

File No. 110054

Committee Item No. 7

Board Item No. \_\_\_\_\_

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee

Date: February 16, 2011

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Digest                           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/> | Ethics Form 126                              |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form (for hearings)             |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER

(Use back side if additional space is needed)

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Completed by: Victor Young

Date: February 11, 2011

Completed by: Victor Young

Date: \_\_\_\_\_

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Emergency Contract - Replace Sewer on Polk Street from Bush Street to Pine Street - Not to  
2 Exceed \$421,071]

3 **Resolution approving an emergency public work contract under San Francisco**  
4 **Administrative Code Section 6.60 to replace the sewer on Polk Street from Bush Street**  
5 **to Pine Street, with a contract amount not to exceed \$421,071.**

6  
7 WHEREAS, On August 19, 2010, a sewer inspection performed by San Francisco  
8 Public Utilities Commission personnel discovered open/missing bricks, severely bulging walls,  
9 and cracks and fractures located throughout the length of the existing sewer on Polk Street  
10 from Bush Street to Pine Street; and

11 WHEREAS, if the existing sewer is not replaced and immediately returned to service,  
12 the street may fail which would endanger the public's health and safety; and,

13 WHEREAS, San Francisco Administrative Code, Chapter 6, Article IV, section 6.60,  
14 authorizes department heads responsible for public work to award an emergency contract,  
15 exempt from the competitive bidding process, in the event of an actual emergency which  
16 includes, ". . . The breakdown or imminent breakdown of any plant, equipment, structure,  
17 street or public work necessitating immediate emergency repair or reconditioning to safeguard  
18 the lives or property of the citizens; or the property of the City and County; or to maintain the  
19 public health or welfare;" and,

20 WHEREAS, On August 19, 2010, the General Manager declared an emergency,  
21 approved by the President of the San Francisco Public Utilities Commission, to replace the  
22 sewer on Polk Street from Bush Street to Pine Street and thereby protect public health and  
23 safety; and,

24 WHEREAS, Section 6.60(D) requires that the San Francisco Board of Supervisors  
25 approve emergency work with an estimated cost in excess of \$250,000; and,


1           WHEREAS, The General Manager of the San Francisco Public Utilities Commission  
2 estimates that the emergency work to replace the main sewer on Polk Street from Bush Street  
3 to Pine Street will cost approximately \$421,071; and,

4           WHEREAS, The Controller has certified that funds are available for this emergency  
5 contract; now, therefore, be it

6           RESOLVED, That the General Manager of the San Francisco Public Utilities  
7 Commission is authorized to award an emergency contract under San Francisco  
8 Administrative Code section 6.60, and proceed with all work necessary to replace the sewer  
9 on Polk Street from Bush Street to Pine Street, for a commercially reasonable sum, with a  
10 contract amount not to exceed \$421,071; and, be it

11           FURTHER RESOLVED, That any action to date by the San Francisco Public Utilities  
12 Commission to secure such emergency contract and resolve the emergency condition is  
13 hereby ratified.

14  
15           Certified Funds  
16           Available:

  
\_\_\_\_\_  
17           Controller

**Item 7**  
**File 11-0054**

**Departments:**  
Public Utilities Commission  
Department of Public Works

## EXECUTIVE SUMMARY

### Legislative Objective

- The proposed resolution would (a) concur with the Public Utilities Commission's Declaration of Emergency on August 19, 2010, and (b) approve an emergency public works contract under San Francisco Administrative Code Section 6.60 to replace the sewer and pavement on Polk Street, from Bush Street to Pine Street.

### Key Points

- On August 19, 2010, Public Utilities Commission (PUC) staff conducting a sink hole inspection on Polk Street discovered that the street's 334-foot long sewer, between Bush Street and Pine Street, had missing bricks, severely bulging walls, cracks, and fractures throughout the length of the sewer. PUC staff determined that the sewer required immediate replacement, and the PUC General Manager declared an emergency on August 19, 2010. The emergency sewer replacement project commenced on September 1, 2010 and was completed on November 15, 2010.
- PUC and Department of Public Works (DPW) staff coordinated efforts to incorporate another project, a pavement replacement project on Polk Street from Bush Street to Pine Street, into the emergency sewer replacement project contract, in order to minimize disruptions to the public.
- On September 1, 2010, the PUC entered into an emergency contract with Shaw Pipeline Inc. for a total contract not-to-exceed amount of \$412,071, of which (a) \$315,115 was for the emergency sewer replacement project, and (b) \$96,956 was for the non-emergency pavement replacement project.

