

4J1.3 - Lead Agent Complex:

Lead Agent:

The Consultant (Lead Agent) will be responsible for supervising staff and Consultant Agents who are specialized in real property acquisition, relocation assistance for non-residential and residential services, appraisal services for residential and complex services, and appraisal review. The Department Project Manager (PM) and Right of Way Project Lead (ROW Lead) will delegate work assignments, monitor quality of work and will provide input on performance. The Lead Agent will provide consultation, make recommendations, give appropriate advice, perform the necessary services and/or provide oversight to the consultants providing specific services.

Task 1 Project Management / Administrative Support:

Scheduling and coordination as directed by the Department:

- The Lead Agent will develop consultant contracts for any of the services listed above and the department must approve all staff and scope of services.
- The Lead Agent will schedule and coordinate all consultant services needed for this project and maintain an active schedule of all deliverables and all current activities.
- The Lead Agent shall develop and maintain the ROW Budget and provide updates every two weeks to the Department.
- The Lead Agent will coordinate and arrange Home Inspection(s), Appraisal(s), Review Appraisal(s), Administrative Compensation Estimate (ACE), Title Report(s), Acquisition(s) and Relocation Services as needed.
- The Lead Agent will submit the Appraisal and Review, or ACE, to the Department for Approval of Just Compensation.
- The Lead Agent will review, analyze and provide a summary on all Title Reports and provide solutions as needed to the Department.

Approval Procedures QA/QC:

The Lead Agent or Consultant Agent will perform a cursory QA/QC of all reports and documents before they are submitted to the Department for final review/approval. QA/QC procedures will follow Department Policy and Procedures and will not replace the QA/QC process performed by the individual consultants.

Weekly Meetings:

Attend meetings as directed by Department.

Task 2 Project Specific Acquisition Services:

Acquisition Preparation:

For acquisition work, the Lead Agent or Consultant Agents assigned to each ownership; will follow and comply with the Real Property Acquisition Policy of 1970 as Amended (Uniform Act) and

UDOT's Operations Manual.

- The number of Acquisitions has been identified, but there may be additional work associated with the Acquisition Services. This may include additional offers for lease hold interests.
- If there are multiple offers, the Lead Agent or Consultant Agent must inform the Department.

Acquisition Package:

- The Lead Agent will provide the Consultant Agent with an Acquisition file that contains the following material: Ownership Report, Copies of Deeds and/or Easement(s), Right of Way Map for each parcel, an Appraisal, a Review Appraisal or Administrative Compensation Estimate (ACE) stamped by the Department for Just Compensation approval.
- As directed by the Lead Agent, the Consultant Agent will schedule and coordinate a Home Inspection.

Negotiations:

The Lead Agent or Consultant Agent will contact each owner personally. Owners out of state, or those living in remote places, are to be contacted by registered mail. The Lead Agent or Consultant Agent will present to the owner the following, but not limited to: Mandatory Offer Letter, Ombudsman's Acquisition Brochure, Your Guide to Just Compensation, Offer to Purchase, Statement of Just Compensation, Right of Way Contract, Deed(s) and/or Easement(s), Right-of-Way Map covering the parcels that need to be acquired on each subject ownership, Executive Summary of Property Owner's Rights and Appraisal or ACE.

Failed Negotiations:

If the Lead Agent or Consultant Agent is unable to settle with the property owner within a 30 day negotiation period, the Lead Agent or Consultant Agent shall contact the Department to discuss issues and solutions which may include:

- Consultation with the Office of the Property Rights Ombudsman.
- A 4-Options Letter which must be approved by the Department.
 - The Consultant will have two weeks from the date of delivery of the 4-Options Letter to discuss the property owner's decision concerning the possibility of a Right of Occupancy, Condemnation or agreeable time frame to complete the Acquisition.
- Right of Occupancy (ROO) must be approved by the Department.
 - A ROO must be submitted with an outline of the issues and an action plan with dates and solutions to be completed by the Acquisition Agent.
 - The Lead Agent or Consultant Agent is required to have weekly contact with the property owner to try and resolve the issues within the next 180 days from the approval of the ROO by the Right of Way Director.
 - If after 180 days, an agreement cannot be reached, a 3-Options Letter must be provided to the property owner and all of their options explained.
 - The Lead Agent or Consultant Agent is either successful in completing the negotiations and completes the Acquisition file or begins the condemnation process.

