

4L3.0 - Acquisition Services:

Acquisition Agent:

The Consultant will be responsible for supervising staff that are specialized in real property acquisition. 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 Consultant will provide consultation, make recommendations, give appropriate advice, and perform the necessary services.

Task 1 Acquisition Services:

Acquisition Preparation:

For acquisition work, the Consultant 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 Consultant must inform the Department (PM and ROW Lead).

Acquisition package:

- The Department will provide the Consultant 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 Department, the Consultant will schedule and coordinate a Home Inspection.

Negotiations:

The Consultant will contact each owner personally. For those owners out of state or those living in remote places, owners are to be contacted by registered mail. The Consultant 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 Consultant is unable to settle with the property owner within a 30 day negotiation period, the Consultant shall contact the ROW Lead 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 Consultant 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.
 - Consultant 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 Consultant 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 Consultant 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 Consultants' 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 Consultant will be responsible to follow Department policies and procedures in every Acquisition. The Consultant 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 Consultant is responsible to email weekly updates to the Department every Thursday.

Purchase Contracts and Documents:

- The Consultant 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 ROW Lead.
- The Consultant is authorized and will negotiate based on the approved compensation value. If they cannot reach a settlement, the Consultant will contact the Department for all other approvals.
- If a tenant or lessee occupies the subject property under a leasehold interest, the Consultant 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 ROW Lead. 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 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 Consultant will verify all closings at a title company are complete.
- The Consultant 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).

Task 2 General:

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

Task 3 Project Requirements / 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.