File No. 120545

Committee Item No. _____
Board Item No. 53

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____ Date _____

Board of Supervisors Meeting Date 7/10/2012

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Completed by: Derek Evans Date ~~6/29/2012~~ 7/3/2012
Completed by: Derek Evans Date 7/3/2012

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

OFFICE OF THE MAYOR
SAN FRANCISCO

EDWIN M. LEE
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors

FROM: for Mayor Edwin M. Lee

RE: Pier 29 Fire - Declaration of Emergency and Authorization for Emergency Contracts

DATE: June 26, 2012

Attached for introduction to the Board of Supervisors is the resolution 1) declaring an emergency under Administrative Code Section 6.60(A) relating to the June 20, 2012 fire at Pier 29; 2) approving emergency contracts entered into by the Port of San Francisco in accordance with Administrative Code Section 6.60; and 3) directing the Port of San Francisco to take all necessary and appropriate measures to perform repair work to Pier 29 in the most expeditious manner.

Please note this item is cosponsored by Supervisor Chiu

I request that this item be referred for adoption without committee reference.

Should you have any questions, please contact Jason Elliott (415) 554-5105.

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2012 JUN 26 PM 3: 23

cc. Supervisor David Chiu

1 DR. CARLTON B. GOODLETT PLACE, ROOM 200
SAN FRANCISCO, CALIFORNIA 94102-4681
TELEPHONE: (415) 554-6141

120545

[Pier 29 Fire - Declaration of Emergency and Authorization for Emergency Contracts]

Resolution: 1) declaring an emergency under Administrative Code Section 6.60(A) relating to the June 20, 2012, fire at Pier 29; 2) approving emergency contracts entered into by the Port of San Francisco in accordance with Administrative Code Section 6.60; and 3) directing the Port of San Francisco to take all necessary and appropriate measures to perform repair work to Pier 29 in the most expeditious manner.

WHEREAS, Pier 29 is one of the 18 pier buildings on the waterfront that are within the San Francisco Embarcadero Historic District, which is listed in the National Register of Historic Places; and,

WHEREAS, Pier 29 was built in 1915 by the State Board of Harbor Commissioners and extends 800 feet into the San Francisco Bay with a pier shed of approximately 164,000 square feet; and,

WHEREAS, The bulkhead portion of Pier 29 fronting on The Embarcadero roadway was built in 1918 in the neoclassical architectural style in an effort to beautify the industrial waterfront; and,

WHEREAS, On June 20, 2012, a 4-alarm fire severely damaged Pier 29, including the bulkhead portion of the building fronting The Embarcadero and the roof; and,

WHEREAS, Pier 29 is one of the Port of San Francisco (the "Port") properties that the City and the Port agreed to deliver to the America's Cup Event Authority (the "Event Authority") for use as a venue in connection with the 34th America's Cup in accordance with (1) the 34th America's Cup Host City and Venue Agreement (the "HVA") among the City, the Event Authority and the San Francisco America's Cup Organizing Committee, approved by the Board of Supervisors on December 14, 2010, by Resolution No. 585-10, and (2) the

Lease Disposition Agreement ("LDA") between the Port and the Event Authority approved by the Board of Supervisors on March 27, 2012, by Resolution No. 109-12, and the Port Commission on April 24, 2012, by Resolution No. 12-35; and,

WHEREAS, San Francisco Administrative Code, Chapter 6, Article IV, section 6.60, authorizes the Board of Supervisors to declare an emergency and direct any department head to perform any repair or other emergency work in a manner the Board determines to be in the best interests of the City; and,

WHEREAS, Administrative Code section 6.60 also authorizes department heads responsible for public work to award an emergency contract, exempt from the competitive bidding process, in the event of an actual emergency in accordance with the procedures set forth in section 6.60; and,

WHEREAS, On June 20, 2012, the Executive Director of the Port determined, in accordance with Administrative Code section 6.60(B), that an actual emergency existed as a result of the Pier 29 fire; and,

WHEREAS, On June 21, 2012, the President of the Port Commission authorized the Executive Director, in accordance with Administrative Code section 6.60(D), to execute work to mitigate an unsafe condition in Pier 29: and,

WHEREAS, Pursuant to the June 21, 2012 authorization, (i) the initial emergency work to mitigate the unsafe condition and repair utility facilities located in Pier 29 is being performed by Turner Construction Company, the Construction Manager/General Contractor (CM/GC) for the Cruise Terminal project being constructed at the adjacent Pier 27, on a time and materials basis at an estimated cost of approximately $1,300,000 as of June 29, 2012, and (ii) architectural and engineering services to guide the demolition and shoring work are being provided by Creegan + D'Angelo, a structural engineering firm in the Port's competitively

selected as-needed pool of architectural and engineering firms, at an estimated cost of approximately $180,000 as of June 29, 2012; and,

WHEREAS, Administrative Code section 6.60(D) requires that the San Francisco Board of Supervisors approve emergency work with an estimated cost in excess of $250,000; and,

WHEREAS, As a result of the Pier 29 fire, Pier 29 needs to be stabilized to protect and preserve the building, and because Pier 29 is an historic structure, the stabilization work needs to be designed to be consistent with the Secretary of the Interior Standards for Historic Rehabilitation, and performed in close coordination with the repair and restoration work that is necessary as a result of the fire; and,

