

## SCOPE OF SERVICES

Solicitation Number: CLMP153

Project Name: Floodplain Evacuation Support Services

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### **PROJECT FOR:**

CITY OF AUSTIN, WATERSHED PROTECTION DEPARTMENT AND OFFICE OF REAL ESTATE SERVICES, THROUGH ITS CONTRACT MANAGEMENT DEPARTMENT

### **PROJECT TITLE:**

FLOODPLAIN EVACUATION SUPPORT SERVICES

### **OBJECTIVES OF THE PROJECT:**

The City of Austin (City) through its Watershed Protection Department (WPD) and Office of Real Estate Services (ORES) anticipates selecting a qualified Floodplain Evacuation Support Services Consultant (FESSC). The selected FESSC shall be experienced in Federal acquisition and relocation services and will provide support services to assist the City in the buyout of an estimated 371 properties at high risk of flooding located within the Onion Creek Forest, Onion Creek Plantations, Yarrabee Bend and Silverstone (Lower Onion Creek) area in the Onion Creek watershed.

### **BACKGROUND:**

The City is in the process of acquiring floodplain properties and relocating residents to housing outside of flood hazard areas.

On October 31, 2013, a flood of record occurred on Onion Creek. Although there was damage in many parts of the city, the most substantial damage was concentrated in the lower Onion Creek area. There are 531 residences at risk of flooding in the 100-year floodplain in this area and the Watershed Protection Department would like to relocate all of the occupants to homes safe from flooding.

The Watershed Protection Department has partnered with the U.S. Army Corps of Engineers (USACE) since 1999 to find solutions to flooding in the Onion Creek watershed. The joint study recommended a project to buyout homes in the 25-year floodplain within the Lower Onion Creek area. The study selected the homes due to their high risk of flooding. These neighborhoods were evacuated in 1998, 2001 and again in the Halloween Flood of 2013.

At the time of the Halloween Flood of 2013 the City had already purchased 323 homes located in the USACE study buyout area. There are an estimated 371 properties located outside of the USACE buyout project area that will remain at risk of flooding in the Lower Onion Creek area of the Onion Creek watershed. The Watershed Protection Department anticipates receiving

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funds from multiple sources in order to purchase the estimated 371 properties and remove the risk of these homes being flooded in the future.

A map showing the 371 properties that remain at risk of flooding in the Lower Onion Creek area in the Onion Creek Watershed is included and labeled Lower Onion Creek

#### **ANTICIPATED SERVICES:**

The selected FESSC shall provide the necessary support services to assist the City with the implementation of all mitigation activities associated with the buyout of properties located within the Lower Onion Creek area in the Onion Creek watershed. This will be referred to as the Flood Hazard Mitigation Buyout Program (Program). The City has appointed the Office of Real Estate Services as the responsible City Office for this Project and appointed a Program Manager to oversee the Program. The FESSC will provide support services as required by the Program Manager and be a part of the Program Team.

The FESSC will be responsible for assisting in the assurance that the Program abides by and is in compliance with all applicable City policies and/or ordinances, regulations more particularly described in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 for Federal and Federally-Assisted Programs (Uniform Act), and all other federal laws, regulations, policies, guidelines, and requirements as they relate to the funding source as may be applicable to the Program.

The FESSC will function as an extension of the Program Manager to assist in facilitating and monitoring all aspects of the Program. Under the direction of the Program Manager, the FESSC will provide the required supervisory, technical and administrative personnel to complete the various tasks of the Program as assigned by the Program Manager. The FESSC will provide bilingual (English/Spanish) staff, and translate written documents from English to Spanish.

