

This chapter covers the contract form and the contracting methodology for third-party service providers in the specialized fields of Appraisal and Right of Way (R/W) services.

Consultants under contract to perform activities must meet minimum qualifications, including knowledge, experience, and training in eminent domain acquisitions. Testing of consultants is administered to demonstrate knowledge of laws under both federal and state regulations, and knowledge of WSDOT procedures contained in the [WSDOT Right of Way Manual](#).

The role of the Real Estate Services (RES) Office in supporting WSDOT's Mission cannot be overstated. RES is critical to delivering projects, managing WSDOT Right of Way (R/W) and maintaining critical property records.

RES, whether at WSDOT Headquarters or the Regions, are closely involved in transportation projects. The acquisition and disposal of property rights for the purposes of these transportation projects is critical, time sensitive and requires close coordination between several Right of Way (R/W) functional areas.

These critical functional areas of responsibility frequently require third-party professional services to carry out the RES support role. Those who would provide appraisal and R/W services to the State must be skilled and knowledgeable in the regulations and often in the processes of eminent domain actions.

Those who administer requests and subsequent procurement processes for R/W services, as well as those who manage the resulting contracts for those services, need to be familiar with the requirements of services to be provided. It is necessary that the solicitations for the services are clear, the resulting contracts are concise and understood by all parties, the projects go smoothly, and the State gets necessary services and a fair price.

The Contract Services Office (CSO) provides third-party contracting services across nearly all functional areas within WSDOT. RES is a major customer of CSO seeking contract engagements from third-party service providers in as many as eight sub-functional R/W areas. This chapter provides descriptions, requirements and methodologies for Real Estate Services Contracts when procured specifically for Appraisal and R/W services. For R/W services procured as part of a General Engineering Consultant (GEC) contract, please see Chapters [400](#) and [500](#).

300.01 Introduction

This chapter (*Sections 300 through 350 – and any supporting appendices*) establishes Statewide Policy regarding the acquisition, administration, and management of third-party professional service contracts for Right of Way (R/W) activities. The responsibility for implementation and oversight of professional services contracting policy is delegated to the Contract Services Office (CSO) in coordination with the HQ Real Estate Services Office (HQ RES).

While WSDOT previously maintained a qualified appraiser list for years, the process has been updated. Methodologies have been established for prequalifying individuals in eight discipline areas for which WSDOT seeks professional services. HQ RES, in coordination with Regional RES Managers, maintains the prequalification and certification process to ensure minimum practitioner standards and uniform expectations in the categories. This is not a prequalification of firms seeking to provide services, but a prequalification of individuals providing specific services as professional workers employed by firms with whom WSDOT may enter contracts. More information can be found on the RES web page:

- www.wsdot.wa.gov/realestate and in the WSDOT *Right of Way Manual* M 26-01

Real Property services contracted by the state include:

- property valuation, (Appraisal and Appraisal Review)
- property rights acquisition,
- title review and clearance,
- property management, (management of real property elements while under the control of the department)
- R/W project management,
- relocation (and relocation review) of displaced person (displace)
- disposal of surplus properties or remnants no longer necessary for public need.

Other services purchased from third-party vendors, but not subject to the same prequalification or competitive selection process:

- title insurance,
- escrow services.

The CSO is also responsible for coordinating and tracking the Attorney General's Office (AGO) litigation and expert witness service contracts related to real estate. While these are essentially non-A&E professional services, they are exempt from OFM filing requirements and most often requested directly by the AGO.

300.02 Process Summary

The acquisition process is managed through the Contract Services Office at WSDOT Headquarters. For most projects, the administration and management of awarded real estate service contracts, occurs at either the Region or the Mega-Program level. In the case of the Mega-Program, coordination may occur at the Program offices and between the assigned HQ RES staff.

CSO staff are available as necessary to provide guidance and consultation related to the acquisition process during the strategic planning phase(s). Upon determination of the need for third-party services, and subsequent request for services is received, CSO will assign a professional services acquisition specialist who will coordinate the solicitation from first request through contract award.

Coordination with the Regional or Headquarters functional area contracts liaison, the Regional Real Estate Manager (RESM), or their designee, and in the case of Megaprograms, HQ RES Program Managers, and the appropriate project representative(s) is necessary for a successful acquisition, contract, and service delivery.

The project size and need will determine the scale of involvement of any of those mentioned here.

The administration of project-related R/W contracts after award will be handled by the Regional Real Estate Manager or Program Administrator with minor oversight by the Regional Contract Liaison. Contract management will be handled by the requesting project in coordination with the Regional or Mega-Project RES assigned category staff. This will remain through completion of the contract term and receipt of all service deliverables.

After completion of all required contract evaluations, all contract-specific documents are returned to HQ CSO for finalization and archiving.

