

BOARD of SUPERVISORS



City Hall
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MEMORANDUM

TO: Jeffrey Tumlin, Executive Director, SFMTA

FROM: Victor Young, Assistant Clerk *Victor Young*

DATE: May 20, 2024

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed Ordinance:

File No. 240226

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.

If you have comments or reports to be included with the file, please forward them to Victor Young at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: victor.young@sfgov.org.

cc. Kate Breen, SFMTA
Janet Martinsen, SFMTA
Joel Ramos, SFMTA



City and County of San Francisco

Master Report

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 240226	File Type: Ordinance	Status: Pending Committee Action
Enacted:	Effective:	
Version: 1	In Control: Rules Committee	
File Name: Administrative Code Waivers - SFMTA Contract for Automated Speed Enforcement System - Design-Build-Operate-Maintain Delivery Model	Date Introduced: 03/12/2024	
Requester: Municipal Transportation Agency	Cost:	Final Action:
Comment:	Title: 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.	
Sponsors: Mayor; Peskin and Melgar		

History of Legislative File 240226

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	03/12/2024	ASSIGNED	Rules Committee		
3/13/24 - President Peskin waived the 30-day rule pursuant to Board Rule No. 3.22.						

[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.

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. General Background and Findings.

(a) In October 2023, the State of California enacted Assembly Bill 645 ("AB 645"), authorizing six jurisdictions, including the City and County of San Francisco ("City"), to implement an automated speed enforcement system pilot program ("Pilot Program"). The Pilot Program involves the use of automated speed-limit enforcement cameras ("ASE Systems") to improve road safety and is authorized to be operational for five years or until January 1, 2032, whichever comes first. The City actively supported AB 645 throughout the legislative process.

(b) Excessive speed is a major contributor to traffic collisions that result in fatalities or injuries. To meet its Vision Zero goals, the San Francisco Municipal Transportation Agency

1 ("SFMTA") recognizes the critical importance of traffic speed enforcement to reduce traffic
2 collisions.

3 (c) ASE Systems have demonstrated high effectiveness in detecting speed violations.
4 The California State Transportation Agency and the National Transportation Safety Board
5 have acknowledged the effectiveness of ASE Systems in reducing speeding and enhancing
6 road safety. The National Highway Traffic Safety Administration has awarded automated
7 speed enforcement technology its maximum 5-star effectiveness rating for its significant
8 impact on traffic safety. When combined with educational initiatives and traffic engineering,
9 ASE Systems can significantly reduce speeding, improve traffic safety, and thereby prevent
10 traffic-related fatalities and injuries, including those involving roadway workers. ASE Systems
11 in other states have successfully reduced speeding and improved traffic safety.

12 (d) The implementation of ASE Systems advances equitable traffic enforcement. It
13 ensures more predictable and effective speeding control and, when broadly implemented,
14 helps change driver behavior. Enforcing speed limits using ASE Systems on streets where
15 speeding drivers create dangerous roadway environments is a reliable and cost-effective
16 method to prevent further fatalities and injuries.

17 (e) AB 645 authorizes the City to operate up to 33 ASE Systems. Prior to
18 implementation of the Pilot Program, the SFMTA will comply with any applicable requirements
19 in the Surveillance Technology Ordinance under Administrative Code 19B.

20 Section 2. Findings Regarding the DBOM Delivery Method.

21 (a) Recognized by the U.S. Department of Transportation's Federal Highway
22 Administration and Federal Transit Administration, the design-build-operate-maintain
23 ("DBOM") delivery method is an integrated procurement model that combines a project's
24 design and construction services with longer-term operations and maintenance
25 responsibilities under a single contactor or contractor team. This method is also known as

1 "turnkey" procurement and "build-operate-transfer." It involves financing independently
2 secured by the project's public-sector owner.

3 (b) The DBOM method offers several key advantages:

4 (1) Enhanced Quality Assurance. It promotes higher quality across all project
5 phases, integrating design, construction, operation, and maintenance under a single
6 contractor.

7 (2) Efficiency in Project Execution. This single-contractor approach consolidates
8 multiple project phases and streamlines project delivery, enhancing coordination and
9 potentially reducing typical delays.

10 (3) Innovative Design and Construction. The alignment of design and
11 construction under one entity encourages innovative solutions, tailored to both immediate
12 construction needs and long-term operational efficiency.

13 (4) Proactive Maintenance Planning. The responsibility for long-term
14 maintenance under one entity allows for upfront, comprehensive planning, resulting in a more
15 sustainable and cost-effective approach to project upkeep.

16 (5) Risk Management and Allocation. DBOM offers clearer risk allocation,
17 leading to more effective management strategies and reducing delays caused by disputes or
18 uncertainties. This includes challenges related to coordinating various project components
19 and ensuring seamless integration, where the contractor assumes responsibility for managing
20 the interactions between different project elements.

21 (6) Cost and Time Savings. The DBOM model's ability to fast-track certain
22 project elements while maintaining a high-quality standard can result in significant cost and
23 time efficiencies.

24 (7) Alignment of Contractor and Project Goals. With the contractor responsible
25 for the entire project lifecycle, there is a strong incentive for high-quality, sustainable, and

1 efficient project execution, aligning the contractor's objectives with the project's long-term
2 success.

3 (c) The SFMTA is committed to implementing the Pilot Project as quickly as possible,
4 aiming to be the first jurisdiction in California to begin the use of this potentially life-saving
5 technology. This goal faces considerable scheduling risks and challenges in coordinating and
6 integrating various components and system if the SFMTA lets separate contracts for design,
7 construction, operation, and maintenance, which is required under its existing contracting
8 authority. Therefore, the Director of Transportation has determined that the DBOM delivery
9 method is appropriate to achieve the time efficiencies necessary to achieve this goal and,
10 therefore, is in the public's best interest. On [insert date], the SFMTA Board of Directors
11 adopted Resolution No. [xx-xxxx], endorsing the Director of Transportation's recommendation
12 to utilize DBOM method for the Pilot Project in San Francisco. A copy of said resolution is on
13 file with the Clerk of the Board of Supervisors in Board File No. [redacted].

