

1 [Administrative Code - Removing Construction Agreements from the Prohibition on
2 Contracting in States with Certain Types of Discriminatory Laws]

3 **Ordinance amending the Administrative Code to remove agreements let under Chapter**
4 **6 for Public Works or Improvement from the prohibitions in Chapter 12X on the City’s**
5 **entering into a contract with a contractor that has its United States headquarters in a**
6 **state that allows discrimination against LGBT individuals, has restrictive abortion laws,**
7 **or has voter suppression laws, or where any or all of the contract would be performed**
8 **in such a state.**

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

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

17 Section 1. Findings.

18 The Board of Supervisors finds that due to the COVID-19 pandemic, its aftermath, and supply
19 chain limitations, the construction sector lacks availability of bidders. Increasing the number of
20 bidders will reduce cost and ensure that enough bidders respond to deliver the City’s critical
21 infrastructure projects.

22 Section 2. Chapter 12X of the Administrative Code is hereby amended by revising
23 Sections 12.X.2, 12X.12, and 12X. 22, to read as follows:

24 **SEC. 12X.2. DEFINITIONS.**

25 * * * *

1 “Contract” means an agreement between a Contracting Department and any person
2 or entity that provides, at the expense of the City, ~~for public works or public improvements to be~~
3 ~~purchased under Chapter 6 of the Administrative Code, or~~ for commodities or services to be
4 purchased under Chapter 21 of the Administrative Code. Notwithstanding the foregoing,

5 “Contract” shall not include:

6 (a) Agreements for the investment of trust money or relating to the management
7 of trust assets, agreements to invest City moneys in U.S. government securities, or
8 agreements for the investment, deposit, or safekeeping of City moneys, where, for any such
9 agreement, the Treasurer, as a fiduciary of the City, determines that entering into the
10 agreement is in the interest of soundly investing public assets; or

11 (b) Agreements entered into for underwriting services for the purchase and sale of
12 City bonds, notes, and other forms of indebtedness; or

13 (c) Agreements advertised, solicited, or initiated prior to the Operative Date of this
14 Chapter 12X, including amendments to existing Contracts.

15 * * * *

16 **SEC. 12X.12. DEFINITIONS.**

17 * * * *

18 “Contract” means an agreement between a Contracting Department and any person
19 or entity that provides, at the expense of the City, ~~for public works or public improvements to be~~
20 ~~purchased under Chapter 6 of the Administrative Code, or~~ for commodities or services to be
21 purchased under Chapter 21 of the Administrative Code. Notwithstanding the foregoing,

22 “Contract” shall not include:

23 (a) Agreements for the investment of trust money or relating to the management
24 of trust assets, agreements to invest City moneys in U.S. government securities, or
25 agreements for the investment, deposit, or safekeeping of City moneys, where, for any such

1 agreement, the Treasurer, as a fiduciary of the City, determines that entering into the
2 agreement is in the interest of soundly investing public assets; or

3 (b) Agreements entered into for underwriting services for the purchase and sale of
4 City bonds, notes, and other forms of indebtedness; or

5 (c) Agreements advertised, solicited, or initiated prior to the Operative Date of this
6 Article II, Chapter 12X, including amendments to existing Contracts.

7 * * * *

8 **SEC. 12X.22. GENERAL DEFINITIONS.**

9 * * * *

10 "Contract" means an agreement between a Contracting Department and any person or
11 entity that provides, at the expense of the City, ~~for public works or public improvements to be~~
12 ~~purchased under Chapter 6 of the Administrative Code, or~~ for commodities or services to be
13 purchased under Chapter 21 of the Administrative Code. Notwithstanding the foregoing,
14 "Contract" shall not include:

15 (a) Agreements for the investment of trust money or relating to the management
16 of trust assets, agreements to invest City moneys in U.S. government securities, or
17 agreements for the investment, deposit, or safekeeping of City moneys, where, for any such
18 agreement, the Treasurer, as a fiduciary of the City, determines that entering into the
19 agreement is in the interest of soundly investing public assets; or

20 (b) Agreements entered into for underwriting services for the purchase and sale of
21 City bonds, notes, and other forms of indebtedness; or

22 (c) Agreements advertised, solicited, or initiated prior to the operative date of this
23 Article III, Chapter 12X, including amendments to existing Contracts.

24 * * * *

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

5
6 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the "Note" that appears under
11 the official title of the ordinance.

12
13 APPROVED AS TO FORM:
14 DAVID CHIU, City Attorney

15 By: /s/ Gustin R. Guibert
16 GUSTIN R. GUIBERT
Deputy City Attorney

17 N:\LEGANAVAS2022\2300114\01637281
18
19
20
21
22
23
24
25