

[Administrative Code - Waiver of the Competitive Bidding and Solicitation Requirements for a Contract with Environmental Science Associates for the California Environmental Quality Act Review of the 34<sup>th</sup> America's Cup Event]

**Ordinance approving a waiver of the competitive bidding and solicitation requirements of Chapter 6 and Chapter 21 of the Administrative Code for a contract with Environmental Science Associates for California Environmental Quality Act review of the 34<sup>th</sup> America's Cup Event and coordinating and developing submittals for associated federal and state permits.**

NOTE: Additions are *single-underline italics Times New Roman*;  
deletions are ~~*strike-through italics Times New Roman*~~.  
Board amendment additions are double-underlined;  
Board amendment deletions are ~~strike-through normal~~.

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

Section 1. Findings.

(a) On December 14, 2010, subject to review required by the California Environmental Quality Act (CEQA), the Board of Supervisors adopted Resolution No. 585-10 approving a 34<sup>th</sup> America's Cup Host City and Venue Agreement among the City, the America's Cup Event Authority and the San Francisco America's Cup Organizing Committee to host the 34<sup>th</sup> America's Cup in San Francisco.

(b) The 34th America's Cup Host City and Venue Agreement requires the City to use its best efforts to complete the environmental review of the event required under CEQA, and if such environmental review leads to a determination to proceed with the event, to complete all actions necessary to obtain authorizations for the events under CEQA and other applicable laws by no later than 12 months after the America's Cup Event Authority has provided the City sufficient information to prepare the project description required by CEQA.

1 (c) The 34<sup>th</sup> America's Cup Host City and Venue Agreement also requires the City to  
2 secure all state and federal permits, including those required for construction-related activities  
3 required to prepare the Venue sites for the event. Agencies with permitting authority over  
4 such activities and agencies that are consulted during such permit reviews include, but are not  
5 limited to, the U.S. Army Corps of Engineers, the National Oceanic and Atmospheric  
6 Administration, the U.S. Environmental Protection Agency, U.S. Fish and Wildlife, the San  
7 Francisco Bay Regional Water Quality Control Board, the San Francisco Bay Conservation  
8 and Development Commission, the California State Lands Commission, the California  
9 Department of Fish and Game and the Bay Area Air Quality Management District. These  
10 agencies often review and comment on CEQA documents and analyses; CEQA and state and  
11 federal permitting are closely related and typically rely on the same underlying studies.

12 (d) On December 31, 2010, the Golden Gate Yacht Club announced the selection of  
13 San Francisco as the venue for the 34<sup>th</sup> America's Cup.

14 (e) The City wishes to expeditiously retain a consultant team to commence the  
15 performance of environmental review and to assist with state and federal permitting for the  
16 event to meet the time frame of the 34<sup>th</sup> America's Cup Host City and Venue Agreement.

17 (f) The San Francisco Port and the Department of Public Works had previously  
18 selected Environmental Science Associates (ESA) for environmental review of the San  
19 Francisco Pier 27 Cruise Ship Terminal, Northeast Wharf Plaza and future developments at  
20 Piers 19 and 23, based on the issuance of a Request for Qualifications (RFQ) issued in April  
21 2010.

22 (g) The Pier 27 cruise ship terminal project is affected by the 34<sup>th</sup> America's Cup Event  
23 because the development phasing and sequence of improvements of the cruise terminal  
24 facility would be modified to accommodate America's Cup race-viewing and team hospitality  
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1 facility and berths by January 1, 2013 for the America's Cup Event, then subsequently further  
2 improved to complete the cruise terminal project and Northeast Wharf Plaza.

3 (h) The cruise ship terminal project and the America's Cup Event are interrelated and  
4 will require many of the same or similar background studies and analyses; therefore, it would  
5 be more efficient to retain ESA to perform both services to meet the accelerated CEQA  
6 schedule required in the 34th America's Cup Host City and Venue Agreement and minimize  
7 costs.

8 (i) Based on evaluation of ESA's response to the April 2010 request for qualifications,  
9 the Port believes that ESA is a responsible contractor qualified to perform the environmental  
10 review and to coordinate and develop submittals to meet state and federal permitting  
11 requirements for the 34<sup>th</sup> America's Cup Event, given especially ESA's extensive experience  
12 evaluating marine construction and development projects.

13 (j) The Port, therefore, recommends that to best enable the City to meet the 12-month  
14 timeline of the 34th America's Cup Host City and Venue Agreement and address the  
15 interrelated effects of the Pier 27 Cruise Ship Terminal/Northeast Wharf project by January  
16 2013, the City waives its competitive bidding and solicitation requirements and authorizes the  
17 Port to enter into an agreement with ESA to perform the environmental review and to  
18 coordinate and develop submittals to meet state and federal permitting requirements for the  
19 34<sup>th</sup> America's Cup.

20 Section 2. Notwithstanding the competitive bidding and solicitation requirements of  
21 Chapter 6 and Chapter 21 of the Administrative Code, the Board of Supervisors hereby  
22 authorizes the Port of San Francisco to award a contract to Environmental Science  
23 Associates to conduct CEQA environmental review of the 34<sup>th</sup> America's Cup event and to  
24 coordinate and develop submittals for state and federal permits for the event.  
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1 APPROVED AS TO FORM:  
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3 By: \_\_\_\_\_  
4 Robert A. Bryan  
5 Deputy City Attorney  
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