**SPECIAL PROVISIONS REAL ESTATE ACQUISITION/NEGOTIATION SERVICES**

Wisconsin Department of Transportation

Revised 08/18/15

SCOPE OF SERVICES

A. Acquisition/negotiation services

1. Acquisition/negotiation activities:

CONSULTANT shall supply individual parcel folders to DEPARTMENT at the time of parcel closing (but no later than 60 days after closing), with all appropriate and applicable files/docs included and in the order described here:

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| 1) Negotiation Diary  2) Owner Information Sheet  3) Copies of all recorded conveyances  4) Original recorded Partial Release of Mortgage  or waiver  5) Statement to Construction Engineer  6) Recorded Jurisdictional Offer  7) Payment Request  8) Purchase Agreement  9) Administrative Revision  10) Closing Statement  11) Disposition of RE tax, pro-rated  12) Nominal Payment – Waiver of Appraisal | 13) Nominal Parcel Payment Report  15) Property inventory reports  16) Most recent correspondence on top)  17) Approved Offering Price Report  18) Appraisal Report  19) Legal description  20) Introduction letter  21) Title work  22) All other miscellaneous documents  Note: IRS forms and related personal information is confidential and should be handled appropriately. |

CONSULTANT shall send an introduction letter and the brochure to each parcel owner entitled, “Rights of Landowners Under Wisconsin Eminent Domain Law” (available to download from web in [English](http://doa.wi.gov/Documents/DEHCR/Relocation/WI_Eminent_Domain_Law32_05.pdf) only).

DEPARTMENT may meet with CONSULTANT prior to initiation of negotiations to review any material or process pertinent to acquisition process. DEPARTMENT will make available the following as necessary:

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| --- | --- |
| Administrative Revision forms  Construction plans, profiles and cross sections  Design Study Report  Purchase Agreement forms | Revised Offering Price forms  Required tax forms (see [www.irs.gov](http://www.irs.gov))  "[Rights of Landowners](http://doa.wi.gov/Documents/DEHCR/Relocation/WI_Eminent_Domain_Law32_05.pdf)" brochure (web link)  Right of way plats |

If nominal payment parcels are to be negotiated as part of this contract, DEPARTMENT shall determine which parcels qualify as nominal parcels and identify such parcels. CONSULTANT will determine the potential offering prices for all nominal parcels and provide DEPARTMENT a completed report listing those nominal values for review and approval. CONSULTANT shall submit a copy of the property owner’s appraisal report along with a recommendation for payment or non-payment, to DEPARTMENT for review.

When revised offers or administrative revisions are warranted due to errors, design changes, owner's counter offers, litigation protection or other reasons, CONSULTANT shall attempt to secure a purchase agreement from owner subject to approval by DEPARTMENT in the case of a minor adjustment. When a significant increase is involved, CONSULTANT shall set up a conference with DEPARTMENT to discuss proposed settlement prior to making any commitments to property owner. CONSULTANT should be prepared to present a recommendation and justification by means of current available factual data. In either event, CONSULTANT will formally submit an administrative revision or a revised offer to DEPARTMENT for approval. CONSULTANT shall submit to DEPARTMENT a progress report or progress reports as appropriate.

If nominal payment parcels are to be negotiated as a part of this contract, CONSULTANT shall be responsible for negotiation and appraisal of those parcels identified as nominal payment parcels. Additional negotiations are to be handled at no additional cost if parcel needs to be appraised for condemnation.

1. Miscellaneous, general project management, and WisDOT Real Estate specific required activities:

All provisions and language originally included as part of the larger master contract boilerplate document is hereby referenced and made a part of this Work Order agreement.

CONSULTANT must adhere to the processes, procedures and all appropriate policy provisions as per the WisDOT Real Estate Program Manual (REPM) or as otherwise directed and prescribed. Access to REPM is from [WisDOT](http://wisconsindot.gov/Pages/home.aspx) / [Doing business/Structure and roadway resources](http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/default.aspx) webpage, then to [Real Estate](http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/re/default.aspx) pages (no log on required). CONSULTANTS must stay alert to developing and changing DEPARTMENT policy as well as industry trends, professional standards, changes to state and federal rules and laws, and must adapt and adhere to all as appropriate.

