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County of El Dorado

Legislation Details (With Text)

File #:	13-0107 **Version:** 1		
Type:	Agenda Item	**Status:**	Approved
File created:	2/4/2013	**In control:**	Board of Supervisors
On agenda:	3/19/2013	**Final action:**	3/19/2013
Title:	Transportation recommending the Board consider the following: 1) Make findings in accordance with Chapter 3.13, Section 3.13.030 of the County ordinance that it is more economical and feasible to engage an independent contractor for real property appraisal and acquisition services and relocation services; and 2) Authorize the Chair to sign Agreement for Services No. 443-S1311 with Associated Right of Way Services, Inc. in the amount of $200,000 which shall become effective upon execution and shall expire the later of three years or completion of all issued Task Orders or Work Orders, upon review and approval by County Counsel and Risk Management. FUNDING: Various Capital Improvement Program (CIP) and Environmental Improvement Program (EIP) funding sources that fund the Department's CIP and EIP projects.		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. A - Draft CRS 3-19-13, 2. B - Draft ARWS Agreement 3-19-13, 3. Fully executed Agreement 443-S1311.pdf		

Date	Ver.	Action By	Action	Result
3/19/2013	1	Board of Supervisors	Approved	Pass

Transportation recommending the Board consider the following:
1) Make findings in accordance with Chapter 3.13, Section 3.13.030 of the County ordinance that it is more economical and feasible to engage an independent contractor for real property appraisal and acquisition services and relocation services; and
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FUNDING: Various Capital Improvement Program (CIP) and Environmental Improvement Program (EIP) funding sources that fund the Department's CIP and EIP projects.

BUDGET SUMMARY:	
Total Estimated Cost……	$200,000
Budgeted……	$60,000
New Funding……	
Savings……..	
Other*……..	$140,000

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Total Funding Available……	$200,000
Change To Net County Cost……	$0

*To be budgeted in subsequent fiscal year budgets.

Fiscal Impact/Change to Net County Cost
Transportation (Department) budgeted $60,000 in Fiscal Year 2012/2013 and anticipates budgeting the remaining $140,000 in subsequent fiscal year budgets. Funding for the Agreement will be provided by various Capital Improvement Program (CIP) and Environmental Improvement Program (EIP) funding sources that fund the Department's CIP and EIP projects.

Background
The Procurement and Contracts Division conducted a Request for Qualifications (RFQ) process for the Department in October 2012. Statements of Qualifications were evaluated and ranked and a list of acceptable right of way service vendors was established. For real property appraisal and acquisition services and relocation services, Associated Right of Way Services, Inc. (ARWS) was ranked sixth out of a field of ten participants.

Reason for Recommendation
The Department recommends the Board make findings in accordance with Chapter 3.13, Section 3.13.030 of the County ordinance that it is more economical and feasible to engage an independent contractor for real property appraisal and acquisition services and relocation services.

The Department is required to use outside consultant appraisers for right of way valuations to ensure independent and unbiased findings, and where with such property acquisitions, the possibility of eminent domain proceedings exist. The use of independent appraisers is mandated by regulations associated with the requirements imposed by the use of federal and state funding on virtually all of the Department's construction projects. In the event that an acquisition becomes the subject of an eminent domain proceeding, the testimony of the independent appraiser, as well as the documented parcel diaries of the contacts while negotiating with the property owners, are essential to the successful outcome of the acquisition.

For real property acquisitions on projects utilizing federal dollars and federally assisted programs, the Department's processes are governed by the Federal and State Relocation Assistance and Real Property Acquisition Policies Act, as set forth in the State of California Department of Transportation (Caltrans) Right of Way Manual. Caltrans requires that there be a separation of acquisition and appraisal functions (§7.05.00 of the Caltrans Right of Way Manual). Government Code §7267 and the Code of Civil Procedure §1263.010 also dictate procedures to be followed in order to acquire right of way for various projects. All of these regulations require professionally trained and experienced right of way professionals to maintain standards of ethics and impartiality in negotiations for the acquisition of real property for public project purposes.

The Department's existing Right of Way Agreements were utilized to a greater extent than originally anticipated due to a new requirement where appraisal reviews are required for federally funded (Federal Highway Administration [FHWA]) right of way acquisitions. Most of the Department's CIP projects are funded with FHWA funding and, therefore, the Department is including appraisal review services in this proposed Agreement.

The Department reviewed its Right of Way requirements based on the approved CIP and EIP and determined that it does not currently have sufficient staff to handle all of the projected Right of Way needs for the programs. The Department recently completed the recruitment process for a new Assistant in Civil Engineering position to assist the Right of Way Unit; however, this position will not be solely dedicated to the Right of Way Unit. Consultant services will still be required to cover spikes in workload over the next couple of fiscal years. With the current economic climate and the continuation of declining revenues, the Department is concerned about the sustainability of hiring additional staff beyond the aforementioned new Assistant in Civil Engineering position.

Additionally, many of the projects requiring right of way acquisitions are subject to uncertain delivery schedules. As multiple elements are beyond the County's control, including environmental review requirements and funding program fluctuations, project design schedules have historically been subject to delay making future staffing needs somewhat uncertain. The extended workload for the Right of Way Unit is under review in the current Community Development Agency reorganization and final staffing levels will be determined in this effort. Therefore, the Department is requesting Board authorization to enter into three separate Agreements for real property appraisal and acquisition services and relocation services and one Agreement for appraisal services and also requesting Purchasing Agent authorization to enter into two additional Agreements for appraisal services.

As these six Agreements are on-call Agreements, the Department will only utilize these Agreements for acquisition services when County staff is not available. Because of the labor intensive nature of relocation services, it may be better to utilize these Agreements instead of County staff if relocation services are required.

The Purchasing Agent reviewed and provided approval of the Department's request to process the Agreement with ARWS and concurs that the Department's request is in compliance with Board of Supervisors Policy C-17.

The El Dorado County Employees Association, Local #1, has been informed of this proposed Agreement.

Action(s) to be taken following Board approval

1. Upon approval by County Counsel and Risk Management, the Clerk of the Board will obtain the Chair's signature on the two originals of the Agreement.
2. The Clerk of the Board will forward one fully executed original Agreement to the Department for further processing.

Contact

Kim Kerr
Interim Director of Transportation