[Accept and Expend Grant - Intertie Project - $1,098,202]

Resolution authorizing the San Francisco Public Utilities Commission to retroactively accept and expend a California Department of Public Health administered grant in the amount of $1,098,202 for the San Francisco Public Utilities Commission share of an San Francisco Public Utilities Commission/East Bay Municipal Utility District Intertie Project.

WHEREAS, On April 8, 2003, the San Francisco Public Utilities Commission (SFPUC), as part of Resolution 03-00062, approved the Joint Powers Agreement (JPA) between the SFPUC, the East Bay Municipal Utility District (EBMUD) and the City of Hayward for the design and construction of the SFPUC / EBMUD Intertie Facility ("Intertie Facility"); and

WHEREAS, On September 28, 2004, the SFPUC, as part of Resolution 04-0164, approved Amendment 1 to the JPA to address the roles and responsibilities of each part for the design and construction and terms of a certain Ground Lease for the parcel of real property commonly known as 22488 Skywest Drive, related to an Intertie Facility; and

WHEREAS, On July 10, 2007, the SFPUC as part of Resolution 07-0130, approved Amendment 2 to the JPA to address the roles and responsibilities of each part for the design and construction, cost sharing and payment for the Oak Rate Control Station Improvements and receipt and sharing of Grant funds related to an Intertie Facility; and

WHEREAS, Amendment 2 to the JPA identified the responsibilities of the parties related to the receipt and sharing of $2,550,000 in California Department of Public Health (CDPH) Proposition 50 Grant funds; and,

WHEREAS, CDPH Grant funds in the amount of $2,550,000 were awarded to EBMUD on March 29, 2010 and the SFPUC portion of that, which amounts to $1,098,202.20, was distributed to the SFPUC on January 14, 2011; and,
WHEREAS, Funding for the required matching funds of $1,098,202.20 is available from
the Water System Improvement Program (WSIP) Project No. CUW-38901 0 SFPUC/EBMUD
Intertie Project; and,
WHEREAS, the SFPUC/EBMUD Intertie Project connected the SFPUC and EBMUD
respective water supply systems by jointly constructing and operating the pumping stations
and related water pipelines; and,
WHEREAS, The project was substantially completed and put in service on September
7, 2007, but has yet to be closed out because of ongoing litigation; and,
WHEREAS, The City of Hayward is leading on-going litigation efforts, with assistance
from the SFPUC and EBMUD, to address claims submitted by the contractor; and
WHEREAS, San Francisco Administrative Code Sec. 10.170-(d) states that if indirect
costs are not allowed by the funding agency, this reason shall be stated in the authorizing
resolution and upon approving the acceptance and expenditure, the Board of Supervisors
may waive the requirement for inclusion of reimbursed costs; and,
WHEREAS, This grant does not include an Annual Salary Ordinance (ASO)
Amendment; now, therefore, be it
RESOLVED, That the General Manager of the San Francisco Public Utilities
Commission, or designee, is authorized to retroactively accept and expend grant funds
totaling $1,098,202.20 from the California Department of Public Health for the SFPUC share
of the SFPUC/EBMUD Intertie project, and to execute all required agreements, with required
local matching funds of $1,098,202.20 met through Water System Improvement Program,
Project No. CUW389.01; and, be it
FURTHER RESOLVED, that the Board of Supervisors waives the requirement for
inclusion of reimbursement due to indirect costs, given that the funding agency does not allow
for this reimbursement under the circumstances of this grant award, and, be it
FURTHER RESOLVED, that the Public Utilities Commission is hereby authorized by the Board to retroactively accept and expend this grant, pursuant to Administrative Code Sec. 10.170-1.

Approved: __________
Mayor

Recommended: __________
General Manager

Approved: __________
Controller
Resolution authorizing the San Francisco Public Utilities Commission to retroactively accept and expend a California Department of Public Health administered grant in the amount of $1,098,202 for the San Francisco Public Utilities Commission share of a San Francisco Public Utilities Commission/East Bay Municipal Utility District Intertie Project.

January 11, 2012 Budget and Finance Committee - RECOMMENDED

January 24, 2012 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

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

Angela Calvillo
Clerk of the Board

Mayor

Date Approved