

AMENDMENT OF WHOLE IN COMMITTEE

9/3/14

FILE NO. 140595

ORDINANCE NO. 199-14

1 [Professional Services Agreement - Waiving Competitive Solicitation Requirement to Procure
2 Specialized Environmental Services - East Harbor Marina Sediment Remediation and Facility
Renovation Project - Leidos, Inc. - Not to Exceed \$1,970,000~~2,000,000~~]

3 **Ordinance waiving the competitive solicitation requirement under Administrative Code,**
4 **Section 6.40, and authorizing the General Manager of the Recreation and Park**
5 **Department to enter into a professional services agreement with Leidos, Inc., in an**
6 **amount not to exceed \$1,970,000 ~~2,000,000~~, for the purpose of performing specialized**
7 **environmental services for the San Francisco East Harbor Marina Sediment**
8 **Remediation and Facility Renovation Project, to commence following Board approval.**

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

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

17 Section 1. Background. The San Francisco Marina is composed of two harbors, the
18 East Harbor and the West Harbor. The East Harbor covers approximately 600,000 square
19 feet and is bounded by Fort Mason on the east, Marina Boulevard on the south, and the
20 Marina Green on the west. While the San Francisco Marina has been in use since the 1920s,
21 the current configuration of the East Harbor was constructed in 1963 when the facility was
22 transferred to the City from the State. The East Harbor consists of a concrete sheet-pile
breakwater, docks to accommodate 342 small water craft, and a fuel dock facility.

23 The East Harbor is located adjacent to the former site of a carbureted-manufactured
24 gas plant known as the North Beach MGP ("MGP"). The MGP site operations included an
25 area of land and wharf extending along the northern portion of the facility into what was
historically known as Gashouse Cove, (now the East Harbor).

1 area of land and wharf extending along the northern portion of the facility into what was
2 historically known as Gashouse Cove, (now the East Harbor).

3 In 1994, the Recreation and Parks Department ("RPD") initiated the approval process
4 to acquire the regulatory permits necessary to perform maintenance dredging of the East
5 Harbor. As part of this process, RPD commissioned a bathymetric survey and a sediment
6 analysis required to secure various resource permits from the US Army Corps of Engineers,
7 San Francisco Bay Conservation and Development Commission, and the Bay Area Regional
8 Water Quality Control Board. ~~The permits from the regulatory agencies.~~ The associated
9 sediment sampling identified elevated levels of polycyclic aromatic hydrocarbons (PAHs),
10 which impacted RPD's ability to secure the permits and to fund the work.

11 In 2001, the City ~~sued~~ filed a lawsuit against Pacific Gas & Electric ("PG&E"), the
12 successor entity to the North Beach MGP, to recover the cost of removing and disposing of
13 the sediments in the East Harbor. In 2004, the case was dismissed without prejudice on the
14 grounds that the nature and extent of damages were not defined. The City and PG&E
15 subsequently entered into a cost sharing agreement ("Agreement") whereby they agreed to
16 share equally, up to a total of \$500,000, the costs of determining the nature and extent of the
17 contamination of the sediment, and the costs of planning and permitting for any necessary
18 remedial action. In 2007, the City, with the consent of PG&E, and pursuant to a competitive
19 solicitation, contracted with Science Applications International Corporation ("SAIC") to provide
20 environmental consulting services under the terms of the Agreement. By March 2009, SAIC
21 had completed four studies. SAIC's results and recommendations were presented to the
22 Recreation and Parks Commission in July 2009.

23 RPD subsequently ~~At the same time as the above,~~ RPD put forward the San Francisco
24 Marina Renovation Project ("Project"). The Project ~~proposed project~~ encompassed a
25 complete replacement of both waterside and landside facilities at the San Francisco Marina.

1 On January 11, 2007, the ~~San Francisco~~ Planning Department certified the Final
2 Environmental Impact Report for the ~~San Francisco Marina Renovation~~ Project. RPD divided
3 the ~~P~~project into two phases for implementation: Phase 1 – West Harbor Renovation, and
4 Phase 2 – East Harbor Renovation. Phase 1~~The West Harbor Renovation~~ project was
5 completed in early 2014. RPD is now ready to begin Phase 2 ~~of the project~~. A critical
6 component of Phase 2, however, is the performance of maintenance dredging.

7 On September 16, 2013, the City and PG&E executed an extension of the ~~Cost~~
8 ~~Sharing~~ Agreement. Under the terms of the Agreement, the City and PG&E will continue to
9 work cooperatively on and jointly cover the cost of sediment remediation work in the East
10 Harbor.

