



**QUESTIONS AND ANSWERS
ALAMEDA CTC RFP NO. R19-0004
EAST BAY GREENWAY (LAKE MERRITT BART TO SOUTH HAYWARD BART)
RIGHT OF WAY SUPPORT SERVICES**

The following answers are in response to questions submitted by prospective proposers for right of way support services for the East Bay Greenway (Lake Merritt BART to South Hayward BART) Project, Alameda County Transportation Commission (Alameda CTC) Request for Proposals (RFP) No. R19-0004. This document provides the written responses to all questions that were received by Alameda CTC on or before January 9, 2019. Questions may have been edited for grammar and clarity.

Q1. To what extent will the right of way personnel be involved in supporting Alameda CTC in the eminent domain process, if necessary? On Page 22 of the RFP, acquisition services are labeled as “optional”, is this correct?

A1. Negotiation and acquisition services are listed as optional tasks, so if the project needs to go through the eminent domain process, then it will be a part of the optional tasks.

Q2. Will the consultant provide title work and litigation guarantees? Updated title reports are pulled before litigation is commenced to make sure there is no change in title.

A2. The selected consultant is expected to obtain title reports for the parcels, and title work will only be required if one or more parcels go to litigation.

Q3. Will Alameda CTC consider vendors with only \$1,000,000 in insurance? Also, for errors and omission insurance, \$1,000,000 instead of \$2,000,000 is standard for real estate appraisal firms.

A3. Per RFP Section I.2.C (Insurance Requirements), the selected consultant will be required to maintain minimum insurance coverage as described in the Insurance Requirements Form (Appendix E). If proposers are unable to meet the minimum insurance requirements as listed, requests for waivers should be submitted with the proposal using the Insurance Requirement Form.

Q4. RFP says prime must cover any subs under its insurance. Usually, the prime and subs carry separate insurance policies. Can this provision be waived?

A4. As noted in the Insurance Requirements Form (Appendix E), the prime and the subconsultants must each separately meet the minimum insurance requirements set forth on this form.

Q5. How extensive have the discussions been with UPRR and what was the result?

A5. As stated in the RFP Appendix A (Required Scope of Work, Deliverables, and Staffing), Alameda CTC has held informational discussions with UPRR about its facilities and related Right of Way (ROW). UPRR indicated it is open to consider the sale of the Oakland Subdivision in this area, although no decisions have yet been reached in this regard.

Q6. Does UPRR have another main line that it uses and is this surplus to its operation?

A6. The UPRR Oakland Subdivision is currently classified as an active rail line, but UPRR and other rail services use the parallel Niles Subdivision as the main route through the area. As noted above, UPRR is open to a sale of the Oakland Subdivision, although no decisions have yet been reached.

Q7. Is this UPRR rail line an interstate line? Will it need approval of abandonment from Surface Transportation Board (STB) and California Public Utilities Commission (CPUC)? If it's an interstate line, then this would have to go to Washington, which may take years.

A7. The UPRR Oakland Subdivision is currently classified as an active rail line and is expected to require approval of abandonment from STB and CPUC.

Q8. Is there any portion of the track that's being used on a daily basis by UPRR? It would cause damages to its operations if it's active. During the preliminary discussions, has UPRR raised any questions about damages to its operations?

A8. As noted above, the UPRR Oakland Subdivision is currently classified as an active rail line. Alameda CTC cannot determine at this time how often any given portion of the Subdivision is actually used by UPRR, but it is our assumption that such usage is relatively infrequent.

As stated in the RFP Appendix A (Required Scope of Work, Deliverables, and Staffing), Alameda CTC has held informational discussions with UPRR about its facilities and related ROW. UPRR indicated it is open to consider the sale of the Oakland Subdivision.

Q9. Will you require 119 separate appraisals and review? Or will you accept 1 tabbed appraisal due to the fact that UPRR owns all 119 parcels?

A9. The proposer is expected to apply its expertise and make a recommendation on packaging of the appraisals.

Q10. Is this an operating corridor or is this a surplus? Is UPRR willing to sell that? It makes a huge difference because it would potentially damage its operating corridor.

