

File No. 230315

Committee Item No. 3

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Budget and Finance Committee Date May 3, 2023

Board of Supervisors Meeting Date _____

Cmte Board

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER (Use back side if additional space is needed)

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Completed by: Brent Jalipa Date April 27, 2023

Completed by: Brent Jalipa Date _____

1 [Emergency Declaration - Plumbing Repair at San Francisco Main Public Library - 100 Larkin
2 Street - Estimated Cost of Repairs \$550,000]

3 **Resolution approving the Director of Public Works' declaration of an emergency under**
4 **Administrative Code, Section 6.60, for repairs and remediation work at the San**
5 **Francisco Main Public Library, estimated to cost approximately \$550,000.**

6
7 WHEREAS, The San Francisco Public Main Library, City and County of San Francisco,
8 is located at 100 Larkin Street; and

9 WHEREAS, On January 20, 2023, foreign objects were flushed down a fourth floor
10 Main Library toilet resulting in a sewer overflow; and

11 WHEREAS, The sewer overflow affected floors one through three in the corner of the
12 building at Larkin and Fulton Streets; and

13 WHEREAS, Both staff space and public use space, and access to braille services in
14 the Talking Books & Braille Center were adversely impacted; and

15 WHEREAS, The overflow was sudden, unforeseeable, and unexpected, creating a
16 health hazard and damage to the Main Library which required immediate action to mitigate the
17 loss of or damage to health, property, and public service; and

18 WHEREAS, Public Works staff determined that a contractor was needed given the
19 scope of work and an estimate was developed; and

20 WHEREAS, Public Works staff has analyzed the circumstances extensively and
21 determined that the estimated cost of the remediation services is \$200,000 and the cost
22 estimate for removal of damaged materials, repair, and reconstruction, including furnishing
23 replacements is \$350,000; and

24 WHEREAS, Administrative Code, Section 6.60, authorizes department heads
25 responsible for public work to award an emergency contract, exempt from the competitive

1 bidding process, in the event of an actual emergency which includes the “breakdown or
2 imminent breakdown of any plant, equipment, structure, street or public work necessitating;
3 and immediate emergency repair or reconditioning to safeguard the lives or property of the
4 citizens; or the property of the City and County; or to maintain the public health or welfare;”
5 and

6 WHEREAS, On January 31, 2023, San Francisco Public Library declared an
7 emergency due to this same plumbing failure; and

8 WHEREAS, On February 17, 2023, the Interim Director of Public Works declared an
9 emergency pursuant to Section 6.60 of the Administrative Code and issued a contract to
10 Belfor Property Restoration Services to provide remediation services for the sewage overflow
11 of the third, second and first floors and lower level of the San Francisco Main Public Library,
12 and to remove and reconstruct all the damaged spaces and contaminated materials at a cost
13 not to exceed \$550,000 by Public Works Order No. 207671, which is on file with the Clerk of
14 the Board of Supervisors in File No. 230315; and

15 WHEREAS, Under authority granted by Administrative Code, Section 6.60(b), the
16 Interim Director of Public Works gave notice of the emergency declaration to the Board of
17 Supervisors, Mayor, and Controller; and

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

20 WHEREAS, The Controller has certified that funds are available for this emergency
21 contract; now, therefore be it

22 RESOLVED, That the Board of Supervisors approves the Interim
23 Director of Public Works’ emergency declaration for the repairs to the San Francisco Main
24 Library.
25

