Resolution authorizing the Airport Commission to execute an Other Transaction Agreement with the Federal Aviation Administration (FAA) for the Replacement Airport Traffic Control Tower and FAA Offices in the amount not-to-exceed $79,982,500 and retroactively accept and expend federal funds.

WHEREAS, In 2008, it was concluded that the existing Airport Traffic Control Tower (ATCT) at the Airport required replacement due to not meeting current seismic standards; and

WHEREAS, The Federal Aviation Administration (FAA), with the support of the Airport, performed a siting study and determined that the preferred site for the Replacement ATCT was Courtyard 2; and

WHEREAS, The Airport and the FAA are in agreement that the agencies should develop a partnership which provides for FAA oversight of the project and assigns project management, design and construction responsibilities of the Replacement ATCT and integrated FAA Offices (FAA Facilities) to the Airport; and

WHEREAS, The Airport proposes to negotiate and execute an Other Transaction Agreement (OTA) with the FAA to define roles and responsibilities for the implementation, and develop a budget and funding plan for proceeding with the work; and

WHEREAS, The FAA will reimburse the Airport for 100% of the estimated cost of the FAA Facilities, either in advance with the existing appropriations or as reimbursement from future appropriations, in an amount not to exceed $79,982,500; and
WHEREAS, The Airport will prepare an Environmental Assessment (EA) on FAA's behalf to ensure compliance with requirements set forth in the Council on Environmental Quality regulation for implementing the National Environmental Policy Act (NEPA); and

WHEREAS, It is anticipated that EA will result in a Finding of No Significant Impact (FONSI), and the EA will be approved by the FAA; and

WHEREAS, The OTA will remain in effect for five years or when the Airport's design-build contractor has completed the design and construction of the FAA Facilities, and the FAA has approved the facility; and

WHEREAS, The ATCT and FAA Facilities will be solely owned by the Airport which will be responsible for the maintenance, repair, and upkeep for the life of the building; and

WHEREAS, The OTA requires the Airport and the FAA at the conclusion of this Agreement to have a separate lease agreement which will contain the FAA and Airport specific operational responsibilities; and

WHEREAS, The OTA does not require an ASO amendment; and

WHEREAS, The Board of Supervisors hereby waives inclusion of indirect costs in the project budget; now, therefore be it:

RESOLVED, That the San Francisco Board of Supervisors authorizes the Airport to execute an Other Transaction Agreement with the Federal Aviation Administration for 100% reimbursement of the Replacement Airport Traffic Control Tower and integrated FAA Offices in the amount not-to-exceed Seventy Nine Million Nine Hundred Eighty Two Thousand Five Hundred Dollars ($79,982,500) and retroactively accept and expend federal funds.
Recommended:

Department Head

Approved:

Mayor

Approved:

Controller
Resolution authorizing the Airport Commission to execute an Other Transaction Agreement with the Federal Aviation Administration (FAA) for the Replacement Airport Traffic Control Tower and FAA Offices in the amount not to exceed $79,982,500 and retroactively accept and expend federal funds.

September 28, 2010 Board of Supervisors - ADOPTED

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar and Maxwell
Excused: 1 - Mirkarimi

I hereby certify that the foregoing Resolution was ADOPTED on 9/28/2010 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor Gavin Newsom

Date Approved