Real Estate contracts for services are categorized under professional services, non-A&E provisions of state and federal regulations.

300.03 Federal Regulations

2 CFR 200 Otherwise known as the Super Circular.

Five major requirements for use of Grant funds under 2 CFR 200

1. The purchase must comply with the non-Federal entity's *documented procurement procedures*
2. The purchase must be *necessary to carry out the Federal award*.
3. The purchase must be made with open competition *to the extent required*.
4. The organization is following their *conflict-of-interest policy*.
5. The purchase *documentation contains a sufficient and proper* history of the purchase.

300.04 State Regulations

[RCW 39.26](#) – State law regarding:

- Purchase of goods and services in the State of Washington;
- Establishment of the Department of Enterprise Services (DES) as the Agency responsible for rule making, oversight of statewide purchasing, and a single system registry for third-party vendors;
- Establishment of a single source location for posting available contracting opportunities within the State;
- Establishment of reporting requirements for contract award and dollar values annually through DES to the Legislature;
- Delegated authorities for agencies contracting without direct DES oversight or assistance based on risk analysis (DES delegation of authority);
- Specifically excludes acquisition of Professional Services covered by [RCW 39.80](#) (Architectural and Engineering).

WSDOT's current delegation of authority from DES limits the size of a service contract under [RCW 39.26](#) to \$1,000,000. This is a not-to-exceed-amount including supplements.

300.05 Exceptions to these Non-A&E Provisions

Sub-contracting of Right of Way (R/W) services under a General Engineering Consultant (GEC) contract or other large A&E contract(s) shall be governed by the requirements for A&E services provided that the preponderance of the contract work is for A&E services.

300.06 Right of Way (R/W) Contract Categories

The following subsections summarize R/W categories and functions for which WSDOT contracts. Processes for prequalification, solicitation, contract implementation, administration and management are described in later sections.

300.06.01 Appraisal

Appraisals Specific to Transportation Construction and Improvement Projects

Appraisals are done to establish the Fair Market Value for whatever property rights requirement the project may have.

Once parcels have been identified in a Right of Way (R/W) process, many require an appraisal, which is assigned by the Region Real Estate Services Manager or Megaprojects, Program Administrator, or designee. The Senior Appraiser or Appraisal Supervisor determines the type of appraisal needed and ensures property data is collected prior to assigning the parcel or group of parcels for appraisal. The appraiser then prepares an appraisal to establish the fair market value for the property and property rights. Appraisals may be completed by WSDOT employees or outside consultants.

Other Appraisals

There are several types of appraisals for which WSDOT may solicit professional appraisal services that are not specific to transportation construction projects. These may include:

- Surplus parcels no longer needed by the agency.
- Pit sites – purchased for mineral aggregates needed by the WSDOT or to be sold when the site is exhausted of minerals or no longer needed.
- Air space and ground leases.
- Easements and permits.
- Inter-agency or private party land swap or lease.

Specialty Valuations

Another type of appraisal for which WSDOT may solicit professional appraisal services is the specialty valuation. Most often this will occur as a subcontract or function of a larger appraisal effort. However, it may also be a specific need as a once-off effort. These might include:

- Timber;
- Access rights;
- Water rights;
- Cell tower leases and sub-lease value;

300.06.02 Appraisal Review

As required by 49 CFR 24.104, a qualified Review Appraiser must conduct a review of the appraisal to ensure compliance with agency regulations and guidelines. Appraisal reviews may be completed by WSDOT employees or outside consultants.

Consultants performing appraisals or appraisal reviews must meet the qualifications established by the department, as specified in the WSDOT [Right of Way Manual](#) Section 1-11.3. This includes experience, training and successfully passing an examination administered by the department. WSDOT administers separate exams for appraisal and appraisal review. Successfully passing an exam in one of these categories certifies the individual has met specific standards set by the department above those required for licensing within the State.

When appraisal review is to be contracted through a third-party provider, the appraisal work to be reviewed cannot be performed by an employee or principle of the same firm employing the review appraiser.

For more detailed information see the WSDOT [Right of Way Manual Chapter 5](#)

300.06.03 Negotiation and Acquisition

When the Real Estate Services Manager or Program Administrator assigns a parcel for negotiation, the negotiator works with all parties to achieve a negotiated settlement with just compensation for the property rights being acquired. The negotiator is responsible for making the state's offer, documenting the transaction, and executing the necessary paperwork to close the acquisition.

For more detailed information see the WSDOT [Right of Way Manual Chapter 6](#)

300.06.04 Relocation Services

Relocation services are services related to the moving of displaced persons and/or their belongings when vacating the acquired property is necessary. Services may include:

- Assistance finding available comparable housing; Assistance locating suitable replacement business properties;
- For a business, assistance related to reestablishing the business at the new site;
- advisory services to minimize hardships related to displacement;
- coordination of relocation activities with other public agencies; and
- determination of expense payments (such as moving costs and replacement housing costs).