1 RECOMMENDED:

2
3 /s/

4 Department of Public Works

5 Carla Short, Interim Director

Item 3 File 23-0315	Department: San Francisco Public Library (SFPL)
EXECUTIVE SUMMARY	
<p style="text-align: center;">Legislative Objectives</p> <ul style="list-style-type: none"> The proposed resolution would approve the Director of Public Works' emergency declaration under Administrative Code, Section 6.60 for remediation work and repairs at the San Francisco Main Public Library for an estimated total cost of approximately \$550,000. <p style="text-align: center;">Key Points</p> <ul style="list-style-type: none"> On January 20, 2023, a sewer overflow occurred on the fourth floor of the San Francisco Main Library due to foreign objects being flushed down a toilet, impacting floors one through three in the northwest corner of the building. Space used by both staff and the public were affected, including access to services in the Talking Books and Braille Center, Audio-Visual Room, and Genre Room. The Library declared a state of emergency in a letter to Public Works on January 31, 2023. Public Works declared a state of emergency and issued a contract to Belfor Property Restoration Services (Belfor) on February 17, 2023. Public Works introduced a resolution declaring a state of emergency to the Board of Supervisors on March 21, 2023, which falls within the 60-day requirement of Administrative Code Sec. 6.60(d). Because immediate remediation services were needed given the nature of the sewer overflow event, Library staff contacted Belfor to begin the repair and remediation services the evening of the event. Belfor is a registered City vendor and has been utilized as an emergency damage remediation vendor previously on both insured and self-insured losses at City facilities. The contract's scope of work includes remediation services for sewer overflow impacting the first through third floors of the Library; the removal and repair of damaged materials, including furniture; containment and reconstruction of the impacted areas; and reconstruction of flooring, sheetrock, insulation, cubicles, and paint, and other elements. <p style="text-align: center;">Fiscal Impact</p> <ul style="list-style-type: none"> The San Francisco Public Main Library facility is insured for property loss under an insurance program administered through the Risk Management Division of the City Administrator's Office. Consequently, the \$550,000 in estimated costs (minus a \$10,000 deductible) will be paid by insurers and the \$10,000 deductible will be paid from the Library Preservation Fund. Repair costs in excesses of \$550,000 would require Board of Supervisors' approval. <p style="text-align: center;">Recommendation</p> <ul style="list-style-type: none"> Approve the proposed resolution. 	

MANDATE STATEMENT

Administrative Code Section 6.60 provides that City contracts entered into for emergency work may be executed in the most expeditious manner. However, declarations of emergencies where the repair work is anticipated to be \$250,000 or more are subject to Board of Supervisors approval. Section 6.60(d) also states that if the emergency does not permit Board of Supervisors approval of the emergency before work is commenced or the contract(s) entered into, such approvals from the Board of Supervisors shall be obtained as soon as possible, with the proposed resolution approving the emergency determination submitted to the Board of Supervisors within 60 days of the department head's emergency declaration.

BACKGROUND**Main Library Damage**

On January 20, 2023, a sewer overflow occurred on the fourth floor of the San Francisco Main Library due to foreign objects being flushed down a toilet, impacting floors one through three in the northwest corner of the building. Space used by both staff and the public were affected, including access to services in the Talking Books and Braille Center, Audio-Visual Room, and Genre Room. According to the library, space occupied by a total of 23 staff (12 staff on the second floor and 11 staff on the first floor) was impacted by the sewer overflow. Consequently, San Francisco Public Library (Library) staff states that immediate remediation services were required given the sudden and unforeseeable nature and damage of the sewer overflow, which created a health hazard, and emergency repair was needed to safeguard the City's property and reopen the public spaces for use.

Emergency Declaration

The Chief Operating Officer of the San Francisco Public Library declared a state of emergency in a letter to the Public Works Interim Director on January 31, 2023. The Department of Public Works (Public Works) declared a state of emergency and issued a contract to Belfor Property Restoration Services (Belfor) on February 17, 2023. Public Works introduced a resolution declaring a state of emergency to the Board of Supervisors on March 21, 2023, which falls within the 60-day requirement of Administrative Code Sec. 6.60(d). The declaration of emergency allows the Department to contract without undergoing a competitive solicitation.

Vendor Selection

According to the Library, because immediate remediation services were needed given the nature of the sewer overflow event, the Department contacted a contractor, Belfor Property Restoration Services (Belfor), to begin the repair and remediation services the evening of the event. According to Library staff, Belfor is a registered City vendor and has been utilized as an emergency damage remediation vendor previously on both insured and self-insured losses at City facilities. In addition, Belfor has agreed-upon fee schedules with the City's insurers. The Library chose to retain Belfor for the continued remediation and repair work after the immediate response work

was completed for continuity and because the majority of the costs are being paid from insurance proceeds.

DETAILS OF PROPOSED LEGISLATION

The proposed resolution would approve the Director of Public Works' emergency declaration under Administrative Code, Section 6.60 for remediation work and repairs at the San Francisco Main Public Library for an estimated total cost of approximately \$550,000. Emergency repairs costs in excess of \$550,000 authorized in the proposed resolution would require Board of Supervisors' approval.

Contract

The contract between the City and Belfor provides for a not-to-exceed amount of \$550,000 and requires the work to be completed within 30 calendar days of the official Notice to Proceed.¹ The scope of work includes remediation services for sewer overflow impacting the first through third floors of the Library; the removal and repair of damaged materials, including furniture; containment and reconstruction of the impacted areas; and reconstruction of flooring, sheetrock, insulation, cubicles, paint, and other elements. Library staff state that almost all components of the impacted areas were damaged or contaminated, including ceilings, ductwork, wallboard (such as painted surfaces), insulation, cubicles, and floor coverings.

