



**GUIDELINES FOR  
SELECTING LAND CONSULTANT**

**February 9, 2009**

## INTRODUCTION

The purpose of this document is to provide guidance to all Michigan airport sponsors (hereinafter referred to as "Sponsor") in selecting a land consultant to manage a land acquisition project which is funded through Federal Aviation Administration (hereinafter referred to as "FAA") or State Contract grants.

The Sponsor will be responsible for obtaining a land consultant to accomplish the work. The Airports Division (hereinafter referred to as AERO) can provide a list of land consultants upon request. Please note: real estate licenses (broker, salesperson) must be verified prior to contract execution. A copy of the company or individual licenses or a list of license numbers must be obtained from the land consultant for verification purposes. Real estate licenses can also be verified with the Department of Licensing and Regulatory Affairs (LARA).

It is required that when estimates of land consultant costs are greater than \$100,000, the land consultant project be publicly advertised. Smaller projects can be handled through small procurement procedures as outlined in these guidelines.

The guidelines will assist Sponsors in the following procurement processes:

- Procurement of Professional Services Over \$100,000 (Competitive Negotiations)
- Procurement of Professional Services Under \$100,000 (Small Procurement)

Sample contracts/forms can be obtained from AERO. Please note: An entity hired by an airport for a regulated real estate service (including LLC, partnership, corporation broker) must be properly licensed in order to receive compensation for real estate services as defined in [PA299 of 1980](#).

**This document is for Airport Sponsor informational purposes only and is to be used to assist the Sponsor in the selection/procurement process for land consultants.**

**All consultants interviewed or hired for Federal or State assisted projects must be licensed in the State of Michigan in compliance with PA299 of 1980 (Occupational Code). Consultant must be able to provide evidence of their license and qualifications on demand. Failure to do so will result in disqualification or contract termination as well as forfeiture of any fees associated with that contract. Type of work performed (including negotiations and appraisal) determines the license that is required. Please contact MDOT or DLEG if you have any questions regarding license requirements.**

**Department of Licensing and Regulatory Affairs (LARA)**

**Verify a real estate license**

<https://www.lara.michigan.gov/colaLicVerify/>

**Occupational Licensing Information**

[http://www.michigan.gov/lara/0,4601,7-154-72600\\_72602---,00.html](http://www.michigan.gov/lara/0,4601,7-154-72600_72602---,00.html)

**Public Act 299 of 1980 (Occupational Code)**

[http://www.legislature.mi.gov/\(14ymjgbo0ywf3551wggguit\)/mileg.aspx?page=GetMCLDocument&objectname=mcl-Act-299-of-1980](http://www.legislature.mi.gov/(14ymjgbo0ywf3551wggguit)/mileg.aspx?page=GetMCLDocument&objectname=mcl-Act-299-of-1980)

## TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
<b>PROCUREMENT PROCESS:</b>	4
Competitive Procurement (required for contract over \$100,000)	
Small Procurement (Over/Under \$100,000)	
Force Account	
<b>ADVERTISEMENT</b>	7
<b>PROCUREMENT CHECKLIST</b>	9
<b>INTERVIEW QUESTIONS</b>	12
<b>RATING SUMMARY/FACTOR CRITERIA</b>	15
<b>SAMPLE LETTER TO NON-SELECTED CONSULTANTS</b>	21

MDOT AERO Web Page: <http://www.michigan.gov/aero/>

- AIRPORT DEVELOPMENT
- LAND

NOTE: The following additional guidelines and resources are available from the Airports Division at the above web address or the street address listed in this guideline:

1. DEMOLITION GUIDELINES
2. GUIDELINES FOR DEVELOPING AIRPORT EXHIBIT "A" PROPERTY MAPS
3. LAND ACQUISITION AND RELOCATION FORMS
4. CONSULTANT AGREEMENT
5. SPONSOR REIMBURSEMENT/CERTIFICATION GUIDELINES
6. LAND ACQUISITION GUIDELINES
7. APPRAISAL GUIDELINES
8. RPZ AND AVIGATION EASEMENT INFORMATION



