

Illinois Department of Transportation

Advertisement for Land Acquisition Services

Project Reference # DOT16-CBLA-01
District Central Bureau of Land Acquisition
Advertisement Date October 9, 2015
Contract Duration 48 Months
DBE Participation 0%
Subcontracting Yes
Joint Ventures Yes
Number of Contracts to be Awarded Multiple
Option to Renew No

Consultant Presentation NOT required to make a presentation of the PROPOSAL/IFB
Mandatory Consultant Conference Not required

Date Proposal/IFB Due October 28, 2015
Time Proposal/IFB Due 1:00 PM

SCOPE OF SERVICES

TITLE INSURANCE

SUPPLIES AND/OR SERVICES REQUIRED:

Land Title Insurance Services are required in each of Illinois' 102 counties. The land title insurance services relate to the acquisition of right of way necessary for highway construction projects. The DEPARTMENT may award one contract for services in each Illinois County. The DEPARTMENT may award multiple contracts as necessary to meet the DEPARTMENT's needs in the following counties: (District 4) Fulton, Henderson, Knox, Marshall, McDonough, Mercer, Peoria, Putnam, Stark, Tazewell, Warren, and Woodford. Successful CONSULTANT's may be awarded contracts for services in more than one county. All services shall be performed in accordance with the DEPARTMENT's "Land Acquisition Policies and Procedures Manual", hereafter referred to as the LAPPM, and title insurance industry standards and accepted practices.

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PROVIDE TITLE INSURANCE PRODUCTS AND SERVICES

Attachment A (Pricing and Compensation) of this contract specifies the CONSULTANT's compensation for the furnishing of the following described items of title insurance data for the Illinois county or counties designated in Attachment A:

- a. Title insurance in the full value of the real estate acquired.
- b. Original title commitments except that restricted to the mineral estate.
- c. Original title commitments at the elevated delivery rate as provided by delivery rate (b) under "**DELIVERY TO DEPARTMENT**", except that restricted to the mineral estate.
- d. Original title commitments described in "b" above covering land the DEPARTMENT indicates may have or may have had an ownership interest held by a railroad.
- e. Policy or later date commitments requiring or including the examination of judicial proceedings; i.e., condemnation, other chancery proceedings, bankruptcy, or probate.
- f. Policy or later date commitments not requiring or including an examination as noted above at "e".
- g. Escrow trustee services including the preparation of escrow agreements.

The CONSULTANT understands that the DEPARTMENT will acquire mineral estates unless the owner desires to retain ownership without the right to disturb the surface; however, where the mineral rights have been severed, the DEPARTMENT is interested in knowing whether any right to disturb the surface exists in others. This might be the right of subsidence, right to purchase the surface, right to prospect or drill the surface, etc. In order to assist the DEPARTMENT in the determination of further action in this regard, the CONSULTANT will except coal and other minerals from the legal description under consideration only where the same have been previously severed.

Where such facts were encountered, the severance will be indicated by the following language:

"Except the coal and other minerals underlying the surface of said land and all rights and easements in favor of the estate of said coal and minerals."

If specific surface rights were reserved or granted by or to the mineral estate, in such instance, the report will contain the following objection:

"This report of title shall not be construed as insuring against any damage to the surface of said land or any improvements thereon caused by surface entry or by the removal of the coal and other minerals lying thereunder."

In such instances, the CONSULTANT further proposes to furnish the DEPARTMENT, when requested, the following title data shown in "h" below:

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h. Information concerning the exception of the mineral estate substantially as follows:

"Reservation (grant) of the coal and all minerals underlying said land contained in deed from _____ to _____ dated and recorded in Book _____ on Page _____ and all rights and easements thereunder of, and all acts done or suffered thereunder by said holder of the coal and mineral estate or by any party claiming by, through, or under said holder."

If the DEPARTMENT's determination is to acquire the surface interest outstanding in mineral owners, CONSULTANT proposes to furnish the DEPARTMENT, when requested, the following title insurance data in "i" below:

i. Original commitment on mineral ownership.