The FESSC will provide such services as needed to include, but not limited to, the following:

- Accounting systems, audit and record keeping requirements
- Finance and Grants Management
- Program development, planning and scheduling
- Reporting, budgeting and accounting
- Federal Agency coordination, compliance and administration
- Quality assurance and program control measures
- Public relation activities
- Property boundary surveying and mapping to be formatted electronically in AutoCAD
- Lead based paint and asbestos containing material testing and specifications for removal
- Air and Environmental Monitoring
- Acquisition and negotiations pursuant to local/state and federal regulations
- Real Estate Appraisal and Review Appraisals compliant with local/state and/or federal regulations

- Relocation planning, replacement housing calculations/eligibility and assistance pursuant to local/state and/or federal regulations
- Real estate property management
- Davis Bacon wage compliance oversight

The implementation of the Program will be undertaken in accordance with applicable City of Austin Ordinances and/or policies, federal, state and local rules, regulations, applicable funding source guidance and laws. The scope, including the buyout of additional properties beyond those included in the Lower Onion Creek area may be increased, decreased or amended prior to or after the selection of FESSC.

The following tasks may be performed by the FESSC but is not intended to be an all-inclusive list:

**Task 1 - Planning**

The FESSC shall create a policy and procedures manual. This manual will guide the overall implementation of the Program. The manual will detail acquisition and relocation procedures, establish long- and short- term goals, and develop a detailed plan and schedule. The plan and schedule will include cost projections for the overall Program and individual Program components.

A filing and record keeping system will be created in order to track all Program-related correspondence. The filing system will be developed in accordance with established City administrative document management policies and procedures and federal regulations. All files shall be retained, throughout the Program, at the Program office accessible and available to City staff, and other interested parties throughout the course of the Program. Upon completion of the Program, all files will be scanned and hard copies submitted to the City utilizing established City closeout procedures.

To support the management of the Flood Hazard Mitigation Buyout Program, a computer based tracking system will be created. The system must be able to track all aspects of the Program by parcel number and address from the date the participant entered the Program through the date of closure. This includes, but is not limited to, contact information, appraisal and appraisal review information, acquisition, demolition and relocation.

The FESSC shall assist with the maintenance of all Program accounts, expenditures, grants management and records which fully disclose the amount and disposition of all funding sources and all other financial records pertinent to the Program. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984. All accounting procedures must be developed in accordance with the funding source and City administrative polices and procedures and applicable federal regulations.

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The FESSC shall review all Program contracts and required program documents for accuracy, completeness and compliance with the funding source rules and/or City guidelines and criteria. The FESSC shall also develop and maintain Program schedules, grant close-out reports, prepare and initiate requests for funds, ensure submittal deadlines are met and responses are provided to the City in a timely manner. Prepare a monthly status report of all activities that have occurred in the Program over the past month.

### **Task 2 - Public Involvement**

As a part of the Program Team, the FESSC may be required to assist with and coordinate public meetings to discuss the Flood Hazard Mitigation Buyout Program goals and objectives, provide status reports, and solicit public input. The public meetings will be held in an informal format that will allow attendees to speak directly with members of the Program Team.

Group homeowner/tenant information meetings will also be conducted by the Program Team to describe the scheduling, progress of the Program, acquisition process and relocation benefits. With the assistance of the FESSC, these meetings will be held for homeowners/tenants located in each phase of the Flood Hazard Mitigation Buyout Program and will continue throughout the course of the Program.

The FESSC may be requested to assist with producing a program newsletter and homeowner's/tenant's brochure to be disseminated to all program participants and other interested parties. The homeowner's/tenant's brochure will describe the program specifics and answer frequently asked questions. The newsletter and brochure will be part of an overall information packet. A Program participant database and mail distribution system will be created and maintained by the Program Team in order to ensure all Program participants receive program newsletters, homeowner/tenant brochures and other Program information in a timely manner. The FESSC will assist in developing and preparing the database. The FESSC will translate all public relation materials and all other documents from English to Spanish, when needed.

The FESSC may be requested to establish a Flood Hazard Mitigation Buyout Program information center in order to educate program participants and facilitate the exchange of information. Brochures and information regarding available replacement homes and other advisory services will also be available for public review. The Program Team will subscribe to the Austin Board of Realtor's Multiple Listing Service in order to supply updated and available replacement housing referrals.