### Fiscal Impacts

- The DPW Design Engineer estimated a total not-to-exceed cost of \$398,402 for both projects, although the lowest quoted bid and contract award with Shaw Pipeline Inc. was for \$412,071, or \$13,669 more than the DPW's initial estimate. Work began on September 1, 2010 and was completed on November 15, 2010. The total actual expenditures were \$422,339, or \$10,268 more than the not-to-exceed contract award amount of \$412,071, due to unforeseen additional work which was required.

### Policy Issues

- DPW staff included the non-emergency pavement replacement project located on Polk Street and the emergency sewer replacement project, also located on Polk Street, under one emergency contract. As a result, the non-emergency pavement replacement project was not subject to the City's formal competitive bidding process, which would have been required for such projects. The amount of \$422,339 includes \$328,637 for the emergency project and \$93,702 for the non-emergency project.

### Recommendations

1. Amend the proposed resolution on page 2 to delete the contract amount of "\$421,071" and insert the contract amount of "\$422,339" and specify that \$328,637 was for the emergency sewer replacement project and \$93,702 was for the non-emergency pavement replacement project.
2. Approve the requested \$328,637 for the emergency sewer replacement project.
3. Approval of the remaining \$93,702, for the non-emergency pavement replacement project, is a policy matter for the Board of Supervisors.

## MANDATE STATEMENT / BACKGROUND

### Mandate Statement

In accordance with Chapter 6, Article IV, Section 6.60 of San Francisco's Administrative Code, all emergency contracts, which are awarded by City departments and which exceed \$250,000, require subsequent approval by the Board of Supervisors. Administrative Code Section 6.60 authorizes department heads responsible for public works to award emergency contracts, without using the City's formal competitive bidding procedures, if there is a breakdown or imminent breakdown of any plant, equipment, structure, street, or public work necessitating immediate emergency repair or reconditioning to safeguard the lives or property of the citizens. Pursuant to Administrative Code Section 6.60, an emergency is defined as "a sudden, unforeseeable and unexpected occurrence involving a clear and imminent danger, demanding immediate action" or "the discovery of any condition involving a clear and imminent danger to public health or safety, demanding immediate action."

### Background

On August 19, 2010, Public Utilities Commission (PUC) staff conducting a sink hole inspection on Polk Street discovered that the street's 133-year old, 334-foot long sewer, between Bush Street and Pine Street, had missing bricks, severely bulging walls, cracks, and fractures throughout the length of the sewer. PUC personnel utilized their standard sewer rating system to determine the sewer's condition and assigned the length of the sewer a rating of five, with one being excellent to five requiring immediate attention.

As a result, the General Manager of the PUC declared an emergency on August 19, 2010 in order to facilitate the immediate replacement of the sewer on Polk Street, from Bush Street to Pine Street. Between August 19 and September 1, 2010, Department of Public Works (DPW) staff prepared construction documents for the emergency sewer replacement project. During this process, the DPW determined that another project pertaining to a non-emergency pavement replacement project, which had been scheduled for FY 2013-2014, a project also located on Polk Street from Bush Street to Pine Street, should be included in the subject emergency sewer replacement contract in order to lessen construction disruptions to the public (see Policy Considerations section below).

On August 27, 2010, the PUC issued a Request for Quotation (RFQ) to 12 firms that were on the PUC's existing pre-qualified contractor list for emergency sewer replacement projects. Four firms submitted quotations by the response deadline on August 31, 2010. The firm with the lowest quotation, Shaw Pipeline Inc., at \$412,071, was awarded the emergency sewer replacement contract. However, the costs for the emergency sewer replacement project contract also included the costs for the non-emergency pavement replacement project. According to Mr. John Wong, Project Manager at the PUC, on September 1, 2010, the PUC issued a construction Notice to Proceed to Shaw Pipeline Inc. The emergency sewer replacement project and the non-emergency pavement replacement project commenced immediately on September 1, 2010, and both projects were completed on November 15, 2010.

