

Questions & Answers  
Request for Proposal (RFP) No.: 16-10  
Right-of-Way Services  
December 1, 2016

1. The top of Page 25 of 32 states that “at least 5 years’ experience performing ROW relocation under the Uniform Act is preferred” and that “at least 2 years of experience providing public Agency relocation assistance is required” and that an IRWA credential is required for the Task 6 Relocation Manager. At the bottom of Page 25 of 32 it only says the Relocation Manager must have at least 10 years of experience “providing public agency relocation assistance” What are the qualifications required for the Relocation Manager?

Answer: Section 5.5.2.3, Task 6, which currently reads, “A Senior Right of Way Professional credentialed by the International Right of Way Association is required.” will be changed as follows to read, “A Senior Right of Way Professional credentialed by the International Right of Way Association is preferred.”

Section 5.5.2.4, number 3, will be deleted in its entirety.

These changes will be reflected in Addendum 1.

2. Page 18 of 32, Item #11 states that all Key Personnel and Task Managers shall submit a signed statement concerning the location of the project office. The description of Task Managers’ Duties on Pages 24-25 of 32 does not list the requirement of a signed statement concerning the location of the project office. Is this a requirement of only Key Personnel or both Key Personnel and Task Managers?

Answer: Section 5.5.2.3, paragraph 3, will read as follows: “All Key Personnel and Task Managers as described in Sections 5.5.2.3 shall submit a signed statement attached to the Transmittal Letter indicating that they understand the project office will be located in Merced, Madera, Fresno, Tulare, Kern, or Kings County and are willing to work as required to complete the Work at the location as determined by the work schedule.”

Section 5.2, number 11, will read, in part, “project office will be located in Merced, Madera, Fresno, Tulare, Kern, or Kings County and are willing to work as required to complete the Work at the location as determined by the work schedule.”

These changes will be reflected in Addendum 1.

3. Paragraph 11.5 and 11.6.14 – Would the Authority consider a modification of the standard language so the Environmental Professional Liability Insurance requirement will only apply to subcontractors working on the Phase 1 and Phase 2 environmental portion of the job? Paragraph 11.6.14 requires all subcontractors to have the same type of insurance as the Contractor; however, this type of insurance is not part of the industry standard for subcontractors such as appraisers or right of way consultants.

Answer: The draft Contract in Attachment E, Exhibit E, Section 11.6.14 states, “To the extent that the Contractor engages the services of subcontractors...” indicates that these coverages are required to the extent that the Contractor engages the services of one or more Subcontractors. Specifically, Subcontractors performing Phase 1 and Phase 2 ESA Work are required to carry this coverage. This coverage is not required for Subcontractors not performing this Work.

4. In Section 5.5.2.4 Staffing Plan, paragraph 2, one of the requirements for right of way agents is, “At least three years of experience in management of rental properties is required.” This requirement may be difficult for many right of way agents to fulfill, and may eliminate many agents. Is this rental property management experience absolutely required for every agent, or only preferred?

The following line in Section 5.5.2.4, paragraph 2, will be deleted: “At least three years of experience in management of rental properties is required.”

This change will be reflected in Addendum 1.

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5. Are Attachments F and D included in the 30-page limit?

**Answer:** No. Proposers should refer to the changes reflected in Section 5.1, General Requirements, bullet 3 in Addendum 1.

6. Does the Authority require us to submit copies of our key personnel/task managers' professional licenses? Or will just the type of license and license number suffice?

**Answer:** Copies of actual licenses are not required but may be provided with the Transmittal Letter, and will not be included in the page count. Proposers should refer to Section 5.5.2.3, paragraphs 4 and 6.

7. On page 23 of 32, Section 5.5.2.3 Key Personnel and Task Manager Roles, "Resumes of Key Personnel and Task Managers should demonstrate their experience in working on similar projects with comparable responsibilities." On Page 25 of 32, Task 6: Relocation Manager is listed as a Task Manager. However, Relocation Manager is also listed in section 5.5.2.4 Staffing Plan, with different criteria:

Page 25 of 32: In the first paragraph the Task 6: Relocation Manager is to have at least five years of experience and at least two years of experience providing public agency relocation assistance. In the last paragraph under 5.5.2.4 Staffing Plan, the Relocation Manager is to have at least 10 years of experience providing public agency relocation assistance.

