



Topic: **Authority Board Agenda Item 6.5** **2018 Mar 25**

Subject: **Consulting Services 2019 Task Order – Bender Rosenthal, Inc.**

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**Requested Action:**

Consider approval of the issuance of Task Order 2 to Bender Rosenthal, Inc. for Service Area G – Real Estate for services through December 31, 2019.

**Detailed Description/Background:**

Staff has worked with Bender Rosenthal, Inc. to develop a Phase 2 2019 task order utilizing funds from the approved Phase 2 (2019) Work Plan and Budget to provide real estate support from April 1, 2019 through December 31, 2019.

**Prior Authority Board Action:**

On August 20, 2018, the Authority Board approved the release of the Project Development Support Services RFQ-18-04.

On November 19, 2018, the Authority Board approved the selection of Bender Rosenthal, Inc. for Service Area G – Real Estate.

Also, on November 19, 2019 the Authority Board separately approved the 2019 Phase 2 Work Plan and Budget.

On January 28, 2019 the Authority approved a consulting agreement and initial task order with Bender Rosenthal, Inc. for Service Area G – Real Estate from February 1, 2019 through March 31, 2019.

**Fiscal Impact/Funding Source:**

Funding for this task order has been assigned from the Phase 2 2019 Work Plan and Budget, which has been approved by the Authority Board of Directors and the Reservoir Committee.

**Staff Contact:**

Joe Trapasso

**Attachments:**

Attachment A – Task Order #2



## **Sites Reservoir Project**

### **Sites Project Authority Real Estate Task Order**

#### **Consultant: Bender Rosenthal Incorporated**

#### **Task Order No. 2**

Task Order No. 2 provides work activities for CONSULTANT on their Consulting Agreement with the Authority for real estate services for the period of performance from April 1, 2019 through December 31, 2019.

#### **Scope of Services**

This task order scope of services which includes tasks, deliverables and assumptions for these tasks are also provided in Attachment 1.

#### **Labor Rate Table**

The CONSULTANT labor rate table for this task order is provided in Attachment 2.

#### **Budget**

The total not to exceed budget amount for this task order is \$369,000.00. Budgets for each individual task within the scope of services may be further refined in the early stages of the task order as the priorities for each task are further defined by the Authority Staff. The budget is provided in Attachment 3.

#### **Schedule**

The period of performance for this task order is April 1, 2019 through December 31, 2019. The schedule is provided in Attachment 4.

#### **Funding Agreement**

The Sites Project is funded by several funding sources. The CONSULTANT agrees they will comply with fund reporting requirements and with supporting Program reporting requirements. As not all funding agreements have been executed; reporting requirements continue to develop. In general, record-keeping and invoicing shall comply with Generally Accepted Accounting Principles and as implemented in established Program procedures and documentation.

Random internal audits of all Service Areas will be conducted by Project Controls during the project period of performance. These audits will be conducted to review internal controls for the fair presentation of record keeping and invoicing.

The Project will be subject to state and/or federal audits besides the standing annual project audits which will be conducted by an external CPA. It is the intention of Project Controls to develop reports which will satisfy these audits, however, the CONSULTANT will be required to provide support.

## Commercial Terms

Annual salary increases shall not be related to any specific Consumer Price Index, applied summarily to all staff. Allowable increases shall be based, at this time, on individual merit increases plus GSA FAR approved overhead (where available) and 10% profit. Each firm will be allowed to submit their revised, updated rate sheet on an annual basis. The new rates should be submitted 30 days prior to the effective date of increase.

The only exception to this annual increase restriction is a merit increase related to the acquisition of Professional Engineer licensure or acquisition of other professional, technical licensure related to the work they are providing under this task order. The Program will honor salary increases related to acknowledgement of competency in the form of professional, technical licensure based on their effective date.

The Authority will reimburse non-labor/other direct cost only at the CONSULTANT's actual cost

This Task Order, incorporating the above Attachments and Additional Contract Documents, is hereby executed by duly authorized representatives of the parties.

