

1 [Emergency Contract - Flatiron, West, Inc. - Repairing Lower Cherry Aqueduct - Not to  
2 Exceed \$14,000,000]

3 **Resolution approving an emergency public work contract between the Public Utilities**  
4 **Commission and Flatiron, West, Inc., under San Francisco Administrative Code,**  
5 **Section 6.6, to perform immediate work to repair Lower Cherry Aqueduct in response**  
6 **to an emergency drought declaration with a contract amount not to exceed**  
7 **\$14,000,000.**

8 WHEREAS, California continues to experience one of the most extreme droughts since  
9 hydrologic recordkeeping began; and

10 WHEREAS, As of April 27, 2014, precipitation in the Hetch Hetchy watershed was at  
11 57% of normal levels and snowpack was at 25% of normal levels; and

12 WHEREAS, On February 10, 2014, Mayor Ed Lee issued an Executive Directive to all  
13 city departments outlining actions to be taken to reduce water use, and directing the San  
14 Francisco Public Utilities Commission (SFPUC) to develop alternative sources of water  
15 supplies for both potable and non-potable uses; and

16 WHEREAS, Immediate SFPUC drought mitigation actions include the rehabilitation of  
17 the Lower Cherry Aqueduct, to repair aging infrastructure and damages incurred during the  
18 recent Rim Fire; and

19 WHEREAS, This project will enable the SFPUC to access 200,000 acre-feet of water  
20 storage in Cherry Lake by October 1, 2014; and

21 WHEREAS, The principal purpose of the Lower Cherry Aqueduct system is to convey a  
22 water supply from Cherry Creek that can supplement the primary Hetchy Reservoir supply  
23 during a drought year, but due to its age and the damage caused by the Rim Fire, the Lower  
24

1 Cherry Aqueduct system is currently unable to reliably convey this supplemental water supply;  
2 and

3 WHEREAS, If the above mentioned work to extend SFPUC water supplies was not  
4 immediately undertaken and facilities expeditiously brought into or returned to service, the  
5 sustainability of San Francisco's water supply would be placed at significant risk which would  
6 endanger the public's health and welfare; and

7 WHEREAS, San Francisco Administrative Code, Chapter 6, Article IV, Section 6.60,  
8 authorizes department heads responsible for public work to award an emergency contract,  
9 exempt from the competitive bidding process, in the event of an actual emergency which is  
10 defined to include, "...The breakdown or imminent breakdown of any plant, equipment,  
11 structure, street or public work necessitating immediate emergency repair or reconditioning to  
12 safeguard the lives or property of the citizens, or the property of the City and County, or to  
13 maintain the public health and welfare..."; and

14 WHEREAS, On February 21, 2014, the SFPUC General Manager declared an  
15 emergency, approved by the President of the San Francisco Public Utilities Commission, to  
16 take immediate action to extend SFPUC water supplies and thereby protect public health and  
17 safety; and

18 WHEREAS, On April 29th, 2014, the SFPUC General Manager updated the original  
19 emergency declaration, approved by the President of the San Francisco Public Utilities  
20 Commission; and

21 WHEREAS, Administrative Code, Section 6.60(D) requires that the General Manager  
22 immediately notify the Controller, and seek Board of Supervisors approval of emergency  
23 public works with an estimated cost in excess of \$250,000; and

1           WHEREAS, The SFPUC General Manager estimates that the emergency rehabilitation  
2 of the Lower Cherry Aqueduct to extend SFPUC water supplies will cost approximately  
3 \$14,000,000; and

4           WHEREAS, The emergency rehabilitation work at Lower Cherry Aqueduct began April  
5 2014, and should be completed October 2014; and

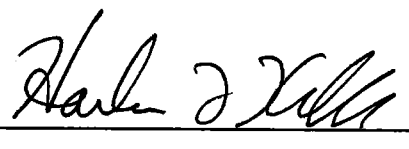
6           WHEREAS, The Controller has certified that funds are available for this emergency  
7 work and contract; now, therefore, be it

8           RESOLVED, That the Board of Supervisors approves the emergency work under  
9 Administrative Code, Section 6.60, for extending SFPUC water supplies with a contract  
10 amount not to exceed \$14,000,000; and, be it

11          FURTHER RESOLVED, That actions taken to date by the San Francisco Public  
12 Utilities Commission to secure such emergency contracts and resolve the emergency  
13 condition are hereby ratified.

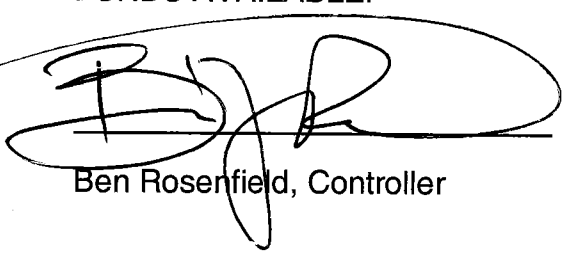
14          FURTHER RESOLVED, That within (30) days of the contract being fully executed by  
15 all parties, the Public Utilities Commission shall provide the final contract to the Clerk of the  
16 Board for inclusion into the official file.

19 RECOMMENDED:

20 

22 Harlan L. Kelly, Jr.  
23 General Manager

FUNDS AVAILABLE:

21 

Ben Rosenfield, Controller



**City and County of San Francisco**  
**Tails**  
**Resolution**

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

**File Number:** 140586

**Date Passed:** September 02, 2014

Resolution approving an emergency public work contract between the Public Utilities Commission and Flatiron, West, Inc., under San Francisco Administrative Code, Section 6.6, to perform immediate work to repair Lower Cherry Aqueduct in response to an emergency drought declaration with a contract amount not to exceed \$14,000,000.

July 23, 2014 Budget and Finance Sub-Committee - AMENDED

July 23, 2014 Budget and Finance Sub-Committee - RECOMMENDED AS AMENDED

September 02, 2014 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 140586

I hereby certify that the foregoing  
Resolution was ADOPTED on 9/2/2014 by  
the Board of Supervisors of the City and  
County of San Francisco.

Angela Calvillo  
Clerk of the Board

  
Mayor  
Date Approved