

1 [Waiving the Competitive Bid Requirements and Approving Modified Indemnification Clause
2 for the Design of a Runway Safety Area Engineered Material Arresting System]

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4 **Ordinance waiving the competitive bid requirements of San Francisco Administrative**
5 **Code Chapter 6, approving a modified indemnification clause pursuant to the**
6 **requirements of Chapter 6, and authorizing the Airport Commission to award a contract**
7 **to complete the design of a runway safety area engineered material arresting system.**

8 NOTE: Additions are *single-underline italics Times New Roman*;
9 deletions are ~~*strike-through italics Times New Roman*~~.
10 Board amendment additions are double-underlined;
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. In order to comply with 14 CFR 139 relating to Runway Safety provisions
13 and Public law 109-115 relating to funding, the San Francisco International Airport ("SFO") is
14 required to make Runway Safety Area (RSA) enhancements to all four of its runways by
15 December 31, 2015.

16 Section 2. As part of the RSA program, SFO is required to have designed and installed
17 an engineered material arresting system (EMAS) for aircraft overruns in accordance with the
18 Federal Aviation Administration (FAA) Advisory Circular No. 150/5220-22A.

19 Section 3. Presently, as stated in the Fact Sheet for Engineered material Arresting
20 System, dated October 20, 2011, which is included in the Board of Supervisor's file to this
21 Ordinance, the EMAS system developed by ESCO using crushable concrete is the only
22 system that meets the FAA standard. SFO, therefore, must contract with ESCO for the
23 design of its EMAS system.

24 Section 4. ESCO has refused to agree to the City's standard indemnification clause in
25 its contract, but has agreed to a modified indemnification clause which the San Francisco

1 Airport Commission and the City's Risk Manager has approved and recommended. The
2 approved modified indemnification clause is attached to Resolution number 11-0238 from the
3 San Francisco Airport Commission and is included, along with the Risk Manager's
4 recommendation, in the Board of Supervisor's file to this Ordinance.

5 Section 5. Under the above-described circumstances, the San Francisco Board of
6 Supervisors hereby determines that the City and County would best be served by waiving the
7 competitive bid requirements under San Francisco Administrative Code Chapter 6 and
8 approving the modified indemnification clause for the limited purpose of completing the design
9 of an EMAS system at the San Francisco International Airport.

10 Section 6. The Airport Commission is hereby authorized to award a contract to ESCO
11 to complete the work required to design the EMAS containing the modified indemnification
12 clause and for a negotiated sum not to exceed \$420,000 The contract between the City and
13 County of San Francisco and ESCO shall comply with all laws applicable to design and
14 construction contracts. A copy of the negotiated contract is included in the Board of
15 Supervisor's file to this Ordinance,

16 APPROVED AS TO FORM:
17 DENNIS J. HERRERA, City Attorney

18 By: _____
19 Kathryn Luhe
20 Deputy City Attorney