### **Task 3 - Environmental Site Assessments**

The FESSC shall conduct an initial environmental site assessment (ESA) using the current American Society for Testing and Materials (ASTM) transaction screen process E1528. If the initial transaction screen indicates areas of concern, the FESSC shall provide a Phase I ESA. Phase I ESAs consists of a site visit, research of the past use of the property, and interviews with current owners, local agencies and other entities that may be aware of possible environmental problems at the site. Some minor soil sampling and testing may be performed

as a precautionary measure. A Phase I ESA must meet the then-current ASTM 1527 standard in effect. A Phase II ESA would be carried out by the FESSC if the Phase I assessment indicated a strong likelihood that deleterious contamination was present in a site. The Phase II ESA could call for comprehensive drilling, sampling and analytical testing to more precisely define the type and extent of contamination, as well as to define appropriate remedial actions and related costs.

The FESSC may be required to provide a Phase III or site remediation when contamination exceeds acceptable levels and take the necessary steps to restore the site to an acceptable condition.

#### **Task 4 – Asbestos, Lead Sampling, Testing & Air Quality Monitoring**

The FESSC will perform all services related to lead based paint and Asbestos-Containing Materials inspections and assessments/testing and asbestos air monitoring and site analysis of asbestos air samples. All services shall comply with applicable Federal and State laws, rules and/or regulations and City of Austin rules, practices and procedures.

#### **Task 5 - Appraisals**

The FESSC will provide appraisal and review appraisal services. The qualifications of appraisers and review appraiser must be adequate for the proposed appraisal assignment. Appraisers should be knowledgeable of the "Uniform Appraisal Standards for Federal Land Acquisitions" (referred to as the Yellow Book). Expert testimony and condemnation experience may be required on unsuccessful acquisitions. Minimum qualifications citing some or all of the following qualification criteria are:

##### **Professional Designations:**

- *Texas Appraiser Licensing and Certification Board*
- *American Institute of Real Estate Appraisers: Member Appraisal Institute (MAI) and Residential Member (RM)*
- *National Association of Independent Fee Appraisers: (IFA)*
- *American Society of Appraisers: (ASA)*
- *International Right-of-Way Association: (SR/WA)*
- *American Society of Farm Managers and Rural Appraisers: (ASFRM)*
- *National Association of Master Appraisers*
- *Other National and local appraisal organization which grant designations upon completion of educational and experience requirements.*

#### **Task 6 – Acquisitions**

It is the preference of the Program Manager to have a qualified team member perform both the acquisition activity and relocation assistance on each parcel they are assigned. The acquisition agents must abide by all licensing requirements of the Texas Real Estate Commission.

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Negotiations for each parcel will be undertaken in accordance with the appropriate funding source's rules, regulations, or guidance. This may require adherence to the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970, as amended, and Title 49 Code of Federal Regulations (CFR) Part 24, (Uniform Act) and any related federal regulations, advisory circulars, guidance, state and local laws/ordinances. The FESSC shall also utilize any additional guidance or criteria provided by the appropriate funding source and City. The FESSC must adhere to Texas Senate Bill 18 processes when pursuing properties where condemnation proceedings may be implemented.

In addition to coordination of all title commitments and attending closings, the FESSC shall assist in providing all title curative work, including legal services, in order to obtain clear title. All exceptions must be cleared prior to closing, or approved by the Program Manager.

When negotiations are unsuccessful, the FESSC may be needed to assist in testifying and/or providing expert witnesses in any and all legal proceedings resulting from eminent domain proceedings and shall assist City legal staff as required with depositions, interrogatories, pre-trial conferences and any other aspects of the condemnation process. In addition, the FESSC may be required to provide a full time qualified real estate paralegal/legal assistant in order to coordinate and assist the City's Law Department.

#### **Task 7 - Relocation Assistance**

The FESSC shall assist in creating a relocation assistance advisory program in order to ensure eligible displaced persons will receive uniform and consistent services and payments. Relocation assistance services are to be provided in accordance with the applicable funding source. Where applicable, the Uniform Act, and any Regulations and Orders, state and local laws/ordinances must be followed. Individuals providing relocation assistance should be familiar with PL91-646 (<http://www.fhwa.dot.gov/realestate/ua/index.htm>) and have relocation experience. In addition the FESSC shall utilize any additional guidance provided by the applicable funding source.

