

OVERVIEW

The services to be provided for under this contract by the Contractor are all technical and real estate work tasks needed for acquisition of approximately 155 parcels associated with the proposed reconstruction of TH 108 East, TH 108 West, and TH 59 in the City of Pelican Rapids.

The Contractor will work in close coordination with the State's Office of Land Management (OLM) as well as the State's District-4 Right of Way (R/W) office in Detroit Lakes. This project will consist of Pre-Acquisition, Valuation, and Direct Purchase activities on approximately 155 parcels with a current letting date of January 26, 2024. Work must be completed prior to the letting date.

It is at the State's discretion on how the parcels are split. The State may award to multiple consultants.

All reports, drawings and documentation for each parcel will follow the guidelines set forth in State's R/W Manual and with information supplied by State's District -4 R/W Office in Detroit Lakes. All work will conform to State's standards and will be completed in English units.

Task 1 PROJECT MANAGEMENT (Source Type 1010)

1.1 General Project Management

Contractor's management and administration of the project will include communication with State's Project Manager (PM), as well as coordinating with other governmental agencies, affected property owners, and other required groups. This also involves updating project schedules and status reports, maintaining the project schedule, and coordinating with subcontractors.

1.2 Project Meetings

Contractor will schedule, prepare for, and attend all status and review meetings, as needed. Contractor will prepare all necessary displays, agendas (sent to all participants one week prior to scheduled meetings) and meeting minutes (sent to State's PM within three working days of the meeting). Telephone conference calls may be used for some, but not all meetings. Any meetings with State's Central Office (CO) personnel, State's OLM, and the Minnesota Office of the Attorney General will be covered under this section.

1.3 Project Management, Coordination, and Meeting Deliverables Summaries

State will provide:

- a. Project oversight and direction
- b. Timely project reviews and approvals
- c. Project reporting forms
- d. Copies of all pertinent project correspondences and project data
- e. Attendance of key personnel at meetings

Contractor will:

- a. Provide monthly Progress and Status Reports
- b. Attend meetings as required by State's PM
- c. Provide agendas and meeting minutes for all meetings
- d. Provide copies of critical correspondences and project complexity data
- e. Coordinate activities with all affected parties via phone, e-mail, fax, and/or written correspondence.
- f. Provide comment on work associated to right of way on the plan reviews for the project as needed.

Task 2 RIGHT OF WAY PACKAGE ACTIVITIES (Source Type 1220)

Contractor will perform all activities necessary for the completion of the Pre-Acquisition phase of the project. These activities include, but are not limited to the following:

- 2.1 Early Notification Letter, Market Data, Field Title Investigation and Possible Right of Entry
State's OLM Legal and Real Estate Conveyance Unit will complete Certificates of Title (COT's) for each affected tract. Contractor will set up a meeting with State's PM to review market data and field title investigation procedures. Contractor will input Field Interest information in State's Right of Way Electronic Acquisition Land Management System (REALMS). Contractor will prepare and mail the REALMS Early Notification letter for each parcel owner. Contractor will complete market data and field title investigation for each parcel, which requires an experienced and knowledgeable individual in title investigations. Contractor's Field Title Investigation Agent will verify ownership and nature of interest of the fee ownership, contract for deed vendee, or other interests in the property by personal visit for parcels where ownership is local in nature. If a personal visit is not possible due to COVID or any other health emergency, a teleconference or phone interview is acceptable. Contractor's Field Title Investigation Agent will consult with State's PM on how to proceed with field title investigations for non-local ownership. Contractor will obtain Right of Entry Permits if such permits are requested by the Office of Environmental Stewardship. Contractor will maintain close communication with State's PM, as some modification of the R/W work map may be necessary due to landowner's concerns expressed to Contractor's Field Title Investigation Agent. Contractor will use REALMS for obtaining the correct documents needed for Market Data, Field Title investigation, and Right of Entry permits and save and edit those documents in REALMS. The R/W Package submittals must be completed no later than 9 months prior to letting.

2.2 Right of Way Package Activities Deliverables Summary

State's Deliverables:

- a. Certificates of Title for each affected tract from State's OLM Legal and Real Estate Conveyance Unit
- b. All necessary continuations and corrections of Certificates of Title
- c. Provide direction when ownership is non-local in nature
- d. Attend meeting on field title investigation procedures
- e. Provide form and format.
- f. Obtain access to REALMS for contractors use

Contractor's Deliverables:

- a. Perform market data and field title investigation for each parcel using a professional Real Estate Agent experienced in title investigation and approved by State's PM
- b. Input field interest information in REALMS
- c. Mail the REALMS Early Notification letter to each parcel owner
- d. Verify ownership and document concerns of property owners affected by the project with personal visit to parcels where ownership is local in nature and/or teleconference/phone communications if COVID or other health emergencies are of concern
- e. Notify State's PM of any discrepancies discovered between the provided Certificates of Title and discussions with landowners that may have a Right of Way impact
- f. Attempt to obtain Right of Entry permits if requested
- g. Consult with State's PM on direction when ownership is non-local
- h. Utilize the State's REALMS system for all forms and input data as needed
- i. Complete last package no later than nine months prior to letting.

