

1 [Emergency Contract - Declaration of Emergency - North Shore Force Main - Not to Exceed  
2 \$7,000,000]

3 **Resolution approving a Declaration of Emergency and emergency contract to repair**  
4 **leaks along the North Shore Force Main in the amount not to exceed \$7,000,000.**

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6 WHEREAS, A leak was detected from the existing North Shore Force Main at the  
7 intersection of Mission Street and The Embarcadero on March 20, 2012, and emergency work  
8 to repair the leak was successfully performed under Job Order Contract 28 at a total contract  
9 cost of \$600,000; and

10 WHEREAS, Dye-testing of the existing North Shore Force Main subsequent to the  
11 emergency repair work performed under Job Order Contract 28 showed that additional leaks  
12 were occurring along the entire length of the North Shore Force Main along The  
13 Embarcadero, between Jackson Street and Howard Street; and

14 WHEREAS, Administrative Code section 6.60 authorizes department heads  
15 responsible for public work to award an emergency contract, exempt from the competitive  
16 bidding process, in the event of an actual emergency which includes, ". . . The breakdown or  
17 imminent breakdown of any plant, equipment, structure, street or public work necessitating  
18 immediate emergency repair or reconditioning to safeguard the lives or property of the  
19 citizens; or the property of the City and County; or to maintain the public health or welfare;"  
20 and

21 WHEREAS, The General Manager of the San Francisco Public Utilities Commission  
22 declared the existence of an emergency concerning the additional leaks detected in the North  
23 Shore Force Main by a memorandum dated June 12, 2012, addressed to the President of the  
24 Commission ("Declaration of Emergency"); and

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1           WHEREAS, The Declaration of Emergency stated that the emergency work is  
2 estimated to cost \$7,000,000; and

3           WHEREAS, The President of the Commission approved the Declaration of Emergency  
4 under the authority set forth in Administrative Code section 6.60(D); and

5           WHEREAS, The San Francisco Human Rights Commission has granted a waiver of  
6 the subcontracting goals for an emergency contract pursuant to Chapter 14.A.12.2 of the San  
7 Francisco Administrative Code; and

8           WHEREAS, The General Manager has selected Shimmick Construction Company, Inc.  
9 to perform the emergency work under a design-build contract, with an initial contract amount  
10 of \$4.2 million; and

11           WHEREAS, Under Administrative Code section 6.60(D), declarations of emergencies  
12 for emergency work estimated to cost in excess of \$250,000 are subject to approval by the  
13 Board of Supervisors; and

14           WHEREAS, The Controller has certified that the not-to-exceed amount of funds  
15 (\$7,000,000) are available for the emergency work to repair the North Shore Force Main from  
16 Project No. CENMSCIC; now, therefore, be it

17           RESOLVED, That the Board of Supervisors hereby approves the Declaration of  
18 Emergency and authorizes the General Manager to enter into an emergency contract to  
19 perform necessary repair and rehabilitation of the existing North Shore Force Main, with a  
20 total contract amount not to exceed \$7,000,000; and, be it

21           FURTHER RESOLVED, That any action to date by the San Francisco Public Utilities  
22 Commission to secure such emergency contract and resolve the emergency condition is  
23 hereby ratified.

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RECOMMENDED:

FUNDS AVAILABLE:

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Harlan L. Kelly, Jr.  
General Manager  
San Francisco Public Utilities Commission

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Ben Rosenfield, Controller