14 (d) The SFMTA estimates the design-build phase of the DBOM contract will last
15 approximately six months. Following this phase, the contract will transition into the operations
16 and maintenance phase, which includes staff training. This operation and maintenance phase
17 will have an initial term of five years, with a projected cost of at least \$5 million. The costs
18 incurred during the design-build phase may be paid several ways: as progress payments
19 during the design-build phase; as a milestone payment upon substantial completion; or they
20 can be amortized and added to the operations and maintenance payments, which would start
21 after substantial completion.

22 Section 3. The DBOM Procurement Process; Waiver of Certain Administrative Code
23 Provisions.

24 (a) **General Description: Administrative Code Chapters 6 and 21.** Administrative
25 Code Chapter 6 codifies the City's public works contracting policies and procedures, and

1 includes contracting requirements for design, engineering, and construction services; and
2 Administrative Code Chapter 21 regulates the City's acquisition of commodities and services,
3 and includes contracting requirements for professional and general services. The design,
4 construction, operation, maintenance, and related services necessary to implement the Pilot
5 Project span the subject matter of Chapters 6 and 21, but neither of these chapters
6 contemplate contracting for these services under a single solicitation.

7 (b) **Authorization of Best-Value Solicitation Process.** Notwithstanding any provision
8 of the San Francisco Municipal Code, the SFMTA is authorized to contract for design,
9 construction, operation, maintenance, and any other services the Director of Transportation
10 deems necessary or appropriate to implement the Pilot Project in the City utilizing a best-
11 value solicitation process described below. This process is structured to ensure the selection
12 of a DBOM contractor or contractor team that provides the best value to the City.

13 (1) **Request for Qualifications.**

14 (A) The SFMTA may issue a request for qualifications ("RFQ") specifically
15 targeted at identifying and shortlisting potential contractors with expertise in automated speed
16 enforcement technology. The RFQ shall include project details, a scope of services related to
17 automated speed enforcement technology, and minimum qualifications necessary for
18 consideration.

19 (B) Respondents shall be required to submit statements of qualifications
20 that include, without limitation, information describing their experience with automated speed
21 enforcement technology or similar technologies, proposed teams and key personnel, financial
22 stability, and past performance in projects of similar size and scope.

23 (C) The SFMTA may conduct interviews with respondents or enter
24 discussions to seek clarifications on the statements of qualifications submitted.

1 (D) Respondents must comply with submittal and other requirements set
2 forth in the RFQ. Responsive statements of qualifications shall be evaluated and scored
3 based on criteria that address their corresponding submittal requirements. The relative
4 weightings of the criteria shall be established by the Director of Transportation.

5 (E) Based on the evaluation and scoring of the statements of
6 qualifications, the SFMTA may select a shortlist of the highest scoring respondents. The
7 Director of Transportation shall determine the number of shortlisted respondents based on
8 their relative rankings and as reasonably necessary to preserve competition.

9 **(2) Request for Proposals.**

10 (A) The SFMTA may issue a request for proposals ("RFP") to shortlisted
11 respondents. This RFP must describe the SFMTA's requirements related to the Pilot Project,
12 including technological, operational, and maintenance requirements.

13 (B) Respondents shall be required to submit proposals that include,
14 without limitation, their technical approaches to design, build, operate, and maintain the Pilot
15 Project, data security approach, changes, if any, to proposed teams and key personnel from
16 their statements of qualifications, schedule, and price.

17 (C) The SFMTA may conduct interviews with respondents or enter
18 discussions to seek clarifications on the proposals submitted.

19 (D) Respondents must comply with submittal and other requirements set
20 forth in the RFP. Responsive proposals shall be evaluated and scored based on criteria that
21 address their corresponding submittal requirements. The relative weightings of the criteria
22 shall be established by the Director of Transportation.

23 **(3) Combined Request for Qualifications/Proposals.**

24 If the Director of Transportation determines it is more time-efficient and
25 beneficial, the RFQ and RFP phases may be combined into a single solicitation phase. In that

1 event, the SFMTA may issue a single document that solicits both the qualifications and
2 proposals of interested contractors or contractor teams. This document will outline the
3 requirements for both the RFQ and request for proposals components, and respondents shall
4 be required to address both qualifications and proposal requirements in their submissions.

5 **(4) Contract Award.**

6 (A) Based on the evaluation and scoring of the proposals, the SFMTA
7 may select the respondent with the highest proposal score as the presumptive best-value
8 proposer, with which the SFMTA may enter negotiations to finalize one or more contracts to
9 provide DBOM services for the Pilot Project. If negotiations with the presumptive best-value
10 proposer are unsuccessful, the SFMTA may enter negotiations with the next highest-scoring
11 respondent, and so on, until negotiations are successful.

12 (B) The SFMTA may enter into one or more contracts for DBOM services
13 with the successful respondent ("DBOM contractor").

14 **(5) Reserved Rights.** At any time during the best-value solicitation process, the
15 Director of Transportation may cancel or restart the process if the Director determines it is in
16 the best interest of the City. Other SFMTA-reserved rights regarding the solicitation must be
17 set forth in the RFQ and RFP.

18 **(c) Administrative Code Waivers.** Except as provided below, any requirements from
19 Chapters 6 and 21 that are found to conflict with or be unreasonably onerous for DBOM
20 contracting, as determined in writing by the SFMTA after consultation with the City Attorney's
21 Office, shall be waived for any contract let or awarded in connection with the Pilot Project.

22 (1) The SFMTA shall require that all contractors or subcontractors performing
23 any construction or other covered work or improvement to comply with the requirements of
24 Section 6.22(e) of Article II of Chapter 6 of the Administrative Code, including without
25 limitations, requirements to pay prevailing wages and to submit certified payroll through the

1 City's certified payroll reporting system; and comply with the requirements of the State
2 Apprenticeship Program in accordance with Section 6.22(n) of Article II of Chapter 6. The
3 SFMTA shall incorporate the requirements of Section 6.22(e) of Article II of Chapter 6 into all
4 contracts, and require its contractors to include those requirements in all subcontracts. To the
5 extent the provisions of law referenced in this subsection (c)(1) are transferred to the Labor
6 and Employment Code, the requirements imposed by this subsection shall continue to apply.

