



1 [Administrative Code - Arts Commission Contracting Authority]

2  
3 **Ordinance amending the Administrative Code to authorize the Arts Commission to**  
4 **contract for the development, fabrication, maintenance, conservation, removal, or**  
5 **installation of art work.**

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 ~~*strikethrough-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 Section 1. The Administrative Code is hereby amended by adding Section 6.75, to read  
15 as follows:

16 **SEC. 6.75. CONTRACTING BY THE ARTS COMMISSION FOR THE DEVELOPMENT,**  
17 **FABRICATION, MAINTENANCE, CONSERVATION, REMOVAL, AND/OR INSTALLATION**  
18 **OF ART WORK.**

19 *In the administration of the civic art collection and other works of art owned by or in the care of*  
20 *the City and County of San Francisco, and when such art work requires development, fabrication,*  
21 *maintenance, conservation, removal, and/or installation by a Contractor, the Arts Commission may*  
22 *enter into Contracts for definite or indefinite quantities of work for such development, fabrication,*  
23 *maintenance, conservation, removal, and/or installation in conformance with the following procedures:*

24 *(a) General As-Needed Contracts. The Director of Cultural Affairs may issue an*  
25 *Advertisement For Bids for development, fabrication, maintenance, conservation, removal, and/or*  
*installation services on an as-needed basis, with work to be assigned by contract service orders based*

1 on costs contained in the Bid. The as-needed Contract shall provide for a not-to-exceed amount and an  
2 expiration term of not more than five years, including all modifications. The Director of Cultural  
3 Affairs shall not issue any new contract service order after four years from the date the Contract is  
4 certified by the Controller. Additionally, the cumulative modifications to the as-needed Contract shall  
5 result in a contract sum not to exceed 150% of the original Contract amount. No contract service order  
6 or multiple contract service orders for any single Public Work, whether in one phase or multiple  
7 phases, shall cumulatively exceed the Threshold Amount. Notwithstanding the above, the Arts  
8 Commission may authorize any contract service order(s) to exceed the Threshold Amount only upon  
9 review of the Director of Cultural Affairs' written determination establishing the need for the work and  
10 the justification for proceeding under this Section 6.75 rather than by formal competitive process.

11 (b) Master Agreement Contracts. The Arts Commission may award master agreement  
12 Contracts for the development, fabrication, maintenance, conservation, removal, and/or installation of  
13 art work on an "if-and-as-needed" basis, to qualified Contractors in conformance with the following  
14 procedures:

15 (1) Contract Award. The Arts Commission may award master agreement Contracts, on  
16 an "if-and-as-needed" basis to Contractors who can establish all of the licensing, qualifications,  
17 experience, and certifications, as required by the Director of Cultural Affairs. A Contractor may apply  
18 for a master agreement under this Section 6.75 by providing the Director of Cultural Affairs with a  
19 statement of its experience and qualifications and other information as required by the Director of  
20 Cultural Affairs. Within 60 days of receiving such information, the Director of Cultural Affairs shall  
21 advise the applicant of its eligibility for an award of a master agreement.

22 (2) Contract Terms. Master agreements shall provide for an expiration term of not more  
23 than five years from the date of Award, including all modifications. All master agreements shall  
24 provide for a maximum total dollar value of work each Contractor is authorized to perform during the  
25 contract period. No master agreement may be modified to exceed 150% of the original contract

1 amount. Master agreements shall contain no minimum dollar amount. Master agreements shall provide  
2 that the Director of Cultural Affairs may assign work on a task order basis, "if-and-as-needed,"  
3 through competition among master agreement Contractors.

4 (3) Task Order Competitive Solicitation. To assign work under master agreement  
5 Contracts, the Director of Cultural Affairs shall solicit Quotations from no fewer than three qualified  
6 master agreement Contractors. Solicitations shall conform to Section 6.21, except that neither a  
7 published advertisement nor bid security shall be required. Solicitations shall include a description of  
8 the proposed task order scope of work, including plans or specifications, if any, and may include  
9 provisions for liquidated damages for delay if and as appropriate to the particular project. Responsive  
10 Quotations must include subcontractor listing, if any, in conformance with subsection 6.21(a)(9).