CONSULTANT must be able to access and use READS to effectively create, maintain and complete all required project management information, steps, processes and processing activities as currently available in READS and associated with each contracted project activity scope of services. CONSULTANT shall enter and maintain READS information in a timely, complete and appropriate manner. Access to READS is also from [WisDOT](http://wisconsindot.gov/Pages/home.aspx) / [Doing business/Structure and roadway resources](http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/default.aspx) webpage. Note: READS is only available consultants currently under contract for WisDOT Real Estate projects. First time users must have a valid WAMS ID and before using READS, must [request access](http://2.selectsurvey.net/wisdot/TakeSurvey.aspx?SurveyID=ll1Lnol).

CONSULTANT must stay alert to evolving technology and must be capable of effectively understanding, making use of and applying current as well as developing electronic applications and tools as would normally be expected and required or otherwise considered a regular part of any DEPARTMENT project or processing activity.

Special note about availability and use of Real Estate forms: Each applicable and required DEPARTMENT Real Estate specific form is either available via the [Real Estate Program Manual (REPM)](http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/re/repm.aspx)/[Forms](http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/re/repm-forms.aspx) page in a fill-ready paper format; or, must otherwise be generated directly from READS as part of each current project activity. It is important to understand and note that only those forms listed as being available in a 'paper only' format from the REPM/Forms page are actually fillable documents and therefore may be downloaded for direct use. In contrast, any document viewable as a PDF and listed as being a 'READS template' format must be generated directly from READS as part of each appropriate project activity, per scope of services, and the attached Work Order agreement. Forms or any version of a form (e.g., READS template) not otherwise currently posted to REPM/Forms page are not authorized for use and should not be used except by prior and special permission and then only on an individual, as specially approved/as needed basis.

All staff and/or sub-consultants who will be assigned to perform any part of the work on this project must be clearly identified and named as a part of this Work Order agreement. Only staff and/or sub-consultants named and approved for their credentials as described in your original Notice of Interest (NOI) solicitation materials should be included on any Work Order agreement.

Special note about staff changes within your firm: WisDOT/Real Estate needs to review and approve any individuals new to your staff who you intend to include as a part of any new Work Order agreement. For most contracting services, you may include new staff and/or sub-consultant names and their credentials for review and approval along with the scope of work details as a part of the Work Order agreement package. For certain types of work, however, we’ve developed an additional standardized review/approval process. If an individual(s) was not originally named or included as part of your Notice of Interest (NOI) solicitation materials, depending on the type(s) of work that individual(s) is now expected to perform for us, they may also need to complete the appropriate and related Capability Statement form(s). Currently, we have a separate review/approval process needed for any new staff seeking first time approval to perform work in these areas: Acquisition/Negotiation [[RE1040](http://wisconsindot.gov/dtsdManuals/re/repmforms/RE1040-acq-neg-capability.docx)]; Appraisal [[RE1041](http://wisconsindot.gov/dtsdManuals/re/repmforms/RE1041-apprais-capability.docx)]; and, Relocation [[RE1042](http://wisconsindot.gov/dtsdManuals/re/repmforms/RE1042-relo-capability.docx)]. Note: This separate review/approval process is only needed for individuals seeking first time approval to perform certain types of eminent domain work for WisDOT/Real Estate as part of a fee consultant group when that group already holds an existing active contract and if that individual(s) was not originally named and therefore already approved as part of the original solicitation and NOI. Each individual(s) seeking first time approval must therefore complete the appropriate Capability Statement form(s) and receive a separate written approval from Bureau of Technical Services-Real Estate (BTS-RE) prior to beginning any work on a WisDOT/Real Estate project.

1. Evaluation

Performance evaluations are performed within 30 days of service acceptance via WisDOT’s electronic contract administration report system ([CARS](http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/contracts/cars.aspx)).

1. Invoicing

CONSULTANT must submit all invoices with appropriate supporting documentation electronically via WisDOT’s contract administration reporting system ([CARS](http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrces/contracts/cars.aspx)). To request initial access to CARS, complete form [DT1522 - CARS Request for Access](http://wisconsindot.gov/Documents/formdocs/dt1522.doc), then email to [WisDOTCARS@dot.wi.gov](mailto:WisDOTCARS@dot.wi.gov). Only consultant security administrators, management consultants and WisDOT employees need to complete the CARS Request for Access. Consultant staff members do not need to complete this form, but will need a [Wisconsin User ID (WAMS ID)](https://on.wisconsin.gov/WAMS/SelfRegController) to access CARS.