7 (2) At all stages of the solicitation process, the SFMTA must obtain applicable
8 approvals from the SFMTA Board of Directors or Board of Supervisors as required under the
9 Charter or Municipal Code. If the SFMTA intends to contract for an agreement with a cost that
10 could exceed \$10 million or a term beyond ten years, the SFMTA will at the appropriate time
11 request that the Board of Supervisors approve the corresponding agreement or agreements
12 pursuant to Charter Section 9.118.

13 (d) The provisions of this ordinance shall be implemented in a manner consistent with
14 the civil service provisions of the Charter.

15 (e) In any agreement for DBOM services that involves the use of any funds furnished,
16 given, or loaned by the government of the United States or the State of California, all laws,
17 rules, and regulations of the government of the United States or the State of California or of
18 any of their agencies, relative to the performance of the services under the agreement and the
19 conditions under which the services are to be performed, shall prevail over the requirements
20 of this ordinance when such laws, rules, or regulations are in conflict with or otherwise
21 preempt the requirements of this ordinance.

22 Section 4. Effective Date.

23 This ordinance shall become effective 30 days after enactment. Enactment occurs
24 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
25

1 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the
2 Mayor's veto of the ordinance.

3
4 APPROVED AS TO FORM:
5 DAVID CHIU, City Attorney

6 By: /s/
7 MISHA TSUKERMAN
8 Deputy City Attorney

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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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Automated Speed Enforcement Project – Project Delivery Method

The Automated Speed Enforcement Project (Project) includes the design, installation, and operation of speed safety cameras at 33 sites throughout the City. The Project has facets of both public works contracting (procurement of materials for installation in the public right of way) and professional services contracting (selecting a contractor to operate and maintain a system). The SFMTA requires a Project-specific ordinance from the Board of Supervisors because existing authority to utilize the design-build-operate-maintain (DBOM) delivery method does not currently exist in the Administrative Code.

Therefore, it is proposed that the SFMTA Board of Directors authorizes the SFMTA to procure design, construction, operation, maintenance and related services to implement an ASE system in the City utilizing a DBOM delivery method, but requiring payment of prevailing wages, and permitting a best-value selection of the contractor. Additionally, it is proposed that the SFMTA Board of Directors authorizes the Director of Transportation to seek approval from the Board of Supervisors for a Project-specific ordinance to implement the DBOM delivery method in a manner that is most efficient for the Project.

The approval of this project delivery method does not commit the SFMTA to a definite course of action in carrying out any individual proposal related to the Automated Speed Enforcement Project. Any components of the Automated Speed Enforcement Project that would result in a direct or indirect physical change to the environment will undergo environmental review before project approval. Since the approval of this project delivery method does not include any proposed projects, it would not result in a direct or reasonably foreseeable indirect physical change to the environment and therefore is "Not a Project" under CEQA.

Not a "project" under CEQA pursuant to CEQA Guidelines Sections 15060(c) and 15378(b) because the action would not result in a direct or a reasonably foreseeable indirect physical change to the environment.

Marcus Barrango

Date

San Francisco Municipal Transportation Agency

QMa.

Date

San Francisco Planning Department



London Breed, Mayor

Amanda Eaken, Chair
Stephanie Cajina, Vice Chair
Steve Heminger, Director
Dominica Henderson, Director

Fiona Hinze, Director
Lydia So, Director
Janet Tarlov, Director

Jeffrey Tumlin, Director of Transportation

March 8, 2024

**The Honorable Members of the Board of Supervisors
City and County of San Francisco
1 Dr. Carlton Goodlett Place, Room 244
San Francisco, CA 94102**

Subject: Request for Approval – Administrative Code Waivers - SFMTA Contract for Automated Speed Enforcement System - Design-Build-Operate-Maintain Delivery Model

Honorable Members of the Board of Supervisors:

The San Francisco Municipal Transportation Agency (SFMTA) requests that the San Francisco Board of Supervisors authorize the Director of Transportation to procure design, construction, operation, maintenance, and related services to implement an automated speed enforcement system utilizing a design-build-operate-maintain delivery model.

BACKGROUND

On October 13, 2023, the California State Legislature enacted Assembly Bill 645 (AB 645) authorizing six jurisdictions, including the City and County of San Francisco, to implement an automated speed enforcement system pilot program (the Project). The Project involves the use of automated speed-limit enforcement cameras (ASE Systems) to improve road safety and is authorized to be operational for five years or until January 1, 2032, whichever comes first. San Francisco actively supported AB 645 during throughout the legislative process.

ASE Systems have demonstrated high effectiveness in detecting speed violations and the California State Transportation Agency and the National Transportation Safety Board have acknowledged the effectiveness of this technology in reducing speeding and enhancing road safety. When combined with educational initiatives and traffic engineering, the Project can significantly reduce speeding, improve traffic safety, and thereby prevent traffic-related fatalities and injuries, including those involving roadway workers.

The implementation of the Project advances equitable traffic enforcement by ensuring more predictable and effective speeding control and, when broadly implemented, helping change driver behavior. Enforcing speed limits using ASE Systems on streets where speeding drivers create dangerous roadway environments is a reliable and cost-effective method to prevent further fatalities and injuries.



The SFMTA is committed to implementing the Project as quickly as possible, aiming to be the first jurisdiction in California to begin the use of this life-saving technology. This goal faces considerable scheduling and interface risks if the SFMTA executes separate contracts for design, construction, operation, and maintenance, as required under its existing contracting authority. Therefore, the Director of Transportation has determined that it is in the public's best interest to utilize the DBOM delivery method to achieve the time efficiencies necessary to achieve this goal.

