

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY  
AND RECORD OF ACTION**

August 19, 2025

**FROM**

**TERRY W. THOMPSON, Director, Real Estate Services Department**

**SUBJECT**

Agreements for On-Call Right of Way and Appraisal Services

**RECOMMENDATION(S)**

1. Approve a total of two contracts, including non-standard terms, one with each of the following consultants, for on-call right of way services on an as-needed basis for the five-year period of August 19, 2025, through August 18, 2030, in an amount not to exceed \$3,500,000 per contract:
  - a. Epic Land Solutions, Inc.
  - b. Paragon Partners Consultants, Inc.
2. Approve a total of four contracts, including non-standard terms, one with each of the following consultants, for on-call appraisal services on an as-needed basis for the five-year period of August 19, 2025, through August 18, 2030, in an amount not to exceed \$2,500,000 per contract:
  - a. Epic Land Solutions, Inc.
  - b. Hodges Lacey & Associates LLC
  - c. R.P. Laurain & Associates, Inc.
  - d. Worth Valuations, LLC
3. Authorize the Director and the Acquisitions and Right of Way Manager of the Real Estate Services Department to execute work orders and work order amendments for services pursuant to the foregoing contracts, provided that the aggregate work orders do not exceed \$3,500,000 per contract for right of way services and \$2,500,000 per contract for appraisal services, and to verify the respective consultant's satisfactory completion of services for each work order.
4. Authorize the Director of the Real Estate Services Department to exercise contract termination rights and approve and execute non-substantive amendments such as consultant requested contract assignments for each of the foregoing contracts, subject to County Counsel review.
5. Direct the Director of the Real Estate Services Department to transmit any non-substantive amendments, as contemplated in Recommendation No. 4, to the Clerk of the Board of Supervisors within 30 days after full execution of amendments.

(Presenter: Terry W. Thompson, Director, 387-5000)

**COUNTY AND CHIEF EXECUTIVE OFFICER GOALS & OBJECTIVES**

**Improve County Government Operations.**

**Operate in a Fiscally-Responsible and Business-Like Manner.**

**FINANCIAL IMPACT**

**Agreements for On-Call Right of Way and Appraisal Services  
August 19, 2025**

Approval of this item will not result in the use of Discretionary General Funding (Net County Cost). The Real Estate Services Department (RES D) manages real estate acquisitions and dispositions on behalf of all of the departments within the County, as well as its separate legal entities. As such, RES D will oversee on-call right of way and appraisal services under the proposed contracts, on behalf of these departments, although the departments will be responsible for payment of the services rendered.

The six contracts between the County and each consultant for on-call right of way or appraisal services for the five-year period from August 19, 2025, through August 18, 2030, shall not exceed \$3,500,000 per contract for right of way services, or \$2,500,000 per contract for appraisal services. The total not to exceed amount of all right of way and appraisal service contracts identified in this item is \$17,000,000. Payment for the services will be made by the respective departments receiving the services at the time the work is performed.

**BACKGROUND INFORMATION**

The Department manages all of the real property acquisitions and dispositions for the County and its separate legal entities, ensuring compliance with all applicable regulations as well as federal and state grant funding requirements for the County's real estate transactions. The consultants will be utilized on projects based on specific tasks and assignments, location and availability, and consideration of each consultant's technical specialties. Each of the consultants will have one contract for right-of-way services and/or one contract for appraisal services with the County. Right of way services include preparation of offer packages and acquisition agreements, preparation of acquisition instruments (deeds), property owner negotiations, and other tasks as assigned. Caltrans funded and certified projects are excluded from these contracts, as those projects will have a separate procurement process.

Approval of this item will award a total of six contracts, comprising of two contracts between the County and each right of way consultant, which shall not exceed \$3,500,000 per contract for a five-year period from August 19, 2025, through August 18, 2030, to provide right of way services for the County, and four contracts between the County and each appraisal consultant, which shall not exceed \$2,500,000 per contract for a five-year period from August 19, 2025, through August 18, 2030, to provide appraisal services for the County. RES D is also finalizing contracts with the remaining right of way and appraisal consultants that were recommended for award as part of its Request for Proposals and will return back to the Board to consider additional contract awards once those contracts are finalized.

This item will also authorize the Director, and the Acquisitions and Right of Way Manager of RES D to execute work orders and work order amendments for services pursuant to the contracts, provided that the aggregate work orders do not exceed \$2,500,000 per contract for appraisal services or \$3,500,000 per contract for right of way services, and to verify the respective consultant's satisfactory completion of services for each work order. RES D currently does not have an Assistant Director, and the Acquisitions and Right of Way Manager reports directly to the Director. Granting delegated authority to the position will help expedite the approval of work orders.

RES D is requesting the use of a delegation of authority to the RES D Director to enhance efficiency and flexibility in the contract administrative process. This approach mitigates potential delays for contract terminations and consultant requested contract assignments while ensuring that all agreements comply with Board-approved standards.