## DETAILS OF PROPOSED LEGISLATION

The proposed resolution would (a) concur with the Public Utilities Commission's Declaration of Emergency on August 19, 2010, and (b) approve an emergency public works contract for \$412,071<sup>1</sup> with Shaw Pipeline Inc. for the emergency sewer replacement project and the non-emergency pavement replacement project. Both projects were located on Polk Street, from Bush Street to Pine Street.

As discussed above, in accordance with Chapter 6, Article IV, Section 6.60 of San Francisco's Administrative Code, all emergency contracts, which are awarded by City departments and which exceed \$250,000, require subsequent approval by the Board of Supervisors. Administrative Code Section 6.60 authorizes department heads responsible for public works to award emergency contracts, without using the City's formal competitive bidding procedures, if there is a breakdown or imminent breakdown of any plant, equipment, structure, street, or public work necessitating immediate emergency repair or reconditioning to safeguard the lives or property of the citizens.

Mr. Wong advises that the City's formal competitive bidding process, including (a) advertising for bids, (b) receiving bids, (c) reviewing bids, (d) selecting a firm, and (d) certifying and issuing a construction Notice to Proceed, takes approximately four to six months to complete. In contrast, an emergency contract can be awarded to one of the City's existing pre-qualified emergency contractors, on an expedited basis without advertising for bids. As noted above, the PUC issued a RFQ on August 27, 2010 and issued a Notice to Proceed to Shaw Pipeline, Inc. on September 1, 2010, a period totaling only five days.

## FISCAL IMPACTS

Mr. Wong advises that, prior to the issuance of the RFQ, the DPW design engineer estimated that completion of the emergency sewer replacement project and the non-emergency pavement

<sup>1</sup> The proposed resolution specifies \$421,071 as the estimated contract award amount, which is a typographical error. According to the contract award between the PUC and Shaw Pipeline Inc., the correct contract award amount was \$412,071.

replacement project would cost a total of \$398,402. However, as noted above, the lowest quoted bid, and therefore the not-to-exceed contract award amount, with Shaw Pipeline Inc. was for \$412,071 for both projects, or \$13,669 more than the DPW's initial estimate. The amount of \$412,071 included \$315,115 for the emergency sewer replacement project and \$96,956 for the non-emergency pavement replacement project.

As noted above, work on both projects was completed on November 15, 2010. Mr. Wong advises that the total actual project expenditures were \$422,339, which is \$10,268 more than the final contract bid and not-to-exceed award amount of \$412,071, because of required additional work, which was not anticipated prior to the commencement of the emergency sewer replacement project. Mr. Wong stated that the required additional work involved the necessary removal of existing cable car yokes<sup>2</sup> below the street pavement surface on Polk Street, as well as the needed repair and rehabilitation of a portion of a sewer located on Pine Street that intersected with the failed sewer located on Polk Street. Mr. Wong advises that the PUC is amending the subject contract with Shaw Pipeline, Inc. to reflect the higher \$422,339 total actual sewer and pavement replacement costs.

Both the contract award amount of \$412,071 as well as the final expenditure of \$422,339 included the cost of the emergency sewer replacement project and the non-emergency pavement replacement project. Given that the total actual cost of the completed work was \$422,339, the Budget and Legislative Analyst recommends that the proposed resolution be amended to increase the total not-to-exceed contract award amount from \$412,071 (incorrectly stated in the proposed resolution as \$421,071) to \$422,339.

Of the total actual expenditures of \$422,339, Mr. Wong advises that (a) \$328,637 was for the emergency sewer replacement, which was funded from the PUC's FY 2010-2011 Wastewater Enterprises' Repair and Replacement Program funds, as previously appropriated by the Board of Supervisors, and (b) \$93,702 was for the non-emergency pavement replacement which was funded from the DPW's carry forward of FY 2008-2009 Proposition 1B Transportation Bond funds, as previously appropriated by the Board of Supervisors. Proposition 1B Transportation Bond Fund monies were approved by California voters in 2006 for transportation capital improvement projects in the State. The DPW's FY 2008-2009 budget included \$12,924,603 of Proposition 1B Transportation Bond funds, which were not fully expended, such that \$3,854,124 is available for expenditure in FY 2010-2011.

