

# RELOCATION ASSISTANCE SERVICES SPECIFICATIONS (HOURLY)

## A. PROJECT DESCRIPTION

The Nebraska Department of Road, Right of Way Division (ROWD) will receive proposals for Relocation Assistance Services for:

Project:

CN:

Location:

The work required for this project is to determine Relocation Assistance Benefits and provide Relocation Assistance Advisory Services for those identified as being displaced from this project so the ROW is able to have the project constructed. This includes meetings with the ROWD, plan review, preparing status reports and submitting the necessary documents to the ROWD for each displacee.

The work is also described in detail in this document and as noted in Appendix A and B.

All those providing proposals will record the names, title, hourly rate, bid hours and total per person and total for the Project on Appendix B. Included in the established hourly rates are wages, overhead, general and administrative expenses, and profit. Further, Appendix B shall be signed and dated in the space provided.

## B. RELOCATION CONSULTANT TO

1. Provide all Relocation Assistance forms.
2. Provide Relocation Brochures.

## C. APPLICABLE PUBLICATIONS

The Relocation Consultant shall follow the criteria of the current applicable publications listed here:

1. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally-Assisted Programs.
2. Nebraska Department of Roads Right of Way Manual.
3. Nebraska Relocation Assistance Act, Sections 76-1214 to 76-1242.
4. Nebraska Department of Roads' Rules and Regulations, Title 410, Chapter 5 – Relocation Assistance.

## D. INITIAL MEETING AND PLAN REVIEW

The Relocation Consultant shall meet with the ROWD to review the plans and discuss the scope of work before beginning Relocation Assistance activities.

## E. SPECIAL RELOCATION SERVICES

1. General Procedures
  - a. Interview the displacee to determine relocation needs and to explain the Relocation Assistance Program.
  - b. Complete a Relocation Benefit to determine the eligibility for and the amount of relocation benefits.

- c. Submit the Relocation Benefit Study for review and approval.
- d. Present the Relocation offer to the displacee.
- e. Provide advisory services, as needed.
- f. Submit relocation claims for advance payments, if necessary.
- g. Submit relocation claims for final payments.
- h. Submit the deliverables, as noted later in paragraph G.

2. Relocation Assistance Advisory Services.

The Relocation Consultant will provide Relocation Assistance Advisory Services for those identified as being displaced on this project. This program should allow displaced persons to receive uniform and consistent services and payments regardless of race, color, religion, sex or national origin. The services required are intended, as a minimum, to assist persons in relocating to decent, safe and sanitary housing that meets their needs. The services shall be provided by personal contact, except, if such personal contact cannot be made, the Relocation Consultant shall document the file to show that reasonable efforts were made to achieve the personal contacts.

- a. Relocation assistance advisory services shall be offered to:
  - (1) Any "displaced person" as defined in 7.03 A 7, ROW Manual
  - (2) Any person occupying property immediately adjacent to the real property acquired when the ROWD determines that such person or persons are caused substantial economic injury because of the acquisition;
  - (3) Any person who, because of the acquisition of real property used for his business or farm operation, moves from other real property used for a dwelling, or moves his personal property from such other real property.
  - (4) Any person who occupies property acquired by the ROWD, when such occupancy began subsequent to the acquisition of the property, and the occupancy is permitted by a short-term rental agreement or an agreement subject to termination when the property is needed for our project, shall be eligible for advisory services, as determined by the Relocation Consultant.
- b. Advisory service requirements: The Relocation Consultant's Relocation Advisory Services Program will include such major facilities or services as may be necessary or appropriate to:
  - (1) Personally interview each person to be displaced, determine the person's relocation needs and preferences and explain the relocation payments and other assistance for which the person may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance.
  - (2) Provide current and continuing information on the availability, purchase prices, and rental costs of comparable replacement dwellings, and explain that the person cannot be required to move unless at least one comparable replacement dwelling is available.
    - (a) Inform the displaced person in writing of the specific comparable replacement dwelling and the price or rent used as the basis for establishing the upper limit of the replacement housing payment and the basis for the determination in order that the displaced person is made aware of the amount of the replacement housing payment to which he or she may be entitled.
    - (b) Where feasible, housing shall be inspected prior to being made available to assure that it meets applicable standards. If such an inspection is not made, the person to be displaced shall be notified that a replacement housing payment may not be made unless the replacement dwelling is subsequently inspected and determined to be decent, safe and sanitary.
    - (c) Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, that are within their financial means. This policy, however, does not require