For more detailed information on Relocation Services see the WSDOT [Right of Way Manual Chapter 12](#).

300.06.05 Relocation Review

In situations where there is a project with a significant number of relocations, WSDOT may hire third-party relocation reviewers if needed to meet the need for timely review of work accomplished by contract relocation agents. In addition, it may be necessary to use outside consultants to supplement WSDOT or Local Agency staff to meet workload.

Consultants performing Relocation Review services must meet minimum qualifications, including experience and/or training in eminent domain relocation requirements. Testing in this area is designed to demonstrate proficiency and practical experience in providing relocation assistance to displaced persons under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Knowledge of relocation laws, federal and state regulations, and WSDOT procedures contained in the WSDOT [Right of Way Manual](#) is also required.

For more detailed information regarding Relocation Review see the [Right of Way Manual Chapter 12](#).

300.06.06 Property Management

Property Management activities include taking control and possession of acquired parcels; performing inspections and managing maintenance and improvements; property disposal; leasing and rent collection; and managing encroachments.

Consultants performing Property Management services must meet minimum qualifications, including experience and/or training in eminent domain acquisition and property management (leasing, disposal, and demolition) on federally funded highway projects, knowledge of property management laws, federal and state regulations and WSDOT procedures.

For more detailed information regarding Property Management see the WSDOT [Right of Way Manual Chapter 11](#).

300.06.07 Right of Way (R/W) Project Management

The various Right of Way (R/W) activities necessary to a roadway project are usually not considered engineering activities. Most of these Right of Way (R/W) activities are accomplished prior to the start of construction.

Right of Way (R/W) Project Management is a specialty function. It includes providing management and coordination of the various Right of Way (R/W) services necessary to a larger project or several projects of a specific program. These activities are usually done as part of a larger project team during the design phase with the Right of Way (R/W) Project Manager coordinating Right of Way (R/W) services with the Regional Real Estate Manager or Program Administrator. It may also include coordination of the various Right of Way (R/W) activities of a project or program with a WSDOT Project Engineer or Engineering Manager.

300.06.08 Title Services

Title Services are a specialty discipline requiring the service provider to be responsible for activities such as obtaining and reviewing all necessary title reports, surveys, and recorded documents for a project or assigned group of parcels, which will be delivered to project engineers and other support groups. Additional duties may require assisting the acquisition staff or acquisition specialist in clearing title encumbrances, preparing conveyance documents, drafting legal descriptions, and reviewing acquisition packages for final payment.

For more detailed information see the WSDOT [Right of Way Manual Chapter 7](#)

300.06.09 Title Insurance and Escrow Services

Title services include a preliminary commitment for title insurance on each parcel involved in a particular transaction; additional documents related to the title condition as appropriate; supplements to the preliminary title commitment at designated intervals; a final insurance policy; and additional title certifications if eminent domain condemnation proceedings are necessary.

Title firms quite often provide escrow and closing services as a separate service and most often these services are included in the contract for title evidence services by the state. This includes drawing of final documents, distribution of funds and recording functions.

Title Insurance and accompanying escrow services provided as part of a title insurance package are regulated in the State of Washington by the Office of the Washington State Insurance Commissioner, including the fees that can be charged for title insurance policies and escrow closings. Therefore:

Per [RCW 39.26.125\(9\)](#) title insurance and escrow closing services are exempt from competitive solicitation. Title Insurance and Escrow Services should be coordinated with the Region Real Estate Services Manager, Program Administrator, or the Headquarters Acquisition Program Manager.

300.07 Establishment of Right of Way (R/W) Category Prequalification List and Use

300.07.01 Introduction

This chapter establishes the statewide prequalification policy for WSDOT contracting of Right of Way (R/W) service providers. (See also [Right of Way Manual](#) Section 16-2 Approved Consultant List for WSDOT ROW Services) A prequalification process has been established for individuals to perform necessary services in several R/W functional categories for WSDOT. This list of pre-qualified individuals is based on the individual's knowledge, skills, and abilities (KSA's) to meet state and federal R/W requirements for project delivery, qualifications testing and performance evaluation.

The KSA's are determined through an application and testing process established and maintained by the HQ Real Estate Services (RES) office in coordination with the Contract Services office (CSO).

In addition to KSA tests, a performance evaluation process is established, administered, and tracked by the Contract Services Office through actual contract performance.

