

File No. 120545

Committee Item No. \_\_\_\_\_  
Board Item No. 53

**COMMITTEE/BOARD OF SUPERVISORS**  
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Committee: \_\_\_\_\_ Date \_\_\_\_\_

Board of Supervisors Meeting Date 7/10/2012

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**OTHER** (Use back side if additional space is needed)

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Completed by: Derek Evans Date 6/29/2012  
Completed by: Derek Evans Date 7/3/2012

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

OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: *EW* Mayor Edwin M. Lee *JE*  
RE: Pier 29 Fire - Declaration of Emergency and Authorization for Emergency Contracts  
DATE: June 26, 2012

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Attached for introduction to the Board of Supervisors is the resolution 1) declaring an emergency under Administrative Code Section 6.60(A) relating to the June 20, 2012 fire at Pier 29; 2) approving emergency contracts entered into by the Port of San Francisco in accordance with Administrative Code Section 6.60; and 3) directing the Port of San Francisco to take all necessary and appropriate measures to perform repair work to Pier 29 in the most expeditious manner.

Please note this item is cosponsored by Supervisor Chiu

I request that this item be referred for adoption without committee reference.

Should you have any questions, please contact Jason Elliott (415) 554-5105.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2012 JUN 26 PM 3:23

AK

cc. Supervisor David Chiu

1 [Pier 29 Fire - Declaration of Emergency and Authorization for Emergency Contracts]  
2

3 **Resolution: 1) declaring an emergency under Administrative Code Section 6.60(A)**  
4 **relating to the June 20, 2012, fire at Pier 29; 2) approving emergency contracts entered**  
5 **into by the Port of San Francisco in accordance with Administrative Code Section 6.60;**  
6 **and 3) directing the Port of San Francisco to take all necessary and appropriate**  
7 **measures to perform repair work to Pier 29 in the most expeditious manner.**  
8

9 WHEREAS, Pier 29 is one of the 18 pier buildings on the waterfront that are within the  
10 San Francisco Embarcadero Historic District, which is listed in the National Register of  
11 Historic Places; and,

12 WHEREAS, Pier 29 was built in 1915 by the State Board of Harbor Commissioners and  
13 extends 800 feet into the San Francisco Bay with a pier shed of approximately 164,000  
14 square feet; and,

15 WHEREAS, The bulkhead portion of Pier 29 fronting on The Embarcadero roadway  
16 was built in 1918 in the neoclassical architectural style in an effort to beautify the industrial  
17 waterfront; and,

18 WHEREAS, On June 20, 2012, a 4-alarm fire severely damaged Pier 29, including the  
19 bulkhead portion of the building fronting The Embarcadero and the roof; and,

20 WHEREAS, Pier 29 is one of the Port of San Francisco (the "Port") properties that the  
21 City and the Port agreed to deliver to the America's Cup Event Authority (the "Event  
22 Authority") for use as a venue in connection with the 34<sup>th</sup> America's Cup in accordance with  
23 (1) the 34th America's Cup Host City and Venue Agreement (the "HVA") among the City, the  
24 Event Authority and the San Francisco America's Cup Organizing Committee, approved by  
25 the Board of Supervisors on December 14, 2010, by Resolution No. 585-10, and (2) the

1 Lease Disposition Agreement ("LDA") between the Port and the Event Authority approved by  
2 the Board of Supervisors on March 27, 2012, by Resolution No. 109-12, and the Port  
3 Commission on April 24, 2012, by Resolution No. 12-35; and,

4 WHEREAS, San Francisco Administrative Code, Chapter 6, Article IV, section 6.60,  
5 authorizes the Board of Supervisors to declare an emergency and direct any department head  
6 to perform any repair or other emergency work in a manner the Board determines to be in the  
7 best interests of the City; and,

8 WHEREAS, Administrative Code section 6.60 also authorizes department heads  
9 responsible for public work to award an emergency contract, exempt from the competitive  
10 bidding process, in the event of an actual emergency in accordance with the procedures set  
11 forth in section 6.60; and,

12 WHEREAS, On June 20, 2012, the Executive Director of the Port determined, in  
13 accordance with Administrative Code section 6.60(B), that an actual emergency existed as a  
14 result of the Pier 29 fire; and,

15 WHEREAS, On June 21, 2012, the President of the Port Commission authorized the  
16 Executive Director, in accordance with Administrative Code section 6.60(D), to execute work  
17 to mitigate an unsafe condition in Pier 29; and,

18 WHEREAS, Pursuant to the June 21, 2012 authorization, (i) the initial emergency work  
19 to mitigate the unsafe condition and repair utility facilities located in Pier 29 is being performed  
20 by Turner Construction Company, the Construction Manager/General Contractor (CM/GC) for  
21 the Cruise Terminal project being constructed at the adjacent Pier 27, on a time and materials  
22 basis at an estimated cost of approximately \$1,300,000 as of June 29, 2012, and (ii)  
23 architectural and engineering services to guide the demolition and shoring work are being  
24 provided by Creegan + D'Angelo, a structural engineering firm in the Port's competitively  
25