**CONSULTANT**

**Sites Project Authority**

By: \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## **Attachment 1**

### **Scope of Services for Task Order G001 – Phase II Real Estate Services**

This scope of services involves ongoing Real Estate Efforts needed to support the Sites Project Authority (Authority) through December 31, 2019. In general, this scope includes activities in support of the scope outlined in the Authority's Request for Qualifications (RFQ) No. 18-04 and the Statement of Qualifications (SOQ) prepared by Bender Rosenthal, Incorporated

#### **Task G1—Develop Draft Right-of-Way Manual**

This task involves work associated with supporting the Authority's Agents in developing draft sections of a Right-of-Way Manual, for possible inclusion in the Project Management Plan, and/or as a stand-alone Real Estate Processes Document.

##### **Task G1.1—Develop Draft Right-of-Way Manual Sections**

BRI will perform the following tasks:

- lead development of Draft Right-of-Way Manual, including
  - Real Estate Procedures; Protocols
  - Right-of-Way Planning; Estimating; Early Acquisition
  - Right-of-Way Public Outreach and Community Engagement
  - Right-of-Entry Program/Process
  - Valuation Program/Process
  - Acquisition; Condemnation; Title, Escrow
  - Relocation
  - Property Management
  - Clearance and Demolition; Certification
  - Excess, Conservation, and Mitigation Lands; Leasing
- support development of draft approaches to sections of the PMP where the Real Estate Service Provider will serve in a support function (Communications, etc)
- attend meetings with Authority's Agents and Project Integrator Staff

##### **Assumptions:**

- BRI will have access to Authority's Agents for direction and decisions on R/W Manual and PMP approach.

##### **Deliverables:**

It is anticipated that the following R/W Manual Sections will be delivered in draft format as part of this task:

- as listed above

## **Task G2—Right-of-Way Planning**

This task involves work associated with supporting the Authority’s Agents and the Project Integrator by delivering Right-of-Way Planning for the Real Estate Effort to further the Sites Reservoir Project.

### **Task G2.1—Right-of-Way Planning Efforts**

BRI will perform the following tasks:

- develop and maintain a Right-of-Way Data Sheet
- develop procedures for the Real Estate Program
- right-of-way planning – Real Estate Plan
- right-of-way planning – Right-of-Entry Plan for delivery of the project-required rights; Negotiation Strategy
- right-of-way planning – Acquisition Plan for delivery of the project-required rights
- right-of-way planning – Valuation Plan – process and approach for Valuation Program
- right-of-way planning – Relocation Plan – process and approach for Relocation Program
- right-of-way planning – Property Management Program for strategic management of the project-acquired land rights, including security, interim use, long-term use, and disposition
- right-of-way planning –Utility Plan, understanding of existing rights; prep for impacts to Utilities
- right-of-way planning – crossings and local coordination – local transportation; Caltrans; railroads; Federal lands; State lands; Sovereign Lands
- conduct necessary research
- Right-of-Way Process Presentations; Right-of-Way Workshops; Compensation Protocol
- attend meetings with Authority’s Agents and Project Integrator Staff; Tiger Team participation

#### **Assumptions:**

- BRI will have access to Authority’s Agents for direction and decisions regarding planning, scheduling, project footprint, project impacts, affected parcels / line list, and construction schedule

#### **Deliverables:**

It is anticipated that the following items will be delivered in draft format as part of this task:

- Right-of-Way Data Sheet
- Real Estate Procedures
- Right-of-Entry Plan
- Acquisition Plan
- Valuation Plan
- Relocation Plan
- Utility Plan
- Property Management Program

## **Task G3—Right-of-Entry / Early-Access Program**

This task involves work associated with supporting the Authority’s Agents in initiating and conducting a Right-of-Entry and Early-Access / Early-Acquisition Program to secure the needed rights for preliminary project activities.