11 (4) Task Order Award. The Director of Cultural Affairs shall issue a task order for the  
12 performance of work under a master agreement to the Contractor submitting the lowest Responsive  
13 Quotation. In the event that the Director of Cultural Affairs is unable to obtain three Quotations, the  
14 award shall be based on the Quotation or Quotations received. If the Director of Cultural Affairs  
15 believes that the public interest would best be served, by accepting other than the lowest Quotation, the  
16 Director of Cultural Affairs is hereby authorized to accept the Quotation that in his or her discretion  
17 will best serve the public interest.

18 (5) Task Order Terms. No task order or multiple task orders for any single Public  
19 Work, whether in one phase or multiple phases, shall cumulatively exceed the Threshold Amount,  
20 including all modifications. Notwithstanding the above, the Arts Commission may authorize to exceed  
21 the foregoing limitation only upon the review of the Director of Cultural Affairs' written determination  
22 establishing the urgency of the work and the justification for proceeding under this Section 6.75, rather  
23 than through San Francisco Public Works, in conformance with Section 6.2.

24 (c) Best Value. The Director of Cultural Affairs is authorized to issue requests for proposals  
25 for the development, fabrication, maintenance, conservation, removal, and/or installation of art work

1 estimated to cost less than \$1,000,000. Proposals will be evaluated based upon qualifications, cost, and  
2 any other criteria stated in the request for proposals. The Arts Commission may award the Contract to  
3 the highest-ranked Responsible proposer. If award to such proposer is not made for any reason, the  
4 Arts Commission may award the Contract to the next highest-ranked proposer.


5 (d). Other Procurements. The Director of Cultural Affairs may contract for the development,  
6 fabrication, maintenance, conservation, removal, and/or installation of art work estimated to cost less  
7 than \$1,000,000, subject to the provisions of Section 6.73.

8 (e) Contract Terms and Conditions. Except as provided above, Contracts awarded under this  
9 Section 6.75 shall conform to the requirements of this Chapter 6 and Administrative Code Chapters  
10 12B, 12C, and 14B, as applicable. Any Contract awarded under this Section 6.75 shall require the  
11 Contractor to coordinate its efforts with the artist, the Director of Cultural Affairs, the department  
12 responsible for any related Public Work, and the Contractor performing such Public Work, if any.

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

18  
19 APPROVED AS TO FORM:  
20 DENNIS J. HERRERA, City Attorney

21 By:

  
22 LAUREN CURRY  
Deputy City Attorney

23 n:\egana\as2016\1600832\01188495.doox

## LEGISLATIVE DIGEST

[Administrative Code - Arts Commission Contracting Authority]

**Ordinance amending the Administrative Code to authorize the Arts Commission to contract for the development, fabrication, maintenance, conservation, removal, or installation of art work.**

### Existing Law

San Francisco Administrative Code Chapter 6 ("Chapter 6") sets forth the City's rules and requirements for selecting and contracting for the design, management, and construction of public work projects. Chapter 6 empowers six departments (MTA, PUC, Airport, Port, and Recreation and Park) to contract for public works and related professional services. All other departments, including the Arts Commission, must procure public work contracts through DPW. Chapter 6 also provides limited authority to the DPH and Real Estate Division to contract for the maintenance and repair of facilities under their jurisdiction.

### Amendments to Current Law

The proposed ordinance would authorize the Arts Commission to procure public work contracts for the development, fabrication, maintenance, conservation, removal and/or installation of art work under certain circumstances.

### Background Information

The Arts Commission is responsible for the care and maintenance of works of art owned by the City and County. Because public work contracts involving works of art generally require specialized expertise, the Arts Commission has historically managed such contracts including contracts for the development, fabrication, maintenance, conservation, removal, and installation of art work in city buildings and on city property.

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OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
MAYOR

To: Angela Calvillo, Clerk of the Board of Supervisors  
From: Melissa Whitehouse, Mayor's Acting Budget Director  
Date: June 1, 2017  
Re: Mayor's FY 2017-18 and FY 2018-19 Budget Submission

Madam Clerk,

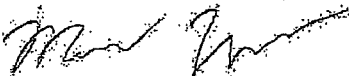
In accordance with City and County of San Francisco Charter, Article IX, Section 9.100, the Mayor's Office hereby submits the Mayor's proposed budget by June 1<sup>st</sup>, corresponding legislation, and related materials for Fiscal Year 2017-18 and Fiscal Year 2018-19.