The CONSULTANT also proposes to furnish the DEPARTMENT, when requested, the following supplies and related services shown in item "j" below:

j. Original record owner report/certified record search to include: 1) ownership of record; 2) tax parcel number; and 3) legal description. A copy of the last deed filed is to be included. This is/or will be referred to as a "certified record search."

The DEPARTMENT will pay CONSULTANT the reasonable advanced costs or reasonable out-of-pocket expenses paid to third parties and incurred as a result of CONSULTANT's escrow trustee services. CONSULTANT shall provide receipts of paid costs and expenses before the DEPARTMENT approves payment to the CONSULTANT.

When requested by the DEPARTMENT, the CONSULTANT will record and file deeds and conveyance documents in the appropriate county recorders of deeds offices. The DEPARTMENT will reimburse the CONSULTANT the actual costs incurred for such recording services, plus pay a \$3.00 service fee per document. Actual costs are defined as out-of-pocket expenses paid to third parties for these services. Whenever possible, recordation will be noted as official business documents for government purposes so as to exempt the DEPARTMENT from nominal recordation fees.

When providing original title commitments and later date title commitments, the CONSULTANT will also provide full copies of non-monetary lien documents shown in Schedule B of the A.L.T.A. Commitment Form (for example, covenants, restrictions and easements, except for those easements which are easements for recognized public utilities) and mineral and coal leases as depicted in Schedule B or the property's legal description. The lien documents will not include monetary lien documents such as mortgages, judgment liens, and mechanics liens. To the extent possible, monetary lien documents shown in Schedule B shall be of sufficient specificity as to identify the amount of the lien, the nature of the lien, the identification of the lien holder, and the document

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number. The DEPARTMENT will reimburse the CONSULTANT the actual costs incurred for providing such documents, plus pay a \$3.00 service fee per document, up to a maximum of \$15.00 per title commitment and later date commitment. For later date title commitments, the DEPARTMENT will reimburse said service fees when later date commitments show new documents not previously provided. Actual costs are defined as out-of-pocket expenses paid to third parties for these services.

When providing original title commitments and later date title commitments for condominium properties, and when specifically requested by the DEPARTMENT, the CONSULTANT shall provide full copies of the recorded condominium declaration and recorded declaration amendments that affect condominium ownership or common elements of the condominium property. The DEPARTMENT will reimburse the CONSULTANT the actual costs incurred for providing such documents, plus pay a \$3.00 service fee per document, up to a maximum of \$15.00 per title commitment and later date commitment. For later date title commitments, the DEPARTMENT will reimburse service fees when later date commitments show new documents not previously provided. Actual costs are defined as out-of-pocket expenses paid to third parties for these services.

When, during its original commitment research, the CONSULTANT discovers the DEPARTMENT owns the subject property, the CONSULTANT notifies the DEPARTMENT of its ownership in writing. Unless the DEPARTMENT requests otherwise, the CONSULTANT shall not deliver a commitment to the DEPARTMENT and no compensation will be paid to the CONSULTANT.

When, during its original commitment research, the CONSULTANT discovers that the State of Illinois, by an agency other than the DEPARTMENT, owns the subject property, the CONSULTANT shall notify the DEPARTMENT of the State's ownership in writing. Unless the DEPARTMENT requests otherwise, the CONSULTANT shall not deliver a commitment to the DEPARTMENT. In such instances, the DEPARTMENT may choose to order a Certified Record Search from the CONSULTANT.

When, during its original commitment research, the CONSULTANT discovers that one property owner owns one or more adjacent parcels required for the DEPARTMENT's highway construction, the CONSULTANT shall combine the adjacent parcels into one parcel for its original commitment, later date commitments, and title insurance policy. In such instances, the DEPARTMENT will pay no compensation for separate original commitments, later date commitments, and title insurance policies.

It is understood that multi-year proposals are subject to the availability of sufficient appropriations made by the Illinois General Assembly to fund this Contract.

The CONSULTANT acknowledges that this is a nonexclusive contract for the title work needed for the DEPARTMENT's highway program and that the DEPARTMENT may be contracting with other providers of title insurance services as deemed necessary by the DEPARTMENT.

