

[Administrative Code Chapter 6 – Technical Amendments]

AMENDING CHAPTER 6 OF THE ADMINISTRATIVE CODE TO EFFECT TECHNICAL CORRECTIONS TO SUBSECTIONS 6.21(J) AND 6.61(G) AND TO DELETE 6.21(I) AND ADD A NEW 6.22(O) TO COMPLY WITH CHANGES IN STATE LAW CONCERNING THE EMPLOYMENT OF APPRENTICES.

Note: Additions are underlined; deletions are in ((double parentheses)).

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

Section 1. Chapter 6 of the San Francisco Code Code is hereby amended by amending subsections 6.21(J) and 6.61(G) to read as follows:

6.21. **BID REQUIREMENTS.**

(J) **Designation of subcontractors; Subcontracting and Subletting.** All bidders shall designate their subcontractors in accordance with and shall be subject to the California Subcontracting and Subletting Act, at ((Government)) Public Contract Code §4000, et seq., as amended from time-to-time. In addition to the penalties provided by ((Government)) Public Contract Code §4000, et seq., violation of this subsection may be grounds for a determination of nonresponsibility under Article V of this Chapter.

6.61. **DESIGN-BUILD.**

(G) The competitive bid requirements of this Chapter shall not apply to the selection of developers under this ((subsection)) section 6.61.

Section 2. Chapter 6 of the San Francisco Code Code is hereby amended by deleting subsection 6.21(I), renumbering the subsequent subsections of section 6.21, and adding subsection 6.22(O) to read as follows:

SEC. 6.21. **BID REQUIREMENTS.**

(((I) **Apprenticeship Program or Fund.** All Advertisements For Bids shall require that bidders submit a declaration affirming the bidder's commitment on behalf of itself and its

1 subcontractors, as a material term of the contract, to fully comply with the requirements of the
2 State Apprenticeship Program as set forth in the California Labor Code, Division 3, Chapter 4
3 (commencing at Section 3070) and Section 1777.5. Such declaration shall provide either (1)
4 that the contractor and its subcontractors hold current approval certificates issued by the joint
5 apprenticeship committee administering the apprenticeship standards of the craft or trade to
6 be performed under the contract approving the contractor and its subcontractors for the
7 employment and training of apprentices or (2) that the contractor and its subcontractors shall
8 apply to the joint apprenticeship committee administering the apprenticeship standards of the
9 craft or trade in the area of the site of the public work, prior to performing any of the work
10 under the contract, for a certificate approving the contractor or subcontractor for the
11 employment and training of apprentices. The declaration shall also include a provision that
12 the contractor and its subcontractors shall contribute to a fund or funds to administer and
13 conduct the apprenticeship program in any craft or trade in the area of the site of the public
14 work, to which fund or funds other contractors in the area of the site of the public work are
15 contributing in the same amount and on the same basis and in the same manner as the other
16 contractors do, but where the trust fund administrators are unable to accept the funds,
17 contractors not signatory to the trust agreement shall pay alike amount to the California
18 Apprenticeship Council.

19 Failure to provide such declaration within fourteen (14) calendar days of bid opening, or
20 as otherwise required by the Advertisement For Bids, could at the discretion of the department
21 head, constitute a refusal to enter into the contract and result in a forfeiture of the bid bond.))

22 (((J))) (I) Designation of Subcontractors; Subcontracting and Subletting. All
23 bidders shall designate their subcontractors in accordance with and shall be subject to the
24 California Subcontracting and Subletting Act, at Government Code §4000 et seq., as
25 amended from time-to- time. In addition to the penalties provided by Government Code

1 §4000 et seq., violation of this subsection may be grounds for a determination of
2 nonresponsibility under Article V of this Chapter.

3 (((K))) (J) Right to Reject Any or All Bids. The department head shall have the right
4 to reject any or all bids for any reason or no reason. All Advertisements For Bids shall reserve
5 this right, but failure to make such reservation shall not abrogate the right to reject. For public
6 work contracts in excess of the Threshold Amount, the department head shall obtain the
7 approval of the Mayor or the Mayor's Designee or the board or commission as appropriate in
8 the resection of bids.

9 (((L))) (K) Bid Protests. Only a bidder may submit a bid protest. The department
10 head concerned shall prescribe in the Advertisement For Bids procedures for submitting bid
11 protests. Such procedures shall set the time by which bid protests must be received but may
12 not require that bid protests be submitted fewer than five (5) business days after the date bids
13 are due.


14 **SEC. 6.22. PUBLIC WORK CONSTRUCTION CONTRACT TERMS AND WORKING**
15 **CONDITIONS.**

16 (O) Employment of Apprentices. All construction contracts awarded under this
17 Chapter shall require the Contractor to comply with the requirements of the State
18 Apprenticeship Program (as set forth in the California Labor Code, Division 3, Chapter 4
19 (commencing at section 3070) and section 1777.5), as it may be amended from time to time,
20 and shall require the Contractor to include in its subcontracts the obligation for subcontractors
21 to comply with the requirements of the State Apprenticeship Program.

22 APPROVED AS TO FORM:

23 LOUISE H. RENNE, City Attorney

24 By:


25 SHERYL L. BREGMAN
Deputy City Attorney

SUPERVISOR KAUFMAN
BOARD OF SUPERVISORS



City and County of San Francisco

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Tails

Ordinance

File Number: 000805

Date Passed:

Ordinance amending Chapter 6 of the Administrative Code to effect technical corrections to subsections 6.21(J) and 6.61(G) and to delete 6.21(I) and add a new 6.22(O) to comply with changes in state law concerning the employment of apprentices.

June 12, 2000 Board of Supervisors — PASSED, ON FIRST READING

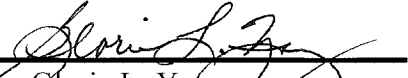
Ayes: 8 - Ammiano, Becerril, Kaufman, Leno, Newsom, Teng, Yaki, Yee
Absent: 3 - Bierman, Brown, Katz

June 19, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

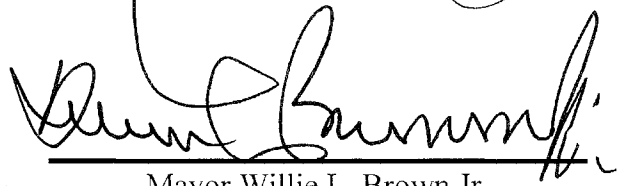
File No. 000805

I hereby certify that the foregoing Ordinance
was FINALLY PASSED on June 19, 2000 by
the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

JUN 30 2000
Date Approved



Mayor Willie L. Brown Jr.