## **PROCUREMENT PROCESS**

## PROCUREMENT PROCESS

### I. COMPETITIVE PROCUREMENT OF CONSULTANT

#### Services To Be Provided

The consultant is responsible for the management of all land acquisition services. Services not provided by the consultant will be obtained as a subcontract to the consultant's base contract. Services required may include depending on required work scope:

- (1) Appraiser
- (2) Review appraiser
- (3) Negotiator
- (4) Relocation specialist
- (5) Environmental specialist
- (6) Demolition
- (7) Engineering services
  - Exhibit "X" and/or Exhibit "A"
  - Survey

**All contracts/subcontracts must be submitted to AERO for review and approval prior to execution.** AERO will then issue a Professional Services Agreement Approval to determine eligible project costs. **IF THE CONTRACT IS EXECUTED PRIOR TO AERO APPROVAL, THE SPONSOR MAY BE RESPONSIBLE FOR ANY COSTS OVER THE APPROVED ELIGIBLE AMOUNT.**

#### A. Consultant Services - Fees Over \$100,000

If consultant's service fees are estimated to be over \$100,000, a Sponsor will place an advertisement in the Michigan Contractor and Builder magazine requesting a Statement of Qualifications and Experience from land acquisition firms. The advertisement must be placed in at least one issue. The magazine's address is:

Michigan Contractor and Builder  
1629 West Lafayette  
Detroit, Michigan 48216  
313 962-3337

The Sponsor may also consider placing an advertisement in the local newspaper. The Sponsor must get proof of the advertisement for their records from the publisher.

#### B. Consultant Services - Fees Under \$100,000 (Total Consultant Fee)

If consultant's service fees are estimated to be under \$100,000, a Sponsor does not have to advertise for a land consultant. A minimum of three (3) consultants must be contacted to determine interest in the project. The Sponsor may want to send the following:

- (1) Exhibit "A" Property Map or sketch with parcels to be acquired
- (2) Request for a Statement of Qualifications and Experience

## PROCUREMENT (continued)

### II. SELECTING A CONSULTANT- Contracts Over and Under \$100,000

The Sponsor must review the responses received and rank the consultants based on the Statement of Qualifications and Experience and other pertinent information submitted. Real estate licenses (broker, salesperson) must be verified prior to contract execution. A copy of the company or individual licenses or a list of license numbers must be obtained from the land consultant for verification purposes. Real estate licenses can also be verified with the Department of Labor and Economic Growth (DLEG). A draft contract will be requested from the selected consultant. The unsigned contract must be forwarded to AERO for review and approval. An approval must be received from AERO prior to the contract being signed and accepted in its final form by the Sponsor.

If the first chosen land consultant contract is not satisfactory to the Sponsor, the Sponsor will go to the second choice. **The Sponsor is not allowed to reconsider a previously rejected land consultant.**

### III. FORCE ACCOUNT

This method of land acquisition shall only be used by airports with experienced and qualified land acquisition staff. If no costs for the employee's services are being charged to the project, a contract is not needed to cover the employee's services. This method is seldom used and requires prior AERO approval.

#### NOTE:

Use The Checklist for Procurement of Professional Services as a log for verification to the FAA that Procurement Procedures A-102 (FAR Part 152, OMB Circular No. A-102) were followed.



**ADVERTISEMENT**

**REQUEST FOR QUALIFICATIONS For Land Consultant Services**

\_\_\_\_\_ Airport  
County of \_\_\_\_\_  
\_\_\_\_\_, Michigan

Interested land acquisition consultant firms are invited to submit a Statement of Qualifications and Experience to \_\_\_\_\_ to provide land acquisition services for airport development at the \_\_\_\_\_ Airport under a federal grant program. Land acquisition services may include all phases including but not limited to:

**Preliminary interviews, Phase I environmental site assessments, title commitments, appraisals, appraisal reviews, relocation plan, negotiations, closings, relocation assistance, removal of any existing structures (demolition), property surveys, drawings, and other necessary engineering services, and all related documents**

The \_\_\_\_\_ reserves the right to initiate additional procurement action for any services included in this project, but not under contract. The services provided must comply in all respects to FAA requirements as set out in FAR Part 152, FAA Advisory Circular 150/5100-11 (Land Acquisition and Relocation Assistance Under The Airport Development Aid Program), and FAA Order 5100-37A (Land Acquisition and Relocation Assistance for Airport Development Projects).