### **Task G3.1—Right-of-Entry / Early-Access Program Prep and Implementation**

BRI will perform the following tasks:

- Property Detail Research
- Line List – development and maintenance; Title – Ownership, Vesting
- Right-of-Entry / Early-Access / Right-of-First-Refusal Documents; coordination with Legal
- Coordination with Communications Service Area Provider
- Property Owner Engagement – communications; meetings; site visits
- Valuation Estimates
- Right-of-Entry Negotiations
- Early-Acquisition Program Negotiations; Option-Agreement Efforts; Right-of-First-Refusal Efforts
- Field Activity Coordination – coordination with other Project Teams
  - coordination of on-site project activities; Property Owner Liaison
- Encroachment Permitting Process – Engagement with Local Governments
- Acquisition, Escrow, Title, Closing
- attend meetings with Authority’s Agents and Project Integrator Staff
- coordination with Project Integrator, and other Service Area Providers re GIS Tool and Tiger Team

#### **Assumptions:**

- BRI will have access to Authority’s Agents for direction and decisions regarding affected parcels, required rights, scheduling, project footprint, project impacts, and site-access schedule.
- Right-of-Entry activity will be dependent upon Project needs
- Some Rights of Entry may need to be secured in 2019, for Project site activities to be performed in 2020
- At this time, it is unknown how many parcels / locations / negotiations will be required to provide the needed project rights. This Scope of Work, and the resulting Budget is based upon an estimate of 20 parcels / locations / negotiations of non-complex nature. If more parcels / locations / negotiations are required for project activities, or if the parcels / locations and/or negotiations are of a more complex nature, the Scope of Work and Budget will require adjustment accordingly.

#### **Deliverables:**

It is anticipated that the following items will be delivered for use as part of this task:

- Line List – continued development
- Right-of-Entries
- Negotiation-Acquisition Documents

## **Task G4—Property Management Program**

This task involves work associated with supporting the Authority’s Agents in initiating and conducting a Land Management Program as part of the Authority’s Real Estate Effort.

### **Task G4.1—Property Management Program Prep and Implementation**

BRI will perform the following tasks:

- identify project-affected lands that will require property management
- develop property management plans for lands requiring property management
- implement property management plans per direction of Authority
- identify project-affected lands that are candidates for disposition
- develop disposition plans for lands approved for disposal by Authority
- implement disposition plans per direction of Authority
- coordinate with Authority’s efforts to secure, as needed, conservation and mitigation lands
- coordinate with Authority’s Service Area Providers, with regard to interim and long-term land management, as needed
- attend meetings with Authority’s Agents and Project Integrator Staff

#### **Assumptions:**

- BRI will have access to Authority’s Agents for direction and decisions regarding interim and long-term land management.
- At this time, it is unknown how many parcels will require property management. This Scope of Work, and the resulting Budget is based upon an estimate of 8 parcels / locations of standard management demand. If more parcels / locations require management, or exhibit higher management demand, the Scope of Work and Budget will require adjustment accordingly.

#### **Deliverables:**

It is anticipated that the following items will be delivered as part of this task:

- Property Management Plans, as needed
- Acquired-Property Disposition Plans, as needed

## **Task G5—Public Outreach and Community Engagement**

This task involves work associated with supporting the Authority’s Agents in initiating and conducting Public Outreach and Community Engagement as a preliminary project activity and ongoing effort.

### **Task G5.1—Public Outreach and Community Engagement**

BRI will perform the following tasks:

- coordinate with and support Communications Service Area Provider to support Public Outreach and Community Engagement Efforts
- participate in development of communications collateral
- coordinate with Communications Team on development of External Documents and Collateral
- attend public meetings, as needed
- Property Owner Point of Contact
- Property Owner Engagement – communications; meetings; site visits
- Field Activity Coordination – Property Owner Liaison
- Engagement with Local Government
- attend meetings with Authority’s Agents, Communications Team, and Project Integrator Staff

#### **Assumptions:**

- BRI will have access to Authority’s Agents for direction and decisions regarding Public Outreach and Community Engagement; Access and Coordination with Communications Service Area Provider.
- At this time, it is unknown how many public outreach / community engagement events are planned, or what volume of Property Owner contact is to be expected. This Scope of Work, and the resulting Budget is based upon outreach activities of one to two per month, and moderate Property Owner contact. If activities exceed these amounts, the Scope of Work and Budget will require adjustment accordingly.