What is the number of years of experience criteria for the Relocation Manager to provide public agency relocation assistance?

**Answer:**

Section 5.5.2.3, Task 6, which currently reads, "A Senior Right of Way Professional credentialed by the International Right of Way Association is required." will be changed as follows to read, "A Senior Right of Way Professional credentialed by the International Right of Way Association is preferred."

Section 5.5.2.4, number 3, will be deleted in its entirety.  
These changes will be reflected in Addendum 1.

8. The term "Actual" rate would indicate that this is the actual hourly wage rate for an employee which should be confirmed via certified payroll. For the Staffing Plan Personnel, are we to use the highest actual rate to set the cap for each classification, or do you want us to list of all our staff with "actual" rates who may be engaged on this project?

**Answer:** The following will be added to Section 5.5.4.1, "'Actual' means the highest actual rate for each classification to set the rate cap for those classifications. Proposers should refer to Section 5.5.4.1 and Attachment F. These changes will be reflected in Addendum 1.

9. If so, many of our Subconsultant firms are small businesses without overhead rates. May their industry billing rates be used in lieu of the rate calculation?

**Answer:** Subcontractors without overhead may use industry billing rates as their Loaded Rate on Attachment F.

10. Under Section 5.5.4.2, Page 28, Paragraph 3 states "The rates listed on the Rate Sheet shall be fully loaded rates and include all direct and indirect costs, including overhead, taxes incidental to specified rates and proposer's fee or profit." It further states "The successful proposer shall

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provide all labor, materials, licenses, permits and transportation necessary to perform all services required in the Scope of Work.

A. Section 5.5.4.1 of the RFP provides the formula defining the loaded rate as being the (Actual) x (1+Overhead) x (1+Fee). As to those firms that have audited (FAR) overhead rates, the Authority is asking for us to breakdown the billing rate. We are unable to do this when using an FAR audited overhead rate if we are not allowed to bill typical pass through costs such as a field office and those expenses necessary in operating a field office which include but are not limited to rent, utilities, equipment, office supplies, phone, internet service, etc. Also, the RFP does not provide a remedy for recovering travel costs and per diem except for those business miles from the field office to the project site. All of these costs are project costs and not part of our audited overhead. Typically, they are billed to the client as pass through costs, or accounted for in the loaded billing rate or in a unit price. Can you please clarify how the above mentioned "project costs" will be recovered by the successful proposer(s)?

**Answer:** The sentence in Section 5.5.4.2 that reads, "The overhead costs shall be auditable as defined in 48 C.F.R., Federal Acquisition Regulations System, Chapter 1, Part 31, et seq., to determine the allowability of individual items of cost" will be deleted. This change will be reflected in Addendum 1.

11. Regarding Attachment F: Rate Sheet. The rate sheet requires each firm to breakdown the billing rate for each classification by the pay rate, plus the overhead rate and the fee. None of the Subconsultants we have been using and will be submitting on this RFP have audited overhead rates, as it is not typical in their industries.

A. On these Subconsultants without a FAR audited overhead rate, may we list their total per hour billing rate under the "Loaded Rate" column?

**Answer A:** Subcontractors without overhead may use industry billing rates as their Loaded Rate on Attachment F.

B. Due to the number of Subconsultants performing the same task (i.e. Appraisal, Review Appraisal) all with varying billing rates, how should we indicate this on the Attachment F?

**Answer B:** Every Subcontractor shall list its highest rate for each classification on Attachment F. Classifications for which a Subcontractor will not perform Work should be left blank.

12. Under Section 5.5.2.3, Key Personnel and Task Manager Roles

A. On page 25 under Task 6, Relocation Manager, you require this Manager to have the SR/WA designation from the IRWA, however under Section 5.5.2.4, Item 3; it does not specify the Relocation Manager have this designation. If the proposed Relocation Manager has the RAC, Relocation Certification and/or the URAC, Uniform Act Certification from the IRWA, both of which are directly related to Relocation Assistance Services under the Uniform Act, would this be sufficient?