In addition to the Annual Appropriation Ordinance, Annual Salary Ordinance, and Mayor's Proposed FY 2017-18 and FY 2018-19 Budget Book, the following items are included in the Mayor's submission:

- The budget for the Treasure Island Development Authority for FY 2017-18 and FY 2018-19
- The budget for the Office of Community Investment and Infrastructure for FY 2017-18
- 21 separate pieces of legislation (see list attached)
- A Transfer of Function letter detailing the transfer of 3.0 positions from the City Administrator's Office to the Public Utilities Commission
- An Interim Exception letter
- A letter addressing funding levels for consumer price index increases for nonprofit corporations or public entities for the coming two fiscal years

If you have any questions, please contact me at (415) 554-6253.

Best Regards,

  
Melissa Whitehouse  
Mayor's Budget Director

cc: Members of the Board of Supervisors  
Harvey Rose  
Controller

1 DR. CARLTON B. GOODLETT PLACE, ROOM 200  
SAN FRANCISCO, CALIFORNIA 94102-4681  
TELEPHONE: (415) 554-6141

DEPT	Budget & Finance Committee Calendar Date	Description or Title of Local Legislation	Type of Legislation
PAB	June 8 - Thursday	Administrative Code - Board of Appeals Surcharges on Permit Fees	Ordinance
MTA	June 15 -Thursday	Re-Appropriation – 2014 Transportation and Road Improvements General Obligation Bonds Series 2015B Projects - \$26,200,000 - FY2017-18	Ordinance
ADM	June 15 -Thursday	Administrative Code - Cannabis Regulation	Ordinance
AIR	June 15 -Thursday	Appropriation - Airport Hotel Project of \$70,060,000 and Re-Appropriation - Hotel Special Facility Revenue Bond of \$25,000,000 - Airport Commission - FY2016-2017	Ordinance
CON	June 15 -Thursday	Neighborhood Beautification and Graffiti Clean-up Fund Tax Designation Ceiling	Ordinance
CON	June 15 -Thursday	Resolution Adjusting the Access Line Tax with the Consumer Price Index of 2017	Resolution
CON	June 15 -Thursday	Authorization the Examination of Prepaid Mobile Telephony Service Surcharge and Local Charge Records.	Resolution
CON	June 15 -Thursday	Proposition J Contract Certification—Security Guard Services	Resolution
CON	June 15 -Thursday	Proposition J Contract Certification Specified Contracted-Out Services Previously Approved	Resolution
MOHCD	June 15 -Thursday	Planning Code - Establish Fee for Monitoring of Student Housing by Mayor's Office of Housing and Community Development	Ordinance
PUC	June 15 -Thursday	Appropriation – Proceeds from Waster Enterprise Fund Balance Revenue Bonds - Property Purchase Located at Rollins Road - FY 2017-2018 - \$9,132,962	Ordinance
PUC	June 15 -Thursday	Amending Ordinance 112-16—Public Utilities Commission Water Revenue Bond Issuance—Not to Exceed \$274,130,430	Ordinance
ART	June 16 -Friday	Administrative Code - Arts Commission Contracting Authority	Ordinance
DPH	June 16 -Friday	Business and Tax Regulations Code - Emergency Medical Services Fees	Ordinance
DPH	June 16 -Friday	Health Code - Patient Rates 2017-2019	Ordinance
DPH	June 16 -Friday	Accept and Expend Grants- Recurring State Grant Funds - Department of Public Health- FY2017-2018	Resolution
DPH	June 16 -Friday	Agreement – Department of Public Health – Proposition 47 Grant Program	Resolution
DPH	June 16 -Friday	Agreement – Department of Public Health – LEAD SF Pilot Program	Resolution
FIR	June 16 -Friday	Fire Code - Fire Department Fees	Ordinance
HOM	June 16 -Friday	Homelessness and Supportive Housing Fund - FYs 2017-2018 and 2018-2019 Expenditure Plans	Resolution
LIB	June 16 -Friday	Accept and Expend Grant - Friends of San Francisco Public Library - Annual Grant Award, FY2017-2018 - Up to \$753,851 of In-Kind Gifts, Services, and Cash Monies	Resolution