#### **Deliverables:**

It is anticipated that the following items will be delivered as part of this task:

- Summary of noteworthy and/or actionable public engagement matters, as related to the Authority’s Real Estate Effort and/or providing support to the Communications Team



## **Task G98—Project Management**

This task involves work associated with project management and quality control in support of the Authority's Real Estate Effort in furtherance of the Sites Reservoir Project.

### **Task G98.1— Project Management**

This task includes...

- Meetings and Coordination with Authority; Authority's Agents; and Authority's Staff
- Meetings and Coordination with Authority's Consultants, Vendors, Service Area Providers; Tiger Team
- Project Tracking and Statusing
- Status Meetings
- Reviewing and Reporting Labor and Expense Effort
- Coordinating Staffing Requirements
- Participation at Board and Committee Meetings
- Participation at Project Integration / Coordination Meetings
- Invoicing
- Administrative Functions and Activities
- Regular Effort Reports to Project Controls
- Monthly Invoice and Progress Report for tasks and deliverables, per consulting agreement

### **Task G98.2— Quality Control**

Our Team will provide internal quality-control reviews for each deliverable provided to the Authority. This task includes time to review project deliverables.

## **Task G99—Expenses**

This task involves all expenses related to Other Direct Costs, Travel, Meals, etc.

### **G99.1 – Other Direct Costs, Travel, Meals**

This task includes...

- Preliminary Title Reports – At Cost – direct project expense
- Title and Escrow Fees – At Cost – direct project expense
- Shipping – At Cost
- Mileage – IRS Annual – \$0.545
- Rental Car Reimbursement
- Meals and Other Allowable Expenses – At Cost