that a person receive a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

- (d) All displaced persons, especially the elderly and handicapped, shall be offered transportation to inspect housing to which they are referred by the Relocation Consultant.
- (3) Provide current and continuing information on the availability, purchase prices, and rental costs of comparable and suitable commercial properties and locations. Assist any person displaced from a business to obtain and become established in a suitable replacement location.
- (4) Minimize hardships to persons in adjusting to relocation by providing counseling, advice as to other sources of assistance that may be available, and such other help as may be appropriate.
- (5) Assist displaced in completing relocation assistance claim form.
- (6) Deliver payments, as needed, to assure completion of purchase or rental of replacement dwelling.
- (7) Supply persons to be displaced with appropriate information concerning Federal and State housing programs, disaster loan and other programs administered by the Small Business Administration, and other Federal and State programs offering assistance to persons to be displaced.
- (8) Furnish each displacee with a Relocation Assistance Brochure.

### 3. Case Records

- a. ROWD, State and Federal project and parcel identification.
- b. Names of displaced persons and their complete original and new addresses and telephone numbers (if available) after reasonable effort to obtain where relocate moved without assistance.
- c. Personal contacts made with each relocated person or family including:
  - (1) Date of notification of availability of relocation payments and services.
  - (2) Dates and substance of subsequent follow-up contacts.
  - (3) Date on which the relocated person was required to move from the property acquired for the project.
  - (4) Date on which actual relocation occurred.
  - (5) Type of tenure before and after relocation.
- d. For displacements from dwelling:
  - (1) Number of male and female adults in family; number of children by age and sex.
  - (2) Type of property (single detached, multi-family, etc.)
  - (3) Value of monthly rent.
  - (4) Number of rooms occupied.
- e. For relocated businesses:
  - (1) Type of business.
  - (2) Whether continued or terminated.
  - (3) If applicable, a certified inventory of items to be actually moved and an inventory of the items actually moved.

All of the information outlined above shall be shown in the tract file; through the use of the appropriate forms, call reports, informational memoranda and support documents.

### 4. Moving Expense Records

- a. The date the removal of personal property was accomplished.

