



City of Kyle, Texas

Request for Proposal (RFP)

Right of Way Acquisition Services

City Wide Projects

“K 22-23.4”

DUE: February 21, 2023 at 5:00 PM

Invitation to Submit Quotes (RFP)

**RIGHT OF WAY ACQUISITION SERVICES CITY WIDE PROJECTS
“K 22-23.4”**

All proposals shall be received, dated, and time stamped at City Hall, 2nd floor Engineering Department no later than 5:00 p.m., February 21, 2023 addressed to:

Leon Barba, P.E.
City Engineer
City of Kyle City Hall
100 W. Center Street
Kyle, TX 78640

Respondents shall submit; one (1) original proposal submission with original ink signatures, four copies, and 1 electronic signed copy. The complete submittals shall be enclosed in an envelope and plainly marked on the outside of the envelope or on any carrier’s envelope:

**Right of Way Acquisition Services
City Wide Projects
Kyle, Texas
“K 22-23.4”**

For proposals being delivered by a third party, the following phone number can be included for the delivery: 512-262-1010

A non-mandatory virtual pre-submission Teams Meeting will be held at 11:00 a.m. on Thursday, February 2, 2023. To join, please email Cynthia Gonzales at cgonzales@cityofkyle.com by end of the business day January 30, 2023.

Qualification specifications may be secured from the City of Kyle (City) website at the following link: <https://www.cityofkyle.com/rfps>

The City reserves the right to negotiate with any and all persons or firms. The City also reserves the right to reject any or all submittals, or to accept any submittal deemed most advantageous, or to waive any irregularities or informalities in the submittal received, and to revise the process schedule as circumstances arise.

Leon Barba, P.E.
City Engineer

Publish: Wednesday, January 18, 2023
 Wednesday, January 25, 2023

TERMS AND CONDITIONS

Submission of Quotes

One (1) original proposal submission with original ink signatures, four copies, and 1 electronic signed copy (bookmarked PDF file on flash drive) are required.

The complete submittals shall be enclosed in an envelope and plainly marked on the outside of the envelope or on any carrier's envelope:

**Right of Way Acquisition Services
City Wide Projects
Kyle, Texas
"K 22-23.4"**

Deadline

Quotes are to be delivered by 5:00 p.m., February 21, 2023 to:

Leon Barba, P.E.
City Engineer
City of Kyle City Hall
100 W. Center St.
Kyle, TX 78640

Quotes delivered after the deadline will not be accepted.

Addenda

To submit written technical questions concerning the RFP, you may contact:

Leon Barba, PE, at lbarba@cityofkyle.com

The submission date for questions, clarifications, or request for general information will be **5:00 p.m., Monday, February 6, 2023**. Any requests received after this date will be returned and not addressed. All questions, clarifications, or requests for general information are to **be submitted in writing via email** to Leon Barba, PE at the email address listed above with the following subject line: "City of Kyle RFP #K 22-23.4 Questions." No verbal questions will be answered.

Any interpretation, correction or change of the RFP will be made by written ADDENDUM. Changes or corrections will be issued by the City Engineer. Addenda will be issued as expeditiously as possible. It will be the responsibility of all respondents to check the City's website prior to submitting a response to the RFP to ascertain if any addenda have been issued, and to obtain any and/or all addenda, execute them, and return addenda with the response to the RFP to acknowledge receipt. Addenda will be posted on the City's website: <https://www.cityofkyle.com/rfps>

Proposals

Firms shall provide all information simply and economically as required by this RFP. Failure to provide this information may result in rejection of the proposal. Qualifications and Cost shall provide a straightforward, concise description of the respondent's ability to meet the requirements. Emphasis shall be on quality, cost, completeness, clarity of content,

responsiveness to the requirements, and understanding of City's needs. The response is limited to six (6) standard letter size (8.5x11) sheets (12 sides), excluding resumes, table of contents, dividers, title page, cover letter, and forms. Minimum font size shall be 11-point font. Margins shall be at least ½ inch wide on all pages. One (1) of the pages is permitted to be an 11x17 page, for the project fee schedule only. Firms or individuals should have past experience with preparing documentation and performing services required to assist the City with acquisition of properties and easements.

There is no expressed or implied obligation for the City of Kyle to reimburse responding firms for any expenses incurred in the preparation of an RFP in response to this request. The City reserves the right to increase or decrease the scope of work related to the City projects as outlined in this RFP after a firm is selected to accommodate changes in the needs of the City and serve the best interests of the City.

Technical Expertise

Interested firms must have demonstrated expertise with performing services to assist with the acquisition of properties and easements.