WHEREAS, The Port has requested that the Board of Supervisors declare an emergency under Administrative Code section 6.60(A) with respect to the Pier 29 fire to allow the Pier 29 stabilization and repair work to be accomplished in an expeditious manner to protect the public safety, health, welfare and property of the citizens of San Francisco, to preserve Pier 29 as an important historical resource, and to allow the City and the Port to deliver Pier 29 to the Event Authority in accordance with the HVA and the LDA for use as a 34th America's Cup venue; and,

WHEREAS, The immediate Pier 29 stabilization and repair work is exempt from the California Environmental Quality Act ("CEQA") as a statutory exemption for an emergency project under California Public Resources Code Section 21080(b) and CEQA Guidelines Section 15269; now, therefore, be it

RESOLVED, That the Board of Supervisors hereby declares an emergency under Administrative Code section 6.60(A) with respect to the Pier 29 fire; and, be it

FURTHER RESOLVED, That the Board of Supervisors hereby finds that the stabilization, hazardous materials abatement, repair and restoration of Pier 29 as

expeditiously as possible are in the best interests of the City to protect the public safety, health, welfare and property of the citizens of San Francisco, to preserve Pier 29 as an important historical resource, and to allow the City and the Port to deliver Pier 29 to the Event Authority in accordance with the HVA and the LDA approved by the Board of Supervisors and Port Commission for use as a 34th America's Cup venue, consistent with the mitigation measures and environmental performance standards contained in the 34th America's Cup Final Environmental Impact Report; and, be it

FURTHER RESOLVED, That the Board of Supervisors hereby approves the contracts entered into by the Port to perform the initial emergency work and directs the Port Director to take all actions necessary to stabilize, abate hazardous materials, repair and restore Pier 29 as expeditiously as possible, including, but not limited to, entering into further contracts relating to the design, historical preservation, hazardous materials abatement, engineering and construction of the Pier 29 stabilization, repair and restoration work; and, be it

FURTHER RESOLVED, That any action to date taken by the Port to secure such emergency contracts and resolve the emergency is hereby ratified.

File No. _____

FORM SFEC-126:
NOTIFICATION OF CONTRACT APPROVAL
(S.F. Campaign and Governmental Conduct Code § 1.126)

City Elective Officer Information *(Please print clearly.)*	
Name of City elective officer(s): Members, Board of Supervisors	City elective office(s) held: Members, Board of Supervisors

Contractor Information *(Please print clearly.)*

Name of contractor:
TURNER CONSTRUCTION COMPANY

Please list the names of (1) members of the contractor's board of directors; (2) the contractor's chief executive officer, chief financial officer and chief operating officer; (3) any person who has an ownership of 20 percent or more in the contractor; (4) any subcontractor listed in the bid or contract; and (5) any political committee sponsored or controlled by the contractor. ***Use additional pages as necessary.***

1) **Members of Board of Directors:** Peter Davoren, John DiCiurcio, Lou Salvatore, Martin Rohr, Frank Stieler
2) **CEO:** Peter Davoren, **CFO:** Karen O. Gould, **COO:** John DiCiurcio
3) None
4) None
5) None

Contractor address:
343 Sansome Street, Suite 500, San Francisco, CA 94104

Date that contract was approved: *(By the SF Board of Supervisors)*	Amount of contract: To be determined under the procedures set forth in the Resolution.

Describe the nature of the contract that was approved: Resolution 1) declaring an emergency under Administrative Code Section 6.60(A) relating to the June 20, 2012 fire at Pier 29; 2) approving emergency contracts entered into by the Port of San Francisco in accordance with Administrative Code Section 6.60; and 3) directing the Port of San Francisco to take all necessary and appropriate measures to perform repair work to Pier 29 in the most expeditious manner. Pursuant to the June 21, 2012 authorization, (i) the initial emergency work to mitigate the unsafe condition and repair utility facilities located in Pier 29 is being performed by Turner Construction Company, the Construction Manager/General Contractor (CM/GC) for the Cruise Terminal project being constructed at the adjacent Pier 27, on a time and materials basis at an estimated cost of approximately $1,300,000 as of June 29, 2012.

Comments:

This contract was approved by (check applicable):

☐ the City elective officer(s) identified on this form

☑ a board on which the City elective officer(s) serves: San Francisco Board of Supervisors
Print Name of Board

☐ the board of a state agency (Health Authority, Housing Authority Commission, Industrial Development Authority Board, Parking Authority, Redevelopment Agency Commission, Relocation Appeals Board, Treasure Island Development Authority) on which an appointee of the City elective officer(s) identified on this form sits

_____
Print Name of Board

Filer Information *(Please print clearly.)*	
Name of filer: Angela Calvillo, Clerk of the Board	Contact telephone number: (415) 554-5184
Address: City Hall, Room 244, 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102	E-mail: Board.of.Supervisors@sfgov.org

Signature of City Elective Officer (if submitted by City elective officer) | Date Signed

Signature of Board Secretary or Clerk (if submitted by Board Secretary or Clerk) | Date Signed