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[Corrective amendment to Administrative Code Section 6.61.]

Ordinance approving a corrective amendment to Administrative Code Chapter 6,
Section 6.61, to conform to amendment approved April 1, 2005, under Ordinance 58-05,
File No. 041571, relating to the award procedure for design-build contracts.

Note:

Additions are <u>single-underline italics Times New Roman</u>; deletions are <u>strikethrough italics Times New Roman</u>. Board amendment additions are <u>double underlined</u>. Board amendment deletions are <u>strikethrough normal</u>.

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

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 6.61, to read as follows:

## SEC. 6.61. DESIGN-BUILD.

The department heads authorized to execute contracts for public work projects are authorized to seek proposals from qualified private entities ("developers") for design-build construction and/or financing of public work projects under the following conditions:

- (A) Before the request for proposals is issued, the department head shall determine that a design-build program is necessary or appropriate to achieve anticipated cost savings or time efficiencies, or both, and that such a process is in the public's best interest.
- (B) If the proposed public work project is for the use or benefit of a department that is under the jurisdiction of a commission, then such commission shall first approve the solicitation of design-build and/or finance proposals. If the public work project is not for the use or benefit of a department under the jurisdiction of a commission, then the City Administrator must first approve this process.

- (C) Developers submitting design-build proposals shall offer evidence of qualifications in the field of design and construction of similar projects. The department head may request developers to create partial designs, which will be evaluated as part of the selection process.
- (D) Developers submitting private financing proposals shall provide evidence of the commitment of funds necessary to privately finance the proposed projects to completion.
- (E) Developers shall comply with all applicable requirements set forth in San Francisco Administrationve Code Chapters 12B, 12C and 12D.A. The request for proposals shall require developers to demonstrate good faith efforts to utilize MBE and WBE subcontractors/subconsultants pursuant to San Francisco Administrative Code Chapter 12D.A.
- (F) The department head shall evaluate developers' proposals and rank the proposals to determine which provides the best overall value to the City and County in regard to the following criteria: (1) plan for expediency in completing the proposed project; (2) lifecycle cost to the City and County; (3) qualifications of the developers to design-build and, if applicable, finance the proposed project; (4) qualifications of the developers to construct the proposed project; (5) quality of design proposal; (6) compliance with the goals and requirements of Administrative Code Chapters 12B, 12C and 12D.A; (7) commitment to meet the City hiring goals (e.g., welfare-to-work); (8) if private financing is sought, commitment of funds, cost of funds and terms to the City; and (9) compliance with all the requirements and criteria established by the Department head in the request for proposals. The cost criterion shall constitute not less than sixty percent of the overall evaluation.
- (G) The competitive bid requirements of this Chapter shall not apply to the selection of developers under this Section 6.61.

proposed contracts necessary or appropriate for the proposed project with the highest ranked developer. If the department head determines that contract negotiations with the highest-ranked developer are not proceeding satisfactorily, the department head may terminate such negotiations and enter into negotiations with the next-highest-ranked developer. If the department head deems a contract to have successfully been negotiated with a developer, the department head may then recommend such proposed contract to the Board of Supervisors for award in accordance with Article I of this Chapter. The City shall retain the absolute discretion to determine not to proceed with any proposed project, which right may be exercised without liability to developers for costs incurred during the entire proposal and negotiation process, and such rights shall be reserved in all requests for proposals.

(H) Subject to paragraph (I) below, the department head is authorized to negotiate all

- (I) All final contracts for a public work project that involve a design-build and/or finance program shall be subject to the award provisions of Article I of this Chapter. If the proposed contract involves a financing program, the Capital Improvement Advisory Committee must review and report on the proposed project before the board, commission, Mayor or his/her designee takes any action with respect to award of the contract.
- (J) All actions heretofore taken by a department head consistent with the provisions of this section are hereby approved.

APPROVED AS TO FORM:

DENNIS J. HERRERA, City Attorney

By: Sheryl L. Bregman

Deputy City Attorney



## City and County of San Francisco Tails

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

## **Ordinance**

File Number:

060344

Date Passed:

Ordinance approving a corrective amendment to Administrative Code Chapter 6, Section 6.61, to conform to amendment approved April 1, 2005, under Ordinance 58-05, File No. 041571, relating to the award procedure for design-build contracts.

January 23, 2007 Board of Supervisors — PASSED ON FIRST READING

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell,

McGoldrick, Mirkarimi, Peskin, Sandoval

January 30, 2007 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Jew, Maxwell,

McGoldrick, Mirkarimi, Peskin

Excused: 1 - Sandoval

File No. 060344

I hereby certify that the foregoing Ordinance was FINALLY PASSED on January 30, 2007 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young Gerk of the Board

Mayor Gavin Newsom

FEB 0 9 2007

Date Approved