Parcels to be acquired include (but not limited to):

- (1) Parcels necessary to clear present Runway \_\_\_\_ approaches, approximately \_\_\_\_ parcels;
- (2) Parcels necessary to extend Runway \_\_\_\_, approximately \_ parcels;
- (3) Any land interests required for the above purposes, but as yet undetermined;
- (4) Any additional land interest necessary for development of the airport during the next five years.

The following information should be submitted to the Airport Sponsor no later than:  
\_\_\_\_\_, 20 \_\_\_\_\_, \_\_\_\_\_ a.m./p.m., local time:

- (1) Qualifications and experience of the firm and each relevant staff member who would perform the work, including subcontractors
- (2) Geographic location of offices
- (3) Present workload and its impact on the firm's ability to perform this work

The Statement of Qualifications and Experience will be used to select a consultant, based on an evaluation of the criteria stated above. A firm will then be asked to submit a draft contract to accomplish the needed services. Interested consultants should submit information to:

Airport Sponsor: \_\_\_\_\_

Name: \_\_\_\_\_

Street: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_



**CHECKLIST FOR  
PROCUREMENT OF  
PROFESSIONAL SERVICES**



**Firms Rejected:**

**Attach a Statement of Qualifications and Experience and draft professional services contract with cost breakdown (manhours, etc.).**

**Sponsor Contact Person:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Consultant Contact Person:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**MDOT-AERO Contact Person:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Attach summary of solicitations, negotiations, basis for acceptance or rejection of fee, basis for determination of reasonableness of fee, or any other pertinent information or criteria used in the selection process.**

**A copy of the completed checklist must be retained in the Sponsor's files for future reference.**



**INTERVIEW QUESTIONS  
FOR  
LAND CONSULTANT SELECTION**

## **INTERVIEW QUESTIONS FOR LAND CONSULTANTS**

### **Factor #1 - CAPABILITY TO PERFORM**

You should be able to gather this information from a review of the Qualifications and Experience and then ask specific questions from that point on if you deem necessary. Real estate license must be verified during the interview process. Company or individual must be properly licensed to perform regulated activities in accordance with PA299 of 1980 (occupational code).

### **Factor #2 - RECENT AIRPORT PROJECT EXPERIENCE**

Recent airport project experience should be straight forward. Ask about their past and current projects. Ask what airports, how many parcels, and whether avigation easements or relocation work was included.

### **Factor #3 - REPUTATION FOR PROFESSIONAL AND PERSONAL INTEGRITY**

You may want to get reference names of airport managers on other projects worked on and make phone calls before final selection. Ask about general project knowledge, responsiveness, promptness, ability to deal with owners and Sponsor representatives.

### **Factor #4 - FIRM'S APPROACH TO PROJECT**

Ask consultants to describe their team approach to the project.

### **Factor #5 - CURRENT WORKLOAD**

Ask if the consultant is currently involved in airport or highway projects. If yes ask where, how many parcels, single family, business acquisition, or business relocations.

### **Factor #6 - CAPABILITY TO MEET SCHEDULES OR DEADLINES**

Ask about past projects and their timeliness in meeting completion dates. You may want to discuss your airport time line needs with the AERO project engineer or the AERO section managers and then ask the consultant as to their reaction/completion times. You will want to make sure that the consultant can handle your project with their other commitments. You will want to check if they can adjust to accommodate your needs.

### **Factor #7 - FAMILIARITY OF AIRPORT LOCATION**

You may want to have your Exhibit A Property Map at the interview and discuss the expansion/easements, etc. Check if the consultant understands the unique needs of airports and their expansions. He will have to become familiar with your airport/community needs. Check if he knows the following terms: avigation easement, runway protection zone, building restriction line, FAA Form 7460-1, and Tall Structures Act.

### **Factor #8 - QUALIFICATIONS OF PROJECT MANAGER**

The Statement of Qualification and Experience may answer your questions, but you may want clarification or have additional questions regarding the consultant project manager.

