

1 [Administrative Code - Expanding Public Utilities Commission Local Business Enterprise  
2 Contracting Opportunities]

3 **Ordinance amending the San Francisco Administrative Code by amending Section**  
4 **14B.2 and related provisions to increase contracting opportunities for certified**  
5 **PUC-LBEs and to make corresponding technical changes; and making environmental**  
6 **findings and findings of consistency with General Plan.**

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

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

12 Section 1. This section is uncodified.

13 The Planning Department has determined that the actions contemplated in this  
14 ordinance comply with the California Environmental Quality Act (California Public Resources  
15 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of  
16 Supervisors in File No. \_\_\_\_ and is incorporated herein by reference.

17 Section 2. The San Francisco Administrative Code is hereby amended by amending  
18 Section 14B.2, "Definitions," "PUC Regional Projects" to read as follows:

19 "PUC Regional Projects" means ~~(1) the~~ projects to be performed outside of the  
20 ~~geographic limits~~ jurisdictional boundaries of San Francisco that are identified as regional  
21 projects and included in the formally approved Capital Improvement Program of the San  
22 Francisco Public Utilities Commission's ("SFPUC") approximately \$4.~~36~~ billion project to  
23 seismically reinforce and otherwise enhance the Hetch Hetchy water supply system, ~~also~~  
24 known as the Water System Improvement Program ("WSIP"), as it may be amended from time to  
25

1 time; (2) projects to be performed exclusively outside of the jurisdictional boundaries of San  
2 Francisco for which some or all of the cost will be shared by members of the Bay Area Water Supply  
3 and Conservation Agency ("BAWSCA"); or (3) projects under contracts with the SFPUC to be  
4 performed exclusively 70 miles or more beyond the jurisdictional boundaries of San Francisco. "PUC  
5 Regional Projects" and shall also include, but are not limited to, Repair and Replacement work  
6 ("R&R") only where such work is to be performed in association with a regional Capital  
7 Improvement Program or other BAWSCA cost sharing project, or to be performed exclusively 70  
8 miles or more beyond the jurisdictional boundaries of San Francisco.

9 Section 3. The San Francisco Administrative Code is hereby amended by amending  
10 Section 14B.5(A) to read as follows:

11 (A) **PUC-LBE Certification.** In order to increase the ability of small businesses that  
12 are located within the PUC water system service area but outside of the ~~geographical limits~~  
13 jurisdictional boundaries of San Francisco to compete for regional PUC contracts, the Director  
14 shall certify businesses as PUC-LBEs, including as either Small-PUC-LBEs or  
15 Micro-PUC-LBEs, and as either PUC-MBEs, PUC-WBEs, or PUC-OBES, that meet all of the  
16 following criteria:

17 (1) Only established small public works/construction, construction material supplies,  
18 construction equipment rental and trucking firms may be certified as PUC-LBEs or any  
19 subcategory of PUC-LBE.

20 (2) Only firms located within the PUC water system service area may be certified as  
21 PUC-LBEs or any subcategory of PUC-LBE.

22 (3) Only firms with average gross annual receipts in the prior three fiscal years that  
23 meet the requirements of Section 14B.3(B) or Section 14B.3(C) for Small-LBEs or  
24 Micro-LBEs, respectively may be certified as PUC-Small-LBEs or PUC-Micro-LBEs.

25

1 (4) PUC-LBEs owned and controlled by one or more minority persons or women  
2 according to all of the criteria set forth in Section 14B.3(B) or 14B.3(C), respectively, shall be  
3 certified as PUC-MBEs or PUC-WBEs. PUC-LBEs that do not demonstrate qualifying  
4 ownership and control by minority persons or women shall be certified as PUC-OBEs.

5 (5) Firms shall meet all criteria that the ~~HRC~~ City Administrator shall by rule adopt to  
6 the end that firms certified as PUC-LBEs shall be similarly situated to LBEs to the extent  
7 practicable, taking into account the special circumstances of their location and the needs of  
8 the PUC Regional projects.

9 Section 4. The San Francisco Administrative Code is hereby amended by amending  
10 Section 14B.5 (B)(1) to read as follows:

11 (1) The PUC Small Firm Advisory Committee shall have five (5) members who shall be  
12 appointed by the PUC General Manager ~~in consultation with the Bay Area Water Supply and~~  
13 ~~Conservation Agency (BAWSCA)~~ to represent the interest of individuals and businesses ~~located~~  
14 ~~within the PUC Water System Service Area but outside of the geographical limits of San Francisco that~~  
15 ~~are or may be eligible for PUC-LBE certification~~. Members shall serve at the pleasure of the PUC  
16 General Manager. Members of the PUC Small Firm Advisory Committee shall not be  
17 compensated, but shall be reimbursed for expenses in accordance with the Controller's  
18 published policies.

19 Section 5 . This section is uncodified.

20 Effective Date. This ordinance shall become effective 30 days from the date of  
21 passage.

22 Section 6. This section is uncodified.

23 In enacting this Ordinance, the Board intends to amend only those words, phrases,  
24 paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any  
25 other constituent part of the Administrative Code that are explicitly shown in this legislation as

1 additions, deletions, Board amendment additions, and Board amendment deletions in  
2 accordance with the "Note" that appears under the official title of the legislation.

3  
4 APPROVED AS TO FORM:  
5 DENNIS J. HERRERA, City Attorney

6 By: \_\_\_\_\_  
7 Catharine Barnes  
8 Deputy City Attorney

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25