



## EXECUTIVE DECISION DOCUMENT

<b>GENERAL MANAGER APPROVAL:</b> <div style="float: right; text-align: right;"> <small>DocuSigned by:</small>    <small>47000790F2D7463...</small> </div>		<b>GENERAL MANAGER ACTION REQ'D:</b>		
<b>DATE:</b> 7/12/2022      7/20/2022		<b>BOARD INITIATED ITEM:</b> Yes		
<b>Originator/Prepared by:</b> Joseph Basuino <b>Dept:</b> Real Estate & Property Development <div style="text-align: right;"> <small>DocuSigned by:</small>    <small>1C6C2911CC1E414...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">7/18/2022</div>	<b>General Counsel</b> <div style="text-align: right;"> <small>DocuSigned by:</small>    <small>F8FD7B3A73E74E8...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">7/18/2022 [ ]</div>	<b>Controller/Treasurer</b> <div style="text-align: right;"> <small>DocuSigned by:</small>    <small>EE11C8CEEEA04FD...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">7/18/2022 [ ]</div>	<b>District Secretary</b> <div style="text-align: right;"> <small>DocuSigned by:</small>    <small>2243E3B49EA349E...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">7/19/2022 [ ]</div>	<b>BARC</b> <div style="text-align: right;"> <small>DocuSigned by:</small>    <small>2243E3B49EA349E...</small> </div> <b>Signature/Date:</b> <div style="text-align: right;">7/19/2022 [ ]</div>

### Award of Real Property Comprehensive Acquisition, Relocation and Title Services Agreements (6M4778)

**PURPOSE:** To authorize the General Manager or his designee to execute separate agreements with the following consultants to provide Real Property Comprehensive Acquisition, Relocation and Title Services to support District Projects: Associated Right of Way Services, Inc., Monument ROW, Inc. and Overland, Pacific and Cutler, LLC.

**DISCUSSION:** On February 15, 2022, the District issued Request for Proposals (“RFP”) No. 6M4778, the purpose of which is to select up to three (3) consultants to provide the District with On-Call Real Property Acquisition, Relocation and Title Services for a five (5) year period. The services will be requested on an as-needed, on-call basis. Execution of these agreements will enable the District to secure needed advice and right-of-way related services for District projects. Typically BART will utilize these services when a proposed project requires the purchase of land and/or improvements as well as the displacement of individuals or businesses due to the proposed project. 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 advertised online and in newspapers. An advance notice was transmitted to approximately 19 firms. Seventeen (17) firms then accessed the solicitation through our vendor portal and six (6) attended the pre-proposal meeting that was conducted on March 4, 2022. On April 5, 2022, proposals were received from the following firms: Associated Right of Way Services, Inc., Paragon Partners, Monument ROW, Inc. and Overland, Pacific and Cutler, LLC. 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 responsiveness to the

requirements of the RFP and responsible prospective consultants. All 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 all of the proposers on May 9, 2022. Based on the evaluation of the submitted proposals and the oral interviews, the Committee, using a best value methodology, unanimously determined that the following interviewed firms should be recommended for the award of on-call agreements. The proposed consultants are:

1. Associated Right of Way Services, Inc.
2. Monument ROW, Inc.
3. Overland, Pacific and Cutler, LLC

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 \$200,000. 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 or 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 three proposers. Re-issuing the RFP could adversely impact the District's capital programs that require real property.

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

**MOTION:** The General Manager or his designee is authorized to execute the following agreements to provide Real Property Comprehensive Acquisition, Relocation and Title Services, for an amount not to exceed \$200,000, 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. Monument ROW, Inc.
- c. Overland, Pacific and Cutler, LLC