1 selected as-needed pool of architectural and engineering firms, at an estimated cost of  
2 approximately \$180,000 as of June 29, 2012; and,

3 WHEREAS, Administrative Code section 6.60(D) requires that the San Francisco  
4 Board of Supervisors approve emergency work with an estimated cost in excess of \$250,000;  
5 and,

6 WHEREAS, As a result of the Pier 29 fire, Pier 29 needs to be stabilized to protect and  
7 preserve the building, and because Pier 29 is an historic structure, the stabilization work  
8 needs to be designed to be consistent with the Secretary of the Interior Standards for Historic  
9 Rehabilitation, and performed in close coordination with the repair and restoration work that is  
10 necessary as a result of the fire; and,

11 WHEREAS, The Port has requested that the Board of Supervisors declare an  
12 emergency under Administrative Code section 6.60(A) with respect to the Pier 29 fire to allow  
13 the Pier 29 stabilization and repair work to be accomplished in an expeditious manner to  
14 protect the public safety, health, welfare and property of the citizens of San Francisco, to  
15 preserve Pier 29 as an important historical resource, and to allow the City and the Port to  
16 deliver Pier 29 to the Event Authority in accordance with the HVA and the LDA for use as a  
17 34<sup>th</sup> America's Cup venue; and,

18 WHEREAS, The immediate Pier 29 stabilization and repair work is exempt from the  
19 California Environmental Quality Act ("CEQA") as a statutory exemption for an emergency  
20 project under California Public Resources Code Section 21080(b) and CEQA Guidelines  
21 Section 15269; now, therefore, be it

22 RESOLVED, That the Board of Supervisors hereby declares an emergency under  
23 Administrative Code section 6.60(A) with respect to the Pier 29 fire; and, be it

24 FURTHER RESOLVED, That the Board of Supervisors hereby finds that the  
25 stabilization, hazardous materials abatement, repair and restoration of Pier 29 as

1 expeditiously as possible are in the best interests of the City to protect the public safety,  
2 health, welfare and property of the citizens of San Francisco, to preserve Pier 29 as an  
3 important historical resource, and to allow the City and the Port to deliver Pier 29 to the Event  
4 Authority in accordance with the HVA and the LDA approved by the Board of Supervisors and  
5 Port Commission for use as a 34<sup>th</sup> America's Cup venue, consistent with the mitigation  
6 measures and environmental performance standards contained in the 34<sup>th</sup> America's Cup  
7 Final Environmental Impact Report; and, be it

8           FURTHER RESOLVED, That the Board of Supervisors hereby approves the contracts  
9 entered into by the Port to perform the initial emergency work and directs the Port Director to  
10 take all actions necessary to stabilize, abate hazardous materials, repair and restore Pier 29  
11 as expeditiously as possible, including, but not limited to, entering into further contracts  
12 relating to the design, historical preservation, hazardous materials abatement, engineering  
13 and construction of the Pier 29 stabilization, repair and restoration work; and, be it

14           FURTHER RESOLVED, That any action to date taken by the Port to secure such  
15 emergency contracts and resolve the emergency is hereby ratified.

**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):<br>Members, Board of Supervisors | City elective office(s) held:<br>Members, Board of Supervisors |

|   |   |
|---|---|
| <b>Contractor Information</b> (Please print clearly.)   |   |
| Name of contractor:<br><b>TURNER CONSTRUCTION COMPANY</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) <b>Members of Board of Directors:</b> Peter Davoren, John DiCiurcio, Lou Salvatore, Martin Rohr, Frank Stieler<br>2) <b>CEO:</b> Peter Davoren, <b>CFO:</b> Karen O. Gould, <b>COO:</b> John DiCiurcio<br>3) None<br>4) None<br>5) None  |   |
| Contractor address:<br>343 Sansome Street, Suite 500, San Francisco, CA 94104   |   |
| Date that contract was approved:<br>(By the SF Board of Supervisors)  | Amount of contract:<br>To be determined under the procedures set forth in the Resolution. |
| Describe the nature of the contract that was approved: Resolution 1) declaring an emergency under Administrative Code Section 6.60(A) relating to the June 20, 2012 fire at Pier 29; 2) approving emergency contracts entered into by the Port of San Francisco in accordance with Administrative Code Section 6.60; and 3) directing the Port of San Francisco to take all necessary and appropriate measures to perform repair work to Pier 29 in the most expeditious manner. Pursuant to the June 21, 2012 authorization, (i) the initial emergency work to mitigate the unsafe condition and repair utility facilities located in Pier 29 is being performed by Turner Construction Company, the Construction Manager/General Contractor (CM/GC) for the Cruise Terminal project being constructed at the adjacent Pier 27, on a time and materials basis at an estimated cost of approximately \$1,300,000 as of June 29, 2012. |   |
| Comments:   |   |

This contract was approved by (check applicable):

the City elective officer(s) identified on this form

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:<br>Angela Calvillo, Clerk of the Board                                   | Contact telephone number:<br>(415) 554-5184 |
| Address:<br>City Hall, Room 244, 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102 | E-mail:<br>Board.of.Supervisors@sfgov.org   |

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

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Date Signed

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

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Date Signed