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DEFINITIONS

The term "order" as used herein shall be deemed to mean a request for original commitments, later date commitments, policies, escrow agreements, certified record searches, or requests to record or file deeds and other documents on behalf of the DEPARTMENT, made at the same time under a single letter or single electronic request.

The term "parcel" as used herein shall be deemed to mean any contiguous tract of land in the same ownership which lies within the legal description, plat of survey, or sketch for the right of way to be acquired as shown by the order. The fact that a tract may have an easement for highway, railroad, drainage district, utility, etc., or consist of one or more platted lots or fractional part thereof shall not prevent the tract as divided thereby from being defined as contiguous. Where a single parcel is divided into two or more ownerships after the date of the original title commitment, the parcels may be treated as separate parcels.

It is understood by the CONSULTANT and the DEPARTMENT that a clear definition of the term "parcel" is not always possible when non-operating railroad land is the subject of a title search. Because of this, the CONSULTANT may request a conference with the DEPARTMENT within 30 days after an order is received to mutually agree on the number of parcels actually included with any order.

PROVISIONS FOR WORK ORDERS

Orders for this work will be placed by the DEPARTMENT's designee with the CONSULTANT's office or agent on a county basis, by furnishing a legal description of the parcel to be acquired, or for parcels along an existing or new highway centerline by furnishing an approximate right of way width by means of a plat or sketch or by the DEPARTMENT's designee providing a Property Identification Number (PIN). The CONSULTANT will designate and inform the DEPARTMENT of the name of an individual in its company who is responsible for ensuring the provisions of this Contract are fulfilled on a district basis and who is available to the DEPARTMENT should questions of compliance with terms of the contract occur.

TITLE COMMITMENTS

All original commitments issued as a result of this contract shall be effective for 180 days after the effective date indicated on each commitment. The original commitment shall contain an informational note legally describing any and all property which appears to be in the same ownership as of the date of the order and which is contiguous to the land covered by said commitment. The ownership of contiguous property should not be construed as being based upon a complete title search and the CONSULTANT assumes no responsibility for its accuracy.

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Any original commitment or later date commitment which contains an exception relating to an instrument containing a legal description shall include that legal description if it varies from that of the subject property, or, in the alternative, shall include copies of the same; providing this information shall have no effect upon the notice provided by exceptions contained in original commitments or later date commitments.

All sales of the subject property or any part thereof within the preceding five years shall be included in the original commitment by giving the names of the grantors and grantees, the date of the instrument, the date it was recorded, and the recording date by book and page and/or document number. If no sales of captioned property in whole or in part have been made during the preceding five years, a statement to this effect will be included in the commitment. In all cases, a copy of the last conveyance document will be included with the delivery of the original commitment.

The original commitment shall contain the tax number(s) of the property, the name and address of the assessee, a copy of the plat, if one is referred to in the description, and Minutes of Condemnation to include a list of the necessary parties for condemnation acquisition through eminent domain proceedings. In Cook County, if the property is in Torrens, the certificate number, volume, and page will be included in the original commitment.

DELIVERY TO DEPARTMENT

The CONSULTANT understands that prompt delivery of the products and services the DEPARTMENT orders and requires is of the essence. The CONSULTANT shall deliver its original commitments, later date commitments, certified record searches, last deeds of record, and copies of Schedule B non-monetary lien documents, electronically as attachments to an e-mail message from the CONSULTANT to the proper DEPARTMENT office. The attachments shall be provided in Adobe Acrobat PDF format or in a file format mutually agreed to by the applicable DEPARTMENT and the CONSULTANT. The electronic delivery will include a transmittal form or cover letter that identifies the transmitted documents. Each delivery will be made to the proper DEPARTMENT office as promptly as possible after receipt of the DEPARTMENT's order with the effective date within ten days of the submittal to the DEPARTMENT and in amounts no less than as follows. The CONSULTANT shall indicate on title commitments and later date commitments the actual search date of the recorded documents. The ten-day time limit indicated above shall be extended by the difference between the search date and the effective date if delays occur in the posting of recorded documents caused by the County Recorder's Office. The CONSULTANT will provide the following products and services to the DEPARTMENT at the following delivery rates:

- a. Thirty-five original commitments shall be delivered within the first 35 calendar days after receipt of the order and 35 original commitments each 35 calendar days thereafter. Original commitments ordered for lands the DEPARTMENT indicates may

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have or have had an ownership interest by a railroad shall be delivered within the first 56 calendar days after receipt of the order.

