



FRUITA COLORADO

Request for Proposal 19 Road Corridor - J 2/10 Road to Highway 6 & 50 Contract for Professional Right of Way Acquisition Services

ADDENDUM NO. 1

Date Issued: February 7, 2023
Question Deadline: February 3, 2023: 5:00 PM
Proposal Due: February 13, 2023: 5:00 PM
Location: Electronic Submittal to smartinez@fruita.org

This Addendum #1 is hereby issued to supplement the Request for Proposal with answers to questions received prior to the deadline.

We require an acknowledgement of this and any other addendums on your bid submittal before consideration.

Q: Section 3.0 Insurance requirements a. Subsection 3.1 (b) makes reference to XCU insurance. This is not a design or construction contract and it is unlikely a ROW service only provider can bind such insurance. Can this be waived?

A: **These are the standard insurance requirements for any firm contracted by the City of Fruita and cannot be waived.**

Q: Section 4 – Specifications/scope

a. Subsection 4.1 ROW needs table. There are 39 adjacent properties listed. 8 of these identify no additional ROW required. Although ROW may not be required, is it probable that easements or construction easements maybe needed from these 8 property owners?

A: Yes, some of the newer annexations and subdivisions already include easements, but others do not and will need to be acquired.

b. Subsection 4.2. There are numerous references to CDOT procedures and approvals. Is this project federally or state funded and under the supervision of CDOT?

A: The construction funding for these projects has not been finalized at this time. The intent is to complete these Land Acquisitions in a manner that will not preclude federal funding. The right-of-way acquisitions are not under the supervision of CDOT.

- c. Subsection 4.2.1. This section references the threshold for value findings at \$5,000. The CDOT ROW manual and uniform act permit values findings up to \$10,000. Is the intent for all acquisitions in excess of \$5,000 to be appraised?

A: Yes, it is.

- d. Subsection 4.2.1. There is reference to CDOT reviewing appraisals. If the Project does not incorporate state or federal funding, will CDOT still be reviewing the appraisals or will appraisal review be required at all? If there is federal/state funding is it possible that the Consultant may need to contract with a review appraiser or has CDOT committed to having the resources for review?

A. No. We don't believe CDOT will be reviewing the appraisals under this contract. They would only review them at a later date if we were to secure funding through them for construction.

- e. Subsection 4.2.3. Has the City secured title information binders for the adjacent properties to be transmitted to the Consultant, or will the Consultant need to secure title information and include in its pricing?

A: No, the City has not secured title information. Please include in the bid.

- f. Subsection 4.2.3. Will the City be paying, directly to the title company, its costs to close (recording, closing, tax certs, title policy) in addition to the agreed upon consideration, or should the Consultant include these costs as reimbursable expenses that Consultant will advance and invoice to City?

A: We request that these costs are included as invoiceable items in your bid price.

- g. Subsection 4.2.3. Will the City secure a title policy for all permanent interests (fee simple for ROW/permanent easements)

A: No, the City will not secure title policy. Please include in the bid.

- h. Subsection 4.2.4. The effort associated with condemnation is difficult to quantify. There may be no condemnation, condemnation through an immediate possession hearing that is subsequently negotiated, or litigation through a value trial. An appraiser's effort could vary significantly Is there an assumption that should be used for condemnation? Would the consultant's/appraiser's fees to litigate be by a separate task order?

A: Should the situation arise, it is our intention to turn the acquisition process over to the Attorney representing the City of Fruita. Any fees to litigate would be separate and should not be included in the proposal.

- i. Subsection 4.7. Project Schedule. There is reference to a project schedule in section 4.1 which is not included. Could the City provide its proposed schedule in advance of proposal submittal?

A: The full project schedule has not yet been determined. As of now, the plan is to start construction in 2024.

Q: General:

- a. Are there right of way plans in process or available?

A: We are working on the construction plans now and will develop the ROW plans separately.

- b. Should the Consultant's fee be based solely upon the purchase of ROW in fee simple as listed in the table in 4.1? Additional easements, construction easements and improvements located in easements that may be unknown at this time could affect the number of appraisals vs. value findings.

A: No, the table in 4.1 is a guide only. The total amount for acquisition may change based on location and design, but we plan to work very closely with the consultant once these criteria have been established.

- c. If irrigation ditches are affected, will the City be relocating or modifying individual diversions and pumps be re-set/re-installed by the City during construction, or do these need to be addressed as "costs to cure" that are part of compensation to the landowners?

A: The city will be performing any construction associated with relocation of irrigation facilities.