



Legislation Details (With Text)

File #: 2021-1017
Type: Consent Calendar Item **Status:** Agenda Ready
File created: 9/14/2021 **In control:** Transportation and Public Works
On agenda: 12/7/2021 **Final action:**
Title: Agreement for lead Right-of-Way Services
Sponsors: Transportation and Public Works
Indexes:
Attachments: 1. Summary Report, 2. Agreement

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|-------------------------|--------|
| 12/7/2021 | 1 | Board of Supervisors | Approved as recommended | Pass |

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

Supervisorial District(s): Countywide

Title:

Agreement for lead Right-of-Way Services

Recommended Action:

- A) Approve and Authorize the Chair to execute an agreement for Right-of-Way management services with Kathy Wood & Associates for a not to exceed amount of \$600,000, and a term of three years with an option to extend for one 12-month period.
- B) Delegate authority to the Director of the Department to exercise the 12-month extension option.
- C) Delegate authority to the Director of the Department to issue task orders for this agreement, contingent on availability of sufficient funding for such.

Executive Summary:

The Department of Transportation and Public Works (TPW), is requesting authorization to execute an agreement for Right-of-Way management services with Kathy Wood & Associates. TPW's road, bridge, and airport construction projects frequently require acquisition of easements and other real property. Examples include temporary construction easements for equipment and material staging, and permanent rights of way (easements, and in fee) for construction of roads, sidewalks, or bridges. Effective management and federal funding of these activities requires a right-of-way manager with specific licenses and expertise to perform this work. TPW does not currently have staff who possess these qualifications and is requesting Board approval of a contract with Kathy Wood & Associates for a not to exceed amount of \$600,000 and a term of three years, with an option to extend for one 12-month period.

Under the recommended contract, Kath Wood & Associates will serve as TPW's dedicated and principal right of way agent and lead for related services, including for coordination of other "on-call" right of way services

providers as needed for specific projects (see companion “On Call Right of Way Services Agreements” item scheduled concurrently with this item).

Discussion:

To support TPW road, bridge, and airport construction and maintenance projects, and to comply with federal funding regulations, a right-of-way manager with specific licenses and expertise is needed. TPW does not currently have staff who possess these qualifications and since 2015 has been utilizing the combination of a dedicated Right-of-Way consultant and several “on call” consultants to perform this work. In addition, the estimated cost of hiring a full time Right of Way Manager for fiscal year 2021-22 is \$248,000 (includes salary and benefits). Over the past five fiscal years (2017-2021), however, TPW has only spent a combined \$645,345, or \$129,070 per year, on right of way consulting services. TPW has notified all applicable employee collective bargaining units as required, and to date no objection or other response has been received.

Therefore, in anticipation of the existing Right-of-Way consulting contract expiring on December 31, 2021, TPW developed and issued a Request for Qualifications (RFQ) in June 2021. The RFQ was prepared in accordance with the California Department of Transportation’s (Caltrans) “One-step” method. The “One-step” method includes a general scope of duties, which firms use to write a proposal and provide a rate/fee schedule. In July 2021, TPW received proposals from Kathy Wood & Associates and SJ Construction Management. After careful review, TPW staff is recommending contracting with Kathy Wood & Associates. The criteria used for evaluation and selection included understanding of work, similar experience to required services, and technical ability and qualifications. Rates were required to be submitted, but were not included in the selection criteria.

Kathy Wood & Associates has been a Right-of-Way consultant for TPW since 2015 and is thoroughly familiar with current TPW projects, procedures, and personnel. Should the Board authorize the recommended agreement, Kathy Wood & Associates will act as Right-of-Way prime consultant for TPW on an as-needed basis for the next three years, with an option to extend for one 12-month period. The requested, not-to-exceed limit of \$600,000 is based on right-of-way management costs over the past six years; however, there is no guarantee minimum payment associated with this contract. Due to Board-approved PG&E Settlement funding and disaster recovery work, TPW is preparing this agreement to allow delivery of additional projects over the next few years

Concurrent with this item is a separate Item for approval of “on call” right-of-way services agreements. This particular item is for lead Right of Way services, which will include coordination of those separately-retained, project-specific “on-call” consultants.

Prior Board Actions:

12/15/15 approval of Right of Way Manager agreement

12/4/18 approval of Right of Way Manager agreement

FISCAL SUMMARY

| Expenditures | FY 21-22 Adopted | FY22-23 Projected | FY 23-24 Projected |
|---------------------|-----------------------------|------------------------------|-------------------------------|
| Budgeted Expenses | \$75,000 | \$150,000 | \$150,000 |

| | | | |
|------------------------------------|-----------------|------------------|------------------|
| Additional Appropriation Requested | | | |
| Total Expenditures | \$75,000 | \$150,000 | \$150,000 |
| Funding Sources | | | |
| General Fund/WA GF | | | |
| State/Federal | \$55,000 | \$110,000 | \$110,000 |
| Fees/Other | \$20,000 | \$40,000 | \$40,000 |
| Use of Fund Balance | | | |
| Contingencies | | | |
| Total Sources | \$75,000 | \$150,000 | \$150,000 |

Narrative Explanation of Fiscal Impacts:

Expenditures for right-of-way 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:

Agreement

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

None