

1 [Waiver of Administrative Code sections 6.40 and 6.41 to allow award of agreement for  
 2 program construction management services without a competitive procurement process.]

3 **Ordinance granting the San Francisco Public Utilities Commission a waiver of**  
 4 **Administrative Code Sections 6.40 and 6.41 to allow award of Agreement No. CS-963,**  
 5 **Program Construction Management Services, without a competitive procurement**  
 6 **process.**

7 Note: Additions are *single-underline italics Times New Roman*;  
 8 deletions are *strikethrough italics Times New Roman*.  
 9 Board amendment additions are double underlined.  
 Board amendment deletions are ~~strikethrough normal~~.

10 Be it ordained by the People of the City and County of San Francisco:

11 Section 1. General Findings:

12 (a) Studies estimate a 63 percent probability that a major earthquake will strike the  
 13 Bay Area within the next 30 years. If such an event were to occur before the SFPUC  
 14 completes seismic improvements under its Water System Improvement Program ("WSIP"),  
 15 parts of the Bay Area could be without water for extended periods, causing catastrophic  
 16 economic and public health impacts. The SFPUC must implement the WSIP without delay.

17 (b) The most important WSIP seismic improvement projects are the 50 regional  
 18 projects, many of which are relatively large and/or complex. Most of the regional projects will  
 19 undergo the critical transition from design to construction beginning in late 2008 through 2010.

20 (c) To ensure program continuity and to avoid delays while the WSIP's significant  
 21 regional projects transition from design to construction, the SFPUC must retain a program  
 22 construction management consultant without delay to supplement existing resources and  
 23 provide personnel with specialized qualifications and experience. The program construction  
 24 manager will oversee ongoing construction projects to ensure the overall effectiveness of the  
 25 SFPUC's construction management organization and advise WSIP management on key

1 construction management-related processes, systems and procedures.

2 (d) Section 6.40 of the Administrative Code, Competitive Procurement of  
3 Professional Services for Public Work Projects, requires City departments to procure  
4 professional consultant services using a competitive process based on qualifications. Section  
5 6.41, Requests for Competitive Proposals or Qualifications, sets forth minimum requirements  
6 for the competitive procurement process.

7 (e) A competitive procurement process to select and retain a program construction  
8 manager could require approximately six months, resulting in significant project delays during  
9 the critical transition from design to construction of the WSIP regional projects. A waiver of  
10 sections 6.40 and 6.41 would enable the SFPUC to retain a qualified program construction  
11 manager much sooner and mitigate the risk of project delays.

12 (f) The SFPUC, by Resolution No. 08-0205, awarded Agreement No. CS-963,  
13 Program Construction Management Services, for an amount not to exceed \$26,000,000,  
14 contingent on the Board granting a waiver of sections 6.40 and 6.41 and approving the  
15 Agreement under Charter Section 9.118.

16 Section 2. Waiver of Administrative Code Sections 6.40 and 6.41:

17 (a) By this Ordinance, the Board of Supervisors grants the SFPUC a waiver of  
18 Administrative Code sections 6.40 and 6.41 to allow the award of Agreement No. CS-963,  
19 Program Construction Management Services, without a competitive procurement process.

20 APPROVED AS TO FORM:  
21 DENNIS J. HERRERA, City Attorney

22 By: \_\_\_\_\_  
23 ATTORNEY'S NAME  
24 Deputy City Attorney

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