



Board Agenda Item 44

DATE: August 20, 2024

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Agreements for Title Reports and Right of Way Services for Various Public Works Projects

RECOMMENDED ACTION(S):

- 1. Approve and authorize the Chairman to execute Title Report Services Agreement with Fidelity National Title Company, effective upon execution and not to exceed five consecutive years, which includes a three-year contract and two optional one-year extensions, not to exceed \$300,000.**
- 2. Approve and authorize the Chairman to execute a Master Agreement for on-call Right of Way Services with Overland, Pacific & Cutler, LLC and Paragon Partners Consultants, Inc., effective upon execution and not to exceed four consecutive years, which includes a three-year contract and one optional one-year extension, total not to exceed \$500,000.**

Approval of the first recommended action will approve and authorize the Chairman to execute an Agreement with Fidelity National Title Company for title reports for various Public Works projects. Approval of the second recommended action will approve and authorize the Chairman to execute a master agreement with Overland, Pacific & Cutler, LLC and Paragon Partners Consultants, Inc. for full service real property appraisals, acquisitions, eminent domain, relocation assistance, and for associated services for various Public Works projects. This item is countywide.

ALTERNATIVE ACTION(S):

If your Board does not approve the recommended actions, the Department will have to prepare individualized separate Request for Proposals for each type of services for each project, causing significant delays in the design process and delivery of planned public works projects.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. As services are provided, costs will be reimbursed from appropriate County funds and budget units for the applicable Public Works projects.

DISCUSSION:

The purpose of the first recommended action is to retain a title company to assist the Department with preliminary title reports, litigation guarantees, escrow services and other services related to right of way for road, bridge, and capital improvement projects in the County. Retaining a consultant to perform the work on an as-needed basis will help the Department ensure that project delivery schedules are maintained. It is

more efficient and cost effective to administer on-call consultant services agreements than to solicit proposals, select consultants, and administer agreements for individual projects. Contracting with the recommended consultant will result in more timely, cost-effective, and dependable delivery of services.

The Department issued a formal Request for Qualifications for title services consultant on March 4, 2024. The Department received only one response before the deadline of May 3, 2024. A selection committee comprised of representatives from the Department's Design Division reviewed and evaluated the proposal. From this process, the committee recommended contracting with Fidelity National Title Company. Fidelity requested nonstandard indemnity language be included in the agreement. The Department recommends that this be approved, as it has been included in previous agreements, and there are no other firms that are interested in performing these services for the Department. Fidelity has been performing these services since at least 2005 and there have been no legal or contractual disputes in that time. The recommended agreement is for a term not to exceed five consecutive years, which includes a three-year contract and two optional one-year extensions.

The purpose of the second recommended action is to retain multiple consultants for full service real property appraisals, acquisitions, including eminent domain, relocation assistance services, and associated services including providing litigation guarantees for road, bridge, and capital improvement projects in the County. Retaining multiple consultants to perform the work on an as-needed basis will help the Department ensure that project delivery schedules are maintained. It is more efficient and cost effective to administer master on-call consultant service agreements than to solicit proposals, select consultants, and administer agreements for individual projects. Contracting with the recommended consultants will result in more timely, cost-effective, and dependable delivery of services.

The Department issued a formal Request for Qualifications for right of way consultants on March 20, 2024. The Department received two responses before the deadline of April 19, 2024. A selection committee comprised of representatives from the Department's Design Division reviewed and evaluated the proposal. From this process, the committee recommended contracting with both Overland, Pacific & Cutler, LLC and Paragon Partners Consultants, Inc. The recommended master agreement is not to exceed four consecutive years, which includes a three-year contract and one optional one-year extension.

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Agreement with Fidelity National Title Company

On file with Clerk - Master Agreement for Right of Way Services

CAO ANALYST:

Salvador Espino