

**NEBRASKA DEPARTMENT OF ROADS**  
**APPRAISAL REVIEW SPECIFICATIONS**

**I. INTRODUCTION**

The Nebraska Department of Roads will receive proposals for appraisal review services for Project: \_\_\_\_\_, CN: \_\_\_\_\_, Location: \_\_\_\_\_. The work required for this project is described in this document and as noted in Appendix A, B, and C.

We request that you submit your responses to this Request for Proposal in the manner and format listed in Appendix D, identifying each response by its respective tab numeral. All proposals submitted for consideration shall consist of the original and four copies.

We anticipate a starting date of \_\_\_\_\_ with a suggested completion date of \_\_\_\_\_.

All those providing proposals will record their fee required for each tract and the total fee for the project on Appendix C. In addition, also indicate the date you expect to start and complete the requested services. Further, appendix C shall be signed and dated in the space provided.

**II. LAWFUL PRESENCE OR CITIZENSHIP**

You are required as a contractor to make assurances that you are either a citizen of the United States or a qualified alien under the federal Immigration and Nationality Act. This requirement also applies to your employees and your subcontractors contributing to this assignment. The purpose of this requirement is to comply with Neb. Rev. Stat §§ 4-108 through 4-114.

The procedure for authorizing NDOR benefits to individuals or a sole proprietorship is outlined in Appendix E. Appendix F, the United States Citizenship Attestation Form shall be completed and returned with your proposal.

**III. MATERIALS AND INFORMATION TO BE FURNISHED BY THE STATE**

A. Upon acceptance of a contract to perform appraisal review services, the NDOR will furnish the following materials and information as applicable.

1. Four originals and one reproduced copies of the appraisal/valuation report.
2. Plans, plats and other exhibits in sufficient detail to enable the Reviewer to reach conclusions concerning the definition of the appraisal problem.
3. "Review Determination of Fair Market Value."(See Appendix B)

**III. SCOPE OF WORK TO BE DONE BY REVIEWER**

A. The Reviewer shall examine each appraisal report to determine that they:

1. Are complete in accordance with 49 CFR 24.103 (January 4, 2005) and the NDOR's appraisal specifications as outlined in the ROW Manual.

2. Follow accepted appraisal principles and techniques in the valuation of real property in accordance with existing Nebraska law and the Uniform Standard of Professional Appraisal Practice.
  3. Contain or make reference to the information necessary to explain, substantiate, and thereby document the conclusions and estimates of value and/or just compensation contained therein.
  4. Include consideration of compensable items, damages and benefits, and do not include compensation for items noncompensable under Nebraska law.
  5. Contain an identification or listing of the buildings, structures and other improvements on the land as well as the fixtures that the appraiser considered to be a part of the real property to be acquired.
  6. Contain the estimate of just compensation for or resulting from the acquisition, and where appropriate, in the case of a partial acquisition, either in the report or in a separate statement, a reasonable allocation of the estimate of just compensation for the real property acquired and for damages to remaining real property.
- B. The Reviewer's dated signature is sufficient concurrence, on appraisal reports not requiring a written review report. This applies to the "Waiver valuation Report" and to the "Short Form Report" forms that contain a signature block and/or certification for the review appraiser.
- C. The Reviewer shall prepare a dated, signed, "Review Determination of Fair Market Value", for and attach to, each report reviewed. See Appendix B. An exception to this requirement is described in the above paragraph B. In addition, the Reviewer shall prepare an additional dated and signed report on any other tract that requires further clarification, corrections, or documentation to support just compensation.
- D. Each original copy of the appraisal/valuation report complete with the Reviewer's signature and all review documents will be returned to the NDOR at conclusion of the appraisal review process.

## APPENDIX "A"

### NONDISCRIMINATION CLAUSES

During the performance of this contract, the reviewer, for itself, its assignees and successors in interest (hereinafter referred to as the "reviewer"), agrees as follows:

Compliance with Regulations: The Reviewer will comply with the Regulations of the Department of Transportation relative to nondiscrimination in federally assisted programs of the Department of Transportation (Title 49, Code of Federal Regulations, Parts 21 and 27, hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

Nondiscrimination: The reviewer, with regard to the work performed by it after award and prior to completion of the contract work, will not discriminate on the basis of disability, race, color, sex, religion or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The reviewer will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix "A", "B", and "C" of Part 21 of the Regulations.

Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the reviewer for work to be performed under a subcontract, including procurements of materials or equipment, each potential subcontractor or supplier shall be notified by the reviewer of the reviewer's obligations under this contract and the Regulations relative to nondiscrimination on the basis of disability, race, color, sex, religion or national origin.

Information and Reports: The reviewer will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a reviewer is in the exclusive possession of another who fails or refuses to furnish this information, the reviewer shall so certify to the State Highway Department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

Sanctions for Noncompliance: In the event of the reviewer's noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including but not limited to,

- (a) Withholding of payments to the reviewer under the contract until the reviewer complies, and/or
- (b) Cancellation, termination or suspension of the contract, in whole or in part.

Incorporation of Provisions: The reviewer will include the provisions of paragraph (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, order, or instructions issued pursuant thereto. The reviewer will take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a reviewer becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the reviewer may request the State to enter into such litigation to protect the interests of the State, and in

addition, the reviewer may request the United States to enter into such litigation to protect the interests of the United States.

## DISADVANTAGED BUSINESS ENTERPRISES

### Policy

The Appraiser and State agree to ensure that enterprises as defined in 49 CFR Part 26 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this agreement. Consequently, the requirements of 49 CFR Part 26 are hereby made a part of and incorporated by this reference into this agreement.

### Disadvantaged Business Enterprises Obligation

The Appraiser and State agree to ensure that disadvantaged business enterprises as defined in 49 CFR Part 26 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this agreement. In this regard, the Appraiser shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that disadvantaged business enterprises have the maximum opportunity to compete for and perform contracts. The Appraiser shall not discriminate on the basis of disability; race, color, sex, religion or national origin, in the performance of FHWA assisted contracts.

Failure of the Appraiser to carry out the requirements set forth above shall constitute breach of contract and, after the notification of the FHWA, may result in termination of the agreement or contract by the State or such remedy as the State deems appropriate.

## DRUG-FREE WORKPLACE POLICY

The Appraiser shall have, on file with the department, an acceptable drug-free workplace policy.

**APPENDIX B**

**REVIEW DETERMINATION OF FAIR MARKET VALUE**

Date: \_\_\_\_\_  
From: \_\_\_\_\_  
To: \_\_\_\_\_ Project # \_\_\_\_\_  
Subject: Tract: \_\_\_\_\_ Owner: \_\_\_\_\_ C. N. \_\_\_\_\_

(1) & (2) My review determination of fair market value for the subject tract and federal aid highway project is:

Market Value Before Acquisition	\$ _____
Land Improvements	
Value of Part Acquired	\$ _____
Value of Remainder Before Acquisition	\$ _____
Value of Remainder After Acquisition	\$ _____
Land Improvements	
Severance Damage	\$ _____
Contractual Damage	\$ _____
Value of Part Acquired	\$ _____
Total Compensation: Value of Part Acquired and Damages	\$ _____

(3) Reviewer's comments on the extent of his visual inspection.

- a. Subject tract \_\_\_\_\_  
\_\_\_\_\_
- b. Comparable sales applicable to subject tract \_\_\_\_\_  
\_\_\_\_\_

(4) I, \_\_\_\_\_ Reviewing Appraiser,  
Have no direct or indirect present or contemplated future personal interest in subject property  
or in any benefits from the acquisition of subject property appraised.

(5) My determination of compensation has been reached independently based on the appraisal  
and other factual data of record without collaboration or direction.

(6) My above determination of total compensation includes only items compensable under  
State law. The total compensation does not include items ineligible for Federal reimbursement  
except; (If no exception – Write None). \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Signature of Reviewing Appraiser*



## APPENDIX D

### APPRAISAL REVIEW CONSULTANT PROCESS

#### Qualifications

- The Chief Appraiser shall establish and maintain a list of Approved Fee Appraisers and Review Appraisers (See [Approved Appraiser List](#) ). Positive steps have been taken by the Chief Appraiser to include all qualified Fee Appraisers who wish to be considered for NDOR contracts, regardless of race, color, religion, sex, national origin, age, or any physical handicap, which does not prevent satisfactory performance of the work, on the approved list.

