

1 [Waiving the Competitive Bid Requirements and Approving Modified Indemnification Clause
2 for the Design of a Runway Safety Area Engineered Material Arresting System]

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

8 NOTE: Additions are *single-underline italics Times New Roman*;
9 deletions are ~~*strike-through italics Times New Roman*~~.
10 Board amendment additions are double-underlined;
11 Board amendment deletions are ~~strikethrough normal~~.

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

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

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

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

25 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

1 Airport Commission and the City's Risk Manager has approved and recommended. The
2 approved modified indemnification clause is attached to Resolution number 11-0238 from the
3 San Francisco Airport Commission and is included, along with the Risk Manager's
4 recommendation, in the Board of Supervisor's file to this Ordinance.

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

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

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

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19 By:


Kathryn Luhe
Deputy City Attorney



City and County of San Francisco
Tails
Ordinance

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

File Number: 111288

Date Passed: January 24, 2012

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, Olague and Wiener

January 24, 2012 Board of Supervisors - FINALLY PASSED

Ayes: 10 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Mar, Olague and Wiener

Absent: 1 - Kim

File No. 111288

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

Mayor

1/26/12

Date Approved