Timeline

According to Library staff, remediation work (e.g., cleanup, disinfection, removal of damaged materials) began on January 20, 2023 and was completed February 9, 2023. Reconstruction and repair work began on approximately February 13, 2023, and most of the work has been completed, except for reconstruction of elements with long lead order timelines (including flooring and cubicles). Two large components that still need to be completed on the first floor, include: (1) replacing the flooring throughout the Genre Room as it was contaminated with black water;² and (2) replacing the cubicles in the Info Services office area as they were also contaminated with black water. The completion date of the work is to be determined. According to the Library, the timeline is dependent on the final scope of work and final cost of repair agreement between Belfor, the City, and its insurers. Library staff state that a timeline has been requested, as well as the current status on progress towards completion.

¹ According to Library staff, the remediation work was completed within 30 days. Belfor was given the official Notice to Proceed with reconstruction on February 13, 2023, and most of the work has been completed, except for reconstruction of flooring and cubicles, which have long lead order timelines.

² Black water is wastewater from toilets.

FISCAL IMPACT

The San Francisco Public Main Library facility is insured for property loss under an insurance program³ administered through the Risk Management Division of the City Administrator's Office on behalf of various City departments and enterprise agencies. Consequently, the \$550,000 in estimated costs (minus a \$10,000 deductible) will be paid by insurers⁴ and the \$10,000 deductible will be paid from the Library Preservation Fund. Repair costs in excess of \$550,000 would require Board of Supervisors' approval.

According to the Library, the estimated total cost of \$550,000 is based on Belfor's initial estimates, which include \$200,000 for remediation services and \$350,000 for the removal of damaged materials, repair, and reconstruction including furnishing replacements. The contractor will be paid based on pre-agreed and filed rates with the insurer, and the contractor has agreed to comply with the City's prevailing wage requirements. Invoices for the remediation and repair work are being audited by insurers and likely will not be available until the restoration has been accepted, billed, and audited. Consequently, according to Library staff, a line-item budget of total costs is not available and actual expenditures to date are unknown as bill submission goes directly to insurer.

RECOMMENDATION

Approve the proposed resolution.

³ Alliant Property Insurance Program. Alliant is the broker leading the insurance program and Lexington Insurance Company is the lead insurer, with which Belfor has agreed-upon rates.

⁴ According to staff from the Risk Management Division of the City Administrator's Office, the insurer is paying the vendor directly, except for the Library's deductible.



San Francisco Public Works
General – Director's Office
49 South Van Ness Ave., Suite 1600
San Francisco, CA 94103
(628) 271-3160 www.SFPublicWorks.org

Public Works Order No: 207671

**CITY AND COUNTY OF SAN FRANCISCO
SAN FRANCISCO PUBLIC WORKS
EMERGENCY DECLARED AND CONTRACT AWARDED**

An **Emergency** exists at the **San Francisco Main Public Library** ("SF MPL") due to foreign objects being flushed down a fourth-floor toilet resulting in a sewer overflow affecting floors one through three in the northwest corner of the building at Larkin and Fulton streets.

Both staff space and public use space, including access to braille services in the Talking Books and Braille Center, were adversely impacted. The overflow was sudden, unforeseeable, and unexpected, creating a health hazard and damage to the Main Library, which requires immediate action to mitigate the loss of or damage to health, property, and public service.

Immediate remediation services are needed given the nature of the sewer overflow event, and emergency repair or reconditioning is required to safeguard the property of the City. The SF MPL expressed the importance of beginning the remediation services as soon as possible. Expedient repair of the spaces is necessary to reopen the public spaces for use and permit the in-progress tenant improvements in the Talking Books & Braille Center to continue and meet the planned center re-opening in spring 2023, a valued service for the community.

Therefore, in order to move forward with the project, **an Emergency is declared to exist** under the provisions of Section 6.60 of the San Francisco Administrative Code, and

Belfor Property Restoration Services
185 Oakland Avenue, Suite #150
Birmingham, MI 48009
Supplier ID: 0000003376

Is hereby awarded a contract to provide remediation services for the sewage overflow of the third, second and first floors and lower level of the SF MPL. Also, to remove and reconstruct all the damaged spaces and contaminated materials, at a cost not to exceed **\$550,000.00**.

Contractor shall indemnify and hold harmless the City & County of San Francisco, its officers, agents and employees and furnish certificates of insurance protecting Contractor, any subcontractors and the City & County of San Francisco and its officers, agents and employees against claims arising out of work performed pursuant to this order with the City & County of San Francisco, its officers, agents and employees named as additional insureds.