A relocation plan will be created with assistance from the FESSC that will identify potential problems associated with relocating displacees and solutions will be developed to minimize the adverse impacts of displacement. The plan will identify the housing needs of Program participants and relate this need to the available supply of comparable replacement housing.

To conduct a successful relocation Program, an experienced relocation agent (fluent in Spanish when needed) will be assigned to each case. The relocation agent will be responsible for maintaining open communications with all persons in the Program and providing that information on a timely basis. The relocation agent will coordinate all activities, relocation claim forms, prepare payment requests and attend closing of the replacement home.

The FESSC shall perform property inspections to assure comparables and replacement housing properties conform to decent, safe and sanitary standards as outlined in the Uniform Act.

Although not mandatory, it is the preference of the Program Manager to have a qualified team member perform both the acquisition activity and relocation assistance on each parcel they are assigned.

In addition, the FESSC shall assist with creating and coordinating a formal appeal process for disputed benefits and/or issues that cannot be resolved by staff.

#### **Task 8 – Survey Services**

The FESSC must have knowledge of and perform work in keeping with the standards of the Texas Surveyors' Association Manual of Practice for Land Surveying in Texas, latest edition, the American Land Title Association and the Professional Land Surveying Practices Act and General Rules of Procedures and Practices. Surveying services may include, but are not limited to aerial, boundary surveys of subdivided lots, large and small acreage tracts. All files must be formatted electronically in AutoCAD Release and prepared in accordance with City policies and procedures.

#### **Task 9 - Property Management**

As a part of the Program Team, the FESSC shall assist with creating and implementing a comprehensive property management plan which will comply with City policies and be incorporated into the Program activities in order to ensure acquired or vacated property is secured in a timely manner and maintained. The plan shall include management strategies for property being acquired with subsequent building or structural demolition.

#### **ORGANIZATIONAL STRUCTURE**

An on-site project coordinator will be assigned to the Program and employed by the FESSC. The On-Site Project Coordinator will be responsible for coordinating and assuring that all task and services are implemented and provided to the City in the time allotted or specified in Work Authorizations.

The FESSC respondents must include a work plan that addresses the method of approach and strategy to perform the aforementioned support services that may be required. All of respondent's staff must include current resumes, Texas Real Estate Commission licenses and other appropriate credentials, which reflect applicable past experience, in the response. Only include resumes of staff that will be assigned to this Program.

The FESSC's proposal response must identify their team members who are fluent in Spanish and have proven federal acquisition and relocation experience.

The FESSC response must address the team's capability to acquire 200 properties or more within a two year period of time utilizing federal guidelines set out in the Uniform Act.

All consultants, sub-consultants and team members are subject to the approval of the Program Manager. The Program Manager reserves the right to request dismissal or removal of any consultant, sub-consultant and/or team member from the Program during the negotiation of the contract and over the duration of the Program.

The FESSC shall maintain a Program office in Austin, Texas within 10 miles of the project area, sufficiently staffed to provide timely and responsive services. The FESSC will provide all necessary equipment, supplies and all other services associated with setting up a business office, i.e. copiers, fax machines, computers, printers, digital cameras, local and long distance telephone service, paper, and pens, etc.

The City will provide a Program Manager who will be responsible for the pace and performance of the overall Program. Demolition management, asbestos abatement and demolition service will be provided by the City.

The selected FESSC shall be responsible for providing appropriate staffing levels as the Program dictates; to complete the Program within the time periods established. The selected consultant and/or its subconsultants shall be responsible for providing the following services as needed:

Project Coordination, Acquisition and negotiations pursuant to local/state and federal regulations, Real Estate Appraisal and Review Appraisals compliant with local/state and/or federal regulations, relocation planning, replacement housing calculations, eligibility and assistance pursuant to local/state and/or federal regulations, title and real estate closing services, environmental site assessments, lead based paint and asbestos containing material testing and specification for removal, air and environmental monitoring, property boundary surveying and CAD mapping, translation services, housing inspections, support services, file/database & CAD mapping, administrative and clerical support, finance and grant management, program planning and scheduling, program budget, program accounting, Federal agency coordination, compliance and administration, quality assurance and program control measures, Davis Bacon wage compliance oversight.