## **POLICY CONSIDERATIONS**

### **An Emergency Resolution Allows City Departments to Expedite Contract Awards Without Utilizing the City's Formal Competitive Bidding Process**

As noted above, the PUC included the DPW's non-emergency pavement replacement project costing \$93,702 under the requested approval for the emergency sewer replacement project costing \$328,637, resulting in one emergency contract costing a total of \$422,339. Mr. Wong concurs that

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<sup>2</sup> Cable car yokes are underground steel and iron clamps that control the movement of cable car wires.

the DPW's pavement replacement project was not an emergency. Mr. Wong notes that the proposed pavement replacement project was independent of the requested approval for the emergency sewer replacement project contract.

According to Mr. Ramon Kong, DPW Project Manager, the non-emergency pavement replacement project was scheduled to occur on Polk Street between Bush Street and Pine Street in FY 2013-2014. Since both projects were located at approximately the same location, according to Mr. Kong, the emergency sewer replacement project provided an opportunity to expedite the non-emergency pavement replacement project and, at the same time, minimize the inconvenience of construction disturbances to the public. As a result, the non-emergency pavement replacement project did not undergo the City's formal competitive bidding process, which would have been required for such non-emergency projects. As noted above, the City's formal competitive bidding process, including (a) advertising bids, (b) receiving bids, (c) reviewing bids, (d) selecting a firm, and (d) certifying and issuing a construction Notice to Proceed, takes approximately four to six months.


Mr. Kong advises that, under San Francisco Public Works Code, Article 2.4, section 2.4.11, DPW staff are authorized to coordinate public works projects with the PUC and other public and private utility agencies in order to minimize the inconvenience of construction disturbances to the public. Mr. Kong notes that if the emergency sewer replacement project had not arisen, the non-emergency pavement replacement project would have been completed as scheduled, in FY 2013-2014, subject to the City's formal competitive bidding process, which might have potentially resulted in higher or lower costs.

As discussed above, of the total actual expenditure of \$422,339, Mr. Wong advises that \$328,637 was for the emergency sewer replacement project, and \$93,702 was for the non-emergency pavement replacement project. Because the pavement replacement project was not an emergency, approval of the proposed resolution for the non-emergency project is a policy decision for the Board of Supervisors.

## RECOMMENDATIONS

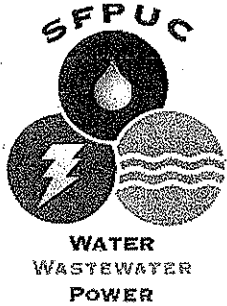
1. Amend the proposed resolution on page 2 to delete the contract amount of "\$421,071" and insert the contract amount of "\$422,339" and specify that \$328,637 was for the emergency sewer replacement project and \$93,702 was for the non-emergency pavement replacement project.
2. Approve the requested \$328,637 for the emergency sewer replacement project.
3. Approval of the remaining \$93,702, for the non-emergency pavement replacement project, is a policy matter for the Board of Supervisors.





Harvey M. Rose

cc: Supervisor Chu  
Supervisor Mirkarimi  
Supervisor Kim  
President Chiu  
Supervisor Avalos  
Supervisor Campos  
Supervisor Cohen  
Supervisor Elsbernd  
Supervisor Farrell  
Supervisor Mar  
Supervisor Wiener  
Clerk of the Board  
Cheryl Adams  
Controller  
Greg Wagner



**SAN FRANCISCO PUBLIC UTILITIES COMMISSION**

1155 Market St., 11th Floor, San Francisco, CA 94103 • Tel. (415) 554-3155 • Fax (415) 554-3161 • TTY (415) 554.3488



**TO: Angela Calvillo, Clerk of the Board of Supervisors**

**FROM: Nathan Purkiss, 554-3404**

**DATE: 1/21/11**

**SUBJECT: Resolution approving an emergency public work contract under San Francisco Administrative Code section 6.60 to replace the sewer on Polk Street from Bush Street to Pine Street**

**GAVIN NEWSOM**  
MAYOR

**FRANCESCA VIETOR**  
PRESIDENT

**ANSON MORAN**  
VICE PRESIDENT

**ANN MOLLER CAEN**  
COMMISSIONER

**ART TORRES**  
COMMISSIONER

**VINCE COURTNEY**  
COMMISSIONER

**ED HARRINGTON**  
GENERAL MANAGER

Please find the original and 4 copies of a Board of Supervisors resolution authorizing the General Manager of the SFPUC to approve an emergency public work contract under the San Francisco Administrative Code section 6.60 to replace the sewer on Polk Street from Bush Street to Pine Street.