Any work performed on a WSDOT contract for Right of Way (R/W) services in any of the categories shown in 320.03 below, must be performed by individuals from the appropriate discipline prequalifications list. Contract award will be subject to verification of the qualification status of those proposed by the contractor. Any substitutions or additions after contract award must be approved through the CSO and RES.

Placement on a category list does not constitute, nor establish, a contract or an agreement. It is not an "on-call" arrangement nor is it a guarantee of any work to the individual.

300.07.02 Prequalification Process

The Right of Way (R/W) prequalifications process consists of a written test of an individual's knowledge, skills and abilities in one or more of the service categories described below. These tests are administered by the WSDOT Headquarters' Real Estate Services designated category administrator or proctored by an RES Manager or their designee in each of the regions.

Tests are administered at least once per year and may be more frequent depending on need. Opportunities for prequalification will be provided for anyone new to the process whenever a contract solicitation is published.

Prequalification tests may also be administered for specific circumstances by request to the RES Manager.

In addition to the qualification exam, everyone will need to provide a Discipline Packet to the WSDOT Headquarters' Real Estate Services designated category administrator upon passage of the qualification exam. Additional information regarding the prequalification process can be found at: <https://fmdata.wsdot.wa.gov/ROWservices/home.php>

300.07.03 Prequalifications Categories for Service

The following subsections describe the various real property categories where WSDOT typically contracts with service providers. Processes for prequalification and testing are established by and administered by the Real Estate Services office in coordination with the Contract Services Office. An individual may qualify in more than one discipline.

Below are the categories in which tests are administered and pre-qualified lists are established and maintained. (Refer to section 310 above for additional information regarding each category.)

- Title
- Appraisal
- Appraisal Review
- Acquisition and Negotiation
- Relocation Specialist
- Relocation Review
- Property Management

300.07.04 Testing for Individual Qualifications

Testing is used as a measurement to establish individual qualifications to perform specific disciplines of Right of Way (R/W) work. This does not establish a list of firms, whether sole proprietor, partnership, or corporation/LLC from which to select service providers (Consultant/Vendor). That is done through a competitive solicitation process described in Section 330.

Getting on a specific discipline list is a combination of satisfactorily passing the discipline test and satisfactory performance demonstrated through referenced past projects. Staying on a list is subject to satisfactory performance evaluations. Individuals have the ability to test in multiple disciplines. Discipline tests are administered/proctored in one of the six regions. Discipline tests may occur individually or in a group setting. These tests are scheduled by location and at the discretion of the proctor.

Testing will depend on the needs of the department, including requests from potential vendors to qualify specific employees. WSDOT may provide qualification opportunities during specific project solicitations.

Check the RES HQ website for more detailed information.

300.07.05 Evaluations

Upon application by an individual for the initial certification process in each discipline, a resume is provided to WSDOT that includes past performance within that service category. These serve as personal references demonstrating experience. Once certified, the individual will be evaluated thereafter on each performance within the specific discipline. These evaluations are maintained by HQ RES.

WSDOT does not enter contracts with the individuals who perform the services unless that individual is also registered as a principle of the legal entity entitled to conduct R/W or Appraisal service business within the State of Washington. The individual(s) performing the categorical services under a particular contract are evaluated on their category performance.

WSDOT solicits proposals from, and enters professional services contracts with, contractors that are registered with the Secretary of State's office and the Department of Revenue as a legal business entity. Each entity may exist in the form of a sole proprietor, a partnership, or a multi-employee corporation. Each shall be evaluated at the end of the contract on their overall performance throughout the life of the contract. This includes evaluation of the overall performance related to the scoring criteria established for the original contract selection.

CSO will maintain criteria to ensure uniformity across the state.

300.07.06 List Availability, Use and Maintenance.

WSDOT's Real Estate Services (RES) Office maintains the current lists of R/W and Appraisal qualified consultants in each of the testing disciplines listed above. These lists are available on the RES website.

List maintenance includes the removal of those who have had poor performance issues in their evaluation, updating new qualifiers and tracking evaluations of those individuals performing Right of Way (R/W) services.

300.08 Real Estate Services Contracts Acquisition Process

All appraisal and Right of Way (R/W) contracts, when not part of sub-consultant contract under an A&E General Engineering Consultant (GEC) contract, are to be competitively procured in accordance with [Chapter 39.26 RCW](#). Exceptions to this competitive requirement are also provided in this statute.

The statute provides a comprehensive framework for procuring Professional Services that ensures fair and open competition leading to a contract at the lowest overall cost to the State from a service provider qualified to perform the work.

This chapter describes the processes for the acquisition of appraisal and Right of Way (R/W) services. This includes the competitive acquisition of services with a defined scope and time frame. It also includes convenience contracts (on-call) for larger programs, corridors, or regions. Sole source and direct buy contracts are also covered but do not include (require) the competitive portion.

If your need is an emergency, please follow the steps and requirements covered in [Chapter 600](#) of this Manual.

Regardless of the type of contract or the contracting method to be used, the initiation of all contracts for services begins with a request for contract services – Request Memo - sent to the Contract Services Office (CSO).

300.08.01 Initiating a Contract for Real Estate Services – Request Memo

The HQ Contract Services Office (CSO) is made up of two working groups, Consultant Services (A&E contracts) and Administrative Contracts (Non-A&E and IT contracts). Both groups procure and administer Professional Services contracts. Professional Services contracts are administered in multiples categories. All requests for professional service should be sent to CSRequests@wsdot.wa.gov for assignment by the Contract Services Manager.

Contracts for Real Estate Services generally fall into two main categories:

- Appraisal – appraisal and appraisal review, and
- Right of Way (R/W) – acquisition, relocation, relocation review, title review, property management, project management.

To initiate a contract for Appraisal or Right of Way (R/W) services, use one of the request memo forms found at the Contract Services website below.

- wwwi.wsdot.wa.gov/tools-services/contract-services

Information provided below will assist in determining which request memo form should be selected, provides necessary information to be included in a potential solicitation, selection criteria for a competitive evaluation and pertinent information to include in the contract for services:

1. The need for the service or the problem to be solved.
2. The general scope of work of services to be acquired, project time frame, and anticipated project deliverables and outcomes.
3. Why the services are critical/essential to agency responsibilities and/or operations.
4. Whether the services:
 - Are of an emergent nature related to public safety (for example, would prevent injury or loss of life, or material loss to property).
 - Stem from court orders or are required under the law.
 - Would secure receipt of federal funds or other funds.
 - Are an integral part of a revenue-generating enterprise.
 - Are only available from one source.
 - The estimate of cost is below the current Direct Buy Threshold.
5. Whether the project is mandated or authorized by the Legislature.
6. Why sufficient staffing or expertise is not available within the agency to perform the service, and if there are other government resources (local, state, or federal) available outside WSDOT to perform the services.
7. The funding source(s) and a breakdown of the proposed project costs.

Regardless of the type of contract, the above information will assist Contract Services perform a timely and successful acquisition.

The request memo serves as the initial planning and request document for Professional Services contracts procured through Contract Services. Please contact Contract Services prior to completing steps above if you have questions.

If the required Appraisal or Right of Way (R/W) services qualify for Direct Buy or Sole Source the request should include the FIRM that will provide the services, qualifications, and justification for sole source. Services to be provided must be performed by individual(s) on the qualifications list and the FIRM must commit that the proposed service provider is available.

After the CSO receives a request memo the CSO Manager will either:

- deny the request,
- request additional information where needed, or
- approve the request and assign the procurement to a Contract Administrator.

The CSO Manager will also make a final determination regarding:

- the type of contract to be used,
- if the services will be competitively procured,
- if the request qualifies for direct buy, or
- the request qualifies as a sole source.

Upon approval of the request and assignment, the assigned administrator will contact the requester to discuss project requirements, schedules, and next steps.

If the services proposed qualify for Direct Buy or Sole Source, the process will move to the Contract negotiation and finalization steps. Sole Source will require approval from DES and posting on the WEBS system. If there are no challenges to the Sole Source justification (upon approval of DES) the contract is awarded.

Project specific and convenience contracts are most often competitive solicitations. Once all documents requested by the Contract Administrator are ready, the process moves to the next phase of the acquisition – the solicitation.

300.08.02 The Competitive Solicitation for Appraisal and Right of Way Services

When federal funds are used to support the project, federal regulation states that if state regulation is not in conflict with federal requirements, state regulation governs the process on non-A&E contracts (2 CFR 200).

Right of Way (R/W) and Appraisal services are usually acquired by one of five methods. These include:

- Direct Buy (currently under \$30,000 total cost - \$40,000 in certain situations),
- Sole source – requires posting to WEBS and approval by DES,
- Competitive selection – project specific,
- Competitive selection – convenience contract,
- Sub-contractor on an Architectural and Engineering contract.

This section applies to competitive solicitations. The process is the same for specific projects or for convenience contracts where assignments within a program, area or region are similar in nature. For very large projects or programs Right of Way (R/W) services are more often a sub-contracted function of a General Engineering Consultant (A&E) contract.

Contracts for appraisal services are solicited separately from Right of Way (R/W) services contracts.

Under state regulation the manner of determining selection of the successful respondent for Right of Way (R/W) and Appraisal services in a solicitation is a determination of the lowest cost to the State from a firm otherwise qualified (responsive and responsible) to provide the services described.

