

## Ban on City Contracts Involving States with Anti-LGBT Laws – Waiver

**Background:** Administrative Code Section 12X prohibits City contracting with companies from states that have enacted laws after June 26, 2015, reversing anti-discrimination protections for LGBT individuals or that permit discrimination against LGBT individuals. Administrative Code Section 12X.5(a) cites that the City shall not enter into any Contract with a Contractor that has its United States headquarters in a state on the Covered State List or where any or all of the work on the Contract will be performed in a state on the Covered State List.

In accordance with Administrative Code Section 12X.5(b), the Contracting Department may waive the requirements of Section 12X.5 in full or in part if the department determines that strict application of the requirement would not be feasible, would create an undue hardship or practical difficulty, or that similar circumstances otherwise warrant granting of the waiver.

**Directions:** This form is required for every transaction, contract, or contract modification requiring this waiver. The department requestor must complete the information below and attached a written memo with supporting documentation as needed. The Contracting Officer must *sign this request*. In accordance with 12X.5(c), each Contracting Department shall maintain a record documenting the basis for such decision and submit a report to the City Administrator summarizing the Contract and the basis for inapplicability. Such reports shall be submitted annually within 30 days of the end of the fiscal year.

Department: Port of San Francisco Date Submitted: 04/24/17  
Contact: Brendan O' Meara Phone: (415) 274-0458  
Vendor Name: Knoxville Locomotive Works Inc. Vendor # 100569  
Amount: \$ 1,886,813 Term: 12/2029 Doc # \_\_\_\_\_  
Describe the product or service: Tier 4 Locomotive Low Emission Diesel

Check the statement that best applies below and attach a written memo/justification and appropriate documentation.

- Needed services are available only from one source. (Attach approved sole source waiver request).
- Contract is necessary to respond to an emergency which endangers public health or safety and no compliant company is immediately available to perform required services.
- There are no compliant/qualified responsive bidders and the Contract is for a service, project, or property that is essential to the City or the public.
- Public interest warrants the granting of a waiver because application would have an adverse impact on services or a substantial adverse financial impact on the City.
- Services to be purchased are available under a bulk purchasing arrangement with a federal, state, or local government entity or a group purchasing organization, which will substantially reduce the City's cost.
- Violates or inconsistent with the terms or conditions of a grant, subvention, or agreement with a public agency, provided that the contracting officer has made a good faith attempt to change the terms or conditions.

Department:

As the Contracting Officer, I hereby approve this waiver.

Signature: Boris Delepine Print Name: Boris Delepine  
Name of Department: Port of San Francisco Date: 04/24/17