Attached to the resolution are the following supplemental documents:

1. Signed copy of SFPUC Commission resolution, and the SFPUC Agenda Item related to this Board of Supervisors resolution.
2. Declaration of Emergency Letter

Please contact us if you need any additional information on these items.

**Departmental representative to receive a copy of the adopted resolution:**

Name: Nathan Purkiss

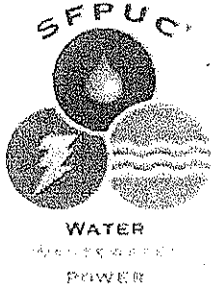
Phone: 554-3404

Interoffice Mail Address: 1155 Market Street, 11<sup>th</sup> Floor

BY \_\_\_\_\_  
AK

2010 JAN 21 AM 11:47

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO



**SAN FRANCISCO PUBLIC UTILITIES COMMISSION**

1155 MARKET STREET, 11<sup>TH</sup> FLOOR, SAN FRANCISCO, CA 94103 TEL. (415) 554-3155 – FAX (415) 554-3161



**INTER-OFFICE MEMORANDUM**

DATE: September 2, 2010

TO: The Honorable F. X. Crowley  
President, San Francisco Public Utilities Commission

THROUGH: Tommy T. Moala *[Signature]*  
Assistant General Manager, Wastewater Enterprise

FROM: Edward Harrington *[Signature]*  
General Manager

SUBJECT: Declaration of Emergency: Replace Sewer on Polk Street from  
Bush Street to Pine Street

GAVIN NEWSOM  
MAYOR

F.X. CROWLEY  
PRESIDENT

FRANCESCA VIETOR  
VICE PRESIDENT

ANN MOLLER CAEN  
JULIET ELLIS  
ANSON MORAN  
COMMISSIONER

ED HARRINGTON  
GENERAL MANAGER

On August 19, 2010, the SFPUC Wastewater Enterprise's Sewer Operations requested an emergency be declared to immediately replace the existing sewer on Polk Street from Bush Street to Pine Street which has failed due to open/missing bricks, severely bulging walls, and cracks and fractures located throughout the length of the entire sewer.

It is in the best interest of the City to issue an emergency contract for this work in the interest of public health and safety. An emergency contract is being prepared to replace the subject sewer.

Funds for this contract are available from Wastewater Enterprise's Renewal and Replacement Program.

I am therefore declaring the existence of an emergency. I trust that this meets with your concurrence and approval.

CONCUR and APPROVE:

*[Signature]*  
F. X. Crowley — President  
San Francisco Public Utilities Commission

TIM/EH/hc

cc: A. Caen F. Vietor J. Ellis A. Moran T. Moala  
H. Kelly P. Lam J. Bajwa J. Wong



# AGENDA ITEM

## Public Utilities Commission

*City and County of San Francisco*



DEPARTMENT Wastewater Enterprise AGENDA NO. \_\_\_\_\_  
 MEETING DATE September 28, 2010

