

1 [Agreement - Tom Eliot Fisch/Knapp Architects, JV - Authorizing Waiver of Certain As-  
2 Needed Contract Requirements In Order to Complete Design and Engineering of Bayview  
Opera House - \$1,275,000]

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4 **Ordinance waiving the as-needed contract modification not to exceed amount**  
5 **requirement under Administrative Code, Section 6.64, and authorizing the Director of**  
6 **Public Works to amend its as-needed Architectural Services Agreement with Tom Eliot**  
7 **Fisch/Knapp Architects, JV by increasing the not to exceed amount by \$150,000 from**  
8 **\$1,125,000 to \$1,275,000 for the limited purpose of completing the design and**  
9 **engineering for the Bayview Opera House project for the period of September 2, 2010,**  
10 **through September 1, 2015.**

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

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

15 Section 1. Section 6.64 of the Administrative Code authorizes Departments that are  
16 authorized to execute public works contracts to enter into as-needed contracts with definite or  
17 indefinite quantities of work. The as-needed contract must provide for a not-to-exceed price  
18 and an expiration term of not more than five years. Cumulative modifications to an as-needed  
19 contract cannot exceed one hundred-fifty percent of the original contract amount. Work is  
20 assigned on a contract service order ("CSO") basis where no new CSO can be issued after  
21 three years from the date of award.

22 Section 2. On January 12, 2010, the Department of Public Works ("DPW") issued a  
23 Request for Proposals (RFP) for as-needed architectural services pursuant to Section 6.64 of  
24 the Administrative Code. DPW selected Tom Eliot Fisch/Knapp Architects, JV ("TEF/Knapp")  
25 as the highest qualified proposer, and on September 2, 2010, TEF/Knapp entered into a

1 contract with DPW to provide As-needed Architectural Services with a not to exceed amount  
2 of \$750,000. On February 17, 2012, DPW modified TEF/Knapp's contract by adding  
3 \$375,000, the maximum allowed for under the Code, for a total final contract amount of  
4 \$1,125,000.

5 Section 3. On March 12, 2012, DPW issued TEF/Knapp a CSO for \$356,780 to  
6 perform design and engineering services for the Bayview Opera House project. The Bayview  
7 Opera House is a City-owned facility under the jurisdiction of the San Francisco Arts  
8 Commission and a National Historic Landmark. The project involves the restoration, structural  
9 upgrade, and accessible improvements to the facility. To date, TEF/Knapp has completed  
10 approximately 50% construction documents for the design and engineering of the project.

11 Section 4. Due to project delays and complexities outside the control of TEF/Knapp,  
12 including the addition of four months to the construction schedule and additional entitlement  
13 approval requirements, DPW would like to modify TEF/Knapp's CSO for the Bayview Opera  
14 House by adding services in the amount of \$189,262.

15 TEF/Knapp's Master As-needed Architectural Services Agreement does not have  
16 sufficient funds remaining of its maximum not-to-exceed amount of \$1,125,000 to cover the  
17 CSO modification. Without the CSO modification, TEF/Knapp would be unable to complete its  
18 design and engineering services for the project, causing serious delay and likely cost  
19 increases to the Opera House renovations and related site improvements.

20 Based on the above-described circumstances, the San Francisco Arts Commission  
21 approved Resolution No. 0201-13-055 approving DPW's modification of the TEF/Knapp  
22 Agreement by adding \$150,000 to complete the design and engineering services work for the  
23 Bayview Opera House.

24 Section 5. The Board of Supervisors hereby waives the contract modification not-to-  
25 exceed amount requirement under Section 6.64 of the Administrative Code and authorizes the

1 Director of Public Works to amend its As-needed Architectural Services Agreement with  
2 TEF/Knapp by increasing the not to exceed amount by \$150,000 from \$1,125,000 to  
3 \$1,275,000 for the limited purpose of completing the design and engineering services for the  
4 Bayview Opera House project.

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7 APPROVED AS TO FORM:  
8 DENNIS J. HERRERA, City Attorney

9 By: \_\_\_\_\_  
10 Yadira Taylor  
11 Deputy City Attorney  
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