

1 [Contract for Electric Service]  
2 APPROVING THE CONTRACT BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO  
3 AND THE UNITED STATES, THROUGH THE DEPARTMENT OF ENERGY WESTERN AREA  
4 POWER ADMINISTRATION, FOR THE DELIVERY OF LOW COST ELECTRIC POWER  
5 FOR USE AT TREASURE ISLAND ON FILE WITH THE CLERK OF THE BOARD OF  
6 SUPERVISORS IN FILE NO. 98-1776; AND APPROVING INDEMNIFYING AND  
7 HOLDING HARMLESS UNITED STATES AGAINST CLAIMS ARISING FROM THE  
8 ACTIVITIES OF THE CITY UNDER THE CONTRACT; AND WAIVING REQUIREMENT OF  
9 SECTION 6.57 OF THE SAN FRANCISCO ADMINISTRATIVE CODE THAT EVERY  
10 CONTRACT CONTAIN A STATEMENT REGARDING LIABILITY OF CLAIMANTS FOR  
11 SUBMITTING FALSE CLAIMS; AND WAIVING REQUIREMENT OF SECTION 21.10-1  
12 OF THE SAN FRANCISCO ADMINISTRATIVE CODE THAT EVERY CONTRACT CONTAIN  
13 A STATEMENT REGARDING GUARANTEED MAXIMUM COSTS.

14  
15 Be it ordained by the People of the City and County of San  
16 Francisco:

17 Section 1. FINDINGS. The Board of Supervisors hereby finds and  
18 declares that:

19 (1) The City is currently providing operations and maintenance  
20 services at Treasure Island and Yerba Buena Island (TI/YBI) under a  
21 multi-year Cooperative Agreement with the Navy.

22 (2) The City is the local reuse authority for Naval Station  
23 Treasure Island under the Federal Base Closure and Realignment Act  
24 (BRAC).  
25

1 (3) The San Francisco Public Utilities Commission is providing  
2 the utilities portion of these operations and maintenance services to  
3 TI/YBI on behalf of the City.

4 (4) The Western Area Power Administration (WAPA), makes  
5 available for authorized uses low-cost Federal National Defense  
6 Authorization Act (NDA Act) electric power.

7 (5) The City has been able to obtain an allocation of NDA Act  
8 power for the purpose of facilitating economic development on TI/YBI.

9 (6) The City's allocation of NDA Act power for TI/YBI is  
10 contingent upon executing a power purchase agreement with WAPA.

11 (7) Funds for the purchase of power are available in the TI/YBI  
12 Project budget now.

13 (8) The San Francisco Public Utilities Commission approved the  
14 Contract for Electric Service on September 29, 1998. The Contract is  
15 a standard form used by the United States for purchases of WAPA  
16 power. Indemnification of the United States is a required element of  
17 the contract. It would be impossible to modify the Contract to  
18 include the statements required by San Francisco Administrative Code  
19 Sections 6.57 and 21.10-1.

20 Section 2. The General Manager of the Public Utilities  
21 Commission is hereby authorized to execute the Contract for Electric  
22 Service with WAPA. A copy of this contract is on file with the Clerk  
23 of the Board of Supervisors in File No. 98-1776.

24 Section 3. WAIVERS. For purposes of this contract:  
25

1 (1) The Board of Supervisors hereby waives the requirement of  
2 San Francisco Administrative Code § 6.57 that every contract include  
3 a statement regarding liability of claimants for submitting false  
4 claims to the City.

5 (2) The Board of Supervisors hereby waives the requirement of  
6 San Francisco Administrative Code § 21.10-1 that every contract  
7 include a statement regarding guaranteed maximum costs.  
8

9 APPROVED AS TO FORM:

10 LOUISE H. RENNE, City Attorney  
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13 By: 

14 Theresa Mueller  
15 Deputy City Attorney  
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# City and County of San Francisco

Veterans Building  
401 Van Ness Avenue, Room 308  
San Francisco, CA 94102-4532

## Tails

### Ordinance

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**File Number:** 981776

**Date Passed:**

Ordinance approving the contract between the City and County of San Francisco and the United States, through the Department of Energy Western Area Power Administration, for the delivery of low cost electric power for use at Treasure Island on file with the Clerk of the Board of Supervisors in File No. 981776; and approving indemnifying and holding harmless United States against claims arising from the activities of the City under the contract; and waiving requirement of Section 6.57 of the San Francisco Administrative Code that every contract contain a statement regarding liability of claimants for submitting false claims; and waiving requirement of Section 21.10-1 of the San Francisco Administrative Code that every contract contain a statement regarding guaranteed maximum costs.

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November 9, 1998 Board of Supervisors — PASSED ON FIRST READING

Ayes: 10 - Ammiano, Bierman, Katz, Kaufman, Leno, Medina, Newsom, Teng,  
Yaki, Yee

Absent: 1 - Brown

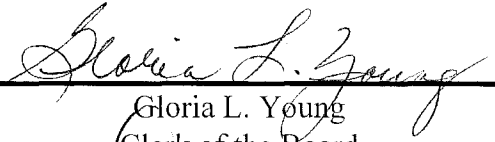
November 16, 1998 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Ammiano, Bierman, Brown, Katz, Leno, Medina, Newsom, Teng, Yaki,  
Yee

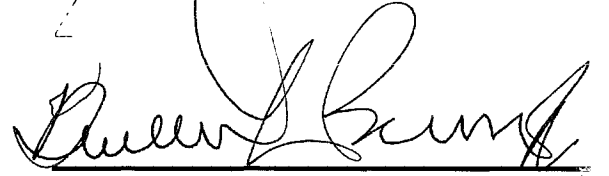
Absent: 1 - Kaufman

File No. 981776

I hereby certify that the foregoing Ordinance was FINALLY PASSED on November 16, 1998 by the Board of Supervisors of the City and County of San Francisco.

  
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Gloria L. Young  
Clerk of the Board

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Mayor Willie L. Brown Jr.

NOV 19 1998

Date Approved