1 Resolution declaring an emergency under Administrative Code, Section 6.60, and
2 Administrative Code, Chapter 21, relating to the May 23, 2020, fire at Pier 45; approving
3 emergency contracts entered into by the Port of San Francisco in accordance with
4 Administrative Code, Section 6.60, and Administrative Code, Chapter 21; and directing
5 the Port of San Francisco to take all necessary and appropriate measures to perform
6 repair work to Pier 45 in the most expeditious manner.

7 WHEREAS, Pier 45 is within the San Francisco Embarcadero Historic District, which is
8 listed in the National Register of Historic Places; and
9 WHEREAS, On May 23, 2020, a 4-alarm fire severely damaged Pier 45, including
10 Shed C which was completely destroyed; and
11 WHEREAS, Administrative Code, Chapter 6, Article IV, Section 6.60, authorizes
12 department heads responsible for public work to award an emergency contract, exempt from
13 the competitive bidding process, in the event of an actual emergency in accordance with the
14 procedures set forth in Section 6.60; and
15 WHEREAS, Administrative Code, Chapter 21, Section 21.15(c), authorizes department
16 heads responsible for the operations for which commodities or services are needed to enter
17 into a contract in order to respond to the emergency in accordance with the procedures set
18 forth in Section 21.15; and
19 WHEREAS, On June 3, 2020, the Acting Executive Director of the Port ("Executive
20 Director") declared an emergency at the Port as a result of the Pier 45 fire, which declaration
21 was concurred and approved by the President of the Port Commission ("Declaration of
22 Emergency"); and

Supervisor Peskin
BOARD OF SUPERVISORS
WHEREAS, The Declaration of Emergency enables the Port to engage consultants and contractors to inspect Pier 45, perform cleanup and restoration, demolish damaged and unsafe structures on the site, dispose of demolition debris, develop design recommendations and plans for repairs, complete such repairs, and perform associated environmental monitoring and protection, the cost of which will exceed $250,000 and was authorized by the President of the Port Commission (collectively, the “Initial Emergency Work”); and

WHEREAS, The Port learned after the June 3rd Declaration of Emergency that the emergency also requires the procurement of commodities and services pursuant to Chapter 21 of the Administrative Code, specifically, the services of a forensic accountant to assist with its insurance claim, the cost of which will exceed $100,000 (together with the Initial Emergency Work, the “Emergency Work”); and

WHEREAS, On June 10, 2020, the Declaration of Emergency was updated by the Executive Director so that the Declaration of Emergency is authorized under both Section 21.15 and Section 6.60 of the Administrative Code, which updated Declaration of Emergency was concurred and approved by the President of the Port Commission on June 24, 2020; and

WHEREAS, Administrative Code, Section 6.60(D), requires that the San Francisco Board of Supervisors approve emergency work with an estimated cost in excess of $250,000; and

WHEREAS, Administrative Code, Section 21.15, requires that the San Francisco Board of Supervisors approve emergency contracts in excess of $100,000; and

WHEREAS, The Port has requested that the Board of Supervisors declare an emergency under Administrative Code, Sections 6.60(A), and 21.15(c), with respect to the Pier 45 fire to allow the Pier 45 Emergency Work to be accomplished in an expeditious manner to protect the public safety, health, welfare and property of the citizens of San Francisco; now, therefore, be it
RESOLVED, That the Board of Supervisors hereby declares an actual emergency under Administrative Code, Section 6.60(A), and Section 21.15, with respect to the Pier 45 fire; and, be it

FURTHER RESOLVED, That the Board of Supervisors hereby finds that performing the Emergency Work as expeditiously as possible are in the best interests of the City to protect the public safety, health, welfare and property of the citizens of San Francisco; and, be it

FURTHER RESOLVED, That the Board of Supervisors hereby approves the contracts entered into by the Port to perform the Emergency Work and directs the Port Executive Director to take all actions necessary to perform the Emergency Work as expeditiously as possible, including, but not limited to, entering into further contracts relating to the design, historical preservation, hazardous materials abatement, engineering and construction of the Pier 45 stabilization, repair and restoration work; and, be it

FURTHER RESOLVED, That any action to date taken by the Port to secure such emergency contracts and resolve the emergency is hereby ratified.
Resolution declaring an emergency under Administrative Code, Section 6.60, and Administrative Code, Chapter 21, relating to the May 23, 2020, fire at Pier 45; approving emergency contracts entered into by the Port of San Francisco in accordance with Administrative Code, Section 6.60, and Administrative Code, Chapter 21; and directing the Port of San Francisco to take all necessary and appropriate measures to perform repair work to Pier 45 in the most expeditious manner.

July 22, 2020 Budget and Finance Committee - RECOMMENDED

July 28, 2020 Board of Supervisors - ADOPTED

Ayes: 11 - Fewer, Haney, Mandelman, Mar, Peskin, Preston, Ronen, Safai, Stefani, Walton and Yee

I hereby certify that the foregoing Resolution was ADOPTED on 7/28/2020 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

London N. Breed
Mayor

Date Approved

7/31/20