- b. When specifically ordered by the DEPARTMENT, 100 original commitments shall be delivered within the first 35 calendar days after receipt of the order. The DEPARTMENT will compensate the CONSULTANT for this elevated delivery rate at the corresponding compensation amount described in Attachment A for the original commitments that exceed 35 in number. The DEPARTMENT's work order shall state that original commitments shall be delivered at the elevated rate. If not specifically stated, CONSULTANT shall deliver original commitments at the rate depicted in "a" above.
- c. Any single parcel later date commitment shall be delivered no later than seven calendar days after receipt of said later date commitment order. Orders requesting multiple parcel later date commitments shall be delivered at a rate of 35 each 14 calendar days.
- d. The title insurance policy on each parcel shall be the currently adopted ALTA Owner's Policy. Any subrogation, co-insurance or contribution clauses shall not be applicable to the DEPARTMENT. The policy shall be ordered in writing or electronically and delivery shall be at the rate of 15 in the first 21 calendar days and 35 in each 35 calendar days thereafter. The policy shall be in the amount of the full value of the real estate acquired, excluding damages, if any.
- e. Sixty certified record searches shall be delivered within the first 35 calendar days after receipt of an order and 50 certified record searches each 35 calendar days thereafter.
- f. Deeds and other conveyance documents shall be recorded within seven calendar days after receipt of the original documents by the CONSULTANT.

The CONSULTANT understands these time limits are essential to the DEPARTMENT and if the CONSULTANT fails to deliver as scheduled, the applicable work order or the contract for a particular county may be canceled, in whole or in part, seven days after written notice of the CONSULTANT's uncorrected default. If the DEPARTMENT cancels a work order due to the CONSULTANT's uncorrected default, the DEPARTMENT will be obligated to pay only for the work done as of the date of the DEPARTMENT's written notice.

The CONSULTANT shall deliver title insurance policies and escrow agreements by U.S. mail or equivalent parcel service delivery to the proper DEPARTMENT office as promptly as possible.

The DEPARTMENT will notify the CONSULTANT at the earliest opportunity when it has been determined a title insurance policy will not be ordered. The CONSULTANT shall provide and deliver title insurance policies only when ordered to do so by the DEPARTMENT.

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DEPICTED DATES

All commitments, certified record searches, the insurance policy, and invoices shall show the dates of the original order, later date commitment order, policy order, route, and project and parcel numbers, if available, thereon.

BILLING

In addition to the provisions relating to billing contained heretofore, the following provisions will apply.

- a. At the time of the original commitment, the DEPARTMENT shall be billed for items (a) and (b), (c) or (d), as shown in Attachment A. The billing under item (a) will be the insurance rate for \$1,000.00 of coverage.
- b. At the time a later date commitment is made, appropriate billing shall be made under Attachment A (e) or (f), whichever is applicable.
- c. At the time the policy is issued, the appropriate charge under Attachment A shall be made under either (e) or (f), whichever applies, and also for the amount of the increased insurance as requested by the DEPARTMENT. This latter charge shall be billed at the rate as provided in Attachment A (a).
- d. Billing under Attachment A (g), (h), (i), or (j), whichever is applicable, shall be made at the time the services are performed.

CONSULTANT'S RELATIONSHIP TO THE DEPARTMENT

The following link to the IDOT Regions Map indicates the arrangement of the DEPARTMENT on a county, district and regional basis, and in the event this proposal is accepted for a county, it shall constitute an agreement covering such county for the term of this contract; subject, however, to the right of the DEPARTMENT placing orders for such work, to cancel a work order, in whole or in part, upon seven days written notice. <http://www.idot.illinois.gov/about-idot/idot-regions/index>

The CONSULTANT understands in certain cases, acquisition projects may extend into a county not normally a part of the arrangement as shown in the IDOT Regions Map and in this instance, the rate for services rendered shall be the bid amount set forth for the county under whose jurisdiction it falls as shown on the IDOT Regions Map when an accepted proposal of the CONSULTANT is in effect for that county.

