



**SAN BERNARDINO COUNTY
POLICY MANUAL**

No. **11-16**

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EFFECTIVE DATE **January 14, 2025**

**POLICY: APPROVAL PROCUREMENT FOR DESIGN BUILD
AND PROGRESSIVE DESIGN BUILD CONSTRUCTION
PROJECTS**

APPROVED

Chair, Board of Supervisors

POLICY STATEMENT AND PURPOSE

Upon approval by the Board of Supervisors (Board) to utilize the Design-Build or Progressive Design-Build project delivery method for a specific Project, the Board delegates authority to the Chief Executive Officer (CEO), Chief Operating Officer (COO), Assistant Executive Officer (AEO), or Department Director to authorize and approve the required steps for procurement of a Design-Build Entity, excluding the award of a contract. The delegated authority is subject to compliance with all relevant laws and regulations, as well as consultation with appropriate County departments. Records of all approvals must be maintained by each County department. This policy supplements and does not supersede any other Board delegation of authority.

DEPARTMENTS AFFECTED

Department of Public Works, Board-Governed Special Districts, and Project and Facilities Management Department

DEFINITIONS

“Board-Governed Special Districts” include, but are not limited to, the San Bernardino County Fire Protection District, the San Bernardino County Flood Control District, and the special districts managed by the County’s Department of Public Works - Special Districts.

“Board” means the San Bernardino County Board of Supervisors, as well as the “Board of Directors” for all Board-Governed Special Districts.

“County” is defined as San Bernardino County and all Board-Governed Special Districts.

“Department Director” refers to the Director of the Project and Facilities Management Department, the Director of the Public Works Department, Chief Flood Control Engineer, or the Fire Chief.

“Design-Build” means a project delivery process in which both the design and construction of a project are procured from a single entity.

“Design-Build Entity” means a corporation, limited liability company, partnership, joint venture, or other legal entity that is able to provide appropriately licensed contracting, architectural, and engineering services as needed pursuant to a Design-Build or Progressive Design-Build contract.

“Progressive Design-Build” means a project delivery process in which both the design and construction of a project are procured from a single Design-Build Entity that is selected through a qualifications based selection at the earliest feasible stage of the project.

“Project” refers to a construction project that is authorized to be designed and constructed utilizing the Design-Build or Progressive Design-Build project delivery methods under California Public Contract Code sections 22160 et seq., sections 22185 et seq., or any other applicable state law.

POLICY AMPLIFICATION

A. Design-Build Projects

Following the Board’s authorization to utilize the Design-Build project delivery method for a specific project, the Board delegates authority to the CEO, COO, AEO, or Department Director to, upon consultation with the County Administrative Office and County Counsel, do the following:

1. Develop any required Project scoping documents and performance specifications.
2. Approve a Design-Build request for qualifications and release and advertise the request for qualifications in order to establish a short list of Design-Build Entities who will compete to provide design and construction services.
3. Approve a short list of Design-Build Entities.
4. Utilize either the best value criteria or the lowest responsible bidder approach, approve the Design-Build request for proposals and release the request for proposals to the short list of Design-Build entities.
5. Issue any addenda to documents issued by a department, including the request for qualifications and request for proposals, but excluding any any contracts approved by the Board or the Purchasing Agent.
6. Prepare, issue and amend any prequalification questionnaires, evaluation criteria and methodologies, scoping documents and Design-Build selection documents and procedures.
7. Approve the payment of an honorarium or stipend to short listed Design-Build Entities, who are not awarded a final Design-Build contract and meet any criteria identified in the procurement documents.
8. Enter into discussions or negotiations with a Design-Build Entity for a Design-Build contract that is recommended to the Board for approval.

B. Progressive Design-Build Projects

Following the Board's authorization to utilize the progressive design-build project delivery method for a specific project, the Board delegates authority to the CEO, COO, AEO, or Department Director to, upon consultation with the County Administrative Office and County Counsel, do the following:

1. Develop any required Project scoping documents and performance specifications.
2. Prepare and issue a request for qualifications in order to select a Design-Build Entity.
3. Issue any addenda to documents issued by a department, including the request for qualifications, but excluding any contracts approved by the Board or the Purchasing Agent.
4. Enter into discussions or negotiations with a Design-Build Entity for a Progressive Design-Build contract that is recommended to the Board for approval.
5. Authorize and provide a notice to proceed construction for any early work construction packages as provided for in the Board approved Progressive Design-Build contract.
6. Discuss and negotiate with the Design-Build Entity on the final cost estimate and design of the Project and develop a Progressive Design-Build contract that is recommended to the Board for approval.

C. Design-Build and Progressive Design-Build Projects

Following the Board's authorization to utilize the Design-Build or Progressive Design-Build project delivery method for a specific project, the Board delegates authority to the CEO, COO, AEO, or

Department Director to, upon consultation with the County Administrative Office and County Counsel, do the following:

1. Obtain services from any required consultants to assist with the Design-Build or Progressive Design-Build procurement process, in compliance with standard County procurement processes.
2. Coordinate with the Purchasing Department to resolve any protests or disputes submitted by a Design-Build Entity or Progressive Design-Build Entity.
3. Meet with the selected Design-Build Entity to provided any required information, input or approvals of the proposed design of the Project.
4. Approve any plans and specifications or permits for the Project and determine if the Project is exempt from the California Environmental Quality Act (CEQA) or approved permits as authorized in County Policy 11-15.
5. Take all other necessary steps to procure a responsible and responsive Design-Build Entity that is recommended to the Board for award of a Design-Build or Progressive Design-Build contract and to proceed with design and construction of the Project, provided it is in compliance with a Board-approved Project budget and County policies.

LEAD DEPARTMENT

County Administrative Office

APPROVAL HISTORY

Adopted January 14, 2025 (Item No. XX)

REVIEW DATES

January 2030