The general scope of work for this contract is limited to:

- A. Project Administration Services
- B. Parcel coordination and development of conveyance instruments.
- C. Real Estate Appraisal Services, preparation of reports, inc. Testimony Services
- D. Real Estate Appraisal Review Services, including Testimony Services
- E. Real Estate Title Services
- F. Negotiation Services
- G. Condemnation Support Services

Contract Amount and Term

Depending upon the results of the evaluations and the Best and Final Offers the City will award a maximum of two contracts. Project assignments to successful firms will be at the sole discretion of the City. The list of selected firms will be effective for a period of three (3) years from the date of City Council approval. On an as needed basis an extension of one (1) year will be allowed based on the approval of City Council and agreement of both parties.

1. GENERAL REQUIREMENTS

Objectives

The City anticipates selecting two firms to provide right of way acquisition of property services for development of City projects.

Anticipated Scope of Services:

The work provided under this Right of Way Acquisition Services contract will include projects of various scopes and sizes, generally anticipated to include the following type of services, but not limited to tasks and services described below:

1. Project Administration
 - a. Negotiate the scope of services for each Task Order.
 - b. Maintain current status of parcel acquisition by project.
 - c. Maintain parcel contact information.
 - d. Attend project meetings as required.
 - e. Maintain project files.
 - f. Maintain project administration direct, indirect, profit, payments, costs.
2. Parcel Coordination and development of conveyance instruments.
 - a. Initial contact with landowners. Introduction of self, project, and advisement of landowner rights.
 - b. Request for landowner donation of property. Project specific documents prepared and coordinated with landowner.
 - c. Right of entry development, coordination, and processing.
 - d. Development of conveyance easement or deed documents, coordination, and processing. Parcel survey provided by City from 3rd party.
3. Real Estate Appraisal Services.
 - a. Secure written authorization to access property as required for inspection.
 - b. Prepare worksheet estimate of property cost(s) to be acquired, prior to development of full report(s).
 - c. Prepare initial report for review by City and final report.
4. Real Estate Appraisal Review Services.
 - a. Review of report(s) for consistency.
 - b. Document project parcel(s) information/cost for comparison in worksheet, summary report for City information.
5. Real Estate Title Services
 - a. Analyze preliminary Title Commitment report(s) to determine potential Title problems.
 - b. Propose methods to cure title deficiencies.
 - c. Coordinate and clean Title Commitments.
 - d. Secure Title Commitment update(s).
 - e. Secure title insurance for all parcels acquired, insuring acceptable title to the City. Approval by the City is required for any exception.

6. Negotiation Services
 - a. Analyze appraisal reports and appraisal review reports and confirm approved value
 - a. prior to making an offer on each parcel.
 - b. Prepare and send the letter transmitting the Landowners' Bill of Rights by Certified Mail-Return Receipt Requested (CMRRR).
 - c. Issue Property Owner's Survey to the property owner.
 - d. Secure possession and use agreement if necessary with property owner(s).
 - e. Prepare all documents required or requested for the parcel acquisition (i.e., the initial offer letter, memorandum of agreement, instruments of conveyance, final offer letter).
 - f. Provide written offer, appraisal report and required brochures to each property owner or the property owner's designated representative through CMRRR. Maintain follow-up contacts and secure the necessary instruments upon acceptance of the offer for the closing. Retain copies of the unsigned CMRRR receipt and the appraisal as support for billing purposes.
 - g. Respond to property owner inquiries.
 - h. Performs closing services in conjunction with the Title Company. Attend closing(s) as necessary. In the event of a closing by mail, title work shall be reviewed prior to the closing by mail and again prior to recording of the instrument.
 - i. Perform actions to cause the recordation of all original instruments immediately after closing at the respective County Clerk's Office.
 - j. Advise property owner of the Administrative Settlement process, assist them with the preparation of a counteroffer package, and transmit to City any written counteroffer from property owners including supporting documentation and written comments with regard to Administrative Settlements.
 - k. Appear and provide Expert Witness testimony as required.
7. Condemnation Support Services
 - (Pre-Hearing Support)
 - a. Upon receipt of a copy of the final offer, request an updated title commitment for
 - b. Eminent Domain from the Title Company.
 - c. Prepare clauses for the original set of legal descriptions supplied by the City.
 - d. Prepare form to join all interested parties.
 - e. File the Les Pendens within the legal timeline.
 - f. Record the Les Pendens upon receipt of the cause number with the County Clerk's office.
 - g. Send a copy of the Les Pendens and the Petition via certified mail to all named parties within three days of the filing of the Les Pendens.
 - h. Following appointment of Commissioners by the judge, send via CMRRR the document appointing the commissioners to the named defendants or their attorneys if represented, as well as to the City. Secure the following documents: Oath of Commissioners signed by the Commissioners, Order Setting Hearing, 2 copies of the Notice of Hearing signed by the Commissioners.
 - i. Establish the date and time for the Special Commissioners Hearing. If there is an increase in value to the appraisal, the firm will send a copy of the updated appraisal along with letter to the appropriate parties by CMRRR.
 - j. The firm shall coordinate with the court personnel to reserve a court.
 - k. The firm will coordinate with all parties the hearing date.
 - l. After the Hearing is set, the firm shall serve Notices of Hearing to the indicated