Condemnation:

- No Condemnation Action is allowed to begin until the property owner(s) is/are given 30 days to review all of the documentation and the offer presented to them.
- The Lead Agent or Consultant Agent is required to complete and submit to the ROW Lead a Condemnation file within 30 days of failed negotiations if a ROO is not executed.
- The Lead Agent or Consultant Agent is required to complete and submit to the ROW Lead a Condemnation file within 180 days of the executed ROO if a contract is not executed.

Logs:

It will be the Lead Agent or the Consultant Agents' responsibility to maintain and post entries into the Agents Log within 24 hours after each and every contact, or attempted contact, with the property owner. Each entry will contain the date of each contact, or attempted contact, with the owner and a summary of each conversation and negotiation. The Lead Agent or Consultant Agent will be responsible to follow Department policies and procedures in every Acquisition. The Lead Agent or Consultant Agent is expected to make contact every two weeks with the owner at a minimum. All Agent Logs are to be stored in UDOT's ePM system for each project and parcel.

Weekly Updates:

The Lead Agent or Consultant Agent is responsible to email weekly updates to the Department every Thursday.

Purchase Contracts and Documents:

- The Lead Agent or Consultant Agent will be provided or have access to all of the UDOT standard ROW Contracts, Forms and Documents required in the Acquisition process and will be responsible for completing these forms and ensuring their accuracy.
- If other information is needed, such as construction maps, etc., contact the Department.
- The Lead Agent or Consultant Agent is authorized and will negotiate based on the approved compensation value. If they cannot reach a settlement, the Lead Agent or Consultant Agent will contact the Department for all other approvals.
- If a tenant or lessee occupies the subject property under a leasehold interest, the Lead Agent or Consultant Agent is required to have both the property and tenant/lessee sign the Right of Way contract.
- Any additions and/or alterations to standard contract verbiage must be approved in writing (email) by the Department. A copy of these email approvals must be submitted with the completed package. All additions to the ROW Contract are subject to the approval of the ROW Director.

Construction Features:

Any construction features requested, other than those shown in the construction plans, must have approval by the Project Manager in charge of design to be included in the ROW Contract. All construction additions to the ROW Contract are subject to the approval of the ROW Director.

Closing Tasks:

- The Lead Agent or Consultant Agent will verify all closings at a title company are complete.
- The Lead Agent or Consultant Agent will verify and have a recorded deed and the final signed Settlement Statement (HUD) scanned into ProjectWise.
- Input all closing and recording information into ePM.

Final File:

The final Acquisition packet or Condemnation will be completed and delivered to Department as agreed in this scope of work. A final Acquisition file is either a completed Acquisition package with signed contract or a submitted Condemnation file. Two copies are required if a Condemnation file is submitted.

Deliverables:

A completed Acquisition package with a signed contract or a complete Condemnation file (2 copies) shall be promptly delivered to the Department (See Documentation Naming Conventions below).

Change Procedures:

- Changes to completed or partially completed work products that may require a change to the project scope, schedule or budget, must be brought to the attention of the Department (PM and ROW Lead).
- Completion delays beyond the control of the Lead Agent or Consultant Agent, or delays resulting from the actions of the Department, may require a renegotiated due date. The Lead Agent or Consultant Agent shall provide prompt written notice of unexpected conditions or other reasons that might cause a delay to the Department (PM and ROW Lead).

Document Naming Conventions:

- Assignments will not be considered complete until UDOT (ROW Lead and Project Coordinator) receives an electronic copy of the acquisition file named with the proper naming convention (as found in the current UDOT Right Of Way ProjectWise Guide) along with a returned signed contract and conflict of interest form. Send all electronic copies of the acquisition file to the UDOT Project Coordinator on this contract.