The CONSULTANT shall provide, at no charge, the appropriate land acquisition office with a monthly status report of accomplishments on each order by county. At a minimum, the report shall cover orders for title commitments, later date commitments and title policies

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and include the date of the order from the DEPARTMENT, the date the order is received by the title company, the State Project Number assigned to the order, the county, the number of parcels included in the order, the due dates calculated from the Section titled "DELIVERY TO DEPARTMENT", the number of parcels completed, and a date indicating when the work for the order is complete. The CONSULTANT shall sign and date the report to verify the report's accuracy.

CLAIMS AGAINST TITLE WORK – GUIDELINES

Upon execution of this contract, the CONSULTANT shall furnish to the DEPARTMENT's Central Bureau of Land Acquisition and to each regional engineer guidelines which will be used should a claim against the title work arise. These guidelines must consider the impact of eminent domain or construction activities occurring on the land involved and the necessity for expeditious action to be taken in resolving the claim.

FILES OPENED UNDER CONTRACT BUT NOT CLOSED PRIOR TO THE COMPLETION OF THE CONTRACT

At the completion of this Contract, the DEPARTMENT reserves the right to collect and reassign all or some of the CONSULTANT's open files originating from orders placed under the term of this Contract and to transfer the files to subsequent CONSULTANTS.

If the CONSULTANT for this contract is also the CONSULTANT of a prior now terminated contract, work orders may be assigned which were begun and not completed under the previous contract. In such instances, the CONSULTANT shall continue work where it left off under the original work order, unless otherwise authorized by the DEPARTMENT in writing. The rate of compensation for the work will be in accordance with the dollar amounts provided by the CONSULTANT for the bid items shown in Attachment A of this contract and shall apply to the portion of the work order completed during this contract term and not paid under the previous contract.

MILESTONES AND DELIVERABLES

The CONSULTANT shall begin services immediately upon execution of the Contract.

The CONSULTANT shall meet with the DEPARTMENT within one week of contract execution for a Program Orientation Meeting.

During the Program Orientation Meeting, the CONSULTANT and the DEPARTMENT will develop a plan to transition the program work to the CONSULTANT, based on the needs of the DEPARTMENT.

WHERE SERVICES ARE TO BE PERFORMED

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Land title insurance services will require the CONSULTANT to perform work within the geographical areas of the assigned projects.

REFERENCES

The CONSULTANT shall provide references from established private firms or government agencies, (four preferred; two of each type preferred) other than the procuring agency, attesting to your experience and ability to perform the contract subject of this solicitation. The name, contact information and a description of the supplies or services provided must be provided. The references shall be attached with the responsibility forms.

REPORTING, STATUS AND MONITORING SPECIFICATIONS

The CONSULTANT is responsible for the faithful performance of the Contract and shall have internal monitoring procedures and processes as set forth in their proposed work plan to ensure compliance.

The DEPARTMENT reserves the right to monitor and track the CONSULTANT's performance over the course of the Contract including any warranty term. The information gathered may be used in administration of the Contract including payment, and may be used when evaluating the CONSULTANT in future procurements.

The CONSULTANT shall cooperate with the DEPARTMENT in this monitoring and tracking activity, which may require that the CONSULTANT report progress and problems (with proposed resolutions), provide records of its performance, allow random inspections of its facilities, participate in scheduled meetings and provide management reports as requested by the DEPARTMENT.

Title Insurance activities shall be deemed complete when the tasks and duties assigned in a work order are completed to the satisfaction of the DEPARTMENT.

Compensation for Title Insurance duties and responsibilities shall be paid for as per Attachment A, Pricing and Compensation.

BIDDING INFORMATION

The Illinois Department of Transportation is requesting proposals from responsible consultants to meet the State's needs. If you are interested and able to meet these requirements, please submit a proposal.

For information to submit a proposal proceed to the following address:

<http://www.idot.illinois.gov/doing-business/procurements/land-acquisition-services/index>

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