## Attachment 2, Rate Table

Firm	Employee		Billing
	Last name, First MI	Role	Office Rate (\$/hr)
Bender Rosenthal, Inc.	Bender Reents, Cydney	Project Manger	\$437.89
Bender Rosenthal, Inc.	Wraa, David	Appraisal Manager	\$350.31
Bender Rosenthal, Inc.	Eastham, Katie	Project Controller	\$157.87
Bender Rosenthal, Inc.	Green, Rebekah	Project Coordinator	\$140.99
Bender Rosenthal, Inc.	McDonald, Conner	Lead Right of Way Agent	\$108.81
Bender Rosenthal, Inc.	Lee-Lovell, Lindy	Acquisitions Auditor	\$242.88
Bender Rosenthal, Inc.	Willett, Ward "Chip"	Railroad Coordinator	\$206.45
Bender Rosenthal, Inc.	Sierra, Tony	Relocation Services	\$119.86
Bender Rosenthal, Inc.	Lahodny, Mike	Appraisal QA/QC	\$158.11
Bender Rosenthal, Inc.	Bell, Aly	Appraisal Services	\$72.86
Bender Rosenthal, Inc.	Bagott, Jeremy	Appraisal Services	\$121.44
Bender Rosenthal, Inc.	Besso , Lisa	Appraisal Services	\$76.51
Bender Rosenthal, Inc.	Brown, Evan	Appraisal Services	\$48.58
Bender Rosenthal, Inc.	Bursch, Adam	Appraisal Services	\$198.51
Bender Rosenthal, Inc.	Calabrese, Jared	Appraisal Services	\$136.01
Bender Rosenthal, Inc.	Campbell, Ross	Appraisal Services	\$111.58
Bender Rosenthal, Inc.	Corey, Alysia	Appraisal Services	\$60.72
Bender Rosenthal, Inc.	Furr, Evan	Appraisal Services	\$48.58
Bender Rosenthal, Inc.	Goodman, Efren	Appraisal Services	\$100.80
Bender Rosenthal, Inc.	Hagstedt, Stacie	Appraisal Services	\$71.65
Bender Rosenthal, Inc.	Houghton, David	Appraisal Services	\$111.72
Bender Rosenthal, Inc.	Kobilis, Justin	Appraisal Services	\$123.87
Bender Rosenthal, Inc.	Lahodny, Mike	Appraisal Services	\$158.11
Bender Rosenthal, Inc.	McGrew, Fred	Appraisal Services	\$58.29
Bender Rosenthal, Inc.	Mulholland, Joseph	Appraisal Services	\$80.15
Bender Rosenthal, Inc.	Naqvi, Najm	Appraisal Services	\$48.58
Bender Rosenthal, Inc.	Parrot, Angela	Appraisal Services	\$111.72
Bender Rosenthal, Inc.	Sellery, Daniel	Appraisal Services	\$60.72
Bender Rosenthal, Inc.	Woodward , Amy	Appraisal Services	\$111.72
Bender Rosenthal, Inc.	Aldal, Jeff	Acquisition Services	\$137.59
Bender Rosenthal, Inc.	Arnold, Suzann	Acquisition Services	\$109.30
Bender Rosenthal, Inc.	Bond, Shayne	Acquisition Services	\$68.01
Bender Rosenthal, Inc.	Clarke, Christopher	Acquisition Services	\$102.01
Bender Rosenthal, Inc.	Cole, Jennifer	Acquisition Services	\$109.30
Bender Rosenthal, Inc.	Ganyon, Tom	Acquisition Services	\$167.59
Bender Rosenthal, Inc.	Hutton-Petty, Rebecca	Acquisition Services	\$48.58
Bender Rosenthal, Inc.	Lee, Eeden	Acquisition Services	\$70.44
Bender Rosenthal, Inc.	Newell, Justin	Acquisition Services	\$70.44
Bender Rosenthal, Inc.	Paredes-Mora, Lose	Acquisition Services	\$60.72
Bender Rosenthal, Inc.	Porter, Kathy	Acquisition Services	\$134.29
Bender Rosenthal, Inc.	Rankin, Kaley	Acquisition Services	\$48.58
Bender Rosenthal, Inc.	Schimpf, Brenda	Acquisition Services	\$206.45
Bender Rosenthal, Inc.	Smith, Lucas	Acquisition Services	\$89.87
Bender Rosenthal, Inc.	Springer, Ellen	Acquisition Services	\$70.44
Bender Rosenthal, Inc.	Thompson, Vivian	Acquisition Services	\$77.72
Bender Rosenthal, Inc.	Wirkner, John	Acquisition Services	\$111.72
Bender Rosenthal, Inc.	Zapata, Joe	Acquisition Services	\$90.96
Bender Rosenthal, Inc.	Cline, Elizabeth (Betsey)	PTE Support	\$68.86
Bender Rosenthal, Inc.	Cornell, Nicole	PTE Support	\$117.31
Bender Rosenthal, Inc.	Hargrove, Margo	PTE Support	\$53.43
Bender Rosenthal, Inc.	King, Dustin	PTE Support	\$60.72
Bender Rosenthal, Inc.	Sparks, Teri	PTE Support	\$24.29
Bender Rosenthal, Inc.	Williams, Tristina	PTE Support	\$63.15

## Attachment 3, Fee Table

Task ID	Task Name	Fee
<i>G1.1</i>	<i>Develop Draft Right-of-Way Manual Sections</i>	\$44,076
<i>G2.1</i>	<i>Right-of-Way Planning Efforts</i>	\$59,085
<i>G3.1</i>	<i>Right-of-Entry / Early-Access Program</i>	\$134,190
<i>G4.1</i>	<i>Property Management Program</i>	\$17,431
<i>G5.1</i>	<i>Public Outreach and Community Engagement</i>	\$21,675
<i>G98.1</i>	<i>Project Management</i>	\$54,483
<i>G98.2</i>	<i>Quality Control</i>	\$19,060
<i>G99.1</i>	<i>Expenses</i>	\$19,000
	<b>Total Fee</b>	<b>\$369,000</b>