

File No. 160207

Committee Item No. 2

Board Item No. \_\_\_\_\_

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee: Budget & Finance Sub Committee

Date April 27, 2016

Board of Supervisors Meeting

Date \_\_\_\_\_

#### Cmte Board

- |                                     |                          |  |
|-------------------------------------|--------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <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                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <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                                  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Public Correspondence                        |

#### OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Completed by: Linda Wong Date April 22, 2016  
Completed by: Linda Wong Date \_\_\_\_\_

1 [Administrative Code - Local Business Enterprise Bid Discounts]

2

3 **Ordinance amending the Administrative Code to allow the San Francisco Public**  
4 **Utilities Commission (SFPUC) Local Business Enterprises to receive Bid Discounts on**  
5 **eligible SFPUC Regional Project contracts, with certain restrictions.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
8 **Deletions to Codes** are in ~~italics Times New Roman font~~.  
9 **Board amendment additions** are in double-underlined Arial font.  
10 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
11 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
12 subsections or parts of tables.

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

14

15 Section 1. The Administrative Code is hereby amended by revising Section 14B.5, to  
16 read as follows:

17 **SEC. 14B.5. PUC-LBE CERTIFICATION.**

18 \* \* \* \*

19 (C) **PUC-LBE Status.** Except as provided in Subsection 14B.5(D), PUC-LBEs shall  
20 have the status of LBEs for all purposes of this Chapter for construction, specialty  
21 construction, construction material suppliers, construction equipment rental firms, trucking,  
22 and professional services including architectural and engineering, for PUC Regional Projects.  
23 PUC-LBEs shall not have the status of LBEs for PUC Regional Contracts for general services  
24 or for any other Bid, proposal, or Contract subject to this Chapter.

25 (D) **Bid Discounts Exception.** ~~Contract Awarding Authorities shall only apply Discounts~~  
~~to Bids from PUC-LBEs for the purpose of determining the apparent highest ranked proposal or the~~

1 ~~apparent lowest Bid, for~~ For PUC Regional Projects that will be performed exclusively 70 miles  
2 or more beyond the jurisdictional boundaries of San Francisco ~~and, or~~ for which ~~no some or all~~  
3 ~~of the~~ cost will be shared by members of BAWSCA, Contract Awarding Authorities shall only  
4 apply Discounts to Bids from PUC-LBEs for the purpose of determining the apparent highest ranked  
5 proposal or the apparent lowest Bid where application of the Discount will not adversely impact  
6 the ranking for negotiation or award process of a Bid submitted by any Micro-LBE, Small-LBE,  
7 or SBA-LBE certified under Section 14B.3. For Water System Improvement Program projects, and  
8 projects outside of the jurisdictional boundaries of San Francisco where all or some cost is shared by  
9 members of BAWSCA, PUC-LBEs shall have the same status as LBEs.

10  
11 Section 2. Effective Date. This ordinance shall become effective 30 days after  
12 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
13 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
14 of Supervisors overrides the Mayor's veto of the ordinance.

15  
16 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
17 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
18 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
19 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

20 ///  
21 ///  
22 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By:   
Yadira Taylor  
Deputy City Attorney

n:\egana\as2015\1600193\01083003.docx

**LEGISLATIVE DIGEST**

[Administrative Code - Local Business Enterprise Bid Discounts]

**Ordinance amending the Administrative Code to allow the San Francisco Public Utilities Commission (SFPUC) Local Business Enterprises to receive Bid Discounts on eligible SFPUC Regional Project contracts, with certain restrictions.**

Existing Law

Under the Local Business Enterprise (LBE) Utilization and Non-Discrimination in Contracting Ordinance, Chapter 14B of the Administrative Code, small businesses located within the Public Utilities Commission (SFPUC) water system service area can be certified as a SFPUC-LBE if they meet the size and ownership criteria for LBEs. With certain restrictions, SFPUC-LBE prime contractors are eligible to receive bid discounts or rating bonuses when bidding or proposing on SFPUC Regional Contracts. SFPUC-LBEs are not eligible to receive bid discounts or rating bonuses on SFPUC Regional Contracts 70 miles or more outside the City, or where some or all of the cost of the project will be shared by members of the Bay Area Water Supply and Conservation Agency (BAWSCA), where application of the bid discount or rating bonus would adversely impact the ranking of a bid or proposal submitted by any LBE.

Amendments to Current Law

This ordinance would correct an inadvertent mistake made in legislation passed in 2015, returning the provision back to the original language with some clarifications. This ordinance would clarify that SFPUC-LBEs would be eligible for bid discounts or rating bonuses just like LBEs for all SFPUC Regional Projects with one exception. For SFPUC Regional Projects performed 70 miles or more outside of San Francisco where no cost is shared by BAWSCA, SFPUC-LBEs would be eligible for bid discounts or rating bonuses where application of the discount or bonus would not adversely impact the ranking of a bid or proposal submitted by an LBE.

n:\legana\as2015\1600193\01083488.docx



# San Francisco Water Power Sewer

Services of the San Francisco Public Utilities Commission

*File No. 160207*  
525 Golden Gate Avenue, 13th Floor  
San Francisco, CA 94102  
T 415.554.3155  
F 415.554.3161  
TTY 415.554.3488

**TO:** Angela Calvillo, Clerk of the Board  
**FROM:** Megan Scott, Policy and Government Affairs  
**DATE:** March 2, 2016  
**SUBJECT:** Administrative Code - Chapter 14B Public Utilities  
Commission Local Business Enterprises

---

Attached please find an original and one copy of a proposed ordinance to amend the Administrative Code to allow Public Utilities Commission (PUC)-Local Business Enterprises (LBEs) to receive Bid Discounts on eligible PUC Regional Project contracts with certain restrictions.

The following is a list of accompanying documents (2 sets):

1. Board of Supervisors Ordinance
2. Legislative Digest

Please contact Megan Scott at 554-0743 if you need any additional information on these items.

RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2016 MAR -2 AM 10:50  
BY *MS*

- Edwin M. Lee  
Mayor
- Francesca Viotor  
President
- Anson Moran  
Vice President
- Ann Moller Caen  
Commissioner
- Vince Courtney  
Commissioner
- Ike Kwon  
Commissioner
- Harlan L. Kelly, Jr.  
General Manager