Fee Review Appraiser's names are placed on this list by the Chief Appraiser, based on their past record of performing Satisfactory review appraisal work for the Department, or by a fee review appraiser furnishing his/her, work done for another agency, etc. with similar appraisal review requirements.

Qualifications required to be added to the Approved Appraiser list as a review appraiser include:

- Be generally knowledgeable of land values in the area of the appraisal assignment.
- Have adequate experience in Eminent Domain appraisal assignments to enable them to determine the effects of the acquisition on the property being appraised and demonstrate that they have a history of successful performance in this field.
- Have completed a partial review appraisal course. The Chief Appraiser has discretion to waive this requirement for persons with satisfactory experience and performance as with partial acquisition appraisal assignments.
- Hold a Certified General designation from the Nebraska Real Estate Appraiser Board.
- May hold a Certified Residential designation if the assignment is for residential properties.
- Must have knowledge in the appropriate federal laws and procedures as set forth in our ROW manual.
- Must be able to explain engineering plans, field questions about the project and answer legal questions.

#### Contracting for Appraisal Review Services

When an appraisal is advanced to the "review" stage, a determination is made by the Chief Appraiser and Right of Way Management, whether to assign it to a Staff Review Appraiser or retain the services of a Consultant Review Appraiser. The determination is based on the staff's workload, complexity of the appraisal problem, or when an outside opinion is desirable or necessary.

In those instances requiring the services of a Consultant, the Chief Appraiser makes an estimate of the consulting fee. The factors considered in estimating the fee:

- A. The number and type of properties to be reviewed.
- B. The type of acquisition from property under appraisal.

1. Total acquisition.
  2. Damage to remainder of property.
  3. Acquisition which leaves uneconomic unit.
  4. Strip acquisitions.
- C. Whether a leasehold interest will be acquired.
- D. The number and type of improvements and the amount of land to be appraised.
- E. The time to be allowed the appraiser to complete the assignment.
- F. Location of assignment

A request for proposal will be sent to all Review Appraisers on the Approved Appraiser list who indicate they would work in the county in which the project is located. This assures an open competitive process for selecting recipients for these contracted services.

The request for proposal shall provide adequate information for the Fee Review Appraiser Consultant to submit a realistic proposal. This information should include, but not be limited to, a clear scope of work, plans and/or strip maps, names of the property owners, estimated start and finish dates of the project assignment, number of tracts, the type of valuation/appraisal report required to be reviewed, the time and date of the proposed opening of proposals.

The consultants will be informed to submit their responses to the Requests for Proposals in the manner and format listed below, identifying each response by its respective tab numeral.

**Tab Item**

- 1 Appraisal Review Experience. Describe at least three recent appraisal review contracts that demonstrate the fee appraiser's appraisal review knowledge, skills and abilities. The description shall include the name of client and a telephone number of a responsible contact person. If the fee review appraiser has not actually performed review appraisal contracts, they should describe appraisal contracts.
  
- 2 Appraisal Review Experience in Condemnation/Eminent Domain. Describe at least three recent appraisal review contracts that demonstrate the fee review appraiser is proficient, capable and qualified to appraise condemnation or eminent domain assignments. The description shall include the name of the client and a telephone number of a responsible contact person.  
  
If the fee appraiser has not actually performed review appraisal contracts for condemnation or eminent domain appraisals, they should describe appraisal contracts for appraisal services on condemnation or eminent domain projects.
  
- 3 Condemnation/Eminent domain Appraisal Review Education. The fee review appraiser shall list all the condemnation or eminent domain education courses attended by noting the provider of the course, the course name, the number of hours, and the date.  
  
If the fee review appraiser has not actually attended any review appraisal courses for condemnation or eminent domain assignments, they should list all appraisal condemnation or eminent domain courses completed.
  
- 4 Membership in Professional Organizations. The fee review appraiser shall list all the professional organizations in which a membership is currently maintained by noting the name of the organization and how long the fee review appraiser has been a member.

- 5 Professional Designations from Professional Organizations. The fee review appraiser shall list all the professional organization designations currently held by noting the name of the organization, the name of designation, and the requirements to obtain the designation.
- 6 Start and completion dates. The fee review appraiser shall propose start and finish dates for the contract. The fee review appraiser's start and finish dates may be different than those estimated by the department. Time is of the essence, therefore, the dates proposed by the fee review appraiser will be considered during the department's evaluation of the proposals.
- 7 Present Workload with the department. The fee review appraiser shall indicate the Project Number(s) and the number of tracts with appraisals to be reviewed that are not yet completed that are under contract with the department at the time the proposal is submitted.
- 8 Cost. The fee review appraiser shall indicate the per tract cost and the total cost of the project and note this on Appendix C.