This insurance shall include:

Commercial General Liability Insurance with limits not less than \$1,000,000 each occurrence, and \$2,000,000 General aggregate, combined single limit for bodily injury and property damage, including coverage for contractual liability, independent contractors, explosion, collapse and underground (XCU), personal injury, broadform property damage and completed operations.

Commercial Automobile Liability Insurance with limits not less than \$1,000,000 each occurrence combined single limit for bodily injury and property damage, including owned, hired or non-owned vehicles, as applicable.

Workers' Compensation, in statutory amount, including Employers' Liability coverage with limits not less than \$1,000,000 each accident, injury or illness. Contractor is notified that in the event that Contractor employs professional engineering services for performing engineering or preparing design calculations, plans and specifications, retained engineers to carry professional liability insurance with limits not less than \$1,000,000 each claim with respect to negligent acts, errors or omissions in connection with professional services to be provided under the subject Contract.

DISTRIBUTION:

LIB: Maureen.Singleton@sfpl.org

LIB: john.cunha@sfpl.org

BBR: williaml.pressas@sfdpw.org

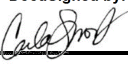
Deputy Director: DiJaida.Durden@sfdpw.org

K2Systems: K2Systems@sfdpw.org

Contract Admin: ContractAdmin.Staff@sfdpw.org

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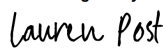
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Short, Carla - 073CF73A4EA6486...

Interim Director

DocuSigned by:



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Post, Lauren

San Francisco Public Works Commission Chair



San Francisco Public Library
100 Larkin Street, San Francisco, CA 94102

To: Carla Short, Interim Director, Public Works
Bruce Robertson, Deputy Director, Financial Management & Administration,
Public Works

From: Maureen Singleton, COO, San Francisco Public Library

CC: Michael Lambert, City Librarian, San Francisco Public Library
John Cunha, Facilities Director, San Francisco Public Library
Mike Fernandez, CFO, San Francisco Public Library
Matt Hansen, Director, Risk Management

Date: January 31, 2023

Subject: Declaration of an Emergency: Main Library plumbing failure

In accordance with Chapter 6, Section 6.60 of the Administrative Code, the San Francisco Public Library declares an actual emergency exists due to a plumbing failure at the Main Library on January 20, 2023. Foreign objects were flushed down a fourth floor Main Library toilet resulting in a sewer overflow, affecting floors one through three in the corner of the building at Larkin and Fulton streets. Both staff space and public use space, including access to braille services in the Talking Books & Braille Center, were adversely impacted. The overflow was sudden, unforeseeable, and unexpected, creating a health hazard and damage to the Main Library, which required immediate action to mitigate the loss of or damage to health, property, and public service. Immediate remediation services were needed given the nature of the sewer overflow event and emergency repair or reconditioning is required to safeguard the property of the City. The Library contacted Belfor Property Restoration Services on January 20, 2023, to begin the remediation services that evening. Expeditious repair of the spaces is necessary to reopen the public spaces for use and permit the in-progress tenant improvements in the Talking Books & Braille Center to continue and meet the planned center re-opening in spring 2023, a valued service for the community.

The estimated cost of the remediation services from Belfor Property Restoration Services is \$200,000 and the cost estimate for removal of damaged materials, repair, and reconstruction, including furnishing replacements is \$350,000.

Please do not hesitate to contact Maureen Singleton, at 557.4248, Maureen.Singleton@sfpl.org or John Cunha, SFPL Facilities Director at 557.4485, John.Cunha@sfpl.org if you have any additional questions or need additional documentation. Thank you for your consideration and assistance on this urgent matter.

From: [Conine-Nakano, Susanna \(MYR\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Paulino, Tom \(MYR\)](#); [Schneider, Ian \(DPW\)](#)
Subject: Mayor -- Resolution -- Main Library Plumbing Emergency Declaration
Date: Tuesday, March 21, 2023 4:31:52 PM
Attachments: [Mayor -- Resolution -- Main Library Plumbing Emergency Declaration.zip](#)

Hello Clerks,

Attached for introduction to the Board of Supervisors is a Resolution approving the Director of Public Works' declaration of an emergency under Administrative Code section 6.60 for repairs and remediation work at the San Francisco Main Public Library, estimated to cost approximately \$550,000.

Best,
Susanna

Susanna Conine-Nakano
Office of Mayor London N. Breed
City & County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 200
San Francisco, CA 94102
415-554-6147