Task 3 Relocation Residential Services:

Relocation Study:

The Lead Agent or Consultant Agent will follow and comply with the Uniform Relocation Assistance and Real Property Acquisition Policy of 1970 as Amended, the New Rules Modification, 02/03/05 (URA), MAP-21 (2012) and UDOT's Operations Manual. The Consultant will personally interview each displacee and prepare a Relocation Study for Agency approval.

- The number of relocations has been identified, but there may be additional work needed with the relocation services. This may include rental studies for owners who may not qualify for financing or more than one family that lives in the home.
- If there are multiple studies and claims, the Lead Agent or Consultant Agent must inform the Department.

Study Approval:

The Lead Agent or Consultant Agent will prepare the Relocation Study and submit the Study, Memo, 90 Day Notice and Notice of Eligibility to Department for approval prior to discussing the amounts with the property owner.

Present Offer:

The Lead Agent or Consultant Agent will present the Relocation Study Package to the displacee with the following documentation: Notice of Eligibility, Relocation Brochure, 90 Day Notice to vacate, Housing Study, Moving Expenses worksheet and Incidental Expenses worksheet.

Logs:

It will be the Lead Agent or Consultant Agent's responsibility to maintain and post entries into the Agents Log within 24 hours after each and every contact, or attempted contact, with the displacee. Each entry will contain the date of each contact, or attempted contact, with the displacee and a summary of each conversation and negotiation. The Lead Agent or Consultant Agent will be responsible to follow the Department policies and procedures on every relocation. All Agent Logs are to be stored in UDOT's ePM system for each project and parcel.

Weekly Updates:

The Lead Agent or Consultant Agent is responsible to email weekly updates to the Department every Thursday.

Displacee Contact:

The Lead Agent or Consultant Agent is expected to make contact every two weeks with the owner at a minimum. The Lead Agent or Consultant Agent will remain in contact with the displacee throughout the relocation process and assist the displacee with advisory services and completing claim forms.

Deliverables:

Complete Relocation Package with all notices, studies, and submitted claims (See Documentation Naming Conventions below).

Change Procedures:

- Changes to completed, or partially completed, work products that may require a change to the project scope, schedule or budget, must be brought to the attention of the Department (PM and ROW Lead).
- Completion delays beyond the control of the Lead Agent or Consultant Agent, or delays resulting from the actions of the Department, may require a renegotiated due date. The Lead Agent or Consultant Agent shall provide prompt written notice of unexpected conditions or other reasons that might cause a delay to the Department.

Document Naming Conventions:

- Assignments will not be considered complete until UDOT (ROW Lead and Project Coordinator) receives an electronic copy of the relocation file named with the proper naming convention (as found in the current UDOT Right Of Way ProjectWise Guide) along with a returned signed contract and conflict of interest form. Send all electronic copies of the relocation file to the UDOT Project Coordinator on this contract.

Task 4 Relocation Non-Residential Services:

Relocation Study:

The Lead Agent or Consultant Agent will follow and comply with the Uniform Relocation Assistance and Real Property Acquisition Policy of 1970 as Amended, the New Rules Modification, 02/03/05 (URA), MAP-21 (2012) and UDOT's ROW Operations Manual. The Lead Agent or Consultant Agent will personally interview each displacee and prepare a Relocation Study for Agency approval.

- The number of relocations has been identified, but there may be additional work needed with the relocation services. This may include tenant studies for properties that are leased.
- If there are multiple tenants and claims, the Lead Agent or Consultant Agent must inform the Department.

Owner/Occupant Interview:

- The Lead Agent or Consultant Agent must meet with and interview the Owner/Occupant personally and go through the occupant interview. Owners out of state, or those living in remote places, are to be contacted by registered mail. The Lead Agent or Consultant Agent will explain the inventory process and provide documents as needed.
- The owner will complete the inventory process and inform the Lead Agent or Consultant Agent of all bids and provide them with the needed documentation.

Department Approval:

The Lead Agent or Consultant Agent will prepare the Non-Residential Relocation documents to include but not limited to: 90 Day Notice of Eligibility, Relocation Brochure, Moving Expenses work sheet, Notice to Proceed and submit all documents to the Department for approval prior to discussing the amounts and relocation process with the property owner.

