



BRIEFING: MARCH, 2016 BOARD MEETING AGENDA ITEM #6

TO: Chairman Richard and Board Members

FROM: Alan Glen, Director of Real Property

DATE: March 8, 2016

RE: Consider Releasing a Request for Proposals for Right-of-Way Support Services

Background

The California High-Speed Rail Authority (Authority) is responsible for acquisition of real property in excess of 1500 parcels for the successful delivery of the First Construction Section (FCS) in the Central Valley comprised of Construction Packages (CPs) 1, 2-3 and 4 totaling approximately 120 miles. To support the Authority's ability to acquire right-of-way, Right-of-Way (ROW) Support Services are required. As of February 26, the Authority has delivered to the design-build contractors 616 parcels; 60% of those ultimately needed for CP 1 and 32% ultimately needed for CP 2-3. Given the magnitude of the right-of-way acquisition effort, the Authority has existing contracts with multiple firms and now requires additional contracts.

To support the Authority's acquisition of necessary ROW it is necessary to obtain the expertise of Right-of-Way Services consultants to perform crucial work, including appraisals, negotiations, relocation assistance, and support of condemnation proceedings. Multiple contracts will be required to complete the work needed to achieve the Authority's goals and obligations. The RFP being considered would add multiple firms to provide services in the geographic area of Construction Packages (CPs) 1, 2-3, and 4, and would also include additional geographic scope extending north of CP 1 through the Wye to Merced, and south of CP 4 to Bakersfield. The geographic scope of these contracts would also include early acquisition activities on other project sections. Contracts awarded as a result of this RFP will also be available to acquire additional right-of-way necessary for Alternative Technical Concepts, design refinements, and all allowable early acquisition activities on other project sections in advance of environmental clearance.

Staff, in adherence with the policies of the Board, seeks approval to procure the services of multiple firms to provide Right-of-Way Services through a Request for Proposals (RFP). The proposed contracts resulting from this RFP would be for five-year terms and a total not-to-exceed budget of \$44,000,000 for all resulting contracts. In the event that the new procurement contracts are not completed and available for needed task order assignments, this Board item

would also allow up to \$10 million of this authority to augment the existing 2014 contracts, while still remaining within the total of \$44 million.

Prior Board Action

The Board has addressed the services included in this RFP on two prior occasions. In 2011, the Board awarded the first round of Right-of-Way Services Contracts to multiple firms for a total not-to-exceed amount of \$40,000,000 (#HSRA 11-20 attached). Four contracts were awarded as a result of this procurement, which are near expiration.

In 2014, the Board awarded Right-of-Way Services Contracts to eight additional firms for a total not-to-exceed amount of \$35,000,000 for a term of four years (#HSRA 14-27 attached). One contract was terminated by mutual agreement and seven firms are still under contract. These contracts expire in November 2018. Many of the parcels have required additional work that was not anticipated at the time of the procurement and contract execution. For example, CPs 1, 2-3 and 4 have required additional right-of-way services due to the implementation of Alternative Technical Concepts, as well as condemnation process work and negotiations with property owners during the acquisition process. As such, additional work will be required related to property acquisition, necessitating this procurement.

Discussion

Staff now seeks Board approval to release a RFP to procure multiple contracts for Right-of-Way Services. The total value of the services required is not-to-exceed \$44,000,000, and the contract term will be five years. These contracts will be in addition to the current Right-of-Way Services contracts, and will include an expanded geographic scope to include the appraisal and acquisition of right-of-way both within the area of Construction Packages 1, 2-3, and 4, as well as north of Construction Package 1 through the Wye to Merced and south of CP 4 to Bakersfield. Other project sections are also being included for some potential early acquisitions, however the budgetary request in this RFP is not intended to deliver all needed right-of-way in these segments as that will require a future Board action once the full scope of parcels to be acquired is known. This RFP is consistent with cost projections and does not represent any growth of costs associated with delivery of right-of-way from Merced to Bakersfield. These funds are available within the current ROW Budget. The majority of the ROW Budget is comprised of ARRA funds with a minor portion coming from the Cap and Trade Greenhouse Gas Reduction Fund for work outside the FCS limits.

The Authority is anticipating a large amount of work coming from the CP 2-3 ATC's that will need to be assigned in the next few months via new task orders. It is anticipated that the remaining 2014 contract capacity will not handle the magnitude of the needed task orders. The procurement for the new contracts will not be available until at least August 2016, thus this Board item is requesting that up to \$10 million of the total requested \$44 million be available to augment the remaining seven 2014 contracts to ensure no delays in getting this needed work started.

Scope of Work

The scope of the Right-of-Way Services to be procured includes:

- Administration and Project Management
- Appraisals
- Phase I and Phase II Environmental Site Assessments
- Land Rights and Real Property Acquisition
- Relocation Assistance
- Other Real Property Services, as necessary

The contracts will be managed through Task Orders, which will emphasize work performance and timely delivery. The RFP and resulting contracts will contain 30-day termination clauses and require compliance with the Authority's Small and Disadvantaged Business Enterprise Program and the applicable 30 percent participation goal for Small Businesses, inclusive of Disadvantaged Business Enterprises, Disabled Veteran Business Enterprises, and Microbusinesses.

A copy of the proposed RFP, including the draft contract, is included for the Board's review.

Procurement Schedule

The key dates proposed for the RFP include the following:

- RFP Release/Advertise on Fiscal/Authority's website: March 18, 2016
- Deadline for Written Questions: April 8, 2015
- Deadline to Submit Proposals by 3:00 p.m.: May 16, 2015
- Mandatory Interviews: June 1, 2016
- Notice of Proposed Award: June 3, 2016
- Anticipated Contract Start Date: August 2016

Evaluation Criteria

Staff will manage the RFP for Right-of-Way Services consistent with State of California competitive public procurement requirements and Board policies. Proposals will be technically evaluated by the Authority pursuant to established criteria based on the following:

- Past Performance and Experience
- Understanding of Project Requirements
- Organization and Management Plan
- Key Personnel and Task Managers
- Staffing Plan
- Sample Task Orders
- Small Business Participation

The technical criteria above will constitute 40 percent of the final score. The cost proposal will constitute 30 percent of the final score.

The technical and cost evaluation will be followed by oral interviews. The oral interviews will be scored based on the following criteria:

- Presentation
- Project Manager Participation
- Key Staff Participation
- Understanding of the Project

The interview constitutes 30 percent of the total score. After the interviews, the final score and rankings will be established by adding the scores from the technical evaluation, cost proposal, and the interview. The Authority intends to award multiple contracts to the top ranked firms.

Recommendations

Staff recommends that the Board direct Authority staff to release a RFP for Right-of-Way Services with the intent of awarding multiple contracts for a total not-to-exceed amount of \$44,000,000. In the event that the new procurement contracts are not completed and available for needed task order assignments, this Board item would also allow up to \$10 million of this authority to augment the existing 2014 contracts, while still remaining within the total of \$44 million.

Attachments

- Draft Resolution #HSRA 16-08
- Draft Request for Proposals for Right-of-Way Services
- Final Resolution #HSRA 11-20
- Final Resolution #HSRA 14-27