OFFICE OF THE MAYOR  
SAN FRANCISCO



EDWIN M. LEE  
RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO  
2017 JUN -1 AM 11:55

TO: Angela Calvillo, Clerk of the Board of Supervisors  
FROM: For Mayor Edwin M. Lee  
RE: Mayor's Proposed FY 2017-2018 2018-2019 Budget Trailing Legislation  
DATE: June 1, 2017

Attached for introduction to the Board of Supervisors is Mayor's FY 2017-2018 2018-2019 Proposed Budget Trailing legislation.

**June 8, 2017 Budget & Finance Committee**

- Resolution approving the Interim Budget of the Treasure Island Development Authority for FY2017-2018 and FY2018-2019.
- Resolution approving the Budget of the Treasure Island Development Authority for FY2017-2018 and FY2018-2019.
- Ordinance amending the Administrative Code to adjust existing surcharges on permit fees, license fees, permit review fees, and permit and license renewal fees for permits and licenses issued by the Planning Department, Department of Building Inspection, Department of Public Health and Police Department that may be appealed to the Board of Appeals.
- Resolution approving the Fiscal Year (FY) 2017-2018 Budget of the Office of Community Investment and Infrastructure (OCII), operating as the Successor Agency to the San Francisco Redevelopment Agency.

**June 15, 2017 Budget & Finance Committee**

- Ordinance amending the Administrative Code to establish an Office of Cannabis; to authorize the Director of the Office of Cannabis to issue permits to cannabis-related businesses; and to delegate to the Director of the Office of Cannabis the authority to establish permit application and annual license fees; subject to approval by the Controller.
- Ordinance adopting the Neighborhood Beautification and Graffiti Clean-up Fund Tax designation ceiling for tax year 2017.
- Resolution concurring with the Controller's establishment of the Consumer Price Index for 2017, and adjusting the Access Line Tax by the same rate.
- Resolution authorizing the Controller's Office and Office of the Treasurer and Tax Collector to examine the prepaid mobile telephony services surcharge and local charges collected by the State Board of Equalization.

1 DR. CARLTON B. GOODLETT PLACE, ROOM 200  
SAN FRANCISCO, CALIFORNIA 94102-4681  
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- Resolution concurring with the Controller's certification that services previously approved can be performed by private contractor for a lower cost than similar work performed by City and County employees, for the following services: budget analyst (Board of Supervisors); citywide custodial services (excluding City Hall), citywide security services, central shops security, convention facilities management (General Services Agency—City Administrator); mainframe system support (General Services Agency—Technology); security services (Human Services Agency); food services for jail inmates (Sheriff); assembly of vote-by-mail envelopes (Department of Elections)
- Resolution concurring with the Controller's certification that security services at the new Medical Examiner facility at 1 Newhall St. can be performed by a private contractor for a lower cost than similar work performed by City and County employees at the General Services Agency—City Administrator.
- Ordinance amending the Planning Code to establish a fee for the Mayor's Office of Housing and Community Development to monitor Student Housing, affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of public convenience, necessity, and welfare under Planning Code Section 302.
- Ordinance amending Ordinance No. 112-16 to authorize an increase of the issuance and sale of tax-exempt or taxable Water Revenue Bonds and other forms of indebtedness (as described below) by the San Francisco Public Utilities Commission (Commission) in an aggregate principal amount not to exceed \$274,130,430 to finance the costs of various capital water projects benefitting the Water Enterprise, including in addition the Rollins Road Property (as described below) pursuant to amendments to the Charter of the City and County of San Francisco enacted by the voters on November 5, 2002 as Proposition E; authorizing the issuance of Water Revenue Refunding Bonds; declaring the Official Intent of the Commission to Reimburse Itself with one or more issues of tax-exempt or taxable bonds or other forms of indebtedness; and ratifying previous actions taken in connection therewith.
- Ordinance appropriating \$9,132,962 of proceeds from Water Enterprise Revenue Bonds to purchase the property located at 1657-1663 Rollins Road, Burlingame that has been served as the primary work location for SFPUC staff from the Water Quality Division, the Natural Resources & Land Management Division, and the Water Supply & Treatment Division in FY 2017-2018; and placing \$9,132,962 of proceeds on Controller's Reserve pending receipt of proceeds of indebtedness.
- Ordinance appropriating \$70,060,000, consisting of \$35,000,000 of proceeds from the sale of Airport Capital Plan Bonds and \$60,000 from fund balance, and \$35,000,000 of proceeds transfer from Hotel Special Facility Revenue Bonds to support San Francisco International Airport Hotel Project and placing \$70,000,000 on Controller's Reserve pending receipt of proceeds of indebtedness; de-appropriating and re-appropriating \$25,000,000 of Hotel Special Facility Revenue Bonds.

