

1 [Contract for Electric Service]

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3 **Resolution approving the contract between the City and County of San Francisco and**
4 **the United States, through the Department of Energy Western Area Power**
5 **Administration, for the delivery of low cost electric power for use at Treasure Island on**
6 **file with the Clerk of the Board of Supervisors in File No. 002191; and approving**
7 **indemnifying and holding harmless the United States against claims arising from the**
8 **activities of the City under the contract; and waiving requirement of Section 21.35 of**
9 **the San Francisco Administrative Code that every contract contain a statement**
10 **regarding liability of claimants for submitting false claims; and waiving requirement of**
11 **section 21.19 of the San Francisco administrative code that every contract contain a**
12 **statement regarding guaranteed maximum costs.**

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14 WHEREAS, The City is currently providing operations and maintenance services at
15 Treasure Island and Yerba Buena Island (TI/YBI) under a multi-year Cooperative Agreement
16 with the Navy; and

17 WHEREAS, The City is the local reuse authority for Naval Station Treasure Island
18 under the Federal Base Closure and Realignment Act (BRAC); and,

19 WHEREAS, The San Francisco Public Utilities Commission is providing the utilities
20 portion of these operations and maintenance services to TI/YBI on behalf of the City; and,

21 WHEREAS, The Western Area Power Administration (WAPA), makes available for
22 authorized uses low-cost Federal National Defense Authorization Act (NDA Act) electric
23 power; and,

24 WHEREAS, The City has been able to obtain an allocation of NDA Act power for the
25 purpose of providing electric service and facilitating economic development on TI/YBI; and,

1 WHEREAS, The City's allocation of NDA Act power for TI/YBI is contingent upon
2 executing a power purchase agreement with WAPA; and,

3 WHEREAS, Funds for the purchase of power are available in the TI/YBI Project
4 budget; and,

5 WHEREAS, The term of the contract is from January 1, 2005 to midnight of
6 December 31, 2024; and,

7 WHEREAS, The Board of Supervisors has previously approved a contract between
8 the City and County of San Francisco and the Western Area Power Administration for the
9 delivery of low cost electric power for use at Treasure Island pursuant to Ordinance No. 348-
10 98; and,

11 WHEREAS, The San Francisco Public Utilities Commission approved the Contract for
12 Electric Service on November 14, 2000. The Contract is a standard form used by the United
13 States for purchases of WAPA power. Indemnification of the United States is a required
14 element of the contract. It would be impossible to modify the Contract to include the
15 statements required by San Francisco Administrative Code Sections 21.35 and 21.19.; and,

16 WHEREAS, The General Manager of the Public Utilities Commission is hereby
17 authorized to execute the Contract for Electric Service with WAPA. A copy of this contract is
18 on file with the Clerk of the Board of Supervisors in File No. 002191 : now, therefore, be it

19 RESOLVED, That the Board of Supervisors hereby waives the requirement of San
20 Francisco Administrative Code Section 21.35 that every contract include a statement
21 regarding liability of claimants for submitting false claims to the City; and, be it

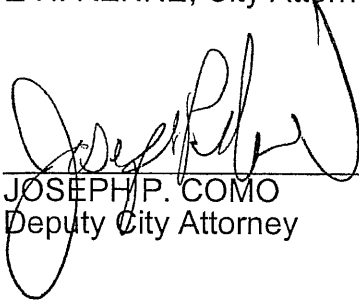
22 FURTHER RESOLVED, That the Board of Supervisors hereby waives the
23 requirement of San Francisco Administrative Code Section 21.19 that every contract include a
24 statement regarding guaranteed maximum costs.

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APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By:



JOSEPH P. COMO
Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Resolution

File Number: 002191

Date Passed:

Resolution approving the contract between the City and County of San Francisco and the United States, through the Department of Energy Western Area Power Administration, for the delivery of low cost electric power for use at Treasure Island on file with the Clerk of the Board of Supervisors File No. 002191; and approving indemnifying and holding harmless the United States against claims arising from the activities of the City under the contract; and waiving requirement of Section 21.35 of the San Francisco Administrative Code that every contract contain a statement regarding liability of claimants for submitting false claims; and waiving requirement of Section 21.19 of the San Francisco Administrative Code that every contract contain a statement regarding guaranteed maximum costs.

January 22, 2001 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Daly, Gonzalez, Hall, Maxwell, McGoldrick, Leno,
Newsom, Peskin, Yee

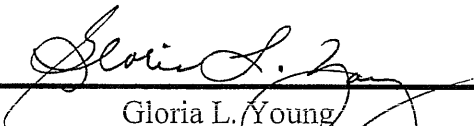
Absent: 1 - Sandoval

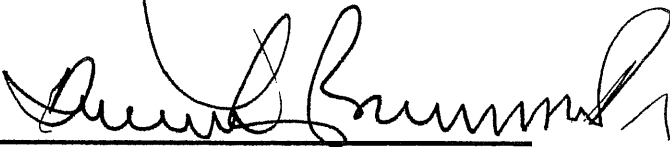
File No. 002191

I hereby certify that the foregoing Resolution was ADOPTED on January 22, 2001 by the Board of Supervisors of the City and County of San Francisco.

FEB 02 2001

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Willie L. Brown Jr.