- parties in accordance with the methods and time frames set out in Chapter 21 of the Texas Property Code, but in no instance less than twenty (20) days prior to the Special Commissioners Hearing. The scheduling of the Hearing must allow for any additional time frame required by law.
- m. Once the notices have been served, if e-filing is not required, file the original notices with the court and send copies stamped “copy” to required offices.
 - n. Send reminder letters to parties two to three weeks in advance to parties of hearing date(s).
- (Post-Hearing Support)
- a. As required submit cost and support documentation for commissioner services to City.
 - b. Obtain required signatures on legal instruments.
 - c. Obtain and distribute signed and marked copies of the Award to: Title Company with a request for commitment to the City.
 - d. Deposit warrant in the registry of the court. File a Notice of Deposit with the court and send certified copies to each defendant notifying them of the date of the deposit. The date of Deposit is the Date of Possession.
 - e. The firm will take photograph of the interest to be acquired on the day of deposit (or the day of a PUA closing) for relocation verification and date of take appraisal purposes. If a date of take has been selected by the Court, the firm shall notify the Appraiser of the date the deposit is going to be made so that the Appraiser may take date of take photographs as well.
 - f. Firm shall send written notices of date of deposit to all interested parties.
 - g. Firm and any sub-providers must appear as Expert Witness when requested.

SUBCONSULTANT OPPORTUNITIES:

Responding firms if needed should include a full team of providers capable of providing right of way acquisition services for development of City projects. Subconsultant opportunities may be necessary for the various projects that may arise. The maximum recommended amount of subconsultant work per project shall be 45%. The City may waive this requirement depending on the project.

RFP Schedule

The City anticipates the following schedule associated with this RFP:

City Website Posting:	<u>01/18/2023</u>
Advertise RFP:	<u>01/18/2023, 01/25/2023</u>
Pre-submission Conference:	<u>02/2/2023 (11:00 a.m.)</u>
Deadline for questions/clarifications:	<u>02/6/2023 (5:00 p.m.)</u>
Submittals Due:	<u>02/21/2023 (5:00 p.m.)</u>
City Council Approval (Selections)	<u>03/7/2023</u>

Selection Process

City staff will analyze and evaluate the submittals. Firms shall completely respond to all components of this RFP or firm will not be considered. Interviews will only be conducted if deemed necessary by City staff.

By submitting a response to this RFP, firm accepts the evaluation process as outlined in the following section and acknowledges and accepts that the determination of the “most advantageous” firm may require subjective judgments by the City.

Requirements for Submittal

The submittal shall be limited to six (6) sheets front and back (12 sides), excluding resumes, table of contents, dividers, title page(s) and cover letter/transmittal letter. One 11 x17 page is allowed for the fee schedule.

Respondents shall carefully read the information in the following evaluation criteria and submit a complete submittal to all questions in this RFP as formatted below:

Item 1: Qualifications and Availability (15%):

- a) Provide the following information:
 - Legal name of firm,
 - Location of office conducting the work,
 - Contact person.,
 - Date of firm formation, and
 - Legal business description (Individual, Corporation, Joint Venture, etc.).
- b) Provide a statement on the availability and commitment of the firm.
- c) Provide a statement of interest including a narrative and unique qualifications as they pertain to this request for services.
- d) Provide a list of subconsultants and a brief description of why each was selected for this work

Item 2: Proposed Staff (15%):

- a) Organizational chart for personnel who will work on this project including licensure information. Clearly identify the proposed Project Manager on the organizational chart.
- b) Names, roles, and availability of key personnel proposed to work on this project and their primary office location.
- c) Include resumes for all key personnel (no more than 2 pages per resume) and indicate any individuals who have had previous experience on similar projects.
- d) Provide current workload of prime firm.
- e) Provide staffing size by area of expertise.

Item 3: Project Experience (25%):

- a) Provide an overview and brief history of the firm.
- b) Provide verifiable examples of at least five (5) relevant projects completed in the last five (5) years, including:
 - Project name and location.
 - Name of Project Manager.

