

[Administrative Code - Purchase of Fire Apparatus]

Ordinance amending the Administrative Code to allow City departments to enter into and amend agreements for accelerated acquisition of Fire Apparatus without complying with solicitation requirements that would otherwise apply, and without complying with provisions in the Municipal Code that impose obligations on contracting parties as a condition of contracting with the City.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in *single-underline italics Times New Roman font*.
Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

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

Section 1. Background and Findings.

(a) As a result of the COVID pandemic, the fire apparatus industry encountered many challenges, both fiscally and operationally, due to factors such as inflation, supply chain issues, and labor shortages.

(b) In recent years, consolidation in the fire apparatus manufacturing industry, intended to create efficiencies, has instead led to supply issues for apparatus, among other negative impacts.

(c) These issues have resulted in difficulties procuring fire apparatus for the San Francisco Fire Department (SFFD), resulting in significant cost increases for fire apparatus, increased delivery delays for apparatus that have been purchased or are under construction, and reduced competition in the overall market.

1 (d) Combined with reduced funding available as a result of the City's recovery from
2 the pandemic, the SFFD has had extreme difficulties obtaining apparatus to replace aging and
3 outdated units in its fleet.

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5 Section 2. Chapter 21 of the Administrative Code is hereby amended by revising
6 Sections 21.02, 21.04, and adding Section 21.25-1, to read as follows:

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8 **SEC. 21.02. DEFINITIONS.**

9 As used in this Chapter 21, the following words shall have the following ~~respective~~
10 meanings:

11 * * * *

12 "Electronic" shall mean electrical, digital, magnetic, optical, electromagnetic or other
13 similar technology for conveying documents or authorizations, excluding facsimile.

14 "Fire Apparatus" shall mean a vehicle that has been altered or designed for the purpose of
15 firefighting.

16 * * * *

17 **SEC. 21.04. DIRECT PURCHASING AUTHORITY OF DEPARTMENTS.**

18 (a) Department heads may purchase Commodities or Services directly and without the
19 approval of purchasing, as provided in the Charter or Municipal Code, or in the following
20 circumstances:

21 (1) Departments may directly enter into contracts when such purchase is
22 recommended by a department head and is approved by the Purchaser. The Purchaser's
23 approval of direct department purchases may be for individual contracts or for classes of
24 contracts anticipated to be required by the department.

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2 (8) The Director of Health may contract directly for purchases under the authority
3 of Chapter 21A of this Code.

4 (9) The Chief of the Fire Department may directly enter into contracts to purchase Fire
5 Apparatus under the authority of Section 21.25-1. This subsection 21.04(a)(9) shall expire by
6 operation of law on July 1, 2030. After its expiration, the City Attorney shall be authorized to cause
7 this subsection 21.04(a)(9) to be removed from the Administrative Code.

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10 **SEC. 21.25-1. ACCELERATED PROCUREMENT OF FIRE APPARATUS.**

11 **(a) Procurement.** Contracts for the accelerated acquisition of Fire Apparatus awarded prior
12 to July 1, 2027 are exempt from the solicitation requirements of Chapters 21 and 14B.

13 **(b) Contractor's Obligations.** Contracts for the accelerated acquisition of Fire Apparatus
14 awarded prior to July 1, 2027 are not subject to provisions of the Municipal Code that impose
15 obligations or other restrictions on contractors, including but not limited to provisions in the
16 Administrative, Labor and Employment, Environment, or Police Codes, with the exception of all
17 provisions of the Campaign and Governmental Conduct Code, and Chapters 12G and 12M of the
18 Administrative Code.

19 **(c) Amendments.** The provisions of subsections (a) and (b) apply to amendments or
20 modifications of contracts awarded prior to July 1, 2027 under this Section 21.25-1.

21 **(d) Sunset.** Unless extended by ordinance, this Section 21.25-1 shall expire by operation of
22 law on July 1, 2030. After the expiration, the City Attorney shall be authorized to cause this Section to
23 be removed from the Administrative Code.

Section 3. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within 10 days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/
Gustin R. Guibert
Deputy City Attorney

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