

Professional On-Call Surveying Services RFP 9063 Questions and Answers:

Question: For consultants recently selected for work in the South County Ag program, much of the work we will be doing is identical to those listed in the RFP. Would this situation be considered a Conflict of Interest in responding to the RFP?

Answer: It is up to the consultants to determine whether there would be a conflict of interest. Proposals received will be reviewed with the assumption that the consultant has determined there is no conflict of interest. The guidelines for South County Ag are attached for reference.

(South County Ag Guidelines on next page)

South County Ag Water Recycling Program Conflict of Interest Guidelines

Sacramento Regional County Sanitation District



September 2018

**South Co. Water Recycling Program
Conflict of Interest Guidelines**

Capital Program Management Office (C-PMO)

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| 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)

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| 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. |

South Co. Water Recycling Program Conflict of Interest Guidelines

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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

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| 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

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| 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 |

**South Co. Water Recycling Program
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| | contractors. |
| 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> |

Construction Managers

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| 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

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| 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

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| 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">1. 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.2. 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 Terrie Mitchell, at mitchellt@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.