**Emergency Ratification: Consent Calendar**  
**Project Manager: John Wong**

**Contract WW-524E, Emergency Ratification, Polk Street Emergency Sewer Replacement**

<b>Recommendation:</b>	Ratify the Declaration of Emergency made by the General Manager of the San Francisco Public Utilities Commission, dated August 19, 2010 and approved by the President of the Commission.
<b>Background:</b>	Wastewater Enterprise's Sewer Operations requested immediate replacement of the existing sewer on Polk Street from Bush Street to Pine Street due to open/missing bricks, severely bulging walls, and cracks and fractures located throughout the length of the entire sewer. On August 19, 2010, the General Manager of the SFPUC declared an emergency per Chapter 6, Article IV, Section 6.60(D) of the Administrative Code of the City and County of San Francisco.
<b>Contract Cost:</b>	<b>Engineer's Estimate:</b> \$398,402 <b>Award:</b> \$421,071 to Shaw Pipeline, Inc.
<b>Funding:</b>	Sewer Replacement Work: Project No. CWWNRNCS19-Polk Street Emergency Sewer Replacement  Pavement Replacement Work (funded by DPW): Project No. CPB08ASR6040-Variou Locations Paving
<b>Schedule:</b>	<b>NTP:</b> September 1, 2010 <b>End:</b> November 9, 2010 <b>Duration:</b> Seventy (70) consecutive calendar days
<b>Environmental:</b>	Statutorily exempt under CEQA.
<b>HRC goals:</b>	At the time of submission of the agenda item, the Emergency Waiver

**APPROVAL:**

DEPARTMENT /  
BUREAU \_\_\_\_\_  
  
COMMISSION  
SECRETARY Mike Housh

FINANCE Todd L. Rydstrom  
  
GENERAL  
MANAGER Ed Harrington

**Contract:** WW-524E, Polk Street Emergency Sewer Replacement  
**Commission Meeting Date:** September 28, 2010

	request has been submitted to HRC.
<b>Description:</b>	The contract work consists of replacing the existing sewer and street pavement on Polk Street from Bush Street to Pine Street.
<b>Attachments:</b>	<ol style="list-style-type: none"><li>1. SFPUC Resolution</li><li>2. HRC Waiver</li></ol>

# PUBLIC UTILITIES COMMISSION

City and County of San Francisco

RESOLUTION NO. \_\_\_\_\_

WHEREAS, the existing sewer on Polk Street from Bush Street to Pine Street has failed due to open/missing bricks, severely bulging walls, and cracks and fractures located throughout the length of the entire sewer; and

WHEREAS, The General Manager of the San Francisco Public Utilities Commission declared the existence of an emergency concerning this damage to replace the existing failed sewer, by a letter dated August 19, 2010, addressed to the President of the Commission; and

WHEREAS, HRC is expected to grant an emergency waiver of the subcontracting goals pursuant to Chapter 14.A.12.2 of the San Francisco Administrative Code; and

WHEREAS, The Commission's ratification of emergency overrides normal environmental review under the California Environmental Quality Act, but does not eliminate the need for subsequent state and federal permits; and

WHEREAS, Approval of an emergency contract for this repair work would be in accordance with the provisions of Chapter 6, Article IV, Section 6.60(D) of the Administrative Code of the City and County of San Francisco and established SFPUC procedures; and

WHEREAS, Funds are available from Project No. CWWRNRCS19-Polk Street Emergency Sewer Replacement for the sewer work and Project No. CPB08ASR6040-Various Locations Paving (funded by DPW) for the pavement work; now, therefore, be it

RESOLVED, That this Commission hereby ratifies the Declaration of Emergency made by the General Manager of the San Francisco Public Utilities Commission, dated August 19, 2010, and approved by the President of the Commission.

*I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of \_\_\_\_\_ September 28, 2010*

\_\_\_\_\_  
*Secretary, Public Utilities Commission*



CITY AND COUNTY OF SAN FRANCISCO  
HUMAN RIGHTS COMMISSION

S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B

WAIVER REQUEST FORM  
(HRC Form 201)

Section 1. Department Information

Department Head Signature: [Signature]  
 Name of Department: Public Utilities Commission  
 Department Address: 1155 Market Street, 6th Floor  
 Contact Person: John Wong, Project Manager  
 Phone Number: 554-8331 Fax Number: 554-8308

FOR HRC USE ONLY	
Request Number:	
2010 SEP 22 AM 11	S.F. HUMAN RIGHTS COMMISSION

Section 2. Contractor Information

Contractor Name: Shaw Pipeline Inc. Vendor No.: TBD  
 Contractor Address: 150 Executive Park Blvd., Ste. 3790  
 Contact Person: Matt Shaw Contact Phone No.: 415-337-0190

Section 3. Transaction Information

Date Waiver Request Submitted: September 1, 2010 Type of Contract: Construction  
 Contract Start Date: September 1, 2010 End Date: November 9, 2010 Dollar Amount of Contract: \$ 421,071

Section 4. Administrative Code Chapter to be Waived (please check all that apply)

- Chapters 12B
- Chapter 14B: Note: Employment and LBE subcontracting requirements may still be in force even when a 14A waiver (type A or B) is granted.