The fee review appraisers will also be informed that a selection committee will review and evaluate all replies and identify the individuals that may be invited to submit more detailed proposals, make oral presentations, or both. The selection committee will have only the response to the solicitation to review for the selection of finalists. It is therefore important that the respondents emphasize specific information pertinent to the work. Our award could be made on the basis of initial proposals, without discussion.

The selection committee will consist of the ROW Manager, Chief Appraiser, and both Appraisal Review Supervisors. Three of these four individuals, as a minimum, must be present to review and score the proposals.

Proposals received shall be held until the prescribed time of opening. At which time and in the presence of the selection committee, the proposals shall be opened, copies made and distributed to the selection committee and scored by the selection committee.

The individual scores of the members of the selection committee will be added together for a composite score. The selection committee will then determine which proposal is most advantageous to the Department's program. The selected proposal may or may not be the proposal that has the highest composite score. After this decision, an appraisal contract is prepared and presented to the Fee Review Appraiser for acceptance. When the agreement bearing the Fee Review Appraiser's signature is received, it is executed by the Right of Way Manager, and forwarded to the Agreements Engineer & Controller.

A memo will be made summarizing the decision reached by the committee. This memo, the composite scoring, the individual scoring and all the proposals received will be placed in the project file.

The administrative details concerning the start, progress, completion, payment, etc. of the services to be performed as per the contract are the responsibility of the Chief Appraiser.

There may be cases where there are revisions to the project that were not addressed in the contract with the fee review appraiser. Upon reaching a equitable fee for the change in work assignment, both the contracted fee review appraiser and the Chief Appraiser will sign a supplement contract. All other conditions and specifications contained in the original agreement shall be applicable to this supplement.

A Staff Review Appraiser will evaluate Consultant Appraisal Reviews in the area of compliance of the contract, quality of work and adequacy of review. The Staff Review Appraiser has the responsibility of accepting or denying the consultant review. If found unacceptable, the Staff Review

Appraiser will prepare a letter stating reasons for non acceptability and return the appraisal review to the Consultant Reviewer for correction, clarification, etc.

The Staff Review Appraiser has the responsibility of determining "Just Compensation" and the amount to be offered for real property to be acquired. The amount shall not be less than the approved appraisal of the fair market value of the property, taking into account the value of allowable damages or benefits to any remaining property. Therefore, the Department, through the Staff Reviewer, retains the responsibility of making the final determination of the amount to be offered as "Just Compensation".

The Staff Review Appraiser and the Chief Appraiser together will evaluate the Consultant Review Appraiser's work product and performance for the purpose of making decisions pertinent to future assignments. If the performance is unsatisfactory, and with the concurrence of the Chief Appraiser, the fee review appraiser is required to take a partial acquisition review appraisal course and resubmit examples of their work product to be re-approved as a qualified fee review appraiser. This data will be filed for use as future reference for selecting Consultants.

## APPENDIX “E”

PUBLIC BENEFITS

Neb. Rev. §§4-108 to 4-114

January 16, 2010

### **Procedure for authorizing NDOR benefits to Individuals or a Sole Proprietorship**

Any individual or a sole proprietorship that becomes an applicant for one of the four Nebraska Department of Roads benefits listed below shall complete the United States Citizenship Attestation Form

- Contract or agreement
- Haying permit
- Licenses for City or County Highway Street Superintendents
- Relocation assistance

Attestation forms that are marked “I am a citizen of the United States” shall become part of the contract, permit, license or etc. to document the verification process.

Attestation forms that are marked “I am a qualified alien” shall be emailed to Sandra Knipplemeyer in the Planning and Project Development Division (PPD) to verify qualifications. Sandra will verify the applicant and return, by email, a copy of the form either *Authorized or Rejected* within about two working days.

All completed Attestation forms shall be maintained by the originating Division for the annual report to be prepared in January. The report will detail the number of individuals and sole proprietorships that applied for benefits and the number of applicants that were denied benefits.

