



Date: June 3, 2009

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From:  J. C. Lenzi, Chief Engineer
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Subject: Project Delivery Memo - Use of Consultants for Right-of-Way Activities

Background

On March 25, 2009 the Federal Highway Administration (FHWA) informed WSDOT that we must develop and implement improved procedures to ensure adequate oversight of consultant services for real estate activities. The regulatory framework for state oversight responsibilities is required by 49 CFR 24.205(c) on projects where right of way activities are being performed by consultants. FHWA has reminded WSDOT that inadequate consultant oversight could jeopardize federal funding of projects.

The intent of this memorandum is to provide direction regarding selection and oversight of consultants who are hired to perform right of way activities.

Types of Contracts Affected

- A & E Agreements including General Engineering Contracts (GEC)
- Personal Services Contracts

Types of Activities Affected

- Consultant Selection and Oversight
- Scope of Work Development

Action Requested

Effective July 1, 2009 Real Estate Services activities (RES) will be contracted separately from A & E activities. This applies to all new task orders and/or contracts.

Amendments to current task orders and supplements to master agreements, for RES activities, will not be approved. In addition, adding new RES sub-consultants to current agreements will not be approved.

Oversight must be provided by RES right-of-way staff, not general project office staff. RES needs to communicate necessary information to the consultant staff prior to the commencement of the project so there are no delays in project delivery. RES could fulfill this requirement by requiring the consultants to attend a pre-project right-of-way meeting and/or attending our right-of-way training sessions.

Regional Approval

Before entering into any contract for right-of-way activities, approval must be received from the Regional Real Estate Services Manager or the appropriate HQ Real Estate Services Section Manager.

Project Managers

Comply with requirements set forth in this document and in the Consultant Services Procedures Manual (M 27-5).

Region Real Estate Services

Region RES must be involved in the development of the scope of work for right-of-way activities to ensure there is sufficient clarity of roles, expectations, and responsibilities.

It is the responsibility of the Region RES Manager or the appropriate HQ RES Section Manager to review the qualifications of the consultant or the consultant firm and their staff to determine if their qualifications meet the standards required for the specific task.

Region RES is responsible to provide oversight, direction and administration of all right-of-way consultant personnel in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Oversight must be accomplished by a WSDOT RES employee that has the knowledge, skills and abilities to complete the task.

HQ Consultant Services Office

The Consultant Services Office will procure and administer A & E and Personal Service agreements that are consistent with federal and state regulations. Final authority and enforcement of the contracting procedures rests with the Consultant Services Office.

Update Consultant Services Procedures Manual (M 27-50) as necessary to comply with this memorandum.

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HQ Real Estate Services Office

Update the Right of Way Manual (M 26-01) as necessary to comply with this memorandum.

HQ Design Office

Update the Design Manual (M22-01) and Plans Preparation Manual (M22-31) as necessary to comply with this memorandum.

Highway and Local Programs Office

Update the LAG Manual (M36-63) as necessary to comply with this memorandum.

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