

**THIS STAFF REPORT COVERS CALENDAR ITEM NO.: 7.4
FOR THE MEETING OF: April 9, 2009**

TRANSBAY JOINT POWERS AUTHORITY

BRIEF DESCRIPTION:

Authorize the Executive Director to execute Amendment No. 1 to the professional services agreement (Agreement) between the Transbay Joint Powers Authority and Clifford Associates, Inc. for Real Estate Appraisal Services (Services), extending the term of the Agreement for two years without increasing the maximum compensation.

EXPLANATION:

On July 20, 2006, the TJPA Board authorized the Executive Director to award a contract to Clifford Associates, Inc. for a maximum compensation of \$350,000 and a term of three years. Work is authorized under individual task orders covering one or more properties. The Agreement will expire in July of this year. At the same board meeting, a contract with Carneghi-Blum & Partners was also approved. Right-of-way acquisition procedures in the Caltrans Right-of-Way Manual (ROW Manual) require two independent appraisals for any property valued at more than \$500,000.

As of March 31, 2009, Clifford Associates, Inc. has 40 percent of the total contract amount remaining, not yet authorized under task orders. A second appraiser's services will continue to be required per the ROW Manual, as Program ROW acquisition activities continue to proceed. Staff recommends that Clifford Associates, Inc. continue to provide these services to the TJPA for an additional two years under an amendment to the Agreement.

Amendment No. 1 to the Agreement would extend the term of the agreement by two years. Amendment No. 1 does not change the scope, price or deliverables under the Agreement. In particular, Amendment No. 1 would not change the maximum compensation under the Agreement.

ENCLOSURES:

1. Resolution
2. Amendment No. 1 to TJPA-Clifford Associates, Inc. Agreement

RECOMMENDATIONS:

Staff recommends that the Board of Directors authorize the Executive Director to execute Amendment No. 1 to the Agreement with Clifford Associates, Inc.

**TRANSBAY JOINT POWERS AUTHORITY
BOARD OF DIRECTORS**

Resolution No. _____

WHEREAS, On July 20, 2006 in Resolution No. 06-020, the Transbay Joint Powers Authority (TJPA) Board of Directors resolved to authorize the Executive Director to execute a Real Estate Appraisal Services Agreement (Agreement) with Clifford Associates, Inc. for a three-year term and a maximum compensation of \$350,000; and

WHEREAS, As of March 2009, Clifford Associates, Inc. has 40 percent of the contract value remaining that has not been authorized under individual appraisal task orders; and

WHEREAS, Caltrans Right-of-Way Manual procedures require two independent appraisals for any property valued at more than \$500,000, and consequently TJPA will continue to require the services of two appraisers; and

WHEREAS, TJPA Staff desires to extend the term of the Agreement with Clifford Associates, Inc. for an additional two years without increasing the maximum compensation under the Agreement; and

WHEREAS, Such change to the term requires an Amendment to the Agreement, but does not change the scope, price or deliverables under the Agreement; now, therefore be it

RESOLVED, That the TJPA Board of Directors authorizes the Executive Director to execute Amendment No. 1 to the Agreement with Clifford Associates, Inc., to modify the Agreement to extend the term of the Agreement for an additional two years without increasing the maximum compensation under the Agreement.

I hereby certify that the foregoing resolution was adopted by the Transbay Joint Powers Authority Board of Directors at its meeting of April 9, 2009.

Secretary, Transbay Joint Powers Authority

Amendment No. 01
Professional Services Agreement between
the Transbay Joint Powers Authority and Clifford Associates, Inc.

THIS Amendment No. 1 to the Professional Services Agreement to furnish real estate appraisal services dated July 20, 2006 (“Agreement”) is entered into as of the _____ day of **April 2009** in San Francisco, California, by and between **Clifford Associates, Inc.** (“Contractor”), and the **Transbay Joint Powers Authority** (“TJPA”).

The TJPA and Contractor desire to extend the term of the Agreement without changing the scope, price, or deliverables under the Agreement. The TJPA and Contractor agree to amend Section 2 of the Agreement in its entirety to read as follows:

2. Term of the Agreement.

Subject to Section 1, the term of this Agreement shall not exceed five years from the Effective Date of Agreement.

All other provisions of the Agreement shall remain in full force and effect. In particular, there shall be no change to the maximum compensation described in Section 5 of the Agreement.

**TRANSBAY JOINT POWERS
AUTHORITY**

CONTRACTOR

Clifford Associates, Inc.

Maria Ayerdi-Kaplan
Executive Director

Signature

Transbay Joint Powers Authority
Board of Directors
Resolution No. _____
Adopted: _____
Attest:

Printed Name

Secretary, TJPA Board

Tax Identification Number