**Answer:** Section 5.5.2.3, Task 6, which currently reads, "A Senior Right of Way Professional credentialed by the International Right of Way Association is required." will be changed as follows to read, "A Senior Right of Way Professional credentialed by the International Right of Way Association is preferred."

Section 5.5.2.4, number 3, will be deleted in its entirety.

See Section 5.5.2.3, paragraph 6, for stated requirements.

These changes will be reflected in Addendum 1.

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13. Can you please provide us with access to the Authority's current Right of Way Manual, policies, procedures and right of way delivery forms?

**Answer:** Proposers should refer to Section 2.2, paragraph 3, Exhibit A (Scope of Work) of the draft Contract in Attachment E.

14. Are we allowed to use California High-Speed Rail Authority staff as a reference?

**Answer:** Yes.

15. **Question:** Task 4: Acquisition Manager appears to have the same experience requirements as Task 2: Appraisal Manager. Please confirm if this is an error or if HSR intends to require the acquisition manager to have the same appraisal experience as the appraisal manager. Following are the referenced sections:

Task 2: Appraisal Manager: This individual will be responsible for overseeing all appraisal and valuation efforts, making appraisal assignments, coordinating review appraisals, responding to questions and comments on valuation, obtaining specialty appraisal services (e.g., FFE, Goodwill, damages) and the services described in Task 2 of the Scope of Work. At least ten years of ROW appraisal experience is preferred. A Certified General Real Estate Appraiser (AG) licensed in the State of California is also preferred. At least two years of experience in appraisals of rights for eminent domain purposes is required. Must have successful completion of courses in appraisal of partial acquisitions for public agencies and in the Uniform Relocation and Real Property Acquisition Policies Act. Appropriate experience and knowledge for the proposed project including effects of State Eminent Domain law on the appraisal process is required.

Task 4: Acquisition Manager: This individual will be responsible for all phases of property rights acquisition and the services described in Task 4 of the Scope of Work. At least ten years of experience performing ROW acquisition in compliance with Uniform Act is required. A Real Estate Broker or Real Estate Salesperson license in the State of California is preferred. At least two years of experience in appraisals of rights for eminent domain purposes is required. Successful completion of courses in the Uniform Relocation and Real Property Acquisition Policies Act is required. Appropriate experience and knowledge for the proposed project including effects of State Eminent Domain law on the appraisal process is required.

**Answer:** Section 5.5.2.3, Task 4, will be modified as follows:

**Amend sentence reading:** At least ten years of experience performing ROW acquisition in compliance with Uniform Act is "required" to is "preferred".

**Delete sentence reading:** "At least two years of experience in appraisals of rights for eminent domain purposes is required."

The sentence, which currently reads "Appropriate experience and knowledge for the proposed project including effects of State Eminent Domain law on the appraisal process is required." will be changed to read as follows: "Appropriate experience and knowledge for the proposed project including effects of State Eminent Domain law on the acquisition process is required."

This change will be reflected in Addendum 1.

16. **Question:** 5.5.2.4 Staffing Plan

Please clarify experience requirements listed on Task 6: Relocation Manager (5 years' experience...preferred) and 5.5.2.4 - 3. Relocation Manager (10 years' experience...required). Also please confirm if the ten years of experience is in fact required or recommended for the Acquisition Manager. The Project Manager requires 5 yrs of experience but the Acquisition Mgr. requires 10 years of experience. Will HSR consider requiring 5 years across the board for these 3 positions rather than 10? 10 is prohibitive in excluding some highly

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qualified individuals who have been working on the HSR project for 3 years with a great track record and invaluable project-specific experience of value to the next phases of the project. Does HSR intend to exclude these persons and their firms or will it accept a benchmark of 5 years of experience? Also, does HSR intend to exclude leaner and more cost effective firms with proven track records of delivery on this project due to being able to accomplish the work successfully and cost effectively with less staff than the RFP outlines in its minimum staffing plan?