Task 3 VALUATION ACTIVITIES (Source Type 1235)

3.1 Appraisals

The Contractor's appraisal fees will be included in this Contract. Contractor will coordinate one meeting with State's Appraisal Supervisor and State's PM prior to the start of the appraisal work. Contractor will use appraisers who are on the State's Contract Fee Appraiser list unless the Minimum Damage Acquisition (MDA) format is used. If an appraisal is required, the Contractor's Real Estate Appraiser must hold a valid Minnesota Real Estate Appraiser license and will be governed by the ethics provision of the Uniform Standards of Professional Appraisal Practice (USPAP). **Appraisal assignments will not exceed 40 per appraiser.** Contractor will submit all appraisals or MDA's to State's District R/W PM. The appraisal format will be determined at a pre-valuation meeting. Contractor will contact State's Appraisal Review Office for an initial review prior to submission. Contractor will provide 2 paper copies and an electronic copy of each report. Contractor will utilize the REALMS system for necessary appraisal forms and obtaining any and all appraisal inserts such as parcel sketches and market data forms and inputting appraisal information as needed. Appraisals must be completed and certified no later than nine months prior to letting.

State's Deliverables:

- a. Submit reports to State's OLM for review and certification
- b. Determine additional reports that may be required
- c. Review and certify all reports
- d. Obtain access for contractor to the State's REALMS system

Contractor's Deliverables:

- a. Submit reports to State's PM or Appraisal Supervisor
- b. Coordinate one meeting prior to starting the appraisal work
- c. Submit 2 paper copies and an electronic copy of each report
- d. Utilize the State's REALMS system for appraisal information and input data as needed
- e. Complete the last valuation report and certification no later than nine months prior to letting.

Task 4 ACQUISITION ACTIVITIES (Source Type 1240)

Contractor will perform all acquisition activities associated with acquiring the R/W necessary for this project. This will include the following:

4.1 Direct Purchase

Contractor will assign a Direct Purchase Agent with a valid State of Minnesota Real Estate License. Contractor will submit Direct Purchase Agent's experience and qualification for review and approval by State's PM prior to performing the direct purchase work. Contractor will perform direct purchase work using a professional Real Estate Agent who is experienced in the area of real estate negotiations and legal requirements. Contractor's PM will certify that the Direct Purchase Agent has no personal interest in properties being acquired. Contractor's Direct Purchase Agent will meet with State's PM to review direct purchase procedures prior to starting the direct purchase work. Contractor will conduct all direct purchases in accordance with State's R/W Manual. Contractor's Direct Purchase Agent will contact all property owners and perform all the functions necessary to acquire the needed R/W by means of direct negotiations. Direct Purchase offers shall be made in person unless health requirements or time constraints require mailing offers. State's PM will decide whether offers are made via mail. Contractor will allow the property owner a reasonable length of time (30 days minimum) to consider the direct purchase offer prior to the state commencing condemnation. All completed direct purchase files will be returned to State's PM. The eminent domain process will be initiated at a minimum of six months ahead of the project letting date. Contractor will have all direct purchase offers made at least 7 months prior to the initiation of eminent domain. Contractor will prepare a temporary direct purchase file for all files not yet acquired at the time of initiation of

eminent domain. The temporary direct purchase file will consist of the following:

- a. Copy of the Report of Office of Examiner of Titles
- b. Copy of Certificate of Title
- c. Copy of Field Title Report
- d. Copy of appropriate sections of valuation report
- e. Originals of tax and assessment data sheet, file copy of R/W plat map, signed offer letter, original of Contractor's Direct Purchase Agent's report (copy in the permanent file), and all appropriate direct purchase documents (one copy of each direct purchase document in each file).

Contractor will continue to work with the landowners until the Hearing on Petition. Contractor's Direct Purchase Agent may recommend and prepare an administrative settlement memorandum and/or a recommendation for stipulated award where appropriate. Contractor will provide biweekly status reports on the Direct Purchase process to State's Project Manager. Contractor will use the State's REALMS system for all forms needed as well as data input.

4.2 Acquisition Activities Deliverables Summary

4.2.1 Direct Purchase

State's Deliverables:

- a. Approve Contractor's Direct Purchase Agent
- b. Prepare a direct purchase file for each parcel to be acquired
- c. Provide examples of Administrative Settlement/Stipulated Award memoranda
- d. Schedule and attend necessary meetings
- e. Obtain access to REALMS for contractors use

Contractor's Deliverables:

- a. Perform direct purchase work
- b. Submit Direct Purchase Agent's experience and qualifications for approval
- c. Certification that Contractor's Direct Purchase Agent has no personal interest in properties being acquire
- d. Attend meeting to review direct purchase procedures
- e. Submit Direct Purchase files for approval
- f. Prepare a temporary direct purchase file for all parcels not acquired by commencement of condemnation with information as listed above
- g. Recommend an Administrative Settlement or Recommendation of Stipulated award memorandum when appropriate
- h. Provided updated status reports to State's PM
- i. Attend necessary meetings.
- j. Utilize the State's REALMS system for all forms and data input

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