

1 [Corrective amendment to Administrative Code Section 6.61.]

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3 **Ordinance approving a corrective amendment to Administrative Code Chapter 6,**  
4 **Section 6.61, to conform to amendment approved April 1, 2005, under Ordinance 58-05,**  
5 **File No. 041571.**

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

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

10 Section 1. The San Francisco Administrative Code is hereby amended by amending  
11 Section 6.61, to read as follows:

12 **SEC. 6.61. DESIGN-BUILD.**

13 The department heads authorized to execute contracts for public work projects are  
14 authorized to seek proposals from qualified private entities (“developers”) for design-build  
15 construction and/or financing of public work projects under the following conditions:

16 (A) Before the request for proposals is issued, the department head shall determine  
17 that a design-build program is necessary or appropriate to achieve anticipated cost savings or  
18 time efficiencies, or both, and that such a process is in the public's best interest.

19 (B) If the proposed public work project is for the use or benefit of a department that is  
20 under the jurisdiction of a commission, then such commission shall first approve the  
21 solicitation of design-build and/or finance proposals. If the public work project is not for the  
22 use or benefit of a department under the jurisdiction of a commission, then the City  
23 Administrator must first approve this process.

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1 (C) Developers submitting design-build proposals shall offer evidence of qualifications  
2 in the field of design and construction of similar projects. The department head may request  
3 developers to create partial designs, which will be evaluated as part of the selection process.

4 (D) Developers submitting private financing proposals shall provide evidence of the  
5 commitment of funds necessary to privately finance the proposed projects to completion.

6 (E) Developers shall comply with all applicable requirements set forth in San Francisco  
7 Administrative Code Chapters 12B, 12C and 12D.A. The request for proposals shall require  
8 developers to demonstrate good faith efforts to utilize MBE and WBE  
9 subcontractors/subconsultants pursuant to San Francisco Administrative Code Chapter  
10 12D.A.

11 (F) The department head shall evaluate developers' proposals and rank the proposals  
12 to determine which provides the best overall value to the City and County in regard to the  
13 following criteria: (1) plan for expediency in completing the proposed project; (2) lifecycle cost  
14 to the City and County; (3) qualifications of the developers to design-build and, if applicable,  
15 finance the proposed project; (4) qualifications of the developers to construct the proposed  
16 project; (5) quality of design proposal; (6) compliance with the goals and requirements of  
17 Administrative Code Chapters 12B, 12C and 12D.A; (7) commitment to meet the City hiring  
18 goals (e.g., welfare-to-work); (8) if private financing is sought, commitment of funds, cost of  
19 funds and terms to the City; and (9) compliance with all the requirements and criteria  
20 established by the Department head in the request for proposals. The cost criterion shall  
21 constitute not less than sixty percent of the overall evaluation.

22 (G) The competitive bid requirements of this Chapter shall not apply to the selection of  
23 developers under this Section 6.61.

1 (H) Subject to paragraph (I) below, the department head is authorized to negotiate all  
2 proposed contracts necessary or appropriate for the proposed project with the highest ranked  
3 developer. If the department head determines that contract negotiations with the highest-  
4 ranked developer are not proceeding satisfactorily, the department head may terminate such  
5 negotiations and enter into negotiations with the next-highest-ranked developer. If the  
6 department head deems a contract to have successfully been negotiated with a developer,  
7 the department head may then recommend such proposed contract *to the Board of Supervisors*  
8 *for award in accordance with Article I of this Chapter.* The City shall retain the absolute discretion  
9 to determine not to proceed with any proposed project, which right may be exercised without  
10 liability to developers for costs incurred during the entire proposal and negotiation process,  
11 and such rights shall be reserved in all requests for proposals.

12 (I) All final contracts for a public work project that involve a design-build and/or finance  
13 program shall be subject to the award provisions of Article I of this Chapter. If the proposed  
14 contract involves a financing program, the Capital Improvement Advisory Committee must  
15 review and report on the proposed project before the board, commission, Mayor or his/her  
16 designee takes any action with respect to award of the contract.

17 (J) All actions heretofore taken by a department head consistent with the provisions of  
18 this section are hereby approved.

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

22 By: \_\_\_\_\_  
23 Sheryl L. Bregman  
24 Deputy City Attorney  
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