RESOLUTION NO. 1982 (2016)

IN THE DISTRICT BOARD OF THE WEST BAY SANITARY DISTRICT

COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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A Resolution of the District Board of the West Bay Sanitary District Adopting the Guidelines for Design-Build Conflict of Interest Policy

WHEREAS, the Legislature has found and declared that the design-build method of project delivery, using a best value procurement methodology, has been authorized for various agencies that have reported benefits from such projects, including, reduced project costs, expedited project completion, and design features that are not achievable through the traditional design-bid-build method, and

WHEREAS, Chapter 4 (commencing with Public Contract Code section 22160), Local Agency Design-Build Project, of Part 3 of Division 2 of the California Public Contract Code, as well as Public Contract Code section 20194 generally authorizes special districts that operate wastewater facilities, solid waste management facilities, and/or water recycling facilities to use design-build for projects for the construction of regional and local wastewater treatment facilities, regional and local solid waste facilities, and/or regional and local water recycling facilities (excluding projects on the state highway system), and

WHEREAS, subject to the limitations of Chapter 4 (commencing with Public Contract Code section 22160), the West Bay Sanitary District ("District"), if authorized by the District Board, may procure design-build contracts for public works projects in excess of One Million Dollars ($1,000,000), awarding the contract either the low bid or the best value, and

WHEREAS, the West Bay Sanitary District is organized and existing under the Sanitary District Act of 1924 (Cal. Health & Safety Code §6400, et seq.), and provides wastewater collection and conveyance services to the Cities of Menlo Park, Atherton and Portola Valley, and portions of East Palo Alto, Woodside and unincorporated areas of San Mateo and Santa Clara counties, and

WHEREAS, Staff is considering a Design-Build project delivery methodology, in which both the design and construction of the project are procured from a single entity, and

WHEREAS, prior to commencing the design-build procurement process, the District shall develop standard organizational conflict-of-interest policy, consistent with applicable law, regarding the ability of a person or entity, that performs services for the District relating to the solicitation of a design-build project, to submit a proposal as a design-build entity, or to join a design-build team, and

WHEREAS, under legislation that took effect January 1, 2015 (SB 785) to revise the California Public Contract Code, before a special district 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.

NOW, THEREFORE, BE IT RESOLVED that the West Bay Sanitary District Board hereby adopt the Design-Build Contracts - Conflict of Interest Policy, 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.* attached herein as Exhibit A.
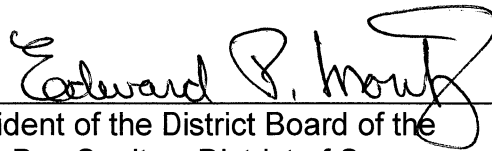
PASSED AND ADOPTED by the District Board of the West Bay Sanitary District at a regular meeting thereof held on 24th day of February, 2016, by the following votes:

Ayes: MORITZ, DEHN, WALKER, THIELE-SARDINA, KINDER

Noes: NONE

Absent: NONE

Abstain: NONE

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President of the District Board of the
West Bay Sanitary District of San
Mateo County, State of California

Attest:

_____
Secretary of the District Board of the
West Bay Sanitary District of San Mateo
County, State of California