Section 5. Waiver Type (Letter of Justification *must* be attached, see Check List on back of page.)

- A. Sole Source
- B. Emergency (pursuant to Administrative Code § 6.60 or 21.15)
- C. Public Entity
- D. No Potential Contractors Comply – Copy of waiver request sent to Board of Supervisors on: \_\_\_\_\_
- E. Government Bulk Purchasing Arrangement – Copy of this request sent to Board of Supervisors on: \_\_\_\_\_
- F. Sham/Shell Entity – Copy of waiver request sent to Board of Supervisors on: \_\_\_\_\_
- G. Subcontracting Goals
- H. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see Admin. Code § 14B.7.1.3)

HRC ACTION	
12B Waiver Granted: _____	14B Waiver Granted: <u>X</u>
12B Waiver Denied: _____	14B Waiver Denied: _____
Reason for Action: <u>Emergency established pursuant to § 6.60 of the admin code and the contract, Shaw Pipeline is an LBE.</u>	
HRC Staff: <u>[Signature]</u>	Date: <u>9/22/2010</u>
HRC Staff: _____	Date: _____
HRC Director: <u>[Signature] for Theresa Sparks</u>	Date: <u>9/23/2010</u>

DEPARTMENT ACTION – This section must be completed and returned to HRC for waiver types D, E & F.

Date Waiver Granted: \_\_\_\_\_ Contract Dollar Amount: \_\_\_\_\_



# CITY AND COUNTY OF SAN FRANCISCO HUMAN RIGHTS COMMISSION

## S.F. ADMINISTRATIVE CODE CHAPTERS 12B and 14B WAIVER REQUEST FORM (HRC Form 201)

FOR HRC USE ONLY
Request Number: _____

### ➤ Section 1. Department Information

Department Head Signature: \_\_\_\_\_  
 Name of Department: Public Utilities Commission  
 Department Address: 1155 Market Street, 6th Floor  
 Contact Person: John Wong, Project Manager  
 Phone Number: 554-8331 Fax Number: 554-8308

### ➤ Section 2. Contractor Information

Contractor Name: Shaw Pipeline Inc. Vendor No.: TBD  
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 Contact Person: Matt Shaw Contact Phone No.: 415-337-0190

### ➤ Section 3. Transaction Information

Date Waiver Request Submitted: September 1, 2010 Type of Contract: Construction  
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### ➤ Section 4. Administrative Code Chapter to be Waived (please check all that apply)

Chapters 12B  
 Chapter 14B *Note:* Employment and LBE subcontracting requirements may still be in force even when a 14A waiver (type A or B) is granted.

### ➤ Section 5. Waiver Type (Letter of Justification *must* be attached, see Check List on back of page.)

A. Sole Source  
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 C. Public Entity  
 D. No Potential Contractors Comply – Copy of waiver request sent to Board of Supervisors on: \_\_\_\_\_  
 E. Government Bulk Purchasing Arrangement – Copy of this request sent to Board of Supervisors on: \_\_\_\_\_  
 F. Sham/Shell Entity – Copy of waiver request sent to Board of Supervisors on: \_\_\_\_\_  
 G. Subcontracting Goals  
 H. Local Business Enterprise (LBE) (for contracts in excess of \$5 million; see Admin. Code §14B.7.1.3)

HRC ACTION	
12B Waiver Granted: _____	14B Waiver Granted: _____
12B Waiver Denied: _____	14B Waiver Denied: _____
Reason for Action: _____	
HRC Staff: _____	Date: _____
HRC Staff: _____	Date: _____
HRC Director: _____	Date: _____

<b>DEPARTMENT ACTION</b> – This section must be completed and returned to HRC for waiver types D, E & F.	
Date Waiver Granted: _____	Contract Dollar Amount: _____



