

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
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MEMORANDUM

TO: Alaric Degrafinried, Interim Director, Public Works
Abigail Stewart-Kahn, Interim Director, Department of Homelessness and Supportive Housing

FROM: John Carroll, Assistant Clerk, Government Audit and Oversight Committee, Board of Supervisors

DATE: July 15, 2020

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Peskin on July 7, 2019:

File No. 200734

Ordinance amending the Administrative Code to require Public Works to adhere to the Environment Code and provisions requiring competitive bidding, equal benefits, local business enterprise utilization, and other requirements for construction work and professional and other services relating to projects addressing homelessness; and requiring the Department of Homelessness and Supportive Housing to engage in competitive bidding for professional and other services relating to sites and programs for people experiencing homelessness.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: David Steinberg, Public Works
Jeremy Spitz, Public Works
Dylan Schneider, Department of Homelessness and Supportive Housing
Emily Cohen, Department of Homelessness and Supportive Housing

1 [Administrative Code - Eliminating Streamlined Contracting for Homeless Services]

2
3 **Ordinance amending the Administrative Code to require Public Works to adhere to the**
4 **Environment Code and provisions requiring competitive bidding, equal benefits, local**
5 **business enterprise utilization, and other requirements for construction work and**
6 **professional and other services relating to projects addressing homelessness; and**
7 **requiring the Department of Homelessness and Supportive Housing to engage in**
8 **competitive bidding for professional and other services relating to sites and programs**
9 **for people experiencing homelessness.**

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

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

18 Section 1. Chapter 6 of the Administrative Code is hereby amended by deleting
19 Section 6.76, to read as follows:

20 **~~SEC. 6.76. PUBLIC WORKS ADDRESSING HOMELESSNESS.~~**

21 ~~—(a) The Department of Public Works is authorized to enter into and/or amend any contract~~
22 ~~for any Public Work or Improvement, as defined in Administrative Code Section 6.1, including any~~
23 ~~professional services for a Public Work or Improvement, without adherence to the requirements of this~~
24 ~~Chapter 6, Administrative Code Chapters 12B and 14B, and the Environment Code; provided,~~
25 ~~however, that the Public Work or Improvement is for the construction, repair, or improvement of one or~~

1 *more sites that will be used for the primary purpose of providing housing, shelter, or services to people*
2 *experiencing homelessness. The power to amend such contracts extends to contracts entered into prior*
3 *to the effective date of the ordinance in Board File No. 190047 enacting this Chapter 21B.*

4 *—(b) This Section 6.76 shall expire by operation of law five years from its effective date, or on*
5 *the effective date of an ordinance making the finding that according to the most recent Point in Time*
6 *Homeless Count, there are fewer than 5,250 homeless persons in San Francisco, whichever date is*
7 *earlier. Upon expiration of this Section 6.76, the City Attorney shall cause this Section to be removed*
8 *from the Administrative Code.*

9
10 Section 2. Chapter 21 of the Administrative Code is hereby amended by deleting
11 Chapter 21B, to read as follows:

12
13 ***CHAPTER 21B:***
14 ***COMMODITIES AND SERVICES RELATING TO PROJECTS ADDRESSING***
15 ***HOMELESSNESS***

16
17 ***SEC. 21B.1. PURPOSE AND GOALS.***

18 *—In recognition of the fact that a significant number of persons within San Francisco lack the*
19 *ability to obtain shelter, resulting in a threat to the health and safety of those persons, and that such*
20 *threat constitutes a shelter crisis, the intent of this Chapter 21B is to expedite the procurement of*
21 *professional and other services relating to Projects Addressing Homelessness. For purposes of this*
22 *Chapter 21B, “Projects Addressing Homelessness” means projects designed to prevent homelessness*
23 *through the provision of housing subsidies or other services, and projects designed to provide shelter,*
24 *housing, food, and/or social services to people experiencing homelessness.*

1 **~~SEC. 21B.2. WAIVER OF COMPETITIVE BIDDING REQUIREMENTS.~~**

2 ~~—Notwithstanding Section 21.1 of the Administrative Code or any other provision of the~~
3 ~~Municipal Code, the Department of Public Works and the Department of Homelessness and Supportive~~
4 ~~Housing may enter into and/or amend contracts, including grants, for professional and other services~~
5 ~~or commodities relating to Projects Addressing Homelessness without adhering to the requirements of~~
6 ~~Section 21.1 or any other competitive procurement requirements. The power to amend such contracts~~
7 ~~and grants extends to contracts and grants entered into prior to the effective date of the ordinance in~~
8 ~~Board File No. 190047 enacting this Chapter 21B.~~