## **INTERVIEW QUESTIONS FOR LAND CONSULTANTS (continued)**

### **Factor #9 - AFFIRMATIVE ACTION PROGRAM**

Make sure that the land consultant is willing and able to meet any disadvantaged business enterprise (DBE) requirements or other state/federal requirements as per FAA contract clauses, and state requirements, etc. All contracts must contain the following attachments:

Non-Construction Contract Clauses in regards to Civil Rights Act of 1964  
Title VI - 49 CFR Part 21 Contractual Requirements (Version 1, dated 1/5/90)  
Airport and Airway Improvement Act of 1982, Section 520, General Civil Rights Provision (Version 2, dated 4/23/90)  
Applicable FAA Clauses

### **Factor 10 - KNOWLEDGE OF FAA AND STATE REGULATIONS, POLICIES AND PROCEDURES**

#### Federal/State Requirements

It is important for the consultant to be very familiar with the federal/state regulations pertaining to land acquisition for airports including:

- (1) Public Law 91-646 (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970), as amended including policies, procedures, and requirements in CFR 49 Part 24.
- (2) 5100.38 (Airport Improvement Program - AIP Handbook)
- (3) FAA Advisory Circular 150/5100-17 (Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects)
- (4) FAA Order 5100.37B (Land Acquisition and Relocation Assistance for Airport Development Projects)
- (5) Act 87 of 1980 (THE UNIFORM CONDEMNATION PROCEDURES ACT)

The same individual/company is not allowed to do appraisals as well as handling the negotiations and relocation work on a parcel.

#### Negotiations and Relocation Experience

A person handling the negotiations should have negotiation and relocation experience and be knowledgeable of Public Law 91-646, as amended. Company or individual must hold the proper real estate license in accordance with PA299 of 1980 to perform regulated activities. Real estate license must be verified.

#### Exhibit "A" Property Map

The consultant should be familiar with Exhibit A Property Maps, property descriptions, title commitments, easements, ownership rights, negotiation procedures and techniques, environmental site assessment requirements for airport land acquisition, AERO or FAA acquisition/relocation forms, appraisals, and review appraisals.



**RATING SUMMARY  
OF  
LAND CONSULTANTS**

**RATING SUMMARY**

**Consultant Name:** \_\_\_\_\_  
**Contact Person:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
 \_\_\_\_\_  
**Telephone:** \_\_\_\_\_  
 \_\_\_\_\_

Factor No.	Work Description	Rating					
		0	1	2	3	4	5
1	Capability to Perform						
2	Recent Airport Project Experience						
3	Reputation for Professional & Personal Integrity						
4	Firm's Approach to Project						
5	Current Workload						
6	Capability to Meet Schedules or Deadlines						
7	Familiarity of Airport Location						
8	Qualifications of Land Project Manager						
9	Affirmative Action Program						
10	Knowledge of FAA and State Regulations, Policies and Procedures						
	TOTALS						
	TOTAL SCORE						

COMMENTS:

**RATING QUALIFICATIONS  
STATEMENT EVALUATION CRITERIA**

**Basis for Awarding Points**

Evaluation factors may be based on the consultant's qualification statement.

**Factor 1 -- Capability to Perform**

- |          |  |
|----------|--|
| 5 Points | Consultant has demonstrated capability to perform and knowledge of requirements of AIP Programming to an exceptional degree; extensive evidence presented. |
| 4 Points | High level of satisfaction of desired condition but less than that indicated for 5 points.   |
| 3 Points | Moderate level of satisfaction of desired condition.   |
| 2 Points | Limited record of desired condition.   |
| 1 Point  | No significant evidence.   |
| 0 Points | Specific question was not addressed in proposal.   |

**Factor 2 -- Recent Airport Project Experience**

- |          |  |
|----------|--|
| 5 Points | Consultant has significant experience in airport projects at comparable airports.          |
| 4 Points | High level of satisfaction of desired condition but less than that indicated for 5 points. |
| 3 Points | Moderate level of satisfaction of desired condition.                                       |
| 2 Points | Limited record of desired condition.   |
| 1 Point  | No significant evidence.   |
| 0 Points | Specific question was not addressed in proposal.   |