**PUBLIC UTILITIES COMMISSION**

City and County of San Francisco

RESOLUTION NO. 10-0160

WHEREAS, the existing sewer on Polk Street from Bush Street to Pine Street has failed due to missing bricks, severely bulging walls, and cracks and fractures located throughout the length of the entire sewer; and

WHEREAS, The General Manager of the San Francisco Public Utilities Commission declared the existence of an emergency to replace the existing failed sewer, by a letter dated August 19, 2010, addressed to the President of the Commission; and

WHEREAS, Human Rights Commission (HRC) granted an emergency waiver of the subcontracting goals pursuant to Chapter 14.A.12.2 of the San Francisco Administrative Code; and

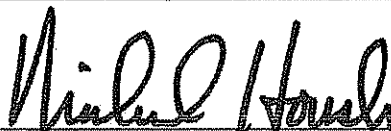
WHEREAS, The Commission's ratification of emergency overrides normal environmental review under the California Environmental Quality Act, but does not eliminate the need for subsequent state and federal permits; and

WHEREAS, Approval of an emergency contract for this repair work would be in accordance with the provisions of Chapter 6, Article IV, Section 6.60(D) of the Administrative Code of the City and County of San Francisco and established SFPUC procedures; and

WHEREAS, Funds are available from Project No. CWWRNRCS19-Polk Street Emergency Sewer Replacement for the sewer work and Project No. CPB08ASR6040-Various Locations Paving (funded by Department of Public Works) for the pavement work; now, therefore, be it

RESOLVED, That this Commission hereby ratifies the Declaration of Emergency made by the General Manager of the San Francisco Public Utilities Commission, dated August 19, 2010, and approved by the President of the Commission.

*I hereby certify that the foregoing resolution was adopted by the Public Utilities Commission at its meeting of* \_\_\_\_\_ *September 28, 2010*



\_\_\_\_\_  
Secretary, Public Utilities Commission

**FORM SFEC-126:**  
**NOTIFICATION OF CONTRACT APPROVAL**  
(S.F. Campaign and Governmental Conduct Code § 1.126)

<b>City Elective Officer Information</b> (Please print clearly.)	
Name of City elective officer(s): Members, SF Board of Supervisors	City elective office(s) held: Members, SF Board of Supervisors
<b>Contractor Information</b> (Please print clearly.)	
Name of contractor: <b>Shaw Pipeline, Inc.</b>	
Please list the names of (1) members of the contractor's board of directors; (2) the contractor's chief executive officer, chief financial officer and chief operating officer; (3) any person who has an ownership of 20 percent or more in the contractor; (4) any subcontractor listed in the bid or contract; and (5) any political committee sponsored or controlled by the contractor. Use additional pages as necessary.	
1) Matthew Shaw, President/CEO/CFO/Secretary	4) Esquivel Paving and Grading
2) Matthew Shaw, President/CEO/CFO/ Secretary	5) None
3) Matthew Shaw, President/CEO/CFO/Secretary	
Contractor address: 150 Executive Park Blvd., Suite 3790, San Francisco, CA 94134	
Date that contract was approved:	Amount of contract: \$ 412,071
Describe the nature of the contract that was approved: Emergency replacement of the existing sewer on Polk Street from Bush Street to Pine Street.	
Comments:	

This contract was approved by (check applicable):

the City elective officer(s) identified on this

a board on which the City elective officer(s) serves San Francisco Board of Supervisors

Print Name of Board

the board of a state agency (Health Authority, Housing Authority Commission, Industrial Development Authority Board, Parking Authority, Redevelopment Agency Commission, Relocation Appeals Board, Treasure Island Development Authority) on which an appointee of the City elective officer(s) identified on this form sits

Print Name of Board

<b>Filer Information</b> (Please print clearly.)	
Name of filer: Angela Calvillo, Clerk of the Board	Contact telephone number: 415-554-5184
Address: City Hall, Room 244 1 Dr. Carlton B. Goodlett Pl. San Francisco, CA 94102	E-mail: Board.of.Supervisors@sfgov.org

\_\_\_\_\_  
Signature of City Elective Officer (if submitted by City elective officer)

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Signature of Board Secretary or Clerk (if submitted by Board Secretary or Clerk)

\_\_\_\_\_  
Date Signed