Present Relocation Package:

The Lead Agent or Consultant Agent will present the Relocation Package to the displacee with the following documentation: 90 Day Notice of Eligibility, Relocation Brochure, Moving Expenses work sheet and Notice to Proceed.

Logs:

It will be the Lead Agent or Consultant Agents' responsibility to maintain and post entries into the Agents Log within 24 hours after each and every contact, or attempted contact, with the displacee. Each entry will contain the date of each contact, or attempted contact, with the displacee and a summary of each conversation and negotiation. The Lead Agent or Consultant Agent will be responsible to follow Department policies and procedures on every relocation. All Agent Logs are to be stored in UDOT's ePM system for each project and parcel.

Weekly Updates:

The Lead Agent or Consultant Agent is responsible to email weekly updates to the Department every Thursday.

Displacee Contact:

The Lead Agent or Consultant Agent is expected to make contact every two weeks with the owner at a minimum. The Lead Agent or Consultant Agent will remain in contact with the displacee throughout the relocation process and assist the displacee with advisory services and completing claim forms.

Deliverables:

Complete Relocation Package with all notices, studies, and submitted claims (See Project Requirements/Documentation Naming Conventions below).

Change Procedures:

- Changes to completed, or partially completed, work products that may require a change to the project scope, schedule or budget, must be brought to the attention of the Department (PM and ROW Lead).
- Completion delays beyond the control of the Lead Agent or Consultant Agent, or delays resulting from the actions of the Department, may require a renegotiated due date. The Lead Agent or Consultant Agent shall provide prompt written notice of unexpected conditions or other reasons that might cause a delay to the Department (PM and ROW Lead).

Document Naming Conventions:

- Assignments will not be considered complete until UDOT (ROW Lead and Project Coordinator) receives an electronic copy of the relocation file named with the proper naming convention (as found in the current UDOT Right Of Way ProjectWise Guide) along with a

returned signed contract and conflict of interest form. Send all electronic copies of the relocation file to the UDOT Project Coordinator on this contract.

Task 5 Residential Appraisal Report Requirements and Standards:

- The Appraisal Report(s) will be completed in compliance with the current or most recent Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Foundation, the Uniform Act, C.F.R. 24.103, and UDOT Supplemental Appraisal Standards and any other guidelines provided to the appraiser by UDOT.
- The Appraisal Report(s) shall be completed as an independent service as defined by the Utah Real Estate Appraiser Registration and Certification Act. This is to be an independent opinion of value which is adequately supported and documented. The Appraisal Report(s) shall be signed by the primary appraiser who shall certify that he/she personally inspected the subject property as well as the comparable properties used in the report. The property owner or representative must be given the opportunity to accompany the appraiser during his/her inspection of the subject property and must state this activity in their report. All persons who provide significant professional assistance in the preparation and analysis used by the appraiser in the report shall be identified and must sign the report.

Appraisal Report Specifics:

- The Appraiser should estimate the market value of the subject property in before condition, including land, building improvements, and existing easements. Appraiser should consider damages to the remainder property and any special benefits that may be applicable. Appraiser should not use "short sales" as comparables; unless, in the opinion of the appraiser, the value dictates to do so and then only with permission of the Department (PM and ROW Lead).
- The appraisal should contain no hypothetical conditions or extraordinary assumptions without adequate explanation.
- Photographs should be taken of both interior and exterior views, so as to adequately identify the overall condition of the property.
- If any impact to the property are obvious or anticipated, special photographs should be taken and labeled with an explanation.
- All standard appraisal techniques and analysis should be considered; including all three approaches to value. Comparable sales and rents used in the appraisal analysis should be reported in full data sheet format. *For Residential Property Appraisals, an Estimated Rent Page is required.*
- The appraiser must identify any leasehold interests including trade fixtures and personal property owned by the tenant, the owner, or other parties of interest. If the property is tenant occupied, the appraiser should obtain a copy of the lease from the tenant or owner.
- Any personal property, trade fixtures, furniture, or equipment must be identified in an attached Real and Personal Property Addendum. The Addendum will be required on all Commercial Appraisal reports.
- For commercial and residential properties that have an improvement on the property, the appraiser must review and consider the Building Inspection Report prior to completing the Appraisal Report.
- Two original copies of the appraisal shall be prepared and delivered to UDOT. An electronic

copy of the report including exhibits shall be emailed to the Lead Agent and cc'd to the Project Coordinator.

