



**City of Santa Ana**  
**20 Civic Center Plaza, Santa Ana, CA 92701**  
**Staff Report**  
**March 2, 2021**

---

**TOPIC:** Real Estate Title and Escrow Services

---

**AGENDA TITLE:**

Approve Agreements with Commonwealth Land Title Company, Fidelity National Title, and Chicago Title Company for On-Call Real Estate Title and Escrow Services in an Aggregate Amount Not to Exceed \$300,000 for up to a Five-Year Term

**RECOMMENDED ACTION**

Authorize the City Manager to execute agreements with Commonwealth Land Title Company, Fidelity National Title Company, and Chicago Title Company for on-call real estate title and escrow services for a three-year term beginning March 2, 2021 and expiring March 1, 2024, with two, one-year extensions exercisable by the City Manager and City Attorney, for a total shared aggregate amount not to exceed \$300,000 for the term of the agreement, subject to non-substantive changes approved by the City Manager and City Attorney.

**DISCUSSION**

The City routinely has roadway enhancements and other public improvement projects, which require real estate, and title and escrow services, for property acquisitions and title searches. Approval of this item will allow the City to retain Commonwealth Land Title Company, Fidelity National Title, and Chicago Title Company to provide real estate title, escrow, and related services for various Capital Improvement Projects and for other facilities that will be utilized by the public under the direction of City staff. In addition to real estate title, escrow, and related services, the firms will provide preliminary title reports, litigation guarantees, title insurance coverage assistance, and purchase agreement review.

On September 28, 2020, the Public Works Agency released Request for Proposals No. 20-123 on the City's online procurement portal, PlanetBids, soliciting proposals from qualified firms for on-call real estate title and escrow services. Three proposals were received on October 12, 2020. All proposals were deemed responsive and were subsequently evaluated and ranked by a review committee composed of personnel from the Public Works Agency CIP Engineering staff. Ranking criteria included relevant project experience, firm experience, understanding of need, schedule of delivery, and references. In accordance with the Qualifications Based Selection process, the fee schedules were

opened after the proposal evaluations were completed. The ranking of the firms is as follows:

<b>Firm</b>	<b>City</b>	<b>Rank</b>
Commonwealth Land Title Company	Newport Beach	1
Fidelity National Title	Newport Beach	2
Chicago Title Company	Irvine	3

The proposals by Commonwealth Land Title Company, Fidelity National Title, and Chicago Title Company demonstrate the firms have the necessary labor capacity to complete the requested services to meet expedited grant-driven deadlines. The firms' rates are reasonable and within industry standard, the team qualifications are appropriate for this project, and the proposals were found to provide the best value for the City. Staff recommends awarding agreements to Commonwealth Land Title Company, Fidelity National Title, and Chicago Title Company (Exhibits 1 through 3) to provide on-call real estate title and escrow services based upon the scope of work and selection criteria outlined in RFP 20-123 (Exhibit 4).

#### **ENVIRONMENTAL IMPACT**

There is no environmental impact associated with this action.

#### **FISCAL IMPACT**

There is no fiscal impact at this time. Prior to utilizing any of these on-call services, Public Works Agency staff must receive Finance and Management Services Agency approval of funding and accounts to be used to ensure funds are available under the authorization and shared aggregate limit of \$300,000. Upon successful completion of the fiscal review, a corresponding Notice to Proceed containing the specific scope and maximum expenditure for the task order will be issued.

#### **EXHIBIT(S)**

1. Commonwealth Land Title Company Agreement
2. Fidelity National Title Agreement
3. Chicago Title Company Agreement
4. RFP 20-112

Submitted By: Nabil Saba, Executive Director, Public Works

Approved By: Kristine Ridge, City Manager