fee											0	0			Pre & Post
11	Total Costs	0	0	0	0	0	0	0	0	0	0	0	0			

Notes:

- Does parcel acquisition fees include or exclude attorney fees - note .
- Respondents can provide additional information as to what costs represent (time, effort, cost per hour, for amounts noted).
- Survey to be provided by City consultant surveyor.
- Materials & Reimbursement - Standard practice for City has been to reimburse for required unexpected additional mileage (mileage beyond the required customary travel for appraisal, landowner communication, closing, etc.), roll plots, outside of scope copies, courier service, postage, certified mail cost, filing and recording fees.