Administrative Code Chapter 6 codifies the City's public works contracting policies and procedures, and includes contracting requirements for design, engineering, and construction services; and Administrative Code Chapter 21 regulates the City's acquisition of commodities and services and includes contracting requirements for professional and general services. The design, construction, operation, maintenance, and related services necessary to implement the Project under the DBOM procurement method span the subject matter of Chapters 6 and 21. However since neither of these chapters contemplate contracting for these services under a single solicitation, the proposed amendments are required.

STAKEHOLDER ENGAGEMENT

AB 645 states that stakeholder engagement should include working collaboratively with "relevant local stakeholder organizations, including racial equity, privacy protection, and economic justice groups." Throughout November 2023, December 2023, and January 2024, SFMTA staff met with area stakeholders to gather input on the speed camera pilot program. Staff reached out to nearly 40 organizations that represented racial equity, privacy protection, economic justice, and/or transportation safety in San Francisco.

During this 12-week outreach period, SFMTA staff met with over a dozen stakeholder organizations. These organizations included:

- **Racial Equity Organizations:** San Francisco Office of Racial Equity and SFMTA Office of Racial Equity and Belonging, API Council, Wu Yee Children's Services, American Indian Cultural Center, Chinatown TRIP
- **Privacy Protection Organizations:** SF Public Defender's Office – Confront and Advocate, Lawyers' Committee for Civil Rights of the San Francisco Bay Area
- **Economic Justice Organizations:** GLIDE, San Francisco Financial Justice Project, Anti Police-Terror Project, Fines and Fees Justice Center
- **Transportation Safety Organizations:** Senior & Disability Action, Tenderloin Traffic Safety Task Force, Walk SF, KidSafe SF, Safe Streets Save Lives Coalition, Families for Safe Streets



Much of the feedback gathered has informed policies related to data privacy, fee structures, and engagement with law enforcement. Specifically, the transportation safety advocacy organizations emphasized the importance of implementing the program as quickly and efficiently as possible. For many transportation advocates, speed cameras are a long-awaited transportation safety tool that should be implemented without delay to save as many lives as possible.

ALTERNATIVES CONSIDERED

An alternative to a DBOM project delivery method is to utilize the traditional design-bid-build approach, under which the SFMTA would procure each phase of the Project under separate contracts. The SFMTA would procure the design, construction services separately from the operation and maintenance services required for the various aspects of the Project and therefore be responsible for the integration of these services and project phases.

With this approach, the SFMTA would be at risk for potential cost overruns and schedule delays associated with lack of coordination between the Project's various designers, builders, and maintenance contractors. There are several different vendors and technology available to implement the Project, and it is possible that the work completed by one vendor would be incompatible with another vendor. For this reason, this alternative was rejected.

FUNDING IMPACT

There is no immediate funding impact related to this calendar item. Staff believe the DBOM delivery method will ultimately provide savings to the SFMTA in both project cost and schedule adherence.

REQUEST FOR APPROVAL

The SFMTA respectfully requests that the Board of Supervisors authorize the Director of Transportation to procure design, construction, operation, maintenance, and related services to implement an automated speed enforcement system utilizing a design-build-operate-maintain delivery model.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeffrey P. Tumlin'.

Jeffrey P. Tumlin
Director of Transportation

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. _____

WHEREAS, The Automated Speed Enforcement System Project (Project) includes the design, installation, and operation of speed safety cameras systems (ASE Systems) at 33 sites throughout the City; and,

WHEREAS, The San Francisco Municipal Transportation Agency (SFMTA) is committed to implementing the Project as quickly as possible, aiming to be the first jurisdiction in California to begin the use of this live-saving technology of speed safety cameras; and,

WHEREAS, Based on the need to bring the ASE Systems online as quickly as possible, and the available pool of vendors, staff have determined that it is appropriate and in the City's best interest to deliver the Project utilizing a design, build, operate, and maintain (DBOM) procurement method; and,

WHEREAS, The DBOM procurement method provides for a single point-of-responsibility for the design, construction, operation, and maintenance of integrated ASE Systems; and,

WHEREAS, The SFMTA requires a project-specific ordinance from the Board of Supervisors because existing authority to utilize the DBOM procurement method does not currently exist in the Administrative Code; and,

WHEREAS, The project-specific ordinance is required before the SFMTA issues the RFP for the Project in the summer of 2024; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors authorizes the SFMTA to use a DBOM procurement method for the Project and permitting a best-value selection of the contractor; and be it further

RESOLVED, That the SFMTA Board of Directors authorizes the Director of Transportation to seek approval from the Board of Supervisors for a Project-specific ordinance to implement the DBOM delivery method in a manner that is most efficient for the Project.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of March 19, 2024.

Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

From: [Trejo, Sara \(MYR\)](#)
To: [BOS Legislation, \(BOS\)](#)
Cc: [Paulino, Tom \(MYR\)](#); [Martinsen, Janet \(MTA\)](#); [Sweet, Alexandra C. \(MYR\)](#); [Ramos, Joel \(MTA\)](#); [Hake, Shannon \(MTA\)](#); [TSUKERMAN, MISHA \(CAT\)](#); [Angulo, Sunny \(BOS\)](#)
Subject: Mayor -- Ordinance -- Contract for Automated Speed Enforcement System
Date: Tuesday, March 12, 2024 2:45:00 PM
Attachments: [BOS Briefing Letter ASE SFMTA 24.0308.pdf](#)
[BOS Leg Digest Admin Code Waivers SFMTA Contracting Automated Speed Enforcement System.DOCX](#)
[BOS Ordinance Admin Code Waivers SFMTA Contracting Automated Speed Enforcement System.docx](#)
[MTAB ASE PSL Unsigned Resolution.docx](#)
[NAP - ASE Project Delivery Method MB_JMcK_final.pdf](#)

Hello Clerks,

Attached is an Ordinance waiving certain contracting requirements under Chapters 6 and 21 of the Administrative Code and authorizing the San Francisco Municipal Transportation Agency 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.

Please note, President Peskin is a cosponsor of this item.