11
12 Section 2. Rationale for Waiver of Competitive Solicitation Requirement. ~~To~~In order to
13 begin the ~~critical~~ Phase 2 of the ~~Marina Harbor Renovation~~ Project as scheduled, RPD must
14 ~~first~~obtain complete the required regulatory agency permits by Fall 2015. The services of a
15 qualified environmental consulting firm are required to secure these permits. ~~To~~In order to
16 complete the remediation permitting process by Fall 2015, the environmental consultant must
17 begin sampling and analysis by August 2014.

18 Section 6.40 of the Administrative Code requires departments, when
19 procuring~~Departments to procure~~ outside temporary professional design or consultant
20 services for public work projects greater than \$100,000, to have through a competitive
21 selection process. There are two reasons to waive this requirement and, in accordance with
22 the desire of RPD, ~~desires to~~ award a professional services contract to Leidos, Inc. ("Leidos")
23 for not more than for \$1,970,000~~2,000,000~~ for two reasons. First, because a typical
24 competitive procurement for professional consultant~~architectural~~ services for public works
25 projects can and often does take many months. Thus, adhering to the, a competitive

1 solicitation process under Section 6.40 of the Administrative Code would likely impair the
2 City's ability to secure all required environmental permits for Phase 2 of the Project and
3 delay impair the construction schedule by more than a year. Given the constraints on the
4 maintenance dredging and marina renovation work imposed by the marinemarina
5 environment, construction activities must occur during certain times of the year in order to
6 avoid impacting seasonal biological processes such as the herring breeding season. ~~Second,~~
7 ~~Leidos Inc. is uniquely qualified to complete the environmental services work given their long~~
8 ~~experience and knowledge with the area.~~

9 Second, Leidos, formerly SAIC, is uniquely qualified to perform the required services.
10 Leidos has firsthand knowledge of the site issues, has performed a number of site-specific
11 technical studies, including but not limited to characterization reports, and has performed
12 detailed evaluations of sediment removal options. Further, while Section 6.40 of the
13 Administrative Code expresses the City's strong policy in favor of competitive solicitation for
14 contracts such as the contract that is the subject of this ordinance, it is noted that Leidos, in its
15 earlier incarnation as SAIC, received its contract in 2007 for related work pertaining to
16 sedimentation in the East Harbor through a competitive solicitation process.

17
18 Section 3. Waiver of Competitive Solicitation Requirement. The Board of Supervisors
19 hereby waives the competitive solicitation process requirement under Section 6.40 of the
20 Administrative Code and authorizes the General Manager of the Recreation and Park
21 Department to enter into a professional services agreement with Leidos, Inc. in an amount not
22 to exceed \$1,970,000~~2,000,000~~ for the limited purpose, as explained above, of providing
23 specialized environmental consulting services for the San Francisco East Harbor Marina
24 Sediment Remediation and Facility Renovation project.

1 Section 4. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

5
6 Section 5. The Recreation and Park Department shall provide the final agreement
7 entered into with Leidos pursuant to this ordinance to the Clerk of the Board for inclusion into
8 the official file within thirty (30) days of the agreement being fully executed by all parties.

9
10 APPROVED AS TO FORM:
11 DENNIS J. HERRERA, City Attorney

12 By:


13 Yadira Taylor
14 Deputy City Attorney

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City and County of San Francisco
Tails
Ordinance

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

File Number: 140595

Date Passed: September 16, 2014

Ordinance waiving the competitive solicitation requirement under Administrative Code, Section 6.40, and authorizing the General Manager of the Recreation and Parks Department to enter into a professional services agreement with Leidos, Inc., in an amount not to exceed \$1,970,000 for the purpose of performing specialized environmental services for the San Francisco East Harbor Marina Sediment Remediation and Facility Renovation Project, to commence following Board approval.

September 03, 2014 Budget and Finance Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

September 03, 2014 Budget and Finance Committee - RECOMMENDED AS AMENDED

September 09, 2014 Board of Supervisors - PASSED, ON FIRST READING

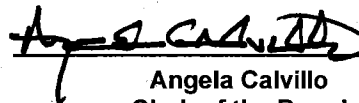
Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

September 16, 2014 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 140595

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 9/16/2014 by the Board of Supervisors of the City and County of San Francisco.


Angela Calvillo
Clerk of the Board


Mayor


Date Approved