9
10 **~~SEC. 21B.3. REPORTING.~~**

11 ~~—Within one year of the effective date of this Chapter 21B, and every year thereafter, the~~
12 ~~Department of Homelessness and Supportive Housing and the Department of Public Works shall~~
13 ~~submit to the Board of Supervisors a report that includes the following information for each contract or~~
14 ~~grant that the department executed during the prior year without adhering to the requirements of~~
15 ~~Section 21.1, pursuant to the authority in this Section 21B.3: the name of the contractor or grantee; the~~
16 ~~services to be provided under the contract or grant; the amount of funds conveyed; the duration of the~~
17 ~~contract or grant; and any measurable outcomes of the contract or grant.~~

18
19 **~~SEC. 21B.4. SUNSET PROVISIONS.~~**

20 ~~—This Chapter 21B shall expire by operation of law five years from its effective date, or on the~~
21 ~~effective date of an ordinance making the finding that according to the most recent Point in Time~~
22 ~~Homeless Count, there are fewer than 5,250 homeless persons in San Francisco, whichever date is~~
23 ~~earlier. Upon expiration of this Chapter 21B, the City Attorney shall cause this Chapter to be removed~~
24 ~~from the Administrative Code.~~

1 Section 3. 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 4. 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 DENNIS J. HERRERA, City Attorney

15 By: _____
16 ANNE PEARSON
17 Deputy City Attorney

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LEGISLATIVE DIGEST

[Administrative Code - Eliminating Streamlined Contracting for Homeless Services]

Ordinance amending the Administrative Code to require Public Works to adhere to the Environment Code and provisions requiring competitive bidding, equal benefits, local business enterprise utilization, and other requirements for construction work and professional and other services relating to projects addressing homelessness; and requiring the Department of Homelessness and Supportive Housing to engage in competitive bidding for professional and other services relating to sites and programs for people experiencing homelessness.

Existing Law

Local Law generally requires City departments to use a competitive bidding process and follow other contracting requirements for professional services and other commodities, and construction contracts, subject to exceptions. However, since 2018, local law has established a streamlined contracting process for homeless services.

Under existing law, the Departments of Homelessness and Supportive Housing (“HSH”) and Public Works may enter into and amend contracts and grants for professional or other services and commodities relating to projects addressing homelessness without using a competitive bidding process. For purposes of this authority, “projects addressing homelessness” are projects designed to prevent homelessness through the provision of housing subsidies or other services, and projects designed to provide shelter, housing, food, and/or social services to people experiencing homelessness.

Under existing law, the Department of Public Works may enter into or amend contracts for public works and improvements without using a competitive bidding process, and without adherence to the Environment Code and Administrative Code Chapters 12B and 14B, provided the contracts are for public works or improvements for the construction, repair, or improvement of one or more sites that will be used for the primary purpose of providing housing, shelter, or services to people experiencing homelessness.

The authority to enter into and amend contracts without competitive bidding and adherence to specified codes is scheduled to expire in April 2024, or on the effective date of an ordinance making a finding that according to the most recent Point in Time Homeless Count, there are fewer than 5,250 homeless persons in San Francisco, whichever date is earlier.

Amendments to Current Law

The proposed ordinance would eliminate the streamlined contracting process for agreements relating to projects addressing homelessness, and would require HSH and Public Works to

FILE NO. 200734

use a competitive bidding process and follow other contracting requirements for the procurement of personal and other services, commodities, and public works and improvements for projects addressing homelessness.

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Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Supervisor Peskin; Haney

Subject:

[Administrative Code - Eliminating Streamlined Contracting for Homeless Services]

The text is listed:

Ordinance amending the Administrative Code to require the Department of Public Works to adhere to the Environment Code and provisions requiring competitive bidding, equal benefits, local business enterprise utilization, and other requirements for construction work and professional and other services relating to projects addressing homelessness; and requiring the Department of Homelessness and Supportive Housing to engage in competitive bidding for professional and other services relating to sites and programs for people experiencing homelessness.

Signature of Sponsoring Supervisor: []

For Clerk's Use Only