

FILE NO. 081286

ORDINANCE NO.

1 [Authorizing the Real Estate Division to perform and award contracts for public work under a
2 specified procedure.]

3 **Ordinance adding San Francisco Administrative Code Chapter 6, Section 6.70, to**
4 **authorize the Real Estate Division to perform and award contracts for facilities public**
5 **work through competition among a pre-qualified pool of contractors.**

6 Note: Additions are single-underline italics Times New Roman;
7 deletions are ~~strikethrough italics Times New Roman~~.
8 Board amendment additions are double underlined.
9 Board amendment deletions are ~~strikethrough normal~~.

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

11 Section 1. The San Francisco Administrative Code is hereby amended by adding
12 Section 6.70, to read as follows:

13 SEC. 6.70. REAL ESTATE DIVISION PUBLIC WORK.

14 For public work necessary to maintain or repair facilities and real property under the
15 jurisdiction of the Real Estate Division ("RED"), RED may award master agreement contracts for
16 special services under Administrative Code Section 6.65, or may award master agreement contracts for
17 work to be performed on an "if-and-as-needed" basis, to qualified construction contractors in
18 conformance with the following procedures:

19 (A) **Contract Award.** The Director of RED may award master agreement contracts, on an "if-
20 and-as-needed" basis to construction contractors who can establish all of the licensing, qualifications,
21 experience, and certifications, as required by the RED Director. A contractor may apply for a master
22 agreement under this Section by providing RED with a statement of its experience and qualifications
23 and other information as requested by RED. Within 60 days of receiving such information, RED shall
24 advise the applicant of its eligibility for an award of a master agreement.

1 **(B) Contract Terms.** *Master agreements awarded under this Section shall conform to the*
2 *requirements of Section 6.22 of this Chapter and shall conform to Administrative Code Chapter 14B, as*
3 *applicable. Master agreements shall provide for an expiration term of not more than three years from*
4 *the date of award, including all modifications. All master agreements shall provide for a maximum*
5 *total dollar value of work each contractor is authorized to perform during the contract period. No*
6 *master agreement may be modified to exceed 150% of the original contract amount. Master*
7 *agreements shall contain no minimum dollar amount. Master agreements shall provide that RED may*
8 *assign work on a task order basis, "if-and-as-needed," through competition among master agreement*
9 *contractors.*

10 **(C) Task Order Competitive Solicitation.** *To assign work under master agreement contracts,*
11 *RED shall solicit quotations from no fewer than three qualified master agreement contractors.*
12 *Solicitations shall conform to Section 6.21 of this Chapter, except that neither a published*
13 *advertisement nor a bid bond shall be required. Solicitations shall include a description of the*
14 *proposed task order scope of work, including plans or specifications, if any, and may include*
15 *provisions for liquidated damages for delay if and as appropriate to the particular project. Responsive*
16 *quotations must include subcontractor listing, if any, in conformance with Section 6.21(A)(9).*

17 **(D) Task Order Award.** *The Director of RED shall award a task order for the performance of*
18 *work under a master agreement to the contractor submitting the lowest responsive quotation. In the*
19 *event that RED is unable to obtain three quotations, the Director of RED shall base the award on the*
20 *quotation or quotations received. If the Director of RED believes that the public interest would best be*
21 *served by accepting other than the lowest quotation, he or she is hereby authorized to accept the*
22 *quotation that in his or her discretion will best serve the public interest.*

23 **(E) Task Order Terms.** *No task order or multiple task orders for any single public work,*
24 *whether in one phase or multiple phases, and whether under this Section or for Special Services*
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1 under Section 6.65, shall cumulatively exceed \$400,000, including all modifications. The Director of
2 RED may issue or modify a task order to exceed the foregoing limitation only upon the Director's
3 written determination establishing the urgency of the work and the justification for proceeding under
4 this Section, rather than through the Department of Public Works, in conformance with Section 6.2 of
5 this Chapter.

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APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: _____
Sheryl L. Bregman
Deputy City Attorney