The number of personnel and/or services will vary throughout the term of the Professional Services Contract.

**PROPOSED SCHEDULE:**

The Flood Hazard Mitigation Buyout Program will be implemented over a six (6) year period with two one year options and funded on an annual basis. Program implementation is subject to funding availability.

A more precise schedule will be developed following the selection of a qualified Floodplain Evacuation Support Services Consultant and the finalization of the professional services agreement.

The City retains the right to cancel the contract if performance is unsatisfactory. Therefore, the contract will be evaluated for satisfactory performance on an annual basis and will be renewed accordingly.

Prior to and after consultant selection, the City reserves the rights to modify the scope of work.

It is anticipated City Council will authorize award of this contract in June 2014.

#### **COST ESTIMATE:**

Consultant services are estimated at \$12,000,000. The total Program budget including consulting services, land acquisition and relocation, testing and construction is estimated at approximately \$92,750,000. Funding availability for the total Program is not guaranteed.

A Major Disaster Declaration (FEMA-4159-DR) was issued on December, 20, 2013. This project is part of the COA/FEMA Programs and other federally funded initiative. To the extent that the Project directly receives federal funding, there will be federal contracting requirements for this Project, in addition to the standard Owner's contracting requirements. It is crucial that the services provided by this contract be available as soon as possible.

The FEESC will be required to provide the City with its current audited overhead rate.

#### **MAJOR AND OTHER SCOPES OF WORK:**

Below is a list of the major scopes of work that the City has identified for this project.

*There must be representation for all major scopes of work listed in the prime's statement of Qualifications. The experience of the firms listed to perform the Major Scopes of Work, whether a subconsultant or prime firm, will be evaluated under Consideration Item 6 – Major Scopes of Work – Comparable Project Experience.* In addition, the City has identified Other Scopes of work that MAY materialize during the course of the project. The City does not guarantee that the scopes listed under Other Scopes of work will materialize on this contract. If the prime consultant intends to enter into a subconsulting agreement on a scope of work not listed below, the prime consultant is required to contact SMBR and request an updated availability list of certified firms in each of the scopes of work for which the prime consultant intends to utilize a subconsultant.

