

BOARD of SUPERVISORS



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MEMORANDUM

TO: Carla Short, Interim Director, Public Works
Ben Rosenfield, City Controller, Office of the Controller
Patrick O'Riordan, Interim Director, Building Inspection Commission

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: March 18, 2022

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Haney on March 15, 2022:

File No. 220263

Ordinance amending the Administrative Code to require public works departments to maintain documentation of all applicable inspections and approvals upon final acceptance of a public work or improvement.

If you have 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 or by email at: erica.major@sfgov.org.

cc: David Steinberg, Public Works
Bryan Dahl, Public Works
John Thomas, Public Works
Lena Liu, Public Works
Peg Stevenson, Office of the Controller
Patty Lee, Building Inspection Commission
Jeff Buckley, Building Inspection Commission

[Administrative Code - Documentation of Acceptance of Public Works Construction Projects]

Ordinance amending the Administrative Code to require public works departments to maintain documentation of all applicable inspections and approvals upon final acceptance of a public work or improvement.

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

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

Section 1. Chapter 6 of the Administrative Code is hereby amended by revising Section 6.22, to read as follows:

SEC. 6.22. PUBLIC WORK CONSTRUCTION CONTRACT TERMS AND WORKING CONDITIONS.

All construction Contracts awarded under this Chapter 6 by the City shall contain the following minimum terms and conditions:

* * * *

(k) **Inspection and Acceptance of Completed Work; Final Payment.** The Department Head shall be responsible for the inspection and acceptance of Public Works or Improvements on completion. Such acceptance shall be in writing and shall include the certificate of the Department Head concerned that the work covered by the Contract has been fully and satisfactorily completed in accordance with the plans and specifications therefor.
Departments shall maintain documentation of all inspections or approvals required by the San

San Francisco Municipal Code, including the San Francisco Building Inspection Commission code, or any State of California law, statute, rule or regulation having jurisdiction over the work covered by the Contract. Receipt of copy of such acceptance in writing shall constitute the Controller's authority to complete any payments due the Contractor under the Contract; provided that the Controller may make such additional investigation or inspection as is provided by Administrative Code Section 10.07.

Section 2. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the “Note” that appears under the official title of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /S/
YADIRA TAYLOR
Deputy City Attorney

LEGISLATIVE DIGEST

[Administrative Code - Documentation of Acceptance of Public Works Construction Projects]

Ordinance amending the Administrative Code to require public works departments to maintain documentation of all applicable inspections and approvals upon final acceptance of a public work or improvement.

Existing Law

Under Chapter 6 of the Administrative Code, before a public works department can finally accept a public works construction project and remit a final payment to the outside contractor who completed the project, the department must inspect and accept in writing that the project is finally accepted.

Amendments to Current Law

This ordinance would codify existing practice by requiring that departments maintain documentation of all inspections or approvals required by City code, including the San Francisco Building Inspection Commission code, or any agency having jurisdiction over the work.

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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):

Haney

Subject:

Administrative Code - Documentation of Acceptance of Public Works Construction Projects

The text is listed:

Ordinance amending the Administrative Code to require public works departments to maintain documentation of all applicable inspections and approvals upon final acceptance of a public work or improvement.

Signature of Sponsoring Supervisor:

For Clerk's Use Only