

DRAFT Conflict-of-Interest Policy for Design-Build Projects

The District's guidelines for a standard organizational conflict-of-interest policy, consistent with applicable law, regarding design-build projects are as follows:

1. Any professional services provider or other consultant retained by the District to provide services related to a design-build project may have an actual or apparent conflict of interest within the meaning of this Board Policy. If such professional services provider or other consultant does have an actual or apparent conflict of interest within the meaning of this Board Policy, that professional services provider or consultant is precluded from participating as part of the design-build entity with which the District contracts for a design-build project. This prohibition applies, without limitation, to the architect(s), engineer(s), or other professional firms retained to develop any of the following for the design-build project:
 - a. design character;
 - b. basic scope and needs;
 - c. preliminary plans;
 - d. specifications; or
 - e. estimated cost.
2. The prohibition in paragraph 1 also applies to the District's program manager and construction manager, or other professional service provider or consultant, if it provides services in connection with a design-build project sufficient to cause a conflict of interest.
3. Any individual who participates in providing the services referenced in paragraphs 1 or 2, and who has a conflict of interest as understood within this Board Policy, is precluded from participating as part of the design-build entity with which the District contracts for the design-build project, even if the employer would not otherwise be precluded from participation.
4. Any design-build entity member that employs a former District employee or Board member who engaged in any of the planning, arrangements, or any part of the decision-making process related to the design-build project while employed or engaged in any capacity by the District has an actual or apparent conflict of interest within the meaning of this Board Policy precluding the design-build project.

Legal References: Education Code
 17250.10 et seq.
 Government Code
 1090 et seq.

First Reading: April 29, 2019

Second Reading, Policy adopted: