Ordinance waiving the competitive solicitation requirement under Administrative Code, Section 6.40, and authorizing the General Manager of the Recreation and Park 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.

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

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

Section 1. Background. The San Francisco Marina is composed of two harbors, the East Harbor and the West Harbor. The East Harbor covers approximately 600,000 square feet and is bounded by Fort Mason on the east, Marina Boulevard on the south, and the Marina Green on the west. While the San Francisco Marina has been in use since the 1920s, the current configuration of the East Harbor was constructed in 1963 when the facility was 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.

The East Harbor is located adjacent to the former site of a carbureted manufactured gas plant known as the North Beach MGP (“MGP”). The MGP site operations included an 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).
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).

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

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

RPD subsequently put forward the San Francisco Marina Renovation Project ("Project"). The Project proposed project encompassed a complete replacement of both waterside and landside facilities at the San Francisco Marina.
On January 11, 2007, the San Francisco Planning Department certified the Final Environmental Impact Report for the San Francisco Marina Renovation Project. RPD divided the project into two phases for implementation: Phase 1 – West Harbor Renovation, and Phase 2 – East Harbor Renovation. Phase 1 The West Harbor Renovation project was completed in early 2014. RPD is now ready to begin Phase 2 of the project. A critical component of Phase 2, however, is the performance of maintenance dredging.

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

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

Section 6.40 of the Administrative Code requires departments, when procuring professional services contract to Leidos, Inc. ("Leidos") for not more than for $1,970,000 for two reasons. First, because a typical competitive procurement for professional consultant services for public works projects can and often does take many months. Thus, adhering to the competitive...
solicitation process under Section 6.40 of the Administrative Code would likely impair the
City's ability to secure all required environmental permits for Phase 2 of the Project and
delay the construction schedule by more than a year. Given the constraints on the
maintenance dredging and marina renovation work imposed by the marina environment, construction activities must occur during certain times of the year in order to
avoid impacting seasonal biological processes such as the herring breeding season. Second,
Leidos Inc. is uniquely qualified to complete the environmental services work given their long
experience and knowledge with the area.

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

Section 3. Waiver of Competitive Solicitation Requirement. The Board of Supervisors hereby waives the competitive solicitation process requirement under Section 6.40 of the
Administrative Code and authorizes the General Manager of the Recreation and Park
Department to enter into a professional services agreement with Leidos, Inc. in an amount not
to exceed $1,970,000 for the limited purpose, as explained above, of providing
specialized environmental consulting services for the San Francisco East Harbor Marina
Sediment Remediation and Facility Renovation project.
Section 4. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

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

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

By: Yadira Taylor
Deputy City Attorney
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

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