

LEGISLATIVE DIGEST

[Administrative Code Waivers - SFMTA Contract for Automated Speed Enforcement System - Design-Build-Operate-Maintain Delivery Model]

Ordinance waiving certain contracting requirements under Chapters 6 and 21 of the Administrative Code and authorizing the San Francisco Municipal Transportation Agency (SFMTA) to procure design, construction, operation, maintenance, and related services to implement an automated speed enforcement system utilizing a design-build-operate-maintain delivery model, but requiring payment of prevailing wages, and permitting a best-value selection of the contractor.

Existing Law

Administrative Code Chapter 6 establishes the policies, procedures, and required contract terms that apply under City law to public works contracts, including construction contracts and contracts for related design and engineering services. Administrative Code Chapter 21 establishes the policies, procedures, and required contract terms that apply to City contracts for professional services, including financial advisory services, and general services, including maintenance and asset management services.

Amendments to Current Law

The proposed ordinance would exempt the automated speed enforcement system pilot program ("Pilot Program") from the requirements of Administrative Code Chapters 6 and 21, and would authorize the San Francisco Municipal Transportation Agency ("SFMTA") to:

- Utilize a design-build-operate-maintain ("DBOM") delivery method to combine the Pilot Program's design and construction services with longer-term operations and maintenance services under one contractor.
- Utilize a competitive two-step or combined process, comprised of a request for qualifications and request for proposals, to select the contractor.
- Select the contractor that offers the best overall value to the City, based on their qualifications and the evaluation and scoring of their proposal.
- Enter into one or more agreements with the successful contractor to develop and deliver the Pilot Program and, at all stages, obtain any applicable approvals from the SFMTA Board of Directors or Board of Supervisors.

The proposed ordinance would not waive the requirements in Administrative Code Chapters 6 or 21 requiring payment of prevailing wages and compliance with the City's local hire policy and first source hiring ordinance.

Background Information

In October 2023, California passed Assembly Bill 645, authorizing six jurisdictions, including the City, to implement separate Pilot Programs to improve road safety through the use of automated speed-limit enforcement cameras. The SFMTA is implementing such a Pilot Program on behalf of the City.

The Pilot Program is authorized to be operational for five years or until January 1, 2032, whichever comes first. The SFMTA is committed to implementing the Pilot Project as quickly as possible, aiming to be the first jurisdiction in California to begin the use of this potentially life-saving technology. To achieve this goal, the SFMTA plans to use the DBOM delivery method.

Unlike conventional methods of public works contracting, where a public entity procures discrete functions through separate contractors, the DBOM delivery method combines a project's design and construction services with longer-term operations and maintenance responsibilities under a single contractor or contractor team.

The DBOM delivery method shifts to the contractor the responsibility to manage and integrate a project's elements and contracted services throughout its lifecycle. This offers key advantages, including enhanced quality, streamlined project execution, innovative design and construction, proactive maintenance planning, clearer risk allocation, and cost and time savings.

The Director of Transportation has determined that the DBOM delivery method is appropriate to achieve the City's goal for the Pilot Program and, therefore, is in the public's best interest.

While the contracted services the SFMTA requires to deliver the Pilot Program span the subject matters of Administrative Code Chapters 6 and 21, neither chapter contemplates the acquisition of these services under a single contractor.

The proposed ordinance would establish a procedure for the SFMTA to procure, under a single contractor, the design, construction, operations, and maintenance services for the Pilot Program, subject to any necessary environmental review. At all stages of the Pilot Program's procurement process, the SFMTA would obtain applicable approvals from the SFMTA Board of Directors or Board of Supervisors as required under the San Francisco Charter or Municipal Code.

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