



SUMMARY REPORT

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**Agenda Date:** 3/24/2026

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**To:** Board of Supervisors Sonoma County

**Department or Agency Name(s):** County Counsel's Office

**Staff Name and Phone Number:** Joshua Myers, County Counsel, and Elizabeth Coleman, Deputy County Counsel, (707) 565-2421

**Vote Requirement:** Majority

**Supervisorial District(s):** Countywide

**Title:**

Adoption of Design-Build Conflict of Interest Policy

**Recommended Action:**

- (1) Adopt a Design-Build Conflict of Interest Policy Establishing Guidelines regarding the Ability of an Entity that Performs Services Relating to the Solicitation of a Design-Build Project to Submit a Proposal As a Design-Build Entity or Participant
- (2) Delegate Authority to County Executive to Adopt Post-Adoption Revisions to the Design-Build Conflict of Interest, in a Form Approved by County Counsel

**Executive Summary:**

Public Contract Code requires that in order to procure public works via the use of design-build or progressive design-build delivery methods, a local agency must develop guidelines for a standard organizational conflict-of-interest policy regarding the ability of a person or entity that performs services for the local agency 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. This item would establish such a policy in order to facilitate the County's future use of the design-build and progressive design-build construction project delivery methods.

This policy will become effective upon adoption and will apply to both future design-build procurements and contracts currently under negotiation, including the Youth Crisis Center project at the Los Guilicos Campus, awarded on March 10, 2026 and procured consistent with the proposed policy.

**Discussion:**

The proposed Design-Build Conflict of Interest Policy sets forth limitations on the participation of individuals or firms in design-build contracts where facts or circumstances may create a conflict of interest, including organizational conflicts or prior participation in certain elements of project and contract scoping. While state law addresses many aspects of what types of activities would constitute an impermissible conflict of interest, the proposed policy includes operationalizable detail of what types of situations may be deemed by the County improper conflicts that prevent a person or entity from participating in design-build contracts, creates a framework for County review of potential conflicts, and creates a pathway for the County to, where appropriate, allow a contractor to participate in a project in a manner that protects the County from any potential conflict-related issues.

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Public Contract Code section 22171.5 requires that in order to avail itself of the progressive design-build project delivery method, a local agency must adopt such a conflict policy. Public Contract Code section 22162 similarly requires such a policy for standard design-build contracting. Because of the benefits of these delivery methods, including responsiveness to evolving needs of the County over time, and time and cost savings that may be realized over traditional design-bid-build contracting, the proposed Design-Build Conflict of Interest Policy is proposed for adoption to lay the proper groundwork for construction projects using this statutory framework. Counsel is additionally recommending the Board delegate to the County Executive the authority to adopt a revised policy, in a form approved by County Counsel, should the implementation of the policy on upcoming infrastructure projects demonstrate that such revisions are prudent to the efficient evaluation of proposals.

**Strategic Plan:**

NA

**Racial Equity:**

**Was this item identified as an opportunity to apply the Racial Equity Toolkit?**

No

**Prior Board Actions:**

N/A.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY25-26 Adopted</b>	<b>FY26-27 Projected</b>	<b>FY27-28 Projected</b>
Budgeted Expenses			
Additional Appropriation Requested			
<b>Total Expenditures</b>			
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other			
Use of Fund Balance			
General Fund Contingencies			
<b>Total Sources</b>			

**Narrative Explanation of Fiscal Impacts:**

Costs associated with the implementation of the Design Build Conflict of Interest Policy will be incorporated into legal and staff time associated with procurement of the individual projects covered by the policy.

**Staffing Impacts:**

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<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A-I Step)</b>	<b>Additions (Number)</b>	<b>Deletions (Number)</b>

**Narrative Explanation of Staffing Impacts (If Required):**

No direct staffing impacts are anticipated by the adoption of the Design Build Conflict of Interest Policy; any administration of the policy will be on a project-by-project basis by department staff on individual procurements.

**Attachments:**

Proposed Design Build Conflict of Interest Policy

**Related Items "On File" with the Clerk of the Board:**

N/A