

Harvest Water Program Conflict of Interest Guidelines

Sacramento Regional County Sanitation District



November 2020

Capital Program Management Office (C-PMO)

Roles	<ul style="list-style-type: none"> • Oversight of entire capital project delivery • Develop Basis of Design Report. • Extension of Regional San staff. • Coordinate independent as well as interrelated efforts of all Program participants, including coordination with Administrative Program Management Office (as described below) • Coordination and acquisition of real estate and easements • Delivery of cost effective and functional projects with a life cycle view.
Principles	<ul style="list-style-type: none"> • No financial interest in the business success or failure of designers, or construction contractors. • Exercise unbiased independent judgment with respect to project decisions and conflicts.
Conflict of Interest Guidelines	<ol style="list-style-type: none"> 1. C-PMO prime consultants cannot propose as designers for any project identified by the program. 2. C-PMO subconsultants with a minor role (e.g., geotechnical or surveying) may propose as a prime, or sub., design consultant. 3. C-PMO prime consultants or sub consultants are allowed to propose on construction management services. 4. C-PMO prime consultant is not allowed to propose/bid on construction contracts.

Administrative Program Management Office (A-PMO)

Roles	<ul style="list-style-type: none"> • Oversight of activities related to; ecological plan, public benefits, grants and stakeholder agreements, groundwater accounting, and other non-capital project administrative functions. • Extension of Regional San staff. • Coordinate independent as well as interrelated efforts of all Program participants, including coordination with C-Program Management Office • Delivery of cost effective and functional environmental and public benefit projects with a triple bottom line view (social, environmental, financial)
Principles	<ul style="list-style-type: none"> • Existing consultant agreement (Woodward & Curran) which provides for Water Recycling Program planning and associated services, will be amended to continue to provide these and other related services, and additionally will be the A-PMO consultant. • No financial interest in the business success or failure of designers (if selected as the C-PMO), other construction managers, or construction contractors.

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	<ul style="list-style-type: none"> • Exercise unbiased independent judgment with respect to project decisions and conflicts.
Conflict of Interest Guidelines	<ol style="list-style-type: none"> 1. A-PMO prime consultant can propose on Capital Program Management Office services. 2. A-PMO prime consultants can propose as designers for any project identified by the program, as long as they are not also the C-PMO consultant. 3. A-PMO sub consultants with a minor role (e.g., geotechnical or surveying) may propose as a prime, or sub, design consultant. 4. A-PMO prime consultants or sub consultants are allowed to propose on construction management services, as long as they are not the designer of that project. 5. A-PMO prime consultant can propose on construction contracts, as long as they are not also the C-PMO consultant

CEQA Consultant

Roles	<ul style="list-style-type: none"> • Prepare capital project-specific environmental documentation, where needed. • Prepare and apply for environmental permits • Prepare environmental documents and permits in support of Administrative Program Management Office activities
Principles	<ul style="list-style-type: none"> • No financial interest in the business success of any other Program consultant, including but not limited to; C-PMO, A-PMO, designers, construction managers, construction contractors, etc. • Exercise unbiased independent judgment with respect to project decisions and conflicts.
Conflict of Interest Guidelines	<ol style="list-style-type: none"> 1. CEQA services will be provided through a stand-alone direct contract with the Regional San. If a potential CEQA consultant desires to propose on other aspects of the program they should inform Regional San so any potential conflicts of interest can be considered and a determination be made.

Design Consultants

Roles	<ul style="list-style-type: none"> • Prepare plans and specifications. • As Engineer of record, serve as Regional San’s representative for design intent for issues during construction and construction dispute resolution.
Principles	<ul style="list-style-type: none"> • No vested interest in exercising judgment and making recommendations during construction that would affect the business success of construction contractors.

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Conflict of Interest Guidelines	<ol style="list-style-type: none"> 1. A project designer or sub consultant on one design project may propose as a project designer or sub consultant on another design project. 2. A project designer or sub consultant on one project may propose on construction management services for a different project. 3. A project designer on one project is precluded from proposing as the construction contractor on the same or another project. 4. The sub consultant on a design project is precluded from proposing as a construction contractor or a subcontractor on the same project or a project incorporating the particular design. <p>Allowance of a sub consultant on a design project to also propose as a construction contractor or subcontractor on a different project will be determined on a case by case basis. Determination will be made based on the role and magnitude of participation in each project.</p>
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Construction Managers

Roles	<ul style="list-style-type: none"> • Administer the construction contract for the owner. • Lead entity to resolve issues during construction and negotiating construction disputes.
Principles	<ul style="list-style-type: none"> • No vested interest in the business success or failure of designers or construction contractors for the project (s) which the consultant serves as a construction manager. • Exercise independent judgment with respect to project decisions and conflicts.
Conflict of Interest Guidelines	<ol style="list-style-type: none"> 1. A construction manager or sub consultant on one project may propose as a designer on a different project. 2. A construction manager or sub consultant on one project may propose as a construction manager on a different project.

Water Recycling Program Service Providers with Potential Conflicts Due to External Relationships

Roles	<ul style="list-style-type: none"> • Varies
Principles	<ul style="list-style-type: none"> • Exercise unbiased and independent judgment with respect to project decisions, for a firm working for Regional San and on projects for an entity that may have views in opposition to Regional San.
Conflict of Interest Guidelines	<ol style="list-style-type: none"> 1. Allowance of a consultant with a role (lead or sub) on a project for another client with an adversarial position to Regional San, to propose on any Regional San project will be evaluated on a case by case basis. If allowed, the consultant will be required to establish a well-defined firewall between the staff and project documents for each of the two clients.

Water Recycling Program Service Providers with a Personal Relationship with Regional San Staff

Roles	<ul style="list-style-type: none"> Varies
Principles	<ul style="list-style-type: none"> Exercise unbiased and independent judgment with respect to project decisions and conflicts while the firm or members of the firm have a personal relationship to a Regional San employee with influence on Regional San decisions.
Conflict of Interest Guidelines	<ol style="list-style-type: none"> A service provider to Regional San with a personal relationship to a Regional San employee with influence on Regional San decisions may propose on projects; however, a clear separation between opinions and actions related to matters that impact the service provider will have to be established. The service provider must disclose any personal relationships with a Regional San employee where there may be a conflict of interest for services being provided.

Determinations and Appeals

On a Program of this size and duration not every conflict of interest scenario can be foreseen, therefore these Guidelines will be revised as necessary to address issues not currently identified. If a potential conflict of interest is not addressed by these guidelines or an appeal to these guidelines is desired, a written request for determination must be submitted in writing to Mike Crooks, at crooksm@sacsewer.com. The request must include information describing the potential conflict and why a determination is being requested.

Should a Regional San service provider not agree with the Program Manager’s determination, the service provider may appeal the decision to the Regional San District Engineer.