300.08.03 Determining the Solicitation Method

The solicitation method is determined and managed by Contract Services. The possible methods of solicitation used for Right of Way (R/W) and Appraisal services contracts are:

- the Request for Proposal (RFP),
- the Request for Quote and Qualifications (RFQQ), or
- the Request for Quote.

Request memos are available to WSDOT staff at: [Contract Services Request Memos](#)

The assigned Contract Administrator collaborates with the customer in defining the solicitation requirements, establishing key milestones, expectations, and process. This includes the schedule and resource requirements of the solicitation.

The request may be for one or several categories under the Right of Way (R/W) services description, therefore several methods of solicitation for competitive selection of service providers are available.

The RFP is used when WSDOT needs a complete package of Right of Way (R/W) services for a well-defined project. In the solicitation, the project team provides:

- background on the project;
- a list of services needed;
- the project schedule;
- funding information;
- manner or method of payment;
- a description of the Right of Way (R/W) services needed;
- the minimum qualifications required for each category; and
- directions for preparing a proposal in response to the solicitation.

The RFP is also the solicitation method when the project is looking for cost savings, innovative methods of delivery or solutions to difficulties anticipated during the progress of the project. These might include difficult property owners, groups of diverse interest, local agency interests, tight schedules, coordination with other contractors or partners, or other management requirements of the Right of Way (R/W) process. The project management and coordination skills are addressed in the proposal as well as approach to the project.

The RFQQ is a major solicitation methodology for Right of Way (R/W) and Appraisal services. It should be used a third-party service provider is requested by the customer who has a well-defined project and provides a detailed scope of services needed. The Right of Way (R/W) plans are generally set, title reports have been ordered and appraisals are under way.

The RFQQ is also the method for selection on solicitations for convenience contracts. This is especially true when a specific project scope of work is not available until the immediate need is known and short turnaround is required.

The RFQ (Request For Quote) is most often used with solicitations for appraisal or appraisal review services. Quite often the appraisal services needed, unless for a large project, fall within the direct buy limits. Schedules for delivery become important or even critical. Since WSDOT maintains the Qualifications list, solicitations may be sent to firms with known qualified staff requesting quotes for services.

The criteria used to determine the firm selection from solicitation responses must be published as part of the solicitation. Even the RFQ requires a manner of determining that the submittal (quote) is from a responsive and responsible service provider. This requires that the staff member (s) providing the service(s) for the respondent are on the RES Qualifications List.

For the RFQQ and the RFP there are three major components that should be included in the submittal in response to the solicitation:

- **Technical:** How the responding firm plans to successfully complete the work elements (qualifications).
- **Management:** The respondent's organization, experience, expertise, and past performance (qualifications).
- **Cost:** Dependent on the manner or method of payment determined for the contract. Should be inclusive of all fees and expenses. Choices include:
 1. Lump Sum
 2. By deliverables or predetermined milestones
 3. Cost-plus fixed fee – requires breakdown of salaries and costs
 4. Hourly rates – will require a detailed breakdown of salaries, overhead and profit.

On larger Right of Way (R/W) projects, Best Value may also be considered as part of the solicitation criteria but should not be used in relation to convenience contracts. If this is part of the selection process, the solicitation must include it from the beginning together with a description of how Best Value will be determined. Because the manner of determination of Best Value can be controversial and may lead to challenges or protests, inclusion of Best Value determination requires approval of the Contract Services Manager.

Solicitations require the respondents to complete the Consultant Information form for the prime consultant and any sub consultants that are to be used on the project. This form should be posted along with the other solicitation documents as part of the solicitation.

Depending on the size and complexity of the contract the solicitation may also consider the following as part of the evaluation process:

- Responding firm's experience, ability, and capacity,
- Responding firm's QA/QC policies and process,
- Responding firms change management,
- Qualifications and experience of the key service providers,
- Experience coordinating with other contractors, agencies, and officials,
- Responsiveness to, and ability to manage, schedule,
- Quality of previous performance and reputation,
- Compliance with statutes and rules related to Right of Way (R/W) and Appraisal,
- System for Award Management Excluded Parties Records notice,

For larger solicitations that use the RFP format, the following criteria should be considered critical to the success of the contract:

1. Respondent's understanding of the project and the proposed methodology.
2. Project management, internal controls, and team structure (for multiple staff).
3. Proposed work plan and description of deliverables.
4. Respondent's approach to applying the cost proposal across these critical areas.

Items 1 through 3 helps establish the "Responsive and Responsible" portion of the selection process. Potential scores available to each item requiring a response in the solicitation will be determined based on the importance of those items to the success of the contract and the needs of the State's contract purpose. The overall cost proposal (item 4) will be weighted in accordance with State law and overall proposal requirements.