- b. The location from which and to which the personal property was moved.
  - c. If the personal property was stored temporarily, the location where the property was stored, the duration of such storage, and justification for the storage and the storage charges.
  - d. Itemized statement of the costs incurred supported by receipted bills or other evidence of expense; (if applicable, the two acceptable bids or estimates based on the certified inventory list.)
  - e. Amount of reimbursement claimed, amount allowed and an explanation of any difference.
  - f. Data supporting any determination that a business cannot be relocated without a substantial loss of its existing patronage and that it is not part of a commercial enterprise having at least three other establishments not being acquired by the State or the United States.
  - g. When an in lieu payment is made to a business or farm operation, data showing how the payment was computed.
  - h. When moving expense payments are made in accordance with a schedule, the data called for in Items c and d above need not be maintained. Instead, records showing the basis on which payment was made shall be maintained.
  - i. On all moves, the file will contain pre and post inventories of the items that are to be moved and relocated. These inventories must be certified to accuracy by the displacee. Items a, b, c, e and h will be shown in the call reports, memoranda and the Relocation Assistance Payment Claim. Items d, f and g will normally be on support documents. Any such documents are to be stored in the tract file.
5. Replacement Housing Payment Records
- a. The date of the displacee's claim for payments.
  - b. The date on which each payment was made (the ROWD will maintain the dates on payments mailed) or the application rejected.
  - c. Supporting date explaining how the amount of the supplemental payment to which the applicant is entitled was calculated.
  - d. A copy of the closing statement to support the purchase or down payment, and incidental expenses when replacement housing is purchased; or rent receipts or rental documentation (e.g. cancelled checks) when replacement housing is rented.
  - e. A copy of the Truth in Lending Statement or other data including computations to support the increased interest payment.
  - f. The individual responsible for determining the amount of replacement housing or rent supplement payment shall place in the file a signed and dated statement setting forth:
    - (1) The amount of replacement housing or rent supplement payment,
    - (2) The individual understands that the determined amount is to be used in connection with a Federal-Aid highway project, and
    - (3) That the individual has no direct or indirect present or contemplated personal interest in this transaction nor will derive any benefit from the replacement housing payment.
  - g. The date on which the ROWD approved the computed relocation benefit study amount.
  - h. The individual responsible for determining the actual replacement housing payment at the time of relocation shall place in the file a signed and dated statement setting forth:
    - (1) The calculated amount of the replacement housing payment to be paid.
    - (2) The individual understands that the determined amount is to be used in connection with a Federal-Aid highway project.
    - (3) That the individual has no direct or indirect present or contemplated personal interest in this transaction nor will derive any benefit from the replacement housing payment.
  - i. The Decent, Safe and Sanitary Inspection Form for the replacement housing unit.
6. Assist the ROWD in defending against relocation assistance payment or eligibility appeals. The Relocation

Consultant shall appear as a witness or to represent the ROWD in any administrative relocation assistance appeal. It shall be the responsibility of the ROWD to establish relocation appeal procedures required by the Uniform Rules.

F. REPORTS

The Relocation Consultant shall submit a weekly status report explaining the status of each tract and including any remarks which may need to be addressed.

G. DELIVERABLES

The Relocation Consultant shall submit the proper documents, as identified earlier in this Exhibit, for each displacee upon completion of the relocation activities for each displacee.

## APPENDIX "A"

### NONDISCRIMINATION CLAUSES

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

Compliance with Regulations: The Relocation Consultant 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 Relocation Consultant, 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 Relocation Consultant 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 Relocation Consultant for work to be performed under a subcontract, including procurements of materials or equipment, each potential subcontractor or supplier shall be notified by the Relocation Consultant of the Relocation Consultant'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 Relocation Consultant 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 ROWD to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a Relocation Consultant is in the exclusive possession of another who fails or refuses to furnish this information, the Relocation Consultant shall so certify to the ROWD as appropriate, and shall set forth what efforts it has made to obtain the information.

Sanctions for Noncompliance: In the event of the Relocation Consultant's noncompliance with the nondiscrimination provisions of this contract, the ROWD shall impose such contract sanctions as it may determine to be appropriate, including but not limited to,

- (a) withholding of payments to the Relocation Consultant under the contract until the Relocation Consultant complies, and/or
- (b) cancellation, termination or suspension of the contract, in whole or in part.

Incorporation of Provisions: The appraiser 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 Relocation Consultant will take such action with respect to any subcontract or procurement as the ROWD may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a Relocation Consultant becomes involved in, or is threatened with, litigation with a subcontractor or

supplier as a result of such direction, the Relocation Consultant may request the ROWD to enter into such litigation to protect the interests of the ROWD.

## MINORITY BUSINESS ENTERPRISES

### Policy

The Relocation Consultant and ROWD agree to ensure that minority business enterprises as defined in 49 CFR Part 23 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 minority business requirements of 49 CFR Part 23 are hereby made a part of and incorporated by this reference into this agreement.

### Minority Business Enterprises Obligation

The Relocation Consultant and ROWD agree to ensure that minority business enterprises as defined in 49 CFR Part 23 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 Relocation Consultant shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. The Relocation Consultant 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 Relocation Consultant 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 ROWD or such remedy as the ROWD deems appropriate.

## DRUG-FREE WORKPLACE POLICY

The Relocation Consultant shall have, on file with the ROWD, an acceptable drug-free workplace policy.

