



Legislation Text

File #: 15-0671, **Version:** 2

Chief Administrative Office recommending the Board adopt new policy C-19, Design-Build Contracts - Conflict of Interest, to establish guidelines, as required under California Public Contract Code section 22162 for a standard organizational conflict-of-interest policy, consistent with applicable law, regarding the ability of a person or entity to submit a proposal as a design-build entity or to join a design-build team ("Proposer") for a design-build project procured pursuant to California Public Contract Code section 22160 et seq. (Cont. 6/2/15, Item 11)

FUNDING: N/A

DEPARTMENT RECOMMENDATION

Adopt Policy C-19 as presented.

DISCUSSION / BACKGROUND

"Design-build" refers to a selection process in which a contract for the construction or remodel of a public facility is awarded, based on best value, to a single entity which will design and construct the project. The California Public Contract Code (PCC) allows Counties to use the design-build process, on certain projects, as an alternative to the traditional method of design-bid-build. Under the traditional method, the County would develop a complete set of plans and specifications and solicit bids for the construction of the project. The contract would be awarded to the lowest responsive, responsible bidder. The PCC sets forth the design-build process and specifies which types of projects may be procured using this method. Eligible projects must exceed \$1 million, and do not include construction of streets and highways or certain other types of infrastructure improvements.

The Facilities Division is planning to use a design-build process to complete the project to remodel Buildings A and B at the Placerville government center. Under new legislation that took effect January 1, 2015 (SB 785) to revise the PCC, before a County can issue a Request for Proposals (RFP) for a design-build project, it must develop conflict of interest guidelines for design-build teams. The proposed policy sets forth what constitutes a conflict of interest and provides a checklist and procedure for potential Proposers to follow. The final determination of whether a conflict of interest can be mitigated or whether it disqualifies the Proposer from consideration for award is at the County's discretion. Staff will follow the policy guidelines and make any such determinations in consultation with County Counsel.

ALTERNATIVES

The Board may choose to adopt the policy as presented or to direct revisions; however, the County may not issue any design-build RFP's until a policy has been adopted.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel has reviewed and approved the proposed policy.

CAO RECOMMENDATION

Adopt Policy C-19 as presented.

FINANCIAL IMPACT

None

CLERK OF THE BOARD FOLLOW UP ACTIONS

The Clerk will post the adopted policy to the County website and notify departments.

STRATEGIC PLAN COMPONENT

Infrastructure

CONTACT

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