

1 [Updated Emergency Declaration - Replacement and Repair of Fences - Increase the Total  
2 Not to Exceed Cost to \$10,900,000]

3 **Resolution approving an updated emergency declaration of the San Francisco Public**  
4 **Utilities Commission (SFPUC), pursuant to San Francisco Administrative Code, Section**  
5 **6.60, to replace and repair fences on SFPUC watershed land in Alameda damaged by**  
6 **the SCU Lightning Complex Fire, increasing the total not to exceed cost from**  
7 **\$4,250,000 to \$10,900,000.**

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9 WHEREAS, The San Francisco Public Utilities Commission's (SFPUC) watershed  
10 lands located in Santa Clara and Alameda County are critical assets for providing continuous  
11 delivery of high-quality water to the 2.7 million water customers in the Bay Area; any inability  
12 to use these assets poses a threat to water quality and deliveries, a basic service affecting the  
13 lives, property and welfare of the SFPUC water customers in San Francisco, San Mateo,  
14 Santa Clara and Alameda Counties; and

15 WHEREAS, Beginning on August 16, 2020, numerous lightning strikes ignited the SCU  
16 Lightning Complex Fire (SCU Fire) that ultimately burned 396,624 acres, including  
17 approximately 10,500 acres of SFPUC Alameda watershed property; and

18 WHEREAS, The SCU Fire damaged or destroyed approximately 60 miles of SFPUC-  
19 owned security and grazing operation fencing located on SFPUC Alameda watershed  
20 property; and

21 WHEREAS, The damaged fencing needs to be repaired and/or replaced immediately  
22 to re-establish the security barrier to protect SFPUC Alameda watershed lands and regional  
23 water system infrastructure from trespass, vandalism, and contamination of drinking water  
24 sources (e.g., the Calaveras and San Antonio Reservoirs); and  
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1           WHEREAS, The fencing also ensures that cattle from SFPUC grazing tenants remain  
2 separated from public roadways, drinking water sources, and sensitive environmental  
3 resources; and

4           WHEREAS, Any delay to replacing and repairing the approximately 60 miles of fences  
5 damaged in the SCU Lightning Complex Fire poses a risk to the security and quality of water  
6 supply for the 2.7 million SFPUC regional water system customers relying on the water  
7 deliveries; and

8           WHEREAS, As we are living in a global pandemic, COVID-19, water quality is an  
9 essential service that will impact public health and safety for our 2.7 million water customers;  
10 and

11           WHEREAS, Administrative Code, Chapter 6, Article IV, Section 6.60, authorizes  
12 department heads to declare an emergency and award a public work contract, exempt from  
13 the competitive bidding process, in the event of an actual emergency, which is defined to  
14 include, "...[t]he breakdown or imminent breakdown of any plant, equipment, structure, street  
15 or public work necessitating immediate emergency repair or reconditioning to safeguard the  
16 lives or property of the citizens, or the property of the City and County, or to maintain the  
17 public health and welfare..."; and

18           WHEREAS, On October 19, 2020, the SFPUC General Manager declared an  
19 emergency, approved by the President of the SFPUC, to replace and repair the fences  
20 damaged in the SCU Fire in order to re-establish the security barrier to protect SFPUC  
21 Alameda watershed lands; and

22           WHEREAS, Administrative Code, Section 6.60(d) requires the SFPUC General  
23 Manager to seek the Board of Supervisors' approval in all cases where the estimated cost of  
24 the emergency work exceeds \$250,000; and

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1           WHEREAS, The SFPUC General Manager originally estimated that replacing and  
2 repairing the fences damaged in the SCU Fire would not exceed \$4,500,000; and

3           WHEREAS, On February 2, 2021, by its Resolution No. 45-21, this Board of  
4 Supervisors approved, the SFPUC General Manager's October 19, 2020, emergency  
5 declaration to replace and repair the fences damaged in the SCU Lightning Complex Fire, and  
6 amended the total not to exceed cost from \$4,500,000 to \$4,250,000; and

7           WHEREAS, The SFPUC reached out to eight vendors with the appropriate C-13  
8 fencing contractor licenses to request quotes for the emergency work, and awarded two  
9 contracts for the construction work to the two vendors with the lowest quotes, All Commercial  
10 Fence, Inc. and Ranch Fence, Inc.; and

11           WHEREAS, On April 16, 2021, the SFPUC awarded Agreement No. WD-2881(E).A,  
12 2020 SCU Lightning Complex Fire Impacted Fencing Replacement and Repair, to Ranch  
13 Fence, Inc., in the amount of \$1,897,000, to replace and repair fences on SFPUC watershed  
14 land damaged by the SCU Lightning Complex Fires; and

15           WHEREAS, On March 15, 2021, the SFPUC awarded Agreement No. WD-2881(E).B,  
16 2020 SCU Lightning Complex Fire Impacted Fencing Replacement and Repair, to All  
17 Commercial Fence, Inc., in the amount of \$1,897,000, to replace and repair fences on SFPUC  
18 watershed land damaged by the SCU Lightning Complex Fires; and

19           WHEREAS, SFPUC staff have determined that the estimated quantities and length of  
20 replacement and repair required are more substantial than initially estimated based on further  
21 site investigations, including field-confirmed measurement of damaged fencing that was  
22 documented after the first sections were built compared to the original estimate used to  
23 determine the initial quantities; consequently, staff have updated the budget to reflect an  
24 increase of approximately 10 miles of fencing in addition to the original 50 miles estimated, for  
25 a total of 60 miles; these increased costs and quantities are due to the topographical realities

1 of these rugged environments, and costs associated with working in these remote locations;  
2 and

3 WHEREAS, The SFPUC needs to hire a construction management firm to supervise  
4 the vendors that are performing the fence repairs and replacements, as increased  
5 construction work requires increased supervision, which the SFPUC General Manager  
6 estimates will not exceed \$2,000,000; and

7 WHEREAS, On July 27, 2021, the SFPUC General Manager issued an updated  
8 emergency declaration, approved by the President of the SFPUC, to reflect this increase in  
9 cost due to the previously mentioned factors; and

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

12 RESOLVED, That the Board of Supervisors approves, under Administrative Code,  
13 Section 6.60, the updated emergency declaration of the San Francisco Public Utilities  
14 Commission, dated July 27, 2021, to replace and repair the fences damaged in the SCU  
15 Lightning Complex Fire, including construction management services, for a new total cost not  
16 to exceed \$10,900,000; and be it

17 FURTHER RESOLVED, That the Board of Supervisors ratifies actions taken to date by  
18 the San Francisco Public Utilities Commission to address such emergency work and resolve  
19 the emergency condition.

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RECOMMENDED:

/s/

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MICHAEL CARLIN

Acting General Manager of the SFPUC

FUNDS AVAILABLE:

/s/ Michelle Allersma for  
Ben Rosenfield

\_\_\_\_\_  
BEN ROSENFELD

Controller