Best regards,

Sara Trejo

Legislative Aide

Office of the Mayor

City and County of San Francisco

415.554.6141 | sara.trejo@sfgov.org

From: [Paulino, Tom \(MYR\)](#)
To: [Angulo, Sunny \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: Re: 3.12 Intros
Date: Tuesday, March 12, 2024 2:16:19 PM

Sounds good! I'll have Sara copy you on submission.

From: Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>
Sent: Tuesday, March 12, 2024 2:01 PM
To: Paulino, Tom (MYR) <tom.paulino@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Subject: RE: 3.12 Intros

Tom –
Thanks so much.
President Peskin would like to be added as a co-sponsor to Resolutions 2-5 as well as Resolution 8.

Have a smooth Tuesday,
Sunny

Sunny Angulo
Board President Aaron Peskin, *Chief of Staff*
Sunny.Angulo@sfgov.org
415.554.7451 DIRECT
415.554.7450 VOICE
415.430.7091 CELL

[District 3 Website](#)

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From: Paulino, Tom (MYR) <tom.paulino@sfgov.org>
Sent: Tuesday, March 12, 2024 1:25 PM
To: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>; Yan, Calvin (BOS) <calvin.yan@sfgov.org>; Souza, Sarah (BOS) <sarah.s.souza@sfgov.org>
Subject: 3.12 Intros

Hi Pres. Peskin & Team,

Happy Board Day! I hope y'all had a good weekend Today's intros below. Let me know if there's anything else I can get ya!

-Tom

1. RESO -- Abode Services – Flexible Housing Subsidy Pool

Resolution approving the second amendment to the grant agreement between Abode Services and the Department of Homelessness and Supportive Housing (“HSH”) for administration of a Flexible Housing Subsidy Pool program; extending the grant term by 12 months from June 30, 2025, for a total term of February 1, 2021, through June 30, 2026; increasing the agreement amount by \$8,018,683 for a total amount not to exceed \$17,918,683; and authorizing HSH to enter into any amendments or other modifications to the agreement that do not materially increase the obligations or liabilities, or materially decrease the benefits to the City and are necessary or advisable to effectuate the purposes of the agreement.

2. RESO -- Senior Operating Subsidy – 1296 Shotwell Housing L.P.

Resolution approving and authorizing the Mayor and the Director of the Mayor’s Office of Housing and Community Development (“MOHCD”) to execute a grant agreement with 1296 Shotwell Housing L.P. in the amount of \$4,820,042 for an 11 year term to provide operating subsidies for 100% affordable housing project housing extremely low-income seniors; approving the form of and authorizing the execution of the grant agreement; granting general authority to City officials to take actions necessary to implement this Resolution, as defined herein.

3. RESO -- Senior Operating Subsidy – Transbay 2 Senior, L.P.

Resolution approving and authorizing the Mayor and the Director of the Mayor’s Office of Housing and Community Development (“MOHCD”) to execute a grant agreement with Transbay 2 Senior, L.P. in the amount of \$18,290,441 for a 15 year and 3 month term to provide operating subsidies for a 100% affordable housing project housing extremely low-income seniors; approving the form of and authorizing the execution of the grant agreement; granting general authority to City officials to take actions necessary to implement this Resolution, as defined herein.

4. RESO -- Senior Operating Subsidy – 4200 Geary Associates, L.P., a California limited partnership

Resolution approving and authorizing the Mayor and the Director of the Mayor’s Office of Housing and Community Development (“MOHCD”) to execute a grant agreement with 4200 Geary Associates L.P. in the amount of \$7,795,022 for a 15-year term to provide operating subsidies for an 100% affordable housing project for extremely low-income seniors; approving the form of and authorizing the execution of the grant agreement; granting general authority to City officials to take actions necessary to implement this Resolution, as defined herein.

5. RESO -- Senior Operating Subsidy – Chinatown SROs, LLC

Resolution approving and authorizing the Mayor and the Director of the Mayor’s Office of Housing and Community Development (“MOHCD”) to execute a grant agreement with Chinatown SROs, LLC in the amount of \$6,209,204 for a 15 year and 6 month term to provide operating subsidies for 100% affordable housing project housing extremely low-income households, most of whom are seniors; approving the form of and authorizing the

execution of the grant agreement; granting general authority to City officials to take actions necessary to implement this Resolution, as defined herein.

6. RESO -- 249 Pennsylvania Associates, L.P. - 100% Affordable Housing at 249 and 201 Pennsylvania Avenue and 935 Mariposa Street

Resolution approving and authorizing the Mayor and the Director of the Mayor's Office of Housing and Community Development to execute loan documents relating to a loan to provide financing for the acquisition of real property located at 249 and 201 Pennsylvania Avenue and 935 Mariposa Street (the "Property"), and predevelopment activities for a 100% affordable multifamily rental building for families, in an aggregate amount not to exceed \$13,000,000; approving the form of the loan agreement and ancillary documents; ratifying and approving any action heretofore taken in connection with the property; granting general authority to City officials to take actions necessary to implement this Resolution; and finding that the loan is consistent the City's General Plan and the priority policies of Planning Code Section 101.1.

7. RESO -- Advocates for Human Potential, Inc. - Behavioral Health Bridge Housing (BHBH) Program

Resolution authorizing the Department of Public Health to retroactively enter into a Grant Agreement for a term commencing on July 1, 2023, through June 30, 2027, between the City and County of San Francisco ("City"), acting by and through its Department of Public Health ("DPH"), and Advocates for Human Potential, Inc., having anticipated revenue to the City of \$32,265,440 in order to operate bridge housing settings to address the immediate and sustainable housing needs of people experiencing homelessness who have serious behavioral health conditions, including serious mental illness (SMI) and/or substance use disorder (SUD); and authorizing DPH to enter into amendments or modifications to the Grant Agreement that do not materially increase the obligations or liabilities of the City and are necessary to effectuate the purpose of the Grant.