Note: If the Appraiser is working on a parcel that will not be acquired under the threat of eminent domain, the appraisal must include a paragraph in the report that states "this is an arm's length transaction not under the threat of eminent domain" (i.e., *this appraisal is for a voluntary transaction between willing buyer and willing seller. In the event that the parties cannot agree upon a purchase price, UDOT will not proceed to condemnation. The possible acquisition of the property by UDOT represents a market transaction that is not under the threat of condemnation*).

Change Procedures:

- Changes to completed, or partially completed, work products that may require a change to the project scope, schedule or budget, must be brought to the attention of the Department (PM and ROW Lead).
- Completion delays beyond the control of the Lead Agent or Consultant Agent, or delays resulting from the actions of the Department, may require a renegotiated due date. The Lead Agent or Consultant Agent shall provide prompt written notice of unexpected conditions or other reasons that might cause a delay to the Department (PM and ROW Lead).

Document Naming Conventions:

- Assignments will not be considered complete until UDOT (ROW Lead and Project Coordinator) receives an electronic copy of the appraisal file named with the proper naming convention (as found in the current UDOT Right Of Way ProjectWise Guide) along with a returned signed contract and conflict of interest form. Send all electronic copies of the appraisal file to the UDOT Project Coordinator on this contract.
- The Title Page of the Appraisal and the Letter of Transmittal must include the following:
 - The project number, pin number, parcel number and ownership name
 - Name of the appraiser and the Firm name
 - Complete address, phone numbers, including mobile
 - Email address

Task 6 Appraisal Complex Report Requirements and Standards

- The Appraisal Report(s) will be completed in compliance with the current or most recent Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Foundation, the Uniform Act, C.F.R. 24.103, UDOT Supplemental Appraisal Standards and any other guidelines provided to the appraiser by UDOT.
- The Appraisal Report(s) shall be completed as an independent service as defined by the Utah Real Estate Appraiser Registration and Certification Act. This is to be an independent opinion of value which is adequately supported and documented. The Appraisal Report(s) shall be signed by the primary appraiser who shall certify that he/she personally inspected the subject property as well as the comparable properties used in the report. The property owner or representative must be given the opportunity to accompany the appraiser during his/her

inspection of the subject property and must state this activity in their report. All persons who provide significant professional assistance in the preparation and analysis used by the appraiser in the report shall be identified and must sign the report.

Appraisal Report Specifics:

- The appraiser should estimate the market value of the subject property in before condition, including land, building improvements, and existing easements. Appraiser should consider damages to the remainder property and any special benefits that may be applicable. Appraiser should not use “short sales” as comparables; unless, in the opinion of the appraiser, the value dictates to do so and then only with permission of the Department (PM and ROW Lead).
- The appraisal should contain no hypothetical conditions or extraordinary assumptions without adequate explanation.
- Photographs should be taken of both interior and exterior views, so as to adequately identify the overall condition of the property.
- If any impacts to the property are obvious or anticipated, special photographs should be taken and labeled with an explanation.
- All standard appraisal techniques and analysis should be considered, including all three approaches to value. Comparable sales and rents used in the appraisal analysis should be reported in full data sheet format. *For residential property appraisals, an estimated rent page is required.*
- The appraiser must identify any leasehold interests including trade fixtures and personal property owned by the tenant, the owner, or other parties of interest. If the property is tenant occupied, the appraiser should obtain a copy of the lease from the tenant or owner.
- Any personal property, trade fixtures, furniture, or equipment must be identified in an attached Real and Personal Property Addendum. The Addendum will be required on all commercial Appraisal Reports.
- For commercial and residential properties that have an improvement on the property, the appraiser must review and consider the Building Inspection Report prior to completing the Appraisal Report.
- Two original copies of the appraisal shall be prepared and delivered to UDOT. An electronic copy of the report including exhibits shall be emailed to the Department and cc'd to the Project Coordinator.

