

ORDINANCE O2026-XX

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MANTECA, STATE OF CALIFORNIA, AMENDING
CHAPTER 2.36 "CONFLICT OF INTEREST CODE" OF THE
MANTECA MUNICIPAL CODE TO IMPLEMENT A
CONFLICT OF INTEREST CODE FOR DESIGN-BUILD CITY
PROJECTS

WHEREAS, the Manteca Municipal Code (MMC), Chapter 2.36 "Conflict of Interest Code" sets out the rules and regulations when there is a conflict of interest in the City of Manteca ("City"); and

WHEREAS, in 2024, the California legislature enacted Public Contract Code Sections 22185-22185.11 to authorize progressive design-build contracting for local agencies in California. This statutory framework allows cities to procure certain public works projects using a progressive design-build method rather than the traditional design-bid-build; and

WHEREAS, in order for the City to utilize progressive design-build, Public Contract Code Section 22185.2 states that the City must adopt an organizational conflict of interest policy/guidelines with certain requirements. The goal of this policy/guideline is to prevent unfair competitive advantages in the procurement process; and

WHEREAS, the proposed amendment will implement a conflict of interest code for design-build City projects pursuant to Public Contract Code Section 22185.

THE CITY COUNCIL OF THE CITY OF MANTECA DOES ORDAIN AS
FOLLOWS:

SECTION 1: Chapter 2.36, "Conflict of Interest Code", Section 2.36.020 is hereby implemented as follows:

§ 2.36.020. Conflict of interest code for design-build City projects.

A) This establishes the organizational conflict of interest guidelines applicable to City projects procured pursuant to Public Contract Code Section 22185, et seq.

B) This applies to all vendors that have entered into or wish to enter into contracts with the City.

C) Vendors participating as proposers ("Proposers") on a project or joining a team shall not have an organizational conflict of interest. Organizational conflicts of interest are created by circumstances arising out of Proposers' existing or past activities, business or financial interests, familial relationships, contractual relationships, or organizational

ATTACHMENT 1

structure (e.g., parent entities, subsidiaries, affiliates) that could result in any of the following:

(i) impairment or potential impairment of proposers' ability to render impartial assistance or advice to the City or of their objectivity in performing work for the City.

(ii) an unfair competitive advantage for any Proposer with respect to the City's procurement process, or

(iii) a perception or appearance of impropriety with respect to any of the City's procurements or contracts or perception or appearance of unfair competitive advantage with respect to a procurement by City (irrespective of whether such perception is accurate).

D) Proposers having any actual, apparent, direct or indirect, or potential conflict of interest that may exist with respect to the Proposer, any employees of the Proposer, any team member(s), or any other person relative to the services to be provided, must immediately make a full written disclosure of the conflict to the City. If a Proposer determines that a potential conflict of interest exists, the Proposer's disclosure will not necessarily disqualify the Proposer from being awarded a contract. The Proposer shall submit proposed measures to avoid, neutralize, or mitigate all potential or actual conflicts. The City, at its sole discretion, shall determine whether an organizational conflict of interest exists and whether the proposed measures are sufficient to overcome the conflict or potential conflict and whether the Proposer may continue with the procurement process.

E) The successful Proposer has an ongoing obligation to monitor and disclose conflicts or potential conflicts of interest. The City has the right to ongoing enforcement of this.

If an organizational conflict of interest is:

(i) Discovered after the contract has been awarded, the Proposer must make an immediate and full written disclosure to the City in writing and detail the action(s) that the Proposer has taken or proposes to take to avoid or mitigate the conflict. The City may, at its sole discretion, terminate the contract.

(ii) Determined to exist and the Proposer was aware of the organizational conflict of interest prior to award and did not disclose the conflict, or if a Proposer provides false or misleading information in response to an inquiry from the City, the City may, at its sole discretion, terminate the contract.

(iii) Arises after the award and the Proposers' proposed measures to avoid or mitigate the conflict are determined by the City to be inadequate, the City may, at its sole discretion, terminate the contract.

ATTACHMENT 1

If the contract is terminated, the City assumes no obligation, responsibility or liability to reimburse all or part of the costs incurred or alleged to have been incurred by the Proposer, and the City shall be entitled to pursue any and all appropriate legal remedies.

F) This shall be incorporated by reference into all procurement packages as well as any contract for the engineering/design services, inspection, or technical support in the administration of projects executed by the City.

G) This does not derogate from any obligation of "Consultant" under the Fair Political Practices Act, Regulations and the District's Conflict of Interest Code. For reference, "Consultants" are defined in FPPC Reg. 18700.3 and includes persons who make a government decision whether to authorize the agency to enter into, modify or renew a contract, grant agency approval to a contract or specification for such a contract, or grant agency approval to a plan, report or design.

SECTION 2: Severability. If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub-section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 3: Effective Date. This Ordinance shall become effective thirty (30) days following adoption.

ATTACHMENT 1

City of Manteca, a municipal corporation

MAYOR: _____
GARY SINGH

ATTEST: _____
CASSANDRA CANDINI-TILTON
CITY CLERK

STATE OF CALIFORNIA }
COUNTY OF SAN JOAQUIN } SS:
CITY OF MANTECA }

I, Cassandra Candini-Tilton, City Clerk of the City of Manteca, do hereby certify that the foregoing Ordinance had its first reading and was introduced during the public meeting of the City Council on the ___ day of _____, 2026, and had its second reading and was adopted and passed during the public meeting of the City Council on the ___ day of _____, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____
CASSANDRA CANDINI-TILTON
City Clerk