8. ORD -- 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 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.

From: [Tsukerman, Misha \(CAT\)](#)
To: [BOS Legislation, \(BOS\)](#); [Trejo, Sara \(MYR\)](#); [BOS Legislation, \(BOS\)](#)
Cc: [Paulino, Tom \(MYR\)](#); [Martinsen, Janet \(MTA\)](#); [Sweet, Alexandra C. \(MYR\)](#); [Ramos, Joel \(MTA\)](#); [Hake, Shannon \(MTA\)](#); [Angulo, Sunny \(BOS\)](#)
Subject: RE: Mayor -- Ordinance -- Contract for Automated Speed Enforcement System
Date: Tuesday, March 12, 2024 2:59:23 PM

Yes I am confirmed it is approved.

Misha Tsukerman

Deputy City Attorney
Office of City Attorney David Chiu
(415) 554-4230 Direct
(650) 867-6443 Cell (preferred)
www.sfcityattorney.org

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Tuesday, March 12, 2024 2:58 PM
To: Tsukerman, Misha (CAT) <Misha.Tsukerman@sfcityatty.org>; Trejo, Sara (MYR) <Sara.Trejo@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Paulino, Tom (MYR) <tom.paulino@sfgov.org>; Martinsen, Janet (MTA) <Janet.Martinsen@sfmta.com>; Sweet, Alexandra C. (MYR) <alexandra.c.sweet@sfgov.org>; Ramos, Joel (MTA) <Joel.Ramos@sfmta.com>; Hake, Shannon (MTA) <Shannon.Hake@sfmta.com>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>
Subject: RE: Mayor -- Ordinance -- Contract for Automated Speed Enforcement System

Hello DCA Tsukerman,

Please confirm your e signature approval for the subject proposed Ordinance submitted by the Mayor's Office.

Regards,

Arthur Khoo

Office of the Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
(415) 554-4447 | (415) 554-5163
arthur.khoo@sfgov.org | www.sfbos.org

Disclosures: Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to

all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.

From: Tsukerman, Misha (CAT) <Misha.Tsukerman@sfcityatty.org>
Sent: Tuesday, March 12, 2024 2:51 PM
To: Trejo, Sara (MYR) <Sara.Trejo@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Paulino, Tom (MYR) <tom.paulino@sfgov.org>; Martinsen, Janet (MTA) <Janet.Martinsen@sfmta.com>; Sweet, Alexandra C. (MYR) <alexandra.c.sweet@sfgov.org>; Ramos, Joel (MTA) <Joel.Ramos@sfmta.com>; Hake, Shannon (MTA) <Shannon.Hake@sfmta.com>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>
Subject: RE: Mayor -- Ordinance -- Contract for Automated Speed Enforcement System

Hi Sara,

I apologize for bringing this up late but Janet noted that I didn't sign the legislation to be as approved to form. Do you need me to do that now? I have been swamped with unrelated matters.

Misha Tsukerman
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From: Trejo, Sara (MYR) <Sara.Trejo@sfgov.org>
Sent: Tuesday, March 12, 2024 2:45 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Paulino, Tom (MYR) <tom.paulino@sfgov.org>; Martinsen, Janet (MTA) <Janet.Martinsen@sfmta.com>; Sweet, Alexandra C. (MYR) <alexandra.c.sweet@sfgov.org>; Ramos, Joel (MTA) <Joel.Ramos@sfmta.com>; Hake, Shannon (MTA) <Shannon.Hake@sfmta.com>; Tsukerman, Misha (CAT) <Misha.Tsukerman@sfcityatty.org>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>
Subject: Mayor -- Ordinance -- Contract for Automated Speed Enforcement System

Hello Clerks,

Attached is an Ordinance waiving certain contracting requirements under Chapters 6 and 21 of the Administrative Code and authorizing the San Francisco Municipal Transportation Agency 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.

Please note, President Peskin is a cosponsor of this item.

Best regards,

Sara Trejo

Legislative Aide

Office of the Mayor

City and County of San Francisco

415.554.6141 | sara.trejo@sfgov.org

From: [Paulino, Tom \(MYR\)](#)
To: [TSUKERMAN, MISHA \(CAT\)](#); [BOS Legislation, \(BOS\)](#); [Trejo, Sara \(MYR\)](#); [BOS Legislation, \(BOS\)](#)
Cc: [Martinsen, Janet \(MTA\)](#); [Sweet, Alexandra C. \(MYR\)](#); [Ramos, Joel \(MTA\)](#); [Hake, Shannon \(MTA\)](#); [Angulo, Sunny \(BOS\)](#)
Subject: RE: Mayor -- Ordinance -- Contract for Automated Speed Enforcement System
Date: Tuesday, March 12, 2024 4:30:12 PM

Hello Clerks,

For this item, we would also like to submit a 30-day waiver request to Pres. Peskin for his consideration.

We are requesting the waiver to speed up the implementation timeline, as San Francisco aims to be the first jurisdiction in California to implement speed safety cameras. A waiver would allow this legislation to go into effect in May, and then the RFP to hire a vendor could go out the same month.

If Pres. Peskin has any questions or would like any more information in order to consider the request, we would be happy to provide. Thank you in advance!

Cheers,

Tom Paulino

He/Him

Liaison to the Board of Supervisors

Office of the Mayor

City and County of San Francisco

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Subject: RE: Mayor -- Ordinance -- Contract for Automated Speed Enforcement System

Yes I am confirmed it is approved.

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Subject: Mayor -- Ordinance -- Contract for Automated Speed Enforcement System

Hello Clerks,

Attached is an Ordinance waiving certain contracting requirements under Chapters 6 and 21 of the Administrative Code and authorizing the San Francisco Municipal Transportation Agency 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.

Please note, President Peskin is a cosponsor of this item.

Best regards,

Sara Trejo

Legislative Aide
Office of the Mayor
City and County of San Francisco
415.554.6141 | sara.trejo@sfgov.org

[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.

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. General Background and Findings.

(a) In October 2023, the State of California enacted Assembly Bill 645 ("AB 645"), authorizing six jurisdictions, including the City and County of San Francisco ("City"), to implement an automated speed enforcement system pilot program ("Pilot Program"). The Pilot Program involves the use of automated speed-limit enforcement cameras ("ASE Systems") to improve road safety and is authorized to be operational for five years or until January 1, 2032, whichever comes first. The City actively supported AB 645 throughout the legislative process.