**Agreements for On-Call Right of Way and Appraisal Services  
August 19, 2025**

The on-call right of way contract and the on-call appraisal services contract with Epic Land Solutions, Inc., negotiated by the parties, includes the following non-standard contract terms:

1. The indemnification provision states that if liability is caused by the comparative active negligence or willful misconduct of the County or their officers, officials, employees, agents, or volunteers, then the consultant's indemnification and defense obligations shall not exceed the consultant's proportionate percentage of fault.
  - The County standard contract and indemnification provision do not include a provision that, under these circumstances, limits consultant's indemnification and defense obligations to their proportionate percentage of fault.
  - Potential Impact: If liability is caused by the comparative active negligence or willful misconduct of the County or their officers, officials, employees, agents, or volunteers, then the consultant will only be contractually required to indemnify and defend the County up to consultant's proportionate percentage of fault. This may result in less contractual defense and indemnity coverage by the consultant to the County.
2. In the event of a non-cured breach by consultant, the County may, in its sole discretion, take certain actions, including termination of the contract; however, in the event of termination, the County may proceed with the work but the cost deducted from any sum due to the Consultant under this contract shall not exceed the contract amount.
  - The County's standard contract states that in the event the County terminates the contract due to the consultant's breach, the County may proceed with the work and this cost shall be deducted from any sum due to the consultant, and any balance shall be paid by the Consultant upon demand.
  - Potential Impact: If the consultant were to breach the agreement and the County proceeds with the work, the consultant has limited its liability to the contract amount.

The on-call right of way contract with Paragon Partners Consultants, Inc., negotiated by the parties, includes following non-standard contract term:

1. The indemnification provision states that if liability is caused by the comparative active negligence or willful misconduct of the County or their officers, officials, employees, agents, or volunteers, then the consultant's indemnification and defense obligations shall not exceed the consultant's proportionate percentage of fault.
  - The County standard contract and indemnification provision do not include a provision that, under these circumstances, limits consultant's indemnification and defense obligations to their proportionate percentage of fault.
  - Potential Impact: If liability is caused by the comparative active negligence or willful misconduct of the County or their officers, officials, employees, agents, or volunteers, then the consultant will only be contractually required to indemnify and defend the County up to consultant's proportionate percentage of fault. This may result in less contractual defense and indemnity coverage by the consultant.

RESD recommends approval of the above agreements, including the non-standard terms, due to the immediate need for these services.

**PROCUREMENT**

The County Administrative Office approved and authorized the release of Request for Proposals (RFP) RESD125-RES-5860 through the County's e-Procurement (ePro) network on May 7, 2025. The RFP opening date was set for June 11, 2025, and a total of 16 vendors submitted proposals by the deadline.

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August 19, 2025**

<b>Vendors:</b>
Bender Rosenthal, Inc.
CBRE, Inc.
Curtis-Rosenthal, Inc.
Epic Land Solutions, Inc.
Hawran & Malm, LLC
Hodges Lacey & Associates LLC
Interwest Consulting Group, Inc.
Michael Frauenthal & Associates, Inc.
Moore Real Estate Group, Inc.
OPC Properties, Inc.
Paragon Partners Consultants, Inc.
Riggs & Riggs, Inc.
R.P. Laurain & Associates, Inc.
Santolucito Dore Group, Inc.
Thomas Appraisal Corp.
Worth Valuations, LLC

Two of the submitted proposals did not meet the proposal criteria and were considered non-responsive. An evaluation committee comprised of representatives from RESD evaluated proposals based on qualifications, experience with public agencies and right of way projects, and property valuations and negotiations for real property transactions. Based on the overall scoring of the proposals from the evaluation committee, five right of way consultants and 11 appraisal consultants were recommended for five-year agreements with the County. The consultants not recommended for contract award were notified and advised of the opportunity to submit a formal written protest based on the criteria in the RFP. No protests were received during the RFP process and Purchasing supports the recommendations. As provided above, RESD will return back to the Board to consider additional contract awards once the remaining contracts are finalized.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Agnes Cheng, Deputy County Counsel, and Scott Runyan, Principal Assistant County Counsel, 387-5455) on August 15, 2025; Risk Management (Greg Ustaszewski, Staff Analyst, 386-9008) on August 15, 2025; Purchasing (Ariel Gill, Supervising Buyer, 387-2070) on July 24, 2025; and County Finance and Administration (Eduardo Mora, Administrative Analyst, 387-4376) on July 30, 2025.

(BF: 361-8976)

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Record of Action of the Board of Supervisors  
San Bernardino County

**OFF CALENDAR**

Moved: Joe Baca, Jr. Seconded: Curt Hagman  
Ayes: Col. Paul Cook (Ret.), Jesse Armendarez, Dawn Rowe, Curt Hagman, Joe Baca, Jr.

Lynna Monell, CLERK OF THE BOARD

BY   
DATED: August 19, 2025



cc: File - Real Estate Services  
MBA 08/22/2025