

***Before the Board of Supervisors in and for the  
County of Monterey, State of California***

**Resolution No.:** \_\_\_\_\_

Adopt a Resolution:

- a. Finding that the proposed action is not a project as defined )  
by the California Code of Regulations (CCR) California )  
Environmental Quality Act (CEQA) Guidelines Section )  
15378 because it consists of an organizational or )  
administrative activity that will not result in direct or )  
indirect physical changes in the environment and said )  
action does not have a direct physical change on the )  
environment nor a reasonably foreseeable indirect physical )  
change on the environment; )
- b. Approving the creation Construction Manager At-Risk )  
(CMAR) Project Delivery Program for the County of )  
Monterey (County) allowed under California Code, Public )  
Contract Code - PCC § 20146; )
- c. Approving the CMAR Project Delivery Program Policy )  
Guidelines developed in accordance with Section 20146 of )  
the Public Contract Code; )
- d. Authorizing utilization of CMAR Contracts for the erection, )  
construction, alteration, repair, or improvement of any )  
infrastructure, excluding roads, and including, but not limited )  
to, buildings, utility improvements associated with buildings, )  
flood control and underground utility improvements, and )  
bridges, owned or leased by the County; )
- e. Authorizing utilization of CMAR Contracts for projects in the )  
County in excess of one million dollars (\$1,000,000); )
- f. Approving the award of CMAR Contracts using the best value )  
method to a construction manager at-risk entity that possesses )  
or that obtains sufficient bonding to cover the contract amount )  
for construction services and risk and liability insurance as )  
may be required by the County of Monterey. )
- g. Authorizing the Director of Public Works Facilities and Parks )  
(PWFP) or Director's designee to administer and utilize the )  
CMAR Project Delivery Program for Capital Improvement )  
Projects in accordance with Section 20146 of the Public )  
Contract Code. )

**WHEREAS**, on October 3, 2013, the Construction Manager At-Risk (CMAR) project delivery method was first authorized under California law by Governor Jerry Brown when he signed Senate Bill No. 328; and

**WHEREAS**, Senate Bill No. 328 was later codified as Public Contract Code Section 20146 and this allowed counties to use CMAR for building projects exceeding \$1 million, allowing them to award contracts based on either the lowest responsible bidder or the best value method; and

**WHEREAS**, in early 2025, the Department of Public Works, Facilities and Parks (PWFP) staff began researching delivery methods beyond the existing traditional design-bid-built method or Job Order Contracting method, and identified CMAR as a viable alternative available to counties; and

**WHEREAS**, Counties throughout California can deliver projects under this project delivery method; however, per Public Contract Code Section 20146, the Board of Supervisors must approve and authorize

the utilization of CMAR Contracts for the erection, construction, alteration, repair, or improvement of any infrastructure, excluding roads, and including, but not limited to, buildings, utility improvements associated with buildings, flood control and underground utility improvements, and bridges, owned or leased by the County; and

**WHEREAS**, key advantages of CMAR Project Delivery Program include continuous cost estimating, improved value engineering, faster scheduling through fast-tracking, and the creation of a collaborative team environment; and

**WHEREAS**, PWFP took this report and the creation of the CMAR Project Delivery Program to the Capital Improvement Committee (CIC) on October 17, 2025, and the CIC recommended that the report and the creation of the CMAR Project Delivery Program move forward to the Board of Supervisors; and

**WHEREAS**, PWFP recommends the Board of Supervisors approve the selection of CMAR Contractors under the best value method allowed under Public Contract Code Section 20146 and evaluate them by the following five criteria: experience and qualifications, price, project plan, safety record and safety plan, and financial strength; and

**WHEREAS**, Public Contract Code Section 20146 requires a Project Labor Agreement and PWFP recommends accomplishing this requirement by requiring the CMAR Contractor to enter into a project labor agreement that will bind the County and all its subcontractors at every tier performing the project or contract to use a skilled and trained workforce; and

**WHEREAS**, given the complexity of the CMAR Project Delivery Program, the Director of Public Works, Facilities, and Parks (PWFP) or Director's designee should be the Program Administrator; and

**WHEREAS**, the proposed action is not a project as defined by the California Code of Regulations (CCR) California Environmental Quality Act (CEQA) Guidelines Section 15378 because it consists of an organizational or administrative activity that will not result in direct or indirect physical changes in the environment and said action does not have a direct physical change on the environment nor a reasonably foreseeable indirect physical change on the environment; and

**NOW THEREFORE, BE IT RESOLVED THAT**, the Board of Supervisors of the County of Monterey hereby:

1. Finds that the proposed action is not a project as defined by the California Code of Regulations (CCR) California Environmental Quality Act (CEQA) Guidelines Section 15378 because it consists of an organizational or administrative activity that will not result in direct or indirect physical changes in the environment and said action does not have a direct physical change on the environment nor a reasonably foreseeable indirect physical change on the environment; and
2. Approves the creation of a Construction Manager At-Risk (CMAR) Project Delivery Program for the County of Monterey allowed under California Code, Public Contract Code - PCC § 20146; and
3. Approves the CMAR Project Delivery Program Policy Guidelines developed in accordance with Section 20146 of the Public Contract Code; and
4. Authorizes utilization of CMAR Contracts for the erection, construction, alteration, repair, or improvement of any infrastructure, excluding roads, and including, but not limited to, buildings, utility improvements associated with buildings, flood control and underground utility improvements, and bridges, owned or leased by the County; and
5. Authorizes the utilization of CMAR Contracts for projects in the County in excess of one million dollars (\$1,000,000); and

6. Approves the award of CMAR Contracts using the best value method to a construction manager at-risk entity that possesses or that obtains sufficient bonding to cover the contract amount for construction services and risk and liability insurance as may be required by the County of Monterey; and
7. Authorizes the Director of Public Works Facilities and Parks or Director's designee to administer and utilize the CMAR Project Delivery Program for Capital Improvement Projects in accordance with Section 20146 of the Public Contract Code.

**PASSED AND ADOPTED** on this 10<sup>th</sup> day of December 2025, by roll call vote:

AYES:

NOES:

ABSENT:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original resolution of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book \_\_\_, for the meeting on October 21, 2025.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California

By \_\_\_\_\_,  
Deputy