**Answer:** See Section 5.5.2.3, Task 6, for the requirements for the Relocation Manager. Section 5.5.2.4, number 3, will be deleted in its entirety. These changes will be reflected in Addendum 1. Additionally, Section 5.5.2.3 provides that “Key Personnel may serve as Task Managers.”

17. Question: 5.5.4 Cost proposal:

- a. On Attachment D, please confirm that you simply want us to add our loaded hourly rate as it is currently calculated in 2016 to the table and then multiply the loaded rates by the number of hours already printed on the form, and that’s it, correct?

**Answer A:** Proposers should refer to the instructions on Attachment D.

- b. On Attachment F, please confirm we can and should add titles for our true intended project staff, including support team, or if we should use only the titles and categories already on the form.

**Answer B:** Yes; Proposers should also refer to the instructions in Section 5.5.4.2.

- c. Can we show only loaded hourly rates rather than disclosing individual pay rates in the “Actual” column? This information should remain confidential.

**Answer C:** No.

- d. Will we be able to do annual rate adjustments over the term of the agreement so that the loaded hourly rates continue to match true costs plus OH and fee? The contract says that the rates are binding through the multi-year contract but it is not a true cost plus contract if we cannot adjust rates for actual costs through the contract term. Should we be completing the rate attachments assuming cost of living wage increases over the contract duration and selecting the maximum rates that will be achieved in the final year of the contract or shall we submit all based on current with the contract allowing annual adjustments for actual costs?

**Answer D:** No.

18. Section 5.0 states “This CD or DVD...should include the Cost Proposal in Microsoft Excel format.” Will the Authority provide the documents comprising the cost proposal (Attachment D: Cost Evaluation Form and Attachment F: Rate Sheet) in an Excel format?

**Answer:** No, the Authority will not provide Excel documents.

19. RFP Section 5.2 (pg. 17 of 32) and Section 5.5.2.3 (pg. 22 of 32)

Section 5.2 states “All Key Personnel and Task Managers as described in Sections 5.5.2.3 shall submit a signed statement attached to the Transmittal Letter indicating that they understand the project office will be located in...and are willing to work as required at the location as determined by the work schedule.” Section 5.5.2.3 states “All Key Personnel shall submit a signed statement

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indicating that they understand the project office will be located in...and are willing to work full time at the location as determined by the work schedule.”

Please confirm which underlined requirement is to be met by the Proposer.

**Answer:** Section 5.5.2.3, paragraph 3, will read as follows: “All Key Personnel and Task Managers as described in Sections 5.5.2.3 shall submit a signed statement attached to the Transmittal Letter indicating that they understand the project office will be located in Merced, Madera, Fresno, Tulare, Kern, or Kings County and are willing to work as required to complete the Work at the location as determined by the work schedule.”

Section 5.2, number 11, will read, in part, “project office will be located in Merced, Madera, Fresno, Tulare, Kern, or Kings County and are willing to work as required to complete the Work at the location as determined by the work schedule.”

These changes will be reflected in Addendum 1.

20. RFP Section 5.2 (pg. 17 of 32) and Section 5.5.2.3 (pg. 22 of 32)

Section 5.2 states “All Key Personnel and Task Managers as described in Sections 5.5.2.3 shall submit a signed statement attached to the Transmittal Letter indicating that they understand the project office will be located in...and are willing to work as required at the location as determined by the work schedule.” Section 5.5.2.3 states “All Key Personnel shall submit a signed statement indicating that they understand the project office will be located in...and are willing to work full time at the location as determined by the work schedule.” Are Key Personnel and Task Managers required to submit the signed statement, or just Key Personnel?

**Answer:** Section 5.5.2.3, paragraph 3, will read as follows: “All Key Personnel and Task Managers as described in Sections 5.5.2.3 shall submit a signed statement attached to the Transmittal Letter indicating that they understand the project office will be located in Merced, Madera, Fresno, Tulare, Kern, or Kings County and are willing to work as required to complete the Work at the location as determined by the work schedule.”

Section 5.2, number 11, will read, in part, “project office will be located in Merced, Madera, Fresno, Tulare, Kern, or Kings County and are willing to work as required to complete the Work at the location as determined by the work schedule.”

These changes will be reflected in Addendum 1.

