



DATE: November 1, 2021

TO: Mayor and Members of the City Council

VIA: Kevin Miller, Interim City Manager

FROM: Ray Towne, Acting Public Works Director

SUBJECT: AWARD OF A CONSULTANT AGREEMENT FOR PROFESSIONAL PROPERTY INTEREST ACQUISITION SERVICES FOR THE LEVEE PROTECTION PLANNING AND IMPROVEMENTS PROJECT (CIP 327-657)

RECOMMENDATION

It is recommended that the City Council adopt the attached resolution authorizing:

1. The Mayor to execute an agreement with Bender Rosenthal, Inc. (BRI) in the amount of \$218,083 for professional property interest acquisition services for the Levee Protection Planning and Improvements Project (CIP 327-657); and
2. A project contingency in the amount of \$31,000 with authority given to the City Manager to execute contract amendments up to the contingency amount.

EXECUTIVE SUMMARY

Property interest acquisition services are necessary to construct permanent improvements on private land abutting the Levee Protection Planning and Improvements Project (CIP 327-657). BRI was selected from three consulting firms that submitted proposals for property interest acquisition services. The fees in the amount of \$218,083 have been negotiated and determined reasonable based on the scope of services. Funding in the amount of \$250,000 is available in the approved project budget for the acquisition portion. With the execution of the agreement, BRI will begin work to negotiate the acquisition of property interest for eleven locations.

BACKGROUND

On November 21, 2019, San Francisco Bay Conservation and Development Commission (BCDC) issued Permit Number 2018.005.00.00 authorizing construction of CIP 327-657 subject to certain conditions. These conditions included the construction of certain public access and amenity improvements, portions of which the City has determined fall on private property, which the City currently does not have the right to improve on. Permission from the owners and property interest acquisition from these private properties are required to install any permanent improvements.

There are 11 locations that require property interest acquisition proceedings associated with the construction of the permanent improvements. These locations (listed below) include two single family homes, homeowner's associations, commercial property, and Caltrans excess/non-operational property:

- 712 Gateshead Court (Single Family Home)
- 719 Gateshead Court (Single Family Home)
- Alden Park (Subdivision)
- Bayfront Court (Subdivision)
- Lantern Cove (Subdivision)
- Nantucket Cove (Subdivision)
- Schooner Bay (Subdivision)
- Williams Landing (Subdivision)
- Port Royal Master Association (Subdivision)
- Tishman-Speyer (Commercial)
- Caltrans (Excess/Non-operational Property)

At the meeting on July 19, 2021, the City Council adopted Resolution No. 2021-105 (Attachment 3) authorizing staff to issue the Request for Proposal (RFP) to provide professional property interest acquisition services and initiate the consultant selection process.

ANALYSIS

The RFP was posted on the Foster City website and distributed to various consulting firms. The City received a total of three (3) proposals from the following firms:

- Associated Right of Way Services, Inc.
- Bender Rosenthal, Inc.
- Overland Pacific & Cutler, LLC

An evaluation committee consisting of staff members from the Public Works Engineering Division reviewed the proposals. After the qualification-based selection

process, BRI was unanimously determined to be the most qualified firm for the project. BRI is a well-established company with significant experience performing similar work on similar projects. The agencies had very positive comments about their performance and work product.

To accomplish the City's goals for property interest acquisition, the contract scope of work will include the following tasks:

1. Appraisal Services – Appraisal services include research on sales and listings of comparable properties, performance of a survey of the property, preparation of plat and legal descriptions, and preparation of all documents necessary for property acquisition.
2. Property Interest Acquisition and Negotiations – Acquisition services include all contact with the property owners for the purpose of negotiating the acquisition of the real property interests.
3. Title and Closing Services – This includes working with the property owners and title company to prepare all documents required for closing.
4. Final Accounting Services – This includes the preparation of the final accounting package for the property acquisition.

FISCAL IMPACT

The proposed fees in the amount of \$218,083 have been negotiated and determined reasonable based on the scope of services. Additionally, a project contingency in the amount of \$31,000 or approximately 15% of the contract amount is recommended to pay for additional services to mitigate unforeseen tasks or for additional services that may be required. Funding in the amount of \$250,000 is available in the project budget for property interest acquisition.

The City Council's approval of the attached resolution will allow staff to proceed with the property acquisitions necessary to complete the project. Assuming full cooperation from the affected property owners, Staff anticipates that the acquisition services will be completed by Summer 2022.

CITY COUNCIL VISION, MISSION, AND VALUE/PRIORITY AREA

This item is in alignment with the "Facilities and Infrastructure Initiative" Value/Priority Area. The Levee Improvements Project is in alignment to the City Council's adopted Vision and Mission statements, in that it seeks to create a sustainable environment through infrastructure improvements for current and future generations to come. The key outcome is to make substantial progress toward an improved levee on time and budget to protect the community and critical infrastructure from storms and high tide.

Attachments:

- Attachment 1 - Resolution
- Attachment 2 - Agreement
- Attachment 3 - Resolution No.2021-105
- Attachment 4 - Request for Proposal - BRI