- Ordinance Re-appropriating \$26,200,000 of 2014 Transportation and Road Improvements General Obligation Bonds Series 2015B funded Better Market Street projects and Muni Forward and Pedestrian Safety Improvements Projects to Transit projects including Muni Facility Upgrades in FY2017-18. (8<sup>th</sup> or 15<sup>th</sup>?)

**June 16, 2017 Budget & Finance Committee**

- Ordinance amending the Administrative Code to authorize the Arts Commission to contract for the development, fabrication, maintenance, conservation, removal, or installation of art work.
- Ordinance amending the Business and Tax Regulations Code to require that payment of emergency medical services fees be made to the Department of Public Health rather than the Department of Emergency Management.
- Ordinance amending the Health Code to set patient rates and other services provided by the Department of Public Health for patient and other services rendered, starting July 1, 2017, and continuing through June 30, 2019.
- Resolution authorizing the acceptance and expenditure of State grant funds by the San Francisco Department of Public Health of FY2017-2018.
- Resolution authorizing the Director of Health to sign an agreement, on behalf of the City and County of San Francisco, with the California Board of State and Community Corrections for participation in the Law Enforcement Assisted Diversion Pilot Program for the period of July 1, 2017 to June 30, 2019.
- Ordinance amending the Fire Code to increase the fees for certain Fire Department services, and affirming the Planning Department's determination under the California Environmental Quality Act.
- Resolution approving the FYs 2017-2018 and 2018-2019 Expenditure Plans for the Department of Homelessness and Supportive Housing Fund.
- Resolution authorizing the San Francisco Public Library to accept and expend a grant in the amount of up to \$753,851 of in-kind gifts, services, and cash monies from the Friends of the San Francisco Public Library for direct support for a variety of public programs and services in FY2017-2018.
- Resolution authorizing the Director of Health to sign an agreement, on behalf of the City and County of San Francisco, with the California Board of State and Community Corrections for participation in the Proposition 47 Grant Program for the period of July 1, 2017 to August 15, 2020.

Should you have any questions, please contact Mawuli Tugbenyoh (415) 554-5168.

**Lew, Lisa (BOS)**

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**From:** Tavakoli, Shahde (MYR)  
**Sent:** Thursday, June 01, 2017 12:58 PM  
**To:** BOS Legislation, (BOS)  
**Cc:** Tugbenyoh, Mawuli (MYR); Whitehouse, Melissa (MYR); Campbell, Severin (BUD); Heller, Nereida (MYR); Kirkpatrick, Kelly (MYR); Howerton, Michael (BOS); Chan, Yoyo (BOS)  
**Subject:** Mayor\_Ordinance\_Arts Commission Leg  
**Attachments:** 6.1.2017\_Arts Commission Leg Attachment 1.docx; 6.1.2017\_Arts Commission Leg.docx  
**Categories:** 170679

Attached for introduction to the Board of Supervisors is an ordinance amending the Administrative Code to authorize the Arts Commission to contract for the development, fabrication, maintenance, conservation, removal, or installation of art work.

We respectfully request a waiver of the 30-day hold and that this item be calendared in Budget & Finance Committee on June 16, 2017.

Should you have any questions, please contact Mawuli Tugbenyoh (415) 554-5168.

**Shahde Tavakoli**  
Legislative Aide, Office of Mayor Edwin M. Lee  
1 Dr. Carlton B. Goodlètt Place, Room 288  
San Francisco, CA 94102  
[Shahde.Tavakoli@sfgov.org](mailto:Shahde.Tavakoli@sfgov.org) (415) 554-6153