Ordinance waiving the competitive bid requirements of San Francisco Administrative Code Chapter 6, approving a modified indemnification clause pursuant to the requirements of Chapter 6, and authorizing the Airport Commission to award a contract to complete the design of a runway safety area engineered material arresting system.

NOTE: Additions are single-underline italics Times New Roman; deletions are strike-through italics Times New Roman. Board amendment additions are double-underlined; Board amendment deletions are strikethrough normal.

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

Section 1. In order to comply with 14 CFR 139 relating to Runway Safety provisions and Public law 109-115 relating to funding, the San Francisco International Airport ("SFO") is required to make Runway Safety Area (RSA) enhancements to all four of its runways by December 31, 2015.

Section 2. As part of the RSA program, SFO is required to have designed and installed an engineered material arresting system (EMAS) for aircraft overruns in accordance with the Federal Aviation Administration (FAA) Advisory Circular No. 150/5220-22A.

Section 3. Presently, as stated in the Fact Sheet for Engineered material Arresting System, dated October 20, 2011, which is included in the Board of Supervisor's file to this Ordinance, the EMAS system developed by ESCO using crushable concrete is the only system that meets the FAA standard. SFO, therefore, must contract with ESCO for the design of its EMAS system.

Section 4. ESCO has refused to agree to the City's standard indemnification clause in its contract, but has agreed to a modified indemnification clause which the San Francisco
Airport Commission and the City's Risk Manager has approved and recommended. The
approved modified indemnification clause is attached to Resolution number 11-0238 from the
San Francisco Airport Commission and is included, along with the Risk Manager's
recommendation, in the Board of Supervisor's file to this Ordinance.

Section 5. Under the above-described circumstances, the San Francisco Board of
Supervisors hereby determines that the City and County would best be served by waiving the
competitive bid requirements under San Francisco Administrative Code Chapter 6 and
approving the modified indemnification clause for the limited purpose of completing the design
of an EMAS system at the San Francisco International Airport.

Section 6. The Airport Commission is hereby authorized to award a contract to ESCO
to complete the work required to design the EMAS containing the modified indemnification
clause and for a negotiated sum not to exceed $420,000 The contract between the City and
County of San Francisco and ESCO shall comply with all laws applicable to design and
construction contracts. A copy of the negotiated contract is included in the Board of
Supervisor's file to this Ordinance,

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

By:
Kathryn Luhe
Deputy City Attorney

*Airport Commission*
BOARD OF SUPERVISORS

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Ordinance waiving the competitive bid requirements of San Francisco Administrative Code Chapter 6, approving a modified indemnification clause pursuant to the requirements of Chapter 6, and authorizing the Airport Commission to award a contract to complete the design of a runway safety area engineered material arresting system.

January 04, 2012 Budget and Finance Committee - RECOMMENDED

January 10, 2012 Board of Supervisors - PASSED, ON FIRST READING
   Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olage and Wiener

January 24, 2012 Board of Supervisors - FINALLY PASSED
   Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Olage and Wiener
   Absent: 1 - Kim

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 1/24/2012 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date Approved

Mayor