



David S. Gehrig

Partner

David assists public agency clients with legal issues related to public works construction projects. His clients include cities, counties, transit agencies, health care districts and water districts. He has worked on numerous large-scale infrastructure projects, from the drafting of the contract specifications, through the bid process, to contract completion and claims resolution. He has considerable experience with contract award disputes, subcontractor substitution issues, bidder pre-qualification, and has successfully resolved several stop payment notice lawsuits for public agency clients.

Prevailing Wage and Labor Code Compliance

David also has considerable expertise with prevailing wage and Labor Code compliance issues. He has guided public agencies through SB 854 requirements, and serves as legal counsel to an in-house Labor Compliance Program for a large transit district, and recently resolved a \$6.4M civil wage and penalty assessment on behalf of a transit agency. For private clients, he has advised on prevailing wage compliance strategies and obtained several favorable prevailing wage coverage determinations from the California Department of Industrial Relations.

Design-Build and Alternative Project Delivery Methods

Design-build contracting is a useful tool increasingly utilized by public agencies seeking to improve the efficient delivery of their public works projects, and is now widely available to public agencies. David has written papers and presented at conferences on this topic for a number of years. Following is a list of recent design-build, progressive design-build, and design-build-operate projects David has guided clients through:

- Gravity Pipeline Project, Silicon Valley Clean Water
- Front of Plant Project, Silicon Valley Clean Water
- Peninsula Corridor Electrification Project, Peninsula Corridor Joint Powers Board (Caltrain)
- Charles Mayer Desalination Plant, City of Santa Barbara
- Skyline Building 12, San Mateo County Community College District
- Can~ada Building 23, San Mateo County Community College District
- Silicon Valley Advanced Water Purification Center, Santa Clara Valley Water District
- Large Diameter Hayward Fault Seismic Retrofit Project, Alameda County Water District
- Kaiser Fish Screens/Shinn Re-diversion Pipeline No. 2 Project, Alameda County Water District

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- Bus Fuel and Wash Facility, Livermore Amador Valley Transit Authority
- South San Francisco Ferry Terminal, San Francisco Bay Area

David is also familiar with the wider range of alternative project delivery methods including CM at Risk and lease-leaseback, and works with clients to identify which are best suited for a particular project.

Water District General Counsel

David has also served as general counsel to the Purissima Hills Water District for over 6 years. In that capacity, he has developed expertise with open meeting laws, Public Records Act compliance, guided the District through compliance with Proposition 218 requirements during rate increases, and compliance with emergency drought regulations issued by the California State Water Resources Control Board.

Published Decisions

DIR Public Works Coverage Determination: Blue Diamond Agricultural Products Processing Facility, City of Turlock (May 2012)

DIR Public Works Coverage Determination: The Commons at Elk Grove, City of Elk Grove (January 2009)

Publications

"The Benefits of Design-Build," *In the Loop with the Hanson Bridgett Government Group* Video Alert (September 2017)

"AB 626 Creates New Procedural Requirements for Public Works Claims," co-author, *Government Law Alert* (December 2016)

"Chapter 7: Public Contracting," reviewer, *Municipal Law Handbook* (2016)

"A Step Forward for Public Works Contracting – Design-Build in the Public Sector After the Adoption of SB 785," *Hanson Bridgett White Paper* (May 2015)

"New Public Works Requirements for Contractors and Public Agencies Pursuant to SB 854," co-author, *Public Agency Law Alert* (December 2014)

"New Case Confirms Competitive Bidding Exception for Lease-Leaseback Projects Award By School Districts," co-author, *Construction Law Alert* (September 2014)

"Bracing for Construction Claims: Seven Things You'll Wish You Had Done When the Claims Come," *Construction Law Alert* (May 2013)

"Design-Build is Gaining Traction in the Public Sector," co-author, *Construction Law Alert* (March 2011)

Integrated Project Delivery (IPD) Video Series (July 2010)

"Alternative Project Delivery Methods for Public Works Projects in California," *Construction Law Alert* (March 2009)

"Public Contract Disclosures," *San Francisco Daily Journal* (December 2006)

"Changes to Prevailing Wage Laws Expose Public Agencies to Potential Liability," *Public Agency Advisory* (February 2004)

Presentations

"Progressive Design-Build Contracting", Community College Facilities Coalition Annual Conference (September 2018)

"Design-Build for Public Works Projects," County Counsels' Association of California Public Works and Contracts Spring 2015 Study Section Conference (May 2015)

"Design-Build for Public Works Projects," City Attorneys' Spring Conference (May 2015)

"Bracing for Construction Claims: Seven Things You'll Wish You Had Done When the Claims Come," co-speaker, American Public Works Association, Northern California Chapter (November 2014)

"Design-Build for Public Works Projects," 45th CSDA Annual Conference & Exhibitor Showcase (October 2014)

"Design-Build for Public Works Projects," 17th Annual APWA NorCal Public Works Conference (November 2013)

"Bracing for Construction Claims: Seven Things You'll Wish You Had Done When the Claims Come," League of California Cities 2013 City Attorney Spring Conference (May 2013)

"Overview of California Stop Payment Notice Laws," Telfer Oil Annual Meeting on Public Works Construction Issues (March 2013)

"Design-Build/Public Private Partnerships," co-presenter, County Counsels' Association of California Fall 2011 Public Works & HazMat Study Section (October 2011)

"Creative Options for Delivering Public Works Projects: Design-Build and Public-Private Partnerships," co-presenter, CSDA Annual Conference (October 2011)

"Eight Things You'll Wish You Had Done When the Construction Claims Come," American Public Works Association (March 2011)

"Bracing for Construction Claims During a Slow Economic Recovery," Public Agency Construction Seminar (September, October 2010)

"Alternative Project Delivery Methods for Public Works Projects," League of California Cities (September 2009)

Press

"More Attorneys Are Jockeying for Public Projects," *Daily Journal* (June 2009)

Professional Affiliations

California Special Districts Association, Public Contracting Expert Feedback Team

Bar Association of San Francisco

Education

J.D., University of California, Hastings College of the Law (1995)

B.A., with distinction in English, Phi Beta Kappa, University of Washington (1991)

Admissions and Courts

California

Washington

U.S. District Court for the Northern District of California

U.S. District Court for the Eastern District of California

Languages

German

Swiss German