



MINUTES OF ACTION BY EMAIL BETWEEN MEETINGS OCTOBER 8, 2021

Email Proposal

The Court Facilities Advisory Committee (CFAC) was asked to approve the *Conflict of Interest Policy for Design-Build Projects* for consideration by the Judicial Council of California at its upcoming meeting in November 2021. The Judicial Council is the authority responsible for considering recommendations from its advisory committee.

The conflict of interest policy governs the ability of a person or entity seeking to perform services for the Judicial Council on a design-build project to submit a proposal as a design-build entity, or to join a design-build team. This policy will apply to consultants and contractors for design-build projects authorized under article 7.1, Superior Court Design-Build Projects (Gov. Code §§ 70398–70398.7). Specifically, the policy is mandated by statute, under Government Code section 70398.1(b).

The policy addresses potential conflicts of interest that may arise in relation to design-build programs or projects. Organizational conflicts of interest can occur when, because of existing or planned activities or because of relationships with other persons, the consultant or contractor (proposer) is unable or potentially unable to render impartial assistance or advise the Judicial Council; the proposer's objectivity in performing the contract work is or might be otherwise impaired; or the proposer has an unfair competitive advantage.

The CFAC previously discussed the Judicial Council's authority to utilize the design-build delivery method for its courthouse construction program—pursuant to Article 7.1 described above—at its meeting on June 16, 2021.

Notice

On September 27, 2021, a notice was posted advising that the CFAC was proposing to act by email between meetings under California Rules of Court, rule 10.75(o)(1)(B).

Public Comment

In accordance with California Rules of Court, rule 10.75(o)(2), written comments pertaining to the proposed action were accepted before the CFAC acted on the proposal. The written comment period began on September 27, 2021, and ended on October 7, 2021. No comments were received.

Action Taken

After the public comment period ended, and on October 8, 2021, CFAC members were asked to submit their votes on the proposal by October 12, 2021. By unanimous vote, the CFAC has approved the policy for review and consideration by the Judicial Council.