

1 [Pier 45 Fire - Declaration of Emergency and Authorization for Emergency Contracts]

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3 **Resolution declaring an emergency under Administrative Code, Section 6.60, and**
4 **Administrative Code, Chapter 21, relating to the May 23, 2020, fire at Pier 45; approving**
5 **emergency contracts entered into by the Port of San Francisco in accordance with**
6 **Administrative Code, Section 6.60, and Administrative Code, Chapter 21; and directing**
7 **the Port of San Francisco to take all necessary and appropriate measures to perform**
8 **repair work to Pier 45 in the most expeditious manner.**

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10 WHEREAS, Pier 45 is within the San Francisco Embarcadero Historic District, which is
11 listed in the National Register of Historic Places; and

12 WHEREAS, On May 23, 2020, a 4-alarm fire severely damaged Pier 45, including
13 Shed C which was completely destroyed; and

14 WHEREAS, Administrative Code, Chapter 6, Article IV, Section 6.60, authorizes
15 department heads responsible for public work to award an emergency contract, exempt from
16 the competitive bidding process, in the event of an actual emergency in accordance with the
17 procedures set forth in Section 6.60; and

18 WHEREAS, Administrative Code, Chapter 21, Section 21.15(c), authorizes department
19 heads responsible for the operations for which commodities or services are needed to enter
20 into a contract in order to respond to the emergency in accordance with the procedures set
21 forth in Section 21.15; and

22 WHEREAS, On June 3, 2020, the Acting Executive Director of the Port (“Executive
23 Director”) declared an emergency at the Port as a result of the Pier 45 fire, which declaration
24 was concurred and approved by the President of the Port Commission (“Declaration of
25 Emergency”); and

1 WHEREAS, The Declaration of Emergency enables the Port to engage consultants
2 and contractors to inspect Pier 45, perform cleanup and restoration, demolish damaged and
3 unsafe structures on the site, dispose of demolition debris, develop design recommendations
4 and plans for repairs, complete such repairs, and perform associated environmental
5 monitoring and protection, the cost of which will exceed \$250,000 and was authorized by the
6 President of the Port Commission (collectively, the “Initial Emergency Work”); and

7 WHEREAS, The Port learned after the June 3rd Declaration of Emergency that the
8 emergency also requires the procurement of commodities and services pursuant to Chapter
9 21 of the Administrative Code, specifically, the services of a forensic accountant to assist with
10 its insurance claim, the cost of which will exceed \$100,000 (together with the Initial
11 Emergency Work, the “Emergency Work”); and

12 WHEREAS, On June 10, 2020, the Declaration of Emergency was updated by the
13 Executive Director so that the Declaration of Emergency is authorized under both Section
14 21.15 and Section 6.60 of the Administrative Code, which updated Declaration of Emergency
15 was concurred and approved by the President of the Port Commission on June 24, 2020; and

16 WHEREAS, Administrative Code, Section 6.60(D), requires that the San Francisco
17 Board of Supervisors approve emergency work with an estimated cost in excess of \$250,000;
18 and

19 WHEREAS, Administrative Code, Section 21.15, requires that the San Francisco Board
20 of Supervisors approve emergency contracts in excess of \$100,000; and

21 WHEREAS, The Port has requested that the Board of Supervisors declare an
22 emergency under Administrative Code, Sections 6.60(A), and 21.15(c), with respect to the
23 Pier 45 fire to allow the Pier 45 Emergency Work to be accomplished in an expeditious
24 manner to protect the public safety, health, welfare and property of the citizens of San
25 Francisco; now, therefore, be it

1 RESOLVED, That the Board of Supervisors hereby declares an actual emergency
2 under Administrative Code, Section 6.60(A), and Section 21.15, with respect to the Pier 45
3 fire; and, be it

4 FURTHER RESOLVED, That the Board of Supervisors hereby finds that performing
5 the Emergency Work as expeditiously as possible are in the best interests of the City to
6 protect the public safety, health, welfare and property of the citizens of San Francisco; and, be
7 it

8 FURTHER RESOLVED, That the Board of Supervisors hereby approves the contracts
9 entered into by the Port to perform the Emergency Work and directs the Port Executive
10 Director to take all actions necessary to perform the Emergency Work as expeditiously as
11 possible, including, but not limited to, entering into further contracts relating to the design,
12 historical preservation, hazardous materials abatement, engineering and construction of the
13 Pier 45 stabilization, repair and restoration work; and, be it

14 FURTHER RESOLVED, That any action to date taken by the Port to secure such
15 emergency contracts and resolve the emergency is hereby ratified.

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