21. RFP Section 5.5.2.3 and Section 5.5.2.4 (pg. 25 of 32) Section 5.5.2.3 Key Personnel and Task Manager Roles lists the Relocation Manager as a Task Manager for Task 6. Section 5.5.2.4 Staffing Plan lists Relocation Manager as “additional personnel...to provide the ROW Services described in the Scope of Work.”

Is the Relocation Manager intentionally duplicated in the list of additional personnel?

**Answer:** Section 5.5.2.3, Task 6, which currently reads, “A Senior Right of Way Professional credentialed by the International Right of Way Association is required.” will be changed as follows to read, “A Senior Right of Way Professional credentialed by the International Right of Way Association is preferred.”

Section 5.5.2.4, number 3, will be deleted in its entirety.

These changes will be reflected in Addendum 1.

22. RFP Attachment E: Draft Contract – Exhibit E: Additional Provisions (pg. 36 of 56) Clause 8. Damages Due to Errors and Omissions Clause 8.1 States “...A Contractor may be liable for Authority costs resulting from errors or deficiencies in designs furnished under its Agreement.” Is “design” referring to the engineering design? Please explain how a Right of Way Contractor can be responsible for these costs.

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Will the Authority remove this sentence from the Agreement?

**Answer: No, this provision will not be modified.**

23. RFP Attachment E: Draft Contract – Exhibit E: Additional Provisions (pg. 36 of 56) Clause 8. Damages Due to Errors and Omissions Clause 8.2: Is this clause stating the Right of Way Contractor may be liable for a delay claim by a design build contractor? What is the definition of “technical personnel”? Will the Authority remove this clause from the Agreement? Will the Authority replace “error or deficiency” with “negligence or willful misconduct”?

**Answer: No, this provision will not be modified.**

24. RFP Section 5.1 General Requirements (pg. 16 of 32) Section 5.1 states “The Proposal shall be no more than 30 pages in length, exclusive of the Transmittal Letter, resumes as required...references as required...and the Forms and Certifications, which are not included in the page count.” Please confirm that Attachment D: Cost Evaluation Form and Attachment F: Rate Sheet are to be included in the 30 page limit.

**Answer: No. Proposers should refer to the changes reflected in Section 5.1, General Requirements, bullet 3 in Addendum 1.**

25. RFP Attachment F: Rate Sheet Section 5.5.4.2 states “Rate Sheets must include rates for each job classification, job title, or individual proposed to work on the Project...” Should the rates for the prime and subcontractors be included and listed separately since overhead rates vary by firm? Furthermore, if there are multiple subcontractors included to provide a particular service, such as appraisal services, should the Rate Sheet include separate lines for each appraiser for the prime and Subconsultant? Or a maximum rate for the prime and Subconsultants appraisers?

**Answer: Subcontractors without overhead may use industry billing rates as their Loaded Rate on Attachment F.**

26. 5.5.2.4, Staffing Plan, Section 7, Review Appraiser: states that there must be an SRA or MAI appraisal institute designation – this is discriminatory in nature and would exclude other qualified appraisers. Can this be changed to not require an appraisal institute designation?

**Answer: Section 5.5.2.4, paragraph 7, which currently reads “At least five years of experience required as an independent appraiser designated as an MAI or SRA designation of the Appraisal Institute is required.” will be changed to read, “At least five years of experience required as an independent appraiser; designation as an MAI or SRA of the Appraisal Institute is preferred.” This change will be reflected in Addendum 1.**

27. 5.5.2.3, Key Personnel and Task Manager Roles, Task 6, Relocation Manager: States two years of required experience, whereas Section 5.5.2.4, Staffing Plan for Relocation Manager cites at least 10 years required experience. This seems to be in conflict, which one is correct?

**Answer: Section 5.5.2.3, Task 6, which currently reads, “A Senior Right of Way Professional credentialed by the International Right of Way Association is required.” will be changed as follows to read, “A Senior Right of Way Professional credentialed by the International Right of Way Association is preferred.”  
Section 5.5.2.4, number 3, will be deleted in its entirety.  
These changes will be reflected in Addendum 1.**