- Services provided.
 - Description of the project.
 - Challenges encountered and solutions provided.
 - Date of completion or project status.
 - Client name and contact person with phone number and email address.
 - Whether services were completed within established time and budget.
 - Project photos are encouraged.
- c) Highlight experience acquiring parcels for Cities, Counties, TxDOT.

Item 4: Project Approach (20%):

- a) Describe any potential issues anticipated with project assignment and the firm's approach to address those issues.
- b) Identify project leadership, reporting responsibilities and how the firm will interface with the City.
- c) Describe methods and means for accelerating and or keeping the project on schedule.

Item 5: Cost (25%):

- a) Proposed cost per parcel and time is in line with independent estimate for real estate acquisition of service for - project administration.
- b) Proposed cost per parcel and time is in line with independent estimate for real estate acquisition of service for – parcel coordination and development of conveyance instruments.
- c) Proposed cost per parcel and time is in line with independent estimate for real estate acquisition of service for – real estate appraisal development services.
- d) Proposed cost per parcel and time is in line with independent estimate for real estate acquisition of service for – real estate appraisal review services.
- e) Proposed cost per parcel and time is in line with independent estimate for real estate acquisition of service for – real estate title services.
- f) Proposed cost per parcel and time is in line with independent estimate for real estate acquisition of service for – negotiation services.
- g) Proposed cost per parcel and time is in line with independent estimate for real estate acquisition of service for – condemnation support services.

2. RESPONSE INSTRUCTIONS

The submittal must follow the format established within this RFP. Adherence to these rules will ensure a fair and objective analysis of all proposals. Failure to complete any portion of this request may result in rejection of a proposal.

3. CONTACT WITH AGENCY EMPLOYEES

To ensure a fair and objective evaluation of all proposals, firms are required to submit all inquiries to the project contact noted in this RFP. Prospective firms are prohibited from contacting City of Kyle staff regarding this RFP following its release.

4. COSTS OF PREPARATION AND SUBMISSION

Each firm shall bear responsibility for all costs incurred to prepare and submit their response to this RFP.

5. PROPOSAL REVIEW

All applicable information will be subject to public disclosure in accordance with the Freedom of Information Act, at award of contract, cancellation of this RFP, or within 180 days, whichever occurs first.

6. PRESENTATIONS

Firms may be required to make presentations and/or provide written clarifications of their responses at the request of the City.

7. FEE SCHEDULE

For the purposes of this RFP, provide cost for performance of work by task for an example project requiring 10 parcel acquisitions. In this example project the parcels needed are as follows:

1. 1 easement for water and wastewater through residential property.
2. 1 easement for water and wastewater through commercial property.
3. 2 easements for water and wastewater through undeveloped farming land.
4. 2 fee simple parcel acquisitions for street infrastructure from residential property.
5. 2 fee simple parcel acquisitions for street infrastructure from commercial property.
6. 1 parcel for water and wastewater through undeveloped farming land to be acquired through eminent domain.
7. 1 parcel for street infrastructure from commercial property to be acquired through eminent domain.

For this example, there are no uneconomical remainders that would be necessary to acquire due to area of property(s) being acquired.

Necessary functions of work:

- A. Project Administration / File Management
- B. Communication (Parcel Coordination, development of conveyance instruments, survey review, etc.)
- C. Appraisal Report Development
- D. Appraisal Review
- E. Title Curative Work / Closing
- F. Negotiation
- G. Condemnation Support

Provide a complete Fee Schedule for example project based upon respondents proposed staffing plan, providing a lump sum fee for service with indication of estimated time and effort the lump sum fee entails. The costs submitted on this RFP will be used on future Task Order(s) assigned in FY 23 and 24. For the third year, FY 25 adjustments to costs per function will be negotiated. If respondent has any special conditions or terms with cost submitted, respondent needs to advise on Fee Schedule.

(See example format on Attachment A)

Attachment A

City of Kyle - K - 22-23.4- Item 5 Fee Schedule

Parcel #	Owner's Name	HCADTax ID#	Type of Prooerty	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
4	John Doe 4	-	Farmland				Water & Wastewater
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 & Wasterwater
10	John Doe 10	-	Condemnation commercial				Street Infrastructure
	Administrative Fee						
	Sub-Total of Provider Fees			\$0.00	0.00	0.00	

Task	For 10 Parcel Acquisition	Total	Per Parcel	
1	Communication			
2	File Management			
3	Survey Review			
4	Title			
5	Appraisal			
6	Appraisal Review			
7	Negotiation			
8	Materials and Reim			
9	Condemnation			Pre & Post
10	Total Costs	0	0	