

1 [Waiving Outside Competitive Solicitation Process - Sunset Boulevard Early Implementation
2 Project]

3 **Ordinance waiving the Administrative Code, Section 6.20(a), outside competitive**
4 **solicitation requirement, and authorizing Public Works to perform the San Francisco**
5 **Public Utilities Commission’s Sunset Boulevard Early Implementation Project with**
6 **Public Works employees.**

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8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
11 **Board amendment additions** are in double-underlined Arial font.
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.
13 **Asterisks (* * * *)** indicate the omission of unchanged Code
14 subsections or parts of tables.

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

16 Section 1. Background.

17 (a) The Sunset Boulevard Early Implementation Project (“EIP”) is a green
18 infrastructure improvement project funded by the San Francisco Public Utilities Commission
19 (“SFPUC”). The project will provide low impact design (“LID”) stormwater management
20 features to increase the ecological function of Sunset Boulevard and decrease the rate and
21 volume of stormwater entering the City’s combined sewer system. The Sunset Boulevard EIP
22 includes design and construction of green infrastructure rain gardens in the medians flanking
23 the west side of Sunset Boulevard, beginning at Sloat Boulevard and extending north to Irving
24 Street. The project improvements will also include sub-surface infiltration galleries. A total of
25 11 blocks (11 landscaped parcels) along Sunset Boulevard will receive green infrastructure
improvements. The improvements are phased into a Pilot Phase (Vicente Street), as well as

1 Phases I (Vicente Street to Wamona Street), II (Pacheco to Ulloa Streets), and III (Irving to
2 Ortega Streets).

3 (b) The SFPUC is completing the Sunset Boulevard EIP in partnership with San
4 Francisco Public Works (“Public Works”). In addition to providing design services for the
5 project, Public Works’ Bureau of Urban Forestry (BUF) division constructed the Pilot Phase of
6 the project in order for Public Works’ operations crews to gain knowledge and understanding
7 of the improvements and the project’s future maintenance requirements. BUF completed the
8 Pilot phase of the project on January 4, 2016.

9 (c) During the Pilot Phase, Public Works and SFPUC held multiple “lessons-learned”
10 sessions to analyze the design and construction of the project in order to refine the process
11 and develop additional strategies for cost and time savings for implementation of future
12 phases of the project. These “lessons-learned” sessions were particularly critical as Public
13 Works would retain responsibility over ongoing maintenance of the EIP project green
14 infrastructure.

15 (d) Based on this experience with the Pilot Phase of the project, Public Works and the
16 SFPUC determined that the best approach for implementation of the remainder of the EIP
17 project would be for Public Works to provide construction labor and material procurement on
18 behalf of the SFPUC. Both departments believe that this process will promote better
19 coordination and collaboration between the departments and reduce the project delivery
20 schedule and costs by:

- 21 (1) Substantially reducing field and/or implementation errors, conflicts, and
22 duplication;
- 23 (2) Identifying opportunities for alternative construction methods resulting in
24 cost savings;
- 25

1 (3) Allowing the construction work to take place concurrent with the phased
2 project design work, providing flexibility in project scope changes with minimal increase in cost
3 or potential decreases, and reducing the potential for costly change orders;

4 (4) Allowing Public Works BUF operations crews to get hands-on experience
5 with the green infrastructure improvements, building capacity and reinforcing staff knowledge
6 of the necessary maintenance requirements; and

7 (5) Eliminating the additional time and potential delay associated with
8 advertising, bidding, and awarding the contract, and the contract certification process. Of the
9 five other EIP projects that have been advertised by the City, one project received only one
10 bid (which bid was over budget), and one received no bids at all.

11 (e) Under Administrative Code Section 6.20, any public work or improvement estimated
12 to cost less than or equal to \$600,000 may be contracted to an outside contractor, or
13 completed by City employees. Public work or improvements estimated to cost more than
14 \$600,000 must be performed by outside contractors.

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16 Section 2. Waiver of Outside Competitive Solicitation. The Board of Supervisors
17 hereby waives the outside competitive solicitation process requirement under Administrative
18 Code Section 6.20(a) and authorizes Public Works to take all steps necessary to complete the
19 construction work associated with the Sunset Boulevard EIP with City employees, in
20 accordance with the project goals set forth by the SFPUC, and approves all actions by Public
21 Works to date which are consistent with this ordinance.

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23 Section 3. Effective Date. This ordinance shall become effective 30 days after
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
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1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

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

6 By: _____
7 Yadira Taylor
8 Deputy City Attorney

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