



## Legislation Text

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**File #:** 22-0713, **Version:** 1

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Department of Transportation recommending the Board:

- 1) Find in accordance with Chapter 3.13, Section 3.13.030 of the County Ordinance Code that it is more economical and feasible to engage an independent contractor for as-needed appraisal, appraisal review, acquisition, and relocation services;
- 2) Approve and authorize the Chair to sign Agreement for Services 6423 with Bender Rosenthal, Inc. in the not-to-exceed amount of \$300,000, for a term to become effective upon execution by both parties and expiring three years thereafter, to provide as-needed appraisal, appraisal review, acquisition, and relocation services;
- 3) Approve and authorize the Chair to sign Agreement for Services 6427 with Hulberg & Associates, Inc. dba Valbridge Property Advisors, in the not-to-exceed amount of \$300,000, for a term to become effective upon execution by both parties and expiring three years thereafter, to provide as-needed appraisal and appraisal review services;
- 4) Approve and authorize the Chair to sign Agreement for Services 6428 with Monument ROW in the not-to-exceed amount of \$300,000, for a term to become effective upon execution by both parties and expiring three years thereafter, to provide as-needed appraisal, appraisal review, acquisition, and relocation services; and
- 5) Approve and authorize the Chair to sign Agreement for Services 6425 with Pattison & Associates in the not-to-exceed amount of \$300,000, for a term to become effective upon execution by both parties and expiring three years thereafter, to provide as-needed appraisal services.

**FUNDING:** For various Capital Improvement Program, Environmental Improvement Program, and other projects as needed, funding will be provided by associated Federal, State, and Local funding sources. Local funding sources may include any combination of the following: Traffic Impact Fee Program, Missouri Flat Area Master Circulation and Financing Plan, Road Fund, Tribe Funds, Accumulative Capital Outlay, Developer Advanced Funds, Sacramento Municipal Utility District, and/or General Fund.

### **DISCUSSION / BACKGROUND**

In March of 2021, at the request of the Department of Transportation (Transportation), the Procurement and Contracts Division of the Chief Administrative Office issued a Request for Qualifications (RFQ) for as-needed real property appraisal, acquisition, and relocation services. Transportation evaluated the need for services based on upcoming projects in the Capital Improvement Program (CIP), including other projects as needed, and decided to issue four (4) as-needed agreements (Agreements) for services with the County.

A panel evaluated and ranked the ten (10) proposals that were received based on understanding the scope of work, ability to undertake the work and produce deliverables within the time schedule provided, past performance and related experience, and qualifications of their team. The top-ranked proposers for services are Bender Rosenthal, Inc., Hulberg & Associates, Inc. dba Valbridge Property Advisors, Monument ROW, and Pattison & Associates (Consultants).

Transportation 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 Transportation'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, Transportation'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.

Transportation recommends the Board make findings in accordance with Section 3.13.030 of the El Dorado County Ordinance that it is more economical and feasible to engage an independent contractor for as needed appraisal, appraisal review, acquisition, and relocation services. Transportation staff provides contract negotiation and administration oversight, prepares and reviews waiver valuations for easement acquisitions, negotiates acquisitions based on consultant provided valuations and works with the title company to close escrows and transfer title. Transportation reviewed its right of way acquisitions based on the approved CIP and Environmental Improvement Program (EIP) and determined that it does not currently have sufficient staff to handle all of the projected right of way needs for the programs. Consultant services will be required to cover fluctuations in current and future workload.

The RFQ process was conducted in accordance with County Procurement Policy C-17.

The El Dorado County Employees Association, Local 1, was informed of the proposed Agreements.

## **ALTERNATIVES**

- 1) The Board could choose to not approve the Agreements. If the Agreements were not approved, delays would be expected in project delivery. Without outside contractors, projects may not meet Caltrans requirements, in which case, Caltrans would not accept those projects at their completion.
- 2) Transportation could attempt to hire staff with the specialty skills required for a short period of time (part-time, limited-term). This is likely not feasible since someone with this expertise would likely not be willing to work part-time in a limited-term capacity. This would not eliminate the need for independent real property services when required by outside agencies.

## **PRIOR BOARD ACTION**

N/A

## **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

County Counsel, Risk Management, and Chief Administrative Office, Procurement and Contracts Division.

## **CAO RECOMMENDATION / COMMENTS**

Approve as recommended.

## **FINANCIAL IMPACT**

Funding for the Agreements will be provided by various CIP and EIP project budgets, including federal, state, and local funding sources. Local funding sources may include any combination of the following: Traffic Impact Fee Program, Missouri Flat Area Master Circulation and Financing Plan, Road Fund, Tribe Funds, Accumulative Capital Outlay, Developer Advanced Funds, Sacramento Municipal Utility District, and/or General Fund. There is no change to net County cost.

## **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) The Clerk of the Board will obtain the Chair's signature on two (2) originals of each of the Agreements.
- 2) The Clerk of the Board will forward one (1) fully executed original of each Agreement to the Chief Administrative Office, Contracts & Procurement Division, for further processing.

## **STRATEGIC PLAN COMPONENT**

Infrastructure

## **CONTACT**

Rafael Martinez, Director  
Department of Transportation