Resolution approving an emergency public work contract between the Public Utilities Commission and Flatiron, West, Inc., under San Francisco Administrative Code, Section 6.6, to perform immediate work to repair Lower Cherry Aqueduct in response to an emergency drought declaration with a contract amount not to exceed $14,000,000.

WHEREAS, California continues to experience one of the most extreme droughts since hydrologic recordkeeping began; and

WHEREAS, As of April 27, 2014, precipitation in the Hetch Hetchy watershed was at 57% of normal levels and snowpack was at 25% of normal levels; and

WHEREAS, On February 10, 2014, Mayor Ed Lee issued an Executive Directive to all city departments outlining actions to be taken to reduce water use, and directing the San Francisco Public Utilities Commission (SFPUC) to develop alternative sources of water supplies for both potable and non-potable uses; and

WHEREAS, Immediate SFPUC drought mitigation actions include the rehabilitation of the Lower Cherry Aqueduct, to repair aging infrastructure and damages incurred during the recent Rim Fire; and

WHEREAS, This project will enable the SFPUC to access 200,000 acre-feet of water storage in Cherry Lake by October 1, 2014; and

WHEREAS, The principal purpose of the Lower Cherry Aqueduct system is to convey a water supply from Cherry Creek that can supplement the primary Hetchy Reservoir supply during a drought year, but due to its age and the damage caused by the Rim Fire, the Lower...
Cherry Aqueduct system is currently unable to reliably convey this supplemental water supply; and

WHEREAS, If the above mentioned work to extend SFPUC water supplies was not immediately undertaken and facilities expeditiously brought into or returned to service, the sustainability of San Francisco's water supply would be placed at significant risk which would endanger the public's health and welfare; and

WHEREAS, San Francisco Administrative Code, Chapter 6, Article IV, Section 6.60, authorizes department heads responsible for public work to award an emergency contract, exempt from the competitive bidding process, in the event of an actual emergency which is defined to include, "...The breakdown or imminent breakdown of any plant, equipment, structure, street or public work necessitating immediate emergency repair or reconditioning to safeguard the lives or property of the citizens, or the property of the City and County, or to maintain the public health and welfare..."; and

WHEREAS, On February 21, 2014, the SFPUC General Manager declared an emergency, approved by the President of the San Francisco Public Utilities Commission, to take immediate action to extend SFPUC water supplies and thereby protect public health and safety; and

WHEREAS, On April 29th, 2014, the SFPUC General Manager updated the original emergency declaration, approved by the President of the San Francisco Public Utilities Commission; and

WHEREAS, Administrative Code, Section 6.60(D) requires that the General Manager immediately notify the Controller, and seek Board of Supervisors approval of emergency public works with an estimated cost in excess of $250,000; and
WHEREAS, The SFPUC General Manager estimates that the emergency rehabilitation of the Lower Cherry Aqueduct to extend SFPUC water supplies will cost approximately $14,000,000; and

WHEREAS, The emergency rehabilitation work at Lower Cherry Aqueduct began April 2014, and should be completed October 2014; and

WHEREAS, The Controller has certified that funds are available for this emergency work and contract; now, therefore, be it

RESOLVED, That the Board of Supervisors approves the emergency work under Administrative Code, Section 6.60, for extending SFPUC water supplies with a contract amount not to exceed $14,000,000; and, be it

FURTHER RESOLVED, That actions taken to date by the San Francisco Public Utilities Commission to secure such emergency contracts and resolve the emergency condition are hereby ratified.

FURTHER RESOLVED, That within (30) days of the contract being fully executed by all parties, the Public Utilities Commission shall provide the final contract to the Clerk of the Board for inclusion into the official file.

RECOMMENDED:

Harlan L. Kelly, Jr.
General Manager

FUND'S AVAILABLE:

Ben Rosenfield, Controller
File Number: 140586

Date Passed: September 02, 2014

Resolution approving an emergency public work contract between the Public Utilities Commission and Flatiron, West, Inc., under San Francisco Administrative Code, Section 6.6, to perform immediate work to repair Lower Cherry Aqueduct in response to an emergency drought declaration with a contract amount not to exceed $14,000,000.

July 23, 2014 Budget and Finance Sub-Committee - AMENDED

July 23, 2014 Budget and Finance Sub-Committee - RECOMMENDED AS AMENDED

September 02, 2014 Board of Supervisors - ADOPTED

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

File No. 140586

I hereby certify that the foregoing Resolution was ADOPTED on 9/2/2014 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

September 12, 2014
Date Approved