300.08.04 Posting the Solicitation

Advertisement of the solicitation is managed by Contract Services. At a minimum, the advertisement must include a brief description of the project or services required; the proposed project schedule; a request for the consultant's qualifications/experience; a request for costs and/or fees to be charged; and the method and format of the submittal, due date, and time. Contract Services will place a brief advertisement with directions and links to its public website, where the full RFP, RFQQ or RFQ is posted. If the RFQ fits within the Direct Buy limits, it will not be advertised.

The Contract Services Manager determines length of time an ad will be open and is based on the needs of the requesting party and input from management. For competitive solicitations, a minimum of fourteen (14) calendar days for the advertisement is required.

State agencies are now required to post all solicitations for Professional Services on the online contractor registration and bid system: Washington's Electronic Business Solution (WEBS) resource center (www.ga.wa.gov/webs), which is operated by the Washington State Department of Enterprise Services. WEBS serves as a central location for bid information on multiple types of purchases for all parties participating in state contracting. It includes the names of certified minority, women owned, and veteran-owned businesses that are encouraged to participate in the solicitation process.

In addition to the required posting on WEBS, the CSO advertises open solicitations in at least two other locations: its public website ([Search contracting opportunities | WSDOT \(wa.gov\)](#)) and the *Seattle Daily Journal of Commerce*. This approach provides the most comprehensive advertising to reach the broadest audience of interested consultants, and it complies with statutory and regulatory requirements for competitive solicitation. The costs associated with advertising in published journals will be covered by the customer. The CSO will process the invoice and ensure the appropriate customer organization is charged. The affidavit of publication will remain in the CSO contract files.

Other publications and websites may be used to advertise more specialized services. These notices outline the services needed and provide a link to the Contract Services public website for the full project solicitation.

The public website provides up-to-date tracking information on the status of advertisements, listing those that are currently open and closed, and whether in the interview or scoring stage.

300.08.05 Pre-proposal Meetings, Letters of Intent, Questions and Answers

Pre-proposal conferences may be useful when the project is complex and/or when interest from many firms is anticipated. Pre-proposal conference information must be included in the solicitation document and advertisement. Pre-proposal conference are not mandatory.

A pre-proposal conference provides an opportunity for WSDOT to clarify requirements and respond to questions about the solicitation in a public setting. Questions raised at the pre-proposal conference or submitted in writing to the CSO solicitation coordinator must be responded to officially, in writing, and documented in an amendment to the RFP or RFQQ. Amendments will be posted on WEBS (www.ga.wa.gov/webs) and the CSO's public website (search [contracting opportunities | WSDOT \(wa.gov\)](#)) so that all interested firms will have access to the same information.

The designated Contract Administrator may suggest the customer use a Letter of Intent (LOI) to respond when there is uncertainty regarding the level of interest the solicitation may generate. Important time can be lost in securing needed services for a project if the "time on ad" runs its course with no response. If there is limited response the project may want to broaden the scope of advertising to increase interest.

The LOI tool increases the time the solicitation will be on ad, and it must be covered in the solicitation documents.

The LOI is not required but may provide important information on responsiveness to the solicitation.

A formal Questions and Answers (Q&A) process avoids potential misunderstandings regarding critical items of the solicitation. The Q&A process will be covered in the solicitation document with a specific time for submitting questions and a specific deadline for posting answers. Receiving questions about the solicitation when there is no formal process opens the door for contention, potential claims, and protest. Time for the Q&A process also needs to be included in the duration of the solicitation.

A formal Q&A process is not required.

300.08.06 Submittals

A reasonable amount of time will be provided between issuing the solicitation document and the due date for responses. The period typically ranges from four to eight weeks after publication of the advertisement, depending upon the complexity of the project and the urgency to begin work.

Contract Services is currently using an electronic process for submission of responses. Firms responding to solicitations for appraisal or Right of Way (R/W) services are requested to submit the response and all requested supporting documentation in Adobe PDF format via email to the Contract Services email address published in the solicitation description. The solicitation description provides all necessary instructions on file sizes, formatting, the files to be attached, and the specific dates and times for responses.

Proposals are reviewed for responsiveness (that is, meeting the minimum requirements of the RFP or RFQQ). Only proposals considered responsive are forwarded to the evaluation team for scoring. If a proposal is deemed nonresponsive, it may be rejected. This determination is communicated to the proposer and documented for the solicitation file.

300.08.07 Scoring of Submittals, Interviews, Final Selection

Scoring - After the consultant proposals have been screened for responsiveness, Contract Services or its designee prepares the documents for transmittal to members of an independent evaluation team for scoring. The members of the evaluation team are usually selected by the Contract Services Manager with input from the customer.