(b) Excessive speed is a major contributor to traffic collisions that result in fatalities or injuries. To meet its Vision Zero goals, the San Francisco Municipal Transportation Agency

1 ("SFMTA") recognizes the critical importance of traffic speed enforcement to reduce traffic
2 collisions.

3 (c) ASE Systems have demonstrated high effectiveness in detecting speed violations.
4 The California State Transportation Agency and the National Transportation Safety Board
5 have acknowledged the effectiveness of ASE Systems in reducing speeding and enhancing
6 road safety. The National Highway Traffic Safety Administration has awarded automated
7 speed enforcement technology its maximum 5-star effectiveness rating for its significant
8 impact on traffic safety. When combined with educational initiatives and traffic engineering,
9 ASE Systems can significantly reduce speeding, improve traffic safety, and thereby prevent
10 traffic-related fatalities and injuries, including those involving roadway workers. ASE Systems
11 in other states have successfully reduced speeding and improved traffic safety.

12 (d) The implementation of ASE Systems advances equitable traffic enforcement. It
13 ensures more predictable and effective speeding control and, when broadly implemented,
14 helps change driver behavior. Enforcing speed limits using ASE Systems on streets where
15 speeding drivers create dangerous roadway environments is a reliable and cost-effective
16 method to prevent further fatalities and injuries.

17 (e) AB 645 authorizes the City to operate up to 33 ASE Systems. Prior to
18 implementation of the Pilot Program, the SFMTA will comply with any applicable requirements
19 in the Surveillance Technology Ordinance under Administrative Code 19B.

20 Section 2. Findings Regarding the DBOM Delivery Method.

21 (a) Recognized by the U.S. Department of Transportation's Federal Highway
22 Administration and Federal Transit Administration, the design-build-operate-maintain
23 ("DBOM") delivery method is an integrated procurement model that combines a project's
24 design and construction services with longer-term operations and maintenance
25 responsibilities under a single contactor or contractor team. This method is also known as

1 "turnkey" procurement and "build-operate-transfer." It involves financing independently
2 secured by the project's public-sector owner.

3 (b) The DBOM method offers several key advantages:

4 (1) Enhanced Quality Assurance. It promotes higher quality across all project
5 phases, integrating design, construction, operation, and maintenance under a single
6 contractor.

7 (2) Efficiency in Project Execution. This single-contractor approach consolidates
8 multiple project phases and streamlines project delivery, enhancing coordination and
9 potentially reducing typical delays.

10 (3) Innovative Design and Construction. The alignment of design and
11 construction under one entity encourages innovative solutions, tailored to both immediate
12 construction needs and long-term operational efficiency.

13 (4) Proactive Maintenance Planning. The responsibility for long-term
14 maintenance under one entity allows for upfront, comprehensive planning, resulting in a more
15 sustainable and cost-effective approach to project upkeep.

16 (5) Risk Management and Allocation. DBOM offers clearer risk allocation,
17 leading to more effective management strategies and reducing delays caused by disputes or
18 uncertainties. This includes challenges related to coordinating various project components
19 and ensuring seamless integration, where the contractor assumes responsibility for managing
20 the interactions between different project elements.

21 (6) Cost and Time Savings. The DBOM model's ability to fast-track certain
22 project elements while maintaining a high-quality standard can result in significant cost and
23 time efficiencies.

24 (7) Alignment of Contractor and Project Goals. With the contractor responsible
25 for the entire project lifecycle, there is a strong incentive for high-quality, sustainable, and

1 efficient project execution, aligning the contractor's objectives with the project's long-term
2 success.

3 (c) The SFMTA is committed to implementing the Pilot Project as quickly as possible,
4 aiming to be the first jurisdiction in California to begin the use of this potentially life-saving
5 technology. This goal faces considerable scheduling risks and challenges in coordinating and
6 integrating various components and system if the SFMTA lets separate contracts for design,
7 construction, operation, and maintenance, which is required under its existing contracting
8 authority. Therefore, the Director of Transportation has determined that the DBOM delivery
9 method is appropriate to achieve the time efficiencies necessary to achieve this goal and,
10 therefore, is in the public's best interest. On [insert date], the SFMTA Board of Directors
11 adopted Resolution No. [xx-xxxx], endorsing the Director of Transportation's recommendation
12 to utilize DBOM method for the Pilot Project in San Francisco. A copy of said resolution is on
13 file with the Clerk of the Board of Supervisors in Board File No. [redacted].

14 (d) The SFMTA estimates the design-build phase of the DBOM contract will last
15 approximately six months. Following this phase, the contract will transition into the operations
16 and maintenance phase, which includes staff training. This operation and maintenance phase
17 will have an initial term of five years, with a projected cost of at least \$5 million. The costs
18 incurred during the design-build phase may be paid several ways: as progress payments
19 during the design-build phase; as a milestone payment upon substantial completion; or they
20 can be amortized and added to the operations and maintenance payments, which would start
21 after substantial completion.

22 Section 3. The DBOM Procurement Process; Waiver of Certain Administrative Code
23 Provisions.

24 (a) **General Description: Administrative Code Chapters 6 and 21.** Administrative
25 Code Chapter 6 codifies the City's public works contracting policies and procedures, and

1 includes contracting requirements for design, engineering, and construction services; and
2 Administrative Code Chapter 21 regulates the City's acquisition of commodities and services,
3 and includes contracting requirements for professional and general services. The design,
4 construction, operation, maintenance, and related services necessary to implement the Pilot
5 Project span the subject matter of Chapters 6 and 21, but neither of these chapters
6 contemplate contracting for these services under a single solicitation.

7 (b) **Authorization of Best-Value Solicitation Process.** Notwithstanding any provision
8 of the San Francisco Municipal Code, the SFMTA is authorized to contract for design,
9 construction, operation, maintenance, and any other services the Director of Transportation
10 deems necessary or appropriate to implement the Pilot Project in the City utilizing a best-
11 value solicitation process described below. This process is structured to ensure the selection
12 of a DBOM contractor or contractor team that provides the best value to the City.