**Factor 3 -- Reputation for Professional and Personal Integrity**

- |          |  |
|----------|--|
| 5 Points | Firm provided extensive evidence of personal and professional integrity and competence.      |
| 4 Points | High level of satisfaction of desired conditions, but less than that indicated for 5 points. |
| 3 Points | Moderate level of satisfaction of desired condition.   |
| 2 Points | Limited record of desired condition.   |
| 1 Point  | No significant evidence.   |
| 0 Points | Specific question was not addressed in proposal.   |

**Factor 4 -- Firm Approach to Project**

- 5 Points Key personnel have exceptional levels of airport consulting experience and extensive evidence is provided.
- 4 Points High level of satisfaction, but less experience in airport consulting than that indicated for 5 points.
- 3 Points Moderate level of satisfaction of desired condition.
- 2 Points Limited record of desired condition.
- 1 Point No significant evidence.
- 0 Points Specific question was not addressed in proposal.

**Factor 5 -- Current Workload**

- 5 Points Proposal indicates current workload would easily permit the addition of this project.
- 4 Points Proposal indicates current workload could permit the addition of this project.
- 3 Points Current workload would require minimum delays in completion of current project to accept new assignment.
- 2 Points Limited record or workload to determine effect of the addition of this project.
- 1 Point No significant demonstration of workload to allow for evaluation.
- 0 Points Specific question was not addressed in proposal.

**Factor 6 -- Capability of Meet Schedules or Deadlines**

- 5 Points Consultant provided verifiable evidence of an exceptional degree that established schedules or deadlines have been met.
- 4 Points High level of satisfaction demonstrated, but less than that indicated for 5 points.
- 3 Points Moderate level of satisfaction of desired condition.
- 2 Points Limited record of desired condition.
- 1 Point No significant evidence.
- 0 Points Specific question was not addressed in proposal.

**Factor 7 -- Familiarity of Airport Location**

- 5 Points Firm has demonstrated to an exceptional degree that the project engineer or principal of firm has offices that are geographically located in the vicinity of the site and has evidence of familiarity with the site.
- 4 Points Firm has evidence of familiarity with the site and offices are geographically located in the vicinity of the site.

3 Points	Firm has evidence of familiarity with the site; however, offices are not geographically located in the vicinity of the site.
2 Points	Firm displayed moderate evidence of familiarity of the site and are geographically located in the vicinity of the site.
1 Point	Firm displays moderate evidence of familiarity of the site and is not geographically located in the vicinity of the site.
0 Points	No response to the question.
<b><u>Factor 8 -- Qualifications of Land Project Manager</u></b>	
5 Points	Evidence of broker's, etc., is present for project manager or principal contact for this project.
4 Points	Evidence of broker's license, etc., for principal of firm and not project manager or principal contact.
3 Points	Evidence of broker's license, etc., for principal; however, no project manager assigned to project.
2 Points	Limited evidence presented for evaluation.
1 Point	No evidence presented to allow evaluation.
0 Points	Question not responded to.
<b><u>Factor 9 -- Affirmative Action Program</u></b>	
3 Points	Firm has displayed in the proposal extensive evidence of an established and implementation of Affirmative Action Program.
2 Points	Firm has no formal established Affirmative Action Program; however, evidence of an Equal Opportunity Employer is indicated.
1 Point	Limited record of evidence of an Affirmative Action Program.
0 Points	No significant evidence presented to allow an evaluation.
<b><u>Factor 10 -- Knowledge of FAA and State Regulations, Policies and Procedures</u></b>	
3 Points	Firm has all in-house capabilities and no outside consultants are required. Firm demonstrates in the proposal that in-house staff is experienced in airport development.
2 Points	Extensive use of experienced outside consultants to complement limited experienced staff.
1 Point	Limited evidence presented in proposal to evaluate outside consultant's qualifications.
0 Points	No significant evidence presented to allow an evaluation.



**SAMPLE LETTER TO  
NON-SELECTED CONSULTANTS**