A10. See the responses to Questions 8 and 9.

Q11. Does Alameda CTC have a railroad liaison that the consultant will work with?

A11. Alameda CTC does not have a designated railroad liaison.

Q12. Who would the selected consultant deal with in conducting technical review of the ROW and survey documents? Is Alameda County ROW involved?

A12. We will depend on the consultant to conduct its own technical review. Alameda County will not provide ROW services for the project.

Q13. Is there any federal funding?

A13. There is no federal funding for this specific contract; it is being funded only with Measure BB funds and thus the contract is subject to LBCE Program requirements. If the question is in regard to the funding source for the acquisitions, the answer is to be determined. If the funding source influences the approach, the proposer shall make such statement in the RFP.

Q14. Have the various cities, county, BART, East Bay Regional Parks agencies been contacted on the options and what are their responsibilities?

A14. There has been a close working relationship with stakeholder agencies throughout the project process. Recurring bi-monthly Project Development Team meetings were held with the cities of Oakland, San Leandro, and Hayward, as well as with Alameda County, BART, Caltrans, and East Bay Regional Parks District. It is anticipated that the cities, county and agencies will assume ROW ownership and maintenance and operations of all improvements.

Q15. Will ownership be transferred directly to the cities?

A15. As stated in the RFP Appendix A (Required Scope of Work, Deliverables, and Staffing), Alameda CTC is leading project development and implementation for the Project with the expectation that the local jurisdictions – the Cities of Oakland, San Leandro, Hayward, and Alameda County – will be the eventual ROW owners. The proposer shall apply its expertise and propose the land transfer method and approach.

Q16. Is acquisition mandatory or subject to condemnation?

A16. It is subject to negotiations with UPRR.

Q17. Why is negotiation optional? What is the current plan regarding negotiations for UPRR and for BART? What is likelihood that negotiation/acquisitions will be part of the scope of work? Does that mean the agency is currently planning doing the acquisitions and if that doesn't work, that you'll farm it out?

A17. This project is one of many projects that Alameda CTC is implementing that includes UPRR ROW matters. No decision has been made on a singular or comprehensive negotiation approach.

Q18. What is the degree of the UPRR easement versus fee?

A18. As stated in the RFP Appendix A (Required Scope of Work, Deliverables, and Staffing), the project is anticipated to require (i) full acquisition of one hundred nineteen (119) UPRR parcels, (ii) partial acquisition of one (1) privately owned parcel (SBMANN5 LLC), which appears to have been previously owned by UPRR, and (iii) easements of nineteen (19) BART parcels. The foregoing is being provided for informational purposes only and the selected consultant must analyze and verify, among other things, the ownership and number of all required parcels.

Q19. Does 70.0% Local Business Enterprise (LBE) include 30.0% Small Local Business Enterprise (SLBE)?

A19. SLBE firms are counted toward the LBE goal when calculating goal attainment. Please utilize Cost Proposal Form B and make sure specified goals are met; totals are not rounded up (i.e., 29.6% SLBE participation will not meet the 30.0% SLBE goal). The percentage of participation toward each goal shall be based on the cost proposal, excluding costs for any optional task(s).

Q20. What are the Local Business Contract Equity (LBCE) Program certification criteria?

A20. For the LBCE certification application and for more information, please visit: <https://www.alamedactc.org/get-involved/local-business-contract-equity-program/> and see RFP Section I.3, Local Business Contract Equity Program.

Q21. Are references requested from subconsultants?

A21. A minimum of 3 references are to be submitted for all key personnel, from prime and subconsultant firms.

Q22. In regards to Task 2 ROW Engineering on page 22 of the RFP, should this work be done from existing data only or will additional field survey work be allowed when necessary as an additional option?

A22. As stated in the RFP Appendix A (Required Scope of Work, Deliverables, and Staffing), the selected consultant will be responsible for collecting all necessary data to verify the required right of way for the project, including surveying.

Q23. Have Cooperative Agreements been reached with the affected cities? If so, can copies of these agreements be provided?

A23. The agency is currently in the process of preparing a Memorandum of Understanding with the cities in connection with the ownership, operations, and maintenance of the Greenway.