



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b>		DocuSigned by: <i>Michael Jones</i> 47000790F2D7463...		<b>GENERAL MANAGER ACTION REQ'D:</b>	
DATE: 7/12/2022		7/20/2022		BOARD INITIATED ITEM: No	
<b>Originator/Prepared by: Joseph Basuino</b> <b>Dept: Real Estate &amp; Prop Development</b>		<b>General Counsel</b>		<b>Controller/Treasurer</b>	
DocuSigned by: <i>Joseph Basuino</i> 1C6C2911CC1E414...		DocuSigned by: <i>Jana Belan</i> F8FD7B3A73E74E8...		DocuSigned by: <i>Chris Gan</i> EE11C8CEEEA04FD...	
<b>Signature/Date:</b> 7/18/2022		7/18/2022 [ ]		7/18/2022 [ ]	
				<b>District Secretary</b>	
				<b>BARC</b>	
				DocuSigned by: <i>Carl Holmes</i> 2243E3B49EA349E...	
				7/19/2022 [ ]	

### Award of Real Property Appraisal Services Agreements (6M4739)

**PURPOSE:** To authorize the General Manager or his designee to execute separate agreements with the following consultants to provide On-Call Real Property Appraisal Services to support District Projects: Associated Right of Way Services, Inc. and Smith & Associates, Inc.

**DISCUSSION:** On February 17, 2022, the District issued Request for Proposals (“RFP”) No. 6M4739, the purpose of which is to select up to three (3) consultants to provide the District with On-Call Real Property Appraisal Services for a five-year period. The services will be required on an as-needed, on-call basis. Execution of these agreements will enable the District to secure needed advice and reports on real property appraisals for District projects including, but not limited to, full and partial real property acquisition appraisals, appraisals of fee and easement interests, appraisals for rent/lease purposes, appraisals for furniture, fixtures and equipment, and appraisals of Loss of Business Goodwill (“LBG”). LBG appraisals are required to analyze if businesses displaced by a BART project results in a loss of value to the business that is not directly attributable to the actual assets of the business. Assignments under these agreements will be defined on a project-by-project basis and will be dependent on annual operating budget appropriations and capital funds received for individual District projects.

The RFP was transmitted to approximately 27 firms, and a pre-submittal meeting was conducted on March 7, 2022 and attended by one firm. The Office of the District Secretary advertised the RFP in ten (10) publications. On April 5, 2022 proposals were received from the following firms: Associated Right of Way Services, Inc. and Smith & Associates, Inc. Proposals were reviewed by a Source Selection Committee (the “Committee”) consisting of

staff from the Office of Civil Rights, Procurement, and Real Estate and Property Development. Proposals were first reviewed to determine if they were responsive to the requirements of the RFP and if the proposers were considered to be responsible prospective consultants. Both of the proposals were found to be responsive and the proposers were considered to be responsible prospective consultants. Subsequently, the proposals were evaluated and scored by the Committee.

As stipulated in the RFP, the District was seeking up to three consultants. Based on the competitive range of scores determined by the Committee, oral interviews were conducted with both of the proposers on April 29, 2022. Based on the evaluation of the submitted proposals and the oral interviews, the Committee, using a best value methodology, unanimously determined that both of the interviewed firms should be recommended for award of on-call agreements. The proposed consultants and their subconsultants are:

1. Associated Right of Way Services, Inc.
  - a. Goodwill Appraiser: Desmond, Marcello and Amster ("DM&A").
  - b. Fixtures and Equipment Appraiser: DM&A.
2. Smith & Associates, Inc.
  - a. Goodwill Appraiser: Donna Desmond Associates and DM&A.
  - b. Fixtures and Equipment Appraiser: DM&A.

Very few firms in California offer LBG and Fixtures and Equipment appraisal services. Therefore, both of the proposed consultants have chosen DM&A and Donna Desmond Associates due to their past work in the San Francisco Bay Area. This agreement was advertised pursuant to the District's Disadvantaged Business Enterprise ("DBE") Program requirements. The Office of Civil Rights reviewed the scope of work for this Agreement and determined that there were limited DBE subconsulting opportunities; therefore, no DBE participation goal was set for this agreement.

Multiple agreements are being recommended to enable the District to competitively secure requisite consultant support on a project-by-project basis using the District's Work Directive process, to ensure that requisite assistance is provided on a timely basis, and to ensure that no conflict of interest exists.

The Office of the General Counsel will approve each agreement as to form.

**FISCAL IMPACT:** Each of the agreements has a not-to-exceed limit of \$300,000. These agreements have a total combined limit not to exceed \$600,000. District obligations will be subject to a series of Work Plans ("WPs"). Each WP will have a defined scope of services,

and a separate schedule and budget. Any WP assigned for funding under a State of Federal grant will include State or Federal requirements. Capital Development and Control will certify the eligibility of identified capital funding sources and the Controller/Treasurer will certify availability of such funding prior to incurring project costs against these agreements, and the execution of each WP. While most WPs are expected to have capital funding sources, some may have operating funds. Each WP will be subject to the availability of funding in the Planning Department budget, or other department budgets as requested, for future years.

**ALTERNATIVES:** The District could reject all proposals and solicit new proposals, or award to less than the recommended two proposers. Re-issuing the RFP could adversely impact the District's capital programs that require real property appraisals.

**RECOMMENDATION:** Adoption of the following motion.

**MOTION:** The General Manager or his designee is authorized to execute the following agreements to provide On-Call Real Property Appraisal Services, for an amount not to exceed \$300,000, per agreement pursuant to notification to be issued by the General Manager and subject to the District's protest procedures:

- a. Associated Right of Way Services, Inc.
- b. Smith & Associates, Inc.