



SUMMARY REPORT

Agenda Date: 12/7/2021

To: Board of Supervisors

Department or Agency Name(s): Transportation and Public Works

Staff Name and Phone Number: Johannes J. Hoevertsz, 707-565-2231

Vote Requirement: Majority

Supervisory District(s): Countywide

Title:

On Call Right-of-Way Services Agreements

Recommended Action:

- A) Approve and Authorize the Chair to execute on-call Agreements with five right-of-way services consultants, with a not-to-exceed amount of \$500,000 per agreement, and terms of 36 months each.
- B) Delegate authority to the Director of Transportation and Public Works to execute individual task orders under the Agreements for any amount up to the not-to-exceed amount, contingent on the availability of sufficient funding.. ☐
- C) Delegate authority to the Director of Transportation and Public Works to exercise the extension option under each agreement, in form approved by County Counsel. ☐

Executive Summary:

The Department of Transportation and Public Works (TPW) requests approval of five on-call real estate/right-of-way consulting services contracts. The proposed contracts will provide consulting services associated with easements (temporary and permanent), real property appraisal, appraisal review, acquisition, and relocation services connected to specific infrastructure capital improvement and maintenance projects. The proposed contracts will augment and support services provided by County's principal right of way consultant (see concurrent Board item for lead Right of Way services contract).

Discussion:

Road, bridge, and airport construction and maintenance projects managed by the Department of Transportation and Public Works (TPW) frequently require acquisition of easements and other real property. Examples include: temporary construction easements for equipment and material staging, permanent rights of way (easements, and in fees) for construction and maintenance of roads, sidewalks, bridges, and other infrastructure. TPW does not currently have staff who possess necessary qualifications for this type of work, ☐ and since 2015 has been utilizing the combination of a dedicated Right of Way Consultant and several "on call" consultants for these tasks. In addition, the estimated cost of hiring a full time Right of Way Manager for fiscal year 2021-22 is \$248,000. Over the past five fiscal years (2017-2021), however, TPW has only spent a combined \$645,345, (\$129,070 per year) on right of way consulting services. Existing on-call agreements have resulted in thirteen task orders over the last three years and have been essential to delivering TPW projects in a timely manner. TPW has notified all applicable employee collective bargaining units as required, and to date no objection or other response has been received.

In anticipation of the current on call, right-of-way consulting contracts expiring on December 17, 2021, TPW issued a Request for Qualifications on July 12, 2021. The Request for Qualifications was prepared in accordance with the California Department of Transportation's (Caltrans) "two-step" method. Under the "two-step" method, TPW provides a general scope of duties, which firms use to write a proposal and provide a rate/fee schedule. Based their responses, TPW then establishes a "short list" of approved consultants (step one) and enters into as-needed (no guarantee) contracts for potential future services. Once the short list is established, the Department will solicit individual projects from consultants using project-specific "task orders" (step two). This method is time intensive at the beginning, but it allows the Department to enlist services quickly once the shortlist is established.

TPW received five proposals and after review, determined that all five firms were qualified to be included on the shortlist. The shortlisted firms are, in alphabetical order:

- Associated Right of Way Services
- Bender Rosenthal
- Overland Pacific & Cutler
- Paragon Partners
- Universal Field Services

The primary criteria for selection were: understanding of work, similar experience to required services, and technical ability and qualifications. Rates were required to be submitted, but were not used as selection criteria. The review panel found that all five proposers offered strong teams with significant experience delivering right-of-way services on public infrastructure projects in northern California. Should the Board approve the recommended agreements, the Department will solicit individual projects using project-specific "task orders". These task orders contain a specific scope of work and each shortlisted firm will have the opportunity to provide a detailed cost estimate based on the rates of compensation established in their original proposal. After reviewing responses from shortlisted firms, the Department would typically then select a proposer and execute the individual task order for the project. If cost proposals received by the shortlisted firms are deemed unacceptable, or an alternate procurement method is required by a funding agency (for example, FEMA/CalOES) TPW will proceed with an alternative procurement process in compliance with County standards.

The not-to-exceed amount of each of the recommended agreements is \$500,000, with a total amount for all agreements of \$2,500,000. The proposed term of each agreement is 36 months, with a County option to extend the term of each agreement by 12 months in order to complete any ROW efforts underway at the end of the contract term.

While the Department may not use the full not to exceed amounts of these Agreements, the requested not-to-exceed limits provide flexibility and critical capacity to deliver the infrastructure and disaster recovery projects that are currently committed to, and expected to be delivered over the next three to five years.

Prior Board Actions:

12/4/2018 Item 20 - Approval of five consulting contracts for TPW related right of way services

FISCAL SUMMARY

Expenditures	FY 21-22 Adopted	FY22-23 Projected	FY 23-24 Projected
Budgeted Expenses	\$250,000	\$500,000	\$500,000
Additional Appropriation Requested			
Total Expenditures	\$250,000	\$500,000	\$500,000
Funding Sources			
General Fund/WA GF			
State/Federal	\$200,000	\$400,000	\$400,000
Fees/Other	\$50,000	\$100,000	\$100,000
Use of Fund Balance			
Contingencies			
Total Sources	\$250,000	\$500,000	\$500,000

Narrative Explanation of Fiscal Impacts:

Expenditures for right-of-way consulting services are included in annual TPW Recommended budgets (Roads, Airport, Transit, Integrated Waste) and are generally associated with specific capital or maintenance infrastructure projects. Each project has unique funding sources including state and federal grants, user fees, taxes (SB1, HUTA, Measure M), and contributions from the County's General Fund.

Narrative Explanation of Staffing Impacts (If Required):

None.

Attachments:

None.

Related Items "On File" with the Clerk of the Board:

Universal Field Services PSA
Paragon Partners LLC PSA
Overland Pacific & Cutler LLC PSA
Bender Rosenthal Inc PSA
Associated Right of Way Services Inc PSA