

ARE WE A PROFESSION OR A TRADE

AND WHY IS IT IMPORTANT?



Trent Oglesby
President
Percheron Acquisitions, LLC

How we see ourselves sets the tone for how others will perceive our value. Too often, the business world views

individuals in the right of way profession as laborers or tradesmen without acknowledging the benefits of employing a multi-talented professional. It is incumbent on the professional to present themselves as such and demonstrate the value of having this multi-disciplined knowledge. A trained right of way professional with diverse knowledge and work experience brings a great deal of expertise to any given property rights task.

An individual who conforms to a standard of practice and a code of ethics (personal and professional) raises the quality of performance provided to an employer. The challenge is to convince the employer that the right of way role is much more than a title in an organizational chart. Additionally, there is a need to invest in the right of way employee as a professional to derive the full benefit of having a highly qualified staff member.

Those engaged in right of way must determine that their calling is one of a professional nature and that they are the first line of communication to the outside world. Through the efforts of true believers in this cause, companies and agencies can begin to understand the difference between a job holder and a career promoter. Right of way is not only what one does, it is the profession to which one belongs!



Catherine Colan Muth
CEO
O.R. Colan Associates

Agencies that consider real estate acquisition and relocation services as professional use a

qualifications-based contracting process. Those that consider these services to be non-professional are often required to use a low bid process to procure these services. In some cases, the process may not be exclusively low bid, but the evaluation criteria are heavily weighted toward the lowest bidder. When right of way services are procured based on lowest cost as the primary criteria, neither the public nor the agency is well served. The low bid process often leads to complications that add to the overall cost of the project, thus undermining the goal of getting the best value through the selection process. Saving a few dollars on the right of way consultant can lead to wasted and/or misapplied federal funds, improper provision of benefits and services or costs associated with schedule delays caused by consultants who are not qualified to perform the work.

In many ways, public agencies do consider us to be professionals. They require that we follow all applicable state and federal guidelines and applicable licensing requirements. We are expected to be knowledgeable about and able to implement all technical requirements in a competent and ethical manner. They require us to carry professional liability insurance. We are also required to follow the Federal Acquisition Regulations and, as of September 2009, the new

AASHTO audit guidelines for Architectural and Engineering Consulting Firms on highway projects. Many agencies ask us to sign contracts with indemnity clauses that specifically indemnify the agency beyond the limits of our professional liability insurance (a good topic for a future discussion). It is time for full formal recognition of our real estate service providers as professionals and consideration as such in contract negotiations.



Ray Armstrong, SR/WA
Vice President
Overland, Pacific & Cutler, Inc.

Everyone has an idea of what constitutes a professional and can probably recite attributes that comprise professional behavior or standards. Our concept of professional qualities may include a college degree, institutionalized training, membership in a professional association, adherence to a code of conduct, licensure, completion of competence testing, certification, a certain level of experience and continuing education requirements.

When hiring an employee or a right of way services firm, employers expect to receive professional representation. Yet, when retaining right of way services, the pressure of selecting among competing firms often forces the buying decision into a rigid, quantitative analysis to differentiate competing firms – usually some minimum qualifications coupled with price. This facilitates selection, but focuses on the wrong component.

When price becomes the leading factor in a selection process, it becomes difficult, if not impossible, for firms to maintain some degree of differentiation. Instead of focusing on what is “right,” our focus shifts to what is “cheap.” When services become a commodity, there is little incentive to perform over and above what is expected. Similarly, there is no incentive for firms to nurture or maintain intellectual assets such as experience, certifications and education

within its workforce. Newer staff is typically cheaper, but newer and cheaper is not what is cherished in professional services organizations.

Professionals focus on the needs of the client. We interact with our clients with the expectation of serving them on this project and the next one. Firms in a commoditized trade typically deal with customers based on rigid adherence to the scope of work and fee, and tend to focus only on the immediate project. These are different experiences. In the end, professionals will consistently deliver value and are always worth the price.



Denise Jackson
Vice President
Associated Right of Way Services, Inc.

Notwithstanding the definition of professional services for certain contracts, it is important that we all view right of way as a profession. Proficiency in what we do—in accordance with rigorous ethics, standards, and formal qualifications—gives our clients and the public confidence in the knowledge and service we provide. Our professional status increases the effectiveness of our work because of that perception.

Our skill set is broad and requires specialized education. In addition to the increasingly complex disciplines of appraisal, acquisition and relocation, we are now called upon to assist with the development of ambitious infrastructure programs, coordinate public outreach, act as a liaison with organizations, and inform others about changing legislation and regulations.

We have come to rely on IRWA as the organized body that oversees the ethical conduct of our profession, while providing specialized academic training, industry expertise, certification and continuing education programs. Without these important elements, the highest standard of professional service cannot be realized.