#### **Major Scopes of Work**

Appraisal Services

Real Estate Consulting

#### **Other Scopes of Work**

Escrow & Title Services

Lead & Asbestos Inspection Services

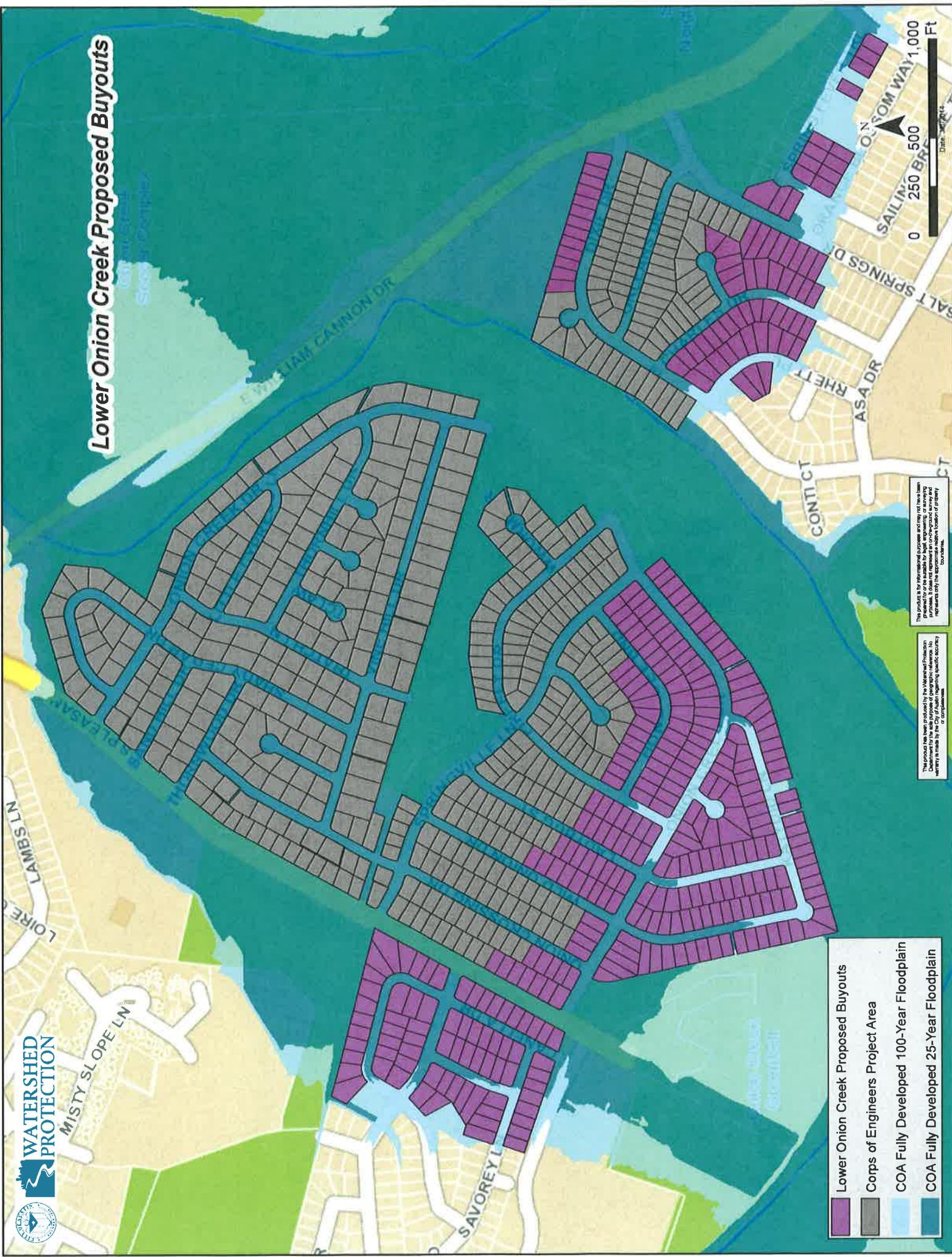
Surveying Services, Global Positioning Systems

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**Notes:**

- **Deadlines for questions** - Any questions relating to this RFQ should be emailed to the authorized contact person no later than Wednesday, April 16, 2014.
- This RFQ does not include construction activities. Demolition services will be bid according to city, state, and federal laws. **The selected FESSC, its consultants and/or sub-consultants will not be allowed to bid on any of the demolition services or activities.**
- Participation at the prime or subconsultant level may create a conflict of interest and thus necessitate exclusion from any contracts resulting from the work performed in the design phase.
- If the City determines that a conflict of interest exists at the prime or subconsultant level, the City reserves the right to replace/remove the prime or instruct the prime consultant to remove the subconsultant with the conflict of interest and to instruct the prime consultant to seek a post-award change to the prime consultant's compliance plan as described in City Code § 2-9B-23. Such substitutions will be dealt with on a case-by-case basis and will be considered for approval by Small and Minority Business Resources (SMBR) in the usual course of business. The City's decision to remove a prime or subconsultant because of a conflict of interest shall be final.
- Construction Inspection and Public Information and Communications are NOT a subconsultant opportunity on this rotation list. These services will be performed in-house or under a separate contract, if needed, and will be determined when project assignment is made.

# Lower Onion Creek Proposed Buyouts



- Lower Onion Creek Proposed Buyouts
- Corps of Engineers Project Area
- COA Fully Developed 100-Year Floodplain
- COA Fully Developed 25-Year Floodplain

The product has been produced by the Watershed Protection Department for the sole purpose of providing reference. It is not intended for use as a legal document or for any other purpose. It is the responsibility of the user to verify the accuracy of the information presented.