13 (1) **Request for Qualifications.**

14 (A) The SFMTA may issue a request for qualifications ("RFQ") specifically
15 targeted at identifying and shortlisting potential contractors with expertise in automated speed
16 enforcement technology. The RFQ shall include project details, a scope of services related to
17 automated speed enforcement technology, and minimum qualifications necessary for
18 consideration.

19 (B) Respondents shall be required to submit statements of qualifications
20 that include, without limitation, information describing their experience with automated speed
21 enforcement technology or similar technologies, proposed teams and key personnel, financial
22 stability, and past performance in projects of similar size and scope.

23 (C) The SFMTA may conduct interviews with respondents or enter
24 discussions to seek clarifications on the statements of qualifications submitted.
25

1 (D) Respondents must comply with submittal and other requirements set
2 forth in the RFQ. Responsive statements of qualifications shall be evaluated and scored
3 based on criteria that address their corresponding submittal requirements. The relative
4 weightings of the criteria shall be established by the Director of Transportation.

5 (E) Based on the evaluation and scoring of the statements of
6 qualifications, the SFMTA may select a shortlist of the highest scoring respondents. The
7 Director of Transportation shall determine the number of shortlisted respondents based on
8 their relative rankings and as reasonably necessary to preserve competition.

9 **(2) Request for Proposals.**

10 (A) The SFMTA may issue a request for proposals ("RFP") to shortlisted
11 respondents. This RFP must describe the SFMTA's requirements related to the Pilot Project,
12 including technological, operational, and maintenance requirements.

13 (B) Respondents shall be required to submit proposals that include,
14 without limitation, their technical approaches to design, build, operate, and maintain the Pilot
15 Project, data security approach, changes, if any, to proposed teams and key personnel from
16 their statements of qualifications, schedule, and price.

17 (C) The SFMTA may conduct interviews with respondents or enter
18 discussions to seek clarifications on the proposals submitted.

19 (D) Respondents must comply with submittal and other requirements set
20 forth in the RFP. Responsive proposals shall be evaluated and scored based on criteria that
21 address their corresponding submittal requirements. The relative weightings of the criteria
22 shall be established by the Director of Transportation.

23 **(3) Combined Request for Qualifications/Proposals.**

24 If the Director of Transportation determines it is more time-efficient and
25 beneficial, the RFQ and RFP phases may be combined into a single solicitation phase. In that

1 event, the SFMTA may issue a single document that solicits both the qualifications and
2 proposals of interested contractors or contractor teams. This document will outline the
3 requirements for both the RFQ and request for proposals components, and respondents shall
4 be required to address both qualifications and proposal requirements in their submissions.

5 **(4) Contract Award.**

6 (A) Based on the evaluation and scoring of the proposals, the SFMTA
7 may select the respondent with the highest proposal score as the presumptive best-value
8 proposer, with which the SFMTA may enter negotiations to finalize one or more contracts to
9 provide DBOM services for the Pilot Project. If negotiations with the presumptive best-value
10 proposer are unsuccessful, the SFMTA may enter negotiations with the next highest-scoring
11 respondent, and so on, until negotiations are successful.

12 (B) The SFMTA may enter into one or more contracts for DBOM services
13 with the successful respondent ("DBOM contractor").

14 **(5) Reserved Rights.** At any time during the best-value solicitation process, the
15 Director of Transportation may cancel or restart the process if the Director determines it is in
16 the best interest of the City. Other SFMTA-reserved rights regarding the solicitation must be
17 set forth in the RFQ and RFP.

18 **(c) Administrative Code Waivers.** Except as provided below, any requirements from
19 Chapters 6 and 21 that are found to conflict with or be unreasonably onerous for DBOM
20 contracting, as determined in writing by the SFMTA after consultation with the City Attorney's
21 Office, shall be waived for any contract let or awarded in connection with the Pilot Project.

22 (1) The SFMTA shall require that all contractors or subcontractors performing
23 any construction or other covered work or improvement to comply with the requirements of
24 Section 6.22(e) of Article II of Chapter 6 of the Administrative Code, including without
25 limitations, requirements to pay prevailing wages and to submit certified payroll through the

1 City's certified payroll reporting system; and comply with the requirements of the State
2 Apprenticeship Program in accordance with Section 6.22(n) of Article II of Chapter 6. The
3 SFMTA shall incorporate the requirements of Section 6.22(e) of Article II of Chapter 6 into all
4 contracts, and require its contractors to include those requirements in all subcontracts. To the
5 extent the provisions of law referenced in this subsection (c)(1) are transferred to the Labor
6 and Employment Code, the requirements imposed by this subsection shall continue to apply.

7 (2) At all stages of the solicitation process, the SFMTA must obtain applicable
8 approvals from the SFMTA Board of Directors or Board of Supervisors as required under the
9 Charter or Municipal Code. If the SFMTA intends to contract for an agreement with a cost that
10 could exceed \$10 million or a term beyond ten years, the SFMTA will at the appropriate time
11 request that the Board of Supervisors approve the corresponding agreement or agreements
12 pursuant to Charter Section 9.118.

13 (d) The provisions of this ordinance shall be implemented in a manner consistent with
14 the civil service provisions of the Charter.

15 (e) In any agreement for DBOM services that involves the use of any funds furnished,
16 given, or loaned by the government of the United States or the State of California, all laws,
17 rules, and regulations of the government of the United States or the State of California or of
18 any of their agencies, relative to the performance of the services under the agreement and the
19 conditions under which the services are to be performed, shall prevail over the requirements
20 of this ordinance when such laws, rules, or regulations are in conflict with or otherwise
21 preempt the requirements of this ordinance.

22 Section 4. Effective Date.

23 This ordinance shall become effective 30 days after enactment. Enactment occurs
24 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not
25

sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/
MISHA TSUKERMAN
Deputy City Attorney

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