

1 [Emergency Contract - Flatiron, West, Inc. - Repairing Lower Cherry Aqueduct - Not to
2 Exceed \$16,000,000]

2

3 **Resolution approving an emergency public work contract between the Public Utilities**
4 **Commission and Flatiron, West, Inc., under San Francisco Administrative Code,**
5 **Section 6.6, to perform immediate work to repair Lower Cherry Aqueduct in response**
6 **to an emergency drought declaration with a contract amount not to exceed**
7 **\$16,000,000.**

8

9 WHEREAS, California continues to experience one of the most extreme droughts since
10 hydrologic recordkeeping began; and

11 WHEREAS, As of April 27, 2014, precipitation in the Hetch Hetchy watershed was at
12 57% of normal levels and snowpack was at 25% of normal levels; and

13 WHEREAS, On February 10, 2014, Mayor Ed Lee issued an Executive Directive to all
14 city departments outlining actions to be taken to reduce water use, and directing the San
15 Francisco Public Utilities Commission (SFPUC) to develop alternative sources of water
16 supplies for both potable and non-potable uses; and

17 WHEREAS, Immediate SFPUC drought mitigation actions include the rehabilitation of
18 the Lower Cherry Aqueduct, to repair aging infrastructure and damages incurred during the
19 recent Rim Fire; and

20 WHEREAS, This project will enable the SFPUC to access 200,000 acre-feet of water
21 storage in Cherry Lake by October 1, 2014; and

22 WHEREAS, The principal purpose of the Lower Cherry Aqueduct system is to convey a
23 water supply from Cherry Creek that can supplement the primary Hetchy Reservoir supply
24 during a drought year, but due to its age and the damage caused by the Rim Fire, the Lower
25

25

1 Cherry Aqueduct system is currently unable to reliably convey this supplemental water supply;
2 and

3 WHEREAS, If the above mentioned work to extend SFPUC water supplies was not
4 immediately undertaken and facilities expeditiously brought into or returned to service, the
5 sustainability of San Francisco's water supply would be placed at significant risk which would
6 endanger the public's health and welfare; and

7 WHEREAS, San Francisco Administrative Code, Chapter 6, Article IV, Section 6.60,
8 authorizes department heads responsible for public work to award an emergency contract,
9 exempt from the competitive bidding process, in the event of an actual emergency which is
10 defined to include, "...The breakdown or imminent breakdown of any plant, equipment,
11 structure, street or public work necessitating immediate emergency repair or reconditioning to
12 safeguard the lives or property of the citizens, or the property of the City and County, or to
13 maintain the public health and welfare..."; and

14 WHEREAS, On February 21, 2014, the SFPUC General Manager declared an
15 emergency, approved by the President of the San Francisco Public Utilities Commission, to
16 take immediate action to extend SFPUC water supplies and thereby protect public health and
17 safety; and

18 WHEREAS, On April 29th, 2014, the SFPUC General Manager updated the original
19 emergency declaration, approved by the President of the San Francisco Public Utilities
20 Commission; and

21 WHEREAS, Administrative Code, Section 6.60(D) requires that the General Manager
22 immediately notify the Controller, and seek Board of Supervisors approval of emergency
23 public works with an estimated cost in excess of \$250,000; and

24
25

1 WHEREAS, The SFPUC General Manager estimates that the emergency rehabilitation
2 of the Lower Cherry Aqueduct to extend SFPUC water supplies will cost approximately
3 \$16,000,000; and

4 WHEREAS, The emergency rehabilitation work at Lower Cherry Aqueduct began April
5 2014, and should be completed October 2014; and

6 WHEREAS, The Controller has certified that funds are available for this emergency
7 work and contract; now, therefore, be it

8 RESOLVED, That the Board of Supervisors approves the emergency work under
9 Administrative Code, Section 6.60, for extending SFPUC water supplies with a contract
10 amount not to exceed \$16,000,000; and, be it

11 FURTHER RESOLVED, That actions taken to date by the San Francisco Public
12 Utilities Commission to secure such emergency contracts and resolve the emergency
13 condition are hereby ratified.

14 FURTHER RESOLVED, That within (30) days of the contract being fully executed by
15 all parties, the Public Utilities Commission shall provide the final contract to the Clerk of the
16 Board for inclusion into the official file.

17
18
19 RECOMMENDED:

FUNDS AVAILABLE:

20
21 _____
22 Harlan L. Kelly, Jr.
23 General Manager

Ben Rosenfield, Controller