Note: If the Appraiser is working on a parcel that will not be acquired under the threat of eminent domain, the appraisal must include a paragraph in the report that states “this is an arm’s length transaction not under the threat of eminent domain” (i.e., *this appraisal is for a voluntary transaction between willing buyer and willing seller. In the event that the parties cannot agree upon a purchase price, UDOT will not proceed to condemnation. The possible acquisition of the property by UDOT represents a market transaction that is not under the threat of condemnation.*).

Change Procedures:

- Changes to completed, or partially completed, work products that may require a change to the project scope, schedule or budget, must be brought to the attention of the Department (PM

and ROW Lead)..

- Completion delays beyond the control of the Lead Agent or Consultant Agent or delays resulting from the actions of the Department may require a renegotiated due date. The Lead Agent or Consultant Agent shall provide prompt written notice of unexpected conditions or other reasons that might cause a delay to the Department (PM and ROW Lead).

Document Naming Conventions:

- Assignments will not be considered complete until UDOT (ROW Lead and Project Coordinator) receives an electronic copy of the appraisal file named with the proper naming convention (as found in the current UDOT Right Of Way ProjectWise Guide) along with a returned signed contract and conflict of interest form. Send all electronic copies of the appraisal file to the UDOT Project Coordinator on this contract.
- The Title Page of the Appraisal and the Letter of Transmittal must include the following:
 - The project number, pin number, parcel number and ownership name
 - Name of the appraiser and the Firm name
 - Complete address, phone numbers, including mobile
 - Email address

Task 7 Appraisal Review Requirements and Standards:

- The Appraisal Review Report(s) will be completed in compliance with the current or most recent Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Foundation, the Uniform Act, C.F.R. 24.104, UDOT Supplemental Appraisal Standards, the UDOT Right of Way Operation Manual and any other guidelines provided to the appraiser by UDOT.
- The Appraisal Review Report(s) shall be completed as an independent service as defined by the Utah Real Estate Appraiser Registration and Certification Act. This is to be an independent review of the Appraisal Report. The Appraisal Review Report(s) shall be signed by the primary reviewer. All persons who provide significant professional assistance in the preparation and analysis used by the appraiser in the report shall be identified.

Appraisal Review Report Specifics:

- An original copy of the Appraisal Review Report shall be prepared and delivered to UDOT. An electronic copy of the report including exhibits shall be emailed to the Department and cc'd to the Project Coordinator.

Note: If the Appraiser is working on a parcel that will not be acquired under the threat of eminent domain, the appraisal must include a paragraph in the report that states “this is an arm’s length transaction not under the threat of eminent domain” (i.e., *this appraisal is for a voluntary transaction between willing buyer and willing seller. In the event that the parties cannot agree upon a purchase price, UDOT will not proceed to condemnation. The possible acquisition of the property by UDOT represents a market transaction that is not under the threat of condemnation*).

Change Procedures:

- Changes to completed, or partially completed, work products that may require a change to the project scope, schedule or budget, must be brought to the attention of the Department (PM and ROW Lead).
- Completion delays beyond the control of the Lead Agent or Consultant Agent or delays resulting from the actions of the Department may require a renegotiated due date. The Lead Agent or Consultant Agent shall provide prompt written notice of unexpected conditions or other reasons that might cause a delay to the Department (PM and ROW Lead).

Project Requirements / Document Naming Conventions:

- Assignments will not be considered complete until UDOT (ROW Lead and Project Coordinator) receives an electronic copy of the appraisal file named with the proper naming convention (as found in the current UDOT Right Of Way ProjectWise Guide) along with a returned signed contract and conflict of interest form. Send all electronic copies of the appraisal file to the UDOT Project Coordinator on this contract.
- The Title Page of the Appraisal Review and the Letter of Transmittal must include the following:
 - The project number, pin number, parcel number and ownership name
 - Name of the appraiser and the Firm name
 - Complete address, phone numbers, including mobile
 - Email address