All scoring team members must fill out and submit a Confidentiality/Conflict of Interest statement prior to joining the scoring team. This should be sent to the Contract Administrator before submittals will be sent to the team. However, the list of firms and any potential sub-contractors should be provided to the potential scoring team so that scorers can determine that they have no conflicts of interest. A scoring sheet is then prepared by the Contract Administrator that includes:

1. Name(s) of responding consultant(s)
2. Criteria used to rank the consultants (based on the solicitation document)
3. Points for each scoring criterion

The Contract Administrator oversees the scoring process (collects and compiles the scores). Included in the process is the collection of performance evaluations for each firm. Evaluations are used for ensuring the consultant meets minimum standards for performance. The performance evaluations are required to be submitted during each advertisement.

WSDOT reviewers serving on scoring teams are expected to possess the overall knowledge and expertise to evaluate the proposals effectively and objectively. Reviewers are to be unbiased and able to maintain confidentiality during the evaluation process. At least three evaluators are used, representing the skills, knowledge, and experience applicable to the proposed solicitation.

Prior to finalizing selection of the successful respondent, as required by federal regulations, WSDOT will review the records found in the System for Award Management (SAM) Excluded Parties Records to ensure that none of the principals, affiliates, third-party Contractors, and subcontractors are suspended, debarred, ineligible or voluntarily excluded from participation in federally assisted transactions or procurements.

A record of this search will be included in the WSDOT contract files.

Interviews - There will be times when more than one respondent as so close in scoring, both in cost and their qualifications to perform the work. In that situation, the customer, contract administrator and Contract Services Manager will decide if interviews are appropriate and whether a separate selection board should be established for this process. If not, then the selection board will schedule the interviews.

If a separate selection board is chosen it would typically include executive management, project management, and technical representatives. The selected board members will also fill out a Conflict-of-Interest Statement and submit it to the Contract Services Manager prior to the scheduled interview. Each interview must be conducted in the same format, and it may have time limits for proposer presentations and questions from the evaluation team.

The potential for interviews should be included as an option of the State in the solicitation description.

The Contract Administrator will attend the interviews to ensure WSDOT remains compliant with the state procurement requirements. If the interview process does not meet those requirements, the Contract Administrator may act on behalf of the Contract Services Manager to make necessary changes.

Final Selection – After scoring is complete and compiled, and after interviews are complete, a decision is made by the customer regarding the solicitation outcome. The customer coordinates a request to announce the successful contractor.

The interview may be the final determining factor in the selection of a successful contractor, or the interview scores may be combined with the scores for the written proposal to make a final determination. The original solicitation must outline which of these options for scoring will be used for the selection of the consultant.

After the Contract Services Manager has approved the selected consultant, the CSO will report the outcome, in writing, to all participating firms (both successful and unsuccessful). This will be done promptly to allow time for the protest period and potential debriefing conferences, as set forth in the solicitation document.

300.08.08 Negotiations and Contract Award

As stated previously contracts for appraisal and Right of Way (R/W) services fall under the requirements of [RCW 39.26](#). This Manual section 300 through 330 are specific to the requirements and needs of Appraisal and Right of Way Services.

[Chapter 200](#) of this manual covers the overall Contract Services requirements for Professional Services governed by [RCW 39.26](#). "Contracts for Goods and Services."

[Chapter 230](#) of this manual covers the negotiation and final contract execution process for contracts process of Professional Service contracts under CSO implementation and oversight.

300.09 Sole Source Contracts for Appraisal or Right of Way Services

Requirements for sole source contracts providing Appraisal or Right of Way (R/W) services are the same as those covered in [Chapter 240](#) of this Manual. Additional requirements discussed above for testing and certification of those individuals providing Appraisal and Right of Way (R/W) services apply here as well.

300.10 Supplements to Appraisal and/or Right of Way Contracts

Requirements for supplements to contracts providing Appraisal or Right of Way (R/W) services are the same as those covered in [Chapter 250](#) of this Manual. Under [RCW 39.26](#) work added to a Right of Way (R/W) or Appraisal contract should be done by supplement to the contract.

300.11 Conclusion

Contract administration and management including records management, contract closing, final invoicing, contracting firm performance evaluations are covered in later sections and chapters of this manual. The determination of goals and DBE involvement in service contracts that include federal funding are also covered in a later chapter of this manual.

Evaluations of individual professional service providers for Appraisal or Right of Way (R/W) services are evaluated by the project managers together with Regional or HQ category managers and tracked in Real Estate Services.

Washington State has Requirements for those that administer, manage, or solicit professional service contracts, including appraisal and/or Right of Way (R/W) services contracts, to take required Department of Enterprise Services (DES) contract training and pass required tests associated with each required training class. These requirements are tracked by WSDOT Purchasing and Materials Management Office (PMMO). Contract Services Office verifies satisfaction of this requirement with PMMO for each request for services.

